

# Business Paper

## LATE REPORTS ORDINARY COUNCIL MEETING

**COUNCIL CHAMBERS, GUNDAGAI**

**6:00PM, TUESDAY 24TH MAY, 2022**

**Administration Centres: 1300 459 689**

# LATE REPORTS

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## 8 GENERAL MANAGER'S REPORT

### 8.4 DEVELOPMENT, BUILDING AND COMPLIANCE

#### 8.4.2 DEVELOPMENT APPLICATION MODIFICATION - 2021/62 MOD1 - 87-89 FIRST AVENUE GUNDAGAI - LATE REPORT

DOCUMENT NUMBER	370954
REPORTING OFFICER	Sally Atkinson, Acting Manager Development, Building and Compliance
AUTHORISING OFFICER	Les McMahon, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>3. Sustainable natural and built environments: we connect with the places and spaces around us</b>  3.2 Our built environments support and enhance liveability
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Development Assessment Report - 2021/62 MOD1 - 87-89 First Avenue, Gundagai <a href="#">↓</a>

#### RECOMMENDATION

That Council approve the following modification subject to the consent conditions below:

- **Application No:** DA2021/62 MOD1
- **Property:** Lot 213 DP 1276945  
(formerly Lot 13 DP 1102375 & Lot 2 DP 574412)  
87-89 First Avenue, Gundagai
- **Development:** Centre-based childcare facility - to modify the development by:
  - Changing the entry steps, access and front fencing/gate
  - Removing the ramp and access gate from the rear verandah to the rear yard,
  - Changing the height of the sliding doors to the playrooms (reduced from 2400mm to 2100mm) and removing some fixed glass panels,
  - Changing the building fabric from compressed fibre cement cladding to metal cladding, and
  - Changing the external colour from burgundy to shale grey.

CONDITIONS:

1. Modifying Condition A1, as follows (~~struck-thru~~ deletions and ***bold italic*** insertions):
- A1. The developer shall carry out the development generally in accordance with the Following plans and documentation:

Statement of Environmental Effects, dated May 2021, prepared by Habitat Planning			
The following plans, prepared by NBRS Architecture:			
<i>Drawing No.</i>	<i>Version</i>	<i>Content</i>	<i>Date of plan</i>
20124-NBRS-A-DA03	<del>3</del> <b><i>4</i></b>	Site plan	<del>06.05.2021</del> <b><i>13.05.2022</i></b>
20124-NBRS-A-DA04	<del>3</del> <b><i>4</i></b>	Existing and Demolition - Stage 1	<del>06.05.2021</del> <b><i>13.05.2022</i></b>
20124-NBRS-A-DA05	<del>3</del> <b><i>4</i></b>	Existing and Demolition - Stage 2	<del>06.05.2021</del> <b><i>13.05.2022</i></b>
20124-NBRS-A-DA10	<del>3</del> <b><i>4</i></b>	Floor plan	<del>06.05.2021</del> <b><i>13.05.2022</i></b>
20124-NBRS-A-DA11	<del>3</del> <b><i>4</i></b>	Roof plan	<del>06.05.2021</del> <b><i>13.05.2022</i></b>
20124-NBRS-A-DA30	<del>3</del> <b><i>4</i></b>	External building elevations	<del>06.05.2021</del> <b><i>13.05.2022</i></b>
20124-NBRS-A-DA31	<del>3</del> <b><i>4</i></b>	External building elevations	<del>06.05.2021</del> <b><i>13.05.2022</i></b>
20124-NBRS-A-DA32	<del>3</del> <b><i>4</i></b>	External building elevations	<del>06.05.2021</del> <b><i>13.05.2022</i></b>
20124-NBRS-A-DA60	<del>3</del> <b><i>4</i></b>	Materials schedule	<del>06.05.2021</del> <b><i>13.05.2022</i></b>
20124-NBRS-A-DA70	<del>3</del> <b><i>4</i></b>	Finishes Board	<del>06.05.2021</del> <b><i>13.05.2022</i></b>

# MODIFICATION ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979  
Section 4.15 (as amended)*

**DEVELOPMENT REFERENCE:**

DA2021/062 MOD1

**DEVELOPMENT ADDRESS:**

87 and 89 First Avenue, Gundagai

**LOT / SEC / PLAN:**

Lot 213 DP 1276945 (formerly Lot 13 DP 1102375 and Lot 2 DP 574412)

**OWNER(S):**

Cootamundra-Gundagai Regional Council and Gundagai Pre-School Kindergarten

**APPLICANT:**

Cootamundra-Gundagai Regional Council

**APPLICANT ADDRESS:**

255 Sheridan Street  
GUNDAGAI NSW 2722

**APPROVED DEVELOPMENT:**

**DA2021/062** - Centre-based child care facility - to demolish the existing preschool building and dwelling house, and to construct a new preschool and kindergarten facility, including a new car park, bus stop, landscaping, signage and outdoor play areas (see Figures 1, 2 and 3 below).

**Approved subject to conditions** – 2<sup>nd</sup> June 2021 (Extraordinary Council Meeting)

The development was approved to be undertaken in two (2) stages to facilitate the ongoing operation of the existing preschool, and will generally consist of the following works in each stage:

**Stage 1**

- demolition and removal of existing dwelling and vegetation including site levelling and preparation works at 87 First Avenue, Gundagai,
- construction of part of the Preschool facility on land currently known as 87 First Avenue, comprising playroom and family room, storeroom, staff room, office and reception and WC amenities,
- carpark, retaining walls, landscaping and pylon signage

**Stage 2**

- demolition of pre-existing preschool and ancillary structures including driveway, carpark, sheds and select vegetation at 89 First Avenue,
- site preparation and levelling works,
- construction of the balance of preschool and kindergarten comprising main entry and foyer, playrooms, dining room, kitchen, WC's and storerooms,
- bus stop retaining walls and landscaping works.

Figure 1 – Approved site plan

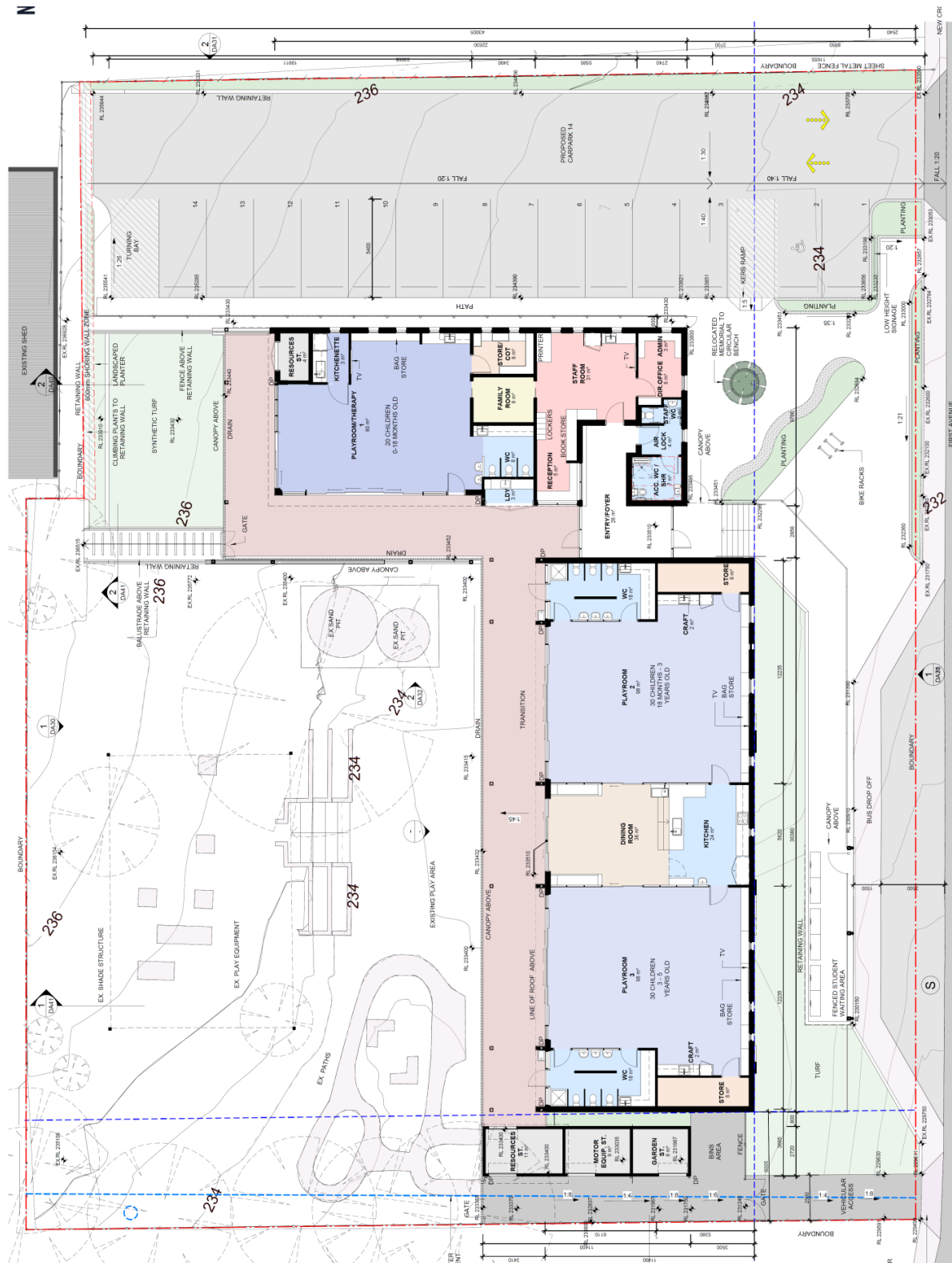


Figure 2 – Approved southern elevations (First Avenue)

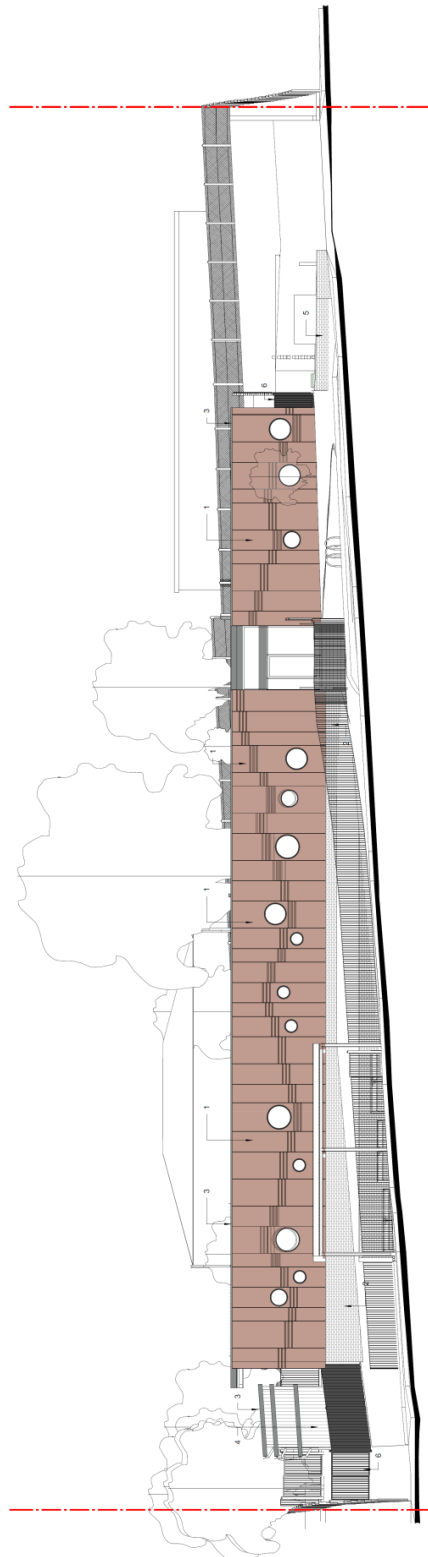
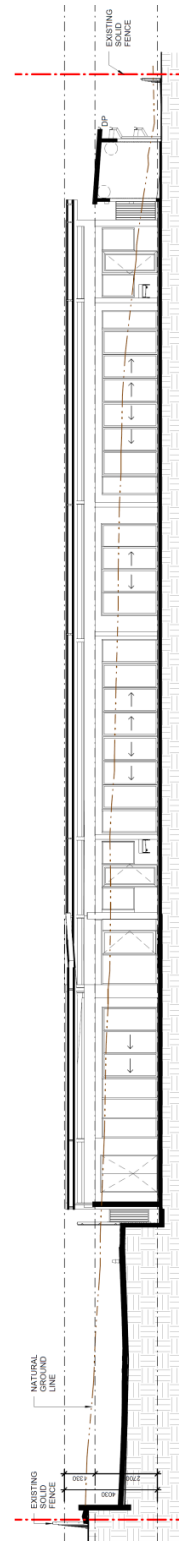


Figure 3 – Approved northern elevation (rear)



The existing preschool facility is currently licensed for 25 children. The redeveloped preschool facility will operate largely as it presently does, but with an increased capacity. The application has foreshadowed that it will take some time for the facility to reach full capacity (80 children), which will occur based on community demand. Initially, the preschool facility will only be licensed for 59 children.

The operational aspects of the preschool operating at full capacity, are as follows:

- number of children – 80
  - 0-2 year olds x 20
  - 3-4 year olds x 30
  - 4-5 year olds x 30
- number of employees – 8 staff
- hours of operation – Monday to Friday 8:00 am to 6:00 pm
- children arrive at, and depart from, the facility by a variety of methods including school bus, car and walking.

#### **PROPOSED MODIFICATION:**

The modification does not propose to change any capacity limits or operational aspects of the approved development.

All proposed changes are to the physical aspects of the approved development, detailed and shown as follows:



- 1. Modify the entry steps, access and front fencing/gate

Figure 4 – Approved plans

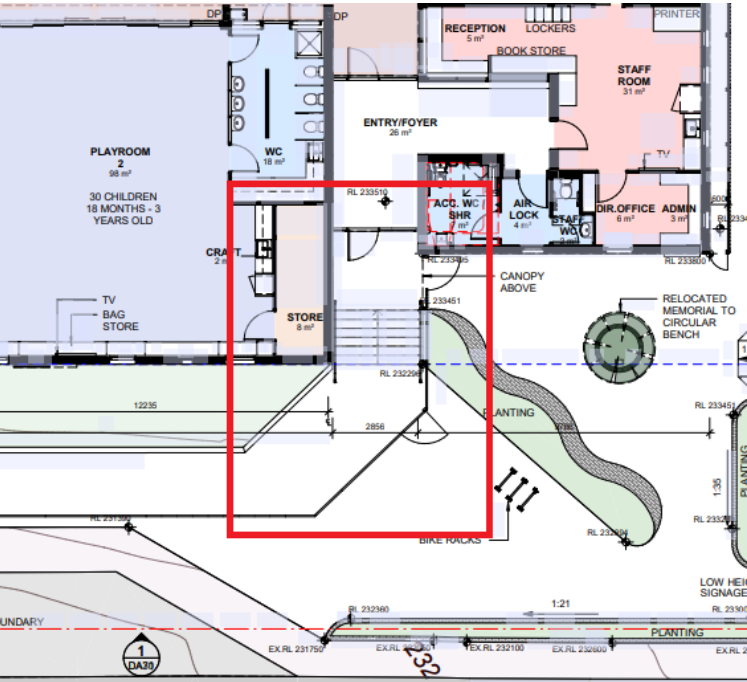
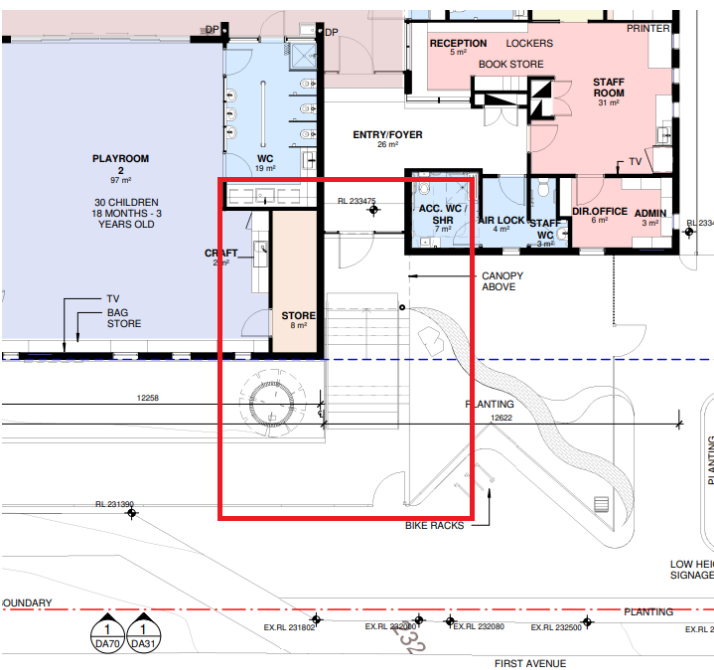
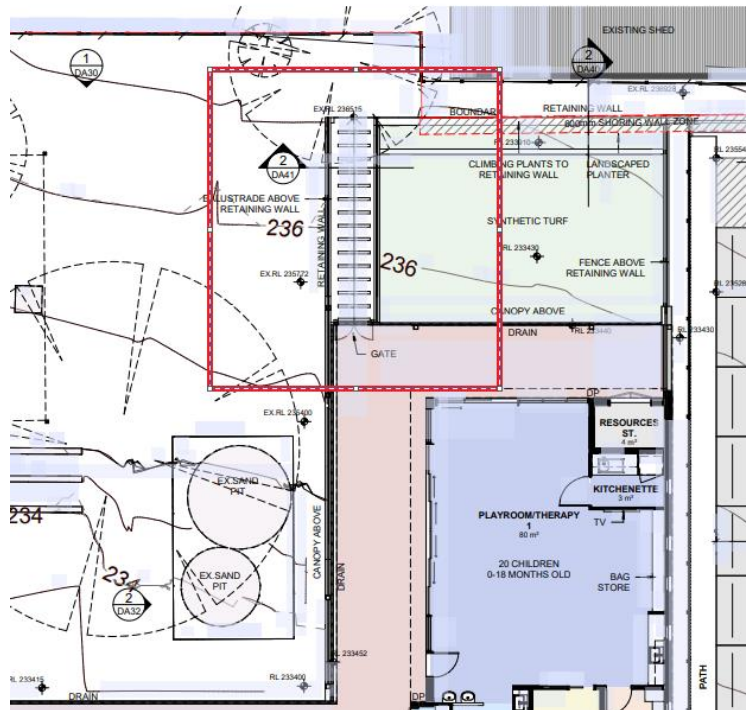


Figure 5 – Proposed plans

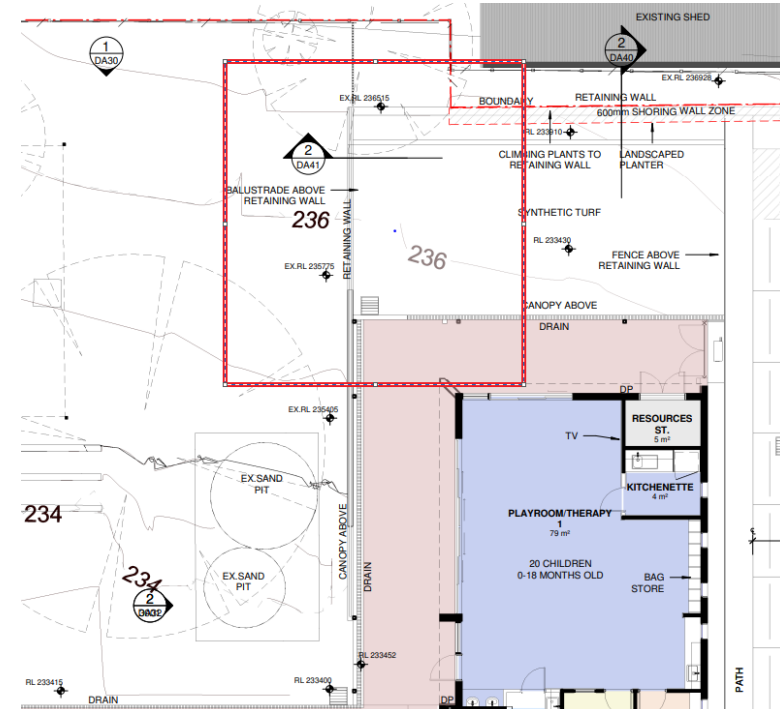


2. Remove the ramp and access gate from the rear verandah to the rear yard

### Figure 6 – Approved plans



### Figure 7 – Proposed plans



3. Change the height of the sliding doors to the playrooms (reduced from 2400 mm to 2100 mm) and remove some fixed glass panels

Figure 8 – Approved plans

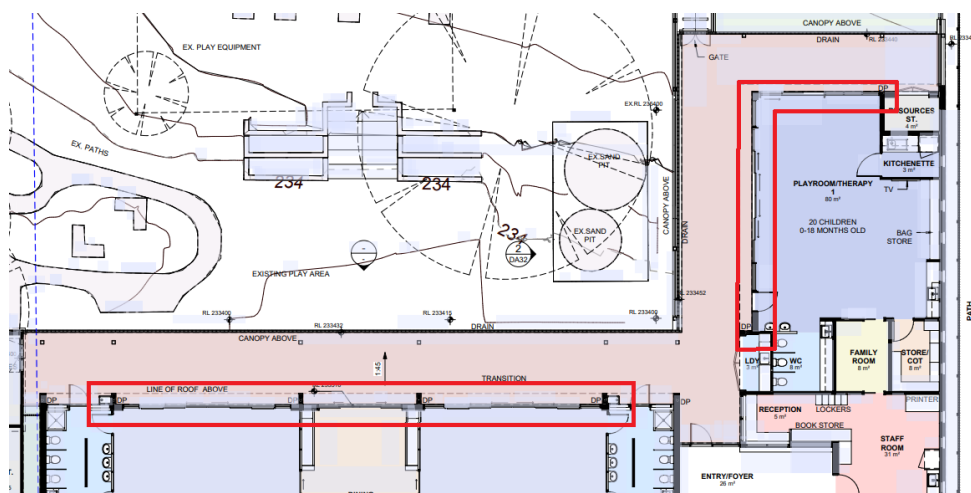


Figure 9 – Proposed plans

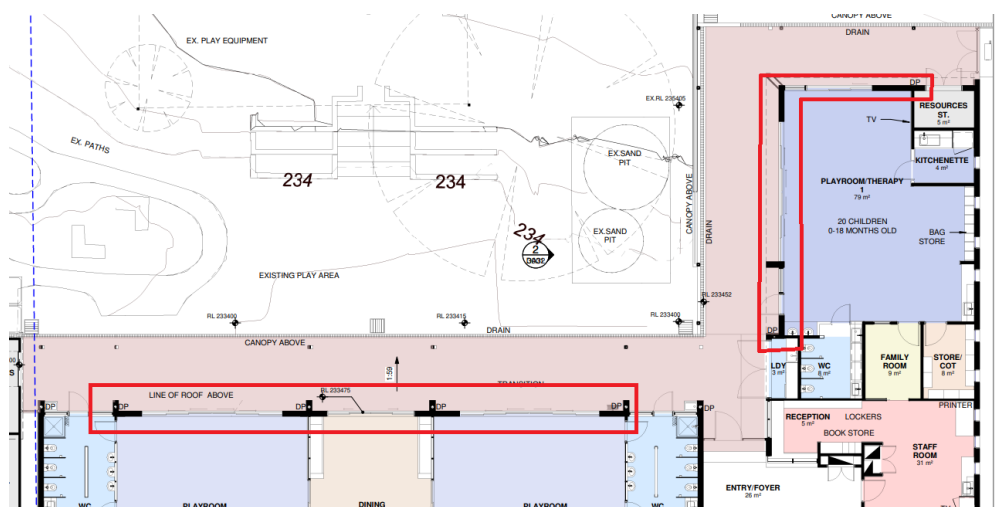


Figure 10 – Approved plans



Figure 11 – Proposed plans



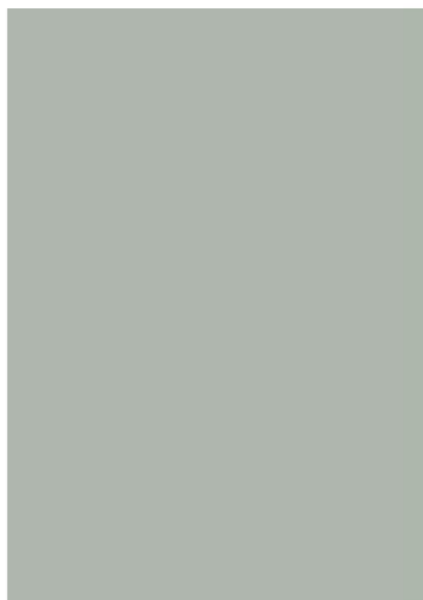
4. External changes to the building:
  - change the building fabric from compressed fibre cement cladding to metal cladding
  - change the external colour from burgundy to shale grey.

**Figure 12 – Approved colour**



1. BURGUNDY COLOURED  
COMPRESSED FIBRE  
CEMENT CLADDING

**Figure 13 – Proposed colour**



1. SHALE GREY METAL  
CLADDING

Figure 14 – Approved front (southern) elevation

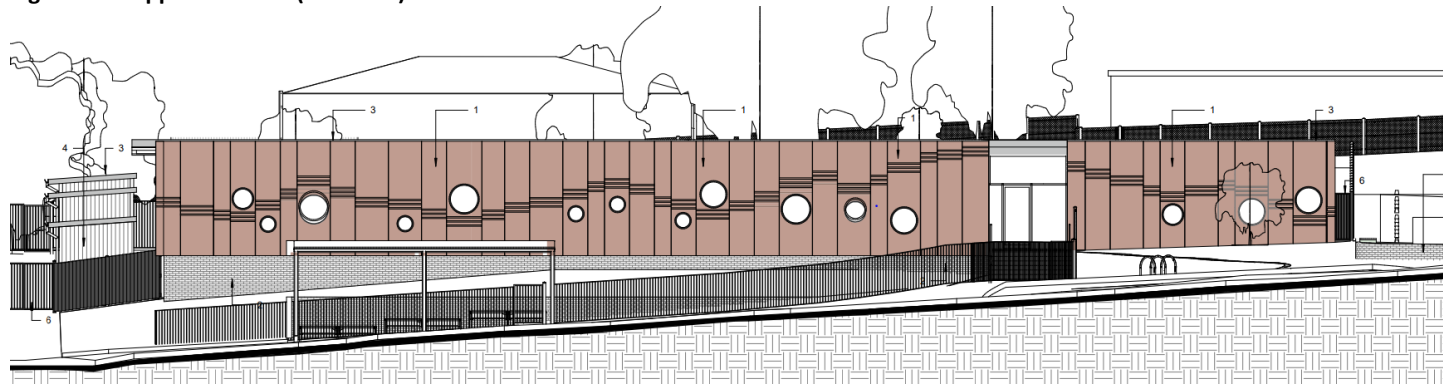
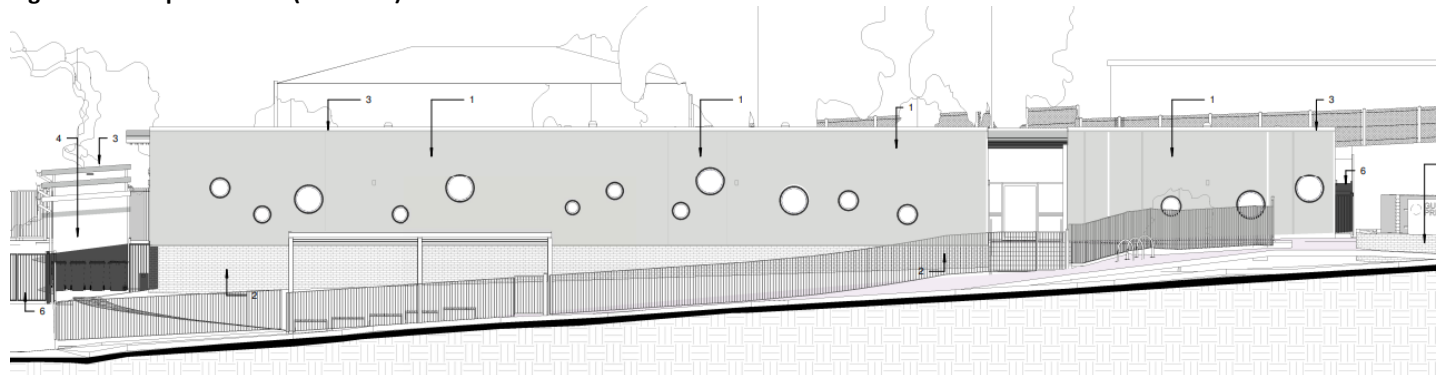


Figure 15 – Proposed front (southern) elevation





**SITE AND LOCALITY:**

The 3,004 m<sup>2</sup> site is located in central Gundagai, one block (100 metres) north of the main street (Sheridan Street), on the northern side of First Avenue, between Kitchener Street and Byron Street. The site is presently in two (2) lots, and supports a preschool (western lot – Lot 2) and a dwelling house, mostly recently used as an office (eastern lot – Lot 13). The subject land slopes strongly from the north-east to the south-west, and largely sits elevated above the roadway. The land owners are presently in the process of consolidating the lots as exempt development, which will be necessary to facilitate the development, as the building is proposed to be erected over the boundary. This will be reinforced as a condition of consent.

**Figure 16 – View of the site from First Avenue**

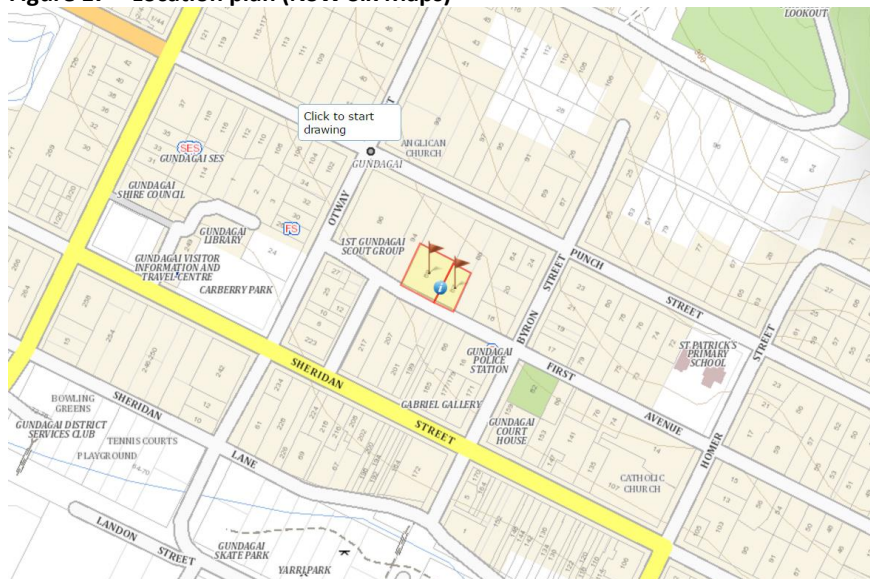


The surrounding land is a mixture of residential, commercial and community uses, including:

- dwellings to the south across First Avenue, to the north-east and east and a dwelling and shed directly to the north of the dwelling to be demolished,
- four units (used for teachers housing) directly to the north of the existing preschool,
- a residential lot (containing an open shed only), immediately to the east,
- vacant commercial land and the Family Hotel, to the south across First Avenue,

Other uses in the area include Saint David's Uniting Church, Gundagai Fire Station, the Men's Shed, the Baptist Church, the Gundagai Police Station and Carberry Park.

**Figure 17 – Location plan (NSW Six Maps)**





**Figure 18 – Aerial view – locality (Google Earth 19.2.2020) – property coloured purple**



**Figure 19 – Aerial view – site and adjacent properties (Google Earth 19.2.2020) – property coloured purple**





**GENERAL REQUIREMENTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979:****1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

The modification does not change the original assessment of these matters, which found that the development is not likely to significantly affect threatened species, populations or ecological communities, as per either the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

**2.22 Mandatory community participation requirements**

The modification does not need to be notified in accordance with the CPP, and was not notified as the impact on neighbours is no greater than as approved.

**4.5 Designation of consent authority**

The modification is not state significant or regionally significant, and therefore Council is the determining authority.

**4.10 Designated development**

Schedule 3 of the EP&A Regulation defines the various types of designated development, but the application does not meet any of the criteria and therefore is not designated.

**4.13 Consultation and concurrence**

If required by an environmental planning instrument, this section requires Council to consult with or obtain the concurrence of the person. No consultation was required in this instance.

**4.14 Consultation and development consent—certain bush fire prone land**

The site is not bushfire prone, and therefore no referral to the NSW Rural Fire Service was required.

**4.22 Concept development applications**

The modification is not a concept development (a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications).

**4.33 Determination of Crown development applications**

The development is not a Crown development.

**4.36 Development that is State significant development**

The modification is not State significant development (of a size, type, value or with impacts deemed to be significant).

**4.46 Integrated development**

The modification is not integrated development (requires consent or an approval from another government agency, as identified in the Act).

#### 4.55 Modification of consents - generally

The applicant has lodged the proposed modification as a 4.55(2), and this section of the Act provides that the consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

In determining whether the modification will result in substantially the same development, the legislation requires Council to consider the proposed modification against the original consent and is not to take into account any previous modifications (of which there are none in this instance). There are no changes to the intended use, or capacity limits and operational aspects of the approved development, and the overall design of the building in terms of layout, bulk, scale and overall design, remain unchanged. The changes proposed are purely cosmetic and in a physical context with the overall building project, are considered relatively minor, and it is accepted that the proposal would not change the core elements of the development. Accordingly, Council is satisfied that the development is substantially the same.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Not applicable.

- (c) *it has notified the application in accordance with:*  
 (i) *the regulations, if the regulations so require, or*  
 (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Notification was not required

- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Nil submissions received.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

Following is the section 4.15 assessment of the proposed modification.

**SECTION 4.15 CONSIDERATIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979:****4.15(1)(a)(i) The provisions of any environmental planning instrument:*****State Environmental Planning Policies (SEPPs) and deemed SEPP's***SEPP (Transport and Infrastructure) 2021 – formerly SEPP (Infrastructure) 2007

The modification does not change the original assessment of the relevant issues under Chapter 2 of this SEPP, relating to proximity to, and impact on, certain infrastructure (e.g gas, power, rail, etc). No impact is expected and no referrals were required.

SEPP (Transport and Infrastructure) 2021 – formerly SEPP (Educational Establishments and Child Care Facilities) 2017

The proposed modification does not change the original assessment of the relevant issues under Chapter 3 of this SEPP relating to child-care facilities. As the changes are purely cosmetic and do not impact on the amount of indoor or outdoor space or general design of the building, the development remains consistent with the Parts 2, 3 and 4 of the Guideline *Child Care Planning Guideline*, which relates to such matters as:

- *quality of design* – the proposed modification does not change the original assessment that found that the proposed development was acceptable from a site context, adaptive learning spaces, sustainability, landscape, amenity and safety perspective.
- *impacts of the development* – the proposed modification does not change the original assessment which found that the proposed development had an acceptable impact in terms of:
  - site location, building location and impact on neighbouring properties in terms of privacy and overshadowing and traffic impacts,
  - site suitability from a compatibility, environmental, contamination, scale and traffic perspective,
  - proximity to supporting services and setbacks to offensive or hazardous land uses,
  - delineation with public spaces, natural surveillance and fencing,
  - orientation and design of the building, scale, setback and height,
  - pedestrian access and accessibility,
  - landscaping,
  - visual and acoustic privacy,
  - noise and air pollution,
  - hours of operation,
  - traffic and parking.
- *the Education and Care Services National Regulations* – the proposed modification does not change the original assessment which found that the development complied with the requirements relating to indoor and outdoor space requirements, laundry facilities, toilet facilities, ventilation and natural light, administrative space, nappy change facilities, facilitating supervision, natural environment, shade and fencing.

The only issue that needed reassessing is the issue of built form, due to the change in building fabric and colour, to parts of the building, which is discussed below in this report relating to context and setting and streetscape.

SEPP (Resilience and Hazards) 2021 – formerly SEPP No. 55 – Remediation of Land

The modification does not change the original assessment relating to potential contamination, which found that:

- both the dwelling and the preschool building had the potential for containing asbestos due to the age, and
- that Gundagai region is also known for having areas of naturally occurring asbestos (NOA). Conditions were imposed requiring the investigation and testing for both these matters, and no changes to these conditions are proposed or required.

SEPP (Industry and employment) 2021 formerly SEPP No. 64—Advertising and Signage

The proposed modification does not change the original assessment of the relevant issues under Chapter 3 of this SEPP relating to advertising and signage, which found that the signage proposed on-site is consistent with the aims of the SEPP, satisfied the assessment criteria in Schedule 1 of the SEPP, and overall was appropriate.

***Local Environmental Plan (LEP)***

The applicable LEP is the Gundagai LEP 2011 (CLEP), and the relevant provisions of the LEP are discussed as follows.

**1.2 Aims of Plan**

The modification does not change the original assessment of this issue, which found that the development is largely consistent with the aims of the LEP.

**2.3 Zone objectives**

The modification does not change the original assessment of this issue, which found that the development, whilst not actively working towards every objective, was consistent with the objective of providing facilities or services to meet the day to day needs of residents.

**2.6 Subdivision—consent requirements**

The proposal does not involve subdivision, but requires the consolidation of the land, which is being undertaken as exempt development. This modification does not alter this.

**2.7 Demolition requires development consent**

The scope and nature of the demolition works will not change as a result of this modification, and the original conditions imposed remain appropriate.

**5.10 Heritage conservation**

The proposed modification does not change the original assessment, which found there were no heritage items on the site, the likelihood of disturbing indigenous artefacts or relics is low, and concluded no impact is expected on any heritage items.

**6.1 Biodiversity protection**

The modification does not change the original assessment which identified that the development involved the removal of a small number of trees and shrubs from the site but that they are not considered to be significant, and that there would be no adverse impacts on native ecological communities, the habitat of any threatened species, populations or ecological community, regionally significant species of fauna and flora or habitat, as a result of the development.

**6.3 Water protection**

The modification does not change the original assessment which identified that the whole of the site has been mapped as “sensitive land” on the Natural Resources Sensitivity Water Map, but which concluded that as the property is connected to reticulated sewer, and there are no potentially contaminating uses being proposed, there will be no impact adverse impacts on ground or surface water.

**6.4 Flood planning**

The original assessment identified that the site was partially affected by overland flow, but found that provided stormwater infrastructure was sized correctly, the development should not adversely affect flood behaviour and is not likely to adversely affect the environment. It was considered that the site is compatible with the flood hazard and incorporates appropriate measures to manage risk to life from overland flow, and this modification does not change this assessment.

**6.5 Earthworks**

The original assessment identified that substantial earthworks were proposed, but found that the impacts could be appropriately managed, and were acceptable. The modification does not change the location or extent and earthworks proposed.

**6.6 Essential Services**

The original assessment found that all necessary essential services (water, sewer stormwater, gas, power and phone), were readily available to the site, and the modification does not change this.

**4.15(1)(a)(ii) The provisions of any draft environmental planning instrument:*****State Environmental Planning Policies (SEPPs)***

There are no draft SEPP's which relate to this development.

***Local Environmental Plan (LEP)***

There are no draft LEP's which apply to this land.

**4.15(1)(a)(iii) The provisions of any development control plan:**

There is no development control plan (DCP) that applies to the land.

**4.15(1)(a)(iiia) Any planning agreement or draft planning agreement:**

The developer has not entered into a planning agreement, nor has offered to enter into a draft planning agreement.

**4.15(1)(a)(iv) Matters prescribed by the Regulations:**

Council has considered the following matters as prescribed by Regulations:

**Section 62 (Additional matters that consent authority must consider): -**

- the development does involve the demolition of a building, and appropriate conditions were imposed in relation to AS 2601 - The demolition of structures, and the modification does not change this,

- the modification is not for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act,
- the development is not located within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle, Penrith, Wagga Wagga or Moree,
- the development does not pertain to a manor house or multi dwelling housing (terraces).

Section 62 (Fire safety and other considerations)

- neither the original development or the modification is for a change of building use.

Section 63 (Considerations for erection of temporary structures)

- neither the original development or the modification is for a temporary structure.

Section 64 (Consent authority may require upgrade of buildings)

- the development does not involve the rebuilding, enlargement or extension of an existing building, rather a total rebuild.

Section 65 (Consideration of conservation plan for development at Sydney Opera House)

- the development does not relate to the Sydney Opera House.

**4.15(1)(b) The likely impacts of that development:**

***Context and Setting:***

The elements of the proposed modification that have the potential to impact on the issue of context and setting, revolve around the change in building fabric and colour, and do require further reassessment, with respect to these issue.

Initially, it should be noted that these external changes do not result in any change to the bulk, height, scale or position of the building on the property, and from this respect will have no different or greater impact on the neighbouring properties.

From a streetscape perspective, the modified development will still largely present as the same style of building, maintaining the same elevation, height, roofline, openings (window and door placement and size), some of the same building materials (e.g face brick subfloor enclosure), and the same ancillary features that provide relief to the front of the property (fencing, bus shelter, signage and landscaping).

The original assessment found that the design of the facility had taken into account the built form of the area, whilst accommodating a large crossfall over the site. The scale, bulk, height and setbacks were considered appropriate for the existing character of the area, with generous setbacks and being single storey in design, but with the western end appearing higher due to the slope of the site. The modification does not alter this conclusion.

The original assessment also found that a variety of materials were proposed, using colours to compliment the area, and given the wind ranging materials and colours in use in the area, this is still considered to be a valid argument as it relates to the modification. In terms of the proposed metal cladding, there are a number of other buildings in close proximity to the site that are constructed with metal cladding, or which heavily feature metal elements such as roofs, verandahs and fencing, as depicted the following photos.

**Photo 1 – shed to the west in First Avenue**



**Photo 2 – Dwelling to the west of the site**



**Photo 3 – Buildings and fencing to the east of the site along First Avenue**





**Photo 4 – Units on the opposite the preschool, in First Avenue**



**Photo 5 – Shed to the rear of the proposed preschool carpark**



**Photo 6 – Shed to the south in Kitchener Street**



In terms of the colours, greys and light colours are dominant in the area with respect to existing metal finishes, so it is considered that the proposed shale grey walls will be complimentary to the locality. It is also considered that the shale grey will be compatible with the other colours proposed to be used within the development (see existing and proposed colour palates following).



**Figure 20 – Approved colour palate****Figure 21 – Proposed colour palate**

In conclusion, whilst the changes to the building fabric and colours are significant, it is considered that the modification will still result in a development that fits well within the streetscape, given the surrounding development, the design of the building, the setbacks proposed, and the ancillary features that provided articulation and relief to the front elevation.

***Access, Transport and Traffic:***

The proposed modification does not change the original assessment, which found that the impacts of the development in relation to access, traffic and parking, were acceptable.

***Public Domain:***

The proposed modification does not change the original assessment, which found that the development will not impact negatively in terms of such things as recreational opportunities, or the amount, location, design, use and management of public spaces.

***Utilities:***

The proposed modification does not change the original assessment, which found that all required services are readily available.

***Heritage:***

The proposed modification does not change the original assessment, which found that there is no likely impact on Aboriginal or European heritage, as a result of the development.

***Other Land Resources:***

The proposed modification does not change the original assessment, which found that the development will not have any adverse effect on conserving and using valuable land resources such as productive agricultural land, mineral extractive resources or water supply catchments.

***Water:***

The proposed modification does not change the original assessment, which found that water supply was available, and that there would be no impact on ground and surface water.

**Soil:**

The proposed modification does not change the original assessment, which found that the given the extent of the earthworks proposed and high level of construction, there was the potential for erosion and transportation of sediment from the site. Accordingly, conditions were imposed and remain relevant despite irrespective of the modification, as no additional earthworks are proposed.

**Air and Microclimate:**

The proposed modification does not change the original assessment, which found that the development will have no effect on air quality and microclimatic conditions in terms of existing air quality or pollution.

**Flora and Fauna:**

The proposed modification does not change the original assessment, which found that the development would result in the removal of a small number of trees and shrubs. It concluded that the development will not have any impact on critical habitats, threatened species or populations, ecological communities or any other protected species, or on native fauna or vegetation, and does not change as no additional trees are being removed.

**Waste:**

The he proposed modification does not change the original assessment or conditions imposed with respect to building and operational waste, as no additional or different waste will be generated as a result of the modification.

**Energy:**

An amended Part J assessment under the Building Code of Australia will likely be required based on the change of building fabric proposed by the modification. This however, is a building related matter, and will be managed through the construction certificate process, and no changes to conditions of development consent are required.

**Noise and Vibration**

The proposed modification does not change the original assessment, which found that the likely noise impacts were considered acceptable.

**Natural Hazards:**

The proposed modification does not change the original assessment, which found that the overland flow could be adequately managed.

**Technological hazards**

The proposed modification does not change the original assessment, which found that the there are no known risks to people, property or the biophysical environment from industrial and technological hazards, or building fire risk, and that the risk associated with naturally occurring asbestos could be appropriately managed.

**Safety, security and crime prevention**

The proposed modification does not change the original assessment, which found that design of the development had taken into consideration the safer by design principles.

**Social Impacts in the Locality:**

The proposed modification does not change the original assessment, which found that the development would not have a negative social impact in terms of the health and safety of the community, social cohesion, community structure, character, values or beliefs, social equity, socio-economic groups or the disadvantaged, and social displacement.

***Economic Impact in the Locality:***

The proposed modification does not change the original assessment, which found that the proposed development would provide both immediate short-term economic benefit during the construction phase, and longer-term benefits in terms of increased employment at the facility, a greater need for local services, and freedom for more parents and care-givers to pursue additional employment opportunities.

***Site Design and Internal Design:***

The elements of the modification that impact on the issue of site design, relate to the minor changes to the front stairs and the removal of the ramp at the rear of the building, and to a lesser extent the changes to the windows/sliding doors and extent of glazing. These changes will have little or no impact on how the site functions or an accessibility, and are largely internal of the site and not visible from the street or any other public space (entrance steps excluded).

Accordingly, the proposed modification does not change the original assessment, which found that the development had been designed to comply with the *Child Care Planning Guideline* and the *Education and Care Services National Regulations*, and that it had been designed to respond to the local area and the site, in terms of site coverage, the position of the buildings, and the size, form, appearance and design of buildings. Furthermore, the modification will have no impact in terms of its relationship with adjacent properties from a privacy or overshadowing perspective.

***Construction Matters:***

The conditions imposed on the original development in relation to construction impacts, remain relevant to the modified development, will not need to be amended, and the associated construction impacts are still considered acceptable.

***Cumulative impacts***

Nil adverse cumulative impacts have been identified as a result of the modification.

**4.15(1)(c) - The suitability of the site for the development:*****Does the proposal fit in the locality ?***

The proposed modification does not change the original assessment, which found that development will result in a development that fits in the locality.

***Are the site attributes conducive to development ?***

The proposed modification does not change the original assessment, which found that the site is suitable for the proposed development, with issues such as NOA and overland flow being able to be suitably managed.

**4.15(1)(d) - Any submissions made:**

Nil submissions received.

**4.15(1)(e) - The public interest:**

The proposed modification does not change the original assessment, which found that the development is consistent with the relevant policies and strategies, and that overall, the proposal would not contravene the public interest.

**OTHER MATTERS:****Section 7.11 and 7.12 Contributions Policies:**

The modification does not change the contributions applicable to the development.

**Disclosure of political donations and gifts:**

The application process did not result in any disclosure of Political Donations and Gifts.

**FINANCIAL IMPACTS:**

Nil impacts for Council

**POLICY IMPACTS:**

Nil

**ORGANISATIONAL IMPACT:**

Nil

**RISK MANAGEMENT IMPACTS:**

Nil

**LEGAL ISSUES:**

Nil

**CONCLUSION:**

Council has considered all matters under the relevant legislation, and it considers that the proposed modification is appropriate having regard to those matters.

**RECOMMENDATION:****Determination:**

That Council approve the following development, subject to the consent conditions below:

- Application No.: DA2021/062 MOD1
- Property: Lot 213 DP 1276945 (formerly Lot 13 DP 1102375 and Lot 2 DP 574412)  
87 and 89 First Avenue  
GUNDAGAI NSW 2722
- Modification: Centre-based child-care facility – to modify the development by:
  - changing the entry steps, access sand front fencing/gate,
  - removing the ramp and access gate from the rear verandah to the rear yard,
  - changing the height of the sliding doors to the playrooms (reduced from 2400 mm to 2100 mm) and removing some fixed glass panels,
  - changing the building fabric from compressed fibre cement cladding to metal cladding, and
  - changing the external colour from burgundy to shale grey.

**Conditions:**

1. Modifying Condition A1, as follows (~~struck thru~~ deletions and ***bold italic*** insertions):

- A1. The developer shall carry out the development generally in accordance with the following plans and documentation:

Statement of Environmental Effects, dated May 2021, prepared by Habitat Planning			
The following plans, prepared by NBRS Architecture:			
<i>Drawing No.</i>	<i>Version</i>	<i>Content</i>	<i>Date of plan</i>
20124-NBRS-A-DA03	<del>3</del> 4	Site plan	<del>06.05.2021</del> 13.05.2022
20124-NBRS-A-DA04	<del>3</del> 4	Existing and Demolition - Stage 1	<del>06.05.2021</del> 13.05.2022
20124-NBRS-A-DA05	<del>3</del> 4	Existing and Demolition - Stage 2	<del>06.05.2021</del> 13.05.2022
20124-NBRS-A-DA10	<del>3</del> 4	Floor plan	<del>06.05.2021</del> 13.05.2022
20124-NBRS-A-DA11	<del>3</del> 4	Roof plan	<del>06.05.2021</del> 13.05.2022
20124-NBRS-A-DA30	<del>3</del> 4	External building elevations	<del>06.05.2021</del> 13.05.2022
20124-NBRS-A-DA31	<del>3</del> 4	External building elevations	<del>06.05.2021</del> 13.05.2022
20124-NBRS-A-DA32	<del>3</del> 4	External building elevations	<del>06.05.2021</del> 13.05.2022
20124-NBRS-A-DA60	<del>3</del> 4	Materials schedule	<del>06.05.2021</del> 13.05.2022
20124-NBRS-A-DA70	<del>3</del> 4	Finishes Board	<del>06.05.2021</del> 13.05.2022

#### REASONS FOR THE CONDITIONS:

- To confirm the details of the application as submitted by the applicant and as approved by Council.

#### SCHEDULE 1, DIVISION 4, CLAUSE 20 - REASONS FOR THE DECISION:

This section of the Act requires the public notification of certain decisions, the date of the decision, the reasons for the decision and how community views were taken into account in making the decision. The reasons for the decision and how community views were taken into account, as it relates to this development application are:

- the proposed modification is not inconsistent with the objectives of the zone,
- the proposed modification is permitted in the zone,
- assessment of the modification against the relevant provisions of the EPA Act, indicates that the proposed modification will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity,
- the proposed modification does not compromise the relevant Environmental Planning Instruments,
- Council considers that the proposed modification is appropriate having regard to the relevant matters and can be managed through existing and proposed conditions,
- the modification is substantially the same development as originally approved.

## 8.8 TECHNICAL SERVICES

### 8.8.1 NEW SOUTH WALES LOCAL ROADS CONGRESS - 6TH JUNE, 2022 - LATE REPORT

DOCUMENT NUMBER	370962
REPORTING OFFICER	Marianne McInerney, Executive Assistant to the General Manager
AUTHORISING OFFICER	Les McMahon, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>3. Sustainable natural and built environments: we connect with the places and spaces around us</b>  3.2 Our built environments support and enhance liveability
FINANCIAL IMPLICATIONS	The costs associated with attending the conference to be funded through Technical Services Budget and Civic budget.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Draft NSW Local Roads Congress 2022 Program - 19 May, 2022 <a href="#">↓</a>

### RECOMMENDATION

**The Manager for Technical services and Cr Collins attend the New South Wales Local Roads Congress to be held at Parliament House Sydney on 6<sup>th</sup> June, 2022.**

#### Introduction

The Institute of Public Works Engineering Australasia (IPWEA) is the Peak association for the public works professionals across Australia and New Zealand. IPWEA provides services to its members and advocacy on their behalf.

The IPWEA holds a local and national congress annually to discuss issues relating to roads and transport.

#### Discussion

A Congress is scheduled to be held at Parliament House, Sydney on 6<sup>th</sup> June, 2022.

There following four key topics are to be discussed at the Congress:

1. The capacity for regional councils to deliver an effective and safe local road network is based on grant funding and a skilled workforce with modern equipment. Changes to road reclassification in NSW will directly impact the council's ability to deliver the local road network in these difficult times.
2. What evidence from the transport industry tells us that fixing roads reduces the cost of goods to the freight industry and can impact businesses in many small communities across NSW?

3. The Fixing Country Bridges Program has been a great initiative but are we there yet with having sustainable and resilient local bridges?
4. What are the challenges and solutions to addressing the skills shortage in local government, especially in rural areas where jobs are held vacant? Are the right policies being created to close the gap?

Attending the Congress is an opportunity for Technical and Civil works managers to network with other local government mayors, councillors, directors of engineering and key Ministers and speakers to discuss local road and transport related issues. A point of interest may be the Road Classification Review.

The Managers of Technical Services and Civil Works attend the Local and National IPWEA Congresses alternatively with the Council representative on the Local Area Traffic Committee. Previously, Councillors have attended these Congresses at no charge when accompanying a director or manager. However, this year has seen amendments to the registration fee which is lower than previous years and per attendee. The cost to register is \$495 plus accommodation which would be approximately \$250-\$300. The Manager Technical Services and Councillor will travel together in a Council vehicle.



## Local Roads Congress 2022

### Putting Policies into Practice

NSW Parliament House, Macquarie Street, Sydney

Monday 6 June 2022	
8:30am – 9:00am	<b>Registration</b>
9:00am – 9:05am	<b>Congress Welcome/Welcome to Country</b>
9:05am – 9:20am	<b>Welcome Address</b> The Hon. Wendy Tuckerman, MP, Minister for Local Government
9:20am – 9:35am	<b>President's Welcome</b> Grant Baker, President IPWEA NSW and ACT
9:35am – 9:55am	<b>Keynote Address</b> The Hon. Sam Faraway, MLC, Minister for Regional Transport and Roads
9:55am – 10:30am	<b>Reflecting back on Local Roads Congress 2021</b> Will Barton, Board Member IPWEA NSW and ACT
10:30am – 11:00am	<b>MORNING TEA</b>
11:00am – 11:30am	<b>Keynote Address</b> Cr Darriea Turley AM, President, Local Government NSW
11:30am – 12:00pm	<b>Road Classification Review – From the Independent Panel</b> Wendy Machin, Chair Regional Road Transfer and NSW Road Classification Review
12:00pm – 12:30pm	<b>Road Classification Review – A Council's Perspective</b> Cr Alan Tickle, Deputy Mayor MidCoast Council
12:30pm – 1:30pm	<b>LUNCH</b>
1:30pm – 1:50pm	<b>Keynote Address</b> The Hon. John Graham, MLC, Shadow Minister for Roads
1:50pm – 2:20pm	<b>Cost implications for transporting goods on sub-standard local roads</b> Sal Petrocetto, CEO National Heavy Vehicle Regulator
2:20pm – 3:00pm	<b>Fixing Country Bridges – Are we there yet?</b> Tony Lickiss, Director Assets and Infrastructure Services Kyogle Council
3:00pm – 3:30pm	<b>AFTERNOON TEA</b>
3:30pm – 4:00pm	<b>The local government capability dilemma and a way forward</b> Joshua Devitt, Manager Roads and Transport Directorate
4:00pm – 4:45pm	<b>Panel Discussion</b> Panel members to be confirmed
4:45pm – 5:00pm	<b>Congress communique</b> Will Barton, Board Member IPWEA NSW and ACT
5:00pm – 7:00pm	<b>DRINKS AND CANAPES</b>

\* Preliminary Program and is subject to change.