

Statement of Environmental Effects

187 Fitzmaurice Street, Wagga Wagga

Alterations & Additions for New
Retail Floor Space, Restaurant and
Function Centre

24 March 2022



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This Statement of Environmental Effects has been prepared by Camilla Rocks, on behalf of the proponents for the development of 187 Fitzmaurice Street, Wagga Wagga.

Material is provided for the assessment of a Development Application only. If material is required for any other use, the user is to contact Camilla Rocks for permission.

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1 Introduction

1.1 Overview of the Proposal

This Statement of Environmental Effects (SEE) has been prepared by Camilla Rocks on behalf of the proponent to accompany a Development Application (DA) for the site located at 187 Fitzmaurice Street, Wagga Wagga (the subject site). The DA has been prepared under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for submission to Wagga Wagga City Council (Council).

The proposed development seeks to make alterations and additions to the existing building and fitout as a function centre and restaurant.

The cost of works is expected to be \$1,500,000.

1.2 Site Analysis

The site is formally identified as 187 Fitzmaurice Street, Wagga Wagga, comprising of Lot 1 DP 631019. It is located on the south-eastern corner of Fitzmaurice and Crampton Streets, as identified in Figure 1 below.



Figure 1 Location of subject site (Source: WWCC Intramaps)

The site is located in the Wagga Wagga City Council Local Government Area (LGA). The corner of Fitzmaurice and Crampton Streets is located within the main commercial precinct of Wagga Wagga and at the northern edge of the heritage conservation area.

The site is well located in terms of public transport connections with a regular bus service running along Fitzmaurice Street. Street parking is limited to one hour in the immediate vicinity, with sections of all day parking in Kincaid Street and several public car parks within a short walk. There is a taxi service in Wagga Wagga along with a number of ride sharing platforms operating. The site is adjacent to a dedicated cycle pathway.

A broader view of the site in terms of its regional context is provided at Figure 2 below.

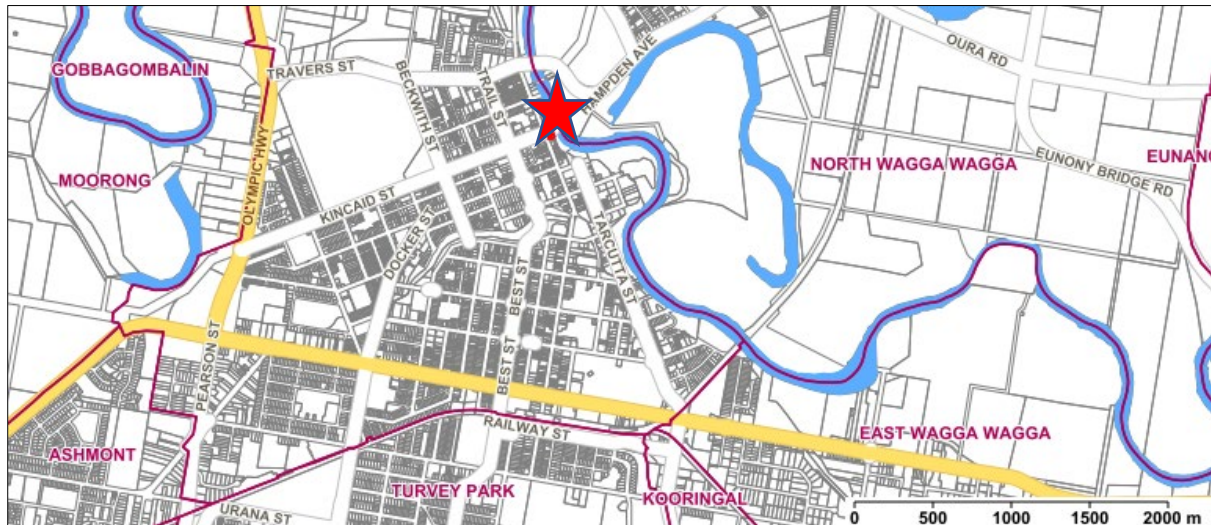


Figure 2 129 Fitzmaurice St Regional Context Source: Intramaps Wagga Wagga City Council

To the north, the site addresses Crampton Street, with a public carpark situated opposite. Across Fitzmaurice Street to the west, there is a pub, food and drink premises and a service station. There are various food and drink premises, a service station and a brewery to the south of the site. Cadell Place is situated to the east, with the levee bank and the Murrumbidgee River further east.

The streetscape in the vicinity of the subject site is generally consistent as a commercial precinct in the heritage conservation area. Development is generally two storey, with retail and commercial premises and some residential uses on the upper floors. There are a number of pubs and hotels in the vicinity.

Wagga Wagga City Council have beautified the street with a landscaped median, heritage lamps and seasonal banners.

The site hosts a two storey, commercial building, that covers approximately 75% of the site. It has frontage to Fitzmaurice and Crampton Streets and is one of Wagga's most well known buildings. The building is constructed to the boundaries on 3 elevations, with zero setback to Fitzmaurice and Crampton Streets and to the adjoining building to the south. The site is fenced to the northern and eastern boundaries, providing a vehicle movement area and parking

There are two tenancies within the site, Suite 1 is currently occupied by an appliance sales showroom and Suite 2 is a cafe.

The site has an area of approximately 1435m², with total frontage to Fitzmaurice Street of approximately 29 metres and to Crampton Street, 46 metres. The frontage to Cadell Place is angled.

The tenancy of Suite 1 has approximately 17.5 metres frontage to Fitzmaurice Street. Suite 1 is currently configured with a reception area, boardroom, storage room, server room, staff kitchen and toilets and a number of offices. There is an entrance at the rear of the building which connects the carpark.

1.2.1.1 History of the Site

The building was designed locally by Steve O'Halloran and built by Wagga builder WJ McDonald. It opened in December, 1948 for Theo Lawrence & Son poultry suppliers. It became the Wagga Export Co, c1953 and was eventually taken over by Knights Meats in 1974.



Figure 3 External view of the building from 1948 - 1974 (Source: Facebook Lost Wagga page)



Figure 4 Image of the site in the 1950 or 1952 flood (Source Lost Wagga Facebook page)



Figure 5 The site c.1956. It is believed the adjoining house was demolished in the 1960s (Source: Lost Wagga Facebook page)

The external face of the building has undergone several changes since construction. The adjoining house was demolished in the 1960s and an extension to the building was constructed. We believe that the upper windows in the original building were added at this time. The configuration of ground floor windows was also changed, with the larger windows removed and high horizontal windows installed.

Consents found for the property are:

- | | |
|-----------|--|
| BA934/73 | - Alterations and additions 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 | - Alterations and additions to butchers shop |
| DA450/94 | - Shop addition |
| DA10/0579 | - Access ramp for existing business premises |
| DA11/0034 | - Change of Use drycleaners to delicatessen (neighbouring lot to south, now on a separate title) |
| DA18/0259 | - Alterations and additions |
| DA21/0290 | - Café (food and drink premises) |

1.3 Supporting Documentation

- Site and Floor Plan, prepared by Dion Argus
- Statement of Environmental Effects, prepared by Camilla Rocks

2 The Proposal

2.1 Proposed Development

This application seeks approval to undertake alterations and additions to the commercial building to fitout as a retail space, function centre and restaurant. The proposal includes a plan to construct part of the restaurant in air space over the council owned footpath.

Works are proposed to include:

- ♦ Extension of the ground floor to create an entrance foyer, stairs, lift, amenities, bridal room and retail tenancy
- ♦ Extension of the first floor to create an entrance foyer (stairs and lift), restaurant, kitchen, function room, amenities and open deck with fireplace
- ♦ Fitout of kitchen to commercial standard
- ♦ Fitout of amenities
- ♦ Fitout of restaurant
- ♦ Fitout of function centre

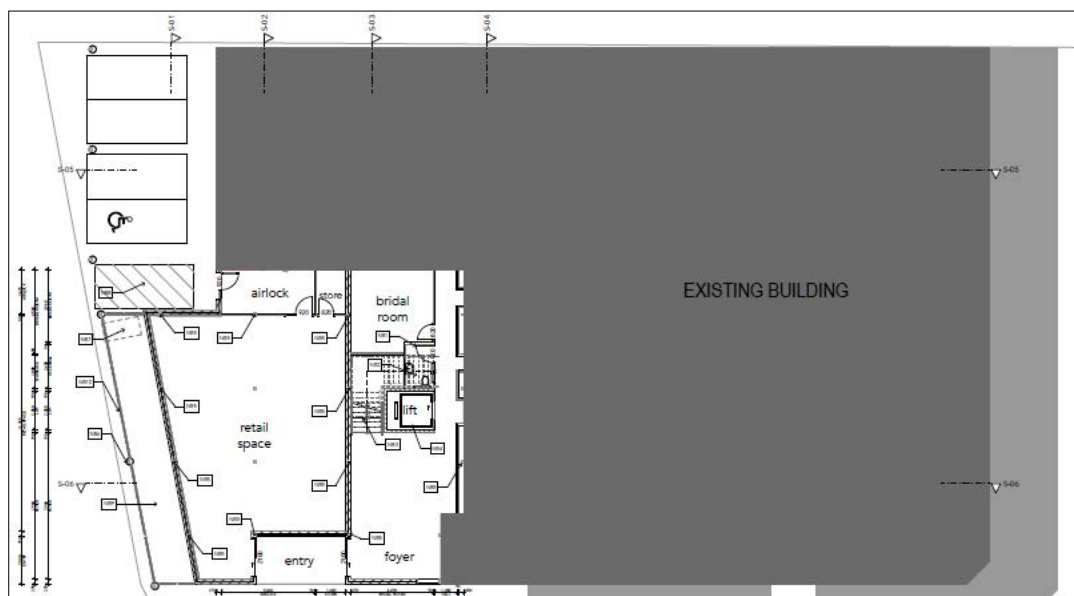


Figure 6 Snapshot of proposed ground floor

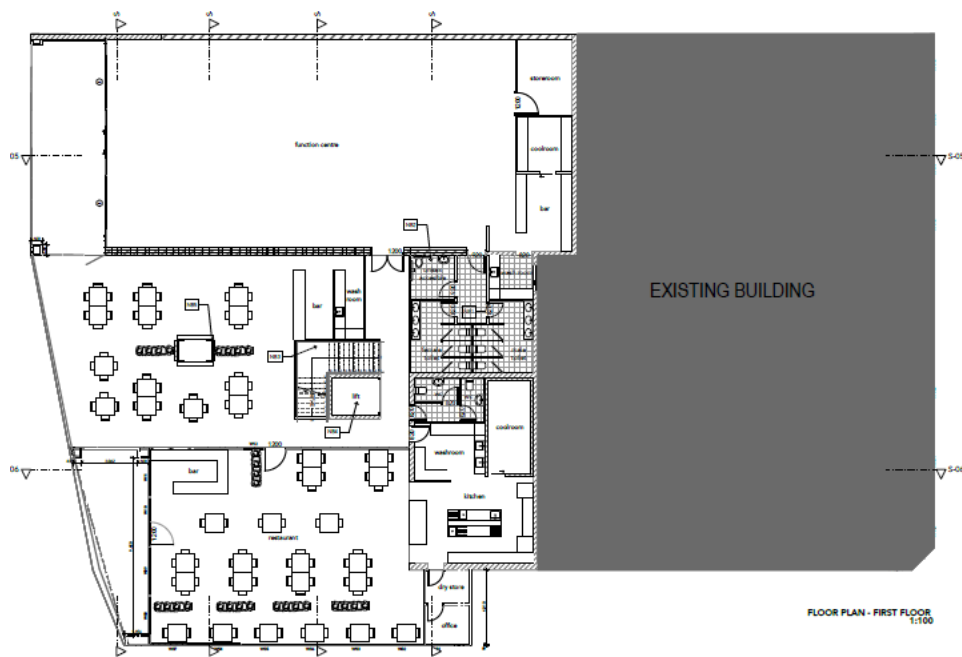


Figure 7 Snapshot of proposed first floor

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 so we propose 8am to 8pm, 7 days a week, in order to cover late night shopping and seasonal events.

3 Assessment of the Development

This section provides our assessment of the proposed development against the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following Environmental Planning Instruments are applicable to the proposed development:

- ❖ Wagga Wagga Local Environmental Plan (WLEP) 2010
- ❖ Wagga Wagga Development Control Plan (WDCP) 2010

however other legislation and policy is referenced here for clarity.

3.1 NSW Environmental Planning and Assessment Act, 1979

The NSW Environmental Planning and Assessment Act 1979 (EP&A Act) provides the legislative framework for the preparation of State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs), and Local Environmental Plans (LEPs). The latter includes the WLEP2010. An assessment against the relevant provisions of the WLEP 2010 is included within Section 3.7 below.

3.2 NSW Local Government Act, 1993

Connection of new sewer and stormwater to mains infrastructure will require approval under Section 68 of this Act and a separate application will be submitted by the proponent.

3.3 Liquor Act 2007

The subject premises are located within the CBD. It is proposed to apply to the Independent Liquor & Gaming Authority for the appropriate liquor licence/s for the premises. The proponents are in discussions with the Licencing Police to determine the most appropriate management of the site. At no stage will the premises be promoted or operated in a manner that encourages or condones irresponsible drinking habits or behaviour considered unacceptable and of an anti-social nature. A Liquor Plan of Management is being prepared and will be submitted in due course.

3.4 State Environmental Planning Policy – Exempt and Complying Development

The subject proposal does not fall under the provisions of this instrument as demolishing, changing the exterior and making structural changes to a building in the heritage conservation area requires consent, under the provision of the WLEP.

3.5 State Environmental Planning Policy No. 55 – Remediation of Land

The Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land state the following:

When an authority carries out a planning function, the history of land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.

The information publicly available about former uses of the site indicates that the existing buildings have been in place since 1948 and prior to that, the site hosted a brick hotel. Available records indicate the site was the location of a poultry butcher and supply service, then later a wholesale food distributor, then a butchery. The existing use of the building is a café and retail premises. .

The site is listed as contaminated land on Intramaps. The former dry cleaner, now delicatessen, adjoining the site that formed part of the Knights Meats development is listed however this is now on a separate title and under separate ownership. A Detailed Site Investigation (DSI) was undertaken by McMahon Earth Science in June 2021, as part of the last DA submitted for the site (the existing café). 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...'. There have been no changes in activities or uses on the site that would alter this assessment.

Council should confirm whether the site has been the subject of complaints with regard to dumping of materials that may cause contamination. A walk of the site does not indicate that this is the case. There is no evidence of dumping of any materials. Likewise, there is no physical evidence of contamination of the site.

No further assessment of potential land contaminating activities is considered warranted. It is considered that Council can be satisfied that the site is suitable in its current state for the proposed use.

3.6 State Environmental Planning Policy (Industry and Employment)

Chapter 3 of this SEPP relates to advertising and signage and consolidates a number of SEPPs, including the former SEPP 64. Chapter 3 applies to all signage that requires consent, however, Part 3 excludes building and business identification signage, which is the only signage proposed as part of this application therefore the policy does not apply to this development proposal.

3.7 Wagga Wagga Local Environmental Plan 2010

3.7.1 Part 1 Preliminary

This section confirms that the subject site falls under the provisions of this plan and provides administrative information for the application of the WLEP.

3.7.2 Part 2 Permitted or Prohibited Development

3.7.2.1 Land Use Zone and Permissibility

The site, 187 Fitzmaurice St, Wagga Wagga is zoned B3 – Business Commercial Core. The objectives of the zone are as follows:

- ❖ *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.*

The proposed development is consistent with these objectives, as it is a suitable use, provides employment opportunities in the CBD, is accessible to public transport and maintains the aesthetic character of the commercial core area as the existing building is retained.

The proposed use would be defined as a mixed use development, comprising of a restaurant and function centre and retail premises. Under the provisions, all uses are permissible in the zone with consent.

The retail premises will occupy approximately 250m² on the ground floor of the new extension to the building. A tenant will be found following construction therefore the final use is not confirmed. Any DA would grant consent to the first use as retail premises, however, should another use be proposed, a separate DA would be submitted.

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.

Retail premises are a type of **commercial premises**. Under the provisions of the WLEP Dictionary, **commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

Part of the upper floor is proposed for use as a function centre. Under the provisions, **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. The function centre will comply with the LEP definition as it will be a place used for events, with a focus on weddings. The site will not be an entertainment facility. As part of the function centre, a bridal room will be constructed on the ground floor. This room is used by the wedding party for a quiet space away from the function area for drinks, hair and make up refresh or costume repairs. For other functions/meetings/conferences, it may be used as a speech preparation area or green room.

Adjacent to the function centre on the first floor, a restaurant is proposed. A **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. Restaurants or cafes are a type of **food and drink premises**, which comes under the umbrella land use of retail premises.

Between the function centre and restaurant, there is a roofed bar area with fireplace proposed. This will connect to the function and dining spaces and be an ancillary use to those areas.

3.7.3 Part 3 Exempt and Complying Development

The proposed work is not identified as exempt or complying development under the provisions of this section.

3.7.4 Part 4 Principal Development Standards

3.7.4.1 Clause 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 map shows that the maximum height for this site is 16 metres. The proposed new building is approximately 8 metres in height and complies with this control.

3.7.4.2 Clause 4.4 Floor space ratio

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

- (a) to regulate the density of development and generation of vehicular and pedestrian traffic,
- (b) to facilitate development that contributes to the economic growth of Wagga Wagga city centre,

(c) to ensure the bulk and scale of development does not have an unacceptable impact on the streetscape and character of the area in which the development is located.

(2) 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 maximum FSR permitted on this site is 2:1.

Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement—

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

Using the calculations provided on the plans, the GFA is 2237.76m². The site area is 1435m², meaning the proposed FSR is 1.6:1 and compliant with the standard.

3.7.5 Part 5 Miscellaneous Provisions

3.7.5.1 *Clause 5.10 Heritage conservation*

The objectives of this clause are as follows—

- 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.*

The proposed development is considered by us to be consistent with the heritage objectives. The subject site falls within the heritage conservation area and retains much of the original 1948 building. The proposal retains the existing building and, in particular, its architectural features and social significance to the city.

Under the provisions of this clause, development consent is required for altering the exterior of a building on land that is within a heritage conservation area. The submission of this Development Application satisfies this requirement. The alterations to the rear of the building would require consent under this provision.

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. The subject site is not a listed heritage item but is within the heritage conservation area. The building was constructed in 1948 and has undergone significant alterations since that time. The subject development proposal retains the main building and its distinguishing features. External alterations are limited to the side and rear of the building.

The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned. The site is close to a listed item, the remains of the Hampden Bridge, however would not impact views to or use of, that item. As the subject building is not a heritage item, council staff indicated the council would not require the provision of a Statement of Heritage Impact for this development. Heritage impacts are addressed in detail later in this report.

3.7.5.2 Clause 5.20 Standards that cannot be used to refuse consent—playing and performing music

This provision sets out the circumstances under which council may not refuse consent to the development. 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.

3.7.5.3 Clause 5.21 Flood planning

Clause 5.21 applies to “development on land the consent authority considers to be within the flood planning area”. A small portion of the site is mapped in Council’s mapping system as being within the flood planning area. The main city levee stands between the site and the Murrumbidgee River, with the site afforded the same protection as the remainder of the CBD which is not mapped as being within the FPA. As such we consider that the land is not within the flood planning area and the clause does not apply.

3.7.6 Part 7 Additional Local Provisions

3.7.6.1 *Clause 7.1A Earthworks*

All earthworks would be ancillary to the proposed development and not require development consent under this provision.

3.7.6.2 *Clause 7.6 Groundwater Vulnerability*

As depicted on the WLEP Natural Resource - Water map, the subject site is noted as a sensitive area for groundwater however the proposed uses as a restaurant and function centre with retail premises are not prescribed therefore this clause does not apply to the proposal.

3.7.6.3 *Clause 7.9 Primacy of Zone B3 Commercial Core*

The objectives of this clause are to maintain the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of the Wagga Wagga city centre and to ensure that development does not conflict with the hierarchy of commercial centres as well as to strengthen Wagga Wagga's position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, health care, culture and the arts.

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. As a retail space and a restaurant and function centre, the development supports the primacy of the CBD.

3.7.6.4 *Clause 7.11 Airspace operations*

The proposed development will extend the existing development but will sit lower than the highest point of the development. This height sits significantly lower than the OLS therefore this clause will not apply to the development.

3.8 Wagga Wagga Development Control Plan 2010

3.8.1 Section 1 – General

The proposal is consistent with the Guiding Principles outlined in this section. Under the provisions, this application would be a Type B notified for 14 days. Advertising is not required according to the table.

Clause 1.11 – Complying with WWDGP 2010

The proposal seeks a variation of the control for parking provision in the CBD area. The proposal is consistent with the general principles outlined in this section. Particular items are addressed below:

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, which states the following:

1. The relevant control(s) and each section of the DCP that is the subject of the request.
2. The extent of each variation (noting that a control may be numeric or non-numeric).
3. Reasons to support the variation. This may include a written statement with diagrams, photographs, sections, plans, or letters from adjoining owners if appropriate.

Controls for Which a Variation is Sought

Clause 2.2 Control 1 – off-street parking

Clause 2.2 Controls 9-11

The Extent of the Variation Sought

Clause 2.2 Control 1 contains a table listing various land uses and the parking requirements for those land uses. In total, the development is required to provide parking for 32 vehicles. The proposal is to provide 3 parking spaces, which is a percentage variation of 87.5%.

Clause 2.2 Control 9 requires 1 tree per 5 spaces to be planted in parking areas. The proposal does not provide any trees in the parking area

Reasons to Vary Clause 2.2 Control 1

Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.

The reduction in prescribed car spaces is not likely to impact detrimentally on the amenity of residents in the area. The nearest residential development is the medium density terrace house development on the north -western corner of the subject intersection. That development provides off-street parking for its occupants and there is also a service road for on-street parking.

The nature of the development, as a restaurant and function centre, means that a good proportion of patrons would not drive themselves to the site, in order to comply with rules on driving under the influence of alcohol. The site is in a good location for vehicle drop-offs, being the only property accessed from the eastern end of Crampton Street and with a lane for through traffic.

Being the only property accessed from the eastern end of Crampton Street, the site has on street car spaces adjacent to the site that are not adjacent to any other premises. There are 7 spaces in Crampton Street and a further 21 spaces in the council owned carpark directly north of the subject site. The carpark is not time restricted and, from observation, attracts a mix of all day parkers and people using the walkway and recreation area beside the river.

The existing development has never provided customer parking on site and, based on current parking requirements, would be short 25 spaces. In areas outside the B3 zone, this would be carried over as a credit, however, the site is within the B3 zone.

The nature and magnitude of the departure.

As detailed above, the nature of the departures is to reduce the amount of parking provided on the site to less than that required under the controls. The magnitude is 87.5% variation. The DCP does not mandate an acceptable range of variation.

In preliminary discussions prior to lodgement of the application, Council's Senior Planner expressed support for the development, in spite of the non-compliance with parking controls. The early plans showed a number of spaces along the eastern side of the building, however, Council's planner requested they be deleted as they were not deemed to be practical spaces.

The degree of compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure.

The development as a whole is generally compliant with the objectives, controls and principles, as demonstrated in this report. The variation to the parking controls is considered to be acceptable

given the general compliance with the remainder of the development, the small size of the lot and the consistency with the Riverside Masterplan.

Whether non-compliance will prejudice the objectives of the zone and the aims of the DCP.

Non-compliance is not considered to prejudice the objectives of the DCP. The zone (B3) allows for the subject development and the proposal is consistent with this objective. The DCP has sections for heritage development and commercial development and the proposal is generally consistent with the objectives for both these sections.

In order to comply with the parking requirements, the development would require substantial alterations to the existing building. Alternatives would be:

- a) to reserve the existing loading and parking area for parking and construct an additional 1-2 storeys above the main building on the corner of Fitzmaurice and Crampton Streets for the restaurant and function room. Whilst this would be feasible in terms of compliance with the LEP and DCP controls, economically, it could not be completed within the set budget therefore is not a reasonable alternative.
- b) to construct a level of parking at ground level, thus increasing the height of the development and its impact on the main building and conservation area in general. Like alternative (a), this option would potentially be considered under the provisions of the planning policies however the cost would make the proposal economically unviable for the proponent.
- c) to scale back the development and remove one element of the proposal. Each element of the proposal is essential to the proponents in order to capitalise on the location, unique site and views over the river. The removal of one element would likely still require the development to vary the parking controls. Loss of further elements would make the project unviable and it would not go ahead.

Furthermore, the proposal is consistent with the Riverside Masterplan and is the type of development that is encouraged in that plan. The plan states a vision to stimulate an 18 hour economy and the subject development would contribute to that with the potential to provide service from the early morning to late night. The plan also marks the area outside the subject development at the end of Crampton Street as a potential pedestrian plaza, improving the link to the river. This vision would be supported by a precinct wide parking strategy undertaken by council. We note that Cadell Place is being considered for use by service vehicles only.

Reasons to Vary Clause 2.2 Controls 9-11

Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.

The parking spaces that are provided on site will be shaded by the floor above therefore there will be no impact on amenity for future residents or the surrounds

The nature and magnitude of the departure.

As detailed above, the nature of the departure is to reduce the amount of trees provided on site from 1 required tree to zero provision. The DCP does not mandate an acceptable range of variation.

Whether non-compliance will prejudice the objectives of the zone and the aims of the DCP.

Non-compliance is not considered to prejudice the objectives of the DCP. The zone (B3) allows for the subject development and the proposal is consistent with this objective. The DCP has sections for heritage development and commercial development and the proposal is generally consistent with the objectives for both these sections.

The site currently does not provide substantial landscaping. As the site is a built up urban site in the CBD, landscaping is generally not expected and this clause is often waived.

3.8.2 Section 2 – Controls That Apply to All Development

Vehicle Access and Movements

The Objectives for this section are:

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.

The proposal is consistent with these objectives as the existing vehicle access from Crampton Street will be deleted and all access is from the rear entrance off Cadell Place, which is a non-arterial service lane.

We do not consider that a Traffic Impact Study is necessary for a development of this scale. Preliminary discussions were held with council planning staff and there was no request for a study.

Vehicles will not be able to enter and leave in a forward direction due to the limited site area available. Vehicles will need to reverse off the lane into the car space, or else drive forward into the car space and reverse into the lane to depart. Cadell Place is a one way lane, with traffic entering from the northern end of the lane and travelling in a southerly direction only. Vehicles leaving the site will have a sightline of approximately 20 metres of straight road, which, combined with the speed limit, will make entering and leaving the site a safe manoeuvre. Council practice has been to allow reverse movements into the laneways within the CBD and we trust this policy will also apply in this circumstance.

Adjacent to the parking spaces, there is an open area suitable for a delivery vehicle to reverse onto the site for unloading of retail goods or foodstuffs. We consider that one area will be suitable for the development. In the event that more than one vehicle arrives, there is an area wide enough for a vehicle adjacent to the building that the vehicle could wait in until the loading area is free.

The access driveway is a sufficient distance from the bend in the land to provide separation. There is an existing driveway located on the bend, which is unlikely to comply with Australian Standards and will be deleted under this proposal. Sight distances are adequate for safe manoeuvring.

Off Street Parking

The Objectives for this section are:

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.

The proposal is generally consistent with the objectives, noting that the car parking area at the rear is not landscaped but is under cover.

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.

See calculations below for the various uses on the site and the requirements according to the table. Control 4 is also referenced here because the development is a mixed use development.

Land Use	DCP Control	Car parking required	Car parking provided
Existing café	café was approved within existing floor space therefore no additional parking was required	(5)	0
Existing retail area	Change of use was retail to retail therefore exempt development and no additional parking was required	(20)	0
New ground floor retail area 203.56m ²	<i>Shops and retail (other than uses listed below) Within the Wagga Wagga city centre (B3 Zone) and mixed use areas (B4 Zone): 1 space/ 45m² GFA</i>	4.5	1
New foyer	Shared circulation space for all uses	0	0
New function centre 403m ²	Restaurants, cafes, pubs, clubs and function rooms Within the Wagga Wagga city centre: 1 space/ 25m ² GFA All other areas: 1 space/ 10m ² GFA or 1 space/ 3 seats whichever is greater	16	1
New restaurant 274.71m ²	Restaurants, cafes, pubs, clubs and function rooms Within the Wagga Wagga city centre: 1 space/ 25m ² GFA All other areas: 1 space/ 10m ² GFA or 1 space/ 3 seats whichever is greater	11	1
New deck	Ancillary to restaurant and function centre	0	0
	TOTAL	31.5 (25)	3

The proponent seeks a variation to the control to permit the development as proposed. A full report on this variation is contained within Clause 3.7.1 of this report, addressing Clause 1.11 of the WWDCP.

C2 The design and layout of parking is to be in accordance with the relevant Australian Standard at the time of lodgement application.

The design and layout of the parking provided on the site complies with the relevant Australian Standards for off street parking.

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.

One accessible space is provided in accordance with the standards. The space has access from Cadell Place.

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.

See the table above for calculations of parking requirements for each use.

C7 Variations to the parking requirements may be considered where minor alterations and additions are proposed and the change do not encroach or reduce the current off-street parking spaces.

The proposed development would be considered by us to be major alterations and additions, with a substantial economic impact for the city. There is no formal parking provided on the site at present, and the proposal makes provision for 4 spaces. A variation to parking requirements is requested and addressed earlier in this report.

Controls relating to landscaping of carpark areas are not able to be complied with for this development due to the limited parking area available on the site. Shade is provided to the parking spaces by the overhead deck.

Landscaping

The proposal is for the change of use of an existing developed site, with minor landscaping in place and no potential for further landscaping on the site. This is considered appropriate given the built up nature of the CBD environment.

Signage

One business identification wall sign 3000mm x 1000mm is proposed on the northern wall of the new building, as marked on the elevation plans. There are no proposals to include any of the listed undesirable signage. No illuminated signage is proposed for the exterior of the building.

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

The wall sign will contain the name of the premises. The design has not yet been finalised however the size of the panel has been confirmed by the owners.

C2 Any sign or structure should reflect the architectural style of the building. 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

The proposed sign is a simple flat panel that will be consistent with the style of the extension.

C3 Signs should be of a size and proportion which complement the scale of the existing building as well as surrounding buildings and signs

The proposed façade is approximately 62m² at ground level and the proposed sign is 3m², less than 5% of the wall area.

C4 Signs should not significantly affect the presentation of the existing façade of the building.
The building has been designed to accommodate the proposed sign.

C5. The scale of lettering should also be proportioned to the area of the signage panel to which it will be applied.

The contents of the sign have not been finalised by the proponent, however, the sign will comply with this control.

C6 Must be securely fixed and maintained in a structurally adequate and safe manner.

The sign will be securely fastened to the building wall.

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.

The contents of the sign have not yet been finalised, however colours will relate to the overall design palette of the restaurant and function centre.

C8 Corporate colours should be limited to the signage or. [sic]

Corporate colours are not proposed.

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 multioccupancy developments and by limiting the number of signs that may be erected on any one building or site.

Only one sign is proposed for the development.

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 sign will be firmly attached to the building and will not be located so as to cause a nuisance or danger to motorists.

Wall Signs

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

C18 Maximum of one (1) building identification sign per building elevation.

Only one sign for the whole development is proposed

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 signage panel has been placed on the blank wall, to provide wayfinding and interest to the area. The signage panel does not exceed 5% of the above ground elevation therefore complies with this provision.

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

The signage panel will comply with this provision.

C21 Must not protrude above the parapet or eaves.

C22 Must not cover mechanical ventilation vents.

C23 Must not extend over any window or other external opening.

C24 Must not obscure significant architectural elements of the building.

The sign is proposed on the new extension to the building and is integrated into the design therefore this provision will be satisfied.

Safety and Security

The proposal is consistent with the objectives of this section. The building layout will clearly define public and staff areas, with appropriate internal signage and wayfinding to guide patrons to the restaurant and function areas.

An active street frontage is provided, with glazing and a pedestrian friendly frontage. Blank walls along street frontages are not proposed for the new works

Erosion and Sediment Control

Contractors will be responsible for protecting drains in the vicinity of the works. Indicative mitigation measures are detailed on the submitted plans.

Development Adjoining Open Space

The site is within the CBD and does not directly adjoin any public open space. There is public open space across Crampton Street and on the eastern side of Cadell Place. The public areas will not be used to store building materials as this would be impractical, given the levee bank adjoining. The additions to the building are no higher than the existing building and important amenity, views and outlook are protected. The upper floor has been designed to capture the views over the Murrumbidgee River. The existing development turns its back on the river so the river and riparian land will be a featured asset under this proposal.

3.8.3 Section 3 Heritage Conservation

The subject site is a notable example of the Spanish Mission architectural style employed by local architect, Peter O'Halloran, is within a heritage conservation area but is not a listed heritage item.

3.8.3.1 Clause 3.3.1 Fitzmaurice Commercial Precinct

O1 Retain evidence, including layout, of original shopfronts.

O2 Encourage reinstatement of traditional features and sympathetic new work

O3 Encourage reinstatement of front verandahs and awnings based on historic information (drawings, photographs) and/ or interpretation of period details.

- O4 Encourage use of traditional colour schemes based on the period of the building.*
- O5 Encourage signs that complement, rather than dominate, the architectural characteristics of the building.*
- O6 Discourage proliferation of signs on buildings.*
- O7 Encourage infill development or the replacement of uncharacteristic buildings to reflect the historic character of the precinct and nearby characteristic buildings.*
- 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.*

The proposal is generally consistent with the objectives for this precinct. The proposal leaves the existing building intact and signage will be designed to be appropriate and discreet. The proponent seeks a modern colour scheme for the work and this is addressed further below.

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 building is a Spanish Mission style commercial building. No alterations to the façade of the building addressing Fitzmaurice Street, are proposed.



Figure 8 The distinctive corner will not change under the proposal



Figure 9 View of the existing development looking west



Figure 10 Fitzmaurice St facade to remain as is

The façade addressing Crampton Street will also be retained as is, with a modern extension to the east.

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.

The original shopfront has been altered over time however is not part of this application.

C3 Infilling original verandahs is not supported.

Not applicable as the proposal does not include infilling a verandah.

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.

There is no proposal to construct additional storeys on the existing building. Service elements will be incorporated into the architecture as much as possible and will not be visible from the main street frontage.

C5 Rendering or painting face brick is generally not supported.

The existing building is rendered brick, in the Spanish Mission style. There is no proposal to paint face brick.

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. Some elements of the existing building are repeated, such as the verandah. The extension to the eastern side has a verandah that aligns with the existing arched portico. Posts will be circular, in a more simple version of the existing round posts and following consultation with council's heritage advisor.



Figure 11 Snapshot of the original arched and proposed square verandahs

It is noted that the existing building is not characteristic of the Fitzmaurice Street heritage precinct.

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

The proposed building is 2 storey and sits lower than the existing corner tower.

C3 Where sites are amalgamated use articulation to reflect the former subdivision pattern.

Not applicable as the site is one existing lot.

C4 Maintain a balance of solid area over void. Large areas of plate glass curtain walls are generally not suitable and will not be supported.

The design balances the solid ground floor of the extension with the void of the adjoining verandah. On the upper floor, the solid rooms of the function centre and restaurant are separated by a roofed deck area. Glass balustrades along the eastern façade keep the building from presenting as too top heavy. The darker section recedes from view for the eye to focus on the original building as the main contributor to the conservation area.



Figure 12 View of the proposal demonstrating a balance of solid and void

On the northern and eastern elevations, the new building is largely glass. The sections of glass are separated by black metal framework. The recessed openings with extended surrounds create shadows that play an important role in dividing the wall mass into pleasing proportions. The building was designed this way to capture the views from the site to the Murrumbidgee River, flowing to the

east of the building. Because the levee bank prevents the river being a part of the city at the ground level, the upper floors of the buildings along Fitzmaurice Street are important in shifting the focus. The main objective in the architect's brief for this project was to provide views of the river and parkland. Given that the extension does not form part of the principal street presence of the existing building, the proponent seeks the support of council for this modern design.



Figure 13 Extent of glass proposed for extension

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

A ground floor verandah wraps around the new building, providing visual relief and weather protection. The upper bar is open to the river view and reduces the bulk of the building.

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

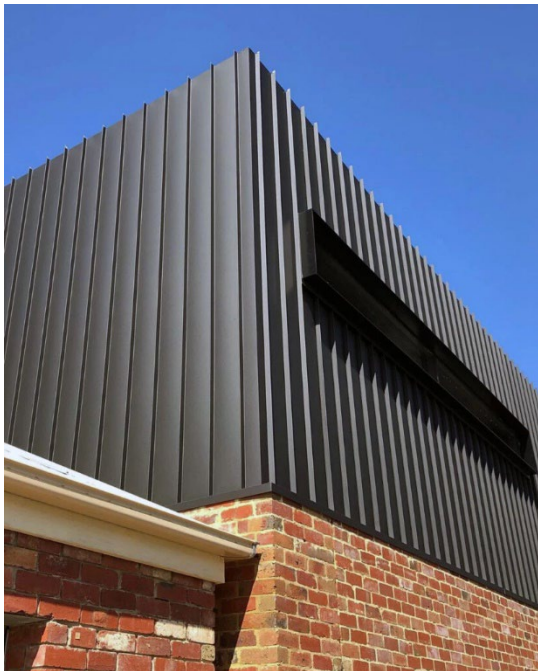


Figure 14 Example of nailstrip cladding

The façade of the new building is articulated with verandahs, defining framework, balustrades and cladding, which will add texture to the building. The main wall cladding will be nailstrip, as depicted in Figure 11. The cladding casts patterns of shadows that enliven the surface of the structure. Repetitive elements such as vertical or horizontal railings create shadows that grow and shrink through the day and create interest along the façade.

The dark colour of the upper floor recedes from the observer, reducing the apparent bulk of the building and allowing the mature trees of the riparian environment to be showcased. The original existing building will remain off-white and will visually come

forward to the observer, remaining the visual focus of the development.

3.8.4 Section 4 Environmental Hazards and Management

A small part of the site is within a bushfire prone area. This corresponds with the tree canopy along the riverbank. The new building will fall within this part of the site and will be constructed with fire resistant materials.

The controls require that development satisfies the provisions of *Planning for Bush Fire Protection 2019* (PBP), as the relevant policy for building in bushfire prone areas. Under this guideline, the development would be classed as “other development”. The mixed use development is not listed as a Special Fire Protection Purpose under the provisions of the Rural Fires Act 1997 therefore does not require a bushfire safety authority. As outlined earlier in this report, the development does not fall under the complying development provisions and a Development Application is required.

Chapter 8 of PBP outlines the requirements for “other development”. This states that in order to comply with PBP the development must:

- 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 bushfire protection measures (BPMs).

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.

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 new building work is to be constructed to meet 90/90/90 due to the close location of the property boundary. The land around the subject building is managed, with extensive paved areas and minimal vegetation. As the works are across an existing paved area, it is not considered that the development would increase the bushfire risk to the buildings and occupants to the site. The risk of bushfire comes from the Murrumbidgee River to the east and north-east. Cadell Place runs between the risk and the subject site and the land within the site is fully paved. The existing streets would provide appropriate access and egress for emergency service personnel and occupants. There is an adequate water supply to the site. Fire safety will be assessed as part of the Construction Certificate application to ensure adequacy. Given the above, we consider that the development will satisfy the aims and objectives of the PBP.

Clause 8.3.1 of the PBP relates to buildings of Class 5 to 8 under the NCC. Under the building classification system within the NCC, Class 5 to 8 buildings include offices, shops, factories, warehouses, public car parks and other commercial and industrial facilities. The NCC does not provide for any bush fire specific performance requirements for these particular classes of buildings. As such AS 3959 and the NASH Standard are not considered as a set of Deemed to Satisfy provisions, however compliance with AS 3959 and the NASH Standard must be considered when meeting the

aims and objectives of PBP. 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 mentioned, the existing access road system provides safe access and egress for firefighters as well as for evacuating occupants. The proponent will be responsible for the emergency management plans for occupants and staff.

Furthermore, it is important that a defensible space is provided for the size and scale of the development. The building is surrounded by managed land both within the subject site and on adjoining sites for a distance of more than 140 metres, as prescribed within PBP, providing adequate defensible space. The development is not expected to have a BAL rating, under these circumstances.

The subject site is within the Central Wagga Wagga area protected by the levee and is therefore at a low risk of flooding and not within the flood planning area, as defined.

3.8.5 Sections 5 – 9

The subject site is not in any of the areas or zones outlined in these sections therefore they are not applicable to the development.

3.8.6 Section 10 Business Development

The site is along the Central Spine of the Fitzmaurice Street Precinct.

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

Controls

C1. Comply with the requirements of Section 3.3.1 of the DCP.

This report addresses Section 3.3.1.

C2 Maintain the two to three storey street wall to Fitzmaurice Street. Where upper levels are proposed, provide a nominal setback behind the parapet line as shown on Figure 10.1.2. Set upper levels behind a nominal setback to allow the heritage facade to sit proud

An upper level is proposed only to the Crampton St/Cadell Place frontages. The frontage to Fitzmaurice Street will remain as is.

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 .

The development proposes a 2-storey street wall to Cadell Place, punctuated by the open deck and verandahs which form cover over the ground floor parking. The location of the function centre, deck and restaurant at the rear of the building allow for patrons to enjoy the outlook over the Murrumbidgee River. The use of extensive areas of glass maximises this opportunity.

C4 Comply with the requirements of Section 12.10 of the DCP

Section 12.10 of the DCP is addressed below.

3.8.7 Section 12 Specific Uses and Developments

3.8.7.1 *Clause 12.8 Late Night Trading*

This section applies to premises that seek approval for trading hours between 10pm and 7am the following day and seek approval for outdoor trading beyond 8pm. The proposed development seeks operating hours of 7am – 12pm and includes an outdoor bar area that will be open at night therefore this section is applicable. For the purposes of this section, the development would be categorised as (j), any premises where the owner or occupier sells or supplies liquor for consumption on the premises. This section has a number of objectives but the only control is for the requirement of a Plan of Management to be submitted with any Development Application for new Late Night Trading premises that seek approval for trading hours between 10pm and 7am the following day or seek approval for outdoor trading beyond 8pm.

3.8.7.2 *Clause 12.10 Wagga Wagga Riverside Master Plan*

The subject site falls within the boundary of this precinct, as illustrated in Figure 12.10.2 of the WDCP. Any development within the Riverside Wagga Wagga – Plan Strategic Master project boundaries shall demonstrate consistency with the objectives, strategies and design principles of the Riverside Wagga Wagga – Strategic Master Plan. The subject site falls within the Hampden Terraces Precinct. The masterplan outlines strategies to improve the legibility of the river within the city centre. Some of the relevant strategies in Part 05 of the report are outlined below.

Create a place for diverse and vibrant retail and commercial activity at the Riverside that provides a range of rents. This proposal creates retail tenancies that overlook the levee in an appropriate location.

Create an 18 hour economy. Encourage uses that open later into the evening such as cafes, restaurants and bars both adjacent to the Riverside and in appropriate locations within walking distance. The subject development is a restaurant adjacent to the riverside and will open later into the evening. Although not initially planning to offer breakfast, we have applied to open from 7am in order to be prepared for the inevitable demand for this service in the unique setting.

Create a place for visitors. Direct visitors to the Riverside and its attractions. The restaurant will be of a high standard and we expect it will attract visitors to the city. The function centre will likewise provide a venue for events involving locals and visitors. The extensive views of the riverside will be the main attraction of the development, along with the high standard of hospitality.

Create landmarks and iconic built forms to improve the legibility of Riverside. The existing former Knights building is a landmark in the city. The addition to the rear will enhance this landmark and its orientation towards the river will help to improve the legibility of Riverside.

Take advantage of underutilised space to increase activity and housing choice. The rear of the existing lot is currently utilised as a loading/back of house area and presents as an unsightly area adjacent to the riverside area. The proposed development will replace this area with a restaurant and function centre which will increase activity in the area.

THE VISION 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 its 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 subject development responds to the above statement in every way. The existing building turns its back on the river and this proposal reorients the focus so that the building responds to Fitzmaurice Street, Crampton Street and Cadell Place and the riverside. The denser built form allows for the various land uses proposed, which the proponent very much intends to become one of the gathering spaces for the people of Wagga Wagga.

The masterplan recommends an increase in the FSR for the area between Fitzmaurice Street and Cadell Place. The development has been designed to comply with the existing controls for 2:1.

There is a recommendation within the masterplan for a deck at either the 1st or 2nd floor and the subject development proposes a deck at the 1st level to overlook the river. This will be at a level that has a visual connection with Cadell Place as well as the levee bank.

The implementation of the masterplan is the responsibility of council, to a large extent, however there are opportunities, such as the redevelopment of the subject site, that provides developers scope to implement the plan. The proponents of this development consulted the masterplan and have designed the new work to enhance the appreciation of the river and activate the precinct. The masterplan outlines potential incentives to developers to encourage consistency with the masterplan. We submit that the proposal is entirely consistent with the masterplan and therefore complies with Clause 12.10 of the WDCP.

3.9 Part E

The site is not within any of the listed urban release areas.

3.10 Draft Environmental Planning Instruments

The Remediation of Land SEPP is currently under review but is not yet applicable to this proposal.

3.11 Summary

This application seeks to vary the car parking controls but the proposal is otherwise compliant with all relevant controls and consistent with all the objectives.

4 Assessment of Environmental Impacts

4.1 Transport, Access and Parking

The proposal is for additions with internal fitout to an existing building, located on the main street of Wagga Wagga. The main pedestrian access to the site is from Crampton Street. The building has access to the rear lane, with limited parking available to the rear. There are 3 car spaces available at the rear of the building.

The site is located on the corner of Crampton Street and Fitzmaurice Street. Both are local roads. Crampton Street terminates at the eastern end of the site and is only accessed by visitors to the subject site or to the council owned carpark to the north. There is also a pedestrian stair to the levee back in the carpark. Fitzmaurice Street has 4 lanes of traffic, 2 lanes of parking and a large median strip directly adjacent to the existing building. The speed limit in this vicinity is 50km/h. Time restricted ½ hour kerbside parking is permitted on both Fitzmaurice Street and Crampton Street in the immediate vicinity.

There is a local bus service that operates across Wagga Wagga enabling patrons to travel to the subject site. The 966 route travels along Fitzmaurice Street and Kincaid Street as well as along Travers Street.

There is a taxi service operating in Wagga Wagga as well as a number of ride share platforms.

There will be an increase of visitors to the site, in comparison to the previous use. This is to be expected in the CBD. This level of traffic will have no adverse effect on any nearby intersections and can be readily accommodated within the existing road network with minimal impact in terms of traffic flow efficiency and road safety considerations. The area can accommodate without significant negative amenity impacts the proposed licensed premises as it has excellent access to the principal public transport network, taxis, appropriate separation from the nearest dwellings and other significant sensitive uses, a built form reflecting CPTED principles and excellent pedestrian circulation.

Deliveries of supplies will occur as required, with sufficient hardstand area to the rear to allow for a truck to park and be unloaded.

The main pedestrian accesses to the site, from Crampton Street are proposed to be retained, with the new access to satisfy current accessibility standards.

The proposed development is unable to satisfy the anticipated parking requirement on the site. The proponent seeks a variation to parking controls on the grounds that there is a council owned carpark adjacent to the site and the main parking demand for this site will be outside business hours. Given that the majority of the new development is for licenced premises, we expect that a large proportion of patrons would not take their own vehicles to the site. In addition to this, the nature of the proposed use lends itself to peaks on evenings and during weekends. This is offset to the peak periods for the surrounding developments; therefore, the proposal is an efficient use of the surrounding public parking facilities within the area.

4.2 Noise

The site is located within the CBD and the proposed retail, restaurant and function centre is not expected to significantly impact any sensitive landuses in the vicinity. The hours of operation are within standard operating hours for licenced premises in the CBD and trading after midnight is not proposed.

Equipment to be utilised in the operation of the premises is limited and none of the equipment is expected to generate unacceptable noise impacts in the vicinity of the premises.

A number of noise control measures for the restaurant and function centre have been provided which will ensure acoustic impacts are minimised which may be adopted as conditions of consent:

- Located in the CBD, and with excellent proximity to substantial public transport, taxis, police, other retail uses, bicycle parking, public toilets, rubbish bins etc;
- Being in a building that is substantial in terms of its built form and noise attenuation, which was purpose-built for a non-residential use and in which all patrons within the extended hours will be contained;
- Making food available during all licensed trading times;
- Providing only music and amplified speaking that would comply with EPA regulations
- Operating under licence or permit conditions required to protect the amenity of the neighbourhood.

The building is designed to face away from sensitive receptors. The outdoor area is not proposed to host live or amplified music after 10pm. There are glass doors and windows to the outdoor areas that can be closed to mitigate the transmission of noise after 10pm, if council deems this appropriate.

There will be a number of dispersal options available to patrons leaving the proposed licensed premises whether by road, foot or public transport. The footpaths are generally wide, providing good patron dispersal. The location and characteristics of the proposed licensed premises (including both its patron numbers and operating hours) are unlikely to contribute to patron dispersal problems.

4.3 Waste

Waste bins are located at the rear of the building. General waste and recycling are collected by Wagga Wagga City Council contractors. During operation, waste will be taken to the waste bins which are located in the bin store in the back of house area. Measures ensuring the recycling of cardboard/paper, glass, cans and plastic will be in place to minimise waste impact.

Due to the age of the existing building, the handling of asbestos is considered likely. It will be the responsibility of the building contractor to remove and dispose of construction waste and any asbestos in accordance with Council policy and the Asbestos Code of Practice.

Waste generated during the demolition and construction process is anticipated to be minimal and will be recycled by the appointed waste management company. The proposal seeks to reduce the amount of waste generated during demolition and construction with any waste generated to be reused where possible, with private waste management contractors to be commissioned to carry out disposal.

4.4 Fire Safety

The premises have been designed to comply with relevant fire safety standards and annual Fire Safety Statements and assessments will be undertaken, in accordance with Council policy. Details will be provided with the Construction Certificate.

4.5 Odour

The retail, restaurant and function centre is not expected to increase odour in the vicinity. A new state of the art kitchen is proposed with excellent extraction of cooking odours. No other odour producing activities are proposed for the site.

4.6 Social Impact

The site is located within the retail/commercial centre of Fitzmaurice Street where there is currently a wide variety of commercial and retail development. The proposed use will contribute to the activation of Fitzmaurice Street. As this area of Fitzmaurice Street is predominantly retail and commercial development rather than residential there will be no significant adverse impacts on the amenity of any residents of the area. The hours of operation are not significantly different to surrounding businesses so any residential premises in the vicinity will be unlikely to be disturbed as a result of the development.

The 2 year trend for alcohol related offences is stable, according to the NSW Bureau of Crime Statistics and Research (BOCSAR). The subject site is outside the crime hotspot for alcohol related offences.

The restaurant and function centre will be open within the hours of 9pm to 12am, when most anti-social behaviour occurs around licenced premises (Briscoe S, and Donnelly, N 2003, 'Liquor Licensing Enforcement Activity in NSW', Alcohol Studies Bulletin, no. 4, June 2003, NSW Bureau of Crime Statistics and Research, Sydney)

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.

Council and the Licencing Police were consulted prior to lodgement of the development application and neither requested a Social Impact Statement to be provided with the DA.

4.7 Physical and Chemical Impacts

The proposal is not likely to impact on soil quality or land stability as it there is minimal excavation.

The activity is not likely to affect any waterbody, watercourse, wetland or natural drainage system as the river will be protected by the levee bank and all drainage will be constructed to connect to the council infrastructure.

The use, storage, or transport of hazardous substances or the use or generation of chemicals, is regulated by NSW Health and all activities will be compliant with current policies and directions. It is considered unlikely that any substances used on site would build up residues in the environment.

The construction phase may involve the emission of dust, odours, noise or vibration in the proximity of urban areas however these will be short term and temporary and regulated under the conditions of consent. These impacts are not expected to occur following occupation.

4.8 Biological Impacts

The proposal does not require the clearing of vegetation. There is minimal vegetation on the site and it has not been identified as having environmental significance. Nor has any threatened species been identified on the site.

4.9 Environmental Hazards

The subject site has been identified as being bushfire prone, along a narrow portion of the rear boundary. An assessment on site confirms that bushfire risk is low, being urban managed land and no BAL rating should be applied to the construction on the site.

The site is not within the flood planning area, being located within the flood levee bank.

4.10 Heritage

The subject site is identified as within the heritage conservation area but is not a listed heritage item. Council's heritage advisor and senior planner confirmed that a Statement of Heritage Impact was not required for this development, during preliminary discussions.

Land Use

The existing building was constructed as a poultry processing and sales facility and the land use for butchering and sales continued until the recent sale of the site. The change of land use sees the building become more accessible to the public.

Demolition

No demolition is proposed. The new work will abut the existing building.

The Statement of Heritage Impact guidelines from the NSW Heritage Office require the following aspects of the proposal to be addressed:

Aspects of the Proposal Which Have a Positive Impact on Heritage Significance

We consider the following aspects of the development proposal as having a positive impact on the heritage significance of the site:

- The proposal does not involve the demolition of any structure that has been assessed as having heritage significance
- The new building has a setback behind the existing building and will not visually dominate the older building
- The proposed works increase the longevity of the existing building ensuring its ongoing future use as a commercial premises in the conservation area
- The proposed development responds to the items on the site with a contemporary yet sympathetic relationship that is distinguishable from the heritage context of the site

- The retention of a legible curtilage around the oldest building on the site, which has social value to the community and is a prominent location in the main street
- Views of the site from the public realm are not impacted by the location of the new building
- The new building will not be visually prominent from Fitzmaurice Street
- The proposed cladding is a suitable industrial style appropriate to the existing building and conservation area
- The development will provide patrons with the opportunity to enjoy the unique riverfront setting in a high quality setting.

Aspects of the Proposal Which Could have Detrimental Impact on Heritage Significance

We consider that the following aspects of the development proposal may have potential negative impacts on the significance of the items on the site:

- The contemporary design is a bold departure from the existing architecture of the Spanish Mission style main building
- The colour scheme is contemporary but uncharacteristic of the Spanish Mission style

Sympathetic Alternative Solutions Which Have Been Considered

Council's heritage advisor was consulted prior to lodging the development application and provided comment on the design. These comments are based on that report.

- Circular columns were recommended on the ground floor to respect and interpret the existing columns and this recommendation was adopted by the proponent and plans amended accordingly
- The selected colour for the cladding – black – was recommended to be amended to Basalt or Woodland Grey. The proponent wishes to retain the selected colour scheme. The cladding will be Matt Monument, which doesn't have the heaviness of black and will appear as a warm dark grey as depicted in the image
- Recommendations were made to amend the design of the corner ridge which leaves an overlap on the existing elevation. A 1200mm gap was recommended however the proponent requires the floor space in the area and has not taken up this recommendation.
- Shading to the north facing window was recommended however the proponent does not wish to obscure the views to the north over the river
- It was noted there are no colours in the new work that respond to the existing development and a corten steel awning was suggested. The proponent was open to the inclusion of an element of this colour however has confirmed that no awnings should be added to the façade.
- A window centred over the ground floor arch was recommended to be added to the western façade however this would not be practical in the proposed floor plan
- The existing grey paintwork was noted as being uncharacteristic, noting that this is easily altered



- Recommendations about the fascia were agreed to by the proponent and the plans amended accordingly
- Recommendations about the glass balustrade and its framework were also agreed to
- The recommended steel palisade fence on the ground floor facing Cadell Place is now shown on the plans
- The recommended ground floor window was similarly added and is shown on the current plans.

The principal streetscape will not undergo significant change under the proposal as the main building is to be retained, and new work is to the rear and secondary frontage. The proposal as presented to council is a sensitive and appropriate development that proposes a respectful insertion within the heritage context of the building, having a neutral to positive physical and visual impact on the original fabric and significant views.

The proposed indoor and outdoor areas provide a unique riverfront setting for the public to enjoy. The proposed outdoor bar meets demand for unique dining and function centre establishments in a high quality, riverfront setting in the Wagga Wagga CBD.

The designer has considered the impact of proposed development on the significance of the Fitzmaurice Street heritage conservation area and adjacent heritage items. While the new work is contemporary in design, the proposed works are sympathetic towards the site. The new building work does not mimic the architecture like-for-like but responds to the dominant character through appropriate form, scale and materials. Overall, the development will maintain the consistency of form and scale found in the streetscape of the precinct and its surrounds and will have a neutral impact on heritage significance as a result. We consider that the application has merit on heritage grounds and recommend that council grant consent, with appropriate conditions.

5 Conclusion

The proposal has been considered under the provisions of Section 4.15 of the EP&A Act and is considered acceptable and worthy of approval for the following reasons:

- ❖ The proposal is in keeping with surrounding development.
- ❖ The proposed development has been designed in accordance with the provisions of the WLEP 2010 and WDCP 2010.
- ❖ The proposal will have minor detrimental impact on surrounding amenity and incorporates mitigation strategies to manage any adverse impacts.
- ❖ The proposal is in the public interest. The proposal will enhance the activation of the Wagga Wagga CBD and provide an appropriate use of the site.

Having considered all the relevant considerations under Section 4.15 of the EP&A Act 1979, we conclude that the proposal represents a positive outcome that would result in no negative environmental impacts. The proposed development should therefore be recommended for approval.

