

STATEMENT OF ENVIRONMENTAL EFFECTS

Wagga Wagga Council

Section 8.2 Review - Demolition of existing structures; and construction of new two-storey child care centre, and associated car parking, retaining walls, fencing, stormwater, landscaping and site works at Lot 29, Section B, DP 37333, 32 Halloran Street Turvey Park

Date: 15 August 2023

Revision C



MMDC Pty Ltd

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Printed August 2023

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1.0 EXECUTIVE SUMMARY

This report has been prepared to accompany a Development Application for a new two-storey child care centre at 32 Halloran Street Turvey Park.

The proposal seeks to demolish the existing structures and provide a new two-storey child care centre for 44 children with 11 car spaces operating from 7:00am to 6:00pm (with 30 minute staff 'shoulder' times from 6:30am to 6.30pm), Monday to Friday. Suitable internal and external activity areas are proposed for each age group, along with associated facilities and amenities, in accordance with the Education and Care Services National Regulation. Signage will be provided under Exempt Development provisions.

The site is zoned R1 General Residential under Wagga Wagga Local Environmental Plan 2010. The proposed development is a permissible use and meets the objectives of the R1 zone by providing suitable services for residents in a convenient location whilst minimising any potential adverse impacts. The proposal complies with the requirements of SEPP (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guidelines and generally complies with the main essential criteria set out in the Wagga Wagga DCP 2010.

The proposed development has been assessed against the matters for consideration listed in Section 4.15 of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. The proposal is considered satisfactory with regard to relevant matters such as Urban Design, Acoustic, Access, Traffic Impact, Drainage, ESD, Site Contamination, Amenity, Social and Economic Impacts and the like, subject to the imposition of suitable conditions of any consent to satisfactorily control the development. In this regard, it is considered that the subject site is suitable for the proposed development and that the proposal, providing much needed child care services in the locality, is in the public interest.

2.0 INTRODUCTION

This report has been prepared to accompany a Development Application for a new two-storey child care centre at 32 Halloran Street Turvey Park.

The proposed child care centre is permissible with consent in the R1 General Residential under Wagga Wagga Local Environmental Plan 2010. The development is defined as a:

centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—*
 - (i) long day care,*
 - (ii) occasional child care,*
 - (iii) out-of-school-hours care (including vacation care),*
 - (iv) preschool care, or*
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),*

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.*

The locality is a mix of nearby residential uses with associated recreational, educational and commercial areas, comprising single and double storey detached and attached dwellings, and mixed

use commercial and retail. The proposed development will be compatible with the existing and likely future form of development.

This statement will address the proposal in the context of the applicable planning legislation including:

- *State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 3 (Educational Establishments and Child Care Facilities);*
- *Wagga Wagga Local Environmental Plan 2010; and*
- *Wagga Wagga Development Control Plan 2010.*

The proposal has also been designed in accordance with the requirements of the *Education and Care Services National Regulations 2012*.

This report is to be read in conjunction with the following associated documents and plans prepared as a part of this Development Application:

- *Architectural Subdivision Plan, Site Analysis, Floor Plans, Roof Plans, Sections and Elevations, Streetscape Elevation, Emergency Evacuation Plan*
- *Landscape Concept Plan*
- *Survey Plan*
- *Waste Management Plan*
- *Stormwater Management Plan and Erosion and Sediment Control Plan*
- *Notification Plan*
- *Traffic Report*
- *Acoustic Report*
- *Completed DA form, checklists and owner's consent*

3.0 SITE LOCATION

3.1 Context and Location

The subject site is located on the western side of Halloran Street between Urana Street and Blamey Street opposite Turvey Park Public School, with Wagga Wagga train station approximately 1.8km walking distance from the site.



Figure 1: Site Context (Source Google Maps)

The area surrounding the site is predominantly characterised by a mix of residential uses with associated recreational, educational and commercial areas. The existing built form in the locality comprises a mixture of established single storey residences and two-storey public school building.

The subject site is well serviced by nearby bus and train public transport and enjoys vehicular access to the nearby surrounding regional road network.

The subject site is not in the vicinity of any classified roads, hazardous industries, LP gas sites, mobile telephone base stations and towers, and is considered to be safe from any other environmental health hazards, such as high lead levels, hazardous industries or proximity to cooling tower drift in high rise building areas.

3.2 Site Details

The subject land, being Lot 29 in Section B, DP 37333, is regular in shape and has a total area of approximately 1,006sqm. The land is bounded by Halloran Street to the east and residential properties to the west, north and south and has a depth of 50.3m and a 20m wide frontage to Halloran Street.



Figure 3: Aerial Photo (Source Six Maps)

The subject site currently contains a single-storey dwelling with associated structures and outbuildings, double driveway and garden planting.

Adjoining properties contain one and two storey buildings with associated structures and outbuildings.

The land is unaffected by any site contamination, bushfire, riverine flooding, riparian corridor or heritage constraints. The site is affected by minor overland flows associated with a rear stormwater interallotment drainage line with approximately 150mm sheet-flows during the 1 in 100 year ARI event.

The topography of the development site has a fall from east (front) to west (rear) of approximately 1.1m and drains towards an existing stormwater pit at the north-western corner of the site. Power, sewer and water are available.

Existing views of the subject site are provided below.



Figure 3: Views of existing streetscape at 32 Halloran Street and adjoining built form (Source Google Maps)

4.0 DEVELOPMENT PROPOSAL

The proposal seeks development consent for the following:

- Demolition of existing structures
- Construction of a new two-storey child care centre with car parking containing 11 car spaces
- Associated site works, shade structures, 1.8m to 2.4m high side and rear fencing, retaining walls, drainage and landscaping works

The proposed child care centre seeks to cater for 8 x 0-2 years, 13 x 2-3 years and 23 x 3-5 years, and 12 staff operating from 6:30am to 6.30pm, Monday to Friday.

The overall height of the building is 8.83m to the ridgeline based on an existing ground level of RL205.12.

Unencumbered internal activity areas are proposed on the ground floor, along with associated nappy change, bottle preparation, sleeping facilities, age appropriate toilets, storage areas, kitchen and administration and first floor staff training area, kitchen, toilet, staff room and storage, in accordance with the Education and Care Services National Regulation 2012. Separate outdoor play areas for each age group have been provided with suitable shading and finished with soft fall and artificial turf surfaces. Signage will be provided under Exempt Development provisions.

The building will be constructed of brick, painted render, glazing and lightweight cladding and colourbond rooves. Appropriate colour selections for the windows, gutters and fascias will be utilised to provide variation to the external appearance of the development, which will be further complemented by detailed landscaping and decorative retaining walls and feature wall with vertical banding. Details of the proposed external colours and finishes and retaining walls will be provided prior to issue of any construction certificate.

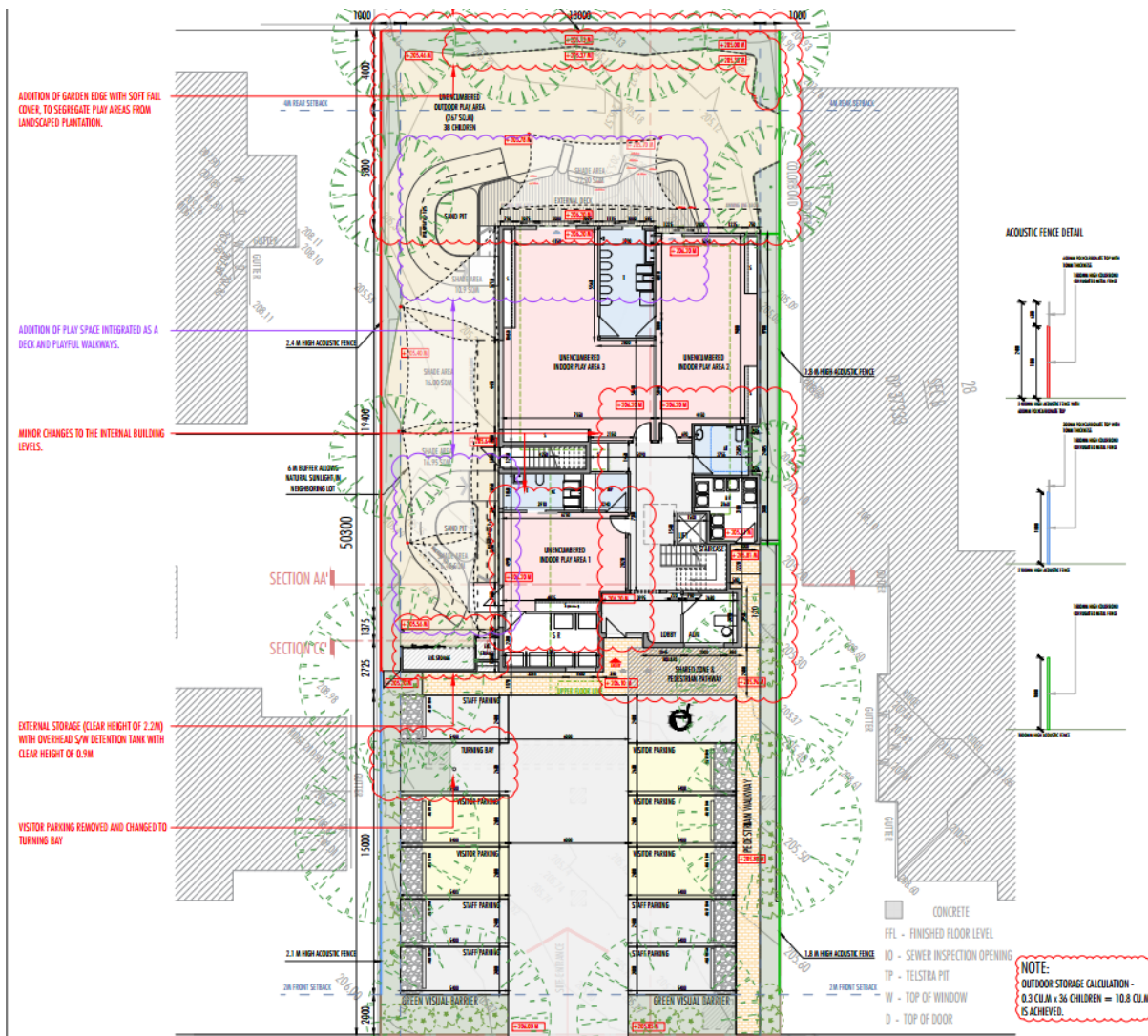
In accordance with the accompanying Acoustic Report, acoustic barrier fencing will be provided/maintained to the side and rear boundaries adjacent to the ground floor outdoor play area and first floor outdoor play area. Details of the proposed fencing materials and finishes are envisaged to include solid timber or metal and Perspex, comprising 1.8m solid fencing with clear Perspex above.

The proposed child care centre will provide a total of 11 car spaces within the site and a dedicated turning bay. To facilitate vehicular access, a 6m wide driveway is proposed for two-way entry and exit in the forward direction.

Stormwater drainage is proposed via a pit and pipe system and on-site detention tanks to direct all roofwater to the kerb within Halloran Street. In order to achieve the design levels required, minor boundary retaining walls (wholly within the property boundary) are proposed adjacent to the northern side boundary.

Suitable landscaping with canopy trees within the front setback will be provided to soften the appearance of the development.

An extract of the proposed Site Plan is provided below.



5.0 PLANNING CONTROLS

5.1 STATE PLANNING FRAMEWORK

5.1.1 State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 3 Educational Establishments and Child Care Facilities

The above SEPP and associated Child Care Planning Guidelines aim to ensure a consistent approach to facilitating the provision of child care services across NSW and establishes Design Guidelines consistent with the requirements of the National Quality Framework.

The proposal is consistent with the requirements of the SEPP as follows:

Clause 22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development

(1) This clause applies to development for the purpose of a centre-based child care facility if:

(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the [Education and Care Services National Regulations](#), or

(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

Comment: Not Applicable – the proposed indoor and outdoor play areas comply with the unencumbered space requirements.

Clause 23 Centre-based child care facility—matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development

Comment: Complies – refer to discussion below and Appendix A for compliance under the National Regulations.

Clause 25 Centre-based child care facility—non-discretionary development standards

(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:

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

(b) indoor or outdoor space

- (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) 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,*
- (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,*
- (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.*
- (3) To remove doubt, this clause does not prevent a consent authority from:*
 - (a) refusing a development application in relation to a matter not specified in subclause (2), or*
 - (b) granting development consent even though any standard specified in subclause (2) is not complied with.*

Comment: Complies with indoor and outdoor unencumbered space requirements and the subject site is considered suitable for the proposed use given no adverse streetscape, traffic or amenity impacts arise.

Clause 26 Centre-based child care facility—development control plans

- (1) 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).*
- (2) This clause applies regardless of when the development control plan was made.*

Comment: Complies – refer to discussion below and Appendix A for compliance under the National Regulations.

Child Care Planning Guideline

Section 1.4 of the Guidelines states:

The SEPP generally provides that Development Control Plans seeking to regulate development for a child care facility will not apply, except for controls relating to building height, rear and side setbacks and car parking rates. The following table helps different users understand how the Guideline fits with the SEPP, and how they should apply it.

Application of Child Care Planning Guideline

SEPP Provision	Proponents	Consent authorities	Regulatory authority: Concurrence / Service Approval
Guideline as a consideration	Use the Guideline when preparing a development application to ensure once built, the development meets the physical requirements for the subsequent service approval application.	Consider Parts 2, 3 and 4 of the Guideline. Review the National Quality Framework Assessment Checklist.	Assess Concurrence request against relevant sections of Part 4 and the National Quality Framework Assessment Checklist.
Controls in Development Control Plans	The provisions of the Child Care Planning Guideline will generally take precedence over a DCP, other than building height, side and rear setbacks and car parking rates. Where there is no DCP, use all Parts of the Guideline to inform DA preparation.	The provisions of the Child Care Planning Guideline will generally take precedence over a DCP, other than building height, side and rear setbacks and car parking rates. Where there are no DCP provisions consider the development application against the matters in the Guideline.	N/A.
Concurrence	Complete and submit National Quality Framework Assessment Checklist. Prepare DA in accordance with Part 4 of the Guideline and Regulations 107 & 108 of the National Regulations.	Check National Quality Framework Assessment Checklist to assess need for concurrence. Refer to regulatory authority if insufficient unencumbered indoor or outdoor space provided.	Check National Quality Framework Assessment Checklist to review unencumbered space provisions – indoor and outdoor. Advise consent authority of determination regarding concurrence.

The proposal is consistent with the design quality principles of Context, Built form, Adaptive Learning Spaces, Sustainability, Landscape, Amenity and Safety and the following matters for consideration under the Child Care Planning Guideline, which take precedence over the provisions of a DCP with the exception of building height, side and rear setbacks and car parking rates.

The proposal is consistent with the design quality principles as follows:

Principle 1 – Context

The proposal as discussed further below:

- achieves good design that responds and contributes to its context, including the key natural and built features of the local area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions; and
- is a well-designed child care facility that responds to and enhances the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood; and takes advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.

Principle 2 - Built form

The proposal as discussed further below:

- achieves good design with a scale, bulk and height appropriate to the existing or desired future character of the surrounding area; an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements; and a variety of materials, colours and textures; and
- provides an appropriate built form that defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook; and
- is an example of contemporary facility design that is distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.

Principle 3 - Adaptive learning spaces

The proposal as discussed further below:

- achieves good facility design through site layout, building design, and learning spaces fit-out that delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use; and
- achieves a mix of inclusive learning spaces to cater for all students and different modes of

learning with appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

Principle 4- Sustainability

The proposal as discussed further below:

- provides sustainable design with positive environmental, social and economic outcomes via natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs; as well as suitable recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation; and
- is a well-designed facility that is durable and embeds resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.

Principle 5 – Landscape

The proposal as discussed further below:

- achieves well-integrated landscape and buildings, resulting in an attractive development with good amenity; and contributing to the landscape character of the streetscape and neighbourhood; and
- provides well-designed landscapes that make outdoor spaces assets for learning with diversity in function and use, age-appropriateness and amenity; and
- enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Principle 6 – Amenity

The proposal as discussed further below:

- positively influences internal and external amenity for children, staff and neighbours; and contributes to positive learning environments and the well-being of students and staff; and
- achieves good amenity combines through appropriate and efficient indoor and outdoor

learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility; and

- facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.

Principle 7 – Safety

The proposal as discussed further below:

- optimises the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk and can be checked and maintained efficiently and appropriately;
- balances safety and security with the need to create a welcoming and accessible environment; and
- provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community, which incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

Matters for consideration

3.1 Site selection and location

Council's DCP provisions relating to the suitability of the site for the purpose of child care centres do not apply. The site is suitably zoned R1 General residential and environmentally safe from potential risks and hazards with suitable access available from Halloran Street. The proposal complies with the building height and setback requirements under the Wagga Wagga DCP, and is supported by individual Acoustic and Traffic Reports prepared by suitably qualified consultants confirming that the proposal will not result in any adverse acoustic or traffic impacts. Accordingly, the site is considered suitable for the proposal.

3.2 Local character, streetscape and the public domain interface

The proposal has been designed to be compatible with the local character and surrounding streetscape. In this regard, the bulk, form, and massing of the proposal is consistent with the requirements of Wagga Wagga DCP and provides a high degree of contextual fit within the streetscape. The proposal represents an improvement to the existing situation as it will be suitably softened by deep soil landscaping within the front setback as viewed from the street whilst maintaining opportunities for passive surveillance.

3.3 Building orientation, envelope, building design and accessibility

The proposal has been designed to comply with the local building height and setback controls whilst minimising any potential adverse overshadowing or amenity impacts. The proposal is considered to achieve compatibility with the desired future built form character of the locality and this section of Halloran Street, noting the proposed 6m front setback, part one and two storey design and increased first floor side setbacks.

The siting and design of the building is considered to be a reasonable design response that is not excessive or overbearing in the immediate context and necessary to accommodate suitable play areas and safe and convenient access and car parking provision. The design of the proposal provides for a safe environment accessible by all potential users and suitable outdoor play areas with acceptable solar access and shading that responds to the natural environment and site orientation.

3.4 Landscaping

The proposal provides a landscape design that contributes to the streetscape and amenity through a landscaped front setback and retention of existing street tree planting.

3.5 Visual and acoustic privacy

The proposal has been designed to ensure no adverse visual or acoustic privacy impacts to adjoining properties through the provision of suitable fencing preventing visual overlooking and acoustic amenity impacts from the indoor and outdoor play areas. Suitable conditions can be imposed for fixed obscure glazing or screening up to 1.5m above finished floor level if required.

3.6 Noise and air pollution

The proposal is accompanied by an Acoustic Report which provides suitable noise mitigation measures to ensure that outside noise levels are minimised to acceptable levels during operation. The proposal is not adversely affected by external road noise or potential air pollution.

3.7 Hours of operation

Standard hours of operation from 7am to 6pm Monday to Friday are proposed with staff 'shoulder times' of 6:30am to 6:30pm compatible with the residential nature of the locality.

3.8 Traffic, parking and pedestrian circulation

The proposal complies with Council's car parking requirement of 12 car spaces for 44 children. A Traffic Report has been prepared which confirms that the proposal has been designed to satisfactorily and safely accommodate the anticipated car parking demands of the use and that no adverse traffic impacts will arise as a result of the proposal.

5.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

SEPP 55 specifies certain considerations for development on land with respect to the potential for contamination, particularly for sensitive land uses such as development for residential, educational or recreational purposes. The subject site has been used for residential purposes with accessible soils and as such, is suitable for the proposed child care centre use in accordance with the requirements of the SEPP.

Relevantly, Clause 7 states:

- (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.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is:*
- (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The subject site is not within an investigation area, and has historically been used for residential purposes. The existing residential use of the land with accessible garden soils confirms that the site meets the highest relevant criteria for safe exposure levels to human health and the environment, and as such, the proposed child care use is suitable for the site. Therefore, it is considered that the requirements of Clause 7 – "Contamination and remediation to be considered in the determination of development applications" have been satisfactorily addressed.

5.2 LOCAL PLANNING FRAMEWORK

5.2.1 Wagga Wagga Local Environmental Plan 2010

The subject site is zoned R1 General Residential pursuant to Wagga Wagga Local Environmental Plan 2010 as shown in Figure 4 below. The proposed development, being a child care centre, is permissible with consent in this zone.



Figure 4: Zoning under Wagga Wagga Local Environmental Plan 2010

The R1 General Residential objectives of the zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure co-ordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas.*

The proposed child care centre will provide essential child care services to meet the day to day needs of residents while minimising any adverse impacts on the residential area.

The following clause is applicable to the proposal:

- Clause 5.21 Flood Planning
- Clause 7.6 Groundwater Vulnerability

Clause 5.21 Flood Planning

Whilst the site is unaffected by any mainstream riverine flooding, Council’s hydraulic advice following the concerns raised with respect to stormwater overland flows indicates that the subject site is marginally affected by 1% AEP local catchment overland flow path from east to west with depths of 70mm to 180mm, which can generally be classified as sheet-flow, as shown in the extracts from Council’s Mapping below.



In this regard, Figures 1.16A and 1.17A from Council's recent Flood Study, Wagga Wagga Major Overland Flow Floodplain Risk Management Study and Plan, prepared by WMA Water, dated May 2021, identifies the site with Hydraulic Hazards of 'H1 – No Constraint' during both the 0.2% and 1% AEP events.

Further, it is noted that the proposed stormwater management OSD tanks have been designed to cater for all events up to the 1% AEP and will result in a reduction of stormwater flows to adjoining properties to the rear currently affected by overland flows associated with Council's existing interallotment drainage system.

The proposal is accompanied with an Overland Flow Flood Risk Management Report from a suitably qualified hydraulic engineer confirming that the extent of affectation from local overland flow path will not result in any adverse stormwater flooding impacts.

The proposal has been designed to satisfactorily achieve safe and effective access for evacuation during the 100 year event in accordance with Council's requirements and mitigate any potential flood risk to occupants up to and including the PMF based on the proposed finished floor level of RL206.2.

Therefore, it is considered that the proposal satisfies the requirements of Clause 5.21 and consent can be granted in the circumstances of the case.

Clause 7.6 Groundwater Vulnerability

Clause 7.6 of the Wagga Wagga LEP states:

7.6 Groundwater vulnerability

(1) The objective of this clause is to protect and preserve groundwater sources.

(2) This clause applies to land identified as "Groundwater" on the [Water Resource Map](#).

(3) Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development—

(a) is unlikely to adversely impact on existing groundwater sources, and

(b) is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and

(c) is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.

(4) The following development is specified for the purposes of this clause—

(a) aquaculture,

- (b) industries,*
- (c) intensive livestock agriculture,*
- (d) liquid fuel depots,*
- (e) mines,*
- (f) rural industries,*
- (g) service stations,*
- (h) sewerage systems,*
- (i) turf farming,*
- (j) waste or resource management facilities,*
- (k) water supply systems,*
- (l) works comprising waterbodies (artificial).*

Whilst it is noted that the site is identified as “Groundwater” on the Water Resource Map, the proposal does not involve one of the specified purposes listed under Clause 7.6(4) and will not result in any adverse groundwater impacts.

Therefore, it is considered that the proposal satisfies the requirements of Clause 7.6 and consent can be granted in the circumstances of the case.

5.2.2 Wagga Wagga Development Control Plan 2010

The Wagga Wagga Development Control Plan 2010 was prepared and exhibited in accordance with the *Environmental Planning and Assessment Act 1979*. It is a detailed document providing controls and design recommendations for all land as defined pursuant to the DCP. The DCP covers performance and design guidelines and controls related to environmental performance, social performance, amenity issues and design elements.

Noting the operation of the SEPP and associated Child Care Planning Guideline expressly override provisions related to location, site selection, distance separation, capacity, landscaping, location of indoor and outdoor play areas, and play area design, the subject proposal has been assessed against the applicable controls and guidelines of the DCP and is considered to be compliant with the principle standards and consistent with the intent of the development standards.

In addition, it is noted that the consent authority is required to take a flexible approach in the application of DCP provisions, and allow reasonable alternative solutions that achieve the object of those standards given the circumstances of the case pursuant to section 4.15(3A) of the *Environmental Planning and Assessment Act 1979*. The findings of that assessment are tabulated in Table 1 below.

Table 1: Compliance Table: Wagga Wagga Development Control Plan 2010

Development Standard	DCP	PROPOSAL	COMPLIANCE
Building Height	2 storeys	2 storeys	YES
Building Setbacks: Front Side Rear	6m 0.9m 4m	>6m >0.9m >4m	YES YES YES
Carparking: 1 per 4 children	46/4 = 11.5	12 car spaces	YES

5.3 Section 4.15 Environmental Planning and Assessment Act 1979

This section undertakes an assessment of the proposal in the context of the heads of consideration set out in Section 4.15(1) of the Environmental Planning and Assessment Act as follows:

HEADS OF CONSIDERATION	RESPONSE
<p><i>(a) the provisions of –</i></p> <p><i>(i) any environmental planning instrument, and</i></p> <p><i>(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and</i></p> <p><i>(iii) any development control plan, and</i></p> <p><i>(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,</i></p>	<p>The proposal’s compliance and consistency with the provisions of the SEPP, Child Care Planning Guideline, Wagga Wagga Local Environmental Plan 2010 and DCP have been addressed in detail at Sections 5.1 and 5.2 of this Statement. In general terms the child care centre development is permissible within the R2 zone and is consistent with the aims and objectives of the SEPP, LEP and DCP.</p>
<p><i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>	<p>The likely impact of the proposal have been addressed in detail at Section 6.1.2 and Section 7 of this Statement. The proposal is considered satisfactory with regard to relevant matters such as Built Form, Access, Amenity, Privacy, Traffic Impact, Stormwater Drainage, ESD and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.</p>
<p><i>(c) the suitability of the site for the development</i></p>	<p>The site being a rectangular allotment used for residential purposes has frontage to Halloran Street with moderate through traffic flows. This promotes the site as a relatively safe site for a child care centre. The proposed development is designed with respect to the slope of the site and intended residential uses, while the proposed vegetation details are noted on the Landscape Plan accompanying this application.</p>
<p><i>(d) any submissions made in accordance with this Act or the regulations,</i></p>	<p>This matter would relate to Council’s public exhibition of the development.</p>
<p><i>(e) the public interest.</i></p>	<p>The proposed development provides essential child care services to the community that is in keeping with the desired character of the area, and as such in considered to be in the public interest.</p>

6.0 KEY CONSIDERATIONS

6.1 Design & Planning Principles

The proposed development has been designed to reflect current trends and to accommodate a building form which will be compatible with the Council's vision for the locality. The design has particular regard to:

- the scale and form of development on nearby and adjoining lands;
- the existing and future form of development along Halloran Street;
- the appearance and scale of the buildings when viewed from Halloran Street;
- the high accessibility of the site and likely minimal amenity impacts.

The outcome of these considerations is, it is contended, a development which:

- will be of a high quality appearance and finish;
- compliments the existing and likely scale of development on adjoining land; and
- has minimal impact on the amenity of the locality due to its positioning and orientation.

6.2 Traffic and Pedestrian Access/Circulation

The proposed development is for a 44 place child care centre and the traffic generation is considered to be acceptable in this residential location with a local distributor road and adequate sight distances in a low speed residential environment, as set out in the traffic report. The subject land is located off Halloran Street, which is a local street with low traffic through-flows in the existing road network. It is thus considered that the development as proposed is an acceptable form of development within this precinct and generates vehicular movements capable of being catered for by the existing road system in this locality.

The proposed development has been designed in order to promote easy accessibility within the development as well as by the general public. Sufficient car parking has been provided to cater for the expected traffic generation of the development.

6.3 Streetscape Appearance

The existing streetscape of this locality comprises one and two storey dwellings along Halloran Street and in the suburb generally. Nearby streets are characterized by new one and two storey residential buildings.

The finished elevations for the proposed building will be generally compatible with mixed material finishes, brick, timber, colorbond and cladding of existing built form in this locality. The proposed child care centre will be compatible with the scale of built form in this locality. The final design has

resulted in a development which will be of a high quality finish and has interesting articulation and material finish variations and variety in its openings.

This will be further complemented by providing suitable landscaping, as a landscape buffer to soften the appearance of the development. Therefore, the proposal will maintain a consistent relationship with the anticipated scale and character of the streetscape.

6.4 Solar Access & Shading

The height and setback of the proposed development ensures that adequate solar access is maintained and no adverse overshadowing impacts will arise given a minimum of 3 hours solar access is maintained to internal living areas and 50% of minimum private open space to adjoining properties between 9am and 4pm at midwinter as shown on the shadow diagrams accompanying this application. In accordance with the requirements of the Education and Care Services National Regulations 2012, appropriate shading has been provided based on 2.5sqm per child at the critical protection time of 12pm December 22.

6.5 Privacy & Amenity

The design of the development has had regard to the orientation and design of adjoining buildings in determining the final built form with the intent of minimizing any potential adverse impacts for existing neighbours where possible. In this regard, acoustic mitigation measures in accordance with the recommendations of the Acoustic Report will be provided in order to mitigate any potential acoustic amenity impacts on adjoining residential properties. Details will be provided prior to the issue of any construction certificate.

6.6 Waste Management

The proposed waste collection system for the development shall be controlled by operators of the child care centre and will be undertaken in accordance with the submitted Waste Management Plan. It is proposed that garbage storage will be provided in a bin enclosure, as illustrated in the development plans, and this will be easily serviced and accessible for users.

All builders waste during the construction phase will be removed from the site at regular intervals and disposed of at an approved waste dump in accordance with the waste management plan attached to this development application. The site will be kept clean and tidy at all times.

6.7 Stormwater Drainage

A stormwater drainage scheme has been prepared and submitted as part of the development plans for this proposal. The Stormwater Concept Plan attached to the development application provides for the collection of any runoff from the roofs, via an OSD tank designed to the 100 year ARI

standard, to the kerb within Halloran Street. The surface runoffs are collected in an onsite detention system via pits and pipes and transferred to the existing pit at the rear.

6.8 General Services

6.8.1 Sewer and Water

Reticulated water and sewer is available to the site, with necessary adjustments and servicing of the proposed development to be in accordance with Sydney Water requirements.

6.8.2 Electricity Supply

Electricity is available to the site and will be connected to the building additions in accordance with the Authority requirements.

6.9 Cut and Fill

In order to achieve the design levels required, minor boundary retaining walls (wholly within the property boundary) are proposed along the northern side boundary. However, this is considered acceptable as the retaining walls are fully contained within the property boundary and no adverse amenity or stormwater impacts arise.

6.10 Accessibility

As indicated on the accompanying architectural plans, the proposed extension provides Deemed To Satisfy access compliance in accordance with BCA, AS 1428.1, and compliance with the premises standard is achieved with the provision of a new pedestrian entry ramp from the street, lift access to the first floor addition, accessible toilet and rear outdoor access ramps within the proposed outdoor play area.

6.11 CPTED

CPTED is the term that encompasses the philosophical theory and practical application of design practices for buildings and places that seek to prevent crime with the following aims:

- deterring crime by increasing the perception and chance of crime being detected, witnessed, challenged or criminals captured;
- making the opportunities for crime occurrence more difficult; and
- limiting or concealing opportunities for crime.

The NSW Police Force describe the “Safer by Design” approach in the following manner:

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses

on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients (law, offender, victim or target, opportunity) from intersecting in time and space. Predatory offenders often make cost-benefit assessment of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);*
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);*
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and*
- Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).*

CPTED employs four key strategies. These are territorial re-enforcement, surveillance, access control and space/activity management. All CPTED strategies aim to create the perception or reality of capable guardianship.

The four key strategies have been applied to the development proposal and analysis and commentary is provided in below.

Surveillance

Crime can be reduced by providing opportunities for effective surveillance. In areas with high levels of natural and passive surveillance offenders are deterred from committing a crime. Natural and passive surveillance in relation to the proposal needs to be understood at the macro / site level and the individual occupant level.

Macro / Site Level

The scale of the subject site and the proposed development results in the need for the creation of internalised outdoor areas and movement spaces with access from the street. The following passive surveillance attributes are demonstrated in the proposal:

- Sight lines from the public spaces (roads and pathways) are generally to the external outer edges of the proposed buildings, lobby spaces and driveway entrances. The site lines are clear and are not overly complicated or blocked by landscaping.
- Landscaping provides for designation of spaces without creating “blind” spots or concealment areas.

Individual Occupant Level

The proposal is characterised by a main child care entry to the building that create individual address and sense of ownership. The following passive surveillance attributes are demonstrated:

- A well defined entry and exit point to the building that is legible from the street;
- Clear sight lines to the building from the street and from the building to the street are provided.
- Landscaping does not result in “blind” spots or areas for hiding with the proposed landscape plantings design to enable clear sightlines to entry points to the building.
- The apartments are orientated toward the street and provide numerous opportunities for passive surveillance of public spaces to act as a deterrent for criminal activity and serve to discourage anti-social behaviour;
- Concealment opportunities are limited and appropriate lighting will be provided to publicly accessible areas; and
- The individual entry points to the building for the child care use assist in creating ownership of each space and improved recognition and familiarity within each lobby.

Access control

The use of physical and symbolic barriers to attract, channel or restrict the movement of people assists in minimising opportunities for crime and increases the effort required to commit a crime. In this regard the proposal provides:

- Fencing around the perimeter of the site that adjoins future residential development to the south, north and west;
- Enclosed external areas on the ground level behind the building line assist in clearly identifying public and private access points;
- The design allows for ease in clearly marking entrance points and way finding features such as pathways, lighting and signage; and
- Opportunity exists to incorporate security access doors to lobby’s which could be

controlled by cards, codes or keys.

Territorial reinforcement

Places that are well maintained and designed are often more regularly visited and endowed with a sense of community ownership. Accordingly, well used spaces reduce crime opportunities. In this regard the proposal provides:

- Delineating between public and private areas through the use of landscaping and boundary walls or screens etc.

Space / Activity Management

Well maintained and cared for spaces discourage crime as they tend to be more actively used and unwelcome persons are readily identified. In this regard the proposal provides:

- For space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the placement of lighting and the maintenance of common areas and furniture

7.0 CONCLUSION

The proposed development has been assessed against the matters for consideration listed in Section 4.15 of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that the subject site is considered suitable for the proposed development and that the proposal, providing much needed child care services, is in the public interest.

The proposal is consistent with the objectives of the State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 3, Wagga Wagga Local Environmental Plan 2010 and is permissible in the R1 zone with development consent. The proposal also complies with the main essential criteria set out in the Wagga Wagga Development Control Plan 2010, and is considered satisfactory with regard to relevant matters such as Urban Design, Access, Traffic Impact, Stormwater Drainage, ESD, Site Contamination, Amenity, Overshadowing, Social and Economic Impacts and the like subject to the imposition of suitable conditions of consent to satisfactorily control the development.

8.0 APPENDIX A – Child Care Regulations

Education and Care Services National Regulation 2012		
Part 4.3 Physical environment		
Clause	Requirement	Comment
103 Premises, furniture and equipment to be safe, clean and in good repair	(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.	All equipment to be installed in accordance with relevant Australian Standards and properly maintained.
104 Fencing	(1) The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	Suitable fencing with child proof locking mechanism shown on plan
105 Furniture, materials and equipment	The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.	Sufficient furniture, equipment and materials have been provided.
106 Laundry and hygiene facilities	(1) The approved provider of an education and care service must ensure that the service has— (a) laundry facilities or access to laundry facilities; or (b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering— that are adequate and appropriate for the needs of the service. (2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.	Laundry provided onsite.
107 Space requirements—indoor space	3.25sqm unencumbered space per child (exc. Passageways, door swings, toilets, hygiene facilities, nappy change or bottle prep rooms, cot storage, storage, staff or admin rooms, kitchen)	44*3.25 = 143sqm required >143sqm provided

108 Space requirements—outdoor space	7sqm unencumbered space per child (exc. Passageways, thoroughfares, storage areas, carparking, landscaping, any other space not suitable for children)	44*7 = 308sqm required >308sqm provided
109 Toilet and hygiene facilities	(a) adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and (b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.	Provided on plans.
110 Ventilation and natural light	The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises— (a) are well ventilated; and (b) have adequate natural light; and (c) are maintained at a temperature that ensures the safety and wellbeing of children.	Provided.
111 Administrative space	The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of— (a) conducting the administrative functions of the service; and (b) consulting with parents of children; and (c) conducting private conversations.	Provided.
112 Nappy change facilities	(1) This regulation applies if a centre-based service educates and cares for children who wear nappies. (2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing. (3) Without limiting subregulation (2), the approved provider of the service must ensure that the following are provided— (a) if any of the children are under 3 years of age, at least 1 properly constructed nappy changing bench; and (b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area. Penalty: \$1000. (4) The approved provider of the service must ensure that nappy change facilities are designed, located and maintained in a way that prevents unsupervised access by children.	Provided.

<p>113 Outdoor space—natural environment</p>	<p>The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.</p>	<p>Sandpits and detailed landscaping have been provided.</p>
<p>114 Outdoor space—shade</p>	<p>The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>A minimum of 2.5sqm of shade per child and employee has been provided at 12pm on summer solstice.</p>
<p>115 Premises designed to facilitate supervision</p>	<p>The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.</p>	<p>Layout facilitates supervision at all times.</p>
<p>97 & 168 Emergency and evacuation procedures</p>	<p>Procedures for emergency and evacuation as per Regulations 97 and 168</p>	<p>Emergency and Evacuation Plan to be displayed in a prominent position near each exit.</p>