

STATEMENT OF ENVIRONMENTAL EFFECTS



Proposed Mixed-Use Residential & Commercial Complex Civitas Stage 3

185 Morgan Street & 66-74 Murray Street, Wagga Wagga NSW 2650

Lot 1 DP550746 & Lots 1-4 DP20847



Prepared for Damasa Pty Ltd
Rev 3.0 – November 2024

ACKNOWLEDGEMENT OF COUNTRY

We respect and honour Aboriginal and Torres Strait Islander Elders past, present and future. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.

The subject land is within the traditional land of the Wiradjuri people.



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Proposed Mixed-Use Residential & Commercial Complex

Civitas Stage 3

185 Morgan Street & 66-74 Murray Street, Wagga Wagga

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TABLE OF ABBREVIATIONS

ADG	Apartment Design Guide
ADS	Architectural Design Statement
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
AS	Australian Standard
ASIC	Australian Securities and Investments Commission
BASIX	Building Sustainability Index
BCA	Building Code of Australia
BDAR	Biodiversity Development Assessment Report
CBD	Central Business District
CDC	Complying Development Certificate
CHEC	Compliance Health & Environmental Consulting
CIV	Capital Investment Value
CPP	Crime Prevention Plan
CPTED	Crime Prevention through Environmental Design
CSAP	Community Safety Action Plan
CSP	Community Strategic Plan 2040
CW	Circulating Water
DA	Development Application
DBYD	Dial Before You Dig
DCP	Development Control Plan
DP	Deposited Plan
DPHI	Department of Planning, Housing and Infrastructure
DSI	Detailed Site Investigation
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
ESD	Environmentally Sustainable Design
FSR	Floor Space Ratio
GFA	Gross Floor Area
GIS	Geographic Information System
GIS	Geographical Information System
GTTGD	Guide to Traffic Generating Developments
LEP	Local Environmental Plan
LGA	Local Government Area
LOS	level of service
LSPS	Local Strategic Planning Statement

MDH	Medium Density Housing
MDP	MDP Architecture
MOFFS	Major Overland Flow Flood Study
MU1	Mixed Use
NCC	National Construction Code
NGO	nongovernmental organisation
NSW	New South Wales
OEH	Office of Environment and Heritage
PSI	Preliminary Site Investigation
RFB	Residential Flat Building
ROSC	Recreation, Open Space and Community
ROW	Right of Way
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SP	Salvestro Planning
SRPP	Southern Regional Planning Panel
TfNSW	Transport for New South Wales
TPIA	Traffic and Parking Impact Assessment
WIK	works in kind
WWBSM	Wagga Wagga Biodiversity Strategy: Maldhangilanha
WWCC	Wagga Wagga City Council
WWITS	Wagga Wagga Integrated Transport Strategy 2040

Proposed Mixed-Use Residential & Commercial Complex

Civitas Stage 3

185 Morgan Street & 66-74 Murray Street, Wagga Wagga

1 INTRODUCTION

1.1 Proposal Summary

The following Statement of Environmental Effects (SEE) has been prepared in support of a proposed multi-level residential and commercial development at 185 Morgan Street & 66-72 Murray Street, Wagga Wagga NSW 2650, Lot 1 DP550746 & Lots 1-4 DP20847. The site is zoned MU1 – Mixed Use under Wagga Wagga Local Environmental Plan 2010 (LEP). Current land use activities for 185 Morgan Street include commercial/healthcare premises with associated carparking. 66-72 Murray Street includes residential dwellings.

The development proposal is also described as Stage 3 of the Civitas Master Plan that was the subject of a Planning Proposal to rezone the land to a Mixed Use zone and to establish specific development controls to ensure sustainable and compatible development over the local and surrounding urban living precincts. Stage 2 included the establishment of a multi-level commercial office and carpark building. Stage 1 included the establishment of the 'Enixus' commercial office building as well as associated carparking in Morgan Street.

The SEE addresses the following prescribed matters:

- *the environmental impacts of the development,*
- *how the environmental impacts of the development have been identified,*
- *the steps to be taken to protect the environment or to lessen the expected harm to the environment,*
- *any matters required to be indicated by any relevant guidelines issued by the Planning Secretary - NSWDPHI.*

The purpose of the development is to provide a mixed-use multi-level residential and commercial development on the subject site, including commercial/retail space to replace existing tenanted building infrastructure that is in need of renewal. The additional residential units and townhouses will assist in meeting the local community housing needs, whilst the new commercial space will provide for continuing business development in the immediate area.

The proposal involves the construction of two multi-level residential apartment buildings with ground level commercial space, and eight attached townhouses over the subject land as described in the accompanying architectural plan set prepared by MDP Architecture (MDP). A total of 98 residential dwellings and 1,407m² of commercial floor space is to be created by this proposal.

The proposal involves the following key elements:

- Stage 3A:
 - 9 storey residential/commercial apartment building with roof-top terrace
 - Commercial premises on ground floor level – 2 units
 - 8 levels of residential apartments – 54 units
 - 2 x levels of shared basement parking, 152 x car spaces, 4 motorbike spaces, bicycle storage (33 storage units)
 - Associated balconies and landscaping.
- Stage 3B:
 - 7 storey residential/commercial apartment building with roof-top terrace
 - Commercial premises on ground floor level – 2 units
 - 6 levels of residential apartments – 36 units

- 2 x levels of basement parking shared with Stage 3A.
- Associated balconies and landscaping.
- Stage 3C:
 - 8 x 3 storey attached townhouses.
 - Entrance at ground floor level.
 - Double garage at ground floor level
 - Associated balconies and landscaping.

Carparking to meet the demand of commercial activities will be provided on adjoining land at 187 Morgan Street as approved under an earlier development approval.

The proposal is in the public interest by improving the local built environment, achieving sustainable environmental objectives, and meeting community expectations of a vibrant mixed-use urban precinct close to established infrastructure and essential services.

1.2 Initial Consultation

Prior to the finalisation of development plans and consultant reports for the proposal, detailed discussions were had with Council in relation to various planning and infrastructure matters. In particular, a detailed review of overland stormwater flood modelling was undertaken, with subsequent agreements on appropriate modelling levels and alterations to site planning and proposed building locations. A final pre-DA meeting was held with Council on the 13/11/23.

The following matters were raised by Council at the final pre-DA meeting and have been considered in the detail of this application:

- Consistency with DCP Controls, ADGs and adopted master plan
- Flooding impact on site and mitigation measures, as agreed
- Car parking on site for the proposed development and future stages
- Provisions of essential services
- Building setbacks and height
- Commercial/residential mix
- Urban context and architectural design elements
- Agreed specialist support documents
- Planning and development approval pathway

1.3 Subdivision and Staging

The proposal represents Stage 3 of the Civitas Master Plan (Urban Design-Based Master Plan) as considered under Planning Proposal LEP19/0002 and now referenced within Section 10.8 of the Wagga Wagga DCP 2010.

The subject Stage 3 development will be constructed over 3 sub-stages (3A, 3B & 3C) as depicted on accompanying plan set.

Subdivision is proposed in the form of strata title subdivision of individual commercial/retail and residential units, and Torrens title subdivision of each individual townhouse, as identified on the concept subdivision plan included in drawing DA001 of the architectural plan set.

Further consideration of the subdivision details for this Stage 3 development will be dealt under a separate development application. This will include detailed strata and Torrens title subdivision plans, easements and other access rights across the subject property.

1.4 Supporting Plans and Documentation

The SEE shall be read in conjunction with accompanying plans and support documentation as listed below in Table 1 below.

Table 1: Plans and Support Documentation

Accompanying Documents			
Ref:	Description	Rev	Prepared By
1A	Proposal Plan Set – 3175 – 16/10/2024 Sheet 1 – DA000 – Cover sheet Sheet 2 – DA001 – Drawing Register + Subdivision Plan Sheet 3 – DA010 – Location Plan Sheet 4 – DA020 – Existing Urban Context Analysis Plan Sheet 5 – DA030 – Proposed Urban Context Analysis Plan Sheet 6 – DA040 – Existing Demolition Plan Sheet 7 – DA050 – Proposed Site Plan Sheet 8 – DA060 – Proposed Site Ground Plan Sheet 9 – DA070 – 3D Civitas Development Staging Sheet 10 – DA080 – 3D Rendered Views Sheet 11 – DA101 – Basement 02 Floor Plan Sheet 12 – DA102 – Basement 01 Floor Plan Sheet 13 – DA103 – Ground Floor Plan Sheet 14 – DA104 – Level 01 Floor Plan Sheet 15 – DA105 – Level 02 Floor Plan Sheet 16 – DA106 – Level 03 Floor Plan – Roof Plan Townhouses Sheet 17 – DA107 – Level 04 Floor Plan Sheet 18 – DA108 – Level 05 Floor Plan Sheet 19 – DA109 – Level 06 Floor Plan Sheet 20 – DA110 – Level 07 Floor Plan – Roof Floor Plan 3B Sheet 21 – DA111 – Level 08 Floor Plan – Roof Plan 3B Sheet 22 – DA112 – Roof Floor Plan 3A Sheet 23 – DA113 – Roof Plan 3A Sheet 24 – DA201 – East and West Site Elevations Sheet 25 – DA202 – North and South Site Elevations Sheet 26 – DA203 – Stage 3A Elevations Sheet 27 – DA204 – Stage 3B Elevations Sheet 28 – DA205 – Stage 3C Elevations Sheet 29 – DA301 – East West Site Section Sheet 30 – DA302 – Stage 3A Sections Sheet 31 – DA303 – Stage 3B Sections Sheet 32 – DA304 – Stage 3C Sections Sheet 33 – DA401 – Area Plans and ADG Compliance – 3A Sheet 34 – DA402 – Area Plans and ADG Compliance – 3B Sheet 35 – DA403 – Area Plans – 3C Sheet 36 – DA404 – 3A/3B Apartment Design Guide Compliance and 3C GFA Sheet 37 – DA601 – Shadow Diagram – 9am Existing/Proposed – 22 June Sheet 38 – DA602 – Shadow Diagram – 12pm Existing/Proposed – 22 June Sheet 39 – DA603 – Shadow Diagram – 3pm Existing/Proposed – 22 June Sheet 40 – DA604 – Solar Access – 22 June	DA2	MDP Architecture
2A	Architectural Design Statement – 3175 – 23/10/24	V5	MDP Architecture
3	Arborist Report – 24/475 – Feb 2024	-	Mark McCrone Landscape Architect
3B	<i>Ulmus procera</i> (English Elm) Arborist Report – 24/475A -May 2024	-	
4	Statement of Compliance Access for People with a Disability – 221039 – 10/02/2024	-	Accessible Building Solutions
5A	BCA Capability Statement – 220260 – 31/10/2024	2	BM+G
6A	Drainage and Civil Design Plan Set – 23-0762 - 2024 Sheet 1 – TD000 – Cover Sheet and Index Sheet 2 – TD001 – General Notes and Details Sheet 3 – TD002 – Locality and Staging Plan Sheet 4 – TD003 – Bulk Earthworks Plan Sheet 5 – TD010 – Service Coordination Plan Sheet 6 – TD020 – Engineering Plan Sheet 7 – TD100 – Sediment & Erosion Control Plan Sheet 8 – TD101 - Sediment and Erosion Control Notes & Details Sheet 9 – TD200 – Pavement Plan Sheet 10 - TD210 - Retaining Wall Plan Sheet 11 - TD220 - Vehicle Turning Path Plan	C	Orion Group
7A	Stormwater Management Report – 23-0762 – 31/10/2024	D	Orion Group

8	Crime Prevention Through Environmental Design (CPTED) – 3175 – 19/02/2024	V1	MDP Architecture
9	Detailed Site Investigation – CH1440 – D230125 – 12/05/2023	1.0	Compliance Health & Environmental Consulting (CHEC)
10	Detailed Site Investigation Addendum – CH1440 – D230311 – 06/10/2023	-	Compliance Health & Environmental Consulting (CHEC)
11A	Flood Impact Assessment – NL203697 – 25/01/2024	B	Northrop
12A	Landscape Architecture Plan Set – 04/10/2024 Sheet 1 – LA00 – Cover Sheet Sheet 2 – LA01 – Site Plan Sheet 3 – LA02 – Landscape Plan – Ground Level Sheet 4 – LA03 – Landscape Plan – Roof Level Sheet 5 – LA04 – Detail Plan and Section – Water Play and Plaza Sheet 6 – LA05 – Typical Detail Plan and Section - Townhouse Sheet 7 - LA06 – Landscape Details – Roof Section Sheet 8 – LA07 – Plant Schedule Sheet 9 – LD01 – Landscape Details	P1	Taylor Brammer Landscape Architects Pty Ltd
13	Preliminary Site Investigation – E22-030A – Oct 2022	2	Aitken Rowe Testing Laboratories
14	QS Cost Estimate Report – 23/02/2024	-	Newton Fisher Group
15A	Survey Plan – 21001 – 13/06/2024	B	Rivland Surveyors
16A	Traffic and Parking Impact Assessment – 220450.01FA – 25/10/2024	D	McLaren Traffic Engineering & Road Safety Consultants
17A	Waste Operational Management Plan – 3175 – 23/10/2024	V3	MDP Architecture

2 APPLICANT AND LAND OWNERSHIP

The applicant for this proposal is Damasa Pty Ltd.

The proposal involves development activity over Lot 1 DP550746 and Lots 1-4 DP20847. The owner of these parcels of land is Damasa Pty Ltd. The Directors of Damasa Pty Ltd have given their consent to the preparation of this proposal and for the development application to be lodged with Council for assessment and determination.

Land title and ASIC details relevant to this proposal accompanying this SEE.

3 SUBJECT LAND

3.1 Subject Land and Locality

The subject land is described as 185 Morgan Street, comprising Lot 1 DP550746 & 66-72 Murray Street, comprising Lots 1-4 DP20847, Wagga Wagga, as identified in the mapping extract below.

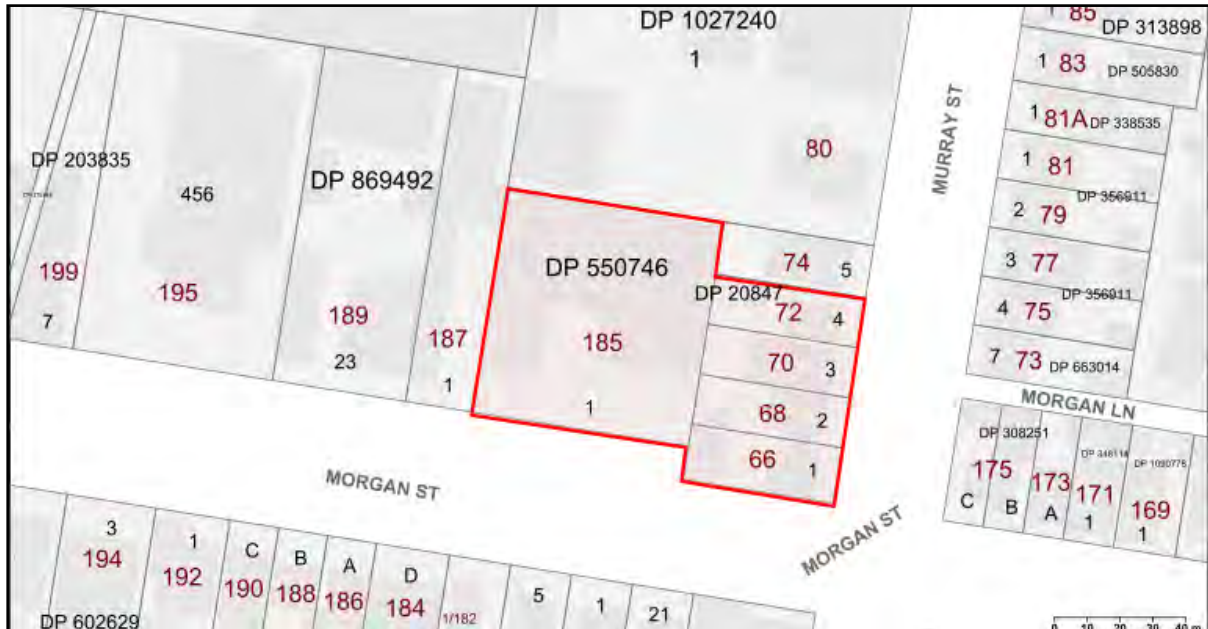


Figure 1: Subject Land (Source: WWCCGIS 2024)

The subject site is located at the corner of Morgan and Murray Streets, and encompasses an area of approximately 5892.80m².

187 Morgan Street (Lot 1 DP203835) and 80-82 Morgan Street (Lot 1 DP1027240) were subject to DA23/0340 for the demolition of existing buildings and the establishment of car parking spaces. The subject proposal for 185 Morgan Street, in particular the commercial component, will rely on carparking provided on 187 Morgan Street as part of the overall master planned development of Civitas. Access to carparking over 187 Morgan Street will be established by suitable easements and ROW's.

The general location of the land relative to the CBD of Wagga Wagga is shown in the figure below.

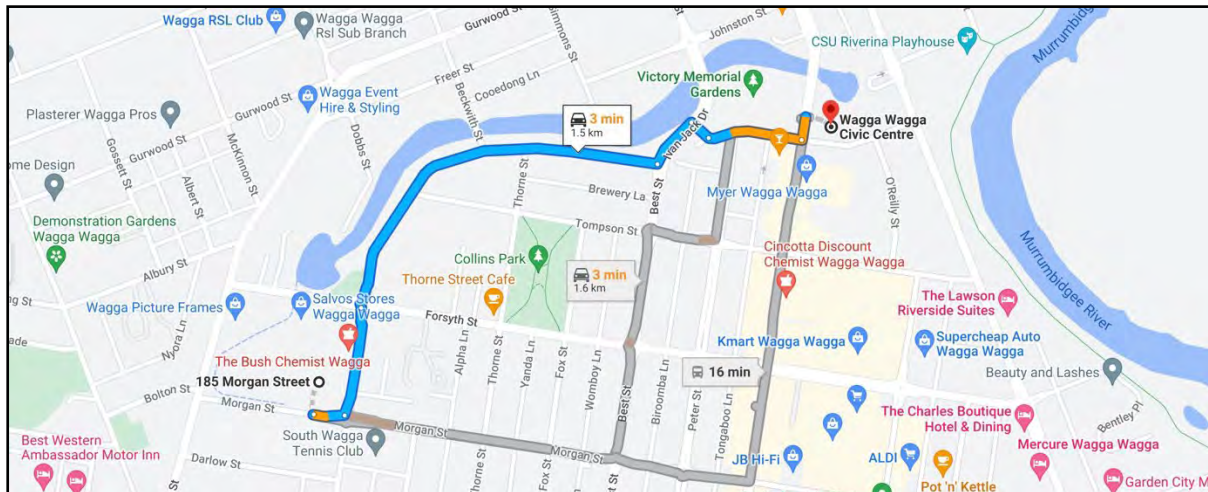


Figure 2: Location Map (Source: Google Maps 2024)

The sites relating to Stage 3 have an existing easement as shown in the site survey extracts below. Available Deposited Plans (DPs) indicate a combined site area of 5892.80m². See accompanying detailed site survey plan dated 26/4/2021 prepared by Rivland Surveyors.

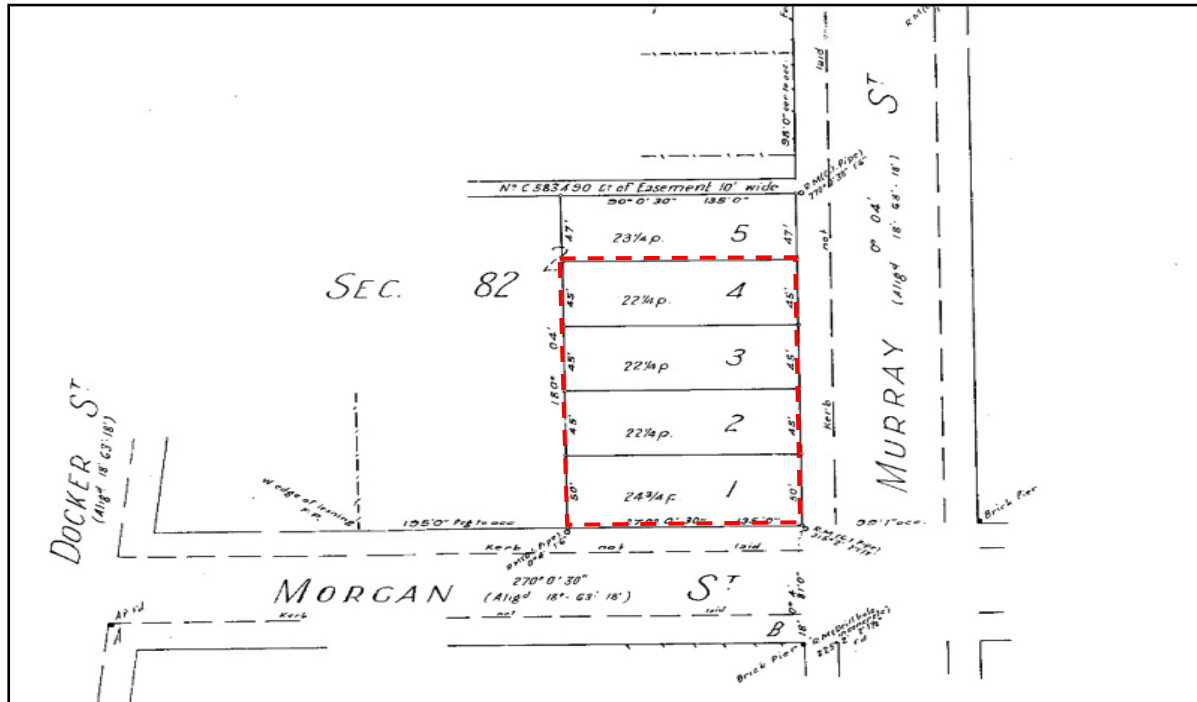


Figure 3: Extract of DP20847 (Source: WWCCGIS Deposited Plans 2024)

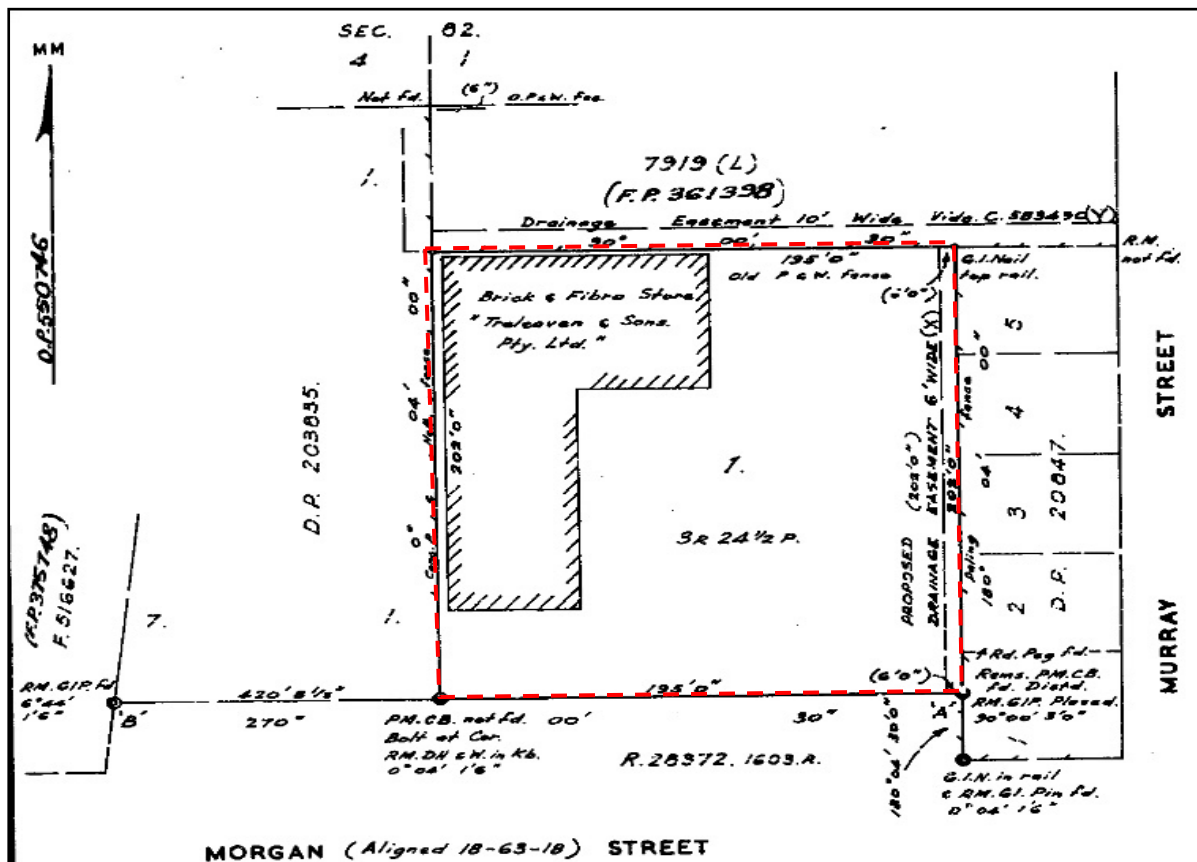


Figure 4: Extract of DP550746 (Source: WWCCGIS Deposited Plans 2024)

3.2 Site Characteristics

3.2.1 Existing Site

Lot 1 (185 Morgan St) contains an existing two storey commercial office building, 'Piercy Place,' which is occupied by several healthcare and commercial providers. Joining 'Piercy Place,' is 'Morgan Street Healthcare Clinic' to the west. 'Hearspace' Wagga Wagga office is located at the rear of the site. 'Morgan Street Dental Centre' is located along the western boundary of the site. Associated carparking is located at the front of the site.

Lots 1-4 (66-72 Murray Street) are existing residential dwellings.



Figure 5: 185 Morgan Street – Existing Commercial Buildings (Source: SP 2024)



Figure 6: 66-72 Murray Street – Existing Dwellings (Source: SP 2024)

3.2.2 Surrounding Land

The site is located at the south-eastern corner of the Morgan Street/Murray Street/Forsyth Street multi-use complex (Civitas) and precinct which Damasa Pty Ltd have acquired for staged development in the future. The southern and eastern boundaries are dominated by public thoroughfares including the Morgan Street service lane, Murray/Morgan Street roundabout and Murray Street, including associated street trees, kerbside parking and footpaths.



Figure 7: Morgan Street – View looking east from Docker Street (Source: SP 2024)

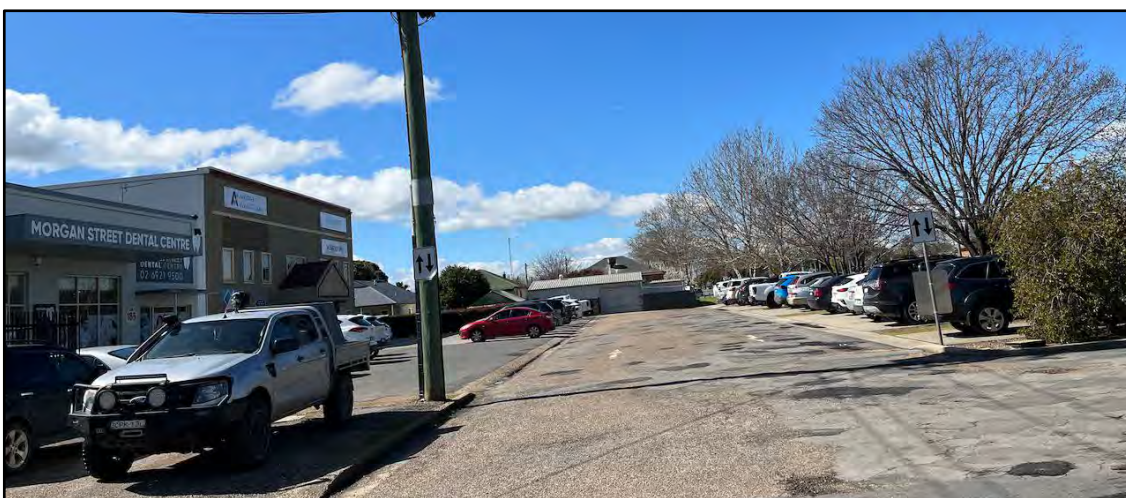


Figure 8: Morgan Street Service Lane (Source: SP 2024)

187 Morgan Street (Lot 1 DP203835) was subject to DA23/0340 for the demolition of existing commercial buildings and the establishment of car parking spaces to be used in association with the subject proposal.



Figure 9: 187 Morgan Street & Existing Service Road Access (Source: SP 2024)

Surrounding other land uses include single storey residential dwellings, residential units and a childcare centre on the southern side of Morgan Street, residential dwellings on the eastern side of Murray Street and commercial buildings along the western side of

Murray Street. This includes 80-82 Murray Street (Lot 1 DP1027240) that was subject to DA23/0340 for the demolition of existing buildings and the establishment of car parking spaces.



Figure 10: Existing Childcare Centre - Morgan Street (Source: SP 2024)



Figure 11: Existing Commercial Buildings – Murray Street (Source: SP 2024)

As part of Stage 1 Civitas, a multi-storey commercial office building (Enixus) was established at 193-195 Morgan Street. Stage 2 Civitas for a multi-storey office building and carpark was approved in April 2022 and is in the preliminary stages of construction.



Figure 12: Enixus – Civitas Stage 1, 193-195 Morgan Street (Source: SP 2024)



Figure 13: Civitas Stage 2 Site – Corner of Docker & Morgan Streets (Source: SP 2024)

The balance of land within the MU1 Mixed Use zoning precinct includes a variety of commercial offices, business premises, industrial uses and associated carparking. Retail and convenience shopping premises are located within the immediate surrounding precinct including Australia Post (South Wagga), fruit market, butchery, bakery, café and paint supply outlets. The Salvation Army warehouse and store is located on the Forsyth Street frontage of this precinct.

3.3 Site History

Historically, the land forms part of the Murrumbidgee River tributary environments and traditional land of the Wiradjuri people. The land was progressively acquired and subdivided during post European settlement for rural and urban purposes.

Available Council records indicate that the subject land, comprising of 185 Morgan Street and 66-72 Murray Street, has been subject to a number of building and development applications, LEP and DCP amendments.

Table 2: Site Development History Summary

185 Morgan Street		
Activity	Date	Description
DA90/87	02/07/1987	Construction of new warehouse building.
DA02/0193	27/03/2002	Use of Existing Premise for Sale of Second-hand Goods through Tender Process.
DA03/1382	24/02/2004	Fit-Out of Existing Building for Medical Centre
DA05/0160	16/05/2005	Re-use of Industrial Premises as Proposed Office Development in Industrial Zone
ADA05/0053	12/09/2005	Re-use of Industrial Premises as Proposed Office Development in Industrial Zone – Reconsideration of Conditions
DA06/1113	09/02/2007	Proposed Pharmacy Dispensary in Existing Medical Practice
DA06/0165	24/05/2007	Use of Second Floor of Existing Building for Offices
DA06/0685	14/06/2007	Proposed Day Hospital
DA07/0561	14/09/2007	Internal Fit-Out for Healthcare Professional Suite
DA17/0411	10/08/2017	Addition of deck
66-72 Murray Street		
343/65	16/08/1965	Carport – 66 Murray St
547/92	17/06/1992	Reclad Dwelling – 66 Murray St
32/61	10/02/1961	Carport – 68 Murray St
183/95	30/03/1995	Additions to fibro dwelling – 68 Murray St
5373	12/07/2002	Carport– 70 Murray St
CDC04/0013	26/02/2004	Proposed Extensions – 70 Murray St
DA13/0174	15/05/2013	Inground swimming pool – 70 Murray St
473/76	04/06/1976	Recladding existing dwelling – 72 Murray St
185 Morgan Street & 66-72 Murray Street		
LEP2010Am31	14/02/2020	Amendment to the WWLEP2010 to reclassify land, amend zoning, height of building and floor space ratio provisions.
DCP2010Am	10/08/2020	Amendment to the WWDCP2010 to introduce site specific development controls over the land in relation to traffic and parking, design and layout, height distribution, setbacks, public open space and recreation, and stormwater management.

185 Morgan Street has been used for warehousing, service industry, commercial premises and healthcare practices. 66-72 Murray Street have been utilised for residential purposes only. A detailed listing of historic land ownership changes and business activity over these properties is included in the accompanying PSI and DSI reports.

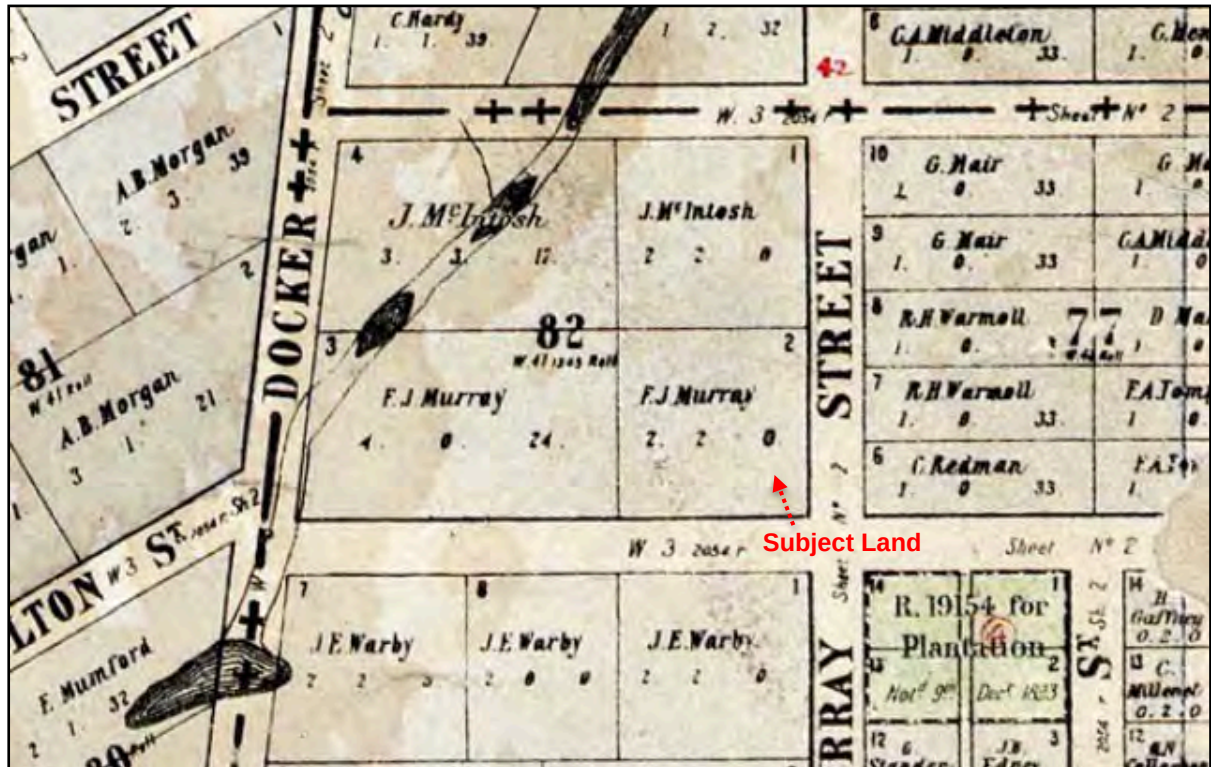


Figure 14: Extract from Historic Wagga Wagga Town Map 1941 (Source: LRS 2024)

Historic aerial imagery from 1944 indicate progressive urban development of the land including the establishment of dwellings and industrial buildings, many of which are still in existence today.

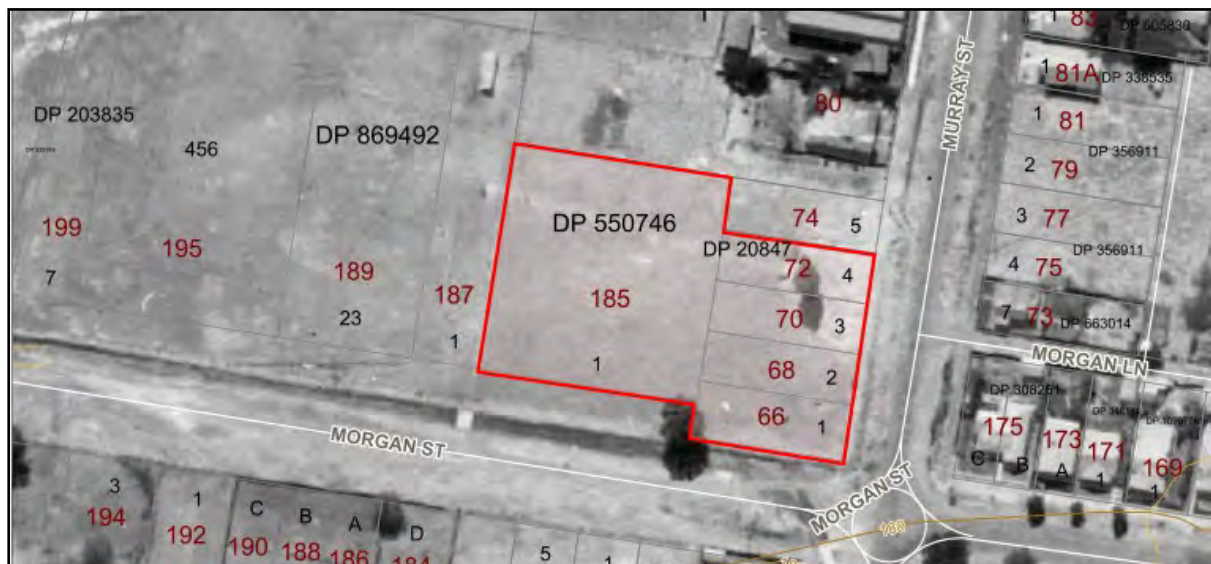


Figure 15: Historical Aerial of Subject Land – 1944 (Source: WWCCGIS 2024)



Figure 16: Historical Aerial of Subject Land – 1971 (Source: WWCCGIS 2024)

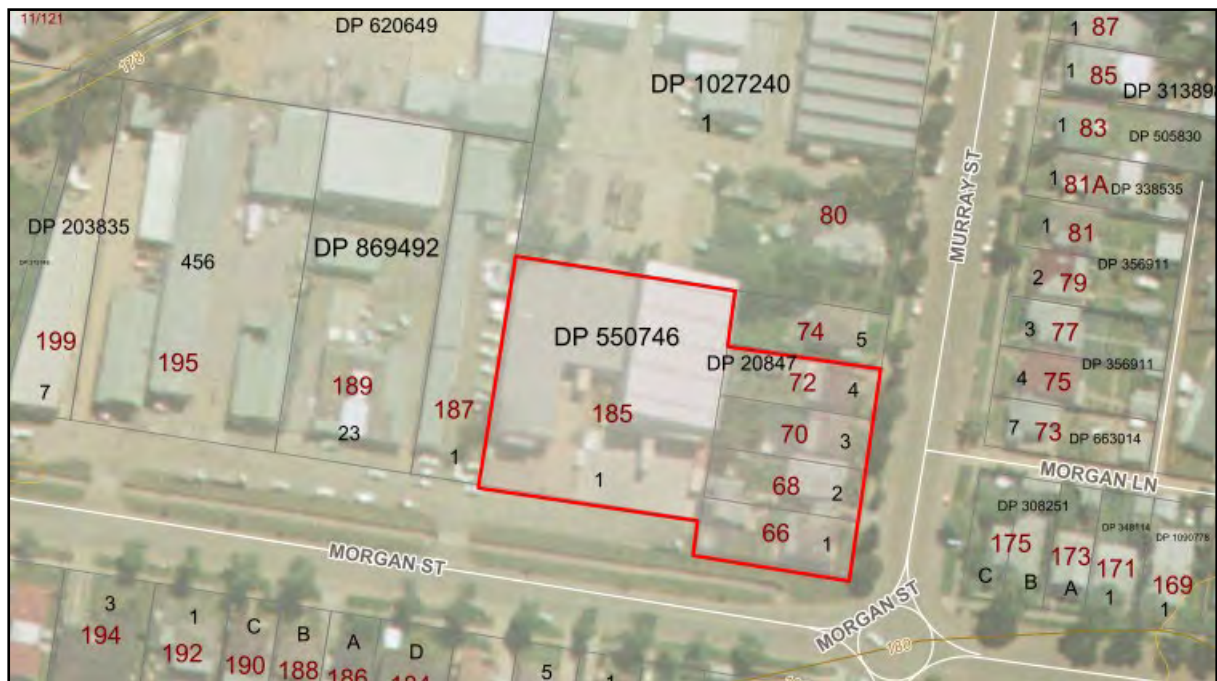


Figure 17: Historical Aerial of Subject Land – 1990 (Source: WWCCGIS 2024)



Figure 18: Historical Aerial of Subject Land – 2018 (Source: WWCCGIS 2024)



Figure 19: Historical Aerial of Subject Land – 2022 (Source: WWCCGIS 2024)

The natural topographic features of the site and surrounding land have focused overland stormwater flows across this site to connect with the Wollundry Lagoon catchment, formalised in later years by the construction of the existing concrete stormwater channel. This now forms part of the urban stormwater drainage network under Council's management and control.

4 DEVELOPMENT PROPOSAL

4.1 Proposal Details

The proposal is a mixed-use residential/commercial development involving the construction of two multi-level residential apartment buildings with ground level commercial, and eight attached townhouses over the subject land as described in the architectural plan set (MDP 2024). The proposal is also described as Stage 3 of the Civitas Master Plan (Urban Design Based Master Plan) that envisages an integrated mixed use urban environment over the MU1 precinct.

The proposal involves the following key elements:

- Stage 3A:
 - 9 storey residential/commercial apartment building with roof-top terrace
 - Commercial premises on ground floor level – 2 units
 - 8 levels of residential apartments – 54 units
 - 2 x levels of shared basement parking, 152 x car spaces, 4 motorbike spaces, bicycle storage (33 storage units)
 - Associated balconies and landscaping.
- Stage 3B:
 - 7 storey residential/commercial apartment building with roof-top terrace
 - Commercial premises on ground floor level – 2 units
 - 6 levels of residential apartments – 36 units
 - 2 x levels of basement parking shared with Stage 3A
 - Associated balconies and landscaping.
- Stage 3C:
 - 8 x 3 storey attached townhouses.
 - Entrance at ground floor level.
 - Double garage at ground floor level
 - Associated balconies and landscaping.



Figure 20: Proposal 3D Image – Morgan-Murray Street Elevation (Source: MDP 2024)



Figure 21: Proposal 3D Image – Southeastern Elevation – Murray Street (Source: MDP 2024)

4.2 Site Preparation / Demolition

Site preparation and demolition works are described on the attached demolition plan (DA040) and will include:

- Demolition and removal of existing single and two-storey commercial buildings located on Lot 1 DP550746. This involves various existing tenancies and approximately 3232m² of tenanted floor area.
- Demolition and removal of 4 x existing residential dwellings located on Lots 1-4 DP20847, involving approximately 610m² of dwelling floor area and 181m² of outbuildings.
- Removal of 38 existing carparking spaces provided on Lot 1, DP550746.
- Site clearing including removal of existing trees as indicated on the demolition plan.
- Preparation of civil infrastructure networks including works over existing stormwater drainage.
- Establishment of temporary fencing and site works for buildings.
- Traffic management and access arrangements for construction.
- Soil and erosion control measures.

An Arborist Report (McCrone 2024) accompanies this SEE which supports the removal of existing trees from the development site.

The site will be assessed and cleared of potential asbestos, if present, by an accredited firm. An asbestos clearance certificate will be issued accordingly.

Demolition will be undertaken in accordance with the following Codes of Practice and Standards.

- AS 2601-2001 – Demolition of Structures
- Work Cover guidelines
- Work Health and Safety Act 2011 No 10
- Work Health and Safety Regulations 2017

Prior to commencement of work, a Demolition and Construction Management Plan will be prepared and endorsed by Council.

Demolition works will only be carried out during normal business hours and any noise/dust/smoke generated will be appropriately controlled/mitigated. Site preparation and demolition works are not expected to be of any significant impact to adjoining properties during this time period. The exclusion zone will be the demolition site itself. Temporary security fencing will be installed to the site boundary.

Vehicle and plant access to and from the site will be restricted to existing driveway access available from Morgan Street and Murray Street. The proposed demolition work will not generate excessive traffic or pose a negative impact on traffic movement in this local area. Typical plant and service equipment required for the proposed demolition activity include the following:

- Excavator (20 tonne or equivalent)
- Flat top trailer
- Low loader
- Semi tippers and/or 10m tippers, where appropriate for site conditions
- Bobcat
- Chains, shackles & hooks

Under DA23/0340, demolition of existing structures on 187 Morgan Street was approved as well as the establishment of interim parking facilities for the proposed redevelopment of this precinct. This application was approved on 04/09/2023 and will operate concurrently with this development application.

4.3 Residential Component

The residential component of the proposal will involve a total of 98 residential dwelling units as detailed in the tables below:

Table 3: Residential Component – Dwelling Units

Occupancy	Stage 3A Apartments (8 levels)	Stage 3B Apartments (6 levels)	Stage 3C Townhouses (3-storey)	Total
1 BED	4	4	0	8
2 BED	16	20	0	36
3 BED	26	12	7	38
4 BED	8	0	1	8
Total	54	36	8	90

Primary vehicular access to stages 3A, 3B and 3C will be from Morgan Street and the service road. General pedestrian access to all 3A & 3B building levels is available from each carpark level via lifts and stairwells. The 3C townhouses also have pedestrian access direct from Murray Street.

Residential dwelling details for each unit is provided in the table below. Sheet DA404 of the accompanying plan set provides comprehensive details on ADG compliance matters.

Table 4: Dwelling Unit Details

3A APARTMENT BUILDING					
Level 01					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3A.101	1	1	60m ²	13m ²	Yes
3A.102	2	2	86m ²	14m ²	Yes
3A.103	3	2	107m ²	13m ²	Yes
3A.104	3	2	106m ²	16m ²	Yes
3A.105	3	2	119m ²	18m ²	Yes
3A.106	2	2	97m ²	15m ²	Yes
3A.107	3	2	107m ²	20m ²	Yes
3A.108	3	2	107m ²	20m ²	Yes
3A.109	2	2	85m ²	23m ²	Yes
Level 02					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3A.201	1	1	60m ²	13m ²	Yes
3A.202	2	2	86m ²	14m ²	Yes
3A.203	3	2	107m ²	13m ²	Yes
3A.204	3	2	106m ²	16m ²	Yes
3A.205	3	2	119m ²	18m ²	Yes
3A.206	2	2	97m ²	15m ²	Yes
3A.207	3	2	107m ²	19m ²	Yes
3A.208	3	2	107m ²	19m ²	Yes
3A.209	2	2	85m ²	15m ²	Yes
Level 03					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3A.301	1	1	60m ²	13m ²	Yes
3A.302	2	2	86m ²	14m ²	Yes
3A.303	3	2	107m ²	13m ²	Yes
3A.304	3	2	106m ²	16m ²	Yes
3A.305	3	2	119m ²	18m ²	Yes
3A.306	2	2	97m ²	15m ²	Yes
3A.307	3	2	107m ²	19m ²	Yes
3A.308	3	2	107m ²	19m ²	Yes
3A.309	2	2	85m ²	15m ²	Yes
Level 04					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3A.401	1	1	60m ²	13m ²	Yes
3A.402	2	2	86m ²	14m ²	Yes
3A.403	3	2	107m ²	13m ²	Yes
3A.404	3	2	106m ²	16m ²	Yes
3A.405	3	2	119m ²	18m ²	Yes
3A.406	2	2	97m ²	15m ²	Yes

3A.407	3	2	107m ²	19m ²	Yes
3A.408	3	2	107m ²	19m ²	Yes
3A.409	2	2	85m ²	15m ²	Yes
Level 05					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3A.501	4	3	141m ²	63m ²	Yes
3A.502	4	3	136m ²	91m ²	Yes
3A.503	4	3	137m ²	73m ²	Yes
3A.504	2	2	103m ²	43m ²	Yes
3A.505	2	2	101m ²	34m ²	Yes
Level 06					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3A.601	4	3	141m ²	48m ²	Yes
3A.602	4	3	136m ²	48m ²	Yes
3A.603	4	3	137m ²	33m ²	Yes
3A.604	2	2	103m ²	36m ²	Yes
3A.605	2	2	101m ²	23m ²	Yes
Level 07					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3A.701	3	3	124m ²	35m ²	Yes
3A.702	3	3	117m ²	38m ²	Yes
3A.703	3	3	117m ²	43m ²	Yes
3A.704	4 + Study	3	181m ²	61m ²	Yes
Level 08					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3A.801	3	3	131m ²	35m ²	Yes
3A.802	3	3	124m ²	38m ²	Yes
3A.803	3	3	123m ²	43m ²	Yes
3A.804	4 + Study	3	189m ²	61m ²	Yes
3B APARTMENT BUILDING					
Level 01					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3B.101	1	1	60m ²	12m ²	Yes
3B.102	3	2	114m ²	16m ²	Yes
3B.103	2	2	88m ²	11m ²	Yes
3B.104	2	2	87m ²	15m ²	Yes
3B.105	2	2	87m ²	19m ²	Yes
3B.106	2	2	87m ²	19m ²	Yes
3B.107	3	2	120m ²	17m ²	Yes
Level 02					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3B.201	1	1	60m ²	12m ²	Yes
3B.202	3	2	114m ²	16m ²	Yes
3B.203	2	2	88m ²	11m ²	Yes
3B.204	2	2	87m ²	15m ²	Yes
3B.205	2	2	87m ²	19m ²	Yes
3B.206	2	2	87m ²	14m ²	Yes
3B.207	3	2	120m ²	17m ²	Yes
Level 03					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3B.301	1	1	60m ²	12m ²	Yes
3B.302	3	2	114m ²	16m ²	Yes
3B.303	2	2	88m ²	11m ²	Yes
3B.304	2	2	87m ²	15m ²	Yes
3B.305	2	2	87m ²	19m ²	Yes
3B.306	2	2	87m ²	14m ²	Yes
3B.307	3	2	120m ²	17m ²	Yes
Level 04					
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage
3B.401	1	1	60m ²	12m ²	Yes
3B.402	3	2	114m ²	16m ²	Yes
3B.403	2	2	88m ²	11m ²	Yes
3B.404	2	2	87m ²	15m ²	Yes
3B.405	2	2	87m ²	19m ²	Yes
3B.406	2	2	87m ²	14m ²	Yes

3B.407	3	2	120m ²	17m ²	Yes	
Level 05						
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage	
3B.501	2	2	97m ²	59m ²	Yes	
3B.502	3	2	108m ²	54m ²	Yes	
3B.503	3	2	112m ²	70m ²	Yes	
3B.504	2	2	97m ²	56m ²	Yes	
Level 06						
Unit	Bedrooms	Bathrooms	GFA	Balcony	Storage	
3B.601	2	2	97m ²	33m ²	Yes	
3B.602	3	2	108m ²	30m ²	Yes	
3B.603	3	2	112m ²	32m ²	Yes	
3B.604	2	2	97m ²	27m ²	Yes	
3C TOWNHOUSES						
Unit	Bedrooms	Bathrooms	GFA	Balcony	Courtyard	Storage
TH 1	4	3	229m ²	53m ²	60m ²	Yes
TH 2	3	3	213m ²	33m ²	12m ²	Yes
TH 3	3	3	213m ²	33m ²	12m ²	Yes
TH 4	3	3	213m ²	33m ²	12m ²	Yes
TH 5	3	3	213m ²	33m ²	12m ²	Yes
TH 6	3	3	213m ²	33m ²	12m ²	Yes
TH 7	3	3	213m ²	33m ²	12m ²	Yes
TH 8	3	3	213m ²	33m ²	12m ²	Yes

The proposal provides a total residential floor area of 10,958m². The net change in gross residential floor area for the subject site (less 791m² of demolished dwellings and outbuildings) is +10,167m².

The net change in resident population in this precinct as consequence of this proposal is potentially up to 200 persons, based on average occupancy rates for the LGA.

4.4 Commercial Component

Commercial premises are proposed to operate from the ground floor levels of buildings 3A and 3B, as shown on Drawing DA103 of the accompanying plan set. Details of commercial operators are to be established at construction stage of the development or by subsequent development applications or CDCs.

Floor areas for each level are provided below:

Table 5: Commercial Floor Space

Ground Floor	Constructed Gross Floor Area (GFA)	Net Lettable Area
3A – Commercial 1	313.0	TBA
3A – Commercial 2	472.0	TBA
3B – Commercial 1	339.0	TBA
3B – Commercial 2	311.0	TBA
Total	1435.0	

Note: all areas in m², *GFA as per LEP Definition

The commercial areas will be accessible to the public and residents. Primary access to the buildings will be from Morgan Street, with general pedestrian and public access also available from Morgan Street. Carparking for proposed commercial use will be available from the Morgan Street entrance, as part of car parking proposed under DA23/0340. On street parking will also be available along the Morgan Street service road.

Each commercial level will contain necessary staff and maintenance amenity facilities, in accordance with respective NCC standards.

The proposal provides a total commercial GFA of 1,435m². The net change in commercial GFA for the subject site (less 3232m² of demolished buildings tenanted areas) is -1,797m². The removal of commercial GFA will be compensated with the subsequent development of future stages of the Civitas Master Plan across this precinct.

4.5 Traffic & Parking

Traffic access arrangements and parking provisions are shown on Drawings DA040-060 and DA101-103. The proposal is also supported by a Traffic and Parking Impact Assessment (TPIA) report prepared by McLaren Traffic Engineering (February 2024), which accompanies this SEE.

In relation to traffic and parking impact, the Stage 3 proposal must be kept in context with the overall Civitas Master Plan and earlier development approvals for Stages 1 and 2, as well as the recently approved DA23/0340. Stage 2 included a car park proposal that will establish car parking to service current and future parking needs of the surrounding MU1 Mixed Use precinct. DA23/0340 included interim parking facilities for the proposed redevelopment of this precinct that will operate concurrently with the subject Stage 3 proposal.

4.5.1 Access

Vehicular access to the site will be from the Morgan Street frontage, via the existing service lane, including the relocation of the eastern exit “turn-out” connecting the service lane to the Morgan Street thoroughfare and a reconfiguration of on-street parking bays. This is shown in more detail on Drawings DA040 and DA050.

All site driveways connect directly to the service lane, including access to the townhouse garages. The townhouse driveway will be established as a common ‘*right-of-way*’ (ROW) to serve all townhouses as well as providing access to the eastern loading area of Building 3B.

The shared basement parking levels for buildings 3A & 3B will be accessed via a two-way entry/exit ramp located on the western side of Building 3A, connecting directly to the service lane.

Pedestrian and bicycle access will be via existing and proposed footpath areas. Bicycle storage is available on Basement Level 02, as shown on Drawing DA101.

4.5.2 Parking Provision

Proposed Parking Facilities

Civitas Stage 3 proposes vehicular parking arrangements involving two basement levels under buildings 3A & 3B, townhouse garages, parking area to be created under DA23/0340 at 187 Morgan Street, and rearranged street parking within in the Morgan Street service lane. This arrangement is outlined on Drawings DA060 and DA101-103, with details summarised in the table below.

Table 6: Civitas Stage 3 Parking Details

Stage 3 Parking		Motor Vehicle		Other		All Parking
Level	Access	Standard	Total	M / Bike	Bicycle	Total
185M - 3A/3B/3C						
Basement 02	4	69	73	2	33	110
Basement 01	5	74	79	2	0	81
Ground Level	0	5	5	0	0	5
Townhouse	0	16	16	0	0	16
Total - 185M	9	164	173	4	33	210
187M (DA23/0340)	2	43	45	0	0	45
Service Lane	1	16	17	0	0	17
Total - 187M/Lane	3	60	63	0	0	62
TOTAL	15	227	239	4	33	272

A total of 239 motor vehicle spaces are proposed to service the Stage 3 residential and commercial activities, including 235 car and 4 motorcycle spaces. In addition, 33 bicycle storage spaces will be provided within Basement Level 02. 30 car spaces will also be part of a stacked parking configuration within Basement Levels 01 & 02.

DA23/0340 was approved to provide interim car parking areas to service various stages of construction of the Civitas Master Plan. This approval included the proposed car park

over 187 Morgan Street. These parking spaces will be available for retail and visitors to the subject site. Basement and townhouse parking will be for residents only.

The basement car park levels will be integrated with the multi-level residential buildings to facilitate access and mobility. Each parking level will be designed, constructed and line marked in accordance with AS/NZS 2890.1-2004 (as amended), including space allocation, access ways, stairs, ramps, lifts and other ancillary facilities. Construction will be in accordance with relevant NCC standards.

The provision of car parking for Stage 3 has taken into consideration the following:

- WWCC DCP Car Parking Standards – Section 2.2
- WWCC DCP Controls for the Morgan, Murray and Forsyth Streets Mixed Use Precinct – Section 10.8
- Wagga Wagga Integrated Transport Strategy 2040
- TfNSW Guide to Traffic Generating Developments
- National Construction Code 2022 – Accessible Parking
- Australian Standards 2890.1-2004/2022 – Parking Facilities

Proposed Parking Assessment

The following tables provide a detailed breakdown of proposed land use activity for Civitas Stage 3, applicable car parking standards under WWCC DCP2010, required parking and parking spaces proposed under this DA. In addition, the accompanying TPIA (McLaren 2024) provides further detailed analysis of Stage 3 parking including application of GTTGD provisions where applicable in comparison to the DCP2010 standards. The TPIA supports the Stage 3 proposal and includes justification for the parking as proposed.

Table 7: Civitas Stage 3 Parking Assessment – DCP2010

Stage 3 Parking Assessment – DCP 2010				
Residential Use	Stage 3A	Stage 3B	Stage 3C	Totals
Land Use Type	RFB	RFB	MDH	
1 Bedroom Unit	4	4	0	8
2 Bedroom Unit	16	20	0	36
3 Bedroom Unit	26	12	8	38
4 Bedroom Unit	8	0	1	8
Total	54	36	8	98
<i>DCP Control</i>	<i>1/1or2 B/rm unit + 2/3+ B/rm unit</i>	<i>1/1or2 B/rm unit + 2/3+ B/rm unit</i>	<i>2/3+ B/rm unit</i>	
Required Spaces	88	48	16	152
Provided	79	73	16	168
Visitor Rate	1/5 units for 5+	As above	1/4 units for 4+	
Required Spaces	11	7	2	20
Provided	0	0	0	0
Commercial Use	Stage 3A	Stage 3B	Totals	
Land Use Type	Commercial (GFA)	Commercial (GFA)		
Commercial 1	313	339		
Commercial 2	472	311		
Total	785	650	1435	
<i>DCP Control</i>	<i>1/45m² GFA</i>	<i>1/45m² GFA</i>		
Required Spaces	17.4	14.4	32	
Provided	45	22	67	
Total Required				204
Total Provided				235

Notes:

RFB = Residential Flat Building

MDH = Medium Density Housing

Commercial GFA/rate rounded up.

Based on WWCCDCP Section 2.2, the Civitas Stage 3 proposal satisfies the requirement for onsite parking facilities, noting the use of car parking spaces established under DA23/0340 on 187 Morgan Street and the shared arrangement for visitor parking spaces available with carparking spaces to be at ground and street levels across 185-187 Morgan Street and within the Morgan Street service lane.

The TPIA (Section 3 – Parking Assessment) provides further justification in relation to the adequacy of onsite parking facilities for Stage 3, noting that:

- WWDCP2010 Part 10.8 control C12 allows, as a minimum requirement, compliance of residential parking with GTTGD (Metropolitan Subregional Areas);
- Applying the GTTGD further reduces the total required spaces to 176;
- Management of on-street parking may be imposed in accordance principles outlined in the WWITS2040, including imposing time and/or permit restrictions and encouraging alternative travel modes;
- The proposed provision of accessible parking spaces in accordance with AS2890.2:2022 exceed the applicable requirements;
- WWDCP2010 does not specify parking rates for bicycles and motorcycles for the Stage 3 land use proposals. The proposed plans detail sufficient bicycle and motorcycle parking space as would be recommended by relevant NSW Planning Guidelines.
- The inclusion of bicycle facilities promotes alternative modes of travel to the site, consistent with the strategic directions and principles contained in the WWITS2040. The site has frontage to the Preferred Active Transport Corridor as shown in the WWITS and Active Travel Plan (see Section 3 of the TPIA for details).

Overall, the Civitas Stage 3 proposal provides in-excess of the required parking spaces for the land uses proposed and also aligns with the strategic directions and principles outlined in the WWITS2040 that encourages alternative modes of travel within the City.

4.5.3 Traffic Generation

The accompanying TPIA has assessed existing and future traffic generation based on the following:

- Existing traffic and parking conditions including road hierarchy, traffic management, traffic environment, local parking and traffic volume surveys;
- Analysis of original Civitas Master Plan proposal including original Traffic Impact Report (2020) and subsequent TPIA (2021) prepared for Stage 2;
- Intersection performances pre and post development;
- Public transport provision and routes;
- Road and infrastructure upgrades in the local precinct, including recent hospital car park construction and surrounding intersection upgrades to Edwards Street; and
- Approved and proposed traffic generation including expected routes/trip assignment.

Traffic generation for the proposed Stage 3 development is estimated at 644 trips in the AM peak and 602 trips in the PM peak when considering the future potential scale of the Civitas Master Plan.

The TPIA concluded that traffic impact on surrounding intersections (2023 and 2033 assessment periods) remain generally unaltered between no development and with the development of the Civitas Master Plan or the subject Stage 3 proposal. Consequently, the Stage 3 proposal will have no detrimental impact on intersection performance or residential amenity as a result of traffic generation.

The following extract from the TPIA is noted in relation to the Morgan Street/Docker Street intersection:

- 1) *The Level of Service of E and F at the intersection of Morgan Street / Docker Street is a result of the small number of vehicles making right turns and travelling through the intersection from the Morgan Street and Bolton Street approaches at peak times. Some options to improve the Level of Service of the intersection include:*
 - a. *Install time restricted "Left Only" signage on the Morgan Street and Bolton Street approaches to the intersection to restrict these movements during peak AM and PM commuter times.*
 - b. *Upgrade the intersection to either roundabout or signalised control as discussed in Section 4.8 (of the TPIA).*
- 2) *If Council does not modify the Docker Street / Morgan Street intersection, the LoS of the major traffic movements will not be significantly impacted by the proposed development. It is important to note that the critical turning movements that are governing the performance of the intersection are associated with low traffic volumes as shown in Table 12, below (of the TPIA). This is typical behaviour for turning movements that are currently associated with long delays whereby alternative routes would be prioritised by drivers. The proposed Stage 3 development will not significantly increase the demand on these critical turning movements and as such the intersection performance will be unchanged, with drivers prioritising alternative routes if the intersection is not altered or upgraded by Council.*

4.6 Architecture & Urban Design

4.6.1 Architectural Statement

The proposed building layout and design is presented in the accompanying architectural plan set prepared by MDP Architecture (refer to attachment 1A). An Architectural Design Statement (ADS) accompanies the development plans and this SEE, which provides insight into the building design concept and relationship to existing urban form and adjoining precinct structures. The ADS also discusses the project responses to design quality principles of *SEPP65-Design Quality of Residential Flat Development* and compliance with ADG objectives.

The ADS concludes with the following statement:

"This Architectural Design Report has demonstrated how the proposed CIVITAS Stage 3 development complies with the principle of SEPP 65 and the objectives and criteria of Parts 3 and 4 of the Apartment Design Guide. Where strict numeric compliance is not achieved, the development proposes alternative design solutions to enhance the quality of the built environment and the amenity for the future residents of the site and neighbouring properties.

The proposed development is considered a catalyst in transforming the CIVITAS Site towards its intended future character and use and is in congruent with its context through its compliment of uses and built forms. The proposed development is considered to:

- *Be a suitable and desirable use for the site;*
- *Be in accordance with the aims, objectives and provisions of the relevant statutory and non-statutory planning instruments;*
- *Has no adverse impact to its context and has suitably responded to environmental issues such as, storm water management, flooding, traffic etc."*

The content of the ADS is to be taken into consideration to ensure a complete understanding of the significance and merit of the Civitas Stage 3 proposal.

4.6.2 Urban Design

The Civitas Master Plan project across the subject precinct represents a significant transformation of an aging commercial/residential urban precinct that has received full support from Council and NSW Planning. The preceding LEP and DCP amendments for this precinct noted the following significant benefits of this project:

- Facilitating higher density mixed-use development within proximity to the city centre, consistent with Council's adopted strategies;
- Presents opportunities to contribute to housing diversity to meet demand;

- Provide benefits to the broader community through increased residential opportunities close to employment precincts with connections to active travel options;
- Promotes architectural design excellence and the provision of quality “A-grade” residential and commercial buildings.

The proposed development of this site has been considered in relation to:

- The overall concept masterplan and urban design theme prepared for this precinct and adopted within the WWDCP2010;
- The principle aims of the WWLEP2010;
- The underlying good urban design principles contained in the WWLSPS2010; and
- The objectives, strategies, and guidelines contained in the NSW DPIE publication Urban Design for Regional NSW (2020).

The principles behind this design approach are captured in the Civitas Master Plan Design Report vision:

- *A beacon of corporate excellence to attract corporate business both NGO and government agencies at the local, state and national level;*
- *A modern residential community for residents, workers and retirees in a walkable community, which is less reliant on vehicles;*
- *A thriving retail precinct which is activated by the onsite density of workers and residents;*
- *Provision of a well-defined and composed public realm which supports and integrates into the wider urban fabric of Wagga Wagga;*
- *Activation of the Southern end of the Wollundry Lagoon to establish a family friendly and focused destination for the entire community;*
- *Delivering a development established with the principals of the Smart Cities Plan;*
- *Development of energy efficient infrastructure.*



Figure 22: Extract from Civitas Master Plan – 3D view looking SE (Source: MDP 2019)

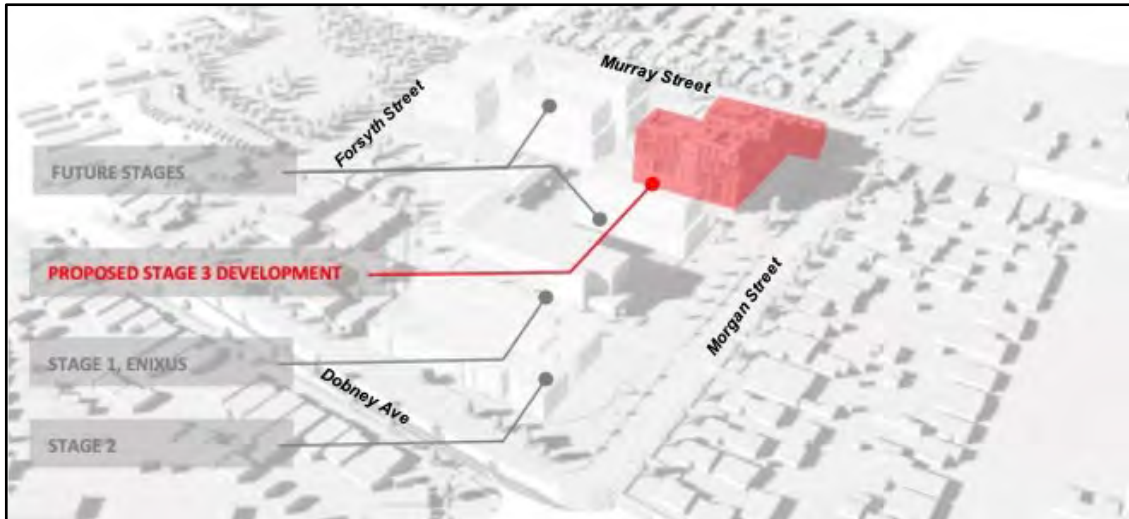


Figure 23: Civitas Master Plan Precinct – 3D view looking NE with Stage 3 Insert (Source: MDP 2024)

Minor changes to the Stage 3 footprint from the original master plan are the result of additional land acquisition for residential townhouse development and the need to accommodate revised overland flood modelling results. These changes were discussed extensively with Council prior to the final development plans being completed. The principles underpinning the master plan are upheld with this proposal.

The introduction of residential apartment buildings with ground level commercial has created the opportunity for establishing a landscaped public plaza. This concept was envisaged in the original master plan, where future stages to the north will link this public plaza to the Wollundry Lagoon open space environment. This enhances the creation of social interaction, quality commercial experiences and landscaped pedestrian thoroughfares connecting this precinct with other surrounding neighbourhood areas.



Figure 24: 3D Image Extract – Public Plaza between 3A & 3B Buildings (Source: MDP 2024)



Figure 25: 3D Image Extract – Morgan Street – Buildings 3A & 3B (Source: MDP 2024)

The proposal as presented has captured the urban design objectives envisaged for this precinct. Further images supporting the urban design outcomes of this proposal are included in the accompanying plan set (DA080). The local streetscape will benefit from the improved built and environmental works resulting from progressing with this development, enhancing the public realm experience and intracity connectivity.

4.6.3 Landscaping

A detailed landscaping plan set accompanies this development proposal. This includes extensive landscaping to the public plaza area, surrounding street frontages, townhouse gardens and rooftop areas of the apartment buildings 3A & 3B.

Deep-soil planting areas are identified, together with a planting schedule. A child's playground area is identified adjoining the public plaza area, together with raised planters. Rooftop areas will feature pergolas, border planting and other raised planters.

An Arborist Report (McCrone 2024) accompanies this SEE which supports the removal of existing trees from the development site.

In addition to the accompanying Arborist Report, a supplementary report (McCrone 2024) regarding a *Ulmus procera* (English Elm) adjacent to the Civitas Stage 3 site has been provided with this application. The report recommends the retention of the Elm in the post development landscape given it's current condition. Minor pruning to remove encroachment of it's crown on the construction site is also recommended. If retained, the tree will be given adequate protection during construction works in accordance with AS4970-2009; *Protection of trees on development site*.



Figure 26: Proposal Landscape Concept Plan Extract (Source: TB 2024)

4.7 BCA/Fire Compliance

A BCA Capability Statement (bmplusg 2024) forms part of the DA package for this proposal. The report confirms that, subject to the recommended measures being appropriately addressed in final construction drawings, compliance with the provisions of the BCA is readily achievable.

4.8 Access for People with a Disability

An Access Compliance Report (ABS 2024) forms part of the DA package for this proposal. The report confirms that the proposal can achieve compliance with the access provisions of the BCA, Access to Premises Standard and SEPP 65 Part 4Q.

4.9 Other Relevant Details

4.9.1 Height and Setback

The proposed combined residential, carparking and commercial components of the buildings include varying height as shown on the accompanying plan set, as envisaged in the original Civitas Master Plan and subsequent DCP Section 10.8 controls for the site.

The height of building 3A is indicated as 32m, 3B is 24m and 3C is 12m from ground level at top roof level. The overall height of the buildings also allows for a 3m plant and overrun zone. This complies with the maximum DCP height level requirements specified for the site under DCP Section 10.8, as well as the LEP height limit of 35m that covers the whole Civitas precinct.

The residential floor plates are set at 3.2m apart due to the Design and Building Practitioners Act 2020 to meet minimum waterproofing and construction requirements.

The height of buildings was raised 600mm to account for the revised flood modelling study prepared for the proposal in consultation with Council.

Setbacks from Murray and Morgan Street are in accordance with the DCP Section 10.8 controls, with exception to the following minor encroachments:

- At the corner of Morgan and Murray Street where the 1st floor level of proposed townhouse TH1 will be set back 2.38m in lieu of 3.0m from the Murray Street property boundary, an encroachment of 0.62m.
- Building 3A setback from the Morgan Street property boundary – the bulk of the apartment building is setback the required 3.0m, except for minor encroachments of the bathroom areas on each upper-level frontage that extend approximately 0.5m into the building setback area.
- Building 3B setback from the Morgan Street property boundary - the bulk of the apartment building is setback the required 3.0m, except for a minor encroachment of the westerly bathroom areas on each upper-level frontage that extend approximately 0.3m into the building setback area.

The minor encroachments will be indiscernible from the immediate streetscape environment and general public domain due to the articulation of the building design elements and being a relatively minor part of the overall elevation of each building.

Further discussion on building height and setback compliance is outlined in Section 6.4 and 6.5 of this SEE.

4.9.2 Floor Space Ratio

There is no statutory Floor Space Ratio (FSR) standard applicable to the subject site.

4.9.3 Hours of Operation – Commercial

Hours of operation for each commercial tenancy is expected have peak operational activity predominantly during normal business hours from 7:00am to 7:00pm Monday to Friday. Any variation to these nominated hours of operation will be subject to the occupancy arrangements and any additional development applications generated by the nature of future tenant use of the available commercial space.

4.9.4 Delivery/Loading and Waste Management

The proposed development plan has allowed for service vehicle access to the site from the Morgan Street service lane only, this includes delivery of goods and waste management arrangements. A *Loading and Operational Waste Management Plan (MDP2024)* accompanies this SEE. Loading/waste storage and collection areas are shown on Drawing D103 (see extract below).

Council's DCP does not have specific standards for the provision of delivery/loading and waste management areas, other than a general control under Section 2.1 Control C4 which states:

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

Each of the two main buildings will have access to separate loading bays for the delivery and collection of goods and waste. The townhouses have direct access to front and rear roadways for delivery and waste collection services.

Expected waste streams include general waste, comingled recycled, paper and cardboard recycling, and liquid trade waste. Garden waste is expected to be minimal due to the small landscaping areas of the townhouses and use of a gardener to maintain the landscaped public plaza, building frontages and roof-top garden areas. Contract gardeners will dispose of garden waste at an approved composting facility.

The delivery/loading and waste management arrangements proposed for Civitas Stage 3 are considered satisfactory based on the content of the accompanying management plan, which concludes:

“The proposed development has been designed to meet the delivery and waste servicing needs during operation. In particular:

- *Both buildings 3A and 3B have residential waste rooms sufficiently sized for the anticipated waste generation*
- *These buildings will be serviced by private collection services; access by at least an SRV is achievable*
- *The townhouses have individual bin storage areas*
- *These will be serviced by Council waste collection directly from Murray Street*
- *Delivery loading bays are provided to both buildings 3A and 3B which can be accessed by MRV.*

The accompanying TPIA also includes an analysis and confirmation of accessibility to the loading and service vehicle zone proposals. As noted, Council DCP2010 does not provide servicing and loading standards for commercial development. The TPIA concludes that the indicated loading/servicing arrangements are more than sufficient to accommodate the commercial activity proposed for the site.

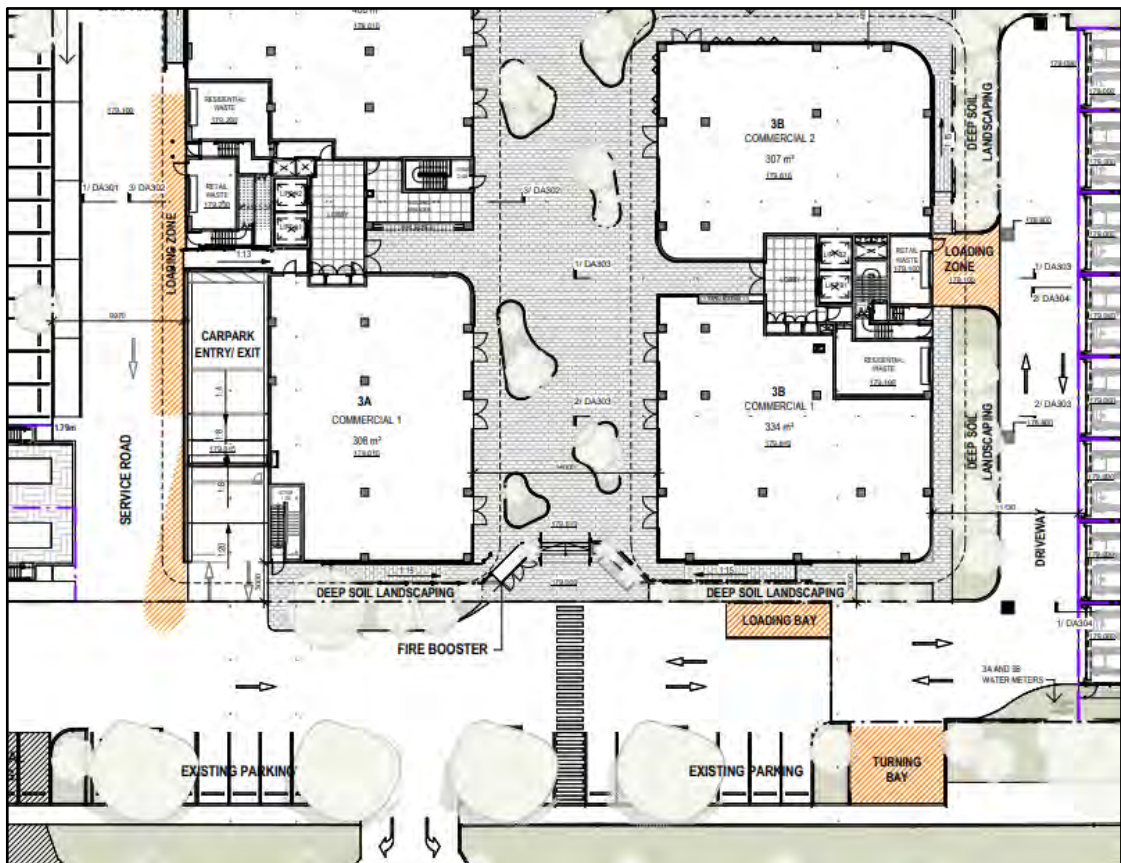


Figure 27: Loading Zones and Waste Storage/Collection Areas (Source: MDP 2024)

4.9.5 Employment Generation

Whilst the tenancy of each proposed commercial unit is unknown at this stage, an estimate of potential employee generation can be made based on TfNSW employee density standards for commercial development (*RTA GTTGD*), as indicated in the accompanying TPIA.

The TPIA considers that the commercial floor space would potentially generate approximately 71 employees. Ongoing management and maintenance of the buildings would also generate numerous full, part-time and casual jobs. In addition, the construction phase of the Stage 3 project would potentially generate a further 100 – 150 jobs locally.

4.9.6 Essential Services

All essential urban services are available to the subject site and will be accessed in accordance with relevant authority procedures and guidelines. There are no known limits or restrictions to accessing urban services for the benefit of this development.

Concept civil design plans accompany this SEE (Orion 2024) and include details on proposed earthworks, soil and erosion control and stormwater management. A Stormwater Management Report (Orion 2024) is also attached which provides confirmation that the stormwater drainage design complies with Council's requirements.

Stormwater network management and potential overland flooding is a primary concern for this area considering the ongoing need for connectivity to the Wollundry Lagoon and surrounding urban stormwater drainage network, as well as management and control of stormwater quantity and quality. The management of potential overland flooding has also required serious consideration for this stage of the Civitas project. In cooperation with Council, detailed analysis by Northrop has been made of the local stormwater network and potential flood impact, including further flood modelling assessment to compliment earlier modelling prepared by Council. The agreed solutions and recommendations are embodied in the final design of the Stage 3 footprint and building layouts.

Further details in relation to essential services are outlined in Section 5 of this SEE.

4.9.7 Crime and Safety (CPTED)

Safety and security features will be incorporated in accordance with the principles of Crime Prevention through Environmental Design (CPTED). This includes principles relating to surveillance, access control, territorial enforcement, and space management.

For the proposed buildings and surrounding site, typical features will include:

- Vehicular and pedestrian access to the site and building will be separated and clearly defined to maximise visibility.
- Separation of residential and commercial primary access and activity areas;
- Provision of a combination of lighting to the external building to include:
 - o Lighting of public spaces and walkways of an evening / night to maximise visibility and surveillance;
 - o Security sensors connected to flood lights for circulation and vehicle parking areas; and
 - o Appropriate lighting to multi-level parking areas.
- Security surveillance video monitoring with back-to-base control and notification.
- Access to the site will be secured after hours.

A CPTED report (MDP 2024) accompanies this SEE, prepared in accordance with current guidelines and best practice environmental design principles. The report has considered the context of the site, identified potential crime opportunities within the development, and applied a crime risk assessment analysis of the proposal.

The resultant crime risk assessment (CPTED) rating for the proposal falls within the low-risk rating. Monitoring and review of the development's performance will rely on feedback from police reports and other community driven responses.

4.9.8 Other Facilities

The proposed buildings will include the following other essential facilities:

Table 8: Other Onsite Facilities

Building 3A				
Level	Lift	Stairs	Storage	Other
Basement 02	2	2	Storage rooms and storage cages at the end of selected car spaces.	33 bicycle storage spaces.

Basement 01	4	3	Storage cages at the end of selected car spaces.	Carpark exhaust/fan room, carpark s/a fan room, CW pump room, sprinkler valve room, wash bay, break tank, MSB room, comms
Ground	2	3	-	Lobby area, residential waste, retail waste, mailboxes, building manager, sanitary facilities for commercial spaces
Level 01	2	2	-	Lobby area
Level 02	2	2	-	Lobby area
Level 03	2	2	-	Lobby area
Level 04	2	2	-	Lobby area
Level 05	2	2	-	Lobby area
Level 06	2	2	-	Lobby area
Level 07	2	2	-	Lobby area
Level 08	2	2	-	Lobby area
Roof	2	2	-	Lobby area, 1 x ACC WC, garden furniture
Building 3B				
Level	Lift	Stairs	Storage	Other
Basement 02	2	2	Storage rooms and storage cages at the end of selected car spaces.	-
Basement 01	4	3	Storage rooms and storage cages at the end of selected car spaces.	Carpark exhaust/fan room, carpark s/a fan room, CW pump room, sprinkler valve room, wash bay, break tank, MSB room, comms
Ground	2	2	-	Retail waste, residential waste, lobby area, mailboxes.
Level 01	2	2	-	Lobby area
Level 02	2	2	-	Lobby area
Level 03	2	2	-	Lobby area
Level 04	2	2	-	Lobby area
Level 05	2	2	-	Lobby area
Level 06	2	2	-	Lobby area
Roof	2	2	-	Lobby area, 1 x ACC WC, garden furniture
Building 3C				
Townhouse	Lift	Stairs	Storage	Other
TH1		1	Garage	-
TH2		1	Garage	-
TH3		1	Garage	-
TH4		1	Garage	-
TH5		1	Garage	-
TH6		1	Garage	-
TH7		1	Garage	-
TH8		1	Garage	-

Depending on subsequent commercial tenancy, additional facilities may be installed/introduced to accommodate work practices and staff requirements within the commercial units on the ground floor of buildings 3A and 3B.

5 INFRASTRUCTURE

5.1 Provisions of Essential Services

5.1.1 Essential Services

All essential services, including water, electricity, gas, telecommunication, sewer, stormwater drainage, road network and garbage services, are available to the site. Connections will be provided in accordance with all relevant Council and Service Provider Guidelines. There are no known limits or restrictions to accessing urban services for the benefit of this development.

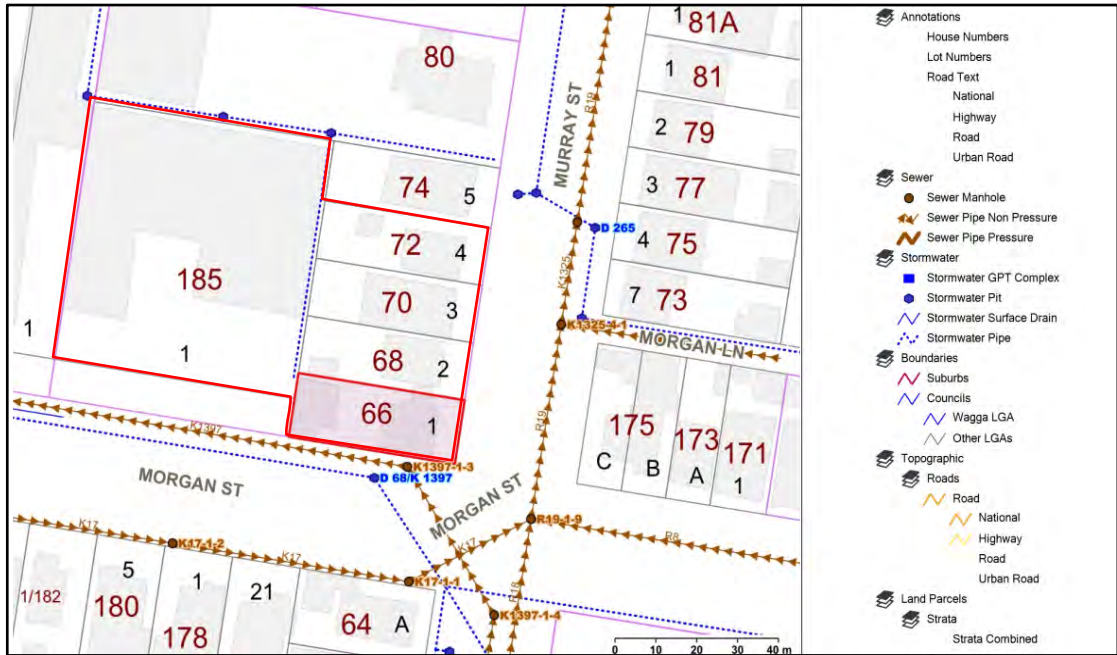


Figure 28: WWCC Sewer and Stormwater Network (Source: WWCCGIS Mapping 2024)

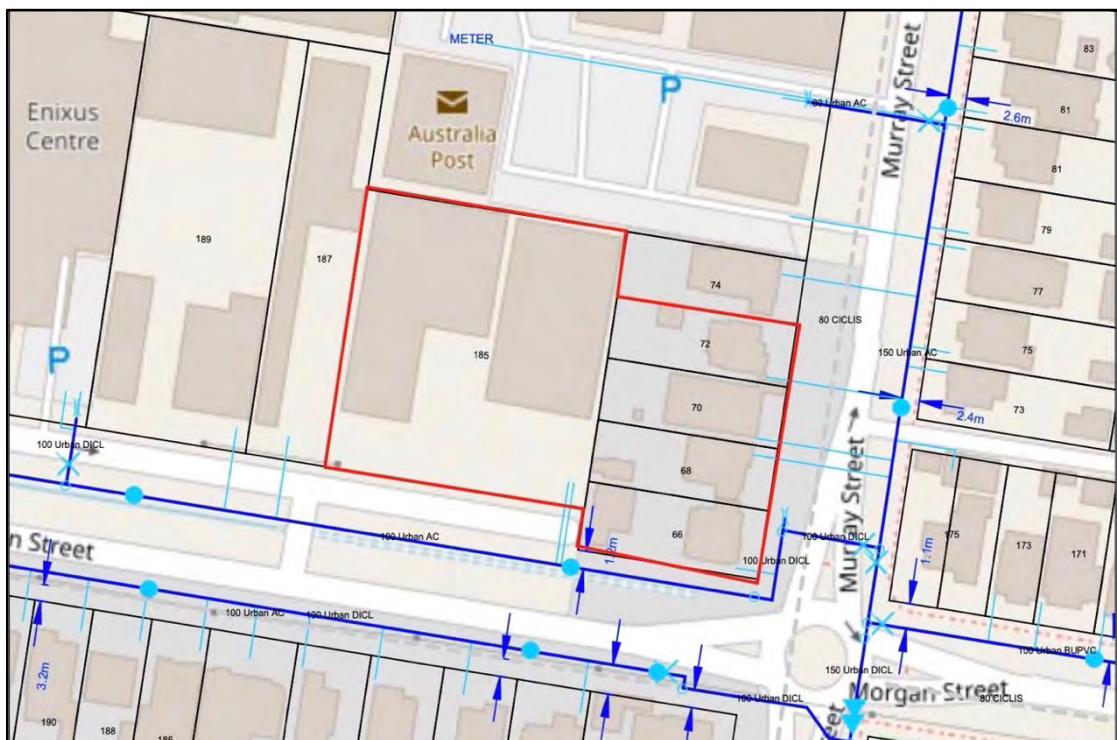


Figure 29: RWCC Water Supply Assets Map (Source: DBYD 2024)



Figure 30: APA Assets Map (Source: DBYD 2024)

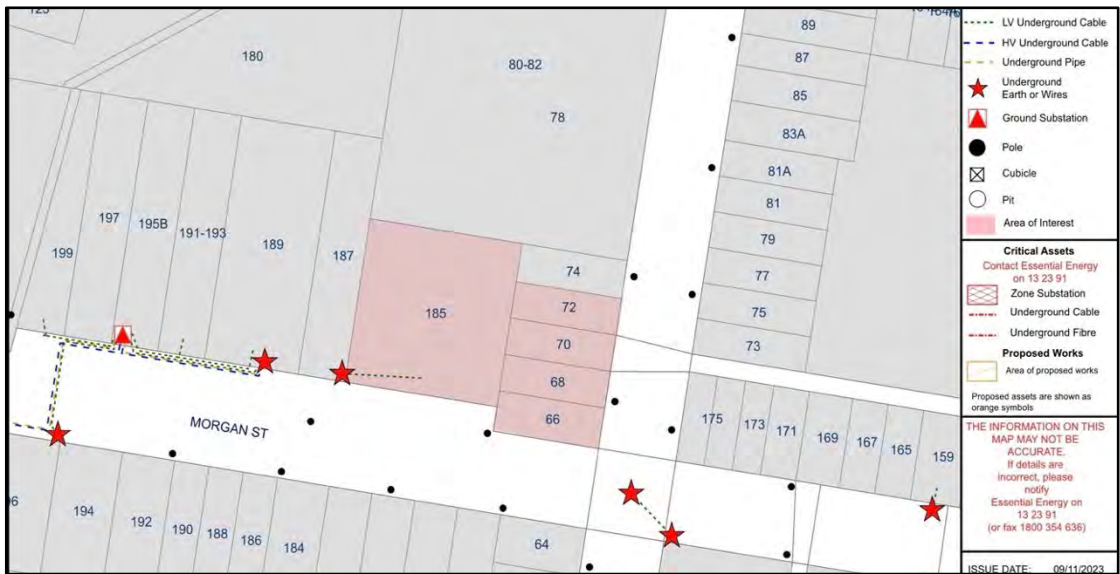


Figure 31: Essential Energy Assets Map (Source: DBYD 2024)

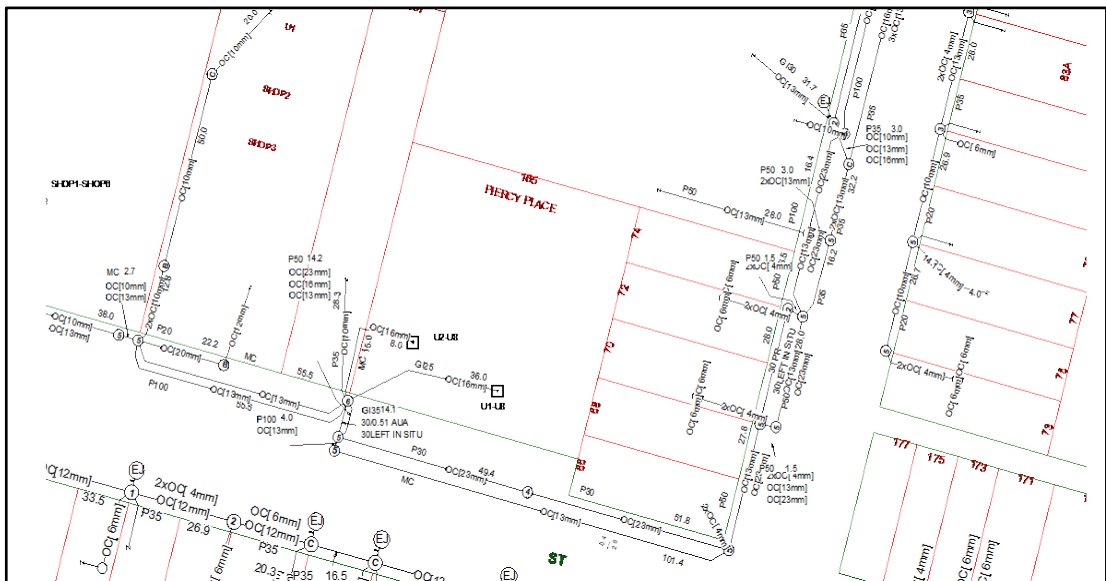


Figure 32: Telstra Assets Map (Source: DBYD 2024)

5.1.2 Stormwater Drainage

As discussed above, concept civil design plans accompany this SEE. A Stormwater Management Report (Orion 2024) is also attached which provides confirmation that the stormwater drainage design complies with Council's requirements.

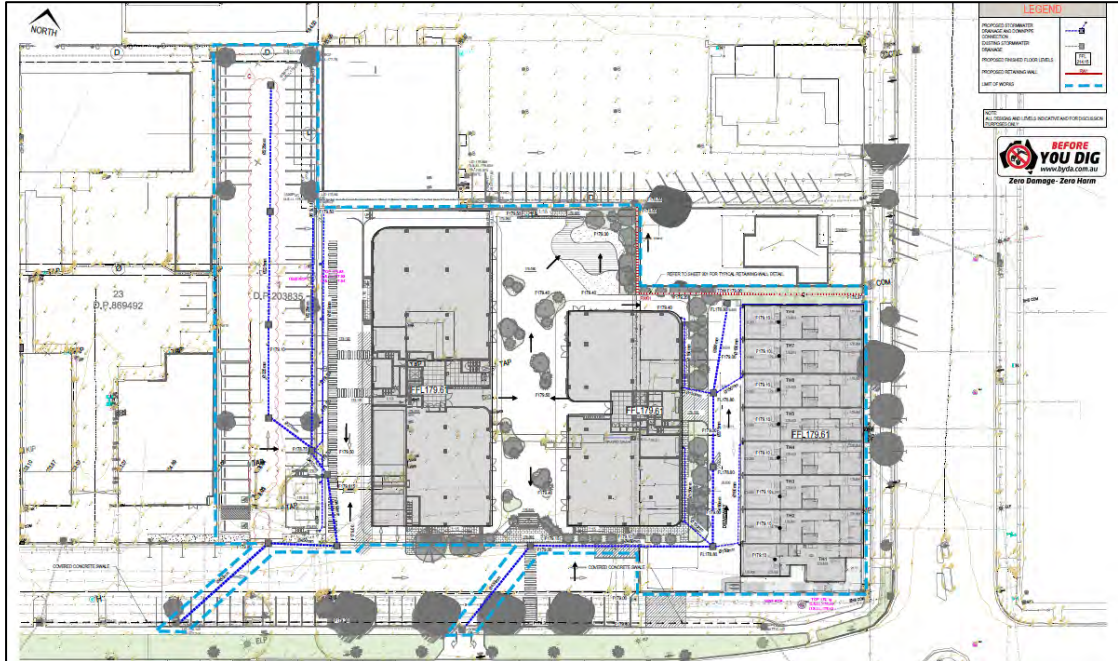


Figure 33: Engineering Plan (Source: Orion 2024)

Stormwater network management and potential overland flooding is a primary concern for this area considering the ongoing need for connectivity to the Wollundry Lagoon and surrounding urban stormwater drainage network, as well as management and control of stormwater quantity and quality. The management of potential overland flooding has also required serious consideration for this stage of the Civitas project. In cooperation with Council, detailed analysis by Northrop has been made of the local stormwater network and potential flood impact, including further flood modelling assessment to compliment earlier modelling prepared by Council.

The Flood Impact Assessment Report prepared by Northrop provided valuable updated information to compliment Council's data. The assessment was undertaken using the regional flood model, constructed by Lyall and Associates as the base model, with site-specific details and assumptions added to the model. The following conclusions were made:

- *the model amendments are an appropriate representation of the existing and proposed Stage 3 developed conditions.*
- *from the results presented, it is likely the proposed development will have negligible impacts on the flood behaviour for surrounding properties.*
- *the proposed development provides onsite refuge for short-duration flood events, which we believe will result in minimal impacts on the emergency evacuation procedures should this be required during major flood events.*
- *the proposed development generally complies with Council's requirements from a floodplain management perspective.*

The solutions and recommendations agreed to with Council are embodied in the final design of the Stage 3 footprint and building layouts.

6 PLANNING POLICIES AND GUIDELINES

The following planning policies and guidelines are applicable to the subject proposal and, where relevant, further consideration is given to address consistency with various adopted provisions and controls.

6.1 Strategic Plans

6.1.1 Wagga Wagga Local Strategic Planning Statement

The Wagga Wagga Local Strategic Planning Statement (LSPS) (Wagga Wagga 2040) was adopted by Council on 8 February 2021 to provide an updated blueprint for how and where Wagga Wagga will grow into the future. It sets out a 20-year vision for land use planning in the Wagga Wagga LGA, along with a suite of planning principles and actions to ensure that as the city's population increases, new houses, transport networks, infrastructure and services are developed sustainably.

The LSPS is underpinned by eleven key principles including:

- *ensure our natural areas and corridors are prioritised as we grow*
- *strengthen our resilience to natural hazards and land constraints*
- *provide growth in a sustainable manner*
- *see Wagga Wagga grow as the regional capital of southern New South Wales*
- *attract investment to our city*
- *improve accessibility*
- *provide sustainable infrastructure solutions aligned to growth*
- *provide healthy lifestyle options*
- *deliver high quality public spaces and engaging urban character*
- *improve housing diversity*
- *build strong rural and village communities*

The proposed development is generally consistent with the majority of the LSPS key principles and relevant action items.

6.1.2 Wagga Wagga Integrated Transport Strategy 2040

The Wagga Wagga Integrated Transport Strategy and Implementation Plan (ITS) 2040 is the blueprint for transport in Wagga Wagga and reflects the needs and expectations of the local community. It aims to improve local traffic access and connectivity, identify the provision of responsive parking facilities, and provide a framework for a more cohesive transport network. It also aims to maximise opportunities to increase public transport, walking and cycling use for the benefit of residents and visitors.

The proposal is consistent with the aims, objectives and actions of the integrated transport strategy by being located within close proximity to existing transport networks and enabling connectivity and accessibility to various modes of transport options. Roads, footpaths, cycleways and other various community transport options are accessible to the subject site. The site will also have direct connectivity with surrounding footpath networks that link with the Wollundry Lagoon recreation precinct to the north.

The accompanying TPIA also references this strategy and outlines the proposal's consistency with its approach to transport, traffic and parking, including the mitigation of any potential impacts generated by the proposed use of the site.

6.1.3 Active Travel Plan 2016

The Active Travel Plan has been prepared and adopted to guide the future planning and provision of cycling infrastructure in the Wagga Wagga Urban Area. The proposal will facilitate the continued growth of cycling as a preferred choice of local transport and include onsite facilities and connections to assist in this strategic transport direction being achieved. The Active Travel Plan consists of 13 cycling links totalling 56km

designed to connect outer suburbs of Wagga Wagga with the CBD. As of 2024, 8 of the 13 links are complete, with work on other links commenced.

6.1.4 Wagga Wagga Transport Plan

The WWITS and Active Travel Plan also form part of the Wagga Wagga Transport Plan 2022 developed by Transport for NSW (TfNSW) in conjunction with Wagga Wagga City Council. The Plan presents the strategic framework for responses to anticipated changes in land use, population and travel demand across Wagga Wagga. It aims to provide a clear transport vision that will deliver a more sustainable, multi-modal and safe network for Wagga Wagga in the next 20 years. The proposal is supportive of this strategic plan.

6.1.5 Health and Knowledge Precinct Master Plan 2019

The Health and Knowledge Precinct Master Plan (2019) outlines the 25-30 year vision for the area around Wagga Wagga's two major hospitals to develop a central activity hub to enhance current and new health services in Wagga Wagga and the Riverina, and to support local employment in this key industry.

The subject proposal is not within the boundaries of this plan, however, it is anticipated that continued implementation of the Civitas Master Plan will have a strong connection with activities within the hospital precinct, as currently occurs with other building tenancies in the subject precinct. The proposal will support the implementation and achievement of objectives outlined in this master plan.

6.1.6 Recreation, Open Space and Community Strategy 2040

The Recreation, Open Space and Community (ROSC) Strategy 2040 identifies key community infrastructure that will be required to meet anticipated population growth within the city. The proposal is consistent with the top 5 strategic priorities identified in the strategy.

6.1.7 Community Strategic Plan 2040

The Community Strategic Plan 2040 (CSP) provides an outline of what the community of Wagga Wagga want the future to look like for their local area. The proposal is consistent with all of the plan's strategic directions and supports specific objectives of growing investment in the local economy and providing sustainable and innovative development options for a growing population.

6.1.8 Biodiversity Strategy Maldhangilanha 2020-2030

The Wagga Wagga Biodiversity Strategy: Maldhangilanha (WWBSM) aims to increase awareness and address a wide range of key threatening processes impacting biodiversity. The proposal is consistent and does not threaten the implementation of the objectives and actions contained in this local strategy plan.

6.1.9 Wagga Wagga Local Infrastructure Contributions Plan 2019-2034

The proposal will be subject to developer contributions under either Sections 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Contributions will be conditioned as part of the DA assessment process. There is also opportunity to enter into either a planning agreement or works in kind (WIK) agreement with Council in relation to public infrastructure, particularly where there is a clear demonstration of material public benefit from undertaking the proposal.

6.1.10 Asset Management Plans

Council's Asset Management Plans include Transport, Recreational, Buildings, Stormwater and Sewer assets. The proposal will take into consideration impact and opportunities for improvements to community assets as a potential outcome of the development. Any works on or near public infrastructure will be preceded by a comprehensive dilapidation report and subject to Council and other relevant authority inspection to ensure public infrastructure integrity is maintained.

6.1.11 The Community Safety Action Plan 2022-2026

The Community Safety Action Plan (CSAP) follows on from the The Wagga Wagga Crime Prevention Plan (CPP) 2021. The CSAP was developed following extensive community engagement to ensure initiatives addressed areas of concern that are reflective of Wagga Wagga. These initiatives include safe homes and neighbourhoods, safe and respectful relationships, and safer cities. Council consulted with key relevant agencies to work together to prevent crime and increase community safety. The proposal has adopted the CPTED principles to ensure the new buildings maximise security and safety as well as promoting crime prevention.

6.2 Relevant Acts & Regulations

Development of the site is subject to the provisions of the Environmental Planning & Assessment Act 1979 & Environmental Planning & Assessment Regulations 2021.

In addition, certain other Acts and regulations are applicable to the development as referred to in the following table.

6.2.1 Integrated Development

The proposed development is not integrated development.

The table below shows the assessment of the site against section 4.46 of the EP&A Act 1979.

Table 9: Applicable Integrated Development

Consideration of S4.46 of the EP&A Act 1979		
Act	Approval	Comment
Coal Mine Subsidence Compensation Act 2017	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
Fisheries Management Act 1994	Aquaculture permit	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	Permit to carry out dredging or reclamation work	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of an such land or lease	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	Permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.

Consideration of S4.46 of the EP&A Act 1979		
Act	Approval	Comment
Heritage Act 1977	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
Mining Act 1992	Grant of mining lease	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
National Parks and Wildlife Act 1974	Grant of aboriginal heritage impact permit	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
Petroleum (Onshore) Act 1991	Grant of production lease	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
Protections of the Environment Operations Act 1997	Environment protection licence to authorise carrying out of scheduled development work at any premises.	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
Roads Act 1993	Consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
Rural Fires Act 1997	Authorisation under section 100b in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
Water Management Act 2000	Water use approval, water management work approval or activity approval under part 3 of chapter 3	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.

6.2.2 Biodiversity Conservation Act 2016 No 63

The subject site is not within a Biocertified Area of the WWLEP 2010, therefore the site is subject to the Biodiversity Conservation Act 2016 (Note: WWCC's Biocertification expired in December 2020, therefore requiring all development within the LGA to be assessed under the provisions of this Act).

The proposal has been measured against Part 7 Division 1 Section 7.2. The proposal is not likely to significantly affect threatened species.

Development or activity is likely to significantly affect threatened species if:

- *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in Section 7.3*

Applying the biodiversity test concludes that the proposed development is not likely to significantly affect threatened species or ecological communities, or their habitats.

- *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values*

The development does not exceed the Biodiversity Offset Scheme Entry Threshold. See Threshold Report below.

- *it is carried out in a declared area of outstanding biodiversity value*

The development is not within a declared area of outstanding biodiversity value. See the Biodiversity Values Map below.

Biodiversity Values Map and Threshold Report		
Date of Report Generation		09/11/2023 2:34 PM
Biodiversity Values (BV) Map Threshold - Results Summary		
1	Does the development Footprint intersect with BV mapping?	no
2	Was ALL of the BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
3	Date of expiry of dark purple 90 day mapping*	N/A
4	Is the Biodiversity Values Map threshold exceeded?	no
Area Clearing Threshold - Results Summary		
5	Size of the development or clearing footprint	6,123.6 sqm
6	Native Vegetation Area Clearing Estimate (NVACE)	578.1 sqm
7	Method for determining Minimum Lot Size	Lot size
8	Minimum Lot Size (10,000sqm = 1ha)	564 sqm
9	Area Clearing Threshold (10,000sqm = 1ha)	2,500 sqm
10	Is the Area Clearing Threshold exceeded?	no
Is the proposed development assessed above the Biodiversity Offsets Schema (BOS) threshold? Exceeding the BOS threshold will require completion of a Biodiversity Development Assessment Report (BDAR). More details provided on page 2.		no

Figure 34: Biodiversity Values Threshold Result Summary (Source: DP&E 2024)

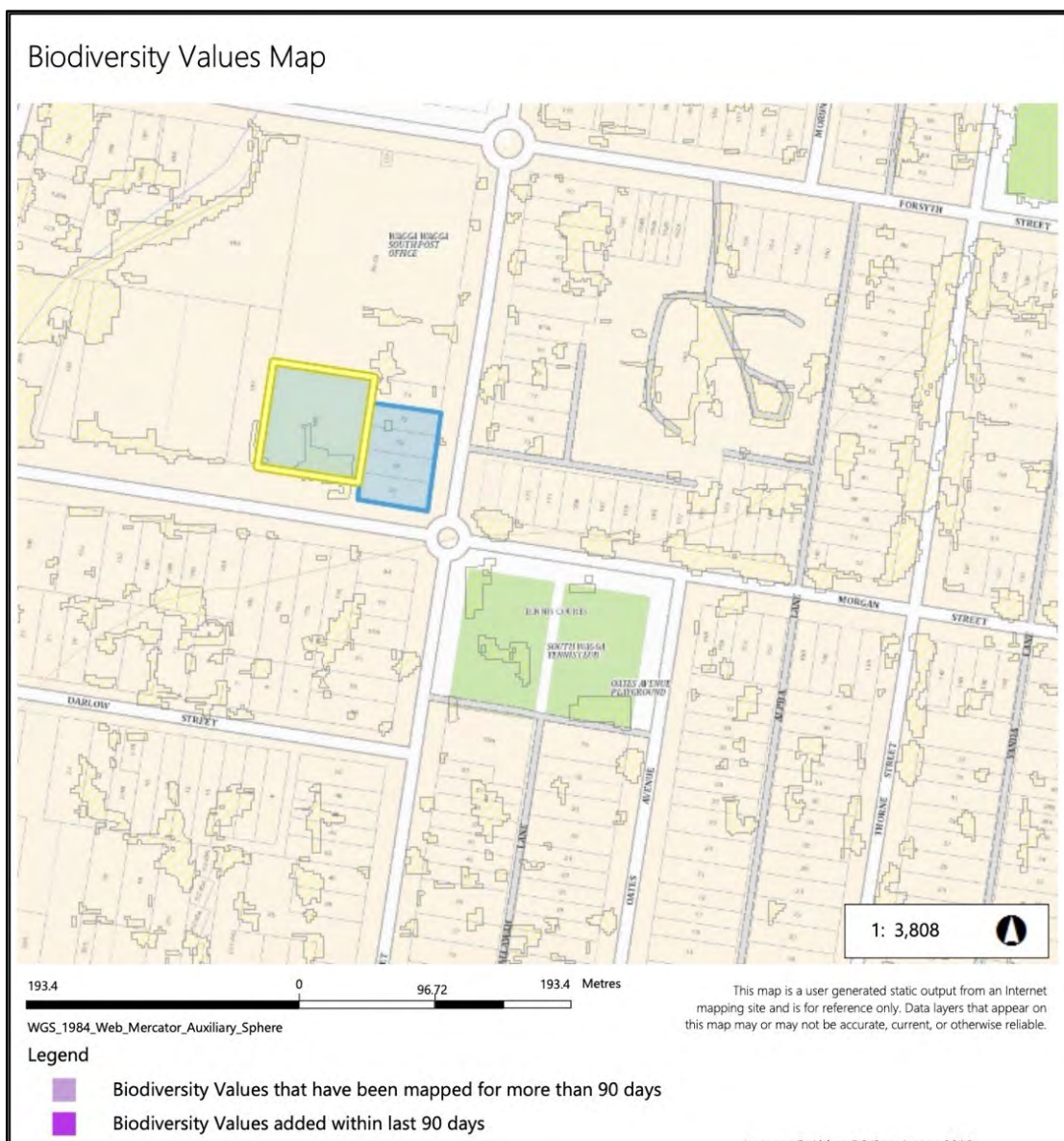


Figure 35: Biodiversity Values Map (Source: DP&E 2024)

6.3 State Environmental Planning Policies

The State Planning Controls applicable to this site, as listed by the NSW Planning Portal, are outlined in the table below. Note, whilst the NSW Planning Portal (Property Report) for the subject site still lists *SEPP No.65-Design Quality of Residential Apartment Development* as still applicable, this SEPP was repealed on 14/12/23. The content and controls from this SEPP are now embodied within Chapter 4 of *SEPP (Housing) 2021*, including reference to the ADG.

Table 10: SEPPs Applying to the Land and Proposal

Applicable SEPPs	
SEPP (Biodiversity and Conservation) 2021	
Chapter 1 Preliminary	Noted.
Chapter 2 Vegetation in non-rural areas	Applicable & Relevant, the proposal does not involve the removal of native vegetation. Any tree removal is noted in the Arborist Report.
Chapter 3 Koala habitat protection 2020	Not applicable, site does not threaten any existing native vegetation that is potentially koala habitat.
Chapter 4 Koala habitat protection 2021	Applicable & not relevant, the site is not within the Central & Southern Tablelands Koala Management Area. The site is already developed and no removal of native vegetation is proposed. The site does not support potential koala habitat and therefore no further assessment is required.

<i>Chapter 5 River Murray lands</i>	Not applicable, the proposal is not located in the riverine land of the River Murray within the City of Albury and the areas of Balranald, Berrigan, Conargo, Corowa, Deniliquin, Hume, Murray, Wakool, Wentworth and Windouran.
<i>Chapter 6 Water catchments</i>	Not applicable, the proposal is not located on land within the Sydney Drinking Catchment, Sydney Harbour Catchment, Georges River Catchment or the Hawkesbury-Nepean Catchment.
<i>Chapter 7-12 (repealed)</i>	Not applicable.
<i>Chapter 13 Strategic conservation planning</i>	Not applicable, the proposal is not located on the land application maps relevant to this Chapter.
SEPP (Exempt and Complying Development Codes) 2008	
Not applicable, the proposal cannot be undertaken as exempt or complying development.	
SEPP (Housing) 2021	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Affordable housing</i>	Applicable & not relevant, proposal is not for affordable housing development.
<i>Chapter 3 Diverse housing</i>	Applicable & not relevant, proposal is not for diverse housing development.
<i>Chapter 4 Design of residential apartment development</i>	Applicable & Relevant. The proposal involves residential apartment development. See further discussion below.
SEPP (Industry and Employment) 2021	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Western Sydney employment area</i>	Not applicable, the proposal is not located within the Western Sydney Employment Area.
<i>Chapter 3 Advertising and signage</i>	Applicable & not relevant, advertising and signage is not proposed. Any future application for signage as part of the commercial use will be subject to a separate development application.
SEPP (Planning Systems) 2021	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 State and regional development</i>	Applicable & Relevant, the proposal is considered to be Regionally significant development as Schedule 6. See further discussion below.
<i>Chapter 3 Aboriginal land</i>	Not applicable, the proposal is not located on land owned by the Aboriginal Land Council.
<i>Chapter 4 Concurrences and consents</i>	Not applicable, at this stage no notice has been made for the Planning Secretary to act as the concurrence authority for this DA.
SEPP (Primary Production) 2021	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Primary production and rural development</i>	Applicable & not relevant, the proposal is not on State significant land or for the development of small-scale & low risk artificial waterbodies, livestock industries or sustainable aquaculture.
<i>Chapter 3 Central Coast plateau areas</i>	Not applicable, the proposal is not on land marked Sydney Regional Environmental Plan 8 (Central Coast Plateau Area).
SEPP (Resilience and Hazards) 2021	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Coastal management</i>	Not applicable, the proposal is not on land within the coastal zone.
<i>Chapter 3 Hazardous and offensive development</i>	Not applicable, the proposal is not hazardous or offensive development.
<i>Chapter 4 Remediation of land</i>	Applicable & Relevant, a consent authority must not consent to the carrying out of any development on land unless land contamination has been considered. Refer to discussion below.
SEPP (Resources and Energy) 2021	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Mining, petroleum production and extractive industries</i>	Applicable & not relevant, the proposal does not involve mining, petroleum production or activities for an extractive industry.
<i>Chapter 3 Extractive industries in Sydney area</i>	Not applicable, the proposal does not involve activities for an extractive industry in the Sydney area.
SEPP (Sustainable Buildings) 2022	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Standards for residential development - BASIX</i>	Applicable & Relevant. The proposal involves residential development. See further discussion below.
<i>Chapter 3 Standards for non-residential development</i>	Applicable & Relevant. The proposal involves non-residential development. See further discussion below.
<i>Chapter 4 Miscellaneous</i>	Noted.
SEPP (Transport and Infrastructure) 2021	
<i>Chapter 1 Preliminary</i>	Noted.

<i>Chapter 2 Infrastructure</i>	Applicable & Relevant. The proposal involves a carpark with 200 or more spaces. This is considered Traffic Generating Development. See further discussion below.
<i>Chapter 3 Educational establishments and child care facilities</i>	Applicable & not relevant, the proposal is not for the development or alteration to an educational establishment or child care centre.
<i>Chapter 4 Major infrastructure corridors</i>	Applicable & not relevant, the proposal is not located on land mapped as intended to be used for a future infrastructure corridor.
<i>Chapter 5 Three ports-Port Botany, Port Kembla, and Port of Newcastle</i>	Not applicable, the proposal is not located on land in Port Botany, Port Kembla and the Port of Newcastle.
<i>Chapter 6 Moorebank Freight Intermodal Precinct</i>	Not applicable, the proposal is not located within the Moorebank Freight Intermodal Precinct.

6.3.1 SEPP (Housing) 2021 – Chapter 4 Design of Residential Apartment Development

SEPP65 - *Design Quality of Residential Apartment Development* was repealed on 14/12/23 and replaced by *Chapter 4 Design of residential apartment development of SEPP (Housing) 2021* (the SEPP).

The aims this Chapter of the SEPP are:

- (1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—
 - (a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—
 - (i) providing socially and environmentally sustainable housing, and
 - (ii) being a long-term asset to the neighbourhood, and
 - (iii) achieving the urban planning policies for local and regional areas,
 - (b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,
 - (c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,
 - (d) to better satisfy the increasing demand for residential apartment development, considering—
 - (i) the changing social and demographic profile of the community, and
 - (ii) the needs of a wide range of people, including persons with disability, children and seniors,
 - (e) to contribute to the provision of a variety of dwelling types to meet population growth,
 - (f) to support housing affordability,
 - (g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,
 - (h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.
- (2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.

The SEPP recognises that this type of development is an appropriate land use when located adjacent to central business districts or other relevant activity hubs. The proposed development meets the criteria for consideration under Chapter 4 this SEPP.

The proposal has been designed with reference to Part 3 and Part 4 of the Guidelines. The Apartment Design Guide (ADG) assessment table included with the attached Architectural Plan Set and Architectural Design Statement outlines each applicable objective and standard, and how the proposed development meets or exceeds the relevant standards. Where the guidelines are not met, additional justification has been provided, or performance-based solutions have been proposed, to address the specific noncompliance.

The architectural reports and ADG assessment table demonstrates the achievement of the objectives of Chapter 4 of the SEPP.

6.3.2 SEPP (Planning Systems) 2021 – Chapter 2 State and Regional Development

The aims of Chapter 2 in SEPP (Planning Systems) 2021 are to identify development that is of state and regional significance.

Under Part 2.4 Clause 2.19(1) of this SEPP, the proposal is declared regionally significant development as the proposal falls with the definition outlined in *Schedule 6 Clause 2 (General development over \$30 million)*, as it is development that has a capital investment value of more than \$30 million.

For the purposes of this proposal, the development application is assessed by Council and determined by the Southern Regional Planning Panel (SRPP).

6.3.3 SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

Consideration of site contamination is a statutory requirement when considering development applications. Relevant guidelines prepared under State Environmental Planning Policy (Resilience and Hazards) 2021 (Chapter 4) provide an outline of matters to be considered in this respect.

The history of land use of the subject land needs to be considered as an indicator of whether land contamination is a potential issue. Where there is no reason to suspect contamination after acting substantially in accordance with the Contaminated Land Planning Guidelines, the proposal may be processed in the usual way. However, where there is an indication that the land is, or may be, contaminated, the appropriate procedures outlined in the Contaminated Land Planning Guidelines should be followed.

The following information is provided to assist in an initial evaluation of the proposal in relation to site contamination.

Table 11: Contaminated Land Consideration – Initial Evaluation Data

Initial Evaluation Data	
Consideration of readily available information:	Response
a) current zoning	MU1 Mixed Use
b) permissible uses	See relevant section below.
c) records from previous rezonings or rezoning requests	Noted.
i. history of land uses including:	Agricultural, industrial and various commercial development
ii. development applications & building applications	See list above.
d) aerial photo history	See relevant photos included in this report and accompanying PSI & DSI.
e) property file information & site owner information	Historical information on previous development and building approvals were based on client and available information.
f) knowledge of council staff	To be determined by Council during its initial evaluation of the proposal.
g) adjoining property information	Commercial, residential
h) site inspection information including photographs	See below and accompanying PSI & DSI
Checklist questions (from Managing Land Contamination Guidelines)	Response
a) Are there any previous contaminated land investigations available for the site? If so, what were the results?	Yes, PSI conducted which concluded site had low risk of contamination but that it was potentially present. DSI also prepared.
b) Is there any history of activities, as listed in Table 1 of the Guidelines, on the land, past or present?	Yes, agricultural use.
c) Was the land at any time zoned for industrial, agricultural or defence purposes?	Yes, agricultural use. Site history reveals the land was originally cleared for agricultural use early 1940s.
d) Is there any history of licences, past or present, regulating the use of activities listed Table 1 of Guidelines over the land?	No, there have been no site audit statements provided to the EPA under section 53B of the Contaminated Land Management (CLM) Act 1997

Initial Evaluation Data	
e) Are there any land use restrictions on the land relating to possible contamination (eg EPA or other authority)?	No records have been issued against the site.
f) Does site inspection data suggest a history of any activities listed in Table 1 of Guidelines?	No.
g) Is there any information concerning contamination impacts on land immediately adjacent the site that could affect the site?	The surrounding land use of sites located south of the site include five lots which have been notified to the EPA on the list of NSW Contaminated sites. These include: Caltex service station, BP Wagga Wagga, Former Mobil Depot Wagga Wagga, Coles Express Wagga Wagga and Caltex Service Station. These lots are located within a range of 414-866m from the subject site.

As shown in the figure below, the subject site is not listed in Council records as potentially contaminated.

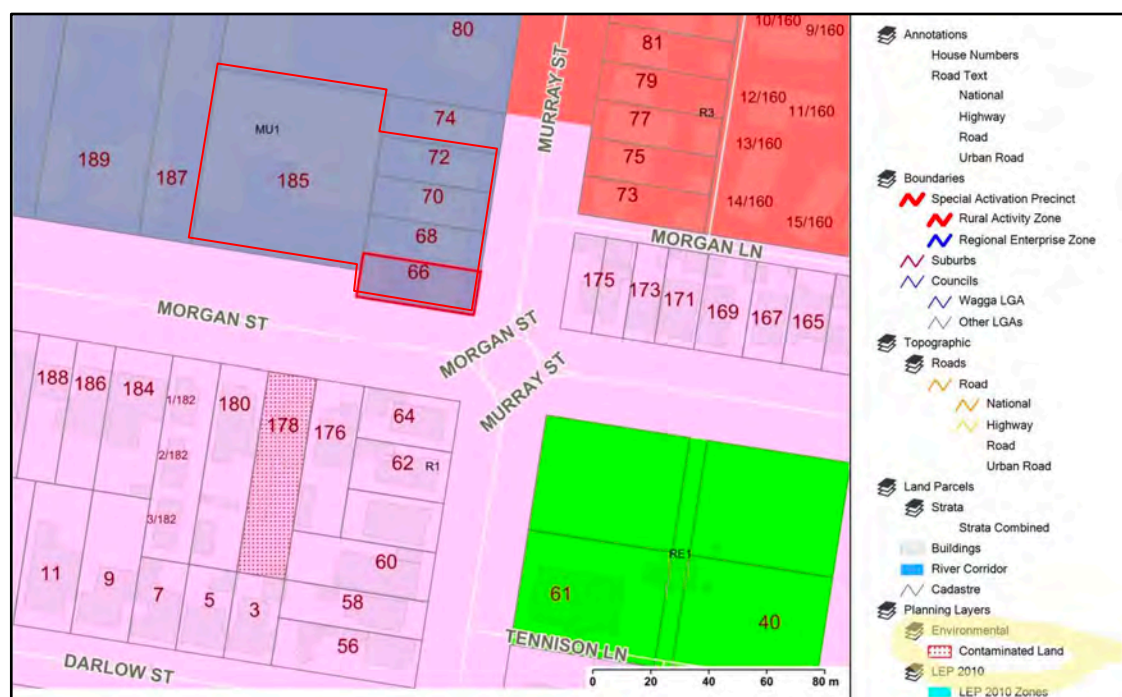


Figure 36: Contaminated Land Map (Source: WWCCGIS 2024)

Based on the available information as presented in the table above, and in accordance with the principles and objectives of the SEPP, both PSI & DSI site investigations were prepared for the site. These reports accompany this SEE.

The PSI concluded that:

- Contamination is potentially present at the site. Whilst the risk of significant and widespread contamination is considered low, additional data is required to determine if the site is suitable for the proposed development;
- The potential for contamination on site comes from possible pesticide application during agricultural use, hazardous materials used during construction of buildings and commercial use of the site including for machinery maintenance. Further investigative works including soil sampling and analysis is recommended.

A DSI was subsequently prepared for the site. A summary of the DSI outcomes is provided below:

- Data was obtained from 23 samples at 13 locations across the site and analysed for potential contaminants of concern as identified in the PSI.
- Chemical samples were analysed for heavy metals, total recoverable hydrocarbons (TRH's), poly aromatic hydrocarbon (PAH's), benzene, toluene, ethylbenzene, xylene and naphthalene (BTEXN). Samples were also analysed for pesticides and the presence of asbestos.

- No material suspected of containing asbestos was identified at any location.
- The majority of the site was measured to contain contaminant concentrations below detection or significantly less than the respective Health Investigation Level (HIL) in the National Environmental Protection Measure (NEPM) 2013.
- Borehole 4 of the site included an area to the north of the site which exceeded levels of poly aromatic hydrocarbon BaP (TEQ). The DSI concluded this area will require remediation as a hot spot.
- Further exceedances of Bap(TEQ) were found at borehole 12 and 13 which appeared to be related to bitumen that was observed in fill material. The concentrations were considered significant and will require remediation of the area of approximately 500m².
- Due to contaminants present that do not comply with the site acceptance criteria, a Remedial Action Plan (RAP) should be prepared to address the contaminated fill within the carparks.

A DSI Addendum was also prepared to accompany the DSI, which concluded:

- Contaminant concentrations in natural soil samples were measured to be indicative of expected background levels. Analytical data from fill soil samples measured was compliant with the adopted site acceptance criteria. Conclusions presented in the DSI remain consistent.
- It is considered the site can be made suitable for the intended land use as a mixed-use retail and residential development with the implementation of a site Remedial Action Plan (RAP).

6.3.4 SEPP (Sustainable Buildings) 2022 – Chapters 2 and 3

The aims of this SEPP are:

- (a) to encourage the design and delivery of sustainable buildings,
- (b) to ensure consistent assessment of the sustainability of buildings,
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
- (d) to monitor the embodied emissions of materials used in construction of buildings,
- (e) to minimise the consumption of energy,
- (f) to reduce greenhouse gas emissions,
- (g) to minimise the consumption of mains-supplied potable water,
- (h) to ensure good thermal performance of buildings.

Chapters 2 and 3 apply to the proposal as it involves both residential and non-residential development.

Chapter 2 Standards for residential development—BASIX

Chapter 2 applies to the proposal in the following manner:

BASIX development means the following development if it is not BASIX excluded development—

- (a) development that involves the erection, but not the relocation, of a BASIX building,

The QS Report provided with this application has advised the residential component of the development has a CIV of \$41,170,879.20 (inc GST) and is located in an MU1 zone.

Consideration of applicable sections of Chapter 2 of this SEPP is outlined below.

Table 12: Consideration of SEPP (Sustainable Buildings) 2022 Chapter 2 Provisions

Chapter 2 – Standards for residential development - BASIX	Response
2.1 Standards for BASIX development and BASIX optional development	
(1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.	Noted. Considered BASIX development under the EP&A Regulations 2021.
(2) Schedule 2 sets out the standards that apply to— (a) BASIX development referred to in paragraph (c) or (d) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021, and (b) BASIX optional development if the development application or the application for a complying development certificate was accompanied by a BASIX certificate.	Noted. Considered BASIX development under the EP&A Regulations 2021.
(3) The standard specified in Schedule 2, section 4 extends to a swimming pool or spa that has a capacity of less than 40,000L	Not applicable to development, no swimming pool or spa proposed.

if the swimming pool or spa is part of development referred to in paragraph (c) of the definition of BASIX development in the <i>Environmental Planning and Assessment Regulation 2021</i> .	
(4) A standard specified in Schedule 1 or 2 does not apply to development involving a heritage item or in a heritage conservation area to the extent that the Planning Secretary is satisfied that the development is not capable of achieving a standard because of other development controls that apply.	Not applicable to proposal. Development does not include heritage item or in a heritage conservation area.
(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	Noted. For Council consideration.
2.2 Standards not affected by environmental planning instruments or development control plans	
(1) A competing provision of an environmental planning instrument or development control plan, whenever made, is of no effect to the extent to which the provision aims— (a) to reduce consumption of mains-supplied potable water or greenhouse gas emissions related to the use of— (i) a building, or (ii) the land on which a building is located, or (b) to improve the thermal performance of development, or (c) to quantify and report on the embodied emissions attributable to development.	Noted. For Council consideration.
(2) Subsection (1) does not— (a) displace a competing provision to the extent to which the provision applies to part of BASIX development or BASIX optional development that will not be used for residential purposes, or (b) apply to a competing provision that encourages, or offers incentives for, the adoption of measures beyond the measures required by provisions of the kind referred to in the definition of competing provision.	Noted. For Council consideration.
(3) In this section— competing provision of an environmental planning instrument or development control plan means a provision that— (a) establishes a development standard, or (b) requires a consent authority to consider a matter when determining a development application, or (c) requires a consent authority to be satisfied about a matter before granting development consent, or (d) requires a consent authority to impose a condition on a development consent, or (e) affects the granting of a development consent or the conditions with which a development consent is granted.	Noted. For Council consideration.
Schedule 1 Standards for erection of BASIX buildings and change of use to BASIX buildings	
1 Baseline standards (1) On or before 1 October 2023, the Planning Secretary must publish the following on the NSW planning portal— (a) a baseline amount of greenhouse gas emissions resulting from the use of energy attributable to occupants of types of development over a year, (b) a baseline average daily amount of mains-supplied potable water use attributable to occupants of development over a year, (c) the standard occupancy rates. (2) The number of occupants for development in sections 2 and 3 is to be calculated using the standard occupancy rates published under subsection (1)(c).	Noted.
2 Energy use (1) This section specifies the standard for energy use for different types of development according to the climate zone in which the development will be carried out. (2) The standard is that the amount of greenhouse gas emissions resulting from the use of energy attributable to an occupant of the development over a year must be less than the baseline, by at least the percentage specified in Table 1 for the development. (3) Column 1 of Table 1 specifies the percentage for prescribed residential accommodation with a total floor area of 110m ² or less.	Satisfied. Refer to BASIX documentation for proposal.

(4) Column 2 of Table 1 specifies the percentage for prescribed residential accommodation with a total floor area of more than 110m². (5) Column 3 of Table 1 specifies the percentage for residential flat buildings and shop top housing with up to 3 storeys above ground level (existing). (6) Column 4 of Table 1 specifies the percentage for residential flat buildings and shop top housing with 4 or 5 storeys above ground level (existing). (7) Column 5 of Table 1 specifies the percentage for residential flat buildings and shop top housing with 6–20 storeys above ground level (existing).	
3 Water use (1) This section specifies the standard for water use for development, according to the area shown on the Water Use Map in which the development will be carried out. (2) The standard is that the average daily amount of mains-supplied potable water use attributable to an occupant of the development over a year must be less than the baseline, by at least the percentage shown on the Water Use Map for the land on which the development will be carried out.	Satisfied. Refer to BASIX documentation for proposal.
Part 2 Thermal performance	
4 Application of Part (1) This Part specifies the standard for thermal performance for different types of development according to the climate zone in which the development will be carried out. (2) The standard represents the maximum amount of energy that may be used to heat and cool a dwelling to a comfortable temperature, measured in megajoules per square metre of the conditioned floor area of the dwelling over a year.	Satisfied. Refer to BASIX documentation for proposal.
5 Prescribed residential accommodation (1) This section applies to dwellings in prescribed residential accommodation.	Not applicable to proposal.
6 Residential flat buildings and shop-top housing with up to and including 5 storeys (1) This section applies to dwellings in residential flat buildings and shop-top housing with up to and including 5 storeys above ground level (existing).	Not applicable to proposal, proposed development higher than 5 storeys.
7 Residential flat buildings and shop-top housing with 6 or more storeys (1) This section applies to dwellings in residential flat buildings and shop-top housing with 6 or more storeys above ground level (existing). (2) Column 1 of Table 4 specifies the standard for the total heating and cooling of a dwelling in the residential flat building or shop-top housing. (3) Column 2 of Table 4 specifies the standard for heating a dwelling in the residential flat building or shop-top housing. (4) Column 3 of Table 4 specifies the standard for cooling a dwelling in the residential flat building or shop-top housing. (5) Column 4 of Table 4 specifies the standard for the total heating and cooling of all dwellings in the residential flat building or shop-top housing, calculated as a weighted average according to the conditioned floor area of a dwelling. (6) Column 5 of Table 4 specifies the standard for heating all dwellings in the residential flat building or shop-top housing, calculated as a weighted average according to the conditioned floor area of a dwelling. (7) Column 6 of Table 4 specifies the standard for cooling all dwellings in the residential flat building or shop-top housing, calculated as a weighted average according to the conditioned floor area of a dwelling.	Satisfied. Refer to BASIX documentation for proposal.

Chapter 3 Standards for non-residential development

Chapter 3 applies to the proposal in the following manner:

- (a) *the erection of a new building, if the development has a capital investment value of \$5 million or more*

The QS Report provided with the application advises that the non-residential component of the development is estimated at \$1,883,120.80 (inc GST) and therefore under the \$5 million threshold to be considered applicable to this clause.

In accordance with the general sustainability requirements of this SEPP, the subject proposal intends to:

- *minimise waste from associated demolition and construction, including choice and reuse of building materials;*
- *reduce in peak demand for electricity, including through the use of energy efficient technology;*
- *generate and store renewable energy;*
- *reduce reliance on artificial lighting and mechanical heating and cooling through passive design;*
- *meter and monitor energy consumption; and*
- *minimise consumption of potable water.*

Consideration of applicable sections of Chapter 3 of this SEPP is outlined below. It is noted, however, that in accordance with advice from NSWDPHI, commercial premises are currently excluded from the large commercial requirements.

Table 13: Consideration of SEPP (Sustainable Buildings) 2022 Chapter 3 Provisions

Chapter 3 Standards for non-residential development	Response
3.2 Development consent for non-residential development	
(1) <i>In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</i> (a) <i>the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</i> (b) <i>a reduction in peak demand for electricity, including through the use of energy efficient technology,</i> (c) <i>a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</i> (d) <i>the generation and storage of renewable energy,</i> (e) <i>the metering and monitoring of energy consumption,</i> (f) <i>the minimisation of the consumption of potable water.</i>	Noted. For Council consideration.
(2) <i>Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i>	Noted. For Council consideration. There are no specific requirements under the new policy relating to commercial premises of this scale.
3.3 Other considerations for large commercial development	
(1) <i>In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.</i>	Noted. For Council consideration.
(2) <i>Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.</i>	Noted. For Council consideration. See discussion regarding Schedule 3 requirements below.
(3) <i>For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.</i>	Noted. For Council consideration.
(4) <i>Subsection (2), to the extent it relates to energy use, does not apply to large commercial development on land to which the following local environmental plans apply—</i> (a) <i>Sydney Local Environmental Plan 2012,</i> (b) <i>Sydney Local Environmental Plan (Green Square Town Centre) 2013,</i> (c) <i>Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013.</i>	Noted. Not applicable to this proposal.

(5) Despite subsection (4), subsection (2) applies to large commercial development to the extent that the development relates to prescribed serviced apartments.	Noted. Not applicable to this proposal.
3.4 Other considerations for certain State significant development	
(1) This section applies to non-residential development that is declared to be State significant development by State Environmental Planning Policy (Planning Systems) 2021, section 2.6(1) and specified in that policy, Schedule 1, sections 13–15.	Not applicable. The proposal is not SSD.
(2) In deciding whether to grant development consent to development to which this section applies, the consent authority must consider whether the development will minimise the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.	Not applicable. The proposal is not SSD.
Schedule 3 Standards for energy and water use for large commercial development	
1 Energy use (1) The standard for energy use for development for the purposes of prescribed office premises is a 5.5 star NABERS energy rating. (2) The standard for energy use for development for the purposes of prescribed hotel or motel accommodation is a 4 star NABERS energy rating. (3) The standard for energy use for development for the purposes of prescribed serviced apartments is a 4 star NABERS energy rating. (4) To avoid doubt, different standards may apply to the same building if it is used for different purposes.	Applicable to the commercial space. The proposal will achieve a 5.5 star NABERS energy rating. See plans and supporting reports for details. The proposal does not include hotel or motel accommodation, or serviced apartments.
2 Water use The standard for water use for large commercial development is a 3 star NABERS water rating.	Not applicable. There are no specific requirements under the new policy relating to commercial premises of this scale. Water efficiency details will be provided at construction stage.

6.3.5 SEPP (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure

The proposal involves the construction of a carpark with 200 or more spaces. This is considered Traffic Generating Development under Schedule 3 of the SEPP. The accompanying TPIA has also confirmed this requirement.

Clause 2.122 2 Traffic-generating development (Chapter 2, Part 2.3, Division 17) of this SEPP is applicable and relevant to this proposal. Under clause 2.122(4), the consent authority must refer the DA to TfNSW for comment. This and other requirements are outlined below:

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

6.4 Wagga Wagga Local Environmental Plan (LEP) 2010

The site is subject to the provisions of Wagga Wagga Local Environmental Plan 2010 (the LEP).

The particular aims of the LEP are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to optimise the management and use of resources and ensure that choices and opportunities in relation to those resources remain for future generations,*
- (b) to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change,*
- (c) to promote the sustainability of the natural attributes of Wagga Wagga, avoid or minimise impacts on environmental values and protect environmentally sensitive areas,*
- (d) to co-ordinate development with the provision of public infrastructure and services.*

The proposal satisfies these aims providing a sustainable development on serviced and appropriately zoned land. The development will avoid impacts on environmentally sensitive areas and localities, and provide a facility for the social and economic benefit of the local and wider community.

The site has been the subject of a Planning Proposal (LEP19/002) that has facilitated the following LEP and DCP amendments:

- Reclassification of Public Land - identifying Part Lot A DP331461 and Lot 1 DP375748 as operational land;
- Rezoning of Land - Lot A DP331461 and Lot 1 DP375748 rezoned from RE1 Public Recreation to B4 Mixed Use;
- Rezoning of Land - Lots 1 - 5 DP20847 rezoned from R1 General Residential to B4 Mixed Use;
- Height of Buildings Map - amended by identifying all the subject land as having a maximum building height development standard of 35 metres;
- Floor Space Ratio Map - amended by removing the maximum floor space ratio development standard that applies to the relevant subject land; and
- Including site specific development controls with DCP2010 (section 10.8) to support the intentions of the LEP amendments.

The LEP and DCP amendment process generated significant local community interest and comment, particularly in relation to potential carparking, traffic and amenity impact. Council undertook an extended and thorough community consultation process to ensure the concerns of the local community were heard and understood, particularly in relation to the broader implications of adopting the LEP amendments and DCP precinct master plan. The detailed DCP controls are aimed at addressing community interest in broader precinct planning and to ensure a quality built and environmental outcome for the site and local area.

Discussion on applicable sections of the LEP is provided below.

6.4.1 Land Use Zoning

The subject land is zoned MU1 Mixed Use under the provisions of the LEP, as shown in the figure below.

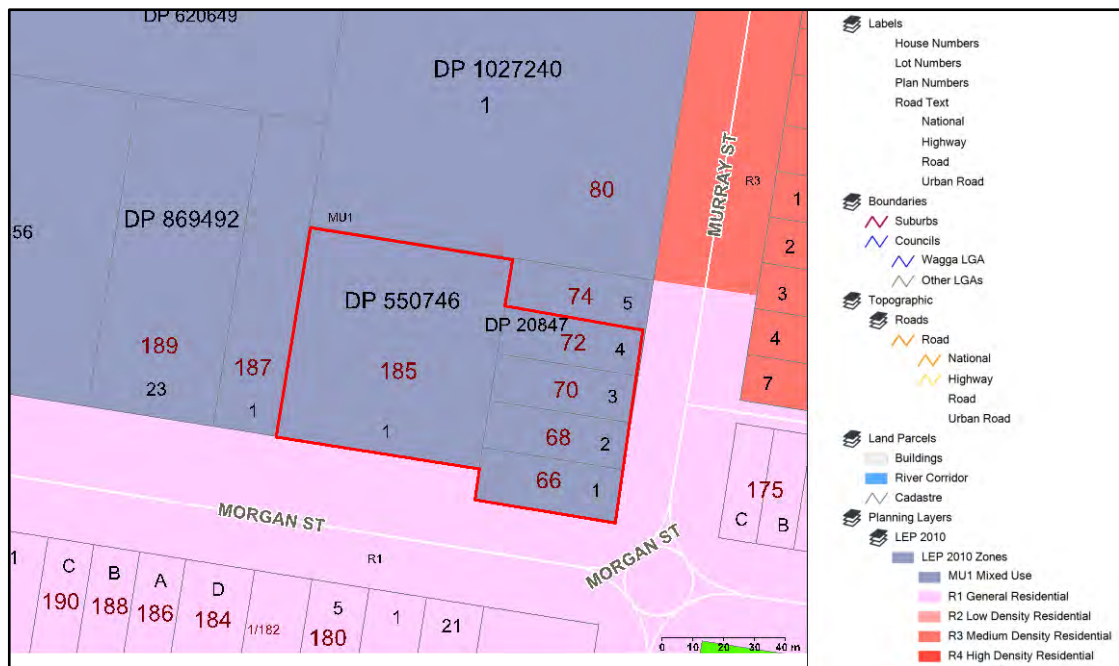


Figure 37: Land Zoning Map (Source: WWCCGIS 2024)

Land Use Table extracts for the MU1 Mixed Use zone is provided below:

Permitted without consent
Home-based child care; Home occupations
Permitted with consent
Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises ; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Self-storage units; Shop top housing ; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4
Prohibited
Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Camping grounds; Caravan parks; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Open cut mining; Recreation facilities (major); Research stations; Rural industries; Rural workers' dwellings; Sewerage systems; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities

6.4.2 Permissibility

The proposal is a mixed-use development as defined below:

mixed use development means a building or place comprising 2 or more different land uses.

The proposal also involves two types of residential accommodation that are separately defined under the LEP. Commercial Premises are also separately defined, as outlined below:

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

All the above land uses are permissible with development consent on the subject land.

Permissibility of the subject proposal is directly related to the adoption of LEP Amendment No.31, as published on 14/2/2020.

The Zone Objectives are considered in the table below as they relate to the proposed land uses. The proposal is generally consistent with all applicable MU1 objectives:

Table 14: Relevant LEP 2010 Zone Objectives

LEP 2010 – MU1 Mixed Use	
Objective	Comments
<i>To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.</i>	Consistent, the proposal is the next stage of an integrated development plan as adopted by Council. The proposal will include suitable commercial development that will generate employment opportunities.
<i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i>	Consistent, the proposal optimises connectivity with surrounding street frontages that attract pedestrian traffic.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	Consistent, proposal minimises conflict between land uses within adjoining zones by ensuring quality building design in accordance with guidelines such as the ADG.
<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>	Consistent, proposed development includes the use of the ground-floor as commercial premises.

6.4.3 Variation

No variations to the LEP are required to facilitate the proposed development.

6.4.4 Consideration of Relevant LEP Clauses

In addition to LEP2010 clauses contained in Part 1 (Aims) and Part 2 (Permissibility) discussed above, the following other clauses have been considered in relation to this development proposal:

Table 15: WWLEP 2010 Relevant Clauses - Consideration Summary

WWLEP 2010 Relevant Clause	Comment
Part 3 – Exempt and complying development	
3.1 – 3.3	Noted.
Part 4 – Principal development standards	
4.1 – 4.6A	Not applicable.
4.3 Height of Buildings	Applicable. See discussion below.
4.4 - 4.6A	Not applicable.
Part 5 – Miscellaneous provisions	
5.1 – 5.20	Not applicable.
5.21 Flood planning	Applicable. See discussion below.
5.22 – 5.25	Not applicable
Part 6 – Urban release areas	
6.1-6.5	Not applicable.
Part 7 – Additional local provisions	
7.1 – 7.5	Not applicable.
7.6 Groundwater Vulnerability	Applicable, see discussion below.
7.7 – 7.8	Not applicable.
7.9 Primacy of Zone E2	Applicable, see discussion below.
7.10 – 7.13	Not applicable.

Where indicated as applicable, the relevant clause subject matter is discussed and considered in further detail below.

6.4.5 Height of buildings – LEP Clause 4.3

The subject land is limited to a maximum building height of 35 metres.



Figure 38: Height of Buildings Map (Source: WWLEP2010)

The objectives of this Clause are:

- (a) to enhance the vitality of Wagga Wagga city centre by facilitating medium and high density residential, commercial and retail development in a co-ordinated and cohesive manner,
- (b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,
- (c) to encourage mixed use development with residential components that have high residential amenity and active street frontages,
- (d) to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain.

The clause is relevant to the consent authority by identifying matters that it must be satisfied with in order to grant development consent. The height of a building on any land subject to this clause is not to exceed the maximum height shown for the land on the Height of Buildings Map (see extract above).

The subject land is limited to a maximum building height of 35 metres under LEP. Additional site and precinct specific height controls are included in DCP2010 to address urban design and local amenity objectives.

The proposal satisfies this clause by proposing three (3) buildings which each have a maximum height below the limitation identified in the applicable LEP height control map. The buildings will have the following heights:

- Building 3A – maximum height of 32 metres plus 3m plant and overrun zone which is consistent with both the LEP and DCP provisions.
- Building 3B – maximum height of 24 metres plus 3m plant and overrun zone which is consistent with the LEP provisions. Refer to section 6.5.2 of the SEE for discussion in relation to a variation to DCP provisions.
- Building 3C - maximum height of 12m which is consistent with both the LEP and DCP provisions.

In addition, the proposal also meets the objectives of the zone by addressing all specific design criteria consistent with the urban design master plan endorsed by the community under Planning Proposal LEP19/0002.

Table 16: Consideration of LEP Clause 4.3 Provisions

Relevant 4.3 Provision	Response
(1)(a) to enhance the vitality of Wagga Wagga city centre by facilitating medium and high density residential, commercial and retail	Consistent. The proposal is a response to the desired future character of the local area. The proposal will enhance the vitality of the local area by facilitating

development in a co-ordinated and cohesive manner,	residential and commercial development in accordance with an agreed precinct masterplan.
(b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,	Consistent. Refer to attached architectural plans in relation to the particular considerations and attributes of the proposal. The height of the buildings will complement the streetscape and desired future character of the local area.
(c) to encourage mixed use development with residential components that have high residential amenity and active street frontages,	Consistent. The proposal encourages mixed use development in this precinct with active street frontages, in accordance with an agreed precinct masterplan that includes residential components.
(d) to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain.	Consistent. The proposal has considered potential impact on the amenity of neighbouring properties to ensure a proposal consistent with the precinct's desired future character.
(2) 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.	Consistent. The proposed height of the building is below the maximum height shown for this land on the Height of Buildings Map.

6.4.6 Flood Planning – LEP Clause 5.21

Consideration of LEP Clause 5.21 is applicable as the land is mapped as subject to overland stormwater flooding and within the MOFFS Flood Planning Area. The objectives of this clause are:

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

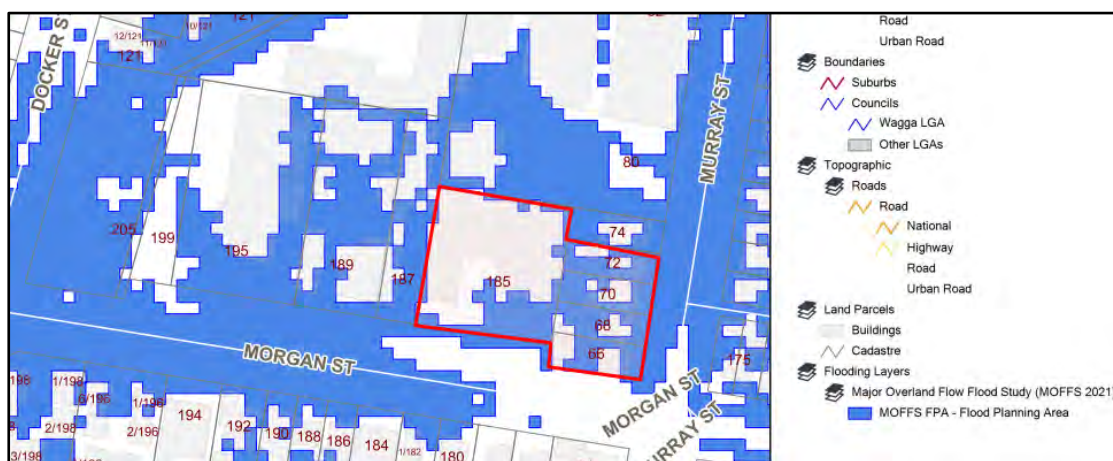


Figure 39: Flooding Map (WWGIS 2024)

As discussed in previous section of this SEE, stormwater network management and potential overland flooding is a primary concern for this area considering the ongoing need for connectivity to the Wollundry Lagoon and surrounding urban stormwater drainage network. In cooperation with Council, detailed analysis by Northrop has been made of the local stormwater network and potential flood impact, including further flood modelling assessment to compliment earlier modelling prepared by Council.

Table 17: Consideration of LEP Clause 5.21 and 5.22 Provisions

Relevant 5.21 Provisions	Response
(1) The objectives of this clause are as follows	
(a) to minimise the flood risk to life and property associated with the use of land	The habitable floor level adopted for the site has been set in accordance with Wagga Wagga Overland

	Flow Freeboard Assessment which is at the 1% AEP flood level plus 300mm freeboard to minimise risk.
<i>(b) 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</i>	Proposed Stage 3 development does not change the existing flood behaviour on site and is therefore considered compatible with the flood function. Refer to accompanying flood assessment report.
<i>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment</i>	The accompanying flood report illustrates within the design model that the proposal is not expected to significantly impact other properties within the surrounding environment.
<i>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood</i>	The accompanying flood report addresses mitigation measures for short flood durations, shelter in place is considered appropriate for this development.
<i>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development-</i>	
<i>(a) is compatible with the flood function and behaviour on the land, and</i>	The proposal is compatible with the flood function and behaviour as the land, as outlined in the supporting flood assessment report.
<i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i>	The proposal will not adversely affect overland flooding behaviour in this locality. See accompanying flood assessment report.
<i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i>	The proposal will not significantly affect the safe occupation, evacuation of people or exceed the capacity of existing evacuation routes for the area. See accompanying flood assessment report.
<i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i>	Satisfied. See accompanying flood assessment report.
<i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i>	The proposal will not significantly impact the environment. See accompanying flood assessment report.
<i>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i>	
<i>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</i>	Based on information in the Wagga Wagga MOFFS report, an allowance of 0.1, has been included within the floor level of the proposed development to account for climate change.
<i>(b) the intended design and scale of buildings resulting from the development,</i>	Intended design and scale of the buildings are considered appropriate. See accompanying flood assessment report.
<i>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i>	Satisfied. See accompanying flood assessment report.
<i>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i>	Noted. See accompanying flood assessment report.
Relevant 5.22 provisions	Response
<i>(1) The objectives of this clause are as follows</i>	
<i>(a) to enable the safe occupation and evacuation of people subject to flooding,</i>	Satisfied. Refer to accompanying flood report.
<i>(b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,</i>	Satisfied. Refer to accompanying flood report.
<i>(c) to avoid adverse or cumulative impacts on flood behaviour,</i>	Satisfied. Refer to accompanying flood report.
<i>(d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,</i>	Satisfied. Refer to accompanying flood report.
<i>(e) to avoid adverse effects of hazardous development on the environment during flood events.</i>	Satisfied. Refer to accompanying flood report.
<i>(2) This clause applies to</i>	
<i>(b) for development that is not sensitive and hazardous development—land the consent</i>	Consideration is given, refer to below.

authority considers to be land that, in the event of a flood, may— (i) cause a particular risk to life, and (ii) require the evacuation of people or other safety considerations.	
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—	
(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and	Due to the typology of the development, refuge is expected to be available on-site above the PMF, limiting the need for evacuation. Safe occupation in the event of local flooding can be sought on site. Refer to accompanying flood report for further detail.
(b) incorporates appropriate measures to manage risk to life in the event of a flood, and	The upper floors of the proposed development provide refuge in the event of a PMF to manage the risk to life.
(c) will adversely affect the environment in the event of a flood.	The proposal is located outside the extent of the Wollundry Lagoon and Murrumbidgee River and maintains a similar footprint and function to existing buildings, it is not expected to result in adverse affects.

6.4.7 Groundwater vulnerability – LEP Clause 7.6

The objective of this Clause is:

to protect and preserve groundwater sources.

The clause is relevant to the consent authority by identifying matters that it must be satisfied with in order to grant development consent.

No further consideration is required at this stage as the development is not specified for the purpose of this clause.

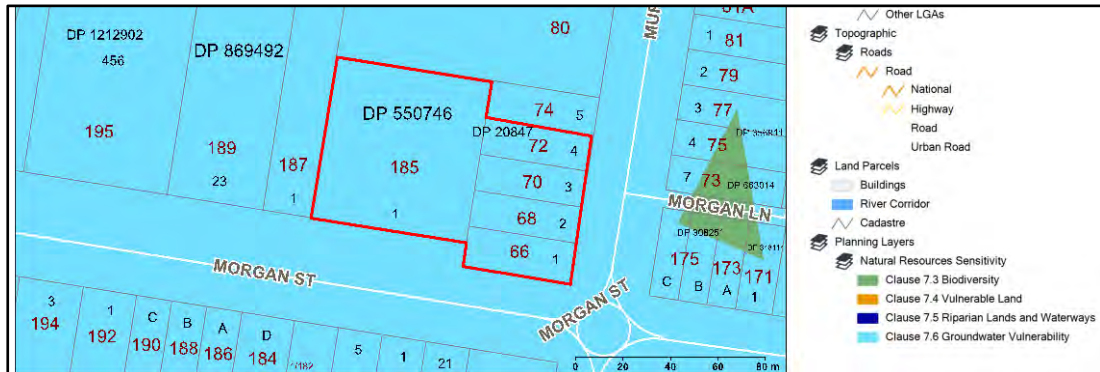


Figure 40: Groundwater Sensitivity Map (Source: WWCCGIS 2024)

6.4.8 Primacy of Zone E2 Commercial Core – LEP Clause 7.9

The objectives of this Clause are:

- (a) *to maintain the primacy of Zone E2 Commercial Core as the principal business, office and retail hub of the Wagga Wagga city centre and to ensure that development does not conflict with the hierarchy of commercial centres,*
- (b) *to strengthen Wagga Wagga's position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, health care, culture and the arts.*

The clause is relevant to the consent authority by identifying matters that it must be satisfied with in order to grant development consent. 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 Core as the principal business, office and retail hub of Wagga Wagga.

The commercial space proposed with Stage 3 is less than the current floor space occupied by existing tenancies within buildings located on 185 Morgan Street that are to be demolished as part of this DA. The proposal provides a total commercial GFA of 1,435m². The net change in commercial GFA for the subject site (less 3232m² of demolished buildings tenanted areas) is -1,797m².

The development aims to support the primacy of the CBD/E2 Commercial Core by proposing land uses that are consistent with the MU1 Mixed Use zone objectives whilst maintaining integrity with adopted strategic directions agreed to by the community under the recent Planning Proposal LEP19/0002 approval.

6.5 Wagga Wagga Development Control Plan 2010 (DCP)

Sections 2 and 10 of the Wagga Wagga Development Control Plan (DCP) 2010 are relevant to the proposed development and are considered in the Table below. There are no carry-over provisions of Wagga Wagga Development Control Plan 2005 applicable to this proposal.

Section 2: Controls That Apply to All Development		
Clause	Objective/Control	Comments
2.1 Vehicle Access and Movements	<i>C1: Access should be from an alternative secondary frontage or other non-arterial road where possible.</i>	Satisfied, access to be from Morgan St, see details on development plans and accompanying TPIA.
	<i>C2: A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.</i>	Satisfied, see TPIA.
	<i>C3: Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.</i>	Satisfied, see details on development plans and accompanying TPIA.
	<i>C4: Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.</i>	Satisfied, see details on development plans and accompanying TPIA.
	<i>C5: Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.</i>	Satisfied, see details on development plans and accompanying TPIA.
	<i>C6: Ensure adequate sight lines for proposed driveways.</i>	Satisfied, see details on development plans and accompanying TPIA.
	2.2 Off-street parking	
	<i>Controls – parking rates</i>	
	<i>C1: Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.</i>	Satisfied, see discussion above, details on development plans and accompanying TPIA.
	<i>C2: The design and layout of parking is to be in accordance with the relevant Australian Standard at the time of lodgement of an application.</i>	Satisfied, see discussion above, details on development plans and accompanying TPIA.
	<i>C3: Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with the relevant Australian Standard at the time of lodgement of an application.</i>	Satisfied, see discussion above, details on development plans and accompanying TPIA.
	<i>C4: For mixed use developments, the parking required is the total of requirements for each use. Variations can be considered where it can be demonstrated that the peak demand for each land use component is staggered or that development as a whole</i>	Satisfied, see discussion above, details on development plans and accompanying TPIA.

	<i>generates less parking than separable parts.</i>	
	<i>C5: In the case of redevelopment or change of use (other than in the B3 zone) the parking requirements are to be calculated by: a. Determining the parking requirement of the current or previous use in accordance with the table, then b. Determining-e the parking requirement for the new use, then c. Subtracting the existing requirement from the requirement for the proposed use to determine the number of spaces required (i.e. a credit is provided for any shortfall that exists on the site for the current use).</i>	Not applicable to this proposal.
	<i>C6: In the case of redevelopment or change of use within the B3 zone where there is no increase in gross floor area, no additional car parking spaces will be required, except in the following instances: a. Outbuildings are proposed to be used in association with the development, or b. A Traffic Impact Assessment (TIA) is required by Council for the development.</i>	Not applicable to this proposal.
	<i>C7: Variations to the parking requirements may be considered where minor alterations and additions are proposed and the changes do not encroach or reduce the current off-street parking spaces.</i>	Satisfied, no variations required
	<i>C8: A traffic and parking study may be required for certain proposals, including but not limited to proposals for schools and other education uses including child care centres, business parks, hospitals, cinemas and gyms.</i>	Not applicable to this proposal.
	<i>C9: Provide trees within the parking area at a rate of 1 tree per 5 spaces in a row. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m².</i>	Satisfied, see details on development plans and accompanying TPIA.
	<i>C10: Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.</i>	Satisfied, see details on development plans and accompanying TPIA.
	<i>C11: To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.</i>	Satisfied, see details on development plans and accompanying TPIA.
2.3 Landscaping	<i>Landscape design C1: A landscape plan is required for applications for: • Commercial and Industrial developments • Residential development (other than dwelling houses).</i>	Satisfied, see details on development plans and accompanying landscape plan.
	<i>C2: Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.</i>	Not applicable to this proposal.

	<i>C3: Use native and indigenous plants, especially low water consumption plants in preference to exotic species.</i>	Satisfied, see details on development plans and accompanying TPIA.
	<i>C4: Trees should be planted at the front and rear of properties to provide tree canopy.</i>	Satisfied, see details on development plans and accompanying TPIA.
	<i>C5: Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.</i>	Satisfied, see details on development plans and accompanying TPIA.
	<i>C6: Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.</i>	Satisfied, see details on development plans and accompanying TPIA.
2.4 Signage	<i>General controls for signage and structures C1 – C11:</i>	Not applicable. No signage proposed with this DA.
2.5 Safety and security	<i>C1: Use good site planning to clearly define public, semi-public and private areas.</i>	Satisfied, see discussion above and accompanying CPTED report.
	<i>C2: Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.</i>	Satisfied, see discussion above and accompanying CPTED report.
	<i>C3: Minimise blank walls along street frontages.</i>	Satisfied, see discussion above and accompanying CPTED report.
	<i>C4: Avoid areas of potential concealment and 'blind' corners</i>	Satisfied, see discussion above and accompanying CPTED report.
	<i>C5: Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.</i>	Satisfied, see discussion above and accompanying CPTED report.
	<i>C6: Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.</i>	Satisfied, see discussion above and accompanying CPTED report.
	<i>C7: Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.</i>	Satisfied, see discussion above and accompanying CPTED report.
	<i>C8: Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.</i>	Not applicable to this proposal.
2.6 Erosion and Sediment Control Principles	<i>O1: Protect the environment against soil erosion and loss of soil from construction sites</i>	Satisfied, see accompanying Civil Design Plans.
	<i>O2: Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.</i>	Satisfied, see accompanying Civil Design Plans.
	<i>O3: Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.</i>	Satisfied, see accompanying Civil Design Plans.
	<i>O4: Promote the implementation of erosion and sediment control measures by persons undertaking construction and earthworks activities to prevent the loss of soil from the site.</i>	Satisfied, see accompanying Civil Design Plans.

2.7 Development adjoining open space	<i>C1: Private developments are not to gain access across public open space.</i>	Not applicable to this proposal.
	<i>C2: Materials are not to be stored on public land.</i>	Not applicable to this proposal.
	<i>C3: Design, massing, scale and materials to be compatible with the amenity, views and outlook from the open space area.</i>	Not applicable to this proposal.
	<i>C4: Landscaping is not to encroach into any public reserve.</i>	Not applicable to this proposal.
Section 4: Environmental Hazards and Management		
Clause	Objective/Control	Comments
4.2 Flooding	<i>O1 Minimise the public and private costs of flood damage.</i>	The proposal is not expected to result in significant adverse impacts to surrounding properties.
	<i>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.</i>	The proposal meets design requirements to mitigate risks due to flood. Refer to accompanying flood impact assessment.
	<i>O3 Ensure that development and construction are compatible with the flood hazard.</i>	The development has been placed at or above the necessary Flood Planning Levels. Refer to accompanying flood impact assess
	<i>O4 Require compatibility with the Flood Plain Development Manual 2005 as relevant.</i>	The development has been designed in accordance with Council's LEP and DCP requirements, and is considered to be consistent with NSW Flood Risk Management Manual 2023.
	<i>Development within Central Business Area (Protected by levee) C3 Development in the Central Wagga precinct (being the area protected by levees) is to comply with the provisions of Table 4.2.1. Minimum floor height 225,, above ground level within the building footprint</i>	Finished floor levels have been set at 179.61m AHD in accordance with MOFFS, allowing for a minimum of 300mm above ground level.
	<i>Consider local drainage and ponding of stormwater above the levee</i>	Refer to accompanying flood impact assessment.
Section 10: Business Development		
Clause	Objective/Control	Comments
10.2 Mixed use development	<i>C1: All developments on sites and consolidated sites larger than 1 hectare within the B4 zone are required to be in accordance with an urban design based on master plan approved by Council. Controls C2 to C9 will not apply in such instances.</i>	Satisfied. Site is within an approved master planned precinct.
	<i>C2: Locate commercial and retail uses at ground level. Any residential component should be on upper level floors.</i>	Satisfied, refer to architectural plan set.
	<i>C3: Provide a ground floor frontage that is compatible with the form, rhythm, scale and character of adjoining developments or the intended future-built character for the area. For example, in an area characterised by smaller shop fronts locate larger uses or commercial spaces within the building or on upper levels.</i>	Satisfied, refer to architectural plan set.
	<i>C4: Provide separate entrances to the residential and non-residential components.</i>	Satisfied, refer to architectural plan set.
	<i>C5: On-site parking should be provided either in basement parking levels or otherwise be concealed from view from the façade to the primary street frontage.</i>	Satisfied, refer to architectural plan set.

	<i>C6: Access to basement parking levels is to be from one entry point.</i>	Satisfied, refer to architectural plan set.
	<i>C7: Residential parking areas are to be secure and separate from non-residential parking and servicing areas.</i>	Satisfied, refer to architectural plan set.
	<i>C8: The residential component is required to comply with relevant provisions of Part 9 for solar access, private open space and privacy.</i>	Satisfied, refer to comments above and architectural plan set and statement.
	<i>C9: Minimise expanses of blank walls and use articulation and materials to create visually interesting street elevations.</i>	Satisfied, refer to architectural plan set.
10.8 Morgan, Murray and Forsyth Streets Mixed Use Precinct	<i>C1 – C17: Various controls.</i>	These are specified and detailed controls relating to the subject site. Further consideration is provided in a separate section below and also the accompanying Architectural Design Statement.

6.5.1 Morgan, Murray and Forsyth Streets Mixed Use Precinct (Clause 10.8)

The precinct is subject to specific development controls relating to matters of significance to site constraints and the wider built and natural environment. Comments in relation to the objectives and controls under this DCP clause are provided below, as well as within the Architectural Design Statement that accompanies this SEE.

The site is a key opportunity site within proximity to the central business district and emerging health precinct. The development controls seek to optimise the use of the land for a more intense mixed-use development on the site, relying on a high-quality design and a master plan approach.

Objectives

O1 Buildings on the site achieve an appropriate relationship to the surrounding development and public domain, including streets, lanes, parks and community spaces.

Comment:

The proposal achieves this objective.

The proposed multi-storey buildings and townhouses involve complimentary residential and commercial uses. The residential towers are setback from the primary Morgan and Murray Street frontages, respecting the local residential amenity and providing active interfaces with the public domain. The multi-level presence is consistent with the desired future character of this precinct.

The townhouse buildings are 3-storey with direct frontage to Murray Street, which respects the surrounding residential neighbourhood environment and reinforces the transition from residential to commercial land use activities in the immediate area.

The ground floor commercial units, together with the landscaped plaza area, also reinforce and integrate mixed residential and commercial activities, providing a vibrant public domain for the benefit of the surrounding community.

O2 The design and layout of development on the site retains a high-level amenity for all users on and off the site.

Comment:

The proposal achieves this objective.

The subject development represents Stage 3 of the master-planned Civitas precinct that involves all land within the existing South Wagga Business Centre bounded by Morgan, Murray, Forsyth and Docker Streets. The multi-level residential/commercial proposal

involves a contemporary design consistent with the theme of this mixed use precinct, that will provide high amenity levels for all uses of the site and surrounding area.

O3 The design and layout of residential development provides improved livability through enhanced internal and external apartment amenity in accordance with best design practices.

Comment:

The proposal achieves this objective.

The residential component of this proposal achieves a high level of livability through both internal and external apartment design. The buildings have been designed using best practice principles with all apartments achieving the design standards outlined in the ADG. See the accompanying Architectural Design Statement for further details.

O4 Development on the site is supported with sustainability strategies through better traffic and transport solutions, building adaptability and robustness, improved energy efficiency and water sensitive urban design practices.

Comment:

The proposal achieves this objective. Considerable discussion is included in the body of this SEE and Architectural Design Statement that addresses each of these components.

The proposal is accompanied by plans and specialist reports that demonstrate:

- Traffic and transport arrangements that seek to ensure efficient movement of vehicles on and off the site, and throughout the local public street network;
- Integration with other movement systems including cycleways, pedestrian walkways and community transport networks;
- Contemporary commercial office space that ensures adaptability to emerging workplace standards and expectations of flexibility and sustainability;
- Residential apartments and townhouses that meet or exceed the applicable design standards contained in the ADG and other relevant design guides.
- Incorporation of best-practice and highly efficient energy and water systems;
- Use of water-sensitive landscaping elements.

Controls

Design and orientation of development

C1 Development on the site occurs in accordance with an Urban Design-Based Master plan approved by Council.

Comment:

Satisfied. The proposal is generally in accordance with the Council endorsed Urban Design report, which includes a site Master Plan. The building design continues with the urban design theme established with Stage 1 and 2 of the Civitas project.

The townhouse proposal on the corner of Murray and Morgan Streets continues the theme of medium-rise residential along Murray Street, consistent with the adopted DCP principles for this precinct which specify a maximum roof height of 12m and 3m building setback along the western frontage of Murray Street, and 1.5m building setback along the Morgan Street boundary.

C2 Residential development over three storeys shall comply with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the supporting Apartment Design Guide.

Comment:

The proposal achieves this objective (note SEPP65 - Design Quality of Residential Apartment Development was repealed on 14/12/23 and replaced by Chapter 4 Design of residential apartment development of SEPP (Housing) 2021).

The residential component of this proposal has been designed using best practice principles and all residential apartments achieve the design standards outlined in the ADG. See the accompanying Architectural Design Statement for further details and Sheet DA401 of the Architectural Plan Set.

C3 Development shall be located and orientated to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.

Comment:

Satisfied. See accompanying plan set that includes building shadow diagrams. In all critical instances during June, there are no significant impacts of overshadowing on surrounding residential premises or public open space areas.

There is sufficient setback of the buildings from existing residential dwellings to ensure privacy is maintained at various stages of the day.

C4 Development shall be located and orientated to maximise visual privacy between buildings on site and for neighbouring buildings.

Comment:

Satisfied. The proposed building locations maximise separation in accordance with the ADGs to facilitate visual privacy on site and neighbouring buildings, whilst achieving density in accordance with the aims of the precinct master plan.

C5 Development provides active street frontages. Minimise expanses of blank walls and use articulation and materials to create visually interesting street elevations.

Comment:

Satisfied. The proposed building designs incorporate access elements that ensure active street frontages to both Murray and Morgan Streets. Key design elements include extensive use of articulation, mixed external materials and textures, minimal blank walls, avoidance of utilitarian structures (particularly in relation to the multi-level apartment blocks) and visually creative street elevations. The architectural elements are consistent with the themes envisaged in the Civitas Master Plan, Stage 1 and Stage 2 approved buildings.

C6 Development provides ground floor frontages that are compatible with the pattern, form, scale and character of adjoining developments.

Comment:

Satisfied. The proposed buildings have ground floor frontages consistent with the design of approved Stage 1 and Stage 2 buildings. All buildings are consistent with the design theme envisaged for the endorsed master-planned Civitas mixed-use precinct.

Height of buildings

C7 Height of buildings shall minimise the impact on adjoining properties. Building design shall demonstrate impacts to surrounding properties with respect to overshadowing, privacy, noise and any other impacts.

Comment:

Satisfied. The proposal has been designed to minimise impact on adjoining properties by ensuring matters relating to overshadowing, privacy, noise and any other impacts are adequately assessed and mitigated where required.

Refer to attached plan set for details.

C8 The roof height of the tallest building on the site, shall not exceed 32m. The maximum roof height is not to be unilaterally applied across the site. (The height of development shall graduate up from the site edge to the centre of the site to ensure an appropriate transition compatible with neighbouring buildings and streets.)

Comment:

Satisfied. Stage 3 of the Civitas proposal incorporates 3 building styles with varying maximum height in accordance with the DCP controls for this precinct. Maximum height for building 3A is 32m plus 3.0m for rooftop plant overrun zone.

C9 The height distribution strategy diagram(s) provided below indicates how height could be appropriately distributed across the site to ensure that the objectives and controls can be achieved. Development Applications will be required to demonstrate how the height of proposed buildings meet the intent of the height distribution diagrams to comply with the objectives. (The maximum roof height excludes rooftop plant and overrun zone.)

Comment:

Satisfied. Stage 3 of the Civitas proposal incorporates 3 building styles that achieve the height limits as described in the DCP height diagrams for this precinct. Maximum heights are 32m plus 3.0m for rooftop plant overrun zone (3A), 24m plus 3.0m for rooftop plant overrun zone (3B), and 12m (3C). A minor variation to the building height is proposed for 3B, refer to section 6.5.2 below. Building height details are shown on Drawings DA201-205 and DA301-304 of the DA plan set (see extract below).



Figure 41: North Elevation extract showing height compliance (Source: MDP 2024)

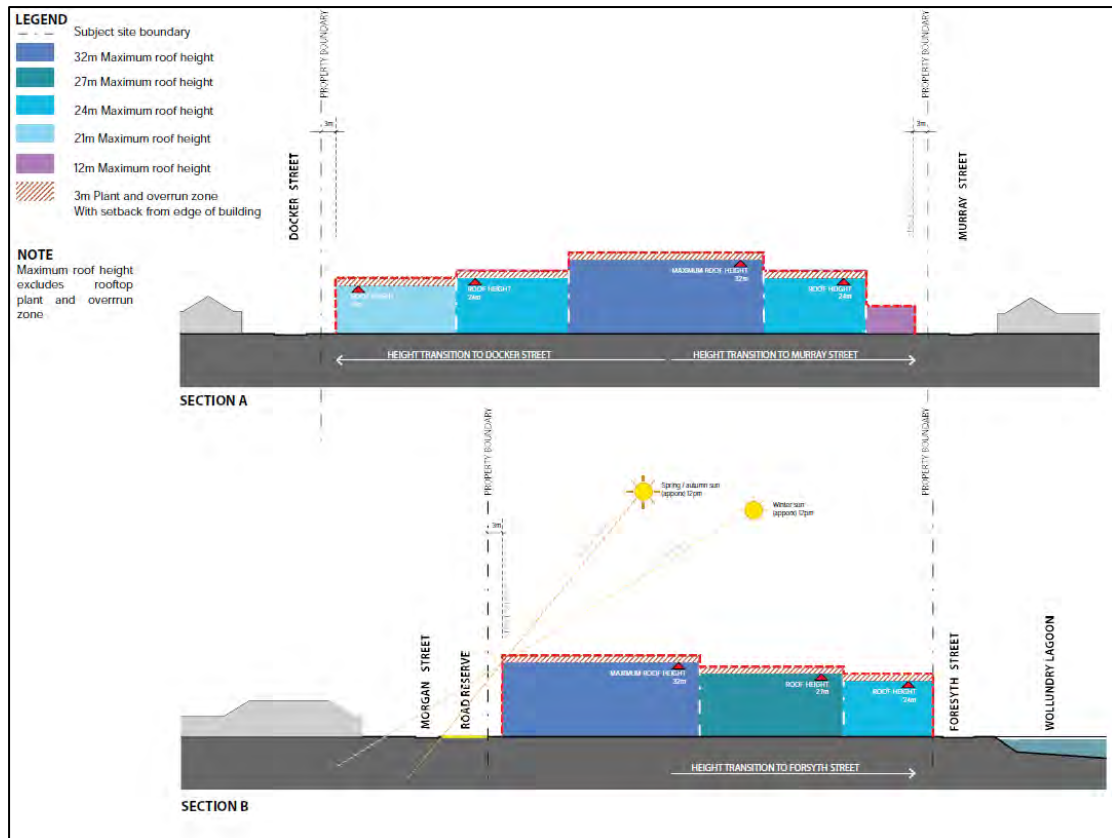


Figure 42: DCP2010 Clause 10.8 Height Section Controls (Source: WWCC DCP2010)



Figure 43: DCP2010 Clause 10.8 Height & Setback Control Diagram (Source: WWCC DCP2010)

C10 Roof top plant shall be located in a manner that is setback from building edges and screened so as not to be visible from the immediate public domain.

Comment:

Satisfied. All roof top plant, including solar panels will be setback from the building edges and screened where practical.

C11 Appropriate interfaces with adjoining zones and permitted heights. Interfaces shall consider the following when considering appropriate heights:

- Land use and zone
- Adjacent zone height
- Physical separation distance
- Orientation
- Appropriate setbacks that respect height impacts

Comment:

Satisfied. The level chosen for this proposal has taken into consideration adjoining and adjacent landuses, as well as principles and objectives contained in the adopted DCP controls.

Vehicle access and parking

C12 In addition to the provisions provided under section 2 of the DCP, the following site-specific controls apply to development on the site:

- A detailed Traffic Impact Assessment must be submitted as part of any future development on the site. It must consider the full development potential of the site and changed traffic conditions as a result of the current and anticipated development of the Wagga Wagga public hospital and boarder roadwork.
- The Traffic Impact Assessment must address all traffic including vehicular, pedestrian and cycling needs for the precinct. Consideration of the impacts of the current active travel plan which intends to utilise Murray Street is also required.
- Parking must be provided in accordance with an approved access and Parking Strategy and Management Plan for the entire site.
- The Parking Strategy and Management Plan must provide a comprehensive parking system that considers both the supply and management of parking consistent with the guidance of the parking provisions of the Wagga Wagga DCP and the RMS' Guide to Traffic Generating Developments for Metropolitan Subregional Areas. The above may include a shared use parking strategy that demonstrates that the anticipated peak parking demand will be less than the sum of the off-street parking requirements for specific land uses.

(SEPP65 and the Apartment Design Guide (ADG) reference the minimum off-street car parking requirements as set out in the Guide to Traffic Generating Developments (GTTGD) and note that where the development complies with these parking requirements it cannot be refused. Specifically, to this development, Wagga Wagga is a nominated regional centre, and, in these areas, the Metropolitan Subregional Centre rate should be applied.)

As a minimum requirement, residential parking shall comply with the RMS' Guide to Traffic Generating Developments for Metropolitan Subregional Areas.

Commercial parking shall comply with the parking provisions of the Wagga Wagga DCP.

Where restricted access parking is proposed as part of either residential or commercial development, the Parking Strategy and Management Plan must consider and address impacts on access to and provision of parking both on and off the site.

- The Parking Strategy and Management Plan must include a requirement for end-of-trip facilities to encourage cycling in line with Council's Active Travel Plan which will pass the site.

Comment:

Satisfied. See accompanying TPIA and also other detailed comments contained in the body of this SEE.

Open spaces and landscaping

C13 Public open spaces and pedestrian linkages within the development shall be connected with the surrounding pedestrian and cycle networks.

Comment:

Satisfied. The proposal has direct connection and linkages with surrounding pedestrian and cycleway networks, as shown on the accompanying plans. In addition, the creation of the public plaza between buildings 3A and 3B is the first stage of a linear plaza area that will continue north with the construction of subsequent stages of Civitas to connect with the Wollundy Lagoon environs.

C14 Opportunities for a range of recreational activities should be provided for people of all ages on the site and can be provided with a combination of hard and soft space with high amenity and urban design elements and features.

Comment:

Satisfied. The proposal incorporates recreation areas including roof-top terrace areas, ground level public plaza and child's play area. The areas are proposed to incorporate a high level of urban design and creative features to enhance the local amenity of this emerging mixed-use precinct.

C15 A detailed landscape plan shall be submitted to Council for approval in accordance with the landscaping requirements provided under Section 2 of the DCP and where appropriate in accordance with the Apartment Design Guide.

Comment:

Satisfied. See accompanying landscape plan set that includes, landscaping concept and planting plan. The overall design and location of landscaped areas have been proposed in accordance with the Apartment Design Guide (see the Architectural Design Statement for additional discussion on ADG compliance).

Services

C16 Garbage collection, loading and servicing areas shall be screened and/or located so they do not impact neighbouring properties with respect to access, noise and odours. A loading management plan and waste management strategy shall be provided with any development application.

Comment:

Satisfied. See accompanying details contained in the SEE, TPIA and accompanying Loading and Operational Waste Management Plan (MDP 2024).

Stormwater management

C17 A stormwater management plan is to be developed as part of any development application having regard to managing overland flow across and off the site. It must consider the full development potential of the site and existing stormwater infrastructure on the site as well as broader catchment area. The stormwater management plan shall indicate an appropriate discharge point(s) that will not adversely affect the surrounding properties and surrounding road infrastructure. The stormwater plan is to be prepared in accordance with Council's Engineering Guidelines.

Comment:

Satisfied. See accompanying stormwater management report and plan, as well as additional Flood Impact Assessment prepared in cooperation with Council. Stormwater management is an important issue in this precinct and the proposal has provided considerable detail in the accompanying reports for Council's consideration in determining this DA. See further discussion contained in the body of this SEE.

6.5.2 Variations

There are minor DCP variations that require Council's endorsement as part of the proposed development.

Setbacks

The DCP master plan controls indicate a general building setback line from Morgan and Murray Streets. The proposal is generally consistent with the overall building setbacks with some minor encroachment by building extension elements to the Morgan and Murray Street frontages that are integral to the overall design theme of the building. Building setbacks are shown on Drawings DA104 and DA105.

The minor setback variations are outlined below:

- At the corner of Morgan and Murray Street where the 1st floor level of proposed townhouse TH1 will be set back 2.38m in lieu of 3.0m from the Murray Street property boundary, an encroachment of 0.62m.
- Building 3A setback from the Morgan Street property boundary – the bulk of the apartment building is setback the required 3.0m, except for minor encroachments of the bathroom areas on each upper-level frontage that extend approximately 0.5m into the building setback area.
- Building 3B setback from the Morgan Street property boundary - the bulk of the apartment building is setback the required 3.0m, except for a minor encroachment of the westerly bathroom areas on each upper-level frontage that extend approximately 0.3m into the building setback area.

The minor encroachments will be indiscernible from the immediate streetscape environment and general public domain due to the articulation of the building design elements and being a relatively minor part of the overall elevation of each building.

Building Height

The WWDCP2010 Clause 10.8 Height Section Controls diagram identifies how height could be appropriately distributed across the site to ensure that the objectives and controls can be achieved. Proposed building 3B is located within a 24 metre plus 3.0 metre rooftop plant overrun height zone under the DCP diagram (refer to Figure 43).

The proposal seeks a variation of 1.2m for the building height of 3B, as shown in the table below. The height of building 3B was increased to meet the engineering requirements set by the manufacturer.

Table 18: DCP Clause 10.8 - Building Height Variation

DCP Clause - 10.8	Standard	Proposed	Extent of non-compliance
C9 – Building height	24m +3m lift overrun = 27m	24m + 4.2m lift overrun = 28.2m	1.2m (4.4%)

It is considered that the exceedances for building height will not adversely impact surrounding amenity in terms of overshadowing, visual intrusion or overlooking. The proposed height still complies under the LEP height controls and it is therefore considered that the variation will not result in an unreasonable environmental impact or adverse amenity impact over the height distribution of the site.

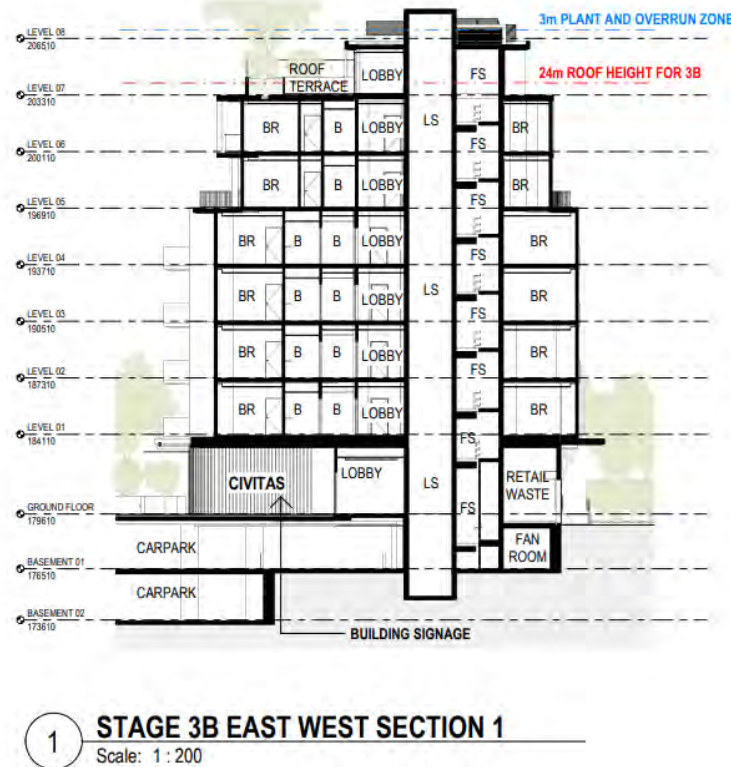


Figure 44: Proposed Height Variation - Building 3B (Source: MDP 2024)

Council is requested to accept these minor variations under the circumstances.

There are no other variations required under the DCP.

6.6 Other Relevant s4.15 Matters for Consideration

- *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.....:*

There are no known proposed instruments applicable to the development proposal.

- *any planning agreement:*

There are no known planning agreements applicable to the development proposal.

- *the suitability of the site for the development...:*

Based on the above discussion, the site is considered suitable for the development.

- *any submissions:*

Council will undertake appropriate public consultation and consider any submissions accordingly.

- *the public interest:*

The public interest is supported with this application as the proposal is in accordance with the publicly endorsed planning policies and guidelines to ensure compatible and sustainable development on this site and within the future desired character of the locality. The proposal has also taken into consideration local community concerns raised during the LEP and DCP amendment process in relation to potential traffic, parking and general amenity impacts from the ongoing development of this MU1 mixed-use precinct. This included an extended and thorough community consultation process to ensure the concerns of the local community were heard, understood and represented in the endorsed development controls for the site.

7 ENVIRONMENTAL IMPACT ASSESSMENT

7.1 Site and Locality Analysis

The site and locality details for this proposal have been outlined in Section 3.2 of this SEE. Below is relevant site analysis plan extract from accompanying plan set.

The proposal will be consistent with the endorsed masterplan for the precinct.

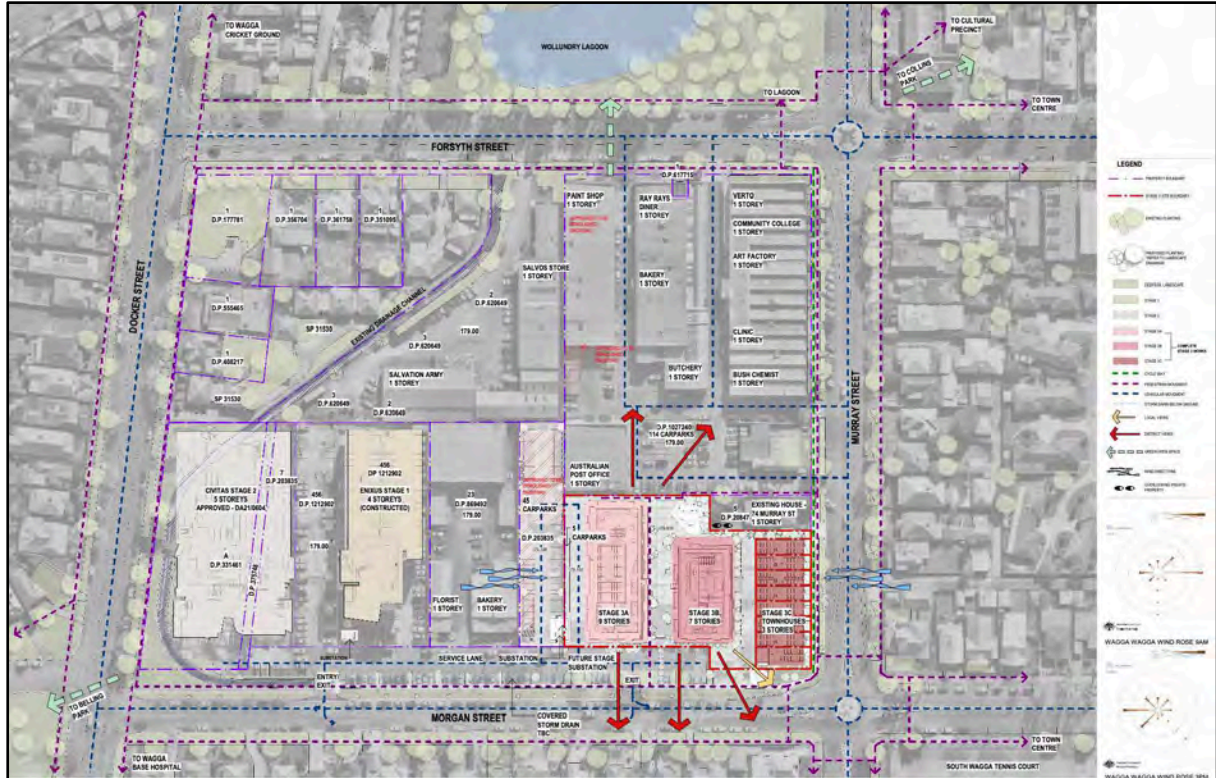


Figure 45: Extract from Site Analysis Plan – Urban Context Analysis (Source: MDP 2024)

7.2 Noise

The proposal is not expected to generate any excessive noise during construction or operation of the commercial space, which will generally be limited to approved operational hours. Any noise generation will be subject to the NSW Industrial Noise Policy and must not detrimentally impact adjoining or adjacent sensitive receptors.

Noise impact, internally and externally, has been discussed within the Architectural Design Statement with reference to compliance with the ADG. Relevant extract is provided below.

Acoustic Privacy – Objective 4H-1: Noise transfer is minimised through the siting of buildings and building layout.

Party walls & external walls will be constructed to NCC acoustic requirements to mitigate any potential noise transfer. Noise sources such as garages, driveways, service areas, plant and active communal areas are located away from bedrooms and apartments.

Objective 4H-2: Noise impacts are mitigated within apartments through layout and acoustic treatments.

Apartment layouts include rooms with similar noise requirements grouped together. Fixtures are located to act as sound buffers & doors are utilised to separate different uses.

Noise and Pollution - Objective 4J-1: In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.

The primary noise source for the site is the impact from adjoining commercial tenancies and street. The design, location and orientation of the buildings have been considered to mitigate the adverse impact of these sources.

Objective 4J-2: Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.

Materials selection, façade insulation and performance window glazing will assist in reduction of any potential noise transmission.

Objective 4U-3: Adequate natural ventilation minimises the need for mechanical ventilation.

Natural ventilation is optimised to apartments. Natural ventilation is provided to all habitable rooms. Due to the local weather conditions of the site at Wagga Wagga, with hot summers and cold winters, , mechanical ventilation is required to all apartments. To minimise the physical and noise impact of equipment, they are on commercial/retail awning (where they are not visible from public domain) for the first-floor apartments and rooftops for the remainder of apartments in each building.

7.3 Overshadowing

The proposal includes an analysis of overshadowing from the proposed buildings. See accompany plans DA601, DA602 & DA603. The analysis confirms there will be no detrimental impact from overshadowing on adjoining or adjacent properties as a result of the proposal.

The proposal also demonstrates compliant solar access to the proposed residential apartments in accordance with the ADG. See Drawings DA404 and DA604, and discussion contained in the Architectural Design Statement.

7.4 Privacy

Privacy impact has been discussed within the accompanying Architectural Design Statement. Relevant extract is provided below:

"Building setbacks have been observed as per the Site Specific DCP along Morgan and Murray Streets. These significant street setbacks were established through rigorous urban design study of the precinct that informed the site specific DCP, which provide a consistent streetscape while maintaining distance for landscaping, and good visual privacy for neighbouring properties to the south and east of the site.

Where privacy may be a concern with adjoining tenancies, privacy screens are introduced to mitigate adverse impact. The apartment buildings observe the ADG minimum separation between habitable spaces, with opposite balconies set apart 12m or more across the lower 4 residential stories.

The upper 4 floors of Building 3A and the upper 2 floors of Building 3B have an additional 6m separation from glass-line to glass-line, separating habitable rooms in excess of 18m. The design of the balconies on these upper floors, however, has been considered in the overall composition of architectural articulation of the building, as well as useable/ furnishable portions of the balconies with minimum 2.4m depth and 12m²+ area.

Units 3B-502, 503,602 and 603 located on Levels 5 and 6 of Building 3B, have balconies directly across the adjoining Building 3A. these balconies have less than 18m separation, being 15m, measured from edge of each opposing balcony, as noted on the architectural plans – DA108 and DA109.

To mitigate visual privacy concerns for these outdoor areas, the primary (useable and furnishable) part of the balconies is designed off living areas, and oriented to north (for 3B- 503 and 603) and south (for 3B- 502 and 602), orientating views respectively to north and south to avoid direct onlooking. The wrap-around side balconies (off bedroom) and facing west, allow for the bedrooms to have full height glass sliding doors, significantly increasing their access to natural light and natural cross ventilation. They also allow for ease of access for maintenance and cleaning.

The enhanced and integrated design of the wrap around balconies and the higher amenity provided to these apartments outweighs the potential visual privacy concerns that may arise from having less than the recommended ADG distance between opposite balconies."

7.5 Bushfire

The subject land is not subject to bushfire hazard.

7.6 Flooding

The subject land is subject to overland stormwater flooding under the Major Overland Flow Flood Study (MOFFS 2021). See details discussion above. The proposal has addressed the environmental flooding constraints impacting the site and has adjusted building and infrastructure design to accommodate any potential flooding impact.

The Flood Impact Assessment has reviewed the previous investigations including the Major Overland Flow FPMS&P (WMAwater, 2021), LiDAR elevation data, aerial photography and the revised TUFLOW model data provided by Council as well as consideration of site specific components and modelled flooding impacts of the site under pre-development and post-development conditions. The modelling and assessment undertaken by the Flood Impact Assessment includes 10%, 5% and 1% AEP events.

For the subject land, the minimum floor level has been set at 179.61m AHD, which is above the modelled flood level over the site in a 1%, 5% or 10% AEP event. Existing overland flow paths through the site will also be maintained with flows running between the existing post office and the proposed Stage 3 development, as well as along the back of the townhouses. Some inundation is shown within the garage space for each of the townhouses however a 400mm freeboard can be maintained for the finished floor level of this portion.

With regard to off-site flood impacts, in a 10% AEP event, the flood modelling shows a 17mm increase in flood level to the east of the site, while in a 5% AEP event, flood modelling shows an increase of up to 13mm to the properties east of Murray Street. In a 1% event, the flood modelling shows an increase of 4mm to properties within Murray Street.

The findings of the Flood Impact Assessment conclude that the minimum floor levels for the site will be adequate to ensure safe occupation of the site. The development also provides onsite refuge for short-duration flood events and enables safe access and egress in emergency events. The proposal will also not generate any significant off-site impacts from flooding, with changes in flood depth assessed to be negligible (i.e. approximately 10mm) given existing surrounding properties would already be impacted in a flood event of up to 500mm.

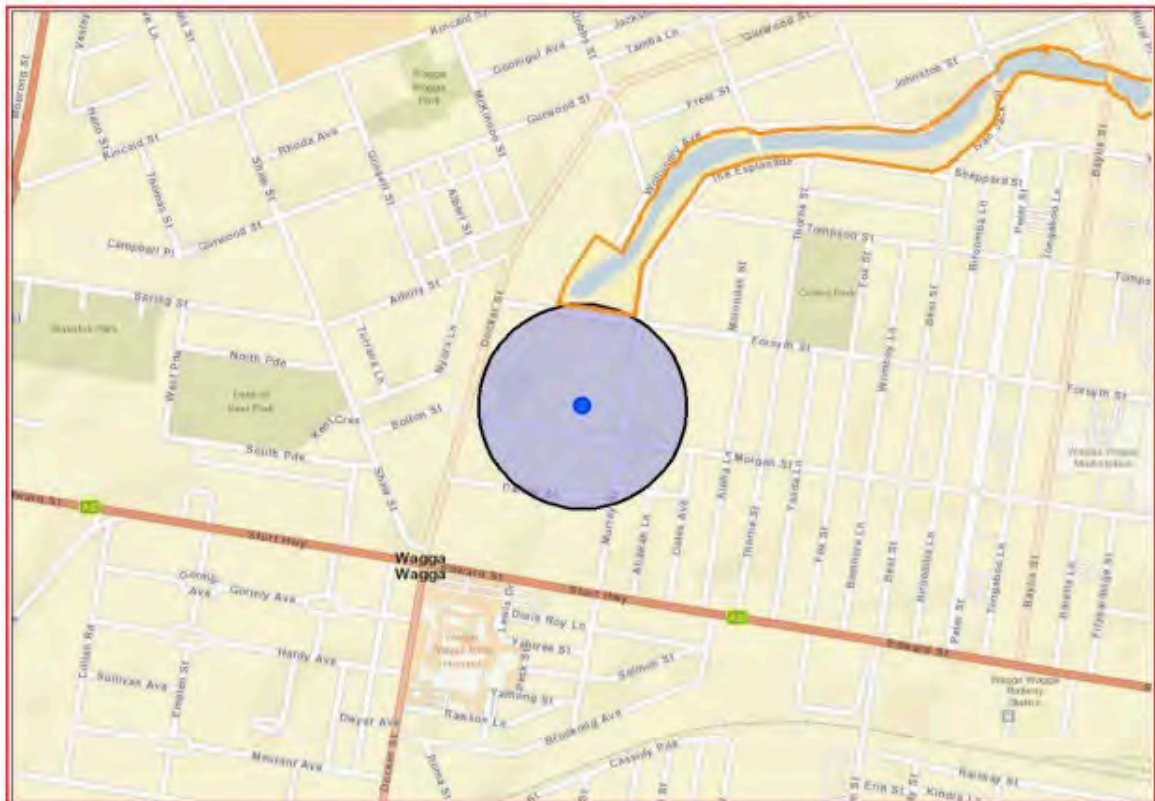


Figure 46: Existing and Developed Case Scenarios 1% AEP Flood Event (Source: Northrop 2024)

7.7 Cultural and Heritage Conservation

AHIMS Web Service search for the following area at Address : 185 MORGAN STREET WAGGA WAGGA 2650 with a Buffer of 200 meters, conducted by Garry Salvestro on 13 November 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
1	Aboriginal places have been declared in or near the above location. *
ID	Aboriginal Place Name
109	Wollundry Lagoon & Tony Ireland Reserve

Figure 47: AHIMS Search Extract (Source: OEH 2024)

An AHIMS search extract is shown above, which confirms that within 200m of the site, there are no aboriginal sites recorded or declared places. The nearest significant site is the Wollundry Lagoon which is identified as an Aboriginal Place (formal recognition of cultural attachment of Aboriginal people with the land).

In accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW2010)*, generic due diligence process, the following information is provided:

Will the activity disturb the ground surface or any culturally modified trees?

- Yes, the development proposed will disturb the ground surface, however will have no impact on any known culturally modified trees.

Are there any:

a) relevant confirmed site records or other associated landscape feature information on AHIMS?

- No, for the subject land (see AHIMS search as discussed above). There is, however, a declared aboriginal place (Wollundry Lagoon) located approximately 200m from the subject site.

b) any other sources of information of which a person is already aware?

- No, there are no other known sources of information as determined via Council records and information available to the applicant.

c) landscape features that are likely to indicate presence of Aboriginal objects?

- There are no landscape features on the site or in the locality that would indicate the presence of Aboriginal objects.

It is considered that all due diligence requirements have been fulfilled. An Aboriginal Heritage Impact Permit (AHIP) application is considered to be unnecessary. The development will proceed with caution. If any Aboriginal objects are found, work will be stopped, and relevant authorities notified. If human remains are found, work will be stopped, the site will be secured, and Police and other relevant authorities notified accordingly.

7.8 Flora and Fauna

The subject site has no significant native vegetation that would be potentially impacted by the proposal. Tree removal has been considered in the accompanying Arborist Report.

7.9 Natural Resources Sensitivity

The subject land is mapped as sensitive to Groundwater. See discussion above. There are no potential impacts on groundwater resources envisaged by this proposal.

7.10 Economic and Social Impact

The proposal will facilitate the mixed use of a master planned precinct in accordance with a community endorsed DCP.

Economic benefits through construction and occupation of the buildings will contribute significantly to job growth, residential housing supply and the local economy in general. The proposal will also facilitate expansion and improvements to local infrastructure and service networks.

As a consequence of undertaking this proposal, local population growth will occur and consequently contribute to greater social and community interaction throughout the local neighbourhood and immediate precinct.

Opportunities for local community engagement will help contribute to building a stronger and more unified community in the local area, including building stronger connections with established residents, businesses and neighbourhood centres and other social and community networks.

7.11 ESD Principles

A particular aim of the WWLEP (clause 1.2(2)(b)) seeks to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change. The proposal will incorporate many ecologically and environmentally sustainable infrastructure elements to ensure climate change and the minimisation of sensitive resource use is addressed.

A number of principles underpin ecologically sustainable development including:

- The precautionary principle.
- Intergenerational equity.
- Biodiversity and ecological diversity.
- Improved economic valuation including environmental factors.

The proposal has been considered in respect of these ESD principles.

a) The precautionary principle — namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

The proposal has the benefit of accurate data sourced from various studies that accompany this SEE. It is the opinion of environmental experts engaged in this assessment that there are no imminent threats of serious or irreversible environmental damage that would eventuate as a result of the approval, establishment and operation of the proposal.

b) Inter-generational equity — namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

The proposal has considered inter-generational equity issues and concludes that the proposed development will assist in protecting the integrity and productivity of the local environment, and ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

c) Conservation of biological diversity and ecological integrity.

The content of this SEE and the supporting technical reports and plans, provide confidence that this proposal will, where practically and physically possible, conserve biological diversity and ecological integrity of the natural environment.

d) Improved valuation and pricing of environmental resources.

The proposal has considered and is implementing the principles of ensuring that environmental factors are included in the valuation of assets and services in relation to the existing environment and future development. The principles of “polluter pays”, full life-cycle costs and pursuing sustainable environmental goals are an integral part of the proposed development activity for this site. The development and approval/compliance systems that oversee the subject land use activity ensure continuing respect and achievement of this ESD principle.

7.12 Statement of Environmental Effects Summary Table

Table 19: Statement of Environmental Effects

Proposed Multi-level Residential Accommodation Complex-185 Morgan St & 66-72 Murray St			
Subject Area	The potential environmental impacts of the development	How the environmental impacts of the development have been identified	The steps taken to protect the environment or to lessen the expected harm to the environment
Context & Setting	Moderate	Visual observation, site and locality analysis	Appreciation of local character, quality design. Consistency with adopted DCP controls for the precinct.
Access & Traffic	Minimal	Development data, site plans, client information, TPIA	Development in accordance with applicable standards and policies. TPIA recommendations actioned.
Infrastructure	Minimal	Analysis of existing infrastructure and provisions. Civil design and reports.	Connection to existing services in accordance with the requirements of servicing authorities and applicable standards. Adoption of recommendations from studies and updated modelling.

Proposed Multi-level Residential Accommodation Complex-185 Morgan St & 66-72 Murray St			
Subject Area	The potential environmental impacts of the development	How the environmental impacts of the development have been identified	The steps taken to protect the environment or to lessen the expected harm to the environment
Heritage	Nil	Local and State policy, local studies.	Not applicable.
Archaeology	Negligible	Local and State policy, local studies.	Due diligence procedures. Proceed with caution and notify any authorities if any artifacts are found.
Land Resources	Nil	Local knowledge, site records	Appropriate mitigation measures implemented as necessary.
Soils	Negligible	Local records, investigation and available history.	Appropriate mitigation measures implemented as necessary. Development in accordance with civil design plans.
Air & Microclimate	Negligible	Local knowledge	Appropriate mitigation measures implemented as necessary.
Flora & Fauna	Negligible	Local knowledge, available data. Arborist Report.	Development in accordance with approved plans & supporting reports.
Waste	Minimal	Development proposal information. Waste management report.	Waste disposed of in accordance with legislative guidelines. Development in accordance with approved plans & supporting reports.
Noise	Minimal	Appreciation of local conditions including built & natural environment, neighbourhood character, analysis in accordance with ADG.	Operations will be in accordance with legislative guidelines. Included mitigation measures as outlined on approved plans & within supporting reports.
Natural Hazards	Minimal	Local records. Flooding analysis in conjunction with Council.	Development in accordance with approved plans & supporting reports.
Social Impact	Positive	Local policy and knowledge. Analysis of population growth and expected community interactions.	Not applicable. Impact will be positive and will enhance social interaction and community well-being.
Economic Development	Positive	Local records and available history of local area, additional construction and land use activity.	Not applicable. Impact will be positive through population and employment growth, building construction and additional housing supply.
Design	Positive	Visual assessment. Local policy and knowledge, review of application design standards & DCP controls.	Site layout and building design, appreciation of local character. Development in accordance with approved plans & supporting reports, consistency with ADG.
Construction	Moderate	Site and local area assessment, access and site conditions.	Appropriate measures and standards implemented as necessary, in accordance with a construction management plan.

8 CONCLUSION

Civitas Stage 3 is the next significant redevelopment stage in the implementation of the Civitas Master Plan, as endorsed by Council in 2020. It proposes a multi-level residential/commercial complex involving the construction of two multi-level residential apartment buildings with ground level commercial space, and eight attached townhouses. A total of 98 residential dwellings and 1,407m² of commercial floor space is to be created by this proposal.

The development has been considered in respect of current policy and environmental conditions, in particular the local precinct master plan as endorsed under the Wagga Wagga Development Control Plan 2010 – Clause 10.8. It represents a significant contribution to the urban built environment of the central Wagga Wagga area and will provide essential residential accommodation that is needed to serve the City's growing housing needs. In addition, the proposal will provide a significant amount of covered and secure car parking for residential tenants and uncovered retail or visitor parking to address both current and future parking needs of the surrounding MU1 mixed-use precinct.

Development of this site is identified as Stage 3 in the implementation of the Civitas Master Plan. Council's endorsement of the master plan was preceded by extensive community consultation in conjunction with the LEP2010 rezoning and other specific statutory planning amendments over the subject land and surrounding MU1 mixed-use precinct. Stage 1 involved the establishment of the Enixus commercial office building in Morgan Street. Stage 2 was approved in 2022 for a Multi-level Commercial Office & Car Park complex on the corner of Docker and Morgan Streets.

The gradual transformation of this section of Morgan and Murray Streets has seen a considerable improvement in streetscape, urban design and business activity. This has also included the requirement to address specific infrastructure impacts on the local area, particularly in the areas of traffic, parking, stormwater management and precinct amenity. To address these areas of concern, the preparation of this development application was preceded by detailed consultation with Council to ensure all design elements, site constraints, community expectations and public infrastructure requirements were adequately addressed to mitigate any potential adverse impact from the proposal.

In relation to traffic management, the accompanying TPIA includes extensive traffic intersection survey and analysis, as well as recommendations for future planning of road infrastructure improvements within the central Wagga Wagga area. The TPIA identified that, with reference to the Docker/Morgan Street intersection, upgrading is required under current conditions to maintain a satisfactory level of service (LoS), with or without the subject proposal and fully developed Civitas masterplan. Overall, the TPIA concluded that there will be no detrimental impact to the performance of the intersections or on residential amenity surrounding the site as a result of the generated traffic from this proposal.

With car parking, the TPIA noted that the subject proposal includes car parking facilities well in excess of Council's DCP requirements and that there is available on-street parking in the surrounding area. The TPIA has recommended the implementation of a restricted (both permit and time-managed) parking system, in accordance with principles outlined in the Wagga Wagga Transport Strategy 2040.

Investigations into stormwater management of the surrounding drainage network was undertaken in cooperation with Council Engineers and their consultants. Additional flood modelling was undertaken by the proponent's consultant, including the preparation of a Flood Impact Assessment report. It was concluded that, provided recommendations were adopted, there is no detrimental impact to or from the Stage 3 proposal and the stormwater management plan provided with this application will result in an acceptable outcome. The work undertaken with this application will assist Council in determining future stormwater management options for the surrounding urban drainage network.

Local amenity, streetscape and character impacts have been addressed by the implementation of urban design principles envisaged for this precinct, as described in Council's DCP. This is captured in the accompanying architectural and landscape plans and will result in an improved built environment that will enhance the public realm.

It is considered the proposal is justified, sustainable and permissible, for the following reasons:

- There is an established need in the City, and this precinct in particular, for residential accommodation and associated car parking facilities;
- The proposal will satisfy State Environmental Planning Policy provisions relevant to the subject land use activity;
- It is permissible under the relevant provisions of the Wagga Wagga Local Environmental Plan 2010 and meets the objectives of the zone, where applicable;
- The proposal satisfies and complies with relevant provisions of the Wagga Wagga Development Control Plan 2010, in particular section 10.8, with exception to minor setback variations as outlined in the SEE. The variations are adequately justified and acceptable under the circumstances;
- The proposed residential buildings and associated commercial and car parking activity will not have an adverse impact on the local built and natural environment; and
- The development of Stage 3 of the Civitas Master Plan will contribute to economic growth and building community in the local and wider area.

The proposal is submitted to Council for consideration, assessment and determination.

22051: Document History

Revision No.	Date	Authorised By		
		Name/Position	Signature	Notes
Rev 1.0 – Draft	13/11/2024	Patrice McMullen Research Planner	PM	Preliminary draft for internal review.
Rev 1.1 – Revised Draft	18/01/2024	Patrice McMullen Research Planner	PM	Preliminary draft to clients.
Rev 1.2 – Revised Draft	13/02/2024	Patrice McMullen Research Planner	PM	Edits for internal review.
Rev 1.3 – Revised Draft	22/02/2024	Garry Salvestro Director	GS	Edits for internal review.
Rev 1.4 – Final Draft	26/02/2024	Garry Salvestro Director	GS	For client review.
Rev 2.0 Final	26/02/2024	Garry Salvestro Director	GS	For DA lodgement.
Rev 2.1 – Revised Draft	21/10/2024	Patrice McMullen Consultant	PM	Edits for internal review.
Rev 2.2 – Revised Draft	1/11/2024	David Hunter Director	DH	For client review
Rev 3.0 – Final	4/11/2024	David Hunter Director	DH	Reissued for DA lodgement.



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