

JRPP No:	2010STH038
DA No:	10.2010.30748.1
PROPOSED DEVELOPMENT:	Six (6) Storey Commercial & Retail Development, 360-368 Griffith Rd & 353-355 Wagga Rd Lavington
APPLICANT:	Blueprint Planning
REPORT BY:	EDM Group (for Albury City Council)
NO. OF SUBMISSIONS:	No submissions

Assessment Report and Recommendation

**SOUTHERN REGION JOINT REGIONAL
PLANNING PANEL - DEVELOPMENT
APPLICATION 10.2010.30748.1 – SIX STOREY
COMMERCIAL AND RETAIL DEVELOPMENT
AND ASSOCIATED CARPARKING AT 360-368
GRIFFITH ROAD AND 353-355 WAGGA ROAD,
LAVINGTON**

ATTACHMENT 1 – 10B

Assessment Report by EDM Group to Southern Region Joint Regional Planning Panel – DA 10.2010.30748.1



Review of Development Application

DA 10.2010.30748.1

“Northpoint“

Mixed Use Development

360-368 Griffith Rd & 353-355 Wagga Rd

LAVINGTON

This Report has been prepared for:

Albury City Council

PO Box 323
ALBURY 2640

This Report has been prepared by:

EDM Group

99 Hume Street Wodonga VIC 3690
P.O. Box 317 Wodonga 3689
Phone: (02) 6057 8578
www.edmgroup.com.au



Certified
Practising
Planner

EDM Ref No109003706
Date: 11 February 2011

Environment Design Management

Town Planning Surveying Engineering Environmental Planning Building Design Project Management

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Environment Design Management

JRPP No.	2010STH038
DA No:	10.2010.30748.1
Property Details:	Lots 1 & 2 SP57929, Lots 1-3 DP23650, Lot 33 DP544990 and Lot 23 DP627560
Street Address:	360-368 Griffith Rd and 353-355 Wagga Rd Lavington
Proposal:	Six (6) Storey Mixed Use Development (Office, Business and Food & Drink Premises)
CIV:	\$8,000,000
Applicant:	Blueprint Planning & Development
Owner	Zauner Group Investments Pty Ltd

1. INTRODUCTION

EDM Group has been engaged by Albury City Council to undertake an independent review and assessment of Development Application No. 10.2010.30748.1. A statement of Expertise to prepare such an assessment report is provided at Appendix 1. Documents supplied by Albury City Council to assist in this independent assessment are listed at Appendix 2.

This particular development application relates to a proposed six (6) storey mixed use development comprising office premises, business premises and food and drink premises with associated car parking situated at 360-368 Griffith Rd and 353-355 Wagga Rd Lavington. The development known as "Northpoint" forms a revised second stage with previous Development Consent 10.2010.30457.1 (as modified) being for a 2 Stage mixed use development with Stage 1 comprising redevelopment of part of an existing 1,203m² building onsite into six (6) separate tenancies (total GFA 829m²) and Stage 2 being for the redevelopment of the remainder of the same building into office premises (GFA 374m²):

This current application relates to the Stage 2 component that is now considered by the landowner to be superseded by this current proposal.

This current application is required to be reported to the Joint Regional Planning Panel (JRPP) for the Southern Region in accordance with Clause 13B(2) of State Environmental Planning Policy (Major Development) 2005 as the proposal has a total Capital Improvement Value (CIV) of more than \$5 million and Council has a conflict of interest, namely having resolved to occupy part of the building when completed.

The following assessment is provided in the context of the relevant provisions of the Albury LEP 2010 and related Albury DCP 2010.

The application was accompanied by plans of the development, a planning report and a Statement of Environmental Effects (SEE) prepared by Blueprint Planning dated December 2010. Copies of these documents are included with this report for the information of panel members and are marked as Appendix 3 and Appendix 4 respectively.

This assessment report subsequently recommends that Development Application 10.2010.30748.1 be approved subject to the imposition of suitable conditions of consent as noted at Appendix 6.

2. SUBJECT LAND

The subject land comprises seven parcels of land located at 360-368 Griffith Rd and 353-355 Wagga Rd Lavington being more particularly described as Lots 1 & 2 SP57929, Lots 1-3 DP23650, Lot 33 DP544990 and Lot 23 DP627560. As noted at Figure 1 below the subject land is a large hatchet shaped parcel approximately 7,601m² in area.

The immediate locality is mixed use in nature with a service station and a KFC restaurant adjoining to the north east and storage unit and a medical centre currently under construction to the south west. Located across Griffith Rd is the Centro Shopping Complex while across Wagga Road to the south east is an aged care facility.

Currently located in the north east section of the subject land are a number of office and business premises which are to be demolished to create carparking for the proposed development.

Along the south western boundary is a 1,203m² brick building formerly occupied by Betta Electrical. Consistent with the Stage 1 approval as provided for by Development Consent 10.2010.30457.2, the southern two thirds or so of this building is to remain on site and to be altered to comprise six (6) separate tenancies (GFA 829m²).

The remaining northern section of this building (GFA 374m²) is to be demolished to facilitate the proposed development as described below.



Figure 1 - Site Context (source NearMap)

3. PROPOSAL DESCRIPTION

The application proposes to undertake development for the purposes of constructing a six – storey building fronting Griffith Road with 3,924 m² GFA and associated carparking (76 spaces).

As noted from the submitted plans at Appendix 4, the building is to be situated with the north western corner of the property adjacent to the renovated Stage 1 building. The ground floor will comprise business premises of approximately 570m², lobby / forecourt area, and a food and drink premises as well as an open space area of approximately 314m² adjacent to the covered forecourt. Levels 2 – 5 will comprise office premises (690m² GFA per level) while Level 6 will comprise a smaller office premises 380m² in area (GFA).

A carparking area in the north eastern section of the property will provide 71 car spaces while an additional five spaces plus loading area are to be provided in closer proximity of the new building.

4. PUBLIC NOTICE

The application was notified in accordance with AlburyCity's Public Notification Policy, as well as the requirements of the Environmental Planning and Assessment Act, 1979, and the Environmental Planning and Assessment Regulations 2000, which required a minimum notification period of 7 days. Due to the scale and nature of the proposal, as well as the timing of Public holidays Council determined a longer notification period was appropriate and subsequently notified the proposal for 43 days.

The notification period commenced on 16 December 2010 and concluded on 28 January 2011. In response there were no submissions received.

5. ZONING AND PLANNING PROVISIONS

5.1 Integrated Development (EP&A Act)

The proposed development of the land for a mixed use development is not regarded as an Integrated Development as defined by Section 91 of the Environmental Planning & Assessment Act (1979) as it will not require approval from any other relevant government agency.

5.2 SEPP's

The following State Environmental Planning Policies are applicable to this development proposal.

State Environmental Planning Policy (Major Development) 2005

The effect of the SEPP is that pursuant to Clause 13B(2) this application is required to be reported to the JRPP for the Southern Region as the proposal has a total Capital Improvement Value (CIV) of more than \$5million and the Council has a conflict of interest, being party to an agreement or arrangement relating to aspects of the proposed development.

COMMENT: It is noted that as a consequence of this SEPP that the Southern Region Joint Planning Panel is the determining authority for this application.

SEPP No.55 - – Remediation of Land

This particular SEPP provides that a consent authority must not consent to the carrying out of any development on land unless: it has considered whether the land is contaminated.

COMMENT: The site is not known to be contaminated from past landuses and development.

SEPP No. 65 – Design Quality of Residential Flat Development

This particular SEPP is called up pursuant to Clause 11.7.28 (Building separation) within the Albury DCP2010 which notes at page 11.35:

Building separation requirements will be assessed against State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development for multi-unit residential or mixed use buildings over 4 storeys tall.

COMMENT: Notwithstanding the above it is noted that there is no residential component within the proposed development. As a consequence it is considered that compliance with this particular SEPP would be both unreasonable and unnecessary in the circumstance.

5.4 Albury LEP 2010

The subject land is zoned B4 Mixed Use under the provisions of the recently gazetted Albury LEP 2010 ("the LEP"). Objectives of the Zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To identify areas in close proximity to the commercial core where commercial and retail uses may be considered.*
- *To encourage development and investment in the Albury and Lavington central business districts.*
- *To increase the permanent population and encourage the provision of affordable housing within mixed use areas through shop top housing and residential flat building development.*
- *To protect residents in close proximity to the commercial core from encroachment by commercial and retail premises which, by reason of their demands for parking and public infrastructure, should be located within the Commercial Core.*
- *To encourage the provision of affordable housing.*

Relevant to this current application Clause 4.3 Of the LEP provides in respect of building height that:

4.3.2. The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

while at Clause 4.4 in respect of Floor Space Ratios the LEP provides:

4.4.2. The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

In this instance the relevant height and FSR considerations for the subject land are 35m and 3:1 respectively.

5.5 Albury DCP 2010

Relevant also to this application are the following Parts (Chapters) of the Albury DCP 2010 ("the DCP"), namely:

- Part 3 – Development Notification Policy
- Part 4 – Development Contributions Policy
- Part 5 – Tree Preservation
- Part 11 – Development in the Commercial Zones
- Part 16 – Outdoor Advertising
- Part 17 – Off Street Car Parking

Lavington CBD Masterplan 2009

In addition it is also noted that the *Lavington CBD Masterplan, 2009* forms the basis of the relevant DCP development provisions, urban design principles and guidelines for land located within the B4 Mixed Use zone in Lavington.

6. GENERAL PROVISIONS OF THE EP&A ACT - S.79C (EVALUATION)

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 draft environmental planning instrument that is or has been placed on public exhibition, and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (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.

6.1 Any environmental planning instrument - Sec. 79C(a)(i)

Albury Local Environmental Plan 2010

COMMENT: As previously noted above the subject land is situated within the B4Z. This zone has been assigned to the land bordering the Albury and Lavington B3 Commercial Core Zones, allowing for a mix of commercial and residential land uses that co-exist compatibly within close proximity to the respective CBDs, whilst seeking to provide a transition between the Commercial Zones and adjacent Residential Zones.

In this context the proposed development can be considered to be a legitimate land use within the applicable zone that can be duly considered on a merits basis. In this regard it is considered that there are no matters raised in respect of the proposal that could be considered to be inconsistent with the LEP. That is, while there is no residential component within the proposed development it is considered that the proposal will

otherwise comply with the relevant development standards and decision guidelines of the Albury Local Environmental Plan 2010 as follows:

Section 2.3.2:- The proposed development is permitted with consent in the B4Z and is generally consistent with relevant Zone purposes, including.

- providing for a mixture of compatible landuses;
- integrating suitable office, business and food and drink premises within an appropriate location;
- being located in close proximity of other commercial landuses within the Commercial Core B3Z area ;
- facilitating significant investment and development within the Lavington CBD; and
- not unduly impact upon the ability of surrounding properties to be developed for residential purposes nor will it unduly impact upon existing residential development within the general vicinity of the subject land.

Section 2.6AA:- The proposed demolition of existing buildings on site will not result in any adverse impacts on streetscape or amenity and is consistent with an overall plan of re-development of the subject land.

Section 4.3:- At a proposed height of 27m the development complies with the building height criteria of 35m applicable to this locality. While this development will represent a significant multi-storey building within the Lavington CBD the proposal is considered suitable in terms of scale and context, and will not adversely impact upon the streetscape character or the amenity of neighbouring properties.

Section 4.4:- It is noted the Floor Space Ratio of the entire development including Stage 1 will only be 0.63:1 which is significantly less than the maximum 3:1 allowed for in this location by the LEP. Despite this, the proposed density, bulk and scale of the development is considered appropriate for the site context, being more consistent with the suggested FSR of 1:1 for a supporting CBD precinct location as noted within the Lavington CBD Masterplan, 2009. Further the development will be a significant contributor to the economic growth of the Lavington CBD.

Section 5.9:- The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation. It is noted that the site contains a large Blakleys red Gum which is proposed to be retained within northern car parking area. Appropriate conditions will be required to ensure adequate protection during the construction phase including the identification of a Tree Protection Zone (TPZ).

Section 7.1:- It is anticipated that any earthworks associated with the development would not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Section 7.6:- The subject land is capable of connection to relevant essential services.

6.2 Any draft environmental planning instrument - Sec. 79C(a)(ii)

COMMENT: There is no relevant draft environmental planning instrument that is or has been placed on public exhibition.

6.3 Any development control plan - Sec 79C(a)(iii)

Albury DCP 2010

- **Notification Policy – Part 3**

COMMENT: The application was notified in accordance with AlburyCity's Public Notification Policy. As previously indicated there were no submissions received despite an extended notification period.

- **Development Contributions – Part 4**

COMMENT: In accordance with Council policy payments of Section 94 and 64 contributions will be required. The Council's Section 94 Development Servicing Plan fully details the relevant contributions.

- **Tree Preservation – Part 5**

COMMENT: It is noted within the submitted documentation that a large Blakleys Red Gum is proposed for retention within the landscaped section of the northern carpark. While the health of this tree has been compromised due to past history of poor pruning and soil compaction, the retention of the tree is considered feasible with appropriate protection measures employed including the identification of a Tree Protection Zone (TPZ) as noted at 5.3 of the DCP.

- **Development in Commercial Zones – Part 11**

Part 11 of the DCP provides controls relevant for development of land within the various business zones within the City area and outlines matters for consideration when assessing development applications. The introduction to this particular part indicates that the DCP relies upon the use of "tailored place-based development controls that are underpinned by the Albury CBD Masterplan 2009 and the Lavington CBD Masterplan 2009.

Lavington CBD Masterplan 2009

In 2007 Council instigated a project to develop Structure Plans for both the Albury and Lavington CBD's incorporating design and presentation of the major City entrances. This project was identified following growing demand from Council and concern amongst the community regarding urban design outcomes of development occurring in the CBD areas of Albury and Lavington.

The *Lavington CBD Masterplan* was formally adopted by Council in September 2009. Project outcomes of the Masterplan included:

- A collective vision for the Lavington CBD;
- Development of a Public domain concept plan – setting objectives and controls for open spaces and streets; and
- Built form controls – Primary controls of height, FSR, street setbacks, street wall heights to inform Council's policies (Local Environmental Plan and Development Control Plan)

As discussed earlier in this report, the controls envisaged in the *Lavington CBD Masterplan* were translated and inserted directly into the DCP.

Section 11.7 of the DCP

Among other things, Section 11.7 of the DCP in particular deals with the B4Z in Lavington. There are numerous controls within this section of the DCP, as outlined at pages 11-30 to 11-37. These controls are grouped as follows:

- 11.7.21 Land Use Precincts - Lavington
- 11.7.22 Building Heights - Lavington
- 11.7.23 Street Wall Heights and Upper Level Setbacks - Lavington
- 11.7.24 Floor Space Ratio (FSR) - Lavington
- 11.7.25 Building Design - Lavington
- 11.7.26 Building Setbacks - Lavington
- 11.7.27 Building Depth - Lavington
- 11.7.28 Building Separation - Lavington
- 11.7.29 Open Space and Landscaping - Lavington
- 11.7.30 Car Parking, Traffic and Access - Lavington
- 11.7.31 Streetscape - Lavington
- 11.7.32 Urban Design and Pedestrian Circulation – Lavington
- 11.7.33 Outdoor Advertising – Lavington
- 11.7.34 Masterplan Requirement - Lavington

The subject land is located within a precinct identified as "Supporting CBD" at Figure 11.14 (pg11.58) of the DCP and although not identified as a "landmark" or "opportunity" site (Figure 11.20 at pg 11.64) the subject land is however noted at Figure 11.15 (pg11.59) as a development site within the Lavington CBD suitable for 6-7 storeys.

The DCP also provides in respect of FSR that a master planned outcome be determined, while at Figure 11.18 (pg11.62) a minimum of 50% built to the streetscape boundary is noted.

COMMENT: Having regard to the relevant DCP provisions it is considered that the development as proposed largely satisfies the abovementioned controls except in the following cases.

- 11.7.21 Land Use Precincts - Lavington - Controls
 - iii. Mixed-use developments shall provide retail and commercial uses at ground level and residential uses above this.*
- 11.7.26 Building Setbacks – Lavington - Controls
 - i. Street wall setbacks and build to lines are to comply with the Street Setback and Build to Lines Plan as contained within Figure 11.18.*
 - vi. For commercial uses with windows facing the front and rear of a lot, a minimum 3 metre side setback applies.*
- 11.7.30 Car Parking, Traffic and Access – Lavington
 - 11.7.11 Car Parking, Traffic and Access – Albury - Controls*
 - v. On-grade parking shall be provided at the rear of properties and should incorporate stormwater collection and re-use into their design.*
- 11.7.31 Streetscape – Lavington - Controls
 - i. Street wall setbacks and build to lines are to comply with the Street Setback and Build to Lines Plan as contained within Figure 11.18.*

- ii. In the Supporting CBD Precinct awnings are required for the 50% of the street wall built to the street boundary.
- iii. All buildings are required to provide active frontages at ground level. This includes shop fronts, cafes, restaurants, lobbies, showrooms etc.
- iv. All buildings are required to provide box awnings with a minimum width of 3 metres at a height consistent to existing adjacent awnings.

- 11.7.32 Urban Design and Pedestrian Circulation – Lavington

- 11.7.13 Urban Design and Pedestrian Circulation – Albury - Controls

- 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.

In response to these matters raised above the following comments are provided.

- A number of sites in excess of 5000m² are identified within the Lavington CBD Masterplan as requiring site specific masterplans and indeed the “Zauner site” is individually mentioned at page 47. It is to be noted however that the parcel of land to the south of the subject land that currently contains a storage facility was also included in the analysis and that this land is excluded from the current Development Application.
- As this takes the development site below the 5,000m² threshold it would therefore appear that a number of subsequent recommendations for the site need to be considered in this reduced site context.
- The Masterplan also identifies three separate CBD precincts to help define roles for each part of the CBD and concentrate on stimulating development in the Retail Core. An aim of this approach is to encourage Griffith Road as a main street to become the premier street in Lavington for businesses such as medical centres, banks etc.
- Notwithstanding the objective to promote Griffith Street as the “mainstreet” it is also noted that within the CBD Masterplan that despite a Griffith Rd frontage the subject land is situated with the Supporting CBD Precinct which is seen as providing for other uses that support the Retail Core including factory outlets that have a shopfront, residential and seniors living.
- In response to the variations sought and having particular regard to the circumstances of the case, it is submitted that it is both unreasonable and unnecessary to apply the DCP criteria that more properly would appear to relate to sites with a lesser development potential.
- That is clearly such a significant development at 6 storeys, as foreshadowed in part by the Lavington CBD Masterplan 2009, would be unlikely to have ever incorporated residential uses above ground level.
- Indeed when considering the context of neighbouring landuse controls with recommended street wall heights of less than 3 storeys (Figure 11.16 at pg11.60) it might be otherwise concluded that the subject land should be considered on a merits basis in isolation.
- This in part would address many of the areas of apparent non-compliance as noted above.
- Without critiquing in detail the translation of the Lavington Masterplan into the DCP and LEP provisions it is apparent that there are a number of minor policy tensions that have arisen.

- For instance the requirement for the building to be set back 3m from the street frontage (11.7.26) is at odds with the streetscape aspirations (11.7.31) including 50% build to lines to encourage active street frontage at ground level along Griffith Road as the future main street.
- The FSR provision also (ie LEP 3:1 max and Masterplan 1:1 max) in combination with building height provisions could also only lead inevitably to significant breaks in the continuity of active streetscape frontage (11.7.32) and carparking that could not readily be provided at the rear of a 6-7 storey building (11.7.3).
- On balance it is noted however that the proposed development readily complies with relevant LEP provisions and those aspects of the DCP that more readily relate to the subject land as a nominated development site suitable for a 6-7 storey development.
- The structure and legibility of the Lavington CBD will be reinforced by such a significant building located opposite the Centro Shopping Centre and with excellent frontage to both Griffith Rd and Wagga Rd.
- The development will likely have a range of positive and complimentary economic effects reinforcing the role of the Lavington CBD.
- The proposal also demonstrates a high quality design response within a CBD context catering for a suitable mix of landuses within the development site.
- Consequently having regard to the above it is concluded that as the proposal represents an orderly planning outcome that:
 - will be well suited to its locality;
 - otherwise complies with relevant aims and objectives of the DCP and Lavington CBD Masterplan 2009;
 - is consistent with the strategic intent of the LEP; and
 - is consistent with relevant B4Z Mixed Use Zone objectives:

- **Outdoor Advertising – Part 16**

Part 16 of the Albury DCP2010 sets out Council's controls for advertising signage. It outlines that there are a number of signage types that do not require Council consent subject to satisfying size, design and location criteria.

COMMENT: The SEE and accompanying plans submitted with the application indicate that advertising signage will be will be provided within 3 separate flush mounted signage panels attached to the western and southern elevations of the proposed building. It is intended that this will provide for a co-ordinated display of signage for business premises and office premises through a consistent theme. The SEE also notes that any additional signage will be the subject of separate development applications where applicable.

It is recommended that should the JRPP resolve to grant consent, then appropriate conditions in regards to limiting advertising signage without separate approval should be imposed.

- **Off Street Car Parking – Part 17**

Part 17 of the Albury DCP 2010 sets out Council's requirements for the provision of onsite car parking for developments. It is noted that the proposal including Stage 1 requires car parking at the following rates:

- Office premises – 1 space / 40m2 GFA

- Business Premises – 1 space / 40m² GFA
- Food & Drink Premises: 1 space/ 40m² GFA in B4Z
- Retail Premises <3000m² GFA – 1 space / 40m² GFA

COMMENT: The proposed development provides car parking on site for 146 cars including 4 disabled and 2 pram parking spaces which is in excess of DCP requirements for 119 spaces (ie 3,924m² GFA + 829m² GFA = 4,743m² GFA / 40 = 118.8spaces). Space is also to allocated for 5 motor cycles and 20 bicycles which is also in excess of DCP requirements of 4 motorcycles and 12 bicycle spaces respectively).

It is also noted that the overall proposal will result in the removal of 4 crossovers from Griffith Rd and 2 crossovers from Wagga Rd frontages respectively and the re-instatement of 5 on-street parallel spaces on Griffith Rd and 3 spaces on Wagga Rd.

6.4 Any planning agreement under section 93F - Sec 79C(a)(liia)

COMMENT: There are no planning agreement in place that affects the evaluation of the subject development application.

6.5 Any matters prescribed by the Regulations - Sec 79C(a)(iv)

COMMENT: Pursuant to Section 92 of the Regulations there are no relevant prescribed matters relating to the subject land.

6.6 Any coastal zone management plan - Sec79C(a)(v)

COMMENT: Not Applicable

6.7 Likely impacts of that development - Sec 79C(b)

COMMENT: It is anticipated that there would be little or no adverse impacts in terms of environmental considerations. No areas of critical habitat are affected by the proposal. In terms of the built environment it is submitted that the likely impacts of the proposed development will not have a negative impact on the general locality given the design response and taking into account the nature of the proposed development. The following additional comments are noted.

- *Context & Setting: Satisfactory. While the proposed mixed use development will be a prominent building within the locality the capacity of this CBD location to accommodate the proposal should result in an outcome that contributes to a reinforced structure and legibility of the Lavington CBD. The lower FSR adopted for this large site will also facilitate provision of public domain in the landscaped open space area and a high level of site amenity. In terms of the built environment it is submitted that the likely impacts of the proposed development will not have a negative impact on the general locality given the design response and taking into account scale, bulk and siting of the proposed development.*
- *Streetscape: No detrimental impacts envisaged. The articulated frontage to Griffith Rd will provide a degree of visual interest from the road reserve and from within the site.*
- *Traffic, access and parking: The site enjoys excellent legal and practical access to Griffith and Wagga Roads which both have more than adequate capacity to accommodate traffic generated by the proposal. A surplus of carparking is proposed against code requirements. Appropriate conditions will be required*
- *Public Domain: Satisfactory*
- *Utilities: The site is fully serviced to allow the development to proceed*

- Heritage: N/A
- Water Quality & Stormwater: Satisfactory
- Soils, soil erosion: No detrimental impacts.
- Air and microclimate: No detrimental impacts.
- Flora and Fauna: Satisfactory. It is anticipated that there would be little or no adverse impacts in terms of environmental considerations. No areas of critical habitat are affected by the proposal. A large Blakley's Red Gum on site is identified for retention within the development site.
- Waste: Satisfactory. The development can be easily serviced by local waste contractors and provision has been made within the site for storage and collection of waste.
- Demolition and Construction. It is expected that any noise and dust pollution will occur primarily during demolition and site construction works. To minimise the impact, appropriate conditions relating to demolition and construction hours are recommended together with conditions relating to soil and water management.
- Energy: Satisfactory. It is noted that solar voltaic cells are proposed to be installed on the roof of the building to contribute to a more sustainable energy outcome.
- Noise & vibration: No detrimental impacts. Air conditioning and other noise sources are proposed to be located on the roof, which is appropriate in this instance due to the substantial height of the building and the minimal effects likely to result to adjoining buildings. Appropriate conditions will be required in respect of location and housing of equipment.
- Natural hazards (Flooding / Bushfire Prone Area Map): Satisfactory
- Safety, security and crime prevention: No detrimental impacts. The design and layout of the building is considered to be satisfactory in terms of Safer by Design Principles and the development is not seen potentially contributing to an increased crime risk.
- Social impact in locality: No detrimental impacts.
- Economic impact in locality: Positive economic impacts are envisaged both during the construction phase but once the building is complete and occupied. Subsequent business investment will lead to additional employment and investment in the Lavington CBD core, emphasising Lavington's role as a sub-regional centre and destination.
- Site design and internal design: Satisfactory
- Solar access / overshadowing: Due to the height of the building (27m) the proposal will create/cast significant shadows to the adjoining property to the south occupied by storage sheds as well as across Griffith Rd. The Lavington CBD Masterplan 2009 envisages such an outcome with the nominated building height of 6-7 storeys for the subject land. Shadow diagrams have been provided for the development indicating shadows cast by the proposed building which in the context of a CBD location indicates a level of overshadowing that is not excessive in the circumstances
- Landscaping: Satisfactory Appropriate conditions will be required.
- Construction: No detrimental impacts. Appropriate conditions will be required

- Private open space: Satisfactory
- Cumulative Impacts: No detrimental impacts

6.8 The suitability of the site for the development - Sec 79C(c)

COMMENT: Having regard to site context and characteristics the subject land is considered to be suitable for the proposed development. The land is appropriately zoned and there are no particularly significant issues of non-compliance with the Albury DCP that would warrant refusal of this application.

6.9 Submissions - Sec 79C(d)

COMMENT: No submissions were received in relation to the Public Notification of the proposal.

6.10 The public interest - Sec 79C(e)

COMMENT: It is contended that there is nothing against the public interest that would preclude the Determining Authority making a favourable determination in this matter.

7. REFERRALS

The subject Development Application was referred to the NSW Roads and Traffic Authority as well as the NSW Police Dept. In response only the RTA has responded raising no objections but recommending a number of conditions as noted at Appendix 5.

Internal Council referral to the Engineering, Community & Recreation and Building sections of Council have also lead to a number of conditions being identified for inclusion within any subsequent DA consent

8. CONCLUDING COMMENTS & RECOMMENDATION

As a consequence of the above discussion, together with an assessment of the heads of consideration under Section 79C of the EP&A Act, as well as the planning merits of the proposal in this particular location it is felt that on balance the proposed development is appropriate and satisfactory as a result of this assessment.

Having regard to the nature of the development proposal it is considered that the proposed development is consistent with relevant LEP provisions and the strategic intent of DCP policy and is consequently worthy of support.

Accordingly, Development Application 10.2010.30748.1 is recommended for APPROVAL subject to the imposition of suitable conditions of consent.

RECOMMENDATION

That the report be received and noted and that the Southern Region Joint Regional Planning Panel grant development consent for 10.2010.30748.1 for a six (6) storey mixed use (office, business and food & drink premises) on Lots 1 & 2 SP57929, Lots 1-3 DP23650, Lot 33 DP544990 and Lot 23 DP627560 situated at 360-368 Griffith Rd and 353-355 Wagga Rd Lavington subject to the draft conditions attached.

ASSESSING OFFICER
PETER O'DWYER FPIA CPP
MANAGER PLANNING & ENVIRONMENT - EDM Group
11/02/11
EDM Ref: 090037-6