

# Planning Proposal—Picton Town Centre—Administration Building—Heritage Review

---

## 1.1 Introduction

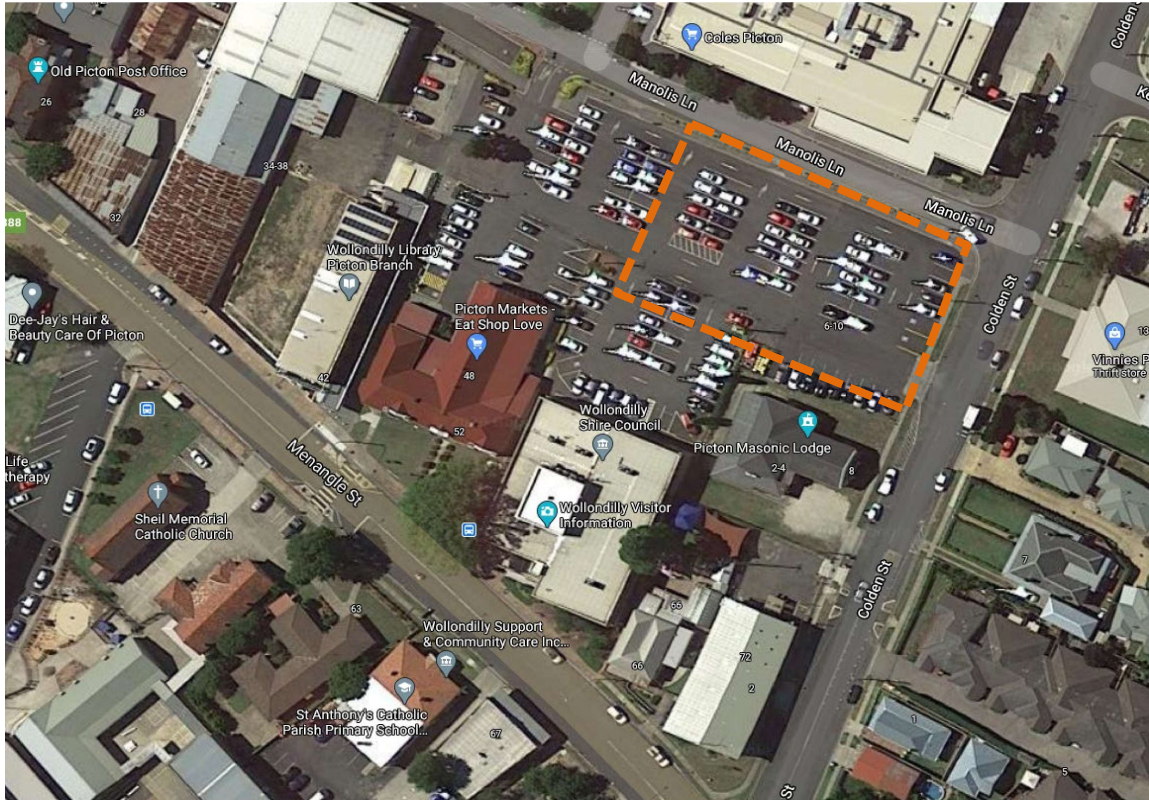
Wollondilly Shire Council is preparing to submit a Planning Proposal for a proposed amendment to the *Wollondilly Shire Local Environmental Plan 2011* (WLEP). The Planning Proposal seeks to amend the WLEP to increase the maximum permissible building height limit from 9 metres to 16 metres for an area of land located in Picton Town Centre, bounded by Manolis Lane, Colden Street and Menangle Street. The amendment is to enable the development of a new Administrative Building that is part of a wider Council Civic and Community master planned precinct in the Picton Town Centre.

The land area which is the subject of the Planning Proposal is within the Picton Town Centre Heritage Conservation Area. There are several WLEP listed heritage items in the vicinity. To accompany the Planning Proposal, GBA Heritage prepared a Statement of Heritage Impact, Issue B, April 2020 (CBA HIS). This short report provides an independent technical review of heritage matters in the GBA HIS focussed particularly on the proposed effect of the increased building height on the heritage significance of the HCA and items in the vicinity.

## 1.2 Site Location and Description

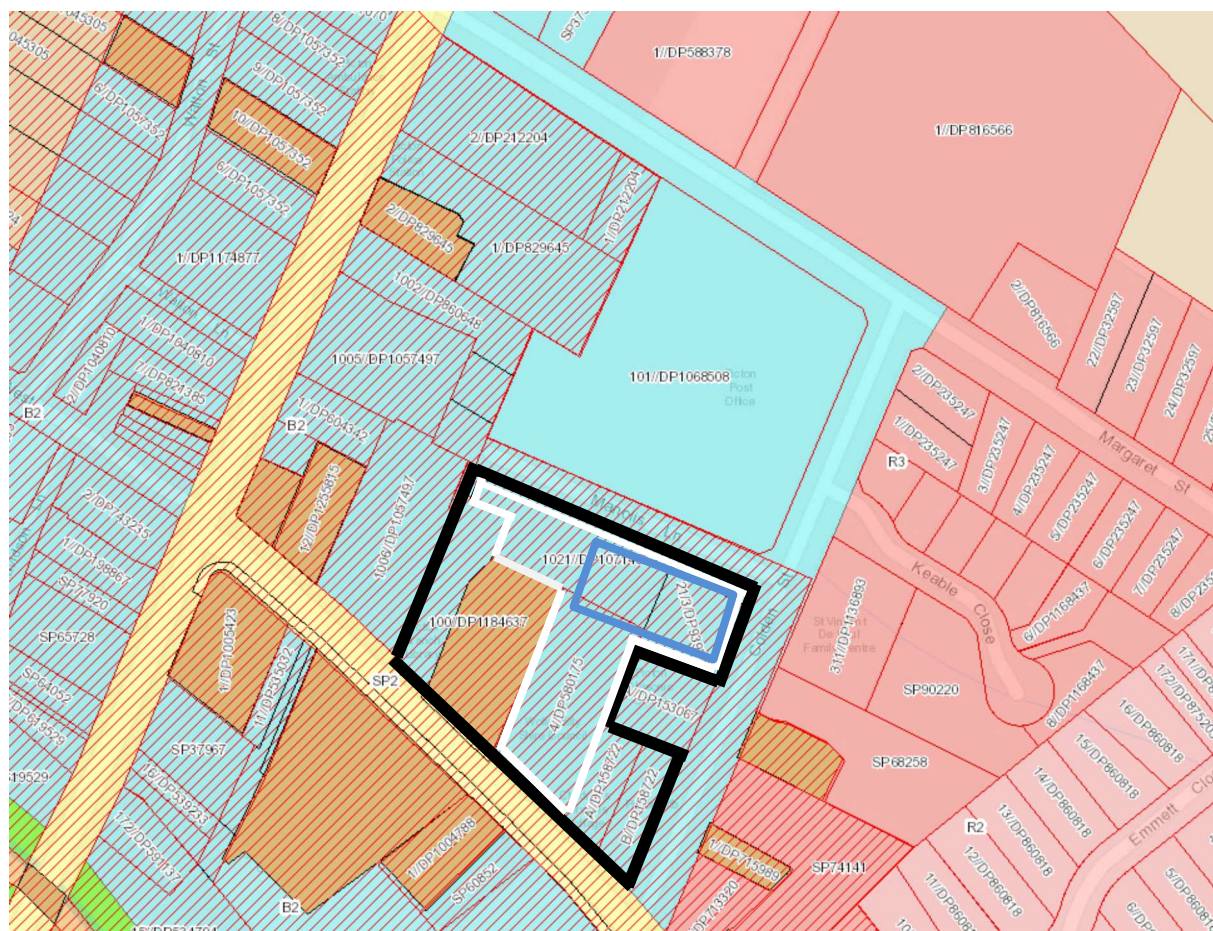
The proposed LEP amendment that is the subject of the Planning Proposal is for Lot 21 Section 3 DP39379, part Lot 1021 DP1071455 and part Lot 4 DP 580175. This land area is in the care, control, and management of Wollondilly Shire Council. The subject site is zoned B2 Local Centre and covers an area of approximately 2500m<sup>2</sup>.

The subject site has three street frontages; Manolis Lane to the north, Menangle Street to the south and Colden Street to the east. The site proposed for the new administration building is currently used for on-grade open car parking accessed via Manolis Lane and Colden Street.



**Figure 1.0** Aerial photograph showing the subject site proposed for the Administrative Building outlined in heavy dashed orange line  
(Source: Google Maps with GML)





**Figure 1.1:** Black outline indicates the masterplan area for the new Civic Community Centre in the Picton Town Centre. White outline is the area that is the subject of the Planning Proposal which currently has a maximum permissible height limit of 9m. The blue outline indicates the approximate proposed location of the new Administration Building. The lots and DP numbers are indicated as is the heritage overlay with the red diagonal hatch showing the Picton Conservation Area (C2). (Source: Planning Portal <https://www.planningportal.nsw.gov.au>)

### 1.3 Statutory Heritage Planning

The subject site is within the Picton Heritage Conservation Area and there are several LEP listed heritage items in the vicinity. The LEP provisions for heritage conservation at 5.10 are applicable. Consent is required for the erection of a building within a heritage conservation area. The consent authority must consider the effect on the heritage significance of the item or area concerned prior to approval. Accordingly, the consent authority may require the preparation of a heritage assessment to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the item or area.

#### 1.3.1 Picton Heritage Conservation Area

The subject site is located within the Picton Conservation Area (HCA) (C2). This area is identified in Schedule 5 of the WLEP and is of local significance. The statement of significance for the Picton Heritage Conservation Area from the State Heritage Inventory is quoted below:

*The town centre is an excellent and highly intact mid to late 19th century streetscape. It represents the residential development of Picton as a township from the mid 19th century through to the early 20th century, but is Second Empire Victorian in character, reflecting the boom years of Picton's development. Although largely residential nature, Menangle Street contains a number of commercial and former commercial buildings, most notably the Imperial Hotel and the former Great Southern Hotel, Post Office, Bank and Shire Hall, reflecting the period in which the commercial focus of Picton was Menangle Street, not Argyle Street. The street contains many fine buildings that have significance individually and collectively and the entire streetscape is an essential component of the historic cultural landscape of Picton. Picton township is significant through its historical links with the development of the Great Southern Railway and the important role assumed by Picton in the operation of the railway and its associated functions. Important evidence of this role is found not only in the extant railway structures but also in the residential and commercial buildings which served those workers constructing, and later operating, the railway. Such a range of evidence in such close proximity is not found in other areas of the State.*

*The area also has associations with the Antill family who initiated the original subdivision.*

*Part of this area is recognised by the National Trust as having aesthetic significance as an excellent, relatively intact, example of a Victorian-era rural town area with its dramatic natural setting of the Stonequarry Gorge and the surrounding wooded hills.<sup>1</sup>*

Within Picton Town Centre HCA several Heritage Conservation Precincts have been identified. The subject site is within Precinct 1: Commercial Centre. The Wollondilly Shire Council Development Control Plan 2016, Vol. 1, includes the following character description and objectives for the Commercial Centre Precinct:

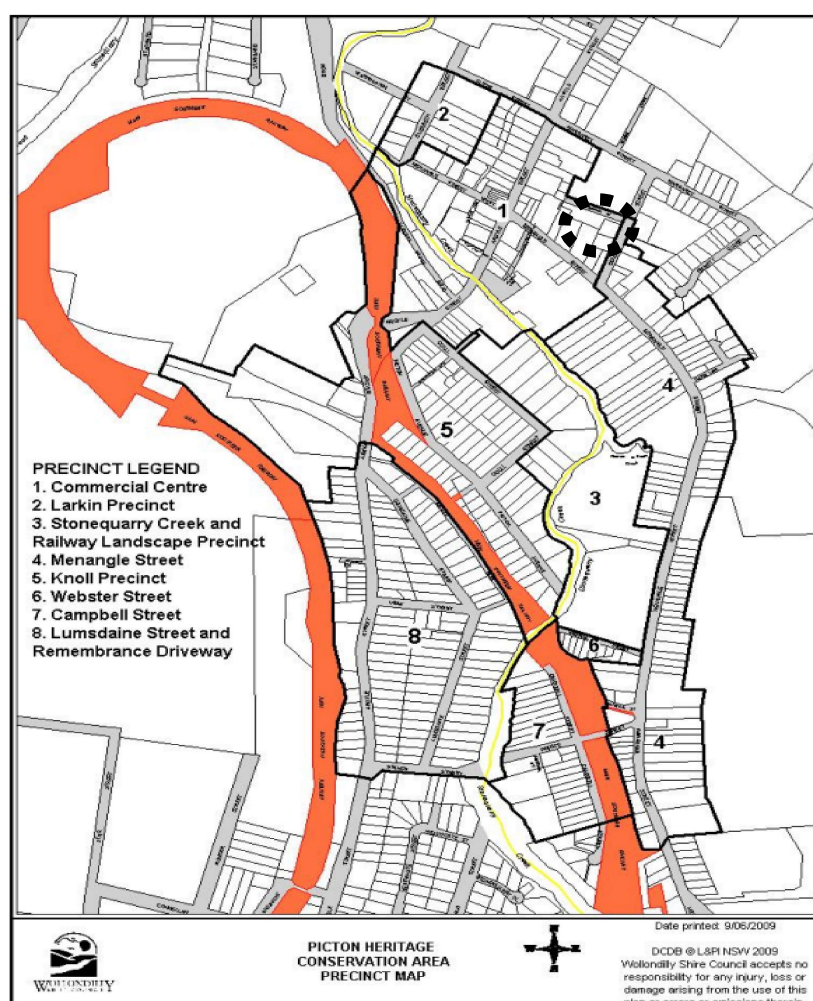
*The commercial centre precinct forms a part of the private town of Picton subdivided on Major Antill's Estate Jarvisfield in 1841. Key historic buildings within the precinct include the Picton Lockup and Court House (1865), the former CBC Bank and Coach House (1882), the former Post Office (1892), the George IV Inn (1839) located on the southern banks of Stonequarry Creek and the adjacent Stonequarry Creek Bridge Piers (1899). There are also a number of shops dating from the late 19th and early 20th centuries. The former Wollondilly Shire Hall (1915) in Menangle Street demonstrates the historic importance of the town as the municipal and administrative centre of the Shire in the early 20th century. There is a cluster of significant buildings and associated railway infrastructure extending from Stonequarry Creek up the rise south along Argyle Street, starting with the former railway hotel (circa 1880), Anglican rectory (circa 1860) and finishing the commercial precinct with the railway bridge or 'hole in the wall' (1918) which merges into Precinct 5 – The Knoll Precinct.*

- (a) To ensure development is sympathetic to the heritage character of the Commercial Centre Precinct*
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Commercial Centre Precinct*
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements*
- (d) To encourage the retention of significant shop fronts*
- (e) To promote the retention and reinstatement of original and characteristic shop front elements, and*
- (f) To ensure that alteration, additions and the construction of new buildings do not compromise the integrity and consistency of the commercial centre.*

---

<sup>1</sup> Picton Conservation Area, State Heritage Inventory, accessed 23 November 2020 at <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2690200>

MAP 1 – PICTON HERITAGE CONSERVATION AREA PRECINCTS



**Figure 1.2** Picton Heritage Conservation Area showing the subject site located within the Picton Town Centre Heritage Conservation Area Precinct 1: Commercial Centre (Source: <https://www.wollondilly.nsw.gov.au/assets/Documents/Planning-and-Development/Guidelines-Controls/Development-Control-Plan-2016-Volume-1.pdf>)

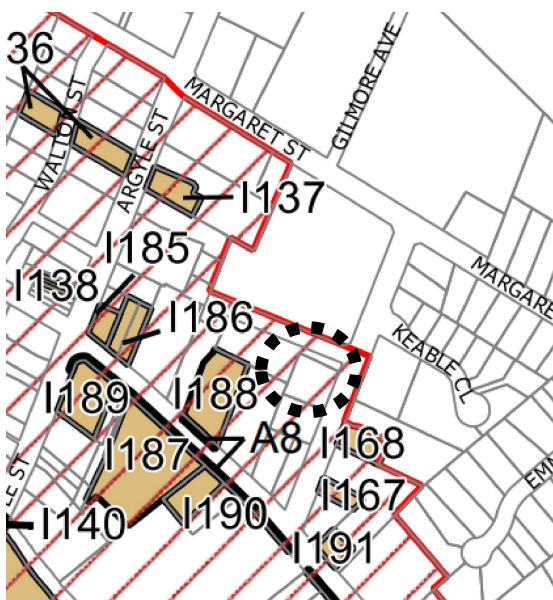
### 1.3.2 Statutory Listed Heritage Items

There are several LEP Schedule 5 heritage items in the vicinity of the subject site as tabulated below. These items are located within the Picton Town Centre HCA.

Heritage Item	Item Number	Address	Significance
Post Office (former)	I185	22-26 Menangle Street (cnr Argyle Street)	Local
CBC Bank and Coach House (former)	I189	55-57 Menangle Street	Local
Furniture Store	I186	28 Menangle Street	Local
St Anthony's Catholic Church and school hall (former church)	I187	63 Menangle Street	Local
Soldiers Memorial School of Arts	I190	65 Menangle Street	Local



Wollondilly Shire Hall (former)	I188	48-60 Menangle Street	Local
Brick Cottage	I167	1 Colden Street	Local
Catholic Presbytery (former)	I168	7 Colden Street	Local



**Figure 1.3:** Extract from the Wollondilly LEP Heritage Map, Sheet HER\_008F showing the approximate location of the subject site in heavy black dashed circle. Listed heritage items are shown in tan shading. Diagonal red hatching indicates the Picton Heritage Conservation Area (Source: <https://www.legislation.nsw.gov.au/view/pdf/map/0ea94f32-6d6f-47fc-849b-0c97ae6957e2>)

### 1.3.3 WLEP Heritage Provisions

The site is within the Picton Town Centre HCA. It is therefore subject to 5.10 Heritage Conservation in the WLEP. The objectives for heritage include:

- (a) to conserve the environmental heritage of Wollondilly,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The *Wollondilly Development Control Plan 2016* at Part 7 includes objectives for Aboriginal heritage.

- (a) To achieve appropriate means of conservation, management and protection for archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.
- (b) To achieve compliance with the requirements of the National Parks and Wildlife Act, 1974 and associated Regulations and guidelines with respect to Aboriginal objects and Aboriginal places of heritage significance.
- (c) To consider and manage Aboriginal objects and Aboriginal places of heritage significance at the earliest practical stages in the land development process.

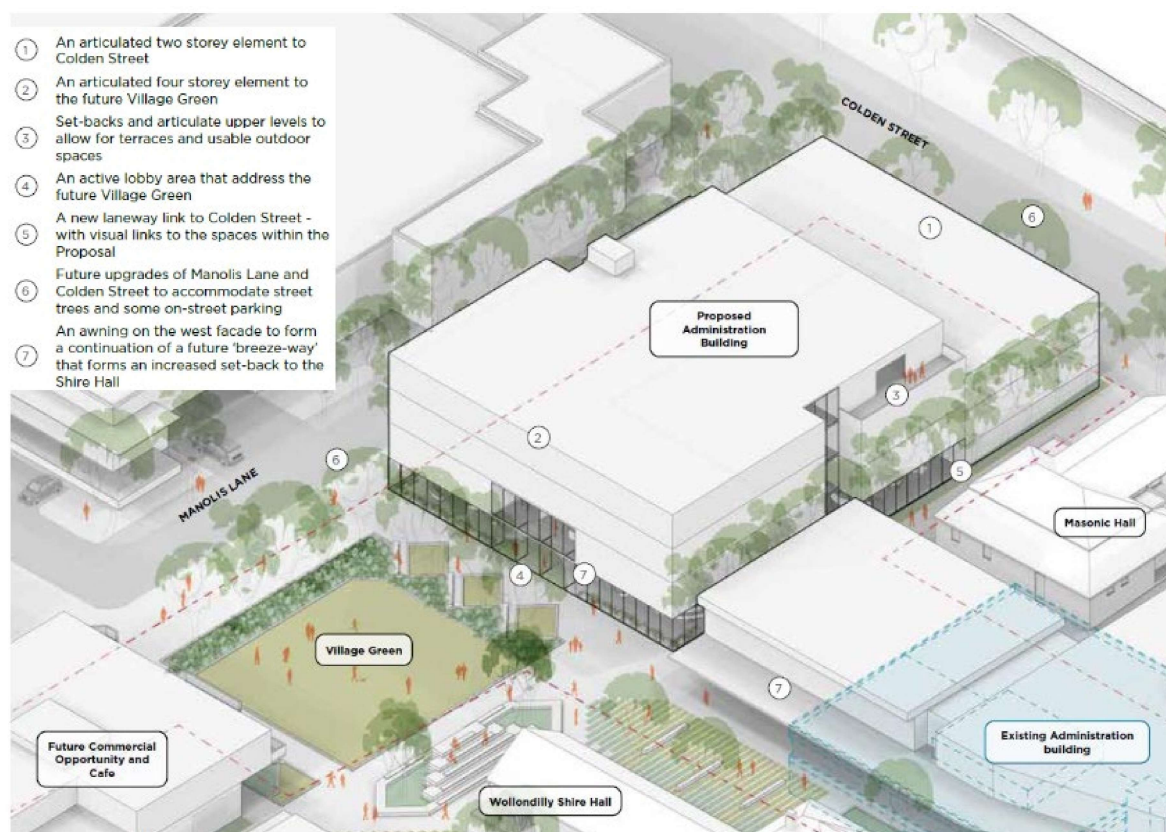
Further the DCP requires:

*An indigenous heritage and archaeological report must be prepared for any development application on land which contains a known Aboriginal object or Aboriginal place of heritage significance. The report must be prepared by a suitably qualified archaeologist. The report must be prepared in accordance with the Code of Practice for Archaeological Investigation of Aboriginal objects in NSW.*

## 1.4 The Proposal

The Planning Proposal seeks to increase the permissible building height limit from 9 metres to 16 metres within Lot 21 DP939379, part Lot 1021 DP1071455, and part Lot 4 DP580175. This is to enable the development of a new Council administration building. The building has been planned to accommodate growth in the future demand for Council's services as the population within the Local Government Area is projected to increase significantly by 2036. The Administrative Building will house 400 staff over three to four storeys. It will include onsite underground parking for up to 80-100 cars, a public foyer, reception area and work spaces with surrounding areas of public domain.

The Administrative Building forms part of the Wollondilly Shire Council Civic and Community Precinct (CCCP) which has been developed through a masterplan process and community consultation.



**Figure 1.4:** The proposed Administration building showing the proposed and pre-existing development context. Heritage listed items in close proximity to the development include the Wollondilly Shire Hall (Source: e8urban in Planning Proposal, Picton Town Centre, Administration Building, Elton, June 2020).

## 1.5 Review of GBA HIS Report

### 1.5.1 Introduction

GBA HIS report outlines the main objective is to determine the suitability of the Planning Proposal and to consider the heritage impact and implications of the proposed changes in relation to local planning controls and other guidelines.<sup>2</sup>

The GBA HIS states it has been prepared in accordance with ICOMOS Burra Charter for Places of Cultural Significance 2013, and the NSW Heritage Office (Heritage NSW) Guidelines. A reference to the Statement of Heritage Impact guideline is referenced elsewhere in the report.

It provides a brief historical summary of the subject site and surrounds. The site and its context are described. The broader landscape setting, including topographical features and landform are set out including both Vault Hill and Reservoir Hill which are noted as landmarks. The commercial and residential character of the locality and the subject site is explained. A series of photographs further describes the streetscapes, heritage items, and views. The description in the NSW Heritage Inventory for the Picton Heritage Conservation Area is cited. Other sections of the report include an assessment of cultural significance, a description of the proposal, an assessment of impact and conclusions and recommendations. Various sections of the report are detailed and discussed below.

### 1.5.2 Significance Assessment

An assessment of cultural significance is included in the GBA HIS. This section of the HIS includes an introduction and existing statements of significance for the Picton Conservation Area and the Wollondilly Shire Hall (former) and Catholic Presbytery (former). The report also includes an assessment of significance for the Masonic Hall. The United Grand Lodge of NSW of Ancient and Free and Accepted Masons was established in Picton, elsewhere on Menangle Street, in 1909. Occupation and use by the Masons on the current site dates from c1935. The building is not subject to statutory heritage listing, but the HIS report finds 'in view of the active presence of a Lodge since 1909 it is considered to have some historical and social significance'<sup>3</sup>. The report also notes the potential heritage item has some representative significance, contributory value and aesthetic significance. According to Heritage NSW guidelines for the assessment and levels of heritage significance, items are of local significance if they satisfy one or more of the assessment criteria at local level. An item either has, or does not have, local significance, other categories or sub-classifications such as 'some' are not recognised.<sup>4</sup>

Use of terms such as 'exceptional', 'high', 'moderate', 'little', 'low' and 'intrusive' help grade the components or elements of a heritage place. The GBA HIS report has applied a significance grading to the Picton Heritage Conservation Area surrounding the subject site. Elements including the Picton Conservation Area character, the character of Menangle Street, demonstrated by 1-2 storeys, small massing and narrow to medium lots, views to surrounding landmark hills, the former Wollondilly Shire Hall and the former Catholic Presbytery are all graded as 'high' significance. 'High' grading under the Heritage NSW guideline means 'high degree of original fabric. Demonstrates a key element of local or State listing. the item's significance. Alterations do not detract from significance'. Such items fulfil criteria at local or State level. The Masonic Hall is graded 'moderate' which is justified in Heritage NSW guidelines as 'altered or modified elements. Elements with little heritage local or State listing value, but

---

<sup>2</sup> GBA Heritage, Statement of Heritage Impact, Issue B April 2020, p4.

<sup>3</sup> Ibid, p 20.

<sup>4</sup> Levels of Heritage Significance, Heritage Council of NSW.



which contribute to the overall significance of the item' but which fulfil the criteria for local or State listing. The Wollondilly Council building and the existing carpark are both graded as having 'little' significance.

### 1.5.3 Archaeological Potential

Archaeological assessment is noted as being outside of the GBA HIS report in section 1.6. As such, Aboriginal objects and historical archaeology are not assessed in the GBA HIS report. Archaeological potential is, however, addressed in section 4 where it is stated that 'proposed changes to planning controls have no potential impact on the archaeological values of the subject site'.

While in theory this is correct, in practice these aspects of potential heritage value and the potential effects of the Planning Proposal, are theoretically of no lesser merit than the consideration of the proposal's potential effects on the historic built environment related to the proposed increase in permissible height.

The increase to the permissible building height, will require a complete assessment of heritage values. As by implication the proposed new height limit will give rise to potential impacts on the affected land area.

### 1.5.4 Visual Curtilage and Views

The visual curtilage and views are discussed in the GBA HIS with specific regard to the visual setting that the landscape surrounding the Picton Heritage Conservation Area provides. The GBA HIS notes in the historical summary, site description and the assessment of significance aspects of heritage value related to the surrounding cultural landscape including excerpts such as; 'luxuriant valley', 'a most agreeable landscape', 'embosomed with lofty mountains', 'a hollow among the hills', 'rich, grassy valleys, enclosed by picturesque wooded ridges' and 'a pretty little village in the midst of picturesque hills'.<sup>5</sup> In the grading of significance the views to the surrounding hills from within the Picton Conservation Area are graded as 'high' and contribute to the town's unique character. Figure 4.1 in the GBA HIS report indicates the proposed Administration Building will impact views to Reservoir Hill and Vault Hill.

In section 5.0 a series of rendered views from the e8urban Urban Design report are included (figures 5.3 to 5.6). The renders show views from Menangle Street and views from Colden Street with and without the Administrative Building. In the view to the north east from Menangle Street the proposed Administration Building is visible above the ridgeline for the former Wollondilly Shire Hall. Vault Hill is partially visible in both views. The point of view that the render represents appears to be from street level. In the existing view to the south west from Colden Street a panoramic view of Reservoir Hill is visible. The same view showing the proposed Administration Building illustrates that the 4 storey section of the new development will project into the skyline to just below the ridgeline of Reservoir Hill and partially obscure the landscape panorama.

The HIS only considers views to the Heritage Conservation Area, not from or within the Heritage Conservation Area. The HIS does not consider views to and from listed heritage items, or within the Heritage Conservation Area that may be affected by the proposal.

Clearly the landscape setting and views from within the township and along its streets are a significant and distinguishing feature of Picton and the Heritage Conservation Area.

---

<sup>5</sup> GBA Heritage, Statement of Heritage Impact, Issue B April 2020, pp 9-10.

Clearly, any future development on the subject site built to an increased height limit will need to be carefully controlled and conditioned to avoid direct impacts on important views/vistas that are associated with the historic character and significance of Picton.

## 1.6 Review of Heritage Impacts

The GBA HIS provides an assessment of heritage impact that has considered the relevant questions and issues as required by the Statements of Heritage Impact guideline published by the Heritage Office, now Heritage NSW.

The three key issues considered in the impact assessment include:

- Whether the proposal respects or enhances the heritage significance of the item or conservation area.
- Aspects of the proposal that could detrimentally impact on heritage significance.
- Sympathetic solutions that have been considered and discounted.
- New development adjacent to a heritage item.

### **Whether the proposal respects or enhances the heritage significance of the item or conservation area.**

The HIS argues that within the overall proposed increase to the permissible height is not in close proximity to the primary streets of Argyle and Menangle Picton within the Heritage Conservation Area. It also argues that the increased height will only occupy a 'very small part of Precinct 1'. This does not, address the nature and degree of impact of the increased height with regard to the enhancement of or respect for the assessed heritage significance of the Heritage Conservation Area or listed or potential heritage items in the vicinity. The assessment should explicitly identify which aspects of the proposed development are sympathetic to the heritage character of the Commercial Centre Precinct and to the other listed items. Further it should outline what aspects of the design and materials used in the new building are appropriate with regard to scale and form given the heritage character of the Commercial Centre Precinct and heritage items.

Should the Planning Proposal proceed and the permissible building height for the subject site be increased to 16 metres any development application will need to be guided by development controls that ensure the continuing conservation of heritage significance of the Picton Heritage Conservation Area and heritage items to align with the requirements for Heritage Conservation in the LEP.

### **The following aspects of the proposal could detrimentally impact on heritage significance**

It is noted that the overall, length, width, footprint and mass of the proposed building envelope are uncharacteristic of the Heritage Conservation Area and its scale and character of the streetscapes and adjacent Masonic Hall. The assessment in the HIS notes that the Administration Building's upper storey would partially obscure views to the surrounding hills which are considered to contribute to the significance of the Heritage Conservation Area.

Impacts from the increased height are assessed in relation to the former Shire Hall where the Administration Building will be visible above the Hall's ridgeline. The HIS recommends design development to sensitively manage and mitigate this visual impact. Site specific development controls

will be required to ensure compliance with Heritage Conservation in the LEP in the event that the Planning Proposal proceeds.

**The following sympathetic solutions have been considered and discounted for the following reasons**

Variations to the carparking layout within the Administration Building have been considered to reduce the size of the upper storey and accordingly decrease the visual impact. The revised layouts have been discounted. While this is reasonable, perhaps further options could be considered given increasing flexibility, changing travel patterns and workplace design.

The HIS notes the relevant heritage clauses in the Wollondilly LEP including 4.3 and 5.10. The HIS finds that the Administration Building can meet the planning objectives due to the footprint of the proposed building and its location away from the most significant streets of the Picton Heritage Conservation Area. Yet the one of the key objectives of the height of buildings is to minimise the impact of new development on the streetscape and neighbouring properties. Yet the bulk, height and scale of the Administration Building has not effectively minimised or mitigated its impact and it is arguably more responsive to the 'emerging character' of recent developments as evidenced by Picton Mall than to the heritage character of the area or listed heritage items.

The HIS notes that there are no direct physical impacts to the fabric of listed items and the physical separation between the new development and listed items is considered positively.

Site specific development controls will be required to ensure sympathetic solutions are developed appropriate to the historic context.

**New development adjacent to a heritage item**

The HIS states that the proposed new built form is located away from primary significance streets in the Heritage Conservation Area and will be largely screened by existing development. It also notes that the new development will not directly adjoin heritage listed items. The HIS argues that the height has been appropriately or reasonably modulated to response to the scale of the heritage items, noting that the 4 storey element will address the proposed public open space which is away from the historically significant streets and separating it from heritage items nearby, including the former Shire Hall.

The Masonic Hall is not formally listed as a heritage item, the proposal will address this building with a three storeys and the HIS notes that the new development will need sensitive design resolution to manage and mitigate the potential to dominate and overwhelm the building. Other heritage items such as the former Presbytery and the Picton Post office building are considered to be at a sufficient distance not to be impacted, however, the view north east from the intersection of Argyle and Menangle streets, with Vault Hill in the background may be impacted by the bulk, increased height limit and scale of the Administration Building.

An increase to the height limit within the HCA will need to be carefully managed through controls to ensure heritage items in the vicinity are not physically and visually dominated.

## **1.7 Findings and Recommended Actions**

On one level the Planning Proposal to increase the height limit through an amendment to the LEP does not in and of itself create a direct physical impact on Picton's heritage significance. However, if the LEP is amended and the permissible maximum building height is increased from 9 metres to 16 metres it establishes a new height control that will rise to impacts on heritage significance of varying degrees. If

Gateway determination is achieved the following actions and recommendations should be considered to manage and mitigate the known and potential impacts associated with proposed new development of increased height, bulk, and scale within the Heritage Conservation Area:

- Council's consistency and compliance with the Wollondilly LEP's should be demonstrated including the aim 'to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage', and 5.10 Heritage Conservation to conserve archaeological sites and Aboriginal objects and places of heritage significance. Council should adopt a Due Diligence to the protection of Aboriginal objects, this would be a reasonable and practical measure to determine whether the proposal will potentially harm an Aboriginal object and enable measures to be planned for to mitigate that harm. Such assessment would be consistent with Council's controls (see DCP 2016 Vol 1 Aboriginal Heritage 7.1(c)) and the requirements under the *National Parks and Wildlife Act 1974*.
- It would be prudent to undertake an historical archaeological assessment given the historical development of the subject site and to inform the planning, management, and mitigation of any identified potential impacts on known or potential relics.
- The description from the Heritage Inventory states 'the Picton Urban Conservation Area contains a number of different elements which are harmoniously combined and framed by the surrounding steep hills'.<sup>6</sup> If the height limit of the subject site is increased any new built form should sit harmoniously within this historic landscape setting, rather than visually competes with and dominating the 'frame'. Compliance with the LEP heritage conservation objective to conserve the heritage significance of heritage items and heritage conservation areas, including associated settings and views will be required. Views to and from heritage items will need to be considered as part of any development on the subject site if the Planning Proposal proceeds.
- Council could consider a review of the Picton Heritage Conservation Area and subject to the findings of the assessment and review amend the HCA boundaries to ensure the heritage significance of the area is grounded in up to date assessments.
- Council should also consider identifying contributory items within the Heritage Conservation Area to provide more certainty for owners and to ensure heritage areas are managed consistently and equitably.
- The GBA HIS assesses the Masonic Hall as satisfying one or more of the assessment criteria for heritage listing as an item of environmental heritage at local level. Given this, Council should demonstrate best practice heritage management and consider formally listing this building. As part of the planning proposal Council should plan to respond to the building in a manner that recognises and respects its assessed heritage significance.
- The character, scale, form, site materials, colours, and detailing of any proposed development to a new increased permissible height limit of 16 metres will need careful consideration if it is be consistent with the LEP objectives for Heritage Conservation.

---

<sup>6</sup> Ibid, p 12.



- If the height limit is increased from 9 to 16 metres the limit should only be applied to the area required for built form and every effort should be made to reduce and stay beneath that limit, especially where additional storeys are proposed.
- Detailed design development will be required to modulate building facades. Podiums and upper storey set backs will also need careful planning and detailed design resolution especially to the north, south and east to mitigate impacts on heritage significance.