

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH -328
DA Number	DA23/0649
LGA	Wagga Wagga
Proposed Development	Two 3-storey residential flat buildings to be used as affordable housing; 11 x 1-bedroom apartments and 6 x 2-bedroom apartments, new access arrangements, parking and associated landscape works and consolidation of lots.
Street Address	Lot 4 DP 35910, Lot 5 DP 35910 & Lot 6 DP 35910 34, 36, 38 & 40 South Parade, Wagga Wagga, NSW 2650
Applicant/Owner	Owner: NSW Land and Housing Corporation Applicant: Land and Housing Corporation
Date of DA lodgement	24 January 2024
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • 1 • 1
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	4) Crown development over \$5 million. The estimated development cost is \$7,901,022.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Housing) 2021 • Wagga Wagga Local Environmental Plan 2010 • Wagga Wagga Development Control Plan 2010
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plan Set and Landscape plans • Statement of Environmental Effects • Traffic Impact Assessment • Flood impact assessment • Arborist report • Design Verification Statement • Civil Design Report
Clause 4.6 requests	Not applicable
Summary of key submissions	<ul style="list-style-type: none"> • Increased traffic using laneway • Increased noise and disturbance
Report prepared by	Amanda Gray, Senior Town Planner
Report date	14 May 2024

Yes**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

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

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

Yes**Clause 4.6 Exceptions to development standards**

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

No**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

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

No**Conditions**

Have draft conditions been provided to the applicant for comment?

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

Yes

EXECUTIVE SUMMARY

Reason for consideration by Southern Regional Planning Panel

The proposal has been referred to the Southern Regional Planning Panel as it is for a Crown development with an estimated development cost of more than \$5 million.

Proposal

The proposal is for two residential flat buildings to be used as affordable housing with associated parking and landscaping. There are a total of 17 apartments.

Permissibility

The site is zoned R1 General Residential pursuant to the Wagga Wagga Local Environmental Plan 2010. The land use is permissible in the zone and consistent with the zone objectives.

Consultation

The development application was notified in accordance with Council's DCP and resulted in 1 individual letter of written objection. The submission is discussed in detail within section 4.15(d) of the report.

Key assessment issues

- The proposed three storey buildings will introduce a type and a form of development that differs from the existing dwellings and from the established pattern of single storey detached and semi-detached properties in the locality. The buildings are set in from the site boundaries to minimise overshadowing to adjacent properties. The building footprint covers less than 50% of the site area.
- The redevelopment of the site results in a change to the streetscape that includes buildings over 10 metres in height with front balconies, fencing and a central driveway with sliding gates. The materials to be used are a mix of brick, cladding and glazing, these materials are consistent with other redevelopments that have occurred at 8-12 South Parade. Increased landscaping at the front and side will enhance the presentation to the street.
- The increase from 4 dwellings to 17 dwellings is likely to result in an increase in vehicle movements and an increased demand for parking. Parking is provided on site in accordance with the requirements of SEPP(Housing).
- The area is subject to overland flooding and the design of the building includes appropriate finished floor levels.
- The proposal is in the public interest as it results in the provision of housing that is well designed and is in high demand in an accessible location.
- The development is generally consistent with the design criteria and design guidance contained in the Apartment Design Guide.

Recommendation

The application is recommended for approval subject to conditions of consent. The conditions have been provided to and agreed to by the applicant.

REPORT

Description of Development

The proposal seeks consent for a residential flat building development to be used as affordable housing. The development is to be delivered by a relevant public authority, being the NSW Land and Housing Corporation. The application is therefore lodged as a Crown DA and is to be determined as Crown development.

The proposal is for two, three storey buildings consisting of 6 two bed apartments and 11 one bed apartments. The buildings will extend to a maximum height of 10.46m and include solar panels on the roof of each building. The buildings are setback from the South Parade frontage by 6m and from each side boundary by 4.4m.

Each apartment has been designed to comply with the standards outlined in the Apartment Design Guide (ADG) such as internal area, natural light, storage and private open space. A balcony is provided to each apartment with the majority having the benefit of direct north facing orientation. The ground floor apartments have access to increased areas of landscaped private open space areas. Both of the buildings will include one adaptable living apartment on the ground floor with two bedrooms and access to a carport at the side of the building.

One central driveway is proposed from South Parade providing access to ten communal parking spaces. A sliding gate is proposed to the entry, the design of the gate will match the front fencing and be of an open style. Two adaptable parking spaces are included within carports at the side of each building. Adaptable spaces have a greater width of 3.8m to allow for flexibility of use as opposed to an accessible space that has a shared zone to the side. The carports each have an independent driveway from South Parade. The rear of the site includes pedestrian access footpaths onto the laneway via gates that are controlled by keypads. These gates are also intended to be used for waste collection purposes. Footpaths within the site from the bin store locations to the gates are provided to allow easy access for bin manoeuvring on waste collection days.

Five existing trees will be removed from site, 14 replacement canopy trees are proposed throughout the site with additional landscaping. The application includes the consolidation of the existing three lots into one lot.

The Site and Locality

The subject site is legally identified as Lots 4, 5 and 6 in DP35910 and is known as 34-40 South Parade. The total land parcel is rectangular in shape and extends to an area of 1512.96sq.m. There is vehicle access to the site from South Parade, there is a laneway to the rear of the site, South Parade Lane, that provides rear vehicle access to properties that front onto Edward Street and is also used for servicing and waste collection.

The land is situated on the southern side of South Parade approximately 250 metres to the west of the junction with Shaw Street. There are existing residential buildings on each of the lots, a single detached dwelling on lots 4 and 6 and a dual occupancy on lot 5. The properties are vacant and will be demolished to allow for redevelopment. Demolition does not form part of the subject application.

Directly adjacent to the site to the east is a vacant block on which a dwelling has been recently demolished. Beyond the vacant block are a mix of single dwellings, other vacant blocks and a recently (LAHC) developed, two storey apartment development. To the west of the site there are single storey detached dwellings.

To the north is an area of public open space known as Duke of Kent oval that is utilised for sports throughout the year. To the south of the site is land that is zoned as R3 Medium Density Residential and contains a mix of hotel/motel accommodation, medical centres and residential properties.

The subject site is within an area identified as the Health and Knowledge precinct. A masterplan has been prepared for this area to provide strategic direction for redevelopment around the public and private hospital precincts.

Easements and Covenants

There are no known easements or covenants on the site. Upgrades to existing sewer infrastructure were completed prior to the application being lodged to ensure that the buildings are not built across sewer lines.

Electricity infrastructure in the form of power lines run parallel to the front of the site.

Previous Development Consents

Nil

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP2010, the development site is located within the R1 General Residential zone. The objectives of the R1 zone are as follows:-

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure co-ordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas.*

The proposed development is consistent with the first two objectives as a variety of housing is to be provided that will assist in addressing the housing needs of the community.

Part 2 Permitted or prohibited development Land Use

The land use is defined as a *residential flat building* meaning:

a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

The listed land use is permitted with consent in the R1 zone.

Part 3 Exempt & Complying Development

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

Part 4 Principal development standards

4.3 Height of buildings

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map

There is no limitation to height on the subject site.

4.4 Floor space ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map

There is no defined floor space ratio for the subject site.

Part 5 Miscellaneous provisions

5.21 Flood Planning

The subject site is not within the mapped flood planning area for a riverine flood, but the rear of the site is within the area mapped as being impacted by overland flooding. The application is supported by a flood impact report.

The objectives of this clause are to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, to avoid adverse or cumulative impacts on flood behaviour and the environment and to enable the safe occupation and efficient evacuation of people in the event of a flood.

The maximum overland flood level within the site is AHD 178.83. In order to ensure that the development remains habitable, and the occupants remain safe during a 1:100 year flood event, the finished floor level of the development has been designed to be a minimum of 300mm above the maximum overland flood level across the subject site. The development includes an on-site detention system, the development will also be 300mm above the maximum height of the OSD. The finished floor level will be a minimum of AHD 179.22.

The maximum depth of the water within the site is 0.29m and the maximum velocity of the water is 0.41m/s. The limits of a H1 flood hazard are 0.3m depth and 2m/s velocity. Hence, the hazard across the subject site is all H1. Therefore, the 1% AEP overland flows are unlikely to impact on the safety of buildings, nor is it likely to prevent the future occupants of the development evacuating safely if they desire.

The proposed overall footprint of development across the subject site equates to a net increase of 73m² that is not expected to result in any significant flooding impacts on the infrastructure downstream of the development.

The proposal is consistent with this clause of the LEP.

5.22 Special Flood Considerations

The subject site is impacted by the probable maximum flood.

The objectives of this clause are to enable the safe occupation and evacuation of people subject to flooding, to ensure development on land is compatible with the land's flood behaviour in the event of a flood, to avoid adverse or cumulative impacts on flood behaviour, to protect the operational capacity of emergency response facilities and critical infrastructure during flood events, and to avoid adverse effects of hazardous development on the environment during flood events.

The development is not defined as *sensitive and hazardous development* under this clause. The development is not considered to affect the safe occupation and efficient evacuation of people in the event of a flood or cause a particular risk to life or impact the environment during a flood. The clause has been addressed and satisfied.

Part 6 Urban Release Areas

The proposal is not within an Urban Release Area.

Part 7 Additional Local Provisions

7.1A Earthworks

There are minor earthworks associated with the development. The site is generally flat and no retaining walls or other cut and fill are proposed across the site.

7.6 Groundwater Vulnerability

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability. The subject site is identified as sensitive on the Water Resources Map and as such this clause applies. The objective of this clause is to protect and preserve groundwater sources. It is not anticipated that there will be any adverse impacts on groundwater as the use is not identified under this clause as impacting on groundwater sources and the works are all associated with an existing building.

7.9 Primacy of Zone E2

Clause 7.9 states that development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone E2 Commercial Centre as the principal business, office and retail hub of Wagga Wagga. The development is not a type that would be permitted in the CBD and there are no anticipated detrimental impacts to the primacy of the CBD as a result of this application.

7.11 Airspace Operations

The objectives of this clause are to provide for the effective and ongoing operation of the Wagga Wagga Airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface (OLS) for that airport, and to protect the community from undue risk from such operation. The height of the building does not penetrate the OLS and the clause does not apply.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Housing) 2021

Chapter 2 Affordable Housing

The application is lodged under the provisions of Part 2, Division 1 that applies to in-fill affordable housing. The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low income, low income and moderate income households.

Clause 15B(2) confirms that, residential development carried out by the Land and Housing Corporation is taken to be used for the purposes of affordable housing.

In accordance with clause 15C the division applies to the development as the use is permitted with consent in the zone and at least 10% of the development makes up the affordable housing component. The residential flat development to be carried out by LAHC and has an affordable housing component of 100%. Furthermore, the development must be within 800m walking distance of land *in a relevant zone*. There is a mixed-use area, zoned as MU1, to the north-east of the site on the corner of Docker Street and Morgan Street. The most accessible walking path to the land zoned as MU1 is approximately 600m away and complies with this clause.

Clauses 16 and 17 do not apply as there are no maximum permissible floor space ratios for the site. Equally clause 18 does not apply to the development as there is no maximum building height control for the site.

Clause 19 (2) outlines non-discretionary development standards that, if complied with, prevent the consent authority from requiring more onerous standards. The non-discretionary standards are detailed below:-

(a) *a minimum site area of 450m²,*

The total site area is 1512sq.m and complies.

(b) *a minimum landscaped area that is the lesser of-*

(i) *35m² per dwelling, or*

(ii) *30% of the site area,*

The landscaped area extends to 722m² which is equivalent to 42m² per dwelling and 47% of the site area and therefore complies.

(c) *a deep soil zone on at least 15% of the site area, where-*

(i) *each deep soil zone has minimum dimensions of 3m, and*

(ii) *if practicable, at least 65% of the deep soil zone is located at the rear of the site*

Not applicable, this is assessed under the Apartment Design Guide, in accordance with Chapter 4 of this SEPP.

(d) *living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,*

Not applicable, this is assessed under the Apartment Design Guide, in accordance with Chapter 4 of this SEPP.

(e) *the following number of parking spaces for dwellings used for affordable housing-*

(i) *for each dwelling containing 1 bedroom-at least 0.4 parking spaces,*

(ii) *for each dwelling containing 2 bedrooms-at least 0.5 parking spaces,*

(iii) *for each dwelling containing at least 3 bedrooms- at least 1 parking space,*

The development includes 11 apartments with one bedroom and 6 apartments with 2 bedrooms equating to a need for 8 parking spaces. Twelve spaces are proposed on site and the development therefore complies.

(f) *the following number of parking spaces for dwellings not used for affordable housing-*

(i) *for each dwelling containing 1 bedroom-at least 0.5 parking spaces,*

(ii) *for each dwelling containing 2 bedrooms-at least 1 parking space,*

(iii) *for each dwelling containing at least 3 bedrooms-at least 1.5 parking spaces,*

Not applicable, all apartments are for affordable housing.

(g) *the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,*

The minimum areas specified in the ADG are 50m² for one-bedroom apartments and 70m² for two bedroom apartments. All of the apartments comply with the minimum internal areas.

(h) *for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)-the minimum floor area specified in the Low Rise Housing Diversity Design Guide,*

Not applicable.

(i) *if paragraphs (g) and (h) do not apply, the following minimum floor areas-*

(i) *for each dwelling containing 1 bedroom-65m²,*

(ii) *for each dwelling containing 2 bedrooms-90m²,*

(iii) *for each dwelling containing at least 3 bedrooms-115m² plus 12m² for each bedroom in addition to 3 bedrooms.*

Part (g) applies as noted above.

(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.
Chapter 4 does apply to this development and is addressed below.

Clause 20(3) states that, *Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with-*

- (a) the desirable elements of the character of the local area, or*
- (b) for precincts undergoing transition-the desired future character of the precinct.*

The local area is characterised by single storey detached dwellings that are predominantly owned by LAHC and that present as ageing, not fit for purpose housing stock. A number of the properties have already been demolished or are boarded-up and awaiting demolition. Redevelopment has already occurred to some lots to increase the number and quality of affordable housing in the area. The precinct is within the early stages of change and the development application contributes to further change that is desirable within this location. The site is at the edge of the health and knowledge masterplan area within which increased density and increased heights of buildings are proposed along Edward Street to provide accommodation that supports the medical precinct. Within this context the development is considered compatible with the changing nature of the area.

Clause 21 requires the affordable housing component to be included within the development for a minimum of 15 years. As the development is on behalf of LAHC the clause does not apply.

Clause 22 allows for subdivision to form part of the development. No subdivision is proposed, the three lots are to be consolidated.

Chapter 4 Design of residential apartment development

The aim of this chapter is to improve the design quality of residential apartment development in New South Wales. In accordance with Clause 144, the chapter is applicable to the subject application as it is for a residential flat building, that consists of the erection of a new building that is at least three storeys and contains at least 4 or more dwellings.

Part 6 of clause 144 further confirms that, development to which Chapter 2, Part 2, Division 1, 5 or 6 applies may also be residential apartment development under this chapter. An assessment of the application against Chapter 2, part 2, division1 (in-fill affordable housing) is included above.

Clause 145 requires the application to be referred to a design review panel prior to determination. A design review panel has not been constituted for Wagga City Council and therefore this clause does not apply. Clause 146 applies to modification applications and is not applicable to the determination.

Clause 147 outlines the process for the determination of applications,

(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following-

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
 - (b) the Apartment Design Guide,*
 - (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*
- (3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.*

As noted above, there is no design review panel and therefore the application was not referred and there is no advice to consider.

An assessment of the design quality of the proposal against the nine design quality principles and the Apartment Design Guide has been completed and is included in the two tables below. There are some non-compliant elements noted against specific design criteria and these are justified within the relevant parts of table 2 below. As listed above, under part (3) strict compliance with the design criteria specified in the Apartment Design Guide is not required. The overall assessment is concluded as satisfactory.

Table 1 - Assessment of the development against the design principles for residential apartment development (Housing SEPP - Schedule 9)

Principle 1- Context and Neighbourhood Character	Applicant comments	Council comments
<i>Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, areas undergoing change or areas identified for change.</i>	The development is designed to function as social housing and to respond to the demand for social housing in Wagga. The location has ready access to nearby public transport (400m away from the Albury Street bus stop & and 325m away from the Edward Street bus stop). Opposite is the Duke of Kent Oval providing breakout communal space, visual relief and open space security surveillance. While initially the development will stand in contrast with the surrounding built form scale and density the entire precinct is marked for zone changes and upgrades (see Wagga Health and Knowledge Precinct Plan). The area is expected to be rezoned and redeveloped to increase the density and scale similar to what is proposed.	The proposed three storey buildings are out of context with the existing character of the neighbourhood that is dominated by single storey dwellings. However, the area is undergoing change and an increase in the bulk and scale of developments can be seen on other LAHC redevelopments of two storey apartment blocks. Land to the south is of a different zone (R3 medium density) and includes a mix of residential and commercial uses some of which extend to two storeys in height. The design of the buildings takes advantage of the open space outlook to the north.
Principle 2 - Built Form and Scale	Applicant comments	Council comments
<i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, building articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas,</i>	While initially, the developments will stand in contrast with the surrounding built form scale and density the entire precinct is marked for zone changes and upgrades (see Wagga Health and Knowledge Precinct plan). As discussed with the council the area is expected to be rezoned and redeveloped to increase the density and scale like what is proposed. A Strong streetscape frontage has been proposed with (the two developments) having a unique	The height of the proposed development differs to the existing context as noted above. The siting and the scale of the development though, including the side and front setbacks, the open space and the at grade car-parking result in a development that is of suitable bulk and scale. The proposed building form with open balconies and a mix of materials contributes to the public domain and the

<i>and provides internal amenity and outlook.</i>	architectural language allowing them to retain their own identity. The project team has worked hard to deliver architectural forms that challenge the lingering stigma of public housing and look to evoke a sense of pride in place of living for future residents.	streetscape in a positive manner.
Principle 3 - Density	Applicant comments	Council comments
<i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i>	The development greatly increases the density of both the suburb and streetscape but does so with confidence that the existing infrastructure upgrades and amenities are capable of handling the new service and social loads. The proposed densities are considered with the future health and knowledge precinct masterplan and flow on urban renewal to occur in the area. The influx of public housing will take great steps towards meeting the demands for public housing.	The development is of a high-quality design and offers good amenity to future residents through the site layout, apartment design and provision of private open space. The proposed density of development is inconsistent with the predominant pattern of traditional single storey detached cottages in the locality. However, the density is consistent with recently developed public housing projects and the likely future character of the adjacent R3 zones.
Principle 4 - Sustainability	Applicant comments	Council comments
<i>Good design combines positive environmental and social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling which reduces reliance on technology and operation costs. Good sustainable design also includes recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i>	Refer to Basix certificate for all explored avenues of sustainability.	The applicant has provided a compliant BASIX Certificate. Each apartment will receive a minimum of 3 hours of direct solar access between 9am and 3pm to both living areas and private open spaces. Natural cross ventilation is achieved within 11 of the 17 apartments (the requirement is 60% which equates to 11/17). Recycling facilities are provided on site in the form of waste collection bins.
Principle 5 - Landscape	Applicant Comments	Council comments
<i>Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in developments with good amenity. A positive image and contextual fit of well- designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the</i>	Refer to the landscape architect's documentation for an overview of the landscaped response.	Each apartment is provided with a compliant area of private open space. There is no communal open space provided on site. Deep soil zone areas each have a minimum dimension of 3m and cover 25% of the site. Tree planting is proposed predominantly within the front setback, with shrubs and

development's environmental performance by retaining positive natural features that contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity. Good landscape design provides for practical establishment and long term management.		grasses to the side and rear of the development. Species of trees and shrubs have all been selected as suitable within the local climatic conditions. CPTED has been considered within the landscape design to ensure that the planting and fencing do not obscure sight lines or create hiding places.
Principle 6 – Amenity	Applicant Comments	Council comments
Good design positively influences internal and external amenities for residents and neighbours. Achieving good amenities contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	Large public car parking combined with screened and secured individual courtyards to ground floor units and generous privacy screened balconies off living spaces in the upper floors provide positive living environments to residents. Accessible pathways traverse the site and flow seamlessly from car parking to entry/lobbies easily identified with glazed doors and a direct line of sight from arrival points. Primarily Northern-orientated building designs give residents access to deep penetrating natural light for more than 3+hrs across 70% of both development units. Enclosed and screened waste enclosures situated along accessible pathways provide a clean and accessible waste disposal solution. All these features contribute to positive amenity.	The design has sought to provide the best amenity possible for residents. The layout provides appropriate room dimensions with access to natural sunlight and direct linkages to private open space. The majority of apartments benefit from an outlook across the public open space to the north and storage facilities are provided within all apartments. Secure on-site car-parking and accessible bin store further contribute to the amenities offered to residents.
Principle 7 – Safety	Applicant Comments	Council comments
Good design optimises safety and security within the development and the public domain. Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access	Safety initiatives adopted include: -Clearly defined entry points highly visible from carparking. -All units and balconies overlooking public spaces across the length of the site. -1.8m high fencing and courtyard walls to ground floor units clearly define public and private spaces -Architectural screening to all balconies provides privacy to residents - linear architectural forms without	The development allows for passive surveillance to the car-park and the public realm around the site. Entry points are clearly defined and fencing of different heights and designs appropriately defines public and private spaces within the site. Visibility in and out of the site is clear to both the front and the rear.

<i>points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</i>	deep alcoves reduce the risk of anti-social behaviour/gathering - Hard-wearing maintenance material selections keep the building appearing in good shape and resist anti-social behaviour increasing long-term durability.	
Principle 8 - Housing diversity & social interaction	Applicant comments	Council comments
<i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i>	The development has a good mixture of 1 bedroom, 2 bedroom and fully accessible units. All units have been designed in accordance with the LAHC guides and ADG objectives. All units have been designed to meet the livable silver housing standard as a minimum. Refer to the supplied development data tables for a detailed summary of building composition.	The proposal provides for 17 residential apartments in a residential area that has good access to public transport and services. The proposed mix of apartment sizes including adaptable living spaces will provide a type of housing that is currently short in supply and suitable for differing household needs and budgets.
Principle 9 - Aesthetics	Applicant comments	Council comments
<i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i>	As stated the proposed development looks to sit seamlessly against the future streetscape renewal and will be used as a benchmark for positive streetscape character for the future South Parade built form scale. The development uses a mixture of materials, architectural forms, proportions, screening elements and distinct colour palettes to contribute to the existing and future streetscape.	The development will appear out of character with the streetscape as the first three storey development within the proximity of the adjacent oval. However, the proposed variety of materials and finishes that demonstrate the contemporary nature of the housing will present a good design that responds to the likely future context of the area.

Table 2 - Assessment of the development against the Apartment Design Guide (ADG) Criteria

APARTMENT DESIGN GUIDE (ADG)			
No	Objective	Control	Complies
3A	Site Analysis		
3A-1	<i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</i>	<i>Each element in the Site Analysis checklist should be addressed</i>	Yes -supporting information provided in the form of plans showing site analysis and context, streetscapes, materials and building form.

3B	Orientation		
3B-1	<i>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</i>	<i>Face streets and incorporate direct access from the street. Orientate buildings to north</i>	The buildings are orientated to the north and overlook the street. Clearly defined vehicle and pedestrian access is incorporated into the site layout.
3B-2	<i>Overshadowing of neighbouring properties is minimised during mid-winter.</i>	<i>Solar access to new apartments and existing buildings reduction to solar to neighbours no greater than 20% If significant reduction increase building separation Minimise privacy and overshadowing impacts</i>	Overshadowing will be minimised due to the side setbacks of the buildings and laneway to the rear. Shadow diagrams show that the neighbouring properties will maintain sufficient levels of solar access throughout the year.
3C	Public Domain Interface		
3C-1	<i>Transition between private and public domain is achieved without compromising safety and security.</i>	<i>Direct entry from street, balconies to overlook public domain, permeable fencing, active ground level, minimise concealed areas</i>	The presentation to the South Parade streetscape includes new driveways, pedestrian entry, fencing and landscaping all of which clearly define the public and private areas.
3C-2	<i>Amenity of the public domain is retained and enhanced.</i>	<i>New planting, garbage areas out of view, limit use of ramps, strong interfaces with adjoining open space</i>	Bin store areas are sited to the rear of the site and are screened by fencing.
3D	Communal and Public Open Space		
3D1	<i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</i>	<i>Communal open space has a minimum area equal to 25% of the site Minimum dimensions of 3m Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a min 2 hours between 9am-3pm on 21 June</i>	Does not comply with design criteria. There is no communal open space within the site. LAHC experience is that private open space is preferable within affordable housing developments. Each apartment has private open space that is in excess of the requirements and in addition the subject site is adjacent to a large public oval that is well maintained and accessible for recreation purposes. Acceptable based on design guidance.
3D2	<i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i>		N/A
3D3	<i>Communal open space is designed to maximise safety</i>		N/A
3D4	<i>Public open space, where provided, is responsive to the</i>		N/A

	<i>existing pattern and uses of the neighbourhood</i>		
3E	Deep Soil Zones		
3E1	<i>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</i>	<i>Minimum dimension deep soil zone is 6m and 7% of site area (165.6m²)</i>	Complies, 16% of the site achieves the deep soil zone as defined under ADG allowing for tree planting throughout the site.
3F	Visual Privacy		
3F1	<i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</i>	<i>Minimum required separation distances from buildings to the side and rear boundaries Up to 12m (4 storeys) Habitable and balconies 6m Non habitable 3m</i>	Does not comply with design criteria. The side setbacks to the eastern and western boundaries range from 4.4m to 5m and include one bedroom and one kitchen window at each level. The window to the bedroom is secondary to the main, larger one and the kitchen window is above the sink. It is anticipated that neighbouring land parcels will be redeveloped and the design of future buildings will have regard to any approved developments upon the subject site. Acceptable based on design guidance.
3F2	<i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</i>		The majority of the habitable windows are oriented to the north and south. At ground level landscaping and fencing will minimise any loss of privacy.
3G	Pedestrian Access and Entries		
3G1	<i>Building entries and pedestrian access connects to and addresses the public domain</i>		There are pedestrian footpaths into the building from the street and the parking area
3G2	<i>Access, entries and pathways are accessible and easy to identify</i>		As above
3G3	<i>Large sites provide pedestrian links for access to streets and connection to destinations</i>		The development is contained within the site with no pedestrian paths linking through the site.
3H	Vehicle Access		
3H1	<i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians</i>		Clearly defined entry into the car-park with good sightlines.

	<i>and vehicles and create high quality streetscapes</i>		
3J	Bicycle and Car Parking		
3J1	<i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</i>	<i>Reference the Guide to Traffic Generating Development or DCP requirements whichever is the lesser.</i>	The development is for affordable housing and section 19(2)(e) of the Housing SEPP overrides the ADG. The car-parking complies with the applicable section of the SEPP.
3J2	<i>Parking and facilities are provided for other modes of transport</i>		There is no defined area for bicycle parking or storage. Bicycles could be safely stored on balconies.
3J3	<i>Car park design and access is safe and secure</i>		The carpark is at grade level and visible from both within the site and outside of the site.
3J4	<i>Visual and environmental impacts of underground car parking are minimised</i>		N/A there is no underground carpark.
3J5	<i>Visual and environmental impacts of on-grade car parking are minimised</i>		The carpark is set between the two buildings and softened by landscaping toward the streetscape.
3J6	<i>Visual and environmental impacts of above ground enclosed car parking are minimised</i>		N/A
4A	Solar and Daylight Access		
4A1	<i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</i>	<i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of <u>3 hours</u> direct sunlight between 9 am and 3 pm at mid-winter.</i>	All of the apartments will receive in excess of 3 hours of direct sunlight in mid-winter.
4A2	<i>Daylight access is maximised where sunlight is limited</i>		All apartments benefit from north-facing living rooms.
4A3	<i>Design incorporates shading and glare control, particularly for warmer months</i>		North facing apartments include sunshades to bedroom windows.
4B	Natural Ventilation		
4B1	<i>All habitable rooms are naturally ventilated</i>		Achieved
4B2	<i>The layout and design of single aspect apartments maximises natural ventilation</i>		Achieved
4B3	<i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</i>	<i>At least 60% of apartments are naturally cross ventilated. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i>	64% (11/17) of the apartments are cross ventilated. None of the apartments exceed 18m depth.

4C	Ceiling Heights		
4C1	Ceiling height achieves sufficient natural ventilation and daylight access	Minimum ceiling heights from finished floor level to finished ceiling level: Habitable 2.7m Non-habitable 2.4m	All apartments have minimum floor to ceiling heights of 2.7m and comply.
4C2	Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms		Ceilings that are higher than the minimum of 2.7m are not proposed.
4C3	Ceiling heights contribute to the flexibility of building use over the life of the building		
4D	Apartment Size and Layout		
4D1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Minimum internal areas 1 bed 50m ² 2 bed 70m ² The minimum internal areas only include one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	The 1-bedroom apartments have a minimum area of 52m ² , and the 2-bedroom units achieve a minimum of 78m ² . There is one bathroom in each apartment. All habitable rooms have windows and exceed 10%
4D2	Environmental performance of the apartment is maximised	Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Room depths across all apartments comply with the maximum dimensions.
4D3	Apartment layouts are designed to accommodate a variety of household activities and needs	Master - min 10m ² and other bedrooms 9m ² (excludes wardrobe space) Bedrooms min dimension 3m (excludes wardrobe space) Living rooms or combined living dining rooms have a minimum width of: · 3.6m for 1 bed · 4m for 2 bed The width of cross over or cross through apartments are at least 4m internally to avoid deep narrow apartment layouts.	The apartment layouts comply with the minimum dimensions.
4E	Private Open Space and Balconies		
4E1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity	All apartments are required to have primary balconies as follows: 1 bed - minimum area 8m ² , depth 2m 2 bed - minimum area 10m ² , depth 2m	Balconies vary in size between 8m ² and 13m ² , all minimum dimensions are achieved.

		<i>The minimum balcony depth to be counted as contributing to the balcony area is 1m. For apartments at ground level, a private open space is provided instead of a balcony. It must have a minimum area of 15m and minimum depth of 3m.</i>	Each of the ground floor apartments has in excess of the required 15m ² of private open space.
4E2	<i>Primary private open space and balconies are appropriately located to enhance liveability for residents</i>		All balconies and areas of private open space have direct linkage to living areas.
4E3	<i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</i>		Complies, there is a mix of materials used across the building façade.
4E4	<i>Private open space and balcony design maximises safety</i>		Heights of balconies and balustrades are designed in accordance with necessary BCA requirements.
4F	Common Circulation and Spaces		
4F1	<i>Common circulation spaces achieve good amenity and properly service the number of apartments.</i>	<i>The maximum number of apartments off a circulation core on a single level is eight.</i>	There is a maximum of three apartments per circulation core.
4F2	<i>Common circulation spaces promote safety and provide for social interaction between residents</i>		There is a communal lobby area that accesses the ground floor apartments, stairs and lifts within each building.
4G	Storage		
4G1	<i>Adequate, well designed storage is provided in each apartment</i>	<i>In addition to storage in kitchens, bathrooms and bedrooms: <u>Storage required</u> 1 bed 6m³ 2 bed 8m³ : 50% is to be within the apartments.</i>	Complies, each one-bedroom apartment has 8.68m ³ of storage and each two-bedroom apartment has 9.52m ³ .
4G2	<i>Additional storage is conveniently located, accessible and nominated for individual apartments</i>		All storage is within the apartments.
4H	Acoustic Privacy		
4H1	<i>Noise transfer is minimised through the siting of buildings and building layout</i>		Apartment layouts group bedrooms together and away from circulation space and noise sources
4H2	<i>Noise impacts are mitigated through layout and acoustic treatments</i>		Party walls are to be insulated to minimise noise transmission between apartments.

4J	Noise and Pollution		
4J1	<i>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</i>		There is no anticipated noise disturbance from external sources.
4J2	<i>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</i>		N/A
4K	Apartment Mix		
4K1	<i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i>		The development includes a mix of 1 and 2 bedroom apartments to suit existing demand for property sizes
4K2	<i>The apartment mix is distributed to suitable locations within the building</i>		1 and 2 bed apartments on each floor of the buildings.
4L	Ground Floor Apartments		
4L1	<i>Street frontage activity is maximised where ground floor apartments are located</i>	<i>Direct street access should be provided to ground floor apartments. Activity is achieved through front gardens, terraces and the facade of the building.</i>	Ground floor apartments and their areas of private open space face north onto South Parade creating connectivity with the street.
4L2	<i>Design of ground floor apartments delivers amenity and safety for residents</i>	<i>Privacy and safety should be provided without obstructing casual surveillance.</i>	Landscaping and open style fencing provide appropriate and suitable safety and surveillance to and from the ground floor apartments.
4M	Facades		
4M1	<i>Building facades provide visual interest along the street while respecting the character of the local area.</i>		The building façade includes a mix of materials and colours such as brick, concrete, cladding and glazing.
4M2	<i>Building functions are expressed by the facade</i>		There is a mix of horizontal and vertical elements that assist in identifying the functional elements of the building as well as contributing to good articulation.
4N	Roof Design		
4N1	<i>Roof treatments are integrated into the building design and positively respond to the street</i>		The buildings are designed with a flat roof that is sympathetic with the contemporary architectural design. The flat roof minimises the overall height of the building resulting in a positive presentation to the street.

4N2	Opportunities to use roof space for residential accommodation and open space are maximised		The roof space does not include accommodation or open space.
4N3	Roof design incorporates sustainability features		Solar panels are included as part of the development.
4O	Landscape Design		
4O1	Landscape design is viable and sustainable		Significant landscaping is proposed throughout the site and includes new and replacement trees.
4O2	Landscape design contributes to the streetscape and amenity		The proposed trees and plantings enhance the streetscape and amenity for residents by contributing to both privacy and shading.
4P	Planting on Structures		
4P1	Appropriate soil profiles are provided		The development does not include the provision of planting on structures. There are no areas of communal open space and the significant landscaping across the site is suitable in this case.
4P2	Plant growth is optimised with appropriate selection and maintenance		
4P3	Planting on structures contributes to the quality and amenity of communal and public open spaces		
4Q	Universal Design		
4Q1	Universal design features are included in apartment design to promote flexible housing for all community members	Developments achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features.	Each of the apartments have incorporated the Liveable Housing Design Guideline's silver level universal design features.
4Q2	A variety of apartments with adaptable designs are provided	Adaptable housing should be provided in accordance with the relevant council policy	Two ground floor, 2-bedroom apartments are designed as adaptable housing and are provided with an adaptable parking space adjacent.
4Q3	Apartment layouts are flexible and accommodate a range of lifestyle needs		All bedrooms are spacious allowing for multiple functions.
4R	Adaptive Reuse- N/A		
4S	Mixed Use - N/A		
4T	Awnings and Signage - N/A		
4U	Energy Efficiency		
4U1	Development incorporates passive environmental design	Adequate natural light is provided to habitable rooms	Natural light is provided to all apartments.
4U2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		BASIX Certificate shows compliant energy efficiency and thermal comfort.
4U3	Adequate natural ventilation minimises the need for mechanical ventilation		Natural ventilation is provided to all apartments.

4V	Water Management and Conservation		
4V1	<i>Potable water use is minimised</i>	<i>Water efficient fittings, appliances and wastewater reuse should be incorporated</i>	BASIX Certificate shows compliant water efficiency
4V2	<i>Urban stormwater is treated on site before being discharged to receiving waters</i>		Landscaped areas will capture some of the stormwater run-off prior to discharge.
4V3	<i>Flood management systems are integrated into site design</i>		An on-site detention system is proposed to minimise overland flood impacts.
4W	Waste Management		
4W1	<i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i>	<i>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.</i>	Secure bin storage areas are provided at the rear of the building but also within an accessible location for residents.
4W2	<i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i>		Under-bench bins within the kitchen are considered appropriate for domestic waste purposes.
4X	Building Maintenance		
4X1	<i>Building design detail provides protection from weathering</i>		Roof overhangs and balconies assist in protecting walls
4X2	<i>Systems and access enable ease of maintenance</i>		If necessary, the windows and the buildings are easily accessed to allow for maintenance.
4X3	<i>Material selection reduces ongoing maintenance costs</i>		The materials have been specifically selected as they require minimal maintenance.

Clause 148 relates to non-discretionary development standards for residential apartment development. If the following are complied with the consent authority cannot require more onerous standards.

(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,
The ADG requirements are for medium density residential flat buildings. The development would require a total of 23 parking spaces that is not achieved. The carparking provided on site complies with the affordable housing standards outlined in Chapter 2 of this SEPP.

(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,
All of the apartments are greater than the minimum internal areas as outlined in the ADG assessment above.

(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.
All of the apartments have ceiling heights that meet the minimum requirements specified in the ADG.

Clause 149 states that a requirement, standard or control for residential apartment development that is specified in a development control plan and relates to either *visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage* has no effect if the ADG also specifies a requirement, standard or control in relation to the same matter. The controls within Councils DCP that fall under these headings have not been assessed.

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of the SEPP requires that:

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject site has historically been used for residential purposes and no change of use is proposed. The land is not listed on Council's potentially contaminated land register and there is no evidence of any use of the site for a purpose listed in Table 1 of the guidelines.

The application is supported by a preliminary site investigation report. The report concludes that there is no gross soil contamination across the site and it is suitable for the proposed residential development. The report includes recommendations for unexpected finds and conditions of consent are included.

The site is considered suitable for the intended use in accordance with the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

In accordance with clause 2.48 of the policy, the proposal was referred to Essential Energy due to the proximity of electrical infrastructure to the development. There are powerlines that run parallel to the street at the front of the site. The following referral reply has been received from Essential Energy:

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Standard conditions of consent are recommended with regard to working within proximity of electricity infrastructure.

State Environmental Planning Policy (Sustainable Buildings) 2022

The proposed residential flat building is a form of BASIX development as defined within the *Environmental Planning and Assessment Regulation 2021* and as such the SEPP applies. A compliant BASIX Certificate has been submitted in support of the application.

State Environmental Planning Policy (Planning Systems) 2021

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 6 of the SEPP is declared to be regionally significant development for the purposes of the Act and includes (of relevance to this application):-

4) *Crown development over \$5 million*

Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has an estimated development cost of more than \$5 million.

The estimated development cost is \$7.9 million.

Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority.

Nil.

Section 4.15(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010

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

Section 1 - General

1.10 Notification of a Development Application

The application was advertised and notified to neighbouring properties from 13-27 February 2024 in accordance with the provisions of the DCP.

One submission was received during the notification period. This is discussed in section (d) of this report.

1.11 Complying with the Wagga Wagga Development Control Plan 2010

Whilst all developments should aim to satisfy all controls within the DCP, it is acknowledged that there may be circumstances where it may not be possible to achieve strict compliance. Departures from any control, whether a “numeric” or non-numeric control may be considered subject to the written submission of justification in accordance with the requirements of this clause.

The application proposes a variation to control 9.3.1, site area per dwelling. Within an R1 zone 375sq.m is required per dwelling for residential flat buildings. The application includes justification to vary this control, and this is discussed in more detail under the applicable section of this report.

Section 2 - Controls that Apply to All Development

2.1 - Vehicle Access and Movements

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

Vehicular access is proposed from South Parade via a new 6.65 metres wide driveway that will access the new internal parking area. Two additional single driveways are proposed from South Parade that will access the two car-ports assigned to the adaptable living units on the ground floor. These two spaces are wider than a standard parking space and have direct access into the applicable ground floor units (G1 and G5).

Waste collection will occur from South Parade Lane. Waste collection does occur from the laneway, but this predominantly services the properties that front onto Edward Street. The collection of additional bins will not increase the number of waste trucks. The development will have negligible impact upon vehicle activity along South Parade Lane.

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

A Traffic Impact and Parking Assessment (TIA) was prepared for the development.

The assessment notes that the proposed development will result in an additional six vehicle trips in the peak hours for South Parade. The additional vehicle movements are insignificant when compared with the predicted current capacity and design capacity of the surrounding road network, (300 peak hour vehicle trips).

The report notes that South Parade is a local road serving approximately 25 dwellings across both South Parade and West Parade and that existing traffic levels are low. Most vehicles from South Parade are likely to access the wider road network via a left-hand turn on to Shaw Street, due to the southern end of Shaw Street being one-way northbound traffic. This allows for easy egress from South Parade with negligible impacts. The existing road network is considered to have sufficient capacity to accommodate vehicle movements associated with the proposed development.

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

The new driveway arrangement as described earlier in the report allows for all vehicles to enter and exit in a forward direction. The DCP notes that this control only applies to common driveways and therefore the two single driveways that access the adaptable carports are also acceptable.

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

There are no identified loading areas on site and the proposed residential land use is not one that would expect to require such an area. The carpark would provide a suitable space for short term delivery vehicles to stop and there is provision for delivery vehicles to park on the street for longer periods if required.

Bin storage areas are provided for each area and footpaths are included to enable the bins to easily be moved to the laneway for collection.

*C5 Access driveways are to be located in accordance with the relevant Australian Standard
C6 Ensure adequate sight lines for proposed driveways.*

The new driveway has good visibility to South Parade in both directions. Council's traffic engineer has raised no concern with the driveway location.

2.2 Off-street parking

As noted earlier in the report, clause 19 of SEPP (Housing) 2021 outlines non-discretionary development standards that, if complied with, prevent the consent authority from requiring more onerous standards.

Part 2(e) of this clause outlines the parking standards for affordable housing as follows:-

- (i) for each dwelling containing 1 bedroom-at least 0.4 parking spaces,*
- (ii) for each dwelling containing 2 bedrooms-at least 0.5 parking spaces,*
- (iii) for each dwelling containing at least 3 bedrooms- at least 1 parking space,*

This equates to a need for 8 spaces as follows:

- 11 x one bedroom apartments - $11 \times 0.4 = 4.4$
- 6 x two bedroom apartments - $6 \times 0.5 = 3$

Twelve parking spaces are proposed, and the requirements of SEPP (Housing) are satisfied.

The DCP off-street parking standards therefore do not apply to this development.

C2 The design and layout of parking is to be in accordance with the relevant Australian Standard

C3 Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with the relevant Australian Standard

Parking spaces are to be laid out in accordance with the applicable standards and this will be secured by condition.

2.3 Landscaping

A landscaping plan has been prepared in support of the application that identifies significant planting throughout the site. Existing trees are to be removed and their removal is supported by an arborist report. Replacement trees are proposed predominantly at the front of the site within the front setback and within the areas of private open space afforded to the ground floor units. Additional shrubs, grasses and groundcovers are identified to site boundaries, footpaths and within the carpark area. Different styles of fencing are proposed within the site that complement the proposed landscaping. Fencing ranges from 1.2m to 1.8m in height depending on the location.

2.4 Signage

The development application does not include any signage.

2.5 Safety and security

The objectives and controls of this section encourage building design and site layout to incorporate principles of Crime Prevention Through Environmental Design to maximise the safety and security of individuals from crime. The site entry and the building entry points are clearly defined, there are no blank walls along street frontages and no areas of potential concealment due to the open style fencing that is proposed at the rear of the site. The proposed planting and landscaping will not reduce the safety of users and natural surveillance is achieved both in and out of the site. The development complies with the objectives and controls identified under this section of the DCP.

2.6 Erosion and Sediment Control Principles

Erosion and sediment controls will need to be implemented for the development; a standard condition will apply.

2.7 Development Adjoining Open Space

The objectives for developments adjoining open space are to ensure that the impacts of the development are managed within the site and do not rely on the open space and to ensure beneficial visual and physical relationships between public and private land.

The site is opposite a recreational open space known as the Duke of Kent oval. The development faces and presents to the open space with habitable windows and balconies benefitting from a northern orientation towards the oval. The relationship between the open space and the development is positive and further enhanced by the landscaping that is proposed within the front setback.

Section 3 - Heritage Conservation

Section 3 is not applicable to this development.

Section 4 - Environmental Hazards and Management

Section 4 of the DCP requires that the design and construction of development should understand and account for environmental hazards and constraints of the site.

4.1 Bushfire

The controls of the section apply to bush fire prone land. The subject site is not mapped as bush fire prone.

4.2 Flooding

Whilst this section of the DCP technically applies as the land is identified as 'flood prone land', the controls of this section are based on the Wagga Wagga Floodplain Risk Management Study 2009 that related to riverine flooding associated with the Murrumbidgee River and did not consider MOFFs. Therefore, it would be considered unreasonable to impose these controls as the impacts, such as the risk to life and property and the compatibility of development with the flood hazard, have the potential to be substantially different to those impacts in a riverine flood event.

Having established that the controls of this section are not relevant to this development does not immediately conclude that the development is acceptable. The flood prone nature of the land means that the relevant objectives of the DCP remain a consideration. The relevant objectives are as follows:

- 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.*

The details of the flooding have been discussed under the LEP above. The finished floor level of the development has been designed to be a minimum of 300mm above the maximum overland flood level across the subject site. The objectives of this clause have been considered, the risks associated with flooding have been addressed and the construction is compatible with the flood hazard.

Section 5 - Natural Resource and Landscape Management

The subject site is covered by the Natural Resources Sensitivity layers 'groundwater' and 'riparian lands and waterways' on the LEP maps. As noted under the LEP section of this report the development is not anticipated to result in any adverse impacts to the waterway or to

groundwater.

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

Section 9 - Residential Development

Clause 149 of SEPP (Housing) provides that the following aspects of the ADG prevail over any similar provision in a DCP; Visual privacy; Solar and daylight access; Common circulation and space; Apartment size and layout; Ceiling heights; Private open space and balconies; Natural ventilation and storage.

The parts of Section 9 addressing these matters therefore have no effect and no further assessment is required. Remaining clauses within this section that relate to site layout, streetscape, building form, setbacks and envelope, site cover, design details, building elements, materials and finishes have also been appropriately addressed under the Housing SEPP and ADG earlier in this report.

One control that requires further assessment is 9.3.1 site area per dwelling. As noted earlier in the report the development does not comply with this control as it stipulates a minimum of 375sq.m per dwelling for residential flat buildings in an R1 zone. The variation to this control has been justified by the applicants as follows:

- *The objectives of the control are met notwithstanding the variation to the numerical requirement. The proposed building complies with all setback and landscape requirements whilst providing high quality affordable housing.*
- *A building of equal (or greater) proportions containing only four (4) dwellings could be built on site, however that would have an inferior social outcome commensurate to the proposal.*
- *The pattern of development for amalgamation of three (3) lots into one (1) and the construction of two (2) small residential flat buildings is established in the locality. The existence of similar buildings demonstrates the evolving nature of Wagga Wagga and accepts that new development in the zone is unlikely to consist of small, detached, single storey cottages.*
- *The adjoining R3 zoned land to the south is not well utilised in that it seldom contains residential accommodation (tourist and visitor accommodation is not a form of residential accommodation). This proposal is compatible with the existing forms of development in the R3 zone, but also any future developments that may occur, by way of spatial separation and landscaping between the lots.*
- *On balance the proposal satisfies the objectives of the clause and responds to a well-documented need for additional housing. The variation sought to the control results in no adverse amenity or visual impacts to neighbours or the wider community.*

The above justification is noted. The assessment of the development against all applicable controls within the apartment design guide has demonstrated a high-quality design outcome with a range of impacts that are acceptable within the surrounding context. The development addresses a defined housing need within an accessible residential location and in the circumstances of this specific application, the variation is supported.

Based on the overall assessment the development is consistent with the objectives and controls of Section 9.

There are no applicable controls within sections 10-16 of the Wagga Wagga DCP.

Section 4.15(1)(a)(iia) - Planning Agreements

There are no planning agreements associated with the development.

Section 4.15(1)(a)(iv) - any matters prescribed by the regulations

Clause 29 of the regulations includes the following:

- (1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.*
- (2) The statement must-*
 - (a) verify that the qualified designer designed, or directed the design of, the development, and*
 - (b) explain how the development addresses-*
 - (i) the design principles for residential apartment development, and*
 - (ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.*

The required information was provided with the development application.

Section 4.15(1)(b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Context and Setting

The proposed three storey buildings will introduce a type and a form of development that differs from the existing dwellings and from the established pattern of single storey detached and semi-detached properties in the locality. The site is adjacent to an R3 zoned area that includes more dense forms of development and is within an area that is planned for change in association with the nearby health and knowledge precinct.

Whilst the building scale is acknowledged as different to the majority of the existing context the proposal is sympathetically designed to minimise overlooking and overshadowing and the parking and landscaping areas on site ensure that the building footprint covers less than 50% of the site area.

Streetscape

The redevelopment of the site results in a change to the streetscape that includes buildings over 10 metres in height with front balconies, fencing and a central driveway with sliding gates. The materials to be used are a mix of brick, cladding and glazing, these materials are consistent with other redevelopments that have occurred at 8-12 South Parade. Increased landscaping at the front and side will enhance the presentation to the street and increased side setbacks allow for clear, visible separation between the development and existing dwellings.

Traffic, access and parking

The increase from 4 dwellings to 17 dwellings is likely to result in a minor increase in vehicle movements and an increased demand for parking. The findings of the traffic assessment have been addressed earlier in the report and conclude that there will be negligible impact upon the local road network. Parking has been provided in accordance with the requirements for affordable housing outlined in SEPP Housing and as outlined earlier in the report.

Servicing

The site has access to all required servicing needs. The redevelopment will increase run-off from the site and the stormwater design will need to include on-site detention. The area is subject to overland flooding and the design of the building includes appropriate finished floor levels. These design considerations will be secured by condition.

Heritage

The site is not within the conservation area or within proximity to a listed heritage item.

Flora and Fauna

The proposal involves the removal of existing trees from the site. The application is supported by an arborist report that recommends the removal of non-native trees and supports the removal of native species subject to replacement planting.

Extensive landscaping is proposed throughout the site and includes grasses, shrubs and trees. The proposed tree planting is predominantly at the front of the site and includes a mix of native species that are suitable to the local climate. The landscaping proposal is considered acceptable.

Waste

A waste management plan has been prepared for the development. Separate, secure bin stores are proposed for each building, and these are easily accessible from the main lobby area. Footpaths from the bin store to gates onto the rear lane are provided to allow bins to be moved to and from the laneway for collection.

Energy

A valid BASIX Certificate was submitted with the application. An assessment of criteria within the ADG against applicable matters such as solar access, natural cross ventilation, apartment and balcony sizes is included earlier in the report.

Noise

There will be noise associated with the redevelopment of the site. Whilst the noise and associated impacts will be for a short term it is important that the impacts are managed and mitigated where possible in the interests of the residential amenity of existing surrounding properties. Standard hours of construction will apply, and a construction management plan will be secured by condition.

Natural Hazards

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 have been considered. 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.

The subject site is within the flood planning area as a result of overland flooding in the area. An assessment of the flood risks was included earlier in the report under the applicable LEP and DCP sections. Subject to appropriate finished floor levels being secured via condition there are no unacceptable flooding impacts associated with the development.

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 bush fire prone land.

Man-Made Hazards

The site is not subject to any known man-made hazards.

Economic Impact in the Locality

The proposal provides additional housing in an established residential location and will offer employment opportunities for local builders to the benefit of the local economy. The proposal will not result in any anticipated detrimental economic impacts.

Social Impact in the Locality

The introduction of additional affordable housing opportunities within an established neighbourhood offers increased community interaction as the resident population increases. The development site has good accessibility to open space as well as local services and the CBD. There are no anticipated detrimental social impacts.

Site design and internal design

The buildings have been designed within the context of a changing neighbourhood acknowledging that there are no other three storey developments facing the South Parade streetscape. The inclusion of at grade car-parking, side-setbacks of approximately 4.4 metres, landscaping and areas of private open-space all assist in reducing the site cover footprint and softening the development within the existing context of single storey buildings.

Internally as many apartments as possible have been orientated towards the open space to the north and designed to comply with the standards contained in the Apartment Design Guide.

The Principles of Ecologically Sustainable Development

1. The precautionary principle: It is considered that the facilities will not cause serious or irreversible damage to the environment.
2. Intergenerational equity: The proposed development is not likely to reduce the health, diversity and productivity of the environment for future generations.
3. Conservation of biological diversity and ecological integrity: As the site is an urban development utilising an existing site, it is not considered to impact on biological diversity or ecological integrity.

The proposal relates to previously developed urban land and is situated in an established residential precinct and is not considered to have any adverse impact on matters such as the conservation of biological diversity or other principles of Ecologically Sustainable Development.

The development is considered satisfactory in relation to the aforementioned principles.

Section 4.15(c) - the suitability of the site for the development

The subject land is suitable for the proposed development being a residential flat building for affordable housing on land that is zoned for residential purposes. The site is fully serviced and is accessible to local services and employment locations. The standards of the applicable SEPPs have been satisfied.

Section 4.15(d) - any submissions made in accordance with the Act or the regulation

Referrals

The application was referred to relevant internal referral groups. Recommended conditions of consent have been included.

Advertising

The application was advertised from 12-27 February 2024 in accordance with the provisions of the DCP.

Notification

The application was notified to adjoining neighbours and property owners from 12-27 February 2024 in accordance with the provisions of the DCP.

One submission was received during this period. The details of the submission are summarised as follows:-

1. Risk of impact upon the health, wellbeing and quiet enjoyment of patients and their families needing to travel to Wagga for specialist medical care.

Comment: The laneway does experience regular vehicle movements from all of the properties to the south that front onto Edward Street as many of these properties are restricted to vehicle access only with egress to the rear via the laneway. There will be limited impact to the laneway as a result of the development.

2. Increased density of development.

Comment: As noted throughout the report the proposal is for an increased number of 1- and two-bedroom properties of which there is a significant shortage and great demand. The increased density is supported in this location and the impacts have been assessed as acceptable.

3. Increased use of the laneway to the rear as vehicles exit from the new car-park. Request that no rear lane access is allowed due to the narrow nature of the lane and current use by many existing premises.

Comment: The application does not propose the use of the rear lane for access to and from the car-park. There will be garbage collection from the rear lane. The laneway is an existing thoroughfare and is maintained for use by all properties to both the north and south that have a rear boundary to the lane.

External referrals

Essential Energy

No objection - standard conditions recommended.

Riverina Water

No objection subject to standard conditions regarding water supply and certification.

Section 4.15(e) - the public interest

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

The development of affordable housing in an accessible location close to places of employment and the CBD is in the public interest. The new units of accommodation will assist in addressing identified shortfalls in certain types of housing for the benefit of members of the local community.

The contemporary design of the buildings will contribute to the streetscape and the changing character of the area and be visible from a regularly used sporting oval and the public realm.

Other Legislative Requirements

Section 1.7 of the EPA 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)

In accordance with the above listed legislation there are a number of tests to determine whether the proposed development results in the need for offsets.

Firstly, the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats (7.3). There are existing trees on site that are proposed to be removed and their removal is supported by an arborist report. The trees are not significant and their loss is not anticipated to result in any adverse impacts upon ecological communities or habitats of threatened species.

Secondly whether the proposed removal of native vegetation exceeds the biodiversity offsets scheme threshold (7.4). Four of the trees being removed are Australian natives, the area of the trees to be removed is 0.012ha. The clearing threshold is laid out within part 7.2 (1) of the Biodiversity Conservation Regulation and is based upon any mapped minimum lot sizes applicable to the development site. If there is no mapped minimum lot size (as in the subject case) the size of the lot is used. The lot size is less than 1ha, the threshold area of clearing is 0.25ha. The proposed clearing does not exceed the threshold and therefore the offsets scheme does not apply.

Thirdly whether the development is within a declared area of outstanding biodiversity value. The site does not contain any Area of Outstanding Biodiversity Value as declared under Part 3 of the BC Act 2017.

Based on the above assessment the proposal is unlikely to significantly affect threatened species and therefore does not require a Biodiversity Assessment Report and does not trigger the Biodiversity Offset Scheme. Relevant matters under the Biodiversity Conservation Act 2016 have been considered.

Developer Contributions - Section 7.11 Environmental Planning & Assessment Act 1979 and Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.11 of the Environmental Planning & Assessment Act 1979 and the City of Wagga Wagga's Local Infrastructure Contributions Plan 2019 - 2034 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

In accordance with part 1.7 of the above listed plan affordable housing is exempt from s7.11 contribution payments.

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 / Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on increased demands that new development may have on sewer and/or stormwater infrastructure.

Sewer

Sewer calculations are calculated based on the increased impact to infrastructure as a result of the development. A single ET credit is given for each of the 3 bed dwellings that exist on site. Standard ETs contained in the Water Directorate guidelines are as follows:-

0.75ET / 2 bed dwelling x 6 = 4.5ETs
0.5ET / 1 bed dwelling x 11 = 5.5ETs
Less 1ET per dwelling = -4ETs

Total ETs: 6 x 3538 = \$21,228
Plus CPI 130.9/100.5 = \$27,679

Stormwater

Section 64 Stormwater calculations will be developed as per Section 2.1.2 of the Implementation Guide Development Servicing Plan Stormwater May 2022. The Section 64 Stormwater infrastructure contribution is based on the follow formula, given the development application is for medium density development on residential land.

area of new hardstand/800 x area of additional hardstand as a % of the lot area/0.6 X 1ET

Additional hardstand = $1,140\text{m}^2 - 565\text{m}^2 = 575\text{m}^2$
Area of hardstand as a % of the lot area = $575\text{m}^2/1,524\text{m}^2 = 0.4$

= $575/800 \times 0.4/0.6 \times \$3,007 = \$1441$ (base rate)
Plus, CPI 130.9/87.9 = \$2146

Other Council policies

None applicable.

Other Approvals

Nil

CONCLUSION:

The proposed development has been assessed against the applicable SEPPs, the Wagga Wagga LEP2010 and the Wagga Wagga DCP2010. The use is one that is permitted with consent in the zone and the impacts of the development have been considered as acceptable.

The design of the new buildings whilst presenting a scale and form of development that differs from the existing predominant character is one that is in keeping with the anticipated changing character of the locality. The siting of the buildings, the positioning of windows and the use of significant landscaping assists in softening the impact of the development.

The application is recommended for approval subject to the listed conditions of consent.

RECOMMENDATION

It is recommended that application number DA23/0649 for Two 3-storey residential flat buildings to be used as affordable housing; 11 x 1-bedroom apartments and 6 x 2-bedroom apartments, new access arrangements, parking and associated landscape works and consolidation of lots. be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO. DA23/0649

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
DA001	Site Analysis	CK Architecture	D	30.10.2023
DA002	Diagramming	CK Architecture	D	30.10.2023
DA003	Storage Plan	CK Architecture	D	30.10.2023
DA004	Overall ground floor and Site Plan	CK Architecture	F	1.5.2024
DA005	Overall first floor and Site Plan	CK Architecture	E	1.5.2024
DA006	Overall second floor and Site Plan	CK Architecture	E	1.5.2024
DA007	Roof Plan	CK Architecture	E	1.5.2024
DA008	Elevations	CK Architecture	E	1.5.2024
DA009	Elevations	CK Architecture	E	1.5.2024
DA010	Sections	CK Architecture	E	1.5.2024
DA011	Sections	CK Architecture	E	1.5.2024
DA013	Shadow Diagram	CK Architecture	D	30.10.2023

DA014	Sun Studies	CK Architecture	D	30.10.2023
DA015	Window Schedule	CK Architecture	D	30.10.2023
DA016	Door Schedule	CK Architecture	D	30.10.2023
LS1010	Landscape Finishes and Grading Plan	Stantec	3	24.11.2023
LS1020	Landscape Planting Plan	Stantec	3	24.11.2023
LS1040	Landscape Planting and Construction Details	Stantec	3	24.11.2023
30018022	Statement of Environmental Effects	SMEC	03	18.12.2023
	Architectural Verification Statement	CK Architecture		No date
304100940	Traffic Impact Assessment	Stantec	06	21.12.2023
304100940	Parking Assessment	Stantec		21.12.2023
304100940 (S5)	Flood Impact Assessment	Stantec	2	30.11.2023
	Arboricultural Assessment	Wade Ryan Consulting		7.10.2021
304100940	Civil Design Report	Stantec	3.0	3.11.2023
9007	Preliminary Site Investigation	McMahon Earth Science	0	20.12.2022
1384699M_03	BASIX Certificate	Eco Engineering Group		13.12.2023

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 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before the commencement of any works

C.2 If the work involved in the erection or demolition of a building or structure:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place,

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

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

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

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

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

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

C.3 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.

C.4 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 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 Occupation of the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until Occupation of the development.

C.5 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 Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

C.6 Prior to any works commencing in the public domain, written confirmation, on letter head, from the Council approved concreter undertaking the public domain and crossover works is to be provided to Council. A list of Council approved concreters who hold a 138 permit can be found on Council's website.

C.7 Prior to works commencing a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

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

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to works commencing.

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 \$21,228.
The Section 64 Sewer contribution (updated by the CPI 130.9/100.5) required to be paid is \$27,679.

NOTE 6: The Section 64 Stormwater base figure is \$1441.
The Section 64 Stormwater contribution (updated by the CPI 130.9/87.9) required to be paid is \$2146.

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

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

C.8 Prior to the commencement of works stormwater drainage shall be designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided to the satisfaction of the General Manager or delegate.

C.9 Prior to the commencement of works a Construction Management Plan shall be submitted to Council.

C.10 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.11 The existing Street trees fronting the property shall be retained and protected from the proposed development. These trees shall not be impacted upon in any way without the consent of Council's Supervisor of Tree Planning and Management.

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

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

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

C.12 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

Requirements during construction or site works

- C.13 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Development Application.
- C.14 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.15 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 NSW Environment and Heritage Guidelines.
- C.16 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.
- C.17 No construction materials, plant or equipment relating to work authorised by this consent are to be placed or stored within the road reserve (South Parade or South Parade Lane) during the period in which work authorised by this consent will be carried out, without the prior written approval of the Council.
- C.18 Any damage to Council infrastructure within the public domain must be rectified at full cost to the applicant and to the satisfaction of Council.
- C.19 Given that there is electricity infrastructure within proximity to the property,
 - (i) any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure. A copy of this guideline can be located at

<https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements_0.pdf> ;

- (ii) it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.
- C.20 Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- C.21 If any unconsolidated, odorous, stained, or deleterious soils are encountered during any further excavation, hazardous building materials or suspected historical contaminating activities are encountered, or conditions that are not alike the above descriptions, the site supervisor should be informed immediately, and work must be stopped. The unexpected findings must be reported to and evaluated by an appropriately qualified and certified environmental practitioner prior to works recommencing.
- C.22 Any fill placed on the site shall be either:
 - ‘Virgin Excavated Natural Material’ as defined by the Protection of the Environment Operations Act 1997, or
 - Material that complies with the ‘excavated natural material order 2014’ made under the Protection of the Environment Operations (Waste) Regulation 2014.
- C.23 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council’s Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.
- C.24 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.
- C.25 Trees indicated on the submitted plans for removal, shall be removed from the site in accordance with the proposed development. Further consent is not required for removal of the subject trees in conjunction with this development.

The approved works shall be executed so as to comply with ‘Safework NSW Tree work (arboriculture)’

Any works associated with tree removal shall be carried out in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

All tree stumps shall be removed below ground level and the surface area reinstated to prevent potential injury.

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

Requirements prior to Occupation

- C.26 Prior to occupation the redundant kerb laybacks in South Parade shall be replaced with conventional barrier kerbing, and Council’s footway rehabilitated, in accordance with Council’s Engineering Guidelines for Subdivisions and Developments.
- C.27 Prior to occupation, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.

- C.28 Prior to occupation, vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a Council approved concreter. A list of Council approved concreters who hold a 138 permit can be found on Council's website. Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.
- C.29 Prior to occupation the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.30 Prior to occupation, Works-As-Executed (WAE) plans of the constructed On-Site Detention system shall be submitted to the satisfaction of the General Manager or delegate. The WAE plans shall confirm the volume of constructed storage areas, installation of orifice plates, pipe and pit levels and surface levels of overland flow paths. Certification shall be provided by a practising Civil Engineer that the constructed On-Site Detention system will function as intended in accordance with the approved plans.
- C.31 Prior to occupation all lots shall be consolidated into one lot. Evidence of registration of the consolidation shall be provided to Council.
- C.32 A final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development and 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.

- C.33 Prior to occupation 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 Development Application number.

General requirements

- C.34 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.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

- E1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 69 EP&A Reg 2021)

- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.

- (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.
- (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.
- (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply-
 - (a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- (7) In this section -
relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.

E2 Erection of signs (clause 70 EP&A Reg 2021)

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out-
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be-
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- (4) This section does not apply in relation to-
 - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the Building Code of

Australia under the Act, Part 6.

E3 Notification of Home Building Act 1989 requirements (clause 71 EP&A Reg 2021)

- (1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- (2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following-
 - (a) for work that requires a principal contractor to be appointed-
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - (b) for work to be carried out by an owner-builder-
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989-the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

E4 Entertainment venues (clause 72 EP&A Reg 2021)

- (1) The requirements specified in this section are conditions of development consent for the use of a building as an entertainment venue.
- (2) During a stage performance at an entertainment venue, there must be at least 1 suitably trained person in attendance in the stage area at all times for the purpose of operating, if necessary, a proscenium safety curtain, drencher system and smoke exhaust system.
- (3) If a proscenium safety curtain is installed at an entertainment venue, there must be no obstruction to the opening or closing of the curtain and the curtain must be operable at all times.
- (4) When a film is being screened at an entertainment venue, there must be at least 1 person in attendance at the entertainment venue who is trained in-
 - (a) the operation of the projectors being used, and
 - (b) the use of the fire fighting equipment in the room in which the projectors are installed (the projection room).
- (5) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subsection (4) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- (6) A member of the public must not be present in the projection suite during the screening of a film.
- (7) An entertainment venue must not screen a nitrate film.
- (8) An emergency evacuation plan must be prepared, maintained and

implemented for a building, other than a temporary structure, used as an entertainment venue.

- (9) The emergency evacuation plan must specify the following-
 - (a) the location of all exits, and fire protection and safety equipment, for the part of the building used as an entertainment venue,
 - (b) the number of fire safety officers that must be present during performances,
 - (c) how the audience will be evacuated from the building if there is a fire or other emergency.
- (10) A fire safety officer appointed to be present during a performance must have appropriate training in evacuating persons from the building if there is a fire or other emergency.
- (11) In this section-
exit has the same meaning as in the Building Code of Australia.

E5 Maximum capacity signage (clause 73 EP&A Reg 2021)

- (1) This section applies to a development consent, including an existing development consent, for the following uses of a building, if the development consent contains a condition specifying the maximum number of persons permitted in the building-
 - (a) an entertainment venue,
 - (b) a function centre,
 - (c) a pub,
 - (d) a registered club,
 - (e) a restaurant or cafe.
- (2) It is a condition of the development consent that a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

E6 Shoring and adequacy of adjoining property (clause 74 EP&A Reg 2021)

- (1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- (2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense-
 - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- (3) This section does not apply if-
 - (a) the person having the benefit of the development consent owns the adjoining land, or
 - (b) the owner of the adjoining land gives written consent to the condition not applying.

E7 Fulfilment of BASIX commitments (clause 75 EP&A Reg 2021)

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled-

- (a) BASIX development,
- (b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

E8 Deferred commencement consent (clause 76 EP&A Reg 2021)

- (1) A development consent with a deferred commencement, as referred to in the Act, section 4.16(3), must be clearly identified as a “deferred commencement” consent, whether by using the expression, referring to that section or otherwise.
- (2) A deferred commencement consent must clearly distinguish between-
 - (a) conditions that relate to matters about which the consent authority must be satisfied before the consent can operate (the relevant matters), and
 - (b) other conditions.
- (3) A consent authority may specify the period within which the applicant must produce sufficient evidence to the consent authority to enable it to be satisfied about the relevant matters.
- (4) If the applicant produces evidence in accordance with this section, the consent authority must notify the applicant whether it is satisfied about the relevant matters.
- (5) If the consent authority does not notify the applicant within 28 days after the applicant produces the evidence, the consent authority is taken to have notified the applicant, on the day on which the period expires, that it is not satisfied about the relevant matters.
- (6) Subsection (5) applies for the purposes of the Act, section 8.7 only.

E9 Conditions for ancillary aspects of development (clause 77 EP&A Reg 2021)

- (1) If a consent authority grants development consent subject to a condition referred to in the Act, section 4.17(2) in relation to an ancillary aspect of the development, the consent authority may specify the period within which the ancillary aspect must be carried out to the satisfaction of the consent authority or a person specified by the consent authority.
- (2) The applicant may produce evidence to the consent authority, or to the person specified by the consent authority, sufficient to enable the consent authority or the person to be satisfied in relation to the ancillary aspect of the development.
- (3) For the purposes of the Act, section 4.17(3), the relevant period is the period of 28 days after the applicant’s evidence is produced to the consent authority or a person specified by the consent authority.

E10 Conditions for State significant development (clause 78 EP&A Reg 2021)

A development consent may be granted subject to a condition referred to in the Act, section 4.17(4A) or (4B) only if the development is State significant development.

E11 Review conditions-the Act, s 4.17(10C) (clause 79 EP&A Reg 2021)

- (1) A development consent that is granted subject to a reviewable condition may, as referred to in the Act, section 4.17(10B), be granted subject to a further condition (a review condition) if the development consent relates to the

following kinds of development-

- (a) an entertainment venue,
 - (b) a function centre,
 - (c) a pub,
 - (d) a registered club,
 - (e) a restaurant or cafe.
- (2) A development consent that is subject to a review condition must contain the following-
- (a) a statement that the development consent is subject to the review condition and the purpose of the review condition,
 - (b) a statement that the consent authority will carry out the reviews,
 - (c) when, or at what intervals, the reviews must be carried out.
- (3) The consent authority must give written notice to the operator of a development that is subject to a review condition at least 14 days before carrying out a review.
- (4) The consent authority may notify other persons of the review as it considers appropriate.
- (5) The consent authority must take into account submissions that are received from any person within 14 days after notice of a review is given to the person.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A