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| JRPP No | 2013STH028 |
| DA Number | DA13/0483 |
| Local Government Area | Wagga Wagga |
| Proposed Development | Major Alterations & Additions to Commercial Premises |
| Street Address | Sturt Mall 135 Baylis St WAGGA WAGGA NSW 2650, Lot 1 DP 1161864 |
| Applicant/Owner | Applicant: Equity Development Management Pty Ltd Owner: LIF Pty Limited |
| Number of Submissions | Three |
| Regional Development Criteria (Sched 4A of the Act) | Southern Joint Regional Planning Panel under Schedule 4a of the Environmental Planning and Assessment Act 1979, as amended. The Panel is authorised to exercise the consent authority functions of Council as the development has a capital investment value of more than \$20 million |
| List of All Relevant s79C(1)(a) Matters | State Environmental Planning Policy No 55- Remediation of Land (SEPP 55) State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 64 – Advertising and Signage Wagga Wagga Local Environmental Plan 2010 Wagga Wagga Development Control Plan 2010 |
| Recommendation | Approval with Conditions |
| Report by | Adriaan Stander, Senior Town Planner |

Assessment Report

DESCRIPTION OF DEVELOPMENT

The application is for alterations and additions to the Sturt Mall, located at 135 Baylis Street, Wagga Wagga. The works proposed include the following:

- Demolition of an existing single storey building fronting Thompson Street.
- Demolition of part of the northern section of the existing shopping centre and other minor structures, removal of shade structures from the car park and internal demolition works.
- Construction of a new two (2) level car park deck and provision of new access points off Thompson Street and Berry Street. The existing parking provision will increase from 595 spaces to 663 spaces. Vehicle access to the main upper car park level will include a combined entry/exit off the existing access point in Berry Street, a second exit only to Thompson Street and a combined entry/exit to the lower level car park. Vehicle access to the lower car park level will be from a combined entry/exit off Thompson Street and Berry Street, and a combined entry/exit to the main upper level car park.
- Construction of a new supermarket of 4,200sqm in size and associated service/loading areas to rehouse the existing Coles supermarket. Access for service vehicles will be in the form of a new service area with access/egress from Thompson Street to service the relocated Coles supermarket.
- Internal alterations to the existing mall and the provision of approximately 24 new tenancies.
- Removal of the existing pylon sign and the provision of new business identification signage, including two new pylon signs.

The proposed additions will result in an additional 8,175sqm floor area and 68 parking spaces.

THE SITE & LOCALITY

The development site is located on the eastern side of Baylis Street, Central Wagga Wagga and is bounded by Thompson Street to the north, Forsyth Street to the south, Berry Street to the east. The site occupies the majority of the block bounded by the above streets with the exception of a number of retail shops along Baylis Street, a property containing two dwellings and a church and a hall facing Thompson Street and a small commercial property on the corner of Berry Street and Thompson Street. The site is irregular in shape as is approximately 3.84 hectares in extent.

It contains the Sturt Mall Shopping Centre which is currently occupied by anchor tenants, Coles and Kmart with approximately 40 specialty retail stores. The existing shopping centre building occupies the southern half of the site with frontage to

Forsyth Street and Baylis Street. Parking is provided to the northern half of the site with frontage to Thompson and Berry Street. A service area is located on Forsyth Street and a second service area off Berry Street. Pedestrian access to the centre is via a separate entrance on Baylis Street and Forsyth Street. Additional entrances are provided off the carpark.

The opposite side of Thompson Street to the north is occupied by retail and business premises as well Tony Ireland Park to the north-east. The opposite of Baylis Street to the west is occupied by a variety of shops, cafes and other retail premises. To the east on the opposite side of Berry Street is a range of retail and office uses as well as some dwelling houses. The Market Place is located to the south on the opposite side of Forsyth Street. The broader locality, being the commercial hub of the city, is primarily used for commercial (i.e. office, retail and business) purposes.

SUMMARY OF MAIN ISSUES

1. Aesthetic appearance of the development and compatibility within in the existing urban context.
2. Traffic, access and parking.
3. Stormwater and Flood management.

MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

For the purpose of reviewing this determination, the following matters pursuant to the provisions of *Section 79(C)1 of the Environmental Planning and Assessment Act 1979*, have been taken into consideration.

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

Wagga Wagga Local Environmental Plan 2010 (LEP)

The following section of this report details the development with reference to the guiding principles and Objectives of the *Wagga Wagga Local Environmental Plan 2010*.

Part 1 Preliminary

The aims of the LEP are as follows:

- *To optimise the management and use of resources and ensure that choices and opportunities in relation to those resources remain for future generations.*
- *To promote development that is consistent with the principles of ecologically sustainable development and the management of climate change.*
- *To promote the sustainability of the natural attributes of Wagga Wagga, avoid or minimise impacts on environmental values and protect environmentally sensitive areas.*
- *To co-ordinate development with the provision of public infrastructure and services.*

The proposal satisfies the aims of the LEP and this is further demonstrated through this report's assessment of other aspects of the proposal.

Part 2 Permitted or prohibited development

2.3 Zone objectives and Land Use Table

Under the provisions of the LEP the site is zoned B3 - Commercial Core. The objectives of the B3 zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling.*
- *To ensure the maintenance and improvement of the historic, architectural and aesthetic character of the commercial core area.*

The development is considered to be consistent with these objectives by providing a floor space for additional retail premises that serve the needs of the local and wider community and reinforces the CBD as the commercial hub of the city. The development will facilitate the creation of additional jobs and by situating within the CBD, is anticipated to encourage the use of public transport, walking and cycling. In terms of its design, the development will in all likelihood improve the character of the Wagga CBD in a manner that reinforces the architectural and aesthetic character of the locality.

Shopping centres are considered to be '**Retail Premises**' which are permitted with consent in the B3 zone.

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

- (a) *bulky goods premises,*
- (b) *cellar door premises,*
- (c) *food and drink premises,*
- (d) *garden centres,*
- (e) *hardware and building supplies,*
- (f) *kiosks,*
- (g) *landscaping material supplies,*
- (h) *markets,*
- (i) *plant nurseries,*
- (j) *roadside stalls,*
- (k) *rural supplies,*

- (l) shops,*
- (m) timber yards,*
- (n) vehicle sales or hire premises,*

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

2.7 Demolition requires development

The demolition of a building may be carried out only with consent.

The proposal involves the demolition of an existing single storey building fronting Thompson Street, a section of the northern side of the existing shopping centre building and other minor structures within the existing parking area and internal demolition works.

Part 4 Principle Development Charges

4.3 Height of buildings

The objectives of this clause are as follows:

- (a) to enhance the vitality of Wagga Wagga city centre by facilitating medium and high density residential, commercial and retail development in a co-ordinated and cohesive manner,*
- (b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,*
- (c) to encourage mixed use development with residential components that have high residential amenity and active street frontages,*
- (d) to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain.*

The maximum height restriction for buildings in the locality is 25 metres. The proposal has a height of 9.13 metres which complies with the maximum height control. The building has been designed with a height that is conducive with the average height of buildings in the locality and is therefore considered to comply with the outcomes sought under this clause.

4.4 Floor space ratio

The objectives of this clause are as follows:

- (a) to regulate the density of development and generation of vehicular and pedestrian traffic,*
- (b) to facilitate development that contributes to the economic growth of Wagga Wagga city centre,*

- (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 maximum floor space ratio for buildings in the locality is 4:1. The proposal has a floor space ratio of 0.69:1 which complies with the maximum floor space ratio. The proposed alterations and additions to the shopping mall will contribute to the economic growth of the Wagga Wagga CBD. The bulk and the scale is compatible with the existing urban form and sufficient articulation has been provided on all facades to ensure an attractive streetscape. The development is therefore considered to comply with the outcomes sought under this clause.

Part 5 Miscellaneous Provisions

5.9 Preservation of trees or vegetation

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. The proposal requires the removal of 1 street tree located on Tompson Street to accommodate a relocated vehicle egress/access point into the site and 13 on-site trees to accommodate the car park, new supermarket building and expansion of existing access/egress on Berry Street.

Council's tree management officer is in support of the proposed removal of trees and has recommended additional tree planting and landscaping to compensate for the loss in vegetation. The landscape plan submitted provides for sufficient landscaping with screen planting along Tompson Street and Berry Street in accordance with the Wagga Wagga Development Control Plan 2010 and Council's Landscape Guidelines.

5.10 Heritage conservation

The objectives of this clause are as follows:

- (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,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The site is not in a heritage conservation area, but is located in the vicinity of a heritage item (Item I272 - 'Plaza Theatre') located at 161-169 Baylis Street to the west of the development site. The heritage building backs onto Wonderland Lane and the proposed extensions to the shopping centre will be separated by the lane. The heritage values of the Plaza Theatre building principally relate to its presentation to

Baylis Street, which will not be impacted by the proposal. The proposal is therefore considered to comply with the outcome sought under the heritage provisions of the LEP.

Part 7 Additional Local Provisions

7.2 Flood Planning

The objectives of this clause are as follows:

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) *to avoid significant adverse impacts on flood behaviour and the environment.*

The site is located below the flood planning level of a 1:100 recurrent interval flood event. The provisions of this clause provide that consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) *is compatible with the flood hazard of the land, and*
- (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

A flood study was prepared Richmond and Ross Consulting Engineers for the proposed development. The report states the following:

The proposed development will not change the flood flows or have any negative impact on the storage area as outlined in the study.

The overland flow entering the proposed lower level car park will subside after the large rainfall event via the proposed drainage network.

It is considered that the development is compatible with the flood hazard of the land and incorporates measures to minimise social and economic costs to the community as a result of flooding. The centre with the exception of the lower level parking area and one tenancy is built above ground level, and the existing city levee will restrict all but the largest Riverine floods affecting the site, therefore flooding will not

be regular. A condition will be imposed that the tenancy on the lower floor be removed or only be utilised for the purposes of a temporary use e.g. display of advertising material or storage of goods that would not be severely impacted in the event of a flood. It is also conditioned that a suitable warning system, signage and exits be provided to ensure safe evacuation of the carpark during flooding and that a Flood Evacuation Plan for the development in consultation with State Emergency Service be formulated.

With regards to overland flooding, flood waters can be detained and stored in the underground car park without affecting shops. Conditions of consent will be imposed in this regard.

7.6 Groundwater vulnerability - Water Resource Map

The subject site is identified as land on which the impacts of the development on groundwater should be considered

- (1) *The objective of this clause is to protect and preserve groundwater sources.*
- (2) *This clause applies to land identified as “Groundwater” on the Water Resource Map.*
- (3) *Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *is unlikely to adversely impact on existing groundwater sources, and*
 - (b) *is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and*
 - (c) *is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.*
- (4) *The following development is specified for the purposes of this clause:*
 - (a) *aquaculture,*
 - (b) *industries,*
 - (c) *intensive livestock agriculture,*
 - (d) *liquid fuel depots,*
 - (e) *mines,*
 - (f) *rural industries,*
 - (g) *service stations,*
 - (h) *sewerage systems,*
 - (i) *turf farming,*
 - (j) *waste or resource management facilities,*
 - (k) *water supply systems,*
 - (l) *works comprising waterbodies (artificial).*

The development is not listed for the purpose of this clause and therefore this part does not apply to this application.

State Environmental Planning Policy No 55-Remediation of Land (SEPP 55)

SEPP 55 prescribes a statutory process associated with the development of land that is contaminated and needs remediation. Clause 7 of the SEPP 55 provides for the following:

- (1) *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 site is currently being used as a shopping centre and has historically been used for the same purpose. Given the proposal does not change the use of the site further investigation is not necessary. It is considered that the provisions of SEPP 55 have been satisfied.

State Environmental Planning Policy 64 - Advertising and Signage (SEPP 66)

SEPP 66 carries the following aims:

- (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

This Policy applies to all signage that is visible from any public place. Council must not grant development consent to an application to display signage unless it is satisfied that the display of that signage is consistent with the objectives of this Policy and satisfy the assessment criteria specified in Schedule 1 of the Policy.

The following business identification is proposed.

- A new pylon sign located at the main vehicle entrance and egress on Thompson Street. This will essentially replace the existing pylon sign located on Thompson Street.
- A second new pylon sign located at the vehicle entry/egress on Berry Street, next to the existing Kmart. The pylon signs will be the same design, height and dimensions and will both be illuminated.
- New business identification signage for Coles will be located on the external facades of the new supermarket building. The signage will be largely the same as the wall signage on the Forsyth Street elevation of the current Coles supermarket building; and an illuminated “Sturt Mall” sign is proposed above the new pedestrian entry into the building from the car park.

Schedule 1 of the Policy (SEPP64) requires analysis of the following assessment criteria:

Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The proposed signage is compatible with the character of the Wagga Wagga CBD. The same building signage and pylon signs are currently located on site and similar signage is visible on the adjacent commercial developments. There is no particular theme for outdoor advertising apparent in the locality, where signage has been considered in response to different developments in the CBD.

Special areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The proposed development is in proximity to a heritage item (Item I272 - ‘Plaza Theatre’) located at 161-169 Baylis Street to the west of the development site. The heritage values of the Plaza Theatre building principally relate to its presentation to Baylis Street, which will not be impacted by the proposal. The proposed signage is not considered to have an impact on the heritage values of the heritage item.

Views and vistas

- *Does the proposal obscure or compromise important views?*

- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The proposal is considered to be satisfactory in relation to this component of the analysis as it will not dominate the skyline, compromise views or obscure existing business identification signs.

Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The proposed signage is considered appropriate for the streetscape surrounding the development and its setting within the Wagga Wagga CBD. The pylon sign incorporates business identification signage of various tenants within the building and in this regard assist in rationalising the amount of signage on the site. The signage does not protrude above the existing or proposed new building structures and does not require on-going vegetation management.

Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposed signage is compatible with the scale of the existing and proposed building located on the site, it is appropriately positioned and does not compete with any existing structures or features.

Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

The Sturt Mall logo is incorporated into building signage and pylon sign.

Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The Pylon Sign will be illuminated along with “Sturt Mall” sign to be located above the new pedestrian entrance into the centre that is accessed from the car park. The signage will be backlit and will not result in unacceptable glare or affect the safety of pedestrian, vehicle or aircraft. The illumination is not out of character with the retail precinct.

Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The signage is compatible with safety considerations and consistent with the *RTA Safety Advisory Guidelines for Sign Illumination and Content*, as contained in the SEPP 64 Guidelines. The signage is considered to be of a style and format that is not readily confused with any safety signage, nor likely to cause undue distraction to road users.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is identified as “Traffic Generating Development”. Under the Schedule 3 and clause 104 of the SEPP, development involving the extension of shops and commercial premises that has an area of 4,000sqm or greater, is required to be referred to Road and Maritime Services (RMS, previously the RTA). The clause 104 requires that:

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*

RMS provided the following comments:

“It is not considered that this proposal will have any significant impact on the capacity of the classified road network through Wagga Wagga however it will have influence on the traffic flows within the CBD. “

To promote road safety and the efficient operation of the road system it is appropriate to consider access arrangements to the development and the standard of construction and location of the access driveways to the development site and to provide for on-site maneuverability to allow all vehicles to enter and exit the site in a forward direction. For a complex of this scale Roads and Maritime requires that the driveways be appropriately designed and delineated to accommodate the largest vehicle to access the site and to separate the ingress and egress movement path of vehicles. The proposed access arrangements and driveways configurations with separations between the ingress and egress driveways are generally consistent with this requirement. “

Roads and Maritime Services recommend a number of conditions of consent which includes the following:

- *The western most driveway to Thompson Street from the underground level of the carpark shall be redesigned to provide for 2 lanes for exiting traffic to allow for the separation of left turning and right turning vehicles.*
- *The raised central medians to be constructed adjacent to the northern most driveway to Berry Street and the eastern most driveway to Thompson Street are to be designed to restrict vehicular movement to left turn only maneuver at these driveways. The medians shall be appropriately*

designed, signposted and line marked to deny U-Turn movements within the carriageway and right turn movements to and from the development site.

- Pedestrian access into the development site from Berry Street is to be provided separate to the proposed driveways to Berry Street and be designed to accommodate all forms of pedestrian mobility.*
- The proposed pedestrian access from the carpark to Thompson Street adjacent to O'Reilly Street is to be relocated to the west to nearby the proposed egress ramp way from the upper deck carpark.*
- A pedestrian facility is to be provided in Thompson Street to the west of O'Reilly Street to align with the proposed pedestrian access to the upper level carpark from Thompson Street which shall include a pedestrian refuge within the raised central median and/or kerb extensions.*
- A Delivery and Service Management Plan is to be prepared and implemented for the operation of the development to manage and monitor congestion and conflict associated within the service areas. This Management Plan shall organise the times for deliveries and waste removal for each of the tenancies. This Management plan shall be updated with change of tenancies.*

The matters listed under (3)(b)(iii) have been considered extensively throughout this assessment report.

State Environmental Planning Policy (State and Regional Development) 2011

This Development Application will be referred to the Southern 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 JRPP (Southern Region) Business Paper - Item 1 - 2013STH005 Page 7 authority under Part 2A of the Environmental Planning and Assessment Act for developments relating to the following:-

Development that has a capital investment value of more than \$20 million.

The proposed development has a capital investment value of \$33,178,842.

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

Draft local environmental plans

There are no draft local environmental plans relevant to this application.

Draft state environmental planning instruments

Draft State Environmental Planning Policy (Competition) 2010

Draft SEPP (Competition) 2010 was placed on public exhibition from 27 July 2010 to 26 August 2010. As the SEPP has been exhibited, its provisions must be considered in assessment of this application, and given appropriate weighting. The SEPP essentially outlines a numbers of matters or considerations that can and cannot be taken into consideration when assessing a commercial development. These provisions mirror much of what the Land and Environment Court has established as case law over recent decades.

8 Commercial viability of proposed commercial development

The commercial viability of proposed commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application under Part 4 of the Act to carry out the proposed development.

This clause is noted.

9 Loss of trade etc for other commercial development

- (1) *The likely impact of proposed commercial development on the commercial viability of other commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application under Part 4 of the Act to carry out the proposed development.*

The impact of the proposed development on the commercial viability of other commercial developments has not been taken into consideration in assessing this application. This provision represents a long standing position of the Land and Environment Court.

- (2) *However, any such likely impact may be taken into consideration if the proposed development is likely to have an overall adverse impact on the extent and adequacy of facilities and services available to the local community (having regard to the likely impact on existing facilities and services and the facilities or services to be provided by the proposed development).*

The application is for an expansion of an existing shopping centre within the commercial core of Wagga Wagga. It is this commercial core where this type of development is encouraged, and it is considered unlikely that approval of it will result in an overall adverse impact on the extent and adequacy of facilities and services available to the local community.

- (3) *Likely impacts referred to in this clause include likely loss of trade.*

Noted.

Clauses 10 and 11 of Draft SEPP (Competition) 2010 relate to restrictions in LEPs and DCPs regarding the number of particular type of retail premises permitted in any development, and the proximity of a particular type of retail premises to another retail premises of that type. These clauses state that any such restrictions have no effect. No such restrictions apply to any plans which have force over the site.

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010 (DCP)

The following section of this report details the development with reference to the Guiding Principles, Objectives and Controls of the *Wagga Wagga Development Control Plan 2010*.

Section 1 - General

1.10 Notification of Development Application

Pursuant to this provision, notification and advertising of the application are required. Notification was conducted to properties surrounding the development and an advertisement was placed on the site and in the local newspaper. See later in this report under S79C(1)(d) for further discussion of this matter.

Section 2 - Controls that apply to all development

2.1 Site Analysis Plan

Good design is based on an understanding of the particular characteristics and context of the site. This helps new developments make the best of the site and are considerate of neighbours and the locality. A good site analysis is facilitated by a plan. It is a concept plan that shows the constraints and opportunities of the site, often using the site plan as a base, as well as illustrating and analysing existing site conditions in relation to surrounding land and buildings.

The site analysis submitted with the application sufficiently indicates the site constraints in terms of land form, orientation and accessibility. An assessment of the proposal against the relevant controls of the DCP has demonstrated that the development is compatible with surrounding developments, and that an approval of the proposal will not result in an outcome which is significantly different from what already exists in the locality. In terms of the design and aesthetical appearance, the development will fit in with the character of the Wagga Wagga CBD and contribute to interesting streetscapes along Thompson Street and Berry Street. Construction is not anticipated to result in adverse affects on the natural environment and has been conditioned to ensure the integrity of surrounding built and natural environment.

2.2 Vehicle access and movements

This section contains controls to ensure the safe and efficient operation of roads within the local government area of Wagga Wagga and to limit new access points to arterial roads or ensure alternative access is utilised where practical. The following controls are applicable:

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

The proposed development makes provision for suitable access to existing movement systems. Access is proposed as follows:

- Vehicle access to the main upper car park level will include a combined entry/exit off the existing access point in Berry Street, a second exit only to Thompson Street and a combined entry/exit to the lower level car park.
- Vehicle access to the lower car park level will be from a combined entry/exit off Thompson Street and Berry Street, and a combined entry/exit to the main upper level car park. It is a condition of consent that the exit driveway to Thompson Street from the underground level of the carpark shall be redesigned to provide for 2 lanes for exiting traffic to allow for the separation of left turning and right turning vehicles.
- Existing main pedestrian entries from Baylis Street and Forsyth Street will be maintained. New pedestrian accesses to the centre are proposed from the lower and upper carpark levels and it includes various access points to the carparks from Thompson and Berry Street. It is a condition of consent that pedestrian access into the subject site from a public road is to be provided separate to any vehicle driveways and be designed to cater for all forms of pedestrian mobility. Landscaping and/or fencing are to be provided along the frontages of the site to the public roads to direct pedestrians to the defined pedestrian access point. It is also conditioned that the proposed pedestrian access from the carpark to Thompson Street adjacent to O'Reilly Street be relocated to the west to nearby the proposed egress ramp way from the upper deck carpark.
- A taxi rank exists on the Forsyth Street frontage and provision has been incorporated for mini bus access and circulation through the new car park.
- Access for service vehicles will be in the form of a new service area with access/egress from Thompson Street to service the

relocated Coles supermarket. The existing service areas in Berry Street and Forsyth Street will be retained.

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

A Traffic Impact Assessment was submitted with the application. The report provides an assessment of the proposal in terms of the proposed access, and likely nature volume or frequency of traffic to be generated by the development. Although the existing distribution of traffic through the vehicle access points for the centre will change, the overall distribution pattern on the surrounding road system will remain very similar to the existing. Under the projected future traffic demands expected to be generated by the development proposal, the operational performance of the intersections surrounding the site will continue to operate at appropriate levels.

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

The proposed access arrangement is considered appropriate and vehicles will be able to enter and leave the site in a forward direction.

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

The existing loading dock arrangement off Forsyth Street and Berry Street will be retained and a new dock will be provided for the new Coles supermarket off Thompson Street. The loading dock provisions will be comprehensive and will accommodate all vehicles requiring access to the development without any on-site or on-street queuing.

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

The proposal does not include access driveways opposite T-intersections or within 7m of a break in a median strip or intersections.

C6 - Ensure adequate sight lines for proposed driveways.

All access driveways have satisfactory sightlines and comply with the relevant Australian Standards.

2.3 Off-street parking

Developments are required to provide off-street parking to meet anticipated demands. The objectives are to:

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

The following controls are applicable

C1 - Parking is to be provided in accordance with Table 1 of the DCP.

The proposal involves an increase in retail floor space from 15,848sqm GLA to 21,908sqm GLA. The existing development provides for 595 car spaces which will increase to 663 car spaces with the new development.

The rate for shops and retail within the B3 zone is 1 space per 45sqm of GFA. This is a lower rate than when the shopping centre was originally built and reflects Council's desire to encourage development within the CBD, whilst also recognising that many visitors to the CBD do so for multi-visit purposes.

If the expansion of the shopping centre is viewed in isolation, at 8,175sqm GFA there is a requirement for 181 additional spaces. However, the proposal is for total redesign of the parking facilities and subsequently at the current rate, a total of 588 parking spaces must be provided. The proposal is for 663 parking spaces which exceeds the parking requirements of the DCP.

Roads and Maritime Services have suggested that Council may also give consideration to the following:-

The "Guide to Traffic Generating Developments" adopted by Roads and Maritime Services recommends that the required minimum number of on-site car parking spaces for the proposed development should be applied in accordance with the following rates:-

- i) *Commercial floor space - 1 car space per 40 m² of Gross floor area.*
- ii) *Shopping Centre*
 - *for Gross Leasable Floor Area up to 10,000 sqm - 6.1 spaces per 100 m²*
 - *for Gross Leasable Floor Area between 10,000 to 20,000 sqm - 5.6 spaces per 100 m²*

Council officers are satisfied with the implementation of the current parking rate of the DCP (being 1 space per 45sqm GFA) as it encourages development in Wagga CBD. In addition, the rate is consistent with other recent approvals of similar developments in the CBD therefore considered reasonable and valid.

C2 - The design and layout of parking is to be in accordance with AS 2890.1-2004.

A condition of consent shall reinforce this requirement.

C3 - Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with AS 2890.1-1993.

Eight car spaces for disabled persons have been provided.

C9 - Provide trees within the parking area at a rate of 1 tree per 5 spaces. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m².

Due to the design of the parking facilities it would be impractical to comply with this control. Landscaping with additional tree planting will however be provided along Thompson Street and Berry Street. The provision of sun shades above the car park essentially precludes the provision of trees with a minimum canopy spread of 5m as per the requirement under this control.

C10 - Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.

Conditions of consent will be imposed in this regard.

C11 - To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.

Conditions of consent will be imposed in this regard.

2.4 Landscaping

Landscaping is an important aspect of development, and complements good design. Trees, shrubs and green spaces can “soften” the impact of buildings, screen private spaces and create modified micro-climates. The importance of well designed landscaping is also increasing in the face of climate change, and is critical for attractive and useable outdoor spaces.

A concept landscape plan has been submitted for the proposed development which satisfies this requirement and complies with Council's Landscaping Guidelines. Trees and shrubs will be provided at the main access points and along Thompson Street and Berry Street to soften the appearance of the development and to improve the streetscapes.

2.5 Signage

The proposed signage has been considered in relation to SEPP 64 and Council signage controls and is considered acceptable.

2.6 Safety and Security

The controls of this section encourage the design of buildings and areas to maximise the safety and security of persons from crime. The development is designed to optimize personal safety and property security by way of natural surveillance, utilisation of robust construction materials and clear definition between public and private areas in accordance with the principles of *Crime Prevention Through Environmental Design*.

2.7 Changing the land form - cut and fill

Excavation to depths of between 1.5m to 1.8 will be required to accommodate the proposed development, in particular the new car park structure. The works will have a positive impact on the development potential of the site as it will enable additional retail floor space to be accommodated. A geotechnical report has been submitted as part of the application which provides recommendations for excavations. Any excavation or filling will be required to comply with the requirements of the relevant controls and conditions of consent.

2.8 Erosion and Sediment Control Principles

Temporary sediment and erosion control measures will be implemented during construction. Conditions of consent are imposed in this regard.

2.9 Development adjoining open space

The proposed development is not adjacent to a public open space.

Section 3 - Heritage Conservation

3.2.4 Development in the vicinity of a heritage item

The main objective of this clause is to ensure that development in the vicinity of a heritage item can have an impact upon the heritage significance of the item, in particular through an impact its setting.

The proposed development is located to the east of heritage item I272 - 'Plaza Theatre', located at 161-169 Baylis Street. The heritage building backs onto Wonderland Lane and the proposed extensions to the shopping centre will be separated by the lane. The heritage values of the Plaza Theatre building principally relate to its presentation to Baylis Street, which will not be impacted by the proposal. The proposal is therefore considered to comply with the outcome sought under the heritage provisions of the DCP.

Section 4 - Environmental Hazards and management

4.2 Flooding

This section of the WWDCP contains specific controls depending on the part of the floodplain a development is situated on. In terms of development within the "CBD protected by levee" area, for "industrial and high impact commercial development", the DCP requires that:

- *Minimum floor height 225mm above ground level within the building footprint*
- *Consider local drainage and ponding stormwater within the levee*

With the exception of one tenancy at the lower car park, the proposed development complies with the first matter, and consideration of flood matters has been undertaken elsewhere within this report. A condition will be imposed that the tenancy on the lower floor be removed or only be used for the purposes of a temporary use e.g. display of advertising material or storage of goods that would not be severely impacted in the event of a flood.

Section 10 - Business Development

10.1 City Centre

The subject site is in the 'Central Spine' area of the Wagga Wagga Central Business District. The controls for this area are as follows:

C1 Permit a nil setback to the street boundary along Baylis and Fitzmaurice Streets.

No development is proposed along either of these streets. The proposed development will retain the existing main entrance from Baylis Street, thereby maintaining the pedestrian links between the central spine and the site, including car parking.

C2 Maintain a street wall to Baylis and Fitzmaurice Streets up to four storeys in height unless the existing building is a heritage item or streetscape reference building. Above four stories in height provide a nominal setback behind the parapet line. Where

the building is a heritage listed building the setback control in control C2 applying to the Fitzmaurice Street precinct applies.

No development is proposed along either of these streets.

C3 Development on corner sites should be designed to address the corner, and achieve at least 3 stories and up to five stories in height.

The new works are not occurring on the corner parts of the site.

C4 Reinstate the nil setback along Baylis and Fitzmaurice Streets where infill buildings have not been built to the street edge.

No development is proposed along either of these streets.

C5 Design with nil setbacks unless existing adjoining buildings have established an alternate setback pattern, such as along the northern side of Thompson Street.

Nil setbacks are proposed as part of the development.

C6 Sites adjoining heritage items or streetscape reference buildings are to be sympathetic in scale and character to the adjoining significant building. Additional design measures may be necessary to ensure an acceptable outcome.

The proposed development is located to the east of heritage item I272 - 'Plaza Theatre'. The heritage building backs onto Wonderland Lane and the proposed extensions to the shopping centre will be separated by the lane. The heritage values of the Plaza Theatre building principally relate to its presentation to Baylis Street, which will not be impacted by the proposal. The proposal is therefore considered to comply with the requirement of this clause.

C7 Retain articulated and active shop fronts that continue the traditional rhythm of individual shop fronts where site consolidation is proposed.

No shop fronts are proposed as part of the development proposal. Whilst active shop fronts would be desirable on Thompson Street and Berry Street it is not achievable due to the design and layout of the development. The proposed development features a large structure (a new supermarket extension and service yard) and an elevated concrete parking area that will be visible from Thompson Street and Berry Street.

The facades on Thompson Street and Berry Street have been changed several times in consultation with Council's Planners to achieve an

appropriate level of variation and articulation to prevent monotonous streetscapes and also to reduce the overall bulky appearance of the proposed structure. The proposed materials include concrete panel walls with combination of timber and colourbond features/inserts in accordance with the Color board as per the figure below:



In addition, landscaping with new street trees is proposed along Tompson Street and Berry Street to soften the appearance of the development and to improve the streetscapes. Although the proposed development does not comply with this control, it is considered that the proposed building is compatible with the existing urban form and that the proposed facades with the addition of landscaping will contribute to attractive and interesting streetscapes which will have a positive impact on the Wagga Wagga CBD.

C8 *Retain and reinstate (where missing) continuous full width awnings along Baylis and Fitzmaurice Streets. Use traditional awning form. Infill awning type should have its fascia at a level consistent with that of adjacent awnings and should be designed to complement the local streetscape. Avoid peaked, bull nosed or other non-traditional forms.*

No development is proposed along either of these streets.

C10 *Development on Edward Street 'gateway' opportunity site in accordance with indicative plan*

Not applicable.

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

There are no planning agreements in place for this proposal.

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

Matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied.

(b) - The likely impacts of the development

Context and setting

This assessment report has demonstrated that the development is compatible with adjoining uses and that there are no site constraints that would render the site unsuitable for the proposed development.

Site Design and internal design

The proposed alterations and additions to the shopping centre will result in a significant improvement to the existing parking facilities and access arrangements on the site. The proposal will not only have a positive impact on traffic and pedestrian movements within the site, but will also contribute to better connectivity to existing road and pedestrian networks in the locality.

In terms of pedestrian access, the main access point will still be off Baylis Street. The secondary access of Forsyth Street will also be maintained as there will be no change in the orientation off the shopping centre. The new pedestrian accesses to the proposed upper and lower car park to the rear of the centre will sufficiently connect with all existing internal as well as external walkways and will provide for improved linkages to existing pedestrian movement systems, particularly to the north and the east of the site.

Considering the above, the development is considered to be well integrated with the physical attributes of the site, including appropriate provision for access and off-street parking.

Streetscape

The proposed additions will have a dominant appearance with an increased bulk, mass and scale, however the positioning and the design of the building will assist in minimising the impact. When viewed from Thompson Street there will be a double storey structure that is set back to accommodate a new loading dock. The height of the structure reduces in bulk and scale towards the eastern side of the site which will be occupied by the elevated car park. The double storey element of the building will

be comparable in height with the height of other developments in the vicinity of the site.

The facades on Thompson Street and Berry Street have an appropriate level of articulation to prevent monotonous streetscapes and will reduce the overall bulky appearance of the proposed development. The proposed materials include concrete panel walls with a combination of timber and Colorbond features/inserts that will complement the existing development and provide for interesting streetscapes.

The proposal maintains the existing streetscape in Baylis Street and in this regard does not impact on the main pedestrian retail and commercial spine of the city. The proposed bulk, scale and layout of the development are considered consistent with the existing urban form in the Wagga Wagga CBD and the proposed street facades will be conducive with the streetscapes along Thompson and Berry Street.

Access, transport and traffic

Matters regarding traffic generation and parking have been discussed elsewhere in this report. It is considered that the proposed development will not have any adverse traffic implications in terms of road network capacity and has been supported by Roads and Maritime Services. The parking supply will satisfy the parking demands generated by the proposed development. On-site parking and movement systems are integrated with the site layout, accommodates all modes of transport, provides non discriminatory accessibility, safe and efficient loading and unloading of goods, allows for vehicle queuing and visitor set down and pick up facilities.

Services

The site is within the CBD and therefore fully serviced.

Staging

The development will be undertaken in 4 stages:

- Stage 1 : Construction of new car park levels in northeast part of the site with new accesses on Berry Street and Thompson Street
- Stage 2 : Construction over the existing central car park area for arcade extension and specialty shops
- Stage 3: Construction of the new Coles supermarket with extension of arcade and specialty shops over car parking in north-west part of the site with new access on Thompson Street.
- Stage 4: Construction of new mini major with extension of arcade and specialty shops in south-west part of the site (Stage 4 does not form part of this application).

Heritage

This has been discussed through the heritage provisions of the LEP and DCP.

Natural Hazards

Flooding impacts have been discussed under part (a)(i) and (iii)

Man-Made Hazards

The site is not identified to be effected by man-made hazards.

Construction

During construction there are likely to be increased traffic and access impacts as a result of the development. These have been addressed under the access and traffic header in this section.

Socio-Economic Impact

It is considered that the proposed development will result in an overall positive impact within the Wagga Wagga Central Business District by helping secure the area as the primary retail destination in the region. An increase in retail floor space in the locality is likely to increase shoppers visiting the area, and will help the CBD to compete with out of town-centre shopping centres. The increased floor space is also likely to lead to increased employment generation opportunities will help to stimulate the local economy. It is estimated that the development and will provide 215 permanent long terms jobs and 50 short term jobs through the construction stage.

Other Land Resources

The proposal will have no impact on land resources.

Pollution and off-site environmental effects

The proposed development is not likely to result in any significant pollution or offsite environmental impacts; however, it is recommended that during construction standard conditions of consent relating to sediment and erosion control be implemented.

Flora and fauna

Some trees will be removed as a result of this development; however, it is considered that the impacts on flora and fauna will not be significant. The application will therefore not result in any irreversible environmental damage.

Noise and Vibration

Noise in the locality will increase during construction of the proposed development. However, this can be managed with the imposition of appropriate conditions. During operation of the premises it is not considered that the use is of the type that is likely to result in any significant noise impacts.

The Principles of Ecologically Sustainable Development

The proposal is considered to comply with the principles of Ecologically Sustainable Development such as inter-generational equality and conservation of biological diversity and ecological integrity.

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

The subject site is considered suitable for the proposed development as it consolidates commercial development within one of the primary blocks of the Central Business District. Whilst impacts of the development on traffic and access matters within Invermay Lane have the potential to be significant, it is considered that with the imposition of suitable conditions, as recommended throughout this report, that these impacts can be mitigated. Further, it is considered that the design of the development is such that site constraints, such as flooding, can be appropriately managed.

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

Referrals

Standard internal Council referrals of the application occurred as well as external referrals to and Roads and Maritime Services, Essential Energy, Riverina Water and the APA group. The application is supported, subject to conditions.

Notification

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the *Wagga Wagga Development Control Plan 2010* the application was notified for 14 days between 20 November 2013 and 9 December 2013.

Advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the *Wagga Wagga Development Control Plan 2010* the application was advertised for 14 days between 20 November 2013 and 9 December 2013.

Public Submissions and those from public authorities

During the display period, a total of 3 submissions were received.

- A submission was received from Roads and Maritime Services which indicates support of the application, subject to conditions.

- Two submissions were received from adjoining landowners. Their concerns and the applicant's and Council officer's comments can be summarised as follows:

Access

A church exists to the northern side of the site. The concern is that the proposed development will have an impact on pedestrian and vehicle access to the church site.

The applicant has provided the following comment on the submission:

The proposed driveway will be located at the eastern (approach) side of the Church property. Thompson Street is approximately 19.2 metres wide and this provides 2 traffic lanes in each direction as well as continuous kerbside parking. It is apparent that there is a generous parking provision available in the near vicinity for Church visitors including on-street parking and parking within the Shopping Centre (which will be increased as part of the development proposal, including undercover parking). I cannot foresee any possible reason why Council might wish to change the parking arrangement outside the Church as a consequence of the development particularly as the existing traffic circumstances will remain and the proposed driveway will be located to the east of the Church property (ie the Church frontage will not be on the 'approach' side to the driveway).

The proposed development is not anticipated to have any impact on vehicular or pedestrian access to the church site. No existing access points to the church site will be obscured or altered and vehicles and pedestrians will be able to continue to enter and exit the site as per the existing arrangements.

Parking

Question is raised about the proposed parking provision. *"The proposal assumes car parking provision rates based on the current DCP 2010 Standard of 1 space per 45sqm GFA over the entire site (i.e. both existing and proposed floor area). Council's practise of applying car parking rates, as understood, is to apply the previous DCP standard of 1 space per 34sqm GFA to existing approved floor area and that the new DCP standard only applies to the new proposed floor space".*

The applicant has provided the following comments to the submission:

Council's DCP 2010 specifies a parking provision for 'Retail' use within the City centre (B3 Zone), of 1 space per 45m² GFA and there is no 'qualification' in that document in relation to existing floor area. In fact DCP Section 2.3 C5 specifies that for redevelopment the parking for the "existing use" is to be calculated in accordance with Table 1 of the DCP (excerpt shown overleaf). We also note that this issue was never raised by Council in the numerous discussions leading up to or after DA submission.

As discussed above, as well as previously outlined in the submitted traffic report (Rev D, August 2013), application of the rate of 1 space per 45m² GFA would indicate a requirement of 588 spaces as demonstrated in the following:

$$26,457 \text{ m}^2 \text{ GFA @ 1 space per 45m}^2 \text{ GFA} = 588 \text{ spaces}$$

Against this the proposed development scheme provides a parking facility capable of accommodating up to some 663 spaces and this represents a surplus to the DCP requirement of some 75 spaces.

The rate for shops and retail within the B3 zone is 1 space per 45m² of GFA. This is a lower rate than when the shopping centre was originally built and reflects Council's desire to encourage development within the CBD. For this reason, the current parking ratio is applied to the total site. A Traffic Impact Assessment (TIA) was prepared in relation to this development. The TIA concluded that the proposed car parking numbers were sufficient and that the traffic impacts on the surrounding road network were satisfactory.

Excavation

Concerns are raised that the proposed excavations might have an impact on the structural integrity of surrounding buildings.

The applicant has provided the following comments on the submission:

The works associated with DA13/0483 will be carried out in accordance with the requirements of the consent conditions, the Building Code of Australia, and all other applicable policies and procedures of Council and other relevant authorities. Prior to the commencement of works dilapidation reports of applicable neighbouring properties and public infrastructure will be prepared. All demolition and subsequent construction works will then be carried out in accordance with the approved construction management plan, including all Occupational Health & Safety and Environmental management requirements.

A geotechnical report has been submitted as part of the application which provides recommendations for excavations. Any excavation or filling will be required to comply with the requirements of the relevant controls and conditions of consent. The controls and conditions of consent require that no works are to affect adjoining properties.

Economic impact

Submission is made against the application as it fails to acknowledge, or have reference to the published Council report of the CBD Retail Strategy, Retail Study and other relevant studies to protect the viability of the existing business zones in the city. The opinion is that the development must be measured against these documents and reported accordingly.

The applicant has provided the following comment on the submission:

The provisions of the EP&A Act 1979 do not require that DAs made under Part 4 of the Act be “measured” or assessed against every related (either directly or indirectly) Council report. Instead, the provisions of the EP&A Act 1979 require evaluation of DAs against the relevant “matters for consideration” listed under Section 79C including, amongst other matters, “the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”. As stated above in comments under Item 1, the application is supported by detailed information and technical reports which will allow a thorough evaluation of the application to occur, including the potential economic impacts.

Importantly, with respect to the potential economic impacts, the application is consistent with Council’s strategic vision and the statutory provisions for commercial centres. Specifically, the primary Environmental Planning Instrument (EPI) applicable to development at the site is the Wagga Wagga LEP 2010 (WWLEP 2010). The gazettal and implementation of the WWLEP 2010 was the culmination of many years of strategic planning analysis and its preparation was informed by key strategic planning documents, including those dealing with economic strategies and analysis, most notably the “Advisory Report – Retail and Commercial Development Strategy City of Wagga Wagga” dated 2007 and prepared by Leyshon Consulting Pty Ltd. As enunciated in the Leyshon report, Council’s strategic vision for its commercial centres is that the Wagga Wagga CBD/CBD North should continue to be promoted as the predominant retail centre both within the City and within the surrounding region. The CBD’s zoning as a B3 Commercial Core Zone within the WWLEP 2010 reflects this strategic aim and consolidates the CBD’s position as the primary business zone for Wagga Wagga City and the wider district.

The proposed development is permissible within the B3 Commercial Core zone and complies with all of the fundamental built form controls applicable to the site.

The proposal provides for the improvement and expansion of long standing existing commercial uses within the B3 Commercial Core zone and it is envisaged that the proposal will provide additional employment opportunities with the creation of an estimated 215 permanent long-term jobs and 50 short term jobs.

The proposal is consistent with the objectives of the B3 Commercial Core Zone (as discussed in Table 3 of the Statement of Environmental Effects submitted with the DA) and the strategic vision for the CBD. Finally, it is noted that the Council has adopted the Wagga Wagga Spatial Plan 2013/2043. The Spatial Plan’s purpose is to provide clear strategic indicators for the development of Wagga Wagga and it is nominated by Council as “the key strategic document for directing and managing urban growth and change in our city, our villages and our rural areas over the next 30 years”. It provides a context within which

neighbourhood and district planning policies can be set and will inform any proposed changes to both the WWLEP 2010 and the Wagga Wagga Development Control Plan 2010.

The proposal is consistent with the relevant economic strategies and objectives in the Spatial Plan including those outlined in the section titled "There is Growing Business Investment In Our Community". In particular, the proposal is consistent with the key economic objective of the Spatial Plan relevant to the subject site which seeks to "Provide opportunities for key businesses established in Wagga Wagga to grow further".

Also we note that Council indicated during the pre-lodgement process that an economic impact assessment report would not be required for lodgement with the application, which we expect is because the proposal is evidently consistent with the statutory planning controls for the B3 Commercial Core zone and the economic objectives for the CBD.

The proposal is not for a rezoning or a use which is not inconsistent with the aim and objectives of the zone. The Draft SEPP (Competition) 2010 outlines a number of matters or considerations that can and cannot be taken into consideration when assessing a commercial development. These provisions include loss of trade and viability etc for other commercial development. The impact of the proposed development on the commercial viability of other commercial developments has not been taken into consideration in assessing this application. The application is for an expansion of an existing shopping centre within the commercial core of Wagga Wagga. The proposal is for a type of development which is encouraged in the CBD, and it is considered unlikely that an approval of the application will result in an overall adverse impact on the extent and adequacy of facilities and services available to the local community.

Public interest

A submission is made against the application due to the fact that it lacks sufficient reference to public interest in particular to *"parking strategies, traffic circulation, pedestrian movement, DBD main street upgrades/urban design aspects, circulation strategies between malls and main street environment, and service vehicle strategies"*.

The applicant provided the following comments on the submission:

The development of land in an orderly and economic way is in the public interest. The documentation provided with the application and the assessment undertaken with the submitted Statement of Environmental Effects demonstrates that the proposal accords with the strategic vision for the site and the relevant EPI provisions. Notwithstanding remarks outlined in Item 4 of the Wagga Wagga Marketplace submission, the documentation submitted with the application clearly demonstrates compliance with relevant statutory and policy provisions.

The proposal is consistent with the relevant provisions of the Wagga Wagga Development Control Plan (DCP) relating to development for the purpose of commercial premises. In particular, the proposal complies with relevant provisions relating to Business Development in the City Centre (Part D Section 10) of the DCP. Additionally, the proposal complies with all the key general controls under Part A, Section 2 of the DCP including: Vehicle Access Movement (Section 2.2); Off-Street Parking (Section 2.3); Landscaping (Section 2.4); Signage (Section 2.5); Safety and Security (Section 2.6); and Changing the Landform (Section 2.7).

The proposal is consistent with the fundamental development standards and built form controls applicable to it. The development of land in an orderly manner is in the interest of the public and the proposed works demonstrate that the land will be developed in an orderly, well planned manner.

The public interest is a broad consideration relating to many matters and is not limited to the issues raised by the submission. This application has been considered in respect to broader planning strategies and the matters discussed in this report which are all reflections of the public interest and community expectations. This report is considered to cover the issues raised by the submission in relation to public interest.

(e) - The public interest

Taking into account the full range of matters for consideration under Section 79C of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is in the public interest.

Section 79B(3)

Owing to the modified nature of the site, and its proximity to other buildings, it is considered that the proposal will not negatively impact upon the matters detailed in Section 5A and 79B(3) of the *Environmental Planning and Assessment Act 1979*.

Council Policies

Not applicable.

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

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures and are in support of the application, subject to conditions.

Contributions

Section 94/94A of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 / Levy Contributions Plan 2006 enables Council to levy contributions, where anticipated

development will or is likely to increase the demand for public facilities. A Section 94A contribution applies to this development that will be put towards the provision of high quality and diverse public facilities to meet the expectations of the residents of the city.

$\$30,122,168.00$ (development cost) $\times 1\% =$ **$\$301,221.68$**

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2006 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

A Section 64 contribution is payable for this development as a source of funding towards infrastructure within the urban area.

Stormwater contribution: No additional impervious areas are proposed, therefore there are no stormwater contribution payable.

Sewer contribution

$8,175$ (floor area) $\times 0.003$ (ET) $\times \$3538$ (adopted charge) = **$\$86,768.45$**

Other Approvals

Not required.

Conclusion

An assessment of the application has resulted in this application being supported based on the following grounds:

- ☐ The application is for alterations and additions to an existing shopping centre which is permitted in the zone.
- ☐ The applicant has successfully demonstrated that the proposed development will be conducive with the existing urban environment and will be able to exist without decreasing the amenity of the adjacent uses.
- ☐ The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought for the Wagga Wagga Local Environmental Plan 2010.
- ☐ An assessment of the application against the relevant sections of the Wagga Wagga Development Control Plan 2010 demonstrates that the proposed development will not cause any significant adverse impacts on the surrounding natural environment, built environment, infrastructure, community facilities or local character and amenity.

The application is subsequently recommended for approval, subject to conditions.

RECOMMENDATION

It is recommended that the Southern Joint Regional Planning Panel approve Development Application DA13/0483 for Major Alterations & Additions to Commercial Premises (Sturt Mall) at 135 Baylis St WAGGA WAGGA NSW 2650, Lot 1 DP 1161864, subject to the following 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 |
|---------------|------------------------------------|----------------------------------|-------|----------|
| DA1.01 | Site Analysis Plan | D&R Architects | D | 09.08.13 |
| DA1.02 | Site and Roof Plan | D&R Architects | F | 25/10/13 |
| DA1.03 | Demolition Floor Plan | D&R Architects | D | 22/08/13 |
| DA1.04 | Demolition Floor Plan | D&R Architects | C | 09/08/13 |
| DA1.05 | Lower Floor Plan | D&R Architects | K | 07/11/30 |
| DA1.06 | Main Floor Plan part A | D&R Architects | L | 07/11/13 |
| DA1.07 | Main Floor Plan part B | D&R Architects | H | 25/10/13 |
| DA1.08 | Main Floor Plan part C | D&R Architects | L | 07/11/13 |
| DA1.09 | Elevations | D&R Architects | F | 04/11/13 |
| DA1.010 | Elevations | D&R Architects | J | 04/11/13 |
| DA1.011 | Sections | D&R Architects | F | 25/10/13 |
| DA1.012 | Finishes and Colour Board | D&R Architects | C | - |
| DA1.013 | Staging Plan | D&R Architects | D | 25/10/13 |
| L-101 | Landscape Architectural Plan No 1. | Elke Haeger Landscape Architects | E | 28/10/13 |
| L-102 | Landscape Architectural Plan No 2 | Elke Haeger Landscape Architects | E | 28/10/13 |
| L-103 | Landscape Architectural Plan No 3 | Elke Haeger Landscape Architects | E | 28/10/13 |
| L-601 | Landscape Details Sheet No 1 | Elke Haeger Landscape Architects | B | 06/08/13 |

| | | | | |
|-------|--|--------------------------------------|----|----------|
| | Statement of Environmental Effects | SJB Planning | | 08/13 |
| 13072 | Traffic and Parking Assessment | Traffic and Transport Associates | D | 08/13 |
| | 2 nd Supplementary Traffic and Parking Assessment | | | 15/11/13 |
| | Geotechnical Assessment | Aitken Rowe Geotechnical Engineering | | 22/08/12 |
| C00 | Cover sheet and Drawing Schedule | Richmond & Ross Consulting Engineers | 01 | 30/10/13 |
| C01 | Wonderland Lane Stormwater Realignment | Richmond & Ross Consulting Engineers | 00 | 06/08/13 |
| C02 | Wonderland Lane Stormwater Long Section | Richmond & Ross Consulting Engineers | 00 | 06/08/13 |
| C03 | Lower Ground Stormwater Concept Plan | Richmond & Ross Consulting Engineers | 01 | 30/10/13 |
| C04 | Ground Level Stormwater Concept Plan | Richmond & Ross Consulting Engineers | 01 | 30/10/13 |
| C05 | Stormwater Notes and Schedules | Richmond & Ross Consulting Engineers | 00 | 06/08/13 |
| C06 | Stormwater Long Sections Sheet 1 | Richmond & Ross Consulting Engineers | 00 | 06/08/13 |
| C07 | Stormwater Long Sections Sheet 2 | Richmond & Ross Consulting Engineers | 00 | 06/08/13 |
| C08 | Erosion and Sedimentation Control | Richmond & Ross Consulting | 01 | 30/10/13 |

| | Plan | Engineers | | |
|-----|---|--------------------------------------|----|----------|
| C09 | Erosion and Sedimentation Control Details | Richmond & Ross Consulting Engineers | 00 | 06/08/13 |
| | Stormwater Management Plan | Richmond & Ross Consulting Engineers | B | 10/13 |
| | Flood Study | Richmond & Ross Consulting Engineers | C | 10/13 |

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

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

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

Prior to release of Construction Certificate

2. Prior to the release of a Construction Certificate for Stage 1, the applicant shall submit detailed construction plans for the landscape treatments as documented in the approved Development Application Landscape Plans, to a maximum scale of 1:500.

Detailed plans are to show all landscape treatments that include but not limited to: Entry treatments, signage, tree planting, carparks, shrub planting, turfing, signage, paths, pavement treatments etc to the satisfaction of the Director of Planning or his delegate.

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.

All street trees on the southern side of Thompson Street from Wonderland Lane to Berry Street are to be removed at the applicants expense, using Council approved contractors, and replaced with *Ulmus parvifolia* 'Murray's Form' or *Ulmus parvifolia* 'Todd' at 10m centres

All street trees on the western side of Berry Street between Thompson Street and Forsyth Street are to be removed at the applicants expense, using Council approved contractors, and replaced with *Melia azedarach* 'Elite' (low fruiting) at 10m centres.

REASON: To ensure that adequate landscaping is provided on the subject land. To provide increased visual amenity to the both streetscapes by planting a consistent species of street tree suitable for use under powerlines, to reduce the impact caused by the zero-setback development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

3. **Prior to the release of the Construction Certificate for Stage 1, the applicant shall pay a fee of \$450.00 per street tree proposed for installation as part of this application, to Wagga Wagga City Council.**

Wagga Wagga City Council will undertake the supply and installation of containerised stock, and will maintain them for a period of 2 years following installation. Planting will occur in the next planting period (Late Autumn to Early Spring) following completion of construction or when construction is completed to the point where it will not impact the new street trees.

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

REASON: To ensure that 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.

4. **Prior to the release of the Construction Certificate for Stage 1 the applicant shall submit a revised layout plan to the satisfaction of the Director of Planning or his delegate which makes provision for the following:**

- **The provision of on-site car parking, including disabled parking, associated with the subject development is to be in accordance with Council requirements. A minimum of 1 parking space per 45sqm GFA car 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.**
- **The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with the Austroads Guide to Traffic Management Part 11: Parking and AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".**
- **The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction. For road safety reasons all driveways and the internal layout of the development shall be**

designed to enable all vehicles to enter and exit the site in a forward direction and not be required to reverse within the adjoining road reserve.

- All car parking spaces required are to be provided on-site and not to be compensated by the on-road parking in the vicinity. Parking, particularly disabled parking is to be located with convenient pedestrian access to the entry doors of the premises.
- All activities including, loading and unloading of vehicles 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 and maintained on site to service of all tenancies.
- Provision shall be made for the parking of bicycles on site in accordance with AS 2890.3-1993 —Bicycle parking facilities.
- Facilities are to be provided within the car park to facilitate safe pedestrian movements throughout the car park. Traffic calming devices and raised pedestrian walkways minimise conflict between pedestrians and vehicles. 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. No pedestrian walkways are to be provided behind parking spaces.
- The western most driveway to Thompson Street from the underground level of the carpark shall be redesigned to provide for 2 lanes for exiting traffic to allow for the separation of left turning and right turning vehicles.
- Pedestrian access into the subject site from a public road is to be provided separate to any vehicle driveways and be designed to cater for all forms of pedestrian mobility.
- The proposed pedestrian access from the carpark to Thompson Street adjacent to O'Reilly Street is to be relocated to the west to nearby the proposed egress ramp way from the upper deck carpark.
- A pedestrian facility is to be provided in Thompson Street to the west of O'Reilly Street to align with the proposed pedestrian access to the upper level carpark from Thompson Street which shall include a pedestrian refuge within the raised central median and/or kerb extensions in accordance with the provisions of the Austroads Publications and AS 1742.10 – “Pedestrian Control and Protection”.

REASON: To adequately provide for the parking and access to the development. To provide for all modes of transport and safe pedestrian

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

5. **The tenancy on the lower level car park is not approved. The area may only be used for temporary activities (i.e. advertising material, community display area or storage). A revised floor plan to this effect must be submitted for approval by the Director of Planning or his delegate prior to the release of the Construction Certificate for Stage 1.**

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

6. **Prior to the release of the Construction Certificate for Stage 1 the applicant is to submit two (2) copies of the details, plans and or specifications for the proposed retaining walls.**

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

7. **A survey report by a registered land surveyor shall be provided to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate for Stage 1 and Stage 3.**

REASON: To ensure that the building is located in accordance with approved plans prior to further works being carried out on the subject site. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

8. **Prior to the issue of a Construction Certificate for all stages details of all structural concrete and structural steelwork shall be submitted to the Principal Certifying Authority 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.

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

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

REASON: It is in the public interest that all building elements are designed to be able to withstand the combination of loads and other actions to which they

may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 10. Prior to the issue of Construction Certificate for all stages the developer must lodge a bond with Council of \$5000.00 for security deposit on the kerb and gutter and footpath**

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

NOTE 2: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 3: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 4: Applicants will be required to reference the kerb and gutter bond number BKG 0141 when lodging bond monies. Please reference BKG number on application form which is available from customer service and on council's website under the planning tab > document quick links > applications / or alternatively reference BKG number when making electronic payment.

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.

- 11. Pursuant to s94A of the Environmental Planning and Assessment Act 1979 and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of the Construction Certificate for Stage 1, the applicant must pay to Council a levy in the amount of \$301,221.68 towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.**

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

12. Prior to the release of Construction Certificate for Stage 1 the applicant is to obtain a compliance certificate under s306 of the Water Management Act 2000 in respect of the development relating to water management works that may be required in connection with the development.

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

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

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

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

NOTE 5: The Section 64 Sewer contribution required is \$86,768.45

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

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI.

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).

13. Prior to the issue of a Construction Certificate for all stages, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to Council.

REASON: It is in the public interest that the development works do damage existing Council infrastructure.

- 14. Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Any access driveway is to be designed and constructed to collect stormwater runoff prior to discharging onto the adjoining road reserve.**

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 New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 15. The basement carpark shall be protected from inundation of overland flow for storm events up to and including the 10% AEP event plus 0.1m freeboard.**

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

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

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

Note : The structural adequacy of any retaining walls, including the hydrostatic loads caused by a full storage area should be checked and certified by a suitably qualified engineer.

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

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

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

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

All conditions of the approval must be complied with.

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

- 18.If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for all stages. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.**

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.

- 19.No works are to take place to any services without prior written approval from the relevant authority.**

NOTE: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

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.

- 20.Prior to the issue of an 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 the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. 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

- 21. Prior to the issue of Occupation Certificate, signs must be erected that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.**

REASON: To ensure the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

- 22. A management plan, to address demolition and construction activity, access and parking for all stages is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from the road reserve. Appropriate signage and fencing is to be installed and maintained to effect this requirement. The plans shall show the location site access for construction vehicles. The access point shall be maintained for the duration of works to ensure safe public access.**

REASON: To enable temporary access to the development site whilst construction works are undertaken and to make provision for any works requiring repair. Section 79C(1)(C) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 23. 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.

24. 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.

25. 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.

- 26. 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.

- 27. 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**

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

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.

- 28. Prior to commencement of works Councils sewer/stormwater pipelines within the development are to be inspected using Closed Circuit Television (CCTV). The CCTV footage shall be presented to Council on DVD for assessment if using a private contractor. CCTV can be carried out by Council or a private contractor, Council will charge at a rate of \$2 per lineal metre inclusive (subject to CPI indexation).**

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

- 29. If it is identified that any proposed works will Encumber a Service Line and /or Easement, no work is to commence on the site until such time as an Approval/Permit to Encumber a Service Line and or Easement has been obtained from Council which is required for the works proposed to be located over an easement that exists on the subject site.**

You are required to liaise with Council's Waste and Stormwater Division on 1300 242 442 in relation to the obtaining the required Approval/Permit to Encumber a Service Line and or Easement.

Note: A copy of the required Approval/Permit to Encumber a Service Line and or Easement shall be provided to Council's Planning Directorate as evidence for the satisfaction of this condition.

REASON: It is in the public interest that these buildings are not constructed until such time as all required approvals have been obtained for the development. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 30. Prior to the commencement of works, an application is required to be lodged for both an Activity Approval under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer / stormwater works and a Construction Certificate for all other subdivision works. These two applications should be lodged concurrently.**

NOTE: Works carried out under an approved Section 68 prior to a Development Consent and/or Construction Certificate being issued are subject to change and are at the applicant's risk.

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

- 31. 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.

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

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

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

NOTE: This condition does not apply to:

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

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

33. 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.

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

A written application for *Consent to Work on a Road Reserve* is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP.

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are

assessed for compliance against relevant traffic management standards and the terms and conditions of the *Roads Act 1993*. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 35. Prior to the commencement of any works, the developer must provide Council with a letter from Essential Energy indicating that satisfactory clearances and minimum distances from power lines will be maintained during and after all construction works.**

REASON: To ensure safe clearances are maintained from electrical powerlines, and because of representations to this effect from Essential Energy. Section 79C(1)(b) and (d) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

- 36. All temporary works carried out in the road reserve during construction shall be maintained to ensure the works are safe for public pedestrian/vehicle access for the duration of works.**

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are safe for public access. Section 79C of the *Environmental Planning and Assessment Act 1979*, as amended.

- 37. The raised central medians to be constructed adjacent to the northern most driveway to Berry Street and the eastern most driveway to Thompson Street are to be designed to restrict vehicular movement to left turn only manoeuvre at these driveways. The medians shall be appropriately designed, signposted and line marked to deny U-Turn movements within the carriageway and right turn movements to and from the development site.**

REASON: It is in the public interest that an works comply with traffic safety standards and requirements. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 38. Any proposed site fill must be of clean material only, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. A validation certificate shall be provided to Council verifying that the material to be used is free of contaminants and fit for purpose and re-use in residential, commercial or industrial use, prepared by a qualified Geotechnical Engineer. All such works are to comply with Wagga Wagga City Council's Guideline for Subdivision and Developments.**

NOTE: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required, prior to the issue of a Construction Certificate for the erection of a building or the issue of a Subdivision Certificate.

REASON: To ensure that any fill is correctly placed and compacted. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 39. 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.

- 40. If the Council is appointed as the Principal Certifying Authority the applicant must obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia for the stages of construction listed in Column 1. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified in Column 2.**

| COLUMN 1 | COLUMN 2 |
|-------------------|---|
| 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. |
| 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.

41.If soil conditions require it:

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

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

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

NOTE 3: Any proposed cut and fill of the site must be undertaken in accordance with the terms and conditions of Section 2.7 of the Wagga Wagga Development Control Plan 2010.

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.

42.If an excavation associated with the erection/demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a) must preserve and protect the building from damage, and
- b) if necessary, must underpin and support the building in an approved method, and
- c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment

of land and furnish particulars to the owner of the building being erected/demolished.

NOTE 1: The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

NOTE 2: For the purposes of this condition allotment of land includes a public road or any other public place.

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.

43. 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.

44. All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.

Excavations must be undertaken in accordance with the terms and conditions of Section 2.7 of the Wagga Wagga Development Control Plan 2010.

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

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

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

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

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

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

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

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

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

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

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

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

- 49. Sewer mains must be extended to the site, at full cost to the developer, in accordance with Council's Guidelines for Subdivision and Developments and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision via a Section 68 (Public) approval.**

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. Notice must be given to Council's Activities in Road Reserves Officer on 1300 292 442, of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.**

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

- 51. It is the developer's responsibility to ensure adequate investigation has been done to identify existing services on site. Any unforeseen underground service clashes experienced during construction shall be reported to the relevant utility authority prior to works/realignment further proceeding. All works resulting from services clashes due to development works are at the developer's expense.**

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.

- 52. With the exception of the lower car park and the area around the entrance foyer at the lower car park level (refer to condition 5), all floor levels must be 225mm above existing ground level**

- 53. The building must be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.**

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

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

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

- 55. The applicant must obtain a Compliance Certificate from Council for the plumbing and drainage work identified in Column 1 at the times specified in Column 2.**

| COLUMN 1 | | COLUMN 2 |
|-------------------|-------|--|
| Internal Drainage | Sewer | When all internal plumbing work is installed and prior to concealment. |
| External | Sewer | When all external plumbing work is |

| | |
|----------------------------|--|
| Drainage | installed and prior to concealment. |
| Stormwater Drainage | When all external stormwater drainage work is installed and prior to concealment. |
| Stack Work | When all work is installed and prior to concealment. |
| Final | Prior to occupation of the building. |

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

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

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

Prior to release of Occupation Certificate / Prior to Operation

- 57. Appropriate directional signage, line marking and lighting is to be installed and maintained throughout the subject site to provide for ease of navigation for drivers through the finished carpark of the complex. The main travel aisles within the carpark area are to be line marked as one-way to enhance circulation within the carpark and minimise conflict.**

REASON: It is in the public interest that an works comply with traffic safety standards and requirements. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 58. A Delivery and Service Management Plan is to be prepared and implemented for the operation of the development to manage and monitor congestion and conflict associated within the service areas. This Management Plan shall organise the times for deliveries and waste removal for each of the tenancies. This Management plan shall be updated with change of tenancies.**

REASON: It is in the public interest that an works comply with traffic safety standards and requirements. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 59. Prior to issue of occupation certificate the applicant shall ensure that the all redundant kerb layback associated with the development are replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's Engineering Guidelines for Subdivisions and Developments.**

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

- 60. Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.**

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.

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

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

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

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

- 62. The area used for the purpose of skin penetration must comply with the Public Health Act 2010 and Public Health Regulation 2012. Medical waste, such as sharps, must not be disposed of at any of Council's Waste Management Facilities. In this regard, a Medical Waste Management Plan must be submitted to Council's Environmental Health Officer, for approval, prior to the issue of a final Occupation Certificate for the development.**

REASON: It is in the public interest to manage the disposal of medical waste. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 63. The requirements of other public utility authorities, being Essential Energy (electricity), APA (gas) and Riverina Water County Council (water) must be satisfied, prior to the PCA issuing an Occupation Certificate.**

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.

- 64. Prior to the issue of an Occupation Certificate any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.**

REASON: It is in the public interest to ensure the development does have an impact on existing Council infrastructure.

- 65. Prior to issue of an Occupation Certificate Councils sewer/stormwater pipelines within the development are to be inspected using Closed Circuit Television (CCTV) at the conclusion of all construction activities onsite. The CCTV footage shall be presented to Council on DVD for assessment if using a private contractor. CCTV can be carried out by Council or a private contractor, Council will charge at a rate of \$2 per lineal metre inclusive (subject to CPI indexation). Should any damage to Councils infrastructure be evident, the developer shall repair/reinstate damaged infrastructure at their cost.**

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

- 66. Prior to the issue of an Occupation Certificate all temporary works in the road reserve shall be removed and the road reserve reinstated to Council's satisfaction. Reinstatement works shall be at the full cost of the developer and inspected by Council's Development Engineer.**

REASON: To make provision for any works requiring repair in the road reserve. Section 79C(1)(C) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 67. Prior to the issue of Occupation Certificate the car park shall have a suitable warning system, signage and exits to ensure safe evacuation during flooding.**

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

- 68. Prior to the issue of Occupation Certificate a Flood Evacuation Plan for the development shall be submitted to Council. The plan shall be accompanied by evidence that the local division of the State Emergency Service has been consulted in the formulation of the plan and is in agreement with the final draft plan.**

NOTE: Details of flood evacuation procedures suitable for inclusion in this plan are outlined in the State Emergency Services' "Wagga Wagga Local Flood Plan", a copy of which is held by the Wagga Wagga State Emergency Services Branch.

REASON: To provide a permanent, fail-safe, and maintenance-free measure for the orderly evacuation of people from the area in the event of a flood. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

70. 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.

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

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

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 final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.**

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

- 74. A Certificate of Compliance and Works as Executed Diagram shall be submitted to and approved by Council prior to the issue of a Final Plumbing Certificate.**

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

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

General

- 75. This approval is for the development to be undertaken in 3 Stages in accordance with the approved staging plan (refer to Condition 1), namely:**

- Stage 1 :** Construction of new car park levels in northeast part of the site with new accesses on Berry Street and Thompson Street
- Stage 2 :** Construction over the existing central car park area for arcade extension and specialty shops
- Stage 3:** Construction of the new Coles supermarket with extension of arcade and specialty shops over car parking in north-west part of the site with new access on Thompson Street.

Note : **Stage 4 that includes the construction of tenancies within the existing Coles supermarket is not approved as part of this application.**

Unless otherwise expressly stated, the conditions must be read as being applicable to all Stages.

REASON: So that the development proceeds in a planned manner in accordance with the approved plans. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 76. Internal vehicular maneuvering aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. This is to provide for the ease of circulation of vehicles within the development site. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.**

REASON: It is in the public interest that an works comply with traffic safety standards and requirements. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 77. No part of the development, including cut, fill, or footings is to encroach the easement. Footings will need to address the angle of influence taking into account the depth of existing sewer and stormwater mains in the easement.**

REASON: To ensure the integrity of infrastructure within the easement is retained. Section 79c (1) (c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 78. 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.

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

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the *Environmental Planning and Assessment Act 1979*, as amended.

80.(1) For the purposes of Section 80A (11) of the Environmental Planning and Assessment Act 1979, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and**
- (b) where necessary, underpin the adjoining premises to prevent any such damage.**

(2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

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

REASON: To comply with traffic safety standards and requirement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

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

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

