

Statement of Environmental Effects

10 Cottages and Ancillary Development for Motel Accommodation at Magpie's Nest, 20 Pine Gully Road, Estella Utilising Clause 5.10(10) of the WWLEP 2010

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This Statement of Environmental Effects has been prepared by Camilla Rocks, on behalf of the proponents for the development of 20 Pine Gully Road, 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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Version	Amendments	Date
1	Draft issued to Hayley Whyte for review	19.5.23
1.1	Amendments per Hayley White's review – clarify name for the cottages, choice of location, spelling errors	31.5.23
1.3	Inclusion of results of bushfire report	24.11.23

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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 Magpie's Nest (the proponent) to accompany a Development Application (DA) for the site located at 20 Pine Gully Road Gobbagombalin (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 construct tourist and visitor accommodation on the heritage listed site to complement the existing restaurant, utilising the heritage incentive clause to facilitate the development. The site is bushfire prone and for a Special Fire Protection Purpose therefore it will be Integrated Development.

1.2 Site Analysis

The site is formally identified as 20 Pine Gully Road Gobbagombalin, comprising of Lot 1 DP 1048294. The site is an irregular shape, with a wide frontage to Old Narrandera and Pine Gully Roads. It is 7.29 hectares in size. It is situated on the north-eastern side of the intersection of Old Narrandera and Pine Gully Roads, approximately 400m west of the major intersection of Old Narrandera Road and the Olympic Highway. The site is on a rise, sloping down towards Pine Gully Road and is bushfire prone.

This site hosts a dwelling, outbuildings, a restaurant and ancillary vehicle parking, along with an olive grove and vineyard. Vehicle access is via an unsealed driveway from Pine Gully Road. There is no vehicle access from Old Narrandera Road. There is an identification sign at the main entrance.



Figure 1 The dwelling on the site (Noel Thomson)

The property is known as "The Magpie's Nest Restaurant". It is listed as "Estella Homestead, Outbuildings and Stables" (I48) in Wagga Wagga Local Environmental Plan 2010, Schedule 5.



Figure 2 The former stables, now The Magpie's Nest Restaurant (<https://www.facebook.com/MagpiesNestWagga/photos>)



Figure 3 Outbuildings north view (Source: Noel Thomson)

There is vehicle access to Pine Gully Road along the 230-metre-long unsealed driveway, which is planted with trees along the northern side. The driveway leads to the main restaurant car park and forks into a large turning circle around a water feature. Heading east once the driveway enters the main area of the property, there is a road leading to the dwelling and outbuildings. South of the road, there is the restaurant complex.

On the southern side of the entrance drive, there is vineyard, with vines planted in a linear pattern running north-south. The vineyard extends to the edge of the turning head and planting from this area to the eastern boundary is olive trees.

The land adjoining the subject site to the north and east is zoned residential and has been the subject of a recent residential subdivision.

The site has historically been in use as agricultural land. It was a remnant part of Gobbagombalin Station, a holding of 65,000 acres. A subdivision of the station commenced around 1910 and the subject site forms part of a resulting holding, that was later further subdivided to become the suburb of Estella. The current owners purchased the property in 1995. The family planted a vineyard and olive trees and established a restaurant “Magpies Nest”, in the original stone stables building, in 1998 and this has operated continuously since that time. The restaurant has become a sought-after site for weddings, with its distinctive stables building and sweeping vistas across the river flats.

The CMP submitted with this application contains an extensive gallery of photographs of the site.

The site is located in the Wagga Wagga City Council Local Government Area (LGA) and is identified in Figure 1, below.



Figure 4 Identification of the site (Source: SIXmaps)

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



Figure 5 Location of the site (Source: Google Maps)

1.3 Supporting Documentation

- Site, Floor Plan, Elevations prepared by Sewell Design
- Landscape Plan, prepared by somewhere landscape architects
- Statement of Environmental Effects, prepared by Camilla Rocks
- Conservation Management Plan, prepared by Noel Thomson Architecture

2 The Proposal

2.1 Proposed Development

This application seeks approval to construct a number of buildings and ancillary structures to accommodate guests on the site.

It is proposed to construct 10 cottages, 8 being studio rooms and 2 being 2 bedrooms. One of the 2 bedroom cottage will be an accessible design. Each villa is designed around a courtyard and positioned to take in the sunset views over the Malebo range and specifically designed to see over the top of the adjacent residential development to the Malebo range.

Works are proposed to include:

1. New access road off the existing drive
2. New studio villas x 8
3. New 2 bedroom villa x 1
4. New 2 bedroom accessible x 1
5. Earthworks
6. Landscaping structures and planting

The accommodation will be operated by the current owners and the proponents for this development. Guests will check in and out at the restaurant reception, which will be open from 8am until 10pm. Guests will collect their key following check-in. Housekeeping staff will collect dirty linen and deliver to the laundry on the site, where it will be washed, dried, folded and returned for use. Excess linen will be stored in existing storerooms on the site. Housekeeping trolleys will be easily be manoeuvred to the units via the paths.



Figure 6 Proposed development (Sewell Design)

The new access road will connect to the existing driveway and constructed in the same materials (crushed granite) to complement the rural character of the lot and provide all weather access. The road will be 4000mm wide and there are 2 x 3000mm vehicle passing bays and a turning head designed to comply with bushfire access regulations. A walking track at the end of the driveway is proposed to meander through the olive grove to the main restaurant complex.

Earthworks are ancillary to the development and will require minor excavation for the new access road, footings for the proposed cottages, levelling of areas for parking and a batter from the new road downslope to the cottages.

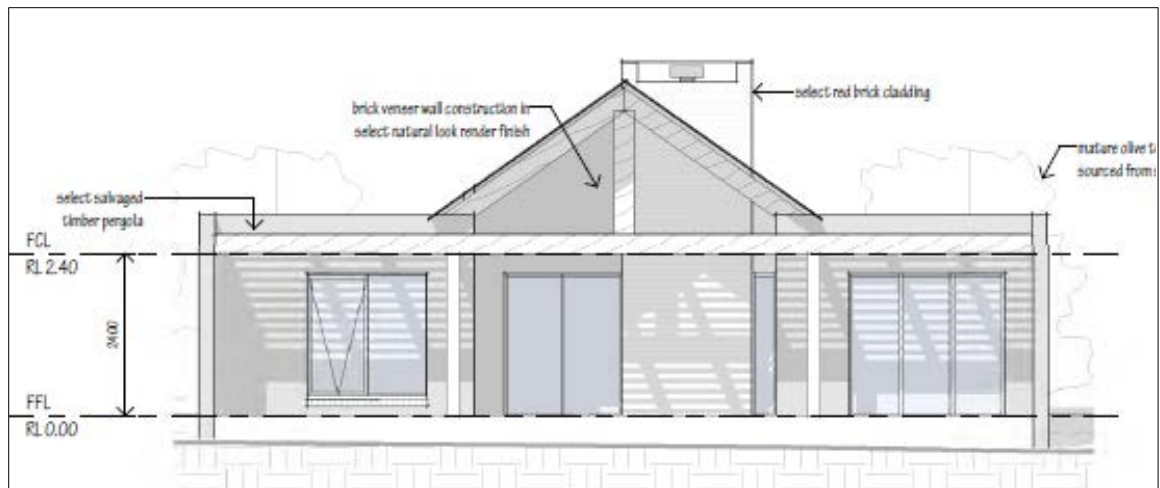


Figure 7 Example elevation of the cottages



Figure 8 Studio Floor plan (Sewell Design)

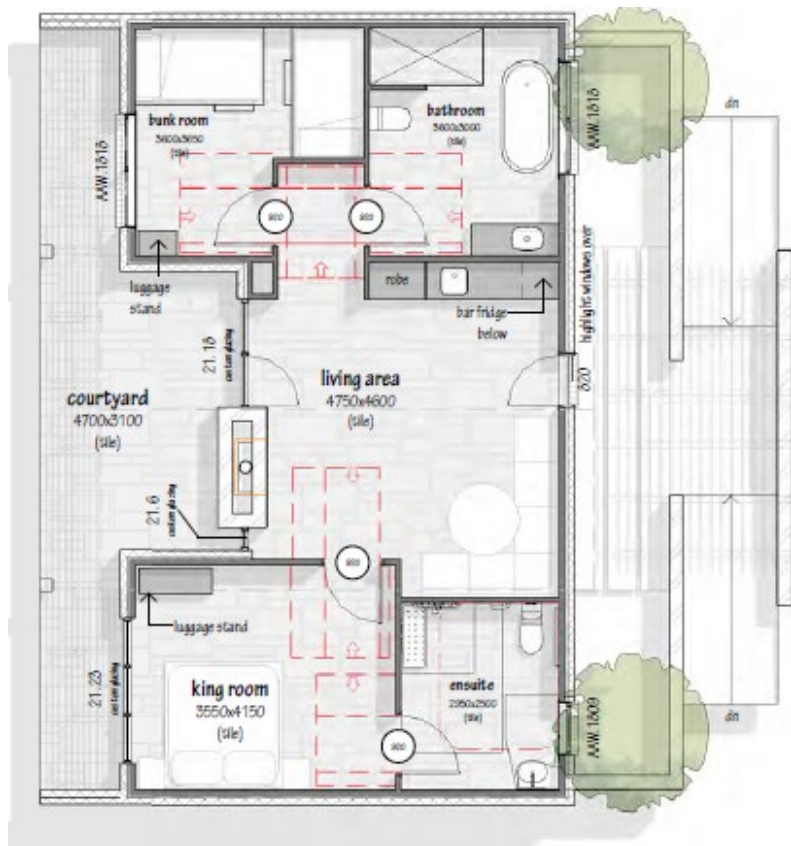


Figure 9 2 bed accessible cottage (Sewell Design)



Figure 10 2 bedroom cottage (Sewell Design)

There will be approximately 10m between each cottage. The cottages will be constructed on the lower side of the new access road and each will have a dedicated parking space. The cottages will be constructed with red brick cladding, Colorbond Windspray door and window frames and roof, features of raw render, lime wash timber and Colorbond Shale Grey fascias and gutters.

There are 8 studio rooms that will have an open plan bedroom/living space including kitchenette, with an ensuite bathroom and private courtyard to the front and rear.

There is one accessible 2 bedroom cottage that will have a large bedroom with ensuite bathroom, additional guest bedroom, main bathroom, open plan living room including kitchenette and private courtyards to the front and rear. Accessible parking is provided immediately adjacent to the entrance in accordance with current regulations.

There is one 2 bedroom cottage with the same features as the accessible cottage.

Landscaping has been carefully designed to embellish the development whilst maintaining the existing rural character of the site. Planting is proposed at the intersection of the existing driveway and new driveway to provide a threshold to the residential precinct and to deter parking in this area, keeping it to the marked out areas. Retaining walls are avoided by planting out level changes.

Where soil needs to be retained, walls are proposed that double as seating within the courtyards. Relocated Olive trees (*Olea europaea*) will be used as lineal plantings and deciduous trees such as Crepe Myrtles (*Lagerstroemia indica*) planted in locations for northern light. A Mediterranean planting palette with silver undertones will be used to complement the existing Olives and Grape vines. Low water use/ low maintenance species have been selected for a granite/ shallow soil hill.

Consent is sought utilising the heritage incentive provisions of the Wagga Wagga Local Environmental Plan 2010 (LEP) and these provisions are addressed in detail in part 3.4 of this report. The proponents have analysed the Conservation Management Plan (CMP) prepared for the site and have proposed a staged approach to the necessary conservation and restoration works. High priority works are for the conservation, maintenance and repairs to the homestead and outbuildings. Work (apart from emergency repairs) will not commence until the cottages are constructed and operating. The income from the cottages will be directed towards the schedule of works outlined in the CMP. We acknowledge that using the incentives clause obligates the owners to complete the works and seek council's support for a staged approach to this, with a goal to complete all works outlined in the CMP within 10 years of the completion of the cottages. Having consulted with qualified trades, the proponents believe this is a realistic and achievable timeframe in order to satisfy all LEP provisions for heritage development and use of Clause 5.10. Should consent be granted to this proposal, we propose that the works outlined in the CMP Management and Maintenance Plan be permitted to be undertaken under the provisions of Clause 5.10(3) of the WLEP.

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 policies are applicable to the proposed development:

- ❖ Wagga Wagga Local Environmental Plan (WLEP) 2010
- ❖ Wagga Wagga Development Control Plan (WDGP) 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 State Environmental Planning Policy (Resilience and Hazards) 2021

The information publicly available about former uses of the site indicates that the land was used for agriculture since the arrival of Europeans to the area. The current use of the site as a vineyard and olive grove has continued since 1995. This use is likely to have involved the use of herbicides and

pesticides, potentially contaminating substances. The vineyard and olive grove will remain a significant land use on the site. This proposal adds the use of tourist accommodation.

The site is not listed as contaminated land on Intramaps. 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 may be contaminated from the historic agricultural use but that the land use is to continue into the foreseeable future.

3.4 Wagga Wagga Local Environmental Plan 2010

3.4.1 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.

3.4.2 Part 2 Permitted or Prohibited Development

3.4.2.1 *Land Use Zone and Permissibility*

Under the provisions of the WWLEP2010, the subject site is zoned C4 – Environmental Living.

The Objectives of the zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for development that can assist in the enhancement, management and restoration of those values.*

The proposal is not inconsistent with these objectives. The land was rezoned to C4 on the advice of the council, to afford it some protection from the developing residential area surrounding it. The proposal is for motel accommodation, which is specifically excluded from the definition of residential accommodation in the dictionary of the WWLEP. The most relevant objective, therefore, is the third. The proposed cottages will provide an enhanced visitor experience on the site and contribute to the restoration work that is required to maintain the heritage items on the site. This is outlined in more detail below.

The proposed use is defined as hotel/motel accommodation.

Hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

- comprises rooms or self-contained suites, and*
- may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note— *Hotel or motel accommodation is a type of tourist and visitor accommodation.*

The proposed land use meets this definition because the development comprises self-contained suites, may provide meals to guests and the general public and provides parking facilities for guests' vehicles, adjacent to the suites.

The development does not meet the definition of:

- backpackers' accommodation because the suites are rented on a per room basis, not per bed;
- a boarding house because it provides short stay accommodation to tourists and visitors attending events at the restaurant and is not available for stays as long as 3 months; or
- bed and breakfast accommodation because the suites will be newly constructed and are not an existing dwelling;

The proposed development could satisfy the definition of farm stay accommodation; however, this use is generally characterised by participation in farm activities and has limits placed on the number of bedrooms that can be provided. We further note that the subject site is not within a rural zone. We therefore submit that the development is best characterised as hotel or motel accommodation.

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

Hotel/motel accommodation is prohibited in the C4 zone. Accordingly, the proponent will make use of the Conservation Incentive clause Section 5.10(10) of the WLEP 2010 which provides that Wagga Wagga City Council can grant approval for an otherwise prohibited proposal if it is satisfied that the conservation of the heritage item would not be adversely affected.

3.4.3 Part 3 Exempt & Complying Development

There are no provisions relevant to the site or the development in this Part.

3.4.4 Part 4 Principal Development Standards

There are no provisions relevant to the site or the development in this Part.

3.4.5 Part 5 Miscellaneous Provisions

3.4.5.1 5.10 Heritage conservation

3.4.5.1.1 Clause 5.10(1) Objectives

The objectives of this clause are as follows—

- to conserve the environmental heritage of Wagga Wagga,
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- to conserve archaeological sites,
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

The proposed development is consistent with the objectives. The proposal will contribute to the conservation of the environmental heritage of Wagga Wagga by supporting the restoration of one of its oldest sites. The proposed development is designed to conserve the heritage significance of the heritage items on the site, including the fabric, setting and views, as outlined in this report.

3.4.5.1.2 Clause 5.10 (2) Requirement for consent

Development consent is required for erecting a building on land on which a heritage item is located. The submission of this Development Application satisfies this requirement.

3.4.5.1.3 Clause 5.10(3) When consent not required

However, development consent under this clause is not required in certain circumstances. There are no circumstances relevant to the proposed development therefore consent is required.

3.4.5.1.4 Clause 5.10(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6). Council's heritage advisor was invited to the site in the initial planning phase. The report received from him states in part *"There is no planting to the road sides. There is no landscape setting to the road which would produce a rural setting. The boundary to this portion of the subdivision is fenced to provide privacy to a particular dwelling. The subdivision plan appears to have preferenced a layout based on internal matters and has not addressed the streetscape character of the setting. There is no evidence that the heritage significance of the subject listed property has been addressed."* Advice was provided that perimeter planting is recommended to the site to reduce the visual impact of the surrounding suburban development whilst not reducing the district views. The landscape plan submitted with this application illustrates the proposed planting which will contribute to the heritage significance of the site by screening the newer development but retaining the views towards the river.

The proposed accommodation cottages are located downslope of the listed items on the site, and a short distance away. They are placed in a row for privacy and with reference to the linear aspects of the site – the rows of grapevines, olive trees, roads through the site. The cottages are designed to be low profile and will not interrupt views to and from the item, will not intrude upon the curtilage of the item and will not detract from the heritage significance of the item.

The existing homestead, outbuildings and restaurant, all items listed in Schedule 5 of the WLEP, will not be altered under this proposal. The use will not change and no physical works are proposed. The guiding conservation policy is that the "Estella Homestead & Outbuildings" including the 'Magpies Nest Restaurant' shall be conserved and appropriately managed in a manner respecting its cultural and heritage significance. The features intrinsic to that heritage significance are to be conserved, and change will be consistent and sympathetic with the viable use or uses. The Burra Charter forms the basis of all work to the site and an analysis of the policies is provided within the CMP.

3.4.5.1.5 Clause 5.10(5) Heritage assessment

Council staff confirmed that the provision of a Heritage Impact Statement with this application would not be required given the Conservation Management Plan that is provided.

3.4.5.1.6 Clause 5.10(6) Heritage conservation management plans

A Conservation Management Plan has been compiled by Noel Thomson Architecture and this document is submitted in support of the Development Application.

3.4.5.1.7 Clause 5.10(7) Archaeological sites

The subject site is not an archaeological site.

3.4.5.1.8 Clause 5.10(8) Aboriginal places of heritage significance

The subject site is not an Aboriginal place of heritage significance.

3.4.5.1.9 Clause 5.10(9) Demolition of nominated State heritage items

The proposal does not include the demolition of a nominated State heritage item.

3.4.5.1.10 Clause 5.10(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected..... even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that the following matters are adequately addressed:

3.4.5.1.10.1 The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent

David Fox v North Sydney Council [2016] NSWLEC 1366 at [par. 47]: *Facilitating conservation requires a higher threshold than just ensuring the proposal does not adversely impact on the identified heritage significance of an item. In order to facilitate the conservation of the heritage item, the proposal must assist in retaining its cultural significance, such as by revealing and interpreting the heritage significance of the item.*

The average profit margin for restaurants, as advised by the property owner, is 4.8%. As outlined in the CMP for the site and below, there is an extensive amount of work required to repair the heritage items on the site and maintain them into the future. We have already established the unique attributes of the site and, in particular, the former stables building, now restaurant. In order to maintain the site to the standard which will retain its heritage significance, the owners have looked at new avenues of income and are confident that the proposed accommodation will provide additional income that can be utilised in completing the work recommended in the CMP.

The CMP discusses the implementation of a masterplan for the site.

Once Wagga Wagga City Council approval received for the 'Development' at the "Estella Homestead & Outbuildings" site (including the 'Magpies Nest' Restaurant) that forms part of this CMP, arrangements should be put in place to engage a full team of consultants with relevant experience, including heritage, services, structure and landscape consultants to assist in the preparation of tender / construction documentation for the implementation of the masterplan designs for the for accommodation units.

The cost of conserving the significant parts of the homestead and outbuildings and upgrading to an acceptable standard is likely to be challenging in these current times due to the unavailability of local resources in the short term. As is often the case with heritage projects such as these, staged implementation of the works (conservation of homestead & outbuildings, proposed accommodation units), is likely to be the adopted strategy. In determining priorities, both the cost and the need to be

considered, with one of the major exercises finding suitable tradesmen for the 'brick wall repairs'. High priority works are for the conservation / maintenance repairs which will assist in the long-term structural capability of the homestead and outbuildings along with the expansion / new accommodation units that will assist in the long-term viability of the site, buildings and complex.

The proposed development will provide visitors with a unique experience, staying amongst the vines, with striking vistas down to the river. The history of the site, as one of the oldest agricultural holdings in Wagga Wagga, has been interpreted to date with the adaptive re-use of the stables to a restaurant, and the planting of a vineyard and olive grove, a more intensive agricultural use but appropriate for the size of the remnant lot. The provision of tourist accommodation on the site will not detract from the cultural significance of the site and will allow visitors to enjoy its special attributes.

An extensive site management and maintenance plan was developed in the CMP as well as a list of restoration works required to the complex. The following works are required to the site:

Estella Homestead

Generally, the Homestead building has been 'renovated' many times over the years with some of the later 'infilled' verandah areas to the southern side being of a poor standard and either removal or renovation is required.

External:

- Roof repair needed – some signs of rust check for loose fixings, and rescrew all loose sheets, make good all hip and ridge cappings, rescrew and pop rivet as necessary to stop leaks.
- Repair and replace valley gutters as necessary
- Replace eaves gutters with new 'Quad' gutters as required with grade to new downpipes
- Repaint roof on completion.
- External repairs to fabric and painting, continue painting to external areas at verandah, doors, windows, rear areas etc. Repair/replace timber areas at eaves + verandah beams/posts windows prior to repainting.
- Replace rotted or damaged portions of timber elements; small portions can be replaced with two pack auto body filler
- Remove all perished, chalked and cracked paint
- Service, repair, refit doors, windows, flyscreens etc
- Repaint timber; first coat acrylic timber primer then fill & sand, second & third coats in acrylic gloss.
- Upgrade of plumbing and drainage runoff front roof connect downpipes that discharge onto ground to new storm water drains to rubble area a minimum of 8m away from building on downhill slope.
- Remove later added infill to verandah at south side and restore verandah/new posts.
- Repair/restore stonework base to verandah, repoint as required.
- Garden areas to be enhanced and maintained.

Internal:

- Ceiling plaster repairs internal where water damage evident + repainting
- Repair cracking to walls/plaster finishes prior to repainting

- Check electrical/ fire safety services to the building as reconnection/supply has recently been upgraded.
- Check and refurbish fireplaces and hearths throughout the house to ensure correct operation.
- Restore the fire damaged timber door by sourcing matching timber for panels

Stables/Restaurant

The Former Stables building having been 'renovated' and converted to restaurant is generally in good condition.

Restaurant/Dining Area

- Check Stability of stonework/brickwork at walls and repaint as required – particularly at entry and bar area.
- Deteriorated timber barge at west roof required replacement in 'like for like' section.
- Carefully check over corrugated iron sheeting ridge cappings and valleys, repair and replace as necessary, rescrew fix, lifting laps iron. Pop rivet laps between battens.
- Supply and install galvanised 'Harper' barge rolls to gable ends at top of barge boards and scotia.
- Check timber panelled infilled windows and loft doors as appear deteriorated, sand and refinish in clear lacquer.
- Check the glazed screen and doors at dining and link/verandah areas for cracked glazing and deteriorated timber frames. Sand and refinish all timber work.

Loft Area

- Check Stability of Stonework and timber flooring/roof structure and replace deteriorated areas with 'like for like' materials.
- Check windows for deterioration and to be repaired/refinished as required.
- Check timber flooring for damage and repairs required, sand and seal all timber with tung-oil.

Kitchen + Amenities

- Tiled finish to floors to be checked for damage replace as required.
- Check all fixtures and fittings at amenities to ensure safe/in working order + pipework for any leakages.
- Check kitchen walls, flooring + ceiling for sealed surfaces – repoint any areas of concern.

Courtyard

- Check brick paving to ensure no uneven areas that could cause trip hazard.

Outbuilding 1

Generally, the Homestead Outbuildings are in poor / very poor condition and extensive repairs are required to stabilise the brickwork structures.

Kitchen

External:

- Roof repair needed – some signs of rust check for loose fixings, finishings, leaks – Repaint roof on completion. Remove dilapidated roof sheets only and replace with re-rolled (recycled) galvanised corrugated iron. Screw fix with old style round head roofing screws and lead washers.
- Walls consist of double brickwork laid in lime mortar and are showing signs of deterioration (rising damp, fireplaces & chimneys removed) and movement, cracking in several places.
- Insert 'Alcor' aluminium damp proof course full width continuous (lapped) to brick walls at as near to ground as possible. Cut out mortar bed course with cross cut saw in one metre alternate sections; insert 'Alcor' sheet and re-bed with lime mortar packed in as dry as possible.
- Experienced bricklayer required to replace the deteriorated bricks with 'like matching' salvaged bricks and rebuild walls with lime mortar to requirements of Heritage NSW Factsheets and below;
- Relay damaged walls using matching old bricks laid in 1:3 lime to sand mixed 24 hours before use; carefully fill joints and cut off mortar flush with face of brick. DO NOT STRIKE JOINTS – brush brickwork clean on completion.
- Roof structures consisting of timber framing with corrugated galvanised iron roofing are in need of repairs – as well as timber fascia, barge and guttering & downpipes.
- The joinery (doors and windows) is in poor condition, deteriorated windows sashes and missing windows + glass panes and damaged doors.
- Make good existing door and window frames, replace as necessary and refix into walls. Install 'Alcor' flashings to heads and sills. Repair, service and replace doors and sashes with patterns to match remaining late Victorian fabric.
- Replace missing elements/windows to match existing and ensure external walls/window junctions are watertight. Undertake repairs/replacement of damaged timber sections at doors, windows, barge, eaves, fascia as required and paint on completion.
- Original ceilings have been replaced with fibrous plaster and internal walls have been crudely rendered (most damaged and requires removal or replacing) and painted or where brickwork paint finish applied.
- Repair internal walls, repair cracking and damaged render finishes and repaint. Prepare, prime, fill, undercoat and finish for each differing material / area.

Stores

- Walls comprising of brickwork have deteriorated due to rising damp – address the damp course to requirements of Heritage NSW factsheets and replace bricks with 'salvaged' bricks
- Restore deteriorated timber doors to ensure they can close into openings and repaint.
- Windows to be repaired and repainting required.

Outbuilding 2

Generally, the Homestead Outbuildings have been altered over the years but are in poor / very poor condition and extensive repairs are required to stabilise the brickwork structures.

Staff

- Repair and make good remaining existing timber floors. Replace missing timber floors set on ground using min 100x50 joists at 450crs and flooring of size to match existing with square edges. Floor joists, plates and flooring shall be pressure treated Pinus Radiata.
- Check timber flooring for damage and repairs required, sand and seal all timber with tung-oil.

Separator Room

- Cracking in brickwork above window and door openings to be repaired/rebuilt as required.
- New window required at opening where missing and to closely match existing on installation.

3.4.5.1.10.2 The proposed development is in accordance with a heritage management document that has been approved by the consent authority

A Conservation Management Plan has been prepared by Noel Thomson Architecture and is submitted in support of this application. Wagga Wagga City Council has not approved the CMP as yet however we trust it will be approved prior to lodgement or as part of the application.

3.4.5.1.10.3 The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out

The proponents are committed to restoring the heritage items on the site and the proposed development will facilitate that by providing an income that can be directed to the works. There is no objection from the proponents to council requiring the necessary conservation work to be undertaken by the owners within a reasonable time period.

3.4.5.1.10.4 The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance

The Statement of Significance (NSW Heritage Inventory) for the property states: *The Estella house and stables complex is significant as a remnant of the early pastoral settlement around what is now the City of Wagga Wagga. The stone stables are especially notable as they are the only ones of their type located within the study area.*

The CMP prepared by Noel Thomson Architecture updates the Statement of Significance to the following:

The 'Estella Homestead & outbuilding' complex and land is significant as a remnant of the early pastoral settlement in the Riverina on the outskirts of what is now Wagga Wagga. The settlement of Gobbagombalin Station and later Estella Homestead has strong associations with Abraham Booth, John Fletcher, Edward Crouch and the Dinnell families prior to the purchase by Council for the residential development and establishment of the suburb of Estella. The 'Estella Homestead & outbuilding' complex and land is now associated the Whyte family since its purchase in the late 1990's and the establishment of 'Magpies Nest'. The Homestead complex and outbuildings have aesthetic qualities and are significant as they are a rarity in the Wagga Wagga LGA and the former stone stables (now restaurant) is the only surviving example of its type.

The proposed development retains the items that are listed as significant without any physical changes. The development maintains the existing curtilage around the heritage item. The proposed accommodation units are deliberately placed downslope of the heritage item to retain its prominence in the landscape. The design is modern and readily identifiable as such, but referenced from the existing stables, using red brick, corrugated metal, timber and raw look render on some walls.

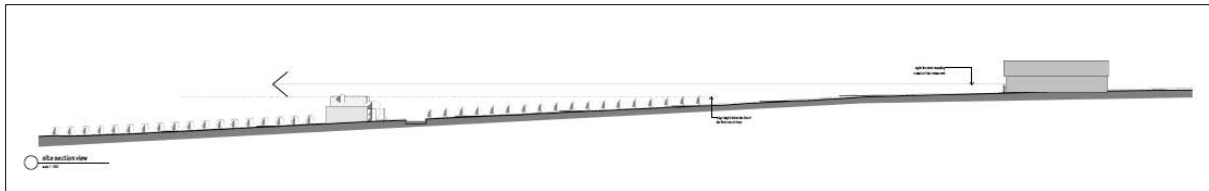


Figure 11 Section from proposed plan

Figure 1 illustrates the location of the cottages downslope from the stables building and how the location was selected so as not to interrupt views from the item. New work respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.



Figure 12 Existing view from accommodation area to the restaurant (former stables)

3.4.5.1.10.5 The proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The site is already in established use as a restaurant and function centre, with a focus on weddings. The additional accommodation would be utilized by attendees at the functions and would not necessarily increase the number of visitors to the site for those events. The proposal would provide tourist accommodation on the northern side of Wagga Wagga, where there are only a few approved premises. With accommodation for up to 22 people on the site, there may be a minor reduction in traffic to the site on the date of the function, however we consider the impact negligible.

The accommodation cottages are 1 bedroom so can only host a small group (no more than 4 but preferably 2 people). Their principal function is to accommodate the wedding party and family, noting that weddings are the primary form of functions at the site. There will not be large groups of people on the site that could generate the kind of noise that would affect the closest residents along Pine Gully Road.

The boundary of the site along Pine Gully Road is being planted with screening vegetation, which will visually screen the development from the Gobbagombalin side of Pine Gully Road.

Impacts of the development are addressed in the final section of this report; however we conclude that there will be negligible impact on the amenity of the surrounding area from the proposed accommodation.

3.4.6 Part 6 Urban Release Areas

The site is not within an Urban Release Area.

3.4.7 Part 7 Additional Local Provisions

3.4.7.1 Clause 7.1A Earthworks

Some earthworks are required as ancillary works to the construction of the access and villas. Separate consent is not required for the proposed earthworks.

3.4.7.2 Clause 7.3 Biodiversity

A good proportion of the site is mapped Biodiversity. There is minimal native vegetation on site and the proponents have undertaken extensive planting and landscaping as part of the intensive agriculture uses, landscaping of the restaurant and dwelling areas, perimeter, windbreak and erosion control planting.



Figure 13 Extract from Biodiversity map, Wagga Wagga LEP 2010

The original subdivision was subject to an Eight Part Test, with all species identified on site listed within the report and no concerns raised that the subdivision would detrimentally impact species. The development is designed and sited and will be managed to avoid potential environmental impacts. The objective of this clause is to protect, maintain or improve the diversity of the native vegetation. As there is no proposal for the removal of native vegetation from site, the biodiversity is maintained and the objective of the clause is satisfied.

3.4.7.3 Clause 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 for alterations and additions to an existing restaurant site which was established in 1998 and does not detract from the CBD. The accommodation provides for up to 22 people, and will generally host

a wedding party. For a function with an average of 120 people, the majority of guests will seek accommodation in other parts of Wagga Wagga. Suburban accommodation contributes to the local economy beyond the CBD. It supports businesses in those areas, creating jobs and stimulating economic growth. This broader economic impact indirectly benefits the CBD.

In summary, strategically placed suburban accommodation can balance tourism by supporting both the CBD and its surrounding areas, ensuring sustainable growth and maintaining the CBD's significance. The proposed development supports the primacy of the Wagga Wagga CBD.

3.4.7.4 Clause 7.11 Airspace Operations

The development will not extend further than the existing rooflines on the site and will not penetrate the Obstacle Limitation Surface. The development is not within an ANEF contour of 20 or greater and is not affected by this clause.

3.5 Wagga Wagga Development Control Plan 2010

The WDCP is addressed as follows:

WDCP 2010 Chapter	Relevance to this proposed development
Part A General	
Section 1 General	Relevant sections of the chapter are noted
Part B	
Section 2 Controls That Apply to All Development	Relevant sections of the chapter are discussed below
Section 3 Heritage Conservation	Relevant sections of the chapter are discussed below
Section 4 Environmental Hazards & Management	Relevant sections of the chapter are discussed below
Section 5 Natural Resource & Landscape Management	Relevant sections of the chapter are discussed below
Part C	
Section 6 Villages	This chapter is not relevant to this proposal
Part D	
Section 7 Subdivision	This chapter is not relevant to this proposal
Section 8 Rural Development	This chapter is not relevant to this proposal
Section 9 Residential Development	This chapter is not relevant to this proposal
Section 10 Business Development	This chapter is not relevant to this proposal
Section 11 Industrial Development	This chapter is not relevant to this proposal
Section 12 Specific Uses and Developments	Relevant sections of the chapter are discussed below
Part E	
Section 13 Bomen Urban Release Area	This chapter is not relevant to this proposal
Section 14 Boorooma Urban Release Area	This chapter is not relevant to this proposal
Section 15 Lloyd Urban Release Area	This chapter is not relevant to this proposal
Section 16 Gobbagombalin Urban Release Area	This chapter is not relevant to this proposal

3.5.1 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 also required. The proposal is compliant with all relevant DCP provisions and no variation is sought.

3.5.2 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 Pine Gully Road will be retained, with no new access points proposed.

The proposal is consistent with all the controls relating to vehicle access. Council staff have indicated that a Traffic Impact Study is not required. The proposal retains all existing vehicle movement and parking areas, which are compliant with all controls.

A new driveway is proposed off the existing to provide dedicated access to the proposed cottages. It will terminate in a turning bay to conform with bushfire access requirements.

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. The existing vehicle movement, parking and footpaths are retained for safe and efficient movement of vehicles and pedestrians.

Parking for each cottage will be provided with one space per cottage and an accessible space and shared area adjacent to the accessible cottage.

Staff servicing the cottages will park either in the main carpark or in a vacant space in the cottage precinct and it is not considered necessary to provide additional places for staff, given the nature and scale of the development.

Landscaping

The objectives for this section are:

O1 Promote designed landscapes as part of a fully integrated approach to site development within residential, industrial and commercial areas.

O2 Retain and protect existing vegetation, particularly large and medium trees, and conserve significant natural features of the site.

O3 Encourage landscape that responds to existing site conditions, local character and creates and enhances living and working environments whilst discouraging the opportunities for crime and vandalism.

- O4 Ensure the landscape adequately complements the proposed built forms and minimises the impacts of scale, mass and bulk of the development on the existing area and surrounding streetscapes, view sheds and neighbourhood amenity.*
- O5 Promote the use of indigenous and other low maintenance plant material suitable to the climatic extremes of the local area, particularly the use of plant material with low water requirements.*
- O6 Encourage landscape that can be effectively maintained to a high standard for the life of the development.*
- O7 Enhance and define entry areas and to frame views from and into the development via the use of landscaping.*

All existing landscaping will be retained. A planted buffer will be commenced along the Pine Gully Road boundary and a conceptual landscape plan has been prepared by Somewhere Landscape Architects and submitted with this application.

Signage

No additional signage is proposed to the public facing areas of the site. Internal wayfinding and directional signage will be erected to direct traffic to the restaurant or accommodation precincts and this would fall under exempt development provisions.

Safety and Security

The proposal is consistent with the objectives of this section:

- O1 Incorporate crime prevention strategies in new developments.*
- O2 Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.*
- O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.*

The building and site layout will clearly define public and staff areas, with appropriate internal signage and wayfinding to guide visitors.

The development is not of a scale that would require a Crime Safety Assessment. The design does not create any potential areas of entrapment. Security lighting will be fitted to illuminate the accesses and parking but will be at levels to comply with outdoor lighting regulations.

Erosion and Sediment Control

- O1 Protect the environment against soil erosion and loss of soil from construction sites.*
- O2 Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.*
- O3 Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.*
- O4 Promote the implementation of erosion and sediment control measures by persons undertaking construction and earthworks activities to prevent the loss of soil from the site.*

Contractors working on the development will comply with all requirements for mitigation of soil loss from construction sites, with standard barriers around drains, cleaning of vehicles and sediment fencing during construction.

3.5.3 Section 3 Heritage

Please refer to the Conservation Management Plan (Noel Thomson Architecture) submitted with this application for a detailed analysis of the site, existing condition and recommended works schedule.

3.5.3.1 Building Styles

This section is noted however does not contain controls relevant to the proposed development.

3.5.3.2 Heritage Items

3.5.3.2.1 Clause 3.2.1 Alterations and additions to heritage items

This section is not applicable as there is no proposal to alter the heritage items on the site.

3.5.3.2.2 Clause 3.2.2 Materials, finishes and colours

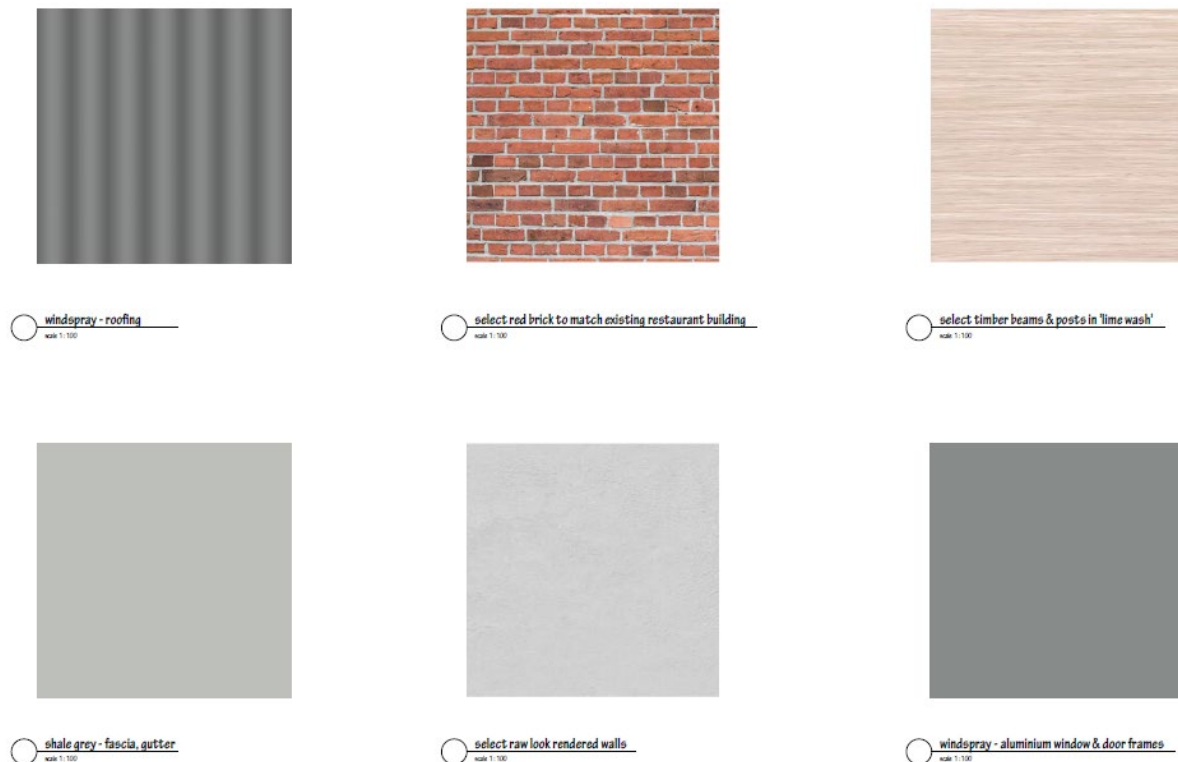


Figure 14 Proposed materials and colours (Sewell Design)

Materials and colours are proposed to reference and complement the existing buildings on the site. The listed buildings are the stone stables, with red brick trim and the dwelling, which is rendered brick. The proposed red brick cottages will complement the existing heritage listed buildings with a timeless colour palette.

The walls are proposed in red brick. Roofing and frames will be Colorbond Windspray, with other trim proposed in Colorbond Shale Grey. Features of raw rendered walls and lime wash posts will introduce a modern element that will complement the existing buildings on site.

3.5.3.2.3 Clause 3.2.3 Adaptive reuse of heritage items

The proposal is not for adaptive re-use of the heritage items.

3.5.3.2.4 Clause 3.2.4 Development in the vicinity of a heritage item

The proposal is for the construction of accommodation cottages in the vicinity of the heritage items on the site therefore this section is relevant.

The objective of this section is to encourage development in the vicinity of a heritage item to be designed and sited to protect the significance of the heritage item.

C1 Alterations and additions to the buildings and structure, and new development are to be designed to respect and compliment the heritage item in terms of building envelope, proportions, materials, colours, finishes and building street alignment.

The new development is proposed to be constructed downslope of the heritage items and a minimum of 80 metres from the stables building, now restaurant. The cottages are small scale, one (x8) and two(x2) bedroom cottages that are separated from each other and aligned along the contour of the land in a linear fashion reflecting the linear landscape. They are setback a minimum of 80 metres from Pine Gully Road, well behind the C2 zone to the north of the site and therefore having no building line to match.

Colours are outlined above and have been selected to blend into the landscape and complement the heritage items on the site.

C2 Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:

- a) Providing an adequate area around the heritage item to allow its interpretation.*
- b) Retaining original or significant landscaping associated with the heritage item.*
- c) Protecting and allowing the interpretation of archaeological features associated with the heritage item.*
- d) Retaining and respecting significant views to and from the heritage item.*

The development retains a minimum 80 metres wide curtilage around the stables building and even greater around the dwelling. The restaurant and dwelling group will retain their significance in the landscape and will be able to be interpreted as a group. No landscaping will be removed apart from parts of the vineyard.

The cottages are placed downslope of the item to protect the views to and from the stables building.

3.5.3.2.5 [Clause 3.3 Wagga Wagga Heritage Conservation Area](#)

The site is not within the Conservation Area therefore this section is not applicable.

3.5.3.2.6 [Clause 3.4 Community and cultural heritage](#)

The site is not a public building therefore this section is not applicable.

3.5.3.2.7 [Clause 3.5 Trees and natural heritage](#)

There are no natural heritage items on the site.

3.5.4 Section 4 Environmental Hazards and Management

The site is not within the flood planning area.

The site is identified as falling within bushfire prone land. A bushfire assessment was undertaken by Ember Consulting. The report evaluates the bushfire threat to the property, assesses the capacity of the site to provide the necessary bushfire protection measures and demonstrates that the proposal can satisfy the objectives of Planning for Bushfire Protection 2019 (PBP 2019).

Topography was assessed as being open and slightly undulating, with slope assessed as ranging from upslope to 5° downslope.

Vegetation was assessed as grassland external to the site, noting the well maintained vegetation within the site. The existing maintenance regime has kept the olive grove and vineyard with minimal fuel condition. The subject site was considered managed land, and the olive grove and vineyard

assessed as Low Threat Vegetation. The assessment requires APZs to be established and maintained in perpetuity as follows:

North – 20m

East – 28m.

Landscaping within the APZ is required to be managed as an Inner Protection Area (IPA) and the submitted landscape plan is consistent with this requirement.

The report recommends that the cottages be constructed to BAL12.5 level of construction.

The access road will be required to meet the specifications outlined in PBP 2019 and include a 12m turning head at the end.

The existing pond satisfies the water supply requirements of PBP 2019, with a capacity of 300,000L. The site is also connected to the reticulated water system supplied by Riverina Water. Power supply is via overhead lines and no gas will be connected to the cottages.

A Bush Fire Emergency Management and Evacuation Plan is required to be prepared and plans of the emergency assembly areas displayed on site.

Based on the bushfire assessment by Ember Consulting, the development can meet the specific objectives for Special Fire Protection Purposes and is able to comply with the objectives of PBP 2019.

3.5.5 Section 5 Natural Resource and Landscape Management

This section applies to land zoned E2 environmental conservation zone and E4 environmental living zone or subject to the biodiversity, land, waterways or groundwater overlays of the LEP, as specified as follows:

- (a) land that is identified as a “Sensitive area” on the Natural Resources Sensitivity Map - Biodiversity
- (b) land that is identified as a “Sensitive area” on the Natural Resources Sensitivity Map – Land
- (c) land that is:
 - i. identified as a “Sensitive area” on the Natural Resources Sensitivity Map - Water, or
 - ii. situated within 40m of the of the bank or shore (measured horizontally from the top of the bank or shore), of a waterway on land identified in subclause (i) above.

The subject land is subject to this section under clause (a) and (c) above.

C1 Development is to be consistent with any Conservation Management Plan prepared for land in the E2 zone.

There is no Conservation Management Plan that has been prepared for the subject land.

C2 An application for development consent on land identified as a “Sensitive area” on the Natural Resources Sensitivity Map – Biodiversity shall be accompanied by a report that addresses the following matters:

- a. *identification of any potential adverse impact of the proposed development on any of the following:*
 - i. *a native vegetation community,*

- ii. *the habitat of any threatened species, population or ecological community,*
- iii. *a regionally, state or nationally significant species of plant, animal or habitat,*
- iv. *a habitat corridor,*
- v. *a wetland,*
- vi. *the biodiversity values within a reserve, including a road reserve or a stock route,*
and
- b. *a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.*

The proposed development is to be located within the established vineyard, with the removal of vines as required. It will not disturb any native vegetation, habitat or wetland. We cannot identify any adverse impacts on any of the matters listed above.

C3 Damage to the Tree Protection Zone (TPZ) as specified in AS4970-2009 (Protection of trees on development sites - Australian Standard) is to be avoided. This includes both the cutting of roots and/or the compaction of soil within the TPZ.

No work is proposed in the vicinity of significant trees.

C4 Any soil disturbance within the E2 and E4 Zone or the biodiversity overlay area should be rehabilitated using native grasses and forbs.

Only the cultivated area of the site will be disturbed.

C5 To ensure that any native plantings are retained or asset protection zones maintained the owner must apply a covenant to the land as part of the conditions of consent which would require native planting and/or asset protection zones to be retained.

C6 Fencing of native vegetation (as outlined in Section 5.3 C2, C8 and C17) is not to include barbed wire and is to have a bottom strand no lower than 40cm above the ground, unless rabbit proof fencing is being used.

There is no native planting remaining on the site.

3.5.6 Section 12 Specific Uses and Developments

3.5.6.1 *Clause 12.9 Tourist and Visitor Accommodation*

The Objectives of this section are:

O1 To promote tourism within Wagga Wagga Local Government Area, and to facilitate growth in the local tourism economy;

O2 To ensure that tourism and visitor accommodation is established with consideration of the surrounding environment, landscape and land uses, and to mitigate potential land use conflict.

O3 Tourist Accommodation is designed, constructed and operated on the basis of sustainable practices, including building materials, energy efficiency, and self sufficient water supply and waste disposal.

The proposal is consistent with the objectives as the accommodation has been designed in consideration of the surrounding environment and in accordance with sustainable practices.

Tourist and Visitor Accommodation

Controls

C1 Buildings within tourist and visitor accommodation development (including ancillary facilities such as restaurants, conference, recreation, educational facilities or other similar development) must be designed, positioned, and set back from property boundaries in a manner that is consistent with other development in the locality, in order to maintain the character and visual amenity of the area.

The accommodation cottages are setback a minimum of 80 metres from the street (Pine Gully Road). The subject site is somewhat of an anomaly in the locality, being a large agricultural lot with a long established restaurant/function centre whilst the area around the site is a developing residential suburb. The proposed cottages are designed to complement the heritage items on the site and will likewise complement the existing residential development in the vicinity. The placement of the cottages and the planting of screening around the boundary will maintain the visual amenity of the area.

C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.

The existing access will be retained, with the addition of a track leading to the cottages. There will be landscaping provided to each cottage.

C3 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.

This control relates to urban development and this site is located on a large plot of land within a developing subdivision. There is no established character in the immediate vicinity however the elevations are consistent with the existing heritage listed development on the site.

C4 Tourist and Visitor accommodation on corner lots are to ensure an acceptable address on both frontages. Continue materials around the corner to the secondary frontage so that the building “turns the corner”.

The site is a corner site however the cottages only face Pine Gully Road with sufficient setback to Old Narrandera Road to not be considered as having frontage to the road.

C5 Use articulation to avoid excessively long blank walls.

There are no long blank walls proposed.

Hotel and Motel Accommodation

Controls

C29 The design consideration of proposed buildings is to maintain the level of privacy enjoyed by adjoining properties.

The development will not reduce privacy to any other properties due to the large setbacks and topography.

C30 The outlook to public and communal spaces should be maximised whilst maintaining internal privacy within the site.

The design makes use of the vistas established on the site and amongst the vineyard. The cottages are sufficiently distanced to provide privacy for occupants.

C31 The design is to avoid dark and non-visible areas, provide clear, safe access points and provide suitable open spaces to cater for recreational uses. Appropriate lighting for the location is to be installed and there is to be clear definition between public and private spaces.

Lighting will be minimal and at low levels so it does not reduce amenity for properties nearby. Safety has been considered in the design and each cottage will be serviced by a walking path and parking. Each cottage has a private courtyard and the accommodation component of the development is separated from the restaurant group of buildings by a buffer of at least 80 metres.

C32 Long building lines are to be stepped, appropriately broken with patios, change in materials, windows or appropriate landscaping.

The accommodation is designed as a group of cottages so there are no long building lines.

C33 Occupants within the proposed development and on adjoining sites are to enjoy optimum extent of winter sun and summer shade.

The cottages are oriented to capture winter sun and landscaping will provide summer shade.

C34 Development overshadowing adjoining properties should permit a minimum of 3 hours uninterrupted solar access within the living areas of the affected property.

The development will not overshadow adjoining properties, given the large area of the site.

C35 Buildings must be oriented and designed to minimise potential impacts on the surrounding residential amenity.

With a large 80 metre setback to Pine Gully Road and a further 30 metre distance to the closest dwelling, residential amenity is protected under the proposal.

C36 Landscaping must ensure that landscape design builds on the natural features of the location to result in greater aesthetic quality and amenity for both occupants and the community.

A comprehensive landscape plan has been submitted, demonstrating compliance with this control.

C37 The design and use of building colour, bulk, materials of construction and angle and height of roof line are to be in harmony with the surrounding built and natural environment.

This matter has been addressed under the Heritage section of this report.

C38 No person shall be permitted to reside on the land, other than within Residential Accommodation, for any continuous period exceeding 3 months in any 12 month period.

The accommodation is intended for short term use by guests and it will not be available for medium to long term tenancy.

3.6 Draft Environmental Planning Instruments

There are no draft EPIs that would be relevant to this proposal.

4 Assessment of Environmental Impacts

4.1 Context & Setting

The subject site is a remnant site of a large agricultural holding that hosts some of the oldest buildings in Wagga Wagga. The proposal is to add visitor accommodation to the site that will serve a number of purposes. It will provide wedding parties and their families a convenient place to prepare for weddings, it will allow family to stay on the site of the reception, it will provide accommodation on the northern side of Wagga Wagga where there is a shortage, in particular for people visiting Charles Sturt University (CSU) and it will provide an income stream that can be used by the owners to undertake the necessary restoration and maintenance works to the important heritage listed buildings on the site.

The proposed cottages are located amongst the vineyard, in a linear pattern to reflect and represent the linear characteristics of the site.

The accommodation is sufficiently well set away from boundaries so as to minimise visual, acoustic and privacy impacts on existing residential development in the vicinity.

4.2 Transport, Access and Parking

Existing access and parking facilities will be retained as part of the development. A new access track off the existing driveway will be constructed to provide access to the cottages. Each cottage will be provided with parking and visitors will be able to walk to the restaurant on paths through the vineyard.

The site is already a restaurant and function centre and with the cottages providing accommodation to patrons on the site, we do not anticipate that the development will significantly increase traffic to the site.

One of the proposed cottages will be constructed as an accessible space. All paths will be graded to accessibility standards to ensure all patrons are capable of moving around the site.

4.3 Noise

As the proposed cottages are to accommodate users of the site, we do not anticipate that their presence would increase noise in the vicinity. Given that the site is a working farm, there is noise generated from planting, harvesting, spraying and other agricultural activities.

There is a curfew for functions and guests will be expected to consider the neighbours when heading to their accommodation after dining at the restaurant.

4.4 Waste

General waste and recycling are collected by a private contractor and this arrangement will include the waste from the cottages.

4.5 Utilities

The site is serviced with all necessary utilities and these can be connected for the purpose of this proposed development. The site is connected to the reticulated water supply provided by Riverina Water and the connection can be extended to each cottage. Power is available to the site and will be extended to the cottages. The reticulated sewer system will service the site and can be extended to the cottages. A separate Section 68 application will be submitted for plumbing works.

4.6 Operations

Cottages will be cleaned daily or at the end of the visit for short stays. Stays of over one week will have weekly servicing as above.

The following will be undertaken in the main room:

- Open the windows and air the room
- Check and clean the ceiling for cobwebs
- Spot clean the walls
- Dust and check Air-conditioners/heaters with regular replacement of filters
- Pictures and wall décor straightened and dusted
- Clean the window panes and tracks
- Furniture straightened and dusted
- Check for hangers in the wardrobe
- Fluff and air the cushions
- Check for smooth operation of drawers of all furniture
- Bins emptied and liners replaced
- Dust and clean luggage racks, shoe racks
- Wipe out the refrigerator
- Check other electrical appliances in the room to ensure correct operation
- Check the light bulbs
- Vacuum and clean floor
- Spot clean any stains
- Clean door handles

The bathroom will be cleaned as below:

- Clean bathroom walls
- Clean the bathtubs, shower area
- Clean the toilet bowl, seat, rim, inside and underside
- Check if flush working properly
- Clean sink and taps
- Remove used towels and replace with clean items
- Check stock of toilet paper, soap, hand wash, shampoo etc.
- Wipe hair dryer and check cord and operation
- Dust and clean the cabinet
- Dust and clean the light and other fixtures
- Dust and clean the vents
- Clean and dry floors

Decks will be tidied and swept and the general surrounds kept tidy, with trees and shrubs watered and pruned and a general check for presentation done.

4.7 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.

Fire emergency:

- A documented fire prevention and management plan will be prepared
- smoke detector alarms to be installed in all bedrooms
- no bars or restrictions to egress from windows
- instructions for action in the event of a fire to be placed in each guest room
- escape paths to be kept clear.

Guests will be provided with contact details for the hosts so that they can be alerted in the case of any other emergency.

4.8 Odour

The hotel and motel development is not expected to increase odour in the vicinity.

4.9 Social Impact

The proposed development would have an overall positive impact on social issues, being a form of tourist accommodation development in semi-rural surrounds. The development is expected to have a positive economic impact for the City, through the provision of a form of tourist accommodation and spending in the City, employment during the setup and operation of the development and the showcasing of Wagga Wagga as a tourist destination. The development will contribute towards the heritage restoration and maintenance of an important heritage site in the development of Wagga Wagga

4.10 Physical and Chemical Impacts

The proposal is not likely to impact on soil quality or land stability, with no significant excavation.

The activity is not likely to adversely affect any waterbody, watercourse, wetland or natural drainage system.

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.

4.11 Biological Impacts

The site has been highly modified and is planted with vineyards and olive trees. No native vegetation is required to be removed to facilitate the development. The development would not disturb any fauna communities or habitat.

4.12 Environmental Hazards

The subject site is not identified as being within the flood planning area.

Bushfire

The site is bushfire prone. An assessment of the site and the development proposal was undertaken by an accredited consultant and this has been addressed in detail in Section 4 of this report. Construction will be to BAL 12.5 level and suitable APZs established and maintained. The landscape design has been undertaken to comply with the requirements and will comply with the

standards for an Inner Protection Area. The proponents will develop an emergency management plan which will be distributed to council and other authorities as required.

The development is consistent with the objectives of PBP 2019 and the standards for Special Fire Protection Purposes. The application is Integrated Development and will be referred to the RFS for comment.

4.13 Heritage

The owners sought advice from Wagga Wagga City Council staff and David Scobie (Council's Heritage Advisor) in 2021. The advice received includes the following statements:

- *The proposal indicates 10 short stay accommodation units located within the vineyard west of the building complex, where this development could have an impact on the heritage item.*
- *The impacts relate to the visual change in the landscape for views to and from the significant elements. These impacts could be mitigated through well designed hard and soft landscape design and specification. The building scale, form, character and details are generally suitable. The use of brick may be substituted for alternatives such as steel, sheet and timber cladding with stone features.*
- *The following recommendations are provided to assist further development:*
 - *a reduction in the total number would improve the spacing and visual separation so that the landscape remains dominant;*
 - *the proximity of the northern unit to the access road to be increased for safety, privacy and landscaping and to allow the access road to meet the entry road at right angles*
 - *consideration to be given to grouping/spacing of the units to assist in the separation, staging and a set of three landscape themes - northern vineyard, the olive grove etc*
 - *a vehicle turning space at the end*
 - *a pedestrian path to link the restaurant, cottage garden etc as a loop trail*
 - *full range of sustainability features and benefits*
 - *detailed consideration to the conservation and interpretation works on the site as the mitigation for the use of the incentive clause.*

The heritage advice was carefully considered during the development of the plans for the site. The project team did not take the advice to cluster the buildings because it would reduce privacy between the cottages and did not fit with the linear characteristics of the site, being planted with vines and trees in rows. Subsequent consultation with the heritage advisor confirmed that this was an appropriate approach.

As noted by the heritage advisor, the impacts relate to the changed view to and from the heritage item. The cottages have been located and designed to sit low in the landscape and not disrupt the existing views to and from the items. The colours and materials will allow the cottages to blend with the landscape. The road will be compacted gravel to reflect the rural nature of the site and blend with existing vehicle movement areas. Landscaping has been carefully designed to harmonise with the surroundings, screen the property from the encroaching suburban development and provide privacy and enhancement of the surroundings to guests.

Impacts on heritage significance have been addressed earlier in this report and within the CMP for the site. The development relies on the use of the heritage incentives clause of the WLEP to permit consent. We have demonstrated the benefit of the accommodation for the restoration and retention of the items on the site earlier in this report but summarise the benefits below:

- Revenue generated from accommodation can be earmarked for heritage conservation efforts. Regular maintenance, repairs, and restoration work require financial resources. Accommodation income can contribute directly to these activities.

- When visitors stay overnight, they develop a deeper connection to the site. They become stakeholders in its preservation. Accommodation guests are more likely to appreciate and respect the heritage items, reducing the risk of vandalism or neglect.
- Guests can learn about the historical context, architectural features, and cultural significance. Such programs foster awareness and appreciation, ensuring that guests understand and value the heritage items.

In summary, the development of tourist accommodation not only brings economic benefits but also plays a crucial role in safeguarding the heritage items. By carefully planning and integrating accommodation within the site, the owners can enhance visitor experiences while preserving the historical legacy for future generations.

4.14 CPTED

The design of buildings and public spaces has an impact on the user's perception of safety and security, as well as opportunities for crime. When development is designed with this in mind, it can reduce the likelihood of crimes being committed. There are four main principles of CPTED— natural surveillance, access control, territorial reinforcement and space management.

The design and location of the proposed motel accommodation will improve natural surveillance of the existing site. The carparking is open, with a low boundary treatment. There are clear sightlines between the accommodation and the carparking. The design does not create blind corners. The area between the accommodation and the existing restaurant will have lighting installed for safety and to ensure it is not a dark area of the site.

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people, and in turn, minimise opportunities for crime. Effective access control is achieved by:

- Providing clear entry points;
- Using vegetation along the existing driveway as a barrier to deter unauthorised access;
- Using building materials/security that reduces the opportunity for intruder access;
- Restricting access to high-risk areas such as loading or service areas;
- Ensuring there are appropriate security measures in place for the range of land uses within the development; and
- Ensuring that parking areas are clearly identified by signage to prevent unintended access.

Territorial reinforcement is achieved in the design of the development through the entrance court providing a distinct transition/boundary between the public and private areas and by clearly defining spaces to express a sense of ownership and reduce illegitimate use/entry.

The design is attractive and inviting to users. The space will be maintained and well cared for. Materials are resistant to vandalism.

Incorporating these four principles of CPTED can help to create a safe and secure environment that encourages activity, vitality and viability, enabling a greater level of security. They can also assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

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 WWLEP 2010 and WWDCP 2010, with use of the heritage incentives clause to facilitate the development.
- ❖ The proposal will have minimal adverse impact on surrounding amenity.
- ❖ The proposal is in the public interest. The proposal will continue 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.