

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

Panel Reference	PPSSTH-111
DA Number	DA.10.2021.38793.1 -
LGA	Albury City
Proposed Development	Alterations and Additions to Albury Entertainment Centre
Street Address	525 Swift Street, Albury
Applicant	Habitat Planning (on behalf of Albury City)
Owner	Albury City
Date of DA lodgement	2 October 2021
Total number of Submissions / Number of Unique Objections	Nil
Recommendation	Approval
Regionally Significant Criteria	Schedule 7 of the SEPP - SRD • Clause 3: Council related development over \$5 million • Clause 5(b): Community facilities over \$5 million
CIV	\$29,962,000.00
List of all relevant s4.15(1)(a) matters	State Environmental Planning Policy (State and Regional Development) 2011

	State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 55 – Remediation of Land Murray Regional Environmental Plan No 2 – Riverine Land Albury Local Environmental Plan 2010 Albury Development Control Plan 2010 Environmental Planning and Assessment Regulation 2021
List all documents submitted with this report for the Panel’s consideration	• Attachment A: Draft Conditions of consent • Attachment B: Proposed Plans of Development • Attachment C: Statement of Environmental Effects • Attachment D: Landscape Development Plan • Attachment E: Statement of Heritage Impact • Attachment F: Archaeological Assessment • Attachment G: Traffic Impact Assessment • Attachment H: Albury CBD Parking Strategy 2020-2025
Clause 4.6 requests	Not Applicable
Summary of key submissions	Not Applicable
Report prepared by	Bioplan Pty Ltd
Report date	3 March 2022

EXECUTIVE SUMMARY

Council is in receipt of development application (DA 10.2021.166.1) which seeks consent for Alterations and Additions to Albury Entertainment Centre (“AEC”) situated at No.525 Swift Street, Albury (the “subject land”).

The application is referred to the Southern Regional Planning Panel (“the Panel”) as the development is ‘regionally significant development’, pursuant to Clause 3 and Clause (5)(b) of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 (“SRD SEPP”) being Council related development for community facilities with a CIV over \$5 million.

The subject land is currently zoned B3 Commercial Core zone, under the provisions of the Albury LEP 2010 ("the ALEP"). Also relevant to the consideration of this DA are the provisions of the Murray Regional Environmental Plan No.2 – Riverine Land ('the REP').

The subject comprises freehold land in the name of Albury City Council described as Lots 1 & 3 DP 413102, Lot 1 DP164886 and Lot 1 DP798772 located at No. 525 Swift Street, Albury. The property is situated to the north of the QE II Square precinct and is currently occupied by the Convention Wing of the Albury Entertainment Centre.

The application proposes to undertake significant alterations and additions to the existing Convention Wing with a number of key features of the proposed identified as follows:

- Expansion of the Convention Wing to cater for large-scale business, conference and tourism events.
- Doubling conference seating capacity to 2000 patrons and increased exhibition space.
- Improved connection to QEII Cultural Precinct including the adjacent Albury *LibraryMuseum* and Retro Lane Café.
- Streetscape upgrades along Swift Street to enhance the public realm and increase activation. Cafe seating, as well as public gathering space will also be provided within a formal plaza and meeting place at the venue's entrance to better facilitate larger conferences/concurrent events.
- Associated upgrades will include retractable/operable walls, new roof canopy, elevators and feature stairs.
- Associated landscaping and public domain works including a new promenade between the AEC and theatre, additional tree planting, improvements to the northern plaza and improved drop off area to Swift Street.

The subject land is zoned B3 Commercial Core zone, under the provisions of the ALEP with objectives of the B3 Zone including:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage development and investment in the Albury and Lavington central business districts.*

Within the landuse table to Clause 2.3 of the ALEP it is to be noted that the use of land within the B3 zone for the purposes of "*Community facilities*" and "*Function centres*" are all permissible with consent.

The application was placed on public exhibition from 5 October 2021 to 27 October 2021, and no submissions were received. The application was also referred to agencies for comments during the same period, with responses received from Essential Energy (EE) and NSW Police. No objections were raised, with EE requesting conditions placed on any subsequent DA that may be issued by the Consent Authority.

Key issues raised by the proposal relate to:

- Car parking / Transport Management
- Heritage Conservation Area
- Archaeological Assessment

Car parking / Transport Management

The proposed development results in a significant theoretical shortfall in on-site parking. The existing AEC floorspace equates to 1,666m². According to Part 17 of the Albury Development Control Plan 2010 (the “ADCP”), a “Community Facility” would usually require the provision of 1 space per 10m² and consequently it can be determined that the existing facility has a shortfall of 167 spaces.

The redevelopment of the AEC proposes an additional 2,719m² of floor space, with no additional car parking proposed (ie 272 additional spaces).

In support of the ADCP variation sought, the applicant has also submitted a Traffic Impact Assessment (TIA) prepared by Spotto Consulting (Aug 2021). This TIA seeks to address the relevant matters for consideration regarding the existing operation of the premises without off-street parking. In summary the TIA notes that:

“The impact of the traffic associated with the proposed development is difficult to quantify: the lack of parking at the site means that vehicles do not travel directly to/from the site. In addition, access to a variety of on-street and off-street parking options for staff and attendees at the site further complicates the travel patterns.

As the Albury Entertainment Centre is a civic building located in a civic precinct within the Albury CBD, it is appropriate that the shortfall in parking be managed in accordance with the principles and strategies detailed in Council’s Albury CBD Parking Strategy. The strategy identifies a number of initiatives that could be implemented specifically for the identified parking shortfall for major events at the Albury Entertainment Centre.”

In summary the variation sought in respect of car parking provision on site is considered to be reasonable in the circumstances subject to DA conditions that seek to support the realisation of the goal of augmentation of nearby public carparking as recommended in the Albury CBD Parking Strategy 2020 -2025 (Attachment H).

Coupled with the above is the boarder issue of Transport Management both in respect of patrons attending the site including universal access issues. In addition, there are also operational issues including patron drop-off / pickup and on-site loading & deliveries that need to be further investigated.

In respect of provision of accessible car spaces for people with a disability, it is noted that such parking is currently accommodated by existing on-street provision with three (3) spaces provided (ie two on the southern side / one on the northern side of Swift Street). This currently represents a shortfall of one (1) accessible car space based on a Class 9b building requiring 1 space for every 50 car spaces or part thereof (ie 167 spaces = requirement for 4 accessible spaces).

It is intended that these existing on-street spaces will be retained under the current design. The issue to consider however is that not only is there a historical shortfall in accessible car spaces but the redevelopment of the AEC will result in further requirement of 6 accessible spaces (ie 272 spaces = requirement for 6 accessible spaces.)

The drop-off facility at the front of AEC has already been significantly compromised by the installation of the Swift Street pedestrian crossing which was constructed in mid-2020. This has had the effect that the drop-off area no longer functions as a drive through facility anymore. At present, the site only offers a standing area at the rear of the theatre that allows for forward entry and reverse egress.

Existing loading facilities will also be impacted by the redevelopment. Options for consideration include investigating whether a loading zone on street is appropriate or whether a standing area should be allowed for within the forecourt accessed via the existing crossover.

Having regard to the above Traffic Management issues, it is concluded that the redevelopment of the AEC presents an opportunity to reassess a range of operational and accessibility issues as part of the process. It is also acknowledged that there are a number of possible options to deal with matters raised, and that as a consequence it would be appropriate to condition any subsequent DA that may be issued by the Consent Authority.

Heritage Conservation Area.

The subject land is located along the northern edge of the “Dean Street Conservation Area (Area C6)” as identified in the ALEP. Although the AEC itself is not a building of individual heritage significance, the QEII Square precinct which is centrally located within Area C6 Area is surrounded by a number of individual heritage items including but not limited to St Matthews Church and Rectory and Bellbridge Hague.

In response, the applicant has provided in support of the application a Statement of Heritage Impact (“SHI”) prepared by Trethowan Architecture (July 2021). The SHI notes that whilst the height and scale of the proposed canopy and circulation cores could potentially dominate the conservation area visually, this is considered to be mitigated by the canopy being partially concealed from view along Swift Street by the QEII Theatre. Further it is noted that this section of Swift Street between Olive and Kiewa Streets has been substantially altered with later infill development and consequently it is concluded that the potential detrimental impacts are few and have been adequately mitigated.

In summary the conclusions of the SHI are supported.

Archaeological Assessment

Further to the issues associated with heritage conservation the applicant has also submitted an Archaeological Assessment report prepared by Andrew Long and Associates Pty Ltd (Dec 2020). This report notes among other things:

Although the project area has been impacted by recent developments such as the construction and redevelopment of the Albury Entertainment Centre (AEC) and the demolition of the library, it is reasonable to suspect that the project area has the potential to contain significant archaeological remains below ground.

In summary the recommendations of the Archaeological Assessment Report are supported.

Following is a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (the “EP&A Act”).

It is subsequently recommended that DA 10.2021.166.1 be approved subject to the reasons contained at Attachment A of this report.

1. INTRODUCTION

Albury City Council (“the Council”) is in receipt of development application (DA 10.2021.166.1) which seeks consent for Alterations and Additions to Albury Entertainment Centre (“AEC”) situated at No.525 Swift Street, Albury (the “subject land”). Specifically, the proposal is to upgrade, extend and refurbish the existing facilities of the Convention Wing of the AEC to provide additional and improved community and entertainment facilities.

Bioplan has been engaged by Council to provide an independent assessment report of the development proposal which is captured by the provisions of State Environmental Planning Policy (State and Regional Development) 2011 (“SEPP-SRD”).

This assessment report is to be submitted to the Southern Regional Planning Panel (“the Panel”) who will be the relevant consent authority for this matter.

1.1 Background

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

Following receipt of plans and relevant supporting documentation the development application was lodged on 2 October 2021 on behalf of Council by Habitat Planning. A chronology of the development application since lodgement is outlined below including the Panel’s involvement (briefings, deferrals etc) with the application:

DATE	EVENT
2 Oct 21	DA Lodged
2 Oct 21	Agency Referrals
2 Oct 21	Internal Referrals
5 Oct – 27 Oct 21	Public Notice
3 Mar 22	Council Assessment Report completed for Panel consideration

2. SUBJECT LAND

The subject comprises four separate lots described as Lots 1 & 3 DP 413102, Lot 1 DP164886 and Lot 1 DP798772. The property is identified as No. 525 Swift Street, Albury and comprises freehold land in the name of Albury City Council.

As noted below at Figure 1 the subject land is located within the core of the Albury Central Business District (the “CBD”) at the northern end of QEII Square. Bounding this central precinct, which includes a large paved and grassed outdoor area, are several landmark buildings that define the CBD. Apart from the subject land and adjoining Council property, these other buildings include St Matthews Church, the Old Albury Court House, the Murray Art Museum Albury (MAMA), the *LibraryMuseum*,

State Government Office Buildings, Murray Conservatorium, and the Albury Police Station and Court House.

525 Swift St, Albury

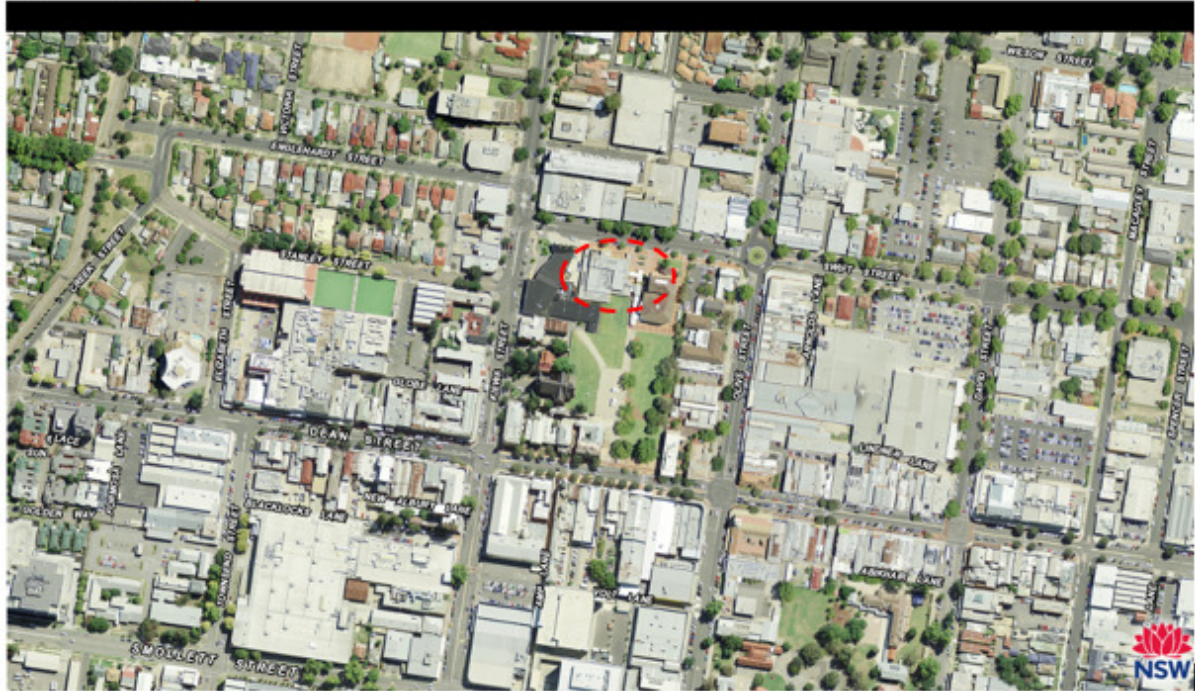


Figure 1. Locality Plan (source SIXview)

525 Swift St, Albury



Figure 2: Subject Land (source SIXview)

The subject land is located on the southern side of Swift Street (Figure 2) and is currently occupied by the Convention Wing of the AEC. This existing convention space is formed by a combination of two smaller spaces known as the Banquet Hall and the Elizabeth Room. It is also to be noted that Lot 1 DP 798772 along the eastern side of the subject land is also partly occupied by the Main Auditorium building which incorporates the QEII Theatre and the Chandelier Room which overlooks QEII Square.

The southern section of both Lot 1 DP164886 and Lot 1 DP798772 also includes a part of the extensive lawn area that makes up much of QE II Square. To the west and south west of the subject land is located the Albury *LibraryMuseum* complex which also incorporates the Retro Lane Café.

Located to the north across Swift Street are a range of single storey and multi-storey commercial premises. A multi-deck car parking facility owned by the Council is located further north behind the commercial properties and is accessible from Swift Street via pedestrian crossing facilities at Swift Street and defined mid-block pedestrian walkways.

The existing Convention Wing of the AEC is essentially a rectangular brick building with a total floor area of 1,666m² across two levels: namely:

- Ground Floor – 1,227m²
- Upper Floor – 439m²

The building currently presents as a largely blank side face to Swift Street with little significant articulation to break up this particular north facing façade. The building itself is orientated to the east which is accessed via a plaza area at the northeast. This plaza is also shared with Auditorium building to the east. As with the Convention Centre the Auditorium also presents a rear wall façade to Swift Street, within the building actually orientated to the south and addressing QEII Square.

The subject land benefits from good pedestrian access not only from Swift Street but also from Dean Street to the south via QEII Square. It is anticipated that the proposed re-development will enable greater accessibility and permeability of the site to cater for the current needs of the community and its wider regional context.

3. PROPOSAL DESCRIPTION

The application proposes to undertake significant alterations and additions to the existing Convention Wing of the AEC. Key features of the proposed redevelopment of the site include:

- Expansion of the Convention Wing to cater for large-scale business, conference and tourism events.
- Doubling conference seating capacity to 2000 patrons and increased exhibition space.
- Improved connection to QEII Cultural Precinct including the adjacent Albury *LibraryMuseum* and Retro Lane Café.
- Streetscape upgrades along Swift Street to enhance the public realm and increase activation. Cafe seating, as well as public gathering space will also be

provided within a formal plaza and meeting place at the venue's entrance to better facilitate larger conferences/concurrent events.

- Associated upgrades will include retractable/operable walls, new roof canopy, elevators and feature stairs.
- Associated landscaping and public domain works including a new promenade between the AEC and theatre, additional tree planting, improvements to the northern plaza and improved drop off area to Swift Street.

The proposal will result in a building with a total floor area of 4,385m² across three levels. In summary the additional 2,719m² of floor space will comprise the following:

- Ground Floor (1,156m²) – refurbishment of the existing building, back of house area, banquet space and new fire stairs. Construction of a new kitchen and associated equipment and benching, new amenities, banquet space, back of house and servery facilities, stair cores, internal pre-function spaces and reception area.
- Mezzanine (339m²) – construction of new circulation spaces, kitchenette, staff rooms, storage, stair-cores and offices.
- Upper Floor (1,224m²) – refurbishment of the existing amenities, back of house facilities, fire stairs and theatrette. Construction of new back of house areas, servery, stair cores, meeting rooms, pre-function (internal and external areas) and additional amenities.

There will also be an additional outdoor area under canopy that will be 1,150m² in area. Significantly the overall redevelopment will result in an activation of the Swift Street streetscape not only enhancing the visual presence of the centre as viewed from Swift Street but also in the creation of new urban spaces. (Figure 3) It will also provide an activated frontage to QEII Square replacing the current blank brick wall along the southern façade.



Figure 3. Perspective presentation (Source Peddle Thorp Furlong & Kain)

As a part of the overall development there will also be a range of demolition works required. In summary it is proposed to demolish part of the north elevation, the entire

east elevation, and the eastern (Refer to drawing A102, Peddle Thorp with Furlong and Kain). The high blank brick wall at the northern elevation, the pedestrian concourse to the east, the existing shade umbrellas at ground level, and first-floor level walkway connection to QEII Theatre are also to be removed.

Apart from the new floorspace, all existing floor space including the existing back of house and circulation spaces will be refurbished and updated to present day expectations for such a key public facility. As noted within the submitted Statement of Environmental Effects:

“The objective of the Convention Centre Wing project is to redevelop the Convention Centre as a leading regional conference facility that will be capable of accommodating large scale business and conference events. The design team (has responded to) emerging untapped needs within the Australian meetings industry, whilst at the same time developing a new and important community facility.

Located in Albury’s Cultural Precinct, the proposed redevelopment would establish an innovative, iconic and inspiring venue, taking advantage of Albury’s strategic location between Melbourne, Sydney and Canberra. The redevelopment would significantly expand and enhance the existing venue which has become limited in its ability to meet the needs of the modern convention market.”

4. STATUTORY CONSIDERATIONS

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (the “EP&A Act”) outlines the matters which the consent authority must take into consideration when determining a development application, namely

(1) Matters for consideration - general

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

COMMENT: Assessment of the development proposal has been undertaken in respect to relevant considerations arising from Section 4.15 of the EP&A Act as follows:

4.1 Cl.4.15(1)(a)(i) - Environmental Planning Instruments

4.1.1 State Environmental Planning Policies

The following State Environmental Planning Policies (“SEPP’s”) have been considered in respect of this application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- Murray Regional Environmental Plan No.2 – Riverine Lands

A summary of the key matters for consideration arising from these SEPP’s are outlined in following Table. A more detail consideration of each policy is provided further below.

POLICY	MATTERS FOR CONSIDERATION	COMMENT
SEPP – SRD	Clause 20(1) sets out proposals which are classified as being of regionally significant development. This particular development is considered to be regionally significant development pursuant to Clause 3 and Clause 5(b) of Schedule 7.	Complies
SEPP – Infrastructure	Clause 45 – Determination of development applications - other development. The development is to be carried out within proximity of an easement for electricity purposes.	Complies
SEPP No. 55 – Remediation of land	Clause 7 – The application has included a summary of existing conditions and historical land uses which is considered satisfactory to address the requirements. Appropriate conditions of consent are included.	Complies
MREP No.2 – Riverine Land	The MREP aims to conserve and enhance the riverine environment of the River Murray for the benefit of all users. Part 8 outlines planning principles that should be applied when a consent authority determines a development application.	Complies

○ SEPP – SRD

COMMENT: This SEPP aims to identify development that is state or regionally significant and to confer functions on the relevant Regional Planning Panel to determine certain development applications. Clause 20(1) of the SEPP-SRD refers to certain development applications which are considered to be regionally significant

development. Schedule 7 of the SEPP subsequently identifies the thresholds for which an application is regionally significant.

The proposed development is related to two matters with a capital investment value of more than \$5 million namely Council related development (Clause 3) as well as development of Community Facilities (Clause 5(b)). Therefore, the proposal qualifies as regionally significant development as provided for by Schedule 7 of the SEPP-SRD. The Southern Regional Planning Panel is therefore the consent authority for this application.

- **SEPP – Infrastructure**

COMMENT: The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. Relevant to this application it is noted that existing underground electrical and associated infrastructure is likely to be affected by the proposal.

The application has been referred to Essential Energy under the provisions of Clause 45 of the SEPP – Infrastructure. No objections have been raised subject to appropriate conditions and notes being included within any subsequent DA that may be issues by the consent authority.

- **SEPP No. 55 – Remediation of Land**

COMMENT: SEPP 55 provides a state-wide planning approach to the remediation of contaminated land. The policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. The SEPP requires the consent authority to consider whether the subject site is contaminated when determining a development application.

The provisions of SEPP.55 have been considered in the assessment of the development application. The application report provided by the applicant notes that a search of contaminated sites has been carried out and that no sites are identified in the surrounding area. The site is also acknowledged as being predominantly a previously built-upon site area that has not accommodated any potentially contaminating uses.

[NOTE: In addition to the above it is noted that a Hazardous Materials Risk Assessment has been conducted in accordance with guidelines documented in *How to Manage and Control Asbestos in the Workplace: Code of Practice* (Safe Work Australia, 2019) & *Demolition of Structures and the Demolition Work Code of Practice* (Safe Work Australia). This report prepared by Williams Asbestos Solutions includes a number of recommendations which can be integrated into any subsequent DA for the project.]

- **Murray REP No.2 – Riverine Lands**

COMMENT: The Murray Regional Environmental Plan No 2 – Riverine Lands (“MREP”) is a deemed SEPP. The subject land falls within the area to which MREP applies.

The MREP aims to conserve and enhance the riverine environment of the River Murray for the benefit of all users. Relevant objectives include:

- (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;*

Detailed consideration of the various provisions of the MREP is provided as follows.

PROVISION	COMMENT
PART 1 INTRODUCTION	
Clause 2 Aims of the plan	<i>The development is deemed to be generally consistent with the aims of this plan. The proposal will be unlikely to detrimentally impact upon the riverine environment of the River Murray being situated approximately 930m to the south east of the Murray River. The proposed alterations and additions to the AEC are considered to be acceptable in this context.</i>
Clause 3 Objectives of the plan	<i>The proposed development is not inconsistent with the objectives of this plan.</i>
Clause 4 Where the plan applies	<i>Noted.</i>
Clause 5 How this plan affects other plans	<i>Noted.</i>
PART 2 PLANNING PRINCIPLES	
Clause 8 When planning principles should be applied	<i>Noted</i>
Clause 9 General principles	<i>The proposed development is considered to be consistent with the general principles of this plan. The proposed development is unlikely to significantly adversely affect the River Murray</i>
Clause 10 Specific principles	<i>The proposed development is considered to be consistent with the specific principles of this plan. No issues are raised in respect of access to the river, bank disturbance or flooding.</i>
PART 3 PLANNING REQUIREMENTS AND CONSULTATION	
Clause 11 Consultation—who consults and procedure for consultation	<i>Noted</i>
Clause 12 General provisions for consultation	<i>Noted</i>

PROVISION	COMMENT
Clause 13 Planning Control and Consultation Table	<i>Noted. The application was not required to be referred under this plan.</i>
Clause 14 Building setbacks—special provisions	<i>Noted.</i>

4.1.2 Albury Local Environmental Plan 2010

Part 2 - Permitted or prohibited development

○ Clause 2.1 – Landuse Zones

COMMENT: The subject land is zoned B3 Commercial Core zone, under the provisions of the Albury LEP 2010 (“the ALEP”)

○ Clause 2.3 – Zone Objectives and Land Use Table

COMMENT: Relevant objectives of the B3 Zone include:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage development and investment in the Albury and Lavington central business districts.*

It is noted that the Statement of Environmental Effects describes the proposed development as being a “community facility / entertainment centre”.

Within the land use table, it is to be noted that the use of land within the B3 zone for the purposes of “Community facilities” and “Entertainment Facilities” are both permissible with consent. These uses are defined as:

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
 - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

This notwithstanding, it is the case that the AEC is a significant community building that operates in a multi-functional capacity which from time to time also includes providing a service as a “function centre”. That is

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

Having regard to the above, it is concluded that the primary use of the AEC is best characterised as “Community Facilities”. Whether there is a film screened, a school dance or there is a conference or a wedding reception, the broad range of uses catered

for with the AEC can all be considered to be ancillary to the primary public purpose as a community facility.

In respect of Zone objectives, it is considered that the proposed development is generally consistent with relevant objectives, in that: -

- the proposal is directly related to entertainment, function and community land uses that serve the needs of the local and wider community
- the proposal relates to refurbished and additional floor space that will continue to foster employment opportunities in an accessible location within the city centre.
- convenient access is available for patrons who may rely upon public transport pedestrian and/or cycling options
- the alterations and additions will make a contribution to increased usage of an important public building;
- the development represents a significant investment in the Albury central business district; and
- the current building is well served in terms of access and the broader network of public car parking.

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 zone provisions of the ALEP. That is, it is concluded that the proposal will comply with the relevant development standards and decision guidelines of the ALEP as follows:

○ **Clause 2.7 – Demolition requires development consent**

COMMENT: It is to be noted that ALEP provides that the demolition of a building or work may be carried out only with development consent. As the application includes demolition works, consent is therefore required under this clause.

○ **Clause 4.3 – Height of buildings**

COMMENT: The objectives of Clause 4.3 are:

- (a) to ensure the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,*
- (b) to protect the heritage character and significance of buildings and not adversely affect the heritage integrity of heritage items and heritage conservation areas identified in this Plan,*
- (c) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy,*
- (d) to nominate heights that will provide a transition in built form between varying land use intensities.*

Clause 4.3 provides that 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. In this case the site is subject to a maximum height limit of 16m from existing ground level to the highest point of the building.

In response it is noted from the plans provided that the proposed maximum height of building is 13.5m which is achieved at the top of the lift over-run. In this respect the proposed development is compliant with the maximum height provisions.

The development is also considered to be consistent with the objectives outlined above.

- **Clause 4.4 –Floor space ratio**

COMMENT: The objectives of Clause 4.4 are:

- (a) to ensure that the density, bulk and scale of development is appropriate for a site,*
- (b) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,*
- (c) to facilitate development that contributes to the economic growth of the Albury and Lavington Central Business Districts.*

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio ("FSR") shown for the land on the Floor Space Ratio Map. In this case the site is subject to a FSR of 2:1.

Having regard to the land area of Lots 1 & 3 DP 413102 and Lot 1 DP164886 and that part of Lot 1 DP798772 adjacent to the Main Auditorium building a site area in the order of 3,200m² represents the subject land area. Having regard to the building Area Schedule provided by the applicant in the design drawings prepared by Peddle Thorp with Furlong and Kain it is noted that the total floor area (existing & proposed and excluding the area under canopy) is 4,435m². This represents a FSR of 1.38 : 1.

[NOTE: The Statement of Environmental Effects prepared by Habitat indicates that the proposed development seeks a maximum FSR of 1.27:1. It is assumed that this FSR will be based on availability of CAD files to more accurately calculate that part of Lot 1 DP798772 adjacent to the Main Auditorium building that actually comprises site area.]

In any event, it is apparent that even with a more conservative assessment resulting in a higher FSR, it can still be readily concluded that the proposed development is compliant with Clause 4.4 and is also consistent with the relevant objectives.

Part 3 - Exempt or complying development

COMMENT: The proposed development does not satisfy the required provisions to be defined as Exempt and/or Complying Development, and therefore development consent has been sought.

Part 4 - Principal development standards

COMMENT: No Principal Development Standards are applicable to the proposed development.

Part 5 - Miscellaneous provisions

COMMENT: The following miscellaneous provisions are relevant to the proposed development:

○ **Clause 5.10 – Heritage Conservation**

COMMENT: The objectives of Clause 5.10 are:

- (a) *to conserve the environmental heritage of Albury,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Relevant to this application Clause 5.10(2) provides as follows:

(2) Requirement for consent Development consent is required for any of the following –

....(a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*

- (iii) *a building, work, relic or tree within a heritage conservation area,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (e) *erecting a building on land—*
 - (i) *on which a heritage item is located or that is within a heritage conservation area,*

Clauses 5.10.2(a) & (e) – It is to be noted that the site is located along the northern edge of the Dean Street Conservation Area (Area C6). Although the AEC itself is not of individual heritage significance the QEII Square precinct which is centrally located within the C6 Area is surrounded by a number of individual heritage items including St Matthews Church and Rectory and Bellbridge Hague which are in general in proximity of the development site.

In response the applicant has provided a Statement of Heritage Impact (“SHI”) in support of the application. In summary the SHI prepared by Trethowan Architecture (July 2021) concludes:

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

It is noted that there are a number of aspects of the proposal that respect or enhance the heritage significance of the conservation area including:

- Canopy – a landmark element that indicates the site entry and suggests a further connection through the block.
- Alterations to Swift Street streetscape
- Proposed materials palette – considered to be restrained and appropriate to the site and wider conservation area.

Potential detrimental impacts identified include:

- Canopy - height and scale of the canopy and circulation cores could visually dominate this part of the conservation area.

In response it is concluded within the HIA that the potential detrimental impacts are few and have been adequately mitigated. The report goes on to say

“Overall, the proposal will have a positive impact on the conservation area.

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

Clause 5.10(4) requires the consent authority to consider the effect of the proposed development on the heritage significance of the item or area concerned.

Having regard to the above it is considered that the proposed works will not be likely to have a detrimental impact on the significance of C6: Dean Street Conservation Area, particularly given the main orientation of the development to the northern Swift Street frontage coupled with enhanced connections to QEII Square to the south. Nor will there likely be an adverse impact on the individual heritage items within the precinct.

The development is considered to appropriately meet the heritage controls and conservation objectives of the ALEP.

Clause 5.10.2(c) – In respect of potentially “*disturbing or excavating an archaeological site*” the applicant notes that the subject land:

“... is situated in an area that is considered likely to contain archaeological remains based on past studies, reports and the prominent structures these sites once contained.”

Relevant to this matter it is also noted that Clause 5.10.7 provides as follows:

(7) Archaeological sites. The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

- (a) notify the Heritage Council of its intention to grant consent, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

In consideration of the above the applicant has provided an Archaeological Assessment in support of the application. In summary the Archaeological Assessment prepared by Andrew Long & Associates (Dec 2020) notes as follows:

Although the project area has been impacted by recent developments such as the construction and redevelopment of the Albury Entertainment Centre (AEC) and the demolition of the library, it is reasonable to suspect that the project area has the potential to contain significant archaeological remains below ground. These may comprise:

- Architectural elements associated with the two phases of the hospital;*
- Accumulated deposits related to the hospital;*
- Architectural elements associated with ‘Valetta’;*
- Accumulated deposits related to ‘Valetta’; and*

- *Potential artefacts (i.e medical equipment, residential discards and building materials).*

The archaeological assessment found that the site at 525 Swift Street, Albury, New South Wales, has potential to contain archaeological deposits, features and artefacts associated with the construction and use of the Burley Hospital and the private residential building named 'Valetta'.

In summary the site has been assessed to be of local archaeological and historical significance to the City of Albury. Management recommendations have been proposed as follows.

1. Apply for an Excavation Permit from the NSW Heritage Office.
2. Undertake Site Induction with all relevant personnel, contractors and subcontractors involved with the project.
3. Archaeological Monitoring of Ground Disturbing Works
4. Targeted Archaeological Excavations
5. Artefact Management

Having regard to the above it is considered that through compliance with the recommendations prepared by Andrew Long & Associates that the development is considered to appropriately meet the heritage controls and conservation objectives of the ALEP.

Part 6 - Urban release areas

COMMENT: Not applicable

Part 7 - Additional local provisions

COMMENT: The following local provisions are relevant to the proposed development:

○ Clause 7.1 – Earth Works

COMMENT Noted. The proposal involves significant earthworks associated with site preparation and development. Clause 7.1 of the LEP requires development consent for earthworks to ensure that the works will not have a detrimental impact on environmental functions and processes.

Having regard to the nature of the proposal it is readily concluded that all necessary works can be carried out in compliance with Council Engineering standards and guidelines without detriment to the surrounding area in proximity of the development site.

○ Clause 7.6 – Essential Services

COMMENT: Noted. The proposal satisfies the requirement of this clause, being capable of relying upon existing services available to the subject land including reticulated potable water; electricity; sewer; stormwater drainage and public road access.

4.2 Section 4.15(1)(a)(ii) – Any proposed instrument

COMMENT: There are a number of draft amendments to the ALEP that have been the subject of public consultation under the Act. While these draft amendments apply to

land within Albury City LGA it is noted that none of these Amendments specifically change the provisions affecting the subject land. As a consequence, there are no relevant issues identified.

4.3 Section 4.15(1)(a)(iii) – Any DCP

In respect of the consideration of a Development Control Plan the EP&A Act provides at Clause 4.15(3A) as follows:

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

4.3.1 Albury Development Control Plan 2010

COMMENT: The Albury Development Control Plan 2010 (“ADCP”) applies to the proposal. Relevant considerations are provided in the following table.

DCP CHAPTER	COMMENT
Part 3 – Notification Policy	<i>In accordance with the ADCP the application was publicly advertised. No submissions were received.</i>
Part 4 – Development Contributions	<i>Noted. In respect of Section 7.12 Fixed Development Consent Levy it is noted that the development is exempt under Clause 3.7.1 of the Council’s Infrastructure Contributions Plan being related to “Recreation facilities, community, cultural or educational facilities provided by or on behalf of the Council or another public authority.” In this context the development proposal can be considered to be one that meets this requirement and as a consequence no levy is applicable. Section 64 contributions for water and sewer are however applicable and this should be appropriately conditioned in the event that a development consent is issued.</i>
Part 7 – Heritage Conservation	<i>Part 7 of the ADCP is supplementary to existing LEP provisions relating to heritage conservation, and provides objectives and controls for the management and conservation of heritage items and heritage conservation areas. Relevant objectives of the ADCP include:</i>

DCP CHAPTER	COMMENT
	1. To identify heritage buildings and areas within Albury, and encourage the conservation and enhancement of these items. 2. To maintain and enhance the overall streetscape and environmental quality of the city. 5. To identify heritage conservation areas and to seek to conserve and enhance these areas. 7. To ensure that alterations, additions and infill developments are sympathetic and respectful of the values of the heritage sites. 8. To control the demolition of heritage items or buildings located within a heritage conservation area and archivally record these buildings in circumstances of demolition. As previously noted, the subject land is contained within Heritage Conservation Area C6 – Dean Street Conservation Area. Consequently, the provisions of Chapter 7 of the ADCP apply. Area C6 comprises the Dean Street and St Mathews precincts. The ADCP notes in respect of this precinct: <i>“The Dean Street precinct is commercial in character, containing shops and offices located between Macauley Street and Wodonga Place. The area contains over 20 significant heritage items including the Court House, the former Albury Council Chambers (now used as the Regional Art Gallery) and Burrows House. The most prominent buildings are located around the three Dean Street intersections of David, Olive and Kiewa Street.</i> <i>Also located within this precinct is a civic square known as Queen Elizabeth II Square (QEII Square). This provides a focus for the central business district and acts as a meeting place and rest area within the City Centre.”</i> <i>Precinct objectives include to conserve and enhance:</i> • <i>the existing commercial streetscape of the Dean Street precinct, especially above the awning level. Any new development should match the scale and complement the features of adjoining buildings.</i> • <i>the existing church precincts and to ensure any development within the vicinity of these precincts complements the scale and appearance of the precinct.</i> <i>Precinct controls include the following:</i> • Streetscape Development particularly when viewed from the street should be compatible with the character and scale of building in the immediate vicinity. • Development within the Vicinity of the Precinct. Particular regard will be had to any development within the vicinity of this precinct, particularly in regards to building heights, bulk and scale. • Renovation/Infill Development. New development, including extensions to a building, should complement the existing by matching or suitably contrasting materials, scale and proportions.

DCP CHAPTER	COMMENT
	<i>Having regard to the above and taking into account the SHI (Trethowan Architecture - July 2021) as well as the Archaeological Assessment (Andrew Long & Assoc – Aug 2020) it is considered that the proposed development complies with the relevant objectives and requirements of Part 7 of the ADCP.</i>
Part 11 – Development within the Commercial Zones	<i>Among other things the ADCP aims to work towards:</i> • <i>Creating well designed, vibrant and centralised places of office, retail and community activity within the Albury and Lavington B3 Commercial Core.</i> <i>In respect of development within the B3 Zone the DCP includes a number of objectives including:</i> • <i>To maintain and enhance Albury and Lavington's economic, social and cultural role in the region.</i> • <i>To reinforce the structure and legibility of Albury and Lavington through a clear street hierarchy and urban form.</i> • <i>To promote and encourage a high design quality of buildings.</i> • <i>To ensure that the siting of new developments are appropriate to their setting and use, particularly in regards to overlooking and overshadowing of residential areas.</i> <i>Within the Albury centre itself the ADCP seeks among other things to:</i> • <i>To enhance and augment the cultural and civic uses centred around QEII Square.</i> <i>Clause 11.7.11 of the ADCP relates to "Car Parking, Traffic and Access – Albury". Relevant objectives include:</i> • <i>To consolidate car parking areas into a series of concentrated central locations as identified in the Albury CBD Masterplan 2009.</i> • <i>To ensure that developments that are known to produce significant parking demands, make sufficient car parking provision on the actual development site.</i> <i>Relevant Controls include</i> i. <i>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.</i> viii. <i>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.</i> x. <i>Car parking should be provided in accordance with the standards and rates provided for in Part 17 of this DCP,</i>

DCP CHAPTER	COMMENT				
	<i>As discussed separately below the application seeks a variation to:</i> <i>1. Control (viii) in respect of the provision of a minimum of two-thirds of the required parking on-site. (That is, as noted below 272 spaces x 66.66% = 182 spaces on site.)</i> <i>2. Control (x) in respect of the number of spaces required. (ie 272 car spaces including 10 accessible spaces.)</i> <i>In summary, having regard to the other relevant ADCP decision guidelines and the nature of the existing development on site it is concluded that the proposed alterations and additions to the Convention Wing of the AEC are not inconsistent with the DCP objectives and that requirements including provisions related to building design, building separation and building setbacks are appropriately addressed.</i>				
Part 17 – Off Street Car Parking	<i>Objectives of Part 17 of the ADCP include:</i> <i>1. To ensure that the provision of parking is appropriate for the proposed use or development of the land.</i> <i>2. To protect amenity, enhance streetscapes and provide shade.</i> <i>3. To maintain traffic flow efficiency, improve safety and protect the environment.</i> <i>4. To ensure convenient and safe provision of off street car parking for disadvantaged persons.</i> <i>5. To allocate adequate bicycle and motorcycle standing areas.</i> <i>6. To ensure convenient and safe space is provided for loading and unloading of goods.</i> <i>Relevant controls include a requirement that car parking spaces are to be provided in accordance with the standards set out in Table 17.1.</i> Table 17.1 - Car Parking Provision by Land Use <table border="1" data-bbox="627 1529 1385 1657"> <thead> <tr> <th data-bbox="627 1529 954 1581">Land Use</th><th data-bbox="954 1529 1385 1581">Car Parking Rate</th></tr> </thead> <tbody> <tr> <td data-bbox="627 1581 954 1657">Community Facility</td><td data-bbox="954 1581 1385 1657">1 per 5 seats or per 10m² of GFA, whichever is the greater</td></tr> </tbody> </table> <i>For the purposes of this assessment the rate in respect of GFA is to be applied given the highly variable nature of seating within the AEC. On this basis the Code requirement in respect of the additional floorspace is as follows:</i> <i>• 2,719 m² GFA = 271.9 spaces (ie 272 spaces).</i> <i>In addition, Clause 17.3.2 Disabled Persons Parking, provides the following Objective</i>	Land Use	Car Parking Rate	Community Facility	1 per 5 seats or per 10m ² of GFA, whichever is the greater
Land Use	Car Parking Rate				
Community Facility	1 per 5 seats or per 10m ² of GFA, whichever is the greater				

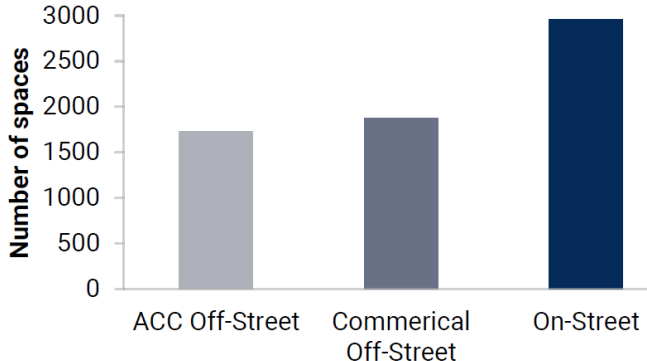
DCP CHAPTER	COMMENT
	<i>1. To ensure the convenient and safe provision of off-street car parking for disadvantaged persons.</i> <i>Relevant controls include the following:</i> <i>(i) Disabled persons parking spaces are to be provided at the rate of 1 space (minimum) for all development/s and an additional 1 space per 33 spaces or part thereof.</i> <i>This results in a requirement of 10 accessible spaces as follows:</i> <i>• 1 space + 9 (ie 272 / 33) = 10 accessible car spaces.</i> <i>[NOTE: Based on BCA / NCC requirements however a Class 9b building would require 1 accessible space for every 50 car spaces or part thereof (ie 272 spaces = requirement for 6 accessible spaces)].</i> <i>Clause 17.3.3 Bicycle Racks and Motorcycle Parking Spaces provides the following Controls:</i> <i>i. Car parks with 30 or more spaces are to provide 1 bicycle rack space for each 10 spaces.</i> <i>ii. Car parks with 30 or more spaces are to provide 1 motorcycle space per 30 car parks or part thereof.</i> <i>Clause 17.3.4 Off Street Loading Facilities includes the following relevant Controls.</i> <i>i. Adequate provision is to be made within the site area for loading, unloading and access area facilities.</i> <i>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.</i> <i>Lastly relevant to the current application are the provisions of Clause 17.3.6 Contributions in Lieu of Physical Provision of Car Parking, which state:</i> <i>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.</i> <i>As noted previously the application seeks a variation to Part 17 of the ADCP in respect of the Provision of on-site Car Parking. A Traffic Impact Assessment (TIA) has been prepared in support of the variation sought (refer to discussion below.).</i>

4.3.2 DCP Variation – Car Parking

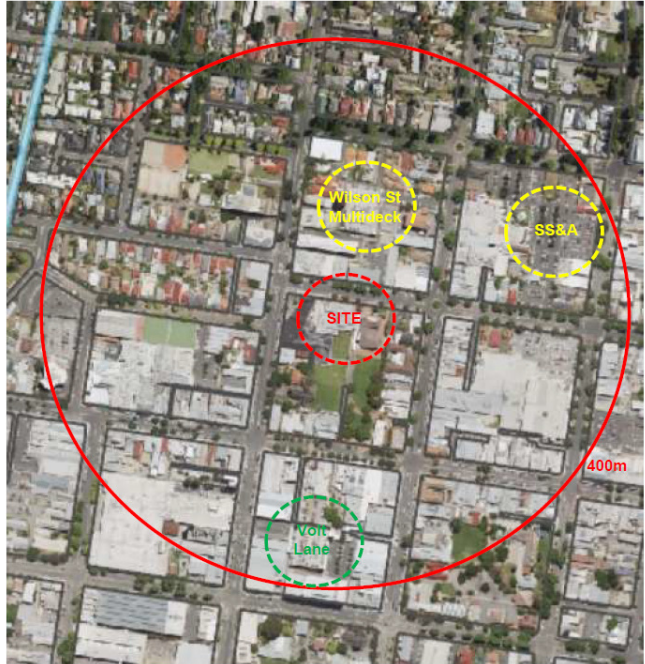
COMMENT: The following Table provides a summary of the variations sought and an assessment of each of relevant matters for consideration.

DCP CLAUSES	VARIATION SOUGHT	COMMENT
Clause 11.7.11(viii) <i>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.</i> Clause 11.7.11(x) <i>Car parking should be provided in accordance with the standards and rates provided for in Part 17 of this DCP</i>	No additional carparking proposed on site.	It is significant to note that there is already a historical shortfall in terms of on-site parking provision associated with the existing development of the subject land (ie 1,666m² = 167 car spaces). That is, the existing facility has operated for many years without provision of any carparking on site, relying instead on a range of options including kerb-side parking, and patron drop-off / pick-up by third parties. Significantly there is also all-day parking available the near-by Wilson Street multi-deck car parking facility which is owned by Council. This facility is located to the north of Swift St behind the commercial properties and is accessible from Swift Street via pedestrian crossing facilities and defined mid-block pedestrian walkways. In addition, there is also all-day off-street parking available in the nearby SS&A car park approximately 185m to the east along Swift Street which is available through a Public / Private agreement. In support of the variation sought, the applicant has also submitted a Traffic Impact Assessment ("TIA") prepared by Spotto Consulting (Aug 2021) which seeks to address the relevant matters for consideration regarding the existing operation of the premises with no off-street parking. In response the TIA subsequently recommends: 1. <i>Parking for the proposed development should be provided via public parking within the Albury CBD, and managed in accordance with the principles and recommendations contained within the Albury CBD Parking Strategy 2020-2025;</i> 2. <i>A Transport Management Plan should be developed to detail how parking is to be managed (both for the Albury Entertainment Centre generally, and for specific major events);</i> 3. <i>Access to the loading dock on the western side of the building (between the Albury Entertainment Centre and the Albury LibraryMuseum) be managed through the development and implementation of a Transport Management Plan (both for the Albury Entertainment Centre generally, and for specific major events); and</i>

DCP CLAUSES	VARIATION SOUGHT	COMMENT
		4. <i>Additional bicycle parking racks capable of accommodating 18 bicycles be located in the vicinity of the proposed development.</i> DISCUSSION Car Parking The assessment of likely demand for parking spaces, and whether it is appropriate to allow the supply of fewer spaces is central to the request for DCP variation sought by the current DA. These issues comprise two separate considerations, with the first being of a more technical nature while second tending to be more strategic. This situation is reflected to some degree by the following extracts from the TIA <i>“The impact of the traffic associated with the proposed development is difficult to quantify: the lack of parking at the site means that vehicles do not travel directly to/from the site. In addition, access to a variety of on-street and off-street parking options for staff and attendees at the site further complicates the travel patterns.”</i> <i>As the Albury Entertainment Centre is a civic building located in a civic precinct within the Albury CBD, it is appropriate that the shortfall in parking be managed in accordance with the principles and strategies detailed in Council’s Albury CBD Parking Strategy. The strategy identifies a number of initiatives that could be implemented specifically for the identified parking shortfall for major events at the Albury Entertainment Centre.</i> Essentially the question to be considered is whether the existing historic shortfall of parking spaces, and the resulting future shortage, should just be accepted as proposed, without putting some responsibility on the developer (in this case Council) to do something about it? At first reading it might be concluded that the first recommendation of the TIA doesn’t go quite far enough in facilitating an outcome that might actually realise any appropriate goals of the CBD Parking Strategy 2020-2025 (Attachment H) within a reasonable time frame. On this basis it might be argued that there is an opportunity for this current DA to actually provide a more proactive response. That is, for instance by levying specific contributions for some or all of the identified shortfall in carparking (ie 272 car spaces), a time table might then be established to the

DCP CLAUSES	VARIATION SOUGHT	COMMENT								
		delivery of additional car parking within proximity of the AEC. Such an outcome would require Council to allocate money towards the construction of car parking nearby. In this case if deemed feasible this could lead to at least one more deck being built on top of the Wilson Street car park or alternatively exploring other options within this site and nearby sites. This approach could be considered to be a reasonable outcome that would increase the possibility of realizing the first recommendation of the TIA to manage carparking: <i>“... in accordance with the principles and recommendations contained within the Albury CBD Parking Strategy 2020-2025;”</i> The next question to consider therefore, if the above was considered to be an acceptable mechanism, is to determine how many spaces out of the 272 shortfall would be fair and reasonable to be the subject of a car parking levy in lieu of provision on site? In response, it is firstly to be noted that Council already provides upwards of 1,700 spaces in off-street car parking facilities in the Albury CBD. These are a component of a total of approximately 8,660 publicly available spaces, broken down as follows. Albury CBD <table><thead><tr><th>Parking Type</th><th>Number of Spaces</th></tr></thead><tbody><tr><td>ACC Off-Street</td><td>~1700</td></tr><tr><td>Commerical Off-Street</td><td>~1800</td></tr><tr><td>On-Street</td><td>~2900</td></tr></tbody></table> Figure 4: Public car parking – Albury CBD In comparison with the Wilson Street facility the average occupancy rate for public parking across the Albury CBD is identified as being 58%. This would suggest that there is ample parking within the CBD.	Parking Type	Number of Spaces	ACC Off-Street	~1700	Commerical Off-Street	~1800	On-Street	~2900
Parking Type	Number of Spaces									
ACC Off-Street	~1700									
Commerical Off-Street	~1800									
On-Street	~2900									

DCP CLAUSES	VARIATION SOUGHT	COMMENT
		The Parking Strategy notes that an estimated cost for building multi-deck parking in the Albury CBD is \$15K – \$23K per space. Council has also previously received funds in the form of developer contributions under Division 7.1 of the EP&A Act, in lieu of the provision of adequate parking. The most recent contribution amount leveed was \$15,000 per space. [NOTE: 272 spaces x \$15K/space = \$4.08 mill.] Among other things it is noted that the CBD Parking Strategy includes a goal of improving all day parking in the Albury CBD, including extension of the Wilson Street multideck facility. This carpark is already one of busiest car parks for shoppers and CBD workers providing 358 all-day spaces with an average occupancy rate of 88%. Depending on feasibility, this facility is well placed to provide extra spaces either by another deck above the existing facility or alternatively possibly decking the at ground level accessway off Olive St which currently provides 61 open air spaces. The issue to then consider with trying to determine an appropriate rate of car parking contribution in lieu of onsite provision comes is to determine the nature of the demand. It is well understood that car parking spaces can be used efficiently by more than one use when the car parking demand for each use peaks at different times. It is important therefore to be able to demonstrate that the net car parking demand at any time can be accommodated. In this case relevant criteria to consider include: i. Additional AEC Floorspace = 272 car spaces ii. Public parking within 400m of AEC (Figure 5): • On-street = 911 spaces • Off-street = 1,461 spaces • TOTAL = 2,372 spaces

DCP CLAUSES	VARIATION SOUGHT	COMMENT
		 Figure 5: 400 radius of subject land iii. Existing Wilson St facility = 385 spaces iv. Parking usage is significantly lower after hours, indicating capacity within the parking network for events held at the AEC in the evening. v. Events at the AEC are classified into one of three types: • Theatre events – typically performances such as music or dance concerts, comedy shows, and presentation ceremonies; • Functions – graduations/awards nights, debutante balls, citizenship ceremonies and celebrations such as weddings and birthdays; and • Conferences / meetings – generally business-related gatherings. vi. In relation to the events to be held at the redeveloped AEC , the following is noted: • Only minor modifications are proposed to the theatre wing of the building, with no effect on the size or seating capacity of the theatre. • Functions will primarily continue to serve the local community, and it is not anticipated there would be a significant

DCP CLAUSES	VARIATION SOUGHT	COMMENT
		change in the size of functions held at the venue; and • With the primary focus of the redevelopment being to facilitate the staging of larger conferences / meetings, it is assumed that the size of a typical event will therefore increase from 200 to 400 persons. vii. In terms of demand • Functions are anticipated to occur in the evening; and • Conference / Meetings, peak parking demand is anticipated to occur throughout the day. viii. The TIA concludes • There is adequate parking to accommodate all scale of functions within the existing parking network; and • There is sufficient parking to accommodate existing typical conference / meetings (200 people), however there is insufficient parking to cater for larger conference / meetings (400 + people). So having regard to the above it is concluded that an appropriate carparking rate would be related to demand associated with anticipated increases in conference / meeting patronage. Based on assumptions relied upon in the TIA (Sec.2.7 & Table 2-5) the largest increase in car parking demand is anticipated to be associated with Conference / Meetings (Typical Events) which would likely generate a demand for 115 all-day car spaces (that is an extra 53 spaces over existing demand associated with existing conference / meeting patronage). In response, it is to be noted that Council already has a public expressed commitment to provide additional all-day parking within the CBD. Implementing the initiatives of the CBD Parking Strategy is an action within the 2021-22 Operational Plan recently adopted by Council. Also approved in June 2021, as part of the 4-year plan, the current budget includes \$1.3M to increase the capacity of the nearby Wilson Street Carpark. \$200K has been approved for 2021/22 and a

DCP CLAUSES	VARIATION SOUGHT	COMMENT
		further \$1.1M for 2022/23. <i>(Strategic Action 1.2.4 - Adopted New Initiatives 2021/2022 to 2024/25)</i> If the feasibility component of 200K is set aside then it can be concluded that the \$1.1 million for construction represents an equivalent of 73 car space at \$15K/space. Such an outcome would be seen as adequately responding to additional demand that might be expected to be generated by the redevelopment of the AEC and would also partly address existing shortfall issues. As a consequence, it is recommended that a condition requiring the provision of 53 car spaces on site or within 400m of the site be applied. Further that in the event there is a delay in the provision of these additional spaces that an amount in lieu of providing these spaces be transferred into the relevant car parking fund where the money can be held for the specific purpose of future public car parking provision. Traffic Management In addition, the TIA recommends that a Transport Management Plan (TMP) be prepared and implemented in respect of event management as well as loading operations. It is also considered that other matters that should be addressed by such a TMP, but which have not been canvassed in the TIA include: • Provision of accessible car spaces for people with a disability • Patron drop off facilities; i) As a part of the assessment of this redevelopment are important universal access issues that include of accessible car parking provision. In respect of provision of accessible car spaces for people with a disability, it is noted that based on ADCP requirements the overall redeveloped site would result in a shortfall of thirteen (13) spaces That is: • Existing development requires six (6) accessible spaces based on ADCP. Currently three (3) existing on-street spaces are provided in Swift Street (ie two (2) on the southern side / one (1) on the northern

DCP CLAUSES	VARIATION SOUGHT	COMMENT
		side). This currently represents a shortfall of three (3) accessible car. • Additional floorspace will result in further requirement of 10 accessible spaces (ie 272 spaces = requirement for 9 accessible spaces + 1.) However, based on the above conclusion that 53 spaces would be appropriate, the subsequent requirement generated by the development would translate to 3 accessible spaces. (ie $53 / 33 = 2 + 1$). ii) The drop-off facility at the front of AEC has already been significantly compromised by the installation of the Swift Street pedestrian crossing constructed in mid-2020. This has had the effect that the drop-off area no longer functions as a drive through drop-off anymore. At present, the site only offers a standing area at the rear of the theatre that allows for forward entry and reverse egress. iii) Existing loading facilities will also be impacted by the redevelopment. Options for consideration include investigating whether a loading zone on street is appropriate or whether a standing area should be allowed for within the forecourt accessed via the existing crossover. iv) Lastly the above discussion in respect of car parking raises an issue of trying to implement strategies to encourage alternative options for attending the AEC such as encouraging shuttles and buses, increased reliance on drop-offs and pick-ups, car-pooling, shared trips, cycling, and walking so as to lessen demand for parking. Coupled with this are initiatives to manage options for accessing available public car spaces within 400m of the site as well as raising awareness in patrons of the general lack of parking before they have even visited the site. Having regard to the above matters that should be canvassed by a TMP include: • location and provision of accessible car parking for people with a disability • options for convenient patron drop off / pick up • operational issues associated with loading and deliveries • strategies to encourage alternative options for attending the AEC such as encouraging shuttles and buses, increased reliance on

DCP CLAUSES	VARIATION SOUGHT	COMMENT
		drop-offs and pick-ups, car-pooling, shared trips, cycling, and walking so as to lessen demand for parking; • provision for pre-paid parking vouchers to allow longer term parking within time limited parking areas (both on-street or off-street); • possible expansion of the trial Licence Plate Recognition (LPR) system to allow pre-booking of on-street parking within time limited locations; • introduction of a Mobile Application to provide real time bay availability, location photographs, maps, fees, parking reminders etc so as to allow users to find a parking space more easily. • event communication such as informing people of the lack of on-site parking before they come; • providing information at point of sale in relation to the location of parking alternatives in the area. CONCLUSION Having regard to the above, including an understanding of: • existing site operations; • the existing historical shortfall of parking associated with the AEC; • the various strategies outlined within the <i>Albury CBD Parking Strategy 2020-2025</i>; and • existing budget allocations for public carparking within the vicinity of the AEC it is concluded that on balance that the variation sought is fair and reasonable and that a levy for car parking is not necessary in the circumstances. It is further concluded however that in the absence of a mechanism to implement a Planning Agreement that a condition be applied requiring the provision of an additional 53 public car spaces on site or within 400m of the site (Figure 5). Secondly that in the event that placing additional decking on the existing Wilson Street car park is deemed not to be feasible or practical that the existing 2022/23 budget allocation be effectively quarantined by transfer of funds into the Council car

DCP CLAUSES	VARIATION SOUGHT	COMMENT
		parking fund while options are explored within the Wilson Street site and/or nearby sites. This conclusion to support the ADCP variation sought is consistent with Planning Circular PS13-003 which provides an overview as to what weight should be given to controls within a DCP when assessing development applications. In this regard the consent authority must be flexible in the way it applies the controls and allow for reasonable alternative solutions to achieve the objectives of those standards.
Clause 17.2 <i>i. Car parking spaces are to be provided in accordance with the standards set out in Table 17.1.</i>	No additional carparking proposed on-site.	Refer to above discussion. It is also noted that Clause 17.3.6 provides opportunity for consideration of contributions in lieu of physical provision of Car Parking.

4.4 Section 4.15(1)(a)(iiia) – Any planning agreement or draft planning agreement

COMMENT. No existing or draft planning agreement relates to the site. It is recommended however that an agreement be entered into in respect of the provision of future car parking in the vicinity of the proposed development.

4.5 Section 4.15(1)(a)(iv) – Any matters prescribed by the Regulations

COMMENT: The EP&A Regulation 2021 contains a number of provisions relevant to the application, as follows:

61 Additional matters that consent authority must consider

(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.

73 Maximum capacity signage

1) This section applies to a development consent, including an existing development consent, for the following uses of a building, if the development consent contains a condition specifying the maximum number of persons permitted in the building—

(b) a function centre,

(2) It is a condition of the development consent that a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building..

The above mentioned provisions have been noted in the drafting of proposed conditions of consent.

4.6 Section 4.15(1)(a)(v) – Any coastal zone management plan

COMMENT. Not Applicable.

4.7 Section 4.15(1)(b) – Any likely impacts of that development

COMMENT: It is anticipated that the proposed development will not have any likely long term or permanent negative impact on the general locality particularly taking into account the proposed works methodology to be carried out in an area that is already developed and use for community, function and entertainment purposes.

Further to matters already addressed additional comments are provided for consideration in the following table.

Impact Assessment					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
Context & Setting	X	☐	☐	☐	No adverse impact. The development site contains an existing Community Facility which is a significant element of the Swift Street streetscape. The proposal will contribute to further activation of the streetscape and public spaces adjacent to the subject land.
Streetscape	X	☐	☐	☐	The proposal will likely enhance the streetscape. Alterations to the existing building will not only improve the streetscape appearance but should enhance the character of the AEC within the Swift Street context.
Traffic, access and parking	☐	X	☐	☐	The site is already developed for the purposes of a community facility, which has a historical shortfall in terms of the provision of on-site car parking (ie 167 spaces).. Relevant to the consideration of this application is the <i>Albury CBD Parking Strategy 2020-2025</i> which has been developed by Council to consider the direction for additional parking in Albury with the construction of multi-deck facilities, in line with the CBD Masterplan. Assessment of proposed plans together with consideration of the TIA prepared by Spotto Consulting, leads to a conclusion that the development is satisfactory.

Impact Assessment					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
					Relevant conditions are recommended including preparation of a Transport Management Plan and applying Conditions of Consent in respect of provision of 53 car spaces and/or a cash contribution to fund future public car parking.
Public Domain	X	☐	☐	☐	Positive outcomes in respect of upgrades to a significant community building including development of a formal plaza and meeting place at the venue's entrance to better facilitate larger conferences/concurrent events. The development will also improve connectivity with QEII Square as well as the nearby Albury <i>LibraryMuseum</i> .
Utilities	☐	X	☐	☐	No impacts identified. Appropriate conditions included
Environmental Heritage	☐	X	☐	☐	Archaeological Assessment and a Statement of Heritage Impact have been undertaken Recommendations in respect of archaeology have been provided. No adverse impact on Schedule 5 environmental heritage (Conservation Area C6) has been identified.
Aboriginal Cultural Heritage	☐	X	☐	☐	Given the urban context and significant ground disturbance related to previous and existing development of the site it is considered that the standard Due diligence condition in respect of possible Aboriginal Cultural Heritage would be appropriate.
Other land Resources	X	☐	☐	☐	No adverse impacts identified.
Water Quality & Stormwater	☐	X	☐	☐	Appropriate conditions recommended.
Soils, soil erosion	☐	X	☐	☐	Appropriate condition recommended to mitigate against potential erosion and/or sediment transfer during construction. All works to observe appropriate Soil and Water Management practices in accordance with Council's guidelines.
Air and microclimate	☐	☐	☐	X	No impacts identified.

Impact Assessment					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
Flora and Fauna	☐	☐	☐	X	No impacts identified
Biodiversity	☐	☐	☐	X	The proposed works will not impact on the habitat of any threatened or vulnerable species to the extent that it will have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.
Waste	☐	X	☐	☐	Sorting and removal of all demolition and building material waste to approved locations. All waste generated during construction operations, including general office and food wastes, will also require to be appropriately disposed of including recycling where possible.
Sustainability	X	☐	☐	☐	AN ESD Report prepared by Sustainable Built Environments (Mar 2021) indicates that preliminary modelling has been undertaken to assess the building design for thermal, daylighting and energy performance. Potable water consumption has also been assessed.
Energy	☐	☐	☐	X	BASIX not applicable
Noise & vibration	☐	X	☐	☐	No issue raised.
Hours of operation	☐	X	☐	☐	Appropriate conditions on hours of work.
Natural hazards - Flooding - Bushfire Prone Area Map	☐	☐	☐	X	No issue raised
Technological Hazards	☐	☐	☐	X	No impacts identified
Safety, security and crime prevention	☐	☐	☐	X	The application and plans have been reviewed for potential crime risks and safety issues. The NSW Police Force have no objections to this application. It is noted that any changes to the Liquor Licence for this location will be addressed in the liquor licence application to change boundaries if this occurs.
Social impact in locality	X	☐	☐	☐	Positive outcome. The proposal seeks to update and improved key community facilities,

Impact Assessment					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
					which will replace the existing dated facilities on site that have essentially been adapted and retrofitted over time.
Economic Impact in Locality	X	☐	☐	☐	Positive outcome. Apart from the significant shorter term investment in major building works within the City centre, there will be ongoing longer term positive economic and tourism impacts on the local and wider community from alterations and additions associated with the Convention Wing of the AEC.
Overlooking - overshadowing	☐	☐	☐	X	No impacts identified
Landscaping	☐	X	☐	☐	Satisfactory. A detailed Landscape development Plan prepared by TCL (Aug 2021) has been submitted in support of the application. Associated landscaping and public domain works will include a new promenade between the AEC and theatre, additional tree planting, improvements to the northern plaza and improved drop off area to Swift Street.
Construction	☐	X	☐	☐	Satisfactory. Design and construction methods to be signed off as part of the Construction Certificate process including BCA compliance
Private open space	☐	☐	☐	X	Not applicable.
Cumulative Impacts	X	☐	☐	☐	No adverse long term cumulative impacts envisaged
Universal access	☐	X	☐	☐	Compliance required with relevant legislation
Signage	☐	X	☐	☐	No signage details submitted. Appropriate conditions recommended
Setbacks, Building Envelopes	☐	☐	☐	X	Not applicable

4.8 Section 4.15(1)(c) – The suitability of the site for the development

Comment: Given that the development relates to alterations and additions of existing public infrastructure, it is readily concluded that the subject land is considered suitable for the proposed development.

The existing historical shortage of carparking associated with the existing development is noted (ie 167 car spaces). Strategies that will be progressively implemented through the *Albury CBD Parking Strategy 2020-2025* will further support the redevelopment of this important public facility.

4.9 Section 4.15(1)(d) – Any submissions made in accordance with the Act or the Regulations

Comment: No public submissions have been received to date.

4.10 Section 4.15(1)(e) – The public interest

Comment: The public interest is a broad consideration relating to many issues and is not limited to specific issues such as the effect upon the Swift Street streetscape. Taking into account the full range of matters for consideration under Section 4.15 of the EP&A (as discussed within this report) it is considered that approval of the application is consistent with the public interest.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for concurrence / comment/ referral etc as outlined below in the following table.

AGENCY	CONCURRENCE / REFERRAL TRIGGER	COMMENTS (Issue, Resolution, Conditions)
Concurrence Requirements (s4.13 EP&A Act)		
N/A		
Consultation and development consent—certain bush fire prone land (s.4.14 EP&A Act)		
N/A		
Integrated Development (s 4.46 EP&A Act)		
N/A		
Referral/Consultation Agencies		
Essential Energy	Clause 45 – SEPP Infrastructure	No objections raised. Conditions and notes recommended due to existing underground and associated infrastructure that may be affected by the proposal.
NSW Police	N/A – Referred for comment	No objections raised. Comment in respect of separate Liquor License considerations.

5.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined in the following table.

DEPARTMENT	COMMENTS (Issue, Resolution, Conditions)
Engineering	No detailed comments offered. Conditions recommended from the Engineers DA Checklist - Alterations & Additions in relation to: • Prior to commencement • Stormwater • Soil & Water management • Demolition • Ancillary Matters
Traffic & Transport	Investigation into traffic and parking impacts is considered reasonable. In respect of bicycles however the following comments have been provided. <i>“Provision of 18 bicycle racks ‘within the vicinity of the site’ is completely unacceptable given the significance and location of this development. As a bare minimum end-of-trip facilities should be provided that can be used by both staff and users of the facility. It is acknowledged in the TIA that events held during business hours will have a significant impact on parking availability in the area. It is also acknowledged that the CBD Bike Loop will be implemented on Swift Street adjacent to the facility. Given that Albury2030, The Albury CBD Masterplan and the CBD Parking Strategy 2020-2025 all state that cycling should be promoted and encouraged within the city and that infrastructure and framework should be implemented to support the uptake, an AlburyCity development such as this should adhere to such directives. Provision of cycle facilities within Wilson is not appropriate – cycle facilities need to be close to destinations, be safe and secure, and/or have passive surveillance. Bicycle racks within multi-deck car parks encourage vandalism and theft, and as such are not well utilised by cyclists.”</i>
Plumbing	Plumbing approval is to be obtained prior to commencement of work. 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.
Water & Wastewater	Sewer & Trade Waste conditions recommended. In respect of fire services the following comments are provided. <i>The metering of fire services must comply with AS/NZS 3500 and NSW Fire and Rescue requirements. Bypass</i>

	<i>metering is the preferred method of fire service metering. Specifically, all new and upgraded 80mm diameter and greater fire service installations must be fitted with a:</i> • bypass meter around a single check detector valve (testable) on a fire hydrant service or • single check valve (testable) on a fire sprinkler service with Magflow meter. <i>Diameters of fire services (including diameters of bypass meters) must be determined by an accredited Hydraulic Engineer and certified by an approved certifier.</i>
Building	No comments

COMMENT: There are no outstanding issues raised by Council officers.

5.3 Community Consultation

The proposal was notified in accordance with the ADCP Notification Plan from 5 October 2021 until 27 October 2021. The notification included the following:

- Notification letters sent to adjoining and adjacent properties with assessment material; and
- Public Notice in the Border Mail
- Assessment material placed upon Council's website;

COMMENT: Council received no submissions to the proposal.

6. CONCLUSIONS

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report.

Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

As a result of the detailed assessment above, Council is satisfied that the proposal meets the intent of the provisions of the applicable EPI's and will result in a positive development outcome in terms of social, environmental and economic impacts.

It is considered that the relevant matters for consideration have been appropriately addressed and the activity can be undertaken appropriately subject to the attached recommended draft conditions.

7. RECOMMENDATION

That the Development Application [DA.10.2021.38793.1 for Alterations and Addition to the Albury Entertainment centre (Convention Wing) located at 525 Swift Street, Albury be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to this report.

The following attachments are provided:

Attachment A: Draft Conditions of Consent

Attachment B: Proposed Plans of Development

Attachment C: Statement of Environmental Effects

Attachment D: Landscape Development Plan

Attachment E: Statement of Heritage Impact

Attachment F: Archaeological Assessment

Attachment G: Traffic Impact Assessment

Attachment H: Albury CBD Parking Strategy 2020-25

REPORT CHECKLIST

Yes

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Not applicable

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes