

Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA22/0713
Modification No.:	N/A
Council File No.:	D/2022/0713
Date of Lodgement:	28/11/2022
Applicant:	S Pearce 125 Fitzmaurice St WAGGA WAGGA NSW 2650 Mr Scott Pearce
Proposal:	Illuminated signage, painting and revised façade treatment to building in heritage area.
Description of Modification:	N/A
Development Cost:	\$9500
Assessment Officer:	Amanda Gray
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	11-18 January 2023
Advertising:	Not required
Owner's Consent Provided:	yes
Location:	On the eastern side of Fitzmaurice Street approximately 50 metres to the south of the junction with Kincaid Street.

SITE DETAILS

Subject Land:	125 Fitzmaurice St WAGGA WAGGA NSW 2650 Lot 5 Sec 45A DP 759031
Owner:	SH Freehold Pty Ltd

REPORT

Description of Development

The proposal is for signage and alterations to the front facade of an existing hotel building.

The proposed signage consists of single acrylic letters to the front of the existing awning. The sign consists of the new hotel name being 'Jungle Duke Hotel'. Each of the letters are individually illuminated with LED lighting. This signage has already been installed.

The alterations to the front façade consist of the removal of multi-coloured tiles and replacement with dark green tiles. The under-awning pressed metal soffit has been painted white and circular under awning lights replaced as existing. It is proposed to paint the remainder of the façade, both above and below the existing awning, white.

The replacement tiles and under awning painting have been completed, the painting of the façade has not.

The Site and Locality

The subject site is legally identified as Lot 5 DP759031 and is known as 125 Fitzmaurice Street. The site contains a two-storey building in use as a hotel/pub. The use has historically been in use as a hotel since 1876.

The site is located on the eastern side of Fitzmaurice Street approximately 50m to the south of the junction with Kincaid Street. The premises were previously known as The Duke of Kent Hotel, the new signage changes the name to Jungle Duke Hotel.

The building is listed within the conservation area, it is not a heritage item.

The site is within the B3 zoned commercial core area and is surrounded by a mix of commercial uses all of which display varying sizes and styles of signage to the front façade of their premises.

Easements and Covenants

There are no known easements or covenants impacting the subject site.

Previous Development Consents

DA13/0650 - Barriers and signage. Approved 21.8.2014.

DA08/0028 - Post supported verandah and rear alterations and additions to existing hotel. Approved 3.11.2008.

DA03/1152 - Renovations to hotel premises. Approved 19.1.2004.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP 2010 the land is zoned B3 Commercial Core. The objectives of the B3 zone 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.*

The proposed development relates to new signage and front facade alterations, including painting, to an existing commercial building. The proposed development relates to the continued use of the site for a land use that is suitable in the B3 zone. The continued occupancy of properties in the main street contributes to the ongoing vibrancy of the precinct. The locality is well serviced by public transport, being accessible for both patrons of the business and employees.

The works to the front façade including new illuminated signs do not detract from the aesthetic character of the building or the surrounding locality.

The proposed development is considered to be consistent with the objectives of the B3 zone.

Part 2 Permitted or prohibited development Land Use

The use of the premises is unchanged and is permitted with consent in the B3 zone. The alterations to the façade are also permitted, being works to an existing premises.

Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

The signs are associated with an existing pub and are permitted with consent in the B3 zone.

Part 3 Exempt & Complying Development

The proposed development is not Exempt or Complying Development. The application is seeking consent.

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. There are no changes proposed to the building that is much lower in height than the permitted maximum height.

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'. As there are no changes to the building or the floor area as part of this application the premises remain well within the permitted floor space ratio.

Part 5 Miscellaneous provisions

5.10 Heritage Conservation

The building is within the conservation area, the following provisions under Part 5.10 are of relevance.

(1) *Objectives:*

The applicable 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*

The application proposes one new awning sign to be fitted to the front of an existing awning in the form of illuminated letters and the removal of various advertising signs on both the awning and the upper wall of the front façade. Works to the front façade include new tiles and painting.

The tiling of the ground floor walls to this era of Hotel is consistent with the rise of Tooths & Tooheys Brewing. Hence tiling is historically consistent and the change in colour appears to be an improvement on the multicolours utilised previously. The selected colour is acceptable.

The awning has displayed signage for many years and the new sign has minimal impact upon the setting of the building or the conservation area.

It is considered that the objectives of this clause are therefore satisfied.

(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):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*

The development proposes illuminated signage and alterations to the front façade of a building within the conservation area. The lodging of the development application satisfies this clause.

(4) *Effect 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).

The impact on the heritage significance of the conservation area has been assessed as suitable and therefore satisfies this section of the LEP.

Part 6 Urban Release Areas

The proposal is not within an Urban Release Area.

Part 7 Additional Local Provisions

7.6 - Groundwater Vulnerability

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability. The subject site is identified as sensitive on the Water Resources Map and as such this clause applies. The objective of this clause is to protect and preserve groundwater sources. It is not anticipated that there will be any adverse impacts on groundwater as the use is not identified under this clause as impacting on groundwater sources and the works are all associated with an existing building.

7.9 - Primacy of Zone B3 Commercial Core

Clause 7.9 states that 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.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Clause 4.6 of the SEPP requires Council to consider whether the land is contaminated and whether the land is suitable for the purpose for which the development is proposed to be carried out prior to granting consent. Consideration has been given to the established building on site and previous commercial uses.

The subject site is not listed on Council's potentially contaminated land register and there is no evidence of any use of the site for a purpose listed in Table 1 of the guidelines. The site has historically been in use as a pub and no changes to this use are proposed.

The site is considered suitable for the intended use in accordance with the SEPP.

SEPP (Industry and Employment) 2021

Chapter 3, part 3 of the SEPP lists the following 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.*

The proposed signage constitutes a business identification sign that display the name of the business to be carried on at the premises on which it is displayed.

The proposed signage is deemed compatible with the existing and desired future character of the area, being typical of existing signage in the commercial core. It does not detract from the

amenity or visual quality of the heritage area or obscure important features of the building. The signs will not obscure or compromise views or signage relating to adjoining premises and the scale of the sign is in proportion to the building and streetscape. The sign will not 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. The proposal includes the removal of signs from above the awning resulting in an improved front façade with reduced clutter. The illumination of the letters is backlit LED lighting that does not impact road safety or detract from the amenity of the building.

Consequently, the proposed sign is considered to satisfy the assessment criteria specified in Schedule 5 of the Policy.

Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

Section 4.15(1)(a)(iii) - The provisions of any development control plan Wagga Wagga Development Control Plan 2010

Proposed development complies with the development standards of the Wagga Wagga Development Control Plan 2010 as follows:

Section 1 - General

1.10 Notification of a Development Application

The application was advertised and notified to adjoining neighbours from 11-18 January 2023 in accordance with the provisions of the DCP. No submissions were received during the notification period.

1.11 Complying with the Wagga Wagga Development Control Plan 2010

Where an application involves the variation of one or more controls within the DCP Council staff have delegation to approve variations but only limited to certain developments. The limitations are that adequate justification must be provided by the applicant for the number of controls being varied, the variation must not relate to multi dwelling housing and no objections shall have been received in relation to any numerical control that is being varied by greater than 10%. The variation proposed is as follows:

- Illumination of a fascia sign (Clause 2.2 - control C15). The control states no illumination.

The proposed variation is discussed in more detail under the applicable section of this report.

Section 2 - Controls that Apply to All Development

2.1 - Vehicle Access and Movements

The development has no impact upon vehicle access movements to and from the site.

2.2 - Off Street Parking

The development has no impact upon parking demands.

2.3 Landscaping

No landscaping is proposed or deemed necessary in this instance.

2.4 - Signage

The Wagga Wagga Development Control Plan 2010 contains specific controls in relation to signage under Section 2.4 of the DCP. The signage proposed is considered to generally comply with the general controls and objectives under this section.

General controls for signage and structures

1. *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: The sign relates to the lawful use of the building.

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

Complies: The proposed signage will not detract from the architectural style of the building as it is to be fitted to the front of an existing awning.

3. *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 sign will not obscure decorative forms or mouldings.

4. *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: The sign is comparable to other signs fitted to awnings on nearby properties.

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

Complies. The lettering is proportionate to the sign.

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

Noted.

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

Complies. The colour of the signage reflects the tile colours that have been fitted to the ground floor façade of the building. The letters are all the same colour.

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

Noted.

9. *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 letters are back lit with LED lighting which is acceptable within the context of the site.

10. *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.*
Not required in this instance.

11. *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

Fascia Signs

C12 Maximum of one (1) building identification sign per building awning.
n/a

C13 Maximum of one (1) business identification sign per tenancy or occupancy.
Complies

C14 Fascia signs must form part of the awning and must not project above or below the awning fascia.

Complies, the sign has been designed to fit within the parameters of the existing awning.

C15 Fascia signs must not be illuminated.

The signage consists of individually back lit letters and does not comply with this control.

The proposed illumination does not use neon or boxed fluorescent lighting and does not emit unnecessary glare beyond the site. There is no danger to pedestrians or vehicles as a result of the illumination and it does not detract from the character of the building or streetscape.

The variation to this control is supported.

C16 Fascia signs should include business identification (i.e. the name and general nature of the approved business carried out in the building or premises to which the fascia awning is attached)

Complies.

2.5 - Safety and Security

There are no safety or security issues believed to arise in relation to the development.

Section 3 - Heritage Conservation

The premises are within the heritage conservation area and within the Fitzmaurice commercial precinct. The controls within this section predominantly relate to new buildings and the retention of original features.

The development is consistent with the following objectives and controls:

- O1 Retain evidence, including layout, of original shopfronts.*
- O2 Encourage reinstatement of traditional features and sympathetic new work.*
- 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.*

Facade treatment

- C1 Retain original elements and features, including features that are above awning level.*
- 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.*
- C5 Rendering or painting face brick is generally not supported.*

The tiling of the ground floor walls to this era of hotels is consistent with the rise of Toothy's & Tooheys Brewing. The tiling retains original elements and features and the change in colour appears to be an improvement on the multicolours utilised previously. The extensive original pressed metal soffit has an appropriate original art deco character and the new individual raised letters suit that character. It is proposed to paint the remainder of the façade in white which has been agreed as suitable by Council's heritage advisor. The signage complements the building, and the removal of above awning advertising is a positive outcome of the upgrades to the façade.

Section 4 - Environmental Hazards and Management

The site is located within Central Wagga and is protected by the levee to the 1:100 year event. The building is existing and there are no anticipated flood impacts as a result of the development.

The subject site is not identified as bush fire prone.

Section 5 - Natural Resource and Landscape Management

This issue has been addressed under Clause 7.6 of the LEP above, given the nature of the works negligible issues are expected.

There are no applicable controls within chapters 6, 7, 8, or 9 of the WWDCP2010.

Section 10 - Business Development

The development site is located within the B3 Commercial Core of the City and this section of the DCP therefore applies.

10.1 City Centre

The new signage and façade alterations to the existing premises promote new ownership and investment into the pub that is beneficial to the viability and vitality of the city centre. The works are consistent with the objectives of this clause to *Reinforce the character and function of the Fitzmaurice Street Precinct*

There are no specific controls that relate to the development as the controls generally focus on new building works to Fitzmaurice Street. One of the general design principles for the city centre is to *Improve the urban design of the centre and encourage quality, built form*. The external alterations to the building have been designed to be sympathetic and consistent with the existing character of the building and locality.

There are no applicable controls within chapters 11, 12, 13, 14, 15 and 16 of the WWDCP2010.

Section 4.15(1)(a)(iia) - Planning Agreements

There is no draft or current planning agreement applicable to this application under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

Section 4.15(1)(a)(iv) - any matters prescribed by the regulations

61(7) Additional matters that consent authority must consider for Wagga Wagga
In determining a development application for development on land to which the Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must take into consideration 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, nor is it close enough to cause any impact that requires further assessment.

Section 4.15(1)(b) - likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, development

Context & Setting

The subject site is within the commercial core and surrounded by a variety of other commercial uses. The proposed works are consistent with the existing context and setting.

Streetscape

The works will impact upon the streetscape to Fitzmaurice Street as the tiling to the ground floor façade is modernised and the building is painted. The presentation to the streetscape otherwise retains the same characteristics including entry doors, bi-fold windows over-looking the street and a large awning over the footpath.

The proposed works are compatible with the heritage characteristics within this part of the city and make a positive contribution to the streetscape.

Traffic, access and parking

No impacts upon vehicle movements or parking.

Public Domain

There is a wide footpath to the front of the building, a sign fitted to an existing awning to the front of the building will have no impact upon this area.

The proposed painting of the front façade may require the use of a hoarding permit to protect pedestrians within the public domain areas of Fitzmaurice Street during works. A separate application for this will be secured by condition.

Heritage

A detailed assessment of the works against applicable LEP and DCP controls was included earlier in the report under part (a).

Air and microclimate

No impacts identified.

Flora and Fauna Trees

Not applicable.

Waste

All forms of waste generated in carrying out the development will be disposed of appropriately.

Energy

No impacts identified.

Noise & vibration

Short term impacts whilst works are completed.

Natural hazards

The site is not identified as flood or bush fire prone.

Social and Economic Impacts

Positive impact with investment into an existing premises together with short-term impacts for contractors to undertake the proposed works. Positive social impact as city centre tenancies within the heritage area are upgraded and remain occupied.

Cumulative Impacts

No negative cumulative impacts are identified.

Setbacks, Building Envelopes

No changes to the existing setbacks of the building.

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 subject site is situated within a heavily modified commercial precinct and the works are not considered to have any adverse impact on biological diversity or ecological integrity. The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly, the principles of ESD are considered to have been followed.

Section 4.15(c) - The Suitability of the site for the development

The subject land is considered to be suitable for the proposed development being an existing commercial property within the city centre. The awning already contains signs and the proposed new signage results in a reduction in other advertising signage upon the building.

The building has a prominent location and is easily accessible within the commercial core. The façade upgrades have been assessed as suitable.

Section 4.15(d) - any submissions made in accordance with the Act or the regulation

Referrals

The application was referred to relevant internal referral groups, conditions of consent have been included as required.

Heritage Advisor

The heritage advisor has visited the site and viewed the works that have already occurred. A summary of his comments is included below:

- The tile work is acceptable
- The sign element on the awning face is acceptable
- Suitable Old School House light fittings are to be fitted on a regular grid spacing to the awning soffit
- The awning soffit is to be painted Dulux Summershade full gloss
- A suitable colour for the external walls is to be provided and agreed with Council as appropriate for the period and style of the Hotel: Dulux Regency White, Domain, Hog Bristle or Ecru are considered as being acceptable
- The window frames & Sills to be a Dark Green to match the tiling such as Deep Bronze Green or similar
- The metal suspension rods between the awning & wall to be Woodland Grey

In response to the above comments. Lighting of a similar style, fitting and spacing to the existing has been fitted to the awning soffit after painting. There is no objection to the flush mounted circular lights. There are no plans to paint any window frames or sills they are all retained as existing. Conditions of consent will secure the painting of the facade and suspension rods above the awning.

The plans identify the painting of the external walls as Dulux regency white, consistent with the advice received, which is acceptable.

Notification

The application was notified to adjoining neighbours from 11-18 January 2023 in accordance with the provisions of the DCP. No submissions were received during the notification period

Advertising

The application was not required to be advertised.

Section 4.15(e) - the public interest

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 supports the ongoing occupancy of city centre business premises which is considered to be in the public interest.

Other Legislative Requirements

Section 1.7 of the EPA Act 1979 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)

The development is on land that is zoned as B3 Commercial Core and it contains no vegetation. In accordance with the above listed legislation there are a number of tests to determine whether the proposed development results in the need for offsets.

Firstly, the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats (7.3). There is no vegetation being removed and the development is not anticipated to result in any adverse impacts upon ecological communities or habitats of threatened species.

Secondly whether the proposed removal of native vegetation exceeds the biodiversity offsets scheme threshold (7.4). There is no vegetation proposed to be removed and therefore the offsets scheme does not apply.

Thirdly whether the development is within a declared area of outstanding biodiversity value. The published biodiversity values map does not include any declared areas at the subject site.

Based on the above assessment the application does not fall within the biodiversity offset scheme.

Relevant matters under the Biodiversity Conservation Act 2016 have been considered

Therefore, no further consideration of these matters is required.

Council Policies

None

Development Contributions - Section 7.11/7.12 Environmental Planning and Assessment Act 1979 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.11/7.12 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Local Infrastructure Contributions Plan 2019-2034 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.12 contribution is calculated as a % of the development cost for developments of a value greater than \$100,000. The cost of development is less than \$100,000 and therefore no contribution is payable.

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

Stormwater

Not applicable as the development is associated with an existing building.

Sewer

Not applicable as there is no increased impact to infrastructure from the development.

Other Approvals

None required

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.

RECOMMENDATION

It is recommended that application number DA22/0713 for Illuminated signage, painting and revised façade treatment to building in heritage area. be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO DA22/0713.

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
22-69	Proposed Signage and front façade alterations	Chris Kendall		3.1.2023
	Statement of Environmental Effects and Heritage Statement	Chris Kendall		3.1.2023

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 the commencement of any works

C.2 If the work involved in the external works to the building:

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

General requirements

C.3 The colour scheme is approved in accordance with the submitted details as follows:

- Dulux Regency White - facade painting above and below awning
- Woodland Grey - suspension rods between wall and awning.

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

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 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any 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 certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.
- NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done 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 that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the

development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)



If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, 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 from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

N/A

<p>Report Prepared & approved by:</p>  <p>Amanda Gray Senior Town Planner</p> <p>Date: 8.5.2023</p>	<p>Report Reviewed by:</p>  <p>Steven Cook Senior Town Planner</p> <p>Date: 8/5/23</p>
---	---