

## 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), 44-94 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 Landscape Architects	A	18.8.11
L02	Landscape residential precinct	Somewhere Landscape Architects	A	18.8.11
L03	Landscape commercial precinct	Somewhere Landscape Architects	A	18.8.11
L04	Landscape Tenant options	Somewhere Landscape Architects	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 15.3.12

	<b>Utility Services Review</b>	<b>Cardno</b>		<b>Sept 11</b>
	<b>SEPP65 Design Verification Statement</b>	<b>Kann Finch</b>		<b>Sept 11</b>

**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.**

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 the first 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. **(New wording) Prior to the release of any Construction Certificate the applicant shall identify via the creation of a written report (prepared by a suitably qualified hydraulic engineer) if any part of the subject site provides for an overland flow path for the greater catchment. Should this be the case the finished design levels shall accommodate the existing flows from the upstream catchment and the anticipated peak flow discharges and peak flow levels to the satisfaction of Council.**

**(Delete) 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 any Construction Certificate for the areas to which the following details relate, 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 relating to new and/or converted buildings, 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 for any heritage building on the site:**
- 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 any Construction Certificate relating to the residential accommodation blocks, 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 the first 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 first 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 each Construction Certificate that includes a landscaped area, 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 pretreatment 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**

contractor 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 contractor 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 any works commencing within the road reserve, 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. If Council is appointed as the Principal Certifying Authority 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.**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Footings</b>	<b>When the footings have been excavated and all steel reinforcement has been placed in position.</b>
<b>Slab</b>	<b>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.</b>
<b>Wall frame</b>	<b>When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.</b>
<b>Roof frame</b>	<b>When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.</b>
<b>Wet areas</b>	<b>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.</b>
<b>Drainage</b>	<b>When the stormwater and roof water drainage system has been completed.</b>
<b>Final</b>	<b>Required prior to occupation of the building</b>

**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](http://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 permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. The applicant must take all reasonable steps to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.**

**(delete)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 with 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 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.

- 59. 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 sufficient to allow for the safe movement of all vehicles to the traffic signalised junction and extend the full length of the eastern boundary of the subject development site. Council will review the details of the required Right of Way to ensure that unrestricted vehicular access to the proposed signalised intersection has been satisfactorily provided as part of the release of the subdivision certificate.**

**(delete)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.

- 60. 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**

- 61. The applicant must register the final plan of subdivision with the Lands and Titles Office prior to the issue of any occupation certificate for the development. To satisfy this condition the applicant must obtain a Subdivision Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from Council.**

**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.

- 62. Prior to the issue of the relevant and applicable occupation certificate(s) 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 the relevant and applicable Occupation Certificate(s), 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 the relevant and applicable Occupation Certificate(s), 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 15 March 2012.**



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 the relevant and applicable Occupation Certificate(s), 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 the relevant and applicable Occupation Certificate(s), 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.

**76. Prior to the occupation of the supermarket building, the applicant shall provide details for the management of trolleys within and around the site to ensure that they are returned to the dedicated trolley bays on site after their use. The management system shall be to the satisfaction of the Director of Planning or their delegate.**

**NOTE: Consideration should be given to coin operated trolley return systems, or similar, as a mechanism to satisfy this condition.**

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

#### **General**

**77. 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.

- 78. Deliveries to the site and the use of the loading bays and service areas for the supermarket are permitted 24 hours per day for a period of six months starting from the date of the release of the relevant and applicable Occupation Certificate.**

Within six months a modification application will be required to be submitted to Council by the applicant to enable Council to review the operations and take into consideration any complaints that may have been received as a result of delivery operations ~~received in relation to noise~~ generated from the loading dock area during the 6 month trial period. If no modification application is received the hours of operation of the loading bays and service areas will become the same as those for the other retail areas/as outlined below.

**Deliveries to the site and the use of the loading bays and service areas for the retail 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.

- 79. 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.

- 80. 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.

**81. 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.

**82. 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.

**83. 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.

**84. 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.

**85. 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.

**86. 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.

**87. 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.

- 88. 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.

- 89. 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.

- 90. 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.

- 91. 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*.

- 92. 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.

- 93. 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.



**94. 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.

**95. 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.

**96. Notwithstanding the requirements of condition 65, the treatment of the southern boundary to the site shall be uniform in height, appearance and materials and be retained as such at all times.**

REASON: In the interest of visual amenity and to ensure a satisfactory development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

**97. 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.