

PEER REVIEW REPORT

DEVELOPMENT APPLICATION FOR A 15 LOT INDUSTRIAL SUBDIVISION AND ASSOCIATED SUBDIVISION WORKS (DA21/0086)

Merino Drive and Dampier Street, Bomen



Navigate Planning

14 June 2021

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1 INTRODUCTION

Mark Hitchenson of Navigate Planning has been engaged by Wagga Wagga City Council (the Council) to undertake a peer review of a development assessment report for a development application for an industrial subdivision at the Riverina Intermodal Freight and Logistics (RIFL) Hub in Bomen.

A peer review has been requested for probity reasons, given that the Council is the landowner, development proponent and approval body.

To undertake the peer review, Navigate Planning was provided with the Statement of Environmental Effects and all plans submitted with the development application and a draft assessment report prepared by Council's Development Planner. Copies of submissions to the exhibition of the development application were also provided. In addition, Reviews of Environmental Factors (REFs) associated with the previous Part 5 approvals were provided.

Navigate Planning also referred to all relevant legislation, regulations, environmental planning instruments and Council documents in undertaking the peer review.

The peer review has been undertaken in two stages:

1. Review of relevant documents and draft assessment report. Comments on the draft assessment report were provided to the Council for consideration.
2. Review of revised assessment report and preparation of this Peer Review Report.

This Peer Review Report is not a separate assessment of the development application. The purpose of the report is to assess whether the Council's Assessment Report (and/or the Statement of Environmental Effects (SoEE) submitted with the Development Application) has fully considered all of the relevant matters under the *Environmental Planning and Assessment Act 1979* and other relevant legislation.

2 PROPOSED DEVELOPMENT

The proposed development consists of:

1. A 15 lot industrial subdivision, plus two proposed public reserves.
2. Construction of a new road.
3. Connection of new lots to utility infrastructure.

Approvals under Part 5 of the Environmental Planning and Assessment Act 1979 have already been obtained for works that facilitate the subdivision, including vegetation clearing, provision of essential utility infrastructure, earthworks and stormwater works.

The assessment report has correctly identified the nature and scope of the proposed development.

3 THE SITE AND LOCALITY

The subject land contains three lots, being Lot 11 DP 1223041, Lot 21 DP 1230517 and Lot 41 DP 1215424. The land is located at Merino Drive and Dampier Street, Bomen and adjoins the Main Southern Railway.

The land is located within the Bomen Industrial Area and has been identified as being within the Wagga Wagga Special Activation Precinct. The land is currently vacant and works associated with the Part 5 approvals have commenced.

The assessment report has correctly identified the site and described its location.

4 COMPLIANCE WITH RELEVANT LEGISLATION

4.1 Environmental Planning and Assessment Act 1979

4.1.1 Section 4.5 – Designation of consent authority

Pursuant to clause 4.5 (d) of the *Environmental Planning and Assessment Act 1979* (EPA Act), Wagga Wagga City Council is the consent authority. The SoEE correctly identifies Council as the consent authority.

4.1.2 Section 4.10 – Designated Development

The Assessment Report and SoEE do not state whether the development is designated development. However, as the proposed development is not of a type declared by Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* to be designated development, silence on this matter is of no concern.

4.1.3 Section 4.13 – Consultation and concurrence

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. The Assessment Report outlines those public authorities that have been consulted. They include Essential Energy who were required to be consulted under clause 45 of *State Environmental Planning Policy (Infrastructure) 2007*.

There are no other consultation or concurrence requirements for the development under any relevant environmental planning instrument.

4.1.4 Section 4.14 - Consultation and development consent—certain bush fire prone land

The Assessment Report correctly identifies that the land is not mapped as bush fire prone. This section is therefore not relevant.

4.1.5 Section 4.15 – Evaluation

The Assessment Report is properly structured to address all of the matters required by Section 4.15 (1), being:

- (1) **Matters for consideration—general** *In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*
 - (a) *the provisions of—*
 - (i) *any environmental planning instrument, and*
 - (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 (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (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, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) *(Repealed)*

that apply to the land to which the development application relates,

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

Pursuant to sub-clause (1) (a), the Assessment Report outlines the following environmental planning instruments and other plans as being relevant to the proposed development:

Local Environmental Plans

- *Wagga Wagga Local Environmental Plan 2010*

State Environmental Planning Policies

- *State Environmental Planning Policy (Activation Precincts) 2020*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No.55 – Remediation of Land*
- *State Environmental Planning Policy (Koala Habitat Protection) 2021*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

Draft Environmental Planning Instruments

Nil

Development Control Plans

- *Wagga Wagga Development Control Plan 2010*

Planning Agreements

Nil

Environmental Planning and Assessment Regulation 2000

- *Clause 92A Additional matters that consent authority must consider for Wagga Wagga.*

Comment - As outlined in Section 5 below, it is considered that all relevant matters under subclause (1) (a) have been considered. In relation to State Environmental Planning Policy (Activation Precincts) 2020, as it has not yet commenced and there is a savings provision that applies to the subject development application, the Assessment Report acknowledges that this SEPP should be considered in a similar manner to a draft environmental planning instrument. This is of no consequence to the assessment of the development application.

Pursuant to sub-clause (1) (b), the Assessment Report addresses the following matters relating to the impacts of the development:

- Context and setting
- Access, transport and traffic
- Services
- Heritage
- Economic impacts in the locality
- Social impacts in the locality
- Other land resources
- Pollution and off-site environmental effects

- For a and fauna
- Noise and vibration
- Energy impacts
- Site design and internal design
- Construction
- The principles of ecologically sustainable development

Comment – I concur with the assessment of the impacts of the development and am satisfied that all relevant impacts have been adequately addressed.

Pursuant to sub-clause (1) (c), the Assessment Report states that *“the site is considered suitable for the proposed development, being within an area earmarked and supported for substantial growth to support large scale industrial developments. The site is considered to be potentially bushfire prone, but the development complies with Planning for Bushfire Protection 2019. All impacts identified can be managed through the imposition of suitable conditions.”*

Comment - I concur with this statement.

Pursuant to sub-clause (1) (d), the Assessment Report outlines that referrals were made to a range of public authorities and to relevant Council sections for comment. The application was notified and advertised, with no public submissions received. Submissions received from public authorities are summarised in the assessment report and where appropriate conditions relating to issues raised have been included in the recommendation.

Comment – I am satisfied that the assessment report has properly taken into consideration any submissions made in accordance with the Act or the regulations.

Pursuant to sub-clause (1) (e), the Assessment Report states that *“the proposed development is considered to be significantly in the public interest, by helping facilitate the delivery of the RIFL Hub and the Wagga Wagga SAP, which in turn is of regionally significant economic benefit, generate jobs in the local community.*

The development is consistent with the strategic objectives for the city and the precinct.

It is considered to be in the public interest to have consistent street naming themes for suburbs to assist in wayfinding. The theme adopted by Council for Bomen is ‘Sheep and Cattle Breeds’. Therefore it is recommended that the new road be named Limousin Drive after the Limousin cattle breed.”

Comment - I concur with this statement.

4.1.6 Section 4.17 – Imposition of conditions

The recommendation of the Assessment Report contains a set of conditions to be imposed on the development consent if granted.

Comment – I have reviewed the recommended conditions and am of the opinion that all proposed conditions are consistent with the requirements of Section 4.17.

4.1.7 Division 4.8 – Integrated Development

The SoEE addresses Division 4.8 and determined that the development application is not Integrated Development as no other approvals are required.

Comment – I concur with this determination.

4.1.8 Division 6.4 – Subdivision work and certificates relating to subdivision

The recommendations of the assessment report include a condition requiring a subdivision works certificate to be obtained prior to the commencement of any work. As Council is the landowner and proponent of the development, conditions relating to giving notice are not considered necessary.

Comment – I am satisfied that the relevant requirements of Division 6.4 have been addressed and appropriately conditioned.

4.1.9 Sections 7.11 and 7.12 – Development contributions

The Assessment Report identifies that contributions under the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 are required for the development. Pursuant to section 1.6.3 of the Contributions Plan, the proposal is “other development” that exceeds \$100,000 in value and therefore a contribution under S7.12 of the Act is required.

Comment – The Assessment Report has properly identified that a development contribution is required and the recommendation includes an appropriate condition to this effect.

4.2 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required.

The Assessment Report and the SoEE address the requirements of the Biodiversity Conservation Act 2016 and conclude that, as no vegetation is proposed to be removed as part of this development application, the proposal does not trigger the Biodiversity Offset Scheme and is unlikely to significantly affect threatened species or ecological communities or their habitats. Neither a Biodiversity Development Assessment Report nor a test of significance is required for the proposed development.

Comment – The Assessment Report and SoEE have properly assessed the proposed development under the Biodiversity Conservation Act 2016, and I concur with their conclusions.

4.3 National Parks and Wildlife Act 1974

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal heritage impact permit (AHIP).

The Assessment Report and the SoEE address Aboriginal Cultural Heritage and conclude that, as previous assessments have been undertaken and an AHIP has been granted over Lot 11, no further assessment is required for this development application. An appropriate condition relating to unexpected finds has been included in the recommendation relating to this matter.

Comment – The Assessment Report and SoEE have properly assessed the proposed development under the National Parks and Wildlife Act 1974, and I concur with their conclusions.

4.4 Local Government Act 1993

The Assessment Report identifies restrictions on the use of Lot 11 are contained in the Section 88B instrument and states that the proposed development is consistent with those restrictions.

The Assessment Report also identifies the subject land as being classified as Operational Land under the Local Government Act 1993 and states that this classification allows the development and sale of the land.

Comment – I concur with these statements.

4.5 Roads Act 1993

The Assessment Report states that approval will be required under S138 of the Roads Act 1993 where works extend onto existing public roads. An appropriate condition to this effect has been included in the recommendations.

Comment – I concur with this statement.

4.6 Environmental Planning and Assessment Regulation 2000

The Assessment Report identifies that Clause 92A of the regulation contains additional matters that consent authority must consider for Wagga Wagga. This clause states that the consent authority must take into consideration whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in April 2021.

Comment – I concur with the assessment that the proposed development is generally consistent with the Master Plan and note the submission provided by the Department of Planning, Industry and Environment that supports this assessment.

5 COMPLIANCE WITH PLANNING CONTROLS

5.1 Wagga Wagga Local Environmental Plan 2010

The Assessment Report has addressed the following provisions of the Wagga Wagga Local Environmental Plan 2010:

- Zone objectives
- Clause 2.6 – Subdivision – consent requirements
- Clause 4.1 – Minimum lot size
- Clause 5.10 – Heritage conservation
- Part 6 – Urban release areas
- Clause 7.1 – Earthworks
- Clause 7.3 – Biodiversity
- Clause 7.9 – Primacy of B3 Commercial Core
- Clause 7.11 – Airspace operations

The following table lists all clauses of the LEP (from Part 2 onwards) and confirms their relevance to the proposed development. Within and below the table are comments on whether the relevant clauses have been properly considered.

LEP Clause	Relevance
Part 2 Permitted or Prohibited Development	
2.1 Land use zones	Relevant. The subject land is zoned IN1 General Industrial.
2.2 Zoning of land to which Plan applies	
2.3 Zone objectives and Land Use Table	Relevant. The objectives of the IN1 zone must be taken into consideration.
2.4 Unzoned land	Not relevant. There is no unzoned land in the

	subject site.
2.5 Additional permitted uses for particular land	Not relevant. There are no additional permitted uses for the subject land listed in Schedule 1.
2.6 Subdivision—consent requirements	Relevant. The proposal is for subdivision and development consent is sought.
2.7 Demolition requires development consent	Not relevant. There is no demolition associated with the development proposal.
2.8 Temporary use of land	Not relevant. No temporary uses are proposed.
Zone IN1 General Industrial	Relevant. The land is zoned IN1 General Industrial and the zone objectives have been considered.
Part 3 Exempt and complying development	
3.1 Exempt development	Not relevant.
3.2 Complying development	Not relevant.
3.3 Environmentally sensitive areas excluded	Not relevant.
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	Not relevant. There is no minimum lot size for the subject land.
4.1A Exceptions to minimum subdivision lot sizes for certain split zones	Not relevant.
4.1AA Minimum subdivision lot size for community title schemes	Not relevant.
4.2 Rural subdivision	Not relevant.
4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones	Not relevant.
4.2B Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	Not relevant.
4.3 Height of buildings	Not relevant.
4.4 Floor space ratio	Not relevant.
4.5 Calculation of floor space ratio and site area	Not relevant.
4.6 Exceptions to development standards	Not relevant. No development standards require variation.

4.6A Boundary changes between lots in certain rural and environment protection zones	Not relevant.
Part 5 Miscellaneous provisions	
5.1 Relevant acquisition authority	Not relevant.
5.2 Classification and reclassification of public land	Not relevant.
5.3 Development near zone boundaries	Not relevant.
5.4 Controls relating to miscellaneous permissible uses	Not relevant.
5.5 Controls relating to secondary dwellings on land in a rural zone	Not relevant.
5.6 Architectural roof features	Not relevant.
5.7 Development below mean high water mark	Not relevant.
5.8 Conversion of fire alarms	Not relevant.
5.9, 5.9AA (Repealed)	N/A
5.10 Heritage conservation	Not relevant. There are no heritage items on the land or in the vicinity of the land and the land is not in a heritage conservation area.
5.11 Bush fire hazard reduction	Not relevant.
5.12 Infrastructure development and use of existing buildings of the Crown	Not relevant.
5.13 Eco-tourist facilities	Not relevant.
5.14 Siding Spring Observatory—maintaining dark sky	Not relevant.
5.15 Defence communications facility	Not relevant.
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Not relevant.
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Not relevant.
5.18 Intensive livestock agriculture	Not relevant.
5.19 Pond-based, tank-based and oyster aquaculture	Not relevant.
5.20 Standards that cannot be used to refuse	Not relevant.

consent—playing and performing music	
Part 6 Urban release areas	
6.1 Arrangements for designated State public infrastructure	Relevant. The subject land is mapped as an Urban Release Area.
6.2 Public utility infrastructure	
6.3 Development control plan	
6.4 Relationship between Part and remainder of Plan	
6.5 Lloyd Quarry site development	Not relevant.
Part 7 Additional local provisions	
7.1 Restriction on new dwellings at North Wagga Wagga	Not relevant.
7.1A Earthworks	Not relevant. Earthworks associated with the subdivision have been approved under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> .
7.2 Flood planning	Not relevant. The subject land is not mapped as flood planning area.
7.3 Biodiversity	Relevant. Parts of the subject land are mapped as containing biodiversity.
7.4 Vulnerable land	Not relevant. The subject land is not mapped as vulnerable land.
7.5 Riparian lands and waterways	Not relevant. The subject land is not mapped as containing water or waterways.
7.6 Groundwater vulnerability	Not relevant. The subject land is not mapped as groundwater vulnerable.
7.7 Protected regrowth for Native Vegetation Act 2003	Not relevant.
7.8 Cartwrights Hill Precinct—odour and noise assessment	Not relevant.
7.9 Primacy of Zone B3 Commercial Core	Not relevant. The proposed development will facilitate industrial land uses that will have no impact on the primacy of the B3 zone.
7.10 Business premises in Zone B6 Enterprise Corridor	Not relevant.

7.11 Airspace operations	Not relevant. The proposed development is a subdivision of land and future development on the land will not penetrate the Obstacle Limitation Surface for the Wagga Wagga Airport.
7.12 Development in areas subject to aircraft noise	Not relevant.

Clause 2.1, 2.2 and 2.3 – Zoning and Zone Objectives

The Assessment Report identifies the land use zone applying to the land as IN1 General Industrial. In relation to the zone objectives, the Assessment Report states that:

“The proposed subdivision will facilitate future industrial development on the subject land, and is therefore consistent with the zone objectives, particularly by providing land for a range of industrial and warehouse land uses, encouraging future employment opportunities, and supporting and protecting land for industrial uses. It is noted that if uses on the subject site are limited to rail-related industries, it would constrain the breadth of the range of uses somewhat, however given the relatively wide range of uses that would still fall under the “rail-related” umbrella, this constraint is not considered so significant for the development to be inconsistent with the objectives of the zone.”

Comment – I concur with the assessment that the development proposal is consistent with the objectives of the IN1 General Industrial zone.

Part 6 – Urban Release Areas

The Assessment Report identifies that the land is mapped as an urban release area. In relation to clause 6.1, the Assessment Report states that the appropriate certification that satisfactory arrangements are in place for the provision of State public infrastructure has been received. In relation to clause 6.2, the Assessment Report outlines the infrastructure that has already been approved under the Review of Environmental Factors (REF) associated with an approval under Part 5 of the Environmental Planning and Assessment Act 1979 and the service connections to each lot associated with this development proposal. In relation to clause 6.3, the Assessment report notes that a DCP is in place.

Comment – I have seen the certification regarding State public infrastructure and therefore concur with the Assessment Report in relation to clause 6.1. I also concur that adequate arrangements have or will be made to ensure the essential infrastructure for the proposed development will be available, both through the previous Part 5 approval and through conditions of this development consent if granted. I agree that a DCP is in place addressing the relevant matters for the proposed development, through Section 13 of the Wagga Wagga Development Control Plan 2010.

Clause 7.3 – Biodiversity

The Assessment report identifies that parts of the subject land are mapped as containing biodiversity and states that:

“The removal of vegetation was approved under the associated Part 5 approval on the site. The impacts of this were assessed at this time. Therefore, it is considered that the proposed subdivision will not increase impacts on the matters listed in this clause. It is further noted that a reserve is proposed adjacent to the significant vegetation located within Trahairs Rd. All relevant matters have been considered.”

Comment – I concur with the assessment that the proposal will have no further impacts on biodiversity beyond the impacts assessed and approved under the Part 5 approval.

5.2 State Environmental Planning Policies

As noted above, the Assessment Report identifies five relevant State Environmental Planning Policies (SEPPs). The following table lists all SEPPs and confirms their relevance to the proposed development. Below the table are comments on whether the relevant SEPPs have been properly considered.

SEPP	Relevance
SEPP (Aboriginal Land) 2019	Not relevant. This SEPP only applies to certain mapped land, none of which is in the Wagga Wagga LGA.
SEPP (Activation Precincts) 2020	Relevant, but not yet commenced. Schedule 2 of the SEPP (notified on 21 May 2021, commencing on 31 December 2021) applies to the Wagga Wagga Activation Precinct. The subject land is within the Wagga Wagga Activation Precinct.
SEPP (Affordable Rental Housing) 2009	Not relevant.
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant.
SEPP (Coastal Management) 2018	Not relevant. The proposal is not in the coastal zone.
SEPP (Concurrences and Consents) 2018	Not relevant.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not relevant.
SEPP (Exempt and Complying Development Codes) 2008	Not relevant.
SEPP (Gosford City Centre) 2018	Not relevant.
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant.
SEPP (Infrastructure) 2007	Relevant. Clause 45 of the SEPP applies.
SEPP (Koala Habitat Protection) 2020	Not relevant. This SEPP only applies to land in a rural zone in certain LGAs. The subject land is not in a rural zone.
SEPP (Koala Habitat Protection) 2021	Relevant.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not relevant.
SEPP (Kurnell Peninsula) 1989	Not relevant.
SEPP (Major Infrastructure Corridors) 2020	Not relevant.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not relevant.
SEPP No 19—Bushland in Urban Areas	Not relevant. This SEPP applies only to Sydney metropolitan council areas.
SEPP No 21—Caravan Parks	Not relevant.
SEPP No 33—Hazardous and Offensive Development	Not relevant.
SEPP No 36—Manufactured Home Estates	Not relevant.
SEPP No 47—Moore Park Showground	Not relevant.
SEPP No 50—Canal Estate Development	Not relevant.
SEPP No 55—Remediation of Land	Relevant.
SEPP No 64—Advertising and Signage	Not relevant.
SEPP No 65—Design Quality of Residential Apartment Development	Not relevant.
SEPP No 70—Affordable Housing (Revised Schemes)	Not relevant.
SEPP (Penrith Lakes Scheme) 1989	Not relevant.
SEPP (Primary Production and Rural Development) 2019	Not relevant.
SEPP (State and Regional Development) 2011	Not relevant. The development is below the threshold for regionally significant development.
SEPP (State Significant Precincts) 2005	Not relevant. The land is not a state significant precinct.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not relevant.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not relevant.
State Environmental Planning Policy (Three Ports) 2013	Not relevant.
State Environmental Planning Policy (Urban Renewal) 2010	Not relevant.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Relevant
State Environmental Planning Policy	Not relevant.

(Western Sydney Aerotropolis) 2020	
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not relevant.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not relevant.

State Environmental Planning Policy (Activation Precincts) 2020

The Assessment Report acknowledges that the SEPP has not yet commenced and there is a savings provision that means the development is to be determined as if Schedule 2 had not commenced. Nevertheless, the SEPP has been considered.

Comment - I concur with the Assessment Report that the development is not inconsistent with the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The Assessment Report addresses clauses 45 and 85 of the SEPP. Clause 45 requires consultation with the electricity supply authority and this has been undertaken.

Comment - I concur with the Assessment Report that clause 85 is not applicable to the development.

State Environmental Planning Policy No.55 – Remediation of Land

The Assessment Report notes that previous Preliminary Site Investigations have been undertaken for the land and that they found no areas of concern on the subject land. Potential contamination can be effectively managed during construction through an unexpected finds protocol and an appropriate condition to this effect has been included in the recommendations.

Comment – I concur with the assessment and agree that the land is suitable for the proposed development.

State Environmental Planning Policy (Koala Habitat Protection) 2021

The Assessment report notes that vegetation clearing was approved under the REF associated with a Part 5 approval, that impacts on koalas and koala habitats are unlikely as a result of the development and that the subject land is not core koala habitat.

Comment – I concur with the assessment Report that the site is unlikely to have an impact on koalas or koala habitat and therefore the Council can grant consent to the application without any further assessment under the SEPP.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Assessment Report notes that this SEPP is relevant to the subject land but that as no vegetation removal is proposed as part of the development application, there are no relevant provisions under the SEPP for the proposed development.

Comment – I concur with the Assessment Report in relation to this SEPP.

5.3 Wagga Wagga Development Control Plan 2010

The Assessment Report provides a comprehensive assessment of the development proposal against the relevant provisions of the *Wagga Wagga Development Control Plan 2010*.

Comment – I have reviewed the Assessment Report and am satisfied that all relevant provisions of the Wagga Wagga DCP have been adequately considered. Chapter 13 of the DCP for the Bomen Urban Release Area is particularly relevant and has been fully addressed in the Assessment Report.

6 CONCLUSION

Mark Hitchenson of Navigate Planning has undertaken a peer review of a development assessment report by Wagga Wagga Council for a Council proposed development application on Council owned land. The review required an understanding of the proposed development and works associated with the development that have already been approved under Part 5 of the *Environmental Planning and Assessment Act 1979*.

This review concludes that the development assessment report properly identifies and considers all relevant matters contained in legislation, regulations, environmental planning instruments and the Wagga Wagga Development Control Plan 2010. I support the recommendation to approve the development application and am satisfied that the recommended conditions are appropriate to the proposed development.

