PART D

Section 12 Specific Uses and Developments

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About Section 12
Section 12 contains controls that apply to site specific uses and particular developments throughout the Wagga Wagga local government area.

12.1 Wagga Wagga Airport

Objectives
O1 Ensure appropriate development in the vicinity of Wagga Wagga Airport.
O2 Ensure that buildings in the vicinity of the airport have suitable noise attenuation.

Controls
C1 Development within the vicinity of Wagga Wagga Airport is not to exceed the maximum height limits specified on the Obstacle Limitation Surfaces Plan.
C2 Applications where a proposed development exceeds the height limits in the Obstacle Limitation Surfaces Plan are required to be referred to the Civil Aviation Safety Authority. Any comments provided by the Civil Aviation Safety Authority within 28 days of the referral will be considered in the assessment of the application.
C3 Development in the vicinity of Wagga Wagga Airport is to incorporate noise attenuation appropriate to the level of noise exposure as indicated on the Wagga Wagga Airport Australian Noise Exposure Forecast Map 2009 (ANEF) as relevant to the proposed use.
C4 The following matters are to be considered in determining an application for land within the ANEF contours shown on the ANEF Map:
   a. Relevant guidelines contained in Australian Standard AS2021-2000 (Acoustics- Aircraft Noise) and;
   b. The extent to which the frequency of aircraft operation warrants preventative noise protection measures.

12.2 Gregadoo Waste Facility
This section applies to land within 700m of the perimeter of the Gregadoo Waste Facility. The facility is the primary waste disposal centre in the local government area of Wagga Wagga. The facility operates seven days a week, and can be required to operate outside normal hours (up to 24 hours a day).

These controls are intended to ensure that land uses and developments near the facility are designed and sited to minimise potential impacts arising from its operations. This includes, dust, odour, noise and litter.

Objectives
O1 Provide for the ongoing operation of the Gregadoo Waste Facility.
O2 Ensure the suitability of uses in close proximity to the waste facility.

Controls
C1 Any development within 700m of the Gregadoo Waste Facility is to demonstrate that the proposal will not adversely impact on the longer term operation of the waste facility.
C2 Incorporate design measures to avoid any likely adverse impacts from the waste facility on adjoining properties.
12.3 Development on land zoned for public recreation (RE1)
This section applies to developments proposed on land zoned for public recreation.

Objectives
O1 Protect and enhance areas of public recreation.
O2 Ensure proposals adequately address potential impacts on public recreation areas including existing and likely future needs of the community.

Controls
C1 Applications for development in public reserves and parks are to demonstrate that there is a need for the proposed use or facility.
C2 Developments are to consider the need for public recreation areas to serve the immediately adjoining area, taking into consideration any changing demographics of the area.
C3 Design to complement the public recreation area and adjoining land uses.
C4 All works to be consistent with any Plan of Management or public recreation strategy.

12.4 Bulky Goods Premises
Under the LEP, Bulky Goods Premises are permitted in the business zones and on particular sites, but not in industrial zones.

Bulky goods products typically require large showroom space for display, and handling by fork lift loader. Bulky goods can include carry away finished and semi-complete furniture and furnishings, but not everyday needs such as clothing, small household items or fresh food or produce.

Consistent with the Bulky Goods Retailers Association, the following uses may be considered bulky goods premises where the application can demonstrate that it meets the definition of Bulky Goods Premises in the Wagga Wagga Local Environmental Plan 2010:
- Home entertainment goods
- Furniture, furnishings, floor coverings & electrical light fittings
- Household appliances & electrical goods
- Hardware and landscaping supplies
- Bedding, Manchester & window coverings
- Automotive parts & accessories
- Other bulky goods:
  - Office equipment & supplies
  - Camping and sporting equipment
  - Swimming pools, equipment and accessories
  - Baby equipment and accessories
  - Equestrian and pet supplies

Objectives
O1 Ensure that the floor space of Bulky Goods Premises is substantially used for the sale of larger items.
O2 Ensure safe and efficient access, site planning and layout.

Controls
C1 Bulky Goods Premises are not to sell “everyday needs” such as clothing, small household items or fresh food or produce.
A coordinated sign and access strategy is required for sites that propose multiple tenancies. The strategy is to make provision for a centralised sign containing details of the businesses located on the site, directional signs for the safe and efficient operation of the site, and details of the size and location of individual tenancy signs.

Sites with multiple tenancies are to provide safe access routes for pedestrians, responding to likely or anticipated desire lines, avoiding conflict with vehicular movement.

12.5 Childcare Centres

Childcare Centres are permissible in a number of zones, including residential areas. Care is required to ensure adequate provision for drop off and parking facilities, and to protect the amenity of adjoining noise sensitive land uses. Corner sites often allow good access.

Outdoor play areas should be adequately shaded in accordance with Shade for Child Care Centre Services guidelines published by the NSW Cancer Council.

Objectives

O1 Encourage child care centres to be located on corner sites and sites parking and access to the centre can be easily managed.

O2 Protect the amenity of adjoining land uses through good site planning, landscaping and layout.

O3 Enhance the streetscape and provide a visually attractive buffer between the street and building/ car park.

O4 Provide children with learning and educational opportunities through landscaping initiatives such as flower beds and vegetable gardens.

Controls

C1 Provide adequate space to allow for drop off and parking requirements within the development site.

C2 Design and locate set down, pick up and parking areas to be visible from the road but to maintain the amenity of adjoining properties.

C3 The front setback is to include a 2m landscape strip. Landscape buffer areas may be required to side boundaries.

C4 Design and locate outdoor activity areas to maximise the natural site features, including climate considerations such as avoiding afternoon sun but take advantage of cooling breezes in summer. All playgrounds must be capable of supervision at all times.

C5 Outdoor play areas are to be fenced on all sides. The fencing is to be at least 1.8m in height, and to be equipped with child proof self locking mechanisms. The fence should be designed to prevent children scaling or crawling under.

C6 The outdoor play area is to include an undercover space that is large enough for use during wet weather and to provide protection from the sun.

C7 Design outdoor play areas to include a range of opportunities for developmental play.

C8 Landscaping, mounding and fencing treatments may be required where there is potential for adverse amenity impacts to adjoining properties. This could include using landscaping to contain outdoor play areas or lapped metal or masonry fencing.
C9 Locate play equipment such as cubby houses, trampolines and slides not to overlook neighbours properties. Shade structures should not be located where they will be elevated in relation to boundary fences where they could cause visual or shadow impacts.

C10 Use vegetation that is non-allergenic and sensitive to water restrictions.

12.6 Health Consulting Rooms and Medical Centres

The controls of this section apply to health consulting rooms and medical centres proposed in residential zones.

Health Consulting Rooms operate from residential premises, and are permissible in the R1 and R3 Zone. The LEP limits Health Consulting Rooms to three health care professionals practising in a partnership.

Medical Centres are a more intensive use than health consulting rooms, and provide a range of health services to out-patients. Medical centres are permissible in the R3 Zone, but are better suited to the business zones.

Proliferation of Health Consulting Rooms, particularly on the fringe of the city centre, has led to competition for use of existing houses, and loss of amenity from parking, access and poor landscaping outcomes. To avoid further loss of amenity, health consulting rooms are preferred on corner sites, and sites with rear lane access.

Health Consulting Rooms and Medical Centres in residential locations are to maintain the residential character. To minimise amenity impacts, particularly from parking requirements, Health Consulting Rooms that provide for more than two health care professionals are subject to additional controls.

Objectives

O1 For preference health consulting rooms should be located on corner sites and sites with rear lane access.

O2 Retain the predominantly residential character of sites used for Health Consulting Rooms and Medical Centres in residential locations.

O3 Discourage larger Health Consulting Rooms and Medical Centres on sites that cannot support required parking or access.

Controls

C1 Locate health consulting rooms on corner sites and sites with rear lane access.

C2 Comply with site cover and landscaped requirements as they apply to residential development.

C3 Health Consulting Rooms are to occupy existing premises without the need for significant alterations or additions, especially where more than two health care professionals are proposed to practise from the premises.

C4 Alterations and additions are not to compromise the residential character of the existing building or streetscape.

C5 For sites fronting rear lanes, retain fencing along part of the rear boundary, or use a combination of landscaping, different paving materials or other devices in a 0.5m setback area to retain delineation of the rear boundary line. Use landscaping, fencing or a change of surface materials to delineate the rear boundary. A setback of 0.5m may be required.
Figure 12.6.1 Delineating the rear boundary

C6 For sites where access from the street to the rear of the property is proposed, a 300mm landscaped setback is required to the side boundary.

Figure 12.6.2 Access from street to rear car parking

A 300mm landscaped setback is required where side vehicle access is proposed. Consideration should also be given to use of permeable surfaces.

C7 The front setback area is to be landscaped and at least 60 percent of the setback is to include trees, shrubs and groundcovers. Parking in the front setback is not supported.

C8 Premises are not to operate before 7am or after 6pm Mondays to Saturdays. No trading is to occur on Sundays or public holidays.
12.7 Sex Services Premises and Restricted Premises

The controls of this section apply to Sex Services Premises (brothels) and Restricted Premises. The LEP permits Sex Services Premises in the IN1 and IN2 Zones. Restricted Premises are permitted in B2, B3, B4, IN1 and IN2 Zones.

Sex Services Premises and Restricted Premises require sensitivity to minimise disturbance to surrounding land uses, and avoid detrimental amenity impacts on the locality.

Objectives

O1 Ensure Sex Services Premises and Restricted Premises are suitably located, and discrete in presentation.

O2 Ensure Sex Services Premises and Restricted Premises are located at a reasonable distance from other sensitive land uses.

O3 Avoid adverse impacts on surrounding land uses and the amenity of the locality in which they are located.

Controls

C1 Restricted Premises are to be at first floor level where proposed to be located in the B3 zone.

C2 The entrance to a Sex Services Premises is to be discrete and unobtrusive, with no more than one business identification sign that does not have any sexually explicit images, language or objects.

C3 The entrance to any Restricted Premises is to be at least 400m from the entrance to any child care centre, community facility, educational establishment, hospital or place of public worship.

C4 The entrance of any Sex Services Premises is to be at least 150m from the entrance to a dwelling on residential zoned land, 200m from the entrance to any childcare centre, community facility, educational establishment, hospital or place of public worship.

C5 Sex Services Premises are to include an internal reception/waiting area of appropriate size to discourage loitering outside the premises.

C6 Sex Services Premises are required to comply with any relevant safety and environmental hazards.
### 12.8 Late Night Trading

The main aims of this section are to assist in the management of the impacts of late night trading premises on the sites and neighbourhoods in which they are located, and in particular, protect the amenity of residential properties by promoting ongoing good management of late night trading premises by ensuring that where appropriate approvals are subject to ongoing trial periods.

The controls of this section apply to applications for new and existing premises that:

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

Late trading hours will only be considered appropriate in circumstances where ongoing commitment to good management is evident through a series of successful trial periods.

For the purposes of this section, late night trading premises are categorised into the following types:

- a. a hotel within the meaning of the *Liquor Act 2007* that is not designated as a general bar licence;
- b. a hotel within the meaning of the *Liquor Act 2007* that has capacity of more than 120 patrons and is designated as a general bar licence;
- c. an on-licence within the meaning of the *Liquor Act 2007* where the primary business or activity carried out on the premises that of a night-club with the capacity of more than 120 patrons;
- d. a club within the meaning of the *Liquor Act 2007*;
- e. a premise that has capacity of more than 120 patrons where the primary purpose is the sale or supply of liquor for consumption on the premises; or
- f. premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises;
- g. a hotel within the meaning of the *Liquor Act 2007* that has a capacity of 120 patrons or less and is designated as a general bar licence;
- h. premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;
- i. an on-licence within the meaning of the *Liquor Act 2007*;
- j. any premises where the owner or occupier sells or supplies liquor for consumption on the premises;
- k. any other commercial premises which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night.

**Note:** 'k' above may include such premises as restaurants ‘BYO’ premises, cafes, theatres, karaoke venues, convenience stores, takeaway food shops and the like.

**Note:** Outdoor seating is included in patron capacity calculations.

**Note:** Late night trading premises do not include sex industry premises.
Objectives

O1 Identify appropriate locations and trading hours for late night trading premises;

O2 ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses;

O3 ensure that a commitment is made by operators of late night trading premises to good management through the implementation of robust plans of management;

O4 encourage late night trading premises that contribute to vibrancy and vitality, as appropriate for Wagga Wagga;

O5 ensure that new late night trading premises do not reduce the diversity of retail services in an area;

O6 provide the possibility of extensions of trading hours for premises where they have demonstrated good management during trial periods;

O7 encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night;

O8 ensure that appropriate hours are permitted for outdoor trading;

O9 ensure a consistent approach to the assessment of applications for premises seeking night trading hours.

Explanatory Note(s):

Controls

Plan of Management:

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

a. seek approval for trading hours between 10pm and 7am the following day;

b. currently trade between 10pm and 7am the following day, and seek refurbishment, additions or extensions that will result in an intensification of an existing use;

c. seek an extension or renewal of trial trading hours as prescribed in the section; or

d. seek approval for outdoor trading beyond 8pm.

It may be necessary to limit extended trading hours for a set trial period and this will be enforced via a condition of consent (Trial period may be required between 1 and 5 years in duration dependent on proposed nature of use). At the end of the trial period a modification application (under S96 of the EP&A Act) will be required to remove or amend the condition that limits the extended trading hours. If an application is not made to remove any such restriction the trading hours will revert back to standard trading hours.
12.9 Tourist and Visitor Accommodation

The purpose of this section is to provide specific requirements for Tourist and Visitor Accommodation development. Other requirements that must be addressed are contained in Part A and Part B sections of this DCP.

Tourist and Visitor accommodation includes the following:

i. Backpackers accommodation
ii. Bed and breakfast accommodation
iii. Farm stay accommodation
iv. Hotel or motel accommodation
v. Serviced apartments

Objectives

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.

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.

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

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

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”.

C5 Use articulation to avoid excessively long blank walls.

Backpackers Accommodation Controls

C6 The layout of backpacker accommodation should be designed and constructed to respect the amenity of immediately adjoining land uses, particularly that of residential accommodation.

C7 The maximum number of persons accommodated in guest bedroom, or in a dormitory, is to be determined on the basis of 5m² per person.

C8 Bedrooms providing shared or dormitory style accommodation must accommodate no more than 10 guests.
C9 Shared bedrooms or dormitory style accommodation must provide lockable secure storage facilities with a minimum capacity of 0.6m² per person to allow guests to individually store baggage and travel items within their sleeping room.

C10 Communal recreation areas must be provided within the premises at a minimum rate of 2m² per person.

C11 Communal recreation areas should be provided internal to the building, however, where areas are to be provided outdoors they may only account for up to a maximum of 20% of the minimum area required.

C12 Development overshadowing adjoining properties should permit a minimum of 3 hours un-interrupted solar access within the living areas of the affected property.

C13 The external appearance of the building should be designed to complement or improve on the streetscape.

C14 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.

C15 No person shall be permitted to reside on the land for a period longer than 30 days or for a period exceeding 3 months in any continuous 12 month period, excluding Residential accommodation or staff accommodation provided on site.

C16 Backpackers accommodation is to be located within 400m of public transport and within easy access to facilities and services.

C17 Developments are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbours by locating:
   i. The main entry point at the front of the site, away from side boundary areas near adjoining properties;
   ii. Communal areas away from the main living area or bedroom windows of any adjacent buildings;
   iii. Screen fencing, plantings and acoustic barriers in appropriate locations; and
   iv. Double glazed windows or glass blocks where noise transmission could affect neighbouring properties.

Bed and Breakfast Accommodation

Controls

C18 There is a limit of one bed and breakfast per allotment.

C19 Guest bedrooms are to be serviced by an ensuite for toilet and shower purposes or a shared facility be provided for guests use only.

C20 The conversion of a dwelling house to a bed and breakfast establishment will require a change of classification under the Building Code of Australia (BCA) from Class 1a to 1b.

C21 Bed and breakfast accommodation must be for short-term, temporary visitors only and not for long-term, permanent accommodation. Maximum period of stay is restricted to 14 days in any 28 day period.

Farm Stay Accommodation

Controls

C22 Farm stay accommodation must be well designed and sympathetic to their setting and should have an outward appearance of a single dwelling.
There is a limit of one farm stay accommodation per allotment.

Guest bedrooms are to be serviced by an ensuite for toilet and shower purposes or a shared facility be provided for guests use only.

Farm stay accommodation is to be separate from the main dwelling house.

Farm stay accommodation is to be designed so as to be complementary and supplementary to the predominant use of the land for primary production and is to be designed at low-key scale that is complementary to a rural landscape.

Farm stay accommodation is to be sited so as to not compromise any existing or future primary production activities on both the allotment on which it is located and any adjoining land.

Farm Stay accommodation must be for short-term, temporary visitors only and not for long-term, permanent accommodation. Maximum period of stay is restricted to 14 days in any 28 day period.

### Hotel and Motel Accommodation

**Controls**

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

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

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.

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

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

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

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

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.

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.

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.

### Serviced Apartments

**Controls**

C39 The same density, site coverage, floor space ratios, and landscaping requirements as residential flat development shall be applied to serviced apartments.
C40 The design consideration of proposed buildings is to maintain the level of privacy enjoyed by adjoining properties.

C41 The outlook to public and communal spaces should be maximised whilst maintaining internal privacy within the site.

C42 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.

C43 Long building lines are to be stepped, appropriately broken with patios, change in materials, windows or appropriate landscaping.

C44 Occupants within the proposed development an on adjoining sites are to enjoy the optimum extent of winter sun and summer shade.

C45 Development overshadowing adjoining properties should permit a minimum of 2 hours un-interrupted solar access within the living area of the affected property.

C46 Each lower floor serviced apartment is to have a minimum 25m² of private open space with direct connection to indoor living areas.

C47 No person shall be permitted to reside on the land, other than within Residential accommodation, for a period exceeding 3 months in any continuous 12 month period.

12.10 Wagga Wagga Riverside Master Plan

The purpose of this section is to support the objectives of the Riverside Wagga Wagga – Strategic Master Plan 2010 (City of Wagga Wagga, Land and Property Management Authority, KIAH Infranet, Ian Lawrence, Hill PDA, David Lock & Associates and Aurecon).

Riverside Wagga Wagga is a visionary project that will reinforce the relationship between the iconic Murrumbidgee River and the city of Wagga Wagga by bringing an array of recreational, cultural, commercial and residential development underpinned by sustainable principles to fully showcase its potential and enhance the quality of living for its citizens and visitors alike.

The Master Plan precinct interfaces with three distinct areas. To the south is the Civic Centre which includes the Council premises, the Civic Theatre, the Visitor Information Centre, Wollundry Lagoon and the Old Gas Works site (currently a car park facility). At the centre is the Church precinct with its numerous churches and institutional buildings. To the north is the interface of commercial, industrial and residential buildings between Fitzmaurice Street and Cadell Place. Each of these areas have distinct issues relating to their interfaces with the river.

The area of the Master Plan extends from Wiradjuri Reserve in the north through Wilks Park down to Thompson Street in the south. Three distinct precincts have been identified within the Master Plan area: Wiradjuri and Wilks comprising the northern and more natural areas, Hampden Terraces defining the northern gateway and the Bend which includes high profile areas such as the Civic Precinct and Wagga Beach. The Master Plan project boundaries are shown below.

This section is to be read in conjunction with Riverside Wagga Wagga – Strategic Master Plan and relevant State Environmental Planning Policies and guides.
Figure 12.10.1 Riverside Precinct
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<th>Objectives</th>
<th>Explanatory Note(s):</th>
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<tr>
<td>O1 Provide for the implementation of the <a href="#">Riverside Wagga Wagga Strategic Master Plan</a></td>
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<tr>
<td>Control C1 Any development within the Riverside Wagga Wagga – Strategic Master Plan project boundaries shall demonstrate consistency with the objectives, strategies and design principles of the Riverside Wagga Wagga – Strategic Master Plan.</td>
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