



Report of Development Application Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA20/0476
Modification No.:	N/A
Council File No.:	D/2020/0476
Date of Lodgement:	17/09/2020
Applicant:	Daryl Jackson Alastair Swayn Pty Ltd 49 Jardine St KINGSTON ACT 2604
Proposal:	Health Services Facility
Description of Modification:	N/A
Development Cost:	\$7041000
Assessment Officer:	Sam Robins
Determination Body:	Southern Regional Planning Panel
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal Transport for NSW Essential Energy
Adjoining Owners Notification:	24/9/20 - 8/10/20
Advertising:	24/9/20 - 8/10/20
Owner's Consent Provided:	Yes
Location:	The subject land is located on the southern side of the street between Cullen Road and Emblem Street

SITE DETAILS

Subject Land:	336 Edward St WAGGA WAGGA NSW 2650 Lot 10 DP 12441, Lot 11 DP 12441, Lot 13 DP 655792, Lot 12 DP 663068, Part Lot 14 DP 12441, Lot 1 DP 1049345
Owner:	Innovation Corporate Pty Ltd

DESCRIPTION OF DEVELOPMENT

The applicant seeks permission for the demolition of five single storey dwellings and the construction of a Health Services Facility.

The Riverina Clinic proposal is for a 1510sqm footprint single storey building to accommodate a private Integrated Mental Health Facility aligned to the Australasian Health

Facility Guidelines (AusHFG) and NSW Government requirements. The facility is an adult's only facility.

The proposed development is sited towards the southeast of the combined blocks.

Included in the proposed Clinic are the following areas;

- Administration staff areas, incorporating staff rooms, offices, and meeting rooms;
- Twelve private residential bedrooms with ensuites for participants of the inpatient clinic, including one accessible bedroom; + Communal accommodation areas for residents to foster independent living through group activities and clinical treatment;
- An electroconvulsive therapy (ECT) and Transcranial Magnetic Stimulation (TMS) facility; + An outpatient clinic to supplement the inpatient services;
- Signage; and,
- External landscaped areas, including private gardens and car parking.

Developed around a central courtyard, the building is comprised of four rectangles of various lengths which enable the building to create private gardens, contribute to the streetscape, and clearly articulate entrance points.

To the north of the facility is a landscape buffer with native trees and shrubs. To the east of the site are private landscaped areas, screened from the footpath through shrubs and existing melaleuca trees. To the west of the site is a new carpark for staff and visitors, as well as the primary building entrance which is defined by an open-ended pitched roof with double doors and a break in the landscaping. A staff and services entrance is located to the south western side of the building.

The sites will be consolidated as part of the approval.

THE SITE & LOCALITY

The subject land is made up of the following lots:

- Lot 10 DP 12441 - 336 Edward Street
- Lot 11 DP 12441 - 338 Edward Street
- Lot 12 DP 663068 - 340 Edward Street
- Lot 13 DP 655792 - 342 Edward Street
- Lot 1 DP 1049345 - 344 Edward Street.

The subject land is located on the southern side of Edward Street between Cullen Road and Emblem Street.

The combined total of the sites measures 3376.40m². The lots are generally consistent in that they contain single storey detached dwellings with outbuildings on flat lots with standard residential plantings.

The locality is a mix of land uses. Immediately to the east and south are residential properties, to the west is Dobney Avenue and a Business Zone and to the north is the Highway followed by the service station and car sales yard. The wider context includes medical practitioners and the hospitals to the south and east and commercial/industrial to the west and north.

The subject site is located in the Health and Knowledge precinct.

A number of site visits have been undertaken by the assessing officer and relevant Council staff members.



Previous relevant development consents

Nil

Easements and covenants

The site contains a sewer easement located along the southern boundary of all the lots.

SUMMARY OF MAIN ISSUES

Impact on character of the area

Impact on the amenity of adjoining neighbours

Compliance with Councils Development Control Plan 2010

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(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 4.15(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 (LEP 2010)

The following provisions of the LEP 2010 apply:

Land Use Table

Under the LEP the site is zoned R3 - Medium Density Residential

The objectives of the zone that would be considered relevant are;

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces*

Under the LEP 2010 the proposal would be considered a Health Service Facility. Health Service Facility is defined as follows:

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

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

Under Section 3 Part 2 - Health Service Facility is permitted with consent. Whilst inconsistent with the listed objectives, the land use is permissible in the zone and therefore can be considered. The objectives have been specifically tailored towards 'medium density residential' development, which is reasonable given this is the heading for the zone. It would be unreasonable to expect the LEP to list objectives for every permissible land use in the R3 zone. Given this, it can be reasonably argued that given the land use is permissible with consent and given the recent adoption of the Health and Knowledge Precinct Master Plan that the proposal is consistent with the future direction of the area and therefore appropriate in the zone.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

By lodging this application the applicant has complied with this clause of the LEP.

Part 7 - Additional Local Provisions

7.1A Earthworks

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) *to allow earthworks of a minor nature without requiring separate development*

consent.

(2) *Development consent is required for earthworks unless:*

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the work is ancillary to other development for which development consent has been given.*

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

Given the flat nature of the lots minimal earthworks will be required. The development is not expected to raise any issues with regards to the above considerations. Conditions on any consent granted would control sediment and erosion issues and the protection of the neighbouring property from any redirection of flows during construction.

The application indicates that fill may be brought onto the site. This is expected to be minimal however, recommended conditions of consent will ensure it is suitable for the proposed use.

The impact on the amenity of the neighbouring properties has been discussed in the body of this report.

7.2 Flood Planning

(1) *The objectives of this clause are as follows:*

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) *This clause applies to:*

- (a) land that is shown as “Flood planning area” on the Flood Planning Map, and*
- (b) other land at or below the flood planning level.*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) *A word or expression used in this clause has the same meaning as it has in the NSW Government’s Floodplain Development Manual published in 2005, unless it is otherwise defined in this clause.*

(5) *In this clause:*

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

Flood Planning Map means the Wagga Wagga Local Environmental Plan 2010 Flood Planning Map.

There is a minor encroachment of the 1% event onto the front of the lots that would make this clause relevant. However, this is under the modelling for the 2014 study which is about to be replaced by the 2018 study once the levee has been signed off as complete. Under the 2018 study, the site is not considered to be ‘at or below the flood planning level’ and therefore would not be subject to assessment under this clause.

Given that only a very small section of the front of the lot is subject to inundation the proposal would be considered to be acceptable with regard to the matters for consideration under (3) above. Further discussion regarding the flooding impacts have been discussed under Section 4.2 of the DCP below.

7.3 - Biodiversity

This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map. The site would be subject to assessment under this clause.

(1) *The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including-*

- (a) protecting biological diversity of native flora and fauna, and*
- (b) protecting the ecological processes necessary for their continued existence, and*

(c) encouraging the recovery of threatened species, communities or populations and their habitats.

(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

(a) any potential adverse impact of the proposed development on any of the following:

- (i) a native vegetation community,*
- (ii) the habitat of any threatened species, population or ecological community,*
- (iii) a regionally significant species of plant, animal or habitat,*
- (iv) a habitat corridor,*
- (v) a wetland,*
- (vi) the biodiversity values within a reserve, including a road reserve or a stock route,*

(b) any proposed measures to be undertaken to ameliorate any such potential adverse impact.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and:

- (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or*
- (b) if a potential adverse impact cannot be avoided, the development:*
 - (i) is designed and sited so as to have minimum adverse impact, and*
 - (ii) incorporates effective measures so as to have minimal adverse impact, and*
 - (iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.*

It is unclear from a site visit and desk top analysis why the site has been mapped. There does not appear to be any land of biodiversity value within the land mapped. It is reasonable to assume that this is an error with the mapping.

Furthermore, the site is located within the biocertified area. Development on land that is biocertified can be taken to be development that would not significantly affect threatened species, ecological communities or their habitats. The impacts of development on biocertified land have been assessed and offset in accordance with the Biodiversity Conservation Strategy.

7.6 - Groundwater Vulnerability

As the application site is identified as ‘Groundwater’ on the Water Resource Map, the works would be subject to assessment under this clause.

The proposal is not a development listed under this clause and therefore no further assessment is required.

Clause 7.9 - Primacy of Zone B3 Commercial Core

Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga.

The development is for a Health Service Facility in a residential zone. Whilst permissible in the B3 zone the use is more appropriately located within the Health and Knowledge Precinct in close proximity to the Hospitals. Given the use is not a business, office or retail use by definition, its location outside of the CBD would not compromise the primacy of the B3 zone.

State Environmental Planning Policies

State Environmental Planning Policy No. 55

Clause 7 of SEPP 55 states the following:

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the

consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land:*

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Council is required to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

A Preliminary Site Investigation (PSI) has been completed by McMahon Earth Science dated January 2020 Report No. 6493. The report made the following conclusions and recommendations:

- *The data provided in this report is considered reliable to base the findings of the PSI on.*
- *The potential contamination sources, pathways and receptors have been identified along with the areas of concern.*
- *A Hazardous Materials Register (HMR) is to be produced for the site to identify and quantify any hazardous materials including ACM and lead paint before the commencement of any demolition/development works.*
- *Potential ACM and lead based paints must be tested as part of the HMR assessment. Soils within 2m of the identified risk buildings must also be tested to assess for any potential ACM and lead in soil. If testing uncovers contamination in soils on site, McMahon should be contacted immediately for further site characterisation and guidance.*
- *ACM fragments should be removed from site in accordance with SafeWork Australia: How to safely remove asbestos 2011 (Section 2), with practices adopted from the WHS Act 2011 and local council guidelines.*
- *The site is seen as suitable for the proposed development pending the adoption of the above recommendations with a low contamination risk to current and future site users.*

Based on the above recommendations the applicant requested a Hazardous Materials Assessment and Register Report be prepared. McMahon Earth Science prepared this report (submitted with the application) dated June 2020. The report made recommendations regarding the management/treatment of Asbestos, Synthetic Mineral Fibres and Lead containing paint.

With regard to the content and conclusions of the assessments:

- It is satisfied that the author of the report is suitably qualified to have prepared and submitted the report;
- There is no evidence on Council's files to suggest that the author of the report has overlooked any other activity that may indicate the potential for the land to be contaminated;
- To the extent of information that Council has access to, it is satisfied that the content of the report is accurate;
- It is satisfied that the report meets the minimum requirements of SEPP55 and associated guidelines as detailed below.

The PSI report has been assessed against the requirements of Section 3.5.2 (Stage 1- Preliminary Investigation) of “*Managing Land Contamination Planning Guidelines (SEPP 55- Remediation of Land)*”.

Is the information about the site’s history adequate:

- *are the descriptions of activities on the site detailed enough to identify a use listed in Table 1?*
- *are there any big gaps in the history that might hide a use listed in Table 1?*
- *are the sources reliable? - is the information verifiable?*

The report contains sufficient detail to be satisfied that the site’s history is adequate.

Does the information conform with the relevant EPA guidelines?

The report has been certified as being undertaken in accordance with the guidelines.

If contamination or a contaminating activity, whether previous or existing, is confirmed should the proponent conduct a detailed investigation to further define the extent and degree of contamination?

No contaminating activity has been identified. The potential for hazardous building material was identified and a further report undertaken as mentioned above. The recommendations from that report can be included in conditions on any consent granted.

If the site history suggests that the site is unlikely to be contaminated but there are gaps in the history and Table 1 uses were permissible under the zoning during those periods, is limited site sampling needed to confirm the site is not contaminated?

There are no gaps in the history that would warrant further investigation of the site.

Does this site pose a significant threat to human health or the environment?

Based on the findings and recommendations of the PSI, it is satisfied that the site does not pose a significant threat to human health or the environment.

Is a site audit of the preliminary investigation necessary?

A audit is not deemed necessary.

Having reviewed the PSI and further Hazardous Materials Assessment and Register Report, Council has considered whether the site is contaminated, and can be satisfied that the area of the site the subject of this application, is unlikely to be such. Council can also be satisfied that the land is suitable for the purpose for which the development is proposed to be carried out.

Appropriate conditions will be applied.

State Environmental Planning Policy (Infrastructure) 2007

*Division 5 Electricity transmission or distribution**Subdivision 2 Development likely to affect an electricity transmission or distribution network**45 Determination of development applications-other development*

The application was referred to Essential Energy. Essential Energy responded on 15/10/20 and raised no safety concerns. The following general comments were made:

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and*
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.*

Based on the comments appropriate conditions of consent have been included.

*Division 17 Roads and Traffic**Subdivision 2 Development in or adjacent to road corridors and road reservations**101 Development with frontage to classified road*

(1) The objectives of this clause are:

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
 - (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The application was referred to Transport NSW for comment. Their comments were received on 16/10/20. The comments have been summarised below:

Transport for NSW has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of conditions that address the following. (if approved):-

1. *All existing driveways to the subject property from Edward Street shall be removed and the road reserve and kerb and gutter reinstated to match the surrounding roadside landform in accordance with Council requirements. Any damage or disturbance to the road reserve is to be restored to match surrounding landform in accordance with Council requirements.*
2. *All activities including loading/unloading of vehicles associated with this development is to be undertaken within the development site to remove interference with vehicles and pedestrian movement on public roads.*
3. *Full time "No Stopping" restriction is to be implemented along the Edward Street frontage of the subject property between the eastern end of the central median on Edward Street to the intersection with Cullen Road. Appropriate signage shall be installed prior to occupation of the development.*
4. *A construction management plan to address demolition and 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 access the site from, park within, or load/unload from the road reserve of the Edward Street. All a construction traffic shall access the site via Cullen Road. The storage of any material within the road reserve is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement.*
5. *Prior to works commencing within the road reserve the applicant must apply for and obtain approval under Section 138 of the Roads Act, 1993 from the road authority (Council) and*

concurrence from Transport for NSW. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.

6. *Works associated with the development shall be at no cost to Transport for NSW.*

The submitted information provides limited details regarding any proposed advertising signage. Any advertising signage is to be assessed against and comply with the provisions of State Environmental Planning Policy (SEPP) No. 64 - Advertising and Signage, and the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines. The following is appropriate unless the provisions for advertising structures under SEPP 64 apply.

- 1) *Any signage shall be designed and located so as to comply with the following;*
 - a) *the sign display shall not include:*
 - *Any flashing lights,*
 - *Electronically changeable messages,*
 - *Animated display, moving parts or simulated movements.*
 - *Complex display that holds motorist's attention beyond "glance appreciation",*
 - *Display resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop';*
 - b) *The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.*
 - c) *Any proposed sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.*
 - d) *Any proposed sign and support structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions - Permanent, imposed and other actions and AS1170.2 Structural design actions - wind actions.*
 - e) *Any proposed sign and support structure shall not obstruct any road regulatory, safety or directional signage in the vicinity,*
 - f) *Any proposed sign and support structure shall not pose any risk to the safety of pedestrians or motorists.*

Taking the above comments into account and considering (2) above, Council staff do not consider the development to adversely impact on the safety, efficiency and ongoing operation of Edward Street. Relevant conditions will be included on any consent granted. TfNSW also provided some advice within the response that Council Staff have noted when considering the application.

State Environmental Planning Policy No 64 - Advertising and Signage

The application proposes two external signs one on the inside wall of the main entrance and one located on a retaining wall in the north west corner of the site fronting Edward Street. Both signs will be business identification signs and will be powder coated metal lettering that's illuminated.

The SEPP provides a series of objectives and assessment criteria against which signage must be assessed, with consent only to be granted if the development is consistent with these. This assessment is as follows:

Clause 3 - Aims and objectives of the policy

- (1) *This Policy aims:*
- (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
 - (b) *to regulate signage (but not content) under Part 4 of the Act, and*
 - (c) *to provide time-limited consents for the display of certain advertisements, and*
 - (d) *to regulate the display of advertisements in transport corridors, and*
 - (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*
- (2) *This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.*

The proposal is for business identification signage, therefore only (a) is relevant to this proposal.

The assessment of the signs throughout this report concludes that the signs are compatible with the amenity of the area, provides effective communication in suitable location and are of a high quality design and finish.

Clause 6 - Signage to which this Policy applies

- (1) *This Policy applies to all signage:*
- (a) *that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and*
 - (b) *is visible from any public place or public reserve, except as provided by this Policy.*

Note. Public place and public reserve are defined in section 4 (1) of the Act to have the same meanings as in the Local Government Act 1993.

- (2) *This Policy does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this Policy.*

The State Environmental Planning Policy applies to this development application.

Clause 7 - Relationship with other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.

The State Environmental Planning Policy prevails over the Wagga Wagga Development Control Plan 2010.

Clause 8 - Granting of consent to signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*

- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposed signs are considered consistent with clause 3(1)(a) and has been assessed against the assessment criteria specified in Schedule 1 below.

9 Advertisements to which this Part applies

This Part applies to all signage to which this Policy applies, other than the following:

- (a) business identification signs,*
- (b) building identification signs,*
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,*
- (d) signage on vehicles.*

Given the signs are a business identification sign this part does not apply.

Schedule 1 - Assessment criteria

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

3 Views and vistas

- Does the proposal obscure or compromise important views?*
- Does the proposal dominate the skyline and reduce the quality of vistas?*
- Does the proposal respect the viewing rights of other advertisers?*

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- Does the proposal screen unsightliness?*
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- Does the proposal require ongoing vegetation management?*

5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew*

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

An assessment against schedule 1 listed above is relevant to the signs.

Signage is expected on this building and has been designed to respect the built form and character of the area. The signage would therefore be considered in keeping with the character of the area and would not have an unacceptable visual impact on the area.

Given the location of the site and the signs being attached to the wall of the building and a retaining wall fronting Edward Street, the signs will have negligible impact on the character of the area, views, streetscape or landscaping.

The signs do not impact unreasonably on the building design.

The impacts associated with the illumination of the signage can be controlled via recommended conditions of consent.

Conditions of consent will ensure the signs are erected in a safe and secure manner and given the location will have negligible impact on public or road safety.

State Environmental Planning Policy (State and Regional Development) 2011**Part 4 Regionally significant development**

(1) *Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act.*

Schedule 7 Regionally significant development**5 Private infrastructure and community facilities over \$5 million**

Development that has a capital investment value of more than \$5 million for any of the following purposes-

- (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, **health services facilities** or places of public worship.*

The proposed development is a Health Service Facility of over \$5 million and therefore considered regionally significant development.

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

N/A

Draft state environmental planning instruments

Draft State Environmental Planning Policy - Remediation of Land

The Draft SEPP was placed on exhibition until 31 March 2018. The SEPP will replace SEPP 55. The Explanation of Intended Effects outlines that the key operation framework of SEPP 55 will remain. Changes in the SEPP relate primarily to land undergoing remediation work. Therefore, for a development such as this, little will change between SEPP 55 and the Remediation of Land SEPP.

(a)(iii) - Any development control plan**Wagga Wagga Development Control Plan 2010**

The relevant controls of the DCP have been addressed below.

1.10 Notification of a Development Application.

In accordance with the Council's advertising and notification provisions the application was notified and advertised for a period of 14 days on the following dates 24/09/2020 to 8/10/2020.

2.1 Vehicle access and movements

The relevant objectives and controls for this section are as follows:

Objectives

- O1** *Ensure the safety and efficiency of urban and rural roads.*
- O2** *Limit new access points to arterial roads or ensure alternative access is utilised where practical*

Controls

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

Access has been proposed off Cullen Road with all driveways from Edward Street closed and replaced. The proposal complies with this control.

- 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*

The application includes a Traffic Impact Assessment (TIA) prepared by Northrop Consulting Engineers Rev 4.0 Date 17/11/2020. A summary of the conclusion has been included below:

‘...Observation identified that there were minimal movements complete at the intersection of Cullen Road and Gormly Avenue during the observed periods. This aligns with the traffic volume data received from the City of Wagga Wagga Council.

The 85th percentile speed for vehicles using the intersection of Cullen Road and Gormly Avenue ranged from 47 - 48km/hour as per speed data received from the City of Wagga Wagga Council. It is recommended to remove the tree to improve sight distances to see oncoming vehicles.

The City of Wagga Wagga Council has multiple public transport alternatives including but not limited to air travel, bus routes connecting to areas outside of the council, bus routes connecting to the internal areas of the council and train network connecting to areas outside of the council. It is unlikely however that users of the development would use public transport.

Active travel facilities near the block are unlikely to be used due to their width.

17 parking spaces are required for the development. The latest architectural drawing shows 18 car parking spaces.

A total of 67 passenger vehicle movements per day have been proposed to occur from the development. It is likely this would be less than if a residential development was to be at 336 - 344 Edward Street. The generated traffic from the development will have a small impact to the surrounding area, however it is at the lower bound of the road's capacity and the impact will be negligible.’

The TIA has been reviewed by Council's Engineering Section and the application was referred to TfNSW. In principle, no issues were raised with the report. Conditions of consent will be included that ensure certain standards are met with regard to construction standards and safety. Further discussion on parking numbers has been included under Section 2.2 below.

- C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.*

The proposal complies with this control.

- 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*

The site layout does not include a designated loading bay. The SEE states that most deliveries would not require a vehicle of substantial size and that short term parking bays within the facility can be used for loading/unloading of goods. The TIA states that delivery vans will be able to utilise visitor parking bays outside of visiting hours.

It is satisfied that the nature of the use will not require large delivery vehicles and that the majority of delivery vehicles will be able to park in standard parking bays. The use of visitor

parking spaces outside of visiting hours is a reasonable approach and can be controlled by way of condition of consent for an operation management plan for the site. For this reason designated loading/unloading areas on site are not required.

C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.

Conditions of consent will be imposed to ensure this control is met. The assessment of the plans and traffic report suggest no issues will arise with ensuring compliance with appropriate standards.

C6 Ensure adequate sight lines for proposed driveways

The application proposes one access point off Cullen Road. A street tree will be required to be removed to ensure that adequate sightlines are met. Council staff have no issues with the removal of the street tree and will condition compensatory plantings.

2.2 Off-street parking

The following controls of this section are relevant to this development:

C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.

The table does not specifically list 'Health Services Facilities' but it does contain the following 'similar' uses:

- Health and professional consulting rooms and medical centres - 3 spaces per surgery or health care professional practising at any one time plus 1 space per receptionist/support staff.
- Hospital - 1 space per 4 beds plus 1 space per 2 employees and 1 ambulance space.

The applicant has provided a Parking Assessment prepared by Northrop Consulting Engineers revision 4.0, dated 17/11/20. The report undertakes a self-assessment of the parking requirements for the facility given that the DCP does not have a definitive requirement for Health Service Facilities. The parking generation within the document is as follows:

Description	Number of	Generation Rate	Number of Parking Spaces
Inpatients	assumed not to drive	0 per bed	0
Visitors	for 12 inpatients	1 space per 4 beds	3
Employees	8	1 space per 2 employees	4
Ambulance	1	1	1
Outpatient clinics and day therapy services	16	1 space for the community transport vehicle plus 1 space per 2 outpatients	9

Total of 17 spaces required and the development provides for 18.

The report makes the following conclusions:

- *Ample on street parking has been identified within 200m of the site for employees and visitor overflow from the on - site car park;*
- *There are no parking restrictions within 200m of the site with the exception of a bus zone;*
- *The Wagga Wagga City Council Development Control Plan (2010) and the RTA Guide to Traffic Generating Developments (2002) did not contain parking generations rates suitable for an outpatient clinic and therefore, a self-assessment was conducted to determine this rate;*
- *There is provision for a total of 17 car parking spaces which is required for the development;*
- *With the on-street parking available within the 200m radius of the site, there is capacity for overflow parking should the proposed parking be exceeded.*

The following discussion is added by the assessing officer.

Calculating the rate as per Hospital rate would result in the following:

12 Beds - 3 spaces
8 employees - 4 spaces
1 ambulance 1 space
Total = 8 spaces

Calculating the rate as per Health and professional consulting rooms and medical centres rate would result in the following options:

Based on staffing:
3 Nurses - 9
2 Psychiatrists - 6
2 Allied Health Professionals - 6 spaces
1 Receptionists - 1 space
Total = 22 spaces

Based on number of consulting rooms:

After discussion with the applicant and review of the plans it was considered that the facility would have 6 rooms similar to that of a surgery within a medical centre.
 $6 \times 3 = 18$ spaces.

The facility does not strictly align with either of these two definitions and therefore it would be unreasonable to apply either. Given the facility integrates both elements of in and outpatients and staff/patients work and integrate between both, it would be unreasonable to require compliance with both rates. The approach taken with the parking study is considered reasonable when calculating the number of on-site parking spaces required for a development of this nature.

It is important to note here that a number of other medical centre type developments in this locality have poorly designed carpark that are located to the rear of the converted dwelling on site and have very tight parking areas that discourage use by patients. To the contrary, the parking area for this development is well located and easily accessible, this will encourage its use and limit on-street parking when spaces are available within the facilities carpark.

The facility is adult only and the visiting hours during the week are limited to a 4 hour window and 8 hours on a weekend. The visiting hours will be stated to avoid staff change over periods and this can be conditioned to be included in the management plan for the site.

Whilst the Parking Assessment states there is ample on-street parking, the development must be able to provide adequate on-site parking to service the development. Any on-street parking is simply in addition to what is considered acceptable on-site.

Based on the discussion and calculations above, Council staff are comfortable that 18 spaces on-site is acceptable to adequately meet the average daily operations of the facility.

C2 The design and layout of parking is to be in accordance with the relevant Australian Standard at the time of lodgement of the application.

Conditions of consent will ensure that this control is met. The plans indicate that this will be achievable.

C3 Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with the relevant Australian Standard at the time of lodgement of the application.

As above.

C8 A traffic and parking study may be required for certain proposals, including but not limited to proposals for schools and other education uses including child care centres, business parks, hospitals, cinemas and gyms.

As discussed above, a TIA and Parking Assessment have been submitted with the application.

C9 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 3.5m.

The proposal complies with this control.

C10 Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.

This will be controlled via recommended conditions of consent.

C11 To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.

The proposed plantings do not raise concerns with regard to this control.

2.3 Landscaping

A landscape plan was submitted with the proposal that would be considered satisfactory.

The TIA has recommended that one street tree on Cullen Road is required to be removed to allow for safe vehicle access to and from the property. Council staff have no issue with the removal of the street tree to allow for the development to proceed with a safe access driveway. Alternative options were considered but given Section 101 of SEPP Infrastructure limits the opportunity to provide access from the Highway the options were limited. Council will condition offset plantings for the loss of the street tree.

The impact of the proposed development on the large Sugar Gum tree at the rear of 55 Gormly Avenue has been discussed below.

2.4 Signs

As mentioned above, the proposal includes two business identification signs.

The proposed wall signs meet all the relevant controls under this section of the DCP. No issues are raised.

2.5 Safety and security

The objectives and controls of this section that are relevant for this development are as follows:

Objectives

- O3 *Maximise opportunities for natural surveillance of public spaces and building or site entrances.*

Controls

- C1 *Use good site planning to clearly define public, semi-public and private areas.*
- C2 *Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.*
- C3 *Minimise blank walls along street frontages.*
- C4 *Avoid areas of potential concealment and 'blind' corners.*
- C5 *Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.*
- C6 *Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.*

The building has been well designed with the carpark located on the western elevation of the site and visible from the public road. The building addresses both street frontages and avoids blank walls and blind corners. The landscaping has been well designed to complement the building design and does not cause any security or safety issues.

2.6 Erosion and Sediment Control Principles

The site is unlikely to raise any sediment and erosion issues. Conditions of consent will ensure that measures are put in place during any construction.

Section 4 Environmental Hazards and Management

4.2 Flooding

The site is located within Central Wagga protected by the Levee. The relevant objectives and controls are as follows:

Objectives

- O1 *Minimise the public and private costs of flood damage.*
- O2 *Minimise the risk of life during floods by encouraging construction and development that is "flood proofed" and compatible with the flood risk of the area.*
- O3 *Ensure that development and construction are compatible with the flood hazard.*
- O4 *Require compatibility with the Flood Plain Development Manual 2005 as relevant.*

C1 Essential community services are not suitable for location in any of the flood risk precincts other than Central Wagga where they are to be above the Probable Maximum Flood (PMF) level. For the purposes of this Section, essential community services include:

- Community, information and education facilities which may provide an important role in notifying the community of flood dangers or evacuation*

- requirements during flood events.*
- *Emergency services facilities.*
- *Health service facilities.*

Given the proposal is for a Health Services Facility and located well within the PMF it would not comply with C1 above. However, the 2009 Floodplain Risk Management Study (the study) from which these controls were formulated needs to be carefully considered in this instance given the location within the CBD and the nature of the proposal.

The study has no definitions of 'Essential Community Services' nor does the Flood Plain Development Manual 2006 (FPDM) or the LEP 2010. The study does under Section 6.6.1 state the following:

6.6.1 Flood Planning Levels

Discussion

Selecting the appropriate FPL for a particular floodplain involves trading off the social and economic benefits of a reduction in the frequency, inconvenience, damage and risk to life and limb caused by flooding against the social, economic and environmental costs of restricting land use in flood prone areas and of implementing management measures.

FPLs are generally required to be defined or applied for the following broad land use categories:

- *community services (schools, halls),*
- *critical services (hospitals, police stations, Council offices),*
- *residential (single and multi-unit),*
- *rural areas,*
- *commercial/industrial,*
- *recreational facilities,*
- *caravan parks,*
- *additions/extensions to existing structures,*
- *public utilities (electricity, sewer, water, phone, etc).*

It is noted that 'Health Service Facilities' are not listed at all but 'hospitals' are listed but under 'critical services' and not 'community services' which they then fall under within the DCP. It is also important to note the terminology is different to that used within the DCP and again not defined within the Study, the FPDM or the LEP.

The study then goes on to produce a flood policy matrix (table 12). Within this table for Central Wagga protected by the levee it uses the term 'essential community facilities. It then lists a series of controls/conditions that would apply to these types of developments. These are as follows:

Essential Community Facilities

"Existing essential community services and critical utilities to be moved to land above the PMF flood level where possible."

It has no further controls, as it is otherwise marked as an "unsuitable land use".

Based on this it must be concluded that what falls within the definition of 'Essential Community Services' was determined by Council at the time of drafting the DCP. There appears to be little connection between what is actually written in the study and what has been included in the DCP in terms of what is encapsulated in essential community services.

The study was generally looking at three broad land use types that appear to have merged into the DCP controls for 'critical utilities,' these are as follows:

- *community services (schools, halls),*
- *critical services (hospitals, police stations, Council offices),*
- *public utilities (electricity, sewer, water, phone, etc).*

Community services are uses that were pulled out because of the role they play in providing meeting places, evacuation centres and the like in flood events. I.e. community infrastructure during these events.

Critical services are uses that are pulled out because they are buildings that need to continue running, especially during a flood, to ensure the ongoing operation of the city, and to provide and coordinate an emergency response to the flood.

Public utilities which are exactly that - utilities that keep the city functioning.

It appears therefore that in the writing of the DCP the overarching definition of Health Service Facility under the LEP that includes below it, 'hospitals', was incorrectly used and also incorrectly placed under essential community facilities as opposed to critical utility. It appears from the study that hospitals were specifically listed as a critical service and it was not the intent to include an all-encompassing Health Service Facilities definition. The facility is a private psychiatric care unit and would not be considered either critical or essential in a flood event. Given this discussion it is reasonable to conclude that C1 is not relevant to this type of Health Service Facility.

Having established that C1 is not relevant to this development does not immediately conclude that the development is acceptable. The flood prone nature of the land means that the objectives of the LEP and DCP remain a relevant consideration.

Given the site located in the CBD protected by the levee that is currently being upgraded to provide for a 1% ARI plus freeboard level of protection, the risk to life and property is considered acceptable. The flooding of the Murrumbidgee in this location would come with adequate warning time in the region of days as opposed to hours to allow for evacuation or temporary closure of the use. If this building were to flood it would be of negligible additional public or private cost given the extensive damage that would be caused by an event exceeding a 1% ARI.

For these reasons, the proposal would not be considered inconsistent with the objectives of the LEP or DCP and the development can be supported in this location. Furthermore it should be noted that the recently adopted Floodplain Risk Management Study and Plan 2018 foreshadows far more flexibility is assessing DAs for these types of development below the PMF. Whilst it certainly notes a preference for a PMF floor level, it provides other options to which may allow these types of uses below the PMF once the revised DCP controls have been written on the back of this document.

A flood evacuation management plan can be included by way of condition of consent. No other specific flood conditions are considered to be required.

Section 5 Natural Resource and Landscape Management

5.4 Environmentally sensitive land

This issue has been addressed under Clauses 7.3 and 7.6 of the LEP above, given the nature of the works and the existing structures on site negligible issues are expected.

Section 12 Specific Uses and Developments

12.6 Health Consulting Rooms and Medical Centres

Given the proposed development is neither of the above two land uses, this section of the DCP does not apply. However, it is important to note that the intention of this section was to allow these types of land uses whilst remaining considerate of the existing built form of the residential zones. It is also relevant to note that this section of the DCP was written prior to the approval of the Health and Knowledge Precinct Master Plan. The impact on the character of the area and amenity of the neighbouring properties has been discussed throughout this report.

(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreement has been entered into under section 7.4.

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

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

(b) - The likely impacts of the development

Context and setting

There will always be inconsistency with built form during transition from low scale (single dwellings on lots) to either medium density developments as permitted and encouraged in the R3 zoned land or developments of this nature that are permissible and now further supported by the adoption of the Health and Knowledge Precinct Master Plan for the area.

It should also be noted, that whilst inconsistent in the immediate context, the proposal would not be considered inconsistent in the wider context given the hospital development, the medical centres and the variety of commercial and industrial developments on both sides of Edward Street.

The design would be considered an 'attractive streetscape' and provide a strong edge between the public and private domain.

Council staff are comfortable to accept the impact on context and setting to allow for a development more consistent with the aims and objectives of the strategic documents.

Overlooking/Overshadowing

There will be a degree of overlooking and overshadowing but given the single storey design on a flat lot this would not be to a degree that would warrant refusal of the application.

Access, transport and traffic

As discussed above, the access to the site, parking and movement areas would all be considered acceptable with compliance with recommended conditions of consent.

Noise and vibration

The applicant submitted a Noise Impact Assessment (NIA) prepared by Rudds acoustics, revision 01, dated 9 April 2020. The report focuses on the impact on the building itself and the demolition and construction phase of the development and the impacts of this on the neighbouring properties. The report concludes the following:

...This assessment finds that the project management levels can be achieved at the commercial receivers to the north across Edward Street, but due to the close proximity of residential receivers to the east and south of the site, there will be periods during construction that will exceed the construction noise management levels at these nearby residences.

In order to mitigate these exceedances, an acoustic barrier is proposed for the site, and it is also recommended that noisy activities be undertaken at periods where the local community is least sensitive to noise. This should be planned in consultation with the community.

For the rest of the construction period, the proponent should apply all reasonable and feasible work practices to meet the noise affected level. The proponent should also inform potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.

A complaints register is to be kept on-site at all times.

Noise intrusion into the development can be addressed through appropriate construction of façade elements, with advice on suitable construction being provided in this report...

Council staff are comfortable that the NIA appropriately addresses the offsite impacts of the demolition and construction and the requirements for the construction of the building to ensure it meets appropriate standards when finished. The recommendations of the NIA will be conditioned.

The NIA does not make any reference to the impact of the finished building and its operation on the neighbouring properties. Given the use and the location adjoining the Highway, Council staff are comfortable that the operations will not cause an unreasonable noise impact on the adjoining neighbouring properties. However, the location of air conditioning units and any other mechanical plant that may be required for this premises needs to be considered. A condition of consent will require this information to be submitted and signed off by Council prior to the release of a Construction Certificate.

Natural Hazards

The site is not bush fire prone. The riverine flooding issue has been discussed above.

The site is subject to inundation in a 1% Major Overland Flow Event (MOFFs). Councils mapping indicates that across the majority of the site the depth of water is below 150mm which is considered to be negligible. The height increases towards the northern boundary of the site with the highway to a depth in places of 300mm. This height would also be considered negligible given its likely impacted by the low point in the road at the kerb. The development will displace some of this water in a 1% MOFFs event but the impact is very minor and unlikely to impact on the levels within neighbouring properties given the location of the building and the height of the water.

Waste

The report was accompanied by a Waste Management Plan (WMP) prepared by Northrop Consulting Engineers dated 16/7/20. The report looked at waste management and generation during demolition, construction and the ongoing operation of the facility.

The WMP recommends that a demolition and construction management plan be prepared.

This position is supported by TfNSW and Council staff and will be recommended in conditions of consent.

The report states that 14 bins will be required to be collected on a weekly basis and that this would be through Council as opposed to a private contractor. The WMP shows the area for collection at the front of the site. Given this area will be no parking there will be no obstruction for the waste removal truck and there is adequate site frontage to accommodate the required bins. However, the collection point will result in the waste removal truck stationary at the southern end of the one-way section of Cullen Road for a short period of time. Whilst not ideal, given the short period of time involved, any vehicles that enter Cullen Road from the north will not have to wait long before they can safely pass the truck or the truck has completed the collection.

Further to the above, TfNSW and Council's traffic engineer did not raise any concerns regarding this issue.

Services/Utilities

As the subject development is located within a residential area, all power, water, sewer and telecommunications are available to the site.

The development has been set back 3m from the southern boundary and is therefore clear of the sewer main that runs along this boundary.

Public domain

No issues raised.

Other land resources

No issues raised.

Water

Council imposes no additional requirements that relate to water saving. The site is serviced by water and has appropriate stormwater facilities.

Soils

Soil tests will determine the building requirements at Construction Certificate stage.

Air and microclimate

Conditions of consent will minimise impacts during construction. No adverse impacts are expected

Safety, security and crime prevention

The proposed development raises negligible issues in a residential zone.

Social/economic impacts

The construction of new Health Service Facilities and any required infrastructure improvement works will support local businesses such as builders, decorators and building supply companies. The new facility will provide the only private mental health facility in the region which will provide much needed support for persons requiring this service.

There are no adverse economic or social impacts anticipated from the proposed development

Flora and fauna

The site contains existing low height vegetation of no value that will be removed as part of the demolition and initial site works. Council raises no issues with the removal of this general garden planting vegetation.

The applicant has lodged a landscape plan that is considered acceptable.

The removal of the street tree has been discussed above and considered acceptable.

The proposal will come in close proximity to an established Sugar Gum located at the very rear of No.55 Gormly Avenue that backs onto the subject site. Council Staff requested an Arborist report to address this relationship.

Wade Ryan Contracting prepared an Arboricultural Impact Assessment (AIA) dated 30/10/2020. The AIA recommended that the development can proceed in its current layout subject to a number of recommendations. The report was reviewed by Council's Supervisor Tree Planning and Management who was satisfied with the findings of the report.

The recommendations of the AIA have been included as conditions of consent.

Site Design and internal design

The internal design raises little concern. It has been designed to meet the needs of the business whilst considering the site constraints. The overall site design utilises the space well with excellent presentation to both road frontages. The car park is well located off the secondary road and easily accessible.

Overall the development would be considered acceptable on a merits based assessment for the site.

Cumulative Impacts

The development will provide a different set of impacts to the character of the area and the amenity of the neighbouring properties than the current development. However, it is considered that the proposed development is generally consistent with the aims, objectives and controls of the relevant planning documents and will provide for a development that does not unreasonably impact on character or amenity given the strategic direction of the area. On balance the development would be considered acceptable.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

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

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

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

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

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).

3 Conservation of biological diversity and ecological integrity

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

4 Improved valuation, pricing and incentive mechanisms

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

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

The proposed development would result in a Health Services Facility in a residential zone. The impacts assessed above have concluded that the development would be acceptable with minimal impact on the environment.

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

Suitability of the site in terms of the likely impacts identified under (b)

The subject land is considered to be suitable for the proposed development given the discussion throughout this report. The development is permissible in the zone, is consistent with strategic direction and does not detrimentally impact the character of the area or the amenity of the neighbouring properties.

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

Referrals

Internal
Transport NSW
Essential Energy

Public Submissions and those from public authorities:

Public Authorities Submissions

TfNSW - Submission has been addressed in the body of the report.

Essential Energy - Submission has been addressed in the body of the report.

Riverina Water made the following comments:

- *Additional fees and charges for water supply may be incurred by the proposed development*
- *Developer must make an application for a Certificate of Compliance for water supply*
- *Certificate of Compliance for water supply required prior to issuing of Construction Certificate*
- *Riverina Water Plumbing Certificate required prior to Occupation Certificate*

Appropriate conditions will be applied to any consent granted.

Public submissions:

Two public submissions were received and comments summarised below.

Issue: Traffic concerns with particular regard to the junction of Cullen Road and Edward Street being used as an exit when it is only one-way and the additional on-street parking.

Comment: The 'No through road' signs are clear and well located on the junction with Gormly Avenue and Cullen Road and the 'No Entry' signs clear and well located at the southern end of the one-way section of Cullen Road. Council has no control over motorists not following the road rules. Parking will be restricted on the eastern side of Cullen Road north of the driveway entrance to ensure the safe entry and exit from the site and to ensure safe vehicle movement when entering Cullen Road from Edward Street.

Issue: Would like confirmation of the height, material and at who's cost is the fencing sound barrier.

Comment: The fencing sound barrier is a temporary fencing recommended by the noise report and will be 2.4m high located along the north and east boundaries and extending to 3.5m high on the southern boundary. The barrier is at the full cost of the developer.

Issue: Concerns over noise associated with mechanical equipment such as air conditioning units

Comment: As per the discussion above, Council will require details of the location of mechanical equipment prior to the release of a Construction Certificate.

Issue: Flooding concerns with the raising of the land.

Comment: The impact of riverine flooding and major overland flow flooding have been discussed in the body of the report. Furthermore, engineering plans will require the site to adequately address stormwater issues to the satisfaction of Councils Engineering Guidelines.

Issue: Parking issues

Comment: This has been discussed in the body of the report and considered acceptable. The submission also included a comment that the data was collected during 'lockdown' and that the numbers are not representative of actual usage for this reason further counts should be undertaken. The TIA acknowledges this and states the following:

...These traffic counts were undertaken during the COVID-19 epidemic. The data obtained and stored as the ECO files was reviewed to examine if the traffic conditions presented from 01/04/2020 - 17/04/2020 were similar to those observed 17/02/2020 - 18/02/2020.

The ECO data identified the data collected showed similarities to the observed conditions. Therefore for the purpose of this study, these traffic volumes will be used...

The report also concludes that *“The generated traffic from the development will have a small impact to the surrounding area, however it is at the lower bound of the road’s capacity and the impact will be negligible”*. Based on this and the fact that Council’s traffic engineer and TfNSW did not raise concern with the dates the information was gathered Council staff have not requested additional counts be undertaken.

Issue: Waste management and parking

Comment: This issue has been discussed in the body of the report and considered acceptable.

Issue: Equipment used will interfere with mobile network and Wi-Fi signals

Comment: This issue is not a planning consideration.

Issue: Biodiversity

Comment: As discussed above, offset plantings for the removal of the street tree will be conditioned. However, it cannot be guaranteed that these offsets will be near the BBQ area.

(e) - the public interest

Federal, state and local government interests and general community interests

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided. The proposed development has been assessed against the applicable DCP controls and assessed as acceptable.

Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is the public interest.

Councils Strategic Planning Section have provided the following comments with regards to the relationship with the Health and Knowledge Precinct.:

Council’s City Strategy section has reviewed the content of the application and the proposal is generally consistent with the strategic intent of Council’s adopted and draft strategies. The adopted Wagga Wagga Health and Knowledge Precinct Master Plan identifies the subject area as ‘residential apartments’ with the intent to create a boulevard gateway experience into the precinct from the west along Edward Street with medium to high density developments, motel and hotel accommodation, bars, cafes and restaurants integrated into the ground floor areas of new developments. These existing residential lots form the gateway on the southern side of Edward Street.

The proposal is not directly aligned to the vision for Edward Street Gateway, however, it is consistent with the Master Plan intention to provide additional Mental Health services within the precinct.

Understanding that redevelopment is generally constrained and influenced by land ownership, the precinct will develop over time in line with opportunities that become available. The application presents an opportunity to continue to expand on health services within the precinct and contribute to the overall vision.

Other Legislative Requirements

Section 5AA and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

On 21st November 2017, certain zones of the WWLEP 2010 achieved Biodiversity Certification under the *Biodiversity Conservation Act 2016*, including all Business, Industrial, Residential and Special Infrastructure Zones that were in place at the time of the making of the *Biodiversity Conservation Act 2016*. The subject site falls within an area subject to the Biodiversity Certification Order.

The effect of the Biodiversity Certification, as set out by Section 8.4 of the *Biodiversity Conservation Act 2016* is that:

An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.

A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Therefore, no further consideration of these matters is required.

Section 733 of the *Local Government Act 1993*

Section 733 of the *Local Government Act 1993* provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire. Where required, a risk assessment has been completed and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

Flooding Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. Although the site is identified as being prone to flood no further risk assessment is required as the development is within the main city levee.

Bush Fire Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. A risk assessment is not required as the development is not mapped as being on Bushfire Prone Land.

Council Policies

N/A

Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

Development Contributions

Council has recently adopted Addendums to the Development Servicing Plans for Sewer and Stormwater and the Wagga Wagga Local Infrastructure Contributions Plan 2019 - 2034. The addendums requires the stormwater contributions to be calculated using the methodology of the 'Draft Implementation Guide'. The addendum has also allowed for all payments to be

deferred for a period of 12 months if the applicant chooses. This will be included on the conditions of consent.

Section 7.11/7.12 of the Environmental Planning and Assessment Act 1979 and the City of Wagga's Local Infrastructure Contributions Plan 2019-2034 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.12 contribution applies to this development that will be put towards the provision of infrastructure to meet the expectations of the residents of the city.

The calculation is as follows:

S7.12

1% of \$5,765,000 = \$57,650

Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 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 for sewer and stormwater is payable for this development as a source of funding towards infrastructure within the urban area.

The calculation is as follows:

The site has a credit for 5 dwellings.

S64 Sewer:

The water directorate guidelines do not list 'Health Services Facilities'. However, they do list both Hospitals and Medical Centres.

Given the facility offers overnight stay it is considered more appropriate to use the Hospital suggested value as opposed to the Medical Centre.

Hospitals 1.43ETs per bed

Facility has 12 beds

$12 \times 1.43 = 17.16\text{ETs}$

Credit of 5ETs = $17.16 - 5 = 12.16\text{ETs}$

$12.16 \times 3538 = \$43,022.08$

Plus CPI = $\$43,022.08 \times 117.1/100.5 = \$50,128.21$

S64 drainage:

Stormwater calculations for this development are based on the methodology of the draft implementation guide but utilising the current contribution rates. The hardstand rate for this location would therefore be $3007/800 = \$3.75$ per m².

The proposed hardstand area is 1863m²

The existing hardstand area (5 dwellings and sheds) is 1300m²

$1863 - 1300 = 563$

$563 \times 3.75 = \$2,111.25$

Plus CPI $2,111.25 \times 117.1/87.9 = \$2,812.59$

Other Approvals

Nil

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies. The submissions received have been addressed in the body of the report.

RECOMMENDATION

It is recommended that application number DA20/0476 for Health Services Facility be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.**A. SCHEDULE A – Reasons for Conditions**

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions**Approved Plans and Documentation**

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Daryl Jackson Alastair Swayn Pty Ltd	A	14/09/20
-	Response to request for additional information	Daryl Jackson Alastair Swayn Pty Ltd	-	18/11/20
-	Preliminary Site Investigation	McMahon Earth Science	-	January 2020
-	Hazardous Materials Assessment and Register	McMahon Earth Science	-	June 2020
R3200057AC R1 20-04-09	Noise Assessment Report	Rudds Acoustics	01	9/4/20
-	Waste Management Plan	Northrop Consulting Engineers	3.1	16/7/20
-	Traffic Impact Assessment	Northrop Consulting Engineers	4.0	17/11/20
-	Parking Assessment	Northrop Consulting Engineers	4.0	17/11/20
-	Arboricultural Impact Assessment	Wade Ryan Contracting	-	30/10/20
A-006	Site Analysis Plan	Daryl Jackson Alastair Swayn Pty Ltd	A	14/9/20
A-050	Demolition Plan	Daryl Jackson Alastair Swayn Pty Ltd	A	14/9/20
A-060	Proposed Site Plan	Daryl Jackson Alastair Swayn Pty Ltd	B	5/11/20
A-100	Proposed Floor Plan - Ground Level	Daryl Jackson Alastair Swayn Pty Ltd	A	14/9/20
A-101	Proposed Floor Plan - Roof	Daryl Jackson Alastair Swayn Pty Ltd	A	14/9/20
A-301	Proposed Elevations - Sheet 1	Daryl Jackson Alastair Swayn Pty Ltd	A	14/9/20
A-302	Proposed Elevations - Sheet 2	Daryl Jackson Alastair Swayn Pty Ltd	A	14/9/20
A-401	Proposed Sections - Sheet 1	Daryl Jackson Alastair Swayn Pty Ltd	A	14/9/20
A-402	Proposed Sections - Sheet 2	Daryl Jackson Alastair Swayn Pty Ltd	A	14/9/20
A-910	Proposed Finishes Schedule	Daryl Jackson Alastair Swayn Pty Ltd	A	14/9/20
301	Site Plan (landscaping)	Harris Hobbs Landscapes	B	14/8/20
302	Detail Planting Plan	Harris Hobbs Landscapes	B	14/8/20
303	Plant Schedule - Plant Detail	Harris Hobbs Landscapes	B	14/8/20

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

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

- C.2 Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.

Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including but not limiting to:

- a) Structure - Section B- (Part B1)
- b) Fire Resistance - Section C- (Parts C1, C2, C3)
- c) Access and Egress - Section D- (Parts D1, D2, D3)
- d) Services and Equipment - Section E- (Parts E1, E2, E3, E4)
- e) Health and Amenity - Section F- (Parts F1, F2, F3, F4, F5)
- f) Ancillary Provisions- Section G- (Parts G1, G2, G3, G4, G5)
- g) Special Use Buildings- Section H- (Parts H1, H2, H3)
- h) Energy Efficiency- Section J- (Parts J0, J1, J2, J3, J5, J6, J7, J8)

- C.3 Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-

\$2000 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee as per Councils fees and charges.

NOTE 1: Applicants will be required to contact Council PRIOR to making the payment to arrange a bond (BKG) number. This must be done prior to making payment at Council's customer service desk.

NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold an ongoing bond.

NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

- NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.
- NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant
- C.4 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$57,650 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.
- NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. .The applicable rate of CPI at the time of consent is 117.4/115.1
- NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.
- NOTE 4: Council will accept an unconditional bank guarantee made out to Wagga Wagga City Council as payment. The bank guarantee will be either released or call upon 12 months after the date of the Construction Certificate, at which time full payment is due. If payment is not made at this time Council will call on the bank guarantee. Please note indexation to contributions due will still be indexed on 1 July each year.
- C.5 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.
- NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

- NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.
- NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.
- NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.
- NOTE 5: The Section 64 Sewer base figure is \$43,022.08

The Section 64 Sewer contribution (updated by the 117.1/100.5) required to be paid is \$50,128.21
- NOTE 6: The Section 64 Stormwater base figure is \$2,111.25

The Section 64 Stormwater contribution (updated by the 117.1/87.9) required to be paid is \$2,812.59
- NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.
- NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.
- NOTE 9: Council will accept an unconditional bank guarantee made out to Wagga Wagga City Council as payment. The bank guarantee will be either released or call upon 12 months after the date of the Construction Certificate, at which time full payment is due. If payment is not made at this time Council will call on the bank guarantee. Please note indexation to contributions due will still be indexed on 1 July each year.
- C.6 Prior to the issue of a Construction Certificate stormwater drainage shall be designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Stormwater shall be connected directly to Council's stormwater mains. Discharge to the kerb will not be permitted. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided.

- C.7 Prior to the issue of the Construction Certificate a revised site plan shall be submitted to the Principal Certifying Authority for approval that indicates;
- a) The stormwater connecting directly to Council's stormwater main.
Existing utilities to be located and shown on the plans in the vicinity of the proposed stormwater works.
 - b) The sewer connection to the spur provided. All redundant spurs to be de-commissioned.
 - c) The finished paving levels demonstrating that the stormwater overland flow path is directed towards the street or an alternative appropriate point of discharge.
 - d) A stormwater plan indicating pipe and pit levels, inverts and sizes.
This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed a 1 in 10 year event.
- C.8 Prior to the release of the Construction Certificate the applicant is to submit amended plans that show the following:
- a) The boundary fencing along the southern boundary as either 'see-through type' or no more than 1.1m high for a distance of 2.5m inside the property to the boundary with Cullen Road.
 - b) The recommendations and requirements of the Arboricultural Impact Assessment (AIA) prepared by Wade Ryan Contracting, dated 30/10/20. This site plan must be included in the Construction Certificate plan set and onsite at all times during construction.
 - c) The location of the replacement street tree. The location should be developed in consultation with Council's Supervisor Tree Planting and Management.
 - d) The location of any mechanical equipment (e.g. air conditioning units) associated with the ongoing operation of the premises. NOTE: these must be carefully located to mitigate potential impacts on the adjoining residential properties.
- C.9 Prior to the release of the Construction Certificate a Demolition and Construction Management Plan shall be submitted to and approved by Council. The plan shall include but is not limited to the following:
- a) Details of the project, time frames, dates, contacts
 - b) provisions are available on site for all vehicles associated with the demolition/construction of the development to alleviate any need to park within, or load/unload from, the surrounding public road network.
 - c) Suitable delivery times to minimise the impact of deliveries on traffic.
 - d) Details of appropriate signage and fencing to be installed and maintained to effect this plan.
 - e) Suitable traffic management measures (to include access to and from the site, likely vehicle movements, loading/unloading areas etc)

- f) WHS measures
- g) Public safety and security
- h) Management of air, dust, stormwater, sediment, noise (noise issues must include recommendations from the Noise Impact Assessment)
- i) Waste Management (must include recommendations from the Waste Management Plan)
- j) Construction hours
- k) Relevant details and recommendations of the Hazardous Material Assessment and Register prepared by McMahon earth Science, dated June 2020.
- l) If soil and waste materials are to be disposed of or recycled off-site, specify:
 - i. soil testing to be carried out of all material excavated from the development site, including sampling methodology, analytes tested for and how material removed will be appropriately classified in accordance with NSW EPA Waste Classification Guidelines 2014, and
 - ii. particulars of when and by whom samples will be obtained and where they will be sent for analysis, and
 - iii. where materials will be taken for disposal or processing, including the particulars of any waste facility or recycling outlet, and
- m) The unexpected finds protocol in the event of the discovery of potentially hazardous or contaminated material on the site.

This plan shall be adhered to at all times during works.

- C.10 No part of the development, including cut, fill, or footings is to encroach the easement. Prior to the release of the Construction Certificate the applicant is required to submit plans that show that the footings address the angle of influence taking into account the depth of existing infrastructure in the easement:-

NOTE:- The sewer main is 1.7m metres deep, footings will need to be a minimum of 1m in depth These depths are based finished ground levels at subdivision stage. If the development is proposing cut and/or fill then the applicant needs to take this into account when determining the required depth of footings.

- C.11 Prior to issue of the Construction Certificate detailed plans and elevations of the food and drink preparation areas shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2015 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.
- C.12 As street trees will become an asset Council, if the applicant chooses to engage a contractor the following information is to be supplied for review and approval by Council's Supervisor of Tree Planning and Management prior to the release of the Construction Certificate:

- a) Company trading name
- b) Contractor's license number
- c) Relevant experience of company
- d) Relevant qualifications of key staff undertaking the works

If the applicant chooses to engage a contractor to undertake the street tree planting then a bond of \$500 per street tree is required to be paid to Council prior to the release of the Construction Certificate. Installation can only occur during the next available planting season (May-August).

NOTE: The fee per street tree will be in accordance with the figure nominated in this condition or in accordance with Council's adopted Revenue and Pricing Policy at the time of payment of this fee whichever is the greater.

- C.13 Prior to the release of the Construction Certificate a plan shall be submitted to and approved by the General Manager or delegate, that identifies the implementation of fulltime "No Stopping" restriction as follows:
- a) On the eastern side of Cullen Rd. from its intersection with Dobney Ave/Edward St. to the driveway of the proposed development in Cullen Rd.
 - b) ii) Along the Edward St. frontage of the subject property between the eastern end of the central median on Edward St. to the intersection of Cullen Rd.

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.

- C.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 and approved by Council.

Requirements before the commencement of any works

- C.15 If the work involved in the erection or demolition of a building or structure:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning must be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

C.16 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

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

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

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

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

C.17 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 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.

- C.18 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

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

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

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

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

- C.19 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

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

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

- C.20 Prior to the commencement of works, separate Activity Approvals under Section 68 of the Local Government Act 1993 are required for both public and private works to any sewer and stormwater. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.

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

The Public Section 68 is required for the following:

- a) connection to Council's stormwater main
- b) de-commissioning of redundant sewer spurs
- c) any other public infrastructure sewer / stormwater works, where that work is proposed to be carried out on public or Council owned land.

NOTE 1: 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.

NOTE 2: Prior to the commencement of works a bond may be required to be lodged with Council for public infrastructure works. Refer to Council's Section 68 Activity Approval Application Guide for detail.

NOTE 3: A copy of the Notice of Works form can be found on Council's website

- C.21 Prior to the planting of any street trees by the contractor each tree is to be inspected by the General Manager or their delegate to ensure that trees have been grown in accordance with relevant Natspec guidelines. Trees that have been rejected by the General Manager or their delegate are not to be planted.

Council will provide planting installation details to the contractor to ensure street trees are planted in accordance with Australian and WWCC standards.

The General Manager or their delegate will undertake an inspection following the installation of the street trees. Any street trees that have been planted incorrectly will be required to be replanted within one week of the inspection. If replanting does not occur WWCC will utilise the \$500 bond per tree for each tree incorrectly planted and not replaced correctly to undertake the supply, planting and maintenance of the replacement tree/s.

NOTE: The fee per street tree will be in accordance with the figure nominated in this condition or in accordance with Council's adopted Revenue and Pricing Policy at the time of payment of this fee whichever is the greater.

- C.22 A Tree Protection Zone (TPZ) shall be constructed for the tree located at the rear of 55 Gormly Avenue in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites. In addition to the establishment of the TPZ, all recommendations of the approved Arboricultural Impact Assessment (prepared by Wade Ryan Contracting, dated 30/10/20) shall be implemented during the construction of the development.

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

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

If damage of any sort should occur to any protected trees / vegetation within the development, contact shall be made with Council's Supervisor of Tree Planning and Management to determine what remedial action should be taken. Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

- C.23 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

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

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

- C.24 No works are to take place to any services without prior written approval from the relevant authority.

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

Requirements during construction or site works

- C.25 Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council's website at- <<https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath>> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.
- C.26 No construction materials, plant or equipment relating to work authorised by this consent are to be placed or stored within the road reserve during the period in which work authorised by this consent will be carried out without the prior written approval of the Council.
- C.27 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.28 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and

- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 3: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

C.29 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

C.30 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

C.31 Any proposed site fill must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, or Excavated Natural Material (ENM), as defined by the Excavated Natural Material Order 2014, 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.

C.32 Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

C.33 Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au <<http://www.safework.nsw.gov.au>>) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.

- C.34 Works shall be carried out in accordance with the Demolition and Construction Management Plan, to be provided to Council and approved in accordance with this consent.
- NOTE: A copy of the Plans should be made available to all contractors involved in conducting works on the premises/site.
- C.35 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.
- C.36 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.37 The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Food Regulations 2015 and the Food Safety Standards Code.
- C.38 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Office of Environment and Heritage.
- C.39 Trees indicated on the submitted plans for removal, shall be removed from the site in accordance with the proposed development. Consent under Council's Tree Preservation Order is not required for removal of the subject trees.
- The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - amenity tree industry 1998 No. 034.
- Any works associated with tree removal shall be carried out in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.
- All tree stumps shall be removed below ground level and the surface area reinstated to prevent potential injury.
- All waste material from the subject tree/s shall be removed from site in conjunction with clearing.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.40 Prior to issue of occupation certificate all redundant kerb laybacks in Edward Street shall be replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's Engineering Guidelines for Subdivisions and Developments.
- C.41 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.

- C.42 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.43 Prior to the issue of an Occupation Certificate, Works-As-Executed (WAE) plans of the constructed On-Site Detention system shall be submitted to Council. The WAE plans shall confirm the volume of constructed storage areas, installation of orifice plates, pipe and pit levels and surface levels of overland flow paths. Certification shall be provided by a practising Civil Engineer that the constructed On-Site Detention system will function as intended in accordance with the approved plans.
- C.44 Prior to the issue of an Occupation Certificate, all redundant sewer spurs on the development site shall be de-commissioned to the satisfaction of Council.
- C.45 Prior to the issue of an Occupation Certificate, the 'no stopping' restriction required under condition 13 shall be in place.
- C.46 Prior to the release of the Occupation Certificate a Management Plan for the Health Service Facility is to be submitted to and approved by Council. The Management Plan is to include but is not limited to the following:
- a) Operation of carpark (allocating of spaces, informing clients of parking requirements, management of visiting hours and staff change over periods etc.)
 - b) Management of deliveries (outside of visiting hours)
 - c) Complaints management procedure
- C.47 Prior to the release of the Occupation Certificate certification from a suitably qualified person is to be submitted to Council that confirms the Health Services Facility has been constructed to comply with the recommendations identified in the Noise Impact Assessment prepared by Rudds acoustics, revision 01, dated 9 April 2020.
- C.48 Prior to the issue of Occupation Certificate a Flood Evacuation Plan for the development shall be submitted to and approved by Council.
- NOTE: Details of flood evacuation procedures suitable for inclusion in this plan are outlined in the State Emergency Services' "Wagga Wagga Local Flood Plan", a copy of which is held by the Wagga Wagga State Emergency Services Branch.
- C.49 Prior to the issue of the Occupation Certificate and at a minimum two (2) days prior to the food business premises commencing trade, a health inspection must be conducted by Council's Environmental Health Officer in accordance with the Food Act 2003 and the Food Regulations 2015, Food Safety Standards Code. A satisfactory final fit out and construction approval must be obtained by Council's Environmental Health Officer prior to commencing trade.
- C.50 Prior to the release of the Occupation Certificate the Food Business Premise and the current Food Safety Supervisor must be notified to the appropriate regulatory authority.
- C.51 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

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

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

- C.52 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

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

- C.53 Prior to the issue of an Occupation Certificate, the following lots are to be consolidated into one lot:

Lot 1 DP 1049345, Lot 12 DP 663068, Lot 13 DP 655792, Lots 10 & 11 DP 12441.

NOTE: Evidence of consolidation must be provided to Council

General requirements

- C.54 The approved health services facility shall operate in accordance with the details outlined in the documentation approved under this consent and with specific regard to the following matters:

- a) Proposed operational and management practices.
- b) Proposed Staffing numbers.
- c) Provision and management of on-site car parking.

- C.55 The signage must be designed and located, such that it complies with the following;

- a) the sign display must not include:
 - Any flashing lights,
 - Electronically changeable messages, animated display, moving parts or simulated movements,
 - Complex display that holds motorists attention beyond “glance appreciation”
 - Display resembling traffic signs or signals,
 - Instruction to traffic by using words such as “stop” or “halt”,
- b) The proposed sign and support structure must be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.

- c) The method of intensity of any illumination of the sign must not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.
 - d) If any proposed sign must be located within close proximity to a road reserve, the sign and supporting structure must, as a minimum, comply with the wind loading requirements as specified in AS1170.1.2002 Structural Design Actions - Permanent, imposed and other actions and AS1170.2.2002 Structural Design Actions - Wind Actions.
 - e) Any proposed signage must not obstruct or distract from any road related signage in the vicinity.
 - f) Any sign and supporting structure should not pose any risk to pedestrian safety.
- C.56 All loading and unloading of goods associated with the Health Services Facility is to take place within the carpark area (this excludes waste disposal).
- C.57 The Management Plan required by condition 46 is to remain in place for the perpetuity of the consent.
- C.58 Any landscaping or fencing 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 subject site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".
- C.59 Once street trees have been planted, inspected and approved by Council the two years maintenance period will commence. Ongoing establishment and maintenance is to occur during this period to ensure a 100% survival rate of street trees. Any trees lost during this period due to death, disease, vandalism etc will require replacement by the organisation that installed the trees (be it WWCC or the applicant).
- If planting is undertaken by a contractor, at the end of the two years maintenance period the General Manager or their delegate will undertake an inspection of the street trees. Council will utilise the collected bond paid for each tree incorrectly planted and not replaced correctly to undertake the supply, planting and maintenance of the replacement tree/s.
- C.60 A minimum of 18 parking spaces must be made available on site at all times. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004, AS2890.2 2002 and AS/NZS2890.6.2009.
- C.61 Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition 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.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A
