

<b>DATE OF DETERMINATION</b>	6 December 2017
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Renata Brooks, Louise Camenzuli
<b>APOLOGIES</b>	Hon. Pam Allan
<b>DECLARATIONS OF INTEREST</b>	N/A

Public meeting held at Goulburn Mulwaree Council: Civic Centre at 184-194 Bourke Street, Goulburn on 6 December 2017, opened at 2.05pm and closed at 3.45pm.

#### **MATTER DETERMINED**

2017STH004 – Goulburn Mulwaree – DA/0185/1617 at 163 Auburn St, Goulburn (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 including the clause 4.6 objection and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned for 17 minutes at 3.15pm during the meeting to deliberate on the matter and formulate a resolution. The meeting reconvened at 3.32pm.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979* subject to the following amendments to conditions:

1. Amend conditions 4,5 and 6 to require approval by Council.
2. Amend condition 7 to reference the signage concept design and require details to be included in construction certificate documentation.
3. Amend condition 9 to require CEMP for approval by Council prior to issue of a construction certificate and reference the courthouse and post office building as requiring dilapidation reports.
4. Amend condition 15 to include reference to David Scobie Architect report dated 21 November 2017, and require recommendation to be included in construction certificate.
5. Amend condition 41 to require the Traffic Management Plan to be consistent with the carparking and Access Management Plan (CAMP), details of bollards or other measures to protect western pylon of courthouse and lighting for safety.
6. Additional condition requiring works in the CAMP to be implemented before OC.
7. Additional condition requiring ongoing implementation of the CAMP and Operational Management Plan for duration of the use.

Moved by Renata Brooks, seconded by Louise Camenzuli:

The decision was unanimous.

#### **REASONS FOR THE DECISION**




The subject site is suitable for the proposal taking into account;

- The adaption of an important Heritage Item;
- Form and scale of the development in the context of the Heritage Conservation Area and CBD;
- The social and economic benefits to Goulburn;

- The sufficient capacity within the town centre to accommodate parking demands through implementation of the strategies from the Car Parking and Access Management Plan.
- The environmental planning outcome achieved through variation to the height of building development standard.

#### CONDITIONS

Amended as per Panel resolution – please see attached.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 Louise Camenzuli	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH004 – Goulburn Mulwaree – DA/0185/1617
2	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
3	STREET ADDRESS	163 Auburn St, Goulburn
4	APPLICANT/OWNER	Goulburn Mulwaree Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Sydney Drinking Water Catchments) 2011</li> <li>Goulburn Mulwaree Local Environment Plan 2009</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Goulburn Mulwaree Development Control Plan 2009</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 92 &amp; 94</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report for meeting of 27 July 2017</li> <li>Council assessment report: 23 November 2017</li> <li>Revised clause 4.6 objection to development standard</li> <li>Written submissions during public exhibition: 19 individual submissions and one petition</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Support – Susan Conroy, Chris Gordon</li> <li>Object – Kim Gann, Tempe Hornibrook, Jackie Waugh, Barry Anstee</li> <li>On behalf of the applicant – Matt O’Rourke, Director Operations</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing meeting 16 March 2017</li> <li>Public meeting: 27 July 2017 (deferred unanimously)</li> <li>Briefing meeting: 18 October 2017</li> <li>Final briefing meeting to discuss council’s recommendation, 6 December 2017 at 12:30 pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Renata Brooks, Louise Camenzuli</li> <li><u>Council assessment staff</u>: Louise Wakefield, David Scobie (Independent Heritage Architect), Trevor Fitzpatrick (Independent Planning Consultant)</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report as amended by Panel resolution

## CONDITIONS OF CONSENT AS APPROVED BY THE SOUTHERN JRPP

### 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.

Ref/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 by Council 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 by Council 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 by Council during the design development stage and prior to construction.
7. The Interpretation Signage Concept Design dated 27 September 2017 prepared by Brandculture is developed during the design development stage and approved prior to the issue of a construction certificate. The interpretation details are to be clearly indicated in the construction certificate documentation.
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 a Construction Environmental Management Plan (CEMP) for approval by Council.

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, including the Courthouse and Post Office 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. The recommendations contained within the Report by David Scobie Architects dated 21 November 2017 is to be reflected in the construction certificate documentation. All 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](http://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/drainage. On completion of the plumbing and drainage work and prior to Council's Final Inspection of the plumbing and drainage work, the plumber/drainage 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 consistent with the Carparking and Access Management Plan is to be submitted for approval by Council prior to the issue of an occupation certificate. Within the document the applicant is to:
  - a. Demonstrate how delivery vehicles are to enter the property and be off-loaded
  - b. Identify traffic controls and temporary parking restrictions in Montague Street
  - c. Demonstrate how bus and coach set-down and pick-up will be managed for weekday matinee events
  - d. Provide details on additional parking spaces for disabled persons adjacent to the site in Auburn St
  - e. Provide details of any proposed drop off zone
  - f. Provide details of works to construct a bollard or other protective measures for the western Courthouse pylon
  - g. Provides details of lighting for safe access to council nominated car parks
42. The works detailed in the Carparking and Access Management Plan dated November 2017 shall be implemented prior to the issue of an occupation certificate.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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).
48. 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.
49. 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.
50. 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.

51. 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**

52. 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.

53. 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](mailto:afss@fire.nsw.gov.au); and
- cause a further copy of the certificate to be kept at the building.

54. The approved Carparking and Access Management Plan together with the Operational Management Plan shall be implemented for the duration of the facility being used as a Performing Arts Centre.