

**JOINT REGIONAL PLANNING PANEL
(Southern)**

JRPP No	2018STH011
DA Number	DA14/0448.01
Local Government Area	Wagga Wagga
Proposed Development	Recreation Facility (Major) – Harness Racing Facility including Earthworks, Track, Clubhouse, Stables and Associated Infrastructure – S4.55(2) [former s96(2)] Modification to Increase Size of Clubhouse, Re-orientate Stables Building, New Elevated Marquee Pad, Minor Site Layout Amendments including increased car parking & Minor Internal & External Alterations
Street Address	Lots 1-6 and Lots 19-24 DP2655 Cooramin Street, Cartwrights Hill, NSW 2650
Applicant/Owner	Applicant: Peter Basha Planning and Development on behalf of Harness Racing New South Wales. Owner: Harness Racing New South Wales Racecourse Development Fund
Number of Submissions	<ul style="list-style-type: none"> • Six (6) public submissions were received in objection to the modification during the notification period.
Regional Development Criteria (Schedule 4A of the Act)	Section 4 - Development that has a capital investment value of more than \$5 million if the Council is the owner of any land on which the development is to be carried out.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Wagga Wagga Local Environmental Plan 2010 • Wagga Wagga Development Control Plan 2010 • S90 Water Management Act – integrated approval
List all documents submitted with this report for the panel's consideration	Flood Impact Assessment Addendum Noise Impact Assessment Architectural Plans Original Assessment Report to Southern JRPP – November 2015
Recommendation	Approval with Conditions
Report by	Amanda Gray Senior Town Planner

Summary of s79C matters	Yes
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
Clause 4.6 Exceptions to development standards	Not applicable
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	Not Applicable
Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	Yes
Have draft conditions been provided to the applicant for comment? <i>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</i>	

Executive Summary

- A Development Application for a *Recreation Facility (Major) – Harness Racing Facility including Earthworks, Track, Clubhouse, Stables and Associated Infrastructure* was approved by the Southern Joint Regional Planning Panel on 11 November 2014.
- A modification to the approved plans has been presented to a Council as a s4.55(2) Modification Application.
- The modifications relate to changes to the clubhouse building, re-orientation and changes to the stable block, new marquee pad and associated layout changes including an increase in car parking.
- The track design and overall site layout remain substantially the same as originally approved. Access arrangements to the site via Cooramin Street remain the same as well as upgrades to the intersection of Cooramin Street and Hampden Avenue.
- When the original DA was assessed and determined Wagga City Council owned the land and the value of the proposed development was \$6.5 million which was why the application was reported to the Planning Panel. The land is now in the owner ship of Harness Racing NSW and the value of the development has increased to \$6.85 million.
- The modification application includes updated flood and noise assessments.
- The development proposal was notified to adjoining properties and advertised. Six submissions were received to the application.
- The development has been assessed against relevant clauses within applicable environmental planning instruments and is considered to satisfy all relevant clauses. The development continues to comply with the Wagga Wagga LEP objectives and the controls of the Wagga Wagga DCP.
- The modified development is recommended for approval, subject to conditions, as modified that are detailed in the report.

Assessment Report and Recommendation Cover Sheet

DESCRIPTION OF DEVELOPMENT

- The overall proposal remains as a new harness racing facility with earthworks, a track, clubhouse, stables and associated infrastructure.
- The proposed modifications presented to the panel for determination relate to changes to the clubhouse building, re-orientation and changes to the stable block, new marquee pad and associated layout changes including an increase in car parking. Specifically the changes can be described as follows:-
- Clubhouse building increased in size from 465.5sq.m to 613.4sq.m and length of clubhouse building increased from 31.7m to 40.9m. This will increase the capacity of the clubhouse building from 180 persons to 295 persons.
- External grandstand area increased in area from 75sq.m to 116.9sq.m. This will increase the external seating provision from 141 seats to 195 seats.
- Minor reduction in size of broadcasting box and associated minor alterations to building exterior to reflect above changes.
- New marquee pad to be sited to the west of the clubhouse building, as amended. The pad will have an area of 190sq.m and be formed as an elevated platform using a terraced arrangement. The pad will be level with the clubhouse with a fall away in height down towards the parade ring.
- Reorientation of the stable building to allow for a more appropriate presentation to the parade ring. Reduction in size of stable building by 71.6sq.m
- Reorientation of the parade ring to allow for the new marquee pad.
- Amendment to parking layout to allow for site changes as noted above. Loss of two truck/trailer spaces and increase in total number of parking spaces from 157 to 170 spaces.
- Amendment to fencing style around track – solid fencing of 1.2metres in height around the whole track other than in front of the parade ring and grandstand areas.

The specifics of the development that remain as originally approved can be summarised as follows:

Earthworks and Track

- 1071m long racetrack with associated steward's towers and podium.
- Earthworks to create a raised track with sunken central area - the track is to be built to the 10% AEP design flood level and will have an approximate finished level of 2.56m above natural ground.
- Two separate entry points from Cooramin Street into the different parking areas.
- Upgrade to Cooramin Street to provide a sealed road up to the new entry and exit points in and out of the site.

- Upgrade to the junction of Cooramin Street and Hampden Avenue to allow for the turning path of semi-trailer vehicles to be accommodated.
- Associated infrastructure works across the site including extension of town water to the site, sewer pump station and rising main and an on-site detention basin for stormwater run-off.
- Twenty-eight (28) lighting columns to illuminate the track, the car park, stables and parade ring. Seventeen (17) of the columns will be positioned inside the track and be directed down onto the track surface, each of these extend to 21.3 metres in height. The other 11 columns vary in height from 18.3m to 24.4m and are located around the public areas.
- Tree planting and landscaping across the site.
- One Business Identification Wall Sign on the southern elevation of the clubhouse.
- Open palisade style fencing to the track in front of the clubhouse, grandstand and parade ring area.

The modified development has a total value of \$6.85 million. The originally approved development had a value of \$6.5 million.

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

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

4 Twilight meetings which run from 5.30 pm to 8 pm

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

Two of these meetings are classed as major events, the Carnival of Cups and the Saturday Night May meeting.

The modifications proposed will not increase the number of race meetings scheduled at the track. The modifications are intended to provide an improved venue for the anticipated number of patrons attending race meetings as opposed to attracting a greater number of patrons.

The works are classed as flood works under the Water Management Act 2000 for which integrated approval is required from Water NSW. General Terms of Approval were issued as part of the original development application.

THE SITE & LOCALITY

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



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

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

A Construction Certificate was approved in November 2017 for the clubhouse, stables and site works – the approval covered works up to and including ground floor slabs and site works only. Work has commenced on site in accordance with the approval and in addition the required upgrade works to Cooramin Street have also commenced in accordance with the original conditions of consent. An amended Construction Certificate will be required to ensure compliance with any modifications that are approved under the subject application. A new condition (23A) is proposed to ensure that the amended Certificate is amended and that any new conditions are complied with prior to issue of such.

MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.55

For the purpose of determining this application to modify consent, the following matters pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979, have been taken into consideration.

Section 4.55 Other Modifications

(2) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

The originally approved application was for a major recreation facility including earthworks, track, clubhouse, stables and associated infrastructure. The modifications proposed do not alter the proposed land use for the site, the development is still a recreation facility (major.)

There is significant Court case history regarding what constitutes “substantially the same development”, with the most often quoted case being *Moto Projects (No 2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280. In this case, Bignold J described the process for consideration of a proposed modification of development within paragraphs 55 and 56 as follows:

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the approved development.” (55)

“The comparative task does not merely involve a comparison of the physical features or components of the development as approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).” (56)

In the case of the harness racing facility there is an increased floorspace and an increased capacity to the clubhouse building as well as a new marquee pad therefore the quantity of patrons on site may increase. However the main racetrack, the stables and the parade ring do not increase in size or capacity and therefore the quality of the recreation facility remains as originally approved offering the same number of race events within the same context. The positioning of the clubhouse and stables in relation to site boundaries varies marginally with the main change being to the western

boundary where the stables move 9 metres closer to the boundary but remain 242 metres from that boundary.

It is concluded that there is no material change to the development, the resulting character of the site and the presentation of the facility when viewed externally will both be substantially the same development as originally granted.

It is acceptable and appropriate for the modifications to be dealt with as a s4.55(2) Modification Application.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

General Terms of Approval have been issued by Water NSW and the flood work approval notice has been determined and issued in accordance with the Water Management Act 2000.

The application to modify consent has been referred to Water NSW and no objection has been received (see comments later in this report).

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

There is no specific regulation governing the notification of this application.

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

The application has been notified to adjoining and nearby landowners and also publicly advertised. See details later in this report.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Six public submissions have been received in relation to the application. The submissions are addressed in detail later in this report.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

The following matters pursuant to the provisions of *Section 4.15(1) of the Environmental Planning and Assessment Act 1979*, have been taken into consideration.

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

Wagga Wagga Local Environmental Plan 2010

2.3 Zone objectives and Land Use Table

Under the provisions of the Wagga Wagga Local Environmental Plan, the majority of the subject site is zoned as RU1, Primary Production, with a small portion of the north-eastern corner zoned as R5 Large Lot Residential.

The modification does not alter the original assessment against the objectives of the RU1 zone as reproduced below:

The objectives of the RU1, Primary Zone are:

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

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

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

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

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

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

The proposed development will result in the consolidation of lots for the purpose of the development which will subsequently result in the loss of the ability to conduct agricultural activities on this land. However, the value of current resources on the land for agricultural purpose is not considered to be significant.

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

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

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

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

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

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

The proposed development will change the existing character of the rural landscape by the introduction of a major recreational facility. The existing character of a flat, open flood-plain will take on a very different appearance through the introduction of a racing track, stable block and clubhouse all at raised heights. However the facility is one that is permissible in this locality and the large open, flat character of the site provides the appropriate area to develop a racetrack to the required size. The planting of trees along the site boundaries will further assist in the softening of the development site.

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

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

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

Permitted and Prohibited uses in the RU1, Primary Production Zone

The proposed modified development remains consistent with the “recreation facility (major)” definition as detailed below.

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

A recreation facility (major) is not a listed use which is permitted without consent nor is it listed as prohibited in the RU1 Primary Production Zone. The land use therefore falls into the category of any other development not specified (an innominate use) which is permitted with consent. The use of the track, the stable block and the clubhouse, as modified, in association with the Harness Racing Facility are accepted as ancillary parts of the recreation facility.

The independent use of the track and the clubhouse for other social or community events would potentially fall under an alternate land use definition such as a function centre or an entertainment facility. These uses are defined as follows:

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

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.

Both of these land uses are listed as prohibited in the RU1 Primary Production zone.

It would not be appropriate to permit the independent use of the facility for such uses as part of this application however ancillary uses to the harness racing facility would be permissible. Such uses may include other non-racing events that are hosted by Harness Racing NSW.

2.8 Temporary use of land

This section of the WWLEP allows for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a

temporary use for a maximum period of 20 days (whether or not consecutive days) in any period of 12 months.

As noted above the use of the site as an independent function centre or entertainment facility for uses not associated with the harness racing facility is prohibited and will not form part of any approval issued for this development.

However, this clause allows the operators of the site the option of making a Development Application for each temporary event not associated with the harness racing activities on site. The limitation is 20 days per year.

Condition number 76 is not impacted by the modification and remains as originally approved and intended to restrict the approved use to the harness racing facility and associated ancillary uses only.

Part 3 Exempt & Complying Development

The proposed modified development is not Exempt or Complying Development. The application is seeking consent for the modifications as noted above.

Parts 4, 5, 6 Principal development standards; Miscellaneous Provisions; Urban Release Areas

There are no standards within parts 4, 5 and 6 that apply to the modification application.

Part 7 Additional Local Provisions

7.1A Earthworks

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

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

(2) Development consent is required for earthworks unless:

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the work is ancillary to other development for which development consent has been given.*

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

There are no changes proposed to the track as originally approved as part of the modification application. There are also no changes to the proposed detention basin on the western side of the site.

Modified (additional) earthworks are required for the new marquee pad and the extended building pad that is required for the clubhouse building. The highest point of the pad will be the same as the modified/extended clubhouse building. Earthworks on site to create the pads for the modified clubhouse building, marquee pad and stable block remain at heights originally approved being approximately 4.1 metres and 1.9 metres respectively.

The construction of the raised track in the centre of the site will be required to withstand flood water and is currently under construction in accordance with engineered plans.

- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*
- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
 - (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The original assessment against this clause reviewed all applicable matters and was found to be acceptable and suitable in this locality.

The proposed modifications to the approved earthworks are considered to be minimal when viewed and considered against the overall development. Conditions relating to the quality of material will continue to apply.

The modifications proposed do not raise any matters of concern under this clause.

7.2 Flood Planning

All of the subject site (apart from the north-eastern corner) and land to the south is mapped as being flood affected. The proposed development will be located in an area which is known to flood during significant flood events.

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

(2) *This clause applies to:*

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

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

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

The subject site is considered flood prone in the 10% AEP (Annual Exceedance Probability) Flood Event and the application is therefore subject to assessment under this clause of the LEP. The site is classified as high flood risk and has been subject to flooding during recent flood events, most recently in 2012.

The original application was subject to extensive flood reporting and assessment to determine the impacts associated with the proposed development. The conclusion of the original assessments as reported to the Joint Regional Planning Panel was as follows:-

The findings of the flood impact assessment shows that the proposed development is compatible with the flood hazard of the land and will not significantly affect flood behaviour. As a condition of consent it will be necessary for the applicants to prepare a flood evacuation and management plan and that will incorporate measures to manage risk to life from flood.

The minor flood impacts are unlikely to have any significant adverse impact on the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses in the area. The area is already flood prone and the risk of flood to the surrounding community is well known, the introduction of this major recreation facility is not likely to result in unsustainable costs to the community as a result of flooding.

Flooding is a natural phenomenon and whilst models are the most effective way of predicting levels and impacts they remain an educated prediction. The flood will never behave exactly in accordance with a model and therefore a degree of inaccuracy and variation should be expected, accordingly current practice accepts that a flood impact of less than or equal to 0.02m can be assumed as negligible and in most cases accepted as model height variances.

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

of the development are considered to be appropriate and acceptable in this case.

It was a condition of the consent (issued November 2015) that the applicants obtain the necessary flood work approval from Water NSW. In seeking this approval the applicants were advised by Water NSW that additional modelling and reporting was required and a request for this work to be completed was issued in June 2017.

Harness Racing NSW engaged WMA Water to complete the required additional assessment which was completed in August 2017. This was over two years since the original plans were prepared and amendments to the layout of the clubhouse and surrounds had already commenced by the applicants. The plans that were used by WMA Water to prepare the report of August 2017 were therefore those that are currently the subject of this modification. Whilst these plans were not the approved plans at the time they were the plans used for the flood modelling and therefore the report provided (dated August 2017) in support of the modification application is appropriate and acceptable.

The additional report was required to review the impacts on local catchment flooding not just riverine flooding. The report was also to be based on the current levee height not the completed raised levee as the original reports had been.

As noted the modelling was based on the plans that are now included as a modification application and included a solid colorbond steel fence to the track (excluding the southern spectator and access area) of 1.2 metres in height that is designed to block water other than for a 0.1 metre gap at the base of the fence. The assessment found that the solid boundary fence would not significantly alter flood impacts.

In terms of riverine flooding, the findings of the report conclude that the modified layout results in the same outcome as originally reported, that is that the flood impacts are no greater than 0.02m and this increase will occur across open land to the south adjacent to the track. With regard to the local-catchment (over-land) flooding there will be an impact as a result of the development. This will be predominantly localised in the detention basin to the south-west of the track where an increase of 0.17m is predicted. The detention basin on site has been designed to capture this water and therefore there are no impacts outside of the site. As noted above the assessment of local catchment water only, in the flood reports, had not previously been captured and was part of the additional detail requested by Water NSW.

Water NSW, as an integrated approval body, have been referred the details of the modification application. They have advised that the existing flood work approval will require updating to reference the new consent details and date. This will be secured by a new condition of consent (2A).

Based on the above the original conclusion made to the Panel in November 2015 remains valid and applicable to the modified application.

7.5 - Riparian Lands and Waterways

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

under this clause. The relevant section of this clause is as follows:

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

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

The racetrack and associated infrastructure, as modified remain over 100m from the watercourse, the implementation of erosion and sediment control measures during construction will mitigate against destabilisation occurring or the quality of the water being impacted. There are no records of identified threatened species or habitats within the waterway that would be impacted by the development. The proposed on site detention basin will hold stormwater from the car parking areas and surrounding catchment to allow for natural dispersion, this will further minimise any adverse impacts on the waterway.

Water NSW have raised no objection to the development.

State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

Under Section 4.5(b) of the Act a regional planning panel is identified as the consent authority for development of a kind that is declared by an environmental planning instrument as regionally significant development.

Development specified in Schedule 7 of the SEPP is declared to be regionally significant development for the purposes of the Act and includes (of relevance to this application):-

3 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

- (a) *a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) *the council is the owner of any land on which the development is to be carried out, or*
- (c) *the development is to be carried out by the council, or*
- (d) *the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

At the time of the original application Wagga City Council were the landowners and were also party to an agreement to sell the land to the Harness Racing Facility subject to development approval being obtained.

The land has subsequently been sold however as a s4.55(2) modification to a regionally significant development the Joint Regional Planning Panel remains the consent authority for the development.

State Environmental Planning Policy (Infrastructure) 2007

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

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*

The details of the modification application were referred to Road and Maritime Services who have raised no objection subject to originally recommended conditions remaining. The detailed comments provided by RMS and further commentary are provided under the referrals section of this report.

The modified development proposal is consistent with this SEPP in that the comments of Roads and Maritime Services have been reviewed and incorporated into conditions of consent where necessary.

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

The modification does not alter the original assessment under this SEPP.

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

Accordingly it is not considered necessary to request any investigation reports on the subject site.

State Environmental Planning Policy 64 (Advertising and Signage) 2007

SEPP 64 applies to applications made for new signs; it is a requirement of the SEPP that all signage be assessed against the specific assessment criteria in Schedule 1.

The modification does not alter the proposed single sign upon the clubhouse building which was previously found to be consistent with the assessment criteria and compliant with SEPP64.

State Environmental Planning Policy (Rural Lands) 2008

The aims of State Environmental Planning Policy (Rural Lands) 2008 includes protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State and to implement measures designed to reduce land use conflicts.

It is considered that the modified proposal will continue to generally support these principles of the SEPP, particularly as the site chosen is not substantially comprised of prime crop and pasture land. The future management of this land, subsequent embellishments (tree planting and other onsite landscaping) and mitigation measures as recommended in this report will assist in reducing the impacts of the development on the surrounding rural landscape.

(a)(ii) - The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

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

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010 (DCP)

The following section of this report details the development with reference to the Guiding Principles, Objectives and Controls of the *Wagga Wagga Development Control Plan 2010*.

Section 1 - General

1.10 Notification of Development Application

Pursuant to this provision, notification and advertising of the modification application are required. Notification was conducted to properties surrounding the development and an advertisement was placed on the site and in the local newspaper.

Six submissions in the form of objection have been received in response to the notification. The submissions are discussed in detail later in the report.

Section 2 - Controls that apply to all development

2.1 Vehicle access and movements

There are no changes to the site access which is all via Cooramin Street which is a non-arterial road. The proposed site layout enables all vehicles to enter and leave in a forward direction and there is sufficient room on site to allow for loading and unloading as required.

A traffic impact assessment was prepared in support of the original application; the report assessed the capacity of the existing road network to cope with the likelihood of increased vehicle movements. The report concluded that there is sufficient capacity within the local road network and that there would be no significant adverse impacts as a result of this development on road safety. The modifications do not alter this assessment.

The proposed driveways are set back the appropriate distance from any of the existing intersections that currently exist and sightlines are clear in all directions from each of the driveways. Parking and landscaping changes to the road reserve areas adjacent to the new drives will be conditioned to ensure visibility is not impacted.

The original application included a requirement for Cooramin Street to be upgraded (conditions 9 and 60). The detailed design has been approved and at the time of writing the report the works were ongoing.

The modified plans identify the treatment of the truck and trailer parking area as gravel. The original drawings noted all parking areas as sealed which is a requirement of Council. A gravel base would generate increased noise from vehicle movements across the loose ground as well as the potential for producing dust nuisance. The modified treatment of this area with a gravel base is not supported.

2.2 Off-street parking

The original parking assessment for the development relied upon an assessment of parking numbers at the existing facility in Wagga Wagga and attendance numbers for events held in Wagga during 2014-2015 that are based on takings at the gate.

The original application included 219 parking spaces comprising 157 spaces for cars and 62 spaces for trucks, trailers and horse floats plus 72 overflow spaces for peak events. At the time it was expected that activities at the proposed site will be comparable to the existing and therefore the parking provision proposed satisfied the anticipated demand for spaces. This was based on 80% of attendees being on site at any one time and a car occupancy of 1.5 persons per car. Using the highest attendance figure of 446 this would generate a demand for 238 spaces, there are 291 provided and therefore this clause is satisfied.

The applicants have indicated that the proposed modifications are not intended or anticipated to increase patrons attending race events at the harness racing facility. However, the larger clubhouse does have the potential for increased numbers and the provision of on-site parking must therefore be reflective of this amendment.

The parking layout has been modified and 302 spaces will be provided made up of 170 spaces in the main car-park, 60 spaces for trucks, trailers and 72 overflow spaces for peak events. Utilising the same theory for the modification of 1.5 persons per vehicle a peak patron number of 566 people could be accommodated on site. This is considerably more than the anticipated peak number of approximately 450 people but does demonstrate that provision exists on site as part of the modification application.

There are notations on the plan that identify the truck and trailer parking as gravel. The original condition (no.52) to seal all vehicle movement areas will continue to apply to minimise impacts on amenity from both noise and dust in this area.

2.3 Landscaping

The proposed modification does not alter the original assessment undertaken in relation to this section of the DCP.

A landscape plan was approved as part of the Construction Certificate details. Again this plan did include the modified site details and therefore the application does not result in any changes to the approved planting scheme.

Fencing details can be considered as part of the landscape treatment of a large development site. As noted earlier in the report the modification details include solid fencing of 1.2 metres in height around approximately two-thirds of the track perimeter. The presence of this structure will detract from the increased planting and setting that is created across the area and is considered to be detrimental to the visual amenity of the site. The solid fence modification is not supported.

2.4 Signage

The proposed modification does not alter the original assessment undertaken in relation to this section of the DCP.

2.5 Safety and Security

The proposed modification does not alter the original assessment undertaken in relation to this section of the DCP.

2.6 Erosion and Sediment Control Principles

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

2.7 Development adjoining open space

The main objective of this section is to ensure that developments adjoining open space

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

Proposed landscaping to the site boundaries will soften the impact of the development to adjoining land parcels.

Section 3 - Heritage Conservation

The proposed modification does not alter the original assessment undertaken in relation to this section of the DCP.

Section 4 Environmental Hazards and Management

4.2 Flooding

The original assessment as detailed below remains applicable to the modification application.

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

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

The raising of levels across parts of the site assists in minimising the costs of flood damage and minimising the risk of life during floods. Conditions of consent will ensure that all construction is compatible with the flood hazard of the land. The requirements laid out in the Flood Plain Development Manual relate to Council's responsibilities in terms of legislative function. In response Council have prepared a Floodplain Risk Management Plan and this document has been used to inform the legislative controls in the Wagga Wagga LEP 2010 and the various flood precincts and controls in the DCP. Accordingly the development as proposed is consistent with the DCP objectives regarding flooding.

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

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

Recreation and Agriculture

Floor Levels

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

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

The proposed buildings are raised considerably above natural ground level and will include appropriate storage areas above the 1:100 year flood levels.

Structural Soundness

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

A condition of consent requires structural certification from engineers regarding the soundness of the building(s) to withstand the flow of floodwater. All proposed fencing is of an open nature which allows water to naturally flow through without causing a hindrance or hazard.

Flood affectation

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

The flood impact assessment prepared by WMA Water has confirmed that there is no increase in riverine flood levels as a result of the modified development beyond that which was originally approved.

Evacuation

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

A condition of consent requires that a Flood Management and Evacuation Plan be prepared that includes for the safe evacuation of both personnel and horses, the management of on-site machinery and the secure storage of goods including fuel and chemicals free from flood.

Management and design

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

The proposed raised buildings are built to the 1:50 flood level but have the ability to include storage areas to the 1:100 year level where required, they will be built using flood compatible materials to engineered standards. There are no external storage areas proposed of materials that may be hazardous during a flood.

Section 5 Natural Resource and Landscape Management

5.2 Preservation of Trees

The application includes the removal of three Eucalyptus Camaldulensis (River Red Gum) trees. The original assessment resulted in one other tree on site being retained and protected throughout site works. The amended site layout identifies the tree that has been retained.

5.4 Environmentally sensitive land

As mentioned under part 7 of the LEP the proposed development is not anticipated to have an adverse impact on the waterway located to the west of the development site.

Section 6 - Villages

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

Section 7 - Subdivision

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

Section 8 Rural Development.

8.1 Development in rural areas

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

The original consent allows for the development of the site as a major recreation facility. A number of conditions and mitigation measures were included to minimise the impact on both rural character and amenity and the conditions will remain as part of any modified determination.

Section 9 - Residential Development

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

Section 10 - Business Development

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

Section 11 - Industrial Development

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

Section 12 - Specific Uses and Developments

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

Section 13 - Bomen Urban Release Area

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

Section 14 - Boorooma Urban Release Area

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

Section 15 - Lloyd Urban Release Area

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

Section 16 - Gobbagombalin Urban Release Area

The development is not within the Gobbagombalin urban release area. Section 16 is not applicable to this development.

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

There are no planning agreements in place for this proposal.

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

A modification to the previously issued Flood Work Approval will be required in accordance with the Integrated Approval from Water NSW that is required under Section 90 of the Water Management Act 2000.

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

Section 733 of the Local Government Act 1993

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

Flooding Risk Assessment

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

Bush Fire Risk Assessment

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

(b) - The likely impacts of the development

Visual impact

The locality is a rural landscape. The site has an open aspect with no existing buildings on the site. The original assessment concluded that whilst there is clearly a visual impact from the development it is one that is considered to be acceptable.

The location of the clubhouse building when viewed from nearby residences on Hampden Avenue will be unchanged. The distance to the eastern boundary remains as 210 metres. The additional length of the building and the marquee pad will be viewed within the context of the track, the lighting columns, steward's podium, stables and parking area and the changes will appear as minimal.

The modifications include a new solid colorbond fence around the perimeter of the track, excluding the southern section adjacent to the grandstand. The fence will be 1.2 metres in height and be visible across the whole site. The presence of this structure will detract from the open nature of the track and the increased planting that is proposed to soften and enhance the development. A solid fence is considered to be detrimental to the visual amenity of the site. The solid fence modification is not supported.

The remainder of the boundary fence to the track is identified on the plans as a 1.2 metre high black palisade fencing, this design is considered suitable with less visual intrusion.

Internal design

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

the re-orientation of the stables have not altered the overall site design they are located in substantially the same location as originally approved.

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

Two separate parking areas are proposed, one for patrons and one for truck and trailer parking. The trailer parking area is located to the western side of the site which is further away from nearby residential properties that have the potential to be impacted by noise from vehicle movements. The stables are directly accessible from the trailer parking area and also have direct links to the parade ring and the track.

Access, transport and traffic

As noted earlier in the report access arrangements remain as originally approved via Cooramin Street. The approved details for the upgrade of this road are ongoing at the time of the report being prepared.

The increased capacity of the facility requires a review of car parking provision and this has been included within the DCP section of the assessment report. The modified layout includes 302 car parking spaces, increased from 291, and this provision is acceptable. The modified plans identify the treatment of the truck and trailer parking area as gravel. The original drawings noted all parking areas as sealed which is a requirement of Council. A gravel base would generate increased noise from vehicle movements across the loose ground as well as the potential for producing dust nuisance. The modified treatment of this area with a gravel base is not supported.

RMS have confirmed that the development as modified is not anticipated to have a detrimental effect on the classified road network subject to original conditions being maintained.

Noise

The original report to the Planning Panel included a significant break down of noise impacts together with mitigation and management requirements.

The modification application includes an Addendum Noise Impact Assessment. This document has been prepared by Wilkinson Murray acoustics who prepared all of the original noise assessment reports. The report states that the main noise source from the development site will continue to be the PA system, there are no changes to the system or the number of race events therefore the noise from this source will remain as originally assessed.

As noted elsewhere in the report the modification application indicates that the increased building size is intended to provide the expected number of patrons a greater experience of the race meeting rather than attract an increased number of patrons. Notwithstanding this information the potential for increased numbers does exist and

the noise addendum addresses this fact. The findings of the report are that the potential for increased noise will not come from within the building but from the increased capacity of the grandstand and the new marquee slab. Noise modelling indicates that the proposed changes would increase operational noise levels at sensitive receivers by approximately 1dBA which is considered to be a negligible and un-noticeable change.

Accordingly the modified development proposal will have no additional impact with regard to noise. All of the conditions associated with noise measurement, monitoring and mitigation will remain as part of any modified notice of determination.

Light

Part of the original assessment of the lights at the track is reproduced below:-

There are 28 lighting columns proposed as part of the development to enable full illumination of the track for twilight and night meetings. The 28 columns vary in height from 21m to 28m and will provide a constant level of 500 lux, with the photo finish line being lit to 3500 lux. This level of illumination allows for TV broadcasts as well as maximum safety for horses and riders.

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

There are no changes to the illumination levels as a result of the modification and no additional external lighting is proposed for the marquee pad area.

Operation hours

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

Flora and fauna

The modified development proposal will have no additional impact with regard to flora and fauna on site. The retention and protection of one *Eucalyptus camaldulensis* (River Red Gum) has been previously referenced within this report.

Services

All servicing requirements were assessed as part of the original application and have been included in the finalised specifications for the site. Confirmation of supply from public utility providers continues to be a prior to occupation condition of consent.

The applicant has confirmed that sewer and stormwater designs are suitable and sufficient for the modified development.

Dust

As previously noted the proposal for the truck and trailer parking area to be gravel base is not supported partly due to the potential for producing dust nuisance. Existing conditions (53 and 78) that require management plans and dust mitigation measures will continue to apply.

Heritage

The modified development proposal will have no additional impact with regard to heritage assessment.

Natural Hazards

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

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

Man-Made Hazards

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

Social Impacts

The modification has no impact on this original assessment:-

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

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

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

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

Economic Impacts

The modification has no impact on this original assessment:-

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

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

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

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

The current facility in Wagga Wagga is estimated to generate an annual TAB turnover of \$12 million and attracts trainers from both within and outside of the region to compete at regular meetings. Benefits to the local economy are further realised through equine supplies, feed supplies, vets and media relations.

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

The principles of Ecological Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

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

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

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

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

2 Intergenerational equity

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

3 Conservation of biological diversity and ecological integrity

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

4 Improved valuation, pricing and incentive mechanisms

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

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

The original application was determined as consistent with the precautionary principle to the extent that all potential threats to the environment were identified and assessed and no risks of serious environmental damage identified or considered likely as a result of the development. The proposed modifications to the site layout do not alter this assessment.

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

The subject site was deemed suitable for a recreation facility (major) subject to a number of conditions. The proposed modifications to the site layout do not alter the site's suitability for this development.

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

Referrals

Standard internal Council referrals of the modification application occurred as well as external referrals to Roads and Maritime Services, NSW Police, and Water NSW. All referrals are in support of the application, subject to conditions.

Notification

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the *Wagga Wagga Development Control Plan 2010* the modification application was notified between 28 February and 19 March 2018.

Advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the *Wagga Wagga Development Control Plan 2010* the application was advertised between 5 and 19 March 2018.

Public Submissions and those from public authorities

Water NSW.

No objection to the modifications, it is requested that a condition be included requiring the applicant to notify the integrated approval body of the modification number and approval date to enable the flood work approval notice to be updated.

The comments are noted and a new condition (2A) has been included with this requirement.

Roads and Maritime Services

The following comments were received from Roads and Maritime Services in response to the modification application:-

The subject site has frontage to Hampden Avenue within an 80 km/h speed zone and to Cooramin Street within the default speed zone. Both of these roads are classed as local roads. The original plans indicated that all access to the proposed development from the public road network is to be via 2 gateways to Cooramin Street. The modified proposal does not seek to alter this arrangement.

The proposed changes to the development include an increase in capacity for the grand stand and function floorspace plus changes to the internals of the buildings to better locate various floorspace uses with the buildings. The provision of parking on the development site is also proposed to be increased. Whilst the modification proposes to increase the capacity of both the grand stand and the function facility the submitted documentation claims that the modified development will not increase the peak attendances.

Given the scale of the original development and the potential traffic generation during events the previous consent for the site required the upgrade of the intersection of Hampden Avenue and Cooramin Street to provide for a turning lanes separate to the through lanes on Hampden Avenue. As the site has frontage and access to roads that are classed as local roads the proposed changes and potential increase in attendance at the site will not have a detrimental effect on the classified road network.

Roads and Maritime Services has reviewed the revised plans and information provided and advises that it has no objection to the modified development subject to consideration of the

items raised in its previous correspondence relating to this development. The previous conditions proposed by Roads and Maritime Services are to remain as part of the development consent for this development.

The comments of RMS are noted and conditions of consent will remain as part of any modified determination notice.

Public Submissions

During the notification period, a total of 6 public submissions were received in objection to the modified development. The details of the objections can be summarised as follows:-

1. Amended building size will increase the patron numbers by more than 100 persons which is likely to result in increased noise disturbance.

Comment: The information provided in support of the application indicates that the increased building size is intended to provide the expected number of patrons a greater experience of the race meeting rather than attract an increased number of patrons. Notwithstanding this information the potential for increased numbers does exist and an addendum to the original noise assessment has been prepared in response to this matter. The findings of the report are that the potential for increased noise will not come from within the building but from the increased capacity of the grandstand and the new marquee slab. Noise modelling indicates that the proposed changes would increase operational noise levels at sensitive receivers by approximately 1dBA which is considered to be a negligible and un-noticeable change.

2. Increased noise disturbance from the loud speakers especially towards the south east where properties have not been included in the assessment. Sound modelling and sound mitigation plans are needed to confirm noise levels from the site.

Comment: The modification will not result in a change to the race meeting formats and therefore the use of loud speakers to call races will not be modified. As noted above the potential for noise disturbance increases has been assessed as negligible. All original requirements for noise monitoring will remain as part of any modified determination.

3. Despite significant local objection the development was approved with a limit of 50 events a year which equates to practically one a week. To allow an increase in size to the venue and the capacity will undoubtedly make the impacts even worse and impact local residential amenity in a detrimental manner.

Comment: The limitations placed on the original consent will remain, of greatest significance is the fact that the approval is for a recreation facility and that any other use of the facility independently will be subject to a development application. Conditions regarding hours of use and noise levels will all remain as originally approved to ensure that the residential amenity of surrounding properties is protected.

4. How can the lighting impacts be the same with the addition of a new marquee pad that is bound to also be illuminated?

Comment: The lighting columns as originally approved will provide sufficient illumination to the marquee pad. The applicants have confirmed that there will be no additional lighting to this area.

5. Comparison to the facility at Bathurst is confirmation of the objectors concerns that this will be used as more than a harness racing facility as that site is promoting the use of the venue for functions.

Comment: The Bathurst site differs to that at Wagga Wagga in that the land zoning lists both recreation facilities and entertainment facilities as permissible with consent. The approval for the subject site limits the land use because of restrictions on permissibility and therefore cannot be directly compared to the Bathurst facility.

6. Traffic Impacts along Hampden Avenue remain a concern and it is requested that a cycleway be provided to ensure the safe travel of cyclists along this narrow road.

Comment: The modification is not anticipated to result in significant changes to the use of Hampden Avenue other than for short peak periods during race events. There is no justification for a cycleway to be provided as a conditional requirement upon this development.

7. It appears that the subject site now includes an increased number of lots which is of concern.

Comment: The subject site boundaries remain the same as the original application – one additional lot was incorrectly included on the notification correspondence. This will not be included on the determination notice.

8. The modifications will further undermine our quality of life and right to quiet enjoyment and urge that they be refused.

Comment: The assessment report has demonstrated that the proposed modifications will not result in impacts beyond those already anticipated from the approved development. An increase in the size of the building does increase the capacity and potential for increased patrons but the noise impacts of this are considered negligible.

9. How can this be dealt with as a modification application, the major changes proposed are not substantially the same development. The development is more like an entertainment facility and requires a new application with new assessment.

Comment: As noted earlier in the report the development remains substantially the same as that originally approved being a major recreation facility to include track, clubhouse, stables and associated infrastructure. The proposed modifications to part of the overall development are correctly submitted to Council for approval as a modification application under part 4.55 (formerly s96) of the EPA Act. The definition of an entertainment facility would not be correct for the proposed facility on this site.

10. How will the local infrastructure cope with the increased number of patrons and capacity?

Comment: The upgrades to infrastructure across the site have been designed to ensure that capacity is consistent with the demands of the development.

11. Flood modelling for the development identifies considerable increases in levels that are significant concern and have not been appropriately addressed.

Comment: The increased heights that are referenced in the submission relate to the 17cm of local catchment water which is that water captured from stormwater overflow from the surrounding area. The detention basin on site has been designed to capture this water and therefore there are no impacts outside of the site. As noted in the updated flood assessment the assessment of local catchment water only in the flood reports had not previously been captured and was part of the additional detail requested by DPI Water.

12. The flood report contradicts the application as it states that the track is not expected to be overtopped in any event up to and including the 1% AEP event.

Comment: These words are taken from 4.4.2 of the Flood Impact Assessment which is referencing overland flow not riverine flooding.

13. The plans presented to DPI Water are from 2015 and the nature of an independent assessment and approval is questioned.

Comment: As outlined in the LEP flooding section of this assessment report the WMA Water report that was prepared for the flood work approval included the detailed layout that is presented as a modification application. WMA Water were commissioned by Harness Racing NSW to complete the required reporting that had been requested by DPI Water.

14. The use of solid fencing around parts of the site raises many concerns. When the floods come through this site the fence will allow debris to accumulate in piles creating health and safety concerns as well as a visual eyesore. The site is elevated and the fencing will present as an alien solid feature in a rural landscape where only open rural style fencing should be allowed. The solid fencing has the potential to be covered in advertising creating a commercial styled precinct again completely out of character with this locality.

Comment: The comments are noted and agreed with. The assessment report has included similar concerns and a new condition (21A) is included that confirms that the solid type of fence is not approved and an alternative design must be presented to Council for approval.

15. Concerned that the ongoing works include the raising of land above and beyond what was originally approved and that any unapproved earthworks will have impacts beyond those that have been assessed.

Comment: The engineered details of the development are subject to a Construction Certificate that has been issued by a Private Certifier. It is the certifier's responsibility to ensure that the development proceeds in accordance with the approved plans and

details. Any ongoing concerns about compliance would need to be directed to the certifier or project manager.

16. Question the cost of development that is listed as \$6.75 million whereas media reports have quoted \$10 million and therefore the correct fees are not being paid.

Comment: The information provided on the application forms to Council are signed by the applicant and owner and are a more reliable source of data than media reports. Council fees and contributions are determined based on the figures that are provided on the signed application forms.

(e) - The public interest

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

As previously assessed the harness racing facility will have a direct impact on neighbouring residential properties and impact on existing levels of residential amenity both visually and through the potential for noise pollution. With appropriate management and mitigation the public interest is considered to have been addressed when considering noise pollution. The modifications proposed to the site do not alter this assessment

The updated flood reports carried out in association with the development as modified have demonstrated that the flood impacts remain as negligible. The main impact is from overland flow which will be managed on site as the detention basin has been designed to capture the water during high rainfall events. The site is a high flood risk area and will remain a high flood risk area and the impacts of a major flood on neighbouring properties and further downstream also remain the same.

There are associated economic and social impacts that can be attributed to the development such as job creation, linked spending opportunities throughout the city and LGA, road improvements and greater social opportunities. Furthermore, the development proposes links with the nearby equine services department of the university creating further positive public interest outcomes.

The infrequent nature of events causing unacceptable levels of noise pollution compared with the considerable number of linked opportunities associated with this development would conclude that the development as modified continues to have a positive impact in terms of public interest.

Other Legislative Requirements

Section 1.7 Environmental Planning and Assessment Act 1979 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)

The site is predominantly clear of significant vegetation and the potential for habitat is

considered to be low. There is no record of any threatened species on site and therefore no issues are raised under this section. The modification does not impact upon the previously approved tree removals or the required retention of the tree within the car park.

Council Policies

Not applicable.

Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures and are in support of the application, subject to conditions. Additional conditions have been included where necessary.

Contributions

Section 94/94A of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 / Levy Contributions Plan 2006 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

A Section 94A contribution applies to this development that will be put towards the provision of high quality and diverse public facilities to meet the expectations of the city's residents. Prior to the release of the construction certificate a contribution payment of \$65,000 was paid in accordance with condition 6 of the original approval.

The modified cost of development has increased to \$6,850,000 which is \$350,000 greater than originally assessed. A further contribution of \$3,500 is therefore payable and this will be secured via new condition (6A).

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

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

The increased impact on sewer will be from the extended clubhouse facility. The original assessed areas that were subject to a sewer contribution charge equated to 12.97 ETs and that contribution was made prior to the Construction Certificate being issued.

The modification results in an increased lounge/bar area of approximately 90sq.m resulting in an additional charge as follows:-

lounge/bar - $90 \text{ sq.m} \times 0.05 = 4.5\text{ETs}$

The calculation is therefore $4.5 \times \$3538$ (standard sewer charge) = \$15,921

Plus current CPI of $110.9/100.5 = \mathbf{\$17,568.55}$

The additional contribution will be secured via new condition (8A).

Other Approvals

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

Water NSW have confirmed that an updated Notice of Determination will be issued once they receive confirmation of the approved modification from the applicants. A requirement for the updated notice to be provided to Council has been included as a new condition (2A).

Conclusion

The conclusion of the original assessment remains valid and applicable to the modification application as detailed below.

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

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

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

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

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

RECOMMENDATION

It is recommended that DA14/0448.01 for Recreation Facility (Major) - Harness Racing Facility including Earthworks, Track, Clubhouse, Stables & Associated Infrastructure - Modification to Increase Size of Clubhouse, Re-orientate Stables Building, New Elevated Marquee Pad, Minor Site Layout Amendments including increased car parking & Minor Internal & External Alterations be approved, subject to the following conditions:-

CONDITIONS

Approved Plans and Documentation

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
13064 DA: fig.1	Locality Plan	Peter Basha Planning & Development		6.2.18
13064 DA: fig.2	Existing Boundaries & Site Detail	Peter Basha Planning & Development		6.2.18
13064 DA: fig.3	Proposed Site Plan	Peter Basha Planning & Development		6.2.18
13064 DA: fig.4	Surrounding Development Pattern	Peter Basha Planning & Development		6.2.18
DA1	Existing Site Plan	McKinnon Design	F	1.2.18
DA2	Proposed Site Plan	McKinnon Design	J	1.2.18
DA3	Proposed Part Site Plan	McKinnon Design	J	1.2.18
DA4	Proposed Part Site Plan	McKinnon Design	J	1.2.18
DA5	Floor Plans Club Building	McKinnon Design	G	1.2.18

DA6	Elevations Club Building	McKinnon Design	G	1.2.18
DA7	Sections Club Building	McKinnon Design	F	1.2.18
DA8	Stables Floor Plan	McKinnon Design	G	1.2.18
DA9	Stables Elevations	McKinnon Design	F	1.2.18
DA10	Stables Sections	McKinnon Design	F	1.2.18
LD-02	Landscape Master Plan	Mark McCrone Landscape Architect	A	23.9.15
13065 C02	Notes and Typical Details	Heath Consulting Engineers	F	7.11.17
13065 C03	Overall Site Layout	Heath Consulting Engineers	F	7.11.17
13065 C04	Bulk Earthworks Plan	Heath Consulting Engineers	F	7.11.17
13065 C05	Site Sections A, B & C	Heath Consulting Engineers	F	7.11.17
13065 C06 -C07	Race Track Long Sections	Heath Consulting Engineers	F	7.11.17
13065 C08 -C16	Race Track Cross Sections	Heath Consulting Engineers	F	7.11.17
13065 C17-C18	Cooramin Street Upgrade Plan and Long Section	Heath Consulting Engineers	F	7.11.17
13065 C19-C21	Cooramin Street Upgrade Cross Sections	Heath Consulting Engineers	F	7.11.17
13065 C22	Hampden Avenue Widening Plan and Long Section.	Heath Consulting Engineers	F	7.11.17
13065 C23-C25	Hampden Avenue Cross Sections.	Heath Consulting Engineers	F	7.11.17
13065 C26	Linemarking & set-out plan Hampden Ave. & Cooramin St. Intersection Sheet A	Heath Consulting Engineers	F	7.11.17
13065 C27	Linemarking & set-out plan Hampden Ave. & Cooramin St. Intersection Sheet B	Heath Consulting Engineers	F	7.11.17

13065 C28-C29	Truck/Trailer Parking Area Finished Levels & Set Out	Heath Consulting Engineers	F	7.11.17
13065 C30	Car Parking Area Finished Levels & Set Out	Heath Consulting Engineers	F	7.11.17
13065 C31	Stormwater Reticulation Layout	Heath Consulting Engineers	F	7.11.17
13065 C32	Stormwater Catchment Plan	Heath Consulting Engineers	F	7.11.17
	Statement of Environmental Effects	Peter Basha Planning & Development		Sept. 2015
	Modification Application	Peter Basha Planning & Development		Feb 2018
9197	Traffic and Parking Report	Colston Budd Hunt & Kafes Pty Ltd		Feb 2014
JH/9197\jj	Traffic and Parking Report Addendum Letter	Colston Budd Hunt & Kafes Pty Ltd		14.9.15
13330	Noise Impact Assessment	Wilkinson Murray	A	Sept. 2014
	Noise Impact – addendum letters	Wilkinson Murray		2.9.15 7.9.15
	Addendum Noise Impact Assessment - correspondence	Wilkinson Murray		6.2.18
	Flood Impact Assessment	WMA Water		May 2014
	Flood Impact Assessment	WMA Water		7.9.15
	Flood Impact Assessment for proposed harness racing track at North Wagga Wagga	WMA Water		18 August 2017
S14-116	GeoTechnical Investigation	Aitken Rowe		17 June 2014

	Lighting Assessment Report	Musco Lighting		Sept. 14
	Updated Plans associated with Lighting Report	Musco Lighting		October 2015
	Written Correspondence	Peter Basha Planning & Development		10.12.14
	Correspondence - Stormwater report	Heath Consulting Engineers		2.12.14
	Correspondence - event noise management plan	Wilkinson Murray		2.12.14

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

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

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

Prior to release of Construction Certificate

- 2. Prior to release of Construction Certificate a copy of the required Controlled Activity Approval must be provided to Council. The attached General Terms of Approval (GTA) are not the controlled activity approval. Application must be made for the relevant approval after consent has been issued by Council and before the commencement of any work or activity on the land.**

Finalisation of a controlled activity approval can take up to 8 weeks from the date the Office of Water receives all documentation (to it's satisfaction.) Application forms for the controlled activity approval are available from the Office of Water's website.

REASON: It is in the public interest that the development complies with all legislative requirements. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 2A. Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01 a copy of an updated Controlled Activity Approval from Water NSW must be provided to Council.**

It is the applicant's responsibility to notify Water NSW of the modified DA reference and approval date to enable the Notice of Determination to be updated.

REASON: It is in the public interest that the development complies with all legislative requirements. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

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

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

4. Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to the Principal Certifying Authority for approval, all such details shall be certified by a practising Structural Engineer.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

5. Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

REASON: It is in the public interest that all building elements are designed to be able to withstand the combination of loads and other actions to which they

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

6. Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of the Construction Certificate, a levy in the amount of \$65,000 must be paid to Council towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

REASON: Having considered the development in accordance with Section 94 A of the *Environmental Planning and Assessment Act 1979*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 6A. Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01, a levy in the amount of \$3,500 must be paid to Council towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

REASON: Having considered the development as modified in accordance with Section 94A of the *Environmental Planning and Assessment Act 1979*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. Prior to the issue of Construction Certificate a bond of \$10,000 in the form of cash or bank guarantee shall be paid to Council for the following:
 - (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
 - (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and

environmental controls) required in connection with the consent,

- (c) remedying any defects in any such public work that arise within 6 months after the work is completed.**

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

- 8. Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.**

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

**NOTE 5: The Section 64 Sewer base figure is \$45,887.86.
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$48,764.41.**

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

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

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

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

8A Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01, a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is \$15,921.
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$17,568.55.

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

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

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

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

9. Prior to the issue of a Construction Certificate, detailed engineering plans identifying the construction of Cooramin Street from the intersection of Hampden Avenue to a point 20 metres past the western most access driveway into the site shall be submitted to Council for approval. The design shall detail:

- the full width formation of the road including a sealed width of 7.0 metres and 1.0m wide shoulders;
- the required intersection works at Cooramin Street and Hampden Avenue to accommodate turning paths for 19m long articulated vehicles;
- shoulder construction;
- swale formation and drainage works;
- pavement construction and sealing;
- service adjustments;
- signage and line marking;
- transition to existing pavement.

The design shall be in accordance with Council's Engineering Guidelines for Subdivision and Developments and relevant AUSTROADS and RMS Guidelines.

A pavement design shall be carried out by a suitably qualified Geotechnical Engineer based on an appropriate traffic loading for the development and shall take into account locally sourced road pavement gravels if proposed in the design.

Any required street lighting upgrade at the intersection or approaches shall be designed in accordance with relevant Australian Standards.

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

- 10. Prior to release of Construction Certificate, a street lighting safety assessment shall be carried out on the existing level of lighting at the intersection of Cooramin Street and Hampden Avenue and shall consider (but not be limited to) traffic numbers, posted speed limits, geometry, sight distances, pedestrian and cyclist activity and crash history to determine whether a street lighting upgrade at the intersection and/or approaches is required as a result of the development. If the assessment determines that upgrades are necessary, the street lighting Street Lighting shall be designed and constructed in accordance with AS1158 Vehicular Traffic 2005 (or subsequent amendments).**

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

- 11. Prior to the issue of the Construction Certificate the applicant shall submit to Council for approval a revised stormwater plan that indicates;**

- (i) The finished paving levels to demonstrate overland flow paths**
- (ii) All pipe and pit levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.**
- (iii) Water sensitive design features - the design is to give consideration to fine particle, contaminant and nutrient treatment measures and maintenance regimes for all water quality devices. This element of the design must be endorsed by Wagga Wagga City Council. Any proposed vegetation shall not have an adverse effect on the floodplain or flood storage.**
- (iv) Stormwater runoff from the Cooramin Street road reserve not draining into the development site's proposed OSD/Infiltration basin. The proposed OSD/Infiltration basin shall only receive stormwater runoff from the development site discharged to the basin internally from the site.**
- (v) An overflow weir and overland flow path from the proposed OSD/Infiltration basin.**

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

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

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

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

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

- 13. Prior to the issue of the Construction Certificate plans shall be submitted for approval indicating the finished floor levels of the proposed buildings and for the race track are in accordance with WMA Water Flood Impact Assessment dated 7 September 2015.**

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

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

The compliance certificate shall be from an accredited certifier who is a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the construction certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.

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

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

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

- 15A. Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01 written approval from Council's Environmental Health Section for the food and drink preparation areas must be obtained.**

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.

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

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

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

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

- 17. Prior to the release of Construction Certificate the landscape plan referenced 14/324/LD-02A prepared by Mark McCrone Landscape Architect and dated 23.9.15 shall be revised to show:-**
- (a) Retention of the westernmost river red gums and associated changes to the truck car park layout**
 - (b) Replacement of Plane trees around the car park with native species**
 - (c) All trees planted in 300mm container size pots not tubestocks.**

REASON: To ensure that appropriate and sufficient landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 18. Prior to release of Construction Certificate a Construction Management Plan to address construction activity access and parking is to be prepared to the satisfaction of the Director of Planning and Regulatory Services, or delegate. The management plan must address, but is not limited to, the following;**

- ☐ **Construction and timing for construction of the works within the road reserves of Cooramin Street and Hampden Avenue**
- ☐ **Timing for construction of the works across the site demonstrating any proposed staging of works across the 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,**

- ☐ Details of any special equipment to be employed;
- ☐ Details of the frequency and times of the vehicles, their turning paths and parking/storing arrangements;
- ☐ Protection of vehicles and public assets,
- ☐ Location of hoarding, Work Zone and other traffic control devices,
- ☐ 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 the type and location of waste storage containers to show that there will be no congestion, associated with the storage and removal of such materials; and
- ☐ Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing is to be installed and maintained to effect the plan.

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.

19. Prior to the issue of a Construction Certificate, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.

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

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

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

Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval. All conditions of the approval must be complied with.

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

21. No works are to take place to any services without prior written approval from the relevant authority.

NOTE: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures.

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

21A. Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01 a copy of an amended site plan shall be submitted to and approved by Council. The plan shall identify:-

- (i) boundary fencing to the track that is open in design with any reference to solid colorbond fencing removed.**
- (ii) Sealed parking treatment to the truck and trailer parking area with any reference to gravel base removed.**

REASON: In the interest of visual amenity and to minimise noise and dust pollution. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

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.

23A. An AMENDED 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 modified works as approved under DA14/0448.01, are in accordance with the Building Code of Australia PRIOR to any modified 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 and modified 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 the commencement of road works a request to review the current speed limit within Cooramin Street is to be submitted to Roads and Maritime Services for approval. Any works/signage required as a result of this review of the speed limit shall be at full cost to the developer and be implemented prior to operation of the development.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30. A Section 68 Approval and Plumbing Permit must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.

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

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

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.

- 34. A soil and water management plan for the site shall be submitted in accordance with Wagga Wagga City Council's Engineering Guidelines for Subdivision and Developments. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended has been issued by Council or an accredited certifying authority confirming that the plan is in accordance with Council's Engineering Guidelines for Subdivision and Developments and**

Soils and Construction Volume 1, Managing Urban Stormwater. Once approved, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.

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

During works

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

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

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

- 36. Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor.**

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

- 38. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.**

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

- 39.If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have been completed.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 2: The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the

frame inspection.

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

40. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

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

c) **CHEMICAL TREATMENT** - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.

Warning - Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.

Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

d) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.

e) A durable notice must be permanently fixed to the building in the electricity meter box indicating:

i) The method of protection

ii) The date of installation of the system

iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.

iv) The need to maintain and inspect the system on a regular basis.

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

- 42. 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.

- 43. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.**

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

- 44. The building must be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.**

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

- 45. The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Regulations 2010 and the Food Safety Standards Code.**

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

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

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

- 47. Trees indicated on the submitted plans for removal as amended by the revised landscape referenced in condition 17, shall be removed from the site in accordance with the proposed development. Consent under Council's Tree Preservation Order is not required for removal of the subject trees.**

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

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

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

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

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

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

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

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

- 49. 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.

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

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Occupation Certificate / Prior to Operation

51. 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.

52. An Event Noise Management Plan shall be prepared and submitted for approval by the Director of Planning and Regulatory Services or delegate. The plan shall be prepared in consultation with the local Council and local residents and include (as a minimum):-

- (a) Clarification of the PA system details specifically the number, position and orientation of speakers to minimise noise emissions but satisfy course requirements.**
- (b) How the volume of the PA system is to be managed**
- (c) Times and dates of events to be held throughout the year and notification of these to the surrounding community.**
- (d) Details of noise monitoring locations and times**
- (e) Complaint management procedures**
- (f) Timescale for the plan to be regularly reviewed.**

The plan must be made publicly available and maintained and implemented prior to operation of the site and regularly reviewed after events are held on site.

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.

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

The plan must specify (as a minimum) the following:

- a) Traffic management details including the provision and control of overflow parking if applicable**

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

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

- 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 the Wagga Wagga City Council prior to operation.**

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

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

- 55. Prior to any event where liquor is to be sold/available for consumption at the facility, a liquor licence or an exemption is to be obtained from the Independent Liquor and Gaming Authority. If a liquor licence is required consumption must be in accordance with the conditions of the liquor licence.**

REASON: It is in the public interest that liquor is stored and served in accordance with an appropriate licence. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

- 57. Prior to operation of the approved development the landscaped areas and tree planting shall be established on site in accordance with the amended landscape plan referenced under condition 17.**

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

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

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

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

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

- 59. Prior to the issue of an Occupation Certificate, certification from a Registered Surveyor and Works-As-Executed plans are required confirming finished floor levels are in accordance with the approved plans and the details outlined in Condition 11.**

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

- 60. Prior to the issue of an Occupation Certificate, the upgrade of Cooramin Street and all works associated with the Cooramin Street/Hampden Avenue intersection shall be completed to the satisfaction of Council. Works-As-Executed plans shall be provided to Council detailing all constructed road infrastructure in accordance with Council's Engineering Guidelines for Subdivision & Development and in accordance with the details approved under Condition 9.**

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

- 61. Prior to release of an Occupation Certificate an into maintenance inspection must be carried out of the completed road works. The maintenance period will last for 12 months, upon which time an out of maintenance inspection will be required to ensure the works are acceptable to Council.**

REASON: It is in the public interest to ensure that plumbing and drainage work are carried out in accordance with relevant legislations, standards and codes.

- 62. Prior to the issue of an Occupation Certificate, Street Lighting shall be designed and constructed if required in accordance with the recommendations of the street lighting safety assessment referred to under Condition 10.**

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

- 63. 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.

- 64. Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening, Council's Environmental and Community Services Directorate must be contacted for a Health Inspection and registration of the premises in accordance with the Food Act 2003 and the Food Regulations 2010, Food Safety Standards Code.**

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

- 65. Prior to the release of the Occupation Certificate the Food Business Premise and current Food Safety Supervisor with the appropriate enforcement agency must be notified.**

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

- 66. 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.

- 67. 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.

68. 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.

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

NOTE: Evidence of consolidation must be provided to Council

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

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

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

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

General

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

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

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

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

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

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

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

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

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

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

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

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

Any other use of the site for functions or temporary events (which may be subject to further approval under Clause 2.8 of the WWLEP 2010) must remain as ancillary to the approved use and not occur independently on the site without the prior approval of Council.

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

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

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

- 78. The applicant is to ensure that dust suppression measures are put in place to minimise dust generation during all race events. Dust control at all other times should form part of an on-site management plan.**

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

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

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

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

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

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

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

82. Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant.

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

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

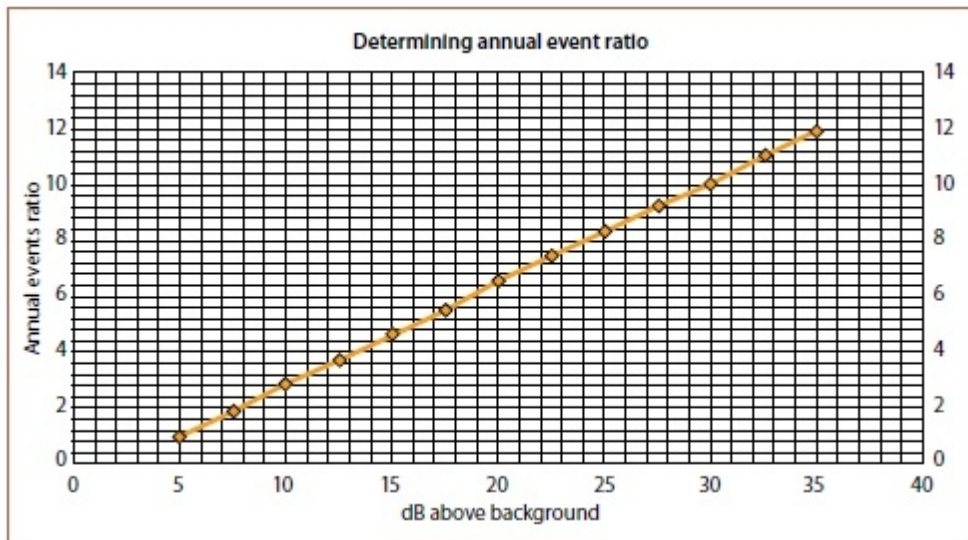
REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

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



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

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

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

87. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement (copy attached).

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

89. A minimum of 230 vehicle parking spaces must be made available on site at all times in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.

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

90. 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.

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

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

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

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

General Terms of Approval NSW Office of Water

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

Our Reference: 40 ERM2014/0862

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

DA Number: DA14/0448

LGA: Wagga Wagga City Council

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