

MID – WESTERN REGIONAL COUNCIL DEVELOPMENT CONTROL PLAN 2013

PART 4 SPECIFIC TYPES OF DEVELOPMENT

4.4 SIGNS

General Requirements

Full details of sign type, size, lettering, location, colours etc. must be provided with a development application. All advertising must relate to the lawful uses or activities carried out on the same land on which the advertising sign is to be erected.

Complies?

Yes – Full details of the proposed signage are contained within the architectural plan set (**Appendix A**). The signs clearly indicate that the use of the site is for a Hungry Jacks restaurant.

Gulong Heritage Conservation Area

- a) *No new signs or changes to the outside of buildings in this area are permitted without development approval. This provision also applies to repainting, replastering and/or other external redecoration of buildings.*
- b) *Council is required to assess the colour, size, style and architectural/aesthetic impact of proposed works in the Conservation Area.*
- c) *Internally illuminated advertisements are not permitted in the Gulgong Conservation Area. External illumination such as spot lighting is encouraged, provided the intensity of illumination is not obstructive in the surrounding area.*

Complies?

Not Applicable – The site is not located within Gulong.

Tourist Signage

Tourist related development includes winery and cellar door facilities, restaurants, accommodation and other businesses for tourists. Signs on private land must relate to the business contained on the land itself.

Complies?

Yes – The proposed signage relates directly to the Hungry Jacks restaurant.

Identification Signs

These are post supported or wall structures located at the front of the site with the express purpose of identifying the business or facility to the travelling public.

- a) *Post supported structures max. height of 3m above ground level or an advertising area of more than 3m² with typical dimensions being 1.2m x2.5m.*
- b) *Identification signs must relate to a lawful or approved use of the land and be located on private land, not in the road reserve.*
- c) *The size, colour and shape of the signs will generally be left to the discretion of the business but should not include the use of bright or fluorescent colours or highly reflective or illuminated materials.*
- d) *Each property shall be allowed two Identification signs (which may be double sided). In circumstances when the property has two road frontages Council will consider a third sign on the secondary frontage where that frontage has a minimum of 250m.*
- e) *In circumstances where there are two or more businesses operating from a site, Council will consider increasing the maximum sign face area from 3m² to 4m²*

Not Applicable – The proposed signage is not a post supported structure. Wall signs are proposed as part of the subject development.

- a) Not applicable – The proposed signs are not post supported structures.
- b) Yes – The proposed signs relate to the Hungry Jacks Restaurant
- c) Yes – The proposed size, colour and shape are consistent with the Hungry Jacks Brand, which is a nationally recognised organisation. No signage is proposed that is not consistent with this established branding.
- d) Yes – The proposed signage complies with the recommendations. The signage presented is as follows:
- One freestanding pylon sign is proposed on the corner of Horatio and Lewis Street.

	<ul style="list-style-type: none"> • One recognised identification wall sign is located on the Northern frontage that affronts the Horatio Street. • One identification sign is located on the eastern and southern elevations; however, these are internally facing and not to any road frontage. • One graphic is located on the northern and eastern elevations. These are not considered identification signage <p>e) Not Applicable</p>
4.5 COMMERCIAL DEVELOPMENT	
Building setbacks	Complies?
<p>(a) No minimum front setbacks apply. (b) Side and rear must comply with Building Code of Australia (BCA)</p>	Yes – The development complies.
Signage	Complies?
Refer section 4.4 Signs	Noted
Design	Complies?
<p>(a) The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises. (b) All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space (c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials (d) Consider elements within established heritage buildings and how its application may be applied to new development (e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials. (f) Design of new development should seek to be sympathetic to heritage items not reproduce them. (g) Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view form a public road. (h) Development on a corner must include architectural features to address both frontages. (i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated</p>	<p>a) Not Applicable – The site is not located within the Active Street frontages map b) Yes – The development incorporates suitable articulation that encompasses windows and doors c) Yes – The development comprises of a suitable colour scheme that is consistent with the Hungry Jacks branding d) Not Applicable – The proposed development is not compatible with the nature and design of the nearest heritage item (Federal Hotel). It is considered impractical and unreasonable to enforce design elements upon the Hungry Jacks premise in this regard. e) Yes – The development comprises of a suitable built form and external materials that is consistent with the Hungry Jacks branding f) Yes - Whilst the site is located within a heritage conservation area, the site does not currently contribute to the heritage significance. A heritage impact assessment (Appendix K) has been</p>

	<p>submitted which outlines that the design and proposed development will not adversely impact upon the area or the nearest heritage item (Federal Hotel).</p> <p>g) Yes – Mechanical ventilation is suitably screened from the public domain.</p> <p>h) Yes – The development is suitably articulated to both frontages</p> <p>i) Not Applicable – The site is not directly adjacent to any existing residential dwelling or associated zone as these are separated through Lyons Lane to the south, and Horatio Street to the north. Despite this, Setbacks and landscaping has been considered and is appropriately applied to the development.</p>
Scale form and height	Complies?
<p>(a) The LEP controls the height of buildings to a maximum of 8.5m</p> <p>(b) Consistent with the existing heritage character of the town centres of Gulgong, Mudgee and Rylstone.</p> <p>(c) Gulgong has a building height limit to a maximum of 5m</p>	Not Applicable – There is no maximum height applicable to the SP3 Tourist zone under the LEP.
Articulation and Façade Composition	Complies?
<p>(a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.</p> <p>(b) Excessive length of blank walls are not supported in the front facade.</p> <p>(c) Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.</p>	<p>a) Yes – The development is sufficiently articulated through the use of colours, built form and building elements to create visual interest and appeal.</p> <p>b) Not Applicable – No excessive length of blank walls is proposed.</p> <p>c) Not Applicable</p>
Residential-Commercial Interface	Complies?
<p>(a) Provision of landscaping buffers to provide visual screening along residential boundaries that adjoin development sites in the Mortimer Street precinct (in particular).</p> <p>(b) Ground and first floor development should not overlook residential properties</p> <p>(c) Maintain acoustic privacy through the use of acoustic fencing, where vehicular movement adjoins property boundaries to reduce visual bulk of the proposed development.</p> <p>(d) Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings must be located along property boundaries ensure that sufficient landscaping is provided</p> <p>(e) A development should not reduce the sunlight received by the north-facing windows of living area, private open space areas, or clothes drying areas of adjoining properties to less than 3 hours between 9 am and 3pm at the winter solstice.</p>	<p>a) Yes – Though no residential boundary abuts the subject property, suitably landscaping is proposed throughout the site</p> <p>b) Yes – The development will not cause any privacy or overlooking concerns to nearby residential properties.</p> <p>c) Yes – An acoustic report has been submitted, prepared by PKA consultants (Appendix J). the report includes various measures of mitigations, including the proposed use of an acoustic barrier to reduce impacts to adjoining properties.</p> <p>d) Yes – Though no residential boundary abuts the subject property, the proposed development is</p>

	<p>suitable located and setback appropriately.</p> <p>e) Yes – No overshadowing or impact to solar access is anticipated from the development.</p>
Utilities and services	Complies?
<p>(a) Documentation to demonstrate that the development is able to be services with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste</p> <p>(b) Trade Waste Application is required where liquid waste (other than water from wash basins, toilet or bathrooms) will be discharged into Council's sewerage system.</p> <p>(c) Building and structures are to be located clear of infrastructure</p> <p>(d) For new sewer mains structures are to be located 1m plus the equivalent inverted depth, whichever is greater) of the centreline of the main.</p>	<p>a) Yes – The site is benefited from all essential services to facilitate the use of this site as the Hungry Jacks Restaurant. A condition of consent is anticipated to be applied from all service providers.</p> <p>b) Yes – A Trade Waste application will be required; a condition of consent is anticipated in this regard.</p> <p>c) Yes – No conflicts noted.</p> <p>d) Yes – Noted.</p>
Traffic and Access	Complies?
<p>(a) All vehicles must be able to enter and exit the site in a forward direction</p> <p>(b) All vehicle movement paths are to be sealed</p> <p>(c) Driveways must comply with Australian Standard AS 2890.1 Parking Facilities</p> <p>(d) For new commercial development all loading facilities are to be located within the site with no loading to occur from the public road system.</p> <p>(e) All loading facilities shall be designed to complying with Australian Standards.</p> <p>(f) Where the truck delivery paths extend through car parking areas, due consideration should be given to the separation of truck, pedestrian and car traffic. Where separation cannot be achieved then the application it to address traffic flow and safety issues.</p>	<p>a) Yes – All vehicles are capable of entering and exiting the site in a forward direction.</p> <p>b) Yes – All movement paths are to be sealed.</p> <p>c) Yes – The development is capable of complying.</p> <p>d) Yes – A dedicated loading area is provided within the site.</p> <p>e) Yes – The development is capable of complying.</p> <p>f) Yes – Deliveries are to be undertaken outside of peak times to ensure conflicts are sufficiently mitigated.</p>
Pedestrian Access	Complies?
<p>(a) Maintain existing covered pedestrian access within the town centres</p> <p>(b) Convenient and safe access through parking areas</p> <p>(c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas.</p>	<p>a) Not Applicable – The site is not within the town centre.</p> <p>b) Yes – Convenient and safe access through parking areas is provided.</p> <p>c) Yes – Convenient and safe disabled access is provided.</p>
Parking	Complies?
Refer Specific Provisions relating to parking section 1.3	Noted
Landscaping	Complies?
<p>(a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries.</p> <p>(b) Landscaping to comprise low maintenance, drought and frost tolerant species</p>	<p>a) Not Applicable – The site is not direct adjacent with any existing residential boundary. Suitable landscaping is provided through the site.</p> <p>b) Yes – Noted.</p>
PART 5 DEVELOPMENT STANDARDS	

5.1 CAR PARKING

Car Parking

Complies?

Spaces shall be provided to the next highest whole number. Floor space areas refer to gross internal spaces, excluding stairs, amenities and corridors, except as noted in the schedule. Car parking requirements are based on the net increase in demand for parking created by a development. A reference to staff parking includes staff and management. Parking requirement rates are to be pro-rated in accordance with the proposed gross floor area (GFA) and rounded-up.

Where it is proposed to change the use of an existing retail premises/ floorspace to a restaurant, dining, and/or take food bar, additional car parking shall not be required where car parking cannot be provided on site.

Land Use

Restaurants or cafes or Take away food and drink premises

Car Parking Requirements

1 space per 7 m² gfa or 1 space per 3 seats whichever is the greater (Restaurant).

1 space per 4m² for licensed floor including outdoor seating or dining

Land Use

Drive thru food service

Car Parking Requirements

10 spaces, either in queue or as normal parking

Restaurant

Required = 248m² / 7 = 35.43 = 36 Spaces required

Proposed = 26 Spaces

Shortfall of 10 space or 27.7%

Drive Through Food Service

Required = 10 Spaces

Proposed = 14 spaces

Surplus of 4 spaces.

Total shortfall of 6 spaces or 16.7%

Comment

The development does not comply with the carparking recommendations for food and drink premises as specified under the *Mid-Western Regional Council Development Control Plan 2013*.

Nonetheless, the development and the associated parking is appropriate and can be supported on its merits. A full variation request has been provided for Council's consideration, within the Statement of Environmental Effects. Refer to **Section 4.3** for details.