

Date: 14 February 2018

To: Southern Region JRPP Members

Topic: 2017STH030 – 50 Edward Street, Wagga Wagga

Analysis: Proposed Amendments to Conditions

Correspondence dated 12 February 2018 has been received from Urbis Planning (to be circulated separately to this memo) on behalf of the applicants of the above listed Development Application that is scheduled for the 20 February Southern Region meeting.

The correspondence requests an amendment to the description of development, the deletion of a number of conditions and amendments to additional conditions.

The amendment to the description is to replace the word 'strata' with 'stratum'. This amendment is noted as not having any impact on the assessment of the application, in particular the proposed subdivision of the site and therefore there is no objection to this change. For clarity the new description of development should therefore read as:

Mixed use development comprising hotel accommodation (156 rooms) to include one 6 storey building and the re-use of the former Murrumbidgee Flour Mill (heritage item), function centre, adaptive re-use of grain silos for storage purposes, two storey commercial building for office and retail use, associated access and car parking (including basement car park), landscaping, signage and 3 lot stratum subdivision

A response to the proposed changes to conditions is provided in table format below:

Condition Number	Proposed change from applicant	Council comment	outcome
5	Delete condition for the finalised agreement between Interlink and Keneco to be provided to the satisfaction of Council and RMS.	<p>The draft agreement was provided as part of the supporting information with the development application. The agreement includes more detail than the right of carriageway secured under the 88B as it also includes responsibilities and maintenance matters.</p> <p>Throughout all pre-DA discussions the importance of the agreement being in place for both the subject application and the adjacent development has been recognised.</p>	The condition is to be retained

6	Delete reference to works within the road reserve of the Sturt Highway from the Construction Management Plan as no works within the road reserve of the Sturt Highway are proposed under DA17/0663	The site is accessed directly from the Sturt Highway. The driveway and the lights required to service the hotel and commercial building require works to the Sturt Highway.	The condition is to be retained
7	Delete condition requiring deceleration lanes as all works proposed under the DA are wholly within the site boundary of Lot 12 DP1178547	The development requires access from the highway. As a stand-alone application all works to support the development must be secured by condition. Although the condition is duplicated from the existing mixed use development there can be no reliance on a separate consent being satisfied.	The condition is to be retained
8	Delete condition requiring WAD agreement with RMS for all works on the highway	The development requires access from the highway. As a stand-alone application all works to support the development must be secured by condition. Although the condition is duplicated from the existing mixed use development there can be no reliance on a separate consent being satisfied.	The condition is to be retained
9	Delete reference to specifics of the BCA being satisfied.	It is agreed that the details are not required and compliance with the BCA suffices.	Re-word condition.
18	Delete condition as materials schedule has been provided	The materials schedule is noted, however the elevation drawings do not include any notation to determine which materials are to be used where	The condition is to be retained
27	Delete condition that details the required Sturt Highway works as the DA does not propose any road works within the Classified Road reserve.	The development requires access from the highway. As a stand-alone application all works to support the development must be secured by condition. Although the condition is duplicated from the existing mixed use development there can be no reliance on a separate consent being satisfied.	The condition is to be retained
33	Delete condition that requires s138 approval for road works as the DA does not propose any road works within the Classified Road reserve.	The development requires access from the highway. As a stand-alone application all works to support the development must be secured by condition. Although the condition is duplicated from the existing mixed use development there can be no reliance on a separate consent being satisfied.	The condition is to be retained

34	Delete reference to the specifications for vehicle access within the road reserve as the DA does not propose any road works within the Classified Road reserve.	The development requires access from the highway. As a stand-alone application all works to support the development must be secured by condition. Although the condition is duplicated from the existing mixed use development there can be no reliance on a separate consent being satisfied.	The condition is to be retained
54	Amend reference in the condition to Prior to Occupation Certificate for the hotel and entertainment elements of the proposed development, as opposed to prior to operation.	The proposed change does not alter the intent of the condition and the re-word is acceptable to achieve consistency and clarity.	Re-word condition.
61	Deletion of acoustic boundary condition as this is a duplicate of a condition from the mixed use approval.	The acoustic fence was originally required to mitigate against noise from a supermarket loading dock. As that element of the mixed use approval is to be replaced with the hotel and function centre application it is entirely appropriate to include a condition requiring the fence to be installed as part of this development application.	The condition is to be retained
87	Streamline the wording of the condition for clarity.	There is no objection to the proposed rewording.	Re-word condition.

In conclusion Council's analysis results in the re-word of three conditions, numbers 9, 54 and 87. The re-worded conditions are as follows:-

- 9. Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority).**

NOTE 1: Any design amendment required for the purpose of the BCA compliance must be submitted with the construction certificate. Significant amendments may require an application under section 96 of the EPA Act 1979 to be lodged with Council.

REASON: To ensure that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 54. Prior to release of Occupation Certificate for the hotel and entertainment elements of the proposed development, a Venue & Security Management Plan shall be prepared in consultation with the Wagga Wagga Local Area Command. The plan must be signed and approved by the Local Area Commander or the Commander's Delegate, a copy of which must be lodged with Wagga Wagga City Council prior to operation.**

The management plan must include a range of measures which include but are not limited to, patron safety and security, engagement of security guards, noise control, management of crime scenes, recording and reporting incidents of violence, the installation and maintenance of digital HD closed circuit television (CCTV), the quiet and good order of the neighbourhood, safe transport options, clearing of rubbish, addressing complaints relating to the operation of the premise and reviews, amendments and updates to the plan.

The consent holder, a licensee (if a premise is licensed under the Liquor Act 2007) or any other person in control of the premise whilst trading must comply with each condition of the plan at all times.

It is the responsibility of the consent holder to initiate contact with the Wagga Wagga Local Area Command to commence the consultative process for the plan.

REASON: To ensure development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 87. This approval is for a development to be undertaken in Stages.**

The approval of the subject application replaces the originally approved Stage 5 (under DA11/0568.09) with Stage 5 and Stage 6 detailed as follows:

Stage 5 - Hotel development, conversion of Murrumbidgee Flour Mill and silos, function centre, basement car-park, Completion of signalised junction with Edward Street, Mill Avenue and car park and associated landscaping.

Stage 6 – Two-storey Interlink Building and associated landscaping to Edward Street.

In accordance with the approved staging plan, Stage 5 must be completed prior to Stage 6. Unless otherwise expressly stated, the conditions must be read as being applicable to all Stages.

REASON: So that the development proceeds in a planned manner in accordance with the approved plans. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

It is anticipated that discussion and approval of any amendments to conditions will form part of the public meeting next week.

Regards

A handwritten signature in black ink that reads "Amanda Gray".

Amanda Gray
Senior Town Planner