

# Draft DCP Amendment Assessment

## Introduction:

At the Council Meeting of 16/3/20 Council resolved the following:

***That Council defer consideration of RP-2 DA19/0603 – Alterations and additions including rear extension and garage at 93 Best Street, Wagga Wagga, Lot 17 Section 49 DP 759031 pending the outcome of the amendment to the DCP as per RP-1 – Management of additions, secondary dwellings and infill development within the Heritage Conservation Area.***

The draft DCP is currently on exhibition until 19/6/20 with submissions being received until 3/7/20 due to the current circumstances surrounding COVID-19. Given the extended time frame before the outcome of the DCP amendment (approximately 4 months before a report can be put back to Council) the applicant has requested a determination of their development application.

To assist Councillors in making their decision Council staff have undertaken an assessment of the application against the draft amendments to the DCP including the impact those amendments have on other conclusions made within the original assessment.

For clarity, Section 3 has been set out as if adopted with the relevant controls for this proposal under this section included.

## Amended Assessment:

### Section 3 Heritage Conservation

#### 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.*
- O5 *Additions may be of a modern style providing there is a clear delineation between old and new*

#### ***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 its 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**

*C2 Alterations and additions are to be designed so as to maintain the historical integrity and visual prominence of the existing building within the heritage streetscape.*

In this instance the heritage streetscape is Best Street. The alterations and additions have been well located to the rear and at or below the ridge height of the existing dwelling. The additions would have negligible impact on the historical integrity and visual prominence of the existing building from Best Street and would therefore be considered to meet this control.

*C3 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.

*C5 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.*

The rear extension to the dwelling complies with this control.

*C6 Any dwelling addition, secondary dwelling or outbuilding proposed in the heritage conservation area should avoid being visible from the public domain, other than rear lane elevations.*

As discussed above, the extension is to the rear of the existing dwelling and would appropriately address this control.

*C7 Any addition that is attached to an existing dwelling or structure shall be suitably articulated to avoid a monolithic appearance. For example, by using stepped or rebated connections, compound roof forms, etc.*

The addition has been well designed to address this control.

*C8 Use vertically proportioned windows.*

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

*C9 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.

*C10 The addition is not to extend across the full width of the building form.*

The proposal complies with this control. The link between old and new provides the separation and articulation and the main bulk of the extension does not extend the full width of the building form.

Whilst the garage does exceed the width of the dwelling and is attached to the extension there are separate controls that directly relate to garages and therefore it is not the intent of this control to include that element of the design. The garage design has been assessed separately below.

*C11 Access at least 1m in width must be provided from the rear lane frontage to the back yard of properties via an unenclosed area.*

The proposal does not comply with this control. 808mm has been provided. Whilst not strictly compliant, this distance would be sufficient for access and potentially can be supported. Alternatively, the garage could be conditioned to be reduced in size by 200mm to ensure strict compliance with this control.

*C12 A rear setback of at least 1m from laneways must be maintained by any garage structures.*

The proposal complies.

Given the proposal appropriately addresses the relevant controls of this section, the objectives would be seen to have been met.

### **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

- C2 *Where lanes exist with vehicular access to the rear of the property; driveways, crossings and garages are not to be provided on the primary street frontage.*

The proposal complies.

- C4 *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.

- C8 *The scale or size of the carport, garage or shed should not dominate the main house.*

The garage is set at the rear of the lot and has a ridge height consistent with that of the existing dwelling. Any form of reasonable size garage along the laneway will restrict the view of the existing dwelling from this aspect and this is the case in most properties within the Conservation Area rear lanes. Given the separation from the main dwelling and the consistent ridge line the garage would not be considered to dominate the main dwelling and would therefore be consistent with this control.

## 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. However, any addition to the rear of the property or garage element that spans the width of the lot would remove elements of the traditional garden layouts. These types of extensions and garages have been commonly approved within the Conservation Area for many years.

Whilst a full length extension further detracts from the traditional garden layout, the impact on this traditional feature throughout the Conservation Area has already been substantial and could be argued to be beyond the point to which its value adds to the Conservation Area. Furthermore, the alteration and additions section above makes no reference to providing separation between the dwelling and the garage.

Given the above discussion, whilst the proposal would not comply with the control, the impact would not be such that would warrant refusal of the application on this basis alone.

- 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.*
- C5 Side and rear fences greater than 1.8m in height will not generally be 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.

The amendment to these controls results in reconsideration of parts of other sections of the report. These have been discussed below:

## **Section 9 – Residential Development.**

The sections that would be reconsidered have been addressed below:

The original assessment makes the statement that the proposal would be inconsistent with the following principles:

- 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.*

Under the draft controls it could reasonably be argued that whilst still inconsistent with the established built form, the development would be consistent with the intended built form. The focus from the heritage controls under the draft is around ensuring the heritage value of the

property is maintained from the main streetscape and that the rear garden area and rear lanes can be utilised to develop the site if the streetscape, and heritage value of the original dwelling from the streetscape is maintained. In this instance, this is the case and therefore the proposal would be consistent with these principles.

## **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...*

The original assessment focused around the built form extending the length of the lot and this being out of character and inconsistent with the existing and intended built form and therefore detrimental to the character of the individual lot and the wider area.

As discussed above, the draft controls would now allow for this type of development and given this is now the intended built form the previous discussion would be considered irrelevant and the proposal would not be inconsistent with the key priorities listed above.

### **9.2.1 Site layout**

The original assessment determined that the development was inconsistent with the following objective.

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

*built form.*

As discussed, the draft controls now make it clear that this type of proposal is the desired built form and therefore would not be considered inconsistent with this objective under the draft amendments.

**(b) - The likely impacts of the development  
Context and setting**

The original assessment determined that the development was out of context with the central residential Conservation Area. This has not changed but the design would be consistent with the desired future outcomes and therefore this would no longer be a reason for refusal.

**(e) - the public interest**

**Federal, state and local government interests and general community interests**

The original assessment determined that the development 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.

Based on the draft controls this would no longer be the case.

Given the above assessment of the draft controls and the impact that has on a number of the existing controls as previously assessed, the development as proposed would not be considered inconsistent with 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*

**Conclusion**

Of the 11 reasons for refusal in the original assessment, all would be removed based on the draft amendments and subsequent reassessment of other relevant sections of the report. The conclusion is therefore that this proposal would be recommended for approval if the draft controls were adopted.