



City of
Wagga Wagga

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

APPLICATION DETAILS

Application No.:	DA22/0177
Modification No.:	N/A
Council File No.:	D/2022/0177
Date of Lodgement:	30/03/2022
Applicant:	C Rocks 29 Werribee Rd BOURKELANDS NSW 2650
Proposal:	Alterations and additions to include retail premises, licenced function centre and restaurant.
Description of Modification:	N/A
Development Cost:	\$1500000
Assessment Officer:	Sam Robins
Determination Body:	Council - Section 1.11 Complying with the Wagga Wagga Development Control Plan 2010. Objections have been received relevant to a variation of greater than 10% to a numerical control.
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal Licensing Police Essential Energy
Adjoining Owners Notification:	19/5/22 - 2/6/22
Advertising:	N/A
Owner's Consent Provided:	Yes
Location:	The site, being Lot 1 DP 631019, 187 Fitzmaurice Street Central Wagga is located on the south-eastern corner of Fitzmaurice Street and Crampton Street. The site is bound by Cadell Place along its eastern boundary.

SITE DETAILS

Subject Land:	187 Fitzmaurice St WAGGA WAGGA NSW 2650
---------------	---

Owner: Lot 1 DP 631019
 Vibe Corp Pty Ltd

DESCRIPTION OF DEVELOPMENT

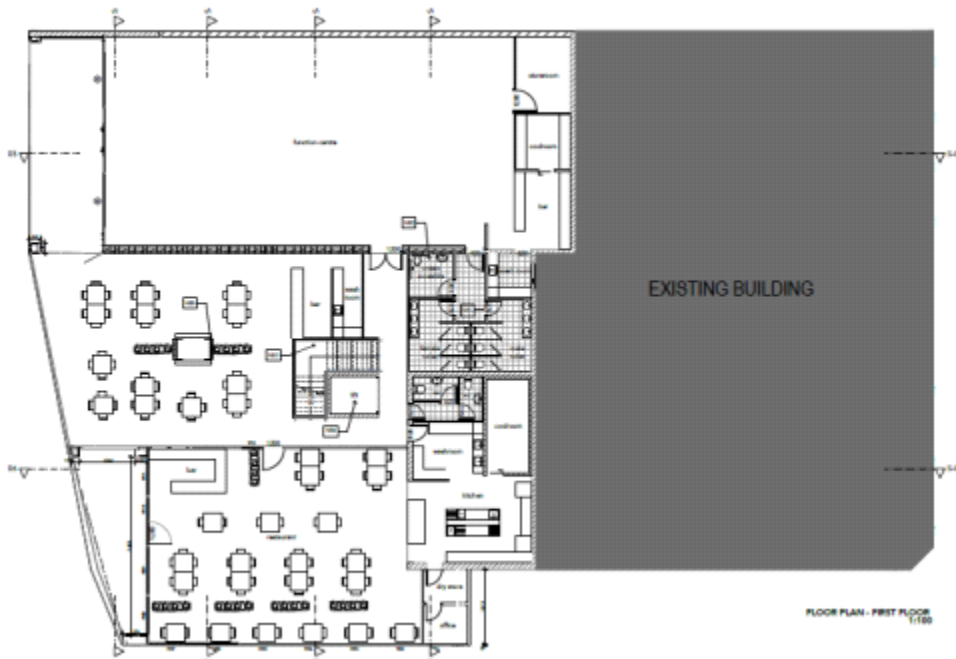
This application is for alterations and additions to the existing building and fitout as retail space, function centre and restaurant. The proposal includes a plan to construct part of the restaurant at first floor level over the Council footpath.

The works proposed are as follows:

- Extension of the ground floor to create an entrance foyer, stairs, lift, amenities, bridal room, services area with fencing to Cadell Place and retail tenancy fronting Crampton Street.
- Extension of the first floor to create an entrance foyer (stairs and lift), restaurant, kitchen, function room, amenities and open deck with fireplace facing Cadell Place.
- Fitout of kitchen to commercial standard.
- Fitout of amenities.
- Fitout of restaurant.
- Fitout of function centre.
- 1m x 3m wall sign fronting Crampton Street.



Proposed ground floor.



Proposed first floor.

Operating hours are proposed to be 7am to midnight 7 days a week for the restaurant and function centre. The retail tenancy will operate during normal business hours and therefore 8am to 8pm 7 days a week has been proposed to provide flexibility.

THE SITE & LOCALITY

The site, being Lot 1 DP 631019, 187 Fitzmaurice Street Central Wagga is located on the south-eastern corner of Fitzmaurice Street and Crampton Street. The site is bound by Cadell Place along its eastern boundary.

The site measures 1435m² and is flat and void of vegetation. The building has frontage to both Crampton Street and Fitzmaurice Street.

The site has no restrictive easements.

The site is mapped as bushfire prone land and is subject to inundation in a PMF event but protected by the main city levee up to and including the 1% event plus freeboard.

The site is located in the Conservation Area.

A number of site visits were undertaken by the assessing officer.

The site has been used for meat processing since 1950 and Knights Meats has operated there since 1974 up until recently. Currently the site is tenanted by the Riverina Home Centre and Mr Lawrence café.

It is important to note that the site to the south (183 Fitzmaurice Street) previously formed part of the Knights Meats store as a delicatessen approved under DA11/0034. The Environmental Protection Authority (EPA) has declared this site significantly contaminated under the Contaminated Land Management Act. The assessment under SEPP (Resilience and Hazards) below considered this issue.

The surrounding land uses are a mix of commercial and residential. There is a Council owned carpark immediately to the north and access steps to the levee located within the carpark, the river is to the east.



PREVIOUS RELEVANT CONSENTS AND SITE HISTORY

BA934/73 - alts and ads to existing building
 BA462/76 - additions to shop
 BA24/78 - new shop front
 BA256/78 - relocation of doorway and wall
 BA278/81 - additions to shop - shelter and loading area
 BA37/83 - addition of female toilets
 BA890/85 - carport
 BA525/89 - renovations to factory
 DA340/93 - alts and ads to butchers shop
 DA450/94 - shop addition
 DA11/0034 - Change of Use drycleaners to delicatessen (neighbouring lot to south)
 DA18/0259 - alts and ads
 DA21/0290 - Café (food and drink premises)

SUMMARY OF MAIN ISSUES

Heritage impacts
 Carparking compliance
 Amenity impacts

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

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

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

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010 (LEP 2010)

The following provisions of the LEP 2010 apply:

Land Use Table

Under the LEP the site is zoned B3 - Commercial Core

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

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure the maintenance and improvement of the historic, architectural and aesthetic character of the commercial core area.*

Under the LEP 2010 the proposal would include the following landuses. The definitions are as follows:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note-

Restaurants or cafes are a type of **food and drink premises**-see the definition of that term in this Dictionary.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,

- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note-

*Retail premises are a type of **commercial premises**-see the definition of that term in this Dictionary.*

Under Part 2 Section 3 - All three landuses are permitted with consent, by making this application for consent, the proposed application can be considered under the relevant provisions of this section. The proposal would be entirely consistent with the objectives of the zone.

It should be noted that retail premises is an extensive list of a variety of uses that cause a variety of issues. It is not considered appropriate to allow such an open-ended land use for this site. Given the existing retail store (Riverina Designer Appliances) is likely to utilise this space it is considered reasonable to allow 'hardware and building supplies' and 'shops' as suitable uses in this tenancy under this consent. This will be conditioned. Any other retail premises will either need to meet the change of use exempt provisions or lodge a separate application. This will be secured by condition of consent.

2.7 Demolition requires development consent

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

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

Part 4 Principal development standards

4.3 Height of buildings

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map

The development site is shown on the Height of Buildings Map as being within an area that permits a maximum building height of sixteen (16) metres. The first-floor additions will be approximately 8m so within the limits.

4.4 Floor space ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map

The development site is shown on the Floor Space Ratio Map as being within an area that permits a FSR of '2:1'. The calculation is provided below.

4.5 Calculation of floor space ratio and site area

Site area = 1435

floor space 2237.76m²

FSR = 2237.76/1435 = 1.6

FSR = 1.6:1 and therefore complies.

Part 5 - Miscellaneous provisions

5.10 Heritage Conservation

(1) *Objectives:*

The objectives of this clause are:

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

(2) *Requirement for consent:*

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (iii) a building, work, relic or tree within a heritage conservation area*
- (e) erecting a building on land-*
 - (i) on which a heritage item is located or that is within a heritage conservation area.*

(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 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).

Consideration has been given to these provisions. The development retains much of the original 1948 building. The Fitzmaurice Street elevation will not be altered, and the Crampton

Street elevation will clearly distinguish between old and new. The building is one of Wagga's most well known buildings and it is important that the existing building is retained in structure and character wherever possible. The location of the additions to the side and rear and the modern design that provides a clear delineation between old and new achieves this.

It is considered that the proposal meets the objectives of the clause, has met the requirements for consent in submitting the application, and in principle, does not detrimentally affect the significance of the conservation area. Further discussion on the heritage impacts, including comments from Council's Heritage Advisor can be found throughout the report.

(5) *Heritage assessment*

Certain development requires the preparation of a heritage management document. It is not required for this development given the location and nature of the proposal, along with the fact that the Statement of Environmental Effects (SEE) was prepared by Camilla Rocks Planning and Heritage Services who has extensive heritage experience and provided a detailed heritage assessment within the SEE.

5.20 *Standards that cannot be used to refuse consent-playing and performing music*

(1) *The consent authority must not refuse consent to development in relation to licensed premises 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.*

(2) *The consent authority must not refuse consent to development in relation to licensed premises 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.*

the applicant has provided the following discussion within the SEE:

'... As a function centre, the site is likely to host live or pre-recorded music with amplification within the building and the outer deck area. The site is within the CBD, with commercial properties in the immediate vicinity. To the north west, there is a large residential development. To the east, the village of North Wagga Wagga lies over 600 metres away and across the Murrumbidgee River. The area where music could be played faces the east. With prevailing westerly winds, we believe that the residential development along Fitzmaurice Street would receive minor noise impact from the playing of music. The distance of the site from North Wagga Wagga would also mitigate any disruptive noise. Music would be limited

to acceptable hours, which will be enforced as conditions of any consent.'

Additional information requested a Noise Assessment to be undertaken. Harwood Acoustics provided an Environmental Noise Assessment dated 6/9/22. The report included the following conclusion:

7. CONCLUSION

An assessment of the potential noise impact arising from proposed alterations and additions to the commercial building at 187 Fitzmaurice Street, Wagga Wagga, NSW was undertaken. Provided recommendations made in Section 6 of this report are implemented and continue to be adhered to, the level of noise emission from the proposal can meet the design noise goals derived from Liquor and Gaming NSW and the NSW EPA as required by Wagga Wagga City Council.

Section 6 of the report include recommendations around building construction, amplified music levels and mechanical plant. All the recommendations are achievable to ensure noise impacts can be managed and minimised to acceptable levels.

Appropriate conditions of consent will ensure the recommendations of the report are complied with.

5.21 Flood planning

(1) The objectives of this clause are as follows-

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development-

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters-

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause-

Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Floodplain Development Manual.

Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

The subject site is located within the PMF for a riverine event and therefore this clause applies. Given the subject site is protected by the main city levee it is not considered to be within the flood planning area therefore clause (2) does not apply.

By constructing the levee and not restricting development within the levee, Council has accepted that the level of protection is suitable for the types of development permitted. In this instance a function centre, restaurant and retail premise are not landuses that will result in a high risk to life within the Wagga catchment. With approximately 2/3 days warning time there is more than adequate time to ensure all bookings are cancelled and no persons are present at the venue. Given the scale of a PMF event a building of this size will have negligible impact on flood behaviour.

The recent flood modelling considered climate change in its prediction.

The proposal is considered to be generally consistent with the objectives of this clause.

Part 7 - Additional Local Provisions

7.1A Earthworks

(1) The objectives of this clause are as follows:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

(2) *Development consent is required for earthworks unless:*

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the work is ancillary to other development for which development consent has been given.*

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

The site is flat, and the proposal will involve minor earthworks only. The earthworks would be considered minimal and acceptable and raise no unreasonable concerns when assessed against this clause.

7.6 - Groundwater Vulnerability

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

Given the use is not development specified under this clause no considerations are relevant.

7.9 - Primacy of Zone B3 Commercial Core

Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga.

The development is within the CBD and therefore satisfies this control.

7.11 - Airspace operations

The proposed development does not compromise the Obstacle Limitation Surface for the airport. No concerns are raised.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 Hazardous and offensive development

The alterations and additions to an existing building and use as retail premises, function centre

and restaurant would not be considered hazardous and offensive development.

Chapter 4 Clause 4.6 of the SEPP requires the following:

4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless-

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is-

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land-

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Council is required to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

A Detailed Site Investigation (DSI) was completed for the site for the previous Development

Application (DA21/0290 - cafe). The DSI was submitted by McMahon Earth Science dated June 2021. The report concluded ...*'In summary there is no soil, groundwater, or soil vapour contamination across the site from the identified contamination sources that would materially affect the proposed development. The site is assessed to be suitable for the proposed land use with low risks to future site users...'*

The same DSI was submitted with this application with a covering letter from the author. The covering letter stated the following:

'...The DSI concluded that there is no soil, groundwater, or soil vapour contamination across 187 Fitzmaurice Street from the identified contamination sources and that the site is suitable for commercial land use with a low risk to future site users. There have been no changes in activities or uses on or nearby 187 Fitzmaurice Street that would alter this conclusion.

I have reviewed the Statement of Environmental Effects (Document Set ID: 5624106) prepared by Camilla Rocks (Town Planner) and the plans for the proposed retail premises, function centre and restaurant, and conclude that the site is suitable for the development regarding potential contamination with a low risk to future site users. The unexpected finds protocol developed as part of the DSI is required to be adhered to if additional potential contamination sources are identified during development...'

Based on this information Council staff are comfortable that the DSI is suitable for lodgement with this application.

With regard to the content and conclusions of the assessment council consider the following:

- It is satisfied that the author of the report is suitably qualified to have prepared and submitted the report;
- There is no evidence on Council's files to suggest that the author of the report has overlooked any other activity that may indicate the potential for the land to be contaminated;
- To the extent of information that Council has access to, it is satisfied that the content of the report is accurate;
- It is satisfied that the report meets the minimum requirements of the SEPP and associated guidelines as detailed below.

The report has been assessed against the relevant guidelines and legislation as follows:

- NSW EPA Contaminated Land Guidelines for Consultants Reporting on Contaminated Sites (2020).
- State Environmental Planning Policy 55 - Remediation of Land (SEPP 55). NOTE: The amendments to the SEPP have not changed the detailed requirements.
- National Environment Protection (Assessment of Site Contamination) Measure (NEPM), (2013).

(page 5 of the DSI)

Is the sampling program adequate?

The report contains sufficient detail to be satisfied that the sampling program is adequate.

Have appropriate thresholds and criteria been used for the assessment?

The report contains sufficient detail to be satisfied that the appropriate thresholds and criteria have been used.

Do the levels of contamination on the site need to be reduced in order for the site to be suitable for the proposed use?

No.

Does this site pose a significant threat to human health or the environment?

No.

Is a site audit of the preliminary investigation necessary?

An audit is not deemed necessary.

Having reviewed the report, Council has considered whether the site is contaminated, and can be satisfied that the site, the subject of this application, is unlikely to be such. Council can also be satisfied that the land is suitable for the purpose for which the development is proposed to be carried out. Appropriate conditions will be applied to deal with unexpected finds.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 5 Electricity transmission or distribution

Subdivision 2 Development likely to affect an electricity transmission or distribution network.

2.48 Determination of development applications-other development

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following-

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out-

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is-

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must-

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The proposed works would be considered immediately adjacent to electricity infrastructure (overhead powerline) and therefore the application was referred to Essential Energy for comment. The following was received on 15/6/22.

'...Essential Energy has safety concerns in relation to the proximity of the development to Essential Energy's infrastructure. The report provided by the applicant shows that the clearance distance of 2.1 metres (under blow out conditions) can not be met with the development in its current location. It may be possible to relocate the powerline to ensure that clearance distances are met. All costs in connection with the relocation of the powerline should be met by the applicant. Alternatively the development should be relocated.

Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed...

Council relayed this information to the applicant. The applicant consulted directly with Essential Energy and the following comments were received on 20/7/22:

Additional information has been received advising the building has been reduced by 300mm. The previous clearance was 2.08 metres, if the additional 0.3 metres is added there is 2.38 metres clearance to the nearest powerlines. Based on the information provided by the developer, this will be satisfactory.

NOTE: *The building meeting clearance requirements doesn't mean the building is able to be built without significant issues being dealt with or the network requiring works, SafeWork NSW clearance requirements for the construction and maintenance of the building must be met, if these aren't achievable, it may be a case that the building can not be safely built or maintained. It is the developers/builders responsibility to determine this prior to any construction being undertaken. Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.*

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;*
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;*
- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and*
- As previously noted it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.*

The additional information was lodged with Council on 12/9/22 and confirmed that the building had been moved the 300mm. Given this, the additional information was not referred to Essential Energy and conditions of consent will be included based off the 20/7/22 advice.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

The application includes a 1m x 3m (3m²) wall sign that would be considered a business identification sign. No details of the content have been provided. This is not considered to be an issue when assessing the signage board.

The Chapter provides a series of objectives and assessment criteria against which signage must be assessed, with consent only to be granted if the development is consistent with these. This assessment is as follows:

3.1 - Aims, objectives etc

(1) This Chapter aims:

- (a) to ensure that signage (including advertising):*
 - (i) is compatible with the desired amenity and visual character of an area,*
 - and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements,*
and
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

- (2) *This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.*

The assessment of the signage throughout this report concludes that the sign is compatible with the amenity of the area, provides effective communication in a suitable location and is of a quality design and finish. The aims above have therefore been considered to have been met.

3.4 - Signage to which this Chapter applies

- (1) *This Chapter applies to all signage:*
- (a) *that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and*
 - (b) *is visible from any public place or public reserve,*
except as provided by this Chapter.

Note. Public place and public reserve are defined in section 4 (1) of the Act to have the same meanings as in the Local Government Act 1993.

- (2) *This Chapter does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this Policy.*

This Chapter of the State Environmental Planning Policy applies to this development application.

3.5 - Relationship with other environmental planning instruments

In the event of an inconsistency between this Chapter and another environmental planning instrument, whether made before or after this Chapter, this Chapter prevails to the extent of the inconsistency.

The State Environmental Planning Policy prevails over the Wagga Wagga Development Control Plan 2010.

Part 3.2 Signage Generally

3.6 - Granting of consent to signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Chapter as set out in clause 3.1(1)(a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

The proposed sign is considered consistent with clause 3.1(1)(a) and has been assessed against the assessment criteria specified in Schedule 5 below.

Part 3.3 Advertisements

Division 1 General

3.7 Advertisements to which this Part applies

This Part applies to all signage to which this Chapter applies, other than the following:

- (a) business identification signs,*
- (b) building identification signs,*
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,*
- (d) signage on vehicles.*

The proposed sign would be considered a business identification sign and therefore this part does not apply.

Schedule 5 - Assessment criteria

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

3 Views and vistas

- Does the proposal obscure or compromise important views?*
- Does the proposal dominate the skyline and reduce the quality of vistas?*
- Does the proposal respect the viewing rights of other advertisers?*

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- Does the proposal screen unsightliness?*
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- Does the proposal require ongoing vegetation management?*

5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- Does the proposal respect important features of the site or building, or both?*
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew*

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

An assessment against schedule 5 listed above is relevant to the sign.

The proposed signage constitutes a business identification sign that will display the name of the business to be carried on at the premises on which it is displayed. The sign is modest, well located and simple in design. The sign is consistent with what is expected with this type of land use and does not detract from the character of the area or unreasonably impact on the amenity of the neighbourhood.

The sign will not unreasonably obscure or compromise views or signage relating to adjoining premises and the scale of the signs is in proportion to the building and streetscape.

The sign will not unreasonably protrude above the buildings, structures or tree canopies in the area or locality and there are no foreseeable nuisance or safety related issues as a result of the signage. Consequently, the proposed sign is considered to satisfy the assessment criteria specified in Schedule 5 of the Policy.

Conditions of consent will ensure the sign is erected in a safe and secure manner and will have no unreasonable impact on public or road safety.

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

N/A

Draft state environmental planning instruments

Nil

(a)(iii) - Any development control plan Wagga Wagga Development Control Plan 2010

The relevant controls of the DCP have been addressed below.

1.10 Notification of a Development Application

The application was notified between the 19/5/22 and 2/6/22.

1.11 Complying with the Development Control Plan 2010

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

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

...Some of the factors or criteria Council will consider in determining whether a departure from the DCP is warranted include:

- Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.*
- The nature and magnitude of the departure.*
- The degree of compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure.*
- The circumstances of the case, including whether the particular control(s) is unreasonable and/or unnecessary.*
- Priorities identified in a site analysis being of greater importance than what is being departed from.*
- Whether non-compliance will prejudice the objectives of the zone and the aims of the DCP.*
- 79C of the Environmental Planning and Assessment Act 1979 - matters for consideration in the determination of a development application...*

The application proposes a variation to the following controls:

- Control C3 of Clause 2.1 - relating to vehicles entering and exiting in a forward motion.
- Control C1 of Clause 2.2 - relating to the number of parking spaces.
- Controls C9 - C11 of Clause 2.2 - relating to requirement for tree planting.

Council staff do not have delegation in this instance given the variation to the car parking requirement is greater than 10% and objections have been received on this issue. The application is therefore required to be determined by Council.

The issues surrounding the variation have been discussed throughout this report, particular attention is drawn to Section 2 of the DCP.

2.1 Vehicle access and movements

The relevant objectives and controls have been discussed below:

Objectives

- O1 Ensure the safety and efficiency of urban and rural roads.*
- O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.*

Controls

- C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.*

The site currently contains an access off Crampton Street that leads to a back of house servicing and parking area along the eastern side of the existing building. There is also a driveway in the south-eastern corner of the site that leads onto Cadell Place. The application proposes to close the existing access off Crampton Street and provide for three parking spaces and a loading/unloading bay all located off Cadell Place. Conditions of consent will ensure the closed driveway is reinstated as kerb and gutter in line with Council standards and that the appropriate crossover is put in place for the three parks and loading/unloading bay along Cadell Place.

An integral part of a laneway operation is the servicing of the properties it adjoins. It is commonplace throughout the laneways of Central Wagga that carparks and loading/unloading bays are set up in this manner. The configuration and how they will operate (drive in reverse out or vice versa) is entirely consistent with how the majority of spaces within the laneways operate. Therefore, the access to these spaces is supported subject to compliance with conditions of consent.

- 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.*

A traffic study is not required. The variation to the parking requirement has been discussed in detail below but is not a reason for requiring a traffic study.

- C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.*

This has been discussed above. The operation of the spaces within the laneway does not comply with this control but are entirely consistent with the operation of spaces throughout the laneways of Wagga and for this reason should be supported. Should Council be concerned with the movement there is the option to restrict these spaces to Staff only to ensure they are utilised with people who are familiar with the operation of the Laneway.

- 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.*

The application includes a standard parking space dedicated as a loading zone. The SEE supplementary information includes the following regarding loading/unloading of goods:

The loading bay will be utilized by 3 businesses - the restaurant/function centre, existing café (Mr Lawrence) and existing retail store (Riverina Designer Appliances).

The retail store is a shopfront only, with all stock warehoused off site. Customers can attend the site and make selections from the displayed range of household items and the items are delivered direct from the warehouse. It is anticipated that the retail store will also utilize the proposed retail space that is shown on the ground floor as a client liaison area e.g. for design meetings, contract signing and the like. The loading bay will therefore not be used on a regular basis by the existing homewares business at 187 Fitzmaurice Street. The business will only use the bay for the delivery of new display stock, which will occur with model upgrades every 12 months or so.

The existing café and the proposed restaurant and function room will use the loading bay for the delivery of food, drink and catering items. Generally, items will be boxed and hand trucked in by the delivery driver. Examples of the items to be delivered are:

- *Serving items such as serviettes, takeaway cups etc*
- *Fresh food (fruit/vegetables) in crates/boxes*
- *Packaged food in boxes*
- *Meats in boxes*
- *Bottled drinks in crates/boxes*
- *Beer kegs*

The largest item expected to be delivered will be beer keg sized. Deliveries of food items is generally on Thursday or Friday mornings, with drinks delivered earlier in the week. It is expected that there would be 3-4 deliveries per week, depending on whether functions are booked. On weekends, it is expected that there will be 1-2 deliveries of function items such as flowers, sound equipment, decorator items such as balloons, wedding cake and the like. Deliveries would arrive in a small rigid truck/Pantech.

Given the nature of the existing businesses and businesses proposed, the size of the space would be considered adequate for the type of vehicles expected. A condition of consent will be imposed that requires a management plan for the site to be development to ensure deliveries are not planned at the same time and are generally focused outside of the main hours of operation. Whilst a space of this size in this location is undoubtedly a compromise, it does provide a designated loading/unloading bay that many of the other businesses within Central Wagga do not. Given the close proximity of the supporting posts it is considered appropriate to request turning circles be provided for this space prior to release of the construction certificate, it is considered that if there is an issue the posts can easily be altered to allow the appropriate space and therefore this information is not required prior to determination. On balance, with compliance with conditions of consent the loading/unloading bay would be considered acceptable.

C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.

Access to the parking spaces and loading zone do not raise any unreasonable concerns.

2.2 Off-street parking

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

Objectives

- O1 Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.*
- O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.*
- O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.*
- O4 Soften the impacts of larger car parking areas through the use of landscaping.*
- O5 Provide both shade and solar access to car park users by means of purpose designed tree planting.*

Controls

- 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.*

- 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.*
- 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.*
- C4 *For mixed use developments, the parking required is the total of requirements for each use. Variations can be considered where it can be demonstrated that the peak demand for each land use component is staggered or that development as a whole generates less parking than separable parts*
- C6 *In the case of redevelopment or change of use within the B3 zone where there is no increase in gross floor area, no additional car parking spaces will be required, except in the following instances:*
a. Outbuildings are proposed to be used in association with the development, or
b. A Traffic Impact Assessment (TIA) is required by Council for the development.
- 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 3.5m².*
- C10 *Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.*
- 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.*

When determining the number of spaces required C1 requires the table to be utilised, C4 allows for the mixed uses to be considered and C6 states that no additional spaces are required unless you are increasing the Gross Floor Area (GFA). When read together it is reasonable to conclude that the number of spaces required is only calculated on the additional GFA, can be varied for the mixed uses if appropriate, and must be calculated based on the table.

Given this, the following is the required spaces:

- New ground floor retail 203.56m² @ 1 space per 45m² = 4.5 spaces
- New function centre 403m² @ 1 space per 25m² = 16.1 spaces
- New restaurant 274.71m² @ 1 space per 25m² = 10.9 spaces
- Total = 31.5 (32) spaces.

Whilst it would be reasonable to assume that in some cases the restaurant and function centre will be booked together and therefore justify a reduction in spaces, the application only proposes 3 spaces and therefore any reduction would still result in a substantial variation from the controls of this section and would not alter the discussion below.

The application includes detailed discussion on reasons to support the variation. The discussion is focused on the following criteria that Section 1.11 of the DCP lists as some factors Council will consider when determining whether a departure from the DCP is warranted.

- *Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.*
- *The nature and magnitude of the departure.*
- *The degree of compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure.*
- *The circumstances of the case, including whether the particular control(s) is unreasonable and/or unnecessary.*
- *Priorities identified in a site analysis being of greater importance than what is being departed from. Explanatory Note(s):*
- *Whether non-compliance will prejudice the objectives of the zone and the aims of the DCP.*
- *79C of the Environmental Planning and Assessment Act 1979 - matters for consideration in the determination of a development application.*

The justification provided within the SEE has been summarised below:

- The reduction in prescribed parking spaces is not likely to have a detrimental impact on the amenity of the residents in the area. The nearby residential developments provide off-street parking for residents.
- Given the nature of the development (restaurant and function centre) a good proportion of patrons would not drive themselves to the site.
- The subject site is a good location for drop off/pick up.
- The Council car park directly opposite has 21 spaces and there are 7 angled spaces on the section of Crampton Street in front of the building.
- The existing development has never provided customer parking onsite, based on current parking requirements 25 spaces would be required for the existing development.
- The original plans showed further spaces along the eastern elevation, these were not considered to be practical in pre-DA discussions and suggested to be removed.
- The development is generally compliant with the other principles, objectives and controls contained within the DCP. The variation is considered acceptable given this compliance, the small size of the lot and the consistency with the Riverside Masterplan.
- Non-compliance is not considered to prejudice the objective of the zone or aims of the DCP.
- In order to comply the following options are discussed:
 - o Construct 1-2 storey above the main building - feasible in terms of compliance with LEP/DCP but not economically.
 - o Construct ground level parking - as above
 - o Scale back the development - each element is reliant on the other and resulting development would not take in views over river. Would also still result in variation to parking controls.
- Proposal is consistent with Riverside Master Plan.
- The main parking demand would be outside of normal business hours with likely spaces in the Council carpark.

The following discussion is added by Council Staff:

The following section is taken directly from Waggas Integrated Transport Strategy:

3.2. Parking

Parking area class	Off-Street Parking Principles	On-Street Parking Principles
--------------------	-------------------------------	------------------------------

Higher activity centre (CBD and Health precinct)	Allow for conversion of site based, off street parking to floor space where possible Plan for and encourage centralised parking stations Reduce parking requirements on future developments	Manage on street parking from the area of highest activity to the area of lowest activity by: Regulated time limits being the lowest closer to the centre of the activity Prioritise parking proximity for loading and disabled parking purposes Peak occupancy should be targeted at a maximum of 75 - 80%
Frame of CBD	Introduce maximum development parking rates for off street parking to encourage the use of alternative modes Allow for conversion of off-street parking to floor space where possible Ensure there is sufficient off street parking to accommodate the commuter population	Use regulations to encourage off-street parking for parking durations longer than 2 hours Peak occupancy should be targeted at a maximum of 75-80%

It is clear that the strategy is aiming for reduced parking rates in Central Wagga, with a push towards encouraging other modes of transport. Any future revision of the DCP will be guided by this document (where relevant) it is therefore a relevant consideration.

The redevelopment of sites within the CBD is an important strategic direction and supported by all Council's Strategic documents. Requiring compliance with parking standards has the potential to restrict the future developments of sites such as this. As discussed by the applicant, to comply there is substantial cost and at least one, more likely two, levels of carparking required. This makes the development financially unviable and results in a far less attractive development in a prominent location that would fail to take advantage of its surroundings and unreasonably compromise the Conservation Area and specifically this important building. If the variation can be justified, it should be supported to allow the redevelopment of this site in line with the strategic direction for the city.

Ultimately the question is not whether a variation to the controls should be supported for this particular site, it is whether the current controls for parking support/encourage the redevelopment of the CBD. Councils strategic documents do not believe this is the case as they support a change to the current controls. It is extremely difficult on nearly every site within the CBD that contains current buildings to add GFA, comply with parking controls, be financially viable and visually appealing. Not only is requiring each individual development to provide parking inline with the DCP stifling development of these sites, it is also a poor strategic planning approach to addressing parking within the CBD.

It is in the public interest to encourage development within the CBD that results in additional GFA for a variety of businesses. Increasing businesses, employment, activation etc adds to and increases the viability of the CBD. It can also be argued that increasing residential properties within (or in close proximity too) the CBD increases properties from which people can walk to such venues, this reduces the need for carparking and contributes to spending in the local economy.

Providing parking within the CBD should not be the responsibility of individual landowners, especially at the expense of positive development of the site. A centralised strategic approach to where public carparks should/could be located and/or increased in size of existing carparks should sit with the Council. This is again made clear in the Integrated Transport Strategy with the following comment, *"Plan for and encourage centralised parking stations"*.

It is the opinion of the Council officer, supported by the comments of Strategic Planning, that the variation to the parking requirement should be supported.

With regards to control C2 and C3 the parking spaces provided will be able to comply with Australian Standards and one accessible space has been provided. Given the site is only providing three spaces this is compliant.

The application proposes a variation to controls C9 - C11 given the site is already entirely hardstand. Council staff agree with this justification within the SEE and supports variation from these controls.

2.3 Landscaping

The proposal is for the change of use of an existing developed site with additions over existing hardstand area. There is no potential for further landscaping on the site. This is considered appropriate given the built-up nature of the CBD environment.

2.4 Signage

The Wagga Wagga Development Control Plan 2010 contains specific controls in relation to signage. The DCP recognises that some types and forms of signage do not fit neatly into the table in appendix 1 and in such instances such signs will be considered and determined on their merits in the context of the LEP, SEPP and the DCP.

The sign has been assessed against the general controls and specific controls for wall signs below.

General controls for signage and structures

C1. All signage and structures must relate directly to the lawful approved or exempt land use being conducted on the land to which the signage or structure is to be displayed.
Complies.

C2. Any sign or structure should reflect the architectural style of the building.
The proposed signage will not detract from the architectural style of the building.

C3. Signs should not obscure decorative forms or moulding and should observe a reasonable separation distance from the lines of windows, doors, parapets, piers and the like.
Complies. The signage will not obscure decorative forms or mouldings.

C4. Signs should be of a size and proportion, which complement the scale of the existing building as well as surrounding buildings and signs. Signs should not significantly affect the presentation of the existing façade of the building.
Complies.

C5. The scale of lettering should also be proportioned to the area of the signage panel to which it will be applied.
Whilst the detail of the lettering has not been proposed the signage board is not large enough for this to be a concern.

C6. Must be securely fixed and maintained in a structurally adequate and safe manner.
This will be conditioned in any consent granted.

C7. *The colour used in the design of a sign or structure should complement the colour finish of the building to which it will relate.*

Whilst the detail of the colour has not been proposed the signage board is not large enough for this to be a concern.

C8. *Corporate colours should be limited to the signage.*

As above.

C9. *The illumination of signage and structures by low set floodlighting is preferred, rather than the use of neon or boxed fluorescent lighting on buildings.*

The sign is not proposed to be illuminated.

C10. *The rationalisation of signage will be generally required where there is existing signage through the use of common directory pylon signs for multi-occupancy developments and by limiting the number of signs that may be erected on any one building or site.*

Whilst the site contains a number of signs it is located on a corner and has dual frontage. The extended awning provides room for appropriate signage for the existing tenancies and the addition of a small wall sign will not unreasonably compromise the site.

C11. *A sign or structure must not endanger public safety or cause nuisance or a hazard by reason of its location, construction or design by either:*

- a. *Emitting excessive glare or reflection from internal or external illumination or surface materials;*
- b. *Obscuring the view of motorists or pedestrians;*
- c. *Screening potentially hazardous road features;*
- d. *Signage containing designs or messages which may either confuse or distract motorists*

The proposed signs will not endanger public safety, cause a nuisance or create a hazard.

Specific controls for signage and structures

The relevant controls of this section have been assessed below:

Wall signs

C17 *Maximum of one (1) business identification sign per tenancy elevation.*

Complies

C19 *Must be integrated with the design of the building on which it is to be displayed and for a building having:*

- (a) *An above ground elevation of 200m² or more - the advertisement must not exceed 10% of the above ground elevation;*
- (b) *An above ground elevation of more than 100m², but less than 200 m² - the advertisement must not exceed 20m²; and*
- (c) *An above ground elevation of 100m² or less - the advertisement does not exceed 20% of the above ground elevation.*

The proposal complies with this control.

C20 *Must be attached flush to the wall and must not protrude more than 300mm from the wall.*

Complies.

C21 *Must not protrude above the parapet or eaves.*

Complies

C22 *Must not cover mechanical ventilation vents.*
Complies

C23 *Must not extend over any window or other external opening*
Complies

C24 *Must not obscure significant architectural elements of the building.*
Complies

2.5 Safety and security Objectives

O1 *Incorporate crime prevention strategies in new developments.*

O2 *Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.*

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

Licensed venues do have the potential to increase anti-social behaviours. However, as discussed further in the report, a condition will be imposed on any consent granted that requires a venue and safety management plan to be prepared in conjunction with NSW Licensing Police. The plan will be required to be complied with for the life of the consent. The NSW Police have raised no issue with the development subject to this condition being imposed.

The design improves the passive surveillance of Cadell Place and reduces 'dead space' currently located along the eastern elevation. Generally speaking, the design of the building would have positive safety and security impacts.

Controls

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

No issues are raised with this control.

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.*

The proposal complies.

C3 *Minimise blank walls along street frontages.*

The proposal complies.

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

Building the remainder of the site out will reduce the amount of 'dead space' along Cadell Place that would currently be considered a risk. It increases the natural surveillance of the Laneway which is a positive.

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.*

This will be controlled via condition of consent. No issues are expected given the carparks back onto Cadell Place and the levee.

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

No planting has been proposed. The fenced services area along the eastern elevation at ground floor will be open in style and not compromise safety.

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.*

N/A

C8 *Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.*

N/A

2.6 Erosion and Sediment Control Principles

Given the flat nature of the site there are no erosion and sediment control issues that cannot be controlled by way of conditions of consent.

Section 3 Heritage Conservation

The relevant objectives and controls have been addressed below:

3.3.1 Fitzmaurice commercial precinct

Objectives

O1 *Retain evidence, including layout, of original shopfronts.*

The proposal will not alter the existing. The objective has been met.

O4 *Encourage use of traditional colour schemes based on the period of the building.*

Councils Heritage Advisor has recommended a Basalt Matt be utilised. The plans were amended to show this as the colour choice. The advice also recommends that the existing dark grey paint on the building be painted to match the existing white. This will also be conditioned. Compliance with the conditions will ensure the objective is met.

O5 *Encourage signs that complement, rather than dominate, the architectural characteristics of the building.*

The signage is simple and raises no concerns.

O6 *Discourage proliferation of signs on buildings.*

The proposal complies with this objective with one modest sign proposed. The existing signs are considered acceptable.

O7 *Encourage infill development or the replacement of uncharacteristic buildings to reflect the historic character of the precinct and nearby characteristic buildings.*

This issue has been discussed throughout the report. The modern design in this location is considered an appropriate approach. It allows for development, whilst ensuring that the elements of the existing important and prominent building within Wagga is maintained, providing a clear distinct separation between old and new. Whilst the additions do not 'reflect the historic character of the precinct and nearby characteristic buildings' they do not harm them either. The objective is considered to have been met.

O8 *Encourage the service elements (solar panels, solar heating, antennas, satellite dishes and air conditioning units) to be placed to the rear of the properties, preferably not visible from the street.*

Details on these have not been provided but there is more than adequate roof space to ensure they are appropriately located. Conditions will be imposed on any consent granted.

Controls

Facade treatment

C1 Retain original elements and features, including features that are above awning level.

The proposal retains all the significant features of the existing building. The modern extension will be located along the north-eastern side of the site and will be clearly distinguishable from the existing building and importantly the characteristic elements of the existing building.

Heritage advice suggested that further separation was provided between the western end of the proposed first floor and the existing arched verandah in order for there to be clear distinction and separation of the new and existing parts of the building given the contrasting architectural design being proposed. The applicant amended the plans to provide this separation.

C2 Where original shopfronts, verandahs or awnings have been altered, the replacement is to be based on historic information and/or the interpretation of period details.

Whilst the original shop front has been altered previously this application does not involve any alterations to the current built form.

C4 Additional storeys can be considered if set well behind the front building line and designed to not impact detrimentally on the contribution of the original facade to the streetscape. Service elements (solar panels, solar heating, antennas, satellite dishes and air conditioning units) to be placed to the rear of the properties, preferably not visible from the street, or on rear outbuildings.

It is not proposed to add additional storeys to the building. The proposed addition will be two levels (ground and first floor) to match the existing.

The plans do not indicate the location of services such as air conditioning units and satellite dishes. There is ample roof space to locate these services so they are not visible from Crampton Street. This will be included as a condition of consent to satisfy this control.

C5 Rendering or painting face brick is generally not supported.

No rendering or painting of face brick has been proposed. Conditions will require minor painting as discussed above.

Infill development

C1 Design infill and replacement buildings to reflect the general historic character of the precinct and nearby characteristic and heritage buildings.

The extension to the building is designed in a modern style to contrast with the existing Spanish Mission style building. The building itself is unique and not reflective of the general character of the immediate conservation area. Utilising a modern design to clearly distinguish between the old and the new is the preferred method in this instance and helps to preserve the important features of this building.

The applicant has taken on the majority of the advice from Council, changing the colour choice, shape of the columns along Crampton Street, providing first floor separation between the awning and new build and other minor changes. The changes result in a better relationship between old and new.

Heritage advice suggested that sun awning protection should be provided over the north facing first floor windows to the restaurant. However, the required setback from the electrical Infrastructure means this is not possible without further reduction in the floor space of the building. Further advice was received that recommended the vertical mullions of these windows be differentiated with a warm earth colour given the awnings are not possible. This will be included as a condition of consent.

C2 Maintain a two storey building height at the street frontage, constructed with a nil setback.

The proposal complies with this control.

C5 Use awnings and verandahs to reduce the bulk and scale of buildings.

The first floor element of the design creates the verandah. The design of the addition would not be considered unreasonably bulky and would be considered to be an appropriate scale. No unreasonable issues are raised.

C6 Use of articulation in facades such as string courses, cornices, pilasters and other features that break up the scale of facades is encouraged.

The articulation is excellent and provides interesting facades along both the northern and eastern elevations.

C7 Painting of facades in corporate colours is not supported and corporate identity should be established through appropriate signage.

This has not been proposed. The development meets the control.

Colour schemes

C1 Colour schemes are to reflect the period and detail of the building, particularly where a building is identified as a streetscape reference building or contributes to the character of the conservation area.

As discussed, the applicant amended the plan to reflect the advice regarding the colour scheme. Council is now comfortable with the choice of Basalt Matt

Section 4 Environmental Hazards and Management

4.1 Bushfire

C1 Applications are to satisfy the relevant provisions of Planning for Bush Fire Protection 2006 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.

C2 Where required, a clear separation is to be provided between buildings and bushfire hazards in the form of a fuel-reduced Asset Protection Zone (APZ). In all cases the APZ is to be located wholly within the land zoned Residential. Refer to the requirements of Planning for Bush Fire Protection 2006

The site is mapped as bushfire prone land. The threat being woodland on the opposite side of the river approximately 100m from the site. *Planning for Bush Fire Protection 2019* applies to all development applications on land classified as bushfire prone. In this instance the development would be classed as 'other development'. Section 8 of the PBP2019 is therefore relevant:

8.1 Introduction

...In order to comply with PBP the following conditions must be met:

- satisfy the aim and objectives of PBP outlined in Chapter 1;*
- consider any issues listed for the specific purpose for the development set out in this chapter; and*
- propose an appropriate combination of BPMs...*

The aim and objectives are as follows:

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment. More specifically, the objectives are to:

- *afford buildings and their occupants protection from exposure to a bush fire;*
- *provide for a defensible space to be located around buildings;*
- *provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;*
- *ensure that appropriate operational access and egress for emergency service personnel and occupants is available;*
- *provide for ongoing management and maintenance of BPMs; and*
- *ensure that utility services are adequate to meet the needs of firefighters.*

The building is surrounded on all sides by managed land providing adequate defensible space. Driveways and roads provide clear access and egress to the site as required for emergency service personnel and occupants. The site is serviced by mains water supply. The objectives of PBP are considered to have been met and satisfied.

8.3.1 Buildings of Class 5 to 8 under the NCC

...The NCC does not provide for any bush fire specific performance requirements for these particular classes of buildings...

...Whilst bush fire is not captured in the NCC for Class 5-8 buildings, the following objectives will be applied in relation to access, water supply and services, and emergency and evacuation planning:

- *to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;*
- *to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;*
- *to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and*
- *to locate gas and electricity so as not to contribute to the risk of fire to a building; and provide for the storage of hazardous materials away from the hazard wherever possible.*

As previously noted, safe access to and from the site is established. The roads allow for the safe evacuation of persons from the site if required. Water supply, gas and electricity to the

site exists and does not raise a concern.

4.2 Flooding

The site is located within Central Wagga protected by the Levee. The proposal is not for a critical utility or essential community service and is located within an existing developed site, therefore no specific controls apply. The proposal would be considered consistent with the relevant objectives of this section of the DCP.

Section 5 Natural Resource and Landscape Management

5.4 Environmentally sensitive land

This issue has been addressed under Clause 7.6 of the LEP above, given the nature of the works and the existing structures on site negligible issues are expected

Section 10 Business Development

The relevant principles, objectives and controls of this section are as follows:

10.1 City Centre

Design Principles

- P2 Reinforce the character and function of the Fitzmaurice Street Precinct as an economically viable precinct and integrate with the emerging character of adjoining Baylis Street Precinct and adjacent residential areas.*
- P3 Use opportunities for civic and landscape improvements to increase legibility through the centre for pedestrians, and achieve improved environmental conditions.*
- P4 Improve the urban design of the centre, and encourage quality built form.*

Generally speaking, additional commercial premises will assist in improving the economic viability of a precinct. Adding a retail premise, function centre and restaurant at the northern end of Fitzmaurice Street will increase foot traffic in this location and by nature will expose people to other businesses located towards this end of the city. The location of the works makes a good attempt at utilising the river views and integrating and addressing the levee bank and the wider Riverside precinct. The design is somewhat unique and can be considered quality built form. The relevant design principles have been appropriately addressed.

Fitzmaurice Street Precinct

Objectives

- O1 Support the ongoing economic viability of the precinct and its development as a distinctive retail, restaurant and cafe area.*
- O2 Support the application of heritage controls for the Fitzmaurice Street Conservation Area, including the conservation of distinctive facades.*

The development is entirely consistent with the first objective and the issues around the heritage controls have been discussed above and the impact considered acceptable. The objectives have therefore been met.

Controls

- C1 Comply with the requirements of Section 3.3.1 of the DCP*
- C3 Maintain a two storey street wall to Cadell Place and provide opportunities for upper levels to enjoy outlook over the Murrumbidgee River by providing an increased setback as shown in Figure 10.1.3.*
- C4 Comply with the requirements of Section 12.10 of the DCP*

The application has been assessed against sections 3.3.1 and 12.10 and considered

generally compliant. The development appropriately addresses Cadell Place with its design.

10.2 Mixed use development

Objectives

- O1 *Ensure the design and layout of mixed-use developments retains a high-level amenity for all users.*
- O2 *Encourage active street frontages and an opportunity for a mix of uses.*

Given the proposal contains two or more landuses it is considered mixed use development. The proposed design provides an active frontage to Crampton Street and improves the design along Cadell Place.

Controls

- C2 *Locate commercial and retail uses at ground level. Any residential component should be on upper level floors.*

There is no residential component to the proposal. It is reasonable to have commercial and retail uses on both the ground and first floors in this location.

- C3 *Provide a ground floor frontage that is compatible with the form, rhythm, scale and character of adjoining developments or the intended future-built character for the area. For example, in an area characterised by smaller shop fronts locate larger uses or commercial spaces within the building or on upper levels.*

The proposal complies with this control.

- C5 *On-site parking should be provided either in basement parking levels or otherwise be concealed from view from the façade to the primary street frontage.*

The parking requirements have been discussed in detail throughout the report.

- C9 *Minimise expanses of blank walls and use articulation and materials to create visually interesting street elevations.*

The proposal complies with this control.

10.7 Awning Controls

The proposal is for the first floor of the development to be built out over the Council owned land along Crampton Street therefore creating an 'awning' over this land. It is proposed to be post supported. Given this, its important to consider this section of the DCP whilst acknowledging that the objectives and controls have been written for the more traditional awning along a building with no floor space above.

The objectives and relevant controls are as follows:

Objectives

- O1 *To encourage the provision of awnings that have regard to existing awnings on adjacent buildings and the predominant awning form in that part of the streetscape*
- O2 *To encourage awnings that possess high quality architectural design that compliments the architecture of its building while also enhancing the visual quality of the streetscape*
- O3 *To ensure there is an integration of awning height, style and detail to provide visual*

continuity and weather protection.

- O4 *To ensure that awnings are designed and constructed with structural integrity to protect the public from injury or death that may result from the structural failure of awnings*
- O5 *To ensure that awnings are functionally designed and promote adequate weather protection for pedestrians.*
- O6 *All awning designs are to comply with the provisions of the Wagga Wagga Awnings Policy (POL 050).*

The awning element creates no unreasonable concerns and provides articulation along both Crampton Street and Cadell Place. There are no issues raised with the height or location and conditions will be imposed to ensure the structural integrity. Generally speaking, no issues are raised with the design when assessed against these objectives.

Controls

- C1 *Awnings supported by timber or metal posts are to have a corrugated metal roof without bullnose. Awnings are to be a minimum height of 2600mm. Awnings are to be a minimum 2400mm width from the property line extending over the pavement to the edge of the footpath road kerb (providing minimum 600mm clearance for vehicles from pavement edge and should match any adjoining posts).*

The clearance of the first floor aligns with the adjoining awnings height and complies with the height limits above. The width also complies.

The first floor and posts do not comply with the 600mm clearance from the pavement edge. Clarification was sought from Councils Infrastructure section on how this setback needed to be applied in this location.

It was considered that the north-eastern corner as you turn from Crampton Street into Cadell Place is where the setback is important for safety reasons and therefore a condition will be applied to ensure the setback on the bend in the road meets the required setback for both the supporting post and first floor building. The remaining posts and first floor along Cadell Place can be at a zero setback.

- C8 *Air conditioners, heaters and similar items should not be mounted on street awnings or the front facades of buildings. Consideration may be given to the mounting of heating/cooling appliances underneath the awning if the height of the appliance can comply with the controls in this sections and public health and safety can be protected.*

The application does not show the location of any roof top services. It is recommended that a condition be included on any consent granted that ensures any rooftop services are not located on the Crampton Street elevation.

- C10 *Signage shall be integrated into the awning design and not extend past the edges of any fascia, post or other awning element and be in accordance with the DCP*

advertising provisions.

The signage is located on the ground floor wall not the first floor side of the building.

C11 Original verandahs, awnings and shop fronts on heritage items or in the heritage conservation area shall be retained and conserved.

The existing awnings are not being altered.

Section 12 Specific Uses and Developments

12.8 Late Night Trading

Given the application proposes to trade past 10pm this section of the DCP applies.

C7 Plans of Management are to accompany development applications for new and existing Late Night Trading premises (as defined above) that:

- a. seek approval for trading hours between 10pm and 7am the following day;*
- b. currently trade between 10pm and 7am the following day, and seek refurbishment, additions or extensions that will result in an intensification of an existing use;*
- c. seek an extension or renewal of trial trading hours as prescribed in the section; or d. seek approval for outdoor trading beyond 8pm.*

Whilst no plan of management has been lodged with the DA the application was referred to NSW Licencing Police who have recommended a venue and safety management plan be prepared. This will be conditioned on the consent granted.

12.10 Wagga Wagga Riverside Master Plan

C1 Any development within the Riverside Wagga Wagga - Strategic Master Plan project boundaries shall demonstrate consistency with the objectives, strategies and design principles of the Riverside Wagga Wagga - Strategic Master Plan.

Project objectives:

- To develop the area as a focal point and destination for residents and visitors inclusive of community gathering points and creation of a sense of place.*
- To be representative of world class, iconic design that incorporates ecologically sustainable design throughout.*
- To enhance the existing passive recreation facilities to encourage healthy communities and liveability.*
- To incorporate appropriate commercial and residential uses.*
- To improve and create linkages to the city's CBD and existing cultural / civic precinct and integration with existing and future plans.*
- To preserve and interpret the area's rich cultural heritage.*
- To create a safe place for residents and visitors to interact.*
- To apply Environmentally Sustainable Design (ESD) principles. (objectives from the Project Specification)*

The subject site is located within the Hampden Terraces Precinct under the Riverside Strategic Masterplan. The following table shows the objective, strategy and design principle for this precinct:

Hampden Terraces OBJECTIVE	STRATEGY	DESIGN PRINCIPLE
Improve the identity and attractiveness of the city centre	Exploit vistas to key landmarks	Retain significant vistas to Hampden Bridge
	Allow the Master Plan to integrate the various precincts into a cohesive urban fabric	Ensure attractors and points of interests are visible / legible within short distances
		Reinforce site specific attributes between precincts
		Evaluate built form strategies to create a stronger permeability between city centre and levee
	Create Civic and Community Spaces	Introduce plaza type spaces
	Capitalise on the Hampden Bridge as a potential iconic feature within Riverside	Introduce feature lighting at Hampden Bridge
	Celebrate the levee as a unique and inherent structure of Wagga Wagga	Introduce focal points with activities such as plazas, cafes, sculptures, beer gardens etc to create a place for people
Improve connectivity / interaction of levee and adjacent built form	Emphasise levee as an extension of the built form of the city	Integrate levee with the built form to visually interrupt its continuity and improve permeability
	Create comfortable access to levee walk	Reduce height of levee walk to improve access from the city
	Make the levee a feature and a positive element	Introduce public art or feature treatments along the wall
		Improve its architectural appearance and de-emphasise its infrastructure character
Improve inter-relationship between Riverside and city	Introduce the element of water at key locations to echo the river behind the levee as a visual cue	Introduce wetlands as sustainable streetscape measures
		Explore the possibility of introducing sustainable water aeration elements at key locations
	Open up views towards river at key locations	Introduce openings / gates that can be closed in the event of flooding
	Allow the urban / built form to extend past the levee and interact with the river as accent	Introduce feature terraces at key locations to create places along networks
	Reinforce the Riverside presence	Extend the riverine vegetation into the city through streetscape enhancements

There are a number of other relevant sections of the document that have been highlighted or summarised below:

- Land use strategy talks about creating a place for diverse and vibrant retail and commercial activity and encouraging uses that open later into the evening such as cafes, restaurants and bars. This section also talks about creating place for visitors.
- Built form strategy talks about taking advantage of underutilised space and lists an action to 'increase floor space ratios, densities and activity along Cadell Place to incorporate cafes, bars, accommodation and gallery spaces'.
- Under principles and guidelines the documents states the following: '*...The plan also proposes changes to the current floor space ratios in key areas as part of a framework to promote the urban rejuvenation. The parameters proposed are based on city planning principles that directly respond to the urban rejuvenation of Cadell Place and are discussed in more detail in the Hampden Terraces Precinct Master Plan...*'
- The Master Plan has identified the area between Fitzmaurice Street and Cadell Place between Crampton Street and Sturt Street as an urban regeneration zone. The Master Plan proposes to introduce mixed use, residential and commercial development to further revitalise this area.
- Built form at Cadell Place - '*...The Wagga Wagga CBD currently turns its back on the Murrumbidgee River. Nowhere is this more apparent than along Cadell Place where the levee and a lack of built form combine to create a place with little life and activity. Cadell Place fails to take advantage of it's surroundings to create a distinct 'laneway' character. It has failed to realise its potential as a place that links together the city*

and its river, or as a destination with a diverse mix of housing choice, businesses and activity.

The vision for Cadell Place is of a place with a denser built form that enables a diversity in land uses and activities to create a place with its own distinct character. It will provide accommodation for students, spaces for start-up businesses and creative industries and become a gathering space for the people of Wagga Wagga...

- The Master Plan discusses and attempts to justify an increase in the FSR for Cadell Place to increase the potential for development and the ability for developments to take advantage of views and amenity of the riverside. The suggested FSR of 3.5:1 (to allow 5 storeys on both the Cadell PI frontage and Fitzmaurice Street frontage) was never adopted in the LEP.
- Cadell Place design principles and guidelines include:
 - o zero setback from the frontage to Cadell Place (except in circumstances where new public spaces are to be created);
 - o development on Cadell Place up to a maximum height of 7m. (street wall of max. 7m);
 - o a deck at either the first or second floor (4m or 7m) (above this height the decks associated with any restaurants or bars will lose their visual connection with Cadell Place);
 - o development above the deck to be set back a minimum of 5 metres and a maximum of 10 metres. (this is to try to ensure a semblance of consistent built form along Cadell Place);
 - o maximum building height of 16 metres (as per current draft controls); and
 - o development at the corners of Cadell Place and any existing or new public and open connections to Fitzmaurice Street may rise an additional floor (to 19m). This will help to make the access ways to the city more legible to pedestrians travelling along the levee.
- Of utmost importance is to ensure that new built form does not become another barrier to the riverside by blocking pedestrian movements or presenting blank facades to the river and levee as is currently the case at Cadell Place.

The document also talks about the raising of Cadell Place and allowing access to properties from the rear, making it a service road, and the interaction with the levee including reducing the steepness of the banks. These were issues and ideas discussed and suggested in 2010 when the document was published. The levee has since been constructed and a number of ideas and suggestions within this Master Plan are no longer viable or are more suited to further consideration under a CBD Master Plan.

Generally speaking, the development of this site, specifically the first floor element that opens up towards the river and the land uses proposed, is a positive outcome and aligns with the relevant objectives of the Riverside Strategic Master Plan.

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

No planning agreement has been entered into under section 7.4.

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

61 Additional matters that consent authority must consider

(7) In determining a development application for development on land to which Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must consider whether

the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in May 2021.

The subject site is not located within the Special Activation Precinct and the development is not of a nature that would cause any impacts to the SAP that require further consideration.

64 Consent authority may require upgrade of buildings

(1) This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if-

(a) the proposed building work and previous building work together represent more than half of the total volume of the building, or

(b) the measures contained in the building are inadequate-

(i) to protect persons using the building, if there is a fire, or

(ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or

(iii) to restrict the spread of fire from the building to other buildings nearby.

(2) The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.

The application was referred to Councils Building Section who have imposed conditions of consent requiring the relevant fire safety upgrade of the building.

All other matters prescribed by the *Environmental Planning and Assessment Regulation 2021* have been satisfied

(b) - The likely impacts of the development

Context and setting

The location of a retail premise, function centre and restaurant within the B3 zone is entirely in keeping with the context and setting. The design of the additions is somewhat unique when read in context of the immediately surrounding more traditional buildings. However, on a wider scale there are a variety of building designs of varying ages in close enough proximity to enable this addition to not be considered out of context or setting when discussing built form. The specific impact on the building itself has been addressed within the heritage section of the DCP and considered acceptable.

Access, transport and traffic

These issues have been discussed in detail above.

The additional vehicle movements associated with a development of this nature would have negligible impact on the level of service of the surrounding road network.

It should be noted that this section of Cadell Place (between Crampton and Kincaid Streets) is one way and signposted as 'No Stopping'. Whilst sections of Cadell Place in the next block south allow for parking, it would likely cause conflict with the operation of the laneway and businesses that use it, if this were to be allowed in this section of Cadell Place.

With regards to surrounding carparking, the adjoining Council carpark is unrestricted. The parking spaces along the eastern side Fitzmaurice Street immediately outside the building are restricted to 30mins at certain times of the day, on the western side and south along Fitzmaurice Street its restricted to 2hrs. The Fitzmaurice Street service road north-west of the subject site has no restrictions, and approximately the first 70m of Crampton Street is restricted to 1hr at certain times of the day. The next closest Council carpark is in Barrand Street approximately 440m from the subject site with approximately 55 unrestricted parking spaces.

Whilst there is no designated Taxi rank immediately adjacent to the site, Gurwood Street Taxi rank is approximately 450m to the south which is considered to be within a short walk to the subject site. Buses associated with weddings and functions would need to utilise the wide roadway of Crampton Street to safely drop off/pick up guests. Whilst not ideal, it is considered that this will be rare given the central location of the venue. Buses for weddings/functions are more generally associated with more remote locations. It should also be noted that requiring a drop off pick up area suitable for buses would entirely compromise the development (and any other centrally located development looking to do something similar).

Noise and vibration

As discussed above, the applicant has submitted a Noise Impact Assessment that states that the development can comply with relevant noise requirements subject to compliance with a number of recommendations. The building construction, amplified music levels and mechanical plant recommendations will ensure the noise of patrons, music and equipment meet the required standards. As discussed, these recommendations will be conditioned.

Hours of Operation

Operating hours are proposed to be 7am to midnight, 7 days a week for the restaurant and function centre. The retail tenancy is proposed to operate from 8am to 8pm, 7 days a week, in order to cover late night shopping and seasonal events. No unreasonable issues are raised with the proposed hours within the CBD area of Wagga subject to compliance with the recommended noise conditions discussed above.

Public domain

The proposal will result in the restaurant overhanging the Council footpath. The clearance to the footpath is considered adequate and conditions will ensure it is structurally sound.

On a wider scale a development of this nature will likely increase activation in this section of the CBD. Increasing foot traffic along Fitzmaurice Street and the levee bank is a positive outcome.

Other land resources

The land is zoned business and contains existing buildings, no issues are raised.

Water

The site is serviced by water and stormwater treatment will be controlled via relevant approvals, no further concerns are raised.

Soils

No issues are raised in the established business area.

Heritage

This has been discussed in detail above.

Air and microclimate

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

Natural Hazards

The issues surrounding bushfire and flooding have been discussed above in the report. No concerns are raised.

Waste

The development includes a back of house area along the eastern elevation that will be fenced and include the bin storage. The application states that general waste and recycling

will be collected by Council. Council waste collection in Central Wagga is 7 days a week for general waste and three times a week for recyclables. Given the nature of the use it is considered that Council can provide an adequate service to this property.

During demolition and construction, it is likely given the age of the building that asbestos will be encountered. Council can include appropriate conditions to ensure this is handled and disposed of correctly. Given the proximity of the site to public roads and footpaths a construction management plan (CMP) will be required prior to the commencement of works to demonstrate how the site and surrounding public areas will be appropriately managed during construction. This is common practice with large or complex developments and can be appropriately managed with a detailed CMP.

Odour

The development is not expected to cause an unreasonable odour impact. The land uses applied for are expected and encouraged in the CBD. Health conditions will ensure the premises meet all required standards.

Social/Economic impacts

The application includes the following comments:

The potential public benefits that may result from the proposed retail, restaurant and function centre:

- *Convenience - The location of the proposed retail shop and restaurant on Fitzmaurice Street will encourage multi-use trips in conjunction with shopping at other retail shops, dining at restaurants within CBD as well as with travel to and from work/home.*
- *Choice - Customers will have access to an expanded retail offering and greater choice within the Wagga Wagga CBD.*
- *Economic Activity - The proposed development will provide employment and contribute to the local economy as well as supporting businesses associated with the proposed use of the site including delivery, warehousing, and supply-chain employees.*
- *Strengthening the Viability of Other Nearby Businesses - The proposed development will generate greater activity on the site.*
- *Encouraging Moderation of Liquor Consumption - through the adoption and enforcement of RSA principles, the development will encourage the moderate consumption of alcohol.*

It is acknowledged that anti-social behaviour and licenced premises are linked. However, licenced premises are also encouraged within the CBD and offer a number of positive social and economic elements. It is considered that a venue and security management plan along with state law and legislation will manage anti-social behaviour in line with all other licenced premises within the CBD. Licenced premises are best suited to CBD environments and the positive social and economic impacts of this development outweigh the negative. Council staff agree with the statements within the SEE.

Services/Utilities

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

Safety, security and crime prevention

As discussed, the Police are supportive of the application subject to a venue and security management plan. Whilst the proximity of licenced premises to residential properties is

acknowledged, licenced premises are encouraged and supported within the CBD, there will always be increased conflicts on the edge of CBDs where residential properties become more prevalent. However, it is a known and expected consequence of living in this location and should not result in developments that are entirely consistent with the zone objectives such as this, being compromised or refused.

The development helps to activate Cadell Place which is a positive on a number of fronts including passive surveillance.

The development can be managed appropriately by way of conditions of consent.

Flora and fauna

The site is fully developed with no vegetation on site. There is no requirement to provide plantings on a site of this nature.

Site Design

The overall design is a good use of the space with acceptable impacts

Overall the development would be considered acceptable on a merits based assessment for the site.

Construction

As mentioned, a CMP will be conditioned. Whilst there will be some impacts associated with the construction, these will be temporary and can be managed through the CMP to ensure any disruption is minimised. The positive impact associated with the completed development outweigh the temporary disruption that may be caused to vehicle and pedestrian movements during construction.

Cumulative impacts

The cumulative impacts associated with the development are acceptable. In principle the development is what is expected and encouraged and clearly relates to the desired future outcomes of this area of Wagga. There are a number of positive social and economic impacts and the development is in the public interest.

Impacts such as noise and safety and security can be mitigated via compliance with conditions of consent and any construction impacts are only temporary.

Overall the development would be positive with acceptable impacts that can be further reduced by compliance with conditions of consent.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

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

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

(a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

(b) an assessment of the risk-weighted consequences of various options.

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

2 Intergenerational equity

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

3 Conservation of biological diversity and ecological integrity

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

4 Improved valuation, pricing and incentive mechanisms

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

(a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and

(b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and

(c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

The proposed development would result in the further development of an existing developed site within the Wagga CBD. The impacts assessed above have concluded that the development would be acceptable with minimal impact on the environment.

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

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

The site is currently zoned business and well located within the CBD to house the proposed uses. The building works are generally consistent with the LEP and DCP provisions and any variations have been suitably justified. Compliance with conditions of consent will overcome concerns making the site suitable in terms of the impacts identified under section b.

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

Referrals

Internal

Licencing Police

Essential Energy

Notification and advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was notified for a period of 14 days on the following dates 19/5/22 to 2/06/22 and referred surrounding tenancies. Five public submissions were received, the issues raised in the submissions have been summarised and addressed below.

Public Submissions and those from public authorities

Public authorities:

Licensing Police comments have been discussed in the body of the report. No objections were raised.

Essential Energy comments have been addressed in the body of the report.

Riverina Water made the following comments:

- *Additional fees and charges for water supply may be incurred by the proposed development*
- *Developer must make an application for a Certificate of Compliance for water supply*
- *Certificate of Compliance for water supply required prior to issuing of Construction Certificate*
- *Riverina Water Plumbing Certificate required prior to Occupation Certificate*

Relevant conditions will be imposed on any consent granted.

Public Submissions:

Issue: Noise concerns.

Comment: As discussed, a noise report has been completed and the recommendations will be conditioned. The report states that the impacts will be acceptable subject to meeting the recommendations.

Issue: Unacceptable (anti-social) behaviour of patrons leaving the establishment and safety concerns.

Comment: This issue has been discussed in the body of the report.

Issue: There are already a number of licenced establishments within 100m of the proposed development and lots of restaurants, bars, cafes and pubs in close proximity.

Comment: There are no specific planning controls that limit the number of cafes, pubs, restaurants, licenced facilities etc within a certain distance of each other. The B3 zone specifically encourages these land uses and they meet the objectives of the zone.

Issue: The area is directly across from residential properties.

Comment: At the interface between zone boundaries the predominant land uses will change. Ultimately conflicts are increased at these points. Whilst it is acknowledged that the development will cause impacts, the assessment has concluded that the impacts will not be to a degree that would warrant refusal of the application.

Issue: Parking concerns

Comment: This issue has been discussed in detail throughout the report.

Issue: Issues relating to the servicing of neighbouring properties. Deliveries, waste disposal etc.

Comment: The proposal will not alter what can legally occur at neighbouring properties under the current arrangement. The development is confined to the subject site (exception of first floor facing Crampton Street) and it does not alter or propose to alter the arrangements within Cadell Place. Whilst the potential for additional traffic utilising the laneway is acknowledged, all users are required to abide by the road rules, and these have not been altered.

Internal comments:

Property - The following comments were received:

- If the development utilises the airspace over a Council road reserve the landowner will need to enter into a formal arrangement (i.e. lease or licence) with Council for the use of that airspace. It is suggested that this be finalised prior to any construction commencing.
- In the Council road reserve north of the proposed development is a former electricity substation. In April 2021 Council's Heritage Advisor made the following recommendation:-

'The item would appear to be both rare and technically significant despite the redundancy and poor condition. Retention is recommended on the basis that it can be conserved'

Any development of the adjoining property should take into account the heritage value of the former electricity substation and ensure that nothing occurs in the adjoining road reserve during the development process that would impact that building.

Appropriate conditions will be imposed to address the leasing arrangements. The development does not impact on the substation.

Strategic Planning - The following comments were received:

Council has adopted the Wagga Wagga Local Strategic Planning Statement - Wagga 2040 (LSPS) has identified the Wagga Wagga CBD as an important precinct that will play a significant role in economic and employment growth. A vibrant, strong and prosperous CBD is critical for long-term economic success of the city and the broader region. New developments that support and encourage activation and new experiences will be encouraged.

Activation of the CBD will be the key to increasing the presence of people in the city and this can be supported through urban design at a greater scale and height and prioritising movement that creates greater opportunity for interaction, commerce and walking and cycling. To support this, car parking will be increasingly consolidated into key locations, integrated with our transport and traffic planning to free up sites for activation.

The development proposed will activate a key site within the Fitzmaurice Street precinct and take advantage of connectivity to the active travel path and public transport routes. The development will provide connectivity to the river and provide an opportunity to realise the vision and aspirations of the LSPS and the variations proposed to controls are supported.

Overall the development is supported and a will provide a positive outcome to activity and activation of the CBD

Environmental Health - No concerns raised, conditions of consent have been included

Building - No concerns raised, conditions of consent have been included.

(e) - the public interest

Federal, state and local government interests and general community interests

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

The proposed development contributes to local goals of developing a strong and vibrant CBD and Riverside Precinct. The development will activate a key site within Fitzmaurice Street and demonstrate how laneways can be activated into the future. Providing additional businesses at this end of the main street helps to activate this area and will encourage further development. Activation of a linear main street is traditionally challenging. Developments of this scale in this location are a positive to ensuring the health of the whole main street and should be encouraged.

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

Other Legislative Requirements

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

There are a number of tests to determine whether the proposed triggers the NSW Biodiversity Offset Scheme under the NSW Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.

1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?

No

2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold.

No native vegetation is being removed.

3. Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

Given no native vegetation is being removed and the absence of any recorded endangered flora or fauna on the site of the proposed development, is not anticipated to significantly affect threatened species or ecological communities or their habitats.

Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme and no further evidence is required regarding the proposed vegetation removal.

Section 733 of the *Local Government Act 1993*

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

Flooding Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. Although the site is identified as being prone to flood no further risk assessment is

required as the development impact has been considered above and is acceptable.

Bush Fire Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. Although the site is identified as being bushfire prone no further risk assessment is required as the development impact has been considered above and is acceptable.

Council Policies

Activities in Public Road Reserve Policy (POL 008) - Policy would simply require a 138 Permit. This will be conditioned.

Awning policy (POL 50) - Conditions will be included on the consent to ensure the structural adequacy of the awning and to ensure the owner has the required public liability insurance.

Comments by Council's Officers

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

Development Contributions

Section 7.12

As this is a commercial development which increases the GFA and will cost over \$100,000 it is appropriate to charge a Section 7.12 infrastructure contributions levy of 1% of the cost. The Cost Summary Report indicates the cost of the development is \$1,500,000. The current CPI is 123.7. The calculations are as follows.

Section 7.12 = \$1,500,000 x 1% = \$15,000

Section 64 Sewer

Based on the Addendum - Wagga Wagga City Council - Development Servicing Plan - Sewerage Services 2013 there are no Section 64 Sewer contributions due for this development. As the Addendum states any change of use to a building in the CBD will not be charged Section 64 Sewer infrastructure contributions from the date this Addendum is adopted by Council. This will apply until Council updates the Wagga Wagga City Council Development Servicing Plan Sewerage Services. The Addendum was adopted by Council September 2020.

Section 64 Stormwater

As there is no increase in hardstand as a result of the development, there is no Section 64 Stormwater contribution required.

Other Approvals

Nil

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies. The objections raised have been addressed within the body of the report.

RECOMMENDATION

It is recommended that application number DA22/0177 for Alterations and additions to include retail premises, licenced function centre and restaurant. be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

Right click & select OR delete if NO deferred commencement consents

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Camilla Rocks	-	24/3/22
-	Supplementary Statement of Environmental Effects	Camilla Rocks	-	16/5/22
-	Supplementary Information	Camilla Rocks	-	8/9/22
2207006E-R	Environmental Noise Assessment	Harwood Acoustics	-	6/9/22

A001	Renders	Design Hub	H	28/8/22
A002	Ground Floor - Site and Floor Plan	Design Hub	H	28/8/22
A003	First Floor - Site and Floor Plan	Design Hub	H	28/8/22
A004	Elevations	Design Hub	H	28/8/22
A005	Sections and Detail Plan	Design Hub	H	28/8/22
A006	Engineering	Design Hub	H	28/8/22
A007	Door and Window Schedule	Design Hub	H	28/8/22

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

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

- C.2** Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$15,000 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The applicable rate of CPI at the time of consent is 123.7.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

- C.3** Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the Water

Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 4: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

C.4 Prior to the release of the construction certificate amended plans are to be submitted and approved by the General Manager or delegate that show the following:

- All building recommendations of the noise impact assessment prepared by Harwood Acoustics dated 6/9/22 noted on the plans.
- The location of the mechanical plant and services ensuring they are not visible from Crampton Street.
- The mullions of the north facing first floor windows are to be coloured in a warm earth colour similar to the roof tile colour of the existing building.
- The palisade fence must be labelled as being of Dulux Colourbond Estate or similar warm earth colour.
- Compliant turning circles for the loading and unloading bay.

C.5 Prior to the release of the Construction Certificate a Construction Management Plan shall be submitted to and approved by the General Manager or delegate. The plan shall include but is not limited to the following:

- Details of the project, time frames, dates, contacts (emergency contact details included)
- Suitable delivery times to minimise the impact of deliveries on traffic.
- Details of appropriate signage and fencing to be installed and maintained to effect this plan.
- Suitable traffic management measures (to include access to and from the site, likely vehicle movements, loading/unloading areas, parking of trade vehicles etc)
- Location of material storage
- WHS measures

- Public safety and security
- Management of air, dust, stormwater, sediment, noise (noise issues must include recommendations from the Noise Report)
- Waste Management
- Construction hours

This plan shall be adhered to at all times during works.

- C.6 Prior to the release of the construction certificate the landowner is to enter into a formal arrangement with Council (lease or licence) for the use of the air space over Council road reserve. For further information please contact Councils Property Coordinator on 69269352.
- C.7 Prior to the issue of a construction certificate amended plans shall be submitted to the General Manager or Delegate showing the offset of the northern corner of the first floor building and supporting columns a minimum 600mm behind the kerb for the frontage of the bend in Cadell Place.
- C.8 Prior to issue of the Construction Certificate detailed plans and elevations of the food and drink preparation areas shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2015 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.
- C.9 Prior to the issue of Construction Certificate a person wishing to discharge liquid trade waste to the sewerage system must under Section 68 of the Local Government Act 1993 and Council's Liquid Trade Waste Regulation Policy, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act. Further information is available from Council's Trade Waste section on 1300 242 442 regarding the application process.

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

Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval.

All conditions of the approval must be complied with.

Requirements before the commencement of any works

- C.10 Public liability insurance is to be taken out and maintained during the period this Consent operates in relation to the activity authorised by this Consent for an amount of \$20,000,000.00 noting the Council's interest as the owner of the public road over which the building is located. Written evidence of such insurance is to be provided to the Council before any work authorised by this Consent commences and by not later than 30 June in each year during which this Consent operates or at any other time requested by the Council.
- C.11 If the work involved in the erection or demolition of a building or structure:

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning must be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

C.12 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

a) a standard flushing toilet connected to a public sewer, or

b) if that is not practicable, an accredited sewage management facility approved by Council, or

c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

- C.13 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

- C.14 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

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

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

- C.15 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

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

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

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

C.16 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.17 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

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

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

C.18 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

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

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

C.19 No works are to take place to any services without prior written approval from the relevant authority.

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

Requirements during construction or site works

C.20 No construction materials, plant or equipment relating to work authorised by this consent are to be placed or stored within the road reserve during the period in which work authorised by this consent will be carried out without the prior written approval of the Council.

- C.21 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.22 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.23 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.24 A survey report by a registered land surveyor must be provided to the Principal Certifying Authority (PCA) prior to pouring in-situ concrete building element.

The report shall identify the location of the footings / walls / posts proposed to be constructed within 500mm from the North and East property boundary. The report must also clearly demonstrate that the first floor will not overhang the carriageway of Cadell Place.

Survey marks (pegs) shall be provided on the site during critical stage inspection.

- C.25 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process.

- Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.26 All roofed and paved areas of the proposed additions must be drained and the water from those areas and from any other drainage conveyed to the existing roofwater drainage system, in accordance with AS/NZS 3500.3.2003 'Stormwater Drainage'.
- C.27 The building must be constructed in accordance with the recommendations of section 6.1 and 6.3 of the Noise Impact Assessment prepared by Harwood Acoustics dated 6/9/22 and the amended plans approved under condition 4.
- C.28 Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- C.29 It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.
- C.30 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.31 The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Food Regulations 2015 and the Food Safety Standards Code.
- C.32 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Office of Environment and Heritage.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.33 Prior to issue of an Occupation Certificate the redundant kerb layback in Crampton Street shall be replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's Engineering Guidelines for Subdivisions and Developments. These works shall be carried out by an approved Council Concrete contractor. Contact Council's Road Reserves officer for a list of approved contractors.
- C.34 The consent holder must engage in a consultative process with Riverina District Licensing Police who will prepare a Plan of Management (POM) in respect to all individual businesses contained within the boundaries of the development approved by Wagga Wagga City Council. This plan will be separate to any individual licensed premises management plans that are required to be prepared in accordance with this condition. The consent holder must:

- notify police during the consultation process of how many businesses (including licensed premises) will be operating within the development.
- ensure each individual licensed premises operating within the development has a POM (prepared by Riverina Licensing Police in consultation with each licensee) in place and lodged with Wagga Wagga City Council prior to those premises commencing operations within the development.
- at all times, comply with each individual and sub-condition of the POM.

The POM must be signed and approved by the District Commander, a District Inspector, OIC or a nominated delegate.

All plans prepared in accordance with this condition must include a range of conditions designed to maintain the amenity of the neighbourhood and minimise the risk of crime where the development is to occur. These conditions may include but are not limited to:

- installation and maintenance of digital HD CCTV camera system,
- crime scene guidelines,
- engaging security guards,
- reporting/recording of alcohol and drug related incidents,
- reporting other crimes that impact on the amenity of the neighbourhood,
- staff training,
- operation manuals,
- fire safety,
- notification of events & guidelines,
- patron numbers and/or management,
- safe transport options,
- noise management,
- lighting,
- clearing of rubbish,
- addressing complaints relating to premises operating within the development,
- changes in individual businesses operating within the development,
- reviews, amendments and/or updates to plans

It is the responsibility of the consent holder to initiate contact with Riverina District Licensing Police to commence the consultative process. The requirements of this management plan are separate to any conditions that may be placed on a liquor licence by the Independent Liquor & Gaming Authority (ILGA) and/or the Secretary, NSW Liquor & Gaming under the Liquor Act 2007.

- C.35 Prior to the issue of the occupation certificate written confirmation from a suitably qualified person (acoustic engineer) is to be submitted to the Principle Certifying Authority confirming that the requirements of condition 27 have been completed. These works must remain in perpetuity.
- C.36 Prior to issue of the occupation certificate a management plan for the site is required to be submitted and approved by the General Manager or delegate. The management plan must include but is not limited to the following:
- Details of the businesses within the premises, including copies of relevant

- consents and licences
- Contact information
- Complaints management procedure
- Noise management procedures with inclusions of the recommendations of section 6.2 of the Noise Impact assessment prepared by Harwood Acoustics dated 6/9/22.
- Procedures for deliveries including times and frequency ensuring tenancies have allotted slots and the majority of deliveries are outside of busy periods
- Details of waste management, bins per tenancy? Collection days? Etc.

C.37 Prior to issue of the occupation certificate a kerb layback extending the width of the proposed parking spaces fronting Cadell Place shall be constructed to Council standards by an approved Council Concrete Contractor. Contact Council's Road Reserves officer for a list of approved contractors.

C.38 Prior to the issue of the occupation certificate the existing dark grey paint on the building is to be painted to match the existing white of the building.

C.39 Prior to the issue of the Occupation Certificate and at a minimum two (2) days prior to the food business premises commencing trade, a health inspection must be conducted by Council's Environmental Health Officer in accordance with the Food Act 2003 and the Food Regulations 2015, Food Safety Standards Code. A satisfactory final fit out and construction approval must be obtained by Council's Environmental Health Officer prior to commencing trade.

C.40 Prior to the release of the Occupation Certificate the Food Business Premise and the current Food Safety Supervisor must be notified to the appropriate regulatory authority.

C.41 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

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

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

C.42 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

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

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

- C.43 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

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

General requirements

- C.44 The approved use must only be conducted as follows:

Restaurant and function centre

- Seven (7) days a week, inclusive between the hours of 7.00 am and midnight.

Retail premises

- Seven (7) days a week, inclusive between the hours of 8.00 am and 8pm.

- C.45 All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.2019 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

- C.46 Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) retained material must have a gradient of at least 5%, and
- (d) must be constructed in accordance with the approved plans for such work(s).
- (e) must be wholly located within the subject site (including footings of any retaining structures)

- C.47 The use of the proposed ground floor retail space is limited to 'shops' and 'hardware and building supplies' as defined under the Wagga Wagga Local Environmental Plan

2010. Any other retail use will require a separate development application unless it can be undertaken as exempt development.

- C.48 The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004 AS2890.2 2002 and AS/NZS2890.6.2009.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

- D.1 N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

- E.1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 69 EP&A Reg 2021)
- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
 - (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.
 - (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
 - (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
 - (6) This section does not apply-
 - (a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies

E.2 Erection of signs (clause 70 EP&A Reg 2021)

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out-
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be-
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- (4) This section does not apply in relation to-
 - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

E.3 Notification of Home Building Act 1989 requirements (clause 71 EP&A Reg 2021)

- (1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- (2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following-
 - (a) for work that requires a principal contractor to be appointed-
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - (b) for work to be carried out by an owner-builder-
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989-the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

- (4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

E.4 Entertainment venues (clause 72 EP&A Reg 2021)

- (1) The requirements specified in this section are conditions of development consent for the use of a building as an entertainment venue.
- (2) During a stage performance at an entertainment venue, there must be at least 1 suitably trained person in attendance in the stage area at all times for the purpose of operating, if necessary, a proscenium safety curtain, drencher system and smoke exhaust system.
- (3) If a proscenium safety curtain is installed at an entertainment venue, there must be no obstruction to the opening or closing of the curtain and the curtain must be operable at all times.
- (4) When a film is being screened at an entertainment venue, there must be at least 1 person in attendance at the entertainment venue who is trained in-
 - (a) the operation of the projectors being used, and
 - (b) the use of the fire fighting equipment in the room in which the projectors are installed (the projection room).
- (5) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subsection (4) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- (6) A member of the public must not be present in the projection suite during the screening of a film.
- (7) An entertainment venue must not screen a nitrate film.
- (8) An emergency evacuation plan must be prepared, maintained and implemented for a building, other than a temporary structure, used as an entertainment venue.
- (9) The emergency evacuation plan must specify the following-
 - (a) the location of all exits, and fire protection and safety equipment, for the part of the building used as an entertainment venue,
 - (b) the number of fire safety officers that must be present during performances,
 - (c) how the audience will be evacuated from the building if there is a fire or other emergency.
- (10) A fire safety officer appointed to be present during a performance must have appropriate training in evacuating persons from the building if there is a fire or other emergency.
- (11) In this section-
exit has the same meaning as in the Building Code of Australia.

E.5 Maximum capacity signage (clause 73 EP&A Reg 2021)

- (1) This section applies to a development consent, including an existing development consent, for the following uses of a building, if the development consent contains a condition specifying the maximum number of persons permitted in the building-
 - (a) an entertainment venue,
 - (b) a function centre,
 - (c) a pub,
 - (d) a registered club,
 - (e) a restaurant or cafe.
- (2) It is a condition of the development consent that a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

E.6 Shoring and adequacy of adjoining property (clause 74 EP&A Reg 2021)

- (1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- (2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense-
 - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- (3) This section does not apply if-
 - (a) the person having the benefit of the development consent owns the adjoining land, or
 - (b) the owner of the adjoining land gives written consent to the condition not applying.

E.7 Fulfilment of BASIX commitments (clause 75 EP&A Reg 2021)

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled-

- (a) BASIX development,
- (b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

E.8 Deferred commencement consent (clause 76 EP&A Reg 2021)

- (1) A development consent with a deferred commencement, as referred to in the Act, section 4.16(3), must be clearly identified as a "deferred commencement" consent, whether by using the expression, referring to that section or otherwise.

- (2) A deferred commencement consent must clearly distinguish between-
 - (a) conditions that relate to matters about which the consent authority must be satisfied before the consent can operate (the relevant matters), and
 - (b) other conditions.
- (3) A consent authority may specify the period within which the applicant must produce sufficient evidence to the consent authority to enable it to be satisfied about the relevant matters.
- (4) If the applicant produces evidence in accordance with this section, the consent authority must notify the applicant whether it is satisfied about the relevant matters.
- (5) If the consent authority does not notify the applicant within 28 days after the applicant produces the evidence, the consent authority is taken to have notified the applicant, on the day on which the period expires, that it is not satisfied about the relevant matters.
- (6) Subsection (5) applies for the purposes of the Act, section 8.7 only.

E.9 Conditions for ancillary aspects of development (clause 77 EP&A Reg 2021)

- (1) If a consent authority grants development consent subject to a condition referred to in the Act, section 4.17(2) in relation to an ancillary aspect of the development, the consent authority may specify the period within which the ancillary aspect must be carried out to the satisfaction of the consent authority or a person specified by the consent authority.
- (2) The applicant may produce evidence to the consent authority, or to the person specified by the consent authority, sufficient to enable the consent authority or the person to be satisfied in relation to the ancillary aspect of the development.
- (3) For the purposes of the Act, section 4.17(3), the relevant period is the period of 28 days after the applicant's evidence is produced to the consent authority or a person specified by the consent authority.

E.10 Conditions for State significant development (clause 78 EP&A Reg 2021)

A development consent may be granted subject to a condition referred to in the Act, section 4.17(4A) or (4B) only if the development is State significant development.

E.11 Review conditions-the Act, s 4.17(10C) (clause 79 EP&A Reg 2021)

- (1) A development consent that is granted subject to a reviewable condition may, as referred to in the Act, section 4.17(10B), be granted subject to a further condition (a review condition) if the development consent relates to the following kinds of development-
 - (a) an entertainment venue,
 - (b) a function centre,
 - (c) a pub,
 - (d) a registered club,

- (e) a restaurant or cafe.
- (2) A development consent that is subject to a review condition must contain the following-
 - (a) a statement that the development consent is subject to the review condition and the purpose of the review condition,
 - (b) a statement that the consent authority will carry out the reviews,
 - (c) when, or at what intervals, the reviews must be carried out.
- (3) The consent authority must give written notice to the operator of a development that is subject to a review condition at least 14 days before carrying out a review.
- (4) The consent authority may notify other persons of the review as it considers appropriate.
- (5) The consent authority must take into account submissions that are received from any person within 14 days after notice of a review is given to the person.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

F.1 N/A
