

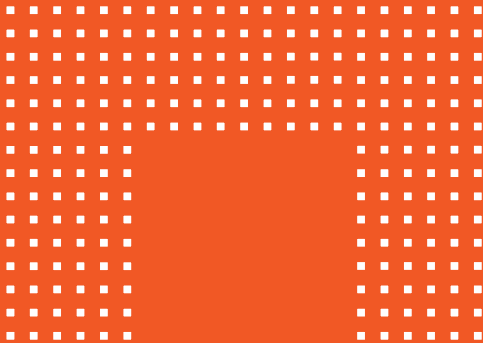
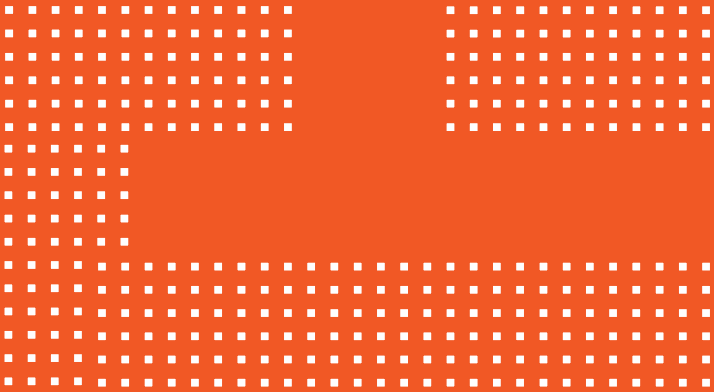
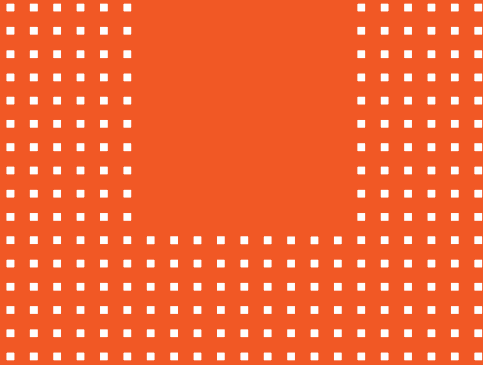
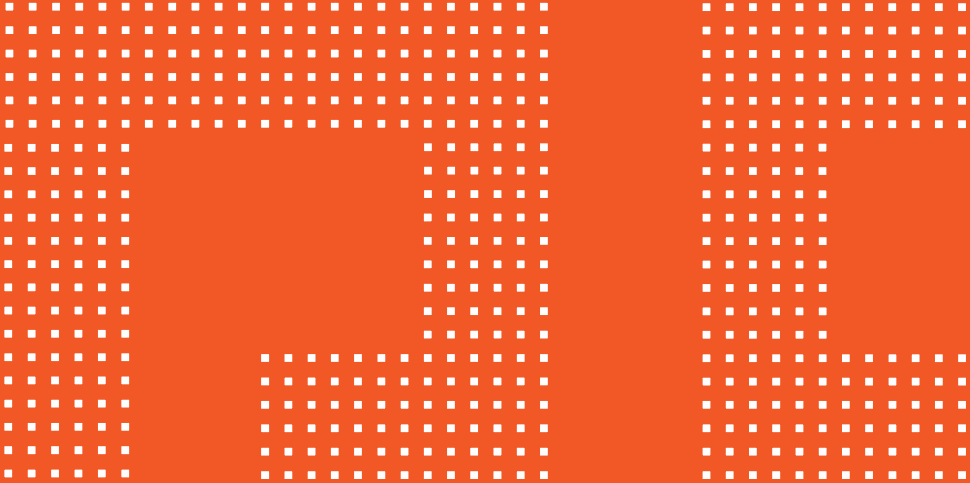
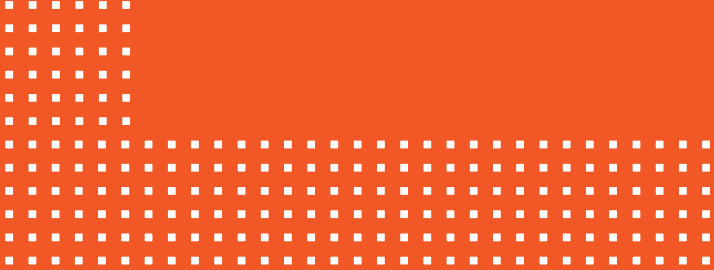
habitat planning

Development Application

3-7 Lawson Street, East Wagga Wagga

Industrial building additions

May 2020





Habitat Planning

Suite 1, 622 Macauley Street
ALBURY NSW 2640

p. 02 6021 0662

e. habitat@habitatplanning.com.au

w. habitatplanning.com.au

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Attachments

- A. Plans of development
- B. Wagga Wagga Development Control Plan compliance tables
- C. Statement of Environmental Effects
- D. Preliminary site assessment for SEPP55
- E. Site survey

1. Introduction

This is a report in support a development application for additions to an existing industrial building at 3-7 Lawson Street in East Wagga Wagga (“the subject land”) to create office space and additional storage area for the occupant.

The subject land is within the Industrial 1 (IN1) zone pursuant to the *Wagga Wagga Local Environmental Plan 2010* (WWLEP). Whilst the office component is prohibited in the IN1 zone, it can be considered as ancillary development to the principal use of the site which is industry. The proposed additional storage is permissible with consent in the IN1 zone.

This report has been prepared to address the relevant requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), environmental planning instruments (State Environmental Planning Policies and Local Environmental Plans) and the Development Control Plans. In addition, as is required by the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the report includes a Statement of Environmental Effects (SEE) that considers the environmental impacts of the proposal.

2. Site & context description

The site is addressed as 3-7 Lawson Street, East Wagga Wagga and described as part of Strata Plan 18513. The location of the site within the context of Wagga Wagga is shown in **Figure 1** with an aerial view showing the development site within the context of its immediate surrounds shown in **Figure 2**. A recent site survey is included at **Attachment E**.

The site is situated in the eastern part of Wagga Wagga approximately 350 metres from Hammond Avenue (Sturt Highway). The southern end of Lawson Street intersects Copland Street beyond which is the Wagga Wagga Gun Club. The Murrumbidgee River is less than 500 metres from the site on the opposite side of Hammond Avenue. The site is located in what could be described as heart of an industrial area.

The development site is located in the south west corner of an overall parcel of 2.5 hectares that has a frontage of 200 metres to Lawson Street and 125 metres to Schiller Street.

The site is developed with four main industrial buildings of various sizes (see **Attachment A**) with an area of open space in the middle. Apart from the setback areas to the two street frontages, the site is constructed hardstand. The building setback areas are informally landscaped with grass and trees that were likely to have been planted at the time the site was developed (see **Figure 4**).

The site can be accessed from both streets, with one driveway in Schiller Street and two in Lawson Street (see **Figures 2, 3 & 8**).

The site is surrounded on all sides by industrial development and land use.

Lawson Street itself is set within a 20 metre wide road reserve with an 12 metre wide pavement from kerb to kerb. On-street parking is parallel to the kerb. Some verges are landscaped and managed well by the properties they front but others less so. This provides for an inconsistent streetscape that overall is of fair quality but typical of an older industrial area.

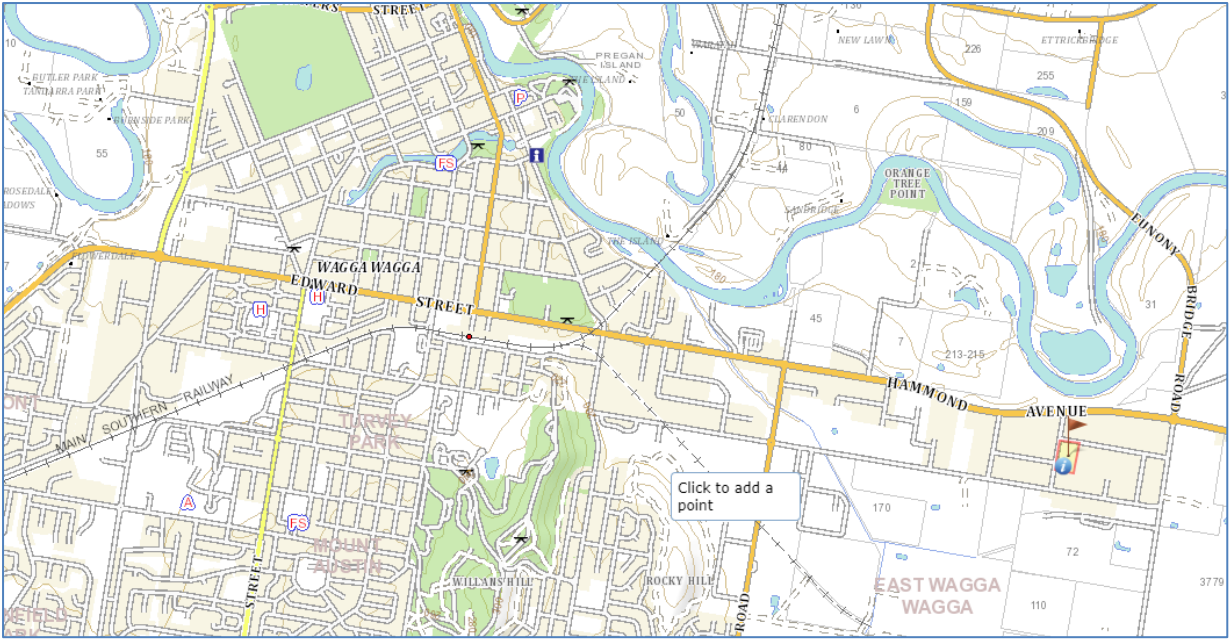


Figure 1 Location of the subject land (red flag) within the context of Wagga Wagga (Source: SIX Maps)



Figure 2 Aerial view of area of proposed works (Source: nearmap)



Figure 3

Existing entrance in Lawson Street to be utilised for the northern entrance to the proposed car park.



Figure 4

View north across the area proposed for a car park.



Figure 5

View west along the existing entrance to be retained and used for access to the rear and the proposed car park.



Figure 6

View west across the area proposed for the office additions. The wall of the existing building is on the right. The tree central to the photograph is to be removed.



Figure 7

View north across the rear of the existing and proposed building.



Figure 8

View of the existing southern entrance to the site in Lawson Street.

3. Description of proposal

The proposal is to undertake additions to an existing industrial building in Lawson Street, East Wagga Wagga. Plans of the proposal are included at **Attachment A**.

The purpose of the addition is principally to provide an office for the occupant of the southern end of the existing industrial building (Pioneer Seeds). The office component of this business is currently located within the industrial building. The addition will also provide a warehouse area, including a coolroom, at the rear.

The addition proposes a floor area of approximately 650m² and essentially extends the dimensions of the existing building 21 metres to the south. Approximately 60 percent of the new floor area will contain a number of meeting and conference rooms, staff amenities, an open plan office area. At the front facing Lawson Street will be a central entrance flanked by enclosed garden areas on both sides.

The entrance will include a covered porch with full length powder coated aluminium framed windows at the entrance. Windows are also proposed in the front walls facing the two garden areas as well as the southern (side) and eastern (rear) walls. A separate pedestrian and roller door are provided in the eastern rear wall. The walls will be concrete tilt-up with cement sheeting used for façade cladding.

Landscaping is to be provided within the two enclosed areas at the front as well as along the southern side between the building and the driveway access. New landscaping will also be installed along Lawson Street between the road reserve and car park as well as between car parking spaces to minimise the visual impact of a large hardstand area visible to the public.

A new car park is proposed within the front setback of the building additions. A total of 18 car parking spaces are proposed that will be accessed from a central aisle. The existing accesses from Lawson Street will be retained with the northern most being modified to provide a played entry. The southern access to the car park will off the internal access to the site along the southern boundary of the subject land. This access will also continue to provide for the warehouse and coolroom component of the additions at the rear of the site.

Modest business identification signage is proposed over the front and rear entrances of the proposed additions (see **Attachment A**).

4. Matters for consideration

The matters against which the development application will be assessed are dictated by the *Environmental Planning & Assessment Act 1979* and specifically Section 4.15. This section of the report responds to those matters relevant to the proposal.

4.1 Statutory framework

The following establishes the legal framework surrounding the preparation of the application and its assessment by Council.

4.1.1 Environmental Planning & Assessment Act 1979

Section 4.15 EP&A Act specifies the matters Council must consider the development application against being:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) 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
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

In regards to these heads of consideration, this report will demonstrate that overall they are generally satisfied by the development because:

- it is not inconsistent with the provisions of any environmental planning instrument (in this case SEPPs and the WWLEP);
- there are no draft environmental planning instruments applicable to the proposal;
- the guiding controls in the WWDCP are generally met and where there is non-compliance, a variation is justified;
- there will be minimal environmental impacts as demonstrated by this report;
- the site is suitable for the proposed development being a use consistent with the industrial environment within which it is located; and
- there are no matters of public interest.

4.1.2 Ancillary use

The proposed offices, as “commercial premises” are prohibited in the IN1 zone. It can be considered however as an ancillary use to the existing industrial activity the offices are intended to service.

Planning Circular PS 13-001 issued in February 2013 by the then Department of Planning and Infrastructure was intended to assist consent authorities in determining the permissibility of development within the zones set out in the new Standard Instrument. As part of this, direction is also given to the interpretation of ‘ancillary use’ in terms of when a subordinate or subservient activity can be considered as part of, or ancillary to, a dominant use.

Legal commentary around the time of PS 13-001 included the observation by Corrs Chambers Westgarth that a component is likely to be ancillary where:

- *the component will serve the dominant purpose of the development;*
- *the amount of land to be used for the component is relatively small compared to the amount of land proposed to be used for other purposes;*
- *the component is temporary; and more likely to be ancillary;*
- *components of a development are related, although this is not necessarily determinative of such a relationship.*

Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.

Gadens refer to *Foodbam Pty Ltd & Ors v Solicitor General ((1975) 32 LGRA 157)* as the clear authority on the proposition of 'ancillary use' as do Lindsay Taylor Lawyers who summarise this judgement as "*where premises are being used for more than one purpose and one purpose is subordinate to the other, it is legitimate to disregard the subordinate purpose and treat the premises as being used for the dominant purpose.*"

Having regard for these interpretations of 'ancillary use', the permissibility of a offices in the proposed circumstances as ancillary to an existing lawful industrial activity is justified.

4.2 State Environmental Planning Policies

The following State Environmental Planning Policies are applicable to this development.

4.2.1 Remediation of Land

Clause 7 of *State Environmental Planning Policy 55- Remediation of Land* (SEPP55) prevents Council from granting consent to a development application unless it has considered whether the land is contaminated. An assessment of the soil conditions at the site has been undertaken (see **Attachment E**), which concludes "*the environmental condition and history of the site are unlikely to pose a constraint for the proposed development.*"

Based on this assessment there is no need for further investigation of the site for potentially contaminated land under this SEPP.

4.2.2 Vegetation in Non-Rural Areas

This SEPP applies to land zoned IN1 and Clause 9 requires a permit from Council to remove the type of vegetation prescribed in the WWDCP. Section 5.2 of the WWDCP prescribes that this is "*any living tree with a height equal to or exceeding 8m.*" Note that this 'permit' is not a development consent issued under the EP&A Act.

Consideration of the removal of trees to accommodate the development is made in the WWDCP section of the report below.

4.3 Local Environmental Plans

The relevant provisions of the *Wagga Wagga Local Environmental Plan 2010* (WWLEP) are addressed as follows.

4.3.1 Zone objectives & Land Use table

The site is zoned IN1 General industrial under the WWLEP. Whilst the office component of the proposed development is prohibited in the IN1 zone (as “commercial premises”) it can be considered on the grounds that it is ancillary to the principal use in the existing building and part of the proposed additional floorspace. This activity is best defined in the Dictionary of the WWLEP as “warehouse or distribution centre”, which is permissible in the IN1 zone.

Clause 2.3 requires that Council give consideration to the zone objectives when determining a development application. The objectives of the IN1 zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

The proposal is considered to be generally consistent with these objectives because:

- it represents an expansion of an existing industrial activity;
- the new office space has the potential to create employment;
- the site is central to an existing mature industrial estate and therefore will have no effect on other land uses; and
- it will continue the existing industrial activity on the site.

Having regard for the above, it is considered that all objectives of the IN1 zone are satisfied by the proposal

4.3.2 Flood planning

Clause 7.2 of the WWLEP applies to land that is either mapped as within the WWLEP as Flood Planning Area (FPA) or that that is below the Flood Planning Level¹ (FPL). There is no Flood Planning Map in the WWLEP, however the subject land is mapped on Council’s on-line mapping system as flood prone under previous and current flood studies as well as under existing and proposed levee heights.

Council must not grant consent to development to which this clause applies unless it is satisfied:

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

Council can be satisfied with the proposal in this regard for the following reasons:

¹ The **Flood Planning Level** is defined at Clause 7.2(5) of the WWLEP as “*the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard*”.

- No measures are necessary to manage the flood risk other than setting the floor level of the building above the FPL to avoid predicted inundation in a major flood event.
- As flooding from the Murrumbidgee River is predictable and relatively slow to occur, the site can be prepared and vacated if necessary long before it is inundated and/or cut-off from escape.
- The site is within an urban location and away from the bank of the river. Consequently, in the event of a major flood there will be no damage caused to the natural environment or bank of the river.
- Large areas of Wagga Wagga will be inundated in a major flood event. Consequently, the development in isolation will not add to the significant cost to the community if such were to occur. It is possible the cost may be reduced if existing buildings on the site were predicted to be inundated in a major flood but the new development won't because of a minimum floor level requirement.
- An aerial view of East Wagga industrial area around the peak of the major flood event on 7 March 2012 (see **Figure 9**) provides an indication of the flood risk of the site.



Figure 9 The site within the context of the extent of flooding on 7 March 2012 being the peak of the last major flood event in Wagga Wagga (Source: nearmap)

4.3.3 Biodiversity

Clause 7.3 of the WWLEP applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map. **Figure 10** shows that a small portion of the site for the development is mapped for “Biodiversity”. It is possible this record is the tree proposed to be removed to accommodate the building additions. The second record on the south east corner of the site is either an error or that vegetation has previously been removed.

On 21st November 2017, certain zones of the WWLEP (including industrial zones) achieved Biodiversity Certification under the *Biodiversity Conservation Act 2016* (BC Act). The subject site consequently 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 BC Act 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.

As the BC Act is legislation and the WWLEP is subordinate legislation, the provisions of the BC Act prevail. Consequently, no further consideration of clause 7.3 is required within the context of the application.



Figure 10 Extract from the Terrestrial Biodiversity Map in the WWLEP as it applies to the subject land
(Source: Council on-line mapping)

4.3.4 Groundwater

Clause 7.6 of the WWLEP applies to land identified as “groundwater” on the Water Resource Map in the WWLEP. All of the subject land and surrounding land, indeed much of Wagga, is included in this map. The clause is applicable to nominated types of development of which “rural industries” are one.

In deciding whether to grant consent to an application to which this clause applies, Council must be satisfied it:

- i. is unlikely to adversely impact on existing groundwater sources, and
- ii. is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and
- iii. is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.

Council can be satisfied in regard to these matters because the site will effectively be sealed and with the exception of landscaped areas, prevent any penetration of surface water to groundwater.

4.4 Development Control Plans

The relevant DCP is the *Wagga Wagga Development Control Plan 2010* (WWDCP).

In considering the requirements of the WWDCP, it is important to acknowledge firstly the changed role of DCP's since the *Environmental Planning and Assessment Amendment Act 2012*. According to the accompanying Planning Circular PS13-003, the effect of the amending legislation is that “...if a development application does not comply with provisions in a DCP, a consent authority must be flexible in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objectives of those standards.”

An assessment of the proposal against the provisions of the relevant sections of the WWDCP is undertaken in **Attachment B**. A summary of the outcomes of that process is undertaken in the following sections.

4.4.1 Controls that apply to all development

The controls within Section 2 of the WWDCP are of a general nature. The proposal is compliant with all controls in this section.

4.4.2 Industrial development

Section 11 of the WWDCP is applicable to the proposed additions on the basis they are associated with an existing industrial activity at the site. The proposal is compliant with all controls in this section.

5. Statement of environmental effects

Clause 2 of Part 1 of Schedule 1 to the *Environmental Planning and Assessment Regulation 2000* lists the documents that must accompany a development application. Subclause

2(1)(c) states that one of these documents must be a statement of environmental effects. Subclause 2(4) specifies the matters to be addressed in a statement of environmental effects as follows:

- a) the environmental impacts of the development,
- b) how the environmental impacts of the development have been identified,
- c) the steps taken to protect the environment or to lessen the expected harm to the environment,
- d) any matters required to be indicated by any guidelines issued by the Planning Secretary for the purpose of this clause.

It is noted that there are no guidelines issued by the Planning Secretary applicable to this proposal.

An assessment of the environmental impacts of the proposal is undertaken in **Attachment C**. In summary, this assessment reveals that there are no potential detrimental environmental impacts that can't be satisfactorily addressed through mitigation measures. Consequently the proposal is considered to be satisfactory in terms of environmental impacts.

6. Conclusion

The application seeks approval for additions to an existing industrial building to provide for offices and staff amenities as well as additional storage space, including a cool room. The proposal will remove nine trees but replace these with landscaping along the southern and western sides of the additions.

Having regard for the assessment of the proposal against the relevant planning provisions in this report, approval of the application is considered warranted on the basis:

- it is generally consistent with the relevant provisions of the applicable environmental planning instruments and development control plan;
- it is an appropriate location for the development being associated with an existing industrial activity;
- any impacts on adjoining properties have been satisfactorily ameliorated in the design of the building;
- there are minimal environmental impacts and where there are impacts, they are minor and easily satisfactorily ameliorated; and
- all existing urban infrastructure is available.

Attachment A

Plans

Attachment B

Wagga Wagga Development Control Plan compliance tables

Section 2 – Controls that apply to all development

Controls	Compliance	Comment
2.1 Vehicle access & movements		
<p>C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.</p> <p>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.</p> <p>C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.</p> <p>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.</p> <p>C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.</p> <p>C6 Ensure adequate sight lines for proposed driveways.</p>	<p>Complies</p>	<p>C1 Vehicular access to the building is from a secondary frontage in Bardo Lane at the rear.</p> <p>C2 A TIA is not necessary having regard for the development proposed. Whilst the proposal involves the provision of office space, this is essentially a relocation of the existing office floorspace within the existing building. The warehouse floorspace will increase but overall the number of employees is not anticipated to increase. Consequently, there will be little to no change in the number of vehicle movements to and from the site following completion of the development.</p> <p>C3 The car park has been designed to allow forward movement to and from the site in two locations.</p> <p>C4 Loading and unloading activity will continue to be undertaken within the building.</p> <p>C5 The access points to the site already exist.</p> <p>C6 The access points to the site have excellent sight lines in both directions along Lawson Street.</p>
2.2 Off-street parking		
<p>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.</p> <p>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.</p> <p>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.</p> <p>C4 For mixed use developments, the parking required is the total of requirements for each use. Variations can be considered where</p>	<p>Partially complies</p>	<p>C1 Seventeen new car parking spaces are proposed as part of the development. These are in addition to those already allocated to the existing business in the common property serving all occupants within the Strata Plan. Viewed in isolation, the new office area would require 11 spaces and the warehouse area one space for a total of 12 spaces. Consequently, the number of spaces proposed exceeds the minimum required.</p> <p>C2 The design of the car park will be compliant with the AS.</p> <p>C3 Two disabled parking spaces are provided within the car park.</p> <p>C4 The number of parking spaces proposed exceeds the sum total of the two types of land use.</p>

Controls	Compliance	Comment
<p>it can be demonstrated that the peak demand for each land use component is staggered or that development as a whole generates less parking than separable parts.</p> <p>C5 In the case of redevelopment or change of use (other than in the B3 zone) the parking requirements are to be calculated by:</p> <ol style="list-style-type: none"> a. Determining the parking requirement of the current or previous use in accordance with the table, then b. Determining-e the parking requirement for the new use, then c. Subtracting the existing requirement from the requirement for the proposed use to determine the number of spaces required (i.e. a credit is provided for any shortfall that exists on the site for the current use). <p>C6 In the case of redevelopment or change of use within the B3 zone where there is no increase in gross floor area, no additional car parking spaces will be required, except in the following instances:</p> <ol style="list-style-type: none"> a. Outbuildings are proposed to be used in association with the development, or b. A Traffic Impact Assessment (TIA) is required by Council for the development. <p>C7 Variations to the parking requirements may be considered where minor alterations and additions are proposed and the changes do not encroach or reduce the current off-street parking spaces.</p> <p>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.</p> <p>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.</p> <p>C10 Planting beds located within a car park are to have a subsoil</p>		<p>C5 Not applicable as this control does not relate to the B3 zone.</p> <p>C6 Not applicable as the proposal is not a re-development or change of use.</p> <p>C7 Not applicable as no variation to the car parking requirements are sought.</p> <p>C8 Not applicable as the proposal is not a type of development that warrants a broader traffic and parking study.</p> <p>C9 The proposal complies with this requirement (see Attachment A).</p> <p>C10 This requirement is noted.</p> <p>C11 This requirement is noted.</p>

Controls	Compliance	Comment
<p>drainage system connected into the stormwater system of the site.</p> <p>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.</p>		
<h3>2.3 Landscaping</h3>		
<p>C1 A landscape plan is required for applications for:</p> <ul style="list-style-type: none"> Commercial and Industrial developments Residential development (other than dwelling houses). <p>C2 Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.</p> <p>C3 Use native and indigenous plants, especially low water consumption plants in preference to exotic species.</p> <p>C4 Trees should be planted at the front and rear of properties to provide tree canopy.</p> <p>C5 Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.</p> <p>C6 Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.</p>	<p>Complies</p>	<p>C1 See Attachment A for a Landscape Plan.</p> <p>C2 With the exception of the trees needed to be removed to accommodate the building additions and car park, all natural features are retained.</p> <p>C3 This requirement is noted.</p> <p>C4 Landscaping is proposed across the building frontage.</p> <p>C5 As for C4.</p> <p>C6 The landscaping is on the western side of the building and will provide protection for the building from afternoon summer sun. The site has no exposure to the north because of the existing building.</p>
<h3>2.4 Signage</h3>	<p>N/A</p>	<p>The type of signage does not require consent because it qualifies as exempt development under Part 2 Division 2 Subdivision 2 of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. Consequently, the provisions of the WWDCP in regard to signage do not apply.</p>

Controls	Compliance	Comment
2.5 Safety & security		
<p>C1 Use good site planning to clearly define public, semi-public and private areas.</p> <p>C2 Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.</p> <p>C3 Minimise blank walls along street frontages.</p> <p>C4 Avoid areas of potential concealment and 'blind' corners.</p> <p>C5 Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.</p> <p>C6 Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.</p> <p>C7 Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.</p> <p>C8 Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.</p>	Complies	<p>C1 There are no public outdoor areas within the development.</p> <p>C2 The access to the commercial element is well defined in the frontage of the development.</p> <p>C3 The street frontage features an entry porch, glazing and landscaping.</p> <p>C4 There are no public areas within the building offering opportunities for concealment.</p> <p>C5 Lighting will be provided in accordance with the AS.</p> <p>C6 The landscaping surrounding the car park is at a low level.</p> <p>C7 There is no public pedestrian through route.</p> <p>C8 There are no public toilets or rest areas.</p>
2.6 Erosion & sediment control principles		
		There are no controls specified for this.
2.7 Development adjoining open space		
		The development does not adjoin open space.

Section 11 – Industrial development

Controls	Compliance	Comment
<p>Section 11.1 Land use directions</p>		<p>The land use directions for the East Wagga Wagga/Hammond Avenue industrial area are noted.</p>
<p>Section 11.2 Siting & setbacks</p> <p>C1 Front setbacks for industrial development: All areas – 10m or the average of setbacks of buildings on immediately adjoining sites to a minimum of 7.6m (whichever is the greater) unless control C2 below applies. For land fronting Glenfield Road, Copland Street, Chaston Street, Mortimer Place, Norton Street and Lake Albert Road - the minimum front setback is to be consistent with setbacks of buildings on immediately adjoining sites or a minimum of 6m, whichever is the greater.</p> <p>C2 The front setback area is to be landscaped. The setback area may be used for site access and parking provided that at least 15% of the setback area is landscaped.</p> <p>C3 Sites with a secondary frontage are required to provide an appropriate amount of landscaped area to the secondary street frontage.</p> <p>C4 Side and rear setbacks determined in accordance with the Building Code of Australia.</p> <p>C5 Awnings may project into the front setback to a maximum depth of 2m. The awning is to be designed as an integrated element of the façade.</p>	<p>Complies</p>	<p>C1 The building additions are setback a minimum of 15 metres from the Lawson Street frontage.</p> <p>C2 At least 15% of the front setback is landscaped.</p> <p>C3 There is no secondary street frontage.</p> <p>C4 The front and side setbacks exceed the BCA requirements.</p> <p>C5 The awning over the entry does not protrude into the front setback. It forms part of the front façade that includes fenced courtyards, windows, doors and landscaping.</p>
<p>Section 11.3 Building design</p> <p>C1 Contemporary architecture and design innovation is encouraged.</p> <p>C2 Minimise expanses of blank walls and blank facades, especially on front facades. A change in plane in each elevation addressing a street frontage is required every 25m of wall length.</p> <p>C3 Use non-reflective materials and finishes.</p> <p>C4 Combine materials and finishes to achieve innovative design outcomes.</p> <p>C5 Full sheet metal fencing is not encouraged forward of the building line. Where fencing is required at the property boundary or in front of the building line, it should be open in character and a maximum of 1.8m in height and be complemented by quality landscaping. Black mesh fencing is the preferred form of open fencing.</p>		<p>C1 The additions have designed primarily to integrate with the existing building rather than be something in complete contrast. Placed in the context of the design of buildings in this industrial area of Wagga Wagga, the proposal will make a positive contribution to the streetscape.</p> <p>C2 The front façade does not present as an expansive blank wall. The frontage of the additions does not exceed 25 metres.</p> <p>C3. Non-reflective materials are used in the external building materials.</p> <p>C4. The design of the additions is considered adequate having</p>

Controls	Compliance	Comment
<p>C6 Provide screening where materials are to be stored within view of a public road. The screening can either be plantings, or a decorative feature wall.</p>		<p>regard for the lack of design in the majority of other buildings in the area (i.e. the design is innovative within that context).</p> <p>C5 Other than fencing for the two small courtyards there is no fencing proposed forward of the front building line. The fencing used in the courtyard is not "full sheet metal".</p> <p>C6 There are no outdoor storage areas proposed.</p>
<p>Section 11.4 Development near residential areas</p>		
<p>C1 Orient buildings away from the residential land and minimise openings towards the residential boundary as a means to reduce noise transmission. Noise attenuation measures may also be required.</p> <p>C2 Provide a 3m landscape buffer along any common boundary within land zoned for residential development.</p> <p>C3 Development on the northern side of Fernleigh Road between Glenfield Road and the Main Southern Railway line is to provide a 10m landscape strip along the Fernleigh Road frontage in order to screen and attenuate noise from the industrial land uses to nearby residential properties. Refer to Figure 11.5</p> <p>C4 Maintain sunlight to 5 percent of the private open space area of any adjoining residential property for a minimum period of three hours between 9am and 3pm at the winter solstice.</p> <p>C5 A site management plan may be required where extended out of hours activity are likely outside an enclosed building, such as truck or vehicle movements, loading noises and the like, or for any use that might generate impacts that could affect residential amenity.</p>		<p>C1 There are no residential areas in proximity of the subject land.</p> <p>C2 There is no common boundary with residential land.</p> <p>C3 Not applicable.</p> <p>C4 There is no adjoining residential property.</p> <p>C5 The site is embedded in an existing industrial area for which there are no constraints to a 24/7 operation if that was required by the applicant.</p>

Attachment C

Statement of environmental effects

	How the environmental impacts of the development have been identified	The potential environmental impacts of the development	The steps taken to protect the environment or to lessen the expected harm to the environment
Context & setting	Anticipated.	None as the proposal is associated with industrial development within a long established industrial estate on industrially zoned land.	None required.
Access & traffic	Anticipated	None as the proposal does not anticipate an increase in employees at the site or increase in heavy vehicle movements associated with the existing activity.	None required.
Public domain	Anticipated	None as, apart from roads, there is no public land in proximity of the subject land.	None required.
Infrastructure	Anticipated	None as the proposal will utilise the infrastructure already provided to the site.	None required.
Heritage	Review of the list of Heritage Items and Conservation Areas in the WWLEP.	None as the site does not contain a heritage item or located within 100 metres of a heritage item. The site is also not within a heritage conservation area.	None required.

How the environmental impacts of the development have been identified

The potential environmental impacts of the development

The steps taken to protect the environment or to lessen the expected harm to the environment

Archaeology

AHIMS & Due Diligence Code

Potential negative impact through the disturbance of unknown archaeological items during site works.

In the event that a site or artefact (as defined by the *National Parks and Wildlife Act 1974* or *Heritage Act 1977*) is identified during construction works, works shall cease at the location and no further harm to the object shall occur. The find shall be immediately reported to the developer, and the regulator in accordance with legislation. No work shall commence in the vicinity of the find until any required approvals have been given by the regulator. In the event that skeletal remains are encountered during the activity, works will stop immediately, and Council notified for advice.

Due diligence steps	Response
1. Will the activity disturb the ground surface or any culturally modified trees?	Yes, ground disturbance will occur as a result of preparatory site works. There are no culturally modified trees on the subject land.
2. Are there any: a) relevant confirmed site records or other associated landscape feature information on AHIMS? and/or b) any other sources of information of which a person is already aware? and/or c) landscape features that are likely to indicate presence of Aboriginal objects?	There are no recorded archaeological sites on the AHIMS database or on the Heritage Map in the WWLEP within or near the subject land. Being a highly modified urban environment there are no landscape features likely to indicate the presence of Aboriginal objects.
3. Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?	Not applicable having regard for the response to Step 2 above.
4. Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?	No.

	How the environmental impacts of the development have been identified	The potential environmental impacts of the development	The steps taken to protect the environment or to lessen the expected harm to the environment
Land resources	Anticipated.	None as there are no known resources beneath the site.	None required.
Soils & groundwater	SEPP55 report (see Attachment xx).	<p>Potential detrimental impact through uncontrolled movement of stormwater and sediment during construction.</p> <p>Potential detrimental impact by placing development on contaminated land.</p>	<p>Soil and water management devices will be installed and managed throughout the construction stage. These measures will prevent the uncontrolled movement of stormwater and sediment off-site.</p> <p>The SEPP55 report prepared for the site concludes “<i>the environmental condition and history of the site are unlikely to pose a constraint for the proposed development</i>”.</p>
Air & microclimate	Anticipated.	None.	None required.
Flora & fauna	Anticipated	<p>Potential detrimental impact on native fauna as a result of the removal of nine native trees on the site.</p> <p>Potential positive impact through the implementation of landscaping along the property frontage.</p>	The removed trees to be replaced with a range of flora species along the southern side of the additions, within the courtyard at the front of the additions and within the car park within the front building setback. This replacement and additional landscaping will provide habitat for native fauna.

	How the environmental impacts of the development have been identified	The potential environmental impacts of the development	The steps taken to protect the environment or to lessen the expected harm to the environment
Waste	Anticipated.	None once the development is completed and occupied as the use of the site will not change with the additions. Potential detrimental impact through the management and disposal of waste materials arising from construction of the additions.	Demolition and construction works will include provision of on-site waste receptacles, including separate collection points for waste bricks/tiles/concrete, plaster and general rubbish. This waste will be removed and disposed of off-site, or re-used within the development wherever possible. All waste generated by the construction and subsequent occupation of the development will be removed in accordance with Council requirements. The waste storage area for the building is located within the building and will not be visible from a public place.
Noise	Anticipated	None once the development is completed and occupied as the use of the site will not change with the additions. Potential negative impact on the amenity of nearby occupants through construction noise.	The impacts of construction noise will be only for a short period of time and will be limited to appropriate hours. It is considered that some level of construction noise is acceptable given that it will only occur for a finite period and will be controlled by relevant conditions of development consent.
Natural hazards	<i>Wagga Wagga Floodplain Risk Management Study & Plan 2017</i> Council Bush Fire Prone Land Map.	A potential detrimental impact from flooding as the site is modelled as flood prone in a major ARI event. However physical evidence would suggest the site is above the FPL and possibly the PMF. None in regard to bush fire as the site is not mapped as a bush fire risk.	A minimum floor level will be set by Council to ensure freeboard for the proposed additions in a major flood.
Social	Anticipated.	None.	None required.
Economic	Anticipated.	None.	None required.