

PLANNING REPORT & STATEMENT OF ENVIRONMENTAL EFFECTS

**Eight-storey commercial and residential building and
five-storey carpark building**

**580-584 Smollett Street and 470 Wodonga Place, Albury (Lots 201 and
203 DP1243276 and Lot 60 DP1115982)**

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TABLE OF CONTENTS

TABLE OF CONTENTS	ii
1.0 INTRODUCTION	1
1.1 Purpose of report.....	1
1.2 The Proposal	1
1.3 The Site.....	1
1.4 Current land use/s, previous development consents and background	2
1.5 Statutory land use and development assessment framework.....	4
1.5.1 Legislation.....	4
1.5.2 Policy.....	5
1.6 Other approvals or permits required	9
2.0 SITE CONTEXT.....	10
2.1 Site location, surrounding development, built form, and existing character	10
2.2 Future character	10
2.3 Site description.....	10
2.3.1 Cadastre and topography.....	10
2.3.2 Vehicle and pedestrian access	11
2.3.3 Surrounding road network	11
2.3.4 Existing improvements	12
2.3.5 Easements, covenants, and restrictions.....	12
2.3.6 Reticulated services and public road access	12
2.3.7 Vegetation	13
2.3.8 Site analysis and pre-DA lodgement consultation	13
2.4 The design response and concept.....	13
3.0 THE PROPOSAL.....	14
3.1 Development description	14
3.1.1 Demolition and vegetation removal works	14
3.1.2 Stormwater drainage works	15
3.1.3 The Carpark Building Proposal.....	15
3.1.4 The Mixed-use Building Proposal	17
3.2 Operational parameters.....	18
3.3 Development guideline variation/s.....	20
4.0 PLANNING ASSESSMENT MATTERS.....	21
4.1 State Environmental Planning Policy	21
4.2 Local Environmental Plan.....	31
4.3 Development guidelines.....	35
4.4 Crime prevention through environmental design	52
4.5 Developer contributions.....	53
4.6 Suitability of the Site for the Proposal	53
4.7 Public interest.....	53
5.0 STATEMENT OF ENVIRONMENTAL EFFECTS	55
6.0 CONCLUSIONS.....	57

Appendices

- Appendix A: Title diagrams and covenants
- Appendix B: Photographs of the Site and surrounding area
- Appendix C: SEPP65 design quality principles and the Apartment Design Guide – Architect’s statement

Figures

- Figure 1: Location map
- Figure 2: Aerial photograph of the Site and surrounding area
- Figure 3: Excerpt of Land Zoning Map from the LEP

Figure 4: Excerpt of Heritage Map from the LEP

Tables

Table 1:	Development type summary
Table 2:	Car parking summary – Carpark Building Proposal
Table 3:	Car parking summary – Mixed-use Building Proposal
Table 4:	Operational parameters during construction
Table 5:	Development guideline variation summary
Table 6:	Assessment Matters – State Environmental Planning Policy
Table 7:	Assessment Matters – Albury Local Environmental Plan 2010
Table 8:	Assessment Matters – Albury Development Control Plan 2010
Table 9:	Summary of car parking requirements – commercial component
Table 10:	Summary of car parking requirements – residential component
Table 11:	Statement of Environmental Effects

1.0 INTRODUCTION

1.1 Purpose of report

The purpose of this report is to provide information in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs), and relevant land use and development policies and guidelines to inform the statutory development application and development assessment process.

More specifically, this report has been prepared in accordance with clause 50(1)(a) of the EP&A Regs and is to be included in a development application (DA) to the Albury City Council (Council) seeking development consent.

Firstly, this report discusses the location of the proposed development and then an overview of surrounding land uses is provided. The statutory town planning development assessment framework applicable to the land and the development is then introduced, followed by a description of the land and the development. Then assessment responses to relevant land use and development planning policies and guidelines is provided followed by a Statement of Environmental Effects (SEE) and a section summarising information set out in this report.

1.2 The Proposal

This DA, in general terms, is for the construction of an eight-storey commercial and residential building (the Mixed-use Building Proposal) and a five-storey carpark building (the Carpark Building Proposal) collectively referred to as the Proposal/s in this report. The Proposals are more fully described below, and are shown respectively in the **attached** site, building floor, building elevation, building section, building detail, landscaping, stormwater drainage and building perspective image plans (the DA plan set).

1.3 The Site

The land is located at 580-584 Smollett Street and 470 Wodonga Place, Albury, and is otherwise known as Lots 201 and 203 DP1243276 and Lot 60 DP1115982) (the Site)¹.

The main 580-584 Smollett Street part of the Site comprises existing ground-level carpark areas.

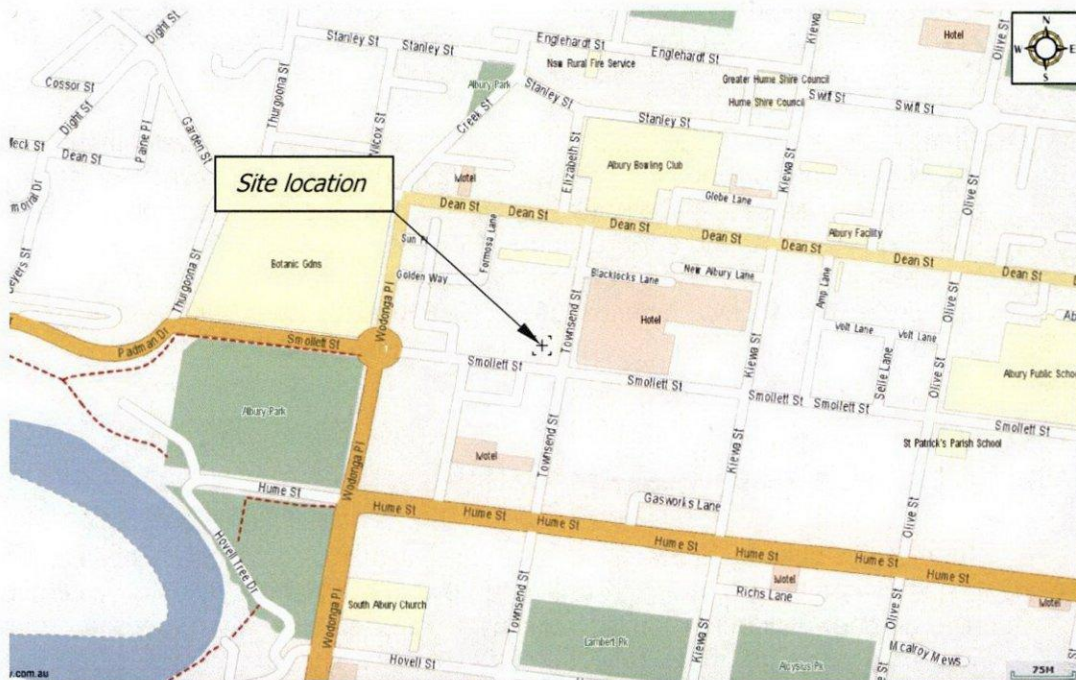
¹ The land affected by the DA mainly concerns 580-584 Smollett Street (Lots 201 and 203 DP1243276): only a small area of 470 Wodonga Place (Lot 60 DP1115982) is affected.

Vehicle and pedestrian access to the Site is available via Smollett Street and Townsend Street. A location map of the Site is shown at **Figure 1** and an aerial photograph is shown at **Figure 2**. Title diagrams of the Site and related documentation are provided at **Appendix A**.

The Site is affected by a number of infrastructure easements as also shown in **Appendix A** including for reticulated electricity, water, sewer and stormwater.

A description of the Site and surrounding land use and development context is provided at **Section 2.1**.

Figure 1: Location map



Source: Street Directory (2020).

1.4 Current land use/s, previous development consents and background

The main part of the Site comprises two at-grade or ground-level carparks, with vehicle and pedestrian access from Smollett Street and Townsend Street as shown in **Figure 2**, **Appendix A** and in the **attached DA** plan set.

Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

Figure 2: Aerial photograph of the Site and surrounding area



Source: Nearmap (1 June 2019).

Development Application:
Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

In the Title documentation in **Appendix A** it is noted that adjoining land described as follows currently benefits from the use of certain car parking spaces within the existing ground-level carpark at 584 Smollett Street (Lot 203 DP1243276):

- adjoining land at 475 Townsend Street (Lot 204 DP1243276) currently benefits from the use of **26** car parking spaces,
- adjoining land at 590 Smollett Street (Lot 202 DP1243276) currently benefits from the use of **63** car parking spaces, and
- adjoining land at 473 Townsend Street (Lot 21 DP1053711) currently benefits from the use of **8** car parking spaces.

These car parking space obligations total **97** car parking spaces and their provision carries forward in the Carpark Building Proposal. A summary table of overall car parking space allocation is provided at **Table 9** below.

The subdivision creating Lots 201-204 DP1243276 comprising the Site and most adjoining land was approved via Development Consent No. 10.2015.34215.1 on 2 December 2015 following the disposal of surplus NSW Department of Health land and building assets. The development consent included subdivision as well as building demolition on 580 Smollett Street (Lot 201 DP1243276).

Following building demolition at 580 Smollett Street (Lot 201 DP1243276) a temporary at-grade carpark was approved via Development Consent No. 10.2018.36377.1 on 9 September 2018. The temporary nature of the carpark was due to the intended longer-term use of the land for commercial and residential building development consistent with the *Albury CBD Masterplan* (Allen Jack & Cottier *et al*, 2009) as provided for by the Proposals.

The existing storage building along the northern lot boundary of the Site was approved for demolition via Development Consent No. 10.2019.36751.1 on 26 April 2019 but at the time of preparing this report demolition is yet to take place. These works do not form a part of the DA.

1.5 Statutory land use and development assessment framework

1.5.1 Legislation

Environmental Planning and Assessment Act 1979

Part 4 of the EP&A Act applies to the Proposals, and pursuant to sections 4.10 and 4.46 of the EP&A Act the Proposals are not respectively identified as "designated development" or "integrated development".



The DA is required to be determined by a Joint Regional Planning Panel (JRPP) pursuant to section 4.5(b) of the EP&A Act as the Proposals have a "capital investment value" of more than \$30M in accordance with Part 4 and Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*.

Environmental Planning and Assessment Regulation 2000

The Proposal is identified as "biodiversity compliant development" (within the meaning of Schedule 1 of the EP&A Regs) as the *Albury Local Environmental Plan 2010* (LEP) is a "biodiversity certified EPI" (within the meaning of Part 8 of Schedule 7 of the former *Threatened Species Conservation Act 1995* (TSC Act)) and the Site is not an 'area excluded from biodiversity certification'.

State Environmental Planning Policy

The Proposal is affected by considerations within *State Environmental Planning Policy No. 55—Remediation of Land* (SEPP55), *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development* (SEPP65), *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure) and *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (SEPP Vegetation).

Local Environmental Plan

The Site is affected by considerations within the *Albury Local Environmental Plan 2010* (LEP).

1.5.2 Policy

State Environmental Planning Policy

SEPP55 (and *Managing Land Contamination: Planning Guidelines* (DUAP & EPA, 1998)) generally requires that consideration be given to whether or not land proposed to be developed is contaminated and fit for use for its intended purpose. The Site is not known to be contaminated and the Proposal is considered to comply with relevant considerations including those under Appendix J of the *Albury Development Control Plan 2010* (DCP).

The following provision of SEPP65 is considered relevant to assessment of the Proposal:

- Clause 28: *Determination of development applications.*

An assessment table which lists the content of this provision and detailed responses is provided below at **Table 6**.

The following provision of SEPP Infrastructure is considered relevant to assessment of the Proposal:

- Clause 104: *Traffic-generating development.*

An assessment table which lists the content of this provision and detailed responses is provided below at **Table 6**.

The following provision of SEPP Vegetation is considered relevant to assessment of the Proposal:

- Clause 10: *Council may issue permit for clearing of vegetation.*

An assessment table which lists the content of this provision and detailed responses is provided below at **Table 6**.

Local Environmental Plan

The following provisions of the LEP are considered relevant to assessment of the Proposal:

- Land Use Table – Zone B3 Commercial Core: *Objectives of zone;*
- Clause 4.3: *Height of buildings;*
- Clause 4.4: *Floor space ratio;*
- Clause 5.10: *Heritage conservation;* and
- Clause 7.6: *Essential services.*

An assessment table which lists the relevant content of these provisions and detailed responses are provided below at **Table 7**.

LEP definitions

For the purposes of this report the following definitions listed in the Dictionary of the LEP are considered relevant:²

commercial premises means any of the following—

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

residential flat building means a building containing 3 or more **dwelling**s, but does not include an attached dwelling or multi dwelling housing.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

² *Planning Circular: PS 13-001 – How to characterise development* (Department of Planning & Infrastructure, 2013).



gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement—
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

Land use zoning

The Site is zoned “B3 Commercial Core Zone” (B3 zone) under the LEP, which is shown in the Land Zoning Map excerpt detailed below in **Figure 3**. In the Land Use Table for the B3 zone “office premises”, “residential flat building” and a “carpark” are ‘permitted with consent’. Further comment is made at **Table 7**.

Heritage conservation

“Heritage item” I174 adjoins the Site to the east at 473 Townsend Street (known as ‘Kia-Ora’) as well as other heritage items as shown in the Heritage Map excerpt detailed below in **Figure 4**, however no conservation area, an Aboriginal object, or a building, work, relic or tree within the meanings of clause 5.10 of the LEP are located within, adjoining, or nearby the Site. Further comment is made at **Table 7**.

Height of buildings

The Site is identified as having a maximum building height of 35 metres in the Height of Buildings Map under clause 4.3 of the LEP. The Mixed-use Building Proposal and the Carpark Building Proposal are under this height. Further comment is made at **Table 7** and **Table 8**.

Floor space ratio

The Site is identified as having a maximum floor space ratio (FSR) of 3:1 in the Floor Space Ratio Map under clause 4.4 of the LEP. The Site is well under this ratio, noting that car parking does not comprise “gross floor area”.

Figure 3: Excerpt of Land Use Zoning Map from the LEP

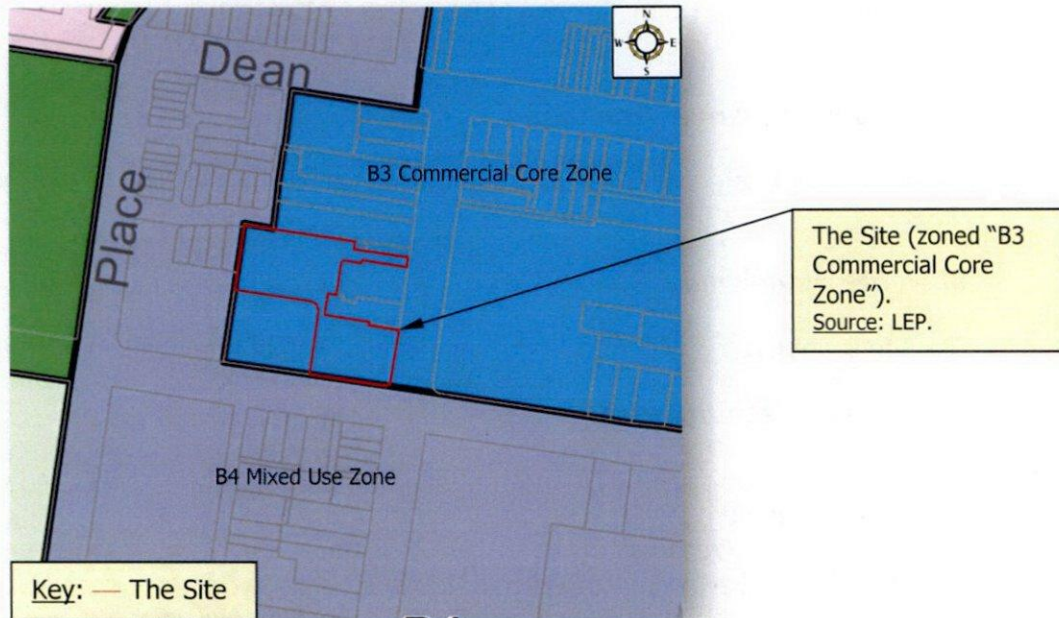
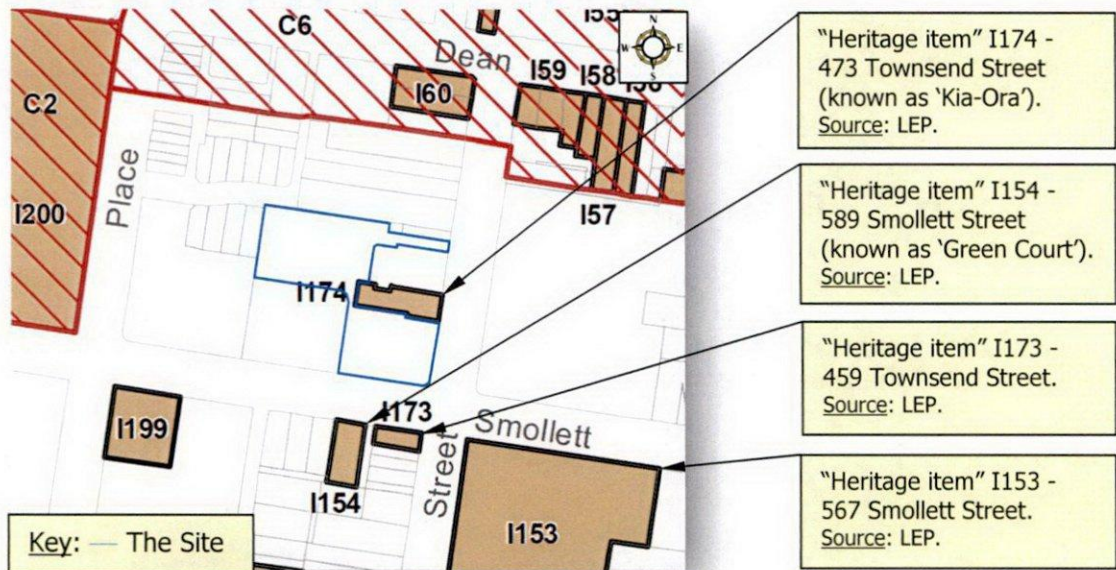


Figure 4: Excerpt of Heritage Map from the LEP



Water

The Site is not located within a "sensitive area" within the meaning of clause 7.2 of the LEP.

Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

Flood prone land

The Site is not located within a “flood planning area” within the meaning of clause 7.4 of the LEP.

Development on river front areas

The Site is not located within a “river front area” within the meaning of clause 7.5 of the LEP.

Bush fire prone land

The Site is not located within “bush fire prone land” within the meaning of the EP&A Act.

Development Control Plan

The Site is affected by the DCP and the following provisions are considered relevant to assessment of the Proposal:

- Part 5: *Tree Preservation*;
- Part 7.4.5: *Development in the vicinity of a Heritage Item or Conservation Area*;
- Part 10.8: *Residential development – residential flat buildings*;
- Part 11: *Development in the Commercial Zones*; and
- Part 17: *Off Street Car Parking*.

It is noted that the DA does not include business identification signs and any such signs will be the subject of a separate development application.

Similarly, for provisions of the LEP an assessment table is provided below at **Table 8**.

1.6 Other approvals or permits required

The Proposals would require separate Construction Certificates under Part 6 of the EP&A Act and relocation of the existing reticulated stormwater main traversing the southern boundary of the Carpark Building Proposal would require a separate Permit under section 68 of the *Local Government Act 1993*.

2.0 SITE CONTEXT

2.1 Site location, surrounding development, built form, and existing character

The location of the Site was briefly described in **Section 1.3** and is graphically shown in the aerial photograph in **Figure 2** and in the photographs of the Site and surrounding area at **Appendix B**. The built form location context of the Site is also shown in perspective images in the **attached** DA plan set. The Site is located in a developed mainly commercial area in the south-western area of the Albury CBD. Vehicle and pedestrian access to the Site is available via Smollett Street and Townsend Street. As shown in **Figure 2** the Site has commercial land uses surrounding the Site on all sides except to the northwest which is residential.

Built form in the vicinity of the Site comprises mainly one to two-storey commercial and residential buildings consisting mostly of detached development, however the five-storey Gardens Medical Centre adjoins the Site to the west and residential development adjoining the Site to the northwest comprises one to two-storey attached residential townhouse and terrace development.

2.2 Future character

Given the location of the Site and adjoining land and their uses and development, it is not expected that the future character of the area will significantly change in the immediate future or short-term, however the existing Council Depot site to the southwest at 440 Wodonga Place is expected to be redeveloped in the medium-term consistent with relevant land use and development aspirations in Part 11.7.15 of the DCP (c.f. the *Albury CBD Masterplan* (Allen Jack & Cottier *et al*, 2009)) which would be for similar high-rise commercial/residential development such as the Proposal.

2.3 Site description

2.3.1 Cadastre and topography

The Site is shown graphically in the Title survey plan at **Appendix A**, in the feature and level survey plan in the **attached** DA plan set, and in photographs at **Appendix B** (Site context descriptions provided).

The Site comprises three lots:

- Lot 201 DP1243276 – 580 Smollett Street – the Mixed-use Building Proposal,



- Lot 203 DP1243276 – 584 Smollett Street – the Carpark Building Proposal, and
- Lot 60 DP1115982 – 470 Wodonga Place – a pedestrian and disabled accessway associated with the Carpark Building Proposal.

As detailed in **Section 3.1** below, Lots 201 and 203 DP1243276 – 580 and 584 Smollett Street will be consolidated into one lot.

The combined Mixed-use Building Proposal and Carpark Building Proposal land has an irregular shape, no general axis, and has dimensions of approximately:

- 59.5 metres along its southern lot boundaries with Smollett Street,
- 49.8 metres along its eastern lot boundaries with Townsend Street,
- 122.8 metres along its northern lot boundaries with adjoining commercial land and Golden Way, and
- 101.2 metres along its western lot boundaries with adjoining commercial and residential land,

with an overall area of approximately 6,601 square metres.

The combined Site is generally flat over its entire area with no discernible aspect; however, the Site's existing carpark and vehicle access and manoeuvring areas have finished surface levels conducive to effective and efficient stormwater drainage. Overall reticulated drainage influences are to the southwest.

2.3.2 Vehicle and pedestrian access

The Site currently has vehicle and pedestrian access from Smollett Street (vehicle ENTRY to the Site only) and Townsend Street (vehicle EXIT from the Site only). These existing vehicle access arrangements carry forward in the Proposal.

2.3.3 Surrounding road network

The road network and traffic conditions surrounding the Site are described as follows:

- Hume Freeway – a State Highway and major arterial route linking Sydney and Melbourne;
- Wodonga Place (Riverina Highway) and Hume Street (Riverina Highway) – a State Road and sub-arterial route extending approximately east-west through Albury;
- Young Street/Mate Street – a north-south collector road route; and
- Smollett Street/Townsend Street – collector roads connecting Wodonga Place (Riverina Highway) and Hume Street (Riverina Highway).

Smollett Street has two lanes in each direction with supplementary right and left turn lanes at the Townsend Street intersection. Townsend Street has two lanes in each direction with supplementary right and left turn lanes at the Townsend Street intersection.

Existing traffic controls which have been applied to the road network serving the Site include:

Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)



- traffic signals at the Young Street/Guinea Street and Borella Road/Hume Freeway on/off ramp intersections;
- traffic signals at the Smollett Street/Townsend Street and Smollett Street/Wodonga Place (Riverina Highway) intersections; and
- 50 km/h speed limits.

2.3.4 Existing improvements

The main part of the Site has existing improvements consisting of at-grade (ground level) car parking facilities, an electrical substation and carpark landscaping.

2.3.5 Easements, covenants, and restrictions

The Title survey plan at **Appendix A** shows that the Site has existing infrastructure easements, covenants, restrictions, and rights-of-way within the meaning of the *Conveyancing Act 1919*. Existing infrastructure easements comprise water, sewer, stormwater and electricity. Existing covenants, restrictions and rights-of-way comprise the car parking space and access obligations mentioned in **Section 1.4** which all carry forward in the Proposal.

An additional 20 car parking spaces will also be provided benefitting the Gardens Medical Centre, 470 Wodonga Place (Lot 60 DP1115982) in addition to the 97 car parking spaces mentioned above at **Section 1.4**. The provision of this 20 car parking space obligation will serve to allow for a financial bank guarantee³ relating to 20 car parking spaces at the Gardens Medical Centre held by Council to be cancelled. It is expected that Council will consent to cancel the bank guarantee when an Occupation Certificate is issued for the Carpark Building Proposal in the context of the subject 20 car parking spaces being mentioned in the relevant updated covenant affecting the Site i.e. the bank guarantee will serve no further purpose.

It is also noted that a 3-metre-wide building separation easement for fire safety reasons is proposed to be created affecting the rear of adjoining land at 475 Townsend Street, Albury (Lot 204 DP1243276)⁴ in relation to a part of the eastern wall of the Carpark Building Proposal. No other similar easements are required for any other parts of the building either due to proposed building setbacks or due to proposed fire safety measures to be used i.e. automatic fire shutters (north building elevation).

2.3.6 Reticulated services and public road access

Reticulated water, sewer, stormwater, electricity, natural gas, and telecommunications services are connected to the Site. The Site has sealed public road access.

³ Bank Guarantee No. DG397832070 dated 11 February 2015 for \$300,000 relating to 20 car parking spaces arising from Condition E8 of Development Consent No. 10.2007.27803.2.

⁴ Landowner's consent is provided as part of the DA.

The Carpark Building Proposal requires a minor relocation of the existing Essential Energy electrical substation and an existing Council reticulated stormwater drainage pipe and easement location amendment to accommodate a proposed building pier.

The Mixed-use Building Proposal part of the Site contains a reticulated sewer above-ground vent pipe with diffuser tip in its southwest part. This infrastructure will be removed as a part of the Proposal and an alternative location solution negotiated with Council.

2.3.7 Vegetation

The Site has existing vegetation comprising car park landscaping at the Carpark Building Proposal part of the Site. This vegetation is mostly exotic and all has been planted (none are remnant). One exotic tree requires removal which is subject to amenity assessment⁵ (as opposed to biodiversity assessment⁶), being a tree over 4.5 metres in height and 3 metres in spread.

2.3.8 Site analysis and pre-DA lodgement consultation

Site analysis plans are provided in the **attached** DA plan set based on feature and level survey information. Pre-DA lodgement consultation with Council officers and Essential Energy took place during 2019 and early 2020.

2.4 The design response and concept

The design response and concept for the Proposal has generated following a thorough site analysis and investigation process: A process which has assisted design principals to comprehensively understand the nature of the Site and the area, and to provide a design response which responds to the land use and development policies and guidelines detailed in this report. The Proposal specifically responds to the aspirational land use and development outcomes sought for the Site and the area in the *Albury CBD Masterplan* (Allen Jack & Cottier *et al*, 2009).

⁵ Pursuant to sections 9 and 10 of SEPP Vegetation and Part 5.2 of the DCP development consent is required for removal of trees (native or exotic) over 4.5 metres in height and 3.0 metres in spread.

⁶ The Proposal is identified as "biodiversity compliant development" (within the meaning of Schedule 1 of the EP&A Regs) as the LEP is a "biodiversity certified EPI" (within the meaning of Part 8 of Schedule 7 of the former TSC Act) and the Site is not an 'area excluded from biodiversity certification'.



3.0 THE PROPOSAL

3.1 Development description

The DA is for development comprising the construction and use of an eight-storey commercial and residential building and five-storey carpark building, including demolition and vegetation removal works, landscaping works and lot consolidation, as summarised in **Table 1** and described in sections below in further detail.

Table 1: Development type summary

<i>Type</i>	<i>Parameter</i>	<i>No.</i>	<i>Total</i>
"Office premises"	"gross floor area" (GFA):		4,414m²
"Residential flat building"	"dwelling" (residential apartments)	1 bedroom	12
		3 bedrooms	13
Car parking	car parking spaces	Mixed-use Building	20
		Carpark Building	473
Lot consolidation	580 Smollett Street (Lot 201 DP1243276)	2,338m ²	6,601m²
	584 Smollett Street (Lot 203 DP1243276)	4,263m ²	

3.1.1 Demolition and vegetation removal works

Demolition works include the removal of all carpark facilities, fencing, landscaping, superfluous underground infrastructure, the Council reticulated sewer above-ground vent pipe (refer to **Section 2.3.6** above) and part of the Essential Energy electrical substation (refer to **Section 2.3.6** above).

One exotic tree in the Carpark Building Proposal part of the Site comprising existing car park landscaping requires removal. The tree is over 4.5 metres in height and 3 metres in spread.

3.1.2 Stormwater drainage works

Pre-building construction stormwater drainage works include minor relocation of the existing Council reticulated stormwater drainage pipe and easement location amendment to accommodate a proposed building pier for the Carpark Building Proposal as shown in the **attached** DA plan set.

3.1.3 The Carpark Building Proposal

Building construction works for the Carpark Building Proposal are characteristic of a regional city centre multi-level carpark building form being a five-storey building with five carpark levels and with open to semi-open side wall void areas and an open upper level with shade structures.

The carpark provides for 473 car parking spaces including 20 disabled spaces, bicycle racks and storage lockers. The building structure is of concrete construction with mechanical lifts and stairwells approximately 71 metres long, 47 metres wide and 16.5 metres high. An above-ground suspended weather-proof pedestrian walkway connects the building at Level 1 to the associated Mixed-use Building Proposal also at Level 1. Visitor car parking for the residential part of the Mixed-use Building Proposal is provided at the Ground Floor (given visitor access will be via the Ground Floor of the Mixed-use Building Proposal). Residential parking for the residential part of the Mixed-use Building Proposal is provided at Level 1 (given pedestrian access will be via the suspended walkway to Level 1 of the Mixed-use Building Proposal). An above-ground pedestrian and disabled accessway also connects the building at Level 1 to the adjoining Gardens Medical Centre land to the west, noting that one existing car parking space within the Gardens Medical Centre site would need to be removed (refer to Photograph No. 33 at **Appendix B**).

The building elevation plans in the **attached** DA plan set show that external building cladding materials and colours are proposed to be a mix of alternating colour painted precast grooved concrete panels, powder coated metal fencing, steel framed alternating colour painted perforated steel panels (with fire shutters located behind), vertical rod fencing at 125mm centres, and 20% transparency perforated metal privacy screens.

The following summarises key building development features in regard to the site analysis and design response:

- vehicle ENTRY is only via Smollett Street; vehicle EXIT is only via Townsend Street, which carries forward existing conditions,
- pedestrian and bicycle access is via either road frontage but if bicycle access is via Townsend Street then the bollard-protected pedestrian accessway must be used (as access will be against traffic flow),
- weather-protection pedestrian access via the above-ground suspended walkway connecting the building at Level 1 to the associated Mixed-use Building Proposal also at Level 1, with the ground-level pedestrian walkway being underneath and therefore also weather protected and also with bollard lighting,



- lockable storage provided for residents of the associated Mixed-use Building Proposal at ground-level,
- the public road reserve of Golden Way utilised for fire escape egress (with no removal of any existing trees within the road reserve required),
- secure carpark access boom or gates and vehicle queuing space available within the Site at both the carpark entry from Smollett Street and exit to Townsend Street,
- 1.8-metre-high privacy screens for adjoining residential property provided for Levels 1-3 along the western building elevation,
- passive natural light ingress to the adjoining residential dwelling to the west afforded through a 3-metre-wide setback,
- building siting and design in regard to overshadowing of adjoining residential property complies with relevant guidelines,
- upper level shade structures utilised for solar energy electricity generation,
- automatic fire shutters utilised for northern building elevation to avoid the requirement for mechanical ventilation of the building whilst also complying with fire safety requirements (all fire shutters remain open except if triggered to close by fire sensors),
- linking pedestrian and disabled accessway at Level 1 to the adjoining Gardens Medical Centre with security gate and lighting (landowner's consent provided with the DA) facilitating use of 20 car parking spaces as described at **Section 2.3.5**, and
- incorporation of Safer-by-Design principles throughout.

Table 2: Car parking summary – Carpark Building Proposal

		Commercial	Residential	Total
Ground floor	Parking	87	-	99
	Accessible	4	-	
	Visitor	-	8	
Level 1	Parking	51	23	78
	Accessible	4	-	
	Visitor	-	-	
Level 2	Parking	84	-	88
	Accessible	4	-	
	Visitor	-	-	
Level 3	Parking	100	-	104
	Accessible	4	-	
	Visitor	-	-	
Level 4	Parking	100	-	104
	Accessible	4	-	
	Visitor	-	-	
		442	31	473

The Carpark Building Proposal includes the following car parking and access design features:

- overall layout and design in accordance with AS2890.1, AS2890.2, and AS2890.6,

Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)



- connecting pedestrian safe zone footpath thoroughfares from the Smollett Street and Townsend Street footpaths to building pedestrian accessways, including 'way finding' bollard and landscaping tree and shrub planting theme,
- secure carpark access boom or gates and vehicle queuing space available within the Site at both the carpark entry from Smollett Street and exit to Townsend Street, and
- landscaping and building perimeter security lighting sited and designed in accordance with Safer-by-Design principles (refer to **Section 4.4** for further comment).

3.1.4 The Mixed-use Building Proposal

Building construction works for the Mixed-use Building Proposal are characteristic of a regional city centre high-quality multi-level commercial/residential building form being an eight-storey building with seven commercial and residential levels on a road corner each with an active ground-level frontage/interface.

The building provides 4,414 square metres GFA of commercial space over seven levels and 25 residential apartments over seven levels with 20 ground-level car parking spaces, including one disabled space, bicycle racks and storage lockers. The building structure is of concrete construction with mechanical lifts and stairwells approximately 41 metres long, 48 metres wide and 30.8 metres high. An above-ground suspended weather-proof pedestrian walkway connects the building at Level 1 to the associated Carpark Building Proposal also at Level 1. Residential visitor car parking is provided at the Ground Floor and also at the Ground Floor of the Carpark Building Proposal (given visitor access will be via the Ground Floor). Residential car parking is provided at the Ground-Floor and also at Level 1 of the Carpark Building Proposal (given pedestrian access will also be via the suspended walkway to Level 1).

The building elevation plans in the **attached** DA plan set show that external building cladding materials and colours are proposed to be a mix of colour painted precast concrete panels, double glazed powder coated aluminium window panels (with box frames for residential windows), colour painted fibre cement main and secondary walls, Colorbond steel upper walls, aluminium bi-fold sun screen panels, colour painted blockwork planter boxes, vertical slat fencing at 100mm centres, and powder coat colour finish aluminium louvres.

The following summarises key building development features in regard to the site analysis and design response:

- active street frontages, with the principle pedestrian accessways for commercial and residential uses being from Smollett Street, with each access type being differentiated through design feature and articulation hierarchy, with separated lobbies and internal lifts,
- lot boundary setbacks and stepped-back upper level building design consistent with design objectives and guidelines under *Albury CBD Masterplan* (Allen Jack &

- Cottier *et al*, 2009) and north elevation void separation respect for the adjoining 'Kia-Ora' heritage item to the north fronting Townsend Street,
- partially open ground-level carpark to facilitate natural light ingress and ventilation,
 - vehicle ENTRY is only via Smollett Street; vehicle EXIT is only via Townsend Street, which carries forward existing conditions,
 - awning weather-protection pedestrian access via Townsend Street and Smollett Street with bollard lighting,
 - lockable storage provided for residents at ground-level,
 - secure carpark access sliding gates and vehicle queuing space available within the Site at both the carpark entry from Smollett Street and exit to Townsend Street,
 - internal waste management system and bin storage facilities with bin collection via Smollett Street by private contractors,
 - upper level utilised for solar energy electricity generation, and
 - incorporation of Safer-by-Design principles.

Table 3: Car parking summary – Mixed-use Building Proposal

		<i>Commercial</i>	<i>Residential</i>	Total
Ground floor	Parking	3	15	18
	Accessible	1	-	1
	Visitor	-	1	1
		4	16	20

3.2 Operational parameters

Table 4 provides a summary of the operational parameters of the Proposal during construction.

Table 4: Operational parameters of the Proposal during construction

<i>Parameter</i>	<i>Response</i>
• Days and hours of demolition/ construction:	in accordance with <i>AS 2436:1981–Guide to noise control on construction, maintenance and demolition sites</i> , namely 7:00am to 7:00pm, Monday to Saturday (excluding public holidays)
• Traffic management:	in accordance with a Traffic Management Plan (TMP) for each stage of construction as relevant
• Shoring and adequacy of adjoining property:	dilapidation report to be prepared prior to construction work commencing; section 98E of the EP&A Regs to be complied with where relevant



Parameter	Response
• Car parking:	some onsite car parking provided in the 'construction zone'; temporary displacement of public car parking along Townsend Street and Smollett Street during the various stages of construction
• Loading/unloading:	onsite loading/unloading provided in the 'construction zone' and along Townsend Street and Smollett Street frontages in accordance with the relevant TMP
• Waste management:	waste is stored in dedicated containers within the 'construction zone' and collected by licensed contractors for offsite disposal
• Safety and security:	relevant WH&S and WorkCover standards and guidelines; hoardings along road frontages designed to facilitate safe pedestrian movement
• Lighting:	standard security lighting
• Plant and machinery:	standard building industry construction equipment
• Noise, dust, and vibration:	standard building industry construction equipment; construction carried out in accordance with <i>AS2436:1981-Guide to noise control on construction, maintenance and demolition sites</i>
• Stormwater:	construction carried out in accordance with <i>Managing Urban Stormwater, Soils & Construction, Volume 1</i> (Landcom, 2004) and <i>Managing Urban Stormwater, Soils & Construction, Volume 2</i> (DECC, 2008)
• Visual:	hoardings and security fencing erected along all construction area boundaries

3.3 Development guideline variation/s

Variations to the following development guidelines in the DCP are proposed as alternative solutions pursuant to section 79C(3A)(b) of the EP&A Act. It is noted that no variations to the *Apartment design Guide* are required.

Table 5: Development guideline variation summary

<i>DCP</i>		<i>Alternative solution</i>	<i>Justification</i>
<i>Part</i>	<i>Guideline</i>		
<i>DCP Part 10.8: Residential development – residential flat buildings – (iv)</i>	<i>Ingress/egress by access handles or right of ways will not be permitted.</i>	The intent of the guideline is met: EXIT from the Site is proposed using the existing access handle to Townsend Street which provides for safe pedestrian and bicycle ingress and egress to and from the Site.	Refer to Table 8
<i>DCP Part 10.8: Residential development – residential flat buildings – (v)</i>	<i>Residential flat buildings shall be a minimum distance of 500m apart (the separation distance is measured by the closest point between each lot)</i>	The intent of the guideline is met: The two relevant residential flat buildings (the Proposal and the other subject building) have entirely separate and distinct locations and therefore no streetscape relationship.	Refer to Table 8
<i>DCP Part 11.7.4: Street Wall Heights and Upper Level Setbacks – Albury (i)</i>	<i>Upper level setbacks shall comply with the following: ... • Along other streets – minimum 3 metres.</i>	The intent of the guideline is met: A variation of 0.31m is requested on the basis of the variation being minor and the building setback being significantly greater the closer the building gets to the corner of Smollett Street.	Refer to Table 8

Development Application:
Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

4.0 PLANNING ASSESSMENT MATTERS

4.1 State Environmental Planning Policy

Table 6: Assessment Matters – State Environmental Planning Policy

	Response
<i>State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development</i>	
<i>SEPP65: Clause 28 - Determination of development applications</i>	
<i>(1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.</i>	Not relevant – A design review panel does not exist (has never existed) for the Albury municipality.
<i>(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):</i>	
<i>(a) the advice (if any) obtained from the design review panel, and</i>	Not relevant – A design review panel does not exist for the Albury municipality.

Development Application:
Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

<p>(b) <i>the design quality of the development when evaluated in accordance with the design quality principles, and</i></p>	<p>Refer to comments in response to the design quality principles below and also to a statement from the Proposal’s architect at Appendix C which has replicated responses.</p>
<p>(c) <i>the Apartment Design Guide.</i></p>	<p>Refer to the table compliance response to the <i>Apartment Design Guide</i> in the attached DA plan set for the Mixed-use Building Proposal in Drawing No. 580DA04.</p>
<p>SEPP65: Schedule 1 – Design quality principles</p>	
<p>SEPP65: Schedule 1 – Design quality principles – Principle 1: Context and neighbourhood character</p>	
<p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>Located on a major street corner of Albury, the Mixed-Use Building Proposal will have a strong impact by virtue of its height and substantial mass. The commercial use on the corner is in keeping with current street character, while the residential component adds a new and desirable community use to the locality; this will enhance the neighbourhood character in providing a diverse use that enlivens the area during the day and night.</p> <p>Visually, it will balance and bookend the existing Gardens Medical Centre to the west giving due respect to that landmark structure whilst also being sympathetic to the listed heritage item No. I174 at 473 Townsend Street to the northeast through setback.</p>
<p>SEPP65: Schedule 1 – Design quality principles – Principle 2: Built form and scale</p>	



Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

By the very nature of its uses, the proposal takes on a dual character.

The commercial and residential uses have been combined with a view to complement each other, despite their divergent uses. The commercial portion takes precedence by making a robust corner statement; an arc of glass and concrete spans across the corner of Smollett and Townsend Streets providing an individualistic architectural character that will be highly recognizable.

The transformation into the residential portion on the south façade is gradual, not brutal. The arc is discontinued by a strong and colourful vertical element, reminiscent of masonry. As the building turns to the west, a different character is evolved that reflects its alternative use.

We have attempted to make this transition a positive and desirable event in the Albury "Downtown" context. The height of the building is within the maximum height limit imposed and therefore abides by the desired character of the area.

***SEPP65: Schedule 1 – Design quality principles – Principle 3:
Density***

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The residential component consists of apartments on levels 1-7. Ground floor level includes an entry lobby, car parking, services and a commercial tenant facing Smollett St, possibly a café.

The entrance to the apartments is clearly defined by being located off the laneway, unambiguously separated from the commercial entry. While recessed, entry is still visible from Smollett Street by being slightly forward of the main ground floor wall. A car drop-off zone is provided



	<p>there, along with generous planters to isolate it from passing traffic accessing the carpark.</p> <p>The apartments themselves are proposed as a dual occupancy use and are quite generous in size with a total area of around 240m² each.</p> <p>There are 25 apartments proposed consisting of 1 off 1 bedroom apartment, 11 off dual-occupancy apartments and 2 off penthouses on level 7.</p> <p>The apartments face west primarily, north and south. They will benefit from good views to the west and glimpses of the east panorama will also be provided by the protruding balconies.</p>
<p><i>SEPP65: Schedule 1 – Design quality principles – Principle 4: Sustainability</i></p>	
<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The proposal aims to set desirable benchmarks in sustainability, both in construction and in the continuing life of the building. A combination of passive design and active sustainable systems are proposed to minimise the environmental impact of the building while maximising the amenity of the occupants.</p> <p>These include meeting the requirements of BASIX, a generous PV cells roof landscape zone & planting of appropriate water hardy species.</p> <p>Features of the ESD inclusions are a/- laundry facilities in each apartment and generous balconies for drying of clothes. b/- passive solar design enhancing natural heating and cooling, c/- solar collection devises contribute to energy input from natural sources d/- generous window sizes to promote natural light usage, rather than electrical.</p>



**SEPP65: Schedule 1 – Design quality principles – Principle 5:
Landscape**

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours’ amenity and provides for practical establishment and long term management.

The landscape design is appropriate for the urban context of this development. A generous roof top zone is earmarked for residents. It consists of a large open lawn area and a more intimate BBQ zone, facing north with a pergola and some lawn.

**SEPP65: Schedule 1 – Design quality principles – Principle 6:
Amenity**

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

The proposal has utilised the guidelines as set out in the *Apartment Design Guide*. Drawing 580DA04 of the DA documents sets out the main requirements of this guide and how they have been met. A summary of the most important criteria is noted:

1. Size. The various minimum requirements for apartment sizes, storage volume, balcony sizes and depths have been exceeded for all apartments



	<ol style="list-style-type: none"> 2. Car parking facilities are provided in 2 locations; one on the site (20 cars) and the remainder on level 1 of the new proposed car parking station on Lot 203. Note that an enclosed bridge has been included to level 1, thereby providing convenient undercover secure access for residents 3. Daylight is a primary and essential element for the wellbeing and delight of the residents. A minimum of 3 hours of sunlight (to 70% of apartments) is required in any living room on the shortest day of the year (June 22). The project delivers this feature to 100% of apartments. 4. Natural ventilation is another important aspect of good design; the guide requires a minimum of 60% of apartments to be thus equipped. The proposal achieves this minimum; refer to Project Statistics drawing 580DA04. 5. Conclusion: the project is a high quality and generous proposal that will provide an enviable level of comfort and amenity to its residents.
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SEPP65: Schedule 1 – Design quality principles – Principle 7: Safety	
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<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p>	<p>The proposal achieves a high level of personal security; a feeling of safety for residents in an essential prerequisite, consistent with Safer-By-Design principles. From car park to apartment, residents are sequestered within a monitored and enclosed environment both physical and electronic and have good visual surveillance from street to</p>
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<p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>apartment door. As this project is a “high-end” type of development, security is a high priority.</p>
<p>SEPP65: Schedule 1 – Design quality principles – Principle 8: Housing diversity and social interaction</p>	
<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>In apartment design a fair and reasonable mix of community and privacy must be achieved. A feeling of private security must be present while allowing for good community relations. The mix of 3 and 1 bedroom apartments will generate a good diversity of residents.</p>
<p>SEPP65: Schedule 1 – Design quality principles – Principle 9: Aesthetics</p>	
<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>Located on a fully exposed site, viewed from 4 directions and from distance, the development can be said to be “landmark”. It has been carefully considered for viewing from all directions and it attempts to achieve a well-proportioned, diverse and balanced spatial construct.</p> <p>The proportional sub division of the vertical elements has been carefully considered to provide a delightful object utilising the Golden Mean Proportion wherever possible.</p>

	<p>In general, a classical approach to architecture has been taken, providing a base, a main body and a roof; this classical construct is interpreted to fit within a modern paradigm.</p> <p>A high degree of contrast contributes to a level of tension engendered by the dual uses on the site. Strong vertical "orange" piers stitch together the primary "white" horizontal elements. These balance the apparent height of the building.</p> <p>The floor to floor height necessary for the commercial portion, 3,600mm has been continued in the residential building, resulting in pleasing high ceilings of 3 metres (minimum) for habitable rooms.</p> <p>The upper floor consists of 2 generous penthouses (200m² each) with equally generous balconies of over 80m². A pitched roof plane completes that portion of the building stating that this is the residential part of the building. The proposed architectural statement is, in our opinion, an attractive building that will enhance the residents, proprietors and the City of Albury.</p>
<p><i>State Environmental Planning Policy (Infrastructure) 2007</i></p>	
<p><i>SEPP Infrastructure: Clause 104 - Traffic-generating development</i></p>	
<p><i>(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:</i></p>	
<p><i>(a) new premises of the relevant size or capacity, or</i></p>	<p>Relevant as the Proposal is specified in Column 1 of the Table to Schedule 3 of SEPP Infrastructure.</p>



<p><i>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i></p>	<p>Not relevant to the Proposal.</p>
<p><i>(3) Before determining a development application for development to which this clause applies, the consent authority must:</i></p>	
<p><i>(a) give written notice of the application to the RTA within 7 days after the application is made, and</i></p>	<p>...</p>
<p><i>(b) take into consideration:</i></p>	
<p><i>(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and</i></p>	<p>...</p>
<p><i>(ii) the accessibility of the site concerned, including:</i></p>	
<p><i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p>	<p>Complies – The Proposal does not change existing vehicle access arrangements (for existing car parking at the Site). Vehicle ENTRY is only via Smollett Street; vehicle EXIT is only via Townsend Street. Refer to the attached DA plan set.</p>
<p><i>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i></p>	<p>Complies – Bicycle rack spaces are provided onsite and footpath pedestrian facilities connect to the surrounding public domain. Refer to the attached DA plan set.</p>
<p><i>(iii) any potential traffic safety, road congestion or parking implications of the development.</i></p>	<p>Complies – Traffic generation arising from the Proposal can be accommodated within proposed onsite car parking and the existing road</p>

Development Application:
Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)



	network and traffic facilities surrounding the Site. Further information is provided at Table 9 and Table 10 .
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	
SEPP Vegetation: Clause 9 - Vegetation to which Part applies	
(1) <i>This Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.</i>	The DCP is deemed to apply to this clause by virtue of repealed clause 5.9 of the LEP.
(2) <i>A development control plan may make the declaration in any manner, including by reference to any of the following:</i> <i>(a) the species of vegetation,</i> <i>(b) the size of vegetation,</i> <i>(c) the location of vegetation (including by reference to any vegetation in an area shown on a map or in any specified zone),</i> <i>(d) the presence of vegetation in an ecological community or in the habitat of a threatened species.</i>	Relevant insofar as trees over 4.5 metres in height and 3 metres in spread (c.f. Part 5.2 of the DCP).
SEPP Vegetation: Clause 10 - Council may issue permit for clearing of vegetation	
(1) <i>A council may issue a permit to a landholder to clear vegetation to which this Part applies in any non-rural area of the State.</i>	Applies as permitted by section 4.12(2) of the EP&A Act.
(2) <i>A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.</i>	Not relevant to the Proposal.



<i>(3) A permit under this Part cannot allow the clearing of vegetation:</i>	
<i>(a) that is or forms part of a heritage item or that is within a heritage conservation area, or</i>	Not relevant to the Site.
<i>(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,</i>	Not relevant to the Site.
<i>unless the council is satisfied that the proposed activity:</i>	
<i>(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and</i>	Not relevant to the Site.

4.2 Local Environmental Plan

Table 7: Assessment Matters – Albury Local Environmental Plan 2010

	Response
<i>LEP Land Use Table - Zone B3 Commercial Core: Objectives of zone</i>	
<ul style="list-style-type: none"> <i>To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.</i> 	Complies – The Proposal provides 4,414 square metres of “commercial premises” floor area for a range of business and office uses that will serve the needs of the local and wider community.

Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)



<ul style="list-style-type: none"> To encourage appropriate employment opportunities in accessible locations. 	<p>Complies – The Proposal provides 4,414 square metres of “commercial premises” floor area in the Albury CBD which will generate employment opportunities.</p>
<ul style="list-style-type: none"> To maximise public transport patronage and encourage walking and cycling. 	<p>Complies – The Proposal is located in the Albury CBD adjacent a public bus stop with dual road frontage on a corner with linking pedestrian and bicycle accessways to local networks.</p>
<ul style="list-style-type: none"> To encourage development and investment in the Albury and Lavington central business districts. 	<p>Complies – The Proposal is located in the Albury CBD and comprises a \$39.2M development investment.</p>
<ul style="list-style-type: none"> To increase the permanent population within the commercial cores by encouraging the development of shop top housing and mixed use developments. 	<p>Complies – The Proposal is located in the Albury CBD and comprises a mixed-use development and increases permanent population by providing 25 one and three-bedroom residential apartments.</p>
<p>LEP: Clause 4.3 - Height of buildings</p>	
<p><i>(1) The objectives of this clause are as follows—</i></p>	
<p><i>(a) to ensure the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,</i></p>	<p>Complies – The Proposal is not located in a heritage conservation area but does adjoin multiple heritage items of local significance (refer to LEP Clause 5.10 comments below), including the ‘Kia-Ora’ building heritage item which adjoins the Site along its eastern edges fronting Townsend Street. All other adjoining heritage items to the southeast and south are separated by the large void road width of Smollett Street.</p>
<p><i>(b) to protect the heritage character and significance of buildings and not adversely affect the heritage integrity of heritage items and heritage conservation areas identified in this Plan,</i></p>	<p>The site analysis and design response for the Mixed-use Building Proposal has had special regard for ensuring that siting and design respects the ‘Kia-Ora’ building with its primary heritage significance being its Townsend Street frontage and side wall building returns. Key siting and design response features have been ground-floor</p>



	level, Level 1 and upper level graduated building setbacks facilitating new-from-old visual separation through voids.
<i>(c) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy,</i>	Complies – The Carpark Building Proposal adjoins existing residential land uses to the west and northwest. The site analysis and design response for the Carpark Building Proposal has had special regard to ensure that siting and design has regard to amenity in terms of providing complaint privacy screens and overshadowing extent. The Site is located in the Albury CBD with a maximum 35 metre building height and maximum 3:1 floor space ratio limit and so the future desired character of the area reflects such development density and character of the area outcomes. Recent high-rise building developments adjoining and near these residential land uses have comprised the Gardens Medical Centre (470 Wodonga Place) established in 2007 and The Botanical (669 Dean Street) established in 2012.
<i>(d) to nominate heights that will provide a transition in built form between varying land use intensities.</i>	
<i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i>	Complies – The building height of both buildings is less than 35 metres (30.8 metres and 16.5 metres).
LEP: Clause 4.4 - Floor space ratio	
<i>(1) The objectives of this clause are as follows—</i>	
<i>(a) to ensure that the density, bulk and scale of development is appropriate for a site,</i>	Complies – The Proposal has appropriate density, bulk and scale in relation to the Site with the Mixed-use Building Proposal being located on the road corner of Smollett Street and Townsend Street with building design and articulation in accordance with the principle guidelines of the <i>Albury CBD Masterplan</i> (Allen Jack & Cottier <i>et al</i> , 2009) and the DCP. The Carpark Building Proposal is located to the rear of the Site and in regards to adjoining residential development to the west and northwest its amenity affects are not significant because its affords compliant privacy, overshadowing and visual impact outcomes.
<i>(b) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,</i>	

Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

<p>(c) <i>to facilitate development that contributes to the economic growth of the Albury and Lavington Central Business Districts.</i></p>	<p>Complies – The Proposal comprises development that contributes to the economic growth of the Albury CBD through employment and residential living opportunities and outcomes.</p>
<p>(2) <i>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i></p>	<p>Complies – The FSR for the Proposal is significantly less than 3:1, noting that the Site is 6,601 square metres in area.</p>
<p>LEP: Clause 5.10 - Heritage conservation</p>	
<p>(5) <i>Heritage assessment - The consent authority may, before granting consent to any development—</i></p>	
<p>(a) <i>on land on which a heritage item is located, or</i></p>	<p>Not relevant to the Site.</p>
<p>(b) <i>on land that is within a heritage conservation area, or</i></p>	<p>Not relevant to the Site.</p>
<p>(c) <i>on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p>	<p>Relevant insofar as the heritage items adjoining or nearby the Site that are identified in Figure 4 above.</p>
<p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>	<p>It is not considered necessary that a heritage management document be prepared in the case of the Proposal as the locations of the proposed works affords adequate new-from-old separation and built form and fabric disassociation consistent with the Burra Charter⁷.</p>

⁷ *Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter (2013).*



LEP: Clause 7.6 - Essential services

- (2) *Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*
- (a) *the supply of water,*
 - (b) *the supply of electricity,*
 - (c) *the disposal and management of sewage,*
 - (d) *stormwater drainage or on-site conservation,*
 - (e) *suitable road access.*

Complies – All reticulated services are currently connected to the Site, with new connections or reconnection of relevant capped water, sewer, and stormwater services during previously approved demolition works by a licenced plumber in accordance with a permit under section 68 of the *Local Government Act 1993*. Connection of other services where relevant will be carried out by licenced trades in accordance with relevant trade standards and guidelines. The Site has sealed road access to collector roads controlled by Council.

4.3 Development guidelines

Table 8: Assessment Matters – Albury Development Control Plan 2010

	Response
DCP Part 5.2: Tree Preservation Order	
Objectives	



1. <i>To conserve and enhance the existing aesthetic character and public amenity of Albury.</i>	The Proposal conserves and enhances existing aesthetic character and public amenity through replacement landscaping as shown in the attached DA plan set.
2. <i>To control the management and/or removal of unsuitable trees.</i>	
3. <i>To assist the retention and ongoing protection of native vegetation that may have derived from endangered ecological communities and/or that may be habitat for threatened species.</i>	Not relevant to the Site – The Site does not contain any remnant native vegetation.
Controls	
i. <i>Clause 5.9 of the LEP provides that trees as prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowners consent.</i>	Noted.
ii. <i>Clause 5.9 of the LEP and this Section applies to all trees over 4.5 metres in height and 3 metres in spread.</i>	
iii. <i>An application for the Council's approval must be accompanied by an appropriately qualified specialist (i.e. Arborist) report outlining the following information:</i>	
<ul style="list-style-type: none"> • <i>The location, size, species and condition (i.e. diseased, healthy, etc).</i> 	The one carpark landscaping tree that is proposed to be removed is exotic and is not heritage listed and therefore a specialist report is not considered warranted in this instance.
<ul style="list-style-type: none"> • <i>A statement that details any anticipated impacts on vegetation that may have derived from endangered ecological communities and/or that may be habitat for threatened species.</i> 	Not relevant.

Development Application:
Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

<ul style="list-style-type: none"> The purpose of removal and whether the pruning of the tree would be a more practical and desirable alternative. 	Removal of the tree is required to implement the Proposal.
<ul style="list-style-type: none"> Whether a replacement tree or trees should be planted. 	Refer to the attached DA plan set including the Landscaping Plan.
<ul style="list-style-type: none"> The location, size and species of any trees proposed to replace those intended for removal. 	
<ul style="list-style-type: none"> The owners consent to the application being lodged. 	Complies – Refer to the attached DA form.
<ul style="list-style-type: none"> Any other relevant information regarding the tree to be removed (i.e. photographs). 	Complies – Refer to relevant photographs at Appendix B .
<p><i>DCP Part 7.4.5: Development in the vicinity of a Heritage Item or Conservation Area</i></p>	
<p><i>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.</i></p>	Refer to Table 7 above concerning comments arising from LEP Clause 5.10: <i>Heritage conservation</i> .
<p><i>DCP Part 10.8: Residential development – residential flat buildings</i></p>	
<p><i>Objectives</i></p>	
<p>1. To ensure residential flat buildings achieve:</p> <ul style="list-style-type: none"> A diversity of housing types. Improved residential amenity. 	Complies – The residential flat building part of the Proposal comprises one and three-bedroom apartments, high residential living amenity and high building quality and design.

<ul style="list-style-type: none"> • <i>Higher design quality and presentation to the street.</i> 	
<p>2. <i>To ensure the design and development detail of residential flat buildings are consistent with established design codes.</i></p>	<p>Complies – The residential flat building part of the Proposal complies with SEPP65 design quality principles and the <i>Apartment Design Code</i> – refer to comments in Table 6 above.</p>
<p>3. <i>To ensure that development sites have sufficient areas to provide adequate access, parking, landscaping and building separation.</i></p>	<p>Complies – The Site has sufficient areas to provide adequate access, parking, landscaping and building separation – refer to the SEPP65 design quality principles and the <i>Apartment Design Code</i> related comments in Table 6 above.</p>
<p>4. <i>To reduce any potential adverse impacts of development on adjoining lands.</i></p>	<p>Complies – The residential flat building part of the Proposal has no identified potential adverse impacts on adjoining lands.</p>
<p>General Controls</p>	
<p>i. <i>Residential flat buildings shall be designed and assessed in accordance with the requirements of State Environmental Planning Policy No. 65: Design Quality of Residential Flat Buildings.</i></p>	<p>Complies – Refer to comments in Table 6 above.</p>
<p><i>In addition to State Environmental Planning Policy 65 (Design Quality of Residential Flat Development) the following local controls must be satisfied.</i></p>	
<p>Site Requirements</p>	
<p>Controls</p>	
<p>ii. <i>Lot size must exceed 1000m² (larger and wider sites preferred to long narrow sites).</i></p>	<p>Complies – The Site is larger than 1,000m² (6,601m²).</p>

Development Application:
Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)



<i>iii. The minimum lot width must be 24m.</i>	Complies – The Site has a minimum lot width greater than 24m.
<i>iv. Ingress/egress by access handles or right of ways will not be permitted.</i>	Complies in regard to ENTRY to the Site as the Site is to be consolidated into one lot, however does not comply in regard to the EXIT from the Site as the existing/proposed access handle to Townsend Street is to be used and so a variation to this guideline is requested on the basis of the proposed situation being an alternative solution under section 4.15(3A)(b) of the EP&A Act to the 'objective/s' to which this guideline control relates (it is not clear which 'objective' is relevant in this case so it has been assumed that it compliance with relevant vehicle, pedestrian, bicycle and Safer-by-Design access guidelines in SEPP65 which are all complied with).
<i>Locational Requirements</i>	
<i>Controls</i>	
<i>v. Residential flat buildings shall be a minimum distance of 500m apart (the separation distance is measured by the closest point between each lot)</i>	Does not comply – Using the required distance measuring methodology the nearest distance of the Site to the nearest distance of the nearest residential flat building which is at The Botanical, 669 Dean Street is 77 metres. A variation to this guideline is requested on the basis of the two residential flat buildings having entirely separate and distinct locations and therefore no streetscape relationship.
<i>Bulk and Scale</i>	
<i>Controls</i>	
<i>in the R1 General Residential, B1 Neighbourhood Centre and B2 Local Centre Zone</i>	Not relevant – The Site is located in the B3 zone.



<p><i>vi. Must comply with Section 10.6.8 control (iv) in relation to building height envelope requirements relating to multi dwelling housing.</i></p>	
<p><i>in the R3 Medium Density Residential Zone</i></p>	<p>Not relevant – The Site is located in the B3 zone.</p>
<p><i>vii. The maximum building height shall not exceed 16m as contained within the LEP – Height of Buildings Map.</i></p>	
<p><i>viii. The maximum floor space ratio shall not exceed 2:1 as contained within the LEP – Floor Space Ratio Map.</i></p>	
<p>DCP Part 11.7: Development in the B3 Commercial Core and B4 Mixed use Zones</p>	
<p>DCP Part 11.7.1: Development in the B3 Commercial Core and B4 Mixed Use Zones – General objectives</p>	<p>The Proposal:</p> <ul style="list-style-type: none"> • maintains and enhances Albury’s economic role in the region; • reinforces the structure and legibility of Albury through clear urban form; • provides high building design quality; • is sited appropriately to its setting and use, particularly in regards to overlooking and overshadowing of residential areas; • provides a high level of pedestrian amenity to create vibrant, safe and easy-to-navigate streets; • promotes the amalgamation of sites to deliver better quality development and adequate on-site car parking; • respects the existing scale and view corridors of heritage streetscapes; • promotes and encourages safer public spaces; and • provides a landmark building near a gateway to the Albury CBD (Townsend Street/Smollett Street entranceways to the Albury CBD).



DCP Part 11.7.2: Land Use Precincts - Albury	
<i>Objectives</i>	<p>The Proposal:</p> <ul style="list-style-type: none"> • facilitates mixed-use commercial and residential apartment land uses within the Albury CBD that increases the CBD's role as a regional retail, commercial and civic centre; and • strengthens the B3 zone that supports the CBD with complimentary uses.
<i>Controls</i>	<p>The Proposal:</p> <ul style="list-style-type: none"> • comprises land uses which comply with the LEP <i>Land Use Table</i> and the Land Use Plan contained in DCP Figure 11.7 ("CBD Fringe Mixed Use"); • comprises residential flat development which complies with SEPP65 and the <i>Apartment Design Guide</i> as required by DCP Part 10.8: <i>Residential Development – Residential Flat Buildings</i>; and • has commercial and no residential uses at ground floor level.
DCP Part 11.7.3: Building Heights - Albury	
<i>Objectives</i>	<p>The Proposal:</p> <ul style="list-style-type: none"> • complements the streetscapes in which the building is located; • protects the amenity of neighbouring residential properties in regard to the Carpark Building Proposal in terms of visual bulk (through building articulation, design and external cladding materials and colours), access to sunlight (compliant overshadowing) and privacy (privacy screens are proposed); and • has compliant building setbacks (refer below).
<i>Controls</i>	<p>The Site:</p>

Development Application:
 Eight-storey commercial and residential building and five-storey carpark building –
 580-584 Smollett Street and 470 Wodonga Place, Albury
 (Lots 201 and 203 DP1243276 and Lot 60 DP1115982)



	<ul style="list-style-type: none"> • complies with the Building Height Plan contained in DCP Figure 11.8 (“7 storeys”); and • complies with the Street Wall Heights and Upper Level Setback requirements contained within DCP Section 11.7.4 (refer below).
<i>DCP Part 11.7.4: Street Wall Heights and Upper Level Setbacks - Albury</i>	
<i>Objectives</i>	The Proposal maintains the scale of adjoining streets as incremental change occurs.
<i>Controls</i>	<p>The Proposal:</p> <ul style="list-style-type: none"> • complies with the Street Wall Height Plan contained within DCP Figure 11.9 (“3 storeys”); and • does not comply with the minimum 3m upper level setback to Townsend Street instead 2.69m is proposed and so a variation of 0.31m is requested on the basis of the building setback being significantly greater the closer the building gets to the corner of Smollett Street.
<i>DCP Part 11.7.5: Floor Space Ratio (FSR) - Albury</i>	
<i>Objectives</i>	<p>The Proposal:</p> <ul style="list-style-type: none"> • provides density, bulk and scale of development that is appropriate for the Site and which integrates with the streetscape and desired character of the area; and • includes lot consolidation to promote the efficient location of buildings and the minimisation of building bulk.
<i>Controls</i>	The Site complies with the FSR Plan contained within DCP Figure 11.10 (“3:1 FSR”).



DCP Part 11.7.6: Building Design - Albury

Objectives

The Proposal:

- has regard to items and places of heritage significance and established residential areas – in particular in regard to the adjoining residential area to the northwest (through building articulation, design and external cladding materials and colours) and to 'Kia-Ora', 473 Townsend Street which adjoins the Site along its eastern frontages (through void building setback separation);
- promotes design quality by promoting a fit between overall height, car parking, building envelope and floor space;
- encourages the use of a combination of materials, articulation, and fenestration; and
- incorporates energy-efficiency, Environmentally Sustainable Development (ESD), and Safer-by-Design Principles.

Controls

The Proposal:

- incorporates building façade articulation such as punctuations, openings and repetition of architectural elements that contribute to the streetscape;
- complies with the relevant requirements of this Section in regards to setbacks (the intent) including in relation to DCP Figure 11.11, heights, FSR, open space and other like requirements relating to building design; and
- incorporates active edges to Smollett Street and Townsend Street to increase Albury CBD pedestrian level vibrancy and to provide opportunities for passive surveillance.

DCP Part 11.7.7: Building Setbacks - Albury

Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

<i>Objectives</i>	The Proposal protects and enhances the existing streetscape character.
<i>Controls</i>	<p>The Proposal:</p> <ul style="list-style-type: none"> • provides for street wall setbacks and build-to lines and complies with the Street Setback and Build to Lines Plan as contained within DCP Figure 11.11; • provides for landscaping; • complies with minimum rear setbacks for residential apartments; • complies with minimum side setbacks for commercial uses; • provides for BCA compliant fire separation building-to-boundary setbacks through deemed-to-comply provisions; and • has a secondary street boundary which covers a minimum distance of 50% of the length of the Site.
<i>DCP Part 11.7.8: Building Depth - Albury</i>	
<i>Controls</i>	The Proposal is designed to comply with the overarching <i>Apartment Design Guide</i> and BASIX requirements which set aside any DCP guidelines in regard to natural light and energy-efficiency. No variation mention in this regard is considered warranted.
<i>DCP Part 11.7.9: Building Separation - Albury</i>	
<i>Controls</i>	Not relevant to the Proposal.
<i>DCP Part 11.7.10: Open Space and Landscaping – Albury</i>	
<i>Objectives</i>	

<i>Controls</i>	The Proposal complies through provision of a 'green roof' and landscaping at ground floor level.
<i>DCP Part 11.7.11: Car Parking, Traffic and Access – Albury</i>	
<i>Objectives</i>	The Proposal provides car parking facilities which are both pedestrian and motorist friendly, with all required car parking provided onsite.
<i>Controls</i>	<p>The Proposal:</p> <ul style="list-style-type: none"> • provides at-grade and multi-level parking at the rear of the Site with shade structures at the upper level; and • provides car parking greater than 66% in accordance with the standards and rates provided for in DCP Part 17.
<i>DCP Part 11.7.12: Streetscape - Albury</i>	
<i>Objectives</i>	The Proposal facilitates a consistent streetscape in terms of building bulk, height, setbacks, signage and building design.
<i>Controls</i>	<p>The Proposal:</p> <ul style="list-style-type: none"> • does not include extensive blank walls to street frontages; • provides a weather protection entranceway fronting Smollett Street; • provides an active street frontage to the primary street frontage (Smollett Street); and • provides for building height, bulk and setbacks consistent with adjoining multi-level developments.
<i>DCP Part 11.7.13: Urban Design and Pedestrian Circulation – Albury</i>	

<i>Objectives</i>	The Proposal: <ul style="list-style-type: none"> • contributes to a high visual quality public domain that provides excellent amenity and encourages extended patronage; and • incorporates active edges and a building entry to minimise the impact of service access on pedestrians.
<i>Controls</i>	The Proposal avoids breaks in the continuity of active office fronts.
<i>DCP Part 11.7.14: Outdoor Advertising – Albury</i>	
<i>Objectives</i>	Not relevant to the Proposal – Any signage which requires the prior consent of Council will be the subject of a separate development application.
<i>Controls</i>	
<i>DCP Part 11.7.15: Key Sites - Albury</i>	
<i>Objectives</i>	Not relevant to the Site or the Proposal.
<i>Controls</i>	
<i>DCP Part 11.7.16: Opportunity Sites - Albury</i>	
<i>Objectives</i>	Not relevant to the Site or the Proposal.
<i>Controls</i>	
<i>DCP Part 11.7.17: Masterplan Requirement - Albury</i>	
<i>Objectives</i>	Not relevant to the Site or the Proposal.

Development Application:
Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)



<i>Controls</i>	
<i>DCP Part 11.7.18: Future Character Areas - Albury</i>	The Proposal complies with DCP Figure 11.13 ("CBD Mixed Use Character Area").
<i>DCP Part 11.7.19: Heritage – Albury</i>	
<i>Objectives</i>	Refer to comments above in response to LEP clause 5.10(4).
<i>Controls</i>	
<i>DCP Part 11.7.20: Awnings, Verandas and Balconies – Albury</i>	
<i>Objectives</i>	The Proposal provides for pedestrian amenity through the provision of a weather protection awning and entranceway along the Smollett Street frontage of the Site.
<i>DCP Part 17: Off Street Car Parking</i>	
<i>DCP Part 17.2: Parking Provision by Land Use</i>	
<i>Objectives</i>	
1. <i>To ensure that the provision of parking is appropriate for the proposed use or development of the land.</i>	Under the DCP a combination of the car parking rates shown in Table 9 and Table 10 apply to the Proposal. Table 9 and Table 10 demonstrate that the Proposal requires a total of 157 car parking spaces (110 commercial + 47 residential), which extrapolates to:

Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

	<ul style="list-style-type: none"> • 157 car parking spaces, including 3 commercial spaces for persons with disabilities and 9 residential visitor spaces; • 4 motorcycle parking spaces; • 11 bicycle rack spaces; and • unloading/drop off bay. <p>Table 9 also shows that 118 offsite car parking obligations are also required to be provided (for 97 existing and 21 proposed obligations) and therefore total required car parking is 275 spaces (157+118).</p> <p>Therefore, as the Proposal provides a total of 493 car parking spaces and only requires 275, a surplus of 218 car parking spaces is provided.</p>
2. <i>To protect amenity, enhance streetscapes and provide shade.</i>	Complies – Refer to the attached DA plan set.
3. <i>To maintain traffic flow efficiency, improve safety and protect the environment.</i>	Complies – Refer to the attached DA plan set.
4. <i>To ensure convenient and safe provision of off street car parking for disadvantaged persons.</i>	Complies – Refer to the attached DA plan set.
5. <i>To allocate adequate bicycle and motorcycle standing areas.</i>	Complies – Refer to the attached DA plan set.
6. <i>To ensure convenient and safe space is provided for loading and unloading of goods.</i>	Complies – The largest vehicle required for loading/unloading would be a utility vehicle which would use provided onsite car parking.
7. <i>To provide convenient and safe access to car parking areas, minimising disruption to traffic and maximising pedestrian safety.</i>	Complies – Refer to the attached DA plan set.

Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)



<p>8. <i>To permit the payment of monetary contributions in certain areas for any short fall in off-street car parking.</i></p>	<p>Not relevant to the Proposal.</p>
<p>Controls</p>	
<p>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></p>	<p>Complies – Refer to Table 9 and Table 10 below.</p>
<p>ii. <i>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></p>	<p>Complies – Refer to Table 9 and Table 10 below.</p>
<p>DCP Part 17.3: Car Parking Controls</p>	
<p>DCP Part 17.3.1: Car Parking Design</p>	<p>Complies – Refer to the attached DA plan set.</p>
<p>DCP Part 17.3.2: Disabled Persons Parking</p>	<p>Complies – Refer to the attached DA plan set.</p>
<p>DCP Part 17.3.3: Bicycle Racks and Motorcycle Parking Spaces</p>	<p>Complies – Refer to the attached DA plan set.</p>
<p>DCP Part 17.3.4: Off Street Loading Facilities</p>	<p>Complies – The largest vehicle required for loading/unloading would be a utility vehicle which would use provided onsite car parking.</p>
<p>DCP Part 17.3.5: Pedestrian Movements</p>	<p>Complies – Refer to the attached DA plan set.</p>

Development Application:
 Eight-storey commercial and residential building and five-storey carpark building –
 580-584 Smollett Street and 470 Wodonga Place, Albury
 (Lots 201 and 203 DP1243276 and Lot 60 DP1115982)

Table 9: Summary of car parking requirements – commercial component

Land use ⁸	DCP car parking guideline rate	DCP car parking for persons with disabilities guideline rate	DCP motorcycle guideline rate	DCP bicycle guideline rate	GFA	DCP guideline rate requirements	Offsite car parking obligations provided ⁹	Provided on the Site	Variance	Summary
Business premises, Office premises, Food and drink premises (with the capacity of less than 50 seats) Shop	<ul style="list-style-type: none"> Business premises: 1 per 40 m² GFA Office premises: 1 per 40 m² GFA Food and drink premises: 1 per 40m² GFA (for development in the B3 Commercial Core and B4 Mixed Use zones) Shops < 3,000 m² GFA: 1 per 40 m² GFA 	3 %	1 space per 30 car parking spaces	1 space per 10 car parking spaces	4,414 m ² total	110.3 or 110 cars, inc. 3.3 or 3 for persons with disabilities	118 cars	446 cars inc. 21 for persons with disabilities	+218 cars (446-(110+118)) inc. +17 for persons with disabilities	Complies
	3.7 or 4 motorcycles (110.3/30)	-	motorcycles provided in car parking spaces	+ motorcycles provided in car parking spaces						
	11.0 or 11 bicycles (110.3/10)	-	25 bicycles	+14 bicycles						

⁸ "Business premises", "office premises", "shop" and "food and drink premises" land uses are provided as a means of demonstrating that regardless of what land use might ultimately take place in the future given the "exempt development" land use change provisions under Subdivision 10A, Division 1, Part 2 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or "complying development" provisions under Subdivisions 2-3, Division 1, Part 5 under the same Instrument that car parking requirements of 1 space per 40 square metres GFA is all that applies.

⁹ In the Title documentation in **Appendix A** it is noted that adjoining land described as follows currently benefits from the use of certain car parking spaces within the existing ground-level carpark at 584 Smollett Street (Lot 203 DP1243276):

- adjoining land at 475 Townsend Street (Lot 204 DP1243276) benefits from the use of **26** car parking spaces,
- adjoining land at 590 Smollett Street (Lot 202 DP1243276) benefits from the use of **63** car parking spaces, and
- adjoining land at 473 Townsend Street (Lot 21 DP1053711) benefits from the use of **8** car parking spaces.

These car parking space obligations total **97** (26+63+8) and an additional 21 car parking spaces will also be reserved for the adjoining Gardens Medical Centre, 470 Wodonga Place (Lot 60 DP1115982) which is made up of 20 car parking spaces arising from Bank Guarantee No. DG397832070 dated 11 February 2015 for \$300,000 relating to 20 car parking spaces arising from Condition E8 of Development Consent No. 10.2007.27803.2 (refer to **Section 2.3.5**) and the loss of 1 car parking space to make way for the pedestrian and disabled access link from the Carpark Building proposal to the Gardens Medical Centre (refer to **Section 3.1.3** and to Photograph No. 33 in **Appendix B**) – therefore the total reserved car parking space obligations total **118** (97+20+1).

Table 10: Summary of car parking requirements – residential component

Land use	DCP guideline rates			DCP guideline rate requirements	Provided on the Site	Variance	Summary
Residential flat building	1 bedroom	1 space	More than 8 dwellings - 3 designated visitor spaces plus 1 visitor space for every 3 or part thereof additional dwellings	12 (12x1)	47 cars inc. 9 visitor spaces (12+26+9)	Nil	Complies
	3 bedrooms	2 spaces		26 (13x2)			

4.4 Crime prevention through environmental design

Crime prevention through environmental design (CPTED) is a multi-disciplinary approach to deter criminal behaviour through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts. CPTED principles include:¹⁰

- surveillance;
- access control;
- territorial reinforcement; and
- space management.

The application of these principles to the Proposal relates to the following design outcomes:

- good visual surveillance of building perimeters, pedestrian accessways and thoroughfares, and carpark areas and accessways;
- 'non-concealment' building and landscaping design; and
- security lighting and cameras.

Building and carpark design and pedestrian thoroughfares

The Proposal has been designed to provide acceptable CPTED outcomes. Relevant design features include: security lighting in accordance with *AS/NZS 1680.2.1:2008-Interior and workplace lighting-Specific applications-Circulation spaces* (AS/NZS 1680.2.1) and *AS/NZS 1158.3.1:2005-Lighting for roads and public spaces - Pedestrian area (Category P) lighting-Performance and design requirements* (AS/NZS 1158.3.1); good visual surveillance; and, non-concealment building internal perimeter and accessway design.

Landscaping

Landscaping has also been designed to provide acceptable CPTED outcomes, principally in relation to non-concealment opportunities.

Graffiti-prone areas

Security cameras will be installed. Carpark and pedestrian level construction materials and finishes have been selected for their durability and longevity. Generally, such materials have a low porosity and in graffiti-prone areas will be protected with a non-sacrificial protective coating that on application of graffiti can be easily removed with high pressure water (a new sacrificial protective coating would then need to be re-applied).

¹⁰ *Crime prevention and the assessment of development applications: Guidelines under section 79C of the Environmental Planning and Assessment Act 1979* (DUAP, 2001).



4.5 Developer contributions

Water and sewer developer contribution financial credits apply to the Site under section 64 of the *Local Government Act 1993* (LG Act) as follows:

- The Site was formally occupied by a "medical centre" which was demolished via Development Consent No. 10.2015.34215.1 dated 2 December 2015. A floor plan of this building is available on Council's property file relating to the currently known address of 580 Smollett Street (Lot 201 DP1243276) including trade waste discharge to sewer details.
- The Site comprises two (2) lots which will be consolidated into one (1) lot as a part of the Proposal.

4.6 Suitability of the Site for the Proposal

The Site is suitable for the Proposal as Site attributes are conducive for development and the Proposal would fit into the area in accordance with the *Albury CBD Masterplan* (Allen Jack & Cottier *et al*, 2009), specifically –

- There are no constraints posed by adjacent developments which are unresolvable, including privacy of residential property, overshadowing or building fire separation setbacks.
- There are adequate transport facilities in the area.
- Utilities and services are available to the Site and are adequate for the Proposal.
- There are no hazardous land uses or activities nearby which would prevent or limit the Proposal.
- The Site is not subject to natural hazards or land contamination, including subsidence, slip, mass movement, or bushfire constraints.
- Soil characteristics on the Site are appropriate for development.
- The Site is not subject to biodiversity constraints.

The Site is also suitable for the Proposal due to the Site being located in an established B3 zone area with maximum 35 metre building height and maximum 3:1 floor space ratio development opportunities. The Site also has adequate setbacks to sensitive land uses.

Visual impacts from proposed building bulk and scale, vegetation removal, and new landscaping to adjoining public domain along Smollett Street, Townsend Street and Golden Way are also acceptable in the circumstances assessed.

4.7 Public interest

The Proposal is considered to be in the public interest as the Proposal will not compromise the effective and ongoing operation and function of the commercial Albury CBD or adjoining mixed-use commercial and residential areas or detrimentally impact traffic safety or road congestion. Surplus onsite car parking is provided and all existing onsite car parking obligations are carried forward in the Proposal.



The Proposal also complies with ecological sustainable (ESD) principles relating to residential apartment design and living.

The Proposal will generate up to 250 temporary employment opportunities during the estimated 12-month construction period, with building construction works estimated at approximately \$39.2M.

The Proposal will also generate 25 new inner-city residential apartment living opportunities and 4,414 square metres of commercial floor area in the Albury CBD within one block of Dean Street.

All impacts to the natural and physical environment can be avoided and where they cannot be avoided (i.e. vegetation removal) they can be mitigated through replacement landscaping without significantly impacting assessable public domain streetscape, visual amenity and heritage conservation in the context of the location and juxtaposition of the Site.

5.0 STATEMENT OF ENVIRONMENTAL EFFECTS

Table 11 provides a summary of the environmental effects of the Proposal.

Table 11: Statement of Environmental Effects

What are the considered environmental impacts of the development?	How have the environmental impacts of the development been identified?	What are the steps to be taken to protect the environment or to lessen the expected harm to the environment?	Are there any matters required to be indicated by any guidelines issued by the Planning Secretary for the purposes of Part 1(2)(4) of Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i> ?
<i>Construction works (i.e. potential for the generation of dust, noise, vibration, traffic, water quality and sedimentation, litter etc).</i>	Site analysis; review of design documentation	<ul style="list-style-type: none"> • Temporary amenity impacts¹¹ but only on and during acceptable days and hours in accordance with <i>AS 2436:1981–Guide to noise control on construction, maintenance and demolition sites</i>. • Construction works carried out in accordance with: <ul style="list-style-type: none"> ➢ <i>Managing Urban Stormwater, Soils & Construction, Volume 1</i> (Landcom, 2004) and <i>Managing Urban Stormwater, Soils & Construction, Volume 2</i> (DECC, 2008); and ➢ <i>AS 2436:1981–Guide to noise control on construction, maintenance and demolition sites</i>. • Connection of reticulated water, sewer, and stormwater services by a licenced plumber in accordance with a permit under section 68 of the <i>Local Government Act 1993</i>. • Construction waste management in accordance with the <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes</i> (EPA, 1999). 	No
<i>Social and economic disruption to surrounding landowners/ leaseholders during relevant stages of construction works</i>	Site analysis; review of design documentation	<ul style="list-style-type: none"> • TMP to be implemented for all stages of construction. • Hoardings along road frontages designed to provide a secure work environment and to facilitate safe pedestrian movement. 	No
<i>Traffic safety of carpark generally, carpark ingress/egress locations, and traffic generation on surrounding road network (i.e. potential impacts to road efficiency and effectiveness, traffic safety, and pedestrian and cyclist safety)</i>	Site analysis; stakeholder consultation with Council	<ul style="list-style-type: none"> • Overall development layout and design, including carpark and delivery vehicle ingress/egress locations and external road works and traffic facilities designed in accordance with: <ul style="list-style-type: none"> ➢ <i>AS/NZS 2890.1:2004–Parking facilities—Off-street car parking</i>; ➢ <i>AS 2890.2:2002–Parking facilities—Off-street commercial vehicle facilities</i>; ➢ <i>AS 2890.3:2015–Parking facilities—Bicycle parking</i>; ➢ <i>AS/NZS 2890.6:2009–Parking facilities—Off-street parking for people with disabilities</i>; and ➢ <i>Guide to Road Design</i> (Austroads, 2009). 	No
<i>Visual (i.e. potential for visual impacts arising from building works)</i>	Site analysis; review of design documentation	<ul style="list-style-type: none"> • The Proposal will positively contribute to the streetscape of Smollett Street and Townsend Street through appropriate siting and design of building works, carpark works, landscaping, and signage. 	No
<i>Waste management (i.e. potential for visual amenity, wind-blown rubbish, or vermin impacts if waste storage is not stored appropriately)</i>	Site analysis; review of design documentation	<ul style="list-style-type: none"> • Refuse and recycling bins stored at ground floor level within the Mixed-use Building Proposal (garbage room and bin store room) out of sight of any public domain. • Waste stored in dedicated refuse and recycling bins and collected via Smollett Street kerbside by licenced contractors for licenced disposal or recycling. 	No

¹¹ Which would not be out of character for the Albury CBD area.

What are the considered environmental impacts of the development?	How have the environmental impacts of the development been identified?	What are the steps to be taken to protect the environment or to lessen the expected harm to the environment?	Are there any matters required to be indicated by any guidelines issued by the Planning Secretary for the purposes of Part 1(2)(4) of Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i> ?
<i>Traffic noise (i.e. potential impacts to sensitive receivers)</i>	Site analysis; review of design documentation	<ul style="list-style-type: none"> Waste management in accordance with the <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes</i> (EPA, 1999). Given the number of residential apartments and the proposed commercial hours of operation for staff, customer and delivery vehicles to access the Site, the locations of accessways for vehicles, the locations of the carparks, and the locations of sensitive receivers, it is not reasonably expected that any significant noise impacts to sensitive receivers would arise. 	No

6.0 CONCLUSIONS

This report concludes that the environmental impacts generated by the Proposal, whether considered individually or cumulatively in the context of the Site and the broader area, are not significant and therefore the Proposal warrants the support of the RMS and Council and the issue of development consent. In particular, the following determinative issues have been resolved as follows:

Heritage conservation and streetscape

It is considered that the scale, proportion, and form of the Proposal is compatible with the adjoining 'Kia-Ora' building heritage item at 473 Townsend Street due to the location of the proposed Mixed-use Building affording adequate new-from-old separation and built form and fabric disassociation consistent with the Burra Charter¹².

The scale, proportion, and form of the Proposal is also compatible with the streetscapes of Smollett Street, Townsend Street and Golden Way and the commercial and mixed-use zone settings of the area because:

- their buildings heights proportionally relate to the large building and land areas that they are associated with;
- the locations of the buildings, the land to which they relate, and the area surrounding the buildings is generally flat, being unelevated land that is unable to be seen from afar or outside the local area surrounding the Site; and
- the Site and road corner are not located in or a part of any known important or recognised viewscape, view corridor, or landscape backdrop.

Traffic safety and car parking

- The Proposal does not propose access from a "classified road" as defined under the *Roads Act 1993*; instead access is via local roads.
- All vehicles are able to enter and exit the Site in a forward direction.
- Surplus car parking of 218 spaces is provided onsite (a total of 493 spaces less 275¹³ required and obligation spaces). Motorcycle parking is also provided as well as bicycle rack spaces.
- The Site will link to the existing pedestrian footpath network with safe zone access.
- Landscaping does not impact on traffic safety.
- The Proposal will not compromise the effective and ongoing operation and function of Smollett Street or Townsend Street or detrimentally impact traffic safety or road congestion.

Approval of the Proposal is therefore considered justified and warranted.

¹² Australia ICOMOS Charter for Places of Cultural Significance, *The Burra Charter* (2013).

¹³ Commercial = 110, carryover commercial obligations = 118, residential = 47. Therefore 110+118+47=275.

APPENDIX A: Title diagrams and covenants



Title Search
05/02/2020 11:01 AM

Client Reference: DI-Zauner

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 201/1243276

SEARCH DATE	TIME	EDITION NO	DATE
5/2/2020	11:02 AM	2	3/7/2018

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.
CONTROL OF THE RIGHT TO DEAL IS HELD BY AUSTRALIA AND NEW ZEALAND BANKING
GROUP LIMITED.

LAND

LOT 201 IN DEPOSITED PLAN 1243276
AT ALBURY
LOCAL GOVERNMENT AREA ALBURY CITY
PARISH OF ALBURY COUNTY OF GOULBURN
TITLE DIAGRAM DP1243276

FIRST SCHEDULE

590 SMOLLETT STREET PTY LTD (T AN472689)

SECOND SCHEDULE (10 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS - SEE CROWN GRANT(S)
- 2 DP873002 EASEMENT TO DRAIN WATER 3 WIDE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 3 DP1053711 EASEMENT FOR SUPPORT 0.1 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 4 DP1053711 RIGHT OF CARRIAGEWAY VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP1053711 RIGHT OF CARRIAGEWAY VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 6 DP1053711 RESTRICTION(S) ON THE USE OF LAND 0.45 WIDE REFERRED TO AND NUMBERED (4) IN THE S.88B INSTRUMENT
- 7 DP1053711 RIGHT OF CARRIAGEWAY , EASEMENT TO DRAIN WATER AND DATA TRANSMISSION VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 8 DP1053711 EASEMENT TO DRAIN WATER AND DATA TRANSMISSION VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 9 DP1243276 RIGHT OF ACCESS VARIABLE WIDTH APPURTENANT TO THE

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LAND ABOVE DESCRIBED

10 AN472690 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP
LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search
05/02/2020 11:03 AM

Client Reference: DI-Zauner

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 203/1243276

SEARCH DATE	TIME	EDITION NO	DATE
5/2/2020	11:03 AM	2	3/7/2018

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GROUP LIMITED.

LAND

LOT 203 IN DEPOSITED PLAN 1243276
AT ALBURY
LOCAL GOVERNMENT AREA ALBURY CITY
PARISH OF ALBURY COUNTY OF GOULBURN
TITLE DIAGRAM DP1243276

FIRST SCHEDULE

590 SMOLLETT STREET PTY LTD (T AN472689)

SECOND SCHEDULE (22 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS WITHIN THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM - SEE CROWN GRANT(S)
- 2 V570388 LAND EXCLUDES MINERALS WITHIN THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 3 BK 3252 NO 787 EASEMENT FOR ELECTRICITY SUPPLY AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 J761005 RIGHT OF WAY AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP873002 EASEMENT FOR ELECTRICITY SUPPLY 1.7 WIDE AND VARIABLE WIDTH AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 6 DP873002 EASEMENT FOR ELECTRICITY SUPPLY 2.44 WIDE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 7 DP873002 EASEMENT TO DRAIN SEWAGE 3 WIDE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 8 DP873002 EASEMENT TO DRAIN SEWAGE OVER EXISTING LINE OF PIPES AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE

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DIAGRAM

- 9 DP873002 EASEMENT TO DRAIN WATER 3 WIDE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 10 DP873002 EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 11 DP1053711 EASEMENT FOR CARPARK VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

END OF PAGE 1 - CONTINUED OVER

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PRINTED ON 5/2/2020

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 203/1243276

PAGE 2

SECOND SCHEDULE (22 NOTIFICATIONS) (CONTINUED)

- 12 DP1053711 EASEMENT FOR SUPPORT 0.1 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 13 DP1053711 RIGHT OF CARRIAGEWAY VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 14 DP1053711 RIGHT OF CARRIAGEWAY VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 15 DP1053711 RESTRICTION(S) ON THE USE OF LAND 0.45 WIDE REFERRED TO AND NUMBERED (4) IN THE S.88B INSTRUMENT
- 16 DP1053711 RIGHT OF CARRIAGEWAY , EASEMENT TO DRAIN WATER AND DATA TRANSMISSION VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 17 DP1053711 RIGHT OF CARRIAGEWAY , EASEMENT TO DRAIN WATER AND DATA TRANSMISSION VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 18 DP1053711 EASEMENT TO DRAIN WATER AND DATA TRANSMISSION VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 19 DP1053711 EASEMENT FOR ELECTRICITY PURPOSES VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 20 DP1243276 EASEMENT TO PARK VEHICLES VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 21 DP1243276 RIGHT OF ACCESS VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 22 AN472690 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

NOTATIONS



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UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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DOC20/31145

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PM 10718	492130-233	6006917-628	55	B	2 SCIMS
PM 104111	492166-260	6007144-655	55	C	4 SCIMS
SS 91027	492038-918	6007036-412	55	D	U SURVEY

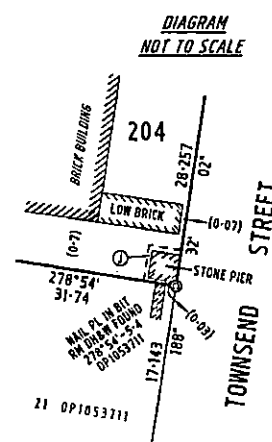
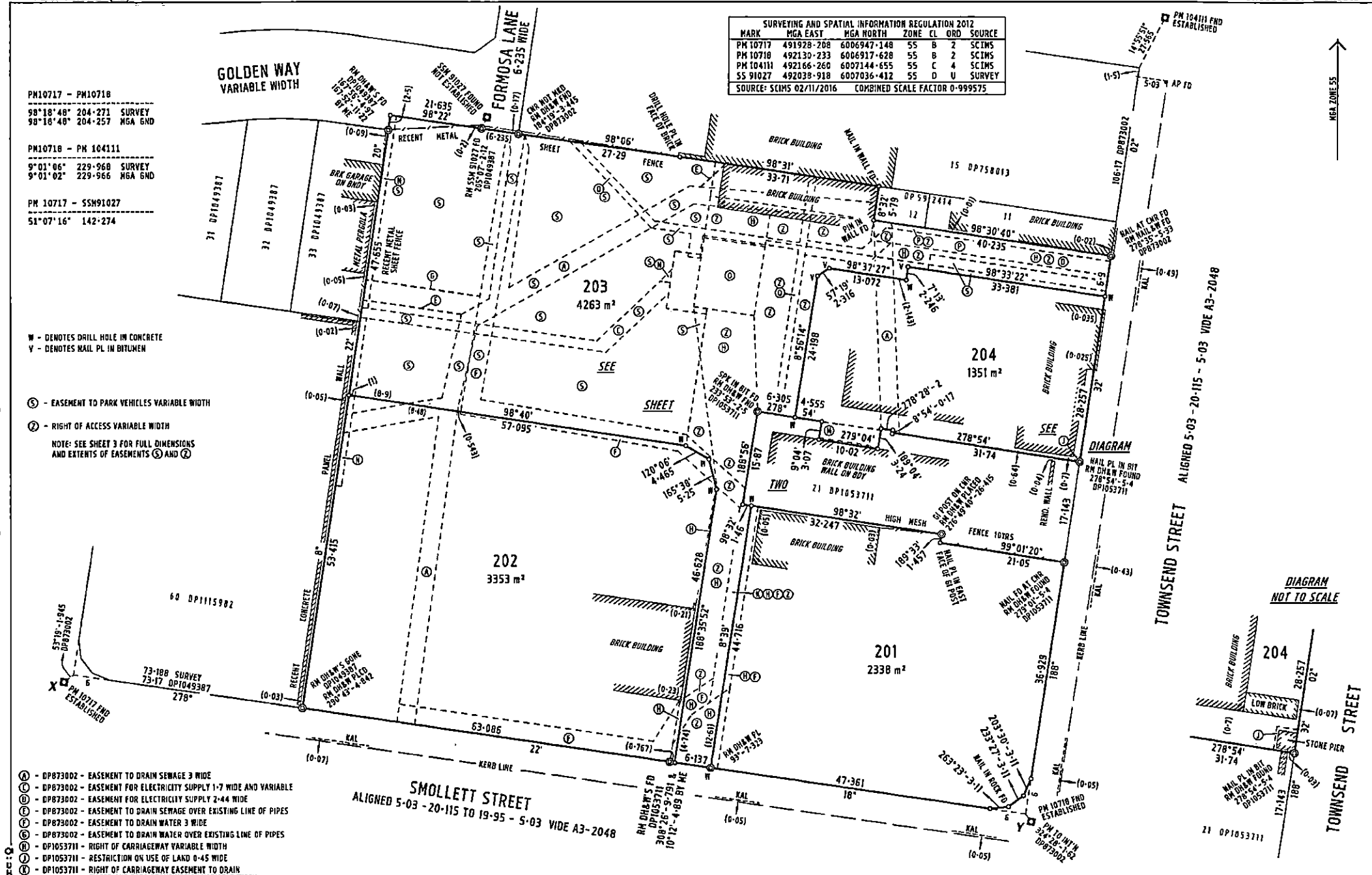
SOURCE: SCIMS 02/11/2016 COMBINED SCALE FACTOR 0.999575

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98°18'48" 204-257 MGA GND
- PH10718 - PH 104111
9°01'06" 229-960 SURVEY
9°01'02" 229-966 MGA GND
- PH 10717 - SSM91027
51°07'16" 142-274

- W - DENOTES DRILL HOLE IN CONCRETE
 - Y - DENOTES NAIL PL IN BITUMEN
 - Ⓢ - EASEMENT TO PARK VEHICLES VARIABLE WIDTH
 - Ⓣ - RIGHT OF ACCESS VARIABLE WIDTH
- NOTE: SEE SHEET 3 FOR FULL DIMENSIONS AND EXTENTS OF EASEMENTS Ⓢ AND Ⓣ

- Ⓢ - DP873002 - EASEMENT TO DRAIN SEWAGE 3 WIDE
- Ⓣ - DP873002 - EASEMENT FOR ELECTRICITY SUPPLY 1-7 WIDE AND VARIABLE
- Ⓣ - DP873002 - EASEMENT FOR ELECTRICITY SUPPLY 2-44 WIDE
- Ⓣ - DP873002 - EASEMENT TO DRAIN SEWAGE OVER EXISTING LINE OF PIPES
- Ⓣ - DP873002 - EASEMENT TO DRAIN WATER 3 WIDE
- Ⓣ - DP873002 - EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES
- Ⓣ - DP1053711 - RIGHT OF CARRIAGEWAY VARIABLE WIDTH
- Ⓣ - DP1053711 - RESTRICTION ON USE OF LAND 0-45 WIDE
- Ⓣ - DP1053711 - RIGHT OF CARRIAGEWAY EASEMENT TO DRAIN WATER AND DATA TRANSMISSION VARIABLE WIDTH
- Ⓣ - DP1053711 - EASEMENT TO DRAIN WATER AND DATA TRANSMISSION VARIABLE WIDTH
- Ⓣ - DP1053711 - EASEMENT FOR ELECTRICITY PURPOSES VARIABLE WIDTH
- Ⓣ - DP1053711 - EASEMENT FOR CARPARK VARIABLE WIDTH
- Ⓣ - J761005 - RIGHT OF WAY 3-955 WIDE
- Ⓣ - BK 3252 NO 787 - EASEMENT FOR ELECTRICITY SUPPLY

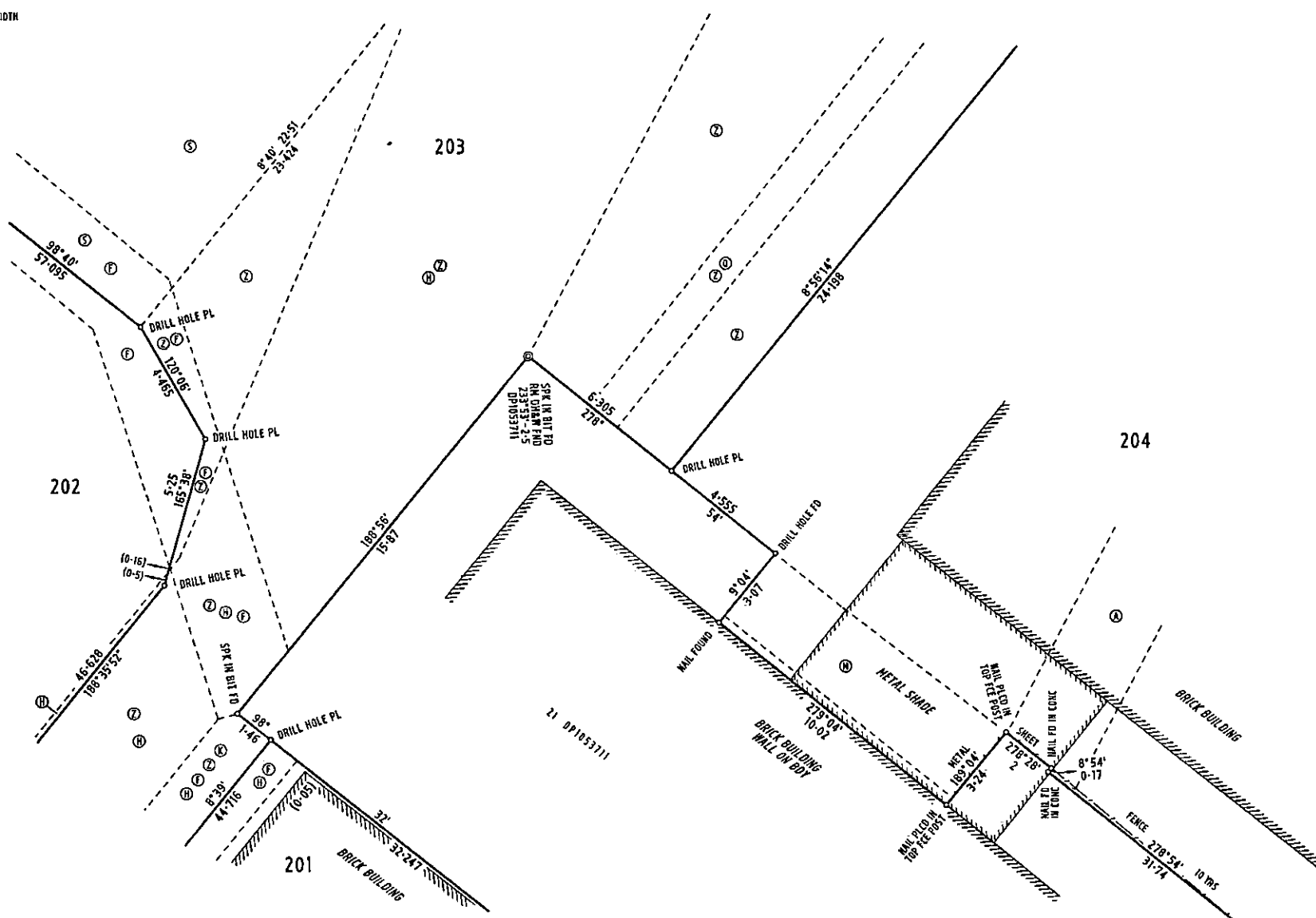
Reg:R164785 /Doc:DP 1243276 R /Rev:01-Jun-2018 /Sts:SC-OK /Egs:ALL /Prt:29-Aug-2018 10:12 /seq:1 of 6




Surveyor: Nicholas Ford Date of Survey: 02/11/2016 Surveyor's Ref: 11744	PLAN OF SUBDIVISION OF LOT 20 IN DP1053711	LGA: ALBURY CITY Locality: ALBURY Subdivision No.: 4895 LENGTHS ARE IN METRES. REDUCTION RATIO 1:400	Registered: 31.5.2018	DP1243276
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10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
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- ⑤ - EASEMENT TO PARK VEHICLES VARIABLE WIDTH
 - ② - RIGHT OF ACCESS VARIABLE WIDTH
- NOTE: SEE SHEET 3 FOR FULL DIMENSIONS AND EXTENTS OF EASEMENTS ⑤ AND ②



- A - DP073002 - EASEMENT TO DRAIN SEWAGE 3 WIDE
- F - DP073002 - EASEMENT TO DRAIN WATER 3 WIDE
- H - DP1053711 - RIGHT OF CARRIAGEWAY VARIABLE WIDTH
- K - DP1053711 - RIGHT OF CARRIAGEWAY EASEMENT TO DRAIN WATER AND DATA TRANSMISSION VARIABLE WIDTH
- N - DP1053711 - EASEMENT TO DRAIN WATER AND DATA TRANSMISSION VARIABLE WIDTH
- BK 3252 NO 787 - EASEMENT FOR ELECTRICITY SUPPLY

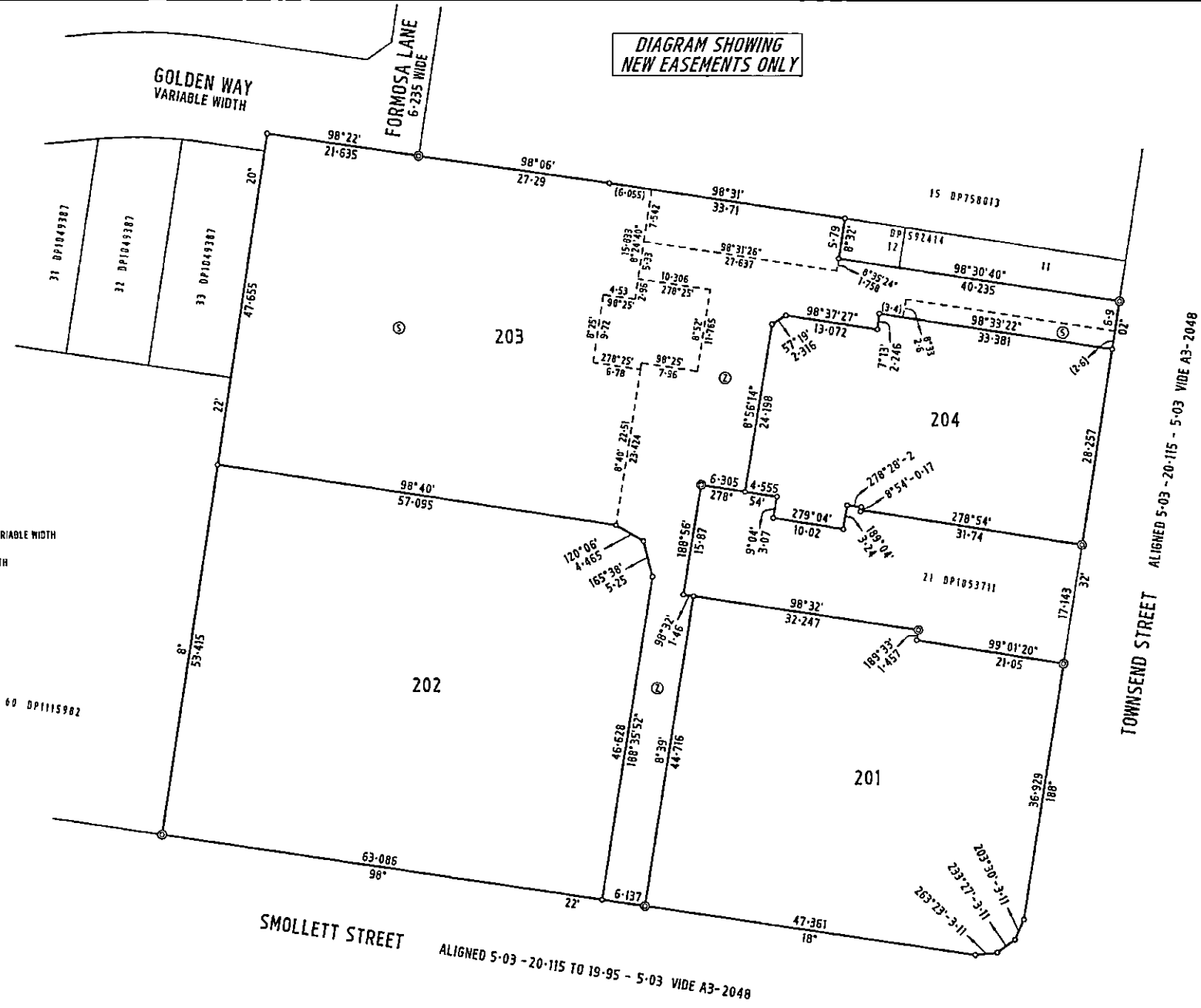
<p>Surveyor: Nicholas Ford Date of Survey: 02/11/2016 Surveyor's Ref: 11744</p>	<p>PLAN OF SUBDIVISION OF LOT 20 IN DP1053711</p>	<p>LGA: ALBURY CITY Locality: ALBURY Subdivision No.: 4895 LENGTHS ARE IN METRES. REDUCTION RATIO 1:100</p>	<p>Registered:  31.5.2018</p>	<p>DP1243276</p>
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Reg:R164705 /Doc:DP 1243276 P /Rev:01-Jun-2018 /Sta:SC.OK /Pgs:ALL /Prt:29-Aug-2018 10:12 /Seq:2 of 6
 Res:Zauner /Src:Q

DIAGRAM SHOWING
NEW EASEMENTS ONLY



- ⑤ - EASEMENT TO PARK VEHICLES VARIABLE WIDTH
- ⑦ - RIGHT OF ACCESS VARIABLE WIDTH



Req:R164765 /Doc:DP 1243276 P /Rev:01-Jun-2018 /Sts:SC.OK /Fgs:ALL /Prt:29-Aug-2018 10:12 /Seq:3 of 6
Ref:Zauner /Scc:Q

Surveyor: Nicholas Ford
 Date of Survey: 02/11/2016
 Surveyor's Ref: 11744

PLAN OF SUBDIVISION OF
 LOT 20 IN DP1053711


LGA: ALBURY CITY
 Locality: ALBURY
 Subdivision No.: 4895
 LENGTHS ARE IN METRES,
 REDUCTION RATIO 1:400

Registered:
 31.5.2018

DP1243276

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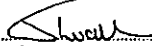
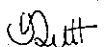
PLAN FORM 6 (2013) WARNING: Creasing or folding will lead to rejection ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 3 sheet(s)
Registered:  31.5.2018 Title System: TORRENS Purpose: SUBDIVISION	Office Use Only	Office Use Only DP1243276
PLAN OF SUBDIVISION OF LOT 20 IN DP1053711	LGA: ALBURY CITY Locality: ALBURY Parish: ALBURY County: GOULBURN	
Crown Lands NSW Western Lands Office Approval I, <u>Nicholas Ford</u> (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: _____ Date: _____ File Number: _____ Office: _____	Survey Certificate I, <u>Nicholas Ford</u> of <u>WALPOLE SURVEYING PTY LTD</u> a surveyor registered under the Surveying and Spatial Information Act 2002, certify that: *(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on 02/11/2016. *(b) The part of the land shown in the plan being <u>excluding</u> <u>was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on</u> <u>the part not surveyed was compiled in accordance with that Regulation.</u> *(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012. Signature: <u>Nicholas Ford</u> Date: <u>21/03/2017</u> Surveyor ID: 8427 Datum Line: X-Y Type: Urban The terrain is <u>Level-Undulating</u> *Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.	
Subdivision Certificate I, <u>Michael Kears</u> (Authorised Person/General Manager/ Accredited Certifier, certify that the provisions of s.105J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: <u>Michael Kears</u> Accreditation number: <u>12345</u> Consent Authority: <u>Albury City Council</u> Date of endorsement: <u>11 May 2018</u> Subdivision Certificate number: <u>4895</u> File number: <u>PEV100795</u> *Strike through if inapplicable.	Plans used in the preparation of survey/compilation. DP873002, DP1053711, DP1049387 If space is insufficient continue on PLAN FORM 6A	
Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A
		Surveyor's Reference: 11744

PLAN FORM 6A (2012) WARNING: Creasing or folding will lead to rejection cPlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 3 sheet(s)																									
<p>Registered: 31.5.2018</p> <p style="text-align: center;">Office Use Only</p>	<p style="font-size: 24pt; font-weight: bold;">DP1243276</p>	<p style="text-align: center;">Office Use Only</p>																									
<p>PLAN OF SUBDIVISION OF LOT 20 IN DP1053711</p>																											
<p>Subdivision Certificate number: <u>1895</u></p> <p>Date of Endorsement: <u>11 May 2018</u></p>																											
<p><small>This sheet is for the provision of the following information as required:</small></p> <ul style="list-style-type: none"> • A schedule of lots and addresses - See 60(1) <i>SSI Regulation 2012</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 																											
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>Lot</th> <th>Street Number</th> <th>Street name</th> <th>Street type</th> <th>Locality</th> </tr> </thead> <tbody> <tr> <td>201</td> <td>580</td> <td>Smallett</td> <td>Street</td> <td>Albury</td> </tr> <tr> <td>202</td> <td>580</td> <td>Smallett</td> <td>Street</td> <td>Albury</td> </tr> <tr> <td>203</td> <td>584</td> <td>Smallett</td> <td>Street</td> <td>Albury</td> </tr> <tr> <td>204</td> <td>475</td> <td>Kawson</td> <td>Street</td> <td>Albury</td> </tr> </tbody> </table>			Lot	Street Number	Street name	Street type	Locality	201	580	Smallett	Street	Albury	202	580	Smallett	Street	Albury	203	584	Smallett	Street	Albury	204	475	Kawson	Street	Albury
Lot	Street Number	Street name	Street type	Locality																							
201	580	Smallett	Street	Albury																							
202	580	Smallett	Street	Albury																							
203	584	Smallett	Street	Albury																							
204	475	Kawson	Street	Albury																							
<p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, IT IS INTENDED TO CREATE:</p> <ol style="list-style-type: none"> 1. EASEMENT TO PARK VEHICLES VARIABLE WIDTH 2. RIGHT OF ACCESS VARIABLE WIDTH 																											
<p style="text-align: center;"><small>If space is insufficient use additional annexure sheet</small></p>																											
<p>Surveyor's Reference: 11744</p>																											

PLAN FORM 6A (2012) WARNING: Creasing or folding will lead to rejection ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 3 of 3 sheet(s)
Office Use Only Registered:  31.5.2018	DP1243276	
PLAN OF SUBDIVISION OF LOT 20 IN DP1053711	This sheet is for the provision of the following information as required: • A schedule of lots and addresses - See 60(c) SSI Regulation 2012 • Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919 • Signatures and seals- see 195D Conveyancing Act 1919 • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.	
Subdivision Certificate number: <u>4895</u> Date of Endorsement: <u>11 May 2018</u>		
Signed by Health Administration Corporation by its authorised delegate pursuant to s. 21 of the Health Administration Act 1982:		
Signature of delegate 	Name of Corporation's delegate <u>Bill Ludford</u>	
I certify that I am an eligible witness and that the delegate signed in my presence		
Signature of witness 		
Name of witness (Block letters) <u>JACQUELINE ZUtti</u>		
Address of witness <u>1/1 192-195 Morgan St Wagga Wagga NSW</u>		
If space is insufficient use additional annexure sheet		
Surveyor's Reference: 11744		



**LAND
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29/08/2018 10:17 AM

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DOC20/31145

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING ACT 1919.

(Sheet 1 of 5 sheets)

Plan: **DP1243276**

PLAN OF SUBDIVISION OF LOT 20 IN DP1053711 SUBDIVISION
 CERTIFICATE NO.: 4895

Full name and address of the owners of the land:

HEALTH ADMINISTRATION CORPORATION
 73 MILLER STREET
 NORTH SYDNEY NSW 2060

PART 1 – (Creation)

Number of item shown in the intention panel of the plan	Identity of easement profit a prendre, restriction or positive covenant to be created and referred to in the plan	Burdened lots or parcels	Benefited lots, roads, bodies or prescribed authorities
1	Easement to park vehicles variable width	Lot 203	Lot 202 and 204
2	Right of access variable width	Lot 203	Lot 201, 202, 204 and Lot 21 DP1053711

(Sheet 2 of 5 sheets)

Plan: **DP1243276**

**PLAN OF SUBDIVISION OF LOT
20 IN DP1053711 SUBDIVISION
CERTIFICATE NO.: 4895**

PART 2 – (Terms)

Terms of easement to park vehicles numbered 1 in the plan

1. Subject to clause 3, the owner of the lot benefited may:
 - (a) park up to 89 motor vehicles on the lot burdened, but only within the site of this easement, and
 - (b) do anything reasonably necessary for that purpose, including:
 - entering the lot burdened, and
 - taking anything on to the lot burdened.
2. In exercising those powers granted by clause 1, the owner of the lot benefited must:
 - (a) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
 - (b) cause as little damage as is practicable to the lot burdened and any improvement on it.
3. Provided the owner of the lot benefited (which, at the time of creation of this easement, is the owner of Lot 202 and the owner of Lot 204 in the plan of subdivision) may together park a total of 89 motor vehicles within the site of this easement, the owner of the lot burdened may, from time to time by written notice to the owner of the lot benefited, designate the location of the carparking spaces available for use by the owner of the lot benefited. At the time of creation of this easement, it is intended that:
 - (a) the owner of Lot 202 may park up to 63 motor vehicles within the site of this easement, and
 - (b) the owner of Lot 204 may park up to 26 motor vehicles within the site of this easement.
4. The owner of the lot burdened must, at its own expense, maintain the site of this easement in good condition and repair.
5. The owner of the lot benefited must keep the site of this easement clean and free from all wastes and rubbish.

(Sheet 3 of 5 sheets)

Plan: **DP1243276**

**PLAN OF SUBDIVISION OF LOT
20 IN DP1053711 SUBDIVISION
CERTIFICATE NO.: 4895**

6. The owner of the lot benefited must not:
 - (a) use the site of this easement for any purpose other than the parking of motor vehicles;
 - (b) clean, grease, oil, repair or wash motor vehicles in the site of the easement;
and
 - (c) licence the right to park motor vehicles to a third party other than the lessee or licensee of the lot benefited.

7. The rights granted to the owner of the lot benefited by clause 1 of this easement extends to and includes any persons authorised by that owner including the owner's employees, agents, contractors, lessees and licensees.

Name of person or authority empowered to release, vary or modify the easement to park vehicles numbered 1 in the plan

Albury City Council

(Sheet 4 of 5 sheets)

Plan: **DP1243276**

**PLAN OF SUBDIVISION OF LOT
20 IN DP1053711 SUBDIVISION
CERTIFICATE NO.: A895**

Terms of right of access numbered 2 in the plan

1. The owner of the lot benefited may:
 - (a) by any reasonable means pass across the lot burdened, but only within the site of this easement:
 - (i) to get to or from the lot benefited; and
 - (ii) if the owner of the lot benefited also has the benefit of the easement to park vehicles numbered 1 in the plan, to access the site of that easement, and
 - (b) do anything reasonably necessary for that purpose, including:
 - entering the lot burdened, and
 - taking anything on to the lot burdened.
2. In exercising those powers, the owner of the lot benefited must:
 - (a) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
 - (b) cause as little damage as is practicable to the lot burdened and any improvement on it.
3. The owner of the lot burdened must, at its own expense, maintain the site of this easement in good condition and repair.
4. The owner of the lot benefited must keep the site of this easement clean and free from all wastes and rubbish.
5. The rights granted to the owner of the lot benefited by clause 1 of this easement extends to and includes any persons authorised by that owner including the owner's employees, agents, contractors, lessees and licensees.

Name of person or authority empowered to release vary or modify the right of access numbered 2 in the plan

Albury City Council

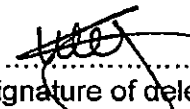
201602314 D2017/505328

(Sheet 5 of 5 sheets)

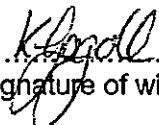
Plan: **DP1243276**

**PLAN OF SUBDIVISION OF LOT
20 IN DP1053711 SUBDIVISION
CERTIFICATE NO.: 4895**

Signed by Albury City Council by its authorised delegate pursuant to s.377 of the Local Government Act 1993:


Signature of delegate Michael Keys
Name of Council delegate

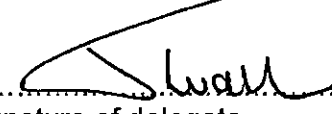
I certify that I am an eligible witness and that the delegate signed in my presence


Signature of witness

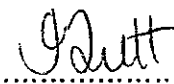
Karen Jean Gogell
Name of witness (Block letters)

553 Kiewa Street Albury
Address of witness

Signed by Health Administration Corporation by its authorised delegate pursuant to s. 21 of the Health Administration Act 1982:


Signature of delegate Jill Ludford
Name of Corporation's delegate

I certify that I am an eligible witness and that the delegate signed in my presence


Signature of witness

JACQUELINE ZUTT
Name of witness (Block letters)

Lvl 1, 193-195 Morgan St Wagga Wagga
Address of witness NSW 2650

REGISTERED  31.5.2018

201602314 D2017/505328



Title Search

05/02/2020 11:05 AM

Client Reference: DI-Zauner

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 60/1115982

SEARCH DATE	TIME	EDITION NO	DATE
5/2/2020	11:05 AM	17	12/11/2019

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.
CONTROL OF THE RIGHT TO DEAL IS HELD BY AUSTRALIA AND NEW ZEALAND BANKING
GROUP LIMITED.

LAND

LOT 60 IN DEPOSITED PLAN 1115982
AT ALBURY
LOCAL GOVERNMENT AREA ALBURY CITY
PARISH OF ALBURY COUNTY OF GOULBURN
TITLE DIAGRAM DP1115982

FIRST SCHEDULE

GARDEN PROPERTY DEVELOPMENTS PTY LIMITED

SECOND SCHEDULE (34 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS - SEE CROWN GRANT(S)
- 2 PREMISES KNOWN AS THE GARDENS, 470 WODONGA PLACE, ALBURY
- 3 DP873002 EASEMENT FOR ELECTRICITY SUPPLY 1.7 METRE(S) WIDE
AND VARIABLE APPURTENANT TO THE PART(S) OF THE LAND
SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 4 DP873002 EASEMENT FOR ELECTRICITY SUPPLY 2.44 METRE(S) WIDE
APPURTENANT TO THE PART(S) OF THE LAND SHOWN SO
BENEFITED IN THE TITLE DIAGRAM
- 5 DP873002 EASEMENT TO DRAIN SEWAGE 3 METRE(S) WIDE APPURTENANT
TO THE PART(S) OF THE LAND SHOWN SO BENEFITED IN THE
TITLE DIAGRAM
- 6 DP873002 EASEMENT TO DRAIN SEWAGE OVER EXISTING LINE OF PIPES
APPURTENANT TO THE PART(S) OF THE LAND SHOWN SO
BENEFITED IN THE TITLE DIAGRAM
- 7 DP873002 EASEMENT TO DRAIN WATER 3 METRE(S) WIDE APPURTENANT
TO THE PART(S) OF THE LAND SHOWN SO BENEFITED IN THE
TITLE DIAGRAM

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- 8 DP873002 EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES APPURTENANT TO THE PART(S) OF THE LAND SHOWN SO BENEFITED IN THE TITLE DIAGRAM
- 9 DP873002 RESTRICTION(S) ON THE USE OF LAND AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 10 AC932078 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED OF THE PART FORMERLY IN 1/1105552
- 11 DP1049387 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND

END OF PAGE 1 - CONTINUED OVER

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 60/1115982

PAGE 2

SECOND SCHEDULE (34 NOTIFICATIONS) (CONTINUED)

- NUMBERED (6) IN THE S.88B INSTRUMENT AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 12 AC932076 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED OF THE PARTS FORMERLY IN 26/1049387, 27/1049387, 28/1049387, 29/1049387 AND 542/1105265
- 13 DP1115982 EASEMENT FOR DRAINAGE OF SEWAGE 3 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 14 DP1115982 EASEMENT FOR DRAINAGE OF WATER OVER EXISTING LINE OF PIPES (APPROXIMATE POSITION) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 15 DP1126083 EASEMENT FOR ELECTRICITY PURPOSES VARIABLE WIDTH AND LIMITED IN HEIGHT AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1126083
- 16 AE467141 LEASE TO LYNETTE MERLE MAYO, ANDREW DAVID CRICHTON, BENJAMIN JOHN BRNDUSIC, AMANDA KATE BRNDUSIC & CHRISTOPHER ANTHONY ZOANETTI OF SUITE 1.5, LEVEL 1. EXPIRES: 11/5/2018. OPTION OF RENEWAL: TWO PERIODS OF 5 YEARS EACH.
AE568774 MORTGAGE OF LEASE AE467141 TO NATIONAL AUSTRALIA BANK LIMITED
AH4002 TRANSFER OF LEASE AE467141 LESSEE NOW BENJAMIN JOHN BRNDUSIC & AMANDA KATE BRNDUSIC AS JOINT TENANTS
AH998279 VARIATION OF LEASE AE467141
AI116016 TRANSFER OF LEASE AE467141 LESSEE NOW AMANDA KATE WARD
AM418060 TRANSFER OF LEASE AE467141 LESSEE NOW AWARD PHARMACIES PTY LTD

- AM418061 VARIATION OF LEASE AE467141
- 17 AE517289 LEASE TO THE GARDENS PRIVATE HOSPITAL PTY LTD OF
LEVEL 5, THE GARDENS, 470 WODONGA PLACE, ALBURY.
EXPIRES: 11/5/2023. OPTION OF RENEWAL: 5 YEARS AND ONE
FURTHER OPTION OF 5 YEARS.
- AF11057 LEASE OF LEASE AE517289 TO INSIGHT CLINIC PTY
LIMITED BEING SUITE 1, LEVEL 5. EXPIRES:
10/5/2023. OPTION OF RENEWAL: SEE LEASE.
- AJ684873 LEASE OF LEASE AE517289 TO O.A. PTY LTD BEING
SUITE 3, LEVEL 5. EXPIRES: 11/5/2019.
- AJ684874 TRANSFER OF SUBLEASE AF11057 LESSEE NOW INSIGHT
NEWCO PTY LTD
- AJ684875 TRANSFER OF LEASE AE517289 LESSEE NOW INSIGHT
NEWCO PTY LTD
- AJ684876 VARIATION OF LEASE AE517289
- 18 AF511288 LEASE TO GMC L3 PTY LIMITED BEING LEVEL 3. EXPIRES:
11/5/2023. OPTION OF RENEWAL: SEE LEASE.

END OF PAGE 2 - CONTINUED OVER

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 60/1115982

PAGE 3

SECOND SCHEDULE (34 NOTIFICATIONS) (CONTINUED)

- 19 AH913085 LEASE TO GMC L6 PTY LTD BEING SUITE 6.1, LEVEL 6.
EXPIRES: 28/2/2023. OPTION OF RENEWAL: 5 YEARS + 5
YEARS.
- AI660729 LEASE OF LEASE AH913085 TO TERN HILL PTY LTD
BEING SUITE 2. EXPIRES: 27/2/2023. OPTION OF
RENEWAL: SEE DEALING.
- 20 AI108879 LEASE TO GOVERNMENT PROPERTY NSW BEING SUITE 6,
LEVEL 2. EXPIRES: 31/3/2018. OPTION OF RENEWAL: 5
YEARS.
- AK554006 APPLICATION AFFECTING LEASE AI108879 LESSEE NOW
AUSTRALIAN UNITY HOME CARE SERVICE PTY LTD
- 21 AI719414 LEASE TO SLATER & GORDON LIMITED BEING SUITE 5,
LEVEL 2. EXPIRES: 30/6/2019. OPTION OF RENEWAL: 5
YEARS.
- 22 AI752706 LEASE TO TERN HILL PTY LTD BEING SUITE 1.8, LEVEL 8.
EXPIRES: 28/2/2023. OPTION OF RENEWAL: 5 YEARS + 5
YEARS + 5 YEARS.
- 23 AN282342 LEASE TO GMC L3 PTY LTD OF SUITE 4.2, LEVEL 4, THE
GARDENS, 470 WODONGA PLACE, ALBURY. EXPIRES:
31/3/2020. OPTION OF RENEWAL: 5 YEARS.



- 24 AN559345 LEASE TO SPECIALIST DIAGNOSTICS SERVICES PTY LTD OF SUITE 1.6, LEVEL 1 AND SUITE 2.1, LEVEL 2, THE GARDENS, 470 WODONGA PLACE, ALBURY. EXPIRES: 11/5/2023.
- 25 AN559376 LEASE TO AWARD PHARMACIES PTY LTD OF SUITE 1.5, LEVEL 1, THE GARDENS, 470 WODONGA PL, ALBURY. EXPIRES: 11/5/2023. OPTION OF RENEWAL: 5 YEARS.
- 26 AN887947 LEASE TO FLEX OUT PHYSIOTHERAPY PTY LTD OF SUITE 2.2, LEVEL 2, THE GARDENS, 470 WODONGA PLACE, ALBURY. EXPIRES: 11/5/2023. OPTION OF RENEWAL: 5 YEARS.
- 27 AN887948 LEASE TO FLEX OUT PHYSIOTHERAPY PTY LTD OF SUITE 2.3, LEVEL 2, THE GARDENS, 470 WODONGA PLACE, ALBURY. EXPIRES: 11/5/2023. OPTION OF RENEWAL: 5 YEARS.
- 28 AP139040 LEASE TO COLLIER PODIATRY PTY LTD OF SUITE 1.2, LEVEL 1, THE GARDENS, 470 WODONGA PLACE, ALBURY. EXPIRES: 11/5/2023. OPTION OF RENEWAL: 3 YEARS AND TWO FURTHER OPTIONS OF 3 YEARS.
- 29 AP210389 LEASE TO PROPERTY NSW OF SUITE 4.0, LEVEL 4, THE GARDENS, 470 WODONGA PLACE, ALBURY. EXPIRES: 31/7/2021. OPTION OF RENEWAL: 3 YEARS.
- 30 AP288395 LEASE TO IPIC PTY LTD (SEE AP592362) OF SUITE 1.3, LEVEL 1, THE GARDENS, 470 WODONGA PLACE, ALBURY. EXPIRES: 8/4/2024. OPTION OF RENEWAL: 5 YEARS AND ONE FURTHER OPTION OF 5 YEARS.
- 31 AP375693 LEASE TO CITY GARDENS DENTAL PTY LTD OF SUITE 1, LEVEL 4 THE GARDENS, 470 WODONGA PLACE, ALBURY.

END OF PAGE 3 - CONTINUED OVER

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 60/1115982

PAGE 4

SECOND SCHEDULE (34 NOTIFICATIONS) (CONTINUED)

- EXPIRES: 17/7/2024. OPTION OF RENEWAL: 5 YEARS.
- 32 AP388733 LEASE TO FLEX OUT PHYSIOTHERAPY PTY LTD AS REGARDS SUITE 2.6 LEVEL 2 THE GARDENS, 470 WODONGA PLACE, ALBURY NSW 2640. EXPIRES: 31/3/2024. OPTION OF RENEWAL: 5 YEARS.
- 33 AP520243 LEASE TO NSCC HOLDINGS PTY LTD OF SUITE 2.5, LEVEL 2, THE GARDENS, 470 WODONGA PLACE, ALBURY. EXPIRES: 31/5/2024. OPTION OF RENEWAL: 5 YEARS AND ONE FURTHER OPTION OF 5 YEARS.
- 34 AP673455 LEASE TO SONIC INNOVATIONS PTY LTD OF SUITE L1.7, GROUND FLOOR, THE GARDENS, 470 WODONGA PLACE, ALBURY.

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EXPIRES: 11/5/2022. OPTION OF RENEWAL: 3 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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PRINTED ON 5/2/2020

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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SIGNATURES AND SEALS ONLY

FOR SIGNATURES, SEALS AND CERTIFICATES SEE SIGNATURES FORM

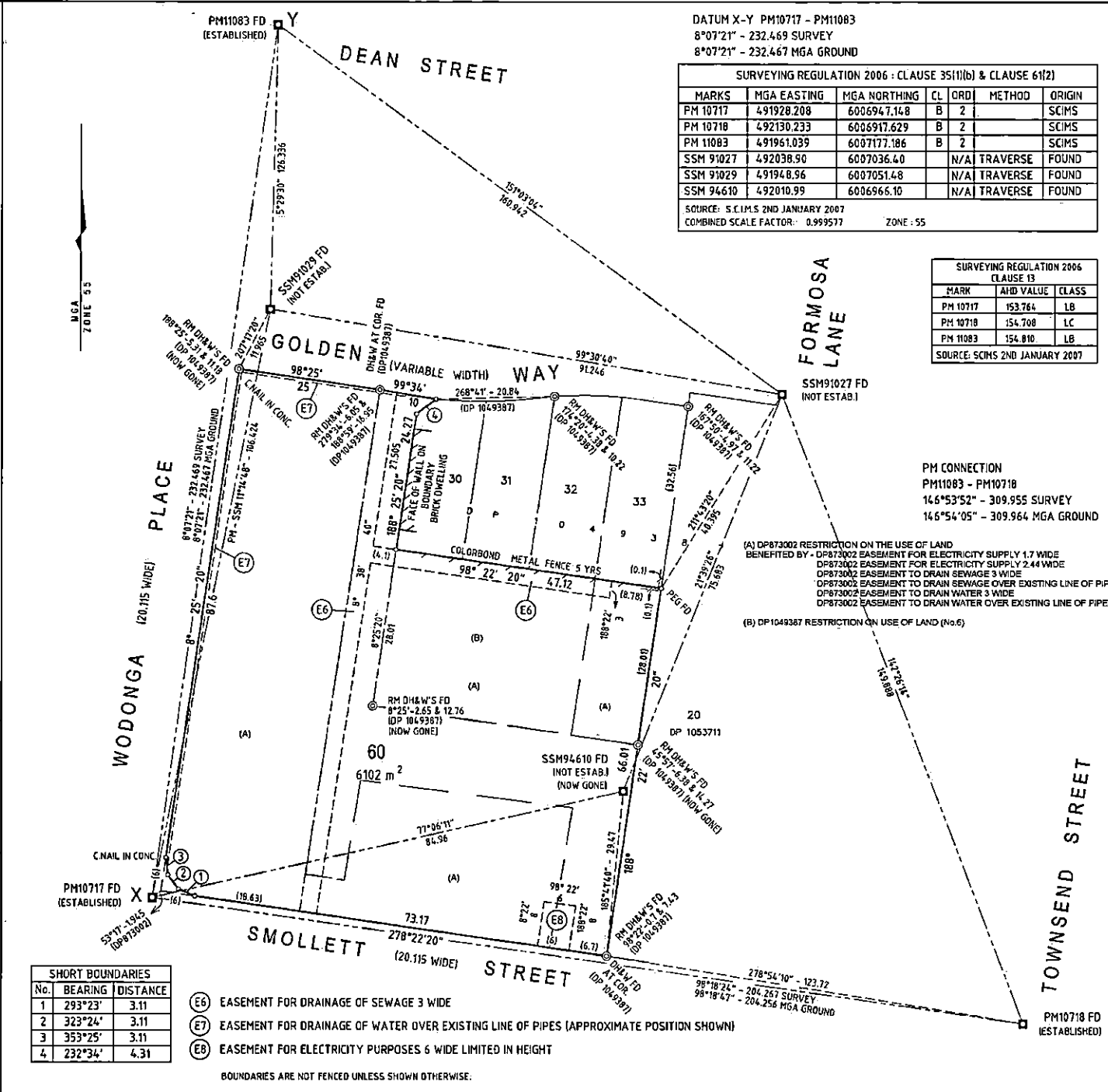
DATUM X-Y PM10717 - PM11083
8°07'21" - 232.469 SURVEY
8°07'21" - 232.467 MGA GROUND

SURVEYING REGULATION 2006 - CLAUSE 35(1)(b) & CLAUSE 61(2)						
MARKS	MGA EASTING	MGA NORTHING	CL	ORD	METHOD	ORIGIN
PM 10717	491928.208	600694.714.8	B	2		SCIMS
PM 10718	492130.233	6006917.629	B	2		SCIMS
PM 11083	491961.039	6007177.186	B	2		SCIMS
SSM 91027	492038.90	6007036.40	N/A		TRAVERSE	FOUND
SSM 91029	49194.8.96	6007051.48	N/A		TRAVERSE	FOUND
SSM 94610	492010.99	6006966.10	N/A		TRAVERSE	FOUND

SOURCE: S.C.I.M.S 2ND JANUARY 2007
COMBINED SCALE FACTOR: 0.999577 ZONE : 55

SURVEYING REGULATION 2006 CLAUSE 13		
MARK	AFD VALUE	CLASS
PM 10717	153.764	LB
PM 10718	154.708	LC
PM 11083	154.810	LB

SOURCE: SCIMS 2ND JANUARY 2007



SHORT BOUNDARIES		
No.	BEARING	DISTANCE
1	293°23'	3.11
2	323°24'	3.11
3	353°25'	3.11
4	232°34'	4.31

- (E6) EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE
- (E7) EASEMENT FOR DRAINAGE OF WATER OVER EXISTING LINE OF PIPES (APPROXIMATE POSITION SHOWN)
- (E8) EASEMENT FOR ELECTRICITY PURPOSES 6 WIDE LIMITED IN HEIGHT

BOUNDARIES ARE NOT FENCED UNLESS SHOWN OTHERWISE.

10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300	310	320	330	340	350	360	370	380	390	400
----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Crown Lands NSW/Western Lands Office Approval

I, _____, an approving officer certify that all necessary approvals in regard to the allocation of the land shown herein have been given.

Signature: _____
Date: _____
File Number: _____
Office: _____

Subdivision Certificate

I certify that the provisions of s.10(2) of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed _____ set out herein.

SEE SIGNATURES FORM

Authorised Person/General Manager/Registered Certifier

Consent Authority: ALBURY CITY COUNCIL
Date of Endorsement: 16 MAY 2007
Accreditation no.: _____
Subdivision Certificate no.: 6183
File no.: PF.49954

Delete whichever is inapplicable

SURVEYOR'S REFERENCE: 6438P/HD/ES/D

DP1115982

Registered: 06.09.2007
Title System: TORRENS
Purpose: CONSOLIDATION
Ref No: L9105-28.06#
Last Plan: DP1049387, DP1105265, DP1105552

PLAN OF CONSOLIDATION OF LOTS 26, 27, 28 & 29 DP1049387, LOT 542 DP1105265 AND LOT 1 DP1105552

Lengths are in metres. Reduction Ratio 1:500

LGA: ALBURY
Locality: ALBURY
Parish: ALBURY
County: GOULBURN

Sheet of _____ sheets (Date if applicable)

Surveying Regulation, 2006
L DOUGLAS J GOW & ASSOCIATES
445 TOWNSEND STREET ALBURY, NSW 2640
Ph (02) 6551 680
a surveyor registered under the Surveying Act, 2002, hereby certify that the survey represented by this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on 29/11/2007

The survey relates to LOT 60
These specify the land actually surveyed, or specify any land shown in the plan that is not the subject of the survey
(Signature) SEE SIGNATURES FORM
DATE: 30/01/2007
Surveyor registered under the Surveying Act, 2002

Plans used in preparation of Compilation/Survey
DP873002
DP1049387
DP1105265
DP1105552

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

- PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 IT IS INTENDED TO CREATE
- EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE.
 - EASEMENT FOR DRAINAGE OF WATER OVER EXISTING LINE OF PIPES (APPROXIMATE POSITION SHOWN)
 - EASEMENT FOR ELECTRICITY PURPOSES 6 WIDE LIMITED IN HEIGHT

- RELEASE
- EASEMENT TO DRAIN SEWAGE 3 WIDE CREATED BY DP1049387
 - EASEMENT FOR SERVICES 0.5 WIDE CREATED BY DP 1049387

Ref: R749663 / Doc: DP 1115982 P / Rev: 12-Sep-2007 / Sbs: SC, OK / Prt: 17-Apr-2012 14:55 / Pgs: ALL / Seq: 1 of 2


VERIFICATES, SIGNATURES AND SEALS

Sheet 1 of 1 Sheet(s)

* OFFICE USE ONLY

**PLAN OF CONSOLIDATION
 OF LOTS 26, 27, 28 & 29 DP1049387,
 LOT 542 DP1105265 AND LOT 1 DP1105552**

DP1115982

Registered:  06.09.2007

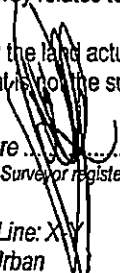
Surveying Regulation, 2006

I, Douglas J Gow
 of Douglas Gow & Associates
 445 Townsend Street, Albury NSW 2640
 Ph 02 6051 1300

a surveyor registered under the *Surveying Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying Regulation, 2006* and was completed on: 29/01/2007

The survey relates to LOT 60

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)


Signature:  Dated: 30/01/2007
 Surveyor registered under the *Surveying Act, 2002*

Datum Line: XY
 Type: Urban

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads or to create public reserves and drainage reserves.

Executed by Garden Property Developments Pty Limited (A.C.N. 120 131 204) in accordance with the Corporations Act, 2001:


 Garry Christopher Zauner - Director


 Terrence George Davidson - Secretary

Crown Lands NSW/Western Lands Office Approval

I, in approving this plan certify
 (Authorised Officer)
 that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature: Signed for and on behalf of the
 Australia and New Zealand Banking Group Limited

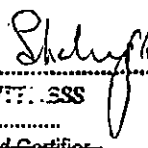
Date:
 File Number: Signed by the said Bank at
 Office: Sydney by its Attorney

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.B.N. 11 005 357 522 by its Attorney and I, the Attorney state that I have not received any notice of the revocation of the Power of Attorney registered in the Land Titles Office Sydney NSW as No. 410 Book 4376 under which this document is executed.

Subdivision Certificate who is personally known to me

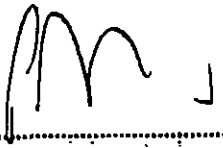
I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to 20 Martini Place Sydney

the proposed.....CONSOLIDATION..... set out herein
 (insert 'subdivision' or 'new road')


 SHELLEY SSS
 * Authorised Person/General Manager/Accredited Certifier

Consent Authority: ALBURY CITY COUNCIL
 Date of Endorsement: 16 MAY 2007
 Accreditation no:
 Subdivision Certificate no: 4125
 File no: DP 45984

* Delete whichever is inapplicable.


 MANAGER FOR THE TIME BEING OF AUSTRALIA
 NEW ZEALAND BANKING GROUP LIMITED

Use PLAN FORM 6A for additional certificates, signatures and seals

SURVEYOR'S REFERENCE: 64 :P/MD/ES/D



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Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

DOC20/31145

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919

(Sheet 1 of 3 Sheets)

Plan: **DP1115982**

PLAN OF CONSOLIDATION
OF LOTS 26, 27, 28 & 29 DP1049387
LOT 542 DP1105265 AND LOT 1 DP1105552
covered by Councils Certificate No. 4125
dated: 16 May 2007

Full name and address of the owner of the Land:

Garden Property Developments Pty Ltd
(A.C.N. 120 131 204)
C/- Davidson Cox Accountants
364 Griffith Road
Lavington NSW 2641


Full name and address of the mortgagee of the Land:

Australia and New Zealand Banking Group
ANZ Business Bank
Level 1
579 Dean Street
Albury NSW 2640

Part 1

Number of item shown in the intention panel on the plan.	Identity of easement, profit a prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement for drainage of sewage 3 wide	60	Albury City Council
2	Easement for drainage of water over existing line of pipes (approximate position shown)	60	Albury City Council
3	Easement for electricity purposes 6 wide limited in height and depth between R.L.156.10 to R.L.159.00 AHD	60	Country Energy

APPROVED BY THE COUNCIL OF THE CITY OF ALBURY



Authorised Officer

ePlan

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919

(Sheet 2 of 3 Sheets)


Plan: **DP1115982**

PLAN OF CONSOLIDATION
 OF LOTS 26, 27, 28 & 29 DP1049387
 LOT 542 DP1105265 AND LOT 1 DP1105552
 covered by Councils Certificate No. 4125
 dated: 16 May 2007

Part 1A

Number of item shown in the intention panel on the plan.	Identity of easement, profit a prendre, restriction or positive covenant to be released and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement to drain sewage 3 wide created by DP1049387	542 in DP1105265 & 26, 27, 28 & 29 in DP1049387	Albury City Council
2	Easement for services 0.5 wide created by DP1049387	542 in DP1105265	Telstra Corporation

Signed in my presence by The Authorised Person, Albury City Council (Dominant Authority of Easement Released) who is personally known to me.

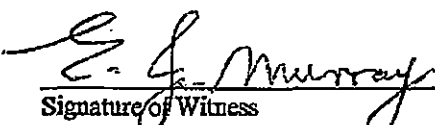

 Signature of Witness

PETRA EDWARDS
 Name of Witness (BLOCK LETTERS)
 10 RONALD PLACE, ALBURY
 DEVELOPMENT CO-ORD
 Address and Occupation of Witness


 SIGNATURE AUTHORISED PERSON

MICHAEL KEYS
 NAME
 GROUP MANAGER
 PLANNING & ECONOMIC DEV.
 POSITION

Signed in my presence by The Authorised Person, Telstra Corporation (Dominant Authority of Easement Released) who is personally known to me.

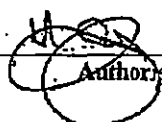

 Signature of Witness

EDWARD MURRAY
 Name of Witness (BLOCK LETTERS)
 12 PAULDING ST. SYMONSTON.
 Address and Occupation of Witness


 SIGNATURE AUTHORISED PERSON

PAUL BARRETT
 NAME
 ACCESS NETWORK DESIGNER.
 POSITION

APPROVED BY THE COUNCIL OF THE CITY OF ALBURY


 Authorised Officer

ePlan

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE
CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON
THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED
PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919**

(Sheet 3 of 3 Sheets)

Plan: **DP1115982**

PLAN OF CONSOLIDATION
OF LOTS 26, 27, 28 & 29 DP1049387
LOT 542 DP1105265 AND LOT 1 DP1105552
covered by Councils Certificate No. 4125
dated: 16 May 2007

Executed by Garden Property Developments Pty
Limited (A.C.N. 120 131 204) in accordance with
the Corporations Act, 2001:

Garry Christopher Zauner - Director

Terrence George Davidson - Secretary

Signed for and on behalf of the
Australia and New Zealand Banking Group Limited

Signed by the said Bank at
Sydney by its Attorney

who is personally known to me

20 Martin Place Sydney
BANK OFFICER

WITNESS

AUSTRALIA AND NEW ZEALAND BANKING GROUP
LIMITED A.B.N. 11 005 357 522 by its Attorney and I, the said
Attorney state that I have not received any notice of
the revocation of the Power of Attorney registered in the
Land Titles Office Sydney NSW as No. 410 Book 4376
under which this document is executed.

MANAGER FOR THE TIME BEING OF AUSTRALIA AND
NEW ZEALAND BANKING GROUP LIMITED.

APPROVED BY THE COUNCIL OF THE
CITY OF ALBURY

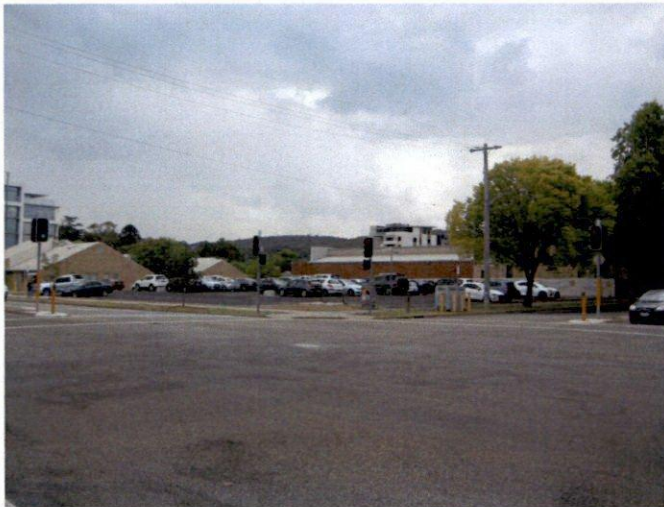
Authorised Officer

REGISTERED



06.09.2007

APPENDIX B: Photographs of the Site and surrounding area



Photograph 1:

The proposed Mixed-use Building part of the Site (looking northwest from the corner of Smollett Street and Townsend Street adjacent the Site).



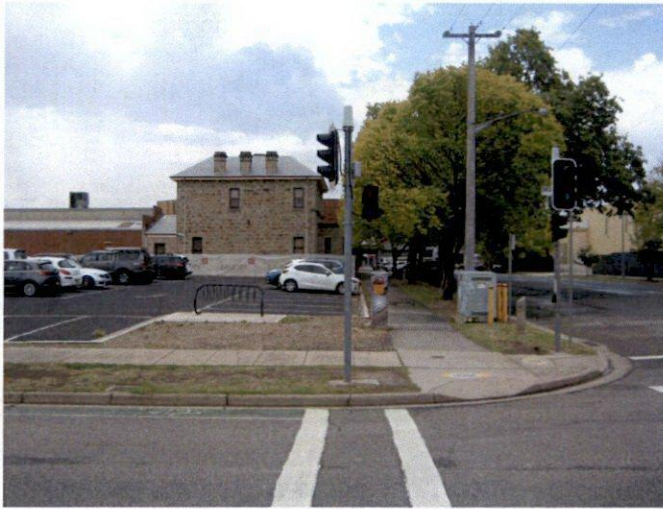
Photograph 2:

The Smollett Street frontage of the Site and adjoining development (looking west-northwest from the corner of Smollett Street and Townsend Street adjacent the Site).



Photograph 3:

The Townsend Street frontage of the Site and adjoining development (looking north from the corner of Smollett Street and Townsend Street adjacent the Site).



Photograph 4:

The Townsend Street frontage of the Site (looking north from the corner of Smollett Street and Townsend Street adjacent the Site).



Photograph 5:

The Smollett Street frontage of the Site (looking west from the corner of Smollett Street and Townsend Street adjacent the Site).



Photograph 6:

The existing one-way ENTRY and proposed one-way ENTRY vehicle crossover and accessway to the Site from Smollett Street (looking north from Smollett Street adjacent the Site).



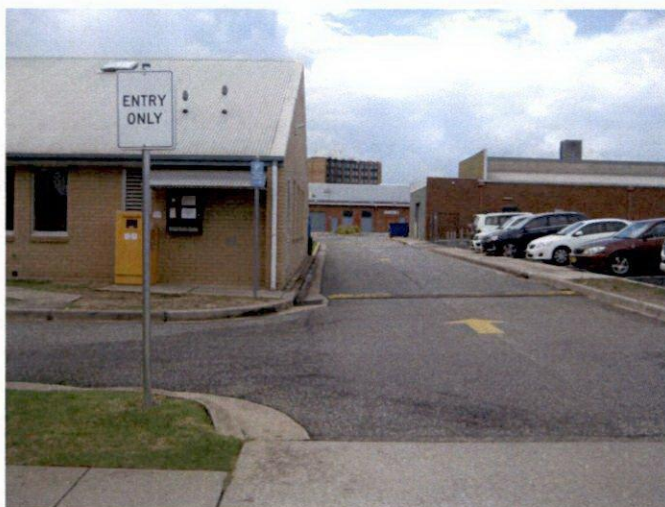
Photograph 7:

The Smollett Street frontage of the Site (looking east from the southwestern lot boundary corner of the Site).



Photograph 8:

The proposed Mixed-use Building part of the Site (looking northeast from the southwestern lot boundary corner of the Site).



Photograph 9:

Part of the western lot boundary of the Site (looking north from the southwestern lot boundary corner of the Site).



Photograph 10:

The northern lot boundary of the Site with 'Kia-Ora' (looking west from Townsend Street adjacent the Site).



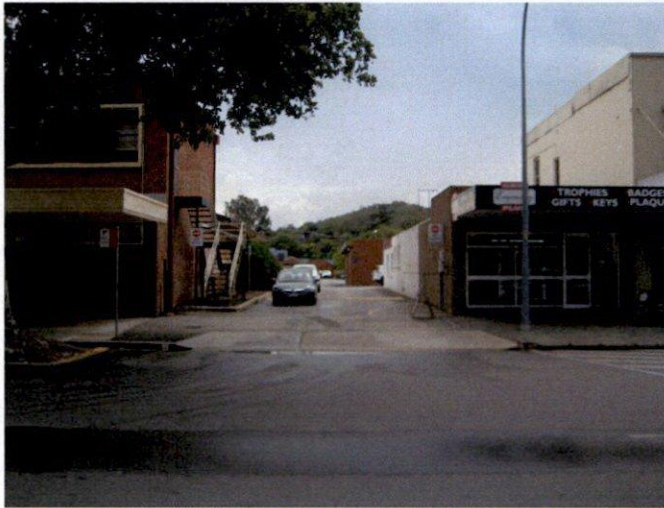
Photograph 11:

The proposed Mixed-use Building part of the Site (looking southwest from Townsend Street opposite 'Kia-Ora' adjacent the Site).



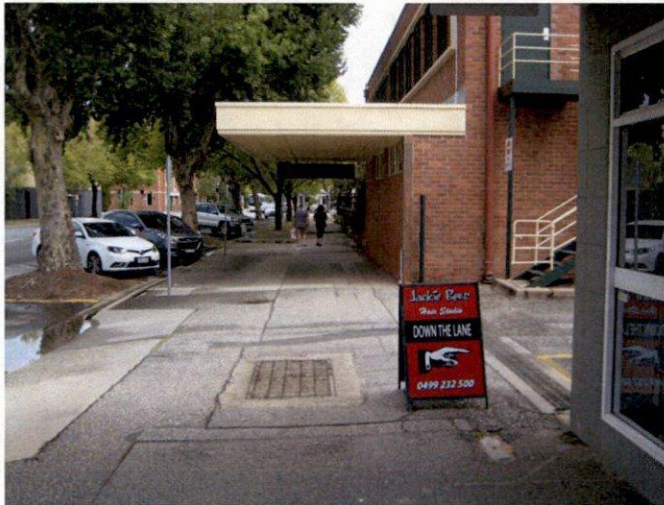
Photograph 12:

The Townsend Street frontage of the Site (looking south from Townsend Street opposite 'Kia-Ora' adjacent the Site).



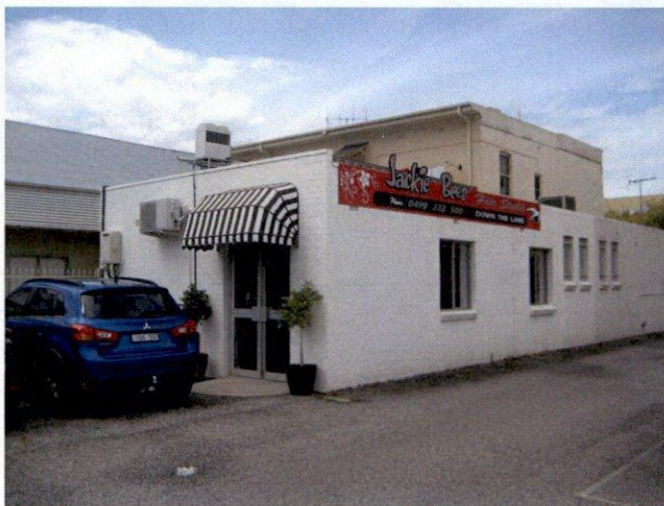
Photograph 13:

The existing one-way EXIT and proposed one-way EXIT vehicle crossover from the Site to Townsend Street (looking west from Townsend Street adjacent the Site).



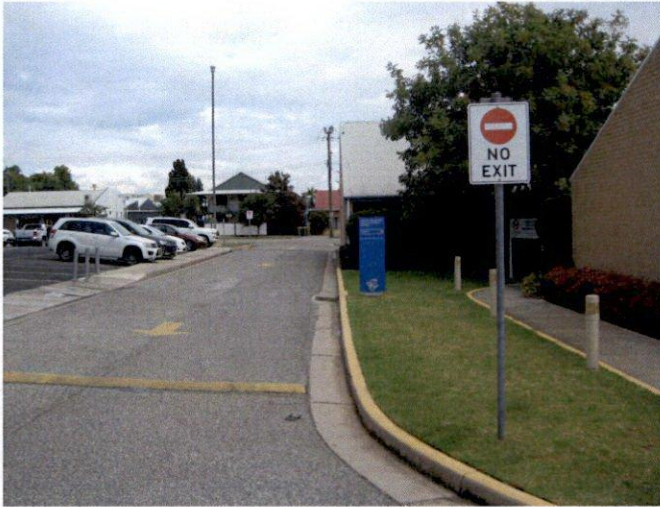
Photograph 14:

The Townsend Street frontage of the Site (looking south from the existing and proposed one-way EXIT vehicle crossover from the Site to Townsend Street



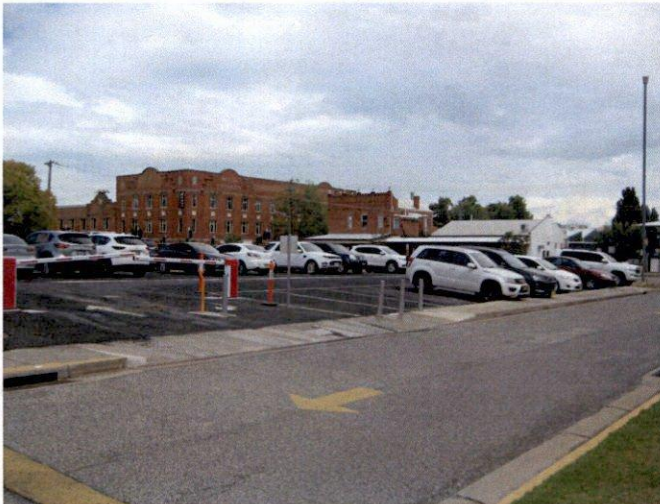
Photograph 15:

Adjoining land and commercial use to the north of the Site which is provided with bollard protected pedestrian access from Townsend Street (looking northeast from within the Site).



Photograph 16:

The existing one-way ENTRY and proposed one-way ENTRY vehicle accessway to the Site from Smollett Street (looking east along part of the southern lot boundary of the Site from within the Site).



Photograph 17:

The proposed Mixed-use Building part of the Site (looking southeast from within the Site).



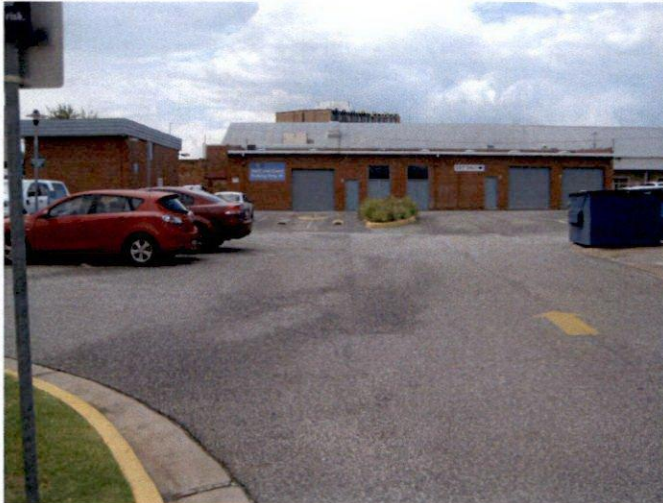
Photograph 18:

The northern lot boundary of the Site with 'Kia-Ora' (looking east from within the Site).



Photograph 19:

The existing rear shed storage area part of 'Kia-Ora' which faces internal parts of the Site (looking northeast from within the Site).



Photograph 20:

The proposed Carpark Building part of the Site (the existing storage building in the distance is already approved for demolition) (looking north from within the Site).



Photograph 21:

The proposed Carpark Building part of the Site (looking northwest from within the Site).

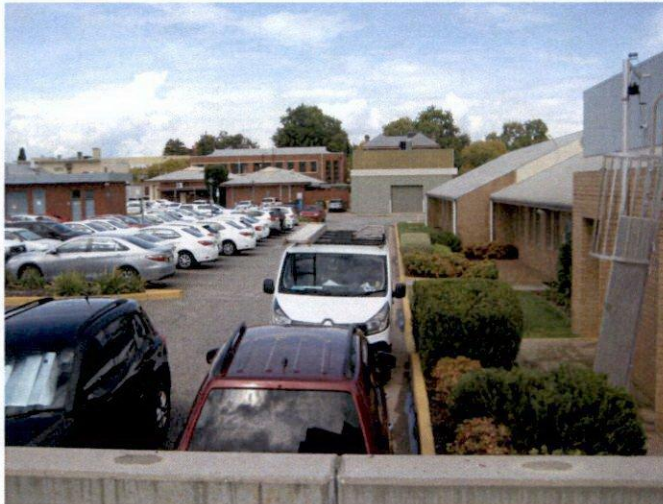
Development Application:

Eight-storey commercial and residential building and five-storey carpark building –
580-584 Smollett Street and 470 Wodonga Place, Albury
(Lots 201 and 203 DP1243276 and Lot 60 DP1115982)



Photograph 22:

The proposed Carpark Building part of the Site (looking west along part of the southern lot boundary of the Site from within the Site).



Photograph 23:

The proposed Carpark Building part of the Site (looking east along part of the southern lot boundary of the Site from the Gardens Medical Centre).



Photograph 24:

The proposed Carpark Building part of the Site (looking northeast from the Gardens Medical Centre).



Photograph 25:

The proposed Carpark Building part of the Site (looking north-northeast along part of the western lot boundary of the Site from the Gardens Medical Centre).



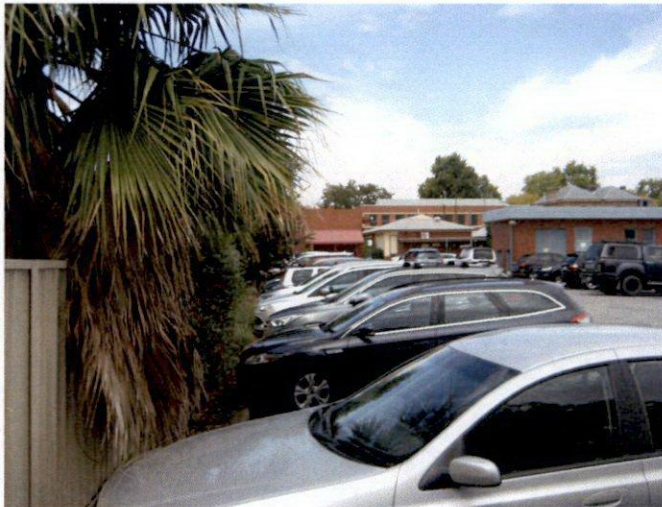
Photograph 26:

The western lot boundary of the Site with adjoining residential land uses (looking south from the north-western lot boundary corner of the Site).



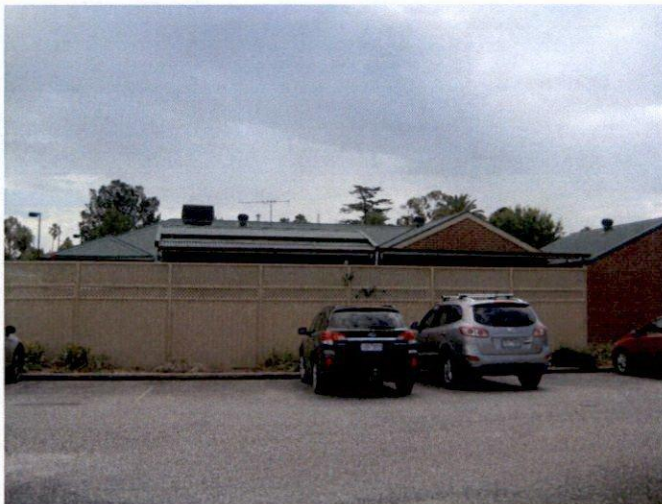
Photograph 27:

The proposed Carpark Building part of the Site (looking southeast from the north-western lot boundary corner of the Site).



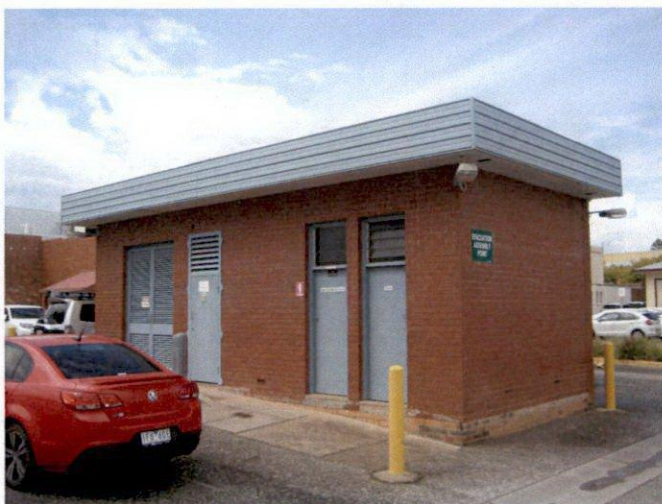
Photograph 28:

The northern lot boundary of the Site with adjoining commercial land uses (looking east from the north-western lot boundary corner of the Site).



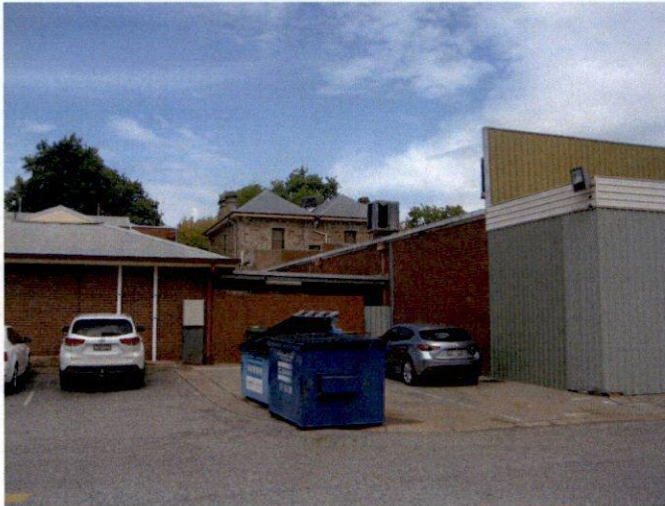
Photograph 29:

Existing residential land uses adjoining the Site to the west with existing privacy fence treatments (looking west from within the Site).



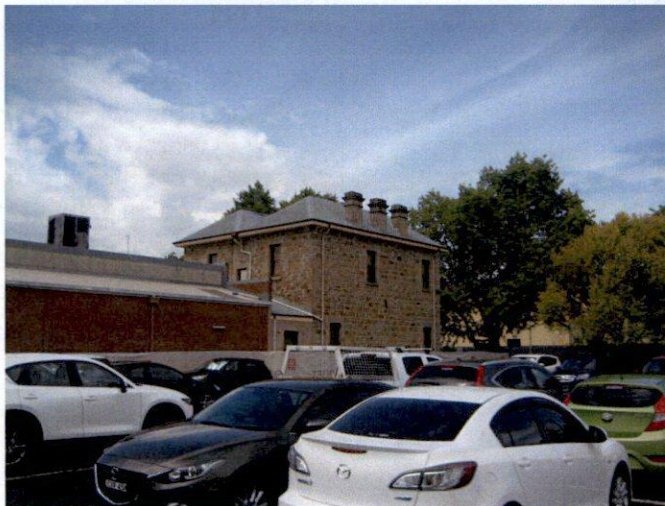
Photograph 30:

The existing Essential Energy electrical substation which is proposed to be incorporated into the proposed Carpark Building (looking northeast from within the Site).



Photograph 31:

A perspective photo of 'Kia-Ora' in the distance with its storage sheds to the rear and adjoining commercial development to its north (looking east-southeast from within the Site).



Photograph 32:

A perspective photo of 'Kia-Ora' with its storage sheds to the rear (looking northeast from within the Site).



Photograph 33:

The location of the proposed pedestrian and disabled accessway from the proposed Carpark Building to the Gardens Medical Centre and vice versa. The landscaping planter box and the car parking space occupied by the red vehicle would be demolished/removed to make way for the accessway. The car parking space to the right of the picture would remain (looking east from within the Gardens Medical Centre).



Photograph 34:

The north-western lot boundary corner of the Site and the location of the proposed fire escape pedestrian egress gate to Golden Way which is located to the left of the existing palm tree which does not require removal (looking southeast from Golden Way adjacent the north-western lot boundary corner of the Site).



Photograph 35:

The western lot boundary of the Site with adjoining residential land (looking south from Golden Way adjacent the north-western lot boundary corner of the Site).



Photograph 36:

The northern lot boundary of the Site with Golden Way and commercial land (looking east from Golden Way adjacent the north-western lot boundary corner of the Site).



Photograph 37:

The proposed Carpark Building in the distance (looking southeast from Formosa Lane adjacent the Site to the north).



Photograph 38:

The proposed Carpark Building in the distance (looking south from Formosa Lane adjacent the Site to the north).

APPENDIX C:

SEPP65 design quality principles and the Apartment Design Guide – Architect’s statement

DESIGN VERIFICATION STATEMENT

LOT 201 580 SMOLLETT ST ALBURY NSW

TO ACCOMPANY DA SUBMISSION 18 DEC 2019

ON BEHALF OF 590 SMOLLETT ST PTY LTD &
GARDEN PROPERTY DEVELOPMENTS PTY LTD

PREPARED BY LEFFLER SIMES ARCHITECTS
GEORGES RICH SENIOR ARCHITECT
REG (SA) 900



CONTENTS

PRINCIPLE 1	CONTEXT
PRINCIPLE 2	SCALE
PRINCIPLE 3	DENSITY
PRINCIPLE 4	SUSTAINABILITY
PRINCIPLE 5	LANDSCAPE
PRINCIPLE 6	AMENITY
PRINCIPLE 7	SAFETY
PRINCIPLE 8	DIVERSITY
PRINCIPLE 9	AESTHETICS

DESIGN VERIFICATION STATEMENT
Lot 201 580 Smollett St Albury NSW

Leffler Simes Pty Ltd
Project No 4524

December 2019

1



DIRECTORS
C. Goodman, S. Camillo
S. Evans, R. Gietz
ASSOCIATES
S. Nelson, I. McFurt, J. Rotim
C. Khoun, R. Galati, M. Lovibond

LEFFLER SIMES PTY LTD

ACN 001 043 992

ABN 39 001 043 992 lefflersimes.com.au

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MELBOURNE 12, 370 Little Bourke Street, Melbourne VIC 3000, Australia P +61 3 9654 6344
BRISBANE 2/290 Boundary Street, Spring Hill QLD 4000, Australia P +61 7 3123 5544

in association with
Leffler Architects Beijing Pty Ltd
莱弗勒斯建筑设计咨询(北京)有限公司
BEIJING

DESIGN QUALITY PRINCIPLES

In all design principle matters the objectives of The Apartment Design Guide have been incorporated within the body of the application document. As such these responses are intended as a summary.

PRINCIPLE NO.1: CONTEXT AND NEIGHBOURHOOD CHARACTER

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Located on a major street corner of Albury, the mixed use proposal will have a strong impact by virtue of its height and substantial mass. The commercial use on the corner is in keeping with current street character, while the residential component adds a new and desirable community use to the locality; this will enhance the neighbourhood character in providing a diverse use that enlivens the area during the day and night.

Visually, it will balance and bookend the existing Gardens Medical Centre to the west giving due respect to that landmark structure whilst also being sympathetic to the listed heritage item No I174 at 473 Townsend St to the northeast through setback.

PRINCIPLE NO.2: BUILT FORM AND SCALE

Good design achieves a scale, bulk and height appropriate to the existing or desired future

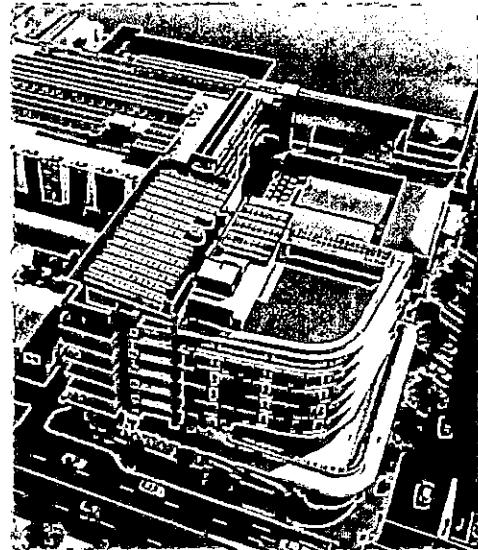
character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

By the very nature of its uses, the proposal takes on a dual character.

The commercial and residential uses have been combined with a view to complement each other, despite their divergent uses. The commercial portion takes precedence by making a robust corner statement; an arc of glass and concrete spans across the corner of Smollett and Townsend Streets providing an individualistic architectural character that will be highly recognizable.



The transformation into the residential portion on the South façade is gradual, not brutal. The arc is discontinued by a strong and colourful vertical element, reminiscent of masonry. As the building turns to the west, a different character is evolved that reflects its alternative use.

We have attempted to make this transition a positive and desirable event in the Albury "Downtown" context. The height of the building is within the maximum height limit imposed and

therefore abides by the desired character of the area.

PRINCIPLE NO.3: DENSITY

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The residential component consists of apartments on levels 1-7. Ground floor level includes an entry lobby, car parking, services and a commercial tenant facing Smollett St, possibly a café.

The entrance to the apartments is clearly defined by being located off the laneway, unambiguously separated from the commercial entry. While recessed, entry is still visible from Smollett St by being slightly forward of the main ground floor wall. A car drop-off zone is provided there, along with generous planters to isolate it from passing traffic accessing the carpark.

The apartments themselves are proposed as a dual occupancy use and are quite generous in size with a total area of around 240m² each.

There are 25 apartments proposed consisting of 1 off 1 bedroom apartment, 11 off dual-occupancy apartments and 2 off penthouses on level 7.

The apartments face west primarily, north and south. They will benefit from good views to the west and glimpses of the east panorama will also be provided by the protruding balconies.

PRINCIPLE NO.4: SUSTAINABILITY

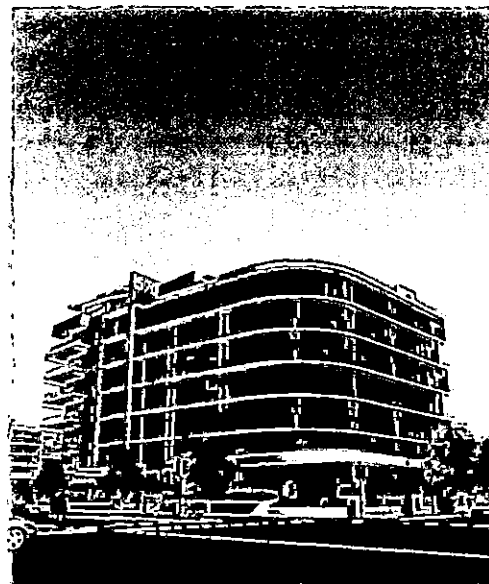
Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

The proposal aims to set desirable benchmarks in sustainability, both in construction and in the continuing life of the building. A combination of passive design and active sustainable systems are proposed to minimise the environmental impact of the building while maximising the amenity of the occupants.

These include meeting the requirements of Basix, a generous PV cells roof landscape zone & planting of appropriate water hardy species.

Features of the ESD inclusions are a/- laundry facilities in each apartment and generous balconies for drying of clothes. b/- passive solar design enhancing natural heating and cooling, c/- solar collection devises contribute to energy input from natural sources d/- generous window sizes to promote natural light usage, rather than electrical.



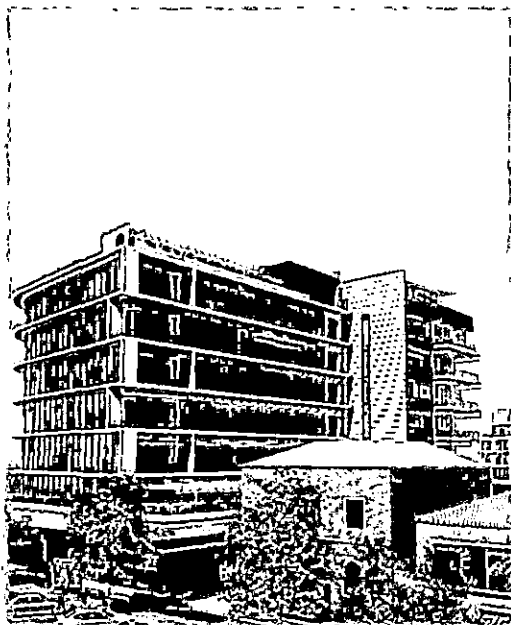
PRINCIPLE NO.5: LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhance the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water ad soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimised useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

The landscape design is appropriate for the urban context of this development. A generous roof top zone is earmarked for residents. It consists of a large open lawn area and a more intimate BBQ zone, facing north with a pergola and some lawn.



PRINCIPLE NO.6: AMENITY

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

The proposal has utilised the guidelines as set out in the Apartment Design Guide. Drawing 580DA04 of the DA documents sets out the main requirements of this code and how they have been met . A summary of the most important criteria is noted:

1. Size. The various minimum requirements for apartment sizes, storage volume, balcony sizes and depths have been exceeded for all apartments
2. Car parking facilities are provided in 2 locations; one on the site (20 cars) and the remainder on level 1 of the new proposed car parking station on Lot 203. Note that an enclosed bridge has been included to level 1, thereby providing convenient undercover secure access for residents
3. Daylight is a primary and essential element for the wellbeing and delight of the residents. A minimum of 3 hours of sunlight (to 70% of apartments) is required in any living room on the shortest day of the year (June 22). The project delivers this feature to 100% of apartments.
4. Natural ventilation is another important aspect of good design; the guide requires a minimum of 60% of apartments to be thus equipped. The proposal achieves this minimum; refer to Project Statistics drawing

580DA04.

5. *Conclusion: the project is a high quality and generous proposal that will provide an enviable level of comfort and amenity to its residents*

PRINCIPLE NO.7: SAFETY

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

The proposal achieves a high level of personal security; a feeling of safety for residents in an essential prerequisite, consistent with Safety-By-Design principles. From car park to apartment, residents are sequestered within a monitored and enclosed environment both physical and electronic and have good visual surveillance from street to apartment door. As this project is a "high-end" type of development, security is a high priority. Details to be supplied at CC Stage.



PRINCIPLE NO.8: HOUSING DIVERSITY AND SOCIAL INTERACTION

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

In apartment design a fair and reasonable mix of community and privacy must be achieved. A feeling of private security must be present while allowing for good community relations. The mix of 3 and 1 bedroom apartments will generate a good diversity of residents at various ends of the "spectrum".

PRINCIPLE NO.9: AESTHETICS

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Located on a fully exposed site, viewed from 4 directions and from distance, the development can be said to be "landmark". It has been carefully considered for viewing from all directions and it attempts to achieve a well-proportioned, diverse and balanced spatial construct.

The proportional sub division of the vertical elements has been carefully considered to provide a delightful

object utilising the Golden Mean Proportion wherever possible.

In general, a classical approach to architecture has been taken, providing a base, a main body and a roof; this classical construct is interpreted to fit within a modern paradigm.

A high degree of contrast contributes to a level of tension engendered by the dual uses on the site. Strong vertical "orange" piers stitch together the primary "white" horizontal elements. These balance the apparent height of the building.

The floor to floor height necessary for the commercial portion, 3600mm has been continued in the residential building, resulting in pleasing high ceilings of 3 metres (minimum) for habitable rooms.

The upper floor consists of 2 generous penthouses (200m² each) with equally generous balconies of over 80m². A pitched roof plane completes that portion of the building stating that this is the residential part of the building. The proposed architectural statement is, in our opinion, an attractive building that will enhance the residents, proprietors and the City of Albury.

