

417 Fallon St
NORTH ALBURY
NSW 2640

SCANNED

17. 09. 2010

Reference: Submission to Volt Lane Development

General Manager
Albury City Council
PO Box 323
ALBURY
NSW 2640

Dear Mr Tomich

I would like to express my appreciation to all those involved in organising the Volt Lane Community Presentation on Monday 6th August 2010

For the Council to access community support in this way is a plus.

Involving the community gives us a feeling of ownership and the information provided will help us be more understanding of the problems that the development may create. Support at the grass roots will help ensure the success of this development.

The Volt Lane area will certainly never ever be the same. A 5 storey car park that doesn't actually look like an ordinary car park, the walled area of the tax building treated with some interest, a decent colour scheme, covered walkway, the hidden delivery area, and at least some decent landscaping that will help cool the open car park in summer. It is a plus for Albury and those involved are to be congratulated on the creation of this development.

I would like to make one suggestion, that perhaps the name could be Volt Lane Marketplace rather than Volt Lane Markets. Just seems to be more complete.

Yours Sincerely

Dorothy Smith.

Dorothy Smith

ALBURY CITY	
ACTION OFFICER	AE/10/01777
FILE NO.	17 SEP 2010
DATE	10/12/2010



DICK & WILLIAMS

LAWYERS

SOLICITORS & ATTORNEYS
NEW SOUTH WALES & VICTORIA

A.B.N. 57 533 120 233

COPY

Our ref: FW:gw 100300

Please reply to: **Albury Office**

Your ref: Michael Keys

8 October 2010

10 08 2010

The Director
Planning & Environment
Albury City Council
PO Box 323
ALBURY NSW 2640

84 fax 6023 8190

Dear Sir

**RE: DEVELOPMENT APPLICATION 10.2010.30491.1
SUBMISSION ON BEHALF OF ANDREW MAXWELL COLQUHOUN
AND SARAH ELIZABETH JANE COLQUHOUN**

We refer to the objection lodged in this matter and to our earlier advice that we required additional time to arrange preparation of a traffic report.

That report was received today and a copy is enclosed to be read in conjunction with the objection.

As documents available to the public are insufficient to enable our clients' consultant to provide a full assessment, we reserve the right to present an amending report in the future, if considered necessary.

Yours faithfully
DICK & WILLIAMS

Mr Kym Connell

Direct email - kconnell@dwlawalbury.com.au

Enc

Albury Office:
613 Olive Street, Albury, N.S.W.
Postal Address: P.O. Box 698,
Albury, N.S.W. 2640 Australia
Telephone: (02) 6021 5411
Facsimile: (02) 6021 5279
Email: email@dwlawalbury.com.au

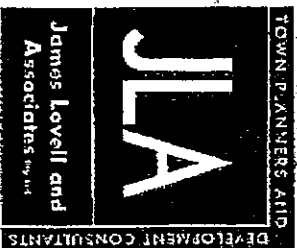
PHILLIP R. WILLIAMS, Dip. Law
Accredited Specialist (Business Law) NSW
ASSOCIATE:
KYM CONNELL,
CONSULTANT.
RUSSELL V. G. DICK, Dip. Law

Myrtleford Office:
5B Clyde Street, Myrtleford VIC
Postal Address: P.O. Box 249
Myrtleford VIC 3737
Telephone: (03) 5752 2363
Facsimile: (03) 5752 2373



Liability limited by a
scheme approved
under Professional
Standards Legislation





Ph: (02) 9908 3255 Fax: (02) 9908 5679

Suite 2, Level 1, 20 Young St, Neutral Bay 2089

PO Box 1835, Neutral Bay 2089

Email: james@jameslovell.com.au

Web: www.jameslovell.com.au

8 October 2010

Mr Kym Connell
Dick and Williams Solicitors
613 Olive Street
ALBURY NSW 2640

Dear Sir,

DEVELOPMENT APPLICATION NO. 10.2010.30491.1
"VOLT LANE DEVELOPMENT"

PROPOSED DEVELOPMENT OF A VOLT LANE DEVELOPMENT

Introduction

I refer to the abovementioned matter and confirm that you have sought my advice in relation to the traffic and parking implications of the proposed development.

I confirm that I have reviewed the documentation provided in your brief including the Architectural Plans (*May + Russell Architects*), Statement of Environmental Effects (*Blueprint Planning*) and Traffic Assessment (*CPG Australia*).

I note that the brief does not include a full set of Floor Plans or Sections, circumstances in which I have been unable to consider the geometric layout and/or design of the off-street car parking facilities and vehicular access facilities.

Further, I have not had access to the computer model to determine the appropriateness of the input data¹ used to assess the traffic impacts of the proposed development, or the traffic counts/surveys relied upon for the purposes of the Traffic Assessment.

Location

The proposed development occupies two (2) separate and unrelated sites located firstly, on the northern side of Smollett Street between Olive Street to the east and Kiewa Street to the

¹ The "Guide to Traffic Generating Developments" published by the Roads and Traffic Authority (RTA) states that "while computer based intersection assessment programs may be effective they are not perfect. They rely on accurate input data and interpretation of the output by a skilled user."

James Lovell and Associates

James Lovell and Associates

west ("the Volt Lane site"), and secondly, on the western side of Kiewa Street between Smollett Street to the north and Gasworks Lane to the south ("the Gasworks site").

The Volt Lane site is currently occupied by a retail building with a floor area of approximately 850m², an electrical substation, and 240 public car parking spaces. The Gasworks site is currently occupied by 371 public car parking spaces.

Pedestrian and vehicular access to the Volt Lane site is via Smollett Street, Amp Lane, Volt Lane and Selles Lane, and vehicular and pedestrian access to the Gasworks site is via Kiewa Street.

The Volt Lane and Gasworks sites are separated by a distance of 170 - 450 metres, with the intervening intersection of Smollett Street and Kiewa Street controlled by traffic signals.

Proposed Development

The proposed development generally comprises a relatively large mixed-use development incorporating various commercial and retail components and associated car parking facilities.

The commercial component is accommodated within two (2) interconnected 7-storey buildings extending along the Smollett Street frontage of the site, with the retail component located to the rear.

Off-street car parking is proposed for 464 vehicles, comprising 386 spaces to service the commercial component and 78 spaces to service the retail component. The 464 spaces comprise 136 spaces at the Volt Lane site and 328 spaces at the Gasworks site.

The proposed development includes an additional 260 public car parking spaces, comprising 257 spaces at the Volt Lane site (497 proposed spaces - 240 existing spaces) and 3 spaces at the Gasworks site (371 existing spaces expanded to 702 spaces, of which 328 are proposed to service the proposed development).

The Traffic Assessment includes multiple "*recommendations*" relating to various works within the adjacent road reserves. I assume those "*recommendations*" are formally incorporated in the proposed development, and include the conversion of Amp Lane and Volt Lane to shared vehicle/pedestrian zones, construction of a median with mountable nose along the Smollett Street frontage, and extension of the northbound left-turn lane along Kiewa Street in the southern approach to Smollett Street.

The proposed development is made on the basis that the Australian Taxation Office (ATO) will occupy one (1) of the 7-storey commercial buildings along the Smollett Street frontage of the Volt Lane site, with the remaining commercial floor space unallocated.

Finally, the SFE variously refers to the retail component as accommodating a "*fresh food retail market*", "*restaurants*", "*cafes*", "*specialty retail*", "*food outlets*", and/or "*food and drink*

James Lovell and Associates

premises", while the Traffic Assessment refers to "a major food retailer, specialty food/lifestyle retail shops".

Documentation

The documentation submitted in support of the Application includes a number of potential inconsistencies of relevance to the traffic and parking implications of the proposed development. In that regard, I have identified the following issues that require some further clarification:

- the executive summary (Page 1) of the SEE states that the proposed development provides 15,406m² of commercial floor space comprising 10,733m² for the ATO and 4,673m² within a separate office building. Table 4 (Page 39) of the SEE states that the proposed development provides 15,399m² of commercial floor space and 4,673m² of retail floor space;
- the SEE (Page 40) states that the proposed development provides 15,399m² of commercial floor space, 2,515m² of retail floor space, and restaurants of 595m²;
- the Traffic Assessment (Page 4) states that the proposed development provides a "new food market" of 3,110m²;
- the SEE (Page 38) states that the proposed development provides 328 additional car parking spaces at the Gasworks site, and the Traffic Assessment (Page 4) states that the car parking at the Gasworks site will be increased by 331 spaces;
- the SEE (Page 7) states that the proposed ATO building has been designed to provide 10,000 m² of nett lettable floor space comprising 1,670m² over six levels (6 x 1,670m² = 10,020m²);
- the Traffic Assessment (Page 9) refers to a nett lettable floor area of 10,120m² for the ATO building; and
- the SEE variously refers to the retail component as accommodating a "fresh food retail market", "restaurants", "cafes", "specialty retail", "food outlets", and/or "food and drink premises", while the Traffic Assessment refers to "a major food retailer, specialty food/lifestyle retail shops".

The inconsistencies identified above are unlikely to materially change the traffic and parking implications of the proposed development. Irrespective, the consent authority should be informed of the precise nature of the proposed development, and further, the proposed and/or likely tenants of the retail component should be more clearly identified.

Issues

Part 17 of the Albury Development Control (DCP) 2010 specifies the following off-street car parking requirements of potential relevance to the proposed development:

Office premises:	1 per 40m ² GFA
Retail premises	
(a) <3,000m ² GFA:	1 per 40m ² GFA

James Lovell and Associates

Restaurants:	1 per 40m ² GFA
Food and drink premises:	1 per 40m ² GFA

On that basis, the proposed development generates an off-street car parking requirement of approximately² 464 spaces, comprising 386 spaces to service the commercial component and 78 spaces to service the retail component.

Off-street car parking is proposed for 464 vehicles, comprising 386 spaces to service the commercial component and 78 spaces to service the retail component. The 464 spaces include 136 spaces at the Volt Lane site and 328 spaces at the Gasworks site.

Irrespective, Part 17 of the DCP specifies an alternate off-street car parking requirement for retail premises as follows:

Retail Premises	1 per 30m ² GFA
(b) >3,000m ² GFA:	

The higher car parking requirement for larger retail premises reflects the likely role and function of more substantial retail centres (or shopping centres) in satisfying the daily demand for retail facilities. In that regard, shopping centres are typically anchored by a supermarket or major store supported by smaller specialty shops.

The Traffic Assessment (Page 4) states that the proposed development incorporates a "new food market" of 3,110m² including a "major food retailer, specialty food/lifestyle shops". To that end, the retail component of the proposed development is clearly intended to satisfy a daily demand for retail facilities.

On that basis, application of the higher car parking requirement to the retail component of the proposed development generates an off-street car parking requirement of 104 spaces such that the proposed provision of 78 spaces represents a shortfall of 26 spaces.

Further, the "Guide to Traffic Generating Developments" published by the Roads and Traffic Authority ("the RTA Guidelines") includes at Table 5.2, a "minimum recommended level of off-street parking" of 6.1 spaces per 100m² of Gross Lettable Floor Area (GLFA) for shopping centres with a floor area of <10,000m².

The RTA Guidelines further specify that "as a guide, about 75% of the gross floor area is deemed gross leasable floor area". On that basis, the proposed retail component of 3,110m² represents approximately 2,332.5m² of GLFA.

In the circumstances, application of the "minimum recommended level of off-street car parking" to the retail component of the proposed development generates an off-street car parking requirement of 142 spaces such that the proposed provision of 78 spaces represents a shortfall of 64 spaces.

² Depending upon clarification of the floor area incorporated in the proposed development.

James Lovell and Associates

The Traffic Assessment includes an assessment of the operating performance of the road network and main intersections in the immediate vicinity of the Volt Lane site. To that end, turning movement counts were conducted on 22 July 2010 at the signalised intersection of Smollett Street and Kiewa Street.

The subsequent post-development assessment of the operating performance of the Smollett Street/Kiewa Street intersection includes an estimate of 500 entry/exit movements from the Volt Lane public car park per hour during the peak periods.

The assessment concludes that the additional traffic generated by the expanded public car park at the Volt Lane site will materially increase the level of saturation and delays at the intersection ($x = 0.78 \rightarrow 0.93$ and delays $38.0 \rightarrow 42.3$ seconds) unless egress from the car park is limited to left-turn only. On that basis, the increase in the level of saturation is less significant ($x = 0.78 \rightarrow 0.79$ and delays $38.0 \rightarrow 38.3$ seconds).

Irrespective, the assessment of the operating performance of the Smollett Street/Kiewa Street intersection (Page 13 of the Traffic Assessment) does not appear to include the traffic generation potential of the expanded public car park at the Gasworks site, or the additional car parking spaces provided at the Gasworks site to service the proposed development.

To that end, the Traffic Assessment appears to provide a separate (rather than cumulative) assessment of the operating performance of the Smollett Street/Kiewa Street intersection (Page 14 of the Traffic Assessment). Clearly, the assessment should be cumulative on the basis that the Volt Lane and Gasworks sites are interdependent for the purposes of accommodating the car parking requirements of the proposed development.

Further, the Traffic Assessment is based on the suggestion that the peak period for the Volt Lane and Gasworks sites will not coincide. That suggestion is made on the basis that the Volt Lane car park will accommodate peak period short-term parking between 3:15 - 4:15pm, and the Gasworks site will accommodate peak period long-term parking "at the end of the business day".

In my opinion, that suggestion is partially flawed to the extent that the shortfall of car parking to service the retail component at the Volt Lane site is accommodated at the Gasworks site. That is, a proportion of the car parking at the Gasworks site is highly likely to generate peak period traffic movements at the same time as the Volt Lane site.

In addition, the "recommendations" incorporated in the Traffic Assessment do not include time restricted parking within the Volt Lane car park, circumstances in which that car parking could be occupied by the commercial workforce. In those circumstances, additional traffic movements will be generated at the Gasworks site that coincide with the peak periods traffic movements at the Volt Lane site.

In general terms, the proposed development is premised upon the substantial majority of the car parking demand generated by the proposed development being accommodated on a

James Lovell and Associates

separate and unrelated site. That is, the proposed development generates an off-street car parking requirement of at least 464 spaces, of which only 136 spaces (29.3%) are accommodated on the subject site itself.

Part 11 of the Albury DCP 2010 provides objectives and controls relating to development in the commercial zones. Part 11.7.11 relates specifically to car parking, traffic and access, and aims to, inter alia, "contribute to the provision of a compact, accessible and connected retail core", and "ensure that developments that are known to produce significant parking demands, make sufficient car parking provision on the actual development site".

Further, Part 11.7.11 of the DCP specifies that "developments, which are likely to be significant customer attractors, must provide a minimum of two-thirds of the required parking on-site". Development identified as likely to be specific customers "attractors" include "office complexes and shopping centres over 1,500m² gross floor area", and "shopping centres containing supermarkets and department stores".

The weight to be given to a development control plan is addressed in *Zhang v Canterbury City Council [2001] 115 NSWCA 167*. Spigelman CJ, at paragraph 75, raises three important propositions. Firstly, although the consent authority has a wide-ranging discretion, the discretion is not unfettered. Secondly the provisions of a development control plan are to be considered as a fundamental element in, or a focal point to, the decision-making process. Thirdly, a provision of a development control plan directly pertinent to the proposed development is entitled to significant weight in the decision-making process.

In my opinion, there is no compelling reason why the off-street car parking generated by the proposed development cannot, or should not, be accommodated on the Volt Lane site. The entirety of the commercial and retail floor area incorporated in the proposed development is located on that site, and the site is of sufficient size to accommodate the necessary car parking facilities.

Finally, the Albury CBD Masterplan was endorsed by Council on 28 September 2009. Part 3.4 of the Masterplan provides a "Development Control Strategy" and specifies that "Land uses are to comply with the Land Use Plan".

The Land Use Plan identifies the Volt Lane site as forming part of the "Dean Street and Retail Core", with the Gasworks site forming part of the "CBD Commercial". The proposed development contemplates introducing approximately 15,399m² of commercial floor space and 4,673m² of retail floor space on the Volt Lane site, with the majority of that floor space serviced by car parking located on the Gasworks site.

The location of commercial/retail floor space and car parking is inconsistent with the provisions of the Albury CBD Masterplan. Further, the Masterplan should be given some considerable weight on the basis that it is a contemporary document, prepared on the basis of extensive community consultation and feedback over a ten month period.

James Lovell and Associates

Conclusion

I trust this advice is of assistance, however should you require any further information or clarification please do not hesitate to contact the writer.

Yours Sincerely,

James Lovell

James Lovell
Director
James Lovell and Associates Pty Ltd

DM

ACK

DICK & WILLIAMS

SCANNED

LAWYERS

SOLICITORS & ATTORNEYS
NEW SOUTH WALES & VICTORIA

A.B.N. 57 533 120 233

Our ref: KC:am:100300

Please reply to: **Albury Office**

Your ref: Michael Keys

16 September 2010

ALBURY CITY		ACTION OFFICER	17 SEP 2010	FILE NO:	SCN:10/12877

The Director
Planning & Environment
Albury City Council
PO Box 323
ALBURY NSW 2640

Dear Sir

**RE: DEVELOPMENT APPLICATION 10.2010.30491.1
SUBMISSION ON BEHALF OF ANDREW MAXWELL COLQUHOUN AND
SARAH ELIZABETH JANE COLQUHOUN**

We refer to the above development application and also to our letter of 13 September 2010 requesting an extension of time to consider the Traffic Impact Report which forms part of the application.

That report aside, there are a number of important matters to be raised on behalf of our client and we list them as the basis of their objection to the Development Application:-

a) A significant lack of information in respect of an assessment of the economic impact of the development. The planning report is almost dismissive of the issue noting:

"Construction of over 15,000m² of office and 3,000m² retail, restaurant and cafe space - would not alter the economic "gravity" of the Albury CBD or detract from it in any way and should only have positive and complementary economic effects drawing more "shoppers" to the CBD for beneficial economic outcomes".

The Planning Submission notes that at \$54 million this represents the largest commercial investment in Central Albury since the City Gardens development in 2007. In truth it may well represent the largest single commercial investment ever within the Central Area. Clearly this is a development that will change the shape of the CBD and have a significant impact on retail and commercial floorspace and as a consequence, it is not unreasonable that the Consent Authority as well as the general public have a greater understanding of:-

• The likely overall tenancy mix;

Albury Office:
613 Olive Street, Albury, N.S.W.
Postal Address: P.O. Box 698,
Albury, N.S.W. 2640 Australia
Telephone: (02) 6021 5411
Facsimile: (02) 6021 5279
Email: email@dwlawalbury.com.au

PHILLIP R. WILLIAMS, Dip. Law
Accredited Specialist (Business Law) NSW
ASSOCIATE:
KYM CONNELL
CONSULTANT:
RUSSELL V.G. DICK, Dip. Law

Myrtleford Office:
5B Clyde Street, Myrtleford VIC
Postal Address: P.O. Box 249
Myrtleford VIC 3737
Telephone: (03) 5752 2363
Facsimile: (03) 5752 2373



Liability limited by a
scheme approved
under Professional
Standards Legislation



SUPERIOR
EXPERIENCE



PROFESSIONAL
ACCREDITATION

- Identified take up rates and annual average occupancy of the peripheral office and Volt Lane market components;
- Economic impacts that will result from the economic and social disruption;
- Likely value added to the local/regional economy once the project is fully completed;
- Likely impacts in the event that full tenancy rates are not achieved; and
- Evaluation of indirect economic impacts such as vacancy of the existing tax office building and impacts on existing retailers in the vicinity of the development site.

An analysis of the impacts of the development both during constructions and subsequent operation periods should be canvassed in an Economic Impact Assessment (EIS). Issues that should be canvassed in such an Assessment and which have been overlooked include:-

- Impact of constructing an additional 4,673m² office building, particularly having regard to there being no tenant profile at this stage;
- Impact of creating over 10,000m² of vacant office space within the existing Tax Office building;
- Impact of constructing over 3,000m² of retail space with no tenant profile at this stage;
- Impacts on existing commercial floorspace as a consequence of introducing new and contemporary office space to the commercial leasing market; and
- Demand analysis including need for the retail components factoring in the current approval for the adjoining Proton site as well as current occupancy rates and tenancy profiles in the CBD.

- b) The issue of economic and social disruption is inadequately addressed and requires a more fuller and objective analysis than has been provided to date.
- c) There appears to be no contingency measures outlined in the highly likely event of construction periods extending beyond nominated time frames. This is particularly relevant in the event that the Volt Lane Carpark is not completed prior to Christmas 2012.
- d) While there is significant compliance with most "technical aspects" of the Albury DCP, there is little or no justification in respect of the non compliance in design in relation to the upper level setbacks along AMP, Volt and Sellers Lanes. The report simply notes in response that the development "is considered to provide an acceptable design outcome...."
- e) The Statement of Environmental Effects (SEE) is exceedingly brief and lacks discussion on a range of issues including broader amenity impacts, broader view impacts on existing vistas from Smollett Street (eg Monument Hill and City skyline); sustainability and waste management issues during construction phase, possible ground water issues (eg as occurred with basement construction associated with K Mart); Social Impact assessment; potential impacts on existing infrastructure; site suitability; other construction impacts including noise issues, disabled access issues and impact minimisation strategies.
- f) Lack of design detail on how the Kiewa Street carpark structure will relate to adjoining buildings to the north. Also detail on street elevations including materials and finishes.



- g) Lack of discussion on impacts on the historic "Carriageway" building to the east.
- h) No discussion on possibility for an alternative design strategy which lessens the scale and bulk of the proposal by building over the surface carpark associated with the Volt Lane Markets thereby minimising streetscape impacts and being less imposing in context of nearby heritage buildings.
- i) Lack of disclosure of the developer's intention for the 4,000m² building in the event no tenants are secured prior to anticipated commencement date for construction of this part of the building.
- j) Concern as to the future of the development once completed. Will the current developer be the proprietor and if not, what is the economic impact on the ratepayers of Albury of the arrangements made between the developer and your Council:
- k) Concern as to the probity of the arrangements made wherein the developer and your Council and the possible effect of those arrangements on the tender process;
- l) The economic viability of the development with the major tenant accepting only a ten (10) year lease (with options);
- m) The overall effect on carparking and the validity of carparking analysis proffered by your Council;
- n) The effect of the development on nearby residential accommodation.
- o) The effect of traffic generation on surrounding streets and ingress and egress to and from the development and adjacent developments.
- p) The proximity of the development to and possible adverse effect on Church and Schools. For instance the overshadowing analysis within the planning report does not properly acknowledge that there is actually a school playground area in the vicinity of the historic Fig Tree which will also be affected.

Please record our clients' objections and take them into account in the process of consideration of the Development Application.

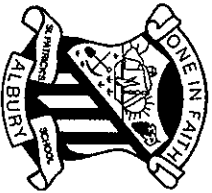
Yours faithfully

DICK & WILLIAMS



.....
Phillip R Williams

Direct email – prw@dwlawalbury.com.au



9 September 2010

Our ref: Volt Lane DA submission.docx
Contact: Cameron Walker

ST. PATRICK'S PARISH SCHOOL
444 KIEWA STREET
ALBURY, NSW, 2640
Telephone: 02 6021 4464
Fax: 02 6021 3694
Email: info@spa.wagga.catholic.edu.au

Mr Michael Keys
Director – Planning and Environment
AlburyCity
PO 323
Albury NSW 2640

ALBURY CITY	
ACTION OFFICER	AF10/01688
FILE NO:	16 SEP 2010
SCN: 10/12862	

Dear Sir

Development Application: 10.2010.30491.1

Introduction and summary

Thank you for your letter dated 24 August 2010 in regard to the Volt Lane redevelopment site (Site*) and the proposed development of the Site ("Development") in accordance with Development Application No. 10.2010.30491.1 ("Development Application").

This letter sets out in detail the concerns identified by the St Patrick's Parish School community to the Development.

St Patrick Primary School

St Patrick's Primary School is situated adjacent to the Development in Smollett Street, Albury, and has the following profile:

- A school population of 550 primary-aged children and 50 teaching and support staff
- An infants' department currently accessed from Smollett Street for 160 children aged from 4 to 7 years. These children are typically walked in to the school grounds by parents parked on Smollett Street and adjacent parking.
- Staff parking for 35 vehicles is accessed from Smollett Street, approximately opposite the proposed multi deck car park entry to the Development.
- These Smollett Street entrances are adjacent to the current short stay car park facility for 239 places.
- The remainder of the school population predominantly access from the Kiewa Street entry by way of bus services and kiss and drop on Kiewa Street.
- The Kiewa Street entrance is adjacent to the current long stay car park facility for 365 places.

Bearing in mind the School's immediate proximity to the Development, considerations for its approval must ensure:

- that there is no compromise to the safety of the student population in movements to and from the school both during and after construction of the Development; and
- that the Development does not detrimentally impact on the existing amenity of the school grounds.

ACK

Addressing child safety and school ground amenity

We list below our concerns with traffic flows during and after completion of the Development and the impact on our duty of care to the school children. We provide suggestions to alleviate anticipated issues and welcome the opportunity to discuss other alternatives:

Smollett Street traffic management

School access

Smollett Street is the primary access point for the school infants' department. The typical traffic pattern is parallel parking on Smollett Street and a 2 to 5 minute walk into the school grounds or class room. We note the typical family profile for this younger age group can include younger siblings in parental care, including toddlers and babies requiring supervision.

We understand that the current Smollett Street traffic proposal includes:

- A single lane of continuous through traffic from Olive Street to Kiewa Street.
- Two right turning only lanes at Volt Lane and to access the multi deck car park.
- Traffic island the length of this section.
- Increased on road trees to the south side of Smollett St.
- A dedicated bicycle lane on the south side of Smollett St.

Our primary concern is complete congestion of traffic competing for through access travelling west with parallel parking at times of school drop off (8:30am) and pick up (3:00pm). In addition, the changes to proposed street scaping will impact the number of parallel parking spaces available.

We are not confident with the amenity of a multi deck car park for school drop off traffic. In considering the alternative to the current situation we believe the profile of the young family groups and volume of traffic in a high volume car park to be potentially unsafe.

We believe there may be a better alternative in accessing the short stay ground level car parking, via Volt Lane entry and exiting to Olive Street. This alternative requires a dedicated Smollett Street crossing at the midpoint between Olive and Kiewa Streets.

The other concern with Smollett Street is the increased traffic flow volumes generally, which will increase access to 239 car parks currently to:

- 497 multi deck car park for 2 – 3 hours, supporting main street retail.
- 70 underground car parks for private use.
- 66 short stay car parks on Volt Lane (15 – 30 mins).

As per the above we do not believe the current Council master plan supports the traffic congestion outcomes inherent in the proposed development. We recommend when evaluating the Development Application that Council considers:

- Increasing the number of through traffic lanes on Smollett Street.
- Removal of the proposed on street treescape.
- Removal of proposed dedicated bike lane.

We are mindful that the suggested Smollett Street safe crossing may contribute to the congestion

issues identified. We believe, however, that this is a necessary requirement to support the safe movement of young students to and from the school grounds.

School Safety

The nature of the Development supported by remote parking on Kiewa Street will significantly impact pedestrian traffic on Smollett Street. Currently the infants' area has a step over boundary fence on a section of Smollett Street that has infrequent pedestrian use. We perceive an increased risk to the youngest children without an improvement to the physical barrier between the play area and the footpath.

We seek a developer contribution toward appropriate safety fencing on this section of Smollett Street. The fencing required is outside the budgetary constraints of the school operations but the need will be directly impacted by the Development.

Kiewa Street traffic management

Kiewa Street has been identified by Council as one of the major traffic flow streets to and from the city centre under the council master plan. This section of Kiewa Street also supports:

- Bus set downs south of the main St Patrick's school entrance in a dedicated third lane
- Kiss and drop set downs from private vehicles
- School drop parking in long stay parking on Kiewa Street directly opposite the school entrance.

Currently there is no safe direct pedestrian access from the long stay car park to the school. The proper pedestrian flow is an indirect path to traffic lights at the northern cross street which has infrequent use.

Similar to Smollett Street, the parking and related traffic volumes on Kiewa Street will be increased significantly by the addition of a 330 space 2 tier car park to the existing 365 on ground car spaces.

The alternatives identified to address the above issues include:

- Provide traffic light pedestrian crossing on Kiewa Street (at the midpoint between Hume and Smollett Streets) for direct access from the Kiewa Street car park to the school and short term parking in the Kiewa Street car park. The benefits of this are to:
 - provide safe access for students and create minimum disruption to traffic flows whereby the main access times to the parking will be twice daily peak times only, during school term.
 - enhance school access by a section of 10 min parking within the car park during the school access times.
- Redesigning the bus set down and kiss and drop zones on the eastern side of Kiewa Street adjacent to the school.

We understand the RTA and council have a responsibility to provide reasonable school access conditions that are safe and not otherwise impacted by the Development.

Smollett Street shadowing

The developers have provided a number of shadowing drawings for our review. The key concern from the high rise shadowing is in the infants' play area, which will be impacted by morning shadow through the winter months, impacting both before school and the morning break.

The degree of shadowing would be lessened if there was a height limitation on the second office tower

at the western end of the development.

Access hours to the retail precinct

The Smollett Street access issues noted above will possibly be alleviated by the proposed safe pedestrian crossing at the main retail entry to the Development (Market Place). The amenity of using the short stay parking will be enhanced by having before hour's access to the internal retail strip from 8:30 am or earlier.

We are unaware if this may be a condition of approving the Development Application.

Duty of care

We accept the Development is a key initiative of Council to retain a significant employer and improve parking services within the Albury city centre. Notwithstanding this, it is also important for Council to be sensitive to the impact that the Development will have on the School, given the number of students, parents and staff that access and use the School on a daily basis. In the circumstances, when making its recommendations on the Development Application, Council must consider the likely impact of this Development on the School, particularly where there is significant risk to young children.

Generally

If you have any questions concerning this submission please contact Cameron Walker directly on 02 6056 6633.

Yours faithfully



Cameron Walker
President
St Patrick's Parish School Council

15 September 2010

The Director
Planning & Environment
Albury City Council
PO Box 323
ALBURY NSW 2640

Dear Sir

**RE: DEVELOPMENT APPLICATION 10.2010.30491.1
SUBMISSION ON BEHALF OF ST PATRICK'S PARISH, ALBURY**

I write to you on behalf of the *Parish of St Patrick's Church* in relation to the above-mentioned development application. There are a number of issues to be raised on behalf of the Parish and we list them below as the basis of our objection to the Development Application in its current proposed form:-

1. This is a development that will clearly change the shape of the CBD and have a significant impact on a number of parish properties directly opposite to the south and east of the proposed sites. As a consequence, it is not unreasonable that we ask for more information of the developer in relation to the likely tenancies in full especially considering such a large "empty" office building and Market space is currently proposed.
2. Not enough detail has been provided in respect of the inconvenience and amenity impacts the St Patrick's properties especially during the construction phase but also during subsequent operation periods.
3. There does not appear to be adequate information supplied about the economic impact of the proposal. For instance the DA has overlooked economic impacts associated with vacating an existing large scale office building together with impacts of building an additional 4,673m² office building with no specific nominated tenants.
4. There has been no information supplied regarding demand for the retail Markets and possible competition with existing retail floorspace in the city centre as well as the approved Proton development.
5. If the overall development is not economically feasible then it could be well argued that a reduction of overall floor space could potentially reduce the mass / bulk of the development to a significant degree (perhaps even to only 3 or 4 storeys) softening its overall impact.
6. Assessment of the impact on the historic buildings to the east and to the south, including a listed heritage tree within the school grounds is inadequate. The report just notes that these historic buildings exist without really discussing issues in any great detail. For instance no heritage expert has provided commentary in support of the proposal.
7. The shadow diagrams also indicate significant impact but the report just seems to conclude this it is just too bad and that they can't do anything about it.
8. There is no discussion about the overshadowing of the infants playground near the Fig Tree in the Infants playground Smollett St.

ACK

9. There is no discussion on the very real possibility for an alternative design strategy which lessens the scale and bulk of the proposal by building over the surface carpark associated with the Volt Lane Markets thereby minimising streetscape impacts and being less imposing in context of nearby heritage buildings and reducing shadowing impacts.

10. The Parish is also concerned that there seems to be a lack of disclosure of the developer's intention for the proposed 4,000m² office building in the event no tenants are secured. Again it is noted that the overall bulk and scale of the Tax Office could be further even reduced if this "empty" office building was simply deleted from the proposal.

11. The overall effect on car-parking and the validity of car-parking analysis offered by the applicant including (but not limited) to issues related to:

- to existing and likely future usage by parishioners, parents and visitors of the school, church and hall facilities and their safety and security both during school hours as well as outside nominal business hours.
- the clear need for a dedicated Smollett Street crossing at the midpoint between Olive and Kiewa Streets for control of pedestrian traffic.
- accessibility for parishioners of the car-parks given provided trading days/hours.
- the effect of traffic generation on surrounding streets and ingress and egress to and from the development and adjacent developments.

12. The effect of the development on nearby residential accommodation and amenity.

13. The proximity of the development to and possible adverse effect on the St Patricks Church, the forecourt on the north-western side, the Presbytery, Presbytery garden, church hall and Schools yard and historical tree to the south.

14. In short the sheer scale and height of the proposal being built directly up to the southern boundary without any stagger back of the levels creates a mass of extreme height casting long shadowing over multiple properties with immediately visible effects.

We appreciate any opportunity to confer in relation to these issues and whilst I have been given a limited opportunity in time to assess the development proposal it would see these issues as not conclusive on behalf of the Parish, but also need to be read in conjunction with the submissions provided to Council via the school board and other parishioners.

Yours faithfully



Paul Maginness

paul@magibuild.com.au

On behalf of

St Patricks Parish

Cc Monsignor Fulton
Peter Fitzpatrick