

JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2011 STH 026
DA Number	DA11/0568
Local Government Area	Wagga Wagga
Proposed Development	Mixed Use Development comprising 2 x 4 Storey Residential Flat Buildings, 2 x Mixed Use Commercial & Residential Buildings, 12 Townhouses (Multi-Dwelling Housing) , Commercial Floorspace within restored Flour Mill Building, Supermarket, Conference Space, Associated Car Parking, Landscaping & Site Clearance together with Construction of New Road & 2 Lot Subdivision on Site of Heritage Item (The Mill).
Street Address	44-94 Edward St WAGGA WAGGA NSW 2650
Applicant/Owner	CX & DN Holdings Pty Ltd ATF Interlink Wagga Central Unit Trust
Number of Submissions	Three (3)
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 Planning Panel (SRJPP) of a development application for a mixed use development 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 \$32 million, exceeding the \$20 million threshold for Council being the determining authority.

DESCRIPTION OF DEVELOPMENT

The application is a mixed use development incorporating the redevelopment of land known as "The Mill site." The development consists of new residential blocks, new commercial floorspace, the re-use of an existing heritage building and associated car parking, new highway access, landscaping and engineering works.

More specifically the development can be broken down as follows:

- One (1) three storey building and one (1) four storey building with commercial premises on the ground floor and residential apartments above.
- Two (2) four storey residential apartment blocks.
- Twelve (12) townhouses.
- Car parking across the site of 443 spaces
- New two storey building to accommodate a supermarket at ground floor, conference centre at first floor and basement car park.
- Alterations to a heritage building to provide commercial and retail floorspace.
- New traffic signalised junction and access road.
- Demolition
- Landscaping throughout the development.
- Subdivision of the site resulting in the consolidation of eleven (11) lots into two (2) creating one residential and one commercial lot.

The two mixed use buildings are sited towards the northern boundary of the site and will front onto Edward Street, these are referred to on plan as Blocks A and B. These buildings are dominated by glazing and will present as modern contemporary buildings to the streetscape. Block A is to be sited to the north-west corner at the junction with Flinders Street, this will be a four storey building. There will be 11 residential units in Block A including three penthouse suites with living areas on level 3 and an open terrace on the roof/level 4. All of the units have 3 bedrooms with balconies facing Edward Street. There will be 360 sq.metres of commercial floorspace on the ground floor of Block A beneath the residential accommodation.

Block B is presented in an 'L' shape with frontage to Edward Street as well as a dual aspect within the site towards both the residential and commercial precincts. There are 17 residential units within Block B including one penthouse across the corner of

level 2 with terrace area on level 3. The residential units fronting Edward Street have 3 bedrooms and those within the site have two bedrooms, all units are fitted with external balconies. There will be 790 sq.metres of commercial floorspace on the ground floor of Block B divided into two separate areas, one of these will be towards Edward Street and the other within the site, fronting the central plaza area.

There will be two four storey blocks sited towards the south of the site, these are both of the same style and massing being rectangular in shape and consisting of parking at ground floor level with three levels of apartments above. The blocks are referred to on plan as blocks C and D. Both blocks will contain 12 apartments, each with 3 bedrooms and with balconies that face into the site towards the townhouses. There will be 28 car parking spaces provided beneath Block C and 20 car parking spaces beneath Block D.

Communal garbage and recycling areas for all residential units are to be sited beneath blocks A and D adjacent to Flinders Street to allow ease of access by collection vehicles.

The townhouses are to be sited in between Blocks A/B and C/D. The twelve townhouses will each have three bedrooms, four of these will front onto Flinders Street, the other eight will have shared vehicle and pedestrian access zones to the front which will provide access to the properties. Each property will have an integral double garage and outdoor covered area at the rear, there will also be a central communal landscaped area.

Car parking will be provided across the site in a variety of locations. There will be 52 surface car parking spaces to serve the commercial premises and apartments in Blocks A/B, undercroft parking to serve the apartments in Blocks C/D and garage parking at each townhouse. In addition there are two areas of visitor parking located within the proximity of the residential apartments which would be able to be shared by other users also. Within the centre of the site there will be a plaza area providing 53 car parking spaces which will predominantly serve the new commercial and retail floorspace within the heritage building, together with the new car park which will provide a total of 250 spaces across three levels (basement, ground and first floor).

A new two storey building is proposed that will accommodate a supermarket at ground floor, a conference centre on the first floor with adjacent roof top parking and a basement car park. The supermarket will have a floor area of 3945 sq metres and the conference centre will extend to 1630 sq metres. The proposed new building will be linked to the heritage building that was formerly used as a flour mill. The flour mill building will be internally adapted to enable the ground floor to be incorporated into the supermarket and for the first floor to be used as commercial floorspace which will be linked to the conference centre by a glazed walkway and also to the first floor car park. The two storey building will present as a new separated modern addition to the site but is deliberately linked to the flour mill at the rear to ensure that the adaptive reuse of the heritage building can occur.

The mill building, flour store, grain store and grain silos are to be retained and reused. There will be some internal demolition of walls within these buildings together with the installation of new floor levels to allow connection to new elements. On the

mill building window openings are to be retained and new windows are proposed in a couple of locations with timber frames to be reused and reinstated on the front elevation (north) and aluminium frames being proposed on the rear elevation (south). Existing materials within the mill, particularly sections of timber, and items associated with the former use of the building, particularly the metal hoppers, are to be salvaged, stored and subsequently reused and/or displayed within a glazed gallery area at the completion of the redevelopment. An entrance canopy addition is proposed to the front of the mill, using recycled timber posts from within the building as well as awnings across the same elevation.

The roofs of each of the three buildings are to be completely replaced, the mill and the grain store will be roofed with zincalume and the flour mill will be roofed with colorbond to blend in with the adjoining modern supermarket building. The rear elevation of the flour mill roof will include 3 new skylights. New, aluminium framed, windows are to be installed across the front and rear of the former grain store as well as some small balconies on the rear elevation. The new openings are required in this building to enable it to be opened up for reuse as retail floorspace. Within the heritage buildings the total area of retail floorspace to be created is 1090 sq.metres, the subsequent end users of this floorspace will all be subject to further development applications. A lift will be constructed to the rear of the mill providing access to each of the new levels within the adapted heritage buildings. In addition there will be three new electricity sub stations sited to the rear of the former grain store.

No changes are proposed to the four concrete grain silos.

Access into the site will be via both Edward Street and Flinders Street. A new traffic signalised junction is to be constructed at the eastern end of the site, the junction will be three lanes in width, one entry and two exit. The junction will allow vehicles to access and egress the site from either direction along Edward Street. A similar new junction was approved as part of a previous development application for the site. The access point will lead into both a basement car park via a right hand turn and also to the servicing area at the rear of the site. In addition, there will be one left in only access point from Edward Street into the central plaza area and one left only exit point from the same area.

There will be a dedicated dock at the rear of the supermarket and a separate loading and servicing area at the rear of the heritage buildings to serve the other retail and commercial premises. This area has been designed to accommodate vehicles of all sizes up to 19 metres as well as garbage collection trucks. The rear servicing lane will be a private road that will exit onto Flinders Street, the lane to the rear of the commercial buildings will be one way, a security gate is to be fitted to allow exit only from this area. Beyond the security gate the road will be two way allowing vehicles to enter the site from Flinders Street to access the residential area, two secure parking areas will be accessible from this lane via gated entries. One entrance will be into the parking areas beneath the four storey residential blocks and one will be into a shared visitor parking/commercial parking area beneath block B. A further gated access point directly from Flinders Street will serve blocks A/B and four of the townhouses will have driveways onto Flinders Street.

Minor demolition works are included as part of the application, these include the removal of modern additions to the mill such as office and toilet blocks as well as internal demolition of walls. Previous approvals on the land have resulted in the demolition of many buildings that have not been completely cleared from the site, such removal will all be completed as part of the redevelopment. Development approval has been granted separately for the demolition of the Red Lion Hotel.

Landscaping is proposed throughout the site to complement each of the different elements of the redevelopment. New street trees are to be planted to both Edward Street and Flinders Street, there will be shade trees throughout the central plaza area and tree planting is proposed throughout the residential precinct. As well as extensive ornamental and screen planting throughout the site attention has also been given to high quality hard landscaping elements including seating, tree grates, bollards, bins and paving.

The site is currently made up of a number of irregular sized lots, it is proposed to subdivide the land into a reconfigured pattern of two lots (2). The lots will be similar in size and shape with one of the lots accommodating Blocks A-D and the townhouses and the other lot accommodating the heritage buildings and new commercial building. Access across each lot in favour of the other would be required.

There is no signage included as part of the development application, any signage shown on plans is indicative only and subject to subsequent applications and assessment.

THE SITE & LOCALITY

The application relates to land on the southern side of Edward Street/Sturt Highway known as 44-94 Edward Street and 1 Flinders Street Wagga Wagga. The legal description of the development site covers 9 individual lots of land as follows; Lot 1, DP 111559; Lot 1, DP 972868; Lot 1, DP 415307; Lots 1, 2 & 3, DP 217324; Lot 1, DP 605764; Lot 1, DP 229064; Lot 11, DP 748934.

The site is rectangular in shape and incorporates an area of approximately 2.3 ha. The site is bounded by Edward Street to the north beyond which is the Robertson Oval and Bolton Park recreational precinct. To the south the land is bounded by the railway line and associated railway buildings and rail yard areas. To the east of the site is land to be developed for commercial purposes and to the west the site is bounded by Flinders Street. On the opposite side of Flinders Street there are warehouse buildings that are to be demolished, development approval is in place for the redevelopment of this area for a Dan Murphy's bottle shop.

The site is currently dominated by the former Murrumbidgee flour mill building and associated buildings on either side together with four grouped silos to the rear. The former flour mill is a large red brick building extending to 4-5 storeys with an approximate height of 18 metres. To the east of the mill is the former flour store and to the west is the former grain store, these two buildings are linked to the mill and are of comparable height and bulk, the grain store has a larger area than the flour store but both are seen as subservient to the main mill building.

The site also includes the existing Red Lion Hotel at the corner of Edward Street and Flinders Street. The hotel is a two storey vacant building that has been unused for a number of years, development consent has recently been given for the demolition of this building under application reference DA11/0602.

Parts of the site have already undergone demolition and consequently materials from previous buildings present an untidy appearance to the site. Parts of the site are overgrown and the setting of the heritage buildings is damaged by the sites current presentation and appearance.

The site is generally level, with a fall from the rear (adjacent to railway land) to the Edward Street frontage.

DEVELOPMENT APPLICATION HISTORY

The site has been the subject of a number of earlier development applications that have not been fully implemented. The most recent application referenced DA06/0804 as amended by ADA07/0114 is still a live consent made valid by the substantial demolition works that took place during 2008. If the current application were to be approved this existing consent would need to be rescinded, a condition of consent is recommended to ensure that this is achieved.

The approved development was for the redevelopment of the Murrumbidgee Mill premises and nearby sites as a Hotel with Accommodation, Restaurant and conference facilities, plus a supermarket, food outlets and specialty shops and associated parking and traffic facilities, demolition of some of the existing buildings on the development site and conservation of a Heritage Item. The retail shops and the supermarket were to sit within a new building which was adjacent to the 'Grain Store' building which was to be conserved and incorporated into the approved development.

The commercial elements of the current application correlate closely with the approved application although the introduction of a basement car park is a new concept. Furthermore the introduction of residential accommodation across the western part of the site is completely different to the approved layout that showed multi level parking and commercial developments in this area.

Whilst the current historical consent for the site must carry some weight in terms of the principle of redevelopment of the site having been established, the current application must also be assessed on the merits of the proposed development within the current statutory environment.

SUMMARY OF MAIN ISSUES

New access to the site, parking provision on site, mix of land uses, visual amenity, heritage impacts and remediation.

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 Mixed Use (B4). The objectives of this zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposal consists of residential, retail and commercial uses which have been designed to complement and be compatible with each other.

In terms of the definition of the proposed land uses, there is a mix of multi-dwelling houses, residential flat buildings, retail premises, business premises, office premises and a function centre. The definitions of these land uses are defined in the Standard Instrument as follows:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale),

business premises means a building or place at or on which:

- (a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) *a service is provided directly to members of the public on a regular basis,*

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

Under the B4 land use table of the Wagga Wagga Local Environmental Plan 2010 all of the proposed uses are listed as permissible with consent.

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.

4.3 Height of Buildings

Under this clause, the height of a building on any part of the site is not to exceed the maximum height shown on the Height of Buildings Map which is 25 metres. The highest building on the site will remain as the heritage central building (Mill building) which extends to approximately 18 metres.

The objectives of this clause relating to height of buildings are as follows:-

(a) to enhance the vitality of Wagga Wagga city centre by facilitating medium and high density residential, commercial and retail development in a co-ordinated and cohesive manner,

The proposed development includes a mix of multi dwelling housing and residential flat buildings together with commercial and retail floorspace. The new buildings are a range of different heights, from single storey townhouses to four storey apartment blocks which together will significantly enhance the vitality of the site.

(b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,

Existing buildings on site are a dominant feature in the streetscape and will continue to be within the redevelopment proposal. The new buildings proposed for the site will complement the existing heritage buildings and enhance the streetscape by the clearing and redevelopment of the vacant areas of the site that currently present to the street.

(c) to encourage mixed use development with residential components that have high residential amenity and active street frontages,

The residential blocks are of a modern contemporary design constructed and finished with a mix of materials. Their presentation to the street is predominantly glazing to the commercial premises which will present an active frontage to both Edward Street and Flinders Street.

(d) to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain.

The new residential blocks have been designed to be lower in height than the existing Mill building and associated silos and will therefore not create a visual bulk in appearance. Whilst the density of development across the site will certainly increase it will not be to the detriment of any neighbouring properties. The layout of the site

allows adequate amounts of sunlight into all of the residential areas as well as through and within areas of public domain.

Accordingly it is considered that this clause is satisfied.

4.4. Floor Space Ratio

Under this clause, the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map which is 4:1. The floor space ratio is the ratio of the gross floor area of all buildings within the site to the site area. The FSR has been calculated as approximately 1:1.

The objectives of this clause relating to floor space ratio are as follows:-

(a) to regulate the density of development and generation of vehicular and pedestrian traffic,

The proposed floor space ratio will be less than half of the permitted ratio clearly demonstrating that the density of development is entirely appropriate and the access to the site has been designed to accommodate predicted vehicle and pedestrian movements.

(b) to facilitate development that contributes to the economic growth of Wagga Wagga city centre,

The site is within close proximity to the city centre and is located on the main thoroughfare through the city. The redevelopment will contribute to economic growth through investment and employment opportunities. Furthermore, the introduction of so much activity on this site is likely to result in linked spending within the central area.

(c) to ensure the bulk and scale of development does not have an unacceptable impact on the streetscape and character of the area in which the development is located.

The masterplan process followed prior to the lodgement of the application has ensured that the bulk and scale of the development has been carefully and sensitively designed and it will not adversely affect the streetscape or character of this area.

Accordingly the objectives of this clause are deemed to have been satisfied

5.10 Heritage Conservation

Although the site does not fall within the heritage conservation area, the site is identified within Schedule 5 of the WWLEP 2010 as a listed item. Furthermore the site is in the vicinity of other heritage listed items including the state listed railway precinct buildings. Accordingly the following provisions under Part 5.10 are of relevance.

(1) Objectives:

The applicable objectives of this clause are:

(a) to conserve the environmental heritage of Wagga Wagga

- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views*

The application proposes the adaptive reuse of the mill and associated buildings, by reusing the heritage buildings their past is conserved and their future is secured. There are both internal and external changes to the heritage buildings proposed as part of the development but the overall appearance, scale and bulk of the heritage items will not be changed. The heritage buildings remain as the central focus point within the development site to which both the new residential and commercial buildings respond. The setting of the heritage buildings remains open to the front of the site to ensure that views to it are not hindered and its significance is conserved. It is considered that the objectives of this clause are therefore satisfied.

- (2) The applicable requirements for development consent under the clause are for any of the following works:*

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior*
- (c) altering a heritage item that is a building by making structural changes to its interior*
- (d) erecting a building on land on which a heritage item is located or that is within a heritage conservation area*
- (e) subdividing land on which a heritage item is located or that is within a heritage conservation area,*

The development proposed involves altering a heritage item by making structural changes, erecting a building on land on which a heritage item is located and subdividing land on which a heritage item is located. The lodging of the development application addressing each of these areas satisfies this clause.

- (4) Effect on heritage significance*

The consent authority must before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted.

The Heritage Council of NSW has developed a set of criteria for assessing heritage significance. An assessment should review significance based on historical, associative, aesthetic and social factors as well as any research potential, rarity of representative value that the site and the buildings may have.

The Heritage Impact Statement prepared in support of the application does include a statement of significance which can be summarised as follows:-

The Murrumbidgee Co-operative Milling Company has historical significance at the

local level, the *Wagga Lily* (trading name) became a household name in Australia and the firm received international awards for its excellence. The site's link to the railway is important, as it was a major transport link integrated into the manufacturing process for most of its life.

The Mill has aesthetic significance at the local level for its functional design, which followed a traditional built form. The Mill and associated silos remain as some of the taller buildings in Wagga Wagga and are a landmark for travellers along Edward Street. The Mill and its various elements have the potential to yield information about the site's history at the local level and traditional features still remain within the building such as the timber bins which are of particular interest.

The site has associative significance at the local level with the founders, architect and builder of the Mill, which were local businesses, the architect-builder team collaborated on various buildings in Wagga Wagga from the 1890s to 1920s. Mill sites are not uncommon or rare in NSW but the current site is a sole survivor example in Wagga Wagga. The Mill is not considered to be a representative example of a Federation warehouse, however it demonstrates some indicators such as face brickwork and remaining elements of industrial heritage are of some historic interest and may be rare.

Given that the redevelopment will allow for the heritage buildings to be restored and reused there will be no detrimental impact to the significance that is afforded to them. The re-use will allow for the historical and aesthetic values of the site to be enjoyed by future generations.

(5) Heritage assessment

The consent authority may, before granting consent to any development
(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or
(b), require a heritage management document to be prepared that
assesses the extent to which the carrying out of the proposed
development would affect the heritage significance of the heritage item or
heritage conservation area concerned.

A Heritage Impact Statement had been prepared by Urbis in support of the application and assesses the impacts of development on the heritage item. The report includes a photographic record of the buildings and concludes that the proposed adaptive reuse of the former Murrumbidgee Milling Company Flour Mill retains these buildings and their occupation will ensure maintenance is undertaken for their long-term conservation.

Alterations and additions to the retained heritage buildings aim to retain existing openings, provide new sympathetic openings, reuse materials for the building's future fitout and future interpretation of the site's significant history through historic elements (e.g. scales, timber bins, rail sidings) and other forms (e.g. signage).

The siting, design and materials proposed for new development on the site is respectful of the site's historic character and former use. The massing of the new

buildings does not visually dominant the heritage buildings. Previous demolition of the 1920s silos and North Stores building, to the north of the retained Mill buildings, opens up views to its north elevation, which improves the integrity of the group of buildings. This will be further improved by landscaping around the site to integrate the new development with the heritage buildings.

The proposal will not impact on the heritage significance of any heritage items in the vicinity due to the height and massing of the proposed development. The works are supported on heritage grounds subject to recommended conditions.

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 development includes a basement car park which will require part of the site to be excavated. The proposed works to form a car park are required to support other aspects of the development that are proposed across the site and will be of benefit to all future users of the site.

The impact of such excavation works on adjoining properties is not considered to have a detrimental impact as there are already changes in levels between the development site and the adjacent land to the east. There will be an access road that will run from north to south through the site along the eastern boundary, this road will be designed to firstly drop down to the level of the car park then rise again to the level at the rear. The excavation will not prevent the adjoining land user using this access at a future date.

As the site has been identified as being subject to contamination in places a remediation action plan will be required prior to such excavation occurring. The proposed multi-level car park is in one of the areas identified in the site investigations as contaminated and the material to be removed will therefore need to follow strict guidelines and disposed of at an appropriate site. The removal of contaminated material from the site removes the potential for harm to any watercourse and it is therefore considered that the proposal would be compliant with this clause of the WWLEP.

7.6 Environmentally sensitive land

All of the land is identified as sensitive on the groundwater map (clause 7.6), 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 the stormwater system.

State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

This Development Application will be referred to the Southern Region Joint Regional Planning Panel for determination in accordance with Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011, which requires the Panel to exercise planning functions of the Council as a consent authority under Part 2A of the Environmental Planning and Assessment Act for developments relating to the following:-

- (a) development that has a capital investment value of more than \$20 million.

State Environmental Planning Policy (Infrastructure)

Clause 87 Impact of rail noise or vibration on non-rail development

This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:

- (a) a building for residential use,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or child care centre.*

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building-35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.*

The residential buildings that are sited to the south of the site (Blocks C and D) are adjacent to the rail corridor. There are deliberately no apartments on the ground floor and the three storeys of residential apartments above have all been designed to comply with the specified noise standards. An acoustic study prepared in support of the application found that the criteria nominated for residential units is achieved. The criteria is measured internally with windows closed, the windows and glazing that have been nominated for the residential blocks would satisfy the requirements of this clause. Further recommendations are made regarding door and window seals as well as roof/ceiling constructions. Compliance with these criteria will be assessed at Construction Certificate Stage.

The study further found that the site would not be affected by rail vibration and accordingly no mitigation measures are required with regard to vibration.

Clause 101 Traffic Generating Development

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. Both the commercial and the retail floor space and the proposed number of parking spaces triggers this clause and as such the application must be referred to the Roads and Maritime Services. Accordingly a Traffic Report has been prepared to assess the likely impacts of the development on both the local and wider road network.

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 submitted plans identify that vehicular access to the proposed development is to be from Edward Street and Flinders Street. The plans indicate the provisions of two access points to Edward Street with the eastern most access to be treated as a signalised intersection and the western most access to be restricted to left-in and left-out movement by a raised central median that is to extend from the proposed new signalised intersection to the current intersection of the Sturt Highway with Fitzhardinge Street. The submitted plans also provide for access between the development site and Flinders Street with the current intersection of Flinders Street with the Sturt Highway to be restricted to left-in and left-out movement by the extension of the current central median from the signalised intersection at Baylis Street.

In accordance with the Roads Act 1993 Roads and Maritime Services has responsibility in relation to roadwork, traffic control facilities and other works/structures on the classified road network. Roads and Maritime Services and council have certain responsibilities under the requirements of the act, consent is

required from RMS for all road works under section 61 of the Act and for all traffic control signals under Section 87 of the Act and Council is the roads authority for Edward Street (Sturt Highway).

The RMS has raised no objection to the principle of the new access points which are comparable to previously approved layouts on this site. There is one outstanding matter in relation to the existing access in and out of the site to the east which exists as a separate site currently operating as a windscreen repair business (Novus). The current access point into this site will be affected by the left turn deceleration lane required to turn left into the mill when travelling from the west. It will be a condition of consent that the applicant provide evidence of an agreement with the adjoining landowner that will allow the deceleration lane to be constructed without impacting on their day to day operations. This may require the existing business to use an alternate (existing) access point further to the east, from Edward Street into the site.

The RMS proposes a number of conditions of consent in relation to the access and median treatments on the Sturt Highway and treatments within the site to ensure the safe movement of vehicles to and from the highway. Conditions of consent are proposed to be applied to satisfy the concerns of RMS and to comply with the requirements of the SEPP.

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 states that a consent authority must not consent to the carrying out of any development on land unless:

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

The application is supported by a detailed site investigation summary. The summary reviews assessment reports that have been previously prepared for the site in support of earlier applications, these reports are dated from 2003-2006. In addition to the earlier reports a new site investigation was carried out in August 2010 and the findings of this study are included in the report.

A sampling, analysis and quality plan was developed for the site prior to investigations commencing. The objective of the detailed site investigation was to determine the potential for soil and groundwater contamination originating from the historical activities at the site and whether the site is suitable or can be made suitable for the proposed redevelopment.

The findings of the most recent report correlate with the earlier investigations and identify two areas of the site that will require remediation. The first of these sites is on land to the east, known as the Sunicrust site where areas of contamination material and underground tanks require removal from site. The second site is further to the west, known as the Fifes site within the proposed residential precinct. This site contains underground petroleum storage tanks which may have resulted in lead contamination in the area. The required remediation plan will confirm whether the tanks need to be removed from site or decommissioned.

Remediation Action Plans are required for both of these areas, once the works identified within the action plans are completed a further validation report will also be required for both sites confirming that the works are completed and that the site can be developed for the intended purpose without risk to health or ecology.

The remainder of the site is considered free of contamination and capable of being redeveloped for the intended purpose.

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development

As the proposal includes residential development of three storeys or more SEPP 65 is applicable and the proposed development must be assessed against the relevant clauses within this legislation.

The SEPP identifies ten key design principles against which residential flat buildings should be assessed, the key principles and associated commentary are laid out in the table below.

Context	Buildings A & B are sited along the north western boundary of the site, they present to the streetscape in a similar manner to the Astor Hotel sited on the adjacent block to the west in that their setback is minimal. The higher 4 storey block dominates the corner of the site and the 3 storey block steps down towards the central heritage buildings to give more views into this area. The 3 storey blocks turns into the site to provide an active frontage into the heritage plaza area in the middle of the site. Buildings B & C are sited along the rear of the residential precinct and assist in providing both a visual and acoustic barrier to the southern railway precinct. They are 4 storeys in height and therefore relate well to the heritage buildings and silos which are of a greater height but set back a similar distance into the overall site. The buildings use a mix of materials identifying that they are new additions to a heritage site and also respond to the heritage building through the use of bricks that are complimentary to the existing face bricks on the heritage buildings.
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Scale	Buildings A & B step down from four to three storeys along the Edward Street frontage with buildings C & D being four storeys toward the rear of the site. This scale along Edward street is marginally higher than some of the existing buildings along the street however this scale is appropriate given the height of the adjacent Heritage Mill building. The mixed use zoning and associated height restrictions in the area allow for development of a greater scale and future adjacent developments may therefore be higher.
Built Form	The layout of the buildings in four separate blocks allows for views in and out of the residential precinct to be achieved. The mass of the buildings is large however this is offset by both the stepping down in storeys between blocks A and B and the central courtyard of townhouses. The buildings at ground level along Edward Street and facing east to the heritage plaza are commercial tenancies which will activate the streetscape and provide a visual connection between the two precincts. They are set back from the street alignment under a colonnade formed by the steel structure to the apartment balconies above. The top floors of the buildings use glazed balustrades and lighter weight steel balcony structures to present a modern city centre style of residential development. The Flinders Street elevations respond to the fact that protection is required from the western sun and that the outlook is less attractive than to the north by using more solid treatments and barriers. The blocks to the rear have less glazing given the proximity to the railway however adequate natural light is maintained to all of the apartments. The car parking is all at ground level and access is from two points, for the northern buildings from Flinders Street and for the southern buildings, from the new road at the rear of the site.
Density	The site is zoned for mixed use purposes and permits buildings up to a height of 25 metres and floor space ratios of 4:1. Neither of these controls are exceeded however their values do indicate an acceptance of higher densities on this area and the proposal does achieve this. Higher densities across the site are not possible due to the need to protect the setting and the integrity of the heritage buildings however an acceptable balance is achieved with an appropriate scale of development. The introduction of medium density residential development close to the city centre has the added benefits of supporting the local commercial centre and recreational facilities which are within comfortable walking distance. The residential accommodation offers a new choice of housing style to residents in Wagga Wagga and therefore will contribute to future housing needs generally.

Resource Energy and Water Efficiency	A number of energy efficiency measures have been used in the design of the blocks. Internal common lobbies have natural light and ventilation creating long term energy savings. All of the apartments receive the minimum of 3hrs sunlight in mid winter and 63% of the apartments are naturally cross ventilated. Different forms of shading have been used to reduce unwanted solar heat gain and roof water is being captured and stored to be re-used for irrigation. The buildings comply with BASIX requirements.
Landscape	The landscape design has been developed using the history of the site to influence both planting and hard landscape selections throughout. A central landscaped area between the two sets of apartment buildings is proposed to include lawn, trees, seating and BBQ area. Historical artefacts from the Red Lion hotel are proposed to be included within the landscape and significant tree planting is proposed within both Edward Street and Flinders Street.
Amenity	All habitable rooms have direct access to natural light and all apartments have balcony spaces. Each apartment has private storage spaces with additional on floor or basement storage areas. The dimensions of rooms and living spaces have been developed based on the relevant codes, apartment sizes are large and encourage comfortable living for both long and short term residents. Access to all apartments is available to mobility impaired persons to Building Code of Australia (BCA) requirements and acoustic separation is in accordance with or exceeds BCA requirements. All apartments have been designed such that bedroom and living areas of apartments do not overlook each other. Where this has not been possible in bedrooms along the view corridors between apartment buildings, fixed screening has been provided. The orientation of the apartment buildings in relation to the townhouses in the residential precinct is such that overlooking of habitable spaces and outdoor living spaces is minimised.
Safety and Security	Entry into the residential parking areas will be via electronic gates, further intercom entrances will limit the accessibility of the apartment buildings to residents and visitors only. Central areas between the apartment blocks will benefit from natural surveillance from both residents and workers within the commercial areas. The mixed use of the buildings allows there to be an active presence on site all day minimising the possibility of intruders being able to access the buildings. The site is designed to avoid any alleys or recesses which have the potential to create dark, hidden areas.

Social Dimensions and Housing Affordability	The proposed mix of apartments addresses the needs of the local community in providing high quality housing that is close to the city centre and also served by public transport. The accommodation is within walking proximity to local services and recreational opportunities. The mixed use development will allow interaction between the residential and commercial areas further promoting social cohesion in the area.
Aesthetics	The proposed development will create landmark buildings of a completely new architectural style on a prominent site and thoroughfare. Views to and from the site will benefit from the modern designs and be further enhanced by the considerable planting proposed across the site as well as new trees within the street.

Pursuant to Clause 50 (1A) of the Environmental Planning and Assessment Regulation 2000, and in accordance with the requirements of Part 4 of the SEPP, a declaration has been made by Mark Sheargold of Kann Finch that he is a qualified designer, and that he designed, or directed the design, of the residential flat development and affirms that the design achieves the design quality principles as set out in SEPP 65.

The SEPP does make reference to design review panels being established to assist in the assessment of development applications for residential flat developments. There is no review panel established for the area of Wagga Wagga nor is they considered to be a need for one to be established given the rarity of such proposals in the LGA. In this case the application is for a wider mixed use development of which the residential flat buildings are just one part.

Based on the above assessment of the design principles, the residential buildings known as Blocks A, B, C and D are compliant and consistent with the principles of residential flat development laid out in SEPP 65.

(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 (WWDGP) contains a number general provisions relating to car parking, landscaping and site design as well as more specific clauses on heritage development and mixed use areas.

Clause 2.1 Site Analysis

A site analysis plan has been lodged with the application in accordance with the requirements of the DCP. The analysis identifies various key points such as vehicular

access locations, sun arcs, sensitive acoustic receptors, heritage items, bus routes and other landmarks. The analysis allows the constraints and opportunities to be identified at an early stage and has assisted in influencing the overall design of the development.

Clause 2.2 Vehicle Access and Movements

The controls listed under this section of the DCP are as follows:

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

Access is proposed from the arterial road but the new access is to be via a traffic signalled junction that will improve access movements to and from the site. Access to and from the highway has been reviewed in greater detail earlier in the report under the Traffic Generating Development clause of SEPP Infrastructure. There is also alternative access to the residential component of the site via the secondary frontage on Flinders Street.

C2 A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.

A traffic assessment has been prepared and lodged in support of the application. The report assesses existing access movements in the locality, the capacity of the existing road network and the proposed new junction together with a review of the parking provision. The implications of increased vehicle movements and a parking review are discussed in more detail elsewhere in the report.

C3 Vehicles are to enter and leave in a forward direction.

All vehicles will enter and exit the site in a forward direction from all of the proposed access and egress points.

C4 Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.

There is a dedicated loading area to the rear of the buildings which is contained entirely within the boundaries of the site. There is a loading bay that will service the supermarket only and a separate loading area serving all other retail and commercial tenancies. The separation of this area from other vehicle movement areas allows for safe servicing throughout the day if required. The size of the loading areas is considered to be both appropriate and adequate for the proposed land uses. This area will also be used by garbage collection vehicles and is considered suitable for such servicing.

C5 Access driveways are not to be located opposite T-intersections or within 7m of a break in a median strip or intersection.

The new access points onto Edward Street are either part of the new traffic signalled junction or will operate as left movements only into and out of the site. To ensure the safe operation of the access driveways a new median is to be constructed within the highway. The siting and design of the median will be to the satisfaction of RMS. Access drives onto Flinders Street are appropriate and movements in and out

of this road will also be restricted to left only by the introduction of a median extended from the Baylis Street/Edward Street junction.

C6 Ensure adequate sight lines for proposed driveways.

Edward Street benefits from long straight views in both directions, the sightlines provided for the driveways are adequate.

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.*

The layout of the parking spaces throughout the site has the potential to improve the efficiency of vehicle movements and pedestrian routes. The proposed car park layout could benefit from some alterations to avoid conflicts between users, including making vehicles turn left into the car park as they enter the basement to avoid queuing on the ingress driveway and also to relocate the disabled car parking spaces closer to the lift to avoid the crossing of travel aisles. A further area of conflict that has been identified is at the entry/egress point from Edward Street where there are three spaces to and from which manoeuvring will be difficult if vehicles are coming and going from the site. Accordingly it is recommended that these spaces be deleted. All of the above changes to the car park layout will be secured by condition.

The WWDCP has a table of minimum car parking requirements for different identified land uses. Whilst some of the supporting documents make reference to restaurants forming part of the redeveloped floorspace, the floor plans show all of the floorspace on the ground floor as retail and all of the upper floors as commercial. Accordingly, parking requirements have been calculated using the retail standard and the business and office premises standard as opposed to restaurants. Furthermore within the WWDCP parking requirements are set for either developments within the B3 zone or for 'all other areas.' The requirements for parking in the B3 zone are considered to be less owing to the central location and the reduced standards are also a benefit for those investing in the city centre. As the development site is within the B4, not the B3, zone the parking requirements used are those that relate to 'all other areas.'

The following table gives a summary of parking requirements and provision.

Land use with floor area in sq.m	Parking rate (all other areas)	Required number of spaces	Number of spaces provided	Cumulative number of spaces
Townhouses (12)	2 space/3 bed	24	24	0
Residential Flat Buildings	1 space/2 bed 2 spaces/3 bed	10 84	100(+6)	+6
Visitor Parking	1 visitor space/4 townhouses 1 visitor space/5 apartments	3 11	8 (+5) 9 (-2)	+11 +9
There are nine more spaces than required to serve the units within the residential precinct car parks (including visitors). These have the potential to be attributed to the commercial floorspace.				
Commercial (Blocks A&B) 1150sq.m	1 space/33sq.m	35	9 (see above) 26(plaza)	0
Ground floor Mill Retail 1,2,3,4 (1090sq.m)	1 space/33sq.m	33	27(plaza) 6 (c/p)	0
Commercial/Offices Mill - Levels 1,2,3,4 1750 sq.m	1 space/33sq.m	53	53 (c/p)	0
Supermarket (3945sq.m)	1 space/33sq.m	120	120 (c/p)	0
Conference Centre 1630sq.m	1 space/10sq.m 1 space/3 seats	163	2 (c/p) 69 (upper c/p)	-92

plaza = spaces utilised within central plaza area

c/p = spaces utilised within the new multi level car park

The above assessment would conclude that the provision of car parking spaces cumulatively across the site would fall short by 92 spaces. However the assessment of a mixed use development cannot be determined in such strict terms as all of the uses will be used to their peak at different times of the day and on different days and it is also unlikely that all uses will reach maximum occupation at any one time. For example the use of residential parking spaces and commercial office parking spaces within the vicinity of Blocks A and B are likely to be shared as their peak uses will differ. This immediately has the potential to increase the availability of central spaces to other users. Equally the peak time for the supermarket will be at the weekends when many of the commercial offices will not be in use.

A further way in which the car parking numbers can be justified is to assess the mixed use development against the parking standards that are set down for developments in the B3 Commercial core area. The development site sits at the edge of the B3 zone and benefits from being within walking distance of the CBD as well as being accessible by public transport. It is therefore considered appropriate to compare the parking requirements in this manner as detailed below.

Land use with floor area in sq.m	Parking rate (B3)	Required number of spaces	Number of spaces provided	Cumulative number of spaces
Townhouses (12)	2 space/3 bed	24	24	0
Residential Flat Buildings	1 space/2 bed 2 spaces/3 bed	10 84	100(+6)	+6
Visitor Parking	1 visitor space/4 townhouses 1 visitor space/5 apartments	3 11	8 (+5) 9 (-2)	+11 +9
There are nine more spaces than required to serve the units within the residential precinct car parks (including visitors). These have the potential to be attributed to the commercial floorspace.				
Commercial (Blocks A&B) 1150sq.m	1 space/45sq.m	26	9 (see above) 17(plaza)	0
Ground floor Mill Retail 1,2,3,4 (1090sq.m)	1 space/45sq.m	24	36 (+12) (plaza)	+12
Commercial/Offices Mill - Levels 1,2,3,4 1750 sq.m	1 space/45sq.m	39	81 (+42) (c/p)	+54
Supermarket (3945sq.m)	1 space/45sq.m	88	100 (+12) (c/p)	+66
Conference Centre 1630sq.m	1 space/25sq.m 1 space/3 seats	66	69 (+3) (c/p)	+69

plaza = spaces utilised within central plaza area
c/p = spaces utilised within the new multi level car park

The above assessment demonstrates an oversupply of 69 spaces when applying the CBD parking standards which given the nature of development is an acceptable way of assessing the parking. There may be instances of persons living within the apartments and also working elsewhere on the site, there may also be a number of linked trips between the supermarket and either the residents or employees across the site. Furthermore the conference centre is unlikely to be in constant use and when it is delegates may travel together or walk from nearby accommodation within the CBD to use the facility. Given that there is likely to be an oversupply of parking it may be possible to specifically allocate one secure space to each of the units of the accommodation with the other spaces within the residential precinct being more flexible for shared use amongst the residents, visitors and commercial office employees. A condition of consent will secure a car park management plan that addresses the issue in a manner that is suitable to the developers.

It can be concluded that the supply of car parking across the site is sufficient to serve the needs of the developments and this clause of the DCP is satisfied.

O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.

Based on the findings of the above parking assessment there will be sufficient spaces on site at all times and therefore no risk to existing vehicle movements on the highway. Parking on the highway directly to the front of the site will be restricted to ensure that there is no disruption to vehicle movements from cars parked on the highway. The no parking restriction will be secured by condition.

O4 Soften the impacts of larger car parking areas through the use of landscaping.

All of the proposed new areas of surface parking are to be enhanced through the provision of landscaping. Predominantly this includes tree planting regularly spaced between the parking bays as well as along the site edges.

O5 Provide both shade and solar access to car park users by means of purpose designed tree planting.

The presence of trees throughout the development will provide appropriate shading for car parks and other communal areas.

Clause 2.4 Landscaping

For large commercial and mixed use developments such as that proposed landscaping plays a valuable role in softening the proposed development.

The controls under this clause are as follows:

C1 A landscape plan is required for applications for:

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

A landscape masterplan and site specific landscape plans for each part of the site have been provided. There is an overall conceptual approach to the landscape that has been followed throughout the site to present linked areas. Landscape corridors provide links from one part of the site to another as a smooth transition demonstrating the benefit of landscape planning.

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.

There are no natural features on site to be retained. The existing street trees have been assessed and their condition has been found to be poor, the replacement with the same species (Melia - White Cedar) will be a considerable benefit to the site and the overall streetscape in this area as the quality of the trees will be improved.

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

There is a mix of species proposed throughout the site including native and indigenous types as well as some exotic species. All of the species that have been selected are considered appropriate apart from the street trees to Flinders Street. An alternative species to the Albizzia (Persian Silk Tree) will be secured via condition of consent.

C4 Trees should be planted at the front and rear of properties to provide tree canopy. The street trees are to be replaced and enhanced along both Edward Street and Flinders Street, these trees will provide an appropriate canopy setting to the site.

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.

Considerable tree planting is proposed to the front and side boundaries of the site and also throughout the site especially within the central car park area. Ground cover planting is proposed amongst the trees to assist in softening the impacts of development.

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.

Given that many of the buildings on site are of a significant height the proposed planting will not significantly impact on solar access to the buildings. However, the presence of the trees throughout the development will provide appropriate shading for car parks and other communal areas.

The positive approach to landscaping across the site not only benefits the site as a whole and the visual amenity for all those that look into or at the development site but is also of considerable value to the occupants of the residences and for other regular users and employees within the site.

Clause 2.5 - Signage

The application includes indicative locations of new signs although no details have been included for any of the signs and these will therefore be subject to a later development application.

Signs are proposed on the new supermarket building, at this stage the operator is unknown and as such so are the sign details. Potential panel areas for signs are shown on both the eastern and western elevations to be visible to passing vehicles in both directions. The size, scale and illumination of the supermarket signs will need to have regard to the proximity of the heritage buildings.

Signs will also be fitted to each of the new retail tenancies which again being part of the heritage building will need to be particularly sensitive in terms of design. Some signage is proposed in the form of entrances whereby words will be created using contrasting brickwork within a wall or within glazing, examples of this are 'The Mill' at the central plaza area and on the supermarket and commercial buildings.

Existing lettering that is visible on the heritage buildings identifies the historical use of the site and will therefore be retained in its current form.

All signs on site will be subject to a further application and assessment against both SEPP64 Advertising and Signage and the controls under this section of the WWDGP2010.

3.2.1 Alterations and additions to heritage items

The objectives of this clause are as follows:

- *Protect heritage significance by minimising impacts on the significant elements of heritage items.*
- *Encourage alterations and additions which are sympathetic to the building's significant features and which will not compromise heritage significance.*
- *Ensure that alterations and additions respect the scale, form and massing of the existing building.*

Overall the development is sympathetic to the heritage significance of the buildings on site. New buildings are smaller in scale and massing than the existing buildings and present as modern new additions to the site rather than attempting to replicate historical design features. Views to and from the site are protected and the additions proposed allow the buildings to be adapted and reused which will maintain their functionality and future use. The objectives are therefore satisfied.

Specific controls with regard to additions and alterations to a heritage building are as follows:

C1 Avoid changes to the front elevation - locate new work to the rear of, or behind the original building section.

There will be changes made to the front elevation of both the mill and the grain store building and the new supermarket will be linked to and sit forward of the flour store. All of the existing windows on the front elevation are to be either replaced or repaired using timber frames on the second, third, fourth and fifth floor levels. At the ground floor additions to the façade are proposed in the form of canopies and new wide glazed openings that will lead onto new terrace areas beneath the canopies.

New window openings are proposed to the rear using aluminium frames but they will retain vertical proportions to complement the form of the original windows. Further additions in the form of a lift and lobby area will also be constructed to the rear.

Whilst this control is not entirely satisfied the proposed changes to the front of the building are a requirement of the adaptive reuse and do not detract from the heritage value of the building.

C2 Design new work to respect the scale, form, massing and style of the existing building, and not visually dominate the original building.

New additions to the building respect the scale and style of the existing heritage building, additions are generally at ground level and will not dominate the original structures.

C3 The original roof line or characteristic roof elements are to remain identifiable and not be dwarfed by the new works.

The original roof line of all of the roofs on the heritage buildings will remain. Each roof is to be replaced with new materials given the poor condition of the existing ones

however the style, height and form will not change.

C4 Retain chimneys and significant roof elements such as gables and finials where present.

There are no chimney features to be retained on the heritage buildings.

C5 Ensure that the new work is recognisable as new, “blending in” with the original building without unnecessarily mimicking or copying.

The new buildings on site clearly present as modern additions rather than attempting to replicate historical design features. The additions to the heritage building blend in through the use of complimentary materials such as timber beams salvaged from within the mill supporting the entrance canopy.

C6 Complement the details and materials of the original roof including ridge height and slopes without compromising the ability to interpret the original form.

The highest point of the roof to the supermarket will extend marginally beyond the roof height of the former flour mill to which it is attached, however the pitch and the design are of the same design as that on the flour mill so when viewed from the side the relationship of the two buildings reads well.

C7 New materials are to be compatible with the existing finishes. Materials can differentiate new work from original building sections where appropriate, for example by the use of weatherboards where the original building is brick or by the use of “transitional” materials between old and new.

New materials are proposed on the rear elevation by the use of aluminium window frames, whilst this is supported in principle the final details of the frames to be used will require prior approval. New glazed doors and entrance areas will also introduce new materials but these are considered to be complimentary to the brick buildings on which they are to be fitted.

C8 Retain front verandahs. Reinstating verandahs, and removing intrusive changes is encouraged, particularly where there is physical and/ or historic evidence.

There are no verandahs to be retained, however new covered terrace areas are proposed at the front of the mill building. Some modern additions at the front of the flour mill are to be demolished as part of the application as they do not contribute to the historical integrity of the building.

3.2.2 Materials, finishes and colours

The objective of this clause is to *encourage materials, finishes and colours that are suitable to the period of the building.*

In order to achieve this objective the following controls are listed:

C1 Select materials to be compatible, but not necessarily matching the materials of the building. The materials should complement the period and style of the heritage item.

The materials to be used to restore and alter the heritage building include zincalume roof sheeting, which will retain the building's historic character but have a longer lifespan than galvanised sheeting. The new windows to the rear of the Grain Store and Flour Store will have aluminium frames in a contemporary form and steel posts will be used along the new ground floor awning as a contemporary alteration. Recycled timber will be utilised for posts in a new form for the new entry canopy, which will continue the relationship to retained materials within the ground floor of the new lobby.

The new materials that are proposed to be used on the heritage buildings are considered to complement the existing materials, and will be clearly identified as new works which are required as part of the building's adaptive reuse.

The materials to be used for the new commercial and residential blocks will complement the character of the heritage buildings and ensure that the development is identified as a new addition. Brickwork within the new blocks will not match the colour of existing brickwork, but the use of brick is aimed to provide similarities in materials used throughout the overall site.

C2 Colour schemes are to reflect the period and detail of the property.

The new commercial buildings propose to use a palette of sympathetic materials to the adjacent Mill buildings. Panels of brickwork and painted pre-cast concrete will be used for external walls with glazing to corner elements and upper floors. The use of brickwork in the external walls of the new development will provide unity with materials of the heritage buildings, however the bricks will be a different colour (and potentially a different bond) to the heritage buildings. Other materials for the new development include a mix of concrete, metal and glazing.

Roofing for the new development will be a powder-coated colorbond. This will be distinguished as a new material from the zincalume, which will replace the existing roof on the heritage buildings.

C3 Painting or rendering face brick is generally not supported.

The heritage report recommends that external face brickwork should not be painted or rendered, however, in places where it is already painted, such as on the west elevation, it is recommended to remain "as is", as it illustrates that the site has changed over time. The adaptive reuse of the Mill buildings and the alterations and additions are another "layer" to the building's history. The painted signage of the Mill along the north and south elevations is also recommended to be left "as is" further representing the history of the site. Lime based mortar should be used for any repointing of brickwork on the heritage buildings. Concrete mortar should be removed with non-abrasive methods, such as a firm brush.

3.2.3 Adaptive reuse of heritage items

Adaptive reuse of heritage buildings can provide the necessary viability for the continued use and maintenance of heritage buildings. Accommodating the new use

should involve minimal change to significant fabric in order to protect heritage significance. Elements or artefacts from the original use (where present) may be required to be retained to assist interpretation.

Objectives

- Encourage heritage items to be used for purposes appropriate to their heritage significance.

Conditions of consent are proposed that require a heritage interpretation to be completed, the aim of this is to identify elements, materials and artefacts that currently exist within the building and are of value in tracing the history of the site. Once this has been completed the identified items to be retained and reused within a display area shall be removed to ensure their protection from development works. The retention of artefacts is an important step in maintaining the significance of the site.

Controls

C1 The adaptive reuse of a heritage item should minimise alterations or interference with significant fabric. The changes are to enable the continued interpretation of the original use.

C2 Ensure that new services are sympathetically installed especially where upgrading is required to satisfy fire or BCA requirements.

The reuse of the buildings will occur with minimal alteration to the fabric of the buildings. The windows and roof are to be replaced owing to the poor condition of these features but the materials used will be sympathetic and traditional. The reuse of the buildings will not prevent the historical interpretation of the buildings being possible and the retention of features internally will further assist in restoring the history of the buildings. The reuse of other features such as the timber both internally and externally provides further insight into the previous use of the site.

3.2.4 Development in the vicinity of a heritage item

Development in the vicinity of a heritage item can have an impact upon the heritage significance of the item, in particular through an impact on its setting. Determining whether a property is within the setting of a heritage item is a necessary component of the site analysis for proposal. Advice from Council's heritage advisor may be required to determine this. The analysis should consider historical property boundaries, significant vegetation and landscaping, archeologically features and significant views.

Objectives

- Encourage development in the vicinity of a heritage item to be designed and sited to protect the significance of the heritage item.

All of the proposed development is classed as development in the vicinity of a heritage item because of the mill buildings, however there are other heritage items in the vicinity especially within the railway precinct.

Controls

The adaptive reuse of a heritage item is to minimise alterations or interference

C1 Alterations and additions to the buildings and structure, and new development are to be designed to respect and compliment the heritage item in terms of building envelope, proportions, materials, colours, finishes and building street alignment.

C2 Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:

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

There is no development proposed to the front or rear of the building that would inhibit the views of the heritage items. The creation of a central landscaped plaza area with new developments on either side focuses the eye into the centre of the site and subsequently towards the restored mill buildings at the rear of the site.

10.2 Mixed use development

The controls of this section apply to mixed use developments. Mixed use developments are developments that have a combination of commercial, retail activities on the ground and lower levels, and often residential uses on the upper levels. The mix of uses should be compatible with the location and context of the site.

Mixed use developments are permissible in the city centre B3 Zone, as shop-top housing in the B1 and B2 Zones, and in the B4 Mixed Use Zone.

Any residential component must comply with the relevant provisions of Section 9, except for sites in a B4 Zone that have an approved masterplan.

Objectives

- Ensure the design and layout of mixed use developments retains a high level amenity for all users.
- Encourage active street frontages and an opportunity for a mix of uses.
- Ensure that the form of mixed use development in the B4 Zone is appropriate to its built context.
- Encourage adaptive reuse of existing large-scale buildings in the B4 Zone.
- Ensure that development of sites within B4 Zone is based on an urban design based Masterplan.

The proposed development is consistent with each of the listed objectives.

Controls

All developments on sites and consolidated sites larger than 1 hectare within the B4 zone are required to be in accordance with an urban design based on a master plan approved by Council. Controls C2 to C9 will not apply in such instances.

A conceptual Master plan was prepared in early 2011 through consultation with Council. A number of meetings were held to determine some of the key areas for consideration which as well as an overall design concept included access, heritage, stormwater and contamination.

The masterplan images included the 3 and 4 storey buildings at the front of the site and also the new two storey building for supermarket and conference site sitting forward of the heritage buildings. The masterplan showed the new traffic junction and road through the site for exiting service vehicles as well as a central left in and left out only access onto the highway. Re-use of the heritage buildings and the retention of the heritage buildings as central features of the redevelopment were key to the plan.

A report was presented to the full Council meeting on 29 August 2011 and the masterplan was subsequently approved and used as a basis to prepare a full suite of architectural drawings for the development application that is the subject of this report. One of the key outcomes from the masterplanning exercise was the relocation of the new traffic signalised junction from the centre of the site to the eastern boundary to allow for future access to the land east of The Mill site. Furthermore the introduction of a basement car park was agreed to avoid the ground level of the site being dominated by wide areas of hardstand. The importance of pedestrian access and permeability throughout the site was endorsed and despite the idea of a gated community being included the open plaza area was welcomed as a high quality design feature.

The subsequent application lodged with Council includes one main area of difference which is the four storey buildings to the rear of the site. These blocks are proposed in place of townhouses that were shown on the masterplan. The proximity of town houses to both the servicing and delivery laneway and the railway was not considered the best solution and an alternate design was prepared with parking at ground level and apartments above. The four storey buildings do respond to the site constraints more appropriately than townhouses would and this variation is therefore acceptable.

(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 RMS has responsibility in relation to roadwork, traffic control facilities and other works/structures on the classified road network. The Sturt Highway (Edward Street) is a State road. The RMS and council have certain responsibilities under the requirements of the act. RMS'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 set between two transport corridors, namely the Sturt Highway to the north and the Melbourne to Sydney rail corridor to the south. The site is historically a commercial site bounded to the east and west by other commercial/industrial land uses. To the south beyond the railway corridor land there are residential properties which extend in a southerly direction at an increased elevation. Therefore a number of residential properties to the south have views of the development site.

To the north of the highway is a recreational precinct which includes the Robertson Oval that is currently undergoing extensive refurbishment, Bolton Park, the South Wagga bowling club, the croquet club, the Oasis Aquatic centre and Bolton Park stadium. There are also residential and business premises to the north on Fitzhardinge Street.

The site has a history of industrial and commercial uses that are dominated by the use of the site as a flour mill. The buildings that remain on site represent the historical use of the site and are identified as heritage items. The scale and bulk of these buildings informs all other development on the site, the heritage buildings are the setting within which future developments are to be assessed. The views to and from the heritage buildings are to be maintained through the open plaza allowing direct views of The Mill from the recreational areas opposite.

The land to the east is not fully developed and the land to the west is developed as warehouses and a hotel. A number of the buildings to the west are to be demolished to allow for the development of a Dan Murphy's bottle shop. The existing buildings to the west are built close to the highway with little set back or softening. Buildings of 2-3 storeys are characteristic within Baylis Street to the north west of the site boundary, some of the buildings are visible from the site.

The buildings within the railway precinct area are characterised by red brick construction similar to the flour mill buildings.

The above demonstrates that there is a diverse range of building types, styles and designs within the proximity of the development site. Accordingly the impact of the new apartment buildings whilst being dominant will also be within the context of a mixed use area and not considered to have a detrimental impact. The works to the heritage buildings are entirely in keeping with the context of the site.

Access, transport and traffic

Access to and from the site will be via both Edward Street and Flinders Street, there will be an obvious increase in vehicle numbers moving to and from the site on a daily basis. In order to accommodate the changes in vehicle movements a new junction and associated highway works are required.

A Traffic Assessment (TA) has been lodged in support of the Development Application that examined the locations of and the likely impacts of the new access and entry points onto Edward Street. The issues relating to works in the highway have been addressed earlier in the report under the SEPP requirements.

The TA also reviewed the car parking numbers and layout of the site, parking was discussed in detail under the DCP section of the report. There will be an adequate provision of off street parking to serve all of the proposed uses on site.

The site is accessible by public transport to the benefit of both residents and employees within the commercial and retail tenancies. The railway station is a short walk from the site providing daily services to both Sydney and Melbourne. A number of different local bus routes travel along Baylis Street to the north west of the site which is also a short walking distance from the site boundaries. Furthermore the site is easily accessible by pedestrians and bicycles travelling from within the local area.

The site has been designed to fully comply with the provisions of the Disability Discrimination Act to allow access to all areas for persons with a disability. The layout includes footpaths that provide an accessible path to each building from the street and kerb ramps to AS 1428.1 to provide access from the road to the footpath level.

There will be new footpaths to Edward Street and Flinders Street constructed as part of the overall development. Pedestrian crossings will be incorporated into the new traffic signalised junction and there is also an existing pedestrian crossing at the Baylis Street/Edward Street traffic light junction. The site is considered to be easily accessible by foot with two safe crossing points over the highway. Whilst it is not possible to prevent persons using the median as a crossing point, this is not a route encouraged by RMS and therefore no refuge is provided for this purpose within the highway.

Lifts provide access to all levels of the apartment buildings, to each of the commercial floors in the mill building and from the carpark to the supermarket. Parking is available at both basement and at grade within the site and an accessible path links the residential precinct to the commercial precinct.

Services

The application is supported by a utility services review report prepared by Cardno. The report finds that the site is connected to all services including electricity, gas water and telecoms. In order for the development to be fully serviced three new electricity sub stations are anticipated on site, these would each independently service the retail/supermarket premises, the other commercial premises and residential accommodation.

The upgrades to gas and water mains are not quantified but there are no anticipated concerns with achieving any requirements. Both Telstra and NextGen have local services available, there would be costs associated to providing the relevant connections to each of the development areas.

Both the sewer and stormwater provision on site will require upgrading at cost to the developer. Each of the new lots to be created will be required to be capable of being independently serviced from the other.

Heritage

The site does not fall within the heritage conservation area however it is identified as a site containing items of heritage significance. Further items of heritage significance are located within the vicinity of the site within the railway precinct and at Robertson Oval.

The retention of the heritage buildings on site, their re-use and adaptation and impacts associated with this have been reviewed earlier in the report under both the WWLEP provisions and the WWDCP controls. The works were found to be compliant with both policies.

The proposal retains the heritage buildings and by reusing them for commercial purpose this ensures that maintenance is undertaken for their long-term conservation. Existing openings are retained and any new openings are sympathetic to the existing layout of the buildings as are the materials to be used.

The new buildings on site are not considered to visually dominate the heritage buildings and views into the site from the north are maintained. The setting of the heritage buildings will be further enhanced by both soft and hard landscaping around the site to integrate the new development with the heritage buildings.

The proposal is not considered to detrimentally impact the heritage significance of any heritage items either on or in the vicinity of the site.

Natural Hazards

There are no natural hazards identified on site. The site is not subject to flooding or bush fire.

Man-Made Hazards

The site has been identified as contaminated. A review of the site investigation reports was discussed earlier in the report under SEPP55

Economic Impact in the Locality

The proposed development will result in significant investment into the Wagga Wagga economy from both local and international investors. Direct economic impacts will include employment generation during the construction period and significant new employment within the retail and commercial premises.

Despite the predicted positive economic impacts that such a redevelopment project will have it is important to consider any other impacts that may be experienced by existing businesses within the central core.

The addition of another 3945sq.m supermarket within close proximity to 5 other supermarkets (Woolworths (2), Coles, Franklins and Aldi) has the potential to draw customers away from the central core which would be of detriment to the vitality of the CBD.

A retail report prepared by Leyshon Consulting in 2007 examined the existing supply of retail floorspace across the LGA and outlined the requirements for future retail provision based on planned growth areas and demographic data. At the time Wagga Wagga CBD was predicted to be able to support an increase in floorspace of 5,000-10,000sq,m between 2006-2016. However, this was in addition to the approved floorspace at the Mill which at the time was calculated as 5948sq.m. It can therefore be concluded that in terms of the economic assessment the proposed floorspace is comparable (if not less) than the originally approved plan for the site and any impact would therefore be neutral. Since the Leyshon report was prepared Aldi have opened a supermarket within the CBD but this would be less than the predicted 5-10,000sq.m increase that is predicted for the CBD.

Overall the redevelopment of the site is anticipated to have positive economic spin offs as other developments take place in the area and linked spending occurs in the CBD. Investment into the residential properties will have a further positive economic impact on the wider economy of Wagga Wagga.

Social Impact in the Locality

The redevelopment of the site has a number of positive social impacts. Firstly, the provision of new housing choices within the central area that are easily accessible to all groups will allow for new social relationships to be established.

The close proximity of the site to both retail and recreational pursuits provides further positive impacts for residents and users of the site and the accessibility of the site by alternative modes of transport is also seen as great value.

The redevelopment of the site that is a landmark within Wagga Wagga and which is becoming an eyesore sends a positive message to the community in terms of investment into the city not in only in economic terms but also within the restoration and reuse of valuable heritage buildings.

The introduction of new employment opportunities within the new tenancies will also have positive social impacts.

Noise and Vibration

An acoustic report has been prepared in support of the development application. The report determined existing ambient noise levels at the site boundaries and at various nearby receptors to determine the character of the existing acoustic environment. The assessment used the Industrial Noise Policy prepared by the Environmental Protection Authority (EPA) to determine whether residential properties were currently exposed to acceptable levels of noise disturbance, mainly from road and rail traffic. The site is identified as being impacted by noise from the Sturt Highway and the Sydney to Melbourne railway line.

The acoustic report further assesses the potential increase in noise disturbance from the proposed development to existing residential properties in the area and on the site. The predicted noise from both the surface car park and the roof top parking falls

within the minimum guidelines and is not considered to result in any increased noise disturbance. The main noise generator within the proposed development is the loading bay to the supermarket and the loading and service dock area to the rear of the Mill buildings.

The use of the supermarket loading bay is proposed to operate 24 hours a day and the other loading dock from 7am to 10pm. Noise will be generated from trucks reversing into the loading bay, brakes, the running of the engine and from forklift movements unloading the truck. The EPA guidelines were again applied to the likely noise generated from the loading area and found to be complaint during the day and evening but not during the night. To mitigate against the identified disturbance to nearby residential properties on Railway Street a number of measures are proposed such as limiting the size and number of vehicles during the night, new acoustic boundary treatments, trucks switching off engines and rubber buffers on the wall to absorb noise.

Whilst it is possible to rely on the developer to provide physical treatments such as new fences and buffers, the control of on-site operations is harder to manage through the planning process and many of the measures that are required to minimise noise disturbance are reliant on site operations being adhered to by truck drivers. Accordingly, as it cannot be guaranteed that noise levels will not be breached the deliveries to the supermarket will not be permitted over a 24 hour period, rather they will be limited to the same hours as the other loading dock areas so that operations across the development site are consistent. There is no justification or case made within the application for a 24 hour delivery operation, there are no other businesses within the CBD that operate on a 24 hour basis and it would therefore have the potential to create an unnecessary precedent. The operational hours of the loading areas will be controlled by a proposed condition of consent.

There is the potential for noise disturbance to the residential properties from the approved (but not yet built) Dan Murphys bottle shop and loading area on the western side of Flinders Street. The authors of the acoustic report have confirmed that the proposed treatment to the residential apartments to mitigate against road and rail noise will be sufficient to also mitigate against any noise from Dan Murphy's.

Noise issues relating to the proximity of the railway have been discussed earlier in the report under SEPP Infrastructure.

Energy Impacts

Applicable parts of the development will need to comply with Section J of the Building Code of Australia in terms of energy efficiency. A report has been prepared and lodged in support of the application clarifying that the glazing to the new commercial building is compliant.

Throughout the site it is proposed to capture roof water which will be stored to be re-used for irrigation this should result in savings in water usage for the benefit of site occupiers and owners. Given the restrictions that apply with regard to making changes to the heritage buildings there is minimal opportunity to apply energy efficiency measures to the adaptive reuse part of the proposals.

The design of the residential apartment blocks have maximised the amount of natural light and ventilation throughout the buildings to create long term energy savings. Furthermore, by using fixed and operable screening elements, large horizontal overhangs and vegetation shading is provided, especially to the western elevation and reduces unwanted solar heat gain. The apartments and townhouses comply with BASIX requirements.

Site Design and internal design

The overall site design has been influenced by the existing heritage items on site and the agreed master plan for the site.

The specific internal designs of both the new and existing buildings have responded to existing opportunities and constraints to maximise views and outlook both to and from the site. Significant parking and landscaping improvements across the site contribute to the design in a positive manner and soften the appearance of some of the new additions to the site.

Linkages across the site are achieved via accessible paths and buildings that have active frontages towards both precincts.

Construction

Construction across the site will be ongoing for a number of years. Given that this is a mixed use development different areas can be progressing at the same time to avoid only one part of the site being developed at a time.

A Construction Management Plan (CMP) will be required prior to the release of the first construction certificate. Such a plan is essential to ensure that works across the site are ongoing in a complementary fashion to avoid delays at a later date. A CMP will also identify site movements, parking areas, staff amenity areas and waste.

The applicant has indicated that the residential blocks will be commenced first and then the car park and supermarket, however the residential blocks will not be able to be occupied until both the remediation works and the new junction works have been completed therefore the timing of all these elements is critical and a CMP should assist in achieving the successful implementation of the project.

Conditions of consent will require works to address remediation of the site, junction works and works to the heritage building are all commenced and approved prior to the residential accommodation being occupied. As well as securing the future of the overall sites development this avoids any conflicts created from residents living on a construction site.

Cumulative Impacts

The redevelopment of The Mill site is anticipated to result in further developments within the vicinity and will therefore have a positive cumulative impact. The major road work improvements associated with this development will impact on other land users in the locality but will also allow for improved and safer access arrangements

for all users of the highway.

There are a number of other approved developments within proximity to the application site, these include the redevelopment of Robertson Oval and Bolton Park and the development of a new Dan Murphy's store following demolition of old warehouse buildings. Together all of these developments will result in a completely regenerated appearance to this area which being on the main thoroughfare through Wagga Wagga is very prominent.

There will undoubtedly be positive spin offs for the immediate vicinity as well as the local area generally as such a landmark site is brought back into productive use.

The Principles of Ecologically Sustainable Development

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The principle requires decision-making to give the environment the benefit of the doubt.

The redevelopment proposal is not considered to cause serious or irreversible damage to the environment.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

The proposed remediation of the site and subsequent landscaping and planting will considerably improve the quality of the site for the benefit of future generations

3 Conservation of biological diversity and ecological integrity

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

As the site is an urban development utilising an existing site, it is not considered to impact on biological diversity or ecological integrity.

The proposed development will not result in any anticipated irreversible environmental damage. Accordingly the principles of ESD are considered to have been followed.

(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 mixed use development and the development is therefore entirely appropriate in this location.

The site has been the subject of a master plan that established the concept of redevelopment on site and this has been followed through with the current specific development application.

The adaptive reuse of the heritage buildings is a suitable solution to ensure that their future can be secured, conditions of consent will require a schedule of works to be approved to avoid any damage occurring to the fabric of the heritage items.

Site Attributes in relation to the proposed development

The main attributes that influence the development on site are the access arrangements, the heritage provisions and the site contamination. Based on the above assessment all of these criteria can be appropriately managed and measures implemented to allow for a comprehensive redevelopment and successful mixed use development to occur. There is not one specific area that should prevent the development from going ahead and all of the likely impacts can be mitigated against through careful design solutions or management plans.

(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. In addition the application was referred to Australian Rail Track Cooperation (ARTC), the Roads and Maritime Service (RMS), the local Police and the Heritage Advisor. Responses from the referral bodies are discussed in detail below.

Notification

The development was notified to neighbouring properties between 2 and 23 December 2011. Given the scale of the development and the significance of the proposal to Wagga Wagga an extended period of 21 days (normally 14 days) was allowed for the application to be notified. Two submissions were received as a result of the notification.

Advertising

The development application was advertised between 2 and 23 December 2011. Given the scale of the development and the significance of the proposal to Wagga Wagga an extended period of 21 days (normally 14 days) was allowed for the application to be advertised. No further submissions were received as a result of advertising.

Public Submissions and those from public authorities

Three submissions were received in relation to the development application, submissions generally related to access arrangements to the adjacent land to the east, any potential impacts that would hinder the development to the west and the impact on the CBD of introducing such a large area of isolated retail development.

1. The land to the east, at this stage, is not developed to its full potential and is likely to be the subject of an application for redevelopment in the near future. Given that the mill redevelopment will introduce a new signalised junction and subsequent need for medians within the highway the adjacent land owner is concerned about their ability to access the highway and keen to be able to utilise the new junction by gaining access from their site onto the mill site.

Comment: Discussions with the applicant have resulted in an agreed approach that a right of way will be created for properties to the east to use the traffic signalised intersection to both enter and exit their site. The manner in which the adjacent site links into the mill site will be subject to further approval and at full cost to the

adjoining land owner, however a condition of consent is proposed that does ensure that a right of way will exist to allow such access.

The applicants are not agreeable to the service route at the rear of the mill being open for use by any other vehicles other than those that are delivering to the supermarket or other retail tenancies, the proposed right of way along the eastern boundary of the site in favour of the adjacent land to the east is considered a positive strategic approach and one which overcomes the concerns of the neighbouring property.

A further linked issue to this is that the current access to the site leading to the Novus premises will be hindered by the construction of the deceleration lane into the new traffic signalised junction. It will be a condition of consent that the applicant enter into discussions with the adjacent landowner to provide a solution to this issue.

2. Concern whether the design of the residential precinct within the Mill development has factored in the approved Dan Murphy's development to the west, specifically noise from truck movements, deliveries, customers and car movements as well as lighting that will be visible within signage and across the car park and premises. This has been a commercial area for a long time and any new developments for residential purposes should be designed to fit into the existing environment rather than commercial enterprises have to adapt.

Comment: The Dan Murphy's development already has approval to be developed and the mill redevelopment has acknowledged this development on the adjacent land. The acoustic mitigation measures that are proposed to mitigate against both road and rail noise will be sufficient to also mitigate against any noise from the loading bay of the bottle store. This has been clarified by the noise consultants. Furthermore restrictions on the hours of opening and hours of delivery at Dan Murphy's will assist in there being any likelihood of disturbance to residents.

3. The introduction of isolated retail development within the mill complex will have a negative impact on the existing CBD and overall economic well being of the city. An economic impact statement should have been prepared in support of the application to address the likely impacts, positive and negative, that the development may have. The development promotes car based transport which will further isolate it from the CBD.

Comment: A retail report prepared by Leyshon Consulting in 2007 examined the existing supply of retail floorspace across the LGA and outlined the requirements for future retail provision based on planned growth areas and demographic data. At the time Wagga Wagga CBD was predicted to be able to support an increase in floorspace of 5,000-10,000sq,m between 2006-2016. However, this was in addition to the approved floorspace at the Mill which at the time was calculated as 5948sq.m. It can therefore be concluded that in terms of the economic assessment the proposed floorspace is comparable (if not less) than the originally approved plan for the site and any impact would therefore be neutral.

The site is accessible by foot and both existing and proposed pedestrian crossings will enhance the pedestrian links to the CBD which is in easy walking distance, the site is also fully accessible in accordance with the Disability Discrimination Act.

ARTC

1. Noted that the acoustic report recommends building construction and glazing treatments to satisfy the relevant regulations and requests confirmation that these will be achieved.
Comment: As noted under SEPP infrastructure compliance with the recommended noise attenuation measures will be clarified as part of the construction certificate process.
2. Request that no additional stormwater flows towards the rail corridor
Comment: There is no anticipated increase in stormwater as a result of the development, the site is currently impervious in nature.
3. The security fencing along the rail corridor is essential to prevent unauthorised entry, it is requested that fencing or an acoustic wall be considered as part of any consent issued.
Comment: An acoustic fence is proposed along the southern boundary of the site that will act as both a security feature and a visual and acoustic barrier to site users and occupiers. The treatment to the boundary will prevent unauthorised entry to the railway area.

Roads and Maritime Services

Comments from the RMS have generally been included within earlier parts of the report, however for clarity their comments are provided below. A number of conditions of consent are proposed to address highway access issues which have been incorporated into the recommended conditions of consent.

The proposal represents the redevelopment of the subject site to provide for the construction of a mixed use development comprising 52 apartments, 12 townhouses, a 3945 sqm supermarket, 1090 sqm of retail/restaurant floor space, 2900 sqm of office floor space and a 1630 sqm conference space. The proposal also includes the subdivision of the development site into two allotments to separate the main residential / mixed use component from the commercial and mill area. A road is to be constructed to the rear of the site to provide access between the Sturt Highway and Flinders Street for the development.

The submitted plans identify that vehicular access to the proposed development is to be from Edward Street and Flinders Street. The plans indicate the provisions of two access points to Edward Street with the eastern most access to be treated as a signalised intersection and the western most access to be restricted to left-in and left-out movement by a raised central median that is to extend from the proposed new signalised intersection to the current intersection of the Sturt Highway with Fitzhardinge Street. The submitted plans also provide for access between the development site and Flinders Street with the current intersection of Flinders Street with the Sturt Highway to be restricted to left-in and left-out movement by the extension of the current central median from the signalised intersection at Baylis Street.

In relation to the proposed carpark layout on the subject site the following comments are made for Councils consideration.

- ☐ *The provision of an access driveway between the carpark in front of the mill building and the residential carpark may be beneficial for access to the residential component of the development.*
- ☐ *The access driveway into the basement carpark does not align with an internal aisle and*

therefore may prove to be confusing for drivers accessing the underground carpark and cause queuing on the ingress driveway from the traffic signals. The ingress into the underground carpark is to be relocated or treated and line marked as left turn only to make vehicles accessing the underground carpark veer to the left.

- ☐ *The disabled spaces are to be relocated to along the western wall of the carpark between the proposed escalator and lift to provide for ease of access and minimise the need to cross the travel aisles*
- ☐ *Vehicles manoeuvring within the carpark in front of the Mill Building and the 3 parking spaces located on the western side of the western driveway from the Sturt Highway may cause queuing of vehicles entering the site from the highway. To address this vehicles entering the site are to have right of way over vehicles within the site and the 3 car spaces located in the north western corner of this carpark are to be deleted.*

In accordance with the Roads Act 1993 Roads and Maritime Services has responsibility in relation to roadwork, traffic control facilities and other works/structures on the classified road network. The Sturt Highway is a State road. Roads and Maritime Services and council have certain responsibilities under the requirements of the act. Consent is required from RMS for all road works under section 61 of the Act and for all traffic control signals under Section 87 of the Act. Council is the roads authority for Edward Street (Sturt Highway).

Roads and Maritime Services has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following requirements as conditions of consent (if approved);

Wagga Wagga Local Area Command

The Police have no objection to the development as it will significantly improve the amenity of the area and have a considerable economic benefit for the City of Wagga Wagga. However, the Police are concerned that the application has failed to identify the nature of the businesses to be located in the development, and are further concerned that the development will contain a licensed venue, possibly in the form of a hotel utilising the former Red Lion Tavern liquor licence.

If it is the case that a sizeable licensed premises is going to be part of the development, then police are concerned by the absence of any reference to alcohol related crime, a key crime category in the Wagga Wagga CBD in the Statement of Environmental Effects, particularly when addressing 'Safety and Security'.

If it is intended for a licensed venue to become part of the development, then such a premises is most likely to see an increase in alcohol and drug related incidents in that immediate vicinity, and strong measures need to be in place at the development stage to reduce the risk associated with such incidents, and provide an appropriate level of safety to members of the community, and persons using any such licensed venue should one commence trading.

With this in mind any developers and licensed premises owners must be held to account for the possible impact that the development may have on the community, and address this by ensuring that effective strategies and measures are in place to assist in reducing the risk, and deter alcohol and drug related incidents in general.

In addition there seems to be little or no recognition of the Robertson Oval redevelopment which is expanding its capacity to 12,000 persons with a view to hosting premier sporting and other cultural events each year. This will present an opportunity to any licensed venue in the near vicinity of the oval both before and after such events and it also could potentially become a noise issue for residents.

The Statement of Environmental Effects also fails to address issues in relation to theft offences, particularly relating to the car parking structures. There is to be a basement level carpark and a rooftop level carpark within the development, both of which will have limited natural surveillance, with no measures identified on how to improve surveillance of these areas.

A significant amount of motor vehicles will be attracted to and utilised by this development, this will create an ideal environment for would be thieves looking to steal property from unattended motor vehicles, or actually steal the vehicle. A review of the plans reveals that a considerable number of vehicles will generally be out of view of any effective form of security or effective passive surveillance, particularly in relation to the proposed basement parking.

Car parking at the rear of the development will also have limited natural surveillance particularly during night time hours, this could potentially be an issue with a licensed premise in the development, as well as provide concealment opportunities by potential offenders.

During daylight hours the natural surveillance from commercial office spaces and the like will offer a higher degree of natural surveillance but at night it will become quite limited, shadows cast from buildings and foliage (with some identified foliage, the Chinese Elm for instance grows some 6-12 metres high and 5-8 metres wide) is simply enough to allow persons to engage in illegal activities.

With this in mind developers of commercial developments of this scale should be looking to identify, install and maintain active measures to deter these types of activities and incidents.

In conclusion, the concerns raised by police are in no way intended to detract from the development, it is clear that the design is aesthetically pleasing and incorporates a range of effective CPTED principles with strong ownership cues and identified boundaries, good use of public space and lighting and genuine (although at times limited) natural surveillance.

It is necessary that the negative aspects of any design in relation to 'Safety and Security' are identified to ensure that risks are identified, as they appear not to have been canvassed in any way during the application process. The risk associated with theft & alcohol related crime is real and supported by historical data, so the best form of attack is defence with a look to deterring these types of offences in the most effective manner.

The Police request that conditions be imposed in relation to the provision of CCTV within car parks and public spaces throughout the commercial areas of the development:

Comment: The majority of the comments raised by the local police relate to the provision of licenced premises within the heritage buildings. At this stage the plans do not show any proposed venue being a bar or club or restaurant that may lead to alcohol and drug related incidents occurring. All tenancies at the site will be subject to a further development application and any licenced premises will also be required to apply for a liquor licence. If and when such an application is received the police will be notified again and appropriate conditions can be recommended and applied at the time. It is considered that the management of security within specific areas such as the supermarket will be addressed by the final occupiers of the building. It is not appropriate to enforce CCTV provision within a privately managed area however if the operators do choose to install cameras it is likely to be supported.

With regard to major events being held at Robertson Oval, as these are not likely to be regular events it is not possible or practical to design a development to take account of them. The conditions applied to the Robertson Oval development require appropriate plans to be in place during any major events and the responsibility therefore is with the operators and organisers to ensure that there is no unnecessary disturbance outside of the site.

Heritage Advisor

The comments received from the heritage advisor are shown below:

In general terms the proposed changes are largely neutral when measured against the approved scheme as there is little change to the general principles of the design. The use of the building for retail at the ground floor and commercial above is appropriate as it may allow the retention of some of the existing structure (timber beams and columns) and is potentially a low impact use.

New openings in the facades are similar in part to the approved application though there are larger openings to the Grain Store. This building is a robust brick structure with few openings and the proposals are similarly robust with new double height penetrations that are articulated with external frames.

In other areas the existing timber windows will be retained and repaired. Original windows at the rear will be removed and replaced in aluminium. All timber windows that are to be kept should be retained as is and repaired or, if in very poor condition, should be replaced in timber. This should be a condition of any development consent to avoid them being replaced in aluminium.

Considering the intensification of new development at the site it would not be unreasonable to expect a greater degree of conservation to the Mill buildings in terms of retention of floor levels and internal structure and this should be put to the applicant as a potential condition of the consent.

Concern is raised over the impact of the new development to the east and west of the Mill. A strong positive in heritage terms in the approved application was the low scale and position of the new buildings each side of the Mill that allowed for views to the heritage buildings from the east, north and west. The new, higher development will block significant views.

Supermarket/Conference Centre

The new building to the east of the Flour Store is two and half storeys with a car parking below. The car park extends under the former Flour Store that will require underpinning. The floor level to the Supermarket is above ground level (it was at grade previously) and there is

a pitched roof conference facility above. The addition wraps around the front and rear of the Flour Store and, being higher than it will block views to it from the east and Edward Street. Considering the scale of the site the impact of this is not acceptable in heritage terms and removes the opportunity for the Mill buildings to be seen in total from Edward Street. The underpinning of the building has the potential to damage the walls above. We would recommend that:

- The car park layout be re-planned to avoid the requirement for underpinning the Flour Store
- The building be set back to the alignment of the east wall of the Flour Store to allow views to it from Edward Street

Housing

The housing development is set close to the west wall of the Grain Store and is 3-4 storey apartments with a retail level at the ground floor. No elevations are provided that show the relationship of the buildings with the Mill but Block B will be the element seen from Edward Street and this is three storey with an articulated façade in a contemporary design and materials.

The buildings will provide a frame to the Mill buildings and the impact on the Mill is considered to be acceptable in heritage terms.

The demolition of the Mill Hotel is being considered in the separate application and is not discussed here except to note that the building is a clear signal to the early development of the area and approval for its demolition will be dependent on a considered analysis of its significance and contribution to the local streetscape.

Staging

Staging of the works could be expected in a development of this scale. However, any staging of the works will need very careful assessment to ensure that the Mill is not left forever as an empty shell and some input from Council's solicitors may be required to ensure there is some control over this. The housing element could easily form a stand alone development that could be completed without the other works proceeding. Part of the economic attraction of the site is its scale and the remainder of the site (if the housing is completed first) would be far less viable than it is now if the remainder of the development did not proceed and the rest of the site was sold.

It would be preferable if the Mill works to be included in the first Phase of the Works and that the release of an occupation certificate be dependent on these works being completed.

The applicant should submit a comprehensive schedule of works for the conservation of the Mill buildings prior to any approval drawn up in consultation with their heritage adviser and this should form part of the development consent. The schedule should also include any necessary internal works that may prevent any deterioration of the buildings

Comment: Appropriate conditions are proposed that stipulate the reinstatement of all windows to the front elevation with timber frames, furthermore a schedule of works for internal alterations to the heritage buildings will also be subject to further approval via condition.

The extent of internal conservation is similar to previous approvals and the structure and floor levels are to be maintained where possible for practical and feasible adaptive re-use. The linking of the buildings to the new supermarket does require some internal alteration but will assist in securing the building's future.

The basement car park is required to provide adequate parking numbers across the site and therefore the flour store building will need to be underpinned. The applicant is comfortable that a structural solution will be implemented that will not result in damage to the walls above and this will need to comply with relevant BCA requirements.

The form, scope, size and location of the Supermarket / conference building was subject to a master planning process and pre-lodgement meetings with Council. An appropriate balance of old and new is achieved in the design and any amendment to its size or positioning is not considered necessary.

(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.

The concept for the redevelopment of the site has been the subject of a master planning exercise which was publicly reported to the full Council meeting and endorsed for approval. The redevelopment of the site is considered to be in the public's interest, it will be open and accessible to all to enjoy and use and remove a large empty site from the main highway.

The successful redevelopment of The Mill may lead to further investment in this precinct for other mixed uses to the benefit of the general community as the whole of the streetscape is improved.

Other Legislative Requirements

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

The following factors must be taken into account in making a determination under this section:

- (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*
- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (d) in relation to the habitat of a threatened species, population or ecological community:*
 - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*

- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*
- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

There are no identified threatened species or habitats on 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

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, heritage impacts, design and engineering solutions. Relevant officers have reviewed the application in accordance with Council's processing procedures, full comments are available on the file.

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

As the development application is for a mixed use development containing both residential and commercial components the requirements of both the s94 Contributions Plan 2006-2019 and the s94A Levy Contributions Plan are applicable. However, regulations do not allow the application of two different contributions plans to an application and accordingly only the s94 Plan has been applied. Contributions are calculated based on the number of residential units included as part of the development and total \$345,929.97

Section 64 contributions of \$207,927.65 will also be required as a result of the proposed development and the increased demands that the development will have on sewer. There will be no increase in stormwater run-off therefore no contributions will be required for stormwater.

The contributions will be secured by conditions of consent.

Other Approvals

The approval of the Roads and Maritime Services is required for all new access onto and within the highway (Edward Street).

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 DA11/0568 for Mixed Use Development comprising 2 x 4 Storey Residential Flat Buildings, 2 x Mixed Use Commercial & Residential Buildings, 12 Townhouses (Multi-Dwelling Housing), Commercial Floorspace within restored Flour Mill Building, Supermarket, Conference Space, Associated Car Parking, Landscaping & Site Clearance together with Construction of New Road & 2 Lot Subdivision on Site of Heritage Item (The Mill), 44-46 Edward St WAGGA WAGGA NSW 2650 , Lot 11 DP 748934, Lot 1 DP 605764, Lot 1 DP 229064, Lot 1 DP 217324, Lot 2 DP 217324, Lot 3 DP 217324, Lot 1 DP 415307, Lot 1 DP 972868, Lot 1 DP 111559 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/Doc. No.	Plan/Doc. Title	Prepared by	Issue	Date
DA03	Site Plan - Basement Level	Kann Finch		Sept 11
DA04	Site Plan - Ground Floor	Kann Finch		Sept 11
DA05	Site Plan - Level 1	Kann Finch		Sept 11
DA06	Site Plan - Level 2	Kann Finch		Sept 11
DA07	Site Plan - Level 3	Kann Finch		Sept 11
DA08	Site Plan - Level 4/Roof	Kann Finch		Sept 11
DA09	Residential Precinct - Ground Floor	Kann Finch		Sept 11
DA10	Residential Precinct - Level 1	Kann Finch		Sept 11
DA11	Residential Precinct - Level 2	Kann Finch		Sept 11
DA12	Residential Precinct - Level 3	Kann Finch		Sept 11
DA13	Residential Precinct - Level 4/Roof	Kann Finch		Sept 11
DA14	Residential Precinct - Level 5/Roof	Kann Finch		Sept 11
DA15	Town House 3 Bed - Plans, Sections and Elevations	Kann Finch		Sept 11
DA16	Apartments - Sections and Elevations	Kann Finch		Sept 11

DA17	Apartments - Sections and Elevations	Kann Finch		Sept 11
DA18	Apartments - Sections and Elevations	Kann Finch		Sept 11
DA19	Mill Precinct - Ground Floor	Kann Finch		Sept 11
DA20	Mill Precinct - Level 1	Kann Finch		Sept 11
DA21	Mill Precinct - Level 2	Kann Finch		Sept 11
DA22	Mill Precinct - Level 3, 4 & Roof	Kann Finch		Sept 11
DA23	Mill Precinct - North and South Elevations	Kann Finch		Sept 11
DA24	Mill Precinct - East and West Elevations	Kann Finch		Sept 11
DA25	Mill Precinct - Sections	Kann Finch		Sept 11
DA26	Mill Precinct - Sections	Kann Finch		Sept 11
DA27	Mill Precinct - North Canopy Options	Kann Finch		Sept 11
DA28	Demolition Plans	Kann Finch		Sept 11
DA29	Demolition Plans	Kann Finch		Sept 11
DA30	Demolition Elevations	Kann Finch		Sept 11
SP01A	Subdivision Plan	Kann Finch		No date
L01	Landscape Master Plan	Somewhere	A	18.8.11
L02	Landscape residential precinct	Somewhere	A	18.8.11
L03	Landscape commercial precinct	Somewhere	A	18.8.11
L04	Landscape Tenant options	Somewhere	A	18.8.11
C120 - C121	Soil and Water Management Plans	Cardno	0	No date
C103 - C108	Stormwater Drainage concept plans	Cardno	0	No date
	Statement of Environmental Effects	RPS		30.11.11
	Transport Assessment	Colston Budd Hunt & Kafes Pty Ltd		Sept 11
	Heritage Impact Statement	URBIS		August 2011
	Detailed Site Investigation	Aitken Rowe		October 2010

	Acoustic Assessment	Acoustic Logic		13.10.11
	Utility Services Review	Cardno		Sept 11
	SEPP65 Design Verification Statement	Kann Finch		Sept 11

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

3. 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.

4. Prior to the release of the Construction Certificate the applicant is to submit two (2) copies of the design details for the floor, frame, truss including frame bracing and tie down report.

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.

5. **Prior to the issue of Construction Certificate the developer must lodge a bond with Council of \$15,000 for security deposit on the kerb and gutter and footpath.**

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

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

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.

6. **Prior to the release of Construction Certificate the applicant shall provide evidence of an agreement with the owner of the land to the east regarding access arrangements to and from Lot 6 DP217324 and Lot 5 DP578759 that will enable the required junction improvements to proceed without hindering access to the site detailed above. The agreed access shall be to the satisfaction of RMS and Council.**

REASON: The development shall not hinder the existing legal access to and from an existing premises. In the interests of highway safety Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. **A Construction Management Plan to address construction activity access and parking is to be prepared to the satisfaction of the Council and Roads and Maritime Services, prior to issue of any Construction Certificate. The management plan must address, but is not limited to, the following;**

- **Construction and timing for construction of the works within the road reserve of Flinders Street and the Sturt Highway including the new signalised intersection and medians,**
- **Timing for construction of the works across the site demonstrating that works will be ongoing throughout both precincts at all times;**
- **Suitable provision being available on site for all vehicles associated with construction activity to alleviate any need to park within, or load/unload from, the surrounding public road network,**
- **Access and egress arrangements for all construction related vehicles to and from the site,**
- **Details of any special equipment to be employed;**
- **Details of the frequency and times of the vehicles, their turning paths and parking/storing arrangements;**
- **Protection of, pedestrians, vehicles and public assets,**

- Location of hoarding, Work Zone and other traffic control devices,
- Details of, and vehicular movement diagrams for, the largest vehicle to access the site to show that such vehicles can enter and leave the site in a forward direction;
- Details of the type and location of waste storage containers to show that there will be no congestion, associated with the storage and removal of such materials; and
- Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing is to be installed and maintained to effect the plan.

REASON: To ensure that the site is developed in a planned manner and that vehicle movements to and from the site operate in a safe and controlled way. Section 79c(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

8. **Prior to the issue of the first Construction Certificate, the applicant is to submit to Council Remediation Action Plans (RAPs), for the Sunicrust Site, Lot 11, DP 748934 and for the Fifes Site, Lot 1, DP 217324 . The RAPs must be endorsed by a Site Auditor and demonstrate that the sites can be remediated so that they can be used for their intended use and do not pose an unacceptable risk to human health or ecology. The reports shall be developed in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* prepared by NSW Office of Environment and Heritage and clearly identify when the works are to occur.**

REASON: It is in the public interest that remediation works are commenced and completed prior to occupation of the site. Section 79C(1)(b)(e) of the Environmental Planning and Assessment Act 1979, as amended.

9. **Prior to the issue of a Construction Certificate for the Sunicrust Site, Lot 11, DP 748934. the applicant shall submit to Council a Validation Report endorsed by a Site Auditor identifying that the objectives and actions of the RAP required under condition 8 have been achieved. The Validation Report shall be developed in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* prepared by NSW Office of Environment and Heritage.**

REASON: It is in the public interest that remediation works are commenced and completed prior to occupation of the site. Section 79C(1)(b)(e) of the Environmental Planning and Assessment Act 1979, as amended.

10. **Prior to the issue of a Construction Certificate for the Fifes Site, Lot 1, DP 217324, the applicant shall submit to Council a Validation Report endorsed by a Site Auditor identifying that the objectives and actions of the RAP required under condition 8 have been achieved. The Validation Report shall be developed in accordance with the *Guidelines for***

Consultants Reporting on Contaminated Sites prepared by NSW Office of Environment and Heritage .

REASON: It is in the public interest that remediation works are commenced and completed prior to occupation of the site. Section 79C(1)(b)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 11.A satisfactory overland flow path shall be constructed through the development for the greater catchment. Calculations detailing the design are required for approval prior to the release of the Construction Certificate.**

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.

- 12.Prior to the issue of Construction Certificate the applicant is to provide the Council with written confirmation from all relevant public utility authorities consenting to the construction of the 2 deceleration left hand lanes 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 RMS'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.

- 13.Prior to the release of construction certificate the applicant must enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The applicant is to contact the Land Use Manager for the South West Region on Ph. 02 6938 1111 for further detail. The applicant is encouraged to submit concept plans of the layout of the proposed works (as detailed in condition 31) for checking by Roads and Maritime Services 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.

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

- a) Revisions to the basement car park layout that demonstrate that vehicles entering the car park are not required to give way.**
- b) The relocation of the disabled car spaces within the basement to the western wall adjacent to the lift.**
- c) The deletion of the three car parking spaces numbered 12-14 in**

the north western corner of the Mill precinct.

- d) Trolley bays are to be provided within the car park for the control and storage of shopping trolleys.**

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.

- 15. Prior to the release of each Construction Certificate samples of the materials to be used including wall, roof and window frame finishes associated with the proposed development shall be submitted to and approved by the Director of Planning or delegate.**

REASON: It is in the interests of visual amenity and heritage conservation that the materials used are complimentary across the development and do not detract from the significance of the heritage buildings. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 16. Prior to the release of Construction Certificate a comprehensive schedule of works for the conservation of the Mill buildings shall be submitted to and approved by the Director of Planning or delegate in consultation with Council's heritage advisor.**

The schedule shall include any necessary internal works that may prevent any deterioration of the buildings and conservation and maintenance works for the Mill buildings and silos to ensure that they are adequately conserved and maintained on an ongoing basis.

REASON: It is in the public interest that the heritage items on site are both protected and preserved in a suitable manner. Section 79C(1)(b)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 17. Prior to the release of Construction Certificate:**

- a) An architectural resolution shall be undertaken to ensure there is no water penetration between the new concrete slab for the new terraced areas, south and north of the heritage buildings, and external brick walls.**
- b) An interpretation of the site's former use shall be undertaken and strategy prepared, which may include signage, displaying redundant elements (e.g. timber bins, red metal fire doors, scales) and treatment of new materials within the Mill buildings as part of its future fitout.**

The interpretation strategy shall be approved by Director of Planning or delegate and implemented as part of the approved development.

REASON: It is in the interest of heritage conservation that the heritage items on site retain their significance through appropriate conservation and management. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 18. Prior to the release of Construction Certificate full design details (including proposed operations and material samples) of the proposed security gates to the residential car park areas shall be submitted to and approved by the Director of Planning or delegate.**

REASON: It is in the interests of visual amenity and heritage conservation that the materials used are complimentary across the development and do not detract from the significance of the heritage buildings. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 19. The residential blocks shall be constructed incorporating the recommended acoustic mitigation measures identified in section 9 of the report prepared by Acoustic Logic dated 13 October 2011. Details of measures to be implemented shall be shown on the Construction Certificate Plans.**

REASON: It is in the interest of residential amenity that specified noise guidelines are met through the implementation of specified building techniques and materials. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 20. Prior to the release of Construction Certificate the consent given by Council's Notice of Determination of Development Application No. ADA07/0114 and dated 23 May 2008 must be surrendered by the submission of a document in accordance with Clause 97(1) of the Environmental Planning and Assessment Regulation 2000.**

REASON: Council is of the opinion that, having determined this Development Application by granting consent, it is not appropriate to permit the continuation of the previous consent. Section 80A(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 21. Prior to the release of the Construction Certificate, The applicant is to pay a fee of \$450.00 per street tree proposed for installation as part of this application, to Wagga Wagga City Council.**

Wagga Wagga City Council will undertake the supply and installation of containerised stock, and will maintain them for a period of 2 years following installation. Installation will occur during the next available planting season (Late Autumn to Early Spring) or at a time that Wagga Wagga Council sees fit.

Any trees installed in the road reserve by the applicant will be removed and disposed of, at the applicants cost, by Wagga Wagga City Council.

Reason: To ensure that Street trees species selected and installed are consistent with the management practices and policies implemented by Wagga Wagga City Council.

- 22. Prior to the release of Construction Certificate detailed Construction plans to include the landscape treatments identified in the landscape masterplan shall be submitted to Council for approval. Detailed plans are**

to include but not be limited to: Entry treatments, signage, tree planting, street trees, car parks, paving, shrub planting, etc.

A landscape legend shall be provided in accordance with approved landscape plans L01, L02, L03, L04 prepared by Somewhere and dated 18.8.11. The legend shall include a Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development. The legend shall not include street trees as these will be selected in accordance with the requirements of condition 21 and Council's Street Tree Strategy and Masterplan 2011.

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.

- 23. Prior to the commencement of works , an Activity Approval is required under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer / stormwater works, where that work is proposed to be carried out on public or Council owned land.**

REASON: To ensure that the activity is carried out with the relevant approvals required under the Local Government Act 1993.

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

The applicant shall submit detailed sewer layout plans including pre-treatment equipment to allow for the discharge of liquid trade waste to sewer.

You are required to check with Council's Trade Waste section on 1300 242 442 to determine if an approval is required.

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

- 25. If the work involved in the erection or demolition of a building or structure:**

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

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

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

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

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

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that application for a Hoarding Permit is made with Council's Development Services business unit.

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.

26. 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.

27. 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.

- 28. 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.

- 29. 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 and Appendix 2)**
- b) Erosion and Sediment Control Guidelines for Building Sites; and**
- c) 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.

- 30. Prior to works commencing a “No Parking” restriction shall be implemented on the southern side of Edward Street 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.

- 31. Prior to road works commencing details of the required works to be undertaken within the Sturt Highway or within the road reserve shall be designed, submitted to and approved by Council and the Roads and Maritime Services. This is required as works within the road reserve of a classified road require the RMS’s concurrence under section 138 of the Roads Act 1993.**

All works undertaken within the road reserve of the Sturt Highway shall be designed and constructed in accordance with the requirements of the Roads and Maritime Services and the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services. The works are to be completed by a licensed approved contactor and Council performing quality control checks in accordance with Council’s Engineering Guidelines for Subdivision and Developments and the requirements of the RMS.

All pavement markings shall be in accordance with AS/NZS 1742.2 and Supplements adopted by Roads and Maritime Services. In particular, section 5.5 details the set out of diagonal and chevron markings.

The detailed works to be designed within the carriageway of the Sturt Highway shall provide for the following;

- a) A signalised intersection treatment is to be provided at the intersection of the proposed eastern driveway into the subject site with the Sturt Highway.**
- b) The lane configuration within Edward Street at the signalised intersection shall provide for two (2) travel lanes in each direction, a left turn lane for west bound traffic and a Channelised Right Turn (CHR) for east bound traffic.**
- c) A continuous raised central median, with a minimum width of 1.2 metres, is to be constructed within Edward Street (the Sturt Highway) extending from its intersection with Fitzhardinge Street to the proposed signalised intersection of the Sturt Highway with the eastern driveway to the development site.**
- d) A Channelised Right Turn (CHR) treatment for vehicles turning right into Fitzhardinge Street off Edward Street is to be provided, the width of the turn lane shall be a minimum of 3.5 metres.**

- e) The existing raised central median in Edward Street running east from the traffic signals at the intersection of Baylis and Edward Streets is to be extended to the western edge of the Fitzhardinge Street carriageway to deny right turn movement between Flinders Street and Edward Street. Appropriate signage is to be installed on the median including signage to deny U-turn movement at the end of the median.
- f) All works within the carriageway shall maintain a parking lane along the northern side of Edwards Street, two (2) travel lanes in both direction along Edwards Street with a width of 3.5 metres and Channelised Right Turn (CHR) and Auxiliary Left Turn (AUL) lanes with a width of 3.5 metres.
- g) The proposed turn lanes to service the driveways to Edward Street shall be located, designed, constructed and line marked in accordance with the Austroads Guide to Road Design for the prevailing speed limit.
- h) The driveways to Edward Street shall be constructed as a roadway formation with kerb and gutter with the pedestrian footpath to ramp down onto the roadway. The ingress and egress lanes are to be separated by a raised splitter island. As a minimum the splitter island is to be a raised concrete structure extending to the intersection of the driveway with Edward Street. Associated directional marking and signage is to be installed in accordance with Australian Standards.
- i) The proposed median is to be appropriately designed, signposted and line marked to deny U-Turn movements for east and west bound vehicles along the Sturt Highway.

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.

32. Prior to works commencing in Flinders Street details of the required works to be undertaken within Flinders Street shall be designed, submitted to and approved by Council and the Roads and Maritime Services. All works undertaken within the road reserve of Flinders Street shall be designed and constructed in accordance with the requirements of the Roads and Maritime Services and the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services. The works are to be completed by a licensed approved contactor and Council performing quality control checks in accordance with Council's Engineering Guidelines for Subdivision and Developments and the requirements of the RMS.

The works within the carriageway of Flinders Street shall provide for the following;

- a) The southern and northern most driveways to Flinders Street shall have the ingress and egress lanes separated by a raised splitter island. As a minimum the splitter island is to be a raised concrete structure within the development site and painted on the driveway within the road reserve. Associated directional marking and signage is to be installed in accordance with Australian Standards.**
- b) Any access driveways to the development from Flinders Street are to be constructed so that the formed vehicle path rises to the level of the pedestrian footpath along the frontage of the site and not have the footpath step down onto the roadway.**

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.

- 33. The proposed new footpaths to Edward Street and Flinders Street shall be constructed in accordance with Council's requirements at full cost to the developer by a Council licenced approved contractor. A s138 permit is required for the works prior to the commencement of works.**

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

- 34. Prior to the commencement of works, the following measures shall have been completed to the satisfaction of the Director Planning, or delegate.**
- a) Hoardings or other protection measures shall be installed to the heritage buildings to protect external brickwork. The method of protection shall be agreed in writing prior to being fitted to the building(s).**
 - b) Protection measures shall be put in place internally where works are in the vicinity of significant fabric to be retained, such as the metal hoppers. The method of protection shall be agreed in writing prior to being fitted to the building(s).**
 - c) A site induction of all construction workers as to the significance of the heritage buildings shall be undertaken.**

REASON: It is in the public interest that the heritage items on site are both protected and preserved in a suitable manner. Section 79C(1)(b)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 35. Prior to works commencing rail sidings and timber from the bins and any other materials proposed to be reused as part of the site's interpretation (as approved under condition 17) should be appropriately stored to**

avoid any deterioration. Stored materials should be appropriately labelled, which should not be permanent (e.g. chalk instead of paint).

REASON: It is in the interest of heritage conservation that any artefacts associated with the use of the heritage item is appropriately restored and reused. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 36. Street tree removal works shall be carried out by Council or an approved contractor at full cost to the developer. Council is to be notified of any contractor prior to the commencement of works.**

Tree removal consent only applies to the proposed development application (DA11/0568). If the development (DA11/0568) is not commenced the subject street trees shall be retained on the road reserve.

The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - amenity tree industry 1998 No. 034.

Tree stump/s shall be removed below ground level and surface area reinstated to prevent potential injury. Dial before you dig shall be undertaken before the removal of tree/s stumps to prevent damage to underground services.

REASON: Because it is in the public interest that the street trees are removed in accordance with the management practices and policies implemented by Wagga Wagga City Council. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 37.A Section 68 Approval and Plumbing Permit must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.**

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 with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 38. 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,**
 - 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, and**

- 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.

- 39. 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.

- 40. Prior to works commencing approval under Section 138 of the Roads Act 1993 is required as the work involves joining onto an existing trafficable road.**

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.

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.

During works

- 41. 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.

- 42. 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 in Column 1. For the purposes of obtaining the**

Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified in Column 2.

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
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.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
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.
Drainage	When the stormwater and roof water drainage system has been completed.
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. The Applicant shall ensure that prior to or at the time of the application for Occupation Certificate that the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 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.

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

Within fourteen (14) days of completion of demolition, the applicant shall submit to Council:

- a) an asbestos clearance certificate prepared by a NATA accredited occupational hygienist; and**
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.**

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

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

NOTE: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and click on 'Find a Facility', select 'Directory', type 'asbestos' into the search box and click on 'Search'.

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.

44. If soil conditions require it:

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and**
- b) adequate provision must be made for drainage.**

NOTE 1: Retaining walls in excess of 600mm in height require Council approval under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

NOTE 2: Retaining walls which exceed 1000 mm in height must be designed 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.

45. 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.

46. 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.

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

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.

48. 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 and ensure that the stormwater from the residential precinct is kept separate from stormwater in the Mill precinct. Each shall connect to new and upgraded drainage spurs which will require a S68 application.

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.

49. 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 and ensure that the stormwater from the residential precinct is kept separate from stormwater in the Mill precinct. Each shall connect to new and upgraded drainage spurs which will require a S68 application.

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.

50. The following recommendations of the Heritage Impact Assessment shall be implemented:-

- a) A 2m long x 2 m high portion of the timber bins walling shall be reconstructed in the foyer of the Mill building, to illustrate the construction technique and use of this structure as part of the Mill operations.
- b) All timber windows that are to be kept shall be retained as is and repaired or, if in very poor condition, should be replaced in timber.
- c) External face brickwork shall not be painted or rendered. Where it is already painted on the west elevation of the Grain Store, it should remain “as is” to illustrate the site’s changes.
- d) The painted signage of the Mill along the north and south elevations should remain “as is”, which shows a patina of time. Where new windows are introduced or former windows are reinstated, painting of words on new glazing should continue the same pattern, and utilise a lighter shade to complement the existing tones (do not paint in bright white).
- e) Existing downpipes that diagonally transverse the heritage buildings shall be altered to be vertical.
- f) Relevant conservation works shall be undertaken over time, such as removal of concrete mortar and damp- proof courses.

REASON: It is in the interest of heritage conservation that the heritage items on site retain their significance through appropriate conservation and management. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

51. A survey report is to be supplied to the Principal Certifying Authority from a registered land surveyor prior to works proceeding beyond the footings stage to confirm all buildings are located within the property boundaries and at the approved distances.

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.

52. 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.

53. In the event that any Aboriginal site is found in an area affected by works, work will immediately cease and the applicant will contact the Department of Environment Climate Change and Water. Any works which may result in destruction or damage to known Aboriginal sites will require a Consent to Destroy from the Department of Environment

Climate Change and Water in accordance with Section 90 of the National Parks & Wildlife Act 1974.

REASON: To ensure that Aboriginal sites are protected. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 54.If historical archaeological remains are discovered during site works, works should immediately cease and the Heritage Branch of the NSW Department of Planning should be contacted for further advice, as required under Section 139 of the Heritage Act 1977.**

REASON: To ensure that archaeological sites are protected. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 55.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

- 56.Pursuant to s94 of the *Environmental Planning and Assessment Act 1979*, and the City of Wagga Wagga Section 94 Contributions Plan 2006-2019, prior to the release of the Plan of Subdivision, the applicant must pay to Council a monetary contribution of \$345,929.97 towards the cost of Contributions Plan preparation and management, Civic, Community and Cultural - Future, Civic, Community and Cultural - Recoupment, Roads and Traffic Management - Future, Open Space and Recreation - Recoupment, Open Space and Recreation - Future (without land and dedication), Open Space and Recreation - Future (with land dedication) to meet the development. The amount payable under this condition must be indexed in accordance with Clause 2.12 of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019. A copy of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.**

REASON: Having considered the development in accordance with Section 94 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.

- 57.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 release of Plan of Subdivision 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 Subdivision Certificate stage.

DSP Sewer contribution: \$207,927.65

DSP Stormwater contribution: Nil

NOTE: The total Section 64 contribution required is \$207,927.65.

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).

- 58. 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.

- 59. The final Survey Plan must show the creation and registration of a right of way over Lot 1 in favour of Lot 2 for access purposes and a right of way over Lot 2 in favour of Lot 1 for access and parking purposes as detailed on the Subdivision Plan referenced SP01A prepared by Kann Finch.**

REASON: It is in the public interest that the easement or right referred to in the condition must be obtained in order to enable the development to be carried out. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 60. The final Survey Plan must show a legal Right of Way in favour of the land parcels to the east of the subject site (Lot 6 DP217324, Lots 4 and 5 DP578759, Lots 2 and 3 DP528007, Lot 1 DP867639 and Lot X DP380880) created over the subject site to provide unrestricted vehicular access to the proposed signalised intersection. This legal entitlement for access shall be a minimum width of 12 metres and extend the full length of the eastern boundary of the subject development site.**

REASON: It is in the public interest that the easement or right referred to in the condition must be obtained in order to enable the development to be

carried out. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

61. The requirements of other public utility authorities, being Essential Energy, APA 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

62. 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.

63. 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.

64. Prior to the release of Occupation Certificate a report shall be prepared and endorsed by a suitably qualified acoustic engineer demonstrating that all Mechanical plant and equipment to be used within the development complies with the acoustic criteria laid out within the acoustic assessment prepared by Acoustic Logic dated 13 October 2011.

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.

65. Prior to the release of Occupation Certificate the following acoustic mitigation measures shall be in place:

- (i) a 1.8 metre high acoustic boundary fence along the southern boundary, constructed of colorbond, lapped and capped timber, or acoustic equivalent. Any gaps between panels are to be sealed airtight and there is to be no gap at the bottom.**
- (ii) Neoprene rubber buffers on the vertical face of the loading dock where vehicles park to absorb potential impacts.**

These acoustic measures shall remain in place at all times.

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.

- 66. Prior to the release of the first Occupation Certificate, the remediation works approved under conditions 8 and the heritage works required under conditions 16, 17, 34 and 35 shall be completed to the satisfaction of Council.**

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.

- 67. Prior to the release of the first Occupation Certificate, the required road and traffic signal works including the medians and all relevant signage on Edward Street (as detailed in condition 31) are to be fully constructed and operational to the satisfaction of Roads and Maritime Services. Evidence of satisfaction of RMS requirements shall be provided to Council.**

REASON: It is in the public interest that works are completed in accordance with RMS requirements and to ensure safe vehicle movements to and from the development. Section 79C(1)(b)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 68. Prior to the release of Occupation Certificate the following measures shall be in place to ensure the safe internal operation of the site:**

- a) Appropriate directional signage and line marking is to be installed and maintained throughout the subject site to provide for ease of navigation for drivers through the finished complex.**
- b) The carpark is to be designated as a Pedestrian Share Zone and appropriately signposted. Entrance treatments to delineate the pedestrian shared zone and limit the speed of vehicles accessing the site are to be provided within the driveways from the Sturt Highway and Flinders Street to the satisfaction of the Council.**
- c) 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.**

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.

- 69. Prior to the release of each Occupation Certificate a Waste Removal Management Plan, shall be submitted to and approved by the Director of Planning or delegate, for the efficient use and management of the service areas. The service areas shall provide appropriate refuse facilities for each of the tenants within the complex. The Waste Removal**

Management Plan shall include, but not necessarily be limited to, the following:

- a) The type, purpose and placement of garbage receptacles;**
- b) Details of any special equipment to be employed;**
- c) Details of the frequency and times of collection, their turning paths and collection arrangements to show that such vehicles can enter and leave the site in a forward direction;**
- d) Details of the type and location of waste storage containers to show that there will be no congestion, legal or safety issues associated with the storage and removal of such materials. Note that refuse receptacles are to be only stored within the service and garbage areas identified on the submitted plans;**
- e) Details of what method will be used to ensure that the plan is adhered to.**

REASON: To ensure that all waste can be safely collected from site without causing conflict with other site users. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

70. Prior to the release of Occupation Certificate the applicant shall submit a residential parking management plan that identifies how secure parking is to be provided to the residents as well as spaces being available for shared use by commercial space users and visitors.

REASON: To ensure that adequate parking is available on site for all users and that secure permanent parking is also available for residents. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

71. 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.

- 72. 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.**

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

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

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.

- 73.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.

- 74. 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.

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

REASON: To ensure the development complies with the requirements imposed under Clause 97A of the *Environmental Planning and Assessment*

Regulations 2000, as amended, and Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

76. The approved supermarket use must only be conducted

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

The operational hours of all other tenancies including the conference centre will be determined when the development applications for their use is assessed.

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.

77. 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 10.00pm.
- c) on Sundays between the hours of 8.00 am and 8.00 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.

78. 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.

79. No signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without Council’s prior consent. All applications for signage will be subject to assessment against heritage provisions.

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.

80. The advertising signage must be designed and located, such that it complies with the provisions of State Environmental Planning Policy (SEPP) No. 64 - Advertising and Signage, and the Department of

Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).

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.

81. All covered outside areas that permit smoking must comply with the Smoke - Free Environment Act 2000 and Smoke Free Environment (Enclosed Places) Regulations 2006.

REASON: It is in the public interest that such areas comply with the provisions of relevant legislation. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

82. The Applicant is to ensure that should asbestos material be found, that it is handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover.

NOTE: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

REASON: It is in the public interest that water quality be to appropriate standards. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 83. All building waste is to be removed from the site to a licenced waste management facility. No builders waste/rubbish is to be buried or burnt on site.**

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.

- 84. Footpath realignment and reconstruction will occur in conjunction with the construction of the left hand deceleration lanes at full cost to the developer. The design and construction of works relating to traffic movement within private land and the Road Reserves proposed in relation to this development and those required by the conditions of consent are to be at the developers cost. All works shall be carried out by an approved contractor in accordance with Council's Engineering Guidelines for Subdivision and Development.**

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

- 85. The secondary vehicular access off Edward Street to the subject site is to be left in and left out only. Vehicles accessing the subject site via the western driveway from the Sturt Highway shall have right of way into the carpark over the east west aisle within the carpark to minimise the potential for vehicles queuing to enter the site. This arrangement shall be appropriately line marked and 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.

- 86. 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.

- 87. All vehicle access driveways, and the internal layout of the development, shall be designed such that all vehicles are able to enter and exit the subject site in a forward direction and not be required to reverse onto**

the footway or roadway. The swept path of the largest vehicles (19 metres) 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.

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.

88.All activities including, loading and unloading associated with this development are to take place within the subject development site to remove interference with vehicles and pedestrian movement on public roads. Appropriate loading/unloading facilities are to be provided on site to service of all tenancies.

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.

89.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.

90.A development application will be required for the occupation of the supermarket, conference centre and each tenancy within the adapted heritage buildings and any subsequent change of tenancy.

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

91.All works associated with the proposed development shall be at no cost to the RMS or Council.

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.

92.No B-Doubles are permitted to enter the site for any purpose.

REASON: It is in the interests of highway safety that the site operates within the limitations for which it was designed. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

93.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).

- a) 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.

94. A minimum of 425 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.

95. 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.