

**WAGGA WAGGA CITY COUNCIL ASSESSMENT REPORT  
SOUTHERN JOINT REGIONAL PLANNING PANEL**

<b>Panel Reference</b>	<b>2017STH015</b>
<b>DA Number</b>	<b>DA17/0244</b>
<b>LGA</b>	<b>Wagga Wagga City Council</b>
<b>Proposed Development</b>	<b>Function Centre with associated car parking and landscaping with new vehicle access to Copland Street (Clay Target Association)</b>
<b>Street Address</b>	<b>72 Tasman Road and 308 Copland Street Wagga Wagga; Lot 100 DP 1012965 &amp; Lot 102 DP 1012965 &amp; Lot 10 DP 1163676</b>
<b>Applicant/Owner</b>	<b>Australian Clay Target Association Inc. PO Box 466, WAGGA WAGGA NSW 2650</b>
<b>Date of DA lodgement</b>	<b>28 April 2017</b>
<b>Number of Submissions</b>	<b>0</b>
<b>Recommendation</b>	<b>Approve subject to conditions</b>
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	<b>4. Council related development over \$5 million Development that has a capital investment value of more than \$5 million if: (b) the council is the owner of any land on which the development is to be carried out,</b>
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No 55—Remediation of Land</li> <li>• Wagga Wagga Local Environmental Plan 2010 (WWLEP)</li> <li>• Wagga Wagga Development Control Plan 2010 (WWDCP)</li> <li>• Environmental Planning and Assessment Regulations 2000</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects, Salvestro Planning</li> <li>• Addendum to Statement of Environmental Effects, Salvestro Planning</li> <li>• Request for Information, Icono</li> <li>• Flooding Impact Assessment Report, GHD</li> <li>• Traffic Impact Assessment, GHD</li> <li>• New Access off Copland Street, Lance Ryan Consulting Engineers</li> <li>• Architectural and Landscaping Plans, Icono</li> </ul>
<b>Report prepared by</b>	<b>Amanda Gray Senior Town Planner</b>
<b>Report date</b>	<b>11 July 2017</b>

**Summary of s79C matters****Yes**

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

---

**Legislative clauses requiring consent authority satisfaction****Yes**

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?

*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****Not  
Applicable**

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?

---

**Special Infrastructure Contributions****Not  
Applicable**

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

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

---

**Conditions****Yes**

Have draft conditions been provided to the applicant for comment?

*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*

## **Executive Summary**

- The subject site is zoned as RE1 Public Recreation and IN1 General Industrial on the Wagga Wagga LEP2010 map. The land is currently occupied by the Australian Clay Target Association (ACTA) who are the owners of the land and the applicants associated with the subject development application.
- The proposed development is best described as a function centre. The facility will be used by ACTA as a clubhouse and available to the wider community as a conference centre and centre for events. The value of the development is \$5.5million.
- The function centre will extend to 1738 sq.m and will include a Hall of Fame to display memorabilia associated with the sport of Clay Target shooting.
- An additional new access entry and exit point into the site is proposed from Copland Street. Significant car parking is proposed across the site to support the new centre. A minimum of 165 spaces are required to support the development and this is easily achieved, a condition requires that these spaces are sealed and line marked.
- The building is orientated to the south to allow for viewing of the clay target shooting activities. This results in a design that presents the back of house functions to the northern (front) elevation adjacent to the car park and entrance. A condition is required that the treatment of this elevation be amended to include further articulation.
- The land is subject to flooding in the 1:100 year flood event. The building has been raised with a finished floor level that exceeds the predicted 1:100 year flood level.
- The development proposal was notified to adjoining properties and advertised for a period of 14 days. No submissions were received to the application.
- The development has been assessed against relevant clauses within applicable environmental planning instruments and is considered to satisfy all relevant clauses. The development complies with the Wagga Wagga LEP objectives and the controls of the Wagga Wagga DCP.
- Following a detailed assessment against the relevant matters for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979* the development is considered satisfactory and recommended for approval, subject to conditions as detailed in the report.

## **DESCRIPTION OF DEVELOPMENT**

The application is for a function centre, associated car parking and landscaping and a new access driveway to Copland Street. The development has a value of \$5.5 million.

The function centre will have a multi-purpose as both a clubhouse facility for the Australian Clay Target Association (ACTA) who currently own and operate from the subject site and also as a conference facility and function centre for the wider community to hire out when not in use by the Clay Target Association. The centre is anticipated to accommodate up to 650 seated patrons at an event such as a wedding and up to 1000 persons at a conference. The internal function and conference areas have the ability to be divided into different sized rooms or used as one large room. The hours of use of the function centre will range from 7am to midnight each day.

The new building extends to 1738sq.m and includes a function and conference area, offices, café, bar, kitchen and amenities. In addition, the building is to be home to a 'Hall of Fame' area displaying memorabilia associated with the sport.

The building will be constructed on a raised building pad towards the west of the site and will be orientated to the south to allow viewing of the traps during clay target events. The design of the building consists of a southern elevation that is almost completely glazed and that opens up onto an outdoor terrace area. The northern elevation of the building that faces into the car park and driveway area will include the 'back of house' functions such as deliveries to the kitchen area and waste collection. The delivery area is screened by a wall extending to 1.8 metres in height. The bulk of this elevation is a blank wall. The north western corner of the building consists of an entry feature broken up by the use of decorative panels and timber cladding.

An additional vehicular access to the site is proposed from Copland Street to the north. This will be a two-way sealed drive providing entrance into the existing clay target recreational area, the function centre facility and car park area. The driveway will be to the rear of the existing ACTA administration building that fronts Copland Street and will crossover an existing drainage channel. The crossing is existing and requires no further upgrades other than the proposed sealing of the driveway. Entry to and from the site by all forms of vehicles will be possible from either the proposed new access or the existing entry from Tasman Road.

Car parking will be provided across the site in a variety of locations and formats. An existing car park on site is to be retained with 50 spaces. A new sealed car park is proposed with 62 spaces, this car park will be opposite the entrance into the building. Three informal parking areas are proposed based on current on-site arrangements whereby the grass and gravel areas are used for parking during events. These areas can accommodate a further 140 spaces. Finally during major events there is the capacity for overflow parking towards the boundaries of the site. Estimated numbers of overflow parking are not provided. Provision is also made for motorcycle and bicycle parking in close proximity to the building. Separate drop-off and pick up areas are included adjacent to the entrance to the building.

The National Clay Target Championships are to be held at the venue in 2018. It is planned to have the facility completed for this event. The upgrades to the site are subject to a federal grant of \$5.5 million.

### **The Site and Locality**

The site is legally identified as Lot 10 DP 1163676, Lot 102 DP1012965 and Lot 100 DP1012965 and is known as 72 Tasman Road and 308 Copland Street. The subject lot is located on the southern side of Copland Street and the western side of Tasman Road. Lot 102 DP1012965 is owned by Wagga Wagga City Council, it consists of a narrow strip of land that traverses along the northern boundary of the site. This land has previously been identified as land for an eastern levee and has been leased to the Clay Target Association for a number of years. The land is identified as operational in association with a sports ground.

The site extends to a total area of approximately 36ha it is irregular in shape and presents a 150m frontage to Tasman Road and a 165m frontage to Copland Street. The part of the site that fronts Copland Street (Lot 100) includes the existing administration offices for the National Clay Target Association. This building was approved as offices in 1999. This building will not be impacted by the development proposal and will continue to function in situ.



The site is currently in use as an outdoor recreation facility for Clay Target shooting. There is a defined driveway into the site from Tasman Road that leads to a number of onsite buildings and a car park. Different parts of the site in proximity to the clay target traps and buildings are used as informal parking areas. There is a modern amenities block to the western side of the site.

A 30 metres wide drainage easement traverses the site from north to south. An existing bridge crossing over this drain will be utilised as part of the new access road.

The land adjoining to the north is part of the industrial area and is in use as a vehicle wreckers yard. The site is covered by vehicles and containers that are visible from the subject site. Tree planting to the northern boundary assists in screening this adjacent land use.

Land to the east, south and west is rural in nature consisting of flat, vacant paddocks. The closest residential properties to the subject site are approximately 1400m to the south-east off Baker's Lane.

The subject site is identified as flood prone due to the proximity of the site to Marshalls Creek.

### **Easements and Covenants**

There are a number of easements across the site that cover transmission lines, sewer and water supply.

There is also an existing right of carriageway across the Council owned land referred to above.

### **Previous Development Consents**

The site has a long term history of use associated with clay target shooting and has been the subject of a number of applications. Applications of relevance are noted below:-

DA12/0161- Continued use of toilet block.

DA01/356 - Proposed additions to clay target facility.

DA99/1013 - Additions to clay target shooting complex

DA99/0421 - Office and storage Development for Clay Target Shooting Complex

DA99/0086 - Proposed Administration centre for clay target association

DA131/86 - Clubhouse

### **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**

Under the provisions of the WWLEP 2010 the land is zoned predominantly RE1 Public Recreation. A small part of the subject site to the north is zoned as IN1 General Industrial. The objectives of the RE1 zone are:

- *To enable land to be used for public open space or recreational purposes.*

The site is currently in use as an outdoor recreational facility for the purpose of clay target shooting. This land use will continue on site without amendment. The proposed development will support the existing recreational use.

- *To provide a range of recreational settings and activities and compatible land uses.*  
The zoning of land as RE1 in this location is associated with existing established recreational uses being the clay target association and the adjacent (to the east) pistol club.

- *To protect and enhance the natural environment for recreational purposes.*  
The continued use of this land for recreational purposes will not be adversely affected by the new function centre. The existing clay target facilities will remain on site.

- *To protect and enhance the natural environment generally and to assist in ensuring that areas of high ecological, scientific, cultural or aesthetic values are maintained or improved.*

There are no identified areas of high ecological, scientific, cultural or aesthetic value associated with the subject site. The open aspect of the site and the outlook to the surrounding rural areas will not be adversely impacted by the proposal.

The development is consistent with the RE1 zone objectives.

The objectives of the IN1 zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*

With respect to the listed zone objectives whilst the development is not providing industrial or warehouse land uses it is encouraging employment opportunities. The impacts of adjacent industry are mitigated by the design and orientation of the building and existing industrial land is protected by the fact that the function centre is being built on land zoned as RE1.

The use of the land as a function centre is prohibited in the IN1 zone. The land that is zoned as IN1 is currently occupied by the ACTA offices and administration building which have the benefit of development approval and which front onto Copland Street. The land is in the same ownership as the main site where the function centre is to be built and as part of this application the IN1 zoned land is to be used for access purposes only. The access driveway will allow for improved access arrangements to and from the permissible land use at the rear.

The development is considered appropriate and not inconsistent with the IN1 zone objectives.

## **Part 2 Permitted or prohibited development Land Use**

A function centre is defined as follows:

*a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.*

A function centre is permitted with consent in the RE1 zone.

The building is also to be used as a clubhouse facility by the Clay Target Association. Whilst this could be considered as an ancillary building associated with the overall recreation facility use a function centre definition is also considered appropriate for the clubhouse use as it is a licenced facility.

### **Part 3 Exempt & Complying Development**

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

### **Part 4 Principal development standards**

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

### **Part 5 Miscellaneous provisions**

#### **5.9 Preservation of trees or vegetation**

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. Tree removal requires Council consent.

Prior to the Development Application being lodged with Council a separate tree management application was made (TM16/0228) for the removal of 5 Eucalyptus trees. This was approved on 24 January 2017.

The same trees are identified on the development application plans as requiring removal in association with the location of the proposed new function centre building.

### **Part 6 Urban Release Areas**

The subject site is not within an urban release area.

### **Part 7 Additional Local Provisions**

#### **7.1A Earthworks**

Clause 7.1A requires that consent be obtained for earthworks unless it is otherwise specified as Exempt Development or it is ancillary to other works which have Development Consent.

The earthworks associated with this development are ancillary to the building. The new building pad is required as a result of the flood prone nature of the land.

#### **7.2 Flood planning**

The objectives of this clause are to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with



the land's flood hazard and to avoid significant adverse impacts on flood behaviour and the environment.

This clause applies to land at or below the flood planning level. The flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

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

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

The site is identified on Council's mapping system as prone to flooding during a 1:100 year flood event. A flood impact assessment has been prepared in support of the proposed development.

The assessment relied upon WMA Water modelling and layout drawings prepared for the development application. Flood modelling was carried out for both the 5% and 1% AEP events and for both pre and post development conditions.

The assessment sought to determine the potential impacts on flooding conditions associated with the development. The site is not impacted during the 5% AEP and therefore there were no impacts within or outside of the site. Within the eastern industrial area the requirement is to develop to the 1:20 level only however the developers have chosen to protect the site to the 1:100 level.

During the 1% AEP there will be some localised increase in flooding levels within the subject site however outside of the site the impacts are noted as less than 10mm and therefore of negligible impact.

Across the site during the 1:100 year event flood levels will range from 182.7 to less than 182.4, it is proposed to construct the building on a building pad at a level of 181.98 and the finished floor level will be 182.42. At the site of the proposed building the flood level is less than 182.4 and the proposed finished floor level is therefore considered appropriate.

Following the completion of the development the flood hazard rating of the site will remain unchanged being high hazard to the south within the proximity of Marshalls Creek and medium to low hazard within the proximity of the car park and the proposed building.

The development is compatible with the flood hazard of the land, and requires no special measures to manage risk to life from flood. The development is not likely to

result in unsustainable social and economic costs to the community as a consequence of flooding.

### **7.3 Environmentally Sensitive Land Biodiversity**

Different parts of the site are covered by the biodiversity layer and as such this clause is applicable. The layer mainly covers the existing drainage channels and the frontage to Tasman Road.

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

*(a) any potential adverse impact of the proposed development on any of the following:*

- (i) a native vegetation community,*
- (ii) the habitat of any threatened species, population or ecological community,*
- (iii) a regionally significant species of plant, animal or habitat,*
- (iv) a habitat corridor,*
- (v) a wetland,*
- (vi) the biodiversity values within a reserve, including a road reserve or a stock route,*

*(b) any proposed measures to be undertaken to ameliorate any such potential adverse impact.*

The proposed building pad and car parking are not within the area covered by the biodiversity layer.

There are no identified native vegetation communities or habitats that are anticipated to be adversely impacted by this development. Separate approval for tree removal on site has already been approved (as noted under section 5.9 above).

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

### **7.5 - Riparian Lands and Waterways**

This clause applies to land identified as “water” on the Water Resource Map. A horizontal section of the subject site to the south of the clay target traps covered by this overlay includes an identified waterway known as Marshalls Creek. Accordingly, the application would be subject to assessment under this clause. The relevant section of this clause is as follows:

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

*(a) any potential adverse impact on any of the following:*

- (i) water quality within the waterway,*
- (ii) aquatic and riparian habitats and ecosystems,*
- (iii) stability of the bed, shore and banks of the waterway,*
- (iv) the free passage of fish and other aquatic organisms within or along the waterway,*
- (v) habitat of any threatened species, population or ecological community,*

*(b) whether or not it is likely that the development will increase water extraction*

- from the waterway for domestic or stock use and the potential impact of any extraction on the waterway,*
- (c) *proposed measures to ameliorate any potential adverse impact.*

The waterway is approximately 200 metres away from the proposed building and the land is generally flat. The construction of the building will be subject to standard erosion and sediment control measures that will mitigate against any potential impacts on the waterway. The development will not result in the extraction of water and therefore there are no anticipated adverse impacts on the matters set out under this Clause.

## **7.6 Groundwater Vulnerability**

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability. All of the subject site is identified as sensitive on the Water Resources Map and as such this clause applies. The objective of this clause is to protect and preserve groundwater sources.

A function centre is not one of the land uses specified for the purpose of this clause and it is not anticipated that the works associated with this development will have any adverse impacts on groundwater sources.

There are no other relevant additional local provisions.

## **State Environmental Planning Policies (SEPPs)**

### ***State Environmental Planning Policy No. 55***

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on the land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

The land is identified on Council's database of contaminated land with a notation of the hazard as firearms range. As the existing use of the land is as a shooting range and there is no change of use proposed this hazard will remain and the site will continue to be identified as contaminated.

The construction of a building on part of the site as a function centre is not one of the land uses identified within SEPP55 for which further site investigation is required.

A precautionary condition is proposed that if any contaminated material is found during works that all site activity must cease and the need for further investigation or reporting examined.

### **State Environmental Planning Policy (State and Regional Development) 2011**

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

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

**Section 79C(1)(a)(ii) The provisions of 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**

##### **1.10 Notification of a Development Application**

The application was advertised and notified to adjoining neighbours between 18 May and 5 June 2017.

Nil submissions were received during the notification period.

#### **Section 2 - Controls that Apply to All Development**

##### **2.1 Vehicle access and movements**

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

There is an existing access to and from the site from Tasman Road and the application proposes an additional access and egress point from Copland Street. Neither of these roads are arterial roads.

It is anticipated that the existing access point will continue to be used by patrons associated with clay target shooting activities and the new sealed entry point will be utilised to a greater extent by users of the function centre.

The two access points will allow for the movement of vehicles to be shared and as there are a number of different routes to and from the site there is no anticipated adverse impact on the capacity of the local road network.

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

A traffic impact assessment was prepared in support of the application. The report examined the existing conditions including local road network and traffic volumes, a review of the additional traffic to be generated by the development and the impacts that this would have on the level of service of nearby intersections and a parking assessment.

An assessment of existing traffic volumes on Copland Street and Tasman Road at peak times of day during the week and the weekend together with a review of intersection capacity identified that the intersections perform at an acceptable level of service with spare capacity during peak periods.

Further assessment via modelling of anticipated vehicle movements to and from the subject site once developed was prepared using the Road and Maritime Guide to Traffic Generating Development. The anticipated increase in total peak vehicle movements is 165 per hour which can be easily accommodated within the local road network. Intersections continue to perform at an acceptable level of service with a potential improvement in intersection capacity as an additional entry/exit point is utilised.

The parking analysis is discussed in detail below.

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

The site is large enough and has sufficient manoeuvring capacity that allows for all traffic to enter and leave the site in a forward direction.

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

A dedicated loading and delivery area is proposed to the northern elevation of the building adjacent to the main thoroughfare and car parking areas. Due to the desire to present an open aspect to the rear/south of the building to observe the shooting activities the traditional rear of house function is located to the front.

It is proposed to screen the area with a 1.8 metres high wall which will assist in improving the visual amenity of the functional area which also includes waste collection.

Access into the loading area is restricted by bollards which will limit the vehicle movements in and out of this area. The proximity of both pedestrians and vehicles to the servicing area has the potential to result in conflicts of movement. It is therefore proposed to limit the operational hours of the servicing area to times when use of the function centre is anticipated to be at its lowest.

In addition it is proposed to apply conditions of consent requiring the relocation of the proposed bicycle parking which is shown as directly adjacent to the waste collection dock.

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

The location of the proposed access driveway onto Copland Street is acceptable.

*C6 Ensure adequate sight lines for proposed driveways.*

Sightlines in and out of the site onto both Tasman Road and Copland Street are satisfactory.

## **2.2 Off-street parking**

This section requires developments to provide off-street parking to meet anticipated demands. The DCP outlines minimum parking standards for different identified land uses. The parking requirement for a function centre is 1 space per 10sq.m of gross floor area.

The function centre building has a total floor area of 1738.8sq.m. The definition of gross floor area is defined in the WWLEP2010 as follows:

*gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:*

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:*
  - (d) any area for common vertical circulation, such as lifts and stairs, and*
  - (e) any basement:*
    - (i) storage, and*
    - (ii) vehicular access, loading areas, garbage and services, and*
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
  - (h) any space used for the loading or unloading of goods (including access to it), and*
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and*
  - (j) voids above a floor at the level of a storey or storey above.*

Based on the above definition the outdoor viewing area which is an additional 275sq.m is not included as part of the GFA as this area has no outer walls and is not considered to be an additional traffic generating area. Persons using the function centre have the ability to choose to use the outdoor area and it would not be used independently.

The applicants, within the traffic assessment report, sought to exclude a number of areas from the floor space calculation such as the Hall of Fame, wet areas and storage. Referring again to the definition of gross floor area the only one of these

areas that can be excluded is the storage area of 95.8sq.m. The overall gross floor area that applies to the car parking calculation is  $1738.8 - 95.8 = 1643\text{sq.m.}$

$1643/10 = 164.3 = 165$  spaces.

There is an existing sealed car park on site of 50 spaces that is to be retained. It is proposed to provide a further 62 sealed parking spaces opposite the entrance to the building which is a total of 112 spaces. Three areas of informal parking are also proposed to the east, north-east and north-west of the building providing 60, 38 and 42 spaces respectively. Whilst this would give a total of 252 spaces exceeding the requirement for the function centre the spaces are required to be laid out in accordance with Australian Standards and therefore need to be lined on hardstand.

It is proposed to apply a condition of consent requiring an amendment to the site layout plan that identifies 165 sealed car parking spaces. The additional informal parking areas are acceptable and can remain as existing to accommodate vehicles during major events. The layout of the car park does not provide or identify safe pedestrian routes to and from the building and the required amended plan will also have to include such provision.

A further condition is proposed requiring a site management plan to be prepared for major events held at the site which will establish details for overflow parking as required. Subject to these conditions being satisfied the development is considered to satisfy this section of the DCP.

## **2.3 Landscaping**

A landscape plan has been prepared in support of the application that identifies trees, shrubs and ground cover surrounding the function centre building and within the sealed car parking area.

The landscaping zones to the east and west of the building are a mix of trees and shrubs to ensure that the building is clearly visible but softened by low level planting. Tree planting within the car parking is required at a rate of 1 tree per five spaces, the revised car parking plan referenced above will also require an increase in tree planting to ensure that this control is satisfied. The trees will provide shade to the parking spaces.

The majority of the existing trees that are on site are to be retained. A separate tree management application (TM16/0228) for the removal of 5 Eucalyptus trees within the footprint of the building was approved on 24 January 2017.

The proposed landscaping works are considered to be suitable and acceptable in this locality and consistent with the objectives and controls of this section.

## **2.4 Signs**

No signs are proposed or included as part of this application. Signage panels are identified on the north and west elevations of the building but no further detail is included at this time.

## **2.5 Safety and security**

The site is currently in use as a shooting range and is controlled by applicable regulations and legislation with regard to the use and storage of firearms. The proposed development of a function centre will not alter existing arrangements in place with regard to the clay target shooting facilities.

The police have requested a condition that requires a venue and safety management plan to be prepared. This plan will include a limitation on taking firearms into a licenced premise when liquor is available for sale or supply.

The design of the building has a clearly identified entry point adjacent to the car park area. Conditions requiring the car park to be lit and for an improvement to pedestrian routes have been included. In addition the required venue and safety management plan will require CCTV cameras and provision for on-site security during major events.

## **2.6 Erosion and Sediment Control Principles**

The standard erosion and sediment control condition will be applied during the use of the site to ensure that the movement of material does not result in silt or sediment leaving the site particularly towards the adjacent waterway.

## **2.7 Development adjoining open space**

The subject site is predominantly zoned as open space and adjoins recreational land to the south and east that is in use by a different recreational shooting club. The use of part of this land as a linked clubhouse and function centre does not adversely impact land outside of the boundary of the site and does not prevent the use of any public open space.

## **Section 3 - Heritage Conservation**

The subject site is not identified as a heritage item nor is it within a conservation area.

## **Section 4 - Environmental Hazards and Management**

### **Section 4.2 - Flooding**

The property is located within an area that is identified as prone to flooding. The application is supported by a Flood Impact Assessment Report.

Controls within this section of the DCP applicable to East Wagga Wagga are as follows:-

#### **Floor levels**

- All new developments to have floor levels greater than the 20y ARI flood level (plus freeboard).
- New developments to be consistent with flood hazard and evacuation needs.



#### Structural soundness

- Engineers report to certify that any new structure can withstand the forces of floodwater, debris and buoyancy up to and including the 100y ARI (excluding sheds <20m<sup>2</sup>).
- Fencing to be constructed in a way, and of materials which permit flood waters to equalise on either side.

#### Evacuation

- Encourage the development of a Flood Plan by owner including evacuation of employees and storage of material above 100y ARI flood level plus freeboard.

#### Management and Design

- Applicant for new non habitable developments to demonstrate that area is available to store goods above the 100y ARI flood level (plus freeboard).
- Parts of building below the 100y flood level (plus freeboard) to be constructed from flood compatible materials.

The subject site does not flood during the 1:20 year event. Across the site during the 1:100 year event flood levels will range from 182.7 to less than 182.4, it is proposed to construct the building on a building pad at a level of 181.98 and the finished floor level will be 182.42. At the site of the proposed building the flood level is less than 182.4 and the proposed finished floor level is therefore considered appropriate. Conditions of consent are to be included to ensure compliance with the above listed matters.

## **Section 5 - Natural Resource and Landscape Management**

### **5.4 Environmentally sensitive land**

As mentioned under part 7 of the LEP the site is identified on the groundwater vulnerability map and parts of the site are identified on both the Biodiversity and the Water Resource Map.

The impacts have been assessed as acceptable.

There are no applicable controls for a function centre within an RE1 zone within Sections 6, 7, 8, 9 and 10 of the WWDCP2010.

## **Section 11 - Industrial Development**

As part of the site is zoned as industrial the controls of this section have been considered in the assessment of the application. The key priorities for East Wagga Wagga are acknowledging the gateway role of the East Wagga Wagga industrial area, and the importance of quality development and good presentation along the Sturt Highway and ensuring compatibility with the flooding risks, especially where capital intensive materials and equipment are to be stored.

As the site does not front onto the Sturt Highway the first objective is not applicable to this development and as already noted the development has been designed taking into account the existing flood hazard of the site.

As the building is not to be constructed within the industrial area controls about site setbacks and design are also not applicable.

## **Section 12 - Specific Uses and Developments**

The proposal is for a function centre on land that is zoned public recreation.

Section 12.3 includes objectives and controls that are applicable to the use of parks and reserves for public recreational uses. The land is already in use for recreational (clay target) purpose and this use will continue. The function centre does not adversely impact adjoining recreational land and will not hinder the future use of the land for recreational purposes.

The subject site does not fall within any of the urban release areas to which Sections 13, 14, 15 and 16 of the WWDCP2010 apply.

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

There is no draft or current planning agreement applicable to this application under Section 93F of the *Environmental Planning and Assessment Act 1979*.

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

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

## **Section 733 of the Local Government Act 1993**

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

## **Flooding Risk Assessment**

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. The site is affected by flood but as indicated earlier in the report there are not anticipated to be any significant adverse impacts resulting from this development. A flood impact assessment has been prepared using the most current data available and the risk from flood associated with this development has been appropriately completed and concluded as satisfactory.

## **Bush Fire Risk Assessment**

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

## **(b) - The likely impacts of the development**

### **Context and setting**

The site is currently in use as an outdoor recreation facility for Clay Target shooting and is adjacent to another shooting facility. The use of the land for recreational activity is appropriate in this context and the use of the land will not change as a result of the proposed development.

The land adjoining to the north of the site is part of the East Wagga industrial area and is in use as a vehicle wreckers yard. The relationship between the industrial land and the recreational land is an established one. When the site is in use for shooting activities the noise of the event is not detrimental to the adjoining industrial area.

The introduction of a function centre in this setting is acceptable and suitable as the surrounding land uses are not anticipated to be impacted upon or to impact the subject site to a greater degree than currently exists.

### **Access, transport and traffic**

A new access road into the site is proposed as part of this application, this road will allow for two separate ingress and egress choices in and out of the site. The access road will traverse land in the ownership of ACTA that currently also occupies offices and administration buildings. As this land is a separate lot a right of way will be established across this land and this will be secured by condition.

As noted earlier in the report the application included a traffic assessment report that demonstrated that the development will not have a detrimental impact upon the level of service of local roads and intersections.

There is ample land to provide parking on site however the proposed provision of formal car parking spaces was less than required by the DCP. Accordingly, a condition is proposed to increase the number of sealed car parking spaces and to allow for additional informal parking to occur across the site as required for major events and functions as required.

The additional sealed car parking spaces will minimise the potential for dust generation and land degradation associated with regular vehicle movement and present to visitors with an improved visual impact.

### **Internal design**

The proposed building is orientated to the south to allow for viewing of the clay target activities from an outdoor terrace. This design is acknowledged as suitable but does result in the servicing activities associated with the function centre being located to the front of the building.

The design of the building includes a 1.8 metres high screen wall across the loading and waste collection area that will assist in minimising the visual impact. To further minimise the impact of these activities it is proposed to condition the hours during

which this area can be used. Delivery vehicle and waste collection vehicles pass directly in front of the main entry and cross pedestrian routes hence the need to minimise the hours of operation. The applicants have been consulted regarding the required hours of use which are proposed to be limited to 6am to 10am.

The same rear (northern) elevation to the building that presents to the main car parking area is a blank wall of approximately 44metres in length. This design offers little visual amenity to the building and also results in there being no natural light afforded internally from the northern aspect. As there is the ability to divide up the function space there is a high possibility of creating rooms with no natural light which is not considered to be the most appropriate of design outcomes.

The applicants do not believe there is a need for light into the conference area and that the building will benefit more from solid insulated walls hence the lack of

openings or windows to this elevation. Whilst this elevation is not one that will be visible from the street it is considered an important design feature and it is proposed to include a condition that the design of the northern elevation be amended to address both the need for natural light to enter the building and an improved visual amenity.

The entry feature presents to the north-western corner of the building and provides a positive statement as cars approach from the west. The mix of material used on the entry includes decorative panels and timber cladding that are suitable within this context.

### **Visual impact**

The locality is a mix of recreational, rural and industrial landscapes that are complementary land uses in this locality. The site is located behind a large industrial site and will effectively be screened from Copland Street by the existing industrial activities.

Equally the streetscape to Tasman Road will not be impacted as the function centre is located a significant distance into the site and will be screened by trees and other on site buildings. As noted above the main visual impact is within the site to users arriving and using the facilities.

### **Natural and Man-Made Hazards**

The site is flood prone. Flooding issues have been addressed earlier in the report.

### **Economic and Social Impact**

It is anticipated that the proposed development will have a positive economic impact as a significant investment is made into the local economy. The construction of the facility will contribute to the local building industry and future staffing of the function centre will offer new local employment opportunities. Further linked benefits for the city economy such as catering contracts and use of hotel accommodation may also be seen as a result of this development.

The development will also have positive social impacts as a new facility is provided for existing users of the site and as a regional facility is offered for conference and functions to the benefit of the wider community. Further linked benefits for the city through the ability to host national and international shooting events may also be seen as a result of this development.

There are no anticipated adverse social or economic impacts.

### **Other Land Resources**

The proposal will have no impact on land resources.

### **Pollution and off-site environmental effects**

The development is not considered to cause pollution and off-site environmental effects. Standard sediment and erosion controls are in place to prevent material leaving the site. As noted earlier in the report the function centre is over 200 metres from Marshalls Creek and no impacts on this waterway are anticipated.

### **Flora and fauna**

There are five trees to be removed in association with this development. All other trees are to be retained and where necessary will be protected during the development and construction phases.

New landscaping proposed for the site will increase and enhance the mix of trees and shrubs on site.

### **Noise and Vibration**

There will be short term noise disturbance associated with the construction of the development. The hours will be limited to standard construction hours and such impacts are generally accepted when new developments occur.

The subject site is used as a shooting facility and when events are being held there is noise associated with the approved activity. This existing noise will remain as no change of use is proposed.

Additional noise impacts associated with the function centre may be generated from vehicle noise, patrons coming and going to the premises and music. As the site is bound by industrial and rural land and the closest residential properties are over 1km away the impacts are considered to be minimal. In addition the hours of operation will be limited to midnight to further mitigate the potential for noise disturbance.

## **The Principles of Ecologically Sustainable Development**

*The following are principles of ecological sustainability:*

### **1 The precautionary principle**

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

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

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

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

### **2 Intergenerational equity**

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

### **3 Conservation of biological diversity and ecological integrity**

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

### **4 Improved valuation, pricing and incentive mechanisms**

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

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

The proposed development will not result in any anticipated irreversible environmental damage. The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly, the principles of ESD are considered to have been followed

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

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

The site is considered to be suitable for the proposed development. The site adjoins open recreational land and established industrial land. The land use is existing and will continue to provide a national base for the Australian Clay Target Association.

The flood risk associated with this site has been addressed and the function centre designed accordingly. The warning time associated with floods in Wagga would allow any planned events for the site and/or premises to be cancelled or re-arranged.

The site is easily accessible via various routes and able to provide significant off street car parking. The provision of a function and conference facility for the city is of benefit in attracting large events and contributing to the local economy.

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

#### **Referrals**

The application was referred to relevant internal referral groups, Licenced Premises Referral Group, Roads and Maritime Services and Transgrid.

#### **Notification**

In accordance with the Regulations and the DCP provisions the application was notified to neighbouring properties between 18 May and 5 June 2017.

#### **Advertising**

In accordance with the Regulations and the DCP provisions the application was advertised between 22 May and 5 June 2017.

#### **Public Submissions and those from public authorities**

No public submissions were received as a result of notification or advertising.

No objections from internal referral bodies subject to the inclusion of conditions.

#### **Roads and Maritime Services**

The following comments were provided:-

*From the information provided it is understood that the development proposal is for the construction of a clubhouse facility and associated works including new carpark on the subject site. The subject site has frontage to Copland Street and Tasman Road which are both classed as local roads.*

*The development proposal is for the expansion of the existing recreational facility located on the subject site. The subject site is located near to the Sturt Highway which runs parallel to Copland Street. The site is not located with frontage directly to the Sturt Highway however motorists accessing the facility will utilise the Sturt Highway and various other travel routes through the local*

*road network. Given the various travel routes to the site it is not considered that the proposed development will be detrimental to the Sturt Highway.*

*From the submitted information it is noted that the proposal includes the construction of a new access roadway to Copland Street with the existing access to Tasman Road to be used as a secondary access and, if required, for special event traffic management. The supporting documentation identifies that for special events that a site specific Traffic Management Plan will be developed to assist with traffic flow and parking arrangements utilising the secondary access to Tasman Road, if required.*

*The provision of on-site car parking, including disabled parking, associated with the subject development is to be in accordance with Council requirements. All car parking spaces required by the development are to be provided on site and not to be compensated by the on-road parking in the vicinity. Disabled parking is to be located with convenient pedestrian access to the entry doors of the premises.*

*Given the location of the proposed development, the various travel routes to the development site and the information provided Roads and Maritime Services advises that it has no objection to the development as proposed.*

The comments are noted. Conditions of consent relating to on site car parking provision and Traffic Management Plans are included.

#### Licensed Premises Referral Group

The Local Area Command have requested a specific venue management plan condition that includes reference to the use and storage of firearms. This should enable Police to address any concerns re: the possession of firearms within a licensed part of the club.

The condition has been included.

#### Transgrid

No objections as the proposed facility is clear of the easement.

#### **Section 79C(e) - the public interest**

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

A function centre is permissible in the RE1 zone and will provide a dual purpose as both a clubhouse facility and a conference and function centre. Controls associated with this land use in particular flood planning, car-parking and design have been applied in a manner that protects the public interest and the improved access arrangements are to the benefit of the wider community as a whole.



The application of conditions of consent will ensure that the public interest is protected and that there are no detrimental impacts associated with this development.

### **Other Legislative Requirements**

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

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

- (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*
- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
  - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
  - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (d) in relation to the habitat of a threatened species, population or ecological community:*
  - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
  - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
  - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*
- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

There are no identified threatened species or habitats on site.

#### **Section 79B(3)**

The land is not identified as a critical habitat and therefore concurrence is not required.

#### **Comments by Council's Officers**

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

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

Section 94/94A of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 / Levy Contributions Plan 2006 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 94 contribution applies to this development that will be put towards the provision of high quality and diverse public facilities to meet the expectations of the city's residents.

$\$5,500,000.00$  (development cost)  $\times 1\% =$   **$\$55,000.00$**

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The increased impact on stormwater is calculated based on the increased area of hardstand which consists of the new building, concrete paths, sealed car park and access road. The calculation is as follows:-

$$\frac{7459.90}{800} (\text{sq.m}) \times \frac{1.0}{0.74} \times \$1721 = \$21,686.63$$

Plus current CPI of 108.9/87.9 =  **$\$26,867.73$**

The increased impact on sewer is calculated based on the equivalent tenancy (ETs) generated by the development. The Water Directorate guidelines indicate that function centres should be calculated based on the food preparation and amenities area. The rate of calculation for food preparation and amenities is 0.05ET per sq.m. Additional charge also applies for the dining area and the offices.

The overall sewer impact is therefore calculated as follows:-

Food preparation and bar -  $228\text{sq.m} \times 0.05 = 11.4\text{ETS}$

Dining Area -  $152\text{sq.m} \times 0.01 = 1.52\text{ETs}$

Offices -  $57\text{sq.m} \times 0.01 = 0.57\text{ETs}$

Total:  $13.49\text{ETs} \times \$3538$  (standard sewer charge) =  $\$47,727.62$

Plus current CPI of 108.9/100.5 =  **$\$51,716.79$**

### **Other Approvals**

No further approvals are required.

## **Conclusion**

The proposed development is permissible under the provisions of the LEP. This report has demonstrated that the proposal complies with the aims, objectives and provisions of the LEP and DCP subject to conditions of consent.

The development has been assessed against all applicable elements of the Environmental Planning and Assessment Act 1979, as amended and can be summarised as follows.

Under the applicable planning instrument (WWLEP2010) the land is zoned as public recreation and the function centre is permitted in the zone. A new access road into the site will traverse land zoned industrial. The development is not inconsistent with either the RE1 or IN1 zone objectives.

Under the impacts section of the report matters relating to parking, noise, visual amenity and design have been discussed.

As part of the notification process no public submissions have been received and no objection to this development has been raised from any referral bodies.

The new function centre is considered to be appropriate in terms of the public interest and is recommended for approval subject to conditions.

## RECOMMENDATION

It is recommended that DA17/0244 for Function Centre with associated car parking and landscaping with new vehicle access to Copland Street (Clay Target Association) be approved, subject to the following conditions:-

## CONDITIONS

### Approved Plans and Documentation

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
A00	Location Plan	Icono	17	27.4.17
A01	Landscaping and Car Park set out plan	Icono	13	27.4.17
A02	Floor plan	Icono	22	27.4.17
A03	High Level Entry / Foyer Plan	Icono	10	27.4.17
A04	Elevations Sheet 1	Icono	12	27.4.17
A05	Elevations Sheet 2	Icono	12	27.4.17
A06	Section Sheet 1	Icono	10	27.4.17
A07	Section Sheet 1	Icono	9	27.4.17
CR01	New Access off Copland Street	Lance Ryan Consulting Engineers		17.5.17
	Flooding Impact Assessment Report	GHD		April 2017
	Traffic Impact Assessment	GHD		27 April 2017
	Statement of Environmental Effects	Salvestro Planning		April 2017
	Addendum to Statement of Environmental Effects	Salvestro Planning		May 17
	Request for Information	Icono		May 17

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. 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 \$55,000 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 111.3/95.6 (July 2017). 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.

3. Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-

**\$1000 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 contact Council PRIOR to making the payment to arrange a bond (BKG) number. This must be done prior to making payment at Council's customer service desk.

- NOTE 2:** In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold an ongoing bond.
- NOTE 3:** All monetary conditions are reviewed annually, and may change on 1 July each year.
- NOTE 4:** 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 5:** 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 6:** 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.

- 4. 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 \$47,727.62  
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$51,716.79
- NOTE 6:** The Section 64 Stormwater base figure is \$21,686.63  
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$26,867.73
- 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).

- 5. Prior to the release of the Construction Certificate an amended plan shall be provided to the satisfaction of the Director of Commercial Development or delegate that identifies windows to the northern elevation of the building. The amended elevation shall include appropriate articulation and fenestration to allow for natural light and to improve visual amenity.**

**REASON:** It is in the public interest that the building is designed in consideration of user amenity both internally and externally. Section 79c(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 6. Prior to the release of Construction Certificate an amended site layout plan shall be provided to the satisfaction of the Director of Commercial Development or delegate that identifies:-**
- (a) An increase in the number of sealed car parking spaces to 165 spaces.**
  - (b) Safe and identified pedestrian routes from the car parking areas to the building entry.**
  - (c) Relocation of the bicycle parking away from the waste collection area**
  - (d) Increase in tree planting within the (amended) car parking area to ensure compliance with the requirement of 1 tree per 5 spaces.**

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

**7. Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia. Attention is drawn to the following matters:**

**(a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including:**

- Structural Provisions - Section B**
- Fire resistance and stability - Section C;**
- Provision for escape (access and egress) - Section D; (including path of travel to a road or open space)**
- Construction of exits - Part D2;**
- Access for people with disability - Part D3**
- Fire fighting equipment - Part E1**
- Smoke hazard management - Part E2**
- Emergency lighting, exit signs and warning systems - Part E4;**
- Health and Amenity - Section F (sanitary and other facilities Part F2)**
- Energy Efficiency - Section J**

**(b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.**

**(c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA.**

**(d) In accordance with Table 2.1 of AS2419.1-2005 a Class 9 fire compartment size exceeding 1000 m<sup>2</sup> requires two hydrant outlets to flow simultaneously. The currently available street hydrant network may not be able to satisfy this requirement due to increased distances and an internal hydrant network capable of serving the building may need to be provided. It may be necessary to contact Riverina Water to obtain information on available flow in the street network and obtain approval to connect to mains.**

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



8. **Prior to the issue of a Construction Certificate a compliance certificate must be received and approved by the certifying authority 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.

9. **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. This report shall be used to determine the refund of the bond required under condition 3.**

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.

10. **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**

11. **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.

**12.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.

- 13. 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.

- 14. 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.

- 15. The existing tree/s to be retained situated within the vicinity of the access road and the building shall be protected from all construction works. The developer shall identify all trees to be retained and protected prior to commencement of construction works via the submission of a plan to the satisfaction of the Director of Commercial Development or delegate.**

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

**Construction of Tree Protection Zone's, shall be completed and inspected by Council's 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.**

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

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

- 16. 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 s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.**

**Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.**

**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.

**17. 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.

**18. 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.

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

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

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

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

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

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

- 21. Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.**

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.

- 22. The Builder must at all times maintain, on the job, a legible copy of the plans and specifications 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.

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

- a) NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.**

- b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.

- c) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- d) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
- i) The method of protection
  - ii) The date of installation of the system
  - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
  - iv) The need to maintain and inspect the system on a regular basis.

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

- 24. 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.

- 25. 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.

- 26. In the event that any areas of potential site contamination are discovered during works (including but not limited to firearms or the like), work will immediately cease and the proponent shall contact the Council and any other relevant authority to determine the need or requirement for a contamination report to be prepared.**

**Any required reporting will be prepared in accordance with the publication “Guidelines for Consultants Reporting on Contaminated Sites” by the NSW Office of Environment and Heritage.**

REASON: To minimize the risk to human and environmental health, in accordance with the Contaminated Land Management Act 1997 and Section 79C(1)(b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 27. Any upgrades or alterations to existing 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.**

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.

- 28. Where works involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.**

REASON: To ensure 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.

- 29. 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.

- 30. 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.

- 31. 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.

- 32. 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.**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Internal Sewer Drainage</b>	<b>When all internal plumbing and drainage work is installed and prior to concealment.</b>
<b>External Sewer Drainage</b>	<b>When all external plumbing and drainage work is installed and prior to concealment.</b>
<b>Stormwater Drainage</b>	<b>When all external stormwater drainage work is installed and prior to concealment.</b>
<b>Final</b>	<b>Prior to occupation of the building or structure.</b>

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

- 33. 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**

**34. Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas as identified on the amended site layout plan required to satisfy condition no.6 must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete. This requirement does not apply to overflow car parking areas.**

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.

**35. Prior to issue of Occupation Certificate, a Venue & Safety Management Plan (the plan) shall be prepared in consultation with the Wagga Wagga Local Area Command. The plan must be signed and approved by the Local Area Commander or the Commander's Delegate, a copy of which must be lodged with Wagga Wagga City Council.**

The plan must include a range of conditions designed to maintain the amenity of the neighbourhood where the development is to occur. These conditions may include but are not limited to:

- patron safety and security (relating to the use and storage of firearms),
- engagement of security guards,
- noise control,
- the installation and maintenance of HD 'digital' closed circuit television (CCTV),
- crime scene guidelines,
- recording of incidents,
- safe transport options,
- clearing of rubbish,
- addressing complaints relating to the operation of the premise and amendments or updates to the plan.

It is the responsibility of the consent holder to initiate contact with the Wagga Wagga Local Area Command to commence the consultative process for the plan.

The consent holder, a licensee (if a premise is licensed under the Liquor Act 2007) or any other person in control of the premise must comply with each condition at all times.

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

**36.A Site Management Plan shall be prepared and submitted for approval by the Director of Commercial Development or delegate. The approved plan shall be implemented for the lifetime of the development on the subject site. The plan must be made available to all staff and contractors and maintained and implemented prior to operation of the site and updated and reviewed for all major events held on site for the first time. The plan must specify (as a minimum) the following:**

- a) Traffic management details including the provision and control of overflow parking if applicable**
- b) Dust mitigation measures**
- c) Identified access and egress for emergency services vehicles**
- d) Clearing of rubbish and management of on-site waste**
- e) Use of the loading and servicing area, including any signage requirements indicating hour and access restrictions.**
- f) Evacuation plans in the event of a fire or other emergency**
- g) Contact details of site manager responsible for all event activities**

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

**37.A Flood Plan shall be submitted to Council that makes provision for the evacuation of all employees from the site and for the storage of goods, materials and chemicals above the 100yr ARI flood level, plus freeboard. The plan shall be to the satisfaction of Council, prior to the issue of any Occupation Certificate.**

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

**38.Prior to the issue of Occupation Certificate, erosion protection is required to be provided and maintained in the form of paving and established landscaping surrounding the development including all fill placed adjacent to the building and areas within 2m of the building to provide scour protection during high water flows, to minimise damage to footings.**

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

**39.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.

- 40. 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.

- 41. 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.

- 42. 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.

- 43.** 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.

- 44.** 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.

- 45.** A right of carriageway within lots 100 and 102 DP1012965 and in favour of lot 10 DP1163676 shall be created and registered to allow for access to and from Copland Street across the approved access driveway.

Evidence of the creation of the easement must be provided to Council prior to release of Occupation Certificate.

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

## General

**46. The approved use must only be conducted between the hours of 7.00 am and midnight 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.

**47. No signage is approved as part of the application, no signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.**

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

**48. The use of the servicing area for waste collection and deliveries shall be limited to the hours of 6am to 10am.**

REASON: To minimise conflict between delivery vehicles and patrons going to and from the premises. Section 79C (b) of the *Environmental Planning and Assessment Act 1979*, as amended.

**49. The site must be managed so that:**

- a) **No additional fill is placed on the land which impedes the flow of flood waters;**
- b) **Any clearing or drainage activities must not alter the drainage patterns across the site;**
- c) **No landscaping or similar type structures are installed which will inhibit the flow of flood waters;**
- d) **Any plant or goods stored upon the site must be stored in a manner which will not allow pollution of the flood waters;**
- e) **All actions must be taken upon the site to minimise any adverse effects on the property by flood waters.**

REASON: The allotment is within a recognised flood zone. Development in accordance with the Flood Manual is required to reduce adverse environmental impacts. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 50. The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.**

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement and that the building is provided with an adequate level of fire protection. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended and Part 9 of the *Environmental Planning Regulation 2000*.

- 51.(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.

- 52. A minimum of 165 sealed car parking spaces must be made available on site at all times. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004, AS2890.2.2002 and AS/NZS2890.6.2009.**

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

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

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