



Report of Development Application

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979

Panel Reference	2016STH023
DA Number	DA16/0477
LGA	Wagga Wagga City Council
Proposed Development	Community Facility (PCYC)
Street Address	11 Fitzhardinge Street, Wagga Wagga (Lot 306 DP 757249)
Applicant/Owner	PCYC NSW 1C Mimika Avenue WHALAN NSW 2770
Date of DA lodgement	19/08/2016
Number of Submissions	1
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Private infrastructure and community facilities over \$5 million Development that has a capital investment value of more than \$5 million for any of the following purposes: (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none">State Environmental Planning Policy (State and Regional Development) 2011State Environmental Planning Policy No 55—Remediation of LandState Environmental Planning Policy (Infrastructure) 2007Wagga Wagga Local Environmental Plan 2010 (WWLEP)Wagga Wagga Development Control Plan 2010 (WWDCP)Environmental Planning and Assessment Regulation 2000 98, 98A, 98E

List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects, Stimson & Baker Planning • Stormwater Management Report, Wood & Grieve Engineers • Traffic & Parking Assessment, Taylor Thomson Whitting • Heritage Impact Statement, Urbis • Environmental Sustainability Plan, Wood & Grieve Engineers • DA Acoustic Assessment, Acoustic Logic • Architectural, Engineering & Landscaping Plans
Report prepared by	Camilla Rocks
Report date	28 November 2016

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

APPLICATION DETAILS

Application No.:	DA16/0477
Modification No.:	N/A
Council File No.:	D/2016/0477
Date of Lodgement:	19/08/2016
Applicant:	PCYC NSW Attn: Lester Stump 1C Mimika Avenue WHALAN NSW 2770
Proposal:	Community Facility
BCA Classification:	5, 7a, 9b
Development Cost:	\$15242000
Assessment Officer:	Camilla Rocks
Description of Modification:	N/A
Type of Application:	Development Application
Other Approvals:	Nil
Concurrence Required:	No
Referrals:	Internal, RMS
Adjoining Owners Notification:	1 - 26 September 2016
Advertising:	12 - 26 September 2016
Determination Body:	Southern Joint Regional Planning Panel
Reason:	Private infrastructure and community facilities over \$5 million
Meeting Date:	12 December 2016
Owner's Consent Provided:	30 August 2016
Location:	It is situated on the eastern side of Fitzhardinge Street, on the north-western corner of Fitzhardinge Street and Edward Street (the Sturt Highway).

SITE DETAILS

Subject Land:	11 Fitzhardinge St WAGGA WAGGA NSW 2650
	Lot 306 DP 757249
Owner:	Police Citizens Youth Club Ltd

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument: Wagga Wagga Local Environmental Plan 2010

Zoning: RE2 Private Recreation

Land Use Definition: Community Facility

Statement of Permissibility: Permissible with consent

EXECUTIVE SUMMARY

- The proposal is for the construction of a community facility for the Police Citizens Youth Club NSW (PCYC) in Wagga Wagga
- The site is the former South Wagga Wagga Bowling Club. Approval for the demolition of buildings, structures and vegetation was granted on 30 August 2016, pursuant to DA16/0402.
- The site is Crown Land, with Special Lease to Police Citizens Youth Club Ltd, being Lot 306 DP 757249, and consent was granted to Stimson & Baker Planning for the lodging of a development application, subject to conditions, which have been drafted in accordance with the request.
- This Development Application is referred to the Southern Region Joint Regional Planning Panel for determination in accordance with Clause 6 of Schedule 4A of the Environmental Planning and Assessment Act 1979, as the application relates to development that has a capital investment value of more than \$5 million for community facilities. The Capital Investment Value is stated as \$15,242,000.
- Under the provisions of the Wagga Wagga Local Environmental Plan 2010 (WWLEP), the subject site is within the RE2 Private Recreation zone. The land use is defined as a community facility, which is permissible with consent in the zone. The development is assessed as having negligible impact on heritage items in the vicinity. Earthworks are not likely to detrimentally impact the locality and the development is responsive to flood planning provisions. The development retains the primacy of the commercial core.
- In accordance with Clause 7.2 of the WWLEP, Council is satisfied that the development is compatible with the flood hazard of the land, will not significantly adversely affect flood behaviour, incorporates appropriate measures to manage risk of life from flood, will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in stability of river banks or watercourses and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- Council is satisfied that the provisions of Clause 7.9 of the WWLEP are satisfied in relation to protection of the primacy of B3 Commercial Core land.
- The subject land is not registered as contaminated but its former use included bowling greens, which are a potentially contaminating use under SEPP 55 - Remediation of Land. Whilst still awaiting contamination reports, Council is satisfied that the land is suitable for the development and recommends conditions to manage the disposal of potentially contaminated spoil.
- The development application is required to be referred to the Roads and Maritime Services (RMS) in accordance with the SEPP (Infrastructure) 2007. The requirement was satisfied and the RMS response is addressed in this report. Under Clause 101 of this provision, Council is satisfied that the proposed development

would not adversely affect the safety, efficiency or ongoing operation of Edward Street, provided conditions of consent are complied with.

- The subject application was publicly exhibited, advertised within the local newspaper and site notification attached to the subject premise as per the requirements of the Wagga Wagga Development Control Plan 2010 for Public Notification. The application was formally notified between the periods of the 12 September 2016 to the 26 September 2016 with one submission received at the conclusion of the notification period.
- During the assessment process, the proponent amended the application by requesting that the bus bay and associated markings be deleted from the plans and any consent conditioned accordingly.
- The proposal complies with all relevant objectives, controls and standards listed in the Wagga Wagga Local Environmental Plan 2010 and Wagga Wagga Development Control Plan 2010 and environmental impacts are assessed as being acceptable.
- Assessment of traffic and parking, heritage, safety and security, stormwater and waste management, BCA Compliance, accessibility and landscaping has determined that the proposal can be supported with appropriate conditions of development consent.
- The development application is recommended for approval, subject to suitable conditions of consent.

Description of Development

This proposal is for the construction of a community facility for the Police Citizens Youth Club NSW (PCYC) in Wagga Wagga. The proposed development is a large building that will provide offices and recreation facilities for PCYC clients.

The new building will replace the existing dilapidated premises on another site in Wagga Wagga and provide PCYC the opportunity to improve activities and services to its clients.

The proposal includes the following elements:

- Sports and recreation hall (3 basketball courts) with moveable bleachers for spectators (no information on seating numbers)
- Management and office facilities
- Police youth command office
- Out-of-hours care centre accommodating up to 60 children
- Boxing room
- Café
- Change room and amenities
- Multi-function activity rooms
- Outdoor play area
- Study areas
- Youth hub
- Co-located youth services offices for third party operators
- Subfloor car parking with 121 spaces, including 6 accessible spaces
- Lift from basement to level 1
- Bus turning and parking area from the northern service lane for 2 PCYC mini-buses

- Landscaping and fencing
- New driveway from Fitzhardinge Street and removal of existing driveway

This Development Application has been referred to the Southern Region Joint Regional Planning Panel for determination in accordance with Clause 6 of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, which requires the Panel to exercise planning functions of the Council as a consent authority under Part 2A of the Environmental Planning and Assessment Act for Development that has a capital investment value of more than \$5 million for any of the following purposes:

- a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,
- b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.

The proposed building is to be constructed of a combination of face blockwork, lightweight panel cladding, metal cladding and off-form concrete, interspersed with aluminium framed fixed and operable glazing, translucent polycarbonate cladding with light coloured metal roof sheeting and translucent polycarbonate roof sheeting. A schedule of materials is provided on Drawing Number DA3101.

The building covers most of the site. It has a maximum height of 15 metres above ground level. It is proposed to address Fitzhardinge Street, with four rounded pods with metal cladding to the front of a skillion roofed hall. The exterior is characterised by horizontal glazed/polycarbonate inserts randomly placed between the cladding. A sculptural sign is proposed within the front setback however design details are yet to be confirmed. The elevations to the north, south and east are face brick at ground level, with lightweight cladding above and glazing to the roof. The southern elevation is characterised by the PCYC logo applied to the surface to a height of approximately 10 metres and distinctive sloped glazing.

Background

The proposal was discussed with Council planning staff at 2 meetings on 29 June 2016 and 22 July 2016, in order to flag issues that would need addressing in the DA submission.

The subject site was formerly the site of the South Wagga Bowling Club. Consent for demolition of the club building, ancillary development and vegetation was granted pursuant to DA16/0402. Demolition works approved under this application had not yet commenced at the time of writing this report.

During assessment, it became clear that the proposal to remove up to 15 car spaces off Fitzhardinge Street for the purpose of a bus bay at the front of the proposed development was a concern for both Council and the objector. The proponent subsequently advised the deletion of this aspect of the development, requesting suitable conditions of consent to enact the request.

The Site and Locality

The site, being Lot 306 in Deposited Plan 757249, is known as 11 Fitzhardinge Street,

Wagga Wagga. The site is oblong in shape. It is situated on the eastern side of Fitzhardinge Street, on the north-western corner of Fitzhardinge Street and Edward Street (the Sturt Highway).

There is vehicle and pedestrian access to Robertson Oval along the northern boundary of the site that is sealed and has kerb and guttering, although this is not a formal road. The subject site does not currently have access to that driveway but has an access driveway from Fitzhardinge Street, approximately 26 metres south of its northern boundary.

The site is relatively flat, with a fall in the north-eastern corner and grading in the location of the former bowling greens.

The site has historically been in use as a bowling club, with clubhouse, greens, fencing and associated structures. Although consent for demolition of these structures has been granted, works have not commenced and they remain in situ.

The site is surrounded by mixed uses, including recreational development, residential development and commercial development. The Robertson Oval precinct is located to the east and north-east, Croquet Club to the north and mixed commercial and residential development opposite the site in Fitzhardinge Street.

The redevelopment of the former flour mill is situated opposite the site to the south, with the Sturt Highway between. This is a mixed use development, with commercial and residential uses. The development is currently under construction.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

Section 79C(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Part 2 Permitted or Prohibited Development Land Use

Clause 2.1 Under the provisions of the WWLEP2010, the subject site is within the RE2 Private Recreation zone.

Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Comment: The proposal for development is best defined as a community facility. Under the provisions of the Plan **community facility** means a *building or place*:

- a) owned or controlled by a public authority or non-profit community organisation, and*
- b) used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

PCYC was established in 1937 by Police Commissioner William John Mackay. It was a partnership forged with the community via Rotary to provide young people with a safe and

positive alternative to the streets. It is one of the largest youth organisations in Australia, with more than 60 clubs and centres through NSW and more than 85,000 members.

PCYC NSW is registered with the Australian Charities and Not-for-profits Commission (ACNC). The charities listed on the Register have met the ACNC's legal meaning of being a charity and other requirements under its Act, and have ongoing obligations to the ACNC, including keeping their information on the Register up-to-date.

The main purpose of the development is to provide the services of PCYC to the community. Those services require administration therefore there are offices within the development. Many of the activities of PCYC are sports related therefore there are basketball courts, boxing rooms, recreation hall, general activity rooms, change rooms and amenities and sports storage areas. The PCYC works with youth so there are facilities to enable that work to occur as well as a child care centre for out-of-school-hours-care (OOSH). An ancillary café is proposed for the use of occupants and the public and it is intended that it can also operate as a training facility for the youth. The various elements of the development are considered to satisfy the criteria for a community facility to be used for physical, cultural, social development or welfare of the community.

In consideration of the above, it is considered that the proposal responds to the objectives of the zone and satisfies the landuse definition of community facility.

2.7 Demolition requires development consent

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

Comment: The demolition of all structures and vegetation on site was approved pursuant to DA 16/0402.

Part 3 Exempt & Complying Development

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

Part 4 Principal development standards

Comment: There are no principal development standards applicable to this development and the application does not seek an exception to development standards.

Part 5 Miscellaneous provisions

Comment:

Clause 5.10 Heritage conservation The relevant objectives of this clause are to conserve the environmental heritage of Wagga Wagga and conserve heritage significance of heritage items and conservation areas, including associated fabric, settings and views. The site is not listed as a heritage item and is not situated within a heritage conservation area. The adjacent sportsground and croquet club are listed heritage items as is the former flour mill site opposite the subject site in Edward Street.

The application was supported with a Heritage Impact Statement (HIS) to assess the potential impact of the proposed works on the visual setting of the heritage items in the vicinity.

The HIS assessed the existing building on the site as being of relatively simple construction with ad-hoc additions and in poor condition. A significance assessment concluded that the building and site does not reach the threshold for local heritage listing.

Further analysis in the HIS reaches the conclusion that the proposal would not result in any physical impacts to any listed heritage items in the vicinity and visual impacts to the items would be minimal. Primary views to the Croquet Club and Robertson Oval entry gates would be wholly retained and their visual prominence conserved.

It is not considered that the proposed construction of a community facility building would significantly impact on the heritage significance of the nearby sites. The proposed building is sufficiently removed from the listed buildings so as to not detrimentally impact views to and from the sites. Clause 5.10(5) contains provisions that authorise the consent authority to require a heritage management document to assess the extent to which the proposed development would affect the heritage significance of the heritage items in the vicinity. The preparation of such a document would not be required for the subject development.

It is recommended that a condition be attached to any consent to ensure that, should any Aboriginal relics be found during works, the appropriate procedure be followed to report, protect and manage the finds.

It is considered that the proposal is consistent with the objectives of this section.

Part 6 Urban Release Areas

Comment: The site is not located within an urban release area.

Part 7 Additional Local Provisions

Comment:

7.1A Earthworks

The objective of this clause is 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 and to allow earthworks of a minor nature without requiring separate development consent.

Earthworks ancillary to the development for community facility are proposed under this application. The earthworks are within the limits imposed by DCP controls and it could therefore be concluded that as such, they are unlikely to have a detrimental effect on drainage patterns and soil stability. The proposed earthworks are unlikely to have a detrimental effect on amenity for adjoining properties. Conditions about shoring up excavations, erosion and sediment control and protection of the public should be attached to any consent. A standard condition of consent should be attached to ensure that work ceases if any relics are discovered.

7.2 Flood planning

The objectives of this clause are as follows:

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

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.*

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.

A portion of the subject land is mapped as being flood prone, protected by the main levee bank and with a flood level of RL181.5m (100 year). The Council's "Waterride" modelling software illustrates the lowest point of the site, with a flood depth of 1.76m for a 1:100 event, with a band diagonally across the site representing low level flooding, up to 30cm flood depth and the south western corner of the site is not floodprone, according to the modelling. Council is proposing to upgrade the town levee to a 1:100 event protection level which will ensure the site is not floodprone for that event. Council's development engineers advised the proponent that the development could be designed with the assumption that the upgraded levee was in place and in accordance with WWDCP provisions for CBD development.

Given this information, it can be concluded that the proposed development is compatible with the flood hazard of the land and not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

The proposed development has a minimum finished floor level of 225mm above the adjacent boundary levels. The basement access ramp has been located outside the floodprone area of the site as an added protection against basement inundation. In addition, the basement is to be waterproofed to a level of RL181.55m AHD. Furthermore, the stormwater discharge connection from the site is to be installed with a non-return valve to ensure floodwaters are not able to surcharge back into the basement. Finally, the On Site Detention tank is of a size to limit discharge into the basement, in which ponding is modeled at 28mm during a 100 year flood event. These measures are intended to address sections (a) to (e) above and ensure Council can be satisfied about the suitability of the development on this site.

(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.

(5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

Flood Planning Map means the Wagga Wagga Local Environmental Plan 2010 Flood Planning Map.

Editorial note. When this Plan was made there was no Flood Planning Map.

7.6 Groundwater vulnerability

The objective of this clause is to protect and preserve groundwater sources.

(2) *This clause applies to land identified as “Groundwater” on the Water Resource Map.*

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

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

(4) *The following development is specified for the purposes of this clause:*

- a) aquaculture,*
- b) industries,*
- c) intensive livestock agriculture,*
- d) liquid fuel depots,*
- e) mines,*
- f) rural industries,*
- g) service stations,*
- h) sewerage systems,*
- i) turf farming,*
- j) waste or resource management facilities,*
- k) water supply systems,*
- l) works comprising waterbodies (artificial).*

The site is identified as groundwater on the water resource map. The subject development is not development specified for the purposes of this clause therefore this clause does not apply.

Clause 7.9 Primacy of Zone B3 Commercial Core

Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga.

In this regard it is noted that the development is for a community facility and not a commercial use associated with the CBD, and the use will have negligible impact on the primacy of the Wagga Wagga CBD.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 55-Remediation of Land applies to the land. A consent authority must not consent to the carrying out of any development on land unless:

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

The land is not listed as contaminated, according to Council records. Consideration has been given to the history of the site as a sports club. This use is likely to have involved the use of herbicides, pesticides and fertiliser on the lawn greens. The application indicates the removal of approximately 3 metres of soil from the site to excavate for the carpark.

A condition of consent for DA16/0402 (demolition of buildings and vegetation on site) required a preliminary site investigation. At the time of writing this report, the investigation report had not been received. Satisfaction of this condition will need to be undertaken prior to the subject application being commenced.

It is further recommended that the proponent be required to test the soil to be removed in order to ensure its safe disposal. A standard condition of consent addressing this matter will be attached.

State Environmental Planning Policy (Infrastructure) 2007 applies to the land.

101 Development with frontage to classified road

1. *The objectives of this clause are:*
 - a. *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - b. *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
2. *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
 - a. *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - b. *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - i. *the design of the vehicular access to the land, or*
 - ii. *the emission of smoke or dust from the development, or*
 - iii. *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - c. *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject land has frontage to Edward Street/the Sturt Highway, which is a classified road for the purposes of this clause. The land does not have vehicular access to Edward Street and access is gained via Fitzhardinge Street, which is not a classified road.

Council is satisfied that the proposed development would not adversely affect the safety, efficiency or ongoing operation of Edward Street:

- as a result of the design of the vehicular access to the land because the access is from Fitzhardinge St;
- as a result of the emission of smoke or dust from the development as dust mitigation action will be undertaken as a condition of consent during construction and the development, when completed, is not expected to emit smoke or dust;
- as a result of the nature, volume or frequency of vehicles using the classified road to gain access to the development because the nature of vehicles is expected to be small passenger vehicles, 2 mini vans and occasional buses/coaches, the volume is expected to be a very small percentage of the total number of vehicles using Edward Street and the frequency would be similar to the adjacent CBD area.

The proposed PCYC is not a landuse that is sensitive to traffic noise or vehicle emissions. Outdoor areas are located on the north side of the building, furthest from Edward Street.

Further to this, Roads & Maritime Services have recommended some works to the intersection of Edward and Fitzhardinge Streets to improve safety.

104 Traffic-generating development

- 1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
 - a) *new premises of the relevant size or capacity, or*
 - b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- 2) *In this clause, relevant size or capacity means:*
 - a) *in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection-the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- 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.*
- 4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

Under these provisions, the proposal is traffic generating development and was referred to Roads & Maritime Services (RMS) in accordance with these provisions. RMS submitted a response to the referral, which is detailed in Section 79C(1)(d) of this report.

State Environmental Planning Policy - State and Regional Development 2011 applies to the development, requiring that the Joint Regional Planning Panel exercises the consent authority functions of Council as the proposed development is for a community facility over \$5 million. The capital investment value of the proposal is \$15,242,000.

Section 79C(1)(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 (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

Section 79C(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010

The proposed development complies with the development standards of the Wagga Wagga Development Control Plan 2010 as follows:

Section 1 - General

Comment: 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*.

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

1.10 Notification of Development Application

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. Adjoining property owners were notified of the development on 1st September 2016, with submissions due by 26th September 2016. A map and list of notified owners is registered on the file.

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 required advertising and was placed on exhibition in accordance with the provisions. The advertising period was 12th - 26th September, 2016.

One submission was received as a result of the exhibition process and this is addressed in Section 79C(1)(d) of this report.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

Comment:

This section contains controls to ensure the safe and efficient operation of roads within the local government area of Wagga Wagga.

Objectives

O1 *Ensure the safety and efficiency of urban and rural roads.*

O2 *Limit new access points to arterial roads or ensure alternative access is utilised where practical.*

Comment: The proposal is responsive to the objectives.

Controls

C1 *Access should be from an alternative secondary frontage or other non-arterial road*

where possible.

Comment: Access to the site is from Fitzhardinge Street, which is a non-arterial road.

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.

Comment: A Traffic and Parking Assessment was submitted with the application. The report forecasts an overall expected peak demand of 140 vehicles in the evening (6pm to 9pm) and a daytime peak of 120 vehicles in the afternoon period (3pm to 6pm).

The report outlines the methodology for calculating car parking requirements for the development and concludes that the most appropriate rate of parking provision is 20 spaces per basketball court, based on similar developments. The report does not address the other land uses proposed as the WWDCP has provisions for those.

The analysis of future traffic conditions concludes that, following completion of the development, Fitzhardinge Street will continue to operate under a good level of service (as defined in the RMS Guide to Traffic Generating Developments) and that vehicle movements are expected to be spread across the 3 hour periods thereby reducing the impact on local traffic.

The report concludes that the development is adequately provided with parking and that excess evening demand can be catered for with the on-street parking, which is utilized over 80% during the day. Parking accessibility is assessed as compliant with the Building Code of Australia. The report states that the development will increase traffic along Fitzhardinge Street, however this increase is considered to have little negative impact due to the current low traffic volumes and spare capacity of the road, noting the very wide (8m) roadway.

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

Comment: The car parking layout allows sufficient manoeuvring area for vehicles to comply with this control.

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.

Comment: There is no designated loading area provided on site however, the proposed development is not one that would generally require a loading area. The most likely goods to be delivered are foodstuffs and supplies for the proposed café, which would be regular and sporting goods and equipment, which would be irregular. Some office supplies and postage may also be delivered. Smaller delivery vehicles would be able to access the underground car parking and transfer goods via the lift. Larger delivery vehicles would be forced to park on Fitzhardinge Street and utilize the main access to the development.

Given the limited on-street parking in the locality, it would be preferable for deliveries to be made outside regular business hours however it is not considered necessary to enforce this via a condition of consent. There is limited residential land use in the immediate vicinity therefore it is not considered necessary to regulate delivery hours.

C5 Access driveways are to be located in accordance with the relevant Australian

Standard at the time of lodgement of an application.

Comment: The existing access driveway shall be made redundant and a new access constructed. Council's Development Engineer is satisfied the new access driveway is appropriately located.

C6 *Ensure adequate sight lines for proposed driveways.*

Comment: The traffic assessment report states that vehicle movements and speeds are not restricted by roadside intrusions or a lack of driver visibility. Inspection of the site confirms that sightlines are adequate.

2.2 Off-street parking

Objectives

O1 *Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.*

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

O3 *Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.*

O4 *Soften the impacts of larger car parking areas through the use of landscaping.*

O5 *Provide both shade and solar access to car park users by means of purpose designed tree planting.*

The proposed development is generally responsive to the objectives of this section.

Controls - parking rates

C1 *Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.*

Comment: For brevity, the table has not been copied into this report. The application is for a community facility, which is not a listed use in the car parking table.

For the purposes of this provision, the building has been broken down into its elements: offices, café, child care centre, indoor recreation facility.

As discussed in the traffic section above, the table does not list indoor recreation facility or any other use that could be directly compared to the PCYC development proposed. The provisions list "health and fitness centre", which requires parking at a rate of 1 space per 25m² GFA (gross floor area). It is not considered that this would be an appropriate landuse to use for the purpose of calculations as the number of users and floor space utilised is not comparable.

The applicant supplied parking numbers for comparable developments:

Tamworth Sports Dome 6 indoor courts + café, health services - 182 spaces

Sportz Central Coffs Harbour 4 indoor courts + meeting rooms, café -100 spaces

Port Macquarie Sports Stadium 3 indoor courts - 100 spaces

PCYC Waitara Oval 2 indoor courts + gymnastics, café, youth hub - 94 spaces

The area dedicated to basketball courts is provided as 2883.75m². The WWDCP does not provide a parking rate for basketball courts and an equivalent rate is not able to be determined. A search of NSW Council parking controls indicates average rates for indoor sports centres/recreation facilities as 2 spaces/100m² GFA. It is considered that this would be comparable to the subject development. The total floor area of the courts and multifunction activity rooms is 3494.85m², which would generate a parking demand of 70

spaces.

Plans indicate the floor area for office use as 683.7m². Parking rates for office use are listed in the WWDCP at 1 space per 45m² in the CBD. The office component of the development generates a parking requirement of 15 spaces.

The table lists use for a café should be provided with parking at a rate of 1 space per 25m² within the city centre. The total area of the café has been depicted on the supplied plans with a GFA of 111.3m², requiring the provision of 5 car parking spaces. It is considered there would be some shared trips between the café use and other uses on the site.

The PCYC also runs after school care and this is proposed in an area to the front of the site, adjacent to the PCYC offices. This use would be defined under the WWLEP as a child care centre. Parking for such is calculated at a rate of 1 space per 4 children enrolled. There is no information in the submission detailing the expected numbers of children in the centre. Based on floor space, the centre could cater for a maximum of 58 children (Education and Care Services Regulation 2011 requires 3.25m² indoor space per child), thus requiring 15 car spaces. It is noted that the rates for child care centres are calculated based on children being delivered and collected by carers and that many of the children attending the proposed centre for out-of-school-hours care are likely to utilize the PCYC mini-bus.

The total parking requirement calculated for the development is as follows:

- Indoor recreation - 70 spaces
- Office - 15 spaces
- Café - 5 spaces
- Child care - 15 spaces.

Total parking requirement is calculated as 105 spaces. The proposed development indicates underground parking for 121 spaces, which satisfies the objectives, is consistent with the calculations above and is comparable to similar sized facilities in other regional areas.

In addition to the car parking provided, there is bicycle parking indicated at the front of the building adjacent to the northern entrance.

C2 The design and layout of parking is to be in accordance with the relevant Australian Standard at the time of lodgement of an application.

The plans indicate compliance with the relevant Standard however it is recommended that a condition be attached to any consent to require that the Standards be complied with.

C3 Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with the relevant Australian Standard at the time of lodgement of an application.

The proposed development makes provision for 6 parking spaces for disabled persons. These are located centrally in the basement, with direct access to the lift.

C4 For mixed use developments, the parking required is the total of requirements for each use. Variations can be considered where it can be demonstrated that the peak demand for each land use component is staggered or that development as a whole generates less parking than separable parts.

See calculations above.

C5 Not applicable to this proposal

C6 Not applicable to this proposal

C7 Variations to the parking requirements may be considered where minor alterations and additions are proposed and the changes do not encroach or reduce the current off-street parking spaces.

The application does not seek a variation of parking requirements.

C8 A traffic and parking study may be required for certain proposals, including but not limited to proposals for schools and other education uses including child care centres, business parks, hospitals, cinemas and gyms.

A traffic and parking assessment was submitted with the development application.

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

Controls 9 to 11 apply to above ground parking areas. The proposed parking area is underground and the controls are not applicable.

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

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

2.3 Landscaping

Objectives

O1 Promote designed landscapes as part of a fully integrated approach to site development within residential, industrial and commercial areas.

O2 Retain and protect existing vegetation, particularly large and medium trees, and conserve significant natural features of the site.

O3 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.

O4 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.

O5 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.

The proposed landscaping is generally responsive to the objectives.

C1 A landscape plan is required for applications for:

- *Commercial and Industrial developments*
- *Residential development (other than dwelling houses).*

A satisfactory landscape plan was submitted, indicating suitable embellishment of the site and a planting schedule. Street tree planting was indicated to continue the established theme of the street. Standard conditions of consent relating to street trees and

landscaping should be attached to any consent to ensure compliance with Council standards.

C2 Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.

There are no natural features remaining on the site.

C3 Use native and indigenous plants, especially low water consumption plants in preference to exotic species.

The selected species are a combination of native and exotic species and are generally low water use plants.

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

The indicative landscape plan indicates satisfaction of this control.

C5 Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.

The indicative landscape plan indicates satisfaction of this control. The perimeter of the site is turfed. The perimeter of the children's outdoor playspace is landscaped to provide shade and privacy and the site frontage is shown to be softened with native grasses. 9 new street trees are also proposed to be planted along Fitzhardinge Street adjacent to the development.

C6 Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.

The proposed landscaping serves the purpose of embellishment of the site and will provide some protection of the western elevation from afternoon sun.

2.4 Signage

The submitted plans indicate a feature sign at the front entrance to the proposed building in Fitzhardinge Street and a feature sign on the Edward Street elevation. The signs are considered to be building identification signs.

The application indicates that the building may be occupied by external tenancies and some or all of these may require signage. It is recommended that the proponent develop a signage strategy to ensure that future signage integrates with the building and this is recommended as a condition of consent.

Objectives

O1 Complement the SEPP 64 and provide more detailed controls that reflect the environmental conditions and character of the local government area of Wagga Wagga

O2 Support a consistent approach for signs and advertising across the local government area of Wagga Wagga.

O3 Allow reasonable opportunities for signs and advertising associated with business and tourism developments.

O4 Ensure signs do not detract from the urban or rural landscape.

O5 Minimise visual clutter from the proliferation of signs and advertising and from poor rationalisation of signs.

O6 *Clarify where signs will not be supported or encouraged.*

The proposed signage is generally responsive to the objectives

General controls for signage and structures

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.*

Both proposed signs directly relate to the proposed land use for a PCYC community facility.

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

The Fitzhardinge Street sign is proposed as an “artistic, sculptural design” which is depicted as a concept only on the submitted plans. Further details of the signage should be submitted to Council for consideration prior to construction and it is recommended a condition to this effect be attached to any consent.

The Edward Street sign is in the form of graphics applied to the southern wall and is considered to complement the modern form of the building as well as create visual interest.

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 signs complement the building and do not obscure any features.

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 signs are very large and scaled to the large building.

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

Not applicable as signs are not within panels.

C6 *Must be securely fixed and maintained in a structurally adequate and safe manner.*

This requirement can be secured via a condition of consent.

C7 *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 Fitzhardinge Street sign is shown as red in the plans, which would align with its sculptural form, however further details will be sought when the final design of the sign is submitted.

The proposed Edward Street sign is shown to be the same colour as the background which would comply with this control.

C8 *Corporate colours should be limited to the signage or [sic].*

The corporate colours of PCYC NSW are limited to the signage, in compliance with this control

C9 The illumination of signage and structures by low set floodlighting is preferred, rather than the use of neon or boxed fluorescent lighting on buildings.

Illumination of the proposed signage was not detailed in the submitted plans. Details regarding illumination will come with the future plans for the Fitzhardinge Street sign. A standard condition requiring that lighting must not reduce amenity for adjoining landuses is recommended to be attached to any consent.

C10 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 to this proposal.

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 indicative location of the Fitzhardinge Street sign is within the front setback and amongst the landscaping so is not likely to endanger public safety. Standard conditions will dictate levels of illumination.

The proposed Edward Street sign will address the highway and be subject to standard conditions relating to highway safety.

Wall Signs

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

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

This control is satisfied with the proposal for one sign on each street elevation.

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

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

The proposed signs are integrated with the design of the building. No advertisements are proposed therefore a, b and c above are not applicable.

Controls 20 to 24 are satisfied as the proposal is for a new building with integrated signage.

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

C21 *Must not protrude above the parapet or eaves.*

C22 *Must not cover mechanical ventilation vents.*

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

C24 *Must not obscure significant architectural elements of the building.*

2.5 Safety and security

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

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

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

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

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

Objectives

O1 *Incorporate crime prevention strategies in new developments.*

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

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

The proposal is generally responsive to the objectives.

Controls

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

The site is planned so as to clearly define public, semi-public and private areas in the following ways:

- Entry to the carpark is controlled
- There are 2 entrances to the building, both into large foyers with reception areas so all entry to the building is surveyed. Other openings are for egress only.
- Amenities are centrally located, not isolated

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.*

The proposed design complies with this control. The building has 2 street frontages, with

landscaping and paths clearly indicating the main entrances.

C3 Minimise blank walls along street frontages.

The proposed design complies with this control. The Edward Street frontage is embellished with signage and glazing features.

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

The open nature of the building and limited access ensures the development complies with this control.

C5 Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.

Lighting is not detailed in plans however, as previously mentioned in this report, a standard condition of consent ensuring the Australian Standards are met is recommended to be attached.

C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.

The proposed planting and fencing is considered to enhance the development and assist in leading users to the entrance. Areas of natural surveillance are not considered to be compromised.

C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.

The site does not provide a pedestrian through route.

C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.

The site does not contain public toilets or rest areas.

2.6 Erosion and Sediment Control Principles

Standard conditions of consent will be attached to any consent to ensure compliance with the objectives. A satisfactory sediment and erosion management plan was submitted.

2.7 Development adjoining open space

Objectives

- O1 *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.*
- O2 *Encourage positive visual and physical relationships between private developments and public areas and reserves.*

The proposed development is consistent with the objectives.

Controls

C1 Private developments are not to gain access across public open space.

The development does not require access across public open space.

C2 Materials are not to be stored on public land.

There is ample room on site to store materials within the boundaries. It is recommended that this be reinforced with a condition of consent.

C3 Design, massing, scale and materials to be compatible with the amenity, views and outlook from the open space area.

This control was discussed with the PCYC development team at preliminary meetings. The proponent's response in the SEE was:

- The oval arcs away from the proposed development and subject site with increasing separation as one heads towards the south of the subject site
- At its closest point, the view to the oval is significantly obstructed by the light tower and multilevel building
- The design of the proposed development maximises its utility for the wider community and not for the occasional use of Robertson Oval
- Concept plans for the development of the site within the Robertson Oval Master Plan document indicate the building mass being located towards Fitzhardinge Street and not orientated toward the oval
- The possibility of providing viewing areas that overlook Robertson Oval was a key discussion point within the project team however due to the configuration of the oval and the PCYC facility it was considered that the two different functions were not compatible.

It is considered that the building as proposed will function independently of the adjoining oval. The main views to and from the oval are maintained and the scale of the development is considered appropriate in relation to the adjoining precinct.

C4 Landscaping is not to encroach into any public reserve.

Landscaping as proposed is contained to the site.

Section 3 - Heritage Conservation

Comment: The site is not identified as having Aboriginal or non-Aboriginal heritage significance. Impacts on nearby listed heritage items were assessed and found to be minimal. See comments in Section 5 of the LEP section of this report.

There are no controls relevant to the proposed development in this section.

Section 4 - Environmental Hazards and Management

Comment: The site is not bushfire prone but is partially floodprone (see comments on flood zone in LEP section above).

Section 5 - Natural Resource and Landscape Management

Comment: The controls do not apply to the subject development.

Section 6 - Villages

Comment: The site is not located in a village.

Section 7 - Subdivision

Comment: The proposal is not for subdivision.

Section 8 - Rural Development

Comment: The site is not in a rural area.

Section 9 - Residential Development

Comment: The site is not in a residential area.

Section 10 - Business Development

Comment: The site is not in a business/commercial area.

Section 11 - Industrial Development

Comment: The subject site is not within the industrial zone.

Section 12 - Specific Uses and Developments

Comment: The proposed development includes a child care centre, which is a land use specified in this section. The proposal is for Out-Of-School-Hours care (OOSH), which provides before and after school care in addition to holiday programs for primary school aged children.

Objectives

- O1 *Encourage child care centres to be located on corner sites and sites parking and access to the centre can be easily managed[sic].*
- O2 *Protect the amenity of adjoining land uses through good site planning, landscaping and layout.*
- O3 *Enhance the streetscape and provide a visually attractive buffer between the street and building/ car park.*
- O4 *Provide children with learning and educational opportunities through landscaping initiatives such as flower beds and vegetable gardens.*

The proposed child care centre is responsive to the objectives. It is noted that this section addresses the traditional child care model and some controls are not relevant to OOSH care.

Controls

- C1 *Provide adequate space to allow for drop off and parking requirements within the development site.*
- C2 *Design and locate set down, pick up and parking areas to be visible from the road but to maintain the amenity of adjoining properties.*

Generally OOSH students are collected from their school/s and delivered to the centre in the PCYC mini van/s. The development accommodates the parking of the 2 vans. At the end of the session, which is generally after business hours, the street parking will be available to carers whilst they collect the children. This was considered in the calculation of car parking requirements for the site.

C3 The front setback is to include a 2m landscape strip. Landscape buffer areas may be required to side boundaries.

The site is proposed to be adequately landscaped - see discussion in DCP Section of this report.

C4 Design and locate outdoor activity areas to maximise the natural site features, including climate considerations such as avoiding afternoon sun but take advantage of cooling breezes in summer. All playgrounds must be capable of supervision at all times.

The outdoor activity area is located in accordance with this provision.

C5 Outdoor play areas are to be fenced on all sides. The fencing is to be at least 1.8m in height, and to be equipped with child proof self locking mechanisms. The fence should be designed to prevent children scaling or crawling under.

The outdoor activity area is to be fenced in accordance with this provision.

C6 The outdoor play area is to include an undercover space that is large enough for use during wet weather and to provide protection from the sun.

Protected undercover areas are proposed.

C7 Design outdoor play areas to include a range of opportunities for developmental play.

The details of the outdoor play area have not been submitted to Council. Other authorities will assess the suitability of the play areas as part of licencing requirements.

C8 Landscaping, mounding and fencing treatments may be required where there is potential for adverse amenity impacts to adjoining properties. This could include using landscaping to contain outdoor play areas or lapped metal or masonry fencing.

C9 Locate play equipment such as cubby houses, trampolines and slides not to overlook neighbours properties. Shade structures should not be located where they will be elevated in relation to boundary fences where they could cause visual or shadow impacts.

There are no residential properties adjoining the subject site. The proposed child care centre will have negligible impact on adjoining and adjacent landuses in terms of visual, privacy or shadow impacts.

C10 Use vegetation that is non-allergenic and sensitive to water restrictions.

Landscaping is proposed using a mix of native and non-native, low water use species.

Selected species are low allergenic.

Section 13 - Bomen Urban Release Area

Comment: The site is not within the Bomen Urban Release Area.

Section 14 - Boorooma Urban Release Area

Comment: The site is not within the Boorooma Urban Release Area.

Section 15 - Lloyd Urban Release Area

Comment: The site is not within the Lloyd Urban Release Area.

Section 16 - Gobbagombalin Urban Release Area

Comment: The site is not within the Gobbagombalin Urban Release Area.

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

The proposed development will be required to comply with the Building Code of Australia and prescribed conditions of consent will be attached.

Section 79C(1)(b) - likely impacts of that development

Context & Setting The site is annexed to the Robertson Oval precinct, which is a central recreational hub in the City. The proposed use is considered to be compatible with adjoining uses.

The proposed building is modern in design and will add a distinctive flavour to the local character. The development makes use of a derelict site that has become an eyesore in the streetscape, providing a community facility that will activate the street and provide a valuable service to the community.

The proposed building is designed with little overshadowing impact on nearby buildings with most shadow contained to the site or impacting the adjacent roads. Impacts from the structure to nearby properties are considered to be negligible.

The proposed development is centrally located to enable good access to patrons using private vehicles, public transport and for pedestrians and cyclists.

Traffic, access and parking The proposed development is expected to increase vehicular and pedestrian traffic generation to the site. It is considered that the existing road network is capable of managing the traffic increase.

Parking requirements have been calculated according to the proposed uses on the site and the proposed onsite parking satisfies the requirements. Parking is located underground, with suitable access off Fitzhardinge Street. Adequate parking spaces have been provided, according to calculations based on the DCP requirements. There are 6 disabled car spaces proposed, with access to the lift in the basement.

Analysis of the impact of the development on the Fitzhardinge Street/Edward Street intersection is not comprehensive but the traffic report indicates that Fitzhardinge Street would continue to operate at a good level of service. The RMS have requested further detail in this regard and some works to improve safety. Comments and recommended conditions are detailed in S79(1)(d) of this report.

The RMS noted that a pedestrian footpath currently runs along the footpath reserve of the Sturt Highway crossing Fitzhardinge Street at the intersection. Due to the anticipated increase in both pedestrian and vehicular traffic within the precinct as a result of the proposed development and the current width of the carriageway RMS considered it appropriate for pedestrian safety reasons that Fitzhardinge Street, at its intersection with Edward Street, be treated to reduce the travel path of pedestrians on the carriageway. This is further detailed in S79C(1)(d) of this report.

The proposed development is located within a recreational precinct adjacent to the city centre therefore it is accessible, with many options for car parking in the locality, regular public transport services and good footpath connectivity. Pedestrian access to the site is safe, being removed from the vehicular access and provided with ramps for full accessibility.

Hours of operation The application seeks approval for operating hours of 6am to 10pm, which will be supervised by on-site staff. The Statement of Environmental Effects advises that classes and matches would be expected to be held between 7am and 9pm. Given the findings of the acoustic assessment and the location of the development adjacent to the highway and CBD, no objections are raised to the proposed hours and it is recommended these are secured by way of a condition of consent.

Heritage Heritage matters have been addressed earlier in this report. It was concluded that the proposed development would have negligible impact on the heritage significance of nearby heritage items.

Landscaping Quality landscaping is proposed to enhance the development and its presentation to the streetscape. Extensive street tree planting is also proposed, providing further community benefit. Existing tree planting along the southern boundary is retained and removal of vegetation on site was approved under the previous demolition consent.

Construction Construction of the development is likely to be disruptive in the vicinity of the subject site. Any impacts will be temporary and short term and there are no long term impacts from construction that raise concern.

Utilities The site was previously serviced with all necessary utilities and these can be re-connected for the purpose of this proposed development.

Although some questions were raised during internal referrals about the capacity of the

existing systems to service the development as proposed, it is considered that any requirements can be addressed through conditions of consent.

Waste Demolition of the existing building was approved under a separate consent. Removal of soil from the site should be controlled, with conditions of consent recommended to require soil testing and appropriate disposal.

Once operational, the development will utilize a private contractor for waste management.

Soils, soil erosion Standard conditions of consent are recommended to ensure erosion and sediment control.

Noise & vibration Construction and site works will increase noise and vibration in the immediate vicinity in the short term. Conditions of consent relating to hours of work and construction management should help to mitigate the impact and provide nearby occupants certainty about works.

There are some remaining residential properties on the western side of Fitzhardinge Street (zoned B3 Commercial Core) and there is a residential development opposite the site on the southern side of Edward Street (the Sturt Highway), known as The Mill. The Mill was recently approved and residential units have been designed with noise mitigating features given the location adjacent to the highway and main southern railway line.

Once operational, it is not expected that the development would substantially increase noise to a detrimental level. The site is adjacent to the Sturt Highway and to the CBD so already experiences the subsequent ambient noise levels.

An acoustic assessment was undertaken and existing background noise levels recorded. The report made some recommendations for construction materials, in particular glazing, entry doors, walls and ceilings. The report concluded that, with management controls in place, the proposed development was capable of complying with the noise emission goal of background noise plus 5dB(A) L_{eq}. As plant has not yet been selected, it was recommended that it be assessed at Construction Certificate stage. The assessment concluded that traffic related to the proposed development would not be expected to cause a noticeable increase in traffic noise to the nearest residential receivers.

Air and microclimate The development is not expected to detrimentally impact air quality or microclimate/s once operational. Standard conditions of consent for construction will ensure dust suppression and other mitigation of impacts.

Flora and Fauna The site has not been identified as habitat and is not considered likely to impact on flora and fauna in the vicinity. Furthermore the site is within the Biocertified area of the Wagga Wagga Local Environmental Plan 2010. Development on biodiversity certified land is taken, for the purposes of Part 4 of the Planning Act, to be development that is not likely to significantly affect any threatened species, population or ecological community under this Act, or its habitat.

A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Planning Act, is not required to take into consideration the likely impact of the development on biodiversity values (despite any provision of the Planning Act or any regulation or instrument made under that Act).

Energy The application was accompanied by an Environmental Sustainability Plan, which details the proposed methods to achieve greenhouse gas and energy reduction, potable water savings, improved indoor environmental quality, material and construction advice and sustainability initiatives. The proposed new building has been designed to reduce water and energy usage. Air conditioning is evaporative, enabling fresh external air to be circulated when conditions are appropriate. Thermal mass, high levels of insulation and sealing are employed to reduce heat loss and gains. Glazed areas with sun shades improve comfort levels and can be opened to circulate fresh air.

Natural hazards - Flooding - Bushfire Prone Area Map The site is not bushfire prone, according to Council's GIS system. The site is floodprone, according to the mapping and the proponents consulted extensively with Council's engineers prior to lodgement. Flooding issues were discussed earlier in this report, concluding that the development as proposed is compatible with the floodprone nature of the property and would not increase risks to the nature and behavior of floodwaters.

Technological Hazards The site was formerly in use as a bowling club, with 2 bowling greens. This use dates back to the early twentieth century. Bowling greens are subject to extensive use of fertilizers, insecticides and herbicides hence are listed as potentially contaminating uses. A preliminary site investigation was required by Council as part of the previous DA for the site, for the clearing of the site in preparation for the subject development. The results of that investigation are not available at the time of writing this report. It is noted that the subject development includes an underground carpark and that a significant amount of soil will be removed from the site during excavation. It is vital that this soil be tested and disposed of appropriately and it is recommended that this be secured by conditions of consent.

Social and Economic Impact in locality The PCYC performs an important social role in the community and is currently based in an ageing facility removed from the CBD. The proposed development will enable the organization to substantially improve the accessibility and range of services it provides so is considered to have substantial social benefits to the community. The location is within a recreational precinct, with linkages to the Oasis swimming centre, Bolton Park grounds, tennis centre and good connectivity to the city centre.

The application did not detail whether the development would increase employment by the organization however it does provide certainty for those currently employed by PCYC. The construction and fitout of the building will provide short term employment in the building industry and it is expected there would be a number of multiplier effects from the development on the local economy.

The development also provides the benefit of developing a disused, derelict site at the entrance to the CBD, which will improve the appearance and consumer confidence.

The after school care service provides children with a safe, supervised and productive environment, helping them form community bonds, try new activities and keeping them supervised when they may otherwise be left to their own devices whilst carers are at work.

Overlooking - overshadowing The proposed development is not designed so that it would overlook any sensitive landuses. Shadow impacts are contained within the property

and the adjacent road reserve.

The Principles of Ecologically Sustainable Development The Environmental Sustainability Plan submitted in support of the application demonstrates that the proposed development is consistent with ESD principles.

Section 79C(1)(c) - the suitability of the site for the development

This assessment report has demonstrated that the development is compatible with adjoining uses and that there are no site constraints that would render the site unsuitable for the proposed development. The proposed development is consistent with the zoning of the site. An assessment of the development against the applicable codes of the Wagga Wagga Development Control Plan 2010 demonstrates that the proposed development will not cause significant adverse impacts on the existing built environment, or local character and amenity.

Section 79C(1)(d) - any submissions made in accordance with the Act or the regulation

Referrals

This application has been assessed by relevant Council planning, building, environmental, and other technical officers as required.

Comments were received from Council's Senior Traffic Officer, expressing concern about the proposed bus bay and kerb bulbs at the front of the development. The proponent has removed this aspect of the development from the proposal therefore the concerns of the traffic section have been addressed.

Comments were received from Council's Commercial Sector - Operations section with regard to sewer and stormwater connections. Suitable conditions to address the appropriate location and treatment of sewer and stormwater are recommended.

Council's Environmental section requested a condition for the sampling of soil prior to removal from the site and this has been attached.

Council's Development Engineer did not provide comment but supplied recommended conditions for any consent and these have been incorporated into the set of conditions attached to this report.

The application was referred to the Roads & Maritime Services (RMS) in accordance with the Infrastructure SEPP and Council's own policies for development adjacent to classified roads and a response was received, with some comments about the development and a list of recommended conditions.

RMS made no objection to the development proposal subject to the development being undertaken in accordance with the submitted plans and supporting documentation and subject to conditions of consent relating to works within the road reserve, improvements to the intersection of Fitzhardinge Street and Edward Street, stormwater runoff, construction management plan, signage. The submission also made some suggestions regarding onsite parking and pedestrian access to and within the site. The recommended conditions of consent are concurred with and are attached to this report. The draft conditions for the

consent have been communicated to the applicant in order to resolve any issues prior to the Panel meeting.

Submissions

One submission was received in response to the notification and exhibition of the application. The submission was made on behalf of the Croquet Club adjoining the site to the north.

The submission did not make objection to the proposal but raised concerns about the loss of on-street parking, given the pressure on parking in the precinct.

The submission further raised concern about the bus parking area to the north of the site and the resultant increased traffic flows. Concern was raised that, as a result of the development, the available parking would be removed altogether. A further issue raised was whether the existing access has room for the buses to turn. Finally, the submission made a number of suggestions that would alleviate the parking problems experienced by the Croquet Club.

Comment: This matter was addressed by the proponent who removed the bus parking bay from the front of the site via a letter of request. A condition of consent is recommended to enact the request.

The turning path appears to comply with the Design Turning Path for a small rigid truck, according to Australian Standard Templates

The matters of the retention of parking in the access path and the suggestions for a parking permit system, use of Council land for parking and the provision of a disabled on street car parking space are not able to be addressed in the assessment of this development application. It is understood that the Club have submitted the same requests to Council's Traffic Committee, which is an appropriate body to consider the matters.

Section 79C(e) - the public interest

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

Section 79B(3)

The proposed development will have no significant impact on ecological values and a species impact statement is not required.

Council Policies

Not applicable.

Development Contributions - Section 94/94A Environmental Planning and Assessment Act 1979 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 94A of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Levy Contributions Plan 2006 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

The cost of works is put at \$15,242,000 in the Cost Summary Report. The levy is 1% of development cost. $15,242,000 \times 1\% = \$152,420$.

A Section 94A contribution of **\$152,420** 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.

The proponent has advised that the PCYC wishes to seek a review of the requirement to pay contributions under Section 94A and has requested that any contribution calculated be required to be paid prior to Occupation Certificate (OC).

Pursuant to clause 146 of the Regulation (see below), a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it is satisfied of compliance with any condition requiring the payment of a levy before work is carried out in accordance with the consent.

The certifying authority must cause the applicant's receipt for payment of the levy to be provided to the Council at the same time as the other documents required to be provided under clause 142(2) of the Regulation.

146 Compliance with conditions of development consent

A certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless each of the following have been complied with:

- a) each condition or agreement requiring the provision of security before work is carried out in accordance with the consent (as referred to in section 80A (6) of the Act),*
- b) each condition requiring the payment of a monetary contribution or levy before work is carried out in accordance with the consent (as referred to in section 94 or 94A of the Act),*
- c) each other condition of the development consent that must be complied with before a construction certificate may be issued in relation to the building work or subdivision work.*

Council officers do not have delegation to amend or waive contributions so this matter will need to be considered by the Panel. The relevant condition requiring a contribution under this section has been recommended to be attached in the "Prior to Release of Construction Certificate" in accordance with staff delegations however the Panel, acting in the role of Council as consent authority, may consider the request from the proponent.

Section 64 of the Environmental Planning and Assessment Act 1979, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and City of Wagga Wagga Development Servicing Plan for Sewerage 2006 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

Stormwater Calculations

The site hosts a building, carpark and various outbuildings with an impermeable area of 829m², according to the submitted Stormwater Management Report. The proposed impermeable area is 6312m².

Proposed impact - existing impact = 6312 - 829 = 5483

Development Servicing Plan (DSP) area - West of Willan's Hill = \$3007

5483/800 x 1/0.74 x 3007 = **27850.31 base figure**

Apply CPI 27850.31 x 108.9/87.9 = **\$34503.97 payable**

Sewer Calculations

The previous use was a licenced sports club. The Water Directorate Guidelines do not provide a Sewer ET for this use and suggest that the separate uses be considered.

1ET = \$3538

Existing Impact: Using a floor plan of the clubhouse, the building was separated into 3 uses for the purposes of sewer impact: food preparation, office and bar.

Food preparation: $88.9\text{m}^2 \times 0.05\text{ET} = 4.445\text{ET}$

Office: $22.7\text{m}^2 \times 0.01\text{ET} = 0.227\text{ET}$

Bar: $589.5\text{m}^2 \times 0.05\text{ET} = 29.475\text{ET}$

Total 34.147ET

$34.147 \times 3538 = \$120812.01$ existing impact

Proposed Impact: Using the floor plan of the proposed building, the development was separated into 4 uses for the purposes of sewer impact: sporting facilities (public amenities), office, café, childcare centre (primary & secondary)

Indoor facilities: showers x 8 + toilets x 24 = $32 \times 0.63\text{ET} = 20.16\text{ET}$

Office: $683.7\text{m}^2 \times 0.01\text{ET} = 6.837\text{ET}$

Café: $111.3\text{m}^2 \times 0.01 = 1.113\text{ET}$

Childcare Centre: Max 58 children + staff (no NSW regulations - say 1 staff per 10 children = 6 staff) = total 64 people $\times 0.05\text{ET} = 3.2\text{ ET}$

Total 31.31ET = \$110774.78 proposed impact

Proposed - Existing = $110774.78 - 120812.01 = -10037.23$ which is a negative figure therefore no sewer contribution is payable

REFERRALS:

Building Surveyor:- Yes - recommended conditions attached

Plumbing Inspector: - Yes - recommended conditions attached

Development Engineer:- Yes - recommended conditions attached

Environmental Officer: - Yes - recommended conditions attached

Parks & Recreation Officer:- Yes - recommended conditions attached

Other Approvals

No other approvals were sought.

CONCLUSION:

This proposal, a community facility (PCYC) at 11 Fitzhardinge Street, Wagga Wagga, is

generally consistent with the objectives and controls for buildings in the recreation and CBD area. This application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wagga Wagga Local Environmental Plan 2010 and all relevant Council DCPs, Codes and Policies. Having regard for the information contained in this report it is recommended DA16/0477 be approved subject to suitable conditions of development consent.

RECOMMENDATION

It is recommended that DA16/0477 for Community Facility 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 No.	Plan/Doc Title	Prepared by	Date
	Statement of Environmental Effects	Stimson & Baker Planning	August 2016
	Stormwater Management Report	Wood & Grieve Engineers	08.08.2016
	Traffic & Parking Assessment	Taylor Thomson Whitting	12.08.2016
	Heritage Impact Statement	Urbis	August 2016
	Environmental Sustainability Plan	Wood & Grieve Engineers	12.08.2016
	DA Acoustic Assessment	Acoustic Logic	29.07.2016
DA0000	Proposed New PCYC Wagga Wagga - Cover Sheet	Allen Jack + Cottier	17.08.2016
DA0101	Proposed New PCYC Wagga Wagga - Shadow Diagrams	Allen Jack + Cottier	17.08.2016
DA0201	Proposed New PCYC Wagga Wagga - 3D Perspectives	Allen Jack + Cottier	17.08.2016
DA1001	Proposed New PCYC Wagga Wagga - Site Plan	Allen Jack + Cottier	17.08.2016
DA1002	Proposed New PCYC Wagga Wagga - Site Analysis	Allen Jack + Cottier	17.08.2016

DA2101	Proposed New PCYC Wagga Wagga - Basement Plan	Allen Jack + Cottier	17.08.2016
DA2102	Proposed New PCYC Wagga Wagga - Ground Floor Plan	Allen Jack + Cottier	17.08.2016
DA2103	Proposed New PCYC Wagga Wagga - Level 1 Plan	Allen Jack + Cottier	17.08.2016
DA2104	Proposed New PCYC Wagga Wagga - Roof Plan	Allen Jack + Cottier	17.08.2016
DA3101	Proposed New PCYC Wagga Wagga - Elevations Sheet 1	Allen Jack + Cottier	17.08.2016
DA3102	Proposed New PCYC Wagga Wagga - Elevations Sheet 2	Allen Jack + Cottier	17.08.2016
DA3201	Proposed New PCYC Wagga Wagga - Sections	Allen Jack + Cottier	17.08.2016
3466.LD .01	Wagga Wagga PCYC Master Plan - Landscape Plan	Environmental Partnership (NSW)	August 2016
3466.LD .02	Wagga Wagga PCYC Master Plan - Sections	Environmental Partnership (NSW)	August 2016
3466.LD .03	Wagga Wagga PCYC Master Plan - Landscape Details 1	Environmental Partnership (NSW)	August 2016
3466.LD .04	Wagga Wagga PCYC Master Plan - Landscape Details 2	Environmental Partnership (NSW)	August 2016

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

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

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

Prior to release of Construction Certificate

2. **Prior to the issue of the Construction Certificate a signage strategy must be submitted for the whole of the development. The strategy must cover the location, size, style and illumination of all signage areas associated with the development. The approved signage strategy will subsequently apply to all future tenancies occupied within the development. Any variation from the approved strategy will be subject to a subsequent Development Application.**

REASON: To enable Council to assess the overall impact of signage within the development. Section 79C (1)(a) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. **Prior to the issue of the Construction Certificate, details of the proposed sculptural sign within the building setback area of the western elevation of the building shall be submitted for the approval of the General Manager, or their delegate.**

REASON: To enable Council to assess the overall impact of signage within the development. Section 79C (1)(a) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. **Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.**

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.

5. **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.

6. **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.

7. **Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*, a levy in the amount of \$152,420 must be paid to Council prior to the issuing of the Construction Certificate unless, before the time due for payment, the applicant and the Council enter into a legally binding agreement for the applicant to provide works-in-kind or any other material public benefit(s) to the Council in part or full satisfaction of the levy. This amount is to be adjusted 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.**

NOTE 1: Clause 11 of the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006* provides for Section 94 contributions to be indexed in accordance with the Consumer Price Index - All Groups (Sydney) published by the Australian Bureau of Statistics.

NOTE 2: The figures outlined in this consent are based on the applicable rate of CPI at the time of consent which is 110.4/95.6. 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: Section 94A of the *Environmental Planning and Assessment Act 1979* and the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*, authorise the imposition of this condition in relation to the development the subject of this consent.

8. **Prior to the issue of Construction Certificate the developer must lodge a bond with Council of:-**

\$5000 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee of \$58.

NOTE 1: Applicants will be required to reference the INDIVIDUAL kerb and gutter bond number (BKG 0580) when lodging bond monies. Please reference the BKG number on the application form which is available from customer service and on council's website under the planning tab > document quick links > applications / or

alternatively reference BKG number when making electronic payment.

NOTE 2: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 3: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 4: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 5: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

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

9. 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 NIL**
The Section 64 Sewer contribution (updated by the CPI) required to be paid is NIL

NOTE 6: **The Section 64 Stormwater base figure is \$27,850.31**
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$34,503.97

NOTE 7: **Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.**

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).

10. Prior to the issue of a Construction Certificate stormwater drainage shall be designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and full supporting calculations shall be provided in the form of a report. The report shall give consideration to the capacity of the downstream stormwater system and overland flows to ensure there are no negative impacts on the downstream stormwater system or downstream properties.

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

11. The establishment of street trees in accordance with the approved plan referred to in Condition 1 shall be carried out at full cost to the applicant.

Works shall be carried out by Council or a contractor approved by WWCC. Works include the supply, planting and two years maintenance for each street tree. Street trees are to be supplied in pot sizes ranging from 45ltr to 100ltr dependant on availability, with 45ltr being the minimum pot size.

As street trees will become an asset Council, if the applicant chooses to engage a contractor the following information is to be supplied for review and approval by Council's Supervisor of Tree Planning and Management prior to the release of the Construction Certificate:

- (1) Company trading name**
- (2) Contractor's license number**
- (3) Relevant experience of company**
- (4) Relevant qualifications of key staff undertaking the works**

If the applicant chooses to engage a contractor to undertake the street tree planting then a bond of \$500 per street tree is required to be paid to Council prior to the release of the Construction Certificate. Installation can only occur during the next available planting season (May-August).

If the applicant chooses to engage WWCC, they are to pay to Council a fee of \$500.00 per street tree proposed for installation prior to the release of the Construction Certificate.

Using this fee Council will undertake the supply and installation of containerised stock, and will maintain them for a period of two years following installation. Installation will occur during the next available planting season (generally May-August each year).

NOTE: The fee per street tree will be in accordance with the figure nominated in this condition or in accordance with Council's adopted Revenue and Pricing Policy at the time of payment of this fee whichever is the greater.

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

12. Prior to the release of a Construction Certificate, the proponent shall submit amended plans of the development, formally deleting the proposed bus bay on Fitzhardinge Street and reinstating the marked on-street vehicle parking.

REASON: To ensure that existing parking is retained. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

13. Prior to release of the construction certificate, stormwater plans shall indicate the requirement for the installation of a Gross Pollutant Trap (GPT) prior to stormwater discharging to Council's stormwater system. Plans and specifications of the GPT shall be forwarded to Council for approval.

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.

14. Prior to the issue of a Construction Certificate, a pavement report shall be prepared for the length of the laneway adjacent to the northern boundary of the site. The report shall be prepared by a qualified Geotechnical Engineer and shall include the following:

- Assessment of the existing pavement
- The impact of the additional traffic using the laneway as a result of the development
- Assess the need for any pavement upgrade or rehabilitation works in the laneway and provide pavement construction options if required

The report shall be submitted to the General Manager, or their delegate, for review prior to the release of the Construction Certificate.

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.

15. Prior to the issue of a Construction Certificate, the proponent shall submit a Construction Management Plan to the satisfaction of the General Manager or their delegate. The plan shall address demolition and construction activity, access and parking and should ensure that:

- suitable provision is available on site for all vehicles associated with the construction of the development;
- there is no need to access the site, park within or load/unload from the road reserve of the Sturt Highway (HW20);
- there is no storage of materials within the highway road reserve;
- appropriate signage and fencing is installed and maintained to ensure compliance with the above.

REASON: To maintain the level of safety, efficiency and maintenance of the public road network and respond to a public submission. Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*, as amended.

16. 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 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.

17. Prior to issue of the Construction Certificate detailed plans and elevations of the food and drink preparation areas shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2015 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.

18. 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.

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

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

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

All conditions of the approval must be complied with.

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

Prior to Commencement of Works

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

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

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

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

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

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

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

21. 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.

22. 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.

23. 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.

24. 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 2.6 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.

25. Prior to works commencing, sampling of soil from the former bowling greens shall be carried out for the purpose of ensuring that the investigation areas do not comprise contaminated land. A Site Investigation Report detailing the investigations and the results and analysis of the sampling shall be provided to Council for the consideration and approval of the General Manager, or their Delegate. The Report shall confirm any soil to be removed from the investigation areas is free from contamination that may pose a risk to health or the environment in accordance with relevant EPA Guidelines and the Contaminated Land Management Act 1997.

Alternatively, should contamination be present, further detailed investigations may be necessary to define the nature, extent and degree of contamination, and to produce a Remediation Action Plan (RAP) in accordance with NSW contaminated land protocols. In this instance, a Validation Report endorsed by a Site Auditor identifying that the objectives and actions of the (RAP) have been achieved must be submitted to Council for approval prior to works commencing. The Validation Report shall be developed in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* prepared by NSW Office of Environment and Heritage.

NOTE 1: Historic use of the land as commercial bowling greens is recognised as a potentially contaminating land use due to the risk of the use of pesticides containing contaminants such as (but not only) organochlorine, arsenic and heavy metals (including lead, copper and mercury).

NOTE 2: Should site conditions and investigations warrant it, further development consent may be required to carry out necessary remediation works that are not otherwise exempt.

NOTE 3: Beyond the scope of the current development application, it is recommended that any site investigations and reporting be sufficient to confirm that the land is fit for (or will be made fit for) for any future intended recreational purpose or use of the site.

REASON: It is in the public interest to ensure excavated material from the site is free from contamination or will be appropriated managed and disposed of to minimise the risk to human health and the environment, Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended, and the *Contaminated Land Management Act 1997* No 140.

26. A temporary security fence shall be erected around the perimeter of the site to prevent public access during the demolition and construction phase. The Temporary security fence shall not be erected in the Council road reserve without an approved Section 138 Permit.

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

27. Prior to works commencing on the State Road network (the Sturt Highway (HW20 is part of the State Road network), the proponent shall enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services. The proponent shall contact the Manager Land Use for the South West Region 02-6923 6611 for further details.

The proponent is encouraged to submit concept plans prior to the detailed design phase.

REASON: To provide for the safety and efficiency of the road system in the locality of the proposed development. Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*, as amended.

28. The existing Street trees fronting the property shall be retained and protected from the proposed development. These trees shall not be impacted upon in any way without the consent of Council's Supervisor of Tree Planning and Management.

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

Construction of Tree Protection Zones, shall be completed and inspected by Council's Supervisor of Tree Planning and Management, 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.

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.

29. Prior to the planting of any street trees by the contractor each tree is to be inspected by the General Manager or their delegate to ensure that trees have been grown in accordance with relevant Natspec guidelines. Trees that have been rejected by the General Manager or their delegate are not to be planted.

Council will provide planting installation details to the contractor to ensure street trees are planted in accordance with Australian and WWCC standards.

The General Manager or their delegate will undertake an inspection following the installation of the street trees. Any street trees that have been planted incorrectly will be required to be replanted within one week of the inspection. If replanting does not occur WWCC will utilise the \$500 bond per tree for each tree incorrectly planted and not replaced correctly to undertake the supply, planting and maintenance of the replacement tree/s.

NOTE: **The fee per street tree will be in accordance with the figure nominated in this condition or in accordance with Council's adopted Revenue and Pricing Policy at the time of payment of this fee whichever is the greater.**

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

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

NOTE 1: Works carried out under an approved Section 68 prior to a Development Consent and/or Construction Certificate being issued are subject to change and are at the applicant's risk.

NOTE 2: Prior to the commencement of works a works bond may be required to be lodged with Council for public infrastructure works. Refer to Council's Section 68 Activity Approval Application Guide for detail.

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

31. A Section 68 Approval 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 Section 68 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.

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

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

- a) stating that unauthorised entry to the site is prohibited, and**
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**

- c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.

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

NOTE: This condition does not apply to:

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

REASON: 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.

33. 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.

34. Prior to works or activities commencing within the road reserve, approval under Section 138 of the *Roads Act 1993* is required from Council, with concurrence from Roads & Maritime Services.

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.

During works

35. 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.

36. 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 waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
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 critical stage inspections be issued for these components of the development in accordance with Section 162A of the *Environmental Planning and Assessment Regulations 2000* as amended.

37. 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.

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 activities of the proposed development shall be undertaken in such a manner that prevents the spread and incidence of noxious weeds. In this regard soils containing seed, plants or fragments of plant are to be retained on the premise or deposited at Councils Waste Management Facility.

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

41. All works within the road reserve of the Sturt Highway (HW20) shall be located, designed and constructed in accordance with the requirements of Roads and Maritime Services and the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. Works within the carriageway of the Sturt Highway and its intersection Fitzhardinge Street shall comply with the following;

- a) a Channelised Right Turn (CHR) lane shall be constructed within the Sturt Highway at its intersection with Fitzhardinge Street in addition to the 2 travel lanes in each direction along the Sturt Highway. A raised central median is to be provided separating the turn lanes from the opposing travel lanes on the highway.**
- b) As a minimum, kerbside blisters shall be constructed within Fitzhardinge Street to the satisfaction of the Council and Roads and Maritime Services to provide for safe movement of pedestrian across Fitzhardinge Street. These works may also include the provision of a raised central pedestrian refuge in Fitzhardinge Street.**

- c) The pavement standard for the works to the Sturt Highway shall be appropriately designed for the through traffic and the proposed turning traffic to the satisfaction of Roads and Maritime Services,
- d) Appropriate signage and line marking shall be installed and maintained for all road works in accordance with relevant Australian Standards and the requirements of Roads and Maritime Services.

REASON: To provide for the safety and efficiency of the road system in the locality of the proposed development. Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*, as amended.

42. Any earthworks, approved by this development consent:

- (a) must not use any other fill material other than original excavated natural material (ENM). If importation of extra fill is brought to the site- it must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
- (b) that require excavated soil to be removed from the site must have the soil classified and sent to the correct waste stream in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

REASON: It is in the public interest to ensure excavated material from the site is free from contamination or will be appropriately managed and disposed of to minimise the risk to human health and the environment, Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended, and the *Contaminated Land Management Act 1997* No 140.

43. If the existing sewer spur servicing the lot is found to be smaller than 150mm diameter, the spur shall be upgraded to a 150mm diameter spur to service the development. These works must be carried under a Section 68 (PUBLIC) Activity Approval.

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

44. A pump-out system for the basement carpark shall be installed to drain the carpark in the event of flooding.

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.

45. Suitable drainage treatment is to be implemented within the development site to stop any increased stormwater runoff from the development site to the road reserve of the Sturt Highway.

REASON: To provide for the safety and efficiency of the road system in the locality of the proposed development. Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*, as amended.

46. Any upgrades or alterations to existing State or Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.

Any damage or disturbance to the road reserve of the adjoining roads is to be restored to match surrounding landform in accordance with the requirements of the relative authority (Council or Roads & Maritime Services).

REASON: It is in the public interest that all costs associated with upgrading Public Infrastructure as a result of the development are borne by the applicant. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

47. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.

REASON: To ensure that building and development works do not have adverse impact on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

48. Floor levels must be 225mm above existing ground level.

NOTE 1: The applicant may undertake actions to ensure that approved residential development is built at 500mm above the 1:100 year flood event, subject to a separate development application approval.

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

49. 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.

50. 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 Food Regulations 2015 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.

51. If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Office of Environment and Heritage.

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

52. 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 and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage 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 or structure.

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

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

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

Prior to release of Occupation Certificate / Prior to Operation

54. 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.

55. Prior to the issue of an Occupation Certificate, Works-As-Executed (WAE) plans of the constructed On-Site Detention system shall be submitted to Council. The WAE plans shall confirm the volume of constructed storage areas, installation of orifice plates, pipe and pit levels and surface levels of overland flow paths. Certification shall be provided by a practising Civil Engineer that the constructed On-Site Detention system will function as intended in accordance with the approved plans.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

56. Prior to issue of an Occupation Certificate, the approved Gross Pollutant Trap/s shall be installed as per the approved plans.

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.

57. Prior to the issue of an Occupation Certificate, the required works within the road reserve shall be completed to the satisfaction of Roads & Maritime Services and Wagga Wagga City Council.

REASON: To provide for the safety and efficiency of the road system in the locality of the proposed development. Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

59. **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.

60. **Prior to the issue of the Occupation Certificate and at a minimum two (2) days prior to the food business premises commencing trade, a health inspection must be conducted by Council's Environmental Health Officer in accordance with the Food Act 2003 and the Food Regulations 2015, Food Safety Standards Code. A satisfactory final fit out and construction approval must be obtained by Council's Environmental Health Officer prior to commencing trade.**

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.

61. **Prior to the release of the Occupation Certificate the Food Business Premise and the current Food Safety Supervisor must be notified to the appropriate regulatory authority.**

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.

62. **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.

63. 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.

64. 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.

General

65. The approved use must only be conducted between the hours of 6.00 am and 10.00 pm on any day of the week.

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.**

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

a) the sign display must not include:

- Any flashing lights,**
- Electronically changeable messages, animated display, moving parts or simulated movements,**
- Complex display that holds motorists attention beyond “glance appreciation”**
- Display resembling traffic signs or signals,**
- Instruction to traffic by using words such as “stop” or “halt”,**

b) The proposed advertising sign and support structure must be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.

c) The method of intensity of any illumination of the sign must not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.

d) If any proposed sign must be located within close proximity to a road reserve, the sign and supporting structure must, as a minimum, comply with the wind loading requirements as specified in AS1170.1.2002 Structural Design Actions - Permanent, imposed and other actions and AS1170.2.2002 Structural Design Actions - Wind Actions.

e) Any proposed advertising signage must not obstruct or distract from any road related signage in the vicinity.

f) Any advertising sign and supporting structure should not pose any risk to pedestrian safety.

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

68. The installation and operation of all cooling towers and warm water systems are to comply with the Public Health Act 2010, Public Health Regulation 2012 and AS 3666. The applicant is required to register with Council's Environment and Community Services Directorate all water cooled cooling towers and/or warm water mixing systems which are installed on the land.

REASON: To comply with the Public Health Act 2010, Public Health Regulation 2012 and Australian Standard 3666.1 2011. Section 79C (1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

69. All covered outside areas that permit smoking must comply with the Smoke - Free Environment Act 2000 and Smoke Free Environment Regulation 2007.

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

70. Vehicular and pedestrian access directly to the Sturt Highway is denied.

REASON: To provide for the safety and efficiency of the road system in the locality of the proposed development. Sections 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*, as amended.

71. 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.

72. Once street trees have been planted, inspected and approved by Council the two years maintenance period will commence. Ongoing establishment and maintenance is to occur during this period to ensure a 100% survival rate of street trees. Any trees lost during this period due to death, disease, vandalism etc will require replacement by the organisation that installed the trees (be it WWCC or the applicant).

If planting is undertaken by a contractor, at the end of the two years maintenance period the General Manager or their delegate will undertake an inspection of the street trees. Council will utilise the collected bond paid for each tree incorrectly planted and not replaced correctly to undertake the supply, planting and maintenance of the replacement tree/s.

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

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

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

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

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

74. A minimum of 105 car parking spaces must be made available on site at all times in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.

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

75. Provision shall be made for the parking of bicycles on site in accordance with AS 2890.3-1993 "Bicycle parking facilities".

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

76. 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.