

**JOINT REGIONAL PLANNING PANEL
(Southern)**

JRPP No	2014STH020
DA Number	DA14/0448
Local Government Area	Wagga Wagga
Proposed Development	Recreation Facility (Major) – Harness Racing Facility including Earthworks, Track, Clubhouse, Stables and Associated Infrastructure
Street Address	Lots 1-6 and Lots 19-24 DP2655 Cooramin Street, Cartwrights Hill, NSW 2650
Applicant/Owner	Applicant: Peter Basha Planning and Development on behalf of Harness Racing New South Wales Owner: Wagga Wagga City Council
Number of Submissions	Nine (9) public submissions were received during the initial notification period Four (4) public submissions were received during the second notification period
Regional Development Criteria (Schedule 4A of the Act)	Section 4 - Development that has a capital investment value of more than \$5 million if the Council is the owner of any land on which the development is to be carried out.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Wagga Wagga Local Environmental Plan 2010 • Wagga Wagga Local Environmental Plan 1985 • Wagga Wagga Development Control Plan 2005 • S90 Water Management Act – integrated approval <p>Further details within assessment report below</p>
List all documents submitted with this report for the panel's consideration	Noise Assessment Report Traffic and Parking Report Flood Impact Assessment
Recommendation	Approval with Conditions
Report by	Amanda Gray Senior Town Planner

Assessment Report and Recommendation Cover Sheet

DESCRIPTION OF DEVELOPMENT

The proposal is for a harness racing facility and includes earthworks, track, clubhouse, stables and associated infrastructure.

Further specifics of the development as proposed are as follows:

- 1071m long racetrack with associated rail fencing, lighting, stewards towers and podium.
- Supporting external areas to include parade ring, marquee area and machinery area.
- Two storey clubhouse building to include lounge, function room, tote and meeting rooms; bar facilities, kitchen, cool room and dry store; administration area, and toilets. The clubhouse has dimensions of 34 metres by 16 metres extending to a maximum height of 7.3 metres. The building will be constructed of concrete tilt panel walls and colorbond roofing with aluminium door and window frames.
- External grandstand seating for 141 people and elevated viewing platforms are proposed on northern elevation of the clubhouse.
- Broadcasting facilities on the first floor of the clubhouse.
- Stables complex to include 89 stables, public viewing areas, wash bays and vets room, change rooms, toilets, stewards room, trainer's room and office. The stables extend to a maximum height of 5.8 metres and will be constructed of concrete tilt panel walls and colorbond roofing.
- Car park to accommodate 150 vehicle spaces and 60 truck and trailer spaces. Separate public and operational access points.
- Upgrade to Cooramin Street to provide a sealed road up to the new entry and exit points in and out of the site and upgrade to the junction of Cooramin Street and Hampden Avenue to allow for the turning path of semi-trailer vehicles to be accommodated.
- Earthworks to create a raised track with sunken central area - the track is to be built to the 1:10 flood planning level, being approximately 1.2 m to 1.6 m above natural ground level. The clubhouse will be built to the 1:50 year flood planning level approximately 2.8 metres above natural ground.
- Associated infrastructure works across the site.
- Landscaping works.
- One Business Identification Wall Sign on the southern elevation of the clubhouse.

The development has a total value of \$6.5 million.

The harness racing facility will be classed as a major regional facility within NSW and is comparable to the recently constructed facility at Bathurst. The facility will accommodate approximately 35 scheduled race meetings throughout the calendar year consisting of:-

11 Night time meetings which run from 6.30pm to 10.30pm

4 Twilight meetings which run from 5.30 pm to 8 pm

20 Daytime meetings which run from about 1 pm to 6 pm

Two of these meetings are classed as major events, the Carnival of Cups and the Saturday Night May meeting. These meetings attract approximately 2000 and 1000 spectators respectively. The majority of other meetings attract approximately 150 spectators.

In addition to the scheduled harness racing meetings it is anticipated that the recreational facility will be utilised for other events throughout the year including equine events, markets and vehicle shows. Furthermore the clubhouse facility may also be hired out for other social uses when no race meets are scheduled. Such diversity is comparable to the Murrumbidgee Turf Club in Wagga Wagga and other regional recreational facilities such as that proposed.

THE SITE & LOCALITY

The subject land covers 12 similar sized lots which are legally identified as Lots 1 - 6 and Lots 19 - 24 in DP2655. Each of the lots are approximately 2ha in size with dimensions of 67 metres in width by 304 metres in length. The total site area is approximately 24 ha. The land is located on the western side of Hampden Avenue to the north of Cooramin Street. The subject site has frontage to both Hampden Avenue of 402m and to Cooramin Street of 606m.



The site is generally flat with a gentle slope of approximately 1 metre from north to south. The north eastern corner of the site does rise to a point higher than the rest of the site. The site has no significant features and is identified for grazing purposes only in terms of agricultural use. All of the land is identified as flood prone as is the land to the south towards North Wagga.

There are residential properties to the north and east of the subject site; the dwellings are at an elevated position to the subject site. The surrounding residential development is of a rural residential nature and has an R5 zoning in the WWLEP meaning Large Lot Residential. There is vacant rural land to the south and west.

MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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 1985

The north east corner of the subject site is identified on the Land Zoning Map as a Deferred Area Matter. Accordingly the application cannot be assessed against the provisions of the Wagga Wagga LEP 2010 and must be assessed against the previous LEP that applied to the land, namely the Wagga Wagga LEP 1985.

Under the provisions of the WWLEP1985, the subject site is zoned part Residential and part Open Space, the objectives of the zone are:

- (a) *to make general provision to set aside land to be used for the purposes of housing and associated facilities,*
- (b) *to allow detailed provision to be made, by means of a development control plan, to set aside specific areas within the zone for medium density housing as well as an area where only single dwelling-houses and dual occupancy buildings are permitted,*
- (c) *to allow a variety of housing types within existing and new residential areas,*
- (d) *to encourage greater visual amenity by requiring landscaping and permitting a greater variety of building materials and flexibility of design, and*
- (e) *to allow development for purposes other than housing within the zone only if it does not detrimentally affect the character or amenity of the locality.*

The proposed development being for non-residential use would comply with objective (e) of the residential zone as the overall assessment concludes that the character and amenity of the area whilst impacted would be an acceptable impact.

The objectives of the Open Space zone are:

- (a) *to ensure there is provision of adequate open space areas to meet the needs of all residents and provide opportunities to enhance the total*

environmental quality of the city,

(b) in the case of land shown unhatched, to identify land which is now owned by the council or which will be dedicated as a condition of development consent or subdivision approval to the Council for open space or public recreational purposes, and

(c) in the case of land shown hatched, to identify land which will be acquired by the council in the future for open space or public recreational purposes.

The development of the site for recreational purpose is considered to comply with the objectives of the open space zone listed under the WWLEP 1985.

It should be noted that none of the proposed development that is the track, clubhouse, stables, access etc. is on the land that is identified as deferred area.

Wagga Wagga Local Environmental Plan 2010 (LEP)

Part 2 Permitted or prohibited development

2.3 Zone objectives and Land Use Table

Under the provisions of the LEP, the majority of the subject site is zoned RU1, Primary Production. The objectives of the RU1, Primary Zone are:

- ☐ *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

The land is zoned for rural use and the agricultural land class of the land, based on Department of Primary Industries, Agriculture classifications, is a mix of 2 and 3. Class 2 is summarised as being arable land suitable for cultivation of crops but not suited to continuous cultivation and Class 3 being grazing land or land well suited to pasture improvement.

The site is predominantly Class 2 and 3 land and the loss of valuable agricultural land due to the proposed development will be minimal. The site is currently being used for grazing and whilst the development will not encourage sustainable primary industry production on the site, the development will not impact significantly on the natural resource base within the wider locality.

- ☐ *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

The proposed development is for a non-rural use which will not encourage diversity of primary industry enterprises or systems for the locality. However the use of the land for a recreation facility is diversification into an alternative land use that is considered suitable within the zone.

- ☐ *To minimise the fragmentation and alienation of resource lands.*

The proposed development will result in the consolidation of lots for the purpose of the development which will subsequently result in the loss of the ability to conduct

agricultural activities on this land. However, the value of current resources on the land for agricultural purpose is not considered to be significant.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed development has the potential to conflict with other land uses in terms of noise, dust and traffic. The sustainable management of rural and residential amenity is a significant land use management issue in nearly all rural areas and although the use is not for a rural purpose, an assessment of this application has concluded that the facility can be managed and operated in a manner to reduce the impacts on existing rural and residential land uses in the locality. The potential impacts of the development and proposed mitigation methods are discussed in more detail later in this report. The suitability of the use being located away from densely populated areas and within easy access of the Olympic Highway is considered appropriate.

- *To foster strong, sustainable rural community lifestyles.*

Rural communities are characterised by a diverse culture with different perceptions and expectations of the rural landscape. It is the differences in people's perceptions and expectations that lie at the root of most amenity conflicts and these vary significantly within rural communities and between different communities. Apart from agriculture, there are many other land uses that are allowed in a rural setting which can cause conflict, but at the same time also contribute to a sustainable rural lifestyle, including cultural, sporting and rural industrial activities.

Consideration of the effect of the proposed development on the lifestyle of the local community has been undertaken, and it is considered that the proposed development has the potential to have an impact on the amenity of the existing landscape and land use practises in the locality. However, there are also many positive impacts associated with the proposed development. In terms of the broader community there will be a range of socio-economic benefits including the positive aspects associated with job creation, tourism and expenditure in the region. An assessment of this application has demonstrated that the site is considered suitable for the proposed use.

- *To maintain the rural landscape character of the land.*

The proposed development will change the existing character of the rural landscape by the introduction of a major recreational facility. However the facility is one that is permissible in this locality and the large open, flat character of the racetrack will maintain a degree of openness to this site. The planting of trees along the site boundaries will further assist in the softening of the development site.

- *To allow tourist and visitor accommodation only where it is in association with agricultural activities.*

The proposed development will not provide visitor accommodation, but it will attract more visitors to the region that will increase the demand for tourist accommodation

and tourist related business opportunities.

The RU1 zone objectives provide for agricultural and other land uses to co-exist. The zone purpose and provisions support the continuation and growth of farming but also provide the opportunity for non-farming uses to be considered in appropriate locations. A wider range of uses may be considered in this zone due to the general larger size of the land and its locality further away from more sensitive receivers including densely populated areas. Other non-rural uses that are identified as being consistent and permitted within this zone include Extractive Industries, Hardware and Building Supplies as well as Timberyards.

Permitted and Prohibited uses in the RU1, Primary Production Zone

The proposed land use is best defined in the Wagga Wagga LEP 2010, as a ***recreation facility (major)*** which means:

a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

A recreation facility (major) is not a listed use which is permitted without consent nor is it listed as prohibited in the RU1 Primary Production Zone. The land use therefore falls into the category of any other development not specified (an innominate use) which is permitted with consent.

Part 3 Exempt & Complying Development

The proposed development is not Exempt or Complying Development. The application is seeking consent.

Part 4 Principal development standards

There are no principal development standards that apply to this application.

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. Tree removal requires Council consent.

The development proposal identifies two native trees to be removed from site due to their location within the proposed track. Two other large native trees to the south of the proposed track are to be retained.

The landscape plan does propose significant tree planting at the site to both offset against the loss of existing trees and also to assist in softening the impact of the development.

Part 7 Additional Local Provisions

7.1A Earthworks

(1) The objectives of this clause are as follows:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless:

(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or

(b) the work is ancillary to other development for which development consent has been given.

The land is identified as flood prone and as such significant earthworks are required to establish the track and associated infrastructure at a suitable height. The earthworks require consent and this clause therefore applies.

A borrow-pit is proposed in the centre of the track which will be excavated to a depth of 1.2 metres and this will provide material to achieve the required levels for development. The borrow pit will establish a raised embankment bank in an oval shape on which the racetrack will be established. The track will be a maximum of 1.8 metres above natural ground level. Earthworks on site will also create pads for the clubhouse building to be raised to a height of approximately 2.8 metres above natural ground level.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

The internal area of the track created by the earthworks will collect stormwater runoff from the track, an infiltration trench arrangement through the centre of the track will allow stormwater to infiltrate back into the subsurface. In times of excessive rainfall the stormwater will pond until it can infiltrate or until reaches the natural level where it can flow out of the 300mm diameter pipe proposed under the track at the western end. Extensive amounts of open undisturbed land downstream of the development will allow further natural treatment of stormwater run-off via filtration through natural vegetation.

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

The rural zoning and flood prone nature of this land limit future redevelopment opportunities. The earthworks contribute to the site being put to a suitable use.

(c) the quality of the fill or the soil to be excavated, or both,

A geotechnical report has been prepared which assessed the adequacy of the material being excavated from the borrow pit to be used for the embankment works and pads for buildings. Whilst the top soil material is not suitable much of the clay like material is considered acceptable and together with some imported material will contribute to the 56,000 m³ of fill required to create the raised track and building pads. Geotechnical design parameters are included within the report prepared by Aitken Rowe and will be required to be adhered to during earthworks activity on site.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

The earthworks will create a raised track and pads on which the buildings will be constructed. The impact of this will be visual as built form is introduced to an open aspect. Over time the landscaping proposed to the boundaries of the site will soften this impact and the overall facility will become a local landmark. The impacts of the earthworks on the amenity of adjoining properties are considered acceptable.

(e) the source of any fill material and the destination of any excavated material,

No excavated material is to be sent off site, any fill that is required to be brought onto the site will be subject to testing. This will be secured by condition.

(f) the likelihood of disturbing relics,

A search of the Aboriginal Heritage Information Management System (AHIMS) confirms that there is no record of any relics on or near the site within a 1000m buffer. Conditions of development consent attached to this application will also address this matter.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The closest watercourse to the development site is Dukes Creek which traverses the western corner of the site. The works are over 100m from the watercourse and no adverse impacts are anticipated.

7.2 Flood Planning

All of the subject site and land to the south is mapped as flood affected. The proposed development will be located in an area which is known to flood during significant flood events.

(1) 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.

(2) This clause applies to:

- (a) land that is shown as “Flood planning area” on the Flood Planning Map, and*
- (b) other land at or below the flood planning level.*

(3) Development 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.*

The subject site is considered flood prone in the 5% AEP (Annual Exceedance Probability) Flood Event and the application is therefore subject to assessment under this clause of the LEP. The site is classified as high flood risk and has been subject to flooding during recent flood events, most recently in 2012. The current predicted Probable Maximum Flood Height across the site is approximately 3.58 metres although this will obviously vary with the terrain.

The applicant has provided a flood impact assessment that details the predicted additional flood impact that the development of the site will have. Peak flood level impacts in the 5% and 1% AEP events are less than 0.01m and do not extend any further than existing flood prone areas. Current practice accepts that a flood impact of less than or equal to 0.01m can be assumed as no impact and are in most cases accepted as model height variances.

The results further indicate that the 10% AEP flood free ground level for the racetrack is 178.82m AHD and the minimum floor level for the on-course buildings to ensure floors remain flood free in the 2% AEP event is 180.62m AHD. The raising of the clubhouse and the stable buildings to these levels is considered to be suitable mitigation against likely flood events in this locality.

The construction of the raised track in the centre of the site will be required to withstand flood water and will be constructed in accordance with engineered plans to ensure it is structurally sound/flood proof. The borrow pit within the centre of the site will hold water to a certain level and if water does reach heights greater than the track will subsequently hold water as the flood waters lower. A 300mm diameter pipe is proposed under the track at the western end, the pit located at this pipe provides the opportunity for a portable pump to pump out ponded water if necessary. A flood gate on the downstream outlet of this pipe has the ability of preventing flood water from

entering the track for events of less than 10%AEP.

The modelling indicated that the proposal will have no impact on the flood hazard in the area which is considered high in most events. Flood hazard is a measure of velocity and depth; however factors other than hydraulics may influence the hazard such as warning time and evacuation routes. It is considered that the minor increase in height, being less than 1cm at sensitive receivers has no impact on the hazard rating given it is already high. There will be time to evacuate the site of staff, horses and equipment if required and a flood evacuation plan will be required and secured via a condition of consent.

Clearly the site is subject to flooding however the assessment required in support of this development application is how current flood activity will be impacted by the development. The assessment has demonstrated very minimal increase in flood heights to nearby premises and no additional properties impacted by flood, accordingly the flood impact associated with this development is considered acceptable.

The proposed development will be a valuable resource to the local economy of Wagga Wagga and to the regional harness racing industry. The impacts of flooding on this investment are clear and the proposed mitigation in terms of raising key features of the development are considered to be appropriate and acceptable in this case.

7.5 - Riparian Lands and Waterways

This clause applies to land identified as “water” on the Water Resource Map. A small section of the subject site to the western boundary includes an identified waterway known as Duke’s Creek. Accordingly, the application would be subject to assessment under this clause. The relevant section of this clause is as follows:

Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) any potential adverse impact on any of the following:*
 - (i) water quality within the waterway,*
 - (ii) aquatic and riparian habitats and ecosystems,*
 - (iii) stability of the bed, shore and banks of the waterway,*
 - (iv) the free passage of fish and other aquatic organisms within or along the waterway,*
 - (v) habitat of any threatened species, population or ecological community,*
- (b) whether or not it is likely that the development will increase water extraction from the waterway for domestic or stock use and the potential impact of any extraction on the waterway,*
- (c) proposed measures to ameliorate any potential adverse impact.*

The racetrack and associated infrastructure are sited over 100m from the watercourse, the implementation of erosion and sediment control measures during construction will mitigate against destabilisation occurring or the quality of the water being impacted. There are no identified threatened species or habitats within the waterway that would be impacted by the development.

State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

Under Schedule 4A of the Environmental Planning and Assessment Act 1979, the Southern Joint Regional Planning Panel may exercise the consent authority functions of Council in a number of instances.

In this case as the Development has a capital investment value of more than \$5 million and the council is the owner of any land on which the development is to be carried out, this triggers a referral to the Southern Joint Regional Planning Panel for determination.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is identified as “*Traffic Generating Development*” under Schedule 3 of the SEPP as there is potential for the proposed development to generate a demand for 200 or more vehicles. Clause 104 of the SEPP states 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.*

The application was referred to Road and Maritime Services (previously the RTA). The detailed comments provided by RMS and further commentary are provided under the referrals section of this report. Council’s traffic engineers are in support of the comments and conditions of consent will address the recommendations of the RMS.

The application is supported by a Traffic and Parking Report that predicts and analyses vehicle movements to and from the site. The report concludes that the parking provision and internal manoeuvring areas together with road upgrades are all suitable. Furthermore the report identifies sufficient capacity within the existing local road network to accommodate increased vehicle movements to and from this site.

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

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore the land is not identified on Councils register of contaminated sites. Accordingly it is not considered necessary to request any investigation reports on the subject site.

State Environmental Planning Policy 64 (Advertising and Signage) 2007

SEPP 64 applies to applications made for new signs; it is a requirement of the SEPP that all signage be assessed against specific assessment criteria as follows:

1 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?

The premises are located within a rural area; there are no similar structures within the locality. The proposed signage is considered to be compatible with the desired future character of the area as it is minimal in size, non-illuminated and appropriate to the form of development.

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

There is no particular theme for advertising in the locality. The proposal introduces one business identification sign only.

2 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 overall development will completely change the views across the rural landscape in this area. Considering the acceptability of the proposal the inclusion of one sign on one elevation of the clubhouse is not going to significantly detract from existing views and vistas.

3 Views and vistas

Does the proposal obscure or compromise important views?

The sign is to be fitted to a building that is also the subject of this application, the building with the sign fitted to it are not considered to compromise any important views.

Does the proposal dominate the skyline and reduce the quality of vistas?

The signage is fitted to the external wall of a building and is not dominant.

Does the proposal respect the viewing rights of other advertisers?

The signage does not obscure any other advertisers.

4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

The area is rural in character the scale of the proposed sign is considered appropriate.

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

The signage is considered to be functional in that it identifies the building and the site. It does not particularly contribute to the visual interest of the streetscape.

*Does the proposal reduce clutter by rationalising and simplifying existing advertising?
Does the proposal screen unsightliness?*

There are no signs being replaced the sign does not screen unsightliness.

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

The proposed signage does not protrude above the building.

Does the proposal require ongoing vegetation management?

The proposed signage does not require ongoing vegetation management.

5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

The signage is not of a significant scale and is considered to be in proportion with the building.

Does the proposal respect important features of the site or building, or both?

The building and site have no specific features that require protecting, the signs are appropriate for the scale and design of the premises.

Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The proposed signage presents as a standard wall sign with no particular innovation but equally is not obtrusive.

6 Associated devices and logos with advertisements and advertising structures

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

No

7 Illumination

Would illumination result in unacceptable glare?

N/A

Would illumination affect safety for pedestrians, vehicles or aircraft?

N/A

Would illumination detract from the amenity of any residence or other form of accommodation?

N/A

Can the intensity of the illumination be adjusted, if necessary?

N/A

Is the illumination subject to a curfew?

N/A

8 Safety

Would the proposal reduce the safety for any public road?

The sign identifies the premises only, the majority of persons using this section of Cooramin Street will be accessing the Harness Racing site. The sign is not anticipated to impact upon the safety of any public road.

Would the proposal reduce the safety for pedestrians or bicyclists?

The proposal is not expected to reduce safety for pedestrians or bicyclists.

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

The proposal will not obscure sightlines from public areas.

State Environmental Planning Policy (Rural Lands) 2008

The aims of State Environmental Planning Policy (Rural Lands) 2008 includes protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State and to implement measures designed to reduce land use conflicts. It is considered that the proposal will generally support these principles of the SEPP, particularly as the site chosen is not substantially comprised of prime crop and pasture land. The future management of this land, subsequent embellishments (tree planting and other onsite landscaping) and mitigation measures as recommended in this report will assist in reducing the impacts of the development on the surrounding rural landscape.

(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

At the time of the lodgement of the application (September 2014) a small section of the subject site was subject to a planning proposal relating to land referenced as the deferred area of Cartwrights Hill.

The area in question is the north east of corner of the subject site and the eastern section of Lots 19, 20 and 21 DP2655. Under the planning proposal the land is identified as being zoned under the WWLEP2010 as part RU1 Primary Production and part R5 Large Lot Residential. The R5 zoned land is the north eastern corner of the site (lot 19 only) and is not impacted by any form of development.

A determination of the deferred matter was made on 11 October 2013 by the Southern Region JRPP; the matter was subsequently referred to the Minister for gazettal on 13 November 2013. The planning proposal can be considered as both certain and imminent and significant weight can be given to the content of the proposal. During the assessment of the subject application the LEP2010 has been made and the deferred areas of the subject site have been rezoned as detailed above.

All of the development is completely clear of land identified as a deferred area however as the majority of the area is zoned as RU1 the development is entirely appropriate across this land. The small section of the site that is zoned as R5 would not permit major recreation facilities, the following clause of the LEP210 would however apply:-

5.3 Development near zone boundaries

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres in relation to land in Zone RU1 Primary Production,*
- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*

- (a) the development is not inconsistent with the objectives for development in both zones, and*
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) This clause does not prescribe a development standard that may be varied under this Plan.*

The R5 land extends to an area of less than 1 ha which is the applicable minimum lot size for which residential subdivision is permitted. The R5 area could therefore not be subdivided from the land identified for the major recreational facility and its inclusion within the lot boundary of the subject site is considered acceptable. The proposal is not inconsistent with the zone objectives and allows for a buffer between the development and the adjacent residential properties to the north. The area now identified as R5 was zoned as residential under the WWLEP1985 and the development was not prohibited under that Plan.

Whilst significant weight should be afforded to the WWLEP2010 zoning that has been finalised during the assessment of this application, it is not appropriate to hinder the whole development based on the small area of land on which the development would now be prohibited. Clause 5.3 as detailed above introduces flexibility particularly for lots such as this where there is a dual zoning and by utilising the clause the proposal is suitable.

Draft state environmental planning instruments

There are no draft state environmental planning instruments relevant to this application.

(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.

Following the first notification period further information was requested and neighbouring properties were notified for a further period.

Section 2 - Controls that apply to all development

2.1 Site Analysis Plan

The site development plan submitted with the application sufficiently indicates the site constraints in terms of land form, orientation and accessibility. The supporting documentation further clarifies site opportunities and constraints. A site visit has confirmed the analysis details provided with the application.

2.2 Vehicle access and movements

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

All access to the site is via Cooramin Road, two new access points are proposed one of which is for the public and the other for vehicles associated with participants at race meets. The public car park is for vehicles only whereas the other car park is designed to accommodate trailers and trucks.

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 prepared in support of the application; the report assessed the capacity of the existing road network to cope with the likelihood of increased vehicle movements. The report concluded that there would be no significant adverse impacts as a result of this development on road safety.

C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.

The proposed site layout enables all vehicles to enter and leave in a forward direction.

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

There are no specific loading and unloading areas provided within the development but there is sufficient room on site to allow for this.

C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.

The proposed driveways are set back the appropriate distance from any of the existing intersections that currently exist.

C6 *Ensure adequate sight lines for proposed driveways.*

Sightlines are clear in all directions from each of the driveways. Parking and landscaping changes to the road reserve areas adjacent to the new drives will be conditioned to ensure visibility is not impacted.

2.3 Off-street parking

This section requires developments to provide off-street parking to meet anticipated demands. The DCP has no specific parking requirements in relation to major recreation facilities, but the proposal achieves the DCP parking objective, in so far that it will ensure that provision is made for sufficient, safe and efficient parking to meet anticipated demand.

The application includes provision for 210 parking spaces comprising 150 spaces for cars and 60 spaces for trucks, trailers and horse floats. The parking provision has been influenced by an assessment of parking numbers at the existing facility in Wagga Wagga.

The assessment was made of a typical 8 race day meeting during the summer. The peak parking demand was mid-afternoon when there were 133 vehicles parked on site of which 45 were horse floats/trucks. It is expected that activities at the proposed site will be comparable to the existing and therefore the parking provision proposed should satisfy the anticipated demand for spaces.

There may be occasions during large race meets that increased vehicle numbers are required to be accommodated on site. There is room on site to accommodate overflow parking and this would be subject to further detail included in an event management plan which will be required as a condition of development consent.

Both parking areas are proposed to be sealed and all parking will be laid out in accordance with the relevant Australian Standards. Trees will be planted along the boundaries of the car parking area in accordance with the required ratio of one tree for every 5 car parking spaces. The required number of trees is exceeded significantly.

2.4 Landscaping

The key objectives of this section that are applicable to the development are as follows:-

- ☐ Encourage landscape that responds to existing site conditions, local character and creates and enhances living and working environments whilst discouraging the opportunities for crime and vandalism.
- ☐ Ensure the landscape adequately complements the proposed built forms and minimises the impacts of scale, mass and bulk of the development on the existing area and surrounding streetscapes, view sheds and neighbourhood amenity.
- ☐ Promote the use of indigenous and other low maintenance plant material suitable to the climatic extremes of the local area, particularly the use of plant material with low water requirements.
- ☐ Encourage landscape that can be effectively maintained to a high standard for the life of the development.

A landscape plan has been prepared for the site in accordance with Council's Landscape Guidelines. The plan includes a number of clusters of trees located to the north and west of the track as well as planting to the eastern boundary along Hampden Avenue. The car parking areas will also be tree lined to soften the areas of hard stand to the south of the site.

The site will undergo considerable visual changes because of the physical works required in establishing the track and associated facilities. However, once the proposed landscaping works are completed, they will provide appropriate native vegetation plantings to protect the rural landscape, provide visual screening and provide a buffer to adjoining land uses.

2.5 Signage

The objectives of the general signage controls are to ensure that the signs do not detract from the urban landscape, minimise visual clutter, and complement the location. The following controls apply:

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

The proposed sign relates directly to the use of the site and only includes the words 'Wagga Harness Racing Club.'

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

The proposed sign is considered suitable for the building and site layout.

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

The proposed sign will not obscure decorative forms or moulding and is a reasonable distance from the lines of windows, doors, parapets, piers and the like.

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

The proposed sign will not detrimentally affect the presentation of the proposed facade of the building.

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

The scale of the lettering is proportionate to the scale of the building and sign.

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

The proposed colour scheme of the sign will complement the proposed building.

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

The signs reflect the corporate colours of the company.

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

The sign will not be illuminated.

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

Not applicable.

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

Not applicable.

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

- (a) Emitting excessive glare or reflection from internal or external illumination or surface materials;*
- (b) Obscuring the view of motorists or pedestrians;*
- (c) Screening potentially hazardous road features;*
- (d) Signage containing designs or messages which may either confuse or distract motorists.*

The proposed sign will not pose a danger to the public.

Wall Signs

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

There will be only one business identification sign on the front elevation.

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

Not applicable

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

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

The sign has an area of approximately 10sq.m and easily complies with this control.

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

The proposed sign will be attached flush to the wall.

C21 Must not protrude above the parapet or eaves.

The sign will not protrude above the parapet or eaves of the building.

C22 Must not cover mechanical ventilation vents.

Mechanical ventilation vents will not be covered by the proposed sign.

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

The proposed sign will not extend over any windows or external openings.

C24 Must not obscure significant architectural elements of the building.

The proposed sign will not obscure any significant architectural elements of the proposed buildings.

2.6 Safety and Security

The principles of crime prevention include the promotion of increased natural surveillance, access control which introduces physical barriers that minimise the opportunity for crime and space management which results in well managed spaces that are inviting and likely to be used.

The Statement of Environmental Effects includes an assessment of the development against the principles of Crime Prevention through Environmental Design. The applicable controls in this section of the DCP are as follows:-

C1 Use good site planning to clearly define public, semi-public and private areas.

The site is laid out with clear entry points and clearly defined public and non-public areas. Barriers between the track and the stables are 1.2 m high open style fencing which serve their purpose in defining an area but do not create a solid barrier.

C2 Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.

A separate public entry is proposed into the site as well as a clearly defined entry for trainers, horse owners and staff.

C3 Minimise blank walls along street frontages.

The elevation of the clubhouse that faces towards Cooramin Street includes windows in accordance with this control.

C4 Avoid areas of potential concealment and 'blind' corners.

Public car parking areas and building entrances are well lit offering a safe and secure environment.

C5 Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards.

This control is satisfied and will be secured by condition.

As part of the development and in accordance with the recommendations of the Local Area Command a Venue Management Plan will be required prior to occupation of the premises. The plan will include details about security on site, managing patrons and how incidents will be reported and monitored. The Plan is prepared in conjunction with the local licensing supervisor with the intention of mitigating against any likely impacts from the development that may increase crime or the risk of crime in the locality.

2.7 Changing the land form - cut and fill

The development consists of significant earthworks which were referenced under the LEP section earlier in the report. Applicable controls under this section are as follows:-

C1 Excavation is not to exceed a depth of 1.5m across the site and may only be considered at this height where there is no unreasonable or unacceptable impact on the amenity of the adjoining properties (direct overlooking and loss of privacy, overshadowing to areas of principal private open space and living areas).

C2 Fill is not to exceed 1.5m in height across the site and may only be considered at this height where there is no impact on the amenity of the adjoining properties (privacy, overshadowing).

C11 Fill material is to be substantially from the site only. Imported fill material is not encouraged.

The 1.5m limits for both cut and fill will be exceeded at the borrow pit and the surrounding track. The required excavation will assist in minimising the amount of fill required to be imported to the site. Furthermore the raising of the track and the pads

for the buildings is beneficial in terms of flood management. The batters are to be treated with vegetation to protect them from erosion and ground movements and the cut and fill works proposed will not impact on neighbouring properties through overlooking or overshadowing. The variation to this clause is therefore justified and supported.

2.8 Erosion and Sediment Control Principles

Sediment and erosion control measures will be implemented during all site works and construction. Conditions of consent are imposed in this regard.

2.9 Development adjoining open space

The main objective of this section is to ensure that developments adjoining open space contain impacts within their boundaries and don't impinge on, or rely on the open space area as a buffer. There is no land that is zoned as open space adjacent to the subject land although land is of an open nature due to its rural zoning.

Section 3 - Heritage Conservation

The subject site is not identified as a heritage item nor is it within a conservation area. The proposed development is not anticipated to have any impact on heritage conservation.

Section 4 Environmental Hazards and Management

4.2 Flooding

The site is considered flood prone and therefore this section of the DCP needs to be considered. The objectives of this section are:

- O1 Minimise the public and private costs of flood damage.*
- O2 Minimise the risk of life during floods by encouraging construction and development that is "flood proofed" and compatible with the flood risk of the area.*
- O3 Ensure that development and construction are compatible with the flood hazard.*
- O4 Require compatibility with the Flood Plain Development Manual 2005 as relevant*

The site is identified as development on the rural floodplain and is a high flood risk area.

C25 Development on the rural flood plain (high risk area) is to comply with the provisions of Table 4.2.5.detailed below

Recreation and Agriculture

Floor Levels

- ☐ *Minimum floor height 225mm above ground level within the building footprint*

- ☐ *Garages and sheds to be located on highest practical section of property*
- ☐ *New development is to be consistent with flood hazard and evacuation need*
- ☐ *Chemicals and materials are to be stored above the 1:100yr ARI flood level, plus freeboard*

Structural Soundness

- ☐ *Engineers report to certify that any new structure can withstand the forces of floodwater, debris and buoyancy up to and including the 100yr ARI (excludes sheds less than 20m²)*
- ☐ *Fencing construction and materials are to allow flood waters to equalise on either side*

Flood affectation

- ☐ *Engineers report required to certify that the development will not increase flood affectation elsewhere.*

Evacuation

- ☐ *A Flood Plan is required and is to make provision for evacuation of employees and storage of materials above the 100yr ARI flood level, plus freeboard*
- ☐ *Flood evacuation access is not to be worse than for the old building being replaced*

Management and design

- ☐ *Applications for non-habitable developments are to demonstrate that area is available to store goods above the 100yr ARI flood level, plus freeboard*
- ☐ *No external storage of materials below the 20yr ARI flood level which may cause pollution or be potentially hazardous during any flood*
- ☐ *Parts of building below the 100yr flood level, plus freeboard to be constructed from flood compatible materials*

Issues associated with flooding have been discussed in detail earlier in this report. The proposed raised building pads levels are built to the 1:50 flood level but have the ability to include storage areas to the 1:100 year level where required. Conditions will be applied with regard to the need for certification of structural soundness and an evacuation plan and storage stipulations.

Section 5 Natural Resource and Landscape Management

5.4 Environmentally sensitive land

As mentioned under part 7 of the LEP the proposal would have an acceptable impact on the nearby waterways of the area given compliance with any conditions of consent.

Section 6 - Villages

The proposal is for a major recreational facility in the rural zone. Section 6 is not applicable to this development.

Section 7 - Subdivision

The proposal is for a major recreational facility in the rural zone. Section 7 is not applicable to this development.

Section 8 Rural Development.

8.1 Development in rural areas

Development in rural areas can raise a variety of issues depending on the development, site context and potential for impacts on the character and amenity of the area. Typical issues are impacts on adjoining uses (especially dust, noise and odour), traffic, land degradation and erosion, and operational and management issues.

Controls

C1 Uses are to be compatible with the character of the locality in terms of buildings, structures and the nature of operations.

The proposal is unique in its scale and form and different to other types of development in the locality. However the revised landform, new buildings and associated infrastructure are considered to be compatible within the locality that has a mix of rural and residential characteristics.

C2 Provide adequate buffer areas and setbacks to minimise potential conflicts with adjoining lawful land uses. Where there is potential for a conflict between land uses, priority will be given to the existing productive use.

The proposed track is sited within a central position of the subject site away from all site boundaries.. The proposed landscaping will soften the development and provide a visual buffer to surrounding properties and the Olympic Highway. There is currently no productive production on site which should be given priority over the development.

C3 Use landscaping and other screening options to help integrate new uses and developments into the rural landscape.

A landscape plan has been submitted that complies with this control. A condition of consent will ensure that works are completed in accordance with the landscape plan.

C4 Uses must be capable of operating within capacities of available existing services.

The proposed development will be connected to existing infrastructure within the vicinity of the site, no further upgrades are required to accommodate the additional load. The management of stormwater on site has also been addressed and is acceptable.

Servicing requirements of other utility providers will be determined by the developer, the site can be serviced by electricity, gas and water.

C5 Provide adequate facilities for additional traffic in terms of vehicle access and movements, parking areas, and loading and unloading of goods.

On-site parking and movement systems are integrated with the site layout and allow

for the separate parking of trucks and vehicles. The sealing of Cooramin Street and the upgrade to the junction of Hampden Avenue and Cooramin Street are positive measures to assist in the management of increased vehicle movements in this locality.

C6 In the case of larger projects Council may require the applicant to demonstrate that the roads in the locality are of satisfactory construction and condition to accommodate the size, weight and volume of vehicles that could be generated by the use, and that the local traffic conditions are suitable.

This has been addressed elsewhere in the report. 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. The projected future traffic demands expected requires a number of upgrades which is reflected in the conditions of consent.

C7 Provide satisfactory arrangements for storage and disposal of waste.

The Site Operations Plan will include details of waste management. The application indicates garbage and recycling collection points.

Section 9 - Residential Development

The proposal is for a major recreational facility in the rural zone. Section 9 is not applicable to this development.

Section 10 - Business Development

The proposal is for a major recreational facility in the rural zone. Section 10 is not applicable to this development.

Section 11 - Industrial Development

The proposal is for a major recreational facility in the rural zone. There are no relevant controls within Section 11 applicable to this development.

Section 12 - Specific Uses and Developments

The proposal is for a major recreational facility in the rural zone. There are no specific use or development controls applicable to this development.

Section 13 - Bomen Urban Release Area

The development is not within the Bomen urban release area. Section 13 is not applicable to this development.

Section 14 - Boorooma Urban Release Area

The proposal site is not within the Boorooma urban release area. Section 14 is not applicable to this development.

Section 15 - Lloyd Urban Release Area

The development is not within the Lloyd urban release area. Section 15 is not applicable to this development.

Section 79C(1)(a)(iiia) - Planning Agreements

There are no planning agreements in place for this proposal.

Section 79C(1)(a)(iv) - any matters prescribed by the regulations

Integrated Approval is required under Section 90 of the Water Management Act 2000.

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

Section 733 of the Local Government Act 1993

Section 733 of the *Local Government Act 1993* provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire. Where required, a risk assessment has been completed and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

Flooding Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. The site is affected by flood but as indicated earlier in the report there are not anticipated to be any significant adverse impacts resulting from this development.

Bush Fire Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. A risk assessment is not required as the development is not mapped as being on Bushfire Prone Land.

(b) - The likely impacts of the development

Visual impact

The locality is a rural landscape. The site has an open aspect with no existing buildings on the site.

The streetscape of Hampden Avenue and Cooramin Street will initially be impacted by the presence of construction activity on the site. Given the low lying and flat landscape on which the development is proposed both the track and associated

structures will be of a height and scale such that they will be clearly visible from the south and east but of less dominance when viewed from higher ground to the north and west.

The proposed facility will be prominent in the landscape and structures on site such as the lighting columns will also be prominent. After time such facilities become a permanent part of the locality and landscape and are not uncommon in rural locations.

The buildings are not located on ridgelines and the proposed extensive native vegetation plantings will assist in screening the rural landscape and provide a buffer to adjoining land uses. The visual impact whilst apparent is considered to be acceptable.

Internal design

The proposed track has been designed in accordance with the required dimensions and features as set by the Harness Racing Industry. The location of the clubhouse, stables and parking areas to the south of the site close to Cooramin Street allows for views across the site from this locality and minimises the disturbance to the natural landscape from driveways and access routes.

The design of the building includes seating and viewing platforms that face out towards the track and this will benefit from natural light and heat from its northern aspect. Entry to the building is on the southern elevation and directly from the public parking and access area, this elevation of the building also includes windows and kitchen areas providing significant natural surveillance across the front of the site.

Access, transport and traffic

A traffic and parking report has been prepared in support of the application.

Matters regarding parking generation and the provision of parking spaces on site have been discussed elsewhere in this report. It is considered that the proposed parking provided on site is satisfactory.

The capacity of the existing road network has been reviewed to determine whether the increase in vehicle numbers can be accommodated. The key junctions reviewed as part of this analysis were at Olympic Highway/Horseshoe Road and Hampden Avenue with Horseshoe Road, Mill Street and Marah Street. Each of these currently operates with a level of service "B" meaning acceptable delays and spare capacity.

Traffic generation numbers have been based on current traffic counts taken from the facility at the Wagga Wagga Showground which indicates a peak of 130 vehicles per hour two-way (100 in and 30 out). The peak figure is the worst case scenario and has been used to complete the analysis of existing road capacities. Each of the junctions originally assessed as operating with a level of service "B" remained the same with delays of less than 20 seconds.

There are no identified adverse impacts regarding access, parking or traffic.

Transport issues have been suitably addressed within the application and conditions are recommended.

Noise

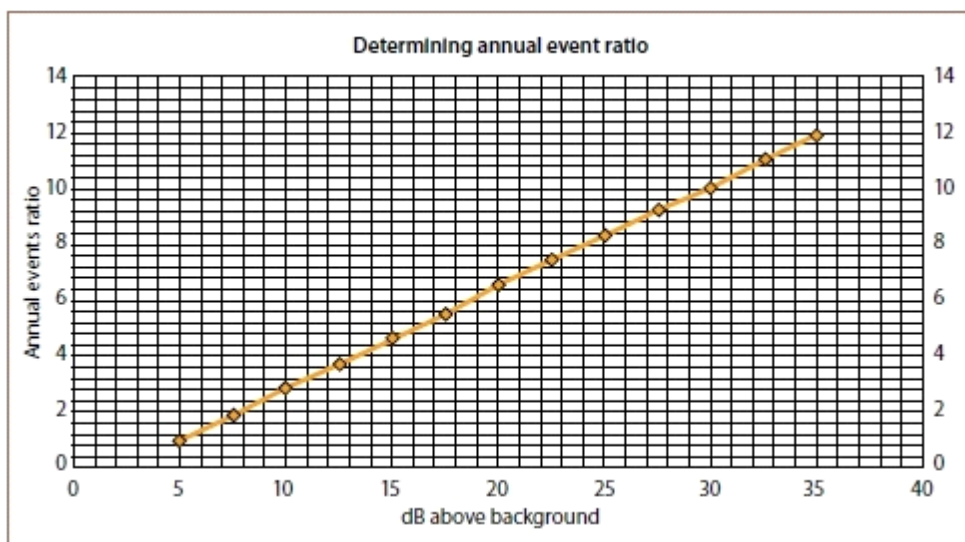
Increased noise levels during construction and operation could adversely affect the amenity of properties and residents adjoining the site within Cartwrights Hill. Construction impacts will be short term and hours of work on site will be controlled by standard condition.

The proposed facility does have the ability to generate noise disturbance from loud speakers calling the race events, vehicle movements and the clubhouse facility. A Noise Impact Assessment was submitted with the Development Application and a subsequent Noise Management Plan has been prepared to mitigate against the identified noise that will be generated on site.

A number of residential receptors have been identified in close proximity to the site. No measurements have been taken from these locations at this stage, rather background noise levels have been determined against which future noise measurements can be analysed. Predicted noise levels from both the car park and the clubhouse identify worst case scenario levels of noise that exceed the guidelines by 1dBA. This level of noise for typical events is considered to be acceptable.

Data from typical race meetings identifies the PA system as the dominant noise source which lasts for the period of each race being less than 5 minutes. During most typical race meetings noise levels are predicted to fall within the relevant NSW EPA guidelines however during major events it is predicted that noise levels could be exceeded by up to as much as 17dBA. Furthermore, the noise from the clubhouse during major events has the potential to exceed noise levels by 10dBA.

The main noise source that is of concern is the loud speakers and the assessment report identifies that noise levels will be above the recommended guidelines during a number of major events. Whilst the importance of the facility is recognised the level of disturbance that may occur to neighbouring residential properties is also of concern and this impact must be limited and monitored. It is suggested that the ability to exceed noise guidelines be limited to 50 events per year, however the level by which the background noise levels are exceeded will determine a reduction by ratio of the number of events that are permitted. The graph below allows for an event multiplication factor to be assigned where noise from the event exceeds background plus 5dB(A). For example, an event that exceeds the background by 8dB(A) would count as two events as the multiplication factor from the graph is '2'.



This proposed monitoring of events that exceed noise guidelines will be secured by condition, this allows for development to proceed but not to a degree where consistent unacceptable noise levels are able to be generated on site.

It will be a requirement that noise monitoring takes place during the first 12 months of operation and all results be lodged with Council. By providing logged results from the site compliance with the number of events can be closely monitored.

Light

There are 28 lighting columns proposed as part of the development to enable full illumination of the track for twilight and night meetings. The lighting system has been utilised at other major centres at Bathurst and Tabcorp Park Menangle. The key feature of the lighting system is there is less light spill than conventional lighting systems.

A track lighting assessment has been prepared in support of the application detailing the types and number of lights proposed at the facility. The 28 columns vary in height from 21m to 28m and will provide a constant level of 500 lux, with the photo finish line being lit to 3500 lux. This level of illumination allows for TV broadcasts as well as maximum safety for horses and riders.

Light spill diagrams identify that the maximum reading at the closest residential properties is 5.9lux. The maximum spill allowed under AS4282 is 10 lux. The design of the lighting that proposes directed beams to the required areas results in minimum spill outside of the site, as the spill is within the defined limits the impacts of lighting are considered acceptable.

Disturbance from the lights of vehicles leaving the premises at night is not anticipated to cause any significant impact as nearby residential properties are elevated from Cooramin Street and also off set from the junction with Cooramin Street and Hampden Avenue. Landscaping to the eastern boundary of the site will assist in screening lights from moving vehicles within the car park areas being a disturbance to nearby properties.

The lighting of the track will only be required during race meets and this will be appropriately conditioned. Furthermore all exterior lighting associated with the development will need to comply with Australian Standard AS4282.1997 Control of the Obtrusive Effects of Outdoor Lighting.

Operation hours

The night time race meetings are scheduled to end at 10.30pm. The use of the racetrack and associated PA systems will be limited to end at this time. The clubhouse facility is anticipated to be in use after the end of the race meetings and the hours of operation for the clubhouse will be limited to end at midnight. Noise controls will also be applicable to maintain amenity levels in the area.

Flora and fauna

The subject land is generally clear of vegetation with scattered paddock trees only across the site. It is proposed to remove two trees from site that have been identified as *Eucalyptus camaldulensis* (River Red Gum). The two trees to be removed are structurally unsound and offer no amenity value to the development site in their condition. Removal of the trees is supported with significant native replanting on site secured as part of the approved landscape plan.

There will be minimal impact on local flora and fauna communities as the site does not contain critical habitat, threatened species, populations or ecological communities.

Stormwater and drainage management

There will be significant increase in stormwater captured from site from the new buildings and areas of hardstand that are proposed. All roof water is to be captured and stored in rainwater tanks for reuse on site as washdown water.

New parking areas will be drained by stormwater pits and pipes, outlets will be directed to table-drains with suitable scour control.

The track will drain to the central borrow pit with surface water able to infiltrate. For flood events greater than the 10% AEP flood water that overtops the track can drain out via the 300 diameter pie culvert once water recedes.

An examination of upstream overland stormwater flows has been completed and concludes that the development will have minimal impact on existing flows. Furthermore the raised pavement levels of Cooramin Street will increase the capacity of the table drains and the access culverts are to be designed for the 10% AEP overland stormwater flows from the site.

The management of stormwater on site is acceptable and satisfactory to Council engineers. A condition requiring specific engineering details is proposed to ensure that the works as proposed are implemented successfully and in accordance with relevant guidelines.

Services

There is an existing sewer main that traverses the north eastern corner of the site to which the development will connect. Final engineered details will be subject to condition.

Connection to the Riverina Water Main in the south east corner of the site is proposed and again will be subject to the requirements of Riverina Water.

The subject site is able to be connected to electricity and gas. It is a condition of consent that a confirmation letter to this effect is provided to Council, prior to occupation.

Dust

Dust will be generated during the construction phase, the following mitigation measures are proposed: no earthworks during high winds, a water cart on site to progressively water down excavation and fill areas and vehicle travel paths to be regularly watered to minimise dust. The steps proposed are considered acceptable and will form part of the Construction Management Plan details required by condition.

There is a further requirement to manage dust during race events and this will form part of the event management plans.

Heritage

The site is not identified as a site containing known significant cultural and/or heritage values or items. As such, the development will not detrimentally affect the heritage values of places, which reflect the community's history and identity.

Natural Hazards

The proposed development will be located on land that is subject to flooding. Flooding outcomes have been discussed in detail elsewhere in the report with the overall outcome noting minimal displacement of water or increase in flood levels elsewhere on the floodplain.

The development is not one that results in increase to life as a result of flood as there would be sufficient warning time to allow evacuation of the site if required. Whilst there is a likelihood of the track being fully immersed in times of water it is a recreational use from which flood waters will flow away and the risks associated with this are acceptable.

The main risk is a commercial one to the developer choosing to invest and build on a flood plain. As with all development applications commercial choices are not required to form part of the 79c assessment.

Man-Made Hazards

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

Socio Impacts

The proposed facility will satisfy many objectives of the Wagga Wagga Community Strategic Plan including:

- ☐ *Using sports, recreation, arts and leisure as ways of staying connected, by -*
 - ☐ *Increased participation in sports.*
 - ☐ *Increased community satisfaction with the variety of leisure and recreation options*
 - ☐ *Increased community satisfaction with the ability to participate in arts and cultural related activities.*
 - ☐ *Increased community satisfaction with the variety of entertainment options.*
- ☐ *Being a community that promotes an active lifestyle and are known as the City of Good Sports*
- ☐ *Having an active and healthy community*
- ☐ *Improved community satisfaction with sporting grounds and facilities*

Major recreation facilities such as that proposed expand the options available for residents of the city and surrounding communities to engage in cultural and social activities at a local level. There is already a Harness Racing facility operating from the Wagga Wagga Showground and the relocation to an improved, modern purpose built facility will enhance the social experiences associated with this activity.

The ability for other local groups to also make use of the facility provides the potential for other positive social outcomes resulting from this development.

Economic Impacts

The proposed facility will satisfy many objectives of the Wagga Wagga Community Strategic Plan including:

- ☐ *Increased employment opportunities and a skilled workforce*
- ☐ *Growing business investment in our community*
- ☐ *Increased value added by tourism to the local economy*

Investment into a regional facility such as that proposed would anticipate a desire to attract local, regional and interstate visitors. Expenditure from these visitors will contribute to tourism growth as well as linked spending at hotels, restaurants, shops and bars.

Further economic value is sourced from the construction of the facility and the employment of contractors on site during site works. On completion of development the facility will employ a number of persons to the benefit of the local employment economy.

The current facility in Wagga Wagga is estimated to generate an annual TAB

turnover of \$12 million and attracts trainers from both within and outside of the region to compete at regular meetings. Benefits to the local economy are further realised through equine supplies, feed supplies, vets and media relations.

There are significant economic benefits associated with this development not only to the developer but also more importantly to the local economy and local businesses in the Wagga Wagga Region.

The principles of Ecological Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) an assessment of the risk-weighted consequences of various options.*

The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

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

3 Conservation of biological diversity and ecological integrity

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

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed development will not result in serious or irreversible damage to the environment. The proposal is consistent with the precautionary principle to the extent

that all potential threats to the environment have been identified and assessed and no risks of serious environmental damage have been identified or are considered likely as a result of the development.

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

Major recreational facilities are permitted in the RU1 Primary Production Zone and the impacts on the existing environment are dependent on a range of factors, which is not limited to the matters that have been covered in this report. It is considered that these issues can be addressed under the provisions of the consent which requires the applicant to undertake a range of actions to reduce the impacts of the development on the existing rural landscape. The site is of a sufficient size to accommodate the use and to provide appropriate buffer areas to reduce the impact of the development on adjacent properties and the rural landscape. The suitability of the use being located away from densely populated areas or sensitive developments is considered appropriate and there are no site constraints that would render the site unsuitable for the proposed development.

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

Referrals

Standard internal Council (including the Floodplain Committee) referrals of the application occurred as well as external referrals to Roads and Maritime Services, NSW Police, and Office of Water. All referrals are in support of the application, 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 between 9 September 2014 and 15 October 2014. The application was re-notified between 19 December 2014 and 21 January 2015.

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 between 15 September 2014 and 15 October 2014.

Public Submissions and those from public authorities

Local Area Command

The following comments were received from the local Police:-

- ☐ *There are concerns about noise levels with other proposed events in the middle section of the race track. There has been reference to motorbike racing, and truck shows however noise issues with motorbikes and trucks was not canvassed in the statement of environmental effects. The nearby residential developments in Boorooma and Estella could be impacted by unwanted noise. There needs to be*

clarification as to what exactly these other functions are to be.

- *As the racecourse will be licensed, they will have a minimum of two races that will have in excess of 1000-2000 persons, there will also be a function centre that caters for 180 persons, this is a sizeable function for any venue, the more people there consuming alcohol the greater the associated risk. As such a Venue Management Plan needs to be implemented to reduce the risk of alcohol related violence and anti-social behaviour. Whilst harness racing events have never caused any significant issues at its current location, the fact that it is seeking to raise revenue through other functions, which have not been expanded on in the application, is a cause for concern and as such any alcohol related events should have harm minimisation strategies in place, via a Venue Management Plan, which will be prepared by police in consultation with the consent holder.*
- *I am of the view that consideration should be given to limiting the number and type of additional functions that can be held. I would suggest a minimum trial period of 12 months in relation to limiting functions and the types of functions so that any adverse impact can be addressed in that period. If there is no significant impact on surrounding residences after a 12 month trial then consideration could be given to amending the type of functions that can be held and increasing the number of functions, if appropriate.*
- *It is possible that the size of the development may attribute to an increase in types of crime in that area, given that the premise will be licensed and they are seeking to make extra revenue from alcohol related functions. e.g .increases in assaults, anti-social behaviour and traffic incidents.*
- *The development will most likely benefit the local hotel significantly as well in terms of accommodation and patronage, and with an increase in patronage comes increased risk of violence and anti-social behaviour which the development may inadvertently play a part in.*
- *Crime in this area (including alcohol related crime) is minimal and whilst police expect that it will remain relatively low with the development in place, it is something that still must be factored in. This is an area I believe has not been adequately addressed in the Statement of Environmental Effects. CPTED principles are outlined, however, the terms utilised are quite generic and lack any great detail as to how they will be implemented. There is also no recognition that the development may possibly cause an increase in certain types of crime due to the availability of alcohol, and the location of the development. This is not an issue unique to this application, it seems common place that such issues are a frequent oversight in reports prepared for applicants.*

The comments of the local police are noted and appropriate conditions of consent have been recommended. Conditions relating to noise controls, hours of operation, use of the site and a venue management plan will all assist in addressing the concerns noted above.

Roads and Maritime Services

The comments received from RMS are outlined in full below:-

The subject site has frontage to Hampden Avenue within an 80 km/h speed zone and to Cooramin Street within the default speed zone. The submitted plans indicate that all access to the proposed development from the public road network is to be via 2 gateways to

Cooramin Street. The proposed development provides for car parking within the subject site. To minimise the potential for vehicle parking along Hampden Avenue or Cooramin Street no pedestrian gates are permitted along the frontage of the development site and the adjoining road reserves.

The internal car park and circulation roadways are to be designed and constructed in accordance with appropriate Australian Standards to provide for ease of access and parking for larger vehicles such as public transport, service and competitors vehicles (eg semi-trailers, car and horse float, delivery vehicles).

The development proposal will generate significant traffic through the intersection of Hampden Avenue and Cooramin Street for access to the site at event times. The intersection is located in an 80 km/h speed zone. Currently there is evidence of vehicles tracking onto the gravel shoulder at the intersection in order to turn left from Hampden Avenue. This development is likely to generate both left and right turning traffic into Cooramin Street. Given the scale of the development and the potential traffic generation during events it would be appropriate to provide for the upgrade of the intersection of Hampden Avenue and Cooramin Street to provide for a turning lanes separate to the through lanes on Hampden Avenue.

It is noted from the submitted Statement of Environmental Effects that the facility is to be used for night time events however limited detail is provided in relation to the proposed lighting of the trotting track and its impact on the surrounding road network and potential distraction to motorists on the surrounding road network particularly the Olympic Highway within a 100 km/h speed zone. The proposed lighting is to be designed, treated and oriented so as to minimise glare impacting on and distraction to motorists on the Olympic Highway. The method and intensity of any illumination of the venue shall not be directed or transmitted in such concentration or intensity as to cause distraction or glare to motorists on the adjoining road network particularly the Olympic Highway.

Roads and Maritime requires the provision of landscaping along the western boundary and north western corner of the development site to minimise distraction of the motorist along the Olympic Highway and on Horseshoe Road near its intersection with the Olympic Highway and to minimise distraction due to lighting of the venue. It is noted that no signage that would be visible from the Olympic Highway is proposed as part of this proposal.

The proposed development may represent a need to review the current speed zone in surrounding streets particularly Cooramin Street in accordance with the current speed zone guidelines. Any changes deemed necessary to the speed limit and accompanying signage shall be at full cost to the developer.

To promote road safety and the efficient operation of the road system it is appropriate to consider vehicular and pedestrian access arrangements for the proposed development including the surrounding road network providing access to the site and the standard and location of driveways and the internal vehicular circulation arrangements and parking for the development.

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

1. All access between the subject site and the public road network shall be via Cooramin Street and then to Hampden Avenue. Access from the subject site directly to the Olympic

Highway or to Horseshoe Road via Wilson Street is denied.

- 2. The proposed lighting is to be designed, treated and oriented so as to minimise glare impacting on motorists on the Olympic Highway. The method and intensity of any illumination of the venue shall not be directed or transmitted in such concentration or intensity as to cause distraction or glare to motorists on the adjoining road network particularly the Olympic Highway.*
- 3. A landscaped buffer (at least 15m wide planted with a variety of species endemic to the area and growing to a mature height ranging up at least 25m) shall be established and maintained within the subject property along its western boundary and north western corner to a standard to screen the proposed facility from the Olympic Highway to minimise distraction of the travelling public.*
- 4. No signage is permitted to be placed within subject site or adjoining properties that would be seen from the road reserve of the Olympic Highway. Signage is not permitted to be erected without the approval of the Council and Roads and Maritime Services.*
- 5. A request to review the current speed limit within Cooramin Street is to be submitted to Roads and Maritime Services prior to the issue of the Construction Certificate for any infrastructure or road works. Any works/signage required as a result of this review of the speed limit shall be at full cost to the development and be implemented prior to release of the survey certificate.*
- 6. A construction management plan to address construction activity access and parking 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 surrounding public road network. No such vehicles are to access the site from the Olympic Highway via Wilson Street. Appropriate signage and fencing is to be installed and maintained to effect this requirement.*
- 7. Any works associated with the proposed development shall be at no cost to Roads and Maritime Services.*

The comments of RMS are noted and appropriate conditions of consent have been recommended.

Public Submissions

During the first initial notification period, a total of 9 public submissions were received in objection to the development. A further 3 submissions were received as part of the second notification period all of which were from original submitters.

The details of the objections can be summarised as follows:-

1. The development is on a floodplain and is likely to have an effect on the distribution of floodwater in times of flood. No way of guaranteeing that there will be no impact on flood activity.

Comment: Flood reports prepared by WMA Water have demonstrated minimal additional impact on flood activity as a result of the development.

2. The raised track will act like a levee affecting the height of floodwater elsewhere on the floodplain, properties in North Wagga cannot use raised building

pads so why should this development be allowed.

The flood impact does not take into account the considerable amount of fill being used on site when modelling flood activity.

Comment: The zoning of land and the type of development proposed are both different to residential development in North Wagga which is subject to many different LEP and DCP controls. The impact assessment does take account of both the raised and cut area of the proposed development.

3. Extra traffic flow - East Street becoming a short cut route to the facility.

Comment: There is no way of controlling the route that people may choose to drive to and from the facility. East Street is one possible route that will be utilised but as a sealed public road this is considered appropriate. During major events all local roads are likely to experience an increase in vehicle numbers the impacts of which have been assessed and determined as acceptable.

4. Traffic Impacts, impacts on road surface and quality. Safety of the Hampden Avenue and Cooramin Street junction to manage the traffic volumes associated with this development.

Comment: The traffic report indicates that the local road network can accommodate additional vehicles predicted to be using the facility. Upgrades to Cooramin Street and the junction with Hampden Avenue are proposed and supported by RMS and Council.

5. Noise from the track, the clubhouse and the loud speakers. This is a small rural community that should not have to put up with such disturbance.
Noise impacts have not been addressed sufficiently no monitoring from nearby properties has occurred.

Comment: The noise impact assessment does identify occasions on which acceptable noise guidelines will be exceeded. A noise management plan has been prepared that identifies acceptable noise levels that should be imposed for all events other than the nominated major race meetings. Conditions of consent are recommended regarding the number of events and the monitoring of noise on site.

6. Increased crime rate due to isolated location of the site - how will local residential properties be protected from increased crime activity generated from users of this facility.

Comment: Users of the facility are likely to arrive and depart via vehicle whether that be by private car or taxi; it is unlikely that customers will be walking past residential properties unless they are local residents heading home. A venue management plan is required to be prepared and this will include details on site security.

7. Concern regarding the use of WMA Water to prepare the applicant's flood report when WMA Water are also used by Wagga Wagga City Council to prepare flood reports.

Comment: Whilst the WMA Water report would rely on previous studies that had been prepared on behalf of the Council, the report for this application was prepared for and on behalf of the applicant as an independent study. There are a limited number of specialist companies able to provide such reports it is therefore not unusual for such a scenario to occur.

8. Function centres and commercial premises are prohibited in the RU1 zone and Harness Racing is not exempt from this legislation.

Comment: A recreation facility (major) is not listed as a use which is permitted without consent or prohibited in the RU1, Primary Production Zone and is therefore by default permitted with consent in the zone. The clubhouse is ancillary to the primary use being a major recreational facility and therefore it is permitted in the zone. An ancillary use is a use that is subordinate or subservient to the dominant purpose. Subordinate uses such as the clubhouse/function centre would only be permitted as such in the zone. Use of the site for an independent use outside of this, such as a commercial bar would not be permitted. This is addressed through a condition of consent.

9. No limits on frequency or duration of meetings is included in the application.

Comment: Conditions of consent are recommended that control hours of operation. The applicants have indicated thirty-five scheduled race meetings each year will occur. The number of events permitted on site is linked to the noise levels associated with events held as detailed above under the noise impacts section of this report.

10. Dangerous precedent set allowing such development on a floodplain which will impact all communities along the floodplain.

Comment: Every Development Application is considered on its individual merits and associated impacts. There will be no precedent established by allowing a permissible use to be developed on the subject site.

11. Truck noise is identified as having the most potential to cause sleep disturbance yet parking for these vehicles is closest to the residential receptors.

Comment: Truck parking is provided towards the eastern side of the site closest to Hampden Avenue. These vehicles are more likely to arrive early on site and their numbers are less than the cars going in and out of the public car park. Given that the frequency of movement and number of movements is less the location of this car park closer to the residential receptors is preferable to the larger public car park. The significant landscaping to the eastern boundary will assist in providing a noise buffer to the truck park area.

12. Need for a noise mitigation plan including restrictions on hours of operation

Comment: A plan has been prepared and the recommendations are included as conditions of consent.

13. Issues of dust if the roads and car parks are not suitably paved and from race-meets.

Comment: Cooramin Street up to a point where the vehicles enter and exit the site and the internal car parks will all be sealed to minimise dust generation from vehicles using the facility. The control of dust during race meetings will be subject to a management plan.

14. All lighting must be suitably designed to not result in glare and project downwards.

Comment: The proposed lighting will not result in any detrimental light spill outside of the site.

15. Given the high quality visual environment surrounding this site materials used for the buildings should be of a high quality and not poor quality reflective tin structures. Loss of visual amenity - open rural outlook will be completely ruined.

Comment: The development has the potential to negatively impinge on the visual amenity of the surrounding area, particularly during the construction phase of the development. The proposed facility is situated on low lying land and although the track and buildings are to be raised they will still be lower than surrounding residential properties because of the local topography. Whilst views across the site will undoubtedly be impacted as the outlook will become one that overlooks a high quality major recreational facility, there is no right to a view in planning legislation. The buildings will use non reflective materials and present as well designed structures.

16. Increased landscaping should be a requirement of any such development.

Comment: A detailed landscape plan has been prepared in support of the application that identifies planting throughout the site but in particular along the boundaries to the east and west to assist in visual and noise buffering.

17. This land was supposed to be developed as a lake for recreational use by local residents, why has this plan changed.

Comment: The concept of a lake in this part of the city is historical, there were no plans approved for such works and an alternative use of the land is now being considered.

18. Further detail regarding the other uses of the clubhouse is required, concern that there will be regular late night events creating further noise and disturbance.

Comment: Appropriate conditions of consent regarding noise generation from the site are recommended. Furthermore the conditions are clear that the use of the facility for other events is ancillary to the harness racing facility and therefore whilst other social events are likely they will not be a regular occurrence.

19. Litter and Odour

Comment: The management of litter and waste across the site will be via litter bins and recycling enclosures. Waste from the stables has the potential for reuse as fertiliser both on and off site.

(e) - The public interest

The public interest is considered best served by ensuring the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided. The proposed development will have a positive public interest with the development of a major recreational facility in this location.

The impacts of flood, traffic and lighting have all been demonstrated as being at acceptable levels. The noise from major events is likely to exceed recommended levels but with appropriate conditions and mitigation measures the approach taken is also considered to be in the public interest.

There are associated economic and social impacts that can be attributed to the development which justify approval being in the public interest such as job creation, linked spending opportunities and greater social opportunities.

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

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

(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

(d) in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

(ii) whether an area of habitat is likely to become fragmented or isolated from

other areas of habitat as a result of the proposed action, and
(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

The site is predominantly clear of significant vegetation and the potential for habitat is considered to be low. There are no identified threatened species on site and therefore no issues are raised under this section.

Section 79B(3)

As indicated above there are no identified threatened species on site and there is unlikely to be significant impact on ecological communities or their habitats. A species impact statement is not necessary and therefore concurrence is not required from the Director General of National Parks and Wildlife.

Council Policies

Not applicable.

Comments by Council's Officers

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 94 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.

\$6,500,000.00 (development cost) x 1% = \$65,000.00

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 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

Stormwater collected on site will be directed to table drains, as no additional stormwater load will enter Council's infrastructure no stormwater contributions will be payable.

The increased impact on sewer will be from the clubhouse facility. The areas applicable to the sewer charge are as follows:

Function room/bar - $244.51 \text{ sq.m} \times 0.05 = 12.22\text{ETs}$

Offices - $45.41\text{sq.m} \times 0.01 = 0.45 \text{ ETs}$

Food preparation area - $29.64 \text{ sq.m} \times 0.01 = 0.30\text{ETs}$

The calculation is therefore $12.97\text{ETs} \times \$3538 \text{ (standard sewer charge)} = \$45,887.86$

Plus current CPI of $106/100.5 = \mathbf{\$48,399.13}$

Other Approvals

Integrated Development Approval under s 90 of the Water Management Act 1990 is required as the development on the flood plain is classed as flood works for which approval is required.

Conclusion

The proposed development of a recreation facility (major) within a rural area that is also low lying flood prone land will result in a number of impacts. The key impacts from the development are visual amenity, noise, lighting, traffic and flooding. The above assessment has identified that the increased impact on flooding as a result of this development is minimal and therefore acceptable. A traffic impact assessment has analysed existing traffic movements and junction capacities and concluded that the local highway network can adequately accommodate the increase in vehicles created from this development. The lighting design is of a modern specification and limits as far as possible any light spill outside of the boundaries the site. Any spill outside of the site is within the recommended guidelines.

Visually the landscape will change considerably with the introduction of a raised track with lighting columns all around and associated buildings and infrastructure on site. Major recreation facilities and racetracks are often located within a rural zone and such a landscape change is seen as a positive impact as it creates a significant landmark in this part of the city.

Noise generated from major events at the site will be above the recommended guidelines. It is anticipated that this will be twice each year. Given the overriding economic and social benefits of this development to the region it is considered appropriate in this case to allow the two events in the knowledge that levels will be exceeded based on the fact that these are not regular events, advance notification will occur and that the events will bring so many linked benefits to the city.

Although the use has the potential to impact on the rural character of this site and on the rural residential properties in the locality, there is an overriding public socio-economic benefit in allowing the proposed major recreation facility to proceed. The site is not in use for primary production cropping or intensive agricultural activities and the overall impacts of the proposed facility are acceptable.

The proposal complies with the requirements of the *Environmental Planning and Assessment Act 1979*, the Building Code of Australia and Councils Policies and is recommended for approval, subject to conditions.

RECOMMENDATION

It is recommended that DA14/0448 for Recreation Facility (Major) - Harness Racing Facility including Earthworks, Track, Clubhouse, Stables & Associated Infrastructure be approved, subject to the following conditions:-

CONDITIONS

Approved Plans and Documentation

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
13064 DA: fig.1	Locality Plan	Peter Basha Planning & Development		1.9.14
13064 DA: fig.2	Existing Boundaries & Site Detail	Peter Basha Planning & Development		1.9.14
13064 DA: fig.3	Proposed Site Plan	Peter Basha Planning & Development		1.9.14
13064 DA: fig.4	Surrounding Development Pattern	Peter Basha Planning & Development		1.9.14
DA1	Existing Site Plan	McKinnon Design	D	3.9.14
DA2	Proposed Site Plan	McKinnon Design	D	3.9.14
DA3	Proposed Part Site Plan	McKinnon Design	D	3.9.14
DA4	Proposed Part Site Plan	McKinnon Design	D	3.9.14
DA5	Floor Plans Club Building	McKinnon Design	D	3.9.14
DA6	Elevations Club Building	McKinnon Design	D	3.9.14

DA7	Sections Club Building	McKinnon Design	D	3.9.14
DA8	Stables Floor Plan	McKinnon Design	D	3.9.14
DA9	Stables Elevations and Sections	McKinnon Design	D	3.9.14
LD-01	Landscape Master Plan	Mark McCrone Landscape Architect	A	28.11.14
13065 C02DA	Proposed Track and Facility Overall Plan	Heath Consulting Engineers	A	4.9.14
13065 C03DA	Bulk Earthworks Plan	Heath Consulting Engineers	A	4.9.14
13065 C04DA	Notes and Typical Details	Heath Consulting Engineers	A	4.9.14
13065 C05DA	Sections A-A and B-B	Heath Consulting Engineers	A	4.9.14
13065 C06DA	Proposed Track and Facility Overall Plan	Heath Consulting Engineers	A	4.9.14
13065 C07DA	Proposed Upgrade Cooramin Street Plan and Long Section	Heath Consulting Engineers	A	4.9.14
13065 C08DA	Cooramin Street Cross Sections	Heath Consulting Engineers	A	4.9.14
13065 C09DA	Cooramin Street Cross Sections	Heath Consulting Engineers	A	4.9.14
13065 C10DA	Cooramin Street and Hampden Avenue Intersection Plan	Heath Consulting Engineers	A	4.9.14
13065 C11DA	Truck Parking Area Finished Levels	Heath Consulting Engineers	A	4.9.14
13065 C12DA	Car Parking Area Finished Levels	Heath Consulting Engineers	A	4.9.14
13065 C13DA	Cooramin Street Access to Car Park Plan	Heath Consulting Engineers	A	4.9.14
13065 H01DA	Stormwater Management Plan	Heath Consulting Engineers	B	1.12.14
13065 H02DA	Sewer Drainage & Water Reticulation	Heath Consulting Engineers	A	4.9.14

	Layout			
	Statement of Environmental Effects	Peter Basha Planning & Development		Sept. 2014
9197	Traffic and Parking Report	Colston Budd Hunt & Kafes Pty Ltd		Feb 2014
13330	Noise Impact Assessment	Wilkinson Murray	A	Sept. 2014
	Flood Impact Assessment	WMA Water		May 2014
S14-116	GeoTechnical Investigation	Aitken Rowe		June 2014
	Lighting Assessment Report	Musco Lighting		Sept. 14
	Written Correspondence	Peter Basha Planning & Development		10.12.14
	Correspondence - Stormwater report	Heath Consulting Engineers		2.12.14
	Correspondence - event noise management plan	Wilkinson Murray		2.12.14

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

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

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

Prior to release of Construction Certificate

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

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

NOTE: These matters must be addressed in the plans and specifications submitted with the application for a **Construction Certificate**.

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

- 3. Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to 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.

- 4. Prior to the release of Construction Certificate 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.

- 5. 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, a levy in the amount of \$65,000 must be paid to Council 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.

6. **Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained 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 base figure is \$45,887.86.
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$48,399.13.

NOTE 6: The Section 64 Stormwater base figure is \$0.
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$0.

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

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI

increases/decreases have occurred since the date of this consent.

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).

- 7. Prior to the issue of a Construction Certificate, detailed engineering plans that identify the full formation and full width of road with a minimum sealed width of 7.0 metres and 1.0m wide shoulders shall be designed at Cooramin Street from the intersection of Hampden Avenue to 20 metres past the western most access driveway into the site. The plans shall also identify the required intersection works at Cooramin Street & Hampden Avenue to accommodate turning paths for 19m long articulated vehicles. The design shall include shoulder construction, swale formation and drainage works, pavement construction, sealing and service adjustments and transition to existing pavement in accordance with Council's Engineering Guidelines for Subdivision and Developments and relevant AUSTROADS and RMS Guidelines. A pavement design shall be carried out by a suitably qualified Geotechnical Engineer based on an appropriate traffic loading for the development and shall take into account locally sourced road pavement gravels if proposed in the design.**

REASON: To provide for the drainage of stormwater and increase the capacity of the road system in the locality of the proposed development. Sections 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 8. Prior to the issue of the Construction Certificate the applicant shall submit to Council for approval a revised stormwater plan that indicates;**
 - The finished paving levels to demonstrate overland flow paths**
 - A stormwater plan indicating pipe and pit levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.**
 - The applicant is to provide water sensitive design features in the stormwater plans submitted for Construction Certificate. The design is to give consideration to fine particle, contaminant and nutrient treatment measures and maintenance regimes for all water quality devices. This element of the design must be endorsed by Wagga Wagga City Council. Any proposed vegetation shall not have an adverse effect on the floodplain or flood storage.**

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

9. Prior to the issue of the Construction Certificate the applicant shall submit to Council for approval a sewer plan that indicates;

- Details of the sewer pump station and rising main and connection point into Council's gravity sewer main,
- Details of how the Pump Station can be isolated in a flood event,
- Clear out point in the rising main for blockages
- Calculations for sewer load

The Sewer Pump Station and associated rising main shall be installed, owned and maintained by Harness Racing NSW.

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

10. Prior to the issue of the Construction Certificate plans shall be submitted for approval indicating the finished floor levels of the proposed buildings at RL 180.62m AHD and for the race track RL 178.82m AHD in accordance with WMA Water recommendations.

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

11. Prior to the issue of a Construction Certificate 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.

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

12. Prior to issue of the Construction Certificate detailed plans and elevations of the kitchen area shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2010 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.

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.

- 13. Prior to the release of the Construction Certificate a plan shall be submitted to and approved by Director of Planning and Regulatory Services, or delegate that identifies the intersection design at Cooramin Street & Hampden Avenue. This plan is required to be referred to the Local Traffic Committee before it is approved as these works incorporate a prescribed traffic control device.**

NOTE 1: A prescribed traffic control device is a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area.

NOTE2: The Local Traffic Committee only meets two-monthly and only between the months of March and November. Therefore to avoid delays the timing of meetings should be taken into consideration in preparing your plan for submission.

REASON: To ensure traffic related impacts associated with the development are minimised. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 14. Prior to the issue of a Construction Certificate, 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 and approved by Council.**

REASON: It is in the public interest that the development works do not damage existing Council infrastructure and accordingly a record of existing conditions is required.

- 15. Prior to the issue of Construction Certificate a person seeking 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.

16. 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 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.

Prior to Commencement of Works

17. 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.

18. 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.

19. 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 a licenced 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: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. 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.

20. 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.

- 21. Prior to works commencing on site, a construction management plan to address construction activity access and parking 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 surrounding public road network. All site access must be from Cooramin Street only. Appropriate signage and fencing is to be installed and maintained to effect this requirement.**

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

- 22. Prior to the commencement of road works a request to review the current speed limit within Cooramin Street is to be submitted to Roads and Maritime Services for approval. Any works/signage required as a result of this review of the speed limit shall be at full cost to the development and be implemented prior to operation of the development.**

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

- 23. The existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works. All care must be taken to protect existing trees to be retained from damage, including street trees and trees located adjacent to the proposed development. The developer shall identify all trees to be retained prior to commencement of construction works.**

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Tree Management Officer, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

If damage of any sort should occur to any protected trees/ vegetation within the development, contact shall be made with Council's Tree Management Officer to determine what remedial action should be taken, Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

REASON: Because it is in the public interest that the subject trees are protected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 24. Prior to the commencement of works, an application is required to be lodged for 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 1: Works carried out under a separately 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.

NOTE 2: The Section 68 Activity Approval (PUBLIC) may be subject to a works bond payable prior to the release of the Section 68 Activity Approval. The works bond payable will be determined based on the category of works being undertaken. Refer to Council's Section 68 Activity Approval Guide for definition of works categories.

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

- 25. The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".**

NOTE: A copy of the Notice of Works form can be found on Council's website.

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

- 26. 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.

27. 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: 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.

28. 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’, must be submitted to Council.

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.

29. 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. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

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

30. Prior to approval of the Section 138 Permit a bond of \$5000 in the form of cash or bank guarantee shall be paid to Council for the following:

- (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,**
- (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,**
- (c) remedying any defects in any such public work that arise within 6 months after the work is completed.**

REASON: In order to cover the cost of any works to Public Infrastructure requiring repair as a result of the development. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

31. A soil and water management plan for the site shall be submitted in accordance with Wagga Wagga City Council's Engineering Guidelines for Subdivision and Developments. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended has been issued by Council or an accredited certifying authority confirming that the plan is in accordance with Council's Engineering Guidelines for Subdivision and Developments and Soils and Construction Volume 1, Managing Urban Stormwater. Once approved, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 79C(1)(b) and (d) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

- 32. 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.

- 33. 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.

- 34. All weather access, manoeuvring and parking areas shall be provided and maintained within the site throughout all of the construction and site works.**

REASON: To adequately provide for the safe, all weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 35. If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council 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 until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate 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 Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports 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.

36. 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.

37. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

- a) **NON CHEMICAL** - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator. Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.
- c) **CHEMICAL TREATMENT** - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.
Warning - Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.
Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.
- d) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- e) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i) The method of protection
 - ii) The date of installation of the system
 - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv) The need to maintain and inspect the system on a regular basis.

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

38. The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken 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.

- 39. 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.

- 40. 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.

- 41. 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.

- 42. In the event that any Aboriginal site is found in an area affected by works, work will immediately cease and the applicant will contact the Office of Environment and Heritage. Any works which may result in destruction or damage to known Aboriginal sites will require an Aboriginal Heritage Impact Permit from the Office of Environment and Heritage in accordance with Section 90 of the National Parks & Wildlife Act 1974.**

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

- 43. Trees indicated on the submitted plans for removal, shall be removed from the site in accordance with the proposed development. Consent under Council's Tree Preservation Order is not required for removal of the subject trees.**

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

An Arboricultural company with membership of a professional association as the National Arborists Association of Australia should be engaged to carry out any works associated with trees in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

Tree stumps should be removed below ground level and surface area reinstated to prevent potential injury.

All waste material from the subject tree/s shall be removed from site in conjunction with clearing.

REASON: Because it is considered that the subject trees are prejudicial the successful implementation of the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 44.A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.**

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

- 45.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.

- 46.The Cut and Fill Batters are to be treated with vegetation (ground covers) to protect them from erosion and further ground movements.**

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.

Prior to release of Occupation Certificate / Prior to Operation

- 47.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.

48. An Event Management Plan shall be prepared and submitted for approval by the Director of Planning and Regulatory Services or delegate. The approved plan shall be implemented for the lifetime of the development on the subject site. The plan must be made available to all staff and contractors and maintained and implemented prior to operation of the site and updated and reviewed for all major events held on site for the first time.

The plan must specify the following:

- a) Traffic management details including the provision and control of overflow parking if applicable**
- b) Attended monitoring of noise levels**
- c) Dust mitigation measures**
- d) Identified access and egress for emergency services vehicles**
- e) Clearing of rubbish and management of on-site waste**
- g) Evacuation plans in the event of a fire or other emergency**
- h) Contact details of site manager responsible for all event activities**

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

49. A Venue & Security Management Plan shall be prepared in consultation with the Wagga Wagga Local Area Command. The plan must be signed and approved by the Local Area Commander or the Commander's Delegate, a copy of which must be lodged with the Wagga Wagga City Council prior to operation.

The management plan must include a range of measures which include but are not limited to, patron safety and security, management of crime scenes, recording and reporting incidents of violence, the installation and maintenance of closed circuit television (CCTV), the quiet and good order of the neighbourhood, safe transport options, clearing of rubbish, addressing complaints relating to the operation of the premise and reviews, amendments and updates to the plan.

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

50. Prior to issue of an occupation certificate a rural address number must be displayed in a position clearly visible from the road, at the entrance to the property, in letters having a height of not less than 75 mm (3 inches). The number must be visible against the background on which it is placed.

It will be necessary to contact Council to determine the correct rural address after the subject lots have been consolidated and access points have been constructed.

REASON: It is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 51. Prior to operation of the approved development the landscaped areas and tree planting shall be established on site in accordance with the details and species shown on the approved landscape plan referenced 14/324/LD-01A prepared by Mark McCrone Landscape Architect and dated 28.11.14.**

The construction and ongoing maintenance of all landscaping proposed is the responsibility of the developer and must be to the satisfaction of the Director of Planning and Regulatory Services, or their delegate.

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

- 52. Prior to the operation of the development a Flood Management and Evacuation Plan for the site shall be submitted to Council to the satisfaction of the Director of Planning and Regulatory Services or their delegate. The plan shall include but is not limited to the following:**

- ☐ **safe evacuation of personnel**
- ☐ **safe evacuation of horses**
- ☐ **management of on-site machinery**
- ☐ **secure storage of goods free from flood including fuel and chemicals**

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.

- 53. Prior to the issue of an Occupation Certificate, certification from a Registered Surveyor and Works-As-Executed plans are required confirming finished floor levels are in accordance with the approved plans and the details outlined in Condition 8.**

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

- 54. Street Lighting shall be designed and constructed to comply with the Australian standard. Certification from an appropriately qualified person shall be provided prior to the issue of an Occupation Certificate that identifies the intersection of Cooramin Street and Hampden Avenue designed to V4 lighting category as defined by AS11581.1:2005.**

REASON: It is in the public interest that the design of the development complies with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

55. 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.

56. Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening, Council's Environmental and Community Services Directorate must be contacted 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.

57. Prior to the release of the Occupation Certificate the Food Business Premise and current Food Safety Supervisor with NSW Food Authority must be notified.

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

58. An Occupation Certificate, must be obtained 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.

59. 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.

60. 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.

61. Lots 1-6 and 19-24 in DP2655 are to be consolidated into one lot prior to the issue of an Occupation Certificate.

NOTE: Evidence of consolidation must be provided to Council

REASON: The size and shape of the subject land, and the siting of the proposed buildings and works thereon, are such to require the land be consolidated. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

62. Prior to the Issue of Occupation Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:

- i) Essential Energy: Notification of Arrangement OR Certificate of Acceptance**
- ii) APA Gas: Certificate of Acceptance**
- iii) Riverina Water: Certificate of Compliance**

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.

General

63. Garbage receptacles for the disposal of litter must be installed, maintained and regularly emptied.

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

64. Unless otherwise approved by Council, exterior colours and materials of the building must be of neutral tones and sympathetic with the surrounding environment.

REASON: To ensure the exterior colour scheme is compatible with the character and amenity of the area. Section 79C(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act 1979*, as amended.

65. The use of the race-track and associated loud speakers must only be conducted between the hours of 11am and 10.30pm on any day. The use of the clubhouse facility must only be conducted between the hours of 9 am and midnight on Fridays and Saturdays and 9am and 10.30pm on all other days.

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

- 66. All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property. Lighting of the track shall be limited to race events only.**

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

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

- 67. One wall sign on the southern elevation of the clubhouse building is approved as part of this application, no further signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.**

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

- 68. Approval is granted for the use of the site as a harness racing facility, within the definition of a Recreation Facility (Major), and ancillary and subordinate uses such as stables, marquee, club-house and parking areas.**

Any other use of the site for functions or temporary events (which may be subject to further approval under Clause 2.8 of the WWLEP2010) must remain as ancillary to the approved use and not occur independently on the site without the prior approval of Council.

REASON: It is in public interest that proposed development be limited to that which is applicable and permissible on the land. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 69. Appropriate facilities must be made available for the storage of goods, fuel and chemicals 500mm above the 100yr ARI flood level. No external storage of materials is permitted below the 20yr ARI flood level which may cause pollution or be potentially hazardous during any flood**

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.

70. The applicant is to ensure that dust suppression measures are put in place to minimise dust generation during race events.

REASON: To ensure 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.

71. All access between the subject site and the public road network shall be via Cooramin Street and then to Hampden Avenue. Access from the subject site directly to the Olympic Highway or to Horseshoe Road via Wilson Street is denied.

REASON: In the interests of highway safety and public interest. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

72. The proposed lighting on site is to be designed, treated and orientated so as to minimise glare impacting on motorists on the Olympic Highway. The method and intensity of any illumination of the venue shall not be directed or transmitted in such concentration or intensity as to cause distraction or glare to motorists on the adjoining road network particularly the Olympic Highway.

REASON: In the interests of highway safety and public interest. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

73. All works associated with the proposed development shall be at no cost to Roads and Maritime Services.

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

74. During the first twelve months of operation, the applicant must notify Council's Environmental Compliance Team in writing, seven days prior to all major events.

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

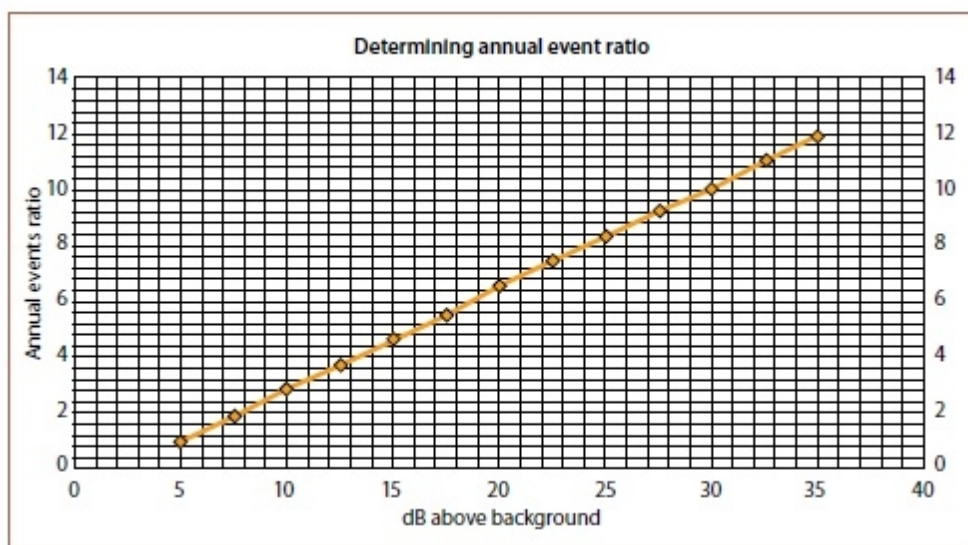
75. During the first twelve months of operation, the applicant must conduct further noise monitoring of all events. This monitoring must include but is not limited to receivers south and south west of the development. All logging results are to be lodged with Wagga Wagga City Council within 14 days of each logged event.

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

Act 1979, as amended.

- 76. Within any 12 month period the maximum number of events with noise levels greater than the background by 5dB(A) is 50. In the case where events are greater than the background by more than 5dB(A), then the number of events will be reduced according to a ratio shown in the table below (see Figure 3.4 in *Noise Guideline for Local Government* as published by EPA 2013).**

The graph allows for an event multiplication factor to be assigned where noise from the event exceeds background plus 5dB(A). For example, an event that exceeds the background by 8dB(A) would count as two events as the multiplication factor from the graph is '2'.



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

- 77. After each event, animal waste is to be collected and stored in secure vermin and insect proof containers with tight fitting lids.**

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

- 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. The site manager shall be responsible for the control of noise generated at each event and shall ensure that patrons leave the vicinity of the site in an orderly manner as soon as practical after the end of each event.

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

80. A minimum of 210 vehicle parking spaces must be made available on site at all times in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.

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

81. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004; AS2890.2.2002 and AS/NZS2890.6.2009.

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

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

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

General Terms of Approval NSW Office of Water

General Terms of Approval for work requiring a controlled work approval under s167 of the Water Act 1912

Our Reference: 40 ERM2014/0862

Site Address: Intersection of Hampden Avenue & Cooramin Street,
Cartwrights Hill, Wagga Wagga

DA Number: DA14/0448

LGA: Wagga Wagga City Council

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled works described in the plans and associated documentation relating to DA14/0448 and provided by Council: (i) Site plan, map and/or surveys (ii) Structural design and specifications (iii) Works Schedule Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled works the consent holder must obtain a Controlled Works Approval under the Water Act 1912 from the NSW Office of Water.
3	The consent holder must (i) carry out any controlled works in accordance with approved plans and (ii) construct and/or implement any controlled works by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
END OF CONDITIONS	