

BRIEFING DETAILS

BRIEFING DATE / TIME	Tuesday, 27 August 2024, 1:30pm – 2:15pm
LOCATION	MS Teams

BRIEFING MATTER(S)

PPSSTH-294 – Albury City Council – DA10.2023.40336.1 - 481, 485, 487 SWIFT STREET ALBURY 2640 – Thirty Two (32) Residences, Two (2) Commercial Tenancies, Swimming Pool, Carpark, Demolition of Three (3) Residences (including Heritage Item 164 and 166) & Thirty Four (34) Lot Stratum Title Subdivision and Consolidation of Existing Titles.

PANEL MEMBERS

IN ATTENDANCE	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Alice Glachan, David Thurley
APOLOGIES	None
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Sharna Holland, Matt Wilson
APPLICANT REPRESENTATIVES	Craig McPartland (Habitat Planning) Martin Reid, Colin Joss, Adam Joss (Joss Construction)
DPHI	Amanda Moylan, Tracey Gillett

KEY ISSUES DISCUSSED

The Panel noted that it had requested a briefing from Council's assessment planner as the Applicant had requested a further extension of time to address the outstanding matters contained in the Panel Record of Deferral.

Council assessment staff briefed the Panel and advised that:

- The noise report requested by Panel in deferral meeting had not yet been submitted.
- A concurrent complaint regarding the noise from the adjacent site had been received by Council.

The Applicant addressed the Panel and advised that they are:

- working with a noise consultant to respond to the Panels concerns.
- at this stage was unable to adopt satisfactory acoustic design solutions for the current design scheme that would adequately mitigate noise impacts emanating from the adjoining site.

Planning Panels Secretariat

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 |
www.planningportal.nsw.gov.au/planningpanels

The Applicant presented draft amended plans which have not yet been formally lodged as an amendment to the application and indicated a noise impact assessment could be provided to demonstrate that the redesigned outcome mitigates noise impacts from the neighbouring property to ensure appropriate internal amenity.

The Applicant indicated that it intended amending the application to provide a design solution to satisfy the noise criteria. The amended plans would aim to derisk the project by moving the south façade further from the boundary and removing the roof top pool.

The Panel indicated that it was keen to find a solution based on the current design, if possible, which may involve a combination of mitigation measures at both the source and receptor.

The Panel:

- Noted that a change in design may require renotification of the application and may raise other issues;
- Questioned if the applicant had approached the adjacent landowner to explore possible solutions.

Next Steps

The Panel encouraged the Applicant to continue to work with Council and the neighbouring property owner to resolve the acoustic impacts and to investigate opportunities to resolve the matter generally based on the existing design outcomes.

The Panel requested that to enable the assessment of the DA to be finalised including the matters raised in the Panel Record of Deferral, it was recommended that the Applicant provide Council with the Noise Impact Assessment (NIA) based on the current design to;

- enable full consideration of the limitations of the current design regarding noise impacts; and
- assess what combination of design changes at the receptor and mitigation measures at the noise source were available to resolve the matter.

The NIA should also clarify if the DA would be satisfactory in its current form should the noise complaint lodged with Council be successfully resolved and the noise from the adjoining site suitably reduced or mitigated.

The Panel requested that should the Applicant lodge amended plans that these amended plans be considered by Council within the context of Section 37 of the *Environmental Planning and Assessment Regulation 2021* noting that the Panel is the consent authority.