

# STATEMENT OF ENVIRONMENTAL EFFECTS



## Proposed Mixed Use Development 11 Sturt Street, Wagga Wagga NSW Lot 12 DP1237398



Prepared for CRK Holdings  
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# Proposed Mixed Use Development

## 11 Sturt Street, Wagga Wagga

### EXECUTIVE SUMMARY

The development proposal involves the construction and strata title subdivision of a twin tower mixed-use commercial and residential building complex upon Lot 12 DP1237398, 11 Sturt Street, Wagga Wagga.

The proposal involves the following key elements:

- Twin tower building comprising a seventeen (17) storey elevation to the Riverside frontage (56.05m) and six (6) storey elevation to Sturt Street (24.1m height)
- Landscaped podium level including community meeting room
- Three levels of undercover car parking providing 91 car parking spaces
- 3 commercial premises at street level totalling 235m<sup>2</sup> GFA, including 2 fronting Sturt Street and 1 on the Riverside frontage
- 67 residential apartments comprising 10 x 1 bedroom apartments, 29 x 2 bedroom apartments and 28 x 3 bedroom apartments (including 2 luxury penthouses)
- Ancillary bicycle parking, storage, access and utility areas at ground level
- Activation of Sturt Street, Cadell Place and Riverside frontages, including embellishment of public spaces in Cadell Place.



*Artists Impression of view from Tarcutta Street (Source: GPG 2019)*

The development provides active frontages to Sturt Street, Cadell Place and the Riverside walking track/levee bank, aiming to improve connectivity and integration throughout the local area.

Siting of the proposed building has taken into consideration its relationship to adjoining landuses and the wider central business district (CBD), public transport and community facilities. The development aims to contribute positively to enhancing local amenity and promoting stronger social integration and sustainable lifestyle for residents and the wider community.

The development also aims to respect the heritage character of the area through the use of compatible design, materials and building articulation.

The development also supports the aims of the key strategic documents for the City, the precinct and the region, as outlined in the content of this SEE. The Riverside Masterplan is the

key strategic document for the site, identifying the site as being suitable for mixed use and high density development.

The proposed mixed-use development represents a unique opportunity to develop a strategically significant site in accordance with the endorsed strategic directions of the city and immediate local Riverside Precinct Masterplan and Fitzmaurice Street heritage precinct.

# Proposed Mixed Use Development

## 11 Sturt Street, Wagga Wagga

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# PROPOSED MIXED USE DEVELOPMENT

## 11 Sturt Street, Wagga Wagga

### 1 INTRODUCTION

#### 1.1 Brief Overview

The following Statement of Environmental Effects (SEE) has been prepared in support of the construction and strata title subdivision of a seventeen (17) storey mixed-use commercial and residential development upon Lot 12 DP1237398, 11 Sturt Street, Wagga Wagga.

Following detailed consultation with Council, the proposal now involves the following elements:

- Twin tower building comprising a seventeen (17) storey elevation to the Riverside frontage (56.05m) and six (6) storey elevation to Sturt Street (24.1m height)
- Landscaped podium level including community meeting room
- Three levels of undercover car parking providing 91 car parking spaces
- 3 commercial premises at street level totalling 235m<sup>2</sup> GFA, including 2 fronting Sturt Street and 1 on the Riverside frontage
- 67 residential apartments comprising 10 x 1 bedroom apartments, 29 x 2 bedroom apartments and 28 x 3 bedroom apartments (including 2 luxury penthouses)
- Ancillary bicycle parking, storage, access and utility areas at ground level
- Activation of Sturt Street, Cadell Place and Riverside frontages, including embellishment of public spaces in Cadell Place.

The proposal has incorporated the design principles outlined in SEPP 65 - Design Quality of Residential Apartment Development and Apartment Design Guide (ADG).

The development will be a landmark building for the Wagga Wagga CBD and will contribute to the activation of the Riverside Precinct and revitalisation of the northern CBD.

#### 1.2 Subdivision and Staging

The proposal includes the strata subdivision and titling of all units and common areas, as shown on the attached strata subdivision plans. Development consent is required for the proposed strata subdivision as the site is located within a heritage conservation area.

No staging of the development is proposed.

#### 1.3 Development Assessment & Determination

The development application has been prepared in accordance with relevant provisions of the Environmental Planning and Assessment Act 1979. The application will be assessed by the local planning authority, Wagga Wagga City Council.

#### 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. A materials board, 3D video and Virtual 3D Model are included in the development application (DA) documentation to assist in communicating the scale and particular features of the proposal.

**Table 1: Plans and Support Documentation**

Attachments			
No.	Description	Rev	Prepared By
n/a	Materials Board	-	GPG Architecture & Design
n/a	3D Video	-	GPG Architecture & Design
n/a	Virtual 3D Model	-	GPG Architecture & Design

1	Survey and Strata Plans – Ref 19227	Draft	T.J. Hinchcliffe & Associates
2	Landscape Drawings – Ref 1718 – 23/08/2019 L1001 Landscape Site Plan L1002 Proposed Landscape Plan L2	03	GPG Architecture & Design
3	Architectural Drawings A1001 Cover Sheet and Basix Requirements A1002 Floor Plan Level 0 A1003 Floor Plan Level 1a A1004 Floor Plan Level 1b A1005 Floor Plan Level 2 A1006 Floor Plan Level 3 A1007 Floor Plan Level 4-5 A1008 Floor Plan Level 6 A1009 Floor Plan Level 7 A1010 Floor Plan Level 8 A1011 Floor Plan Level 9 A1012 Floor Plan Level 10 A1013 Floor Plan Level 11-13 A1014 Floor Plan Level 14 A1015 Floor Plan Level 15 A1016 Roof Plan A1101 Detail Floor Plan Apartments A, B, C, D E A1102 Detail Floor Plan Apartments F, G, H, I, J A1103 Detail Floor Plan Apartments K, L, M, N A2001 Proposed South Elevation A2002 Proposed North Elevation A2003 Proposed West Elevation A2004 Proposed East Elevation A2005 Proposed N/W and S/W Elevation A2006 Proposed North and South Elevation A4001 Overall Section A5001 Window and Door Schedule A6001 3 dimensional visualisations		GPG Architecture & Design
4	Apartment Design Guide Compliance Summary – 24/9/2019	-	GPG Architecture & Design
5	Apartment Design Guide Compliance Table	-	GPG Architecture & Design
6	Apartment Design Guide Figures Figure 3A-1a Site Location Plan – Precinct Analysis Figure 3A-1b Aerial Photography – Site Plan Figure 3A-1c Local Context Plan – Precinct Analysis Figure 3A-1d Streetscape Elevations Figure 3A-1e Site Analysis Figure 3A-1f Design in Context Analysis Figure 3B-1a Building Streetscape context Figure 3B-2a Solar Study Winter Solstice – Existing structures Figure 3B-2b Solar Study Winter Solstice - Proposed Development Figure 3C-1a Visualisation Cadell Place Figure 3D-1a Communal Open Space Shadow Diagram Figure 3D-2a Section through Podium Courtyard Figure 3D-2b Communal Open Space Figure 3E-1a Deep Soil Zones – Section through Cadell Place Figure 3F-1a Building Separation Figure 4A-1a Sunlight to habitable Rooms Figure 4A-1b Solar penetration into units Figure 4B-3a Natural Ventilation Figure 4F-2a Common circulation spaces – Lobby extracts Figure 4F-2b Common circulation spaces – Community Meeting Room Figure 4H-1a Internal noise reduction Figure 4M-1a Building Façade Figure 4Q-1a Universal Design Silver	-	GPG Architecture & Design
7	Traffic Impact and Parking Assessment – 25/09/2019	E	Graeme Shoobridge Advisory Services
8	Landscape Maintenance Plan		GPG Architecture & Design
9	Building Code Compliance Assessment Report – 25/07/2019	4	Building Certifiers Australia

10	Assessor Certificate – Ref 15075 – 29/08/2019	-	Building Sustainability Assessments
11	BASIX Certificate – 29/08/2019	-	BASIX
12	Site Environmental Overview – 23/05/2019	-	Sullivan Environmental Sciences
13	Water and Sewer Service Report – 29/08/2019	D	Xeros Piccolo Consulting Engineers
14	Civil Plan Set – 12/07/2019 Existing Services Plan Stormwater Plan	2	LRCE
15	Waste Management – 29/08/2019 Concept Travel Paths – 01/07/2019	B	MJM Consulting Engineers
16	Contamination Summary and Site Environmental Management Plan – Ref 4930 – 22/05/2019	1	McMahon Earthscience
17	BCA Acoustical Recommendations – Ref 6425-1 – 28/09/2019	A	Day Design PTY LTD
18	Environmental Noise Assessment Report – Ref 6425-1 – 28/08/2019	A	Day Design PTY LTD
19	Summary of Geotechnical Investigations – 22/05/2019	01	McMahon Earthscience
20	Historic Archaeological Assessment – Ref 18-715 – 14/08/2019	-	NGH Environmental
21	Statement of Heritage Impacts – Ref 18-715 – 29/08/2019	1	NGH Environmental
22	Structural Statement – Ref 18S008 – 14/06/2019	-	Peter Kennard Consulting
23	Urban Design Statement – July 2019	-	KI Studio
24	VPA Letter – 29/08/2019	-	Newton, Fisher & Associates PTY LTD
25	CIV & S94 Cost	-	Newton, Fisher & Associates PTY LTD
26	Cost of Development	-	Newton, Fisher & Associates PTY LTD

## 2 APPLICANT AND LAND OWNERSHIP

The applicant is Mr Paul Ludlow on behalf of Newton Fisher and Associates.

The site landowner is CRK Holdings Pty Ltd. Authorised representatives of the landowners have given their consent for the proposal as shown on relevant forms submitted to Council as part of the DA documentation.

## 3 SUBJECT LAND

### 3.1 Subject Land and Locality

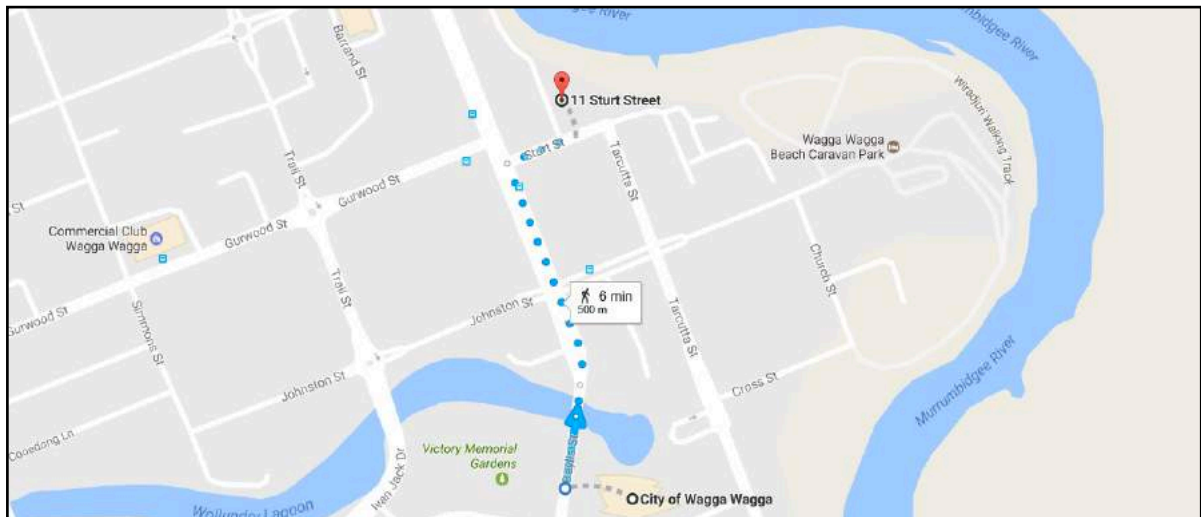
The subject land comprises Lot 12 DP1237398, 11 Sturt Street, Wagga Wagga.

The below figures highlight the subject land and show the general location of the land, relative to the CBD of Wagga Wagga. The site is located on the southern bank of the Murrumbidgee River, north of Sturt Street and east of Cadell Place, with its river frontage orientated predominantly northeast. The land has a total of 31.98m of street frontage to Sturt Street, 51.82m frontage to the river, and encompasses an area of approximately 2366m<sup>2</sup>.

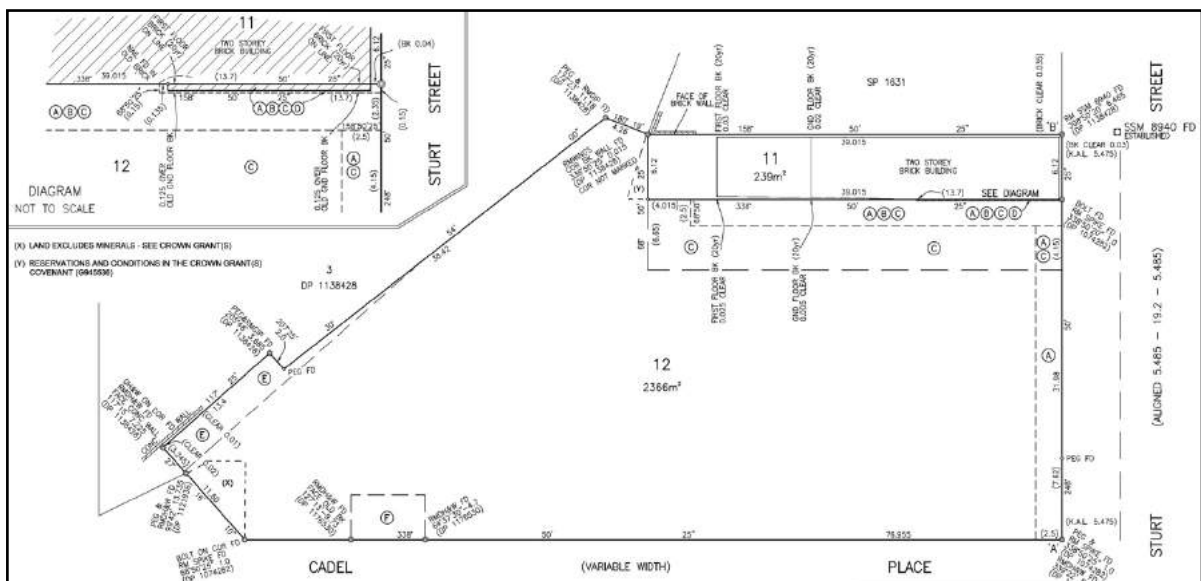
The site currently has 4 easements and 2 Right of Carriageways as shown in the DP extract below. One of these carriageways has since been dissolved by resolution of Council. A current site survey is included in Attachment 1.



**Figure 1:** Subject land (Source: SP/WWCCGIS 2019)



**Figure 2:** Location Map (Source: Google Maps 2019)



**Figure 3:** Extract of DP1237398 (Source: WWCCGIS Deposited Plans 2019)



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## 3.2 Site Characteristics

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### **3.2.1 Surrounding Land**

Site location and precinct analysis plans have been prepared by GPG Architecture and are included in Attachment 6. The site is surrounded by a variety of well-established land uses. The western area of the precinct is typified by commercial development, including hospitality uses. Immediately east of the subject site is a 2-storey dental practice building and a seven (7) storey residential flat building (Kilnacrott). South of the site includes prominent civic buildings, including the former Police Station and Wagga Wagga Courthouse. The Riverine Club is located diagonally opposite the site to the southeast. The northern aspect of the site overlooks the Murrumbidgee River, with the Wiradjuri Walking track located on the top of the existing levee bank that forms part of the site's river frontage. Land on the northern side of the river is predominantly rural open space with natural vegetation typical of a river floodplain environment.

### **3.2.2 Heritage Area/AHIMS**

The area also contains a number of important state and local heritage items, including the Wagga Wagga Courthouse and the former Police Station. The precinct is also located within the Wagga Wagga Heritage Conservation Area and is considered to be an area of local heritage significance. The proximity of the site to the Murrumbidgee River also increases the likelihood of the existence of aboriginal cultural heritage items in the locality. No items of heritage significance are identified on the site, as confirmed with Council records and the attached AHIMS Search.

### **3.2.3 Riverside Precinct**

The site is identified as a key development opportunity within the Riverside Precinct, as shown in the Wagga Wagga Riverside Masterplan. The site presents an opportunity to engage with the river and the active transport elements of the Wiradjuri Walking Track located on the top of the existing levee bank. There is also an opportunity to present an active frontage to Sturt Street and improve the vibrancy of Cadell Lane, as shown in the masterplan document.

### **3.2.4 Connections/Transport Network**

The site is well connected to the city transport network, with a number of active transport links including public roadways, walking track, cycleway and footpaths throughout the CBD and surrounding areas. Public transport networks are within close proximity to the site, with regular and frequent bus services connecting this area to other key activity hubs across the city. Bus stops are located less than 150m from the site on Fitzmaurice Street. A taxi rank currently exists in Gurwood Street, approximately 200m from the site.

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## 3.3 Site History

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### **3.3.1 Land Use and Approval History**

Historically, the site is known to have been used for various commercial uses including a vehicle repair station/premises and associated supply of fuel, and a spray services business. Earlier buildings were demolished in 1989. There are no official DA records confirming this landuse history. Historic aerial photos are provided below.

The site has previously been the subject of a number of development applications including:

- DA16/0700 – Subdivision and Boundary Adjustment along with Easement
- DA13/0502 – Single Story Office Building with Associated Car Park (lapsed)
- DA13/0414 – Two Lot Subdivision (surrendered)
- ADA10/0013 – Amendment to DA05/1052 – Proposed Extension of Time (withdrawn)
- ADA09/0018 – Amendment to DA05/1052 – Proposed Extension of Time

- ADA07/0102 – Amendment to DA05/0533 – Amend Planning Condition 4
- DA05/1052 – Proposed 10 Storey Unit & Commercial Development containing 3 Commercial Tenancies & 26 Residential Units (lapsed)
- DA05/0533 – Boundary Adjustment

DA16/0700 involved a two (2) lot subdivision, creating the subject land and a separate lot containing an existing commercial building, together with easements for services and access. The DA was approved on 12/05/17 and the subdivision registered on 22/11/17.

An application for a similar mixed-use development under DA05/1052 was approved on 13/02/2006, however the consent was not acted upon despite an extension of time under ADA09/0018. As a result, consent for the development lapsed on 13/05/2010.

Due to inaction on the previous development applications, the site has been left vacant and informally used for car parking.



**Figure 4:** Historical Aerial of Subject Land – 1944 (Source: WWCCGIS 2019)



**Figure 5:** Historical Aerial of Subject Land – 1971 (Source: WWCCGIS 2019)





**Figure 6:** Historical Aerial of Subject Land – 2012 (Source: WWCCGIS 2019)



**Figure 7:** Historical Aerial of Subject Land – 2018 (Source: WWCCGIS 2019)

### 3.3.2 Rehabilitation of Site

The site was the subject of a Site Audit Report in 2009 by C.M. Jewell and Associates Pty Ltd in relation to previous land uses and contamination assessment of the land.

The storage and use of hydrocarbon fuels on and adjacent the site involved underground fuel storage tanks. These tanks were located beneath the footpath within the public road reserve. It is understood that the tanks have previously been removed and the area is now inaccessible due to the presence of essential underground services,

The investigation and subsequent report concluded that any major environmental issues of the site have been substantially resolved by detailed investigation and "hot-spot" remediation. The site may be developed for commercial and upper level residential utilising passive risk management techniques during construction.

Further discussion on site rehabilitation is included in section 7.9 below.



## 4 DEVELOPMENT PROPOSAL

### 4.1 Proposal Details - Overall

The development proposal involves the construction and strata title subdivision of a twin tower mixed-use commercial and residential building complex upon Lot 12 DP1237398, 11 Sturt Street, Wagga Wagga.

The development includes the following key elements:

- Twin tower building comprising a seventeen (17) storey elevation to the Riverside frontage (56.05m) and six (6) storey elevation to Sturt Street (24.1m height)
- Landscaped podium level including community meeting room
- Three levels of undercover car parking providing 91 car parking spaces
- 3 commercial premises at street level totalling 235m<sup>2</sup> GFA, including 2 fronting Sturt Street and 1 on the Riverside frontage
- 67 residential apartments comprising 10 x 1 bedroom apartments, 29 x 2 bedroom apartments and 28 x 3 bedroom apartments (including 2 luxury penthouses)
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The development provides active frontages to Sturt Street, Cadell Place and the Riverside walking track/levee bank, aiming to improve connectivity and integration throughout the local area.

Siting of the proposed building has taken into consideration its relationship to adjoining landuses and the wider central business district (CBD), public transport and community facilities. The development aims to contribute positively to enhancing local amenity and promoting stronger social integration and sustainable lifestyle for residents and the wider community.

The development also aims to respect the heritage character of the area through the use of compatible design, materials and building articulation.

The attached plan set and architectural documentation provides further details of the development including site and precinct interpretation, floor plan layouts of each level, elevations and breakdown of number, size, mix, size and accessibility of each apartment (see Attachments 3 and 4)



**Figure 8:** Artists Impression of view from the Riverside (Source: GPG 2019)



**Figure 9:** Extract of floor plan for Level 3 (Source: GPG 2019)



**Figure 10:** Site Photo of existing features – looking south east from levee bank (Source: GPG 2019)

## 4.2 Site Preparation/Demolition

Site preparation works are required to facilitate the proposed development. This includes the removal of existing concrete slabs and other works such as temporary site access, installation of site offices, soil and erosion control measures, temporary fencing and site levelling works. A construction management plan (CMP) is proposed to be developed and implemented prior to the issue of a Construction Certificate (CC). The CMP will include a short-term Site Environmental Management Plan (SEMP) to manage any contaminated fill present on the existing site.

## 4.3 Commercial Component

The proposal includes commercial components on the ground level (Level 0) to aid in activating the street frontage to Sturt Street and also the Riverside/Cadell Place frontages. The commercial tenancies will have access to car parking with direct access from Cadell Place. The proposed commercial premises land use is defined by the Wagga Wagga Local Environmental Plan 2010:

***commercial premises*** means any of the following:

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

The tenants and actual commercial activities to be conducted on the site have not been finalised at the time of lodgement, however it is considered that any future use will conform to the commercial landuse description outlined above.

The floor area of this component of the development is 235.0m<sup>2</sup>, representing approximately 2.6% of the total 9037 m<sup>2</sup> gross floor area (GFA) of the development.

Each commercial tenancy will have access to appropriate toilet facilities and storage space.

## 4.4 Residential Component

The predominant land use of the development is the residential component. The residential component is defined under the WWLEP2010 as:

***residential flat building*** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The residential component comprises a total of 67 units. 55 located over 14 levels of the Riverside tower and a further 12 units over 5 levels of the Sturt Street tower.

In total, there are 10 x 1-bedroom units, 29 x 2-bedroom units and 28 x 3-bedroom units.

A summary of the residential components of each tower is provided below, with full details and analysis against the ADGs provided in accompanying documents.

**Table 2: Residential Unit Details**

	<b>Riverside Tower</b>	<b>Sturt Street Tower</b>	<b>Total</b>
Total Storeys	17	6	-
Residential Levels	14	5	-
1-Bedroom	5	5	10
2-Bedroom	22	7	29
3-Bedroom	28	0	28
<b>Total</b>	<b>55</b>	<b>12</b>	<b>67</b>



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## **4.5 Subdivision and Easements**

It is proposed to strata title the building, as per the attached draft plan of subdivision (Attachment 1). The plan of subdivision distinguishes between communal areas and private, strata titled dwellings. A body corporate will be implemented to manage the building and surrounding land. The strata titling will include the allocation of unit car parking spaces and storage areas, which will be identified in the final strata plan prior to registration.

An electrical infrastructure asset exists on site within an appropriate easement and the neighbouring dentistry building has both an easement for support of wall and Right of Carriageway for access across the subject site. The development does not seek to alter or encroach upon any of these easements. The Right of Carriageway has been integrated into the development for the benefit of both properties.

An easement also exists over the northern boundary of the property, benefitting Wagga Wagga City Council for purposes of the flood levee bank access. The development will encroach on this easement as shown on the attached plan set. Council has previously resolved, on 22 May 2017, to cancel the easement until the completion of the levee upgrade works. Further to this determination, discussions with Council officers have confirmed that this easement will be cancelled as a condition of consent of this development if approved.

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## **4.6 Other Relevant Proposal Details**

### **4.6.1 Staff**

Staff will be employed by the commercial tenancies and will have appropriate facilities and car parking available nearby. The number of staff proposed to be employed in these tenancies are currently unknown and will depend on the needs of the individual tenants.

In addition to these staff, there will be an opportunity for some employment on the site for maintenance staff and cleaners for communal spaces, however it is anticipated that these staff will be contractors.

### **4.6.2 Facilities**

Facilities proposed to be installed on the site are shown on the plan set attached. The proposed facilities include the provision of communal open space, communal access lobbies and lifts, waste chutes, and storage areas. These facilities increase the liveability of the proposal and are intended to provide the level of amenity expected of modern residential unit complexes.

### **4.6.3 Hours of Operation**

The commercial aspect of the development is anticipated to utilise standard hours of operation, being 8.30am to 5.00pm Monday to Friday. There may be some variation, depending on the needs of the individual tenants. It is considered that commercial development in this area will not significantly impact the amenity of the precinct.

### **4.6.4 Height & Floor Space Ratio**

The proposed twin tower building will have a maximum height of 56.05m at the highest point of the 17 storey Riverside Tower

The Sturt Street Tower will be 6 storeys and have a building height of 24.1m

The podium level will be at a height of 10.25m.

Floor space ratio for the proposal has been calculated at FSR 1:3.81.

See attached plans and architectural report for details.



**Figure 11:** Riverside Tower (Source: GPG2019)



**Figure 12:** Sturt Street Tower (Source: GPG2019)

#### **4.6.5 Traffic Generation**

The proposed development is anticipated to generate traffic and increase demand on the nearby road network. A Traffic Impact and Parking Assessment (TIPA) has been completed to investigate the potential impacts of the development on the existing traffic infrastructure in the area and is provided as Attachment 7.

As discussed in the TIPA, traffic generation from this development is not expected to have any discernible effect on nearby intersections or traffic volumes on main routes to or from the site. It is anticipated that the development will have minimal impact on traffic in the local area.

#### **4.6.6 Access**

To activate the surrounding street and riverside environments, the proposal design incorporates both vehicular and pedestrian access points from Sturt Street and Cadell Place. Refer to attached plans for details.

In summary, the existing ROW access from Sturt Street will provide vehicular and pedestrian access for residents and the adjoining 9 Sturt Street building. Disabled parking access is also via this ROW.

The Sturt Street frontage will provide pedestrian access to the commercial premises.

Cadell Place will be activated by providing pedestrian access to each of the residential towers, parking and pedestrian access to the riverside commercial premises, access ramp to the riverside levee walking track, car parking for commercial and visitors, and service access for loading and garbage collection purposes.

See attached architectural and traffic reports for further details. As outlined in the attached TIPa, it is considered that this arrangement will have minimal impact on the surrounding road infrastructure and compliment the alternative transport connections to the site.

#### 4.6.7 Car Parking

Car parking rates for the site have been adopted from the RMS Guide to Traffic Generating Development, as per the recommendations contained in SEPP65 Apartment Design Guide. The applicable rates have been taken for high density residential flat buildings located within a Metropolitan Regional Centre, as per the Department of Planning & Environment Technical Note – Car Parking Requirements in SEPP 65.

The commercial aspect of the development has retained the rates recommended in the Wagga Wagga Development Control Plan 2010.

See attached TIPa for detailed analysis of parking arrangements.

The applicable rates for both uses are outlined in the table below. The guidelines required 73 car parking spaces for this scale of development. The proposed plans identify 91 proposed car parking spaces to be provided on site over 3 levels (refer to architectural drawings).

**Table 3: Parking Calculations**

Parking Rates applicable to this development			
Definition	Rate applicable	Car parks required	Car parks Provided
<b>Residential flat buildings</b>	0.4 spaces per 1-bedroom unit 0.7 spaces per 2-bedroom unit 1.2 spaces per 3-bedroom unit  Visitor spaces – 1/7 units where there are more than 5 units	4.0 20.3 33.6 <b>57.9 spaces</b>  9.6 spaces	85 spaces  2 spaces
<b>Business and office premises, public administration buildings</b>	Within the Wagga Wagga city centre (B3 Zone) and mixed-use areas (B4 Zone): 1 space/ 45m <sup>2</sup> GFA	5.2 spaces	4 spaces
<b>Shops and retail (other than uses listed below)</b>	Within the Wagga Wagga city centre (B3 Zone) and mixed use areas (B4 Zone): 1 space/ 45m <sup>2</sup> GFA		
<b>TOTAL</b>		<b>72.7 (73)</b>	91

The proposed development design has allocated car parking as indicated in the Table 4. Note that the allocation has distributed spaces in response to the most practical arrangements for the anticipated occupation of one, two and three bedroomed apartments. This takes into consideration recommendations from the metropolitan car parking guidelines and Wagga Integrated Transport Study that single bedroomed apartments will be generally occupied by persons not requiring a motor vehicle when living in a CBD location serviced by adequate public transport and other alternative transport networks. Accordingly, one-bedroomed apartments do not have a parking space allocation. Two-bedroomed apartments are allocated one car parking space each, and three-bedroomed apartments are allocated 2 spaces each.

**Table 4: Parking Allocation**

CAR SPACES				
TYPE	No of Units	No Required	No allocated	Total Car spaces
1 BEDROOM APARTMENT TYPE A, E, J	10	4	0 each	0
2 BEDROOM APARTMENT TYPE B, C, D, G, K, M	29	20.3	1 each	29
3 BEDROOM APARTMENT TYPE F, H, I, L, N	28	33.6	2 each	56
		57.9		85

In relation to visitor car parking, as outlined in the TIPA, consideration has been given to the peak demand for parking which is likely to be generated by the proposed mixed use development and in particular, to the long stay parking demand from residents and employees and short stay parking demand from visitors and customers. The proposal aligns with the TIPA where peak demand for visitor parking (10 spaces) will occur at times of low demand for commercial parking, and vice versa. Visitor parking will utilise unoccupied commercial spaces in times of peak demand.

The TIPA also notes the presence of on street parking in Sturt and surrounding streets that will also be a choice for parking in the locality.

It is considered that adequate parking has been provided on the site, as demonstrated by the attached TIPA

#### **4.6.8 Services**

The attached Servicing Feasibility report (Attachment 13) has considered the current water and sewer services available near/on the site and any upgrades required to service the proposed number of dwellings. Water supply is administered by Riverina Water County Council and sewer connection and access is regulated by WWCC.

The upgrades required to service the site include an upgrade to water provision to site, replacing the existing 80mm asbestos cement supply that dates to 1946. This work will need to be conducted by Riverina Water County Council at full cost to the developer.

Initial discussions with Council indicate that there are no significant impediments to sewer drainage for the proposed development. The civil engineering plan attached indicates the proposed locations for sewer and stormwater servicing.

All other services have been indicated to be within close proximity to the site, as confirmed by a Dial Before You Dig (DBYD) search. Overhead powerlines are located on the Sturt St and Cadell Place boundaries of the site.

## **4.7 Streetscape/Urban Design/Landscaping**

Refer to attached urban design report, architectural report and landscaping plans for details on streetscape, urban design and landscaping matters.

The proposal has put forward an integrated proposal that respects the local streetscape and desired future character of the local area. This site has been identified by the City as being a landmark site and the proposal accordingly should have an outstanding aesthetic resolution (GPG2019).



## 5 INFRASTRUCTURE

### 5.1 Provisions of Essential Services

All essential services, including water, electricity, gas, telecommunication, sewer, drainage, road network and garbage services, are available in the general area and each tenancy will have access to these services. This is confirmed in reports and plans provided by Xeros Piccolo Engineers and Lance Ryan Consulting Engineers that accompany this SEE document (see Attachments 13 and 14).

Connections will be provided in accordance with all relevant Council and Service Provider procedures & guidelines. Adequate servicing voids and space have been provided within the development, as shown in the attached plan set. The servicing feasibility report prepared by Xeros Piccolo in respect of sewer and water services confirms adequate servicing capacity for the proposal.

#### 5.1.1 Waste Management

Adequate waste management areas have been provided in the development, as shown on the attached plan set, including waste chutes for residents and appropriate waste disposal areas and loading docks. These services are intended to be provided in 'back of house' areas that face on to Cadell Lane. Waste disposal will be conducted by waste disposal contractors to an approved waste management facility.

Provision has been made to incorporate Council's new garbage collection scheme, allowing residents to specify FOMO waste and dispose of this waste separate to general waste. An electronic sorting waste chute is proposed to be installed in the building to facilitate these new waste disposal measures. A waste management plan is included in Attachment 15.

#### 5.1.2 Postal

The site is located within Australia Post's distribution area. Designated letterbox areas in the foyers are proposed to be provided, with a separate letterbox for each unit.

#### 5.1.3 Bus/Public Transport

There is an existing local bus service which passes within 150m that connects the site with areas serviced by the bus network, including Charles Sturt University, the Baylis Street commercial precinct, Wagga Wagga Base Hospital and other areas. The site is also located within the service area for Wagga Taxis and other alternative transport providers such as Go Buggy and Uber.

Train services are available to Sydney and Melbourne from the Wagga Wagga train station located at the southern end of Baylis Street. Regional & interstate bus services are also available from the bus terminal area at the Wagga Wagga train station.

Air transport facilities are located at the Wagga Wagga Airport, Forest Hill, providing regular direct connections to Sydney and Melbourne. Private air charter services are also available at the Wagga Wagga Airport.

#### 5.1.4 Education Facilities

The area contains a number of nearby primary and secondary education facilities. These include Wagga Wagga Public School, Saint Joseph's Primary School, South Wagga Public School, The Riverina Anglican College, Kildare Catholic College and Wagga Wagga High School. In addition, Wagga Wagga also has a number of nearby tertiary education facilities including the Wagga Wagga TAFE NSW Campus and the Wagga Wagga Charles Sturt University Campus. These opportunities are readily accessible via public transport or school bus services that service the local area.

**5.1.5 Other Essential Services**

The area is in proximity to numerous healthcare providers including doctors, dentists and other specialist medical care providers. The Wagga Wagga Base & Calvary Hospitals are located within 2km, providing 24-hour emergency care if required. There are also numerous local home care providers in the area that assist independent elderly living.

Being located within the CBD of Wagga Wagga ensures that there are numerous choices of retail and commercial premises, including supermarkets and other food outlets, all within close proximity to the site. A Woolworths supermarket is located within walking distance to the site in Gurwood Street.

The site is also within walking distance to the Civic Precinct, Civic Theatre, Playhouse and other recreation and entertainment facilities.

## 6 PLANNING POLICIES AND GUIDELINES

### 6.1 Relevant Acts & Regulations

Development on the land is subject to the provisions of the Environmental Planning & Assessment Act 1979 (EP&A Act) & Environmental Planning & Assessment Regulations 2000 (the Regs).

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

#### 6.1.1 Integrated Development

The proposed multi use development is considered to be integrated development under the provisions of part 4, division 4.8, section 4.46 of the EP&A Act 1979. A portion of the subject land is identified as water front land as defined under the Water Management Act 2000, being within 40m of the highest bank of the Murrumbidgee River, and building work is proposed (*a "controlled activity"*).

The site is not considered to be integrated development under any other provisions of section 4.46 of the EP&A Act 1979, including the Rural Fires Act 1997. Assessment and concurrence by the Rural Fire Service is not required.

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

**Table 5: Integrated Development Consideration**  
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.
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.

<i>Protections of the Environment Operations Act 1997</i>	<i>Environment protection licence to authorise carrying out of scheduled development work at any premises.</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>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").</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
<i>Roads Act 1993</i>	<i>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</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Rural Fires Act 1997</i>	<i>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</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Water Management Act 2000</i>	<i>Water use approval, water management work approval or activity approval under part 3 of chapter 3</i>	Applicable, proposal meets criteria for consideration as integrated development under this Act. Subject site is located within 40m of the highest bank of the Murrumbidgee River and building work is proposed. Further discussion contained in below.

## 6.2 Strategic Plans

### 6.2.1 Wagga Wagga Spatial Plan 2013-2043

The Wagga Wagga Spatial Plan 2013-2043 is the guiding strategic document for the city in general. This document sets out the key aims, goals and objectives to grow the city and to inform future strategic documents. The development has considered the plan and its aims and objectives. The key strategic goals that the development supports include:

- Staying Connected
  - Goals supported
    - *Facilitate an environment that provides shared access to public spaces and promotes healthy activities*
    - *Maximise linkages and access to services and employment for the population of Wagga Wagga and the surrounding region*
- Protecting Heritage
- Transport Options
- Plan for a Growing Community/Resilient and Sustainable Built Environments
  - Goals Supported

- *Accommodating population growth through adequate supplies of well planned residential land, providing a variety of housing options to achieve housing choice and affordability.*
  - *Well serviced areas displaying design excellence, which in turn enhance the security and wellbeing of individuals and families, and provide a base for strong, resilient communities.*
- Maintain Current and Future Infrastructure
  - Growing Business Investment

In addressing the Spatial Plan goals, the proposal aims to improve connectivity to the Wiradjuri Walking Track, seeks to be compatible with the surrounding heritage precinct and encourages alternative transport options and use by residents.

The development also aims to sustainably use CBD land that is appropriately zoned whilst meeting the design excellence guidelines under SEPP65. Additional benefits of the development include upgrades to water infrastructure to the site and providing additional commercial floor space and employment opportunities within the CBD.

### **6.2.2 Draft Activation Strategy 2040**

The Draft Activation Strategy has been prepared as a to guide the development of future character and built form throughout the various neighbourhood precincts of the City. It identifies key precincts, existing character attributes and future directions to inform zoning decisions and DCP controls.

The subject site is located within the Central Precinct – Commercial Precinct of the draft strategy. Relevant strategic statements that are relevant to the proposal include:

*Revitalisation to mixed use higher density development*  
*Landscaping and furniture to improve the pedestrian amenity*  
*Encourage residential development on appropriate sites with connections to Fitzmaurice Street*  
*Establishment of Fitzmaurice Street as a distinctive retail, restaurant and café precinct*  
*Provide retail, artisan and cafe tenancies within, adjacent and overlooking the levee*  
*Provide clear visual gateways and cues to and within Riverside such as between Crampton and Kincaid Streets and Sturt Street*  
*Safer and more pedestrian friendly streets*

The proposal supports the strategic aims and objectives of this draft strategy through the development of a high density residential complex located on a suitable site with key linkages and connections to the CBD and the Riverside precinct.

## **6.3 State Environmental Planning Policies**

The State Planning Controls applicable to this development are outlined in the table below.

**Table 6: Relevant SEPP Requirements**

Relevant SEPP's	
Consideration of Relevant SEPP's	Comments
SEPP4 – Koala Habitat Protection	The site currently does not have any vegetation and is not identified as an area of core koala habitat. The site is in close proximity to the river however will not affect any vegetation.
SEPP55 – Remediation of Land	The site has been the subject of a site audit, with certain recommendations being made to minimise the impact of contamination on the site. As discussed below in Section 6.9, the requirements of SEPP55 have been addressed.
SEPP64 – Advertising and Signage	Any signage proposed on the front of the commercial tenancies may be subject to the provisions of this SEPP.
SEPP65 – Design Quality of Residential Apartment Development	The proposal is generally consistent with this SEPP. See discussion on SEPP65 below.

SEPP (Building Sustainability Index: BASIX) 2004	The proposal meets BASIX requirements, as shown in the accompanying documents.
SEPP (Infrastructure)	The proposal will not affect the adjacent flood levee bank or impact the recent upgrades to the flood levee bank.
SEPP (Exempt and Complying Development)	Signage for the commercial tenancies may also be classified as exempt development under the provisions of this SEPP.
SEPP State & Regional Development	The development is not considered to be Regionally Significant Development as defined under the SEPP.

### **6.3.1 SEPP65 – Design Quality of Residential Apartment Development**

The aims and objectives of SEPP65 - Design Quality of Residential Apartment Development (the SEPP) is to improve the design quality of residential apartment development in New South Wales. This is achieved through the use of consistent state-wide legislation, mechanisms and guidelines that contribute to the improvement of design quality, sustainability and liveability for residential apartments. The SEPP identifies that achieving good design outcomes for this type of residential land use is of significant benefit to the State due to various economic, environmental, cultural and social benefits. It also 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 this SEPP.

The proposal has been designed in consultation with Part 3 and Part 4 of the Guidelines. The Apartment Design Guide (ADG) assessment table included with the attached architectural reports (see Attachments 3-6) outlines each applicable guideline and how the proposed development meets the relevant standard. 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 the SEPP.

The SEPP Guide takes precedent over any controls contained in the DCP that deal with similar subject matter, including car parking. The Guide recommends that the parking rates outlined in the RMS Guide to Traffic Generating Development be adopted where they are lesser than parking rates in the local DCP. In the case of this development, the rates in the RMS Guide are lower than those contained in the DCP and have been utilised in the provision of adequate parking to service the proposal.

## **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:

- (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 by 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.

Discussion on applicable sections of the LEP is provided below.

### **6.4.1 Land Use Zoning**

The subject land is zoned B4 – Mixed Use under the provisions of the LEP.





**Figure 13:** Land Zoning Map (Source: WWCCGIS 2018)

Land Use Table extracts for the B4 Mixed Use zone are reproduced below:

**Permitted without consent**

*Home-based child care; Home occupations*

**Permitted with consent**

*Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Shop top housing; Water recycling facilities; 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); Industries; Industrial retail outlets; Industrial training facilities; Marinas; Mooring pens; Open cut mining; Recreation facilities (major); Research stations; Rural industries; Rural workers' dwellings; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities*

### 6.4.2 Permissibility

The proposal is defined under the LEP as a **mixed use development**.

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

The proposed landuses that comprise the mixed-use development include a residential flat building and a commercial premises. The LEP defines these land uses as:

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**Note.** Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

**commercial premises** means any of the following:

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

The proposed land uses are permissible in the B4 zoning with development consent. The specific use of a residential flat building is considered to be an innominate land use.



The Zone Objectives are considered in the table below:

**Table 7: Relevant LEP 2010 Zone Objectives**

LEP 2010 – Zone B4 Mixed Use	
Objective	Comments
To provide a mixture of compatible land uses.	Satisfied, the development supports a mixture of compatible land uses, including residential and commercial uses.
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	Satisfied, the development proposes a residential type development integrated with suitable commercial premises in an easily accessible location. The development also promotes links to nearby active transport facilities.

#### **6.4.3 Consideration of Relevant 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 the preparation of the development and supporting documentation:

<b>Part 3 Exempt &amp; Complying Development</b>	- Noted
<b>Part 4 Principal Development Standards</b>	
4.1 – 4.2B	- Not Applicable
4.3 – Height of buildings	- Applicable – see section 6.4.4
4.4 – Floor space ratio	- Applicable – see section 6.4.5
4.5 – Calculation of FSR & site area	- Applicable – see section 6.4.5
4.6 – Exceptions to development standards	- Not Applicable
<b>Part 5 Miscellaneous provisions</b>	
5.1 – 5.9AA	- Not applicable
5.10 - Heritage conservation	- Applicable – see section 7.8
5.11 – 5.15	- Not applicable
<b>Part 6 – Urban release areas</b>	- Not applicable
<b>Part 7 – Additional Local Provisions</b>	
7.1 – 7.1A	- Not applicable
7.2 – Flood planning	- Applicable – see section 7.5
7.3 – Biodiversity	- Not applicable
7.4 – Vulnerable Land	- Not applicable
7.5 – Riparian lands and waterways	- Applicable – see section 7.7
7.6 – Groundwater vulnerability	- Applicable – see section 7.7
7.7 – 7.8	- Not applicable
7.9 – Primacy of Zone B3 Commercial Core	- Not applicable
7.10 – 7.12	- Not applicable

Where indicated as applicable, the relevant clause subject matter is discussed and considered in further detail in other identified sections of this SEE.

#### **6.4.4 Height of Buildings – LEP Clause 4.3**

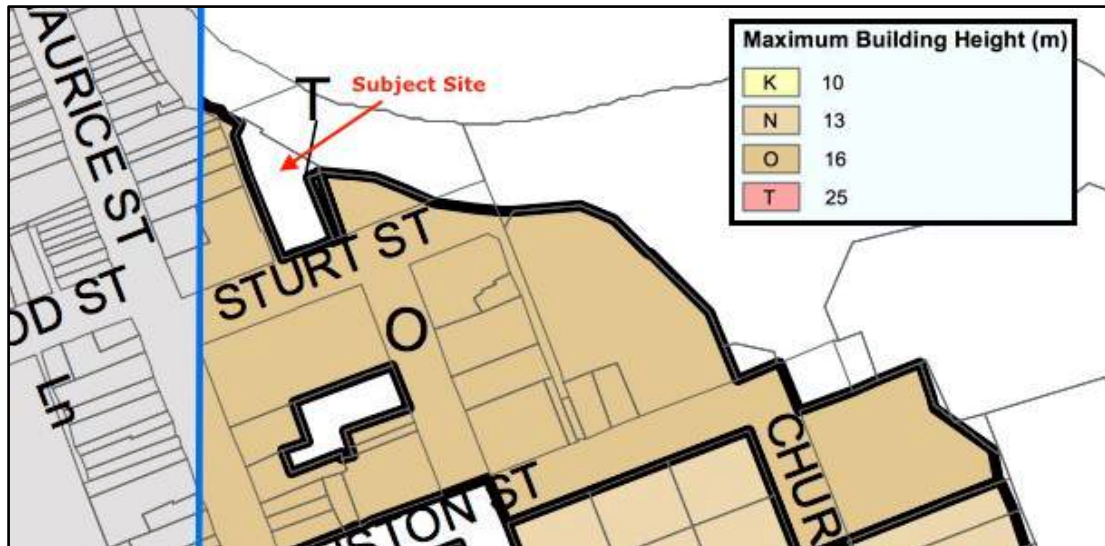
The objectives of this Clause are:

- 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,*
- to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,*
- 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 site was the subject of a LEP amendment (WWLEP2010 Am24) published on 19/7/19 that removed a previous 25 metre height limitation over the land. The site has no applicable height limitation as identified in current LEP mapping



**Figure 14:** Height Limit Mapping Extract (Source: LEP2010)

In preparing the revised development plans, a greater emphasis has been placed on ensuring articulation and design excellence of the proposed building reflects the desired future character of the locality. This discussion has been made in collaboration with the local planning authority to ensure the proposal is aligned with agreed strategic directions for the CBD, Riverside Precinct and City overall.

The revised twin tower design varies in height to a maximum of 56.05m with the Riverside Tower. The Sturt Street Tower has a maximum height of 24.1m, with the podium level being 10.25m.

Discussion on how the development achieves the objectives of this clause is provided in the table below and within supporting architectural and urban design reports that accompany this development application

**Table 8: Consideration of LEP Clause 4.3 Provisions**

Relevant 4.3 Provision	Response
<i>(1)(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,</i>	The proposal is a response to the desired future character of the local area and has been aligned with the strategic directions outlined in the Riverside Masterplan.
<i>(b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,</i>	Refer to attached architectural and urban design statements and plans in relation to the particular considerations and attributes of the proposal.
<i>(c) to encourage mixed use development with residential components that have high residential amenity and active street frontages,</i>	The proposal is a significant departure from existing developments with the local area and is aimed at promoting vitality and growth in residential living within the CBD and river environments.
<i>(d) to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and</i>	The twin tower design is proposed in response to respecting the heritage and commercial mixed use character of the Fitzmaurice Street and Sturt Street areas. The building articulation has directed

privacy and permits adequate sunlight to key areas of the public domain.	<p>height response toward the riverside frontage to lessen the impact on the streetscape of Sturt Street.</p> <p>The Sturt Street frontage incorporates elements to compliment the heritage character of the local area.</p> <p>The development incorporates high levels of residential amenity components and active frontages to Sturt Street, Cadell Place and the riverside.</p> <p>Visual bulk, sunlight access, privacy and impact on the public domain have been addressed – see detailed responses within the attached ADG response table as well as the submitted plans and support documentation.</p>
(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.	Noted. The site has no maximum height limit.

#### **6.4.5 Floor Space Ratio – LEP Clauses 4.4 & 4.5**

The objectives of these Clauses are:

##### **4.4 Floor space ratio**

- (a) to regulate the density of development and generation of vehicular and pedestrian traffic,*
- (b) to facilitate development that contributes to the economic growth of Wagga Wagga city centre,*
- (c) to ensure the bulk and scale of development does not have an unacceptable impact on the streetscape and character of the area in which the development is located.*

##### **4.5 Calculation of floor space ratio and site area**

- (d) to define floor space ratio,*
- (e) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:*
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and*
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and*
  - (iii) require community land and public places to be dealt with separately.*

These clauses are relevant to the consent authority by identifying matters that it must be satisfied with in order to grant development consent.

The LEP identifies the floor space ratio (FSR) for this site as 4:1, as shown in mapping extract below. Any easements present on the subject land do not prohibit development and these site areas are to be included in site area calculation for FSR.

The proposal has been calculated to achieve a FSR of 1:3.81. Refer to attached Apartment Design Guide Compliance Summary (GPGAUG2019) for details on calculations in accordance with the provisions of LEP Clause 4.5.

The development is consistent with the LEP FSR controls as set out in Clauses 4.4 & 4.5 of the LEP.

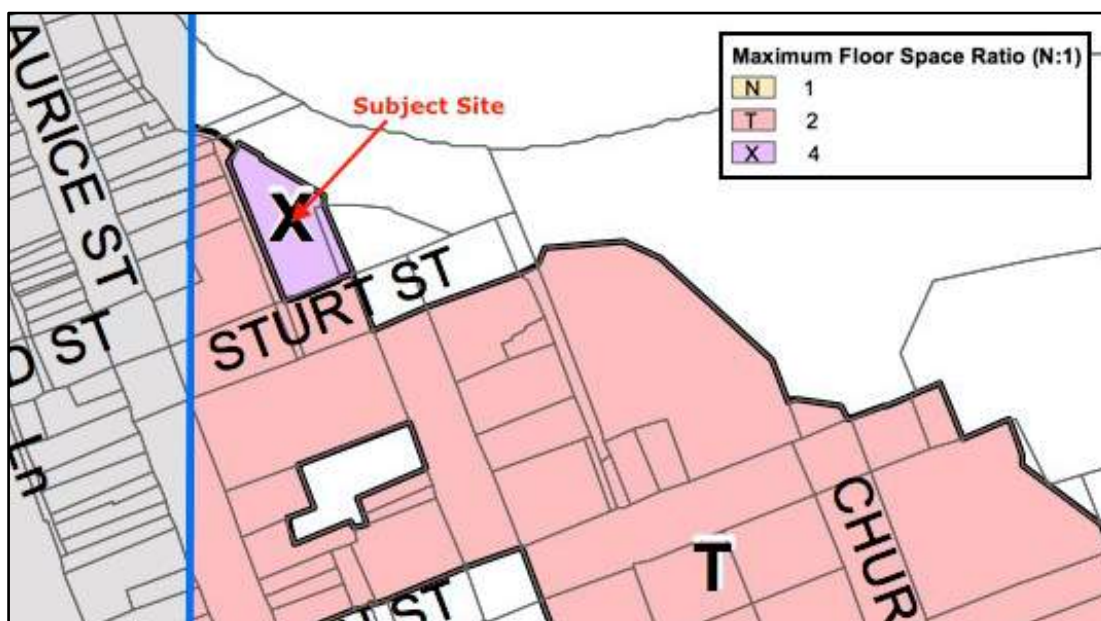


Figure 15: Floor Space Ratio Mapping Extract (Source: LEP2010)

## 6.5 Wagga Wagga Development Control Plan 2010 (DCP)

Sections 2, 3, 5, 9, 10 and 12 of the Wagga Wagga Development Control Plan (DCP) 2010 are relevant to the proposed development and are considered in the Table below.

Table 9: Relevant DCP 2010 Controls

Section 2: Controls That Apply to All Development		
Clause	Objective/Control	Comments
<b>2.1 Vehicle Access and Movements</b>	<i>C1: Access should be from an alternative secondary frontage or other non-arterial road where possible.</i>	Satisfied, access from Sturt Street is proposed. Sturt Street is a non-arterial road.
	<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, a Traffic Impact and Parking Assessment (TIPA) has been provided as Attachment 7. The study includes an assessment 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>C3: Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.</i>	Satisfied, the access system will permit vehicles to enter and leave in a forward direction for the majority of the development. Several commercial spaces with access to Cadell Place will be required to reverse back onto the public road. They form a minor part of the overall carparking demand for the proposal and are justified in this instance, particularly as other developments along the laneway have similar arrangements with no significant operational issues or impacts on the public domain.
	<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, adequate areas for servicing the site have been provided, see plans.
	<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, access driveways have been located in accordance with Australian Standards.

	<i>C6: Ensure adequate sight lines for proposed driveways.</i>	Satisfied, there are adequate sight lines for proposed driveways.
<b>2.2 Off-street parking</b>	<i>Controls – parking rates 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. Parking rates have been adopted as per the SEPP65 Guidelines. Parking for the commercial aspect utilises DCP rates.
	<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, car parking spaces have been provided to the relevant Australian Standards, see plans.
	<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, the development provides adequate onsite accessible car parking spaces.
	<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 generates less parking than separable parts.</i>	Satisfied, car parking is calculated based on each separate use. Additional justification provided for time of use for each aspect of the development. See TIPa – Attachment 7.
	<i>C5 – C6:</i>	Not Applicable. Development is not a proposed change of use.
	<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>	Not Applicable. Minor alterations and additions are not proposed.
	<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>	Noted, Traffic Impact and Parking Assessment (TIPa) provided as per Attachment 7.
	<i>C7-C11:</i>	Not Applicable. Undercroft parking over three levels is proposed. No vegetation is required.
<b>2.3 Landscaping</b>	<i>C1: A landscape plan is required for applications for: Commercial and Industrial developments Residential development (other than dwelling houses).</i>	Noted, as provided in the attached plan set.
	<i>C2 – C6:</i>	Noted.
<b>2.4 Signage</b>	<i>General controls for signage and structures C1 – C11:</i>	Noted, no signage that requires consent will be erected on the site. All signage will comply with relevant SEPPs.
<b>2.5 Safety and Security</b>	<i>C1 – C8:</i>	Noted, development has been designed in accordance with the SEPP65 and the Apartment Design Guide, which takes matters outlined in this section of the DCP into consideration.
<b>2.7 Development Adjoining Open Space</b>	<i>C1 – C4:</i>	Noted, the proposal includes the integration of the development with the levee bank and public open space areas along the river frontage. This has occurred with consultation with Council. The proposal will achieve the objective of encouraging positive visual and physical relationships between private developments and public areas and reserves.



Section 3: Heritage Conservation		
Clause	Objective/Control	Comments
<b>3.2.4 Development in the Vicinity of a Heritage Item</b>	<i>C2: Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by: a) Providing an adequate area around the heritage item to allow its interpretation. b) Retaining original or significant landscaping associated with the heritage item. c) Protecting and allowing the interpretation of archaeological features associated with the heritage item. d) Retaining and respecting significant views to and from the heritage item.</i>	Satisfied, as outlined in the attached Statement of Heritage Impact. The development will not have any significant impact on nearby heritage items.
<b>3.3.1 Fitzmaurice Commercial Precinct</b>	<i>Infill Development C1: Design infill and replacement buildings to reflect the general historic character of the precinct and nearby characteristic and heritage buildings.</i>	Satisfied, proposed development reflects the general historical character of the precinct and nearby heritage buildings.
	<i>C2: Maintain a two-storey building height at the street frontage, constructed with a nil setback.</i>	Variation Required, the site does not form part of the Fitzmaurice Street commercial 'strip' that is predominantly two storeys.
	<i>C3: Where sites are amalgamated use articulation to reflect the former subdivision pattern.</i>	Not Applicable.
	<i>C4: Maintain a balance of solid area over void. Large areas of plate glass curtain walls are generally not suitable and will not be supported.</i>	Satisfied, the proposal maintains a balance of solid area over void and does not proposed large areas of plate glass curtain walls.
	<i>C5: Use awnings and verandahs to reduce the bulk and scale of buildings.</i>	Satisfied, the proposal utilises balconies and other design features to reduce bulk and scale.
	<i>C6: Use of articulation in facades such as string courses, cornices, pilasters and other features that break up the scale of facades is encouraged.</i>	Satisfied, the proposal makes use of articulation in facades.
	<i>C7: Painting of facades in corporate colours is not supported and corporate identity should be established through appropriate signage.</i>	Satisfied, the proposal will not paint the façade in a corporate colour.
Section 5: Natural Resource and Landscape Management		
Clause	Objective/Control	Comments
<b>5.4 Environmentally Sensitive Land</b>	<i>C1 – C9:</i>	Not Applicable
	<i>C10: Identification of potential impact on riparian areas and waterways</i>	Satisfied, see discussion in Section 7.7 below.
	<i>C11: Construction of septic tanks</i>	Not Applicable
	<i>C12: Identification of potential impact on groundwater resources</i>	Satisfied, see discussion in Section 7.7 below.
	<i>C13: Construction of septic tanks</i>	Not Applicable
Section 9: Residential Development		
Clause	Objective/Control	Comments
<b>All Clauses</b>	<i>All Controls</i>	The content of this section of the DCP is generally satisfied through the provisions of SEPP65 and the guidance provided in the Apartment Design Guide. The development generally meets the requirements of the SEPP.
Section 10: Business Development		
Clause	Objective/Control	Comments
<b>10.2 Mixed Use Development</b>	<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>	Not Applicable

	<i>C2: Locate commercial and retail uses at ground level. Any residential component should be on upper level floors.</i>	Satisfied, proposed commercial tenancies are located on the ground level.
	<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, the ground floor frontage is compatible with the form, rhythm scale and character of desired future character of the area. The proposal intends to activate the street, river and laneway frontages through the commercial tenancies.
	<i>C4: Provide separate entrances to the residential and non-residential components.</i>	Satisfied, separate entrances have been established.
	<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, the parking has been concealed from the primary frontage.
	<i>C6: Access to basement parking levels is to be from one entry point.</i>	Satisfied, one entry point has been provided.
	<i>C7: Residential parking areas are to be secure and separate from non-residential parking and servicing areas.</i>	Satisfied, see attached plans.
	<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, the residential component generally complies with the provisions of SEPP65.
	<i>C9: Minimise expanses of blank walls, and use articulation and materials to create visually interesting street elevations.</i>	Satisfied, the proposal minimises blank walls through the use of materials and articulation to provide interest to the streetscape and surrounding public domain.
<b>Section 12: Specific Uses and Developments</b>		
<b>Clause</b>	<b>Objective/Control</b>	<b>Comments</b>
<b>12.10 Wagga Wagga Riverside Master Plan</b>	<i>C1: Any development within the Riverside Wagga Wagga – Strategic Master Plan project boundaries shall demonstrate consistency with the objectives, strategies and design principles of the Riverside Wagga Wagga – Strategic Master Plan.</i>	Satisfied, the development has been designed to integrate and support the Riverside Master Plan. See further discussion in Section 6.7 below.

### 6.5.1 Requested Variations to the DCP

Control 3 of Section 3.3.1 Fitzmaurice Commercial Precinct is required to be varied for the purposes of this development. The proposal will be greater in height than two storeys. It is considered that this variation can be supported as the site does not form part of the Fitzmaurice Street commercial 'strip' that is predominantly two storeys. The site has also been identified as being suitable for high density development in key Council strategic documents, including the Riverside Master Plan.

## 6.6 Development Contributions & VPA

The development will be subject to the relevant Section 7.11/7.12 Developer Contributions and Developer Service (DSP) charges, in accordance with the Wagga Wagga Developer Contributions Plans.

Preliminary review of Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 (the LICP) indicates this proposal will be subject to a 7.11 levy, as calculated based on the residential component that comprises more than 51% of the total GFA. For the purposes of this plan the site is not located in a special rate area.



Alternative options under the LICP include a Voluntary Planning Agreement (VPA). A VPA is proposed with this development in relation to the embellishment and activation of Cadell Place. See attached VPA request.

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## **6.7 Riverside Masterplan**

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The subject site is located within the area of the Riverside Masterplan referred to as "The Hampden Terraces Precinct". The objectives of the Hampden Terraces Precinct are:

- *improve the identity and attractiveness of the city centre;*
- *improve connectivity / interaction of levee and adjacent built form, and*
- *improve relationship between city and river.*

It is noted that *"These objectives concentrate in particular on how Fitzmaurice Street and Cadell Place interact with the levee and riverside. The objectives focus on the integration of the riverside into the urban fabric, as an inherent part of the city centre."*

There are a number of Land Use and Built Form Strategies suggested in the Riverside Masterplan that directly relate to Cadell Place as listed below. The undeveloped subject land is identified as having potential to be developed in a manner to integrate and improve visual amenity to the Wiradjuri Walking Track/levee. Other notable items from the masterplan relevant to the subject site are:

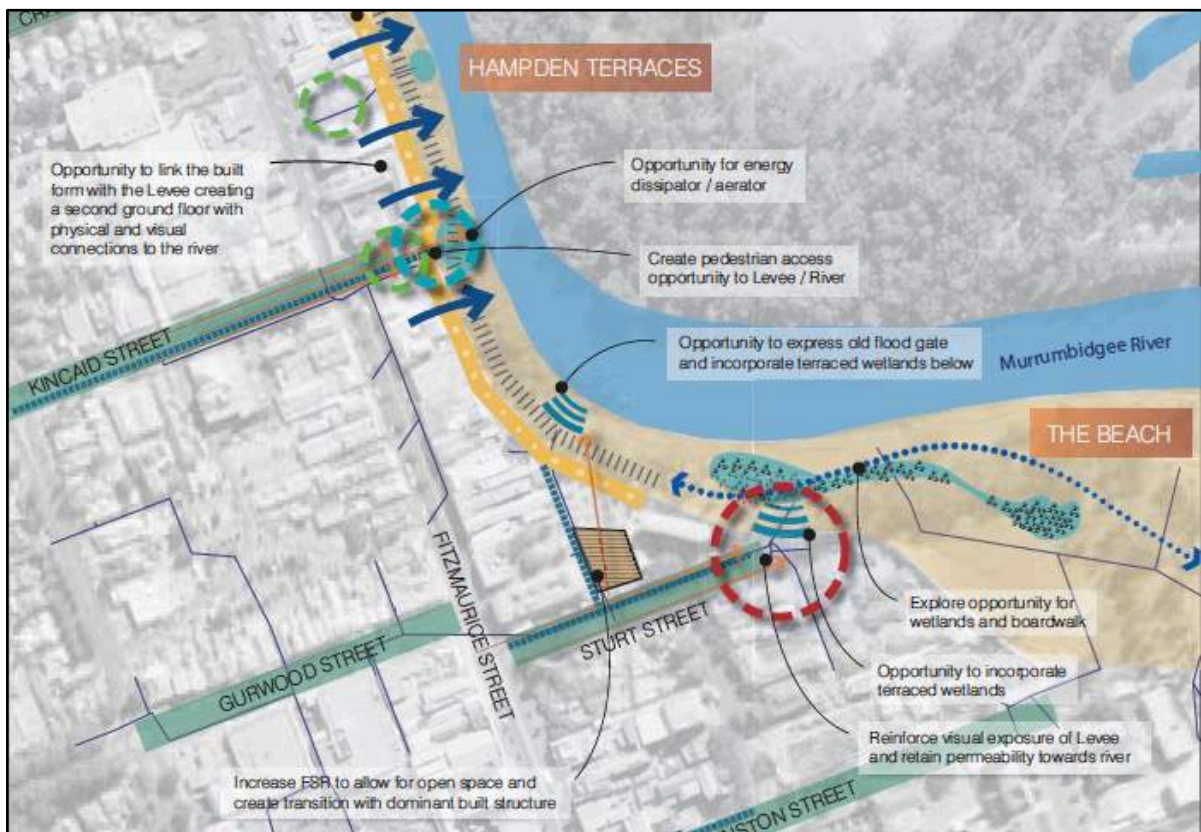
- *Provide artisan spaces in Cadell Place*
- *Create student housing along Cadell Place*
- *Increase floor space ratios, densities and activity along Cadell Place to incorporate cafes, bars, accommodation and gallery spaces*
- *Encourage suitable development on the vacant site on the corner of Cadell Place and Sturt Street*
- *Ensure that the development of the corner of Cadell Place and Sturt Street interacts directly with the levee top and utilises the level difference to incorporate semi-basement car parking*
- *Designate some areas as car free or for delivery vehicles only – drop off zones / shared zones. Note: An area to be promoted for service vehicles only is Cadell Place*
- *Reduce the potential for conflict between pedestrians and cyclists at key locations within the Riverside precinct. Note: this will include Cadell Place and may result in asking cyclists to dismount*

At the time of the development of the Riverside Masterplan, there was no physical development activity on the subject land, other than consent granted under DA05/1052 for a ten-storey residential complex. A section recommending integration of the private development and the levee bank/walking track was included in the Masterplan, suggesting small commercial development and/or connection from the property to the levee bank walking track by way of fill or stairs.

The content of the Riverside Masterplan generally supports development of the subject site, with various artists' impressions of potential development, as shown in the extracts below, that may be considered appropriate for the site. The proposed development is consistent with these visions and desired future character and implements many of the design elements and features recommended by the Riverside Masterplan.



**Figure 16:** Extract of Concept Levee Integration Plan (Source: Wagga Wagga Riverside Masterplan May 2013)



**Figure 17:** Extract of Hampden Terraces Precinct (Source: Wagga Wagga Riverside Masterplan May 2013)



**Figure 18:** Extract of Concept Site Plan (Source: Wagga Wagga Riverside Masterplan May 2013)

See attached Urban Design Statement that describes the merits and specific design qualities of the proposal, including how the proposal meets the desired objectives and outcomes of the Riverside Precinct Masterplan.

## 6.8 Integrated Transport Study

The site is located within the CBD precinct as identified by the Wagga Wagga Integrated Transport Study. The proposal supports the ITS through the use of minimal onsite car spaces and other public and active transport initiatives to encourage residents to utilise alternative transport methods. The development supports the findings and conclusions of the Integrated Transport Study.

## 6.9 SEPP55 – Remediation of Land

The site has been identified as being potentially contaminated, based on previous studies and audits conducted on the site. No remediation measures are required under SEPP55 - Remediation of Land prior to development. An engineered solution is considered to be an acceptable solution and has been recommended by the site auditor to prevent impact to future development. Further discussion regarding contamination on the site is contained below in Section 7.9.



## 6.10 Floodplain Management Study & Levee Upgrade

A draft revised Floodplain Risk Management Study and Plan is currently under consideration by Council. The draft revised study and plan investigates potential mitigation options for flooding from the Murrumbidgee River in Wagga Wagga, and makes recommendations on how the city should manage flood risks into the future.

The subject site is protected from severe river flooding by the existing main city levee bank. Council is undertaking upgrades to the existing levee bank to ensure a flood protection standard equivalent to a 1% Annual Exceedance Probability (AEP), or a 1 in 100-year average recurrence interval. Works have been completed on levee bank which aligns with the north-eastern boundary of the subject site.



**Figure 19:** Cross Section of Levee Bank Integration (Source: GPG 2019)

See attached engineering statement that verifies the structural integrity of the proposed building to withstand a major flood event.

## 6.11 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 current planning agreements applicable to the development proposal. A VPA is proposed to accompany this proposed development and forms part of the development application package.

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

Based on the above discussion, the site is considered suitable for the development. See also supporting urban design, architectural and other specialist reports that accompany this proposal.

- *any submissions ....:*

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

- *the public interest ...:*

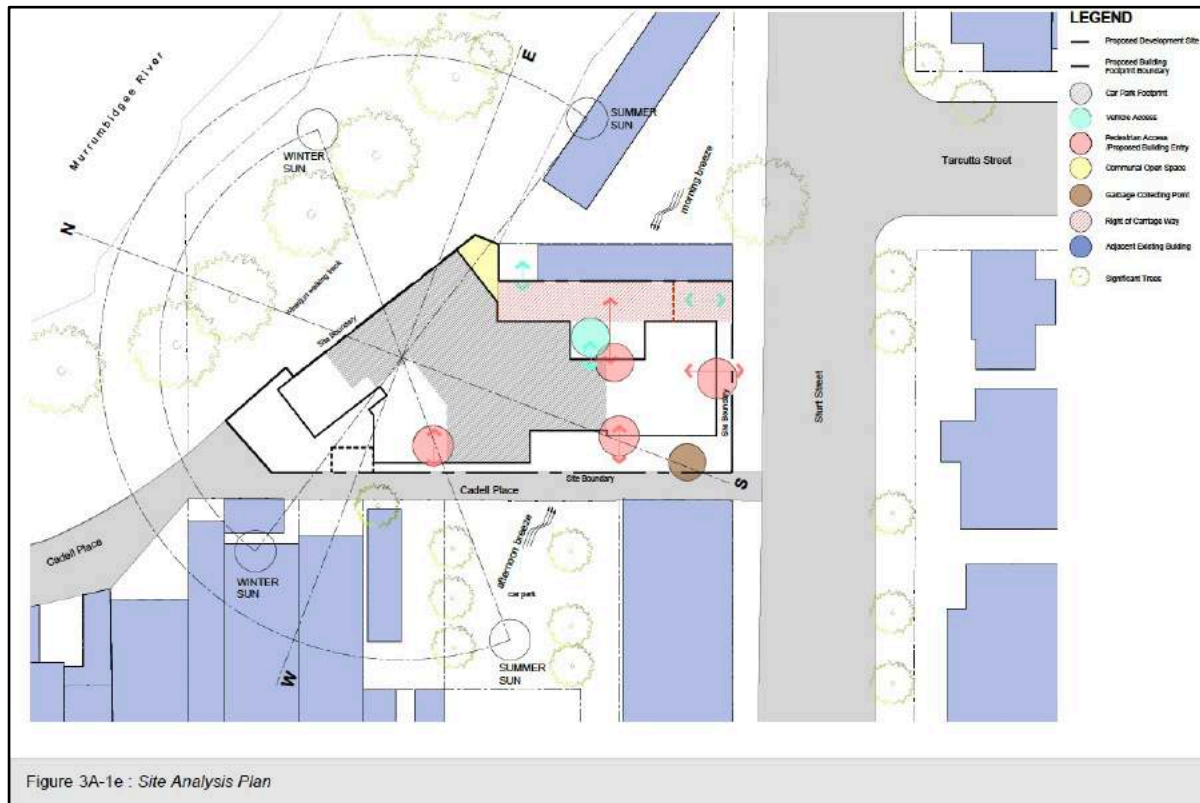
The public interest is supported with this application as the proposal is in accordance with the publicly endorsed planning policies and guidelines to ensure compatible and sustainable development on this site and within the future desired character of the locality.



## 7 ENVIRONMENTAL IMPACT ASSESSMENT

### 7.1 Site and Locality Analysis

The attached plan set (Attachment 6) contains site and precinct analysis plans. The subject site is located within the riverside precinct of the CBD of Wagga Wagga, east of Fitzmaurice Street. The surrounding area is mixed use in nature, with commercial premises located to the west and south, residential dwellings near to the east and the Murrumbidgee River and levee bank immediately to the north. Various civic and community buildings are also located within close proximity to the site, including the Wagga Wagga Local Police Station and the Wagga Wagga Courthouse.



**Figure 20:** Extract from Site Analysis Plan (Source: GPG 2019)

The subject site is 2366m<sup>2</sup> in area and is currently vacant, containing no significant vegetation or structures.



**Figure 21:** Photo of site (Source: GPG 2018)



**Figure 22:** Photo of site – frontage to Sturt Street and adjoining building (Source: GPG 2018)

The site has existing access to Sturt Street and Cadell Place, as shown in the figure above, with a frontage of 31.98m to Sturt St and 76.96m to Cadell Place.

A multi-storey mixed-use development comprising commercial and residential components is consistent with the future desired character of the local area. The site has been vacant for a significant time and redevelopment will revitalise this section of Sturt Street, as well as providing a major contribution to the implementation of the Riverside Master Plan.

Refer to attached architectural & urban design statements, as well as ADG assessment for confirmation of site suitability.

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## 7.2 Streetscape

Streetscape analysis and 3D images of the proposed development in context with the street and surrounding existing buildings are included in the Attachment 3 plan set. The proposal represents a significant change to the existing local streetscape environment and has been encouraged by strategic directions (Riverside Master Plan) and revised local environmental controls (LEP zoning, height and FSR provisions). The resultant streetscape environment represents the desired future character of the area and wider CBD environment.

See attached urban design statement for further justification for the merits of the proposal in relation to streetscape and precinct character.





**Figure 23:** Extract from 3D video demonstrating streetscape (Source: GPG 2019)



**Figure 24:** Building Streetscape Context (Source: GPG 2019)

### 7.3 Noise

Noise assessment reports are included in Attachment 17 – BCA Acoustical Recommendations (Internal) and Attachment 18 – Environmental Noise Assessment Report (External).

Due to the vacant lot being developed, it is anticipated that there will be an increase in noise generation from the site, however this is anticipated to be of minimal impact and generally as expected from the redevelopment of a mixed-use zoned site within the CBD. The current landuses in the immediate vicinity of the site include a variety of noise generating land uses,

including a pub, club and other residential and commercial uses. The proposed use will generate noise activity similar in nature with noise generation levels from existing surrounding landuses.

Day Design was commissioned to produce a noise impact statement and assessment of the existing noise levels and anticipated noise generation from the proposal. This report also contains a number of noise attenuation measures to reduce any potential noise impacts as a result of the development.

A data logger was placed on the balcony of Unit 14, 7 Sturt Street, being the closest residential receptor to the site. Monitoring data from this location indicated that the background noise level for the site was between 45-50dBA during the day, evening and night from the 23 January 2018 to the 4 February 2018. This background level was then used to determine the level of impact of the elements of the development that were anticipated to generate noise. Consideration of the nearby courthouse was also made, with reference to the specific noise standards required of these uses.

The elements that were considered noise generating were mechanical plant (including air condition condenser units, car park exhaust fans and lift motors) and vehicle movement in the car parking levels. All noise generating elements were considered to be within the acceptability criteria at all nearby receptors. Additional noise attenuation measures that were recommended include the following:

- Carbon Monoxide Monitoring System – limiting the operation of car park exhaust fans
- Air Conditioning – systems to be set to silent running mode between 10pm and 7am
- Air Conditioning Condenser Units – locating these on either the ground or first floor car park levels, or in a designated roof top plant area. Acoustic screening is likely to be required when located on the roof.

It is considered that the development will meet the requirements of all relevant noise impact guidelines and policy and will have minimal impact on nearby sensitive receptors.

A further acoustic report has been prepared by Day Design for internal noise compliance. This report details and suggests noise attenuation measures to be employed to reduce internal noise impacts between dwellings. These measures will ensure that the development meets the 'deemed to comply' standards of the BCA and SEPP65.

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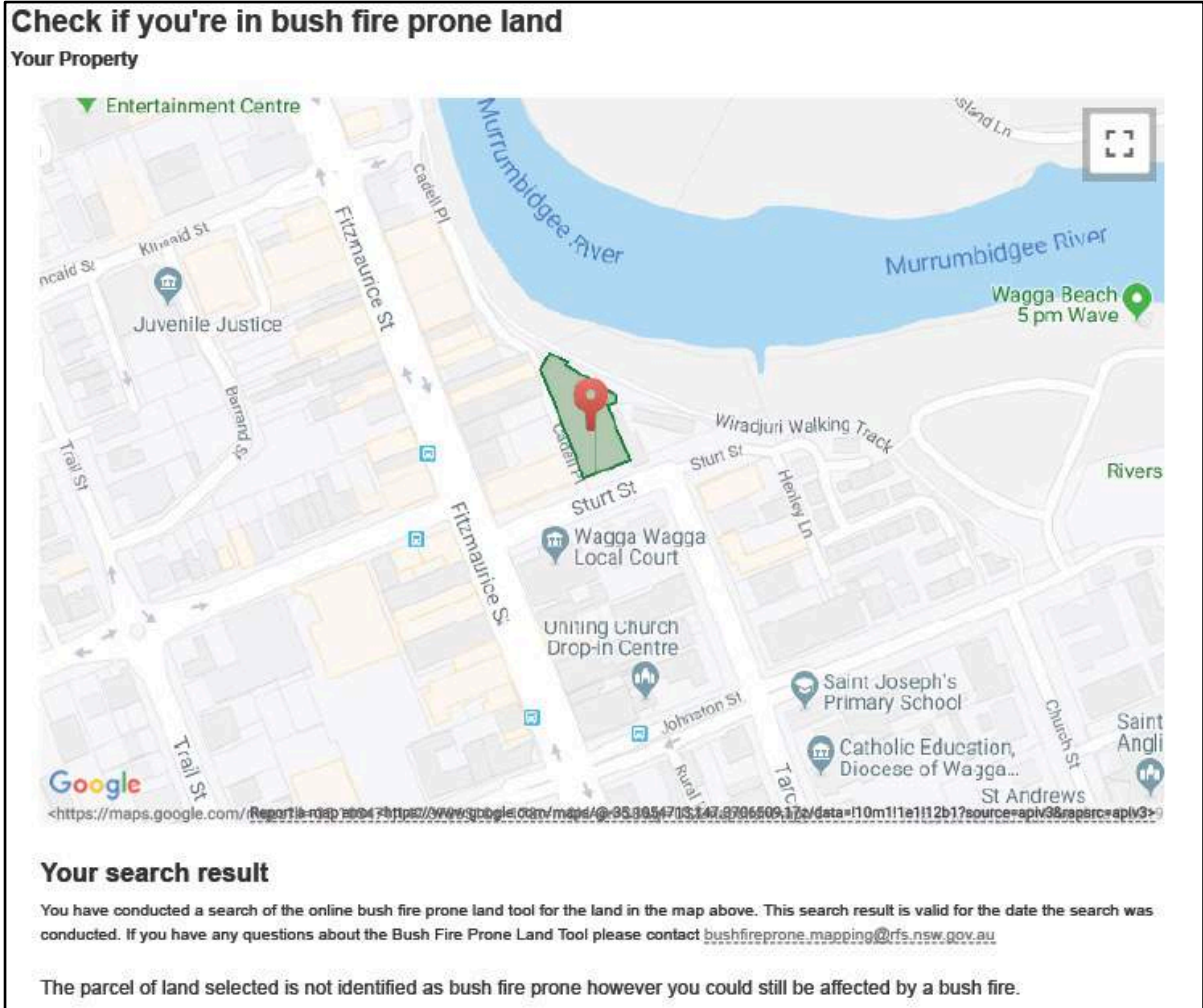
## **7.4 Bushfire**

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The subject land is not located in a bushfire zone as identified on available mapping (see extract below). A bushfire buffer area zone is located approximately 25 metres towards the river, across the existing levee bank system along the Riverside frontage of the development site. Existing native vegetation tree canopy extends from this buffer zone towards the levee bank.

Consideration of bushfire risk is firstly triggered by whether the site is on bush fire prone land (via the RFS Bush Fire Prone Land Mapping Tool). An extract from this initial investigation is provided below. The site is *"not identified as bush fire prone however you could still be affected by bush fire"*.





**Figure 25:** Bush Fire Prone Mapping Tool (Source: RFS 2019)

*Planning for Bushfire Protection (Dec2006)* guidelines indicate that no further consideration of bush fire issues is required for this site, subject to LEP local bushfire provisions. There are no specific local LEP bushfire provisions applicable to the site.

The DCP2010 includes guidelines for bushfire prone land with reference to *Planning for Bush Fire Protection 2006 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas (AS: 3959)*.

The subject site's location adjacent to the river corridor has been taken into consideration in respect to design interface with land outside of the identified bushfire buffer zone. There is a clear separation from the bushfire buffer zone and existing tree canopy, including the upgraded levee bank and completed walkway.

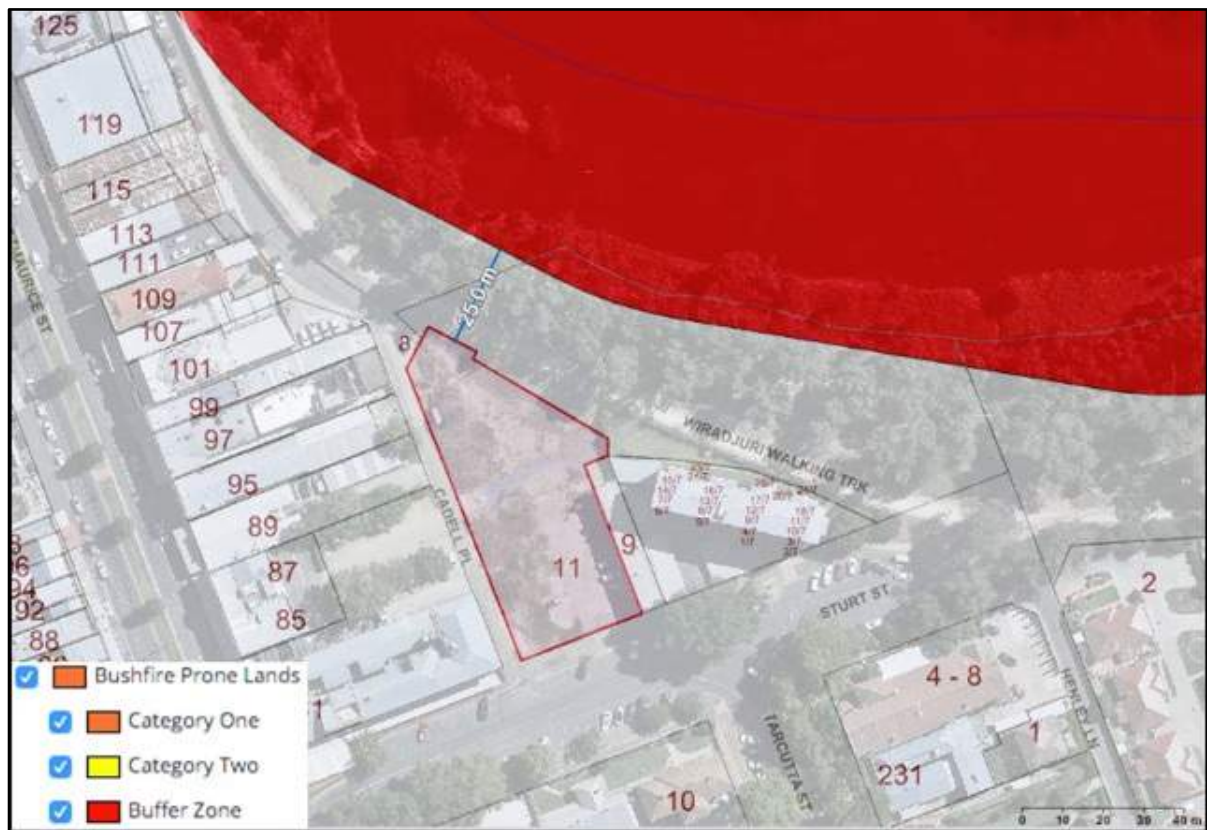
Consultation was made with the local Superintendent of NSW Fire & Rescue (Wagga Wagga Office) who indicate that the proposal and its location would not likely be affected by bushfire hazard considering its separation from the river corridor. Access to the site is adequate considering public roads are surrounding the site including Sturt Street and Cadell Place. However, further consultation may be appropriate with the Rural Fire Service during the development assessment process to consider any relevant conditions to be imposed on the final construction design of the building along the Riverside frontage.

Consultation was also made with a Planning Officer with NSW Rural Fire Service who indicated that whilst the land is not identified as bush fire prone or within the buffer zone, considering to the high elevation of the building should be considered. This is primarily in respect of ensuring

protection from potential “ember attack” by screening and the use of non-combustible materials in accordance with the relevant Australian Standards.

Fire safety and building construction requirements will be incorporated into the final building design in accordance BCA requirements and any other additional requirements deemed necessary through the consultation process to be undertaken by Council in assessing and determining the application.

No further detailed assessment of bushfire hazard impact in respect of the proposal is required to be undertaken at this stage.



**Figure 26:** Bushfire Map extract (Source: WWCCGIS 2018)

## 7.5 Flooding

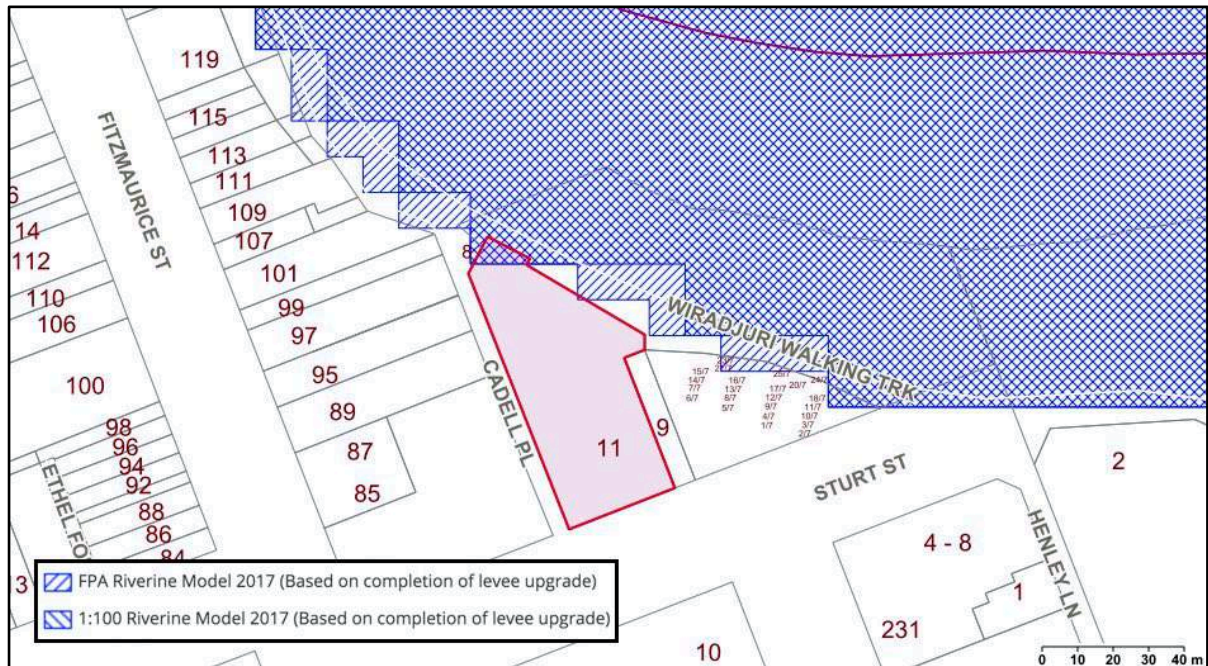
The site and proposal have been considered in relation to both overland and riverine flooding potential impacts.

The existing city-wide levee bank system is currently undergoing height reinforcement to achieve a 1:100yr ARI flood protection, based on recent flood modelling data. The section immediately opposite the subject site has been completed.

Under the LEP, the flood planning level (FPL) is determined to be the 1:100 ARI flood event plus 0.5m freeboard. There is no defined Flood Planning Map under the current LEP. For the purposes of this application, the site is considered to be protected by the existing flood levee system, and not impacted by the FPL provisions.

Available Council flood mapping information, based on the latest 2017 revised Flood Study (Riverine Model 2017) that includes the levee upgrades, indicates that the northern-most corner of the site may potentially be affected by riverine flooding. However, closer analysis of model data and mapping provided by Council clarifies that any affectation by riverine flood waters is isolated to unprotected land north of the current levee bank.





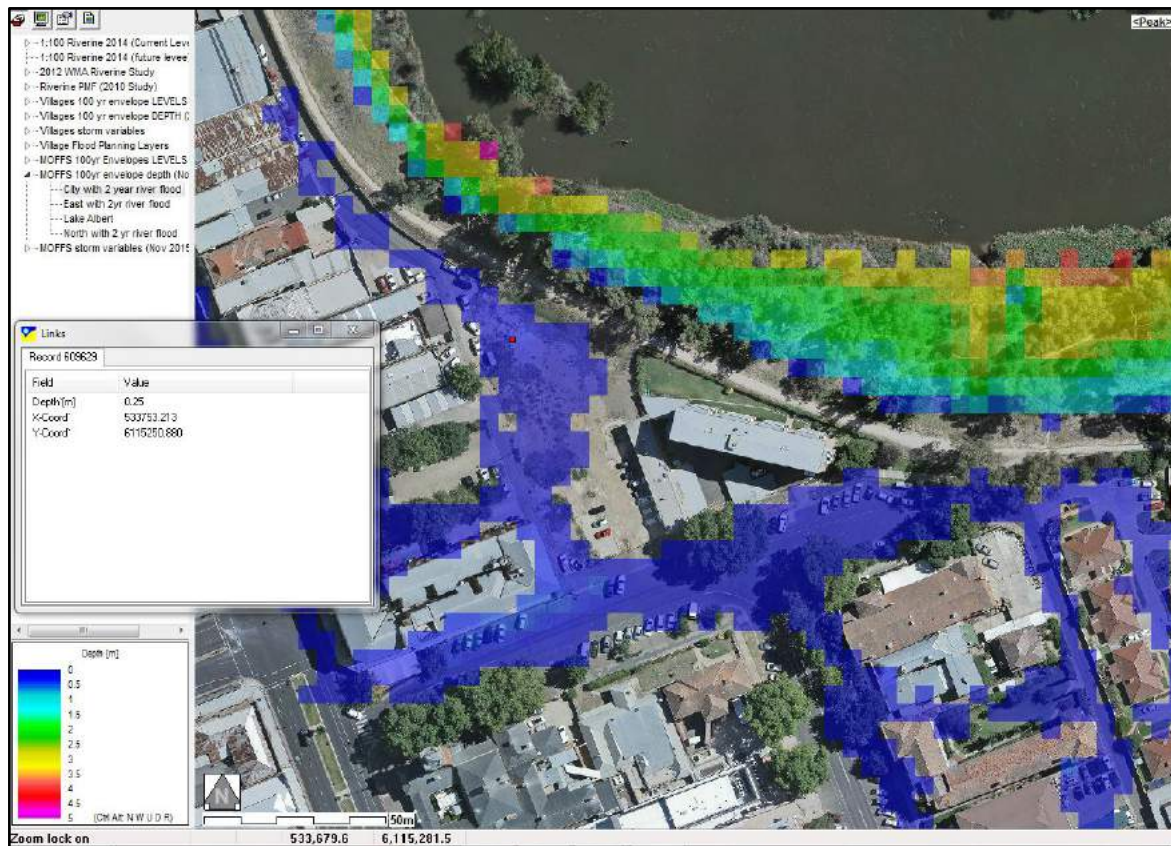
**Figure 27:** FPA Flood map extract – 2017 Riverine Model with levee upgrade (Source: WWCCGIS 2019)

In relation to overland stormwater flooding, recent modelling indicates that part of the site and surrounding street systems would be impacted by a major storm event. The proposal, however, will include satisfactory designed stormwater management systems to mitigate any potential impact from overland flooding (see civil design drawings attached).

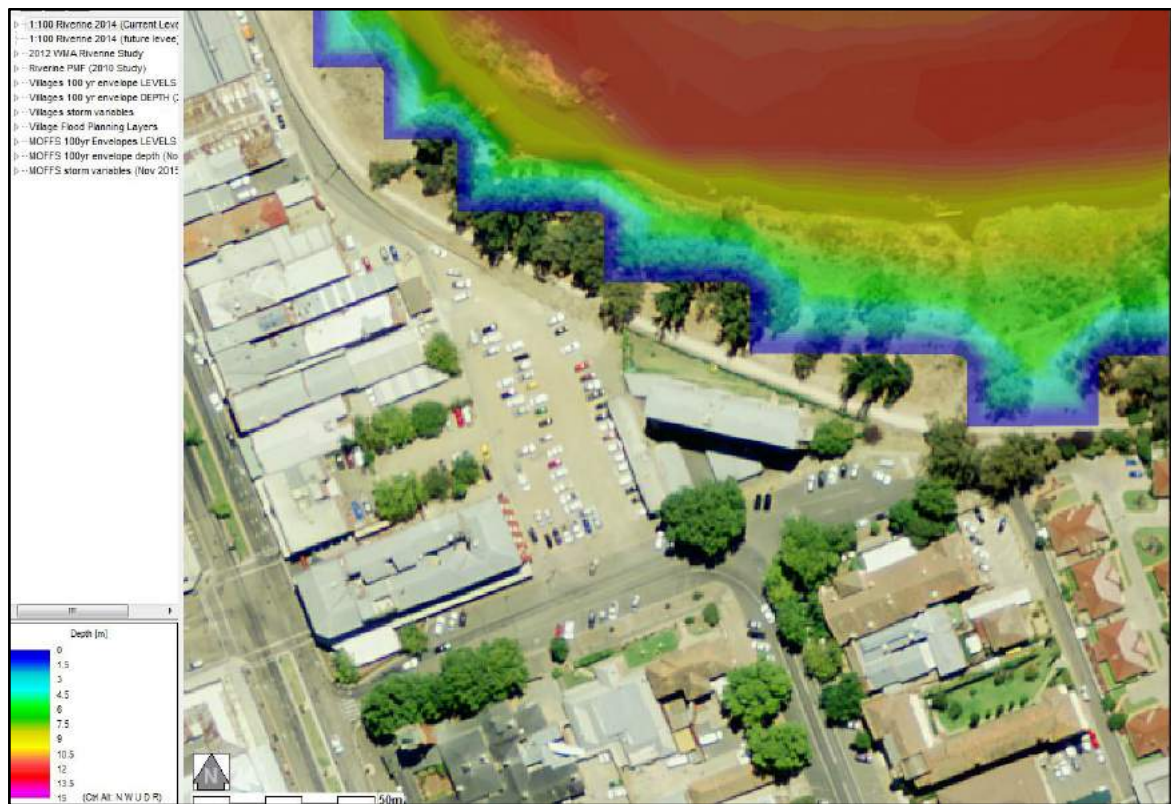


**Figure 28:** Completed flood levee works (Source: SP2019)



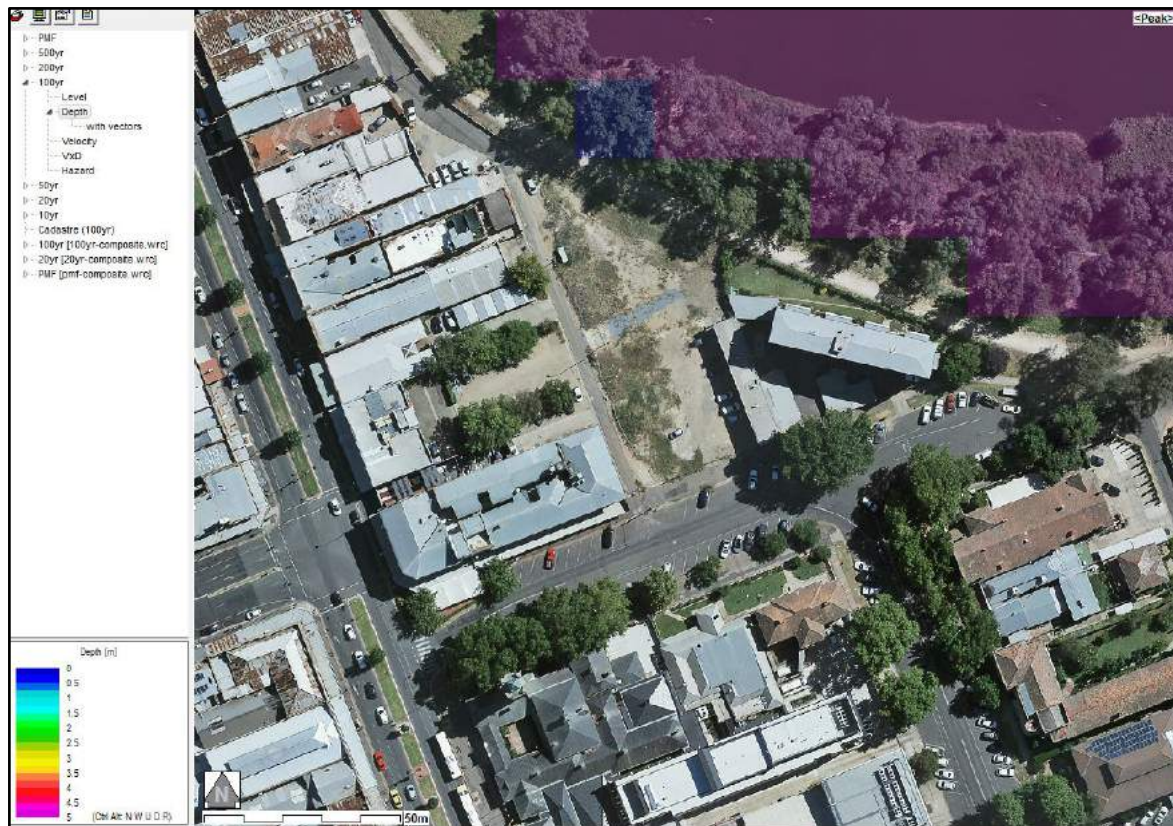


**Figure 29:** Overland-Stormwater Flooding Data (Source: WWCC2019)

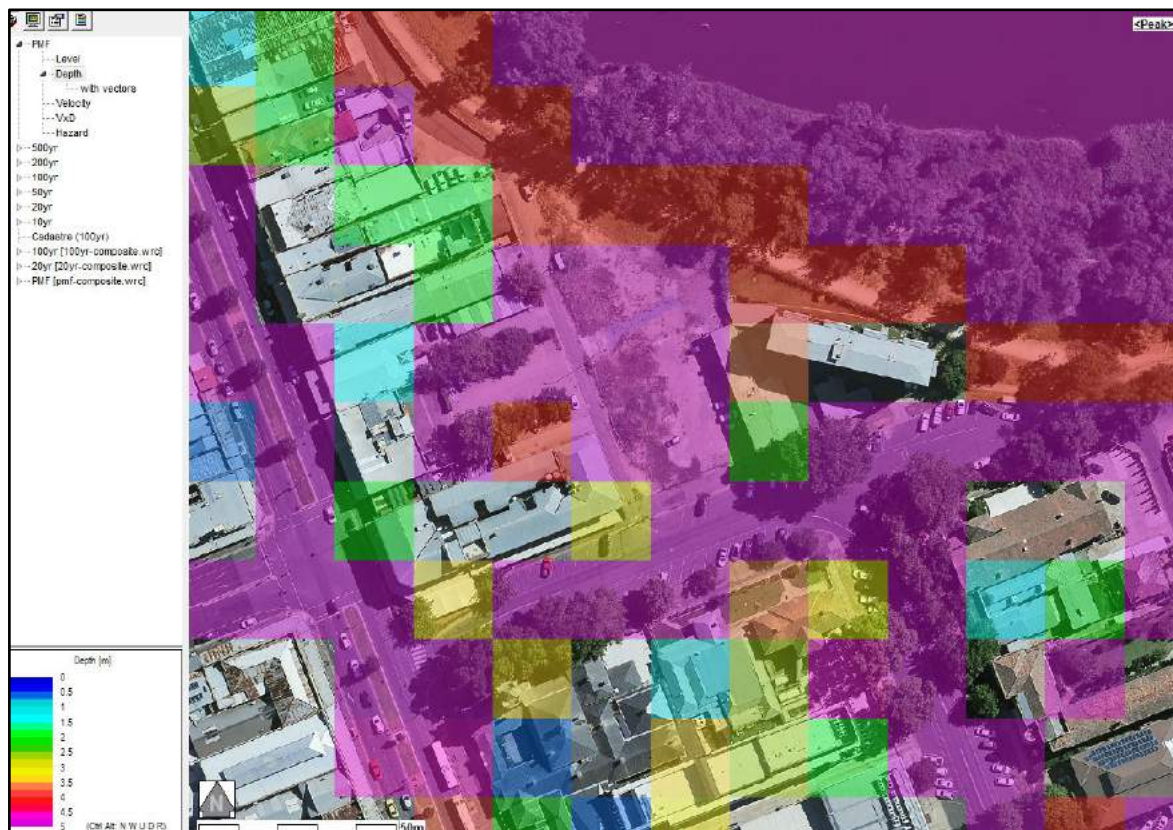


**Figure 30:** Flooding map 100yr - 2014 Model (Source: WWCC2019)



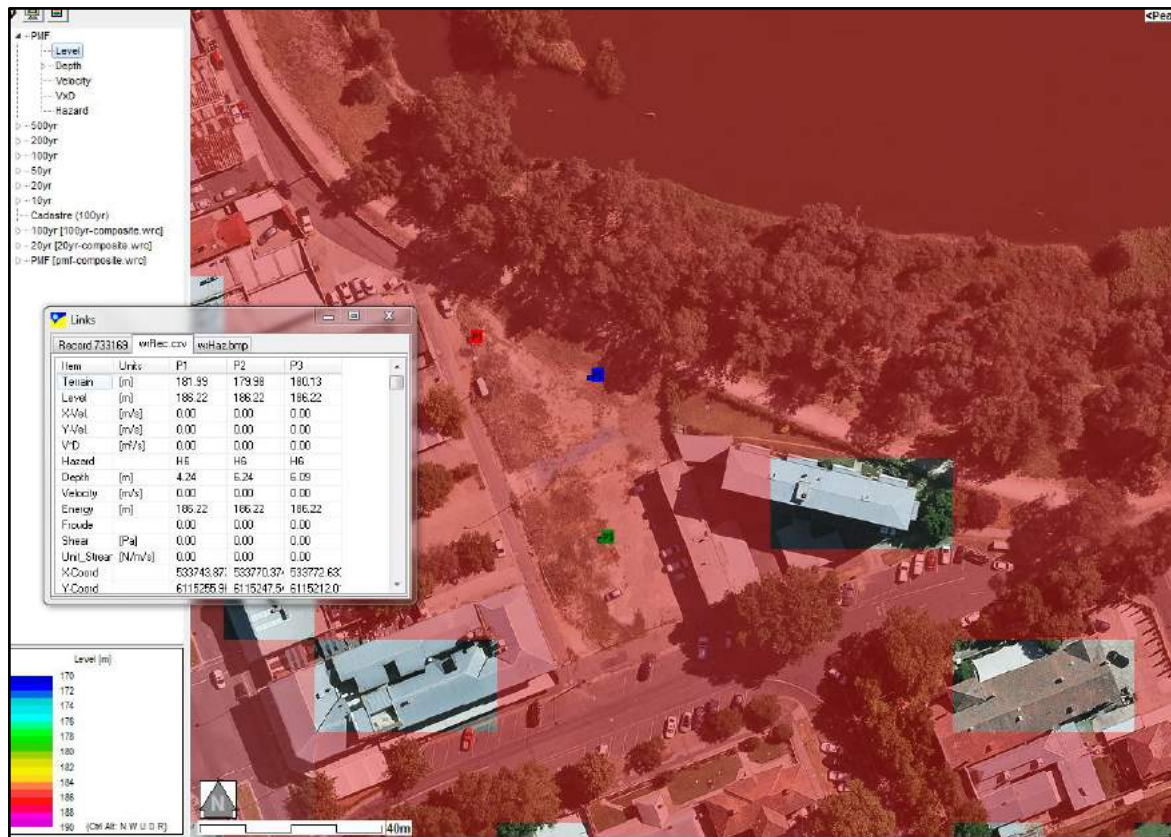


**Figure 31:** Flooding map 100yr – 2017 Model (Source: WWCC2019)



**Figure 32:** Flooding map PMF Depth – 2017 Model (Source: WWCC2019)





**Figure 33:** Flooding map PMF Level – 186.22m (Source: WWCC2019)

### 7.5.1 Flood Planning – LEP Clause 7.2

The subject land is protected by the existing city-wide flood levee, with recent height reinforcement works completed to ensure 1:100yr ARI flood protection, based on recent flood modelling data.

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 land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

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

The proposal has considered various relevant and appropriate environmental planning matters, as has been outlined and discussed in this SEE document, including available flood data from Council's latest flood model.

**Table 10: Consideration of LEP Clause 7.2 Provisions**

Relevant 7.2 Provision	Response
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:	The site is below the FPL, however, protected by the existing flood levee that achieves a 1:100yr ARI flood protection. Freeboard is included in the recently height reinforcement works.
(a) is compatible with the flood hazard of the land, and	The proposal is compatible with the flood hazard rating of the land, which indicates flood free status as a result of the existing levee bank. PMF potential levels indicate inundation of the land and other CBD properties, however this is not the FPL and no incompatible uses are proposed on this site.

Relevant 7.2 Provision	Response
<i>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i>	The proposal is considered to have no impact on flood behavior under the FPL standards. A structural stability statement has been provided with the accompanying development application documents to verify the stability of the building under an extreme PMF event.
<i>(c) incorporates appropriate measures to manage risk to life from flood, and</i>	Appropriate evacuation procedures will be included in the community/strata management plan for the building to ensure that risk to life and environmental harm is managed.
<i>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i>	
<i>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i>	There are no discernable potential unsustainable social and economic costs envisaged to result from the presence of this development in the event of a significant flood event.
(4) & (5)	Noted. There is no Flood Planning Map.

## 7.6 Flora and Fauna

The subject site has no existing major vegetation, as seen in the below aerial.

No endangered species have been sighted near the proposed development, as indicated in the Office of Environment and Heritage Wildlife Atlas map extract below.



**Figure 34:** Aerial view of site (Source: WWCCGIS 2019)





**Figure 35:** Wildlife Atlas Map (Source: OEH Wildlife Atlas)

## 7.7 Natural Resources Sensitivity

The subject site is identified under the LEP as biocertified and as potentially impacting groundwater and riparian lands/waterways.

The accompanying report titled "Summary of Geotechnical Investigations" (McMahon May2019) is to be also referred to in assessing the potential impact of this proposal.

### 7.7.1 Riparian Lands & Waterways – LEP Clause 7.5

The objectives of this Clause are:

- (a) water quality within waterways, and
- (b) stability of the bed and banks of waterways, and
- (c) aquatic and riparian habitats, and
- (d) ecological processes within waterways and riparian areas, and
- (e) threatened aquatic species, communities, populations and their habitats, and
- (f) scenic and cultural heritage values of waterways and riparian areas, and
- (g) catchment protection to prevent increased sediment loads and stream bank erosion from entering lakes, rivers and waterways.

The provisions of this clause are applicable to the site and proposal due to the site adjoining a waterway (the river) and being within 40 metres of the bank or shore of the river.

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

**Table 11: Consideration of LEP Clause 7.5 Provisions**

Relevant 7.5 Provision	Response
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:	
(a) any potential adverse impact on any of the following:	The proposed development is physically separated from the river by the upgraded flood levee bank



Relevant 7.5 Provision	Response
<p>(i) water quality within the waterway,</p> <p>(ii) aquatic and riparian habitats and ecosystems,</p> <p>(iii) stability of the bed, shore and banks of the waterway,</p> <p>(iv) the free passage of fish and other aquatic organisms within or along the waterway,</p> <p>(v) habitat of any threatened species, population or ecological community,</p> <p>(b) whether or not it is likely that the development will increase water extraction from the waterway for domestic or stock use and the potential impact of any extraction on the waterway,</p> <p>(c) proposed measures to ameliorate any potential adverse impact.</p>	<p>which has recently been completed in accordance with Flood Study recommendations.</p> <p>The development will have negligible impact on riparian lands and waterways, having adequate separation and appropriately management stormwater runoff control measures.</p> <p>The existing levee bank has recently been upgraded to reinforce protection to the urban area and stability of the existing river bank.</p> <p>There is little likelihood of any impact on the passage of fish and other organisms within or along the waterway. Nor any significant impact on the habitat of any threatened species, population or ecological community in the locality.</p> <p>The proposal will not have any significant impact on the water quality or ecological processes within the nearby waterway due to its location south of the existing levee bank.</p> <p>No extraction of water from the river is proposed.</p> <p>Siting of the proposed building has taken into consideration site limitations and measures to minimise impact on riparian lands and waters.</p>
<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and:</p> <p>(a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or</p> <p>(b) if a potential adverse impact cannot be avoided, the development:</p> <p>(i) is designed and sited so as to have minimum adverse impact, and</p> <p>(ii) incorporates effective measures so as to have minimal adverse impact, and</p> <p>(iii) mitigates any adverse impact through the restoration of any existing disturbed area on the land.</p>	<p>The siting and nature of the proposal is consistent with the objectives of this clause.</p> <p>The development has been sited and its construction and ongoing operation will be managed to avoid any potential adverse environmental impact.</p> <p>There are no identified adverse environmental impacts that cannot be avoided as a result of this proposal.</p>

### 7.7.2 Groundwater Vulnerability – LEP Clause 7.6

The objective of this Clause is:

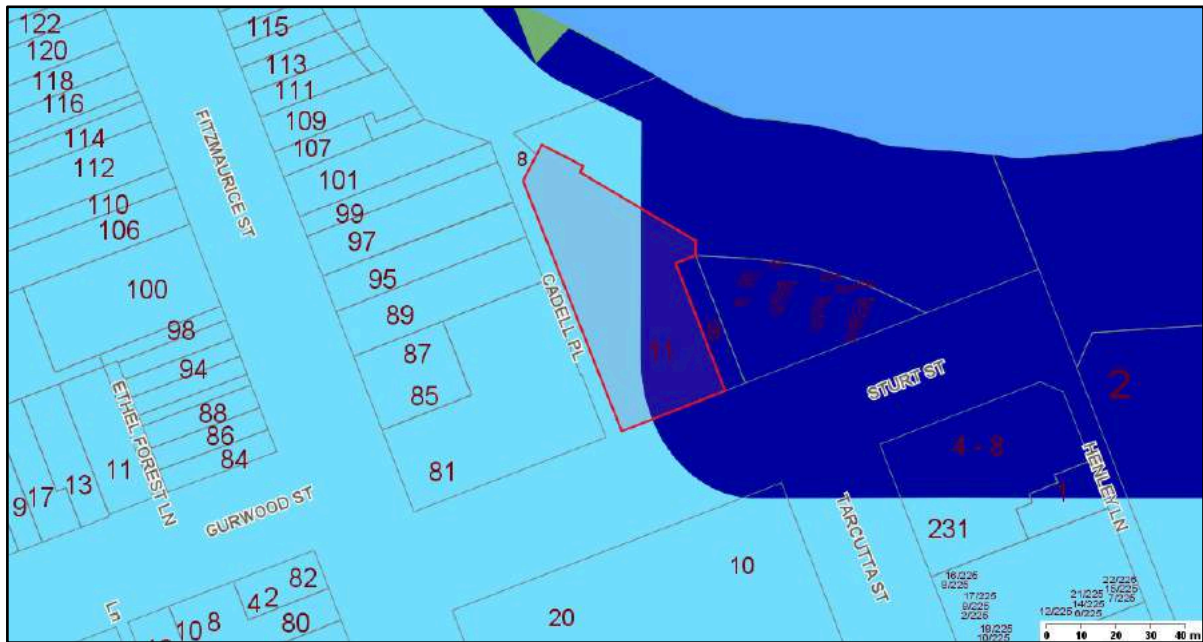
*to protect and preserve groundwater sources.*

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

**Table 12: Consideration of LEP Clause 7.6 Provisions**

Relevant 7.6 Provision	Response
<p>(3) Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is unlikely to adversely impact on existing groundwater sources, and</p>	<p>The proposal is not identified as a specified development under section (4) of this clause. These provisions are not applicable to this proposal.</p>

Relevant 7.6 Provision	Response
(b) is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and	The supporting geotechnical reports identify that groundwater is at a depth of over 9 metres below surface level. There is little likelihood of any adverse impact from this development on groundwater resources.
(c) is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.	
(4) Specified Development	Noted. The proposal is not specified development.



**Figure 36:** Riparian Lands & Waterways, Groundwater Sensitivity Map (Source: WWCCGIS 2018)

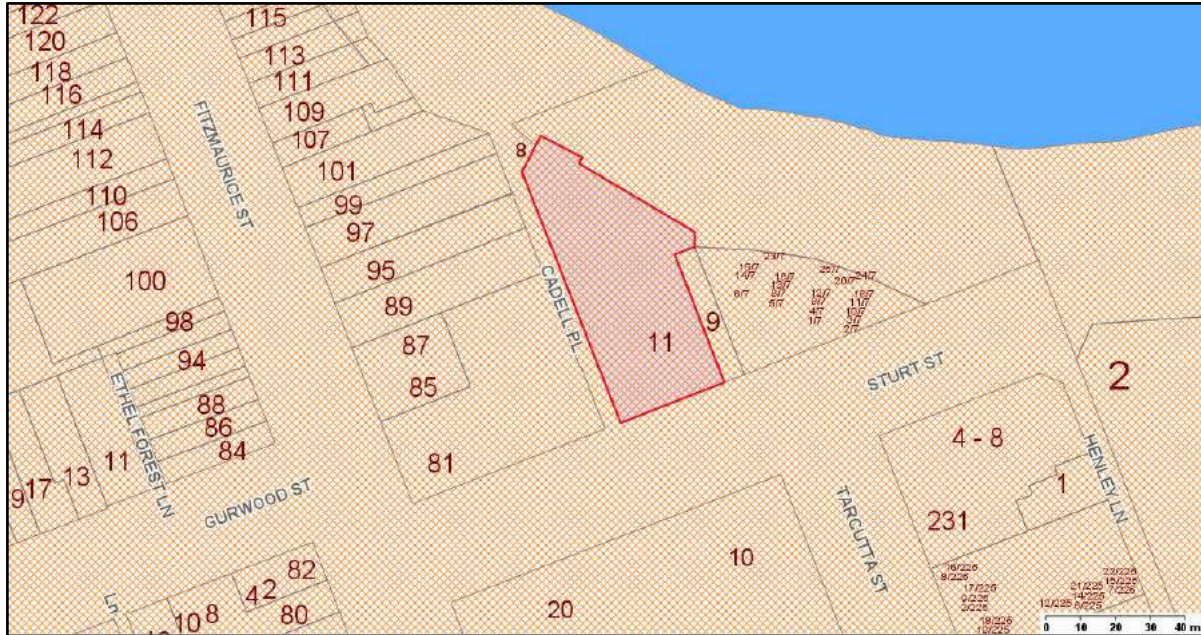


**Figure 37:** Biocertification (Source: WWCCGIS 2018)

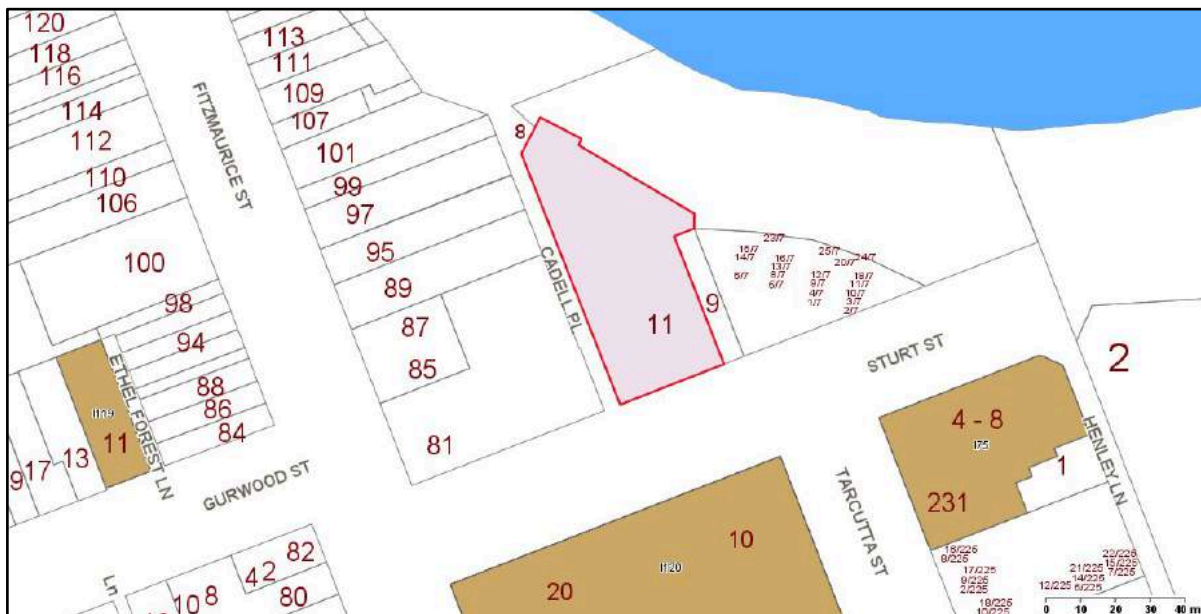
## 7.8 Heritage Conservation

The site is located within the Heritage Conservation Area, identified under LEP2010. The site is also located within proximity to listed heritage items including the Police Station/Court House complex and Riverine Club opposite.

A Statement of Heritage Impact (NGH Aug2019) and a Historic Archaeological Assessment (NGH Aug2019) have been prepared in respect of the site and proposed development. These reports form part of the supporting documents with this development application and are attached for reference.



**Figure 38:** Conservation Area Map (Source: WWCCGIS 2018)



**Figure 39:** Heritage Items Map (Source: WWCCGIS 2018)

### 7.8.1 Heritage Conservation – LEP Clause 5.10

The objectives of this Clause are:



- (a) to conserve the environmental heritage of Wagga Wagga,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Under this clause, development consent is required for erecting a building on land that is within a conservation area. The clause is relevant to the consent authority as it must consider the effect of the proposed development on the heritage significance of the item or area concerned.

The proposal has considered various relevant and appropriate environmental planning matters, as has been outlined and discussed in this SEE document and the attached architectural, urban design and specialist heritage reports.

### **7.8.2 Statement of Heritage Impact**

The Statement of Heritage Impact (SOHI) has been prepared in accordance with key NSW heritage guidelines and planning instruments as outlined.

The SOHI concludes that whilst the proposal will adversely impact upon some historical viewsheds within the Wagga Wagga Conservation Area and some of the heritage listed items, this impact is not considered to have either an adverse or detrimental impact the heritage significance and values of the Wagga Wagga Conservation Area, the Fitzmaurice commercial precinct, or LEP listed heritage items within proximity of 11 Sturt Street.

The mitigation measures developed through the design and planning of the proposal should reduce the impacts to historical viewsheds.

Recommendations from the SOHI are reproduced below and are provided to inform Council in its determination of the proposal.

*The recommendations are as follows:*

- 1. The local heritage significance of this portion of the Fitzmaurice Street Commercial Precinct, should be taken into consideration by the proposed development, through the production and erection of interpretive signage, based on the information provided in this assessment and the associated historical archaeological assessment (NGH 2019, in prep).*
- 2. Additional heritage management may be required once the detailed construction plans for the proposed development have been finalised.*
- 3. If unexpected heritage items are identified during the proposed construction works, then the Unexpected Finds Procedure outlined in Section 6.2 of this assessment must be followed.*
- 4. Further heritage investigation is recommended through the production of a Historical Archaeological Assessment (HAA) to determine the presence and extent of potential archaeological remains at 11 Sturt Street (NGH 2019 in prep.).*

### **7.8.3 Historic Archaeological Assessment**

The Historic Archaeological Assessment (HAA) has been prepared to identify the archaeological potential of the development site, potential heritage significance of any identified relics and provide recommendations regarding the appropriate course of action to be followed for ongoing management of proposed works.

The HAA concludes that *the archaeological potential of the site lies largely in the built features associated with the site use history. While there are documented sources available to draw conclusions from regarding the location and the history of Waterview, there are gaps in the evidence available, leaving the existence and preservation status of any remaining features undetermined. Pre-excavation assessment indicates that Waterview is of local significance against the NSW heritage significance criteria of*



*historical, associative, aesthetic, research, social and representative values, and as such further work is required to determine the potential extent, nature, location, and value of the site. This will in turn inform decisions regarding future impacts of the area.*

Recommendations from the HAA are reproduced below and are provided to inform Council in its determination of the proposal.

*It is recommended that:*

1. *Archaeological testing be undertaken under a section 139 (4) exemption permit of the NSW Heritage Act (1977), prior to any minor ground disturbance, to determine if remains of Waterview, the store and gardens occur at the location indicated in historical sources. Such a permit can allow archaeological excavations where the potential impact on archaeological relics is demonstrated to be minor in order to verify the existence of relics without destroying or removing them. This will require the preparation of an Archaeological Research Design to accompany the permit application.*

*AND/OR*

2. *An open area archaeological investigation be undertaken under a section 140 permit excavation permit of the NSW Heritage Act (1977) to determine the precise location, extent and significance of Waterview archaeological remains across the proposal site. This will require the preparation of an Archaeological Research Design to accompany the permit application.*

3. *The section 139 (4) and/or section 140 permit applications be prepared in consultation with a qualified historic heritage consultant/archaeologist.*

4. *Should archaeological relics and/or further archaeological potential be identified, a heritage significance assessment should be prepared as part of the post-excavation report identifying how the heritage significance can be preserved, managed and interpreted*

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## **7.9 Site Contamination**

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The subject site is listed in Council records as potentially contaminated due to past landuses that include historical use for vehicle repair premises, including underground petrochemical storage.

As part of assessment for a previous DA, a site audit was conducted and made the following comments regarding contamination on the site:

*"The Site Auditor considers that the major environmental issues on this site, resulting from storage and use of hydrocarbon fuels on and adjacent to the site, have been substantially resolved by detailed investigation and hot-spot remediation... The environmental investigation and site audit have found that the site can be made suitable for the proposed use subject to passive management of risk associated with exposure to hydrocarbon vapours derived from contaminated groundwater."*

The Auditor also recommended a short-term Site Environmental Management Plan (SEMP) for implementation during construction works, assessment of soil on site and to avoid extraction of groundwater from the site. As a result, Council imposed conditions of consent requiring a passive vapour barrier (eg a polymer membrane) and construction and maintenance of pavement of all the northern part of the site and at least 90% of the remaining external areas of the site with concrete, asphalt or equivalent material. Council's final notes regarding site contamination were as follows.

*"The site is acknowledged as being contaminated, with de-contamination not proposed due to the source of contamination being located under the footpath and on Council land. A site audit report was prepared and it was determined the development of the site was appropriate provided it could be sealed. A condition of the deferred commencement is that the site auditor signs off on the design."*

Further to the site audit carried out previously, Sullivan Environmental Services and McMahon Earth Science have completed a full review of the site audit statement (SAS) and also completed a short-term SEMP as recommended by the original site auditor in 2009 (see Attachments 12 & 16). The review notes that, whilst the existing SAS remains valid, a new SAS should be prepared in accordance with recently revised guidelines. This may be addressed as a condition of consent.

The development will implement the recommended measures as outlined by the site auditor, previous consent and the SEMP prepared by DM McMahon. It is considered that the requirements under SEPP55 have been satisfied for the purposes of this development.

### 7.10 Overshadowing

Shadow diagrams have been provided in the attached Apartment Design Guide diagrams, showing the current and anticipated overshadowing impacts to adjoining properties during the winter solstice. The shadow of the proposed development does impact adjoining property, as to be expected with a development of this scale. The impact of this overshadowing is considered to be acceptable given the adjoining land use and time of use considerations.

Considering of overshadowing has been addressed in detail in the accompanying architectural and ADG reports.

It is considered that overshadowing impact from the proposed development is acceptable and will not detrimentally impact solar access to adjoining properties.



**Figure 40:** Overshadowing – Winter Solstice Solar Study for existing structures (Source: GPG 2019)



**Figure 41:** Overshadowing – Winter Solstice Solar Study for proposed structures (Source: GPG 2019)

### 7.11 Privacy

Visual privacy has been considered in the design of the proposed development, including internal privacy and privacy to and from nearby buildings.

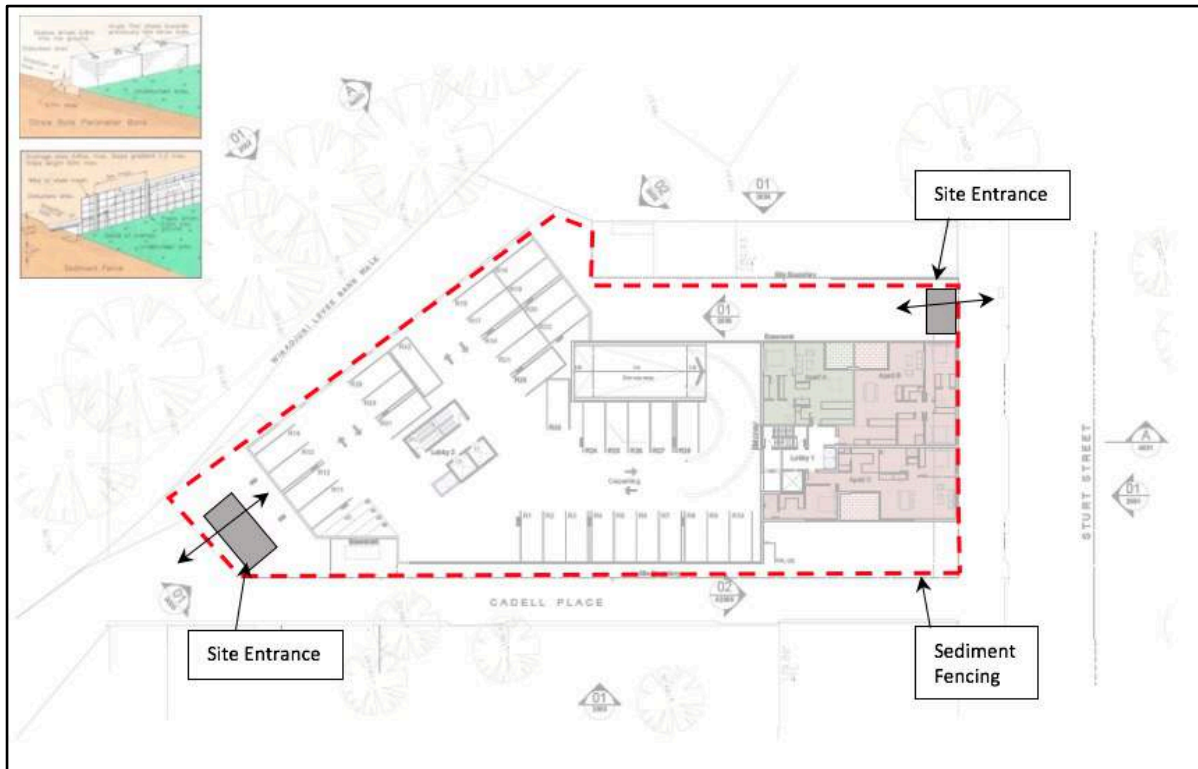
The development utilises the SEPP65 Apartment Design Guidelines to advise on satisfactory privacy levels the required privacy measures. The attached architectural and ADG reports provide background and responses in relation to the subject of privacy in respect of this proposal.

Acoustic privacy is proposed to be provided in accordance with the requirements of SEPP65 and the BCA, as demonstrated in the attached BCA Acoustical Recommendations Report (Attachment 17). The provisions recommended by this report are considered sufficient to satisfy Part F5 of the Building Code of Australia.

### 7.12 Construction/Site Preparation

A Construction Management Plan (CMP) is proposed to be completed prior to construction to manage the potential impacts of construction and site preparation on the area. Matters to be addressed in the CMP include hours of construction, facilities, waste disposal, traffic management and workplace health and safety matters. The CMP will also include a short-term Site Environmental Management Plan (SEMP) to manage any contaminated fill present on the existing site.

The soil and water management plan, as shown below, will be implemented through the Construction Management Plan. The plan is to implement measures to provide adequate measures to prevent soil loss and rehabilitation of the site. The measures proposed include appropriate sediment control fencing and gravel access points for vehicles to the site. All measures will be implemented in accordance with Appendix 2 of Section 2 of the DCP2010.



**Figure 42:** Soil and Water Management Plan (Source: GPG & SP 2019)

### 7.13 BCA/Fire

The development is consistent with the provisions of the BCA, as demonstrated in the attached BCA Report. A number of performance solutions have been recommended where the development does not meet the deemed to comply provisions.

### 7.14 Economic and Social Impact

The economic and social impact to the precinct and local area is anticipated to be highly positive. The proposal will increase the amount of housing choice, offering high density residential living of a similar standard to other large regional centres. The economic and social benefits include increased pedestrian patronage of the CBD area, better use of public transport facilities and links to the active transport infrastructure available in the area. The development will also provide employment for a large number of local contractors and other consultants during construction. The commercial aspect of the development aims to provide an opportunity to activate the streetscape and riverside frontage surrounding the site.

### 7.15 Site Suitability

Based on the assessment conducted in the sections above, it is considered that the site is suitable for the proposed mixed-use development. The proposal meets the strategic goals for the site and does not have any significant impact on the locality with regards to environmental factors. The built form has been designed to be sympathetic to the surrounding area and the nearby heritage items, whilst achieving the requirements of SEPP65 and the Apartment Design Guide.

Refer to attached architectural & urban design statements, as well as ADG assessment for confirmation of site suitability.





**Figure 43:** Streetview - Looking North West along Sturt Street (Source: GPG 2019)

### 7.16 Public Interest

The public interest is supported with this application as the proposal has been prepared 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 will also provide significant social and economic benefits to the local and wider community by facilitating population growth, land use activity, and better accessibility to natural and built attributes of the area.

### 7.17 ESD Principles

A particular aim of the LEP (clause 1.2(2)(b)) seeks to promote development that is consistent with the principles of ecologically sustainable development and the management of climate.

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.

**7.18 Statement of Environmental Effects Summary Table****Table 13: Statement of Environmental Effects Summary Table**

<b>STATEMENT OF ENVIRONMENTAL EFFECTS - ASSESSMENT SUMMARY</b>			
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
<b>Context &amp; Setting</b>	Minimal	Visual observation, interpretation of land uses.	Quality building design, site layout and landscaping treatment.
<b>Access &amp; Traffic</b>	Minimal	Existing and projected traffic volumes in the locality, current experience from other establishments, site analysis. Traffic & Parking Impact report.	Development in accordance with applicable standards and policies.
<b>Infrastructure</b>	Negligible	Analysis of existing infrastructure provision. Data from service authorities. Service Capacity Report.	Connection to existing services in accordance with the requirements of the servicing authority.
<b>Heritage</b>	Minimal	Statement of Heritage Impact	Finish Materials, Design Elements
<b>Archaeology</b>	Nil	Local & State policy. AHIMS.	Not applicable
<b>Land Resources</b>	Nil	Local knowledge and site inspection.	Not applicable
<b>Soils</b>	Minimal	Local records and available history. Geotech report.	Appropriate mitigation measures implemented as necessary.
<b>Air &amp; Microclimate</b>	Nil	Site & development assessment, local records.	Appropriate mitigation measures implemented as necessary.
<b>Flora &amp; Fauna</b>	Nil	Site inspection & local knowledge.	Not applicable.
<b>Waste</b>	Minimal	Development assessment and usage details. Waste management report.	Waste disposed of in accordance with Council guidelines.
<b>Noise</b>	Minimal	Usage details. Local conditions. Expert report – acoustic impact assessment (internal & external).	Operations will be in accordance with legislative guidelines.
<b>Natural Hazards</b>	Minimal	Local records and available history.	Appropriate mitigation measures implemented as necessary.
<b>Social Impact</b>	Positive.	Local policy & knowledge.	Not applicable
<b>Economic Development</b>	Positive.	Local records and available history.	Not applicable
<b>Design</b>	Minimal	Visual assessment. Local policy & knowledge. Architectural drawings.	Quality building design, site layout and landscaping treatment.
<b>Construction</b>	Minimal	Visual Assessment. Local knowledge. Geotech report.	Construction works in accordance with relevant codes & guidelines.

## **8 CONCLUSION**

The proposed mixed-use development represents a unique opportunity to develop a strategically significant site in accordance with the endorsed strategic directions of the city and immediate local Riverside Precinct Masterplan and Fitzmaurice Street heritage precinct. It has been considered in respect of current planning policy and local environmental conditions, together with consultation with the local planning authority.

The development proposal is justified and permissible, for the following reasons:

- Satisfies State Environmental Planning Policy provisions relevant to the proposal, in particular SEPP65 - Design Quality of Residential Apartment Development and Apartment Design Guide (ADG);
- Satisfies and supports the current strategic planning directions of the city;
- Meets key urban design principles relevant and appropriate for the local area;
- Is permissible under the provisions of the Wagga Wagga Local Environmental Plan 2010 and meets the objectives of the zone and other relevant clauses;
- Satisfies and complies with the provisions of the Wagga Wagga Development Control Plan 2010 where relevant, and any identified variations are justified; and
- Will not have any significant adverse impact on the immediate natural and built environment.

The proposal is submitted for assessment and determination by the consent authority.

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**17015: Document History**

Revision No.	Date	Authorised By		
		Name/Position	Signature	Notes
Rev 1.0 – Draft	20/02/2018	Rohan Johnston Town Planner	Rj	For internal review
Rev 1.1 – Draft	12/03/2018	Rohan Johnston Town Planner	Rj	Revised report layout
Rev 1.2 – Edited Draft	20/03/2018	Garry Salvestro Director	GS	Internal review/edits prior to final plans
Rev 1.3 – Edited Draft	21/03/2018	Kyan Hyde Projects Coordinator	KH	Proofing and minor edits
Rev 1.4 – Final Draft	22/03/2018	Garry Salvestro Director	GS	Edits from final plans. Issued for client review.
Rev 2.0 – Final	23/03/2018	Garry Salvestro Director	GS	Issued for printing & DA lodgement
Rev 2.1 – Revised Final	08/05/2018	Rohan Johnston Town Planner	Rj	Edited for re-lodgement
Rev 2.2 – Revised Final	29/5/18	Garry Salvestro Director	GS	Final edits for re-lodgements
Rev 3.0 Revised Draft	08/08/19	Garry Salvestro Director	GS	Revised Plan Set
Rev 3.1 - Final	30/08/19	Garry Salvestro Director	GS	Edits for modified application lodgement
Rev 3.2 – Revised Final	25/09/19	Garry Salvestro Director	GS	Edits as per Council discussions. See revised plans and carparking details.

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