

STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 200 DP 1274552
Shop 112-20
Verner Street
Goulburn

PROPOSED DEVELOPMENT: Use of an existing building as a café with BYO



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INTRODUCTION

This Statement of Environmental Effects is submitted to Goulburn Mulwaree Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for an existing café to offer "BYO" to customers.

The site currently contains an existing café located north of Verner Street and is located to the west of the entrance to Goulburn marketplace. The existing use as a café was approved via a Complying Development Certificate to operate as a café (CDC/0077/2223). The site has a total site area of 59m² and a verandah located at the entrance on Verner Street to provide a small number of outdoor seats.

The subject site is located within the conservation area and several nearby buildings are identified as heritage items.

This development application does not propose any physical works however does request consent for the café to offer a BYO to customers. Surrounding development consists of commercial premises located within the Goulburn Marketplace. Residential areas are located around the site however adequate separation and noise minimisation measures are provided to ensure no detrimental impact would occur as a result of the proposed development.

The following sections of this statement address the likely impact of the proposal.



DESCRIPTION OF PROPOSAL

The existing building operates as a café following Complying Development Certificate in April 2023 (CDC/0077/2223). This development application is in support of an approval to allow the café to operate under a 'Bring your Own' premises to support the business continued operation.

Landuse / Site Management

Details in relation to the daily operations of the premise are summarised as follows, which do not seek any changes to the existing operations except from those relating to the BYO.

- Use:
 - Use of the commercial premise as a cafe
 - Services provided include the provision of food and drink
 - Permit 'Bring your own' operations to allow customers to bring alcohol without the need for the café to obtain a licence.
- Staffing:
 - 2 full-time staff
 - 8 casuals
 - Maximum of 6 staff member on site at any one time
- Number of customers/visitors on site:
 - Maximum of 40 customers on site at any one time
 - Approximately 15 customers per hour
- Operating hours:
 - Monday to Sunday: 8am to 8pm
 - Public holidays – 8am to 8pm
- Deliveries:
 - 3 produce suppliers providing delivery;
 - 5 days a week – frozen and dry products
 - 2 days a week – meat products
 - 4 days a week – fresh fruit and veg
- Waste Collection:
 - Waste collection services will be undertaken by private contractor; Goulburn Mulwaree Council. Adequate area is available within unit to allow for waste storage until the end



of the day when waste receptacles would be emptied at the waste / bin storage area of the site.

- Parking:
 - Car parking is provided throughout the existing development to cater for staff and visitors to the site.



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 – Standards for non-residential development

3.1 Application of Chapter

(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—

(a) the erection of a new building, if the development has a capital investment value of \$5 million or more, or

(b) alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.

(2) This Chapter does not apply to the following development—

(a) development that is permitted with or without consent or that is exempt or complying development under—

(i) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or

(ii) State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2, or

(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5,

(b) development on land wholly in any of the following zones—

(i) Zones RU1, RU2 or RU3,

(ii) Zone E5,

(iii) Zone IN3,

(iv) Zones C1, C2 or C3,

(v) Zones W1, W2, W3 or W4,

(c) development for the purposes of residential care facilities.

(3) To avoid doubt, this Chapter does not apply to development to which Chapter 2 applies.



The proposed development has a CIV of >\$10 million, therefore the provisions of this Chapter do not apply to the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Clause 2.98 Development adjacent to rail corridors

(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor, or*
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

Division 17 Roads & Traffic

Subdivision 2 – Development in or adjacent to road corridors and road reservations

Clause 2.119 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—



- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

Goulburn Mulwaree Local Environmental Plan 2009

Part 2 Permitted and prohibited development

Clause 2.2 Zoning of land to which this plan applies

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

The subject site is zoned *E2 Commercial Centre* pursuant to Clause 2.2 of Goulburn Mulwaree Local Environmental Plan (GMLEP) 2009.

The proposed development is defined in the policy as a “Artisan food and drink industries” which

“means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,*



(b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,

(c) facilities for holding tastings, tours or workshops”.

The identified zone permits construction of artisan food and drink industries subject to development consent from Council. Therefore, the proposed is considered to be ancillary to this use and is considered permissible subject to consent.

Clause 2.3 Zone objectives and land use table

The objectives of the E2 Zone are:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity*
- *To encourage investment in commercial development that generates employment opportunities and economic growth*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians*
- *To enable residential development only if it is consistent with the Council’s strategic planning for residential development in the area*
- *To ensure that new development provide diverse and active street frontage to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces*
- *To reinforce the status of Goulburn as a regional plan*
- *To ensure the scale and density of development complements the desired future character of the commercial centre*
- *To protect the historic importance of Goulburn central business district and the integrity of Goulburn’s historic built form*
- *To promote the vibrancy of the Goulburn central during the day and evening.*

The proposed development can satisfy the objectives of the zone as it complements the existing commercial setting and is considered will strengthen the existing business and provide space that will encourage community activity. The proposed BYO intends to support the longevity of the existing



café and presents the opportunity for further economic growth by attracting new customers to continue to provide employment opportunities.

The proposed development is anticipated to be compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for adjoining residents without harming the appearance and functionality of the historic Goulburn central business district.

The proposed dwelling house is considered to meet the objectives of the E2 Zone.

Part 4 Principal development standards

Clause 4.6 Exceptions to development standards

The proposed development does not contravene the development standards of the LEP.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject site is located in Goulburn Conservation Area and is surrounded by many heritage items.

The proposed development does not include a change of use or any physical changes that could impact on the Conservation area and is therefore consider to be an appropriate additional offer provided by the permitted business.

Clause 5.11 Bush fire hazard reduction

The subject site is not identified as bushfire prone land on Council's maps.

Clause 5.21 Flood planning

The subject site is not known to be located within a flood planning area.

* * *



Conclusion with respect to LEP requirements

The proposal is considered to satisfy the objectives of all the relevant development standards relating to Goulburn Mulwaree Local Environmental Plan 2009.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Goulburn Mulwaree Development DCP

Part 3. General Development Controls

3.3 – General Heritage Item and Conservation Area Controls

Upon reference to Schedule 5 of the GMLEP in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property is identified to be located within a conservation area and within close proximity to several heritage items.

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
3.3.4 Change of use Proposals seeking change of use within a heritage conservation area must demonstrate will be compatible with the heritage character.	Main use of site to continue, with proposal seeking to support the business.	Yes
3.3.11. Signage and advertising	No change to existing business identification signage.	N/A



3.6 – Vehicular access and parking

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
3.6.2 specific land use requirements Cafes and restaurants: 1 space per 3 seats for restaurants 100m ² Or greater or 1 space per 40m ² of GFA for restaurants less than 100m ² GFA	Sufficient shared parking provided as part of the Goulburn Marketplace development.	Yes

Part 8 Site specific provisions

8.1. Goulburn City Business District

(xix) Verner Street Character statement

Good Elements:

- *Good streetscape with trees on both sides*
- *Vista from Cowper Street to the town centre and the hills beyond on the eastern edge.*
- *Views to Cowper Street and Church from Sloane Street end*
- *Traditional early buildings of similar scale on north side between Auburn and Sloane Streets*
Well defined corner allotments by two storey buildings
- *Church buildings*
- *Significant housing cluster on western end both north and south sides*

Intrusive Elements:

- *No uniform streetscape towards Bourke Street due to the dominance of motel car park and bank car park.*

The proposed development does not include any physical external changes to the existing property and therefore does not impact on any identified important views or vistas.

* * *

Conclusion with respect to DCP requirements

The proposal is considered to generally satisfy the objectives of Council's controls relating to commercial premises within DCP. The proposed change of use maintains the character of the area with no significant detrimental impact on the amenity of the adjoining properties. It is therefore anticipated that following a merit assessment of the proposal, a favourable outcome will be reached.



(iia) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are understood to be relevant when considering on site impacts.

Noise

The proposed 'BYO' is considered to be an appropriate addition to the existing café, located within a commercial area and is not within immediate proximity to any residential areas. The operating hours are not proposed to be changed and therefore would not contribute to any adverse noise impacts.

Waste Management

Private waste collection provided by Canterbury Bankstown Council for the collection of waste and sharps. Adequate area remains available at the kerb side for the collection vehicle.

(c) The suitability of the site for the development

The subject site is within reasonable proximity to local commercial, retail and transport facilities. Existing premises located within proximity provide alcohol for purchase, whilst PS would not serve alcohol it would support the existing business and regulate alcohol consumption onsite.

The existing road network provides easy access to all locations. The proposed development is provided with all services necessary and has been designed to suit the character of the surrounding locality.



The proposed works are permissible with development consent under the provisions of Goulburn Mulwaree Local Environmental Plan 2009, and generally satisfies the objectives of the Goulburn Mulwaree Development DCP.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.

CONCLUSION

The proposed development has been considered in respect to the relevant Environment Planning Instruments and deemed to be satisfactory with respect to those requirements.

The operation of the subject premise as a cafe that offers 'BYO' is not envisaged to impact upon the amenity of neighbouring properties or the surrounding area from a visual, noise or privacy perspective due to the appropriate design and applicable environmental measures.

The proposal is considered to be reasonable in the circumstances and should be supported based upon the proposals ability to be appropriately implemented and function with minimal impact. The proposal identifies and relates to the site characteristics and the surrounding area.

Having considered the requirements of all environmental planning instruments and Council's DCP the proposed landuse activity and associated works are considered acceptable and maintain the integrity of the existing locality. There are no potential adverse impacts identified under the relevant heads of consideration under S4.15 of the E P & A Act 1979.



Given the objectives of the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is considered to be appropriate for the site and is anticipated to have a positive benefit on the surrounding area.

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22 November 2023