

Assessment Report and Recommendation to Southern Joint Regional Planning Panel on behalf of Goulburn Mulwaree Council

DA Number	DA/0185/1617
Applicant	Goulburn Mulwaree Council
Owner	Borough of Goulburn (Goulburn Mulwaree Council)
Description of Land	163 Auburn Street, Goulburn Lots 11, 17 & 21, Section 2, DP 758468
Proposed Development	Goulburn Performing Arts Centre: Entertainment facility and food and drink premises including partial demolition of existing building, alterations and additions and adaptive reuse of heritage building
Site area	1,140m ²
Land Use Zone	B3 Commercial Core under Goulburn Mulwaree Local Environmental Plan 2009
Estimated Value	\$10.1 million
Variations to Policy	LEP Cl4.3 – Height of buildings DCP s3.4 – Vehicular access and parking
Submissions	19 and petition
Key Issues	Parking, heritage, height limit

This DA Assessment Report is structured as follows:

- 1 Summary**
 - 1.1 Recommendation
- 2 Key Issues**
 - 2.1 Carparking and Access
 - 2.2 Heritage Impacts
 - 2.3 Interpretation Strategy
 - 2.4 Summary of Independent Heritage Advice
 - 2.5 Height of buildings
 - 2.6 Disabled Access
 - 2.7 Approval Conditions
- 3 S79C Assessment**
- 4 Consultation**
 - 4.1 Further Community Consultation
 - 4.2 DA Referrals
- 5 Conclusion**

1 Summary

A Development Application for the construction of a new Performing Arts Centre was considered by the Southern Joint Regional Planning Panel on 27 July 2017. This consideration by the JRPP followed an initial briefing by the Council and a site visit on 16 March 2017.

The JRPP at its meeting on 27 July 2017, recommended as follows:

That Development Application No DA/0185/1617 for the Performing Arts Centre, 163 Auburn Street Goulburn be deferred in order to enable further assessment and review based on the most recent plans of the following:

1. *The preparing of a carparking and access management plan that specifically addresses the requirements of the performing arts centre including and not limited to disabled access, parking, loading and unloading, drop off and pick up.*
2. *The heritage impacts of the proposal addressing the additional design and interpretive matters raised in the independent heritage report and that this be done in conjunction with Council's independent heritage advisor.*
3. *The draft conditions of development consent be revised to specifically address*
 - a. *The detailed conservation of the heritage values of the building to be retained consistent with the advice received from the independent heritage advisor;*
 - b. *The potential for any impact on nearby buildings by requiring a dilapidation report*
 - c. *The requirement for works to stop should items of archaeological significance be discovered during construction.*
4. *Specific reference and assessment of the request to vary the height of buildings by way of a detailed review in accordance with clause 4.6 of the Goulburn Mulwaree Local Environmental Plan 2009.*
5. *Address the requirements and proposed provision for*
 - a. *disabled access to and within the centre; and*
 - b. *disabled services and facilities within the centre*

Since the decision by the JRPP Council have initiated a number of actions, including:

- Engaged Purdon Planning to undertake an independent review of the urban planning aspects of the development proposal, including –
 - Urban Design
 - Heritage
 - Parking
 - Building Height.
- Design review meetings held on 9 August and 12 September 2017 between consultant planner and project architect to review specific design requirements for the PAC, together with telephone discussions as required.
- Workshop with project architect, independent Heritage Consultant, consultant planner and Council staff on 13 September 2017, to review all Heritage issues.
- Car parking surveys within the local area.
- Review of CBD Strategy and local parking arrangements.
- Direct consultation with individuals who made a presentation to JRPP at its July 2017 meeting.
- Further briefing of the JRPP on 19 October 2017

This report provides details on the actions and considers them in response to some design changes

made to the development and agreements reached with the independent Heritage Consultant.

The following is a 'snapshot' of the changes to the Development Application since the proposal was considered by the JRPP on 27 July 2017:

Design Changes	<p>Additional plans prepared by Brewster Hjorth architects:</p> <ul style="list-style-type: none"> ▪ Revised floor plans and elevation plans ▪ Heritage Interpretive Strategy, including heritage study and elevation study (bound plan set of 36 pages). <p>Additional plans prepared by Brandculture:</p> <ul style="list-style-type: none"> ▪ Interpretive signage (bound plan set of 16 pages).
Heritage Advice	Additional report prepared by the independent Heritage Advisor providing conditional support for the changes to the proposed development.
Car Parking	<p>Additional reports prepared by the applicant:</p> <ul style="list-style-type: none"> ▪ Car Parking and Access Management Plan (November 2017) ▪ Draft Operational Management Plan (November 2017)
Building Height	<p>Additional plans prepared by the architect show the proposed development in relation to the 15m height limit, together with the height of adjacent buildings.</p> <p>Submission prepared by the applicant requesting consideration of a variation to the height limit development standard under Clause 4.6 of the LEP</p>
Conditions of Approval	Recommended conditions of approval have been revised to incorporate recommendations of the JRPP. Refer Attachment A

Further details of the series of changes to design plans and documentation is provided in Table 1 attached to Council's letter of response to the JRPP request for additional information.

This Assessment Report is supported by the following Attachments:

- Attachment A – Recommended Conditions of Approval
- Attachment B – Report of the Independent Heritage Consultant, David Scobie Architects, 21 November 2017
- Attachment C – Original DA Assessment report submitted to the JRPP meeting on 27 July 2017.

1.1 Recommendation

That the Southern Joint Regional Planning Panel grant consent to DA/0185/1617 subject to the conditions provided in Attachment A. These recommended Conditions have been modified to reflect matters raised by JRPP at its July 2017 meeting.

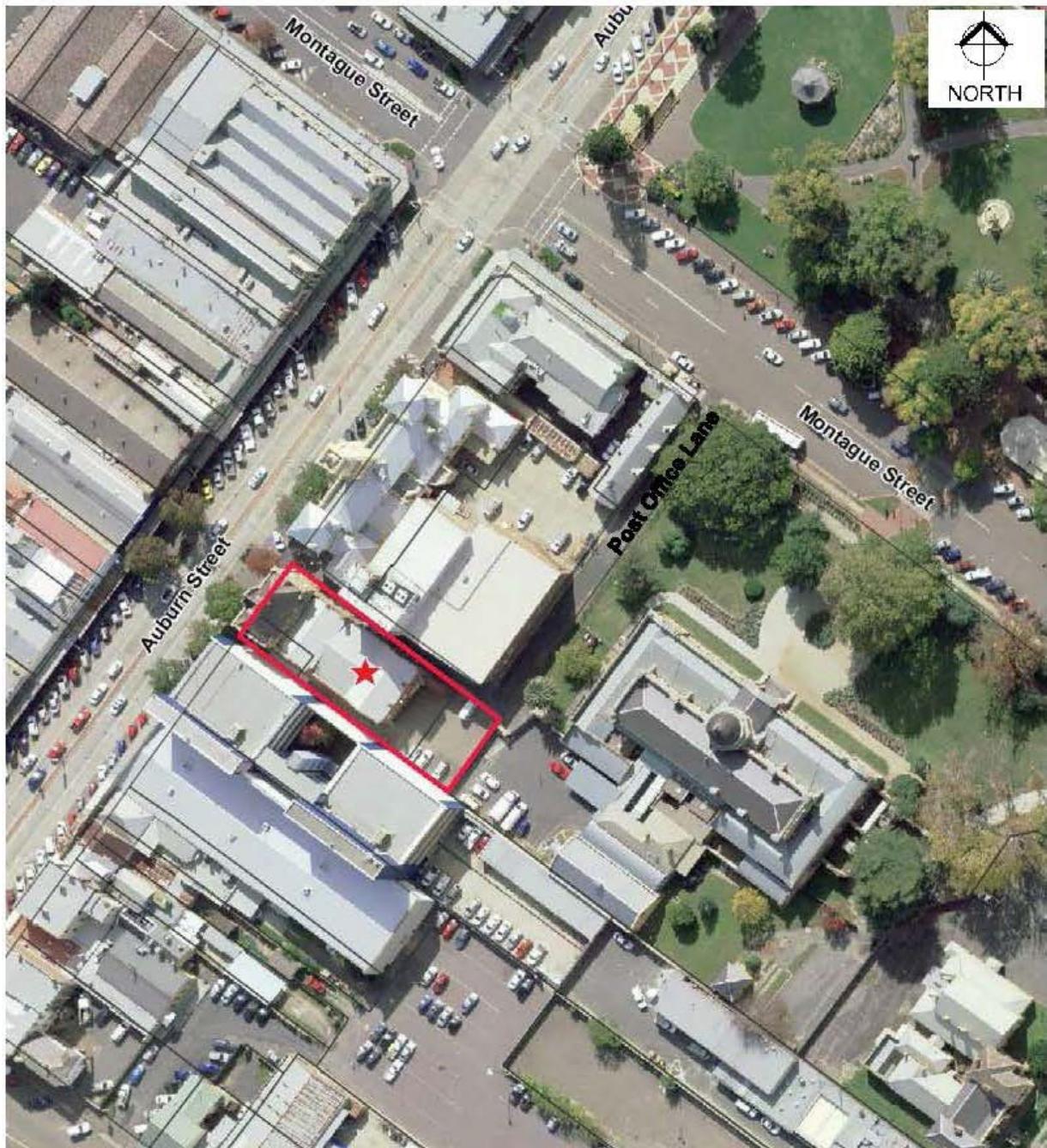


Figure 1 – Development Site

2 Key Issues

As outlined above, the JRPP deferred consideration of this DA pending resolution of issues in respect of:

- Carparking
- Heritage
- Building Height
- Approval Conditions (disabled access)

These matters are addressed in detail below.

2.1 Carparking and Access

The existing building has a GFA of approximately 740m² and under the current DCP (if the Town Hall building was constructed today) would require provision of 56 car parking spaces. There are approximately 9 existing car parking spaces on site to serve the existing building. On this basis, the existing building currently operates with a deficit of approximately 47 parking spaces, if the DCP was applied to this building.

The initial report presented to the JRPP advised that 56 car parking spaces are required for the proposed PAC development under Council's DCP. However, a further review of existing and proposed floor areas shows that a total of approximately 760m² will be available for general public use (these areas include both the existing building and new building). As such, a total of 76 car parking spaces are required in accordance with Council's DCP (i.e. 1 space per 10m² of space used by the public).

It has been submitted by the applicant that a 'credit' of 47 spaces should apply for the existing building, as these spaces would have historically been provided by Council in public parking areas. If this scenario was accepted then the actual deficiency of car parking for this development proposal equates to 29 spaces, not 76 spaces.

Notwithstanding the actual number of spaces required under the DCP, it is appropriate to assess the overall impacts of parking based on a performing arts centre at full capacity during times that coincide with peak periods for the CBD.

There is some evidence that the PAC at full capacity will only occur occasionally and potentially not at a peak time for other CBD activities. Experience from Tamworth indicates that the Tamworth Capitol Theatre has some shows that are sold out, and others with only 25% of tickets sold. It was estimated that over the course of a year, the venue would on average be around 65% full for performances (or around 260 seats in a 400 seat theatre) (*extract from SGS Economics – Business Case*).

Notwithstanding the above, the applicant has provided advice that the PAC will potentially generate an actual demand for 160 car parking spaces when the PAC has shows that are sold out. This is based on total seating capacity of 420, with 80% of patrons travelling by car, and 20% of patrons arriving by other means. It was also estimated that, on average two persons would occupy each car.

The plans submitted with the application show that no spaces are proposed to be provided on-site.

A review of the design plans has been undertaken in consultation with the project architect to consider options to provide some on-site parking. The design review has confirmed that any on-site parking would necessitate total redesign of the building and a design solution that would not satisfy a range of other design requirements for the Performing Arts Centre. Any on-site parking would need to be provided as basement parking and a ramp to the basement would be required. The access off Post Office Lane is intended to provide for loading and unloading facilities. A basement ramp in this location would prevent Post Office Lane being accessible by delivery trucks and vehicles needing access to the rear of the adjacent Court House.

In addition, if the development did provide a small number of on-site parking spaces, they would not be readily available for general public use as they would most likely be occupied by staff. It is considered that alternative parking arrangements are appropriate for this proposal.

Some public submissions suggested that Council should be treated in the same way as a private developer. In a general sense this is the case with this application. Council is a provider of public parking and the availability of public parking spaces should be considered as a part of any Council initiated development proposal.

The most appropriate resolution of the parking issue is considered to be a combination of parking supply, parking demand and parking management. In this regard the Council have undertaken a series of parking surveys to assess the level of provision of parking within the general area and the occupancy rates of parking spaces at peak times.

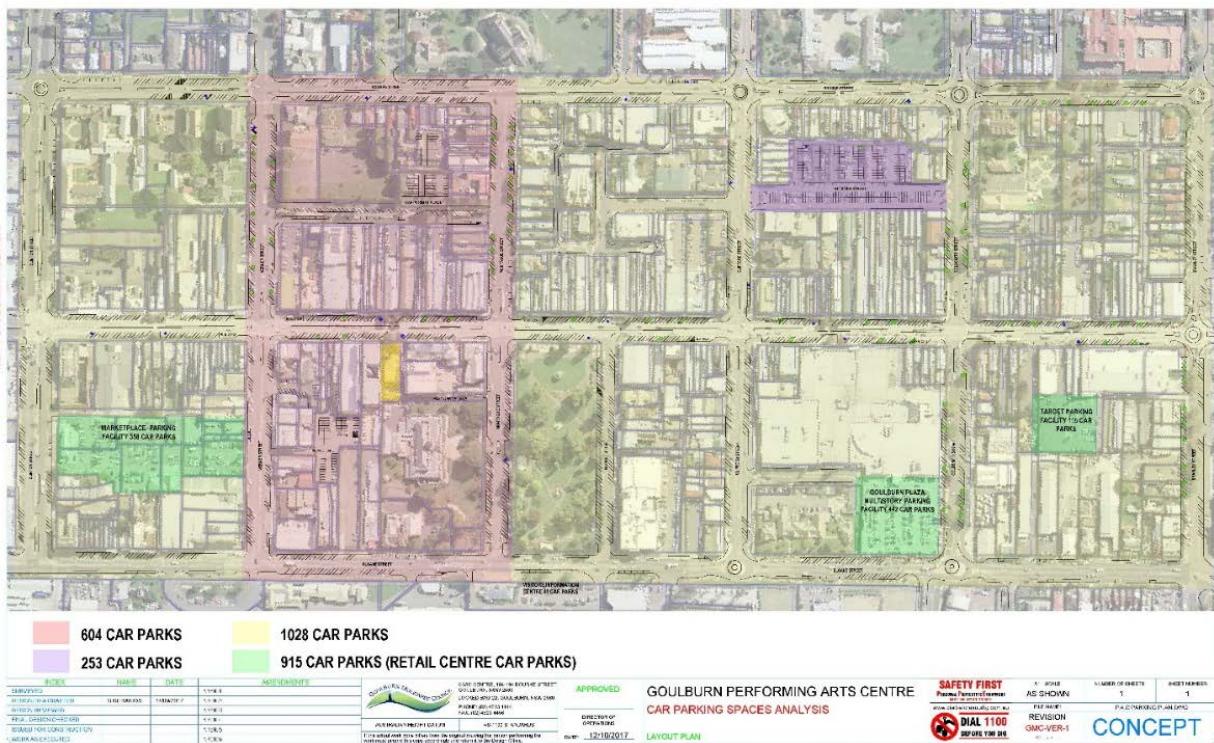
The parking supply is summarised as follows:

- Parking within the blocks bounded Montague St, Bourke St, Verner St and Sloane St representing an approximate 5 minute walk from the PAC site, incorporates 604 car parking spaces.
- Surveys undertaken over a eight week period during peak CBD times show that on weekdays there was always at least 160 vacant parking spaces within 5 minute walk of the PAC.
- The surveys also confirmed that on weekends the parking vacancy rate in this area was between 63-73%. This results in over 380 available parking spaces on weekends.
- Expansion of the survey area to include blocks within a 10 minute walk (incorporating Goldsmith St and Clinton St) results in over 1,000 additional parking spaces provided. Based on the 22-30% vacancy rate this would provide at least another 220 -310 car parking spaces.

GOULBURN PERFORMING ARTS CENTRE

CAR PARKING SPACES ANALYSIS

AYOUT PLAN



Goulburn Mulwaree Council

In addition, Council has adopted a 20 year CBD Parking Strategy that focuses on parking provision and urban design improvements to achieve greater accessibility for all CBD users. The CBD Parking Strategy involves a revision of parking controls and times, a signage strategy to provide a better way for traffic to find ways to the CBD; a review of the development controls around parking, traffic and access within the CBD; and a short, medium and long-term landscaping strategy to improve the appeal of Auburn St to encourage pedestrian activity and clearly communicate the entrances to the CBD.

It is considered that the key issue associated with this development is not simply the availability of public parking but the management of parking and opportunities for more efficient use by patrons of the PAC without significant adverse effect on existing businesses. It would be expected that the majority of available parking spaces are those located furthest from core activity areas, such as Auburn St.

In this regard the primary management measure is to enforce the current short stay parking restrictions which limit parking to 1 hour in Auburn St. It is expected that most performances at the PAC will be longer than 1 hour which would require patrons to park along Sloane St, Clinton St, Bourke St and Cartwright Place. Enforcement of the 1 hour parking limit would result in spaces in Auburn St remaining available for existing business that rely on regular turn-over of parking.

Additional measures to manage car parking are outlined further in a Car Parking and Access Management Plan prepared by the applicant and summarised below:

- Adjustments to existing disabled parking spaces in Auburn St to provide 4 spaces close to the entry to the GPAC with accessible path of travel into the GPAC.

- Relocation of the existing bus stop to provide pick-up / drop-off area to allow patrons a short period to drop-off or pick-up passengers while they then move off to other long stay parking areas. The bus stop will be relocated directly adjacent to the front door of GPAC.
- Ongoing liaison with existing businesses to provide courtesy bus services to complement business activity through a meal/theatre ticket option. This would involve patrons catching a courtesy bus from a designated venue, dining at a local restaurant/Club, attending a function at the GPAC, possibly with after function drinks at a local business and then taking the courtesy bus or taxi home.
- Park and Ride (or Shuttle bus service) provided for major event allowing patrons to park some distance from the GPAC and catch a shuttle bus to the GPAC. The Ellesmere Street car park (253 spaces) could be used as a pick up point for this purpose.
- Staff parking provided in a designated area at the Visitor Information Centre.
- Long vehicle parking during performances at the Visitor Information Centre.
- Use of parking spaces (accommodating approximately 40 vehicles) at Star Track Goulburn, adjacent to the Visitor Information Centre.
- Encouraging active transport modes (walking, cycling) through local promotional campaigns under the GPAC Marketing Strategy and Community Engagement Plan.
- Ongoing liaison with Goulburn Taxis to implement a strategy focussed on shows with high demand, to reduce private vehicle use.
- Promotion of designated venue car parking at Cartwright Place (135) and Ellesmere Street (250).
- Promotion of local bus services for day-time performances and assessment of opportunities to expand current service provision. Currently offering four daily services Monday to Friday and three services daily on Saturdays

It is considered that implementation of the Car Parking and Access Management Plan is an appropriate resolution of the parking provision for the proposed development.

2.2 Heritage Impacts

The overall impacts to the heritage significance of the existing building, together with the potential for interpretation of the heritage building to be demolished has been the subject of considerable review by the Council project team, project architect, consultant planner and the independent heritage advisor (David Scobie). The following sub-sections outline the matters that were subject to the heritage review and provide details on the outcome reached.

2.2.1 *Internal walls of original Town Hall Building*

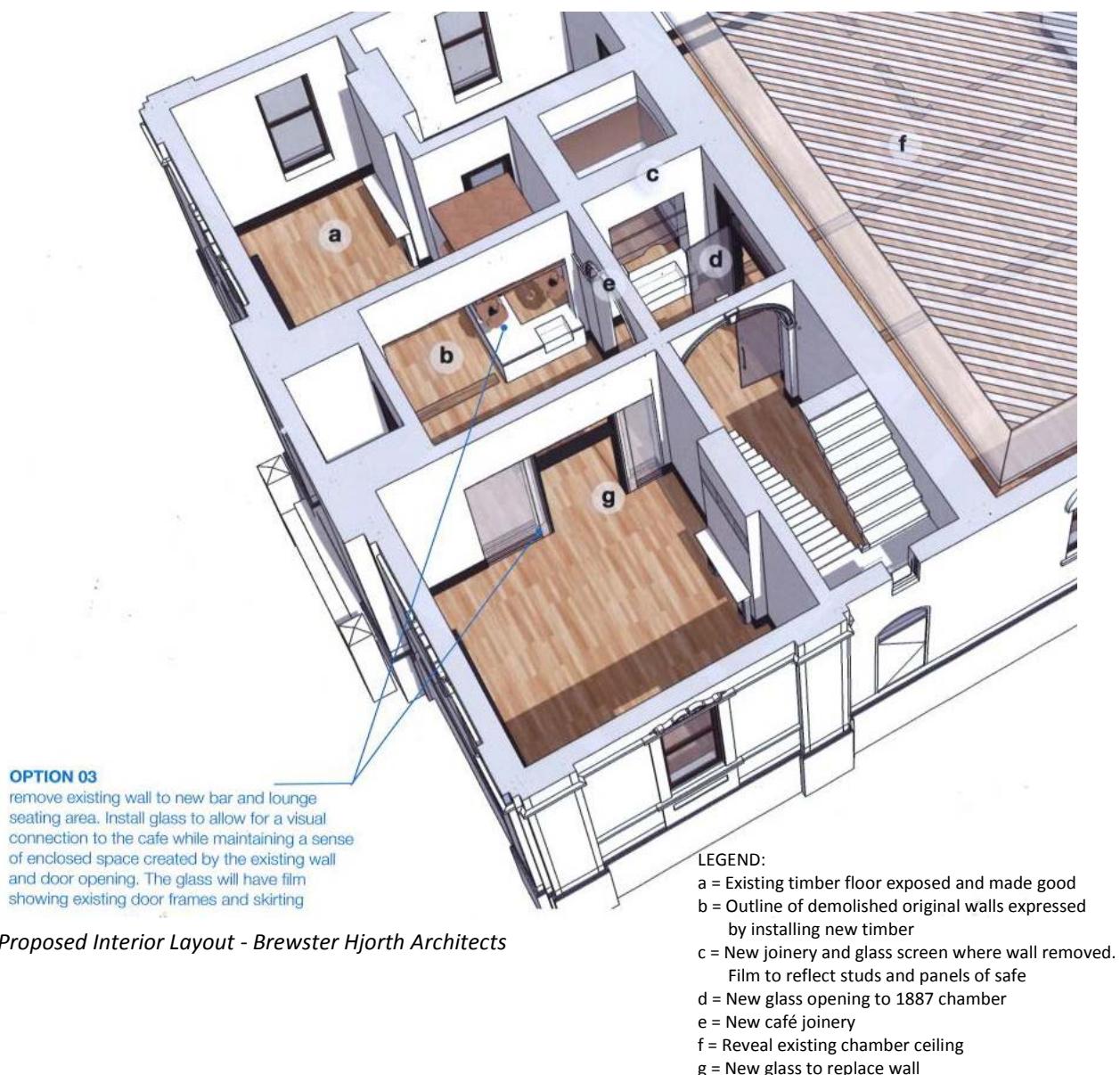
The initial application did not document the design evolution process that investigated options as to whether the internal walls could stay. The architect reconsidered the need to remove the internal walls, and has provided plans showing options for retention, partial retention using glass partitions and removal of walls. The options considered include:

1. Removal of existing wall to new bar area and lounge seating area to create open connection between spaces.
2. Remove existing wall to new bar and lounge seating area. Install glass wall to both sides to

replace existing, to allow for a visual connection to the cafe while maintaining a sense of enclosed space created by the existing wall and door opening. The glass will have film showing existing door frames and skirting.

3. Remove existing wall to new bar and lounge seating area. Install glass to allow for a visual connection to the café while maintaining a sense of enclosed space created by the existing wall and door opening. The glass film showing existing door frames and skirting.

The design intent to achieve a feasible café/bar area acceptable to current market requirements was also a factor in the considerations. The preferred outcome, proposed by the architect and agreed to by the independent Heritage Advisor, is Option 3 as described above and shown in the image below. This option provides a glass partition/opening between the café servery area and the room in the south-western corner of the building. It was agreed that demolition of other internal walls, such as the wall to the new bar and lounge seating area was acceptable. The removal of the walls will create a connection between the café and seating areas. The outline of the demolished walls would be expressed by installing new floor timber along the line of the wall.



2.2.2 Safe/Strong Room

The area originally occupied by a safe/strong room is proposed to be converted to a box office. A number of options were considered for this small area. Retention as a safe/strong room was not considered feasible. The conversion to a box office requires the removal of part of a wall to provide a counter area plus conversion of the door to allow entry into the box office. This design approach was considered an appropriate use for this small area that retains the scale of the original space as an adaptive re-use.

2.2.3 Chimneys

Consultation with the independent Heritage Advisor confirmed that any need for replacement of the chimney would be subject to further review after detailed design plans are finalised.

2.2.4 Timber Floors

The existing timber floors are to be retained, subject to their condition.

2.2.5 Parquet Floor

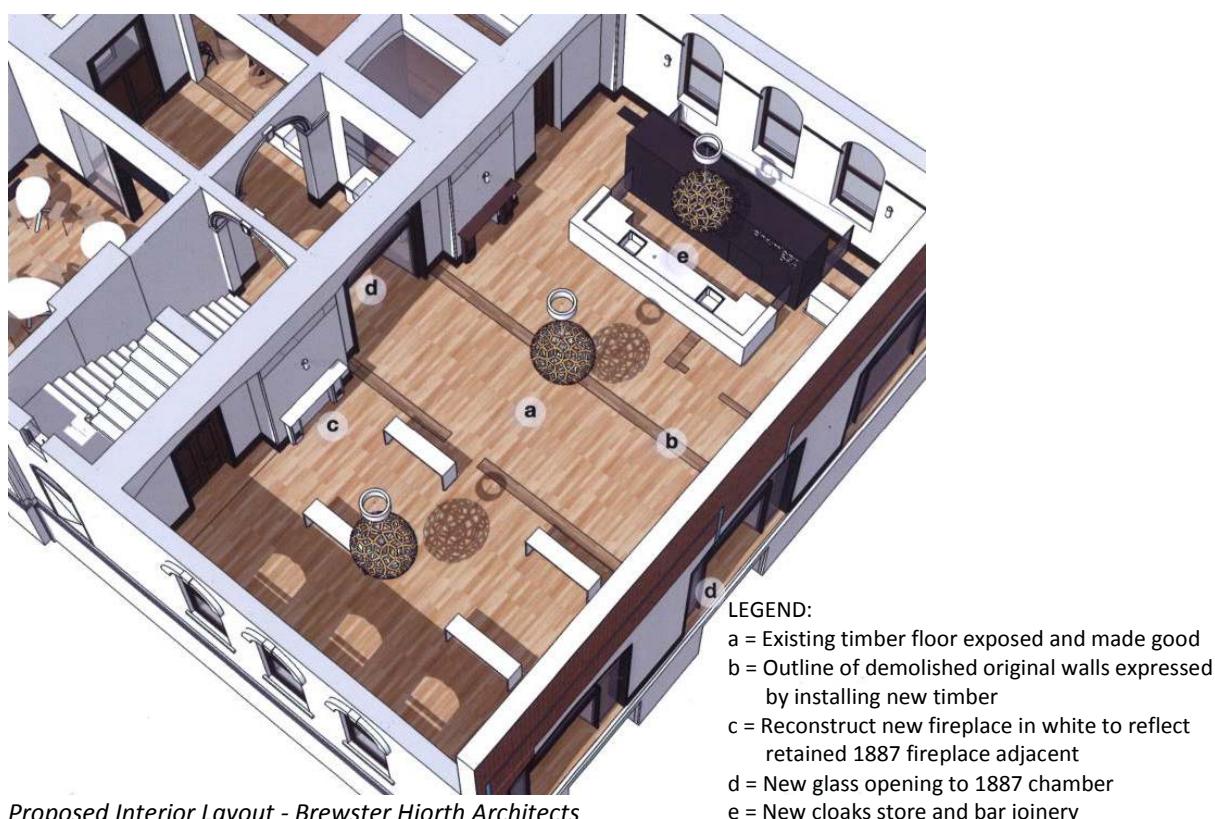
A parquet floor is proposed in the foyer area, with the original room layout shown on the floor in a darker colour, consistent with agreed heritage practice.

2.2.6 Ceiling

The existing ceiling in the chamber will be removed to re-instate the original curved ceiling.

2.2.7 Foyer

The potential to re-use /reconstruct art deco elements into the foyer area was subject to detailed review. The preferred design response was to prepare a separate Interpretative Signage Strategy for the new PAC. This is detailed in Section 2.3 below.



2.2.8 Double Doors

The design approach to the transition from the 1887 building into the new foyer for the PAC was subject to review. This included assessment of the opportunity to re-use an existing set of double doors. The preferred solution was to establish the three doorways with arches reflecting the original design.



Proposed Doorways into Foyer Area – Brewster Hjorth Architects

LEGEND:

- a = Existing brick wall to 1887 building exposed in new foyer
- b = Rendered wall where 1936 building removed
- c = Install new glass opening to 1887 Chamber
- d = Interpretive graphic outline of demolished 1937 building.

2.2.9 External Elevations (Rear)

The colour selection for the top two rows of panels has been adjusted to reflect a grey colour. This is further addressed in Section 2.5 below.

2.2.10 Post Office Elevation

A range of opportunities for the elevation along the Post Office side of the building to reflect that represented in the 1936 addition were considered as part of the design review. Replication of the original façade was considered. However, there were too many openings along this elevation to retain any of the original façade. In addition, excavation for sewer main relocation and the basement for the new building, plus service entry points prevent retention of the 1936 façade. Instead, a detailed Interpretative Strategy was developed to reflect the various facets of the history of the site and building and represented throughout the new PAC. Details of this Interpretative Strategy are provided in Section 2.3 below.

2.2.11 Corian Wall

The white corian cladding with backlighting adjacent to the State Office Building has been deleted from the design and does not form part of the development.

2.2.12 Laneway

The area between the PAC and Post Office is the subject of a separate detailed landscape design being commissioned by Council. The design will include paving, street furniture, murals, poster panels artwork and the like. It is considered that this outcome can be assured through imposition of a condition of approval for this development.

2.2.13 Metal Sheet Cladding

The metal sheet cladding to the rear fly tower has been revised to include a vertical split in the cladding to reduce the visual bulk when viewed from the Court House. This is considered an acceptable design solution. This issue is addressed in further detail in section 2.5 of this report.

2.2.14 Landscape

Detailed design of public realm area at the front of 1887 building is to be the subject of separate detailed landscape design commissioned by Council. It is intended that the landscape design will be consistent with the landscaped areas shown in images of the original building. It is considered that this is appropriately addressed through the imposition of a condition of development approval.

2.2.15 Design Development

The project architect has prepared further 3D models detailing the changes to the building.

2.2.16 Further Design Work

Resolution of each of the Heritage issues has been achieved without the need to prepare a new Statement of Heritage Impact or Conservation Management Plan. As such, the CMP and SoHI submitted to the JRPP on 27 July 2017 are still relevant to this modified development proposal.

2.2.17 State Office Building

Council will liaise with the State Office Building owners to agree on a more suitable colour scheme, the next time the State Office Building is due for re-painting.

2.2.18 Attic

The attic could not be used for an active purpose due to BCA requirements and was proposed to be closed off. However, it could be used for storage of some heritage items.

2.2.19 Schedule of Conservation Works

The Council is to prepare a detailed schedule of conservation works for the whole building, based on the Conservation Management Plan. This matter is included as a recommended condition of approval.

2.2.20 Safe keeping of appropriate elements

A condition of development approval is proposed to be included to ensure elements of the building are moved to a suitable site (or the attic) for safe-keeping, interpretation and possible adaptive re-use.

2.2.21 Archival Record

An Archival Record has been completed and forms part of the supporting documents to the Development Application. The Archival Record is a detailed account of the history of the site and buildings, including:

- Outline of the history of the item, associated sites, structures and people
- Statement of Heritage Significance
- Inventory of Archival Documents related to the item, their location, when available & references

- Location Plan, Base plans
- Colour photographic record
- Measured drawings (site plan, floor plan roof plans)

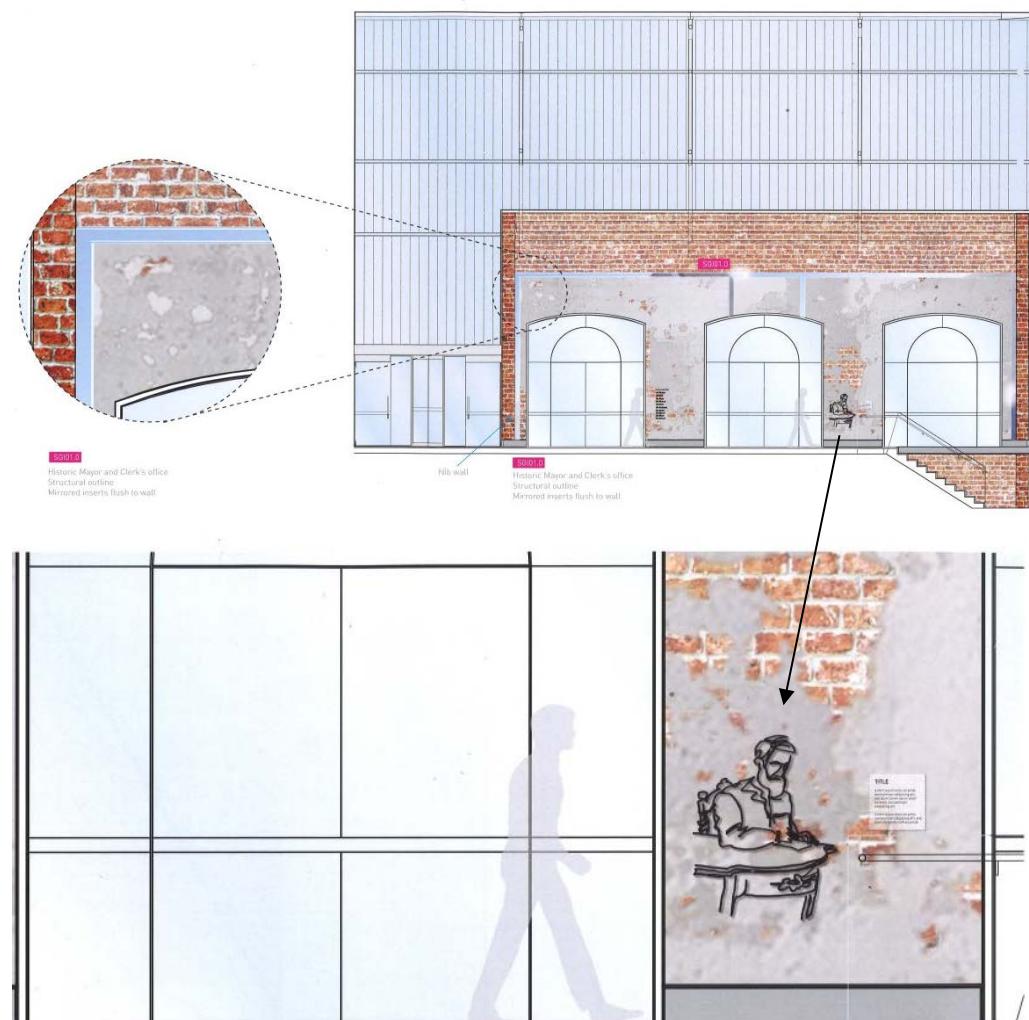
2.2.22 Heritage Act Requirements

An approval has been granted by the Heritage Office in accordance with s140 for the archaeological excavation works required as part of the development.

2.3 Interpretation Strategy

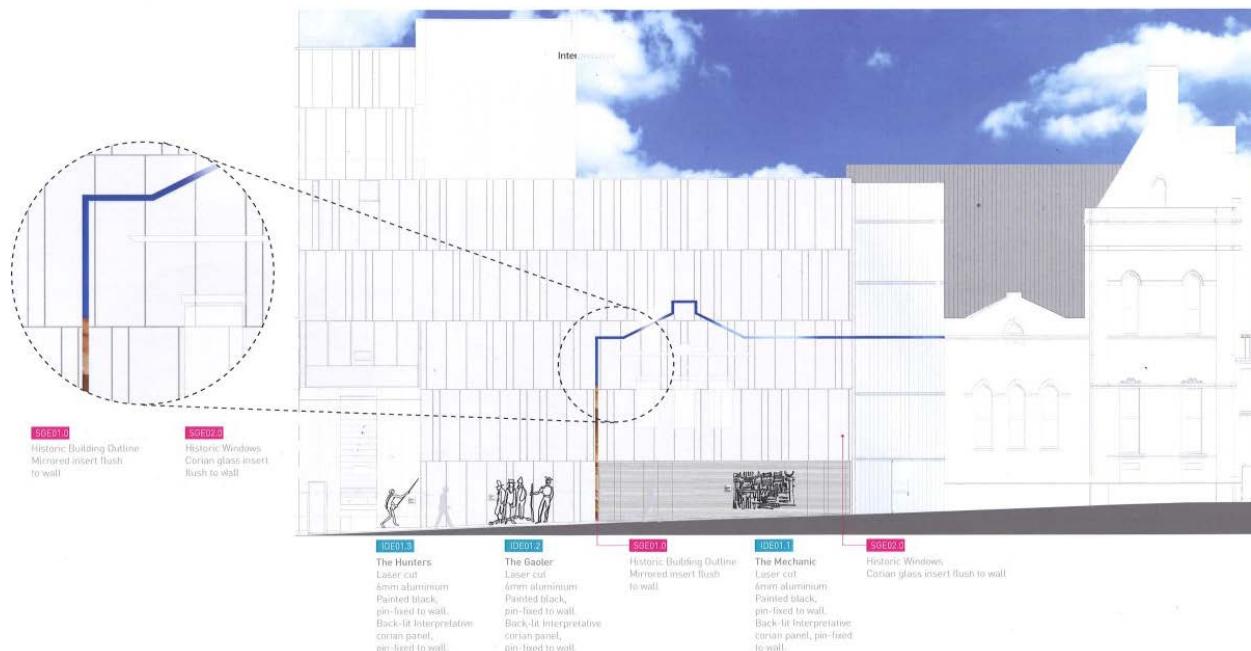
In response to suggestions that a detailed Interpretation Strategy be prepared, Brandculture Communications were engaged to prepare Concept Designs for an Interpretative Strategy. The result is a series of images that identify each of the major 'players' throughout the history of the site (e.g. aborigines, gaolers, firemen, municipal, army, citizens, and thespians). The strategy represents each of these 'players' through line drawings that will be developed into public art works to be established at relevant sites around the PAC.

For example, a drawing of a municipal officer will be added to the interior wall of the former Mayor and Town Clerks Office. This will include a small plaque identifying the former use of the particular space. In addition, the outline of the original office will be identified using mirrored inserts flush to the wall. Refer image below.

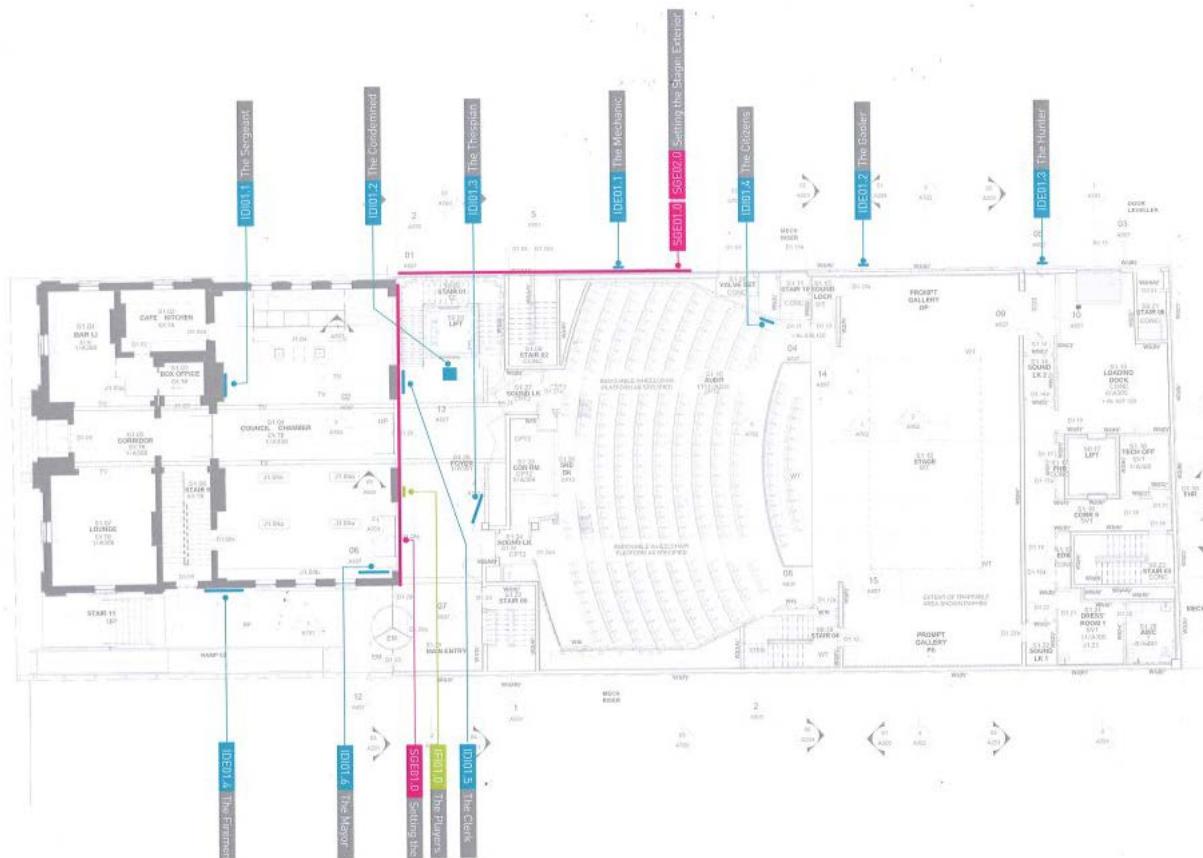


Brandculture – Interpretative Strategy detailing former Mayor and Town Clerks Offices.

In addition, the outline of the 1936 building will be reflected in the new PAC external elevation using mirrored insert flush to the wall, with the opportunity for the original building outline to be illuminated at night. This elevation will also include drawings of the historical 'players' such as the gaolers and mechanics.



Brandculture – Interpretative Strategy detailing elevation of building.



Brandculture – Interpretative Strategy detailing sites for drawings of 'players'.

2.4 Summary of Independent Heritage Advice

The Independent Heritage Consultant provide a further report on 21 November 2017, refer Attachment B.

The report concludes that the architects and their consultants have taken considerable steps in meeting the concerns of the JRPP and the Heritage Consultant in relation to ensuring the proposal has an acceptable impact on the heritage significance of the site and the 1887 and 1937 buildings and associated cultural significance.

The report recommends the imposition of the following conditions:

- A photographic archival record is prepared which is consistent with the Heritage Division Guide and prepared by a professional photographer with skills and experience in this task.
- Option 01 for the rear elevations is adopted.
- A full schedule of materials and colours for the exterior and interior is developed and presented for approval during the design development stage and prior to construction
- An alternate material is nominated for the ground level treatment to Post Office Lane. to replace the use of metal sheeting and presented for approval during the design development stage prior to construction.
- A series of retained elements from the 1937 art deco Council Chamber is curated into a design for erection within the proposed new foyer and presented for approval during the design development stage prior to construction.
- The Interpretation proposal by Brandculture is developed during the design development stage and presented for approval prior to construction.

The Council have accepted the recommendations of the Independent Heritage Consultant and all of the recommendations have been incorporated into the recommended conditions of approval provided at Attachment A.

2.5 Height of buildings

The initial report to the JRPP meeting on 27 July 2017 identified that a height limit of 15m applies to the site under clause 4.3 of the LEP.

The Application seeks a variation to this development standard in respect to:

- The proposed fly tower has a maximum height of 21.7m, and
- The adjoining back of house section has an approximate height of 20.3m.

Clause 4.6 of the Goulburn LEP provides opportunity for development proposals that exceed development standards to be considered in certain circumstances. Clause 4.6 aims to provide an appropriate degree of flexibility in applying certain development standards to particular development, and achieve better outcomes for and from development by allowing flexibility in particular circumstances.

It is considered that the request for relaxation of the 15m height limit for this development proposal is consistent with the objectives of Clause 4.6 having regard to the particular circumstances of the PAC requiring a height above the 15m limit for operational purposes.

Clause 4.6 (3) requires the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

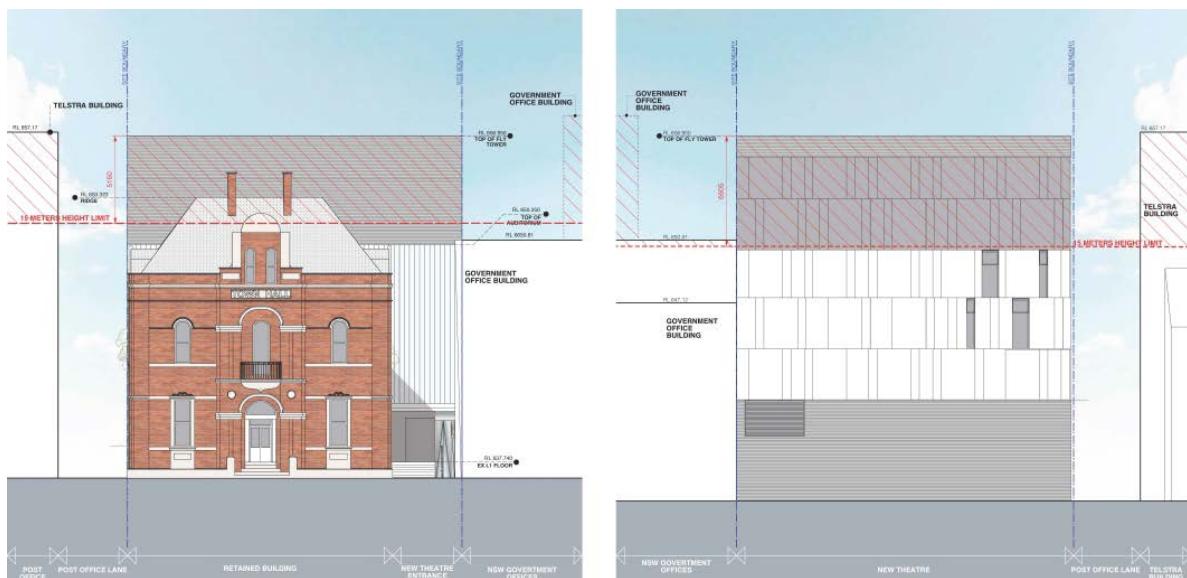
- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has provided a written submission justifying the contravention of the development standard. The submission demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposed performing arts centre is a community facility with strong community support and the operation of the centre relies on meeting standards for the performing arts which necessitates a fly tower with a height of 21.7m, and the adjoining back of house section having an approximate height of 20.3m.

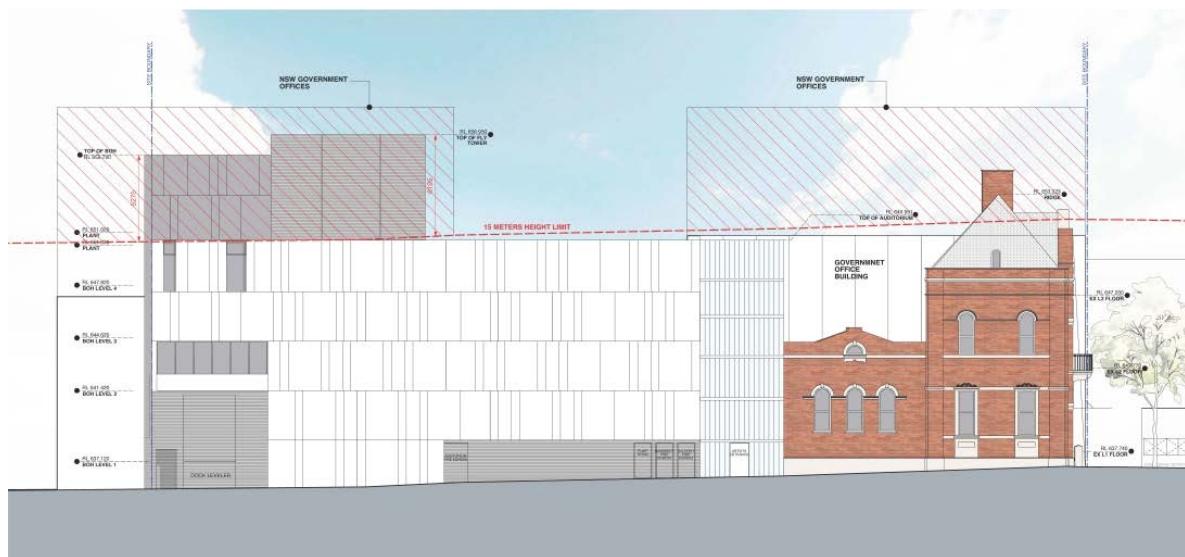
The applicant has confirmed that the height of the building has been subject to design review and options to reduce the height of the building were explored. However, alternative design outcomes adversely affected the operation of the building as a performing arts centre.

The two building elements that exceed the height limit are shown in the elevations below. The revised design shows the metal sheet cladding of the fly tower divided into three vertical elements. This approach is intended to reduce the visual bulk of the fly tower. The materials and colours for the 'back of house' section has been reviewed and it is now proposed to use white perforated equitone fibre cement panel to reflect the slate roof of the original building.

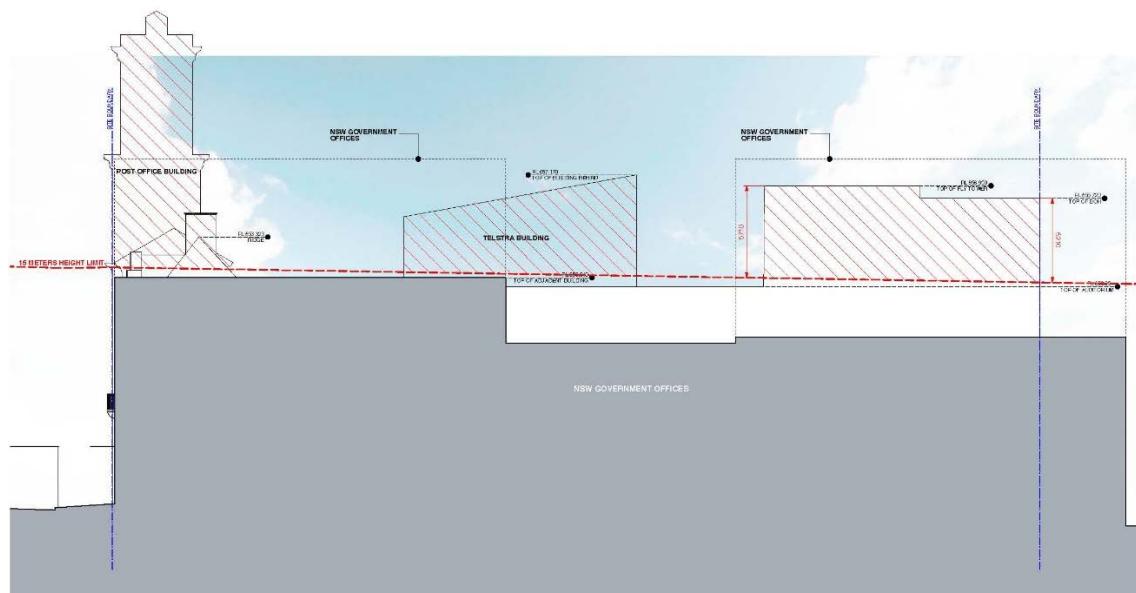
Refer images below.



Front + Rear Elevations showing Fly Tower height and Back of House Elements. Brewster Hjorth Architects



Side Elevation showing Fly Tower height and Back of House Elements. Brewster Hjorth Architects



Side Elevation. Brewster Hjorth Architects

The building elements that exceed the LEP height limit are at the rear of the proposed building and are designed to be read as a roof element, rather than an extension of the external wall of the building. The impact of these building elements when viewed from Auburn St and most public places is negligible. The key impact is the vista from Montague St incorporating the Court House.

The photo montages below show the proposed building to the rear of the Court House. The higher building elements sit in the context of an existing telecommunications building plus an existing utilities structure associated with the State Office Building.



Photomontage – View from Montague St- Brewster Hjorth Architects

Clause 4.6 (4) requires the development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The applicant's submission adequately addresses the matters required under Clause 4.3(3) and is considered to be in the public interest. Assessment against the objectives of the development standard zone and the objectives of the zone are detailed below.

The objectives under Clause 4.3 of the LEP detail specific objectives in relation to building heights and provide the framework for consideration of this proposal to vary the building heights. The objectives of clause 4.3 are:

- (a) *to ensure the height of buildings complements the streetscape or the rural character of the area in which the buildings are located,*
- (b) *to protect the heritage character and significance of buildings and avoid an adverse effect on the integrity of heritage items,*
- (c) *to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.*

With regard to objective (a) – the building is located in the Goulburn CBD so the reference to rural character is not relevant. The height of the building does not detract from the character of the Auburn St streetscape as the higher elements are at the rear of the building set back from Auburn St view lines. In this regard the proposal is not inconsistent with objective (a).

With regard to objective (b) – the proposed building is set within a locality of significant heritage buildings, particularly the Court House, Post Office and the McDermott Centre itself. Ideally any new building would sit lower than other significant buildings surrounding it. However, this has been the subject of a design review and reduction in height is not achievable. The potential to 'frame' the new building using higher elements of the adjoining buildings (such as the utilities structure of the State Office Building or telecommunications building of the Post Office) was considered. However, these other adjoining structures are not considered to be of such merit as to warrant the proposed new building to be 'subservient'. The new building will be similar in height to the above structures but constructed in materials and colours to contemporary design, but incorporating aspects that reflect heritage values, such as panel colours reflecting the slate roof of the McDermott Centre.

With regard to objective (c) – the proposed building does not create adverse impacts in relation to privacy, overshadowing or access to sunlight. The amended design, including the vertical splits in the metal sheeting and the use of white perforated panels over the upper portion of the back of house plant room, is considered to reduce the visual bulk of these building elements. In this regard the proposal is consistent with objective (c).

The objectives of the zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses which serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To reinforce the status of Goulburn as a regional centre.*
- *To ensure the scale and density of development complements the desired future character of the commercial core.*
- *To protect the historic importance of Goulburn and protect heritage integrity of its historic built form.*

Although all of the above objectives are relevant to the development proposal and this was addressed in the initial report to the JRPP (refer Attachment C, p10), the following specifically considers the key objectives in relation to the height of the building.

It has been stated above that the design review confirmed that alternative design outcomes that would comply with the height limit do not achieve a functional performing arts facility. As such compliance with the height limit would prevent the development from proceeding and this would not achieve the objective of increasing the range of entertainment and community uses within the commercial area. The assessment of the heritage impact is considered under Section 2.2 above and, as such, it is considered that the proposed height of the building is consistent with the objective to protect the heritage integrity of the built form.

Clause 4.6 (4) + (5) relates to the concurrence of the Secretary of the Department of Planning & Environment and the matters that must be considering in granting concurrence. The concurrence of the Secretary can be assumed by the Council (and in this case, the JRPP) in this circumstance. The proposed contravention of the development standard does not whether contravention of the development standard does not raise any matter of significance for State or regional environmental planning, and there is no public benefit of maintaining the development standard in relation to this specific development proposal.

The ‘five part test’

In summary, the proposed variation to the height limit development standard is considered to be acceptable in this case and addresses the relevant matters set out in the ‘five part test’ established by the NSW Land and Environment Court, as follows:

1. *the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *the development standard has been virtually abandoned or destroyed by the council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

The objectives of the development standard are achieved as the height of the building is consistent with the streetscape character, the impacts on the heritage character and significance of buildings is minimised and, the height of the building is acceptable in terms of amenity, visual bulk, access to sunlight, privacy and views.

Existing development on the site, plus each of the buildings on adjoining sites all exceed the 15m height limit.

2.6 Disabled Access

The proposed development is consistent with the requirements for access for the disabled. The DA plans were reviewed by iAccess Consultants who confirmed that recommendations and requirements of the Access Report have been incorporated into the Development Application Documentation. The access consultant also advised that the building will satisfy the requirements of Part D3 of the National Construction Code 2016 and address the Disability Discrimination Act 1992.

In addition to the above, the capacity to provide parking for disabled persons immediately adjacent to the building entry was reviewed by the Council. A revised parking plan has been prepared that provides 4 parking spaces for disabled persons in Auburn St. These spaces have an accessible path of travel to the building entry. Additional details are provided in the Car Parking and Access Management Plan prepared by the applicant.

2.7 Approval Conditions

The draft Conditions of approval have been modified to incorporate changes to the building design, further comments by the independent Heritage Advisor as well as recommendations from the July JRPP meeting, including:

- conservation of the heritage values
- dilapidation report
- works to stop should items of archaeological significance be discovered

The draft Conditions are provided at Attachment A.

3 S79C Assessment

The initial report to the JRPP provided a detailed assessment of the proposal against the provisions of the various statutory planning documents, including:

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policies
- Draft Local Environmental Plans
- Zone Objectives
- LEP development standards
- Heritage conservation
- DCP and Strategies
- Roads Act 1993
- Heritage Act 1977
- Likely impacts of the development

The assessment provided in the initial report in relation to the above (except as detailed in Section 2 of this report) remain relevant to the assessment of the DA. The initial report is provided at Attachment C.

4 Consultation

The DA was publicly notified in accordance with Council's DCP. The community consultation process including direct liaison with community groups, media releases, newspaper advertisements and public meeting which attracted a significant level of attention. Submissions were received both in support and opposing the proposal. It is understood that a public meeting attended by approximately 200 people was reported to have about 80% of attendees in support of the proposal. Notwithstanding this, a number of submissions expressed concern for reasons which are listed below:

- Access and parking
- Site suitability; alternative site options
- Construction impacts
- Capacity of the venue

These issues were addressed in detail in the initial report presented to the JRPP (refer Attachment C). Some of the individuals opposing the development made presentations to the JRPP at its July meeting.

4.1 Further Community Consultation

Subsequent to those presentations, the consultant planner has contacted each of those who made representations to further discuss their key concerns and explain the further actions of Council since the JRPP meeting. Three meetings were held at the McDermott Centre on 12th October 2017 in addition to one detailed telephone discussions.

The main issues raised in the telephone discussions were:

- The site is too small for the proposed development
- Alternative design could be achieved with a lower overall height
- Height limit should be consistent with line of sight from a person standing in Montague St with the State Office Building forming the skyline
- Raked seating is permanent, a retractable seating configuration on a flat floor would allow wider range of uses
- On-site parking for 20 cars was possible
- Use on laneway as a loading dock is not feasible due to need for access to rear of Court House
- The application does not address structural issues or geo-technical issues
- Seating for disabled persons is inadequate and should be permanent
- The proposed design is not the cheapest option for construction
- The attic should be used, with access via a lift
- The levels on the DA plans are not correct

The above comments were made in the context of alternative design plans being drafted by the objector. The proposed development clearly maximises site opportunities but it is not considered an over-development of this CBD site. The alternative design proposals are not the subject of this Development Application and it is the plans submitted with the DA that must be assessed. The levels

shown on the architect plans show the various floor levels of the proposed building and its relationship to the adjoining State Office Building. The impact on the central courtyard area of the State Office Building is considered to be minor.

The main issues raised in the meetings were:

Meeting 1:

- Site for the building is not appropriate, mainly due to limitations on parking
- There is insufficient parking for disabled persons
- No opportunities for future expansion
- The construction works will have a negative impact on business (trucks, dust, noise etc)
- The use of the laneway will create ongoing problems
- The cost of the building is too high
- The current users of the McDermott Centre have lost their central meeting place having been relocated to other facilities throughout the city.

The parking issue is addressed in this assessment report together with the Car Parking and Access Management Plan, provided by the applicant. The construction impacts can be addressed through a Construction Environmental Management Plan which is recommended as part of the conditions of approval.

Meeting 2:

- There is no parking for performers, staff and back-of-house people. Long stay parking is required
- Parking is tight at present and the increased demand for at least another 180 car spaces during performances will have a negative impact on businesses
- School performances and rehearsals will most likely occur during business hours so there will be a need for parking for parents and others at these times.
- There needs to be improved lighting and paths to the centre
- There has been a lack of consultation with businesses

The DA was subject to community consultation, which is outlined in the initial DA Assessment Report (refer Attachment C). The need for improved access throughout the CBD is identified in the CBD Master Plan and CBD Parking Strategy. This issue is not confined to the subject development and is best addressed as part of implementation of Council's broader strategies. The parking issue is addressed in this assessment report together with the Car Parking and Access Management Plan submitted by the applicant.

Meeting 3:

- There are a number of alternative site options that would better accommodate a Performing Arts Centre
- A boutique theatre on this site would be better
- Objection to demolition of 1936 building
- There is no site space for construction activities

- Main entry to the theatre at the side is a poor outcome
- The Post Office Lane is already used by Post Office parcel services, Telstra and Court House. Delivery trucks to PAC will prevent other users
- The stone pillar at the Montague St entry point to the laneway will need to be relocated and the Camphor Laurel tree will be affected. This are important to the heritage of the Court House.
- There is no land for parking

The identification of the subject site as the preferred site was the outcome of a site selection process initiated by Council. A number of alternative sites were considered including the ceramics building at the Conservatorium of Music site, conversion of space at GMCs Civic Centre, and construction of a new building on St Saviours Cathedral common. The McDermott Centre site was chosen as an adaptive reuse proposal and for long term community use. It is quite common for individuals to have a preference for other sites based on the specific emphasis they place on aspects of the development. The selection of the subject site within the CBD is considered to provide broad economic and social benefits through increased activity in the CBD and potential for patrons of the PAC to visit other businesses before or after the performances.

4.2 DA Referrals

The DA was referred to various external Agencies as well as relevant sections within Council, including:

▪ Water NSW	▪ Trade Waste Officer
▪ Roads and Maritime Services	▪ Development Engineer
▪ Department of Industry (Lands)	▪ Utilities
▪ The Goulburn Heritage Group	▪ Council Heritage Advisor
▪ Building Surveyor	▪ Independent Heritage Advisor
▪ Environmental Health Officer	

Each of the above Agencies indicated support for the development with any issues incorporated into the recommended draft conditions of consent.

5 Conclusion

The proposed development was the subject of an initial assessment report presented to the JRPP at its 27 July 2017 meeting. The initial assessment report considered the various statutory provisions relevant to the project.

Subsequent to the decision of the JRPP to defer determination of the DA pending resolution of issues in respect of:

- Carparking
- Heritage
- Building Height
- Approval Conditions (disabled access)

These matters have been addressed in this report for consideration of the JRPP.

Car parking concerns have been addressed through further detailed parking surveys undertaken by the Council together with a range of parking management measures including (but not limited to) use of courtesy buses, use of shuttle bus, drop-off / pick-up area provided at the front of the site, and increased parking for disabled persons in Auburn St. It is concluded that parking arrangements and the Parking Management Plan addresses the requirements for parking and access to the PAC.

Heritage issues have been subject of further design review by the project architect and a number of meetings involving the independent heritage advisor, project architect, consultant planner and Council Officers. A series of matters were the subject of review and the resolution of these issues are outlined in Section 2.2 of this Report. It is concluded that the amended design and Interpretative Strategy present a positive approach to reflecting the heritage values of the site.

The building height was also subject to design review and further assessment against the provisions of Clause 4.6 of the LEP and the associated objectives. The result of this further assessment is provided at Section 2.5. It is concluded that the proposal to vary the height limit applicable to the subject site is warranted.

The recommended conditions of approval have been amended to incorporate changes to the building design, further comments by the independent Heritage Advisor as well as recommendations from the July JRPP meeting, including:

- conservation of the heritage values
- dilapidation report
- works to stop should items of archaeological significance be discovered

It is therefore recommended that the Southern Joint Regional Planning Panel grant consent to DA/0185/1617 subject to the conditions provided in Attachment A.

Attachments

Attachment A: Recommended Conditions of Approval

Attachment B: Report of Independent Heritage Consultant, David Scobie Architects 21 November 2017

Attachment C: Original DA Assessment report submitted to the JRPP meeting on 27 July 2017

Attachment A

Recommended Conditions of Consent

ATTACHMENT A

SCHEDULE OF CONDITIONS

GENERAL CONDITIONS

1. The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below except where modified by any following condition.

Reference/Dwg No	Title/Description	Prepared By	Date
A000	Cover Sheet	Brewster Hjorth Architects	22/11/16
A010 (Rev B)	Site Analysis	Brewster Hjorth Architects	22/11/16
A100 (Rev B)	Site Plan	Brewster Hjorth Architects	22/11/16
A101 (Rev B)	Demolition Plan	Brewster Hjorth Architects	22/11/16
A110 (Rev C)	Level 0 Floor Plan (Basement)	Brewster Hjorth Architects	10/11/17
A111 (Rev D)	Level 1 Floor Plan (Ground Floor)	Brewster Hjorth Architects	10/11/17
A112 (Rev D)	Level 2 Floor Plan	Brewster Hjorth Architects	10/11/17
A113 (Rev C)	Level 3 Floor Plan	Brewster Hjorth Architects	10/11/17
A114 (Rev C)	Level 4 Floor Plan	Brewster Hjorth Architects	10/11/17
A115 (Rev C)	Level 5 Floor Plan	Brewster Hjorth Architects	10/11/17
A116 (Rev C)	Roof Plan	Brewster Hjorth Architects	10/11/17
A200-A202 (Rev C)	Elevations	Brewster Hjorth Architects	09/11/17
A210 (Rev C)	Section 1	Brewster Hjorth Architects	10/11/17
A211 (Rev C)	Sections 2 & 3	Brewster Hjorth Architects	10/11/17
A220 (Rev A)	Section J (Energy Efficiency) calculations	Brewster Hjorth Architects	17/11/16
A300-A302 (Rev B)	Artist Impressions	Brewster Hjorth Architects	22/11/16
A400 (Rev B)	Shadow Diagrams	Brewster Hjorth Architects	22/11/16
A500 (Rev A)	Materials	Brewster Hjorth Architects	08/12/16
C100 (Rev 1)	Civil Excavation Plan	Northrop Consulting Engineers	18/10/16
IAC-558	Access Report	iAccess Consultants	17/11/16
160301	BCA Report	Blackett Maguire & Goldsmith	12/08/16
	Statement of Heritage Impact	GBA Heritage	09/12/16
	Conservation Management Plan	GBA Heritage	09/12/16
HR/C8315	Geotechnical Report	Northrop Consulting Engineers	15/09/16
21616	Waste Management Plan	Brewster Hjorth Architects	28/11/16
88339	Contamination Report	Douglas Partners	07/10/16

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the conditions of this approval prevail.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. Photographic recording of the existing building on the site is to be provided to Council prior to any demolition or works around the building on the site. The recording is to be undertaken in accordance with the NSW Heritage Office document '*How to Prepare Archival Records of Heritage Items*' and prepared by a professional photographer with skills and experience in this task.
3. A Schedule of Conservation Works is to be prepared and approved prior to commencement. The Schedule of conservation works must be completed prior to the issue of a construction certificate. The Schedule of Conservation Works shall address opportunities to store elements within the attic of the original building and/or storage off site safe-keeping, interpretation and possible adaptive re-use
4. A series of retained elements from the 1937 art deco Council Chamber is curated into a design for erection within the proposed new foyer and presented for approval during the design development stage prior to construction
5. An alternative material is nominated for the ground level treatment to Post Office Lane. to replace the use of metal sheeting and presented for approval during the design development stage prior to construction
6. A full schedule of materials and colours for the exterior and interior is developed and presented for approval during the design development stage and prior to construction
7. The Interpretation proposal by Brandculture is developed during the design development stage and approved prior to the issue of a construction certificate.
8. Prior to the issue of a Construction Certificate, the applicant shall submit to Council for its approval a Community Engagement Plan. The plan shall contain details in relation to engagement strategies and platforms, stakeholders and timeframes.
9. Prior to the issue of a Construction Certificate, the applicant shall submit to Council for its approval a Construction Environment Management Plan.

The plan shall demonstrate how the impact of construction activities upon neighbouring properties, residents and land users will be minimised throughout the construction period and include but not be limited to:

- details of proposed hoardings and scaffolding
- construction traffic management
- construction waste management, including removal of soil from the site
- shoring and excavation
- erosion and sedimentation control
- storage of materials.

The CEMP shall include a Dilapidation Report in respect to adjoining buildings.

The CEMP shall also confirm that all construction and demolition work shall be carried out in accordance with the 'Noise Guide for Local Government' published by the NSW EPA as amended from time to time.

10. Prior to the issue of a Construction Certificate, the applicant shall submit to Council for its approval a detailed landscape plan. This plan is to indicate street furniture, plant species, height and location of plantings. The landscape plan is to include details of the landscape treatment to the

footpath area between the building and the Post Office as well as details on the treatment of the area within Auburn St adjacent to the site. This area shall be designed to reflect, as far as practicable, the landscape treatment at the time of use of the original building.

11. In accordance with clause 145 of the *Environmental Planning and Assessment Regulation 2000*, the plans and specifications submitted with a construction certificate must not be inconsistent with this consent.

12. Plans and specifications demonstrating compliance with the Building Code of Australia are to be submitted with the application for a construction certificate.

13. In accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* compliance with the following prescribed conditions is required:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the Home Building Act 1989
- Clause 98A Erection of signs
- Clause 98C Entertainment venues
- Clause 98D Maximum capacity signage
- Clause 98E Condition relating to shoring and adequacy of adjoining property

14. An Application under Section 305 of the *Water Management Act 2000* is required to be submitted to Council and a Section 306 Notice of Requirements received and satisfied (where required) prior to issue of a Construction Certificate.

15. A schedule of proposed colours and materials is to be submitted with the application for a Construction Certificate. These colours and materials should be sympathetic with the historic character of the locality.

16. A Construction Certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia is required prior to any works commencing.

17. Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the existing building must be fire upgraded to comply with Parts C, D and E of the Building Code of Australia (BCA). Details that show compliance with these Parts of the BCA are to be submitted with the application for a Construction Certificate and approved by the Principal Certifying Authority.

18. The application under S68 of the *Local Government Act* for the trade waste facility and waste discharge is to be made either by the property owner or the proposed discharger with the property owners consent and the following information is to be submitted to and approved by Council as the Water and Sewer Authority prior to issue of a Construction Certificate.

Completed trade waste application forms TW1 and TW2, copies of which can be found on Councils website at the following link. <http://www.goulburn.nsw.gov.au/Water-Information/Application-for-Liquid-Trade-Waste.aspx>

Hydraulic engineer's plans showing:

- a. Grease arrestor location and all drainage connected to the arrestor.
- b. Manufacturer details and model number of all proposed pre-treatment devices, grease arrestor, in sink basket arrestors, floor waste basket arrestors etc.
- c. Details and location of all proposed backflow prevention devices.

19. The developer shall obtain a Section 138 Approval from Council with any RTA concurrence for works within the Classified Road Reserve received prior commencement of the works. Drawings shall

be provided to Council for approval prior to issue of the Construction Certificate / Section 138 Roads Act approval.

20. The construction and fit-out of the premises is to comply with the requirements of the *Food Act 2003*, the Food Standards Code and AS 4674-2004: Design, construction and fit-out of food premises. Details showing compliance shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

21. The design of the Mechanical Ventilation system shall be in accordance with AS1668.2- 2012. Design plans and calculations shall be submitted to Council for the Mechanical Ventilation System where required over cooking equipment and the dishwasher. Plans shall be prepared and Certified by a Mechanical Ventilation Engineer and provided prior to the issue of a Construction Certificate.

22. Lighting within the development are to comply with AS1158.3.1:1999 Road Lighting – Pedestrian Area Lighting – Performance and Installation Design Requirements or such further or other requirements as may be imposed by Essential Energy. For the purpose of residential amenity any external lighting is not to adversely impact adjacent properties by way of excessive light. The intensity of the lighting should be able to be redirected if excessive to adjacent properties. Essential Energy now requires street lighting to be LED.

23. Pursuant to section 94 of the Environmental Planning and Assessment Act 1979, the following monetary contributions are payable to the Council under Goulburn Mulwaree Section 94A Levy Development Contributions Plan 2009, a copy of which may be inspected at the offices of the Council during ordinary business hours or at www.goulburn.nsw.gov.au:

- 1% of proposed cost of construction

The total contribution payable is to be indexed in accordance with the applicable contributions plan between the date of this consent and the date of payment of the contribution.

The contribution is to be paid in full prior to the issue of a construction certificate.

PRIOR TO COMMENCEMENT OF BUILDING WORK

24. Nominate a Principal Certifying Authority (PCA) and the PCA is to notify the consent authority and Council of their appointment, two (2) days prior to commencing work.

25. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

26. A sign is to be erected on the development site, which shows the Builder's name and contact details and the Principal Certifying Authority for the development.

DURING CONSTRUCTION AND DEMOLITION

27. In the event that any item of archaeological significance is discovered during works, work will immediately cease and the proponent shall contact the Council and any other relevant authority. The proponent shall implement any requirements of the NSW Office of Environment and Heritage.

28. Demolition work is to be carried out in accordance with the stamped approved plans AS 2601 and the requirements of SafeWork NSW.

29. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

30. No part of the building including eaves or guttering and the retaining walls are to encroach over the boundaries. The proposal is to be set out by a Registered Surveyor and a Survey Report is to be submitted to the Principal Certifying Authority to ensure compliance with the Development

Application. No part of the development including eaves or guttering and any proposed retaining walls are to encroach over the boundaries or easements. If the Principal Certifying Authority has concerns with the set out of the building a Survey Report may be requested prior to pouring of the slab or once the outer wall location is determined.

31. All construction work shall be carried out in accordance with the 'Noise Guide for Local Government' published by the NSW EPA as amended from time to time.

32. In the event that any areas of potential site contamination are discovered during works (including but not limited to features such as underground storage tanks, pits, dumps, treatment sites or the like), work will immediately cease and the proponent shall contact the Council and any other relevant authority. A suitably qualified Consultant shall be engaged to investigate the likelihood and/or extent of site contamination, and a Contamination Report shall be prepared in accordance with the publication "Guidelines for Consultants Reporting on Contaminated Sites" by the NSW Office of Environment and Heritage).

33. In accordance with the *Plumbing and Drainage Act 2011*, a plumbing and drainage *Notice of Work (NoW)* must be completed and returned to Council for its records, no later than 2 business days before the work concerned is carried out. The *Notice of Work* is to identify what plumbing and drainage work is carried out by a particular plumber/drainer. On completion of the plumbing and drainage work and prior to Council's Final Inspection of the plumbing and drainage work, the plumber/drainer is to submit to Council a *Certificate of Compliance (CoC)* and a *Sewer Service Diagram*.

34. All sanitary drainage, plumbing and backflow prevention is to be carried out in accordance with AS 3500 and the *Plumbing and Drainage Act 2011* and the following stages of construction are to be inspected by Council as the Water and Sewer Authority.

Forty-eight (48) hours notice is required prior to these inspections.

- Plumbing and Drainage before backfilling.
- Pressure testing or waterpipes within the building prior to fixing of linings.
- Final inspection of water plumbing and sewer drainage.

WATER NSW CONDITIONS

35. The site layout and works shall be as specified in the Statement of Environmental Effects (dated 11 January 2017) and shown on the Site Plans (Project: 21616, Drawings A100, A101, A110, A113, A114 and A115, Rev B; dated 22/11/16 and Drawings A111 and A112, Rev C; dated 8/12/16) both prepared by brewster hjorth architects. No revised site layout, staging or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.

36. All stormwater management measures shall be implemented and maintained as specified in the Water Cycle Management Study (dated 2 February 2017) and shown on the Stormwater Management Plan (Dwg. No. 0020217SWMP-01; Ver. A; dated 3 Feb 2017) all prepared by SOWDES Pty Ltd, except where varied by these conditions. The measures shall:

- incorporate inlet filters (Enviropod 200 or Water NSW endorsed equivalent) on all inlet pits, and
- pits shall be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is stabilised.

37. No variation to stormwater treatment or management that will impact on water quality shall be permitted without the agreement of Water NSW.

38. The Conceptual Erosion Control Plan (Dwg. No. 0020217ESC; Ver. A; dated 3 Feb 2017) prepared by SOWDES Pty Ltd shall be updated to the satisfaction of Council prior to the commencement of construction.

39. The Plan shall be implemented and effective erosion and sediment controls shall be installed prior to any construction activity. The controls shall prevent sediment or polluted water leaving the site or entering any stormwater drain and shall be regularly maintained and retained until works have been completed and ground surface stabilised.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

40. All lots subject to the Development Consent shall be consolidated into a single allotment and registered with the Land and Property Information New South Wales prior to occupation.

41. A Traffic Management Plan is to be submitted and approval received from Council prior to the issue of an occupation certificate. Within the document the applicant is to:

- Demonstrate how delivery vehicles are to enter the property and be off-loaded
- Identify traffic controls and temporary parking restrictions in Montague Street
- Demonstrate how bus and coach set-down and pick-up will be managed for weekday matinee events
- Provide details on additional parking spaces for disabled persons adjacent to the site in Auburn St
- Provide details of any proposed drop off zone

42. Written verification demonstrating compliance with the interpretive strategy and schedule of conservation works in relation to heritage conservation is to be accepted and approved by Council prior to the issue of an occupation certificate.

43. The applicant must obtain an Occupation Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building/commencement of the use.

44. Prior to the issue of an Occupation Certificate the draft Operation Environmental Management Plan (OEMP) shall be revised to comply with this consent and submitted for approval by Council. The approved plan shall be implemented for the lifetime of the development on the subject site.

45. A final inspection of water plumbing and sewer drainage must be conducted by Council as the Water and Sewer Authority. Only after advice that the final water and sewer inspection has been completed in a satisfactory manner may an Occupation Certificate be issued. A Compliance Certificate under s307 of the *Water Management Act 2000* is to be obtained from Council prior to issue of the Occupation Certificate.

46. Council's Environmental Health Officer is required to inspect and sign off on the satisfactory completion of the construction and fit-out of the food premises prior to the issue of an Occupation Certificate (whether interim or final).

47. A works as executed drawing of all water plumbing, sewer drainage and stormwater drainage work shall be submitted to the Council at final inspection stage.

48. Prior to the issue of an Occupation Certificate it will be necessary to submit to the Principal Certifying Authority, a Fire Safety Certificate in respect of the fire safety measures installed within the building.

49. A Fire Safety Certificate is to state, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so, and that, as at the date of the assessment, the measure was found to be capable of performing to a standard not less than that required by the schedule to the relevant approval.

50. All exterior lighting associated with the development must be designed and installed in accordance with Australian Standard AS4282.1997 Control of the Obtrusive Effects of Outdoor Lighting so that no obtrusive light will be cast onto any adjoining property.

ONGOING OPERATION

51. The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

52. The owner of the building shall:

- Furnish to the Council an Annual Fire Safety Statement in respect to each essential service installed in the building;
- Ensure that essential services installed within the building are performing to a standard no less than to which the measure was originally designed;
- Ensure the safety of fire exits;
- Ensure doorways and paths of travel are not obstructed;
- Ensure that offences relating to fire exits do not occur within the building.

The owner of the building also shall:

- cause a copy of the certificate to be furnished to Fire and Rescue NSW it is preferred this is done electronically via the following email address afss@fire.nsw.gov.au; and
- cause a further copy of the certificate to be kept at the building.

Attachment B

**Report of the Independent Heritage Consultant
David Scobie Architects
21 November 2017**

**Report to the Joint Regional Planning Panel
Goulburn PAC**

David Scobie Architects

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Report to the JRPP – Goulburn PAC

Joint Regional Planning Panel

C/- Goulburn Mulwaree Council

Via email

Michelle Hughes Executive Assistant - Growth Strategy & Culture

Attention: JRPP, C/- Michelle Hughes Executive Assistant - Growth Strategy & Culture

Tuesday, 21 November 2017

Introduction

The following report documents the further considerations made by David Scobie of the submissions provided by the Architects and their consultants for the GPAC Project. The documents follow a briefing and discussion held at the offices of the Architects followed by a presentation at the offices of the Heritage Consultant.

The documents submitted to the Heritage Consultant Thursday 16th November and considered include the following:

- An Archival Record provided by Dr. Claire Baddeley
- A Heritage Interpretation Strategy provided by the Architects
- Interpretive Signage prepared by Brandculture

The following comments and recommendations are provided in relation to a review of the documents.

1. The Archival record provides a satisfactory coverage of the history and significance of the place, a suitable inventory of records and documents and copies of existing record photos.
 - The Archival record is not consistent with the guidelines provided by the NSW Heritage Division: *How to provide archival records for heritage items*, 1998 and updates. The guide stipulates photographs and their formats and reference plans indicating their locations. This is essential in particular for portions of a building which are to be demolished. It is recommended that a professional photographer with experience in compiling photographic archival records provide a supplement to the existing submission.
2. The heritage interpretation strategy responds to the issues raised by the JRPP and the concerns and recommendations indicated by the Heritage Consultant. The document provides architectural plans, 3D illustrative diagrams and external elevations with four options for the upper levels of the rear elevations.
 - The proposals for the demolition of the internal walls within the entry area and the safe and the mitigation using glass screens and inlays within the floor are acceptable in relation to their impact;

- The proposed removal of the corner chimneys, reinstatement of a single chimney and reinstatement/restoration of the ceiling from the original chamber is acceptable in relation to the heritage impact;
- The lack of expression of any fabric from the art deco building as recommended within the new foyer space, as recommended is noted. This leaves no significant fabric or remnant of the major 1937 extension within the proposal with the entire fabric leaving a false impression relating only to the 1887 building. The earlier Recommendations stands, that elements from the decorative features be curated as an exhibit within the new foyer space.
- The recommendation to re-use the 1937 timber doors has not been adopted and in place glass screens and metal frames are to be provided. This is acceptable on the basis that the joinery is retained on the upper front portion in agreed storage space for future use.
- Four options have been investigated thoroughly for the rear upper portions of the exterior with photomontages provided. Option 01 provides for a perforated series of grey panels at a separate and lower height from the metal clad element. This solution is supported as it provides the least bulk, the lower height and the most visually recessive within the setting.
- The side elevation to Post Office Lane remains externally clad in metal sheeting. As this area was a significant part of the 1937 building and the space is to be used as thoroughfare with interpretive graphics, it is recommended that an alternate material be substituted for the metal cladding which is not acceptable for a substantial public building in an accessible public space. The use of brick recycled from the existing 1937 building to be demolished was nominated earlier and remains the current recommendation.

3. The Interpretive signage proposal by Brandculture

- The proposal includes inserts in the side elevation to Post Office Lane to indicate and interpret the former building. The proposal will indicate the location and extent of the former building and is supported. It does not however obviate the need for the use of additional recycled material as recommended above.
- The proposal indicates the use of laser cut graphics indicating figures suggested through oral and local history. Although preliminary in nature the concept is exciting and has potential for providing an innovative solution which will engage the community.

Conclusion and Recommendations

The architects and their consultants have taken considerable steps in meeting the concerns of the JRPP and the Heritage Consultant in relation to ensuring the proposal has an acceptable impact on the heritage significance of the site and the 1887 and 1937 buildings and associated cultural significance.

The project is considered as being capable of meeting the standards for providing a scheme with an acceptable heritage impact, subject to the following conditions:

- A photographic archival record is prepared which is consistent with the Heritage Division Guide and prepared by a professional photographer with skills and experience in this task.
- Option 01 for the rear elevations is adopted.
- A full schedule of materials and colours for the exterior and interior is developed and presented for approval during the design development stage and prior to construction
- An alternate material is nominated for the ground level treatment to Post Office Lane. to replace the use of metal sheeting and presented for approval during the design development stage prior to construction.

- A series of retained elements from the 1937 art deco Council Chamber is curated into a design for erection within the proposed new foyer and presented for approval during the design development stage prior to construction.
- The Interpretation proposal by Brandculture is developed during the design development stage and presented for approval prior to construction.

David Scobie 20/11/2017

Attachment C
Original DA Assessment report
submitted to the JRPP meeting on 27 July 2017

Assessment Report and Recommendation

Goulburn Mulwaree Council

1 Summary

A development application for the construction of a new Performing Arts Centre including cafe has been received by Council. The application has been assessed in accordance with S79 of the *Environmental Planning and Assessment Act 1979*.

The development application is summarised in Table 1 below.

DA Number	DA/0185/1617
Applicant	Goulburn Mulwaree Council
Owner	Borough of Goulburn (Goulburn Mulwaree Council)
Description of Land	163 Auburn Street, Goulburn Lots 11, 17 & 21, Section 2, DP 758468
Proposed Development	Goulburn Performing Arts Centre: Entertainment facility and food and drink premises including partial demolition of existing building, alterations and additions and adaptive reuse of heritage building
Site area	1140m ²
Land Use Zone	B3 Commercial Core
Estimated Value	\$10.1 million
Variations to Policy	LEP Cl4.3 – Height of buildings DCP s3.4 – Vehicular access and parking
Submissions	19 and petition
Key Issues	Parking, heritage, height limit

Table 1 – Summary of development application

1.1 Recommendation

That the Southern Joint Regional Planning Panel grant consent to DA/0185/1617 subject to the conditions provided in Attachment A.

1.2 Overview

- The proposal is for the partial demolition of, and alterations and additions to an existing building for a Performing Arts Centre and café.
- The development comprises adaptive reuse of the heritage building known as the McDermott Centre (Former Town Hall) continuing the use of the site for community purposes.

- Variation is sought to the parking provisions under s3.4 of the Goulburn Mulwaree Development Control Plan 2009. The proposal will rely on both on and off street parking in the vicinity of the site. No parking is available on the site.
- Variation is sought to the height provisions under clause 4.3 of the Goulburn Mulwaree Local Environmental Plan 2009. The maximum height limit is 15 metres, and a rear section of the proposed building will have an overall height of 21.7 metres.
- The site is located within the Goulburn CBD with existing parking areas within reasonable walking distance and is serviced by public transport including rail, bus and taxis.

1.3 Development Site

The site is regular in shape and comprises three (3) allotments described as Lots 11, 17, and 21, Section 2, DP 758468. Known as the McDermott Centre, 163 Auburn Street has an overall area of 1140m². As shown in Figure 1, the site has both frontage to Auburn Street of 29.5m and rear vehicular access via Post Office Lane off Montague Street. A public pedestrian lane runs between Auburn Street and Post Office Lane along the north western site of the building.

The site is centrally located in the CBD adjacent to the Post Office, Court House, State Government Office building, and the telecommunications exchange building. The site is fully serviced and two sewer mains are located under the existing building. There is consistent fall to the rear of the site which is entirely impervious and does not contain any vegetation.

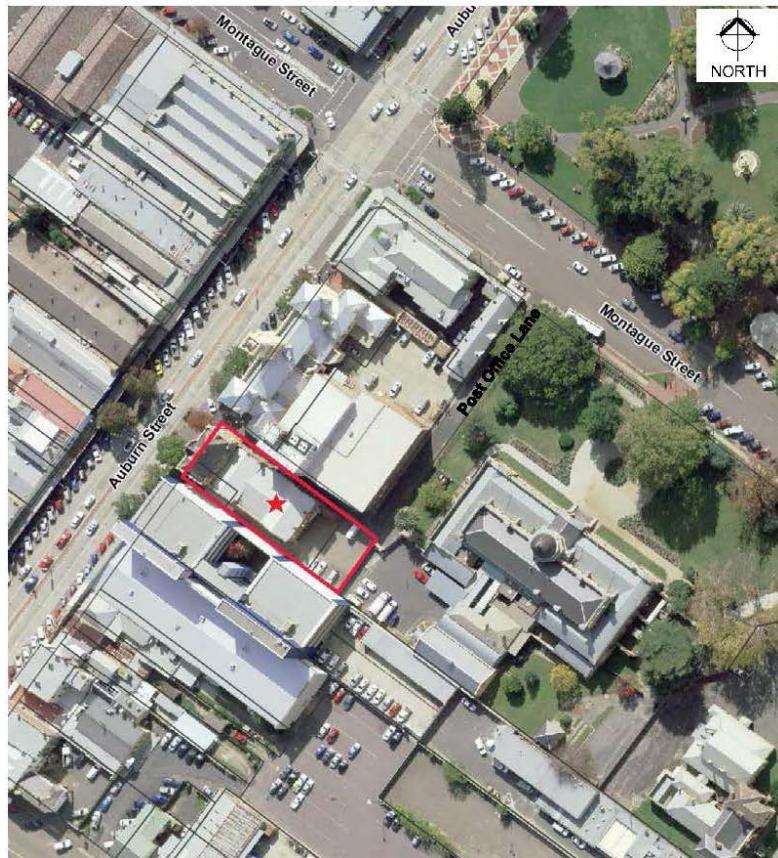


Figure 1 – Development Site



Figure 2 - Photograph of Existing Building

1.4 Site History

The site and the existing building form a significant part of Goulburn's social and built heritage. The history of the McDermott Centre, Goulburn's Former Town Hall is summarised in the excerpt below from the Statement of Heritage Impact prepared by GBA Heritage:

YEAR	EVENT
1887	Construction of the building began to the designs of architect E. C. Manfred
1889	Goulburn Town Hall building officially opened 8 January 1889
1936	Alterations and additions designed by H. C. Manfred (son of original architect) Included: <ul style="list-style-type: none">internal alterations to the 1887 Building – partitioning of the Council Chamber at the rear of the building (original plan shows this as a single space)original front doors of the building replaced with new swing doorsdemolition of the enclosed staircase at the rear of the original building - south eastern elevationrear addition to the building including new council chamber and extension of the basement spaceremoval of front hedge and iron fencing
1937	Council approved plans to: <ul style="list-style-type: none">paint and renovate the front offices, andreplace the front hedge with stone piers topped by ornamental lights flanking the main building entrance
1940s	Air raid shelter built under the building
1990	Council moves out - transfers administration centre to a new Civic Centre The building becomes a community centre and renamed the McDermott Centre
Undated (between 1936 and 2003)	Rear building elevation altered with window converted into a doorway
2003	External staircase added to the back of the building to meet the existing doorway
Undated (circa/post 1936)	Toilets altered, men's and women's toilets switched and new fixtures and fittings inserted into both rooms Removal of an internal staircase from 1936 addition, external doors retained on southern side facade Access ramp constructed along southern side of the 1887 building – to meet the existing doorway 'New' council chamber altered with two fireplaces along the internal rear (eastern) wall removed

Goulburn Mulwaree Council currently uses the McDermott Centre for offices and meeting space, as well as the hub of community activities and information. Community social support programs and day activities are hosted at the site. Since the lodgement of the development application, most user groups and staff run activities have been located to other Council facilities. The remaining Council run activities will relocate in September 2017.

Prior to the construction of the existing building on and around the site, the area formed part of the Old Goulburn Gaol site. Dr Edward Higgenbotham has undertaken an Archaeological Assessment of the site and excavations are required to determine the presence or otherwise of significant artefacts relating to the previous use, including the human remains of Thomas Whitton who was recorded as being hanged and buried in the vicinity of the development site in 1840.

2 Proposed development

The proposed Goulburn Performing Arts Centre is 'local' development. The development is integrated as the site is adjacent to a classified road. The project has a capital investment value over \$5 million and being a Council related development, has been referred to the Southern Joint Regional Planning Panel for determination in accordance with the *Environmental Planning & Assessment Act 1979*.

The key elements of the development are:

- Demolition of the rear 1936 additions of the building;
- Removal of the 1936 partitions and ceilings within the single storey part of the 1887 building;
- Opening of sections of the wall to the entry area of the original Town Hall building;
- Excavation of approximately 1540m³ of site material for construction;
- Construction of a multi-level space to connect the proposed theatre to the existing McDermott Centre building and create a connecting foyer to the theatre;
- Construction of a 420 seat theatre space with fly tower and back of house facilities and technical areas;
- Back of house access from Post Office Lane off Montague Street;



Figure 3 - Artist impression of proposed Goulburn Performing Arts Centre

3 Consultation

3.1 External Referrals

- Water NSW – The development application was referred to Water NSW for concurrence in accordance with SEPP (Sydney Drinking Water Catchment) 2011. The proposal has been assessed as having a neutral or beneficial impact on water and the concurrence of Water NSW was issued on 9 March 2017. The conditions of consent specified by Water NSW have been included in the Draft Conditions of Consent.
- Roads and Maritime Services – Confirmation that RMS had no objections to the development was received on 30 January 2017.
- Department of Industry (Lands) – The development site has been vested to the Borough of Goulburn for the community use. A reservation on the title requires consultation with the Minister prior to changing uses or making significant alterations to the site. Approval from the Minister has been granted for the development to proceed. The approval was conditional on the transfer of the public lane between the Post Office and the development site from the Crown to Council ownership. This process has been completed and the transfer has been gazetted.
- The Goulburn Heritage Group – the development was referred to this interest group who routinely provide an independent view on development proposals involving heritage items or with potential impacts within the Heritage Conservation Area. No objection to the development was received.

3.2 Internal referrals

- Building Surveyor – no objections subject to compliance with prescribed conditions and the National Construction Code.
- Environmental Health Officer – no objections subject to conditions. The proposed food premises is to comply with the Food Standard 3.2.3 and AS4674-2004 Design, construction and fit-out of food premises. The installation of a mechanical exhaust system is to comply with AS1668.2-2012.
- Trade Waste Officer – no objection subject to compliance with conditions issued with Trade Waste Approval. Requirements to be detailed in s306 Certificate.
- Development Engineer – no objections to the development.
- Utilities – no objection to the development subject to compliance with conditions. Details of the requirements for service connections and associated infrastructure to be detailed in a s306 Certificate.

It is noted there is an existing sewer main under the building that requires realignment. This work will be undertaken in conjunction with the archaeological excavation works in the public pedestrian lane between the Post Office and the development site.

- Heritage Advisor – the development is supported by Council's Heritage Advisor subject to conditions. The Heritage Advisors advice, independent review and Applicant response is considered in section 5 of this report.

3.3 Notification and Public Exhibition

The application was notified to adjoining property owners in accordance with section 1.7 of Goulburn Mulwaree Development Control Plan 2009. The development application was also placed on public exhibition between 19 January and 18 February 2017 and advertised in the local paper and Council's website. Four (4) media releases over January and February 2017 were also published encouraging community participation and feedback.

A public meeting was held on 25 May 2017 which was attended by approximately 200 members of the public. It was reported by the Goulburn Post (28 May 2017) that '*conservative estimates gauged about 80 per cent of those in the room appeared to be in favour of the proposed development*'.

Potential community user groups were represented on the Performing Arts Centre Working Party which convened for several months during the development of the design prior to lodgement of the development application.

Nineteen public submissions were received, including one (1) petition. While a number of the submissions were in support of the development proposal, the following is a summary of the issues raised in the submissions and the planning response:

Issue	Response
Access and Parking	The petition and submissions raised concerns about a lack of onsite parking being proposed and parking availability in the CBD. Some submissions also raised concerns about disabled access and parking.

Issue	Response
	<p>The existing development within the CBD, particularly sites containing heritage buildings which contribute significantly to the character of the area and the streetscape of Auburn Street present constraints for compliance with the current DCP provisions for parking. In accordance with the DCP, the calculated parking space demand created by the proposed development is 56 spaces. The proposal relies solely on the existing off and on street parking in the vicinity of the development site. The justification for this is considered in section 5 of this report.</p> <p>Both the Goulburn CBD Masterplan 2008 and the Car Parking Strategy 2016 concluded there is sufficient parking availability within the CBD based on the current population, and make various recommendations for Council to implement to ensure that with population growth and increased activity within the CBD, parking supply is supplemented to address increased demand.</p> <p>The proposed development must comply with the Building Code of Australia including the national Access to Premises Standard. In addition the Operational Management Plan for the facility includes options for Park and Ride and courtesy bus services. The site is within 250m of 5 existing taxi ranks and an established bus stop is located within 50m of the Auburn Street frontage. The Goulburn Railway Station is located approximately 400m walk from the McDermott Centre.</p> <p>Council has also committed to increased activation of spaces within the CBD to strengthen and support the area as the retail centre of the region.</p> <p>As discussed elsewhere in the report, on balance it is considered the benefits of this new community facility, adaptive reuse of a heritage building and contribution to the economic viability of the CBD is great enough to justify the non-compliance with the DCP parking provisions.</p> <p>This conclusion is made in the context of the broader parking and accessibility strategies being implemented by Council over the short, medium and longer term.</p>
Site suitability / Alternative site locations and cost	<p>Some submissions suggested alternative locations for the proposed facility. The scoping process and preparation of the SGS Business Case for the development included the consideration of alternative locations. Council determined the McDermott Centre was the preferred location for the development. The McDermott Centre was constructed and dedicated to the Goulburn community as a public building and the proposed development ensures its conservation and ongoing use for a positive public purpose.</p> <p>Community facilities generally should be located near retail centres and relatively central to their long term catchment, and at a level of the urban hierarchy that is appropriate to their size and scale.</p> <p>It is considered the site is suitable for the development, and the facility will contribute to increased activity for other retail, food and commercial premises in the CBD.</p>

Issue	Response
Construction impacts	<p>Some submissions raised concerns about potential construction impacts and business disruption during construction.</p> <p>The construction of the proposed development will be undertaken by experienced contractors following a tender process in accordance with Council's procurement obligations. The management of construction impacts is supported by the s138 Roads Act 1993 approval process.</p> <p>The provision of a Construction Environmental Management Plan that includes details of the location of hoarding, pedestrian movements around the site, and the location and management of plant and equipment is required. In addition the Community Engagement Plan for the project requires regular notification and consultation with adjoining property owners, and affected business in the vicinity of the site.</p> <p>The design and assessment process has considered the need to meet all construction certification requirements including ensuring structural integrity of adjoining premises is maintained throughout the construction period and beyond.</p> <p>Although these are standard provisions of Council's required contract documents, it is recommended conditions of consent be imposed.</p>
Capacity	<p>Some submissions suggest the proposed venue is not large enough to be viable.</p> <p>Council has worked with potential community group end users of the facility and industry experts to scope the design of the performing arts centre. SGS Economics & Planning prepared a Business Case for the development that has also informed the scope and budget for the facility. Comparison has been made with other regional performing arts centres and existing performance spaces available within Goulburn.</p> <p>It is considered the development has been appropriately scoped, will provide a community facility not currently available in the area that will contribute positively to the City's liveability.</p>

3.4 JRPP Briefing

Members of the JRPP attended a site visit and briefing meeting on 16 March 2017.

The key issues discussed with the JRPP were:

- Independent review of Heritage Assessments
- Bulk and scale of rear addition
- Demolition Plan
- Parking
- Relocation of existing uses

These matters are addressed within this report.

4 S79C Assessment

An assessment of the proposed development has been undertaken in accordance with section 79C of the Environmental Planning and Assessment Act 1979:

4.1 LEP

The following Draft Local Environmental Plans are currently on exhibition and are considered not applicable to the development application:

- Draft Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 8) – Minor Amendments and Corrections
- Draft Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 9) – Bungonia Heritage Conservation Area
- Draft Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 10) – Deletion of West Goulburn Urban Release Area

The relevant provisions of the Goulburn Mulwaree Local Environmental Plan 2009 are considered below:

- *Cl2.7 – Demolition requires development consent*

The consent sought by this application includes approval for the demolition of the rear 1936 addition and internal alterations to the building.

- *Land Use Zone Table*

The site is located within the B3 Commercial Core zone.

The proposed use of a performing arts centre and café fit within the definition of entertainment facility and food and drink premises which are permissible with development consent in the B3 zone.

An '**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club', and a '**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.'

The objectives of the B3 Commercial Core zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses which serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To reinforce the status of Goulburn as a regional centre.*
- *To ensure the scale and density of development complements the desired future character of the commercial core.*
- *To protect the historic importance of Goulburn and protect heritage integrity of its historic built form.*

The proposed development is considered consistent with the zone objectives as the facility will serve the broader community. The Performing Arts Centre will make a positive contribution to the liveability of Goulburn as a regional city and the vibrancy of the CBD. The development is considered appropriate for the site and complements the desired future character of Auburn Street by the sympathetic conservation and adaptive reuse of a heritage building for a community purpose.

▪ 4.3 Height of buildings

The objectives of this clause are:

- (a) *to ensure the height of buildings complements the streetscape or the rural character of the area in which the buildings are located,*
- (b) *to protect the heritage character and significance of buildings and avoid an adverse effect on the integrity of heritage items,*
- (c) *to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.*

The Height of Buildings Map identifies a maximum height limit of 15m applies to the site. The Applicant has sought an exception to this development standard in accordance with cl.4.6 of the LEP.

The exceedance of the 15m height limit involves the rear section of the building. The proposed fly tower of the facility has a maximum height of 21.7m and the adjoining back of house section has an approximate height of 20.3m (see south west and north east elevations below). The ridgeline of the existing 1887 building has a height of approximately 18.4m.

The Applicant reasons the variation sought is acceptable as the development meets the objectives of this clause by respecting the height and scale of surrounding structures, and maintaining the bulk of the building at the rear of the site, therefore complementing the Auburn Street streetscape. The proposed development is consistent with the overall height of the adjoining telecommunications exchange building does not exceed the height of the Post Office tower or the central utilities structure at the State Office building.

The impact of the height on public spaces and neighbouring properties is considered acceptable as it does not create unreasonable overshadowing or impacts on access to sunlight, privacy or views. As indicated in the artist's impression below, the materials and texture of the back of house and fly tower sections of the proposed development provide relief from the existing bulk of the State Office building when viewed from the grounds of the Courthouse and Belmore Park.

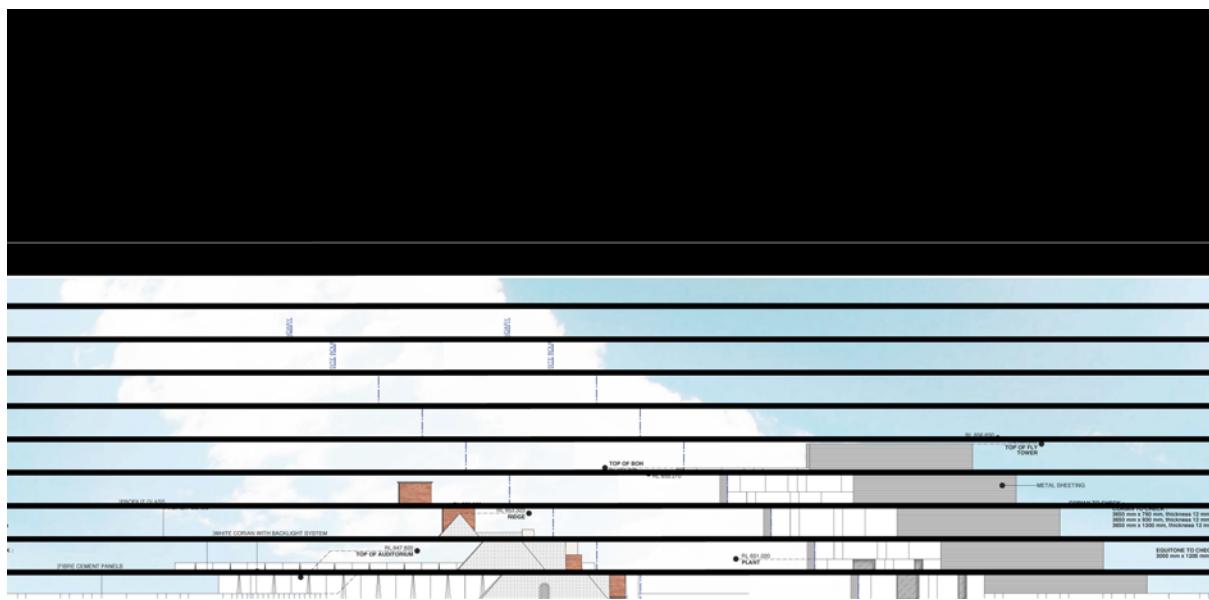


Figure 4 - North East Elevation of Proposed Development

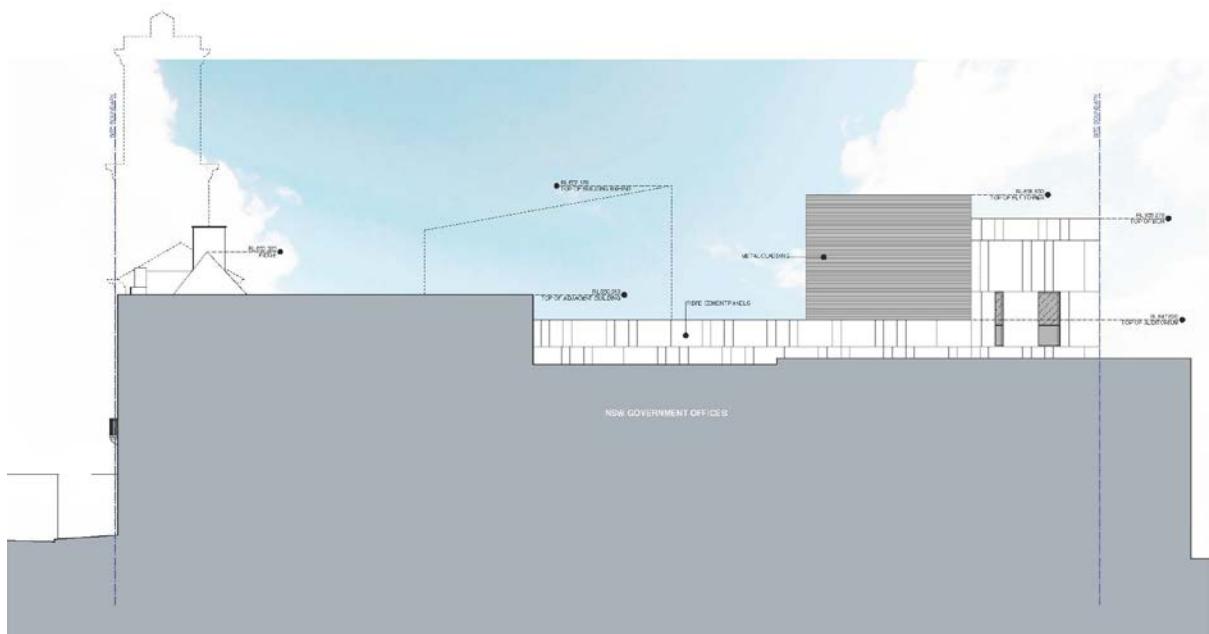


Figure 5 - South West elevation of Proposed Development

The simplicity of the proposed new work does not detract from the significant architectural details contained in the surrounding Courthouse, Post Office and McDermott Centre buildings.



Figure 6 - Artist Impression depicting scale of proposed development

- 4.4 Floor space ratio

The maximum floor space ratio applicable to the site is 2:1. The proposed development complies with this standard and achieves an FSR of 1.9:1.

- 4.6 Exceptions to development standards

The Applicant has sought a variation to the height standard as part of the development application. The Applicant has reasoned that a better development outcome is achieved by the variation and therefore compliance with the standard is unreasonable in the circumstances. The existing building already exceeds the maximum building height and the proposed development is consistent in bulk and scale to the surrounding development.

- 5.9 Preservation of trees and vegetation

There are no trees or significant vegetation on the site.

- 5.10 Heritage conservation

The former Goulburn Town Hall is a listed as a local heritage item in the LEP and is located within a heritage conservation area. The site has both social and built significance for Goulburn. The original building of EC Manfred design, was constructed in 1887. Further additions and alterations designed by Manfred's son were constructed in 1936.

The development proposal is supported by a Statement of Heritage Impact, and Archaeological Assessment Report and a Conservation Management Plan. The application was referred to Council's Heritage Advisor and the heritage assessments were independently reviewed.

A s140 Heritage Act 1977 Approval from the Heritage Office has been granted to undertake investigations for potential artefacts and human remains in the vicinity of the site.

In addition to the heritage assessments, an inventory of the moveable heritage within the McDermott Centre has been undertaken by Council's Museums Officers and representatives of the Goulburn Historical Society. As a mitigation measure of the SHI, an Archival Recording of the building in accordance with the Heritage Office guidelines has been undertaken and an Interpretation Strategy will be prepared for the site.

The Conservation Management Plan has been assessed by Council's Heritage Advisor as a satisfactory guiding document and should be adopted as a management tool for the conservation of the key components of the building's significance.

The proposed development is not considered to have a heritage impact on the Post Office. As discussed above, the proposed development will provide some relief to the bulk and scale of the existing uncharacteristic 20th century telecommunication exchange at the rear of the Post Office and the State Government Office block. In the context of the State heritage listed Courthouse, the heritage impact of the proposed development is considered acceptable. The visibility of the development from the Courthouse is related to the time of year – it is more evident in winter with the loss of foliage to the trees in front of the Court House.

The heritage assessments concur the contemporary addition will sit sympathetically against the 1887 building. The use of materials such as glass and decorative cladding will provide addition with a presence without competing with the fine detailing of stone and brickwork in the original building. With the height of the building set back to the rear boundary, the 1887 building retains the central place of significance within the Auburn Street streetscape.

Consultation with the various heritage experts resulted in clarification of the following matters by GBA:

Demolition:

- In relation to the '*demolition of the original 1887 entry lobby passage walls*' and '*removal of the original safe and demolition of the associated walls*':

The door openings will be enlarged to existing door highlight level and will retain nibs at each end to interpret the original walls. It is not intended to remove the strong room, but only make an opening to the hallway for it to be used. This is described under the Proposed Works of the GBA report (p17), and drawing A111 (the demolition drawing is to be updated).

- The alternatives to demolition of the 1936 building are addressed on page 23 of GBA's report which details the design process in which the preference was originally to retain the 1936 facade facing the north laneway. This is similar to the position put forward in the Scobie report. Reference to drawing A111 indicates the number of egress doorways required and the futility of trying to incorporate into a traditionally detailed brick wall with symmetrical configurations. Together with basement excavation, the attempt to retain this masonry wall would have not only been problematic from a construction perspective but would result in a severely compromised elevation, and therefore regarded as not feasible.
- Demolition of the 1936 interiors: given the PAC development and its functioning, to retain the interior of this section of the building is not realistic.
- Part demolition of the 1887 entry: as noted above the proposed openings to the existing entry foyer are more like enlargements rather than complete demolition of the walls, as per drawing Section 1. They will retain a head and nibs at each end to ensure mitigation as an understanding of the original configuration of the space. Although it does involve the removal of original fabric, the purpose is to ensure the functioning of the proposed Bar area as a contemporary use, not only accessible from the street, but readily visible as an open public area.

Otherwise if the walls and doorways are retained, the appeal of the space may limit its attractiveness as a public space in which people can readily observe and congregate. Small confined rooms are not conducive to the atmosphere/operation of a bar/cafe, and may limit its viability. The HIS recommendation refers to careful detailed planning in this area in consultation with the heritage consultant.

- Removal of safe/strong room: it is not intended to remove this and drawing A111 indicates the retention of the room. The SHI (p24) comments on the need to retain the curved ceiling of this room as well as the metal clad walls, and that there is only a new opening to the foyer to allow it to have a use as a Box Office, which will also allow the room interior to be visible to the public. This is considered a good example of interpretation.

Interiors:

- The Applicant's contention is that to retain the walls as is will hinder not only the functioning of the Bar, but its appeal as a space for social gathering. The careful enlargement of openings in this area as a relatively minor impact in the context of the overall ongoing conservation of the building with a feasible public use that requires ready visibility of the space that will attract customers.
- For clarification, the proposal is to retain an existing 1887 marble fireplace on the northern side of the original council chamber, and reinstate/reconstruct a marble fireplace to the respective location on the southern side of the council chamber. The demolition plan A101 requires updating to align with drawing A111.

The suggestion to retain the 1936 fireplaces/chimneys that are in each of the corners of the council chamber is problematic as per Figure 3.11 on page 11 of the SHI. Figure 3.11 indicates the 1936 intrusion through the 1887 chamber ceiling and therefore will require the removal of the chimney, as the priority is to reinstate the chamber ceiling and its space. Retention of the 1936 fireplace with the necessary removal of a chimney will result in a poor visual outcome, not only for the fireplace, but for the chamber/foyer space.

The 1936 fireplaces are not marble but have face brickwork and timber, and their moderate significance is not warranted in such a compromised condition with a cut off chimney flue.

- The intention is to retain the original timber floor and any repairs required following removal of internal walls and the like will be undertaken as part of the Interpretation Strategy.
- The reinstatement of the original space of the council chamber and its curved ceiling is fundamental to the whole project and is a critical component of conservation of the 1887 building, and its public use.

It is noted that an important part of the design process involved ensuring there was no direct access and demolition through the external side walls of the council chamber, and that the main entrance to the PAC was a part of the new structure. This approach ensured the integrity of the original council chamber space and its suitable use as a public gathering venue. The enlarged access openings required between the two foyer spaces therefore, avoided external wall demolition and is a preferred outcome in terms of minimising adverse heritage impact.

- It is suggested that the plasterwork design motifs are copied from the 1936 council chamber (the original could not be transposed) onto what was originally an external wall of the 1887 building. This is not supported as suitable interpretation. It would be confusing to the observer as to what it represents, obscure the meaning of place, and would result in pastiche that the Burra Charter seeks to avoid. Interpretation of the 1936 council chamber is more clearly achieved with high quality photographs.
- Although the reuse of salvaged doors is a part of heritage practice, any proposed new location has to make 'sense'. There is only one pair of double doors to the 1936 chamber, whereas the proposed foyer space requires two pairs of doors. To only use one pair of doors would not be an appropriate solution.

The successful interface between the new and 'old' foyers is an important element in the functioning of the PAC. There is the movement of people and access requirements between the two spaces, as well as a visual opening up that allows for the new, narrower foyer space to visually borrow from the larger 'old' space. Although this has been achieved by the large openings between the two spaces with the removal of sections of the original wall, the design is an interpretation of the wall at the opposite end of the council chamber. This is acceptable in heritage terms of enabling the reuse of the council chamber as a significant public space, and the viable functioning of the PAC.

External Elevations:

- The roof area of the rear elevation of the building is open above and consists of plant room equipment - The cladding to the area is Fibre Cement Cladding as for the side and rear facade to the lower levels - although this area has a perforated panel and would have a different textural appearance compared to the fibre cement panels below and address the concerns regarding scale.
- The Corian Panels fixed to the side of the government offices have been removed from the design and a painted wall has been suggested with the ability to use lighting display for both promotion of upcoming events as well as interpretive artwork.

- The suggestion to use the public lane between the site and the Post Office and the south entrance to the facility for active arts, overhead lighting, pavement interpretation and street furniture is supported.
- The metal cladding to the fly tower will be clad in a similar grey colour to the 1887 slate roof to the existing building - the bulk and scale are reduced by the contrast to the fibre cement clad walls of the auditorium and fly tower below this point.
- A design for the landscape works to the front of the site will be completed by Council's Landscape Architect to ensure they are consistent with the existing streetscape and in keeping with the 1887 facade.

Design Development:

- The CMP and SHI make numerous references to the use of a heritage consultant. This is supported. The requirements for a schedule of conservation works is included in the draft conditions.
- The conservation of the attic space is supported, however there are limitations on its use due to access and compliance requirements.
- Any joinery or other items removed from the 1887 building are likely to be stored on site in the attic area where possible, otherwise will be securely stored off site by Council.

Although the 1936 additions have social significance for Goulburn, they are of moderate significance to a local heritage item. The development will achieve improvements to, and suitable ongoing use of the original building and as such the relatively minor removal of sections of walls from the 1887 structure is acceptable in order to enable the viability and functioning of the whole project. The impacts on built heritage are considered acceptable when balanced with the benefits of such a significant facility for the community.

In relation to archaeological heritage impacts, as discussed previously in the report approval has been granted for excavation works by the Heritage Office and all works will be supervised by a suitably qualified heritage consultant. Should any artefacts or human remains be discovered on or in the vicinity of the site, compliance with all applicable requirements set out by the Heritage Office will be completed.

▪ 7.1 Flood Planning Land

The site is not identified as Flood Planning Land.

▪ 7.1A Earthworks

The proposed development involves excavation works, including archaeological investigations, service relocation and general construction. Prior to the issue of a construction certificate, structural certification of the proposed works will be required to demonstrate structural adequacy of the proposed building and the structural integrity of existing structures is maintained.

A Geotechnical Investigation of the site has been undertaken, as well as a Preliminary Site Investigation. Both assessments do not preclude the proposed development on the site. The proposed use as a performing arts centre is not considered a contaminating land use and therefore is unlikely to constrain further use of the site in the future.

The heritage assessments undertaken include an archaeological assessment of the site following due diligence investigations. The assessment indicated the potential presence of artefacts and human remains on or in the vicinity of the development site. The initial excavation proposed within the public lane adjacent to the site for service relocation, will be supervised by a qualified archaeologist in accordance with Council's s140 approval issued under the Heritage Act 1977.

The concurrence of Water NSW has been granted confirming a neutral or beneficial effect on water quality as a result of the development.

- 7.2 Terrestrial Biodiversity

The site is not mapped as biodiversity on the Terrestrial Biodiversity Map.

- 7.5 Active street frontages

Part of the site selection is to actively facilitate and promote the continued use of the active street frontage presented by the McDermott Centre. In response to the design tender criteria, the proposed development seeks to contribute to the visual interest for pedestrian traffic through appropriate interpretation of the heritage elements of the building, and contrast with new construction materials. The Performing Arts Centre foyer and café will be directly accessed from the Auburn Street frontage.

4.2 State Environmental Planning Policies

The following State Environmental Planning Policies are applicable to the development application:

- SEPP (Sydney Drinking Water Catchment) 2011 – The concurrence of Water NSW has been granted and the development has been assessed as achieving a neutral or beneficial impact on water quality.
- SEPP 55 (Remediation of Land) – The site is not identified on the Contaminated Land Register. A Preliminary Site Investigation has been undertaken. No remediation of the site is required.

4.3 DCP and Strategies

Goulburn Mulwaree Development Control Plan 2009 applies to the development site. The relevant provisions of the plan are considered below:

- **1.7 Public Participation**

As noted in section 3 of this report, the development application has been notified and publicly exhibited in accordance with the DCP.

- **1.8 Variations to controls**

A variation is sought to the development controls for off street parking under part 3.4 of the DCP.

- **3.1 European Heritage Conservation**

The site is a local heritage item and located within the heritage conservation area. The impacts on heritage within the site are considered acceptable and the proposed development is not considered to have a significant heritage impact on surrounding heritage items or the streetscape.

- **3.2 Indigenous heritage & Archaeology**

The site is not mapped for potential Aboriginal artefacts, however a precautionary approach is being applied and excavation works are proposed as part of the development. Heritage Office approval has been granted and should any Aboriginal artefacts be located appropriate processes will be followed.

- **3.3 Landscaping**

A detailed landscaping plan will be prepared by Council's Landscape Architect to ensure works within Auburn Street are complementary to the existing building and streetscape. No landscaping works are proposed on site.

- **3.4 Parking and access**

Table 3.2 of the DCP establishes the off street parking requirements for development. The application identifies 42 or 56 (whichever is the greater) car parking spaces should be provided for the proposed development using the rates set out in the DCP.

Based on the site constraints and building design, there is no capacity to provide off street parking within the site. The parking requirements and impact of increased parking demand on surrounding business and community has been the main concern raised in the submissions.

In response, the Applicant has suggested the experience at similar facilities is inconsistent with the rates outlined in the DCP:

'However, the parking demand generated by the development needs to be considered in the context of the operations itself. As detailed in the SGS GPAC Business Case, and based on benchmarking of other regional facilities of similar capacity, the type of performances scheduled also influence the parking demand.'

For example there is a significant difference in demand resulting from commercial touring shows than smaller locally based events or less popular mediums such as opera and chamber music.

The frequency of events held will vary week to week, with some weeks when performances may occur most days and others when no performances are scheduled. Consultation with established venues indicates there are some months and periods of the year which see high demand for venues and are busier than others. One of these times is November and December when schools and community groups have their end of year performances in addition to other scheduled events. January and February are typically quieter periods. Touring groups generally become more active around March.

For example, based on the experience at Griffith Regional Theatre, over a period of 56 days scheduled events consisted of:

- *Three (3) professional performances targeted to adults*
- *Five (5) professional performances targeted to children; and*
- *Eight (8) community theatre performances.*

This resulted in 14 days of performances and 42 non-performance days during this period. This is consistent with the 2015 APACA Economic Activity Report which states the number days annually available in each venue is rarely 365 days, as operational conditions and costs preclude uses on days such as public holidays or when a space is allocated to maintenance and equipment installation.

The development of operational details for the proposed GPAC included the following anticipated operating hours:

- *Non- performance days (box office & admin only) 9.00am – 5.00pm M-F, 9am-12pm S*
- *Performance days 8.00am -11pm (including bump in/out & rehearsals)*
- *Loading dock and stage door entry may be used between 10pm and 2am on final performance nights for touring shows.*

Reference to APACA benchmarking data, and research undertaken by SGS, indicates the type and frequency of events hosted at GPAC will vary widely throughout the year, as will the attendance at these events.

Professional tour groups typically sell between 70-95% of tickets to their shows, while amateur shows tend to be 50-65% full. In addition, industry data indicates the proportion of day and night time use of performing arts centres is typically 68% night and 32% day.

Therefore adopting the maximum likely operational assumptions made for the GPAC business case being:

- *25 professional shows/year*
- *90 amateur shows/year*
- *36 other community activities/year*

It could be reasonably assumed that parking demand will vary and potential for competition for parking spaces within the locality is significantly reduced. With the exception of existing restaurants and public bars, the majority of gross floor space in the surrounding streets is occupied during typical business hours (8.00am – 6.00pm).

The parking strategy identified a current rate of 106 parking spaces/ 1000 people in the CBD. The Development site is located within 200m of 600 existing car parking spaces including on-street and off-street areas.

A distance of 400 metres is considered a reasonable maximum walking distance for older people and is consistent with guidelines used across Australia. However, a shorter distance of 200 metres would ensure greater accessibility for older or infirmed people, or persons with a disability. A shorter distance of 200 metres is also assessed as the maximum walking distance for children under 7 years of age.

It is noted that Belmore Park and surrounding area (one block north west of the site) currently accommodates several large community events each year including Anzac Day, Christmas Carols in the Park, Pictures and Popcorn events, the Multicultural Festival and Vibes Fest. These events consistently attract several hundreds to thousands of people at a time without creating unreasonable parking competition. The Operational Management Plan identifies the requirement to minimise scheduling conflicts with nearby community events.

Basing the parking demand on the operating business case:

- *Weekday no show weeks would generate demand for up to 10 parking spaces*
- *Weekday matinee would generate demand for 23 spaces*
- *Week night and weekend matinee would generate demand for up to 56 spaces'*

In consideration of the above, it would be reasonable to suggest this level of parking demand could be readily accommodated by existing parking supply in the vicinity of the site. Further provision of public parking areas and improved connectivity between Auburn Street and existing parking locations in the CBD will also assist in minimising instances of supply pressure in peak periods. This is consistent with Council's commitments to activate the public spaces and improve accessibility within the CBD, and relevant strategies and actions in Council's adopted Delivery and Operational Plans.

- 3.5 Disability Standards for Access

The design of the proposed development includes compliance with the Access Standards and addresses accessibility for both patrons and staff. Compliance with the National Construction Code can be achieved.

- 3.6 Crime prevention

The proposed development incorporates an appropriate level of safety design measures. The entrances are clearly visible and well lit, and there are no areas for entrapment or blind spots. The public lane will be activated with overhead lighting and illuminated features as part of the Interpretation Strategy, and lighting at Post Office Lane lighting will be improved.

- 3.14 Stormwater Pollution

All stormwater management measures proposed are satisfactory and shall be incorporated into the final stormwater drainage plan approved by Council.

- 3.15 Impacts on Drinking Water Catchments

The concurrence of Water NSW has been granted and draft conditions have been applied.

- 8.6 Goulburn City Business District

The proposed development respects the heritage and historic context of the CBD and the design is sympathetic to the streetscape and surrounding heritage items.

4.4 Relevant regulations

- Roads Act 1993 – Auburn Street is a classified road. The RMS have no objection to the development.
- Heritage Act 1977 – an approval has been granted by the Heritage Office in accordance with s140 for the archaeological excavation works required as part of the development.

4.5 Likely Impacts of the Development

The likely impacts of the development have been considered. The development meets the development controls set out in the LEP and the DCP, with the exception of the height and parking controls which have been appropriately justified. The following notes are made on the likely impacts of the development:

- **Built Environment**

The scale, form, character and density of the development is acceptable within the locality. The proposal involves the adaptive reuse of a highly visible landmark building in Auburn Street. The operation of the facility will support the local economy by providing a cultural and performance space and contributing the retail activities in the CBD.

The height of the building is dominated by a fly tower at the rear of the site, however this represents only a portion of the buildings vertical form. The use of materials and textures of the rear addition supports the buildings integration into the streetscape and views from public areas. There is no unreasonable amenity impact resulting from solar access loss as a consequence of the new building works. The site is fully serviced and a commercial waste management service is available to the site.

The principles for Crime Prevention through Environmental Design (CPTED) have been considered under the design of the proposed new development. The proposal incorporates design features and passive security management measures to discourage anti-social behaviour and minimise the opportunities for criminal activities. The cafe will provide activity and a presence of people in and around the facility at times outside of performances or exhibitions within the facility.

A building alarm system and public CCTV system will provide monitoring of areas within the building like external fire isolated stairways and exits. A condition has been recommended to ensure that the development is consistent with the CPTED principles and requirements for safety, security and crime prevention.

The proposed uses are not considered to create unreasonable impacts on the surrounding area. The design has incorporated suitable acoustic control measures to minimise noise and vibration impacts, and the proposed hours of operation are consistent with the activities in the area and appropriate for the CBD.

■ **Natural Environment**

The proposed development is not considered to have any detrimental impacts on the natural environment.

■ **Suitability of the site for the development**

The site is considered suitable for the development which respects the context of the site and the existing building, and presents a long term opportunity for active use and therefore conservation of a significant heritage building for community benefit. The opportunities the proposed facility presents for the community is substantial and in this context the perceived impact on parking availability is justified.

■ **Cumulative impacts**

The site is located centrally in the CBD of Goulburn. The location is well serviced by public transport and public parking areas. The variation sought to the parking controls in the DCP is supported in the context of the broader parking and activation strategies being implemented by Council.

The proposed is appropriate in design and form and the scale is consistent with the surrounding development. The quality of the contemporary design is complementary to the heritage significance of the McDermott Centre and does not detract from the streetscape.

4.6 The public interest

The proposed development is considered to be in the interest of the local community and broader region. The development will provide a facility and opportunity for cultural activities not currently available in the City and make a positive contribution to the liveability of the area. The development is consistent with the Regional Community Strategic Plan and Delivery and Operational plans of Goulburn Mulwaree Council.

4.7 Contributions

The Goulburn Mulwaree Section 94A Developer Contribution Levy 2009

1% of proposed cost of carrying out the development is payable. The total s94A levy collected should be allocated to the improvement of parking infrastructure and accessibility within the CBD.

5 Conclusion

The proposal has been assessed in accordance with s79 of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development will not result in any unreasonable impacts on the built environment and the variations to the height and parking development standards have been adequately justified. The site is considered suitable for the proposed development and the facility will have significant benefits for the local community through the provision of cultural activities and events, and further activation and strengthening of the CBD as a cultural and retail centre of the region.

The application is recommended for approval subject to conditions presented in Attachment A.

