

# STATEMENT OF ENVIRONMENTAL EFFECTS



## Proposed Alterations and Additions to Sportsmens Club Hotel

107 Kincaid Street, Wagga Wagga, NSW 2650

Lot 42 DP1281504



Prepared for SH Freehold Pty Ltd

Rev 2.1 – June 2023

## ACKNOWLEDGEMENT OF COUNTRY

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

*The subject land is within the traditional land of the Wiradjuri people.*



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# Proposed Alterations and Additions to Sportsmens Club Hotel

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**TABLE OF ABBREVIATIONS**

ADA	Amended Development Application
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ATP	Active Travel Plan
BA	Building Application
BDAR	Biodiversity Development Assessment Report
CBD	Central Business District
CC	Construction Certificate
CDC	Complying Development Certificate
DA	Development Application
DBYD	Dial Before You Dig
DCP	Development Control Plan
DMD	Darren Mah Design
DP	Deposited Plan
DPE	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&AR Regs	Environmental Planning and Assessment Regulation 2000
GF	Ground Floor
GFA	Gross Floor Area
GIS	Geographical Information System
GtTGD	Guide to Traffic Generating Development
ITS	Integrated Transport Strategy
LEP	Local Environmental Plan
LOS	Level of Service
MTC	Murrumbidgee Turf Club

NSW	New South Wales
OEH	Office of Environment and Heritage
RBT	Random Breath Testing
RFI	Request for Information
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SP	Salvestro Planning
TIA	Traffic Impact Assessment
TP/A	Town Planning/Assessment or Approval
WWCC	Wagga Wagga City Council

# Proposed Alterations and Additions to Sportsmens Club Hotel

107 Kincaid Street, Wagga Wagga, NSW 2650

## 1 INTRODUCTION

### 1.1 Proposal Summary

The following revised Statement of Environmental Effects (SEE) has been prepared in support of proposed alterations and additions to the Sportsmens Club Hotel at 103-107 Kincaid Street, Wagga Wagga, Lot 42 DP1281504. The SEE also seeks to address several outstanding development conditions and works undertaken subsequent to the approvals of DA04/1162, ADA07/0030 and ADA08/0006.

The site is zoned R3 Medium Density Residential under Wagga Wagga Local Environmental Plan 2010 (LEP). The hotel has been in existence since 1877, pre-dating current planning regulations and falls within the category of an "existing use" under the provisions of the Environmental Planning and Assessment Act 1979.

The SEE addresses the following prescribed matters:

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

The purpose of the development is to provide alterations and additions to the existing building by incorporating changes better suited to current demands for pub style patronage, as well as addressing several outstanding development conditions and works undertaken in recent years.

### 1.2 Council Pre-DA & Ongoing Consultation

In early 2021, the proponent purchased the hotel on the understanding that negotiations would be entered into with Council to address outstanding development conditions and approvals inherited from the previous owner.

The proponent made initial contact with Council in March 2021 to ascertain current approvals and any outstanding development matters to be addressed. The following is a summary of subsequent communication and actions with Council:

- 20/9/21: Ph call with Council Planning Officer to discuss development issues, outstanding compliance matters and recent onsite works. Confirmed detailed plans of proposal including details on works requiring approval, justification for car parking arrangements, preparation of TIA report recommended.
- 23/12/21: DA lodged for proposed alterations and additions to hotel premises, including TIA and detailed plans.
- 23/3/22: RFI letter received from Council detailing additional information and justification required for further consideration of the DA or suggesting withdrawal.
- 10/05/22: Meeting with Council to discuss RFI details, consideration of carparking options, explore other options to address carparking shortfall, adjacent sites, consideration of on-street parking availability, licencing arrangements for pub, changing expectations and pub experiences including mode of transport options. Arrangements for meeting Council in relation to available land at Wagga Cricket Ground opposite.

- 9/6/22: Meeting with Council at Wagga Cricket Ground: Carparking options including use of Wagga Cricket Grounds opposite, various obstacles to use of this crown land parcel including Womens Shed, Historic Gates, link of landuse to pub not permissible, 45 degree parking options in Beckwith Street not supported by Council due to safety concerns. Possibility of consideration of carparking within 200m of site, with justification. Council to consider further subject to precinct parking analysis.
- 29/11/22: Meeting at Council. Various options considered in relation to carparking provisions. TIA to be modified to consider street parking and usage of pub, patron mobility and mode of transport use. Note historic use of site as pub, limited licencing patrons on site, additional space for quality experience, change in nature of pub premises, integration with local neighbourhood, Consider GFA vs carparking, approved vs provided, unauthorized uses and works. Consider other recent approvals by Council for premises in neighbourhood areas, variations etc (up to 78%).

In summary, the additional information details for the revised SEE, as confirmed with Council, are to address:

- Removal of 17 spaces and access/egress rearrangements;
- Outdoor seating area (beer garden), fencing & gates;
- Raised deck/stage area;
- Roof and shade structure over approved beer garden;
- External repainting of the hotel building;
- GFA analysis of existing and additional areas, including beer garden area; and
- Reconciling car parking provisions against original consents, TIAs (original and current) and adequacy of future onsite provision of car parking spaces.

### 1.3 Supporting Plans and Documentation

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

**Table 1: Plans and Support Documentation**

Accompanying Documents			
Ref:	Description	Rev	Prepared By
1	Proposal Plan Set – 25/11/2021 DA-01-1 – Ground Floor Plan – Rev A DA-01-2 – First Floor Plan – Rev B DA-02-1 – Ground Floor GFA – Rev A DA-02-2 – First Floor GFA – Rev A	B	Darren Mah
2	Site Survey Plan of Lot 42, DP1281504 – 22509 – Feb 2023	-	Wagga Surveyors
3	Traffic Impact Assessment – P0174 – Feb 2023	C	Spotto Consulting
4	ADA08/0006 Amended consent & conditions – 03/06/2008	-	Wagga Wagga City Council
5	ASIC Search – SH Freehold – June 2023	-	Australian Securities & Investments Commission
6	NSW Land Title Details – 1/194432 – June 2023	-	DirectInfo – NSW Land Registry Services

## 2 APPLICANT & LAND OWNERSHIP

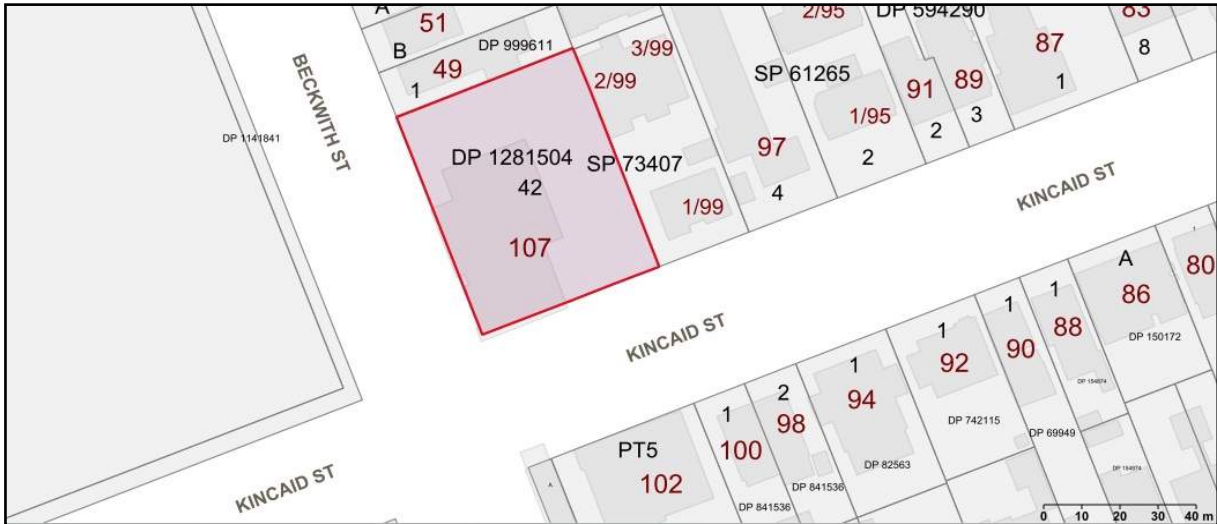
The applicant and the site landowner are SH Freehold Pty Ltd. The landowner has given their consent for the proposal to be prepared and lodged for consideration and determination.



**3 SUBJECT LAND**

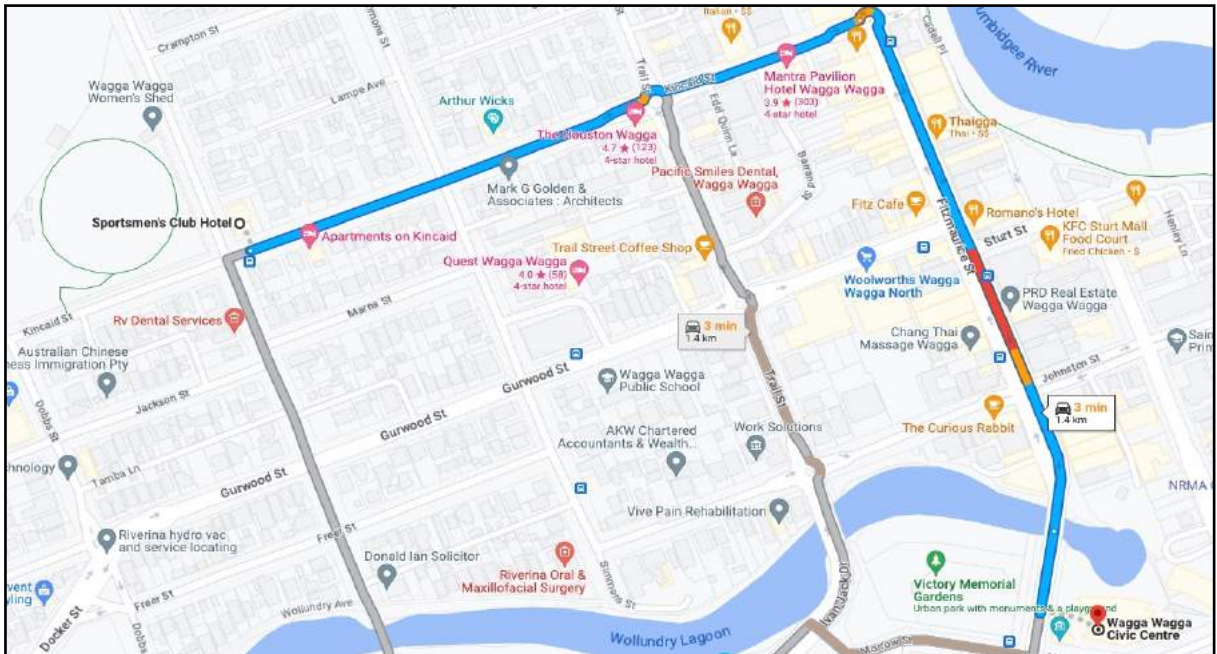
**3.1 Subject Land and Locality**

The subject land is known as 103-107 Kincaid Street, Wagga Wagga NSW 2650, comprising Lot 42 DP1281504, as identified in the mapping extract below.



**Figure 1:** Subject Land (Source: WWCCGIS 2023)

The subject site is located on the northern side of Kincaid Street with a total of 40.225m of street frontage and the eastern side of Beckwith Street with a total of 50.47m of street frontage. The site encompasses an area of 2032m<sup>2</sup>. The general location of the land relative to the CBD of Wagga Wagga is shown in the figure below.



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

The site has no easements impacting the operation of the land holding. A consolidation survey was finalised in 2022, as shown below. The survey plan provides details of existing structures on the site, including an awning surrounding the front of the building that overhangs part of the front footpath areas of Kincaid and Beckwith Streets.

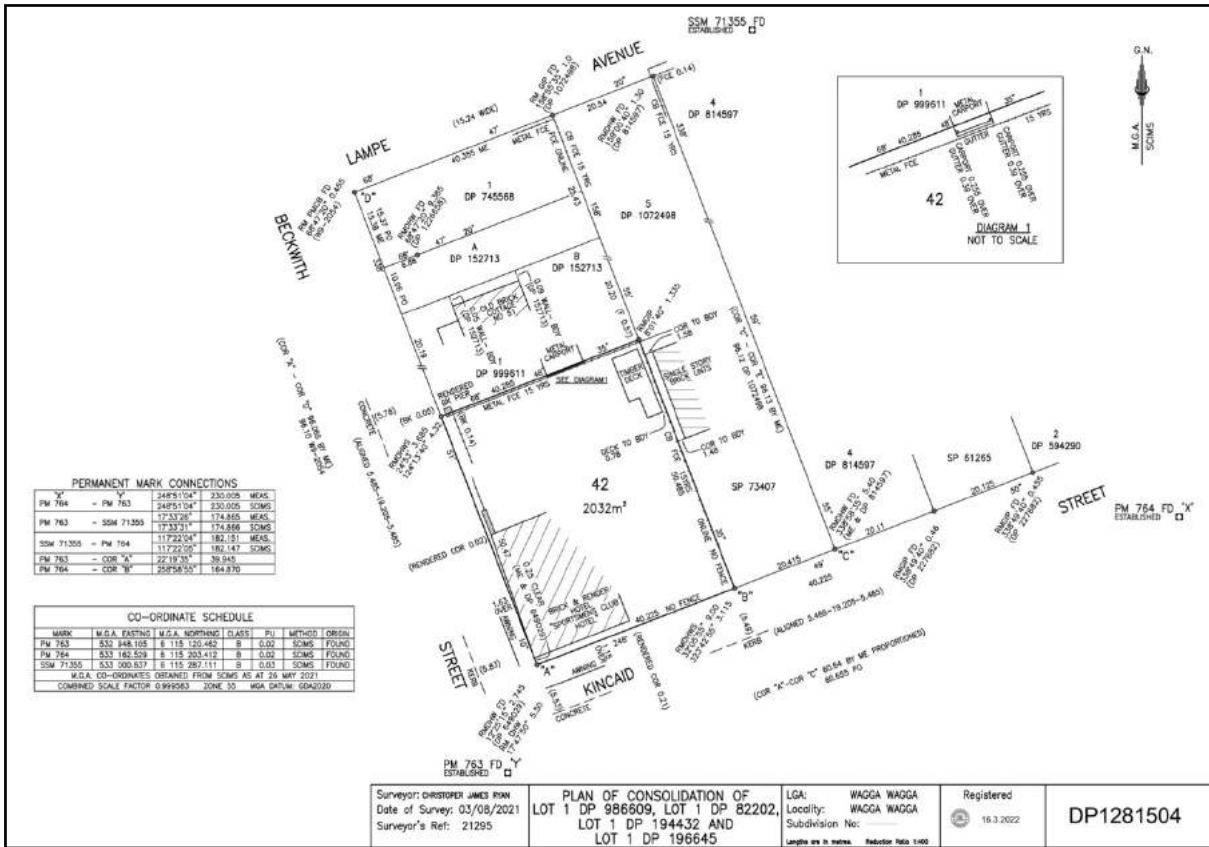


Figure 3: Extract of DP1281504 (Source: WWCCGIS Deposited Plans 2023)

A further detailed site survey has been prepared for the purposes of this SEE and is included as an attachment. An extract is provided below for context in considering the extent of existing building works and structures on the property.



Figure 4: Extract of Detailed Site Survey (Source: Wagga Surveyors 2023)

## 3.2 Site Characteristics

### 3.2.1 Existing Site

The existing site currently operates as the "*Sportsmens Club Hotel*". The site has been subject to various alterations and additions as further detailed in this report.

The original hotel was constructed in 1877 and is a 2-storey construction on the Kincaid Street frontage, with single storey construction at the rear. Apart from typical public bar and bistro facilities, the hotel includes a beer garden, onsite carparking and alfresco seating on the street footpaths.

The first-floor area is predominantly as originally constructed, with rooms used for accommodation, manager's residence and office area for hotel management purposes.

The site is a consolidation of the original hotel lot (Lot 1 DP82202) and 3 former dwelling sites (Lot 1 DP194432, Lot 1 DP196645 and Lot 1 DP986609). The dwellings were purchased and demolished for the purposes of creating addition site area for carparking purposes.



**Figure 5:** Existing Hotel – view from Kincaid/Beckwith St intersection (Source: Google Streetview 2023)



**Figure 6:** Existing Hotel – Beckwith St frontage (Source: Google Streetview 2023)

### 3.2.2 Surrounding Land

The site is located with the Central Wagga Wagga area, with the Murrumbidgee Turf Club and Wagga Wagga Cricket Ground located to the west of the site, and residential dwellings surrounding to the north, east and south. The premises is also located within the heritage conservation area.

Beckwith and Kincaid Streets are local streets that connect to the CBD and Central Wagga Wagga area. The local streets have typical mature street-tree cover and kerbside parking.



**Figure 7:** Kincaid Street streetscape – view looking northeast (Source: Google Streetview 2023)



**Figure 8:** Kincaid/Beckwith St streetscape – view looking southwest (Source: Google Streetview 2023)



**Figure 9:** Beckwith Street streetscape – view looking northwest (Source: Google Streetview 2023)

### 3.3 Site History

Historically, the site is within the traditional lands of the Wiradjuri people. The land was progressively acquired and subdivided during post European settlement.

Council records indicate that the site has been subject to several building and development applications as identified in the table below. Whilst the hotel building was constructed in 1877, building and development activity records are only available from the 1970s. Several significant transformations of the hotel site occurred in the late 1940s – 1960s (demolition of post-supported verandah), in the 1990s (demolition of remaining out-buildings including stables, laundry, toilets and storage rooms, bar area extensions), and in the 2000s (extension to bar areas, bistro and beer garden, acquisition of adjoining properties for car parking purposes).

**Table 2: Site Development History Summary**

<b>Review of Development Activity – 107 Kincaid Street</b>		
<b>Date/Year</b>	<b>Activity</b>	<b>Description</b>
1978	TP/A 294/78 Part XIIIA land use approval, BA282/78	Approval for enclosing rear verandah.
1979	TP/A 515/79 Part XIIIA land use approval, BA427/79	Approval for alterations to hotel premises.
14/9/1992	BA841/92	Approval for external alterations to hotel premises (Conservation Area).
04/5/1993	BA465/93	Approval for extensions & alterations to hotel premises.
03/9/1993	DA130/93	Additions to hotel, motel units & demolition of stables, <b>refused</b> by DCU 3/9/93, for reasons: unsympathetic design, inadequate car parking.
20/1/1994	DA130/93	Amended DA for Stage 1 extensions (additional floor space & public bar area, demolition of stables) & Stage 2 motel units x 7, <b>deferred</b> by DCU 20/1/94 pending onsite meeting with heritage advisor.
11/03/1994	DA130/93	Approval by DCU 11/3/94 for modified DA for Stage 1 additions to hotel premises only, including 22 car parking spaces. Demolition of Dwelling (105 Kincaid Street)
06/5/1994	DA130/93	Reconsideration of DA conditions (contributions) approved by DCU 6/5/94.
28/09/1994	BA465/93	Alterations, additions, renovations and extensions to hotel premises as per DA130/93.
19/08/2004	DA04/0688	Demolition of Dwelling (103 Kincaid Street) to establish carparking for future Redevelopment of Hotel Premises.
19/08/2004	DA04/0689	Demolition of Dwelling (47 Beckwith Street) to establish carparking for future Development of Hotel Premises.
29/03/2005	DA04/1162	Additions to hotel premises including seating on footpath and additional carparking. TIA & NMP prepared. 34 carparking spaces required.
23/07/2007	ADA07/0030	Redesign of approved additions to hotel. 30 carparking spaces required. Consideration of parking at 1/24m <sup>2</sup> GFA.
08/10/2007	CC007/0616	Construction of the approved redesigned additions to existing hotel.
03/06/2008	ADA08/0006	Approval for minor floor layout modification. 34 carparking spaces required. 40m <sup>2</sup> additional GFA, Additional 4 carparking spaces required based on 1/10m <sup>2</sup> . OMP inc bus service.

The hotel premises has also recently been the subject of various works that require retrospective consideration and approval. This is considered in further detail below.

In addition, several outstanding conditions of DA04/1162, ADA07/0030 and ADA08/0006 require compliance, which will be undertaken in conjunction with works proposed under the subject development application. Consequently, there are no records of final compliance, CDC or Occupation Certificates for these works. This is also discussed in further detail below.

### **3.3.1 Historic Photos & Records**

Historic street and aerial photographs of the site and immediate surrounding area are provided below.

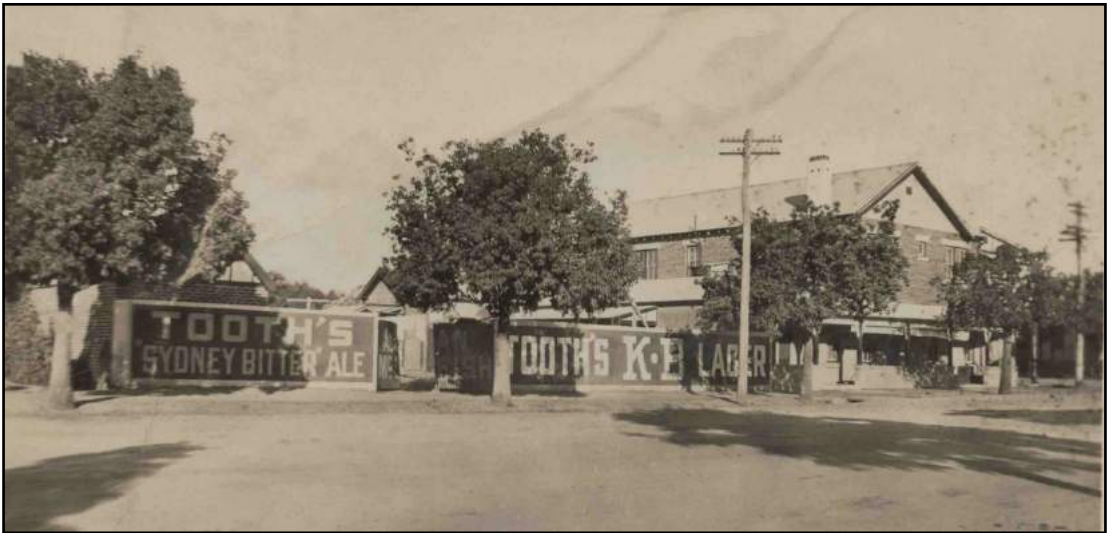
Historic site photos from archival records confirm hotel use in 1924 and 1949, and redevelopment including post-supported verandah removal around the early to mid 1960s. *Lost Wagga Wagga* online records note the following in relation to the hotel premises:

*The Sportsmens Club Hotel on the corner of Kincaid & Beckwith Sts when it still had a verandah in 1949. The hotel was opened by Bill & Selina Seale in 1877 as the Racecourse Hotel. The name was changed to the Sportsmens Club Hotel 8th Sept, 1924. The hotel is still going strong today. (Historic photos from Wagga Wagga & District Historical Society – CSU Archives Regional Archives).*

Aerial images confirm site activity from 1944 to 2023. The aerials include overlay site boundaries indicating former lot boundaries of acquired adjoining dwelling sites that were demolished for expansion of the hotel to accommodate additional car parking.



**Figure 10:** Historical Photo – 1925 – Kincaid Street frontage (Source: CSU Archives 2023)



**Figure 11:** Historical Photo – 1925 – Beckwith Street frontage (Source: CSU Archives 2023)



**Figure 12:** Historical Photo – 1949 – Kincaid/Beckwith St frontage (Source: CSU Archives 2023)



**Figure 13:** Historical Photo – 1965 – Post-supported verandah removal (Source: CSU Archives 2023)



**Figure 14:** Historical Photo – 2007 - Kincaid/Beckwith St frontage (Source: Google Streetview 2023)



**Figure 15:** Historical Photo – 2009 - Kincaid/Beckwith St frontage (Source: Google Streetview 2023)



**Figure 16:** Historical Photo – 2019 - Kincaid/Beckwith St frontage (Source: Google Streetview 2023)



**Figure 17:** Historical Photo – 2020 - Kincaid/Beckwith St frontage (Source: Client Drone Image 2023)



**Figure 18:** Historical Photo – 2022 - Kincaid/Beckwith St frontage (Source: Google Streetview 2023)





Figure 19: Historical Aerial of Subject Site – 1944 (Source: WWCCGIS 2023)



Figure 20: Historical Aerial of Subject Site – 1971 (Source: WWCCGIS 2023)



Figure 21: Historical Aerial of Subject Site – 2012 (Source: WWCCGIS 2023)



Figure 22: Historical Aerial of Subject Site - 2016 (Source: WWCCGIS 2023)



Figure 23: Historical Aerial of Subject Site - 2018 (Source: WWCCGIS 2023)



Figure 24: Historical Aerial of Subject Site - 2020 (Source: WWCCGIS 2023)



**Figure 25:** Current Aerial of Subject Site - 2023 (Source: NearMap 2023)

### 3.3.2 Outstanding DA Conditions

Alterations and additions to the hotel premises were approved in 2004 under DA04/1162, with subsequent amendments approved under ADA07/0030 and ADA08/0006. A review of the current DA/ADA conditions is provided in the table below.

**Table 3: Review of ADA08/0006 Conditions**

<b>ADA08/0006 Conditions of Consent – Review &amp; Response</b>		
<b>Condition</b>	<b>Response</b>	<b>Compliance</b>
<b>GENERAL – PLANS &amp; DOCUMENTATION</b>		
1. <i>The development shall be undertaken and completed in accordance with:- .... Plans &amp; Documentation as noted including TIS &amp; NMP.</i>	Generally in accordance. Alterations and extension are subject to this DA and SEE.	No
<b>PLANNING SECTION</b>		
1. <i>The operation of the Hotel premises is to comply with the conditions of the Hoteliers Licence No. 121180 confirmed on the 28 October, 1996.</i>	New amended hotel licence and plan (LIQH400121180) issued 3/11/21.	Yes
2. <i>The redevelopment of the Hotel premise is to incorporate the requirements to comply with the noise restrictions as per the Hoteliers Licence No. 121180 confirmed on 28 October, 1996. The applicant is, within one (1) month of the operation of the redeveloped premises to provide to Council a noise assessment report confirming that these conditions are complied with for the whole premises.</i>	Operational noise restrictions and requirements implemented. NIA requirements assumed met.	Yes
3. <i>The proposal is to provide for a minimum of 34 carparking spaces on site. The carparking layout is to be physically indicated on the site (by means of line marking, physical barriers, etc.) in accordance with Council's adopted carparking standards (Australian Standard AS 2890-1 -1993 Parking facilities for off street parking) in a manner so as to allow vehicles to enter and leave the site in a forward direction.</i>	Carparking layout has been modified. Consideration of revised carparking arrangements is subject to this DA and SEE.	No
4. <i>A plan of the landscaping is to be provided to Council for the consent of the Director of External Services prior to the issue of the Construction Certificate. Landscaping of the</i>	Plan submitted to Council (M McCrone & A Thompson) prior to CC. Landscaping has since been modified in conjunction with other	No

<i>site is to be carried out to the satisfaction of the Director of External Services prior to occupation of the redeveloped premises</i>	site rearrangements. Consideration subject to this DA & SEE.	
<i>5. The proposed carpark layout is to be restricted to ingress only from Kincaid Street. Egress and ingress is permissible from Beckwith Street. Linemarking and signage is to be erected to enforce this requirement.</i>	Carparking and access/egress arrangements have been altered. Consideration of revised carparking arrangements is subject to this DA and SEE.	No
<i>6. The future bar as shown on Plan No. 355-WD2 has not been approved.</i>	Noted.	Yes
<i>7. The use of the alfresco dining area and beer garden areas is limited to 10pm.</i>	Noted.	Yes
<i>8. The use of the alfresco dining area is approved for a period of 12 months only. The seating and tables within this area are to be fixed when in use. Such seating and tables is to be removed by 10.15pm each night.</i>	Noted. The alfresco dining area continues to be in use. Consideration subject to this DA & SEE.	No
<i>9. Repainting of the premises is to be in accordance with the colour scheme approved by this Development Application.</i>	The premises has been repainted recently. Consideration of revised building colour scheme are subject to this DA and SEE.	No
<i>10. The building to be constructed with:- - brickwork to match the existing building; - roof to be galvanised corrugated iron; - eaves gutters are to be of quad profile; - ridge and hip cappings are to be roll top; and, - downpipes are to be circular.</i>	Generally in accordance.	Yes
<i>11. The proposed 2.6m fence is not to extend towards Kincaid Street past the building line for the adjoining premises to the east of the subject site or within 3m of the Beckwith Street frontage. This is to allow sight distance for driveways of adjoining and subject property</i>	Kincaid Street fence line in accordance with this condition. Beckwith Street frontage altered with revised beer garden and carparking arrangements. Consideration subject to this DA & SEE.	No
<i>12. Lot 1 DP 194432, Lot 1 DP 82202, Lot 1 DP 186645 and Lot 1 DP 986609 is to be consolidated into one (1) allotment. Evidence of this having been complied is to be provided to Council prior to occupation of the redeveloped premises.</i>	Consolidation of lots completed. See new DP.	Yes
<i>13. Loading and unloading of delivery vehicles shall take place on the subject site. This is not to interfere with use of the 34 carparking spaces.</i>	Loading and unloading occurs on site adjacent service area off Kincaid Street.	Yes
<i>14. The illumination of the carpark area and beer garden areas and alfresco dining areas is not to increase the illumination of any nearby residential properties.</i>	Illumination established in accordance with this condition.	Yes
<i>15. The bus service for patrons is to be available in accordance with a Plan of Operation prepared by the applicant and submitted to the satisfaction of the Director of External Services. This plan is to be submitted and approved prior to occupation of the renovated premises</i>	Courtesy bus currently operates for use by patrons. Plan of Management to be sourced.	Yes
<i>16. The tables and seating on footpath requires approval under Section 138 of the Roads Act. An annual fee will be required for the use of the footpath area.</i>	S138 approval to be sourced. Confirmation of annual fee to Council TBC. Council has subsequently changed its policy on charging a fee for outdoor eating areas. Noted with Council.	Yes
<i>17. The anchorage points for the tables and chairs is to be to the satisfaction of the Director of Asset Management</i>	Anchorage points for tables and chairs to noted with Council.	Yes
<i>18. The garden area identified on plan 335-WD1B prepared by Allen Thompson and submitted with ADA07/0030, shall not be used as a beer garden</i>	Garden area has been modified with recent rearrangements of beer garden and car parking areas. Consideration subject to this DA & SEE.	No
<b>BUILDING SECTION</b>		

1. Various building conditions 1 – 9	Have been satisfied.	Yes
<b>ENGINEERING SECTION</b>		
1. Various engineering conditions 1 - 5	Carparking area to be sealed in accordance with c5	No
<b>PLUMBING SECTION</b>		
1. Various plumbing conditions 1 - 3	Have been satisfied.	Yes
<b>ENVIRONMENTAL HEALTH SECTION</b>		
1. Various environmental health conditions 1 – 5	Have been satisfied.	Yes

Based on the review outlined in the table above:

- 13 conditions are satisfied.
- 9 conditions are not satisfied based on available information and site inspection.

To address the above outstanding DA conditions the following matters are to be further considered with this revised DA:

- Building layout including beer garden space
- Carparking layout and number of available spaces
- Vehicular access & egress arrangements
- Landscaping
- Hours of operation
- Alfresco tables & seating arrangements
- Heritage colour scheme
- Loading & unloading area location

### **3.3.3 Recent works requiring retrospective consideration**

Based on Council's response dated 23/3/22, the following works require retrospective consideration and consent:

- Removal of 17 spaces and access/egress rearrangements;
- Outdoor seating area (beer garden), fencing & gates;
- Raised deck/stage area; and
- Roof and shade structure over approved beer garden.

The raised deck/stage area has subsequently been removed and no longer requires retrospection consideration.

The remaining matters are to be addressed in conjunction with the proposed alterations and extension outlined on the accompanying development plans, together with compliance with previous DA conditions of consent reviewed in section 3.3.2 above.

## 4 DEVELOPMENT PROPOSAL

### 4.1 Proposal Details

The subject development application proposes to:

1. address several outstanding development conditions under ADA08/0006 (the current development consent);
2. seek development consent for works undertaken subsequent to the original development approval under DA04/1162, and as amended by ADA07/0030 and ADA08/0006; and
3. seek development consent for proposed alterations and additions to existing hotel premises, as detailed in accompanying plans.

Accordingly, and based also on discussions with Council, the proposal involves the following key elements for consideration:

- Revised building floor plan and construction works including:
  - Internal refurbishment works
  - Extension of bistro and bar areas
  - Gaming room expansion
  - Outdoor seating area (beer garden), fencing & gates
  - Roof and shade structure over previously approved beer garden
  - Alfresco tables & seating arrangements on footpath area
  - External repainting of the existing building
  - Landscaping
- Provision of on-site carparking including:
  - Removal of previously approved car parking spaces
  - Traffic generation
  - Vehicular access/egress rearrangements
  - Loading & unloading rearrangements

### 4.2 Revised building floor plan and construction works

The proposal for the site includes internal and external refurbishment works and extensions to the ground floor of the existing hotel as shown on the submitted plans and extract below. There are no proposed changes to the first-floor area.

The hotel currently operates under development consent ADA08/0006. A comparison of the approved 2008 floor plan and 2023 proposed floor plan, including break down of activity areas, is provided in the table below and shown in Figure 27 below. This will assist in determining assessable changes and applicable planning controls to the application.

**Table 4: Comparison of Approved 2008 and Proposed 2023 Floor Plan**

<b>Comparison of Floor Plan Activity Areas</b>		
<b>2008</b>	<b>2023</b>	<b>Notes</b>
Outdoor seating	Outdoor seating	As is, including renovation
Verandah	Verandah	As is, including renovation
Entry	Entry	As is, including renovation
Front Male Toilets	Bar area	Front male toilets removed, additional bar/tab area
Lounge	M/F Toilets & Storeroom	Refurbishment of existing floor space
Cool Room	Keg Room	As is
Public Bar area	TAB & Sports Bar	Refurbishment of existing floor space
Service Yard	Storeroom	Enclosing and refurbishment of existing floor space
Part Loading area	Service Yard	Refurbishment of existing floor space
Lounge & Dining	Sports Bar & Bistro	Refurbishment of existing floor space
M/F & DP Toilets	Bistro area extension	Refurbishment of existing floor space
Kitchen & Store	Kitchen & Store	As is, including renovation
Juniors/Kids Play area	M/F Toilets (new)	Refurbishment of existing floor space to toilet area

Toilets (external access)	Toilets (external access)	As is, including renovation
Gaming Area	Gaming Area	As is, including renovation
Smokers Area	Gaming Area (new)	Refurbishment of existing floor space to gaming area
Garden & Pt Carpark	Bar, Toilets & Gaming Area	Extensions to existing floor space – 3 car spaces used
Pt Carpark	Beer Garden	Extensions to existing floor space – 14 car spaces used
Carpark/Loading area	Carpark/Loading area	Reconfigure site arrangements – 18 spaces & loading remain



Figure 26: Proposed Ground Floor alterations & additions 2023 (Source: DMD 2023)

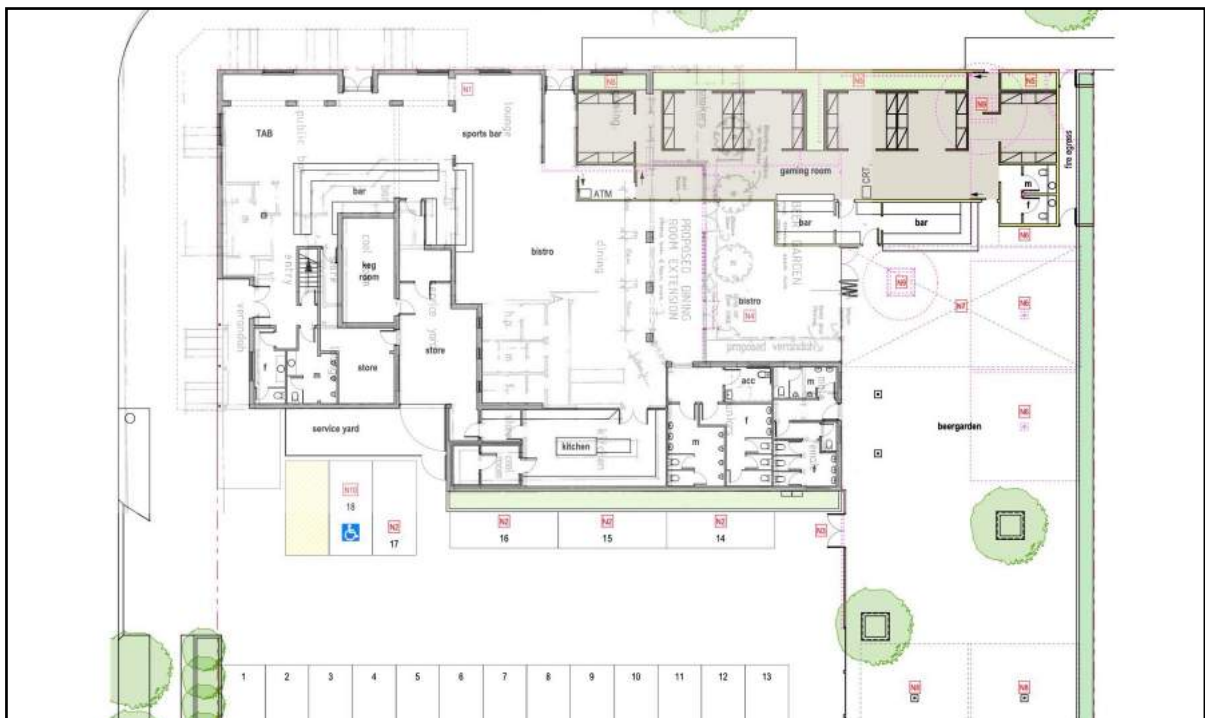


Figure 27: Floor plan overlay comparison - 2008 Approved & 2023 Proposed (Source: SP & DMD 2023)



Figure 28: Proposed GFA changes 2023 (Source: DMD 2023)

A review of floor plan changes of the hotel from 1924 to 2023 is also provided in the Figure 29 and Table 5 below. This places in context the extent of building footprint changes over time in response to changing needs and necessary upgrades to hotel facilities, as well as reacting to legislation and planning controls that have progressively been introduced by Council and the State, particular from the 1990s onwards.



Figure 29: Building footprint changes – 1924 to 2023 (Source: SP & WWCCGIS 2023)



**Table 5: Building Footprint Changes 1924-2023**

<b>Building Footprint Changes 1924-2023</b>		
<b>1924</b>		
<b>Item</b>	<b>m<sup>2</sup></b>	<b>Notes</b>
Post supported verandah	58	
Main Building	265	
Rooms	32	Rooms used for accommodation
Toilets	6	
Toilets & Laundry	10	
Stables/storage	65	
1 <sup>st</sup> Floor Rooms	147	Rooms used for office & accom.
Verandah/Fernery/Lawns/Garden	150	Rear outdoor area of pub
<b>TOTAL</b>	<b>733</b>	<b>Estimated GFA = 583m<sup>2</sup></b>
<b>1994-2004</b>		
<b>Item</b>	<b>m<sup>2</sup></b>	<b>Notes</b>
Post supported verandah	0	Demolished 1965
Main Building	408	143m <sup>2</sup> addition including internal toilets
Rooms	0	Demolished 1994
Toilets	0	Demolished 1994
Toilets & Laundry	0	Demolished 1994
Stables/storage	0	Demolished 1994
1 <sup>st</sup> Floor Rooms	147	Existing
Beer Garden	70	
<b>TOTAL</b>	<b>625</b>	<b>Estimated GFA = 555m<sup>2</sup></b>
<b>2005-2008</b>		
<b>Item</b>	<b>m<sup>2</sup></b>	<b>Notes</b>
Main Building	636	228m <sup>2</sup> addition including new dining area
1 <sup>st</sup> Floor Rooms	147	Existing
Beer Garden	135	
<b>TOTAL</b>	<b>918</b>	<b>Estimated GFA = 783m<sup>2</sup></b>
<b>2023</b>		
<b>Item</b>	<b>m<sup>2</sup></b>	<b>Notes</b>
Main Building	870	262m <sup>2</sup> addition including new gaming room
1 <sup>st</sup> Floor Rooms	147	Existing
Beer Garden Extension	454	Over rear carpark.
<b>TOTAL</b>	<b>1471</b>	<b>Estimated GFA = 1017m<sup>2</sup></b>

In 1924 the hotel had an estimated GFA of 583m<sup>2</sup>, including ground floor (GF) and 1<sup>st</sup> floor, and excluding outdoor garden areas. Subsequent demolition of external onsite structures and post supported verandah by 1993 reduced the ground floor area (GFA) to approximately 555m<sup>2</sup>. The 2008 ADA approval increased estimated GFA to 783m<sup>2</sup> (excluding Beer Garden).

The subject 2023 proposed additions will increase estimated GFA to 1017m<sup>2</sup> (excluding Beer Garden), as shown in Figure 5 above.

For comparison purposes, Council has considered GFA variations for earlier applications based on information at the time, as summarised in the table below.

**Table 6: DA Floor Area Data 2004-2023**

<b>Comparison of earlier DA Floor Area Data</b>					
	<b>m<sup>2</sup></b>				
<b>Item</b>	<b>2004</b>	<b>2007</b>	<b>2008</b>	<b>2023</b>	<b>Notes</b>
Main building	697	555	608	870	Note that floor areas used in historic DAs are GF only
Beer Garden	100	157	135	454	Beer garden size has changed over time
<b>TOTAL</b>	<b>797</b>	<b>712</b>	<b>743</b>	<b>1324</b>	

\* Note areas not included in assessment = playground, smokers area

\* 2008 approved plan included 30m<sup>2</sup> dining room extension and 12m<sup>2</sup> verandah extension into beer garden

\* Garden area (20m<sup>2</sup>) in 2007 plan incorporated into beer garden.

In summary, the works proposed with this DA will comprise:

- 608m<sup>2</sup> of existing GFA (TAB bar, sports bar, bistro, kitchen, storage & refurbished amenities, including relocation of toilets);
- 262m<sup>2</sup> of additional GFA (expansion to bistro including permanent cover, gaming room, new bar and amenities); and

- Expansion of beer garden area to occupy approximately 454m<sup>2</sup>.

The first-floor area comprising 147m<sup>2</sup> will remain as existing.

Considering the hotel has been in continual operation since 1877, a credit 583m<sup>2</sup> should be applied when assessing against relevant development controls (such as car parking), as occurs in other comparable areas of the City (such as the CBD).

#### **4.2.1 Internal refurbishment works**

Internal renovations and refurbishments include:

- Removal of toilets from Kincaid Street end and refurbishment as additional bar area
- Former lounge room refurbished to include new toilets and storeroom area
- Renovations to Public Bar area and designated as TAB and Sports Bar area
- Service yard enclosed for use as storeroom and corridor for access to service yard
- Renovations to Lounge and dining area and designated as Sports Bar/Bistro area
- Internal toilets removed and refurbished as additional Bistro area
- Kitchen and storeroom areas renovated and upgraded
- Former Juniors/Kids Play area refurbished as new toilet area
- Former Smokers area refurbished to be included as part of Gaming area

All the above renovations and refurbishments occupy existing building floor space, except for the Smokers area which has been included as additional floor area to the new gaming area extension.

#### **4.2.2 Extension of Bistro and Bar areas**

The previously approved open beer garden area is proposed to be enclosed and roofed to form part of the extended Bistro area.

A new bar area and additional toilets are proposed to serve the extended Bistro, Gaming and Beer Garden areas, on site area previously used as garden space and carparking. Car parking rearrangements are discussed further in the following section of this SEE.

#### **4.2.3 Gaming room expansion**

The Gaming room area is proposed to be extended along the Beckwith Street frontage, as shown on the accompanying plans.

The expansion of the building footprint will occupy previous garden and carparking areas (approximately 3 carparking spaces). Car parking rearrangements are discussed further in the following section of this SEE.

#### **4.2.4 Outdoor seating area (Beer Garden), fencing & gates**

The Beer Garden area is proposed to be expanded to occupy approximately 454m<sup>2</sup> of site area.

A consequence of expanding the beer garden area is the loss of approximately 14 carparking spaces, which is discussed in greater detail below.

#### **4.2.5 Roof and shade structure over previously approved Beer Garden**

As noted in section 4.2.2 above, the previously approved open beer garden area is proposed to be enclosed and roofed to form part of the extended Bistro area. This forms part of the current development application.

#### **4.2.6 Alfresco tables & seating arrangements on footpath area**

No further consideration is required for the existing alfresco dining as the proposed works are considered exempt and complying development under the current *SEPP (Exempt & Complying Development Codes) 2008 – Part 2 Division 1 Subdivisions 20A – Footpaths – outdoor dining*.

Continued approval is required under *section 125 of the Roads Act 1993* and *section 68 of the Local Government Act 1993*.

#### **4.2.7 External repainting of the existing building**

Repainting of the existing building is proposed in accordance with the following colour scheme (*ref: Watty Paints – Heritage Pallet – Federation/Modern Federation*).

- |                 |                        |
|-----------------|------------------------|
| • Wall          | <i>Titanium White</i>  |
| • Awning Fascia | <i>Casablanca Dusk</i> |
| • Window        | <i>Ironstone</i>       |
| • Gutter        | <i>Ironstone</i>       |
| • Gable         | <i>Surfmist</i>        |

#### **4.2.8 Landscaping**

Landscaping is proposed to be established in accordance with the accompanying development plans. This generally includes areas adjacent the carparking area and small landscaping pockets that are part of the overall refurbished hotel external building design.

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### **4.3 Car Parking & Traffic Generation**

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The provision of onsite carparking has been a consistent issue with this site since the introduction of carparking provisions under local planning controls (DCPs). However, in practice, despite the acquisition of three dwelling sites adjoining the property for car parking purposes since 1993, onsite parking has proved underutilised with patrons tending to park on-street or use other alternative transport methods to access the hotel. This includes ride-share, taxi, courtesy bus, cycling, walking and public transport.

The introduction of RBT, including extensive awareness campaigns on drink driving and other alcohol consumption issues, as well as strict enforcement by Police, has also impacted general private vehicle use as a means of travel to pubs and other licensed venues in general.

Carparking standards included in Council's DCP are generally derived from earlier RTA/TfNSW studies that recommend appropriate rates based on various land use studies conducted at the time (early 1990s and 2000s). TfNSW is continuing to undertake updated studies of land use activities and publish these documents as revised traffic and parking advisory notes. A complete revision of the latest *Guide to Traffic Generating Development (2002)* is in being undertaken by TfNSW.

In relation to hotels (traditional), GtTGD(2002) advises in relation to parking and traffic generation:

*Original RTA research indicated a large variance in the traffic generation rates of hotels. This variation is due to such factors as the location and age of the building, its internal design, the provision of live music and other such facilities, etc. Since these surveys were undertaken some changes have occurred in the use of hotels, partly due to the introduction of random breath testing. These changes have generally reduced traffic generation rates of hotels. It is recommended that the analysis of proposed hotel developments be based on surveys of similar existing hotels.*

*Where hotels are to be located in or near residential areas, an assessment of traffic generation in the late evening period must be undertaken in order to determine the impact of noise.*

In further research on parking demand for hotels/pubs by SECASolution (Aug2020), the following observations were made:

- *normal practice when assessing the traffic and parking demands for a hotel or pub is to consider the various individual uses within the facility as well as their peak periods;*
- *back of house and circulation components of a development are generally disregarded;*
- *beer gardens, terraces, alfresco dining and other weather dependent areas should be discounted as they are not appealing to patrons in very hot or cold weather, nor during heavy rain. They tend to provide an alternate dining space rather than an additional dining space for patrons;*
- *existing supply of, and demand for parking in the area is to be taken into consideration;*

- *suburban pubs typically generate very low demands for parking with vary high rates of shared trips, people being dropped off and picked up as well as uber/taxi travel;*
- *walking is also a popular form of travel where hotels are within walking distance of local residences;*
- *some hotels typically provide shuttle bus services for patrons;*
- *typical peak parking demands for each component of a hotel's activities reflect less than 75% of the on site parking supply;*
- *there is typically a shared use of individual uses on site with patrons attending the bar area likely to visit the dining room then return to the bar;*
- *the dining room (bistro) tends to be ancillary to the pub and not generating additional parking demands;*
- *other patrons attending just to dine results in the dining room (bistro) part of a hotel operating as a Food and Dining venue only, for which the parking demand is considerably less than the pub area;*
- *dining areas are also underutilised for large parts of the day and evening; and*
- *overall, parking demands for hotels have reduced over past decades due to shared trips as well as shared facilities within a typical hotel/pub/tavern.*

WWCC's current DCP2010 off-street parking requirements for *Restaurants, cafes, pubs, clubs and function rooms* are:

*Within the Wagga Wagga city centre: 1 space/ 25m2 GFA*  
*All other areas: 1 space/ 10m2 GFA or 1 space/ 3 seats whichever is greater*

*(Note: GFA is interpreted as being gross floor area as defined in the WWLEP2010 Dictionary)*

Council's current position is to apply a car parking rate of 1 space/10m2 GFA to this hotel premises as it is considered outside of the City Centre (CBD). The previous TIA that accompanied the 2004/2008 development approvals recommended a car parking rate of 1 space/24m2 GFA. The revised TIA, accompanying this development proposal recommends adopting a car parking rate of 1 space/25m2 GFA. Both TIAs considered the hotel site, being located with the Central Wagga Wagga area and subject to heritage conservation area provisions, is more characterised as being with the City Centre.

There are also no observations of where Council has considered, or discounted, the original hotel building GFA as existing works where no parking provisions are applied. The table below applies Council's current DCP parking provisions against various development phases of the hotel. This simple method confirms that it would be highly unlikely for the hotel to be originally established if car parking provisions were enforced, as it would have been difficult to acquire sufficient land to provide carparking as specified.

**Table 7: DCP Parking Provisions – Historic Application & Comparison**

Applying current DCP Parking Provisions to various stages of the hotel development				
Hotel Area	GFA m2	Site m2	Onsite Parking	DCP Parking Requirements
Existing historic GFA	583	809.4	0	59 (24)
1994	555	1223	22	56 (23)
2004	698	2032	34	70 (28)
2007	636	2032	30	64 (26)
2008	783	2032	34	79 (32)
2023	870	2032	18	87 (35)

*DCP Parking Requirements shown as 1/10m2 and (1/25m2)*

*GFA includes GF & 1<sup>st</sup> Floor. Beer Garden Areas not included in GFA.*

The subject development proposes to reduce onsite parking from the previously approved 34 spaces under ADA08/0006 to 18 spaces, as shown on the accompanying plans, in response to the changing needs of patrons and a achieving ESD goals, in lieu of accommodating for private car transport.

In addressing car parking supply and demand for the Sportsmens Club Hotel, the following approach has been taken to assist in the assessment and determination of the subject development application:

1. Review of historic DAs, parking conditions & provision since the hotel's opening;
2. Preparation of a revised Traffic Impact Assessment report; and

### 3. Survey and review of patron transport utilisation and onsite parking demand.

Based on the above approach, the submitted on-site carparking rearrangements are considered justified and permissible under the circumstance.

#### 4.3.1 Historic land use approvals and car parking provisions

The hotel has been in operation since 1877 and has experienced over 146 years of patronage, building alterations and extensions, as well as addressing changes in transportation modes and expectations of authorities and the general community.

The following table summarises hotel activity, development approvals and other relevant mode of transport available to patrons over time.

**Table 8: Land Use & Carparking – Historic Analysis**

<b>Land Use &amp; Carparking – Historic Analysis – Sportsmens Club Hotel, Kincaid Street</b>					
<b>Year</b>	<b>Relevant DA</b>	<b>Activity</b>	<b>Car Parking</b>	<b>Transport Options</b>	<b>Notes</b>
1877	-	Hotel/Pub built & opened	0	Walk, Cycle, Horse, Horse/Buggy	Originally called Racecourse Hotel, only located on Lot 1 DP82202 comprising 809.4m <sup>2</sup> . No onsite carparking,
1924	-	Continuing hotel/pub premises	0	Walk, Cycle, Horse, Horse/Buggy, Motor car, Motorcycle	Name change to Sportsmens Club Hotel, post-supported verandah to Kincaid St frontage. Enclosed rear yard with brick outbuildings. Adjoining dwellings. 1929 site survey identifies 2 storey hotel with verandahs, rear verandah & fernery, external brick buildings including other accommodation rooms, laundry, rubbish area, external segregated toilets, brick stables & garage, rainwater tank, gravel yard, lawns & garden area. External GI fencing to Beckwith Street with advertising signage (Tooth's KB Lager, Tooth's Sydney Bitter Ale). Side gate access from Beckwith St.
1949	-	Continuing hotel/pub premises	0	Walk, Cycle, Horse, Horse/Buggy, Motor car, Motorcycle, Taxi, Private Hire Car	Post supported verandah demolished in 1965.
1979	TP/A 515/79	Continuing hotel/pub premises	0	Walk, Cycle, Motor car, Motorcycle, Taxi, Private Hire Car	Alterations to existing hotel.
1994	DA130/93	Existing Hotel & Beer Garden	22	Walk, Cycle, Motor car, Motorcycle, Taxi, Private Hire Car	Adjoining property (105 Kincaid St) demolished for carpark.
2004	DA04/1162	Existing Hotel & Beer Garden	34	Walk, Cycle, Motor car, Motorcycle, Taxi, Private Hire Car, Courtesy Bus, Community Bus	Adjoining properties (103 Kincaid St & 47 Beckwith St) demolished to allow for future hotel extensions & carpark, additions not started.
2007	ADA07/0030	Proposed Hotel Additions	30	Walk, Cycle, Motor car, Motorcycle, Taxi, Private Hire Car, Courtesy Bus,	Refurbishments and additions, carparking layout for 30 cars, loading/unloading area and landscaping plan, modified layout.

				Community Bus, Public Bus	
2008	ADA08/0006	Proposed Hotel Additions – modified plan	34	Walk, Cycle, Motor car, Motorcycle, Taxi, Private Hire Car, Courtesy Bus, Community Bus, Public Bus	Additions to dining area and verandah. Carpark layout for 34 cars, loading/unloading area and landscaping plan. Approved 3/6/08 with conditions.
2016	N/A	Modified site layout including Child Playground	24	Walk, Cycle, Motor car, Motorcycle, Taxi, Private Hire Car, Courtesy Bus, Community Bus, Public Bus	Modified plan layout including child playground area and revised carpark layout showing 24 car spaces.
2018	N/A	Modified site layout including Beer Garden expansion over rear carparking area.	13	Walk, Cycle, Motor car, Motorcycle, Taxi, Private Hire Car, Courtesy Bus, Community Bus, Public Bus, Ride-share	Beer Garden established over rear carparking area, vehicular access to Beckwith St closed. Carparking reduced to 13 spaces.
2019	N/A	LLB revised licencing plan	13	Walk, Cycle, Motor car, Motorcycle, Taxi, Private Hire Car, Courtesy Bus, Community Bus, Public Bus Ride-share	LLB revised licencing plan now includes all site area. No access to Beckwith Street. Licencing allows maximum patrons to approximately 250- 350 persons.
2022	DA2022/0009	Proposed Additions and Alterations to existing hotel/pub	18	Walk, Cycle, Motor car, Motorcycle, Taxi, Private Hire Car, Courtesy Bus, Community Bus, Public Bus Ride-share	Refurbishments and alterations to hotel premises. Additional carparking over former loading/unloading area. Shared arrangements for loading/unloading space. Modified landscaping plan. Note: 23/3/22 RFI from Council for justification of carparking modifications and additional site works without DA. consent.

\*\* Land use analysis from DA records and historic aerial photos

From the hotel's opening in 1877, patrons have walked, cycled and used whatever mode of transport was available based on the technology of the day. Motor cars and their usage has become the predominant mode of private transport.

From the 1990s, in consideration of environmental sustainability, integrational equity and community health, there has been a significant shift in urban planning policy to reduce the dependence on the private motor vehicle as the primary mode of transport. This is evident in Council's current strategic planning policies that promote a healthy and active city where the focus is on walking, cycling and public transport as the preferred transport mode choice within the urban living area.

The following observations are derived from information contained in the table above:

- The strategically preferred modes of transport (walking, cycling, public transport) continue to be actively available to the premises;
- Patrons are utilising alternative methods of transport in greater proportion to private motor vehicle use (this is confirmed in surveys included in the TIA discussion below);
- The need for onsite parking for this hotel is reducing in response to community transport choices;

- On-site parking was not available to the hotel until local planning policies were introduced requiring all development to comply with parking provisions;
- Changes in LLB licensing policy, particularly during the Covid period, together with changes in NSW Planning policies relating to licensed premises, entertainment and outdoor eating, has seen a change in the operation and multi-function activities of hotels and pub in recent years; and
- Whilst the building floor area and patronage of the hotel has changed considerably over its years of operation, there has been no documented evidence that its presence and associated activities (parking, traffic, entertainment, pub, accommodation and dining) have created any detrimental impacts on the surrounding residential neighbourhood.

#### 4.3.2 Removal of previously approved car parking spaces

In late 2018, as a reaction to the underutilisation of the onsite carparking area and changing expectations of hotel patrons and their families, the hotel commenced usage of the carparking area off Beckwith Street as an expanded beer garden area. This has resulted in the removal of approximately 17 car parking spaces from the site as well as the closure of the Beckwith Street driveway access.

Based on the information provided in this SEE and supporting TIA, the removal of the 17 spaces is considered justified and that adequate parking will continue to be available to the hotel via 18 spaces proposed in the Kincaid Street parking area. Access and egress for car parking will be from Kincaid Street only.

A variation to the DCP car parking requirements for this site is requested. This is discussed further in section 6.5.1 of this SEE.

#### 4.3.3 Survey of hotel patrons – mode of transport

Between 2/11/22 and 25/11/22, hotel management conducted a survey of patrons to establish data on mode of transport used to attend the hotel premises. The results of the survey are provided in the table below.

**Table 9: Mode of Transport Survey – Hotel Patrons**

Survey – Mode of Transport: How did you travel to the hotel today? 2/11/22 – 25/11/22								
Date	Day	Car-Driver	Car-Passenger	Dropped off*	Courtesy Bus	Walked	Taxi / Uber	TOTALS
2/11/2022	W	8	6	5	4	3	5	31
3/11/2022	T	8	4	5	2	6	6	31
4/11/2022	F	5	5	8	16	7	7	48
5/11/2022	S	6	5	7	18	5	7	48
8/11/2022	T	8	7	2	6	1	2	26
9/11/2022	W	7	2	6	2	1	0	18
10/11/2022	T	10	4	3	8	2	2	29
12/11/2022	S	12	11	12	17	5	7	64
13/11/2022	S	10	6	2	5	7	1	31
15/11/2022	T	7	4	6	2	1	0	20
16/11/2022	W	7	5	3	4	0	2	21
17/11/2022	T	9	7	6	7	0	3	32
19/11/2022	S	10	16	9	10	7	8	60
20/11/2022	S	6	6	2	2	2	2	20
22/11/2022	T	7	0	6	3	0	6	22
23/11/2022	W	11	5	2	2	3	0	23
24/11/2022	T	13	8	5	5	3	3	37
25/11/2022	F	13	12	6	27	5	4	67
<b>TOTAL</b>		<b>157</b>	<b>113</b>	<b>95</b>	<b>140</b>	<b>58</b>	<b>65</b>	<b>628</b>
<b>MODE %</b>		<b>25%</b>	<b>18%</b>	<b>15%</b>	<b>22%</b>	<b>9%</b>	<b>10%</b>	<b>100%</b>

Notes: \* Dropped off by family member or friend, public transport to be included

The survey results are consistent with the observations of both TfNSW and SECASolution noted in section 4.3 above where the influence of legislation, drink-driving campaigns and alternative modes of transports are decreasing the reliance on private motor cars as the primary travel mode to the hotel. The survey results indicated:

- Up to 43% arrived by car as either the driver (25%) or passenger (18%)
- 57% were dropped off or used an alternative mode of transport.

Spotto (Feb2023), as part of the revised TIA, also analysed the survey data results and provided the following observations in support of the proposed traffic and car parking rearrangements for the hotel:

**Table 10: Current & Proposed Hotel arrangements – Demand Response**

<b>Current &amp; Proposed Hotel Arrangements – Demand Response (Spotto)</b>	
<b>Criteria</b>	<b>Estimates</b>
Est av peak patrons per day:	300 persons
40-45% travel by car:	120-135 persons
50% av as passenger & driver:	60-68 vehicles over peak trading day
Peak carparking demand (observed):	33 vehicles
Provision onsite:	18 vehicles
Provision offsite/on street:	15 vehicles
Street kerbside parking availability (observed):	115 spaces
Demand for kerbside parking:	13%

#### **4.3.4 Traffic & Parking Impact Assessment**

A revised traffic and parking impact assessment report has been prepared in support of this DA and accompanies with SEE (*Spotto Feb2023*).

The TIA includes a general description of the proposal, existing site development and also notes additional uses that are seeking retrospective consideration. An analysis of surrounding land uses in the vicinity of the hotel are noted including various mixed uses, residential, recreation and recently approved DAs for the MTC and RSL Club.

A summary of the content, discussion and conclusions of the TIA is provided below:

- Existing on street parking available within 300m observed as 115 spaces;
- Description of local street network and footpath network, cycleway network;
- Analysis & modelling of the intersections – LOS A – rated as excellent;
- Analysis & modelling of streets – LOS A – B – rated as excellent to good in all directions;
- Parking survey conducted of all on & off street spaces – results indicated low demand for both;
- DCP parking requirements for existing hotel calculated as 78 spaces vs observed peak demand of 33;
- A large amount of available kerb side spaces are located within 300m of the hotel (115 spaces, maximum 60 occupied during peak period);
- Travel mode survey analysed, noting 40-45% of those surveyed travelled by car, balance either drop-off, courtesy bus, public transport, cycle and walk;
- A public transport network services the site and neighbourhood (Bus-a-bout), a bus stop is located immediately opposite the hotel;
- There is an established footpath network on both sides of Kincaid Street and Beckwith Street, with road calming and pedestrian road refuges located on both streets;
- There is an established cycleway network servicing the site, recently funded and constructed by Council in conjunction with the State Government. This is part of a wider Active Travel Plan and Strategy being implemented by Council to encourage greater walking and cycling activity throughout the City;
- Analysis of the impact of the proposed extensions indicates no change to LOS for intersections and street environments in the locality. No significant impact determined as a result of the hotel proposals;
- An assessment of carparking indicated that with the constrained nature of site and central location, CBD car parking rates should apply (1/25m<sup>2</sup>). This same conclusion was reached with the initial TIA that accompanied the 2004 DA;
- The existing on-site carpark is underutilized, with vacant spaces observed during peak periods;
- Surveys indicate that, for this site, parking demand is up to 50% less than the requirements stipulated under Council's DCP controls;
- Less than half of patrons travel to the pub by car;
- There is always at least 115 spaces available for on-street for parking;



- The pub was originally built at a time where there was no expectation for on-site parking and that patrons were expected to park on street or walk to the premises;
- Whilst not meeting DCP standards, the pub maximises the use of available off street parking;
- Access to on-street parking has minimal impact to the surrounding neighbourhood; and
- Service vehicles are adequately accommodated within the boundaries of the subject site.

The TIA concludes that the existing pub and proposal maximises the use of a constrained site and is anticipated to have minimal impact on the publicly-available on-street parking in the vicinity of the site (with at least 115 on-street parking spaces available within 300m of the site). There will be minimal impact on road traffic facilities and the amenity of the local area.

#### **4.3.5 Traffic Generation**

The TIA indicates that an average of 4 vehicles per hour per day will be generated by the proposed development during peak times, which will not have a significant impact on the performance of the surrounding road network (including nearby intersections).

#### **4.3.6 Vehicular access/egress rearrangements**

Vehicular access/egress arrangements to the car park will be from Kincaid Street only.

The TIA has concluded that the access driveway onto Kincaid Street should be modified by reconstructing the eastern edge of the driveway to align with the rear of 90 degree angle parking on the eastern side of the off-street car park, in order to maximise the effective driveway width (6.2m or more).

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### **4.4 Site Preparation/Demolition**

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The proposal involves minor site preparation and demolition work, as outlined in the accompanying plans.

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### **4.5 Other Relevant Operational Details**

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#### **4.5.1 Operational Management Plan**

The currently approved Operational Management Plan (OMP) will be revised to take into consideration the revised hotel floor plan, onsite parking and loading area arrangements, noise control management, management of patrons, alfresco tables and seating arrangements, hours of operation and courtesy bus operation.

#### **4.5.2 Staff**

Staff will rotate according to lunch and dinner rosters for the weekday and weekends, as existing. An on-site manager will be present throughout the designated opening hours of the premises.

<b>Staff Proposed for Weekday/Weekend Trade</b>		
<b>Time of Day</b>	<b>Weekday</b>	<b>Weekend</b>
Lunch	5	8
Dinner	6	12
Other	3	3

These numbers are subject to change throughout busier periods of the year.

#### **4.5.3 Hours of Operation**

Hours of operation is proposed in accordance with existing hotel licencing conditions.

Normal Hotel Trading:	Mon – Wed	5:00am – 12:00am
	Thu – Sat	10:00am – 2:00am

	Sun	10:00am – 10:00pm
Beer Garden:	Mon – Sat	5:00am – 12:00am
	Sun	10:00am – 10:00pm
Alfresco dining area:	Mon – Sat	5:00am – 12:00am
	Sun	10:00am – 10:00pm
All areas:	Good Friday	12:00pm – 10:00pm
	Christmas Day	12:00pm – 10:00pm
	New Year's Eve	5:00am – 2:00am

Extended trading is proposed on December 24<sup>th</sup> till 12:00am if this falls on a Sunday, in accordance with approved licencing conditions.

#### **4.5.4 Hotel Liquor Licence**

The hotel liquor licence was revised following purchase of the premises by the current owners. The amended licence and plan (LIQH400121180) were approved and issued on 3/11/21.

A copy of the current licence and plan is included with the accompanying attachments to this SEE. It is noted that the plan indicates a revised licencing area that includes the whole site and footpath alfresco area along the Kincaid and Beckwith Street frontages. The revised hotel licence was issued following State Government legislative review of Covid licence premises restrictions in 2021.

Additional conditions in the hotel licence include:

- Noise level restrictions internally and externally
- Live entertainment restrictions
- At end of trading, patrons to leave the premises quickly and quietly to avoid disturbance of the neighbourhood, and to exit via the Beckwith Street doors
- No persons are to be admitted to the premises after 12:00 midnight
- Licensee to patrol the environs of the hotel from 11.30pm to 1:30am for a distance of one hundred (100) metres in either direction along Kincaid and Beckwith Streets to ensure that patrons do not loiter or linger in the area of the hotel or cause nuisance or annoyance to the neighbourhood, and that no vehicle associated with the hotel including taxis called by the licensee, causes nuisance or annoyance to the neighbourhood
- Gaming Plan of Management

#### **4.5.5 Waste Management**

Bins are to be stored in the Service Yard (as per attached plans) which will be collected in accordance with existing Commercial Kerbside Waste Collection arrangements.

Waste accrued from construction works will be stored on site in a designated container until removed to a designated waste facility off-site.

#### **4.5.6 Loading & unloading rearrangements**

Loading and unloading will continue to be undertaken from the Kincaid Street carpark area adjacent the service area on the eastern side of the hotel building. The TIA concludes that the development will provide adequate and appropriate facilities for service vehicles.

## **5 INFRASTRUCTURE**

### **5.1 Provisions of Essential Services**

All essential services, including water, electricity, gas, telecommunication, sewer, drainage, road network and garbage services, are available to the premises and remain as existing for hotel operations. Connections are provided in accordance with all relevant Council and Service Provider Guidelines.

## 6 PLANNING POLICIES AND GUIDELINES

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

### 6.1 Strategic Plans

Strategic plans set the future vision and direction of land use in a local area having regard to economic, social and environmental matters. Strategic plans include priorities and actions to help deliver local community aspirations to ensure an ecologically sustainable future.

The subject development proposal is consistent with relevant local strategic plans, as outlined below.

#### 6.1.1 Local Strategic Planning Statement

The proposal is consistent and supportive of the strategic directions included in the Wagga Wagga Local Strategic Planning Statement. The LSPS includes a suite of integrated sustainable solutions to support the growing population of the City, including:

- *Promoting alternative movement networks that include a varied offer of transport options for residents and visitors, supporting a variety of lifestyle options as well as sustainable, healthy and active choices; and*
- *Encouraging future development of the city that will embrace this vision, with commitment to integrate future developments with excellent connectivity to the rest of the city.*

The proposed hotel refurbishments and extensions, together with a rearrangement of car parking facilities will assist in delivering the LSPS sustainable transport priorities and actions.

#### 6.1.2 Integrated Transport Strategy 2040

The proposal is consistent and supportive of the strategic directions included in the Wagga Wagga Integrated Transport Strategy.

Council's aim is to create a balanced transportation system that gives real choices in the way people travel to, from and within Wagga Wagga. A primary focus of this strategy is to promote a city that is active, safe, healthy and vibrant and enhances Wagga Wagga's position as a leading regional city.

Priorities and actions of the ITS are focused on the provision of transport choices that reduce the dominance of the private motor car. The hotel's development proposals described in this SEE are aligned with and will help delivery the ITS vision.

#### 6.1.3 Active Travel Plan 2016

The proposal is consistent and supportive of the strategic directions and implementation works included in the Active Travel Plan. The ATP includes the following guiding principles:

- *Reduce reliance on private motor vehicles, and instead, encourage walking, cycling, public transport, healthy people and healthy places*
- *Provide connections and ease of movement between all centres and neighbourhoods*
- *Develop and maintain an economically viable transport system based on long term usage and informed by life-cycle costing and resource availability*

An extract from the plan is provided below which shows the cycleway network being implemented across the Central Wagga Wagga area. The hotel is located at a key cycleway link intersection, being connected to the Central, North and Kapooka links. This location has also direct access and links to local walkways and public bus routes. The proposed rearrangement of car parking facilities and focus on quality and sustainable

activities will assist in realising the principles embodied in the ATP and deliver the expectations and desires of the local community.

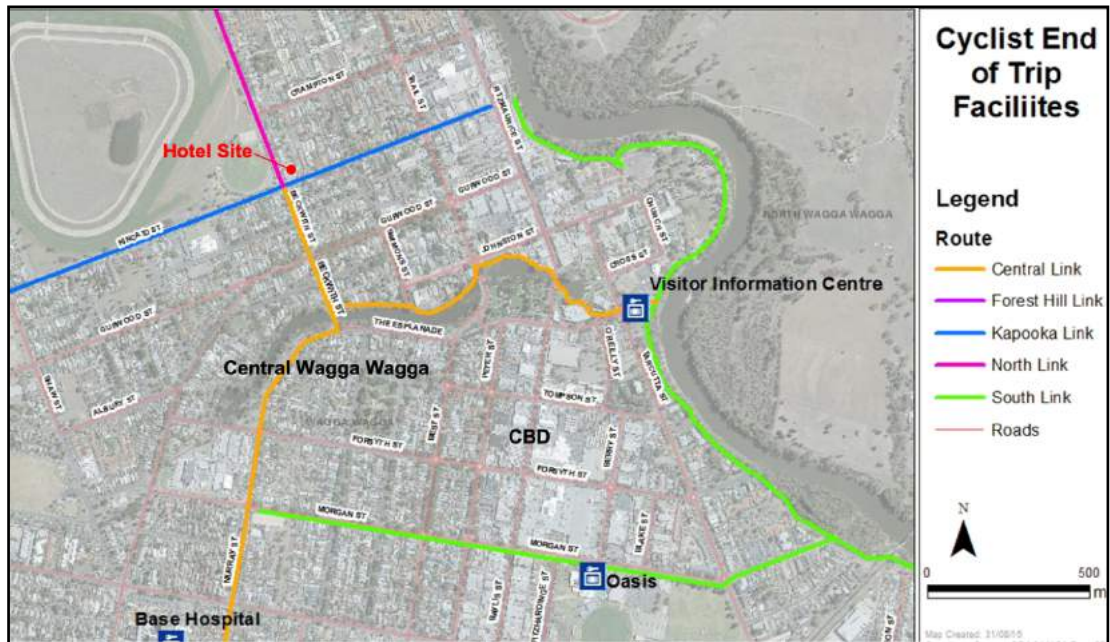


Figure 30: Active Travel Plan extract – Cycle Network (Source: WWCC 2023)

## 6.2 State Acts & Regulations

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

In addition, certain other Acts and regulations are applicable to the development as referred to below.

### 6.2.1 Environmental Planning & Assessment Act 1979

The proposal is consistent with the objects of this Act including upholding the principles of ecologically sustainable development, the orderly and economic development of land, and promoting good design and amenity of the built environment.

The EP&A Act was recently amended to include matters to assist the revitalisation of the night-time economy including arts and cultural activities, particularly as a consequence of the impact of Covid restrictions during 2020-21. These statutory amendments are directed to hotels and other licensed facilities in recognition of the importance those facilities have to the cultural and social well-being of the community.

Schedule 8 Part 1 has been added to the Act which relating to special provisions where development conditions may be removed in relation to the playing and performing of live music at licensed premises.

Other amendments relate to additions to the Standard LEP template including:

- a new objective in clause 1.2 to raise the protection and promotion of the use and development of land for arts and cultural activity, including music and other performance arts; and
- a new LEP clause (clause 5.20) being a non-discretionary development standard for licenced premises that relates to live music and performance so a consent authority cannot refuse development consent for licenced premises in respect of the following matters:
  - the playing or performance of music;
  - whether dancing occurs;

- *the presence or use of a dance floor or another area ordinarily used for dancing;*
- *the direction in which a stage for players or performers faces;*
- *the decorations to be used including for example, mirror balls or lighting used by players or performers.*

Under the new provisions, Council will be unable to refuse development consent based on noise caused by the playing or performance of music if they are satisfied the noise can be managed and minimised to an acceptable level.

### 6.2.2 Integrated Development

The proposed development is not integrated development.

Assessment of the site against section 4.46 of the EP&A Act 1979 is provided below.

**Table 11: Applicable Integrated Development**

Consideration of S4.46 of the EP&A Act 1979		
Act	Approval	Comment
<i>Coal Mine Subsidence Compensation Act 2017</i>	<i>Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Fisheries Management Act 1994</i>	<i>Aquaculture permit</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Permit to carry out dredging or reclamation work</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of an such land or lease</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
<i>Heritage Act 1977</i>	<i>Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Mining Act 1992</i>	<i>Grant of mining lease</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>National Parks and Wildlife Act 1974</i>	<i>Grant of aboriginal heritage impact permit</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Petroleum (Onshore) Act 1991</i>	<i>Grant of production lease</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Protections of the Environment Operations Act 1997</i>	<i>Environment protection licence to authorise carrying out of scheduled development work at any premises.</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
	<i>Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.

Consideration of S4.46 of the EP&A Act 1979		
Act	Approval	Comment
	<i>Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Section.
<i>Roads Act 1993</i>	<i>Consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Rural Fires Act 1997</i>	<i>Authorisation under section 100b in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.
<i>Water Management Act 2000</i>	<i>Water use approval, water management work approval or activity approval under part 3 of chapter 3</i>	Not Applicable, proposal does not meet criteria for consideration as integrated development under this Act.

### 6.2.3 Biodiversity Conservation Act 2016 No 63

The subject site requires consideration under the Biodiversity Conservation Act 2016.

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

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

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

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

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

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

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

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

Biodiversity Values Map and Threshold Report		
Date of Report Generation		19/06/2023 11:51 AM
<b>Biodiversity Values (BV) Map Threshold - Results Summary</b>		
1	Does the development Footprint intersect with BV mapping?	no
2	Was ALL of the BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
3	Date of expiry of dark purple 90 day mapping*	N/A
4	Is the Biodiversity Values Map threshold exceeded?	no
<b>Area Clearing Threshold - Results Summary</b>		
5	Size of the development or clearing footprint	2,034.1 sqm
6	Native Vegetation Area Clearing Estimate (NVACE)	95.9 sqm
7	Method for determining Minimum Lot Size	Lot size
8	Minimum Lot Size (10,000sqm = 1ha)	1,021 sqm
9	Area Clearing Threshold (10,000sqm = 1ha)	2,500 sqm
10	Is the Area Clearing Threshold exceeded?	no
Is the proposed development assessed above the Biodiversity Offsets Schema (BOS) threshold? Exceeding the BOS threshold will require completion of a Biodiversity Development Assessment Report (BDAR). More details provided on page 2.		<b>no</b>

Figure 31: Biodiversity Values Threshold Result Summary (Source: DPE 2023)

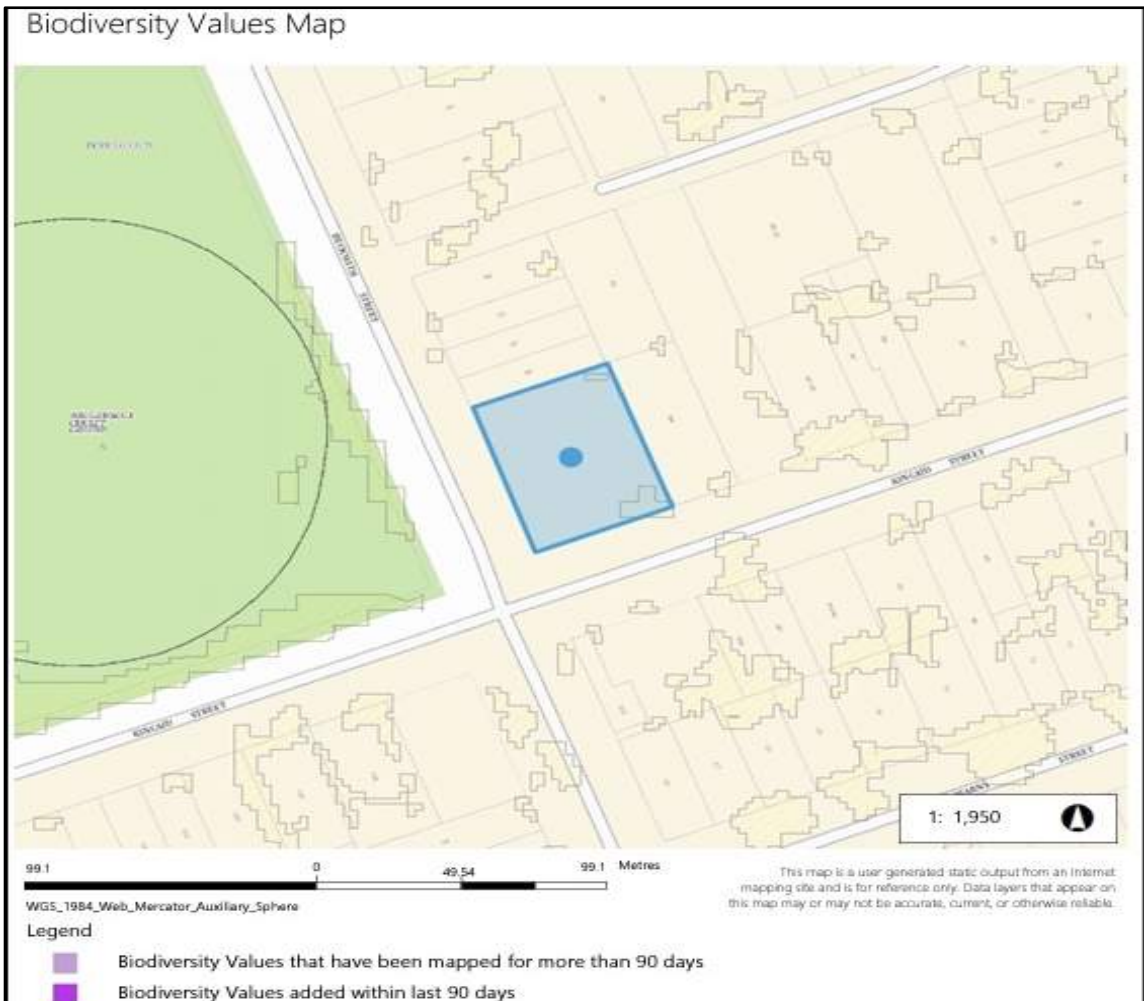


Figure 32: Biodiversity Values Map (Source: DPE 2023)

### 6.3 State Environmental Planning Policies

The State Environmental Planning Policies applicable to this site are outlined in the table below.

**Table 12: SEPPs Applying to the Land and Proposal**

Applicable SEPPs	
<b>SEPP (Biodiversity and Conservation) 2021</b>	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Vegetation in non-rural areas</i>	Not applicable, the proposal is not on land within non-rural areas.
<i>Chapter 3 Koala habitat protection 2020</i>	Not applicable, the proposal is not on RU1/RU2/RU3 land.
<i>Chapter 4 Koala habitat protection 2021</i>	Applicable and relevant, the site is within the Central & Southern Tablelands Koala Management Area. The site does not support potential koala habitat. No further assessment is required.
<i>Chapter 5 River Murray lands</i>	Not applicable, the proposal is not located on River Murray lands.
<i>Chapter 6 Water catchments</i>	Not applicable, the proposal is not located on relevant land.
<i>Chapter 7-12 (repealed)</i>	Not applicable.
<i>Chapter 13 Strategic conservation planning</i>	Not applicable, the proposal is not located on applicable land.
<b>SEPP (Building Sustainability Index: BASIX) 2004</b>	
Not applicable, proposal is not for residential development and does not require a BASIX certificate to accompany the application.	
<b>SEPP (Exempt and Complying Development Codes) 2008</b>	
Applicable and relevant, the proposal contains activities that may be conducted as exempt or complying development. See further discussion below.	
<b>SEPP (Housing) 2021</b>	
<i>Chapter 1 Preliminary</i>	Not applicable, the proposal is not for housing development.
<i>Chapter 2 Affordable housing</i>	Not applicable, the proposal is not for housing development.
<i>Chapter 3 Diverse housing</i>	Not applicable, the proposal is not for housing development.
<b>SEPP (Industry and Employment) 2021</b>	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Western Sydney employment area</i>	Not applicable, the proposal is not located on relevant land.
<i>Chapter 3 Advertising and signage</i>	Not applicable, advertising and signage is not proposed.
<b>SEPP (Planning Systems) 2021</b>	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 State and regional development</i>	Not applicable, the proposal is not considered a specified development as per Schedule 1, 2, 3, 4, 5 or 6.
<i>Chapter 3 Aboriginal land</i>	Not applicable, the proposal is not located on land owned by the Aboriginal Land Council.
<b>SEPP (Primary Production) 2021</b>	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Primary production and rural development</i>	Not applicable, the proposal is not located on relevant land.
<i>Chapter 3 Central Coast plateau areas</i>	Not applicable, the proposal is not located on relevant land.
<b>SEPP (Resilience and Hazards) 2021</b>	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Coastal management</i>	Not applicable, the proposal is not on land within the coastal zone.
<i>Chapter 3 Hazardous and offensive development</i>	Not applicable, the proposal is not deemed as hazardous or offensive development.
<i>Chapter 4 Remediation of land</i>	Applicable and relevant, a consent authority must not consent to the carrying out of any development on land unless land contamination has been considered. Refer to discussion below.
<b>SEPP (Resources and Energy) 2021</b>	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Mining, petroleum production and extractive industries</i>	Not applicable, the proposal does not involve relevant activities.
<i>Chapter 3 Extractive industries in Sydney area</i>	Not applicable, the proposal does not involve relevant activities.
<b>SEPP (Transport and Infrastructure) 2021</b>	
<i>Chapter 1 Preliminary</i>	Noted.
<i>Chapter 2 Infrastructure</i>	Not applicable, the proposal is not for any identified development.
<i>Chapter 3 Educational establishments and child care facilities</i>	Not applicable, the proposal is not for educational or childcare.
<i>Chapter 4 Major infrastructure corridors</i>	Not applicable, the proposal is not located on relevant land.
<i>Chapter 5 Three ports-Port Botany, Port Kembla, and Port of Newcastle</i>	Not applicable, the proposal is not located on relevant land.
<i>Chapter 6 Moorebank Freight Intermodal Precinct</i>	Not applicable, the proposal is not located on relevant land.
<b>SEPP65 – Design Quality of Residential Apartment Development</b>	
Not applicable, the proposal is not for residential apartment development.	



### 6.3.1 SEPP (Exempt and Complying Development Codes) 2008

Recent amendments to this SEPP have enabled certain land use activities associated with the hotel premises to be considered as exempt development. These include entertainment activities and outdoor dining (alfresco) on footpaths.

*Subdivision 15AB Entertainment associated with existing premises:* Whilst the hotel is an existing premises and hosts live entertainment, this provision is not applicable to the premises as the site is located within a residential zone. Development specified for this code is only relevant if it is not carried out in a residential zone.

*Subdivision 20A Footpaths—outdoor dining:* This code is relevant and applicable as the hotel alfresco area along Kincaid & Beckwith Streets is associated with a license premises. Relevant development standards are:

- (b) be carried out in accordance with an approval granted under section 125 of the Roads Act 1993, including in accordance with any hours of operation to which the approval is subject, and
- (c) be carried out in accordance with any approval granted under section 68 of the Local Government Act 1993, and
- (d) not be under an awning, unless the awning complies with the requirements set out in the Building Code of Australia, Volume 1, B1P1 and B1P2.

The hotel has satisfied the above standards. Documentation confirming the above standards will be provided under separate cover.

### 6.3.2 SEPP55 – Remediation of Land

Consideration of site contamination is a statutory requirement when considering development applications. Relevant guidelines prepared under State Environmental Planning Policy No.55 (SEPP55) provide an outline of matters to be considered in this respect.

The history of land use of the subject land needs to be considered as an indicator of whether land contamination is a potential issue. Where there is no reason to suspect contamination after acting substantially in accordance with the SEPP55 Guidelines, the proposal may be processed in the usual way. However, where there is an indication that the land is, or may be, contaminated, the appropriate procedures outlined in the SEPP55 Guidelines should be followed.

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

**Table 13: Contaminated Land Consideration – Initial Evaluation Data**

Initial Evaluation Data	
<b>Consideration of readily available information:</b>	<b>Response</b>
a) current zoning	R3 Medium Density Residential
b) permissible uses	See relevant LEP section below.
c) records from previous rezonings or rezoning requests	Noted.
i. history of land uses including:	Hotel premises.
ii. development applications & building applications	See list above relating to the site development history.
d) aerial photo history	See relevant photos included in this report.
e) property file information & site owner information	Historical information on previous development and building approvals were based on client and available GIPA information.
f) knowledge of council staff	To be determined by Council during its initial evaluation of the proposal.
g) adjoining property information	Residential adjoining and opposite, Murrumbidgee Turf Club and Wagga Cricket Ground adjacent.
h) site inspection information including photographs	See discussion below and site photos contained in this SEE.
<b>Checklist questions (from SEPP55 Guidelines)</b>	<b>Response</b>

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

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

Based on the information available and presented in the table above, there is no reason to suspect contamination exists on the subject land. It is considered that no further investigation is required, and the proposal may be considered and determined accordingly.

#### **6.4 Wagga Wagga Local Environmental Plan (LEP) 2010**

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

The particular aims of the LEP are:

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

The proposal satisfies these aims providing a sustainable development on serviced and accessible land, located in an appropriate area. The hotel development proposals are related to arts and cultural activity including music and other performance arts. The development will avoid impacts on environmentally sensitive areas and localities, and provide a facility for the social and economic benefit of the local and wider community. Discussion on applicable sections of the LEP is provided below.

##### **6.4.1 Land Use Zoning**

The subject land is zoned R3 Medium Density Residential under the provisions of the LEP, as shown in the figure below.

When the hotel was established in 1877, there were no land use zoning controls over land. Land use zoning was not introduced to the local area until the 1960s.

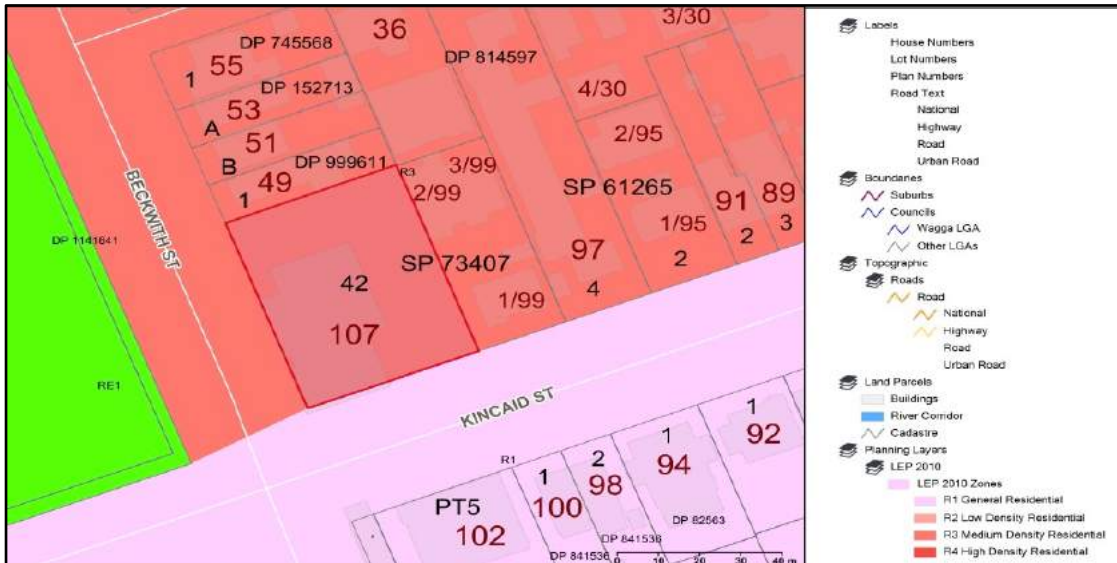


Figure 33: Land Zoning Map (Source: WWCCGIS 2023)

Land Use Table extracts for the R3 Medium Density Residential zone is provided below.

<b>Permitted without consent</b>
Home businesses; Home occupations; Roads
<b>Permitted with consent</b>
Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Group homes; Home industries; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Restaurants or cafes; Seniors housing; Take away food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4
<b>Prohibited</b>
Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; <b>Commercial premises</b> ; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

### 6.4.2 Permissibility

The Sportsmens Club Hotel is defined under the LEP as a pub, which is a type of “*food and drink premises*”.

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

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

“*Food and drink premises*” are a type of “*retail premises*”.

“*Retail premises*” are a type of “*commercial premises*”.

“*Commercial premises*” are prohibited in the R3 Medium Density Residential zone.

Prior to the gazettal of LEP2010, the hotel (pub) use was permissible on this land.

The existing hotel is then an "existing use" under the EP&A Act 1979 (Division 4.11), where section 4.65 preserves its permissibility over the site it currently occupies. Development consent is required for any proposed expansion of buildings or works.

The EP&A Regulation 2021 (Part 7) contains provisions that allow the consideration of any expansion or intensification of buildings and works associated with the hotel as an "existing use". Clauses 163, 164 and 165 are relevant to this proposal and enable Council to consider and approve the proposal.

**Table 14: EP&A Regulation 2021 (Part 7) – Existing uses**

<b>EP&amp;A Regulation 2021 Relevant Clauses</b>	<b>Comment</b>
<b>163 Certain development allowed</b>	
(1) An existing use may, subject to this Division—	
(a) be enlarged, expanded or intensified, or	Applicable
(b) be altered or extended, or	Applicable.
(c) be rebuilt, or	Not applicable.
(d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or	Not applicable.
(e) if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or	Not applicable.
(f) if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).	Not applicable.
(2) However, an existing use must not be changed under subclause (1)(e) or (f) unless that change—	-
(a) involves only alterations or additions that are minor in nature, and	Not applicable.
(b) does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and	Not applicable.
(c) does not involve the rebuilding of the premises associated with the existing use, and	Not applicable.
(d) does not involve a significant intensification of that existing use.	Not applicable.
(3) In this clause— <b>commercial use</b> means the use of a building, work or land for the purpose of commercial premises. <b>light industrial use</b> means the use of a building, work or land for the purpose of light industry.	Noted.
<b>164 Enlargement, expansion and intensification of existing uses</b>	
(1) Development consent is required for any enlargement, expansion or intensification of an existing use.	Noted. Consent requested with this DA.
(2) The enlargement, expansion or intensification—	-
(a) must be for the existing use and for no other use, and	Applicable. The proposed expansion is for the existing pub premises.
(b) must be carried out only on the land on which the existing use was carried out immediately before the relevant day.	Applicable. The proposed expansion is on land that has been utilised by the pub premises immediately before the relevant day (gazettal of LEP2010).
<b>165 Alteration or extension of buildings and works</b>	
(1) Development consent is required for any alteration or extension of a building or work used for an existing use.	Noted. Consent requested with this DA.
(2) The alteration or extension—	-
(a) must be for the existing use of the building or work and for no other use, and	Applicable. The proposed expansion is for the existing pub premises.
(b) must be erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant day.	Applicable. The proposed expansion is on land that has been utilised by the pub premises immediately before the relevant day (gazettal of LEP2010).
<b>166 Rebuilding of buildings and works</b>	N.A.
<b>167 Change of existing uses</b>	N.A.

The Zone Objectives are considered in the table below:

**Table 15: Relevant LEP 2010 Zone Objectives**

LEP 2010 – R3 Medium Density Residential	
Objective	Comments
<i>To provide for the housing needs of the community within a medium density residential environment.</i>	Not applicable.
<i>To provide a variety of housing types within a medium density residential environment.</i>	Not applicable.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Consistent. The hotel/pub has existed in the local area for over 130 years until zoning changes also changed the objectives over this land. The premises is an integral part of the neighbourhood landscape and character. The continued approval of expansions and upgrades to the hotel is proof of the local community's acceptance and endorsement that the hotel provides an ongoing facility for the day to day needs of the local residents.
<i>To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.</i>	Not applicable.

#### 6.4.3 Variation

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

#### 6.4.4 Consideration of Relevant LEP Clauses

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

**Table 16: WWLEP 2010 Relevant Clauses - Consideration Summary**

WWLEP 2010 Relevant Clause	Comment
<b>Part 3 – Exempt and complying development</b>	
3.1 – 3.3	Noted.
<b>Part 4 – Principal development standards</b>	
4.1 – 4.6A	Not applicable.
<b>Part 5 – Miscellaneous provisions</b>	
5.1 – 5.9AA	Not applicable.
5.10 Heritage conservation	Applicable, see discussion below.
5.11 – 5.19	Not applicable.
5.20 Standards that cannot be used to refuse consent – playing and performing music	Applicable, see discussion below.
5.21 – 5.25	Not applicable.
<b>Part 6 – Urban release areas</b>	Not applicable.
<b>Part 7 – Additional local provisions</b>	
7.1 – 7.5	Not applicable.
7.6 Groundwater Vulnerability	Applicable, see discussion below.
7.7 – 7.10	Not applicable.
7.11 – 7.13	Not applicable.

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

#### 6.4.5 Heritage Conservation – LEP Clause 5.10

Consideration of LEP Clause 5.10 is applicable.

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, to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The clause is relevant to the consent authority by identifying matters that it must be satisfied with in order to grant development consent.

The proposal has considered various relevant and appropriate environmental planning matters, as has been outlined and discussed in this SEE document. The proposal will have reference to previous heritage reports and considerations in relation to the site. Earlier expansion proposals for the hotel involved the demolition of existing dwellings located in the heritage conservation area. Council's approval of those works confirms the endorsement by the community of the ongoing hotel operation and building works in the conservation area.

As external repainting of the building is involved with this development proposal, endorsement of the proposed colour scheme, as outline in section 4.2.7 above, will be required. The colour scheme has been chosen from an endorsed heritage colour palette.

**Table 17: Consideration of LEP Clause 5.10 – Heritage Conservation Provisions**

<b>LEP2020 – Clause 5.10 – Heritage Conservation</b>	
<b>Relevant Provisions</b>	<b>Response</b>
<i>The objectives of this clause are as follows—</i>	
<i>(a) to conserve the environmental heritage of Wagga Wagga,</i>	Satisfied. Internal and external alterations proposed will continue to conserve the heritage character of the site and surrounding neighbourhood.
<i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i>	Satisfied. Proposal seeks to conserve the associated fabric, settings and views of the site and proposed alterations will not adversely affect heritage significance of the local area.
<i>(c) to conserve archaeological sites,</i>	Not applicable to proposal, not an archaeological site.
<i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i>	Not applicable to proposal, AHIMS search notes the site is not a place of Aboriginal significance.
<i>Development consent is required for any of the following—</i>	
<i>(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)—</i>	Satisfied. The alterations to existing site are proposed to be in line with current detail, fabric, finish and appearance of the site. Will also be consistent with previous DA assessment and heritage considerations. The proposal involves repainting of the building in selected colours from a heritage colour palette.
<i>(i) a heritage item,</i>	
<i>(ii) an Aboriginal object,</i>	
<i>(iii) a building, work, relic or tree within a heritage conservation area,</i>	
<i>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</i>	Not Applicable. The site does not contain a heritage item.
<i>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i>	Not applicable to proposal.
<i>(d) disturbing or excavating an Aboriginal place of heritage significance,</i>	Not applicable to proposal.
<i>(e) erecting a building on land—</i>	
<i>(i) on which a heritage item is located or that is within a heritage conservation area, or</i>	
<i>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</i>	Not applicable to proposal, no new building proposed.
<i>(f) subdividing land—</i>	
<i>(i) on which a heritage item is located or that is within a heritage conservation area, or</i>	
<i>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</i>	Not applicable to proposal.
<i>(4) Effect of proposed development on heritage significance: The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development</i>	Noted. For Council consideration.

<b>LEP2020 – Clause 5.10 – Heritage Conservation</b>	
<b>Relevant Provisions</b>	<b>Response</b>
<i>on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i>	
<i>(5) Heritage assessment: The consent authority may, before granting consent to any development—</i>	Noted.
<i>(a) on land on which a heritage item is located, or</i>	
<i>(b) on land that is within a heritage conservation area, or</i>	Noted.
<i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i>	Noted. No heritage report is required as previous major renovations have been considered by Council's Heritage Advisor.
<i>(6) Heritage conservation management plans: The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</i>	Noted. Not required.
<i>(7) – (9)</i>	Not applicable to proposal.
<i>(10) Conservation incentives: The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</i>	Noted. Not required for this proposal.
<i>a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i>	
<i>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</i>	Noted. Not required for this proposal.
<i>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</i>	Noted. Not required for this proposal.
<i>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</i>	Noted. Not required for this proposal.
<i>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</i>	Noted. Not required for this proposal.

#### **6.4.6 Standards that cannot be used to refuse consent - LEP Clause 5.20**

The Sportmens Club Hotel is a licensed premises under the Liquor Act 2007 and includes the playing and performing of music within the hotel.

Under this clause Council must not refuse consent on the following grounds:

- (a) the playing or performance of music, including the following—*
  - (i) the genre of music played or performed, or*
  - (ii) whether the music played or performed is live or amplified, or*
  - (iii) whether the music played or performed is original music, or*
  - (iv) the number of musicians or live entertainment acts playing or performing, or*
  - (v) the type of instruments played,*
- (b) whether dancing occurs,*
- (c) the presence or use of a dance floor or another area ordinarily used for dancing,*

- (d) the direction in which a stage for players or performers faces,
- (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.

In addition, Council must not refuse consent to the proposed development on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

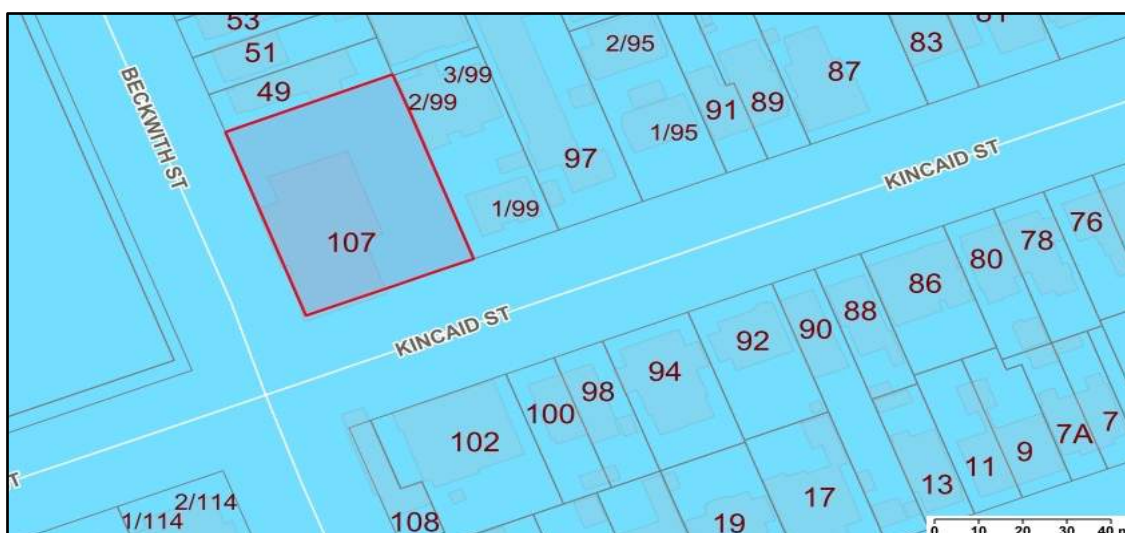
**6.4.7 Groundwater vulnerability – LEP Clause 7.6**

The objective of this Clause is:

*to protect and preserve groundwater sources.*

The clause is relevant to the consent authority by identifying matters that it must be satisfied with in order to grant development consent.

No further consideration is required at this stage as the development is not specified for the purpose of this clause.



**Figure 34:** Groundwater Sensitivity Map (Source: WWCCGIS 2021)

**6.5 Wagga Wagga Development Control Plan 2010 (DCP)**

Sections 2, 3 & 4 of the Wagga Wagga Development Control Plan (DCP) 2010 are relevant to the proposed development and is considered in the Table below. There are no carry-over provisions of Wagga Wagga Development Control Plan 2005 applicable to this proposal.

**Table 18: Relevant DCP 2010 Controls**

Section 2: Controls That Apply to All Development		
Clause	Objective/Control	Comments
<b>2.1 Vehicle Access and Movements</b>	<i>C1: Access should be from an alternative secondary frontage or other non-arterial road where possible.</i>	Satisfied. Kincaid Street is not a designated arterial road. Access to the rearranged car parking area to be from Kincaid Street only. See discussion in section 4.3.6 of this SEE and accompanying TIA.
	<i>C2: A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.</i>	Satisfied. See accompanying Traffic Impact Assessment.



	<i>C3: Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.</i>	Satisfied. See submitted site plan, TIA and discussion in section 4.3.6 of this SEE.
	<i>C4: Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.</i>	Satisfied. See submitted site plan, TIA and discussion in section 4.5.6 of this SEE.
	<i>C5: Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.</i>	Satisfied. See submitted site plan, TIA and discussion in section 4.3.6 of this SEE.
	<i>C6: Ensure adequate sight lines for proposed driveways.</i>	Satisfied. See submitted site plan, TIA and discussion in section 4.3.6 of this SEE.
<b>2.2 Off-street parking</b>	<i>Controls – parking rates</i>	Not satisfied. See accompanying TIA and discussion within section 4.3 of this SEE.
	<i>C1: Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.</i>	A variation is requested under the circumstances. See request and justification below.
	<i>C2: The design and layout of parking is to be in accordance with the relevant Australian Standard at the time of lodgement of an application.</i>	Satisfied. See accompanying site plan and TIA.
	<i>C3: Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with the relevant Australian Standard at the time of lodgement of an application.</i>	Satisfied. See accompanying site plan and TIA.
	<i>C4: For mixed use developments, the parking required is ....</i>	Not applicable to proposal.
	<i>C5: In the case of redevelopment or change of use (other than in the B3 zone) the parking ....</i>	Not applicable to proposal.
	<i>C6: In the case of redevelopment or change of use within the B3 zone where there is no increase ...</i>	Not applicable to proposal.
	<i>C7: Variations to the parking requirements may be considered where minor alterations and additions are proposed and the changes do not encroach or reduce the current off-street parking spaces.</i>	A variation is requested under the circumstances. See accompanying TIA and discussion in section 4.6 of this SEE.
	<i>C8: A traffic and parking study may be required for certain proposals, including but not limited to proposals for schools and other education uses including child care centres, business parks, hospitals, cinemas and gyms.</i>	Satisfied. See accompanying TIA.
	<i>C9: Provide trees within the parking area at a rate of 1 tree per 5 spaces in a row. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m<sup>2</sup>.</i>	Satisfied. See accompanying site plan.
	<i>C10: Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.</i>	Satisfied, as existing.
	<i>C11: To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.</i>	Satisfied, as existing.

<b>2.3 Landscaping</b>	<i>Landscape design</i> <i>C1: A landscape plan is required for applications for:</i> <ul style="list-style-type: none"> <li>• <i>Commercial and Industrial developments</i></li> <li>• <i>Residential development (other than dwelling houses).</i></li> </ul>	Satisfied. See submitted site plans. Final details to be determined at CC stage.
	<i>C2: Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.</i>	Noted. Not applicable to this site.
	<i>C3: Use native and indigenous plants, especially low water consumption plants in preference to exotic species.</i>	Noted. To be determined at CC stage.
	<i>C4: Trees should be planted at the front and rear of properties to provide tree canopy.</i>	Satisfied. See submitted site plans. Final details to be determined at CC stage.
	<i>C5: Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening.</i>	Satisfied. See submitted site plans. Final details to be determined at CC stage.
	<i>C6: Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.</i>	Satisfied. See submitted site plans. Final details to be determined at CC stage.
<b>2.4 Signage</b>	<i>General controls for signage and structures</i> <i>C1 – C11:</i>	Not applicable. No changes to site business signage.
<b>2.5 Safety and security</b>	<i>C1: Use good site planning to clearly define public, semi-public and private areas.</i>	Satisfied. The hotel has clearly defined areas delineating between public, semi-public and private areas. See submitted plans.
	<i>C2: Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.</i>	Satisfied. All entrances are clearly visible and identifiable from the street. Main office and bar areas are at the front of the building. The building is under constant video surveillance.
	<i>C3: Minimise blank walls along street frontages.</i>	Satisfied. All street frontage walls have windows or relief areas. Street frontages are also under constant video surveillance.
	<i>C4: Avoid areas of potential concealment and 'blind' corners</i>	Satisfied. There are no potential areas of potential concealment and "blind" corners. The hotel is under constant video surveillance.
	<i>C5: Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.</i>	Satisfied. Proposed lighting to be in accordance with relevant Australian Standards.
	<i>C6: Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.</i>	Satisfied. Side and rear fencing proposed, as well as fencing around the beer garden area and service areas.
	<i>C7: Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.</i>	Not applicable to this proposal.
	<i>C8: Locate public toilets and rest areas to promote their use, and maximise</i>	Not applicable to this proposal.

	<i>public surveillance without creating visual intrusion.</i>	
<b>2.6 Erosion and Sediment Control Principles</b>	<i>O1: Protect the environment against soil erosion and loss of soil from construction sites.</i>	Noted. Appropriate erosion and sediment controls to be implemented during construction.
	<i>O2: Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.</i>	Noted. As above.
	<i>O3: Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.</i>	Not applicable to this proposal.
	<i>O4: Promote the implementation of erosion and sediment control measures by persons undertaking construction and earthworks activities to prevent the loss of soil from the site.</i>	Noted. As above.
<b>2.7 Development adjoining open space</b>	<i>C1 – C4:</i>	Not applicable to this proposal.
<b>Section 3: Heritage Conservation</b>		
<b>Clause</b>	<b>Objective/Control</b>	<b>Comments</b>
<b>3.1 – 3.2.4</b>	<i>Various</i>	Not applicable to this proposal
<b>3.3 WW Heritage Conservation Area</b>	<i>Various</i>	Applicable. The existing hotel site is located on the northwestern edge of the Central Wagga Wagga heritage conservation area.
<b>3.3.1 Fitzmaurice St</b>	<i>Various</i>	Not applicable to this proposal
<b>3.3.2 Residential Precinct</b>	<i>Alterations and Additions Various controls</i>	Not applicable to this proposal. The hotel building was assessed by Council's Heritage Advisor during considerations of major extensions under earlier DAs. The current proposal involves mainly internal alterations, with any additional built structures proposed along Beckwith Street.
	<i>Colour Schemes C1 Colour schemes are to reflect the period and detail of the property. C2 Painting face brick is not supported.</i>	Proposed building repainting includes paint colour selection from an endorsed heritage colour scheme palette. See section 4.2.7 and 6.4.5 for details.
	<i>C2 Painting face brick is not supported</i>	Noted. The existing building has been repainted on several occasions, with advice and approval from Council. See comments above regarding proposed heritage colour scheme.
	<i>Other various controls</i>	Not applicable to this proposal
<b>3.4 – 3.5</b>	<i>Various controls</i>	Not applicable to this proposal
<b>Section 4: Environmental Hazards &amp; Management - Flooding</b>		
<b>Clause</b>	<b>Objective/Control</b>	<b>Comments</b>
<b>4.2 Flooding</b>	<i>Various</i>	The site is located within the Central Business Area and protected by the levee bank.
	<i>C1 – C2: Various</i>	Not applicable to this proposal. The proposal does not involve critical utilities and essential community services.
	<i>C3: Development in the Central Wagga precinct (being the area protected by levees) is to comply with the provisions of Table 4.2.1.</i>	Satisfied. The proposal will ensure that minimum floor levels are maintained, and local drainage is considered.
	<i>Various other controls.</i>	Not applicable to this proposal

### 6.5.1 Variation to DCP – Section 2 Clause 2.2 Control 1

As discussed in sections 4.2 and 4.3 of this SEE, the proposal seeks to rearrange the existing approved on-site carparking as well as expanding the building footprint over site. Consequently, at least 17 car parking spaces will be removed, and the development will not provide on-site carparking in accordance with the DCP parking provisions.

A variation to the DCP car parking provisions applicable to this development is therefore required. The departure is considered justified under the circumstances.

The TIA has noted that:

- Existing off-street parking is underutilised, and 8 on-street parking spaces are currently available adjacent to the site as well as spaces available further along Beckwith and Kincaid Streets;
- The proposed development will not significantly increase patronage on site nor is it proposed that demand for parking will increase with the proposed additions;
- A survey of hotel patrons indicates a declining reliance on the private motor car as a primary mode of transport to the pub, with a growing and greater reliance on other available modes of transport;
- The hotel currently operates a courtesy bus from 5.30pm Thursdays to Sundays which serves to reduce the amount of on-site parking; and
- Although the proposed parking varies from the DCP, effort has been made to maximise off-street parking provisions for patrons.

In considering this variation, the following additional matters should be taken into consideration, particularly where they have resulted in less demand in the use of private vehicles in accessing hotel premises in the Central Wagga Wagga area:

- Continuing less reliance on the use of private motor cars as a result of the introduction of sustainable transport systems and networks, including the adoption of the Wagga Wagga Integrated Transport Strategy that aims to reduce the dependence on private motor car travel, particularly in the Central Wagga Wagga area;
- Greater education and regulation of drink driving activities;
- Introduction of courtesy bus services by local pubs;
- Greater use of Taxi and Uber services;
- Introduction of other community bus services;
- Extensive use of lock out restrictions, limited pub trading activities;
- Other self-regulation activities by hoteliers including banning of certain patrons;
- Influence of the Liquor Accord and other licencing activities by local police;
- RSA and RSG regulation, guidelines and enforcement;
- Extensive public bus network, with 2 services along Kincaid and Beckwith Streets per hour between 8am and 10pm daily; and
- Adoption and implementation of the Wagga Wagga Active Travel Plan and establishment of on-street works (in progress including bicycle lanes and improvements to pedestrian network).

The TIA recommends that a variation to carparking provisions be accepted, based on the site being within an established central area which maximises the use of a constrained site, having minimal impact to on-street parking availability and having access to other transport alternatives that decrease demand for private car parking.

The TIA notes that there are at least 115 on-street parking spaces available within 300m of the site. The TIA cites DA21/0675, which was approved by Council in 2022 for development at 67 Coleman Street. The DA was approved with a significant shortfall of on-site parking spaces. Council took into consideration that more than 100 on-street parking spaces were available within 300m of the site, allowing for use by customers of the corner café. This proposal provides similar, if not more substantial, justification for Council to accept the variation as proposed.

#### Consideration of applicable parking standards

The SEE has outlined the historic development of the Sportsmens Club Hotel as well as extensive changes to the building footprint, local planning policy and DA considerations.

When the hotel was opened in 1877 there were no parking provisions, and the building footprint was approximately 733m<sup>2</sup> including GF, 1<sup>st</sup> Floor and outdoor landscaped areas. The original hotel also had a post supported verandah over the Kincaid Street footpath area.

The current DA proposal will expand the building footprint to approximately 1471m<sup>2</sup> and also provide for 18 on-site parking spaces and loading area. Current DCP carparking provisions suggest that 87 on-site parking spaces are required to satisfy the hotel’s potential parking demands. This is based on past DA considerations and the DCP parking provision of 1 space per 10m<sup>2</sup> GFA.

There is strong argument to indicate that Council’s current DCP parking provisions are becoming outdated and misaligned to the sustainable strategic land use directions of the City. This is particularly evident with the implementation of the Active Travel Plan that aims to decrease the reliance on private motor cars and increase the opportunities for greater walking and cycling throughout the City. The provision of additional car parking areas seems counterproductive the achieving the aims and action plans of Council’s adopted land use strategies, particularly where the hotel exists at the intersection of significant walking, cycling and public bus route networks.

Based on the discussion included in this SEE and TIA, the following scenarios are considered appropriate in calculating car parking provisions for the Sportmens Club Hotel development activity:

1. Discounted original GFA method and applying rate of 1 space/25m<sup>2</sup> GFA

• Original GFA	583m <sup>2</sup>
• Proposed GFA 2023	1017m <sup>2</sup>
• Assessable GFA	434m <sup>2</sup>
• <u>Carparking @ 1/25m<sup>2</sup></u>	<u>18 spaces</u>

2. Peak Demand Method (as observed via TIA)

• Peak Demand (observed)	33 vehicles
• <u>On-site parking</u>	<u>18 spaces</u>
• Off-site kerbside parking	15 spaces

Either method is more closely aligned to actual parking demand, taking into consideration changes to patron mode of transport choice and the introduction of alternative travel mode policies.

Consideration of a DCP variation based on merit

DCP Section 1.11 acknowledges that there may be circumstances where it may not be possible to achieve strict compliance a DCP control standard. Council may consent to a proposal that departs from any control, whether numeric or non-numeric. Justification is required to be presented to Council. Below is a summary and response to published assessment criteria for requesting a DCP control variation.

**Table 19: Consideration of a DCP variation – assessment criteria**

<b>DCP Variation Considerations</b>	
<b>Criteria</b>	<b>Response</b>
<i>GUIDING PRINCIPLES</i>	
<i>GP1 Sustainability, climate change management, and efficient use of resources</i>	The proposal is more closely aligned to achieving sustainable and overall good environment outcomes.
<i>GP2 Site responsive development</i>	The proposal provides a more positive outcome for the site and makes better use of underutilised land.
<i>GP3 Design quality</i>	The design outcome proposed is a significant improvement, resulting in an improved streetscape and complimentary development to the local heritage conservation precinct.
<i>GP4 Quality public domain</i>	The proposal will achieve a more connect community and better use of public places including footpath areas.
<i>DCP Clause 2.2 Off-street Parking - Objectives</i>	
<i>O1 Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.</i>	The TIA confirms that the proposal will continue to provide for safe and efficient movement of vehicles and pedestrians to and from the site.

<b>DCP Variation Considerations</b>	
<b>Criteria</b>	<b>Response</b>
<i>O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.</i>	The TIA confirms that the proposal will continue to provide adequate safe and efficient parking for all modes of transport to meet anticipated demand. Survey data and conclusions are detailed in both this SEE and the TIA.
<i>O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.</i>	The TIA confirms that there will be no disruptions to existing levels of service and safety of the local road environment.
<i>O4 Soften the impacts of larger car parking areas through the use of landscaping.</i>	This will be achieved through the implementation of a landscaping plan submitted with the development plan set.
<i>O5 Provide both shade and solar access to car park users by means of purpose designed tree planting.</i>	Adequate and appropriate tree plantings will be provided for shade and solar access purposes. See accompanying site plan.
<b>REASON TO SUPPORT A VARIATION</b>	
<i>Whether non-compliance will pre-judice the objectives of the zone and the aims of the DCP.</i>	The proposal is not inconsistent with the zone objectives and will continue to provide an essential cultural and community service to the local residential area.
<i>Conformity with both the provisions of the DCP and conformity with the aims and objectives of zones in WWLEP 2010.</i>	Apart from car parking provisions, the development achieves all other DCP controls, aims and objectives of the LEP.
<i>What aspects of the development do not meet the DCP requirements.</i>	Only car parking control standards.
<i>To what degree does the proposal depart from the DCP, it's nature and magnitude.</i>	Depending on the calculation method, the degree of variation is potentially up to 79% for carparking provisions based on 1/10m2 GFA. When considering TIA peak demand conclusions, the variation is potentially 46%.
<i>How the objective(s) is met if the control is to be varied.</i>	The objectives of the DCP Off-street parking controls will continue to be met, as confirmed by the TIA investigations and conclusions.
<i>Justification for the departure in terms of the above circumstances.</i>	Justification is outlined in the body of this SEE.
<b>FACTORS TO CONSIDER</b>	
<i>Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.</i>	Based on TIA analysis and recommendations, there will be no detrimental impact on the amenity of the local residential area.
<i>The degree of compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure.</i>	The proposal will continue to achieve and satisfy other relevant controls, objectives and principles, notwithstanding the proposed departure.
<i>The circumstances of the case, including whether the particular control(s) is unreasonable and/or unnecessary.</i>	The hotel has unique circumstances embodied in the existing building structure and site operation. The premises will continue to form an integral part of the local neighbourhood. On-site parking has proved to be underutilised and not an efficient use of limited central WW land. The current on-site parking controls and standards are particularly unreasonable and unnecessary in this case. The TIA and patron survey has confirmed that the parking control is not reflecting the needs of the hotel and community.
<i>Priorities identified in a site analysis being of greater importance than what is being departed from.</i>	The site analysis and patron survey confirm that on-site parking areas are underutilised and require reconsideration. There is also a greater variety of transport mode choice available to the general public that is not reflected in current parking standards. The current standards also do not align with current land use strategic directions and active travel plan priorities and actions.
<i>Other matters for consideration in the determination of a development application</i>	The nature of hotel operations has changed over the past few years. State legislative changes have been introduced to revitalise night-time and cultural activities, as well as promoting responsible patronage of licensed premises and transport mode choice.

## 6.6 Other Relevant s4.15 Matters for Consideration

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

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

- *any planning agreement .....*

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

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

Based on the above discussion, the site is considered suitable for the development.

- *any submissions .....*

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

- *the public interest .....*

The public interest is supported with this application as the proposal is in accordance with the publicly endorsed planning policies and guidelines to ensure compatible and sustainable development on this site and within the future desired character of the locality. In particular, the proposal has considered and is more closely aligned with publicly endorsed planning and transport strategies to ensure the principles of ecologically sustainable development are adhered to.

## 7 ENVIRONMENTAL IMPACT ASSESSMENT

### 7.1 Site and Locality Analysis

The subject site is located in the northern area of Central Wagga Wagga, surrounded by mixed density residential areas. The site predates current planning controls, being a historic landmark of Wagga Wagga since 1877. A site analysis plan is provided below.



**Figure 35:** Site Analysis Plan – 107 Kincaid Street (Source: SP & WWCCGIS 2023)

The site is an existing hotel premises which has existing access to Kincaid Street with a total frontage of 90m to Kincaid and Beckwith Streets. The traffic access arrangements for the site will continue to be via Kincaid Street with on-site carparking, as well as off-site parking along both Beckwith and Kincaid Street.

## 7.2 Noise

Pursuant to DA04/1162, the Hotel continues to regulate to these conditions and will continue to operate within the conditions of its hotel license.

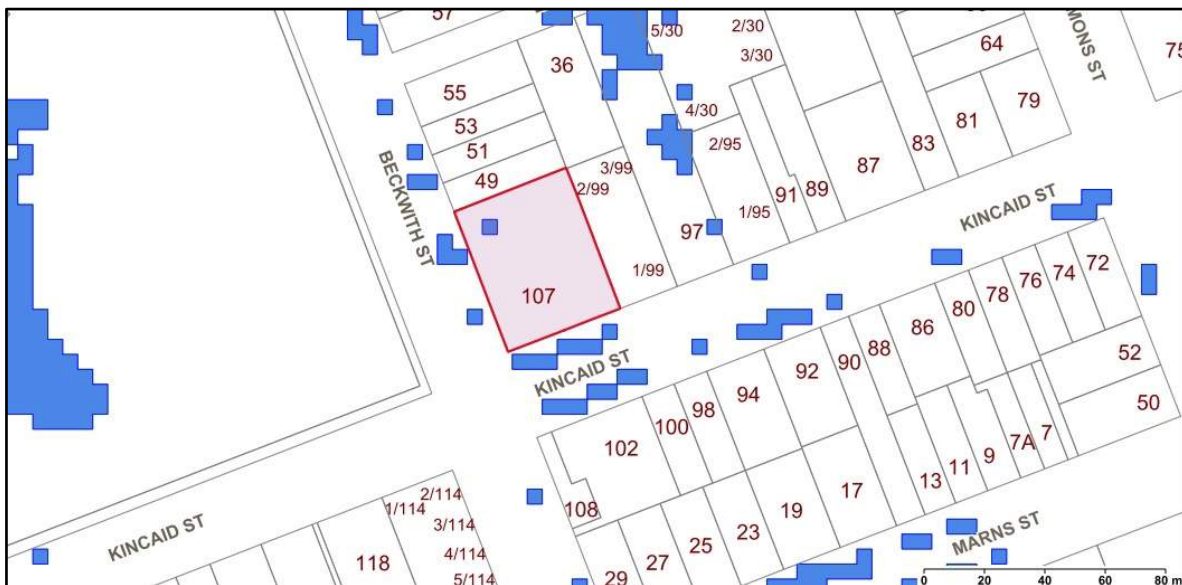
As noted above, in accordance with clause 5.20 of LEP2010, Council must not refuse consent to the proposed development on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

## 7.3 Bushfire

The subject land is not subject to bushfire hazard.

## 7.4 Flooding

The subject land is not subject to 1:100year riverine flooding and is not within the Flood Planning Area as defined by LEP2010. Floor heights will be considered and shown on proposed development plans that accompany this DA.



**Figure 36:** Flooding Map Extract – Overland Stormwater Management (Source: WWCCGIS 2023)

## 7.5 Flora and Fauna

The subject land has little vegetation on site. There will be no detrimental impact on local flora and fauna. The proposal includes further landscaping to the site and does not propose tree removal.

## 7.6 Natural Resources Sensitivity

The subject land is mapped as sensitive to Groundwater. Please refer to above relevant section of this SEE for further discussion.



## 7.7 Cultural and Heritage Conservation

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

**AHIMS Web Service search for the following area at Address : 107 KINCAID STREET WAGGA WAGGA 2650 with a Buffer of 200 meters, conducted by Garry Salvestro on 19 June 2023.**

**The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.**



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<b>0 Aboriginal sites are recorded in or near the above location.</b>
<b>0 Aboriginal places have been declared in or near the above location. *</b>

**Figure 37:** AHIMS Search Extract (Source: OEH 2023)

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

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

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

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

*Are there any:*

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

- No (see AHIMS search as discussed above).

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

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

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

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

There are no landscape features in the locality that would indicate the presence of Aboriginal objects. It is considered that all due diligence requirements have been fulfilled. An Aboriginal Heritage Impact Permit (AHIP) application is considered to be unnecessary. The development will proceed with caution. If any Aboriginal objects are found, work will be stopped, and relevant authorities notified. If human remains are found, work will be stopped, the site will be secured, and Police and other relevant authorities notified accordingly.

## 7.8 Statement of Environmental Effects Summary Table

**Table 20: Statement of Environmental Effects**

Proposed Alterations and Additions to Existing Hotel Premises- 103-107 Kincaid Street			
Subject Area	The potential environmental impacts of the development	How the environmental impacts of the development have been identified	The steps taken to protect the environment or to lessen the expected harm to the environment
Context & Setting	Minimal	Visual observation, site, and locality analysis.	Appreciation of local character, quality design.
Access & Traffic	Minimal	Development data, site plans, client information, TIA.	Development in accordance with applicable standards and policies.
Infrastructure	Minimal	Analysis of existing infrastructure and provisions.	Connection to existing services in accordance with the requirements of servicing authorities and applicable standards.
Heritage	Minimal	Local and State policy, local studies.	Design considerations with respect to the conservation area and local character.
Archaeology	Minimal	Local and State policy, local studies.	Due diligence procedures. Proceed with caution and notify any authorities if any artifacts are found.
Land Resources	Minimal	Local knowledge, site records.	Appropriate mitigation measures implemented as necessary.
Soils	Minimal	Local records, investigation, and available history.	Appropriate mitigation measures implemented as necessary.
Air & Microclimate	Minimal	Local knowledge.	Appropriate mitigation measures implemented as necessary.
Flora & Fauna	Nil	Local knowledge, available data.	Not applicable, existing site.
Waste	Minimal	Development proposal information.	Waste disposed of in accordance with legislative guidelines.
Noise	Negligible	Local conditions, Previous NIA.	Operations will be in accordance with legislative guidelines.
Natural Hazards	Negligible	Local records.	Site conditions as existing including building floor levels to remain.
Social Impact	Positive	Local policy and knowledge	Not applicable.
Economic Development	Positive	Local records and available history.	Not applicable.
Design	Positive	Visual assessment. Local policy and knowledge.	Site layout and building design, appreciation of local character.

Proposed Alterations and Additions to Existing Hotel Premises- 103-107 Kincaid Street			
Subject Area	The potential environmental impacts of the development	How the environmental impacts of the development have been identified	The steps taken to protect the environment or to lessen the expected harm to the environment
Construction	Minimal	Visual assessment. Local knowledge.	Appropriate measures and standards implemented as necessary.

## 8 CONCLUSION

The proposed alterations and extensions to the existing Sportsmens Club Hotel located at 107 Kincaid Street, Wagga Wagga, has been considered in respect of current policy and environmental conditions.

The purpose of the development is to provide alterations and additions to the existing building by incorporating changes better suited to current demands for pub style patronage, as well as addressing several outstanding development conditions and works undertaken in recent years.

It is considered the proposal is justified and permissible, for the following reasons:

- Satisfies State Acts and Environmental Planning Policy provisions relevant to the proposal;
- Addresses Strategic Planning Policy directions in particular the implementation of the LSPS and local transport strategic planning initiatives;
- Is permissible under the relevant '*existing use*' provisions of the Environmental Planning & Assessment Act and Regulations;
- Meets the objectives of the zone, where applicable, under the Wagga Wagga Local Environmental Plan 2010;
- Satisfies and complies with the relevant provisions of the Wagga Wagga Development Control Plan 2010, and where a variation is required, has sufficient justification for the variation requested. This is particularly relevant in relation to car parking; and
- Will not have an adverse impact on the environment, particularly the local residential neighbourhood, as discussed in the Statement of Environmental Effects above.

The key issue in finalising this development proposal is the provision of carparking on-site. A variation has been requested to the DCP controls and justification provided, as based on research contained within this SEE and within the accompanying TIA. The variation is considered valid and should be approved accordingly.

The proposal is submitted to Council for consideration.

**21024: Document History**

Revision No.	Date	Authorised By		
		Name/Position	Signature	Notes
Rev 1.0 – Draft	15/12/2021	Patrice McMullen Research Planner	<i>PM</i>	Preliminary draft for internal review
Rev 1.2 – Edited Draft	22/12/2021	Rhiana Reardon Assistant Planner	<i>RR</i>	Internal review
Rev 2.0 Final	23/12/2021	Garry Salvestro Director	<i>GS</i>	Issued for DA Lodgement
Rev 2.1 Draft	09/03/2023	Patrice McMullen Research Planner	<i>PM</i>	Amended SEE for internal review
Rev 2.1 Final Draft	16/6/2023	Garry Salvestro Director	<i>GS</i>	Issued for client review
Rev 2.1 Final	20/06/2023	Garry Salvestro Director	<i>GS</i>	Issued for RFI to Council

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