

**Albury Regional Art Gallery Redevelopment**  
**Dean Street, Albury**  
**Development Application Assessment**



**APRIL 2012**

**This report has been prepared for:**

Albury City Council

P O Box 232  
Albury NSW 2640

**This report has been prepared by:**



Town Planning &  
Environmental Assessment

Suite 1/622 Macauley Street  
Albury NSW 2640

Phone: 02 6021 0662

Fax: 02 6021 0663

[habitat@habitatplanning.com.au](mailto:habitat@habitatplanning.com.au)  
[www.habitatplanning.com.au](http://www.habitatplanning.com.au)



Member – NSW Consulting Planners

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## 1 INTRODUCTION

Habitat Planning has been engaged by Albury City Council to undertake an independent assessment of Development Application 10.2012.31460.1 for the proposed redevelopment of the Albury Regional Art Gallery.

The application is to be reported to the Joint Regional Planning Panel (JRPP) for the Southern Region in accordance with the *State Environmental Planning Policy (State and Regional Development) 2011* as the proposed development has a total Capital Investment Value (CIV) of more than \$5 million and Council has a potential conflict of interest in that it is the applicant.

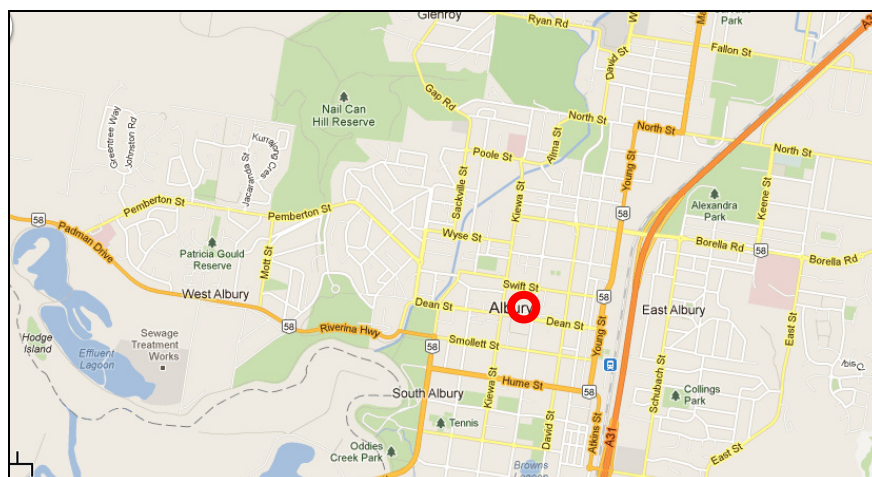
This report represents and assessment of the application against the requirements of the *Environmental Planning and Assessment Act 1979* (“the EP&A Act”), the *Albury Local Environmental Plan 2010* (ALEP) and the *Albury Development Control Plan 2010* (ADCP).

## 2 SUBJECT LAND & HISTORY

The subject land is comprised of four parcels described as Part Lot 25 Section 12 DP 758013, Lot 16 Section 12 DP 758013, Lot 29 Section 12 DP 758013 and Lot 25 DP 1169423, and addressed as 546 to 556 Dean Street, Albury (see Figure 2). The subject land is located to the west of Albury Queen Elizabeth (QEII) Square and has a total area of approximately 2,700m<sup>2</sup>. The site currently contains a former Town Hall of two storeys with a single storey rear extension that is occupied by the Albury Regional Art Gallery; Burrows House within which the lower level is occupied by the Retro Cafe and the upper level is vacant. The site includes a paved and landscaped public area.

The site is located within the central business district of Albury with frontage to Dean Street on the south, the old Court Building to the west, Queen Elizabeth II (QEII) Square to the east and to the north an existing access road.

**Figure 1:** Location of subject land within the context of Albury (Source: Google Maps 2012)



**Figure 2:** Subject land within the context of its immediate surrounds (Source: Nearmap 2012)



The old court house was built in 1860. It has undergone several repairs, alterations and additions since. It was used for the Local, District and Supreme Court until the new courthouse complex in Olive Street was opened in 1987. The building is occasionally still used for court purposes.

Burrows House was originally constructed for the purpose of the Lands and Survey Office in 1878. The Land Board Office was closed 10 years later and the building underwent alteration in 1897 and 1916. In 1924 and 1925 the building underwent extensive alterations and additions to accommodate a bank and manager's residence. In 1931 the Commonwealth Bank opened and operated until 1967. Following this the building was used for Council purposes before being converted to a community use. The building was renamed Burrows House in the honour of Percy Burrow, flour mill owner and Mayor of Albury (1916). The Retro Youth Cafe was opened in Burrows House in 2004 by Council.

### 3 DESCRIPTION OF PROPOSAL

The application proposes:

- Demolition of the rear (northern) single level section of the existing Art Gallery building to enable the redevelopment and consolidation of the Albury Regional Art Gallery within the QEII Square cultural precinct.
- Demolition and refurbishment of the interiors to the existing Art Gallery former Town Hall building.
- Demolition and refurbishment of the interiors of the 1920's addition to Burrow House currently used as a cafe and community facility.

- New landscaping along the eastern and northern perimeters of the site, which form part of the Masterplan for QEII Square.

The proposal will increase the floor area of the gallery from 942m<sup>2</sup> to 2,038m<sup>2</sup> and the front-of-house area will increase to 1,346m<sup>2</sup>. The redevelopment will create eight flexible gallery spaces providing a 52% increase on current space, two education workshops, permanent collection storage, an accessible loading dock, cafe and retail store.

## 4 PUBLIC NOTICE

The application was notified in accordance with AlburyCity's Public Notification Policy, which provide for a minimum period of seven days for submissions. Due to the scale, nature and location of the proposal Council determined a longer notification period was appropriate.

The notification period concluded on 2<sup>nd</sup> March 2012 within which time eight submissions were received.

## 5 STATUTORY FRAMEWORK

### 5.1 INTEGRATED DEVELOPMENT (EP&A ACT)

The circumstances of the proposal are such that it is not 'Integrated Development' as defined by Section 91 of the EP&A Act and does not require approval from any other relevant government agency.

### 5.2 STATE ENVIRONMENTAL PLANNING POLICIES

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

#### 5.2.1 State and Regional Development (2011)

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

Development applicable under 'Part 4 – Regional Development' of the SEPP is set out at Schedule 4A of the EP&A Act 1979. The proposed development is identified as 'Council related development over \$5 Million'; being

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
- (c) the development is to be carried out by the council, or

- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

Having regard to the above, the Southern Region Joint Planning Panel is the determining authority for this application.

### 5.2.2 Murray Regional Environmental Plan No.2 – Riverine Land

This Regional Environmental Plan (MREP2) is now regarded as a SEPP and is applicable to the proposal. The aims of MREP2 are to conserve and enhance the riverine environment of the River Murray (meaning the Murray River, the waters and the bed and banks of its tributaries and associated water bodies, including related anabranches, creeks, lagoons, lakes, billabongs and wetlands) for the benefit of all users. The objectives of MREP2 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.

The development proposal is not considered to be inconsistent with the intent and application of MREP2 since the site is some distance from the Murray River. It will have no impact on the riverine environment.

The type of development proposed in this application is not included in the list of specific developments for which MREP2 requires additional notification and referral.

### 5.3 ALBURY LOCAL ENVIRONMENTAL PLAN 2010

The subject land is zoned B3 – Commercial Core within the ALEP. The objectives of the B3 zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that service the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible location.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage development and investment in the Albury Lavington central business districts.
- To increase the permanent population within the commercial cores by encouraging the development of shop top housing and mixed use development.

The land use table to the B3 zone initiates development consent for the proposed re-development.

The following clauses of the ALEP are also relevant to the application:

- Clause 2.7 initiates development consent for the demolition of a building or work.
- Clause 4.3 provides controls for building height.
- Clause 5.9 initiates consent for the removal of vegetation and trees.

- Clause 5.10 initiates development consent for works to a heritage item and specifies what Council must consider in determining such an application. The Regional Art Centre, Burrows House and the adjoining Court House are all listed heritage items in Schedule 5 of the ALEP and all of Dean Street is within a conservation area.

Consideration of the application against the provisions of the ALEP is undertaken in Section 6.1 of this report.

#### 5.4 ALBURY DEVELOPMENT CONTROL PLAN 2010

The following chapters of the ADCP are applicable to the proposal:

- Part 3 - Development Notification Policy
- Part 5 – Tree Preservation
- Part 7 – Heritage Conservation
- Part 11 – Development in the Commercial Zone
- Part 17 – Off Street Car Parking

Consideration of the application against the provisions of the ADCP is undertaken in Section 6.3 of this report.

## 6 MATTERS FOR CONSIDERATION

In determining a development application, a consent authority is to take into consideration the following matters under Section 79C of the EP&A Act as they are relevant to the subject of 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 regulation (to the extent that they prescribe matters for the purpose 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 environment's, 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 The provisions of any environment planning instrument – section 79C(a)1(i)

### ***Albury Local Environmental Plan 2010***

The proposed development is permitted with consent in the B3 Zone and is generally consistent with the relevant zone purposes as it encourages a range of land uses including community, entertainment and retail. These uses are suitable for a Central Business District and compatible with other land uses.

Within the context of QEII Square and the community precinct, the proposed development is considered to be acceptable development and consistent with the LEP.

Consideration of the relevant clauses in the ALEP is undertaken in the following table.

ALEP CLAUSE REQUIREMENTS	CONSIDERATION
2.3(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	<p>The proposal is considered to be generally consistent with the relevant B3 Zone objectives as it:</p> <ul style="list-style-type: none"> <li>▪ expands on an existing community and entertainment facility to serve the needs of the local community as well as visitors;</li> <li>▪ the expanded floor space has the potential to create employment;</li> <li>▪ is located to maximise the use of public transport; and</li> <li>▪ facilitates significant investment and development within the Albury CBD.</li> </ul>
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.	<p>The maximum height allowed by the Map for the subject site is 16 metres.</p> <p>At a proposed height of 11.6 metres the development complies with the building height control for the site. The proposal is not inconsistent with the height of other buildings in the vicinity and is acceptable in terms of context, scale and bulk. The site adjoins an open space/recreation area (QEII Square) and will not adversely impact on the amenity of the surrounding area.</p>
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.	<p>The floor space ratio determined by the Map for this site is 2:1.</p> <p>Whilst as a 'greenfields' site the proposed development is unlikely to comply with this floor space ratio, the new building element is replacing those existing elements to be demolished and therefore the existing floor space ratio across the four lots is essentially being maintained.</p>

ALEP CLAUSE REQUIREMENTS	CONSIDERATION
<p>5.9(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:</p> <ul style="list-style-type: none"> <li>(a) that is or forms part of a heritage item or that is within a heritage conservation area, or</li> <li>(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,</li> </ul> <p>unless the Council is satisfied that the proposed activity:</p> <ul style="list-style-type: none"> <li>(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and</li> <li>(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</li> </ul>	<p>The development proposes to remove three trees (Chinese Elms). A Landscape Architect noted in the application that the trees are not in prime condition and no impacts would occur to the existing flora and fauna as a result of their removal. The trees are in an urban environment and are unlikely to hold significant habitat values. Two of the trees are located within the proposed building footprint, while the third is within the area to be used to create a wide paved path which provides links and connection across the precinct.</p> <p>The removal of the trees is not considered to adversely affect the heritage significance of the heritage items on the subject site or the Dean Street conservation area.</p>
<p>5.10(4) The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>A detailed Statement of Heritage Impact (SHI) has been submitted with the application. The definition of "<i>heritage management document</i>" in the ALEP includes an SHI. The effect of this document is considered in the ADCP section of this report.</p> <p>Council has not opted to require a heritage conservation management plan (as defined in the ALEP dictionary) as part of the application. However some of the recommendations in the SHI are in effect related to heritage conservation management of the site.</p>
<p>7.6(2) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable road access.</li> </ul>	<p>The subject land is already connected to these essential services.</p>

## 6.2 The provisions of any draft environmental planning instrument – Section 79C(a)(ii)

There are no draft environmental planning instruments on public exhibition or have been placed on public exhibition but not commenced, that are relevant to the proposal.

### 6.3 The provisions of any development control plan – Section 79C(a)(iii)

The relevant DCP is the *Albury Development Control Plan 2010 (ADCP)*. The relevant parts of the ADCP are addressed as follows.

#### Part 3 – Notification Policy

The process for notifying development applications has been adhered to with this application. Some aspects of the policy (namely the minimum time allowed for the public to view and make a submission) have been exceeded for this application having regard for its significance.

#### Part 5 – Tree Preservation

This part of the DCP provides various controls for tree preservation. The controls relevant to the proposed development are:

##### 5.2 – Tree Preservation Order - Controls

- i. Clause 5.9 of the LEP provides that trees as prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowners consent.
- ii. Clause 5.9 of the LEP and this Section applies to all trees over 4.5 metres in height and 3 metres in spread.
- iii. An application for the Council's approval must be accompanied by an appropriately qualified specialist (i.e. Arborist) report outlining the following information:
  - The location, size, species and condition (i.e. diseased, healthy, etc).
  - A statement that details any anticipated impacts on vegetation that may have derived from endangered ecological communities and/or that may be habitat for threatened species.
  - The purpose of removal and whether the pruning of the tree would be a more practical and desirable alternative.
  - Whether a replacement tree or trees should be planted.
  - The location, size and species of any trees proposed to replace those intended for removal.
  - The owners consent to the application being lodged.
  - Any other relevant information regarding the tree to be removed (i.e. photographs).

The development proposes to remove three trees (Chinese Elms). A Landscape Architect noted in the SEE that the trees are not in prime condition and no impacts would occur to the existing flora and fauna as a result of their removal. The trees are in an urban environment and are unlikely to hold significant habitat values.

Two of the trees are located within the proposed building footprint, while the third is within the area to be used to create a wide paved path which provides links and connection across the precinct.

The SEE advised that the proposal does not include offset vegetation at this stage however future design stages will include extensive planting of trees and garden beds.

By consenting to the development application for the overall proposal, owners consent is considered given for the removal of the trees.

## Part 7 – Heritage Conservation

This part of the ADCP provides various controls relating to heritage items and heritage conservation areas. The controls are extensive and in some places repetitive within the context of this particular proposal. In summary, the matters an applicant and/or Council must address for this application are contained within the following clauses:

### 7.4.1 Sets out the “*written evidence prepared by an appropriately qualified specialist*” to be submitted with an application:

- 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.
- Detailing the significance of the heritage item or building or work, both individually, and in the context of the environmental heritage of Albury.
- 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.

### 7.4.2 Sets out the matters Council will consider an application relating to heritage against, namely:

- i. The heritage significance of the building, work or Aboriginal object to Albury.
- ii. 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.
- iii. 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.
- iv. Whether any stylistic, horticultural or archaeological features of the building or work or its setting should be retained.
- v. Whether the building or work constitutes a danger to the users or occupiers of that item or to the public.
- vi. 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.
- vii. 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.
- viii. The pitch and form of any roof.
- ix. The appropriate management, establishment or reinstatement of landscape features; and the style, type and height of any fencing.

### 7.4.3 Requires detailed plans of replacement buildings where demolition is proposed and the SEE must address:

- The historic, aesthetic and/or social significance of the building, its nature and degree, and its relationship to the overall character and significance of the locality.
- The impact of the removal of the building or work on the overall significance of the area.
- The reason for the proposed removal, especially why it is considered, and to what extent, the building/site can no longer be used in its existing form or with appropriate adaptation.

7.5.6 Highlights the Dean Street Conservation Area, which includes the subject site. The controls applicable to development within this conservation area are as follows:

- i. 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.
- ii. Decorative towers, spires etc may be erected if they will complement the streetscape.
- iii. 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:
  - Nearby heritage items.
  - The existing character of other buildings in the locality.
  - Significant streetscapes or vistas.
  - Public amenity and convenience.
- iv. 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.
- v. 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.
- vi. 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.
- vii. Consideration shall be given to building colours to ensure that new developments, restorations and renovations enhance the character of the area.
- viii. Works carried out within Queen Elizabeth II Square should be generally in accordance with any applicable endorsed Masterplan or Council Policy relevant at the time. This includes minor works, long term maintenance and future development within the area.
- ix. Development particularly when viewed from the street should be compatible with the character and scale of building in the immediate vicinity.
- x. Particular regard will be had to any development within the vicinity of this precinct, particularly in regards to building heights, bulk and scale.
- xi. New development, including extensions to a building, should complement the existing by matching or suitably contrasting materials, scale and proportions.

The development application included a comprehensive Statement of Heritage Impact (SHI) prepared by heritage architects NBRS & Partners of Milsons Point, Sydney. The SHI draws the following conclusions and makes the following recommendations in regards to the proposal:

*The proposed redevelopment of the north wing of the Regional Art Gallery, the adaptation of Burrows House and the construction of a new entrance between the two buildings will enable the Albury Regional Art Gallery to continue to occupy its current site within the Queen Elizabeth II Square cultural precinct for the foreseeable future. The adaptation and upgrading works are required to allow the Gallery to borrow and accommodate visiting exhibitions to the standards recommended by the Regional Galleries Association of New South Wales and required by lending authorities for insurance purposes.*

*In our opinion the following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:*

- a) *The works would allow the consolidation of Regional Art Gallery within the Queen Elizabeth II Square cultural precinct.*
- b) *The scheme has been developed to complement the accepted Master Plan for the Queen Elizabeth II Square.*
- c) *The proposed redevelopment of the north-eastern section of the art gallery would facilitate visual connections between the gallery and the Queen Elizabeth II Square Cultural Precinct.*
- d) *The development would have minimal visual impact on views along Dean Street.*
- e) *The demolition of the 1924-25 addition to Burrows House would enable a new ramped entrance and glazed display area to be constructed between the former Land and Survey Office and the existing Regional Art Gallery and provide a section of active street frontage along the immediate section of Dean Street.*
- f) *The impact of the demolition of the 1924-25 Burrows House addition on Dean Street would be ameliorated by the reconstruction the Land and Survey Office.*
- g) *The removal of the northern section of the Regional Art Gallery would enable the re-developed the northern section of the existing art gallery building to allow new galleries and storage areas to be constructed and provide active uses to the ground floor adjacent to the grassed area contained within the Queen Elizabeth II Square cultural precinct.*
- h) *The internal configuration of Burrows House has been adapted previously, resulting in the removal of original fabric including walls, ceilings, and joinery, and original spaces cannot be easily recovered.*

*The documentary evidence for the earlier configuration of the building as the Lands and Survey building is available to assist in the reconstruction of the earlier facade to enhance the streetscape and provide a visual transition between the Courthouse and the Regional Art Gallery (former Albury Town Hall) building.*

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

- a) *The internal reconfiguration of the Regional Art Gallery would involve the removal of the significant main stair. We are advised the stair does not comply with aspects of the current building code and cannot be readily adapted to meet statutory requirements.*
- b) *The former Public Hall contained within the existing north wing of the Regional Art Gallery has heritage significance, although it has been compromised by previous alterations. Retention of this single-storey space would reduce the potential development required to accommodate and consolidate the Regional Art Gallery on the current site.*

*The proposed changes would have an impact on heritage fabric, but have taken into consideration user needs, statutory requirements and heritage significance to develop an overall scheme that would complement the Dean Street Conservation Area and enhance the Queen Elizabeth II Square cultural precinct within the City of Albury. We therefore recommend the consent authority accept the heritage aspects of this application subject the following:*

- a) *An archaeologist is engaged to undertake a watching brief during the excavation of the new basement level.*
- b) *Significant fabric is to be retained in situ, or salvaged and re-used where possible as part of the adaptation of the existing heritage buildings.*
- c) *The proposed reconstruction of the facade of the former Lands and Survey Office is based on documentary and physical evidence and incorporates traditional details and finishes.*
- d) *The internal configuration of spaces does not jeopardise the structural integrity of the existing roof and decorative roof elements.*
- e) *The east, south and west elevations of the former Albury Town Hall building are to be retained and conserved. Minor adaptation of openings in the west elevation can be tolerated. The north wall can be further adapted as part of the new works.*

f) *The history of the site, and its role in the development of Albury, is to be interpreted to visitors following the completion of the works.*

*In our opinion the design has taken into consideration the local heritage significance of the fabric and the Dean Street Conservation Area generally, and balanced them with the statutory requirements and the Owner's needs to develop the current solution. We are confident the additions and adaptation of the existing buildings will enable the Albury Regional Art Gallery to provide a vibrant cultural facility for the community for the foreseeable future, and to fulfil its obligations as custodian of some collections of national significance.*

The SHI demonstrates that significant consideration has been given to the heritage value of the heritage items and how the proposed development will enhance and conserve the significant heritage elements of the items. For the purposes of this assessment, it is considered the content, conclusions and recommendations contained within the HIS adequately address all of the ADCP matters above as well as clause 5.10(4) of the ALEP. It is noted the HIS also undertakes an assessment of the heritage impacts in accordance with NSW Heritage Office publication *Statements of Heritage Impact (2002)*.

### **Part 11 – Development in the Commercial Zones**

This part of the DCP provides various objectives and controls for development within Commercial Zones, which includes the B3 zone. The controls in this Part are underpinned by the *Albury CBD Masterplan 2009*. The controls relevant to the proposed development are:

- 11.7.1 – Development in the B3 Commercial Core and B4 Mixed Use Zones
- 11.7.2- Land Use Precincts – Albury
- 11.7.3 - Building Heights – Albury
- 11.7.4 - Street Wall Heights and Upper Level Setbacks – Albury
- 11.7.5 – Floor Space Ratio (FSR) – Albury
- 11.7.6 – Building Design – Albury
- 11.7.7 - Building Setback – Albury
- 11.7.10 - Open Space and Landscaping – Albury
- 11.7.11 – Car Parking, Traffic and Access – Albury
- 11.7.12 – Streetscape – Albury
- 11.7.13 – Urban Design and Pedestrian Circulation – Albury
- 11.7.19 – Heritage – Albury

Consideration of these controls against the proposal is undertaken in the following table.

<b>ADCP REQUIREMENTS</b>	<b>CONSIDERATION</b>
11.7.2 Land Use Precincts 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.	The subject land is located within the 'Civic Core' precinct in Figure 11.7 and the proposed development is consistent with that precinct.

ADCP REQUIREMENTS	CONSIDERATION
<p>11.7.3 Building Heights</p> <p>i. Building heights are to comply with the Building Height Plan contained in Figure 11.8.</p> <p>v. Buildings shall not obstruct radio transmissions between local transmission structures.</p>	<p>The proposal does not exceed the maximum building height. The SEE notes that the building will not obstruct radio transmissions.</p>
<p>11.7.4 Street Wall Heights and Upper Level Setbacks</p>	<p>This clause is not applicable as the subject land is within the Civic Precinct.</p>
<p>11.7.5 Floor Space Ratio (FSR)</p> <p>i. Floor Space Ratios shall comply with the FSR Plan contained within Figure 11.10.</p> <p>ii. Large or consolidated sites are subject to the following maximum FSR's:</p> <ul style="list-style-type: none"> <li>• Maximum of 2:1 for sites between 5000m<sup>2</sup> and 10,000m<sup>2</sup>.</li> <li>• Maximum of 1.5:1 for sites between 10,000m<sup>2</sup> and 15,000m<sup>2</sup>.</li> <li>• Maximum of 1:1 for sites greater than 15,000m<sup>2</sup>.</li> </ul> <p>iii. FSR's for the railway precinct have been deferred, and will be subject to special consideration by the Council.</p>	<p>The existing building footprint across the site (comprised of four lots) will remain much the same with the proposal.</p>
<p>11.7.6 Building Design</p> <p>i. New building facades shall include articulation such as punctuations, openings and repetition of architectural elements that contribute to the streetscape.</p> <p>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.</p> <p>iii. Buildings shall create interest and activity along street edges through the use of mixed land uses.</p> <p>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.</p> <p>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.</p>	<p>The proposal provides a restaurant/eating area on the ground floor. This area is permeable and interacts with the open space in QEII square. The proposal provides architectural elements that articulate the building and are compatible with the existing buildings. The open eating area and glass stair cases provide passive surveillance around the site and allow for interaction with QEII square.</p>
<p>11.7.7 Building Setback</p> <p>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.</p> <p>ii. Street setbacks where appropriate should follow the predominant setback along the street.</p> <p>iii. Buildings setback within landscaped settings shall provide associated open space and landscaping.</p> <p>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.</p>	<p>The subject land is within the Civic Precinct of Figure 11.11 and therefore no setback controls apply. The building is proposed to be built to the boundary along Dean Street, with street landscaping occurring along the footpath for the proposal.</p>
<p>11.7.10 Open Space and Landscaping</p> <p>i. Public open space areas shall be developed in a cohesive and coordinated manner for the benefit of the public.</p> <p>ii. Development adjoining public open spaces shall address and</p>	<p>The landscaping proposed is focused on the area to the east and north of the building and the Dean</p>



ADCP REQUIREMENTS	CONSIDERATION
<p>overlook these areas to encourage use and provide passive surveillance.</p> <p>iii. Communal open spaces for mixed use buildings, commercial offices and residential buildings shall be provided for those occupants of the building. Communal open space areas above ground level (green roofs) are desirable for mixed use residential buildings.</p> <p>v. Any development or redevelopment of a site shall seek to retain significant existing trees, where possible.</p> <p>vi. Landscape plantings shall be provided for large scale developments and incorporated within the front setback, particularly for residential type developments.</p>	<p>Street frontage. The proposed landscaping adds interest to the subject site and provide a visual and pedestrian connection to QEII Square.</p> <p>Three trees are to be removed as part of the development. Consideration for their removal is given under Part 5 of the ADCP above.</p>
<p>11.7.11 Car Parking, Traffic and Access</p> <p>i. Future car parking should be concentrated into consolidated off-street locations and accessed primarily from internal circulation streets. Refer to the Albury CBD Masterplan 2009 and Lavington CBD Masterplan 2009 for guidance regarding desired locations and access arrangements.</p> <p>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.</p> <p>iii. Car parking areas shall be landscaped to provide shade.</p> <p>iv. Advertising, signage, landscaping and physical barriers shall be provided for the efficient movement of pedestrians.</p> <p>v. On-grade parking shall be provided at the rear of properties and should incorporate stormwater collection and re-use into their design.</p> <p>vi. On sites with a minimum 24m frontage, parking above ground level or underground may be possible.</p> <p>vii. Terrace buildings shall have garages located along a rear laneway or if viable under the building footprint.</p> <p>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.</p> <p>ix. Multi-level parking (basement or deck) may be appropriate provided that it:</p> <ul style="list-style-type: none"> <li>• Supports the objective of keeping the centre compact.</li> <li>• Is attractively designed.</li> <li>• Reinforces continuity of pedestrian activity rather than creating or exacerbating any sense of separation between commercial uses.</li> </ul> <p>x. Car parking should be provided in accordance with the standards and rates provided for in Part 17 of this DCP, 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:</p> <ul style="list-style-type: none"> <li>• The ability to “share” spaces between different land uses at different times.</li> </ul>	<p>The existing Art Gallery and Cafe complex does not provide any on-site car parking and none are proposed with the re-development. Car parks on the site would not be an effective or efficient use of land within the QEII Square civic precinct. The surrounding area provides on-street car parks and multi-storey public car parks. Council have ‘provided’ a total of 497 public parking spaces within the current Tax Office development in Smollett Street. These spaces are approximately 125 metres from the subject site.</p> <p>Art Galleries and the like are not identified in the ADCP as “significant customer attractors”.</p> <p>Additional consideration of car parking (including the lack of provision) is provided under Part 17 of the ADCP (see below).</p>

ADCP REQUIREMENTS	CONSIDERATION
<ul style="list-style-type: none"> <li>• It can be demonstrated that the use in question will not generate the numbers required.</li> <li>• 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.</li> </ul>	
<p>11.7.12 Streetscape</p> <ul style="list-style-type: none"> <li>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.</li> <li>ii. Continuous box awnings are to be provided at the same height and depth as adjoining buildings in commercial areas, if applicable.</li> <li>iii. Active frontages are to be located on the primary street frontage and for a minimum of 50% of the secondary street frontage.</li> <li>iv. Building height, bulk and setbacks shall be consistent with the surrounding structures.</li> <li>v. Ground level retail and commercial uses shall be maintained through vertical articulation.</li> <li>vi. For detached residential dwellings, developments should maintain the pattern of front setbacks, porches and verandahs typically located on the street facade.</li> <li>vii. New development should retain the use of face brick, timber details, doors and windows.</li> </ul>	<p>The proposed additions are not inconsistent with the surrounding height, bulk, setbacks and scale of development. The proposal retains and incorporates significant existing buildings, including the brick and timber details, doors and windows.</p> <p>The proposal is consistent with the commercial streetscape of Dean Street.</p>
<p>11.7.13 Urban Design and Pedestrian Circulation</p> <ul style="list-style-type: none"> <li>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.</li> <li>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).</li> </ul>	<p>The proposal provides public and pedestrian linkages to Dean Street and the Civic Precinct of QEII Square. The proposed restaurant/eating area provides an open interface with QEII Square.</p>
<p>11.7.19 Heritage</p> <ul style="list-style-type: none"> <li>i. 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. Applicants should contact AlburyCity to obtain copies of these documents in preparing development applications.</li> <li>ii. In some cases, a conservation report on a heritage item may be required in order to detail its significance and reuse, and the cartilage required to adequately maintain its setting.</li> </ul>	<p>The application includes a Heritage Impact Statement prepared by suitable qualified persons. See above for an assessment against Part 7 of the ADCP.</p>
<p>11.7.20 Awnings, Verandahs and Balconies</p>	<p>There are no existing or proposed awnings and the like in Dean Street.</p>

Having regard to the relevant provisions within this part of the DCP it is considered that the development as proposed largely satisfies the abovementioned controls.

## Part 17 – Off Street Car Parking

Consideration of controls relating to off-street parking against the proposal is undertaken in the following table. A Traffic Report has been lodged to address traffic and parking issues associated with the proposal.

ADCP REQUIREMENTS	CONSIDERATION
<p>17.2 Parking Provisions by Land Use</p> <p>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).</p> <p>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.</p>	<p>The existing Art Gallery and Cafe complex does not provide any on-site car parking, nor is any proposed as part of its re-development.</p> <p>Table 1 provides a comparison of the theoretical demand for car parking under the ADCP between the existing development and that proposed. There are two elements to the proposal being the art gallery and the cafe/restaurant.</p> <p>An art gallery is included in the ALEP Dictionary definition of "information and education facility". However an "information and education facility" (or any reference to an art gallery or similar) is not included as a land use in Table 17.1 of the ADCP. Consequently it is a case of the 'best fit' definition for the purposes of assessing parking demand for this particular use against the ADCP. An "entertainment facility" is described in the ALEP Dictionary as "a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club." An "entertainment facility" is listed as a land use in Table 17.1 of the ADCP and is regarded as the 'best fit'. The parking standard for an "entertainment facility" is "at Council's discretion".</p> <p>The restaurant element has a parking requirement of 1 space per 40m<sup>2</sup> of GFA because the site is within the B3 zone. Table 1 shows that at this rate, the theoretical parking requirement is negligible.</p> <p>Having regard for the above, it is not possible to determine a theoretical demand for car parking at the site based on the ADCP. Therefore the assessment of car parking becomes one of 'on its merits'.</p>
<p>17.3.3 Bicycle Racks and Motorcycle Parking Spaces</p> <p>i. Car parks with 30 or more spaces are to provide 1 bicycle rack space for each 10 spaces.</p> <p>ii. Car parks with 30 or more spaces are to provide 1 motorcycle space per 30 car parks or part thereof.</p>	<p>See assessment of car parking above in regards to motor cycle parking.</p> <p>It is noted that while the development does not provide bicycle racks, public racks are available in adjoining QEII Square and these will also service the redeveloped site.</p>

ADCP REQUIREMENTS	CONSIDERATION
<p><b>17.3.4 Off Street Loading Facilities</b></p> <p>i. Adequate provision is to be made within the site area for loading unloading and access area facilities.</p> <p>ii. If a building has access to a rear lane, the loading and unloading facilities are to be provided from that lane unless the lane is considered inadequate for the purpose.</p> <p>iii. The dimensions of a loading bay will depend upon the vehicles to be accommodated. The minimum dimensions should be 4 metres x 9 metres and 3.8 metres high clear of all obstructions.</p> <p>iv. Design of off-street parking facilities for commercial vehicles shall have regard to the current Australian Standard AS 2890.2 – (Commercial Vehicle Facilities) published 1989.</p> <p>v. Provision should be made in the design of loading bays so that delivery vehicles do not conflict with customer traffic. These areas should be in a physically defined location that is not used for other purposes such as the storage of goods and equipment.</p> <p>vi. Loading provisions will not apply to development being minor alterations to an existing building if, in the opinion of the Council, the size and shape of the land or the existing building render the provision of facilities impracticable.</p> <p>vii. All service vehicles are to enter and leave a site in a forward direction.</p>	<p>The site is constrained for loading and unloading facilities due to the age of buildings and having frontage only to Dean Street. The SEE concedes this and offers the only solution possible which is to manage traffic in Dean Street on the occasions a larger vehicle needs to manoeuvre into the loading bay on the eastern side of the building. In the circumstances, this is acceptable.</p> <p>Council's traffic engineers suggest a Management Plan be prepared for trucks accessing the site and this is supported.</p>
<p><b>17.3.5 Pedestrian Movements</b></p>	<p>Not applicable as no car park is proposed as part of the redevelopment.</p>
<p><b>17.3.6 Contributions in Lieu of Physical Provision of Car Parking</b></p> <p>i. In cases of development where, off street car parking does not meet the requirements of this DCP (shortfall), or where in the opinion of the Council, the provision of off-street parking is not physically possible, and where the Council has established or proposes to establish car parking facilities in the vicinity, the Council will give consideration to the acceptance of a cash contribution in satisfaction of part, or all, of the requirements under this DCP. Where the Council agrees to accept a cash contribution under these circumstances, the amount of such contribution shall be as set by the Council in its Developer Contributions Plans.</p>	<p>Whilst there is an historical shortfall of car parking that can be 'credited' to the site, the redevelopment proposes a not insignificant increase in floor space. If this were a commercial development, Council would be seeking the physical provision or 'payment in lieu' for all or some of the spaces theoretically generated by the additional floor space.</p> <p>As part of the new Tax Office development in Smollett Street Council has, via the developer, 'contributed' a total of 497 public car parking spaces in a multi-deck facility. These spaces are approximately 125 metres distant from the subject site and therefore within walking distance. It is therefore reasonable to argue that some of these spaces can be considered as the physical provision of parking demanded by the art gallery re-development.</p> <p>On its merits therefore, the situation regarding</p>

ADCP REQUIREMENTS	CONSIDERATION
	car parking for the purposes of this assessment is acceptable.

**Table 1 - Theoretical car parking demand for existing and proposed development**

		Art Gallery (‘Entertainment Facility’)		Cafe (‘Restaurant’)		TOTAL CAR SPACES
		Standard	Variable	Standard	Variable	
Existing development	Required by ADCP	At Council’s discretion.	849m <sup>2</sup>	1 per 5 seats or 1 per 10m <sup>2</sup> GFA, whichever is the greater, plus 1 per 2 employees (or 1 space per 40m <sup>2</sup> GFA for development in the B3 Commercial Core Zone)	60m <sup>2</sup>	2+
	Existing	0				0
		Standard	Variable	Standard	Variable	
Proposed development	Required by ADCP	At Council’s discretion.	2,530m <sup>2</sup>	1 per 5 seats or 1 per 10m <sup>2</sup> GFA, whichever is the greater, plus 1 per 2 employees (or 1 space per 40m <sup>2</sup> GFA for development in the B3 Commercial Core Zone)	170m <sup>2</sup>	4+
	Proposed	0				0

#### 6.4 Any planning agreement under Section 93F – Section 79C(a)(iia)

There are no planning agreements in place that would influence the consideration of the development application.

#### 6.5 Any matters prescribed by the Regulations – Section 79C(a)(iv)

None.

#### 6.6 Any Coastal Zone Management Plan – Section 79C(a)(v)

Not applicable.

#### 6.7 Likely impact of the development – Section 79C(b)

The assessment of the “*likely impacts of the development*” in the SEE accompanying the application are considered satisfactory. The impacts are also adequately addressed by consideration of the proposal against the requirements of the environmental planning instruments and ADCP (see above).

## 6.8 The suitability of the site for the development – Section 79C(c)

The proposal is for the re-development of the existing regional art gallery complex within the centre of the Albury CBD. The location could not be more central or ideal for a facility of such regional significance.

## 6.9 Submissions – Section 79C(d)

The application was notified in accordance in Council's Public Notification Policy. Eight submissions were received as a result of this process. The issues raised in submissions are summarised as follows:

- The property managers for Australia Post seek assurances from Council that the operation of the Albury Post Office, including ingress/egress and "*quiet enjoyment of the property*" will not be adversely impacted.
- Several submissions raising concerns with the closure of the Youth Café.
- Support the proposal as it will provide significant cultural benefits to the Albury-Wodonga area, attract visitors to the region and foster cultural tourism.

In response:

- the post office will not be affected in any way by the proposal;
- the closure of the café is not a planning matter; and
- the support for the proposal is noted.

## 6.10 The public interest – Section 79(e)

The proposed development is considered to be in the public interest as it is for the benefit of all the Albury-Wodonga region community. It will provide for the needs of the community and visitors alike in regards to major cultural and educational facilities.

## 7 REFERRALS

No referrals were required to be undertaken with parties outside of Council.

Internal departments of Council have provided comment on the application. These comments have been factored into the assessment report in the appropriate place.

## 8 CONCLUSION

In conclusion, support is given for consenting to the application (with conditions) on the grounds that the proposal:

- does not contravene any State Environmental Planning Policy;
- is consistent with the objectives for the B3 zone;
- complies with the relevant provisions of the Albury Local Environmental Plan 2010;

- can satisfy the relevant controls in the Albury Development Control Plan 2010;
- is respectful of the heritage items involved;
- satisfactorily addresses car parking requirements;
- is in the public interest;
- has not generated widespread objection;
- has minimal environmental impacts; and
- is on a site suitable for the intended use.

## 9 RECOMMENDATION

Based on the above assessment, it is recommended that consent be granted for the development application to redevelop the Albury Regional Art Gallery subject to the following conditions:

### A. General

#### (A1) Development application – approved plans

The development must be carried out in accordance with the approved plans and the particulars and statement submitted with the Development Application received on 06/02/2012 and subject to the following conditions. (A001)

#### (A2) Building Code of Australia

All aspects of the building design are to comply with the applicable performance requirements of the *Building Code of Australia* so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which:
  - (i) Complies with the performance requirements, or
  - (ii) Is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) A combination of (a) and (b). (A100)

#### (A3) Existing streetscapes

Any alterations and or additions to the paving in the pathways and drive way crossings shall be an exact match of that existing; all works shall be undertaken by a competent contractor and to council specification.

#### (A4) Existing service mains

The existing sewer, stormwater and water mains currently located in the lane to the east of the site will require relocation. The proposed building extension indicates a basement level to be constructed where the services are currently located. All relocation works are at the developers cost, the works will require a design to be submitted for approval and construction certificate obtained for civil works prior to construction commencing. (A999)

**B. Prior to the Issue of construction certificate****(B1) Easements - footings and easements**

Any existing sewer main, stormwater main or water main located on the land is to be accurately located and, if necessary, building footings in the vicinity of the asset are to be designed so that no load is imparted to the asset. (B456)

**C. Prior to any work commencing on the site****(C1) Prior to commencement of construction works**

Two days before any site works, building or demolition begins, the applicant must:

- (a) Provide notice of commencement of work and appointment of Principal Certifying Authority; to the Council.
- (b) Notify the adjoining owners that work will commence.
- (c) Notify the Council of the name, address, phone number and licence number of the builder.
- (d) Erect a sign at the front of the property stating that unauthorised entry is prohibited and showing the builder's name, licence number and site address.
- (e) Provide a temporary on-site toilet.
- (f) Protect any support for neighbouring buildings.
- (g) Protect any public place from damage, obstruction or inconvenience from the carrying out of the consent.
- (h) Implement measure to protect trees not being removed.
- (i) Implement controls to prevent soil erosion and pollution.
- (j) Prevent any substance from falling onto a public place.
- (k) Follow any other conditions prescribed in the *Environmental Planning and Assessment Regulation*. (C426)

**(C2) Kerb and gutter - existing damage to Council property**

The applicant is required to notify Council in writing prior to commencing site operations, of any existing damage to kerbing and guttering and/or footpath paving, the absence of such notification shall signify that no damage exists and the applicant will be liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation. (D452)

**(C3) Demolition - compliance and disposal to approved landfill site**

All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 *The Demolition of Structures*. Prior to demolition, all services are to be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements. All demolition and excavated material is to be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site is to be provided to Albury City Council prior to commencement of demolition. (C420)

**(C4) Sewer – trade waste**



1. Any premises proposing to discharge into Council's sewerage system, waste water other than domestic sewerage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Council's Trade Waste Officer prior to commencing work onsite.
2. Detailed hydraulic plans shall be submitted with all trade waste application which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations of these devices shall comply with AS/NZS3500.
3. Pursuant to Section 68 of the *Local Government Act 1993*, to ensure there is no unacceptable discharge to Council's sewerage system an approved pre-treatment device (e.g. oil/grease traps, separation, etc) shall be installed to details approved prior to work commencing onsite. The development will be required to meet discharge standards in accordance with Council's *Trade Waste Policy*. (C436)

**(C5) On-site waste storage**

An adequate waste receptacle area shall be provided on-site to store all waste pending disposal. Such area shall be screened, regularly cleaned and accessible to collection vehicles in the interest of amenity, safety and public convenience. (C655)

**(C6) Water/sewer and drainage approval**

- (a) All plumbing or drainage works will require an approval under Section 68(1) (Table Part B Water supply, sewerage and stormwater drainage work) of the *Local Government Act 1993* is to be obtained prior to commencement of work.
- (b) All plumbing and drainage work is to be carried out by a NSW Licensed Plumber and Drainer and to the requirements of the most current *NSW Code of Practice, Plumbing and Drainage*.
- (c) The Licensed Plumber's details are to be forwarded to Council prior to commencement of any plumbing work. (C045)

**(C7) Services – internal water service**

The proposed and/or existing internal water service is to be of adequate size and of a design adequate to service the development in accordance with the requirements of AS3500 and *NSW Code of Practice*. Any necessary upgrading of the existing service is to be at full cost to the applicant. (C040)

**(C8) Services – water meter location**

The water meter shall be located so as not to be subject to damage. (C428)

**(C9) Hydraulic design**

The applicant is to submit detailed hydraulic design drawings of the proposed house drainage, tradewaste, stormwater and water service installation for approval prior to commencement of work. The hydraulic design shall comply with the requirements of the *NSW Code of Practice Plumbing and Drainage* and referenced standards AS/NZS 3500. (C999)

**D. During construction or works**

**(D1) Construction – inspections**

Inspection are to be conducted in accordance with Clause 109E(3)(d) of the *Environmental Planning Assessment Act 1979* and Section 162A of the *Environmental Planning & Assessment Regulation 2000* and as required by the Principal Certifying Authority. (D027)

(D2) **Maintenance of soil erosion and pollution controls**

All measures specified in Council's *Soil and Water Management Policy* to minimise the effects of soil erosion and pollution are to be installed then maintained until disturbed areas are rehabilitated and landscaped. Council may issue infringement notices incurring a monetary penalty where measures are not provided or maintained. (D522)

(D3) **Stormwater - drainage**

All stormwater runoff from the proposed development is to be collected on-site and conveyed to a lawful point of adequate capacity in a manner that is consistent with the latest version of Australian Standard 3500.3.2, and does not impede or direct natural surface water runoff so as to cause nuisance to adjoining properties. (B528)

(D4) **Access – redundant vehicle crossing**

Any redundant vehicle crossing(s) are to be removed and replaced with Council's standard kerb and gutter and foot paving. (D414)

(D5) **Easements- footings and easements**

No structure shall encroach onto or exert any load on the utilities within the easements. Maintenance work may be required on the utilities and therefore the structure shall be designed so that a trench can be excavated to enable replacement of the existing utilities without affecting the stability of the structure. (B458)

**E. Prior to the issue of occupation certificate**

(E1) **Traffic Management Plan**

The approval of a Traffic Management Plan to address the manoeuvring of vehicles to and from the site in Dean Street for loading and unloading.

(E2) **Bus stop location**

Further investigation, approval and construction of the relocated bus stop at the front of the premises in Dean Street.

(E3) **Lot consolidation**

The consolidation of all separate parcels of land into one allotment under one title before occupation of the property, so as to ensure that the siting of the development is satisfactory in relation to the size and shape of the land to be occupied. (B424)

(E4) **Amenity – street number**

A street number shall be displayed in a prominent location at the front of the property in the interest of public safety and the delivery of goods, parcels and emergency services.

(E424)

(E5) **Fire safety - certificate**

On completion of the erection of the building, the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the *Building Code of Australia*. (E600)

**(E6) Compliance – plumbing/drainage certificate**

Prior to occupation, a Plumbing and Drainage Certificate must be obtained. All plumbing and drainage work must comply with the approval granted by AlburyCity Council and the provisions of Division 3 of the *Local Government (General) Regulation 2005*. (E433)

**(E7) Occupation certificate**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the use of the development. (E021)

**(E8) Loading area and access**

The vehicle parking and manoeuvring areas being fully constructed, drained and maintained thereafter so as to prevent nuisance from dust, mud, drainage, sediment loss and the like. Such areas shall at a minimum be provided with a bitumen seal or equivalent surface on a suitable hard standing pavement. (E484)

**(E9) Access – driveway drain**

The adjacent footpath being protected from surface water by the construction of a grated drain across the driveway within the boundary connected to an approved drainage system. (E418)

**(E10) Footpath – no disturbance**

The footpath or nature strip shall not be disturbed by any construction activities other than those essential for access to the site or installation of services. (E466)

**(E11) Subdivision – costs to applicant**

Adjustments to public utilities necessitated by the development shall be completed at the applicant's cost prior to occupation of the premises, and in accordance with the requirements of the relevant authority. (E487)

**F. Use of site area**

**F1) Signs – approval**

No sign that requires Council's approval being displayed until Development Consent is issued. All signs shall be designed to complement development on-site and be maintained at all times in good order and condition. (F800)

**G. Prior to the Issue of a Subdivision Certificate**

**G1) Subdivision – easement creation**

Drainage, water, sewer and service easements not less than three (3) metres wide being created where required and/or as directed by council so that adequate access to, and protection of, services will be ensured. (G414)

## H. Heritage

- H1) An archaeologist is to be engaged to undertake a watching brief during the excavation of the new basement level.
- H2) Significant fabric is to be retained in situ, or salvaged and re-used where possible as part of the adaptation of the existing heritage buildings.
- H3) The proposed reconstruction of the facade of the former Lands and Survey Office is based on documentary and physical evidence and incorporates traditional details and finishes.
- H4) The internal configuration of spaces does not jeopardise the structural integrity of the existing roof and decorative roof elements.
- H5) The east, south and west elevations of the former Albury Town Hall building are to be retained and conserved. Minor adaptation of openings in the west elevation can be tolerated. The north wall can be further adapted as part of the new works.
- H6) The history of the site, and its role in the development of Albury, is to be interpreted to visitors following the completion of the works.

## Reasons for conditions

The above conditions have been imposed:

- (a) To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*.
- (b) Having regards to Council's duties of consideration under Section 79C and 80A of the *Environmental Planning and Assessment Act 1979*..
- (c) To ensure an appropriate level of provision of amenities and services occurs within the city and to occupants of sites.
- (d) To improve the amenity, safety and environment quality of the locality.
- (e) Having regard to environmental quality, the circumstances of the case and the public interest.
- (f) Having regards to the *Albury Development Control Plan 2010*
- (g) To help retain and enhance streetscape quality.
- (h) Ensure compatibility with adjoining and neighbouring land uses and built form
- (i) To protect public interest, the environment and existing amenity of the locality.
- (j) To protect the visual and acoustic privacy of nearby residents. (H001)