

DATE OF DETERMINATION	25 July 2017
PANEL MEMBERS	Hon. Pam Allan, Renata Brooks, Louise Camenzuli, Cr Henk van de Ven, Cr David Thurley
APOLOGIES	None
DECLARATIONS OF INTEREST	Henk van de Ven declared an interest however chose to continue his participation as the interest is both non-pecuniary and less than significant. Henk van de Ven's interest being that one of the businesses that has access from the right-of-way is owned by his Brother-In-Law.

Public meeting held at Albury City Council at 553 Kiewa Street, Albury on 25 July 2017, opened at 12:30 pm and closed at 1.10pm.

MATTER DETERMINED

2017STH009 – Albury – 10.2017.35189.1 AT 401-407 Olive Street and 18-22 Richs Lane South Albury (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel considered the development to generally comply with the relevant controls and requirements.
- The Panel considered that approval of the development would provide a community benefit.
- The Panel adopted the assessment of those matters in the Council Assessment Report with an amendment to condition (B12), addition of new condition (B13) and renumbering of recommended condition (B13) to become condition (B14).

CONDITIONS

The development application was approved subject to the conditions in the Council Draft Determination with the following amendments.

- Replace condition (B12) with:

(B12) CERTIFICATE OF COMPLIANCE




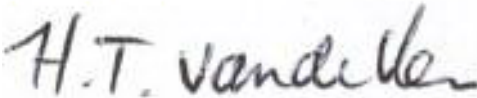

The applicant must apply for a certificate of compliance under Section 305 of the Water Management Act 2000. The certificate of compliance must be obtained prior to issue of a Construction Certificate.

Note: Section 64 of the Local Government Act 1993 states that Division 5, Part 2 of Chapter 6 of the Water Management Act 2000 applies to a council exercising its water supply, sewerage and stormwater drainage works and facilities functions under Division 2, Part 3 of Chapter 6 of the Local Government Act 1993 in the same way as it applies to a water supply authority exercising functions under the Water Management Act 2000.

- Condition (B13) becomes (B14)
- Insert new condition (B13):

(B13) ACCESS GATE TO RICHS LANE

Prior to the issue of a Construction Certificate, plans and details for an automated gate located at the Richs Lane exit from the site shall be submitted to Council for consideration and approval. The gate is to be designed and installed to prevent access to the site from Richs Lane and to activate from the internal road to permit egress for vehicles from the site. The design shall provide for separate, full and unobstructed pedestrian and cycle access and egress to Richs Lane.

PANEL MEMBERS	
 Hon. Pam Allan (Chair)	 Renata Brooks
 Louise Camenzuli	 Cr Henk van de Ven
 Cr David Thurley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH009 – Albury – 10.2017.35189.1
2	PROPOSED DEVELOPMENT	<p>Erection of an affordable housing development by Amelie Housing (a subsidiary of St Vincent de Paul), incorporating the following:</p> <ul style="list-style-type: none"> • Demolition of all structures on the site (including Quamby House and Orana Allanbie housing and associated sheds, outbuildings and structures, but excluding the dwelling house and 2 small sheds located at 405 Olive Street demolished under a Complying Development Certificate issued in June 2017) • Earthworks and servicing upgrades • Erection of 38 dwellings in 5 single storey and 5 two storey buildings, comprising <ul style="list-style-type: none"> o 23 x 1 bedroom dwellings o 14 x 2 bedroom dwellings o 1 x 3 bedroom dwelling • Erection of a part two storey and part three storey Community Centre and office building • Provision of a communal open space area and children's play space • Car parking, landscaping, internal roads and ancillary structures, and • Consolidation of existing titles.
3	STREET ADDRESS	401-407 Olive Street and 18-22 Richs Lane South Albury
4	APPLICANT/OWNER	Mairead Hawes - Hawes & Swan Planning
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> o State Environmental Planning Policy (State and Regional Development) 2011 o State Environmental Planning Policy No. 55 – Remediation of Land o State Environmental Planning Policy (Affordable Housing) 2009 o Murray Regional Environment Plan No. 2 (Deemed State Environmental Planning Policy) o Albury Local Environment Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> o Albury Development Control Plan 2010 o Albury Infrastructure Contributions Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 5 June 2017 • Written submissions during public exhibition: Four • Verbal submissions at the public meeting: <ul style="list-style-type: none"> o Submitter - Don Lascelles o Applicant - Mairead Hawes of Hawes & Swan Planning o On behalf of the proponent/operator of the site - Tim Purcell of Amelie Housing

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 25 July 2017 • Final briefing meeting to discuss council's recommendation, 25 July 2017 at 11:15am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Hon. Pam Allan (Chair), Renata Brooks, Louise Camenzuli, Cr Henk van der Ven, Cr David Thurley ○ <u>Council assessment staff</u>: Terri O'Brien, David Christie, Michael Keys
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report