



Report of Development Application Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA19/0257
Modification No.:	N/A
Council File No.:	D/2019/0257
Date of Lodgement:	27/05/2019
Applicant:	Robert Gizzi Design Workshop Australia Po Box 3091 BALGOWNIE NSW 2519
Proposal:	Six storey mixed use development ground floor commercial and car parking, one floor of car parking and four floors of hotel rooms
Description of Modification:	N/A
Development Cost:	\$15,527,057
Assessment Officer:	Sam Robins
Determination Body:	Council
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal External - Transport for NSW, Essential Energy, Police, Riverina Water
Adjoining Owners Notification:	11/6/19 - 25/6/19. Re-notification to persons who made submissions 7/2/20 - 21-2-20
Advertising:	11/6/19 - 25/6/19
Owner's Consent Provided:	Yes
Location:	The site consists of Lots 1 and 2 in DP 455265 and Lot 6 DP 855 and is known as 7-9 Baylis Street. The site is located at the southern end of Baylis Street on the eastern side and is bound by Edward Street to the south and Baretta Lane to the east.

SITE DETAILS

Subject Land:	7-9 Baylis St WAGGA WAGGA NSW 2650 Lot 6 DP 855, Lot 1 DP 455265, Lot 2 DP 455265
Owner:	Wagga Baylis Pty Ltd

DESCRIPTION OF DEVELOPMENT

This application is for the construction of a six (6) storey mixed use development consisting of commercial development and four storeys of hotel (104 rooms). The breakdown of the floors is as follows:

Ground Floor

- Reception
- lobby, lift and two sets of stairs and bin storage
- Vehicle entrance and exit off Barretta Lane
- 15 parking spaces including two disabled parking spaces
- Loading zone
- Various plant/service rooms
- Two (2) commercial tenancies and one (1) function room

First Floor

- Stairs and lift
- 55 parking spaces plus three motorbike parking bays

Second Floor

- Stairs, lift and storage areas
- 26 rooms
- Rooftop courtyard

Third Floor

- stairs, lift and storage areas
- 26 rooms

Fourth Floor

- stairs, lift and storage areas
- 26 rooms

Fifth Floor

- stairs, lift and storage areas
- 26 rooms

The application also includes the upgrade to the footpath on both Baylis Street and Edward Street and the upgrade to the laneway that fronts the buildings boundaries.

THE SITE & LOCALITY

The site consists of Lots 1 and 2 in DP 455265 and Lot 6 DP 855 and is known as 7-9 Baylis Street. The site is located at the southern end of Baylis Street on the eastern side and is bound by Edward Street to the south and Barretta Lane to the east.

The site is currently vacant and measures 1390.04m².

The surrounding area is a mix of uses that are expected within the CBD area.

The site contains a right of way (ROW) 3.96m wide along its northern boundary.

A number of site visits were undertaken by the assessing officer throughout the assessment process.

PREVIOUS CONSENTS

BA254/68 - Erection of a service station

BA25/84 - Alterations to the service station

DA13/84JK - Alterations to the service station

DA04/0300 - Demolition of the service station

DA10/0391 (as modified by ADA11/0031 and ADA11/0091) - Mobile food van operating from site

SUMMARY OF MAIN ISSUES

Impact on amenity of adjoining properties

Land contamination

Traffic Impacts

Compliance with the Wagga Wagga Development Control Plan 2010

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

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

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010 (LEP 2010)

The following provisions of the LEP 2010 apply:

Land Use Table

Under the LEP the site is zoned B3 - Commercial Core

The objectives of the zone that would be considered relevant are;

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

- To ensure the maintenance and improvement of the historic, architectural and aesthetic character of the commercial core area.

Under the LEP 2010 the proposal would be considered Mixed Use Development consisting of Commercial Development and Function Centre at ground floor and Hotel and Motel Accommodation above. The definitions are as follows:

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

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

commercial premises means any of the following:

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

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

Under Part 2 Section 3 -Commercial Premises, Function Centres and Hotel and Motel Accommodation are permitted with consent, by making this application for consent, the proposed application can be considered under the relevant provisions of this section. The development is seen to be consistent with the objectives of the zone as the uses serve the needs of the local and wider community and encourages employment opportunities. It could also reasonably be argued that a centrally based hotel encourages the use of public transport and walking.

Part 4 Principal development standards

4.3 Height of buildings

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

The development site is shown on the Height of Buildings Map as being within an area that permits a maximum building height of twenty five (25) metres. The main building roof height is 20.45m with the lift shaft and stairs protruding this by approximately 1m, remaining within the 25m limit.

4.4 Floor space ratio

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

The development site is shown on the Floor Space Ratio Map as being within an area that permits a FSR of '4:1'. The calculation is provided below.

4.5 Calculation of floor space ratio and site area

Site area = 1486.06

Hotel floor space

- ground floor = 333m²
- first floor = 0m²
- second floor = 897.1m²
- third floor = 897.1m²
- fourth floor = 897.1m²
- fifth floor = 897.1m²
- total floor area = 3921.4m²

FSR = 3921.4/1486.06 = 2.64

FSR = 2.64:1 and therefore complies.

Part 7 Additional local provisions

7.1A Earthworks

The proposal will require earthworks as part of site preparation and excavations for footings. The following must be considered:

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

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

Given the site is flat and located within the CBD the proposed development will have negligible impact on the existing drainage patterns, water catchments, environmentally sensitive areas and soil stability in the locality.

Given the site is being redeveloped the earthworks will have a positive impact on the use of the site.

No fill is proposed. Conditions of consent will ensure the material removed is appropriately disposed of.

7.6 Groundwater Vulnerability

As the application site is identified as 'Groundwater' on the Water Resource Map, the works would be subject to assessment under this clause.

Given the use is not development specified under this clause no considerations are relevant.

7.9 Primacy of Zone B3 Commercial Core

Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga.

The development is within the CBD and therefore satisfies this control.

State Environmental Planning Policies

State Environmental Planning Policy No. 55

Clause 7 of SEPP 55 states the following:

7 Contamination and remediation to be considered in determining development application

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

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

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

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

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the

consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the

contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Council is required to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

A preliminary site investigation (PSI) has been completed that recommended a Detailed Site Investigation (DSI) was completed. The DSI was submitted by Reditus Consulting dated August 2019. The report concluded that 'Based on the findings and results of the DSI, Reditus considers that the site is suitable for the proposed development as a mixed commercial/hotel accommodation land use. No further assessment or remediation is required to render the site suitable for the proposed development.'

With regard to the content and conclusions of the assessment council consider the following:

- It is satisfied that the author of the report is suitably qualified to have prepared and submitted the report;
- There is no evidence on Council's files to suggest that the author of the report has overlooked any other activity that may indicate the potential for the land to be contaminated;
- To the extent of information that Council has access to, it is satisfied that the content of the report is accurate;
- It is satisfied that the report meets the minimum requirements of SEPP55 and associated guidelines as detailed below.

The report has been assessed against the requirements of Section 3.5.3 (Stage 2-Detailed Investigation) of "Managing Land Contamination Planning Guidelines (SEPP 55-Remediation of Land)".

Is the sampling program adequate?

The report contains sufficient detail to be satisfied that the sampling program is adequate.

Have appropriate thresholds and criteria been used for the assessment?

The report contains sufficient detail to be satisfied that the appropriate thresholds and criteria have been used.

Do the levels of contamination on the site need to be reduced in order for the site to be suitable for the proposed use?

No.

Does this site pose a significant threat to human health or the environment?

No.

Is a site audit of the preliminary investigation necessary?

A audit is not deemed necessary.

Having reviewed the report, Council has considered whether the site is contaminated, and can be satisfied that the site, the subject of this application, is unlikely to be such. Council can also be satisfied that the land is suitable for the purpose for which the development is proposed to be carried out.

State Environmental Planning Policy (Infrastructure) 2007

Division 17 Roads and Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and**
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The entrance and exit from the building is off Baretta Lane and not the Sturt Highway. The traffic report, comments from Councils engineers and Transport for NSW have confirmed that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. Appropriate conditions have been included that address the concerns raised by Council and Transport for NSW.

A noise report has confirmed that no unreasonable noise impacts will occur. Council is satisfied that the objectives of this clause have been met.

Division 5 Electricity transmission or distribution

Subdivision 2 Development likely to affect an electricity transmission or distribution network

45 *Determination of development applications-other development*

- (1) *This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:*
- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
 - (b) *development carried out:*
 - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity power line,*
 - (c) *installation of a swimming pool any part of which is:*
 - (i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
 - (d) *development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*
- (2) *Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:*
- (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
 - (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

The subject lot is in close proximity to overhead and underground power lines. The application was referred to Essential Energy during both exhibition periods. Essential Energy provide a response during both exhibition periods. The second response was received on 21/2/20 and is below:

“Essential Energy notes that existing overhead and underground infrastructure is impacted by the proposed development, it has safety concerns in relation to the proximity of the proposed development to its existing infrastructure and objects to this development, as follows:

1. *Vegetation planting along Edward Street will need to be reviewed as it cannot be over the top of the existing low voltage or high voltage underground cables. The Applicant will need to provide further detailed plans and specifications in relation to the vegetation planting proposed for review and approval.*
2. *The high voltage and twin low voltage overhead powerlines from Edward Street down Barretta Lane will be too close to the proposed building. The Applicant will need to provide satisfactory plans and specifications by a suitability qualified person (showing distances from the proposed development to Essential Energy’s infrastructure) together with any other relevant information for further consideration. Such information must show compliance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Note that it may be necessary to re-locate the existing overhead infrastructure or convert to underground infrastructure. Any re-location / undergrounding of existing infrastructure will be at the Applicant’s expense. A list of Level 3 Accredited Service Providers is available at <https://energysaver.nsw.gov.au>. Also, all costs associated with the ASP will be at the Applicant’s expense.*

Any development in proximity to Essential Energy's electrical infrastructure should comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. A copy of this guideline can be located at <https://energy.nsw.gov.au>.

Council's and the Applicant's attention is also drawn to Section 49 Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could either destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or risk to public safety, to be modified or removed."

Council is satisfied that the issues being raised can be addressed by the applicant prior to the issue of the construction certificate and will appropriately condition the consent.

(a)(ii) - The provisions of any draft environmental planning instrument

Draft local environmental plans

N/A

Draft state environmental planning instruments

Draft State Environmental Planning Policy - Remediation of Land

The Draft SEPP was placed on exhibition until 31 March 2018. The SEPP will replace SEPP 55. The Explanation of Intended Effects outlines that the key operation framework of SEPP 55 will remain. Changes in the SEPP relate primarily to land undergoing remediation work. Therefore, for a development such as this, little will change between SEPP 55 and the Remediation of Land SEPP.

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010

The relevant controls of the DCP have been addressed below.

1.6 Relationship to other plans

The 2010 DCP calls up a number of chapters and appendices from the previous 2005 DCP. In this instance the relevant appendices and discussion on them are as follows:

Appendix 21 - CBD Pedestrian Movement and Access Strategy

Whilst this appendix applies as the site is located within the CBD, the appendix focuses on what Council must do to encourage and improve pedestrian linkages through the CBD. Given this proposal only impacts on the Baretta Lane by way of the entrance/exit driveway the impacts on pedestrian movements caused by this development are negligible and acceptable.

Appendix 22 - CBD Traffic Management Strategy

Whilst this appendix applies as the site is located within the CBD, the appendix focuses on the road hierarchy and the intention to redirect/redistribute traffic from Baylis Street and Fitzmaurice Street. The proposal does not alter the road network. No issues are raised.

Appendix 23 - Central Business District Car Parking Strategy

The only relevant control of this appendix is as follows:

5.3.1 *Where an application can demonstrate that the number of car parking spaces required is impractical or unnecessary for a particular development or area, Council may use its discretionary powers to allow a variation to the standards to the minimum provision standards. Factors such as the type of land use, location, hours of operation, availability of parking in the general locality, planning proposals and so forth will be taken into the consideration of any variation of the minimum standards. Chapter 25 of DCP 2005 lists Council's car parking requirements for various land uses.*

The issue of car parking standards and requirements has been discussed in detail below. No further considerations are required from these appendices.

1.10 Notification of a Development Application

The application was notified and advertised between the 11/06/19 and 25/06/19.

Amendments to the application were received and whilst this section of the DCP does not require the re-notification of the application for amendments of this nature, it was considered in this instance, given the interest in the application, that a further notification period of 14 days between the 7/2/20 and 21/2/20 would be appropriate. The notification was limited to those persons who had made a submission during the original notification period. For clarity, the second notification period did not include advertising as it was not considered necessary.

1.11 Complying with the Wagga Wagga Development Control Plan 2010

Whilst all developments should aim to satisfy all controls within the DCP, it is acknowledged that there may be circumstances where it may not be possible to achieve strict compliance.

...Council may consent to an application which departs from any control, whether a "numeric" or non-numeric control. In such cases, a written submission must be lodged with the Development Application...

...Some of the factors or criteria Council will consider in determining whether a departure from the DCP is warranted include:

- Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.*
- The nature and magnitude of the departure.*
- The degree of compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure.*
- The circumstances of the case, including whether the particular control(s) is unreasonable and/or unnecessary.*
- Priorities identified in a site analysis being of greater importance than what is being departed from.*
- Whether non-compliance will prejudice the objectives of the zone and the aims of the DCP.*
- 79C of the Environmental Planning and Assessment Act 1979 - matters for consideration in the determination of a development application...*

Where an application involves the variation of one or more controls within the DCP Council staff have delegation to approve variations but limited to the following circumstances;

- Where adequate justification is provided by the applicant for the number of controls being varied and,*

- *Any development, other than development that is for multi dwelling housing, where a variation to any numerical control by greater than 10% is proposed, and*
- *Where no objections have been received in relation to any numerical control that is being varied by greater than 10%, and*
- *Where the number of submissions in the form of objections received in response to an advertised or notified development application, is less than 10*

The application proposes variations to the following sections of the DCP:

- Section 2.2 relating to car parking requirements and landscaping requirements
- Section 10 Control C3 relating to maximum of five storeys on corner lots
- Section 12 relating to design being consistent with character of the area

More than 10 objections have been received for this application and therefore the application is required to be determined by Council.

The details of the variations and the discussion have been undertaken within the relevant sections below

2.1 Vehicle access and movements

The relevant objectives and controls of this section are as follows:

Objectives

- O1 Ensure the safety and efficiency of urban and rural roads.
- O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.

Controls

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

The ingress/egress is from Baretta Lane and therefore complies.

- 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.*

A Traffic Report has been provided with the application. The details and conclusions of which have been discussed in the relevant sections of this report. Ultimately, the Traffic Report concludes the following:

- *There will not be any unsatisfactory traffic capacity, safety or environmental implications.*
 - *There will be a suitable and appropriate parking provision for the nature of the development proposed*
 - *There will be suitable vehicle access internal circulation and servicing arrangements*
- C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.

The proposal complies with this control.

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.*

The proposal includes a loading zone within the ground floor carpark that will allow one service vehicle (ute/van) to temporarily stop within the circulation aisle while allowing other vehicles to enter and exit their respective spaces.

The applicant has stated that the regular service vehicle will be the laundry/linen service for hotel use and deliveries for the ground level commercial which is expected (and instructed) to visit the site outside of peak hours, where possible.

The applicant goes on to say that other service vehicles including couriers, food catering, maintenance and service personnel generally only have vehicles that will fit in the space provided and can use the hotel spaces as instructed by the onsite hotel staff.

Large vehicles will be able to utilise the loading zone located directly opposite the site in Baylis Street.

Council is generally comfortable with this arrangement. However, to ensure the operation runs as per the discussion a condition of consent will be imposed that requires a management plan to be put in place.

C5 *Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.*

No issues are raised. Conditions of consent will ensure the development is constructed in accordance with relevant Australian Standards.

C6 *Ensure adequate sight lines for proposed driveways.*

The sight lines off Baretta Lane are acceptable.

In conclusion, the vehicle access and movements would meet the relevant Australian Standards and would be considered safe movements with negligible impacts. The movements and access would meet the two objectives of this section.

2.2 Off-street parking

The following objectives and controls of this section are relevant to this development:

Objectives

- O1 *Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.*
- O2 *Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.*
- O3 *Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.*
- O4 *Soften the impacts of larger car parking areas through the use of landscaping.*
- O5 *Provide both shade and solar access to car park users by means of purpose designed tree planting*

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.

The following rate is applied to tourist and visitor accommodation:

- 1 space/unit plus 1 space/2 employees

The following rate is applied to the commercial space:

- 1 space per 45m² GFA

The following rate is applied to the function room:

- 1 space per 25m² GFA

The total spaces required would be as follows:

- 104 hotel rooms = 104 spaces
- 6 staff = 3 spaces
- Commercial space 196.9m² = 4.3 (5)
- Function Room = 50m² = 2
- Total 113.3 (114) spaces required.

The application proposes 70 spaces with the following break up:

- Ground floor -15 spaces consisting of:
 - 5 designated to the commercial tenancies including 1 accessible space and
 - 2 spaces for the function room with 1 being designated as an accessible space.
 - 7 hotel spaces, these spaces will only be accessible using the valet parking system. The parks will use the 'Trend Vario 4200 system' (a vertical stack parking system)
 - 1 visitor space
- Level 1 - 55 car spaces and 3 motor bike spaces consisting of:
 - 2 small car spaces
 - 9 standard spaces, of which three would be stacked.
 - 44 spaces using the 'Trend Vario 4200 system' (a vertical stack parking system)
 - All spaces on level one will be for hotel guests and staff
 - All hotel spaces on this level will be valet parking

Given 70 spaces are provided the proposal does not comply with this control.

Section 1.11 Complying with the DCP lists the following as some of the factors Council will consider in determining whether a departure from the DCP is warranted. These are as follows:

- *Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.*
- *The nature and magnitude of the departure.*
- *The degree of compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure.*
- *The circumstances of the case, including whether the particular control(s) is unreasonable and/or unnecessary.*
- *Priorities identified in a site analysis being of greater importance than what is being departed from.*
- *Whether non-compliance will prejudice the objectives of the zone and the aims of the DCP.*
- *79C of the Environmental Planning and Assessment Act 1979 - matters for consideration in the determination of a development application.*

These factors have been considered throughout the below assessment.

The following justification has been submitted by the applicant and summarised below:

- A Traffic Report was prepared and submitted with the application. The report was undertaken by Traffic and Transport Planning Associates dated January 2020 (Rev D). The report provides the following justification:
 - It is apparent that 100% occupancy would be a very rare seasonal event. This is confirmed by the ABS Report No. 8635.0 Tourist Accommodation Australia 2015-16 which specifies that the average hotel occupancy in Wagga Wagga is 61.2%.
 - Other hotels in the wagga area provide lower parking provisions than the DCP requirement e.g. International Hotel, Town House Hotel, Houston Hotel and Carlisle Hotel.
 - Application of the DCP with consideration of the likely occupancy rates indicates the following demand:
 - 104 rooms @ 61.4% occupancy = 64 spaces
 - Staff 6 = 3 spaces
 - 50m² function room = 2 spaces
 - 196.9m² commercial use = 5 spaces
 - Total = 74 spaces
 - It should be noted that the above parking demand is conservative by assuming all guests will arrive by car. However, alternative modes of transport consist of plane, train, coach.
 - The RMS Guide to Traffic Generating Development contains the following:

Section 5.5.3 Hotels - Tourist

Definition: A tourist Hotel is a building or buildings (other than a hotel licenced under the Liquor Act, motel, boarding house or residential building)

substantially used for the accommodation of tourists.

Hotels with 3,4 or 5 star rating are generally considered to be tourist hotels and the parking provision recommended for 3 and 4 star hotels is 1 space per 4 bedrooms

- o In the past, with the exception of resort destinations on the coast, accommodation hotels have been limited to the Capital City areas. Accommodation in the country areas was limited to motels, which by their nature present overnight accommodation for motorists. Hence, the parking codes for almost all Country LGA's in respect of parking provisions reflects that of most motels with a general 1 space per motel unit criteria.

However, destination hotels have different characteristics due to the following:

- Travel mode circumstances including coach, rail, plane, group travel and business travel
- Generally longer stays

The experience with such hotels is reflected in a number of Local Government parking codes as shown:

- Sutherland Shire Council - 1 space per 3 rooms
- Hilltops Council - 1 space per 3 rooms
- o Surveys of the surrounding public parking were undertaken on Friday and Saturday periods between 5pm and 8pm when patrons and guests of the hotel would be at their highest level of attendance. The results showed:
 - A total of 116 available unrestricted spaces
 - A total of 50 available restricted spaces
- o It is quite apparent that there is an abundance of available public parking in the vicinity of the site.
- o The car parking provision for hotel staff, function room and the commercial element of 3, 2 and 5 spaces respectively are in accordance with the DCP.
- o While the proposed 60 off-street spaces are slightly less than the likely parking demand of 64 spaces, it is apparent that the parking demand for the hotel use can be largely accommodated within the proposed carpark with some minor potential use of the adjacent on-street parking during the average occupancy. Even during times of high occupancy the availability of parking (on site and on street) would be more than adequate to accommodate the parking demands.
- o Details of alternative modes of transport will be provided on the hotels website and booking confirmation email.

For clarity, Council staff acknowledge that the Traffic Report contains some errors. However, the report contains enough information for Council staff to make an informed detailed assessment of the proposal.

Council adds the following discussion.

A desktop assessment of a number of centrally located hotels was undertaken by the assessment officer and is shown in the table below. The assessment was an approximation based on the information available to show how existing centrally located hotels would compare with the current parking controls. The commercial element of this development has been removed to show a clear comparison and because the commercial development complies with the parking requirement.

Hotel	Units	Managers residence (one space)	Restaurant conference room	spaces required by DCP 2010	Total number of parking spaces provided	% of required
Carlyle	21	Yes	No	23	22	96%
Lawson	40	Yes	240m ²	63	44	70%
Country Comfort	86	Yes	300m ²	120	111	92%
Townhouse	42	Yes	280m ²	57	39	68%
Bolton on the Park (original approval)	23	Yes	120m ²	38	30	79%
Forsyth Street Hotel	42	Yes	No	45	33	73%
Proposal	104	No	50m ²	109	65	70.85%

NOTE: Bolton on the Park was amended after approval by Council to remove elements that then made the hotel comply with parking standards. It should also be noted that all these hotels (with the exception of the Forsyth Street Hotel) were approved under previous DCPs. However, the most recent (DCP 2005) had the same parking requirements for hotels (different for restaurants and function centres) as the current DCP.

The table demonstrates that the number of carpark provided does not comply with Council's current controls with regards to CBD Hotels in most instances.

A search of the approvals for these Hotels also identified that all of the applications for the above hotels requested and had approved (in various forms) variations to the parking standards relevant at the time of approval. Even the original approval to the Carlyle had an approved variation with the design later amended through a modification that resulted in compliance.

For further reference, the most recent approval for the International Hotel (that has not yet been acted on) relies on off-site valet parking to comply and the Mill development (included a Hotel) justified a variation to the requirement that was supported via Planning Panel approval.

Councils Community Section have confirmed that the best data available shows an occupancy rate in Wagga of 65% (2016) with the Riverina at 58% and NSW at 68%. The proposed parking provided (63 spaces, hotel alone) would equate to an occupancy rate of 60.5% (based on the principle of one car per occupied room).

To clarify this further, the proposed hotel (104 rooms) with the Wagga average of 65% (2016

figures) occupancy rate would equate to 67.6 (68) spaces. The shortfall being 5 spaces between the proposed hotel and the Wagga average occupancy rates.

What should be considered here is that this is an average occupancy rate and its assuming every room will arrive by car. Given the discussion throughout this report this is not considered a reasonable assumption.

Council's current parking controls for the majority of commercial uses use Gross Floor Area (GFA) to calculate the parking requirement. Other examples include:

- Hospitals @ 1 space per 4 beds,
- Places of Public Worship @ 1 space per 4 seats
- Cafes @ 1 space per 3 seats (in certain circumstances)

It is clear from the provisions, that parking standards for the different land uses are never designed around 100% occupancy. This is a fair and reasonable assumption and should be reflected in the provisions for Tourist and Visitor Accommodation (the hotel element of this development). It would be considered a more reasonable approach to use the average occupancy rates as a general guide to the parking requirements where there is adequate on street parking to support rates in excess of the average. This has been demonstrated in this application.

Given the central location of the development, it is reasonable to consider that more occupants will arrive by other forms of transport, (plane, taxi, bus, train). It is also reasonable to assume that people coming to Wagga on business will utilise a more centrally located hotel and therefore car sharing is far more likely in this location.

The following section is taken directly from Wagga's Integrated Transport Strategy:

3.2. Parking

Parking area class	Off-Street Parking Principles	On-Street Parking Principles
Higher activity centre (CBD and Health precinct)	Allow for conversion of site based, off street parking to floor space where possible Plan for and encourage centralised parking stations Reduce parking requirements on future developments	Manage on street parking from the area of highest activity to the area of lowest activity by: Regulated time limits being the lowest closer to the centre of the activity Prioritise parking proximity for loading and disabled parking purposes Peak occupancy should be targeted at a maximum of 75 - 80%
Frame of CBD	Introduce maximum development parking rates for off street parking to encourage the use of alternative modes Allow for conversion of off-street parking to floor space where possible Ensure there is sufficient off street parking to accommodate the commuter population	Use regulations to encourage off-street parking for parking durations longer than 2 hours Peak occupancy should be targeted at a maximum of 75-80%

It is clear that the strategy is aiming for reduced parking rates in central Wagga, with a push

towards encouraging other modes of transport. This strategy is a relevant consideration as any future revision of the DCP will be guided by this document (where relevant). Whilst the occupancy rate is located under the 'on-street' parking section the numbers generally align with that provided by the hotel and is important to note.

The redevelopment of sites within the CBD is an important strategic direction and supported by all Council's Strategic documents. Requiring compliance with parking standards that are in some instances justified for variance has the potential to restrict the future developments of sites such as this. To comply, the applicant would either need to reduce the number of rooms or provide another storey of carparks, both options have the potential to make the development financially unviable. If the variation can be justified it should be supported to allow the redevelopment of this site in line with the strategic direction for the City.

It is clear from the assessment above that given the following summarised points, the proposed variation to the car parking controls should be supported:

- The proposal is generally consistent with that required to meet the average occupancy rates.
- The proposal is not inconsistent with other centrally located hotels in terms of the percentage of required carparking supplied.
- The variation is supported by a Traffic Report prepared by a suitably qualified person.
- The number of spaces provided would exceed that required under Transport for NSW guide to Traffic Generating Development.
- The number of spaces provided would be in line or exceed a number of other Council's parking rates for hotels.
- The central location of the development and the availability of on-street and public car parking spaces available are important considerations.
- The use of a valet park system allows for stack parking.
- The proposal is in line with the recommendations of Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040 (August 2017)
- The parking requirements under the DCP essentially assume 100% occupancy and 100% of visitors (per room) arriving by private car which is unrealistic, and at best a rare event, but more likely would never occur.

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.*

The Traffic Report indicates the layout complies and recommended conditions of consent will ensure the built form reflects this.

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.*

Two disabled spaces have been provided, indicated for use for the commercial space and function room this is in accordance with the BCA. The traffic report states that given the hotel parking will be managed via a valet parking system no disabled spaces will be provided. This is a position that can be supported given the drop off location would meet the access standards.

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.*

As mentioned, a traffic and parking study has been submitted with the application and discussed throughout this report.

- C9 *Provide trees within the parking area at a rate of 1 tree per 5 spaces in a row. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m².*
- C10 *Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.*
- C11 *To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.*

Given the site is currently fully developed with no vegetation, it would be unreasonable to compromise the development potential of this site by requiring landscaping in accordance with controls C9, C10 and C11.

2.3 Landscaping

The site is fully developed with no landscaping currently on site. It would be considered unreasonable to require landscaping on site to be provided for the redevelopment of this site.

However, the applicant has provided a set of landscape plans that show a landscaped courtyard area accessible off Level two (third floor) for use by guests of the hotel. Further to this, extensive street tree planting and landscaping has been proposed along both the Edward Street frontage and Baylis Street. This additional landscaping is an excellent addition to the footpath especially along Edward Street.

Conditions of consent will ensure the correct species are used. The landscaping is considered satisfactory once compliance with conditions of consent has been demonstrated.

2.4 Signage

The application does not include signage.

2.5 Safety and security

The controls in this section relate to designing developments to improve safety and security. The development generally complies with the controls of this section by having an active street frontage, by minimising blind corners and through the provision of appropriate lighting to relevant Australian Standards.

2.6 Erosion and Sediment Control Principles

Conditions of consent will require a detailed Construction Management Plan (CMP) to be submitted that will appropriately address a number of issues including erosion and sediment control principles. This is considered a satisfactory way of dealing with this issue.

Section 3 Heritage Conservation

3.2.4 Development in the vicinity of a heritage item

The following objectives and controls are relevant:

Objectives

- O1 *Encourage development in the vicinity of a heritage item to be designed and sited to protect the significance of the heritage item.*

Controls

- C1 *Alterations and additions to the buildings and structure, and new development are to be designed to respect and compliment the heritage item in terms of building envelope, proportions, materials, colours, finishes and building street alignment.*
- 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.*

Whilst it's not clear what 'in the vicinity of a heritage item' means in terms of distance, what is clear is that due to the height of the structure it will be visible to and from a number of heritage items and therefore it is important to consider this section of the DCP.

Whilst large, the proposed building is located within the CBD and surrounded by a variety of built form. The strategic direction and existing height limits within the CBD allow and encourage buildings of this scale and therefore accept there would be an impact on the views to and from heritage items. In this instance the setback from the items is sufficient to ensure this impact in this environment is acceptable.

Section 5 Natural Resource and Landscape Management

5.4 Environmentally sensitive land

This issue has been addressed under Clause 7.6 of the LEP above, given the nature of the works and the location negligible issues are expected.

Section 10 Business Development

10.1 City Centre

The site is located within the Baylis Street Precinct - Central Spine

The relevant design principles, objectives and controls are as follows:

Design Principles

- P1 *Consolidate activity along Baylis Street and improve links to supporting activities on the eastern and western edges.*
- P2 *Reinforce the character and function of the Fitzmaurice Street Precinct as an economically viable precinct and integrate with the emerging character of adjoining Baylis Street Precinct and adjacent residential areas.*

P3 *Use opportunities for civic and landscape improvements to increase legibility through the centre for pedestrians, and achieve improved environmental conditions.*

P4 *Improve the urban design of the centre, and encourage quality built form.*

Objectives

O1 *Consolidate commercial activity and active ground floor uses along Baylis and Fitzmaurice Streets.*

O2 *Retain the continuous street edge, and increase height at corner sites to achieve improved urban design and definition.*

O3 *Maximise the extent of natural light to new building elements, particularly internal arcades.*

O4 *Improve legibility and links to parking areas, particularly through site links for pedestrians.*

O5 *Conserve the built heritage of the precincts.*

Controls

C1 *Permit a nil setback to the street boundary along Baylis and Fitzmaurice Streets.*

The proposal include a nil setback to both Edward Street and Baylis Street.

C2 *Maintain a street wall to Baylis and Fitzmaurice Streets up to four storeys in height unless the existing building is a heritage item or streetscape reference building. Above four storeys in height provide a nominal setback behind the parapet line. Where the building is a heritage listed building the setback control in control C2 applying to the Fitzmaurice Street precinct applies.*

The proposal complies with this control.

C3 *Development on corner sites should be designed to address the corner, and achieve at least 3 storeys and up to five storeys in height.*

The development has been well designed to address both Baylis Street and Edwards Street. At ground level entrances to commercial tenancies have been provided on both elevations. The articulation of the building breaks up the built form along with the choice of materials. The development appropriately addresses the corner site.

With regard to the limit of five storeys, this is an unreasonable control given the LEP has a maximum height that would well exceed five storeys. This is a clear conflict with the LEP and should not be given any weight when considering compliance with controls.

The applicant has submitted extensive justification on this point that focuses on compliance with the objectives of the DCP and the height controls of the LEP. Council is supportive of the variation.

C4 *Reinstate the nil setback along Baylis and Fitzmaurice Streets where infill buildings have not been built to the street edge.*

Complies.

C5 *Design with nil setbacks unless existing adjoining buildings have established an alternate setback pattern, such as along the northern side of Tompson Street.*

Complies.

C6 *Sites adjoining heritage items or streetscape reference buildings are to be sympathetic in scale and character to the adjoining significant building. Additional design measures may be necessary to ensure an acceptable outcome.*

The site is not considered to be adjoining a building of significant streetscape reference. However, the scale of the building is an important consideration in the site context and has been discussed in detail elsewhere in the report.

C7 *Retain articulated and active shop front windows that continue the traditional rhythm of individual shop fronts where site consolidation is proposed.*

The proposal has been well designed in this instance and complies with this control.

C8 *Retain and reinstate (where missing) continuous full width awnings along Baylis and Fitzmaurice Streets. Use traditional awning form. Infill awning type should have its fascia at a level consistent with that of adjacent awnings and should be designed to complement the local streetscape. Avoid peaked, bullnosed or other non-traditional forms.*

The proposal includes an awning along both Baylis and Edward Streets and is a welcome addition to the streetscape.

C9 *Service structures and mechanical equipment to be suitably treated, screened or incorporated within roof design.*

Service structures and mechanical plant equipment has been designed into the building with specific rooms dedicated to plant and servicing to ensure it is screened from public view.

10.2 Mixed use developments

The relevant objectives and controls of this section are as follows:

Objectives

O1 *Ensure the design and layout of mixed use developments retains a high level amenity for all users.*

O2 *Encourage active street frontages and an opportunity for a mix of uses.*

Controls

C2 *Locate commercial and retail uses at ground level. Any residential component should be on upper level floors.*

The proposal complies with the commercial and retail space at ground floor.

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.*

The commercial tenancies and function room located at ground floor are generally consistent with that of surrounding tenancies. The rhythm, form and scale of the ground floor raises no concern.

- 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.*

The proposal complies with this control.

- C9 *Minimise expanses of blank walls, and use articulation and materials to create visually interesting street elevations.*

This issue has been assessed throughout this report and considered acceptable.

10.7 Awning Controls

The objectives and relevant controls are as follows:

Objectives

- O1 *To encourage the provision of awnings that have regard to existing awnings on adjacent buildings and the predominant awning form in that part of the streetscape*
- O2 *To encourage awnings that possess high quality architectural design that compliments the architecture of its building while also enhancing the visual quality of the streetscape*
- O3 *To ensure there is an integration of awning height, style and detail to provide visual continuity and weather protection.*
- O4 *To ensure that awnings are designed and constructed with structural integrity to protect the public from injury or death that may result from the structural failure of awnings*
- O5 *To ensure that awnings are functionally designed and promote adequate weather protection for pedestrians.*
- O6 *All awning designs are to comply with the provisions of the Wagga Wagga Awnings Policy (POL 050).*

Controls

- C2 *Cantilevered or suspended awnings are to be a minimum height of 3000mm above footpath and have a minimum width of 2400mm from the building edge.*

The proposal meets these requirements.

- C3 *The height of the fascia shall be minimum 300mm, maximum 450mm.*

The proposal will meet this control.

- C5 *For new buildings proposing the installation of an awning, to avoid additional water flow into street gutters and reduce potential for localised flooding, stormwater is not to drain into the street gutters and shall be plumbed directly into the properties existing storm water system.*

Stormwater is directed back towards the building and into the stormwater system.

- C7 *Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure and coloured to suit.*

No guttering is proposed on the awning.

C8 *Air conditioners, heaters and similar items should not be mounted on street awnings or the front facades of buildings. Consideration may be given to the mounting of heating/cooling appliances underneath the awning if the height of the appliance can comply with the controls in this sections and public health and safety can be protected.*

No items are proposed to be placed on the awning.

C10 *Signage shall be integrated into the awning design and not extend past the edges of any fascia, post or other awning element and be in accordance with the DCP advertising provisions.*

No signage is proposed as part of this application.

Section 12 Specific uses and developments

12.9 Tourist and Visitor Accommodation

Objectives

- O1 *To promote tourism within Wagga Wagga Local Government Area, and to facilitate growth in the local tourism economy;*
- O2 *To ensure that tourism and visitor accommodation is established with consideration of the surrounding environment, landscape and land uses, and to mitigate potential land use conflict.*
- O3 *Tourist Accommodation is designed, constructed and operated on the basis of sustainable practices, including building materials, energy efficiency, and self sufficient water supply and waste disposal*

Tourist and Visitor Accommodation

Controls

C1 *Buildings within tourist and visitor accommodation development (including ancillary facilities such as restaurants, conference, recreation, educational facilities or other similar development) must be designed, positioned, and set back from property boundaries in a manner that is consistent with other development in the locality, in order to maintain the character and visual amenity of the area.*

The proposal is generally inconsistent with this control given the height of the development. At six storeys, the development in the main is four storeys higher than the immediately surrounding buildings to the north. The Westpac Building on the corner of Baylis Street and Morgan Street would be the closest five-storey building in this direction and this would not be considered to be within the immediate context and setting of this building to be used as an argument for consistency with 'other developments in the locality'. The Mill development to the southeast has three and four storey development built with the existing mill building itself in excess of this. However, this proposal is supported by Council's strategic documents with a maximum building height of 25m permitted in this location. Inevitably, the first buildings within the CBD to go above the traditional one and two storeys will be out of character and dominate the visual character of the area. This should be recognised and not be used as a reason for refusal given this increased scale and density is supported by the adopted strategic position of Council. For these reasons, whilst its acknowledged that the building is

not consistent with the surrounding development it is consistent with the future vision for the CBD and therefore should be supported.

C2 *Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.*

The design satisfies this control with the landscaping, access and services well considered in the design.

C3 *Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.*

As discussed under C1 above, the proposal would not be consistent with this control but for the same reasons as above, should be supported.

C4 *Tourist and Visitor accommodation on corner lots are to ensure an acceptable address on both frontages. Continue materials around the corner to the secondary frontage so that the building "turns the corner".*

The building has been well designed to the Baylis Street and Edward Street elevations with windows, entrance ways, articulation and a variety of materials.

It should also be noted that the activation of Baretta Lane in this location has a positive impact.

C5 *Use articulation to avoid excessively long blank walls.*

The proposal has been well designed to comply with this control.

Hotel and Motel Accommodation

Controls

C29 The design consideration of proposed buildings is to maintain the level of privacy enjoyed by adjoining properties.

The immediately adjoining premises are all zoned B3 and considered commercial in nature. There is no immediately adjoining premises that would require protection from privacy impacts given the land use and zoning.

On a wider scale, there are apartment buildings and hotel rooms on the southern side of the highway. The potential for privacy impacts is minimal given the separation create by the highway and the type and nature of the developments. The development has potential to increase noise impacts but this would be marginal if at all given the highway and rail line in close proximity. Furthermore, it is somewhat unavoidable to increase impacts on residential properties especially in business and mixed use zones if the strategic position of Council is to encourage infill development of this scale within the CBD.

C30 *The outlook to public and communal spaces should be maximised whilst maintaining internal privacy within the site.*

Given the height of the development in comparison to surrounding developments the hotel rooms will have extended views in all directions. The north and east facing rooms will have excellent outlook over the communal outdoor space located in the north eastern section of the third floor. As mentioned above, the design does not unreasonably compromise the privacy of adjoining properties.

C31 *The design is to avoid dark and non-visible areas, provide clear, safe access points and provide suitable open spaces to cater for recreational uses. Appropriate lighting for the location is to be installed and there is to be clear definition between public and private spaces.*

The carpark is secure which reduces safety concerns.

Both the vehicle access and the pedestrian access is safe and clearly identifiable.

Communal space has been provided for hotel guests.

Conditions of consent will ensure appropriate lighting is installed that clearly identifies entry/exit points without unreasonably impacting on the amenity of neighbouring properties.

C32 *Long building lines are to be stepped, appropriately broken with patios, change in materials, windows or appropriate landscaping.*

The building has been well designed to meet this control.

C33 *Occupants within the proposed development and on adjoining sites are to enjoy optimum extent of winter sun and summer shade.*

The solar access to the property itself raises little concern. There are limited ways to design the hotel rooms on this lot. The occupants will be short term and likely only utilise the rooms early morning and evenings. All windows will have blinds where necessary.

As mentioned, the adjoining sites are all within the business zone and therefore do not require the same level of solar access as that afforded to residential properties. There will be a degree of impact on the immediately adjoining properties but given the land use, the impact is not considered unreasonable.

C34 *Development overshadowing adjoining properties should permit a minimum of 3 hours un-interrupted solar access within the living areas of the affected property.*

As above, no living areas are impacted.

C35 *Buildings must be oriented and designed to minimise potential impacts on the surrounding residential amenity.*

The subject site is separated from the residential zone by approximately 100m and the mixed use zone by approximately 60m. As discussed above, the building will have no solar access impacts on the residential properties and negligible privacy concerns. There will be visual impacts from the size and scale of the building that are unavoidable if the future direction of the CBD is to be achieved. The applicant has attempted to soften these impacts by using articulation and a variety of materials. It is considered that the building has been designed in accordance with the desired future outcomes of the CBD in mind and the impact on the residential zone, whilst substantial from a visual aspect are in this instance acceptable.

C36 *Landscaping must ensure that landscape design builds on the natural features of the location to result in greater aesthetic quality and amenity for both occupants and the community.*

The landscaping that has been provided has been discussed above and considered acceptable subject to compliance with recommended conditions of consent.

C37 *The design and use of building colour, bulk, materials of construction and angle and height of roof line are to be in harmony with the surrounding built and natural environment.*

This issue has been discussed in detail above.

C38 *No person shall be permitted to reside on the land, other than within Residential Accommodation, for any continuous period exceeding 3 months in any 12 month period.*

This will be controlled via conditions of consent.

(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreement has been entered into under section 7.4.

(a)(iv) - any matters prescribed by the regulations

All matters prescribed by the Environmental Planning and Assessment Regulation 2000 have been satisfied

(b) - The likely impacts of the development

Context and setting

The proposed development is permissible in the B3 zone and encouraged by the objectives of that zone. There are a number of other hotel/motels within the CBD and a wide variety of commercial land uses. Whilst it is acknowledged throughout this assessment that the buildings bulk and scale is not consistent with the current character of the area, it is consistent with the desired future outcomes for the area and does not result in unreasonable amenity impacts. For this reason, the proposed is considered acceptable.

Access, transport and traffic

The assessment of the carpark requirements and compliance has been undertaken earlier in the report and considered acceptable.

The impact on the existing traffic network has been undertaken within the Traffic Report. The report states that the average vehicle movements for the development will be 62 vehicles per hour (20 in 42 out) in the morning and 67 (49 in 18 out) in the afternoon. The report states that this relatively minor traffic generation will not have any adverse traffic implications due to:

- the relatively low traffic flows along Baretta Lane
- the left out movement on Baretta Lane at the intersection with Edward Street with sufficient gaps in the traffic flows along Edward Street.

The site currently has two access points off Edward Street. Both will be closed as part of this application. This reduces the conflict points with the highway and is an improvement to the road network.

The Traffic Report addresses the check in/out procedure. The design includes a porte-cochere that has the ability to hold three cars. Hotel guest vehicles will be parked and returned by valet parking. The report states that this process should take no longer than 2 minutes. Given the one way direction of the laneway Council considered this might be

optimistic as valet cars will need to be driven around the block to enter the carpark for arrivals. However, this part of the operation is not considered to raise any unreasonable concerns given the porte-cochere can easily accommodate three cars and potentially four (across part of the lane) before a traffic issue is caused.

The report states that all information and details of the valet parking system will be provided to guests via email and text messages. This procedure can be included in the management plan for the site.

The ground floor parking will be a mix of commercial spaces, hotel spaces and the function room. The hotel spaces will operate under the valet parking system discussed above. The commercial spaces will be accessed by swipe cards only and the deliveries managed by the hotel staff. The function centre spaces will be required to be pre-booked and can be controlled within the management plan that will be conditioned. Ultimately the ground floor carpark is secure from public access and will unlikely raise any concerns that can't be addressed by building management.

The first floor car park will be valet parking for the hotel and staff parking. The access ramp will be one-way off Baretta Lane. The ramp will use a stop go light system to ensure the safe movement of vehicles. The system is programmed to give priority to the entering vehicle. Given the majority of vehicle movements from this floor will be via the valet system this method is considered appropriate. It should be noted that this is a common method utilised in large residential and commercial developments in metropolitan areas.

Given the existing access to this site and the support from the Traffic Report, Council staff are satisfied that the proposal will have negligible and therefore acceptable impacts on the existing road network and the safety of vehicles and pedestrians in the immediate vicinity and utilising the hotel entries and exits.

The Traffic Report sees no need for any mitigation measures. Council will include specific conditions regarding signage and management plans.

All works to the driveways will be required to comply with Council's Engineering Guidelines.

The application was referred to Council's Engineer - Civil and Traffic for comment. In discussions with Management of that section, comments were raised around ensuring compliance with appropriate standards and managing the potential conflicts arising from queuing on the laneway. These issues have been addressed in conditions of consent. Further, more general comments were made regarding carparking numbers but no objection was raised to the proposal.

The report discusses 'wayfinding signage', however this would not be an issue for the development consent. No discussion on this signage is required.

It should be noted that the report states that the applicant will upgrade Beretta Lane fronting the development site, remove the three redundant crossovers and reinstate to match adjacent footpath and kerbing.

Noise and vibration

A noise report has been completed by Harwood Acoustics, dated, 27/04/19. The report concludes the following:

'The level of noise emission from the operation of the function room will meet Liquor and Gaming NSW's standard noise conditions providing recommendations made in Section 5.3

of this Report are implemented and adhered to.

Noise emission arising from any mechanical plant servicing the proposed development will meet the EPA's and Council's noise design goals at all receptor locations. This is providing that recommendations made in Section 5.3 of this Report are implemented including a final assessment of mechanical plant noise prior to the issue of a Construction Certificate.

The level of noise intrusion into the proposed hotel rooms will meet the internal noise design goals derived from Australian Standard AS2107:2016. This is providing that recommendations for construction materials and methods made in Section 6 of this Report are implemented.'

The report makes the following recommendations that will be included in conditions of consent:

5.3 Recommended Noise Controls

5.3.1 Function Room

- All windows and glazed doors in the function should be fitted with glazing that achieves a minimum weighted sound reduction index (Rw) of 32, e.g. 6.38 mm laminated glass,*
- The door to the function room should be automatically self-closing,*
- All doors and windows to the function room should remain closed whilst amplified music is played,*
- Amplified music should not exceed the following L10 sound pressure levels when measured at 3 metres from the speakers within the function room:-*
 - o 92 dBA prior to midnight, and*
 - o 82 dBA if the function room is open after midnight.*

5.3.2 Mechanical Plant

The type, make, model and location of any mechanical plant that may be installed to service the hotel building is unknown at this stage.

Predictions shown in Table 8 of this Report assume that all plant listed in Table 6 is located on the roof of the hotel and operates simultaneously. Based on this example, acoustical screening would be required on the southern and eastern side of the roof mounted mechanical plant deck, to block line of sight from the apartment building located toward the south east of the Site. The screen in this instance should be constructed to a minimum height of 400 mm above the tallest item of mechanical plant.

This is an example only to demonstrate the potential for compliance with the noise goals.

A final assessment of mechanical plant can be carried out prior to the issue of a Construction Certificate once the selections of all mechanical plant have been finalised.

Any noise controls, if required, will not be onerous and the acceptable noise limits can easily be achieved.

6.3 Building Construction Recommendations

The level of external noise intrusion has been calculated through the roof, floor, walls, glazed doors and windows.

The recommended internal noise design goals derived from Australian Standard AS2107:2016 can be met using the following construction methods and materials.

6.3.1 Walls

- *External walls of masonry construction will be acoustically acceptable;*
- *Non-masonry external wall elements, should be constructed as follows:-*
 - o *Cement composite cladding with a minimum mass of 13 kg/m² (for example CSR Cemintel Commercial ExpressPanel, Hardies Stria or Linea) on the outside of minimum 90 mm steel studs,*
 - o *Internal wall linings should consist of standard 10 mm thick standard plasterboard for masonry walls, and*
 - o *Minimum 50 mm glasswool or polyester insulation in the wall cavity (with a minimum density of 11 kg/m³).*

Important notes

- *Any external cladding on non-masonry walls is to be installed in accordance with the manufacturer's installation instructions so as to achieve the specified acoustical ratings.*

6.3.2 Ceiling and Roof System

- *The roof is to be of concrete slab construction, which will be acceptable,*
- *Ceilings under the roof should comprise one layer of 10 mm thick standard plasterboard.*

6.3.3 Windows and Glazed Doors

Glazing

- *Windows and glazed doors will be fixed, sliding, awning or louvred in aluminium frames,*
- *All glazing may be of standard thickness with a minimum Weighted Sound Reduction Index (R_w) of 25 other than those shown in Table 10 below.*

Given the conclusion of the Noise Report, Council Staff have no objection to the development from a noise impact perspective subject to compliance with conditions of consent.

Hours of Operation

No hours of operation have been proposed. This is not considered an issue given the zone and surrounding land uses. No issues are raised.

Heritage

The subject site is not located within the Conservation Area. The impact on heritage items in close proximity has been discussed above and considered acceptable.

Public domain

The proposed development will have a positive impact on the public domain. An upgrade of

the footpaths along Baylis Street and Edward Street along with awnings and shopfronts activates the streetscape in this location.

Other land resources

The land is zoned business and previously contained buildings, no issues are raised.

Water

The site is serviced by water no further concerns are raised.

Soils

Land contamination issues are discussed above under the SEPP 55 assessment.

Air and microclimate

Conditions of consent will minimise impacts during construction. No adverse impacts are expected

Natural Hazards

The site is not considered bush fire or flood prone land.

Waste

Conditions of consent will ensure that the site is kept in an appropriate state during demolition and construction.

The applicant has lodged an Operation Waste Management Plan (WMP) produced by Elephants Foot Recycling Solutions dated 7/5/19. The WMP only looks at the operational side of the development. The WMP states that collection will be from private contractors from Baretta Lane. This option is considered acceptable from Council's perspective. The WMP breaks down each use and the strategies to reduce waste. The WMP also works out bin numbers based on these estimated numbers. The site has dedicated bin storage areas based on these numbers that is secured.

This issue was discussed with Councils Waste Management Facility Manager who confirmed that the Laneways are used for Waste Disposal and that bins are set out on a Monday night for a Tuesday collection in central Wagga. The proposal is consistent with other centrally located operators and raises no concerns.

Services/Utilities

As the subject development is located within a developed business area, all power, water, sewer and telecommunications are available to the site.

Social/economic impacts

The applicant submitted a Social Impact Assessment Report with the Development Application. The report addresses a number of issues and concludes the following:

'In Conclusion, the social benefits of the proposed redevelopment to the visitors and residents and greater community have been found to significantly outweigh any potential negative impacts. Especially given that all anticipated negative impacts as a result of the proposed development can be mitigated to a satisfactory degree through imposition of development consent conditions and/or implementation of a quality onsite management

practices'

Council is satisfied that the proposed development is likely to have a positive social and economic impact on the locality through direct employment generation, as well as increased accommodation capacity to attract events to the city and cater for existing events.

Safety, security and crime prevention

The Social Impact Assessment Report discussed above includes a Crime Prevention Through Urban Design (CPTED) Assessment. The assessment shows that the building design meets the aims and objectives of CPTED with excellent natural surveillance, separate entry points and secure parking areas. No issues are raised.

Flora and fauna

The site is fully developed with no vegetation on site. The landscaping plans have been discussed above and considered to add considerable value to Baylis and Edward Streets. The landscaped courtyard accessible to Hotel patrons offers an outdoor space that adds to the design.

Site Design

The overall design is a good use of the space with acceptable impacts

Overall the development would be considered acceptable on a merits based assessment for the site.

Construction

The construction impacts have potential to be substantial given the central location of the site and the proximity to adjoining properties, vehicles and pedestrians.

Conditions of consent will require a Construction Management Plan. Whilst there is potential to cause impact, if managed appropriately the impacts should not be unreasonable.

Cumulative impacts

The development is permissible and supported by objectives in the zone. The use should be encouraged within the CBD and the redevelopment of this site is a positive for the City. The issues surrounding the car parking have been supported by a Traffic Report that Council staff are comfortable addresses the issues. The cumulative impacts associated with this development can be addressed via recommended conditions of consent.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

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

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

(a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the

environment, and

(b) an assessment of the risk-weighted consequences of various options.

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

2 Intergenerational equity

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

3 Conservation of biological diversity and ecological integrity

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

4 Improved valuation, pricing and incentive mechanisms

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

(a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and

(b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and

(c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

The proposal is a redevelopment of a site. Infill development is supported and is a preferred option in this instance. The site is void of vegetation and the construction will be conditioned to ensure that all waste is disposed of in an appropriate manner. The impacts on the environment would be considered acceptable.

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

Suitability of the site in terms of the likely impacts identified under (b)

The site is currently zoned business. Compliance with conditions of consent will overcome concerns making the site suitable in terms of the impacts identified under section b.

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

Referrals

Internal

- Engineering
 - o Conditions added
- Building

- o Conditions added
- Plumbing
 - o Conditions added
- Environment
 - o Conditions added
- Parks
 - o Some concerns are raised over the location, species and type of mulch proposed for the street tree planting. This will be conditioned.
- Health
 - o Conditions added
- Traffic
 - o Comments have been received that generally focus on the safety of the laneway, parking requirements and compliance with Australian Standards. The details of the comments have been included in the relevant sections of the report where necessary.

- City Strategy

The proposed development is consistent with Council's strategic planning documents. The Wagga Wagga Spatial Plan 2013-2043 includes a direction of "growing business investment in our community" and identifies the following:

- *Investment in business will contribute to a higher population growth to achieve aspirational growth rates.*
- *Support a stronger and more vibrant city centre to attract businesses and additional residents.*
- *Identify sites suitable for redevelopment and concentrate development to infill sites to accommodate growth.*

Council is currently preparing a local strategic planning statement to replace the Spatial Plan, the draft document highlights the need to encourage more development within the CBD Core to create a more attractive and vibrant CBD. Development of the vacant site will activate the space and contribute to a more attractive and vibrant CBD.

In addition, Wagga Wagga is home to a number of significant events that temporarily increase demand for hotel accommodation. These events can attract up to 10,000+ visitors across a weekend period. As at February 2018, there were an estimated 4,591 bed spaces at hotels, motels and serviced apartments in Wagga Wagga. This is a significant increase from the estimated 3,500 bed capacity in 2014 and reflects the growing need for additional visitor accommodation. The proposed development will contribute to the range of tourist and visitor accommodation available in the city in a key location that will encourage visitors to walk.

The Wagga Wagga Integrated Transport Strategy identifies the need for vibrancy to improve in the CBD core through increased pedestrian activity. Development of this site has the opportunity to increase pedestrian activity through visitors to the proposed motel accommodation.

- Community Services
 - o *Location is perfect. Corner of Edward and Baylis Street is in close proximity to public transport i.e. Train Station and the Coach Terminal*
 - o *Landscaping that's included in the DA is great as this will beautify the entry to the Baylis Street*
 - o *Modern Contemporary design is highly welcomed*
 - o *Safety down the laneway is a concern from a pedestrian point of view - coming out of the businesses i.e. Victoria Hotel or the walkway through to Baylis Street. Increase in signage may be needed.*
 - o *We also noticed all of the rooms have double beds. We believe not having the flexibility of having some twin rooms (two beds) is limiting the offering to the Wagga market.*

On page 148 on the newly Riverina Murray Accommodation Market Assessment <<https://riverinamurray.com.au/app/uploads/2019/06/Final-Riverina-Murray-Accommodation-Market-Assessment-17062019-1.pdf>>, the Eastern Riverina medium forecast is for additional 533 rooms, based on a 65% occupancy over the next 10 years (2029).

This development in the longer term will serve the Eastern Riverina and Wagga Wagga well. The NSW Government has given the city a target towards a population of 100,000 by 2038. Demand for rooms will be high as accommodation will be needed for the growth of various industries and to also cater for the increasing visitor numbers for large and more frequent cultural, business and sporting events.

- Mayor, General Manager
 - o No comments received

External

- Essential Energy
 - o Response was received on 14/06/19 - concerns were raised with the proximity the underground and overhead lines.

Application was referred again on 5/2/20, response was received on 21/2/20.
- Comments have been discussed in the body of the report.
- Riverina Water
 - o Response was received on 3/12/18 and again on 25/2/20 with the following comments:
 - *Additional fees and charges for water supply may be incurred by the proposed development*
 - *Developer must make an application for a Certificate of Compliance for*

- water supply*
- *Certificate of Compliance for water supply required prior to issuing of Construction Certificate*
- *RWCC Plumbing Certificate required prior to Occupation Certificate*

These conditions will be added to any consent granted

- NSW Police
 - o The following response was received on 26/06/19

Police have reviewed development application 19/0257 and associated 'Statement of Environmental Effects' concerning the development of a 6 storey hotel and commercial building at the intersection of Baylis and Edward Streets, Wagga Wagga. Development of this site will improve foot traffic and passive surveillance in this part of the CBD, in particular the intersection on which it will be located on and the laneway at the rear of the development. Passive surveillance and pedestrian traffic in this area is limited at certain times of the day and night, it has remained limited for a number of years due to the site remaining undeveloped.

The development will improve the availability of accommodation within the Wagga Wagga CBD for visitors, with four floors of the development to contain hotel style accommodation and provide additional commercial space for businesses within the CBD. It is understood the development will also contain function space/s which may be licensed.

Police have no objection to the development being approved, but request the following condition be imposed on the development:

"The consent holder must engage in a consultative process with Riverina District Licensing Police who will prepare a Venue & Safety Management Plan02 ('the plan') to be implemented at all premises and/or locations that are subject to the development consent issued by Wagga Wagga City Council. The plan must be signed and approved by the District Commander, a District Inspector, OIC or a nominated delegate. A copy of the management plan must be lodged with Wagga Wagga City Council by the consent holder prior to any premises being occupied and commencing operation. The consent holder, licensee (if a premise is licensed under the Liquor Act 2007) or any other person in control of the premise must comply with each individual condition of the plan at all times.

The plan must include a range of conditions designed to maintain the amenity of the neighbourhood and mitigate risks to staff and customers inside and outside the development. These conditions may include but are not limited to:

- o *installation and maintenance of digital HD CCTV camera system,*
- o *staff security measures,*
- o *crime scene guidelines,*
- o *engagement of security guards,*
- o *recording/reporting of alcohol and drug related incidents,*
- o *reporting crime,*

- o notification of events & functions,
- o patron management,
- o safe transport options,
- o noise management,
- o lighting,
- o maintaining the amenity of the neighbourhood,
- o clearing of rubbish,
- o addressing complaints relating to the operation of the premise,
- o reviews, amendments and/or updates to the plan.

It is the responsibility of the consent holder to initiate contact with Riverina District Licensing Police to commence the consultative process. The requirements of this management plan are separate to any conditions that may be placed on a liquor licence by the appropriate Authority under the Liquor Act 2007."

This condition will be included on any consent granted.

- Transport for NSW - response was received on 8/7/19 and 20/2/20 confirming that the original submission remained valid. The details of the response have been summarised below:
 - o The proposed driveways and access arrangements to Baretta Lane should be clearly signposted to minimise conflict when entering/exiting the site to/from the laneway.
 - o The face of awning shall be located at least 1 metre from back of kerb along both Edward and Baylis Streets and at the intersection. The proposed awning shall not interfere with existing traffic signals or line of site for motorists to the signals. The proposed treatment and colour of the building façade shall not interfere with the exposure of the traffic signals to motorists and pedestrians.
 - o As a minimum the car parking layout and access driveways to Baretta Lane should be designed, constructed and line marked in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".
 - o The provision of on-site car parking, including disabled parking, associated with the subject development is to be in accordance with Council requirements. All car parking spaces required by the development are to be provided on-site and not to be compensated by the on-road parking in the vicinity.
 - o Visibility to pedestrians for vehicles exiting the laneway shall be provided in accordance with appropriate standards.
 - o Appropriate measures, including signage, shall be installed on the laneway to minimise the potential for conflict between vehicles exiting the laneway and pedestrians on the footpath along Edwards Street.

- o consideration needs to be given to the mitigation of noise and vibration issues within the design of the proposed building.
- o Roads and Maritime Services has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):-

1.The proposed building and awning shall not interfere with the operation of the traffic signals at the intersection of Edward and Baylis Streets or with sight lines for motorists to the traffic signals. The proposed awning shall be a minimum of 1 metre, measured horizontally, from the existing traffic signal infrastructure, including the post and lanterns. The colour scheme for the building or any signage shall not interfere with visibility of the traffic signals to motorists and pedestrians and shall not include the colours red, amber or green.

2.The proposed awning over the road reserve shall be a minimum of 1 metre, measured horizontally, from the back of kerb along both Edward and Baylis Streets.

3.Any buildings, landscaping, fencing or signage along the frontage of the site to Edward Street (the Sturt Highway) shall be designed and maintained to provide safe sight distance to pedestrians for motorists exiting Baretta Lane to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".

4.Appropriate measures, including signage, shall be installed on the laneway to minimise the potential for conflict between vehicles exiting the laneway and pedestrians on the footpath along the northern side of Edwards Street to the satisfaction of Council.

5.All activities including, loading and unloading associated with this development are to take place within the subject development site to remove interference with vehicles and pedestrian movement on the Sturt Highway (Edward Street). Appropriate loading/unloading facilities are to be provided on site to service of all tenancies.

6.Any damage or disturbance to the road reserve of the Sturt Highway (Edward Street) is to be restored to match surrounding landform in accordance with Council requirements. Any redundant vehicular access driveways to the subject property from the Sturt Highway shall be removed and the road reserve, including kerb and gutter, reinstated to match the surrounding roadside landform in accordance with Council requirements.

7.Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Suitable provision should be made to retard any increased storm water run-off from the site.

8.A minimum clearance of 2.5 metres above the finished footpath on the Sturt Highway (Edward Street) is to be maintained to the underside of the awning/balcony and any attached structures, such as under awning signage.

9.Liability and indemnity insurance to \$20 million shall be maintained by the land owner for any structures located within the road reserve. The insurance is to be extended to include Roads and Maritime Services being indemnified against any

action that could result in litigation following any accident involving the proposed structures with the road reserve.

10. As a minimum the building shall be designed such that road traffic noise from the road network is mitigated by durable materials, in accordance with the following internal noise objectives for all habitable rooms under ventilated conditions:

- o All sleeping rooms: 35 dB(A) at any time between 10 pm and 7 am
- o All habitable rooms: 40 dB(A) at any time.

11. A management plan to address demolition and construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the on-site works for the construction of the development to alleviate any need to park within, or load/unload from the road reserve of the Sturt Highway. The storage of any material within the road reserve is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement.

12. Any works within the road reserve of a Classified Road requires approval from the Council and concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.

13. Any proposed signage to be erected in relation to the proposed development is not approved and shall be subject to the submission of a further Development Application.

14. Any works associated with the development shall be at no cost to Roads and Maritime Services.

Council notes the comments and has incorporated the intent of the conditions into the consent where relevant.

Public Submissions

During the initial exhibition period 12 submissions were received. Of these 12 submissions 2 separate letters were received with the remaining 10 being repeats of one of the letters. The issues raised in this initial exhibition period have been summarised and addressed below.

Issue: The building will encroach on a ROW which would contravene the terms of the ROW.

Comment: This issue has been addressed in the amended plans.

Issue: The water meter which services the neighbouring property will be restricted by the building and no access would be available to the owners or the relevant authority.

Comment: With the amended plans this issue has been resolved.

Issue: The site is potentially contaminated and correct documentation has not been received to address this issue.

Comment: Suitable information was not lodged with the original application and additional information was requested by Council. The additional information lodged has addressed this concern to the satisfaction of Council.

Issue: The proposal does not comply with Council's car parking requirements and given the floor space ratio has not been maximised the variation is not justified

Comment: This issue has been addressed in the body of the report.

Issue: The loading/unloading for deliveries has not been appropriately addressed. Providing a specific bay would result in more loss of parking spaces.

Comment: This issue has been addressed in the amended information and discussed within the body of the report.

Issue: No provision for Tourist Coach Parking

Comment: Council's controls do not require that parking be provided for 'Tourist Coaches.' Whilst it would be beneficial for the hotel to have the ability for coaches and buses to drop off and pick up on site this would be an unreasonable and unnecessary requirement in this central location. There are adequate locations in surrounding streets and public car parks for buses and coaches to safely and legally pull over and drop people off if required. The more likely scenario is that coaches and buses stop at a central location when visiting towns the size of Wagga and people make their own way from these locations to their designated hotels.

Issue: Vehicle movements off the lane onto the highway are dangerous.

Comment: The Traffic Report, Council's Traffic engineer and Transport for NSW have raised no concern with this movement.

During the second exhibition period no submissions were received.

(e) - the public interest

As demonstrated by this report, the development generally complies, or conditions of consent have been imposed to ensure compliance with, the relevant matters for consideration, under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

The development will increase tourist facilities and commercial premises, which will help increase visitors to the city, and benefit the economy generally. Further, the proposal facilitates the development of a prominent site which will help improve the overall city image.

For these reasons it is considered that the development is in the public interest.

Other Legislative Requirements

Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

On 21st November 2017, certain zones of the WWLEP 2010 achieved Biodiversity Certification under the Biodiversity Conservation Act 2016, including all Business, Industrial, Residential and Special Infrastructure Zones that were in place at the time of the making of the Biodiversity Conservation Act 2016. The subject site falls within an area subject to the Biodiversity Certification Order.

The effect of the Biodiversity Certification, as set out by Section 8.4 of the Biodiversity Conservation Act 2016 is that:

An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.

A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Therefore, no further consideration of these matters is required.

Section 733 of the Local Government Act 1993

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

Flooding Risk Assessment

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

Bush Fire Risk Assessment

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

Council Policies

N/A

Development Contributions - Section 7.11/7.12 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.11 contribution

Section 7.11/7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.12 contribution will apply to this development as the declared value of works is \$139,069.03. The calculation is therefore:

$$\$13,906,903.00 \times 1\% = \$139,069.03$$

Section 64

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

Section 64 stormwater contribution

Given there is no increase in hardstand area there is no stormwater contribution required.

Section 64 Sewer contribution

The following calculation is relevant for sewer:

Standard ET figures under Water Directorate Guidelines (April 2017) for a hotel, commercial space and function room are as follows:

- Hotel - 0.45ETs per room
- Commercial - 0.01ETs x GFA
- Function Centre - The WDG indicate that function centres should be calculated based on the food preparation and amenities area. This gives a variety of options and questions as to whether this should be calculated across the whole GFA of the function centre or just the food preparation area. Recent function centre approvals have used 0.05ETs with this just calculated over the GFA of the food preparation area not the whole GFA of the function centre. Given there are no food preparation areas within the function room it would be reasonable for no charge to apply.

Hotel - $104 \times 0.45 \times 3538 = \$165,578.40$

Commercial - $196.9\text{m}^2 \times 0.01 \times 3538 = \$6,966.32$

Total = $\$172,544.72$

A credit applies for the service station that was previously located on the site. The rate for the service station is 0.90ETs per lane. The service station had two lanes and therefore the following credit is applied.

$0.9 \times 2 \times 3538 = \$6,368.40$

$\$172,544.72 - \$6,368.40 = \$166,176.32$

Plus CPI

$\$166,176.32 \times 115.2/100.5 = \$190,482.70$

Other Approvals

Nil

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies. The issues raised in the submissions have been addressed in the body of this report.

RECOMMENDATION

It is recommended that application number DA19/0257 for Six storey mixed use development ground floor commercial and car parking, one floor of car parking and four floors of hotel rooms be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

A. SCHEDULE A – Reasons for Conditions

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

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

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C - Conditions

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
00	Coversheet	Design Workshop Australia	M	11/12/19
01	DCP Analysis	Design Workshop Australia	M	11/12/19
02	Regional Context	Design Workshop Australia	M	11/12/19
03	Local Context	Design Workshop Australia	M	11/12/19
04	Contextual Analysis	Design Workshop Australia	M	11/12/19
05	Existing Site Survey	Design Workshop Australia	M	11/12/19
06	Demolition Plan	Design Workshop Australia	M	11/12/19
07	Proposed Site Plan	Design Workshop Australia	M	11/12/19

10	Ground Floor	Design Workshop Australia	N	15/1/20
11	Level 1	Design Workshop Australia	M	11/12/19
12	Level 2	Design Workshop Australia	M	11/12/19
13	Level 3	Design Workshop Australia	M	11/12/19
14	Level 4	Design Workshop Australia	M	11/12/19
15	Level 5	Design Workshop Australia	M	11/12/19
16	Level 6/roof	Design Workshop Australia	M	11/12/19
17	GFA Plans	Design Workshop Australia	M	11/12/19
18	Unit Key Plans	Design Workshop Australia	M	11/12/19
20	Elevation	Design Workshop Australia	M	11/12/19
21	Elevation	Design Workshop Australia	M	11/12/19
22	Elevation	Design Workshop Australia	M	11/12/19
23	Elevation	Design Workshop Australia	M	11/12/19
30	Section	Design Workshop Australia	M	11/12/19
31	Section	Design Workshop Australia	M	11/12/19
32	Section	Design Workshop Australia	M	11/12/19
33	Section	Design Workshop Australia	M	11/12/19
40	Hotel Unit Types	Design Workshop Australia	M	11/12/19
41	Hotel Unit Types	Design Workshop Australia	M	11/12/19
42	Hotel Unit Types	Design Workshop Australia	M	11/12/19
50	Shadow Diagrams - June 9am-12pm	Design Workshop Australia	M	11/12/19
51	Shadow Diagram - June 1pm - 3pm	Design Workshop Australia	M	11/12/19
52	Shadow Diagram - Dec 9am - 3pm	Design Workshop Australia	M	11/12/19
60	Contextual 3D Views	Design Workshop Australia	M	11/12/19

-	Statement of Environmental Effects	EPlanning	-	Amended January 2020
18248	Traffic and Parking Impact Assessment	Transport and Traffic Planning Associates	D	January 2020
-	Social Impact Assessment Report	EPlanning	-	April 2019
SO169	Operational Waste Management Plan	Elephants Foot recycling solutions	B	7/5/19
1811004E-R	Environmental Noise Impact and Noise Intrusion Assessment	Harwood Acoustics	-	27/4/19
18179 C1	Soil and Sedimentation notes	ATB Consulting Engineers	A	11/4/19
18179 C2	Soil and Erosion Sediment Plan - Part 1	ATB Consulting Engineers	A	11/4/19
18179 C3	Soil and Sedimentation Details	ATB Consulting Engineers	A	11/4/19

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

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

C.2 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$139,069.03 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases

have occurred since the date of this consent.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

C.3 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE 1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

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

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

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

NOTE 5: The Section 64 Sewer base figure is \$166,176.32

The Section 64 Sewer contribution (updated by the 115.2/100.5) required to be paid is \$190,482.70

NOTE 6: The Section 64 Stormwater base figure is Nil

The Section 64 Stormwater contribution (updated by the CPI/87.9) required to be paid is Nil

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

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

C.4. Prior to the issue of the Construction Certificate amended plans must be submitted to

and approved by Council that show commercial Space 2, the function room and the reception area adequately serviced by accessible WC's. The number required is to meet that stipulated by the National Construction Code.

C.5. Prior to the issue of the Construction Certificate amended plans must be submitted to and approved by Council that show the façade of the building along Baylis Street extending across the R.O.W. at ground level. An access door can be considered if required. However, the general design detail that is currently proposed along the commercial tenancies should be extended.

C.6 Prior to the issue of the Construction Certificate a site plan shall be submitted to the Principal Certifying Authority for approval that indicates;

- i) The stormwater connecting to Council stormwater mains
- ii) Upgrade of the existing sewer spur to 150mm diameter
- iii) The finished paving levels demonstrating that the stormwater overland flow path is directed towards the street or an alternative appropriate point of discharge.
- iv) A stormwater plan indicating pipe and pit levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed a 1 in 10 year event.

C.7 Prior to the release of the Construction Certificate amended plans and details are to be submitted to and approved by Council that addresses the following points:

- The proposed awning shall be a minimum of 1 metre, measured horizontally, from the existing traffic signal infrastructure, including the post and lanterns.
- The proposed awning over the road reserve shall be a minimum of 1 metre, measured horizontally, from the back of kerb along both Edward and Baylis Streets.
- The location of the awning posts are to be clearly shown and generally consistent with the line established on the properties to the north.
- The location of signage (or alternative appropriate measures) to minimise the potential for conflict between vehicles exiting the laneway and pedestrians.
- Awning plans certified by a practicing Structural Engineer.

NOTE 1: The plan must be accompanied by a letter from Transport for NSW that states they have no objection with the plans.

NOTE 2: The revised awning must remain compliant with the controls and objectives of Section 10.7 of the Wagga Wagga Development Control Plan 2010.

C.8 Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.

- a) Pursuant to Clause 98 of the Environmental Planning and Assessment

Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including but not limiting to:

- i) Structure - Section B- (Part B1)
 - ii) Fire Resistance - Section C- (Parts C1, C2, C3)
 - iii) Access and Egress - Section D- (Parts D1, D2, D3)
 - iv) Services and Equipment - Section E- (Parts E1, E2, E3, E4)
 - v) Health and Amenity - Section F- (Parts F1, F2, F3, F4, F5)
 - vi) Ancillary Provisions- Section G- (Parts G1, G2, G3, G4, G5)
 - vii) Special Use Buildings- Section H- (Parts H1, H2, H3)
 - viii) Energy Efficiency- Section J- (Parts J0, J1, J2, J3, J5, J6, J7, J8)
- b) If compliance with the deem-to-satisfy provisions of the BCA cannot be achieved, a performance solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified person and submitted to the Principal Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council for assessment and may require an application to be lodged to amend the consent.

C.9 Prior to the issue of a Construction Certificate the recommendations in Section 5.3.2 of the Environmental Noise Impact and Noise Intrusion Assessment prepared by Harwood Acoustics dated 27/4/19, shall be undertaken by a suitably qualified person. The required report is to be provided to Council for approval prior to release of the Construction Certificate. The final mechanical plant assessment report will need to demonstrate emission from the mechanical plant is within acceptable noise limits at all receptors.

C.10 Prior to the release of the Construction Certificate the applicant shall provide the Principle Certifying Authority with a letter from Essential Energy confirming that they have no objection with the Development proceeding.

NOTE: Essential Energy currently has safety concerns in relation to the proximity of the development to Essential Energy's powerlines.

NOTE: To obtain the required letter the Applicant will need to provide satisfactory plans and specifications by a suitably qualified person (showing distances from the proposed development to Essential Energy's infrastructure) together with any other relevant information for further consideration. Such information must show compliance with the latest industry guideline currently known as ISSC 20 Guideline for

the Management of Activities within Electricity Easements and Close to Infrastructure.

NOTE: That it may be necessary to re-locate the existing overhead infrastructure or convert to underground infrastructure. Any re-location / undergrounding of existing infrastructure will be at the Applicant's expense. A list of Level 3 Accredited Service Providers is available at <https://energysaver.nsw.gov.au/households/youand-energy-providers/installing-or-altering-your-electricity-service>.

NOTE: All costs associated with the work will be at the Applicant's expense.

C.11 Prior to the release of the Construction Certificate a Construction Management Plan shall be submitted to and approved by Council. The plan shall include but is not limited to the following:

- Details of the project, time frames, dates, contacts
- provisions are available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from, the surrounding public road network.
- Suitable delivery times to minimise the impact of deliveries on traffic.
- Details of appropriate signage and fencing to be installed and maintained to effect this plan.
- Suitable traffic management measures (to include access to and from the site, likely vehicle movements, loading/unloading areas etc)
- WHS measures
- Public safety and security
- Management of air, dust, stormwater, sediment, noise (noise issues must include recommendations from the Noise Report)
- Waste Management
- Construction hours
- Storage of materials

NOTE: This plan shall be adhered to at all times during works.

C.12 Prior to issue of the Construction Certificate for any ground floor tenancy that involves food and drink premises, detailed plans and elevations of the food and drink preparation areas shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2015 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.

C.13 A revised landscape and street infrastructure upgrade plan and associated information shall be submitted and approved by Council prior to the release of the Construction Certificate. The information must address but is not limited to the following:

- (1) The plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist.
- (2) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development and footpath shall be

submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.

- (3) The plan shall include details on all existing and proposed services to ensure no unreasonable impacts on assets above and below ground.
- (4) The plan must be accompanied by a letter from Essential Energy that states they have no issues with the plan.

NOTE: It is recommended that discussions be held with relevant Council staff prior to the lodgement of the plan.

C.14 As street trees will become an asset Council, if the applicant chooses to engage a contractor the following information is to be supplied for review and approval by Council's Supervisor of Tree Planning and Management prior to the release of the Construction Certificate:

- (1) Company trading name
- (2) Contractor's license number
- (3) Relevant experience of company
- (4) Relevant qualifications of key staff undertaking the works

If the applicant chooses to engage a contractor to undertake the street tree planting then a bond of \$500 per street tree is required to be paid to Council prior to the release of the Construction Certificate. Installation can only occur during the next available planting season (May-August).

NOTE: The fee per street tree will be in accordance with the figure nominated in this condition or in accordance with Council's adopted Revenue and Pricing Policy at the time of payment of this fee whichever is the greater.

C.15 Prior to the issue of a Construction Certificate, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.

Requirements before the commencement of any works

C.16 If the work involved in the erection or demolition of a building or structure:

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

a hoarding or fence must be erected between the development site/works and the

public place prior to works commencing on site.

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

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

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

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

C.17 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

C.18 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you

lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

- C.19 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public footway, road or private land.

Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to the Principal Certifying Authority prior to application for an Occupation Certificate for the development.

The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

All reasonable steps must be taken to ensure that dust from the construction and demolition activities on site is kept to a minimum. This includes wetting down disturbed soils and providing adequate cover.

NOTE: Wagga Wagga City Council's Gregadoo Waste Facility is the EPA licensed facility within the Local Government Area to accept waste material

- C.20 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

- C21 All vehicles involved with the construction and/or demolition process and departing the property with demolition material, spoil, debris and loose material must have their loads covered before entering the public road. Suitable measures shall be in place to

ensure that sediment is not tracked onto the roadway by vehicles leaving the site. This may require the installation of an all-weather temporary driveway for all construction vehicles accessing and leaving the site.

It is an offence to allow, permit or cause materials to pollute waters.

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

C.22 Prior to works commencing on site:

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

C.23 Prior to the planting of any street trees by the contractor each tree is to be inspected by the General Manager or their delegate to ensure that trees have been grown in accordance with relevant Natspec guidelines. Trees that have been rejected by the General Manager or their delegate are not to be planted.

Council will provide planting installation details to the contractor to ensure street trees are planted in accordance with Australian and WWCC standards.

The General Manager or their delegate will undertake an inspection following the installation of the street trees. Any street trees that have been planted incorrectly will be required to be replanted within one week of the inspection. If replanting does not occur WWCC will utilise the \$500 bond per tree for each tree incorrectly planted and not replaced correctly to undertake the supply, planting and maintenance of the replacement tree/s.

NOTE: The fee per street tree will be in accordance with the figure nominated in this condition or in accordance with Council's adopted Revenue and Pricing Policy at the time of payment of this fee whichever is the greater.

C.24 Prior to the commencement of works, Activity Approvals are required under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for both Public and Private sewer and stormwater works.

The public works shall include:

- 1) The existing sewer spur to be upgraded to 150mm diameter SN8 sewer grade spur to service the development
- 2) any public infrastructure sewer / stormwater works, where that work is proposed to be carried out on public or Council owned land.

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

NOTE 2: Prior to the commencement of works a bond may be required to be lodged with Council for public infrastructure works. Refer to Council's Section 68 Activity Approval Application Guide for detail.

NOTE 3: Section 68 Approval must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.

NOTE 4: The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE 5: A copy of the Notice of Works form can be found on Council's website.

C.25 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council. As a minimum, the following documentation is required to be submitted with the application:

i) A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works. The TTP shall detail how pedestrian and traffic movements will be managed throughout all phases of construction.

ii) Detailed Engineering plans and specifications of all proposed works in the road reserve including awnings, footpath landscaping and road areas.

iii) A Pavement Design Report prepared by a qualified Geotechnical Engineer for any road pavement works within Council's road reserve.

NOTE 1: Prior to works commencing within the road reserve, the applicant shall arrange a Pre-Start meeting with Council's Development and Subdivisions Engineer. Please contact Council's Development and Subdivisions Engineer on 1300 292 442 to book inspections quoting the reference number shown on the approved plans.

NOTE 2: Work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

C.26 Prior to approval of the Section 138 Permit a bond of \$10,000.00 in the form of cash or bank guarantee shall be paid to Council and held for a period of 12 months after completion of construction for the following:

- (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
- (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
- (c) remedying any defects in any such public work that arise within 12

months after the work is completed.

- C.27 No works are to take place to any services without prior written approval from the relevant authority.

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

Requirements during construction or site works

- C.28 Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council's website at- <<https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath>> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.
- C.29 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.30 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.31 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.32 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.33 Stormwater mains must be extended to the site, at full cost to the developer, in accordance with Council's Engineering Guidelines for Subdivision and Developments and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision.
- C.34 A survey report by a registered land surveyor shall be provided to the Principal Certifying Authority (PCA) at the completion of the erection of the external wall panels.
- C.35 Works shall be carried out in accordance with the Construction Management Plan approved under condition C11 of this consent.
- NOTE: A copy of the Plan should be made available to all contractors involved in conducting works on the premises/site.
- C.36 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade

or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.

- C.37 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.
- C.38 Inspections are to be carried out on the approved road works (laneway upgrade) in accordance with Council’s Engineering Guidelines for Subdivisions and Development (or as amended) by Council. The following aspects of road works shall be inspected at the required hold points:
- (a) Pre-start inspection and inspection of traffic management & soil & erosion control measures.
 - (b) Subgrade proof roll. Survey levels and compaction results.
 - (c) Subbase proof roll. Compaction results.
 - (d) Basecourse proof roll. Survey levels and compaction results.
 - (e) Prior to sealing
 - (f) Sewer works, prior to backfilling of trenches.
 - (g) Stormwater works, prior to backfilling of trenches.
 - (h) Concrete works prior to pouring.
 - (i) Into Maintenance inspection.
 - (j) Out Of Maintenance inspection at expiry of the maintenance period.

NOTE: Fees for inspections will be charged in accordance with Council’s current Fees and Charges Schedule. Please contact Council’s Development Engineer on 1300 292 442 to book inspections.

- C.39 For any ground floor tenancy that involves food and drink premises, the construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Food Regulations 2015 and the Food Safety Standards Code.
- C.40 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Office of Environment and Heritage.
- C.41 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.

Stack Work	When all work is installed and prior to concealment.
Final	Prior to occupation of the building or structure.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.42 The establishment of street tree/s in accordance with the approved plan referred to in condition C13 shall be carried out at full cost to the applicant.

Works shall be carried out by Council or a contractor approved by WWCC. Works include the supply, planting and two years maintenance for each street tree. Street trees are to be supplied in pot sizes ranging from 45ltr to 100ltr dependant on availability, with 45ltr being the minimum pot size.

If the applicant chooses to engage WWCC, they are to pay to Council a fee of \$500.00 per street tree proposed for installation prior to the release of the Occupation Certificate.

Using this fee Council will undertake the supply and installation of containerised stock, and will maintain them for a period of two years following installation. Installation will occur during the next available planting season (generally May-August each year).

NOTE: The fee per street tree will be in accordance with the figure nominated in this condition or in accordance with Council's adopted Revenue and Pricing Policy at the time of payment of this fee whichever is the greater.

- C.43 Prior to issue of occupation certificate the redundant kerb laybacks in Baylis Street and Edward Street shall be replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's Engineering Guidelines for Subdivisions and Developments.
- C.44 The consent holder must engage in a consultative process with Riverina District Licensing Police who will prepare a Venue & Safety Management Plan02 ('the plan') to be implemented at all premises and/or locations that are subject to the development consent issued by Wagga Wagga City Council. The plan must be signed and approved by the District Commander, a District Inspector, OIC or nominated delegate.

A copy of the management plan must be lodged with Wagga Wagga City Council by the consent holder prior to any premises being occupied and commencing operation. The consent holder, licensee (if a premise is licensed under the Liquor Act 2007) or any other person in control of the premise must comply with each individual condition of the plan at all times.

The plan must include a range of conditions designed to maintain the amenity of the neighbourhood where the development is to occur. These conditions may include but are not limited to:

- installation and maintenance of digital HD CCTV camera system,
- staff security measures,
- crime scene guidelines,
- engagement of security guards,

- recording/reporting of alcohol and drug related incidents,
- reporting crime,
- notification of events & functions,
- patron management,
- safe transport options,
- noise management,
- lighting,
- maintaining the amenity of the neighbourhood,
- clearing of rubbish,
- addressing complaints relating to the operation of the premise,
- reviews, amendments and/or updates to the plan.

It is the responsibility of the consent holder to initiate contact with Riverina District Licensing Police to commence the consultative process. The requirements of this management plan are separate to any conditions that may be placed on a liquor licence by the appropriate Authority under the Liquor Act 2007.

- C.45 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.46 Prior to the issue of an Occupation Certificate, interim or otherwise, the existing sewer spur servicing the lot shall be upgraded to a 150mm diameter SN8 sewer grade spur to service the development. These works must be carried under a Section 68 (PUBLIC) Activity Approval.
- C.47 Prior to the issue of an Occupation Certificate, interim or otherwise, the applicant shall submit to Council a copy of the Public Liability Insurance Certificate for the amount of \$20 million. The insurance certificate shall note Council's interest as the owner of the public road reserve over which the awning is located.
- C.48 Prior to the issue of an Occupation Certificate, interim or otherwise, an inspection of the full site frontage shall be carried out by Council's Subdivision Engineer to confirm that any damage caused by the development works within the road reserve have been satisfactorily rectified.
- C.49 Prior to the release of the Occupation Certificate a Management Plan for the building is to be submitted to and approved by Council. The Management Plan is to include but is not limited to the following:
- Check in/Check out process (including reference to NOTE 2 below)
 - Operation of carpark (allocating of spaces, informing customers of parking requirements etc.)
 - Management of deliveries
 - Noise management procedures (this must include any relevant recommendations from Noise Report)
 - Complaints management procedure
 - Management of the ROW, including use, access, waste management and security.
 - Waste Management - this may be in the form of an appendices of the approved Waste Management Plan as amended by conditions.

NOTE 1: The approved management plan must remain on site and accessible to all business owners/operators within the building at all times.

NOTE 2: Should Council receive complaints related to queuing issues on Baretta Lane that relate to the check in/check out procedure the Management Plan is to be reviewed and updated accordingly in consultation with Council.

- C.50 Prior to the release of the Occupation Certificate certification from a suitably qualified person is to be submitted to Council that confirms the building has been constructed to comply with the recommendations identified in the Acoustic Assessment prepared by Harwood Acoustics dated 27 April 2019 and the report required by condition C9 of this consent.
- C.51 Prior to the release of the Occupation Certificate the 'loading bay' is to be clearly marked out.
- C.52 Prior to the issue of the Occupation Certificate for any ground floor tenancy that involves food and drink premises, a health inspection must be conducted by Council's Environmental Health Officer in accordance with the Food Act 2003 and the Food Regulations 2015, Food Safety Standards Code. A satisfactory final fit out and construction approval must be obtained by Council's Environmental Health Officer prior to commencing trade.
- C.53 Prior to the release of the Occupation Certificate for any ground floor tenancy that involves food and drink premises the Food Business Premise and the current Food Safety Supervisor must be notified to the appropriate regulatory authority.
- C.54 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

- C.55 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

- C.56 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

C.57 Prior to the issue of Occupation Certificate, signs must be erected that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.

C.58 Lots 1 and 2 in DP 455265 and Lot 6 in DP 855 are to be consolidated into one lot prior to the issue of an Occupation Certificate.

NOTE: Evidence of consolidation must be provided to Council

General requirements

C.59 All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

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

C.60 No signage (with the exception of traffic and parking signage required by conditions of consent) is approved as part of the application, no signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.

C.61 Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) retained material must have a gradient of at least 5%, and
- (d) must be constructed in accordance with the approved plans for such work(s).

C.62 All loading and unloading of goods associated with the building is to take place within the designated carpark area or legal loading zones. (this excludes waste disposal).

C.63 No person shall reside on the land for any continuous period exceeding 3 months in any 12 month period.

C.64 The Management Plan required by condition C49 is to remain in place for the perpetuity of the consent.

C.65 The 'loading bay' as required to be marked up by condition C51 is to remain in place for the perpetuity of the consent.

- C.66 The colour scheme for the building or any signage shall not interfere with visibility of the traffic signals to motorists and pedestrians and shall not include the colours red, amber or green.
- C.67 The building is to operate in accordance with the Operational Waste Management Plan prepared by Elephants Foot Recycling Solutions dated 7/5/19. (as amended by any of the listed conditions of consent)
- C.68 Noise attenuation measures relating to the operation of the function room shall comply with the following:
- Amplified music shall not exceed the following L10 sound pressure levels when measured at 3 metres from the speakers within the function room:-
 - o 92 dBA prior to midnight, and
 - o 82 dBA if the function room is open after midnight.

Notwithstanding compliance with the above, noise from any musical instruments or electrically amplified sound equipment generated from the premises or other noise generated by operation of the function room shall not be audible within any habitable room in any affected property before 8 am or after midnight on any Friday, Saturday or day immediately before a public holiday, or before 8 am and after 10 pm on any other day.

- C.69 The owner must submit to Council a Public Liability Certificate every twelve months, and Structural Certification, by a suitability qualified person, every five years from the date of the 138 Awning Approval in accordance with Councils Awning Policy-POL050, as required by condition C25.
- C.70 The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.
- C.71 Once street trees have been planted, inspected and approved by Council the two years maintenance period will commence. Ongoing establishment and maintenance is to occur during this period to ensure a 100% survival rate of street trees. Any trees lost during this period due to death, disease, vandalism etc will require replacement by the organisation that installed the trees (be it WWCC or the applicant).
- If planting is undertaken by a contractor, at the end of the two years maintenance period the General Manager or their delegate will undertake an inspection of the street trees. Council will utilise the collected bond paid for each tree incorrectly planted and not replaced correctly to undertake the supply, planting and maintenance of the replacement tree/s.
- C.72 A minimum of 70 car parking spaces must be made available on site at all times. With the exception of the semi automated parking systems all spaces must be in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.
- C.73 The car park and all associated facilities (excluding the semi automated parking systems) must be laid out in accordance with Australian Standards AS2890.1.2004

AS2890.2 2002 and AS/NZS2890.6.2009.

- C.74 Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.

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

N/A

E. SCHEDULE E - Prescribed Conditions

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

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

- E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council

written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

N/A
