

**JOINT REGIONAL PLANNING PANEL
(Southern Region)**

JRPP No	2012STH020
DA Number	DA12/0347
Local Government Area	Wagga Wagga
Proposed Development	Two Storey Extension to Existing Shopping Centre to Accommodate New & Reconfigured Retail Floorspace, Commercial Floorspace, Basement Car Park, Loading Area & Signage. New Access Arrangements to Dalman Parkway, Extension & Reconfiguration to Existing Surface Car Park & Associated Landscaping
Street Address	1 Tanda PI GLENFIELD PARK NSW 2650 Lot 37 DP 1004168
Applicant/Owner	Applicant: APS NSW Pty Ltd Owner: Southcity Shopping Pty Ltd
Number of Submissions	Four(4)
Recommendation	Approval with Conditions
Report by	Amanda Gray Senior Town Planner

Assessment Report and Recommendation

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to the Joint Regional Planning Panel pursuant to Clause 20 Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Part 3 of Schedule 4A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) as the proposed development has a capital investment value exceeding \$20 million.

DESCRIPTION OF DEVELOPMENT

The application is for the expansion of an existing shopping centre known as Southcity. The shopping centre is located within Glenfield Park, one of the neighbourhood suburbs of Wagga Wagga. The expansion will extend to the east of the existing centre across two levels towards Pinaroo Drive.

The development consists of demolition, new retail floorspace, reconfigured floorspace, offices, associated car parking, changes to access arrangements, landscaping and signage.

More specifically the development can be broken down as follows:

- ☐ One new discount department store of 5,276sq.m with Target as the anchor tenant. The proposed store is to be built above a 181 space car park resulting in a two storey building.
- ☐ An additional 503sq.m of mini-major floor area to accommodate one additional store.
- ☐ Reconfiguration of the shopping centre to face south as opposed to the existing orientation to the east resulting in new entrance features, canopy and turrets.
- ☐ Additional 1679sq.m of speciality stores to allow for 14 new stores ranging in size from 46sq.m to 209sq.m.
- ☐ Internal reconfiguration of the existing speciality stores and kiosks.
- ☐ Addition of lifts, travelators, toilet and amenity areas within the centre.
- ☐ Single storey office premises fronting Pinaroo Drive with a floor area of 494sq.m
- ☐ New designated ingress and egress points to and from the proposed new undercroft car park from Tanda Place.
- ☐ New loading and servicing area fronting onto Tanda Place.
- ☐ Closure of existing entry/exit from Pinaroo Drive.
- ☐ New ingress only point from Dalman Parkway into the site adjacent to existing entry/exit point which will be amended to an exit only.
- ☐ Additional exit only point onto Dalman Parkway from the undercroft car park area, closer towards Pinaroo Drive.
- ☐ Associated roadwork improvements to Dalman Parkway to include a channelised right turn into the centre.
- ☐ Increased car parking numbers across the site to provide a total of 731 spaces.

- ☐ Pedestrian linkages through the site.
- ☐ Associated landscaping throughout the site.
- ☐ New pedestrian access to the west linking to existing footpath.
- ☐ Signage on the existing and extended parts of the building.
- ☐ Partial demolition of parts of the existing building.

THE SITE & LOCALITY

The subject site is located on the northern side of Dalman Parkway to the west of the junction with Pinaroo Drive. The site is legally identified as Lot 37 DP1004168 and is known as Southcity shopping centre.



The site consists of one large retail mall and an open surface car park plus an undeveloped site area of approximately 1.5ha to the south of the building. The centre includes one supermarket (Coles), one mini-major store (Reject Shop) and a number of speciality stores. There is one central entrance into the centre although the Reject Shop is accessed independently and a number of the speciality stores also have a frontage and entrance facing towards the car park. Loading and delivery to the site is via side and rear loading docks that are accessed via Tanda Place. The building currently faces towards the east with the main entrance being on the elevation facing Pinaroo Drive.

There are two undeveloped “pad” sites fronting Pinaroo Drive on either side of the entrance driveway. The two sites were identified as part of the original application for Southcity for uses such as a petrol station or a fast food restaurant but to date no further applications have been received for any such uses. Development across this area is proposed as part of the development.

The site is bounded to the north by a mix of uses including a community centre, a medical centre and an Aldi supermarket. There is also a children’s play park and large recreational oval sited to the north. Development consent exists to construct a church on a vacant lot of land adjacent to the Aldi store.

There are residential properties to the east, south and west. Directly adjoining the site to the west is a footpath that links residential streets to the recreational ground to the north. There is a scout hall directly adjacent to the site’s entrance off Dalman Parkway.

An easement runs parallel to Dalman Parkway beneath existing electricity power lines. The easement varies in width from 30-45 metres and no structures or roadworks are permitted within this area.

The site is generally level, with a fall from the existing building east towards Pinaroo Drive.

DEVELOPMENT APPLICATION HISTORY

The site was originally approved for commercial purposes in 2003. A recent application to expand the centre was approved in 2010 for the following works:

1. A 1300 sq.m extension to the existing Coles supermarket.
2. The erection of a new ‘mini-major’ superstore, with a floorspace of 660 sq.m
3. Extensions to the existing Southcity retail floorspace by 280 sq.m
4. Modifications to the existing loading and unloading facilities.
5. Revised layout and extension to the car park to provide an additional 185 spaces
6. New vehicular access (ingress and egress) to Dalman Parkway
7. Associated landscaping works across the site.

All of the above works have been completed and the extended centre is fully operational.

Prelodgement Meetings

A number of meetings were held prior to the lodgement of the application. The discussions focused around the principle of the expansion to the centre, the bulk of the building, the location of the building, delivery arrangements and access. The discussions assisted in informing the detailed documents that were required to support the development application.

SUMMARY OF MAIN ISSUES

Whilst the proposed development is permissible in the B2 zone, issues to be examined include consistency with zone objectives; extent of additional retail space being provided outside of the commercial core and associated economic impacts; design of two storey building; impact on Tanda Place; traffic, parking and access issues; signage.

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 Local Centre (B2). The objectives of this zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling*

There has been a large area of land zoned for business purposes at Southcity for a number of years, the site has developed over the last 10 years providing services for the growing residential neighbourhood. With such a large area of land zoned for B2 uses, expansion is to be expected, however any expansion must demonstrate compliance with the objectives of the zone.

The first objective is *to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

The proposed expansion of Southcity will increase the range of retail and business uses that are currently available. The scale of the development is significant for a local centre and will result in the overall floor area for Southcity doubling in size from 6940sq.m to 16580sq.m.gross floor area.

An economic report prepared in support of the application identifies a primary trade area (PTA) for Southcity with a radius of 3km from the centre, this PTA is where the majority (55%) of trade is anticipated to be drawn from. The PTA does not include the CBD. The secondary trade area identified for the expanded Southcity extends to the Sturt Highway but does also not include the CBD, a further 30% of trade is anticipated to be drawn from this area which has a radius of approximately 10km. The tertiary trade area includes land to the north of the Sturt Highway as well as extending to areas outside of the LGA. It is anticipated that 12% of turnover for Southcity will be derived from this area. By comparison the PTA for the CBD is

identified as having a radius of approximately 25km and includes all of the neighbouring suburbs around Wagga Wagga. The secondary trade area for the main centre of Wagga Wagga would be towns from outside the LGA such as Temora, Coolamon and Narrandera.

When the primary trade area for Southcity is examined in comparison to the commercial core area that is zoned as B3 it is clearly demonstrated that the goods and services being offered are to serve those that live, work and visit the local area. Within the extended centre the primary offering remains as retail and does not include the commercial and administrative functions characteristic within the commercial core.

As 'local area' is not numerically defined it is impossible to state compliance however by questioning whether the draw to Southcity will be comparable to the commercial core the answer would be no. Southcity needs to be viewed as the whole shopping centre, not just as a Target store, and whilst undoubtedly some visitors will be to Target equally others will travel specifically to visit other stores such as Aldi or to visit the Medical Practice. The centre is correctly defined as a Local Centre and will serve those who live, work and visit the local area. Accordingly the proposed development is considered to be consistent with the first objective of the zone.

The second objective is to *encourage employment opportunities in accessible locations*.

The introduction of a new DDS and additional speciality stores will create a significant number of new jobs. It has been estimated that a total of 273 full time and part time jobs will be created as a result of the expansion. The retail sector is Wagga Wagga's largest employment sector (13.6%) and such an increase in employment numbers would have a positive impact on maintaining the strength of this section of the economy.

Southcity is considered to be a very accessible location as it is easily accessed by foot, bicycle, bus and car.

The routes to and from Southcity by foot will be significantly improved as a result of the development application. A new footpath entrance from the west is to be created enabling a direct route from the existing footpath that traverses the length of the site and links in to many of the adjacent residential cul-de-sacs. Existing pedestrian footpaths that run along Dalman Parkway and Pinaroo Drive will continue to have direct links into the centre via marked footpaths. A pedestrian entrance will also be clearly defined from Tanda Place leading to travelators and lifts into the centre.

Southcity and the wider neighbourhood of Glenfield Park is served by two regular bus routes throughout the day. There is a bus stop on Pinaroo Drive which will link directly to a new footpath into the centre as part of the redevelopment. There is a bicycle lane along Dalman Parkway providing a safe route for bicycles to and from the centre. This lane is to be relocated into the road reserve area as part of the proposed roadworks to Dalman Parkway, the resulting shared bike and pedestrian route will provide a safer route for cyclists. Secure bicycle parking is to be provided on site.

Vehicles can travel to Southcity from a number of different directions and routes including from Fernleigh Road to the north and from Red Hill Road to the south. As there are a number of different routes to and from Southcity it is considered to be easily accessible and an attractive destination for employment opportunities.

Based on the above the development is considered to be consistent with the second objective of the B2 zone.

The third objective is to maximise public transport patronage and encourage walking and cycling

As referred to above the Southcity shopping centre is in a very accessible location and can easily be accessed by bus, bicycle and foot.

The design of the redeveloped centre introduces pedestrian entry points on three out of the four elevations which is seen to encourage walking to and from the site.

By providing a range of shops to serve those who live and work in the local area the ability to walk to the centre knowing that the goods required are available is a positive factor in the redevelopment proposal. As bicycle parking is to be provided on site cycling is further encouraged as a safe mode of transport.

The objective is not to reduce reliance on the car as has been stated in one of the submissions but to encourage the use of other forms of transport. As the centre is well served by bus, cycle and pedestrian routes the third objective is deemed to have been satisfied.

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

The LEP Practice note issued by the Department of Planning (PN11 - 002) identifies a B2 zone as having a mix of uses and being an appropriate zone for most local and town centres across NSW. The B2 zone at Southcity does include a mix of uses and is therefore consistent with the advice in the practice note and appropriate for a local centre.

In terms of the definition of the proposed land uses, there is a mix of retail premises and office premises. The definitions of these land uses are defined in the Standard Instrument as follows:

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),

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.

Under the B2 land use table of the Wagga Wagga Local Environmental Plan 2010 the proposed uses both fall within the commercial premises group heading which is listed as permissible with consent.

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 10 metres. The building varies in height and this is further impacted by changes in ground level across the site. There are small sections of the existing centre (that are not affected by the Development Application) that extend above 10 metres however none of the proposed additions will exceed the height limit that has been included in the WWLEP 2010. When viewed from Dalman Parkway the frontage will vary from 6.5 metres to 8.5 metres in height with two feature turrets on either side of the entrance into the centre which will be 10 metres in height. When the additions are viewed from Pinaroo Drive the range of heights of the additions is from 5.5 to 9 metres and from Tanda Place 6 to 9.5 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 development is not considered to be within the city centre area however it will contribute to the vitality of the city's economy by providing additional commercial floorspace within a local centre that currently includes a mix of land uses.

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

The existing buildings on site are a dominant feature in the streetscape as they are at a raised level and have greater bulk, mass and scale than surrounding residential properties. The new centre will also be a dominant building with an increased bulk, mass and scale, however the positioning of the building within the site and the design of the building will assist in minimising the impact. The new centre will dominate the streetscape from both Pinaroo Drive and Tanda Place however this has been minimised by the inclusion of single storey office premises that step down in bulk and scale from the two storey element of the car park and Target. The single storey will present to the corner of Tanda Place and Pinaroo Drive and have a height comparable with the adjacent Aldi store and the residential properties opposite. The use of a mix of materials will further assist in reducing the dominance of the building.

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

There is no residential development included in the application. The design of the development has addressed the importance of active street frontages.

(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.

As detailed above the bulk of the building is set back within the site and will therefore not impact on the amenity of the neighbouring properties. The closest residential dwellings are those on Pinaroo Drive which will be impacted in terms of visual amenity as the shopping centre will be a lot closer than at present. However given that the design of the building has resulted in a building that steps down there is no risk of any loss of natural light or privacy to the existing dwellings. Shadow diagrams have been provided in support of the development, the diagrams show that during the winter at 3pm there will be a shadow cast across part of Pinaroo Drive but not to any of the dwellings. The main area of public domain is along the southern elevation of the building beneath the entrance canopy, the layout of the site also allows adequate amounts of natural light into the centre.

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 1:1. 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 0.33:1.

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 development will contribute to economic growth through investment and employment opportunities.

(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 bulk and scale of the development has been carefully designed with the highest parts of the building set back within the site to minimise the impact on the streetscape. Active frontages are created to both Pinaroo Drive and Tanda Place and the overall character of the area is not adversely affected as the site remains as a local shopping centre with one large building on site.

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

7.1A Earthworks

Under this clause 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 will require part of the site to be excavated to enable the development of the undercroft car park on the eastern side of the site. The maximum depth of excavation will be 3 metres. Material removed for the car park is intended to be used to create a retaining wall on the western boundary of the site adjacent to the car park, the wall will be between 600mm and 1 metre in height. Any unused excavated material will be removed from site. Drainage and soil stability will not be affected by the excavation works and the quality of fill is expected to be suitable to be reused elsewhere on site.

A degree of cut and fill is proposed across the car park to ensure that appropriate levels are achieved and links in and out of the undercroft car park have sufficient clearance. As a significant amount of grading work has occurred on site during previous stages of development at Southcity the proposed works are considered to be a continuation of the site's development that will not impact on the future redevelopment of the site. Furthermore the changes to ground levels required are not considered to have a significant impact on the existing and likely amenity of surrounding properties. The site does already slope down from west to east towards Pinaroo Drive and the proposed works benefit from the natural slope and minimise the need for extensive excavation of the ground.

The development is considered to be consistent with the requirements of this clause.

7.3 Environmentally sensitive land-biodiversity

A very small part of the site is identified as "Sensitive Area - Biodiversity" on the WWLEP natural resources map and therefore clause 7.3 is applicable. The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including:

- (a) protecting biological diversity of native flora and fauna, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the recovery of threatened species, communities or populations and their habitats.

It is not clear from the mapping whether the identified sensitive land may reference land outside of the site. As the site is developed and largely covered in hard standing there will be no loss of native flora or fauna on site. The proposal is therefore in keeping with the objectives of this clause.

7.6 Environmentally sensitive land - groundwater

All of the site is identified as “Sensitive Area - Groundwater” on the WWLEP natural resources map and therefore clause 7.6 is applicable. The objectives of this clause are *to protect and preserve groundwater sources*.

Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development:

- a) is unlikely to adversely impact on existing groundwater sources, and
- b) is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and
- c) is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.

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. All stormwater generated 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 20 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.

The proposed development has a capital investment value of \$29.4 million.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 Traffic Generating Development

Schedule 3 of SEPP Infrastructure 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 retail floor space (any developments above 2000sq.m) and the proposed number of parking spaces (200 or more spaces) trigger the proposed development to fall under this clause and must therefore be referred to the Roads and Maritime Service (RMS). Accordingly a Traffic Report has been prepared to assess the likely impacts of the development on both the local and wider road network, the details of which have been provided to RMS.

Clause 104 states that before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to the RTA within 7 days after the application is made, and

(b) take into consideration:

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

There are no objections raised in relation to the development by RMS, their full comments are reviewed in more detail under Section (d) of the report. In consultation with Council's traffic engineer RMS have recommended a number of conditions of consent. Conditions relate to the importance of moving vehicles off of the road into the expanded shopping centre in as safe an environment as possible.

In compliance with Clause 104 of the SEPP the development will be assessed with regard to the impact of the development on accessibility including the potential to minimise the need to travel by car and the potential traffic safety, road congestion or parking implications. 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.

At the time of the original Development Application for Southcity (2003) a limited Environmental Site Assessment was prepared. The findings of the report were that there was no evidence of contamination on the subject site and no identified concentrations of metals that exceeded relevant levels. Since that date the site has developed as a shopping centre and no other land uses have been operational that may impact on the original findings.

The land is not identified on Councils register of contaminated sites, accordingly it is not considered necessary to request any investigation reports on the subject site. The relevant clause of the SEPP has been addressed and the development is considered to be compliant.

State Environmental Planning Policy No. 64 Advertising and Signage

There is signage proposed as part of this development. The applicant has provided a summary assessment of the provisions of SEPP 64. A review of the signs against the criteria contained in Schedule 1 of SEPP 64 is detailed below.

The SEPP provides a series of objectives and assessment criteria against which signage must be assessed, with consent only to be granted if the development is consistent with these. This assessment is as follows:

3 Aims, objectives etc

(1) This Policy aims:

(a) to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish,

TABLE - SEPP 64

<u>Schedule 1- Assessment criteria</u>	Council Assessment
1 Character of the area	
<ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? 	Yes the signs are contained wholly within the B2 zoned area the character of which is dominated by the Southcity shopping centre.
<ul style="list-style-type: none"> • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	Yes - all business identification signs are being updated as part of the redevelopment. Signage panels of a uniform size have been included for future tenancies.
2 Special areas	
<ul style="list-style-type: none"> • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	There are no environmental sensitive areas in the locality that will be impacted by the proposed signs
3 Views and vistas	
<ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? 	No - the new building with signs will not compromise any important views from surrounding areas.

• Does the proposal dominate the skyline and reduce the quality of vistas?	No- the proposed signage strategy will have minimal additional impact on surrounding areas when compared with the existing development on the site.
• Does the proposal respect the viewing rights of other advertisers?	There are no other signs that will be hindered by the proposed new signs. An existing pylon sign on site is greater in height than any of the proposed signs and is to be retained.
4 Streetscape, setting or landscape	
• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes - The size of the signs are consistent with the size of the building
• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs will contribute to the streetscape by breaking up the mass of the new Southcity building.
• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Existing signage on site is to be relocated where necessary to ensure consistency across the development
• Does the proposal screen unsightliness?	No
• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the highest point of the building is 10 metres and none of the signs exceed this height. The existing pylon sign will remain as the highest feature.
• Does the proposal require ongoing vegetation management?	No all signs are on the building
5 Site and building	
• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes
• Does the proposal respect important features of the site or building, or both?	The proposed signs are integrated into the design of the building
• Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No - all of the signs are of a standard corporate design and colour which is acceptable in this location.
6 Associated devices and logos with advertisements and advertising structures	
• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No additional support is required for any of the signs
7 Illumination	
• Would illumination result in unacceptable glare?	No the signs will be backlit with minimum glare.

• Would illumination affect safety for pedestrians, vehicles or aircraft?	No
• Would illumination detract from the amenity of any residence or other form of accommodation?	No
• Can the intensity of the illumination be adjusted, if necessary?	Yes
• Is the illumination subject to a curfew?	Yes, illuminated signs will be required to be switched off when trading ceases at the shopping centre.
8 Safety	
• Would the proposal reduce the safety for any public road?	No
• Would the proposal reduce the safety for pedestrians or bicyclists?	No
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

The new signs proposed at the expanded Southcity will all be fitted onto the walls of the new extended building, there are no new pylon signs. As the building has a considerable mass and bulk it follows that signs on such an elevation will also be large. Notwithstanding the above, the signs are appropriate within the context of the new building and do not detract from the character of the area.

Based on the above assessment, it is considered that the proposed signs at the expanded shopping centre are consistent with the objectives of SEPP 64 and the assessment criteria in Schedule 1 and therefore the proposal is consistent with Clause 8 of SEPP 64 which states that:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

There are no other provisions of SEPP 64 relevant to this application.

**(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 of general provisions relating to car parking, landscaping and site design as well as more specific clauses on business zone development.

Clause 2.1 Site Analysis

A site analysis plan has been lodged with the application in accordance with the requirements of the DCP. The plan identifies the relationship with surrounding land uses, pedestrian and vehicle access routes to and from the site and future development opportunities. The urban design exercise that was carried out to inform the details of the application contains a variety of analysis plans of the surrounding area at different scales as well as alternative options for the redevelopment of the site.

An important point that is noted in the site analysis plans is that the two 'pad' sites that currently front onto Pinaroo Drive were originally identified for a petrol filling station and a fast food restaurant/take-away. If these original concepts were pursued they would both be likely to attract significant vehicle movements in and out of the area in a less planned manner than the current proposal. The visual impact of such developments would also have the potential to have a detrimental impact in the locality.

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.

There is no access from an arterial road, the new access arrangements proposed on site result in a choice of entry and exit points to the benefit of those visiting the site and also for other users of the local road network.

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 report has been prepared that examines the traffic implications of the proposed expansion to Southcity. The report identifies existing site conditions and identifies the impacts of an expanded centre on parking, vehicle movements and queues. The traffic report concludes that a channelised right turn is required on Dalman Parkway to prevent vehicles backing up behind cars turning right into Southcity. All other intersections will continue to operate at a satisfactory level. A full assessment of traffic related matters is included in section (b) of 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. From Dalman Parkway there is an entry only point into the site and two exit only points. From Tanda Place there are dedicated entry and exit lanes to and from the undercroft car-park. Swept path diagrams have demonstrated that all delivery vehicles are also able to enter and leave the loading and service area in a forward direction.

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 an existing dedicated loading area to the rear (west) of the building which will remain to serve the mini-major stores and some of the speciality stores. There is also a dedicated loading area on the north of the building that is used exclusively by Coles which will remain unchanged.

A new loading area is proposed to the north of the extended part of the centre which will front onto Tanda Place. The loading dock will primarily serve Target with capacity to accommodate deliveries to other speciality stores. Garbage collection will also occur from within this service area.

The layout is considered acceptable as the three separate dock areas will allow loading to be split across the site. Recommended conditions of consent will ensure that all loading does occur on site and will also limit the hours of deliveries and garbage collection. The hours of deliveries proposed will be the same as those previously approved at the adjacent Aldi store (6am-10pm).

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 into the site are not opposite T-intersections or within 7m of a break in a median strip or intersection.

C6 Ensure adequate sight lines for proposed driveways.

Dalman Parkway 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.

The layout of the parking spaces throughout the site has the potential to improve the efficiency and safety of vehicle movements and pedestrian routes in and out of the site. There are designated drop off zones outside the entrance of the centre for taxis and pedestrian routes link directly from the street into the shopping centre. The undercroft car park will be illuminated providing for safe movement of pedestrian and vehicles in this area towards the lifts and travelators.

O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.

The proposed car park layout includes both an undercroft parking area and an expansion of the existing 'at grade' car park to the front of the shopping centre.

The WWDCP has a table of minimum car parking requirements for different identified land uses. The total additional gross floor area (retail and office) to the Southcity shopping centre will be 9639.5sq.m, with both retail and office floor space attracting the same demand for parking spaces, being 1 space for every 33sq.m of floor area. This would equate to a need for 293 spaces, it is proposed to provide 327 additional car parking spaces across the site. The proposed parking numbers satisfy the requirements of the clause with an excess of more than 30 spaces.

There are already an excess numbers of parking spaces on site from previous expansions of the centre. Following the proposed expansion there will be an excess of more than 200 spaces (16580sq.m requires 503 spaces - there will be a total of 731 spaces). The spaces will be well landscaped and provide for the possibility of overspill parking from the adjacent community land uses. The high number of spaces will also ensure that there is no need for any on street parking in the locality that would have the potential to impact on the local road network. The applicant has indicated that with a predicted number of 273 additional jobs the numbers of spaces proposed is fully justified and needed to provide sufficient staff and customer car parking.

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 local road network.

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. A total of 123 trees are to be planted across the site in accordance with this clause.

Clause 2.4 Landscaping

For large commercial 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 plan for the site has been provided in consultation with Council's landscape architect. Previous developments at the site have established areas of landscaping that will be further enhanced and added to as part of a comprehensive landscape approach to the whole site.

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. Existing trees within the car park will be retained and where appropriate any trees that are to be removed will be replaced with new species as part of the wider landscape plans.

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 indigenous and other low maintenance plant materials. The species chosen are adaptable to the extremes of the local climate and are considered to be appropriate selections for the development.

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

It is proposed to plant trees throughout the car park to assist in softening the bulk of the development and to also provide shade across the adjacent parking spaces. All trees are to be planted in beds wider than 1.5 metres and greater than 3.5sq.m in area. Significant planting to the Dalman Parkway frontage is also proposed.

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.

Landscaping exists along the frontage of Dalman Parkway within an area that is identified as an easement beneath the power lines. Additional planting and landscaping is proposed in this locality to enhance the existing layout. Trees within this area will be maintained to a height of no more than 3 metres which is consistent with the requirements of Transgrid.

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.

The presence of 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 regular users and employees within the site.

Clause 2.5 - Signage

The application includes business identification and building identification signs on three elevations of the buildings. Further indicative locations of future tenancy signs are also included in the form of a panel area. As not all tenancies are yet known there are no details of these signs and these will therefore be subject to a later development application.

An assessment of the main signs for the site against the requirements of SEPP64 is included earlier in the report. The findings of the assessment were that the signs are consistent with the objectives of the SEPP and largely compliant with the requirements of the SEPP.

Specific signage controls in the DCP are as follows:

2.5 Signage

The following general controls are set out for signage under the WWDGP 2010:

C1 All signage and structures must relate directly to the lawful approved or exempt land use being conducted on the land to which the signage or structure is to be displayed.

The proposed business and building identification signs all relate to uses on site.

C2 Any sign or structure should reflect the architectural style of the building.

The signs on the building are considered to be compatible with the design, scale and bulk of the building as proposed. The signs have been integrated into the facades of each elevation during the design of the building.

C3 Signs should not obscure decorative forms or moulding and should observe a reasonable separation distance from the lines of windows, doors, parapets, piers and the like.

The proposed signage does not cover any windows, doors or other decorative features, rather the signs create a feature on the building elevations.

C4 Signs should be of a size and proportion which complement the scale of the existing building as well as surrounding buildings and signs. Signs should not significantly affect the presentation of the existing façade of the building.

The business identification signs on the building are of a suitable scale considering the bulk and scale of the building.

C5 The scale of lettering should also be proportioned to the area of the advertising panel to which it will be applied.

The scale of lettering on the signs is consistent with the size of the signs and the building elevations. Whilst some of the signs are large they are considered to be appropriate given the large scale of the proposed building.

C6 The colour used in the design of a sign or structure should complement the colour finish of the building to which it will relate.

The colour of the signs complements the colour and finish of the building.

C7 Corporate colours should be limited to the signage or structure and should not be applied to the painted surface of the building.

The building is not proposed to be painted in any corporate colours. All of the business identification signs will be standard corporate designs.

C8 The illumination of signage and structures by low set floodlighting is preferred, rather than the use of neon or boxed fluorescent lighting on buildings.

The signs on the building are to be internally illuminated during hours of operation.

C9 The rationalisation of signage will be generally required where there is existing signage through the use of common directory pylon signs for multi-occupancy developments and by limiting the number of signs that may be erected on any one building or site.

There are two existing pylon signs on site which will remain in situ. The existing signs on the centre will be retained or relocated as the orientation of the building is changed.

C10 Any new proposed or additional sign or structure should be offset by the associated deletion of some other existing sign(s).

There is no existing signage to be deleted.

C11 A sign or structure must not endanger public safety or cause nuisance or a hazard by reason of its location, construction or design by either:

(a) Emitting excessive glare or reflection from internal or external illumination or surface materials;

(b) Obscuring the view of motorists or pedestrians;

(c) Screening potentially hazardous road features;

(d) Signage containing designs or messages which may either confuse or distract motorists.

The proposed signs are not inconsistent with these matters.

It is considered that the proposal generally complies with the generic controls for signage in the WWDCP 2010.

Section 2.5 of the WWDCP 2010 also contains specific provisions for wall signs as detailed below:

Given the size of the proposed new building a number of wall signs are proposed to either be relocated from the existing or added as new signs. The key signs will be business identification signs for Coles and Target and building identification signs for Southcity shopping centre. The controls within the DCP are as follows:

C17 Maximum of one (1) business identification sign per tenancy elevation.

On the southern elevation there are two 'Coles' signs and one Target sign. Although the two signs will exceed the control, as they are sited at either end of the elevation which totals 190metres in length and they will be 105 metres apart from each other they will not present as a proliferation of signs.

On both the northern and the eastern elevations there will be one 'Coles' and one 'Target' sign complying with the control.

There is no business identification signage on the western elevation.

C18 Maximum of one (1) building identification sign per building elevation.

On the southern elevation there are two 'Southcity' signs one on each of the entrance turrets. The business identification signs define the entry points to the centre and as stated above on an elevation of 190 metres in length the positioning of two signs (which will be 60 metres apart) is not considered to be of significant detriment to the building and the variation in control is therefore acceptable.

Again on the northern elevation there are two 'Southcity' signs one on the pedestrian entrance and one on the car park entrance. Each of these points are key important

entrances into the centre. The signs are not fixed at a significant height when compared to the business identification signs on this elevation and the variation is again considered appropriate.

On the eastern elevations there will be one 'Southcity' sign complying with the control.

There is no building identification signage on the western elevation.

C19 Must be integrated with the design of the building on which it is to be displayed and for a building having:

- (a) An above ground elevation of 200m² or more - the advertisement must not exceed 10% of the above ground elevation;*
- (b) An above ground elevation of more than 100m², but less than 200 m² - the advertisement must not exceed 20m²; and*
- (c) An above ground elevation of 100m² or less - the advertisement does not exceed 20% of the above ground elevation.*

The total area of the proposed 'business identification signs' and 'building identification signs' to all of the affected elevations totals no more than 3% and is therefore compliant with the control. Each elevation benefits from a significant area that is able to accommodate the signs as proposed without resulting in clutter.

C20 Must be attached flush to the wall and must not protrude more than 300mm from the wall.

All of the proposed signage complies with this requirement.

C21 Must not protrude above the parapet or eaves.

None of the signs protrude above the parapet or eaves.

C22 Must not cover mechanical ventilation vents.

The signage does not cover any mechanical ventilation vents.

C23 Must not extend over any window or other external opening.

The proposed signs do not cover any windows or other external openings.

C24 Must not obscure significant architectural elements of the building.

The proposed signs do not obscure any significant architectural elements of the building.

2.6 Safety and Security

The design of buildings and public spaces can effect perceptions of safety and security, and increase opportunities for crime. The principles of Crime Prevention Through Environmental Design (CPTED) are:

Natural surveillance - design should allow people to see what others are doing as a means to deter the potential for crime.

Access control - physical and perceived barriers can manage movements to minimise opportunities for crime.

Territorial reinforcement - increasing the “ownership” of public spaces increases activity levels, encourages people to help prevent crime.

Space management - public spaces that are attractive and well maintained are more inviting and likely to be well used.

The proposed new layout includes tenancies that face both towards the internal mall area and externally towards the car park providing natural surveillance of these two key areas. Furthermore the proposed offices that front onto Pinaroo Drive provide an active frontage to that streetscape. The access points in and out of the site are clearly identified for both vehicles and pedestrians, landscaping will further assist in identifying the defined routes in and out of the centre. There is an improvement in the public spaces at the centre as part of the redevelopment, the main building frontage includes a large canopy covered outdoor area and the secondary entrance from Tanda Place is well defined with landscaped areas around the dedicated entrance area. Private loading and service areas are clearly not part of the public realm with no access provided to these areas.

The objectives of this clause are:

O1 Incorporate crime prevention strategies in new developments.

O2 Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.

O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.

In consultation with the local Police, Southcity shopping centre have started to prepare a Safety Management Plan that addresses each of these objectives. The two parties will continue to work together to ensure that the new centre incorporates as many crime prevention and safety controls as possible. A condition of consent is proposed that ensures a Safety Management Plan is prepared and implemented.

The site is to be illuminated and the undercroft car park will also be suitably illuminated to ensure it is a safe environment for all to use, there are no blank walls providing concealment areas and planting has been designed so that it does not compromise natural surveillance. Overall it is considered that this clause has been suitably addressed.

2.7 Cut and Fill

Earthworks (including cut and fill) require development consent under the LEP. Controls in the DCP ensure that changes to the natural landform through excavation and fill minimise environmental impacts, and avoid artificial differences between sites, especially in the urban context where significant differences in levels at the boundary can reduce amenity and result in dangerous landforms and structures

The development responds to the existing slope of the site and whilst some cut and fill will be required across the site it is required to enable the undercroft car park to link at grade to the surface car park. The design and levels proposed for this will not result in a detrimental impact outside of the site. The buildings have been designed to respond to the streetscape and complementary landscaping will minimise the impact of site battering works.

There is a retaining wall to the western boundary which will be no higher than 1 metre, the impact of the wall outside of the site is again considered to be of minimal impact.

Whilst many of the controls in this section are specific to dwellings the overall amount of cut and fill proposed across such a large site is considered to be acceptable. The greatest area of excavation is for the car park but as the land slopes down towards this area the degree of excavation required is minimised. Any excess material from the excavation will be removed from site as part of the construction programme.

2.8 Erosion and Sediment Control Principles

Soil erosion from building sites, especially sloping sites has the potential to be a major pollutant of our watercourses and stormwater drainage systems. Appropriate conditions are recommended to ensure that measures are in place prior to works commencing that will prevent silt and sediment escaping the site.

2.9 Development adjoining open space

The objectives of this clause are to ensure that developments adjoining open space contain impacts within their boundaries and don't impinge on, or rely on the open space area as a buffer and to encourage positive visual and physical relationships between private developments and public areas and reserves.

The land immediately to the west of the site boundary is zoned as RE1 Public Recreation and consists of a wide public footpath and cycle track that is regularly used by local residents.

The development responds to this area directly by introducing a public entrance point in the form of stairs leading from the path into the shopping centre. In discussion with Council it has been recommended that this entrance be amended to a ramp design to assist in accessibility for cyclists, prams and disabled customers. The applicants have chosen to not design a ramp access in this location as all other access points into the centre are identified as DDA compliant. This matter will need to be treated as an alternative solution under the BCA at the time of Construction Certificate.

10.3 Local centres

There are a number of neighbourhood and local centres across the Wagga Wagga urban area that are beside or close to residential areas. Local centres (B2 Zone) support a broader range of retail and business activities to serve a wider area. They are often on bus routes or close to medium density areas. It is important for these centres to integrate with, and complement the adjoining land uses, providing pedestrian friendly access routes, and active shop fronts to the streets.

The above description of a local centre contained in this section of the DCP would be entirely appropriate for Southcity. The objectives of this clause are:

- ☐ *To Support the ongoing viability of local centres.*
- ☐ *To Ensure good integration with adjoining residential areas.*

Controls

C1 Design to provide an active address to the adjoining residential precinct - avoid blank and unarticulated walls, consider outdoor dining areas or uses that encourage interaction with the street environment.

The development addresses all street frontages through a variety of urban design techniques. None of the walls are blank or unarticulated, a mix of materials is used and the stepping of the building both in height and mass assists in the positive interaction with the streetscape.

C2 Setbacks, building design and location - locate building bulk to ensure acceptable setbacks to any adjoining residential land. A landscaped buffer may be required.

The main façade of the building is set well back into the site, given the angled building line to the road the setback varies from 50-140metres from Dalman Parkway. Landscaping is proposed along the full frontage of Dalman Parkway.

On Pinaroo Drive the building is set back to a distance of 10 metres and is softened by a landscaped buffer. As the land opposite is residential in character the building is stepped down to be single storey only along the frontage.

C3 Design and locate signs to minimise light spill to adjoining or nearby residential land.

All new signs are integrated into the main facades of the building, the hours of illumination will be conditioned to be turned off when the centre closes to minimise any loss of amenity to neighbouring residential properties.

C4 The location of vehicle entrance and exit points is to minimise disturbance to the functioning of adjoining roads, and avoid directing additional traffic through residential precincts.

The choice of vehicle entry and exit points to the site will spread the load of the vehicles across the local road network. Planned improvements to Dalman Parkway will further assist in the free flow of vehicles within the vicinity of the development site.

C5 Design and location of loading and unloading facilities away from residential properties close to the site and provide adequate screening.

There will be three loading areas, two of these are existing and one new dock is proposed on Tanda Place. The new Tanda Place loading area will serve the new DDS and some of the speciality stores as well as also being a garbage collection area. The dock will have 6 bays designed for different types of trucks ranging from 19 metres to 10.7 metres in length. The dock is set back within the site and will be screened by the two storey building, this will assist in minimising noise disturbance to nearby residential properties on Pinaroo Drive. Furthermore, the hours of deliveries will be controlled by condition.

C6 Provide bicycle parking facilities at a rate of 1 bicycle per 200m² of gross floor area.

An additional 9639.5sq.m of floorspace is proposed which equates to a need for 48 bike racks, the proposal shows the provision of 58 secure bicycle racks which is consistent with the requirement of this clause.

C7 Locate services and any mechanical vents or equipment away from residential development.

All such plant is sited away from residential properties.

C8 Hours of operation are generally not to exceed 6am to 9pm daily. However dispensation may be considered for uses licensed to operate beyond those times, based on individual merits.

The existing centre is not restricted by any operational hours condition from when it was first developed. The advertised hours are between 7am and midnight and 8am and 10pm on Sundays. These are maximum trading hours that generally apply to Coles and are not used to their full extent at all times. Given that there are currently no controls imposed on the existing centre it will be difficult to enforce potentially different trading hours on any new additional stores. Accordingly there are no operational hours proposed for the extended centre. In speaking to the applicant it is anticipated that the Target store would trade no later than 9pm which is earlier than the closing time of Coles.

(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, the Building Code of Australia, Fire Regulations and demolition controls have been satisfied.

(b) - The likely impacts of the development

Context and setting

Southcity shopping centre is set within the residential neighbourhood of Glenfield Park. There are residential properties to the east, south and west of the site all of which are of a similar character being single storey detached villas. To the north of the site is additional land contained within the B2 zone, this area is characterised by a mix of community uses including a medical centre, a community centre and playground. There is also an Aldi supermarket and a vacant site with existing planning permission to build a church.

Whilst residential properties dominate the surrounding character the B2 zoned land is characterised by established community and commercial uses. It is within this context that the proposed expansion of the commercial floorspace is viewed.

Public recreation land to the west of the site exists in the form of a wide open footpath, this footpath links to a large recreation oval and play area further to the west of the site. Linkages to this land are maximised as part of the development. The decision to reorientate the building was to prevent a large expanse of blank service area facing to this public footpath which would have prevented any community linkages with this area.

The centre currently has vehicle access points from Dalman Parkway, Pinaroo Drive and Tanda Place. Customers are used to being able to enter and exit the site from a number of different points and this will remain unchanged albeit with a variety in the location of the access points.

The centre is defined as a local centre that predominantly serves the local population in the south west of the city. The trade area for the centre draws from suburbs such as Ashmont, Mount Austin, Bourkelands and Lloyd as well as Glenfield Park. Lloyd is a growing suburb and residential numbers within the local area are predicted to increase as more residential lots are developed in this area.

Access, transport and traffic

The development site has frontage to Dalman Parkway, Pinaroo Drive and Tanda Place which are all local roads within a 50 km/h speed zone.

The proposed carpark for the development is to be serviced by 3 driveways to Dalman Parkway and 2 to Tanda Place. The submitted plans indicate that all driveways are to be restricted to one way movement to separate the ingress and egress traffic movements. The current driveway to Pinaroo Drive is to be deleted. The underground carpark is to have access directly from Tanda Place or through the ground level carpark from Dalman Parkway. The new loading dock area is to be serviced by a new driveway to Tanda Place.

The traffic report submitted with the application examines the existing road and intersection conditions and predicts the impacts on these if the development were to proceed. The analysis of peak vehicle movements identifies that the key intersections within the surrounding area will continue to operate in an effective manner without any further need for change or upgrade. The predicted increase in movements to and from Southcity takes into account not only trips to the expanded centre but also vehicle movements from the increased residential population from Lloyd.

The additional traffic from Lloyd (once all approved lots have been developed) is predicted to result in an increase of 300 vehicles per hour (two way) on Dalman Parkway. The impact of this increase in vehicle movements on the existing intersections will be a delay of less than 20 seconds which represents a satisfactory level of service. The intersections examined were Pinaroo Drive/Dalman Parkway and Glenfield Road/Dalman Parkway.

The analysis did identify a need for a channelised right turn into the site to avoid queuing traffic along Dalman Parkway. The turning bay will be painted on the road and extend for a length of 45 metres. The analysis shows that the 95% back of

queue for the right turn was 24 metres. This can easily be accommodated within the proposed bay and will also allow for vehicles to exit across this area if necessary.

To accommodate the turning lane the existing parking lane is to be deleted on the northern side of Dalman Parkway, furthermore the existing bicycle lane will be diverted off the road to become a wider shared pedestrian and cycle lane.

The impact of the additional driveways along Dalman Parkway will be minimal given the existing site layout. That is, the existing driveway will be narrowed and become an exit only therefore cars will be exiting the site in the same way as now out of a driveway that was deliberately aligned with the garage doors of a dwelling. The entry point moves further to the south but cars turning into a site have little impact on residents opposite as they are turning away from them. The additional exit driveway onto Dalman Parkway is closer to Pinaroo Drive again this drive has been suitably aligned to cause minimum disturbance and distraction to properties on the opposite side of the road. Vehicles reversing out of dwellings onto Dalman Parkway will still be able to turn in either direction and as is the case at present would be required to wait for any vehicles travelling in either direction.

The site is well served by bus routes with stops on both Dalman Parkway and Pinaroo Drive. Demand for these services is likely to increase as the retail choice is improved and the residential population grows. Any increase in public transport use is an advantage as it reduces the reliance on the private vehicle which is a positive sustainable outcome. Pedestrian links into the site will be improved as part of the overall development including the construction of new footpaths along the northern side of Tanda Place linking to the community uses. The pathway will lead directly into the centre via a crossing. These works will be subject to s138 (Roads Act) approval.

An assessment of car parking numbers is contained earlier in the report. An excess number of spaces are to be provided compared to the number required in Councils Development Control Plan. The layout of spaces will ensure that sufficient spaces are available on site for staff and customers at all times without the need to park on the street.

Services

The site is fully serviced and will be appropriately upgraded to serve the expanded developments on site. The existing sub-station that faces onto Pinaroo Drive will be relocated and an existing sub-station to the north of the building towards Tanda Place will be appropriately upgraded.

Heritage

The site does not fall within the heritage conservation area nor are there any listed items of heritage significance either on or adjacent to the site.

No items of aboriginal heritage are known to have been identified on the land that is the subject of the current application.

Natural Hazards

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

Man-Made Hazards

There are no identified man made hazards that would prevent the development from going ahead.

Economic Impact in the Locality

The Wagga Wagga Retail Growth Strategy 2010-2025 was prepared to inform Council on how to facilitate the growth of Wagga Wagga's retail sector, the report identifies opportunities for the continued growth of retail across the city. The report identifies Glenfield Park as a neighbourhood centre anchored by two supermarkets and 10 specialty stores. It is listed as the largest of the 8 neighbourhood centres

The strategy refers to the importance of planning for the future development of retail across the city and makes specific reference to the fact that without appropriately zoned parcels of land being available within the CBD it is logical to assume that such provision would be developed outside the CBD around suburban centres which in turn could lead to the destabilization of the retail hierarchy. Accordingly it is in the best interest of Council to ensure that such uses are kept within the CBD and in order to achieve this efficient and effective use of land will be necessary. The retail strategy identifies a demand from large retailers to locate within the CBD but the lack of available sites and the need to amalgamate numerous small land parcels in different ownerships is hindering the feasibility of such investments. Although this is both identified in the Retail Growth Strategy and acknowledged by the applicant as important, it has not been possible to secure a site of the required size or format that meets the demands of Target and as predicted in the report consent is now being sought to locate in one of the appropriately zoned suburban centres. Target have provided a breakdown of the sites that have been examined as suitable in the CBD and outlined the issues that have prevented any of these being pursued as a development application.

The strategy further includes an analysis of future floorspace demand concluding that there will be a demand for an additional 31,320sq.m over the 15 year period. As well as new and extended supermarkets there is seen to be sufficient demand for another Discount Department Store (DDS). Specifically the report states that "population growth in the south west will drive demand for up to 5,150 sq.m of more discretionary retail categories such as clothing, accessories, homewares, entertainment, recreation and appliance which could be serviced by a discount department store." The South West catchment comprises the suburbs of Bourkelands, Glenfield Park, San Isidore, Springvale, the western area of Mount Austin and the Lloyd release area. The proposed Target is 5,276sq.m and therefore exceeds the predicted demand but only by 126sq.m. It is proposed in the geographical area that is identified as generating the demand for such a store.

An analysis of the strengths and weaknesses of the Wagga Wagga retail sector identifies Glenfield Park in both the list of opportunities and threats. There is an opportunity to expand existing suburban centres to accommodate the existing shortfall in retail provision or to meet the demand from proposed growth areas however there is also the threat of allowing specific suburban centres to grow to a size providing a retail offering which could lead to the destabilization of the retail hierarchy.

It is acknowledged within the Retail Growth strategy that Glenfield Park (Southcity) will benefit most from the new land release areas at Lloyd and that it will need to expand to satisfy the demand from the increased population within the catchment area. The recent (2011) extension to Coles and development of the Reject Shop mini-major store will assist in satisfying the growing demand for convenience goods from the new residents in the area. The report goes on to state that by 2020 it is anticipated that there will be sufficient population to justify the provision of further expansion in the form of a third supermarket or a discount department store and it is unlikely that the introduction of such a store would destabilise the City's retail hierarchy.

Whilst the opportunities are being addressed through the proposed redevelopment of more land for retail purposes the economic report prepared by the applicant further seeks to demonstrate that there will be no destabilisation of the retail hierarchy if the development proceeds. The application has been supported by an Economic Impact Assessment which includes an analysis of the likely impacts of the development.

The report provides an analysis of the trade area which is the area from which the centre is most likely to draw custom. The adopted trade area is based on existing statistical analysis of the areas surrounding Southcity and is broken up into primary, secondary and tertiary trade areas. The primary and secondary areas make up the 'main trade area'. The trade areas recognise that the proposed DDS will attract people from a wider regional area than at present (the tertiary trade areas) but that the majority of trade to the centre which includes all of the retail shops will be drawn from the main trade area which is the residential suburbs to the south of the Sturt Highway, and therefore does not include the CBD.

When compared to the trade areas contained in Council's Retail Growth Strategy the primary trade area for the CBD includes the whole of the LGA. The two primary trade areas overlap within the south west of the city but not to the north. It is predicted that a lower number of customers travelling from the north will choose to drive through the city to an alternative centre given the wider choice of retail options available in the CBD. The proposed development is not considered to have a detrimental impact on the economic viability of any existing centre in Wagga Wagga, no centre is forecast to experience an impact greater than a -3% reduction in annual turnover which is considered to be an acceptable level of impact. An acceptable impact has been established as anything up to -10% using previous economic analysis reports from across the state.

The economic report includes an analysis of population numbers, demographic characteristics and retail spending patterns within the identified trade areas. It is identified that spend per capita on homewares and general leisure is generally in line

with benchmarks set by other non metropolitan centres in NSW, and that as these categories are drivers of demand for a DDS (as they form a broad component of the product range) this is supportive of the proposal.

The demand for a DDS is based on the forecasted growth of the population and the amount of retail floorspace that is capable of being supported. The analysis identifies that in 2012 existing DDS stores are trading on average at \$3797 per sq.m which is greater than the average non-metropolitan figure of \$3365 per sq.m. This demonstrates that a capacity exists for additional DDS floorspace. Based on existing floorspace, available expenditure and average turnover levels there is an existing undersupply of DDS floorspace of 2136sq.m which will increase to 3683sq.m by 2014. If the 5276sq.m proposed Target store is developed at Southcity there would be a surplus of floorspace however after a few years supply and demand will be balanced. As part of the analysis it is assumed that all existing Discount Department Stores will remain in the CBD.

The increase in speciality floor area is required to support the mix of retail stores available at Southcity. Comparable non-metropolitan shopping centres on average have a proportion of 65.1% major tenant retail, 7.9% mini-major and 25.6% speciality stores. The breakdown proposed at Southcity is consistent with these figures being 67.5%, 8.6% and 23.9%. When considering the specific impacts of the additional speciality stores on the Wagga Wagga CBD the impact is identified as -0.9% with the balance of the impact attributable to the DDS. The impact on all other centres from the speciality stores is -0.7%, these relatively low impacts will be spread against a wide variety of retailers and not one specific centre. Given that there is also predicted to be an increase in population and retail expenditure growth the overall impact should not affect the viability of any existing centre.

The final part of the report indicates that relative to 2012 trading levels, 2016 trading levels within the CBD will be 5.3% higher indicating that growth in the market will provide a buffer to any impacts resulting from the proposed Southcity expansion.

Social Impact in the Locality

The proposed development at Southcity will result in greater retail choice for the local population and for those who work in and visit the area. By expanding an existing centre the high quality retail experience is easily accessible to the neighbourhood which is of positive social impact. The centre is well served by bus routes from other neighbourhoods which will assist in further social gain as access to the wider range of retail opportunities is provided to a greater social mix from the local community.

The proximity of the centre to child care, medical and community centres is of great social benefit as linked trips can be made and wider social networks experienced. The expansion retains and increases accessible job opportunities in the area that is of benefit to those that cannot travel far from home to work due to other commitments such as school hours.

The sense of place that will be created will be of benefit to local users and employees and is not expected to result in any social displacement.

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 development will be in accordance with the BCA including Section J.

The design of the proposed development has incorporated design elements that will enhance the energy efficiency of the centre.

The reorientation of the building will permit natural northern sunlight to infiltrate through the roof into the internal areas of the centre. The solar penetration will reduce reliance on lighting. Rainwater is proposed to be collected into two tanks on the northern side of building and subsequently reused for toilet flushing use within the centre and it is proposed to have specific waste sorting facilities on site that can then be recycled.

Site Design and internal design

The proposed expansion to the Southcity shopping centre is fully contained within the existing parameters of the site. The re-orientated building will be set well back from Dalman Parkway towards which it will face. An extensive urban design exercise was the subject of pre-lodgement meetings between the applicant and Council to determine the strengths and weaknesses of extending the building to either the south (rejected) or the east (accepted). The proposal to keep the centre as it is and extend to the south would have resulted in a large blank wall to the open space footpath area and a fragmented car park on two sides of the building. The existing poor relationship with the community uses would have remained and the option for the future PAD sites fronting Pinaroo Drive would have still been a possible future development. Conversely the orientation chosen connects to the open space, opens up pedestrian links to the community uses, creates one consolidated car park and presents a building to Pinaroo Drive and Tanda Place.

The design of the extensions is in keeping with the style of the existing building and will present a very similar appearance to the main frontage continuing the height and massing of the existing buildings. A new entrance feature is proposed in the centre of the building bound on each side by large turret features extending to 10 metres in height. There will be a canopy above an open plaza area protecting customers from the extremes of the local climate.

The new centre will be a dominant building with an increased bulk, mass and scale, however the positioning of the building and the design of the building will assist in minimising the impact. When viewed from Pinaroo Drive there will be a single storey office premises that steps down in bulk and scale from the two storey element of the car park and Target. The single storey element provides an active frontage to the street and also assists in screening the car park behind. The single storey element of the building will be comparable in height with the adjacent Aldi store and the residential properties opposite.

The elevation to Tanda Place is articulated to break up the blank car park and service areas, the building steps in and out at different levels and the use of different materials gives the impression of a collection of building elements rather than one large bulky building. At ground level the car park is bound by security mesh screens that allow natural light into this area and also allow for filtered sightlines. A variety of paint colours further assist in presenting an active building frontage. The defined pedestrian entrance off Tanda Place further breaks up the elevation. A building identification sign above the entrance and a pedestrian route that is separated from vehicle driveways by defined landscaping assist in giving the identity of a secondary entrance as opposed to a back door.

There will be considerable areas of parking laid out to the front of the extended centre as well as within the undercroft parking area. The car park is to be extensively planted with new trees as well as landscape buffers along the boundary with the main frontage to Dalman Parkway.

Access into the building is fully compliant with controls contained in the BCA. The entrances from Tanda Place and Pinaroo Drive lead directly to both the lifts and a travelator providing access into the shopping mall area above. Disabled parking spaces are provided within the undercroft parking area close to the lifts and outside of the main entrance.

Construction

Construction across the site is anticipated to occur over a number of months but not necessarily all in the same place at the same time. It is important that the existing centre is able to continue trading to its customers whilst construction is ongoing within and around the shops and this will require careful management.

A Construction Management Plan (CMP) will be required prior to the release of the first construction certificate that demonstrates how the site will be managed during construction. Such a plan is essential to ensure that there is the ability for construction vehicles, materials and staff to not be in conflict with customers to the existing centre. Hours of construction will be controlled by condition to ensure that there is no detrimental impact to surrounding residential properties from noise, dust and vibration.

Noise and Vibration

The redevelopment of the shopping centre will generate noise during the construction period which is likely to be ongoing for a number of months. The hours of construction and all associated site works will be controlled by condition and given that this will not be a long term impact is considered to be an acceptable part of such a development.

The shopping centre is existing and generates noise in the locality from vehicle movements, customers and delivery trucks that would be expected at a local centre. Furthermore the local road network carries a significant load of vehicles that are not necessarily travelling to Southcity and the additional community uses adjacent to the centre also generate a steady stream of visitors.

The expansion of the car park will introduce vehicle movements closer to the residential properties on Dalman Parkway and the potential for disturbance from those cars. However, there is an existing access and exit point onto Dalman Parkway and the bulk of the new surface parking is set further back within the site to the west. Noise from the use of these spaces may impact to a greater degree on properties to the west that back onto the public footpath. Again, given the remoteness of some of these spaces from the shopping centre these are not expected to be in regular use especially outside of the peak trading hours.

When assessing the noise impacts from the proposed development it is important to note that there is already a certain level of noise apparent in the locality. The most likely generator of new noise disturbance will come from the proposed new loading dock onto Tanda Place. All delivery trucks already enter and exit from this road as it also leads to the existing loading dock for Coles the principle of trucks using this road is therefore established. The dock is recessed into the development and will therefore be screened by the two storey Target and car park part of the building. The hours of use of this loading dock will be controlled by condition to minimise disturbance to properties on the other side of Pinaroo Drive which are approximately 100 metres away.

There will be an increase in the number of vehicles using Tanda Place to enter and exit the undercroft parking area. The use of Tanda Place is also an established one as there is an entry into the existing car park and this is the route to each of the community uses. The additional noise from vehicles using Tanda Place is not anticipated to be significantly greater than at present.

Noise may also be generated from plant installed on the building. Additional plant is required and is proposed to be installed below the main roof line and away from the edges of the building to ensure that noise from the plant is contained within a central area.

Pollution and off-site environmental effects

Drainage and stormwater plans have been prepared and upgrades proposed to manage the increased impact from the development. Water tanks will capture rainwater to be reused across the centre and stormwater will be managed within three main catchment areas.

There will be a degree of cut and fill across the site, the material to be used for the fill will be sourced from site preventing any new material having to be brought onto site from external sources. Erosion and Sediment control measures will ensure that silt and sediment do not leave the site and enter the water system.

Cumulative Impacts

The expansion of any local centre must be assessed against the cumulative impact this may have on the main commercial core of Wagga Wagga. Southcity is an established centre serving the residential suburb within which it is situated as well as other surrounding suburbs. Its role within the retail hierarchy of the city is highlighted

in Council's Retail and Economic Strategy that identifies Southcity as the largest of the neighbourhood centres with the most opportunity for expansion.

The cumulative impacts associated with the proposal are positive in that the centre can adequately serve the needs of the residential neighbourhood as well as those that may work and visit the local area without detracting from the core retail and commercial functions of the CBD. Southcity has an established retail customer base from which it will continue to draw and the local residential population is anticipated to grow as the Lloyd neighbourhood develops providing additional demand on the centre.

The cumulative impact of increased vehicle numbers travelling to and from the centre has been suitably addressed by the introduction of separate entry and exit lanes in and out of the site and by the creation of a channelised turning lane within Dalman Parkway to prevent the queuing of traffic.

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 use of a vacant 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 as a local centre. The assessment report has demonstrated that the development is consistent with the objectives of the B2 zone and it is therefore entirely appropriate in this location. The

growth in residential population in the southwest of the city will support the demand for a DDS in this location without distorting the existing retail hierarchy that exists in Wagga Wagga. An economic impact assessment has identified that the greatest impact will be -3% reduction in turnover which is considered to be a manageable level of impact.

The design and layout of the redevelopment has been carefully considered to minimise impacts on the existing residential environment and to create strong linkages with other existing community uses within the neighbourhood. The permeability that is created through the site enhances linkages throughout this part of Glenfield to the benefit of the wider community.

Amendments have been made to the traffic arrangements on Dalman Parkway to ensure that the road network is capable of accommodating an increase in vehicle movements to and from the site.

Site Attributes in relation to the proposed development

There are existing power lines that run across the front of the site adjacent to Dalman Parkway. There is a linked Transgrid easement beneath these lines that prevents any built form of development. There is also a power pole that has a 16 metre exclusion zone around it within which no driveways are permitted. There are some existing car parking spaces within this zone which have been agreed to by Transgrid. The proposed development will introduce additional landscaping and tree planting within the easement area. Transgrid have indicated that this is acceptable subject to a 3 metre height limit. The landscape plans that have been prepared have addressed this limitation through species selection.

The overall site has three identified stormwater catchment areas. The three areas, (northern, eastern and western) have all been previously designed to cope with the 1:10 event and each flow to identified pits or the sporting oval that acts as a detention basin. In a 1:100 storm event detention will occur in both the loading dock area to the west of the building and the undercroft parking area. Stormwater can be detained in these basins and released into the surrounding stormwater system as capacity becomes available.

(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 the Roads and Maritime Service (RMS) and the Wagga Wagga Local Area Command. Responses from the referral bodies are discussed in detail below.

Notification

The development was notified to neighbouring properties between 21 August and 6 September 2012. Following the receipt of additional supporting documentation a second period of notification took place between 17 December 2012 and 14 January 2013.

Advertising

The development application was advertised between 23 August and 6 September 2012.

Public Submissions and those from public authorities

Four submissions were received in relation to the development application, each of these were in objection to the development and raised a number of concerns regarding the details of the proposed development. Three of the submissions were from other retail operators within the Wagga Wagga LGA and one submission was from a neighbour. The details of the submissions are summarised and addressed below:-

Environmental Resources Management (on behalf of Sturt Mall)

1. The proposal is inconsistent with the WW retail growth strategy which states that whilst a DDS can be supported at Glenfield this is not until after 2020, there is no justification to support such an inconsistency with a recently prepared relevant document.

Comment: A review of the retail growth strategy and its relevance to this application has been included earlier in the report. Justification has been provided by the applicant to support a development of this size and nature in this location.

2. The development is inconsistent with the objectives of the B2 zone - the objective relates to the provision of convenience and general household needs whereas the proposal will elevate the centre to a higher order that has the potential to compete with the city centre

Comment: The B2 objectives do not make reference to convenience and general household needs and such a reference in submission is therefore misleading. There is a full review of the compatibility of the development against the B2 objectives under the LEP section of the report.

3. A suburban centre is being allowed to grow to a size that has the potential to destabilise the city centre, there will be a negative social impact upon residents who rely on the city centre and there will be a detracting of the urban character and amenity currently enjoyed in the central area.

Comment: There are no changes proposed to the range of retail options provided in the city centre therefore there will be no impact on those that rely on the city centre and the CBD will maintain its unique character and amenity. There is no evidence to suggest that the proposed new DDS will destabilise the city centre.

4. The location of a DDS increases the vibrancy and function of a city centre and the protection of the retail integrity of the city will assist in protecting the strong urban character of the city. Any destabilisation of the city centre will have a negative regional impact.

Comment: It is not anticipated that, and the economic analysis assists in demonstrating that, there will be any destabilisation of the commercial core as a result of the proposed development. Using the worst case scenario there will be a 3% impact which is considered to be acceptable.

5. Any variation in the method of paying s94 contributions should be publicly exhibited to ensure that there will be an overall benefit to the community of any works in kind.

Comment: There has been no agreement made to vary any of the required s94 contributions at this stage.

6. An acoustic report should have been prepared in support of the application given the increased amount of traffic in proximity to residential properties.

Comment: An acoustic report was not requested by Council to support the increased vehicle movements to and from the site. The centre is existing and experiences large volumes of cars, the increase in noise levels is not expected to be considerably greater despite the volume of cars increasing.

7. Do not agree with the comment contained within the economic assessment that the Sturt Mall cannot support an additional DDS, both a new store and car parking could be designed into the Sturt Mall.

Comment: Such a redesign would be the subject of redevelopment on and around the site, the comment was based on existing and available land.

Interlink Wagga Central (The Mill)

1. The application is not consistent with the objectives of the LEP - the development will not serve the needs of the local community and will detract from the local character of the village.

Comment: Glenfield Park is a large suburb that is not considered to be characteristic of a village. A full review of the application against the LEP objectives is included earlier in the report and concludes that the development is consistent with the B2 zone objectives.

2. Target plus several other new retail outlets will transform Southcity into a major retail hub, this will expand the catchment of the centre and place pressure on the CBD. The threat to the CBD will impact on hundreds of workers and businesses who rely on the CBD being the centre of consumer activity and consumer activity within Wagga Wagga will be split between the CBD and Southcity

Comment: Whilst it is acknowledged that there will be an increase in trade and customer numbers the CBD will continue to be the centre of consumer activity in the region.

3. When compared to the CBD Southcity does not have the required road network or public transport to support such an expansion.

Comment: Southcity and Glenfield are well served by the existing local road network with a number of alternative routes to and from the site. Issues regarding road changes and traffic numbers have been discussed in detail earlier in the report. Furthermore the site is served by public transport - a daily bus service.

4. Increased traffic will no longer allow pedestrian and cycling activity to be permeable in the village.

Comment: Existing pedestrian and cycling routes will all be maintained as well as new and improved pedestrian links into and through the site.

5. The opportunity for interaction with the surrounding neighbourhood will be lost.
Comment: There are visible clear entry points into the expanded shopping centre from the north, east and south all allowing interaction with the surrounding area. The introduction of an additional pedestrian entrance access to the west is considered to strengthen linkages with the surrounding neighbourhood.

6. The high street of Wagga is important for tourism and the local economy and is reliant on the vibrancy of the CBD. This development will place several CBD businesses and the High Street at risk.

Comment: Tourism is a strong element of the Wagga Wagga economy and any developments that may impact on such a strong sector of the economy would be carefully examined. In this case the proposed development has demonstrated a maximum of a 3% loss in trade across the CBD as a worst case scenario. There is no indication that any of the retail offerings within the CBD will be lost and also no indication that this would affect existing levels of tourist activity.

Wagga Wagga MarketPlace

1. The submitted documentation does not address all of the key issues sufficiently and makes incorrect conclusions.

Comment: The supporting documentation is prepared by the applicant to justify the proposed development. As part of the development application process the content of all documents is reviewed and an assessment report prepared. Additional information has been provided to further justify certain aspects of the development to the satisfaction of Council.

2. Inconsistent with zone objectives; The expansion will result in an increased trade area and therefore not from within the local area; The site does not attract the same amount of public transport trips as the CBD and will attract an increased number of private vehicle trips. The development will not maximise public transport nor encourage walking or cycling, most customers will travel by car. Accordingly the development does not satisfy the B2 zone objectives.

Comment: A full assessment of the proposal against the LEP zone objectives is contained earlier in the report. The development is considered to meet the objectives of the B2 zone.

3. The application does not meet any of the DCP Guiding principles especially achieving good environmental outcomes and fails to acknowledge the negative impact on character and amenity of existing residential development.

Comment: The reorientation of the building on site, the design of the building and the new access arrangements have all been proposed as a response to the proximity of residential properties in the locality. Guiding Principle 2 Site Responsive Development and Guiding Principle 3 Design Quality have been consistently addressed throughout all of the supporting documentation.

4. The development turns it back on the community centre and ALDI, there is no integration with the needs of the local community.

Comment: Whilst the elevation to Tanda Place does contain 'back of house' functions considerable effort has been made by the architects to not present this elevation as a

closed hostile area. As well as the vehicle entry and exit points into the car park there is a defined pedestrian entry and landscaped area. The loading dock is recessed back from the road with further screening and landscaping. There is a footpath that runs from the medical and community centres along Tanda Place to a safe crossing point into the centre or onto the footpath along Pinaroo Drive.

5. The development to the north is an assumption only and not endorsed by the site owner.

Comment: This is acknowledged as correct, however this is also indicated in the supporting documentation and is not relied upon to justify the development.

6. There is inadequate analysis on the potential impact on the CBD retail core.

Comment: A full review of the economic impacts of the development is included earlier in the report. The justification provided by the applicants does address the likely impacts on the commercial core.

7. Defining Southcity as a sub regional centre is inaccurate as it is strategically defined as a local centre

Comment: Under the Shopping Centre Council of Australia and Property Council of Australia definitions, the expanded South city would be defined as a sub regional centre. However these definitions have no parallel with the terminology or definitions used in the Standard Local Instrument. This reference is used in the economic assessment and in that context is appropriate.

8. It is common knowledge that Target's major DSSs average 5000sq.m and aim to operate in metropolitan and major retail centres. The best location for this store is the core of the city.

Comment: Target have explored a number of options within the CBD and are unable to find a suitable site to accommodate their needs. The existing Target Country will maintain the company's status in the core of the city.

9. The application is inconsistent with the State Policy Integrated Land Use and Transport and requires further analysis against this document.

Comment: The document is not considered to be legislation and was issued over 10 years ago prior to many of the relevant SEPPS and the Standard Instrument against which the application has been fully assessed.

10. The application should fail as it is locating a major shopping centre in a local centre and does not meet the strategic direction of the city. It also fails to meet the business and retailing model particularly with regard to maintaining the CBD as the retail core for the surrounding region

Comment: The CBD will remain as the core retail centre for Wagga Wagga and the surrounding area.

11. There is a need to rezone the land to a more appropriate business zone.

Comment: The LEP Practice note issued by the Department of Planning (PN11 - 002) identifies a B2 zone as having a mix of uses and being an appropriate zone for most local and town centres across NSW. The B2 zone at Southcity does include a mix of uses and is therefore consistent with the advice in the practice note and appropriate for a local centre.

12. The Primary Trade Area that is being used as justification for the development is questioned. The trade to the Target store will be city and region wide which will have significant impacts on the city's retailing structure and result in other DDS operators also moving out of the CBD.

Comment: There are three trade areas identified; primary, secondary and tertiary which acknowledge that the centre will attract customers from all three areas. The key primary trading area of a 3 km radius is anticipated to generate 55% of the trading at the centre. The range of retail options together with the commercial and administrative functions of the CBD result in a much wider primary trade area which is not anticipated to suffer any significant fall in trade as a result of the proposed development. The application will not result in an existing operator moving out of town. It is a new investment into the City that cannot be accommodated within the CBD area.

Neighbour Objection

1. Increased traffic flow along Dalman Parkway will degrade the residential quality of life through increased noise from vehicles. The increased vehicle numbers will also make entering and leaving properties more difficult and compromise the ability for children to play safely in front garden areas.

Comment: It is acknowledged that there will be an increase in vehicle movements travelling along Dalman Parkway, however there will be an increase in numbers associated with new residential properties at Lloyd regardless of whether the development goes ahead as proposed. Dalman Parkway is a wide thoroughfare with good visibility in both directions enabling movements in and out of residential properties to occur safely.

2. Plans indicate the removal of the Pinaroo Drive exit/access point which will result in the Dalman Parkway increasing to a greater degree and also backing up along the road.

Comment: Whilst the Pinaroo Drive access point will be deleted the amount of vehicles exiting and entering via Tanda Place is likely to increase due to the presence of the new car park and dedicated entry and access points. Furthermore the proposed roadworks on Dalman Parkway to introduce a channelised turning lane will prevent vehicles backing up in this area.

3. If Southcity can build to two storeys then the surrounding residential properties should be allowed to put up privacy screens and fences to minimise noise and maintain some privacy.

Comment: The land for Southcity is zoned as B2 and has a 10 metre height restriction in accordance with the land zoning. The majority of the development does not approach this height. Applications for front fences would be subject to separate development application which would have to be considered on their individual merit.

4. No other local centre has a major department store such as that proposed, the residential suburb was not designed to house such a large shopping complex and it should be relocated closer to the CBD.

Comment: At present Southcity is the largest of the suburban shopping centres zoned for B2 purposes and potentially the only one that has the land to

accommodate such a development. Alternative sites within the CBD have been unsuccessfully sought.

Roads and Maritime Services

A detailed submission was received from the Roads and Maritime Services in response to the proposed expansion of Southcity. Furthermore representatives from the RMS have been actively engaged in negotiating the required road improvements for access to and from the development. RMS raise no objection to the development subject to the inclusion of recommended conditions of consent. Their comments are summarised below:-

The development site is located within the neighbourhood shopping precinct within Glenfield. The site has frontage to Dalman Parkway, Pinaroo Drive and Tanda Place which are all local roads within a 50 km/h speed zone.

The proposed carpark for the development is to be serviced by 3 driveways to Dalman Parkway and 2 to Tanda Place. The submitted plans indicate that all driveways are to be restricted to one way movement to separate the ingress and egress traffic movements. The current driveway to Pinaroo Drive is to be deleted. The underground carpark is to have access directly from Tanda Place or through the ground level carpark from Dalman Parkway. The new loading dock area is to be serviced by a new driveway to Tanda Place.

The development proposal includes the reconfiguration of the current travel lanes within Dalman Parkway with the inclusion of a Channelised Right turn (CHR) treatment by the denial of parking along that side of the carriageway adjacent to the subject site and the relocation of the existing bike lane to the footpath area. The proposed works do not propose any changes to the current travel lane and parking provision on the southern side of the current road centreline.

To promote road safety and the efficient operation of the road system it is appropriate to consider the standard of construction and location of the access driveways to the development site and to provide for on site manoeuvrability to allow all vehicles to enter and exit the site in a forward direction. For a complex of this scale RMS requires that the driveways be appropriately designed and delineated to accommodate the largest vehicle to access the site and to separate the ingress and egress movement path so that the egress movement of any vehicle does not restrict the ingress movement of any vehicle. The access arrangements and driveways configurations are consistent with this requirement.

An option for the treatment of the ingress driveway from Dalman Parkway is for it to be constructed as a roadway formation with kerb returns however this would be on the basis that the shared pathway be relocated from the footpath area into the subject site to provide separation from the ingress turn movement. As the shared pathway is to be retained within the road reserve the ingress driveway from Dalman Parkway shall be constructed as a single lane driveway within the road reserve and so that the formed vehicle path rises to the level of the pedestrian footpath for safety reasons. This driveway is to be widened within the subject site to 2 lanes prior to any intersection point in the internal carpark to maximise on site queuing. The western most exit driveway to Dalman Parkway shall be constructed to provide for 2 way movement.

The subject site and the immediately surrounding precinct currently experience a significant amount of pedestrian and vehicular movement activity. This development will add to this activity however with appropriate design considerations it may prove beneficial to the pedestrian, cycling and vehicular activity, and its interaction, within the area.

The submitted plans identify a 2 lane width entry and a 2 lane width exit from Dalman Parkway. The two lane exit driveway is an existing arrangement and is to be narrowed to remove the existing entry point that is in the same (adjacent) location. The two lane entry has been designed to complement the internal arrangements of the car park and it is the preference of the applicant to be maintained as such. Previous experience of single lane entry points has resulted in damage to the kerbs as larger vehicles cut the corners to turn into the site. It is accepted that pedestrians and cyclists will cross this entry however visibility is clear in both directions. Accordingly it is proposed to maintain the two width entry as proposed on the submitted plans.

Wagga Wagga Local Area Command

A detailed submission was received from the Police in response to the proposed expansion of Southcity. Their comments are summarised below:-

The Police have no objection to the re-development and expansion of the shopping centre, however there is concern regarding the impact that the re-development is likely to have on future crime risk within the shopping centre.

Police data identifies a total of thirty (30) incident categories that have required police to either attend the shopping centre to deal with a particular incident or taking a report over the phone. Eighteen (18) of these categories involved incidents that were crime, anti-social behaviour or traffic related incidents with a legal process option available to police - these categories represented fifty-five per cent (55%) of all reported incidents. In addition to this, seventy-eight per cent (78%) of all reported incidents have occurred in the last five (5) financial years, which includes the first 5 months of this current financial year.

The data utilised for this submission indicates that 5.7% of all reported incidents in Glenfield Park were recorded as having occurred at the South City Shopping Centre. In that same time frame 8% of all reported incidents in the suburb of Glenfield Park were not allocated a property name or street where they occurred. Police are of the view (with reference to the types of incidents involved) that a portion of these incidents occurred at South City Shopping Centre. That being the case it is believed that up to 6-6.5% of all reported incidents in Glenfield Park occurred at the shopping centre. This highlights South City Shopping Centre as not only a 'hot spot' in the suburb of Glenfield Park, but makes it a significant location of interest within the Wagga Wagga Local Area Command.

On average South City Shopping Centre has experienced a 38% increase in reported incidents each financial year (excludes 2004/05). In comparison, reported incidents in the suburb of Glenfield Park has on average experienced a 29% increase in reported incidents each financial year (excludes 2004/05).

If the rate of reported incidents continues to increase at that same rate each year over the next 5 financial years up to and including the 2016/17 financial year, police could potentially see an increase of up to 398% in the total number of reported incidents at the shopping centre since the 2004 financial year. Police accept that these projected totals are worst case scenarios based on the current average increase; however it must be put in the context that these projected totals are based on relevant historical data, and are in relation to the current development only. They do not take into account the size and scale of the expansion and re-development, so in all the circumstances they are deemed to be reasonable projected totals.

Stealing incidents at the shopping centre currently make up 29.6% of all reported incidents at the shopping centre. With a full line discount department store being included in this development police are of the view that stealing offences is a particular area that will continue to increase at a significant rate, and that the rate of stealing incidents will continue to be disproportionate to all other types of incidents.

Sixty-nine per cent (69%) of all stealing incidents recorded at South City Shopping Centre occurred in the last three financial years (includes current financial year). This is particularly highlighted by the 2010 financial year where reported stealing incidents at the shopping centre increased by 325% and increased by a further 76% in the 2011 financial year, and based on current data it is not unreasonable to suggest that reported stealing incidents could increase another 80-90% by the end of the current financial year.

On average South City Shopping Centre has experienced a 61% increase in reported stealing incidents each financial year (excludes 2004). If the rate of stealing incidents continues to increase at that same rate each year over the next 5 financial years up to and including the 2016/17 financial year, police could potentially see an increase of up to 970% in the total number of reported stealing incidents at the shopping centre since the 2004 financial year.

Police are firmly of the view that suitable CCTV systems should be in place, as a deterrent and an investigation tool for incidents that may happen at the shopping centre. Facial recognition technology is currently in use by the NSW Police Force and with an ever increasing database, quality low light digital CCTV that can be adopted to interact with such systems should be utilised by all new developments within the Wagga Wagga Local Government Area.

The development is going to increase traffic movement and parking in and around the development as there is limited casual surveillance available there is the potential to see an increase in steal from motor vehicle offences.

The data presented clearly identifies that there is a significant risk of increased crime and/or incidents involving police attendance at the shopping centre. It is the view of police that the consent holder must take responsibility in being a significant contributing factor to that increased risk through redevelopment and expansion of the shopping centre. With this in mind the council must ensure that the consent holder implements reasonable measures that act as a deterrent to crime and provide an environment where shoppers will feel safe, and when the area is not populated CCTV can be used as evidence of crimes being committed and identification of persons committing them.

In response to the comments received the owners and developers of the centre have met with the police to prepare a Safety Management Plan for the redeveloped Southcity. At the time of the writing of this report the plan had not yet been submitted to Council. Notwithstanding, a condition of consent is recommended to ensure that a suitable plan is prepared prior to occupation that can be implemented at all times when the extended centre becomes operational.

(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 will have a positive impact on the public interest offering further retail options that are both accessible and convenient to a wide residential population. There will be no detrimental impact on the CBD as all retail options also remain available in the centre.

The proposed development will introduce a number of new job opportunities within an area that is easily accessible by a range of different transport options. Accordingly the development is considered to be acceptable in terms of general community interests.

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 traffic and access issues, landscaping, design and engineering solutions. Relevant officers have reviewed the application in accordance with Council's processing procedures and recommended a number of conditions of consent.

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

A draft off site works plan has been prepared that details proposed landscape and public domain improvements to be considered in lieu of the contributions levy required. At the time of writing the report negotiations into this matter were not far enough advanced to consider reducing the required contributions. Therefore whilst acknowledging the preliminary plans that have been prepared the calculations have been prepared as normal and are detailed below.

A s94A contribution will apply to the development in accordance with the City of Wagga Wagga s94A Contributions Plan 2006. S94A contributions are collected on all applicable new developments to enable Council to provide high quality and diverse public facilities to meet the expectations of the residents of the city.

The total cost of development has been quoted as \$29,447,000 contributions are calculated at 1% of the development which equates to \$294,470.00. This figure will be secured by condition.

Section 64 contributions are required in accordance with the City of Wagga Wagga Development Servicing Plan for Sewerage 2006. The contributions are collected on all applicable developments as a source of funding towards infrastructure within the urban area. The contributions for this application will be required based on the increased demands that the development will have on sewer.

Sewer calculations are based on 7458m² of retail floorspace and 494sq.m of office. The ET for an office is 0.01 and for retail is 0.005 resulting in the following:

$$\text{Retail: } 7458 \times 0.005 \times \$1910 \times \frac{179.9}{155.8} = \$82,241.20$$

$$\text{Office: } 494 \times 0.01 \times \$1910 \times \frac{179.9}{155.8} = \$10,894.91$$

There is not anticipated to be any increase in stormwater run-off therefore no contributions will be required for stormwater.

The total s64 contribution will therefore be \$93,136.11. This figure will be secured by condition.

Other Approvals

None required

Conclusion

The development proposed is a significant economic investment into the City of Wagga Wagga by a national chain of retail stores. The commitment to investing in the city has positive impacts for the city but these must be assessed against possible detrimental impacts too.

The assessment report has demonstrated that the development of a suburban centre will not impact on the retail hierarchy and that the CBD will remain as the dominant retail centre offering the greatest amount of goods and services to the whole of the LGA and beyond.

The design of the development whilst large and bulky is appropriate and in accordance with the adopted controls for the area and through careful use of materials and landscaping will result in a high quality desirable location to both work, shop and socialise.

Parking is proposed across the site in excess of the required numbers to ensure that there will be no prospect of overspill parking onto the residential streets and to enable users of other neighbouring facilities such as the medical and community facilities to have the ability to share parking spaces. Upgrades to the local roads are proposed to provide safe turning facilities in and out of the site and to prevent any unnecessary queuing by passing vehicles.

The proposed development is consistent with both state and local policies and complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia and Councils Policies.

It is recommended that the Joint Regional Planning Panel approve the development subject to conditions of consent as detailed in the report.

RECOMMENDATION

It is recommended that the Southern Region Joint Regional Planning Panel approve Development Application DA12/0347 for Two Storey Extension to Existing Shopping Centre to Accommodate New & Reconfigured Retail Floorspace, Commercial Floorspace, Basement Car Park, Loading Area & Signage. New Access Arrangements to Dalman Parkway, Extension & Reconfiguration to Existing Surface Car Park & Associated Landscaping, 1 Tanda PI GLENFIELD PARK NSW 2650 , Lot 37 DP 1004168 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
221.DA002	Existing Site Plan and Site Demolition Plan	Turner Hughes Architects	1	10.8.12
221.DA003	Site Analysis	Turner Hughes Architects	1	10.8.12
221.DA0010	Site plan Upper Ground Floor	Turner Hughes Architects	1	10.8.12
221.DA0011	Site plan Lower Ground Floor	Turner Hughes Architects	1	10.8.12
221.DA0012	Site plan Roof Plan	Turner Hughes Architects	1	10.8.12
221.DA101	Lower Ground Level - East	Turner Hughes Architects	1	10.8.12
221.DA102	Upper Ground Level - East	Turner Hughes Architects	1	10.8.12
221.DA103	Upper Ground Level - West	Turner Hughes Architects	1	10.8.12
221.DA104	Roof Plan - East	Turner Hughes Architects	1	10.8.12
221.DA105	Roof Plan - West	Turner Hughes Architects	1	10.8.12
221.DA106	Car Park - East	Turner Hughes Architects		31.7.12
221.DA107	Car Park - West	Turner Hughes Architects	1	10.8.12
221.DA111	Ground Floor Demolition Plan	Turner Hughes Architects	1	10.8.12

221.DA200	Site Elevations	Turner Hughes Architects	1	10.8.12
221.DA201	Elevations	Turner Hughes Architects	1	10.8.12
221.DA301	Sections AA & BB	Turner Hughes Architects	1	10.8.12
221.DA302	Sections CC, DD & EE	Turner Hughes Architects	1	10.8.12
221.DA401	Shadow Diagrams Winter Solstice - June 22	Turner Hughes Architects	1	10.8.12
221.DA402	Shadow Diagrams Equinox - March/August 22	Turner Hughes Architects	1	10.8.12
221.DA500	Materials and Finishes Board	Turner Hughes Architects	1	12.6.12
221.LD.05	Gross Lettable Area	Turner Hughes Architects	B	10.8.12
221.DA120	Siteplan Revisions to address WWCC letter of 3 October	Turner Hughes Architects	2	3.12.12
221.DA121	Lower Ground Revisions to address WWCC letter of 3 Oct.	Turner Hughes Architects	2	3.12.12
221.DA122	Site plan DDA Compliant	Turner Hughes Architects	1	28.11. 2012
221.DA123	Landscaped Setbacks Existing and Proposed	Turner Hughes Architects	1	28.11. 2012
221.DA210	Signage South Elevation	Turner Hughes Architects	1	30.11. 2012
221.DA211	Signage East Elevation	Turner Hughes Architects	1	30.11. 2012
221.DA212	Signage North Elevation	Turner Hughes Architects	1	30.11. 2012
L01	Landscape Plan	Somewhere Architects	G	
MMD-306727 -C-DR-00-DP-0001	Extension to Southcity Shopping Centre Dalman Parkway	Mott MacDonald	DA2	27.11. 2012
	Statement of Environmental Effects	Urbis		August 2012
	Response to Submissions	Urbis		Dec 2012
8600/2	Traffic Report for Proposed Extensions to Southcity Shopping Centre	Colston Budd Hunt & Kafes Pty Ltd		August 2012

	Response to Traffic Issues	Colston Budd Hunt & Kafes Pty Ltd		28.11. 2012
	Economic Impact Analysis	Urbis		August 2012
	Soil and Water Management Report	Mott MacDonald		August 2012

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. The proposed vehicular access points must be located to comply with the required Safe InterSection Sight Distance (SISD) in either direction in accordance with the RMS's Road Design Guide for the prevailing speed limit. Compliance with this requirement must be certified by an appropriately qualified person prior to the release of Construction Certificate.

REASON: It is in the public interest that the development makes provision for adequate safe inter-section sight distances. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

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

4. Provision must be made in the building and on the site for:

- a) **access to the building for people with disabilities in accordance with the Building Code of Australia;**
- b) **toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building; and**
- c) **motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia.**

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

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

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

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

6. Prior to the 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.

7. Prior to the release of Construction Certificate a geo-technical report must be submitted that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

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

8. **Prior to the issue of Construction Certificate the developer must lodge a bond with Council of \$5,000 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.

9. **Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of the Construction Certificate, the applicant must pay to Council a levy in the amount of \$294,470.00 towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.**

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

10. **Prior to the release of Construction Certificate the applicant is to obtain a compliance certificate under s306 of the Water Management Act 2000 in respect of the development relating to water management works that may be required in connection with the development.**

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please

contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.'

NOTE 5: The Section 64 Sewer contribution required is \$93,136.11

NOTE 6: The Section 64 Stormwater contribution required is \$0

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).

11. A Construction Management Plan to address construction activity access and parking is to be prepared to the satisfaction of the Council, 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 Dalman Parkway,
- ☐ Timing for construction of the works across the site;
- ☐ Measures to allow the continued safe use of the shopping centre, associated parking and delivery areas
- ☐ 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.

- 12. Prior to Construction Certificate, the applicant is to submit detailed landscape construction plans, details and specifications. Plans are to be at a maximum scale of 1:500.**

Detailed plans are to show all landscape treatments that include but not limited to: Entry treatments, signage, tree planting, carpark, shrub planting, turfing, paths, pavement treatments etc.

A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted. Plant species are to be identified by full botanical name. All plants proposed are to be detailed in the plant schedule.

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

- 13. Prior to release of Construction Certificate an amended plan shall be prepared to the satisfaction of Director of Planning or delegate that identifies:**

- (a) The existing bike lane currently located on the carriageway of Dalman Parkway relocated to the footpath area and constructed and signposted for the full frontage of the subject site to Dalman Parkway as a shared bicycle pathway with a minimum width of 2.4 metres. The shared pathway where it meets Pinaroo Drive is to align with the pedestrian refuge in Pinaroo Drive.**
- (b) A raised median within Tanda Place at its intersection with Pinaroo Drive to separate the travel paths for vehicles entering and exiting Tanda Place.**
- (c) All driveways between the public road network and the subject site shall 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.

- 14. Prior to the issue of Construction Certificate a person wishing to discharge liquid trade waste to the sewerage system must under Section 68 of the Local Government Act 1993 and Council's Liquid Trade Waste Regulation Policy, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act. Further information is available from Council's Trade Waste section on 1300 242 442 regarding the application process.**

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

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

All conditions of the approval must be complied with.

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

Prior to Commencement of Works

- 15. 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.

- 16. 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.

- 17. 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.

- 18. 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.

- 19. 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.

- 20. A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation/use 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.

- 21. Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**
- a) stating that unauthorised entry to the site is prohibited, and**
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
 - c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**

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

NOTE: This condition does not apply to:

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

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

- 22. 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.

- 23. Prior to works or activities commencing within the road reserve approval under Section 138 of the *Roads Act 1993* is required from Council.**

The applicant is required to submit and have approved a written application for *Consent to Work on a Road Reserve*. All works shall be carried out in accordance with the approved details. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the *Roads Act 1993*. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

- 24. The exit driveway must be designed so that drivers will have a full view of the footway, prior to crossing to comply with Council's Engineering Guidelines for Subdivisions and Developments.**

REASON: To ensure the means of exit is adequate for the safe movement of vehicles across the footway. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 25. 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.

- 26. If the 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.**

COLUMN 1	COLUMN 2
Site Inspection	Prior to any works commencing on the site.
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.
Damp proofing	When the damp proof course has been placed in position.
Sub floor bearers and joists	Prior to the laying of the floor.
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.

27. 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.

NOTE 3: Any proposed cut and fill of the site must be undertaken in accordance with the terms and conditions of Council's Cut and Fill Policy.

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.

- 28. 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.

- 29. 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 competent person; 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 1: 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 2: 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 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

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.

- 30. 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.**

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.

- 31. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.**

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.

- 32. 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.

- 33. Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Any access driveway is to be designed and constructed to prevent water from proceeding onto the carriageway of the adjoining road reserve.**

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.

- 34. The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Regulations 2010.**

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

- 35. 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 Occupation Certificate / Prior to Operation

- 36. Prior to issue of occupation certificate the applicant shall ensure that redundant kerb laybacks in Pinaroo Drive and Tanda Place are 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.

- 37. 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.

- 38. The construction and finish of areas to be used for the purpose of hairdressing/beauty salons are to comply with the relevant requirements of the Local Government (General) Regulation 2005 Schedule 2 Part 2 and 3 and the Public Health Act 2010 and Public Health Regulation 2012.**

NOTE 1: The applicant must contact Council's Directorate of Environment and Community Services two days prior to opening and arrange for a health inspection.

NOTE 2: The area used for the purposes of waxing/skin penetration must comply with the Public Health Act 2010 and PublicHealth Regulation 2012.

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

- 39. A Safety Management Plan shall be prepared in consultation with the Wagga Wagga Local Area Command. The Safety Management Plan must be signed and approved by the Local Area Commander or the Commander's Delegate, and submitted to council for endorsement prior to a final Occupation Certificate being issued.**

The Management Plan must include a range of measures designed to heighten a safe environment for shoppers and staff which will include but is not limited to:-

- ☐ **Installation and maintenance of CCTV in all public areas (internal and external) including car parks, staff access areas, loading docks and storage areas.**
- ☐ **Development of armed robbery response policies for retailers within the development.**
- ☐ **The use of uniformed licensed security guards to conduct patrols of the shopping centre including all car parking areas during peak times.**
- ☐ **measures to ensure that new tenancies in the centre are aware of the importance of security in individual stores.**

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*,

as amended.

- 40. Prior to the issue of Occupation Certificate the following measures must have been implemented.**
- (a) The proposed one way motion through the proposed driveways to the public road network as shown on the submitted plans is to be appropriately signposted and line marked at the driveways and through the carpark.**
 - (b) 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 carpark of the centre.**
 - (c) Signage within the Tanda Place loading and delivery area as detailed in condition 48.**

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.

- 41. Prior to the issue of Occupation Certificate the proposed footpath works to Tanda Place shall be constructed to Council standards, at full cost to the developer, by a licenced Council approved contractor.**

REASON: To ensure that the site is fully accessible for pedestrians via a safe and secure environment. Section 79c(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

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

- 43. 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.

- 44. Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening, the Applicant must contact Council's Environmental and Community Services Directorate for a Health Inspection and registration of the premises in accordance with the Food Act 2003, Food Regulations 2010 and Food Safety Standards Code.**

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

- 45. 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.

- 46. A Certificate of Compliance and Works as Executed Diagram shall be submitted to and approved by Council 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: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

- 47. 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 an approval from Riverina Water County Council before any water supply plumbing works commence and a Compliance Certificate upon completion of works. Contact Riverina Water on 6922 0634. Please be prepared to quote your Construction Certificate number.

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

General

- 48. Deliveries to the site and the use of the loading dock and service area on Tanda Place must only be conducted between the hours of 6am and 10pm.**

Appropriate signage shall be erected within the loading dock area advising delivery drivers of the following:

- ☐ **The location of the site within a residential area and the need for drivers to respect the privacy of nearby residential properties.**
- ☐ **The requirement for all vehicles to enter and leave the site in a forward direction. No reversing to or from Pinaroo Drive is permitted.**
- ☐ **The signage shall be erected prior to operation of the approved development.**

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.

- 49. 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.

- 50. 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.**

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.

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

a) the sign display must not include:

- **Any flashing lights,**
- **Electronically changeable messages,**
- **Animated display, moving parts or simulated movements,**
- **Complex display that holds motorists attention beyond “glance appreciation”**

- **Display resembling traffic signs or signals, or giving instruction to traffic by using words such as ‘halt’ or ‘stop’.**
- b) **The proposed advertising signs and support structures must be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.**
- c) **The method and intensity of any illumination of the signs must not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.**
- d) **Any proposed sign and supporting structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1. Structural Design Actions - Permanent, imposed and other actions and AS1170.2. Structural Design Actions - Wind Actions.**
- e) **Any proposed advertising signage must not obstruct or distract from any road regulatory, safety or directional signage in the vicinity.**
- f) **The sign shall not pose any risk to pedestrian safety.**

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.

52. Illumination of signage on the Southcity shopping centre is to be turned off at the close of business.

REASON: To ensure that the proposed signage does not have a detrimental impact on existing levels of residential amenity. Section 79C(1)(e) *Environmental Planning and Assessment Act 1979*, as amended.

53. 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.

54. 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.

55. No B-Doubles are permitted to enter the site for any purpose. The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 “Off-street commercial vehicle facilities” and to Councils satisfaction. For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed to allow all

vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.

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.

- 56. A development application will be required for the occupation of the Discount Department Store, the Mini-Major Store and each tenancy within the extended shopping centre. Applications for subsequent changes of tenancy will be determined against SEPP (Exempt and Complying Development Codes) 2008.**

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*.

- 57. Any landscaping, fencing or 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 and through the carpark to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".**

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.

- 58. 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. This is to provide for the ease of circulation of vehicles within the development site. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.**

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.

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

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

- 60. All plumbing and drainage work must be carried out by a Licensed Plumber and Drainer and to the requirements of the Plumbing and Drainage Act 2011.**

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals)

Regulation, 1999. Section 78A(4) of the *Environmental Planning and Assessment Act 1979*, as amended.

61. **(1) For the purposes of Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**
- (a) protect and support the adjoining premises from possible damage from the excavation, and**
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.**
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.**

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

62. **The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.**

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.

63. **Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.**

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.

64. **Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in council's document shall be listed and submitted with the plans for separate approval.**

Reason: So that Council may ensure that the design and construction is in accordance with Councils requirements and for the information of the emergency services. Section 79c (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.