

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

JRPP No	2013STH007
DA Number	ADA13/0080
Local Government Area	Wagga Wagga
Proposed Development	Mixed Use Development comprising 2 x 5 Storey Residential Flat Buildings, 1 x 4 Storey Residential Flat Building, 2 x 3 storey Mixed Use Commercial & Residential Buildings, Swimming Pool, Commercial Floorspace within restored Flour Mill Building, Supermarket, Associated Car Parking, Landscaping & Site Clearance together with Construction of New Road & 2 Lot Subdivision on Site of Heritage Item (The Mill) - AMENDED DESCRIPTION UNDER S96(2) MODIFICATION APPLICATION
Street Address	50 - 80 Edward Street Wagga Wagga NSW 2650
Applicant/Owner	Interlink Wagga Central Pty Ltd
Number of Submissions	none
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 originally approved development had a capital investment value exceeding \$20 million. Modifications to approved developments under Section 96(2) must also be referred to the Panel.

DESCRIPTION OF DEVELOPMENT

Development Application DA11/0568 for a mixed Use Development comprising 2 x 4 Storey Residential Flat Buildings, 2 x Mixed Use Commercial & Residential Buildings, 12 Townhouses (Multi-Dwelling Housing) , Commercial Floorspace within restored Flour Mill Building, Supermarket, Conference Space, Associated Car Parking, Landscaping & Site Clearance together with Construction of New Road & 2 Lot Subdivision on the site of a Heritage Item (The Mill) was originally approved by the Southern Region JRPP on 21 March 2012.

A modification application under s96(1A) was submitted to Wagga Wagga City Council on 7 May 2012, the modification sought an amendment to the timing of some conditions, in particular the payment of contributions. Furthermore following negotiations with the Roads and Maritime Service (RMS) the modification also included amendments to the design of the central median and subsequent reword of associated conditions. The s96 (1A) modification was approved on 7 June 2012.

A further modification application was submitted under s96(2) of the Environmental Planning and Assessment Act which was reported to and approved by the Southern Region JRPP on 6 September 2012. The amendments were the deletion of the twelve two storey town houses, replacement of the townhouses with one four storey residential block (Block E) containing twenty apartments, a gym and 25 undercroft car parking spaces, a new 25 metre outdoor swimming pool with associated shade sails, pavilion, change facilities and toilets, internal and external modifications to the approved residential blocks and reduction in overall number of parking spaces.

A further modification under section 96(2) has been received which seeks the following amendments that are the subject of this report:

- Addition of another floor of residential apartments to Blocks C and D to the south of the site. This will add a further 12 two bedroom apartments.
- Reconfiguration of penthouse apartment in Block B to create one additional two bedroom apartment
- Internal and External alterations to the residential blocks
- Removal of pool pavilion buildings, replace with shade sails and BBQ
- Deletion of the conference centre and roof top parking
- Reduction in the size of the supermarket and associated basement car park
- Adjustment to the levels across the residential precinct to follow the natural contours of the site - blocks approximately 600mm lower

- Areas for plant to serve the restaurants and offices identified to the rear of heritage building. New retail plant area to front of supermarket.
- Reduction in proposed new openings to heritage building (rear elevation)
- Reduction in size of terrace to the front of the Mill building
- Deletion of heritage relic display area
- Amendment to gradient of access ramp into basement car park and to rear loading dock
- reduction in parking numbers to 333 spaces
- revised (reduced) landscaping throughout the site
- Amend condition 67 to not require highway works prior to occupation of residential units, rather all highway works be linked to commercial development in stage 2.
- Amend the contribution payment conditions to be broken down subject to the stages of development.
- The rear access road is to be a two lane two way access for all site users. It is proposed to only construct this road to serve the residential precinct prior to occupation of residential apartments.

All other parts of the original development application remain the same which can be summarised as follows. Two mixed use buildings towards the north-west boundary of the site which will front onto Edward Street and consist of ground floor commercial floorspace and residential apartments above. One four storey apartment block sited within the centre of the residential precinct with adjacent pool and garden area.

A new building is to be developed to the east of the site that will accommodate a supermarket with a basement car park. The proposed new building will be linked to the heritage building that was formerly used as a flour mill. The flour mill building will be internally adapted to enable the ground floor to be incorporated into the supermarket and for the first floor to be used as commercial floorspace. The remainder of the heritage building will be used for a mix of retail, restaurant and office space.

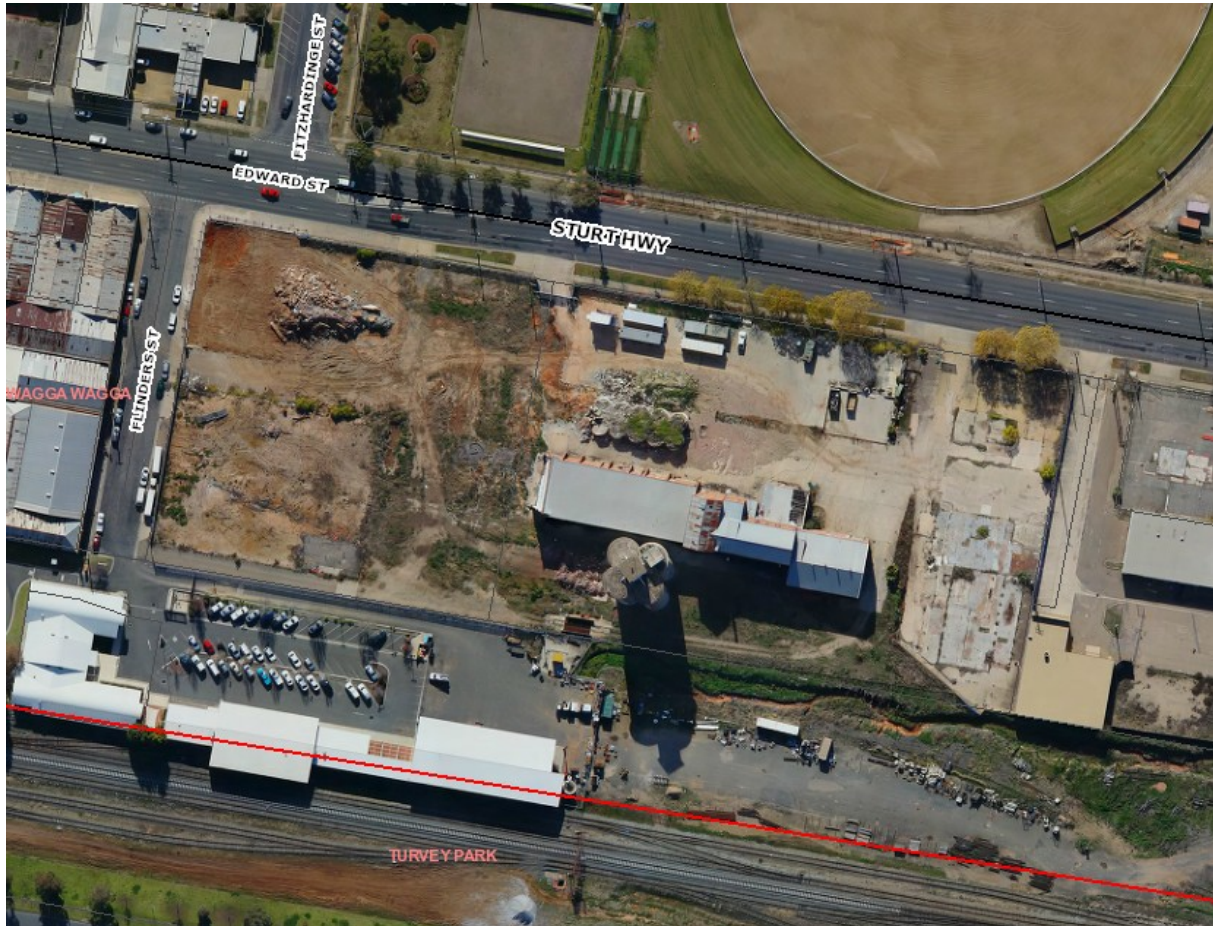
The mill building, flour store, grain store and grain silos are to be retained and reused. There will be some internal demolition of walls within these buildings together with the installation of new floor levels to allow connection to new elements. Internal and external changes to the heritage building will include replacement windows and roofs as well as a new entrance canopy addition.

A new traffic signalised junction is to be constructed at the eastern end of the site, leading into both a basement car park via a right hand turn and also to the servicing area at the rear of the site. In addition, there will be one left in only access point from Edward Street into the central plaza area and one left only exit point from the same area. There will be a dedicated dock at the rear of the supermarket and a separate loading and servicing area at the rear of the heritage buildings to serve the other retail and commercial premises.

Car parking and landscaping are proposed throughout the site to complement each of the different elements of the redevelopment. New street trees are to be planted to both Edward Street and Flinders Street. The site is to be subdivided into two lots, one predominantly residential and one commercial.

THE SITE & LOCALITY

The application relates to land on the southern side of Edward Street/Sturt Highway. Since the original Development Application and subsequent amended application the subdivision of the site into two lots has been approved and registered. The site is now known as 50-80 Edward Street and is legally identified as Lots 11 and 12 DP1178547.



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

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

Since the original application was approved the former Red Lion Hotel at the corner of Edward Street and Flinders Street has been demolished. The site has been cleared ready for redevelopment.

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

SUMMARY OF MAIN ISSUES

Visual Impact of additional levels of accommodation and deletion of conference centre; access and traffic issues onto the highway, parking provision on site.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 96 OR 96AA

For the purpose of determining this application to modify consent, the following matters pursuant to the provisions of Section 96 or 96AA of the Environmental Planning and Assessment Act 1979, have been taken into consideration.

Section 96(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).

The application remains substantially the same as that originally approved being a mixed use development of residential and commercial floorspace including the reuse of a heritage building and new access works. The general layout of the whole site can be considered substantially the same and access arrangements from the highway also remain the same. The proposed modifications are internal to the site and whilst considered to be of more than minimal environmental impact they do not significantly alter the overall description of development.

The modified proposal includes the reduction in size of the originally approved addition that was to accommodate a supermarket and conference centre. There is also variation to the residential element by the addition of two further floors of accommodation and the reconfiguration of one penthouse apartment. These modifications result in an additional 13 apartments resulting in a total of 97 apartments across the five blocks.

The introduction of two five storey buildings presents a built form of greater bulk and scale to the south west of the site, although the footprint is unchanged and the deletion of the conference centre together with a smaller supermarket results in less bulk and scale to the east of the site. There are anticipated to be changes in the vehicle movements to and from the site with the increase of a further 13 residential units and this has the potential to have a number of impacts in the locality.

Accordingly a Section 96(2) modification application is the most appropriate way to manage the proposed amendments.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent.

There is no requirement to seek concurrence from any external bodies.

(c) it has notified the application in accordance with:

- i. the regulations, if the regulations so require, or*
- ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent.*

The application was advertised and notified to neighbouring properties between the period of 17 June and 3 July 2013.

The application was referred to the Roads and Maritime Services. The consultation response received from RMS is discussed in detail within the s79c assessment report.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

No submissions were received in relation to the modified application.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

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

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

Local Environmental Plan

Under the Wagga Wagga Local Environmental Plan (LEP) 2010 the land is zoned as Mixed Use (B4). The objectives of this zone are:

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

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

In terms of the definition of the proposed land uses, there is a mix of residential flat buildings, retail premises, business premises and office premises.

Each of the uses are identified as permissible with consent under the Standard Instrument within the B4 mixed use zone. The modification application does not introduce any new land uses to the development. The modification does result in the deletion of one of the originally approved land uses, being a function centre.

4.3 Height of Buildings

The maximum permissible height for buildings across the site is 25 metres. The proposed modifications will introduce an additional floor to two of the apartment blocks that will extend to a maximum height of approximately 18 metres. The additions to the two blocks will result in buildings of comparable height to the existing former Mill building which also extends to approximately 18 metres.

The modified proposal remains compliant with the objectives of this clause relating to height of buildings as follows.

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

The proposed development includes residential flat buildings together with commercial and retail floorspace. The new buildings are a range of different heights, including three storey mixed use buildings and four and five storey apartment blocks which together with the converted former Mill building will significantly enhance the vitality of the site.

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

Existing buildings on site are a dominant feature in the streetscape and will continue to be within the redevelopment proposal. The five storey buildings are sited to the rear of the site beyond the main building frontage of the heritage listed Mill. The modification allows for the “stepping up” of the apartment blocks from 3 to 4 to 5 across the site from north to south. This site layout is complementary to the existing streetscape.

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

The presentation and finish of the ground floor premises within Blocks A and B remains as originally approved being predominantly glazing, this will present an active frontage to both Edward Street and Flinders Street.

The presentation of blocks D and E to Flinders Street also remains unchanged.

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

The introduction of a fifth floor at the rear of the site will not be to the detriment of any neighbouring properties. The layout of the site allows adequate amounts of sunlight into all of the residential areas as well as through the landscaped areas of public domain. The highest buildings are to the south and therefore will not impact on the natural light from the north reaching the public areas within the residential precinct.

Based on the above assessment the modifications remain consistent with this clause of the LEP.

4.4. Floor Space Ratio

The proposed modifications will result in a slight increase of the floor space ratio however the overall development remains below the maximum FSR of 4:1 that the LEP permits on this site.

The modified application remains compliant with 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 development is not too dense and the access to the site has been designed to accommodate predicted vehicle and pedestrian movements.

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

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

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

The modified proposal results in an increase in the bulk and scale of development within the residential precinct however it is not considered to adversely affect the streetscape or character of this area. The deletion of the conference centre within the commercial precinct reduces the bulk of the development to the east and allows greater views of the heritage building.

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

5.10 Heritage Conservation

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

(1) *Objectives:*

The applicable objectives of this clause are:

(a) to conserve the environmental heritage of Wagga Wagga

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

The application proposes the adaptive reuse of the Mill and associated buildings and by reusing the heritage buildings their past is conserved and their future is secured.

There are both internal and external changes to the heritage buildings proposed as part of the development but the overall appearance, scale and bulk of the heritage items will not be changed. The heritage buildings remain as the central focus point within the development site to which both the new residential and commercial buildings respond. The setting of the heritage buildings remains open to the front of the site to ensure that views to it are not hindered and its significance is conserved.

It is considered that the objectives of this clause are therefore satisfied.

The modification application proposes a number of changes to the treatment of the heritage building. The changes include a reduction in the number of new openings proposed to the rear of the former grain store building, additional windows to the rear of the former flour store building, new skylights within the flour mill roof deleted and relocated onto the new supermarket roof and a glazed walkway between the flour mill and the supermarket. The reduction in alterations to both the flour and grain store buildings retains more of the original fabric of both buildings which is welcomed. Furthermore, the views towards the heritage building from the east will be improved and opened up as the conference centre has been deleted.

One further modification is the deletion of the proposed relic display area to be included in the former Mill building. The original application proposed to retain and store important features including machinery and other relics from within the heritage buildings whilst redevelopment of the site occurred. Subsequently these items were to be displayed providing a history of the site ensuring that the importance of the former use of the building was not lost. The modification application provides no justification or mention of the loss of the relic display area other than an annotation on a plan.

Significant emphasis was placed on the reuse of the heritage building as paramount to the success of the mixed use redevelopment, furthermore the importance of acknowledging the history of the site and maintaining as many original features as possible was a valued aspect of the proposal. It is not considered to be consistent with the heritage controls within the LEP or the principals of the Burra Charter to allow the loss of this area and it is recommended that a display area be maintained. This will be secured by condition.

A review of the original Heritage Impact Statement was prepared in support of the modification application. Based on the reduction in size of the supermarket and deletion of the conference centre the amount of demolition of external walls is

significantly reduced and the original integrity of the flour mill building can be maintained. The additional floors to the two residential blocks are not considered to impact on the visual significance of the heritage buildings within the centre of the site.

Clause 7.1A relates to earthworks. Development consent is required for earthworks. The modification proposes less excavation for the basement car park and a reduction in the gradient of ramps used through the site. Although excavation is still required the degree of earthworks has reduced due to the changes in scale of the commercial additions.

As the site has been identified as being subject to contamination in places a remediation action plan will be required prior to any excavation work occurring. Conditions of consent remain in place to ensure all such works progress in a timely manner.

State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

This Development Application will be referred to the Southern Region Joint Regional Planning Panel for determination in accordance with Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011, which requires the Panel to exercise planning functions of the Council as a consent authority under Part 2A of the Environmental Planning and Assessment Act for specified types of development including s96(2) modifications to applications previously approved by the Panel.

The original Development Application was reported to the Southern Region Joint Regional Planning Panel as a development with a capital investment value of more than \$20 million. The proposed development has a capital investment value of \$32 million.

State Environmental Planning Policy (Infrastructure)

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

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

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

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

- (a) in any bedroom in the building-35 dB(A) at any time between 10.00 pm and 7.00 am,*

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.

The proposed additional levels of accommodation are on the two residential buildings that are sited to the south of the site adjacent to the rail corridor. In keeping with the previously approved three floors of residential accommodation the new apartments have all been designed to comply with the specified noise standards.

The original acoustic assessment has been updated to reflect the proposed new layout of Blocks C and D. The report confirms that the required criteria nominated in the SEPP for residential units are achieved. The criteria are measured internally with windows closed the windows and glazing that have been nominated for the residential blocks would satisfy the requirements of this clause. Further recommendations are made regarding door and window seals as well as roof/ceiling constructions. Compliance with these criteria will be assessed at Construction Stage.

The original and amended acoustic assessment reports found that the site would not be affected by rail vibration and accordingly no mitigation measures are required with regard to vibration.

Clause 101 Traffic Generating Development

The development is classified as *Traffic Generating Development* and requires referral to the Roads and Maritime Services.

Although the modification application does not amend the proposed new access points or highway works it is considered imperative that the RMS are aware of the modified development as there is a modification proposed to the timing of the implementation of highway works and improvements.

An addendum report to the original Traffic Report has been prepared to assess the likely impacts of the modified development within the site and on the local road network. The report concludes that due to the reduction in size of the commercial elements of the development there will be 150 less vehicles an hour than previously approved. It is proposed that all of the traffic for the residential precinct can use Flinders Street and the internal road to access the apartments. Consequently there is no need to develop the internal road to the traffic light junction and no need for the highway medians prior to commercial parts of the development being occupied. It is acknowledged that there will be a median built across Flinders Street (in association with the adjacent Dan Murphy's development) and therefore there will be no ability to turn right into or right out of the residential apartments. It is suggested that vehicles use local roads to negotiate back in the required direction to overcome this access issue.

As part of the original application the RMS proposed a number of conditions of consent in relation to the access and median treatments on the Sturt Highway and treatments within the site to ensure the safe movement of vehicles to and from the highway. The conditions require that the central median in the highway, the traffic lights and the internal road all be constructed prior to the occupation of the first residential apartment. This enables vehicles to enter and exit the site from both

directions and prevents vehicles turning against the flow of highway traffic or making u-turn manoeuvres within the highway. The conditions are all still applicable and will be applied to the modified consent. A variation to the timing of the installation of the traffic lights only is considered appropriate and is discussed in greater detail under the RMS submission to the application.

State Environmental Planning Policy No. 55

Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of any development on land unless:

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

The original application was supported by a detailed site investigation summary and conditions of consent were issued that required remediation action plans and validation reports to be prepared prior to construction certificates being issued on various parts of the site. The modified plans will not impact on the proposed remediation works proposed across the site which are currently ongoing.

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

As the proposal includes residential development of three storeys or more SEPP 65 is applicable and the proposed development must be assessed against the relevant clauses within this legislation. An amended assessment has been prepared which remains very similar to the original.

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

Context	Buildings A & B are sited along the north western boundary of the site, they present to the street in a similar manner to the Astor Hotel sited on the adjacent block to the west in that their setback is minimal. The higher 4 storey block dominates the corner of the site and the 3 storey block steps down towards the central heritage buildings to give more views into this area. The 3 storey blocks turns into the site to provide an active frontage into the heritage plaza area in the middle of the site. Buildings C & D are sited along the rear of the residential precinct and assist in providing both a visual and acoustic barrier to the southern railway precinct. They are 5 storeys in height and therefore relate well to the heritage buildings and silos which are of a greater height but set back a similar distance into the overall site. Building E is set within the centre of the residential precinct together with communal open areas and a pool. The
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	buildings use a mix of materials identifying that they are new additions to a heritage site but do also respond to the heritage building through the use of bricks that are complimentary to the existing face bricks on the heritage buildings.
Scale	Buildings A & B step down from four to three storeys along the Edward Street frontage with building E within the centre being four storey and blocks C and D being five storeys at the rear of the site. This scale along Edward street is marginally higher than some of the existing buildings along the street however this scale is appropriate given the height of the adjacent heritage Mill building. The mixed use zoning and associated height restrictions in the area allow for development of a greater scale and future adjacent developments may therefore be higher.
Built Form	The layout of the buildings in five separate blocks allows for views in and out of the residential precinct to be achieved. The mass of the buildings is large however this is offset by both the stepping down in storeys between blocks A and B and the central communal open area and pool. The buildings at ground level along Edward Street and facing east to the heritage plaza are commercial tenancies which will activate the streetscape and provide a visual connection between the two precincts. They are set back from the street alignment under a colonnade formed by the steel structure to the apartment balconies above. The top floors of the buildings use glazed balustrades and lighter weight steel balcony structures to present a modern city centre style of residential development. The Flinders Street elevations respond to the fact that protection is required from the western sun and that the outlook is less attractive than to the north by using more solid treatments and barriers. Increased glazing to the blocks at the rear allows for greater natural light to all of the apartments. The car parking is all at ground level and access is from two points, for the northern and central buildings from Flinders Street and for the southern buildings, from the new road at the rear of the site.
Density	The site is zoned for mixed use purposes and permits buildings up to a height of 25 metres and floor space ratios of 4:1. Neither of these two controls are exceeded, however their values do indicate an acceptance of higher densities within this area and the proposal does achieve this. Higher densities across the site are not possible due to the need to protect the setting and the integrity of the heritage buildings, however, an acceptable balance is achieved with an appropriate scale of development. The introduction of medium density residential development close to the city centre has the added benefits of supporting the local commercial centre and recreational facilities which are within comfortable walking distance. The residential accommodation offers a new choice of housing style to residents in Wagga Wagga and therefore will contribute to the future housing needs generally.
Resource Energy and Water Efficiency	A number of energy efficiency measures have been used in the design of the blocks. Internal common lobbies have natural light and ventilation creating long term energy savings. 78% of the apartments receive the minimum of 3hrs sunlight in mid winter and 64% of the

	apartments are naturally cross ventilated. Different forms of shading have been used to reduce unwanted solar heat gain and roof water is being captured and stored to be re-used for irrigation. The amended buildings comply with BASIX requirements.
Landscape	The landscape design has been developed using the history of the site to influence both planting and hard landscape selections throughout. A central landscaped communal area between blocks D and E includes lawn, trees, seating and a barbeque area as well as the adjacent 25 metre outdoor pool. Historical artefacts from the Red Lion hotel are proposed to be included within the landscaped area and significant tree planting is proposed within both Edward Street and Flinders Street.
Amenity	All habitable rooms have direct access to natural light and all apartments have balcony spaces. Each apartment has private storage spaces with additional on floor or basement storage areas. The dimensions of rooms and living spaces have been developed based on the relevant codes, apartment sizes are large and encourage comfortable living for both long and short term residents. Access to all apartments is available to mobility impaired persons to BCA requirements and acoustic separation is in accordance with or exceeds BCA requirements. All apartments have been designed such that bedroom and living areas of apartments do not overlook each other. Where this has not been possible in bedrooms along the view corridors between apartment buildings, fixed screening has been provided.
Safety and Security	Entry into the residential parking areas will be via electronic gates, further intercom entrances will limit the accessibility of the apartment buildings to residents and visitors only. Access into the commercial ground floor will be via the fronts of the building which allows the residential and commercial parts of Blocks A and B to be completely separate. Central areas between the apartment blocks will benefit from natural surveillance from both residents and workers within the commercial areas. The mixed use of the buildings allows there to be an active presence on site all day minimising the possibility of intruders being able to access the buildings. The site is designed to avoid any alleys or recesses which have the potential to create dark, hidden areas.
Social Dimensions and Housing Affordability	The proposed mix of apartments addresses the needs of the local community in providing high quality housing that is close to the city centre and also served by public transport. The accommodation is within walking proximity to local services and recreational opportunities. The mixed use development will allow interaction between the residential and commercial areas further promoting social cohesion in the area.
Aesthetics	The proposed development will create landmark buildings of a completely new architectural style on a prominent site and thoroughfare. Views to and from the site will benefit from the modern designs and be further enhanced by the considerable planting proposed across the site as well as new trees within the street.

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

**(a)(ii) - The provisions of any draft environmental planning instrument
Draft local environmental plans**

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

Draft state environmental planning instruments

There are no draft SEPPs of relevance to the application.

(a)(iii) - Any development control plan

The Wagga Wagga Development Control Plan 2010 (WWDCP) contains a number of general provisions relating to car parking, landscaping and site design as well as more specific clauses on heritage development and mixed use areas.

Clause 2.1 Site Analysis

A site analysis plan was lodged with the original application, the context and surrounding features of the site have not changed since the original application and consequently the analysis of the site's strengths and weaknesses remains the same.

Clause 2.2 Vehicle Access and Movements

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

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

Access is proposed from the arterial road but the new access is to be via a traffic signalled junction that will improve access movements to and from the site. There will be two driveways onto the secondary frontage of Flinders Street, one will be for residents only the other will be the new internal road which will be available for use by all site users.

The opening of Mill Avenue as a two way thoroughfare is important in allowing safe access throughout the site to and from the highway for vehicles turning either right in or right out of the subject site. It is considered appropriate that this internal road be fully constructed to serve the residential properties prior to occupation.

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.

An update to the original traffic assessment has been prepared and lodged in support of the modification application.

Parking provision within the residential precinct has been amended to 132 spaces which includes only 4 visitor spaces. All of the spaces within the residential precinct

are to be for use by the residents of the blocks only. There will be no shared use by the commercial areas that occupy the ground floor of blocks A and B. There are an adequate number of spaces to serve each unit with minimal visitor parking provision. The remainder of the required visitor parking will need to be provided in the central plaza area.

It is anticipated that the change in residential numbers will result in an increase in traffic generation of an additional 10 vehicles per hour during peak periods. The approved (as amended) development estimated that the residential element of the proposal would generate 40 vehicles an hour during the peak period which will increase to 50 as a result of the proposed modification. When considered in the context of the approved development the change in vehicle movements is not considered to have a significant impact on the local road network. However this is assuming that all required highway works that enable vehicles to enter and exit the site in either direction have been implemented.

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

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

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

All of the commercial floor area within the restored heritage buildings and the supermarket will continue to have loading and delivery functions at the rear of the site. The loading dock to the supermarket has reduced in size and height due to the deletion of the upper floor conference centre. The reduction of the area required for access ramps has resulted in a greater width that enables Mill Avenue to be widened to two lanes for its entirety which will be to the benefit of all site users.

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

C6 Ensure adequate sight lines for proposed driveways.

The new access points onto Edward Street are not amended as part of the application and remain as originally approved. The approved medians across Flinders Street and within the centre of Edward Street will also remain as originally approved.

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

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

The parking layout across the site remains generally the same as originally approved, however the roof parking to serve the conference centre has been deleted and the reduced basement area results in less parking spaces. Amendments to the central plaza such as reducing the terrace area and minimising landscaping have resulted in a greater number of spaces within the plaza area. The total number of parking spaces across the whole site has reduced from 438 to 333.

As there is a proposed increase in the number of apartments the provision of visitor parking within the residential precinct has reduced. Each of the 2 bed residential apartments will be assigned a dedicated parking bay and 3 bed apartments will be assigned 2, however this only leaves 4 spaces available for visitors. The outstanding 16 spaces that are required will be provided within the central plaza area. Although not specifically designated just for visitor parking it can be assumed that visitors will share spaces within the central area with other site users. An amendment to condition 70 is proposed to ensure that required visitor parking to serve the residential blocks is provided within the central plaza area prior to occupation of the units.

The WWDCP has a table of minimum car parking requirements for different identified land uses. Furthermore within the WWDCP parking requirements are set for either developments within the B3 zone or for 'all other areas.' The requirements for parking in the B3 zone are considered to be less owing to the central location and the reduced standards are also a benefit for those investing in the city centre. As the development site is within the B4, not the B3, zone the parking requirements used are those that relate to 'all other areas.'

The following table gives an updated summary of parking requirements and provision.

Land use with floor area in sq.m	Parking rate (all other areas)	Required number of spaces	Number of spaces provided	Cumulative number of spaces
Residential Precinct				
Residential Flat Buildings	1 space/2 bed 2 spaces/3 bed	66 +62 = 128	132	+4
Residential Visitor Parking	1 visitor space/5 apartments	20	4	-16
Commercial Precinct				
Residential Visitor Parking	As above	As above	64 spaces (plaza west)	+48
Commercial (Blocks A&B) 1150sq.m	1 space/33sq.m	35	(plaza west)	+13
Ground floor Mill Retail 1,2,3,4 (512sq.m)	1 space/33sq.m	16	(plaza west) 58 spaces (plaza east)	-3 +55
Ground Floor Mill Restaurant 1 and 2 (675sq.m)	1 space/10sq.m	68	(plaza east) Basement 79	-13 +66

Commercial/Office s Mill - Levels 1,2,3,4 1750 sq.m	1 space/33sq.m	53	basement	+13
Supermarket (1600sq.m)	1 space/33sq.m	49	basement	-36

The above assessment would conclude that the provision for the supermarket cannot be met. However the assessment of a mixed use development cannot be determined in such strict terms as all of the uses will be used to their peak at different times of the day and on different days and it is also unlikely that all uses will reach maximum occupation at any one time.

Although there is no capacity to share parking within the residential precinct there is the potential for residents to also be users of the commercial facilities. Equally the peak time for the supermarket will be at the weekends when many of the commercial offices will not be in use.

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

Land use with floor area in sq.m	Parking rate (all other areas)	Required number of spaces	Number of spaces provided	Cumulative number of spaces
Residential Precinct				
Residential Flat Buildings	1 space/2 bed 2 spaces/3 bed	66 +62 = 128	132	+4
Residential Visitor Parking	1 visitor space/5 apartments	20	4	-16
Commercial Precinct				
Residential Visitor Parking	As above	As above	64 spaces (plaza west)	+48
Commercial (Blocks A&B) 1150sq.m	1 space/45sq.m	26	plaza west	+22
Ground floor Mill Retail 1,2,3,4 (512sq.m)	1 space/45sq.m	12	plaza west	+10
Ground Floor Mill Restaurant 1 and 2 (675sq.m)	1 space/25sq.m	27	plaza west 58 spaces (plaza east)	10 +41
Commercial/Office s Mill - Levels 1,2,3,4 1750 sq.m	1 space/45sq.m	39	plaza east	+2
Supermarket (1600sq.m)	1 space/45sq.m	36	basement 79	+45

The above assessment demonstrates an oversupply of spaces which given the variety of uses is a more likely scenario. There may be instances of persons living within the apartments and also working elsewhere on the site, there may be a number of linked trips between the supermarket and either the residents or employees across the site. Furthermore the restaurants on site may be used by both residents and workers on site.

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

Parking on the highway directly to the front of the site will be restricted to ensure that there is no disruption to vehicle movements from cars parked on the highway. The no parking restriction will be secured by condition.

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

Clause 2.4 Landscaping

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

The landscaping proposed within the central area has been amended to accommodate design changes to the plaza area. The amendments result in less trees within the plaza area that is the gateway into the restored mill buildings. An area previously proposed for landscaping adjacent to the eastern entrance has been identified as a plant zone for the retail development. A condition of consent is proposed (24B) that relocates the plant zone and restores this as a landscaped area.

Condition 22 has been amended to ensure that detailed landscape plans are approved at each stage and that these are in accordance with DCP requirements regarding the numbers of trees within car park areas.

Within the residential precinct the landscaping within the communal area has been amended to reflect the larger open area following the deletion of the pavilion building. The revised plan identifies a reduced number of trees to be planted in this area.

Street trees will be planted to both Edward Street and Flinders Street frontages, providing an appropriate canopy setting to the site. Payment for street trees will occur with each applicable Construction Certificate. Payment for 9 trees has been paid with the Construction Certificate for residential blocks A and B.

Whilst the approach to landscaping across the site has been modified as part of the application there is still significant softening of the site proposed which will enhance the amenity of the redeveloped site. It is important that the site is developed consistently hence the need to apply conditions that require the approval of detailed landscape drawings at each stage of development.

Clause 2.5 - Signage

The original application included indicative locations of new signs although no details have been included for any of the signs and these will therefore be subject to a later development application. All signs will be subject to assessment against both SEPP64 Advertising and Signage and the controls under this section of the WWDCP2010.

3.2.1 Alterations and additions to heritage items

The objectives of this clause are as follows:

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

As originally determined, the development is sympathetic to the heritage significance of the buildings on site with new buildings and additions presenting as modern new additions to the site rather than attempting to replicate historical design features. Views to and from the site are protected and the additions proposed allow the buildings to be adapted and reused which will maintain their functionality and future use. The modifications will result in improved views towards the heritage buildings from the east and will also result in less alteration to the buildings in terms of openings and demolition. The objectives are therefore satisfied.

3.2.2 Materials, finishes and colours

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

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

3.2.3 Adaptive reuse of heritage items

The modifications will result in the original integrity and fabric of the heritage buildings being maintained to a greater degree than was originally approved.

As the supermarket and basement car park have reduced in scale there is no need to cut into the wall of the flour mill building to the same degree as previously approved. A glazed walkway will connect the two buildings, similar but much smaller in scale than the link originally proposed from the conference centre. There is also no longer a need for new skylights to the flour mill building. Proposed openings to the rear of the grain store building have been deleted.

Whilst the adaptive reuse of the buildings is important and welcomed it is important that the historical importance of the building is not lost. There are a number of

internal features and relics within the heritage buildings that can either be reused or restored and a display area of such features was originally proposed and approved. The display area has been deleted as part of the current modifications however this is not supported and a condition is proposed (24B) to ensure that this is retained or appropriately relocated and provided within the final redevelopment of the site.

3.2.4 Development in the vicinity of a heritage item

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

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

10.2 Mixed use development

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

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

The original application varied from the master plan through the introduction of four storey residential blocks adjacent to the railway. At the time this amendment was considered to be preferable to two storey dwellings given the likely disturbance from both the rail corridor and the access road at the rear of the site. The addition of a further floor of accommodation to these blocks is consistent with the originally approved development.

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

No planning agreement has been entered into.

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

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

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

(b) - The likely impacts of the development

Context and setting

The site is set between two transport corridors, namely the Sturt Highway to the north and the Melbourne to Sydney rail corridor to the south. The site is historically a commercial site bounded to the east and west by other commercial/industrial land uses. To the south beyond the railway corridor land there are residential properties which extend in a southerly direction at an increased elevation. Therefore a number of residential properties to the south have views of the development site.

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

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

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

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

Access, transport and traffic

Access to and from the site will remain as originally approved via both Edward Street and Flinders Street. As a result of the proposed modifications there will be an increase in the vehicle movements along Flinders Street as detailed earlier in the report. As this is not a highly trafficked route and as the development consent requires the construction of a median across Flinders Street to prevent right turns across the highway the increase in vehicle movements is not considered to have detrimental impact on vehicle movements in the area.

It is proposed to modify condition 67 to not require the highway works which include lane reconfiguration, raised medians and traffic light junction until the commercial precinct of the site is developed. This scenario would result in the residential part of the site being developed as a unique development with no linkage to the remainder of the site. The approved development is a mixed use development with a new

internal access road serving the whole of the site along the southern boundary. The construction of the internal road has consistently been seen as essential for the servicing of the residential precinct traffic as much as for the commercial precinct and should therefore be constructed as part of the residential development.

Access into Flinders Street will only be possible by a left in and left out movement as a median is to be constructed across this road in accordance with the adjacent Dan Murphy's redevelopment. The central plaza car park is also designed as a left in and left out only design. This will be developed as part of the early residential stages as parking is required for both the commercial floorspace in blocks A and B as well as visitor parking spaces for the residential apartments. Again users of this area will have no ability to turn in and out of the site to or from the east bound traffic lane unless the new intersection is completed.

An update to the original Traffic Report has been lodged in support of the modifications and is also discussed earlier in the report. The amendment to condition 67 referred to above is justified within the Traffic Report by the anticipated reduction in traffic generation to and from the site. However the reduction in traffic movements is as a result to changes to the commercial elements when the highway works are proposed to be completed by the applicant. Given the increase in residential apartments and the anticipated increase in vehicle movements associated with stage 1 of the development the importance of completing the highway works is strengthened further. Car parking numbers have been recalculated and remain acceptable. When compared against the commercial core parking requirements there is an excess of spaces provided across the site.

It is proposed to restrict all car parking spaces within the residential precinct for residents only. With an increase in apartment numbers it is important that all residential units are afforded at least one dedicated parking space together with sufficient visitor provision. There are a total of 128 residential spaces with an additional 4 visitor parking spaces which does not satisfy the requirements for visitor parking (20 required). Visitor parking will be provided within the central plaza parking area together with parking for the commercial units on the ground floor of residential blocks A and B. There are 64 spaces proposed in this area of which 16 are required as visitor parking and 26 for the commercial floorspace.

It is important that both the residential areas and the commercial blocks are able to accommodate servicing and delivery requirements as no stopping is allowed on the highway. Conditions of consent will ensure that this is addressed.

Services

The upgrade to services across the site remains as originally assessed, details of sewer and stormwater upgrades have progressed significantly in terms of detailed designs and additional plans have been provided as part of the plans supporting the modification proposals. New plant areas are proposed to the rear of the former grain store building to serve both the offices and restaurants. A new plant area to serve the retail areas is proposed to the front of the site. A condition of consent is proposed to relocate this area.

Heritage

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

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

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

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

Natural Hazards

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

Man-Made Hazards

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

Economic Impact in the Locality

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

As part of the assessment of the original application it was concluded that the redevelopment of the site is anticipated to have positive economic flow on effects as other developments take place in the area and linked spending occurs in the CBD. Investment into the residential properties will have a further positive economic impact on the wider economy of Wagga Wagga.

The deletion of the conference centre is viewed as detrimental in that linked trips associated with conferences and functions would have been to the economic benefit of the city.

Social Impact in the Locality

The redevelopment of the site has a number of positive social impacts. Firstly, the provision of new housing choices within the central area that are easily accessible to all groups will allow for new social relationships to be established. The addition of more apartments opens up this opportunity to a greater number of residents and investors.

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

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

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

Noise and Vibration

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

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

Conditions of consent will ensure compliance with recommendations made in the acoustic assessment regarding glazing thickness.

Energy Impacts

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

Throughout the site it is proposed to capture roof water which will be stored to be re-used for irrigation this should result in savings in water usage for the benefit of site occupiers and owners. Given the restrictions that apply with regard to making

changes to the heritage buildings there is minimal opportunity to apply energy efficiency measures to the adaptive reuse part of the proposals.

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

Site Design and internal design

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

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

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

The overall site design remains as originally approved.

Construction

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

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

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

Since the previous panel determination the first Construction Certificate for blocks A and B has been issued via Private Certifier. This was issued in May 2013.

Cumulative Impacts

The redevelopment of The Mill site is anticipated to result in further developments within the vicinity and will therefore have a positive cumulative impact. The major road work improvements associated with this development will impact on other land

users in the locality but will also allow for improved and safer access arrangements for all users of the highway.

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

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

The Principles of Ecologically Sustainable Development

1 The precautionary principle

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

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

2 Intergenerational equity

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

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

3 Conservation of biological diversity and ecological integrity

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

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

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

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

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

The site has been specifically listed as being suitable for a mixed use development and has a current development approval for a mixed residential and commercial redevelopment.

The modified development continues the original concepts recognised in the master plan for the site and therefore remains entirely suitable for a mixed use development in this location.

Whilst the residential elements are proposed to be developed first on site, conditions of consent are in place to ensure that other critical works will occur to enable the successful development of the whole site. Such works include the traffic light junction, highway works and remediation of the contaminated land.

Site Attributes in relation to the proposed development

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

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

Referrals

Internal referrals within Council have resulted in a number of suggested conditions. In addition the application was referred to the Roads and Maritime Service (RMS).

Notification

The modifications were notified to neighbouring properties between 17 June and 3 July 2013. No submissions were received.

Advertising

The modification application was advertised between 19 June and 3 July 2013. No submissions were received as a result of advertising.

Public Submissions and those from public authorities

Roads and Maritime Services

The referral response received from RMS is as follows:

From the submitted information it is understood that the modification requests that development be constructed in 2 stages with stage 1 being the construction of 97 residential units and approximately 1000 square metres of floor space and stage 2 being the remainder of the redevelopment of the Mill site as detailed in the submitted modification. The modification appears to reduce the commercial and retail component of the overall development and increase the residential component. In relation to traffic movement the requested amendment proposes;

- ☐ *The construction of "Mill Avenue" to provide for 2 way movement, along the rear of the site from Flinders Street to the eastern extent of the allotment on which stage 1 is sited,*
- ☐ *The retention of the left-in and left-out driveway to Edward Street which*

provides access to the at-grade carpark located along the frontage of the Mill Site to Edward Street,

- ☐ *Modifications to the on-site carpark provisions and layout,*
- ☐ *The construction of the remainder of “Mill Avenue” as a 2 way road to intersect with Edward Street and the construction of the road works within Edward Street including the central median treatment and traffic signals as part of stage 2.*

As part of the modification the applicant has requested the reconsideration of Condition 67 of the Notice of Determination for ADA 12/0075 dated 6 September 2012. Currently this condition requires that the required road works as per condition 31 be constructed and operational prior to the release of the first Occupation Certificate. The request is for Condition 67 to be amended to require these for these works to be constructed and operational prior to the release of the Occupation Certificate for stage 2 of the development. It is noted that the submitted information including the traffic report does not question the need or extent of the required works within the road reserve of Edward Street but requests the delay of such works to stage 2 of the development.

The plans submitted with the original Development Application indicated the provision of two access points to Edward Street with the eastern most access to be treated as a signalised intersection and the western most access to be restricted to left-in and left-out movement by a raised central median that is to extend from the proposed new signalised intersection to the current intersection of the Sturt Highway with Fitzhardinge Street. The submitted plans also provided for access between the development site and Flinders Street with the current intersection of Flinders Street with the Sturt Highway to be restricted to left-in and left-out movement by the extension of the current central median from the signalised intersection at Baylis Street. It was on the basis of these plans that the original application was considered and approved subject to conditions.

Given the changes to traffic movement outlined earlier it appears that the stage 1 development intends to rely on Flinders Street for vehicular access to the proposed 97 residential units and on the proposed new driveway to be located towards the centre of the frontage of the development site to Edwards Street for the commercial component of stage 1. This access driveway to Edward Street was agreed to on the basis that it was to be restricted to left-in and left-out movements only. To remove the potential confusion and temptation to turn right into the development at this locality the raised central median in Edward Street is to be constructed as part of this initial stage.

Condition 31(e) specifies that part of the required works within Edward Street include the extension of the existing raised central median extending from the traffic signals at Baylis Street across Flinders Street to deny right turn movement between Flinders Street and Edward Street. This requirement was also applied to an adjacent development for road safety reasons. It is understood that these works for the extension of the median across Flinders Street are to be undertaken within the near future as part of the adjoining development. The submission for ADA13/0080 does not appear to acknowledge these works across Flinders Street which will restrict access to the unit development in stage 1 along Edward Street from the west. This

issue was queried with the applicant however the reply from the applicant still appears to be on the assumption that the intersection of Edward Street and Flinders Street was to remain open to right turn manoeuvres. The requirement to extend this median to deny right turn manoeuvres is to be retained.

RMS does not support development that would encourage U-turn manoeuvres at the end of the median in Edward Street and will not support right turn into the proposed driveway to Edward Street proposed as part of stage 1. Therefore westbound access to the development site for stage 1 will be restricted without the construction of "Mill Avenue" to intersect with Edward Street. On this basis the amended application should be conditioned to require "Mill Avenue" to be constructed to provide for 2-way unrestricted vehicular movement between its intersections with Edward Streets and Flinders Street.

The modification also requests the review of the parking requirements based on the proposed alterations to the development. RMS requests that as a minimum the provision of on-site car parking, including disabled parking, associated with the subject development be in accordance with Council requirements as all car parking spaces required by the development are to be provided on-site and not be compensated by on-road parking in the vicinity. Carparking along the Edward Street frontage of the subject site is denied as part of the development proposal due to the proposed driveways and road works.

Based on the information provided and the works proposed to be undertaken to the intersection of Flinders Street with Edward Street by an adjoining development RMS would raise no objection to the rewording of Condition 67 to read as follows;

67. Prior to the release of the first Occupation Certificate, the required road works including the medians and all relevant signage on Edward Street (as detailed in condition 31 with the exception of the installation of the traffic signals) are to be fully constructed and operational to the satisfaction of Roads and Maritime Services. The traffic signals are to be installed and operational to the satisfaction of Roads and Maritime Services prior to the release of an Occupation Certificate for Stage 2.

Subject to a requirement for the following;

- a. The proposed roadway referred to as "Mill Avenue" is to be constructed to provide for 2-way unrestricted vehicular movement for all stages of the development between its intersections with Edward Streets and Flinders Street.*

Comment

The comments raised by RMS are consistent with the original assessment of the Development Application that was reported to the Planning Panel and the subsequent modification application. During the first assessment the applicant sought to have the wording of condition 67 amended and this was not supported. The application remains for a mixed use development and the residential component of this should not be viewed or conditioned in isolation to the remainder of the development.

Whilst it is critical that the site has the ability for both right and left turn movements in and out of the site, the number of those movements anticipated during the residential phases will be considerably less than when both the residential and commercial components of the development are operational. Accordingly it is recommended that the installation of the traffic lights be linked to the first commercial developments within stage 2. The comments of RMS are supported and it is recommended that the conditions be modified as detailed above.

(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 minimised. The overall proposed development has a positive impact as a vacant site is developed for both residential and commercial purposes. The successful redevelopment of the Mill site may lead to further investment in this precinct for other mixed uses to the benefit of the general community as the whole of the streetscape is improved.

The removal of the conference facility has a positive impact in that it opens up the views to the heritage building to a greater extent but does also remove a potential valuable asset for the city. The addition of more residential units offers a greater number of people the choice of city centre apartment living and the associated social benefits of living in an accessible location.

The proposed delay in supporting roadworks to service the site is not considered to be in the public interest. This is a busy stretch of the main highway traversing through Wagga Wagga and any potential hazards to the safe operational use of the highway such as vehicles attempting U-turn manoeuvres across the highway cannot be supported.

Other Legislative Requirements

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

As previously determined, 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

Concerns have been raised by Council's Traffic Engineer regarding the proposed changes to the staging of the road-works. This issue has already been discussed in detail earlier in the report and is not recommended for approval.

Further concern has also been raised by Council's landscape officer regarding the significant reduction in landscaping that supports the development. The original development application included detailed hard and soft landscaping elements that both complemented and softened the proposed redevelopment. Amended conditions are proposed that will ensure the importance of the landscaping on site is not diminished as a result of the design modifications.

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

The modified application includes an increase in the number of residential units and accordingly the contributions will be increased. Furthermore there was a CPI increase on 25 July 2013 which has been applied to the calculations.

The s94 contributions, calculated based on 97 new residential units, has increased to \$534,698.42 This is an increase of \$79,400.54.

$$97 \times \$5137 \times \frac{102.8}{95.8} = \mathbf{\$534,698}$$

Section 64 contributions have also been amended in accordance with both the deletion of the conference centre and the revised configuration of residential units as follows:

Commercial

Supermarket - 1ET

Retail/restaurant - 2 ETs

Office floor space - 29 ETs

Total 32

$$32 \times \$1910 \times \frac{102.8}{87.7} = \$71,643.51$$

Residential

Residential also based on numbers of ETs

2 bed = 0.75 ETs

3 bed = 1.0 ETs

$$[(66 \times 0.75) + (31 \times 1)] \times \$1910 \times \frac{102.8}{87.7} = \$180,228.21$$

Total S64

$$\$180,228.21 + \$71,643.51 = \mathbf{\$251,871.71}$$

The total figure of \$251,871.71 is an increase of \$20,850.90.

The s96(1a) modification application referenced ADA12/0045 amended the timing of the payment of the contributions. Originally the contributions would have been payable prior to the first subdivision of the site into the two lots, this was amended to

being payable prior to the strata or community title subdivision of the residential units.

The application further requests the staging of contribution payments to be specific to the stages of the development. Given the scale of the development and the likelihood of numerous Construction Certificates and Occupation Certificates for different parts of the mixed development it is considered appropriate to allow the contributions to be payable subject to the stages of development.

Accordingly the s94 Contributions can be broken down into a per apartment figure of \$5512.36.

The s64 contributions for sewer can also be broken down into a per apartment figure for the residential component but all commercial components will subsequently require payment prior to Construction of the first commercial element of the mixed use development. The sewer contribution for each 2 bed apartment will be \$1679.14 and for each 3 bed apartment \$2238.87.

The contributions will be secured by amended conditions of consent.

Other Approvals

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

From the date of the original application the importance of the highway works (new median, traffic lights and associated lane changes) have all been paramount to the support given by RMS to the mixed use development.

The proposal to not include the highway works until commercial development commences is not supported by the RMS and therefore the condition will not be amended as requested. RMS have proposed that the median must be constructed but the need for the traffic light intersection can be delayed until the occupation of the first commercial premises (refer earlier detailed comments).

Conclusion

The modified development introduces an additional floor to two of the originally approved apartment blocks, internal alterations to the residential blocks, the deletion of the conference centre and roof top parking and changes to the access ramps together with a reduction in the proposed changes to the heritage buildings. The internal design changes to the layout of the development that are proposed as part of the modification application are supported as detailed in the report above. The modifications do not significantly alter the overall development and the application can be considered as substantially the same as that originally approved.

The proposed amendment to the timing of the road-works that would delay the construction of the central median and associated highway works and the introduction of the signalised junction is not consistent with the original approval. The site is zoned for mixed use development and the importance of securing all of the site for redevelopment was one of the key reasons for the timing of the highway works

listed in condition 31. If the residential element of the site is developed and operational without the required works being implemented there is a risk that the commercial side of the site does not progress which is to the detriment of the whole site.

If the site were to be developed for residential purposes only it would be inconsistent with the B4 mixed use zone objectives and would not be supported. Although this is not proposed as part of the modification it is an unacceptable manner in which to progress the redevelopment of such an important prominent site in the city.

RECOMMENDATION

It is recommended that the Wagga Wagga City Council approve ADA13/0080 made under Section 96(2) of the Environmental Planning and Assessment Act 1979, to amend DA11/0568 for Mixed Use Development comprising 2 x 5 Storey Residential Flat Buildings, 1 x 4 Storey Residential Flat Building, 2 x 3 storey Mixed Use Commercial & Residential Buildings, Swimming Pool, Commercial Floorspace within restored Flour Mill Building, Supermarket, Associated Car Parking, Landscaping & Site Clearance together with Construction of New Road & 2 Lot Subdivision on Site of Heritage Item (The Mill) - AMENDED DESCRIPTION UNDER S96(2) MODIFICATION APPLICATION, 50 Edward St WAGGA WAGGA NSW 2650 , Lot 11 DP 1178547, Lot 12 DP 1178547 in accordance with the following conditions:-

CONDITIONS

Approved Plans and Documentation

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

Plan/Doc. No.	Plan/Doc. Title	Prepared by	Issue	Date
DA03	Site Plan - Basement Level	Kann Finch	B	March 2013
DA04	Site Plan - Ground Floor	Kann Finch	B	March 2013
DA05	Site Plan - Level 1	Kann Finch	B	March 2013
DA06	Site Plan - Level 2	Kann Finch	B	March 2013
DA07	Site Plan - Level 3	Kann Finch	B	March 2013
DA08	Site Plan - Level 4/Roof	Kann Finch	B	March 2013
DA09	Residential Precinct - Ground Floor	Kann Finch	B	March 2013
DA10	Residential Precinct - Level 1	Kann Finch	B	March 2013
DA11	Residential Precinct - Level 2	Kann Finch	B	March 2013

DA12	Residential Precinct - Level 3	Kann Finch	B	March 2013
DA13	Residential Precinct - Level 4/Roof	Kann Finch	B	March 2013
DA14	Residential Precinct - Level 5/Roof	Kann Finch	B	March 2013
DA15	Apartments - Sections and Elevations	Kann Finch	B	March 2013
DA16	Apartments - Sections and Elevations	Kann Finch	B	March 2013
DA17	Apartments - Sections and Elevations	Kann Finch	B	March 2013
DA18	Apartments - Sections and Elevations	Kann Finch	B	March 2013
DA19	Mill Precinct - Ground Floor	Kann Finch	B	March 2013
DA20	Mill Precinct - Level 1	Kann Finch	B	March 2013
DA21	Mill Precinct - Level 2	Kann Finch	B	March 2013
DA22	Mill Precinct - Level 3, 4 & Roof	Kann Finch	B	March 2013
DA23	Mill Precinct - North and South Elevations	Kann Finch	B	March 2013
DA24	Mill Precinct - East and West Elevations	Kann Finch	B	March 2013
DA25	Mill Precinct - Sections	Kann Finch	B	March 2013
DA26	Mill Precinct - Sections	Kann Finch	B	March 2013
DA27	Mill Precinct - North Canopy Options	Kann Finch	B	March 2013
DA28	Demolition Plans	Kann Finch	B	March 2013
DA29	Demolition Plans	Kann Finch	B	March 2013
DA30	Demolition Elevations	Kann Finch	B	March 2013
SP01A	Subdivision Plan	Kann Finch		No date
L01/4	Landscape Master Plan	Distinctive Living Design	F	April 2013
L02/4	Landscape residential /commercial precinct	Distinctive Living Design	F	April 2013
L03/4	Landscape commercial precinct	Distinctive Living Design	E	March 2013
L04/4	Landscape Master Plan - Sections	Distinctive Living Design	F	April 2013
C123 - C124	Soil and Water Management Plans	Cardno	A	25.6.2012

C106 - C112, 119, 120	Stormwater Drainage Design plans	Cardno	A	25.6.2012
	Statement of Environmental Effects	RPS		30.11.11
	Statement of Environmental Effects	Salvestro Planning		June 2012
	Statement of Environmental Effects Modify ADA12/0075	Interlink Wagga Central Pty Ltd		April 2013
	Transport Assessment	Colston Budd Hunt & Kafes Pty Ltd		Sept 11
	Traffic and Parking Report for S96 Modifications	Colston Budd Hunt & Kafes Pty Ltd		March 2013
	Heritage Impact Statement	URBIS		August 2011
	The Mill Wagga Wagga S96 Modification - letter	URBIS		15.2.2013
	Detailed Site Investigation - amended	Aitken Rowe		July 2012
	Section 96(2) Acoustic Assessment	Acoustic Logic		19.2.2013
	Utility Services Review	Cardno		Sept 11
	SEPP65 Design Verification Statement	Kann Finch		No date
	BCA Assessment Report	Brentnall Technical Solutions		19.2.2013

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

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

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

Prior to release of Construction Certificate

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

- a) access to the building for people with disabilities in accordance with the Building Code of Australia;**
- b) toilet facilities for people with disabilities in accordance with the**

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

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

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

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

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

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

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

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

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

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

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

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

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

7. A Construction Management Plan to address construction activity access and parking is to be prepared to the satisfaction of the Council and Roads and Maritime Services, prior to issue of any Construction Certificate. The management plan must address, but is not limited to, the following;
- ☐ Construction and timing for construction of the works within the road reserve of Flinders Street and the Sturt Highway including the new signalised intersection and medians,
 - ☐ Timing for construction of the works across the site demonstrating that works will be ongoing throughout both precincts at all times;
 - ☐ Suitable provision being available on site for all vehicles associated with construction activity to alleviate any need to park within, or load/unload from, the surrounding public road network,
 - ☐ Access and egress arrangements for all construction related vehicles to and from the site,
 - ☐ Details of any special equipment to be employed;
 - ☐ Details of the frequency and times of the vehicles, their turning paths and parking/storing arrangements;
 - ☐ Protection of, pedestrians, vehicles and public assets,
 - ☐ Location of hoarding, Work Zone and other traffic control devices,
 - ☐ Details of, and vehicular movement diagrams for, the largest vehicle to access the site to show that such vehicles can enter and leave the site in a forward direction;
 - ☐ Details of the type and location of waste storage containers to show that there will be no congestion, associated with the storage and removal of such materials; and
 - ☐ Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing is to be installed and maintained to effect the plan.

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

8. (a) Prior to the issue of the first Construction Certificate, the applicant is to submit to Council a Remediation Action Plan (RAP), for the Comet/Avis Site, Lot 1, DP 111559. The RAP must be endorsed by a Site Auditor and demonstrate that the site can be remediated so that it can be

used for the intended use and does not pose an unacceptable risk to human health or ecology. The report shall be developed in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* prepared by NSW Office of Environment and Heritage and clearly identify when the works are to occur.

(b) Prior to the issue of the first construction certificate within the commercial precinct (not including the parking and access required to support blocks A and B) or prior to the issue of any Occupation Certificate on the site (whichever is sooner) the applicant is to submit to Council a Remediation Action Plan (RAP), for the Sunicrust Site, Lot 11, DP 748934. The RAP must be endorsed by a Site Auditor and demonstrate that the site can be remediated so that it can be used for the intended use and does not pose an unacceptable risk to human health or ecology. The report shall be developed in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* prepared by NSW Office of Environment and Heritage and clearly identify when the works are to occur.

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

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

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

10. **Prior to the issue of a Construction Certificate for the Comet/Avis Site, Lot 1, DP 111559, the applicant shall submit to Council a Validation Report endorsed by a Site Auditor identifying that the objectives and actions of the RAP required under condition 8a have been achieved. The Validation Report shall be developed in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* prepared by NSW Office of Environment and Heritage.**

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

11. **Prior to the release of any Construction Certificate the applicant shall identify via the creation of a written report (prepared by a suitably qualified hydraulic engineer) if any part of the subject site provides for**

an overland flow path for the greater catchment. Should this be the case the finished design levels shall accommodate the existing flows from the upstream catchment and the anticipated peak flow discharges and peak flow levels to the satisfaction of Council.

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

- 12. Prior to the issue of Construction Certificate the applicant is to provide the Council with written confirmation from all relevant public utility authorities consenting to the construction of the 2 deceleration left hand lanes over their infrastructure and/or the relocation of their infrastructure. The developer is responsible for all public utility adjustment/relocation works necessitated by the proposed works and as required by the various public utility authorities or their agents. It should be noted that the relocation of any utility service within the road reserve of a Classified Road will require RMS's concurrence under Section 138 of the Roads Act 1993 prior to commencement of works.**

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

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

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

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

- a) Revisions to the basement car park layout that demonstrate that vehicles entering the car park are not required to give way.**
- b) DELETED**
- c) DELETED**
- d) Trolley bays are to be provided within the car park for the control and storage of shopping trolleys.**
- e) identified service and/or delivery spaces to both the**

**residential precinct and the commercial floorspace in
Blocks A and B.**

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

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

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

- 16. (a) Prior to the release of Construction Certificate a plan that identifies how the mill buildings are to be protected from construction activity shall be submitted to and approved by the Director of Planning or delegate. The plan shall include the location and design of fencing and the approved protection measures shall be retained on site at all times .**

(b) Prior to the release of the first Construction Certificate within the commercial precinct (not including parking and access to support blocks A and B) a comprehensive schedule of works for the conservation of the Mill buildings shall be submitted to and approved by the Director of Planning or delegate in consultation with Council's heritage advisor.

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

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

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

its future fitout.

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

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

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

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

- 19. The residential blocks shall be constructed incorporating the recommended acoustic mitigation measures identified in section 9 of the report prepared by Acoustic Logic dated 19 February 2013. Details of measures to be implemented shall be shown on the Construction Certificate Plans.**

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

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

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

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

Wagga Wagga City Council will undertake the supply and installation of containerised stock, and will maintain them for a period of 2 years following installation. Installation will occur during the next available

planting season (Late Autumn to Early Spring) or at a time that Wagga Wagga Council sees fit.

Any trees installed in the road reserve by the applicant will be removed and disposed of, at the applicants cost, by Wagga Wagga City Council. Note as per DA11/0568 and CC13/0229 documentation 26 street trees were to be planted as part of this development by WWCC. 12 street trees were paid for, by the applicant, prior to the release of CC13/0229.

REASON: To ensure that adequate street tree planting is installed to best practice on land adjacent to and adjoining the subject land. To ensure that Street trees species selected and installed are consistent with the management practices and policies implemented by Wagga Wagga City Council. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 22. Prior to the release of each Construction Certificate that includes a landscaped area, the applicant is to submit detailed construction plans for the landscape treatments as documented in this development application. Detailed plans are to include but not be limited to: Entry treatments, signage, tree planting, street trees, car parks, paving, shrub planting, 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.**

Tree planting shall be provided in accordance with the requirements of the WWCC DCP 2010 at a rate of 1 tree per 5 spaces to be located in a planting bed with minimum width of 1.5m (between back of kerbs) with a minimum area of 3.5m².

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

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

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

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

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

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

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

- 24A Prior to the issue of the first construction certificate within the commercial precinct (not including parking and access to support blocks A and B) 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.**

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

DSP Sewer contribution (commercial precinct only): \$71,643.51

DSP Stormwater contribution: Nil

NOTE: The total Section 64 contribution required for the commercial development is \$71,643.51

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).

- 24B Prior to the issue of the first construction certificate within the commercial precinct (not including parking and access to support blocks A and B) an amended plan shall be provided that identifies:**

- 1. The "retail plant zone" relocated behind the building line to a less prominent position than at the front of the building adjacent to the highway. The amended plan shall be to the satisfaction of Director of Planning or delegate and identify landscaping in the subject area consistent with the original approval under DA11/0568 and ADA12/0075.**
- 2. The retention of the heritage relic zone to the rear of the restored Mill buildings or the provision of a similar zone, in accordance with the requirements of conditions 17 and 35.**

REASON: The proposed location of a plant zone adjacent to one of the main entrances into the site adjacent to the highway is not considered acceptable in terms of visual amenity. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

Prior to Commencement of Works

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

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work and the public place prior to works commencing on site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29. Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-
- a) Development Control Plan 2010 (Section 2.8 and Appendix 2)
 - b) Erosion and Sediment Control Guidelines for Building Sites; and
 - c) Soils and Construction Volume 1, Managing Urban Stormwater

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

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

30. Prior to works commencing a "No Parking" restriction shall be implemented on the southern side of Edward Street for the full frontage of the development site to the Sturt Highway.

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

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

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

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

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

- a) A signalised intersection treatment is to be provided at the intersection of the proposed eastern driveway into the subject site with the Sturt Highway.
- b) The lane configuration within Edward Street at the signalised intersection shall provide for two (2) travel lanes in each direction,

- a left turn lane for west bound traffic and a Channelised Right Turn (CHR) for east bound traffic.
- c) A continuous raised central median, with a minimum width of 1.2 metres, is to be constructed within Edward Street (the Sturt Highway) extending from its intersection with Fitzhardinge Street to the proposed signalised intersection of the Sturt Highway with the eastern driveway to the development site.
 - d) A Channelised Right Turn (CHR) treatment for vehicles turning right into Fitzhardinge Street off Edward Street is to be provided to the satisfaction of RMS.
 - e) The existing raised central median in Edward Street running east from the traffic signals at the intersection of Baylis and Edward Streets is to be extended to the western edge of the Fitzhardinge Street carriageway to deny right turn movement between Flinders Street and Edward Street. Appropriate signage is to be installed on the median including signage to deny U-turn movement at the end of the median.
 - f) Notwithstanding as otherwise required by this consent, as a minimum the finished road works on Edward Street shall be designed and constructed to maintain two (2) travel lanes in both directions along Edward Street to the satisfaction of Roads and Maritime Services.
 - g) The proposed turn lanes to service the driveways to Edward Street shall be located, designed, constructed and line marked in accordance with the Austroads Guide to Road Design for the prevailing speed limit.
 - h) The driveways to Edward Street shall be constructed as a roadway formation with kerb and gutter with the pedestrian footpath to ramp down onto the roadway. The ingress and egress lanes are to be separated by a raised splitter island. As a minimum the splitter island is to be a raised concrete structure extending to the intersection of the driveway with Edward Street. Associated directional marking and signage is to be installed in accordance with Australian Standards.
 - i) The proposed median is to be appropriately designed, signposted and line marked to deny U-Turn movements for east and west bound vehicles along the Sturt Highway.

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

32. Prior to works commencing in Flinders Street details of the required works to be undertaken within Flinders Street shall be designed, submitted to and approved by Council and the Roads and Maritime Services. All works undertaken within the road reserve of Flinders Street shall be designed and constructed in accordance with the requirements of the Roads and Maritime Services and the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services. The works are to be completed by a licensed approved

contractor and Council performing quality control checks in accordance with Council's Engineering Guidelines for Subdivision and Developments and the requirements of the RMS.

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

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

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

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

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

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

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

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

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

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

- 36. Street tree removal works shall be carried out by Council or an approved contractor at full cost to the developer. Council is to be notified of any contractor prior to the commencement of works.**
Tree removal consent only applies to the proposed development application (DA11/0568). If the development (DA11/0568) is not commenced the subject street trees shall be retained on the road reserve.
The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - amenity tree industry 1998 No. 034.
Tree stump/s shall be removed below ground level and surface area reinstated to prevent potential injury. Dial before you dig shall be undertaken before the removal of tree/s stumps to prevent damage to underground services.

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

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

REASON: It is in the public interest that plumbing work is carried out with the relevant approvals required under the *Local Government Act 1993* and the Plumbing Code of Australia. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

Authority.

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

NOTE: This condition does not apply to:

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

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

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

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

- 40. Prior to any works commencing within the road reserve, approval under Section 138 of the *Roads Act 1993* is required as the work involves joining onto an existing trafficable road.
The applicant must submit a written submission and certified Temporary Traffic Management Plan (TTP) for approval. Works shall be carried out in accordance with the approved details.**

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

During works

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

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

- 42. If Council is appointed as the Principal Certifying Authority the applicant must obtain a Compliance Certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended, from Council or an accredited certifying authority, certifying compliance with**

the Building Code of Australia for the stages of construction listed in Column 1. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified in Column 2.

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have been completed.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building

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

The Applicant shall ensure that prior to or at the time of the application for Occupation Certificate that the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

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

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

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

- 42A. If Council is appointed as the Principal Certifying Authority the applicant must obtain a Compliance Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended, from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia and the Swimming Pool Act 1992, 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
A	Footings/ Coping	When the pool is in position and all reinforcement has been placed in position.
B	Fencing	When the pool and all fencing, gates and locks have been completed and prior to water being placed in the pool.

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

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

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

- 43. The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures. Within fourteen (14) days of completion of demolition, the applicant shall submit to Council:**

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

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

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

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

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

44. If soil conditions require it:

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

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

NOTE 2: Retaining walls which exceed 1000 mm in height must be designed by a Practising Structural Engineer.

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

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

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

46. The 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.

47. Stormwater drainage must be constructed and maintained so as to provide a 1 in 10 year pipe system, satisfactory overland flow path and not adversely affect adjacent properties, noting that all stormwater is to be discharged to Edward Street only.

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

- 48. Stormwater mains must be extended to the site, at full cost to the developer, in accordance with Council's standards and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision and ensure that the stormwater from the residential precinct is kept separate from stormwater in the Mill precinct. Each shall connect to new and upgraded drainage spurs which will require a S68 application.**

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

- 49. Sewer mains must be extended to the site, at full cost to the developer, in accordance with Council's standards and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision and ensure that the stormwater from the residential precinct is kept separate from stormwater in the Mill precinct. Each shall connect to new and upgraded drainage spurs which will require a S68 application.**

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

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

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

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

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

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

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

- 53. In the event that any Aboriginal site is found in an area affected by works, work will immediately cease and the applicant will contact the Department of Environment Climate Change and Water. Any works which may result in destruction or damage to known Aboriginal sites will require a Consent to Destroy from the Department of Environment Climate Change and Water in accordance with Section 90 of the *National Parks & Wildlife Act 1974*.**

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

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

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

- 55. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made) and the Swimming Pool Act 1992 and Regulations.**

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.

- 55A.** In sewerred areas, the swimming pool backwash pipe must be connected to the house sewer drainage system in accordance with Clause 10.9 and Figure 10.2 of AS/NZS 3500.2.2003 Sanitary Plumbing and Sanitary Drainage. This connection can be via a suitable existing gully or, alternatively, a gully can be cut into the house drainage line for this purpose.

If alterations to the existing house drainage lines are required, a Compliance Certificate must be obtained pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979* from Council or an accredited certifying authority at the stages of construction listed in Column 1 certifying compliance with AS/NZS 3500.2003. For the purpose of obtaining the Compliance Certificate the works must be inspected by Council or an accredited certifying authority at the times specified in Column 2.

	COLUMN 1	COLUMN 2
A	External Drainage Alterations	When all external plumbing work is installed and prior to concealment.
B	Final	At the completion of the installation of the pool.

REASON: To ensure that backwash water is discharged into Council Sewerage system in accordance with AS/NZS 3500.2003 and because it is in the public interest to do so. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Survey Certificate

- 56.** Pursuant to s94 of the *Environmental Planning and Assessment Act 1979*, and the City of Wagga Wagga Section 94 Contributions Plan 2006-2019, prior to the release of each strata or community title Plan of Subdivision for the residential accommodation, or prior to the release of each Occupation Certificate, whichever is sooner, the applicant must pay to Council a monetary contribution of \$5512.36 per residential apartment towards the cost of Contributions Plan preparation and management, Civic, Community and Cultural - Future, Civic, Community and Cultural - Recoupment, Roads and Traffic Management - Future, Open Space and Recreation - Recoupment, Open Space and Recreation - Future (without land and dedication), Open Space and Recreation - Future (with land dedication) to meet the development. The amount payable under this condition must be indexed in accordance with Clause 2.12 of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019. A copy of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

The total s94 contribution payable for 97 residential apartments will be \$534,698.

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

- 57. Pursuant to s64 of the *Local Government Act 1993*, and Division 10 of Part 2 of Chapter 6 of the *Water Management Act 2000*, prior to the release of each strata or community title Plan of Subdivision for the residential accommodation, or prior to the release of the first Occupation Certificate, a Compliance Certificate must be obtained for water management works (as defined in s283 of the *Water Management Act 2000*) relating to the development.**

Alternatively, this condition is satisfied by virtue of payment of the figures nominated within this condition. Evidence of payment receipt shall be provided to Council at each Subdivision Certificate stage in accordance with the following calculations.

\$1679.14 per 2 bed residential apartment

\$2238.87 per 3 bed residential apartment

DSP Sewer contribution: \$180,228.21

DSP Stormwater contribution: Nil

NOTE: The total Section 64 contribution required for the residential apartments is \$180,228.21.

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

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

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

- 59. The final Survey Plan must show a legal Right of Way in favour of the land parcels to the east of the subject site (Lot 6 DP217324, Lots 4 and 5 DP578759, Lots 2 and 3 DP528007, Lot 1 DP867639 and Lot X DP380880) created over the subject site to provide unrestricted vehicular access to the proposed signalised intersection. This legal entitlement for access shall be sufficient to allow for the safe movement of all vehicles to the traffic signalised junction and extend the full length of the eastern boundary of the subject development site. Council will review the details**

of the required Right of Way to ensure that unrestricted vehicular access to the proposed signalised intersection has been satisfactorily provided as part of the release of the subdivision certificate.

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

- 60. The requirements of other public utility authorities, being Essential Energy, APA and Riverina Water must be satisfied, prior to Council issuing a Survey Certificate and releasing of the Plan of Subdivision.**

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

Prior to release of Occupation Certificate / Prior to Operation

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

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

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

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

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

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

- 63. Prior to the issue of the relevant and applicable Occupation Certificate(s), the paving of all vehicular movement areas must be either hotmix sealed or 150mm of reinforced concrete as a minimum.**

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

- 64. Prior to the release of the relevant and applicable Occupation Certificate(s), a report shall be prepared and endorsed by a suitably qualified acoustic engineer demonstrating that all Mechanical plant and equipment to be used within the development complies with the acoustic criteria laid out within the acoustic assessment prepared by Acoustic Logic dated 19 February 2013.**

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

- 65. Prior to the release of the relevant and applicable Occupation Certificate(s), the following acoustic mitigation measures shall be in place:**
- (i) a 1.8 metre high acoustic boundary fence along the southern boundary, constructed of colorbond, lapped and capped timber, or acoustic equivalent. Any gaps between panels are to be sealed airtight and there is to be no gap at the bottom.**
 - (ii) Neoprene rubber buffers on the vertical face of the loading dock where vehicles park to absorb potential impacts.**

These acoustic measures shall remain in place at all times.

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

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

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

- 67. Prior to the release of the first Occupation Certificate, the required road works including the medians and all relevant signage on Edward Street (as detailed in condition 31), excluding the required traffic signals, are to be fully constructed and operational to the satisfaction of Roads and Maritime Services. Furthermore, the proposed roadway referred to as**

“Mill Avenue” is to be constructed to provide for 2-way unrestricted vehicular movement for all stages of the development between its intersections with Edward Streets and Flinders Street. The traffic signals are to be installed and operational to the satisfaction of Roads and Maritime Services prior to the release of the first Occupation Certificate for commercial premises. Evidence of satisfaction of RMS requirements shall be provided to Council.

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

68. Prior to the release of the relevant and applicable Occupation Certificate(s), the following measures shall be in place to ensure the safe internal operation of the site:

- a) Appropriate directional signage and line marking is to be installed and maintained throughout the subject site to provide for ease of navigation for drivers through the finished complex.**
- b) The carpark is to be designated as a Pedestrian Share Zone and appropriately signposted. Entrance treatments to delineate the pedestrian shared zone and limit the speed of vehicles accessing the site are to be provided within the driveways from the Sturt Highway and Flinders Street to the satisfaction of the Council.**
- c) Traffic calming devices are to be installed within the subject site to minimise conflict between pedestrians and vehicles within the subject site. Pedestrian crossing stripes are not to be placed in the site as these resemble pedestrian crossings on the road and creates confusion as to who has priority.**

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

69. Prior to the release of each Occupation Certificate a Waste Removal Management Plan, shall be submitted to and approved by the Director of Planning or delegate, for the efficient use and management of the service areas. The service areas shall provide appropriate refuse facilities for each of the tenants within the complex. The Waste Removal Management Plan shall include, but not necessarily be limited to, the following:

- a) The type, purpose and placement of garbage receptacles;**
- b) Details of any special equipment to be employed;**
- c) Details of the frequency and times of collection, their turning paths and collection arrangements to show that such vehicles can enter and leave the site in a forward direction;**
- d) Details of the type and location of waste storage containers to show that there will be no congestion, legal or safety issues**

associated with the storage and removal of such materials. Note that refuse receptacles are to be only stored within the service and garbage areas identified on the submitted plans;

- e) Details of what method will be used to ensure that the plan is adhered to.

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

- 70. Prior to the release of the first Occupation Certificate the applicant shall submit a parking management plan that identifies how secure parking is to be provided to the residents as well as spaces being available for visitors, commercial space users and provision made for service and deliveries to both residential and commercial areas. Required parking must be provided prior to final Occupation Certificate being issued.

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

- 71. Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:
 - a) has been assessed by a properly qualified person; and
 - b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.

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

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

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

- 72. The applicant must obtain an Occupation Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from

either Council or an accredited certifying authority, prior to occupation of the building.

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

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

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

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

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

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

- 74. Prior to the issue of Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.**

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply / plumbing works commence and a Compliance Certificate upon completion of works. Contact Riverina Water's Plumbing Inspector Rodney Price on 6922 0634. Please be prepared to quote your Construction Certificate number.

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

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

REASON: To ensure the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

General

- 77. The approved supermarket use must only be conducted:**
- a) on Mondays to Fridays, inclusive between the hours of 7.00 am and 10.00 pm.**
 - b) on Saturdays, between the hours of 7.00 am and 10.00 pm.**
 - c) on Sundays between the hours of 7.00 am and 8.00 pm.**

The operational hours of all other tenancies will be determined when the development applications for their use is assessed in accordance with the requirements of condition 91.

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

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

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

Deliveries to the site and the use of the loading bays and service areas for the retail and restaurant areas must only be conducted:

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

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

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

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

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

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

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

- 81. The advertising signage must be designed and located, such that it complies with the provisions of State Environmental Planning Policy (SEPP) No. 64 - Advertising and Signage, and the Department of Planning’s Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).**

- a) the sign display must not include:**
 - ☐ Any flashing lights,
 - ☐ Electronically changeable messages,
 - ☐ Animated display, moving parts or simulated movements,
 - ☐ Complex display that holds motorists attention beyond “glance appreciation”
 - ☐ Display resembling traffic signs or signals.
- b) The proposed advertising sign and support structure must be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.**
- c) The method of intensity of any illumination of the sign must not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.**
- d) If any proposed sign must be located within close proximity to a road reserve, the sign and supporting structure must, as a minimum, comply with the wind loading requirements as specified in AS1170.1.2002 Structural Design Actions - Permanent, imposed and other actions and AS1170.2.2002 Structural Design Actions - Wind Actions.**
- e) Any proposed advertising signage must not obstruct or distract from any road related signage in the vicinity.**

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

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

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

- 83. The Applicant is to ensure that should asbestos material be found, that it is handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. NOTE: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material.**

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

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

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

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

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

- 86. The secondary vehicular access off Edward Street to the subject site is to be left in and left out only. Vehicles accessing the subject site via the western driveway from the Sturt Highway shall have right of way into the**

carpark over the east west aisle within the carpark to minimise the potential for vehicles queuing to enter the site. This arrangement shall be appropriately line marked and signposted.

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

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

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

- 88. All vehicle access driveways, and the internal layout of the development, shall be designed such that all vehicles are able to enter and exit the subject site in a forward direction and not be required to reverse onto the footway or roadway. The swept path of the largest vehicles (19 metres) entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 “Off-street commercial vehicle facilities” and to Councils satisfaction.**

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

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

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

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

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

- 91. A development application will be required for the occupation of the supermarket and each tenancy within the adapted heritage buildings and any subsequent change of tenancy.**

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

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

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

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

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

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

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

- 95. A minimum of 325 car parking spaces must be made available on site at all times in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.**

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

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

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

- 97. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004 AS2890.2 2002 and AS/NZS2890.6.2009.**

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

98. The proposed swimming pool filter and pump must be operated in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008 which restricts the times of operation. Restrictions apply between 8.00 pm and 7.00 am on weekdays and Saturdays and 8.00 pm to 8.00 am on Sundays and public holidays.

NOTE 1: The swimming pool water, together with the treatment processes and facilities must comply with the requirements of the Public Health Act 1991 and Regulations.

In this regards -

- PH needs to be between 7.2 and 7.8
- Alkalinity needs to be between 80mg/L and 200mg/L
- Free chlorine needs to be between 3mg/L and 10mg/L
- Combined chlorine needs to be less than 1mg/L
- Cyanuric acid (if used) must be between 30mg/L and 100mg/L

NOTE 2: For all pools in “septic areas”, the applicant must ensure that water discharged from the pool does not enter the septic tank or adversely impact on the septic disposal area or enter a drainage line.

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