habitat

# Statement of Environmental Effects

## Alterations and Additions to Albury Entertainment Centre

525 Swift Street, Albury

SEPTEMBER 2021

Submitted to the Southern Regional Planning Panel
On behalf of AlburyCity Council

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# 1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Habitat Planning on behalf of Albury City Council and is submitted to Albury City Council in support of a Development Application (DA) for Alterations and Additions to the Albury Entertainment Centre on land described as Lot 1 in DP164886, Lot 1 & 3 DP413102 and addressed as 525 Swift Street, Albury.

The DA and this report have been prepared in accordance with the Environmental Planning and Assessment Act 1979 ("EP&A Act") and the Environmental Planning and Assessment Regulation 2000 ("EP&A Regs").

This report addresses the relevant heads of consideration listed under Section 4.15(1) of the EP&A Act and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal. It also describes the site, its environs, the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

## 1.1. Planning History

The Albury Convention Centre is a prominent built form element within the Albury Civic Centre precinct. It comprises two main buildings, being the Theatre Building constructed in 1964 and the Convention Centre Wing constructed in 1972.

The precinct surrounding the Albury Convention Centre has changed considerably since that time, with major redevelopments of the Library Museum, Art Gallery and Retro Lane Café. Other public domain works, such as the improvements to the central walkway, removal of fencing to the rear of St Matthews Church and landscaping to the eastern and central portions of QEII Square have contributed to a strong central civic and cultural precinct.

The objective of the Convention Centre Wing project is to redevelop the Convention Centre as a leading regional conference facility that will be capable of accommodating large scale business and conference events. The design team emerging untapped needs within the Australian meetings industry, whilst at the same time developing a new and important community facility. A facility that can offer an immersive meetings experience for visitors and a multi-use community facility that supports regional schools, can act as a gallery, event space and be a focus along with QEII for community life and celebration.

Located in Albury's Cultural Precinct, the proposed redevelopment (subject to State and Federal funding) would establish an innovative, iconic and inspiring venue, taking advantage of Albury's strategic location between Melbourne, Sydney and Canberra. The redevelopment would significantly expand and enhance the existing venue, constructed in 1972 and upgraded in 1993 and 2009, which has become limited in its ability to meet the needs of the modern convention market.

This project has been in planning for several years, with community engagement having previously been undertaken during the feasibility study which resulted in a preferred design and set of guiding principles being endorsed by AlburyCity Council.

Key features of the concept design include:

- Expansion of the Convention Wing to cater for large-scale business, conference and tourism events.
- Doubling conference seating capacity to 2000 patrons and increased exhibition space.
- Improved connection to QEII, MAMA, the LibraryMuseum and Retro Lane Café (Cultural Precinct).
- Development of a formal plaza and meeting place at the venue's entrance to better facilitate larger conferences/concurrent events.

Architectural design firms Peddle Thorpe and Furlong & Kain were commissioned to develop the concept designs.

### 1.2. Supporting Plans and Documentation

The development application is supported by the following documentation described below in **Table 1**.

**Table 1 – Supporting Documentation**

| Document | Prepared by | Revision | Date |
|---|---|---|---|
| **Architectural Plans** | Peddle Thorp + Furlong & Kain | - | 27 May 2021 |
| **Statement of Heritage Impact** | Trethowan | C | 19 Jul 2021 |
| **Traffic Impact Assessment** | Spotto Consulting | B | 19 Aug 2021 |
| **Acoustic Report** | Northrop | 1 | 13 Aug 2021 |
| **Environmentally Sustainable Development (ESD) Report** | Sustainable Built Environments | B | 1 Mar 2021 |
| **Hazmat and Asbestos Audit** | Williams Asbestos Solutions | - | 29 Sept 2020 |
| **Quantity Surveyors Report** | Rider Levett Bucknall | 2A | Apr 2021 |
| **Landscape Plan** | T.C.L. | - | 23 Aug 2021 |
| **Archaeological Assessment** | Andrew Long + Associates | Draft | 23 Dec 2020 |

# 2. Site Analysis

## 2.1. Site Location and Context

The subject land to which this application relates is described as Lot 1 in DP164886, Lot 1 and 3 in DP413102 and addressed as 525 Swift Street, Albury. The site is located within the Albury CBD and forms part of the QEII Square Cultural Precinct that is bounded by Dean, Kiewa, Swift and Olive Streets.

The location of the site is shown in **Figure 1**.

**Figure 1 – Context Map (Source: Nearmap)**

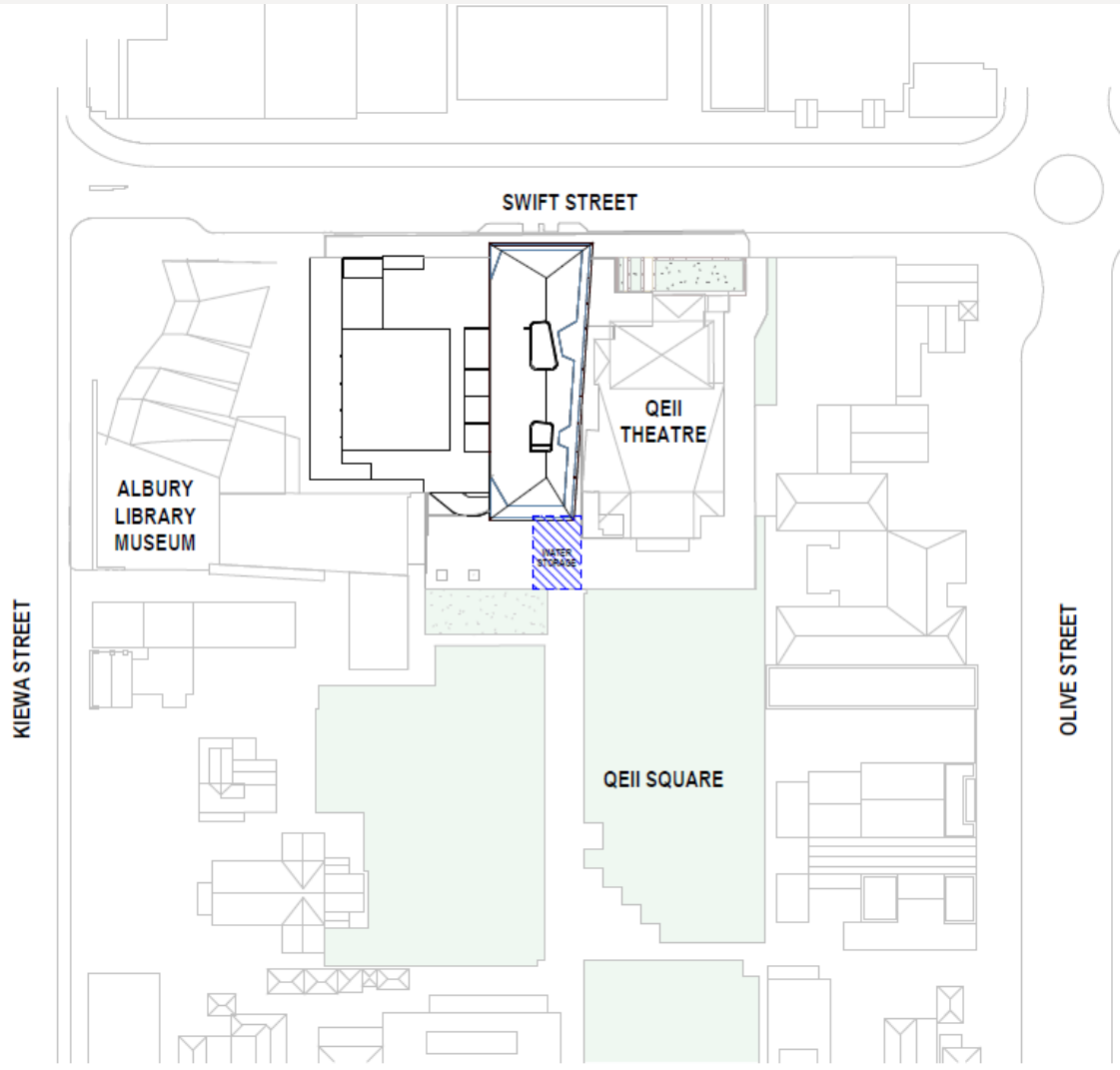


**Figure 2 – Site Map**

**Figure 3 – Aerial Map (Source: Nearmap Apr 2021)**

## 2.2. Site Description

The existing built form currently consists of a relatively square building envelope approximately 50m wide and 50m in depth. The existing building sits across four existing lots within the Civic Precinct. The subject site was first constructed as Albury Town Hall in 1971. It was upgraded to become the Albury Convention and Performing Arts Centre in 1993. The building is two storeys and is constructed of yellow brick with warm orange/ochre and grey details. It is accessed via a plaza area at the northeast, shared with the QEII Theatre, but presents a largely blank face to Swift Street. The site benefits from good pedestrian access through QEII Square, Swift and Dean Streets. The proposed re-development will enable greater accessibility and permeability of the site to cater for the current needs of the community and its wider regional context.

The site contains no existing significant vegetation or any significant landform features or constraints that inhibit the re-development of the site.

The existing conditions of the property are illustrated by the images in the figures below.

**Figure 4 – Frontage of the existing facility from Swift Street**

**Figure 5 – Frontage of Entertainment Centre**

**Figure 6 – External public domain and forecourt**

**Figure 7 – Main Entrance to Existing Albury Entertainment Centre**

**Figure 8 – External public domain and forecourt (looking south from the main entrance)**

**Figure 9 – Existing Entertainment Centre and its interface with QEII Square**

**Figure 10 – Swift Street existing public domain and streetscape**

**Figure 11 – Existing loading dock and presence to Swift Street**

**Figure 12 – Existing Entertainment Centre and its current public interface to Swift St**

**Figure 13 – Existing Entertainment Centre and its current public interface to Swift St.**

## 2.3. Surrounding Development

The subject land is located within the civic core of the Albury CBD, bounded to the north by Swift Street and civic buildings to all other interfaces.

North

The Swift Street road reserve defines the northern boundary of the subject land. The current facility has a limited presence and relationship with Swift Street, with a forecourt and driveway access area effectively representing the back of house for the adjacent theatre building. The remainder of the frontage is largely a blank brick wall, opening to a service/access area abutting the adjacent Library Museum.

Land to the opposite side of Swift Street comprises well established single storey and multi-storey commercial premises. A multi-deck car parking facility owned by Albury City is located further north behind the commercial properties and is accessible from Swift Street via pedestrian crossing facilities at Swift Street and defined mid-block pedestrian walkways.

Other commercial, accommodation and residential development is located to the north towards Wilson Street and along both Kiewa and Olive Streets, with Wilson Street representing the northern edge of the CBD area.

QEII Square

Land to the immediate south is defined by the large QEII Square precinct and associated civic buildings. QEII Square is the civic and cultural heart of the Albury community and includes several landmark buildings that define the CBD. The precinct includes a large paved and grassed outdoor area, framed by the Albury Entertainment Centre Theatre, the subject site, Albury Library Museum and Retro Café, St Matthew Church, Old Albury Court House, MAMA, State Government Office Buildings, Murray Conservatorium, and the Albury Police Station and Court House.

The Entertainment Centre redevelopment will provide opportunities for the development to add energy and vitality to this key space. Furthermore, the re-development will enhance the important edge condition to the Square and the important role this interface plays in the cultural centre of Albury. The Square in turn will support conventions both directly and indirectly.

South - Dean Street

Land to the south of QEII is generally defined by core retail and commercial properties along Dean Street. Dean Street represents the traditional retail and commercial shopping strip of Albury. The significance of Dean Street is to anchor activity precincts through the Albury CBD and ensure the primacy of city remains.

Development of Dean Street is generally comprised of two-storey well established buildings and awning covered street frontages. Dean Street itself has been reconfigured to include large paved pedestrian walkways and landscaped strips to improve pedestrian priority and amenity.

**Figure 14 – QEII Square public domain, St Matthew's Church in the background**

**Figure 15 – Existing café tenancy and city library interface with QEII Square**

**Figure 16 – Murray Art Museum looking south from Albury Entertainment Centre across QEII Square**

**Figure 17 – Swift Street, opposite existing AEC**

**Figure 18 – Swift Street, opposite existing AEC**

**Figure 19 – Swift Street, public domain looking east**

**Figure 20 – Swift Street, public domain looking west**

**Figure 21 – QEII Square, looking south-west**

# 3. Description of Proposal

## 3.1. Overview

The DA seeks approval for alterations and additions to the Albury Entertainment Centre. Specifically, the proposal is to upgrade, extend and refurbish the existing facilities to provide additional community and entertainment facilities.

The proposal will substantially improve the circulation and entry to the facility and contribution to Swift Street and the Albury Civic Precinct generally. It will also refurbish the existing convention space to meet current industry standards in relation to capacity and experience which will enable the facility to offer greater opportunities for hosting major regional events.

The proposed redevelopment will provide the opportunity to enhance the visual presence of the centre as it is approached from Swift Street as well as to create new urban spaces that benefit the community and visitors. By opening up the centre to Swift Street creates greater connectivity with QEII Square and Dean Street and providing greater opportunities for future investment along Swift Street by building owners and tenants

**Figure 24** below provides the indicative envelope of the proposed extent of work in context to the existing Albury Entertainment Centre.

The following sections provide a detailed overview of the development components sought as part of the DA.

**Figure 22 – Architectural perspective of the proposed development**

**Figure 23 - Proposed Site Plan in context to the surrounding Civic Precinct (Source: Pedal Thorp, Furlong & Kain)**

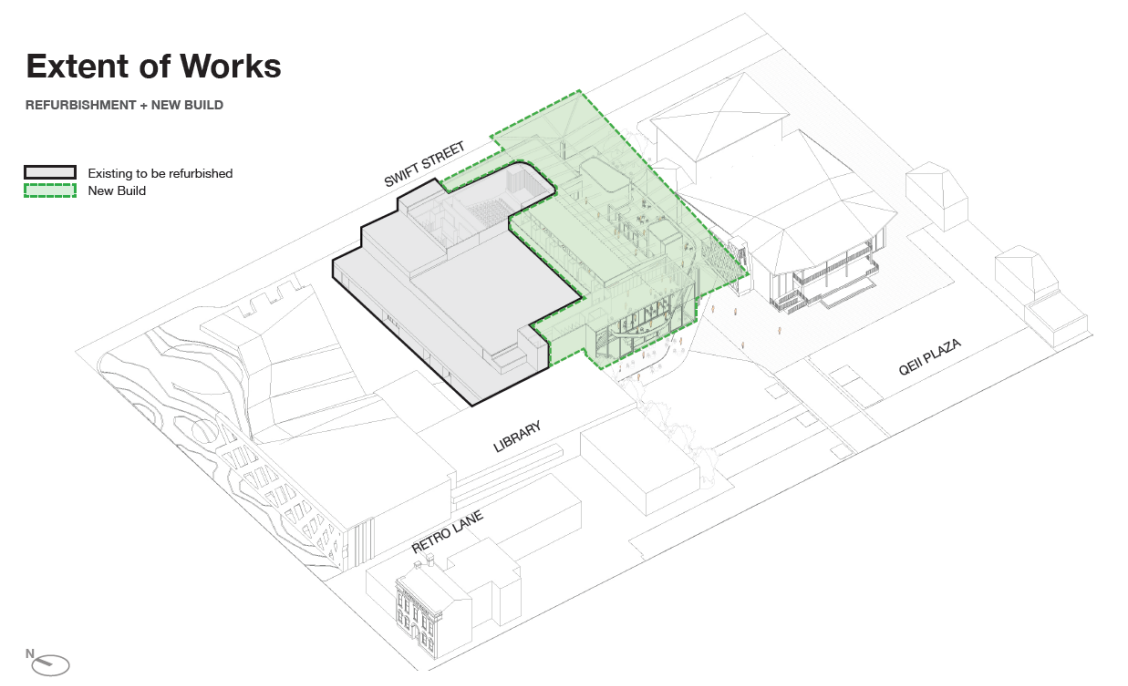


**Figure 24 – 3D view of the facility indicating the extent of works within this application (Source: Pedal Thorp, Furlong & Kain)**

### 3.2. Demolition

The development application proposes demolition to facilitate the redevelopment and refurbishment of the Albury Entertainment Centre.

The demolition works will be carried out externally to portions of the existing building as well as internally to enable the internal refurbishments.

The demolition will also require the removal of identified asbestos. A Hazmat & Asbestos Audit has been completed by Williams Asbestos Solutions dated 29 September 2020 and is **attached**.

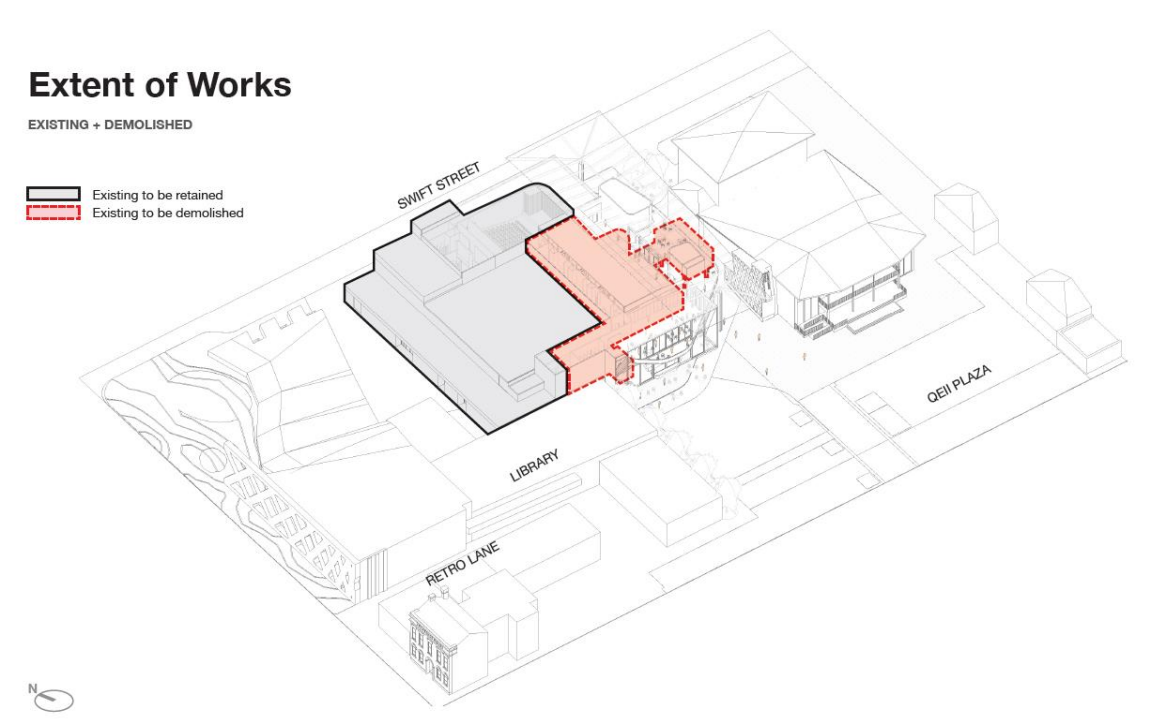


**Figure 25 – 3D view showing the overall extent of demolition works (Source: Pedal Thorp, Furlong & Kain)**

### 3.3. Convention Centre

The proposed convention centre will be developed over several floors including the ground floor, mezzanine, upper floor and canopy. Generally, the development will provide new external and internal pre-function spaces, offices, back-of-house areas, meeting rooms, banquet room, upgraded theatrette and upgraded loading dock and multi-purpose event space.

Additionally, the development will include other associated upgrades such as retractable/operable walls, new roof canopy, elevators and feature stairs.

Plans of the proposed alterations and additions to the AEC are included in the **attached** Architectural plans. **Figure 26** below outlines a breakdown of the key features, room breakdowns and external connections.

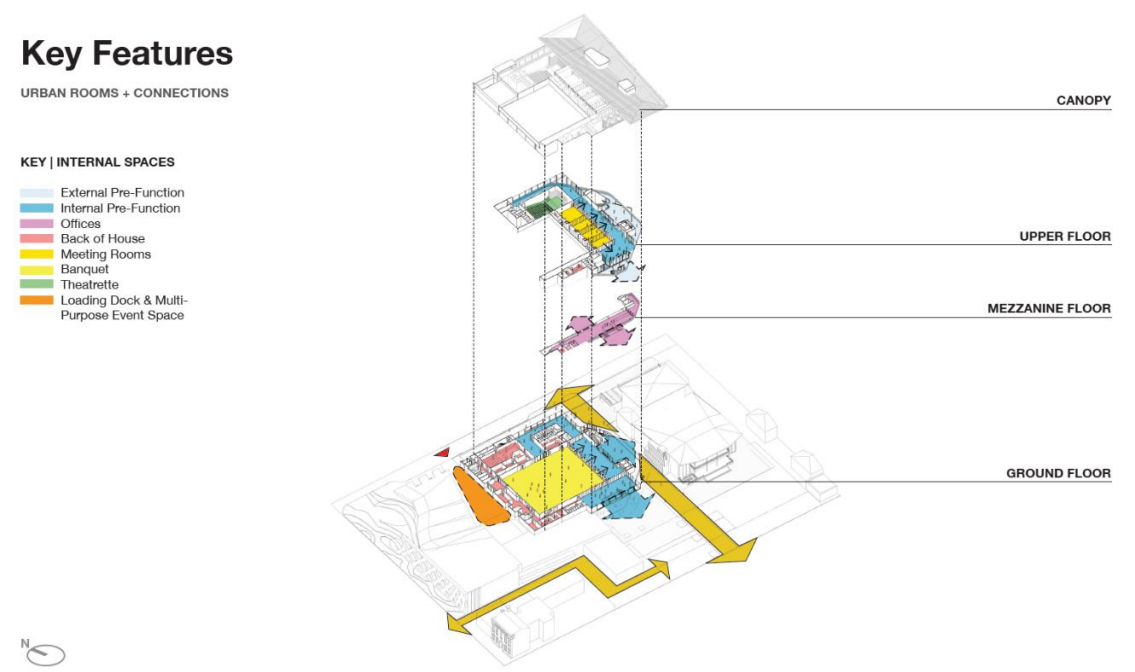


**Figure 26 – Exploded floor plan showing components across all levels of the AEC (Source: Pedal Thorp, Furlong & Kain)**

### 3.3.1. Ground Floor

The ground floor works will include refurbishment of the existing building, back of house area, banquet space and new fire stairs. The ground floor will also include the construction of a new kitchen and associated equipment and benching.

The ground floor will also include the construction of new amenities, banquet space, back of house and servery facilities, stair cores, internal pre-function spaces and reception area.

Overall the refurbishment and construction will result in new and upgraded amenities, cleaning stores, cold store, cool room, 6 store rooms, deliveries area, fire stairs, foyer, kitchen extension, office, serveries, service areas, visitor information, pre-function areas (internal and external) reception, and bar area.

Plans of the proposed alterations and additions to the AEC are included in the **attached** Architectural plans. The figure below provides a diagrammatic overview of the functions on the ground floor.

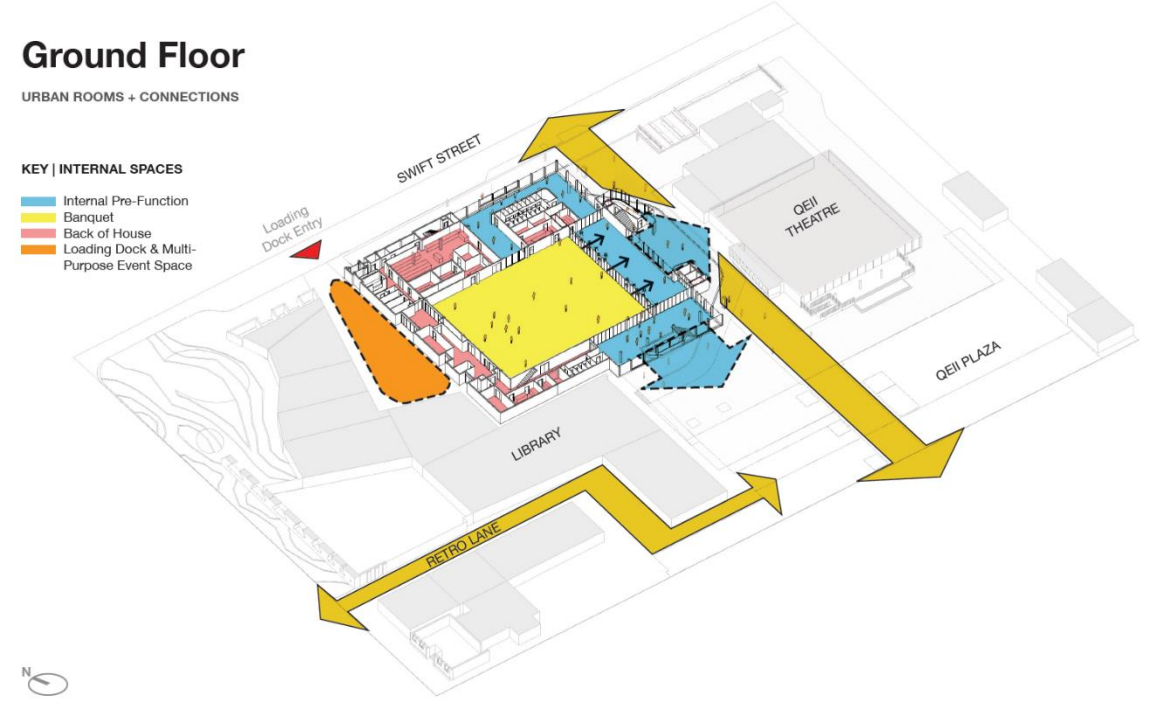


**Figure 27 – Proposed Ground Floor components (Source: Pedal Thorp, Furlong & Kain)**

### 3.3.2. Upper Floor

The upper floor works will generally include refurbishment of the existing amenities, back of house facilities, fire stairs and theatrette. The upper floor will also include the construction of new back of house areas, servery, stair cores, meeting rooms, pre-function (internal and external areas) and additional amenities.

Overall the refurbishment and construction will result in new and upgraded amenities, control room, fire stairs, plant, storage, theatrette, meeting room, pre-function internal and external areas and storage.

Plans of the proposed alterations and additions to the upper floor are included in the **attached** Architectural plans. A diagrammatic overview of this level is shown below.

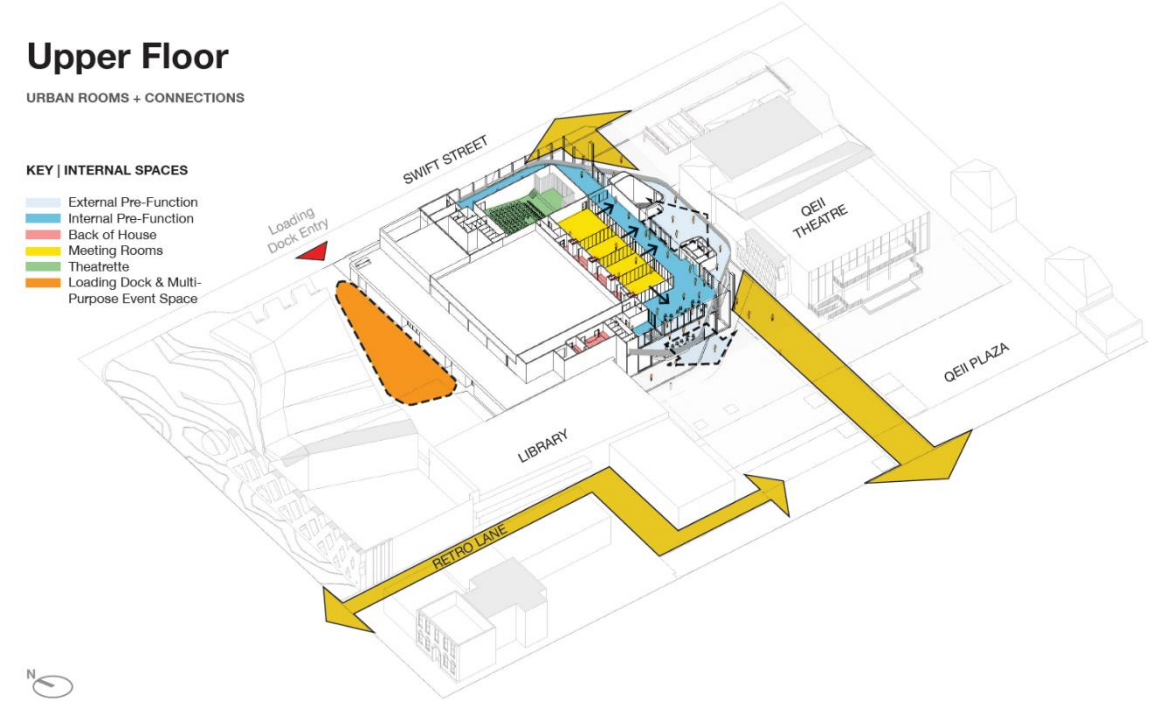


**Figure 28: Proposed Upper Floor components (Source: Pedal Thorp, Furlong & Kain)**

### 3.3.3. Mezzanine

The mezzanine works will generally include the construction of new circulation spaces, kitchenette, staff rooms, storage, stair-cores and offices.

Plans of the proposed mezzanine floor level are included in the **attached** Architectural plans. A diagrammatic overview is shown below.

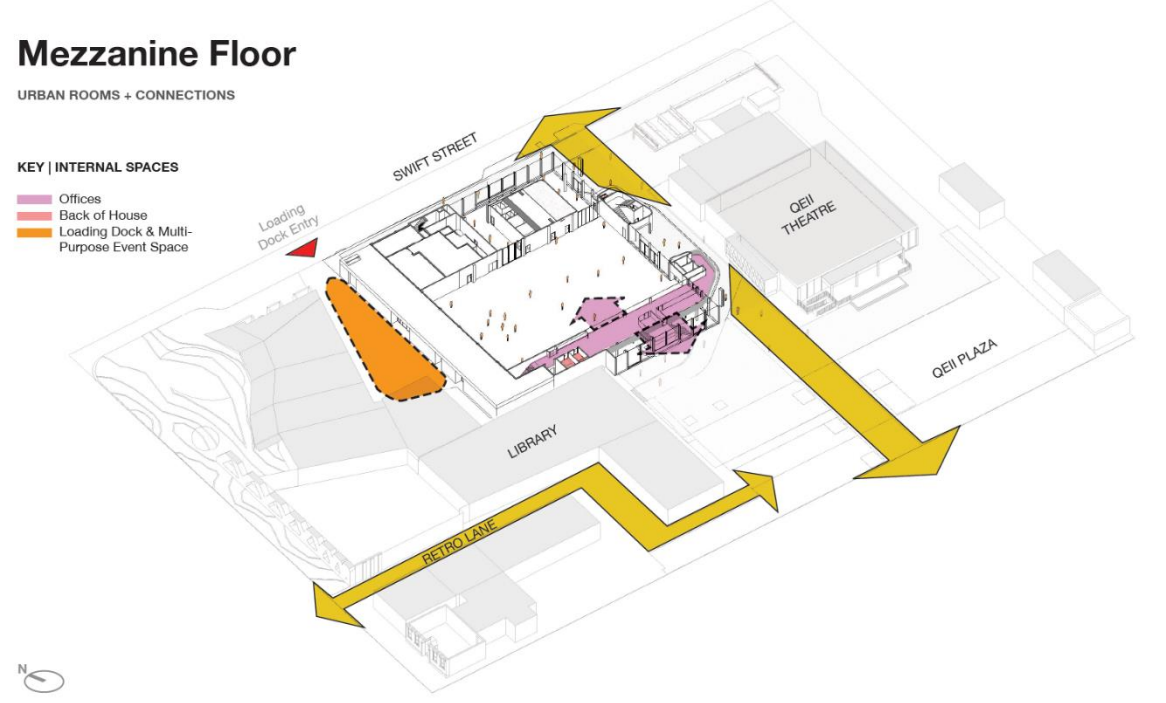


**Figure 29 – Proposed Mezzanine Floor components (Source: Pedal Thorp, Furlong & Kain)**

### 3.4. External Works and Services

The proposed works will also include refurbishment and upgrades to the external façade treatments and building services. Including services connections and infrastructure upgrades for fire services and other building code requirements. The external works will also include external services reticulation to the boundary and associated connections.

The development will also include the construction of a new colonnade and the new entrance facade

### 3.5. Materials, Colours and Finishes

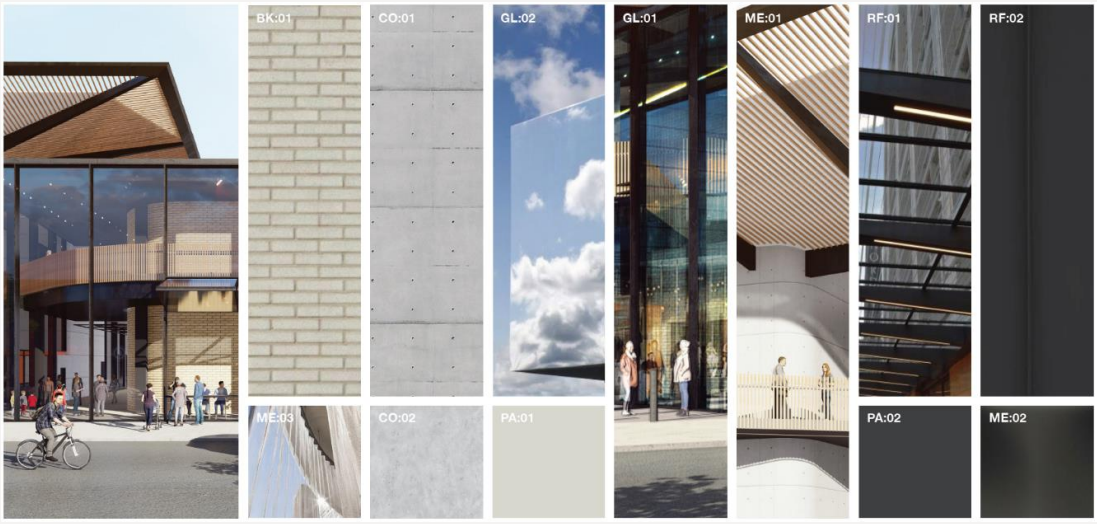


**Figure 30: Proposed Materials, Colours and Finishes (Source: Pedal Thorp, Furlong & Kain)**

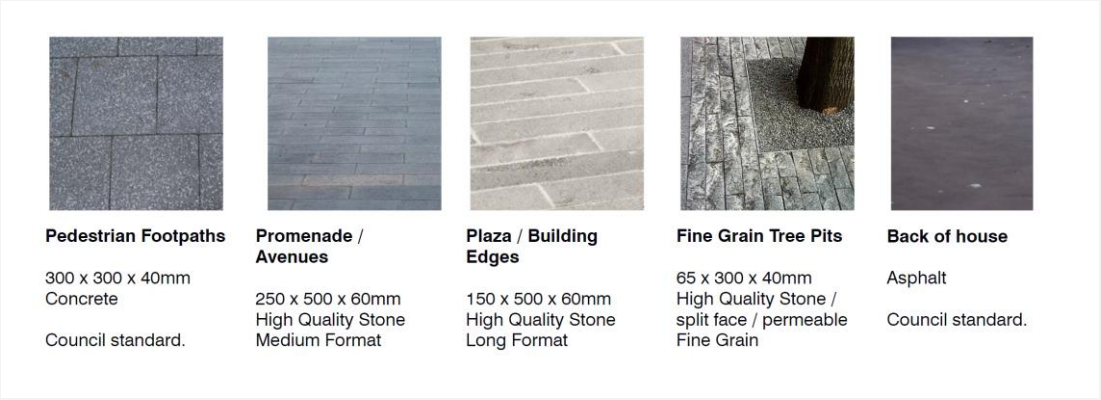


**Figure 31: Proposed External Materials and Finishes (Source: T.C.L)**

The materials and finishes palette above details the proposed materials, colours and finishes that will be incorporated in the façade and external area treatments.

### 3.6. Landscape and Public Domain Works

A range of landscaping and public domain works will be carried out to support the upgrade and refurbishment of the AEC. A landscape plan has been developed by T.C.L Landscape Architects **attached** that provides works to the new promenade between the AEC and theatre, additional tree planting, improvements to the northern plaza (and interface with QEII Square and improved drop off area to Swift Street.

### 3.7. Operational Summary

The operational requirements of the Albury Entertainment Centre are not proposed to be altered as a result of the proposed upgrades. The upgrades works will provide a more functional platform and an upgraded facility that allows for greater flexibility to host events in a range of different and concurrent formats.

As such the centre has been sized to host all the needs (plenary, banquet, break-out meeting spaces and exhibition) for events in the range of 500-600. In addition, the centre has been designed to 'scale up' and enable the hosting of events of up to 800 with both plenary (already met by the adjacent theatre) and banquet capacity needs to be met. This would position Albury to host larger national events with the branding profile that comes with such events whilst remaining focused on efficiently hosting medium-sized regional and national events, multiple concurrent smaller events and importantly existing and emerging local events and social needs.

# 4. Planning Assessment

Under Section 4.15(1) of the EP&A Act when considering an application for development, the consent authority must take into consideration the relevant environmental planning instruments. This section details and responds to the relevant planning framework applicable to the proposal.

## 4.1. Applicable Acts, Environmental Planning Policies, Instruments and Controls

- Heritage Act 1977
- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 (Remediation of Land)
- State Environmental Planning Policy No. 64 (Advertising and Signage)
- Murray Regional Environmental Plan No.2 (Riverine Land)
- Albury Local Environmental Plan 2010
- Albury Development Control Plan 2010

Compliance with the applicable legislation and policies is discussed below.

## 4.2. Heritage Act 1977

The Heritage Act 1977 was first introduced in response to widespread community concern that heritage was coming under increasing threat from overdevelopment. The Heritage Act was initially designed to halt the increasing loss of heritage. Since its introduction, the Heritage Act has been amended to reflect changing circumstances. Today, the Heritage Act protects natural, cultural or built heritage items considered to be of significance to NSW.

The objects of this Act are as follows—

*(a) to promote an understanding of the State's heritage,*

*(b) to encourage the conservation of the State's heritage,*

*(c) to provide for the identification and registration of items of State heritage significance,*

*(d) to provide for the interim protection of items of State heritage significance,*

*(e) to encourage the adaptive reuse of items of State heritage significance,*

*(f) to constitute the Heritage Council of New South Wales and confer on it functions relating to the State's heritage,*

*(g) to assist owners with the conservation of items of State heritage significance.*

Whilst the subject site is not identified as an item of State or Local Heritage significance it is recognised that the site is situated in an area that is considered likely to contain archaeological remains based on past studies, reports and the prominent structures these sites once contained.

Section 139 of the Heritage Act, therefore, applies to the subject development

***"139 Excavation permit required in certain circumstances***

*(1) A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved,*

*damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit."*

The subject application is supported by an Archaeological Assessment by Andrew Long & Associates that provides a thorough background and context to the history of the site and provides a range of recommendations to ensure that the site is appropriately managed during the proposed upgrades to the Albury Entertainment Centre. Further discussion regarding the Archaeological Assessment and recommendations can be found in **Section 5.8** of this report and the **attached** Andrew Long and Associates report.

### 4.3. Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 ("the EP&A Act") is the principal piece of legislation governing the use and development of land in NSW. The objects of the Act are:

*(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
*(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
*(c) to promote the orderly and economic use and development of land,*
*(d) to promote the delivery and maintenance of affordable housing,*
*(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
*(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
*(g) to promote good design and amenity of the built environment,*
*(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
*(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
*(j) to provide increased opportunity for community participation in environmental planning and assessment.*

The objects of the EP&A Act are intended to guide land planning and management. Section 4.15 (discussed below) of the Act lists matters for consideration when assessing and determining a development application.

#### 4.3.1. Evaluation

Section 4.15 of the EP&A Act 1979 sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

*(1) Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the*

*consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest."*

The matters for consideration identified in Section 4.15(1) of the EP&A Act 1979 are addressed in the following section. Subsections (b) to (e) of Section 4.15(1) of the EP&A Act 1979 are addressed in Section 5 of this Statement of Environmental Effects.

The proposed development requires consent under Section 4.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act). This Statement of Environmental Effects and supporting documentation addresses the matters to be considered under clause 4.15 of the Act.

### 4.3.2. Consent Authority

Clause 4.5(b) of the EP&A Act designates the consent authority as follows:

*"… in the case of development of a kind that is declared by an environmental planning instrument as regionally significant development—the Sydney district or regional planning panel for the area in which the development is to be carried out".*

Pursuant to section 4.5(b) of the EP&A Act and Schedule 7(3) and (5) of *State Environmental Planning Policy (State and Regional Development) 2011* the proposal is characterised as 'regionally significant development' as it comprises development with a Capital Investment Value of more than $5 million and for which Council is the landowner.

As such the development application is to be determined by the Regional Planning Panel who is the relevant consent authority in this instance.

## 4.4. Environmental Planning and Assessment Regulation 2000

Clause 98C and 98D of the *Environmental Planning & Assessment Regulation 2000* sets out prescribed conditions of development consent that are required to be imposed on any (proposed or existing) entertainment venue. These conditions relate to emergency evacuation plans, hours of operation and the like. It is expected that relevant conditions of consent will be included in any subsequent determination. Other requirements relating to building upgrades will be undertaken as described on the submitted plans to comply with the regulation.

## 4.5. State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 ("the SRD SEPP") identifies whether development is regarded as State significant or regionally significant development.

This policy aims to identify development that is state or regionally significant and to confer functions on the relevant Regional Planning Panel to determine certain development applications. Schedule 7 of the SRD SEPP identifies circumstances to which the application triggers the requirement for determination by a Regional Planning Panel.

Part 4, Clause 20 of the SRD SEPP declares what is to be considered a regionally significant development. Furthermore, Clause 3 & 5 of Schedule 7 of the SRD SEPP sets out the thresholds for regionally significant development:

**Clause 3 – Council related development over $5 million**

*Development that has a capital investment value of more than $5 million if—*

*(a) a council for the area in which the development is to be carried out is the applicant for development consent, or*

*(b) the council is the owner of any land on which the development is to be carried out, or*

**Clause 5 – Private infrastructure and community facilities over $5 million**

*Development that has a capital investment value of more than $5 million for any of the following purposes—*

*(b) ~~affordable housing, child care centres~~, community facilities, ~~correctional centres, educational establishments, group homes, health services facilities or places of public worship.~~*

As the proposed development has a capital investment of greater than $5 million (but less than $30 million) and comprises 'council related development' and 'community facilities', the proposal is identified as a regionally significant development and the relevant provisions for regionally significant development therefore apply.

### 4.6. State Environmental Planning Policy No. 55 (Remediation of Land)

State Environmental Planning Policy No. 55 – Remediation of Land ("SEPP 55") sets out considerations relating to land contamination across the state. The SEPP intends to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

In the context of this application, clause 7 of SEPP 55 generally requires that consideration be given to whether or not land proposed for development is contaminated and fit for use for its intended purpose. The SEPP requires the consent authority to consider whether the subject land is contaminated when determining a development application. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Hazmat & Asbestos Audit has been completed by Williams Asbestos Solutions dated 29th September 2020. A copy of the Audit is **attached**.

### 4.7. Murray Regional Environmental Plan No 2 – Riverine Land (deemed SEPP)

The subject site falls within the area to which Murray Regional Environmental Plan No 2 – Riverine Land ("MREP") applies. The MREP aims to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

The objectives of the MREP are:

*(a) to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray;*
*(b) to establish a consistent and coordinated approach to environmental planning and assessment along the River Murray; and*

*(c) to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

MREP2 requires Council to take into account several general and specific principles when considering development proposals to which the plan applies. These controls generally relate to the protection of the River Murray. These principles are broadly addressed within this report, which concludes that the proposal is not inconsistent with the intent of the MREP and will not have an adverse impact on the riverine environment.

### 4.8. Albury Local Environmental Plan 2010

*Albury Local Environmental Plan 2010* ("the LEP") is the principal planning instrument that guides development within the LGA. Table 2 below provides an overview of the consistency and compliance of the proposal against the relevant provisions.

**Table 2 – LEP Provisions Overview**

| Clause | Assessment Response |
|---|---|
| **Clause 2.7 – Demolition requires development consent** | Under the Albury LEP, demolition of a building or work may only be carried out with development consent. This application includes demolition works and therefore consent is required under this clause. |
| **Clause 2.3 – Zone Objectives and Land Use Table** | The subject site is located within the 'B3 Commercial Core' Zone ('B3 Zone') for which the objectives are:<br>• *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*<br>• *To encourage appropriate employment opportunities in accessible locations.*<br>• *To maximise public transport patronage and encourage walking and cycling.*<br>• *To encourage development and investment in the Albury and Lavington central business districts.*<br>• *To increase the permanent population within the commercial cores by encouraging the development of shop top housing and mixed use developments*<br>The proposal is considered to be consistent with these objectives as the development provides community and entertainment facilities that serve the needs of the local and wider community, maximises public transport patronage and encourages walking and cycling. Furthermore, the development will provide additional and ongoing investment in the Albury CBD. |

| Clause | Assessment Response |
|---|---|
| **Clause 2.3 – Land Use and Permissibility** | Under the Albury LEP 2010, B3 Commercial Core zoning the proposed development falls under two distinct uses 'community facility' and 'entertainment facility' which are permissible with consent.<br><br>A 'community facility' can be defined as:<br><br>*"community facility means a building or place—*<br><br>*(a) owned or controlled by a public authority or non-profit community organisation, and*<br>*(b) used for the physical, social, cultural or intellectual development or welfare of the community,*<br><br>*but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation".*<br><br>A 'entertainment facility' can be defined as:<br><br>*"entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club."* |
| **Clause 4.3 – Height of Buildings** | The subject site is identified on the 'Height of Buildings' map that sets the development standards regarding height. Therefore, Clause 4.3 of the LEP must be considered with any application for the subject site. The objectives of the clause are<br><br>*(a) to ensure the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,*<br>*(b) to protect the heritage character and significance of buildings and not adversely affect the heritage integrity of heritage items and heritage conservation areas identified in this Plan,*<br>*(c) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy,*<br>*(d) to nominate heights that will provide a transition in built form between varying land use intensities.*<br><br>The development standard for height applying to the subject site is 16m, the proposed development seeks a maximum height of 13.5m (including lift over-run). The proposed development is compliant with this clause and consistent with the relevant objectives. |

| Clause | Assessment Response |
|---|---|
| **Clause 4.4 – Floor Space Ratio** | The subject site is identified on the 'Floor Space Ratio' (FSR) map that sets the development standards regarding floor to space ratios. Therefore, Clause 4.4 of the LEP must be considered with any application for the subject site. The objectives of the clause are<br><br>*(a) to ensure that the density, bulk and scale of development is appropriate for a site,*<br>*(b) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,*<br>*(c) to facilitate development that contributes to the economic growth of the Albury and Lavington Central Business Districts.*<br><br>The development standard for FSR applying to the subject site is 2:1, the proposed development seeks a maximum FSR of 1.27:1. It is, therefore, considered that the proposed development is compliant with this clause and consistent with the relevant objectives. |
| **Clause 5.10 – Heritage Conservation** | Clause 5.10 of the LEP refers to heritage conservation and applies to development involving a heritage item or heritage conservation area as identified within Schedule 5 of the LEP. It seeks to conserve the environmental heritage of Albury, the heritage significance of heritage items and heritage conservation areas, archaeological sites and Aboriginal objects and places of heritage significance.<br><br>The clause sets out several objectives including;<br><br>• to conserve the environmental heritage of Albury,<br>• to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,<br>• to conserve archaeological sites,<br>• to conserve Aboriginal objects and Aboriginal places of heritage significance.<br><br>The subject site is not a heritage item but is within the Dean Street Conservation Area. As such, considerations under this clause apply.<br><br>Clause 5.10(2) specifies that development consent is required where *"demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance) … a building, work, relic or tree within a heritage conservation area,"* Development consent is therefore required pursuant to clause 5.10(2).<br><br>Clause 5.10(4) requires that a consent authority must, before granting consent concerning a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. Clause 5.10(5) requires Council consent authority may require an assessment of the impact of a proposal upon heritage significance before granting consent. A Statement of Heritage Impact has been prepared by Trethowan Architecture and is **attached**. An Archaeological Assessment has been completed by Andrew Long and Associates and is **attached.**<br><br>Further discussion regarding the heritage considerations and impacts can be found in **Sections 4.9.3, 5.6, 5.7 and 5.8.** |

| Clause | Assessment Response |
|---|---|
| **Clause 7.6 – Essential Services** | Clause 7.6 of the LEP requires that development consent must not be granted unless the consent authority is satisfied that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.<br><br>The subject land is commercially zoned and therefore has access to all relevant infrastructure and services including reticulated water, sewerage, electricity, drainage, telecommunications, gas, and vehicular access. The existing site contains the provision of relevant services, and it is considered that these will be adequate to enable appropriate servicing of the site. |

### 4.9. Albury Development Control Plan 2010

The Albury Development Control Plan 2010 ("the DCP") provides specific requirements for development within the LGA, including the subject site.

The following chapters of the DCP apply to the proposed works:

- Part 3 – Development Notification Policy
- Part 4- Developer Contribution Plans
- Part 7 – Heritage Conservation
- Part 11 – Development in the Commercial Zones
- Part 17 – Off Street Car Parking

These matters are addressed in the following sections below.

In considering the requirements of the DCP, it is important to acknowledge the changing role of DCP's since the *Environmental Planning and Assessment Amendment Act 2012*. The Amendment Act makes it clear that the principal purpose of a DCP is to provide guidance to a consent authority rather than statutory controls. If a development application does not comply with provisions in a DCP, the consent authority must be flexible in the way it applies the controls and allow for reasonable alternative solutions to achieve the objectives of those standards. Planning Circular PS13-003 provides an overview as to what weight should be given to controls within a DCP when assessing development applications.

**Table 3 – Summary of variations sought to development controls**

| Guideline | Requirement | Justification |
|---|---|---|
| **Clause 11.7.11(viii)** | *viii. Developments, which are likely to be significant customer attractors, must provide a minimum of two-thirds of the required parking on-site. The remaining one-third may be provided by a monetary contribution. Developments, which are likely to be specific customer "attractors" are as follows:*<br><br>*… Reception/conference centres...*<br><br>*Similar land uses as determined by the Council.* | The proposed alterations and additions to the Albury Entertainment Centre would be classed as a significant customer attractor as defined in the DCP. However, there is presently no off-street parking and the site has continuously operated with a 'historical deficiency'.<br><br>A Traffic Impact Assessment has been prepared addressing the relevant matters for consideration regarding the operation of the premises with no off-street parking. Further discussion and justification is provided in **Section 5.2.** |
| **Clause 17.2** | *i. Car parking spaces are to be provided in accordance with the standards set out in Table 17.1. For land uses not specifically listed, the car parking must be provided as per the most similar use of equivalent intensity, or otherwise in accordance with the requirements of the Council and/or RTA (whichever is the greater).*<br><br>*ii. Where a combination of uses is intended, the total parking requirements shall be the sum of the requirements for the various uses. This may be reduced at the Council's discretion in cases where the proponent can demonstrate that the lesser amount will satisfy the expected demand.* | Refer to **Section 4.9.5** and **Section 5.2** for further discussion regarding the implications and relevance of this clause. |

### 4.9.1. Part 3 – Development Notification Policy

Part 3 and Appendix B of the DCP provide the Council's requirements for notification of applications. The policy requires reference to be given to the Community Participation Plan which is discussed in **Section 4.10.8** of this report.

### 4.9.2. Part 4 – Developer Contribution Plans

Part 4 of the DCP provides details regarding the payment of developer contributions, which will be levied in accordance with the requirements of the *Albury Infrastructure Contributions Plan 2014* (ICP).

The subject site is located within a Section 7.12 area (formerly Section 94A area) and Section 64 area (Water and Sewer) for the purposes of determining developer contributions.

It is noted that as a community facility, the development is exempt from Section 7.12 Contributions under Clause 3.7.1 of the *Albury Infrastructure Contributions Plan 2014.*

Furthermore, Section 64 of the *Local Government Act 1993* outlines the relevant contribution requirements concerning water and sewer, which will be calculated in accordance with the NSW Water Directorate. It is expected that relevant developer contributions under Section 64 will be included as a condition of development consent.

### 4.9.3. Part 7 – Heritage Conservation

As outlined within this report, the subject land is contained within Heritage Conservation Area C6 – Dean Street Conservation Area. Consequently, the provisions of Chapter 7 of the DCP apply.

The general objectives of Albury's heritage controls are outlined below:

- *To identify heritage buildings and areas within Albury and encourage the conservation and enhancement of these items.*
- *To maintain and enhance the overall streetscape and environmental quality of the city.*
- *To promote public awareness of the significance of heritage items.*
- *To provide for public involvement in matters relating to the conservation of Albury's environmental heritage.*
- *To identify heritage conservation areas and to seek to conserve and enhance these areas.*
- *To preserve and maintain landscaping and vegetation, which contributes to the heritage significance of particular heritage items and heritage conservation areas.*
- *To ensure that alterations, additions and infill developments are sympathetic and respectful of the values of the heritage sites.*
- *To control the demolition of heritage items or buildings located within a heritage conservation area and archivally record these buildings in circumstances of demolition.*
- *To have regard to the recommendations of the Albury Mainstreet Study, the Albury City Wide and Lavington Heritage Studies, and to relevant provisions of Part 11 of this DCP, which relates to Development in Commercial Zones.*

An assessment of the proposed development against the heritage controls of Part 7 is provided within this report. A Statement of Heritage Impact has also been prepared in support of the proposed works and concludes that *"The form and scale of the new work is respectful of the existing building and does not overwhelm the nearby heritage items. The material and colour palette is suitably restrained and contrasting to the dominant character of Swift Street and the Dean Street conservation area"* and *"Overall, the proposed works are not considered to have a detrimental impact on the significance of C6: Dean Street Conservation Area, nor on the individual heritage items within the precinct. The scheme is considered to appropriately meet the heritage controls in the DCP, and conservation objectives of the LEP"*.

An archaeological assessment was also carried out by Andrew Long & Associates and summarises the site as the following;

*"Archaeological assessment undertaken in close proximity to the project area and within the QEII Square Cultural Precinct predicted that there would be potential archaeological features and artefacts within the respective subject areas. Furthermore, archaeological investigation uncovered archaeological features and deposits within the QEII Square Cultural Precinct. In particular, the archaeological investigation of Woods Lane (TerraCulture 2007) uncovered buildings dated prior to 1970 and identified small sections of stone cobbling and path to the south and southwest of the current project area (see Figure 7). A number of artefacts were recovered from the cobbling and brick paving, with a total of 503 artefacts identified and collected. The archaeological excavation also determined that the area to the south of the current project area was highly disturbed.*

*Based on the fact that archaeological features and artefacts were uncovered to the south of the current project area, even if in an area largely disturbed, it seems reasonable to assume that this will also be the case within the subject area."*

Following a review of the relevant controls of this chapter (**Table 4**) and having regard to the general objectives outlined above, the proposed development complies with the relevant requirements of Part 7 of the DCP

### 4.9.4. Part 11 – Development in the Commercial Zones

The subject land is zoned B3 Commercial Core under the LEP and therefore the provisions of Chapter 11 are applicable. Specifically, sections 11.7.1 – 11.7.20 apply in respect to development in the B3 Commercial Core and B4 Mixed Use Zones.

It is noted however that many of these controls relate to the construction of new buildings, being matters such as building heights, setbacks, building separation, car parking and the like and are not relevant to this proposal, which seeks to undertake alterations and additions to the existing building on-site. Consequently, only those sections that are relevant to the subject proposal have been addressed in this assessment.

The general objectives of Section 11.7.1 of the DCP as they relate to development in the B3 Commercial Core and B4 Mixed Use Zones are outlined below:

- *To maintain and enhance Albury and Lavington's economic, social and cultural role in the region.*
- *To reinforce the structure and legibility of Albury and Lavington through a clear street hierarchy and urban form.*
- *To promote and encourage a high design quality of buildings.*
- *To ensure that the siting of new developments are appropriate to their setting and use, particularly in regards to overlooking and overshadowing of residential areas.*
- *To manage the transition in building use and scale within low-scale residential and multi-use areas.*
- *To provide a high level of pedestrian amenity to create vibrant, safe and easy-to-navigate streets.*
- *To promote the amalgamation of small sites to deliver better quality development and adequate on-site parking.*
- *To respect the existing scale and view corridors of heritage streetscapes in regards to new development.*
- *To improve and promote the use and safety of laneways for both vehicle service access and pedestrian access to building frontages.*
- *To promote and encourage safer public spaces.*
- *To promote landmark buildings at gateways and entry points.*
- *To simplify visual clutter, enhance tree planting and identify areas for public art and new public spaces.*
- *To create a destination for tourists from which to experience and enjoy Albury.*

The proposal is consistent with these requirements as follows:

- The proposed development maintains and enhances Albury economic, social and cultural role in the region through the refurbishment of an important community and entertainment facility.
- The proposed development will promote and encourage a high design quality of buildings.
- The proposed alterations and additions to the existing building will provide a high-quality design that will encourage and strengthen the economic and social core of the civic precinct and surrounding commercial area.

- The development will provide a high level of pedestrian amenity to create a vibrant, safe and easy-to-navigate outcome. The development will provide greater connectivity with the QEII Square and surrounding precinct.
- The development will respect the existing scale and view corridors of heritage streetscapes concerning the new development.
- The development will promote and encourage safer public spaces and simplify the existing arrangements to enable better urban design and safety outcomes.
- The development will maintain and expand on the existing prominence of the building as an important cultural hub that creates a destination for tourists and the community to experience and enjoy Albury.

Following a review of the relevant controls of this chapter and having regard to the general objectives outlined above, the proposed development complies with the relevant requirements of Part 11 of the DCP.

### 4.9.5. Part 17 – Off Street Car Parking

Part 17 of the DCP relates to car parking and sets out requirements for various land uses, as well as other design-related requirements for the operation and embellishment of car parking. Part 17.2(i) of the DCP requires that parking be calculated per the land uses listed in Table 17.1, or "the most similar use of equivalent intensity" if the land use is not specifically listed. Part 17.2(ii) also requires that the total parking requirements shall be the sum of the requirements for the various uses.

The most appropriate land use definition at Table 17.1 is 'entertainment facility'. This use does not provide a specific rate to calculate the number of parking spaces required, however defers consideration to be at Council's discretion.

Having regard to this, a Traffic Impact Assessment has been commissioned by the applicant which includes consideration of the likely demand for car parking generated as a result of the development. The TIA is **attached** and provides traffic engineering considerations to provide confidence around the parking and traffic matters relating to the development.

In this instance, the existing facility has operated for many years with no off street car parking but has rather relied upon the provision of public parking within the broader Albury CBD area. Given the nature of the facility, being a Council owned public entertainment facility, it is not considered unreasonable that parking be provided via public parking within the Albury CBD. It is noted that the proposal seeks to increase the size and capacity of the facility and that appropriate consideration is given as to the ability for parking to be adequately accommodated within the public areas. Further consideration of this is provided at **Section 5.2** of this SEE and the TIA **attached**.

For the purposes of the DCP compliance, it is considered that the proposal in this instance is justified in not providing off street car parking and that an appropriate Transport Management Plan should be developed to detail how parking is to be managed for the facility and during major events.

The particular design considerations and controls within Part 17 of the DCP are not considered to be relevant as no off-street parking is proposed.

Existing considerations such as loading dock compliance is not relevant to the application as the development either maintains compliance or where the proposed works are to be carried out will not result in a variance to the existing compliance with the DCP.

As such further discussion and justification to support this application regarding traffic impacts, access and off-street car parking arrangements can be found in **Section 5.2** and as part of the Traffic Impact Assessment which is **attached.**

## 4.10. Strategic Planning Considerations

### 4.10.1. Riverina Murray Regional Plan 2036

The *Riverina Murray Regional Plan 2036* (Regional Plan) was adopted by the NSW Government in 2017 and is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Riverina & Murray regions for the next 15 years.

The Minister's foreword to the document states that the Regional Plan will help support *"…investment in major services, facilities and… will distribute the benefits of growth across all centres in the region."*

The Regional Plan is underpinned by four (4) key goals including:

- *Goal 1 – A connected and prosperous economy.*
- *Goal 2 – A diverse environment interconnected by biodiversity corridors.*
- *Goal 3 – Healthy and connected community.*
- *Goal 4 – Environmentally sustainable housing choices.*

Each of these goals is supported by a number of different actions, which seek to achieve the objectives of the goal.

The proposed re-development of the Albury Entertainment Centre responds to the plan by aligning with the following directions;

- Direction 7: Promote tourism opportunities
- Direction 22: Promote the growth of regional cities and local centres
- Direction 24: Create a connected and competitive environment for cross-border communities
- Direction 28: Deliver healthy built environments and improved urban design
- Direction 29: Protect the region's Aboriginal and historic heritage

The re-development supports the Riverina Murray's strategic location as a major competitive advantage and will support the growing and diverse economy of Albury. The Albury's proximity and interface with Victoria and its ability to use the export potential of Melbourne have presented and will continue to present, the region with significant ongoing growth opportunities such as the proposed redevelopment. The entertainment centre will support the benefits of this growth and provide greater opportunities for business and economic activity.

### 4.10.2. Urban Design for Regional NSW

Urban Design for Regional NSW – A guide for creating healthy built environments in regional NSW has been prepared specifically for regional NSW. The guide recognises and celebrates the diversity of urban environments, natural landscapes, climates and communities that exist across this vast area. The guide also supports the objectives of the Environmental Planning and Assessment Act 1979 to 'promote good design and amenity of the built environment'.

The guide also plays an important role in implementing the nine Regional Plans for NSW by responding to actions to prepare regional urban design guidelines for planning, designing and developing healthy built environments.

### 4.10.3. Design Guide for Heritage

The Design Guide for Heritage provides advice to guide a broad range of design work in heritage places in NSW. This advice elaborates on the principles that underpin the Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013 (Australia ICOMOS 2013) and is based on the design objectives outlined in Better Placed: An integrated design policy for the built environment of NSW (GANSW 2017).

The guide supports the many individuals and groups involved in conserving, maintaining, and using our heritage places. It helps inform owners, government, organisations, and members of the community about the value and opportunity in our existing built environment and outlines the steps to ensure our heritage places are conserved, maintained, and enhanced through good design. It seeks to support the heritage consultants and architects who bring their expertise and specialist knowledge to our heritage places.

Good design and heritage are both included as objectives of the EP&A Act. The role of good design was elevated through a 2018 amendment of the Act (section 1.3). The relevant objects are:

*(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)*
*(g) to promote good design and amenity of the built environment.*

The integrated design approach outlined in this document enables collaborative work towards achieving and evaluating these objectives and creating an improved built environment.

### 4.10.4. Albury CBD Master Plan

The Albury and Lavington CBD Master Plans set out the vision and characteristics of our CBDs, providing specific planning controls and guidelines for future development. The purpose of these plans is to:

- Provide a long term planning framework for both the CBDs
- Improve the public face of the CBDs at their entry points
- Improve the public open space
- Reinforce Albury and Lavington's role at the top of the regional hierarchy
- Grow the CBDs in a cohesive manner

### 4.10.5. Draft Cultural Precinct Master Plan

The draft Cultural Precinct Master Plan includes an urban design framework that establishes a preferred structure for the precinct and relates to a set of ‘key moves’ for transforming the precinct into a contemporary civic and community destination. Three design options were explored as part of the Master Plan process, of which ‘The Square’ was identified as the preferred design to unite the space, providing a central lawn at the heart of the precinct, generous tree-lined promenades and a significant interactive water element.

Preliminary cost estimates based on the high-level draft Master Plan estimate works in the order of $20.3 million. This includes a full upgrade to the QEII Square space (central lawn area, northern plaza, amphitheatre, lighting, landscaping and furniture, water feature, east and west promenades, tree planting and gardens, Retro Café arbour, art play area and Dean Street entry and decking).

The Master Plan also includes upgrades to some areas around QEII Square such as the plaza to the east of the State Government offices, the Olive Street laneway link to the south of the Court House and renovation to the ground floor of the NSW Government Building (subject to discussions and long-term lease arrangements) to accommodate new amenities (such as public toilets, parent’s room and change facilities) and other uses to activate the ground floor, such as a café.

The proposed development is consistent with the objectives and aims of the draft Cultural Precinct Master Plan.

**Figure 32 – Urban Design Framework (Source: Draft Cultural Precinct Masterplan)**

### 4.10.6. Albury CBD Parking Strategy 2020-2025

This strategy updates and replaces the AlburyCity Parking Strategy (2010 - 2015). The AlburyCity Parking Strategy (2010 - 2015) was developed to consider the direction for additional parking in Albury with the construction of multi-deck facilities, and the reconfiguration of parking spaces in Lavington, in line with the CBD Masterplans.

This CBD Parking Strategy 2020-2025 aims to commence a transition period where parking demand is managed and balanced against the needs of all users. It recognises that parking cannot be considered in isolation but in conjunction with the provision of alternative transport modes. It acknowledges that changes to driver behaviour will not occur overnight and that alternative modes of transport must be viable and convenient before any change can be expected.

This strategy investigates and develops 26 actionable items to assist with this transition by managing parking demand and enabling change. It will support the draft Albury Wodonga Integrated Transport Strategy and provides the foundations for future parking strategies.

Additionally, the strategy considers a variety of parking management strategies to ensure that all parking is accessible, equitable, logical and fit for purpose. The Traffic Impact Assessment prepared by Spotto Consulting also addresses compliance against the CBD Parking Strategy and the role this strategy plays in the subject development and can be found in Table 4-6 of the TIA.

### 4.10.7. Albury Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) helps guide the growth of Albury over the next 20 years. The LSPS aims to guide future land use planning and influence public and private investment so that it enhances the wellbeing of the community and environment.

To achieve this, the LSPS sets out:

- the 20-year vision for land use
- special characteristics which contribute to our local identity
- shared community values to be maintained and enhanced
- how growth and change will be managed into the future

The LSPS also identifies planning priorities and future strategic planning activities, in the form of studies and strategies. The proposed development aligns with the following Priorities as set out in the LSPS

- Priority 3: A growing sustainable economy
- Priority 6: Vibrant CBDs and strong local centres
- Priority 11: Protect, conserve and celebrate our natural, built and Aboriginal cultural heritage
- Priority 12: Great places for our community to enjoy

The proposed development aligns with the relevant objectives, directions and outcomes identified in the LSPS.

### 4.10.8. Community Participation Plan

The Community Participation Plan is required to be prepared by the relevant local authority under Division 2.6 of the Environmental Planning and Assessment Act 1979 (EP&A Act). In particular, Section 2.23 of the EP&A Act stipulates that;

> *(1) 'A planning authority ... is required to prepare a community participation plan about how and when it will undertake community participation when exercising relevant planning functions'.*

The purpose of the Plan is to clearly explain how and when Council will undertake community engagement in relation to planning matters such as assessment and determination of development applications, including revised plans, modifications and review of applications.

Table 1 of the Community Participation Plan states that notification is required for the subject development. The proposal is not identified as a type of development exempt from notification and therefore must be notified in accordance with the requirements of the Community Participation Plan and Council's Development Control Plan.

# 5. Assessment of Environmental Impacts

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under Section 4.15(1)(b) to (e) of the EP&A Act 1979.

## 5.1. Context and Setting

The subject land is zoned B3 – Commercial Core and is located within the QEII Square which acts as the central cultural precinct for the Albury CBD. The primary objective of the proposed redevelopment of the Albury Entertainment Centre is to upgrade the existing facilities and increase the capacity to attract a greater number of events to Albury.

The proposal demonstrates a design that is derived from the objectives to improve the site as a major conference venue, adaptable to a variety of settings. In addition, the design also seeks to improve the relationship of the building to its context, being the surrounding QEII Square and Swift Street frontages.

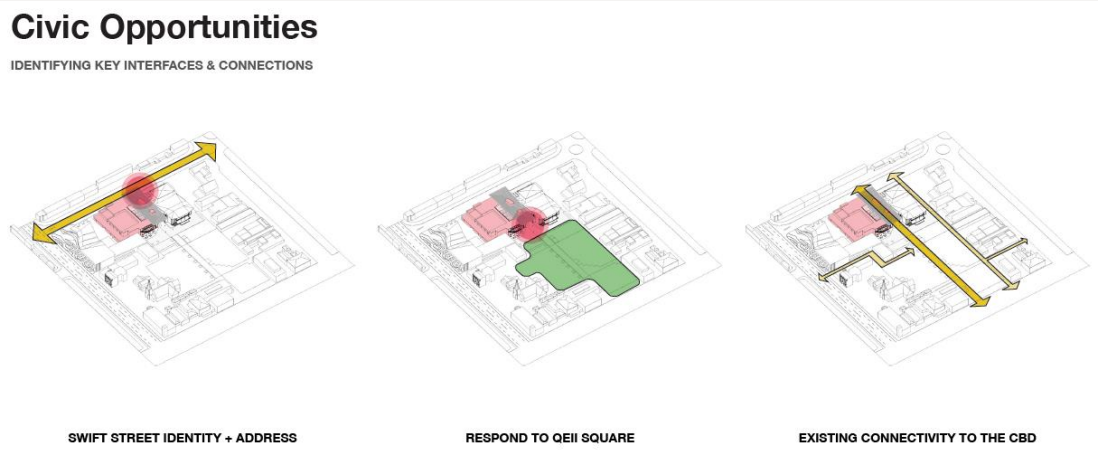


**Figure 33 – Key interfaces and connections to be built upon through the design response (Source: Peddle Thorp Urban Design Response)**

The development is located in an area that benefits from easy accessibility via public transport, walking and cycling. The development employs a design that is appropriate to its context and setting through its built form and scale as well as its materiality and how it interacts with the surrounding commercial and civic precinct.

The building provides a civic quality in its design and is responsive to the adjacent buildings and edges, the facades of the new building work provides an improved interaction between the existing built from and the streetscape. The building design has provided new activated edges through direct access to the building from the public domain from the Square, Swift Street, and its connecting walkways. The upper floors of the development provide legible connectivity with the surrounding streetscape and square and the use of glass maximises views, interaction and passive surveillance that currently does not exist. The building design has also incorporated elements that seek to minimise the impact on the existing heritage items and cultural precinct.

The development includes materials chosen for its longevity and robustness as a civic building to ensure that the development is attractive and low maintenance. The practical materials selection has ensured that the development will focus on the people and community which it serves rather than operating budgets that result in high maintenance finishes and the need for ongoing high-cost maintenance. The design also seeks to enhance the buildings existing location by exploring and expanding the connectivity of the development with other core areas of the Albury CBD.

Key landmark features such as the canopy and verandas are inspired by the River Red Gum and the role it has played in providing shelter and a place of ceremony for both the Indigenous and non-Indigenous communities. Structures that shelter below and adjacent to the canopy are simple and true in form and materials. They reflect the need to have regular flexible spaces that are easy to manage, robust in their function and identifiable in their own right – the robust lower-level space, the timber-clad upper feature space and the brick-clad theatrette.

Where practical, materials (timber, concrete, brick, aluminium) are left in their raw form and respond to the existing built context of the centre of the city. The brick-clad theatrette is retained within a new glass envelope and a new upper-level multi-purpose space is proposed as an identifiable space from the public domain.

Overall, the proposal is sought to ensure an enduring landmark building within the Albury CBD and civic precinct generally. The design response has sought to retain and adapt the existing fabric as much as possible and maintain the position and presence of the building in the precinct, in relationship with other building elements.

## 5.2. Access, Traffic and Car Parking

The existing Albury Entertainment Centre is one of a number of public buildings contained within the central civic precinct of the Albury CBD. The current building does not contain any off-street parking areas but does contain a number of vehicle access locations to loading areas, standing zones and drop off and pick-up spaces.

Pedestrian Access to the site is provided via a large central walkway through the civic precinct between Dean Street and Swift Street. This walkway extends along the eastern side of the Albury Entertainment Centre building.

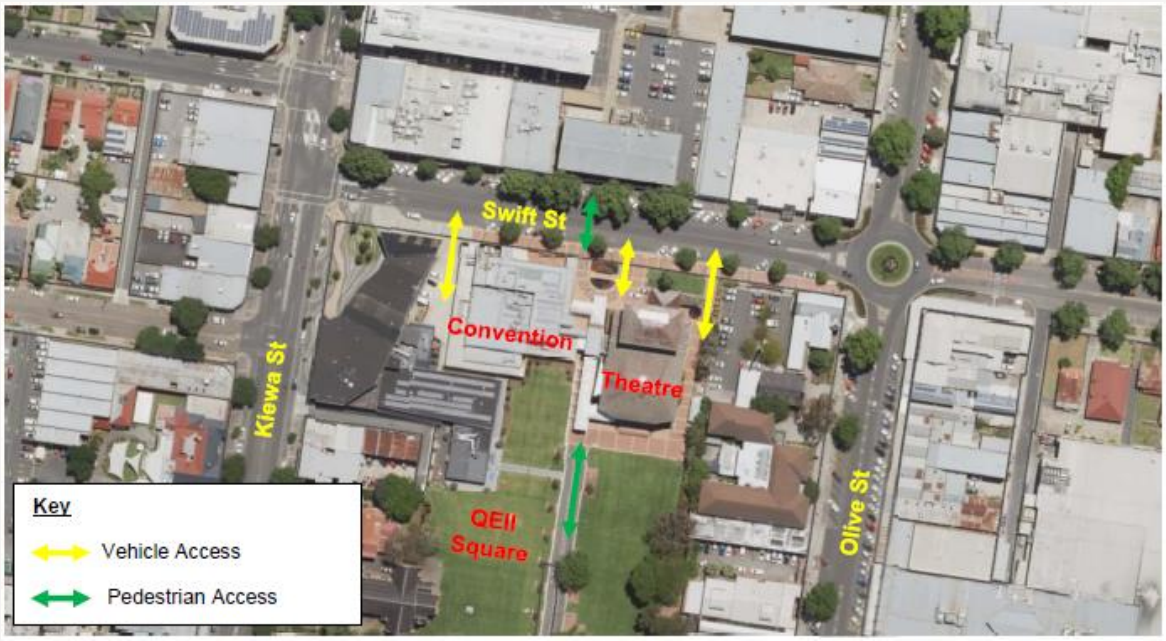


**Figure 34 - Access arrangements to the subject site from surrounding road network (Source: Spotto Consulting)**

In relation to traffic impact, the TIA concludes the proposed development will have a negligible impact on the operation of surrounding road network. The site does not comprise off-street parking and only minimal access will be required for loading purposes during events. The majority of traffic demand will be absorbed within the road network of the CBD as attendees to the venue will generally seek parking opportunities within the surrounding on-street and public parking areas of the CBD.

Access to the site for loading and other servicing arrangements will be unaltered by the proposed development. Such access will continue to be available via Dean Street via QEII Square through the use of removable bollards via Swift Street to a loading/parking area shared between the AEC and the adjacent Library Museum. This proposal will not alter either access point.

It has also been determined that the proposal will provide adequate pedestrian and cyclist access and circulation. The proposed development will be focussed upon the internal space of the Albury Entertainment Centre with the surrounding pathway and access network being unaltered. A key consideration of the design is to improve the public interface and interaction of the centre, with a focus on improved pedestrian circulation.

As discussed at Section 4.9.5, the existing civic precinct, including the Albury Entertainment Centre does not currently include any off-street public parking. The proposed use does trigger a specific off street parking ratio, but rather requires parking to be considered at Council's discretion. It is noted that the site currently operates on a historical deficiency in terms of off-street parking provision and entirely reliant on the use of publicly-available on-street and off street parking spaces to meet demand for staff and attendees. Under this proposal, no additional off-street parking spaces are sought to be proposed, however this is considered to be acceptable in that the development is for alterations to an existing civic facility in a highly accessible public location of the city. Further, the nature of the use of the facility is such that patrons attending would generally expect to obtain parking in nearby public locations or would utilise alternative transport methods such as pedestrian access.

It is noted that options to provide off-street parking have been investigated for the precinct, including as part of recent master planning works, however the feasibility of this outcome could not be justified and the potential impact on the cultural precinct generally would be significant.

As the Albury Entertainment Centre is a public building located in a central civic precinct within the Albury CBD, it is considered appropriate that parking demand for the facility be viewed in a broader context. There are a number of accessible public parking areas located within a reasonable distance of the site and could accommodate the likely demand from the activities of the site. The submitted Traffic Impact Assessment specifically considers the likely traffic and parking generation which may be expected based on the type of event, use and transport modes that patrons to the AEC may use.

The TIA identifies that within 400 metres of the subject land there are 2,372 public parking spaces within 400 metres of the subject site. During business hours, approximately 55% of these spaces are occupied and during peak periods up to 59%. After hours, the occupancy of these spaces drops to 22%. It is noted that the greatest occupancy of spaces during business and peak hours are the untimed off-street spaces, of which 70-75% occupancy is noted.

Based on the capacity of the AEC development and typical assumptions of traffic for typical and major events, the TIA determines that a rate of between 60 and 187 additional vehicles could be expected to be generated by the proposal. For typical and major conference events, which would generally occur during business hours and peak periods, the TIA identifies that the total occupancy of untimed public parking spaces within 400 metres would be increased to 82% and 88% respectively.

A peak usage of 85% is considered high based the Austroads Guide to Traffic Management Part 11: Parking and Albury CBD Parking Strategy 2020-2025. Under the proposed development the TIA notes that there will be adequate parking to accommodate all scales of functions within the existing parking network and there is sufficient parking to accommodate typical conference/meetings, however, there is insufficient parking to cater for major conferences and meetings. Major conferences and meetings are a very small proportion of the overall events that are undertaken at the AEC. In response, the TIA recommends a Transport Management Plan be developed which specifically addresses parking be developed for the Albury Entertainment Centre for major events.

It is also noted that Council have previously prepared and endorsed the Albury CBD Parking Strategy, within which a range of recommendations are presented in relation to increasing car parking within the Albury CBD. The strategy also includes a number of initiatives that could be implemented specifically for the increasing availability of public parking for major events at the Albury Entertainment Centre.

## 5.3. Infrastructure and Services

The site is located within an established area where access is currently provided to all necessary reticulated infrastructure and services including water, sewerage, gas, telecommunications, electricity and stormwater drainage. It is understood that there is adequate capacity within these networks to accommodate the development.

## 5.4. Open Space and Landscaping

The Albury Entertainment Centre benefits from its proximity to the QEII Square that provides open space for community use and passive recreational uses. The development will provide additional opportunities for activated building edges that interact with the Square and will increase the passive surveillance and accessibility of the precinct.

A landscape plan has been developed and prepared by T.C.L Landscape Architects and is **attached** and reproduced below.

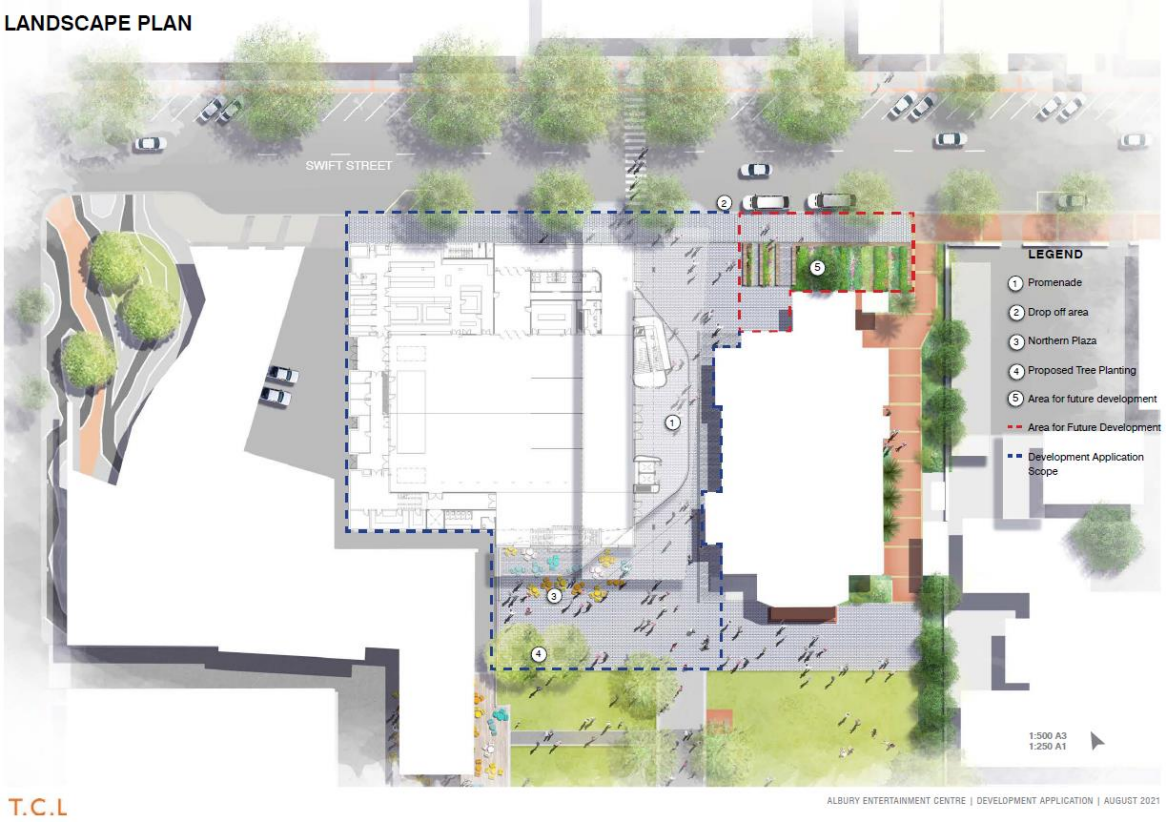


**Figure 35 - Proposed Illustrative Landscape Plan**

### 5.5. Environmentally Sustainable Development

An Environmental Sustainable Development Sketch Design Report (ESD Report) was prepared by Sustainable Built Environments (SBE) to inform the requirements proposed alterations and additions to the Albury Entertainment Centre and is **attached**.

The conclusions drawn from the ESD report are reproduced below;

*"Preliminary modelling has been undertaken to assess the building design for thermal, daylighting and energy performance. Potable water consumption has also been assessed.*

*The assessment of the proposed building indicates the following:*

- *NCC 2019 Section J compliance*
- *An 18% improvement upon the base case in terms of NCC Section J energy efficiency based on buildingfabric enhancements and efficient HVAC plant (COP/EER of 3.9)*
- *An 18% reduction in Greenhouse Gas emissions.*
- *60% offset in base building HVAC consumption achievable with a 50kW PV array*
- *A Daylight Factor (DF) of 2% to 53% of the nominated floor area.*
- *A 50% reduction in potable water demand*
- *25% reduction in runoff volume (WSUD)*
- *On site detention to reduce peak discharges (WSUD)*
- *>45% reduction in nitrogen runoff (WSUD)*

*Further opportunities remain in equipment selection that will be explored in the next phase of design and these should lead to further energy and water savings.*

*Other important initiatives proposed include:*

- *All electric building*
- *Purchase of green power and carbon neutral operation*
- *Local construction and operation initiatives*
- *Green materials and product section*
- *Partnering with local producers*
- *Local waste management initiatives.*

*Design Performance Targets have been proposed for the project. It is proposed that the design target the equivalent of a 4 star Green Star standard. An investigation in to the project's potential to achieve 4 and 5 stars in the Green Star tool has been included. This initial review suggests the proposed development can reasonably target 56 points under Green Star – Design & As Built v1.2."*

The outcomes of this report have informed the building design and approach taken by Peddle Thorp Architects and Furlong and Kain in the development of the design and architectural direction taken when developing the plans, the proposed works and upgrades to the Albury Entertainment Centre.

### 5.6. European Heritage

A Statement of Heritage Impact (SOHI) has been prepared by Trethowan Architecture to inform the proposed alterations and additions to the Albury Entertainment Centre.

The SOHI report states:

*"This assessment is made with regard to an understanding of the significance of C6: Dean Street Conservation Area, and the development controls applied per the DCP.*

*The subject site is not an individually listed heritage item and there are no concerns with the proposed extent of demolition. Impacts are assessed against the character of the conservation area and the objectives to ensure any development complements the precinct and adjoining buildings.*

*There are no identified impacts on the western vista through the precinct to the Monument.*

*Impact Identification*

*Positive Impacts*

*The following aspects of the proposal respect or enhance the heritage significance of the conservation area, for the following reasons:*

*The new canopy acts as a landmark element that indicates the site entry and suggests a further connection through the block. It draws people into the site, identifies the entrance area, and creates a unified identity for the AEC and QEII Square. Existing shade structures and the first-floor connection element to QEII Theatre currently block views and visual connections through from Swift Street to QEII Square. Removing these obstructions will have a positive impact on the conservation area and its function as a key meeting place for Albury. The new canopy is set above the existing buildings to ensure connectivity through the site and preserve views of the significant heritage items to the south.*

*Alterations to the existing building improve the streetscape appearance and enhance its character within Swift Street. Opening up the façade to activate the street draws people into the site. The new work is compatible with the character and scale of the streetscape and adjoining buildings. The form and massing of the altered building remain comparable to the existing, with a similar footprint. The new balconies that wrap around the building and, at points, project through the façade to further activate the façade and break down the overall scale.*

*The materials palette is restrained and appropriate to the site and wider conservation area. Clear glazing opens up the blank façade, activating the building edge and creating connections with the public realm. Partially transparent roof sheeting reduces the visual weight of the canopy, allowing it to read as a light, floating element. Bronze and charcoal aluminium are legible as new work as complement the yellow brick character of the subject site and QEII Theatre. The materials do not detract from or compete with the nearby heritage items to the south of the subject site.*

*Detrimental Impacts*

*The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the mitigation measures to be taken to minimise impacts.*

*It is possible that the height and scale of the canopy and circulation cores could visually dominate this part of the conservation area. This is mitigated by the canopy being partially concealed from view along Swift Street by the QEII Theatre. This section of Swift Street between Olive and Kiewa streets has been substantially altered with later infill development. The majority of significant items within the conservation area are located further south at Dean Street. The canopy will not visually impact or block views to these items from the street or within QEII Square. It is an improved condition as views are currently blocked by structures within the pedestrian concourse. The Statement of Significance identifies that the precinct is dominated by two-storey buildings with much of the character located above awning level. Potential impacts of the canopy on this character is minimised by its height and form as a semi-transparent floating element.*

*Controls at Section 7.5.6 of the DCP limit building heights to no greater than four storeys. The circulation cores reach a maximum height equivalent to three storeys, with the canopy set slightly therefore, considered to meet this development control.*

*Impact Minimisation*

*Potential detrimental impacts are few and have been mitigated as described above. Overall, the proposal will have a positive impact on the conservation area.*

*Alternative design solutions were explored, with the current scheme found to meet the functional brief most effectively. The scheme is underpinned by a vision for the AEC as 'Albury's meeting place,' and enhancing connections with the streetscape and QEII Square. Proposed alterations enhance the importance of QEII Square as a meeting place and rest area within the City Centre, as identified in the Statement of Significance.*

*The works are necessary to improve the subject site's functional performance and increase its capacity to host a wider range and number of events. This will support the ongoing use of the place and its role as a meeting place for Albury. The works are necessary to open the building up to the QEII Square and enhance connections through the wider conservation area."*

The Statement of Heritage Impact has been **attached.**

### 5.7. Aboriginal Cultural Heritage

The subject land is a highly modified site and has a low likelihood of containing any items of cultural heritage significance. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken and it is confirmed that there are no recorded items of Aboriginal cultural significance within 200 metres of the subject site.

AlburyCity Council has recently prepared a City-wide Aboriginal Cultural Heritage Study to identify areas of potential cultural heritage sensitivity in the management of cultural heritage values. As part of this study, a predictive model was established to help identify areas of low to high sensitivity to determine the likelihood of artefacts being present. The subject site is not identified in this study.

As such, further investigation of matters regarding Aboriginal Cultural Heritage is not considered necessary. In the event that the proponent does identify or uncover archaeological items during works, the items will be left in place and appropriate protocols for dealing with such instances will be observed ('unexpected finds protocol').

A copy of the AHIMS search is **attached.**

### 5.8. Archaeology

An archaeological assessment was carried out by Andrew Long + Associates in the preparation of the development application. The report provides a statement of archaeological significance which is provided below;

*"The potential archaeological site at 525 Swift Street, Albury, New South Wales, has the potential to contain archaeological remains of the hospital and the house of Dr Wood named 'Valetta'.*

*The current AEC lies where 'Valetta' was originally located, while the current works will be undertaken in correspondence with the northern portion of the hospital and the tree-lined driveway that led from Swift Street towards the main entrance of the hospital (Figure 12). Therefore, there is the possibility that structural remains associated with the earlier buildings such as the Burnley Hospital (1988 and 1903) might be uncovered, even if the area is likely to be highly disturbed due to the demolition of previous buildings (i.e 'Valetta' and the hospital), the construction of the library and the Civic Centre in 1972, and the re-development of the Entertainment Centre in 1993.*

*Although there are extant buildings on the site, a concrete drive and brick paving, there is potential for deposits such as building footings, accumulated discard, water tanks, cesspits, stables, rubbish pits and old paving stones to remain buried beneath the buildings and hard surfaces.*

*The extant buildings and those that stood earlier are associated with the civic development and public services provided to the citizens of Albury.*

*Therefore, the potential archaeological site at 525 Swift Street, Albury, New South Wales of is* ***of local historical and archaeological significance to the people of Albury, NSW."***

The archaeological report provides management recommendations regarding how the site should be managed during construction in accordance with the *Heritage Act 1977.* These recommendations are described below, and it is considered that these recommendations will likely inform future conditions of development consent. The full quotation associated with the recommendations can be found in the Archaeological Assessment **attached.**

- *Recommendation 1 - Apply for an Excavation Permit from the NSW Heritage Office*
- *Recommendation 2 – Site Inductions*
- *Recommendation 3 – Archaeological Monitoring of Ground Disturbing Works*
- *Recommendation 4 – Targeted Archaeological Excavations*
- *Recommendation 5 – Artefact Management*
- *Project Report*

A copy of the archaeology report prepared by Andrew Long & Associates is **attached.**

### 5.9. Waste

The proposal will generate waste during the construction phase that would be typical of a commercial construction development of this scale. This will typically include excavated soil, off-cuts and excess construction material, concrete; and domestic and putrescible waste (including food waste, bottles, cans and paper). During the construction works, appropriate waste receptacles will be maintained on-site by building contractors.

All waste generated during construction would be collected or stored in appropriate locations and either removed from the site for disposal or reused if appropriate. Any waste which cannot be reused shall be classified in accordance with the Waste Classification Guidelines (EPA, 2014), removed from the site and disposed of at a facility that can lawfully accept the waste.

Waste management plans and procedures are to be established before construction works occurring on-site, subject to appropriate conditions imposed by Council. This plan and procedures will be incorporated into the construction management plan for the site.

Ongoing waste generated by the development is proposed to be managed in accordance with any existing waste contract managed by Council. Relevant liquid trade waste considerations will be undertaken as part of the finalisation of plans for a subsequent construction certificate and will be subject to a Section 68 approval under the Local Government Act.

### 5.10. Noise

An Acoustic Report was prepared by Northrop Consulting Engineers to inform the proposed alterations and additions to the Albury Entertainment Centre. Excerpts from the acoustic report are discussed below;

*"A noise survey was conducted to measure the ambient noise at the most affected noise receivers in the vicinity of the development. Based on the ambient noise measurements and requirements of the EPA NSW Noise Policy for Industry, the noise criteria were established. Noise emission levels to the surrounding sensitive receivers were assessed against the project criteria. Were exceedances occurred, recommendations were provided for compliance."*

The Northrop report sets out a range of situations and assessments that include a range of recommendations and conclusions ranging from construction noise, mechanical and roof plant noise, to acoustic performance requirements of the new building.

The report concludes that should the recommendations be implemented as outlined in the report, noise emissions from the subject development will comply with the acoustic requirements of Albury City Council, NSW EPA Noise Policy for Industry, NSW Road Noise Policy and relevant Australian standards and guidelines.

A copy of the Acoustic Report is **attached.**

### 5.11. Social Impact

The development will overall have a positive social impact as the development outcome will result in a community and entertainment facility that will provide valuable cultural and social infrastructure for the Albury LGA and wider Murray Riverina area.

The proposal will also assist in redefining the sense of place and the importance of these cultural facilities in respect to the composition and character of the Albury LGA and wider community. The alterations will improve accessibility and encourage people to use the infrastructure, services and meeting place this facility provides.

The design of the building also incorporates the importance of the River Red Gum and will create a greater connection to the first nations community as shown in the diagram below in **Figure 36**.

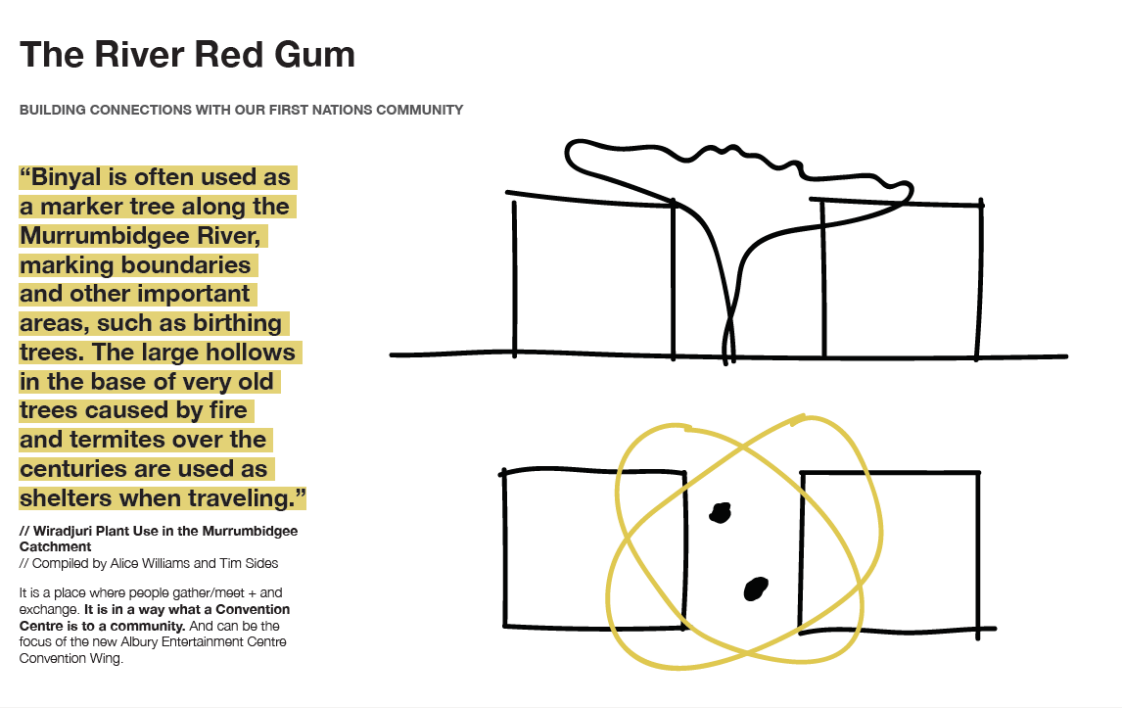


**Figure 36 – Designing for Country (Extract: Peddle Thorp Urban Design Report)**

The upgraded facility will ensure that visitors and delegates place an increased emphasis on having the building reflect the local experience providing a sense that they are experiencing the local context.

Overall, the proposal will comprise a major public and community asset that will create greater community cohesion through the investment in this facility and the community infrastructure that it provides.

The redevelopment may result in some temporary negative social impacts as a result of the development in terms of construction affecting the use of the facility in the short term and the temporary disconnection of Swift Street from the Square. However, the short term negative social impact will far outweigh the social benefit of what this facility will provide over the long term for the community.

### 5.12. Economic Impact

The proposal is expected to have overwhelmingly positive economic impacts for Albury generally via many investments, attractions, employment and indirect spending and visitation within Albury.

The objective of the proposed development is to increase the capability for Albury to host major conferences and events in a world-class space. This will deliver new and deeper business connections and for the existing hospitality business to benefit from greater visitation in Albury for such events.

The re-development of this building will provide vitality to the CBD in terms of linkages to QEII Square and the CBD streets. The greater visibility this building provides will enable a constant presence of events that are open to the city both during the day and night to create an ongoing vibrant, and economic investment in the city.

Construction of the facility will be a major investment by Albury City and will provide substantial opportunities for local employment of trades and other services, as well as flow-on effects to local suppliers.

# 6. Conclusion

This Development Application seeks consent for alterations and additions to the Albury Entertainment Centre on land described as Lot 1 in DP164886, Lot 1 & 3 in DP413102 and addressed as 525 Swift Street, Albury.

The application seeks development consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15(1) of the EP&A Act.

As demonstrated by the detailed assessment above, the proposal satisfies the intent of the provisions of the applicable EPIs and will result in a positive development outcome in terms of social, environmental, and economic impacts.

Having regard for the content of this report, the proposal deserves support because:

- it is consistent with the relevant environmental planning instruments and development control plan,
- it proposes a new and preferred use for the CBD area, particularly given the more entertainment focussed surrounds,
- it provides an appropriate refurbishment of an existing CBD building,
- it will provide an integrated restaurant and entertainment precinct,
- it will provide for a generally improved streetscape at ground level, particularly through greater activation and activity at key frontages,
- it is highly accessible by a number of transport modes,
- it provides greater variety and availability of entertainment and restaurant services for Albury generally,
- It will enhance Albury's economic, social and cultural role in the region through the refurbishment of an important community and entertainment facility,
- it will promote and encourage a high quality of design,
- it will encourage and strengthen the economic and social core of the civic precinct and surrounding commercial area,
- it will provide a high level of pedestrian amenity to create a vibrant, safe and easy-to-navigate outcome. The development will provide greater connectivity with the QEII Square and surrounding precinct,
- it will respect the existing scale and view corridors of heritage streetscapes concerning the new development,
- it will promote and encourage safer public spaces and simplify the existing arrangements to enable better urban design and safety outcomes, and;
- it will maintain and expand on the existing prominence of the building as an important cultural hub that creates a destination for tourists and the community to experience and enjoy Albury.

In light of the above considerations, it is our opinion that the proposal is appropriate from a planning point of view and is in the public interest. The proposed development warrants support by the relevant consent authority.

# Appendix A: Architectural Plans

# Appendix B: Statement of Heritage Impact

# Appendix C: Traffic Impact Assessment

# Appendix D: Acoustic Report

# Appendix E: Environmentally Sustainable Design (ESD) Report

# Appendix F: Hazmat & Asbestos Audit

# Appendix G: Quantity Surveyors Report

# Appendix H: Landscape Plan

# Appendix I: Archaeological Assessment

# Appendix J: Planning Compliance Tables

**Table 4 – Compliance table – Part 7: Heritage Conservation (adapted from ADCP 2010)**

| Standard | Compliance | Comment |
|---|---|---|
| **7.4 General Development Controls** | | |
| **7.4.1 Development Application Information Requirements** | | |
| **In support of an application for development in relation to a heritage item, or a building or work located within a heritage conservation area, it will be necessary for the applicant to supply written evidence prepared by an appropriately qualified specialist:**<br><br>**Demonstrating that due consideration has been given to the significance of the heritage item or the building or work concerned and/or relevant heritage conservation area objectives and controls.**<br><br>**Detailing the significance of the heritage item or building or work, both individually, and in the context of the environmental heritage of Albury.**<br><br>**Setting out any steps to be taken to mitigate any likely adverse impact on the heritage significance of the item and its setting or on the building or work in the relevant heritage conservation area.** | Complies | Matters regarding heritage have been addressed in this report and a Heritage Impact Statement has been prepared and is included as part of the application package. |

| Standard | Compliance | Comment |
|---|---|---|
| **7.4.2 Matters for consideration** | | |
| **The heritage significance of the building, work or Aboriginal object to Albury.** | Complies | The subject land is contained within Heritage Conservation Area C6 – Dean Street Conservation Area within Schedule 5 of the LEP.<br><br>The proposed works have been designed to be sympathetic to the heritage values and significance of this conservation area as outlined within the enclosed HIS. |
| **The extent to which the carrying out of development in accordance with the consent would affect the significance of the building, work or Aboriginal object and its setting.** | **N/A** | Not applicable, the subject building is not significant and not listed as a heritage item. The proposal will improve the buildings' condition, while preserving and respecting the surrounding HCA. |
| **Whether the application relates to an item located within a heritage conservation area, and the extent to which carrying out of development in accordance with the consent would affect the heritage significance of the area.** | **Complies** | The subject site is contained within the Dean Street Conservation Area.<br><br>The works will be sympathetic to the heritage values of the area, including the surrounding heritage items and State Heritage Items. |
| **Whether any stylistic, horticultural or archaeological features of the building or work or its setting should be retained.** | **N/A** | Not applicable |

| Standard | Compliance | Comment |
|---|---|---|
| **Whether the building or work constitutes a danger to the users or occupiers of that item or to the public.** | **Complies** | The building or works do not constitute any danger to the public and appropriate site safety measures will be incorporated during demolition and construction works in accordance with a work/construction management plan. |
| **The colour, texture, style, size and type of finish of any materials (or signage) to be used on the exterior of the building compared to other period buildings in the vicinity.** | **Complies** | These works will ensure that the building will be consistent with the heritage values of the area. The design of the building will help to contrast against the existing heritage items and significance of the area as to not detract from the important aspects and heritage values of the listed items. |
| **The style, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development.** | **N/A** | Not relevant to the proposal. |
| **The pitch and form of any roof.** | **N/A** | Not applicable |
| **The appropriate management, establishment or reinstatement of landscape features; and the style, type and height of any fencing.** | **N/A** | The subject land does not contain any landscaping or fencing, nor does it require the re-establishment of these items. |
| **7.4.6 Conservation Incentives** | | |

| Standard | Compliance | Comment |
|---|---|---|
| **Clause 5.10 of the LEP enables the consideration of land uses for heritage items that would otherwise not be permissible subject to specific requirements being met to the satisfaction of the consent authority.**<br><br>**Applicants should contact Council prior to the drafting of development plans to discuss development proposals and to ensure proposals are fully compliant with the intent and specific requirements of Clause 5.10 of the LEP.**<br><br>**Notation**<br><br>**Council can waive in part or in whole the requirement for car parking to encourage the conservation of a heritage item. In determining if standard car parking requirements are waived Council must be satisfied that alternative parking is available in public car parks in the vicinity or as on street parking, in a manner that will not unreasonably interfere with the amenity of the area or the function of the street.** | N/A | The proposed development is not classified as a prohibited use in the B3 Commercial Core zone. No concessions are requested as part of the application that relate to a heritage item or conservation values of a heritage item. |
| **7.5 Heritage Conservation Areas** | | |
| **7.5.6 C6 – Dean Street Conservation Area** | | |

| Standard | Compliance | Comment |
|---|---|---|
| **A building shall not be erected to a height greater than 4 storeys within the area unless Council is satisfied the building will not unnecessarily or unreasonably intrude upon the area or on a heritage item.** | Complies | The proposed works will not exceed 4 storeys. |
| **Decorative towers, spires etc may be erected if they will complement the streetscape.** | **N/A** | Not applicable |
| **All development within the Dean Street Conservation Area will be subject to Council being satisfied that the building will enhance, and not unduly intrude upon:**<br>• **Nearby heritage items.**<br>• **The existing character of other buildings in the locality.**<br>• **Significant streetscapes or vistas.**<br>• **Public amenity and convenience.** | **Complies** | The proposed works are in keeping with the heritage values the wider surrounds.<br>As a result, the works will not unduly intrude upon nearby heritage items, the character of other buildings in the locality, the streetscape and public amenity and convenience. |
| **Certain advertisements do not require the Council's consent. Refer to Clause 3.1 and Schedule 2 of the LEP and Part 16 of this DCP, which relates to Outdoor Advertising. All other advertisements shall not be erected without the consent of the Council.** | **N/A** | The proposed development is not seeking approval for any advertisement. |

| Standard | Compliance | Comment |
|---|---|---|
| **Advertising structures shall not be erected above an awning unless the Council is satisfied that the sign will not unnecessarily or unreasonably intrude upon the precinct; or obstruct architectural features of a heritage item.** | **N/A** | No advertisements are proposed above awning level. |
| **If an advertising structure is to be attached to a building, the plans accompanying the application should provide elevations of the building showing windows, verandahs, awnings or other major architectural features in relation to the sign.** | **N/A** | See above for further details. |
| **Consideration shall be given to building colours to ensure that new developments, restorations and renovations enhance the character of the area.** | **Complies** | The proposed materials and finishes have been submitted as part of the Architectural Plan Set. The proposed colours and finishes complement the HCA and will not determinately affect the significance of the area, rather will complement and support the existing heritage significance. |

**Table 5 – Compliance Table – Part 11: Development in the Commercial Zones (adapted from ADCP 2010)**

| Standard | Compliance | Comment |
|---|---|---|
| **11.7 Development in the B3 Commercial Core and B4 Mixed Use Zones** | | |
| **11.7.2 Land Use Precincts - Albury** | | |
| **i. Land uses are to comply with the Land Use Plan contained in Figure 11.7 and the Land Use Table contained within the LEP.** | **Complies** | The land is defined within the Land Use Diagram map at Figure 11.7 of the DCP as being within the 'Civic Core' area.<br><br>The proposed entertainment facility/community facility is consistent with this land use designation and is permissible with consent under the relevant zoning. |
| **ii. Any form of residential development, shall comply with Part 10 of this DCP, which relates to Development in the Residential Zones.** | **N/A** | The proposal does not include a residential use. |
| **iii. Mixed-use developments shall provide retail and commercial uses at ground floor level and residential uses above this.** | **N/A** | Not applicable.<br><br>The proposal involves the alterations and additions to an existing community facility/entertainment facility. |
| **iv. In areas characterised by heritage listed detached residential dwellings, land uses shall continue the trend of adapting buildings for commercial use/s such as** | **Complies** | The subject land does not adjoin any heritage listed dwellings and will have no material effect on adjoining heritage items and areas. |

| Standard | Compliance | Comment |
|---|---|---|
| **professional offices or small businesses and single office home office (SoHo).** | | |
| **11.7.3 Building Heights – Albury** | | |
| **i. Building heights are to comply with the Building Height Plan contained in Figure 11.8.** | **Complies** | The proposed building height complies with the relevant LEP provision and DCP requirements. Refer to **Table 2** for further discussion. |
| **ii. Detached houses should retain a single storey building form to the street with a maximum two storey height permitted to the rear.** | **N/A** | Not applicable. |
| **iii. Midblock infill site areas shall achieve an overall maximum height of 7 storeys permitted that a minimum site frontage of 24m exists to accommodate parking.** | **N/A** | Not applicable |
| **iv. Terrace houses should be 2 to 3 storey with a pitched and/or parapet roof.** | **N/A** | Not applicable |
| **v. Buildings shall not obstruct radio transmissions between local transmission structures. Albury City Staff** | | None. |

| Standard | Compliance | Comment |
|---|---|---|
| **may be consulted regarding the location of radio transmission structures and associated height limitations.** | | |
| **vi. All buildings and structures must comply with the Obstacle Limitation Surface Plan as contained within Part 18 of this DCP, which relates to the Albury Airport. This Plan indicates the height that buildings and other structures must not exceed to ensure the safe operation of the Albury Airport.** | **N/A** | Not applicable |
| **vii. Overall building heights shall be compliant with the Street Wall Heights and Upper Level Setback requirements contained within Section 11.7.4 below.** | **Complies** | Refer to Section 11.7.4 below |
| **11.7.4 Street Wall Heights and Upper Level Setbacks - Albury** | | |
| **i. Street wall heights shall comply with the Street Wall Height Plan contained within Figure 11.9.** | **N/A** | Not applicable as building is within civic precinct |
| **ii. Upper level setbacks shall comply with the following:**<br>• **Along Dean Street – minimum 6 metres.** | **N/A** | As above. |

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| • **Along other streets – minimum 3 metres.** | | |
| **11.7.5 Floor Space Ratio (FSR) - Albury** | | |
| **i. Floor Space Ratios shall comply with the FSR Plan contained within Figure 11.10.** | **Complies** | Refer to **Section 4.8** |
| **ii. Large or consolidated sites are subject to the following maximum FSR's:**<br>• **Maximum of 2:1 for sites between 5000m$^2$ and 10,000m$^2$.**<br>• **Maximum of 1.5:1 for sites between 10,000m$^2$ and 15,000m2.**<br>• **Maximum of 1:1 for sites greater than 15,000m$^2$.** | **N/A** | Not applicable. |
| **iii. FSR's for the railway precinct have been deferred and will be subject to special consideration by the Council.** | **N/A** | Not applicable. |
| **11.7.6 Building Design - Albury** | | |

| Standard | Compliance | Comment |
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| **i. New building facades shall include articulation such as punctuations, openings and repetition of architectural elements that contribute to the streetscape.** | **Complies** | Refer to **Sections 3 and 5.1** of the Statement of Environmental Effects and the response provided below at (iii) |
| **ii. Buildings shall comply with the relevant requirements of this Section in regards to setbacks, heights, FSR, landscaping, open space and other like requirements relating to building design.** | **Complies** | Refer to responses below<br><br>Building setbacks are addressed in DCP Compliance tables in response to Part 11.7.7 - 'Building Setbacks'<br><br>Height and FSR are discussed in **Table 2.**<br><br>The remaining responses to landscaping, open space and other requirements relating to building design can be found in **Table 5.** |
| **iii. Buildings shall create interest and activity along street edges through the use of mixed land uses.** | **Complies** | The building design and materials aim to be both ambitious and modest in equal measure. Key landmark features such as the canopy and verandas are inspired by the River Red Gum and the role it has played in providing shelter and a place of ceremony for both the Indigenous and non-Indigenous community. The structures that shelter below and adjacent to the canopy are simple and true in form and materials. These structures tell the story of the activity within. They reflect the need to have regular flexible spaces that are easy to manage, robust in their function and identifiable in their own right – the robust lower level space, the timber clad upper feature space and the brick clad theatrette.<br><br>The design of the building has been developed so that the activities within can be easily seen by the wider community. The transparent envelope reveals the life within |

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| | | and in turn attracts those from outside to observe and partake. The building also opens up to the life of the city. The edge is blurred allowing the influence and energy of the activities in and around to influence the city more widely. The spaces within are constantly changing (through the use of retractable walls) to reflect the range of activities within, whilst having key fixed elements that are a focus of community life: the concrete lift and stair cores, the brick theatrette. The function of the building (served-transparent and serving-brick) are explicit. |
| **iv. New buildings edging public open spaces shall incorporate active edges to increase the vibrancy of these spaces and to provide opportunities for passive surveillance.** | **Complies** | See comment above |
| **v. Buildings on corner sites shall be articulated to address each street frontage and are to define prominent corners as shown in Figure 11.1.** | **N/A** | Not applicable. |
| **11.7.7 Building Setbacks - Albury** | | |
| **i. Street wall setbacks and build to lines are to comply with the Street Setback and Build to Lines Plan as contained within Figure 11.11.** | **N/A** | Not applicable site is located within Civic Precinct. |

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| **ii. Street setbacks where appropriate should follow the predominant setback along the street.** | **Complies** | Street setbacks generally follow the predominant setback along the street. |
| **iii. Buildings setback within landscaped settings shall provide associated open space and landscaping.** | **N/A** | Not applicable. |
| **iv. Where there is not a predominant setback (i.e. large sites or where a significant change in building use/type) is present, a 3 metre street setback should be provided.** | **N/A** | Not applicable. |
| **v. Terrace houses should have a 2 metre landscape street setback or ground floor level up to 1 metre above the footpath, with a 2 metre landscaped terrace.** | **N/A** | Not applicable. |
| **vi. Party wall construction methods should be incorporated for terraces, retail streets and street wall building types where it is consistent with the adjacent context.** | **N/A** | Not applicable. |
| **vii. Terrace house party wall lengths should not exceed 12 to 14 metres.** | **N/A** | Not applicable. |

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| **viii. For additions to residential houses, a minimum side setback of 1.2 metres and minimum rear setback of 6 metres shall apply.** | **N/A** | Not applicable. |
| **ix. For residential apartments and residential components of mixed-use buildings, the following rear setbacks apply:**<br>**• Minimum 6 metres, where building height is 4 storeys or less.**<br>**• Minimum 9 metres, where building height is 5 storeys or greater.** | **N/A** | Not applicable. |
| **x. For commercial uses with windows facing the front and rear of a lot, a minimum 3 metre side setback applies.** | **N/A** | Not applicable. |
| **xi. Bulky good premises may be built to one side and to the rear boundary of a lot, where the adjoining property is not a house, mixed use development or commercial office building with facing windows.** | **N/A** | Not applicable. |
| **xii. Buildings built to the secondary street boundary should cover a minimum distance of 50% of the length of the site.** | **N/A** | Not applicable. |

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| **11.7.8 Building Depth - Albury** | | |
| **i. Residential buildings are limited in depth to 18m from glass line to glass line. Narrower buildings are encouraged to improve natural daylight access and energy performance/efficiency.** | **N/A** | Not applicable. |
| **ii. Building depths for commercial office uses are limited in depth to 30m as this limits the distance from the core to glass and improves energy performance/efficiency.** | **N/A** | Not applicable. |
| **11.7.9 Building Separation - Albury** | | |
| **i. For commercial buildings with windows to offices, a minimum building separation of:**<br><br>**12 metres is required between buildings facing each other on a site, where the building height is 4 storeys or less.**<br><br>**18 metres is required between buildings facing each other on a site, where the building height is 5 storeys or greater.** | **N/A** | Not applicable. |

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| **9 metres for commercial buildings perpendicular to each other, where the maximum façade of one building does not exceed 20 metres.** | | |
| **ii. Where building separation cannot be met due to existing adjacencies or site configurations the following applies:**<br><br>**For free standing residential buildings on narrow sites, side setback controls regulate building separation. In these, instances habitable rooms should be oriented to the front and rear of a lot.**<br><br>**For terraces, orientate rooms and windows to maximise building separation and utilise other details such as louvered screens, translucent windows, and high-set windows to minimise overlooking and increase privacy.** | N/A | Not applicable. |
| **11.7.11 Car Parking, Traffic and Access – Albury** | | |
| **i. Future car parking should be concentrated into consolidated off-street locations and accessed primarily from internal circulation streets. Refer to the Albury CBD Master plan 2009 and Lavington CBD Master plan 2009 for guidance regarding desired locations and access arrangements.** | **Noted** | Discussion is provided at **Section 4.9.5** and **Section 5.2.**<br><br>Notwithstanding, the subject land is centrally located within the Albury CBD and has access to consolidated off-street public parking areas including the Wilson Street multi-deck car park that is passively connected to the subject land. Further detailed |

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| | | discussion regarding off-street parking, traffic and access is provided as per the references above. |
| **ii. Future car parking should consist of a combination of spaces provided specifically to service new development with both private spaces and publicly accessible spaces, which maximise shared parking opportunities at different times of the day.** | **Noted** | Discussion is provided at **Section 4.9.5** and **Section 5.2.** |
| **iii. Car parking areas shall be landscaped to provide shade.** | **N/A** | Not applicable. |
| **iv. Advertising, signage, landscaping and physical barriers shall be provided for the efficient movement of pedestrians.** | **Complies** | Associated landscaping treatment will be provided as part of the proposed upgrade works including improvements to the public domain. Refer to Landscape Plans prepared by T.C.L. which are **attached.** |
| **v. On-grade parking shall be provided at the rear of properties and should incorporate stormwater collection and re-use into their design.** | **N/A** | Not applicable. |
| **vi. On sites with a minimum 24m frontage, parking above ground level or underground may be possible.** | **N/A** | Not applicable. |

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| **vii. Terrace buildings shall have garages located along a rear laneway or if viable under the building footprint.** | **N/A** | Not applicable. |
| **viii. Developments, which are likely to be significant customer attractors, must provide a minimum of two-thirds of the required parking on-site. The remaining one-third may be provided by a monetary contribution. Developments, which are likely to be specific customer "attractors" are as follows:**<br><br>**…Reception/conference centres… and;**<br><br>**Similar land uses as determined by the Council.** | **Variation sought** | The proposed alterations and additions to the Albury Entertainment Centre would be classed as a significant customer attractor as defined in the DCP. However, limited car parking is currently available, and the site has operated with a 'historical deficiency'.<br><br>A Traffic Impact Assessment has been completed that addresses the relevant matters for consideration with regards to the provision of off-street parking. Further discussion and justification is provided in **Section 5.2.** |
| **ix. Multi-level parking (basement or deck) may be appropriate provided that it:**<br><br>• **Supports the objective of keeping the centre compact.**<br>• **Is attractively designed.**<br>• **Reinforces continuity of pedestrian activity rather than creating or exacerbating any sense of separation between commercial uses.** | **N/A** | Not applicable. |
| **x. Car parking should be provided in accordance with the standards and rates provided for in Part 17 of this DCP,** | **Noted** | Discussion is provided at **Section 4.9.5** and **Section 5.2.** |

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| **which relates to Off Street Car Parking for various uses. Council may consider a reduction in the ratio of car parking provision if satisfactory evidence is provided to indicate that one or more of the following circumstances apply:**<br><br>**The ability to "share" spaces between different land uses at different times.**<br><br>**It can be demonstrated that the use in question will not generate the numbers required.**<br><br>**The use proposed is currently not represented in the precinct and is desirable from the point of view of economic activity or community need but to apply the full car parking requirement would make it unviable.** | | |
| **11.7.12 Streetscape - Albury** | | |
| **i. New buildings shall avoid extensive blank walls to street frontages by incorporating display windows and landscaped street setbacks for mixed use and commercial developments.** | **Complies** | The development provides an outcome that results in an improved streetscape outcome compared to the existing AEC building. The development seeks to avoid blank walls to the street frontage through its appropriate use of glass, articulation and appropriate landscaping. |

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| **ii. Continuous box awnings are to be provided at the same height and depth as adjoining buildings in commercial areas, if applicable.** | **N/A** | Not applicable. |
| **iii. Active frontages are to be located on the primary street frontage and for a minimum of 50% of the secondary street frontage.** | **Complies** | The development will activate the Swift Street frontage by creating new active edges to more than 50% of the frontage. This frontage will include extensive glazing and circulation spaces that create greater activity and interest at street level. |
| **iv. Building height, bulk and setbacks shall be consistent with the surrounding structures.** | **Complies** | The proposal is within the statutory height limits of the LEP. |
| **v. Ground level retail and commercial uses shall be maintained through vertical articulation.** | **N/A** | Not applicable. |
| **vi. For detached residential dwellings, developments should maintain the pattern of front setbacks, porches and verandahs typically located on the street facade.** | **N/A** | Not applicable. |
| **vii. New development should retain the use of face brick, timber details, doors and windows.** | **Complies** | The development does retain the use of face-brick through the retention of the existing theatrette which is visible from the street through the new glass external façade. |

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| **11.7.13 Urban Design and Pedestrian Circulation – Albury** | | |
| **i. Any breaks in the continuity of active shop fronts and services, including those created by car parks or activities with low public interaction, shall be avoided.** | **N/A** | Not applicable |
| **ii. All public and pedestrian areas shall be designed in a manner that maximises view lines between destinations and is embellished with highly attractive and consistent paving, lighting and planting (including shade-providing trees in unsheltered areas).** | **Complies** | The development provides improved and upgraded pedestrian access and areas to ensure connectivity and permeability of the upgraded AEC and its interactions with Swift Street and QEII Square. Materiality is discussed in **Section 3.5** and landscaping embellishment is discussed in **Section 3.6.** |
| **11.7.14 Outdoor Advertising – Albury** | | |
| **i. Schedule 2 of the LEP provides that most advertisements do not require the consent of the Council (including some above-awning signs) provided that certain basic conditions can be met.** | **N/A** | Not applicable. |
| **ii. Refer to Part 16 of this DCP, which relates to Outdoor Advertising, for the design consideration of advertisements that require Council's consent.** | **N/A** | Not applicable. |

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| **iii. Within the B3 Commercial Core and B4 Mixed Use Zones there are a large number of heritage items, and several conservation areas. Particular attention should be paid to advertisements in these areas to ensure that they do not detract from the style and character of individual buildings and places. Applicants should refer to Part 7 of this DCP, which relates to Heritage Conservation.** | **Complies** | Refer to **Table 4** for a response to DCP Part 7 |
| **11.7.15 Key Sites – Albury** | **N/A** | The subject land is not identified as a 'Key Site'. |
| **11.7.16 Opportunity Sites – Albury** | **N/A** | The subject land is not identified as an 'Opportunity Site'. |
| **11.7.17 Masterplan Requirement – Albury** | **N/A** | The subject land is already developed and does not require the preparation of a masterplan. A Council owned site within the Civic Core of Albury the site is already associated with numerous masterplans which are discussed within **Section 4.10.** |
| **11.7.18 Future Character Areas – Albury** | **N/A** | The ongoing and continued use of the subject land for civic purposes is consistent with Figure 11.13, which identifies the land as the 'Civic Precinct'. |
| **11.7.19 Heritage – Albury** | | |

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| **Refer to Part 7 of this DCP, which relates to Heritage Conservation as well as the provisions of the Albury Mainstreet Study and the AlburyCity Wide Heritage Study 2004.** | **Complies** | Matters regarding heritage have been addressed in **Sections 5.6, 5.7, 5.8** and **Table 4** above. A Statement of Heritage Impact and Archaeological Assessment have also been prepared in support of the application. |
| **In some cases, a conservation report on a heritage item may be required in order to detail its significance and reuse, and the curtilage required to adequately maintain its setting.** | **N/A** | Not applicable. |
| **11.7.20 Awnings, Verandahs and Balconies – Albury** | **N/A** | There are no applicable controls contained with Clause 11.7.20 |
| **Annual Licence**<br><br>**The applicant will be required to take out an annual licence with Council under the Roads Act, 1993 for any structure that encroaches over Council's Land. The rental fee will be indexed on an annual basis in accordance with Council's Licence Agreement – Encroaching Structures.** | **Noted** | |
| **Public Liability Insurance**<br><br>**Applicants will be required to hold $20 million public liability insurance for any balcony or structure that encroaches on Council's Land and must provide a copy of the Certificate of** | **Complies** | Noted that Council (as the operator) will maintain appropriate liability insurances. |

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| **Currency prior to an annual licence being granted by Council.** | | |