

# 4.6 VARIATION STATEMENT

THE MURRUMBIDGEE MILL HOTEL PRECINCT

WAGGA WAGGA

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

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# 1. CLAUSE 4.6: EXCEPTIONS TO DEVELOPMENT STANDARDS

This DA seeks a variation to the applicable height control applying to the site under clause 4.3 of the WWLEP 2010. In accordance with the provisions of clause 4.6, development consent may be granted for development even though the development would exceed a development standard imposed under the WWLEP 2010.

The following considerations are addressed in this request to vary the maximum height standard:

- *“That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.*
- *That there is sufficient environmental planning grounds to justify contravening the development standard.*
- *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*
- *The public interest of maintaining the development standard.*
- *Any other matters required to be taken into consideration by the Secretary before granting concurrence.”*

These heads of consideration are discussed in the following sections.

## 1.1. PROPOSED HEIGHT VARIATION

The existing consent applicable to the site accommodates a development with a building height that complies with the WWLEP 2010 control. This proposal seeks variance to the maximum building height of 25 metres in two locations (refer to **Figure 1**):

- A maximum height of RL 213.741 metres at the highest point of the existing silo measured from the highest point to the existing ground level directly below; and
- A maximum height of RL 207.4 metres at the Mill Hotel, measured from the highest point of the lift overrun to the existing ground level directly below.

The proposal also has minor height exceedances for plant room services. A summary of the proposed maximum heights, and the percentage exceedance is provided in the following table:

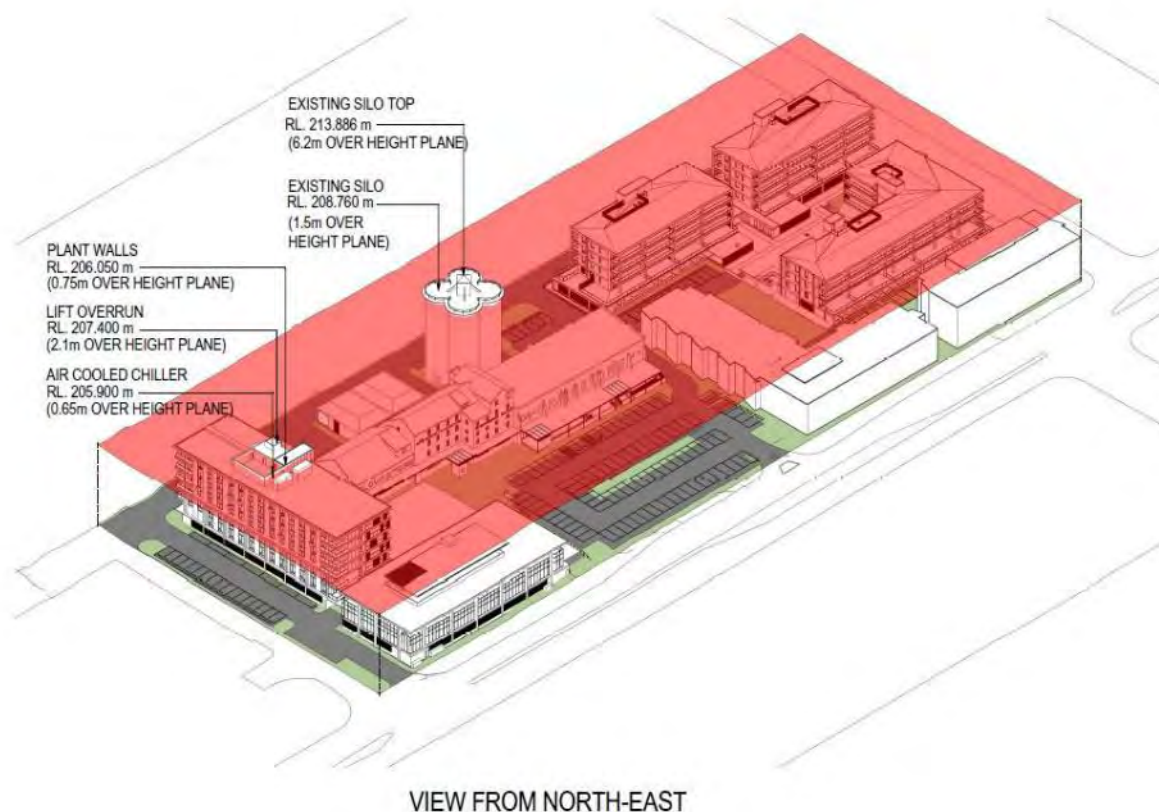
Table 1 – Maximum Building Heights

Location	Height (RL)	Height Exceedance	Variation
<u>Existing Silo</u>			
Silo structure	208.760 metres	1.5 metres	6%
Silo top	213.741 metres	6.2 metres	24%
<u>Mill Hotel Building</u>			
Lift overrun	207.4 metres	2.1 metres	8.4%
Mechanical plant room walls	206.05 metres	0.75 metres	3%
Air cooler	205.9 metres	0.65 metres	2.6%

The proposed variations consider the following:

- The silo is an existing structure which currently exceeds the WWLEP 2010 control, however triggers an assessment under clause 4.6 as a change of use to provide storage ancillary to the restaurant and function centre uses is proposed. As such, the highest point is existing and will not change; and
- The height exceedance of the Mill Hotel building is minor, and comprises plant and lift overrun which are centrally located behind the parapet to obscure them from view at street level.

Figure 1 – Proposed Height Exceedances



## 1.2. OBJECTIVES OF THE STANDARD AND ZONE

The objectives for the development standard and B4 Mixed Use zone are set out in **Table 2** below.

As demonstrated in **Table 2**, the proposal demonstrates a high level of compliance with the objectives of the height control, and B4 Mixed Use zone under the WWLEP 2010. It is therefore considered reasonable that a strict adherence to the height standard is not necessary in this instance.

Table 2 – WWLEP 2010 Height Control Objectives

Objective	Assessment
<b>4.3 Height of Buildings</b>	
<i>(1) The objectives of this clause are as follows:</i>	

Objective	Assessment
(a) <i>To enhance the vitality of Wagga Wagga Wagga city centre by facilitating medium and high density residential, commercial and retail development in a co-ordinated and cohesive manner</i>	The development provides for a mixed use commercial precinct adjacent to the residential component subject to DA11/0568. The proposal has been designed to allow an efficient integration of commercial land uses and services that are site-responsive and sympathetic to the existing heritage buildings.
(b) <i>To ensure the height of buildings complements the streetscape and character of the area in which the buildings are located</i>	<p>The proposed development is considered to be consistent with the originally approved development and desired future character of the site.</p> <p>Additionally, the silo is an existing structure which dominates the streetscape. The height exceedance of the Mill Hotel building is limited to the plant room and lift overrun which will not be visible from the public domain.</p>
(c) <i>To encourage mixed use development with residential components that have high residential amenity and active street frontages</i>	<p>The proposal is for mixed-use development comprising commercial, food and drink and hotel and visitor accommodation uses. The proposal also includes works and landscaping to the 'Forecourt' which will provide an active plaza integrating each component of the commercial precinct.</p> <p>The amenity of the residential component of the site at 1 Flinders Street will be maintained as it is suitably separated from the silo and Mill Hotel building. The configuration of commercial and residential land uses was considered appropriate under DA11/0568 and it is submitted that the proposal and minor height exceedances will not create additional impacts to amenity than those already assessed.</p>
(d) <i>To ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain</i>	<p>Given the limited exceedance of the height control, and the location of the Mill Hotel to the rear of the site, there will be no adverse impacts from the development arising from the breach of the height control.</p> <p>The proposed height of the development will not have any adverse effects upon the amenity of neighbouring properties in regard to privacy, overshadowing or solar access.</p>
<b>Zone B4 Mixed Use</b>  <b>(1) Objectives of zone</b>  <i>To provide a mixture of compatible land uses</i>	
	The proposal provides a genuinely mixed-use development comprising compatible commercial, hotel and food and drink uses.

Objective	Assessment
<i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>	The site is highly accessible within the Wagga Wagga Town Centre and will include retail, commercial and residential floor space.

### 1.3. THE STANDARD IS UNREASONABLE AND UNNECESSARY

There are several compelling reasons why the variation to the height standard is unnecessary and unreasonable in this instance. These are summarised below.

#### Silos:

The intent to use the silo for the purposes of storage ancillary to the restaurant and hotel precinct triggers a consideration of the maximum height standard, despite no new building work being proposed. In this instance, the silo structure is existing and the maximum height will not be changed. It is further considered that the adaptive reuse of the silo represents a positive, site-specific outcome which is consistent with the intent of the existing development consent to retain the heritage significance of the site and ensure the heritage buildings are maintained in perpetuity.

It is also submitted that the silo structure has been considered as a core part of the whole-precinct development as acknowledged in the site-specific masterplan and the approved plans under DA11/0568. Given the only variance to these approved plans is the proposed storage use, it is considered that the visual impact of the silo structure has already been thoroughly considered throughout the design and masterplan.

In view of the above, in this instance strict compliance with the height standard would prevent the adaptive reuse of the silo structure. The reuse of the silo structure strengthens its role in precinct and will ensure it remains an integral part of the whole-precinct development as originally envisaged.

#### The Mill Hotel:

The height exceedance of the plant room and lift overrun of the Mill Hotel building represents a minor variance of 8.4% variance from the height control. The exceedance is limited to a central location of the building, which is setback from the building parapet to ensure it will not be visible from street level.

Given the location of the building and site, the proposed variation would not contravene the environmental planning objectives of the building height control or result in any material impacts on surrounding properties. In particular, the additional height does not contribute to unreasonable or excessive building bulk or mass, loss of privacy or excess overshadowing of adjacent properties or the public domain.

Achieving the proposed variation in this location will facilitate the orderly and economic development of the site, by enabling the suitable location of plant room and lift services required to operate the hotel and providing appropriate access to these facilities. It is considered that having regard to the particular site conditions, and the negligible impacts arising from the proposed variation, that an improved urban outcome can be achieved without numerical compliance with the height standard.

Taking into account the above, the particular circumstances of the proposal warrant a variation to the development standard as it is not considered to be reasonable or necessary.

### 1.4. SUFFICIENT ENVIRONMENTAL PLANNING JUSTIFICATION

The following outlines the key reasons the proposed development is appropriate for the site and a departure from the strict application of the development standard is reasonable:

#### Silo:

- The silo is an existing structure which currently exceeds the WWLEP 2010 control, however triggers an assessment under clause 4.6 as a change of use to provide storage ancillary to the restaurant and function centre uses is proposed. As such, the highest point is existing and will not change;

- The silo structure is existing, and would remain on the site irrespective of the proposed use; and
- The use of the silos will enable a superior site configuration, as it allows additional floor space to be provided for commercial land uses which provides economic benefit to the local community.

Mill Hotel Building:

- The height exceedance of the Mill Hotel lift overrun and plant room services constitute a minor part of the roof element and are centrally located so as to not be visible from the street level.
- Due to the sites proximity and orientation to the railway line (directly south), the majority of overshadowing generated by the silos and Mill Hotel building falls on the railway reservation. The minor height exceedances will therefore not result in any unreasonable overshadowing to the public domain, or any adverse impacts to residential amenity,
- Locating the mechanical plant room services and lift overrun on the rooftop of the Mill Hotel building is an appropriate design outcome, as providing these facilities elsewhere on the site would result in unreasonable building bulk and potential impacts to the heritage significance of the adjacent Mill building.



## **1.5. PUBLIC BENEFIT OF MAINTAINING THE DEVELOPMENT STANDARD**

There will be no public benefit achieved by limiting the development on site to a compliant building height for the following reasons:

- The silo structure currently exceeds the height control and will continue to do so irrespective of the proposed use;
- A strict adherence to the height control would restrict the use of the existing heritage silos, which is contrary to the site-specific masterplan and precinct vision which places an emphasis on the adaptive reuse and conservation of heritage items;
- The provision of storage in another location on the site would limit the floor space available for commercial, employment generating land uses which is in the interest of the public;
- The Mill Hotel height exceedance is confined to the rooftop, and will not be visible from the public domain. The principle location of height exceedance is the lift overrun, which is considered suitable as the lift will provide access to the plant room facilities at the roof top level; and
- Given the location of the height exceedances, and the nature of surrounding land uses there will be no adverse environmental impact as a result of the minor variations to the height control.

## **1.6. OTHER MATTERS**

The non-compliance will not raise any matters of significance for state or regional environmental planning.

## **1.7. SUMMARY**

The development proposes a maximum building height of approximately 31.2 metres which exceeds the permissible height standard of 25 metres under the WWLEP 2010. This is a result of the proposed use of the existing silo structure for storage ancillary to the restaurant and function centre. The development also proposes minor height exceedances comprising the lift overrun and plant room services on the rooftop level of the new Mill Hotel building.

Taking into account the particular circumstances of this development, strict compliance with the numerical standard in this instance would be unnecessary owing to the following:

- The height exceedances will have a negligible impact on adjoining properties as the silo structure is existing and the plant and lift overrun on the Mill Hotel building are centrally located so as to not be visible from the street; and
- The proposal will allow commercial and tourist and visitor accommodation land uses to be configured on the site in a manner that is sympathetic to the heritage significance of the existing Mill building and of minimal environmental impact; and
- The proposal generally complies with other provisions of the WWLEP 2010 and the DCP.

For these reasons, it is concluded that the proposed variation of the height control is well founded and the particular circumstances warrant flexibility in the application of the development standard.

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