



City of
Wagga Wagga

Notice of Determination of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the above Development Application pursuant to Section 4.18(1) of the Environmental Planning & Assessment Act, 1979.

Application Number:	DA19/0624
Applicant:	Jim Lewis, Anthony Manning NSW Department of Education GPO Box 33 SYDNEY NSW 2001
Land to be Developed:	56 Estella Rd CHARLES STURT UNIVERSITY NSW 2678 Lot 1 DP 1253855
Description	Site establishment works for future educational establishment including bulk earthworks and vegetation removal, temporary security fencing, temporary construction access, on-site construction parking and site office facilities.
Determination:	Approved subject to Conditions
Date of Determination:	31/01/2020
Consent to Operate from:	31/01/2020
Consent to Lapse on:	31/01/2025
Other Approvals:	Nil

On behalf of the Council

Cameron Collins
Development Assessment Coordinator

Right of Appeal - Where an applicant is dissatisfied with this determination, the applicant has the right to appeal the decision to the Land and Environment Court within a period of 6 months from the date the decision is notified or registered on the NSW planning portal

Review of Determination - The applicant may request the Council to review the determination. A determination cannot be reviewed after the period within which an appeal may be made to the Land and Environment Court has expired or, if an appeal has been made against the determination, after the Court has disposed of that appeal.

CONDITIONS OF CONSENT FOR APPLICATION NO. DA19/0624

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
NHQC2-WW-CV-S-DAC103.01	Bulk Earthworks Cut and Fill Plan	Northrop	C	14/11/19
NHQC2-WW-CV-S-DAC103.11	Bulk Earthworks Cut and Fill Sections (Sheets 01, 02 & 03)	Northrop	A	14/11/19
NHQC2-WW-CV-S-DAC102.01	Concept Sediment and Soil Erosion Control Plan	Northrop	D	14/11/19
NHQC2-WW-CV-S-DAC102.11	Concept Sediment and Soil Erosion Control Details	Northrop	D	14/11/19

19-791	Biodiversity Development Assessment Report - Early Works Clearing and Earthworks, Wagga Wagga	NGH Environmental	Final v3.0	21/11/19
-	Arboricultural Assessment Report - 56 Estella Road, Charles Sturt University - Wagga Wagga NSW - 2019	Wade Ryan		19/11/19
NHQC2	Construction Management Plan	Hansen Yuncken	A	November 2019
P1047r04 v01	Construction Traffic and Pedestrian Management Plan - Early Works Development Application	asongroup	1	29/11/19
Rp 002 20191068	EWDA Educational Establishment Noise and Vibration Assessment	Marshall Day Acoustics	-	15/11/19
2190860	Statement of Environmental Effects	Ethos Urban		29/11/19

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 commencement of any works on site, the 15 Ecosystem credits for 'Blakely's Red Gum - Yellow Box - grassy tall woodland of the NSW South Western Slopes Bioregion' must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may also be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the 15 Ecosystem credits for 'Blakely's Red Gum - Yellow Box - grassy tall woodland of the NSW South Western Slopes Bioregion' as calculated by the BAM Credit Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council prior to commencement of works.

- C.3 Prior to the commencement of any works on site, a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority. The Biodiversity Management Plan shall be incorporated or referenced within the required Construction Environmental Management Plan referred to in condition C5 of this consent.

The Biodiversity Management Plan must:

1. Identify the development site as per the approved Biodiversity Development Assessment Report (BDAR) and approved plans.
2. Identify areas of land that are to be retained as outlined in the approved BDAR.
3. Ensure the implementation of all measures proposed in the approved BDAR to mitigate and manage impacts on biodiversity outlined in Section 8 and Table 8-1 of the approved BDAR, including performance measures for each commitment.
4. Ensure the implementation of all management and protection measures recommended by the approved Arboricultural Assessment Report.
5. Ensure that construction impacts are restricted to the development site and do not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.

NOTE: The approved BDAR is the document titled "Biodiversity Development Assessment Report - Early Works Clearing and Earthworks, Wagga Wagga" (project number 19-791, revision Final v3.0) prepared by NGH Environmental and dated 21 November 2019.

The approved Arboricultural Assessment Report is the document titled "Arboricultural Assessment Report - 56 Estella Road, Charles Sturt University - Wagga Wagga NSW - 2019" prepared by Wade Ryan and dated 19 November 2019.

- C.4 The submitted Construction Traffic and Pedestrian Management Plan shall be amended to show Construction Vehicle Routes not using Farrer Road. The amended plan shall be submitted to and approved by Council prior to the commencement of any works on the site

NOTE: It is likely that Farrer Road will be unavailable for heavy vehicle use during the proposed construction phase of the development as a result of scheduled road improvement works.

- C.5 A final Construction Environmental Management Plan (CEMP) shall be prepared and submitted to Council prior to the commencement of any works. The CEMP shall be updated to address, as a minimum, the following matters:

1. All recommendations contained within the document titles "EWDA Educational Establishment Noise and Vibration Assessment (Rp 002 20191068)" prepared by Marshall Day Acoustics and dated 15 November 2019.
2. Incorporation of the approved Biodiversity Management Plan referred to in condition C3 of this consent including all associated recommendations.
3. Incorporation of the approved Construction Traffic Management Plan referred to in condition C4 of this consent including all associated recommendations.

The applicant shall ensure compliance with all requirements of the final approved CEMP.



- C.6 Prior to works commencing, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.
- C.7 A temporary vehicular access within the road reserve must be constructed prior to works commencing subject to:
- a) The payment of a \$3,000 bond which will be refunded when the temporary crossing is fully removed and the table drain reinstated.
 - b) The payment of a non-refundable Fee as per Council's fees and charges.

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

NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise a \$3,000 ongoing bond should their builder hold a \$3,000 ongoing bond.

- C.8 A temporary security fence shall be provided to the perimeter of the site to prevent public access during the construction phase. The Temporary security fence shall be located within the site and not encroach into the road reserve.
- C.9 The existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works.

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

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

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

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

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

- C.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 A soil and water management plan for the site shall be submitted in accordance with Wagga Wagga City Council's Engineering Guidelines for Subdivision and Developments and Soils and Construction Volume 1, Managing Urban Stormwater. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as approval is granted for the plan by Council. Once approved, the measures in the Soil and Water Management Plan are to be implemented during the course of the development and until such time that the site is stable.
- i) The submitted plan shall show the location of swale drains required to direct runoff from the site to the proposed sediment basin in the south east corner of the site.
- ii) The submitted plan shall show the location of swale drains required to divert runoff upstream of the site around the site.

Requirements during construction or site works

- C.12 No construction materials, plant or equipment relating to work authorised by this consent are to be placed or stored within the road reserve during the period in which work authorised by this consent will be carried out without the prior written approval of the Council. All parking and manoeuvring of vehicles associated with the construction works shall be confined to the site.
- C.13 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.14 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.15 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by the Office of Environment and Heritage.
- C.16 All fill material temporarily stockpiled on site shall be managed and controlled at all times in a manner to prevent the generation of dust and the movement of sediment.



- C.17 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.
- C.18 Where works involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.19 Tree removal from the subject site is restricted to that identified within the recommendations of the approved Arboricultural Assessment Report. All recommendations of the report shall be implemented including all management and protection works recommended for retained vegetation.

Further 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.

- C.20 Temporary access through Tree Protection Zones during construction requires the approval of Council's Supervisor of Tree Planning and Management who shall be notified of such need and a site inspection will be carried out to determine the level of access.

A root protection layer shall be installed over the root zone to help minimise the effects of soil compaction to the tree's root system. A 150 mm layer of coarse woodchip or other like material shall be placed over the trafficable surface. This should not be considered for long term use.

Services that require passing through or within close proximity of protected tree's root zone shall be installed underground and under bored. Under boring shall start and finish two (2) metres outside of the tree's drip zone with a minimum depth of 900 mm. Utility authorities should make use of a common trench where possible to minimise impact to the tree's root system.

General requirements

- C.21 The import of fill material onto the site is not permitted under this consent.

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

N/A

E. SCHEDULE E – Prescribed Conditions

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

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

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

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

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

NOTE 1: This condition does not apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

N/A