



## AMENDED STATEMENT OF ENVIRONMENTAL EFFECTS

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Alterations and additions and formalisation of use of parts of the building

15 Avoca Street  
GOULBURN

Prepared for: Mr George Minas

REF: M200339  
DATE: 9 June 2021

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# Contents

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>3</b>
<b>2.</b>	<b>SITE ANALYSIS AND CONTEXT .....</b>	<b>4</b>
2.1	The Site .....	4
2.2	Character of the locality and surrounds .....	5
<b>3.</b>	<b>DESCRIPTION OF THE PROPOSAL .....</b>	<b>6</b>
3.1	Background.....	6
3.2	Amendments to Proposal.....	6
3.3	Proposed Use .....	7
3.4	Proposed Works .....	8
<b>4.</b>	<b>ENVIRONMENTAL PLANNING ASSESSMENT .....</b>	<b>10</b>
4.1	Preamble .....	10
4.2	Statutory and policy compliance .....	10
4.2.1	SEPP No.55 – Remediation of Land.....	10
4.2.2	SEPP No 65—Design Quality of Residential Apartment Development.....	10
4.2.3	Goulburn Mulwaree Local Environmental Plan 2009 .....	11
4.2.4	Goulburn Mulwaree Development Control Plan 2009.....	11
4.3	Impacts on Natural & Built Environment .....	11
4.3.1	Topography & Scenic Impacts.....	11
4.3.2	Micro-climate Impacts.....	11
4.3.3	Water & Air Quality Impacts.....	11
4.3.4	Flora & Fauna Impacts .....	12
4.3.5	External Appearance & Design.....	12
4.3.6	Relationship to Neighbouring Properties .....	12
4.4	Economic & Social Impacts .....	12
4.5	The Suitability of the Site .....	13
4.5.1	Access to Services .....	13
4.5.2	Parking and Access .....	13
4.5.3	Hazards .....	13
4.6	The Public Interest .....	13
<b>5.</b>	<b>CONCLUSION.....</b>	<b>14</b>





## FIGURES

<b>Figure 1:</b> Aerial image of the site (outlined in red, shaded yellow) .....	4
<b>Figure 2</b> View of easternmost undercroft areas, some of which have been enclosed .....	5

## TABLES

<b>Table 1</b> Section 4.15 Matters for Consideration .....	10
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## ANNEXURES

<b>Annexure A.</b> Goulburn Mulwaree LEP 2009 Compliance Table .....	15
<b>Annexure B.</b> Goulburn Mulwaree DCP 2009 – Compliance Table .....	18





# 1. Introduction

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This Amended Statement of Environmental Effects has been prepared in response to changes sought by Council as Part of the s34 Process relating to appeal No. 21/26549 for DA/0216/2021 seeking consent for the alterations and additions and formalisation of use of parts of the building at No. 15 Avoca Street, Goulburn.

As a history, the application was refused by Goulburn Mulwaree Council on 20 January 2021, for the following reasons:

- 1. The proposal does not satisfy Part 1 Section 1.3 (c) of “the Act” as it does not promote the orderly and economic use and development of land.*
- 2. The proposal does not satisfy Part 1 Section 1.3 (h) of “the Act” not promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.*
- 3. The proposal does not meet the aim under Clause 1.2 (2)(i) of the “GMC LEP 2009”.*
- 4. The proposal does not meet the requirements of Clause 7.1 of the “GMC LEP 2009”.*
- 5. The proposal does not meet the requirements of Section 3.8 of the “GMC DCP 2009” for flood affected lands.*
- 6. The proposal having regard to the provision of Section 4.15 (c) of “the Act” has not considered the suitability of the site for the development.*
- 7. The proposal having regard to the provision of Section 4.15 of “the Act” is considered to not be in the public interest.*

In addition to DA/0216/2021, a Building Information Certificate (“BIC”) application (BC/0027/2021) was also lodged with Goulburn Mulwaree Council on 24 November 2020. This was refused by Council on 16 December 2020.

Both the DA and BIC were appealed via the NSW Land and Environment Court (“LEC”). A Section 34 conciliation conference in relation to the appeal (LEC No. 21/26549) was held on 12 May 2021. During the conference it was agreed that a number of amendments would be made to the DA.

The purpose of this Amended Statement is to address the planning issues associated with the amended development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of Section 4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.

## 2. Site Analysis and Context

### 2.1 THE SITE

The subject site is a corner lot known as 15 Avoca Street, Goulburn and has the legal description of Lot 8 in DP 532532. The lot is a corner lot with a primary frontage to Avoca Street (west) and secondary frontage to Giddings Street (north). An aerial photograph of the site is provided in Figure 1 and the site is outlined in red and shaded yellow.



**Figure 1:** Aerial image of the site (outlined in red, shaded yellow).

The subject site has an area of approximately 1,384.5m<sup>2</sup> and is zoned R1 General Residential under *Goulburn Mulwaree Local Environmental Plan 2009*.

Despite Council's classification of the building as Multi-Dwelling Housing, the building was approved as a residential flat building and currently contains a total of six (6) apartments. The residential flat building has an L-shaped form, with undercroft storage and habitable areas provided under the eastern wing of the building. Resident car parking with 6 spaces is provided at-grade on a hard surfaced area which is accessed via a vehicle crossing from Giddings Street.

The subject site is identified as being flood prone.

An image of parts of the undercroft and unauthorised works is provided at **Figure 2**.



**Figure 2** View of easternmost undercroft areas, some of which have been enclosed

## 2.2 CHARACTER OF THE LOCALITY AND SURROUNDS

The locality is characterised by a mixture of low density residential housing, although there are a number of two storey residential flat buildings located along the eastern side of Avoca Street. League Park, a sports field zoned RE2 Private Recreation is located on the opposite (northern) side of Giddings Street. Roberts Park and a large expanse of public recreational space zoned E1, adjacent to the Wollondilly River is located approximately 150m north of the site.

The site is not located in a heritage conservation area and there are no heritage conservation areas or heritage items in the vicinity of the site.

The site is in a moderately accessible location, being located approximately 300m walking distance from the nearest bus stops on Victoria Street.



## 3. Description of the Proposal

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### 3.1 BACKGROUND

On 24 November 2020, a development application (DA/0216/2021) was lodged with Goulburn Mulwaree Council seeking consent for alterations and additions and formalisation of use of parts of the building at No. 15 Avoca Street, Goulburn.

A Building Information Certificate application (BC/0027/2021) was lodged concurrently in relation to existing unauthorised works associated with the use of the abovementioned undercroft areas. The BIC application was refused by Council on 16 December 2020.

The development application was refused by Council on 20 January 2021, for the following reasons:

- 1. The proposal does not satisfy Part 1 Section 1.3 (c) of “the Act” as it does not promote the orderly and economic use and development of land.*
- 2. The proposal does not satisfy Part 1 Section 1.3 (h) of “the Act” not promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.*
- 3. The proposal does not meet the aim under Clause 1.2 (2)(i) of the “GMC LEP 2009”.*
- 4. The proposal does not meet the requirements of Clause 7.1 of the “GMC LEP 2009”.*
- 5. The proposal does not meet the requirements of Section 3.8 of the “GMC DCP 2009” for flood affected lands.*
- 6. The proposal having regard to the provision of Section 4.15 (c) of “the Act” has not considered the suitability of the site for the development.*
- 7. The proposal having regard to the provision of Section 4.15 of “the Act” is considered to not be in the public interest.*

Both the DA and BIC were appealed via the NSW Land and Environment Court (“LEC”). A Section 34 conciliation conference in relation to the appeal (LEC No. 21/26549) was held on 12 May 2021. During the conference it was agreed that a number of amendments would be made to the DA.

These amendments have been incorporated into the amended package to be submitted to Council and the LEC. The amended proposal is described in detail below and within the amended architectural plan set prepared by Archi Plan Design Studio.

### 3.2 AMENDMENTS TO PROPOSAL

The original DA proposal sought consent for alterations and additions and formalisation of use of parts of the building. This was supplemented by a BIC that sought to regularise the unauthorised works to the undercroft areas, which included new walls and partitions within storage areas, a kitchen and bathroom within the groundkeepers workshop, and relocation of a kitchen and provision of a new bathroom within Unit 6 to the ground floor level.

Following the Section 34 conciliation conference, it was agreed by parties that a number of works would be incorporated into the proposal and amendments would also be made to the proposal. Accordingly, the following amendments have been made to the original proposal:





- Unit 6:
  - Internal stairs in Unit 6 deleted. Kitchen relocated from ground floor to first floor;
  - Western wall on ground floor to be rebuilt to flood and structural specifications, per Jones Nicholson Pty Ltd recommendations; and
  - Ground floor of Unit 6 remains as part of Unit 6, but accessed only from ground level. This is now proposed as a non-habitable storage / laundry area, with adjoining bathroom.
- Groundskeepers Workshop / Storage 5:
  - Northern walls deleted;
  - Internal partition walls separating these two spaces is also to be deleted;
  - Kitchen facilities deleted. The workbench is retained; and
  - The new space will be usable as undercroft car parking areas and/or storage associated with Unit 6.
- Storage 1, 2, 3 and 4:
  - Northern and eastern walls rebuilt to flood and structural specifications, per Jones Nicholson Pty Ltd recommendations; and
  - These spaces are to remain, and are not to be directly linked to any particular unit. They will be used as general storage spaces, including for furniture, mattresses, building materials and documents.
- A new Workshop / shed on the eastern side of the site. This is to be used as the Groundkeepers Workshop.

### 3.3 PROPOSED USE

This amended application proposes the following uses:

- Continued use of undercroft areas identified as Storage 1, 2, 3 and 4 as storage areas. These will not be allocated to any of the units;
- Use of former Groundskeepers Workshop / Storage 5 as undercroft parking associated with Unit 6; and
- Use of the new shed as a Groundskeepers Workshop. This will not be a habitable space.

Whilst it is considered that the use of Unit 6 was permitted by virtue of the Building Certificate (BC/0036/1213) issued by Council on 10 April 2014, in the interest of abundant caution, the use of this unit as a dwelling is included in the amended application. The use of this unit as a residential dwelling will remain unchanged and will include:

- Use of the first floor as a habitable space, which will include 3-bedrooms, a bathroom, and open plan living/dining/kitchen area; and
- Use of the ground floor will be non-habitable space (storage, laundry and bathroom) associated with the habitable use on the first floor.

Section 4.69 of the EPA Act 1979 states the following:

*(1) The use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:*

*(a) the commencement of an environmental planning instrument which permits the use without the necessity for consent under this Act being obtained therefor, or*





(b) the granting of development consent to that use.

(2) The continuation of a use of a building, work or land that was unlawfully commenced is, and is taken always to have been, development of the land within the meaning of and for the purposes of any deemed environmental planning instrument applying, or which at any time applied, to or in respect of the building, work or land.

In accordance with s4.69 of the EPA Act, this amended development application seeks development consent for the use of Unit 6, the storage areas, and workshop on the subject site.

### 3.4 PROPOSED WORKS

To facilitate the use of the development as described in Section 3.3 above, the proposal also includes the following building works:

#### Unauthorised works to be retained (pursuant to BIC)

- Worktop bench in undercroft parking associated with Unit 6 (formerly Groundkeepers Workshop);
- Bathroom in undercroft parking associated with Unit 6 (formerly Groundkeepers Workshop); and
- Reconfigured ground floor bathroom associated with Unit 6.

#### New works (pursuant to DA)

- Demolitions and rebuild of unauthorised external (northern) walls to Storage 1, 2 and 4;
- Demolition and rebuild of unauthorised partition walls between Storage 2 and 3;
- Demolition of unauthorised external (northern) walls and internal partition walls from Groundkeepers Workshop / Storage 5, to form undercroft parking area;
- Removal of kitchen facilities from undercroft parking associated with Unit 6 (formerly Groundkeepers Workshop);
- Demolition of internal stairs within Unit 6 and infilling void between ground and first floor;
- Relocation of kitchen facilities from ground to first floor level of Unit 6;
- New minor internal works in ground level of Unit 6 to provide a non-habitable laundry and storage area;
- Demolition of existing communal balcony located on northern side of the building, and construction of a new balcony which will comprise of steel posts and balustrades, to match the style of the existing balcony; and
- Construction of a new Groundkeepers shed in the eastern side setback, measuring 5.9m in depth by 3.7m in width. The shed will be used as a Groundkeepers Workshop and will have 20m<sup>2</sup> of floor area.

To facilitate the above, a number of BCA and Fire Protection works are being proposed, as detailed in the accompanying BCA Report dated 27 May 2021 prepared by BCA Vision.

In addition to the above, a number of flood protection and structural works are being proposed, as detailed in the accompanying Flood Report prepared by Jones Nicholson Pty Ltd. These include the following:

#### Flood Mitigation Works

In order to ensure there is no change to existing flooding extents within the site or surrounding areas, it is proposed to provide a louvre in the door/wall framing to allow water to freely enter the dwelling. In this case the stud framing will still need to be brought to a waterproof condition to prevent wood rot and decomposition should flood waters occur.

The Flood Height Level (FHL) and the Defined Flood Level (DFL) are one is the same as the Defined Height Level is the 100-year ARI event.

To ensure this is the case, the following will need to be undertaken in line with the BCA report:

- Any enclosure below the 100-year ARI RL of 631.00 must have openings to allow for automatic entry and exit of floodwater for all floods up to the Flood Height Level (FHL)



- The openings must meet the following criteria

1. Doors and windows must not be counted as openings, but openings can be installed in doors and windows, and
2. There must be a minimum of two openings on different sides of each enclosed area, and
3. The total net area of all openings must be at least 1% of the enclosed area, and
4. Openings must permit a 75 mm sphere to pass through, and
5. Any opening covers must not impede the flow of water

Additionally, any electrical and internal wiring will have to be raised above the maximum flood level. The anticipated flood levels from the study above convey the top flood level to be approximately RL631.00. The GPOs and wiring/other electrical equipment shall be raised to minimum RL631.50. As such, the louvre must have an area of no less than:

	Area (m2)	Open area Required (1% of total area) m2
Storage 1	17.60	0.176
Storage 2	19.43	0.194
Storage 4	61.53	0.615
Unit 6	23.99	0.239

#### Structural Flood Affection

Structural advice and assessment have been determined in association with the BCA report, and the findings/determinations are outlined below.

- Footing System in Flood Prone Area – All existing structure and no new building works therefore it is assumed the original structure is compliant. New Grounds keeper shed will be designed to allow for flood loading as required.
- Requirements for structural attachments – Any new works will be designed accordingly to ensure the structural integrity of the existing structure.
- Material Requirements – As the undercroft dividing walls are non-load bearing, and therefore no structural concern however JN Suggest the following materials in order of preference due to the flood risk:
  1. Brick Walls.
  2. Brick walls to above Flood height, steel stud framing to ceiling.
  3. Steel stud framing with submerged waterproof cladding. Wall to also have weep holes to allow water regress.
  4. Fully Waterproof membrane designed by others to all cavity walls.
- All electrical wiring and services within undercroft are to be raised above Flood level.

#### General Comments:

- New Balcony and stairs can be designed in accordance with all BCA and Australian Standards once Development application has been approved.
- Waterproofing, fire rated, and acoustic linings are generally designed and confirmed by others, but we can provide comment on suitability to existing structural elements.

## 4. Environmental Planning Assessment

### 4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

### 4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in the following Table:

Table 1 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	SEPP No.55 – Remediation of Land	✓	✓	
“	SEPP No 65—Design Quality of Residential Apartment Development		✓	✓
S.4.15(1)(a)(ii)	Goulburn Mulwaree LEP 2009	✓	✓	
S.4.15(1)(a)(iii)	Goulburn Mulwaree DCP 2009	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter:- <ul style="list-style-type: none"><li>Government Coastal Policy;</li><li>AS 2601-1991: Demolition of structures.</li></ul>	✓		✓

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory document that relates to the subject site and the proposed development is *Goulburn Mulwaree Local Environmental Plan 2009*. The primary non-statutory plan relating to the subject site and proposed development is *Goulburn Mulwaree Development Control Plan 2009*. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

#### 4.2.1 SEPP No.55 – Remediation of Land

This State Environmental Planning Policy (SEPP) was gazetted on 28 August 1989 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

The site has a history of residential uses and is covered by the existing building and hard surfaces. As such, it is considered that there is no reason to suspect that the soils of the site are contaminated. No excavation is proposed and given that there is no ground disturbance proposed by the application it is not considered necessary to undertake any further investigation in to potential contamination on the site, in accordance with the provisions of the SEPP.

#### 4.2.2 SEPP No 65—Design Quality of Residential Apartment Development

Under Clause 4 of SEPP 65, it states that:

*(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:*

*(a) the development consists of any of the following:*

*(i) the erection of a new building,*

*(ii) the substantial redevelopment or the substantial refurbishment of an existing building,*

*(iii) the conversion of an existing building, and*

*(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*

*(c) the building concerned contains at least 4 or more dwellings.*

The subject residential flat building is a maximum of 2 storeys in height. Accordingly, SEPP 65 (and the Apartment Design Guide) is not applicable to the proposed development.

#### **4.2.3 Goulburn Mulwaree Local Environmental Plan 2009**

Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP 2009) applies to the subject site. A response to the relevant requirements of GMLEP 2012 is provided at Annexure A, where it is demonstrated that the proposed development is consistent with the relevant provisions of the LEP. No departures are sought in relation to GMLEP 2009 development standards.

#### **4.2.4 Goulburn Mulwaree Development Control Plan 2009**

Goulburn Mulwaree Development Control Plan 2009 (GMDCP 2009) applies to the subject site. A response to the relevant provisions of GMDCP 2009 is provided at Annexure B, where it is demonstrated that the proposed development achieves compliance with all of the relevant DCP provisions.

It is noted that there are no specific controls relating to residential flat buildings within GMDCP 2009. Nonetheless, as guided by Council, regard has been made to the multi dwelling housing controls in the DCP which have also been considered in Annexure B.

### **4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT**

#### **4.3.1 Topography & Scenic Impacts**

The proposed development will utilise existing parts of the residential flat building and will not result in any bulk excavation on the land. The proposed works for the new workshop and new supports for the balcony will involve limited excavation for footings which will not significantly alter the natural topography or the amenity or stability of adjoining properties.



The proposal therefore will not have any adverse topographical impacts and will not generate any adverse visual impacts on the scenic quality of the area.

#### **4.3.2 Micro-climate Impacts**

The proposed alterations and additions, including use of the undercroft parking areas will have no significant impact on the micro-climate of the locality.

#### **4.3.3 Water & Air Quality Impacts**

The proposed development will have no significant impact on air or water quality in the locality.



The existing building is connected to the sewer and the continued use of the undercroft areas is not likely to generate any adverse liquid waste, odour or fumes. It is therefore unlikely to have any adverse impact in terms of air or water quality.

#### **4.3.4 Flora & Fauna Impacts**

The proposed development is relates to alterations and additions predominantly contained within the existing building envelope. The new workshop will not result in the removal of any trees on site. Therefore, it will have no adverse impacts on local flora and fauna.

#### **4.3.5 External Appearance & Design**

The existing building is dated in appearance and the balcony located on the northern side is in a poor state of repair. The replacement balcony will be constructed in steel and will have a similar style to the existing balcony which will result in a visual improvement. The alterations to the existing undercroft walls will not be significant and will not be highly visible within the streetscape due to their location behind the front setback and balcony above.

The proposed workshop will be of a scale that is consistent with the exempt development provisions and will not have an adverse impact on the streetscape. Accordingly, it is considered that the proposed external alterations will have a positive on the visual appearance of the existing building and wider streetscape.

#### **4.3.6 Relationship to Neighbouring Properties**

##### **Solar Access**

The proposed development will not give rise to any adverse overshadowing of neighbouring properties. The only external works proposed that increase the existing building envelope relate to the replacement and extension of the balcony. Any overshadowing from these elements will fall within the site and not impact on the amenity of adjoining properties. The proposed works of the shed will not result in any significant overshadowing of No. 13 Avoca Street. The proposed workshop is limited in size and any overshadowing will fall onto the communal parking area or grassed area at the rear. As such, the proposed development will have a negligible impact on overshadowing of neighbouring properties and the public domain.

##### **Views**

Due to the scale and nature of the proposal, the proposed development will not result in loss of any significant iconic or scenic views from adjacent properties and is accordingly acceptable.

##### **Aural & Visual Privacy**



The proposed alterations and additions, including the continued use of the building and undercroft areas will not significantly intensify the use of the site and will thus, not prejudice the visual or aural privacy of neighbouring properties. External works will replace an existing balcony and provide a new small scale shed, and will therefore not afford any additional direct views towards neighbouring properties.

In light of the above, the proposal is considered acceptable in terms of aural and visual privacy impacts.

### **4.4 ECONOMIC & SOCIAL IMPACTS**

The proposed development will not significantly intensify the use of the existing building. Indeed, the proposed works will assist in the maintenance and management of the residential flat building through the provision of ground keeper's storage areas and facilities and additional resident storage space.

Undertaking the demolition and construction works for the external balcony will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects.



Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.

## 4.5 THE SUITABILITY OF THE SITE

### 4.5.1 Access to Services

The site is located within an established area with reasonable access to services and public transport.

As the site is within an established area, electricity, sewer, gas, telephone, and water services are readily available to the subject site.

### 4.5.2 Parking and Access

The subject undercroft areas were formerly used as car parking of the residential flat building, however due to their narrow width they are unsuitable for modern day cars. Accordingly, residents currently park in the existing at-grade car parking spaces, where there are six (6) spaces available, one for each apartment. In addition, the amended application will include two (2) parking spaces for Unit 6 in the undercroft. This is considered a satisfactory arrangement and will not give rise to undue impacts on on-street parking provision.

In terms of traffic impacts, the proposed use of the undercroft areas is ancillary to the existing residential use of the building and will not significantly intensify that use. Accordingly, traffic generated by the proposed development will be negligible.

### 4.5.3 Hazards

The site is not in an area recognised by Council as being subject to landslip, contamination or bushfire concerns, and will not result in the occurrence or exacerbation of those particular site hazards.

However, the entire subject site is identified as flood prone land with respect to a 1% Annual Exceedance Probability (AEP) event. Flood information provided by Goulburn Mulwaree Council estimates the 1% AEP flood level as 0.5 – 1 metre above the ground level in the vicinity of the property based on the Combined Catchments of the Wollondilly River and Mulwaree Chain of Ponds, dated March 2011. In accordance with The Wollondilly River and Mulwaree Chain of Ponds Floodplain Risk Management Study & Plan Volume III, the site is classed as Low Hazard.

A Flood Report has been prepared by *Jones Nicholson Pty Ltd* and is submitted with the application under a separate cover. The Report provides recommendations to deal with potential flood impacts on building, which are outlined in Section 3.4 of this Statement.

As such, subject to the implementation of the recommendations of the flood advice, all hazards in relation to the site have been considered and the proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

## 4.6 THE PUBLIC INTEREST

The residential use of Unit 6 and proposed use of undercroft areas will not significantly intensify the existing residential use of the building and the proposed external alterations and additions have been designed to relate to the size, shape and character of the existing building and streetscape. The proposal will enhance the amenity of the existing building and will not adversely impact the residential amenity enjoyed by neighbouring properties.

The proposal is consistent with the applicable LEP and DCP provisions. Accordingly, the proposed development is considered to be in the public interest.



## 5. Conclusion

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The proposed development has been assessed in light of Section 4.15 of the Environmental Planning & Assessment Act, 1979, State Environmental Planning Policies and Council's planning instruments.

As discussed above, the works to the undercroft areas has already occurred and are the subject of an appeal via the LEC (LEC No. 21/26549). Amendments are sought that would facilitate the continued use of undercroft areas for ancillary storage, as well as the use and works to the ground level of Unit 6, demolition and replacement of the existing northern communal balcony, and a construction of a new shed on the site. These amendments are sought following an agreement between parties at a conciliation conference held on 12 May 2021.

The proposal seeks consent for both the use and proposed works (via DA) and undertakes a defacto assessment of the existing unauthorised works (via a concurrent Building Information Certificate application).

The proposed development is permissible with Council's consent within the zone and meets the relevant objectives of the Goulburn Mulwaree LEP 2009. Furthermore, the proposed development complies with all of the relevant provisions of Council's DCP, as well as with the majority of provisions relating to multi dwelling housing.

The siting, design and external appearance of the proposal is considered to be appropriate and consistent within the character of the locality. The development has been designed to limit any adverse impacts on residential amenity in the locality. As such, the proposal facilitates the orderly, economic use of land within the precinct.

The completed development will have no unreasonable detrimental impact on existing surrounding residential and commercial uses, nor will it have an impact on the topography, micro-climate, air or water quality of the locality.

Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. The proposal will not generate a significant increase in traffic and will not give rise to adverse car parking impacts.

Subject to recommendations provided in relation to flood protection, the development will not give rise to any adverse flooding impacts. Furthermore, BCA and fire safety requirements are dealt with by recommendations outlined in the accompanying consultant reports. As such, the site is suitable for the development proposed.

Accordingly, in the circumstances of the case, the proposal is considered to be in the public interest and worthy of Council's support.





# ANNEXURE A

## Goulburn Mulwaree LEP 2009 Compliance Table



Goulburn Mulwaree LEP 2009 - Compliance Table			
Clause / Control	Requirement	Proposal	Complies?
2.1 Zone Objectives & Land Use Table	Zone R1 – General Residential	The proposal development relates to the use of an existing residential flat building, which is permissible with consent.	Yes
	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.</li> </ul>	The proposed development relates to an existing, long-established residential flat building. Accordingly, the proposed development will assist in providing for the housing needs of the community and variety of housing types in the locale. The proposed ancillary uses will not significantly alter the intensity of development on site and will not have any adverse impacts on other non-residential land uses. Further, the proposal will not have any adverse impacts on the economic strength of commercial centres in the LGA.	Yes
4.1B Minimum lot sizes for multi dwelling housing and residential flat buildings	<p>(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.</p> <p><i>Residential flat building - Zone R1 General Residential = 1,050 square metres</i></p>	Existing lot area is 1,384.5sqm.	Yes
4.3 Height of Buildings	None prescribed.	No maximum height is prescribed for the site.	N/A
4.4 Floor Space Ratio	None prescribed.	No FSR is prescribed for the site.	N/A
7.1 Flood planning	<p>(2) This clause applies to land identified as "Flood Planning Area" on the Flood Planning Map.</p> <p>(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will not—</p> <p>(a) adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, or</p> <p>(b) significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, or</p> <p>(c) affect the safe occupation or evacuation of the land, or</p> <p>(d) significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, or</p>	Refer to accompanying Flood Report and discussion in Sections 3.4 and 4.5.3 of this SEE.	Yes

## Goulburn Mulwaree LEP 2009 - Compliance Table

	<p>(e) be likely to result in unsustainable social and economic costs to the community as a consequence of flooding, or</p> <p>(f) if located in a floodway—</p> <p>(i) be incompatible with the flow conveyance function of the floodway, or</p> <p>(ii) cause or increase a flood hazard in the floodway.</p>		
7.1A Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material or the destination of any excavated material,</p> <p>(f) the likelihood of disturbing Aboriginal objects or other relics,</p> <p>(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>The proposal does not involve excavation and will largely include alterations and additions to the existing building. Therefore, the proposal does not raise any adverse impacts in relation to the matters for consideration under clause 7.1A.</p>	Yes

## ANNEXURE B

### Goulburn Mulwaree DCP 2009 – Compliance Table



### Goulburn Mulwaree DCP 2009 - Compliance Table

Clause / Control	Requirement	Proposal	Complies?
<b>3. GENERAL DEVELOPMENT CONTROLS</b>			
<b>3.5 Landscaping</b>			
3.5.2 Residential Development	Provide communal open space area/s in residential developments containing five or more dwellings, the open space area is to be suitably landscaped.	A consolidated communal open space area will be maintained on the eastern side of the site. The proposal does not result in the removal of any significant trees or landscaping.	Yes
<b>3.6 Vehicular Access and Parking</b>			
3.6.1 Parking layout, servicing and manoeuvring	Where on-site car parking or service areas are required, ensure that the layout and design does not detract from the amenity of adjoining areas	The former undercroft car parking areas that now form Storage 1, 2, 3, and 4 are too narrow to suitably accommodate modern cars and therefore their removal as parking spaces does not reduce the level of car parking provided on site. The Groundkeepers Workshop and Storage 5 are proposed to be 'opened up' and will now provide the potential for car parking for two (2) additional cars for Unit 6.  This is in addition to six (6) existing car parking spaces that are provided at-grade on the northern side of the building, providing one (1) space per apartment. This is considered to be satisfactory in terms of parking provision on site and is consistent with the originally approved building.	Yes
	Minimise nuisance caused by traffic movement, generation and servicing	The proposal will not significantly intensify the residential use of the site and will thus not give rise to an adverse increase in traffic and congestion in the locality.	Yes
<b>3.7 Crime prevention through environmental design</b>			
Objectives	The objectives of this plan for crime prevention through environmental design (CPTED) are to: <ul style="list-style-type: none"> <li>enhance and improve community safety within the Goulburn Mulwaree local government area</li> <li>create a physical environment that encourages a feeling of safety</li> </ul>	The proposal is not inconsistent with these objectives. The use of the undercroft areas will not give rise to any unsafe environments on the site and will actually reduce opportunities for concealment. The subject site has 3 frontages and is exposed to a high level of surveillance both from the public domain and within the site. Further, the replacement balcony will be open and visible from all apartments.	Yes

## Goulburn Mulwaree DCP 2009 - Compliance Table

	<ul style="list-style-type: none"> <li>address community concerns with regard to issues of community safety and crime prevention</li> <li>reduce the level of crime within the Goulburn Mulwaree local government area</li> <li>prevent the opportunity for criminal activity</li> <li>ensure that new developments promote CPTED</li> </ul>		
<b>3.8 Flood affected lands</b>			
3.8.2 Controls for development at or below the flood planning level	<b>building materials and construction methods</b> - all buildings at or below the flood planning level must be constructed of flood compatible materials	Refer to accompanying Flood Report.	Yes
	<b>structural soundness</b> – all development applications must demonstrate that the proposed structure can withstand the force of floodwater, debris and buoyancy.	Refer to accompanying Flood Report.	Yes
	<b>residential floor levels</b> - all habitable rooms within residential development must be at or above the flood planning level	The amended proposal ensures that all of the ground level areas are now only used for non-habitable purposes (being storage, parking, laundry, and bathrooms). All habitable floor space for Unit 6 will be located at first floor level, above the floor planning level.	Yes
<b>4 PRINCIPAL DEVELOPMENT CONTROLS – URBAN</b>			
<b>4.1 Residential development</b>			
4.1.1 Site planning, bulk, scale and density	Achieve a coherent site layout that provides a pleasant, attractive, manageable, resource efficient and sustainable living environment	The proposal will make use of underutilised and redundant former car parking spaces for use as ancillary storage spaces (Storage 1, 2, 3 and 4) for the residential flat building.	Yes
	<p>(iii) Multi dwelling housing density.</p> <p>The minimum average amount of site area required for each dwelling in dual occupancy and multi dwelling housing development is:</p> <ul style="list-style-type: none"> <li>R1 General Residential and R2 Low Density Residential – 350m<sup>2</sup> per dwelling unit.</li> </ul>	<p>The subject site was approved as a residential flat building in 1971 and therefore the provision of a density requirement for multi-dwelling-housing is not applicable.</p> <p>Despite this, a multi dwelling housing development with 6 dwellings would require a site of 2,100m<sup>2</sup>. As the existing site has an area of 1,384.5m<sup>2</sup>, the existing development would also be non-compliant, with or without Unit 6 (i.e. only containing 5 units). Further, the existing building – which will not be extended further to the east – does not extend as far to the rear (east) as the existing building at No. 13 Avoca Street adjoining to the south. It</p>	N/A

## Goulburn Mulwaree DCP 2009 - Compliance Table

		is also compliant with all of the applicable setbacks controls for multi dwelling housing, as outlined below in this table. In the event the control applied to residential flat building, the proposal is considered to be entirely compatible with the character of the locality. Moreover, it remains consistent with the objectives of the controls by providing a bulk and scale of development that does not have an unacceptable impact on the streetscape and the character of the locality.									
4.1.2 Sheds and other ancillary structures	<p>Sheds and other ancillary structures to residential development (e.g. car ports) must adhere to the height limits below:</p> <table><tr><td><b>Setback</b></td><td><b>Height limit</b></td></tr><tr><td>0-1m</td><td>2.4m</td></tr><tr><td>1m</td><td>3m</td></tr><tr><td>2m or greater</td><td>3.6m</td></tr></table> <p>Note: A shed means an outbuilding, usually for a specific purpose such as storage and is a building that cannot be used for a habitable purpose.</p>	<b>Setback</b>	<b>Height limit</b>	0-1m	2.4m	1m	3m	2m or greater	3.6m	<p>The proposed shed is 2.7m in height and includes setbacks of 1m. The shed will be used as a Groundkeepers Workshop and is non-habitable.</p>	Yes
<b>Setback</b>	<b>Height limit</b>										
0-1m	2.4m										
1m	3m										
2m or greater	3.6m										
4.1.6 Number of storeys	Dwellings and multi dwellings are to have a maximum of 2 storeys outside the statutory height mapped areas	The maximum height is 2 storeys.	Yes								
4.1.7 Solar access	Residential buildings shall be designed to ensure that the proposed dwelling, adjoining residential buildings, and the major part of their landscaped open space, have at least four hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice).	The proposed development will have a negligible impact on solar access to neighbouring dwellings as well as existing six (6) apartments within the development over and above the existing situation on site. Unit 6 is dual aspect and will receive good levels of solar access.	Yes								
4.1.8 Privacy	Ensure privacy between dwellings. Avoid overlooking of living spaces in buildings and private open spaces.	The proposal will not give rise to any significant increased overlooking of neighbouring properties or in between existing apartments. Existing building separation to neighbours will be maintained.	Yes								
4.1.10 Setbacks	<u>Rear setback</u> A minimum rear setback of 6m is required for all residential development.	The building is setback 11.6m from the rear (eastern) boundary.	Yes								
	<u>Side setbacks</u>	The existing building is setback at least 2.4m from the side (southern) boundary. This will remain unchanged by the proposal.	Yes								



### Goulburn Mulwaree DCP 2009 - Compliance Table

	A minimum side setback of 1m is required for all residential development, which excludes all ancillary service infrastructure such as hot water services, air-conditioning units, electrical meter boxes and the like		
	<p><u>Front setback</u></p> <p>A minimum front setback of 4.5m, measured from the forward building line to the property boundary, is required for residential development. A smaller front setback distance may only be considered if it is consistent with the front setback of adjacent dwellings constructing on subdivisions that predate this Development Control Plan.</p> <p>Note: garages must be setback a further 1m from the front façade of the building in accordance with the controls contained within the next section.</p> <p>Secondary frontages on corner allotments must be setback 3m and exclude all raised pathways, steps, parking spaces and the like.</p>	The existing front setback will be unaffected by the proposal. The existing building complies with the required primary and secondary street setbacks.	Yes
4.1.11 Views	<p>1. To minimise, where possible, the obstruction of views from adjoining buildings or public places.</p> <p>2. To maximise views from living areas within the allotment.</p>	No neighbouring views from existing apartments within the building will be adversely impacted by the proposal.	Yes
4.1.12 Traffic safety and management	Provide sufficient and convenient parking for residents, visitors and service vehicles.	Six (6) existing car parking spaces are provided at grade, one for each apartment. This is in addition to two (2) new spaces provided for Unit 6 in the undercroft. The car parking spaces are located in a convenient and accessible location for all apartments.	Yes
	Design to integrate adequate and convenient site facilities such as storage, recycling and collection areas into the overall development.	Storage areas are provided in the undercroft areas. This is in addition to existing internal storage at first floor level for each of the apartments.	Yes
4.1.13 Energy efficient siting and layout	Building shape and orientation are major influences that affect energy consumption. The most critical element of a building's form is the size and orientation of its windows. The shape of a building influences the amount of floor area that can benefit from daylight through windows. Daylight is generally useful to a depth of 4-6 metres from a window.	Unit 6 is dual aspect and includes windows on northern and southern sides, which will ensure that the habitable rooms within the apartment will received adequate levels of daylight and cross ventilation.	Yes