



Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA14/0448.
Modification No.:	DA14/0448.02
Council File No.:	D/2014/0448
Date of Lodgement:	09/03/2020
Applicant:	Harness Racing New South Wales Po Box 1034 BANKSTOWN NSW 1885 Mr Peter Carney
Proposal:	Recreation Facility (Major) - Harness Racing Facility including Earthworks, Track, Clubhouse, Stables & Associated Infrastructure – s4.55(2) Modification to conditions 73 and 93 to increase hours of operation and allow an increased number of race events.
Description of Modification:	Increase hours of operation and allow an increased number of race events - Amend Conditions 1, 53 (g), 54, 73 and 93. New condition 53A.
Development Cost:	\$6850000
Assessment Officer:	Amanda Gray
Determination Body:	Southern Regional Planning Panel
Other Approvals	Nil
Type of Application:	s4.55(2) Modification Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	4-18 May 2020 and 1-16 June 2020.
Advertising:	4-18 May 2020
Owner's Consent Provided:	yes
Location:	On the north western corner of the junction between Cooramin Street and Hampden Avenue.

SITE DETAILS

Subject Land:	Wagga Wagga Harness Racing Association 92 Cooramin St CARTWRIGHTS HILL NSW 2650 Lot 10 DP 1247474
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Owner: Harness Racing New South Wales Racecourse Development Fund

BACKGROUND

The application was reported to the Southern Regional Planning Panel on 30 July 2020. The report below is a copy of the published report that was prepared and published for the meeting. The Panel recommended approval of the modification subject to amendments as detailed below:-

1. The Panel only approves of the extension of scheduled hours (Condition 73) to the following:
 - 10am-10.45pm on any Tier 1 and Tier 2 race day
 - 10am-10pm on any other race day
 - There will be a maximum of 2 Tier 1 and 2 Tier 2 race days per year.
2. The Panel does not support the extension of the use of the clubhouse facility from 10.30pm until 11pm (condition 73) except for Tier 1 and Tier 2 events. The current midnight time limit for Fridays and Saturdays remains unchanged.
3. The Panel requires that the Site Management Plan (condition 54) include the following additional requirements:
 - On-going monitoring of lighting impacts
 - Measures to manage patron behaviour in the car park areas after 10pm
4. The Panel does not support the change in noise measuring criteria from L_{90} to LA_{eq} (condition 85).
5. The Panel supports reducing maximum allowable sound levels for Tier 3 events by 3Db.
6. The Panel supports the proposed increase in race events from 35 to 52 per year (condition 93).

REPORT

DESCRIPTION OF DEVELOPMENT

The Development Application for a *Recreation Facility (Major) - Harness Racing Facility including Earthworks, Track, Clubhouse, Stables and Associated Infrastructure* was approved by the Southern Joint Regional Planning Panel on 11 November 2014.

A modification to the approved plans was presented to the Panel as a s4.55(2) Modification Application on 7 June 2018. The modification included a larger clubhouse building with increased grandstand area, a new marquee pad and re-orientated stables building and parade ring. The modification was approved via electronic determination on 12 July 2018. The delay in approval was to allow for the rewording of conditions of consent presented to the Panel meeting.

A further modification under the provisions of s4.55(2) of the Act is proposed and is the subject of this report. The overall proposal remains as originally approved being a harness racing facility with earthworks, track, clubhouse, stables and associated infrastructure. The proposed modifications presented to the panel for determination relate to two specific conditions.

Firstly condition 73 which currently reads as follows:-

The use of the race-track and associated loud speakers must only be conducted between the scheduled hours of 11am and 10.00pm on any day. The use of the clubhouse facility must only be conducted between the hours of 9 am and midnight on Fridays and Saturdays and 9am and 10.30pm on all other days.

The current scheduling of events at the race-track is for races to be completed by 10pm. On occasion the scheduling of events may be impacted by on course scenarios that cannot be planned for such as accidents hence the specific reference within the wording of the current condition to scheduled hours. The proposed modification seeks to allow the latest scheduled event to start at 10.30pm and it is therefore proposed to extend the hours of use to 11pm. Equally an earlier start time of 10am is also proposed for those occasions when an earlier start time may be required, this is normally as a result of extreme heat. It is proposed to amend the approved hours of the clubhouse to 11pm each day consistent with the later race events.

Secondly condition 93 which currently reads as follows:-

The facility is limited to the carrying out of 35 events in any calendar year of which no more than 15 events shall be night time events, with up to two (2) night time events being defined as major events limited to Carnival of Cups meeting and Saturday night May meeting.

The use of the site is defined as a major recreational facility and is currently limited to 35 race events each year. Since opening just over 12 months ago the venue has become a popular regional track for race events and there is a demand for an increased number of events to be held here given the high-quality facilities that are available. The proposed modification is to allow an increase to 52 events a year and this increase is to be staggered over three years with 40 events during 2020, 45 events during 2021 and 52 events onwards from 2022. Of the 52 events, no more than 26 shall be night time events.

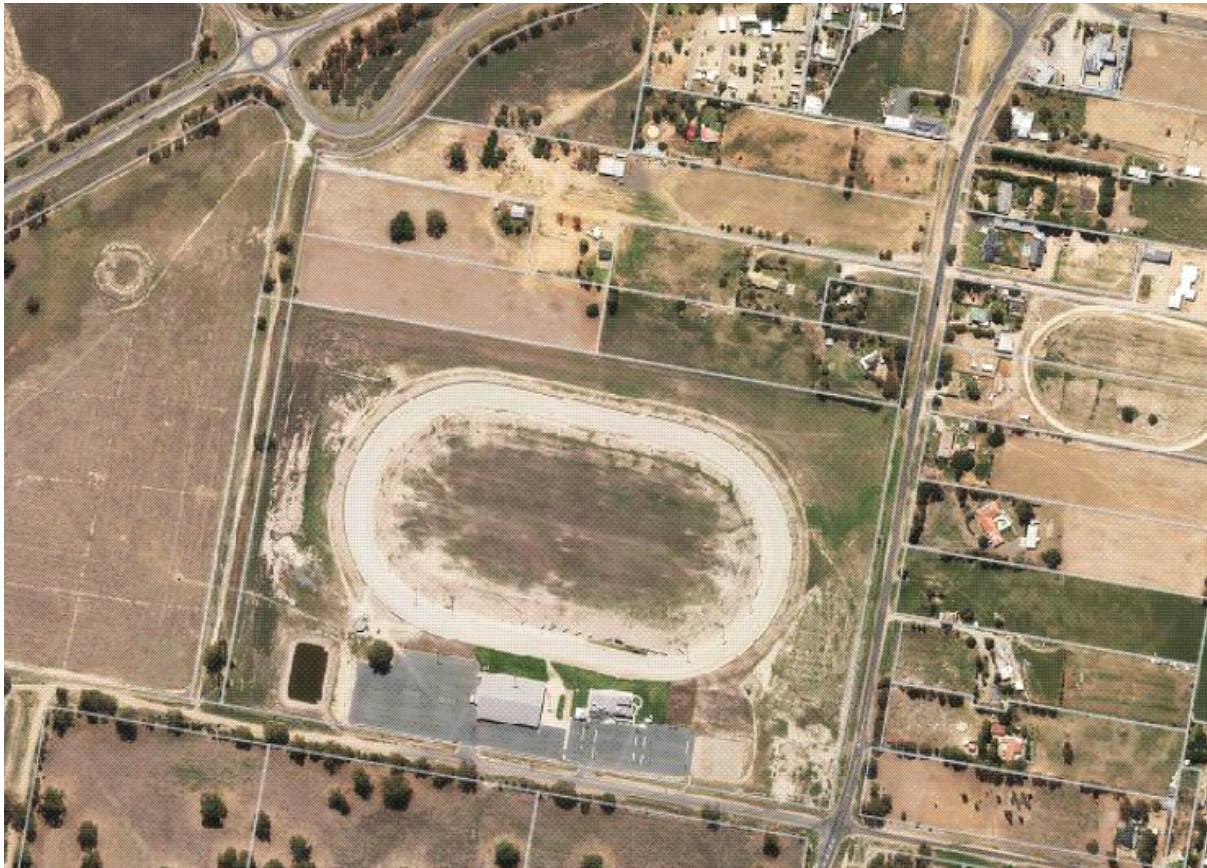
The events are defined as tier 1, tier 2 and 3 events. The tier 1 events are the major events attracting up to 1000 spectators, there are two such events scheduled each year and these events formed part of the original consent for the facility. Condition 85 acknowledges these specific events and critically authorises these events to exceed the background noise level by 5dB(A) or more. The tier 2 events attract up to 500 spectators and there will be two such events per annum (both night time events). The remaining events are classed as tier 3 events attracting up to 200 spectators.

There are no changes proposed to the layout of the site which has been in operation since March 2019.

SITE AND LOCALITY

The subject land is legally identified as Lot 10 DP1247474 and is known as 92 Cooramin Street. The land is located on the western side of Hampden Avenue to the north of Cooramin Street and extends to an area of 2.4ha. The subject site has frontage to both Hampden Avenue of 402m and to Cooramin Street of 606m.

The site is occupied by a harness racing facility known as 'Riverina Paceway.' The premises include one clubhouse building to the southern side of the site with grandstand that faces north and overlooks the track. The racing track is 1071m in length and is within the centre of the site at an elevated position. Adjacent to the clubhouse building to the west is a stables complex occupying stables and associated changing rooms, vet rooms and amenities. The site also includes a parade ring and a marquee pad and associated car-parking areas. Access to the site is from Coormain Street only with two separate access points, one for general use and one for large vehicles such as horse floats and trucks.



There are residential properties to the north and east of the subject site; the dwellings are at an elevated position to the subject site. The surrounding residential development is of a rural residential nature and has an R5 zoning in the WWLEP meaning Large Lot Residential. There is vacant rural land to the south and west.

All of the land is identified as flood prone, the recreation facility has been constructed in accordance with the approved flood mitigation measures such as raised floor levels.

MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.55

For the purpose of determining this application to modify consent, the following matters pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979, have been taken into consideration.

Section 4.55 Other Modifications

(2) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

The originally approved application was for a major recreation facility including earthworks, track, clubhouse, stables and associated infrastructure. The modifications proposed do not alter the proposed land use for the site, the development is still a recreation facility (major.)

There is significant Court case history regarding what constitutes “substantially the same development”, with the most often quoted case being *Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280*. In this case, Bignold J described the process for consideration of a proposed modification of development within paragraphs 55 and 56 as follows:

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the approved development.” (55)

“The comparative task does not merely involve a comparison of the physical features or components of the development as approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).” (56)

In the case of the harness racing facility it is proposed to increase the number of race meetings and to extend the hours of operation, there will be no increase to the floorspace or capacity of the clubhouse building or car parking numbers and therefore the quantitative nature of the development is considered to be substantially the same development as originally approved. The modification to increase the number of events and to extend the hours of operation is proposed to offer an improved facility in response to demand since the facility opened. The original determination limited the hours of operation and the number of events due to the location within proximity to residential dwellings. This context remains the same as when the original application was determined and can be considered substantially the same.

Notwithstanding that the modification may result in different impacts which will be assessed within this report, there is no material change to the development. The resulting character of the site and the presentation of the facility when viewed externally will both be substantially the same development as originally granted. It is acceptable and appropriate for the modifications to be dealt with as a s4.55(2) Modification Application.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

As the modification does not alter the approved plans in anyway there was no need to refer the application to any other approval body. General Terms of Approval were originally issued for flood work approval in accordance with the Water Management Act 2000.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

The application has been advertised and notified in accordance with the requirements of the WWDCP2010 to adjoining and nearby landowners as well as those persons who made submission to the original development application.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Twenty-three public submissions have been received in relation to the application, six submissions are in objection to the modification and seventeen submissions are in support. The submissions are addressed in detail later in this report.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The following matters pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979, have been taken into consideration.

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

Wagga Wagga Local Environmental Plan 2010

2.3 Zone objectives and Land Use Table

Under the provisions of the Wagga Wagga Local Environmental Plan, the majority of the subject site is zoned as RU1, Primary Production, with a small portion of the north-eastern corner zoned as R5 Large Lot Residential.

The modification does not significantly alter the original assessment against the objectives of the RU1 zone. One of the zone objectives is as follows:-

To minimise conflict between land uses within this zone and land uses within adjoining zones.

The harness racing facility was originally assessed as a development that has the potential to conflict with other land uses, namely residential, in terms of noise, dust and traffic but on balance was considered a suitable location as appropriate mitigation measures were in place. Some of the adopted mitigation measures were limiting the number of race events and the

times at which those events could be held. The modification application proposes amending the adopted mitigation measures and the level of conflict which the changes may result in must be considered.

Since the facility opened in March 2019 there is minimal evidence of conflict with surrounding properties and neighbours. The only noise complaint in Council's records is related to the grand opening that attracted a unique number of visitors to the site and included loud music and entertainment. This was a one of a kind event and subsequently no further complaints have been received by the local authority. Direct complaints to the site manager are also very limited.

Submissions received in relation to the proposed modifications from residents directly impacted by the facility include both letters of support and objection.

The harness racing facility is very popular and the demand from within the sport for more races to be hosted at this venue has led to the modification application being prepared. In addition, there are many positive impacts associated with the proposed development including the positive aspects associated with job creation, tourism and expenditure in the region.

The additional impacts that result from the modification do not alter the overall assessment of the development being appropriate within the zone.

Permitted and Prohibited uses in the RU1, Primary Production Zone

The proposed modified development remains consistent with the "recreation facility (major)" definition as detailed below.

a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

Condition 76 of the existing consent clarifies the approved use of the land and clarifies that any alternate independent use of the premises is not approved.

The proposed modification to increase race events at the track does not alter the requirements of condition 76; the additional events are for race events hosted by harness racing NSW only in accordance with the approved, permissible land use.

2.8 Temporary use of land

This section of the WWLEP allows for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 20 days (whether or not consecutive days) in any period of 12 months.

As noted above the independent use of the site for uses not associated with the harness racing facility will not form part of any modified approval issued for this development. An increased number of race events, as proposed by this modification, would also limit the opportunity for alternative uses to be considered at the premises.

However, this clause allows the operators of the site the option of making a Development Application for each temporary event not associated with the harness racing activities on site.

The limitation is 20 days per year.

Parts 3, 4, 5, 6, 7 - Exempt & Complying Development; Principal development standards; Miscellaneous Provisions; Urban Release Areas; Additional Local Provisions

There are no standards within parts 3, 4, 5, 6 and 7 that apply to the modification application.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is identified as “*Traffic Generating Development*” under Schedule 3 of the SEPP as there is potential for the proposed development to generate a demand for 200 or more vehicles. Clause 104 of the SEPP states that:

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

The details of the modification application were referred to Transport for NSW (former Road and Maritime Services) who have raised no objection subject to originally recommended conditions remaining.

The modified development proposal is consistent with this SEPP in that the comments of Roads and Maritime Services have been reviewed and incorporated into conditions of consent where necessary.

State Environmental Planning Policy (State and Regional Development) 2011

Under Section 4.5(b) of the Act a regional planning panel is identified as the consent authority for development of a kind that is declared by an environmental planning instrument as regionally significant development.

Development specified in Schedule 7 of the SEPP is declared to be regionally significant development for the purposes of the Act and includes (of relevance to this application):-

3 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

- (a) *a council for the area in which the development is to be carried out is the applicant for*

- development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
 - (c) the development is to be carried out by the council, or*
 - (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

At the time of the original application Wagga City Council were the landowners and were also party to an agreement to sell the land to the Harness Racing NSW subject to development approval being obtained.

The land has subsequently been sold however as a s4.55(2) modification to a regionally significant development the Regional Planning Panel remains the consent authority for the development.

The modification does not alter the original assessment made under State Environmental Planning Policy No 55-Remediation of Land (SEPP 55) or State Environmental Planning Policy 64 (Advertising and Signage) 2007.

Section 4.15(1)(a)(ii) - The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

Section 4.15(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010 (DCP)

The proposed development as modified complies with the development standards of the Wagga Wagga Development Control Plan 2010 as follows:

Section 1 - General

1.10 Notification of Development Application

Pursuant to this provision, notification and advertising of the application are required. Notification was conducted to properties surrounding the development between 4 and 18 May 2020 and an advertisement was placed on the site. The notification period was extended between 1 and 16 June 2020 to ensure that all parties that made representation to the original application were included.

A total of 23 submissions were received, including six letters of objection and 17 letters of support. The details of the submissions are discussed in detail later in this report under s4.15(1)(d).

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

There are no changes to the site access which is all via Cooramin Street which is a non-arterial road. The proposed site layout enables all vehicles to enter and leave in a forward direction and there is sufficient room on site to allow for loading and unloading as required.

2.2 Off-street parking

There are two parking areas on site as well as an un-made informal overflow parking area. The car parking space for cars and trailers/trucks have been laid out on site in accordance with the approved plans, as modified under DA14/0448.01. The modifications do not alter the demand for parking and no changes to the car-parking are proposed or required.

2.3 Landscaping

The proposed modification does not alter the original assessment undertaken in relation to this section of the DCP. Landscaping has been carried out on site in accordance with the approved plans. The ongoing maintenance and if necessary, replacement planting across the site will be carried out by the site owners. The satisfactory long-term development of the landscaping across the whole of the site is in the interest of the developer to ensure an amenable outlook and visually pleasing development for all users and surrounding landowners.

2.4 Signage

The proposed modification does not alter the original assessment undertaken in relation to this section of the DCP. Approved signs are in place on site and on the building.

2.5 Safety and Security

The proposed modification does not alter the original assessment undertaken in relation to this section of the DCP. An extension of racing hours and an extension of the hours of use at the clubhouse will require security to be maintained on site until races have ended and everyone has left the venue. There is an existing event noise management plan that will need to be updated to include the proposed modification details. Condition 53 already requires this report to be updated on an annual basis and this requirement remains unchanged.

2.6 Erosion and Sediment Control Principles

The proposed changes to the conditions of consent do not alter the original assessment undertaken in relation to this section of the DCP. There are no building works associated with the modification.

2.7 Development adjoining open space

The proposed modification does not alter the original assessment undertaken in relation to this section of the DCP.

Section 3 - Heritage Conservation

The proposed modification does not alter the original assessment undertaken in relation to this section of the DCP.

Section 4 - Environmental Hazard and Management

4.1 Flooding

The site is within a flood plain. The original application was subject to flood assessment and modelling and has been constructed in accordance with the findings of the various reports. The clubhouse is built at an elevated level and the track is also at a raised level and includes a depression area within the centre of the track.

The proposed modification has no impact upon flood activity at the subject site.

4.2 Bushfire

The land is not mapped as bushfire prone therefore this section does not apply.

Section 5 - Natural Resources and Landscape Management

The objectives and controls within this section of the DCP relate to the management of trees in urban areas and rural residential areas. As noted above landscaping has been completed in accordance with the original approval and will continue to be maintained by the site operators to ensure the establishment of vegetation across the site.

There are no applicable controls within Section 6 Villages or Section 7 Subdivision that are applicable to this modification.

Section 8 Rural Development.

8.1 Development in rural areas

The proposed modification does not alter the original assessment undertaken in relation to the controls in this chapter. Updated comments are noted below.

C1 Uses are to be compatible with the character of the locality in terms of buildings, structures and the nature of operations.

The proposal is unique in its scale and form and different to other types of development in the area. The facility has been operational for just over one year and therefore does appear as a modern building with associated new structures within the rural landscape. The development has been built in accordance with the approved plans and as landscaping matures and the buildings are viewed as established local landmarks the use becomes more compatible with the character of the locality.

C2 Provide adequate buffer areas and setbacks to minimise potential conflicts with adjoining lawful land uses. Where there is potential for a conflict between land uses, priority will be given to the existing productive use.

The race-track is set within the centre of the site, the grandstand is orientated to face north and has views directly across the track. The landscaping on site, as it matures, will soften the development to the surrounding properties.

C3 Use landscaping and other screening options to help integrate new uses and developments into the rural landscape.

As noted above, the landscaping on site, as it matures, will soften the development to the surrounding properties.

C4 Uses must be capable of operating within capacities of available existing services.

The facility is fully developed and connected to all services.

C5 Provide adequate facilities for additional traffic in terms of vehicle access and movements, parking areas, and loading and unloading of goods.

The original application approved new access arrangements and car-parking. The sealing of Cooramin Street up to the point where the site is accessed, the two access driveways, the car parking areas and the improvements to the Cooramin Street and Hampden Avenue junction have all been completed in accordance with the original determination. The modifications will not result in any increased demand for car-parking or any increased demands upon the local road network.

C6 In the case of larger projects Council may require the applicant to demonstrate that the roads in the locality are of satisfactory construction and condition to accommodate the size, weight and volume of vehicles that could be generated by the use, and that the local traffic conditions are suitable.

The original development application was the subject of a full traffic impact assessment. The findings of that report dictated the required road and junction improvements that have all been completed.

C7 Provide satisfactory arrangements for storage and disposal of waste.

The site has an approved waste management plan.

There are no controls applicable to the proposed modification of conditions within Chapters 9, 10, 11, 12, 13, 14, 15 and 16 of the WWDGP 2010.

Section 4.15(1)(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

There are no planning agreements in place for this proposal.

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

Matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied.

Section 4.15(1) (b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Context and setting

The site is an existing major recreational facility and has been operating since March 2019. The context and setting of the subject site remains the same as when the application was originally assessed. The site is set within a rural area and there are existing residential properties to the east and north of the site. The closest residential property is approximately 330m to the east of the clubhouse building. To the west of the site is the Olympic Highway beyond which is a recently constructed residential subdivision and to the south is flat, open rural land.

Access, transport and traffic

Existing access arrangements to and from the site are not affected by the proposed modification with all vehicles entering and exiting via Cooramin Street. Equally parking provision across the site will remain as existing with truck and trailer parking concentrated to the western side of the premises.

The extended hours of operation and the increased number of race events will increase the frequency of users coming and going to the site. The attendance number at race events is variable but there are no adverse impacts anticipated to the local road network. The conclusions from the original assessment report were that the development will increase traffic noise levels by less than 1dBA which is an acceptable negligible impact.

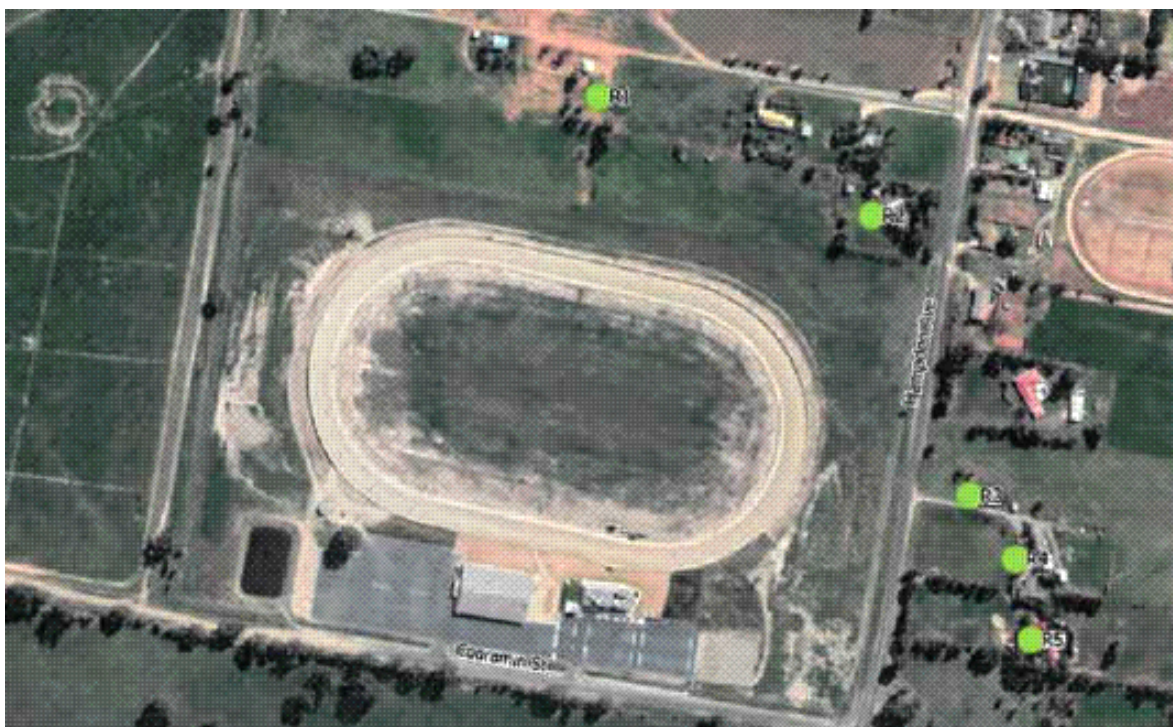
The departure of vehicles from the site at a later time is not anticipated to result in a significant increase in noise disturbance. Comments within the noise assessment conclude that sleep disturbance is unlikely as predicted short term noise sources are not greater than 15dB(A) above background noise levels. This criteria is based on research contained within the NSW Road Noise Policy.

Noise and vibration

A noise impact assessment has been prepared to assess the potential impacts of the increased hours and the increased number of events. The report has been prepared by the same consultant who has previously prepared acoustic assessments for the same facility.

The closest sensitive receivers referenced in the noise assessment are identified on the plan below and from north to south are located at:-

R1	404 Hampden Avenue
R2	390 Hampden Avenue
R3	371 Hampden Avenue
R4	369 Hampden Avenue
R5	355 Hampden Avenue



It is a common approach to limit noise emissions to no more than 5dB(A) above the established background noise levels (RBLs). It is important to note that this approach is taken from the *Noise Policy for Industry* that is more focused on industrial operations that run for extended periods or all day and night and generate steady and continuous noise. Obviously in the subject case of harness racing meetings the noise (from the PA system as the races are called) is not continuous with each race lasting for a period of approximately 4-5 minutes. During the time between each race there will be no adverse noise disturbance. Whilst there is the potential of noise from spectators in the grandstand or vehicle movements the only intrusive noise levels identified are from the PA system.

The noise levels in the assessment report were broken down into day and night meetings and did not include the +5dB(A) allowance. As the night meetings are proposed to extend beyond 10pm they were all shown as exceeding the applicable noise criteria. An additional table of results was requested that identified the predicted exceedance of noise criteria both up to 10 pm and after 10pm and which included the +5dB(A) allowance. The table of predicted receiver noise levels during race meetings is re-produced below.

The RBLs are established and set from on-site noise monitoring and are noted as daytime 36, evening 34 and night 32.

Receiver	Tier	Predicted Level ($L_{Aeq,15min}$)	Exceedance of RBL + 5		
			Day 7am-6pm RBL = 36	Evening 6.00pm- 10.00pm RBL = 34	Night 10.00pm- 10.30pm RBL = 32
R1	3	36	0	0	0
	2	37	0	0	0

	1	40	0	1	3
R2	3	37	0	0	0
	2	38	0	0	1
	1	41	0	2	4
R3	3	38	0	0	1
	2	40	0	1	3
	1	42	1	3	5
R4	3	38	0	0	1
	2	39	0	0	2
	1	41	0	2	4
R5	3	37	0	0	0
	2	38	0	0	1
	1	41	0	2	4

At receivers R3 and R4 all race events after 10pm are predicted to exceed the noise criteria of RBL plus 5dB. The majority of the events (being tier 3 events) will exceed by 1dB(A), the tier 2 events will exceed by 2-3dB(A) and the major events that occur twice a year by 4-5dB(A).

The original and current determination includes condition 85 that states no more than two events shall exceed the 5dB(A) limitation. Accordingly, if the currently approved major events are ignored the resulting impacts from the additional race events are much less. As approved, the major tier 1 events that occur twice a year will exceed noise limitations at all of the identified receptors during the evening by 1-3dB(A) and after 10pm by 3-5dB(A). Although the tier 1 events are permitted to exceed established noise criteria the additional impact of noise after 10pm must still be considered.

The additional noise exceedances at receivers R2 and R5 that will occur after 10pm are between 1-4dB(A). Again if the tier 1 events are not included the exceedance during the tier 2 events will only be 1dB(A). The noise disturbance levels are from the calling of races that last for approximately 4 minutes. The applicant has indicated that the last scheduled race will start at 10.30pm. This may be the only race that occurs after 10pm as there is generally at least 30 minutes between each scheduled event. Accordingly the actual period of noise disturbance likely to occur after 10pm and subsequently in exceedance of the established noise criteria is no more than 5 minutes. As noted earlier in the report scheduling can be impacted if on-track events such as an accident occurs and therefore as a worst case scenario (if events get pushed back) there could be two events called after 10pm resulting in ten minutes of noise that exceeds the noise criteria.

Notwithstanding the above the conclusion of the noise impact assessment is that the PA system can be reduced in volume for all tier 3 events due to the lower number of spectators anticipated at these regular events. As there are more tier 3 events than any other the reduction of the PA system to ensure that no exceedance occurs for these events further reduces the number of incidences where noise criteria cannot be achieved. The reduction in volume of the PA system for tier 3 events will be secured by condition by amending the detail of condition 73.

There will be a total of four tier 1 and tier 2 events and it is these events where the non-compliance with the established noise criteria is anticipated as a result of the modified race times. With a maximum of four events per year and a maximum of two race events occurring after 10pm at each of these events there is the potential for eight individual races being called

per year that will exceed the RBL +5dB.

The applicants have requested the additional use of the race track up until 11pm to allow the final race to have a scheduled start time of 10.30pm. As the races last a maximum of five minutes, if it starts on time it will be completed by 10.35pm. It is therefore proposed to extend the operational hours to 10.45pm including the floodlighting of the track, this will allow time for race goers to start to leave the facility and the clubhouse to be closed at 11pm as requested. Condition 73 will be updated to reflect these details.

The current wording of condition 85 is noted below:-

No more than two events are permitted to exceed the background noise level by 5dB(A) or more per annum.

Background shall be defined as $L_{90/4minutes}$, while noise levels shall be measured as $L_{10/4minutes}$.

One of the conclusions of the noise impact assessment is that the assessment of the L10 levels over a 4 minute period referenced in this condition is amended such that noise is assessed over the standard 15 minute period and uses the LAeq descriptor required by the *Noise Policy for Industry*. The condition has been updated in accordance with this recommendation to be consistent with established noise measuring parameters.

Whilst an additional impact is acknowledged, the noise disturbance associated with the additional race meetings and later finishing time is considered to be minimal as it only occurs at limited receivers for a limited number of annual events. Given the minimal impacts identified it is not considered necessary to stagger the increase in events over the next three years as the tier 1 and tier 2 events that will have an increased impact will occur from the first year that event numbers increase. A staggered increase in the number of tier 3 events that will operate within approved noise limitations is not required. Accordingly, it is recommended that condition 93 be amended to allow 52 events, including 26 night events from 2020 onwards.

The potential for noise from the grandstand from spectators watching races at a later time than is currently permitted has also been assessed within the noise impact report. The findings concluded that any noise from persons within this area would comply with the applicable noise criteria.

It will be necessary to update the current event noise management plan to reflect the modified details and this is to be secured by a new recommended condition, being condition 53A. Condition 53(g) will also require updating to reflect the current modification.

Light

There are existing lighting columns around the track that are directed onto the racing surface. The modification to allow increased race hours will result in the track lighting also being on until a later time.

The existing condition that limits the time of race events is to be amended and this will be further modified to ensure that the track floodlights are switched off as soon as possible after the last scheduled event is completed.

In accordance with the original determination (condition 74) all exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto

any adjoining property. The illumination of the track is limited to race events only and the approved level of illumination allows for TV broadcasts as well as maximum safety for horses and riders. Light spill diagrams identify that the maximum reading at the closest residential properties is 5.9lux. The maximum spill allowed under AS4282 is 10 lux. There are no changes to the illumination levels as a result of the modification.

Flora and fauna

The modification has no impact upon existing flora and fauna on site. New landscaping planted in accordance with the development plans is still establishing on site and will continue to mature over the next few years.

Natural Hazards

The subject site is flood prone. The original development application included a number of flood reports and was assessed against applicable flood controls. The facility has been constructed in accordance with the engineered specifications and the modification does not alter the buildings or site layout in any way. The site has the benefit of significant warning time in the event of flooding allowing for both evacuation of the premises and cancellation of events as required.

Man Made Hazards

The site is not identified to be impacted by man-made hazards.

Heritage

The modified development proposal will have no additional impact with regards to heritage assessment.

Stormwater and drainage management

The modified development proposal will have no additional impact with regard to stormwater and drainage management

Services

The modified development proposal will have no additional impact with regard to the provision of services to the site that are all now established.

Waste

The modification of conditions will have no impact upon the control of waste at the site.

Socio - Economic Impact

Major recreation facilities such as the Riverina Paceway expand the options available for residents of the city and surrounding communities to engage in cultural and social activities at a local level. The new facility offers an improved, modern purpose built centre and has proved to be very successful with enhanced social experiences for users associated with this activity.

The proposed modification to allow additional events and later race times will further enhance the social interaction between race-goers and those associated with the events as well as spectators both old and new attracted to the regional facility.

The facility is within proximity to private residential dwellings and the impact upon the amenity of these properties has been considered at length during previous assessments. The land use and the facility have previously been assessed as suitable, the increased impact on local residents associated with the proposed modifications has also been assessed as suitable and updates to conditions have been included.

Additional events will continue to attract local, regional and interstate visitors. Expenditure from these visitors will contribute to tourism growth as well as linked spending at hotels, restaurants, shops and bars. There are also a number of economic benefits within the industry associated with the increased number of events. These include persons employed at the race-track such as marshalls, race-callers and staff within the clubhouse and also linked employment associated with the provision of specialised equipment, trainers and vets.

Cumulative Impacts

An increase in race events and an extension of operational hours will have a cumulative impact. As assessed throughout the report the impacts are considered to be minimal and acceptable when compared to the approved development.

Conditions of consent will continue to include limitations and mitigation measures to ensure that the impacts to neighbouring properties are minimised.

The Principles of Ecologically Sustainable Development

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

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

3 Conservation of biological diversity and ecological integrity

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

The original application was determined as consistent with the precautionary principle to the extent that all potential threats to the environment were identified and assessed and no risks of serious environmental damage identified or considered likely as a result of the development. The proposed modifications do not alter this assessment.

Accordingly the principles of ESD are considered to have been followed.

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

The subject site was originally deemed suitable for a recreation facility (major) subject to a number of conditions. The proposed modifications seek to alter two of the conditions associated with the number of race events and the operational hours.

The proposed modifications do not alter the suitability of the site for the activity of harness racing. The use is defined as a major recreation facility and offers a regional centre for the sport. The increase to 52 events per year equates to one event a week which is not unreasonable for a facility of this type.

The operational hours are also not considered unreasonable for such a facility and the assessment of noise impacts has concluded that there is limited non-compliance with established noise criteria. When balanced against the enhanced social and economic opportunities associated with the increased use of the site the proposal is suitable in this location.

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

Referrals

Internal

No objections raised.

Visitor Economy and Events Team

The following comments were received and noted:-

Based on the well prepared document the Visitor Economy and Events team support the proposal based on the below comments:

- The positive impact the increased events would have to the tourism and events industry in Wagga Wagga and the Riverina Region, including accommodation, food, fuel and economy in general.*
- The state and national wide recognition for the city by hosting such events through many media outlets.*
- We see no issues with traffic and noise as they are well covered in the report.*

The Visitor Economy and Events teams highly encourages the Wagga Wagga Harness Racing Club to

- List all events (especially the major events) on the Australian Tourism Base Warehouse (ATDW) for free promotions on visitwagga.com and visitnsw.com*
- Continue to work closely with the accommodation and food businesses in Cartwrights Hill and North Wagga*

Transport for NSW (former Roads and Maritime Services)

The modified proposal does not seek to alter the access arrangements to the site. As the site has frontage and access to roads that are classed as local roads the proposed changes and potential increase in attendance at the site will not have a detrimental effect on the classified road network. TfNSW has assessed the Development Application based on the documentation provided and would raise no objection to the modified development subject to consideration of the items raised in its previous correspondence relating to this development. The previous conditions proposed are to remain as part of the development consent for this development.

Notification and Advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the *Wagga Wagga Development Control Plan 2010* notification was conducted to properties surrounding the development between 4 and 18 May 2020 and an advertisement was placed on the site.

The notification period was extended between 1 and 16 June 2020 to ensure that all parties that made representation to the original application were included.

Public Submissions

Twenty-three submissions were received in response to the notification of which six were in objection and seventeen were in support.

The grounds of objection can be summarised as follows:-

1. *The hours of operation were set by SRJPP and must not be altered, Council cannot override the decision of a State authority.*

Comment: Council will not make the determination, as the DA was originally determined by the Panel the proposed modification is reported back to the Panel for a final decision.

2. *Time restrictions are regularly breached with no consequence, many complaints have been made.*

Comment: It is unclear when the numerous complaints have been made and to whom, Council records do not identify significant complaints record and nor do the Harness Racing facility.

3. *Additional hours in the day may be acceptable but the difference between 10pm and 11pm makes the proposal completely unacceptable to neighbours regularly impacted by site activities*

Comment: The extension of scheduled race events beyond 10 pm is likely to result in one additional race (maximum of two) equating to no more than ten minutes of noise from the PA system. With the last scheduled start time being 10.30pm races will not continue until 11pm and conditions will be updated to ensure that as well as no further use of the speakers that the lighting be turned off as soon as the last event has been completed.

4. *The facility adjoins a residentially zoned area and the proposed hours are not deemed acceptable*

Comment: The findings of the noise assessment have been discussed earlier in the report. Subject to the PA system being reduced for the majority of events, being the tier 3 events there are limited occasions in a few locations where established noise criteria will be exceeded. The impacts from the very short periods of time are considered acceptable with limited impacts across the yearly calendar of events.

5. *The timing of the DA during Covid-19 restrictions discriminates against those who do not have computer access and does not allow the community to meet and discuss.*

Comment: The DA was received in March prior to any covid restrictions being in place, by the time that the application was ready to be notified many facilities were in shut down but all of the information associated with the DA was readily available on-line in accordance with the regulations. It is not appropriate to delay the determination of development applications due to covid-19, legislation has been updated to ensure that public meetings continue to be held electronically.

6. *The changes proposed mean that this is not substantially the same development and should not be assessed as such.*

Comment: As noted earlier in the report the development has been determined as substantially the same as that originally approved. There is significant caselaw that backs up the determination of the modification under the provisions of s 4.55 (2) of the Environmental Planning and Assessment Act 1979.

7. *The site is not well managed, horses are on track from 5.30am, night curfews are regularly breached, there is light pollution, rubbish is blown onto neighbouring properties, drivers can be heard shouting.*

Comment: There is an approved site management plan that includes among other things the control of rubbish and a complaints procedure. As previously noted there is not a record of numerous complaints at the site.

8. *Access has been denied to Wright Street which is government owned land.*

Comment: Wright Street has been formally closed and the land adjoining the harness racing facility directly to the west that was formerly Wright Street is in the ownership of Harness Racing NSW.

9. *Extended hours have the potential to impact sleep patterns as noise from the starter, the speakers, the horses and the crowd impact nearby residences.*

Comment: The impact of the proposed later race events have been discussed in detail in the report and concluded to result in minimal impact when assessed against the existing approval and monitored background noise levels.

10. *Lights already cause pollution this will be worse if kept on longer.*

Comment: The floodlights are directed onto the track and provide illumination lux levels that allow for televised events to occur. The spill from the track lighting is in accordance with condition 74 that requires lighting to be designed and installed so that no obtrusive light will be cast onto any adjoining property. Amendments to condition 85 confirm the need for track lights to be turned off as soon as the last scheduled event has been completed.

11. *Unable to entertain family and friends in our own home when meetings are on as so noisy and the increased number of events will make this even more difficult*

Comment: As noted throughout the report the facility is established and has been previously determined as a suitable land use in this location. The noise disturbance levels are generally within the acceptable parameters.

12. *Dust pollution.*

Comment: There is an existing condition requiring the control of dust during race events (condition 78) and this is re-iterated in the site management plan.

13. *Landscaping has not been provided in accordance with the original consent diminishing the community's trust in the facility*

Comment: The required landscaping was completed in accordance with the approved plans. Any plants and trees that have not survived the recent drought conditions will be replaced and ongoing maintenance of vegetation will be the responsibility of the applicants. The applicants have indicated their desire to ensure that the landscaping matures successfully across the site for the benefit of users of the facility and the surrounding locality.

14. Increased traffic congestion

Comment: The additional events proposed are not anticipated to result in any form of traffic congestion. The local road network has sufficient capacity to cope with vehicles travelling to and from the facility and parking is provided on site for cars, trucks and trailers.

The grounds of support can be summarised as follows:-

1. As residents living in close proximity we have attended many meetings at the new paceway and can see what a great success it is for the local district. When not attending we are not negatively affected by race meetings and therefore fully support the modifications.
2. The facility operates well below its capacity in terms of race meetings which negatively impacts the local economy, more meetings are needed at this venue.
3. More meetings are required to fulfil the racing needs of the horses, if they are not provided we will lose the business to other regions that will accommodate them
4. There is no noise or light impact to our neighbouring property and we therefore support the changes
5. The facility is fantastic and just what Wagga needed more meetings will attract more and more supporters and boost the economy
6. Increased race events will support many local businesses associated with the harness racing industry Maintaining employment within the region can only enhance an economy that has suffered under Covid-19.
7. The Wagga Wagga community is extremely fortunate to have a racing facility of the highest standards to not only racing participants but also the general public and to not allow this facility to be used to the optimum would be an injustice.

The submissions of support are noted.

(e) - The public interest

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

As previously assessed the harness racing facility will have a direct impact on neighbouring residential properties and impact on existing levels of residential amenity both visually and through the potential for noise pollution. The assessment has addressed the proposed modification of operational hours and number of events and concluded that there will be minimal impact when compared to the approved development and the permitted noise parameters.

The proposed increase in race events at the facility will enhance the previously identified positive socio-economic impacts. Such impacts include job creation, linked spending opportunities throughout the city and LGA, road improvements and greater social opportunities. Furthermore, the facility has links with the nearby equine services department of the university creating further positive public interest outcomes.

Taking into account the full range of matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is in the public interest.

Other Legislative Requirements

Biodiversity Conservation Act 2016 - Part 7 Biodiversity assessment and approvals under Planning Act

Under Part 7 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* it states that the new Act applies to the modification of a planning approval even if the planning approval was granted before the commencement of the new Act (unless the application for the modification of the planning approval is a pending or interim planning application).

The development is in a rural zone on land that is not bio-certified. In accordance with the above listed legislation there are a number of tests to determine whether the proposal results in the need for further assessments or offsets.

1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map? - No
2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold. - The original approval included the removal of three river red gum trees. These were isolated trees and did not exceed the threshold of 0.5ha.
3. Test of Significance - the subject trees have been removed in accordance with the original consent. Significant native planting has occurred on site to soften the development and mitigate for the loss of the removed trees. At the time of the original application there was no recorded endangered flora or fauna on site the proposed development is not anticipated to significantly affect threatened species or ecological communities or their habitats.

Based on the above assessment the application does not fall within the biodiversity offset scheme and no further assessment is required under this legislation.

Section 733 of the Local Government Act 1993

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

Flooding Risk Assessment

The land is identified as flood prone and has an approved flood and evacuation management plan that is not impacted by the proposed modification to conditions.

Bush Fire Risk Assessment

The subject site is not mapped as being on Bushfire Prone Land, the proposed modifications have no impact upon the risk of bushfire at the facility.

Council Policies

Not applicable.

Contributions

Developer contributions remain as originally assessed. All contributions were paid prior to the construction certificate in accordance with the consent conditions.

Conclusion

The modifications have been assessed in accordance with the applicable legislation.

The infrequent nature of events causing unacceptable levels of noise pollution compared with the considerable number of linked opportunities associated with this development would conclude that the development as modified continues to provide a suitable development and that the increased number of events will predominantly have very limited impact upon the local area.

It is recommended that the modifications be approved subject to updates to conditions 53(g), 73, 85 and 93 and a new condition 53A as discussed within the body of the report.

RECOMMENDATION

It is recommended that application number DA14/0448.02 to modify Development Consent DA14/0448.01 for Recreation Facility (Major) - Harness Racing Facility including Earthworks, Track, Clubhouse, Stables & Associated Infrastructure – s4.55(2) Modification to conditions 73 and 93 to increase hours of operation and allow an increased number of race events. be approved subject to the following conditions:-

Approved Plans and Documentation

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

Plan/DocNo	Plan/Doc Title	Prepared by	Issue	Date
13064 DA: fig.1	Locality Plan	Peter Basha Planning & Development		6.2.18
13064 DA: fig.2	Existing Boundaries & Site Detail	Peter Basha Planning & Development		6.2.18
13064 DA: fig.3	Proposed Site Plan	Peter Basha Planning & Development		6.2.18
13064 DA: fig.4	Surrounding Development Pattern	Peter Basha Planning & Development		6.2.18
DA1	Existing Site Plan	McKinnon Design	F	1.2.18
DA2	Proposed Site Plan	McKinnon Design	J	1.2.18
DA3	Proposed Part Site Plan	McKinnon Design	J	1.2.18
DA4	Proposed Part Site Plan	McKinnon Design	J	1.2.18

DA5	Floor Plans Club Building	McKinnon Design	G	1.2.18
DA6	Elevations Club Building	McKinnon Design	G	1.2.18
DA7	Sections Club Building	McKinnon Design	F	1.2.18
DA8	Stables Floor Plan	McKinnon Design	G	1.2.18
DA9	Stables Elevations	McKinnon Design	F	1.2.18
DA10	Stables Sections	McKinnon Design	F	1.2.18
LD-02	Landscape Master Plan	Mark McCrone Landscape Architect	A	23.9.15
13065 C02	Notes and Typical Details	Heath Consulting Engineers	F	7.11.17
13065 C03	Overall Site Layout	Heath Consulting Engineers	F	7.11.17
13065 C04	Bulk Earthworks Plan	Heath Consulting Engineers	F	7.11.17
13065 C05	Site Sections A, B & C	Heath Consulting Engineers	F	7.11.17
13065 C06 - C07	Race Track Long Sections	Heath Consulting Engineers	F	7.11.17
13065 C08 - C16	Race Track Cross Sections	Heath Consulting Engineers	F	7.11.17
13065 C17- C18	Cooramin Street Upgrade Plan and Long Section	Heath Consulting Engineers	F	7.11.17
13065 C19- C21	Cooramin Street Upgrade Cross Sections	Heath Consulting Engineers	F	7.11.17
13065 C22	Hampden Avenue Widening Plan and Long Section.	Heath Consulting Engineers	F	7.11.17
13065 C23- C25	Hampden Avenue Cross Sections.	Heath Consulting Engineers	F	7.11.17
13065 C26	Linemarking & set-out plan Hampden Ave. & Cooramin St. Intersection Sheet A	Heath Consulting Engineers	F	7.11.17
13065 C27	Linemarking & set-out plan Hampden Ave. & Cooramin St. Intersection Sheet B	Heath Consulting Engineers	F	7.11.17
13065 C28- C29	Truck/Trailer Parking Area Finished Levels & Set Out	Heath Consulting Engineers	F	7.11.17
13065 C30	Car Parking Area Finished Levels & Set Out	Heath Consulting Engineers	F	7.11.17

13065 C31	Stormwater Reticulation Layout	Heath Consulting Engineers	F	7.11.17
13065 C32	Stormwater Catchment Plan	Heath Consulting Engineers	F	7.11.17
	Statement of Environmental Effects	Peter Basha Planning & Development		Sept. 2015
	Modification Application	Peter Basha Planning & Development		Feb 2018
9197	Traffic and Parking Report	Colston Budd Hunt & Kafes Pty Ltd		Feb 2014
JH/9197\ jj	Traffic and Parking Report Addendum Letter	Colston Budd Hunt & Kafes Pty Ltd		14.9.15
13330	Noise Impact Assessment	Wilkinson Murray	A	Sept. 2014
	Noise Impact - addendum letters	Wilkinson Murray		2.9.15 7.9.15
	Addendum Noise Impact Assessment - correspondence	Wilkinson Murray		6.2.18
	Flood Impact Assessment	WMA Water		May 2014
	Flood Impact Assessment	WMA Water		7.9.15
	Flood Impact Assessment for proposed harness racing track at N. Wagga Wagga	WMA Water		18 August 2017
S14-116	GeoTechnical Investigation	Aitken Rowe		17 June 2014
	Lighting Assessment Report	Musco Lighting		Sept. 14
	Updated Plans associated with Lighting Report	Musco Lighting		October 2015
	Written Correspondence	Peter Basha Planning & Development		10.12.14
	Correspondence - Stormwater report	Heath Consulting Engineers		2.12.14
	Correspondence - event noise management plan	Wilkinson Murray		2.12.14
	Statement of Environmental Effects (4.55(2))	Michael Brown Planning Strategies		March 2020
	Noise Impact Assessment	Wilkinson Murray		April 2020

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

NOTE: Any modifications to the proposal shall be the subject of an application under Section 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Construction Certificate

2. Prior to release of Construction Certificate a copy of the required Flood Work Approval must be provided to Council. The attached General Terms of Approval (GTA) are not the flood work approval. Application must be made for the relevant approval after consent has been issued by Council and before the commencement of any work or activity on the land.

Finalisation of a flood work approval can take up to 8 weeks from the date that the DPI Water receives all documentation (to its satisfaction.) Application forms for the controlled activity approval are available from the DPI Water's website.

REASON: It is in the public interest that the development complies with all legislative requirements. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 2A. Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01 a copy of an updated Flood Work Approval from Water NSW must be provided to Council.

It is the applicant's responsibility to notify Water NSW of the modified DA reference and approval date to enable the Notice of Determination to be updated.

REASON: It is in the public interest that the development complies with all legislative requirements. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

3. Provision must be made in the building and on the site for.
 - a) access to the building for people with disabilities in accordance with the Building Code of Australia;
 - b) toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building; and
 - c) motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia.

NOTE: These matters must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

4. Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to the Principal Certifying Authority for approval, all such details shall be certified by a practising Structural Engineer.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

5. Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

REASON: It is in the public interest that all building elements are designed to be able to withstand the combination of loads and other actions to which they may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

6. Pursuant to s94A of the Environmental Planning and Assessment Act 1979 and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of the Construction Certificate, a levy in the amount of \$65,000 must be paid to Council towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

REASON: Having considered the development in accordance with Section 94 A of the Environmental Planning and Assessment Act 1979, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

- 6A. Pursuant to s94A of the Environmental Planning and Assessment Act 1979 and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01, a levy in the amount of \$3,500 must be paid to Council towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga

Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

REASON: Having considered the development as modified in accordance with Section 94A of the Environmental Planning and Assessment Act 1979, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

7. Prior to the issue of Construction Certificate a bond of \$10,000 in the form of cash or bank guarantee shall be paid to Council for the following:
 - (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
 - (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
 - (c) remedying any defects in any such public work that arise within 6 months after the work is completed.

REASON: In order to cover the cost of any works to Public Infrastructure requiring repair as a result of the development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewerage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

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

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

NOTE 5: The Section 64 Sewer base figure is \$45,887.86.
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$48,764.41.

NOTE 6: The Section 64 Stormwater base figure is \$0.
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$0.

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI.

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

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

8A Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01, a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewerage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

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

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

NOTE 5: The Section 64 Sewer base figure is \$15,921.
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$17,568.55.

NOTE 6: The Section 64 Stormwater base figure is \$0.
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$0.

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI.

NOTE 8: The figures outlined in this consent are based on the current rate of

CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

9. Prior to the issue of a Construction Certificate, detailed engineering plans identifying the construction of Cooramin Street from the intersection of Hampden Avenue to a point 20 metres past the western most access driveway into the site shall be submitted to Council for approval. The design shall detail:
 - the full width formation of the road including a sealed width of 7.0 metres and 1.0m wide shoulders;
 - the required intersection works at Cooramin Street and Hampden Avenue to accommodate turning paths for 19m long articulated vehicles in all directions;
 - shoulder construction;
 - swale formation and drainage works;
 - pavement construction and sealing;
 - service adjustments;
 - signage and line marking;
 - transition to existing pavement.

The design shall be in accordance with Council's Engineering Guidelines for Subdivision and Developments and relevant AUSTROADS and RMS Guidelines.

A pavement design shall be carried out by a suitably qualified Geotechnical Engineer based on an appropriate traffic loading for the development and shall take into account locally sourced road pavement gravels if proposed in the design.

Any required street lighting upgrade at the intersection or approaches shall be designed in accordance with relevant Australian Standards.

REASON: To provide for the drainage of stormwater and increase the capacity of the road system in the locality of the proposed development. Sections 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

10. Prior to release of Construction Certificate, a street lighting safety assessment shall be carried out on the existing level of lighting at the intersection of Cooramin Street and Hampden Avenue and shall consider (but not be limited to) traffic numbers, posted speed limits, geometry, sight distances, pedestrian and cyclist activity and crash history to determine whether a street lighting upgrade at the intersection and/or approaches is required as a result of the development. If the assessment determines that upgrades are necessary, the street lighting Street Lighting shall be designed and constructed in accordance with AS1158 Vehicular Traffic 2005 (or subsequent amendments).

REASON: It is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines and relevant Australian Standards. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

11. Prior to the issue of the Construction Certificate the applicant shall submit to Council for approval a revised stormwater plan that indicates;

- (i) The finished paving levels to demonstrate overland flow paths
- (ii) All pipe and pit levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.
- (iii) Water sensitive design features - the design is to give consideration to fine particle, contaminant and nutrient treatment measures and maintenance regimes for all water quality devices. This element of the design must be endorsed by Wagga Wagga City Council. Any proposed vegetation shall not have an adverse effect on the floodplain or flood storage.
- (iv) Stormwater runoff from the Cooramin Street road reserve not draining into the development site's proposed OSD/Infiltration basin. The proposed OSD/Infiltration basin shall only receive stormwater runoff from the development site discharged to the basin internally from the site.
- (v) An overflow weir and overland flow path from the proposed OSD/Infiltration basin.

REASON: The character of the development is such that it warrants storm water drainage of this type. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

12. Prior to the issue of the Construction Certificate the applicant shall submit to Council for approval a sewer plan that indicates;

- (i) Details of the sewer pump station and rising main and connection point into Council's gravity sewer main,
- (ii) Details of how the Pump Station can be isolated in a flood event,
- (iii) Clear out point in the rising main for blockages
- (iv) Calculations for sewer load

The Sewer Pump Station and associated rising main shall be installed, owned and maintained by Harness Racing NSW.

REASON: So that Council may ensure that the design and construction is in accordance with Councils requirements. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

13. Prior to the issue of the Construction Certificate plans shall be submitted for approval indicating the finished floor levels of the proposed buildings and for the race track are in accordance with WMA Water Flood Impact Assessment dated 7 September 2015.

REASON: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

14. Prior to the issue of a Construction Certificate a compliance certificate must be received and approved by the certifying authority.

The compliance certificate shall be from an accredited certifier who is a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the construction certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.

REASON: To reduce the likelihood of damage from flood waters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

15. Prior to issue of the Construction Certificate detailed plans and elevations of the kitchen area shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2010 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79c(1) (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 15A. Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01 written approval from Council's Environmental Health Section for the food and drink preparation areas must be obtained.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79c(1) (e) of the Environmental Planning and Assessment Act 1979, as amended.

16. Prior to the release of the Construction Certificate a plan shall be submitted to and approved by Director of Planning and Regulatory Services, or delegate that identifies the intersection design at Cooramin Street and Hampden Avenue. This plan is required to be referred to the Local Traffic Committee before it is approved as these works incorporate a prescribed traffic control device.

NOTE 1: A prescribed traffic control device is a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area.

NOTE2: The Local Traffic Committee only meets two-monthly and only between the months of March and November. Therefore to avoid delays the timing of meetings should be taken into consideration in preparing your plan for submission. Contact Council's Senior Traffic Officer for scheduled dates of Traffic Committee meetings.

REASON: To ensure traffic related impacts associated with the development are minimised. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

17. Prior to the release of Construction Certificate the landscape plan referenced 14/324/LD-02A prepared by Mark McCrone Landscape Architect and dated 23.9.15 shall be revised and submitted to Council for the approval of the Director of Planning and Regulatory Services, or delegate. The revised plan shall identify:-

- (a) Retention of the westernmost river red gums and associated changes to the truck car park layout

- (b) Replacement of Plane trees around the car park with native species
- (c) All trees planted in 300mm container size pots not tubestocks.

REASON: To ensure that appropriate and sufficient landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

18. Prior to release of Construction Certificate a Construction Management Plan to address construction activity access and parking is to be prepared to the satisfaction of the Director of Planning and Regulatory Services, or delegate. The management plan must address, but is not limited to, the following;

- Construction and timing for construction of the works within the road reserves of Cooramin Street and Hampden Avenue
- Timing for construction of the works across the site demonstrating any proposed staging of works across the site
- Suitable provision being available on site for all vehicles associated with construction activity to alleviate any need to park within, or load/unload from, the surrounding public road network,
- Access and egress arrangements for all construction related vehicles to and from the site,
- Details of any special equipment to be employed;
- Details of the frequency and times of the vehicles, their turning paths and parking/storing arrangements;
- Protection of vehicles and public assets,
- Location of hoarding, Work Zone and other traffic control devices,
- Details of, and vehicular movement diagrams for, the largest vehicle to access the site to show that such vehicles can enter and leave the site in a forward direction;
- Details of the type and location of waste storage containers to show that there will be no congestion, associated with the storage and removal of such materials;
- Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing is to be installed and maintained to effect the plan.
- Details of all environmental controls and locations of all plant and equipment during construction including maintenance of vehicles on site.

REASON: To ensure that the site is developed in a planned manner and that vehicle movements to and from the site operate in a safe and controlled way. Section 79c(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

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

REASON: It is in the public interest that the development works do not damage existing Council infrastructure and accordingly a record of existing conditions is required.

20. Prior to the issue of Construction Certificate a person seeking to discharge liquid trade waste to the sewerage system must under Section 68 of the Local Government Act 1993 and Council's Liquid Trade Waste Regulation Policy, obtain prior approval from

Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act. Further information is available from Council's Trade Waste section on 1300 242 442 regarding the application process.

The applicant shall submit detailed sewer layout plans including pre-treatment equipment to allow for the discharge of liquid trade waste to sewer.

Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval.
All conditions of the approval must be complied with.

REASON: To prevent damage to the Council's Sewage Treatment System and subsequent pollution of the Murrumbidgee River and comply with the Local Government (General) Regulation 2005, and Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 21A. Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01 a copy of an amended site plan shall be submitted to and approved by Council. The plan shall identify a sealed parking treatment to the truck and trailer parking area with any reference to gravel base removed.

REASON: In the interest of visual amenity and to minimise noise and dust pollution. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to Commencement of Works

22. Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- a) a standard flushing toilet connected to a public sewer, or
 - b) if that is not practicable, an accredited sewage management facility approved by Council, or
 - c) if that is not practicable, any other sewage management facility approved by Council.

- NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.
- NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.
- NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

23. A CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

- NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.
- NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.
- NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 23A. An AMENDED CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed modified works as approved under DA14/0448.01, are in accordance with the Building Code of Australia PRIOR to any modified works commencing.

- NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.
- NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.
- NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: To ensure the design of the proposed and modified work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

- NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.
- NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.
- NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

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

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

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

26. Prior to the commencement of road works a request to review the current speed limit within Cooramin Street is to be submitted to Roads and Maritime Services for approval. Any works/signage required as a result of this review of the speed limit shall be at full cost to the developer and be implemented prior to operation of the development.

REASON: To ensure that works are carried out in accordance with Roads and Maritime Services requirements. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

27. The existing tree to be retained situated within the property of the proposed development shall be protected from all construction works.

All care must be taken to protect existing trees to be retained from damage, including street trees and trees located adjacent to the proposed development. The developer shall identify all trees to be retained prior to commencement of construction works.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Tree Management Officer, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

If damage of any sort should occur to any protected trees/ vegetation within the development, contact shall be made with Council's Tree Management Officer to determine what remedial action should be taken,

Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

REASON: Because it is in the public interest that the subject trees are protected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

28. Prior to the commencement of works, an application is required to be lodged for an Activity Approval under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer / stormwater works and a Construction Certificate for all other subdivision works. These two applications should be lodged concurrently.

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

NOTE 2: The Section 68 Activity Approval (PUBLIC) may be subject to a works bond payable prior to the release of the Section 68 Activity Approval. The works bond payable will be determined based on the category of works being undertaken. Refer to Council's Section 68 Activity Approval Guide for definition of works categories.

REASON: To ensure that the activity is carried out with the relevant approvals required under the Local Government Act 1993.

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

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

REASON: To ensure compliance with the relevant provisions of the Plumbing and Drainage Act 2011 and Regulations.

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

Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.

REASON: It is in the public interest that plumbing work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

31. Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a) stating that unauthorised entry to the site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours
 - c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.
- Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

32. At least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority', must be submitted to Council.

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the Environmental Planning and Assessment Act 1979, as amended. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

33. Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the Roads Act 1993. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

34. A soil and water management plan for the site shall be submitted in accordance with Wagga Wagga City Council's Engineering Guidelines for Subdivision and Developments. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority confirming that the plan is in accordance with Council's Engineering Guidelines for Subdivision and Developments and Soils and Construction Volume 1, Managing Urban Stormwater. Once approved, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

During works

35. Any proposed site fill must be of clean material only, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. A validation certificate shall be provided to Council verifying that the material to be used is free of contaminants and fit for purpose and re-use in residential, commercial or industrial use, prepared by a qualified Geotechnical Engineer. All such works are to comply with Wagga Wagga City Council's Guideline for Subdivision and Developments.

NOTE: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required, prior to the issue of a Construction Certificate for the erection of a building or the issue of a Subdivision Certificate.

REASON: To ensure that any fill is correctly placed and compacted. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

36. Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor.

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

37. All weather access, manoeuvring and parking areas shall be provided and maintained within the site throughout all of the construction and site works.

REASON: To adequately provide for the safe, all weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

38. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

39. If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have been completed.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 2: The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the Environmental Planning and Assessment Act 1979, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development, and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

40. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

41. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

- a) NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.
Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.
- c) CHEMICAL TREATMENT - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.
Warning - Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.
Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.
- d) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- e) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i) The method of protection
 - ii) The date of installation of the system
 - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv) The need to maintain and inspect the system on a regular basis.

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

42. The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

43. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

44. The building must be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.

REASON: To reduce the likelihood of damage from flood waters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

45. The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Regulations 2010 and the Food Safety Standards Code.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

46. In the event that any Aboriginal site is found in an area affected by works, work will immediately cease in that immediate location and the applicant will contact the Office of Environment and Heritage. Any works which may result in destruction or damage to known Aboriginal sites will require an Aboriginal Heritage Impact Permit from the Office of Environment and Heritage in accordance with Section 90 of the National Parks & Wildlife Act 1974.

REASON: To ensure that Aboriginal sites are protected. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

47. Trees indicated on the submitted plans for removal as amended by the revised landscape referenced in condition 17, shall be removed from the site in accordance with the proposed development. Consent under Council's Tree Preservation Order is not required for removal of the subject trees.

The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - amenity tree industry 1998 No. 034.

An Arboricultural company with membership of a professional association as the National Arborists Association of Australia shall be engaged to carry out any works associated with trees in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

Tree stumps shall be removed below ground level and surface area reinstated to prevent potential injury.

All waste material from the subject tree/s shall be removed from site in conjunction with clearing.

REASON: Because it is considered that the subject trees are prejudicial the successful implementation of the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

48. A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Final	Prior to occupation of the building.

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

49. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

50. The Cut and Fill Batters are to be treated with vegetation (ground covers) to protect them from erosion and further ground movements.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

51. A survey report prepared by a registered land surveyor confirming Finish Ground Levels and Finished Floor Levels (as appropriate) shall be provided to the Principal Certifying Authority (PCA) prior to work proceeding beyond:

- completed track (earthwork) height
- slab formwork for all buildings on site

- c) foundation walls
- d) for all completed building on the site.

REASON: To ensure that the building is located in accordance with approved plans prior to further works being carried out on the subject site. Section 79C (1) (b) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Occupation Certificate / Prior to Operation

52. Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.

REASON: To provide all weather vehicular movement and to minimise nuisances to adjoining development from noise and dust. Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

53. An Event Noise Management Plan shall be prepared by the applicant and submitted for approval by the Director of Planning and Regulatory Services or delegate. The plan shall be prepared in consultation with the local Council and local residents and include (as a minimum):-

- (a) Clarification of the PA system details specifically the number, position and orientation of speakers to minimise noise emissions but satisfy course requirements.
- (b) How the volume of the PA system is to be managed
- (c) Times and dates of events to be held throughout the year and notification of these to the surrounding community.
- (d) Details of noise monitoring locations and times
- (e) Complaint management procedures
- (f) Timescale for the plan to be regularly reviewed.
- (g) Annual review of all events and clarification of recorded noise levels associated with each event to determine compliance with condition 85 of this consent (as modified by DA14/0448.02).

The plan must be made publicly available and maintained and implemented prior to operation of the site and regularly reviewed after events are held on site.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 53A. Prior to the operation of the increased number of race events and the additional operating hours an updated event noise management plan must be prepared and submitted for approval by the General Manager or delegate. The plan shall include the updated details as approved by the subject modification application (DA14/0448.02) as well as the existing details required under condition 53.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

54. A Site Management Plan shall be prepared and submitted for approval by the Director of Planning and Regulatory Services or delegate. The approved plan shall be implemented for the lifetime of the development on the subject site. The plan must be made available to all staff and contractors and maintained and implemented prior to operation of the site and updated and reviewed for all major events held on site for the first time.

The plan must specify (as a minimum) the following:

- a) Traffic management details including the provision and control of overflow parking if applicable
- b) Attended monitoring of noise levels
- c) Dust mitigation measures
- d) Identified access and egress for emergency services vehicles
- e) Clearing of rubbish and management of on-site waste
- f) Management of on-site equine waste
- g) Evacuation plans in the event of a fire or other emergency
- h) Contact details of site manager responsible for all event activities
- i) On-going monitoring of lighting impacts
- j) Measures to manage patron behaviour in the car parks after 10pm

REASON: To ensure the development complies with the requirements imposed under Clause 98C of the Environmental Planning and Assessment Regulation 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

55. A Venue & Security Management Plan shall be prepared in consultation with the Wagga Wagga Local Area Command. The plan must be signed and approved by the Local Area Commander or the Commander's Delegate, a copy of which must be lodged with the Wagga Wagga City Council prior to operation.

The management plan must include a range of measures which include but are not limited to, patron safety and security, management of crime scenes, recording and reporting incidents of violence, the installation and maintenance of closed circuit television (CCTV), the quiet and good order of the neighbourhood, safe transport options, clearing of rubbish, addressing complaints relating to the operation of the premise and reviews, amendments and updates to the plan.

REASON: To ensure development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

56. Prior to issue of an occupation certificate a rural address number must be displayed in a position clearly visible from the road, at the entrance to the property, in letters having a height of not less than 75 mm (3 inches). The number must be visible against the background on which it is placed.

It will be necessary to contact Council to determine the correct rural address after the subject lots have been consolidated and access points have been constructed.

REASON: It is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

57. Prior to operation of the approved development the landscaped areas and tree planting shall be established on site in accordance with the amended landscape plan referenced under condition 17.

The construction and ongoing maintenance of all landscaping proposed is the responsibility of the developer and must be to the satisfaction of the Director of Planning and Regulatory Services, or their delegate.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

58. Prior to the operation of the development a Flood Management and Evacuation Plan for the site shall be submitted to Council to the satisfaction of the Director of Planning and Regulatory Services or their delegate. The plan shall include but is not limited to the following:

- safe evacuation of personnel
- safe evacuation of horses
- management of on-site machinery
- secure storage of goods free from flood including fuel and chemicals

REASON: To provide a permanent, fail-safe, and maintenance-free measure for the orderly evacuation of people from the area in the event of a flood. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

59. Prior to the issue of an Occupation Certificate, certification from a Registered Surveyor and Works-As-Executed plans are required confirming finished floor levels are in accordance with the approved plans and the details outlined in Condition 11.

REASON: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

60. Prior to the issue of an Occupation Certificate, the upgrade of Cooramin Street and all works associated with the Cooramin Street/Hampden Avenue intersection shall be completed to the satisfaction of Council. Works-As-Executed plans shall be provided to Council detailing all constructed road infrastructure in accordance with Council's Engineering Guidelines for Subdivision & Development and in accordance with the details approved under Condition 9.

REASON: It is in the public interest that the design of the development complies with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

61. Prior to release of an Occupation Certificate an into maintenance inspection must be carried out of the completed road works. The maintenance period will last for 12 months, upon which time an out of maintenance inspection will be required to ensure the works are acceptable to Council.

REASON: It is in the public interest to ensure that plumbing and drainage work are carried out in accordance with relevant legislations, standards and codes.

62. Prior to the issue of an Occupation Certificate, Street Lighting shall be designed and constructed if required in accordance with the recommendations of the street lighting safety assessment referred to under Condition 10.

REASON: It is in the public interest that the design of the development complies with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

63. Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:
- a) has been assessed by a properly qualified person; and
 - b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

REASON: To ensure the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

64. Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening, Council's Environmental and Community Services Directorate must be contacted for a Health Inspection and registration of the premises in accordance with the Food Act 2003 and the Food Regulations 2010, Food Safety Standards Code.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

65. Prior to the release of the Occupation Certificate the Food Business Premise and current Food Safety Supervisor with the appropriate enforcement agency must be notified.

REASON: To aid in the storage, preparation and display of food that is safety to be consumed by the public. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

66. An Occupation Certificate, must be obtained pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

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

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

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

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

REASON: To ensure compliance with the relevant provisions of the Plumbing and Drainage Act 2011 and Regulations.

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

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

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

69. Lots 1-6 and 19-24 in DP2655 are to be consolidated into one lot prior to the issue of an Occupation Certificate.

NOTE: Evidence of consolidation must be provided to Council

REASON: The size and shape of the subject land, and the siting of the proposed buildings and works thereon, are such to require the land be consolidated. Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

70. Prior to the Issue of Occupation Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:

- i) Essential Energy: Notification of Arrangement OR Certificate of Acceptance
- ii) APA Gas: Certificate of Acceptance
- iii) Riverina Water: Certificate of Compliance

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

General

71. Garbage receptacles for the disposal of litter must be installed, maintained and regularly emptied.

REASON: To ensure the development does not reduce the amenity of the area by reason of an accumulation of litter. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

72. Exterior colours and materials of the building must be of neutral tones and sympathetic with the surrounding environment. Proposed colours must be submitted to and approved by the Director of Planning and Regulatory Services or delegate.

REASON: To ensure the exterior colour scheme is compatible with the character and amenity of the area. Section 79C(1)(a)(i) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

73. The use of the race-track, associated loud speakers and track lighting must only be conducted between the following scheduled race hours:

- 10am and 10.45pm on any Tier 1 or Tier 2 race day;
- 10am and 10pm on any other race day.

The noise level of the PA speakers during all Tier 3 events must be reduced by 3dB(A) to ensure compliance with the established noise criteria at the closest residential receptors and minimise impacts on amenity. Track lighting must be turned off as soon as possible after the last scheduled event ends.

The use of the clubhouse facility must only be conducted between the hours of 9 am and midnight on Fridays and Saturdays and 9am and 11.00pm on Tier 1 and Tier 2 race days and 9am and 10.30pm all other days.

REASON: To ensure development does not reduce the amenity of the area. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

74. All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property. Lighting of the track shall be limited to race events only.

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

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

75. One wall sign on the southern elevation of the clubhouse building is approved as part of this application, no further signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.

REASON: Advertising structures and signs may require a development application to assess the impact on the amenity and safety of the area. Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, as amended.

76. Approval is granted for the use of the site as a harness racing facility, within the definition of a Recreation Facility (Major), and ancillary and subordinate uses such as stables, marquee, club-house and parking areas.

Any other use of the site for functions or temporary events which are not ancillary to the approved use will require the prior consent of Council.

Advice - The proponent is to consult with Council regarding additional proposed activities to determine if separate consent is required.

REASON: It is in public interest that proposed development be limited to that which is applicable and permissible on the land. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

77. Appropriate facilities must be made available for the storage of goods, fuel and chemicals 500mm above the 100yr ARI flood level. No external storage of materials is permitted below the 20yr ARI flood level which may cause pollution or be potentially hazardous during any flood.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

78. The applicant is to ensure that dust suppression measures are put in place to minimise dust generation during all race events. Dust control at all other times should form part of an on-site management plan.

REASON: To ensure works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

79. All access between the subject site and the public road network shall be via Cooramin Street and then to Hampden Avenue. All access to and from the subject site via Wright Street is denied.

REASON: In the interests of highway safety and public interest. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

80. The proposed lighting on site is to be designed, treated and orientated so as to minimise glare impacting on motorists on the Olympic Highway. The method and intensity of any illumination of the venue shall not be directed or transmitted in such concentration or intensity as to cause distraction or glare to motorists on the adjoining road network particularly the Olympic Highway.

REASON: In the interests of highway safety and public interest. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

81. All works associated with the proposed development shall be at no cost to Roads and Maritime Services.

REASON: To ensure that works are carried out in accordance with Roads and Maritime Services requirements. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

82. Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant.

REASON: In order to cover the cost of any works to Public Infrastructure as a result of the development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

83. During the first twelve months of operation, the applicant must notify Council's Environmental Compliance Team in writing, seven days prior to all events.

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

84. During the first twelve months of operation, the applicant must conduct further noise monitoring of all events. This monitoring must include but is not limited to receivers north and east of the development. All logging results are to be lodged with Wagga Wagga City Council within 14 days of each logged event.

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

85. No more than two events are permitted to exceed the background noise level by more than 5dB(A) per annum.

Background noise shall be defined as $L_{90/4}$ minutes, while noise levels shall be measured as $L_{10/4}$ minutes.

REASON: It is in the public interest that the impact of noise is minimised. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

86. After each event, animal waste is to be collected and stored in secure vermin and insect proof containers with tight fitting lids.

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

87. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement (copy attached).

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

88. The site manager shall be responsible for the control of noise generated at each event and shall ensure that patrons leave the vicinity of the site in an orderly manner as soon as practical after the end of each event.

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

89. A minimum of 219 vehicle parking spaces must be made available on site at all times in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

90. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004; AS2890.2.2002 and AS/NZS2890.6.2009.

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

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

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.

92. Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in council's document shall be listed and submitted with the plans for separate approval.

REASON: So that Council may ensure that the design and construction is in accordance with Councils requirements and for the information of the emergency services. Section 79c (l) (e) of the Environmental Planning and Assessment Act 1979, as amended.

93. The facility is limited to the carrying out of 52 events in any calendar year of which no more than 26 events shall be night time events.
Two of the night time events are defined as major tier 1 events and two are defined as tier 2 events.

REASON: It is in the public interest that the development is carried out in accordance with the assessment and approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

94. The works must be undertaken in accordance with the attached General Terms of Approval issued by DPI (Water).

REASON: It is in the public interest that the development is carried out in accordance with all legislative requirements. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

General Terms of Approval (DPI Water)

For work requiring a flood work approval under s90 of the Water Management Act 2000

Number	Condition	File No: 2015-0515
Site Address:	Intersection of Hampden Avenue & Cooramin Street, Cartwrights Hill, Wagga Wagga	
DA Number:	DA14/0448	
LGA:	Wagga Wagga City Council	
Plans, standards and guidelines		
1	These General Terms of Approval (GTA) only apply to the flood works described in the plans and associated documentation relating to DA14/0448 and provided by Council: (i) Site plan, map and/or surveys (ii) Structural design and specifications (iii) Works Schedule (iv) Flood Assessment (v) Revised Submission SEE by Peter Basha Planning & Development dated September 2015 Any amendments or modifications to the proposed flood works may render these GTA invalid. If the proposed flood works are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.	
2	Prior to the commencement of construction of the flood works (works), the consent holder must obtain a Flood Work Approval under the Water Management Act from DPI Water.	
3	The works must be designed, constructed and maintained in a way that will: A. ensure the works safe construction and operation, and B. prevent the possibility of damage being caused by the works, or resulting from the works, to any public or private interest.	
4	All plans must be prepared by a suitably qualified person and submitted to DPI Water for approval prior to the issuing of the flood works approval.	
5	The consent holder must (i) carry out construction of the works in accordance with approved plans and under the direct supervision of a suitably qualified professional and (ii) when required, provide a certificate of completion to DPI Water.	
END OF CONDITIONS		

Report Prepared & approved by:Amanda Gray
Senior Town Planner

Date: 12.8.2020

Report Reviewed by:Cameron Collins
Development Assessment Coordinator

Date: 12/8/2020