

JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2011 STH 025
DA Number	DA11/0086
Local Government Area	Wagga Wagga
Proposed Development	Bulky Good Premises with Associated Access, Parking and Landscaping, including Lot Subdivision (boundary adjustment)
Street Address	129 Hammond Avenue, Wagga Wagga
Applicant/Owner	Urbis Pty Ltd
Number of Submissions	Two
Recommendation	Approval with Conditions
Report by	Amanda Gray, Senior Town Planner, Wagga Wagga City Council

Assessment Report and Recommendation

PURPOSE OF REPORT

The purpose of this report is to seek determination from the Southern Region Joint Regional Planning Panel (SRJRPP) of a development application for a bulky goods premises, with associated access, parking and landscaping, including lot subdivision.

The SRJPP is the determining authority for this development application as the development has a value of \$23 million, exceeding the \$10 million threshold for Council being the determining authority.

DESCRIPTION OF DEVELOPMENT

This application is for the redevelopment of land for the purpose of a bulky goods centre with associated car parking, new highway access points, landscaping and engineering works. The key elements of the development are as follows:

- One (1) 13,493 sq.m bulky goods store comprising retail floor area, garden nursery, trade sales, storage and amenity/administration areas.
- A car park of 372 spaces to serve this store.
- One (1) 4,846sq.m bulky goods building to be divided into two(2) tenancies.
- A car park of 112 spaces to serve this building.

- New left in only and left out only access arrangement for customer vehicles entering and exiting Hammond Avenue.
- New left in only access from Hammond Avenue for delivery vehicles.
- New left out exit onto Koorringal Road for delivery vehicles.
- A shared in/out access from Koorringal Road for customer vehicles.
- Engineering works in the form of raising the level of the site by between 1 and 2 metres.
- Landscaping throughout the car park, landscaped areas to both site frontages, including a retaining wall to Hammond Avenue.
- New electricity substation.
- Revised subdivision layout of the site.

The large store will be located across the north east of the site towards the rear. Servicing, delivery and waste areas will be located to the rear and car parking to the front. The proposed use of the large store is as a home improvement centre. The end users of the site will be a new company, Masters, comprising of Australian based store Woolworths and a US based store Lowes. The store will sell both DIY goods for home improvement works and white good electrical items. The Nursery area will include plants, garden tools and outdoor furniture. The trade sales area will consist of a drive through area where vehicles can be loaded with materials and goods from both parts of the store. Within the main store there will be a small café and kids play area adjacent to the main entrance.

The store will have dimensions of approximately 163 metres by 80 metres and extend to a height of 11 metres, it will be constructed of concrete tilt up panels with zincume corrugated sheet for roofing. The entrance areas will use alucobond to create a feature and the frontage will be further broken up by feature aluminium louvre panels. There will be one central main entrance to the store which will extend further to a height of 13 metres, there is also a separate nursery entrance and a drive in and out trade entrance. Signage will exist in panel form above the entrance although no final details of signs are included as part of the application.

The smaller building is to be located in the north western corner of the site with service and delivery areas at the rear. The building will be divided into tenancies of 2,074sqm and 2,733sq.m. These two stores will be occupied by, at this stage, unknown bulky goods retailers. The building will be constructed using similar materials to the Masters building and the two stores will be linked with one projecting slightly further forward than the other to give each store its own defined frontage. Each store will have a main entrance with signage above.

The development site currently consists of two similar sized lots. The proposal includes a revised subdivision layout that will result in the creation of two new lots both with easements created to allow the right of access over each other. The revised lots will allow each of the two buildings and associated parking areas to be fully contained on separate lots.

There will be a total of 484 car parking spaces laid out across the site. The proposed subdivision of lots allows for 372 spaces to be allocated for the Masters store and 112 spaces for the other two bulky goods stores. The parking will be laid out in rows horizontal to the proposed buildings with pedestrian footpaths through the site to the store entrance.

As well as signs on the building a free standing pylon sign is proposed and an indicative location is provided for such a sign to be located in the south west corner of the site. Again, no details of this sign are included as part of the application.

The electricity sub station is to be located in the south east corner of the site adjacent to Hammond Avenue. A raised slab of approximately 28m² in area will be laid out for the structure to sit on.

THE SITE & LOCALITY

The subject land is known as 129 Hammond Avenue, being Lots 1 and 2 DP 542294 and extends to an area of approximately 4.12 ha. The development site is rectangular in shape, it is located on a corner and presents a frontage of 290 metres to Hammond Avenue and 150 metres to Koorringal Road.

A former commercial building that occupied the south western corner of the site has been recently dismantled and removed from site. The site is vacant and covered in grass and low level vegetation.

Existing access to the site is from Koorringal Road only. The Sturt Highway (Hammond Avenue) abuts the southern boundary of the site, the highway has a four lane width at this point. On the southern side of the highway there are a variety of industrial and bulky good outlets with direct access from Hammond Avenue. The buildings on this side of the road are largely single storey including some residential properties on the opposite corner of Koorringal Road/Hammond Avenue.

Land to the north of the site is rural in character and undeveloped other than a couple of residential dwellings. To the east and west of the site there are commercial and industrial properties of varying sizes, these are generally large warehouse type buildings with a greater height to allow for access and storage in association with the businesses. Each of the premises to the east of the site has rear access via Tarcoola Lane.

The development site and all of the surrounding land is located on flood prone land. The Murrumbidgee River is located approximately 300 metres from the northern boundary of the site.

Electrical power lines run along the southern boundary of the site within the road reserve area.

SUMMARY OF MAIN ISSUES

Permissibility of uses, access, amenity, car-parking, landscaping.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

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

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

Local Environmental Plan

Under the Wagga Wagga Local Environmental Plan (LEP) 2010 the land is zoned as Light Industrial (IN2). The objectives of this zone are:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The proposal does not include any industrial, warehouse or related land uses and is therefore inconsistent with the first and third objectives.

The development will create significant employment opportunities and is therefore entirely consistent with the second objective. The proposed use of the site may provide goods that local workers require, however they are not considered to be day to day needs.

In terms of the definition of the proposed land use, the DIY element of the Masters store could be clearly described as Hardware and Building Supplies, however the introduction of additional retail in the form of electrical goods would be classed as bulky goods. The Masters store would therefore be a mix of these two land uses and the two additional tenancies would both be defined as bulky goods. The definitions of the two land uses are defined in the Standard Instrument as follows:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
 - (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,
- and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of ***retail premises***

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of ***retail premises***

Under the IN2 land use table of the Wagga Wagga Local Environmental Plan 2010 hardware and building supplies are specifically listed as a use that is permissible with consent as retail premises (the group) is prohibited in the zone. Bulky goods are listed as prohibited, being a type of retail premises, which in turn is a type of commercial premises.

However, Schedule 1 of the WWLEP 2010 presents additional permitted uses on specified sites across the Local Government Area. The site that is the subject of the development application is listed at number 4 (within Schedule 1) whereby bulky goods premises are

listed as being permissible with consent. Accordingly the proposed uses of the site are considered to be permitted on the site under the terms of the Standard Instrument and can be assessed on a merits basis against any relevant statutory and local controls.

Clause 2.6 of the plan requires that subdivisions such as that proposed require the consent of Council. The proposal seeks approval for the subdivision of the site and is consistent with this clause.

Clause 7.1A relates to earthworks. Development consent is required for earthworks and should consider the following matters.

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

The importation of fill to the site is required to raise the finished floor level of the development to allow for a large on site retention facility beneath the car park and to minimise the risk to the development from flood damage. It is proposed to import 50,900 cubic metres of material onto the site to allow for an increased level of up to 1.8 metres. In addition to this fill a further 1200 sq.metres of material is required for the construction of the retaining wall.

The raising of the land by such an amount does have the potential to impact upon floodwater behaviour in the area, however the raising of the site is not prohibited and as the earthworks will result in the development of the land for a suitable use it will therefore be of benefit for a future use of the land. Other surrounding land owners in the East Wagga industrial area have the capacity to also raise land levels, whilst the raising of the land may impact on the amenity of adjoining owners the users are all of an industrial and/or commercial nature and they are not considered likely to suffer any significant detrimental impacts from the earthworks, as proposed. The detail of the fill material will need to be endorsed by relevant bodies and a condition of consent is proposed to ensure that only clean material is brought onto the site. It is considered that the proposal would be compliant with this clause of the WWLEP.

7.2 Flood Planning

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.

As the land is identified as flood prone the application proposes to build to the 1:100 flood planning level to ensure that the site and persons associated with its use are protected. The surrounding land is all subject to the same degree of flood risk as the application site,

which is identified on the flood risk precinct map as medium. The raising of the land to mitigate against flood damage is not considered to adversely impact local flood behaviour in the area as water inundation is experienced from both the River and Marshall's Creek to the South. In December 2010 the city experienced a 1:15 year flood event. At this time the site was not inundated with water nor were adjacent properties, the water stopped at the northern boundary of the property.

Environmentally sensitive land

A very small parts of the site is identified as being sensitive land on the biodiversity map of the LEP 2010 (clause 7.3) and all of the land is identified as sensitive on the groundwater map (clause 7.6) Biodiversity Certification of the WWLEP 2010 occurred in December 2010 and as a result development within the identified areas is taken to be development that is not likely to significantly affect any threatened species, population or ecological community or its habitat.

The land is all covered under the groundwater map due to the proximity of the site to the Murrumbidgee River. The objective of this clause is to protect and preserve groundwater sources. Although the development is not one of the land uses specified for the purpose of this clause it is not anticipated that there will be any adverse impacts on groundwater sources as all wastewater from the site will be diverted into an upgraded stormwater system.

There are no other sections of the WWLEP 2010 applicable to this development.

State Environmental Planning Policies

State Environmental Planning Policy (Major Development) 2005

This Development Application will be referred to the Southern Region Joint Regional Planning Panel for determination in accordance with Clause 13B of State Environmental Planning Policy (Major Development) 2005, which requires the Panel to exercise planning functions of the Council as a consent authority under Part 4 of the Environmental Planning and Assessment Act for developments relating to the following:-

- (a) development that has a capital investment value of more than \$10 million.

State Environmental Planning Policy (Infrastructure)

Under Clause 101 of the SEPP the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the

development arising from the adjacent classified road.

The objectives of this clause are to ensure that new development does not compromise the effective and ongoing operation and function of classified roads and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The proposed development introduces three new access points onto the highway, Hammond Avenue, as well as two access points onto the non-classified road, known as Koorungal Road. The first access point from the highway is a left in only for customer vehicles which is sited approximately 90 metres from the Koorungal Road roundabout and which is also directly in line with the access route between Block A and the Masters store. The second access is a left out only for customer vehicles which is immediately adjacent to the proposed entrance referred to above and the last access is a left in only for delivery trucks at the far eastern boundary of the site. The RTA has raised no objection to the principle of new customer entry and exit points, however at both pre-lodgement and during the assessment stage there has been concern regarding the position of the access points which has been conveyed to the applicants.

In response to this specific matter the RTA made the following comments:

The proposed western most ingress driveway and the deceleration lane servicing this driveway are located in close proximity to the exit from the 2 lane roundabout at the intersection of the Sturt Highway and Koorungal Road. To allow for weave manoeuvres for access into the development site the minimum Approach Sight Distance (ASD) for the sign posted speed (60 km/h) is 73m. This length is measured from the exit of the roundabout to the start of the deceleration lane. Assuming a vehicle maintains the sign posted speed through the roundabout, ASD is not achieved. ASD for the speeds 40 km/h and 50 km/h is 40 m and 55 m, respectively. The length of deceleration lane within the road reserve to access the site is to comply with the Austroads Guide to Road Design for the prevailing speed. Therefore the western most ingress driveway to the Sturt Highway is to be located at least the required ASD plus the required length for the deceleration lane for the prevailing speed from the exit of the roundabout.

The submitted plans indicate that the egress driveway to the Sturt Highway is to be restricted to left-out manoeuvre only. Given the location of existing driveways to properties opposite the subject site on the southern side of the Sturt Highway the placement of a median to reinforce this left-out manoeuvre and deny right turn manoeuvres from the site at the proposed location of the egress driveway is not permissible. It is proposed that the egress driveway to the Sturt Highway be deleted or moved to the eastern end of the subject site. This will locate the exit point adjacent to a proposed median. This will also provide for an exit point at the western and eastern extremities of the site. The potential conflict with large vehicles accessing the western most driveway can be addressed with appropriate design of the driveways to control speed and provisions of required of sight lines.

Recommendations in line with the above comments have been made to the applicants, however, no alterations have been made to the site layout. The applicants, in response, identify that Hammond Avenue provides secondary access and egress points to Koorungal Road although within the Traffic Report reference is made to Hammond Avenue being the main access. A revised Traffic Report was prepared to review the layout as proposed and concluded that, as there will be no queuing at the intersection there is no requirement to

alter the position of the access.

The response from the RTA is more concerned with safe stopping distances than queues. As the Austroads standards referred to above cannot be achieved, appropriate conditions of consent are proposed to ensure that the proposed access and egress points are amended. Such amendments will ensure that in accordance with Clause 101 of the SEPP the safety, efficiency and ongoing operation of the classified road will not be adversely affected.

The entry point for trucks from the highway is proposed to allow a one way movement around the edge of the site for delivery and service vehicles. The trucks would then exit onto Koorinal Road and have the ability to travel east or west from the Koorinal Road roundabout. The RTA raised no objection to this layout.

Discussions with the applicant regarding servicing and deliveries have focused on planning for a link to a road to the north east corner of the site known as Tarcoola Road. Whilst this road currently stops just short of the boundary with the development site, in the future it is hoped that the road would be linked through to Koorinal Road. Such a link will be invaluable for servicing the rear of properties fronting Hammond Avenue when a median is developed along the centre of the highway. It has been suggested to the applicant that the laying out of the site to accommodate access to a future link road would be of significant benefit to the future successful servicing of the site. Council acknowledge that at this stage the link to Tarcoola Road is restricted by many constraints, however if this through road is developed in the future the site would benefit from a far less constrained approach into the site for all trucks.

The SEPP outlines the criteria whereby development is classed as *Traffic Generating Development*. Development proposals can include extensions to existing premises or completely new developments. One of the criteria is shops and commercial premises of greater than 1000sq.m with access onto a classified road. Both of the buildings on site exceed this area and are therefore classed as Traffic Generating Development under the SEPP and must be referred to the Road Traffic Authority. Accordingly a Traffic Impact Report has been prepared to assess the likely impacts of the development on both the local and wider road network and referred to the local RTA office.

One of the key areas to be examined in the Traffic Report is the treatment of the highway to allow existing access to and from land and premises on the southern side of the highway. The response from the RTA in relation to this issue is as follows:

The submitted plans indicate the provision of a central lane with medians to allow for right turn manoeuvre to the properties on the southern side of the Sturt Highway which essentially represents Channelised Right Turn (CHR) treatments for these driveways. This treatment is an attempt to deny right turn access into the subject development and maintain the existing right turn manoeuvres into the properties on the southern side of the Highway. The design does not comply with the Austroads standards for the separation of the Channelised Right Turn (CHR) treatments. To replace this with a median turn lane appropriately line marked to provide for right turn to the south only with raised medians at both ends would be a preferred option.

For reasons of safety and consistency with the Austroads Guide to Road Design the exit driveway to the Sturt Highway is to be relocated to the eastern boundary of the subject site and a median turn lane, with a minimum width of 4.2 metres, is to be constructed along the

frontage of the development site to the Sturt Highway. The median turn lane is to be line marked and signposted to allow for right turn to the southern side of the Sturt Highway and deny right turn into the development site. This treatment is to be supported with the ingress driveway into the subject site being designed to deny right turn into the subject site and the placement of appropriate signage (No U-turns, No right turns, etc) on the raised medians at both ends of the median turn lane.

Appropriate conditions of consent will secure the required amendments to the median treatment along Hammond Avenue to maintain access arrangements to existing businesses.

In compliance with Clause 104 of the SEPP the development will be assessed with regard to the impact of development on accessibility including the potential to minimise the need to travel by car and potential traffic safety, road congestion or parking implications of the development. These issues are discussed in more detail under the impacts section of the 79c report.

State Environmental Planning Policy No. 55

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on the land.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Environmental Site Assessment has been carried out and submitted in support of the Development Application, in accordance with the requirements of the SEPP. The assessment includes a desk top study as well as a site inspection and investigation including an analysis of soil samples. The site investigation did not identify any signs of contamination on site, the soil samples were analysed against set levels and found to show either no contaminants or contamination at very low levels that do not even exceed the threshold set for residential purposes.

The site is therefore considered clean and no form of remediation is required to develop the site for its intended purpose.

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

Draft local environmental plans

There are no draft local environmental plans pertaining to this development.

Draft state environmental planning instruments

There are no draft SEPPs of relevance to the application.

(a)(iii) - Any development control plan

The Wagga Wagga Development Control Plan 2010 contains a number general provisions relating to car parking, landscaping and site design as well as more specific clauses on flooding, development in industrial areas and bulky goods premises.

Clause 2.1 A site analysis plan has been lodged with the application in accordance with the requirements of the DCP. The analysis identifies the opportunities and constraints associated with the site.

Clause 2.2 relates to vehicle access and movement. The development is considered to comply with the relevant controls in this clause as vehicles are able to enter and leave in a forward direction via the various new access and exit points.

There is a dedicated loading area to the rear of the buildings which is contained entirely within the boundaries of the site. The layout of the rear loading area allows for numerous deliveries throughout the day without there being any impact on the overall operation of the site.

Clause 2.3 contains guidelines in relation to off-street parking. The objectives of this clause are as follows:

- O1 Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.*
- O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.*
- O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.*
- O4 Soften the impacts of larger car parking areas through the use of landscaping.*
- O5 Provide both shade and solar access to car park users by means of purpose designed tree planting.*

Both bulky goods retail and timber and building supplies have the same car parking requirement of one space for every 100sq.m of retail and display area (indoor and outdoor). The total floor area proposed across the site is 18348sq.m which equates to a need for 183 spaces. The site layout shows provision of 484 spaces which satisfies the minimum requirement but also exceeds it by a considerable number.

The development does not benefit from any overspill parking onto nearby roads and given the nature of the goods to be sold at this site together with the location the majority of customers will arrive by motor vehicle. Demand for parking is therefore acknowledged as being high especially during peak weekend times. However, the excess of 300 spaces that are to be provided have the potential to result in large areas of open parking at the front of the site. Whilst additional spaces could be justified the layout of the car park could also be enhanced by landscaping resulting in a reduction in the number of excess spaces and an enhanced aesthetic layout.

There are spaces included directly adjacent to the entrance/exit route onto Koorinal Road and manoeuvring in and out of these has the potential to impact on the free flow of vehicle movements. There is capacity to remove these spaces. Furthermore, there is a need for improved pedestrian routes through the car park which may result in the loss of spaces. The reorientation of spaces would also allow for a safer passage directly to the front of the store as well as for manoeuvrability in and out of spaces away from main access and exit routes.

Conditions of consent are proposed to secure the desired amendments to the parking layout as discussed above.

Further specific conditions about landscaping within the car park are detailed under this section and stipulate that the design should:

Provide trees within the parking area at a rate of 1 tree per 5 spaces. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m².

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

As there are conditions that require amendments to the car park layout it is not possible to confirm that sufficient planting of trees will occur. Whilst the submitted landscape plans do show a number of trees to be planted across the car park conditions will be applied to ensure that sufficient planting occurs to provide suitable shade to the car park as well as breaking up the wide hard stand area.

Clause 2.4 contains controls relating to the landscaping of new developments. For large commercial developments such as that proposed landscaping plays a valuable role in softening developments.

The controls in this section are detailed as follows:-

C1 A landscape plan is required for applications for :

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

Detailed landscape plans have been provided in accordance with Council's guidelines.

C2 Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.

No features are identified as being retained for the site.

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

A mix of species have been proposed for the site that are acceptable to Council's landscape designer. Exotic species have been included in the approved plant list as an appropriate way of providing shade cover.

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

C5 Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.

Trees are proposed to the front within the street, and along the western side of the site. The planting proposed is considered to provide a suitable canopy area to the western boundary. The presence of the retaining wall at the front of the site and the proposed parking areas close to the wall minimise the area that can be utilised for the planting of trees at the front of the site.

C6 Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.

A detailed landscape plan has been prepared which is acceptable to Council, the mix of species proposed will assist in satisfying the controls contained in this section of the DCP.

Clause 2.5 - Signage

The application includes indicative details of signage areas on the two main buildings and one free standing pylon sign is also proposed. No details have been included for any of the signs and these will therefore be subject to a later development application.

Clause 4.2 of the DCP relates to flooding and specifically Table 4.2.7 details the requirements for development in the East Wagga Industrial Area which are:

Floor levels : All new developments are to have floor levels greater than the 20yr ARI flood event plus freeboard and be consistent with flood hazard and evacuation needs.

Structural soundness : An Engineers report is required to certify that any new structure can withstand the forces of floodwater, debris and buoyancy up to and including the 100yr ARI (excludes sheds less than 20m²) and fencing construction and materials are to allow flood waters to equalise on either side.

Evacuation : A Flood Plan is required and is to make provision for evacuation of employees.

Management and design : Applications for non-habitable developments are to demonstrate that an area is available to store goods above the 100yr ARI flood level, plus freeboard, parts of the building below the 100yr flood level, plus freeboard are to be constructed from flood compatible materials

The flood levels identified for the land are 180.5 for a 1:20 event and 182.2 for a 1:100 event. It is proposed to build the development to the 1:100 level with finished floor levels of 182.7, incorporating a 500mm freeboard. This design allows for compliance with both the floor levels and management and design controls listed above to be satisfied. Conditions of consent are proposed to obtain compliance certificates indicating that the buildings are structurally capable of withstanding the force of floodwaters.

Clause 11.1.2 relates to developments in the East Wagga Wagga / Hammond Avenue precinct within which the development site falls. The DCP makes reference to the fact that the land is flood prone and that development should be built to the 1:20 level to minimise the risks associated with flooding.

One of the key opportunities for this area is maximising the gateway potential into the city and ensuring that developments have good presentation to the Sturt Highway. The development has frontage to the highway with all servicing requirements contained at the rear. Significant landscaping is proposed to enhance the site and the height of the development will ensure that the site creates a gateway entrance feature when entering Wagga Wagga from the east.

Clause 12.4 relates to the development of bulky goods premises. The controls contained within the DCP are listed as follows:

C1 Bulky Goods Premises are not to sell “everyday needs” such as clothing or small household items, fresh food or produce, or office supplies.

A condition of consent will ensure that the range of goods sold complies with the definition contained in the Standard Instrument.

C2 At least 80 percent of the gross floor area is to be dedicated to large items.

The condition referred to under control 1 will include reference to the 80% clause listed in this control.

C3 A coordinated sign and access strategy is required for sites that propose multiple tenancies. The strategy is to make provision for a centralised sign containing details of the businesses located on the site, directional signs for the safe and efficient operation of the site, and details of the size and location of individual tenancy signs.

A condition is proposed to ensure that signage across the site is consistent. Given the highly prominent position of the site a coordinated signage strategy is critical to the high quality development that is envisaged for this site.

C4 Sites with multiple tenancies are to provide safe access routes for pedestrians, responding to likely or anticipated desire lines, avoiding conflict with vehicular movement

A condition is proposed that seeks pedestrian routes in and out of the site, through the parking areas and between the different tenancies on site.

(a)(iia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

No planning agreement has been entered into.

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

Matters prescribed by the Environmental Planning & Assessment Regulation 2000 and the Building Code of Australia have been satisfied.

In accordance with the Roads Act 1993 the RTA has responsibility in relation to roadwork, traffic control facilities and other works/structures on the classified road network. The Sturt Highway (Hammond Avenue) is a Classified road. The RTA and council have certain responsibilities under the requirements of the act. RTA's consent is required for all road works under section 61 of the Act and this will be secured by condition.

(b) - The likely impacts of the development

Context and setting

The site is vacant, largely clear and within an established industrial area. The site is set on a prominent corner with high numbers of vehicles likely to generate passing trade to the premises. The site is considered to be a gateway into the city and its development is therefore important to prevent the site becoming untidy and an eyesore.

On the northern side of the highway the predominant land uses are industrial in nature whilst to the south the uses are more varied and include industrial and timber and building supply premises. The proposed uses for the site are not directly related to others nearby but as they are specifically listed as being permissible on this site they are appropriate.

Once developed it is likely that customers to and from the site may generate linked trips to other properties in the locality to the benefit of the wider area of East Wagga as a whole.

Access, transport and traffic

Access to and from the site will be via both Koorungal Road and Hammond Avenue. The availability of two different access and egress points will assist in minimising any queues going in or out of the site. Exiting vehicles from Koorungal Road have the capacity to wait at the roundabout without causing any detriment to the free flow of traffic on the highway.

There are proposed works to the highway in terms of turning areas and medians that both allow existing properties on the south of the highway to maintain access to and from their properties but also prevent illegal movements in or out of the development site. The details of the required works are discussed in more detail earlier in the report. The works on the highway may only be short term solutions as there are plans to develop a central median along this stretch of Hammond Avenue. The timing of the median will be dependent on increased capacities using the road as well as funding availability.

A Traffic Impact Assessment (T.I.A) was lodged in support of the Development Application. The report examined the locations of and the likely impacts of the new access and entry points onto Hammond Avenue. This issue has been addressed earlier in the report under the SEPP requirements.

The TIA also reviewed the car parking numbers and layout of the site with particular regard to issues raised by the Council and the RTA regarding the orientation of spaces and the number of spaces. The comments made by RTA in response to this matter were as follows:

The Austroads Guide to Traffic Management: Part 11: Parking provides criteria for the design and layout of parking area. This document provides advice on the design of the carpark for the convenience and safety of both the motorist and the pedestrian within the carpark. The applicant has been referred to this document for the design of the carpark by both the Council and the RTA.

Issues relating to the parking layout are reviewed earlier in the report and conditions are proposed that would result in an improved, more efficient layout that also will allow for greater landscaping whilst still maintaining a sufficient number of spaces.

Whilst there are limited opportunities to reduce the need to travel by car with such a development, alternative options must be provided to allow both pedestrians and cyclists access to the site. Cycle parking is provided for staff at the rear of the building in the servicing area, no provision is indicated on site for customers. The RTA have commented specifically that,

The submitted plans indicate pedestrian access directly from the Sturt Highway to the proposed hardware premises. As parking along the frontage of the site to the Sturt Highway is to be denied and as any pedestrian movement is likely to access the site from the west near the intersection of the Sturt Highway and Koorungal Road a pedestrian pathway is to be provided through the site to all tenancies from this intersection.

Conditions are proposed that will improve pedestrian routes through the site as recommended by the RTA as well as bicycle parking for customers.

Services

The site is fully serviced. As the development includes a new subdivision plan, services within the site may need to be rerouted or extended to ensure that each of the newly created lots is capable of being independently serviced from the other.

Stormwater at the site is to be upgraded to accommodate an on-site stormwater detention system. A concept Stormwater Management Plan has been developed using three existing catchment areas. The existing catchment areas discharge to either Koorringal Road or Hammond Avenue, it is proposed to maintain the existing discharge locations and to limit the amount of stormwater being released to these points. Furthermore, the outlet pipe from the site has also been limited to the existing connecting pipe within the street drainage to ensure that there is not a surcharge into the system. In order to satisfy Council requirements that pre development flows are not exceeded an on site detention facility is required, this will have a capacity of 590m³ and be sited towards the front of the site, beneath the car park adjacent to one of the discharge pits. The need for the large on site detention facility has contributed to the raising of the site.

Heritage

The site is not within the heritage conservation area and does not impact on any items of environmental heritage. There is no evidence of any aboriginal heritage on the site.

Natural Hazards

The site is on land that is subject to flooding owing to the proximity of both the Murrumbidgee River and Marshall's Creek. Issues in relation to flooding have been addressed earlier in the report.

Man-Made Hazards

The site is not subject to any known man-made hazards.

Economic Impact in the Locality

The proposed development will result in significant investment into the Wagga Wagga economy from an international company. Direct economic impacts will include employment generation during the construction period and significant new employment within the Masters store and the other two tenancies.

It is anticipated that visitors to the site will also make linked trips to other businesses in the East Wagga area. Masters will be a destination that introduces a significant increase in customers to this part of the city from both within and out of town. Such spending is a positive impact for the local economy.

Social Impact in the Locality

The proposed development will offer an increased choice for the local customer within the home improvement retail sector. Employment opportunities generated by the development also have the potential for positive social impacts.

There are no identified detrimental social issues linked to the development.

Noise and Vibration

As the site is prepared and subsequently developed there will be noise from construction activities and vehicles moving on and off of the land. Noise associated with construction activities will be short term though and not result in any significant adverse impacts.

The proposed use of the building is not considered to result in adverse noise or vibration impacts. The main noise source is likely to be from the loading and delivery area at the rear of the site. The operating hours of this area can be controlled by condition to minimise any adverse impact outside of the site. Furthermore, it is proposed to install an acoustic barrier along the rear boundary of the site in the form of a solid imperforate barrier.

Energy Impacts

The development will need to comply with Section J of the Building Code of Australia in terms of energy efficiency. No specific energy efficiency measures have been identified in the building design.

Site Design and internal design

The proposed site design is appropriate in that the building is set back but due to the raising of the land and the proposed retaining wall will present significantly to the highway. Having assessed the proposed raising of the site and the gradient subsequently proposed for the car park area it is considered that this can be amended to allow for a greater slope and a resulting lower retaining wall to the front and side boundary. This will result in no change to the flood protection afforded to the buildings but will considerably improve the visual amenity of the raised area at the front of the site to be used for parking. A condition will secure the design amendments which together with the proposed landscape treatments will soften the appearance of the front retaining wall.

The servicing and delivery route around the edge of the site will not create any conflict with customer vehicle movements on site and the use of two vehicle access and egress points is a good design feature of the development.

The design of the building incorporates a raised central area which clearly defines the main entrance to passing traffic and customers. Signage across both buildings will follow a similar style creating a site identity as opposed to individual tenancies following different designs.

The Principles of Ecologically Sustainable Development

The proposed development is in accordance with ESD principles.

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

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

The site has been specifically listed as being suitable for a bulky goods development and the development is therefore entirely appropriate in this location. The raising of the land to the 1:100 flood level will result in the development sitting at a higher position than the surrounding developments, however this is not prohibited and through a redesign of the car park gradient and the implementation of significant landscaping across the site the impacts of a retaining wall fronting the highway, should, over time, be reduced.

Site Attributes in relation to the proposed development

The site is subject to flooding. Flooding issues have been addressed under both the LEP and DCP sections of the report.

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

Referrals

Internal referrals within Council have resulted in a number of suggested conditions. Issues of concern raised in referral responses relate to the raising of the site with fill and the proposed access arrangements.

Notification

The development was notified to neighbouring properties between 7 and 24 March 2011. One submission was received as a result of the notification.

Advertising

The development application was advertised between 10 and 24 March 2011. One submission was received as a result of advertising.

Public Submissions and those from public authorities

One submission was received in relation to the application, whilst there was no objection to the actual development there was significant concern regarding the impact from stormwater run-off. The submission referred to works carried out by an adjacent land owner and the resulting flood issues that this creates.

Comment: The development has been designed to incorporate a stormwater retention system with a capacity of 590m³. Significant engineering design works have been carried out to ensure that post development stormwater flows do not exceed pre development flows. Existing site issues cannot be assessed as part of the current development application.

The second submission received in response to the advertising was in relation to the structure and content of the Statement of Environmental Effects. There is no set format in which an SEE should be received, the information lodged with the application is in the form of a number of specialist reports as well as an SEE and was considered acceptable at DA lodgement stage. Any errors or oversights contained within the SEE have been addressed throughout the assessment process.

Road Traffic Authority

Comments from the RTA have been discussed in detail within the body of the report. A number of conditions of consent are proposed to address issues of concern raised by the RTA.

(e) - the public interest

Federal, state and local government interests and general community interests

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided. The proposed development has a positive impact as a vacant site is developed for commercial purposes to the benefit of the wider community.

Other Legislative Requirements

Section 5A ("Seven Part Test" - Threatened Species)

The biocertification that has been afforded to the Wagga Wagga LEP concludes that the proposed development will not result in any irreversible environmental damage. Accordingly there is no requirement for a seven part test to be completed in relation to the development of the site.

Section 79B(3)

The land is not identified as a critical habitat and therefore concurrence is not required.

Council Policies

None relevant

Comments by Council's Officers and/or Development Assessment Team

A number of Council officers have been involved with the assessment of the application both at pre-lodgement stage and during the assessment period. Issues have been raised with regard to access issues, the raising of the site and car parking layouts.

Whilst the applicants have attempted to address the concerns raised by Council there are outstanding matters that, in order for a positive recommendation to be presented to Panel, have been addressed as conditions of consent.

Prior to any Construction Certificates being released, a range of issues are required to be amended in the form of revised plans that satisfy the concerns of both Council and the RTA. It is considered that all of the issues can be achieved without detriment to the overall success of the project and without significantly altering the development, as approved.

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

A Section 94a contribution of \$225,350.00 and a Section 64 Contribution of \$144,120.36 will be required as a result of the proposed development and the increased demands that the development will have on Council's infrastructure and services. The contributions will be secured by conditions of consent.

Other Approvals

The support of the Roads and Traffic Authority is required for all new access onto the highway.

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia and Councils Policies.

RECOMMENDATION

It is recommended that the Southern Region Joint Regional Planning Panel approve Development Application DA11/0086 for Bulky Good Premises with Associated Access, Parking and Landscaping, including Lot Subdivision (boundary adjustment), 129 Hammond Ave EAST WAGGA WAGGA NSW 2650 , Lot 1 DP 542294, Lot 2 DP 542294 in accordance with the following conditions:-

CONDITIONS

Approved Plans and Documentation

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

Plan no.	Plan/Doc. Title	Prepared by	Issue	Date
DA01	Existing Site Conditions	Leffler Simes Architects	B	14.10.10
DA02	Site Plan	Leffler Simes Architects	F	14.06.11
DA03	Floor Plan	Leffler Simes Architects	B	14.10.10
DA04	Floor Plan - Block A	Leffler Simes Architects	B	14.10.10
DA05	Roof Plan	Leffler Simes Architects	B	14.10.10
DA06	Roof Plan - Block A	Leffler Simes Architects	B	14.10.10
DA07	Elevations	Leffler Simes Architects	B	14.10.10
DA08	Elevations	Leffler Simes Architects	B	14.10.10
DA09	Sections	Leffler Simes Architects	B	14.10.10
DA10	Elevations - Block A	Leffler Simes Architects	B	14.10.10
DA11	Elevations & Sections Block A	Leffler Simes Architects	B	14.10.10
SS10-2162 101-104, 501	Landscape Plan	Site Image Landscape Architects		15.06.11
32832PSUB	Plan of Proposed Subdivision	Lockley Land Title Solutions		14.10.10
	Statement of Environmental Effects	Urbis		April 11
GRP11553 R4698D	Traffic Engineering Assessment	Traffix Group		19.10.10 28.6.11
	Stormwater Management Report	Northrop		15.10.10
	Noise Impact Assessment	Acoustic Logic Consultancy		18.10.10
	Waste Management Plan	Applicant		20.10.10

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

NOTE: Any modifications to the proposal shall be the subject of an application under Section 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Construction Certificate

2. **Prior to the issue of the Construction Certificate a signage strategy must be submitted to and approved by Director of Planning, or delegate for the whole of the development. The strategy must cover the location, size, style and illumination of all signage areas associated with the development. The approved signage strategy will subsequently apply to all future tenancies occupied within the development. Any variation from the approved strategy will be subject to a subsequent Development Application.**

REASON: To enable Council to assess the overall impact of signage within the development. Section 79C (1)(a) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. **Prior to the issue of the Construction Certificate the applicant must demonstrate that the building complies with the requirements of the Commonwealth Disability Discrimination Act 1992, the NSW Anti-Discrimination Act 1977 and the relevant provisions of the Disability (Access to Premises - Buildings) Standards 2010.**

NOTE 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. **IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.**

NOTE 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission, are available from the Commission or from Council's Planning Directorate. The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a Construction Certificate.

REASON: It is in the public interest that access to the building be provided for persons with disabilities. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. **Provision must be made in the building and on the site for:**
 - a) **access to the building for people with disabilities in accordance with the Building Code of Australia;**
 - b) **toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building; and**

- c) **motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia.**

NOTE: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a Construction Certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

5. **Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to Council for approval, all such details shall be certified by a practising Structural Engineer.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

6. **Prior to the issue of Construction Certificate the developer must lodge a bond with Council of \$4,000.00 for security deposit on the kerb and gutter and nature strip.**

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

NOTE 2: The bond held on the kerb and gutter is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council.

REASON: It is in the public interest that such fees are paid in accordance with Council's Management Plan. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. **Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of the Construction Certificate, the applicant must pay to Council a levy in the amount of \$225,350.00 towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.**

REASON: Having considered the development in accordance with Section 94 A of the *Environmental Planning and Assessment Act 1979*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

8. Pursuant to s64 of the Local Government Act 1993, and Division 10 of Part 2 of Chapter 6 of the Water Management Act 2000, prior to the issue of the Construction Certificate, a Compliance Certificate must be obtained for water management works (as defined in s283 of the Water Management Act 2000) relating to the development.

Alternatively, this condition is satisfied by virtue of payment of the figure nominated within this condition. Evidence of payment receipt shall be provided to Council at Construction Certificate application stage.

DSP Sewer contribution: \$7,489.75

DSP Stormwater contribution: \$136,630.61

NOTE: The total Section 64 contribution required is \$144,120.36

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

9. Prior to the release of the first Construction Certificate revised plans shall be submitted to Council that satisfy the following amendments to access arrangements and highway medians:-

- ☐ The proposed egress driveway to the Sturt Highway is to be deleted, or relocated to the eastern extremity of the development site and restricted to left-out only. This driveway and the raised central median at the eastern end of the median turn lane shall be designed to deny right turn manoeuvres from the development site. This no right turn restriction is to be appropriately signposted at the cost of the applicant.
- ☐ A median turn lane, with a minimum width of 4.2 metres, is to be provided within the Sturt Highway for the full frontage of the site. Raised traffic islands are to be constructed at both ends of the median turn lane. The median turn lane is to be appropriately signposted and line marked to deny right turn movements into the development and maintain existing right turn movements to the southern side of the Sturt Highway.
- ☐ The proposed ingress driveways from the Sturt Highway are to be designed and constructed to allow left turn ingress only and deny right turning movements into the proposed development site. The same driveways are to be constructed as a roadway formation with kerb and gutter with the pedestrian footpath to ramp down onto the roadway. The proposed deceleration lanes to service these driveways shall be located, designed, constructed and line marked in accordance with the Austroads Guide to Road Design for the prevailing speed limit.
- ☐ A raised central median is to be constructed in Koorinal Road extending from the existing intersection with the Sturt Highway to the southern extremity of the southern most driveway to Koorinal Road. A pedestrian refuge is to be constructed within this median to provide for the safe movement of pedestrians to the development site. This raised median is to be designed and constructed in accordance with the Austroads Guide to Road Design.

REASON: To ensure safe vehicle movement to and from the site. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

10. Prior to the release of the first Construction Certificate, revised plans shall be submitted to Council that satisfy the following amendments to the car park:-

- ☐ The southern most driveway to Koorungal Road is to have the ingress and egress separated by a raised splitter island. The splitter island shall not protrude onto the road reserve. As a minimum the splitter island is to be a raised concrete structure within the site and painted on the driveway within the road reserve. Associated directional marking and signage is to be installed in accordance with Australian Standards.
- ☐ Pedestrian access is to be provided separate to the vehicle driveways and is to cater for all forms of pedestrian mobility. Landscaping and/or fencing are to be provided along the frontages of the site to the public roads to direct pedestrians to the defined pedestrian access point.
- ☐ The carpark is to be designated as a Pedestrian Share Zone (10 km/h) and appropriately signposted. An entrance treatment to delineate the pedestrian shared zone and limit the speed of vehicles accessing the site is to be provided within the driveways from the Sturt Highway and Koorungal Road to the satisfaction of the Council.
- ☐ Clear pedestrian routes shall be established between Block A and the Masters site to allow for safe access between the different stores on sites.
- ☐ Traffic calming devices are to be installed within the subject site to minimise conflict between pedestrians and vehicles within the subject site. Pedestrian crossing stripes are not to be placed in the site as these resemble pedestrian crossings on the road and creates confusion as to who has priority.
- ☐ The deletion or reorientation of spaces to the south of the entrance/exit onto Koorungal Road; movement in and out of these spaces will conflict with the free flow of vehicles across the site.
- ☐ The establishment of suitable signage, road markings or a barrier to prevent vehicles that are exiting the trade area from utilising the delivery and service vehicle route.

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

11. To reduce the impact on the floodplain the proposed car park shall be graded at approximately 1:20 cross fall to the front and side boundaries having a maximum height of 450mm at the boundary. Prior to the release of the Construction Certificate amended plans shall be lodged for approval by the Director of Planning or delegate showing the revised grading of the car park.

REASON: To ensure neighbouring properties will not be adversely affected in a 1% and 5% AEP flood event, as a consequence of the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 12. Prior to the issue of the Construction Certificate for the Masters building, plans and specifications are to be submitted to Council detailing the construction and fit out of the ancillary café or any part of the development to be used for the manufacture, preparation or storage of food for sale, that comply with the Food Act 2003 and the Food Regulations 2004.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 13. Prior to the issue of the Construction Certificate, the applicant shall submit to Council for approval, a detailed design plan of the proposed left hand turn slip lanes and associated line marking.**

REASON: It is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 14. Prior to the issue of the Construction Certificate the applicant is to provide the Council with written confirmation from all relevant public utility authorities consenting to the construction of the deceleration left hand over their infrastructure and/or the relocation of their infrastructure. The developer is responsible for all public utility adjustment/relocation works necessitated by the proposed works and as required by the various public utility authorities or their agents. It should be noted that the relocation of any utility service within the road reserve of a Classified Road will require RTA's concurrence under Section 138 of the Roads Act 1993 prior to commencement of works.**

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 15. All design and construction works that are occurring within the road reserve are to comply with Council's Engineering Guidelines for Subdivision and Developments.**

REASON: It is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 16. Prior to the issue of the Construction Certificate, the following detail shall be submitted to Council for approval:**

On-site detention for the proposed western and northern catchments restricting flows equivalent to the pre-development flows.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 17. Work shall be constructed to meet the energy efficiency requirements of Part J of the BCA. Prior to issue of a Construction Certificate, details of the means of achieving this and certification from an appropriately qualified person or**

persons shall be submitted, confirming compliance with the relevant aspects of Part J of the BCA.

REASON: To ensure compliance with Section J of the Building Code of Australia. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 18. Prior to the issue of a Construction Certificate a compliance certificate must be received and approved by the certifying authority.**

The compliance certificate shall be from an accredited certifier who is a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the construction certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.

REASON: To reduce the likelihood of damage from flood waters. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 19. Prior to the issue of Construction Certificate approval under Section 68 of the Local Government Act 1993 must be obtained from Council.**

Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval.

All conditions of the approval must be complied with.

REASON: To prevent damage to the Council's Sewage Treatment System and subsequent pollution of the Murrumbidgee River and comply with the Local Government (General) Regulation 2005, and Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

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

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

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

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

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

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 21. The applicant must submit to Council, at least two (2) days prior to the commencement of any works, notification of the details of the Principal Certifying Authority appointed by the owner for the development.**

NOTE: If the Council must be appointed as the Principal Certifying Authority, the appropriate form to submit to Council, is attached.

REASON: It is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 22. The applicant must obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

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

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

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

a) Development Control Plan 2010 (Section 2.8)

b) Erosion and Sediment Control Guidelines for Building Sites; and

b) Soils and Construction Volume 1, Managing Urban Stormwater

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

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 25. Prior to works commencing on site, a construction management plan to address construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from, the surrounding public road network. Access to the Sturt Highway (Hammond Ave) for vehicles related to the construction activity on site is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement.**

REASON: To ensure safe vehicle movement to and from the site. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 26. Detailed design plans for any proposed works, or works required by a condition of consent, within the road reserve of a classified road are to be submitted to the RTA for approval prior to the commencement of such works. This is required as works within the road reserve of a classified road require the RTA's concurrence under section 138 of the Roads Act 1993.**

The applicant must submit a written submission and certified Temporary Traffic Management Plan (TTP) for approval. Works shall be carried out in accordance with the approved details.

Any works within the road reserve of a Classified Road shall be located, designed and constructed in accordance with the Austroads Publications as amended by the RTA supplements and other relevant Australian Standards

and Codes of Practice. All pavement markings shall be in accordance with AS/NZS 1742.2 and RTA Supplementation. In particular, section 5.5 details the set out of diagonal and chevron markings.

REASON: It is in the public interest that temporary traffic management is provided in association with the subject development, and to ensure compliance with the terms and a conditions of the Roads Act 1993. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 27. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) with the RTA before finalising the design or undertaking any construction work within or connecting to the road reserve. The applicant is to contact the RTA's Development Assessment Officer (South West Region) on Ph. 02 6938 1111 for further detail.**

The developer will be required to submit detailed design plans and all relevant additional information including cost estimates and pavement design details for the works, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for the RTA's assessment and approval. However, the developer is encouraged to submit concept plans of the layout of the proposed works for checking by the RTA prior to undertaking the detailed design phase.

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

- 28. Prior to the commencement of works on site a report shall be submitted to Council for approval by The Director of Planning, or delegate confirming that the fill material to be imported to site is not contaminated nor will in any way pose a health risk to the future occupants of the site. The report shall be prepared by a suitably qualified and experienced environmental consultant and clarify the source of all fill material to be brought to the site as well as testing methods to confirm that the material is clean.**

REASON: To minimise the risk of soil erosion and water pollution. Section 79C (1) (b) and (d) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 29. Establishment of street tree/s to Council's road reserve fronting the development shall be carried out at full cost to the developer. Species selection will be in sequence with Council's Street Tree Strategy and Master Plan.**

Works shall be carried out by Council or an approved contractor. Council is to be notified of any contractor prior to the commencement of any works.

As street trees will become an asset of Council, the developer shall provide Council specification for the purchasing of quality tree stock prior to the release of Construction Certificate. Specification for quality tree stock shall be submitted for approval by the Director of Planning or their delegate. Tree stock shall be purchased in accordance with the NATSPEC GUIDE for Purchasing Landscape Trees (Ross Clark 1996).

The developer shall provide Council a Plant Schedule for street trees indicating Rootball container volume (Litres), Height of species (Metres), Calliper (mm) and the Nursery supplying tree stock. Street trees shall be of advanced size to provide greater impact to the road reserve and the development.

Prior to the establishment of street trees within the road reserve contact shall be made with Council's Division of Parks, Recreation & Building Services to ensure appropriate planting locations are defined.

A two years maintenance and establishment period shall comply with the proposed street tree planting fronting the development. During this period, the developer will be responsible for the ongoing establishment and maintenance to ensure a 100% survival rate.

REASON: To ensure that adequate landscaping is provided and maintained on adjacent and adjoining the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 30. A Plumbing Permit must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.**

REASON: It is in the public interest that plumbing work is carried out in accordance with AS/NZS 3500 and the Plumbing Code of Australia. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 31. Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**

- a) stating that unauthorised entry to the site is prohibited, and**
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
- c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or**
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.**

REASON: It is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 32. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.**

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

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

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

- 34. The applicant must obtain a Compliance Certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended, from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia for the stages of construction listed. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified.**

- a) **Footings - When the footings have been excavated and all steel reinforcement has been placed in position.**
- b) **Slab - When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.**
- c) **Wall frame - When the brick veneer outer wall has been constructed and tied to the frame.**
- d) **Wet areas - When the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have been completed.**
- e) **Drainage - When the stormwater and roof water drainage system has been completed.**
- f) **Final - Required prior to occupation of the building**

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council or an accredited certifying authority until all Compliance Certificates required by this condition have been issued by, or registered with Council.

NOTE 2: The above Compliance Certificates are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Compliance Certificates are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 35. The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.**

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 79C(1)(a) & (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 36. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.**

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 37. The applicant must take all reasonable steps to minimise dust and noise generation during the demolition and/or construction process. No offensive noise must be emitted during either process. Such activities must only be undertaken Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 38. During on site works, adequate fire precautions must be undertaken ensuring the provision of at least one fire extinguisher to suit Class A, B and C fires and electrical fires at all times in the construction area.**

REASON: To ensure that adequate fire protection services are provided in the building to restrict fire growth, to facilitate the fighting of fire to minimise damage to the building and its contents and to prevent the spread of fire to adjoining properties. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 39. Stormwater mains must be extended to the site, at full cost to the developer, in accordance with Council's standards and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision.**

REASON: The character of the development is such that warrants storm water drainage extension of this type. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 40. Sewer mains must be extended to the site, at full cost to the developer, in accordance with Council's standards and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision.**

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

- 41. The placement and compaction of the fill approved under condition 28 is to be in accordance with Australian Standard 3798-2007 Guidelines on earthworks for commercial and residential developments. Geotechnical**

testing shall be carried out in accordance with this standard by N.A.T.A. registered laboratory and certification provided to Council.

REASON: To minimise the risk of soil erosion and water pollution. Section 79C (1) (b) and (d) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

- 43. Any access driveways to the development from Koorringal Road are to be constructed so that the formed vehicle path rises to the level identified under condition 11.**

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

- 44. Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Suitable provision should be made to retard any increased storm water run-off from the site. Any access driveway is to be designed and constructed to prevent water from proceeding onto the carriageway of any adjoining road reserve.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 45. Minimum finished floor level must be 500mm above the design 1:100 year flood event, i.e. floor level is 182.6m AHD. Alternatively, minimum finished floor level can be reduced to 500mm above the 1:20 year flood event, i.e. floor level is 181.0m AHD and the building be of flood compatible construction in accordance with Appendix F of the Flood Plain Development Manual. Certification from a Registered Surveyor is required prior to pouring of the slab.**

REASON: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 46. The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Regulations 2004.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

47. **Landscape areas shall be constructed in accordance with the submitted landscape plans and legend, Landscape Drawings: 101(C), 102 (B), 103 (E) and 104 (E), Drawn by: Site Image Landscape Architects, Dated: 21 June 2011.**

Vegetation and plant species selection shall be in accordance with, Landscape Drawing, 501 (E), Drawn by: Site Image Landscape Architects, Dated: 21 June 2011.

The applicant will be responsible for the construction and ongoing maintenance of all landscaping proposed to the satisfaction of the Director of Planning, or their delegate.

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

48. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Survey Certificate

49. **The applicant must obtain a Subdivision Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from Council, prior to its lodgement with the Lands Titles Office.**

The Final Survey Plan (two paper copies and an electronic copy) must be submitted to Council along with the application for Subdivision Certificate and associated checklist.

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fee paid.

REASON: It is in the public interest that the plan is certified in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*, as amended. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

50. **The final Survey Plan must show :**

- a) **a right of carriageway within proposed lot 1 in favour of proposed lot 2 for both customer (from Koorringal Road) and service (from Hammond Avenue) vehicle routes;**
- b) **a right of carriageway within proposed lot 2 in favour of proposed lot 1 for exiting service and delivery vehicles.**

REASON: To ensure that both lots are fully accessible and remain so at all times. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 51. The requirements of other public utility authorities, being Country Energy (electricity and gas) and Riverina Water must be satisfied, prior to Council issuing a Survey Certificate and releasing of the Plan of Subdivision.**

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Occupation Certificate / Prior to Operation

- 52. Prior to issue of occupation certificate the applicant shall ensure that any redundant driveway or kerb layback is replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's Engineering Guidelines for Subdivisions and Developments.**

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

- 53. Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either hotmix sealed or 150mm of reinforced concrete as a minimum.**

REASON: To provide all weather vehicular movement and to minimise nuisances to adjoining development from noise and dust. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 54. Prior to the release of the Occupation Certificate, the works approved under Conditions 9 and 10 shall be completed.**

REASON: This work is necessary to enable adequate means of vehicular access to the proposed development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 55. Appropriate signage and line marking shall be installed within the raised medians and central turn lanes along the Sturt Highway to enforce the following;**

- **No U-Turn for east and west bound vehicles along the Sturt Highway, and**
- **No right turn for west bound vehicles along the Sturt Highway.**

REASON: To prevent unsafe vehicle movements on the highway. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 56. Prior to the issue of Occupation Certificate, appropriate directional signage and line marking throughout the car park is to be installed to enforce the required directions of vehicle travel through the site and to assist in directing vehicles around and through the facility.**

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

57. Prior to the issue of Occupation Certificate, the building must comply with the Fire Safety Schedule, attached.

NOTE: The Fire Safety Schedule supersedes any earlier Fire Safety Schedule and will cease to have effect when any subsequent Fire Safety Schedule is issued.

REASON: It is in the public interest that the building provides an adequate level of fire protection. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

58. Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:

- a) has been assessed by a properly qualified person; and
- b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

REASON: To ensure the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

59. Prior to the issue of an Occupation Certificate, the building shall be suitably protected from a fire by the installation of a fire hydrant and fire hose reel system.

NOTE: A fire hydrant and fire hose reel system is required to be installed to protect the proposed premises. The details of the system must be compiled by a suitably qualified person and must be sufficient to demonstrate that the installation of the fire hydrant and fire hose reel system has been thoroughly investigated. These details may include the results of flow rate and pressure tests, any assumptions made or concessions applied from Australian Standard 2419.1. 2005 and a scaled drawing of the proposed system. The drawing may include the type and diameter/s of all pipes, the location of the proposed system on the site and the type of water meter installed or to be installed.

REASON: It is in the public interest that the building is provided an adequate level of fire protection. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

60. **Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening, the Applicant must contact Council's Environmental and Community Services Directorate for a Health Inspection and registration of the premises in accordance with the Food Act 2003 and the NSW Public Health Act 1991.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

62. **A "Works as Executed Diagram" shall be submitted to and approved by a Council Plumbing Inspector, prior to the issue of a Final Plumbing Certificate.**

The Works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF File in accordance with Council Requirements.

REASON: It is in the public interest that plumbing and drainage work is carried out in accordance with AS/NZS 3500 and the relevant provisions of the Plumbing Code of Australia. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

63. **Prior to the issue of 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 works. Contact Riverina Water's Plumbing Inspector Rodney Price on 6922 0634. Please be prepared to quote your Construction Certificate number.

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

64. **The approved use must only be conducted**

- a) **on Mondays to Fridays, inclusive between the hours of 6.00 am and 10.00 pm.**
- b) **on Saturdays, between the hours of 7.00 am and 8 pm.**
- c) **on Sundays, between the hours of 8.00 am and 6.00 pm.**

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

65. Deliveries to the site and the use of the loading bays and service areas must only be conducted

- a) on Mondays to Fridays, inclusive between the hours of 6.00 am and 10.00 pm.
- b) on Saturdays, between the hours of 7.00 am and 8 pm.
- c) on Sundays, between the hours of 8.00 am and 6.00 pm.

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

66. All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.1997 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

67. No signs or advertising material (other than those classed as exempt development or those approved as part of the signage strategy under condition 2) shall be erected on or in conjunction with the proposed occupation of the site without Council’s prior consent.

REASON: Advertising structures and signs may require a development application to assess the impact on the amenity and safety of the area. Section 79C(1)(a) of the *Environmental Planning and Assessment Act 1979*, as amended.

68. The advertising signage must be designed and located, such that it complies with the following;

- a) the sign display must not include:
 - Any flashing lights,
 - Electronically changeable messages,
 - Animated display, moving parts or simulated movements,
 - Complex display that holds motorists attention beyond “glance appreciation”
 - Display resembling traffic signs or signals.
- b) The proposed advertising sign and support structure must be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
- c) The method of intensity of any illumination of the sign must not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.

- d) **If any proposed sign must be located within close proximity to a road reserve, the sign and supporting structure must, as a minimum, comply with the wind loading requirements as specified in AS1170.1.2002 Structural Design Actions - Permanent, imposed and other actions and AS1170.2.2002 Structural Design Actions - Wind Actions.**
- e) **Any proposed advertising signage must not obstruct or distract from any road related signage in the vicinity.**

REASON: To ensure that the proposed signage does not have a detrimental impact on highway safety conditions. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 69. The subject land is only approved for use as a bulky goods premises as defined under the *Standard Instrument - Principal Local Environmental Plan*. Within this approved land use at least 80% of the gross floor area is to be dedicated to large items.**

REASON: To ensure that the land is used only for the use for which it is prescribed in the Wagga Wagga Local Environmental Plan 2010 and also complies with the controls contained in the Wagga Wagga Development Control Plan 2010.

- 70. A development application will be required for the occupation of each tenancy in Block A and any subsequent change of tenancy.**

REASON: To ensure that appropriate uses are approved to occupy the tenancies. Section 79C (1) *Environmental Planning and Assessment Act 1979*.

- 71. The operation of any plant or equipment used on site must not cause:**

- **A noise level that exceeds the background noise level by more than 5dB(A) when measured at a distance of 5 metres from any residence in the area.**
- **An 'offensive noise' as defined in the "Protection of the Environment Operations Act 1997".**
- **The transmission of vibration to any place of different occupancy.**

REASON: To minimise the potential for land use conflict between the proposed and existing land uses. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

- 73. Trolley bays are to be provided within the carpark for the control and storage of shopping trolleys.**

REASON: To allow for the safe movement of vehicles and pedestrians through the car park. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 74. The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 “Off-street commercial vehicle facilities” and to Councils satisfaction and in a manner to allow all vehicles to be able to enter and exit the subject site in a forward direction.**

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

- 75. Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.**

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

- 76. Vehicular access from Koorinal Road is to be restricted to light vehicles only. All service and delivery vehicles are to access the site via the eastern most access off Hammond Avenue and egress via the northern most driveway to Koorinal Road. This is to be appropriately signposted.**

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

- 77. Vehicular access into the site from the Sturt Highway via the western most driveway is to be restricted to light vehicles only. All service and delivery vehicles are to access the site via the eastern most driveway to the Sturt Highway. This is to be appropriately signposted at all times.**

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

- 78. A “No Parking” restriction shall be implemented on the northern side of the Sturt Highway for the full frontage of the development site to the Sturt Highway.**

REASON: To prevent vehicles stopping on the highway, in the interests of highway safety. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 79. All vehicular loading/unloading associated with this development is to be undertaken within the subject site only to ensure that there is no interference with vehicles and pedestrian movement on public roads.**

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

- 80. All works associated with the proposed development shall be at no cost to the RTA.**

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

- 81. Proposed lots 1 and 2 are to stand alone with respect to servicing. Cross connections are not permitted. Sewerage and drainage junctions and spurs may be required to be cut in and extended to satisfy this condition by a Council approved, licensed contractor at full cost to the developer under Council supervision.**

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 82. The up lifting of the lower branches of trees to be retained may be required to allow for the access of vehicle movement in and out of the proposed carpark. Consent under Council's Tree Preservation Order is not required for pruning works to occur, however pruning should be carried out in accordance with Australian Standards AS 4373-2007 Pruning of amenity trees.**

REASON: Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 83. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 84. Prior to the commencement of any plumbing or drainage works, an Activity Approval is required under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 and a Plumbing Permit is required under the Plumbing and Drainage Code of Practice.**

REASON: To ensure that the activity is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing and Drainage Code of Practice.

- 85. A minimum of 201 car parking spaces must be made available on site at all times in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.**

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

- 86. Subject to the requirements of condition 10 the car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004 AS2890.2 2002 and AS/NZS2890.6.2009.**

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