



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

APPLICATION DETAILS

Application No.:	DA19/0603
Modification No.:	N/A
Council File No.:	D/2019/0603
Date of Lodgement:	20/11/2019
Applicant:	GP Bannon, CE Bannon Po Box 5516 WAGGA WAGGA NSW 2650
Proposal:	Alterations and additions including rear extension and garage
Description of Modification:	N/A
Development Cost:	\$475000
Assessment Officer:	Sam Robins
Determination Body:	Council - Referred at the request of the General Manager
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal, Essential Energy, Heritage Advisor
Adjoining Owners Notification:	27/11/19 to 11/12/19
Advertising:	N/A
Owner's Consent Provided:	Yes
Location:	The subject site is located on the eastern side of Best Street three lots north of the junction with Forsyth Street

SITE DETAILS

Subject Land:	93 Best St WAGGA WAGGA NSW 2650 Lot 17 Sec 49 DP 759031
Owner:	GP Bannon & CE Bannon

DESCRIPTION OF DEVELOPMENT

This application is for the demolition of the rear section of the dwelling and small garden shed to the rear of the property and the construction of a rear extension including, open plan kitchen/living and alfresco area with attached triple garage. The works also include the construction of a basement area. The proposal includes minor internal works to the existing dwelling.

THE SITE & LOCALITY

The site, being Lot 17 Section 49 DP 759031, 93 Best Street Central Wagga is located on the eastern side of the Street three lots north of the junction with Forsyth Street.

The site measures 505.80m² and currently contains a detached single storey dwelling with small garden shed in the rear yard.

The site is flat and free of any restrictive easements.

The locality is a residential area. Consisting in the main of single storey detached dwellings with detached outbuildings to the rear.

A site visit was undertaken on 12/12/19 by the assessing officer.

SUMMARY OF MAIN ISSUES

Impact on character of the area

Impact on the amenity of adjoining neighbours

Compliance with Councils Development Control Plan 2010

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

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

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

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010 (LEP 2010)

The following provisions of the LEP 2010 apply:

Land Use Table

Under the LEP the site is zoned R1 - General Residential

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

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of the residents.*
- *To ensure co-ordinated and cost effective provision of physical, social and cultural infrastructure in new residential areas.*

Under the LEP 2010 the proposal would be considered alterations and additions associated to a dwelling.

Under Section 3 - Dwellings (and therefore alterations and additions) are permitted with consent, by making this application for consent, the proposed application can be considered under the relevant provisions of this section. The LEP 2010 provisions do not prohibit dwellings in this zone and the development is seen to be generally consistent with the first two objectives of the zone.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

By lodging this application the applicant has complied with this clause of the LEP.

Part 5 Miscellaneous provisions

5.10 Heritage Conservation

(1) *Objectives:*

The objectives of this clause are:

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

(2) *Requirement for consent:*

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (iii) a building, work, relic or tree within a heritage conservation area*

(4) *Effect on heritage significance*

The consent authority must before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted.

Consideration has been given to these provisions. The issue of the effect of the development on the Heritage Conservation Area has been discussed throughout the report below. For reasons discussed, the works would be considered to have a detrimental impact on the Conservation Area to the point where refusal is recommended as the development is inconsistent with Objective (b) above.

(5) *Heritage impact assessment (HIA)*

A HIA was not requested for this development.

Part 7 - Additional Local Provisions

7.2 - Flood Planning

- (1) *The objectives of this clause are as follows:*
- (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
 - (c) *to avoid significant adverse impacts on flood behaviour and the environment.*
- (2) *This clause applies to:*
- (a) *land that is shown as "Flood planning area" on the Flood Planning Map, and*
 - (b) *other land at or below the flood planning level.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) *is compatible with the flood hazard of the land, and*
 - (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*
 - (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Given that the application is for construction of alterations and additions on a residential lot that contains a dwelling within the CBD protected by the levee, the impacts will be negligible. The proposal would comply with this clause.

7.3 - Biodiversity

As the application site falls within this zone as identified as Biodiversity on the Terrestrial Biodiversity Map, the proposal would be subject to assessment under this clause.

A very minor portion of the north western corner of the lot is impacted by the layer, however, there does not appear to be any reason for this section of land to be identified. Furthermore, the subject site is within the biocertified area and does not involve the removal of any vegetation. No impacts are expected and therefore the proposal complies with this section of the LEP 2010.

7.6 - Groundwater Vulnerability

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

As the application is for a residential use on a residential block the impact on the existing groundwater sources will be minimal. The proposal is therefore not considered to be detrimental to any of the issues under this section of the LEP 2010 and therefore complies with this section of the LEP 2010.

7.9 - Primacy of Zone B3 Commercial Core

Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core

as the principal business, office and retail hub of Wagga Wagga.

The development is for a rear extension in a residential zone. The use is not of a type that would be appropriate or could be reasonably housed in the CBD. Therefore, it is considered that the development is unlikely to impact on the primacy of the B3 Commercial Core zone of the city.

State Environmental Planning Policies

State Environmental Planning Policy No. 55

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore, the land is not identified on Councils register of contaminated sites. Accordingly, it is not considered necessary to request any investigation reports on the subject site.

State Environmental Planning Policy (BASIX).

Certificate is attached to this application and is to be assessed by Council. No issues are raised.

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

Draft local environmental plans

N/A

Draft state environmental planning instruments

Draft State Environmental Planning Policy - Remediation of Land

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

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010

The relevant controls of the DCP have been addressed below.

1.5 Guiding Principles

The Guiding Principles (GP) within the DCP are set out below. Those principles underpin the DCP and inform the assessments and decision made on an application.

GP1 Sustainability, climate change management, and efficient use of resources

- i. To protect and enhance the viability of natural systems*
- ii. To achieve good environmental outcomes*
- iii. To manage incremental change to retain sustainable outcomes*
- iv. To support waste minimisation strategies*
- v. To protect the indigenous, European and natural heritage*
- vi. To avoid use of rainforest and old growth timbers*

GP2 Site responsive development

- i. To design for compatibility with topography, physical characteristics and setting*
- ii. To achieve a positive contribution to the streetscape and/or natural environment*

GP3 Design quality

- i. To achieve quality sustainable development*
- ii. To respond to site conditions*

GP4 Quality public domain

- i. To achieve vibrant and attractive public spaces*
- ii. To enhance opportunities for community connection*
- iii. To design for crime prevention and public safety*

The GPs form the basis of the objectives and controls of the sections of the DCP. If there are any inconsistencies or assessment of objectives and controls has not determined a conclusive direction it is important to reflect back on these GPs.

1.11 Complying with the Development Control Plan 2010

The controls in the DCP support the Guiding Principles of the Plan and principles and objectives within the various sections. Except as varied elsewhere in this Plan, all Development Applications, Section 96 Applications and Section 82A Applications should aim to satisfy all stated objectives and controls.

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

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

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

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

An assessment of the application has determined that in the opinion of Council Staff the application does not comply with a number of the controls of the DCP.

The issues surrounding the variations have been discussed throughout this report. Whilst Council can consent to variations from the controls it is considered in this instance that the application should be refused for the reasons discussed throughout the report.

2.1 Vehicle access and movements

The application proposes a triple garage along the rear laneway. The impact of that structure has been discussed below. However, with regard to vehicle access and movements, garages fronting laneways are expected and commonplace. The 1m setback meets the controls and

no unreasonable impacts are expected.

2.2 Off-street parking

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

C1 Parking is to be provided in accordance with the below requirement.

The development would be subject to the following controls:

- 1 spaces/3 bedroom house or larger.

This provision is easily met given the proposed triple garage.

The proposal complies with all other controls in this section.

2.3 Landscaping

Not required for alterations and additions to single dwellings. The vegetation to be removed raises no concern.

2.5 Safety and security

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

Objectives

O3 *Maximise opportunities for natural surveillance of public spaces and building or site entrances.*

Controls

C1 *Use good site planning to clearly define public, semi-public and private areas.*

C2 *Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.*

C3 *Minimise blank walls along street frontages.*

C4 *Avoid areas of potential concealment and 'blind' corners.*

C5 *Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.*

C6 *Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.*

The design of the alterations and additions raises no safety or security concerns. The proposal is considered generally compliant with the controls and would meet the relevant objective of this section of the DCP.

2.6 Erosion and Sediment Control Principles

Conditions of consent can be imposed on any consent granted to ensure that appropriate control measures are put in place during any construction. Given the flat nature of the site, it is unlikely that any issues will arise.

Section 3 Heritage Conservation About Section 3

The relevant comments from this section are included below:

...Heritage items and conservation areas have special qualities that make them significant. Development needs to take particular care to ensure that the particular themes, features or characteristics that make the item or area significant are not compromised by change. This can include:

- *Ensuring new work has suitable bulk, scale, proportions and detailing so that it does not dominate or compromise the ability to interpret heritage items (including adjacent or nearby items) or the heritage conservation area ...*

...Compliance with the controls will not necessarily guarantee approval of an application in the event that a proposed development has an unacceptable impact on neighbouring or the surrounding environment.

A desk top analysis of the residential land within the HCA bound by Peter Street, the Highway and The Esplanade showed approximately 419 properties, only 13 full length extension (built or approved to be built) examples exist on lots with rear lanes and not on corners. Of these 13 only four have been approved since the commencement of the 2010 DCP and three have different characteristics to the block in question that potentially justify why approval was granted. There were also 8 marginal examples with only 1 approved post 2010 DCP and again the situation is substantially different for this not to be used as a precedent. Therefore, only five examples exist post 2010 of 'similar' lot type all of which have varying characteristics.

As mentioned, each example is different and does not set a precedent. Furthermore, simply because something has been approved and or built ultimately does not mean it was the correct decision and would be approved if lodged today. 'On balance' decisions like the examples discussed, can give great examples of 'what not to do' moving forward.

What this identifies is that a relatively consistent built form exists on lots of this nature in the Conservation Area. This proposal would not be consistent with that form and would therefore dominate and compromise important characteristics that help to make the Conservation Area significant.

It is important to note these comment when considering the objectives and controls below.

3.3.2 Residential precinct

Alterations, additions and infill development

Objectives

- O1 *Retain characteristic buildings from significant periods of development for the conservation area.*
- O2 *Retain details and features that are characteristic of the conservation area, and encourage reinstatement of these features where they have been removed.*
- O3 *Encourage new buildings to respond positively to the character of adjoining and nearby buildings.*
- O4 *Ensure that new work is sympathetic to the bulk, mass and scale of characteristic buildings in the conservation area.*

Retain characteristic buildings and features

- C1 Characteristic buildings are to be retained. Demolition will not be considered unless the applicant can demonstrate that the building or structure is not a characteristic building, is of little heritage significance or is structurally unsound or beyond repair.*

The existing dwelling will be retained with minor demolition and acceptable changes to the external form and scale of the existing building.

- C2 Original features and materials of characteristic buildings are to be retained. Reinstating features that have been removed is encouraged. This includes verandahs, decorative joinery, doors, windows and leadlights. The use of cladding (vinyl, metal, over timber weatherboards and brick work is not supported)*

Whilst it could be argued that the rear 'garden' is an original feature of the building it is understood that the intent of this control was to relate to direct built form features of the building and therefore it is reasonable to conclude that the original features and materials of the building have been retained and not unreasonably compromised by this proposal.

- C3 Changes that remove or obscure characteristic features are not supported. This includes enclosing open verandahs, removing decorative features, replacing timber windows and doors with aluminium or other materials, rendering or painting face brick and removing chimneys that are visible from the street.*

As per the above discussion the intent of this control is not meant to include discussions around the impact of over development of the rear garden unless they obscure characteristic features (built form features) of the building. Given the design of the extension, no characteristic features have been obscured and therefore it is reasonable to conclude that this control has been met.

- C4 Rendering or painting face brick is generally not supported*

The application does not propose to render or paint the existing brick.

Alterations and additions

- C1 Design new work to complement the style and period of the building in terms of style, scale, form, roof form and materials. New works can be a modern interpretation and do not need to strictly follow the original style.*

The new works are to the rear of the existing dwelling. The extension to the dwelling has been designed to match that of the existing with materials and finishes. The link between the existing and the proposed has been set substantially lower than the existing dwelling to provide a clear indication of 'old' and 'new', with the main bulk of the extension only marginally lower. However, the scale of the extension is inconsistent with that expected and supported in the Conservation Area and produces an unsympathetic built form that does not complement the style and period of the existing building. The proposal does not comply with this control.

- C2 Alterations should generally be to the rear of the property. Alterations to the side can be considered where side setbacks are sufficient.*

The proposal complies with this control.

C3 Additions are to retain, and be subservient in form and scale, to the primary form of the building.

The additions would not be considered to be subservient in form and scale to the primary form of the building as the footprint of the extension is substantially larger than the existing dwelling.

C4 New work is to be below the main ridge height of the building, and be articulated from the primary form by setbacks in the walls and height of the roof. Maintain a descending scale to the rear.

The rear extension to the dwelling complies with this control.

C5 Use vertically proportioned windows.

The new windows would generally comply with this control. Minor variations do not raise any unreasonable impacts.

C6 Select materials to complement the period and style of the building and the conservation area. Use compatible, but not necessarily matching materials - modern materials may be appropriate

The proposal complies with this control.

Whilst the development complies with the majority of the controls listed above as shown, it does not meet the following objectives of the same section:

O2 Retain details and features that are characteristic of the conservation area, and encourage reinstatement of these features where they have been removed.

O4 Ensure that new work is sympathetic to the bulk, mass and scale of characteristic buildings in the conservation area.

Simply meeting the controls does not ultimately result in the objectives being met. The garden and its relationship to the dwelling and the buildings on site is an important feature in the Conservation Area that plays a critical role in forming the character of the residential precinct within the Conservation Area. The garden in its traditional form provides a clear separation between the modest dwelling and the outbuilding to the rear. This will be lost with this proposal and therefore Objective 2 would not be met.

Generally speaking, the character of residential buildings relevant to this proposal within the Conservation Area is one of modest original dwelling, some with extensions to the rear followed by garden area with detached outbuilding to the rear. The scale of this development is one that results in an extension the length of the rear garden and attached to the garage at the rear. This is very much out of keeping with the relevant characteristic buildings within the Conservation Area and would be considered to introduce an unsympathetic built form that would not meet objective 4 above.

The Conservation Area is exactly as the name states, 'an area'. All elements of the area contribute to the reasons for its adoption as a Conservation Area, its not limited to the front elevation of each dwelling. Rear gardens, laneways and outbuildings all play important roles in defining the character that the controls are attempting to conserve.

Council's direction over the years has been to allow more substantial development along laneways which undoubtable does limit the ability to interpret rear gardens from these areas. However, its Council staff view that this alone should not be the reason to allow for this element to be completely removed from the Conservation Area.

Colour Scheme

The applicant proposes to match the existing. With face red brick and corrugated metal roof no concerns are raised.

Garages and carports

The absence of garages and carports in the streetscape is an important characteristic of the conservation area. A number of the streets have rear lanes, and where the property is adequate, consideration can be given to a double garage/ carport on the rear lane

Objectives

- O1 *Minimise visual intrusion from garages and carports, and require structures to be located behind the building line.*
- O2 *Establish parameters for the proportion and detailing of garage and carports.*

Controls

- C1 *Where possible, car access should be from a rear lane.*

The garage fronts Biroomba Lane to the rear and therefore complies.

- C2 *Where no rear lane access is available locate the garage or carport behind the building line, or preferably to the rear of the property. Alterations that require removal of original features on a front elevation or require demolition of significant building fabric to enable car access will not be supported.*

N/A

- C3 *Materials are to be compatible with the materials of the main building. Any detailing is to be subservient to the detailing or decorative features of the main building.*

The materials used for the garage raise no concerns.

- C4 *Max size of garages:
Double garage - 6000mm wide x 7500mm long, 2400mm walls, 27 degree roof pitch rising to apex 3900mm high. Two roller doors 2600mm wide in 3 equal wall bays.*

*Roof pitch 27 degrees (quarter pitch) or steeper to match the roof pitch of the house.
Roof pitches can be broken with a 10 to 12.5 degree pitch verandah skillion.*

The applicant puts forward the following comments summarised below with regard to this control:

- No specification is given for a triple car garage.
- There is nothing in the DCP indicating that larger than two car garages won't be supported by Council
- The proposal complies with controls 1,2,3 and 5. Control 4 relates to the size of single and double garages but no other types, hence it would not seem relevant to the proposal.
- An extensive assessment of the existing garages in the surrounding laneways was undertaken and showed a variety of designs and styles and ultimately showed that large garages exist that often extend the width of the property.
- The design of the garages is 'high' end compared to existing structures

- The laneways are not streets used by the general public but exist purely to provide vehicular access to properties
- The weight if any, to be given to rear laneway streetscape is significantly less than that to be given to street frontage
- Council is required to be flexible in applying controls within the DCP.

Council has consistently interpreted this section of the DCP to limit garages to a maximum of two bays (Double Garage). The lack of controls surrounding triple garages has never been interpreted to mean that triple garages are acceptable in any form, nor would that be a logical conclusion to draw. Post 2010 (implementation of DCP) variations have generally included structures such as skillion roof carports attached to the sides of double garages and storage rooms with articulation in design. Council have also approved minor variations to the sizes of the garages but remained consistent with its limit of a double garage plus carport or the like.

Whilst the surrounding examples are acknowledged, the 2010 DCP set parameters to address the concerns with the examples that have been provided by the applicant. Having consciously made this decision in 2010 with the adoption of the DCP it would be remiss to now use these examples to justify a variation from the adopted controls.

In adopting the DCP in 2010 the community made the decision that the current built form was not the character that was wanted within these areas and that a reduced scale and form was more acceptable.

It would be inconsistent with Councils current practise to approve such a variation and result in the controls no longer being of any relevance.

For these reasons the triple garage (including hobby room and storage) is not supported and considered not to comply with this control.

C5 Specifications:

Walls can be in Custom Orb corrugated metal, weatherboards, fibre cement sheet or face brick

Galvanised corrugated metal roof preferred rather than Zinalume.

Roll barge and roll top.

Gutters are to be quad or ogee profile and galvanised.

The garage is proposed to be brick with sheet metal roofing and therefore complies with this control.

C6 Doors may be tilt doors of a simple design and neutral colour. Roller doors may be considered on merit.

The roller doors raise no concern.

Gardens

Objectives

O1 Encourage traditional garden layout and planting schemes.

O2 Retain original paths and garden structures.

O3 *Discourage construction of uncharacteristic structures in front gardens*

Controls

C1 Retain original paths and garden layouts.

It is Council staff opinion that the proposal does not comply with this control. The extension runs the length of the site and completely removes the traditional garden layout. There is a clear relationship established within the Conservation Area of dwelling at the front of the lot followed by rear garden and then detached outbuilding to the rear. The separation that the garden provides between the dwelling and the outbuilding is an integral part of the consistency in built form across the residential element of the Conservation Area. The design of this extension is inconsistent with this control and objective 1 above.

The summary text in this section also states *Garden layouts and plantings often relate to the period of the house, and planting gardens that reinforce the period and character of the house is encouraged.* It is argued that the design makes no attempt to retain a garden layout that is consistent with the period of the house and therefore does not reinforce the period and character of the house.

C2 Use traditional planting schemes - consider use of native species to achieve a traditional effect.

The plans show one small planter bed to the rear of the property with the rest of the open space are being hardstand. There has been no attempt made to use traditional planting schemes. Whilst non-compliant with this control, the rear gardens within the Conservation Area do not have a consistent traditional planting scheme so in this instance it would be unreasonable to refuse the application for this non-compliance.

C3 Retain significant trees

There are no significant trees that will be impacted by this proposal.

Fences

Objectives

O1 Retain original front fences.

O2 Limit the height of side and rear fences, particularly where they are visible from the street or rear lane.

O3 Encourage replacement of unsympathetic fencing with more appropriate fences that are related to the period and style of the property.

O4 Encourage use of sympathetic materials for side and rear fences, and discourage use of colorbond panelling.

Controls

C1 Retain original front fences, or, if in need of repair, replace on a like for like basis.

C2 Front fences to be a maximum height of 1.2m.

C3 Side fences that are visible from the street are to be constructed in timber or corrugated metal.

C4 The side fence is to slope down to a maximum height of 1.2m at the front main building line.

supported

The application proposed to replace the existing front fence in a like for like manner. No concerns are raised and the replacement fence would be consistent with these objectives and controls.

Section 4 Environmental Hazards and Management

4.2 Flooding

As mentioned, the site is flood prone but within the main city levee. Given the application is for alterations and additions to a dwelling no issues are expected. The dwelling is required to be 225mm above natural ground. However, given the existing dwelling is not at this level it would be unreasonable to require the existing to be stepped up, therefore no requirement will be conditioned.

Section 5 Natural Resource and Landscape Management

5.4 Environmentally sensitive land

This issue has been addressed under Clauses 7.3 and 7.6 of the LEP above, given the nature of the works negligible issues are expected.

Section 9 Residential Development

The relevant principles for residential development are as follows:

Sustainability and efficient use of resources

- P1 Use passive solar design principles to maximise thermal performance for good internal amenity.*
- P2 Select materials to support good thermal performance and maximise the sustainability of the design.*
- P3 Achieve a density and scale that reflects the zone and proximity of the site to transport, shops, schools or community uses.*
- P4 Implement resource reuse*

Design quality

- P5 Building siting, footprint, scale and bulk should be compatible with adjoining development and the established or intended built form.*
- P6 Integrate building design and landscaping with north facing internal living areas that link to quality private open space.*

Site responsive development

- P7 Respond to the issues highlighted in the site analysis, taking advantage of natural features, minimising potential impacts to neighbours and achieving compatibility with neighbourhood character.*
- P8 Minimise changes to the natural landform, especially in environmentally sensitive or visually prominent areas.*
- P9 Visual and acoustic privacy are important for good residential amenity. When designing new developments care should be exercised to ensure that impacts on the privacy of adjoining developments is minimised when designing new development and to ensure the privacy of occupants of the new development.*

Quality public domain

- P10 Provide an attractive street address that integrates the public and private domain through landscaping and attractive fencing*

Generally, the proposal would appropriately address the listed principles with the exception of P5 and P7. The assessment throughout this report highlights that the development would not be compatible with the established or intended built form and would not be compatible with the neighbourhood character.

9.1 Land Use Directions

9.1.1 Central Wagga Wagga

Existing built form

The residential streets of Wagga Wagga's central business area have a strong landscape character associated with the mature street trees. Their absence of garages and parking structures in the streetscape is a function of the rear lane access of many streets, and allows the landscape to dominate.

The consistent built form and setbacks contribute to the coherent character of the area. Buildings are typically single storey, and often have consistent rear building lines with reasonable gardens. The site cover and landscaped area controls are intended to discourage patterns of excessive site cover, and to retain the pattern of buildings and open space.

Future directions and opportunities

Key priorities for the central business area of Wagga Wagga are:

- *Opportunities for secondary dwellings fronting rear lanes providing new work does not affect the amenity of adjoining sites and parking can be accommodated without impacting the street*
- *Retaining the existing landscaped character of the streets, and maintaining the use of the rear lanes for vehicle access and associated structures*
- *Retaining the current patterns of building/open areas through site cover and landscaped area requirements*

Best Street would be considered a 'residential street of Wagga Wagga's central business area' and therefore this wording is an important consideration in the context of this application. The following sections warrant further discussion:

...The consistent built form and setbacks contribute to the coherent character of the area. Buildings are typically single storey, and often have consistent rear building lines with reasonable gardens. The site cover and landscaped area controls are intended to discourage patterns of excessive site cover, and to retain the pattern of buildings and open space...

...Retaining the current patterns of building/open areas through site cover and landscaped area requirements...

Throughout this report, the opinion of the assessing officer is that the built form extending the length of the lot is out of character and inconsistent with the existing and intended built form and is therefore detrimental to the character of the individual lot and the wider area. Approval of such an extension would set a poor precedent that would undoubtedly result in the loss of rear yards, excessive site cover, over development of lots and unreasonable impact to the established character of dwelling - yard - outbuilding that exists in these older established areas. As stated above, one of the key principles is '*Retaining the current patterns of building/open areas through site cover and landscaped area requirements.*' This development clearly does not meet this principle.

9.2.1 Site layout

Objectives

- O1 *Encourage site responsive development that is compatible with existing or desired built form.*
- O2 *Facilitate sustainable development through passive solar design.*
- O3 *Integrate landscaping and built form.*
- O4 *Encourage designs which respond to the physical context and characteristics of the*

particular site.

O5 *Encourage design that maximises the opportunity for passive surveillance of communal spaces from private living areas.*

Controls

C1 *Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.*

No issues are raised under this control.

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

The design has integrated all these elements. The location of the patio and court yard (landscaping) and the impact the building has on this element of the property and wider Conservation Area has been discussed throughout this report. This control is simply requiring that landscaped areas be integrated into the design and not whether the design is acceptable. The proposal therefore meets this control.

C3 *Orient living spaces to maximise solar access.*

The proposal has been well designed to maximise the northern aspect and therefore appropriately addresses this control.

C4 *Facilitate natural cross ventilation within dwellings through the location of windows and doors*

No issues are raised with cross ventilation.

As discussed above, simply meeting all the controls does not ultimately result in the objectives being met. In this instance objective 1 states the following:

O1 *Encourage site responsive development that is compatible with existing or desired built form.*

This issue has been discussed in detail throughout this report. It is considered that an extension that runs the full length of the rear yard is not compatible with the existing or desired built form of the immediate area or wider context of the residential element of the Conservation Area.

9.2.2 Streetscape

As mentioned, the works are to the rear of the property and would have negligible impact on the Best Street streetscape.

9.3.2 Site cover

Within the R1 zone and for dwelling houses on lots of this size the maximum site cover is 60%. The site cover with the new extension is 298.52m² (59%) and therefore complies.

9.3.4 Solar access

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

Objectives

O1 *Ensure that the amenity of the occupants of dwellings is achieved by designing so that they receive adequate daylight and natural ventilation to habitable rooms and sunlight to private open space areas.*

O2 *Ensure non-habitable rooms such as garages, laundries and bathrooms are positioned so that living areas, open space and habitable rooms receive maximum winter solar access and ventilation.*

O3 *Maintain reasonable sunlight access to adjoining properties.*

Controls

C1 *Locate garages, laundries and bathrooms to provide insulation from western sun.*

C2 *Locate living areas and private open space to ensure orientation to the north and north east where possible.*

C3 *Building design and site layout is to ensure adequate sunlight access to the internal living spaces and private open space of the proposed development.*

C6 *For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).*

C8 *Proposed development design should take into account the location of any adjacent private open space and avoid excess overshadowing of that space*

The extension has an open plan kitchen/living area with north facing windows and a north facing alfresco area that would address C2 and C3 above.

The windows of the property to the south are already impacted by the existing dwelling. The proposed extension marginally increases the impact but not to a degree that would warrant refusal given the single storey design and the setback from the boundary of the property to the south.

The extension to the dwelling would increase overshadowing to the rear yard of the property to the south but given the single storey design on a flat lot, this impact would be considered acceptable.

The lot to the north is not impacted from a solar perspective given its orientation.

The proposal as a whole does not cause unreasonable solar access issues on adjoining properties and has been designed to achieve good solar access to its own living areas.

9.3.5 Private open Space

Objectives

O1 *Provide quality, useable private open space.*

O2 *Ensure adequate areas for recreation and outdoor living.*

O3 *Encourage good connection between dwellings and private open space.*

Controls

C1 *At least 24m² of private open space is required per dwelling. The private open space is to be directly accessible to the main living area and have a minimum dimension of 4m*

The proposed outdoor space would meet this control and would meet the objectives above.

9.3.6 Front Setbacks

The front setback has not been altered.

9.3.7 Side and Rear Setbacks

The extension to the dwelling is proposed with 980mm setbacks to the southern side

boundary up to the garage and then 150mm side setback for the garage. The northern setback is approximately 808mm at the closest point. The rear setback is 1m. These setbacks are consistent with surrounding residential properties and do not cause unreasonable impacts.

9.4.1 Building Elements

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

Objectives

- O1 Encourage quality and visually interesting buildings through the use of building elements.*
- O2 Facilitate passive solar design principles*

Controls

- C1 Use verandahs or pergolas to link internal and external living areas*
- C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.*
- C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.*

The extension has been designed to incorporate the majority of the abovementioned design elements. No issues are raised under this section of the DCP.

9.4.2 Materials and finishes

The materials and finishes would not raise any issues.

9.4.3 Privacy

The extensions to the dwelling do cause a privacy concern to the north. The extensions have been designed with the main living spaces facing north and the outdoor living space is located along the northern side boundary as opposed to the more traditional rear of the site.

However, the reality is this is no different to the existing situation with regard to the outdoor space as this area is already private open space. The location of the living space facing north will increase the potential privacy concerns to the north but at natural ground level on a flat site it would be unreasonable to refuse a development for this reason. The side boundary fence reduces the impact.

9.4.4 Garages, carports, sheds and driveways

Given the garage is attached to the dwelling and does not form part of the front façade of the dwelling there is only one control that applies along with the objectives to this section of the DCP.

Objectives

- O1 Minimise the visual dominance of garages and driveways in the streetscape.*
- O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.*

Controls

- C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.*

The proposed garage complies with this control and given its location along the laneway and on the western elevation, it would also meet the objectives above.

9.4.5 Site facilities

The site facilities will not be altered, the dwelling will still have adequate bin storage, drying areas and the mail box location will not change.

9.4.6 Changing the landform - Cut and Fill

The site is generally flat and will only require minor exempt earthworks for the extensions. No issues are raised under this section of the DCP.

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

No planning agreement has been entered into under section 7.4.

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

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

(b) - The likely impacts of the development

Context and setting

The proposed alterations and additions are located on an appropriately zoned and sized lot. However, as discussed throughout this report the proposed additions would be considered out of context and setting within the central residential Conservation Area.

Access, transport and traffic

As mentioned above the access to the dwelling would be considered appropriate and raise no concerns if conditions of consent are met.

Noise and vibration

Minimal impact during construction and will be controlled by conditions of any consent granted.

Public domain

No issues raised

Heritage

The impact on the Conservation Area has been discussed in detail above and considered unacceptable. Refusal is therefore recommended.

Other land resources

The land is zoned residential and contains an existing dwelling no issues are raised.

Water

The site is serviced by water and conditions of consent will require appropriate stormwater treatment of the extension.

Soils

No issues raised in the established residential area.

Air and microclimate

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

expected

Energy

The extension has been designed to maximise the northern aspect to the main living areas which is a positive in terms of energy efficient design.

Natural Hazards

The site is not bush fire.

The impacts of the site being located on flood prone land have been discussed above and considered acceptable.

Waste

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

Services/Utilities

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

Safety, security and crime prevention

The proposed alterations and additions raise no issues in a residential zone.

Social/economic impacts

The works will provide employment for local trades.

Flora and fauna

No issues raised.

Site Design and internal design

The overall design is an over development of the lot that is out of context and setting with the existing and desired future character of the area. The design will be detrimental to the lot itself, the immediately surrounding lots and the wider context of the residential element of the central Conservation Area.

The design has a number of positive elements such as the excellent attention to solar aspect. However, this does not out weigh the impacts discussed and therefore refusal is recommended.

Internally no issues are raised.

Construction

Extensions within residential zones are commonplace and whilst it is acknowledged that there will be a degree of disruption caused to surrounding properties this impact can be reasonably managed by way of conditions of consent on any approval granted.

Cumulative impacts

The cumulative impacts of this proposal have resulted in a recommendation for refusal.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

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

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

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) an assessment of the risk-weighted consequences of various options.*

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

2 Intergenerational equity

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

3 Conservation of biological diversity and ecological integrity

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

4 Improved valuation, pricing and incentive mechanisms

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

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed development would result in partial demolition of an existing dwelling and alterations and additions including a rear garage in a residential zone. No issues are raised against the principles of ESD.

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

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

The site is currently zoned residential and contains a detached dwelling and surrounded by residential developments. The site is considered suitable for alterations and additions, however, not of this design given the reasons discussed throughout this report.

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

Referrals

Internal
Heritage advisor
Essential Energy

Notification and advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was notified and advertised for a period of 7 days on the following dates 27/11/19 to 11/12/19 and referred surrounding tenancies. No public submissions have been received.

Public Submissions and those from public authorities

Heritage Comments - summarised below

93 Best Street is a typical and well-detailed example of a single storey, Federation style house that would be considered a contributory element in the conservation area.

No objection is raised to the demolition of the rear skillion and shed as these are common elements removed to allow for extensions. Also, no objection is raised to the internal alterations as these are relatively modest changes that retain the form, layout and detail to the house...

...The new garage is considerably larger than that allowed for under the DCP that limits the size to a double garage. Though the SEE refers to other examples on the conservation areas these cannot be used to justify such a large departure from the controls that have been framed specifically to limit the scale of rear lane garages. The scale of the garage is exacerbated by the large hobby room at the rear and the overall structure is double the size of that allowed under the controls.

The rear addition is single storey and to a traditional design and the general form is well detailed and articulated and the intersection with the existing roof will allow the retention of the primary roof form.

The primary issue with the addition is its extent. The addition extends from the rear wall of the house to the garage giving an almost continuous wall line. Though there is some articulation in the wall planes and materials this form of development has no historic precedent in the conservation area. The development will almost completely remove the extent of soft landscaping in the rear garden and any opportunities for deep soil planting. The development will transform what is quite a modest house into a very large development with living/dining kitchen area alone being larger than the current house.

The characteristic pattern for development in the conservation area is for modest, single storey houses set to the front of lots with landscaped gardens to the rear and the development does not follow this characteristic pattern. The development will impact on the setting of the house by removing the majority of its rear garden.

The development will also impact on the setting of this section of the conservation area by introducing an uncharacteristic development pattern. The proposal introduces a line of building over 43 metres long that will impact on the setting of the properties each side.

Development Control Plan

It should be noted that in the DCP part About Section 3 (p.2)

The controls in the DCP support the Guiding Principles and Section Objectives. A Development Application should aim to satisfy the Guiding Principles, and the Objectives of the relevant sections. Equal emphasis must be given to both "numeric" and non-numeric controls relevant to a particular development. Compliance with controls will not necessarily guarantee approval of an application in the event that a proposed development has an unacceptable impact on neighbours or the surrounding environment.

i.e. compliance with site coverage does not override the heritage provisions and we consider that the development will have an unacceptable impact on both neighbours and the surrounding conservation area.

The development is not in accordance with the heritage objective and controls set out in Section 3 of the DCP.

About Section 3 (p.2)

Heritage items and conservation areas have special qualities that make them significant. Development needs to take particular care to ensure that the particular themes, features or characteristics that make the item or area significant are not compromised by change

The proposal will impact on the historical characteristics of this section of the conservation in terms of setting and garden areas.

3.2.2 Residential Precinct

Alterations, additions and infill development

*O2 Retain details and features that are characteristic of the conservation area, and encourage reinstatement of these features where they have been removed
This would include retention of rear gardens.*

O2 Encourage new buildings to respond positively to the character of adjoining and nearby buildings

The proposal does not respond to the common typology in this section of the conservation area and largely removes the garden setting that is strong characteristic.

O3 Ensure that new work is sympathetic to the bulk, mass and scale of characteristic buildings in the conservation area.

The scale of the development is very much out of kilter with the pattern of development in the area and introduces an unsympathetic built form of considerable scale.

Gardens

Private gardens play an important role in the character of the conservation area by reinforcing street plantings and the local parks.

The proposal will remove nearly all of the planted garden to the rear of the property that is a distinctive feature of this section of the conservation area...

The proposals are largely supportable apart for the extent of the rear addition and we consider that the proposal is an overdevelopment of the site and should not be supported. If approved, it will set a very poor precedent for the conservation area and could potentially

lead to a loss of many of the large, rear gardens in the area with the resulting loss of trees and landscaping.

Recommendation

Refusal or submission of revised plans to:

- *Compress the development close to the existing house*
- *Reduce the garage to a two car structure*
- *Delete the hobby room*

Essential Energy Comments - summarised below

Essential Energy has safety concerns in relation to the proximity of the development to Essential Energy's infrastructure (including power pole(s)).

Essential Energy may reconsider this proposal, if the development applicant provides:

- *A detailed plan of the proposed structure including elevations and height from the top of the structure to the nearest conductor (powerline) and nearest poles.*

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

If the applicant believes that the development complies with ISSC20 then please provide plans (showing distances from the proposed development to Essential Energy's infrastructure) together with any other relevant information for further consideration.

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

Council is satisfied that this issue can be addressed by way of condition of consent on any approval granted.

(e) - the public interest

Federal, state and local government interests and general community interests

It is considered that approval of this application would not be in the public interest for the following reasons:

- The proposal would result in unreasonable context and setting impacts within the Heritage Conservation Area and set a poor precedent that has potential to result in the loss of important elements that help to define the Conservation Area.
- The development is not consistent with objectives of the LEP, it is not consistent with objectives and controls within the DCP and therefore, approval would result in an inconsistent approach to implementing community endorsed documents that provide a degree of certainty to the public of what the expected built form may be within particular areas.

Other Legislative Requirements

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

(1) *The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:*

(a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

(b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*

(i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*

(ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*

(c) *in relation to the habitat of a threatened species or ecological community:*

(i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*

(ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*

(iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*

(d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*

(e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

(2) *The Minister may, by order published in the Gazette with the concurrence of the Minister for Planning, issue guidelines relating to the determination of whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Any such guidelines may include consideration of the implementation of strategies under the Biodiversity Conservation Program.*

The development is in a residential zone and not removing any substantial vegetation; the development will have minimal impact on any threatened species in the vicinity. No further assessment is required under this section.

As mentioned above there is unlikely to be significant impact.

Section 733 of the Local Government Act 1993

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

Flooding Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. Although the site is identified as being prone to flood no further risk assessment is required as the development is within the main city levee and is an extension to an existing dwelling.

Bush Fire Risk Assessment

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

Council Policies

N/A

Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

Development Contributions

Section 7.11/7.12 of the Local Government Act, 1993 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.12 contribution of \$4750 applies and will be put towards the provision high quality and diverse public facilities to meet the expectations of the residents of the city.

Calculation

1% of 475,000 = 4750

Section 64 of the Environmental Planning and Assessment Act 1979, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater. A Section 64 contribution of \$526.40 for stormwater is payable for this development as a source of funding towards infrastructure within the urban area.

The works will not result on additional impact on Council's Sewer network and therefore no Section 64 Sewer contributions are required.

S64 drainage

The works provides additional hardstand area of 182.37m².

Calculation is as follows:

Existing = 121.27

Proposed = 303.64
Total = 303.64 - 121.27 = 182.37

$182.37/800 \times 1/0.74 \times 3007 = \926.32
(plus CPI) $926.32 \times 115.2/87.9 = \1214.02

A condition can be imposed on any consent granted to ensure these payments are made.

Other Approvals

Nil

RECOMMENDATION

It is recommended that application number DA19/0603 for Alterations and additions including rear extension and garage be refused for the following reasons:-

- The proposal does not meet the following objective of Section 5.10 of the Wagga Wagga Local Environmental Plan 2010
 - (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views*
- The proposal is not consistent with objectives O2 and O4 of section 3.3.2 (Alterations, additions and infill development) of the Wagga Wagga Development Control Plan 2010.
 - O2 *Retain details and features that are characteristic of the conservation area, and encourage reinstatement of these features where they have been removed.*
 - O4 *Ensure that new work is sympathetic to the bulk, mass and scale of characteristic buildings in the conservation area.*
- The proposal does not comply with controls C1 and C3 of section 3.3.2 (alterations and additions) of the Wagga Wagga Development Control Plan 2010.
 - C1 *Design new work to complement the style and period of the building in terms of style, scale, form, roof form and materials. New works can be a modern interpretation and do not need to strictly follow the original style.*
 - C3 *Additions are to retain, and be subservient in form and scale, to the primary form of the building.*
- The proposal does not comply with control C4 of section 3.3.2 (Garages and carports) of the Wagga Wagga Development Control Plan 2010
 - C4 *Double garage - 6000mm wide x 7500mm long, 2400mm walls, 27 degree roof pitch rising to apex 3900mm high. Two roller doors 2600mm wide in 3 equal wall bays.*

- The proposal is not consistent with objective O1 of section 3.3.2 (Gardens) of the Wagga Wagga Development Control Plan 2010.
O1 Encourage traditional garden layout and planting schemes.
- The proposal does not comply with control C1 of section 3.3.2 (Gardens) of the Wagga Wagga Development Control Plan 2010.
C1 Retain original paths and garden layouts.
- The development does not comply with design principles P5 and P7 under Section 9 of the Wagga Wagga Development Control Plan 2010.
P5 Building siting, footprint, scale and bulk should be compatible with adjoining development and the established or intended built form.
P7 Respond to the issues highlighted in the site analysis, taking advantage of natural features, minimising potential impacts to neighbours and achieving compatibility with neighbourhood character.
- The development does not comply with the following 'key priorities' under Section 9.1.1 (Central Wagga Wagga) of the Wagga Wagga Development Control Plan 2010.
 - *Retaining the current patterns of building/open areas through site cover and landscaped area requirements*
- The proposal is not consistent with objective O1 of section 9.2.1 (Site Layout) of the Wagga Wagga Development Control Plan 2010.
O1 Encourage site responsive development that is compatible with existing or desired built form.
- The proposed development is inconsistent with the context and setting of the centrally located residential area of the Conservation Area and unreasonably impacts on the current and desired future character of the area.
- The proposed development would not be considered in the public interest for the following reasons:
 - It would result in unreasonable context and setting impacts within the Heritage Conservation Area and set a poor precedent that has potential to result in the loss of important elements that help to define the Conservation Area.
 - The development is not consistent with objectives of the LEP, it is not consistent with objectives and controls within the DCP and therefore, approval would result in an inconsistent approach to implementing community endorsed documents that provide a degree of certainty to the public of what the expected built form may be within particular areas.