

COUNCIL ASSESSMENT REPORT

Panel Reference	2017STH030
DA Number	DA17/0663
LGA	Wagga Wagga
Proposed Development	Mixed use development comprising hotel accommodation (156 rooms) to include one 6 storey building and the re-use of the former Murrumbidgee Flour Mill (heritage item), function centre, adaptive re-use of grain silos for storage purposes, two storey commercial building for office and retail use, associated access and car parking (including basement car park), landscaping, signage and 3 lot strata subdivision
Street Address	50 Edward Street, Wagga Wagga, Lot 12 DP1178547
Applicant/Owner	Interlink Wagga Central Pty Ltd
Date of DA lodgement	9 November 2017
Number of Submissions	one
Recommendation	Approve subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	development has a capital investment value of more than \$20 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55—Remediation of Land • State Environmental Planning Policy (Infrastructure) • Wagga Wagga Local Environmental Plan 2010 (WWLEP) • Wagga Wagga Development Control Plan 2010 (WWDCP) • Environmental Planning and Assessment Regulations 2000
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects, Urbis • 4.6 Variation Statement, Urbis • Traffic Impact Assessment, Ason Group • Acoustic Assessment, Interlink • Architectural Plans, Become • Landscape Plan, distinctive • Plan of Subdivision, LTS Lockley
Report prepared by	Amanda Gray Senior Town Planner
Report date	2 February 2018

Summary of s79C matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

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

Clause 4.6 Exceptions to development standards

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

Yes

Special Infrastructure Contributions

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

**Not
Applicable**

Conditions

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

Yes

Executive Summary

- The proposed development is for a new hotel, function centre and commercial building. The application includes internal and external roadworks, signage, parking, landscaping and a 3 lot strata subdivision. The hotel will include 156 rooms, the function centre will accommodate up to 200 persons and the commercial building will have a floor area of 2272sq.metres. The value of the development is \$27.9 million.
- The development is linked to an existing mixed use development approval across the whole of The former Mill site. The development that is the subject of this application was not considered substantially the same as the original approval and could therefore not be assessed as a modification application. The two consents will have similar sets of conditions and the remainder of the original consent that has already commenced works will remain as approved.
- The development proposes the adaptive re-use of a listed heritage item, the Murrumbidgee Mill. The Mill and associated flour store buildings will be converted to hotel lobby, restaurant and en-suite heritage suites linked to the new hotel development. The grain silos will also be re-purposed for storage associated with the hotel and the restaurant.
- The application proposes an exception to a development standard and a variation under section 4.6 of the Wagga Wagga LEP has been sought. The variation relates to the height of building clause which is exceeded by a maximum of 8.4%. The central service area of the hotel building extends to 27.1 metres and the standard stipulates 25 metres.
- Access to the hotel and function centre will be via a newly designed and shared access driveway that is located partly on the adjacent parcel of land to the east and partly on the subject site. This access requires supporting works to an arterial road (Sturt Highway) including a signalised intersection to allow the safe movement of vehicles to and from the site. Roads and Maritime Services have raised no objection to the works.
- An underground basement car park is proposed with 111 spaces, a further 126 car parking spaces are proposed as part of this development. Parking numbers are assessed as sufficient due to the mixed use nature of the development.
- The development proposal was notified to adjoining properties and advertised for a period of 14 days. One submission was 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.
- The development is recommended for approval, subject to conditions as detailed in the report.

DESCRIPTION OF DEVELOPMENT

The development is for the construction of a new six storey hotel building, the re-use of the former Murrumbidgee Mill for hotel use, the re-use of the former flour store for a hotel lobby, a new function centre and commercial kitchen to the rear of The Mill and a two storey commercial building for office and retail purposes. An underground car-park is proposed together with a new internal road that links to the highway (Edward Street) with a new set of traffic lights. Landscaping and servicing upgrades across the site will also form part of the development and one two-sided illuminated pylon sign is proposed to the front of the site.

The hotel is to be built to the eastern side of the subject site. The building is rectangular and narrow in design with dimensions of approximately 20 metres by 55 metres. There will be six floors of accommodation providing 138 rooms, including six accessible rooms and five suites. Within the hotel building there will also be linen stores, a staff lunch room and changing rooms. The whole of the building will extend to a height of 23 metres. Within the central part of the hotel roof mechanical plant and air conditioning units are proposed within a screened area as well as the top of the lift shaft this part of the hotel therefore extends to a greater height of 26 metres.

The former Murrumbidgee Mill is a listed heritage item that is to be re-purposed in association with the new build hotel. The ground floor will be converted to accommodate a restaurant and the adjoining flour store building is to be repurposed for the hotel lobby, luggage room and bar. The upper levels of the Mill building will be converted into 18 heritage suites, these are generally larger than those in the new building and will all have en-suite facilities, two of the suites will be accessible. A small area above the bar in the flour store building is to be repurposed into an administration office this will be accessed via the upper levels of the Mill building.

The newly converted area forming the hotel lobby will be connected to the new build hotel by a narrow single storey glazed corridor. External changes to the building to accommodate the changes are minimal and consist mainly of changes to openings at ground floor level.

A new function centre is to be constructed at the rear of the Mill. The function centre will have a floor area of 354m² with capacity for up to 200 persons. The function centre is linked to the mill building by a new commercial kitchen and lobby area for the function centre. This addition is flat roofed and further assists in breaking up the old and new parts of the development.

A drop-off and pick up bay is to be established to the rear of the flour store serving both the hotel lobby and function centre. There is room for three vehicles within the drop off area for use by private vehicles and taxis as well as six car parking spaces. In addition a separate area is assigned for one coach to drop off, pick up and park. Areas for deliveries and waste collection are assigned to the rear of the building, there are three waste collecting areas to accommodate for the various demands of the restaurants and hotel functions.

A two storey building is to be developed at the front (north) of the site accommodating retail and office space. Retail space will extend to 150m² at ground

floor and office space of 2122m² will be on both the ground and first floor. This building will extend to a height of 11 metres with the central plant area extending further to a height of 14 metres, there will also be a roof terrace for use by building tenants. The building will have a set back of 2 metres to the front boundary, this setback complements the residential buildings that sit to the north-western corner of the overall site that have no setback. The new commercial building is predominantly glazed and will present as a modern contemporary building in a similar style to the hotel building.

An underground car- park will be developed serving the site, there will be 111 spaces within the underground area and this will be a shared facility for the hotel, function centre and commercial building as well as the restaurants within the central plaza area. A further 24 car parking spaces are to be provided adjacent to the Mill Avenue driveway and the existing central plaza will be expanded to include a total of 94 spaces at ground level. Finally there are 8 new spaces to the rear of the silos and flour store building.

The existing silos at the rear of the block are to be re-used in association with the hotel development. Uses for the silos include storage, dry store, cold store and waste. The key works associated with the re-use of the silos will be to provide access points and internal works to establish ceilings, walls and floors to a satisfactory standard to allow for food storage.

Access to the hotel and function centre will be via a newly designed and shared access driveway that is located partly on the adjacent parcel of land to the east and partly on the subject site. All vehicles accessing 'The Mill' site and the adjacent 'Amart' bulky goods site will utilise the entrance driveway. The driveway will run to the southern boundary of the site where it will connect with Mill Avenue on the subject site. Mill Avenue is an internal road within the Mill site that provides access to both the commercial and residential areas. Mill Avenue will form the exit point of the shared driveway allowing all vehicles to exit the site onto Edward Street. A turning area is provided to allow vehicles from the east to easily exit via Mill Avenue. The shared driveway will be a signalised junction, the requirement for traffic lights in this location was previously approved under the mixed use development application and has been retained in the revised development design.

The shared driveway arrangement is subject to an Agreement between the two landowners. This was first instigated as part of the approved bulky goods development currently under construction on the land to the east. The agreement is currently in draft form which covers the design of the driveway, timing and each parties scope of works, rights and responsibilities and cost arrangements with RMS. The Agreement must be finalised prior to occupation of the bulky goods development and at the time of writing this report the agreement is being finalised for signature.

Landscaping to the central plaza area will be a mix of hard and soft features and incorporate artefacts associated with the historical use of the site. The majority of plantings are indigenous plantings, which will minimise water consumption and maintenance requirements. Where required, deciduous trees have been added to provide shade during summer and sunlight penetration during winter.

The development is on part of a larger site that has the benefit of a staged mixed use development approval for residential and commercial redevelopment. (DA11/0568.09 - as modified). The subject site was originally identified as stage 5 of the mixed use development and consisted of a new build supermarket linking to the flour store and an underground car-park. The flour store and Mill were approved as commercial floorspace.

The proposed hotel development cannot be dealt with as a modification to the original approval as it is not considered to be substantially the same development. The new DA is therefore also seeking a linked amendment to the existing consent to remove stage 5 and associated conditions of consent. This can be dealt with via condition requiring a Notice of Modification and is discussed in more detail later in the report.

The hotel development that is the subject of this development application does not result in any other changes to the existing approval for The Mill. Access arrangements including the creation of Mill Avenue and associated traffic lights onto Edward Street are all retained as part of the overall site design and layout. The original consent included five settlement plans with the commercial area that is the subject of the current application referred to as settlement plan 5. As part of this application the theme of settlement or staging plans is continued and results in two additional stages, being the hotel as settlement plan 5 and the Interlink building as settlement plan 6.

The application proposes the subdivision of Lot 12 DP1178547 into three parcels to create separate strata for the grainstore tenancies, the hotel precinct and the interlink building. Shared access and parking arrangements between the three parcels will enable reciprocal rights across each parcel.

One Pylon Sign is proposed adjacent to the pedestrian entry to the forecourt area. The sign will extend to 6.5 metres in height and present the same display on both sides of the being 7 internally illuminated display areas.

The Site and Locality

The subject site is legally identified as Lot 12 DP1178547 and is known as 50 Edward Street. The land is sited on the southern side of Edward Street/Sturt Highway, it is rectangular in shape and extends to an area of approximately 1.5ha. The site is bounded by Edward Street to the north beyond which is the Robertson Oval and Bolton Park recreational precinct. To the south the land is bounded by the railway line and associated railway buildings and rail yard areas. Beyond the railway precinct there are residential buildings located within the heritage conservation area, land to the south of the railway line increases in elevation with distance. To the east of the site is land that is under construction as a bulky goods store and to the west is the remainder of the overall development site known as the Mill residential precinct.

Beyond the boundary of The Mill precinct to the west there are commercial premises including a large liquor store and hotel. Approximately 150metres to the north west of the site is Baylis Street which is the main commercial street running through the city centre. The site is therefore easily accessible by foot from the centre of Wagga

Wagga and vice versa.



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

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

Easements and Covenants

The site is subject to a number of easements for rights of way, parking and access purposes. These easements were created as part of the original Development Application approval.

Previous Development Consents

Land directly to the west known as 32-42 Edward Street gained development consent under DA16/0372 for a new bulky goods store in March 2017. This approval also includes the requirements for the shared access driveway referred to in the subject application.

DA11/0568 was the original application for a mixed use development across the site that was approved in March 2012. This consent has been amended via nine s96

modifications to date resulting in a development that consists of five residential apartment blocks, new commercial floorspace and re-use of heritage building with associated parking, highway works and landscaping.

The approval of the subject development application is across land that forms part of an existing consent across the whole of The Mill site (DA11/0568.09) and results in two differing sets of plans for the commercial area. Section 97 of the *Environmental Planning and Assessment Regulation 2000* allows for the modification of an existing development consent via the making of a Notice of Modification to the consent authority. Clauses 97(1) and 97(2) outline the details that are required to accompany the Notice, which once provided to Council is deemed to have taken effect.

In accordance with Section 80A(1) and (5) *Environmental Planning and Assessment Act 1979* a condition will be applied that secures the need for the required notice to be made to Council. The condition requires that the details of the Notice be prepared in conjunction with Council staff to ensure that all applicable matters are covered.

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

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

The development provides a mixture of uses that are compatible with each other as well as with existing land uses already approved across the subject site. The residential apartments on the western side of The Mill site are approximately 100 metres from the proposed hotel building. Some of the apartments will have an outlook towards the new building but this will be softened by the new works to the central plaza and heritage forecourt that will benefit all site users and visitors.

The site is accessible by a variety of modes of transport. Vehicle access from the highway is improved as part of this development and sufficient parking is provided on site. The site is within close proximity to the central business area that is well serviced by bus services and also the train station with services linking directly to Sydney and Melbourne. The site is easily accessible for pedestrians with clearly defined routes in and out of the site from Edward Street. Bicycle parking will be provided to encourage increased bicycle use by both staff and visitors.

Part 2 Permitted or prohibited development Land Use

The proposal consists of hotel and motel accommodation, function centre and commercial uses which have been designed to complement and be compatible with each other. The definitions of these land uses are defined in the Standard Instrument

as follows:

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation

function centre means 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.

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

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Each of the uses are specifically identified as permitted with consent under the Standard Instrument within the B4 mixed use zone.

Part 3 Exempt & Complying Development

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

Part 4 Principal development standards

4.3 Height of Buildings

Under this clause, the height of a building on any part of the site is not to exceed the maximum height shown on the Height of Buildings Map which is 25 metres. The highest building on the site is the existing grain silos which extend to 31 metres (including the water tower building on top). The Murrumbidgee Flour Mill building is approximately 18 metres. There are no proposed changes to the height of either of these buildings.

The proposed hotel building will extend to 26.1 metres which includes the plant and servicing units on the roof.

The objectives of this clause relating to height of buildings are as follows:-

(a) to enhance the vitality of Wagga Wagga city centre by facilitating medium and

high density residential, commercial and retail development in a co-ordinated and cohesive manner,

The proposed development includes a mix of uses that are linked to an existing approved residential development on site. The new buildings will present with a range of different heights, from two storey to six storey which together will significantly enhance the vitality of the site and the locality as a whole.

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

Existing buildings on site are a dominant feature in the streetscape and will continue to be clearly visible within the redevelopment proposal. The new buildings proposed for the site will complement the existing heritage buildings and enhance the streetscape by the clearing and redevelopment of the vacant areas of the site that currently present to the street. The hotel will be a modern prominent building that together with the residential blocks provides a modern 'book-end' to the site.

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

The proposed hotel and commercial building are of a modern contemporary design constructed and finished with a mix of materials. The new development will activate the site considerably as regular movements on and off the site occur via both vehicle and pedestrian activity. The residential components remain as originally approved.

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

The hotel building will dominate the eastern portion of the site in terms of its height and bulk. The fact that the building is narrow in design will assist in minimising any detrimental impact to neighbouring properties by either loss of light or overlooking. Sufficient levels of sunlight will be achieved within the public courtyard areas to the centre of the site as the northern aspect will remain open.

Shadow diagrams have been prepared that show the main impact of over-shadowing will be towards the railway line to the south. The central plaza will be shadowed during the winter mornings but receive sufficient natural light during the afternoons.

Although it is considered that the objectives of this clause have been satisfied a variation is required under 4.6 of this LEP, see below.

4.4. Floor Space Ratio

Under this clause, the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map which is 4:1. The floor space ratio is the ratio of the gross floor area of all buildings within the site to the site area. The FSR has been calculated as approximately 0.70:1 and therefore complies with this standard.

The objectives of this clause relating to floor space ratio are as follows:-

(a) to regulate the density of development and generation of vehicular and

pedestrian traffic,

The proposed floor space ratio will be less than half of the permitted ratio clearly demonstrating that the density of development is entirely appropriate and the access to the site has been designed to accommodate predicted vehicle and pedestrian movements.

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

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

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

The bulk and scale of the development has been designed to protect the heritage significance of the site. Whilst new buildings of a significant scale are proposed the site is zoned to accommodate large scale mixed use developments and the development is not anticipated to adversely affect the streetscape or character of this area.

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

4.6 Exceptions to development standards

The application seeks a variation to an LEP standard (4.3 Height of Buildings). In accordance with this section written justification has been made to allow the development to proceed despite the required variation.

The variation has been sought for both the existing silos and the proposed hotel building. As the silos are existing and there are no changes proposed other than to the internal fabric to allow their re-use the height of the building does not have relevance. The height of the silos is to remain as existing (31.2 metres) regardless of the outcome of any 4.6 variation assessment therefore approval of such would seem irrelevant.

The proposed hotel building extends beyond the standard of 25 metres in three places, specifically these are the air cooling unit at 25.65m, the mechanical plant walls at 25.75m and the lift shaft at 27.1 metres. The lift over-run represents a variation of 8.4%. Each of these points of exceedance are within the central part of the roof area and set back from the building parapet, their visibility is therefore limited. The standard is considered unreasonable and unnecessary as the objectives of control 4.3 are satisfied (see above) and the design of the hotel does not result in unreasonable or excessive building bulk or mass and does not result in loss of privacy or excess overshadowing of adjacent properties or the public domain.

The location of the plant and the lift over-run in the centre of the building is logical and functional and has no impact on the heritage significance of the site. There is no

public benefit to achieving strict compliance with the 25metre height limit in this instance and no detrimental environmental impacts are foreseen.

The development is in keeping with the objectives of this clause which are to provide an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In accordance with this control written justification has been provided demonstrating that the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The development can be considered to be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone.

Under clause 64 of the Environmental Planning and Assessment Regulation 2000, council is notified, that it may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP and clause 6 of SEPP 1. Planning Circular PS17-006 reiterates that variations of greater than 10% require further specific variation from the Secretary. As noted earlier in the report under the LEP section the variations being sought are less than 10% and can therefore proceed to determination with assumed concurrence.

Based on the above assessment the proposed exception to the development standard relating to the height of buildings can be supported.

Part 5 Miscellaneous provisions

5.10 Heritage Conservation

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

Accordingly the following provisions under Part 5.10 are of relevance.

(1) Objectives:

The applicable objectives of this clause are:

(a) to conserve the environmental heritage of Wagga Wagga

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

The application proposes the adaptive reuse of the mill and associated buildings, by reusing the heritage buildings their past is conserved and their future is secured. There are both internal and external changes to the heritage buildings proposed as part of the development but the overall appearance, scale and bulk of the heritage items will not be changed. The heritage buildings remain as the central focus point within the development site to which both the previously approved residential and proposed commercial buildings respond. The setting of the heritage buildings

remains open to the front of the site to ensure that views to it are not hindered and its significance is conserved.

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

(2) *The applicable requirements for development consent under the clause are for any of the following works:*

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior*
- (c) altering a heritage item that is a building by making structural changes to its interior*
- (d) erecting a building on land on which a heritage item is located or that is within a heritage conservation area*
- (e) subdividing land on which a heritage item is located or that is within a heritage conservation area,*

The development proposed involves altering a heritage item by making structural changes, erecting a building on land on which a heritage item is located and subdividing land on which a heritage item is located. The lodging of the development application addressing each of these areas satisfies this clause.

(4) *Effect on heritage significance*

The consent authority must before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted.

The original heritage assessment that was prepared in 2005 is referenced and included in the DA documentation. The assessment addresses the significance of the site which can be summarised as follows:-

The Murrumbidgee Co-operative Milling Company has historical significance at the local level, the site's link to the railway is important, as it was a major transport link integrated into the manufacturing process for most of its life.

The Mill has aesthetic significance at the local level for its functional design, which followed a traditional built form. The Mill and associated silos remain as some of the taller buildings in Wagga Wagga and are a landmark for travellers along Edward Street.

The site has associative significance at the local level with the founders, architect and builder of the Mill, which were local businesses, the architect-builder team collaborated on various buildings in Wagga Wagga from the 1890s to 1920s. Mill sites are not uncommon or rare in NSW but the current site is a sole survivor example in Wagga Wagga. The Mill is not considered to

be a representative example of a Federation warehouse, however it demonstrates some indicators such as face brickwork and remaining elements of industrial heritage are of some historic interest and may be rare.

Given that the redevelopment will allow for the heritage buildings to be restored and reused there will be no detrimental impact to the significance that is afforded to them. The re-use will allow for the historical and aesthetic values of the site to be enjoyed by future generations.

(5) Heritage assessment

The consent authority may, before granting consent to any development
(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

A Heritage Impact Statement had been prepared by Eric Martin & Associates. The HIS relies upon previous reports and assessments undertaken by the same company over the last 12 years. The statement summarises the works that are proposed to the buildings including an assessment of the likely impact of works. This is summarised as follows:-

Former Mill Building

- Demolition and removal of timber bin walls which has some impact but necessary if the area is to be adapted. 3 hoppers will be retained in the restaurant and interpreted.*
- The existing floor level of the mill bin area will be raised to the floor level of the other sections of the mill. This will lose some of the original relationship of openings to the external original ground levels and internal floor levels so will have some impact on heritage values.*
- Some floors (boards and joists) are removed, new floors will be added but exact details will be determined by fire rating requirements. Existing columns and main beams will remain in situ and exposed except the one near the stair/lift. This will have a minor impact.*
- The front section of the mill will have the internal floors removed and levels rationalised for the new design. There remains a step in the floor levels but it is slightly different to the existing as existing heights do not comply. The final detail will change some relationships of floors to window internally and will have a minor impact.*
- The internal stairs will be removed as they do not suit the design and do not meet current codes. This is unfortunate but accepted and will have a minor impact.*
- The hotel room use divides the space and reduces the potential to appreciate the overall spaces of the mill so has a minor impact.*
- The exterior is not affected except at ground level and generally it will be repaired and made good to original form which is a positive.*
- Paint will be removed from the northern façade in a method not to damage*

the bricks and original main lettering will remain. This will have a positive outcome.

- The existing basement windows will be bricked up. As these have been effectively buried for some time and the basement is for plant only this has no adverse impact.*
- The windows between the new restaurant and kitchen/toilets will be infilled with reclaimed bricks. The former opening will remain but infilled. This will have some impact.*
- The south elevation has a larger window which will have a new window inserted into the existing opening. The fact that the original detail will not be reinstated will have a minor impact.*
- The roof lights are new and will replace existing ones (which were not original) but in different positions. This will have a minor impact.*

Rear Addition to Mill Building

This includes the kitchen, service areas and function centre and will be a simple stand-alone new structure. It will conceal the former lower level and ground floor openings, but will have minimal impact on heritage values overall.

Former Flour store

The floor level will be raised to suit new levels of the mill section. The new ground floor will have openings created on both sides to service the new foyer which will only have a minor impact. The overall space and volume will be generally retained which is a positive. The exterior will be restored and made good.

New Hotel and Interlink Centre

These are new buildings now separated from the Mill which is a positive. The design and massing will have minimal impact on the heritage values of the Mill.

Silos

There is little change to these with effectively no adverse impact.

Landscape

The landscape is modest and will retain good exposure of the Mill. It will have no adverse impact on the Mill.

The changes proposed to adaptively reuse the former mill buildings require a reasonable level of change and concealment of some of the structure, but major items of columns and beams remain exposed and the retention of the main structural elements and conservation of the facades are positive proposals.

The changes will result in an adaptive reuse and will have an impact on the heritage values but the impact is considered acceptable to achieve a viable use. The essential elements of the Mill will be conserved in the proposal and where feasible elements of the original fabric are to be incorporated into the development.

The impact on the heritage significance of the heritage items has been assessed as

suitable subject to conditions of consent and therefore satisfies this section of the LEP.

Part 6 Urban Release Areas

The proposal is not within an Urban Release Area.

Part 7 Additional Local Provisions

7.1A Earthworks

The development includes a basement car park which will require part of the site to be excavated. The proposed works to form a car park are required to support other aspects of the development that are proposed across the site and will be of benefit to all future users of the site.

The impact of such excavation works on adjoining properties is not considered to have a detrimental impact as the design of the shared access driveway between the two parcels incorporates access to and from the basement car park.

The area of the basement car park has been subject to remediation works, the removal of contaminated material from the site removes the potential for harm to any watercourse and it is therefore considered that the proposal would be compliant with this clause of the WWLEP.

7.2 Flooding

Part of the site to the eastern side is mapped as being prone to flooding. The site is within the area of the main Wagga Wagga city levee which affords a degree of protection, but does not provide full protection to a 1:100 ARI event level. On completion of the levee works the city will be protected to the 1:100 year flood event. The Wagga Wagga Floodplain Risk Management Plan and the Wagga Wagga Floodplain Risk Management Study support the continuing development of the area within the city nonetheless and other basement car parks have been approved including the original redevelopment proposal for the subject site. There is no requirement to protect the site from a flood event.

Land adjacent to the site, particularly Edward Street and the southern rail corridor are also subject to overland flow during high rainfall events. The civil designs accompanying the development application have addressed this by including a retaining wall to the southern boundary and drainage to capture stormwater during the 1:100 event. Additional proposed measures within the car park include reflux valves to prevent backflow during flooding and a pump-out pit if any water does enter the basement.

The development is compatible with the flood hazard of the land and will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties. The proposal is consistent with the objectives and clauses contained in this section of the LEP.

7.6 Environmentally sensitive land

All of the land is identified as sensitive on the groundwater map (clause 7.6), the objective of this clause is to protect and preserve groundwater sources. Although the development is not one of the land uses specified for the purpose of this clause it is not anticipated that there will be any adverse impacts on groundwater sources as all rainwater from the site will be diverted into the redesigned stormwater system.

7.9 Primacy of Zone B3 Commercial Core

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

(a) to maintain the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of the Wagga Wagga city centre and to ensure that development does not conflict with the hierarchy of commercial centres,

(b) to strengthen Wagga Wagga's position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, health care, culture and the arts.

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

The scale of development that is proposed is not of a form that could be easily accommodated within the B3 area. The location of the subject site is adjacent to the B3 zone with direct pedestrian linkages easily available to those staying at the hotel. Equally persons could walk to the function centre and restaurants at The Mill from hotels and residences within the B3 area. Given the close proximity of the B3 area to the proposed development and the likely interaction of visitors between the two precincts the development is more likely to have a positive impact on the CBD area. There will be no anticipated detrimental impact to the primacy of the CBD as a result of this application.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (State and Regional Development) 2011

This Development Application will be referred to the Southern Region Joint Regional Planning Panel for determination in accordance with Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011, which requires the Panel to exercise planning functions of the Council as a consent authority under Part 2A of the Environmental Planning and Assessment Act for developments relating to the following:-

- (a) development that has a capital investment value of more than \$20 million.

State Environmental Planning Policy (Infrastructure)

Clause 85 Development adjacent to rail corridors and Clause 86 Excavation in, above, below or adjacent to rail corridors

There is a rail corridor directly adjacent to the development site along the southern boundary. In accordance with this SEPP written notification of the application was provided to the Australian Rail Track Corporation (ARTC). At the time of writing the report there has been no referral reply from ARTC received by Council. As the required 21 days have passed it can be assumed that there are no objections from ARTC to the development.

Notwithstanding the above, the application makes reference to the need for a crane that will encroach slightly above the railway land. As the SEPP specifically references *developments that involve the use of a crane in air space above any rail corridor* it is important that ARTC approve of this encroachment. A condition is therefore proposed that such approval is sought and provided to council.

Clause 101 Development with frontage to classified road

The objectives of this clause are to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The plans identify that vehicular access to the proposed development is to be from Edward Street which is a classified road. The design of the access has been previously discussed in the report and has been the subject of extensive consultation with Roads and Maritime Services. The driveway and associated works, such as turning lanes, will allow for a safe entry and exit point to and from the classified road without compromising the ongoing operation and function of the road.

At the time of writing the report the required road works to Edward Street associated with the adjacent bulky goods development and the approved mixed use development for the subject site have commenced. The bulky goods store is due to open later in 2018 and therefore the line marking and realignment of lanes to accommodate both developments has been agreed with RMS and is ongoing for a period of 3-4 weeks.

Noise from the classified road has been considered in the development. The design of the hotel building will incorporate acceptable acoustic solutions to mitigate noise intrusion from the road and the railway. This is discussed in greater detail later in the report.

Clause 104 Traffic Generating Development

Schedule 3 of this SEPP outlines the criteria whereby development is specified as *Traffic Generating Development*. Development proposals can include extensions to existing premises or completely new developments. Both the commercial and the retail floor space and the proposed number of parking spaces trigger this clause and as such the application must be referred to the Roads and Maritime Services. A

Traffic Impact Assessment has been prepared to support the development and assesses the likely vehicle movements to and from the site together with a parking analysis.

As noted above the site is to be accessed via a shared driveway with traffic lights controlling movements to and from the highway. The signalised junction provides a safe means of access and egress to the site which is likely to be utilised by a number of visitors to the city who may be unfamiliar with the local road network.

An analysis of the number of parking spaces across the site identifies that there are a sufficient number of spaces to service the site of mixed uses. This is based on the fact that different uses will have different peak usage, the hotel will rarely operate at capacity and almost always will consist of patrons that do not arrive by private vehicle and that all spaces are a shared facility and not nominated to any particular site user.

There are no objections from Roads and Maritime Services subject to recommended conditions of consent. The development is considered to be compatible with the applicable clauses of SEPP Infrastructure.

State Environmental Planning Policy No. 55

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

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

The original application was supported by a detailed site investigation summary and conditions of consent were issued that required remediation action plans and validation reports to be prepared prior to construction certificates being issued on various parts of the site.

The reports, the required remediation works and the validation reports have all been completed to the satisfaction of Council. The land is therefore considered to be in a suitable state for the proposed purpose of tourist and visitor accommodation, function centre and commercial premises.

No further reporting is required and the SEPP is satisfied.

State Environmental Planning Policy No. 64 Advertising and Signage) 2007

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

1 Character of the area

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?

The site is within a mixed use area and the proposed sign is to identify businesses on the site. As a mixed use area the character is varied and already includes a mix of existing signs include other single pylon signs. The proposed sign is considered to be compatible with the character of the area.

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

There is no particular theme for advertising in the locality the sign is contained within the site boundaries and does not adversely impact the area.

2 Special areas

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

The subject site contains a heritage listed building and there are other listed items on land to the north and south of the site. The proposed pylon sign to the front of the site is small in scale when compared to both existing and proposed buildings on site and is not considered to detract from the heritage significance or the amenity of this area.

3 Views and vistas

Does the proposal obscure or compromise important views?

The sign is contained within the site and is provided for identification and directional purpose. The sign will not obscure or compromise important views.

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

The signage will not dominate the skyline.

Does the proposal respect the viewing rights of other advertisers?

The signage does not obscure any other advertisers.

4 Streetscape, setting or landscape

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

The scale of the proposed signs is considered appropriate for the streetscape.

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

The signage is functional only and does not complement the streetscape.

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

Does the proposal screen unsightliness?

The subject site is within a precinct that is undergoing major redevelopment and a number of site users are to be included on the one sign which will ensure that cluttered signage does not occur across the frontage of the site adjacent to the highway.

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

The proposed sign does not protrude above any of the buildings.

Does the proposal require ongoing vegetation management?

The proposed sign is within the landscaped area adjacent to the site frontage. All landscaping within the site will be subject to ongoing management.

5 Site and building

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

The size of the sign is considered to be in proportion and compatible in scale to the size of the building and site.

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

Views of the heritage buildings within the centre of site are to be maintained and the sign will not detract from this feature. The sign will face towards the road and therefore only the side view will be within the view towards the heritage building.

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

The proposed sign is of a functional design and likely to consist of business identification and corporate logos only.

6 Associated devices and logos with advertisements and advertising structures

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

The proposed pylon sign will be internally illuminated.

7 Illumination

Would illumination result in unacceptable glare?

Illumination from the sign is not anticipated to result in unacceptable glare for passing motorists.

Would illumination affect safety for pedestrians, vehicles or aircraft?

No

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

No - given the highway location and associated lighting of the highway the sign is not anticipated to adversely impact existing residential properties to the western side of The Mill precinct.

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

Is the illumination subject to a curfew?

The illumination of signs will be linked to operational hours of the premises on site. A similar restriction applies to other signs within the mixed use highway precinct.

8 Safety

Would the proposal reduce the safety for any public road?

No, see comments above.

Would the proposal reduce the safety for pedestrians or bicyclists?

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

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

The proposal will not obscure sightlines from public areas.

The sign is consistent with the assessment criteria contained within this SEPP.

Section 79C(1)(a)(ii) - any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

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

In accordance with the Wagga Wagga DCP the application was advertised and notified to neighbouring properties between the 14th November and 4th December 2017. One submission was received and this is discussed in greater detail below (section d).

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

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

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

Access to the hotel and function centre will be via a newly designed and shared access driveway that is located partly on the adjacent parcel of land to the east and partly on the subject site. All vehicles accessing 'The Mill' site and the adjacent 'Amart' bulky goods site will utilise the entrance driveway. The driveway will run to the southern boundary of the site where it will connect with Mill Avenue on the subject site. Mill Avenue is an internal road within the Mill site that provides access to both the commercial and residential areas. Mill Avenue will form the exit point of the shared driveway allowing all vehicles to exit the site onto Edward Street. A turning

area is provided to allow vehicles from the east to easily exit via Mill Avenue.

As the access is onto an arterial road, the shared driveway will be serviced by a signalised junction. The requirement for traffic lights in this location was previously approved under the mixed-use development application. The traffic lights in this location are required due to the volume of vehicles that will be required to enter, exit and cross the arterial road from the subject site. The new junction will allow for a safe and secure entry and exit point as well as a pedestrian crossing point into the precinct. The hotel use is likely to attract many visitors who are unfamiliar with the local road network. The use of a signalised junction therefore assists in ensuring safe movements to and from the highway in this location.

The existing alternative access to the residential component of the site will remain via the secondary frontage on Flinders Street.

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 assessment has been prepared and lodged in support of the application. The report assesses existing access movements in the locality, the capacity of the existing road network and the proposed new junction together with a review of the parking provision. The implications of increased vehicle movements and a parking review are discussed in more detail elsewhere in the report.

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

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

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

There are dedicated loading areas provided to the rear of the heritage buildings servicing the grainstore restaurants, the kitchen and the hotel lobby areas. The size of the loading areas is considered to be both appropriate and adequate for the proposed land uses. This area will also be used by garbage collection vehicles and is considered suitable for such servicing.

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

C6 Ensure adequate sight lines for proposed driveways.

Edward Street benefits from long straight views in both directions, the sightlines provided for the driveways are adequate. All roadworks have been designed in conjunction with the requirements of Roads and Maritime Services.

2.2 Off-street parking

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

- O1 Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.*
- O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.*

The layout of the parking spaces throughout the site has the potential to improve the efficiency of vehicle movements and pedestrian routes in this locality. Whilst the application is for a new hotel, function centre and commercial building the parking will be a shared facility across the mixed use site allowing users of other areas such as the food and drink premises to utilise spaces within the hotel precinct and vice versa.

The WWDCP has a table of minimum car parking requirements for different identified land uses. The following table gives a summary of parking requirements and provision across the whole of the site for each individual land use. The table identifies the required number of spaces for each land use, how many spaces are provided and the cumulative credit or shortfall across the site. Other than within the residential precinct spaces are not specifically assigned to any use so this analysis allows the credit and shortfall to be read across the whole site. As there are 12 residential visitor spaces within the commercial area the credit of 7 spaces from the residential flat buildings to the remainder of the uses is appropriate.

Land Use	Parking Requirement	Required No. of Spaces	No. of spaces provided	Cumulative Credit/ shortfall
Residential Flat Buildings	1 space per 2 bed apartments x 50	50		
	2 spaces per 3 bed apartments x 48	96		
	Visitor parking - 1 per 5 apartments	20		
	Total Residential	166	173	+7
Food and Drink Premises	1 space per 25sq.m @1625sq.m (560sq.m Residential precinct, 775sq.m Grainstore, 290sq.m new restaurant)	65	94 (central plaza)	+36
Commercial Floorspace	1 space per 45sq.m retail and commercial @2874sq.m - Existing (602sq.m) and proposed (150sq.m+ 2122sq.m)	64	32 (Mill Avenue & rear hotel)	+4
Hotel Accommodation	1 space/unit plus 1 space/ 2 employees @ 156 rooms and 20 employees	156 + 10 Total 166	111 (basement)	-51
Function Centre	1 space/ 25m2 GFA @ 354sq.m	14	0	-65
	Total Required	475	410	-65

The above assessment would conclude that the provision of car parking spaces cumulatively across the site would fall short by 65 spaces. However the assessment of a mixed use development cannot be determined in such strict terms as all of the uses will be used to their peak at different times of the day and on different days and it is also unlikely that all uses will reach maximum occupation at any one time. The hotel use for example anticipates an average occupancy rate of 85%.

The variation of the parking requirements outlined in the DCP can be justified by a number of factors. Firstly all of the commercial parking spaces will be shared amongst users across the site, the only spaces that do not have a dual purpose are those assigned to residential apartments within the residential precinct. However there are identified residential visitor spaces to the rear of the grainstore that could be shared. The right of carriageway and shared parking arrangements will be secured by a condition requiring appropriate 88b Instruments to be created across the subject site. Secondly the peak use times of the retail and office building will differ considerably to the restaurants and function centre which is likely to result in the central plaza area being used by two separate user groups at separate times of the day. Many hotel visitors and patrons using the restaurant and function centre are likely to arrive in shared cars or taxis minimising the demand for parking spaces. The hotel will offer a shuttle bus service to the airport and provision for bus parking to attract travelling groups is provided at the rear of the site.

The traffic assessment prepared in support of the application includes an analysis of peak usage and concludes that the highest demand for parking is between 8.15pm and 8.45pm when 231 spaces would be in demand within the commercial section. This demand is satisfied by the provision of 237 spaces within this part of the site.

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

Based on the findings of the above parking assessment there will be sufficient spaces on site at all times and therefore no risk to existing vehicle movements on the highway. Parking on the highway directly to the front of the site will be restricted to ensure that there is no disruption to vehicle movements from cars parked on the highway. The no parking restriction will be secured by condition.

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

All of the proposed new areas of surface parking are to be enhanced through the provision of landscaping. Predominantly this includes tree planting regularly spaced between the parking bays as well as along the site edges.

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

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

2.3 Landscaping

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

The controls under this clause are as follows:

C1 A landscape plan is required for applications for:

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

Landscape plans for the site have been provided as part of the application. There is an overall conceptual approach to the landscaping incorporating soft and hard details as well as incorporating historical artefacts associated with the history of the site. The concept allows different areas to link to one another without any obvious transition.

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

There are no natural features on site to be retained. The existing street trees have been assessed and their condition has been found to be poor, replacement planting will benefit the site and the overall streetscape in this area as the quality of the trees will be improved.

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

There is a mix of species proposed throughout the site including native and indigenous types as well as some exotic species. All of the species that have been selected within the site are considered appropriate.

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

Trees are proposed along the front boundary of the site. The street trees are to be replaced along both Edward Street, however the suggested use of *Platanus x acerifolia* as street tree plantings do not fit in with the realignment of the Sturt Highway. *Crepe Myrtles* (*Lagerstroemia indica* "Tuscarora") have been used in other areas where space is limited and may also be utilised in this location. The final species selection will be agreed with Council at the time of planting and this can be secured by condition.

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

Considerable tree planting is proposed to the front and side boundaries of the site and also throughout the site especially within the central plaza and car park area. Ground cover planting is proposed amongst the trees to assist in softening the impacts of development.

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

Given that many of the buildings on site are of a significant height the proposed planting will not significantly impact on solar access to the buildings. However, the presence of the trees throughout the development will provide appropriate shading for car parks and other communal areas.

The positive approach to landscaping across the site not only benefits the site as a whole and the visual amenity for all those that look into or at the development site but is also of considerable value to the occupants of the residences and for other regular users and employees within the site.

2.4 - Signage

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

The proposal to use one sign to display business identification signage for numerous tenants will minimise the risk of clutter and provide a clear identification point for users and visitors to the site. The following specific controls apply to the proposed pylon sign:-

C37 Maximum of one (1) pole or pylon sign per street frontage.

There is one pylon sign proposed to the front of the site.

C38 Minimum clearance of 2.6metres is required from the underside of the pole or pylon sign and the ground level, except where the sign structure is a monolith style accommodating a panel that reaches to or close to the ground.

The pylon sign is of a monolith style with no clearance at the base.

C39 Maximum panel area per sign (whether all used for advertising content or not) for a pole or pylon sign upon a site located within a business zone is 8m² or 10m² for a monolith style sign.

The total panel area of the monolith sign is 9.75sq.m. The base of the sign covering an area of 2.7sq.m is to be used for precinct signage and the remaining 7.05sq.m will be used for business identification signs. There have been no specific details of tenancy signs provided as part of the application.

C40 Maximum height for a pole or pylon sign upon a site located within a business zone is 8metres above ground level, provided the height of the sign does not protrude above the dominant skyline (including any buildings, structures or tree canopy).

The maximum height of the sign is 6.5 metres.

C41 Maximum panel area per sign (whether all used for advertising content or not) for a pole or pylon sign upon land within an Industrial zone is 10m², including monolith signs.

Not applicable.

C42 Maximum height of a pole or pylon sign upon a site located within an Industrial zone is 8metres above ground level, provided the height of the sign does not

protrude above the dominant skyline (including any buildings, structures or tree canopy).

Not applicable.

C43 Maximum panel area per sign (whether all used for advertising content or not) for a pole or pylon sign upon land within a rural zone is 4m².

Not applicable.

C44 Maximum height of a pole or pylon sign upon a site located within a rural zone is 4metres above ground level, provided the height of the sign does not protrude above the dominant skyline (including any buildings, structures or tree canopy).

Not applicable.

C45 Will generally not be supported upon a site located within a residential zone.

However, a pole or pylon sign may be permitted, in special cases where:

- (a) The proposed sign is for advertising of an existing approved business; and*
- (b) The proposed sign (in the opinion of Council) will not cause any adverse visual impact upon the streetscape character or amenity of the residential locality and /or view loss to key views or vistas; and*
- (c) The maximum advertising area of the sign is 0.75m² and the maximum height of the sign is 2m², above ground level.*

Not applicable.

The proposed pylon sign is consistent with the controls in this section of the DCP.

2.5 Safety and security

The redevelopment of a vacant site immediately enhances the safety and security of this precinct by introducing activity and regular movement in and out of the area.

If arriving by car the entry to the hotel and function centre are to the rear of the site but this will be clearly signposted. Equally the hotel lobby that is to be established within the former flour store building will open onto the central plaza and provide a clear entry point for those coming into the venue by foot or from the central car park. The pick up and drop off area provides a safe place to wait for taxis that is well illuminated and overlooked by the lobby area.

The design of the buildings include significant glazing together with lighting to all public areas and car parking areas. Whilst not detailed in the application it is possible and likely that security cameras will be fitted around the development for added security. There is a requirement for a venue and security management plan to be prepared part of which is to provide such cameras.

The basement car park is an area that is screened from public view and will require management to ensure that the safety and security of the users of this parking area are addressed. It is unclear if gates and/or railings are proposed to any part of the car park but a condition is proposed that the details of any such security measures are approved prior to Construction Certificate.

There are no blank walls that present to the street and the re-development will assist inactivating the whole precinct that has been vacant for many years. The safety and security of the site has been considered and deemed as acceptable.

2.6 Erosion and sediment control principles

The standard condition will continue to apply through all stages of development.

2.7 Development adjoining open space

There is a large area of open space opposite The Mill site. The redevelopment of the site faces the open space and will enhance the overall precinct in terms of visual amenity and activity in this locality.

Section 3 - Heritage Conservation

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

The proposal includes works to a heritage building and the following controls are therefore of relevance:-

3.2.1 Alterations and additions to heritage items

The objectives of this clause are as follows:

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

As noted under section 5.10 of the LEP earlier in the report there are extensive works required to enable the adaptive reuse of the heritage buildings to be completed including alterations and additions. The additions are to the rear which ensures that the impact on the significance of the heritage item is minimised and the alterations are generally to floor levels and staircases to comply with regulations and to enable the buildings to be linked.

Specific controls with regard to additions and alterations to a heritage building are as follows:

C1 Avoid changes to the front elevation - locate new work to the rear of, or behind the original building section.

The only changes to the front elevation of the former Mill and flour store buildings will be at ground floor where increased openings to the buildings are made to accommodate the hotel lobby and restaurant uses. As both of these uses will open

out onto the central plaza the use of glazing to connect the two areas is a positive change with minimal impact to the overall building. The upper floor windows will remain in situ with any repairs being on a like for like basis. New work in the form of the function centre and the kitchen are all contained at the rear of the heritage buildings. The only other addition is the glazed corridor connecting the heritage buildings to the new hotel.

C2 Design new work to respect the scale, form, massing and style of the existing building, and not visually dominate the original building.

New additions to the building respect the scale and style of the existing heritage building, additions are generally at ground level and will not dominate the original structures.

C3 The original roof line or characteristic roof elements are to remain identifiable and not be dwarfed by the new works.

The original roof line of all of the roofs on the heritage buildings will remain. Each roof is to be replaced with new materials given the poor condition of the existing ones however the style, height and form will not change.

C4 Retain chimneys and significant roof elements such as gables and finials where present.

There are no chimney features to be retained on the heritage buildings.

C5 Ensure that the new work is recognisable as new, “blending in” with the original building without unnecessarily mimicking or copying.

The function centre, kitchen and connecting corridor clearly present as modern additions rather than attempting to replicate historical design features. The additions to the heritage building are deliberately modern in style and of a different material to provide connection with the proposed new buildings that are proposed.

C6 Complement the details and materials of the original roof including ridge height and slopes without compromising the ability to interpret the original form.

The new buildings are completely separate from the heritage buildings allowing the original roof form to be clearly read and interpreted. The hotel building and interlink building are modern flat roofed buildings that do not mimic the roof of the heritage building in any way. The proposed design of the site clearly separates the old and the new to minimise the impact on heritage significance whilst securing a functional adaptive re-use for the heritage buildings.

C7 New materials are to be compatible with the existing finishes. Materials can differentiate new work from original building sections where appropriate, for example by the use of weatherboards where the original building is brick or by the use of “transitional” materials between old and new.

There are no new materials proposed to the heritage buildings other than the new glazed areas to the front elevation which are compatible with the original approvals for the building and the adjacent grain-store building. The openings at ground level

are compatible with the brick buildings and existing finishes.

C8 Retain front verandahs. Reinstating verandahs, and removing intrusive changes is encouraged, particularly where there is physical and/ or historic evidence.

There are no verandahs to be retained, however new covered terrace areas are proposed at the front of the mill buildings. Some modern additions to the front of the heritage buildings have already been removed from the site as part of historical approvals.

3.2.2 Materials, finishes and colours

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

In order to achieve this objective the following controls are listed:

C1 Select materials to be compatible, but not necessarily matching the materials of the building. The materials should complement the period and style of the heritage item.

The materials to be used on the new buildings consist of metal cladding, timber, paint, steel louvres and screens and aluminium windows. These materials are in contrast to the red brick and timber window frames that characterise the heritage building and allow for the new and old to be clearly differentiated on site.

The new materials that are proposed to be used on the heritage buildings as part of the alterations are considered to complement the existing materials, and will be clearly identified as new works which secure the future of the buildings through adaptive reuse.

C2 Colour schemes are to reflect the period and detail of the property.

The new commercial buildings propose to use a palette of sympathetic materials to the adjacent Mill buildings but comparable to the residential buildings that have been developed at the western side of the site. Colours on the heritage building will not change as part of this development.

C3 Painting or rendering face brick is generally not supported.

The heritage report recommends that external face brickwork should not be painted or rendered, however, in places where it is already painted, such as on the west elevation, it is recommended to remain “as is”, as it illustrates that the site has changed over time. The adaptive reuse of the Mill buildings and the alterations and additions are another “layer” to the building’s history. The painted signage of the Mill along the north and south elevations is also recommended to be left “as is” further representing the history of the site. This detail will be secured by condition.

3.2.3 Adaptive reuse of heritage items

Adaptive reuse of heritage buildings can provide the necessary viability for the continued use and maintenance of heritage buildings. Accommodating the new use should involve minimal change to significant fabric in order to protect heritage significance. Elements or artefacts from the original use (where present) may be required to be retained to assist interpretation.

An interpretation strategy has been completed that recommends the retention of certain elements and their re-use or display within the proposed development. The recommendations of the interpretation strategy will be secured by condition as this assists in maintaining the significance of the site.

Controls

C1 The adaptive reuse of a heritage item should minimise alterations or interference with significant fabric. The changes are to enable the continued interpretation of the original use.

C2 Ensure that new services are sympathetically installed especially where upgrading is required to satisfy fire or BCA requirements.

The reuse of the Mill and flour store will occur with minimal alteration to the fabric of the buildings and will not prevent the historical interpretation being possible. The retention of certain features such as timber beams assists in restoring the history of the buildings and provides further insight into the previous use of the site.

3.2.4 Development in the vicinity of a heritage item

Development in the vicinity of a heritage item can have an impact upon the heritage significance of the item, in particular through an impact on its setting. Determining whether a property is within the setting of a heritage item is a necessary component of the site analysis for proposal.

This section encourages development in the vicinity of a heritage item to be designed and sited to protect the significance of the heritage item. All of the proposed development is classed as development in the vicinity of a heritage item because of the mill buildings, however there are other heritage items in the vicinity especially within the railway precinct.

The new hotel building will restrict views towards the heritage item from the east due to its height and bulk. However the same height and bulk enables a narrow design of building that does not project in front of the Mill buildings and allows for views to the front of the heritage items to be maintained in full. The creation of a central landscaped plaza area further opens up the views of the heritage building to a greater degree to the benefit of site users and those travelling past the site.

There are no detrimental impacts to the vicinity of other heritage items nearby as a result of the development.

Section 4 - Environmental Hazards and Management

Part of the site to the eastern side is mapped as being prone to flooding. The site is within the main area of the Wagga Wagga city levee which affords a degree of protection, but does not provide full protection to a 1:100 ARI event level. The Wagga Wagga Floodplain Risk Management Plan and the Wagga Wagga Floodplain Risk Management Study support the continuing development of the area within the city nonetheless, noting that the levee will be upgraded to provide full 1:100 ARI event protection in the future.

Additional comments regarding flooding were included as part of the assessment under section 7.2 of the LEP.

Section 5 - Natural Resource and Landscape Management

All of the subject site is identified under the LEP as sensitive land on the groundwater vulnerability map.

As noted under section 7.6 of the LEP assessment there are no anticipated impacts upon groundwater as a result of the development.

There are no applicable controls within sections 6, 7, 8 and 9 of the Wagga Wagga DCP 2010.

Section 10 - Business Development

10.2 Mixed use developments

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

Objectives

- ☐ Ensure the design and layout of mixed use developments retains a high level amenity for all users.
- ☐ Encourage active street frontages and an opportunity for a mix of uses.
- ☐ Ensure that the form of mixed use development in the B4 Zone is appropriate to its built context.
- ☐ Encourage adaptive reuse of existing large-scale buildings in the B4 Zone.
- ☐ Ensure that development of sites within B4 Zone is based on an urban design based Masterplan.

The proposed development introduces an increased variety of development types to complement the existing approved commercial and residential uses across the site. The development introduces a building of greater scale than the existing buildings on site but one that can be justified in this location, furthermore the development specifically addresses the adaptive re-use of an existing large vacant building on

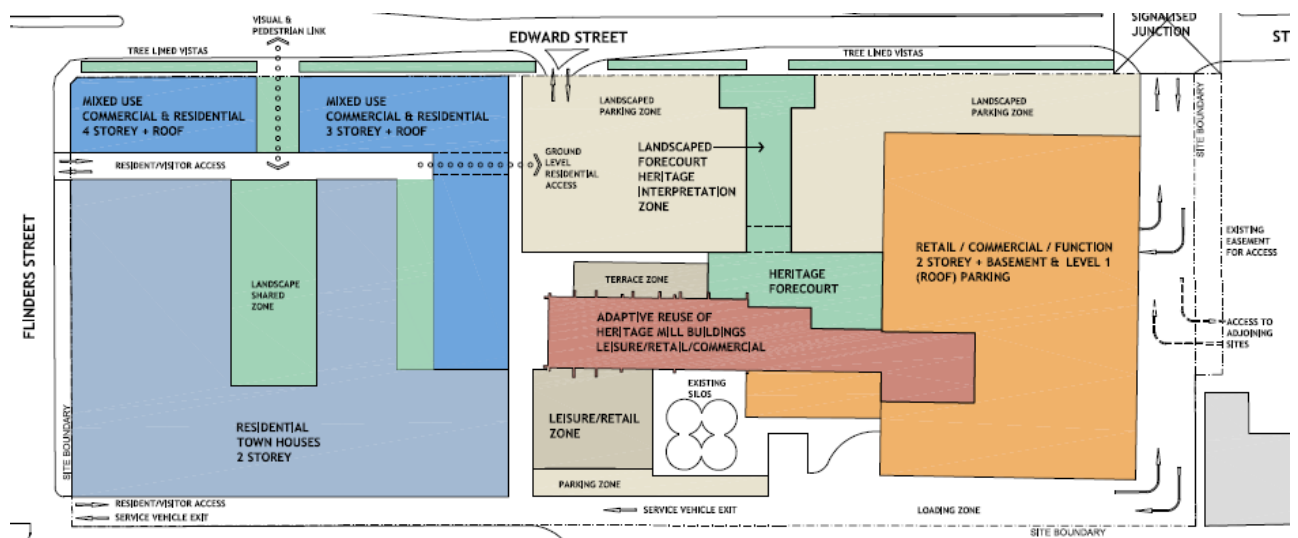
site. The layout of uses has been designed to maintain amenity levels for all users and is consistent with each of the listed objectives.

Controls

C1 All developments on sites and consolidated sites larger than 1 hectare within the B4 zone are required to be in accordance with an urban design based on master plan approved by Council. Controls C2 to C9 will not apply in such instances.

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

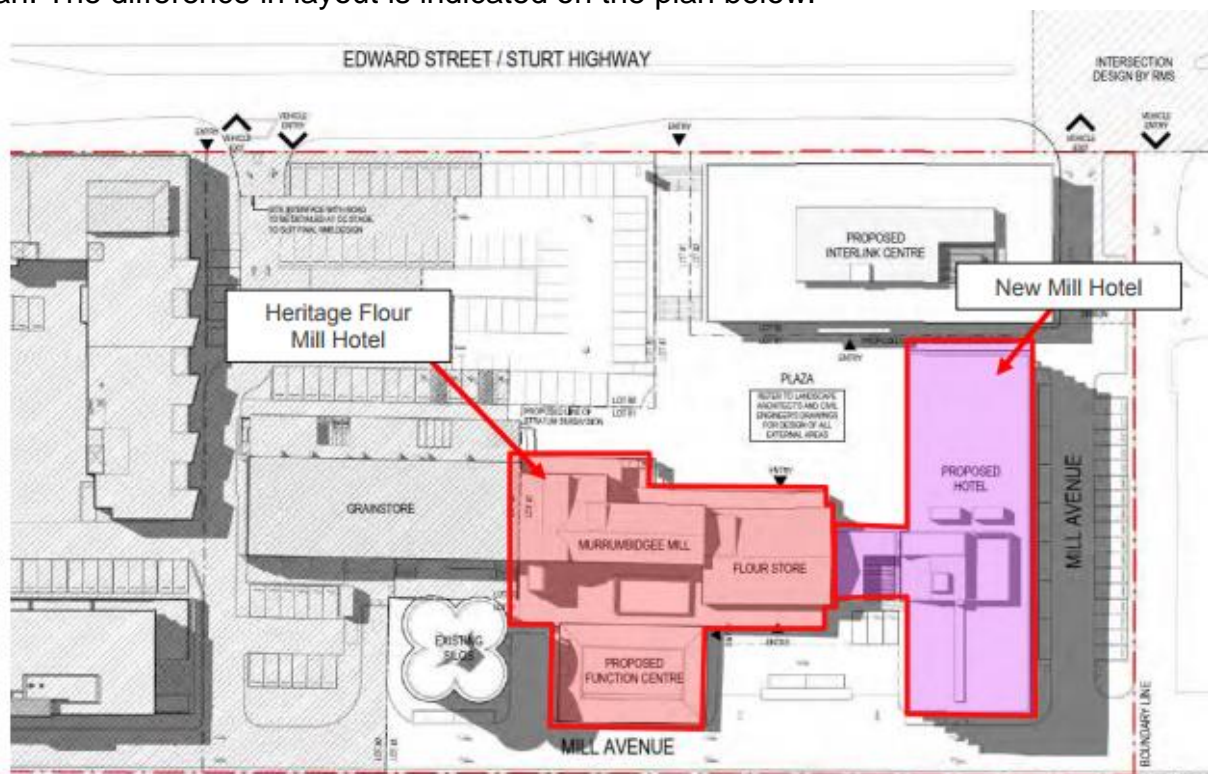
The masterplan images included 3 and 4 storey residential buildings at the north-western corner of the site and also a new two storey building for a supermarket and conference site sitting forward of and linked to the front of the heritage buildings. The masterplan identified a new traffic junction and road through the site for exiting service vehicles as well as a central left in and left out only access onto the highway. Re-use of the heritage buildings and the retention of the heritage buildings as central features of the redevelopment were key to the plan. The importance of pedestrian access and permeability throughout the site was endorsed including an open heritage forecourt area. (see image below)



A report was presented to the full Council meeting on 29 August 2011 and the masterplan was subsequently approved and used as a basis for the development application that was made under DA11/0568 in November 2011. The original application lodged with Council included one main area of difference which was four storey residential buildings to the rear of the site. These blocks were proposed in place of townhouses that were shown on the masterplan. The proximity of town houses to both the servicing and delivery laneway and the railway was not considered the best solution and an alternate design was prepared with parking at ground level and apartments above. This variation to the masterplan was considered

suitable and acceptable.

The current subject application differs from the indicative masterplan in that it introduces a new land use, namely tourist and visitor accommodation. The indicative masterplan identified the area proposed as a hotel for retail, commercial and function with the Mill building identified as reuse for leisure, retail and commercial. The plan does however identify a large area for redevelopment towards the eastern side of the site and the proposed development is therefore consistent with the original indicative plan. The difference in layout is indicated on the plan below.



Source: Become

There are no applicable controls within sections 11, 12, 13, 14, 15 and 16 of the Wagga Wagga DCP 2010.

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

No planning agreement has been entered into.

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

The provisions of the regulations have been considered in this assessment. There are no relevant prescribed conditions.

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 adverse impacts resulting from this development.

Bush Fire Risk Assessment

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

(b) - The likely impacts of the development

Context and setting

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

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

The site has a history of industrial and commercial uses that are dominated by the use of the site as a flour mill. The buildings that remain on site represent the historical use of the site and are identified as heritage items. The views to and from the heritage buildings are to be maintained through the open plaza allowing direct views of The Mill from the recreational areas opposite.

Land to both the east and west is developed for commercial purposes. Buildings of 2-3 storeys are characteristic within Baylis Street to the north west of the site boundary, some of which are visible from the site.

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

Access, transport and traffic

Access arrangements to and from the site have been discussed elsewhere in the report and remain generally as originally approved. The shared access arrangement

with the adjacent parcel of land to the east is a positive outcome in terms of managing entry and exit points to and from the highway.

A parking assessment has also been included in the report demonstrating that due to the shared nature of the parking spaces and the variation of times when land uses occupy the spaces the provision of spaces is sufficient.

The existing temporary right turn into the centre of the site from the highway remains with a two year limit and it's closure will occur during 2019.

Services

There will be upgrades to sewer and stormwater services across the site in association with the proposed new land uses. Contribution payments under s64 are required to be made due to the anticipated increase load into the sewer infrastructure.

Heritage

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

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

The new buildings that are proposed on site will impact the views of the heritage building from certain views and vistas but will present clearly as modern contemporary additions to a heritage listed site. The importance of the heritage buildings is maintained by their central location and open vista to the streetscape which is softened and enhanced by upgrades to the landscaping throughout a central plaza area.

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

Natural Hazards

Part of the site to the east is identified as flooding due to the proximity of the site to the CBD which is protected by the city levee but not to the 1:100 year flood event. The proposed development is not anticipated to affect flood behavior to a significant degree.

The site is not subject to bush fire.

Man-Made Hazards

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

Economic Impact in the Locality

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

The redevelopment of the site is anticipated to have positive economic flow on effects as other developments take place in the area and linked spending occurs in the CBD. Investment into the residential properties will have a further positive economic impact on the wider economy of Wagga Wagga.

Tourism is a major part of the Wagga economy and the need for high quality accommodation is recognised to be able to support major events across the City. Despite a recent increase in available accommodation in the City (e.g. *International Hotel and Bolton on the Park*) data from the Australian Bureau of Statistics gathered through their Survey of Tourist Accommodation shows that occupancy rates have remained steady or increased. The proximity of sporting facilities that have recently hosted national water polo and cricket events contributes to the demand for hotel accommodation in this precinct.

Overall the redevelopment of the site is anticipated to have positive economic spin offs as other developments take place in the area and linked spending occurs in the CBD. Investment into the residential properties will have a further positive economic impact on the wider economy of Wagga Wagga.

Social Impact in the Locality

The redevelopment of the site has a number of positive social impacts. The close proximity of the site to both retail and recreational pursuits has positive impacts for residents and users of the site and the accessibility of the site by alternative modes of transport is seen as great value. The introduction of new employment opportunities within the new tenancies will also have positive social impacts.

The redevelopment of the site that is a landmark within Wagga Wagga that has been vacant for a number of years gives a positive message to the community in terms of investment into the city not only in economic terms but also with the restoration and reuse of valuable heritage buildings.

The proposal introduces a licenced function centre and increased night time activity that has further social impacts. The new tenancies serving alcohol have a positive social impact through the introduction of new social gathering places but also have the risk of incidents related to alcohol and violence within the newly constructed precinct.

The Local Area Command have reviewed the application and recommended opening hours be limited to midnight and the need for a Venue and Safety Management Plan. These concerns will be addressed via condition.

Noise and Vibration

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

The main changes between the Consent DA11/0568.09 and the current Application DA17/0663 is the deletion of the supermarket and replacement with a new hotel building and function centre, new commercial building and adaptive re-use of the Murrumbidgee Mill as part of the Hotel.

It is considered that the acoustic survey of the site remains current being impacted by both rail noise from the adjacent Sydney to Melbourne rail corridor and road traffic noise from Edward Street (the Sturt Highway). Original recommendations (for residential apartments) were for upgraded glazing to mitigate internal noise levels.

There are no new residential components to the development, however the development does include hotel and motel accommodation and consideration should be given to the impact of noise on these rooms. The Mill Hotel is designed to achieve 4.5* standard and it is proposed that the hotel rooms will be designed for acoustic performance similar to the residential apartments. The design will utilise the acoustic detailing that has been demonstrated to achieve the required acoustic outcomes, as evidenced by the acoustic testing undertaken in the residential apartments. Such measures relate to specified wall ratings, floor ratings, door, window and glazing requirements.

It is recommended that the specific acoustic detailing for the hotel be provided by a mechanical engineer and included at Construction Certificate stage. This detail will also include the roof mounted mechanical plant and air conditioning units. This will be secured by condition.

Other potential noise sources from the site include increased vehicle movements, delivery vehicles and waste collection vehicles and noise from the function centre. The closest residential properties that have the potential to be impacted by noise disturbance are within the residential apartments on the western side of the subject site that are approximately 90 metres at the closest point and those to the southern side of the railway line that are approximately 125metres at the closest point. The original mixed use approval for the site included a requirement for an acoustic wall along the southern boundary. Whilst the layout to the rear is slightly different in that there is no longer a supermarket loading dock in this area, the development does now include a function centre and lobby area. Therefore it is proposed to retain the requirement for an acoustic wall to minimise noise emissions towards the south.

The existing and approved restaurants on site are subject to a Venue Management Plan, developed in cooperation with the Police, which sets out the restaurant

management responsibilities and controls to minimise development of late-night noise events and impacts on the nearby residents. Such a plan will also be a requirement of the function centre and this must be agreed prior to occupation. In addition acoustic measures can be designed into the building to mitigate noise escaping such as self-closing doors and specified glazing types. It is proposed to include a condition of consent that requires a mechanical engineer to certify that all noise guidelines are met by the design of the centre. The hours of the function centre are limited to midnight which is consistent with other food and drink premises that have already been approved on site.

The hours of deliveries to the site can be suitably conditioned as can the movement of waste vehicles to and from the site. Scheduled collection times are listed in the waste management plan ranging from 6am to 1pm but the condition proposes to allow the overall use of delivery areas until 6pm each day. The manner in which the collection of waste bins has been designed at the rear of the buildings minimises the need for trucks to reverse in and out of bays and therefore the risk of reverse sounds is not anticipated to create any disturbance. Waste zones are identified for trucks to pull into and pick up bins without having to manoeuvre from Mill Avenue. Such an arrangement results in a truck stopping on Mill Avenue but this is not anticipated to adversely impact vehicles moving through the site.

Site Design and internal design

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

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

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

Construction

Construction across the site first commenced in 2013 and is anticipated to be ongoing for a number of years. At the start of 2018 two of the residential blocks are complete and occupied including commercial uses at ground floor. Footings have commenced on the central residential block and the communal pool area is also complete.

The conversion of the Grainstore for food and drink premises has commenced and the first tenancy is due to occupy during this year. Existing approvals include stages of development across the site linked to highway and access improvements. This concept is continued with the subject application.

A condition requiring a Construction Management Plan will be included to ensure that the development proceeds without any negative impact to existing site users,

neighbouring properties and the adjacent highway and railway.

Cumulative Impacts

The redevelopment of The Mill site is anticipated to result in further developments within the vicinity and will therefore have a positive cumulative impact. The major road work improvements associated with this development will impact on other land users in the locality but will also allow for improved and safer access arrangements for all users of the highway.

There are a number of other approved developments within proximity to the application site, these include a new PCYC recreational centre, upgrades to the Bolton Park precinct and a new bulky goods store development. Together all of these developments will result in a completely regenerated appearance to this area which being on the main thoroughfare through Wagga Wagga is very prominent.

The introduction of the hotel to the mix of on-site uses will attract persons from out of town and boost tourism numbers and linked spending within the central core area. There will undoubtedly be positive economic, social and environmental spin offs for the immediate vicinity as well as the local area generally as such a landmark site is brought back into productive use.

The Principles of Ecologically Sustainable Development

1 The precautionary principle

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

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

2 Intergenerational equity

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

The proposed remediation of the site that has occurred to date, the preservation and re-use of heritage buildings and subsequent landscaping and planting will considerably improve the quality of the site for the benefit of future generations.

3 Conservation of biological diversity and ecological integrity

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

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

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

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

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

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

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

Referrals

Internal referrals within Council have resulted in a number of suggested conditions.

In addition the application was referred to Australian Rail Track Cooperation (ARTC), the Roads and Maritime Service (RMS), the local Police, Heritage Council and the Heritage Advisor. Responses from the referral bodies are discussed in detail below.

Notification

The development was notified to neighbouring properties between 14 November and 4 December 2017. One submission was received as a result of the notification.

The submission raised concern that the binding agreement with the adjacent landowners to the east is not yet in place.

Comment: The agreement has been drafted and it is a condition of consent that this must be finalised prior to construction certificate. It is believed that the condition satisfies the concerns raised in the submission.

Advertising

The development application was advertised between 14 November and 4 December 2017. No further submissions were received as a result of advertising.

Public Submissions and those from public authorities

Roads and Maritime Services

The following comments were provided:-

The proposal represents alterations to the previous approval for the development of phase 5 of a "Mixed Use development" of the subject site as per DA11/0568 as modified. The supporting Statement of Environmental Effects and traffic report does not appear to propose any significant changes to the approved access arrangements to and through the development site from that of the previous consent including the construction of "Mill Avenue" to intersect with Edward Street, road upgrade works to Edward Street including the installation of traffic signals at the new intersection and a raised central median within Edward Street stretching from east of the new "Mill Avenue" intersection to Fitzhardinge Street. "Mill Avenue" is proposed to be constructed to provide for 2-way unrestricted vehicular movement between its

intersections with Edward Streets and Flinders Street. This is supported by Roads and Maritime.

The current temporary right turn access to the central carpark on the Mill site which was provided as part of settlement plan 2 was limited to a period of 24 months unless Mill Avenue was constructed to intersect with Edward Street at which time this right turn was to be deleted. This condition is to remain as part of that previous consent.

Roads and Maritime Services requires that at all stages a minimum of 2 travel lanes in both directions along Edward Street are to be maintained and any access driveway to the development that allows right turn from Edward Street is supported by a Channelised Right Turn (CHR) facility within Edward Street. Any works that alter the current travel lanes, including pavement, on Edward Street will need to ensure that the new travel lanes on Edward Street are constructed to comply with the specifications of Roads and Maritime Services.

The development plans for the subject site and the adjoining development to the east (approved by DA16/0372) provide for construction of a shared access arrangement from the carriageway of Edward Street. An internal access roadway (Mill Avenue) is to be located along the common boundary of the subject site and the land immediately to the east with a single ingress laneway constructed on the adjoining land to the east and 2 egress lanes on the subject property. The 2 egress lanes will allow for separation of the right and left turn egress movement at its intersection with Edward Street. This shared driveway arrangement is to be addressed by reciprocal rights of way over each allotment in favour of the other. The adjoining property to the east is currently under constructed consistent with these approved access arrangements so that access is available to and from Edward Street for both developments via Mill Avenue when it is extended through the subject site to intersect with Edward Street. Roads and Maritime notes the reference in section 5.7.2 of the Statement of Environmental Effects to the primary site access to the subject being located in the north east corner of the site being to comply with the detailed design plan by RMS and the binding agreement with the neighbouring development to provide reciprocal access to Mill Avenue.

In relation to parking provision for each of the stages Roads and Maritime requests that as a minimum the provision of on-site car parking, including disabled parking, associated with the subject development be in accordance with Council requirements as all car parking spaces required by the development are to be provided on-site and not be compensated by on-road parking in the vicinity. Carparking along the Edward Street frontage of the subject site is denied as part of the development proposal due to the proposed driveways and road works.

The proposed plans provide for a central walkway into the forecourt area of the development. This central walkway should provide for access for all forms of mobility into the development site. For safety reasons due to the scale of the development pedestrian access into the site from a public road shall be provided separate to any vehicle driveways and is to cater for all forms of pedestrian mobility.

It is noted that the proposal includes the subdivision of the development site. In this case legal access via the on-site traffic arrangements and parking provision for all allotments will need to be considered carefully against the proposed subdivision of the site. Legal access for all allotments within the subdivision shall be maintained to and along the full length of Mill Avenue between its intersections with Flinders Street

and Edward Street. The Right of Way over the subject land shall extend to the adjoining land to the east of the development site to allow for access from the proposed signalised intersection with Edward Street to Flinders Lane.

Roads and Maritime emphasises the need to minimise the impact of proposed development on the existing public road network and maintain the level of safety, efficiency and maintenance along the road network. As the proposed development has frontage to the Sturt Highway (HW14) within a 60 km/h speed zone the following conditions are appropriate for road safety and network efficiency reasons.

Roads and Maritime Services has assessed the Development Application based on the documentation provided and the most recent development consent for DA11/0568 as modified and advises that no objection is raised to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved).

The comments provided from Roads and Maritime Services are noted and conditions as recommended have been included. A number of the proposed conditions are repeated from the original consent (DA11/0568, as amended).

Local Area Command

Comments received from the LAC can be summarised as follows:-

There are no significant concerns about the layout of the development although it is noted that different licences may be required for the function centre and the hotel which can be managed at a later date. It is recommended that a standard condition be applied requiring a venue and safety management plan to be prepared. Security for the underground car-park should also be carefully considered.

The above comments are noted and the required condition has been included.

Heritage Council

The following comments were received:-

It is noted that the proposed area of works is within the curtilage of Murrumbidgee Milling Company Flour Mill (former) and Outbuildings listed on the Wagga Wagga Local Environmental Plan 2010 (Item No. 1100). In addition, the site is adjacent to the Wagga Wagga Railway Station and Yard Group, listed on the State Heritage Register under the NSW Heritage Act 1977 (SHR No. 01279).

The Heritage Impact Statement (HIS) has concluded that the proposed construction of a new hotel, alterations to the heritage mill building, and ancillary works, will have minor impacts to the locally significant heritage structures. These proposed works are considered important for the viable reuse of the former Mill site. The HIS refers to a Heritage Interpretation Plan that has been prepared for the site however it was not provided with the submission. In addition, the Statement of Environmental Effects (SEE) and supporting documents do not contain an archaeological assessment. Based on the information above, the following recommendations are made to Wagga Wagga City Council when considering this development application:

- 1. The provision of the Heritage Interpretation Plan for the Murrumbidgee Milling Company Flour Mill, to the satisfaction of Wagga Wagga City Council, prior to the works commencing.*
- 2. A condition report and schedule of conservation works be prepared for the Murrumbidgee Milling Company Flour Mill, to the satisfaction of Wagga Wagga City Council, prior to the works commencing.*
- 3. A stop work procedure should be included in the project which should clarify that in the event any unexpected archaeological finds are identified, works must cease in that area. A suitably qualified and experienced Archaeologist should assess the find and identify if it (they) have significance at a local or State level. The stop work procedure should be included in all site inductions involving excavation for the project with appropriate examples of what may be considered an unexpected find.*

The comments provided from Heritage Council are noted and conditions as recommended have been included. As a Heritage Interpretation Plan has previously been provided and approved there is no requirement to seek the submission of such a plan, however a condition reinforcing the requirements of the plan will be included.

Heritage Advisor

The comments received from the heritage advisor are shown below:

The general approach to the heritage buildings is in line with the previously approved application in terms of demolitions, adaptive reuse and façade changes apart from larger openings being introduced into the former Grain Store and the use of the Mill buildings for hotel accommodation.

Heritage Impact

Mill Buildings

In general terms the proposed changes are largely neutral when measured against the approved scheme as there is little change to the general principles of the design. The use of the building for hotel and commercial at the ground floor and a hotel use above is appropriate and will allow the retention of the some of the existing structure (timber beams and columns). The division at the upper levels into hotel rooms is a more intensive use than previously proposed and will impact on an appreciation of the internal spaces but the changes will allow an appreciation of the Mill to a wider, public audience.

New openings in the facades are similar in part to the approved application though there are larger openings to the Grain Store. This building is a robust brick structure with few openings and the proposals are similar.

In other areas the existing timber windows will be retained and repaired. All timber windows that are to be kept should be retained as is and repaired or, if in very poor condition, should be replaced in timber. This should be a condition of any development consent to avoid them being replaced in aluminium.

The proposal separates the new Hotel component from the Mill with a single storey structure and this is a strong positive in heritage terms as it will allow the Mill to be read in the round. Concern is raised over the impact of the new development to the

rear of the Mill where the new function room abuts the Mill building. This would be better as a separated structure with narrow links to the Mill.

Hotel/Commercial Centre

The new commercial building to the north east of the Mill is two storey with rooftop plant and is in line with the previous proposal.

The new Hotel component is six storeys with a car parking below. The car park does not extend under the former Flour Store as per the previous proposal. The Hotel is now separated from the Mill with a single storey link that will improve the setting of the Mill. The higher building will impact on views to the Mill from the east but the impact is mitigated by the new plan arrangement and the Mill will be wholly visible from Edward Street.

Landscaping

The works include limited landscaping to the central court and access roads but there are no heritage issues arising.

Heritage Impact Statement (HIS)

We would concur with the assessment and summary in the HIS

Recommendation

Overall we consider that the proposed changes to the project are largely neutral or positive and there are no overriding heritage considerations that would preclude the development.

We would recommend that:

- ☐ *The applicant should submit a comprehensive schedule of works for the conservation of the Mill buildings prior to any approval drawn up in consultation with their heritage advisor and this should form part of the development consent. The schedule should also include any necessary internal works that may prevent any deterioration of the buildings.*
- ☐ *The Interpretation Plan be updated to reflect the revised design*

The comments received from Council's heritage advisor are noted and where recommended conditions have been included. It is not considered necessary to update the interpretation plan that was completed late 2016 as the recommendations regarding the reuse of materials and artefacts remain applicable.

A separate link to the function centre at the rear of the building has not been sought for a number of reasons. Firstly the capacity and space at the rear of the flour store building is limited due to Mill Avenue running along the southern boundary of the site. Secondly it is not just the function centre that is proposed as a new addition at the rear of the site but also a commercial kitchen, toilets and lobby area for the function centre. Access between each of these areas and the adapted ground floor uses of the Mill and flour store buildings which include a restaurant, bar and hotel lobby would be very difficult via a corridor. Furthermore the kitchen link is flat roofed so does provide a clear delineation between the old and the new.

The significance of the heritage buildings from the rear is less than to the front where the main public views and open landscaped areas allow for an appreciation of all of the buildings. The function centre will be read as a modern addition to the rear but within the context of the new hotel building. The upper level of the building that is more visible from the southern side of the railway will remain intact with the same

openings and wording visible across the building.

The rear addition allows for the successful adaptive re-use of the building and is therefore supported without the need for separation from the main Mill building.

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 minimised. The overall proposed development has a positive impact as a vacant site is re-developed and an un-used heritage building is re-purposed for a new suitable land use. As the site is located in a prominent highway location the successful redevelopment has a positive visual impact on the highway precinct which is considered to be of benefit to the general community as the whole of the streetscape is improved.

The accessible central plaza and landscaped areas enable the historic importance of the site to be viewed and valued by all users of the site and the surrounding precinct. It is in the public interest that the heritage value of the site is suitably restored to the benefit of all.

It is also in the public interest that the safe movement of vehicles along the highway is maintained. The proposed highway works including the new traffic lights are all subject to approval from Road and Maritime Service who have raised no objection to the proposed development.

Other Legislative Requirements

Section 5AA and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

(1) The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

(a) in the case of a threatened species, whether the proposed development or activity 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 ecological community or critically endangered ecological community, whether the proposed development or activity:

(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,

(c) in relation to the habitat of a threatened species or ecological community:

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

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

(2) The Minister may, by order published in the Gazette with the concurrence of the Minister for Planning, issue guidelines relating to the determination of whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Any such guidelines may include consideration of the implementation of strategies under the Biodiversity Conservation Program.

There is no vegetation being removed as part of the development. There are no identified habitats on the site and no loss of flora or fauna is anticipated. The development is therefore consistent with this legislation.

Council Policies

None relevant

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

Section 94/94A of the Environmental Planning and Assessment Act, 1979 and the City of Wagga Wagga's Section 94/94A Levy Contributions Plan 2006 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. Under Section 94A (clause 2) of the EPA Act it states that *a consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 94.*

The overall redevelopment of The Mill site included residential development that was subject to the payment of s94 contributions on a per apartment basis. As the s94 levy has already been applied and partly paid (based on the number of residential apartments constructed to date) it is not possible to also apply a s94A contribution levy to the current proposal for the hotel precinct development. If a s94A levy were applied it would be calculated as 1% of the development cost.

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

Stormwater

The majority of the site is already covered in buildings and/or hardstand associated with previous uses on the site. There is no increase to hard stand and no anticipated increase to stormwater run-off as a result of this application. Accordingly, no stormwater contributions are required.

Sewer

The subject site is located within a serviced area for sewerage and the developer charge for the City of Wagga Wagga is \$3,538 per ET.

ET for hotel is 0.45 per room x 156 = 70.2 ETs

ET for the restaurant 0.01 per sq.m x 290 = 2.90 ETs

ET for the bar 0.05 per sq.m x 63 = 3.15 ETs

ET for offices 0.01 x 2122sq.m = 21.22

Total number of ETs = 97.47

$97.47 \times \$3538$ (standard sewer charge) = \$344,848.86

Plus CPI $110.9/100.5 = \$380,534.70$

Other Approvals

The support of the Roads and Maritime Services is required for all new access onto and within the highway (Edward Street). From the date of the original application the importance of the highway works (new median, traffic lights and associated lane changes) have all been paramount to the support given by RMS to the mixed use development.

The referral response from RMS has been discussed in detail earlier in the report and concludes that there are no objections subject to recommended conditions of consent.

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia and Councils Policies.

The development is compliant with controls contained in the Wagga Wagga LEP 2010 and the Wagga Wagga DCP 2010. The design of the hotel and commercial precinct respects the heritage significance of the site whilst ensuring that the proposed adaptive re-use of the buildings allows for the whole of the site to be successfully redeveloped. The development will have a significant visual impact on the precinct but the impact is one that protects views of the heritage building and does not result in any adverse impact to neighbouring developments or properties.

Accessibility, parking and the movement of vehicles and pedestrians to and from the site have all been appropriately addressed and any required rights of carriageway across the site to allow for reciprocal sharing of parking spaces between different site users will be secured by condition.

One submission was received to the proposed development and the grounds of that submission have been addressed and secured by condition.

The mixed-use application for a hotel (156 rooms) to include one 6 storey building and the re-use of the former Murrumbidgee Flour Mill (heritage item), function centre, adaptive re-use of grain silos for storage purposes, two storey commercial building for office and retail use, associated access and car parking (including basement car park), landscaping, signage and 3 lot strata subdivision is recommended for approval subject to conditions.

RECOMMENDATION

It is recommended that DA17/0663 for Mixed use development comprising hotel accommodation (156 rooms) to include one 6 storey building and the re-use of the former Murrumbidgee Flour Mill (heritage item), function centre, adaptive re-use of grain silos for storage purposes, two storey commercial building for office and retail use, associated access and car parking (including basement car park), landscaping, signage and 3 lot strata subdivision 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
DA-015	Site Reference Plan	Become	H	2.11.17
DA-050	Demolition Plans - Basement, ground and Level 1	Become	F	25.10.17
DA-050	Demolition Plans - Levels 2, 3 and 4	Become	D	12.9.17
DA-055	Demolition Plans - Elevations North and South	Become	D	12.9.17
DA-100	General Arrangement Plan - Basement	Become	J	27.10.17
DA-101	General Arrangement Plan - Ground Floor	Become	P	2.11.17
DA-102	General Arrangement Plan - Level 01	Become	L	27.10.17
DA-103	General Arrangement Plan - Level 02	Become	K	25.10.17
DA-104	General Arrangement Plan - Level 03	Become	J	25.10.17
DA-105	General Arrangement Plan - Level 04	Become	H	25.10.17
DA-106	General Arrangement Plan - Level 05	Become	G	25.10.17
DA-107	General Arrangement Plan - Level 06	Become	G	25.10.17
DA-108	General Arrangement Plan - Roof	Become	G	25.10.17
DA-400	Site Elevations 1 of 2	Become	K	2.11.17
DA-401	Site Elevations 2 of 2	Become	K	2.11.17
DA-410	General Arrangement	Become	J	6.10.17

	Elevations - The Mill Hotel			
DA-411	General Arrangement Elevations - The Heritage Building and Function Centre	Become	H	6.10.17
DA-412	General Arrangement Elevations - Interlink Centre	Become	K	2.11.17
DA-415	Signage Elevations	Become	B	27.10.17
DA-420	Site Sections 1 of 2	Become	J	6.10.17
DA-421	Site Sections 2 of 2	Become	J	6.10.17
DA-430	General Arrangement Sections - The Mill Hotel	Become	E	25.8.17
DA-431	General Arrangement Sections - Heritage Building & Function Centre	Become	H	19.9.17
DA-432	General Arrangement Sections - Interlink Centre	Become	G	6.10.17
DA-800	Shadow Diagrams - 9am 21 June	Become	H	27.10.17
DA-801	Shadow Diagrams - 12pm 21 June	Become	H	27.10.17
DA-802	Shadow Diagrams - 3pm 21 June	Become	H	27.10.17
DA-850	Settlement Plans	Become	B	6.11.17
DA-920	External Finishes Schedule	Become	C	21.9.17
43-17.01	Palettes, Schedules, Notes and Detail	distinctive	F	1.11.17
43-17.02	Landscape Concept Plan 01	distinctive	F	1.11.17
43-17.03	Landscape Detail Plan of Car Park	distinctive	F	1.11.17
43-17.04	Landscape Detail Plan of Mill Plaza	distinctive	F	1.11.17
43-17.05	Landscape Detail Plan of East Side Driveway	distinctive	F	1.11.17
43-17.06	Landscape Detail Plans	distinctive	F	1.11.17
DP Draft	Plan of Subdivision Basement Level and Below	LTS Lockley	F	28.11.17
DP Draft	Plan of Subdivision Ground Level and Above	LTS Lockley	F	28.11.17
C3000	Site works and Stormwater Drainage Plan	scp	G	31.10.17
C3200	Stormwater Long Sections sheet	scp	B	9.10.17
C4100	Mill Avenue Roadworks Mill Avenue Entry	scp	D	9.10.17

C4101	Mill Avenue Roadworks Mill Avenue Exit	scp	D	9.10.17
C6000	Erosion and Sediment Control Plan	scp	D	9.10.17
C6010	Erosion and Sediment Control Details	scp	D	9.10.17
	Statement of Environmental Effects	URBIS		Nov 2017
7546	BCA and Access Compliance Report	AED Group	02	30.8.17
0475	Traffic Impact Assessment	Ason group	04	3.11.17
	Heritage Impact Statement	Eric Martin & Associates		23.10.17
	4.6 Variation Statement	URBIS		8.11.17
	Waste Management Plan	suez		No date
	Acoustic Assessment	Interlink		25.1.18

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

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

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

Prior to release of Construction Certificate

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

Plus a non-refundable administration fee as per Councils fees and charges.

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.

3. **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. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - 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 \$344,848.86**
 The Section 64 Sewer contribution (updated by the CPI)
 required to be paid is \$380,534.70
- NOTE 6:** **The Section 64 Stormwater base figure is NIL**
 The Section 64 Stormwater contribution (updated by the
 CPI) required to be paid is NIL
- 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).

- 4. Prior to the release of the first Construction Certificate a Notice of Modification shall be made to Council for the modification of consent DA11/0568.09 to reflect the changes to the subject site hereby approved and to remove any inconsistency between the consents. The notice shall be made in accordance with Clause 97 of the Environmental Planning and Assessment Regulation 2000.**

Prior to making of the Notice, a draft of the Notice shall be provided to Council for review by the Manager of City Development or delegate. Upon completion of this review, Council shall notify the applicant whether the draft Notice is acceptable or not and if so shall provide details of any amendments required to be included in the final Notice. The applicant is to incorporate any required amendments to the final Notice in accordance with any directions issued by the Council prior to delivering the Notice.

REASON: To allow the two consents to accurately reflect the approved changes whilst maintaining the linkages between the mixed-use development across the site.

5. **Prior to the release of the first Construction Certificate associated with the approved development evidence of the finalised agreement with the owner (Keneco Property Pty Ltd) of the land to the east (32-42 Edward Street) regarding the shared access arrangements between the two sites shall be provided. The agreed access shall be generally consistent with the design outlined on drawing no DA101 Rev P prepared by Become dated 2.11.17 and to the satisfaction of Roads and Maritime Services and Council.**

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

6. **A Construction Management Plan to address construction activity, access and parking is to be prepared to the satisfaction of the Council and Roads and Maritime Services, prior to issue of any Construction Certificate. The management plan must address, but is not limited to, the following;**

- ☐ **Timing for construction of the works within the road reserve of the Sturt Highway including the new signalised intersection and medians,**
- ☐ **Timing for construction of the works across the site;**
- ☐ **Hours of operations on site**
- ☐ **Suitable provision being available on site for all vehicles associated with construction activity to alleviate any need to park within, or load/unload from, the surrounding public road network,**
- ☐ **Access and egress arrangements for all construction related vehicles to and from the site including details of, and vehicular movement diagrams for, the largest vehicle to access the site to show that such vehicles can enter and leave the site in a forward direction**
- ☐ **Details of any special equipment to be employed;**
- ☐ **Details of the frequency and times of all vehicles associated with construction and delivery activities,**
- ☐ **Protection of, pedestrians, vehicles and public assets,**
- ☐ **Location of hoarding, Work Zone and other traffic control devices,**
- ☐ **Details of the type and location of waste storage containers and waste management proposal,**
- ☐ **Details of what method will be used to ensure that the plan is adhered to by all contractors and**
- ☐ **Site security and emergency contact details**

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

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

8. If works are to be undertaken by a private contractor within the carriageway of the Sturt Highway, prior to the release of construction certificate the applicant must enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The applicant is to contact the Land Use Manager for the South West Region on Ph. 02 6938 1111 for further detail. The applicant is encouraged to submit concept plans of the layout of the proposed works (as detailed in condition 27) for checking by Roads and Maritime Services prior to undertaking the detailed design phase.

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

9. 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 (and a copy forwarded to Council where Council is not the certifying authority).

Details of all structural concrete and structural steelwork and certificate for design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the Certifying Authority.

(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 Provision - Part B1;
- Fire resistance - Part C1;
- Compartmentation and separation - Part C2;
- Protection of openings - Part C3;
- Provision for escape (access and egress) - Part D1,
- Construction of exits - Part D2;
- Access for people with disability - Part D3

- Fire fighting equipment - Part E1;
- Smoke hazard management - Part E2;
- Lift installation - Part E3;
- Emergency lighting, exit signs and warning systems - Part E4;
- Health and Amenity - Section F
- Energy Efficiency - Section J

(b) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any Construction Certificate that is issued in association with this development consent must ensure that any certified plans and designs are generally consistent with the approved Development Application plans for DA17/0663. Any design amendment required for the purpose of the BCA compliance must be submitted to Council. Significant amendments may require an application under section 96 of the EPA Act 1979 to be lodged with Council.

(c) If compliance with the deemed-to-satisfy provisions of the BCA cannot be achieved, an alternative building solution must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating compliance with the relevant performance requirements of the BCA.

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.

- 10. Prior to the issue of a Construction Certificate stormwater drainage shall be designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided.**

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

- 11. Prior to the release of any Construction Certificate the applicant shall identify via the creation of a written report (prepared by a suitably qualified hydraulic engineer) if any part of the subject site provides for an overland flow path for the greater catchment. Should this be the case the finished design levels shall accommodate the existing flows from the upstream catchment and the anticipated peak flow discharges and peak flow levels to the satisfaction of Council.**

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

- 12. The hotel and function centre shall be constructed incorporating the recommended acoustic mitigation measures identified in the Acoustic Assessment prepared by Interlink dated 25 January 2018. Prior to the release of each Construction Certificate design certification by the architect and mechanical engineer shall be provided to demonstrate appropriate design solutions and measures have been included to the satisfaction of the Manager of City Development or delegate.**

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

- 13. Prior to the release of Construction Certificate relating to the basement car park, full design details (including proposed operations and material samples) of any security gates and/or railings shall be submitted to and approved by the Manager of City Development or delegate.**

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

- 14. Prior to issue of the Construction Certificate detailed plans and elevations of the food and drink preparation areas shall be submitted to the satisfaction of Council's Environmental Health section in accordance with the requirements of the Food Act 2003 and the Food Regulation 2015 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.**

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

- 15. Prior to the release of the first Construction Certificate details of how the heritage buildings are to be protected from construction activity shall be submitted to and approved by the Manager of City Development or delegate. The plan shall include the location and design of any fencing and the approved protection measures shall be retained on site at all times.**

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

- 16. Prior to the release of the first Construction Certificate for any of the heritage listed buildings a comprehensive schedule of works for the conservation of the Murrumbidgee Mill, Flour Store and silos shall be submitted to and approved by the Manager of City Development or delegate in consultation with Council's heritage advisor.**

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

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

- 17. Prior to the release of the first Construction Certificate an architectural resolution shall be undertaken for the Murrumbidgee Mill and Flour Store to ensure there is no water penetration between the new concrete slabs for development south and north of the heritage buildings, and external brick walls.**

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

- 18. Prior to the release of each Construction Certificate, elevations that detail the materials to be used including wall, roof and window frame finishes associated with the proposed development shall be submitted to and approved by the Manager of City Development or delegate.**

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

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

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

If the applicant chooses to engage a contractor to undertake the street tree planting then a bond of \$500 per street tree is required to be paid to Council prior to the release of the Construction Certificate. Installation

can only occur during the next available planting season (May-August).

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

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

20. **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

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

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

b) **building involves the enclosure of a public place,**

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

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

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public

place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

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

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

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

22. 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.

23. 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.

- 24. 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.

25. 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.

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

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

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

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

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

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

- a) A signalised intersection treatment is to be provided at the intersection of the proposed eastern driveway into the subject site with the Sturt Highway.**

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

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

28. Prior to works commencing on site that require the use of a crane that will extend above land within the railway corridor, consent from ARTC shall be obtained confirming that this can occur. Evidence of the approval from ARTC and details of any limitations shall be provided to the satisfaction of the Manager of City Development or delegate.

REASON: To ensure that there is no detrimental impact to railway operations on the adjoining land to the south. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

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

- 30. 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.

- 31. 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.

32. **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.

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

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

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

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

During works

- 34. 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.

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

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

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

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

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

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

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

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

36. **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.

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

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

38. **Stormwater mains must be extended to the site, at full cost to the developer, in accordance with Council's Engineering Guidelines for Subdivision and Developments and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision.**

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

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

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

40. **The fill material use for the proposed development shall only be 'Virgin Excavated Natural Material' as described in Schedule 1 of the *Protection of the Environment and Operations Act 1997*.**

Prior to the material being received on site registration numbers of vehicles delivering material to the development and the address of origin for the fill shall be documented. Documentation must include quantities and nature of the fill.

A log of the above mentioned information is to be kept including the date that the materials were received. This log is to be submitted to Council upon completion of works.

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

- 42. Footpath realignment and reconstruction will occur in conjunction with the construction of the left hand deceleration lanes at full cost to the developer. The design and construction of works relating to traffic movement within private land and the Road Reserves proposed in relation to this development and those required by the conditions of consent are to be at the developers cost.**

All works shall be carried out by an approved contractor in accordance with Council's Engineering Guidelines for Subdivision and Development.

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

- 43. 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.

- 44. The recommendations of the previously approved Heritage Interpretation Plan (28.10.16) and the Heritage Assessment (23.10.17) shall be implemented and adhered to and include as a minimum:-**

- a) Retention and interpretation of 3 hoppers in the restaurant area.**
- b) Interpretative Panels throughout the development**
- c) Embedded railway lines**
- d) Use of recycled materials through the development**
- e) All timber windows that are to be kept shall be retained as is and repaired or, if in very poor condition, should be replaced in timber.**

- f) External face brickwork shall not be painted or rendered.
- g) The painted signage of the Mill along the north and south elevations should remain “as is”, which shows a patina of time. Where new windows are introduced or former windows are reinstated, painting of words on new glazing should continue the same pattern, and utilise a lighter shade to complement the existing tones (do not paint in bright white).

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

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

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

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

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

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2015 and Plumbing Code of Australia.

- 47. 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 Survey Certificate

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

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

- 49. Rights of carriageway to provide for legal access for all proposed allotments within the subdivision shall be created and maintained to and along the full length of Mill Avenue between its intersections with Flinders Street and Edward Street. The Rights of Carriageway shall equally burden and benefit each of the proposed lots to allow for all parking spaces to be shared between each of the strata lots that are to be created.**

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.

- 50.A Subdivision Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended must be obtained from Council, prior to its lodgement with the Lands Titles Office.**

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

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

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

- 51. Prior to the issue of the Subdivision Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:-**

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

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

Prior to release of Occupation Certificate / Prior to Operation

- 52. Prior to the issue of occupation certificate any redundant driveway or kerb layback in Edward Street shall be replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's Engineering Guidelines for Subdivisions and Developments.**

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

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

REASON: To provide all weather vehicular movement and to minimise nuisances to adjoining development from noise and dust. Section 79C(1)(b)

and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

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."

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.

- 55. Prior to release of Occupation Certificate for the function centre any recommendations identified at Construction Certificate stage with regard to noise attenuation measures and design features (as required by condition 12) shall be implemented. Evidence that the works have been completed to the satisfaction of the mechanical engineer shall be provided to the satisfaction of the Manager of City Development or their delegate.**

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.

- 56. Prior to the use of any of the grain silos for food storage and/or handling purposes all surfaces shall be sealed with approved materials to the satisfaction of Council's Environmental Health Officer.**

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

- 57. Prior to Occupation Certificate for the hotel (Settlement Plan 5), the Mill Avenue intersection to Flinders Street shall have the ingress and egress lanes separated by a raised splitter island. As a minimum the splitter island is to be a raised concrete structure within the development site and painted on the driveway within the road reserve. Associated directional marking and signage is to be installed in accordance with Australian Standards.**

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

- 58. Prior to the release of Occupation Certificate, the following measures shall be in place to ensure the safe internal operation of the site:**

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

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

- 59. Prior to release of any occupation certificate Mill Avenue shall be constructed with one ingress lane (over the adjoining site to the east) and 2 egress lanes and median adjacent to the eastern boundary of the subject site to Edward Street. The ingress and egress lanes for this driveway shall be separated by a raised splitter island extending to the intersection of the driveway with Edward Street. The median shall be appropriately designed, signposted and line marked to deny U-Turn movements within the road reserve of Edward Street. Associated directional marking and signage is to be installed in accordance with Australian Standards.**

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

60. **The required road works on Edward Street are to be constructed, signposted and line marked to the satisfaction of Roads and Maritime Services and Council prior to the release of an occupation certificate for any stage of the proposed development.**

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

61. **Prior to the release of Occupation Certificate a 1.8 metre high acoustic boundary fence shall be of a solid design and certified by an appropriately qualified mechanical engineer. Any gaps are to be sealed airtight and there shall be no gaps at the bottom of the fence.**

These acoustic measures shall remain in place at all times.

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

62. **Prior to release of each applicable Occupation Certificate evidence that the recommendations of the Heritage Assessment and the Interpretation Plan as detailed under condition 44 have been implemented shall be provided to the satisfaction of the Manager of City Development or delegate.**

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

63. **The applicant must register each plan of subdivision relevant to the settlement plan with the Lands and Titles Office prior to the issue of each applicable Occupation Certificate for the development. To satisfy this condition the applicant must obtain a Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council.**

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

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

REASON: It is in the public interest that the plan is certified in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*, as

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

- 64. 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.

- 65. Prior to the issue of any applicable 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.

- 66. Prior to the release of any applicable 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.

67. **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.

68. **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.

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

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

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

General

- 70. The function centre use must only be conducted on Sundays to Thursdays inclusive between the hours of 8.00 am and 11.00 pm and on Fridays and Saturdays from 8.00am to midnight.**

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.

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

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

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

- 72. The signage approved as part of the application includes the free standing pylon sign only. No further signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.**

The illumination of all approved signs shall be linked to the opening hours of the premises only.

REASON: In the interests of highway safety and to ensure that the development proceeds in accordance with the approved plans. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

a) the sign display must not include:

- Any flashing lights,
- Electronically changeable messages, animated display, moving parts or simulated movements,
- Complex display that holds motorists attention beyond “glance appreciation”

- Display resembling traffic signs or signals,
 - Instruction to traffic by using words such as “stop” or “halt”,
- b) The proposed advertising sign and support structure must be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
- c) The method of intensity of any illumination of the sign must not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.
- d) If any proposed sign must be located within close proximity to a road reserve, the sign and supporting structure must, as a minimum, comply with the wind loading requirements as specified in AS1170.1.2002 Structural Design Actions - Permanent, imposed and other actions and AS1170.2.2002 Structural Design Actions - Wind Actions.
- e) Any proposed advertising signage must not obstruct or distract from any road related signage in the vicinity.
- f) Any advertising sign and supporting structure should not pose any risk to pedestrian safety.

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

74. Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.

NOTE 1: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

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

NOTE 3: Competent Person (as defined under Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a

person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

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

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

76. Deliveries to the site and the use of the loading bays and waste collection areas must only be conducted:

a) on Mondays to Fridays, inclusive between the hours of 6.00am and 6.00 pm.

b) on Saturdays, between the hours of 7.00 am and 6.00pm.

c) on Sundays between the hours of 8.00 am and 6.00 pm.

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

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

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

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

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

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

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

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

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

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

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

- 82. The existing right turn into the central plaza area was approved under DA11/0568 (as amended) as a temporary arrangement only for a 24 month period. This shall be permanently closed by 17 February 2019. The closure of this access will require the installation of a raised median to deny the right turn movement. The detail of the raised median and associated works shall be to the satisfaction of RMS and Council.**

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

- 83. 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*.

- 84.(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.

- 85. 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.

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

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

87. **This approval is for a development to be undertaken in Stages. The stages are linked and associated with a previously approved mixed use development DA11/0568.09 that covers the western portion of the subject site.**

Under the existing development consent the land associated with this application is identified as Stage 5. The approval of the subject application replaces the originally approved Stage 5 with Stage 5 and Stage 6 detailed as follows:-

Stage 5 - Hotel development, conversion of Murrumbidgee Flour Mill and silos, function centre, basement car-park, Completion of signalised junction with Edward Street, Mill Avenue and car park and associated landscaping.

Stage 6 - Two Storey Interlink Building and associated landscaping to Edward Street.

In accordance with the approved staging (settlement) plan (refer to Condition 1). Stage 5 must be completed prior to Stage 6. Unless otherwise expressly stated, the conditions must be read as being applicable to all Stages.

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