



# Report of Development Application

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979

## APPLICATION DETAILS

<b>JRPP No</b>	2013STH026
<b>DA Number</b>	DA13/0512
<b>Local Government Area</b>	Wagga Wagga
<b>Proposed Development</b>	Rehabilitation & Palliative Care Facility at the Calvary Hospital
<b>Street Address</b>	Calvary Hospital 20 Hardy Ave WAGGA WAGGA NSW 2650
<b>Applicant/Owner</b>	Applicant : Shaun Driscoll Health Projects International Owner : LCM Calvary Health Care Holdings Ltd
<b>Number of Submissions</b>	Two
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	Southern Joint Regional Planning Panel under Schedule 4a of the Environmental Planning and Assessment Act 1979, as amended. The Panel is authorised to exercise the consent authority functions of Council as the proposal is for a capital investment on private infrastructure and community facilities value of more than \$5 million.
<b>List of All Relevant s79C(1)(a) Matters</b>	State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 Wagga Wagga Local Environmental Plan 2010 Wagga Wagga Development Control Plan 2010
<b>Recommendation</b>	Approval with conditions
<b>Report by</b>	Adriaan Stander, Senior Town Planner

## **DESCRIPTION OF DEVELOPMENT**

The application is for alterations and additions to the Calvary Hospital, located at 20 Hardy Avenue, Wagga Wagga. The proposal is to convert the existing ground floor professional suites wing of the hospital into in-patients rehabilitation accommodation, and to construct a new combined palliative care wing with physio/hydrotherapy facilities in the location of the present Chapel Garden, central to the hospital complex. The development will consist of the following:

- ☐ Alter, add and refurbish the existing professional suites wing to provide 14 single ensuite bedrooms, two staff offices, a staff station, communications room, treatment room, equipment and linen cupboards.
- ☐ Extension of the professional suites wing to the east to provide back of house facilities including a kitchen, laundry, dining room, lounge as well as a new reception and waiting area with an office and a consulting room.
- ☐ A new rehabilitation unit north-east of the existing professional suites wing for in-patients and day visitors, comprising a hydrotherapy pool, physiotherapy room, change rooms, bathroom and meeting rooms.

- ☐ A new palliative care unit comprising eight ensuite bedrooms of which six will be with private courtyards, facing north. The palliative care unit includes a lounge with north facing private courtyard, staff/reception desk and office room. Between the private courtyards and the Chapel (located to the north) will be a new concrete path leading from the existing ground floor hospital area to the car parking.
- ☐ A fire bridge will be constructed from the first floor of the Chapel building to the ground adjoining the palliative care lounge. The Chapel consists of the ground floor Chapel at the eastern end, and Little Company of Mary office at the ground and first floor on the western end of the Chapel. The fire bridge is required for safety purposes, and adjoining roof top plant set above the palliative care wing.
- ☐ The existing angled parking area will be reconfigured with a new one way road (north to south direction) with 90 degree angled parking either side. A total of 45 spaces are provided, with a loss of 23 spaces - therefore an additional 22 parking spaces. (The original application provided 48 parking spaces, which was amended to provide additional landscaping).

The approximate area of all new work, including refurbishment (excluding courtyard), is 1876 square metres. The refurbished consulting suites (proposed for inpatient rehabilitation accommodation) occupy approximately 565 square metres in size. The rehabilitation facility, including pool, occupies approximately 839 square metres in size. The area of the palliative care unit is approximately 472 square metres.

The proposed addition is a modern single storey face brick structure. Materials of construction comprise of face brick with substantial glazing areas and architectural concrete features around the large windows. A colourbond wall is proposed on the northern façade of the palliative care rooms. The roof of the new addition will comprise a concrete slab. The addition will be constructed to accept another storey in the future.

Eight full time staff members are proposed for the day shift and two for the evening shift and two for the night shift.

## **THE SITE & LOCALITY**

The development site forms part of Lot 1, DP 1186411 (20 Hardy Avenue, Wagga Wagga) which encompasses the Calvary Hospital. The proposed development will be located in the Chapel Garden, central to the hospital complex between the Chapel (to the north) and professional suits wing (to the south). The main access driveway to the hospital (with parking facilities) is located to the east.

The Chapel Garden contains a number of deciduous and evergreen trees, pathways and seating areas and is set above the adjoining ground floor building levels and car parking/driveway area. The Chapel Garden is secondary to the main extensive gardens which are located to the north-east of the site facing Hardy Avenue and Lewisham Avenue.

The land occupied by the development area generally drains and falls in a southerly direction towards Meurant Avenue.

The hospital complex has frontage to Hardy Avenue, Meurant Avenue and Emblem Street. Access to the site is achieved from the main access driveway off Hardy Avenue with exit at

Meurant Avenue.

The locality is an established residential area characterised by a mixture of uses and styles. Many of the dwellings in the area have been renovated, upgraded and converted in to Health Consulting Rooms or redeveloped as Medical Centres.

### **SUMMARY OF MAIN ISSUES**

1. Compatibility of the proposed development within in the existing hospital complex and surrounding urban context.
2. Impact on the heritage significance of the site and overall design.
3. Compliance with parking controls.

### **MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

For the purpose of reviewing this determination, the following matters pursuant to the provisions of *Section 79(C)1 of the Environmental Planning and Assessment Act 1979*, have been taken into consideration.

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

##### **Wagga Wagga Local Environmental Plan 2010 (LEP)**

The following section of this report details the development with reference to the guiding principles and Objectives of the *Wagga Wagga Local Environmental Plan 2010*.

#### **Part 1 Preliminary**

The aims of the LEP are as follows:

- ☐ *To optimise the management and use of resources and ensure that choices and opportunities in relation to those resources remain for future generations.*
- ☐ *To promote development that is consistent with the principles of ecologically sustainable development and the management of climate change.*
- ☐ *To promote the sustainability of the natural attributes of Wagga Wagga, avoid or minimise impacts on environmental values and protect environmentally sensitive areas.*
- ☐ *To co-ordinate development with the provision of public infrastructure and services.*

The proposal satisfies the aims of the LEP and this is further demonstrated through this report's assessment of other aspects of the proposal.

#### **Part 2 Permitted or prohibited development**

Although the permissibility of *Health Services Facilities* are established in terms of the *State Planning Environmental Policy (Infrastructure) 2007*, the zone objectives of the LEP are still relevant. The permissibility of the use in terms of the provisions of the Infrastructure SEPP is discussed under the section of this report which relates to State Environmental Policies.

## 2.3 Zone objectives and Land Use Table

Under the provisions of the LEP, the subject site is zoned SP2, Infrastructure (Hospital).

The objectives of the SP2 Infrastructure Zone are:

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

The development is consistent with the above objectives as it forms part of the Calvary Hospital Complex. The proposed alterations and additions are consistent with the existing development and compatible with the land uses in the locality.

The proposed development is for additions and alterations to a **hospital**, which means:

*a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:*

- (a) *day surgery, day procedures or health consulting rooms,*
- (b) *accommodation for nurses or other health care workers,*
- (c) *accommodation for persons receiving health care or for their visitors,*
- (d) *shops, kiosks, restaurants or cafes or take-away food and drink premises,*
- (e) *patient transport facilities, including helipads, ambulance facilities and car parking,*
- (f) *educational purposes or any other health-related use,*
- (g) *research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),*
- (h) *chapels,*
- (i) *hospices,*
- (j) *mortuaries.*

*Note. Hospitals are a type of **health services facility***

**Health Services Facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) *a medical centre,*
- (b) *community health service facilities,*
- (c) *health consulting rooms,*
- (d) *patient transport facilities, including helipads and ambulance facilities,*
- (e) *hospital.*

A Hospital (Health Service Facility) is permitted within the zone with consent.

## **2.7 Demolition requires development**

*The demolition of a building may be carried out only with consent.*

This application involves demolition (mostly internal) which requires consent.

## **Part 5 Miscellaneous Provisions**

### **5.9 Preservation of trees or vegetation**

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. Construction of the new building will result in the loss of the Chapel Garden which contains a number of mature trees. The Heritage Impact Statement has concluded that the proposed removal of the trees in garden will have no significant bearing on the heritage significance of the site. The assessing planner and Council's Heritage Advisor concur that the loss of the Chapel Garden is unfortunate, but that the benefits of the proposed development outweigh the preservation of the Chapel Garden. The proposal to remove the trees is also supported by Council's Tree Management Officer.

### **5.10 Heritage conservation**

The objectives of this clause are as follows:

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- (a) to conserve the environmental heritage of Wagga Wagga,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

#### Heritage context

The development is proposed in the location of the Chapel Garden in the central area of the hospital complex between the Chapel and professional suits wing. The site forms part of a heritage item (Item I272 - 'Calvary Hospital and Chapel'). The heritage item status is reasonably assumed to apply the original early 20<sup>th</sup> century hospital and Chapel directly north of the proposed development site but may also apply to the Chapel Garden itself.

The Chapel and main hospital building are good examples of Inter War Romanesque architecture style and remain quite dominant in the front aspect of the hospital due to their scale and the way additions have been designed and completed to preserve their setting to the front.



The three storey 1930's section of the Calvary Hospital is of face brick with polychrome brick detailing. The prominent entrance section has corbelled brickwork and a parapet.

The Chapel has been designed in the shape of a crucifix with the understated entrance to the rear on the northern facade. The Chapel is constructed of red brick with curved walls, projecting parapeted gables and stained glassed windows. The brick and wrought iron cross at the eastern façade is a notable feature from the main driveway and parking area. The southern façade contains a large stain glass window which will face the proposed development.

The two storey addition to the rear of the Chapel was previously occupied by the Sisters of the Little Company of Mary and is now used as offices. The current fire exit to the southern side of this office building is proposed to be enclosed and connected with a fire tunnel bridge to the ground floor level of the new proposed building.

The Chapel Garden was established sometime later and took shape after the construction of the 1960's maternity wing to the south of the Chapel. The garden now comprises several mature trees, lawn areas and the statue of Mary.

Figure 1, The development site (the Chapel Garden) with the eastern façades of the Chapel and existing professional suites.



### Proposal

The proposed development has been designed as a modern contrast to the existing buildings on the site, in particular to that of the Chapel. Materials of construction comprise of face brick with substantial glazing areas for the rehabilitation facility up to the front of the Chapel's glass atrium, and colourbond wall finishes for the walls of the palliative care rooms. Some deference is paid to the Chapel through the selection of red /brown bricks for the body of the structure and incorporating large expanses of glass to mirror the large glass window on the southern façade of the Chapel.

Figure 2 The eastern and northern façade of the proposed development.



The original application was referred to Council's heritage advisor, John Oultram who recommended a refusal of the application based on the following reasons:

*The heritage statement does not adequately address the heritage issues related to the development. It has not been prepared in accordance with the Heritage Branch guidelines and does not contain:*

- *A history of the place*
- *An assessment of significance of the place and its elements and setting*
- *An adequate assessment of the impact of the proposals on the Chapel or the Main hospital*

*The applicant should be requested to provide a heritage impact statement that includes the above and considers the impact of the proposed building and the adequacy of the site for the development. The significance of the south garden and its importance in the setting of the Chapel should also be addressed. Regardless of this some comment on the proposals is provided below.*

*There is concern over the suitability of the garden site as the location for a new building. The garden provides a good setting to the Chapel and may have some significance in itself. It also provides welcome green space in the centre of a heavily developed site. Consideration could have been given to construction the new building over some of the large car parking areas to the south of the site. The new building will block views to the Chapel from the south and will impact severely on its setting by removing the garden and reducing its visual role in the hospital complex.*

*There may be some scope for development on the garden site but the design of the new building should be amended to retain part of the garden to the side of the Chapel with the building set well away from the chapel at least to the rear of the south transept. The southern portion of the new building could be built to the road alignment.*



*The new building is quite large due to servicing requirements. It has been designed to accommodate a second floor and consideration could be given to a second level in the current proposals if this allowed for setbacks to the Chapel noted above.*

*The use of face brick is appropriate but the corrugated metal to the side faces will look out of place next to the Chapel. In the current proposals the cladding will be visible from the front of the Chapel.*

*The large concrete framed windows are a dominant element on the facade and introduce large areas of glazing in a row of buildings that have a balance of solid over void. The detail will increase the apparent scale of the building and should be reconsidered to have smaller scale windows punched in to the brick facade.*

A Heritage Impact Statement, prepared by Noel Thomson Architecture with revised plans was submitted in response to the Heritage Advisor's request. The plans included two options:

- Option A. Building to the same footprint and design as the original application with a change of materials to the rear section of the new wing.
- Option B. Revised plan showing a small setback to the side of the chapel and with a change of materials to the rear section of the new wing.

The Heritage Impact Statement (HIS) includes a review of historical documentation including photographs, research, architectural drawings for the hospital site and provides a heritage assessment of the significance of the Chapel and Chapel Garden. The definitions of the various levels of significance are detailed in the HIS but can be summarised as follows:

- Exceptional – rare or outstanding elements directly contributing to an item's local or state significance.
- High – High degree of original fabric. Demonstrates a key element of the item's significance.
- Little – Alterations detract from significance. Difficult to interpret.
- Intrusive – Damaging to the item's heritage significance.

The Roman Catholic Chapel on the Calvary Hospital site is significant due to its association with the Sisters of the Little Company of Mary and Wagga Wagga architects SJ O'Halloron. The Chapel is considered an important reference to the Roman Catholic faith and is aesthetically significant Pot War Ecclesiastical style church. In terms of its grading significance, it fulfils the criteria for local or state listing.

The Heritage Impact Statement concludes that the proposed development will have an impact on the heritage significance, but recommends an approval of the application on the basis that there is a critical demand for in-patient rehabilitation accommodation, physio/hydrotherapy and palliative care

within the community. The report also states that the extension will contribute to the different styles and types of architecture within the precinct.

Council Heritage Advisor provided the following comments in relation to the Heritage Impact Statement and revised plans submitted.

*“[the statement] is a reasonable assessment of the significance of the Chapel and adjoining garden. It is accepted that the development in either form would have a detrimental impact on the curtilage and setting of the chapel.*

*The applicant has indicated that they would prefer Option A be approved as it meets their design brief and the Hospital requirements.*

*Both options are effectively the same in terms of their impact on the Chapel and the increased setback is a token adjustment of the scheme that does little to mitigate the impact of the development on the Chapel and the original hospital wing as there remains a large portion of the addition in front of the chapel and to the same alignment as the application. The main elevations have not been altered in line with previous comments from the heritage advisor and we consider that they are not sympathetic or complementary to the Chapel. The change of materials to the rear section of the development is welcome but this does not address the major issues with the design.*

*The development proposals were not discussed with Council at any level prior to the submission of the development application and there was no consultation with Council’s heritage advisor or an external heritage consultant. The SOHI has been prepared to address a fully developed scheme and it is clear from the current submission that there is little scope for alteration arising from the comments of the heritage consultant. The SOHI does not justify either proposal and clearly accepts that the scheme will have a detrimental impact on the Chapel”.*

Consideration of the effect of the proposed development on the heritage significance of the heritage item has been undertaken, and it is considered that the proposal will have a negative impact on the heritage item and is assessed as being inconsistent with the WWLEP2010 heritage objectives. However, there are sufficient grounds to justify an approval the application despite its non-compliance with the heritage provisions of the WWLEP2010.

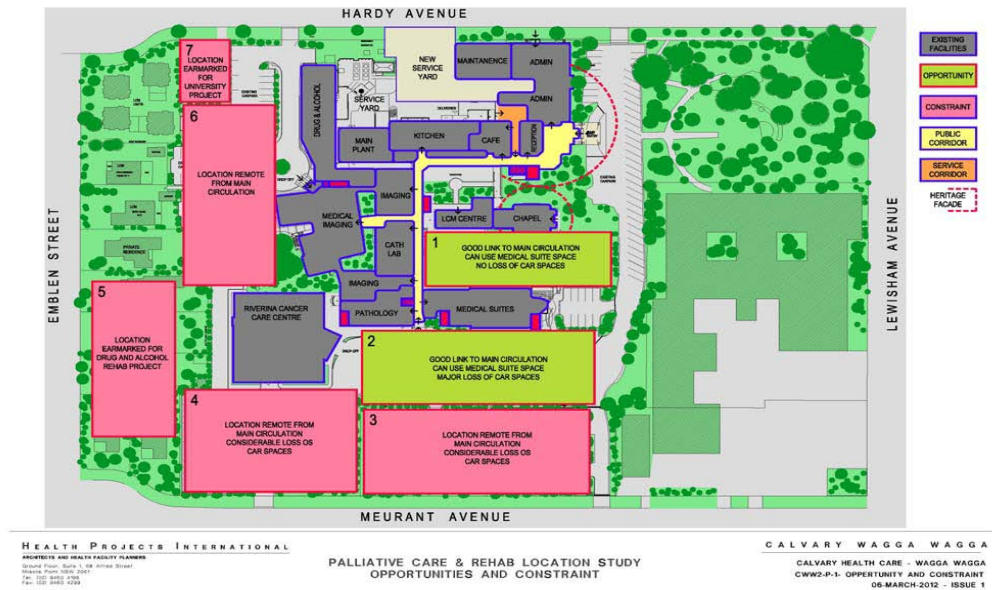
The following arguments are put forward in support of the application.

1. There is a critical demand for in-patient rehabilitation accommodation, physio/hydrotherapy and palliative care within the community. Presently the Calvary Hospital does not have a dedicated palliative care unit. Palliative patients are currently being housed in the general ward on a temporary basis before being moved to other external facilities, such as the Loretto Home of Compassion (part of the Forrest Centre to the east of the Calvary Hospital complex). The proposed development will provide much needed dedicated physiotherapy and hydrotherapy facilities for Wagga Wagga and its surrounding communities and provision for in-patient and day program facilities.
2. Consideration of another site or adjoining piece of land is not an option as the functionality of a hospital ward and service cannot sensibly be provided in isolation from the main hospital infrastructure. Functional links to services within the hospital are essential. These include but are not limited to:
  - medical emergency response
  - intensive care services
  - hospitality services
  - medical supplies
  - theatre and sterilising services

The nature of the services provided in this development will require patients to be transported between wards – for example orthopaedic patients to rehabilitation, or palliative patients for treatments.

3. The applicant identified 5 siting options for the proposed development within the hospital grounds. The alternative locations were discounted due to its remoteness from the main circulation corridor and the associated functional issues identifies above. In addition, it would reduce the number of parking facilities available at the hospital. The Chapel Garden presented itself as the most viable option for the following reasons:
  - Palliative Care and Rehabilitation services are best provided in a ground floor development. This allows access to a garden for each of the rooms in Palliative care improving the amenity for patients as they approach the end of life
  - Rehabilitation will have a day patient service and patients will have mobility issues. Their access to the hospital is facilitated by the front of hospital ground floor entry
  - The site provides the opportunity to link into the hospital corridors to allow transferring of patients for treatment in theatre or other wards, and access to imaging and the cancer care centre.

Figure 3 – Alternative locations considered.



4. Currently the north-eastern, east and south-eastern aspects of the Chapel building can be appreciated from the main driveway, which is a one-way access drive from Hardy Avenue with exit on Meurant Avenue. The proposed building will have its main impact when viewed from the south-east (see Figure 4). The impact of the proposed development from the main access driveway as one would enter the hospital complex (viewed from the north-east) and viewed from the east will be less detrimental (see Figure 5 and 6 ). The Chapel building will still be able to be appreciated when entering and passing through.

Figure 4, The proposed development when viewed from the south-east.



Figure 5, The proposed development when viewed from the east





Figure 6. The proposed development when viewed from the north-east (from the main access of the hospital complex).



5. The applicant's architects have changed the plans a number of times to reduce the impact on the Chapel building. The most recent plans indicate improved separation distances from the southern transept façade of the Chapel, respecting its curtilage by giving it space and by introducing landscaping in the corridor area between the old and new structure.

The revision has improved access to daylight for illuminating the prominent stained-glass window on the south transept of the Chapel and sensitive use of materials, including increase use of brickwork to the façade in lieu of metal cladding. The remaining cladding on the northern façade will be behind the new fire tunnel bridge and will be less visible (possibly not visible at all) when viewed from the east.

The proposal now also makes provision for resting/contemplative space for palliative care patients as well as for hospital staff. The newly created courtyard space will include planted rose bushes from the existing rose garden area. This approach is assessed as making a positive impact on the general design and its impact on the heritage item.



In conclusion, an assessment of the application has indicated that the proposed development will make a significant impact on the heritage values of the site. There are many positive impacts, in particular the social benefit the health facility would bring to the City and its surrounding communities, but there are also many negative impacts such as the scale of the development, its proximity to the Chapel and loss of Chapel Gardens. In considering this application, Council officers have tried to strike a balance between the various aspects of public interest and in this instance it is considered that the benefits of the proposed development will outweigh the negative impacts associated with subject approval. The applicant has made some changes to the development plans which will reduce the impact on the heritage item. In addition, conditions of consent are imposed for archival recording and interpretation of the Calvary Hospital Complex, and in particular that of the Chapel Garden Area and Chapel Building.

## **Part 7 Additional Local Provisions**

### **7.2 Flood Planning**

Small portions, located to the north-western side of the lot are identified as being located in a 'major overland flow flood area'. The impact of the proposed development is considered to have no impact on the overland flow as the proposed development will be located in an area to the east of the site which is not affected by overland flow. This is discussed in more detail under the flood controls of the *Wagga Wagga Development Control Plan 2010* (refer to part a(iii) of this report).

### **7.3 - Biodiversity**

A small portion, located to the north-western side of the lot is mapped as being a "Biodiversity" area on which the impacts of the development on biodiversity should be considered.

- (1) *The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including:*
  - (a) *protecting biological diversity of native flora and fauna, and*
  - (b) *protecting the ecological processes necessary for their continued existence, and*
  - (c) *encouraging the recovery of threatened species, communities or populations and their habitats.*

The impact of the proposed development is considered to have no impact on Biodiversity values contained within the lot as the proposed development will be located in an area to the east of the site which is not identified as an area of biodiversity significance.

### **7.6 Groundwater vulnerability - Water Resource Map**

The subject site is identified as land on which the impacts of the

development on groundwater should be considered

- (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).*

The development is not listed for the purpose of this clause and therefore this part does not apply to this application.

### **State Environmental Planning Policy (Infrastructure) 2007**

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.

### **Clause 8 - Relationship to other environmental planning instruments**

Clause 8 of the *State Environmental Planning Policy (Infrastructure) 2007* states that :

- (1) *Except as provided by subclause (2), if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.*

Under the provisions of the *State Environmental Planning Policy (Infrastructure) 2007*, **health services facility** means:

*‘a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention*

*of disease in or treatment of injury to persons, and includes the following:*

- (a) day surgeries and medical centres,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) facilities for the transport of patients, including helipads and ambulance facilities,*
- (e) hospitals.'*

#### **Clause 57 Development permitted with consent**

Development for the purpose of health services facilities may be carried out by any person with consent on land in the residential zone.

*(4) Nothing in this clause:*

*(a) prevents a consent authority from:*

- (i) granting consent for development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or*
- (ii) refusing to grant consent for development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or*

*(b) otherwise limits the matters to which a consent authority may have regard in determining a development application for development of a kind referred to in subclause (2).*

The proposed development is considered compatible with the SP2, Infrastructure Zone and is permitted on the site in accordance with the provisions of the policy.

#### **State Environmental Planning Policy (State and Regional Development) 2011**

This Development Application will be referred to the Southern Joint Regional Planning Panel for determination in accordance with Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011, which requires the Panel to exercise planning functions of the Council as a consent JRPP (Southern Region) Business Paper - Item 1 - 2013STH005 Page 7 authority under Part 2A of the Environmental Planning and Assessment Act for developments relating to the following:-

*Capital investment on private infrastructure and community facilities value of more than \$5 million.*

The above includes any of the following purposes:

- (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*

*(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, **health services facilities** or places of public worship.*

The proposed development has a capital investment value of \$7,226,000.00

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

**Draft local environmental plans**

There are no draft local environmental plans relevant to this application.

**Draft state environmental planning instruments**

There are no draft state environmental planning instruments relevant to this application.

**(a)(iii) - Any development control plan**

**Wagga Wagga Development Control Plan 2010 (DCP)**

The following section of this report details the development with reference to the Guiding Principles, Objectives and Controls of the *Wagga Wagga Development Control Plan 2010*.

**Section 1 - General**

**1.10 Notification of Development Application**

Pursuant to this provision, notification and advertising of the application are required. Notification was conducted to properties surrounding the development and an advertisement was placed on the site and in the local newspaper. See later in this report under S79C(1)(d) for further discussion of this matter.

**Section 2 - Controls that apply to all development**

**2.1 Site Analysis Plan**

The site analysis plan submitted with the application sufficiently indicates the site constraints in terms of land form, orientation, solar context and accessibility.

Consideration of the effect of the proposed development on the heritage significance of the heritage item has been undertaken, and it is considered that the proposal will have some negative impact. It is therefore assessed as being not entirely consistent with the LEP and DCP heritage provisions. However, the applicant has made some changes to the development plans which will reduce the impact on the heritage item.

**2.2 Vehicle access and movements**

This section contains controls to ensure the safe and efficient operation of

roads within the local government area of Wagga Wagga and to limit new access points to arterial roads or ensure alternative access is utilised where practical.

- ☐ ***Control 1 - Access should be from an alternative secondary frontage or other non-arterial road where possible.***

The proposed development makes provision for suitable access to existing movement systems. Access to the development is proposed via the existing driveway off Hardy Avenue and exit point at Meurant Avenue.

- ☐ ***Control 2 - A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.***

A Traffic Impact Study was submitted with the application. The report indicates that the potential impacts of traffic generated by the proposed development are marginal and that it will not result in any traffic safety issues. On-site parking and movement systems are integrated with the site layout, accommodates all modes of transport, provides non discriminatory accessibility, safe and efficient loading and unloading of goods, allows for vehicle queuing and visitor set down and pick up facilities.

- ☐ ***Controls 3 - Vehicles are to enter and leave in a forward direction.***

The proposed access arrangement is considered appropriate and vehicles will be able to enter and leave the site in a forward direction.

- ☐ ***Control 4 - Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.***

The new facility will not require additional loading facilities. Ambulance access to the new addition is available via the adjoining St Gerard's entry to the south of the site, which has a corridor link to the new palliative care unit.

- ☐ ***Control 5 - Access driveways are not to be located opposite T-intersections or within 7m of a break in a median strip or intersection.***

No new access driveways are proposed. The existing access and egress driveways are not located opposite a T- intersection or within 7m of a break in a median strip or intersection.

- ☐ ***Control 6 - Ensure adequate sight lines for proposed driveways.***



The existing driveways have satisfactory sightlines and comply with the relevant Australian Standards.

## 2.3 Off-street parking

Developments are required to provide off-street parking to meet anticipated demands. The objectives are to:

- ☐ *Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.*
- ☐ *Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.*
- ☐ *Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.*
- ☐ *Soften the impacts of larger car parking areas through the use of landscaping.*
- ☐ *Provide both shade and solar access to car park users by means of purpose designed tree planting.*

### Controls

- ☐ **Control 1 - Parking is to be provided in accordance with Table 1 of the DCP.**

Significant use has been made of the road reserves in the location of the existing hospital complex for both visitor and staff parking. Council has previously voiced its concerns with regards to the provision of insufficient car parking in this location and therefore, it is anticipated that any further development in this area may exaggerate the current parking problems being experienced.

The proposal in its current form does not comply with the minimum parking requirements of the DCP. The DCP parking requirement for a hospital is 1 space per 25sqm floor area. In terms of the controls a total of 75 parking spaces have to be provided. The proposed development is providing for a total of 22 parking spaces (45 new parking spaces - loss of 23 parking spaces) which is 53 parking spaces short of the parking requirements of the DCP.

A variation of the parking requirement is justified *inter alia* a traffic impact assessment by *TEF Consulting* submitted with the application:

*"...the rate (the prescribed parking ratio of the DCP) is grossly inconsistent with the typical parking rates for hospitals in other planning documents, e.g. other Councils' DCPs or the RTA (2002) Guide to Traffic Generating Developments. It is one of the highest parking rates in the WWDCP as well, being on par with such land uses as retail, restaurants, clubs and function rooms. "*

*"The author of this report is of a firm opinion that the WWDCP document contains a copy and/paste/formatting error whereby the appropriate rate for hospitals was moved to the next line in Table 1.*

*Indeed, if one inspects the next land use in Table 1, “mortuary/funeral parlour”, it is required a parking rate of 1 space per 10 beds, plus 1 space per 2 employees and one ambulance space.”*

The proposed development will result in an additional 22 beds and a maximum of eight staff at any given time during a day. The number are presented as follows:

- ☐ Inpatient palliative care unit has 8 inpatient beds.
- ☐ Inpatient physical rehabilitation unit has 14 inpatient beds and replaces the existing 14 medical consulting suites.
- ☐ Eight full time staff member are proposed for the day shift and two for the evening shift and two for the night shift.

If the above is applied and measured against other parking guidelines the parking requirements is significantly less than the current Wagga Wagga DCP controls. The following provides an illustration of the parking requirement for the proposed development in terms of the Wagga Wagga DCP and other parking documents.

	<b>WWDCP</b>	<b>WWDCP amendment</b>	<b>Albury DCP</b>	<b>Griffith DCP</b>	<b>Dubbo DCP</b>	<b>RTA Parking Guide</b>
<b>Ratio</b>	1 per 25sqm	1 per 10 beds and 1 per 2 employees	1 per 2 beds and 1 per 2 employees	1 per two beds	1 per 10 beds & 1 per employee	Based on the average peak parking demand for hospitals.
<b>Parking required</b>	52	6.2	15	11	10.2	17

The above clearly illustrates that the parking requirement for a development similar to this proposal in Albury, Griffith and Dubbo would be significantly less. The RTA parking guide also indicates that the parking requirement of the Wagga Wagga DCP is significantly higher than the average peak demands for hospitals. An amendment of the DCP is currently underway to correct the parking requirements for hospitals and if the proposed ratio of 1 space per 10 beds and 1 per two employees is applied, the parking requirement would be 6.2.

The Wagga Wagga DCP does not identify whether ancillary uses to hospitals should be calculated separately or not. The parking demand created by the proposed hydrotherapy pool, physiotherapy room have the potential to create an additional demand of 52 parking spaces if the parking rate of 1 per 16sqm floor area for gymnasiums and health

and fitness centres is applied. However, the proposed hydrotherapy pool and physiotherapy room will not be operated separately from the hospital and in accordance with the information provided by the applicant an estimated 50% of patients (5 patients at any given point at time) will be in-patients. Therefore the impact of the proposed gymnasiums and health and fitness centre is considered marginal. A condition will be imposed in relation to the number of out-patients that can be accommodated by the proposed facility.

The traffic impact assessment by *TEF Consulting* concludes that proposed development is likely to generate very little additional traffic and when distributed over the existing parking facilities on the site, the proposed development will constitute a negligible addition to the existing parking demand. The proposed additional 22 parking spaces are therefore considered satisfactory and a variation of the parking controls are deemed reasonable and supported.

The allocation of patient/visitor and staff parking over the total hospital site however is of concern and it is recommended that a parking management plan be submitted for approval. The management plan should consider providing the majority patient/visitor parking along the main driveway of the hospital and staff parking at areas which are less accessible or more difficult for patients/visitors to park.

- ☐ ***Control 2 - The design and layout of parking is to be in accordance with AS 2890.1-2004.***

The proposed pedestrian footpath along the back of the proposed car parking spaces to the east of the site is not supported as it creates safety concerns. Conditions of consent will require a revised parking layout to address this issue.

- ☐ ***Control 3 - Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with AS 2890.1-1993.***

Seven car spaces for disabled persons have been provided.

- ☐ ***Control 9 - Provide trees within the parking area at a rate of 1 tree per 5 spaces. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m<sup>2</sup>.***

A condition of consent has been imposed in this regard.

- ☐ ***Control 10 - Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.***

It is recommended that a condition of consent is imposed for the subsoil drainage system to be connected to the drainage system

required for the proposed car park area.

- ☐ ***Control 11 - To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.***

It is recommended that a condition of consent is imposed for additional landscaping around the car parking area in accordance with the requirements of this control.

## **2.4 Landscaping**

*Landscaping is an important aspect of development, and complements good design. Trees, shrubs and green spaces can “soften” the impact of buildings, screen private spaces and create modified micro-climates. The importance of well designed landscaping is also increasing in the face of climate change, and is critical for attractive and useable outdoor spaces.*

- ☐ ***Control 1 - A landscape plan is required for applications for :***
  - ***Commercial and Industrial developments***
  - ***Residential development (other than dwelling houses).***

A concept landscape plan has been submitted for the proposed development. A condition of consent shall require the submission of a detailed landscape plan.

- ☐ ***Control 2 - Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.***

Not applicable.

- ☐ ***Control 3 - Use native and indigenous plants, especially low water consumption plants in preference to exotic species.***

A condition of consent will be imposed in this regard.

- ☐ ***Control 4 - Trees should be planted at the front and rear of properties to provide tree canopy.***

The concept landscape satisfy the outcome sought under this control.

- ☐ ***Control 5 - Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.***

Trees and shrubs will be provided at the front and side areas of the new building and proposed car park to soften the appearance of the development and hardstand areas.

- ☐ ***Control 6 - Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.***

The concept landscape plan proposes landscaping that is appropriately located and will compliment the proposed development by providing shade and greenery. It will soften the appearance of the buildings and driveway area. A revised landscape plan is conditioned to be submitted for approval.

## **2.5 Signage**

No signage is proposed as part of this application.

## **2.6 Safety and Security**

*The design of buildings and public spaces can effect perceptions of safety and security, and increase opportunities for crime. The principles of Crime Prevention Through Environmental Design (CPTED) are:*

- ☐ *Natural surveillance - design should allow people to see what others are doing as a means to deter the potential for crime.*
- ☐ *Access control - physical and perceived barriers can manage movements to minimise opportunities for crime.*
- ☐ *Territorial reinforcement - increasing the “ownership” of public spaces increases activity levels, encourages people to help prevent crime.*
- ☐ *Space management - public spaces that are attractive and well maintained are more inviting and likely to be well used.*

The development is designed to optimize personal safety and property security by way of natural surveillance, utilisation of robust construction materials and clear definition between public and private areas in accordance with the principles of *Crime Prevention Through Environmental Design*.

## **2.7 Changing the land form - cut and fill**

The development will require cut and fill. Any excavation or filling will be required to comply with the requirements of the relevant controls and conditions of consent.

## **2.8 Erosion and Sediment Control Principles**

Temporary sediment and erosion control measures will be implemented during construction. Conditions of consent are imposed in this regard.

## **2.9 Development adjoining open space**



The proposed development is not adjacent to a public open space.

### **Section 3 - Heritage Conservation**

#### **3.2.1 Alterations and additions to heritage items**

The objectives of this section are to protect heritage significance by minimising impacts on the significant elements of heritage items, to encourage alterations and additions that are sympathetic to the buildings significant features and which will not compromise heritage significance and to ensure that alterations and addition respect the scale, form and massing of the existing building.

#### **Control 1 - Avoid changes to the front elevation - locate new work to the rear of, or behind the original building section.**

The proposed development does not comply with this control as it protrudes beyond the chapel façade to the east. The applicant has been requested to amend the plans accordingly, however decided only to make minor changes to the building in terms of its finishes and by increasing the distance between the Chapel building and the new proposed building.

The Chapel is located in the centre of the hospital complex. Currently the north-eastern, east and south-eastern aspects of the Chapel building can be appreciated from the main driveway, which is a one-way access drive from Hardy Avenue with exit on Meurant Avenue. The proposed building will have its main impact when viewed from the south-east. The impact of the proposed development from the main access driveway as one would enter the hospital complex and as viewed from the east will be less detrimental. The Chapel building will still be able to be appreciated when entering and passing through.

#### **Control 2 - Design new work to respect the scale, form, massing and style of the existing building, and not visually dominate the original building.**

The scale of the proposed development is considered large in comparison with the size of the chapel. A multi level structure set back from the eastern façade of the chapel to match the existing buildings to the west and south would have been more appropriate. The applicant was provided with the opportunity to change the plans, but did not consider the option viable.

#### **Control 3 - The original roof line or characteristic roof elements are to remain identifiable and not be dwarfed by the new works.**

The original roof line of the chapel is to be retained and will remain identifiable even when viewed from the south-east.

#### **Control 4 - Retain chimneys and significant roof elements such as gables and finials where present.**

All existing features of the chapel will be retained. The Chapel Gardens will make way for the proposed new development.

**Control 5 - Ensure that the new work is recognisable as new, “blending in” with the original building without unnecessarily mimicking or copying.**

The use of brown/red brick will compliment the Chapel building. The proposed use of colourbond cladding on the northern façade will not be visible from the general public domain.

**Control 6 - Complement the details and materials of the original roof including ridge height and slopes without compromising the ability to interpret the original form.**

The proposed development has been designed with a roof line set below the surrounding buildings. It is a modern building and the ability to reflect the roof of the Chapel structure is not considered appropriate in this instance.

**Control 7 - New materials are to be compatible with the existing finishes. Materials can differentiate new work from original building sections where appropriate, for example by the use of weatherboards where the original building is brick or by the use of “transitional” materials between old and new.**

The overall design does reflect elements that will be compatible with the Chapel building. This has been discussed under the Heritage provisions of the LEP in previous sections of the report.

**Control 8 - Retain front verandahs. Reinstating verandahs, and removing intrusive changes is encouraged, particularly where there is physical and/ or historic evidence.**

Not applicable.

## **Section 4 - Environmental Hazards and management**

### **4.2 Flooding**

Although the site is not below the 1.100 year flood level, the site is mapped as being affected by overland flow. The *Wagga Wagga Major Overland Flow Flood Study, August 2011* indicates that whilst a variety of private and public land might be affected by overflow flood paths only a few properties are likely to be impacted by high hazard flood flows.

Given the fact that the subject site is located in a fully developed urban area with adequate stormwater infrastructure to support water run-off during a major rain/storm event, the risk is considered acceptable. Conditions of consent are imposed to divert stormwater to a legal point of discharge.

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

There are no planning agreements in place for this proposal.

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

Matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied.

**(b) - The likely impacts of the development**

**Context and setting**

This assessment report has demonstrated that the development is compatible with adjoining uses and that there are no site constraints that would render the site unsuitable for the proposed development. However, the proposed development will make a significant impact on the heritage values of the site. The social benefit the facility will bring to the City and its surrounding communities outweighs the negative impacts associated with subject approval.

**Site Design and internal design**

The development is integrated with the physical attributes of the site, including appropriate provision for access to natural light, landscaping and off-street parking. The internal layout is connected to the existing hospital complex and has been designed to align with the existing operations of the hospital.

**Access, transport and traffic**

Matters regarding traffic generation and parking have been discussed elsewhere in this report. It is considered that the proposed development will not have any adverse traffic implications in terms of road network capacity and that the parking supply will satisfy the parking demands generated by the proposed development.

**Services**

The site is connected to all relevant services.

**Heritage**

This has been discussed through the heritage provisions of the *Wagga Wagga Local Environmental Plan 2010* and *Wagga Wagga Development Control Plan 2010*.

**Natural Hazards**

A small portion of the site is mapped as being located in a 'major overland flow flood area', however the impact of the development on the flow path is considered marginal.

**Man-Made Hazards**

The site is not identified to be effected by man-made hazards.

**Socio-Economic Impact**

The addition of specialist health services will be a positive social impact to the community, enabling patients to be treated locally. Support staff is to be employed by the facility and the construction of the facility will help to stimulate the local economy through employment of contractors and suppliers.

## **Other Land Resources**

The proposal will have no impact on land resources.

## **Pollution and off-site environmental effects**

The development is not considered to cause pollution and off-site environmental effects.

## **Flora and fauna**

Some trees will be removed as a result of this development, however, it is considered that the impacts on flora and fauna will be insignificant. The application will therefore not result in any irreversible environmental damage.

## **Noise and Vibration**

Noise in the locality will increase during construction of the proposed development. However, this can be managed with the imposition of appropriate conditions. During operation of the premises it is not considered that the use is of the type that is likely to result in any significant noise impacts.

## **The Principles of Ecologically Sustainable Development**

The following are principles of ecological sustainability:

### **1 The precautionary principle**

*Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

*In the application of the precautionary principle, public and private decisions should be guided by:*

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) an assessment of the risk-weighted consequences of various options.*

*The principle requires decision-making to give the environment the benefit of the doubt.*

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

### **2 Intergenerational equity**

*The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).*

Intergenerational equity is expected to be protected as a result of the development proposal.

### **3 Conservation of biological diversity and ecological integrity**

*Conservation of biological diversity and ecological integrity should be a fundamental consideration.*

The proposed development is not expected to further impact on biological diversity and ecological integrity.

### **4 Improved valuation, pricing and incentive mechanisms**

*Environmental factors should be included in the valuation of assets and services:*

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposal is not expected to impact on valuation, pricing and incentive mechanisms.

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

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

The applicant identified 5 siting options for the proposed development within the hospital grounds. The alternative locations were discounted due to its remoteness from the main circulation corridor and that it would reduce the number of parking facilities available at the hospital. The Chapel Garden presented itself as the most viable option.

The scale of the proposed development is considered large in comparison with the size of the chapel. The applicant has made some changes to the development plans which will reduce the impact on the heritage item.

This assessment report has demonstrated that the development is compatible with adjoining uses and that there are no site constraints that would render the site



unsuitable for the proposed development.

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

**Referrals**

Standard internal Council referrals of the application occurred as well as external referrals to and Roads and Maritime Services. The application is supported, subject to conditions.

**Notification**

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the *Wagga Wagga Development Control Plan 2010* the application was notified for 14 days between 14 November 2013 and 2 December 2013.

**Advertising**

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the *Wagga Wagga Development Control Plan 2010* the application was advertised for 14 days between 14 November 2013 and 2 December 2013.

**Public Submissions and those from public authorities**

A submission was received from Roads and Maritime Services which indicated a concern with the traffic issues in the wider medical precinct. The proposal is supported with conditions. The submission by Council's Heritage Advisor was discussed elsewhere in this report.

It should be noted that no submissions were received from surrounding residents, landowners or general members of the public. It could therefore be reasonably be assumed that the proposal is supported.

**(e) - The public interest**

The public interest is a broad consideration relating to many issues and is not limited to. Taking into account the full range of matters for consideration under Section 79C of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is the public interest.

**Section 79B(3)**

Owing to the modified nature of the site, and its proximity to other buildings, it is considered that the proposal will not negatively impact upon the matters detailed in Section 5A and 79B(3) of the *Environmental Planning and Assessment Act 1979*.

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**Council Policies**

Not applicable.

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

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures and are in support of the application, subject to conditions.

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### Contributions

Section 94/94A of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 / Levy Contributions Plan 2006 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 94 contribution applies to this development that will be put towards the provision of high quality and diverse public facilities to meet the expectations of the residents of the city.

\$7,226,000.00 (development cost) x 1% = **\$72,260.00**

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2006 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

A Section 64 contribution is payable for this development as a source of funding towards infrastructure within the urban area.

#### stormwater contribution

(1,320sqm additional floor area + 302sqm paved surface area) x 1 (Runoff Coefficient) x \$3,007 x 102.8/87.7 (CPI)

800m<sup>2</sup> x 0.74

**\$9,657.31**

#### sewer contribution

22 (beds) x 1.40 (ET) x 3538 (adopted charge) = \$108,970.40

A credit for the existing professional suits apply : 14 x 0.6 (ET) x \$3538.00 (adopted development charge)

= \$ 29,719.00

**=\$79,251.14**

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### Other Approvals

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Not required.

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## Conclusion

An assessment of the application has resulted in this application being supported based on the following grounds:

- ☐ The application is for alterations and additions to an existing hospital which is consistent with SP2, Infrastructure Zone.
- ☐ The proposed development will have an impact on the heritage values of the site. However, the social benefit the facility will bring to the City and its surrounding communities outweighs the negative impacts associated with subject approval.
- ☐ The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought for the Wagga Wagga Local Environmental Plan 2010.
- ☐ An assessment of the application against the relevant sections of the Wagga Wagga Development Control Plan 2010 demonstrates that the proposed development will not cause any significant adverse impacts on the surrounding natural environment, built environment, infrastructure, community facilities or local character and amenity.

The application is subsequently recommended for approval, subject to conditions.

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## RECOMMENDATION

It is recommended that DA13/0512 for Rehabilitation & Palliative Care Facility at the Calvary Hospital be approved, subject to the following conditions:-

## CONDITIONS

### Approved Plans and Documentation

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

Plan/Doc. No.	Plan/Doc. Title	Prepared by	Issue	Date
	Statement of Environmental Effects	Newland Planning		09/13
	Traffic and Parking Impact Report	TEF Consulting		26/08/2013
	Supplementary Traffic and Parking report	TEF Consulting		10/01/2013

	<b>Statement of Heritage Impact</b>	<b>Noel Thompson Architecture</b>		<b>06/02/2014</b>
<b>CWW3-P-S</b>	<b>Site Plan</b>	<b>Health Projects International</b>	<b>F</b>	<b>10/03/14</b>
<b>CWW3-P-1</b>	<b>Floor Plan, Level 1</b>	<b>Health Projects International</b>	<b>E</b>	<b>10/03/14</b>
<b>CWW3-P-2</b>	<b>Floor Plan, Level 2</b>	<b>Health Projects International</b>	<b>E</b>	<b>10/03/14</b>
<b>CWW3-EL-1</b>	<b>Elevations, Sheet 1 of 2</b>	<b>Health Projects International</b>	<b>E</b>	<b>10/03/14</b>
<b>CWW3-EL-2</b>	<b>Elevations, Sheet 2 of 2</b>	<b>Health Projects International</b>	<b>E</b>	<b>10/03/14</b>
<b>CWW3-P-R</b>	<b>Roof Plan</b>	<b>Health Projects International</b>	<b>E</b>	<b>10/03/14</b>

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

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

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

#### **Prior to release of Construction Certificate**

2. Prior to the release of the Construction Certificate, an archival photographic recording of the site, including the chapel garden to be cleared is to be undertaken, in accordance with the Heritage Office document Photographic Recording of Heritage Items Using Film or Digital Capture. This document is available from [heritage.nsw.gov.au/docs/info\\_photographicrecording2006.pdf](http://heritage.nsw.gov.au/docs/info_photographicrecording2006.pdf)

**REASON:** It is in the public interest that an accurate historical record of the building is kept. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. Prior to the release of the Construction Certificate, an Interpretation Strategy, depicting the evolution of the Calvary Hospital Complex, is to be prepared and approved by the Director of Planning & Regulatory Services or delegate. The Interpretation Strategy shall include, as a minimum, proposed implementation measures and timing of such measures during the development of the site.

**REASON:** It is in the interest of heritage conservation that the heritage items on site retain their significance through appropriate conservation and management. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. A schedule of material finishes must be submitted for approval by the Director of Planning & Regulatory Services or delegate prior to the issue of the construction certificate. Brickworks, timber, render and paintworks must match the Chapel Building.

REASON: To ensure a positive impact on the heritage item. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

**5. The applicant shall submit a detailed or revised landscape plan and legend to be approved by the Director of Planning & Regulatory Services or delegate prior to the release of the Construction Certificate.**

- Landscape plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist.
- A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.
- In accordance with the WWDCP2010, Tree planting is to be provided to all car spaces at a rate of 1 tree per 5 spaces. Each tree is to have a minimum mature height and spread of 5m and be located in a planting bed with minimum width of 1.5m (between back of kerbs) with a minimum area of 3.5m<sup>2</sup>.

**NOTE :** Satisfaction of this condition may result in the loss of one or more parking spaces.

REASON: To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

**6. Prior to the release of the Construction Certificate the applicant shall submit a revised layout plan to the satisfaction of the Director of Planning & Regulatory Services or his delegate which makes provision for the following:**

- The provision of on-site car parking, including disabled parking, associated with the subject development must be generally in accordance with approved plans (refer to Condition 1).
- The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with the Austroads Guide to Traffic Management Part 11: Parking and AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".
- All car parking spaces required are to be provided on-site and not to be compensated by the on-road parking in the vicinity.
- Parking, particularly disabled parking and patient/visitor parking is to be located with convenient pedestrian access to the entry doors of the premises.
- Facilities are to be provided within the car park to facilitate safe pedestrian movements throughout the car park. Traffic calming devices and raised pedestrian walkways minimise conflict between pedestrians and vehicles. Pedestrian crossing stripes are not to be placed in the site

as these resemble pedestrian crossings on the road and creates confusion as to who has priority. No pedestrian walkways are to be provided behind parking spaces.

- Provision shall be made for the parking of bicycles on site in accordance with AS 2890.3-1993 —Bicycle parking facilities.

REASON: To adequately provide for the parking and access to the development. To provide for all modes of transport and safe pedestrian movements. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. Prior to the release of the Construction Certificate the applicant shall submit a Parking Management Plan for the Calvary Hospital Complex for approval by the Director Planning or delegate. The management must consider providing the majority patient/visitor parking along the main driveway of the hospital and staff parking at areas which are less accessible or more difficult for patients/visitors to park.

REASON: To adequately provide for the parking and access to the development. To provide for all modes of transport and safe pedestrian movements. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

8. Prior to the issue of the Construction Certificate the applicant must demonstrate that the building complies with the requirements of the *Commonwealth Disability Discrimination Act 1992*, the *NSW Anti-Discrimination Act 1977* and the relevant provisions of the Disability (Access to Premises - Buildings) Standards 2010.

NOTE 1: The *Disability Discrimination Act 1992* and the *Anti-Discrimination Act 1977* provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

NOTE 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission, are available from the Commission or from Council's Planning Directorate. The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a Construction Certificate.

REASON: It is in the public interest that access to the building be provided for persons with disabilities. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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



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

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

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

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

- 11. Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.**

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

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

- 12. Prior to the issue of Construction Certificate the developer must lodge a bond with Council of \$2000.00 for security deposit on the kerb and gutter and footpath**

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

**NOTE 2:** Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 *Roads Act 1993* approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

**NOTE 3:** Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

**NOTE 4:** Applicants will be required to reference the kerb and gutter bond number (BKG 0115) when lodging bond monies. Please reference BKG number on application form which is available from customer service and on council's website under the planning tab > document quick links >

**applications / or alternatively reference BKG number when making electronic payment.**

REASON: It is in the public interest that such fees are paid in accordance with Council's Management Plan. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 13. Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of the Construction Certificate, the applicant must pay to Council a levy in the amount of \$72,260.00 towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.**

REASON: Having considered the development in accordance with Section 94 A of the *Environmental Planning and Assessment Act 1979*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 14. Prior to the release of Construction Certificate the applicant is to obtain a compliance certificate under s306 of the *Water Management Act 2000* in respect of the development relating to water management works that may be required in connection with the development.**

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

**NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.**

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

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

**NOTE 5: The Section 64 Sewer contribution required is \$79,251.14**

**NOTE 6: The Section 64 Stormwater contribution required is \$9,657.31**

**NOTE 7: Section 64 contributions shall be indexed in accordance with CPI.**

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

## **Prior to Commencement of Works**

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

- a) a standard flushing toilet connected to a public sewer, or**
- b) if that is not practicable, an accredited sewage management facility approved by Council, or**
- c) if that is not practicable, any other sewage management facility approved by Council.**

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

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

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

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

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

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

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

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

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

**17. Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind**

**blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at Council's Waste Management Centre.**

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

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

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

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

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

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

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

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

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

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

**19. The applicant shall provide Council with plans and specifications relating to any proposed sewer or stormwater works to be carried out within the site and / or works proposed to be connected to Council infrastructure. Those proposed works requiring connection to Council's infrastructure shall receive written approval from Council prior to commencement of such works. The development will not be permitted to connect and discharge into Council's mains, without these service drawings being approved by Council.**

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

- 20. Prior to the commencement of works, an application is required to be lodged for both an Activity Approval under Section 68, Part B - 4, 5 and 6, of the *Local Government Act 1993* for any public infrastructure sewer / stormwater works and a Construction Certificate for all other subdivision works. These two applications should be lodged concurrently.**

**NOTE: Works carried out under an approved Section 68 prior to a Development Consent and/or Construction Certificate being issued are subject to change and are at the applicant's risk.**

REASON: To ensure that the activity is carried out with the relevant approvals required under the *Local Government Act 1993*.

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

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

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

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

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

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

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

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

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

**NOTE: This condition does not apply to:**

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



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

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

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

#### **During works**

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

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

**NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council or an accredited certifying authority until all Compliance Certificates required by this condition have been issued by, or registered with Council. The Applicant shall ensure that prior to or at the time of the**



application for Occupation Certificate that the application for “Occupation Certificate” form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

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

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

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

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

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

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

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

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

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 29. Stormwater drainage must be constructed and maintained so as to provide a 1 in 10 year pipe system, satisfactory overland flow path and not adversely affect adjacent properties.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 30. The applicant must obtain a Compliance Certificate from Council for the plumbing and drainage work identified in Column 1 at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Final	Prior to occupation of the building.

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

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

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

#### **Prior to release of Occupation Certificate / Prior to Operation**

- 32. Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.**

REASON: To provide all weather vehicular movement and to minimise nuisances to adjoining development from noise and dust. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 33. The area used for the purpose of skin penetration must comply with the *Public Health Act 2010* and Public Health Regulation 2012. Medical waste, such as sharps, must not be disposed of at any of Council's Waste Management Facilities. In this regard, a Medical Waste Management Plan must be submitted to Council's Environmental Health Officer, for approval, prior to the issue of a final Occupation Certificate for the development.**

REASON: It is in the public interest to manage the disposal of medical waste. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 34. The requirements of other public utility authorities, being Essential Energy (electricity), APA (gas) and Riverina Water County Council (water) must be satisfied, prior to Council issuing an Occupation Certificate.**

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

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

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

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

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

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

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

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

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

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

**38. A Certificate of Compliance and Works as Executed Diagram shall be submitted to and approved by Council prior to the issue of a Final Plumbing Certificate.**

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

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

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

**NOTE 1:** The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

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

## **General**

- 40. The number of patients and staff present at the new rehabilitation accommodation, physio/hydrotherapy and palliative care unit must not exceed the following numbers at any time.**

- **8 staff members**
- **5 out-patients for the day program facility**
- **22 in-patients for short to long stay (maximum 22 beds)**

REASON: To ensure that the development complies with the parking requirements for the development. Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 41. The installation and operation of all cooling towers and warm water systems are to comply with the Public Health Act 2010, Public Health Regulation 2012 and AS 3666. The applicant is required to register with Council's Environment and Community Services Directorate any and all water cooled cooling towers and/or warm water mixing systems which are installed on the land.**

REASON: To comply with the Public Health Act 2010, Public Health Regulation 2012 and Australian Standard 3666.1 2011. Section 79C (1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 42. The Applicant is to ensure that should asbestos material be found, that it is handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover.**

**NOTE:** All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

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

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

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

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

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

- 44. No signage is approved as part of the application, no signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.**

REASON: Advertising structures and signs may require a development application to assess the impact on the amenity and safety of the area. Section 79C(1)(a) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

- 46. All plumbing and drainage work must be carried out by a Licensed Plumber and Drainer and to the requirements of the Plumbing and Drainage Act 2011.**

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 47.(1) For the purposes of Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the**

**person having the benefit of the development consent must, at the person's own expense:**

- (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

**48. Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in council's document shall be listed and submitted with the plans for separate approval.**

Reason: So that Council may ensure that the design and construction is in accordance with Councils requirements and for the information of the emergency services. Section 79c (1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

<p><b>Report by:</b></p> <hr/> <p><b>Adriaan Stander</b></p> <p>Date:</p>	<p><b>Report Approved by:</b></p> <hr/> <p><b>Cameron Collins</b>          Development Assessment Coordinator</p> <p>Date:</p>
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