

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	24 October 2022
DATE OF PANEL DECISION	24 October 2022
DATE OF PANEL MEETING	Tuesday, 12 April 2022
PANEL MEMBERS	Chris Wilson (Chair), Renata Brooks, Tim Fletcher
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>David Thurley: Have sat in on numerous briefings with Albury staff and consultants</p> <p>Alice Glachan: I am a councillor on Albury City Council and as the proposed development is a Council project I would have a conflict of interest serving on the Panel to review this particular development. I have been a participant on a number of briefing sessions and budget consideration meetings related to this development over the term of the last two councils</p>

Papers circulated electronically on 11 March 2022 and 13 September 2022.

MATTER DETERMINED

PPSSTH-111 – Albury – DA010.2021.00038793.001 - 525 Swift Street, Albury - Alterations and Additions to Community Facility - Albury Entertainment Centre (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report with several changes as outlined below. The Panel was satisfied that the issues raised by the Panel in earlier briefings, relating to car parking and traffic management, landscaping and heritage had been generally addressed through either the supplementary report or draft recommended conditions of consent. The Panel was concerned however that several residual issues had not been adequately addressed but could be addressed through additional or amended conditions. These were as follows:

- The loading dock facilities towards the rear of the facility. The Panel believed with some minor changes to design that more appropriate loading and unloading facilities could be provided that would ensure more efficient facilities including greater ability for heavy vehicles to drive in and drive out in a forward direction reducing conflict and the need to unload/load from the street. It would also enable more unloading/loading to be undertaken under cover;
- Event management and the need to address detailed site management for events for a range of issues and more specifically, to help implement traffic management measures that will be used to ensure orderly access to offsite parking and measures to encourage other forms of transport to and from the site;

- The need to provide additional accessible parking consistent with the requirements of the Albury DCP;
- The need for a detailed landscape plan to ensure certainty in relation to landscaping outcomes; and
- Administrative changes to the draft instrument to ensure clarity of implementation.

CONDITIONS

Consequently, the development application was approved subject to the conditions provided by the Council on 3 March 2022 (noting that no additional conditions were provided with the supplementary report) with the following amendments.

- New Deferred Commencement Conditions A1 and A2 are to be included to address accessibility and manoeuvrability for service vehicles using the facility.

PART A: DEFERRED COMMENCEMENT CONDITIONS

The following are deferred commencement conditions imposed pursuant to Section 4.16(3) of the Environmental Planning & Assessment Act 1979.

A1. Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Applicant must satisfy the following deferred commencement conditions prior to this development consent becoming operative:

- The western section of the proposed ground floor (Deliveries/Foyer/Storage/Circulation areas) shall be re-designed to accommodate a dedicated undercover (weather protected) loading dock facility. The facility shall have minimum dimensions of 6m(w) x 6m(l) x 4m(h) and shall be contained within the proposed building footprint.*
- The loading dock facility shall provide additional manoeuvring area for small and medium sized rigid delivery trucks such that they can leave and enter the western loading area in a forward direction.*
- Existing parking at the rear of the adjoining Library building (within loading area) shall be prohibited where it conflicts with the required truck manoeuvring area.*
- The Bins Storage Area (north-west corner) on the proposed ground floor shall be redesigned such that its external access is via the western elevation onto the loading area (i.e.. not onto the public footpath).*
- The north-west corner of the proposed building shall be modified such that adequate forward sight distance for exiting delivery vehicles (from loading area) to pedestrians on Swift Street is provided in accordance with Australian Standard Parking Facilities (AS 2890.6 Section 3.3.5)*

A2. The applicant must satisfy the consent authority within 12 months of the date shown on the top of this consent, that the matters specified in Condition 1 have been complied with. Failure to satisfy the consent authority within the specified 12-month time period, will lapse this development consent.

Note *It is a matter for the Applicant to determine if any changes made in accordance with a-e above warrant further approval in accordance with the Environmental Planning and Assessment Act, 1979.*

- Condition (A1) (b) is to be amended to ensure the date contained within the condition correctly references the relevant landscape plan as follows:

(b) Landscape Plan prepared by T.C.L as updated 26/7/22

- New Condition (A1) (h) is to be included to reference the following relevant document;

(h) Response to outstanding matters raised by Southern Regional Planning Panel Habitat Planning 10/8/22.

- Amend Condition (B3) (ii) to provide clarity regarding the number of additional accessible car parking spaces required;

(ii) location and provision of at least six (6) accessible car parking spaces for people with a disability

in addition to the 4 spaces indicated as being provided on street in the Landscape Plan prepared by T.C.L as updated 26/7/22

- New Condition (B4)- Detailed Landscape Plan, to provide certainty in relation to the provision of landscaping as follows;

(B4) Detailed Landscape Plan

Prior to the issue of a Construction Certificate, a detailed landscape plan is to be submitted to Council for approval. The plan must be consistent with the Landscape Plan prepared by T.C.L as updated 26/7/22 and details, including dimensions, provided in the response to outstanding matters raised by Southern Regional Planning Panel Habitat Planning 10/8/22 and must include materials, finishes, planting schedules and sizes.

- Amend condition (E1) to provide consistent numbering across the document by renumbering each sub section as a), b) and c) and amending any reference within the body of the condition to reflect these changes.
- New condition (E5) - Event Plan of Management, to address the ongoing operation of the facility




(E5) Event Plan of Management

The Applicant must prepare an Event Plan of Management to the satisfaction of the Council. The Plan must be submitted to the Council for approval prior to the issue of the first occupation certificate and be used in conjunction with events held at the facility. The Plan shall include:

- a) Details of the site, the event space and its operation including hours of operation, likely staff numbers, site lead, health and safety, food preparation, waste storage and collection, emergency management, accessibility, and security management; and*
- b) How the measures identified in the approved traffic management plan will be used to enable orderly access to offsite parking and encourage other forms of transport to and from the site.*

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Renata Brooks
 Tim Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-111 – Albury – DA010.2021.00038793.001
2	PROPOSED DEVELOPMENT	Alterations and Additions to Community Facility - Albury Entertainment Centre.
3	STREET ADDRESS	525 Swift Street, Albury
4	APPLICANT/OWNER	Habitat Planning / Albury City Council
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Murray Regional Environmental Plan No 2 – Riverine Land Albury Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Albury Development Control Plan 2010 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation</i> 2021 Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 3 March 2022 Supplementary assessment report: 13 September 2022 Additional information received on 10 March 2022 - CBD Parking Strategy 2020-2025 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 16 February 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Renata Brooks, Tim Fletcher <u>Council assessment staff</u>: Marius Shepherd, Sarah van Meurs, David Christy Site inspection: 23 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Renata Brooks <u>Council assessment staff</u>: Marius Shepherd Final briefing to discuss council's recommendation: 12 April 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Renata Brooks, Tim Fletcher <u>Council assessment staff</u>: Marius Shepherd, Sarah van Meurs, David Christy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report as amended.