



Demolition of existing buildings and
construction of a new multi-storey, mixed-
use apartment building

APRIL 2025

481 - 487 Swift Street, Albury

Submitted to AlburyCity Council
On behalf of 481 Swift Street Pty Ltd

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Executive Summary

Project Summary

This Statement of Environmental Effects (SEE) has been prepared by Habitat Planning Pty Ltd on behalf of 481 Swift Street Pty Ltd in support of a Development Application (DA) for a multi-storey mixed-use shop-top apartment building at 481-487 Swift Street, Albury (the site).

The DA submitted 18 July 2023 has been amended and the enclosed plans and information are submitted pursuant to *Section 37 of the Environmental Planning and Assessment Regulation 2021*. The amended application includes amended plans and technical reports, and this SEE has been revised to address the amended application.

The proposed development for which Development Consent is sought is summarised below:

- Demolition of all existing buildings on the site; including locally listed heritage items numbered I164 and I166
- Excavation works for basement construction of a carparking for 52 vehicles on one basement level (including one access complaint space)
- Construction of a nine (9) storey (inc. basement) mixed-use building comprising basement level carpark, ground level commercial tenancies, private amenities, gymnasium and swimming pool, and seven (7) levels of residential apartments
- Residential apartment accommodation comprising a total of 26 apartments over 7 levels (1-7)
- At grade parking for six (6) vehicles (including two access compliant spaces)
- Designated bin storage, bicycle storage, plant rooms and End of Trip (EoT) facilities at ground level
- Public domain works and landscaping including street tree removal and replacement tree planting (x2), vehicle access crossover removal and kerb and gutter reinstatement, and pedestrian path replacement on Swift Street
- Development of a Heritage Interpretation Plan
- Landscaped communal open spaces; and
- Stratum Subdivision of the development.

Architectural Plans and an Architectural Design Report (CohenLeigh Architects) are provided attached at Appendix C and Appendix D respectively. A proposed Stratum Subdivision Plan of the development is provided at Appendix E.

The site is located in the E2 Commercial Centre zone under the *Albury Local Environmental Plan 2010* (the LEP). The proposed development is described as 'shop top housing' and is expressly permitted with consent. The mixed-use development is representative of the desired character of central activity area of Albury, which comprises a mix of retail, commercial and residential uses. The development will encourage investment, employment opportunities and economic growth with high levels of accessibility and amenity for both commercial anchors, employees, visitors and residential occupants.

Consistent with strategic plans and policies and the objectives of the E2 zone, the development will contribute to the supply of high-quality inner-city housing with access to everyday services and facilities. It will increase the permanent population within the commercial centre and provide a diverse and active street frontage to attract pedestrian traffic and to contribute to a vibrant and functional streetscape.

The development complies with the development standards that apply to the site and has been designed with progressive and sympathetic form and scale to integrate with an established streetscape with high-quality local heritage values. The design recognises the surrounding heritage values with style and pleasant visual features whilst establishing its own landmark presence and streetscape contributions.

The development has a Capital Investment Value (CIV) that exceeds \$30m and is declared regionally significant development (RSD). The application is presented to the Southern Region Planning Panel (SRPP) as the Consent Authority.

This SEE concludes this proposal is of an appropriate scale and mass for the site, is consistent with the desired future character of the area and is well designed with no adverse amenity impacts. It is considered that the proposal will deliver a suitable and appropriate development outcome for the site and is worthy of approval.

Strategic Planning Context

The *Albury Local Strategic Planning Statement* (LSPS) helps guide the growth of Albury over the next 20 years. The LSPS aims to guide future land use planning and influence public and private investment so that it enhances the wellbeing of the community and environment.

To achieve this, the LSPS sets out:

- *the 20-year vision for land use*
- *special characteristics which contribute to our local identity*
- *shared community values to be maintained and enhanced*
- *how growth and change will be managed into the future*

The LSPS also identifies planning priorities and a range of actions to achieve commercial and residential infill development and growth for Albury's future, including the need for a mix of housing types and the need for mixed land uses to support higher density living close to where people work.

The development aligns with the planning priorities and actions where it enables increased housing choice that is integrated within the CBD close to services, employment, transport and social and cultural designations that supports the CBDs function. It will provide future residents access to jobs, services, retail, recreation, and leisure activities with locational proximity also minimising the need for car travel and promote and encourage active transport options and connectivity within the CBD.

The development also supports the identified priorities of Council to enable the CBD to continue to strengthen the Albury region and community as a vibrant place, supported by appropriate residential development.

The site is located within the area that is covered by the Albury CBD Masterplan. Developed in 2009, the Masterplans purpose is to provide a long-term planning framework for the CBD, improve the public face of the CBDs at its entry points, improve the public open space, reinforce Albury's role at the top of the regional hierarchy and grow the CBDs in a cohesive manner. The Masterplan identifies six (6) strategies to create and maintain an identifiable, connected, sustainable, walkable and bicycle-friendly city, and city for culture and recreation.

The development site is located in the Dean Street Retail Core and with ground floor commercial tenancies proposed for a variety of retail and commercial opportunities, and the proposal is consistent with the Masterplan promoting a variety of use opportunities in the CBD.

Overall, the development envisages the transformation of the area to achieve increased provision of employment generating commercial floor space and increased residential accommodation in a medium to high-density environment which is supported by appropriate infrastructure at this highly accessible location and is consistent with the applicable Strategies and Initiatives of the Albury CBD.

Statutory Planning Context

The Proposal is consistent with the provisions and development objectives of relevant State and local policies and statutory environmental planning instruments, including *State Environmental Planning Policy Resilience and Hazards 2021*, *State Environmental Planning Policy Transport and Infrastructure 2021*, and *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*, the Apartment Design Guide (ADG), and the Albury Development Control Plan 2010 (DCP).

The land is zoned E2 Commercial Centre under the LEP, and the Proposal is defined as 'shop top housing'. Under the Land Use table of the LEP the proposal is expressly permitted with consent.

The development has been designed to comply with the applicable principal development standards of the LEP, including building height and floor space ratio under Clause 4.3 and 4.4 respectively.

The proposal involves the demolition of local heritage items numbered I164 and I166 listed in Schedule 5 of the LEP. Clause 5.10(2) requires development consent be obtained for demolishing a heritage item. The application is accompanied by a Heritage Impact Statement (HIS) prepared by Urbis provided attached at Appendix I, which has addressed the statutory requirements and considerations of Clause 5.10, and the Heritage NSW Guidelines. The HIS provides an assessment of the proposed demolition of the two heritage items and potential impacts to the heritage items and conservation areas in the vicinity and concludes that the proposal is considered acceptable. Further consideration has been given to the amended design in an addendum letter prepared by Urbis, (November 2024) provide attached at Appendix I. It also confirms that the proposed residential apartment building would not result in any impacts to any vicinity heritage items or Heritage Conservation Areas.

Assessment Summary:

The Proposal has been developed and considered against the relevant considerations under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and it is concluded that the Proposal represents a sound development outcome that respects and responds appropriately to the site location and the constraints of the adjoining land. The Proposal does not have any unacceptable impacts on neighbouring development or the public domain and represents a design quality and form consistent with the objectives of relevant state and local planning policies.

The proposal will not have any unacceptable impacts on adjoining or surrounding properties or the public domain in terms of traffic, visual, social and environmental impacts and is highly suitable for the site. It will contribute to the local economic prosperity through the provision of ground floor commercial uses and the continued stimulation of regional construction activity and jobs.

The development is an appropriate outcome for the site as it includes ground floor commercial tenancies and active frontages and sympathetic landscaping, which improves the permeability and activation of the site, along the pedestrian experience with greater resident amenity values. It promotes the use of sustainable transportation methods, providing EoT facilities accessible to commercial tenancies and adequate connections to public transport modes.

Considering the above and the matters addressed in this SEE, it is recommended that the Proposal be approved subject to appropriate conditions of consent.

1. Introduction

1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by Habitat Planning on behalf of 481 Swift Street Pty Ltd in support of a Development Application (DA) for demolition of existing buildings, construction of a multistorey mixed use apartment building, including basement carparking, at grade carparking and service areas, street tree removal and landscaping on land described as PLT 20 in DP780123 addressed as 481-485 Swift Street, and Lot 1 in DP912511 addressed as 487 Swift Street, Albury.



Figure 1: Artist's impression of proposed development

The proposal represents a mixed-use development that provides high-quality and accessible ground floor retail facilities with active frontages helping to enhance the vibrancy and viability of Swift Street, Arnolds Lane and the broader precinct with equally high-quality inner city residential apartments.

The build form and scale of the development is intended to satisfy the desired future character of the outer core of the central business district. The smaller footprint of the residential apartment development atop the larger ground floor retail footprint helps reduce visual bulk and integrates the development with the surrounding setting. The basement carpark also increases the ground floor presence and active street frontage and has the effect of reducing height ensuring the proposed development is compatible with surrounding development.

The development provides good sustainable design merit and contributes to positive environmental and social outcomes. The provision of 26 high quality apartments atop retail and commercial space achieves the sharing of resources in the building and is orientated and shaped to maximise exposure to solar access, cross ventilation and thermal comforts obtained from the north with exposure to the east and west controlled with balconies and adjustable louvres.

The demolition of the existing buildings on site, two of which (485 and 487 Swift Street) are listed in *Schedule 5* of the LEP as heritage items, has been taken into consideration through a detailed heritage assessment and preparation of a Heritage Impact Statement prepared by Urbis, and provided attached at Appendix I.

It is our view that the proposed development will contribute to the Albury central character and community more significantly than the retention of the existing buildings for their historical value. The proposed development will provide valuable commercial space with a more active frontage helping to make the street and precinct more vibrant and viable, whilst adding valuable residential apartment accommodation stock for the expanding city and growing population of Albury in close proximity to a range of services, jobs and sustainable transport options.

The proposal represents the creation of a new landmark building for the CBD of Albury and the applicant has carefully selected this site for development given the anticipated future context of central Albury. Aesthetically, the design has taken on a modern interpretation of Art Deco features with the use of curved corners, and symmetry sympathetic to Albury's Public Buildings and surrounding conservation areas.

The design process has given careful consideration to context and setting of the locality and demonstrably responds with a design that is of a high architectural quality and respectful to its surrounds. It presents a build form that has considered Albury's heritage character and is a design that will endure the test of time and set a new high standard for redevelopment in central Albury.

1.2 Purpose of this Report

The DA and has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* ("EP&A Act") and the *Environmental Planning and Assessment Regulation 2021* ("EP&A Regs").

This report addresses the relevant heads of consideration listed under Section 4.15(1) of the EP&A Act and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site. It also describes the site, its environs, the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

1.3 Previous Approvals

The subject site has been subject to a number of previous development consents which are relevant to note. Approvals from the previous ten years are summarised in Table 1 below.

Table 1: Approvals History

DA Number	Description of Development	Determination	Date
10.2022.39757.1	485 Swift St, Albury 2640 NSW Change of Use - Residence & Garage	Approved	15/11/2022
10.2013.32527.1	487 Swift St, Albury 2640 NSW Demolition of Residence	Approved	01/10/2013
10.2013.32482.1	481 Swift St, Albury 2640 NSW 485 Swift St, Albury 2640 NSW Demolition of Residence & Temporary Works/Materials Compound	Approved	09/09/2013

1.4 Supporting Plans and Documentation

The DA is supported by the following plans and documentation described in Table 2 below.

Table 2: Supporting Documentation

Appendix	Document	Prepared by
A	Title Information	Title Search – Land Data
B	Feature & Level Survey	Eslers Land Consulting
C	Architectural Plans – Issue B	CohenLeigh Architects
D	Architectural Design Report and Design Verification Statement – Issue B	CohenLeigh Architects
E	Proposed Subdivision Plan – Ver04	Spiire
F	Landscape Plan – Revision C	Yonder Landscape Architects
G	Concept Sewage and Stormwater Management Plans	van der Meer Consulting
H	Tree Assessment Report	Local Tree Care
I	Heritage Impact Statement and Amended Plan Letter (1 November 2024)	URBIS
J	Traffic Impact Assessment Report – Issue E	Peter Meredith Consulting
K	Waste Management and Minimisation Plan	Habitat Planning
L	BASIX Certificates	EnergyRaters
M	DCP Assessment Tables	Habitat Planning

1.5 Approval Pathway

Regionally Significant Development (RSD) is defined by Part 2.4 *State Environmental Planning Policy (Planning Systems) 2021* (SEPP (Planning Systems)) and refers to development specified in *Schedule 6* of that policy which includes 'general development' with a capital investment value of more than \$30m.

According to the Quantity Surveyors Report provided under a separate cover, the developments Capital Investment Value (CIV) exceeds \$30m. Subsequently the development is declared Regionally Significant Development.

2. Site Analysis

2.1 Site Location and Context

The subject site to which this application relates is two lots described as Lot 20 in DP780123 addressed as 481-485 Swift Street, and Lot 1 in DP912511 addressed as 487 Swift Street, Albury.

The subject site is located centrally within the Albury CBD and the commercial core, in a prominent area with frontage to Swift Street and Arnold's Lane.

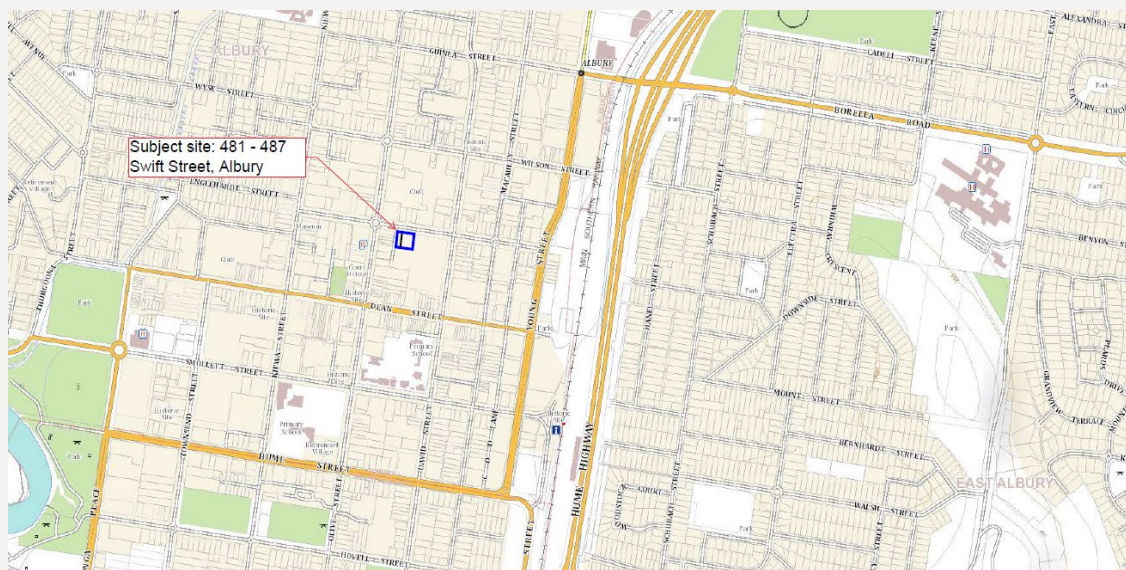


Figure 2: Site Context Map (Source: SixMaps)

2.2 Regional Context

The site is located in the city of Albury which, combined with Wodonga is Australia's 20th largest city with a combined population of over 100,000 residents (ABS, 2021).

Albury is located approximately 310 km north-east of Melbourne and 550 kilometres south-west of Sydney. It is located on the Hume Freeway (M31) and has strategic access to significant transport links including the Albury Regional Airport facility and the Melbourne to Sydney Railway corridor.

Albury and Wodonga located on either side of the Murray River share a regional health service in Albury Wodonga Health (AWH) which was established in 2009 as the first cross border public health service to exist in Australia. It provides the largest regional health care service between Sydney and Melbourne servicing a catchment population of over 250,000. It operates campuses in both Albury and Wodonga.

2.3 Local Context

The subject site is located within Albury commercial core and CBD district. It is located a city block north of Albury's main (Dean) street, and on the southern side of Swift Street. The site abuts the Myer City Shopping Centre and associated carpark to the south and east respectively and Arnolds Lane to the west. Swift Street is the sites primary frontage and is a local road that is managed by Albury City Council.

The site's location in the Albury CBD has close walkable proximity to public transport facilities and a range of public services and commercial retail premises. The nearest cross-roads are Olive Street to

the west and David Street to the east. The site is zoned E2 Commercial Centre (E2) which seeks 'to increase the permanent population within the commercial centres by encouraging shop top housing and mixed-use development' and 'encourage investment in commercial development that generates employment opportunities and economic growth'. The site abuts the MU1 – Mixed Use (MU1) zone to the north.

Nearby public open space and community facilities include the Albury Library Museum, located on the corner of Swift and Kiewa Streets and QEII Square abutting the Library Museum approximately 300metre to the west. The Murray River foreshore area and public recreation and sporting grounds are located approximately 1.2kilometres to the southwest and on the CBD's outer edge. The foreshore area and sporting fields are within walking distance and are directly accessible from the site via the CBD and a network of local roads and pedestrian paths.

2.4 Site Description

The site is rectangular shape and has a combined area of 2,023m². It has a northern street front boundary to Swift Street of approximately 50metres and an overall depth of approximately 40.23metres. Its western boundary maintains a secondary frontage to Arnolds Lane, whilst its eastern side boundary maintains a direct abuttal to the Myer City Centre subgrade open car park and basement carpark below. Details of the existing site conditions and cadastral boundaries are shown in the Feature and Level survey at Appendix B and aerial images of the site and immediate surrounds provided at Figures 3 below.

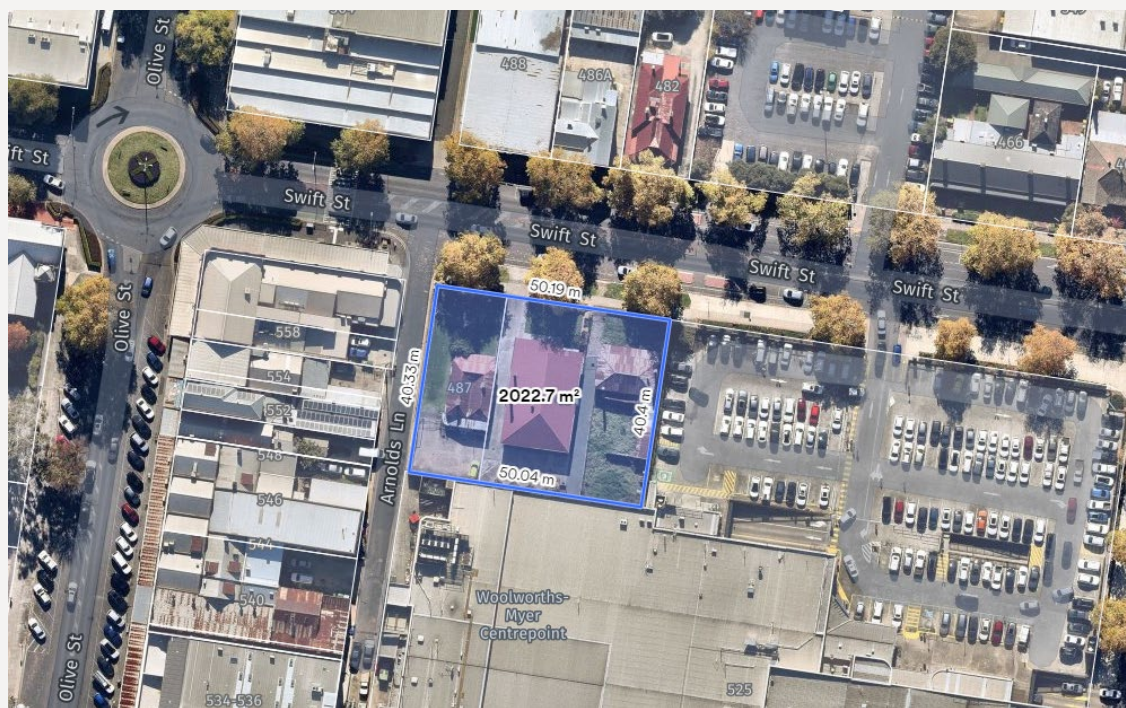


Figure 3: Aerial view of the development site (Source: NearMap)

The site currently comprises two (2) titles and three (3) separate single storey buildings, two of which (485 and 487 Swift Street) are described in the attached Heritage Impact Statement (Urbis, 2023) and Heritage Impact Statement – Amendment) as they are locally listed as heritage items at *Schedule 5* of the LEP. The building at 481 Swift Street is not a listed a heritage item. The dwellings at 481 and 487 have previously been approved for demolition, however for unknown reasons, the dwellings were not demolished by the previous landowner and have remained mostly unoccupied since circa 2013 and have subsequently fallen into a state of disrepair.

The properties are relatively unvegetated with only minor grassy ground covers and low height planted shrubs making no significant contribution to the streetscape, urban landscape setting or biodiversity values in the area.

The site is predominantly flat with only a gentle slope the southwest corner of the site. The site being open on the north, west and east achieves good solar access and views out to the north across Swift St which retains a treelined nature strip on both sides of the road reserve.

The site has vehicular access via three (3) verge crossovers; two from the north on Swift Street servicing 485 and 487 Swift Street and one from the west on Arnolds Lane servicing 481 Swift Street. The site is also serviced by an on-road CBD bicycle loop lane and pedestrian footpaths on both sides of Swift Street. The verge on Swift Street has three (3) semi-mature Plane Trees providing amenity and shade on the street.

A photographic record of the site and its immediate surrounds are provided in Figures 4 – 14 below.

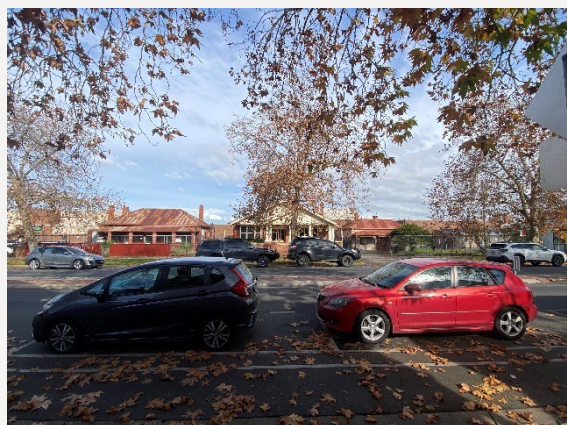


Figure 4: View south of street frontage of 481-87 Swift Street

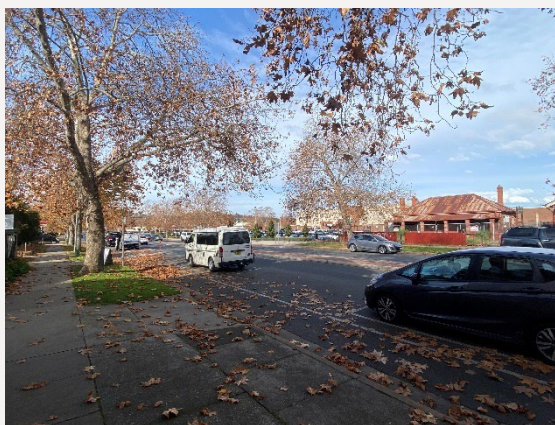


Figure 5: View southeast towards Myer City Centre carpark



Figure 6: View west of Abikhair Emporium building Heritage Item 118



Figure 7: View south down Arnolds Lane



Figure 8: View south of Swift Street frontage: Abikhair Emporium building Heritage Item 118



Figure 9: View east across Arnold Lane to 487 Swift Street Heritage Item 166



Figure 10: View of the rear of commercial properties on the west of Arnold Lane

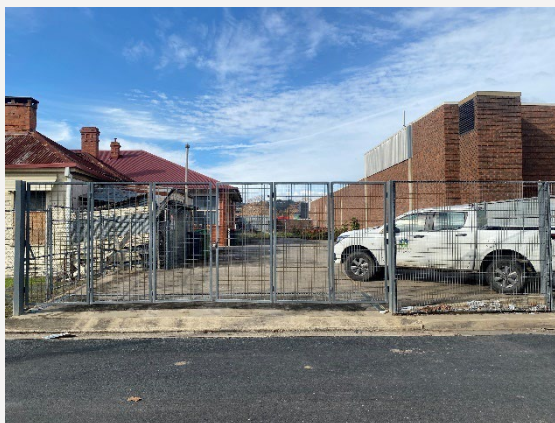


Figure 11: View east to the rear of properties at 4811-487 Swift Street



Figure 12: View east of supermarket loading dock adjoining the subject land



Figure 13: View south of adjoining supermarket loading dock



Figure 14: View north on Arnolds Lane



Figure 15: View south, street front elevation of 485 Swift Street



Figure 16: View south, street front elevation of 485 Swift Street



Figure 17: View south, street front elevation of 481 Swift Street



Figure 18: View east on Swift Street bicycle lane



Figure 19: View west on Swift Street bicycle lane



Figure 20: View north on Swift Street; Heritage Item I165



Figure 21: View north on Swift Street; Heritage Item I163



Figure 22: View north on Swift Street; covered carpark



Figure 23: View northwest on Swift Street; commercial retail development



Figure 24: View southwest of subject site



Figure 25: View southeast of subject site

2.5 Surrounding Development

The site is located centrally within the Albury Central Business District and is subsequently surrounded by a complex mix of commercial retail and office development. These land uses are mostly supported by large areas of both private and public at grade and subgrade carparking.

The site is established with reticulated urban infrastructure including water, sewer, electricity and gas. The site is also well connected to the established local road network, including Swift Streets connection to Young Street and the Riverina Highway (B58), and the diamond interchange to the Hume Freeway (M31) corridor less than 1 kilometre to the northeast. These road connections provide direct and easy access to the Albury Base Hospital, the Albury Regional Airport and the Albury Railway Station.

Pedestrian infrastructure including paved footpaths and shared on-street bicycle provision provides established at grade connectivity to nearby social, recreation, environmental and cultural infrastructure including QEII square, the Library Museum, Nail Can Hill and the Murray River foreshore.

Immediately abutting the site to the south is the Myer City Centre shopping precinct. It forms part of the Dean, David, Swift and Olive Street Retail Core under the CBD Masterplan and is characterised circa 1979 construction of a shopping centre which includes major retail anchors and boutique retail shopping.

The site is bound by Swift St to the north, where land to the north of Swift Street is zoned for Mixed Uses (MU1) which reflects the mixed nature of the land uses further north. Two buildings situated directly opposite the subject site are heritage listed items (I163 and I165) in Schedule 5 of the LEP. These single and two storey buildings are currently occupied for commercial and residential purposes respectively. The north side of Swift Street is otherwise occupied by a private at grade covered carpark at 488 Swift Street, which has historically supported other commercial land uses in Swift Street including a gymnasium and a retail premises to the west, and an expansive 1.6 hectare open at grade carpark for over 550 cars.

Arnolds Lane is a 6.5metre wide service lane that forms the western boundary of the site. The lane extends from Swift Street 100metres to the south and services the rear of existing commercial properties and shop top housing to the west with frontages to Olive Street. It is also the main service access for deliveries to the supermarket within the Myer City Centre and retail shops to the west on Olive Street. A commercial building with elements of single storey and two storey construction is located to the west of Arnolds Lane. The building affectionately known as the 'Abikhair Emporium Building' occupies the land to the corner of Swift Street and Olive Street and is identified by Heritage Item I118 in Schedule 5 of the LEP. It contains multiple small ground floor boutique retail tenancies with shopfronts at Swift Street and Olive Street and an upper floor gymnasium.

To the east is the Myer City Centre at grade open carpark and subgrade carpark. The carpark and shopping centre occupy approximately 1.85hectares with David Street forming the sites eastern boundary.

The site is in very close proximity to Dean Street, Murray Art Museum Albury, everyday grocery, retail and commercial facilities, medical centres and pharmacies. Transport infrastructure including bus stops and train services are all located within walking distance of the subject site.

2.6 Planning Context

The subject land is zoned B4 Commercial Core, which seeks to provide land for a wide range of retail, business, office, entertainment, community, and other suitable land uses to encourage employment opportunities. Importantly in the context of the proposed development the zone also aims to provide employment in accessible locations whilst also increasing the permanent population within the commercial core by encouraging the development of shop top housing and mixed-use developments.

The Albury CBD Masterplan identifies the site as being located within the Dean Street and Retail Core, which amongst other things seeks to encourage mixed use buildings and 24hour liveability. It encourages 'build to the street boundary' development to provide better street definition and active frontages to streets in the Retail Core and has guiding controls that generally align with the maximum statutory height controls of the LEP to respect the existing scale and view corridors of

heritage values and conservation streetscapes, and respond positively to heritage buildings by providing sympathetic infill development and promote design quality by providing loose fit between overall height, carparking, building envelope and floor space.

The FSR Development Control Strategy of the Masterplan also aligns with the statutory controls of the LEP. The development does not exceed an FSR of 3:1.

The development aligns with the desired future character of the area as set out in the Masterplan. The development has been meticulously designed to ensure a consistent and integrating build to boundary and is formed of compatible elements including art deco cues, upper-level setbacks, sympathetic build widths and depths and a compatible themed building expression. The development has also been designed to comply with the Infill Development Strategy - Building Type 6 of the Masterplan and specifically *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (2002)*.

There are multiple buildings in the vicinity including 485 and 487 Swift Street, and 560 Olive Street that are listed as Heritage Items at Schedule 5 of the LEP. The developments impact on the heritage significance of these buildings has been considered and addressed in the Heritage Impact Assessment (Urbis, 2023) provided at Appendix I.

The LEP sets out the statutory development standards for Building Height and Floor Space Ratio the apply to the subject land. Under these controls, the site has a building height limit of 35 metres and a Floor Space Ratio of 3:1. Part 4.4 of this SEE below addresses compliance with these development standards.

Extracts of the LEP's land use zoning map, heritage map, building height map and floor space ratio map are reproduced in Figures 26 – 29 below.

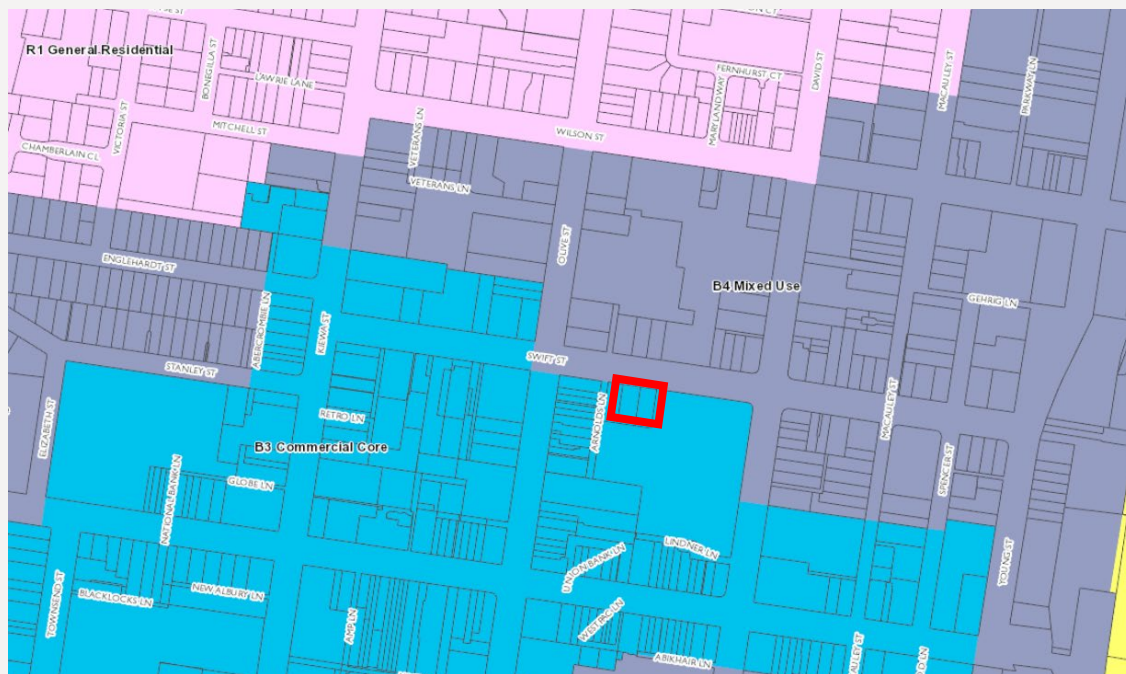


Figure 26: Zoning Map extract (Source: Albury City Mapping Portal)

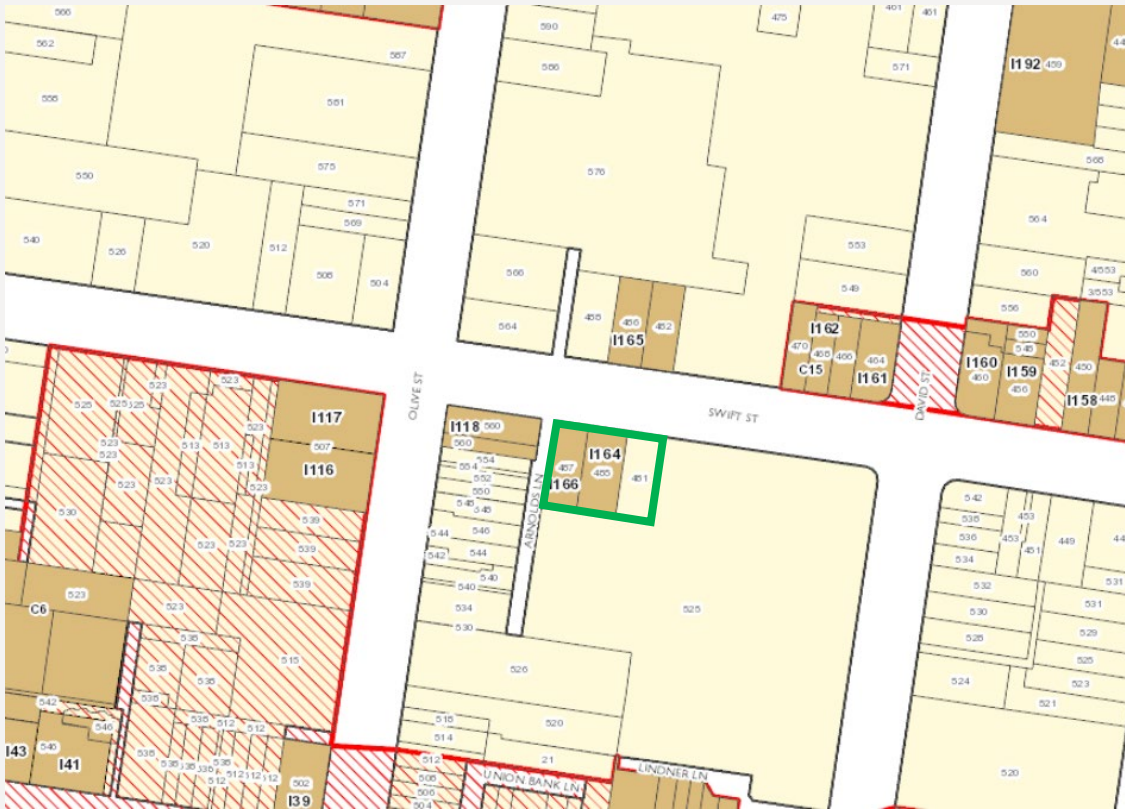


Figure 27: Heritage Map extract (Source: Albury City Mapping Portal)

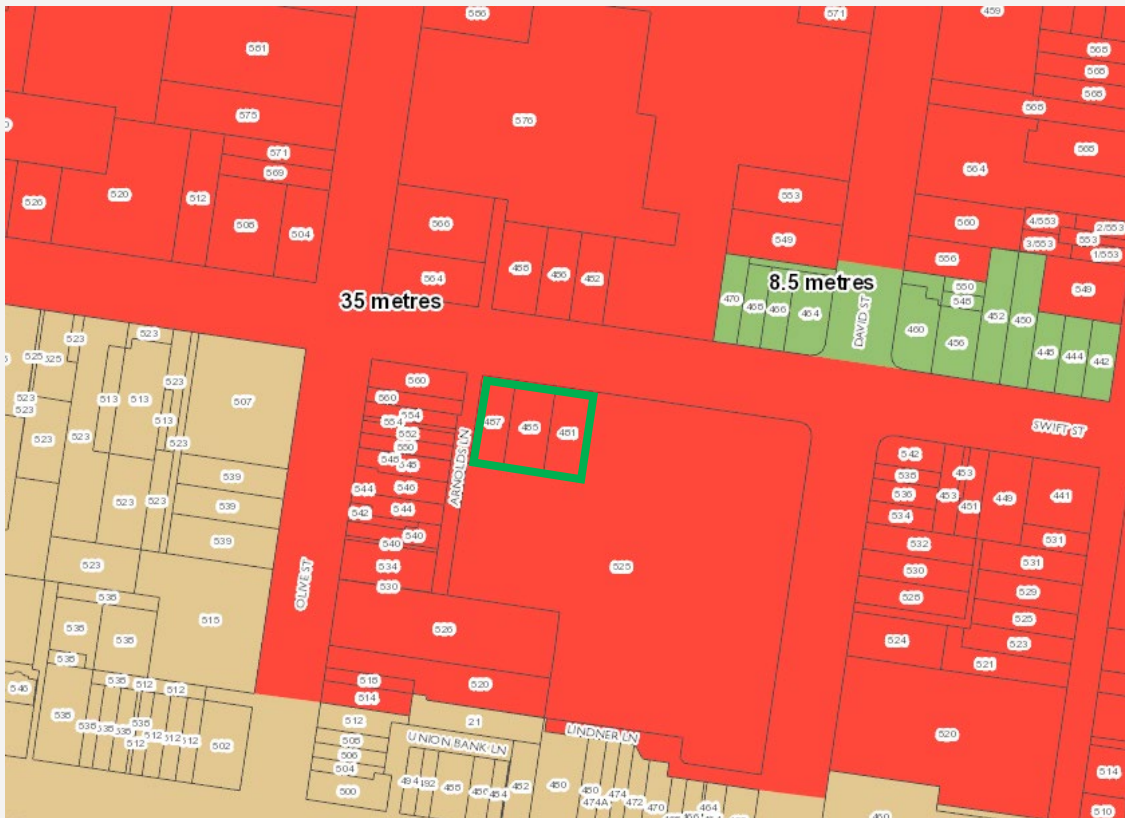


Figure 28: Building Height map extract (Source: Albury City Mapping Portal)

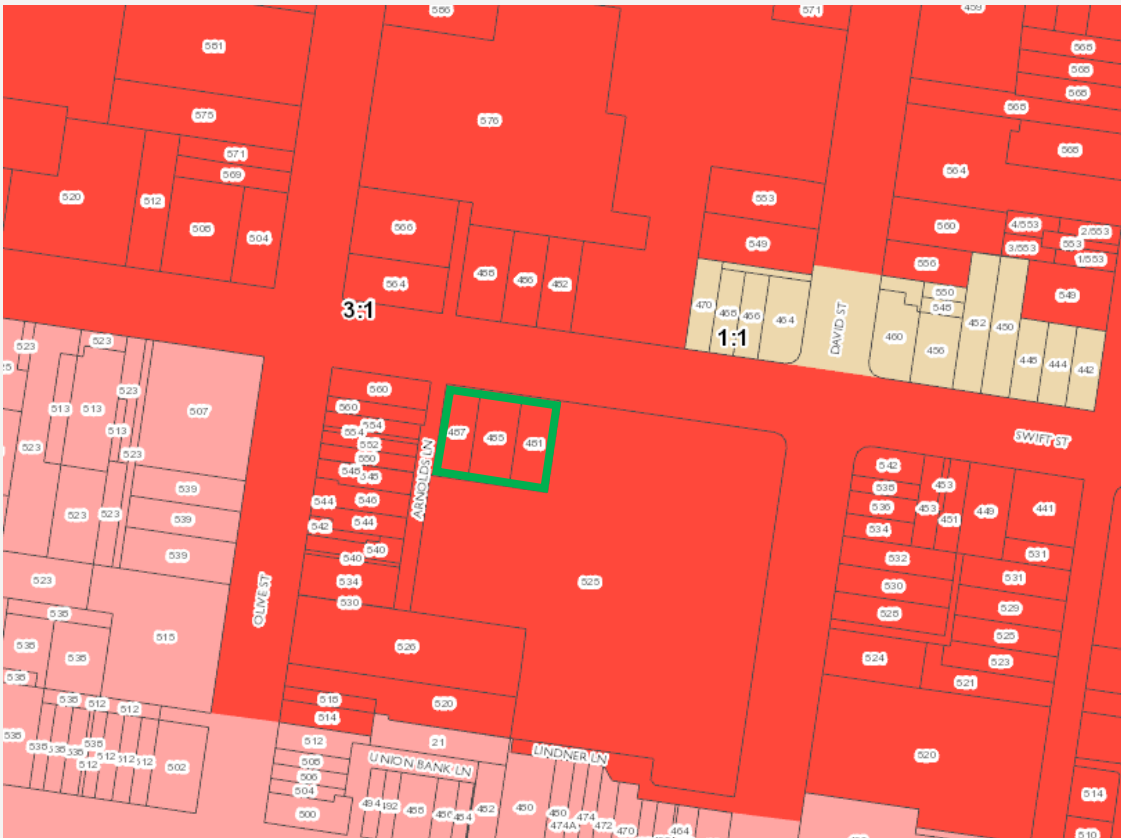


Figure 29: Floor Space Ratio map extract (Source: Albury City Mapping Portal)

3. Description of Proposal

3.1 Overview

The development application seeks development consent for the demolition of all existing buildings and structures and construction of a nine (9) storey mixed used, shop-top housing development at 481 – 487 Swift Street, Albury.

Specifically, the proposal comprises:

- Demolition of all existing buildings including local heritage items numbered I164 and I166 (Schedule 5, LEP),
- Site exaction and establishment of subgrade basement level carparking for 52 vehicles,
- New vehicle access crossover to the site (basement) from Swift Street,
- Street tree (x1 London Plane tree) removal,
- Ground floor commercial tenancies,
- 26 residential apartments on the upper levels 2-8
- Ground level swimming pool, gymnasium, common amenities, landscaped gardens; and
- Stratum Subdivision - 26 residential apartment Lots and two (2) commercial tenancy Lots.



Figure 30: Swift Street visualisation of the development

The mixed-use development will provide a valuable contribution to the CBD and is a significant improvement on the existing site conditions; both visually, functionally and practically in the CBD context. It provides a visually integrating design which activates the streetscape at ground level and provides tangible benefits to achieving the desired character of the CBD locality by contributing to the social and economic dynamics of the CBD.



Figure 31: Birdseye visualisation of the development from Swift Street



Figure 32: Swift Street visualisation of the development

The development is proposed in a single stage with multiple demolition and construction phases. It has an estimated capital investment value exceeding \$30m (refer to QS report under separate cover) and consequently is, pursuant to *State Environmental Planning Policy (Planning Systems) 2021* declared 'Regionally Significant Development' where the Southern Regional Planning Panel are the Consent Authority.

A summary of the proposed development and site features is provided in Table 3 below.

Table 3: Development Summary

Build Elements	Development proposal
Site Area	487 Swift Street (Lot 1/DP912511) – 613.3m ² 485 Swift Street (PLT20/DP780123 – 705m ² 481 Swift Street (PLT20/DP780123 – 705m ² Total: 2,023.3m ²
Planning Attributes	Zone: E2 – Commercial Centre Max. Building Height: 35metres FSR: 3:1 Natural Hazards: Nil Heritage Conservation: Locally listed items I164 and I166.
Building Height	29.6metres overall (max. allowed 35metres)
Proposed Gross Building Area	6,069m ²
Proposed Floor Space Ratio	2.62:1 (max. allowed 3:1)
Basement	GFA: 2,023m ² Carparking: 52 spaces apportioned to 26 residential apartments, and associated storage rooms. Services rooms (x2), escape stairs, lifts (x2)
Ground floor – Commercial	Tenancy 1: 383m ² Tenancy 2: 351m ² Gymnasium: 50m ² General Amenities/change room facilities: 14m ² Meeting/activity room: 22m ² Swimming pool: (54m ²) contained within a 178m ² (attached) enclosure Pool Plant enclosure: 11m ² Bicycle storage: 16m ² for minimum 10 bicycles.

	<p>Electrical substation and Switchroom: 55m²</p> <p>Designated Bin Store and Chute room: 25m²</p> <p>Landscape common courtyard: 21m² plus landscaping</p> <p>Total GFA: 948m²</p> <p>Carparking: Six (6) at grade spaces inc. 2 access compliant spaces</p>
<p>Residential apartments mix:</p> <p>2 bedrooms = 10</p> <p>3 bedrooms = 16</p>	<p>Total: 26 residential apartments comprising:</p> <p>Level 1 – 4 apartments (2 x 2 bedrooms, 2 x 3 bedrooms)</p> <p>Level 2 – 4 apartments (2 x 2 bedrooms, 2 x 3 bedrooms)</p> <p>Level 3 – 4 apartments (2 x 2 bedrooms, 2 x 3 bedrooms)</p> <p>Level 4 – 4 apartments (2 x 2 bedrooms, 2 x 3 bedrooms)</p> <p>Level 5 – 4 apartments (2 x 2 bedrooms, 2 x 3 bedrooms)</p> <p>Level 6 – 3 apartments (3 x 3 bedrooms)</p> <p>Level 7 – 3 apartments (3 x 3 bedrooms)</p> <p>Rooftop services rooms (x2), 20,000L water tanks (x2) and PV Solar Panels.</p>
Landscaping	<p>Ground floor - new super advanced street tree planting (x2), pavement reinstatement as required and vegetative landscaping north and south of building.</p> <p>Level 1 – Extensive podium landscaping</p>
Parking	<p>Basement: 52 carparks</p> <p>At grade: 6 carparks inc. 2 x access compliant spaces, 16m² bicycle storage for up to 10 bicycles.</p>

The Architectural plans are attached at Appendix C and are reproduced in the following sections below.

3.2 Demolition and site establishment works

The proposal initially involves site establishment works which will comprise the erection of safety security fencing and signage around the perimeter of the demolition site, establishment of designated compound areas for parking, plant and equipment storage, laydown/delivery areas, as well as the placement of temporary amenity facilities as required.

In addition, a materials stockpile area will also be established for the stockpile of building refuse, demolition wastes and excavated materials prior to its removal off-site. All site establishment measures will be reflected in a detailed Construction Management Plan.

Erosion and sediment control measures will also be implemented prior to the commencement of demolition works in accordance with the Landcom/Department of Housing Managing Urban

Stormwater, Soils and Construction Guidelines (the 'Blue Book'). These measures will be maintained and inspected ongoing pre and post demolition works to ensure they are effective. Redundant internal services will be removed with all connection points capped on site as required by the relevant service provider.

Following the sites establishment, works will commence on the demolition of all buildings on the site which includes the three (3) existing dwellings and all attached and detached outbuildings. The demolition works will also remove all vegetation and hard surfaces including existing driveways, paths and carparking areas. The development also involves remove of the existing street tree located at the frontage of 481 Swift Street to facilitate demolition and construction access to the site and future a single point of access to the basement. The tree was assessed by arboriculture firm Local Tree Care with its removal recommended by the Tree Assessment Report provided attached at Appendix H.

The existing concrete crossovers that currently service 481 and 485 Swift Street will also be removed. In the interest of minimising disturbances on the street, road network and existing street trees; it is anticipated that these crossovers will be retained during construction and removed prior to occupation with kerb and gutter reinstatement to occur concurrently with the street tree replacement.

The proposed demolition plan is reproduced at Figure 33 below.



Figure 33: Demolition Plan

It is anticipated that demolition works will take approximately 20 working days, weather permitting and will be undertaken in accordance with a Demolition Management Plan that will be prepared with the detailed design works, to minimise impacts on traffic and access conditions, and surrounding land uses.

Demolition works will occur to minimise impacts on the environment, surrounding land uses, traffic and the road network. These works will generally during the standard construction hours as follows:

- Mondays to Fridays between 7 am and 6 pm
- Saturday between 8 am and 1 pm
- No work would occur on Sundays or public holidays.

Any works occurring outside of these times will do so only in accordance with the approved Demolition Management Plan. Works will be undertaken predominantly using heavy machinery such as excavators, backhoe loader, rigid truck, mobile crane and compactors. Specific equipment to be used will be determined by the appointed contractors.

3.3 Basement Establishment

The proposal necessitates excavation works to accommodate a single level basement carpark. The construction of the basement will require excavation below existing ground levels with proposed basement depth to 156.25metres AHD i.e. approximately 3.2metres below existing ground levels. The extent of excavation will result in cuts to the site boundaries with piers and lift shaft overruns infrastructure extending further in accordance with detailed design plans and the recommendations of the Geotechnical Investigation Report prepared by Douglas Partners at Appendix M. The Report makes recommendations on the basement design and construction and concluded that the ground conditions are considered suitable to support the proposed development, provided the comments and recommendations noted therein are followed. The basement will be constructed to the sites Title boundaries and comprise of mechanical and hydraulic services, primarily contained in service rooms, two (2) lifts that provide access to each level above, concrete sealed carparking for 52 vehicles and associated storage rooms to be apportioned to the residential apartments in accordance with the subdivision plans.

Vehicle access to the basement will be achieved via a new access point directly from Swift Street at the northeast corner of the site via a controlled gated entry and a maximum 1:5 grade two way access ramp. Internal circulation will occur via two-way 6.0metre wide carriageway. Pedestrian access is achieved via the proposed lifts with emergency escape stairs located in the south-west corner leading to Arnolds Lane.

Each apartment will be provided with dedicated storage spaces within the basement which are directly accessible from the basement lobby and lift area. The proposed basement plan is reproduced at Figure 34 below.

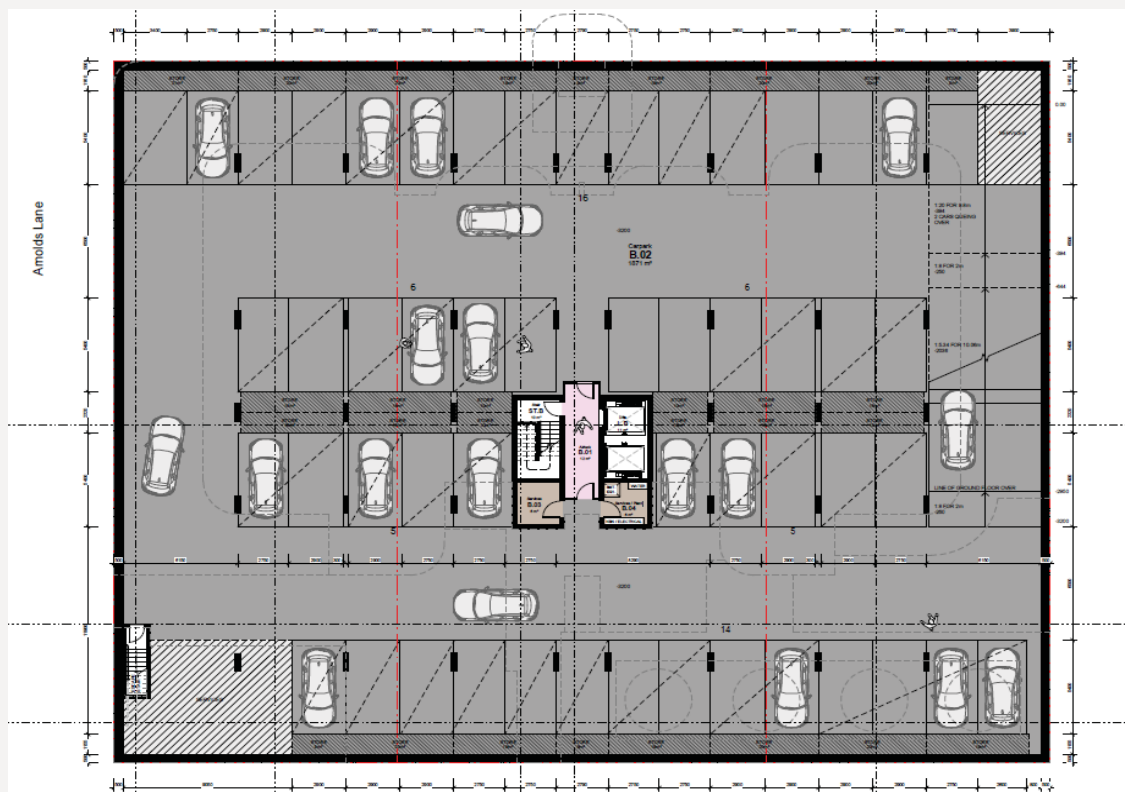


Figure 34: Proposed Basement Plan

3.4 Parking, Access and Storage

Carparking for the commercial occupancies and visitors will be provided at ground level and accessed directly from Arnolds Lane. A total of six (6) spaces are proposed including two (2) access compliant spaces. The proposed off-street parking spaces will be provided for visitors and are located adjacent to the rear entry to the lobby. As noted above all carparking associated with the residential apartments will be provided within the basement carpark which will be accessed directly from the proposed new crossover and ramp from Swift Street.

A dedicated 18m² secured bicycle storage area for a minimum 10 bicycles will also be provided within the ground level parking area with attached general amenities room which includes access compliant WC's and showers. The carparking, amenities and overall ground floor layout is shown in the Ground Level Plan extracted in Figure 35 below.

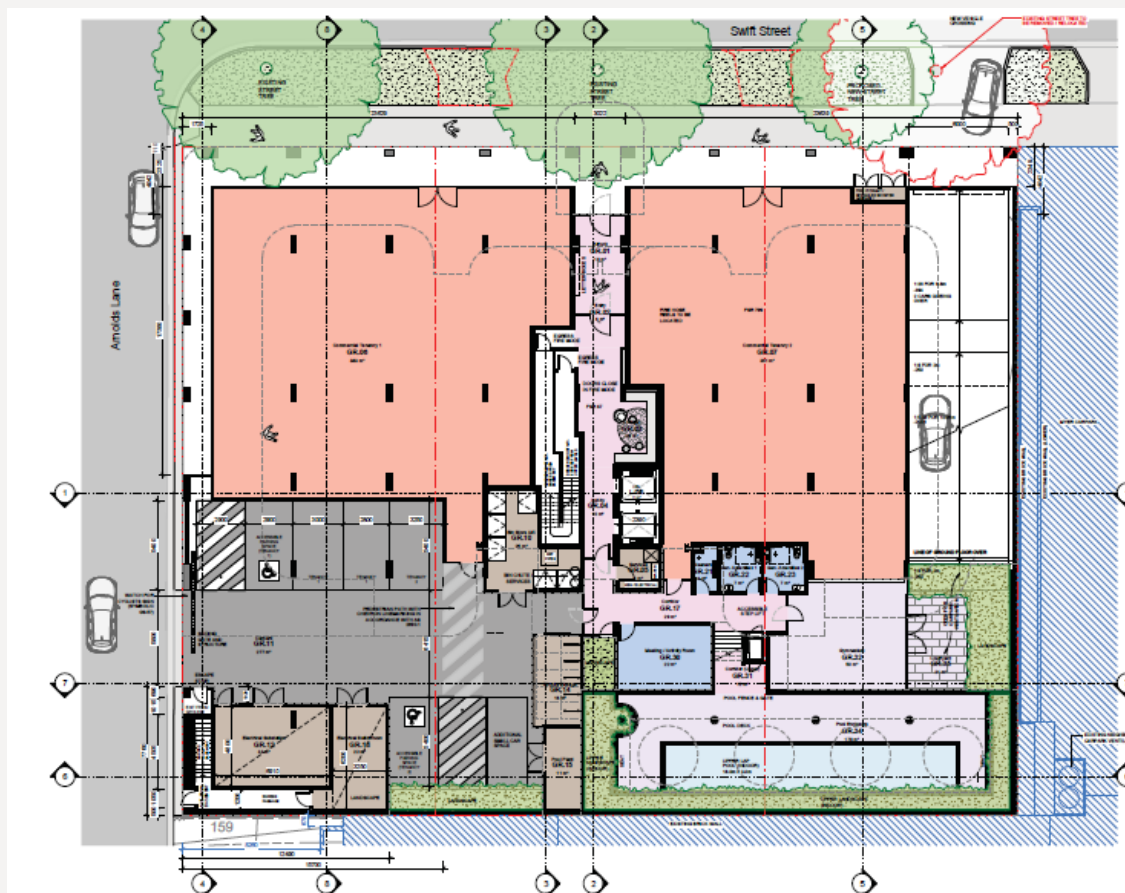


Figure 35: Proposed Ground floor layout

3.5 Construction – Shop-top housing

Generally, the proposal is for the construction of a mixed-use development, comprising shop top housing. The development principally comprises a nine storey (9) storey apartment complex inclusive of basement parking for 52 vehicles. It is made up of ground level commercial shopfront tenancies, carparking, swimming pool, gymnasium and other common amenities, courtyard areas, and 7 levels of apartment living above.

The key architectural and design elements of the proposed development are summarised below:

- One (1) basement carpark, providing 52 car spaces and services rooms

- Ground level commercial shopfront tenancies, EoT facilities, at-grade carparking for six (6) vehicles, swimming pool, amenities rooms, gymnasium, meeting/activity room, designated bin storage and a landscaped courtyard
- Seven (7) levels of residential accommodation comprising 26 apartments

A full set of architectural drawings and an urban design report accompanies the application at Appendix C and Appendix D respectively. Elevations and Sections of the proposed development are reproduced at Figures 36 – 41 below.



Figure 36: Proposed northern Swift Street elevation

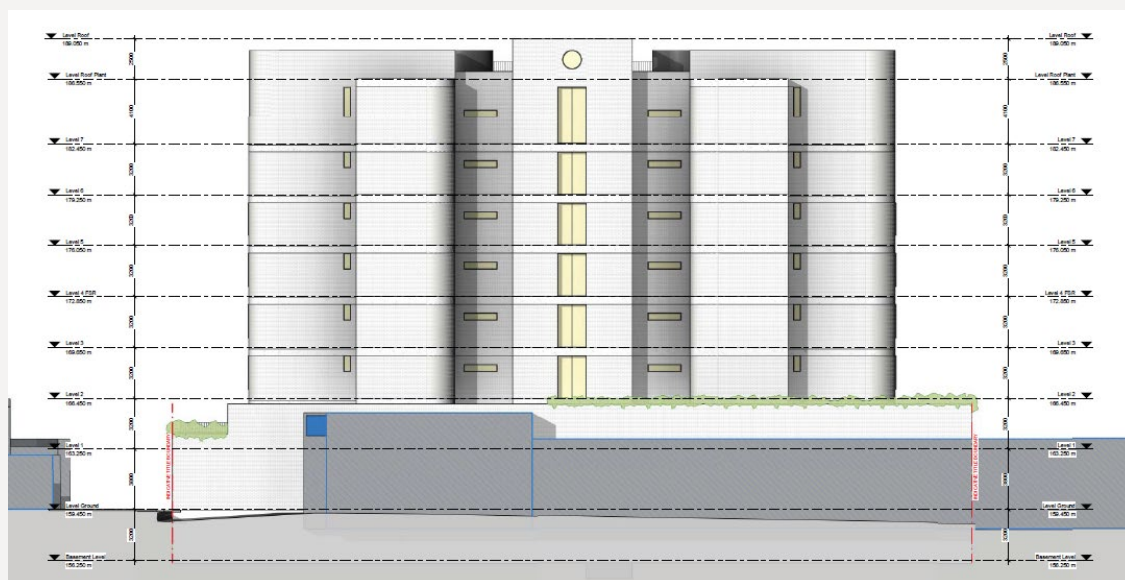


Figure 37: Proposed southern elevation



Figure 38: Proposed eastern elevation

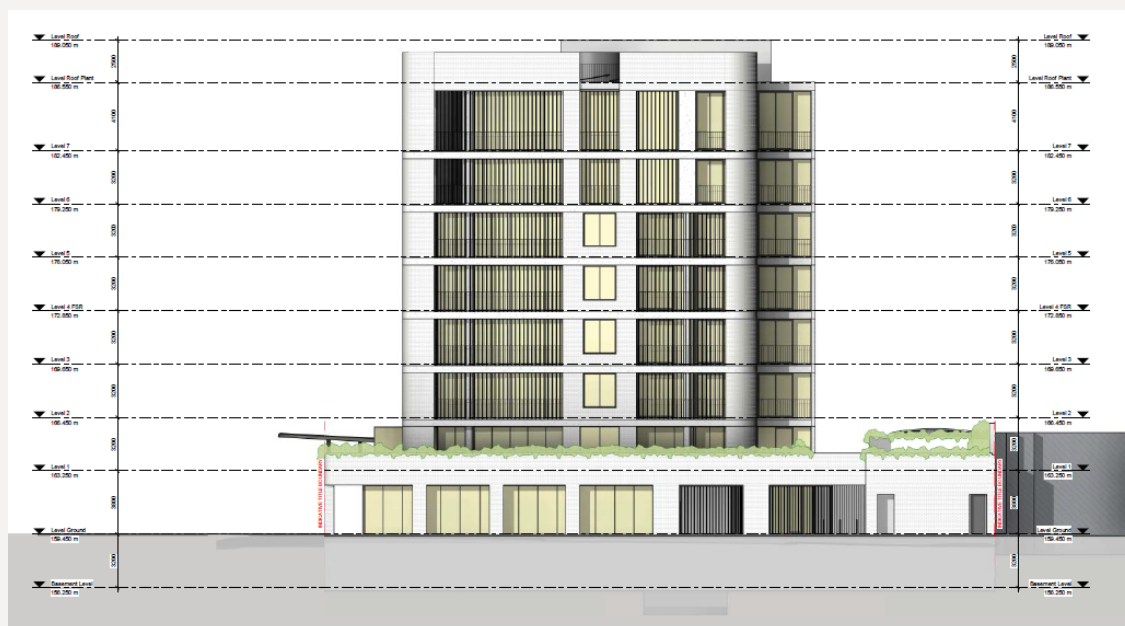


Figure 39: Proposed western elevation

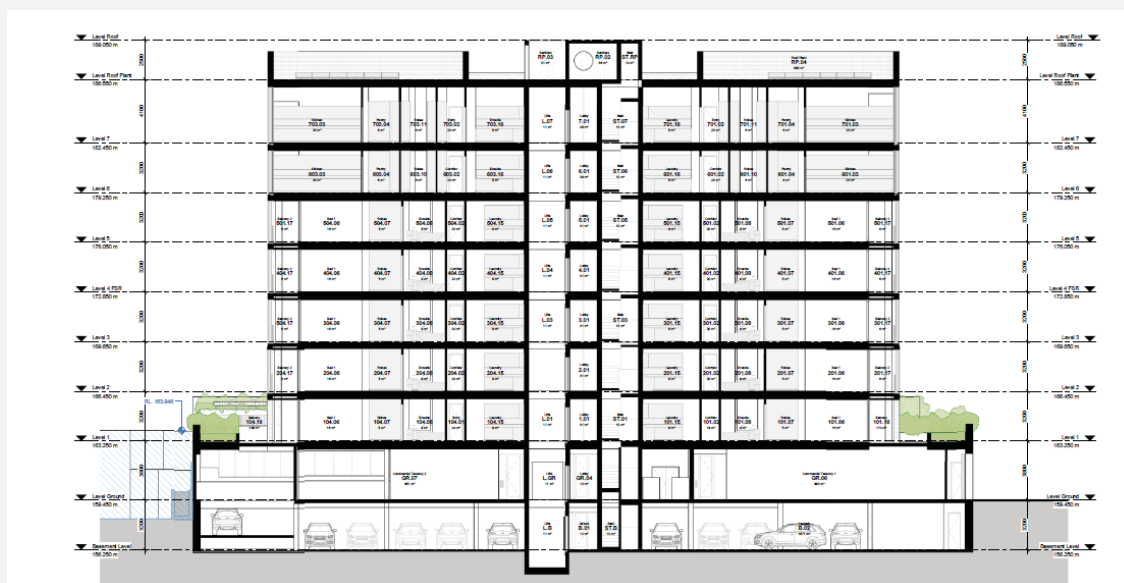


Figure 40: Northern cross section

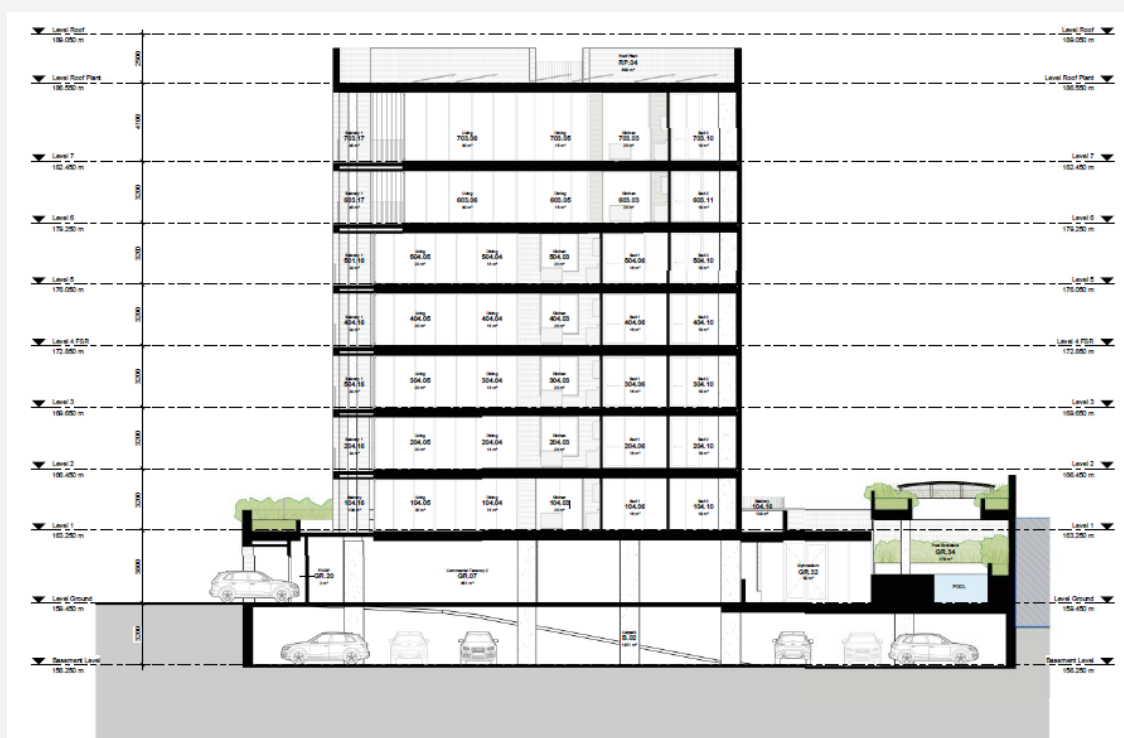


Figure 41: Western cross section

3.6 Design Principles

CohenLeigh Architects address the key Design Quality Principles of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* that guide the proposed development in their accompanying Architectural Design Report at Appendix D. It includes the Design Verification Statement.

The proposed mixed-use retail and residential development also aligns with objects of the E2 Commercial Centre Zone where it will increase the permanent population within the commercial centres by encouraging shop top housing and enable mixed use commercial and residential

development and aligns with Albury CBD Masterplan by encouraging a variety of uses within the CBD and ensuring its 24-hour liveability.

The ground floor retail uses will vitalise the public domain with activation within the Swift Street precinct which is currently occupied by ad hoc and inconsistent uses which is broadly dominated by open and semi enclosed at-grade carparking. The introduction of a unified mix-used commercial and residential apartment development to the site will enhance the current residential offering of high-quality inner city living within the CBD and invigorate the street with 24-hour activation.

The site is located in close proximity to Albury's main street and vibrant food and retail offerings, which are within walkable and accessible distances. The residential density contributes to the social character of the CBD and enhances the economic prosperity for the area without impacting the primacy of Dean Street.

The building has been designed to respond to the varied character of the Swift Street, between David Street and Olive Street utilising upper-level setbacks and a flowing, rhythmic style that does not detract from the heritage significance of surrounding heritage listed buildings. The development achieves a mix of apartment sizes with practical and flexible features that optimises safety and security within the development and the public domain, and achieve a positive relationship between public, communal and private spaces.

The apartments have also been designed to prioritise access to solar and natural cross ventilation. Emphasis has been placed on the liveability of the apartments and passive thermal comforts for heating and cooling reducing reliance on technology and operational costs.

Overall, the development achieves high-quality living arrangements with design excellence. The proposal positively contributes to the character of the CBD's periphery and will activate commercial and retail spaces at street level and support the economic growth in the CBD. The development designs improve safety and surveillance in the locality and will activate 24-hour liability.

Refer to the accompanying Architectural Design Report at Appendix D for further details.

3.7 Material and finishes

The Architectural Plans at Appendix C schedule the proposed façade and design treatments including the external building materials and finishes. The key features of the façade include:

- Curved corner forms in light earthy toned and coloured brickwork
- Powder-coated aluminium framed commercial glazing with brickwork at ground level
- Select Grade Timber Soffit Linings
- Cascading vegetation and plantings over brickwork upstand

The design of the northern façade brings soft aesthetics to Swift Street, through the use of curved and elegantly rounded corners and circular brick work and ground level in soft earthy tones. This will be contrasted with cascading urban plantations and the use of select grade timber linings.

The vertical elements of the buildings design contrasts with the horizontal elements establishing clear distinctions between the two.

The proposed materiality of the building is detailed in the Architectural Plans and Architectural Design Report at and Appendix D and is reproduced in Figure 42 below.



Figure 42: Material and façade treatment

The strength and symmetry of the building is inspired by the same quality evident in the main public buildings of Albury. The podium and the tower are treated differently to clearly define the street wall and cascading landscape from the apartments above.

The building is strongly articulated so that individual apartments are readily identified with deep form returns between apartments and resultant chiaroscuro (play of light and shadow).

Well-proportioned curved corner forms reminiscent (and a modern interpretation) of the Art-Deco Style at corners and between apartments soften the building and the building materiality supports the composition of elements. Durable and hard-wearing light earthy brickwork adds to the softness of the main shapes and forms. Bronze tinted glazing is complimentary to the earthy brickwork and with the Monument powder-coated window frames provide a sophisticated and recessive presentation of the glazing systems. Sun control louvre systems are similarly finished. Timber look clad balcony soffits add to the softening and homeliness of the building. (Architectural Design Report)

The development incorporates a combination material and colour section to achieve thermal qualities, durability and compatibility. The material palette compliments the articulation and key elements of the building. The façade articulation and proposed materials and finishes will provide a high-quality contemporary development which will make a positive contribution to the streetscape, commensurate with its location and anticipated future character of the locality.

3.8 Landscaping

The proposal will deliver landscaping improvements and public domain upgrades to Swift Street as part of the development of the site. The development will deliver the following public domain upgrades.

- Reinstatement of kerb and gutter in place of the two existing vehicle crossovers on Swift Street which will provide a for improved, permeable green link that connects to the wider reserve. It is noted that the proposal does include the establishment of a new crossover resulting in the net reduction of one crossover.
- Street tree replacement comprising of two (2) super advanced street trees within the Swift Street road reserve. The deciduous London Plane trees will allow for appropriate levels of sunlight, shade, and air circulation.

The project's Landscape Plan has been designed to enhance the pedestrian experience along Swift Street and create a positive amenity for future residents. Landscaping has been maximised where possible with provision of larger balconies and roof terrace spaces.

The on-structure landscaping proposed at ground level and Level 1 will form a continuous wrap around effect that can be viewed on all sides of the building. This also reinforces the street landscape by spilling over the perimeter ground level colonnade. This colonnade is essentially an awning and walkway within the site so that no incursion is made into the tree canopies and provides protection to the commercial frontages. Landscaping is also provided at the rear of the site in support of the occupant facilities including the meeting/activity room and the courtyard adjacent to the gymnasium. Refer to Figures 43 and 44 below.

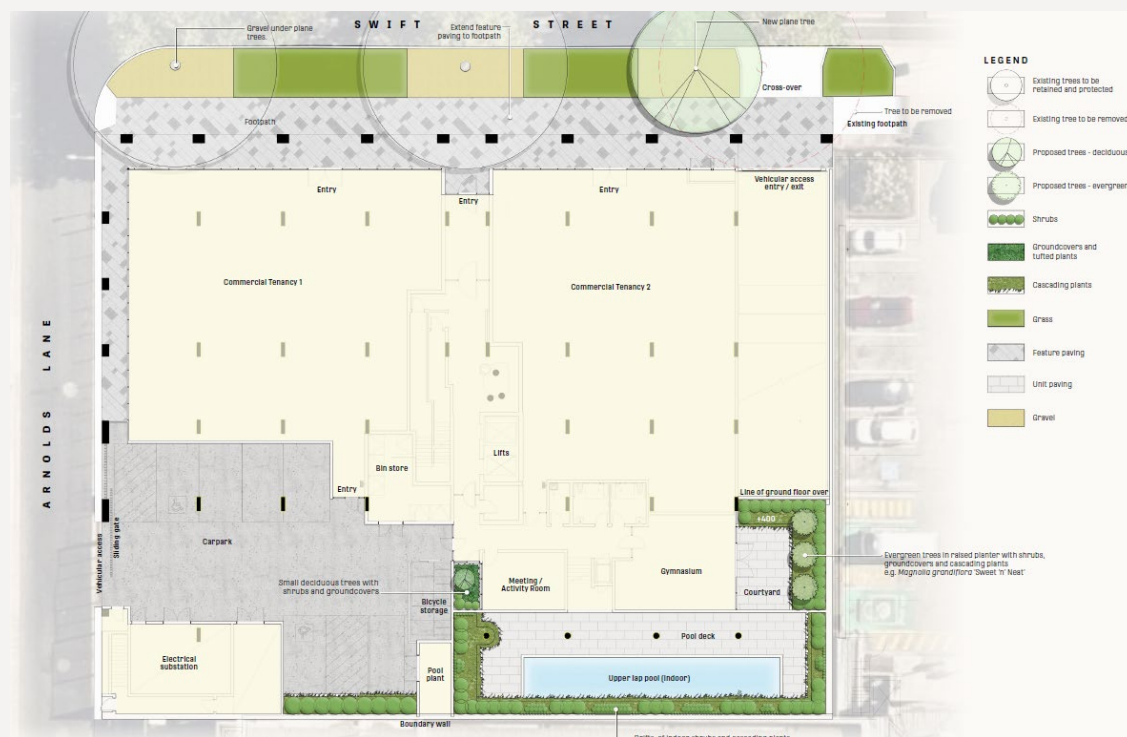


Figure 43: Proposed Ground Level Landscape Concept Plan

Podium landscaping will also assist in providing separation between apartments. The on-structure landscaping is provided across the south face of the building at Level 1 and provides a buffer to the immediate view over the roof of the adjacent shopping centre. Similarly, this landscape extends over the Substation and Switch room.

On-structure landscaping is also provided at the rear of the development upon the electrical substation and adjacent to the at grade carpark providing added civic amenity to the building when viewed from the south.

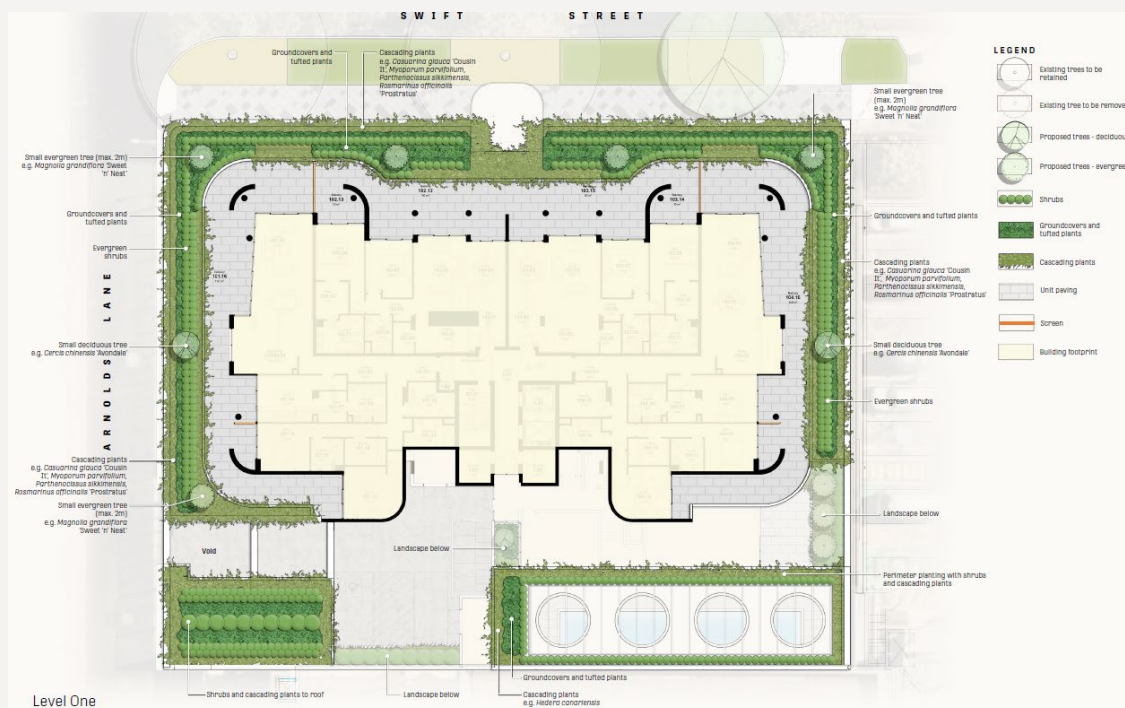


Figure 44: Proposed Level One Landscape Concept Plan

A detailed Landscape Plan including species selection is included at Appendix F.

3.9 Infrastructure and Services

The subject site is located within a well-established area of central Albury and has access to all necessary urban infrastructure for the development. The applicant has undertaken preliminary servicing analysis in consultation with Councils DBYD and survey analysis and has determined that existing services are sufficient for the proposal, with appropriate improvements to be undertaken on site as part of the detailed design works.

Sealed local roads are available to the sites frontages and have been constructed to Council standards in accordance with their hierarchy. As outlined above, vehicular access to the basement carpark will be provided from Swift Street, and the at-grade parking will be accessed directly from Arnolds Lane, both of which have historically provided access to the site in similar locations.

Sewer provision currently extends along the southern boundary of the site and with existing connections extending into the respective Lots. The sewer infrastructure is the beginning of its line and can be appropriately disconnected and removed to facilitate the development without adverse disruption to surrounding properties in the locality.

Water supply is provided along the Swift Street frontage with connection presently provided from to each existing building. These services will be appropriately capped prior to demolition works and re-established in accordance with a detailed strategy.

Stormwater drainage provisions exist along the Swift Street frontage, with the proposal to include new on-site infrastructure connecting with these services. A proposed stormwater concept plan has been prepared which demonstrates the manner in which stormwater will be collected and conveyed to Council's existing system, refer to Figure 45 below.



The application includes the stratum Subdivision of the development. The subdivision will result in two commercial tenancy Lots at ground level and 26 residential apartment Lots over Levels 1-7. As indicated by the stratum plans at Appendix E, all other areas of horizontal and vertical circulation within the development are common areas and common property.

Table 4: Subdivision Lot summary

23083 Demolition of existing buildings and construction of a new multi-storey, mixed-use apartment building

12	Apartment 12	PT12 - 2 spaces
13	Apartment 13	PT13 - 2 spaces
14	Apartment 14	PT14 - 2 spaces
15	Apartment 15	PT15 - 2 spaces
16	Apartment 16	PT16 - 2 spaces
17	Apartment 17	PT17 - 2 spaces
18	Apartment 18	PT18 - 2 spaces
19	Apartment 19	PT19 - 2 spaces
20	Apartment 20	PT20 - 2 spaces
21	Apartment 21	PT21 - 2 spaces
22	Apartment 22	PT22 - 2 spaces
23	Apartment 23	PT23 - 2 spaces
24	Apartment 24	PT24 - 2 spaces
25	Apartment 25	PT25 - 2 spaces
26	Apartment 26	PT26 - 2 spaces
27	Commercial Tenancy 27	PT27 - 2 spaces
28	Commercial Tenancy 28	PT28 - 2 spaces

All other areas of the building are designated common property and include horizontal and vertical circulation areas, services rooms, bin storage, gymnasium, lobby, landscaped areas and hardstand vehicle manoeuvring and at-grade parking areas.

A copy of the proposed Subdivision Plans are provided at Appendix E.

4. Planning Assessment

4.1 Commonwealth Legislation

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), along with the *Environmental Protection and Biodiversity Conservation Regulations 2000*, provide the framework to assess proposed actions that will have, or are likely to have, a significant impact on Matters of National Environmental Significance (MNES), Commonwealth land, or are proposed to be undertaken by the Commonwealth or a Commonwealth Agency.

The EPBC Act provides for the protection of matters of national environmental significance and enhance the protection and management of natural and cultural places.

These Matters of National Environmental Significance include:

- World Heritage properties
- National Heritages Places
- RAMSAR wetlands
- Cetaceans, migratory species, threatened species, critical habitats or ecological communities listed in the EPBC Act
- Commonwealth land, marine areas or reserves; and
- Nuclear actions.

The subject land does not contain any MNES, nor does it adjoin land that contains a MNES. Similarly, the proposal does not represent a nuclear action or works by or on behalf of the Commonwealth and is not a controlled action. Accordingly, an approval from the Commonwealth Minister for Environment is not required under the EPBC Act.

4.1.2 Native Title Act 1993

The *Native Title Act 1993* (NT Act) seeks to balance Indigenous and non-Indigenous peoples' rights to land. The NT Act has a number of functions including creating processes through which native title can be recognised and protected.

The NT Act is administered by the National Native Title Tribunal which is responsible for maintaining a register of native title claimants and bodies to whom native title rights have been granted. The NT Act prescribes that native title can be extinguished under certain circumstances, including the granting of freehold land.

A review of Search Register of Native Title Claims and records by the National Native Title Tribunal has not identified an active or determined title claim covering the area of the proposed works. Further, given the historical ownership and use of the land, there are no areas within the subject land where native title may not have been extinguished.

4.2 State Legislation

4.2.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is administered by both NSW DPIE and by local government. It is the primary legislation governing environmental planning and assessment for NSW.

The objects of the EP&A Act relevant to the current proposal include:

- *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- *to promote the orderly and economic use and development of land,*
- *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- *to promote good design and amenity of the built environment,*
- *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- *to provide increased opportunity for community participation in environmental planning and assessment.*

It is considered that the Project meets these objectives as it will support sustainable development that promotes the social, environmental and economic welfare of the community, will not create environmental harm, promotes good design and provides opportunities for community participation during the planning and assessment process of the Project.

Section 4.15 of the EP&A Act 1979 sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(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."*

The matters for consideration identified in Section 4.15(1) of the EP&A Act 1979 are addressed in the following sections. Subsections (b) to (e) of Section 4.15(1) of the EP&A Act 1979 are addressed in Section 5 of this Statement of Environmental Effects.

The proposal is not identified as “designated development” under section 4.10 of the EP&A Act. or “integrated development”, pursuant to section 4.46 of the EP&A Act.

The proposed development requires consent under Section 4.2 of the EP&A Act. This Statement of Environmental Effects and supporting documentation addresses the matters to be considered under clause 4.15 of the Act.

4.2.2 Environmental Planning and Assessment Regulation 2021

Clause 29 of the EP&A Regs requires that a DA that relates to residential apartment development be accompanied by a statement by a qualified designer. Subclause 2 requires that the statement must:

- (a) *verify that the qualified designer designed, or directed the design of, the development, and*
- (b) *explain how the development addresses—*
 - (i) *the design quality principles, and*
 - (ii) *the objectives in Parts 3 and 4 of the Apartment Design Guide*

An Architectural Design Report prepared by CohenLeigh Architects accompanies the Application at Appendix D. It includes a Design Verification Statement, as well as an assessment against the Design Quality Principles at SEPP 65.

The development application is accompanied by BASIX certificates and Nationwide House Energy Rating Scheme (NatHERS) Certificates for the respective apartments.

Clause 61 of the Regs requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. It is confirmed that the proposed demolition works will consider the applicable requirements of the AS 2601 – 2001.

4.2.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the principal piece of environmental legislation in NSW relating to the conservation of biological diversity and the promotion of ecologically sustainable development. The Act establishes a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity value.

The subject land is not identified in Biodiversity Values Map as having significant biodiversity values. Further, it is confirmed that there will be no clearing of any native vegetation and the development does not exceed the minimum area clearance thresholds under the Biodiversity Offset Scheme (BOSET) and consequently, the proposal does not trigger a BDAR in this instance.

An assessment of the proposed development has determined that the proposed works will not have an adverse impact on matters regarding biodiversity as the development does not involve the removal of any remnant or native trees or groundcover.

Based on the assessment above of the subject site, the BC Act does not apply.

4.2.4 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) is the primary legislation dealing with Aboriginal cultural heritage in NSW. The harming or desecrating of Aboriginal objects or places is an offence under section 86 of the Act. Under section 90, an Aboriginal heritage impact permit (AHIP) may be issued in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons.

A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken to determine the presence of any recorded aboriginal heritage sites or objects within, or in proximity to the subject site. The search confirmed that no Aboriginal sites or places have been recorded on the land.

The land is heavily disturbed and does not contain any natural features that would indicate the presence of items of Aboriginal cultural significance. Consequently, an Aboriginal Heritage Impact Permit (AHIP) is not required in this instance under Section 90 of the NPW Act.

4.2.5 Water Management Act 2000

The *Water Management Act 2000* (WM Act) provides for the sustainable and integrated management of the State's water resources for the benefit of both present and future generations.

Part 3 of the Act outlines certain types of approvals, and activities that require approval, from the NSW Department of Industry – Water (DoI Water) where the activity is being carried out within 40 metres of a waterway.

A search of NSW Hydro Line spatial data did not identify any natural waterways in the vicinity of the development and a controlled activity approval is not required.

4.3 State Environmental Planning Policies

4.3.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* relates to 'remediation of land' and sets out considerations relating to land contamination across the state. In the context of this proposal, this chapter generally requires that consideration be given to whether or not land proposed for development is contaminated and fit for use for its intended purpose.

A review of the Contaminated Land Management Act 1997 (CLM Act) and a search of any actions, order or licences issued under the *Protection of the Environment Operations Act 1997* (POEO Act) revealed no records of any contaminated material or activity potentially occurring on the site.

The subject land falls within urban zoned land and has only ever been used residential land uses and more recently circa 2010, commercial office uses. The existing and ongoing activities are not known to have been the subject of any complaints with regard to land use practices that may cause contamination, and an onsite inspection of the site did not reveal any evidence of materials or odours that would be the subject of contamination and likewise, there is no physical evidence of contamination of the site. Consequently, the land is considered fit for its proposed purpose and the relevant considerations of the SEPP (Resilience and Hazards) therefore are deemed to be satisfied.

No further assessment of potential land contaminating activities is considered warranted. The ongoing use of the land is permissible and appropriate.

4.3.2 State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 identifies development that is State significant development, State significant infrastructure and critical State significant infrastructure, and development that is 'regionally significant development'.

Regionally significant development is defined by Part 2.4 of the SEPP (Planning Systems) and refers to development specified in Schedule 6 which includes 'general development' with a capital investment value of more than \$30m.

As confirmed by the submitted Quantity Surveyors Report, the development has a CIV that exceeds \$30m and is consequently declared as regionally significant development.

The development is not Designated Development and is not State Significant Development.

4.3.3 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential apartment development in NSW. It is applicable to the proposal because it meets the criteria of being a new building of three or more storeys containing four or more dwellings.

To support the aims of the SEPP there are nine (9) design quality principles. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. Clause 28(2) of the SEPP requires Council to take into consideration the design quality of the development when evaluated in accordance with the design quality principles, as well as the Apartment Design Guide (“the ADG”). It is noted there is no provision for a design review panel in Albury City LGA.

Clause 29 of the EP&A Regs requires that a DA that relates to residential apartment development be accompanied by a statement by a qualified designer. Subclause 2 requires that the statement must:

- a) *verify that the qualified designer designed, or directed the design of, the development, and*
- b) *explain how the development addresses—*
 - (i) *the design quality principles, and*
 - (ii) *the objectives in Parts 3 and 4 of the Apartment Design Guide*

This Design Verification Statement has been prepared by CohenLeigh Architects and accompanies the Architectural Design Report provided attached at Appendix D. It is noted that there are various elements of the controls expressed in the ADG’s that take precedence over local controls where there is an inconsistency. Under clause 6A of the SEPP, controls expressed in the *Albury Development Control Plan 2010* (the DCP) cannot be inconsistent with those in the ADG for:

- (a) *visual privacy,*
- (b) *solar and daylight access,*
- (c) *common circulation and spaces,*
- (d) *apartment size and layout,*
- (e) *ceiling heights,*
- (f) *private open space and balconies,*
- (g) *natural ventilation,*
- (h) *storage.*

Likewise, under clause 30 of the SEPP, if the standards relating to the following in the ADG are met, they cannot be used as grounds for refusal:

- (a) *car parking.*
- (b) *apartment floorspace.*
- (c) *ceiling height.*

The Architectural Design Report addresses the Design Quality Principles of SEPP 65 as well as the ADG’s at Appendix D. It describes how the design quality principles have been met and demonstrates how the objectives of Parts 3 and 4 of the ADG have been achieved. An assessment

of the proposed development against the key provisions of the Apartment Design Guide (ADG) is summarised in Table 5 below.

Table 5: ADG Assessment Summary

Design Criteria	Proposal
PART 2 DEVELOPING THE CONTROLS	
2A Primary controls	The development has been designed to satisfy the applicable statutory development standards and the ADG's and where applicable the intent of these controls.
2B Building envelopes	The sites development potential, and ultimately its building envelope is defined by the sites FSR and the building height limitations. The development has been designed to comply with these development standards.
2C Building height	<p>The development has a maximum build height of 29.6 metres ensuring the development responds to the desired future character and scale of Swift Street and the local area.</p> <p>The height to the last level served is 23metres.</p> <p>The development maintains adequate daylight and solar access to all apartments, and adjoining properties.</p>
2D Floor space ratio	<p>FSR: 2.62: 1 (max. allowed 3.00)</p> <p>GFA: 5,037m² (max. allowed 6069 m²)</p> <p>Complying with the FSR ensures the development aligns with the optimum capacity of the site and the desired density of the local area.</p>
2E Building depth	The bulk of the development is considered to be consistent with the desired future context. The building depths supports apartment layouts that meet design criteria and design of the ADG.
2F Building separation	<p>Noting that no building separation is necessary where building types incorporate blank party walls, the ADG building separation distances are considered to be achieved in all directions.</p> <p>Common open spaces also ensure that reasonable levels of external and internal visual privacy are achieved. building part above first floor. The separations achieve the intent of this control with respect to visual and acoustic privacy, outlook, daylight, sunlight, and natural ventilation.</p>
2G Street setbacks	The street setback satisfies the desired character of the Albury CBD Masterplan. It maintains desired spatial proportions of the street and defined street edge.

	Upper-level setbacks assist in achieving visual privacy to apartments from the street and create good quality open spaces whilst promoting passive surveillance and outlook to the street.
2H Side and rear setbacks	The development achieves required setbacks and building separation, visual privacy of at-grade communal open spaces and upper floor internal and external private open spaces.

PART 3 SITING THE DEVELOPMENT

3A Site analysis	Refer to attached Architectural Plans and detailed analysis contained within this SEE.
3B Orientation	The building is designed and orientated to maximise northern orientation and solar access to internal living areas. It also addresses the streetscape and promotes views and high-quality amenity areas.
3C Public domain interface	<p>The public domain interface is achieved at the street edge in compliment with the ground floor commercial tenancies.</p> <p>The development contributes to the quality and character of the street with fenestration and articulation with subtle variations and an attractive at-grade pedestrian scale.</p>
3D Communal and public open space	The development includes private internal and external communal open spaces on ground floor. These spaces are functional and provide a landscaped amenity with opportunities for group and individual recreation and activity, social interaction and environmental and water cycle management.
3E Deep soil zones	<p>It is noted in the site analysis above that there are no significant or substantial trees on the site to be retained. In the circumstance of the proposal, achieving the design criteria for deep soil zones is not possible on the subject site with the proposed development as discussed below.</p> <p>The location and building typology of the development does not enable space for at-grade deep soil zones. Being located in the commercial core of the CBD, the site requires a single level boundary to boundary basement carpark precluding the site potential for at-grade deep soil zones. Notwithstanding the developments entire site coverage and the impracticality of providing deep soil zones as a part of upper level communal open spaced, the design response does include meaningful landscape planting at ground level and first floor level that improves residential amenity and promotes management of water and air quality satisfying the objective for deep soil zones.</p> <p>As detailed in the Landscape Plan at Appendix F the development includes deciduous trees up to 2metres and evergreen shrubs in raised planter boxes within communal areas at ground level and at the street front, and upon level one podium. The combination of low height (up to 2metres) trees and shrubs and cascading plants will form an</p>

	<p>interface to the public domain and, along with the existing of street trees, will offset the absence of deep soil zones on the site.</p> <p>It is noted that alternate stormwater management measures are to be achieved where stormwater collection is being provided upon the rooftop and will be used for onsite irrigation of all planters.</p> <p>The on-structure planting as described above will complement the proposed additional on-street tree replacements and will reinforce the provision of landscaping at the building interfaces with the street and adjacent sites.</p>
3F Visual Privacy	<p>The development achieves the appropriate levels of privacy, noting that no building separation is necessary where the adjoining buildings incorporate blank facing walls.</p> <p>The design and location of common open spaces also ensure that reasonable levels of external and internal visual privacy are achieved.</p>
3G Pedestrian access and entries	<p>The building entries provide a connection to ground floor tenancies and private access lift to the apartments within a communal and public space and is visible from the public domain upon entry.</p> <p>The design of the entry at the street frontage contributes to the identity of the building and the character of the streetscape and is clearly identifiable and accessible. Pedestrian links through sites facilitate direct connections to building access areas including lift lobbies, stairwells and hallways, and communal spaces, EoT's and applicable service areas.</p> <p>Electronic access and audio/video intercom will be provided to manage secure access.</p>
3H Vehicle Access	<p>The proposal consolidates two existing vehicle crossovers into one single point of entry/exit to/from the basement carpark. The proposed access unavoidably conflicts with an existing street tree and its removal will see two (2) super-advanced tree replacements in Swift Street.</p> <p>The at-grade carparking is accessed directly from Arnolds Lane and behind the building line. Garbage collection and delivery services will coexist in these areas where they are suitably located and screened away from the public domain minimising pedestrian a vehicle conflicts. Delivery and waste collection times will be managed by the site manager to eliminate conflicts and adverse impacts, and without the need to designate loading areas.</p> <p>Access to the site via separate entry and exit driveways from Swift Street and Arnolds Lane, as well as the parking and internal manoeuvring areas, meet the minimum requirements of AS2890. Refer to attached TIAR at Appendix J.</p>
3J Bicycle and car parking	<p>Noting Albury is a nominated regional centre for 'design criteria 1'(ADG), the proposed development is required to satisfy the minimum requirements for residents and visitors as set out in the <i>Guide to</i></p>

	<p><i>Traffic Generating Developments</i>, or the requirements prescribed by the Councils DCP, whichever is less.</p> <p>An assessment of the proposed bicycle parking/storage provision confirms the development complies with the minimum requirement by the DCP being '1 bicycle rack space for each 10 [car] spaces'. The development has a total of 58 carparks and will have provision of a bicycle rack catering for a minimum x10 bicycles.</p>
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PART 4 - DESIGNING THE BUILDING

Amenity

4A Solar and daylight access	All apartments living rooms and POS areas receive a minimum of 3 hours of solar access between 9am and 3pm mid-winter and satisfy the requirements under this clause.
4B Natural ventilation	All habitable rooms are naturally ventilated, and greater than 60% of apartments are naturally cross and corner ventilated with two aspects. All habitable spaces in the balance of apartments have one aspect and have opening windows to the outside. The depth of these habitable spaces are only the single room or space deep i.e. different overlapping spaces are not layered back from a window wall but overlap across window walls.
4C Ceiling heights	<p>The development proposes to achieve the minimum ceiling heights required by the design criteria as follows:</p> <ul style="list-style-type: none"> - minimum 2.85metres for habitable rooms - minimum 2.45metres for non-habitable rooms and wet areas - minimum 2.9metres (to ceiling) for commercial ground floor tenancies (3.8m overall). <p>The final finished height will be subject to suitable engineering design outcome that determines the floor slab and beam design.</p>
4D Apartment size and layout	<p>The development proposes the following apartment types and mix:</p> <ul style="list-style-type: none"> - Two-bedroom – 10 apartments - Three-bedroom – 16 apartments <p>The proposed apartment mix provides a choice of 2 and 3 bedroom apartments to satisfy the expected market demand. All apartment types meet or exceed the minimum size and internal area requirements.</p> <p>Every habitable room has a window in an external wall and has a minimum glass area of not less than 10% of the floor area of the room. All apartments are orientated with a northern exposure to the main habitable living room.</p>

	<p>All habitable rooms are more than 10% windowed to the outside and these are visible from all spaces within. Windows are full height to 3.0m high with a 150mm pelmet recess to the ceiling height of 2.85m.</p> <p>In the deepest open plan front middle apartments on levels 1-5 the maximum depth to ceiling height ratio is 1.93metres with respect to 4D.2 in the ADG.</p> <p>In the deepest open plan rear apartments on levels 6-7 the maximum depth to ceiling height ratio is 2.2 with respect to 4D.2 in the ADG.</p> <p>Kitchens are excluded from circulation space.</p>
4E Private open space and balconies	<p>All apartments have designed to exceed the minimum private open space requirements size for each dwelling type with generously designed balcony/terrace spaces adjacent top living spaces and bedrooms generally 2 metres wide for both 2 and 3 bedroom apartments.</p>
4F Common circulation and spaces	<p>The maximum number of apartments off a circulation core on a single level does not exceed 4.</p> <p>All common circulation spaces promote safety and provide for social interaction between residents. Refer to Design Quality Principle 7: Safety.</p>
4G Storage	<p>Each unit exceeds the minimum storage requirements across the basement and internally to each apartment.</p> <p>Basement cage storage supplementing the internal storage is provided at a rate of approximately 9m³ per car space. All apartments have 2 designated carparks and therefore a minimum of 18m³ of basement cage storage.</p>
4H Acoustic privacy	<p>Adequate building separation is provided within the development and from neighbouring buildings.</p> <p>All walls, floors and ceilings are to be designed to meet at least the minimum requirements of the NCC and all internal walls within apartments are to include acoustic insulation in excess of the NCC requirements.</p> <p>All external glazing is double glazed and acoustically sealed.</p>
4J Noise and pollution	<p>The development has been designed to mitigate and specifically address excessive noise pollution generated from the adjacent shopping centre.</p> <p>The mechanical exhaust ventilation equipment located on the common southeastern boundary is known to generate noise that exceeds the applicable criteria under the Noise Policy for Industry. Noise logging and modelling has been undertaken to determine where it is necessary for habitable spaces to maintain acceptable internal noise levels (such as those recommended by AS 2107).</p>

	<p>The development design response has subsequently ensured all apartments achieve compliance by incorporating screening with proposed parapets and barrier/screening elements, particularly in the southern elevation, which is most exposed to noise from the supermarket plant. The swimming pool and structure has been sited specifically to obstruct the transfer of noise to the apartment which is evidently effective.</p>
Configuration	
4K Apartment mix	<p>The development proposes the following apartment types and mix:</p> <ul style="list-style-type: none"> - Two-bedroom – 10 apartments - Three-bedroom – 16 apartments <p>The proposed apartment mix provides a choice of 2 and 3 bedroom apartments to satisfy the expected market demand and projected demographic trends. All apartment types meet or exceed the minimum size requirements.</p>
4L Ground floor apartments	Not applicable
4M Facades	<p>The building materiality supports the composition of elements. Durable and hard-wearing light earthy brickwork adds to the softness of the main shapes/forms. Bronze tinted glazing is complimentary to the earthy brickwork and with the Monument powder coated window frames provide a sophisticated and recessive presentation of the glazing systems. Sun control louvre systems are similarly finished.</p> <p>Timber- look clad balcony soffits add to the softening and homeliness of the building and when viewed from the street.</p>
4N Roof design	<p>A high-quality roof layout and design is proposed to accommodate stormwater storage tanks (2 x 20,000litre) an PV solar panels to assist in the building efficiencies. The on-structure rooftop plant and equipment forms an important part development and is designed to protect the skyline views.</p>
4O Landscape design	<p>The landscaped on-structure podium at Level 1 that wraps around the open 3 sides reinforces the street landscape by spilling over the perimeter ground level colonnade.</p> <p>Landscape is also provided on the ground floor structure in support of the occupant facilities including the Meeting/Activity Room and Gymnasium. This landscape will spill over the opening into the basement carpark and will also be evident towards the south end of the east wall to the adjacent open carpark.</p>
4P Planting on structures	Refer to landscape discussion above.

4Q Universal design	The apartments have been designed with convenient and accessible communal and public areas and with high levels of solar access. Whilst the apartments are somewhat flexible in their layout, they have been designed to accommodate a range of lifestyle needs and are not intended to be adapted.
4R Adaptive reuse	Not applicable
4S Mixed use	<p>The development incorporates mixed uses with commercial tenancies and uses proposed on the ground floor and residential apartments on floors above.</p> <p>The design includes and active street frontages that encourages safe and accessible pedestrian and resident pedestrian.</p>
4T Awnings and signage	Not applicable
Performance	
4U Energy efficiency	The development is accompanied by BASIX Certificates and NatHERS Certificates for the apartments at Appendix L.
4V Water management and conservation	The Building Sustainability Index (BASIX) ensures that all new dwellings are designed to minimise potable water use and reduce greenhouse gas emissions and are incorporated into the developments design.
4W Waste management	<p>Waste storage facilities are located at accessible grade at the rear of the building. The waste storage area is designed and located to minimise impacts on the streetscape, building entry and amenity of residents.</p> <p>The waste storage is located within the development and a dedicated waste storage location that is fully enclosed. It will not be visible from a public space consistent with the design guidance.</p> <p>Waste will be collected from the internal driveway area accessed from Arnolds Lane by a private contractor and disposed at Councils waste management centre. All apartments are separated from this area and there is no potential for conflicts with the waste storage area.</p>
4X Building maintenance	The building materiality supports the composition of durable and hard-wearing elements and light earthy colouring. Recessive glazing systems and sun control louvre systems are similarly finished minimising visual wear and maintenance. Timber-look clad balcony soffits will be protected from direct sunlight and weather elements.

4.3.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 seeks to ensure consistency in the implementation of the BASIX scheme throughout the State and stipulates when a BASIX Certificate is required for residential development that involves the erection of a 'BASIX-affected building' as defined in the EP&A Act.

As the development involves the construction of new residential accommodation, BASIX Certificates are required. BASIX Certificates and NatHERS Certificates for the apartments are included at Appendix L.

4.3.5 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Urban Areas) 2017 aims to protect the biodiversity and amenity values of trees and other vegetation in non-urban areas of the State.

The SEPP applies to vegetation in any non-rural area of the State (such as the E2 zone) that is declared by a Development Control Plan to be vegetation to which this SEPP applies. Section 5.2 of the DCP outlines trees that are declared by a DCP for the purposes of this SEPP (formerly Clause 5.9 of the LEP).

The development proposes the removal of one (1) exotic street tree at Swift Street to facilitate site access. A Tree Assessment Report has been prepared by Local Tree Care and provided attached at Appendix H. It addresses the relevant considerations for the tree's removal including key observations and recommendations.

The proposed tree removal is considered appropriate in this instance as the land is biodiversity certified and the trees are, planted and non-native species and do not form part of a heritage item conservation area or area of significance. Furthermore, the land, including the road reserve is not considered critical habitat and their removal will not result in the loss or extinction of any threatened species. Accordingly, the proposed development will not have an adverse environmental impact on threatened species.

Notwithstanding the above, the tree provides positive visual and amenity contributions to the streetscape, however throughout the design process it is determined that its removal is unavoidable in accommodating the most appropriate and safe vehicle access to the basement. In lieu of the trees loss it is proposed to replace the tree with two (2) super advanced trees of the same species, under the guidance of Councils Urban Forest and asset management team to offset the trees loss and make an improved positive contribution to the streetscape setting and balance with the scale of the building. As discussed at Section 4.5 below, the net result is an additional super advanced street tree lining Swift Street forming an avenue of streets that improves Albury's vegetation and urban canopy cover now and into the future.

4.3.6 Murray Regional Environmental Plan No 2 – Riverine Land (deemed SEPP)

The subject site falls within the area to which *Murray Regional Environmental Plan No 2 – Riverine Land* ("MREP") applies. The aims of the MREP are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

The objectives of the MREP are:

- (a) *to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray;*
- (b) *to establish a consistent and coordinated approach to environmental planning and assessment along the River Murray; and*
- (c) *to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

MREP2 requires Council to consider a number of general and specific principles when considering development proposals to which the plan applies. These controls generally relate to the protection of the River Murray and are addressed in Table 6 below.

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

Table 6: Consideration of planning principles in MREP2

Principles to be taken into account	Consistency
General	
<i>(a) the aims, objectives and planning principles of this plan.</i>	Satisfaction against the general objectives can be determined by the assessment against the specific principles below.
<i>(b) any relevant River Management Plan</i>	There are no known river management plans endorsed by the Murray Darling Basin Authority (MDBA) relevant to the proposal.
<i>(c) any likely effect of the proposed plan or development on adjacent and downstream local government areas.</i>	Polluted stormwater is the only consequence of the development that potentially could have a detrimental downstream impact. Notwithstanding, given the large setback of the proposed works from the Murray River and the fact that stormwater will be discharged to council's drainage network the risk of contaminating river water is low.
<i>(d) the cumulative impact of the proposed development on the River Murray.</i>	The development is not expected to have a cumulative impact on the Murray River.
Access	
<i>The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported.</i>	Not applicable, the subject land does not comprise the foreshore of the Murray River.
<i>Development along the main channel of the River Murray should be for public purposes. Moorings in the main channel should be for the purposes of short stay occupation only.</i>	Not applicable, the subject land is not located adjacent to the main channel.

Principles to be taken into account	Consistency
<i>Human and stock access to the River Murray should be managed to minimise the adverse impacts of uncontrolled access on the stability of the bank and vegetation growth.</i>	The subject land does not contain any stock and none are proposed.
Bank disturbance	
<i>Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.</i>	Not applicable, the subject land does not comprise the bank of the Murray River.
Flooding	
<p><i>Where land is subject to inundation by floodwater:</i></p> <ul style="list-style-type: none"> • <i>the benefits to riverine ecosystems of periodic flooding,</i> • <i>the hazard risks involved in developing that land,</i> • <i>the redistributive effect of the proposed development on floodwater,</i> • <i>the availability of other suitable land in the locality not liable to flooding,</i> • <i>the availability of flood free access for essential facilities and services, the pollution threat represented by any development in the event of a flood,</i> • <i>the cumulative effect of the proposed development on the behaviour of floodwater, and</i> • <i>the cost of providing emergency services and replacing infrastructure in the event of a flood.</i> 	Not applicable, the subject site is not identified as being flood prone.
<i>Flood mitigation works constructed to protect new urban development should be designed and maintained to meet the technical specifications of the Department of Water Resources</i>	See above for further details.
Land degradation	

Principles to be taken into account	Consistency
<i>Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats.</i>	All works will be conducted in accordance with a sediment and erosion control plan.
Landscape	
<i>Measures should be taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species.</i>	Not applicable, the subject land is not located within a 'riverine environment'.
River related uses	
<i>Only development which has a demonstrated, essential relationship with the River Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray</i>	Not applicable.
<i>Development which would intensify the use of riverside land should provide public access to the foreshore.</i>	The proposal will not alter existing public access arrangements.
Settlement	
<i>New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located:</i> <ul style="list-style-type: none"> (a) on flood free land, (b) close to existing services and facilities, and (c) on land that does not compromise the potential of prime crop and pasture land to produce food or fibre. 	The development appropriately responds to the natural constraints of the site as demonstrated within this report.

Principles to be taken into account	Consistency
Water quality	
<i>All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.</i>	The proposed land use will not cause 'salt and nutrients' to enter the river.
Wetlands	
<p><i>Wetlands are a natural resource which have ecological, recreational, economic, flood storage and nutrient and pollutant filtering values.</i></p> <p><i>Land use and management decisions affecting wetlands should:</i></p> <p><i>(a) provide for a hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland,</i></p> <p><i>(b) consider the potential impact of surrounding land uses and incorporate measures such as a vegetated buffer which mitigate against any adverse effects,</i></p> <p><i>(c) control human and animal access, and</i></p> <p><i>(d) conserve native plants and animals</i></p>	Not applicable, the subject land does not contain a wetland.

4.4 Albury Local Environmental Plan 2010

The *Albury Local Environmental Plan 2010* (LEP) is the principal planning instrument that guides development within the Albury City LGA.

The applicable provisions of the LEP are:

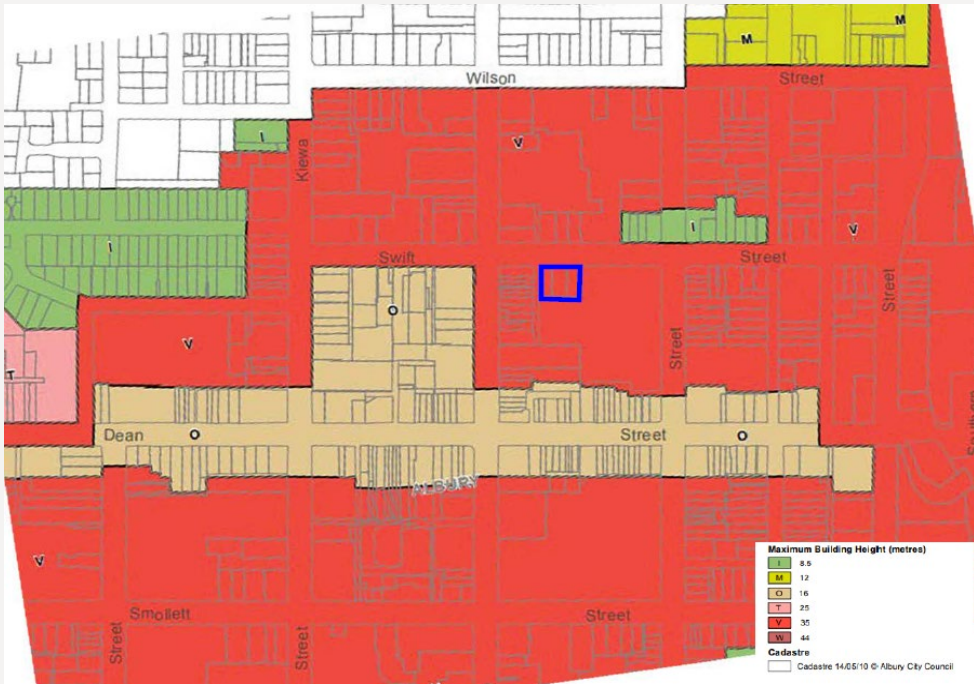
- Clause 2.3 – Zone Objectives and Land Use Table
- Clause 2.6 – Subdivision – consent requirements
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of Buildings
- Clause 4.4 - Floor Space Ratio
- Clause 5.10 – Heritage Conservation
- Clause 7.1 – Earthworks

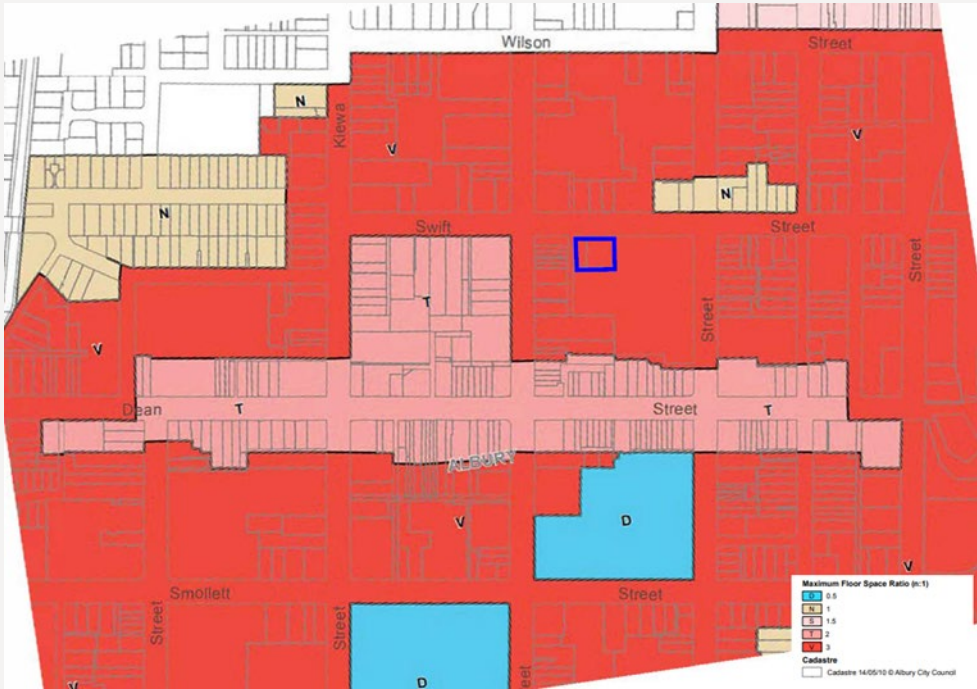
- Clause 7.6 – Essential Services

Table 7 below provides an assessment of consistency and compliance of the proposal against the relevant provisions.

Table 7: LEP Provisions Overview

Clause	Assessment Response
Clause 2.3 – Zone Objectives and Land Use Table	<p>The subject land is zoned E2 Commercial Centre (E2 zone) under the LEP. The objectives of the E2 zone are as follows:</p> <ul style="list-style-type: none"> • <i>To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.</i> • <i>To encourage investment in commercial development that generates employment opportunities and economic growth.</i> • <i>To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.</i> • <i>To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.</i> • <i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i> • <i>To increase the permanent population within the commercial centres by encouraging shop top housing and mixed use development.</i> <p>The development satisfies the objectives of the zone by:</p> <ul style="list-style-type: none"> • Providing a mix of residential and non-residential land uses which are compatible with each other and surrounding land uses • Facilitating a medium density residential development in an appropriate location with access to employment, day to day services and public transport • Proposing mix use living with high amenity values • Strengthening the role of the commercial centre by providing increased employment opportunities both during the construction and future occupation and operation of the commercial tenancies • Ensuring a building form, type and scale that is compatible with the desired future character and surrounding built environment and does not detract from the amenity enjoyed by the nearby workforce and residents or the existing quality of the environment • Responding to the changing character of the area and addressing the public domain and activating the streetscape with residential uses above.
Clause 2.3 – Land Use and Permissibility	<p>Under the LEP the proposed development is defined as a 'shop top housing' which is expressly permitted with consent in the E2 zone.</p> <p>Shop-top housing is defined as follows:</p> <p><i>one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.</i></p>

Clause	Assessment Response
	<p><i>Note—</i></p> <p><i>Shop top housing is a type of residential accommodation—see the definition of that term in this Dictionary (Albury Local Environmental Plan 2010)</i></p>
Clause 2.6 Subdivision—consent requirements	<p>Under the LEP, land may be subdivided, but only with development consent.</p> <p>This application includes a stratum subdivision and consent is required under this clause.</p>
Clause 2.7 – Demolition requires development consent	<p>Under the LEP, demolition of a building or work may only be carried out with development consent.</p> <p>This application includes demolition works to allow for site preparation and removal of redundant structures on site (including crossovers etc.) and consent is required under this clause.</p>
Clause 4.3 – Height of buildings	<p>Clause 4.3 relates to the maximum height of a building permitted in the applicable height of buildings map. It seeks to ensure the height of buildings complement the streetscape, protect the heritage character and significance of buildings and not adversely affect the heritage integrity of heritage items and conservation areas, ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy, and to nominate heights that will provide a transition in built form between varying land use intensities.</p> <p>As identified in Height of Building Map (HOB_004C) extract at Figure 47 below, the site has a building height limit of 35metres.</p>  <p>Figure 46: Height of Building Maps extract (Albury LEP)</p>

Clause	Assessment Response
	<p>As confirmed by the Architectural Plan set at Appendix C the development has a maximum overall height of 29.6metres as does not exceed the maximum building height under this clause.</p>
<p>Clause 4.4 – Floor space ratio</p>	<p>Clause 4.4 relates to the maximum Floor Space Ratio (FSR) permitted in the applicable FSR map. It seeks to ensure that the density, bulk and scale of development is appropriate for a site, and that development integrates with the streetscape and character of the area in which the development is located, and to facilitate development that contributes to the economic growth of the Albury and Lavington Central Business Districts.</p> <p>As identified in FSR Map (FSR_004C) extract at Figure 48 below, the site has an FSR limit of 3:1.</p>  <p>Figure 47: Floor Space Ratio Map (Albury LEP)</p> <p>As confirmed by the Architectural Plan set at Appendix C the development has a maximum FSR of 2.62:1 as does not exceed the maximum allowable FSR under this clause.</p>
<p>Clause 5.10 – Heritage Conservation</p>	<p>Clause 5.10 of the LEP refers to heritage conservation and applies to development involving a heritage item or heritage conservation area as identified within Schedule 5 of the LEP.</p> <p>It seeks to conserve the environmental heritage of Albury, the heritage significance of heritage items and heritage conservation areas, archaeological sites and Aboriginal objects and places of heritage significance.</p> <p>Subclause 2 states that development consent is required to demolish or move a heritage item. Clause 5.10(4) requires that the consent authority must, before granting consent in relation to a heritage item or heritage conservation area, consider the effect</p>

Clause	Assessment Response
	<p>of the proposed development on the heritage significance of the item or area concerned. Clause 5.10(5) states that the consent authority may require an assessment of the impact of a proposal upon heritage significance before granting consent.</p> <p>The development includes the demolition of two locally listed heritage items (I164 and I166) in Schedule 5 of the LEP. In response to these considerations, a Heritage Impact Statement (HIS), and additional letter addressing the amended plans have been prepared by Urbis and are enclosed at Appendix I.</p> <p>The HIS includes a detailed assessment of significance, historical research of the site and surrounding items and conservation areas and provides a detailed impact assessment of both the dwellings proposed for demolition and potential impacts to the heritage items and heritage conservation areas in the vicinity, concluding that the development and its impacts are acceptable.</p> <p>The HIS was prepared based on the Heritage NSW Guidelines and considered the criteria for any development in relation to heritage item and conservation area in accordance with the requirements of Part 5.10 of the Albury LEP and Part 7 Heritage Conservation clauses of the Albury DCP. It recommended the proposal be approved having regard to the following recommendations:</p> <ul style="list-style-type: none"> • <i>A Planning Proposal should be submitted to Albury Council to amend Schedule 5 of the Albury Local Environmental Plan (LEP) 2010 to remove the subject heritage listings from the Schedule following demolition of the items.</i> • <i>Prior to the issue of a Construction Certificate, a Photographic Archival Recording should be undertaken of the places and must be prepared in accordance with the Heritage NSW Guidelines for 'Photographic Recording of Heritage Items Using Film or Digital Capture'.</i> • <i>A Heritage Interpretation Strategy should be prepared for the site by a suitably qualified heritage consultant as a condition of the approval. The Heritage Interpretation Strategy should identify significant themes and narratives for interpretation, as well as identifying potential locations, media, and indicative content for interpretation. Interpretation should be developed throughout detailed design and construction phases in conjunction with the project architect and other specialists as required.</i> <p>Matters regarding Aboriginal Cultural Heritage have also been investigated. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken, and it is confirmed that there are no recorded items of Aboriginal cultural significance within 200 metres of the subject site.</p>
Clause 7.1 – Earthworks	<p>Clause 7.1 of the LEP relates to earthworks and applies in this instance as the excavation works are not classified as exempt development under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. Consequently, consent is required for the earthworks and the provisions of this clause require consideration.</p> <p>Before Council can grant development consent, it must consider the following matters:</p> <ul style="list-style-type: none"> a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</i>

Clause	Assessment Response
	<p>b) <i>the effect of the development on the likely future use or redevelopment of the land,</i></p> <p>c) <i>the quality of the fill or the soil to be excavated, or both,</i></p> <p>d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p>e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p>f) <i>the likelihood of disturbing relics,</i></p> <p>g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area;</i></p> <p>The proposed development is consistent with these matters for consideration as follows:</p> <ul style="list-style-type: none"> • It will not adversely affect existing drainage conditions or soil stability in the area as it does not involve works to an existing drainage line. The proposed development will be connected to Council's established drainage network and the land will be stabilised during and post works. • The purpose of the works is to allow for the construction of new shop top housing development and permit onsite below grade carparking for 52 vehicles. • The nature of works is such that no additional fill material will need to be imported to the site. • The works are not expected to have an adverse amenity impact on adjoining properties as it will not result in any change to conditions beyond the subject site. • As outlined in response to Clause 5.10, the subject land has been disturbed and is not expected to contain any relics. • The subject land is not located near any significant waterway and is not expected to reduce water quality in the area.
Clause 7.6 – Essential Services	<p>Clause 7.6 of the LEP requires that development consent must not be granted unless the consent authority is satisfied that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.</p> <p>The subject land is located within an established, centrally located urban zone and therefore has access to all relevant infrastructure and services including reticulated water, sewerage, electricity, drainage, telecommunications, gas, and vehicular access. The existing site contains the provision of relevant services, and it is considered that these will be adequate to enable appropriate servicing of the site.</p> <p>The proposal satisfies the requirement of clause 7.6 by:</p> <ul style="list-style-type: none"> • (re)connecting the new development to the existing reticulated potable water supply provided to the subject land • (re)connecting to existing and augmented electricity infrastructure provided to the subject land • providing (re)connection to Council's reticulated sewage infrastructure

Clause	Assessment Response
	<ul style="list-style-type: none"> • (re)connecting to Council's stormwater drainage infrastructure; and • providing road access directly from Swift Street and services an at grade carpark access via Arnolds Lane with constructed crossovers and driveways.

4.5 Albury Development Control Plan 2010

The Albury Development Control Plan 2010 ("the DCP") provides specific requirements for development within the LGA, including the subject site.

The following chapters of the DCP are applicable to the proposed works:

- Part 3 – Development Notification Requirements
- Part 4 – Developer Contributions Plan
- Part 5 – Vegetation Protection
- Part 7 – Heritage Conservation
- Part 11 – Development in Commercial Zones
- Part 17 – Off Street Car Parking
- Appendix J – Contaminated and Potentially Contaminated Land

These matters are addressed in the following sections below.

In considering the requirements of the DCP, it is important to acknowledge the changed role of DCP's since the *Environmental Planning and Assessment Amendment Act 2012*. The Amendment Act makes it clear that the principal purpose of a DCP is to provide guidance to a consent authority rather than statutory controls. If a development application does not comply with provisions in a DCP, 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.

Planning Circular PS13-003 provides an overview as to what weight should be given to controls within a DCP when assessing development applications.

4.5.1 Part 3 – Development Notification Policy

Part 3 and Appendix B of the DCP provide the Council's requirements for notification of applications. The policy requires reference to be given to the *Community Participation Plan* which is discussed in Section 4.6.8 of this report.

4.5.2 Part 4 – Developer Contributions Plans

Part 4 of the DCP provides details regarding the payment of developer contributions, which will be levied in accordance with the requirements of the *Albury Infrastructure Contributions Plan 2014* ("the Contributions Plan").

The subject site is located within a Section 7.11 area, with developer contributions are levied at the rate of 1% of the estimated development costs. A Quantity Surveyors report setting out the estimated construction cost of the proposed development has been provided (under separate cover) as required by Section 3.14.2 of Councils Infrastructure Contributions Plan.

Section 64 of the *Local Government Act 1993* outlines the relevant contribution requirements with respect to water and sewer. A developer contribution will be levied in relation to water and sewer.

4.5.3 Part 5 – Vegetation Protection

Part 5 of the DCP guides the management and preservation of trees, vegetation, and native vegetation across the Albury LGA and applies to the proposal to remove one street tree. Clause 5.2 addresses the conservation objectives concerning tree preservation and the relevant controls. The development proposes the removal one (s) London Plane *Platanus acerifolia* street tree to facilitate site access from the street frontage and basement parking. The tree has been inspected and evaluated by visual ground inspection and a Tree Assessment Report (at Appendix H) prepared by Local Tree Care which provides recommendations for street tree pruning and street tree removal in accordance with the proposal, prior to the commencement of any development.

The Report concludes that the tree is in ‘acceptable health’ and good structure Section 5.9 (of the LEP) has since been repealed and matters regarding tree preservation in non-rural areas are now addressed by *State Environmental Planning Policy (Vegetation in Non-Rural Areas)* (“SEPP Vegetation”). In summary, the proposed development is consistent with the controls of Part 5 of the DCP.

4.5.4 Part 7 – Heritage Conservation

As outlined within this report, the subject land contains two Heritage Items listed in Schedule 5 of the LEP as:

- House, 485 Swift Street, Albury (Item 164)
- House, 487 Swift Street, Albury (Item 166)

The site is also located in proximity to other heritage items listed in the LEP and heritage conservation areas identified by the shaded and hatched areas in the heritage map extract at Figure 49 below. Consequently, the provisions of Clause 7.4.5 of Chapter 7 of the DCP apply.

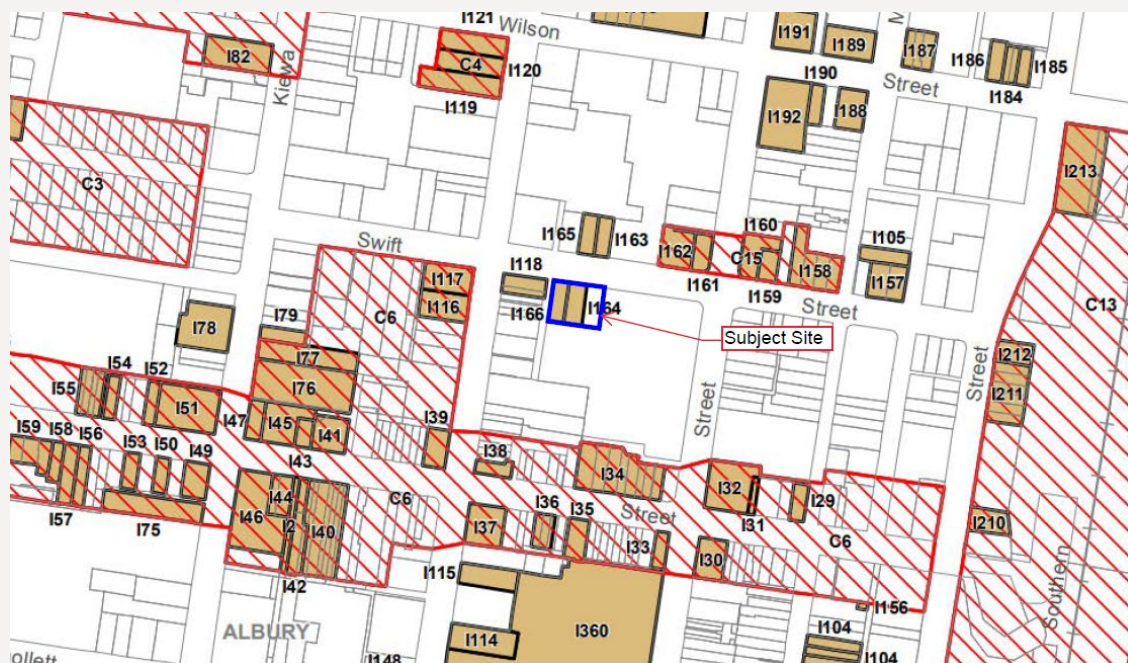


Figure 48: Heritage overlays map

The general objectives of Albury’s heritage controls are outlined below:

- To identify heritage buildings and areas within Albury and encourage the conservation and enhancement of these items.
- To maintain and enhance the overall streetscape and environmental quality of the city.

- *To promote public awareness of the significance of heritage items.*
- *To provide for public involvement in matters relating to the conservation of Albury's environmental heritage.*
- *To identify heritage conservation areas and to seek to conserve and enhance these areas.*
- *To preserve and maintain landscaping and vegetation, which contributes to the heritage significance of particular heritage items and heritage conservation areas.*
- *To ensure that alterations, additions and infill developments are sympathetic and respectful of the values of the heritage sites.*
- *To control the demolition of heritage items or buildings located within a heritage conservation area and archivally record these buildings in circumstances of demolition.*
- *To have regard to the recommendations of the Albury Mainstreet Study, the Albury City Wide and Lavington Heritage Studies, and to relevant provisions of Part 11 of this DCP, which relates to Development in Commercial Zones.*

Clause 7.4.5 of Part 7 states: *"In assessing a development proposal, Council will consider the impact of the development on the heritage significance of the heritage item, work, Aboriginal object or character, objectives and controls of the relevant heritage conservation area."*

The applicant has sought independent, professional heritage advice from Urbis who were consulted through the development design process. A Heritage Impact Statement has been prepared in support of the proposed works and is accompanied by a Structural Engineer Report prepared by Connex Group Pty Ltd and is provided attached to the HIS at Appendix I.

The Structural Condition Report assessed the structural integrity of the existing unoccupied dwelling at 487 Swift Street and concluded that 'the existing building is considered to be unsafe and dangerous', and 'poses a safety issue to the public.' The report concluded that 'the structural condition of this building is beyond repair' and recommended 'the existing building be fully demolished.'

The detailed HIS concludes that:

"The proposed development would involve the demolition of two listed heritage items, which is considered acceptable due to a detailed assessment of significance and historical research, understanding of the historical development of the Albury CBD and wider Albury, conservation areas as well as the current planning and infrastructure needs of wider Albury".

Additionally, the HIS assessed the proposed new build adding:

"The proposed development would also include the construction of a seven-storey mixed use residential apartment building within the subject site. The proposed new building would be acceptable from a heritage perspective and would not result in any adverse impact to vicinity heritage items or to the vicinity Heritage Conservation Area".

The HIS is included detailed Impact Assessment against the applicable provisions of the Albury DCP and is provided attached at Appendix I.

4.5.5 Chapter 10 – Development in the Residential Zones

Part 10 of the DCP refers to Development in the Residential Zones, with part 10.6 applicable to multi dwelling housing. While not within a residential zone, the relevant controls relating to residential development are applicable by Clause (ii) in Part 11.4 as follows:

Where a residential type development is permitted with consent within a particular zone, it shall be compliant with the requirements contained within Part 10 of this DCP, which relates to Development in the Residential Zones.

The relevant controls under Part 10 are addressed in the DCP Assessment Table at Appendix N. In summary, the proposed development is generally consistent with the applicable development controls of this chapter.

4.5.6 Part 11 – Development in the Commercial Zones

Part 11 of the DCP refers to Development in the Commercial Zones, which includes the E2 zone (previously B3 – Commercial Core zone). The relevant controls are contained at Part 11.4 – Residential development in the commercial zones and Part 11.7 – Development in the B3 Commercial Core and B4 Mixed Use Zones.

The relevant controls at these parts, as they relate to proposal are addressed at the Assessment Tables attached at Appendix N and demonstrate that the development is generally consistent with the relevant objectives and development controls.

4.5.7 Part 17 – Off-Street Car Parking

Part 17 of the DCP relates to car parking, and sets out requirements for various land uses, as well as other design related requirements for the car parking bicycles and access.

Part 17.2(i) of the DCP requires that parking be calculated in accordance with the land uses listed at Table 17.1, or “the most similar use of equivalent intensity” if the land use is not specifically listed. Part 17.2(ii) also requires that the total parking requirements shall be the sum of the requirements for the various uses.

A TIAR accompanies the DA at Appendix J and concludes that carparking is provided in accordance with AS2890.1 Parking Facilities Part 1: Off-street Car Parking and AS/NZS 2890.6 2009 Parking Facilities Part 6: Off-street parking for people with disabilities. It also confirmed that a shortfall of 12 spaces in the retail/commercial car park will have no adverse impact on the parking demand due to the accessible location of the development in the CBD and the proximity of four long/medium term public carparks (Wilson Street multi-deck, SS&A Club carpark, Myer complex and David Street) and public transport facilities on David Street and QEII square for alternate carparking options and transport modes.

Under Part 17 of the DCP, when applying the multi-dwelling housing requirements for carparking, a total of 50 spaces is required for the residential apartments. The development provides a net total of 52 spaces and thus exceeds the minimum requirements under this part.

It is concluded that the development will have no significant impact on parking demand in the CBA. Indeed, the provision of generous bicycle parking and EoT's along with the development's accessible location and access to public transport within the Albury CBA, is expected to reduce the reliance upon cars and carparking demand under the current environment and land uses.

An assessment of the development against the applicable controls of Part 17 has been addressed in the Assessment Tables at Appendix N.

4.5.8 Appendix J – Contaminated and Potentially Contaminated Land

Appendix J of the DCP contains Council's Contaminated and Potentially Contaminated Land Policy. The objectives of the Contaminated Land Management Policy are to:

- *Ensure that the Council exercises its functions in relation to the development of contaminated land with a reasonable standard of care and diligence and that decisions are made in good faith;*
- *Ensure that the likelihood of land contamination is considered as early as possible in the planning and development control process;*
- *Ensure that planning and development decisions take into account available information relating to the likelihood of land contamination;*

- *Link decisions about the development of land with the information available about contamination possibilities;*
- *Ensure that any development of contaminated land will not result in unacceptable levels of risk to human health or the environment;*
- *Avoid inappropriate restrictions on the development of contaminated land;*
- *Ensure that site investigations and remediation work are carried out in a satisfactory manner, and where appropriate, are independently verified by site audits;*
- *Facilitate the provision of consistent and reliable information to the public about land contamination;*
- *Ensure that ongoing responsibility for management and monitoring of contaminated land is clearly and legally assigned;*
- *Ensure that the community is not unduly disadvantaged by increased health and environmental risks or increased management costs when accepting the dedication of public assets;*
- *Adopt a policy approach that will provide strategic and statutory planning options based on the information about contamination; and*
- *Exercise statutory planning functions with a standard of care.*

Section 3 of this Policy outlines Council's procedures for considering land contamination issues for development applications and outlines that council must be satisfied that consideration has been given as to whether the land is contaminated and, if so, Council is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes of the proposed development.

As discussed in response to SEPP 55 above, it is considered that based on known site history and observation of existing conditions that the site is unlikely to be contaminated.

4.6 Strategic Planning Policies

4.6.1 Riverina Murray Regional Plan 2041

The *Riverina Murray Regional Plan 2041* (Regional Plan) is an update to the *Riverina Murray Regional Plan 2036*, which provided the NSW Government's vision for land uses in the Riverina Murray region. The updated regional plan is a 20-year land use plan was adopted by NSW Government in January 2023 with a targeted delivery focus on the next 5 years. It is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Riverina & Murray regions and applies to the Albury LGA.

The Minister's foreword to the document states that the Regional Plan "...recognises the need to maintain and improve the resilience of the region's important natural assets that underpin its communities and economy, and promotes more housing and greater housing choice in strategic locations throughout the region".

The Regional Plan is implemented through three (3) main themes (the environment, communities and places, and the economy) and the objectives, strategies and actions of those themes. Of the three themes the following objectives of the plan are most relevant to the proposal:

Part 2 Communities and Places

- *Objective 5 – Ensuring housing supply, diversity, affordability and resilience*
- *Objective 6 - Support housing regional cities*
- *Objective 9 – Plan for resilient places that respect local character*

Part 3 Economy

- *Objective 15 – Support the economic vitality of CBD's and main streets*

Each of these objectives is supported by a number of different strategies and actions, which seek to achieve the objectives. The proposed development responds to the plan by aligning with the following directions:

- Strategy 5.3: New urban development will:
 - *avoid constraints and hazards,*
 - *minimise land use conflicts with other uses including agricultural land, freight corridors, industrial uses, and energy developments and corridors*
 - *protect sensitive land uses from sources of air pollution such as major roads, freight routes, and railway lines, using appropriate development controls and design solutions*
 - *protect areas of high environmental value and*
 - *be integrated with existing urban areas*
 - *provide a variety of housing that reflects community need*
 - *integrate land use and transport planning, including outcomes that support public and active transport opportunities*
 - *protect the viability of city and town centres*
 - *protect and enhance local character*
 - *consider access to existing, or provide new services and infrastructure as an area is developed*
 - *be designed to support walking and cycle-friendly neighbourhoods and connect to existing active transport networks.*
- Strategy 6.1:
 - *increase infill and residential densities within or close to the CBD*
- Strategy 9.3: Councils should undertake strategic, place-based planning of CBDs and main streets to:
 - *identify opportunities to diversify land uses and activate and/or revitalise centres*
 - *be walking and cycle-friendly and manage the competing needs of movement and place outcomes*
 - *recognise and celebrate the local character of the place and its people enhance vitality and economic viability*
 - *consider public domain improvements, public art, community events, markets and festivals, local housing and night-time options such as restaurants and bars*
- Strategy 15.1: Strategic and statutory planning for centres will:
 - *encourage redevelopment and appropriate higher density residential development in the CBDs of regional cities*
 - *encourage infill and appropriate medium density residential development close to main streets and centres of small and medium sized towns*

The development supports the Riverina Murray's strategic location as a major competitive advantage and will support the growing and diverse economy of Albury. The development will support the benefits of this growth and provide greater opportunities for diverse housing, business and economic activity.

4.6.2 Local Strategic Planning Statement

The *Albury Local Strategic Planning Statement* (LSPS) helps guide the growth of Albury over the next 20 years. The LSPS aims to guide future land use planning and influence public and private investment so that it enhances the wellbeing of the community and environment.

To achieve this, the LSPS sets out:

- *the 20-year vision for land use*
- *special characteristics which contribute to our local identity*
- *shared community values to be maintained and enhanced*
- *how growth and change will be managed into the future*

The LSPS also identifies planning priorities and future strategic planning activities, in the form of studies and strategies. The proposed development aligns with the following Priorities as set out in the LSPS:

- **Priority 2:** Diverse, well-designed and affordable housing
 - Action 2.4: Support infill development and revitalisation of established residential areas including increased housing choice such as town houses, villas and apartments close to existing centres and services
- **Priority 3:** A growing sustainable economy
 - Action 3.10: Review CBD Master Plans and continue to support our CBDs and local centres (refer Priority 6)
- **Priority 6:** Vibrant CBDs and strong local centres
 - Actin 6.5: Support higher density living and increased housing choice, including town houses, villas and apartments, within and close to our centres.

The LSPS sets out a range of actions and priorities in planning commercial and residential infill development and growth for Albury's future, including the need for a mix of housing types, the need for mixed land uses to support higher density living close to where people work.

The development will enable increased housing choice that is integrated within the CBD close to services, employment, transport and social and cultural designations that supports the CBDs function. The development will also maximise future residents access to jobs, services, retail, recreation, and leisure activities. The locational proximity of the residential development will also minimise the need for car travel and promote and encourage active transport options and connectivity within the CBD. The development will support the identified priorities of Council to enable the CBD to continue to strengthen the Albury region and community as a vibrant place, supported by appropriate residential development.

4.6.3 Urban Design for Regional NSW

Urban Design for Regional NSW – A guide for creating healthy built environments in regional NSW has been prepared specifically for regional NSW. The guide recognises and celebrates the diversity of urban environments, natural landscapes, climates and communities that exist across this vast area. The guide also supports the objects of the *Environmental Planning and Assessment Act 1979* to 'promote good design and amenity of the built environment'.

The guide also plays an important role in implementing the nine Regional Plans for NSW by responding to actions to prepare regional urban design guidelines for planning, designing and developing healthy built environments.

4.6.4 Design Guide for Heritage

The Design Guide for Heritage provides advice to guide a broad range of design work in heritage places in NSW. This advice elaborates on the principles that underpin the Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013 (Australia ICOMOS 2013) and is based on the design objectives outlined in Better Placed: An integrated design policy for the built environment of NSW (GANSW 2017).

The guide supports the many individuals and groups involved in conserving, maintaining, and using our heritage places. It helps inform owners, government, organisations, and members of the community about the value and opportunity in our existing built environment and outlines the steps to ensure our heritage places are conserved, maintained, and enhanced through good design. It seeks to support the heritage consultants and architects who bring their expertise and specialist knowledge to our heritage places.

Good design and heritage are both included as objectives of the EP&A Act. The role of good design was elevated through a 2018 amendment of the Act (section 1.3). The relevant objects are:

- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)*
- (g) *to promote good design and amenity of the built environment.*

The integrated design approach outlined in this document enables collaborative work towards achieving and evaluating these objectives and creating an improved built environment.

4.6.5 Apartment Design Guide

The Apartment Design Guide (ADG) provides consistent planning and design standards for apartments across the State. It provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in *SEPP 65 (State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development)*.

The proposed apartment building has been designed consistent with the requirements of the ADG. Clause 50(1A) of EP&A Regs requires the applicant to provide a statement by a qualified designer that responds to the matters in Clause 28(2) of SEPP 65, thereby ensuring consistency with the ADG's. This statement is attached at Appendix D.

4.6.6 Albury CBD Master Plan

The Albury CBD Masterplan was developed in 2009 and sought to:

- *provide a long term planning framework for both the CBD's*
- *improve the public face of the CBD's at their entry points*
- *improve the public open space*
- *reinforce Albury & Lavington's role at the top of the regional hierarchy*
- *grow the CBD's in a cohesive manner*

The Masterplan developed design principles, determined key sites and explored masterplan design options and established preferred built form controls and public domain concept design and included preferred height controls, setbacks, street-wall heights and FSR's.

The structure of the plan is a summary of the strategies and initiatives that underpin the masterplan and are summarised below:

Strategy 1: An Identifiable City

Initiatives:

- Creating a Sense of Arrival
- Defining thresholds and entry sequences

Whilst located within the CBD the development builds upon the existing city assets and contributes to a progressive and unique experience with inner CBD living.

Strategy 2: A Connected City

Initiatives

- Reinforcing the existing CBD bypass of the Riverina Highway
- Creating a loop or ring road that strengthens the functionality of the Retail Core

The development aligns with the CBD strategy for alternate modes of transport and accessibility to the CBD. It is compatible with the street hierarchy and urban form in the CBD.

Strategy 3: A Sustainable City

Initiatives:

- A variety of uses within the CBD
- Reducing climate change impacts through the promotion of sustainability

The development contributes to Albury's economic, social, cultural and environmental role in the region, promoting sustainable design and access to alternate transport modes.

Strategy 4: A Walkable City

Initiatives:

- Creating desirable pedestrian places.
- Increasing the permeability of street blocks.
- Connecting important places: the Railway precinct and the Murray River Parklands to the CBD.

The proposal provides a high level of pedestrian amenity within Swift Street and creates an active and vibrant street frontage with safe and easy-to-navigate pedestrian amenity.

Strategy 5: A Bicycle-Friendly City

Initiatives:

- Dedicated cycleways connecting existing routes into the CBD.

The development includes EoT facilities including designated bicycle storage to propose and encourage clean, healthy and safe alternatives to motorised transport for people of all ages.

Strategy 6: A City for Culture and Recreation

Initiatives:

- A hierarchy of open spaces that are connected.
- Upgrading QEII Square.
- New open spaces as development occurs.
- A forecourt in front of the historic Railway Station.
- A street tree planting strategy that reinforces the structure plan.

The development is located in the CBD with excellent access to both public and private cultural and recreational activity for residents and the community to gather, celebrate, relax and express themselves.

Strategy 7: A City for Culture and Recreation

Initiatives:

- Creating high quality streetscapes that include street tree planting, medians and street improvements that will enhance Albury's attractiveness
- Encouraging better relationships of buildings to the street edge and public open spaces.

23083 Demolition of existing buildings and construction of a new multi-storey, mixed-use apartment building

- Protecting heritage streetscapes

The development has been designed with high quality features and a level of presentation that makes positive contributions to the public domain including the heritage characteristics of the locality. The development will include enhanced tree planting and high-quality design excellence. The proposal commercial and retail spaces at street level will activate and improve safety and surveillance in the locality provides tangible benefits to achieving the desired character of the CBD.

4.6.7 Albury Local Housing Strategy

The Albury Local Housing Strategy (the Strategy) was endorsed by Albury Council in March 2023. It is the framework that will guide and influence effective planning and policy solutions for the provision of diverse, well designed and affordable housing in the Albury Local Government Area (LGA) for the next 20 years.

The Albury Local Housing Strategy, is supported by Evidence Papers with key findings from research and data analysis (quantitative research), including demographic factors, the supply and demand for housing and local land use opportunities and constraints. The papers provide some notable outcomes that are considered to be relevant to the subject development.

The Albury Housing Strategy investigates diversity, which includes facilitating a range of choice in housing types that meet the changing needs of people across their life. 'Strategy one' supports the delivery of new residential infill to achieve a better balance with new greenfield development. It encourages compatible infill development around activity centres at Albury City Centre and Lavington City Centre with good access to public transport, parks, shopping centres, schools and other important social infrastructure.

Renewing large, consolidated sites in these locations can act as anchors for the City Centres, improving amenity, providing housing, and opportunities for new businesses and services. This vision aligns with the Riverina Murray Regional Plan 2041 aim to increase infill and higher residential densities within or close to the CBD.

As supported by the strategies, continuing to locate housing in the established urban areas enable existing infrastructure to be used to maximum efficiency with improved sustainable outcomes. Furthermore, while new suburbs on the city's fringe will continue to accommodate new development, locating the proposed development within the CBD area would increase the variety in type and location of housing close to existing services and facilities.

The provision of additional and a new variety of housing is a clear policy position of Council. There is support by Council for higher density of living in the CBD and for the creation of apartment living opportunities to cater for certain parts of the market.

4.6.8 Community Participation Plan

The Community Participation Plan is required to be prepared by the relevant local authority under Division 2.6 of the EP&A Act. In particular, Section 2.23 of the EP&A Act stipulates that:

- (1) *'A planning authority ... is required to prepare a community participation plan about how and when it will undertake community participation when exercising relevant planning functions'.*

The purpose of the Plan is to clearly explain how and when Council will undertake community engagement in relation to planning matters such as assessment and determination of development applications, including revised plans, modifications and review of applications.

Table 1 of the Community Participation Plan states that notification is required for the subject development. The proposal is not identified as a type of development exempt from notification and therefore must be notified in accordance with the requirements of the Community Participation Plan and Council's Development Control Plan.

5. Assessment of Environmental Impacts

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under Section 4.15(1)(b) to (e) of the EP&A Act 1979.

These impacts and mitigating measures have been identified following comprehensive analysis of the site and the proposed plans.

The analysis and impact identification under this section is informed by:

- Site analysis and visual inspection of the subject land and surrounding properties.
- Analysis of the proposed plans for development (provided attached for reference)
- Desktop review of applicable Environmental Planning Instruments
- Consideration of the Councils Development Plans and Policies including the DCP
- Assessment of relevant strategic planning documents.
- Consultation with Council and other authorities

5.1 Context and Setting

The subject land is zoned E2 Commercial Centre and is located on the fringe of the Albury CBD surrounded by a complex mix of established, underdeveloped sites and building typologies including single detached dwellings, single and multi-storey commercial premises' and open, at grade car parks exhibiting varying streetscape contributions. The context and setting are further described in Section 2 above.

As discussed in the SEPP 65 Design Quality Principles Assessment prepared by CohenLeigh Architects and provided at Appendix D, the proposal has been designed for quality CBD living and enhancing the vibrancy and viability of the precinct with the increased population and the active street interface and is compatible within the context and setting of the area and more importantly the desired future character described by the Albury CBD Masterplan.

The proposal provides a built form and massing which is considered to positively contribute to the quality and identity of the locality and not impose such impacts that would be detrimental to surrounding properties or the public domain. The mixed-used development is suitably located within the E2 zone, providing a mixture of residential unit types and sizes. The scale of development is compatible with desired character and will positively contribute to the amenity of the surrounding commercially dominant setting.

The proposal provides a sympathetic interface between the nearby heritage items and conservation areas to the north and west, and at the at-grade carpark to the east with no resulting detrimental impacts by way of overlooking or overshadowing on the amenity of the adjoining properties.

The building, the highest of its type in the nearby vicinity is not incompatible with the existing built form, as well as the future desired built form which are zoned both E2 and MU1 - Mixed use zone pursuant to the LEP and which share similarly high 35metre building height restrictions. In particular, the development enables the obligations specified in SEPP 65 and the ADG with regard to building separation and ensuring any neighbouring properties have the opportunity to achieve solar access.

Further consideration of the developments compatibility with its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on "compatibility with context" in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. The following question is tested to determine if a proposal is compatible with its context:

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The likely physical impacts on the surrounding development relate to overlooking, overshadowing and view loss. A review of these potential impacts is summarised below.

The form, character, and design of the development is considered to be compatible with the existing locality. It proposes bulk at ground level where it presents and activates the street frontage at a pedestrian scale and is setback back on the upper levels reducing its bulk and scale at height having the effect of increasing separation between adjoining, reducing amenity impacts on nearby properties and maintaining future development opportunities on other sites.

The developer has analysed and determined the suitability of this site for development given the substantial opportunities to create a new landmark within Albury's CBD. The building has subsequently been carefully designed and detailed to reference stylistic features that integrate Albury's Art deco heritage and provide high quality CBD living opportunities.

The development is proportional and well considered with compliant build heights and floor space ratio which is consistent with the CBDs Masterplan and desired character. From a review of the key density controls (FSR), the development is entirely consistent with the desired density within the CBD.

5.2 Residential Diversity and Type

The proposal has had regard for the need to provide additional and diverse housing in Albury's CBA. There is strong demand in Albury for high quality CBD apartment living, where the land is within close proximity to everyday services and shopping facilities including supermarkets and medical centres, social and cultural experiences including restaurants, library and museums and active and alternative sustainable modes of transport such as cycling and walking. This site meets all of the forementioned desires and will result in positive economic, social and environmental outcomes.

5.3 Privacy & Amenity

Privacy and amenity impacts have been appropriately considered and addressed for residents living within the development and for adjoining properties surrounding the site. A number of design measures are implemented in response to potential amenity impacts. These measures have been addressed in various sections of the SEE and discussed further below.

5.4 Overlooking

The buildings design and placement of internal and external private open space areas, window placement and balcony layouts followed an extensive and detailed site analysis that identified surrounding land uses, sensitive spaces and development potential. The design response ensures building separation and the careful placement of windows and openings to maximise visual privacy between the apartments and neighbouring buildings, and achieve excellent solar access and distant views. For the most part, the development satisfies the ADG requirements, where the adjoining sites have blank walls or the separation requirements are met.

To ensure that future residents have an appropriate level of privacy, all habitable parts of the eastern and western elevations will be treated with operable louvres to internal living areas and balconies. On-structure landscaping is also provided providing added civic amenity to the building when viewed from the south and separation between adjacent balconies to ensure both visual and acoustic privacy for existing and future occupants.

The level separation and privacy provided is, on balance with passive surveillance opportunities and provision of solar access considered to be acceptable and consistent with existing and permanent built forms in the area and the intent of the ADG's. Moreover, the upper levels comprising of the

apartments have been positioned with increased setbacks from boundaries resulting in increased separation from adjoining properties which mainly comprises of blank walls or open grade parking areas which are oriented not sensitive to overlooking. It should be noted that the DCP permits a zero side setback on the ground floor. The proposal complies with the zero side setback for the ground level and complies with the upper level setbacks, all combining to mitigate adverse overlooking.

5.5 Overshadowing

Impacts of overshadowing have been considered and the design has sought to minimise potential impacts on adjoining properties. The subject site benefits from having its closest neighbours to the south and the east having comprising the roof of the shopping centre building and the associated at grade carpark respectively. The result is that the proposed development will largely overshadow the roof of the shopping centre to the south and the carpark to the east and Arnolds Lane and commercial roof tops to the west.

An analysis of the affected properties confirmed that the most impacted, the roof top of the shopping centre, comprises of plant and equipment including refrigeration and air conditioning units and do not rely on solar access for any photovoltaic solar panels, and does not include any public or private open space or amenity areas. Conversely, the shopping centre and its roof top mechanical equipment, and the adjacent carpark will benefit from the shadows cast by the building, providing protection from the northern aspect, particularly in hotter months of summer. The shopping centre does not contain any windows or internal areas that rely on any form of primary or secondary solar access and not adverse impacts are anticipated.

The carpark servicing the shopping centre is an open at-grade carpark that does not rely on any form of solar access. Indeed, it is considered that any shadow cast across the carpark will have the potential of reducing any urban heat effect positively benefiting the operation of the carpark and improve the customer experience. The building will also have some overshadowing effect upon commercial properties to the west of Arnolds Lane, particularly at the winter solstice. Importantly, an overshadowing analysis confirmed that surrounding properties will not be adversely impacted by for more than 3 hours during the 9am to 3pm period at the winter solstice and the commercial properties relying on the solar access do so for benefit of photovoltaic panels only and as such will not be detrimentally impacted.

5.6 View Loss

Matters regarding view loss have also been considered however are considered to be unlikely given the position of the building in the CBA locality and perspectives from adjoining properties. The proposal is not considered to prevent any views to surrounding key areas. It is also an established planning principle that loss of view is not a valid ground for objection.

5.7 Access, Traffic and Parking

Matters regarding traffic and access have been considered through the design and provision of car parking spaces and driveway crossover that enables appropriate access, egress and manoeuvring throughout the site. The TIAR provides at Appendix J provides a detailed analysis of traffic, parking and access, and the following sections provide a summary of the key findings.

5.8 Traffic & Access

The site benefits from two street frontages; the primary frontage at Swift Street and a secondary frontage at Arnold Lane. Vehicular access to the site is currently available via three locations being two conventional driveway access points on Swift Street and one from Arnolds Lane.

Swift Street is the primary frontage and is a significant road in the local context of the CBA. It forms an east west route that penetrates the CBA from Young Street at the east to Kiewa Street at the

west. It is a local road under the control of Albury City Council and is a single carriageway in each direction. It is a sealed road that includes bicycle lanes and sealed footpaths located on both sides of the road reserve. It also contains significant below ground and above ground infrastructure including underground electricity, overhead street lighting and established street trees.

Arnolds Lane is a north-south orientated laneway that extends approximately 100metres to the south and services the rear of existing commercial properties to the west with shopfronts at Olive Street. It is also the main service access for deliveries to the supermarket within the Myer City Centre. It is a local road under the control of Albury City Council and is sealed and drained with kerb and gutter.

It is proposed that the site be accessed via two crossovers as follows:

- Access to the basement residential carpark via a 6.0metre driveway on Swift Street. Access will be left-in and left out only
- Access to at-grade commercial carpark is via a 6.0metre crossover on Arnold Lane. The access will be located in the same location as the existing access driveway, with appropriate sight distances in both directions.

The TIAR provided attached at Appendix J analysed the proposed access points and the type, and volume traffic expected and concluded that the location of the new left-in/left-out residential basement carpark access driveway on Swift Street allows for the safe manoeuvring of traffic at Swift Street and the additional low volumes (14vph) of traffic generated by the residential component of the development and will have no significant impact on the existing traffic operations of Swift Street. It further noted that the location of the new retail/commercial car park entrance in Arnolds Lane allows for the safe manoeuvring of traffic from Arnolds Lane and additional low volumes (15vph) of traffic generated by the proposed retail/commercial section of the mixed-use development will have no significant impact on the existing traffic right turn facilities and delivery vehicle operations at the intersection of Swift Street and Arnolds Lane.

The report concludes that the additional traffic generated by the proposed development (29 vehicle trips per hour in the peak period) will have no significant adverse impacts on the surrounding road network, the key intersection of Swift Street and Arnolds Lane or access driveways.

5.9 Parking

The TIAR prepared by Peter Meredith Consulting included at Appendix J analysed the proposed development plans and confirmed 52 on-site parking spaces for residents within the basement carpark and six (6) at-grade on-site parking spaces for retail/commercial uses. It notes two (2) access compliant spaces located within the at-grade carpark.

The report concludes that the proposed development will provide adequate parking to cater for the peak demand with no significant adverse impact expected to on-street parking in the surrounding road network and adequate provision for persons with a disability and other service/delivery vehicles.

A summary of the required carparking is provide below.

The proposed developments off-street parking requirements is calculated at the following rates according to the DCP:

- 1 space per 1-2 beds
- 2 spaces per 3 or more beds.
- More than 8 dwellings —3 visitor spaces plus 1 visitor space for every 3 or part thereof additional dwellings.
- Commercial/Retail occupation: 1 car space per 40m² of Gross Floor Area (GFA)

The application of the carparking rates results in a maximum off-street parking of 133 spaces, as set out in Table 8 below.

Table 8: Parking Rates

Rate	Development	Required	Proposed
1 space per 1-2 beds	2-bed dwelling – 10	10 spaces	10 spaces
2 spaces per 3 or more beds.	3-bed dwelling – 16	32 spaces	32 spaces
More than 8 dwellings —2 visitor spaces plus 1 visitor space for every 3 or part thereof additional dwellings.	26 dwellings total	2 spaces plus 1 for every additional dwelling above 8 dwellings i.e. 18 dwellings = 8 spaces	10 spaces. Contained within the basement and apartment apportionments.
Subtotal (residential)	Complies	50 spaces	52 spaces
Commercial/retail occupation 1 per 40m² of GFA	Total GFA = 734m ²	731m ² /40 = 18 (rounded from 18.35)	6 spaces (Deficiency of 12 spaces)
Accessible spaces	1 space (minimum) for all development/s and an additional 1 space per 33 spaces or part thereof.	1 space	2 spaces (inc. above)
Bicycle spaces	1 bicycle rack space for each 10 spaces.	1 rack (10 spaces)	Bicycle storage with hangers for more than 10 bicycles provided.
Motorcycle spaces	1 motorcycle space per 30 car parks or part thereof.	2 spaces	Included in designated vehicle parking spaces. Provision is provided within the bicycle storage area.
Subtotal	-	18 spaces	6 spaces

Rate	Development	Required	Proposed
Commercial			
TOTAL	-	68 carparking spaces	58 carparking spaces (Total deficiency of 10 spaces)

Each apartment will be provided with dedicated parking spaces which are directly accessible to the basement lobby area and lift. Motorcycle parking spaces co-exist with the carparking spaces provided within the basement and/or designated storage areas. Dedicated motorcycle parking is also provided within the 18m² designated bicycle storage room at grade. EoT facilities are also provided at grade to accommodate and promote alternate forms of transportation methods offsetting the quantum of vehicle parking spaces associated with the commercial aspects of the development. Notwithstanding the development proposes six (6) off-street parking spaces, at grade for visitors including two access compliant spaces.

Overall, the development results in a theoretical carparking deficiency of 10 carparking spaces. The TIAR at Appendix J includes consideration of the likely demand for carparking generation and traffic impacts that may result as part of the development. It provides traffic engineering considerations to provide confidence around the parking and traffic matters relating to the development and concludes that the carparking deficiency will have very little impact on the operation of the site or nearby roads and intersections. The traffic generated by the development will not have a significant impact on the performance of the surrounding road network and intersections and will continue the 'level of service' to be maintained at its current standard.

The TIAR confirms that adequate parking is provided for residents and visitors in the basement carpark. The basement carpark is apportioned to residents of the apartments and is a secure carpark for those residents only. Visitors access to the carpark is secured via owners/tenants ensuring the carpark is reserved and secure.

The TIAR confirms a shortfall of 12 spaces in the retail/commercial carpark which will have no significant impact on parking demand in the locality because the accessible location of the development within the CBD precinct and the proximity of four long/medium term public carparks (Wilson Street multi-deck, SS&A Club carpark, Myer complex and David Street) with known capacity and the availability of public transport facilities on David Street and QEII square. Staff and patrons also have access to public transport opportunities for commuting and, if driving, have multiple destinations which will not require parking at the site. The shortfall is judged appropriate having regard to the accessible location of the development within the Albury CBA context and access to public transport and where car ownership and parking demand is reduced.

All carparking spaces are compliant with the relevant Australian Standards and that servicing and delivery vehicles would be able to access the site via Arnolds service lane without any significant adverse impact on the surrounding network.

5.10 Infrastructure & Services

The subject site is located within a well-established area of the Albury CBD and has access to all necessary urban infrastructure for development. The applicant has undertaken preliminary servicing analysis in consultation with applicable service authorities and has determined that existing services are sufficient for the proposal, with appropriate improvements to be undertaken on site as part of the detailed design works.

The sealed local roads are available at both frontages and have been constructed to Council standards in accordance with their hierarchy. The proposal will obtain access from Swift Street and Arnolds Lane, which have historically provided access to the site and as provided by the submitted TIAR are entirely satisfactory.

Sewer provision currently extends along the southern rear boundary of the site at a depth between 1.3 and 1.4 metres with connections into the land currently provided from multiple points within the respective title allotments. The existing sewer branch extends from the manhole in Arnolds Lane and services only those Lots that are the subject of this application. Any required works, including capping, decommissioning and reconstruction works are subsequently simplified.

Water supply is provided from the water main located within the Swift Street road reserve, with individual service connections currently provided into the respective Title Lots. These connections will be capped with new domestic and fire services to be established.

Piped stormwater drainage infrastructure exists within the Swift Street road reserve. The proposal will include new on-site collection, retention at basement level with rainwater reuse within common landscaped areas of the property. A proposed stormwater concept plan has been prepared and provide attached at Appendix G, which demonstrates the manner in which stormwater will be collected and conveyed to retention tanks with overflows to Council's existing system.

5.11 Heritage

The site comprises of three detached dwellings including 481 and 487 Swift Street, which are listed on the Albury Local Environmental Plan (LEP) 2010 as:

- Heritage Item I164 - House, 485 Swift Street, Albury
- Heritage Item I166 - House, 487 Swift Street, Albury

The application proposes development of the entire site which would see the demolition of all structures including the above-mentioned heritage items, and construction of a new multi storey mixed use apartment building. The site is also identified as being in the immediate vicinity of other locally listed heritage items and conservation areas, including:

- I118 - Shops "Abikhair's" at 558-560 Olive Street, Albury
- I165 - Funeral Parlour and Residence at 486 Swift Street, Albury; and
- I163 - House "Torlochan" at 482 Swift Street, Albury.

The submitted HIS and amendment letter at Appendix I have been prepared to assess the heritage impacts of the proposed works on the subject site at 485 Swift Street, (Item I164) and 487 Swift Street, (Item I166) and the immediate vicinity. The HIS prepared by Urbis provides an assessment of the proposed demolition of the two heritage items located on the subject site and potential impacts to the heritage items and heritage conservation areas in the vicinity.

The HIS concludes that the proposed demolition works would involve acceptable impacts, noting the surrounding streets and precincts within the CBD are Heritage Conservation Areas or rows of heritage items which are of greater integrity and contribution to the history and aesthetic character and understanding of the town. With specific regard to Item I164 at 485 Swift Street the HIS notes:

- *the dwelling does not reach the threshold of local significance level.*
- *the dwelling was built by and resided in by the Abikhair family, owners of the nearby Abikhair Emporium. The Abikhair's Emporium building to the west on Swift St represents the contribution of the family to the development of Albury in a more tangible and significant manner, as the family are associated with economic activity,*
- *the dwelling is not rare in quantity or able to demonstrate qualities not seen in the other examples of Inter-War Bungalows; and*

- *the subject site at 485 Swift Street located within an eroded setting and under additional pressures to meet housing and infrastructure demands due to its location in the CBD.*

With specific regard to Item I164 at 485 Swift Street the HIS notes:

- *the dwelling at 487 Swift Street (I166) has previously reached the threshold of local significance however is so significantly deteriorated and in a state of disrepair that to be habitable would require extensive almost complete reconstruction*
- *historical research, site investigation, comparative analysis and significance assessment undertaken by Urbis has determined that demolition is acceptable due to the strategic nature of the site and the poor condition of the dwelling.*

The site is also located within the vicinity of other Heritage Items and Conservation Areas as identified on the Heritage Map extract in Figure 49 above. The proposal has been assessed with consideration to the established natural and built environments and the development impacts on the heritage values of the area and is summarised below:

- The proposal delivers medium-high density mixed-use development envisioned for the CBD in accordance with Albury Local Housing Strategy the Albury CBD Masterplan and the objectives of the E2 Zone.
- The proposal is not located near any environmentally sensitive land and is not considered to have an adverse impact on natural environmental or nearby heritage buildings.
- The proposed built form and design of the building ensures that there will be no unacceptable impacts on the amenity of surrounding buildings regarding building separation and visual privacy, views and solar access.
- The built form design provides a high level of amenity including adequate solar access to apartments and private and communal open space that exceeds the requirements of the relevant planning controls.

The HIS accompanying the application at considered that the proposed development will have an acceptable degree of visual impact of the proximate character buildings and conservation areas and is considered appropriate for the location. It recommends approval of the development from a heritage perspective subject to specific recommendations:

- *A Photographic Archival Recording be undertaken of the places and must be prepared in accordance with the Heritage NSW Guidelines for 'Photographic Recording of Heritage Items Using Film or Digital Capture*
- *Preparation of a Heritage Interpretation Strategy for the site by a suitably qualified heritage consultant as a condition of the approval. The Heritage Interpretation Strategy should identify significant themes and narratives for interpretation, as well as identifying potential locations, media, and indicative content for interpretation. Interpretation should be developed throughout detailed design and construction phases in conjunction with the project architect and other specialists as required.*

5.12 Cultural Heritage

The subject land is a highly modified site which has been subject to previous subsurface works and therefore has a low likelihood of containing any items of cultural heritage significance. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken, and it is confirmed that there are no recorded items of Aboriginal cultural significance within 200 metres of the subject site.

In the event that the proponent does identify or uncover archaeological items during works, the items will be left in place and appropriate protocols for dealing with such instances will be observed ('unexpected finds protocol').

5.13 Erosion and Sediment Control

In order to avoid impacts of sediment loss or erosion, an Erosion and Sediment Control Plan (ESCP) will be prepared in accordance with Managing Urban Stormwater: Soils & Construction (Landcom 2004) and will be implemented throughout the life of the project to minimise impacts. This plan will include provisions to:

- Install erosion and sediment controls prior to and during construction
- Implement an inspection protocol for erosion and sediment controls, particularly following large rainfall events
- Undertake regular equipment cleaning to minimise the tracking of sediment from vehicles, plant and equipment
- Stockpile topsoil appropriately to minimise weed infestation and maintain soil organic matter, soil structure and microbial activity
- Minimise surface disturbance and maintain surface cover where possible; and
- Minimise excavation and compaction of soils.

5.14 Natural Hazards

The subject site is not identified as being bushfire prone or within a Flood Planning Area. The land is not subject to landslip of any known contamination. As such no further consideration are necessary.

Geotechnical investigations were undertaken with a fieldwork carried out between 22 August and 24 August 2022 by Douglas Partners. The Geotechnical Investigation Report was prepared and accompanies this SEE at Appendix M. The scope of the investigations included drilling of three boreholes up to 12metres in depth, or prior refusal and laboratory testing of selected samples. The investigation found ground conditions comprise predominantly clayey soils to typically 5metres in depth with groundwater was encountered at approximately 6.9metres below ground level and water seepages observed at 7.5metres and 8.5metres.

The Geotechnical Investigation Report concluded that the ground conditions are considered suitable to support the proposed development, provided the comments and recommendations noted therein are followed.

5.15 Waste

Waste will be generated as part of the construction works for the development and will include excess building material, concrete, spoil and other materials associated demolition and civil works. It is expected that the applicant will be required to prepare a suitable Construction Management Plan for the proposed works, which will detail expected waste, locations of collect areas, removal regimes/frequency and the like. A Waste Management and Minimisation Plan is also attached at Appendix K.

Waste is also expected from future individual apartments once occupied. The use of the apartments will generate domestic waste typically and reasonably expected from residential uses. A dedicated waste storage location will be constructed at the ground level of the building and as shown on Ground Level Plan at Appendix C and Figure 35 above. Bins in this location will collect waste from apartments within the building and will be managed and collected by waste contractors on a regular basis. This arrangement reduces the demand for bins and provides a more efficient arrangement of waste collection.

5.16 Sustainability

The proposed development is designed to contribute positively to the environmental, social and economic prospects and be a highly sustainable development.

The proposed development has been designed to satisfy the provisions of BASIX and will comply with the energy, thermal comfort and water requirements. BASIX Certificates are included at Appendix L. The certificates confirm that the proposed development meets the NSW government's requirements for sustainability.

The layout of apartments also allows for sufficient cross and corner ventilation and solar access that meets the requirements of the ADG.

The inclusion of stormwater water collection and reuse systems and water recycling initiatives for the landscaped areas and the provision of PV panels on the roof, lower energy use and establish a more economical and sustainable built outcome.

The landscaped courtyard, open space and gymnasium also contributes to a neighbourhood setting in the CBA establishing connective spaces to enhance social interactions between residents.

5.17 Ecologically Sustainable Development (ESD)

The proposed building has been designed with regard to principles of Ecologically Sustainable Development (ESD). The submitted architectural plans along with the supporting building components and services demonstrate the application of ESD principles for the project.

The building design demonstrates the energy efficiencies within the building, including features such as building materials, glazing, sealing, ventilation, lighting, and mechanical services. Separate utility meters for (electricity, water, and gas) are to be installed. The proposal will also employ water efficient principles, including high efficiency fixtures and fittings to the building areas and water efficient landscape including selection of native or climate adaptive species. Likewise, efficient use of stormwater from the property has also been considered in the design of the building.

The proposal will encourage passive design to reduce energy use and improve the apartments thermal comfort level. This will be achieved by installed high performance external wall, ceiling and floor insulation with appropriate ratings as recommended. The building will also incorporate external shade features, adjustable louvres and natural provide ventilation to some internal areas.

Energy consumption is also proposed to be minimised through installation of efficient cooling systems and efficient commercial hot water systems. Demand for energy from lighting will be reduced by installing LED lights throughout the development. The car parking area will also employ appropriate energy efficient lighting in strategic locations throughout the basement for full coverage and safety without adverse overspill.

Comfortable indoor environmental quality will be achieved for the entire development by providing high daylight levels to dining and kitchen areas, with glazing to provide sufficient visible light transmittance for improved daylighting. Low VOC materials are also encouraged in the development.

Transportation for the development is also a relevant consideration for achieving suitable ESD principles. The development promotes the use of alternate methods of transport to the motor vehicle by including appropriate bicycle storage facilities in accessible locations with access shared pedestrian path to encourage foot traffic and/or alternative transport methods.

5.18 Noise

The impacts of noise generally, is considered in the context of the Albury CBD and the type and scale of development proposed.

Noise generating construction activity will occur for a temporary period of time however will be limited to appropriate hours of operation within that time. It is considered that the level of construction noise is acceptable given that it not dominant the ambient background noise levels, it will only occur for a short period throughout construction and will be controlled by relevant conditions of development consent. Furthermore, Construction Management Plan documents will be prepared prior to works commencing and will detail measures to be taken to minimise potential noise impacts from construction activity.

Post occupation, the anticipated noise generated from the commercial activity is expected to be commensurate with typical CBD commercial activity and within standard business operating hours.

Potential noise generated from the residential occupations are considered acceptable given the general character of the area. Similarly, the impacts of noise from surrounding commercial activities are not considered to be detrimental on the amenity and liveability of the apartments due to the elevated positioning of the apartments and the orientation of their respective open spaces, and door and window openings, and through the use of appropriate noise mitigating construction material such as double-glazed windows.

5.19 Safety and Security

The risk of anti-social behaviour, criminal activity and reduced public safety is low within the established urban commercial and mixed residential context, however the development does incorporate design features to avoid and minimise antisocial behaviour and criminal activity in the locality. Specific Crime Prevention Through Environmental Design (CPTED) principles have been considered and incorporated into the design response and summarised below:

- **Natural and passive surveillance** – Entry points at ground level are designed to maximise surveillance opportunities to the public domain and internally to the car park. Clear sightlines are maintained between the development and the public domain, particularly around the entry, with minimal obstruction and landscape features.
- **Access control** – The orientation of the entry points maintains natural vantage points and guardianship from neighbouring developments and the surrounding public domain. The design also seeks to minimise potential concealment or entrapment areas.
- **Active space management** – Blind bends and corners have been avoided in building design. Surveillance can be maintained to all external areas. Security lighting will be provided in accordance with applicable Australian and New Zealand Lighting Standards where required. Low maintenance and on structure landscaping will be used to enhance the appearance of the development and assist in reducing opportunities for vandalism.
- **Territorial reinforcement** – Appropriate wayfinding and identification signage within and around the development will promote territorial reinforcement. Formal access control will be provided at the front and rear entrances.

Surveillance CCTV security cameras and recorders will monitor and record access points and the interiors at the foyer. The footage of surveillance cameras and recorders will be of a quality and clarity that complies with approved government technical standards and safeguards and evidential values. The CCTV hard drive recordings are retained, as required with time and date auto recorded on the hard drive. Recordings will be handed to Council and Police Special Inspectors upon formal written request. All CCTV recording devices and cameras will be maintained by a registered security surveillance company, so as to maintain the visual quality of the recorded footage for the life of the equipment. The CCTV recording device is secured within the premises and is only accessible to management personnel and security in order to maintain the integrity of the recorded footage.

5.20 Social and Economic Considerations

The proposed development represents continued investment in high-quality infill development within the Albury CBD, and which expands the availability and choice of mixed use commercial and residential occupancy for the city.

It is expected that the proposal will deliver diverse social and economic benefits and generate flow on effects, including to local commercial and retail simulation, trade services and indirect impacts of additional spending in the city. These can be summarised as follow:

- The proposal will contribute numerous public benefits including extensive streetscape and landscaping improvements to Swift Street and the delivery of additional street level commercial floor space
- The proposed development comprises employment-generating commercial floor spaces which are highly accessible for pedestrians and local public transport.
- Contemporary high quality residential accommodation will be provided in the Albury CBA, and which is highly accessible to every day services including shopping, medical and transport services.
- The proposed development will deliver a mix of residential apartment and sizes which will contribute towards housing supply consistent with the Albury Local Housing Strategy.
- Future residents of the development will benefit from excellent amenity with access to public transport, public open space and employment opportunities within Albury s CBD.

5.21 Site Suitability

The site is considered highly suitable for the proposed development for the following reasons:

- The site is located centrally within Albury's CBA with access to day to day and essential services. It is high accessible and within a desired higher density character area of the CBD with minimal and acceptable potential for adverse impacts on surrounding properties
- The site is strategically located to contribute to the CBA's employment prospects and to take advantage of the site's access to alternate and public mode of transport connecting to other employment centres
- The proposal will deliver aesthetic and environmental benefits to the public domain with the delivery of additional landscaping and compatible building form
- The site is well suited to accommodate the proposed level density of residential development due to its proximity to services within the CBA.
- The higher density of residential accommodation is well-supported and envisaged by the strategic planning framework including the Albury CBA Masterplan and the Albury Local Housing Strategy.
- The proposed development will facilitate improved activation to the surrounding public domain at ground floor, an improved street presence, and will enhance the character of the area.

5.22 Public Interest

The proposed development is considered to be in the public interest for the following reasons:

- The proposal is consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
- There will be no unacceptable environmental, social or economic impacts as a result of the proposed development.

- The proposal positively responds to the current and future character of Albury's CBD and will provide additional residential and commercial floor space that is strategically located within proximity to existing and everyday services.
- The proposal responds and respects the heritage listed buildings within the vicinity of the site.
- The proposal will provide visual interest and streetscape amenity and improve the pedestrian experience at the ground level and enjoyment of the general public as well as workers and residential occupants of the building.

6. Conclusion

The development application has been prepared in support the proposal that seeks consent for a multi-storey mixed-use shop-top housing development and apartment building on land addressed as 481-487 Swift Street, Albury.

The application seeks development consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15(1) of the EP&A Act.

As demonstrated by the detailed assessment above, the proposal satisfies the intent of the provisions of the applicable EPIs and will result in a positive development outcome in terms of social, environmental, and economic impacts.

Having regard for the content of this report, the proposal deserves the support of Council because:

- it is consistent with the relevant environmental planning instruments and generally consistent with the key matters of the development control plan
- it is consistent with the relevant considerations of the Albury CBD Masterplan and the desired future character of the Albury CBA
- it positively responds to the sites features and constraints, and the surrounding CBA setting with a new high-quality mixed-use development that contributes to the available commercial floor space and a higher density of living in the CBA
- it takes advantage of the high-profile CBA site and creates a harmonious built form and positive relationship to its surrounds
- it is considered to have a height and density that is proportional to the site area and the existing CBA context, and desire future character and setting
- it is designed with measures that seek to minimise potential amenity impacts on surrounding properties
- it promotes high quality living and a desired housing density for Albury's CBA
- it is highly accessible by a number of transport modes and within walking distance of everyday necessities; and
- it can be serviced with all necessary urban infrastructure.

In light of the above considerations, it is our opinion that the proposal is appropriate from a planning point of view and is in the public interest. The proposed development warrants support by Council.

Appendix A: Title Details

Appendix B: Feature & Level Survey

Appendix C: Architectural Plans

Appendix D: Architectural Design Report and Design Verification Statement

Appendix E: Proposed Subdivision Plan

Appendix F: Landscape Plan

Appendix G: Concept Sewage and Stormwater Management Plans

Appendix H: Tree Assessment Report

Appendix I: Heritage Impact Statement

Appendix J: Traffic Impact Assessment Report

Appendix K: Waste Management and Minimisation Plan

Appendix L: BASIX and NatHERS Certificate

Appendix M: Geotechnical Investigation Report

Appendix N: DCP Assessment Tables

Table 9: Chapter 10 - Development in the Residential Zones

Standard	Compliance	Comment
Part 4 Residential flat buildings to which SEPP 65 applies		
a. Site Planning		
<i>i. Location of residential flat buildings</i>	Complies	The proposed mixed use apartment building is at least 500metres from the nearest apartment building or residential flat building. Notwithstanding, the development is located in the E2 zone and is encouraged by the zone objectives.
<i>ii. Development on a battle-axe lot.</i>	Not applicable	The site is not a battle-axe Lot.
b. Building Height		
<i>i. Max. no. storeys.</i>	Complies	The proposed nine (9) storey (inc. basement) building is deemed compatible with the streetscape and the desire future character of the locality.

Standard	Compliance	Comment
<i>ii. Earthworks, retaining walls & related structures</i>	Complies	<p>The development includes earthworks to accommodate a basement level carpark. The earthworks are proposed on a flat site and where the risk of erosion and sediment loss is mitigated with implementation of erosion and sediment controls measures.</p> <p>The earthworks and associated structures and infrastructure are to be properly designed and constructed to ensure no adverse environmental impacts. The subject land is not located near any significant waterway and is not expected to reduce water quality in the area.</p>
c. Setbacks		
<i>i. Min. primary street setback.</i>	Complies	<p>The development has been designed to satisfy the Apartment Design Guidelines and the Albury CBD Masterplan.</p> <p>In the context of the Albury CBA the developments build to street front setback is desirable and judged compatible with the streetscape and desired character of the locality.</p>
<i>ii. Min. secondary street setback on a corner lot.</i>	Complies	<p>Noting the secondary street frontage is to the Arnold (service) Lane the development has been designed to satisfy the Apartment Design Guidelines, the Albury CBD Masterplan and the desired character of the locality.</p>
<i>iii. Min. garage setback from a rear lane.</i>	Not applicable	Not applicable.

Standard	Compliance	Comment
<i>v. Exceptions to the primary street setback.</i>	Complies	<p>A site analysis and detailed assessment against the CBD Masterplan was undertaken during the design analysis phase. It determined that the most appropriate setback in the CBD locality is, in accordance with the CBD Masterplan, build to boundary.</p> <p>Council was consulted during this phase and did not oppose the proposed build to boundary setback.</p>
d. Vehicle parking		
<i>i. Min. no. parking spaces.</i>	Variation	Refer to attached TIAR at Appendix J and assessment summaries at Part 5.9 of the SEE and Part DCP Assessment at Table 11 below.
e. Utility infrastructure.		
<i>i. Access to the development and associated road works.</i>	Complies	Access to the development is achieved at Swift Street and Arnold Lane via access points consistent with Council's Engineering Guidelines for Subdivisions and Development Standards.
<i>ii. Water and sewer supply.</i>	Complies	<p>Arrangements will be made with Council, for the suitable provision of water and sewer services consistent with Council's Engineering Guidelines for Subdivisions and Development Standards.</p> <p>Details are to be provided with the detailed design.</p>

Standard	Compliance	Comment
<i>iii. Stormwater management.</i>	Complies	Stormwater management is designed to be consistent with Council's Engineering Guidelines for Subdivisions and Development Standards and the ADGs.
<i>iv. Electricity, gas and telecommunications services.</i>	Complies	Initial consultation with utility and service providers has confirmed suitable arrangements can be made for the provision of relevant services. Suitable evidence that these services are available, will be provided to Council before issue of an occupation certificate.
f. Master plans & concept development applications		
<i>i. Min. number of dwellings when a master plan is required.</i>	Complies	The application proposes a total of 32 apartment dwellings exceeding the minimum number of dwellings when a master plan is required.
<i>ii. Guidelines to be considered in preparing a masterplan.</i>	Complies	By virtue of the development application being made and having considered all applicable matters listed including an analysis of the site and locality, integration with the existing street network, the desired build form and density, and access to public open space.

Table 10: Chapter 11 - Development in the Commercial Zones

Standard	Compliance	Comment
11.4 Residential Development in the Commercial Zones		
<i>i. The following residential type developments are permitted with consent in the B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use Zones:</i> <i>- Shop top housing (also permitted within the B3 Commercial Core)</i>	Complies	The application proposes shop-top housing and is expressly permitted with Consent in the E2 zone (previously B3 Commercial Core zone) and is encouraged by the objectives of the zone.
<i>ii. Where a residential type development is permitted with consent within a particular zone, it shall be compliant with the requirements contained within Part 10 of this DCP, which relates to Development in the Residential Zones.</i>	Noted	The proposal is assessed against the provisions of clause 4, Division F of Chapter 10 (Residential flat buildings which SEPP65 applies). Refer to assessment at Table 9 of Appendix N.
<i>iii. Development for the purposes of Multi Dwelling Housing shall be compliant with subclause (ii) except in regards to:</i> <i>- Greenfield Area and Established Area Siting Requirements</i> <i>- Minimum Lot widths</i>	Not applicable	Proposal is for residential flat building development and not for multi dwelling housing.
11.7 Development in the B3 Commercial Core and B4 Mixed Use Zones		

Standard	Compliance	Comment
11.7.2 Land Use Precincts - Albury		
<i>i. Land uses are to comply with the Land Use Plan contained in Figure 11.7 and the Land Use Table contained within the LEP.</i>	Complies	<p>It is noted that the Land Use Plan referred to is not contained within the LEP rather the DCP.</p> <p>The land is within the 'Dean Street and Retail Core'. The Design Principles seek to strengthen and retain this precinct as the premier, pedestrian oriented location for shopping, restaurants, and entertainment services within the CBD. The proposal is considered to align with this principle given that it meets the zone provisions and objectives and proposes premium commercial tenancies with active street frontages.</p>
<i>ii. Any form of residential development, shall comply with Part 10 of this DCP, which relates to Development in the Residential Zones.</i>	Noted	The proposal is assessed against the provisions of clause 4, Division F of Chapter 10 (Residential flat buildings which SEPP65 applies). Refer to assessment at Section 4.3.3 of the SEE.
<i>iii. Mixed-use developments shall provide retail and commercial uses at ground floor level and residential uses above this.</i>	Complies	Commercial uses are proposed at ground floor, with residential apartments (x26) above.
<i>iv. In areas characterised by heritage listed detached residential dwellings, land uses shall continue the trend of adapting buildings for commercial use/s such as professional offices or small businesses and single office home office (SoHo).</i>	Noted	The proposed development does not compromise the opportunity for surrounding areas heritage listed buildings to be adapted for commercial use/s such as professional offices or small businesses and single office home office.

Standard	Compliance	Comment
11.7.3 Building Heights – Albury		
<i>i. Building heights are to comply with the Building Height Plan contained in Figure 11.8.</i>	Variation	The Building Height Map at Figure 11.8 of the DCP stipulates a height of 7 storeys. The proposal development has been designed to comply with the statutory height limitations of the LEP and the ceiling heights of the ADG's, both of which prevail over the requirements of the DCP.
<i>ii. Detached houses should retain a single storey building form to the street with a maximum two storey height permitted to the rear.</i>	Not applicable	No detached dwellings are proposal.
<i>iii. Midblock infill site areas shall achieve an overall maximum height of 7 storeys permitted that a minimum site frontage of 24m exists to accommodate parking.</i>	Not applicable	The site is not a midblock site, noting the sites frontage to Arnolds Lane to the west. The site is noted to otherwise comply with a frontage greater than 24 metres.
<i>iv. Terrace houses should be 2 to 3 storey with a pitched and/or parapet roof.</i>	Not applicable	Proposal does not form terrace style housing.

Standard	Compliance	Comment
<i>v. Buildings shall not obstruct radio transmissions between local transmission structures. Albury City Staff may be consulted regarding the location of radio transmission structures and associated height limitations.</i>	Complies	The built form of the development will not impact radio transmissions.
<i>vi. All buildings and structures must comply with the Obstacle Limitation Surface Plan as contained within Part 18 of this DCP, which relates to the Albury Airport. This Plan indicates the height that buildings and other structures must not exceed to ensure the safe operation of the Albury Airport.</i>	Complies	The proposal does not penetrate the OLS Plan.
<i>vii. Overall building heights shall be compliant with the Street Wall Heights and Upper Level Setback requirements contained within Section 11.7.4 below.</i>	Complies	The proposal street wall is of single storey construction with upper floors setback complying with the Street Wall Heights and Upper Level Setback requirements contained within Figure 11.9 of the DCP refer to discussion below.
11.7.4 Street Wall Heights and Upper Level Setbacks - Albury		
<i>i. Street wall heights shall comply with the Street Wall Height Plan contained within Figure 11.9.</i>	Complies	The proposal street wall is of single storey construction with upper floors setback complying with the Street Wall Heights and Upper Level Setback requirements contained within Figure 11.9.

Standard	Compliance	Comment
<i>ii. Upper level setbacks shall comply with the following:</i> <i>Along Dean Street – minimum 6 metres.</i> <i>Along other streets – minimum 3 metres.</i>	Complies	The upper-level setbacks are a minimum of 3.0metres from both Swift Street and Arnolds Lane boundaries.
11.7.5 Floor Space Ratio (FSR) – Albury		
<i>i. Floor Space Ratios shall comply with the FSR Plan contained within Figure 11.10.</i>	Complies	The subject site is nominated to have a maximum FSR of 3:1. The development has a maximum FSR of 2.97:1 as does not exceed the maximum FSR under this clause.
<i>ii. Large or consolidated sites are subject to the following maximum FSR's:</i> <i>Maximum of 2:1 for sites between 5000m² and 10,000m²</i> <i>Maximum of 1.5:1 for sites between 10,000m² and 15,000m²</i> <i>Maximum of 1:1 for sites greater than 15,000m²</i>	Not applicable	The subject site is only 2,023m ² does not meet the size thresholds under this clause.
<i>iii. FSR's for the railway precinct have been deferred, and will be subject to special consideration by the Council.</i>	Not applicable	The subject site is not within the nominated railway precinct.

Standard	Compliance	Comment
11.7.6 Building Design - Albury		
<i>i. New building facades shall include articulation such as punctuations, openings and repetition of architectural elements that contribute to the streetscape.</i>	Complies	The proposal includes significant façade articulation and variation in material usage to create visual interest to the street. Specifically, the development incorporates extensive glazing, balcony treatments and varied materials. Balconies include use of large louvered shutters to add further interest to the streetscape.
<i>ii. Buildings shall comply with the relevant requirements of this Section in regards to setbacks, heights, FSR, landscaping, open space and other like requirements relating to building design.</i>	Complies	As noted in relevant sections in response to LEP standards and DCP controls. The proposal is will within the permissible ranges specified for the land.
<i>iii. Buildings shall create interest and activity along street edges through the use of mixed land uses.</i>	Complies	<p>The building addresses Swift Street and contributes to the quality and character of the street with fenestration and articulation with subtle variations and an attractive at-grade pedestrian scale.</p> <p>The design of the entry at the street frontage contributes to the identity of the building and the character of the streetscape and is clearly identifiable and accessible</p>

Standard	Compliance	Comment
<i>iv. New buildings edging public open spaces shall incorporate active edges to increase the vibrancy of these spaces and to provide opportunities for passive surveillance.</i>	Not applicable	The development site does not edge any public open space. Notwithstanding the development includes at street level, commercial and retail spaces that will activate and improve safety and surveillance in the locality provides tangible benefits to achieving the desired character of the CBA.
<i>v. Buildings on corner sites shall be articulated to address each street frontage and are to define prominent corners as shown in Figure 11.1.</i>	Complies	Notwithstanding the development has a secondary frontage to a service lane, the development has been designed to address the corner of Swift Street and Arnolds Lane appropriately. Specifically, each frontage includes façade treatments to each streetscape. The frontages include building entries and articulation at height and the use of visible on structure and cascading landscape features to contribute to streetscape interest.
11.7.7 Building Setbacks – Albury		
<i>i. Street wall setbacks and build to lines are to comply with the Street Setback and Build to Lines Plan as contained within Figure 11.11.</i>	Complies	The site is nominated on the ‘Street Setbacks’ map at Figure 11.11 as ‘build to street boundary’. The buildings design response complies with this requirement building to the street front boundaries at street level.
<i>ii. Street setbacks where appropriate should follow the predominant setback along the street.</i>	Complies	It is noted in the SEE that adjoining properties to the west are similarly built to boundary and properties to the east are open at grade carparking. Given the corner location of the site, it is considered to be an acceptable and appropriate setback response.

Standard	Compliance	Comment
<i>iii. Buildings setback within landscaped settings shall provide associated open space and landscaping.</i>	Complies	The development includes extensive provision of communal landscaped spaces for residents. These spaces are provided at both ground level. A Landscape Plan is provided attached at Appendix F to the SEE.
<i>iv. Where there is not a predominant setback (i.e. large sites or where a significant change in building use/type) is present, a 3 metre street setback should be provided.</i>	Complies	The development complies with the desired street setbacks - build to boundary requirements and the street height requirements of the DCP at ground level. The predominant setback, in the context of the built form of Swift Street is considered to be build-to-boundary and the proposed ground floor build to boundary is considered appropriate.
<i>v. Terrace houses should have a 2 metre landscape street setback or ground floor level up to 1 metre above the footpath, with a 2 metre landscaped terrace.</i>	Not applicable	Terrace housing not proposed by this development.
<i>vi. Party wall construction methods should be incorporated for terraces, retail streets and street wall building types where it is consistent with the adjacent context.</i>	Not applicable	Not required in this instance.
<i>vii. Terrace house party wall lengths should not exceed 12 to 14 metres.</i>	Not applicable	Terrace housing not proposed by this development.

Standard	Compliance	Comment
viii. For additions to residential houses, a minimum side setback of 1.2 metres and minimum rear setback of 6 metres shall apply.	Not applicable	None.
ix. For residential apartments and residential components of mixed-use buildings, the following rear setbacks apply: <i>Minimum 6 metres, where building height is 4 storeys or less.</i> <i>Minimum 9 metres, where building height is 5 storeys or greater.</i>	Complies	The development achieves a minimum 11.64m rear setback at all levels above ground level.
x. For commercial uses with windows facing the front and rear of a lot, a minimum 3 metre side setback applies.	Complies	Complies
xi. Not applicable.	Not applicable	Not applicable
xii. Buildings built to the secondary street boundary should cover a minimum distance of 50% of the length of the site.	Not applicable	As noted above the secondary frontage of the site is a service lane and the built to the secondary street boundary control is not deemed applicable to the development.
11.7.8 Building Depth - Albury		

Standard	Compliance	Comment
<i>i. Residential buildings are limited in depth to 18m from glass line to glass line. Narrower buildings are encouraged to improve natural daylight access and energy performance/efficiency.</i>	Complies	The apartments contained within the building do not exceed 18metres in depth and is consistent with ADG's.
<i>ii. Building depths for commercial office uses are limited in depth to 30m as this limits the distance from the core to glass and improves energy performance/efficiency.</i>	Complies	No commercial tenancy exceeds 30metres.
11.7.9 Building Separation - Albury		
<i>i. For commercial buildings with windows to offices, a minimum building separation of:</i> <ul style="list-style-type: none"> 12 metres is required between buildings facing each other on a site, where the building height is 4 storeys or less. 18 metres is required between buildings facing each other on a site, where the building height is 5 storeys or greater. 9 metres for commercial buildings perpendicular to each other, where the maximum façade of one building does not exceed 20 metres. 	Complies	The proposal includes commercial uses on the ground floor only. These occupancies comply with building separation requirements.
<i>ii. Not applicable</i>	Not applicable	Not applicable.

Standard	Compliance	Comment
11.7.10 Open Space and Landscaping - Albury		
<i>i. Not applicable</i>	Not applicable	Not applicable
<i>ii. Not applicable</i>	Not applicable	Not applicable
<i>iii. Communal open spaces for mixed use buildings, commercial offices and residential buildings shall be provided for those occupants of the building.</i> <i>Communal open space areas above ground level (green roofs) are desirable for mixed use residential buildings.</i>	Complies	Complies. Noting landscaped communal open space areas are provided at ground level.
<i>iv. Where car parking structures are proposed it is encouraged that communal open space may be located above these on a podium.</i>	Complies	Complies.
<i>v. Any development or redevelopment of a site shall seek to retain significant existing trees, where possible</i>	Noted	No significant trees are located on the site.
<i>vi. Not applicable.</i>	Not applicable	Not applicable

Standard	Compliance	Comment
11.7.11 Car Parking, Traffic and Access – Albury		
<i>i. Future car parking should be concentrated into consolidated off-street locations and accessed primarily from internal circulation streets. Refer to the Albury CBD Master plan 2009 and Lavington CBD Master plan 2009 for guidance regarding desired locations and access arrangements.</i>	Complies	The proposal includes car parking provisions in off-street locations at both basement level and at grade to the rear of the building. Refer to the SEE and attached TIAR.
<i>ii. Future car parking should consist of a combination of spaces provided specifically to service new development with both private spaces and publicly accessible spaces, which maximise shared parking opportunities at different times of the day.</i>	Complies	As above, the proposal includes all necessary parking in off-street locations. Specifically, the proposal includes basement parking areas and ground level parking.
<i>iii. Car parking areas shall be landscaped to provide shade.</i>	Complies	No shading of car parking is necessary given the majority of spaces are located within the basement and to the south of the building.
<i>iv. Advertising, signage, landscaping and physical barriers shall be provided for the efficient movement of pedestrians.</i>	Complies	Adequate access will be possible to the car parking areas without any services or landscaping impeding pedestrian movement.

Standard	Compliance	Comment
<i>v. On-grade parking shall be provided at the rear of properties and should incorporate stormwater collection and re-use into their design.</i>	Complies	The minimal extent of ground level parking will be located behind the building line and will be screened from the street frontage by the development. The majority of parking, for residents only, will be at basement level.
<i>vi. On sites with a minimum 24m frontage, parking above ground level or underground may be possible.</i>	Complies	The site is wider than 24 metres on both street frontages and has underground parking for 52 vehicles is provided.
<i>vii. Not applicable.</i>	Not applicable	Not applicable.
<i>viii. Not applicable</i>	Not applicable	Proposal does not incorporate uses which are expected to be significant customer attractors.
<i>ix. Not applicable</i>	Not applicable	Only one level of basement parking is proposed.

Standard	Compliance	Comment
<p><i>x. Car parking should be provided in accordance with the standards and rates provided for in Part 17 of this DCP, which relates to Off Street Car Parking for various uses. Council may consider a reduction in the ratio of car parking provision if satisfactory evidence is provided to indicate that one or more of the following circumstances apply:</i></p> <p><i>The ability to “share” spaces between different land uses at different times.</i></p> <p><i>It can be demonstrated that the use in question will not generate the numbers required.</i></p> <p><i>The use proposed is currently not represented in the precinct and is desirable from the point of view of economic activity or community need but to apply the full car parking requirement would make it unviable.</i></p>	Variation	Refer to discussion of car parking provisions at Section 5.9 of the SEE and the TIAR provided attached at Appendix J.
11.7.12 Streetscape - Albury		
<p><i>i. New buildings shall avoid extensive blank walls to street frontages by incorporating display windows and landscaped street setbacks for mixed use and commercial developments.</i></p>	Complies	The proposal incorporates use of variety of design treatments including glazed frontages, balconies, stepped building design, material uses and landscaping to provide visual interest to the street frontages. The proposal does not result in blank walls addressing Swift Street.

Standard	Compliance	Comment
<i>ii. Not applicable</i>	Not applicable	Not applicable.
<i>iii. Active frontages are to be located on the primary street frontage and for a minimum of 50% of the secondary street frontage.</i>	Complies	The proposal provides an active frontage on the primary street front – Swift Street. As noted above the secondary frontage consists of a service lane and is not conducive ‘street activation’.
<i>iv. Building height, bulk and setbacks shall be consistent with the surrounding structures.</i>	Complies	Complies - refer to discussion above.
<i>v. Ground level retail and commercial uses shall be maintained through vertical articulation.</i>	Complies	Complies.
<i>vi. Not applicable.</i>	Not applicable	None proposed.
<i>vii. New development should retain the use of face brick, timber details, doors and windows.</i>	Complies	Complies.
11.7.13 Urban Design and Pedestrian Circulation – Albury		

Standard	Compliance	Comment
<i>i. Any breaks in the continuity of active shop fronts and services, including those created by car parks or activities with low public interaction, shall be avoided.</i>	Complies	Complies.
<i>ii. All public and pedestrian areas shall be designed in a manner that maximises view lines between destinations and is embellished with highly attractive and consistent paving, lighting and planting (including shade-providing trees in unsheltered areas).</i>	Complies	Existing pedestrian paths surrounding the site will be unaffected by the proposal and in fact will be enhanced by improved definition of building and landscaped edges.
11.7.14 Outdoor Advertising – Albury		
<i>i. Schedule 2 of the LEP provides that most advertisements do not require the consent of the Council (including some above-awning signs) provided that certain basic conditions can be met.</i>	Not applicable	No signage proposed.
<i>ii. Refer to Part 16 of this DCP, which relates to Outdoor Advertising, for the design consideration of advertisements that require Council's consent.</i>	Not applicable	No signage proposed.

Standard	Compliance	Comment
<i>iii. Within the B3 Commercial Core and B4 Mixed Use Zones there are a large number of heritage items, and several conservation areas. Particular attention should be paid to advertisements in these areas to ensure that they do not detract from the style and character of individual buildings and places. Applicants should refer to Part 7 of this DCP, which relates to Heritage Conservation.</i>	Not applicable	No signage is proposed.
11.7.15 Key Sites - Albury		
Not applicable	Not applicable	Not applicable - the development site is not a 'Key Site'.
11.7.16 Opportunity Sites - Albury		
Not applicable	Not applicable	Not applicable - the development site is not an 'Opportunity Site'.
11.7.17 Masterplan Requirement - Albury		
Not applicable	Not applicable	Not applicable – there is no Masterplan requirement for the site.

Standard	Compliance	Comment
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11.7.18 Future Character Areas - Albury

<p><i>Albury is comprised of many different 'character' areas. The zoning for the CBD of Albury and its surrounds allows for a variety of uses from residential to commercial. Character areas that contribute to Albury's identity are a result of:</i></p> <p><i>Consistent street setbacks either built to the street or landscape setbacks.</i></p> <p><i>Consistent elements such as roof forms and pitch, or the use of parapets and awnings.</i></p> <p><i>Consistent scale and form, resulting from building envelopes; height, width, depth floor to floor heights.</i></p> <p><i>Consistent building expression such as any vertical or horizontal articulation, materials and colours.</i></p> <p><i>The intent of the Future Character Areas are to:</i></p> <p><i>Protect the intact streetscapes that contribute to the identity of Albury, such as Heritage Conservation Areas and Dean Street.</i></p> <p><i>Improve streetscapes under transition such as the fringe of the CBD.</i></p> <p><i>Create new streetscapes where opportunities exist, such as the railway land along Young Street.</i></p> <p><i>As change occurs over time, the infill strategy will manage the contribution of new buildings to existing streetscapes. Refer to Figure 11.13 for Future Character Areas.</i></p>	<p>Complies</p>	<p>The site is within the 'Dean Street and Retail core Character Area' where the development will continue to strengthen and retain the precinct and as the premier, pedestrian oriented location for shopping, restaurants, and entertainment services within the CBA.</p> <p>The apartment living arrangements will reinforce this through street activation and deliver medium-high density mixed-use development envisioned for the CBD in accordance with Albury Local Housing Strategy and the objectives of the E2 Zone.</p>
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Standard	Compliance	Comment
11.7.19 Heritage – Albury		
<i>i. Refer to Part 7 of this DCP, which relates to Heritage Conservation as well as the provisions of the Albury Mainstreet Study and the AlburyCity Wide Heritage Study 2004.</i> <i>Applicants should contact AlburyCity to obtain copies of these documents in preparing development applications.</i>	Noted	Refer to submitted SEE and attached HIS at Appendix I.
<i>ii. In some cases, a conservation report on a heritage item may be required in order to detail its significance and reuse, and the curtilage required to adequately maintain its setting.</i>	Noted	Refer to submitted SEE and attached HIS at Appendix I.
11.7.20 Awnings, Verandahs and Balconies – Albury		
Not applicable	Not applicable	Not applicable.

Table 11: Chapter 17 - Off Street Carparking

Standard	Compliance	Comment
17.2 – Parking Provision by Land Use		
<i>i. Car parking spaces are to be provided in accordance with the standards set out in Table 17.1. For land uses not specifically listed, the car parking must be provided as per the most similar use of equivalent intensity, or otherwise in accordance with the requirements of the Council and/or RTA (whichever is the greater).</i>	Variation	<p>Car parking for the development has been considered in the SEE and TIAR in response to the provisions at Table 17.</p> <p>The development results in an overall carparking deficiency of 10 carparking spaces. The TIAR at Appendix J includes consideration of the likely demand for carparking generation and traffic impacts that may result as part of the development. It provides traffic engineering considerations to provide confidence around the parking and traffic matters relating to the development and concludes that the carparking deficiency will have very little impact on the operation of the site or nearby roads and intersections.</p> <p>The traffic generated by the development will not have a significant impact on the performance of the surrounding road network and intersections and will continue the 'level of service' to be maintained at its current standard.</p>
<i>ii. Where a combination of uses is intended, the total parking requirements shall be the sum of the requirements for the various uses. This may be reduced at the Council's discretion in cases where the proponent can demonstrate that the lesser amount will satisfy the expected demand.</i>	Noted	<p>The required spaces for the apartment occupancies exceeds the minimum requirements.</p> <p>The ground floor commercial tenancies are calculated to require a total of 18 spaces and 6 spaces are proposed resulting in a deficiency of 12 spaces. It is noted that a 16m² designated bicycle storage room is to be provided at grade along with EoT facilities which will promote and encourage alternate forms of</p>

Standard	Compliance	Comment
		transportation methods offsetting the quantum of vehicle parking spaces associated with the commercial aspects of the development which is considered entirely satisfactory.
17.3 – Car Parking Controls		
17.3.1 – Car Parking Design		
<i>i. Access, car bay dimensions and orientation, and aisle width must comply with requirements for car parking areas contained in Austroads Guide to Traffic Management; Part 11: Parking.</i>	Complies	All car parking spaces comply with the required dimensions, as specified. Refer to attached plans and dimensions shown.
<i>ii. Car parking areas are to be adequately finished with fully sealed surfaces, internal drainage systems, line markings, appropriate kerbing, paved aisle dividers and/or wheel stops compliant with the requirements contained in the Albury City Engineering Guidelines for Subdivisions and Development Standards and the Austroads Guide to Traffic Management; Part 11: Parking.</i>	Complies	All parking areas will have a sealed surface and will be appropriately drained.
<i>iii. Appropriate landscaping which responds to the site conditions and surrounding context, particularly the transition between public and private spaces must be provided on-site. Landscaping</i>	Complies	No landscaping is considered necessary in this instance as most spaces are contained in basement configuration and the at grade spaces are within the service area of the building.

Standard	Compliance	Comment
<i>shall include trees that provide shade, but do not have a growth characteristic that sheds limbs or significant fruit or nuts.</i>		
<i>iv. Pedestrian and vehicular connections with adjacent public roads and footpaths, and other adjacent private car parking areas shall ensure integration of vehicle and pedestrian configurations and movement patterns.</i>	Complies	Pedestrian access will be provided along Swift Street, with access to the proposed basement made from within the building via proposed service lifts.
<i>v. Car parking entrances shall be located in consultation with Albury City staff, to ensure the safe and efficient integration with the local road network, and shall be configured and signposted, containing adequate site lines as outlined in Austroads Guide to Traffic Management; Part 11: Parking.</i>	Complies	Access to the basement parking will be made from Swift Street only, via a 6metre wide driveway, which complies with the requirements of Australian Standard AS2890 – Parking Facilities Part 1: Off-street car parking. The sight distances along Swift Street in both directions are satisfactory. Refer to the TIAR. Access to the at-grade parking is achieved via Arnold Lane.
17.3.2 – Disabled Persons Parking		
<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>	Complies	The proposal includes an access compliant space, at grade within the carpark at the rear of the development. This space is proposed at ground level, accessible to the main lobby of the building and conveniently accessed from the main driveway.

Standard	Compliance	Comment
<i>ii. The spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.</i>	Complies	As above, the access compliant spaces are located as close to the entrance lobby and lifts servicing the building via a suitable path of travel.
<i>iii. Disabled spaces shall be in accordance with the design and dimensions required by the relevant current Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities.</i>	Complies	The proposed layout of disabled spaces complies with the requirements of Australian Standard AS2890 – Parking Facilities Part 6: Off-street parking for people with disabilities.
<i>iv. Disabled spaces should be indicated by a permanent sign as specified in Australian Standard AS 1428.1 – (General Requirements for Access – Buildings).</i>	Complies	The disabled space is to be appropriately line marked and indicated by signs to ensure that that they are readily visible.
<i>v. Disabled parking spaces are to be constructed in accordance with the minimum dimensions provided in AS2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities. This includes a clear space, which may be shared, of minimum dimension 5.4 metres long by 2.4 metres wide adjacent to every dedicated space.</i>	Complies	The proposed layout of disabled spaces complies with the requirements of Australian Standard AS2890 – Parking Facilities Part 6: Off-street parking for people with disabilities.