

# COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-64 – WAGGA WAGGA
DA Number	DA20/0408
LGA	Wagga Wagga
Proposed Development	Educational Establishment – UNSW Biomedical Science Centre
Street Address	260 Edward St WAGGA WAGGA NSW 2650
Applicant/Owner	University of NSW / Health Administration Corporation
Date of DA lodgement	26 August 2020
Total number of Submissions	• 3 (TfNSW, Essential Energy, Riverina Water)
Number of Unique Objections	• NIL
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Crown development over \$5 million  Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• Wagga Wagga Local Environmental Plan 2010</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>• State Environmental Planning Policy No 64 - Advertising and Signage</li> <li>• Wagga Wagga Development Control Plan 2010</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• Landscape Plans</li> <li>• Statement of Environmental Effects</li> <li>• Traffic Impact Assessment</li> <li>• Noise Impact Assessment</li> <li>• Heritage Impact Assessment</li> <li>• Preliminary Site Investigation</li> </ul>
Clause 4.6 requests	Not Applicable
Summary of key submissions	<ul style="list-style-type: none"> <li>• Provision of on-site car parking</li> <li>• Streetscape</li> <li>• Flood impacts – PMF</li> <li>• Impact on heritage item</li> <li>• Waste collection</li> </ul>
Report prepared by	Cameron Collins
Report date	5 February 2021

## Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

## Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

## Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

Not applicable

## Conditions

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

Yes

## **Executive Summary**

1. The application seeks consent for a 3-storey learning and teaching facility to be known as the 'Biomedical Science Centre' for use by the UNSW Faculty of Medicine and Health Sciences. The capital investment is \$16,058,844.
2. The development is a Crown development for the purpose of Division 4.6 of the Environmental Planning and Assessment Act 1979. Clause 226(1) of the Environmental Planning and Assessment Regulation 2000 provides that a development carried out by an Australia University is a Crown development.
3. The site is located at the front of the existing Wagga Wagga Base Hospital campus and is on the eastern side of the intersection of Edward Street (Sturt Highway) and Lewis Drive immediately adjacent to the main entry. The development will adjoin the proposed Multi Level Car Park development (subject to DA 20/0708).
4. Under the provisions of the WWLEP2010, the subject site is within the SP2 Infrastructure (hospital) zone. Development for an 'educational establishment' is not permitted in the SP2 Infrastructure (Hospital) zone, however the development is permitted under Clause 45(1) of the Education SEPP.
5. The application has been referred to Essential Energy and Transport for NSW under the provisions of the infrastructure SEPP. Submissions received from Essential Energy and TfNSW have been considered in accordance with the requirements of the SEPP.
6. Having regard to the provisions of SEPP 55 and the findings of a submitted PSI, it is satisfied it is site is suitable for the proposed purpose.
7. The application proposes signage (building identification signage) which has been assessed against the provisions of SEPP 64 and deemed satisfactory.
8. Matters raised in the submission by TfNSW have been considered and recommended conditions of consent proposed. This includes concerns regarding proposed waste collection from the Sturt Highway (Edward Street). Appropriate conditions have been recommended to require waste to be collected from Doris Roy Lane.
9. The development will result in the loss of 71 carparking spaces as a result of the removal of the existing on grade carpark located at the site. These spaces will be replaced within the additional carparking that is proposed under Development Application DA20/0708.
10. In addition to the 71 carparking spaces to be replaced, the applicant proposes to provide an additional 15 spaces designated for the UNSW development within the proposed carpark expansion on the hospital campus (DA20/0708). These spaces will be secured in perpetuity by way of a legal agreement between UNSW and Murrumbidgee Local Health District.
11. The hospital campus site is identified under Schedule 5 of the LEP 2010 as containing an item of environmental heritage (Item number I261 - Wagga Wagga Base Hospital (c1960 building)). The item was demolished in 2018 as part of the overall hospital redevelopment project. The development will not result in any detrimental impact on the significance of the item.
12. The DCP 2010 identifies educational establishments as 'critical utilities' which are not suitable on the land as it is subject to flood inundation during the PMF. It is satisfied that the proposed tertiary institution proposed (UNSW) and the function that it will perform is not a critical utility with respect to a major flood incident and, for this reason, it is satisfied that the development is not contrary to the intent of the DCP control and that the site is suitable for the development.

13. No public submissions have been received in relation to the development.
14. The development is recommended for approval subject to conditions.

# Report of Development Application

## Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

### APPLICATION DETAILS

Application No:	DA20/0409
Council File No:	D/2020/0409
Date of Lodgement:	26/08/2020
Applicant:	University of NSW C/-L3, Mathews Building F23 Botany Street KENSINGTON NSW 2033
Proposal:	Educational Establishment – UNSW Biomedical Science Centre
Development Cost	\$16,058,844.00
Description of Modification:	N/A
Other Approvals:	Nil
Determination Body & Reason:	Officer Delegation 7.39
Assessment Officer:	Cameron Collins

### SITE DETAILS

Subject Land:	260 Edward St WAGGA WAGGA NSW 2650 Lot 334 DP 1190643
Owner:	Health Administration Corporation

### REPORT

Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	30/9/2020 until 16/10/2020
Advertising:	30/9/2020 until 16/10/2020
Owner's Consent Provided:	Yes
Location:	On the south eastern corner of the intersection of Edward Street and Lewis Drive.

## Description of Development

The application seeks consent for a 3-storey learning and teaching facility to be known as the 'Biomedical Science Centre' for use by the UNSW Faculty of Medicine and Health Sciences. The DA seeks approval for:

The DA seeks approval for:

- Demolition of existing car parking and site preparation works;
- Construction and use of a 3-storey learning and teaching facility;
- Installation of building identification signage;
- Landscape works;
- Service connections, including installation of a new substation; and
- Relocation of existing stormwater infrastructure.

Details of 3 storey building:

- Height - 15.8 metres
- GFA - 2051m<sup>2</sup>
- FSR - 1.28:1

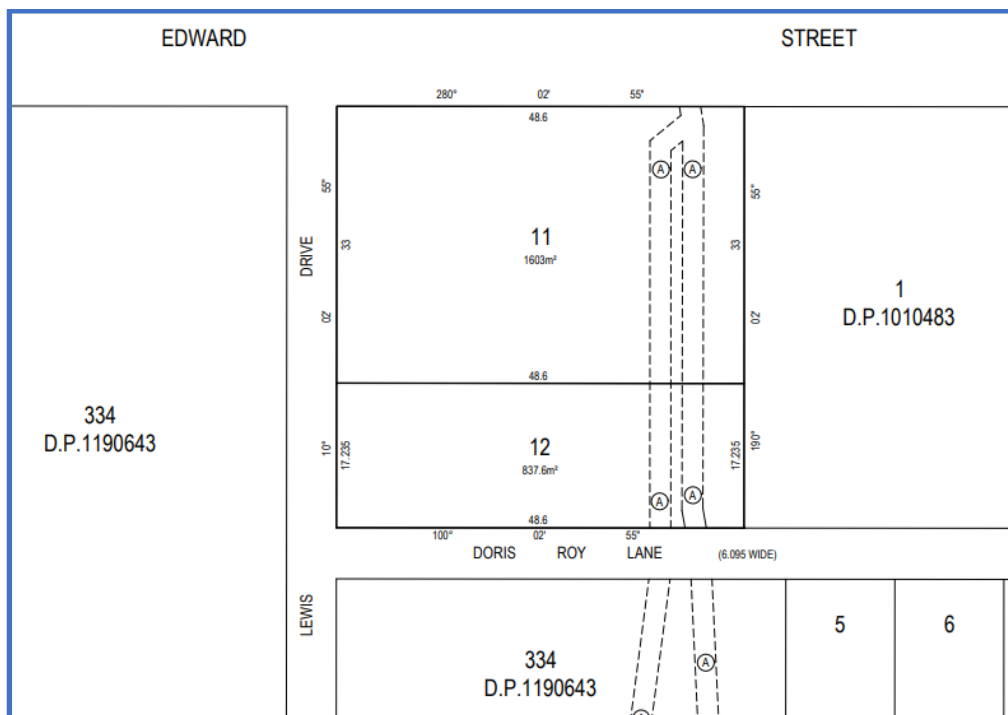
UNSW proposes to provide a full medical degree course in Wagga Wagga for regionally based students. This will build on the existing later year medical education course (years 4-6) currently delivered by their Rural Clinical School in Wagga Wagga.

The existing Rural Clinical School (years 4-6) will continue to operate from the facilities in Harvey House which forms part of the Wagga Wagga Base Hospital campus with frontage to Docker Street. The school will utilise the new building forming the subject of this Development Application which will provide the necessary facilities to allow for the full degree course (years 1-6) to be offered.

The two facilities will operate as a combined campus, both located adjacent the Wagga Wagga Base Hospital with staff sharing accommodation in both Harvey House and the proposed new building.

### Related Development Application - DA20/0410 - Land Subdivision

This DA has been submitted concurrently with a further development application to subdivide the site to create a 1603m<sup>2</sup> allotment (proposed Lot 11) that will contain the Biomedical Science Centre. The subdivision will allow for UNSW to take ownership of the development site. The proposed plan of subdivision is illustrated below.



With exception of securing access to carparking for the development on the adjacent hospital campus site (see discussion later in this report), the creation of this allotment (Lot 11) is not considered to result in any matters of concern with respect to the assessment of the Biomedical Science Centre proposal.

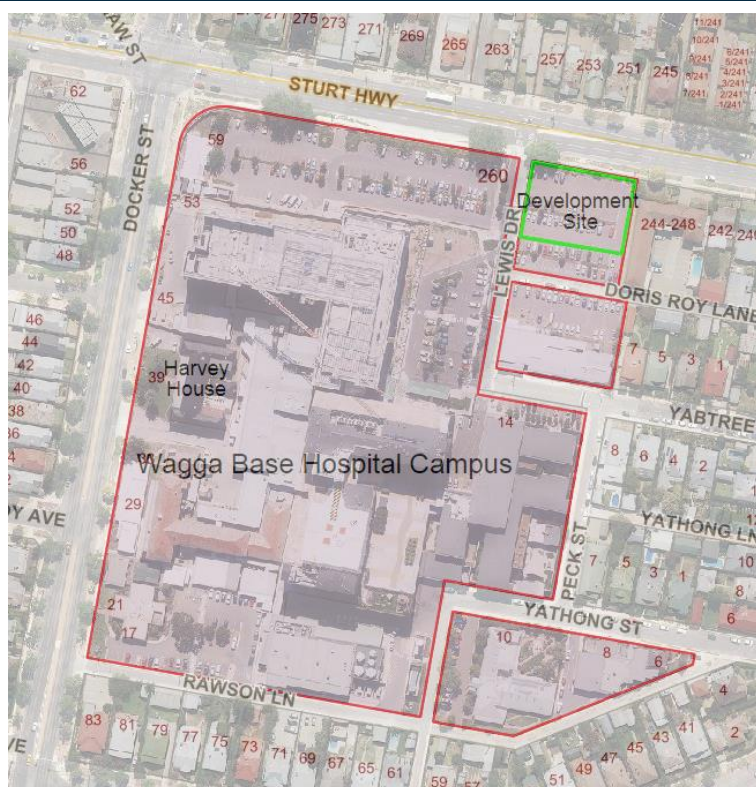
Council is the consent authority for the subdivision application which is currently under assessment (at the time of this assessment).

### The Site and Locality

The site is located at the front of the existing Wagga Wagga Base Hospital campus and is on the eastern side of the intersection of Edward Street (Sturt Highway) and Lewis Drive immediately adjacent to the main entry.

The site is legally described as part of Lot 334 in DP1190643. The part of the site to be development has an area of approximately 1,600m<sup>2</sup> and is rectilinear in shape (see plan below). The development site for the Biomedical Science Centre will be located in the north-east of the campus, directly to the north of the proposed Multi Level Car Park development (subject to DA 20/0708).

The site is generally flat and currently accommodates 52 at-grade parking spaces that serve the hospital campus. It is free of any structures or significant vegetation.



### Easements and Covenants

The site contains 2 major parallel stormwater easements that traverse the site from south to north and contain two 375mm stormwater mains. The stormwater mains converge at an existing stormwater pit located near the north eastern corner of the site. Council is the benefited authority with respect to both easements.

The applicant proposes to remove the western main and to relocate this infrastructure within the eastern easement. This will involve the upgrade of the capacity of the stormwater main within the eastern easement to a 525mm pipe.

The removal of the western stormwater main and the extinguishment of the easement will allow for the proposed building footprint to be accommodated without any encroachment over this infrastructure. The remaining easement and stormwater main will be unencumbered and will traverse the site between the proposed building and the proposed service enclosures.

Council's Development Engineer has reviewed the proposed works and raises no objection subject to compliance with recommended conditions of consent.

There are no further easements or restrictions that have been identified that would restrict the proposed development of the site.

### Previous Development Consents

The site is subject to consents issued by the Department of Planning with respect to the redevelopment of the Wagga Base Hospital (Stages, 1, 2, 3a and 3b). It is satisfied that the proposed development is not impacted by these consents, none of which consent to any works within the parts of the site that are the subject of this application.

## MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

### Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument

#### Wagga Wagga Local Environmental Plan 2010

#### Part 2 Permitted or prohibited development Land Use

Under the provisions of the WWLEP2010, the subject site is within the SP2 Infrastructure (hospital) zone. The objectives of the SP2 zone are:

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

The land use is defined as an educational establishment:

*educational establishment means a building or place used for education (including teaching), being-*

- a) a school, or*
- b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

Development for an 'educational establishment' is not permitted in the SP2 Infrastructure (Hospital) zone, however the development is permitted under Clause 45(1) of the Education SEPP as the SP2 zone is a 'prescribed zone' under Clause 43 of that SEPP (see discussion later in this report). Accordingly, the development is permissible with consent.

The proposed development is consistent with the objectives of the zone as it is directly related to the provision of a use that is entirely related to the functions of the hospital. Further to this, it is satisfied (as justified throughout this assessment report) that the development will not detract from the provision of hospital infrastructure on this site.

#### Part 3 Exempt & Complying Development

The proposed development is not Exempt or Complying Development. The application is seeking consent.

#### Part 4 Principal development standards

##### Clause 4.3 - Height of Buildings

There is no prescribed Height of Building standard identified for the site.

##### Clause 4.4 - Floor Space Ratio

There is no prescribed Floor Space Ratio standard identified for the site.



## Part 5 Miscellaneous provisions

### Clause 5.10 - Heritage Conservation

The relevant objectives of this clause are to conserve the environmental heritage of Wagga Wagga and to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views. The clause requires that the consent authority must consider the effect of the proposed development on the heritage significance of a heritage item and the conservation area where concerned.

The hospital campus site is identified under Schedule 5 of the LEP 2010 as containing an item of environmental heritage (Item number I261 - Wagga Wagga Base Hospital (c1960 building)). The item was demolished in 2018 as part of the overall hospital redevelopment project. The demolition of the building was consented to as part of Stage 2 of the redevelopment of the hospital site.

Despite the demolition, an assessment against the provisions of Section 3.2.4 (Development in the vicinity of a heritage item) of the DCP 2010 has been undertaken later in this report. Having regard to the findings of this assessment, it is satisfied that effect of the proposed development on the heritage significance of the site has been appropriately considered and that it will not result in any detrimental impact on the significance of the item.

## Part 6 Urban Release Areas

The site is not located within an urban release area.

## Part 7 Additional Local Provisions

### 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.

The hospital campus is not subject to inundation during a 1:100 ARI flood event and

therefore is not subject to the provisions of this Clause of the LEP. However, given that the development is potentially defined as an 'essential community service' and a 'critical utility', and the site is subject to inundation during a PMF event, the application is subject to assessment under the relevant provisions of Section 4.2 of the DCP 2010 later in this report.

#### 7.6 - Groundwater Vulnerability

As the application site is identified as 'Groundwater' on the Water Resource Map, the development would be subject to assessment under this clause. However, given the land use is not development specified under this clause no further consideration is required.

#### 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. It is satisfied that the development will not detrimentally impact the primacy of the CBD.

There are no additional local provisions under the LEP relevant to the application.

### State Environmental Planning Policies (SEPPs)

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

Under Section 4.5(b) of the Act a regional planning panel is identified as the consent authority for development of a kind that is declared by an environmental planning instrument as regionally significant development. Development specified in Schedule 7 of this SEPP is declared to be regionally significant development for the purposes of the Act and includes (of relevance to this application):

*Crown development over \$5 million*

*Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.*

Clause 226(1) of the Environmental Planning and Assessment Regulation 2000 provides that a development carried out by an Australia University (under the meaning of the Higher Education Act 2001) is a Crown development. The UNSW is recognised as an Australia University under Schedule 1 of the Higher Education Act 2001 and so the development is a Crown development for the purpose of Division 4.6 of the Environmental Planning and Assessment Act 1979.

As the development has a capital investment value of approximately \$15 million, the development is declared as regionally significant development and the Southern Regional Planning Panel is the consent authority.

#### State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

As an educational establishment, the development is subject to the provisions of this SEPP and specifically Part 5 of the SEPP which relates to university development.

Development for an 'educational establishment' is permitted under Clause 45(1) of the SEPP as the SP2 zone is a 'prescribed zone' under Clause 43. Accordingly, the development is

permissible with consent.

Clause 57 of the SEPP relates to traffic generating development and is triggered as the proposed development is a new premise that will be able to accommodate 50 or more additional students. The clause requires that, before determining the application, Council notify RMS (Transport for NSW - TfNSW) and take into consideration:

- (a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
- (b) the accessibility of the site concerned, including-*
  - (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
  - (ii) the potential to minimise the need for travel by car, and*
- (c) any potential traffic safety, road congestion or parking implications of the development.*

The provisions of this Clause of the SEPP is identical to the provisions of Clause 104 of the Infrastructure SEPP. The provisions have been assessed and addressed under the Infrastructure SEPP later in this report.

A submission has been received from TfNSW. The content of this submission and an assessment of all matters raised under (b) and (c) above has been addressed later in this report.

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

#### **Clause 44 and 45**

There is an electricity service pole located immediately adjacent to the north western corner of the site in Lewis Drive. The applicant proposes to remove this pole as part of the development. The application also proposes a large dedicated pad mount substation that is located within the north eastern corner of the site adjacent to Edward Street.

The application has been referred to Essential Energy in accordance with the provisions of these clauses due to the proximity of proposed works to electricity infrastructure within the area.

A response has been received from Essential Energy who raise no objection to the proposal subject to a series of comments and recommendations relating to:

- Disconnection requirements.
- Requirement for a 'Design Information Request' to allow for determination of electricity (and infrastructure) requirements for the proposal. This will determine the final requirements for the proposed dedicated pad mount substation.
- Compliance with any encumbrances in favour of Essential Energy.
- Compliance with relevant industry guidelines during works.
- Compliance with other relevant safety requirements (including "Dial Before You Dig" and SafeWork NSW requirements).

The comments from Essential Energy will be addressed in recommended conditions of consent.

In addition to these matters, Essential Energy have requested final details of the proposed totem sign proposed near the corner of Edward Street and Lewis Drive due to its proximity to existing infrastructure in this location. This information relates to final sign dimensions, distance to nearest conductors (including underground lines) and poles, proposed materials and details of any power connection for illumination.

Whilst the majority of the information relating to the proposed totem sign was provided to Essential Energy within the referred architectural drawings, a condition of consent has been recommended addressing this request to ensure all of the requested detail is captured.

### Clause 101

The Sturt Highway (Edward Street) is a classified road and therefore the development is subject to the provisions of Clause 101 of the SEPP. This clause requires that the consent authority must not grant consent to development that has 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,*

Comment - No vehicular access is proposed as part of the development with the exception of a proposed delivery bay which will be accessed from Lewis Drive. See assessment under section 2.1 (Vehicle access and movements) of the DCP 2010 later in this report.

- (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*

Comment - A submission has been received from TfNSW addressing the potential impacts of the development on the safety, efficiency and ongoing operation of the adjacent Sturt Highway. Having regard to the content of the TfNSW submission and the discussion and recommendations contained under Section 2.1 (Vehicle access and movements) of the DCP 2010 later in this report, it is satisfied that the safety, efficiency and ongoing operation of the Sturt Highway will not be adversely affected by the matters identified in (b) above.

- (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.*

A noise impact assessment has been conducted based on the external noise sources impacting upon the facades of the proposed new facility. The dominant external noise source was considered to be from Edward Street vehicle movements. The report provides recommendations on the performance of the building's glazing (generally the weakest element of the facade) in order to meet the internal noise levels as per the relevant

Australian Standard (AS2107:2016). These recommendations relate to appropriate glazing configuration and ratings to meet minimum acoustic performance. Recommended conditions of consent require that all recommendations of the Noise Impact Assessment be incorporated into the detailed design drawings and that these measures be in place prior to occupation of the building.

It is therefore satisfied that the building has been designed to ensure its occupants are protected from traffic noise and emissions including the incorporation of appropriate materials, glazing, insulation and air conditioning.

#### **Clause 102**

This clause relates to the impact of road noise or vibration on non-road development (including educational establishments) that the consent authority considers is likely to be adversely affected by road noise or vibration. As discussed under the provisions of Clause 101 above and based on the findings and recommendations of the submitted noise impact assessment, it is satisfied that the building has been designed so as not to be adversely affected by road noise or vibration.

#### **Clause 104**

Clause 104 of the SEPP relates to traffic Generating development. As identified earlier, the matters for consideration under this clause are identical to those contained under Clause 57 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Clause 104 is triggered as the proposed development is a new premise that will be able to accommodate 50 or more additional students. The clause requires that, before determining the application, Council notify RMS (Transport for NSW - TfNSW) and take into consideration:

- (a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
- (b) the accessibility of the site concerned, including-*
  - (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
  - (ii) the potential to minimise the need for travel by car, and*
- (c) any potential traffic safety, road congestion or parking implications of the development.*

With respect to (a), a submission has been received from TfNSW addressing the potential impacts of the development on the safety, efficiency and ongoing operation of the adjacent Sturt Highway. Refer to the discussion and recommendations contained under Section 2.1 (Vehicle access and movements) of the DCP later in this report for further detail.

With respect to (b) and (c) it is satisfied that the matters raised have been appropriately considered within the assessment and recommendations contained under Section 2.1 (Vehicle access and movements) of the DCP later in this report.

## State Environmental Planning Policy No. 55 - Remediation of Land

The applicant has submitted a Preliminary Site Investigation for this part of the development site. The PSI has been prepared by an appropriately certified consultant in accordance with the requirements of Council's Contaminated Land Management Policy.

The PSI concludes that the site (described in section 3.1 of the PSI as Part Lot 334, Deposited Plan 1190643) is suitable for the proposed use (described in the PSI as "a three-level biomedical science building").

The PSI 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?*

It is satisfied that the PSI contains sufficient and reliable detail.

*Does the information conform with the relevant EPA guidelines?*

The PSI 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?*

A DSI is not required.

*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?*

It is satisfied that the historical record of the use of the site is adequate and that there is no requirement for site sampling to occur.

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

No significant threat has been identified.

*Is a site audit of the preliminary investigation necessary?*

An audit of the PSI is not necessary.

As such, having reviewed the PSI, Council has considered whether the site is contaminated, and can be satisfied that the site, is unlikely to be contaminated to a state that would render this part of the site unsuitable for its intended use.



The assessment undertaken with respect to the site is consistent with the requirements of Council's Contaminated Land Management Policy (POL 030).

With regard to the provisions of Clause 7 of SEPP 55, the following comments are provided:

*(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*

Comment - the findings of the submitted PSI have been considered and it is satisfied that the site is suitable for the proposed use.

*(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*

Comment - The applicant has provided a PSI prepared by a certified consultant concluding that the site is suitable for the proposed use.

*(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.*

Comment - The PSI confirms that remediation is not required in order for the site to be suitable for its intended 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.*

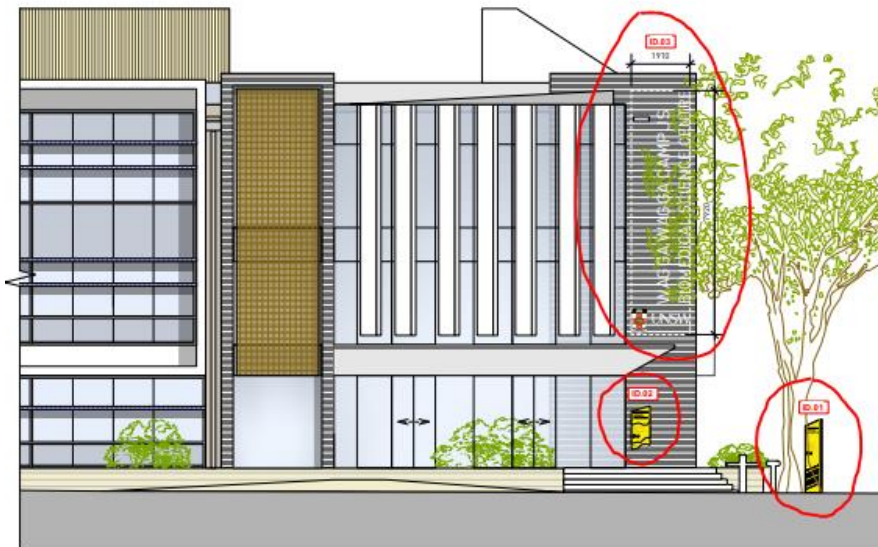
Comment - The findings of a PSI have been considered for the site. A detailed site investigation is not required.

Having regard to the provisions of SEPP 55 and the findings of the report discussed above, it is satisfied it is site is suitable for the proposed purpose. The development is consistent with the provisions of SEPP 55.

### **State Environmental Planning Policy No 64 - Advertising and Signage**

SEPP 64 applies to all signage that, under an environmental planning instrument, can be displayed with or without development consent and is visible from any public space or public reserve. The proposal seeks approval for four signs as detailed below:

- 1 totem sign on corner of Edward Street and Lewi Drive 0.7m x 2.8m
- 2 Wall mounted signs on either side of the building entry at ground level - 0.6m x 2.0m
- 1 building sign on western façade (on north facing blade wall) - 1.9m x 5.0m



5 NORTH ELEVATION PARTIAL SIGNAGE  
 1:100 @ A1



4 WEST ELEVATION PARTIAL SIGNAGE  
 1:100 @ A1

The proposed signs are classified as 'building identification signs' under the SEPP and therefore the controls in Part 3 do not apply to this application. Accordingly, only the objectives of SEPP 64 and the criteria in Schedule 1 - Assessment Criteria of SEPP 64 are applicable.



All of the proposed signs are consistent with the relevant objective of the SEPP under Clause 3 which is:

- a) *To ensure that signage (including advertising):*
- i. *Is compatible with the desired amenity and future character of the area, and*
  - ii. *Provides effective communication in suitable locations, and*
  - iii. *Is of high quality design and finish,*

The proposal is consistent with the above objective, as the proposed signs will be of high quality and will be compatible with the desired amenity and future character of the evolving hospital campus and surrounding precinct.

Schedule 1 of SEPP 64 contains a range of assessment criteria which are matters for consideration in assessing signage. Having regard to the assessment provided in the table below, it is satisfied that the application satisfied the criteria specified.

<b>Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage is consistent with the evolving hospital campus and the future character of the surrounding health and knowledge precinct. The signage will contribute positively to the building design and streetscape.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no adopted theme for advertising in the area.
<b>Special areas</b>	
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?	The site is not located in an area recognised for any of the listed matters.
<b>Views and vistas</b>	
Does the proposal obscure or compromise important views?	The signage does not obscure or compromise important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage is generally contained within the extent of the building facade. The totem is appropriately located within the building forecourt. The signage will not dominate the skyline or reduce the quality of any vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposal will not impact views to other signage in the locality.
<b>Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs have been designed so that they are compatible with the building design and proportions.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is compatible with the scale and proportion of the proposed building

	which will contribute to the visual interest of the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable.
Does the proposal screen unsightliness?	No. The signage will complement the building design and its streetscape presentation.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage is generally contained within the extent of the building facade. The totem is appropriately located within the building forecourt.
Does the proposal require ongoing vegetation management?	No ongoing vegetation management will be required.
<b>Site and building</b>	
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?	The signage is of a scale and character which integrates with the building design.
Does the proposal respect important features of the site or building, or both?	The proposed signage has been designed so that it will not detract from key elements of the building design.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage will contribute to visual interest and assist in activating the street frontages.
<b>Associated devices and logos with advertisements and advertising structures</b>	
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?	No safety devices or platforms are required.
<b>Illumination</b>	
Would illumination result in unacceptable glare?	The signs are not proposed to be illuminated.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The signs are not proposed to be illuminated.
Would illumination detract from the amenity of any residence or other form of accommodation?	The signs are not proposed to be illuminated.
Can the intensity of the illumination be adjusted, if necessary?	The signs are not proposed to be illuminated.
<b>Safety</b>	
Would the proposal reduce the safety for any public road?	The scale, design and location of the signage will not result in any impact on the safety of public roads.
Would the proposal reduce safety for pedestrians/cyclists?	The signage is wholly contained within the building façade and therefore is unlikely to result in any safety concerns for pedestrians or cyclists. The totem is located at the main entry to the building and is an appropriate scale so

	as to not reduce safety for pedestrians or cyclists.
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage will not protrude beyond the building envelope and therefore will not reduce the safety for pedestrians including children. The totem is located at the main entry to the building and is an appropriate scale so as to not reduce safety for the public.

#### **Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority**

There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. With the exception of the following, none of these are applicable to this application.

##### 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.

##### Draft State Environmental Planning Policy - Environment

The Draft SEPP Environment was released for public exhibition in October 2017 and aims to repeal and replace a number of SEPPs and SREPs that currently apply in NSW. Under the Draft SEPP, the site is identified as being within an area of 'Urban Bushland' and as such would be subject to controls relating to the protection of land that is reserved for public open space. No part of the site is zoned for this purpose at this time, and as such these provisions of the Draft SEPP do not apply.

#### **Section 4.15(1)(a)(iii) - any development control plan**

##### **Wagga Wagga Development Control Plan 2010**

Proposed development complies with the development standards of the Wagga Wagga Development Control Plan 2010 as follows:

#### **Section 1 - General**

##### **1.10 Notification of Development Application**

The application was notified and advertised from 30/9/2020 to 16/10/2020 in accordance with the requirements of this section of the DCP. No public submissions were received during this period. Submissions received from Riverina Water, Essential Energy and Transport for NSW have been addressed elsewhere in this assessment report.

## Section 2 - Controls that Apply to All Development

### 2.1 Vehicle access and movements

With the exception of a proposed delivery bay adjacent to Lewis Drive (see discussion below), the development does not propose the provision of on-site carparking or any vehicular access or movement areas. Parking will be provided under a separate development proposal (DA20/0708 - refer to discussion under section 2.2 below). Council's traffic engineer is satisfied that the traffic generated by the proposed development can be adequately catered for within the existing road network and that the specific traffic provisions required to cater for the development have been appropriately addressed within the assessment and recommendations relating to DA20/0708.

#### Referral to Traffic for NSW (TfNSW)

As noted earlier in this assessment, the application was referred to TfNSW under the provisions of the Infrastructure SEPP. A submission was received from TfNSW and is summarised and addressed in the following table:

TfNSW summary	Comments
The dispersion of UNSW activities across 2 remote buildings on the hospital campus (the proposed building and the existing Harvey House) may reduce the convenience for sharing facilities and resources within the 2 buildings.	Noted.
<ul style="list-style-type: none"> <li>Parking has been an ongoing contentious issue for the Hospital campus.</li> <li>The development will result in the loss of existing parking currently on the site and provides no immediate solution for the loss of this parking or for parking demand generated by the development.</li> <li>The documentation refers to the future car parking to be provided on the hospital site but provides no commitment to, or timing for, the provision of this additional parking. □□ It is understood that further parking is to be provided within the hospital campus as part of a separate Development Application and that an arrangement has been reached with the Murrumbidgee Local Health District for the UNSW to contribute towards the provision of additional parking within the campus.</li> </ul>	Refer to discussion under Section 2.2 of the DCP below.
The submitted plans indicate a loading/unloading area with access for a MRV at the western side of the building adjoining Lewis Drive. Access to this area shall be managed and remain open so as not to require vehicles to stand in Lewis Drive.	Refer to discussion below (Loading Bay and Waste Collection).
Given the construction activity required by each of these 2 applications (the proposed education facility and the additional parking facilities) consideration should be given	A condition of consent has been recommended requiring the applicant to prepare and

to relative timing of, and the potential for conflict between, the construction activities of the 2 projects, and the total available parking within the campus during the construction periods.	implement a program of works to ensure that the maximum number of car parks are available for use across the hospital campus site through the construction process.
A Traffic Management Plan shall also be prepared for construction activities for each project and be submitted prior to the commencement of works for comment. The management plan is to address access and parking and maintain safe access for pedestrians and cyclists and access and parking for vehicles to meet the continued operational needs of the current hospital facility.	A condition of consent has been recommended requiring the applicant to prepare and implement a Construction Environmental Management Plan which will include a Construction Traffic and Pedestrian Management Sub-Plan addressing all matters raised in the TfNSW submission.
Bicycle parking facilities are located to the side of the building with no obvious connectivity to the proposed Active Travel Network along Murray Street or the front access doors to the proposed building. The concern is that the current location of these facilities would require cyclists to use the road reserve of the Sturt Highway to access the bicycle parking facility. An option to address this may be the location of bicycle parking near to Lewis Drive or the provision of access to the bicycle parking from Doris Roy Lane.	No objection is raised to the location of the bicycle storage area as it will be available to students and staff who are familiar with its access and appropriate travel routes. To assist with this concern, it is recommended that a condition require the provision of public bike racks within the Lewis Drive forecourt area to provide a further option for shorter term bicycle parking immediately adjacent to the entrance.
The proposal includes garbage bins roadside pick-up along the Edward Street (Sturt Highway) frontage of the site. An alternative option would be to provide for access to the rear of the proposed building and service area from Doris Roy Lane.	Refer to discussion below (Loading Bay and Waste Collection).
The application also includes the subdivision of the subject site to accommodate the construction of the educational facility on a separate land parcel (proposed Lot 11) to that of the hospital (proposed Lot 12). To address items outlines above the subdivision should be reviewed with an intent to provide for legal access to proposed Lot 11 from Doris Roy Lane.	Refer to discussion below (Loading Bay and Waste Collection).
TfNSW has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority considering the above issues in its assessment of the application.	Noted - matters have been considered and addressed within this assessment report.

### Loading Bay and Waste Collection

A loading bay is proposed adjacent to Lewis Drive. Given the nature of the educational use of the building, the applicant claims that regular delivery requirements to service the functions of the building are only occasional and ad-hoc. For this reason, the applicant proposes to share part of the pedestrian forecourt area of the development with the proposed delivery bay. This will be achieved through the use of bollards that will provide protection to the forecourt area but can be removed when required for delivery access.

Whilst this arrangement is unusual and given the limited requirements for deliveries, it is recommended that the proposal be supported providing that an appropriate management plan is in place and is implemented when the delivery bay is utilised. A condition of consent has been recommended requiring the preparation and implementation of a delivery/waste collection management plan addressing matters such as:

- a) Pedestrian and vehicular traffic safety management of the delivery bay including supervision during use and deployment of temporary safety signage.
- b) Maintenance of any permanent signage and line marking for the delivery bay.
- c) Operation and management of traffic safety bollards providing access to the delivery bay.
- d) Use of service access to Doris Roy Lane as an alternate delivery point where possible.
- e) Allocation of responsibilities for the implementation of the management plan with regard to the operation and supervision of use of the delivery bay.

Operational waste generation has been informed by similar UNSW educational facilities in NSW and will result in types of waste that can be collected by Council's standard collection service. The anticipated quantity of waste will result in the need for:

- 5 x 360L general bins; and
- 5 x 360L recycled waste bins.

These bins will be stored within a dedicated area within the proposed adjacent service building. On waste collection days bins will be moved to Edward Street for collection by Council's waste vehicle. Council's waste management officer has advised that no objection is raised to this arrangement for collection. The roadway adjacent to the development is unrestricted and waste collection along the highway occurs early on collection days to specifically minimise any potential impact on highway traffic.

Despite these arrangements, a submission received from Transport for NSW has identified concerns in relation to collection occurring at the front of the site which would likely interfere with the operation of the westbound travelling lanes of the highway. This concern was raised by TfNSW on the basis that an alternative collection location from Doris Roy Lane could be considered.

It is noted that a recommended condition of consent for the adjacent multi level car park development (DA20/0708) requires the dedication of road way as part of the proposed closure of the western end of Doris Roy Lane. This reconfiguration of the lane will provide access to the boundary of the UNSW site immediately adjacent to the proposed service area (including bin storage area). It is therefore recommended that conditions of any consent require that:



- a) a service path and gate be provided so that access can be obtained to the laneway which will enable immediate access for waste receptacles to be collected from this location.
- b) garbage collection shall occur from Doris Roy Lane only.

In addition to this, it is recommended that the delivery/waste management plan referred to above be supplemented with a requirement to include details relating to:

- a) Placement and management of waste receptacles within the Doris Roy Lane road reserve to allow automated collection.
- b) Allocation of responsibilities for the implementation of the management plan with regard to waste collection from Doris Roy Lane.

## 2.2 Off-street parking

### Loss of existing on grade carparking

The development will result in the loss of 71 carparking spaces as a result of the removal of the existing on grade carpark located at the site. These 71 carparking spaces incorporate 59 spaces that will be directly covered by the footprint of the building and a further loss of 19 spaces as a result of the loss of aisle access to these spaces also from the footprint of the building.

It is proposed that the 71 spaces lost as a direct result of this development will be replaced within the additional carparking that is proposed under Development Application DA20/0708 which is being assessed concurrently and will also be determined by the Planning Panel.

The following image and table provide a breakdown of the existing parking currently on the site and the carparking proposed under the DA20/0708. This application proposes 3 areas of additional parking which are identified as

- 1. CP2 & CP3 (including UNSW site) - proposed multi level structure
- 2. CP8 - proposed on grade expansion
- 3. CP9 - proposed on grade expansion



Location	Proposal	Existing (upon Stage 3 Completion)	Proposed	Net Increase
CP1 (north car park)		154	154	0
CP2 (includes UNSW site)	Multi level carpark structure	71	358	+214
CP3 (east - under decant facility)		73		
CP4 (forecourt car park)		39	39	0
CP5 (near Mental Health)		14	14	0
CP6 (at emergency entry)		6	6	0
CP7 (Renal)		8	8	0
CP8 (Yathong Lodge)	On grade expansion	15	74	+59
CP9 (Rawson Lane)		24	24	0



CP10 (Dental)	On grade expansion	44	158	+114
CP11 (Patient Transfer)		24	24	0
CP12 (Peck Lane)		13	13	0
CP13 (Under Stage 3)		72	72	0
<b>TOTAL</b>		<b>557</b>	<b>944</b>	<b>387</b>

The intent of the car park works proposed under DA20/0708 is not only to supplement the existing shortfall of parking on the campus, but to also ensure the replacement of lost carparking resulting from development activities occurring across the campus (including the proposed UNSW development). No objection is raised to the proposed replacement of the 71 spaces lost as a result of the proposed UNSW development as part of the additional parking proposed under DA20/0708.

With respect to ensuring the delivery of the car parking proposed under DA 20/0708, the applicant (Health Infrastructure) has confirmed the following:

- In September 2018, the Minister for Health announced the commitment of funding of \$30M for this project.
- The funding commitment is reflected in the NSW State Budget papers, available on NSW Treasury website, for the last 2 financial years.
- The construction tender has been issued and will close in February 2021 (Note - HI have advised that this information has been provided for the purpose of this briefing and has requested that it not be provided for wider distribution).
- The Business Case is in the final stages of proceeding through the Ministry of Health for endorsement.
- Subject to receipt of development consent & finalisation of tender review, HI anticipate that construction will commence for the on-grade parking in March 2021 and the multi deck in quarter 3 of 2021.

The Development Application has been lodged and is currently under assessment. It is anticipated that this application will be determined by the Southern Regional Planning Panel immediately prior to determination of the UNSW development.

#### Generation of Additional Parking Demand

This section of the DCP does not contain a specific rate for the provision of off street carparking for tertiary education establishments. The DCP recommends that for uses not listed, similar land uses should be used as a guide in assessing car parking requirements. The applicant has argued in their submission that the carparking rate contained in the DCP for 'secondary schools' is appropriate, which requires 1 space per two employees plus 1 space per ten senior students. Based on this rate, the applicant's calculation of the required parking can be summarised as follows:

Number of occupants	DCP parking rate for secondary school	Required parking
100 students (90 students + 10 visitors)	1 space/10 senior students	10 spaces
9 FTE staff	1 space/2 employees	4.5 spaces
<b>TOTAL</b>		<b>14.5 (15) spaces</b>

The applicant's contention that the use of a carparking rate for secondary school is suitable is considered unjustified. The applicant raises a series of arguments as to why the calculated 15 spaces is considered adequate:

- Students are likely to live locally and walk or cycle to the campus.
- Students and staff are likely to travel to the campus by public transport, bicycle or on foot
- Facilities are proposed for sufficient bike and scooter racks and the associated End of Trip (EOT) facilities
- Cyclists can easily travel to the hospital campus within a 3km radius within 10 minutes.
- The University will heavily promote active transport and sustainable modes of transport to the campus including implementation of a cycleway education program for users to access facilities.
- The majority of students are expected to live within a 3km radius of the campus.
- The Wagga Integrated Transport Strategy discourages the oversupply of off-street parking in the CBD, where walking and cycling are encouraged to minimise any parking impact within adjacent residential streets.
- In situations where car travel is 'unavoidable' for either students or staff attending the campus, they can utilise on-street parking with a recent survey confirming ample on-street parking being available.
- The 3 year intake of students will result in a gradual increase in numbers and a subsequent gradual increase in demand for on street parking. This increased on-street parking demand would only occur gradually over time and will be unlikely to be noticeable by any nearby residents.

Whilst it is appropriate to apply the parking rate required for staff at a secondary school to that required for staff of the proposed tertiary establishment, the rate applied for students (1 space per 10 students) has not been justified and is not accepted. The applicant's arguments with respect to the likely high uptake of public transport services and active transport options and the high expected residency rate of students and staff living within proximity of the campus is not reflective of the circumstance that exist within the city. Whilst some students and staff will adopt alternate travel methods, a more realistic rate for the provision of adequate on site carparking must be applied.

The recommended rate for a secondary school is based on senior students, a proportion of whom are of an age whereby they may have a car and can drive to school. The adopted rate also takes into account that secondary schools have access to school bus services and also are often located with residential areas where a significant number of students reside and are able to walk or cycle. The adopted rate is insufficient and therefore inappropriate to be applied to a university campus, particularly one located within a regional city such as Wagga Wagga.

A more realistic rate for the provision of parking to adequately account for the demand generated by this development would be 1 space per 3 students given that:

- Many students will not live within a convenient distance for walking/cycling.
- The campus will not be serviced with public transport that is comparable to the convenience of a school bus service.
- All students are likely to be of an age to possess a license and are more likely to own motor vehicle particularly living within a regional city.

A revised summary of parking requirements using this rate is:

Number of occupants	Recommended parking rate for tertiary establishment	Required parking
100 students (90 students + 10 visitors)	1 space/3 students	33.3 spaces
9 FTE staff	1 space/2 employees	4.5 spaces
<b>TOTAL</b>		<b>37.8 (38) spaces</b>
<b>Proposed</b>		<b>15 spaces</b>
<b>Shortfall</b>		<b>23 spaces</b>

The applicant (UNSW) has advised that they are not accepting of a condition that would require the provision of more than 15 carparking spaces on site on the basis that the Murrumbidgee Local Health District (MLHD) will only agree to the allocation of 15 dedicated spaces within the hospital campus. The applicant has submitted written correspondence from Murrumbidgee Local Health District (MLHD) confirming an agreement to provide access to UNSW (the applicant) for 15 car parking spaces within the hospital campus. The 15 spaces will be provided within the parking facilities that are either already existing within the hospital campus site or that will be provided within the additional parking proposed under Development Application DA20/0708 (refer to details above).

Irrespective of this agreement, any shortfall in parking provisions will be catered for in the provision of public parking provided/proposed for the hospital campus. This is because the hospital campus parking facilities currently provide public carparking for not only hospital services but also a wide range of related services that exist within and surrounding the site (including the staff and students at the existing UNSW campus within Harvey House). The provision of parking within the hospital campus that services the wider precinct is a strategy supported by Council and reflected within the adopted 'Health and Knowledge Precinct Masterplan'.

As it is proposed that the UNSW development will be subdivided from the hospital campus site, it is recommended that a condition of any consent require that a legally binding agreement be established between UNSW and MLHD for access to a minimum of 15 carparking spaces located on the hospital campus in perpetuity. It is recommended that this agreement be in place to the satisfaction of Council prior to occupation of the development.

On this basis, it is satisfied that the development will be adequately serviced with respect to car parking.

### 2.3 Landscaping

A landscape plan has been provided with the application. The proposal incorporates ground cover planting, planter and garden beds along with planted trees. These elements will be concentrated along the Edward Street and Lewis Drive frontages and will contribute towards

an attractive streetscape. It is satisfied that the proposal adequately meets the objectives and controls under this section.

## 2.4 Signage

Signage proposed under this application is described in detail in the assessment under State Environmental Planning Policy No 64 (Advertising and Signage) earlier in this report. This section of the DCP contains a series of development controls that relate to signage generally and also for specific sign types including wall signs and pylon signs. An assessment of the proposed signs against the objectives, general requirements and also controls relating to specific sign types has been completed. It is satisfied that the proposed signage is consistent with the relevant objectives and controls of this section of the DCP.

## Section 3 - Heritage Conservation

### 3.2.4 Development in the vicinity of a heritage item

The objective of this section of the DCP is to encourage development in the vicinity of a heritage item to be designed and sited to protect the significance of the heritage item. The relevant controls are to minimise the impact on the setting of the item by:

- a) *Providing an adequate area around the heritage item to allow its interpretation.*
- b) *Retaining original or significant landscaping associated with the heritage item.*
- c) *Protecting and allowing the interpretation of archaeological features associated with the heritage item.*
- d) *Retaining and respecting significant views to and from the heritage item.*

The hospital campus site is identified under Schedule 5 of the LEP 2010 as containing an item of environmental heritage. The following table is an extract from Schedule 5:

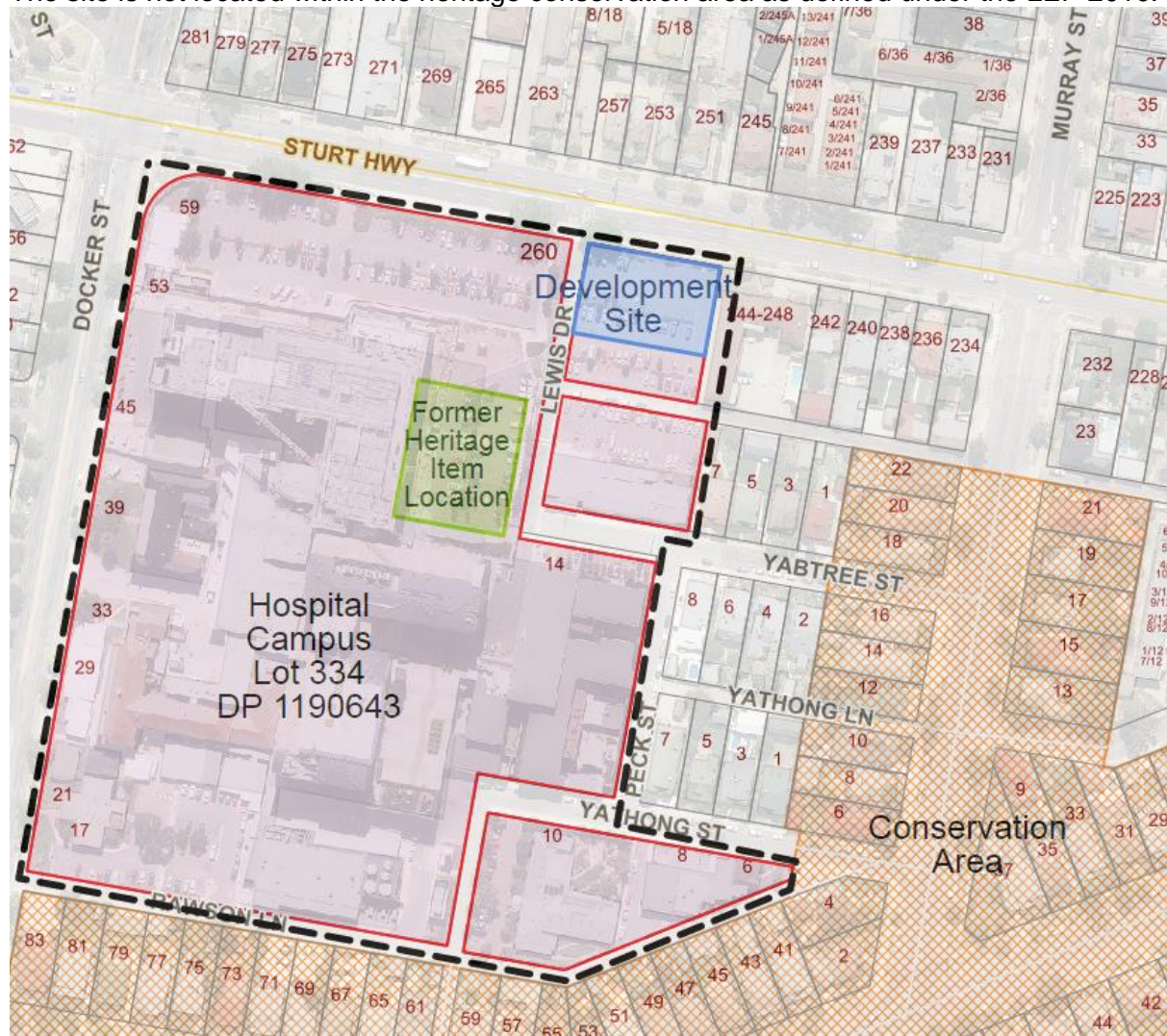
Suburb	Item Name	Address	Property Description	Significance	Item No
Wagga Wagga	Wagga Wagga Base Hospital (c1960 building)	260 280 Edward Street	Lot 13, DP 659184	Local	I261

It is noted that the site of the proposed development does not originally form part of the property containing the item (Lot 13 DP 659184) as described in the table above. The development site is located immediately to the east and is separated by Lewis Drive. However the site has now been consolidated into the hospital campus site (now Lot 334 in DP 1190643). See plan below.

It is noted that the item, the former Wagga Wagga Base Hospital (c1960) building was demolished in 2018 as part of the overall redevelopment project. The demolition of the building was consented to as part of Stage 2 of the redevelopment of the hospital site.



The site is not located within the heritage conservation area as defined under the LEP 2010.



Despite the demolition of the former hospital building, a Heritage Impact Statement has been prepared and submitted by the applicant. The statement concludes:

*This Heritage Impact Statement has considered the heritage impacts of a proposed new building on part of the site of Wagga Wagga Base Hospital to house a Biomedical Science Centre for the UNSW.*

*Wagga Wagga Base Hospital is listed on the s170 Register of NSW Health. Part of the site (not including the site of the proposed works) is listed as a heritage item by the Wagga Wagga LEP 2010. The site lies within the vicinity of the Wagga Wagga Conservation Area listed by the Wagga Wagga LEP 2010.*

*Wagga Wagga Base Hospital has undergone significant reconstruction over the past 12 years. There are no significant structures or landscape elements on the site of the proposed works. The building that was the focus of the heritage listing on the Wagga Wagga LEP 2010 has been demolished. The only significant building on the Hospital Site that is to be retained in the long term is Harvey House. Given these changes, the significance of the site now lies in its long term use as a hospital (and for allied services) and its social significance. The proposed works support this aspect of*

*significance whilst having no impact on the fabric, view corridors and setting of Harvey House.*

*The proposed new building will have limited visibility from the Wagga Wagga Conservation Area. It will not block view corridors into, within or out of the area. Where visible, it will not have undue prominence within the group of up to six storey buildings that now occupy the Hospital Site. The proposed works will have no impact on the ability to understand the historic and aesthetic significance of the Conservation Area.*

Having regard to the conclusions of the Heritage Impact Statement and the requirements of this Section of the DCP (and Clause 5.10 of the LEP 2010), it is satisfied that effect of the proposed development on the heritage significance of the site has been appropriately considered and that it will not result in any detrimental impact on the significance of the item.

## Section 4 - Environmental Hazards and Management

### 4.2 Flooding

The site is located within the area identified under this section as 'Central Wagga protected by the Levee'. The site is not subject to inundation during a 1:100 year event however the site is located below the PMF level.

The relevant objectives and controls of this section of the DCP 2010 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.*

#### Controls

*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.*

*C2 Critical utilities are to be located on land above the PMF level in all precincts. For the purposes of this Section critical utilities include:*

- Child care centres.*
- Educational establishments.*
- Electricity generating works.*

- *Liquid fuel depots.*
- *Offensive or hazardous industries.*
- *Public utility undertakings (including generating works which are essential to evacuation during periods of flood, or if flood affected would unreasonably affect the ability of the community to return to normal activities after flood events).*
- *Research stations.*
- *Seniors living.*
- *Telecommunications facilities and networks.*

Given the proposal is for an Educational Establishment (tertiary institution) and is subject to inundation during the PMF it would not comply with the provisions of C1 or C2 above.

Control C1 identifies that education facilities 'which may provide an important role in notifying the community of flood dangers or evacuation requirements during flood events' are only suitable in this area if they are above the PMF level. Unlike other public school infrastructure that exists within the City, the proposed tertiary institution (UNSW) will not play a role in the management of flood emergency events including any role in communication or evacuation strategies. For this reason, it is satisfied that the siting of this facility within an area impacted by the PMF is not contrary to the provisions of this control.

Control C2 identifies educational establishments as a critical utility however contains no indication as to why this is the case. The findings of the 2009 Floodplain Risk Management Study (the study) from which these controls were formulated has therefore been considered.

The study has no definition of 'Critical Utilities' nor does the Flood Plain Development Manual 2006 (FPDM) or the LEP 2010. The study, under Section 6.6.1, does however include the following terms:

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

Firstly, it is noted that the terminology used in the study ('community services' and 'critical services') is different to the terminology used within the DCP controls ('*Essential community services*' and '*critical utilities*'). It is also noted that the term 'community services' specifically references 'schools' but does not expand to reference other forms of educational establishments including 'tertiary institutions', whilst the reference to 'critical services' does not mention any form of educational facility.

The inclusion of schools as a community facility appears logical given the role that they can play during emergency flood response and the recovery process and the reason that schools would be subject to the requirements of Control C1. There is no clear correlation however between the information contained in the study and the inclusion of educational establishments as 'critical utilities' under Control C2. Their inclusion as 'critical utilities' has not come from the findings of the study but appears to have occurred during drafting of the DCP controls without clear explanation.

The content of the study indicates that critical utilities referred to in control C2 should include:



- services that are essential to support the city during flood events - uses such as *hospitals, police stations, Council offices, etc.*
- Public utilities that are required to function during flood events - such as *electricity, sewer, water, telecommunications, etc.*

It is argued that the inclusion of educational facilities as 'critical utilities' is not justified and that the purposed that they serve as potentially essential community services is adequately addressed through consideration under the provisions of Control C1.

Therefore, it is concluded that the proposed tertiary institution proposed (UNSW) and the function that it will perform is not a critical utility with respect to a major flood incident and, for this reason, it is satisfied that the development is not contrary to the intent of Control C2.

## Section 5 - Natural Resource and Landscape Management

### 5.4 Environmentally sensitive land

The relevant section (Natural Resources Sensitivity - groundwater) has been addressed under Clause 7.6 (Groundwater Vulnerability) of the LEP 2010 earlier in this report.

There are no further sections of the DCP 2010 that are relevant to the assessment of this proposal.

### **Section 4.15(1)(a)(iiia) - 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**

No planning agreement has been entered into under section 7.4.

### **Section 4.15(1)(a)(iv) - the regulations**

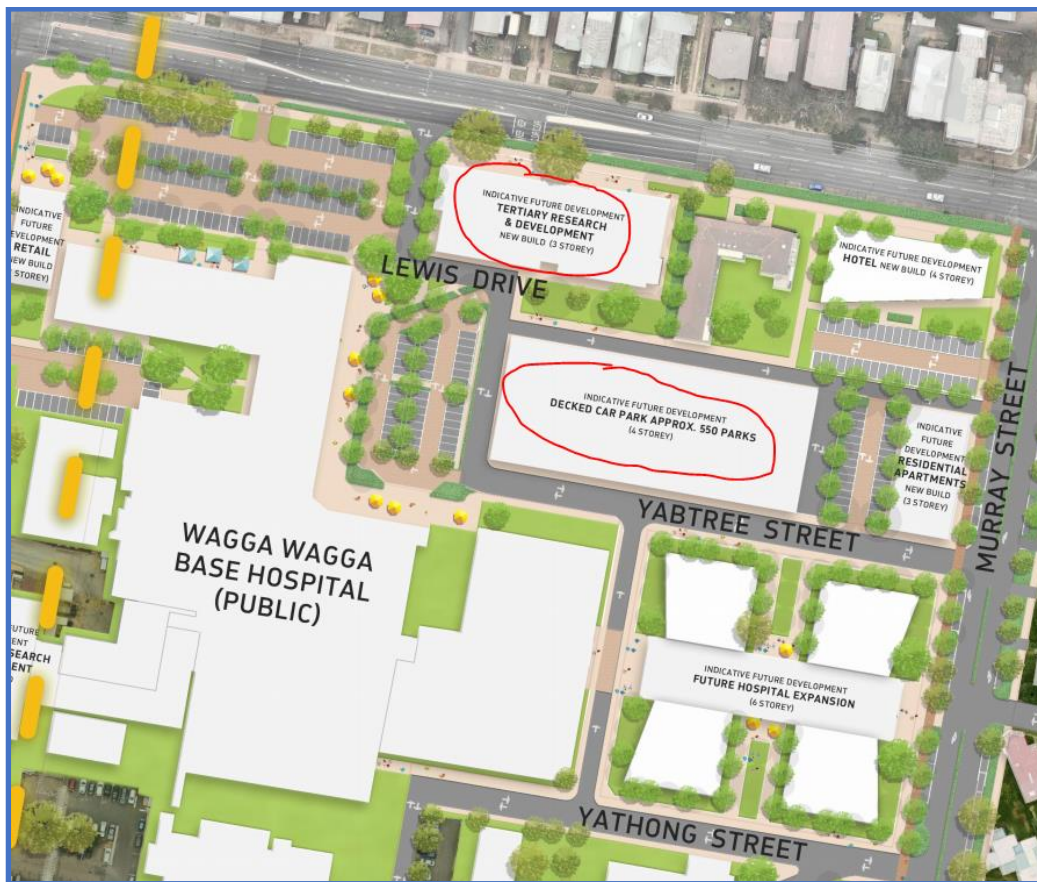
Matters prescribed by the Environmental Planning and Assessment Regulation 2000 have been satisfied.

### **Section 4.15(1)(b) - likely impacts of the development**

#### Context & Setting

The site forms part of the hospital campus which is dominated by the main hospital building which has been developed over a number of stages and is nearing completion. The hospital campus sits within the wider 'Health and Knowledge Precinct' which is supported by a masterplan that has been adopted by Council. The proposed development is generally consistent with the adopted masterplan as it will provide for a prominent and attractive building fronting Edward Street, located at the entry to the campus. The building will also contribute by partially screening the proposed Multi Level Car Park building from Edward Street (see image from masterplan below).





Streetscape & Public Domain

The 3 storey building will provide a prominent and attractive façade to the surrounding streetscape. The building will incorporate an appropriate setback to Edward Street allowing for the introduction of landscaping features.

The building has been designed to provide a prominent entry foyer, atrium glazing and extensive entry plaza. The main glazed facades to the north (Edward Street), west (Lewis Drive) and east (Heritage Motor Inn) are 'framed' with projected perimeter elements to the upper two floors which provide articulation to these facades. Horizontal and vertical louvre shading minimise solar loading on the extensive glazed facades that are provided and maximize access to natural light.

Material selections are compatible with elements of the new adjacent hospital developments while deliberately varying in form to create visual interest within a consistent overall scale and form to the campus. The building has also been designed to screen the proposed multi level car park building that is proposed on the hospital campus immediately to the south of the building.

Extensive landscaped surrounds are proposed to provide visual relief to the Edward Street streetscape and to improve the formal presentation of the development.

#### Pad mount substation and blast wall

The development will require the installation of a pad mount electricity substation and an indicative outline of the substation enclosure and its position on the site has been provided with the application. Electricity authority requirements dictate that the substation is required

to be position with public street access which has resulted in the positioning of the infrastructure at the front of the development. In addition, the authority requires that the adjoining property to the east (motel) be protected with a blast wall. The proposed blast wall is 3.2 metres in height and will extend a distance of 7 metres from the proposed building line to the front boundary of the property.

An indicative perspective of the wall within the streetscape has been provided with the application as shown below. The wall will not be in keeping with the existing streetscape and predominant setbacks that exist within this section of Edward Street including the setback of the proposed UNSW building. Whilst it is accepted that there will be minimum standards with regard to the protection of adjacent properties, it is recommended that the applicant be required to provide final details of the required wall based on the minimum requirements for the final design/specification of the substation. This is recommended with the intent of minimising both the wall's height and length and reducing its visual dominance within the streetscape. A condition of consent has been recommended.



### Traffic, access and parking

Refer to discussion under Sections 2.1 and 2.2 of DCP 2010 earlier in this assessment report.

### Utilities

All required utilities are available at the site and are or a sufficient capacity to cater for the proposed development. Comments have been received from both Riverina Water and Essential Energy confirming that there is no objection to the proposal subject to recommended conditions of consent.

Council's development engineer is satisfied with the capacity of sewer and stormwater infrastructure servicing the site. As discussed elsewhere in this report, the development will involve the relocation of an existing stormwater main traversing the site. Requirements

relating to this work have been addressed in recommended conditions of consent.

### Heritage

Refer to assessment under Clause 5.10 of LEP 2010 and Section 3 of the DCP 2010 earlier in this assessment report.

### Water Quality & Stormwater

There are no perceived water quality or stormwater issues. The site is currently occupied by a hardstand parking area which discharges to Council's stormwater infrastructure. The removal of the car parking area and its replacement with the proposed building and proposed hardstand pedestrian and landscaped areas will likely result in an overall improvement of the quality of stormwater leaving the site.

The intended use of the building will not result in any risks to stormwater or groundwater resources.

### Soils, soil erosion

Appropriate sediment and erosion control will be in place during the construction phase of the development. Upon completion of the development the entire site will be occupied by the building including paved pedestrian areas and landscaping. The completed development will not pose any significant risk with regard to sediment loss or soil degradation.

### Air and microclimate

The intended use of the building and the proposed mechanical plant for air conditioning, etc. are not expected to result in any detrimental impact on air quality.

The building will remove an existing hardstand car park area which will result in a positive impact on the microclimate on this part of the site. With the exception of solar access/shadowing (discussed below), the development is not expected to result in significant changes to microclimate.

### Flora and Fauna

As the site is currently occupied by an existing hardstand carpark, there is not expected impacts on flora or fauna with the exception of the removal of minor landscaping surrounding the site. This will be compensated through the introduction of high quality landscaping along the Edward Street frontage of the development.

### Waste

Construction waste will be addressed via the conditional requirement for the preparation of a Construction Environmental Management Plan (CEMP) which will incorporate a Construction Waste Management Sub-Plan.

Operational waste generation has been informed by similar UNSW educational facilities in NSW and will result in types of waste that can be collected by Councils standard collection service. The anticipated quantity of waste will result in the need for:

- 5 x 360L general bins; and
- 5 x 360L recycled waste bins.

These bins will be stored within a dedicated area within the proposed adjacent service building. On waste collection days bins will be moved to Edward Street for collection by Councils' waste vehicle. Council's waste management officer has advised that no objection is raised to this arrangement for collection. The roadway adjacent to the development is unrestricted and waste collection along the highway occurs early on collection days to specifically minimise any potential impact on highway traffic.

Despite these arrangements, a submission received from Transport for NSW has identified concerns in relation to collection occurring at the front of the site which would likely interfere with the operation of the westbound travelling lanes of the highway. This concern was raised by TfNSW on the basis that an alternative collection location from Doris Roy Lane could be considered.

It is noted that a condition of consent for the adjacent multi level car park development (DA20/0708) requires the dedication of road way as part of the proposed closure of the western end of Doris Roy Lane. This reconfiguration of the lane will provide access to the boundary of the UNSW site immediately adjacent to the proposed service area (including bin storage area). It is therefore recommended that conditions of any consent require that:

- c) a service path and gate be provided so that access can be obtained to the laneway which will enable immediate access for waste receptacles to be collected from this location.
- d) garbage collection shall occur from Doris Roy Lane only.

#### Solar access - overshadowing

Shadowing caused by the building is not considered to result in any impact on surrounding properties with the exception of the existing motel development located to the east. Mid-winter shading indicates that the proposed building will start to shade the motel site from approximately 3pm. This shading will, however only impact the western wall of the motel which comprises service areas and bathroom windows. Access and windows servicing the motel rooms are oriented to the east and will not be affected by this shading.

#### Privacy

The development has been designed so that glazing is orientated to the west, north and east. Views from the building will predominantly look towards the existing hospital campus to the west and across Edward Street to the north. Impacts from views towards the motel to the east are not considered to be of concern noting that the western wall of the motel comprises service areas and bathroom windows and will also be protected by the proposed service building (3.2 metres in height) and an 8 metre side setback. Views from the upper levels of the building will look across and beyond the roof of the motel and are unlikely to impinge on the rooms/occupants or any other nearby properties in this direction.



### Landscaping

Landscaping forms part of the overall design of the development and will incorporate ground cover planting, planter and garden beds along with a mix of retained and planted trees. These elements will be concentrated along the Edward Street and Lewis Drive frontages and will contribute towards an attractive streetscape.

### Natural hazards - Flooding - Bushfire Prone Area map

Flooding impacts have been addressed earlier in this report. The site is not subject to threat from bushfire.

### Disabled access

An Access Report provided by the applicant confirms that the proposal will comply with the Disability Discrimination Act (DDA), Building Code of Australia (BCA), relevant Australian Standards and enhanced benchmark requirements.

### Signage

Refer to earlier assessment under SEPP 64.

### Noise & vibration

A noise impact assessment has been conducted based on the external noise sources impacting upon the facades of the proposed new facility. The dominant external noise source was considered to be from Edward Street vehicle movements. The report provides recommendations on the performance of the building's glazing (generally the weakest element of the facade) in order to meet the internal noise levels as per the relevant Australian Standard (AS2107:2016). These recommendations relate to appropriate glazing configuration and ratings to meet minimum acoustic performance.

The noise impact assessment also addresses the location of the mechanical plantroom on the roof of the building and recommends specific mitigation measures including an acoustic barrier and operational requirements to meet noise emissions criteria to surrounding receivers.

The assessment concludes that provided that the recommendations presented in the report are adopted, noise emissions from the operation of the site will comply with acoustic criteria.

Recommended conditions of consent require that all recommendations of the Noise Impact Assessment be incorporated into the detailed design drawings and that these measures be in place prior to occupation of the building.

### Technological Hazards

Land contamination and remediation has been addressed earlier in this report (see discussion under SEPP 55 - Remediation of Land).

### Socio- Economic Impact in the Locality

The proposed development will have a positive social and economic impact as it will provide for specialised education facilities for both rural and Indigenous medical students in the

UNSW Rural Clinical School program. The program aims to provide highly trained and competent doctors for rural and remote Australia with emphasis on both rural and Indigenous health needs. This will deliver positive economic and social benefits to the broader community.

Further, the proposed development will have a positive social and economic impact through the creation of temporary job opportunities in manufacturing, construction and construction management, and on-going jobs in teaching and administration for the residents of the wider Wagga Wagga LGA.

### 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 will not result in any anticipated irreversible environmental damage. The proposed UNSW building involves the redevelopment of existing at grade carparking area within the hospital campus and therefore is not considered to impact on biological diversity or ecological integrity. The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly, the principles of ESD are considered to have been followed.

### **Section 4.15(1)(c) - The suitability of the site for the development**

The site is suitable for the proposed development for the following reasons:

- The development will expand and enhance the provision of allied education uses on the WWBH campus;
- It is appropriately serviced by relevant infrastructure, both in terms of utilities, as well as road and public transport infrastructure; and
- It is capable of being developed without any adverse impacts on the environment or adjoining properties.

### **Section 4.15(1)(d) - any submissions made in accordance with the Act or the regulation**

#### **Referrals**

The application was referred to the following public authorities:

- Riverina Water County Council (RWCC)
- Essential Energy
- Transport for NSW

#### **Notification**

The application was notified to adjoining and nearby landowners from 30/9/2020 until 16/10/2020.

#### **Advertising**

The application was placed on public exhibition from 30/9/2020 until 16/10/2020.

#### **Public Submissions and those from public authorities**

No public submissions were received.

Submissions received from Essential Energy and Transport for NSW have been addressed earlier in this report.

A submission received from RWCC includes the following comments:

- Additional fees and charges for water supply may be incurred by the proposed development
- Developer must make an application for water supply for 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

These matters have been addressed as recommended conditions of consent.

### **Section 4.15(1)(e) - the public interest**

#### Wagga Wagga Health and Knowledge Precinct

The site forms part of Wagga Wagga's Health and Knowledge Precinct. A revised Master Plan and Structure Plan for the precinct was released by Council in December 2019. The Master Plan outlines the 25-30 year vision for the area around Wagga Wagga's two major hospitals to develop a central activity hub to enhance current and new health services in Wagga Wagga and the Riverina, and to support local employment in this key industry.

The proposal will facilitate development that is compatible with the Wagga Wagga Health and Knowledge Precinct. In particular, the Biomedical Science Centre:

- Provides the nominated education and research building on Edward Street, in front of the future multi-storey car park;
- Will facilitate the grouping of key health activities within the boundaries of the core health precinct;
- Will provide a transition in scale between larger scale health developments and existing residential uses;
- Provides for spaces that are sociable, healthy and inclusive;
- Provides an attractive streetscape; and
- Encourages active transport through the provision of appropriate facilities.

The proposal is also within the public interest as the facility is aimed at providing highly trained and competent doctors for rural and remote Australia with emphasis on both rural and Indigenous health needs and on-going jobs in teaching and administration for the residents of the wider Wagga Wagga LGA.

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 in the public interest.

### **Development Contributions - Section 7.11/7.12 Environmental Planning & Assessment Act & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000**

#### **Section 7.11/7.12**

Section 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga 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. However, the subject development, being development for "public infrastructure to be carried out by or on behalf of any public authority including the Council", is exempt from contributions as per the provisions of Section 1.7 of the plan.



## Sewer and Stormwater

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga Development Servicing Plan for Stormwater 2007 and the 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.

### Stormwater

The site currently consists of a hard stand carpark with only small areas of perimeter soft landscaping. The proposed development will therefore not increase the existing hard stand area of the site or the impact on Council's stormwater system. It is recommended that no charge be applied.

### Sewer

The development is subject to sewer charges under the current sewer DSP (July 2013). The capital charge per equivalent Tenement (ET) adopted under the DSP is \$3,538. The Water Directorate Guideline (Section 64 Determination of Equivalent Tenements Guidelines - April 2017) is used to determine the ET for different types of development. The guideline recommends 0.02 ETs per person for tertiary educational establishments.

Based on a total of 109 people (100 students/visitors + 9 FTE staff), the development will generate  $(109 \times 0.02)$  2.18ETs.

Calculation (Developer charge x ET) =  $3538 \times 2.18 = \$7712.84$

Adjusted to current CPI =  $7712.84 \times 117.1/100.5 = \$8986.80$

## Other Legislative Requirements

Section 1.7 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)

Section 1.7 of the EPA Act 1979 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 (SP2 zone).

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 have been considered. 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 LEP 2010 and DCP 2010. The hospital campus is not subject to inundation during a 1:100 ARI flood event however is subject to inundation during a PMF event. Given that the development is not considered an 'essential community service' or 'critical utility' the site is considered suitable for the proposed development. A risk assessment has been carried out and the development is considered acceptable.

### Bush Fire Risk Assessment

The development has been considered against the relevant provisions of the LEP2010 and DCP 2010. Adjoining land has been assessed as managed land and has been determined to present no bush fire threat. A risk assessment has been carried out and the development is considered acceptable in this regard.

### Council Policies

No additional Council policies apply to this development.

### Other Approvals:

The application is not Integrated Development under section 95 of the EP&A Act 1979.

No Activity Approvals have been sought under Section 68 of the Local Government Act 1993.

### Conclusion:

This assessment has given consideration to the matters listed where relevant and has been undertaken in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The development is considered to be satisfactory based on the foregoing assessment and is recommended for approval.

## Recommendation

It is recommended that application number DA20/0409 for Educational Establishment – UNSW Biomedical Science Centre be approved, subject to the following conditions:-

## CONDITIONS

### 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
DA00	Location Plan/Drawing List	BNMH Architects	1	20/4/2020
DA01	Demolition Plans	BNMH Architects	1	20/4/2020
DA02	Site Plan/Site Analysis	BNMH Architects	1	20/4/2020
DA03	Ground Floor Plan	BNMH Architects	2	10/9/2020
DA04	Level 1 Plan	BNMH Architects	2	10/9/2020
DA05	Level 2 Plan	BNMH Architects	2	10/9/2020
DA06	Roof Plan	BNMH Architects	1	20/4/2020
DA07	North Elevation	BNMH Architects	1	20/4/2020
DA08	South Elevation	BNMH Architects	1	20/4/2020

DA09	West Elevation	BNMH Architects	1	20/4/2020
DA10	East Elevation	BNMH Architects	2	10/9/2020
DA11	Section AA	BNMH Architects	2	10/9/2020
DA12	Section BB	BNMH Architects	2	10/9/2020
DA13	Shadow Diagrams - Sheet 1	BNMH Architects	1	20/4/2020
DA14	Shadow Diagrams - Sheet 2	BNMH Architects	1	20/4/2020
DA15	GFA Plans	BNMH Architects	1	20/4/2020
DA16	Signage Plans	BNMH Architects	1	20/4/2020
DA18	Materials	BNMH Architects	1	20/4/2020
2008 - LP 01	Landscape Plan	Fiona Yeates Consulting Pty Ltd	D	16/4/2020
2008 - LP 02	Landscape Details and Specifications	Fiona Yeates Consulting Pty Ltd	D	16/4/2020
2190854	Statement of Environmental Effects	Ethos Urban	4	19/8/2020
J2000120 RP1	Traffic Impact Assessment	EMM	v6	16/4/2020
200004	Noise Impact Assessment	JHA	B	17/4/2020
J4190	Heritage Impact Statement	Weir Phillips	-	April 2020

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 the commencement of any works

C.2 Prior to the commencement of any works, the applicant shall provide revised plans detailing the following amendments:

- a) The provision of a path and gate providing service access (non-vehicular) from the bin storage enclosure to the proposed turning bay in Doris Roy Lane as approved under Development Consent DA20/0708.
- b) The provision of publicly accessible bicycle parking facilities within or adjacent to the Lewis Drive forecourt area.
- c) The provision of a mountable kerb to provide a change of grade between the existing Lewis Drive vehicular pavement and the proposed shared footpath/delivery zone.
- d) The incorporation of all noise mitigation recommendations contained in the approved Noise Impact Assessment (Revision B dated 17 April 2020).

The revised plans shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate.

- C.3 The applicant shall provide final design details of the proposed electricity substation blast wall demonstrating that the required height and length of the wall has been minimised based on the final specification and positioning of the substation. In this regard, the siting and design of the substation shall be considered where this can assist in minimising the height and length of the required blast wall.

In addition to this information, the final design details shall identify how existing landscaping located immediately to the east of the wall (within the front setback of the adjacent property) will be protected and supplemented to screen the extent of the wall when viewed from the east. Consideration shall also be given to potential screening/landscaping along the western edge of the substation easement to reduce its visual impact of the substation enclosure and blast wall when viewed from the west.

The final design details shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate prior to commencement of any works associated with the installation of the substation or construction of the blast wall.

- C.4 Prior to commencement of construction, the Applicant must prepare a Construction Environmental Management Plan (CEMP) and it must include, but not be limited to, the following:
- a) Details of:
    - i. hours of work;
    - ii. 24-hour contact details of site manager;
    - iii. management of dust and odour to protect the amenity of the neighbourhood;
    - iv. stormwater control and discharge;
    - v. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
    - vi. external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
    - vii. community consultation and complaints handling;
  - b) Construction Traffic and Pedestrian Management Sub-Plan (see Condition C5);
  - c) Construction Noise and Vibration Management Sub-Plan;
  - d) Construction Waste Management Sub-Plan;
  - e) Construction Dust Management Sub-Plan;
  - f) Construction Soil and Water Management Sub-Plan including Erosion and Sediment Control Plan;
  - g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
  - h) details of tree protection areas to ensure no secondary impacts to extant trees not to be removed;
  - i) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

The CEMP shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate prior to commencement of any works



- C.5 A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared in consultation with Council. The CPTMP must specify, but not limited to, the following:
- a) be prepared by a suitably qualified and experienced person(s);
  - b) be prepared in consultation with Council and TfNSW;
  - c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - d) assess cumulative impacts associated with other concurrent construction activities (including the adjacent hospital carpark development);
  - e) assess the road safety at key intersections and locations subject to heavy vehicle movements and high pedestrian activity;
  - f) detail construction program, the anticipated construction duration and milestones and events during the construction process;
  - g) detail anticipated peak hour and daily truck movements to and from the site including strategies to avoid peak traffic periods;
  - h) detail access arrangements for workers to/from the site, emergency vehicles and service vehicle movements;
  - i) detail strategies for the provision of displaced on-site parking during these activities
  - j) detail temporary cycling and pedestrian access during construction;
  - k) detail proposed construction vehicle access arrangements (including management of loading and unloading of materials on the site) at all stages;
  - l) detail heavy vehicle routes, access and parking arrangements;
  - m) include a Driver Code of Conduct to:
    - i. minimise the impacts of earthworks and construction on the local and regional road network;
    - ii. minimise conflicts with other road users;
    - iii. minimise road traffic noise; and
    - iv. ensure truck drivers use specified routes;
  - n) detail temporary traffic controls, including detours and signage;
  - o) include procedures for notifying the local community about project-related traffic impacts;
  - p) include procedures for managing impacts to bus stops;
  - q) include procedures for receiving and addressing complaints from the community about development-related traffic;
  - r) include measures for minimising potential for conflict with buses, school zone operating times, emergency vehicles and other motorists as far as practicable;
  - s) include procedures for responding to any emergency repair or maintenance requirements;
  - t) include a program to monitor the effectiveness of these measures; and
  - u) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

The CTPMSP shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate prior to commencement of any works

- C.6 Prior to commencement of works, a stormwater drainage plan shall be submitted to Council for approval that identifies 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.

- C.7 Prior to the commencement of any works, the applicant must engage a suitably qualified person to prepare a pre-construction dilapidation report. This report shall include clear photos and descriptions of all existing public infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and shall be approved by Council.
- C.8 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.
- C.9 No part of the development, including cut, fill, or footings is to encroach the stormwater easement located on the eastern side of the proposed building. Prior to the commencement of any works, the applicant is required to submit plans that show that the footings address the angle of influence taking into account the depth of existing/proposed infrastructure in the easement.
- C.10 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.11 Prior to the commencement of works, an Activity Approval is required under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer / stormwater works, where that work is proposed to be carried out on public or private or Council owned land.  
  
NOTE: 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.
- C.12 Prior to the commencement of works, an Activity Approval is required under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any private internal sewer / stormwater works being carried out on the site.  
  
The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".  
NOTE: A copy of the Notice of Works form can be found on Council's website.
- C.13 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:
- a) The approved Construction Environmental Management Plan (CEMP).

b) Managing Urban Stormwater: Soils and construction - Volume 1 (latest edition).

All vehicles involved with the construction and/or demolition process and departing the property with demolition material, spoil, debris and loose material must have their loads covered before entering the public road. Suitable measures shall be in place to ensure that sediment is not tracked onto the roadway by vehicles leaving the site. This may require the installation of an all-weather temporary driveway for all construction vehicles accessing and leaving the site.

It is an offence to allow, permit or cause materials to pollute waters.

- C.14 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 container 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. The container must be retained on site for the duration of all demolition and construction works.

Materials, building rubbish/debris, site facilities/buildings or machinery associated with the development must not be stored or stacked on Council's footpath, nature strip, road reserve or roadway.

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 available to Council upon request.

Note: Wagga Wagga City Council's Gregadoo Waste Facility is the EPA licensed facility within the Local Government Area to accept waste material

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

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

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

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

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

- C.16 Prior to any works, a compliance certificate under Section 307 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.

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 Section 306 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 \$7712.84  
The Section 64 Sewer contribution (updated by the CPI117.1/100.5) required to be paid is \$8986.80

NOTE 6: The Section 64 Stormwater base figure is NIL. No Section 64 Stormwater contribution is required.

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.

- C.17 The Applicant must submit to Essential Energy a Design Information Request for determination. Such application will determine the electrical requirements of the proposed development and also consider whether further infrastructure, such as a dedicated pad mount substation, is required for the proposed development. Please note that there may be significant costs involved and these are payable by the Applicant - refer to Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au)

- C.18 It is noted that signage is proposed on the corner of Edward Street and Lewis Drive. Essential Energy has existing overhead and underground powerlines in this location. Prior to any works commencing on the construction of this proposed signage, the following information will need to be provided to Essential Energy for review and comment:
- a) All dimensions of the proposed signage, including all elevations, height, width etc.
  - b) The height from the top of the proposed signage to the nearest conductor (powerlines) and nearest power pole/s
  - c) The distance from the location of the proposed signage to underground powerlines (located across the Lewis Drive street frontage of the property).
  - d) Details of all materials that the proposed signage is to be constructed out of.
  - e) Details as to whether power will be connected to the proposed signage (illuminated signage).

#### **Requirements during construction or site works**

- C.19 The applicant shall prepare and implement a program of works to ensure that the maximum number of car parks are available for use across the hospital campus site through the construction process.
- C.20 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.21 The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under this condition.
- C.22 The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- C.23 The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. In addition to any dust management requirements contained within the approved Construction Environmental Management Plan (CEMP), the Applicant must ensure that during construction:
- a) exposed surfaces and stockpiles are suppressed by regular watering;
  - b) all trucks entering or leaving the site with loads have their loads covered;
  - c) trucks associated with the development do not track dirt onto the public road network;
  - d) public roads used by these trucks are kept clean; and
  - e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.



- C.24 All construction vehicles (excluding worker vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping.
- C.25 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. Heritage NSW 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 Heritage NSW.
- C.26 If an excavation associated with the erection/demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) must preserve and protect the building from damage, and
  - b) if necessary, must underpin and support the building in an approved method, and
  - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected/demolished.

NOTE 1: The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

NOTE 2: For the purposes of this condition allotment of land includes a public road or any other public place.

- C.27 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.28 Stormwater drainage must be constructed and maintained so as to provide a 1 in 10 year pipe system, satisfactory overland flow path and not adversely affect adjacent properties.

C.29 Stormwater drainage shall be constructed so that:

- a) Post Stormwater flows from the site are limited to pre-developed flows for all storms up to and including the 100 Year ARI event.
- b) The stormwater system is connected to Council's stormwater main.
- c) The finished paving levels are constructed so that the stormwater overland flow path is directed towards the street or an alternative appropriate point of discharge (including the provision of overland flow paths for storms which exceed a 1 in 10 year event).

C.30 Works shall be undertaken in accordance with the following requirements of Essential Energy:

- a) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties shall be complied with.
- b) 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).
- c) All proposed landscaping and planting in the location of all existing electrical infrastructure (overhead and underground) must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should these works encroach on the electricity infrastructure.
- d) Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

- e) 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.
- f) Prior to any demolition works occurring, any service line to the property must be disconnected. Refer Essential Energy's Contestable Works team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au)

C.31 For the duration of the construction works:

- a) street trees must not be trimmed or removed unless it forms part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- b) all street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- c) all trees on the site that are not approved for removal must be suitably protected during construction as per recommendations of the approved Tree Assessment Report prepared for the development; and
- d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

C.32 Only those trees indicated on the approved plans for removal (approved landscape details and specifications), shall be removed as part of the 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.33 The applicant shall provide to Council a copy of a legally binding agreement between the University of NSW and the Murrumbidgee Local Health District for the provision of access to a minimum of 15 carparking spaces located on the hospital campus in

perpetuity. The provisions of the agreement shall be to the satisfaction of the General Manager or their delegate and prior to occupation of the development.

- C.34 The applicant shall prepare a Delivery and Waste Collection Operational Management Plan for the use of the proposed delivery bay adjacent to Lewis Drive and the use of Doris Roy Lane for waste collection. The plan shall address:
- a) Pedestrian and vehicular traffic safety management of the delivery bay including supervision during use and deployment of temporary safety signage.
  - b) Maintenance of any permanent signage and line marking for the delivery bay.
  - c) Operation and management of traffic safety bollards providing access to the delivery bay.
  - d) Use of service access to Doris Roy Lane as an alternate delivery point where possible.
  - e) Allocation of responsibilities for the implementation of the management plan with regard to the operation and supervision of use of the delivery bay including.
  - f) Placement and management of waste receptacles within the Doris Roy Lane road reserve to allow automated collection
  - g) Allocation of responsibilities for the implementation of the management plan with regard to waste collection from Doris Roy Lane.
- C.35 Prior to operation, the applicant shall prepare and implement a strategy to promote the connectivity of the different public car parking areas across the hospital campus site include details of public information and way finding signage. The strategy shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate.
- C.36 Bicycle wayfinding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas prior to occupation.
- C.37 Prior to occupation, all noise mitigation recommendations in the approved Noise Impact Assessment (Revision B dated 17 April 2020), shall be in place.
- C.38 All approved wayfinding and directional signage must be installed prior to operation.
- C.39 Prior to occupation of the building, the applicant must undertake all landscape works detailed in the Landscape Plan approved under Condition C1 of this consent.
- C.40 Prior to occupation, 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.41 Prior to occupation, the proposed works to the stormwater main shall be completed including the construction of the new main and the removal of the redundant main.
- Note: Prior to commencing these works the applicant is required to obtain a Section 68 (PUBLIC) approval from Council for stormwater works.
- C.42 Prior to occupation, easements benefitting Wagga Wagga City Council shall be registered over the reconstructed stormwater main

- C.43 Prior to occupation, a sewer junction and a 150mm spur must be provided to the development from Council's sewer main. The works shall be at the full cost of the developer and must be carried out by a Council approved contractor. Works as Executed (WAE) plans shall be provided in accordance with Council's Guidelines for Subdivision and Developments.

NOTE: A Section 68 approval will be required for the works. The WAE plans shall show the location of the constructed mains/junctions and spurs to confirm they are servicing each lot.

- C.44 Prior to operation, the paving of the vehicular movement area for the proposed delivery bay must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete. Alternatively, a design for a sealed pavement can be carried out accordance with AUSROADS standards.

- C.45 The applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure.

The report shall include a comparison with the with the pre-construction dilapidation report required by these conditions and have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure.

The report shall be submitted to and shall be approved by Council.

Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - b) relocate, or pay the full costs associated with relocating any infrastructure needs to be relocated as a result of the development.
- C.46 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.

### **General requirements**

- C.47 The delivery bay adjacent to Lewis Drive shall be operated strictly in accordance with the approved Operational Management Plan approved under Condition C34 of this consent.
- C.48 Garbage collection shall be via the service access to Doris Roy Lane as approved under Condition C2 of this consent.



- C.49 Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Council's document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in Council's document shall be listed and submitted with the plans for separate approval.
- C.50 All lighting must comply with AS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. All lighting must also be designed and installed in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Lighting shall be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
- C.51 The Applicant must maintain the landscaping and vegetation on the site for the duration of occupation of the development.

## **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 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.2 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.3 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

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