

STATEMENT OF ENVIRONMENTAL EFFECTS



Proposed Hotel-Tavern (Pub)

77 Avocet Drive, Estella NSW 2650

Lot 1485 DP1294262



Prepared for The Trustee for Estella Hotel Holdings Unit Trust

Rev 2.0 – December 2023

ACKNOWLEDGEMENT OF COUNTRY

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

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



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TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	Proposal Summary	1
1.2	Planning Pathway Consideration	1
1.3	Subdivision and Staging	2
1.4	Supporting Plans and Documentation	2
2	APPLICANT AND LAND OWNERSHIP	2
3	SUBJECT LAND.....	3
3.1	Subject Land and Locality.....	3
3.2	Site Characteristics.....	4
3.2.1	Existing Site	4
3.2.2	Surrounding Land	5
3.3	Site History	6
4	DEVELOPMENT PROPOSAL	9
4.1	Proposal Details	9
4.2	Site Preparation/Demolition	10
4.3	Proposed Building Details	10
4.4	Construction Management	11
4.5	Proposed Operational Details	12
4.5.1	Patrons.....	12
4.5.2	Staff.....	12
4.5.3	Hours of Operation	12
4.5.4	Parking.....	12
4.5.5	Access & Traffic Generation	13
4.5.6	Loading/Unloading & Waste Management	13
4.5.7	Live Music Entertainment	14
4.5.8	Courtesy Bus.....	14
5	INFRASTRUCTURE	14
5.1	Provisions of Essential Services	14
6	PLANNING POLICIES AND GUIDELINES.....	15
6.1	Strategic Plans.....	15
6.2	Relevant Acts & Regulations	15
6.2.1	Integrated Development	15
6.2.2	Designated Development	16
6.2.3	Biodiversity Conservation Act 2016 No 63	16
6.3	State Environmental Planning Policies	18
6.3.1	SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land	18
6.3.2	SEPP (Sustainable Buildings) 2022 – Chapter 3 Standards for non-residential development	20
6.4	Wagga Wagga Local Environmental Plan (LEP) 2010	22
6.4.1	Land Use Zoning.....	22
6.4.2	Permissibility	22
6.4.3	Variation.....	23
6.4.4	Consideration of Relevant LEP Clauses	23
6.4.5	Earthworks – LEP Clause 7.1A.....	23
6.4.6	Primacy of Zone E2 – LEP Clause 7.9	24
6.4.7	Certain Land in Estella – LEP Clause 7.13	25
6.5	Wagga Wagga Development Control Plan 2010 (DCP)	25
6.5.1	Variations	29
6.6	Other Relevant s4.15 Matters for Consideration	30
7	ENVIRONMENTAL IMPACT ASSESSMENT.....	31
7.1	Site and Locality Analysis	31
7.2	Visual Impact	32

7.3	Overshadowing & Privacy	33
7.4	Noise.....	33
7.5	Access, Traffic & Parking	34
7.6	Air & Microclimate (dust, smoke, odour).....	35
7.7	Bushfire	35
7.8	Flooding.....	35
7.9	Flora and Fauna	36
7.10	Natural Resources Sensitivity.....	36
7.11	Cultural and Heritage Conservation.....	37
7.12	Social & Economic Impact	38
7.13	Safety & Security – CPTED	38
7.14	Statement of Environmental Effects Summary.....	39
8	CONCLUSION	41

TABLE OF TABLES

Table 1: Plans and Support Documentation	2
Table 2: Applicable Integrated Development	15
Table 3: SEPPs Applying to the Land and Proposal	18
Table 4: Contaminated Land Consideration – Initial Evaluation Data	18
Table 5: Consideration of Relevant SEPP (Sustainable Buildings) 2022 Provisions	20
Table 6: Relevant LEP 2010 Zone Objectives	22
Table 7: Consideration of LEP Clause 7.1A(3) - Earthworks.....	24
Table 8: Statement of Environmental Effects – Summary Comments	39

TABLE OF FIGURES

Figure 1: Subject Land (Source: WWCCGIS 2023)	3
Figure 2: Location Map (Source: Google Maps 2023).....	4
Figure 3: Site frontage to Avocet Drive (SP 2023)	4
Figure 4: Site frontage from Avocet Drive NE cnr (SP 2023)	5
Figure 5: Site boundary with shopping centre (SP 2023).....	5
Figure 6: View N of Estella neighbourhood from site (SP 2023).....	5
Figure 7: View S from Site towards river and CBD (SP 2023)	6
Figure 8: Avocet Dr streetscape view E of site (SP 2023).....	6
Figure 9: Historical Aerial of Subject Land – 2012 (Source: WWCCGIS 2023)	7
Figure 10: Historical Aerial of Subject Land – 2018 (Source: WWCCGIS 2023).....	7
Figure 11: Historical Aerial of Subject Land – 2022 (Source: WWCCGIS 2023).....	7
Figure 12: Current Aerial of Subject Land – 2023 (Source: NearMap 2023).....	8
Figure 13: Extract of Ground Floor Plan (Source: Darren Mah Design Pty Ltd 2023).....	9
Figure 14: Extract from Plans - Elevations (Source: DMD 2023).....	10
Figure 15: Extract from Plans – 3D perspective from Avocet Drive (Source: DMD 2023)	11
Figure 16: Extract from Plans – 3D perspective from Rainbow Dr/Avocet Dr intersection (Source: DMD 2023)	11
Figure 17: Parking & Traffic Flow Layout (Source: SP/DMD 2023)	13
Figure 18: Waste & Goods Loading/Unloading (Source: SP/DMD 2023)	14
Figure 19: Biodiversity Values Threshold Result Summary (Source: DP&E 2023).....	17
Figure 20: Biodiversity Values Map (Source: DP&E 2023)	17
Figure 21: Site Photos (Source: SP 2023).....	19
Figure 22: Site Photos (Source: SP 2023).....	19
Figure 23: Land Zoning Map (Source: ePlanning Spatial Viewer 2023).....	22
Figure 24: Photo of Site – view from Avocet Drive (Source: SP 2023)	31
Figure 25: Site Analysis Plan (Source: SP 2023).....	31
Figure 26: 3D Massing view – Rainbow Drive/Avocet Drive view (Source: DMD 2023).....	32
Figure 27: 3D Massing view – Avocet Drive view (Source: DMD 2023)	33
Figure 28: Bushfire Map Extract (Source: WWCCGIS 2023).....	35
Figure 29: Overland Stormwater Flooding Map Extract (Source: WWCCGIS 2023).....	35
Figure 30: Wildlife Atlas Map (Source: OEH Wildlife Atlas 2023)	36
Figure 31: Land, Biodiversity Sensitivity Map (Source: WWCCGIS 2023)	36
Figure 32: AHIMS Search Extract (Source: OEH 2023)	37

TABLE OF ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
BDAR	Biodiversity Development Assessment Report
CBD	Central Business District
CPTED	Crime Prevention Through Environmental Design
DA	Development Application

DBYD	Dial Before You Dig
DCP	Development Control Plan
DP	Deposited Plan
DPE	Department of Planning and Environment
EPA	Environmental Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
FTE	Full Time Equivalent
GFA	Gross Floor Area (as defined in LEP)
GIS	Geographical Information System
LEP	Local Environmental Plan
LRS	Land Registry Services
NIA	Noise Impact Assessment
NSW	New South Wales
OEH	Office of Environment and Heritage
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SP	Salvestro Planning
TIA	Traffic Impact Assessment
WWCC	Wagga Wagga City Council

Proposed Hotel-Tavern (Pub)

77 Avocet Drive, Estella NSW 2650

1 INTRODUCTION

1.1 Proposal Summary

The following Statement of Environmental Effects (SEE) has been prepared in support of a proposed Hotel-Tavern (Pub) complex to be constructed on Lot 1485 DP1294262, 77 Avocet Drive, Estella NSW.

The site is zoned E1 Local Centre under Wagga Wagga Local Environmental Plan 2010 (LEP) and adjoins the newly constructed Estella Central Shopping Centre located immediately to the east.

The SEE addresses prescribed matters to enable the consent authority to consider the likely impact of the proposal:

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

The purpose of the proposal is to construct a new Hotel-Tavern (Pub) complex to service the newly developing northern growth area neighbourhoods, with a strong focus on a family friendly environment, contemporary food & dining experience, and recreation/entertainment activities.

The proposal will involve 3 levels of building construction including various bars, bistro, lounge and gaming areas, drive-thru bottle shop, function rooms, balcony/terrace areas and associated amenities and storage rooms. Total GFA is approximately 4871.8m². Access will be from Avocet Drive, with provision on-site for 191 car parking spaces, drive-thru, courtesy bus and bicycle parking.

The proposal is described in further detail within the body of this SEE and accompanying plans and specialist reports. The SEE has considered the potential environmental impacts associated with the establishment and operation of the proposal and concludes that the Hotel-Tavern (Pub) complex is justified, permissible and will not have an adverse impact on the local area.

Consultation with Council was held on several occasions including meetings on 15 May 2023 and 1 December 2023. The following matters were raised and have been considered in the detail of this application:

- Potential impact of a pub premises on the local neighbourhood including crime & safety;
- Traffic & Parking considerations;
- Potential Noise Impact;
- Key architectural elements; and
- Visual impact and integration with the surrounding building and natural environment, including adjoining future parkland area.

1.2 Planning Pathway Consideration

Pubs are not a specific purpose under the provisions of SEPP (Exempt & Complying Development Codes) 2008 Part 5A Industrial and Business Buildings Code. The appropriate planning pathway is the lodgement of a development application under Part 4 of the Act.

1.3 Subdivision and Staging

The proposal does not involve any subdivision or staging. DP1294262 is pending registration with LRS. The subject Lot 1485 was formerly part of Lot 2 Lot 2 DP1270330.

1.4 Supporting Plans and Documentation

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

Table 1: Plans and Support Documentation

Accompanying Documents			
Ref:	Description	Rev	Prepared By
1	Proposal Plan Set & Architectural Design Statement- 2239 – 12/12/23	E	Darren Mah Design Pty Ltd
2	Geotechnical Data Report – 9357 – 16/06/23	-	McMahon Earth Science
3	Landscape Plan – Indicative Planting Areas – SK-01-1 – 10/07/23	D	Darren Mah Design Pty Ltd
4	Noise Impact Assessment – Proposed Estella Hotel – R230495R1 – 05/12/23	1	Rodney Stevens Acoustics Pty Ltd
5	Level & Contour Survey – 17472 – 26/06/23	-	Eslers Land Consulting Surveyors & Engineers
6	Parking & Traffic Impact Assessment Report – Proposed Hotel-Tavern – P2033 – 07/12/23	002	Greys Australia Pty Ltd
7	Crime Prevention through Environmental Design (CPTED) Report – 22096 – 20/12/23	2.0	Salvestro Planning

2 APPLICANT AND LAND OWNERSHIP

The applicant is The Trustee for Estella Hotel Holdings Unit Trust and the site landowner is Gracelands Estate Pty Ltd. The landowners given their consent for the proposal to be prepared and lodged for consideration and determination.

3 SUBJECT LAND

3.1 Subject Land and Locality

The subject land is known as Lot 1485 DP1294262, 77 Avocet Drive, Estella NSW, as identified in the mapping extract below.



Figure 1: Subject Land (Source: WWCCGIS 2023)

Lot 1485 has been created as part of a 2-lot subdivision of Lot 2 DP1270330, approved under DA22/0466 by Council on 31/10/22.

The subject site is located on the southern side of Avocet Drive, Estella, adjoining the western boundary of the new Estella Central Shopping Centre. The site has frontage of 77.98m and variable depth of between 135.63m and 149.67m. Total site area is approximately 9191m².

There are no easements or other restrictions impacting the use of the subject site.

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

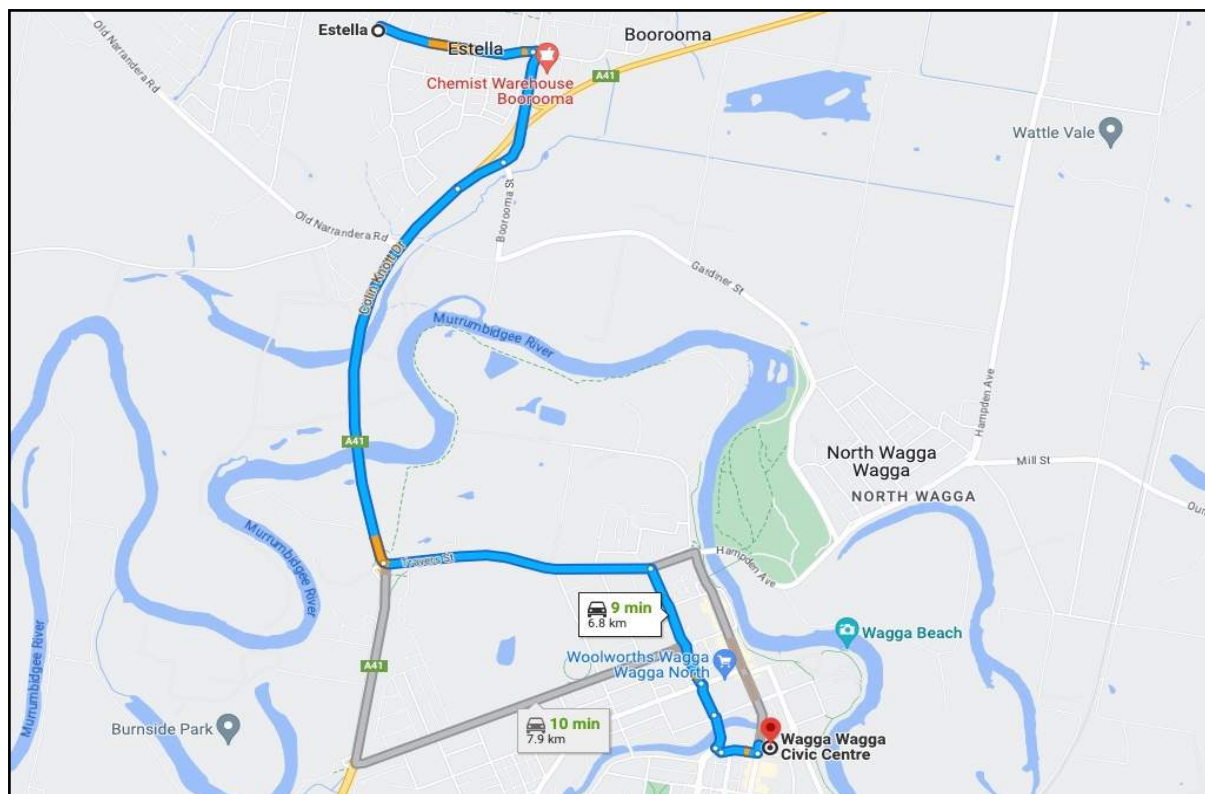


Figure 2: Location Map (Source: Google Maps 2023)

3.2 Site Characteristics

3.2.1 Existing Site

The existing site is gently sloping from west to east, with the western boundary aligning with the upper ridgeline of the hill area. Site contours indicate slope from 237.33AHD to 230.17AHD across the site, from mid-western boundary line to the northeast and southwest corners.

The existing site is generally clear of vegetation, apart from regrowth grasses from former grazing paddocks. There are existing redundant fencing also traversing sections of the site. There are no trees existing on the site. The high points of the site have outcrops of rock and 360-degree vista views of the surrounding neighbourhood, river valley and city centre to the south.



Figure 3: Site frontage to Avocet Drive (SP 2023)



Figure 4: Site frontage from Avocet Drive NE cnr (SP 2023)



Figure 5: Site boundary with shopping centre (SP 2023)

3.2.2 Surrounding Land

The site is located within the developing Estella neighbourhood. Residential dwellings exist on the northern side of Avocet Drive and the new Estella Central Shopping Centre is located on land immediately adjoining to the east. Land to the immediate west is zoned for public open space, whilst land further west, northwest and southwest is zoned for residential development. An approved residential masterplan exists for the all the residue land in the Estella neighbourhood to the west of the site, including an extension of Avocet Drive to intersect with Pine Gully Road. This will provide direct access to the Gobbagombalin residential neighbourhood and facilitation connectivity between all developing northern neighbourhoods and associated commercial and community facilities.



Figure 6: View N of Estella neighbourhood from site (SP 2023)



Figure 7: View S from Site towards river and CBD (SP 2023)



Figure 8: Avocet Dr streetscape view E of site (SP 2023)

3.3 Site History

Historically, the land forms part of the traditional land of the Wiradjuri people. The land was progressively acquired and subdivided during post European settlement.

Prior to inclusion in the City urban footprint, the land was used for agricultural grazing purposes, with limited cropping opportunities due to the slope and terrain of the land and relatively shallow top soil conditions.

Council records indicate that the subject site (Lot 1485) was created under the approval of DA22/0466 on 31/10/22. The DP is subject to final registration by LRS, which is understood to be imminent.

The land is within the developing Estella neighbourhood which has been progressively subdivided and developed for residential development and associated neighbourhood land uses since the 1980s. The subject and surrounding land have been targeted for neighbourhood business and other compatible support land uses under the strategic masterplans for the area.

Council recently rezoned the subject parcel of land to Zone E1 to facilitate the shopping centre footprint and encourage additional neighbourhood business land uses to support both the Estella and Gobbagombalin residential areas. This included the extension of Avocet Drive to Pine Gully Road, which is scheduled for construction in early 2024, together with the next stage of residential allotment release.

Below are historic aerial images of the property from 2012-2022.



Figure 9: Historical Aerial of Subject Land – 2012 (Source: WWCCGIS 2023)



Figure 10: Historical Aerial of Subject Land – 2018 (Source: WWCCGIS 2023)



Figure 11: Historical Aerial of Subject Land – 2022 (Source: WWCCGIS 2023)



Figure 12: Current Aerial of Subject Land – 2023 (Source: NearMap 2023)

4 DEVELOPMENT PROPOSAL

4.1 Proposal Details

The proposal involves the establishment of a Hotel-Tavern (Pub) premises on the subject land in accordance with the design drawings that accompany this SEE.

The appropriate land use definition for this proposal is:

pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

*Note: Pubs are a type of **food and drink premises**—see the definition of that term in the LEP Dictionary.*

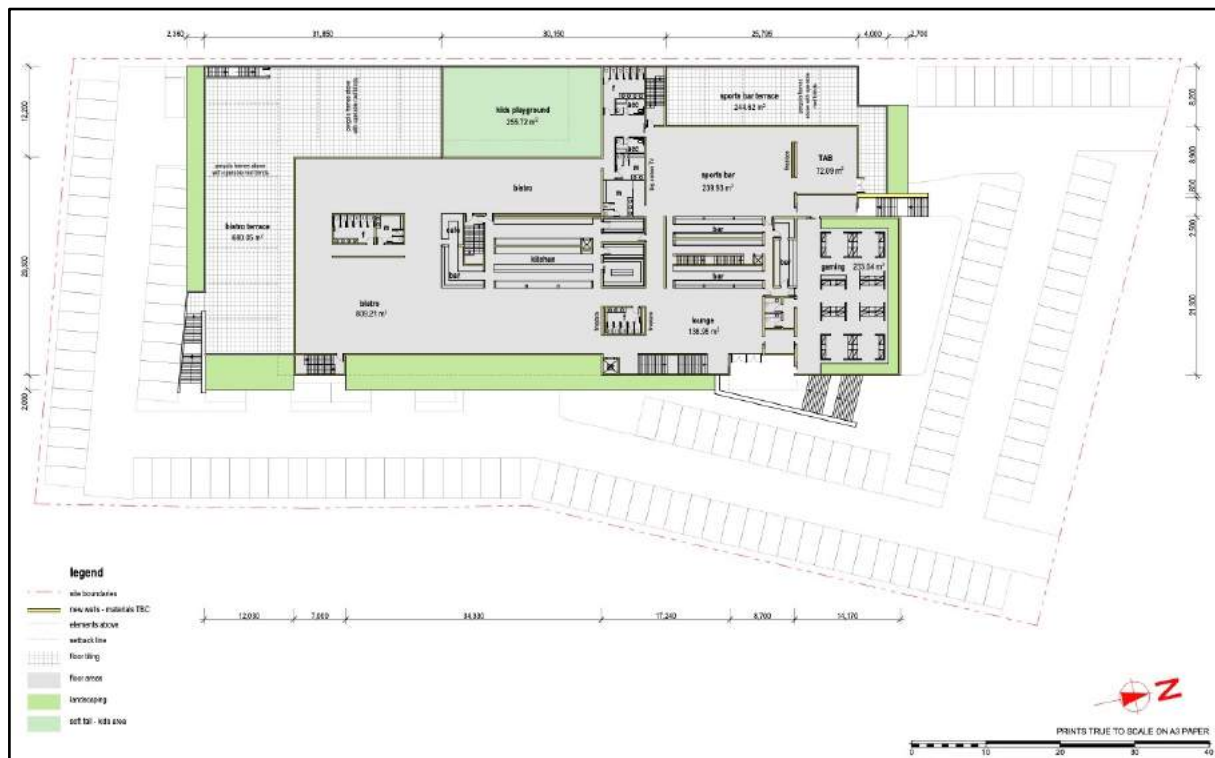


Figure 13: Extract of Ground Floor Plan (Source: Darren Mah Design Pty Ltd 2023)

The proposal involves the following key elements:

- Hotel-Tavern (Pub) premises including drive-thru bottle shop.
- 3-Level construction comprising:
 - **Basement Level** – drive-thru bottle shop, various storerooms and staff amenity areas, bulk liquor storeroom & keg room, garbage room & other storeroom, car parking, drive-thru browsing lane & parking, drive thru express land and parking, courtesy bus parking, bicycle parking and site landscaping.
 - **Ground Floor Level** – bistro, lounge, sports bar/TAB area, gaming area, bar, kitchen, bistro terraces, sports bar terrace, kids playground area, amenities and storage areas.
 - **First Floor Level** – function rooms x 2, cocktail bar, outdoor terrace, balcony, bar and amenities.
- Parking and driveway areas including 191 general car spaces, 7 drive-thru browsing spaces, 4 drive-thru express spaces, 1 courtesy bus parking space, bicycle racks.
- Extensive site landscaping.

4.2 Site Preparation/Demolition

Site works include clearing and excavation as shown on the development plans. There are no demolition of trees or structures proposed with this DA as the site is vacant.

4.3 Proposed Building Details

The Hotel-Tavern (Pub) building complex will involve 3 levels of construction including basement, ground floor and 1st floor levels, as described above and in the architectural plan set attached. An Architectural Design Statement (ADS) is also attached that outlines the conceptual details underpinning the design elements, approach to site conditions and minimising visual impact on the surrounding neighbourhood. The ADS is to be read in conjunction with this SEE.

The building will be approximately 11.8m in height, with basement level commencing at ground level (RL232.0) immediately adjoining the western boundary of the new shopping centre site. As the site slopes upwards in a westerly direction, the upper building level will be approximately 6.6m above the relative ground level across the western boundary of the site adjoining the public open space area (RL237.2 – RL243.8).

Each level of the proposed building incorporates extensive landscaping bays to both mitigate visual impact of the building on the local area, reduce potential for overlooking on immediately adjoining properties and create greater separation from pub activities areas to adjoining land uses. This is achieved by including landscaped garden edges on the perimeter of each upper-level terrace and balcony areas.

Proposed external material and finishes of the building are detailed in the plan set. Colours and materials have been selected to blend with the earthy tones of the local neighbourhood and surrounding Murrumbidgee River valley. External building finishes will include a combination of brick, cladding stones, amber battens, tinted glass and colourbond.

Extracts from the accompanying Architectural Plan Set are provided below to illustrate the design style and building mass in context with the immediately surrounding built environment.

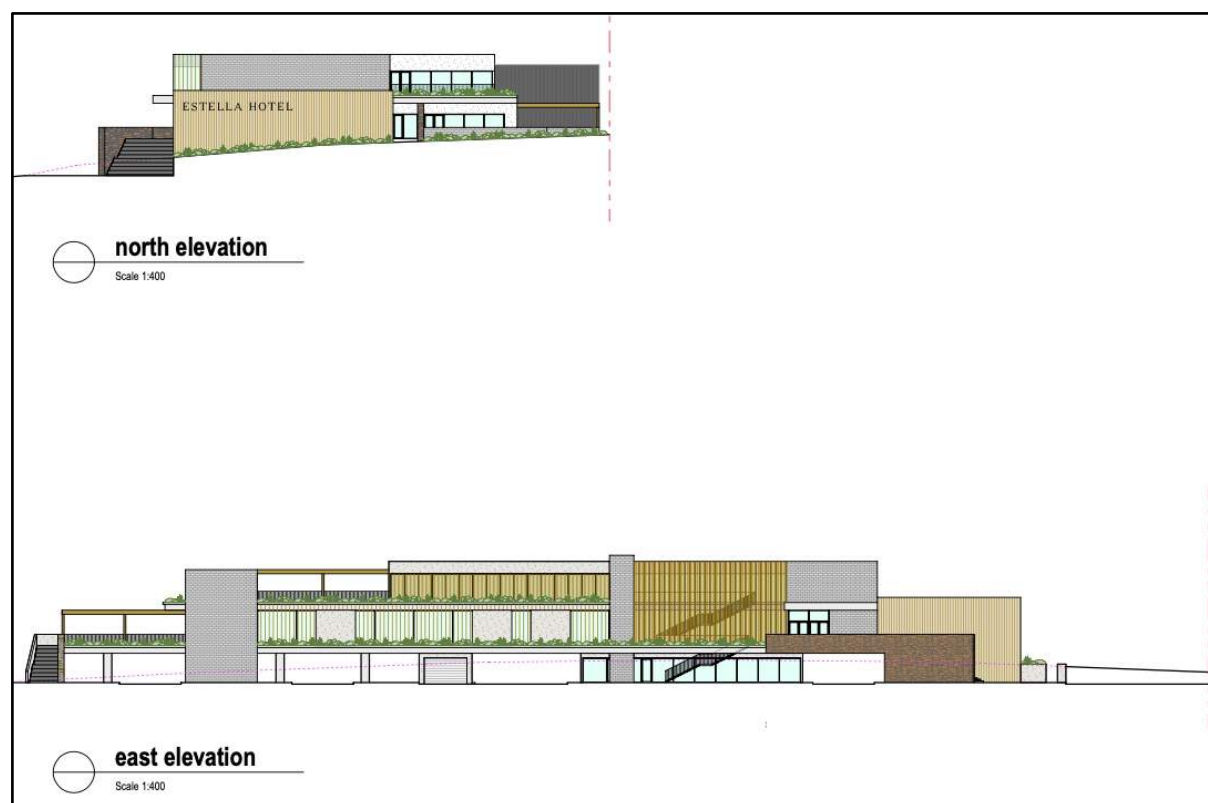


Figure 14: Extract from Plans - Elevations (Source: DMD 2023)

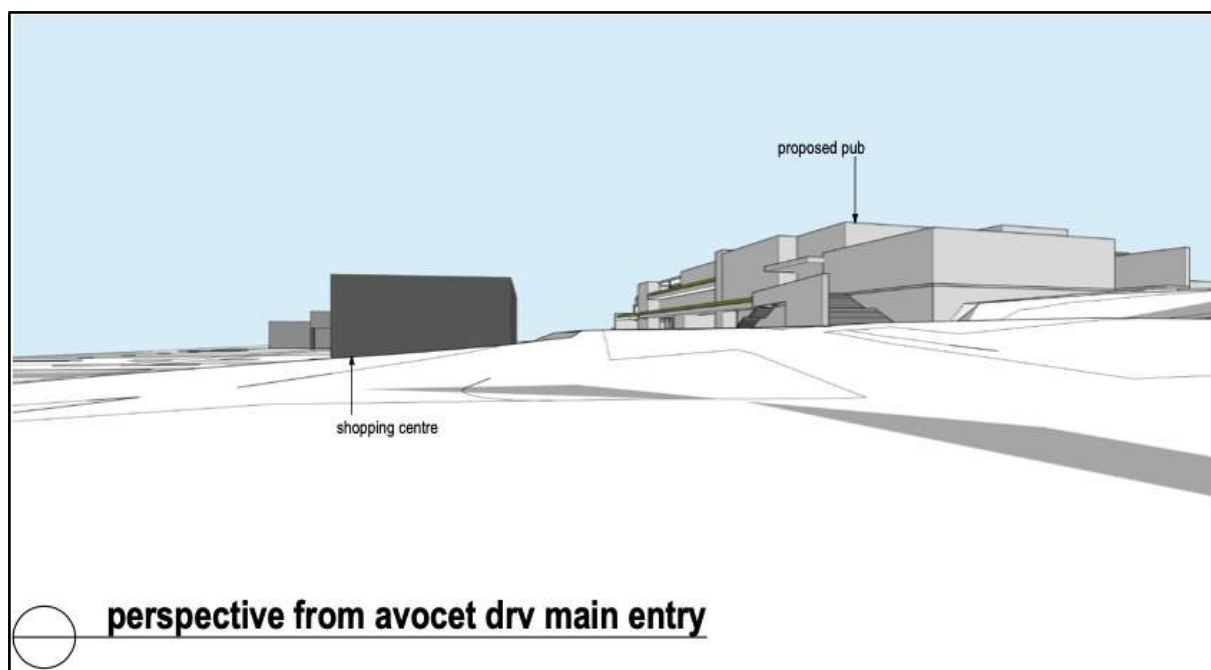


Figure 15: Extract from Plans – 3D perspective from Avocet Drive (Source: DMD 2023)

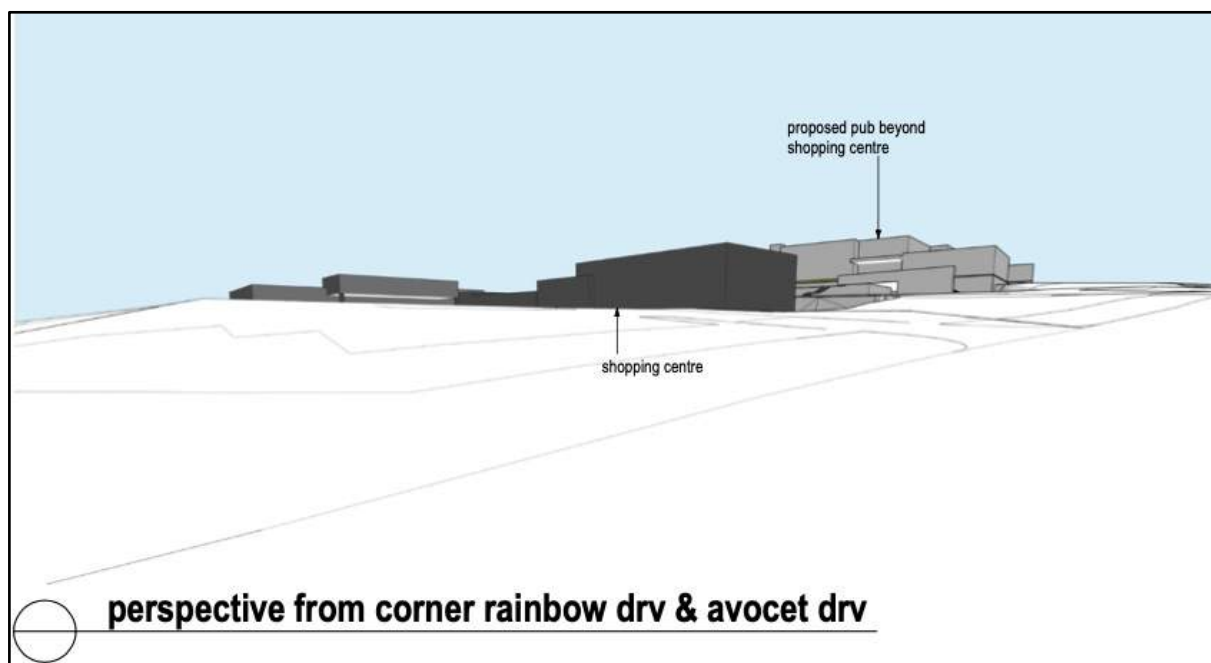


Figure 16: Extract from Plans – 3D perspective from Rainbow Dr/Avocet Dr intersection (Source: DMD 2023)

4.4 Construction Management

A Construction Management Plan will be prepared and lodged with Council prior to release of the Construction Certificate for the proposal.

Construction hours will generally be as regulated by Council and EPA, being 7.00am to 6.00pm Monday to Friday, and 8.00am to 1.00pm on Saturdays. No construction will be carried out at any time on a Sunday or a public holiday.

All construction activities will have access to Avocet Drive only. The construction site will be suitable fenced and screened. Run-off and erosion controls will be established prior to

construction commencing to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land and public infrastructure networks.

4.5 Proposed Operational Details

Proposed operational details of the pub are outlined below.

4.5.1 Patrons

The maximum number of patrons to be accommodated in each activity area of the pub is estimated as:

Activity Area	Patrons
Sports Bar	60
Sports Bar Terrace	40
TAB	40
Gaming	30
Lounge	50
Bistro	260
Bistro Terrace	180
Kids Playground	40
Function Room 01	100
Function Room 02/Outdoor Area	100
Cocktail Bar/Outdoor Area	80
TOTAL	980

The above is expressed as maximum number of patrons, however, it is accepted that, in practice, pub operations do not have all activities areas at capacity at the same time.

As outlined in the accompanying TIA report, common usage and the interdependence between various activity areas in the complex require assessment using an hour-by-hour accumulation model. For example, bar, gaming room and bistro peak times do not coincide, and occupancy can vary significantly during a normal day. Pubs generally experience 95% occupancy during 10% of the year (or less) and 85% occupancy during 35% of the year.

4.5.2 Staff

The proposed pub will generate approximately 30 FTE staff positions including management, bar, catering, service and maintenance staff. This will comprise approximately 15 full time and 45 casual positions.

4.5.3 Hours of Operation

The proposed hours of operation include:

Activity Area	Operational Time Period
All Bars including Sports Bar/Gaming Room	10:00am – 3:00am
Bistro	Lunch Service: 12:00pm – 2:30pm Dinner Service: 5:30pm – 9:00pm
Function Room 1 and 2	10:00am – 3:00am
Bottle Shop/Takeaway	10:00am – 12:00am

4.5.4 Parking

Vehicular parking is proposed as shown on the accompanying plans and will comprise the following:

Parking Area/Type	Capacity
General car parking	189
Accessible (Disabled) car parking	2
Drive-thru browsing	7
Drive-thru express	4

Courtesy bus	1
Bicycle racks	10

Parking analysis and recommendations are outlined in the accompanying TIA report. The TIA concludes that the proposed development will adequately accommodate the likely patrons and staff parking demands to be generated by the pub and associated onsite activities.

The plan below illustrates the provision of parking across the site as well as traffic flow arrangements.

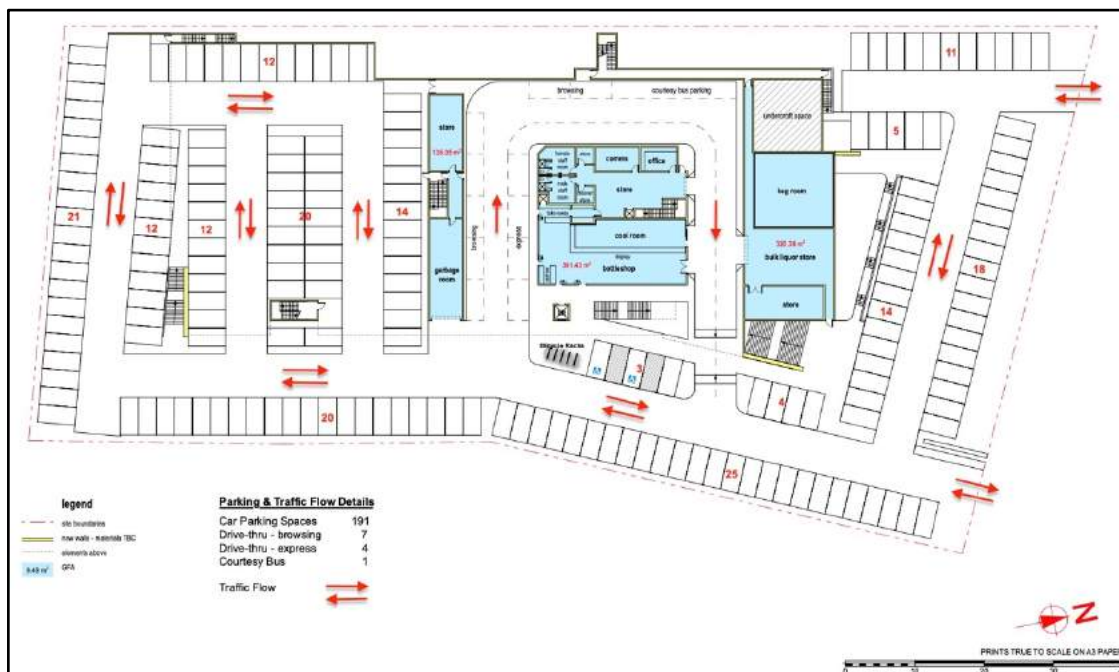


Figure 17: Parking & Traffic Flow Layout (Source: SP/DMD 2023)

4.5.5 Access & Traffic Generation

Access for the proposed pub will be from Avocet Drive as shown on the accompanying plans. Vehicular movement will generally be two-way throughout the onsite parking areas. The drive-thru will be a one-way operation as shown.

The accompany TIA report confirms that the proposal will yield a traffic generation potential of maximum 146 peak hour vehicle trips during evening peak hours. This is not expected to have any detrimental impacts on the surrounding road network.

4.5.6 Loading/Unloading & Waste Management

Loading, unloading and waste management activities will occur on site as shown on the accompanying plans and discussed in the TIA report. The report confirms that service vehicles will be able to enter and exit the site in a forward direction and without conflict to any other vehicles utilising the driveway.

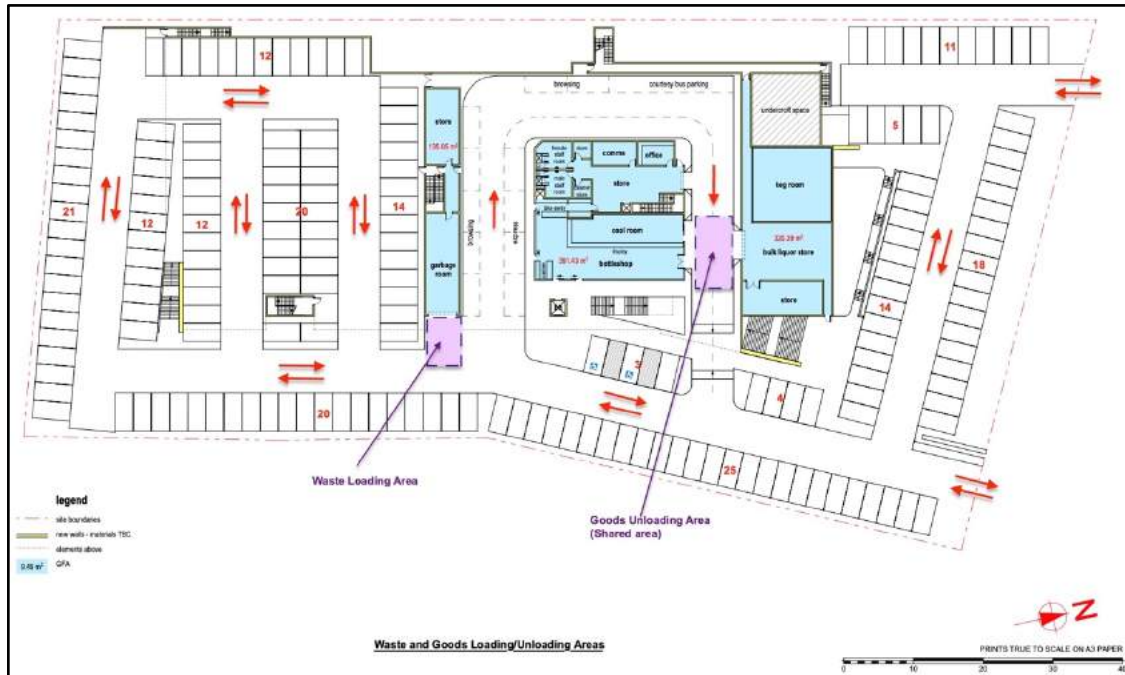


Figure 18: Waste & Goods Loading/Unloading (Source: SP/DMD 2023)

4.5.7 Live Music Entertainment

Live music is proposed on the outdoor/terrace deck, Cocktail Bar and within Function Rooms 1 and 2. The premises will be managed to ensure only one set of live music entertainment is occurring at any time.

4.5.8 Courtesy Bus

The proposed pub premises will operate a courtesy bus service during operational hours as outlined above. The service will operate on a regular basis to provide a convenient alternative transport service for local patrons.

5 INFRASTRUCTURE

5.1 Provisions of Essential Services

All essential services, including water, electricity, gas, telecommunication, sewer, drainage, road network and garbage services, are available in the general area.

The approval and creation of Lot 1485 included DA conditions that required the provision of essential service to the lot boundaries. In addition, the rezoning of the land to E1 required demonstration that adequate urban services would be available to the land to accommodate permissible uses on the site, including those associated with neighbourhood centre such as a hotel/tavern/pub development.

Connections will be provided in accordance with all relevant Council and Service Provider Guidelines.

6 PLANNING POLICIES AND GUIDELINES

The following planning policies and guidelines are applicable to the subject proposal and, where relevant, further consideration is given to address consistency with various adopted provisions and controls. These are matters for consideration as listed under *Clause 4.15 Evaluation* of the Environmental Planning & Assessment Act 1979 (as amended).

6.1 Strategic Plans

The proposal is consistent with the Wagga Wagga Local Strategic Planning Statement as the site is located within a developing residential neighbourhood where additional local commercial facilities are encouraged to meet the demands of the growing community.

6.2 Relevant Acts & Regulations

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

In addition, certain other Acts and Regulations are applicable to the development as discussed below.

6.2.1 Integrated Development

The proposed development is not integrated development.

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

Table 2: Applicable Integrated Development

Consideration of S4.46 of the EP&A Act 1979		
Act	Approval	Comment
<i>Coal Mine Subsidence Compensation Act 2017</i>	<i>Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Fisheries Management Act 1994</i>	<i>Aquaculture permit</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Permit to carry out dredging or reclamation work</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of an such land or lease</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
<i>Heritage Act 1977</i>	<i>Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Mining Act 1992</i>	<i>Grant of mining lease</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.

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

6.2.2 Designated Development

The proposal is not considered designated development under Schedule 3 of the EP&A Regulations 2021.

6.2.3 Biodiversity Conservation Act 2016 No 63

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

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

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

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

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

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

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

Biodiversity Values Map and Threshold Report		
Date of Report Generation		17/05/2023 4:59 PM
Biodiversity Values (BV) Map Threshold - Results Summary		
1	Does the development Footprint intersect with BV mapping?	no
2	Was ALL of the BV Mapping within the development footprint added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
3	Date of expiry of dark purple 90 day mapping*	N/A
4	Is the Biodiversity Values Map threshold exceeded?	no

Figure 19: Biodiversity Values Threshold Result Summary (Source: DP&E 2023)

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

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

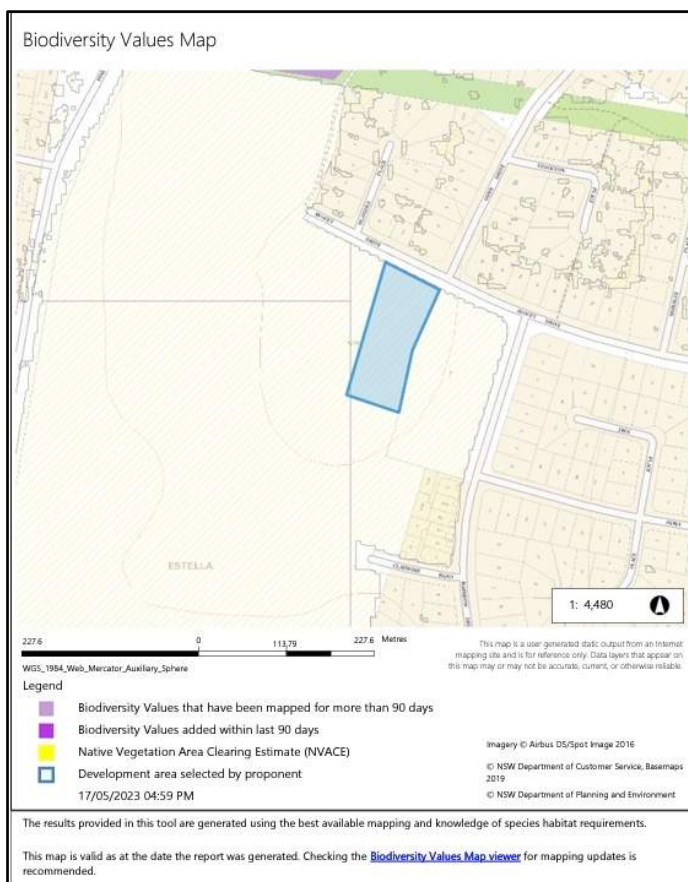


Figure 20: Biodiversity Values Map (Source: DP&E 2023)

6.3 State Environmental Planning Policies

The State Planning Controls applicable to this site, as listed by the NSW Planning Portal, are outlined in the table below.

Table 3: SEPPs Applying to the Land and Proposal

SEPP Applicability to the Proposal	
SEPP	Comments
SEPP (Biodiversity and Conservation) 2021	Applicable, not relevant.
SEPP (Exempt and Complying Development Codes) 2008	Applicable, not relevant. Pubs are not a specific purpose under the provisions of Part 5A Industrial and Business Buildings Code.
SEPP (Housing) 2021	Applicable, not relevant.
SEPP (Industry and Employment) 2021	Applicable, not relevant.
SEPP (Planning Systems) 2021	Applicable, not relevant.
SEPP (Primary Production) 2021	Applicable, not relevant.
SEPP (Resilience and Hazards) 2021	Applicable & relevant. Chapter 4 Remediation of land - matters to be considered for all developments. See further discussion below.
SEPP (Resources and Energy) 2021	Applicable, not relevant.
SEPP (Sustainable Buildings) 2022	Applicable & relevant. Chapter 3 Standards for non-residential development. See further discussion below.
SEPP (Transport and Infrastructure) 2021	Applicable, not relevant.
SEPP No 65—Design Quality of Residential Apartment Development	Applicable, not relevant.

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

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

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

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

Table 4: Contaminated Land Consideration – Initial Evaluation Data

Initial Evaluation Data	
Consideration of readily available information:	Response
a) current zoning	E1 Local Centre
b) permissible uses	See relevant section below.
c) records from previous rezonings or rezoning requests	Noted.
i. history of land uses including:	Rezoned from rural land to urban.
ii. development applications & building applications	No relevant building DAs, only subdivision.
d) aerial photo history	See relevant photos included in this report.
e) property file information & site owner information	Historical information on previous development and building approvals were based on client and available information.
f) knowledge of council staff	To be determined by Council during its initial evaluation of the proposal.
g) adjoining property information	Shopping centre under construction, adjoining open space, former grazing land.
h) site inspection information including photographs	See below.

Initial Evaluation Data	
Checklist questions (from Managing Land Contamination Guidelines)	Response
a) Are there any previous contaminated land investigations available for the site? If so, what were the results?	No
b) Is there any history of activities, as listed in Table 1 of the Guidelines, on the land, past or present?	Yes, agriculture
c) Was the land at any time zoned for industrial, agricultural or defence purposes?	Yes, agriculture
d) Is there any history of licences, past or present, regulating the use of activities listed Table 1 of Guidelines over the land?	No
e) Are there any land use restrictions on the land relating to possible contamination (eg EPA or other authority)?	No
f) Does site inspection data suggest a history of any activities listed in Table 1 of Guidelines?	Yes, agriculture. Grazing only due to terrain and limited top soil structure.
g) Is there any information concerning contamination impacts on land immediately adjacent the site that could affect the site?	No



Figure 21: Site Photos (Source: SP 2023)



Figure 22: Site Photos (Source: SP 2023)

The subject site is not listed in Council records as potentially contaminated and no potentially contaminating activities have occurred on the site according to all available historical data. A site inspection did not reveal any potential contamination issues on the site.

Based on the information available and presented in the table above, there is no reason to suspect contamination exists on the subject land. The land has been subject to various urban release investigations for residential uses by both Council and current land

developers. In addition, the land has been subject to rezoning to E1 and a subdivision application creating the subject parcel of land. Land contamination issues have been considered by Council on each occasion in dealing with DA and rezoning matters with the subject land.

In the most recent DA assessment (DA22/0466) relating to the creation of the subject lot (Lot 1485), Council's 4.15 report noted, in relation to site contamination:

"The subject site is not listed on Council's potentially contaminated land register but has a historical use of agriculture that is a potentially contaminating land use. A preliminary site investigation and subsequent detailed site investigation have been prepared in support of the adjoining residential subdivision and also provided with the subject application. The report concludes that all soil samples analysed within the identified areas of concern recorded concentrations below the adopted human health and environmental investigation/screening criteria for residential use and that based on the results of the soil investigation on site the concentrations of chemical substances identified do not prevent the use of the site for residential purposes."

Accordingly, the site is considered suitable for the intended use in accordance with the SEPP."

It is considered that no further investigation is required and the proposal may be considered and determined accordingly.

6.3.2 SEPP (Sustainable Buildings) 2022 – Chapter 3 Standards for non-residential development

The aims of this SEPP are:

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

Chapter 3 applies to the proposal in the following manner:

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

The proposal has a CIV of approximately \$10 million and is located in an E1 zone.

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

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

Consideration of applicable sections of Chapter 3 of this SEPP is outlined below. It is noted, however, that in accordance with advice from NSW DPE, retail premises (including pubs) are currently excluded from the large commercial requirements.

Table 5: Consideration of Relevant SEPP (Sustainable Buildings) 2022 Provisions

Chapter 3 Standards for non-residential development	Response
3.2 Development consent for non-residential development	
(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—	Noted. For Council consideration.

<p>(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</p> <p>(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,</p> <p>(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</p> <p>(d) the generation and storage of renewable energy,</p> <p>(e) the metering and monitoring of energy consumption,</p> <p>(f) the minimisation of the consumption of potable water.</p>	
<p>(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</p>	<p>Noted. For Council consideration. There are no specific requirements under the new policy relating to pubs.</p>
<p>3.3 Other considerations for large commercial development</p>	
<p>(1) In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.</p>	<p>Noted. For Council consideration.</p>
<p>(2) Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.</p>	<p>Noted. For Council consideration. See discussion regarding Schedule 3 requirements below.</p>
<p>(3) For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.</p>	<p>Noted. For Council consideration.</p>
<p>(4) Subsection (2), to the extent it relates to energy use, does not apply to large commercial development on land to which the following local environmental plans apply—</p> <p>(a) Sydney Local Environmental Plan 2012,</p> <p>(b) Sydney Local Environmental Plan (Green Square Town Centre) 2013,</p> <p>(c) Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013.</p>	<p>Noted. Not applicable to this proposal.</p>
<p>(5) Despite subsection (4), subsection (2) applies to large commercial development to the extent that the development relates to prescribed serviced apartments.</p>	<p>Noted. Not applicable to this proposal.</p>
<p>3.4 Other considerations for certain State significant development</p>	
<p>(1) This section applies to non-residential development that is declared to be State significant development by State Environmental Planning Policy (Planning Systems) 2021, section 2.6(1) and specified in that policy, Schedule 1, sections 13–15.</p>	<p>Not applicable. The proposal is not SSD.</p>
<p>(2) In deciding whether to grant development consent to development to which this section applies, the consent authority must consider whether the development will minimise the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.</p>	<p>Not applicable. The proposal is not SSD.</p>
<p>Schedule 3 Standards for energy and water use for large commercial development</p>	
<p>1 Energy use</p> <p>(1) The standard for energy use for development for the purposes of prescribed office premises is a 5.5 star NABERS energy rating.</p> <p>(2) The standard for energy use for development for the purposes of prescribed hotel or motel accommodation is a 4 star NABERS energy rating.</p> <p>(3) The standard for energy use for development for the purposes of prescribed serviced apartments is a 4 star NABERS energy rating.</p> <p>(4) To avoid doubt, different standards may apply to the same building if it is used for different purposes.</p>	<p>Not applicable. The proposal is not for an office, hotel or motel accommodation, or serviced apartments.</p>
<p>2 Water use</p> <p>The standard for water use for large commercial development is a 3 star NABERS water rating.</p>	<p>Not applicable. There are no specific requirements under the new policy relating to pubs. Water efficiency details will be provided at construction stage.</p>

6.4 Wagga Wagga Local Environmental Plan (LEP) 2010

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

The particular aims of the LEP are:

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

The proposal satisfies these aims by proposing a sustainable development on serviced and appropriately zoned land. The development will avoid impacts on environmentally sensitive areas and localities, and provides a facility for the social and economic benefit of the local and wider community. Discussion on applicable sections of the LEP is provided below.

6.4.1 Land Use Zoning

The subject land is zoned E1 Local Centre under the provisions of the LEP, as shown in the figure below.

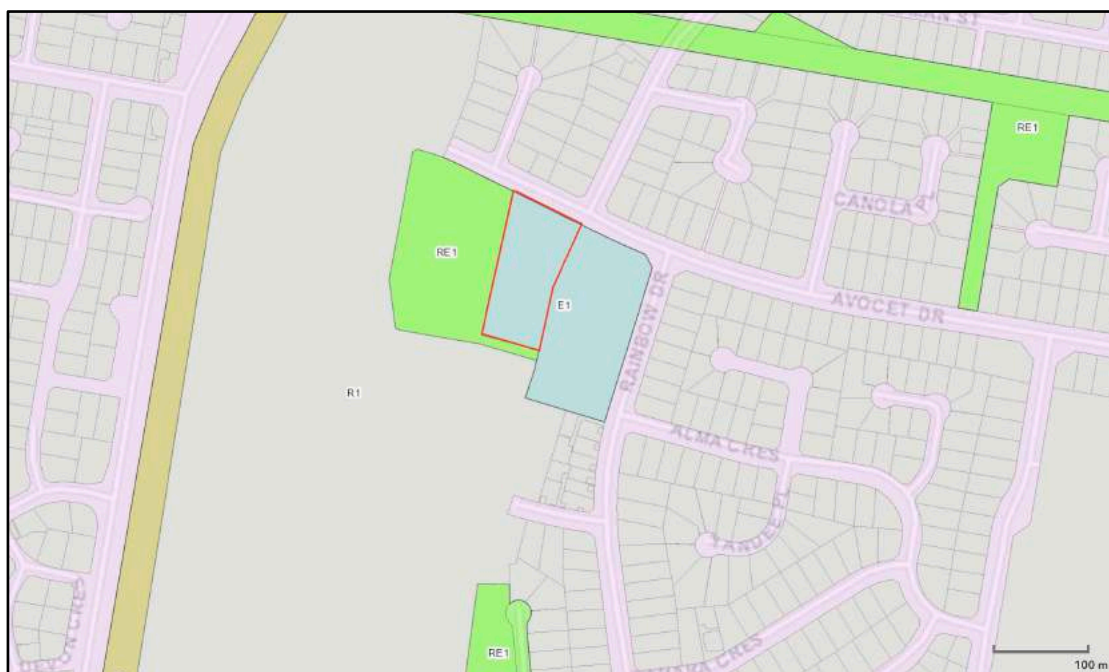


Figure 23: Land Zoning Map (Source: ePlanning Spatial Viewer 2023)

6.4.2 Permissibility

The proposal is defined under the LEP as a **pub**, which is permissible in the E1 zone.

The proposal will also satisfy the Zone Objectives are considered in the table below:

Table 6: Relevant LEP 2010 Zone Objectives

LEP 2010 – Zone E1 Local Centre	
Objective	Comments
To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.	Consistent. The proposal will provide a retail use to serve the needs of the local community.
To encourage investment in local commercial development that generates employment opportunities and economic growth.	Consistent. The proposal is a significant commercial investment

LEP 2010 – Zone E1 Local Centre	
Objective	Comments
	that will generate employment and foster economic growth.
<i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</i>	Not inconsistent. The proposal will support and serve residential development in the local area. The proposal is consistent with the strategic planning directions for this neighbourhood.
<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings</i>	Not inconsistent. The proposal will not hinder the achievement of this objective in the local area.

6.4.3 Variation

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

6.4.4 Consideration of Relevant LEP Clauses

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

Part 3 Exempt & Complying Development

3.1 – 3.3 - Noted

Part 4 Principal Development Standards

4.1 – 4.6A - Not applicable

Part 5 Miscellaneous provisions

5.1 – 5.25 - Not applicable

Part 6 – Urban release areas

6.1 – 6.5 - Not applicable

Part 7 – Additional Local Provisions

7.1 North Wagga Wagga - Not applicable

7.1A Earthworks - Applicable & noted. See discussion below.

7.2 – 7.8 - Not applicable

7.9 Primacy of Zone E2 - Applicable & noted. See discussion below.

7.10 – 7.12 - Not applicable

7.13 Certain land at Estella - Applicable & noted. See discussion below.

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

6.4.5 Earthworks – LEP Clause 7.1A

The objectives of this Clause are:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
- (b) to allow earthworks of a minor nature without requiring separate development consent.

The proposal will involve extensive earthworks across the site, as shown on the development plans accompanying this SEE. A geotechnical report is attached that provides information to address matters for consideration under this clause.

Overall, the proposal is not considered to have a potential detrimental impact on the environmental functions, processes, uses or features of surrounding land.

Table 7: Consideration of LEP Clause 7.1A(3) - Earthworks

LEP 2010 – Clause 7.1A(3) - Earthworks	
Matters for consideration	Comments
<i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i>	The proposal will incorporate civil design and drainage systems to avoid any detrimental impact on existing drainage patterns and soil stability.
<i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i>	The design of the proposal has taken into consideration the form and structure of the land. The development will involve the whole site.
<i>(c) the quality of the fill or the soil to be excavated, or both,</i>	The geotech report accompanying this SEE has been prepared to inform earthworks and foundation design for the project. Test pits and subsequent soil testing did not suggest any restrictions to site preparation activities or limitations to soil quality.
<i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i>	The proposal will adjoining the recently constructed shopping centre. There will be limited impact on the amenity of the adjoining property.
<i>(e) the source of any fill material and the destination of any excavated material,</i>	Any fill and excavated material will be logged and appropriately licenced sources and recipients documented accordingly.
<i>(f) the likelihood of disturbing relics,</i>	There is no indication, based on available information, that any relics are located on this site. However, if any finds are uncovered, due diligence procedures will be triggered in accordance with current policy.
<i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i>	There was no groundwater detected in the geotech site investigations. There is little likelihood of any adverse impact on existing watercourse, water catchments or environmentally sensitive land. Civil designs will include appropriate drainage plans and site sediment controls.

6.4.6 Primacy of Zone E2 – LEP Clause 7.9

The objectives of this Clause are:

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

The clause is relevant to the consent authority by identifying matters that it must be satisfied with in order to grant development consent. Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone E2 Commercial Core as the principal business, office and retail hub of Wagga Wagga.

The development will serve the food and beverage, recreational and cultural needs of the immediate local communities of Estella, Gobbagombalin and Boorooma. Together with other pubs located on the northern side of the river, the premises will provide additional pub activities to the expanding northern growth area. There will be negligible impact on the E2 Commercial Core and the CBD is expected to maintain its dominance as the principal business, office and retail hub of the City.

6.4.7 Certain Land in Estella – LEP Clause 7.13

This clause relates to the parent Lot 2 where provision for cycleways and pedestrian pathways needs to be included in the neighbourhood development plan for the local area. Council has considered this matter as part of the overall subdivision approval of land in the Estella neighbourhood. The proposal is not directly impacted by this provision.

6.5 Wagga Wagga Development Control Plan 2010 (DCP)

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

Wagga Wagga Development Control Plan 2005 Chapter 44 Estella is applicable to this neighbourhood; however, the controls have been superseded by subsequent rezonings, development applications and relevant amendments to DCP2010. No further consideration of this DCP provision is required for this proposal.

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

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

	<i>C2: Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.</i>	Noted. The site is to be completely developed as envisaged with the rezoning to E1.
	<i>C3: Use native and indigenous plants, especially low water consumption plants in preference to exotic species.</i>	Noted. A detailed landscaping plan will be provided prior to CC.
	<i>C4: Trees should be planted at the front and rear of properties to provide tree canopy.</i>	Satisfied, see accompanying concept landscape plan. A detailed landscaping plan will be provided prior to CC.
	<i>C5: Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.</i>	Satisfied, see accompanying concept landscape plan. A detailed landscaping plan will be provided prior to CC.
	<i>C6: Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.</i>	Satisfied, see accompanying concept landscape plan. A detailed landscaping plan will be provided prior to CC.
2.4 Signage	<i>General controls for signage and structures C1 – C11:</i>	Noted. Business identification signage proposed only at this stage.
2.5 Safety and security	<i>C1: Use good site planning to clearly define public, semi-public and private areas.</i>	Satisfied. See accompanying architectural plan set and statement. Also Crime Risk Assessment provided as attachment to this SEE.
	<i>C2: Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.</i>	Satisfied. See accompanying architectural plan set and statement.
	<i>C3: Minimise blank walls along street frontages.</i>	Satisfied. See accompanying architectural plan set and statement.
	<i>C4: Avoid areas of potential concealment and 'blind' corners</i>	Satisfied. See accompanying architectural plan set and statement.
	<i>C5: Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.</i>	Satisfied. See accompanying architectural plan set and statement.
	<i>C6: Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.</i>	Satisfied. See accompanying architectural plan set and statement.
	<i>C7: Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.</i>	Not applicable. The proposal does not include a pedestrian through route.
	<i>C8: Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.</i>	Not applicable. The proposal does not include public toilets and rest areas.
2.6 Erosion and Sediment Control Principles	<i>O1: Protect the environment against soil erosion and loss of soil from construction sites</i>	Satisfied. Appropriate soil erosion control measures to be implemented at the site boundaries.
	<i>O2: Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.</i>	Satisfied. Appropriate soil erosion control measures to be implemented at the site boundaries.

	<i>O3: Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.</i>	Satisfied. Appropriate site drainage systems to be incorporated into the building and site construction.
	<i>O4: Promote the implementation of erosion and sediment control measures by persons undertaking construction and earthworks activities to prevent the loss of soil from the site.</i>	Satisfied. Appropriate soil erosion control measures to be implemented at the site boundaries. Education and procedures implemented by construction personnel.
2.7 Development adjoining open space	<i>C1: Private developments are not to gain access across public open space.</i>	Satisfied. The proposal does not involve access across public open space.
	<i>C2: Materials are not to be stored on public land.</i>	Satisfied. No materials are to be stored on public land.
	<i>C3: Design, massing, scale and materials to be compatible with the amenity, views and outlook from the open space area.</i>	Satisfied. The proposal has considered potential impact on adjoining open space. Scale and materials have incorporated design elements to ensure integration with the surrounding open space to ensure minimal impact on local amenity.
	<i>C4: Landscaping is not to encroach into any public reserve.</i>	Satisfied. The proposal landscaping does not encroach into the public reserve area.
2.8 Development near high pressure-gas pipeline infrastructure	<i>C1 – C11:</i>	Not applicable.
Section 5: Natural Resource and Landscape Management		
Clause	Objective/Control	Comments
5.1 Development on ridges and prominent hills	<i>C1- C4:</i>	<p>These controls refer to keeping buildings below significant ridgelines. The subject area, whilst located on the higher slopes of Estella, is not identified as a significant ridgeline on Council mapping.</p> <p>The site rises to a high point where the public park is to be established. Rezoning of this land to E1 took into consideration the potential impact of commercial buildings on this site.</p> <p>The proposal has been located to minimise visual intrusion into the local area. See attached 3D perspectives. The building design has also incorporated features to minimise the visual dominance of a commercial building in this locality.</p>
5.2 – 5.4	<i>Various</i>	Not applicable.
Section 10: Business Development		
Clause	Objective/Control	Comments
10.1 – 10.2	<i>Various</i>	Not applicable.
10.3 Local Centres	<i>C1: Design to provide an active address to the adjoining residential precinct – avoid blank and unarticulated walls, consider outdoor dining areas or uses that encourage interaction with the street environment.</i>	Satisfied. See architectural plan set & statement. The design has an active address, avoids blank/unarticulated wall and includes terraced outdoor dining. The scale of the proposed development integrates with the function of the local shopping centre and encourages interaction with the street environment.
	<i>C2: Setbacks, building design and location – locate building bulk to ensure acceptable setbacks to any adjoining residential land. A landscaped buffer may be required.</i>	Satisfied. See architectural plan set & statement. The proposed building has been set back to minimise impact on the streetscape. Landscaping has been incorporated into the front setback area.

	<i>C3: Design and locate signs to minimise light spill to adjoining or nearby residential land.</i>	Satisfied. Only business identification signage is proposed at this stage.
	<i>C4: The location of vehicle entrance and exit points is to minimise disturbance to the functioning of adjoining roads, and avoid directing additional traffic through residential precincts.</i>	Satisfied. The proposal has direct frontage and vehicular access/egress to Avocet Drive. See accompanying TIA that provides analysis in relation to traffic flow impact to the local street network.
	<i>C5: Design and location of loading and unloading facilities away from residential properties close to the site and provide adequate screening.</i>	Satisfied. The loading/unloading areas are located within the property and are adequately screened from neighbouring residential properties.
	<i>C6: Provide bicycle parking facilities at a rate of 1 bicycle per 200m² of gross floor area.</i>	Variation required. The proposal indicates the provision of bicycle racks to accommodate a minimum 10 bicycles. This is considered adequate for the scale of this proposal and the cohort expected to frequent the pub. The adjoining shopping centre also provides a mix of parking facilities including bicycle parking that are more appropriately targeted for the general local community.
	<i>C7: Locate services and any mechanical vents or equipment away from residential development</i>	Satisfied. Services are located generally at basement level. The site is physically separated from neighbouring residential development. The design of the building will ensure any mechanical vents or equipment are located away from residential development.
	<i>C8: Hours of operation are generally not to exceed 6am to 9pm daily. However dispensation may be considered for uses licensed to operate beyond those times, based on individual merits.</i>	Satisfied. The proposal is a licenced premises and operating hours are in accordance with similar suburban pubs. The proposal will be assessed on its individual merit based on location and impact analysis (see accompanying NIA & TIA).
10.4 – 10.8	<i>Various</i>	Not applicable.

6.5.1 Variations

DCP variations are required as noted above and include:

- 2.2 Off-Street Parking – C1 Parking Rate:

Variation required in accordance with recommendations including in accompanying TIA. The DCP parking rates for a pub amount to 288 spaces. The TIA recommends 190 spaces based on “hour by hour parking accumulation model – maximum parking demand”.

Justification: Based on the analysis and conclusions of the TIA. The proposal will provide 191 general car spaces, 7 drive-thru browsing spaces, 4 drive-thru express spaces, 1 courtesy bus parking space and a bicycle rack space to accommodate at least 10 bicycles.

By the provision of parking in accordance with the conclusions of the TIA, the proposal will ensure achievement of the objectives of this DCP clause as listed below:

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

- 10.3 Local Centres - Provide bicycle parking facilities at a rate of 1 bicycle per 200m² of gross floor area:

Variation required as the proposal has a GFA of 4872m² and would require the provision of facilities for 24 bicycles. The proposal indicates a bicycle rack area that will accommodate at least 10 bicycles.

Justification: The proposal is for a pub not a local shopping centre. The DCP provision would assume a general provision targeting a wide age group and all of the expected diverse population who would reside in the local neighbourhood. The provision of a bicycle rack area to accommodate at least 10 bicycles is considered adequate for the scale of this proposal and the cohort expected to frequent the pub. The adjoining shopping centre also provides a mix of parking facilities including bicycle parking that are more appropriately targeted for the general local community.

The provision of bicycle parking facilities as indicated in the proposal will continue to achieve the DCP Local Centre objectives of:

- O1 Support the ongoing viability of local centres.*
- O2 Ensure good integration with adjoining residential areas.*

6.6 Other Relevant s4.15 Matters for Consideration

- *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority.....:*

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

- *any planning agreement:*

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

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

Based on the above discussion, the site is considered suitable for the development. The land has recently been rezoned and the subject lot created to accommodate this type of land use (as permissible in an E1 zone).

- *any submissions:*

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

- *the public interest:*

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

7 ENVIRONMENTAL IMPACT ASSESSMENT

7.1 Site and Locality Analysis

The subject site is located within the developing Estella residential neighbourhood and adjoining the new shopping centre and surrounding open space network. The site has existing access to Avocet Drive. The site is located within the context and setting of a local shopping centre.



Figure 24: Photo of Site – view from Avocet Drive (Source: SP 2023)

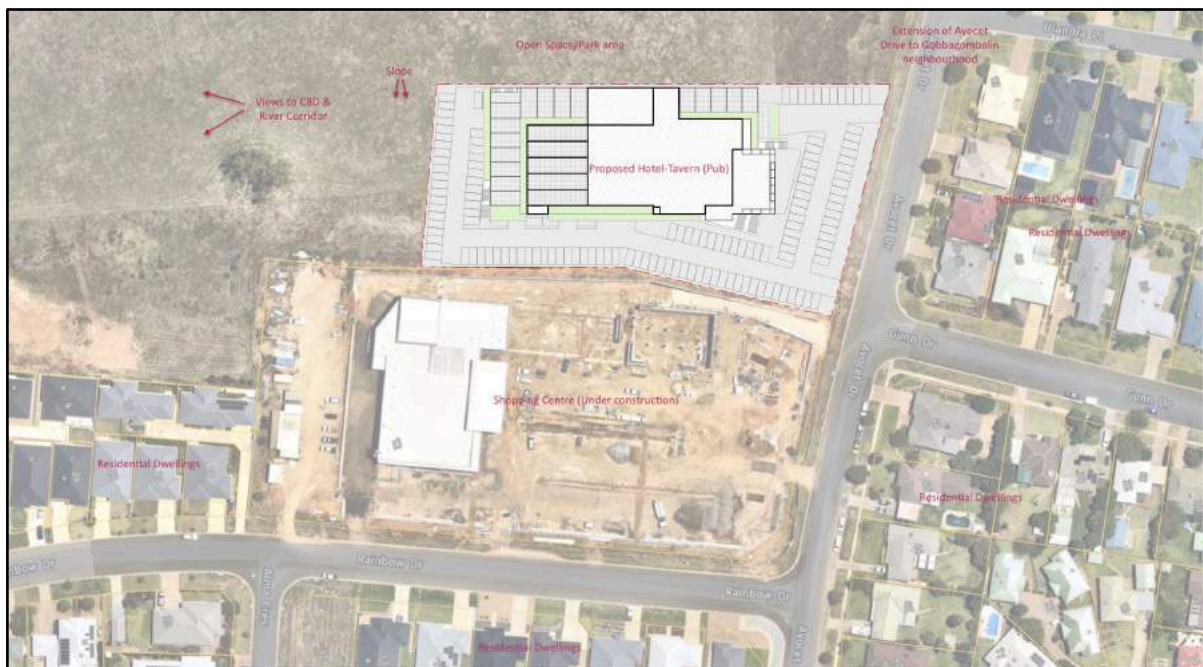


Figure 25: Site Analysis Plan (Source: SP 2023)

7.2 Visual Impact

The proposed building is to be located on a recently created parcel of land. The site adjoins future public parkland to the west, an open space corridor and future residential area to the south, the recently constructed shopping centre to the east, with frontage to Avocet Drive along its northern boundary. Residential dwellings exist directly opposite the site on the northern side of Avocet Drive.

The land slopes towards a high point within the future public park area. A commercial building such as pub will have a visual presence in this locality, as expected by the E1 zoning applied to the land. The design of the building has been considered in context with its potential impact on the surrounding residential neighbourhood environment. The accompanying architectural statement outlines the designer's approach to minimising visual impact and bulk/scale of the building on this site. An extract is provided below.

"Minimising visual impact to the surrounding residential dwellings was a priority of the design. The shopping centre development provides a visual barrier to the east while also provides distance to residents on the eastern side as demonstrated by the massing model."

Currently the closest residents are directly to the north opposite the site on Avocet Drv, due this we have included a 5m landscaped setback on the Avocet Drv boundary, the building is then setback a further 21m to create a landscaped carparking area and distance to the nearest residents.

The gaming room which is the most quiet space within the venue is positioned first to create further buffering and visual separation as no windows are provided in gaming rooms, thus increasing the visual and acoustic amenity of the nearest residents.

The basement accommodates the drive through bottleshop and back of house facilities for the venues operations and is positioned behind the gaming room and to work with the natural slope of the site and therefore allowing the ground floor level of the venue to be partly cut into the high side of the site thus minimising its bulk and scale.

The bistro spaces and kids area are to the rear of the site for greater visual and acoustic privacy. The gardens on the south and east elevations at the ground floor level further soften the bulk and scale of the building while also reducing views downwards into the nearest residents.

The kids area is on the western side and faces what we understand to be a parkland area and is therefore the most separated for residents as possible, it is also fully enclosed to retain noise but also be usable in all weather conditions.

Views to the west will be softened by the proposed parklands and associated landscaping. Together with the undulating terrain that peaks with the parkland lot, it is therefore considered to have no visual impact to any future development beyond the parkland."

3D massing views are provided within the accompanying plan set to illustrate the scale of the proposed building in context with the shopping centre and surrounding terrain. In addition, various other 3D rendered views are provided in an animated file included with the plan set. These images demonstrate that visual impact of the proposal is minimised through site setbacks, architectural features and creative at-grade and elevated landscaping treatments.

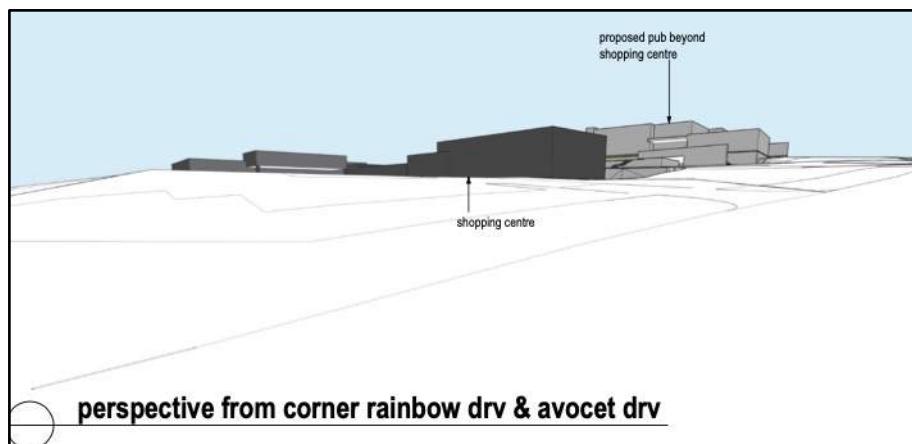


Figure 26: 3D Massing view – Rainbow Drive/Avocet Drive view (Source: DMD 2023)

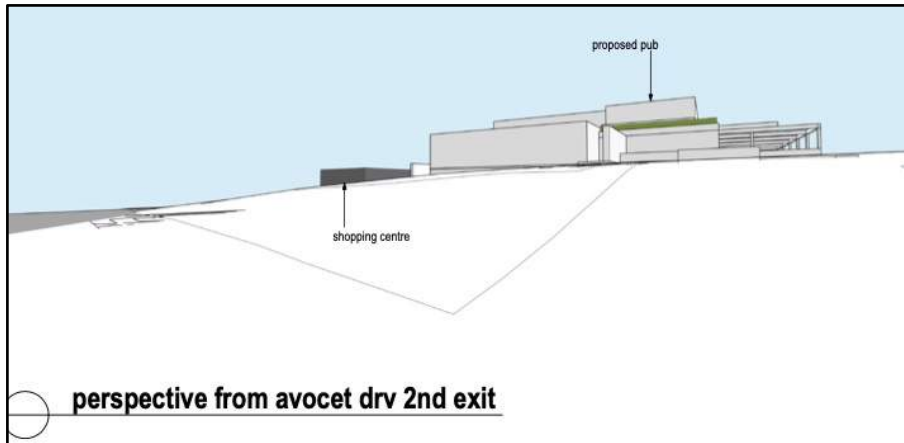


Figure 27: 3D Massing view – Avocet Drive view (Source: DMD 2023)

7.3 Overshadowing & Privacy

The proposed building will not have any significant overshadowing impact on the adjoining residential area or shopping centre.

Any potential privacy impacts have been mitigated through design. As described in the architectural statement, all of the glazing on the eastern and western sides have louvres and battens to minimise overlooking views and increase the privacy to the entire surrounding neighbourhood area. The function rooms on the first-floor level are further setback from the ground floor below and have landscaped garden edges to eliminate views downwards into the nearest residents.

7.4 Noise

A noise impact assessment (NIA) report has been prepared in relation to the potential operational impacts of the proposed pub. The NIA accompanies this SEE.

The NIA report has assessed potential impact from patron noise, amplified music emissions and carpark noise as may be generated during the nominated operating hours of the premises. The report took into account the location of the proposed pub within a suburban residential area, noting the location of potential sensitive receivers on all sides of the subject site.

The NIA has recommended the following:

- Noise Limiter – amplified music within various areas are to be limited to Sound Pressure Levels as outlined in Table 6-1 of the NIA. This includes criteria for the use of speakers in outdoor areas, including restrictions between midnight and 7am.
- Acoustic Construction of Hotel – acoustic absorbing materials for roof/ceilings and walls, function rooms and basement carpark, as outlined in section 6.2 and Table 6-2 of the NIA. Acoustic glazing requirements as detailed in Table 6-3.
- Noise barriers – for each activity area as specified in section 6.3 and shown in Figure 6-2 of the NIA.
- Noise Management Plan – to be prepared and implemented to manage outdoor terrace activities, live music performance, window and door operation, carpark signage and management.

By implementing the recommendations of the NIA, the operation of the proposed pub will be compliant with specified noise criteria for the local area.

7.5 Access, Traffic & Parking

A TIA report has been prepared for the proposed new pub in order to assess generation of vehicular traffic and parking demand, quantify potential additional traffic movements and determine level of impact on the local street and intersection network.

The subject site has frontage to Avocet Drive which is a local 50km/h road providing access across the Estella neighbourhood and linking Boorooma Street to (in 2024) Pine Gully Road. It is proposed to utilise two 2-way driveways for access to the site for parking, drive-thru bottle shop and service vehicle purposes. All vehicles can enter and leave the site in a forward direction. The site frontage will also facilitate pedestrian and bicycle access to the premises.

The TIA accompanies this SEE and discussion on this topic is provided in more detail in section 4.5 above. The following methodology was undertaken to review traffic and parking generation and potential impact from the activities generated by this proposal:

- *reviewing the existing traffic and transport conditions surrounding the subject site;*
- *assessing the parking provision for the proposed development against the relevant requirements within Wagga Wagga Council's DCP;*
- *assessment of the parking layout for general traffic and service vehicle manoeuvring in accordance with the requirements of AS2890.1 Off-Street Car Parking and Wagga Wagga Council DCP;*
- *assessing the site's access locations and configurations;*
- *estimation of the traffic generated by the proposed development;*
- *assessment of the traffic impacts from the proposed development;*
- *analysing the site's pedestrian and cyclist accessibility provisions; and*
- *analysing the site's proximity to quality public transport routes and facilities*

In respect of parking demand, the TIA used an '*hour by hour parking accumulation model*' to estimate maximum parking demand in lieu of a flat calculation based on Council's DCP parking schedule. Peak parking demand was assessed as requiring 190 spaces on site. Council's DCP suggests 288 spaces, however, this figure does not allow for common usage of activity areas and the interdependence between various components within the pub. 190 spaces is considered adequate to accommodate the estimated parking demands of patrons and staff.

The assessment of traffic generation in the TIA acknowledged research by RTA/TfNSW that indicated a large variance in traffic generation rates for pubs, primarily due to the variety of activities provided by typical contemporary pub establishments, including bars, dining, entertainment and family orientated facilities. Location and internal design are also a contributing factor to the volume and type of traffic generation. For the subject proposal, the TIA has estimated a potential for 146 peak hour vehicle trips during evening peak hours. This is not expected to have any detrimental impacts on the surrounding road network.

The TIA takes into consideration the changes in mode of transport used by patrons to access food and drink premises that have occurred over the past few decades, including ride-share, taxi, courtesy bus, cycling, walking and public transport. The introduction of RBT, including extensive awareness campaigns on drink driving and other alcohol consumption issues, as well as strict enforcement by Police, has also impacted general private vehicle use as a means of travel to pubs and other licensed venues in general. The approach taken in the TIA also aligns more closely with Council's Active Travel Plan 2016 and Integrated Transport Strategy 2040. These strategic directions are encouraging more sustainable means of transport to land use activities and the utilisation of alternate transport infrastructure being continuing established throughout the City, including walkways, cycleways and public transport networks.

The variation to DCP parking standards requested in this SEE is justified under the circumstances. The proposal will have an acceptable impact on the local road network and will adequately accommodate the demands for patrons and staff for car parking and other modes of transport.

7.6 Air & Microclimate (dust, smoke, odour)

The proposal is not expected to generate any significant levels of dust, smoke or odour. Ongoing monitoring and regulation of potential air and microclimate impacts will be in accordance with current EPA legislation.

7.7 Bushfire

The subject land is not located within a bushfire hazard area.



Figure 28: Bushfire Map Extract (Source: WWCCGIS 2023)

7.8 Flooding

The subject land is not subject to riverine or overland stormwater flooding.

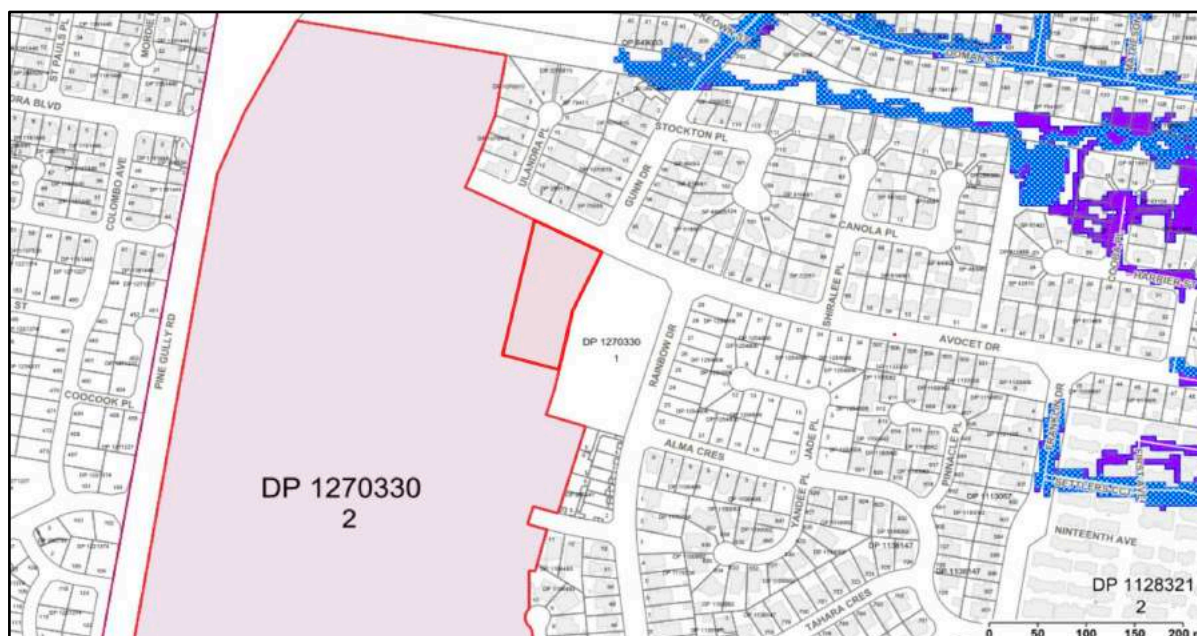


Figure 29: Overland Stormwater Flooding Map Extract (Source: WWCCGIS 2023)

7.9 Flora and Fauna

The subject land has no significant vegetation on site. There will be no detrimental impact on local flora and fauna. Access to Wildlife Atlas information indicates that there are no reported sightings of endangered species on the subject land or immediate vicinity.

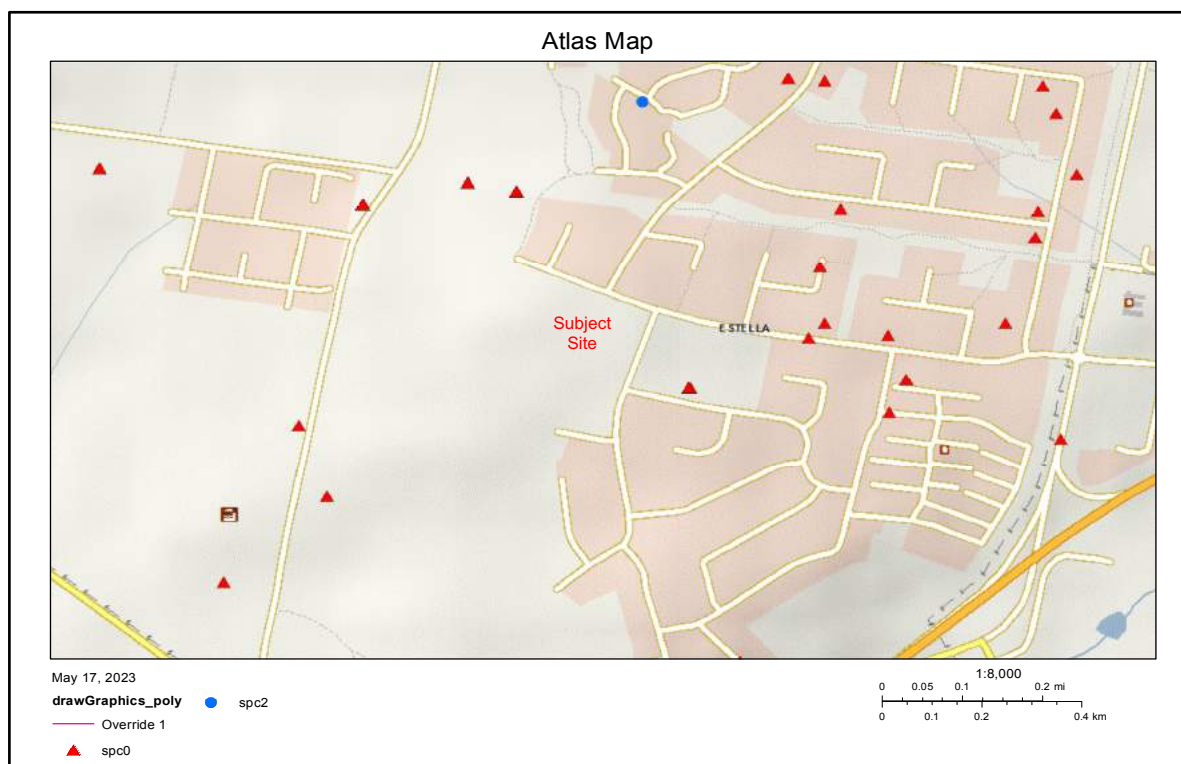


Figure 30: Wildlife Atlas Map (Source: OEH Wildlife Atlas 2023)

7.10 Natural Resources Sensitivity

The subject land is not mapped as sensitive to Land, Biodiversity, Riparian Lands & Waterways, or Groundwater considerations.

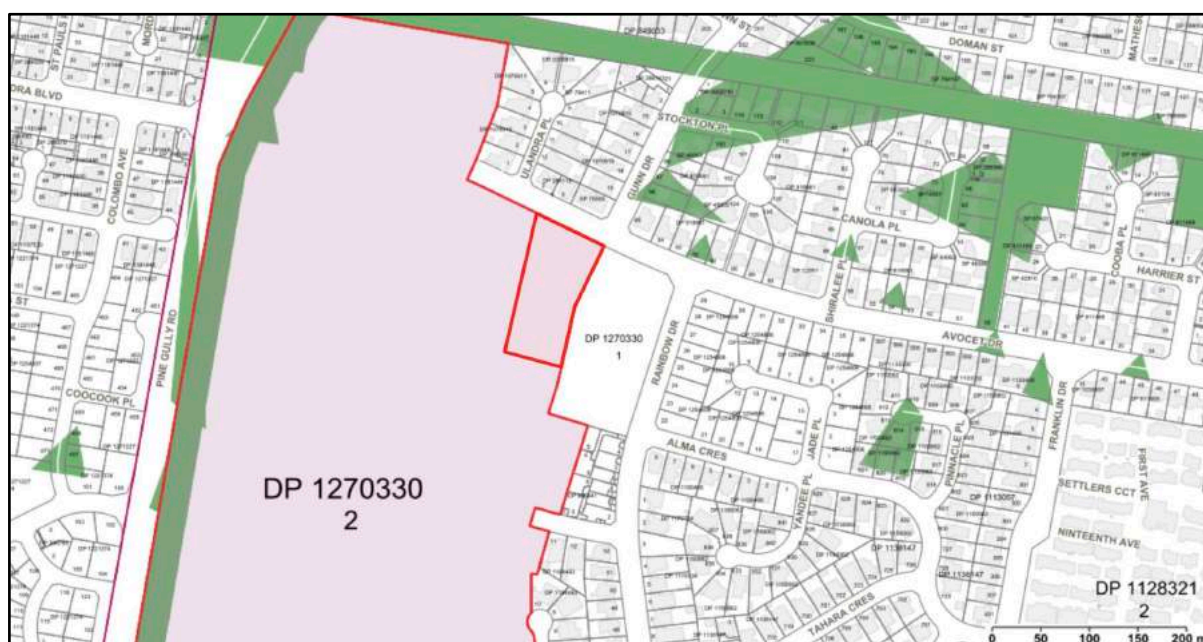


Figure 31: Land, Biodiversity Sensitivity Map (Source: WWCCGIS 2023)

7.11 Cultural and Heritage Conservation

There are no known items of heritage significance on the site. The site is not located within a heritage conservation area.

An AHIMS search extract is shown below, which confirms that within 200m of the site, there are no aboriginal sites recorded or declared places.

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

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

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

Are there any:

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

- No (see AHIMS search as discussed above).

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

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

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

- No, there are no landscape features in the locality that would indicate the presence of Aboriginal objects.

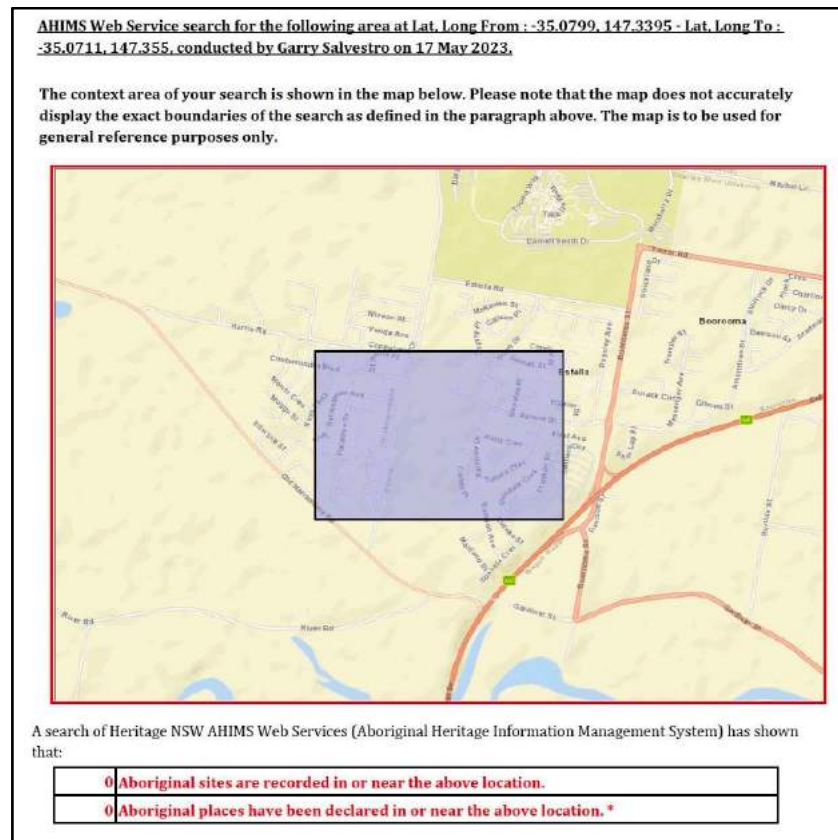


Figure 32: AHIMS Search Extract (Source: OEH 2023)

7.12 Social & Economic Impact

The proposed pub will have positive impacts in relation to both social well-being and economic growth for the local and wider community.

The establishment of a significant employment generating premises in this locality will ensure more social cohesion, stronger community and contributions to a better way of life for local residents. The premises is targeting a family friendly environment which helps to bind communities and grow cultural diversity. This will also be a significant contribution to meeting the needs of a growing northern neighbourhood community for many generations.

The positive economic impacts will be realised through both construction and ongoing operational phases of the proposed new pub. Construction jobs and flow-on economic benefits to the wider City community will occur over a 1-2 year period following DA/CC approval. Once operational the premises will generate at least 30 FTE positions, including 15 full time and 45 casual positions. In addition, the premises will rely on other trades and service/support contractors including:

- Beverage suppliers;
- Food suppliers (both local and interstate);
- Freight and delivery services (local and interstate);
- Local trades (plumbing, construction, electrical, painting and decorating, machinery repairs, equipment repairs, gardens and maintenance etc);
- Local retail (uniforms, merchandise, catering and kitchen equipment, consumables etc);
- Education and training services (chefs, WHS, staff training and compliance);
- Entertainment providers; and
- Consultancy and professional services (accountancy, banking, legal, planning and development).

A local pub has an enduring positive impact on a neighbourhood area and inevitable will become the focus of community identity and support.

7.13 Safety & Security – CPTED

The design and future operation of the proposed pub will incorporate principles of CPTED including natural surveillance, access control, territorial enforcement and space management. The architectural plan set and statement provide an outline of the approach taken to incorporate crime prevention strategies and opportunities for natural surveillance of the building, site entrances and surrounding public spaces.

Safety and security of the new premises will incorporate the following measures to counter potential crime offences and anti-social behaviour:

- Surveillance –
 - CCTV Camera Systems
 - Intruder Alarm System
 - Lighting – external & internal
 - Clear Sightlines – minimisation of obstructions (building and landscaping)
- Access Control –
 - Access in to and throughout the premises
 - Monitoring of high risk areas
 - Signage
 - Pedestrian flow
 - Vehicular movement and carpark management
 - Kids play area
 - Money handling procedures
- Territorial Enforcement –
 - Segregation – delineation between public and “back-of-house” areas
 - Cleaning and Maintenance
 - Other service areas

- Space Management –
 - Activity area layout & design including seating & table arrangements
 - Amenity areas
 - Landscaping
 - Drive-thru facility
 - Lighting, odour and noise management
- Complaints Management
- Management of Inappropriate Behaviour

The proponent is an operator of several pubs in the local area and also nationally. They place a high priority on crime prevention and security by adopting appropriate operating procedures and regular training of staff. This is also reinforced by close collaboration with liquor licencing authorities to ensure operational procedures and management plans are aligned with contemporary guidelines and monitoring regimes.

The above principles will be included in an active Operational Management Plan that will be provided to Council prior to final occupation of the premises.

A Crime Risk Assessment report has been prepared and accompanies this SEE.

7.14 Statement of Environmental Effects Summary

Table 8: Statement of Environmental Effects – Summary Comments

Development Proposal – Proposed Hotel-Tavern (Pub), Avocet Drive Estella			
Subject Area	The potential environmental impacts of the development	How the environmental impacts of the development have been identified	The steps taken to protect the environment or to lessen the expected harm to the environment
Context & Setting	Moderate	Visual observation, site and locality analysis.	Appreciation of local character, quality design. Building setbacks and wholly contained within E1 zoned land.
Visual	Moderate	Local setting, architectural design images, visual impact assessment.	Building design and integration with local landscape. Visual impact mitigation through design.
Design	Positive	Design assessment & context with site setting. Local policy and knowledge.	Site layout and building design, appreciation of local character.
Access & Traffic	Minimal	Development data, site plans, client information, TIA.	Development in accordance with applicable standards and policies, and recommendations from TIA.
Infrastructure	Minimal	Analysis of existing infrastructure and provisions.	Connection to existing services in accordance with the requirements of servicing authorities and applicable standards.
Heritage	Nil	Local and State policy, local studies.	N/A
Archaeology	Nil	Local and State policy, local studies.	Due diligence procedures. Proceed with caution and notify any authorities if any artifacts are found.
Land Resources	Nil	Local knowledge, site records.	Appropriate mitigation measures implemented as necessary.
Soils	Nil	Local records, investigation and available history.	Appropriate mitigation measures implemented as necessary.
Air & Microclimate	Negligible	Local knowledge and site conditions.	Appropriate mitigation measures implemented as necessary.
Flora & Fauna	Nil	Local knowledge, available data.	Not applicable, existing site.
Waste	Minimal	Development proposal information.	Waste disposed of in accordance with legislative guidelines.

Development Proposal – Proposed Hotel-Tavern (Pub), Avocet Drive Estella			
Subject Area	The potential environmental impacts of the development	How the environmental impacts of the development have been identified	The steps taken to protect the environment or to lessen the expected harm to the environment
Noise	Moderate	Local conditions, NIA.	Construction and operation to be in accordance with legislative guidelines and recommendations from NIA.
Natural Hazards	Nil	Local records.	Site conditions as existing.
Social Impact	Positive	Local policy and knowledge, operational details, land use characteristics, community profile.	Not applicable.
Economic Development	Positive	Local records, project & operational details and available economic development data.	Not applicable
Construction	Moderate	Site assessment. Construction management expectations. Local area character and amenity.	Appropriate construction management measures and standards implemented as necessary.

8 CONCLUSION

The development proposal for a Hotel-Tavern (Pub) on the subject land has been considered in respect of current policy, site context and local environmental conditions. The proposed new pub complex will service the newly developing northern growth area neighbourhoods, with a strong focus on a family friendly environment, contemporary food & dining experience, and recreation/entertainment activities.

The subject site is zoned appropriately and located adjacent to the newly constructed Estella Central Shopping Centre, with frontage to Avocet Drive. The pub will ultimately have an enduring positive impact on the local neighbourhood and become a focus of community identity and support.

During pre-DA consultation and subsequent environmental analysis of the proposal, key matters of consideration included the potential impact of the premises on local neighbourhood amenity, traffic, parking, noise, visual impact, crime prevention and general community safety.

The SEE has described the proposal in detail and assessed potential environmental impact including the assistance of expert reports dealing with traffic and noise matters. It is considered the proposal is justified and permissible, for the following reasons:

- It satisfies State Acts and Environmental Planning Policy provisions relevant to the proposal;
- Is permissible under the relevant provisions of the Environmental Planning & Assessment Act and Regulations;
- Meets the objectives of the zone, where applicable, under the Wagga Wagga Local Environmental Plan 2010;
- Satisfies and complies with the relevant provisions of the Wagga Wagga Development Control Plan 2010, and where a variation is required, has sufficient justification for the variations requested. This is particularly relevant in relation to car parking and bicycle parking; and
- Will not have an adverse impact on the environment, particularly the local residential neighbourhood, as discussed in the Statement of Environmental Effects above.

The proposal is submitted to Council for consideration.

SP22096: Document History

Revision No.	Date	Authorised By		
		Name/Position	Signature	Notes
Rev 1.0 – Draft	15/12/23	Garry Salvestro Director	<i>GS</i>	Preliminary draft for internal review
Rev 1.1 – Revised Draft	20/12/23	Patrice McMullen Research Planner	<i>PM</i>	Internal review
Rev 2.0 – Final	20/12/23	Garry Salvestro Director	<i>GS</i>	Issued for lodgement

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