



# ATTACHMENTS PROVIDED UNDER SEPARATE COVER

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## ORDINARY MEETING OF COUNCIL

29 April 2024

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## **RP-1 - DA23/0264 - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A 5 STOREY BUILDING CONTAINING 2 GROUND FLOOR COMMERCIAL TENANCIES AND SHOP TOP HOUSING CONSISTING OF 16 DWELLINGS - 115 FITZMAURICE STREET, WAGGA WAGGA**

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

### APPLICATION DETAILS

<b>Application No:</b>	DA23/0264
<b>Council File No:</b>	D/2023/0264
<b>Date of Lodgement:</b>	01/06/2023
<b>Applicant:</b>	Architects Ring & Associates Pty Ltd 2/59 Wentworth Avenue Kingston
<b>Proposal:</b>	Demolition of existing building and construction of a 5 storey building containing 2 ground floor commercial tenancies and shop top housing consisting of 16 dwellings.
<b>Development Cost</b>	\$7,865,000
<b>Description of Modification:</b>	N/A
<b>Other Approvals:</b>	Nil
<b>Determination Body &amp; Reason:</b>	Council

The concurrence of the Planning Secretary (NSW Department of Planning and Environment) is required for variations to development standards under clause 4.6 of the LEP 2010. The Planning Secretary has issued deemed concurrence to Council by written notice dated 21 February 2018, to determine applications that include variations to development standards under clause 4.6. This deemed concurrence is conditional that a delegate of the Council may not determine a development that contravenes a numerical standard by more than 10%. As the subject proposal seeks variation to a development standard by more than 10%, the application must be determined by the elected Council.

**Assessment Officer:** Cameron Collins

### SITE DETAILS

**Subject Land:** 115 Fitzmaurice St  
WAGGA WAGGA NSW 2650  
Lot 12 Sec 45A DP 759031, Lot 2 DP 913838, Lot 1 DP 913839, Lot 3 DP 913840



**Owner:** GP Xuereb & AM Xuereb

## REPORT

Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	15/12/2023 - 19/01/2024
Advertising:	15/12/2023 - 19/01/2024
Owner's Consent Provided:	Yes
Location:	On the eastern side of Fitzmaurice Street approximately 100 metres south of its intersection with Kincaid Street.

### **DESCRIPTION OF DEVELOPMENT**

The application proposes the demolition of the existing building and construction of a 5 storey building containing 2 ground floor commercial tenancies and shop top housing consisting of 16 dwellings.

The development comprises the following components:

- Demolition of the existing single storey commercial building.
- Construction of a mixed use five storey building comprising:
  - o Ground Floor - two commercial tenancies and residential foyer fronting Fitzmaurice Street and car parking to the rear with access from Cadell Place.
  - o Floors 1 - 4 - each floor containing 4 dwellings (16 in total) with either open or enclosed balconies to Fitzmaurice Street and open balconies to Cadell Place.

The application proposes 2 variations to development standards under Part 4 (Principal development standards) of the Wagga Wagga Local Environmental Plan 2010 (LEP). The requested variations relate to standards under the following clauses of the LEP:

- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio

### **THE SITE AND LOCALITY**

The site is identified as 115 Fitzmaurice Street. It is located on the eastern side of the street approximately 100 metres south of its intersection with Kincaid Street. The site also has frontage to Cadell Place to the rear.



The site is located within the heritage conservation area and is surrounded by commercial development to the north, south and west. The Murrumbidgee River and levee is located to the east of the site.

The site comprises 4 separated allotments with a combined area of 607.2 square metres. It is entirely occupied by an existing commercial building comprising 2 tenancies with shopfronts to Fitzmaurice Street and service access to Cadell Place.

#### Existing Fitzmaurice Street elevation



































































































































































































































































































































































































































































































































































































































































































































































































































































