

**JOINT REGIONAL PLANNING PANEL
(Southern Region)**

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| JRPP No | 2013STH033 |
| DA Number | DA13/0652 |
| Local Government Area | Wagga Wagga |
| Proposed Development | Three Storey Medical Centre with Basement Car park |
| Street Address | 2-10 Docker Street WAGGA WAGGA. Lots 9, 10, 11, 12 ,13 DP15274 |
| Applicant/Owner | Applicant: John Tyrrell, Southern Cross Developers Owners: Malgard Pty Ltd; Helen Hicks; Abdul Latif & Celine Hamid; 2468d Pty Ltd; S&C Gamble Pty Ltd. |
| Number of Submissions | none |
| Regional Development Criteria (Sched 4A of the Act) | Private infrastructure and community facilities over \$5 million |
| List of All Relevant s79C(1)(a) Matters | State Environmental Planning Policy (Infrastructure) 2007 Wagga Wagga Local Environmental Plan 2010 Wagga Wagga Development Control Plan 2010 |
| Recommendation | Approval with Conditions |
| Report by | Amanda Gray, Senior Town Planner |

Assessment Report

DESCRIPTION OF DEVELOPMENT

The proposal is for the construction of a three storey medical centre, a basement and surface car park and associated landscaping. The application also seeks the consolidation of the five lots affected by the proposed development. The building presents as a single three storey structure to both Docker Street and Chaston Street with a raised atrium at the centre of the building. Each elevation contains a significant area of glazing ensuring active elevations face each street frontage. The main entrance to the building will face onto Chaston Street, parking and landscaped areas will be developed to the front of the entrance. A secondary access point will face Meurant Avenue for use by staff.

The building is proposed to contain fourteen medical tenancies including a pathology facility, and a medical imaging/x-ray facility. Tenancy areas vary in size from 518sq.m to 167sq.m. There will be four tenancies on the ground floor, and five on both the first and second floor. The location of the pathology and imaging facilities within the identified tenancies is not secured. Each floor will also contain common areas as well as plant area, lifts and stair access. An open roof top area is proposed for use by staff only.

The basement car park will contain 70 car parking spaces including 3 disabled spaces and there will be 21 spaces provided to the front of the building including 2 disabled spaces. Access to both of these parking areas is via a shared driveway arrangement with the adjacent day surgery from Chaston Street. The ramp into the basement car park is at the western side of the building. A staff car park is to be provided to the north of the site with a further 13 car parking spaces. This car park will be independently accessed from Meurant Avenue. Vehicles will be unable to drive through the site from Chaston Street to Meurant Avenue.

A pedestrian access in the form of a ramp is proposed from Docker Street into the entrance of the building, a 1 metre high balustrade alongside the ramp will face toward Docker Street. A screen wall will be built along both the Docker Street and Meurant Street elevations to assist in the screening of the underground car park.

The development is being carried out in conjunction with a day surgery on adjacent land that was approved under DA11/0590. This development is under construction.

It is proposed to consolidate the five lots that are the subject of this application into one lot and create a right of way over the adjacent day surgery site for the proposed shared access. The consolidation of the five lots over which the day surgery is being developed was a condition of consent.

Landscaping will occur throughout the site, the landscape design has been prepared for the two sites together.

THE SITE & LOCALITY

The site, being Lots 9, 10, 11, 12 and 13 DP 15274, (2, 4, 6, 8 and 10 Docker Street) is located on the western side of Docker Street. It is bounded by Chaston Street to the north and Meurant Avenue to the south.

The site was previously occupied by four dwelling houses and one health consulting rooms. The four dwellings (2-8 Docker Street) have been demolished pursuant to DA13/0448, approval has also been issued for the demolition of 10 Docker Street (DA13/0593) although this property is yet to be demolished.

The wider locality is mixed in character. The historical residential uses are progressively being converted into medical uses and the area forms a hub for these types of developments. Nearby are two large, multi-story hospitals - Wagga Wagga Base Hospital and Calvary Hospital. Immediately to the south of the site is industrial zoned land and associated uses, whilst further to the south is the Main Southern Railway. On the opposite side of Docker Street to the east it is largely residential, being a mixture of single detached dwellings and single story units. The majority of properties to the north of the site along Docker Street are former residences now used as Health Consulting Rooms. A cafe is located to the north-east of the site, and there is a railway crossing located to the south-east of the site.



SUMMARY OF MAIN ISSUES

Impact on character of area
Car parking
Operation of Docker Street/Chaston Street intersection

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

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

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP 2010 the site is zoned R1 General Residential. Within the R1 zone medical centres are permitted with consent as an innominant use. A medical centre is defined as:

premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of health services facility

A 'health services facility' is defined as:

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.*

Therefore it is considered that almost all health related activities are permitted on the site including specialist consulting rooms and diagnostic services such as medical imaging or pathology.

The objectives of the R1 zone are as follows:

- ☐ *To provide for the housing needs of the community.*
- ☐ *To provide for a variety of housing types and densities.*
- ☐ *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To ensure co-ordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas.*

The development is not for housing or infrastructure so it does not contribute to the first, second and fourth objectives. It is considered that the development will partially provide facilities to meet the day to day needs of residents, such as medical and diagnostic services, and therefore goes some way towards furthering the third objective, however the proposed facility goes well beyond the “day to day needs” of residents. Consequently, the proposed development is not largely consistent with the objectives of the zone. This is considered acceptable for reasons such as the existing and evolving character of the locality, which makes the site suitable for the proposed use, and the permissibility of the development pursuant to *State Environmental Planning Policy (Infrastructure) 2007*, (see discussion below).

Clause 2.3(2), of the WWLEP 2010 requires that “the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. Any inconsistency with the objectives would require justification to demonstrate an acceptable development.

Clause 7.2 of the WWLEP 2010 relates to flood planning. The site is not subject to riverine flooding but is partially subject to overland flooding and as such the clause applies. Given that only part of the site is subject to overland flooding, it is considered that the development can be designed to manage such flows and to remain consistent with the provisions of this clause.

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability. All of the subject site is identified as sensitive on the Water Resources Map and as such this clause applies. The objective of this clause is to protect and preserve groundwater sources. Although the development is not one of the land uses specified for the purpose of this clause it is not anticipated that there will be any adverse impacts on groundwater sources as all wastewater from the site will be diverted into the stormwater system.

There are no other provisions of the WWLEP 2010 relevant to this development.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

Division 10 - Health Services Facilities

This division of the SEPP identifies that Health Services Facilities as being permitted with consent in the R1 zone. This has the effect of overriding the WWLEP, where health services facilities are permitted as an innominant use, and makes the use expressly permitted.

Division 15 - Railways

Clause 84 of the SEPP is as follows:

84 Development involving access via level crossings

(1) This clause applies to development that involves:

(a) a new level crossing, or

- (b) the conversion into a public road of a private access road across a level crossing, or*
- (c) a likely significant increase in the total number of vehicles or the number of trucks using a level crossing that is in the vicinity of the development.*

(2) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
- (b) take into consideration:*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) the implications of the development for traffic safety including the costs of ensuring an appropriate level of safety, having regard to existing traffic characteristics and any likely change in traffic at level crossings as a result of the development, and*
 - (iii) the feasibility of access for the development that does not involve use of level crossings.*

(3) Subject to subclause (5), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor,

(4) In determining whether to provide concurrence, the chief executive officer must take into account:

- (a) any rail safety or operational issues associated with the aspects of the development, and*
- (b) the implications of the development for traffic safety including the cost of ensuring an appropriate level of safety, having regard to existing traffic and any likely change in traffic at level crossings as a result of the development.*

(5) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:

- (a) the consent authority has given the chief executive officer notice of the development application, and*
- (b) 21 days have passed since that notice was given and the chief executive officer has not granted or refused to grant concurrence.*

(6) The consent authority must provide the rail authority for the rail corridor with a copy of the determination of the application within 7 days after the determination is made.

A level crossing is located diagonally opposite the site on Docker Street. It is not considered that the development will significantly increase the number of vehicles using this crossing given the existing high traffic volumes in Docker Street. Notwithstanding, the development was referred to ARTC who made a submission, however, the submission did not specifically address the level crossing.

Given that there will not be a significant increase in the total number of vehicles using the level crossing, it is satisfied that concurrence is not required under the provisions of sub-clause 3.

Clause 87 of the SEPP is as follows:

87 Impact of rail noise or vibration on non-rail development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:

- (a) a building for residential use,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or child care centre.*

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building-35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.*

The proposed development is not a building for residential use, a place of public worship, a hospital, an educational establishment or child care centre and as such this clause is not applicable.

Division 17 - Roads and Traffic

Clause 104 of the SEPP requires the following:

104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) In this clause, relevant size or capacity means:

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection-the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

(3) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to the RTA within 7 days after the application is made, and

(b) take into consideration:

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

The proposed development is of the relevant scale to be considered a traffic generating development pursuant to this clause (Docker Street being a classified road). In accordance with the provisions of this clause, RMS were notified of the proposed development, and a submission was received.

The RMS submission requested the imposition of a number of conditions in relation to the development. These primarily related to the provision of a channelised right hand lane (CHR) for south bound vehicles on Docker Street turning into Chaston Street to improve the operation of the intersection and to reduce the incidences of rear end collisions. The RMS position is that the proposed development will increase pressure on the Docker-Chaston intersection (as demonstrated by the traffic study submitted with the Development Application) and such a requirement is therefore justifiable to help alleviate some of this pressure. This position is concurred with.

RMS has also requested a number of related conditions to give effect to the CHR as well as standard conditions applicable where development is adjacent to a classified road (such as construction management plans). It is recommended that these conditions be imposed, or where appropriate, incorporated into standard Council conditions of consent.

The SEPP also requires that Council consider the accessibility of the site, including the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, as well as the potential to minimise the need for travel by car. The site is located within a precinct dominated by medical uses and consequently it is considered that the development will help to maximise multi-purpose trips. The site is well serviced by the surrounding road network and therefore it is considered that the site is easily accessible. It is also close to existing bus routes.

Finally, it is a requirement of the SEPP that Council consider any potential traffic safety, road congestion or parking implications of the development. These impacts are considered in detail in part (a)(iii) and (b) of this assessment report.

There are no other provisions of the SEPP relevant to this application.

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

There are no draft environmental planning instruments relevant to this Development Application.

(a)(iii) - Any development control plan

The Wagga Wagga Development Control Plan 2010 (WWDCP) contains a number of general provisions relating to car parking, landscaping and site design as well as more specific clauses on health facilities.

Clause 2.2 Vehicle Access and Movements

C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.

Access is proposed from Chaston Street which is the secondary frontage and avoids access being taken from Docker Street which is a primary route through the city. Access is also available from Meurant Avenue into a staff car park.

C2 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 assessment has been prepared and lodged in support of the application. The report assesses existing access movements in the locality and the capacity of the existing road network as well as proposed parking provision. The implications of increased vehicle movements and a parking review are discussed in more detail elsewhere in the report.

C3 Vehicles are to enter and leave in a forward direction.

All vehicles will enter and exit the site in a forward direction via the shared access from Chaston Street. Whilst vehicles can also enter and exit from Meurant Street in a forward direction this area is identified as the bin storage area. A swept path diagram has been provided that shows adequate room for the collection vehicles to turn in the site enabling forward movement both in and out of the site.

C4 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.

There is ample space on site to allow for vehicles to park and deliver supplies to the building. There is not a dedicated loading bay however there are not anticipated to be significant large deliveries made to a medical centre such as that proposed.

C5 Access driveways are not to be located opposite T-intersections or within 7m of a break in a median strip or intersection.

The main access point onto Chaston Street is already approved as part of the day surgery and complies with this section.

C6 Ensure adequate sight lines for proposed driveways.

Chaston Street benefits from long straight views in both directions, the sightlines provided for the driveways are adequate.

2.3 Off Street Parking

The objectives of this clause are as follows:

O1 Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.

O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.

O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.

O4 Soften the impacts of larger car parking areas through the use of landscaping.

O5 Provide both shade and solar access to car park users by means of purpose designed tree planting.

The provisions of this section of the WWLEP 2010 set out the standard parking requirements for all developments.

The standard in the DCP for medical centres is 3 spaces/surgery or health care professional practicing at any one time plus 1 space/receptionist support staff. There are no details of how many health care professionals or support staff will be on site.

As a very basic calculation there are 14 tenancies proposed, if each of these had one health care professional and two support staff members the required number of spaces would equate to 70. However it is likely that the larger tenancies would have more than one professional using the space provided. The tenancies vary in size from 167sq.m to 518sq.m.

Using the smallest tenancy size of 167sq.m as a benchmark there is the potential for 20 health care professionals within the proposed tenancies as follows:

Ground floor - total area of 1150 sq.m - 6 tenancies

First Floor - total area of 1196 sq.m - 7 tenancies

Second Floor - total area of 1196 sq.m - 7 tenancies

Again using the assumption of two support staff to each health care professional this equates to a need for 100 spaces. There are 104 spaces proposed on site which would satisfy the parking requirements. As there are an excess number of spaces this allows for increased support staff numbers within the larger tenancies to also be accommodated.

A condition of consent is proposed that limits the number of health care professionals at any one time to a maximum of 20. As the use of the tenancies is not yet secured there is the option of applying to modify this number in the future if less professionals utilise the accommodation area.

It is anticipated that the specialist health care professionals using the tenancies will not be in situ all of the time, rather they will also have shifts at one or both of the nearby hospitals to attend. Furthermore there is parking provision at the adjoining day surgery that can be shared with the medical centre site.

The proposed parking provision on site is considered acceptable subject to amendments that may be required to satisfy landscaping and tree planting (see below).

C8 - Provide trees within the parking area at a rate of 1 tree per 5 spaces in a row. 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 3.5m².

C9 Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.

A landscape plan has been provided to complement the proposed development that identifies appropriate tree planting and planting beds. One of the planting beds that fronts Chaston Street requires an increased width to enable larger tree species to be planted. This will be secured by condition.

2.4 Landscaping

For large commercial and mixed use developments such as that proposed landscaping plays a valuable role in softening the proposed development.

The controls under this clause are as follows:

C1 A landscape plan is required for applications for:

- *Commercial and Industrial developments*
- *Residential development (other than dwelling houses).*

A landscape plan has been provided showing appropriate planting throughout the site. As there is significant built form associated with the development the landscaping is concentrated along the site boundaries and to the front of the building in raised beds. Subject to some minor details Council's landscape designer is satisfied with the details of the proposed landscaping.

C2 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.

There are no natural features on site to be retained.

C3 Use native and indigenous plants, especially low water consumption plants in preference to exotic species.

The species proposed are acceptable.

C4 Trees should be planted at the front and rear of properties to provide tree canopy.

The landscape plan identifies tree planting to all sides of the building. With frontage on three sides to a street the provision of trees along each streetscape is welcomed.

C5 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.

Landscaping has been proposed along the front setback area and in front of the building.

C6 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.

Given that many of the buildings on site are of a significant height the proposed planting will not significantly impact on solar access to the buildings. However, the presence of the proposed trees will assist in softening the building. Furthermore with the majority of the parking being within the basement area sufficient shade is provided for these car parks.

The positive approach to landscaping across the site not only benefits the site as a whole and the visual amenity for all those that look into or at the development site but is also of considerable value to regular users and employees within the site.

2.5 Signage

The plans indicate business identification signs reading 'Dockers St. Surgery' on each elevation of the building. On the southern elevation the sign will be above the main entrance, on all other elevations the sign is proposed at roof level. All signs are the same with dimensions of 6 metres in length and 0.6 metres high.

These signs are permitted as they are business identification signs. The objectives of the general signage controls are to ensure that the signs do not detract from the urban landscape, minimise visual clutter, and complement the location. The following controls apply:

C1 - All signage and structures must relate directly to the lawful approved or exempt land use being conducted on the land to which the signage or structure is to be displayed.

The proposed signs relate directly to the proposed medical centre.

C2 - Any sign or structure should reflect the architectural style of the building.

The proposed signs are considered suitable for the proposed contemporary building.

C3 - Signs should not obscure decorative forms or moulding and should observe a reasonable separation distance from the lines of windows, doors, parapets, piers and the like.

The proposed signs do not obscure decorative forms or moulding and are a reasonable distance from the lines of windows, doors, parapets, piers and the like.

C4 - Signs should be of a size and proportion which complement the scale of the existing building as well as surrounding buildings and signs. Signs should not significantly affect the presentation of the existing façade of the building.

The proposed signs will not detrimentally affect the presentation of the proposed facade of the building.

C5 - The scale of lettering should also be proportioned to the area of the advertising panel to which it will be applied.

The scale of the lettering is proportionate to the scale of the building.

C6 - The colour used in the design of a sign or structure should complement the colour finish of the building to which it will relate.

The proposed colour scheme of the signs will complement the proposed building.

C7 - Corporate colours should be limited to the signage or structure and should not be applied to the painted surface of the building.

Not applicable.

C8 - The illumination of signage and structures by low set floodlighting is preferred, rather than the use of neon or boxed fluorescent lighting on buildings.

C8 is satisfied, there is no illuminated box lighting proposed.

C9 - The rationalisation of signage will be generally required where there is existing signage through the use of common directory pylon signs for multi-occupancy developments and by limiting the number of signs that may be erected on any one building or site.

Not applicable.

C10 - Any new proposed or additional sign or structure should be off-set by the associated deletion of some other existing sign(s).

Not applicable.

C11 - A sign or structure must not endanger public safety or cause nuisance or a hazard by reason of its location, construction or design by either:

- (a) Emitting excessive glare or reflection from internal or external illumination or surface materials;*
- (b) Obscuring the view of motorists or pedestrians;*
- (c) Screening potentially hazardous road features;*
- (d) Signage containing designs or messages which may either confuse or distract motorists.*

The proposed signs will not pose a danger to the public.

Wall Signs

C17 - Maximum of one (1) business identification sign per tenancy elevation.

There will be only one business identification sign ('Docker St Surgery') on each elevation.

Control 18 - Maximum of one (1) building identification sign per building elevation.

Not applicable

C19 - Must be integrated with the design of the building on which it is to be displayed and for a building having:

- ☐ *An above ground elevation of 200m² or more - the advertisement must not exceed 10% of the above ground elevation;*
- ☐ *An above ground elevation of more than 100m², but less than 200 m² - the advertisement must not exceed 20m²; and*
- ☐ *An above ground elevation of 100m² or less - the advertisement does not exceed 20% of the above ground elevation.*

The signs have an area of less than 5 sq.m and easily comply with this control.

C20 - Must be attached flush to the wall and must not protrude more than 300mm from the wall.

The proposed wall signs will be attached flush to the wall.

C 21 - Must not protrude above the parapet or eaves.

The signs will not protrude above the parapet or eaves of the proposed medical centre.

C22 - Must not cover mechanical ventilation vents.

Mechanical ventilation vents will not be covered by the proposed signs.

C23 - Must not extend over any window or other external opening.

The proposed signs will not extend over any windows or external openings.

C24 - Must not obscure significant architectural elements of the building.

The proposed signs will not obscure any significant architectural elements of the proposed buildings.

2.6 Safety and security

The proposed medical centre does not require a Crime Risk Assessment, however the proposed development is compliant with the relevant controls of this section as entry points are clearly defined and visible from the street, there are no blank walls to street frontages, natural surveillance is possible and appropriate lighting is to be utilised throughout the site.

2.7 Changing the landform - cut and fill

The site is relatively flat and significant cut and fill is not expected to be required. Given the scale of the development it is considered that some cut and fill will be acceptable (noting that substantial cut/excavation will be required for the underground car park).

There will be retaining walls along the Docker Street frontage that will form part of the overall design of the site and assist in screening the underground car park.

2.8 Erosion and sediment control principles

It is recommended that a standard condition is imposed for the installation of sediment and erosion control measures during construction works for the new medical centre and associated car park.

12.6 Health Consulting Rooms and Medical Centres

The relevant controls of this section are as follows:

C1 Locate health consulting rooms on corner sites and sites with rear lane access.

The proposal is for a medical centre rather than health consulting rooms, however the site is a corner location with access available from two sides.

C2 Comply with site cover and landscaped requirements as they apply to residential development.

It is considered that this control predominantly relates to development in existing dwellings rather than redevelopments such as that proposed. The site cover proposed would exceed the maximum site coverage for lots of 600-900m² which is 50%. As this is a new medical centre the non compliance with this control is considered acceptable.

C3 Health Consulting Rooms are to occupy existing premises without the need for significant alterations or additions, especially where more than two health care professionals are proposed to practise from the premises.

The proposal is for a medical centre rather than health consulting rooms.

C4 Alterations and additions are not to compromise the residential character of the existing building or streetscape.

The proposal is for new building rather than alterations and additions. Development approval already exists for the demolition of residential properties.

C5 For sites fronting rear lanes, retain fencing along part of the rear boundary, or use a combination of landscaping, different paving materials or other devices in a 0.5m setback area to retain delineation of the rear boundary line. Use landscaping, fencing or a change of surface materials to delineate the rear boundary. A setback of 0.5m may be required.

The site does not back onto a rear lane.

C6 For sites where access from the street to the rear of the property is proposed, a 300mm landscaped setback is required to the side boundary.

The site is not arranged in this way.

C7 The front setback area is to be landscaped and at least 60 percent of the setback is to include trees, shrubs and groundcovers. Parking in the front setback is not supported.

Parking is proposed in the front setback area of the medical centre building fronting Chaston Street. There will also be landscaped areas within this area including along the whole site frontage. Furthermore an improved nature strip will be established along the Docker Street frontage.

C8 Premises are not to operate before 7am or after 6pm Mondays to Saturdays. No trading is to occur on Sundays or public holidays.

The hours proposed are 7am to 8pm Monday to Friday and 8am to 2pm on Saturdays. The proposed hours differ from those stipulated by the DCP by two hours each evening. Given the location of the site adjacent to a busy main thoroughfare and railway line and the fact that the neighbouring uses are also medical uses the additional hours are acceptable and will be conditioned accordingly.

There are no other provisions of the WWDGP 2010 relevant to this application.

(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 relevant to the application.

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

It is considered that all relevant matters set out under the regulations can be addressed with the imposition of suitable conditions of consent.

(b) - The likely impacts of the development

Context and setting

The proposed development will alter the streetscape of Docker Street as single story detached dwellings will be replaced by a large three story, glazed structure. This will present increased bulk and scale to the streetscape in the form of a modern building. It is considered however, that these impacts will be acceptable for the following reasons:

- ☐ A number of large, non-residential buildings already exist in close proximity of the site and either:
 - o already contribute to the immediate locality of the subject site such as the tall bulky blue warehouse building located opposite the site on Chaston Street or
 - o are visible from the site (such as Calvary Hospital and Wagga Base Hospital which are multi-story buildings and Active Physiotherapy and The Forrest Centre which are purpose built, non-residential structures).
- ☐ The previously approved Day Surgery building on the adjacent site has also resulted in the loss of residential dwellings being replaced by a larger bulkier building.
- ☐ The very high traffic volume of Docker Street which has minimised the residential character of the street.
- ☐ The fact that the whole block is included as part of the development site means that there is no immediate neighbour directly impacted by the development. The northern part of the block is to be used as a surface car park only with the building concentrated towards the centre and south of the site.

It is also considered that despite the area being zoned residential, that the proposed development will not significantly adversely impact on the character of the locality and that the scale, form and density of the design of the building is not incompatible with the locality. The existing character of the area is significantly different to most residential areas, with a substantial number of non-residential uses occurring in very close proximity to the development including hospitals, aged care facilities, medical centres, health consulting rooms, cafes, gymnasiums and light industrial uses.

On the western side of Docker Street, as well as streets off Docker Street, between Docker Street and Calvary Hospital, residential uses have almost entirely been supplanted by health related, non residential uses, including immediate neighbours to the site on the north and to the west and north-west (on Meurant Avenue). It is no longer the

case that residential uses are the predominant use in the quadrant between Docker Street and Calvary Hospital (and bound by Chaston Street and Edward Street to the north and south respectively).

Access, transport and traffic

The proposed development is likely to increase traffic in the local road network and increase pressure on existing road junctions. The road network has sufficient capacity to withstand extra vehicle movements, however, particular concern has been raised regarding the operation of the Docker Street-Chaston Street junction. This junction, without this development, has been identified as problematic because of:

- ☐ The very high volume of traffic on Docker Street.
- ☐ The presence of a level crossing very close to the intersection on the southern side.
- ☐ The nearby intersection of Coleman and Docker Streets immediately to the south of the level crossing.
- ☐ The uneven road surface heights on Docker Street (due to the level crossing), reducing visibility and inhibiting approaching vehicle speed estimations.

The increased traffic resulting from this development, which according to the applicant's traffic study will result in increased traffic through the Docker-Chaston intersection (including an increase in the particularly problematic right turns from Chaston into Docker and Docker into Chaston) will further increase pressure on this intersection and result in a potential increase in vehicle conflicts. The applicant's traffic assessment concludes that whilst the whole hospital precinct requires further analysis the application alone does not require any upgrades to the local road network.

The consultation response received from RMS differs in conclusion and has recommended the provision of a channelised right hand lane (CHR) for south bound vehicles on Docker Street turning into Chaston Street to improve the operation of the intersection and to reduce the incidences of rear end collisions.

The application has not been reported to Traffic Committee as there are no final design details to approve. A condition of consent is recommended that requires the road design details to be approved by Traffic Committee. Council's Senior Traffic Engineering Officer has raised no objection to the development and endorses the comments and recommended conditions prepared by RMS.

The adequacy of the proposed car parking arrangements has been discussed earlier in the report.

Services

The site is within a well established area with all services available to the site. The application was referred to Essential Energy and Riverina Water, with no responses received.

It is noted that overhead powerlines cross the corner of the site, however, the drawings indicate that the building will be clear of these. It is taken that Essential Energy's non response indicates no objection to the proposal.

Heritage

The site is not within a heritage conservation area, however, land on the opposite (eastern) side of Docker Street is all within the heritage area.

It is considered that whilst this land is within a conservation area, the dwellings in this section of the conservation area are relatively modern, and are not of heritage significance. Furthermore, the divisive nature of Docker Street is such that any impacts on the streetscape of the conservation area will be minimised.

Natural Hazards

Part of the site is mapped as being prone to overland flooding. This data is very raw and does not indicate depths or velocities. There is no evidence to suggest that the site experiences significant overland flooding, and engineering designs will alter the flow of water across the site.

Economic Impact in the Locality

The proposal is likely to have a positive economic impact through employment generation both during construction and once the medical centre opens. Whilst some employment will undoubtedly be transferred from other locations there are also likely to be new professionals taking up tenancies plus associated support staff as well as necessary maintenance staff for the upkeep of the building and surrounds.

Health care and social assistance represents the largest sector of employment in the area (Wagga Wagga Economic Snapshot mid 2013), the provision of modern medical tenancies in a purpose built building will make a positive contribution to such an important sector of the local economy.

Social Impact in the Locality

The new medical centre will provide an improved range of health specialists in one location within close proximity to existing hospitals serving the city. This cluster of uses has the potential to result in improved social impacts as access to services is improved in a high quality environment.

There are no anticipated adverse social impacts.

Pollution and off-site environmental effects

The proposed development is unlikely to impact on other properties or the environment by way of pollution and the like. It is recommended that standard conditions relating to sediment and erosion control be imposed to manage impacts during the construction phase.

Flora and fauna

There are no trees or other significant species that are required to be removed from site.

Landscaping will occur as part of the overall development enhancing the quality of flora and fauna on site.

Noise and Vibration

The development will result in increased noise in the locality through the movement of vehicles and the arrival of persons to and from the centre throughout the day. Given its location on a busy and noisy thoroughfare, and because the vast majority of adjoining properties are no longer used for residential purposes, these impacts are considered acceptable.

Noise will also occur during the construction period. This is a short term impact and proposed hours of operation will be controlled via condition.

Energy Impacts

The development is subject to the requirements of the BCA which consider the energy efficiency of buildings. The new building will be required to satisfy Section J of the BCA and this will be assessed as part of the Construction Certificate.

Site Design and internal design

The design of the building is contemporary, it is of a high quality and respects the recently approved day surgery under construction on the adjacent site.

The proposed use does require significant parking provision and the use of a basement car park to satisfy the bulk of this demand ensures that the site is not dominated by parking.

The building presents well to three separate street frontages with no blank facades. Access is limited and conditions are proposed to minimise any adverse impacts on the free flow of vehicles on the local road network.

The building will be a significant addition to a busy thoroughfare in and out of the city centre and the hospital precinct as a whole. The design of the building makes this contribution a positive one.

Construction

As Docker Street is a classified road no vehicles will be able to access the site or unload from this side of the site at any time. It is recommended that no stopping restrictions be enforced along this section of Docker Street prior to any works commencing on site. Meurant Avenue is a narrow, busy street and as such it is anticipated that construction access will be from Chaston Street.

It is recommended that a condition requiring the submission of a construction traffic management plan be imposed to ensure the safety of vehicles, pedestrians and other local businesses in the area.

Cumulative Impacts

The development, combined with other medical type uses in the precinct, will further place pressure on the local road network which was designed for residential traffic. This particular development, however, provides significant parking on site and the majority of vehicles will access the site from Chaston Street. Only staff will use the Meurant Avenue access which was previously used as a health consulting rooms with potential movements in and out throughout the day. The cumulative impact of increased vehicle movements in this case are considered acceptable.

The Principles of Ecologically Sustainable Development

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

The redevelopment proposal is not considered to cause serious or irreversible damage to the environment.

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).

The proposed development of the site with a high quality building and landscaping will improve the quality of the site for the benefit of future generations.

3 Conservation of biological diversity and ecological integrity

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

As the site is an urban development utilising an existing site, it is not considered to impact on biological diversity or ecological integrity.

The proposed development will not result in any anticipated irreversible environmental damage. Accordingly the principles of ESD are considered to have been followed.

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

The site is considered to be suitable for the proposed development. It is located on major roads capable of taking large volumes of traffic and has good access arrangements. The location of the building within the precinct is also suitable as it adjoins existing predominantly non-residential uses, thus minimising the potential for land use incompatibility.

Impacts of the proposed development identified under part (b) are considered acceptable and manageable with the imposition of appropriate conditions of consent.

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

Referrals

The application was referred to Roads and Maritime Services (RMS), ARTC and internal referrals.

Notification

In accordance with the requirements of the WWDCA 2010, the application was notified to adjoining owners from 10 to 24 December 2013.

Advertising

In accordance with the requirements of the WWDCA 2010, the application was advertised from 10 to 24 December 2013.

Public Submissions and those from public authorities

No public submissions were received in relation to the development. Two submissions were received from public authorities being RMS and ARTC.

The ARTC submission advised that reference should be made to SEPP Infrastructure, with regard to developments near rail corridors and Noise and Vibration. Both of these sections of the SEPP were discussed earlier in the report.

RMS comments have been referenced earlier in the report. Comments made specifically regarding the development are as follows:

Currently Chaston Street provides for one travel lane in each direction. The driveway to Chaston Street should be appropriately designed to accommodate the largest vehicle likely to access the site, such as service vehicles, and to separate the ingress and egress lanes within the driveway. The separation of the ingress and egress movements by the placement of a raised splitter island within the driveway should be considered.

To promote road safety and the efficient operation of the road system it is appropriate to consider the standard of construction and location of access driveways to the development site and to provide for on-site manoeuvrability to allow all vehicles, including service vehicles, to enter and exit the site in a forward direction. It is noted that the proposed bin storage area is to be located in the proposed carpark accessed from Meurant Avenue such that large garbage vehicles would not be able to enter and leave in a forward direction. The relocation of the building and the combining of the 2 ground level carparks may benefit parking provisions and on-site manoeuvring.

Docker Street is part of a major north-south arterial road within Wagga Wagga which currently experiences high traffic volumes and is subject to delays due to the nearby railway level crossing. Chaston Street provides a road link between 2 arterial roads, being Docker and Pearson Streets, and access to a significant industrial precinct within Wagga Wagga. The area surrounding the subject site is predominantly occupied by health care related facilities due to the proximity to the 2 hospitals within Wagga Wagga. As a result there is a high level of vehicular and pedestrian activity to and within this precinct. It is anticipated that this development and other developments within the area will further impact on the current activity levels and patterns within the precinct. Therefore consideration should be given to the road and pedestrian network within the precinct and how it functions. It may be appropriate that a study of the traffic, both vehicular and pedestrian traffic, within the precinct be undertaken. However it is considered that the requirement to undertake such a study over this precinct is outside the scope of this development

proposal.

This development proposal will generate traffic through the intersection of Docker and Chaston Streets as the driveways to the proposed carpark are from Chaston Street. This intersection currently experiences queuing delays for the right turning vehicle which is acknowledged in the supporting traffic report. The provision of a Channelised Right Turn (CHR) within Docker Street would allow turning vehicles to stand clear of the through lanes on Docker Street. This facility would also aid in the movement of right turning vehicles through the intersection when the operation of the railway level crossing delays vehicle traffic along Docker Street. The provision of a CHR treatment would require the loss of parking along the western side of Docker Street adjacent to the subject site. The required length of the turn lane would require further investigation based on intersection and traffic analysis.

Further to the above provisions the safe movement of pedestrians to and within the site should be considered to provide for convenient pedestrian access into the medical tenancies and the day surgery from the proposed carpark area and the public road network.

A number of the matters raised and conditions recommended by RMS have been incorporated into the proposed final conditions.

(e) - the public interest

The provision of health services facilities is considered to be in the public interest as it directly contributes to the health and wellbeing of the community.

As demonstrated by this assessment report, with the imposition of suitable conditions of consent, the development is not likely to result in any significant impacts.

Section 5A ("Seven Part Test" - Threatened Species) and Section 79B(3)

The subject site is within the bio-certified area of the Wagga Wagga Local Environmental Plan 2010 and therefore these matters do not need to be considered.

Council Policies

No additional Council policies apply to this development.

Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures. Relevant comments or requirements are available on the file.

Development Contributions - Section 94/94A & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

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 94A contribution of **\$60,000** 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.

s94A Calculation - applying 1% to the applicable s94A costs of development

\$6,000,000 x 0.01 = \$60,000

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 of \$14,824.22 for sewer and \$11,579.30 for stormwater is payable for this development as a source of funding towards infrastructure within the urban area.

Section 64 Sewer

The sewer contributions are calculated based on the number of new consulting rooms less the impact of the existing four dwellings and one consulting room. As discussed earlier in the report there is the potential for 20 health consulting rooms within the new centre and the consent is to be conditioned as such. As no clarification of numbers has been provided as part of the application it is appropriate to calculate the sewer contribution based on the maximum occupancy as follows:

$$\begin{aligned} 20 \text{ new suites} \times 0.63 \text{ (ET for consulting rooms)} &= 12.60 \\ \text{Less } 4 \times 1 \text{ (ET for dwelling)} & \\ \text{Less } 1 \times 0.63 &= 7.97 \end{aligned}$$

$$7.97 \text{ (total ETs charged)} \times \$3538 = \mathbf{\$28,197.86}$$

Section 64 Stormwater

The majority of the site when developed will be classed as hardstand area against which the stormwater contribution will be charged. The total area of the site less the proposed garden beds is calculated as

$$4083.63 \text{ sq.m} - 281.48 \text{ sq.m} = 3802.15.$$

Credit is given for the area of hardstand previously covered by the 5 dwellings with associated sheds, driveways, car parks etc which is calculated as:

$$3802.15 \text{ sq.m} - 1857.34 \text{ sq.m} = 1944.81.$$

The stormwater calculation on the increased area of hardstand is therefore:

$$\frac{1944.81}{800} \times \frac{1.0}{0.74} \times \frac{3007}{87.7} \times \frac{102.8}{100} = \mathbf{\$11,579.30}$$

Other Approvals

No other approvals are required.

Conclusion

The development proposed is a significant investment within an area that is near to both existing hospitals serving the city. The impacts of the proposed development have been assessed and are considered to be satisfactory subject to recommended conditions of consent.

The development will present as a contemporary building and will be very dominant within the streetscape however there are not considered to be any significant detrimental impacts resulting from the large scale of the building.

The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia and Councils Policies. No objections to the proposal were received and the application is recommended for approval.

RECOMMENDATION

It is recommended that the Southern Region Joint Regional Planning Panel approve Development Application DA13/0652 for Three Storey Medical Centre with Basement Car Park, 2 Docker St WAGGA WAGGA NSW 2650 , Lot 9 DP 15274, Lot 10 DP 15274, Lot 11 DP 15274, Lot 12 DP 15274, Lot 13 DP 15274 in accordance with 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 |
|---------------|----------------------|----------------------|-------|----------|
| IA360 - 3 | Site Plan | Insight Architecture | DA02 | 22.1.14 |
| IA360 - 4 | Basement Floor Plan | Insight Architecture | DA01 | 15.10.13 |
| IA360 - 5 | Ground Floor Plan | Insight Architecture | DA01 | 15.10.13 |
| IA360 - 6 | Level 1 Floor Plan | Insight Architecture | DA01 | 15.10.13 |
| IA360 - 7 | Level 2 Floor Plan | Insight Architecture | DA01 | 15.10.13 |
| IA360 - 8 | Roof Deck Floor Plan | Insight Architecture | DA01 | 15.10.13 |
| IA360 - 9 | Elevations 1 | Insight Architecture | DA01 | 15.10.13 |
| IA360 - 10 | Elevations 2 | Insight Architecture | DA01 | 15.10.13 |

| | | | | |
|------------|------------------------------------|-----------------------------|------|----------|
| IA360 - 11 | Landscape Plan | Insight Architecture | DA02 | 22.1.14 |
| | Statement of Environmental Effects | Salvestro Planning | | Nov 2013 |
| | Review of Traffic Impact Statement | Regional Transport Planning | | Nov 2013 |

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 the applicant is to submit two (2) copies of the details, plans and or specifications for the proposed retaining walls.**

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.

3. **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.

4. **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.

5. **Prior to the release of the Construction Certificate the applicant is to submit two (2) copies of the design details for the floor, frame, truss including frame bracing and tie down report to the Principal Certifying Authority.**

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.

6. **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.

7. **Prior to the issue of Construction Certificate the developer must lodge a bond with Council of:-**

\$5000.00 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 0135) 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.

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

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.

8. 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 \$60,000 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.

9. 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 \$28,197.86

NOTE 6: The Section 64 Stormwater contribution required is \$11,579.30

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).

- 10. Prior to the release of Construction Certificate detailed designs for a Channelised Right Turn (CHR) treatment to Chaston Street at the intersection of Docker and Chaston Streets shall be submitted to and approved by Director of Planning or delegate and Roads and Maritime Services. The plans shall be prepared and certified by an appropriately qualified person. This intersection treatment is to be designed and constructed in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services.**

REASON: To ensure safe vehicle movement on the surrounding road network, in particular the intersection between Docker Street and Chaston Street. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 11. Prior to release of Construction Certificate a construction management plan, to address construction activity, access and parking, is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from the road reserve of Docker Street (MR211). Details of the protection of, pedestrians, vehicles and public assets as well as details of the type and location of waste storage containers to show that there will be no congestion, associated with the storage and removal of such materials should be included in the plan. Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing is to be installed and maintained to effect the plan are also required.**

REASON: To ensure that the site is developed in a planned manner and that vehicle movements to and from the site operate in a safe and controlled way. Section 79c(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

12. Prior to the release of Construction Certificate amended plans shall be prepared that satisfy the following:

- (i) The access driveway to Chaston Street is to include a raised splitter island to separate the ingress and egress movements of vehicles. The splitter island shall not protrude onto the carriageway. As a minimum the splitter island is to be a raised concrete structure within the site and painted on the driveway within the road reserve. Associated directional marking and signage is to be installed in accordance with Australian Standards.**
- (ii) Pedestrian access into the site from a public road is to be provided separate to any vehicle driveways and is to cater for all forms of pedestrian mobility. Landscaping and/or fencing are to be provided along the frontages of the site to the public roads to direct pedestrians to the defined pedestrian access point.**
- (iii) Facilities are to be provided within the car park to facilitate safe pedestrian movements through the car park and to the building entrances. Traffic calming devices 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.**
- (iv) The proposed access driveways to the development shall be constructed so that the formed vehicle path rises to the level of the pedestrian footpath along the frontage of the site and not have the footpath step down onto the roadway. As a minimum any driveway shall be sealed from the kerb and gutter to the property boundary of the subject site.**

REASON: To adequately provide for the safe movement of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

13. On-site detention shall be designed to limit post developed flows from the development to pre developed flows for all storm events up to and including the 100yr ARI. Details of the On-site detention system shall be submitted for approval with the application for Construction Certificate.

REASON: The character of the development is such that storm water will be increased and must be safely conveyed to the storm water drainage system. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

REASON: It is in the public interest that the development works do damage existing Council infrastructure.

- 15. Prior to the issue of a construction certificate an application is required to be lodged to Council for a build over permit for the proposed works over the existing sewer main/stormwater main located within the site.**

REASON: It is in the public interest that the development works do damage existing Council infrastructure.

- 16. The plans shall show the location of a temporary crossing for construction vehicle access. The temporary crossing shall be constructed of a durable material subject to Council approval to allow all-weather access for vehicles and pedestrians for the duration of construction activities. Works within the road reserve are subject to a Roads Act Section 138 Approval. Construction access will not be permitted from Docker Street.**

REASON: To enable temporary access to the development site whilst construction works are undertaken and to make provision for any works requiring repair. *Section 79C(1)(C) of the Environmental Planning and Assessment Act 1979*, as amended.

- 17. Prior to the release of Construction Certificate, the applicant is to submit detailed construction plans for the landscape treatments as documented in the Development Application Landscape Plans, to a maximum scale of 1:500.**

Detailed plans are to show all landscape treatments that include but are not limited to: Entry treatments, signage, tree planting, carparks, shrub planting, turfing, signage, paths, pavement treatments etc.

A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted. Plant species are to be identified by full botanical name. All plants proposed are to be detailed in the plant schedule.

Phormium tenax is to be planted at minimum centres of 1000mm. The applicant is encouraged to consider adding different shrub/grass/groundcover species to the landscape design.

REASON: To ensure that adequate landscaping is provided on the subject land, to provide increased visual amenity to all streetscapes. *Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979*, as amended.

- 18. Prior to the release of Construction Certificate the landscape plan shall be amended to show the planting bed along Chaston Street widened to a minimum width of 2 metres to accommodate 4 additional tree plantings.**

REASON: To provide trees capable of reaching mature heights in scale with the development that will provide shade and visual amenity to the development and to reduce the visual impact of the development on the surrounding streetscape. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 19. Prior to the release of the Construction Certificate a plan shall be submitted to and approved by Director of Planning, or delegate that identifies the channelised right hand turn into Chaston Street (as detailed in condition 10). This plan is required to be referred to, and approved by the Local Traffic Committee before it is approved as these works incorporate a prescribed traffic control device.**

NOTE 1: A prescribed traffic control device is a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area.

NOTE2: The Local Traffic Committee only meets two-monthly and only between the months of March and November. Therefore to avoid delays the timing of meetings should be taken into consideration in preparing your plan for submission.

REASON: To ensure traffic related impacts associated with the development are minimised. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 20. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.**

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.

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

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

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.

Prior to Commencement of Works

22. 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.

23. 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.

- 24. 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.

- 25. 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.

- 26. Prior to works commencing a "No Parking" restriction shall be implemented on the western side of Docker Street between its intersection with Chaston Street and Meurant Avenue.**

REASON: To allow for the design of the channelized right turn and to prevent vehicles stopping on the classified road, in the interests of highway safety. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 27. The developer is responsible for all public utility adjustment/relocation works necessitated by the proposed works and as required by the various public utility authorities or their agents. The relocation of any utility service within the road reserve of a Classified Road will require RMS's concurrence under Section 138 of the Roads Act 1993 prior to the commencement of works. Evidence of both RMS's concurrence and all relevant public utility authorities consent shall be provided to Council prior to works commencing.**

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.

- 28. Prior to commencement of works Councils sewer/stormwater pipelines within the development are to be inspected using Closed Circuit Television (CCTV). The CCTV footage shall be presented to Council on DVD for assessment if using a private contractor. CCTV can be carried out by Council or a private contractor, Council will charge at a rate of \$2 per lineal metre inclusive (subject to CPI indexation).**

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 (l) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 29. No street trees are approved for removal. Prior to works commencing an on-site inspection between the applicant, WWCC's Tree Management Officer and WWCC's Landscape Designer shall be held to discuss and determine the removal of street trees. Any street tree approved for removal following this meeting will incur a fee as outlined in Wagga Wagga City Council Fees and Charges to allow WWCC to replace any removed street trees back into the local area.**

REASON: To ensure that adequate street tree planting is installed to best practice on land adjacent to and adjoining the subject land. To ensure that Street trees species selected and installed are consistent with the management practices and policies implemented by Wagga Wagga City Council. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 30. 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.

31. Any unforeseen sewer or stormwater works resulting from the development are to meet the requirements of the AS3500 and the Plumbing Code of Australia. Where works are required, it will be necessary to contact a Licensed Plumber and Drainer.

A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation/use 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.

32. 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.

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

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

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP.

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the *Roads Act 1993*. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

34. Prior to the commencement of any works, the developer must provide Council with a letter from Essential Energy indicating that satisfactory clearances and minimum distances from power lines will be maintained during and after all construction works.

REASON: To ensure safe clearances are maintained from electrical powerlines, and because of representations to this effect from Essential Energy. Section 79C(1)(b) and (d) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

35. Any proposed site fill must be of clean material only, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. A validation certificate shall be provided to Council verifying that the material to be used is free of contaminants and fit for purpose and re-use in residential, commercial or industrial use, prepared by a qualified Geotechnical Engineer. All such works are to comply with Wagga Wagga City Council's Guideline for Subdivision and Developments.

NOTE: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required, prior to the issue of a Construction Certificate for the erection of a building or the issue of a Subdivision Certificate.

REASON: To ensure that any fill is correctly placed and compacted. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

36. Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor.

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

37. 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.

| COLUMN 1 | COLUMN 2 |
|----------|---|
| Footings | When the footings have been excavated and all steel reinforcement has been placed in position. |
| Slab | 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. |

| | |
|-------------------|---|
| Wall frame | When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame. |
| Roof frame | When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining. |
| Wet areas | 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. |
| Final | Required prior to occupation of the building |

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.

39. If soil conditions require it:

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and
- b) adequate provision must be made for drainage.

NOTE 1: Retaining walls in excess of 600mm in height require Council approval under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

NOTE 2: Retaining walls which exceed 1000 mm in height must be designed by a Practising Structural Engineer.

NOTE 3: Any proposed cut and fill of the site must be undertaken in accordance with the terms and conditions of Section 2.7 of the Wagga Wagga Development Control Plan 2010.

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.

- 40. 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.

- 41. 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.

- 42. 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.

- 43. 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.

- 44. Sewer mains must be extended to the site, at full cost to the developer, in accordance with Council's Guidelines for Subdivision and Developments and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision via a Section 68 (Public) approval.**

REASON: To ensure that the development is serviced by a reticulated sewerage system. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 45. All temporary works carried out in the road reserve during construction shall be maintained to ensure the works are safe for public pedestrian/vehicle access for the duration of works.**

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are safe for public access. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 46. 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.

- 47. The cut and fill batters are to be treated with vegetation (ground covers) to protect them from erosion and further ground movements.**

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.

Prior to release of Occupation Certificate / Prior to Operation

- 48. The applicant must obtain an Occupation Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.**

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 49. Prior to issue of occupation certificate the applicant shall ensure that the redundant kerb laybacks in Docker Street and Meurant Avenue are replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's Engineering Guidelines for Subdivisions and Developments.**

REASON: To minimise vehicular access to the public roadway and to increase the capacity of the roadway for conveying storm water drainage runoff. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 50. 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.

- 51. 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.

- 52. Prior to the release of Occupation Certificate the required road works as detailed in conditions 10 and 12 are to be fully constructed and operational to the satisfaction of Council and Roads and Maritime Services. Evidence of satisfaction of RMS requirements shall be provided to Council.**

REASON: It is in the public interest that works are completed in accordance with RMS requirements and to ensure safe vehicle movements in the locality. Section 79C(1)(b)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 53. The requirements of other public utility authorities, being Essential Energy (electricity), APA (gas) and Riverina Water County Council (water) must be satisfied, prior to the PCA 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.

- 54. Prior to the issue of an Occupation Certificate any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.**

REASON: It is in the public interest to ensure the development does have an impact on existing Council infrastructure.

- 55. Prior to issue of an Occupation Certificate Councils sewer/stormwater pipelines within the development are to be inspected using Closed Circuit Television (CCTV) at the conclusion of all construction activities onsite. The CCTV footage shall be presented to Council on DVD for assessment if using a private contractor. CCTV can be carried out by Council or a private contractor, Council will charge at a rate of \$2 per lineal metre inclusive (subject to CPI indexation). Should any damage to Councils infrastructure be evident, the developer shall repair/reinstate damaged infrastructure at their cost.**

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 (l) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 56. Prior to the issue of an Occupation Certificate all temporary crossings for construction vehicles shall be removed and the road reserve reinstated to Council's satisfaction. Reinstatement works shall be inspected by Council's Development Engineer.**

REASON: To enable temporary access to the development site whilst construction works are undertaken and to make provision for any works requiring repair. *Section 79C(1)(C) of the Environmental Planning and Assessment Act 1979*, as amended.

- 57. 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.

- 58. The applicant must obtain an Occupation Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.**

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 59. 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.

- 60. 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

- 61. Prior to the issue of Occupation Certificate, signs must be erected that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.**

REASON: To ensure the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 62. Lots 9 to 13, DP 15274, are to be consolidated into one lot prior to the issue of an Occupation Certificate.**

NOTE: Evidence of consolidation must be provided to Council.

REASON: The size and shape of the subject land, and the siting of the proposed buildings and works thereon, are such to require the land be consolidated. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 63. A right of Way over proposed Lot 60 DP1191297 in favour of Proposed Lot 61 DP1191297 is to be created in association with the consolidation of lots detailed in condition 62 prior to the issue of an Occupation Certificate.**

NOTE: Evidence of the right of way must be provided to Council.

REASON: The size and shape of the subject land, and the siting of the proposed buildings and works thereon, are such to require the land be consolidated. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

- 64. No more than 20 health care professionals may practice from the premises and no more than 40 supporting staff may be in attendance at the practice at any one time.**

REASON: It is in public interest that the use be limited to a scale that is appropriate to the site and the locality. Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 65. The approved use must only be conducted**

- a) on Mondays to Fridays, inclusive between the hours of 7.00 am and 8.00 pm.**
- b) on Saturdays, between the hours of 8.00 am and 2.00 pm.**

REASON: To ensure development does not reduce the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 66. No signage is approved as part of the application other than one Building Identification Sign on each elevation. 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.

- 67. 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.

- 68. Internal vehicular manoeuvring aisles and parking areas shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access and parking respectively. This is to provide for the ease of circulation of vehicles within the development site. Under no circumstances shall these**

areas be used for the storage of goods or waste receptacles or any other purpose.

REASON: To ensure the development does not reduce the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 69. All vehicle access driveways, and the internal layout of the development, shall be designed such that all vehicles are be able to enter and exit the subject site in a forward direction and not be required to reverse onto the footway or roadway. The swept path of the largest vehicles (19 metres) entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 “Off-street commercial vehicle facilities” and to Councils satisfaction.**

REASON: To adequately provide for the safe movement of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 70. All activities including, loading and unloading associated with this development are to take place within the subject development site to remove interference with vehicles and pedestrian movement on public roads.**

REASON: To ensure that suitable loading and delivery facilities are provided on site. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 71. Provision for the parking of bicycles on site in accordance with AS 2890.3-1993 “Bicycle parking facilities” is required.**

REASON: To allow for alternative means of transport to and from the development site. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 72. All works associated with the proposed development shall be at no cost to the RMS or Council.**

REASON: To ensure that works are carried out in accordance with RMS requirements. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 73. Any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 “Off-street car parking”.**

REASON: To ensure safe visibility distances are maintained for vehicles entering and exiting the site. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 74. 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.

75. (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.

76. A minimum of 100 car parking spaces must be made available on site at all times in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

77. 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 AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

78. Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.

79. 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 (l) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.