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12 February 2018

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By Email - [Gray.Amanda@wagga.nsw.gov.au](mailto:Gray.Amanda@wagga.nsw.gov.au)

Dear Amanda,

## **DEVELOPMENT APPLICATION DA17/0663 – 50 EDWARD STREET, WAGGA WAGGA – SUBMISSION REGARDING DRAFT CONDITIONS OF CONSENT**

### **1 INTRODUCTION**

This letter has been prepared by Urbis Pty Ltd (Urbis) on behalf of Interlink Wagga Central Pty Ltd (the applicant) to request an amendment to a number of the draft conditions of consent presented in Council's assessment report for Development Application DA17/0663 (the development application) at 50 Edward Street, Wagga Wagga (the site). This submission has been prepared in advance of the determination of the development application by the Southern Joint Regional Planning Panel (SJRP) at the meeting on 20 February 2018.

We request that Wagga Wagga City Council (Council) consider and respond to this submission prior to the determination meeting of the SJRP. The amendments requested seek to provide clarity to the terms of the conditions and to remove conditions that do not reasonably relate to the proposed development or appear to be beyond the power provided under section 80A of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The development, as proposed, is for a mixed-use development comprising hotel accommodation (156 rooms) in a new six storey building and the re-use of the former Murrumbidgee Flour Mill (heritage item), function centre, adaptive re-use of grain silos, two storey commercial building for office and retail use, associated access and car parking (including basement car park), landscaping, signage and a three lot strata subdivision.

The development application applies to the same land subject to the development consent issued in March 2012 to development application DA 11/0568 for a mixed-use development across the site. DA 11/0568 has subsequently been amended via nine section 96 modification applications, resulting in the development of a mixed development that consists of five residential apartment blocks, new commercial floor space and re-use of heritage building with associated parking, highway works within Edward Street (a RMS classified road) and landscaping.

The Council has prepared an Assessment Report (Attachment A) for the development application which has been submitted to the SJRPP for determination. The Council report recommends approval of the development application subject to conditions a copy of which have been provided to the applicant. Draft conditions of consent for DA 17/0663 have been prepared by Council and issued for review (Attachment B).

Whilst the proponent supports Council's recommendation for approval subject to conditions, the following section provides recommendations for the amendment of specific draft conditions. The proposed changes are of minimal environmental impact and is consistent with Council's desired outcome indicated by the draft conditions.

## 2 PROPOSED AMENDMENTS TO DRAFT CONDITIONS DA17/0663

We request that Council consider the amendments to the draft conditions as set out in the following discussion. All other conditions are considered reasonable and relevant to the determination of DA 17/063. The amendments are presented with new text in red and deleted text in ~~strike through~~.

### 2.1 PROPOSED DEVELOPMENT DESCRIPTION

The description of the development as presented by Council is as follows:

*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***

We note the description incorrectly identifies a three lot strata subdivision. The subdivision plans submitted with the development application are for the stratum subdivision to create three stratum lots. It is requested that the development description is amended as follows

*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 **stratum** ~~strata~~ subdivision*

### 2.2 CONDITION 5

Condition 5 requires the applicant to submit evidence of the finalised agreement with the owner of the land to the east regarding the shared access arrangements between the two sites:

*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.*

The applicant can confirm that reciprocal rights of carriageway are enforced through existing Section 88B instruments for the site and the adjoining site owned by Keneco

Property Pty Ltd. The site, Lot 12 in DP 1178547 has an existing right of carriageway burdening a portion of the site, benefitting Keneco Property Pty Ltd (refer to Attachment C for evidence). A portion of the land to the east (32-42 Edward Street) is also burdened by a right of carriageway, benefitting Interlink Pty Ltd (the proponent). DA 17/0663 proposes the creation of a new right of carriageway burdening a portion of the site, benefitting Keneco Property Pty Ltd to facilitate the shared access way straddling the two sites. This right of carriageway is shown in the Plan of Subdivision prepared by LTS Lockley and will be created upon registration of the proposed subdivision

Condition 5 is therefore considered unnecessary and rights of carriageway can be enforced by draft Condition 49. It is requested that Condition 5 be deleted:

~~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.~~

## 2.3 **CONDITION 6**

Condition 6 requires the preparation of a Construction Management Plan for construction works including works within the road reserve of Sturt Highway:

*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*

No works within the road reserve of the Sturt Highway (Edward Street) are proposed under DA 17/0663. As such, conditions and comments relating to work within the Sturt Highway do not relate to the proposed development and would be beyond the consent authority's power under the EP&A Act to impose. This element should be deleted from the condition while the remainder remains relevant to the management of the proposed development during the construction phase.

It is requested that Condition 6 is modified as follows:

*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*

## 2.4 CONDITION 7

Condition 7 refers to construction works for a deceleration lane within Sturt Highway and the requirement for RMS concurrence:

*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.*

DA 17/0668 **does not** propose any road works within the road reserve of the Sturt Highway. All works proposed under DA are wholly within the site boundary of Lot 12 DP1178547. Works involving the construction of deceleration left hand lanes are subject to approved DA 11/0568.09 and will be constructed under the terms of that development consent. As such, works under DA17/0633 does not require concurrence from the RMS.

The development application does not propose any changes to the approved roadworks and therefore any conditions within DA 11/0568.09 relating to road works within the Classified Road and requiring RMS concurrence will remain relevant to the approved works. The above condition is a duplication of Condition 12 of development consent issued to DA 11/0568.09. It is requested that Condition 7 be deleted as follows.

~~*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.*~~

## 2.5 CONDITION 8

Condition 8 also refers to construction works within the Classified Road (Sturt Highway/Edward Street) and includes a requirement for RMS concurrence:

*8. 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.*

As discussed in Section 2.4, DA 17/0668 does not propose any road works within the Classified Road reserve. The above condition is a duplication of Condition 13 of the development consent issued for DA 11/0568.09. This condition is not required and does not related to the proposed development. It is requested that Condition 8 be deleted as follows:

~~8. 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.~~

## 2.6 **CONDITION 9**

Condition 9 requires the applicant to demonstrate that the approved development complies with the BCA prior to issue of a construction certificate. The condition however then goes on to list specific provisions of the BCA as follows:

*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 practicing 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.*

The above condition is overly complex and contains unnecessary references. It is requested that Condition 9 be modified as follows, with new text in red and deleted text in strikethrough.

*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 practicing 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.~~

**NOTE 1: Any design amendment required for the purpose of the BCA compliance must be submitted with the construction certificate. Significant amendments may require an application under section 96 of the EPA Act 1979 to be lodged with Council.**

## 2.7 **CONDITION 18**

Condition 18 requires the submission of a Materials and Finishes Schedule prior to issue of a Construction Certificate:

*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.*

A Materials and Finishes Schedule was submitted with the development application as part of the Architecture Design Package prepared by 'Become', identified as *Drawing 43-14.01 – Palettes, Schedules, Notes and Details*. This drawing is identified in the Approved Plan and Documentation Table within Condition 1 of the draft conditions. As such, this condition is unnecessary. It is requested that Condition 18 be deleted as follows:

~~*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.*~~

## 2.8 **CONDITION 27**

Condition 27 also refers to construction works within the Classified Road (Sturt Highway/Edward Street and the requirement for RMS concurrence:



*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 contractor 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 Fitzharding 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 Fitzharding 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.*

As discussed in Section 2.4 above, DA 17/0668 does not propose any road works within the Classified Road reserve. The above condition does not relate to the proposed development, is a duplication of Condition 31 of the development consent for DA 11/0568.09 and is unnecessary. It is requested that deleted Condition 27 as follows:

~~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 contractor 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 Fitzharding 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 Fitzharding 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.~~

## 2.9 CONDITION 33

Condition 33 also refers to construction works within the Classified Road (Sturt Highway/Edward Street and the requirement for approval under section 138 of the *Roads Act 1993*:

*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.*

As discussed in Section 2.4, DA 17/0668 does not propose any road works within the Classified Road reserve. The above condition does not relate to the proposed development, is in similar terms to Condition 40 of the development consent issued to DA 11/0568.09. It is proposed to delete Condition 33.

~~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.~~

## 2.10 CONDITION 34

Condition 34 also refers to construction works within the Classified Road (Sturt Highway/Edward Street):

*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.*

As discussed in Section 2.4, DA 17/0668 does not propose any road works within the Classified Road reserve however the development application does include works within local roads. It is requested that Condition 34 be modified as follows to provide direction for the construction of the local road works. ~~strikethrough text.~~

~~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.~~

## 2.11 **CONDITION 54**

Condition 54 requires a Venue & Security Management Plan to be prepared. This requirement is supported however it is considered that the conditioned should relate to the relevant elements of the proposed development:

*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.*

It is requested that the condition be modified as follows to achieve consistency and clarity:

*Prior to release of Occupation Certificate for the hotel and entertainment elements of the proposed development, a-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.*

## 2.12 **CONDITION 61**

Condition 61 refers to the provision of acoustic mitigation measures:

*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.*

DA 17/0663 does not propose any additional fencing, and the provision of a boundary fence for acoustic mitigation measures along the southern boundary of the site is approved and is required to be delivered under the terms of the development consent to DA 11/0568.09. The above condition is a duplication of Condition 65 in DA 11/0568.09. It is requested that Condition 61 be deleted.

~~*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.*~~

## 2.13 **CONDITION 87**

Condition 87 refers to the staged completion of the proposed development

*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.*

It is considered the above condition can be streamlined to improve clarity. It is requested that Condition 50 be modified as follows:

*87. This approval is for a development to be undertaken in Stages identified as follows. ~~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.~~*



### 3 CONCLUSION

The requested amendments to the draft conditions presented in this letter seek to eliminate conditions duplicated from the development consent to DA 11/0568.09, to relate only to development proposed under DA17/0663 and to the relevant works and stages presented in the development application. Amendments to the proposed conditions are considered to be minor and will not alter the proposed development nor introduce any environmental impacts beyond that already assessed.

We await your response to this submission and would request that Council also provide a copy of the response to the Planning Panel Secretariat prior to the determination meeting on 20 February 2018. Should you have any queries please do not hesitate to contact me on (02) 8233 7678.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Clare Brown".

Clare Brown  
Director

cc. Southern Joint Regional Planning Panel