

**CM13.1. Development Application 10.2021.38793.1 Alterations & Additions to Albury Entertainment Centre - Council Consideration to make submission to Southern Regional Planning Panel**

<b>DATE</b>	10 February 2022	<b>FIL REFERENCE</b>	AF21/04079
<b>CONFIDENTIAL</b>	No		
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**Summary**

Development Application No. 10.2021.38793.1 was lodged by Habitat Planning, on behalf of AlburyCity, on 2 October 2021, and comprises alterations and additions to the Convention Wing of the Albury Entertainment Centre located at 525 Swift Street, Albury. The application must be determined by the Southern Regional Planning Panel (SRPP) because it constitutes Council related development over \$5 Million in value under the provisions of Item 3 of Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*.

As a result, the purpose of this report is for Councillors to determine whether Council wishes to make a submission to the SRPP in regard to the application.

The Development Application was publicly exhibited from 5 October 2021 to 27 October 2021, during which time no submissions were received.

**People**

Habitat Planning on behalf of AlburyCity.

**Cost**

\$29,962,000.00.

**Background**

The subject site was first constructed as Albury Town Hall in 1972. It was upgraded to become the Albury Convention and Performing Arts Centre in 1993. In conjunction with the adjoining theatre wing, the convention wing is currently operating as the Albury Entertainment Centre (AEC).

The centre today no longer meets industry needs and expectations in two key areas:

- Capacity: The theatre wing can currently host plenaries of 800 whilst the convention wing can host banquets of up to 400. This configuration does not support concurrent activities (there is a mismatch between plenary and banquet capacities) and thus the capacity to meet community

needs, let alone industry needs, is compromised. Furthermore, the key break-out spaces and pre-function spaces to support events are missing or lacking.

- Customer experience: With the development of new facilities around the region along with changes in customer expectations (quality of spaces, engagement with the communities they visit, food, technology) the current AEC Convention Wing does not reflect customer expectations, and, in today's interconnected social media world, negative experiences can be communicated fast and wide.

The operational requirements of the AEC are not proposed to be altered because of the proposed upgrades. The upgrade works will provide a more functional platform and an upgraded facility that allows for greater flexibility to host events in a range of different and concurrent formats. As such, the Centre has been sized to host all the needs (plenary, banquet, break-out meeting spaces and exhibition) for events of up to 800 with both plenary (already met by the adjacent theatre) and banquet capacity needs to be met. This would position Albury to host larger national events with the branding profile that comes with such events whilst remaining focused on efficiently hosting medium-sized regional and national events, multiple concurrent smaller events, and importantly, existing and emerging local events and social needs.

This project has been in planning for several years, with community engagement having previously been undertaken during the feasibility study which resulted in a preferred design and set of guiding principles being endorsed by Council.

### **Development Description**

The application proposes significant alterations and additions to the existing Convention Wing of the AEC. Key features of the proposed redevelopment of the site include:

- Expansion of the Convention Centre. Generally, the development will provide new external and internal pre-function spaces, offices, back-of-house areas, meeting rooms, banquet room, upgraded theatrette, and upgraded loading dock and multi-purpose event space.
- Increasing conference maximum seating capacity and increased exhibition space.
- Improved connection to QEII Cultural Precinct including the adjacent Albury LibraryMuseum and Retro Lane Café.
- Streetscape upgrades along Swift Street to enhance the public realm and increase activation. Café seating, as well as public gathering space will also be provided within a formal plaza and meeting place at the venue's entrance to better facilitate larger conferences/concurrent events.
- Associated upgrades will include retractable/operable walls, new roof canopy, elevators, and feature stairs.
- Associated landscaping and public domain works including a new promenade between the AEC and theatre, additional tree planting, improvements to the northern plaza and improved drop off area to Swift Street.

The proposal will result in a building with a total floor area of 4,385m<sup>2</sup> across three levels, with the addition of the following floor space:

- Ground Floor – 1,156m<sup>2</sup>;

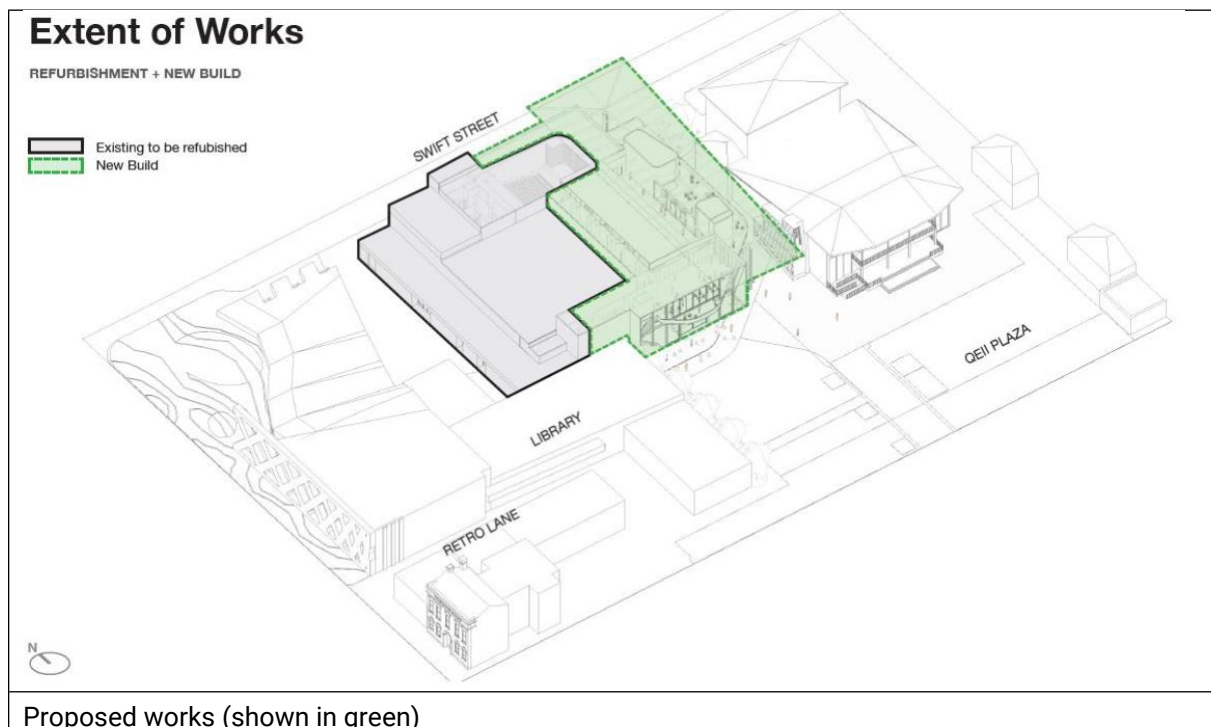
- Mezzanine – 339m<sup>2</sup>; and
- Upper Floor – 1,224m<sup>2</sup>

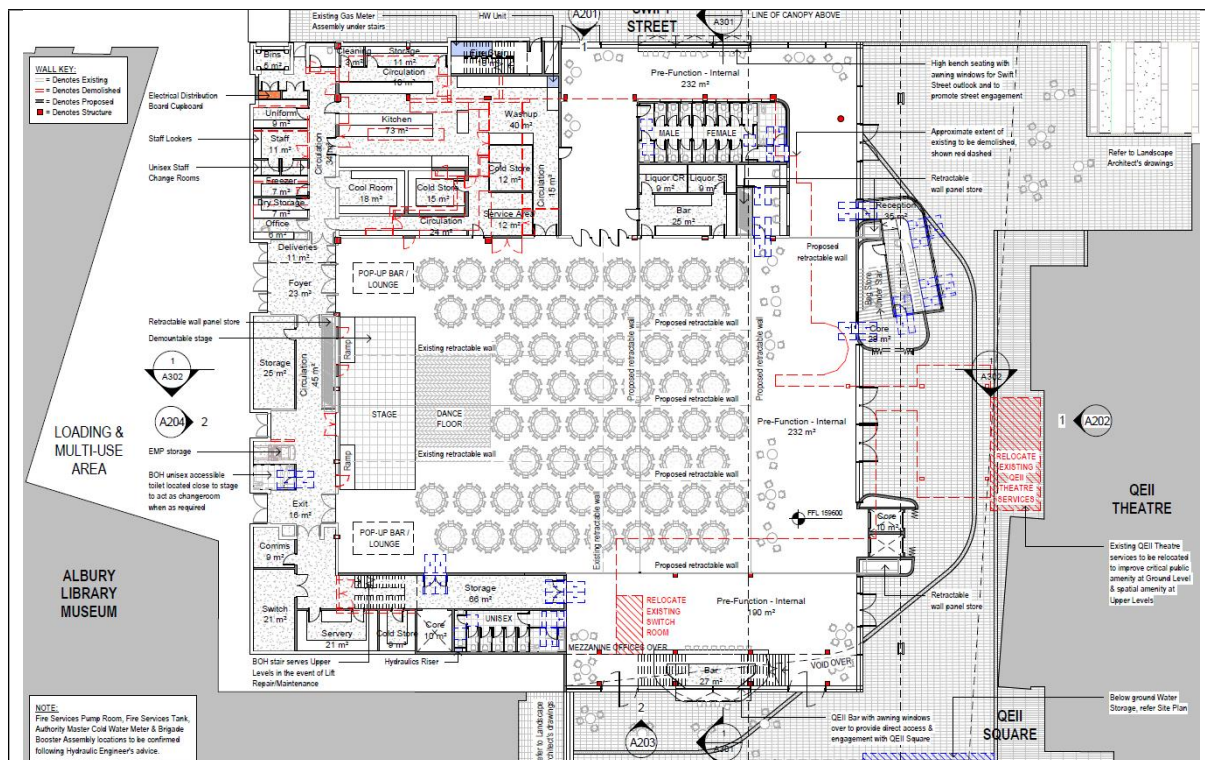
In summary, works will include:

- Ground Floor: Construction and refurbishment of the back of house area, banquet space and servery facilities, kitchen and associated equipment and benching, new amenities, stair cores, internal pre-function spaces and reception area.
- Mezzanine: Construction of new circulation spaces, kitchenette, staff rooms, storage, stair cores and offices.
- Upper Floor: Construction and refurbishment of back of house facilities, fire stairs and theatrette, servery, stair cores, meeting rooms, pre-function (internal and external areas) and additional amenities.

Overall, the refurbishment and construction will result in new and upgraded amenities, cleaning stores, cold store, cool room, six storerooms, deliveries area, fire stairs, foyer, kitchen extension, office, serveries, service areas, visitor information, pre-function areas (internal and external) reception, and bar area.

There will also be an additional outdoor area under canopy that will be 1,115m<sup>2</sup> in area. Significantly, the overall redevelopment will result in an activation of the Swift Street streetscape, not only enhancing the visual presence of the Centre as viewed from Swift Street but also in the creation of new urban spaces. It will also provide an activated frontage to QEII Square replacing the current blank brick wall along the southern façade. Figure 1 below shows some extracts from the development plans included in attachment 1:





## Ground Level



## North elevation



3D representation
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*Figure 1 – Extracts from development plans*

Apart from the new floorspace, all existing floorspace including the existing back of house and circulation spaces will be refurbished and updated to present day expectations for such a key public facility.

As a part of the overall development there will also be a range of demolition works required to facilitate the redevelopment and refurbishment of the AEC. The demolition works will be carried out externally to portions of the existing building as well as internally to enable the internal refurbishments. The demolition will also require the removal of identified asbestos. A Hazmat & Asbestos Audit has been completed and included with the application.

In summary, it is proposed to demolish part of the north elevation, the entire east elevation, the high blank brick wall at the northern elevation, the pedestrian concourse to the east, the existing shade umbrellas at ground level, and first-floor level walkway connection to QEII Theatre.

The proposed development is shown in the development plans included in attachment 1 and fully described in the Statement of Environmental Effects included in attachment 2 to this report.



## Site and Locality Description

The subject site comprises four separate lots described as Lots 1 & 3 in DP 413102, Lot 1 in DP164886 and Lot 1 in DP798772 situated at No. 525 Swift Street, Albury to the north of the QEII Square precinct. The land comprises freehold land in the name of Albury City Council (operational land).

The subject land is located within the Albury CBD at the northern end of QEII Square. Bounding this central precinct, which includes a large paved and grassed outdoor area, are several landmark buildings that define the central CBD. Apart from the subject land and adjoining Council property, these other buildings include St Matthews Church, the Old Albury Court House, the Murray Art Museum Albury (MAMA), State Government Office Buildings, Murray Conservatorium, and the Albury Police Station and Court House.

The subject land is located on the southern side of Swift Street (see Figure 2 below) and is currently occupied by the Convention Wing of the AEC. This existing convention space is formed by a combination of two smaller spaces known as the Banquet Hall and the Elizabeth Room. It is also to be noted that Lot 1 in DP 798772 along the eastern side of the subject land is also partly occupied by the main auditorium building which incorporates the QEII Theatre and the Chandelier Room which overlooks QEII Square.

The southern section of both Lot 1 in DP164886 and Lot 1 in DP798772 also includes a part of the extensive lawn area that makes up much of QEII Square. To the west and south-west of the subject land is located the Albury LibraryMuseum complex which also incorporates the Retro Lane Café.



Figure 2 – Site locality

Located to the north across Swift Street is a range of single storey and multi-storey commercial premises. A multi-deck car parking facility owned by AlburyCity is located further north behind the

commercial properties and is accessible from Swift Street via pedestrian crossing facilities at Swift Street and defined mid-block pedestrian walkways.

The existing Convention Wing of the AEC is essentially a rectangular brick building with a total floor area of 1,666m<sup>2</sup> across two levels: namely:

- Ground Floor – 1,227m<sup>2</sup>; and
- Upper Floor – 439m<sup>2</sup>.

The building currently presents as a largely blank side face to Swift Street with little articulation to break up this façade. The building itself is orientated to the east which is accessed via a plaza area at the northeast. This plaza is also shared with the theatre building to the east. As with the Convention Centre, the Auditorium also presents a rear wall façade to Swift Street; however this building is orientated to the south and addresses QEII Square.

The subject land benefits from good pedestrian access not only from Swift Street but also from Dean Street to the south via QEII Square and Kiewa Street to the west via Retro Lane. It is anticipated that the proposed redevelopment will enable greater accessibility and permeability of the site to cater for the current needs of the community and its wider regional context.

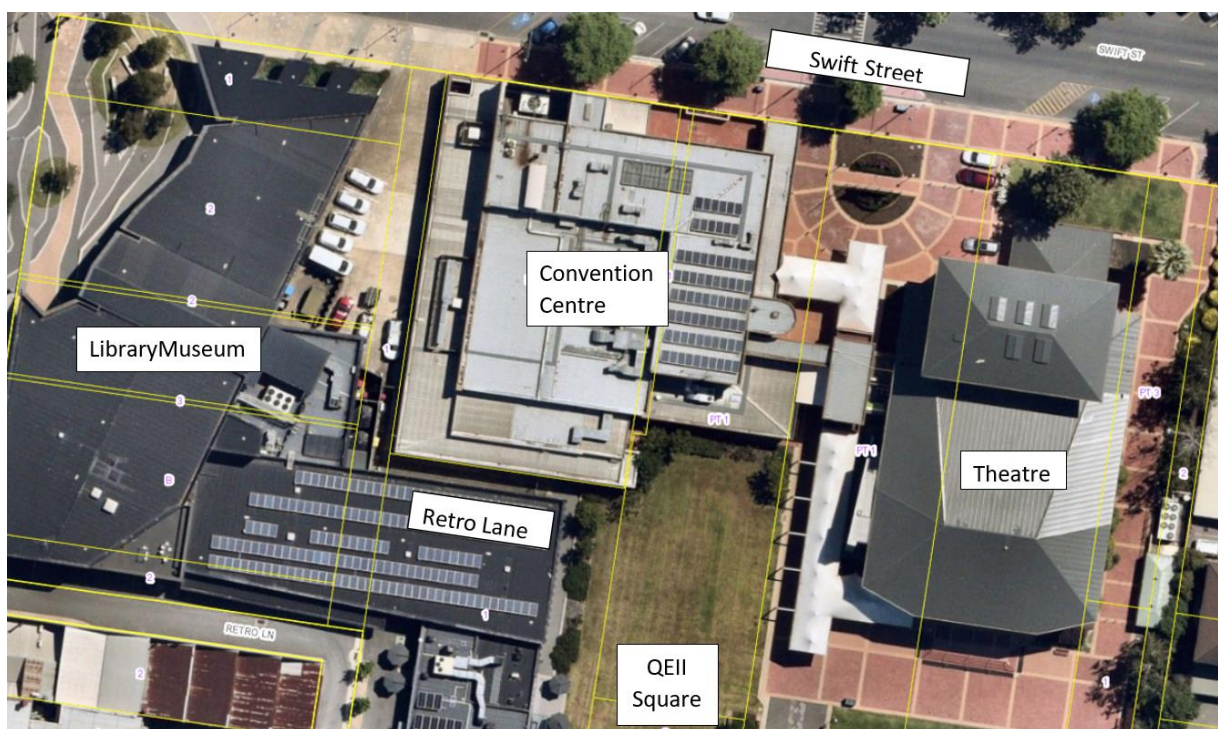


Figure 3 – AEC site and surrounds

### Regionally Significant Development

As a development with an estimated cost exceeding \$5 Million proposed on a site owned by AlburyCity, the development is defined as *Regionally Significant Development* which must be determined by the Southern Regional Planning Panel (SRPP) under Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP)*.

Therefore, SRPP is the determining authority for this application. A planning assessment of the proposal is required to be undertaken, and a formal report submitted to the SRPP for their consideration and determination. Owing to the value of the development, and Council's ownership of the site, BioPlan (Peter O'Dwyer, RPIA) was engaged to undertake an independent assessment of the application and to prepare the required documentation for consideration by the SRPP.

A copy of BioPlan's Assessment Report is included as attachment 3 to this report.

## **Key Issues**

### Parking

The proposed development results in a significant theoretical shortfall in on-site parking. The development proposes an additional 2,719m<sup>2</sup> of floor space, with no additional car parking proposed. According to Part 17 of the Albury Development Control Plan (ADCP) 2010, a Community Facility would usually require the provision of 1 space per 10m<sup>2</sup> (272 additional spaces).

In this case, it is noted that there is already a historical shortfall associated with the development of the subject land in terms of on-site parking provision. As mentioned earlier in the report, the existing Convention Centre has a total floor area of 1,666m<sup>2</sup> with no on-site parking available. The Convention Centre, together with the Theatre and other development in the precinct, relies on on-street parking, patron drop-off/pick-up by third parties and nearby public parking. There is a multi-deck car parking facility nearby (Wilson Street car park) owned by AlburyCity that is located to the north of Swift Street behind the commercial properties. This facility is accessible from Swift Street via pedestrian crossing facilities at Swift Street and defined mid-block pedestrian walkways. In addition, there is also all-day off-street public parking available in the nearby SS&A and Myer Centre car parks to the east along Swift Street.

Further to the above, and in support of the variation sought, the applicant has also submitted a Traffic Impact Assessment (TIA) which addresses the relevant matters for consideration regarding the existing operation of the premises with no off-street parking. In summary the TIA (prepared by Spotto Consulting in Aug 2021) notes among other things that:

*"The impact of the traffic associated with the proposed development is difficult to quantify: the lack of parking at the site means that vehicles do not travel directly to/from the site. In addition, access to a variety of on-street and off-street parking options for staff and attendees at the site further complicates the travel patterns."*

*"As the Albury Entertainment Centre is a civic building located in a civic precinct within the Albury CBD, it is appropriate that the shortfall in parking be managed in accordance with the principles and strategies detailed in Council's Albury CBD Parking Strategy. The strategy identifies a number of initiatives that could be implemented specifically for the identified parking shortfall for major events at the Albury Entertainment Centre."*



The Albury CBD Parking Strategy includes the following recommendations:

- *Consider developing a campaign to promote the 'two-block walk'. Improvement of pedestrian facilities, such as walking paths and adequate lighting, must be implemented.*
- *Bring forward the Wilson Street Multi-deck facility extension works and consider the possibility of extending by two levels.*
- *Investigate opportunities for the construction of additional All-Day multi-deck facilities in the eastern end of the CBD – consider unused railway land or existing at grade car parks.*

The TIA subsequently recommends:

1. *Parking for the proposed development should be provided via public parking within the Albury CBD and managed in accordance with the principles and recommendations contained within the Albury CBD Parking Strategy 2020-2025.*
2. *A Transport Management Plan should be developed to detail how parking is to be managed (both for the Albury Entertainment Centre generally, and for specific major events);*
3. *Access to the loading dock on the western side of the building (between the Albury Entertainment Centre and the Albury LibraryMuseum) be managed through the development and implementation of a Transport Management Plan (both for the Albury Entertainment Centre generally, and for specific major events); and*
4. *Additional bicycle parking racks capable of accommodating 18 bicycles be located in the vicinity of the proposed development.*

Having regard to the above, including the existing site operations and historical shortfall of parking associated with the existing AEC development, as well as the various strategies outlined within the *Albury CBD Parking Strategy 2020-2025*, it is concluded that the variation sought is reasonable in the circumstances.

This conclusion is consistent with Planning Circular PS13-003 which provides an overview as to what weight should be given to controls within a DCP when assessing development applications. In this regard the consent authority must be flexible in the way it applies the controls and allow for reasonable alternative solutions to achieve the objectives of those standards.

## Heritage

### *Heritage Conservation Area*

It is to be noted that the site is located along the northern edge of the “*Dean Street Conservation Area (Area C6)*” as identified in the Albury Local Environmental Plan (ALEP) 2010. Although the AEC itself is not of individual heritage significance the QEII Square precinct which is centrally located within the C6 Area is surrounded by a number of individual heritage items including St Matthews Church and Rectory and Bellbridge Hague which are in general proximity of the development site.

In response, the applicant has provided a Statement of Heritage Impact (“SHI”) in support of the application. In summary the SHI prepared by Trethowan Architecture (July 2021) concludes:

*"The subject site is not an individually listed heritage item and there are no concerns with the proposed extent of demolition. Impacts are assessed against the character of the conservation area and the objectives to ensure any development complements the precinct and adjoining buildings. There are no identified impacts on the western vista through the precinct to the Monument".*

Whilst the height and scale of the proposed canopy and circulation cores were identified to potentially dominate the conservation area visually, this is mitigated by the canopy being partially concealed from view along Swift Street by the QEII Theatre. This section of Swift Street between Olive and Kiewa Streets has been substantially altered with later infill development. Besides, the majority of significant items within the conservation area are located further south at Dean Street. The SHI concluded that the potential detrimental impacts are few and have been adequately mitigated. The report goes on to say:

*"Overall, the proposal will have a positive impact on the conservation area. The works are necessary to improve the subject site's functional performance and increase its capacity to host a wider range and number of events. This will support the ongoing use of the place and its role as a meeting place for Albury. The works are necessary to open the building up to the QEII Square and enhance connections through the wider conservation area."*

Clause 5.10(4) requires the consent authority to consider the effect of the proposed development on the heritage significance of the item or area concerned.

#### *Archaeological Assessment*

Given the locality of the site within central Albury and the reasonable likelihood that excavation will, or is likely to, result in a relic being discovered, exposed, moved, damaged, or destroyed, Andrew Long and Associates Pty Ltd was engaged by Albury City Council to prepare an archaeological assessment for the property under Section 139 of the Heritage Act 1977.

The assessment found that the site has potential to contain archaeological deposits, features and artefacts associated with the construction and use of the Burley Hospital and the private residential building named 'Valetta'. As a result, the assessment made the following recommendations:

#### *Recommendation 1 – Apply for an Excavation Permit from the NSW Heritage Office*

- *Permission must be sought from the NSW Heritage Office prior to undertaking the archaeological excavations and monitoring required in the recommendations below. The NSW Office of Environment and Heritage requires that an Archaeology Assessment and Research Design be prepared to accompany any Permit application. This report fulfils these requirements. An application to act as an Excavation Director must also be completed by the archaeologist nominated to undertake the project and attached to the Permit Application.*
- *A copy of the approval Permit should be attached behind the title pages of this report and kept on site at all times.*

*Recommendation 2 – Site Induction*

- *All personnel, contractors and subcontractors involved in the proposed works at 525 Swift Street, Albury, New South Wales should be informed during their site induction about this archaeology assessment, its findings, and recommendations.*
- *A copy of the assessment must be kept on site at all times and referred to frequently to ensure compliance with the recommendations.*

*Recommendation 3 – Archaeological Monitoring of Ground Disturbing Works*

- *An archaeologist must monitor ground disturbing works within the project area. An excavator may be used to remove the upper sediments to expose any features or footings that may be present in these areas. If archaeological features are exposed during the works, an archaeologist must inspect and record the archaeological remains prior to proceeding further with machine excavation.*

*Recommendation 4 – Targeted Archaeological Excavations*

- *If archaeological features are exposed during the works, targeted archaeological excavation of significant features and deposits that become exposed may be necessary. An archaeologist must monitor the archaeological excavation.*
- *Any significant features/deposits that are uncovered during monitoring and that will be destroyed by the development must be excavated and recorded.*
- *The archaeologist must be allowed the time to complete adequate excavation and recording of significant features and deposits exposed by the works.*
- *All significant features and deposit will be drawn to scale and photographed.*
- *If archaeological excavation is required, ground works may progress elsewhere on the site while the archaeological excavations are being completed. Ground disturbance may be allowed in areas of low archaeological potential with an assisting archaeologist present.*

*Recommendation 5 – Artefact Management*

- *Any significant artefacts uncovered during the works must be collected, cleaned, analysed, and catalogued according to the Research Design. The analysed artefact assemblage will be reported on together with the findings of the archaeological monitoring described above and a report provided to NSW Heritage Office. Significant artefacts should be housed, and the most significant items displayed, at the Albury Entertainment Centre.*
- *In the event of finding Aboriginal cultural material, all works will cease immediately, and the project archaeologist will notify the Office of Heritage NSW.*
- *All artefacts relating to the 19th and 20th century use of the site that are considered to be of medium to high significance will be retained, including surface finds.*
- *The only artefacts to be sampled will be building debris such as bricks and bluestone.*
- *Material which is not significant or of low significance will not be retained but will be noted on context sheets and in the project report.*
- *Artefacts will be bulk bagged in the field according to type within each context. The NSW Office of Environment and Heritage will be contacted immediately if any artefacts with urgent conservation requirements are identified.*

- *All artefacts recovered in the field will be processed and catalogued according to the NSW Office of Environment and Heritage guidelines. Artefacts will be analysed and interpreted in terms of the questions in the Research Design.*

Conditions of Consent are recommended to capture these recommendations.

### **Submissions**

No submissions were received during the notification period.

### **Options**

This report is provided for the information of Councillors. Council has the option to make a submission to the SRPP or note the report and make no further submission.

### **Conclusions**

Development Application No. 10.2021.38793.1 was lodged by Habitat Planning, on behalf of AlburyCity, on 2 October 2021. The development proposes *Alterations and Additions to a Community Facility* (Albury Entertainment Centre) on Lots 1 & 3 in DP 413102, Lot 1 in DP164886 and Lot 1 in DP798772 situated at No. 525 Swift Street, Albury and will be reported to the Southern Regional Planning Panel for determination.

An independent assessment of the application has been undertaken by BioPlan, and this concludes that the application is consistent with the provisions of the applicable NSW legislation and relevant *Albury LEP 2010* and *Albury DCP 2010* provisions and should be recommended for approval. As outlined in this report, Council has the option to make a separate submission to the panel and may elect to do so after considering this report.

### **Recommendation**

That Council:

- a. Receives and notes the report; and
- b. Determines if Council is to make a separate submission to the Southern Regional Planning Panel in relation to Development Application 10.2021.38793.1, proposing *Alterations and Additions to a Community Facility* (Albury Entertainment Centre) at Lots 1 & 3 in DP 413102, Lot 1 in DP164886 and Lot 1 in DP798772 situated at No. 525 Swift Street, Albury.



**Attachments**

1. Development Plans (DOC22/33944).
2. Statement of Environmental Effects (DOC21/220046).
3. Assessment Report (DOC22/29768).
4. Draft Development Consent (DOC22/29757).