

Assessment of Development Application
10.2021.38113.1

APRIL 2021

Alterations and Additions to Community Facility (Lauren Jackson Sports Centre Redevelopment – Stage 1)
Lots 8-10 in DP75801, 229 North Street, East Albury

Prepared for

Albury City Council

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Executive Summary

1.1. Overview

Habitat Planning has been engaged by Albury City Council to undertake an independent assessment of Development Application 10.2021.38113.1 ("the DA") being for "Alterations and additions to a Community Facility (Lauren Jackson Sports Centre Redevelopment – Stage 1)" on land described as Lots 8-10 in DP 758013 and addressed as 229 North Street, East Albury ("the site").

The site is owned by Albury City Council and operated as a community facility for the purposes of recreational activities.

The application has an estimated cost of \$10,657,991.

As the development has an estimated value in excess of \$5 million and Council is the owner of the land, the application is identified as 'regionally significant development' under State Environmental Planning *Policy (State and Regional Development) 2011* and is required to be determined by the Southern Regional Planning Panel.

1.2. The Subject Site

The subject site is identified as Lots 8-10 in DP758013 and addressed as 229 North Street, East Albury.

The site is located at the corner of North and Keene Streets in East Albury and forms part of a recreational precinct that incorporates other facilities serving a range of disciplines. The existing stadium was built 1984 and is a single brick and metal clad building comprising 4,538m² of floor space. The existing facility obtains vehicular access from North Street and includes a sealed surface car park to the east of the building.

1.3. The Proposal

The application proposes the demolition, alterations and additions including renovations and upgrades to the existing facilities, removal of vegetation, upgraded fire safety infrastructure, signage, parking, external landscaping, and new sheltered seating areas. This development represents Stage 1 of a proposed redevelopment of the Lauren Jackson Sports Centre.

Specifically, the DA seeks approval for:

The following list describes the proposed works in detail (extracted from the submitted Statement of Environmental Effects).

- Demolition works, including:
 - Removal of existing stadium grandstand and re-configuration of courts to allow additional stadium seating
 - Internal demolition of offices and changerooms to enable internal configurations to be undertaken
 - Removal of existing kerb and gutter driveway and re-alignment with new parking
 - Demolition of existing driveway from Keene Street
 - Removal of existing signage (2 signs)
- Replacement of the existing roof and gutters,
- Replacement of the existing stadium floor with a new sprung floor,
- Renovation of existing internal configuration to enlarge existing amenities and create new amenities,

- Extension of existing building to incorporate additional change rooms, multipurpose room, first aid room, offices, umpires' facilities and multiple storerooms,
- Removal of three (3) trees,
- Installation of new retractable seating to the western portion of the stadium,
- Replacement of non-compliant polycarbonate cladding with aluminum windows along the southern façade,
- New façade treatment and extended awning over entrance,
- General repair works, including new paint finish, staining existing façade brickwork and new corrugated metal cladding in the Albury City Council Leisure and Recreation's colour scheme,
- New accessible and staff carparking (14 staff spaces and 3 disabled spaces), new accessible pedestrian pathways along existing driveway and new bike racks,
- External landscaping
- Three (3) new sheltered seating areas
- New site signage including:
 - Replacement of Keene St building identification signage- a like for like replacement with no change in size or scale, and
 - Replacement of North St building identification signage with "Lauren Jackson Sport Centre" lettering to the front façade
- New outdoor enclosure to the rear to house fire tanks to bring the building into compliance with current standards.

A detailed overview of the proposed development is set out at **Section 4** of this report.

Under Albury Local Environmental Plan 2010 ("the LEP"), the subject site is zoned RE1 – Public Recreation ("RE1 zone"). The LEP defines the proposed use as a 'recreation facility (major)' which is permissible with consent.

1.4. The Assessment Process

The DA was submitted by the applicant on 12 January 2021.

The DA was publicly exhibited and notified to surrounding properties beginning on 14 January 2021. One (1) submission was received. The submission raised several concerns including noise impacts associated with the development and from ongoing operation of the facility. A detailed response to the submission is provided at **Section 6.8**.

Additional information was requested from the applicant on 5 February 2021 and was subsequently received on 19 March 2021. The request sought further information concerning clarification of tree removal, proposed signage, and what development application sought consent for. The request included provision of amended plans and roof details to clearly indicate the works associated with the development application. The applicant was also requested to address noise impacts that were raised in the one submission received during the notification period.

The DA was referred to internal departments of Albury City for comments and conditions as appropriate.

The DA was also referred to Essential Energy and APA Group as part of the notification process. Essential Energy provided several conditions which are included on the draft consent under 'Schedule 1'.

1.5. Recommendation

This assessment report **recommends that the DA be approved subject to conditions**.

The recommendation is provided at **Section 9** of this report and recommended conditions of consent are set out at **Appendix A**.

This assessment report has considered the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Having regard to these provisions, the application has been found to be satisfactory.

It is considered that the overall social and economic impacts of the proposed development are positive, and that potential impacts on the natural and built environments can be appropriately minimised and mitigated through design measures and the imposition of specific conditions of consent.

The site location, zoning and existing land use make it suitable for the proposed development, and the proposal is considered satisfactory with regard to the public interest.

2. Introduction

2.1. Overview

Habitat Planning has been engaged to undertake an independent assessment of Development Application 10.2021.38113.1 (“the DA”) for alterations and additions to the Lauren Jackson Sports Centre.

The DA relates to land described as Lots 8-10 DP 758013 and addressed as 229 North Street, East Albury. The site and existing facility is in the ownership of Albury City Council.

This assessment has been undertaken by Habitat Planning as an independent planning assessment of the proposal with regard to the matters at Section 4.15 of the *Environmental Planning and Assessment Act 1979* (“the EP&A Act”).

2.2. DA Documentation

The following documentation set out at Table 1 was considered in the assessment of the DA. It is noted that several documents were subject to revision during the assessment by way of further information requests. The date of any revised version of submitted documents is shown in the table below.

Table 1 - Submitted Documentation in support of the DA

Title	Prepared by	Date (as revised)
Statement of Environmental Effects	Centrum Architects	18 March 2021
Architectural Plans (as amended)	Centrum Architects	15 March 2021
Flora and Fauna Assessment	DMecological	12 March 2021
Cost Summary Report	Turner & Townsend	13 November 2021
Soil Report	Aitken Rowe	19 November 2021
Survey Plan	Walpole Surveying	6 February 2020

3. Site Context

3.1. The Site

The subject site is described as Lots 8, 9 and 10 DP758013 and addressed as 229 North Street, East Albury. This represents only a portion of the land making up the 229 North Street property owned by Council, but represents the parcels of land affected by this DA.

The site is located north-east of the Albury CBD and located between an existing industrial precinct to the north and residential precinct to the south. The site is situated at the north east corner of a defined recreation precinct that provides a range of indoor and outdoor recreational uses.

The site forms a rectangular shape with a combined area of the three lots making up approximately 1.66 hectares. Each of the lots comprise consistent rectangular parcels, with frontages to North Street. The existing stadium development and associated components spans the three existing lots.

The existing stadium was constructed in 1984 and comprises a large brick and metal clad building with 4,538m² of floor space. Vehicle access is provided from several points along North Street, including a circulating drop-off and pick-up location on the northern side of the building and a separate access to a sealed on-grade carpark to the east.

The site is generally flat with no significant landscape or site features. It is constrained by the Obstacle Limitation Surface Limits imposed by the operation of the Albury Airport.

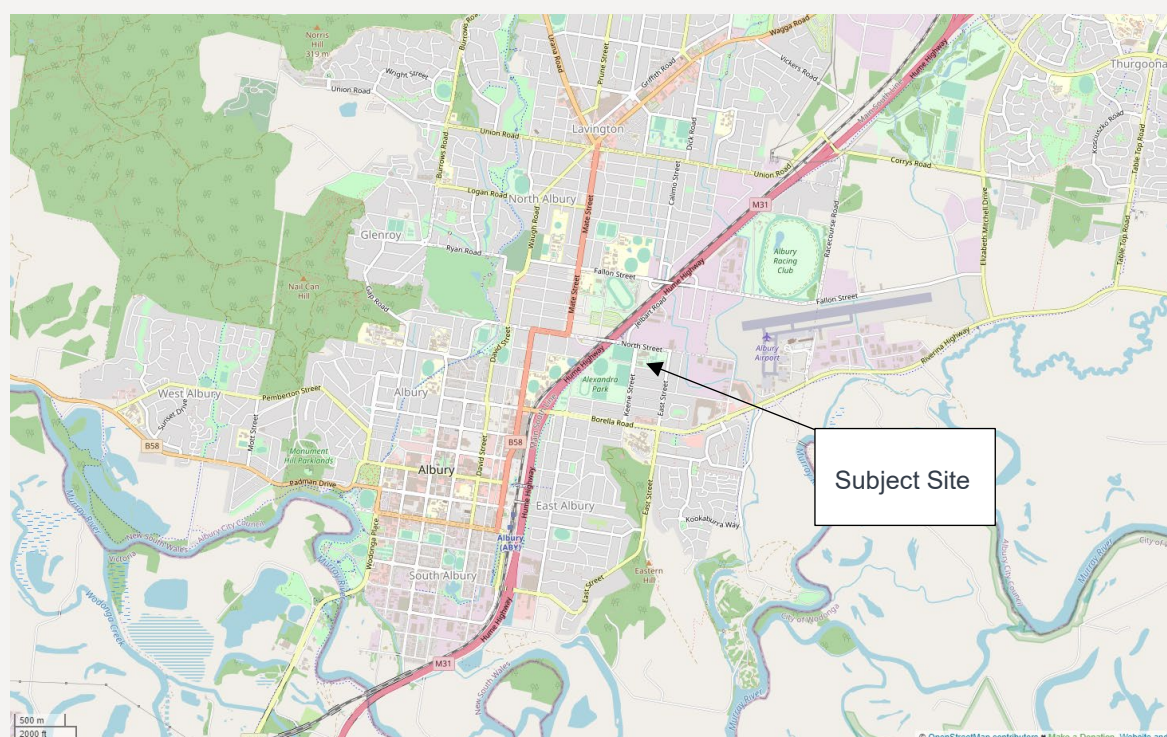


Figure 1 - Site Context Plan



Figure 2 – Existing Survey Plan (Source: Walpole Surveying, 2020)



Figure 3 – Locality Plan (Source: Nearmap Dec 2020)

3.2. Surrounding Context

To the north of the site is an industrial area, which has been developed with a range of large industrial and warehouse uses, occupying generally larger parcels of land. This industrial area is located at the western end of the Albury Airport, which presents as a significant area of land to the north east of the site.

Land to the east of the site comprises the remaining portion of land making up 229 North Street and is improved by the remaining on-grade parking area and vacant land through to the corner at East Street. Residential development is located to the east of East Street, with industrial development located further east at the approach to the Albury Airport.

To the west of the site is a large recreational precinct known as Alexandra Park, which generally occupies the land bound by North Street, Keene Street and Cadell Street. This precinct comprises a number of ovals, cricket ground, hockey fields and athletic fields. The Hume Freeway abuts the western boundary of this precinct and separates the land from residential areas beyond.

Residential development is generally located to the south of the site, with commercial activities along Borella Road and health services and infrastructure (Albury Base Hospital) is also identified within this area.

4. Proposal

4.1. Overview

The development application seeks development consent for alterations and additions to the existing sports stadium. A site plan of the proposed development is provided at **Figure 4** below. The proposed floor plan is shown at **Figure 5** below.

The development approval sought as part of the DA is proposed to be carried out in a single stage.

The development comprises the first stage of a master planned redevelopment of the Lauren Jackson Sports Centre to ensure the stadium facilities remain competitive and modern to support the community and attract ongoing events to the city.

The following summarises the proposed works sought by the DA, based on the applicant's submitted Statement of Environmental Effects:

- Demolition works, including:
 - Removal of existing stadium grandstand and re-configuration of courts to allow additional stadium seating
 - Internal demolition of offices and changerooms to enable internal configurations to be undertaken
 - Removal of existing kerb and gutter driveway and re-alignment with new parking
 - Demolition of existing driveway from Keene Street
 - Removal of existing signage (2 signs)
- Replacement of the existing roof and gutters,
- Replacement of the existing stadium floor with a new sprung floor,
- Renovation of existing internal configuration to enlarge existing amenities and create new amenities,
- Extension of existing building to incorporate additional change rooms, multipurpose room, first aid room, offices, umpires' facilities and multiple storerooms,
- Removal of three (3) trees,
- Installation of new retractable seating to the western portion of the stadium,
- Replacement of non-compliant polycarbonate cladding with aluminum windows along the southern façade,
- New façade treatment and extended awning over entrance,
- General repair works, including new paint finish, staining existing façade brickwork and new corrugated metal cladding in the Albury City Council Leisure and Recreation's colour scheme,
- New accessible and staff carparking (14 staff spaces and 3 disabled spaces), new accessible pedestrian pathways along existing driveway and new bike racks,
- External landscaping
- Three (3) new sheltered seating areas
- New site signage including:
 - Replacement of Keene St building identification signage- a like for like replacement with no change in size or scale, and
 - Replacement of North St building identification signage with "Lauren Jackson Sport Centre" lettering to the front façade
- New outdoor enclosure to the rear to house fire tanks to bring the building into compliance with current standards.

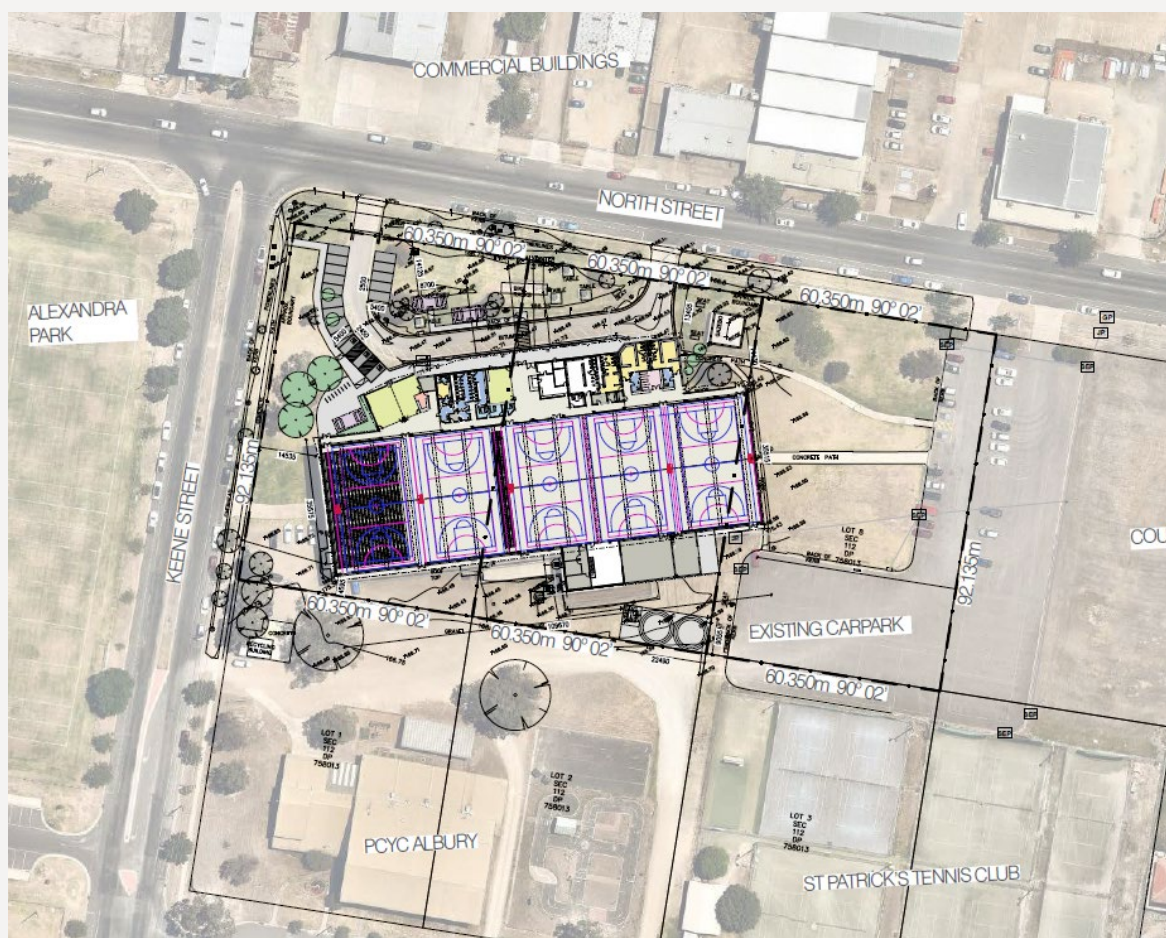


Figure 4 – Site Plan (Source: Centrum Architects, 2021)

4.2. Proposed Alterations and Additions

The DA seeks approval for alterations and additions to the existing stadium building to reflect the proposed Stage 1 works.

The internal area of the stadium is proposed to be altered by removing the existing seating and grandstand areas and reconfiguring the internal courts, removing and replacing of existing flooring. The building is also proposed to be extended on the northern façade to incorporate a revised entry as well as allowing for internal alterations to the existing facility by providing improved amenities, change rooms, multipurpose rooms and storage.



Figure 5 – Proposed Floor Plan

4.3. Signage

The development application proposes the replacement, construction and installation of 'building identification signage'. 'Sign 1' is a new building identification sign to the North Street frontage with "Lauren Jackson Sports Centre" lettering to be displayed. The new sign will be approximately 10.5 metres wide by 0.5 metres high and will be lit with LED lighting. The applicant proposes that the illumination will be linked with a timer which switches on at 8pm and stays on until morning each day.

'Sign 2' is to be a replacement of the Keene Street building identification sign that will not change in size or scale. The sign is approximately 20 metres wide by 6 metres tall and will be stencil painted onto the external corrugated metal cladding. There will be no illumination to this sign.

The proposed signage is summarised in the table below.

Table 2 - Proposed Signage

Sign No.	Sign Type	SEPP 64 Applies?	Sign dimensions		
			Height (m)	Width (m)	Area (m ²)
1	Building identification sign (North St frontage)	Yes	0.5m	10.5m	5.25
2	Building identification sign (Keene St frontage)	Yes	6m	20m	120

4.4. Vegetation Removal

The development application proposes the removal of three (3) remnant Blakely's Red Gum trees from the north west corner of the site which exceed the thresholds for approval under the Albury Development Control Plan 2010.

It is noted that the proposal also includes the removal of one (1) bottlebrush tree and three (3) White Cloud Trees which are in a small group, however these do not exceed the threshold for requiring approval for removal.

The table below summarises the vegetation to be removed.

Table 3 - Proposed Vegetation Removal (adapted from Table 4 of Flora & Fauna Assessment by DMecological)

Tree ID	Common Name	Height (m)	Spread (m)	Condition
001	Blakleys Red Gum	9	5	Poor
002	Blakleys Red Gum	10.5	8	Good
003	Blakleys Red Gum	11	7	Good

5. Notification and Referrals

5.1. Public Notification

The Development Application was publicly exhibited from 14 January 2021 to 28 January 2021 during which one (1) submission was received.

Amended plans and information were notified from 19 March 2021 to 31 March 2021, and no submissions were received during this period.

A response to the submission is provided at **Section 6.8**.

5.2. Internal Council Referrals

The development application was internally referred to the following Council departments for comment:

- Building Surveyor
- Contributions Planner
- Plumbing Inspector
- Engineering

No concerns were raised, and relevant standard conditions of consent were recommended for inclusion on the draft consent. The relevant conditions of consent were considered appropriate and were included on the draft consent.

5.3. Other referrals

The development application was also referred to the following external bodies for comment.

5.3.1. Essential Energy

The development application was referred to Essential Energy for comment. The following conditions were received and have been included on the draft consent.

“The development is to be carried out in accordance with the following conditions of Essential Energy:

- (a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
- (b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.*
- (c) Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole/s) at all times, to prevent accidental damage.*
- (d) Any proposed landscaping, if in the vicinity of the existing overhead powerlines, must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
- (e) In addition, Essential Energy’s records indicate there is electricity infrastructure located within close proximity of the properties. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.*

- (f) *Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- (g) *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.”*

5.3.2. APA Group

The development application was referred to APA Group for comment. A response was received from APA Group advising they had no gas pipeline assets within Albury that required referral.

6. Planning Assessment

This section assesses the proposed development against the matters for consideration under Section 4.15 of the EP&A Act.

6.1. Section 4.15(1)(a)(i) any environmental planning instrument

6.1.1. Environmental Planning and Assessment Act 1979

Clause 4.5(b) of the EP&A Act designates the consent authority as follows:

“(b) in the case of development of a kind that is declared by an environmental planning instrument as regionally significant development—the Sydney district or regional planning panel for the area in which the development is to be carried out”.

Pursuant to section 4.5(b) of the EP&A Act, section 20 and schedule 7(3) of *State Environmental Planning Policy (State and Regional Development) 2011* the Proposal is characterised as 'regionally significant development' as it has a capital investment value of more than \$5 million and the council is the owner of the site and the applicant for the Proposal,

As such the DA is to be determined by the Southern Regional Planning Panel.

6.1.2. State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage (“SEPP 64”) aims to ensure that all signage (including advertising) is compatible with the desired amenity and visual character of an area, provide effective communication in suitable locations and is of a high degree of quality design and finish.

Under Part 2 Clause 8 of SEPP 64, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that:

- (a) That the signage is consistent with the objectives of the policy as set out in clause 3 (1) (a) and*
- (b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 1*

The aims and objectives of the Policy are:

- (a) to ensure that signage (including advertising)—*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high-quality design and finish, and*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements, and*
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

With regard to subclause 3(1)(a) above, the proposed signage is considered to be appropriate for the scale and type of development proposed. The facility is a large building within a recreational context and already contains identification signage. The larger of the two signs is existing and is proposed to be replaced on the façade. The new illuminated sign also proposed to be placed on the primary entry façade for the facility to emphasise the entry to the building.

The proposed signage incorporates appropriate identification and wayfinding elements as part of the facility and are sized to be proportional to the building. The signage is considered to be appropriate and expected for a facility of this type and scale. The nature of signage is that it has been integrated into the overall design and incorporate corporate imagery of Albury City, which is consistently applied across all public facilities.

The signage is therefore considered to meet the objectives of SEPP 64.

An assessment of the proposed signage (noted in **Table 2**) against the relevant considerations of SEPP 64 is provided below.

Table 4 – SEPP 64 Assessment Schedule 1 Assessment criteria

Criteria	Comment	Complies
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs contribute to the existing character of the area. They will provide an updated and modern appearance to the building and are responsive to the existing character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No advertising theme in the area.	N/A
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The signage will interface to recreation and industrial land directly, which is considered to be of lower sensitivity to signage.</p> <p>It will not have any amenity or visual quality impact of any environmentally sensitive or residential areas. The signs are also of a suitable proportion not to have any significant impacts on adjoining areas of open space.</p>	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	<p>No, the proposed development will not obscure or compromise any important views.</p> <p>Flush wall signage will be limited to the external built form of the building and will not obscure or compromise important views.</p>	Yes

Criteria	Comment	Complies
Does the proposal dominate the skyline and reduce the quality of vistas?	No, the signage is attached to the building and of an appropriate scale not to dominate.	Yes
Does the proposal respect the viewing rights of other advertisers?	The signs will not impact the viewing rights of other advertisers.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the proposed signage is of a scale and form that is considered appropriate for the area such as the location proposed. The signage will contribute to an attractive streetscape and will appropriately and clearly identify the building and its use.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the signage will integrate with the overall building design and incorporate corporate colour schemes consistent with public buildings operated by Albury City. The proposal is considered to positively contribute to the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage provides a clear and concise signage arrangement for the building and does not create visual clutter.	Yes
Does the proposal screen unsightliness?	No, the development is considered appropriate for the context of the site	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposed signage will complement the building form on the subject site and locality.	Yes
Does the proposal require ongoing vegetation management?	No.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, given the large scale of the facility and the land to which the development relates, the proposed signage is considered to be compatible.	Yes

Criteria	Comment	Complies
	The proposed signage is considered to represent the type of signage which would be expected for a stadium facility and the locations of the signage will not create an undesirable appearance.	
Does the proposal respect important features of the site or building, or both?	Yes, the proposed signage respects the building and site and enables an appropriate outcome for the subject signage	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, the proposed signage incorporates use of Albury City corporate branding and colour schemes which achieve the purpose of identifying the facility as a public facility. The combination of signage and colour scheme assists in wayfinding for the facility.	Yes

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No	N/A
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7 Illumination

Would illumination result in unacceptable glare?	No, the illumination is to one sign only and is set well back from the street frontage.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	No, as above, the illumination of this signage is low and set well back from street frontages. The sign is located well away from the airport runways and does not present a scale or illumination that would be likely to affect operations.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	No, the sign proposed to contain the illumination is fronting an industrial area and will not impact on any dwellings or other residential accommodation.	Yes

Criteria	Comment	Complies
Can the intensity of the illumination be adjusted, if necessary?	<p>Given the scale of the signage, no controls are considered necessary.</p> <p>The applicant does propose to control illumination through a timer switch that turns on at 8pm and turns off in the morning.</p>	Yes
Is the illumination subject to a curfew?	<p>The site is located within an area where a curfew is not considered to be required, particularly as the signage to be illuminated is to one side of the building and addresses industrial development. The illumination will not be of an intensity or location that would require a curfew to be imposed. The illumination will also aid in the security and passive surveillance of the subject site.</p> <p>The applicant has proposed that the illumination be switched on at 8pm each evening and be illuminated until the morning of the following day.</p>	Yes

8 Safety

Would the proposal reduce the safety for any public road?	No, the location of signage is appropriately located to ensure no road safety issues	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the location of signage is appropriately located to ensure no pedestrian safety issues	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the location of signage is appropriately located to ensure no safety issues	Yes

The proposed signage is considered to meet the relevant objectives of Clause 3 (1) (a) and requirements under Schedule 1 of SEPP 64.

The assessment above concludes that the signage proposed is appropriate and will not create an undesirable outcome. The proposed signage is therefore consistent with the requirements of SEPP 64.

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

The *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in New South Wales.

Clause 5 of the SEPP specifies that the Policy applies to land in Albury City LGA and on land zoned RE1 Public Recreation.

Clause 7 of the SEPP sets out the clearing of vegetation that requires authority and states:

- (1) *A person must not clear vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.*
- (2) *A person must not clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval of the Native Vegetation Panel under Part 4. This subclause does not apply to clearing on biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.*
- (3) *Clearing of vegetation is not authorised as referred to in this clause unless the conditions to which the authorisation is subject are complied with. This subclause extends to conditions that impose obligations on the person who clears the vegetation that are required to be complied with before or after the clearing is carried out.*
- (4) *This clause is subject to clause 8.*

Part 3 of the SEPP refers to Council permits for clearing of vegetation in non-rural areas. In particular, clause 9 specifies the application of this part is to any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies. Chapter 5 of the *Albury Development Control Plan 2010* states that the 'prescribed' vegetation for approval in context to the former clause 5.9 of the LEP to be "trees over 4.5 metres in height and 3 metres in spread". Given that the SEPP repealed the clause 5.9 provisions of the LEP, the prescription in the DCP is considered relevant to apply with regard to Part 3 of the SEPP.

The detail submitted with the application indicates that the removal of three (3) remnant Blakely's Red Gum trees from the north west corner of the site which exceed the relevant thresholds.

Clause 10 of the SEPP provides criteria for Council's issuing a permit for clearing of vegetation and sets out that:

- (1) *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.*
- (2) *A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.*
- (3) *A permit under this Part cannot allow the clearing of vegetation—*
 - (a) *that is or forms part of a heritage item or that is within a heritage conservation area, or*
 - (b) *that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,*
unless the council is satisfied that the proposed activity—
 - (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*
 - (d) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.*
- (4) *A permit may be granted under this Part subject to any conditions specified in the permit.*

The proposed development requires the removal of three (3) trees which exceed the thresholds set out for vegetation removal.

It is also noted that the land is not part of the 'biodiversity certified land' within the Albury LGA and therefore also needs to be assessed against the biodiversity offset scheme thresholds. The applicant

has provided a Flora and Fauna Assessment which is also submitted as a Test of Significance in accordance with clause 7.3 of the *Biodiversity Conservation Act 2016*. The applicant has prepared a Biodiversity Offset Scheme Entry Threshold test and map which demonstrates that the extent of native vegetation clearing does not exceed the maximum area of 0.25 hectares which applies to the subject site.

The Test of Significance provided with the application considers the impact of the removal on the biodiversity context of the area and determined that they are *“likely hollow bearing with the potential to provide habitat for three Biodiversity Conservation Act 2016 listed species”*. The report recommended pre-clearing fauna surveys be undertaken to identify hollows, nests, cracks/ fissures, loose bark and checking these for fauna and where habitat is to be removed, it should be first inspected by a suitably qualified person to arrange for relocation of any habitat/species.

Having regard to the assessment provided, it is considered appropriate to allow removal of the native trees identified on the property, given their isolated urban nature and the recommendations to inspect and relocate habitat as required. Appropriate conditions of consent are recommended to be applied.

6.1.4. State Environmental Planning Policy (State and Regional Development) 2011

The aim of this policy is to identify development that is state or regionally significant and to confer functions on the relevant Regional Planning Panel to determine certain development applications.

Clause 3 of Schedule 7 of the SEPP identifies circumstances to which the subject application triggers the requirement for the development application to be determined by a Regional Planning Panel. As described in above in **Section 6.1.1** the subject development is classified as *‘regional significant development’* as it has a capital investment value of more than \$5 Million and Council is the landowner and applicant.

As such the subject development is defined as ‘regionally significant development’ for which the Southern Regional Planning Panel is the relevant consent authority.

6.1.5. State Environmental Planning Policy No.55 (Remediation of Land) 1998

State Environmental Planning Policy No. 55—Remediation of Land (“SEPP 55”) aims to provide a state-wide planning approach to the remediation of contaminated land. The policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. The SEPP requires the consent authority to consider whether the subject site is contaminated when determining a development application. If the site is contaminated, the consent authority must be satisfied that the site is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Clause 7 of the SEPP sets out contamination and remediation to be considered in determining a development application. The provisions of Clause 7(1) apply to the subject development

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

It is considered that the proposed development does not contain any contamination and no remediation works are required as a result of the DA. There is no history of any past use that would be defined as potentially contaminating. The property is not listed on any of Albury City Council’s contaminated lands lists and therefore a preliminary investigation is not considered required under SEPP 55.

6.1.6. Albury Local Environmental Plan 2010

Albury Local Environmental Plan 2010 (the LEP) is the principal planning instrument that guides development within the Albury Local Government Area (LGA). The following section provides an assessment of consistency and compliance of the proposal against the relevant provisions of the LEP.

Permissibility

The subject site is zoned RE1 – Public Recreation. Under the LEP the proposed development has been defined as the following;

“recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.”

The definition appropriately fits the existing and intended ongoing use. A ‘recreation facility (major)’ is permitted with consent under the subject zone and therefore satisfies the permissibility requirements.

Objectives of the Zone

The proposed development is considered to be consistent with the objectives of RE1 Public Recreation zone, which are stated below;

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect and improve open space areas within the area of the City of Albury, including the Albury-Wodonga Regional Parklands.*
- *To offer opportunities for tourism development.*
- *To provide public access to the foreshore of the Murray River.*

The proposal is consistent with these objectives in that the land will continue to be used for public open space and recreational purposes. The stadium will continue to provide a range of recreational opportunities to the community and improves the open space areas within the area of the City of Albury. The refurbishment and expansion of the stadium also provides opportunities for tourism development and is compatible in its location and context.

Local Provision Clauses

An assessment against the relevant local provisions of the Albury LEP is provided below.

Table 5 – Assessment of Local Provision Clauses

Provision	Comment
Clause 7.6 Essential Services	<p><i>(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—</i></p> <p><i>(a) the supply of water,</i></p> <p><i>(b) the supply of electricity,</i></p> <p><i>(c) the disposal and management of sewage,</i></p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p><i>(e) suitable road access.</i></p> <p>Comment:</p> <p>The subject site is serviced by all essential services, including reticulated water, electricity, sewerage, stormwater drainage and contains suitable road access and egress from the site. It is considered that Clause 7.6 'Essential Services' is satisfied.</p>

Provision	Comment
<p>Clause 7.8</p> <p>Airspace Operations</p>	<p>Clause 7.8 – ‘Airspace Operations’ applies to the subject site as it is located on an allotment(s) that area located within the obstacle limitation surface (OLS) maps (OLS-012)</p> <p><i>2. If a development application is received and the consent authority is satisfied that the proposed development may penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Albury Airport, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.</i></p> <p><i>3. Development consent may be granted for the development if the relevant Commonwealth body advises the consent authority that—</i></p> <ul style="list-style-type: none"> <i>(a) the development will penetrate the Obstacle Limitation Surface but it has no objection to its construction, or</i> <i>(b) the development will not penetrate the Obstacle Limitation Surface.</i> <p><i>4. Development consent must not be granted for the development if the relevant Commonwealth body advises the consent authority that the development will penetrate the Obstacle Limitation Surface and should not be constructed.</i></p> <p>Comment:</p> <p>The development proposes that the height of the building and any associated mechanical services on the roof will not exceed RL178.12.</p> <p>The OLS maps provided by Council indicate the site is restricted by a height limitation of RL181 (on approach) and RL192 (on take-off).</p> <p>The proposed development is therefore considered to satisfy the matters for consideration under this clause and complies with the relevant objectives specified below. The application does not require the concurrence or referral to CASA, relevant standard conditions of consent will be included on the draft consent to control matters related to crane use and lighting.</p> <p><i>(1) The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"> <i>(a) to provide for the effective and on-going operation of the Albury Airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface for that airport,</i> <i>(b) to protect the community from undue risk from such operation.</i>

6.1.7. Murray Regional Environmental Plan No 2 – Riverine Land 1994

The Murray Regional Environmental Plan No.2 – Riverine Land (MREP) applies to the subject site as the subject property is included in the land application area. Clause 8(b) of the MREP requires a consent authority to take the planning principles into consideration prior to determination of a development application.

Clause 9 of the MREP sets out the ‘general principles’ that must be considered subsequent to Clause 8(b).

‘9 General principles

When this Part applies, the following must be taken into account—

- (a) the aims, objectives and planning principles of this plan,*
- (b) any relevant River Management Plan,*
- (c) any likely effect of the proposed plan or development on adjacent and downstream local government areas,*
- (d) the cumulative impact of the proposed development on the River Murray.’*

Comment:

In this instance it is considered that the proposed development complies with the general principles as specified in Clause 9 of the MREP. As the location of the site is located in an area some 1.7 kilometres from the Murray River, it is determined that the proposed development will have no impact on the Murray River or the riverine environment. Therefore, no further consideration is considered necessary.

6.2. Section 4.15(1)(a)(ii) Any proposed instrument

At the time of consideration for the DA, there were no relevant draft instruments applying to the subject site.

6.3. Section 4.15(1)(a)(iii) Any development control plan

Pursuant to Clause 4.15(1)(a)(iii) of the EP&A Act 1979, consideration is given to the relevant provisions of the applicable development control plan. The relevant development control plan in this instance is the Albury Development Control Plan 2010 (“the ADCP”). The purpose of the ADCP is to provide detailed provisions to supplement the LEP.

6.3.1. Albury Development Control Plan 2010

Part 4: Development Contribution Plans

Part 4 of the Albury DCP provides details regarding the payment of developer contributions, which are levied in accordance with the requirements of the Albury Infrastructure Contributions Plan 2014.

The subject site is located within a Section 7.12 area (formerly Section 94A area) and Section 64 area (Water and Sewer) for the purposes of determining developer contributions.

It is noted that as a *recreation facility*, the development is exempt from Section 7.12 Contributions under Clause 3.7.1 of *Albury Infrastructure Contributions Plan 2014*. However, Section 64 (Water and Sewer) contributions under the *Local Government Act* will still be levied.

Consequently, a condition of consent has been included on the draft determination that forms part of **Attachment A**.

Part 5 – Tree Preservation

The proposed development achieves compliance with the relevant requirements of 'Part 5: Tree Preservation'.

As discussed in relation to State Environmental Planning Policy (Vegetation Removal in Non-Rural Areas) 2017, Part 5 of the DCP requires approval for removal of 'prescribed' vegetation being *"trees over 4.5 metres in height and 3 metres in spread"*. The detail submitted with the application indicates that the removal of three (3) remnant Blakely's Red Gum trees from the north west corner of the site which exceed the relevant thresholds.

The applicant has submitted a Flora and Fauna Assessment which has addressed the matters for consideration set out at Part 5 of the DCP. The report has identified all of the vegetation to be removed from the site and has identified that the Blakely's Red Gum trees are *"likely hollow bearing with the potential to provide habitat for three Biodiversity Conservation Act 2016 listed species"*. The report recommended pre-clearing fauna surveys be undertaken to identify hollows, nests, cracks/ fissures, loose bark and checking these for fauna and where habitat is to be removed, it should be first inspected by a suitably qualified person to arrange for relocation of any habitat/species.

Having regard to the assessment provided, it is considered appropriate to grant approval for the removal of vegetation, subject to appropriate conditions of consent recommended by this assessment.

Part 13 – Development in the Recreation Zones

The proposed development achieves compliance with the relevant requirements and objectives of 'Part 13 - Development in the Recreation Zones'. In determining compliance under this part consideration has been given to the following matters as specified in Clause 13.2(i) of the DCP;

- The need for the development of the land.
- The impact of the development on the existing and likely future use of the land.
- The imminence of any acquisition.
- The costs of reinstatement of the land for the purposes for which the land is to be, or has been acquired.
- The physical characteristics of the land, including slope, aspect, topography, land capability, drainage, vegetation and landscape attributes.
- Whether any environmental resources, including riparian and floodplain ecosystems, will be jeopardised by the development.
- Any other relevant circumstances, including the need to retain the land for its existing or likely future use.
- Any applicable Plan of Land Management or Masterplan.

Part 16 – Outdoor Advertising

The proposed development achieves compliance with the relevant requirements and objectives of 'Part 16: Outdoor Advertising'.

Building identification signage is defined by the Albury Local Environmental Plan as:

"building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services."

A detailed assessment of the proposed signage has been carried out at **Section 6.1.2** of this assessment against the provisions of SEPP 64.

Part 17 – Off Street Car Parking

The proposed development generally achieves compliance with the relevant requirements of Part 17: Off Street Car Parking with the exception of the following controls.

Table 6 – Non-compliances against Part 17: Off Street Car Parking

Clause	Development Control	Extent of non-compliance
Part 17.2(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).	Proposal does not provide the required number of calculated off-street parking spaces based on the nominated land use. Refer to discussion below.
Part 17.3.3(ii)	Car parks with 30 or more spaces are to provide 1 motorcycle space per 30 car parks or part thereof.	Proposal does not provide motorcycle parking spaces in accordance with DCP. Refer to discussion below.

Part 17.2(i) – Carparking Standards

Clause 17.2(i) of Part 17 of the Albury DCP requires car parking spaces to be provided in accordance with the standards set out in the DCP. The relevant objectives of Clause 17.2(i) are:

1. To ensure that the provision of parking is appropriate for the proposed use or development of the land.
2. To protect amenity, enhance streetscapes and provide shade.
3. To maintain traffic flow efficiency, improve safety and protect the environment.
4. To ensure convenient and safe provision of off street car parking for disadvantaged persons.
5. To allocate adequate bicycle and motorcycle standing areas.
6. To ensure convenient and safe space is provided for loading and unloading of goods.
7. To provide convenient and safe access to car parking areas, minimising disruption to traffic and maximising pedestrian safety.
8. To permit the payment of monetary contributions in certain areas for any short fall in off-street car parking.

Under Part 17 of the DCP the following car parking requirements are calculated for the development, based on the uses and areas provided by the applicant.

Table 7 – Car Park spaces breakdown for subject development

Component	Rate	Area	Total Required	Total Proposed
Standard Space	1 per 25m ²	5,290m ²	212 spaces	188 spaces
Disabled Space	1 per 33 spaces	-	7 spaces	5 spaces
Staff Parking	1 per 2 staff	-	7 spaces	14 spaces
Total Proposed			226 (inclusive of disabled spaces)	207 (inclusive of disabled spaces)

The subject development application proposes the provision of 207 spaces inclusive of disabled spaces. As such this creates a deficiency of 19 standard spaces and 2 disabled spaces which represents a variation of 9.17%.

The applicant has provided the following justification to support a variation:

“The Stage 1 development of the LJSC will increase the overall seating capacity of the main court set-up from the current capacity of approximately 1,100 to 1,350. Based on current usage and events, the current capacity is only reached on average one to two times per year. These are for the following:

- *The Border Bandits are a key user group of the facility and compete in the NBL1 Basketball competition. They have up to 13 weekend home matches per year and attract crowds of over 600 and up to 1,100 once a year on average for a special home game and/or home final.*
- *For other events that have been held at the facility (on an ad-hoc basis), El Cabello Blanco Equestrian Show (2013)*

All major events with crowds of up to approximately 1,100 people previously held have been held after hours and generally on an evening or night time, during which other parking options that have been used, including:

- *On-street parking along North and Keene Streets, approximately when surrounding local businesses are closed, totalling 115 car spaces.*
- *The formal car park located opposite the LJSC within the Alexandra Park Sporting precinct, which is not required for any other use during these times. This has 116 car spaces plus 6 accessible car spaces.*

In addition, the facility has hosted other events where the total crowd capacity within the facility has been approximately up to 2000 people previously. Notably this has occurred for the Finals competition of the Australian Country Junior Basketball Cup held each January. In addition to all car parking options used as per above, bus transport to and from the facility is used by participating teams for this specific event.

The Stage 1 development is aimed to increase the seating capacity for events using the main court set-up. Realistically this will only be another 1 or 2 events (on average) per year and the type of events and when they are held (after hours and generally of an evening or night time) is not expected to change. Additional information and options to note:

- Overflow event car parking can be established by using the Council owned and managed land operational land known as Marks Park (DP 758013, Lots, 6 & 7), which would provide approximate overflow parking for a further 280 car parks when required.
- There will be an increase of 6 car spaces and 1 accessible car space along the entry driveway of the facility.
- The bicycle path network is also being upgraded this financial year with continuous links to encourage alternate transport to the facility. This includes linking pathways to the internal freeway shared pedestrian cycle way (Thurgoona Trail), which is a 3m wide path, lit during the night connecting the Albury CBD to Thurgoona.
- The public bus route runs up Keene Street to Andrews Street adjacent to the LJSC.

The proposed Stage 1 development will increase the overall floor space of the facility by 852m². However, this additional area is attributed to supportive spaces such as the additional change rooms, a multipurpose room to replace existing meeting space and storage areas which will improve amenity and assist with operations but is not expected to increase the number of patrons in the facility at any one time."

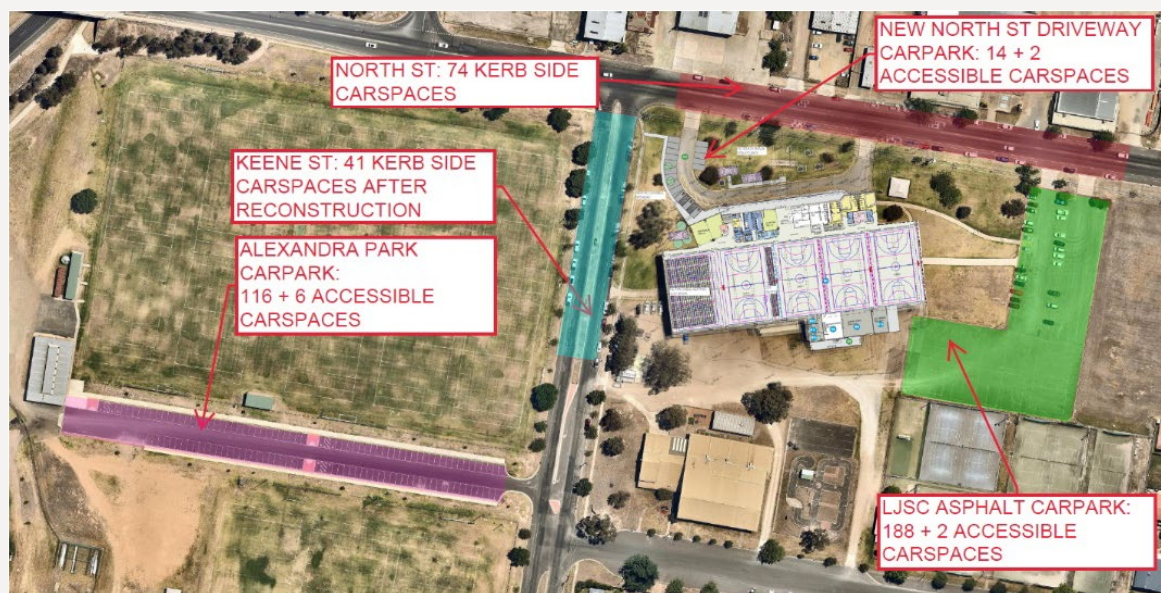


Figure 6 – Plan extract from applicant's SEE indicating surrounding parking areas

Comment:

The proposed development seeks a variation to the required number of parking spaces as specified under the Albury Development Control Plan 2010. In this instance the applicant has specified that the parking rate by definition is a 'recreation facility (gymnasium)' which requires parking to be provided at a rate of 1 per 25m². Whilst this definition does not accurately define the use of the building, it is the definition under the DCP that the proposed development most closely aligns with the existing and proposed use. Considering that there is likely to be further expansion of the facility in the future, a 'overall precinct' approach to the parking provision is recommended to be investigated at next stage

In this instance, and to support the variation, the applicant has provided written and graphical justification which generally indicates that nearby parking spaces are available within the precinct and could be utilised in the event of high demand for parking.

It is acknowledged that there are a large number of parking spaces contained within the broader recreation precinct surrounding the sports stadium, with the quantum of surrounding spaces exceeding the shortfall generated by the proposal. These surrounding spaces cannot be used to count against the applicant's provision of off-street parking spaces, however it is accepted that these spaces are

convenient to the sports stadium, are publicly accessible and could provide sufficient excess parking opportunities in the event that demand for parking exceeded the available spaces on the subject site.

Given the proposal is for the redevelopment of an existing facility and is conveniently located to additional publicly accessible parking spaces, the shortfall of 19 spaces is considered acceptable in this instance and does not warrant the refusal of the application.

Part 17.3.3(ii) – Motorcycle spaces

Clause 17.3.3(ii) of Part 17 of the Albury DCP requires car parks with 30 or more spaces to provide 1 motorcycle space per 30 car parks (or part thereof). The subject development application as proposed specifies no dedicated motorcycle carparking. The applicant has agreed to provide motorcycle car parking to comply with the requirements of the development control plan. A condition of consent will be imposed that the applicant provide motorcycle carparking in accordance with the required numerical control. The condition will also require that the design and location of the motorcycle parking be undertaken in consultation with Albury City Council planning officers.

Part 18 – Albury Airport

The proposed development achieves compliance with the relevant requirements and objectives of Part 18: Albury Airport.

Relevant standard conditions of consent have been included on the draft determination to ensure ongoing compliance with the DCP during construction works and operation.

6.4. Section 4.15(1)(a)(iiia) Any planning agreement under section 7.4

No planning agreement is proposed regarding the subject application.

6.5. Section 4.15(1)(a)(iv) The regulations

6.5.1. Environmental Planning and Assessment Regulation 2000 (EP&A Regs)

The proposed development is considered satisfactory with regards to the relevant matters specified in the regulation.

6.6. Section 4.15(1)(b) The likely impacts of development

The likely impact of the development has been considered extensively in the assessment of the proposed development against the relevant controls.

The proposal is suitable having regard to its context, impact upon the natural and built environment and surrounding land uses. The proposal is likely to have a positive social and economic impact and is suitably located within the existing recreation precinct.

The following sections provide an overview of the likely impacts of development as a result of the application.

6.6.1. Context and Setting

The subject development is of a scale and proportion that is appropriate for the context and setting of the locality. The area is well defined within Council's policies and strategies as part of the Alexandra Park Sports Precinct and offers a major contribution to this precinct. The proposal is not anticipated to have any adverse impact on the locality and contains elements that are indicative of the future desired character for the area.

The site is generally flat with no specific scenic qualities or features that require protection. The site is not restricted by nearby sensitive uses or natural or cultural attributes such as soil characteristics, flora and fauna or heritage items.

The central location of the site enables adequate separation between sensitive land uses and will not create any significant amenity impacts. It is therefore considered that the development is appropriate regarding context and setting.

6.6.2. Vehicular Access and Traffic Impacts

Vehicular access will be maintained from North Street via two crossovers. These crossovers and the parking provision of the carpark to the front of the development will increase to accommodate new disabled parking and additional staff parking.

The majority of traffic impacts and parking provision has been addressed above within the variation proposed to the off-street parking provision.

Parking availability generally within the precinct is satisfactory, with the site containing existing parking spaces along with new spaces proposed by this DA. There is also ability for visitors to the facility to utilise the on-street parking adjacent to the stadium and in the nearby Alexandra Park precinct. It is noted that whilst this cannot be relied upon as dedicated off-street parking for the facility, the spaces are conveniently located, publicly accessible and considered to be part of a broader recreation precinct. In this regard, it is accepted that persons accessing the stadium may likely seek to utilise these on-street and surrounding parking areas .

It is also noted that proposed public domain upgrades to Keene Street are expected to be undertaken by Council (not part of this DA) and will enable improved pedestrian permeability and linkages between the facilities within the recreational precinct.

6.6.3. Public Domain

There is no identified adverse impact on the public domain as a result of this development. Any works required within the public domain are managed with appropriate conditions of consent.

It should be noted that additional public domain works are proposed to be carried out during 2021 by Albury City Council (separate to this DA) to improve the on-street parking, general road infrastructure, landscaping and street lighting.

6.6.4. Stormwater and Drainage

All stormwater associated with the proposed alterations and additions to the sports stadium will be directed to the relevant existing legal points of discharge. The increase in hard surface area of the development is not considered to be detrimental to the ongoing operation of the facility and the existing site. It is noted that works include additional stormwater and drainage measures to mitigate water ponding and drainage issues. The submitted Statement of Environmental Effects stated that *“poor drainage on site has been identified as an issue. The ground around the new and existing building envelope the graded to avoid water pooling and ingress adjacent to foundations. New pits and pipe connections to existing site drainage system have been introduced to pick up overland and downpipe discharge”*

The works will ensure appropriate and sustainable stormwater and drainage management across the site. Conditions of consent have been included on the draft determination regarding stormwater and drainage on the site.

6.6.5. Erosion and Soils

The proposed development will not have an adverse impact on erosion and soils.

Conditions of consent are recommended for an Erosion and Sediment Control Plan (ESCP) to the developed and implemented during the construction and development of the site.

6.6.6. Infrastructure

The site currently benefits from connections to reticulated water, stormwater, sewer, electricity, and telecommunications services as required under Clause 7.6 of the LEP.

The DA also proposes a new outdoor enclosure to the rear to house fire tanks to ensure the facility is compliant with current standards.

The applicant noted that the existing fire hydrant system on site is non-compliant and will be upgraded to meet current standards with the new proposal. The Statement of Environmental Effects stated that 'Scientific Fire Engineers' are currently working with relevant fire authorities to propose appropriate upgrades to the system. The applicant noted the following preliminary outcomes of the works will require:

- 2 new fire hydrants
- New fire tanks, pumps and booster tank enclosure location shown on site plan TP06

A new sprinkler system, fire detection and alarm system will be installed to the whole building as part of the new scope of works. There will also be a dedicated automatic smoke exhaust system serving the basketball/ netball arena of the building.

There will be no upgrading works to electrical, water and gas infrastructure as part of this project.

6.6.7. Biodiversity

The proposed development is supported by a Flora and Fauna Assessment undertaken by DMecological. As the subject site is not biodiversity certified land the applicant was requested to provide additional information in relation to the proposed removal of native vegetation and other vegetation removal impacts and legislative matters.

The Flora and Fauna Assessment determined that a BDAR was not required as the clearing threshold on the site was determined to be 0.25ha. Desktop assessments of federal and state databases were also conducted as part of the report. Targeted surveys were undertaken during a site visit on 5 March 2021, however determined that the removal was not likely to increase the impact on listed key threatened species.

The report concluded that the remnant trees proposed for removal all are all likely hollow bearing with the potential to provide habitat for three Biodiversity Conservation Act 2016 listed species. It recommended "a pre-clearing fauna survey" to check for any sign of fauna occupancy and identifying hollows, nests, cracks/ fissures, loose bark. It also states "*Where habitat is to be removed, it should be first inspected by a wildlife ecologist/ zoologist and any occupying wildlife encouraged to vacate. In the case of hollows, they should be plugged, and fauna relocated in-situ with the hollow to the nearest appropriate habitat outside of the study area.*"

The report determined that:

"The proposed development may contribute to three key threatening process as listed in Schedule 4 of the BC Act, namely:

- *Clearing of native vegetation*
- *Loss of hollow bearing trees and,*
- *Removal of dead wood and dead trees*

The latter is only attributable to dead wood, not entire dead trees. The loss of native vegetation and hollows from the proposed works would be minimal, with the trees already in a highly fragmented, modified, and degraded location. The hollows have the potential to provide habitat for the species listed in Section 3.6 of this report, however due to the factors mentioned they would not be preferred habitat

for any of those species. Overall, it is suggested that the proposed development is not likely to increase the impact of any of the listed key threatening processes.”

It is considered that all relevant flora and fauna impacts have been identified and mitigated where possible. The removal of the proposed trees was found to have minimal impact on the wider native vegetation network and based on the recommendations of the Flora and Fauna assessment is considered to satisfactorily address all relevant impacts. The site consists of a highly modified landscape and does not contain any biodiversity constraints and as such no impact is identified.

6.6.8. Contamination

The subject site is not considered to be contaminated regarding SEPP 55 as discussed earlier in this report. It is considered that no contamination issues are required to be addressed because of the subject development that has been proposed

6.6.9. Aboriginal Heritage

The site is a highly modified and developed site, the likelihood of any impact on Aboriginal Heritage is considered negligible.

6.6.10. European Heritage

No adverse impact on any item listed within Schedule 5 Environmental Heritage have been identified.

6.6.11. Noise and Vibration

The issue of noise was raised within one submission and has been addressed by the applicant in the amended Statement of Environmental Effects submitted on 18 March 2021.

The applicant advised the following:

“The proposal includes of the installation of acoustic linings to ceilings and the inside of external walls which will reduce the transfer of ambient noise from indoors to outdoors:

- *35 mm thick Heradesign Superfine 1200 x 600mm acoustic tiles fixed internally to existing brick walls of courts 1-5*
- *CSR Bradford Anticon 140 Roof Blanket R3.3, 140mm thick Bradford Anticon FBS-1 glasswool blanket adhered to medium duty reflective Foil Laminate facing installed to new roofs.*
- *12mm thick Autex Composition fabric pinable wall linings in offices*
- *15mm thick flush jointed Heradesign Superfine 1200x 600mm acoustic ceiling panels to entry, circulation corridor and multipurpose room. The nearest residential lots are 115m to the southeast of the site at the corner of East and Andrews Street, well away from the extent of Stage 1 works.”*

It is therefore considered that noise impacts associated with the upgrades of the facility will be mitigated through the installation of acoustic treatments. Furthermore, it is noted that most of the noise impact anticipated to be produced from the facility would emanate to the north towards the existing industrial precinct. Noise generation that would impact residential uses to the south are considered negligible.

6.6.12. Natural Hazard

The subject site is not identified as being affected by natural hazards such as bushfire, flooding, landslip, or subsidence

6.6.13. Waste

Relevant conditions of consent have been imposed to ensure that waste management is appropriately managed and addressed, both during construction and the ongoing use of the site.

It is therefore considered that any waste generated by the subject development can be appropriately managed and will not cause any adverse environmental impact.

6.6.14. Economic Impact

The enlargement of the stadium's current capacity and addition of multipurpose/event room to the facility will enhance and diversify the range of activities the facility offers the community such as social events, entertainment, and other community uses. The proposed works will enhance and improve the facility as a community and recreational sports hub.

The proposed development will provide additional economic stimulus by attracting sporting and other cultural events to the region which will have flow on effects to the community as a result of the upgrades. No adverse economic impact has been identified.

6.6.15. Social Impact

It is considered that the proposed development will not result in any adverse social impacts.

6.6.16. Visual Impact

It is considered that the proposed development will not result in any adverse visual impacts. The development application proposes upgrades to the existing aging building and therefore it is considered that the visual impact of the building will be improved as a result of the application.

6.7. Section 4.15(1)(c) The suitability of the site for the development

The subject site is suitably zoned for the proposed recreation facility development.

The design and siting of the buildings is considered responsive to the site attributes and the development is responsive to the desired character of area in accordance with the zone objectives.

6.8. Section 4.15(1)(d) Any submissions

Part 3 and Appendix B of the Albury DCP 2010 provide Council's requirements for notification of applications. The DCP requires reference be given to the Community Participation Plan.

The Community Participation Plan is required to be prepared by the relevant local authority under Division 2.6 of the Environmental Planning and Assessment Act 1979 (EP&A Act). In particular, Section 2.23 of the EP&A Act stipulates that:

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

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

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

The application was publicly exhibited and notified to the surrounding property owners by way of a letter and accompanying plans.

The Development Application was publicly exhibited from 13 January 2021 to 28 January 2021 during which one (1) submission was received. The amended plans and information were notified from 19 March 2021 to 31 March 2021, and no further submissions were received as a result of the second notification period.

The submission raised concerns with several matters that contended that the development may impact upon the 'quiet enjoyment' of the submitter's property.

The submission raised the following three concerns:

- 1. Use of the PCYC land to the south of the development could potentially be used as a shortcut by tradesmen and patrons. The submission requested that this area be blocked off from public use. The submission also raised concerns that tradesmen would burden the number of carparks available in their street (Andrews St)**

Response:

The existing dirt driveway that the submission references does not form part of the subject lots to which this development relates. The site in question is owned privately and is not owned by Council. However, a condition of consent (A16.h) is recommended to ensure that patrons and tradesmen only utilise formalised entry and exit points associated with the stadium when accessing the facility.

- 2. The submission raised concerns with potential increase in noise impacts (as a result of the upgraded facility)**

Response:

The applicant provided a response in regard to the potential increase in noise volumes that was raised in the submission as follows.

"Although the proposal involves an increase in floor area and seating capacity, there is little foreseen additional social impact to the site. The upgrades are aimed to bring the facility up to par with the calibre of events already held there. These upgrades will improve the experience of stadium-goers, be it spectators, participants, organizers and maintenance groups.

The proposal includes of the installation of acoustic linings to ceilings and the inside of external walls which will reduce the transfer of ambient noise from indoors to outdoors:

- *35 mm thick Heradesign Superfine 1200 x 600mm acoustic tiles fixed internally to existing brick walls of courts 1-5*
- *CSR Bradford Anticon 140 Roof Blanket R3.3, 140mm thick Bradford Anticon FBS-1 glasswool blanket adhered to medium duty reflective Foil Laminate facing installed to new roofs.*
- *12mm thick Autex Composition fabric pinable wall linings in offices*
- *15mm thick flush jointed Heradesign Superfine 1200x 600mm acoustic ceiling panels to entry, circulation corridor and multipurpose room. The nearest residential lots are 115m to the southeast of the site at the corner of East and Andrews Street, well away from the extent of Stage 1 works.*

It is to be noted that despite the increase in floor area and seating capacity, the stadium does not foresee a very significant intensification of use."

It is considered that the design of the facility has appropriately included acoustic treatments within the design of the building, over and above existing conditions. The provision of these treatments along with

adherence to acceptable hours of operation and management of the facility is expected to provide suitable mitigation of any noise impacts.

3. The submission raised concern with whether Council had investigated potential increases to traffic in the area especially during major events that may impact on their street (Andrews Street).

Response:

It is understood that in addition to the off-street carparking proposed and maintained, there will be substantial investment in public domain improvements on the surrounding areas such as Keene Street. In this regard, the submitted Statement of Environmental Effects states the following:

“Council’s proposed Keene Street reconstruction includes the replacement of pavement, sealing, kerbs, drainage, footpath and median strip. Improved parking, street lighting and landscaping will also be developed. There is also consideration for including roadside parking as part of this project to enhance LJSC’s carparking requirements. Construction is scheduled for March 2021, which is earlier than the projected start date for LJSC’s stage 1 works.”

It is considered that based on the general parking availability across the recreational precinct and the proposed public domain upgrades that the potential traffic increases and upgraded infrastructure demand have been considered accordingly. Whilst this particular development application relates specifically to the Lauren Jackson Sports Centre, it is noted that a wider, precinct-based approach by Council to improve the public domain and surrounding infrastructure within the locality is being considered.

The matters raised in the submission are recommended to be noted by Council as part of their wider precinct strategy.

6.9. Section 4.15(1)(e) The public interest

Having regard to the issues discussed in the assessment report and those identified in the submission, it is considered that the proposed development is in keeping with the public interest.

7. Non-statutory Considerations

7.1. Local Strategic Planning Statement

The Albury Local Strategic Planning Statement was endorsed by Council on the 14th of September 2020 as required under section 3.9 of the EP&A Act.

The aim of the LSPS is to guide future land use planning and influence public and private investment so that it enhances the wellbeing of our community and environment – making Albury one of the most liveable places in Australia.

To achieve this, the LSPS sets out:

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

The LSPS also identifies planning priorities and future strategic planning activities, in the form of studies and strategies. This includes review of planning controls to ensure they protect and enhance the values and characteristics that matter most to the community of Albury.

The subject development is considered to meet the following priorities of the LSPS

- a) Priority 1: Infrastructure supporting new development
- b) Priority 3: A growing sustainable economy
- c) Priority 12: Great places for our community to enjoy

As such, it is considered that the proposed development satisfactorily meets the priorities and actions of the Albury LSPS.

8. Conclusion

This assessment report concludes that Development Application 10.2021.38113.1. for Alterations and additions to a Community Facility (Lauren Jackson Sports Centre Redevelopment – Stage 1) on land described as Lots 8-10 in DP 758013 and addressed as 229 North Street, East Albury is an appropriate development for the subject land **and is recommended for approval.**

The Development Application has been assessed under the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policies (as discussed), Albury Local Environmental Plan 2010 and Albury Development Control Plan 2010 and is considered satisfactory.

The variations to the Development Control Plan relating to parking provision for the subject application have been considered with regard to the applicant's justifications and the broader parking context and are considered acceptable in that they can be mitigated at peak periods by other provisions in the surrounding area and are not so significant as to warrant refusal of the application.

Therefore, the Development Application is recommended for approval subject to conditions of consent.

9. Recommendation

That development application 10.2021.38113.1. proposing alterations and additions to the Lauren Jackson Sports Centre at Lot 8-10 in Deposited Plan (DP) 758013 and addressed as 229 North Street, East Albury be approved subject to the conditions of consent outlined in Attachment A.

Recommendation for Southern Regional Planning Panel

1. Receive and note the report;
2. Grant consent to Development Application (DA) 10.2021.38113.1. proposing alterations and additions to the Lauren Jackson Sports Centre at Lot 8-10 in Deposited Plan (DP) 758013 addresses as 229 North Street, East Albury subject to the conditions of consent contained in the Draft Determination (**Attachment A**); and

Advise all relevant concurrence and referral agencies (where relevant) and submitters of the above decision and provide them with a copy of the Determination Notice and Conditions.

Appendix A: Draft Conditions of Consent
