

## 12.5 PICTON TOWN CENTRE - GOVERNMENT SERVICES BUILDING PLANNING PROPOSAL

**File Number:** 12275#165

### EXECUTIVE SUMMARY

This report seeks Council's approval to progress a Planning Proposal for land at Lot 21 Section 3 DP939379, Part Lot 1021 DP1071455, part Lot 4 DP580175) at 6-8 Colden Street and 62-64 Menangle Street, Picton, NSW 2571 (the Site), subject to the preparation of a site specific DCP that takes into consideration the wider Wollondilly Shire Cultural, Civic and Community Precinct.

The planning proposal seeks to amend the Wollondilly Local Environmental Plan 2011 (WLEP 2011) by increasing the building height control established for the site under clause 4.3 of the WLEP 2011 from 9m to 16m. The purpose of this amendment is to enable the development of a new Government Services Building, which forms part of the wider Wollondilly Shire Cultural, Civic and Community Precinct.

Wollondilly Shire Council is both the owner of the site and the proponent for the Planning Proposal. To ensure an independent and transparent process, Keylan Consulting has been engaged by Council to undertake an independent assessment of the Planning Proposal. Keylan also engaged specialist traffic and heritage consultants to provide independent reviews and advice on the Planning Proposal. Keylan has provided the content of this Council report to ensure its independence and transparency in the process.

The proposal has been subject to preliminary notification with no public submissions received. The proposal has been referred to the relevant Public Agencies.

The site is located to the rear of the existing Wollondilly Shire Council Administration Services Building and is currently in use as a public car park. The site is located within the Picton Town Centre Conservation Area and is in close proximity to several buildings of heritage significance.

The Planning Proposal was reported to the Wollondilly Local Planning Panel (LPP) for its advice on 25 February 2021. At the time of the writing of this report the LPP had not met and therefore their comments on the PP will be provided via a separate memo to Council.

Council's final adopted Wollondilly Shire Cultural, Civic and Community Precinct master plan included a new Government Services Centre because of significant issues with the current building, and the benefits of having a service centre. These include providing space for local and NSW Government Services, generating higher productivity from staff (and higher service levels for the community), and provide greater efficiencies in operational costs.



Figure 1 Wollondilly Shire Cultural, Civic and Community Precinct Master Plan

It is noted that the Wollondilly Shire Cultural, Civic and Community Precinct will be covered by the new Picton Place Plan. The *Picton Place Plan* is a guiding document that creates shared goals and a vision for the broader town centre and will assist Council and the community in working together to identify the purpose and character of Picton, now and into the future.

The draft Plan acknowledges the important role the Community, Cultural and Civic Precinct will play in establishing and shaping the core of Picton. It notes the bulk and scale of the proposed Government Services building as an anchor, and that it will help define the Village Green and pedestrian links, which in turn will connect to Menangle Street and the vibrant main spine of Argyle Street.

## RECOMMENDATION

That Council:

1. Supports the Planning Proposal for 6-8 Colden Street and 62-64 Menangle Street, Picton, NSW 2571.
2. Supports the preparation of a site specific DCP for the wider Wollondilly Shire Cultural, Civic and Community Precinct to establish controls to guide the future redevelopment of the site;
3. Agrees to support the Planning Proposal as a relevant planning authority; and
4. Forwards the Planning proposal to the Department of Planning, Industry & Environment for a Gateway Determination.

## REPORT

### Background

The Planning Proposal (PP) seeks to amend the Wollondilly Local Environmental Plan 2011 (WLEP 2011) by increasing the building height control established for the site under clause 4.3 of the WLEP 2011 from 9m to 16m. Wollondilly Shire Council is the applicant. A copy of the PP is provided at Attachment [1].

The purpose of this amendment is to enable the development of a new Government Services Building, which forms part of the wider Wollondilly Shire Cultural, Civic and Community Precinct (CCCP). Council adopted a Master Plan for the CCCP on 19 August 2019 and has since been granted funding for the first stage as part of the Western Sydney City Deal programme for Liveability.

Council's vision for the CCCP is to provide a flexible, multipurpose community space that supports a diversity of community, cultural and civic activities and attracts a wide range of community members, businesses and visitors. The Precinct also seeks to be a community gathering place that provides a safe and inclusive venue for a wide range of formal and informal events and activities.

Council's adopted Wollondilly Shire Cultural, Civic and Community Precinct master plan includes a new Government Services Centre because of significant issues with the current building, and the benefits of having a new service centre. These include providing space for local and NSW Government services, generating higher productivity from staff (and higher service levels for the community), and provide greater efficiencies in operational costs.

The delivery of the CCCP will involve four main stages including:

- Stage 1: Demolition of buildings and relocation of some services, new car parking, initial refurbishments of the Shire Hall, construction of a new performance space and construction of a new childcare building.
- Stage 2: Construction of a new Council Service Centre/ Administrative Building and basement parking.

- Stage 3: Creation of a new green civic square, demolition of existing Council building, further Shire Hall improvements, additional car parking.
- Stage 4: Construction of new library and learning centre, repurposing of existing library, and public domain works across the Precinct and to Colden Street and Corbett Lane (formerly Manolis Lane).

As detailed above, the Government Services Building is to be delivered within Stage 2 of the CCCP.

A copy of the CCCP Master Plan is provided in the Figure below.

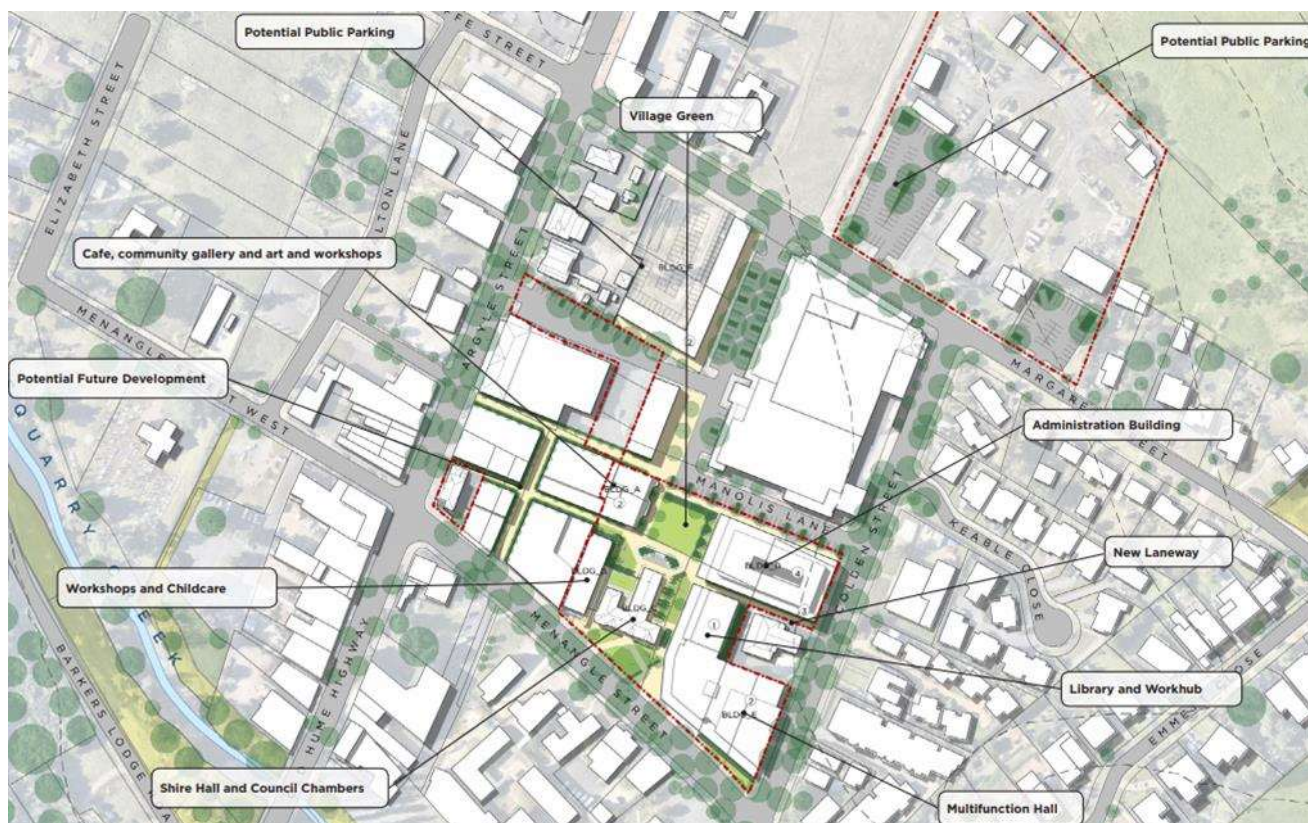


FIGURE 2: Extract Wollondilly Shire Cultural, Civic and Community Precinct Master Plan (Source: Wollondilly Shire Council)

## Site Description

The PP relates to the land at the junction of Colden Street and Manolis Lane known as 6-8 Colden Street and 62-64 Menangle Street, Picton. The land on which the site is located is legally described as Lot 21 Section 3 DP939379, part Lot 1021, DP1071455, part Lot 4 DP580175 and is outlined in red in Figure 3 with the wider CCCP outlined in blue.

The site comprises a rectangular portion of the above properties that is approximately 2,500m<sup>2</sup> in size. It is zoned B2 Local Centre under the WLEP 2011 and is subject to a maximum building height control of 9m. There is no FSR control for the site.

The site is owned and managed by the applicant, Wollondilly Shire Council, and is currently utilised as an at-grade hard stand car park, which is accessible from both Colden Street and Manolis Lane.

The site is bounded by Colden Street to the east, a Masonic Temple and Wollondilly Council Buildings and associated at-grade car park to the south, at-grade car park to the west and Manolis Lane to the north.

The development on the northern side of Manolis Lane comprises the Picton Mall, which is an approximately 9 metres high single storey indoor shopping centre with at-grade parking accessed from Manolis Lane and Margaret Street. Servicing of the shopping centre is located on Colden Street.

To the east of the site, on the opposite side of Colden Street is a single storey residential-scale retail building containing the Vinnies charity shop.

To the south-east of the site accessed from Colden Street is the single storey Picton Masonic Hall, constructed out of redbrick with dual pitched roof, it contains a neo-classical façade with pillared detail to the street frontage. The Former Catholic Presbytery is located perpendicular on the opposite side of Colden Street at number 7.

The existing modernist two storey Government Services Building is located to the south accessed from Menangle Street, adjacent to the listed Former Wollondilly Shire Hall located to the south west of the site. Further to the south-west is the existing Council library building with pedestrian access to the neighbouring at-grade car parking.

The west of the site is predominantly at-grade car parking and the rear of retail premises located on Argyle Street.

The site gently slopes away from Colden Street and lies within the Study Area for the Stonequarry Creek watercourse with parts of the site located either within the overland flow or mainstream Flood Planning Areas.

The site does not include any items of heritage significance. However, it is located within Precinct 1 (Commercial Centre) of the Picton Conservation Area (PCA), which is identified as item C2 in Schedule 5 of the WLEP 2011. There are several individually listed heritage items in the vicinity of the site, including:

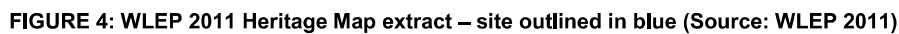
- Former Catholic Presbytery, 7 Colden Street (item I168);
- Former Wollondilly Shire Hall, 48-60 Menangle Street (item I188 in LEP);
- St Anthony's Catholic Church and school hall, 63 Menangle Street (item I187); and
- Soldiers Memorial School of Arts, 65 Menangle Street (item I190).





FIGURE 3: Location map – Subject site outlined in red, 6-8 Colden Street and 62-64 Menangle Street, Picton outlined in blue (Source: SixMaps)





No change to the current B2 Local Centre land use zoning for the site is proposed under this PP. This is due to the fact that commercial premises, which include business, office and retail premises, are permitted with consent in the B2 zone.





FIGURE 6: Proposed maximum building height map (Base map source: WLEP 2011)

### Gateway Determination

This PP will be sent to the Department of Planning, Industry and Environment for a Gateway determination if Council supports the proposal.

### PLANNING CONTEXT

#### Wollondilly Community Strategy Plan 2033 (CSP 2033)

The Create Wollondilly Community Strategic Plan 2033 (CSP) is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations. This proposal is consistent with the key policy directions outlined in the CSP. A full assessment on the suitability of the PP against the CSP is included in Attachment [2].

#### Wollondilly 2040 Local Strategic Planning Statement (LSPS)

Council's Local Strategic Planning Statement 2040 (LSPS) is a 20 year land use vision for Wollondilly. This proposal is consistent with the key planning directions outlined in the LSPS. A full assessment against key Planning Priorities relevant to this proposal is included in **Attachment [2]**.

#### Greater Sydney Regional Plan and Western City District Plan 2018

The Greater Sydney Commission's A Metropolis of Three Cities – the Greater Sydney Region Plan and the Western City District Plan were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of planning proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration;** supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability;** social infrastructure, healthy communities, housing supply and affordability, great places.
- **Productivity;** the 30 minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability;** green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid.
- **Implementation;** local strategic planning statements, monitoring and reporting.

While the Plans do not provide strong direction on how to prioritise Planning Priorities against each other, a dominant focus for Wollondilly throughout the plan is the Metropolitan Rural Area (MRA), which is discussed in detail below.

### Metropolitan Rural Area (MRA)

The MRA is identified as the part of Greater Sydney which is generally outside the established and planned urban area. For Wollondilly, this takes in the whole Shire with the exception of the Wilton Growth Area and areas in Appin within the draft Greater Macarthur Growth Area. Picton Town Centre is within the MRA for the Shire.

The diverse values of the MRA are recognised for their contribution to habitat and biodiversity, supporting productive agriculture, providing mineral and energy resources and sustaining local rural towns and villages. There is a commitment to preserving rural uses and housing growth and development in this area is restricted.

The Greater Sydney Regional Plan identifies that the towns and villages of the MRA offer opportunities for people to live and work in attractive rural or bushland settings, close to a major city. Furthermore, the Regional Plan indicates that maintaining and enhancing the distinctive character of each rural and bushland town such as Picton is a high priority. As such, ongoing planning and management of rural towns should respond to local demand for growth, the character of the town and the values of the surrounding landscape and rural activities.

As identified, Picton is within the MRA area in its entirety but this designation does not appear to take into account the well-established, urbanised nature of Picton Town Centre. The MRA mapping of established urban areas such as Picton does not align with the intent or objectives of the MRA designation.

The Region Plan states that the growth and intensification of business activity within rural villages is supported where they maintain or enhance local character. Further, Action 78 of the Western City District Plan seeks to ensure new development maintains or enhances the values of the MRA using place-based planning to deliver targeted environmental, social, and economic outcomes. In this regard, the PP is considered to support growth in a managed way, by encouraging the development of local services within an established urban setting in the MRA.

The PP will enable the development of the Government Services Building within the CCCP and will contribute to Picton's ongoing role as the municipal centre of Wollondilly Shire providing major regeneration benefits to the town. Furthermore, it will allow Picton and Wilton to co-exist rather than compete with each other, with each centre being capable of functioning independently.

This proposal seeks to facilitate and supports planned growth through the development of the CCCP in an existing town centre. Furthermore, it will not reduce or compromise the capacity of MRA land to be used for agricultural purposes nor does it propose residential housing. The PP is therefore considered consistent with the District Plan and Regional Plan.



An assessment of the PP against the Greater Sydney Region Plan and Western City District Plan is provided in Attachment [2] to this Report.

### **Section 9.1 Ministerial Directions**

The Minister for Planning has issued a number of Directions under the *Environmental Planning and Assessment Act 1979* which apply to the assessment of planning proposals. This proposal is consistent with the relevant Ministerial Directions, including Direction 4.3 Flood Prone Land which is addressed later in this report. A full assessment against directions relevant to this proposal is included in Attachment [2].

### **State Environmental Planning Policies**

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs). These documents deal with matters of state or regional planning significance. This proposal is consistent with all applicable SEPPs and SREPs.

The following SEPPs and SREPs apply to the proposal:

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Sydney Drinking Water Catchments) 2011.

A full assessment against all SEPPs and SREPs relevant to this proposal is included in Attachment [2].

## **CONSULTATION**

### **Community Consultation**

In accordance with Council's Community Participation Plan and adopted Planning Proposal Policy, and initial community consultation has been undertaken. The PP was exhibited on Council's website and at Wollondilly Library for a period of 28 days between 28 October 2020 and 24 November 2020. A letter was sent to residents on 28 October 2020 and details of the exhibition were also published in local newspapers.

No submissions were received from the community during this preliminary consultation period.

### **Consultation with Public Agencies**

Comment was sought from relevant government agencies as part of preliminary consultation for comment on the PP. These agencies included:

- Subsidence Advisory NSW
- Heritage Council NSW
- Transport for NSW
- Sydney Water.

A complete assessment of matters raised by public agencies is provided in Attachment [3]. In summary, the Subsidence Advisory NSW and the Heritage Council NSW did not raise any issues or concerns with the proposal. TfNSW did request additional traffic and modelling information.

Sydney Water advised that the site is within the Picton WRP catchment which currently has no capacity to accept growth that has not previously been considered. This matter is discussed in detail later in this report.

**Consultation with Internal Council Staff and External Consultants**

The PP was provided to internal Council staff to provide specialist advice. In addition, independent Traffic and Heritage Consultants were engaged by Keylan to undertake a review of the PP. A complete assessment of matters raised by Council Staff and External Consultants is provided in Attachment [4]. A detailed assessment of the key matters identified is provided below.

***Building Height and Design*****Matters Raised**

A number of Council Departments, including Sustainable Growth, Development Services and the Social and Health Impact Assessment Working Group commented on the proposed building height and design. In summary the matters raised include:

- Impact on important views and vistas.
- There is potential for the building to overlook private property on the eastern side of Colden Street.
- The indicative designs provided with the Planning Proposal suggest that the Colden Street frontage will be only two stories. However, there is nothing in the proposal to guarantee that this frontage will not utilise the full 16m.
- Queried why the PP does not seek to increase building height across the entire Precinct.
- It is unclear whether the proposed walkway running from Colden Street to the Village Green between the Government Services Building and the Masonic Hall is part of the land to which the Planning Proposal applies. This walkway provides permeability and is important to the social viability of the Precinct.
- Wollondilly's DCP currently enables a zero setback for commercial development. This may be inappropriate given the proposed 16 metre height limit.
- A site specific DCP should be prepared, particularly on the basis that the design, architecture and setting will be critical in achieving a quality outcome for the site.
- The site specific DCP could also incorporate landscaping/ vegetation requirements to mitigate any urban heat island effect of any future building.

These issues have been considered as part of the assessment of the PP as detailed below.

**Assessment**

The site is currently utilised as an at-grade car park, accessed off Manolis Lane and Colden Street. The site is set among a mix of built form and land uses. While the scale is generally low density with building heights of one to two storeys, the adjoining Picton Mall development has a height of approximately 9 metres, generally equivalent to a three storey development.

The proposal seeks to increase the building height from 9 metres to 16 metres for the site. No other built form controls are proposed.

Contextually, the proposed Government Services Building would be the tallest building within the precinct, at a height of 16m or comparative four storeys. The Urban Design Report indicates that the mass of the building would be broken down to fit the context of the site. The purpose of this design approach is to enable the future Government Services Building to provide an appropriate transition to neighbouring buildings and to respond to the character of the area.

In particular, the concept design seeks to respond to the topography of the site and the scale of surrounding development by transitioning height across the site from two to four storeys, as illustrated in the below figures.

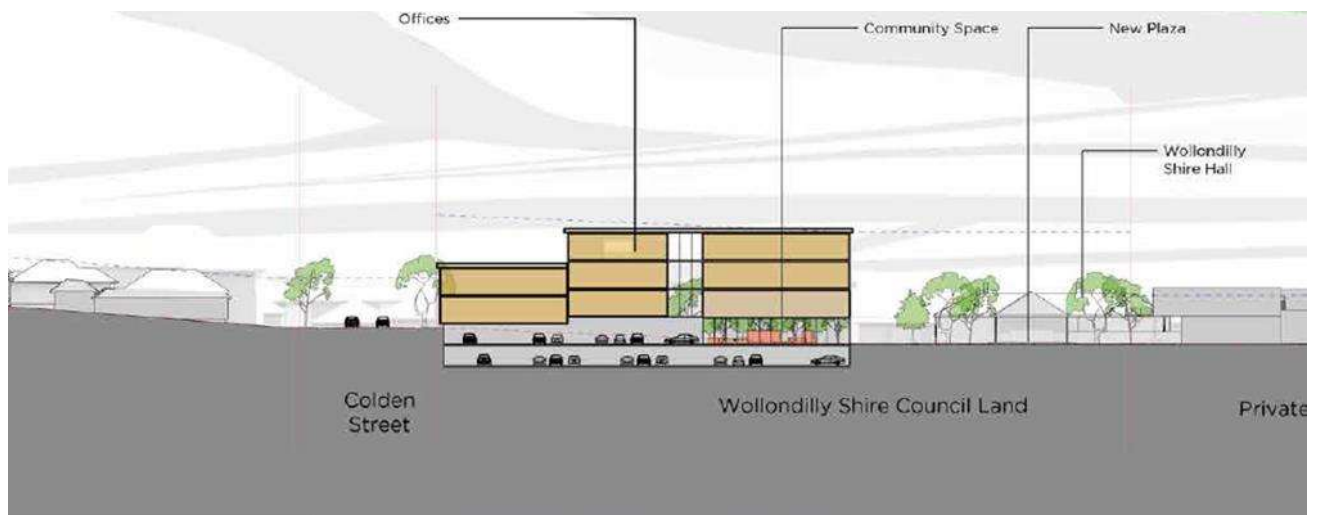


FIGURE 7: East-west cross-section through the concept design



FIGURE 8: North-south cross-section through the concept design – Colden Street frontage (Source: e8urban)

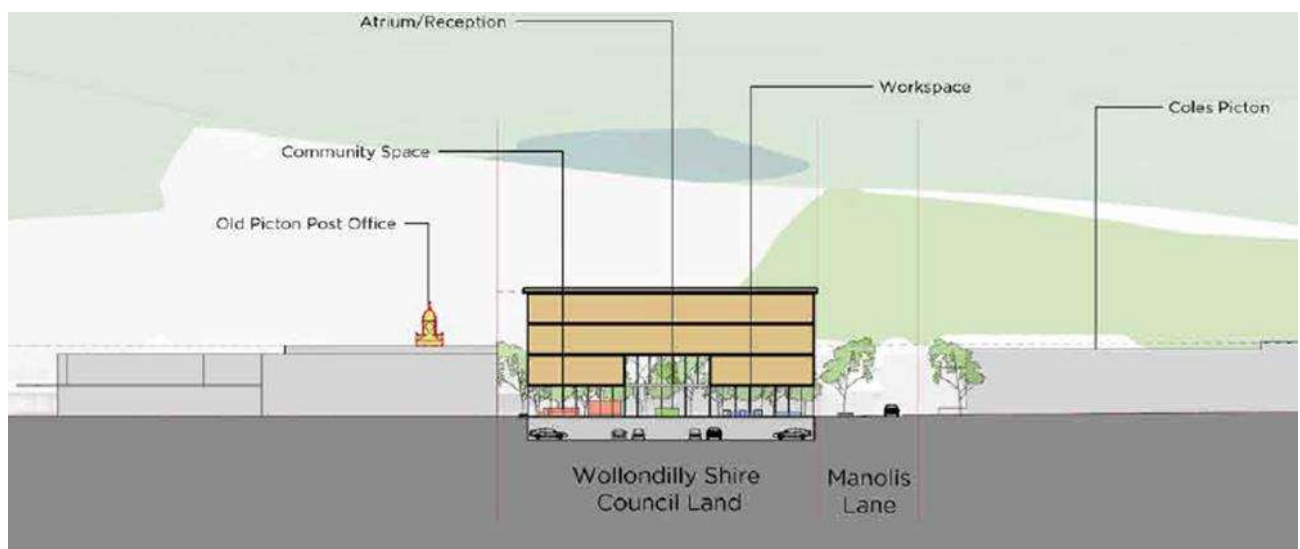


FIGURE 9: North-south cross-section through the concept design – future village green frontage (Source: e8urban)



As illustrated in Figures 6 and 7 above, the eastern elevation of the building is to comprise a two storeys façade, similar to the existing scale of development along Colden Street. This design approach will avoid privacy impacts to properties on the eastern side of Colden Street. The two storey building height would be achieved through the incorporation of a large building setback to Colden Street, together with a design that responds to the sloping nature of the site by transitioning the ground floor level to underground basement car parking.

As illustrated in Figure 9, the western façade of the building is four storeys or 16 metres in height fronting onto the proposed village green within the CCCP. This design approach provides a ceremonial entrance to the building and frames the new village green centre. In addition, building articulation including upper floor setbacks at 3<sup>rd</sup> floor are illustrated to provide further transition to the neighbouring buildings to the north and south.

The Urban Design Report also states that enhanced public domain with street trees and verge planting will be provided. It is considered that suitable landscaping should be incorporated into the future design at the site to soften its setting within the surrounding landscape.

If built to the maximum building envelope with a height of 16 metres across the entire site, the Council administrative building could result in a relatively large and bulky building in the context of the surrounding character of the surrounding area, particularly noting the nil setback control for commercial development within the Wollondilly Development Control Plan 2016 (WDCP 2016). However, the development of suitable urban design controls including building storey heights, setbacks (such as the indicative upper level setback to Colden Street), site coverage and landscaping could ensure the proposed building height is suitable for the site by facilitating its future redevelopment in a manner that appropriately responds to its surroundings.

With regard to view loss, it is noted that a view analysis was included within the Urban Design Report prepared by e8urban and includes key views including:

- Corner of Colden Street and Menangle Street looking North
- Corner of Colden Street and Margaret Street Looking South
- Menangle Street looking East
- East Towards the Shire Hall from Menangle Street
- North through the Shire Hall and current council offices.

This view analysis details the impact of the concept design on both the existing and emerging site context through the future redevelopment of the site CCCP. The view analysis details that the proposal will have limited impact on views. In particular, the views provided of Wollondilly Shire Hall (I188) and the former Post Office (I185) from Menangle Street show minimal impact. It is noted the proposal will block a portion of the expansive view of the hills to the south of Picton when viewed from the intersection of Colden and Margaret Street. Notwithstanding this, while the proposal is visible the view of the Hill's ridgeline is maintained and the setback of the upper levels provides for a visual continuation of the street scale.

It is noted the Government Services Building forms a key part of the CCCP which is envisaged to be developed over a staged period until 2036 commensurate with the growth of the Shire. The building would accommodate up to 400 council administrative staff. The CCCP will re-focus the centre of Picton and provide vitality and viability to the town centre. Accordingly, the redevelopment of this site as part of the wider CCCP requires a building of sufficient scale to accommodate its proposed future use and to bring major regenerative benefits to the centre and strengthen Picton as the community, cultural, civic centre of Wollondilly Shire.

The Urban Design Report does not detail the heights of adjoining buildings within the CCCP. These buildings are depicted as two storey buildings, which when applying standard floor to ceiling heights for commercial buildings, would appear consistent with the 9m height control. Notwithstanding, it is considered that the applicant should clarify the building heights proposed across the entire precinct through more detailed controls.

On the basis of the above assessment the preparation of a site-specific DCP which includes the adjoining CCCP is recommended. Subject to the preparation of this DCP it is considered the increase in height at this location would not harm the prevailing and emerging character of the centre of Picton. This approach would ensure the proposed increase in height is contextually managed and planned with regards to the adjacent buildings and surrounding built form.

## **Heritage**

### **Matters Raised**

Council's Sustainable Growth Team and the Social and Health Impact Assessment Working Group identified the need to ensure the proposed building height does not adversely impact on neighbouring heritage items or the character of the Picton Town Centre Conservation Area. In particular, Council's Sustainable Growth Team stated the following:

*The PP needs to ensure that the height proposed would not lead to a building dominating or detracting from the heritage items in the Picton Town Centre (in particular the Post Office and Former Bank and Coachhouse) or impact the character of the Heritage Conservation Area. Appropriate measures, such as DCP controls, would also need to be in place to manage bulk and scale of a future building.*

Heritage NSW advised that the PP will not have a direct physical or visual impact on any heritage items listed on the State Heritage Register and/or State significant historic archaeology. However, Heritage NSW noted the mitigation methods outlined in the Heritage Impact Statement (HIS) comprising built form controls relating to use, setbacks, scale and articulation are appropriate and should inform the detailed design stage.

GML Heritage were engaged to undertake an independent technical review of heritage matters in the HIS prepared by GBA Heritage that was submitted with the PP. In particular, this review focussed on the proposed effect of the increased building height on the heritage significance of the HCA and items in the vicinity. A copy of the GML Heritage Review is provided at Attachment [5].

In summary, GML Heritage concluded that while the proposed height increase does not in and of itself create a direct physical impact on Picton's heritage significance, it would establish a new height control that will give rise to impacts on heritage significance of varying degrees.

GML therefore made the following recommendations if Gateway determination is achieved:

- 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 section 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.
- 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'. 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 PP 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 PP 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 to be consistent with the LEP objectives for Heritage Conservation.
- 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 setbacks will also need careful planning and detailed design resolution especially to the north, south and east to mitigate impacts on heritage significance.

It is also noted that the GML report states that the Masonic Hall satisfies one or more of the assessment criteria for listing as an item of environmental heritage in the LEP. It therefore recommends that Council consider formally listing this building. Whilst this recommendation is noted, it is beyond the scope of the subject planning proposal and not further considered in this report. It is also noted that the recommended site specific DCP would include controls to ensure the future Government Services Building is designed in a manner that recognises and respects the Masonic Hall.

#### Assessment

The site does not include any items of heritage significance. However, it is located within Precinct 1 (Commercial Centre) of the Picton Conservation Area (PCA), which is identified as item C2 in Schedule 5 of the WLEP 2011. There are several individually listed heritage items in the vicinity of the site, including:

- Former Catholic Presbytery, 7 Colden Street (item I168);
- Former Wollondilly Shire Hall, 48-60 Menangle Street (item I188 in LEP);
- St Anthony's Catholic Church and school hall, 63 Menangle Street (item I187); and
- Soldiers Memorial School of Arts, 65 Menangle Street (item I190).

With regard to Aboriginal heritage the site is an existing at-grade car park so it is unlikely to be considered an Aboriginal place of heritage significance or contain Aboriginal objects. Notwithstanding, it is recommended that an Aboriginal Due Diligence Assessment be required at DA Stage, as per GML's advice.

The proposed increase in building height has the potential to adversely impact on the heritage setting and significance of the neighbouring heritage items and the wider conservation area. Furthermore, the HIS prepared by GBA Heritage identifies that the visual character and scale of the adjoining Masonic Hall at 4 Colden Street contributes to the character and streetscape of the wider PCA. This building is therefore also considered within this assessment.

Both Heritage Reports acknowledge the need for careful consideration of the future building design in order to ensure it is consistent with the relevant heritage objectives under clause 5.10 of the WLEP 2011.



Whilst the site is located on the edge of the PCA and it is not located on a main street in the conservation area (Argyle Street or Menangle Street), the increase in height still needs to respect the character of the conservation area.

If developed to the full building envelope, it is considered the proposal would result in a new built form element in the conservation area in terms of scale and bulk and could impact on the setting of the neighbouring heritage items on Colden Street, the Masonic Hall and the former Wollondilly Shire Hall. Accordingly, the design of the building and choice of materials should be appropriate for the setting of the site within the conservation area and developed to a scale that is harmonious with the prevailing character of the conservation area.

The concept building design within the Urban Design Report seeks to mitigate adverse impacts on neighbouring items of heritage significance by transitioning the building height from four to two storeys as it presents to Colden Street. In addition, building articulation including upper floor setbacks at 3<sup>rd</sup> floor level are illustrated to provide further transition to the neighbouring buildings to the north and south, noting the Masonic Hall adjoins the site to the south.

It is therefore considered design controls should be developed to sensitively manage and mitigate any impact on the setting of neighbouring items of heritage significance. The HIS prepared by GBA Heritage includes the following design recommendations:

- *The increased permissible building height be applicable only to that part of the subject site to be occupied by the proposed Government Services Building;*
- *Means of reducing the area and height of the top (fourth) storey of the proposed Government Services Building be further explored;*
- *A two storey podium with set-back upper storeys be applied to the east and, insofar as possible, the north and south facades of any future development; and*
- *The facades of any future development be articulated so as to achieve greater consistency with the character of the PCA.*

It is noted that the Heritage Council of NSW has reviewed and supports these design mitigation measures.

On the basis of the above assessment, it is considered that appropriate design controls can be incorporated into the recommended site specific DCP should be prepared for the site and the wider CCCP. This DCP should contain provisions specifically aimed at ensuring that future development accords with the prevailing and emerging character of the PCA and setting of neighbouring heritage items. This would include controls to modulate the building façades and specify materiality which is appropriate within the Conservation area. Furthermore, podiums and upper storey setbacks should be developed with particular regard to the north, south and east to mitigate impacts on the heritage significance of adjacent buildings and prevailing character of the conservation area.

## **Traffic**

### Matters Raised

#### Transport for New South Wales

The PP was referred to TfNSW as part of the preliminary notification undertaken. The matters raised by TfNSW are summarised below:

- Consideration should be given to the provision of pedestrian refuges to assist pedestrians in crossing the local roads and to encourage mode shift through safe crossing opportunities to access the site.
- TfNSW recommends a site specific DCP accompanies this planning proposal to set out the access points, service vehicle arrangements and travel demand management measures to guide the assessment of the future development application(s).

- The intersection performance should be modelled to assess the impact of the development on the network in the absence of the Picton Town Centre Transport Plan 2026 network improvements. TfNSW notes that the status of proposed changes to the road network outlined within the Picton Town Centre Transport Plan 2026 are uncommitted/unfunded, as it was prepared “to discuss this plan with elected members and the wider community, with a view to securing support and funding to allow delivery of the plan by 2026”. As these improvements are not funded at this stage, modelling should be conducted to assess and document the impact of the planning proposal on the road network without these improvements in the event they are not delivered.
- TfNSW requests that the electronic copies of the AIMSUN modelling files (and any model development/calibration and validation report) are provided for our review and comment.
- Table 12 of the Traffic and Transport Report – Trip rates: The trip rate assumed (presumably vehicle trip rate) for Government Services Building (1.65 vtpm AM and 1.28 vtpm PM per 100sqm) appears to reflect the average rate for office premises from the former RMS TDT 2013/04a Updated Traffic Surveys. It should be noted that the mode share of the localities surveyed had high public and active transport mode share and were mostly in close walking distance to high frequency heavy rail services in Sydney. It is not expected that these rates would be reflective of the subject locality which has an approximate mode share of 4.74% to public transport for travel to work according to ABS Census data from 2016. TfNSW recommend that a rate is sourced from a comparable site with consideration to mode share and accessibility factors.
- An appropriate funding mechanism should be in place to help ensure that developer contributions are obtained on an equitable basis for the provision of state and regional transport infrastructure required to support development uplift and future growth in the Picton Town Centre.

A copy of TfNSW’s submission was provided to the applicant who provided a response on 16 December 2020. The applicant’s response was provided to TfNSW which advised that it will provide a further response in early February. At the time of writing this report the response from TfNSW is yet to be received.

#### GTA Consultants – Peer Review

GTA Consultants (GTA) undertook a traffic and parking peer review of the PP, having regard to the methodology and conclusions of the Traffic and Transport report prepared by SLR Consulting Australia (SLR). The purpose of this review was to objectively consider the impacts of future traffic generation, parking demand and accessibility characteristics of the proposal. A copy of this peer review is provided at Attachment [6].

GTA raised a number of matters for further clarification and a request for additional information was issued to the applicant. On 16 December 2020, a response prepared by SLR was provided (Attachment [7]). This response was then reviewed by GTA (Attachment [8]). The key matters raised through the peer review and ongoing correspondence with the applicant are summarised below, while a detailed overview is provided in Attachment [4].

- Vehicle Access
- Parking Rates
- Parking Requirements and Demands
- Parking Layout
- Service Vehicles
- Trip Generation
- Intersection Modelling.

The above issues have generally been resolved through additional information provided by the applicant and subsequent review by GTA. On this basis, no fundamental parking or traffic issues remain outstanding at this stage.

### Assessment

An assessment of the key traffic and parking matters is provided below. This assessment has primarily focused on the peer review of the PP undertaken by GTA, noting that final comments from TfNSW are outstanding at this stage.

### Access and Servicing

Vehicular access to the car park for the Government Services Building will be from Manolis Lane and Colden Street. These locations have been reviewed by GTA and are considered to be acceptable.

The PP does not nominate a location for service vehicles to use. SLR have advised that the future location for service vehicle access will be provided elsewhere within the CCCP.

While not specifically a planning proposal consideration, the ability to service the site needs to be rationalised in the context of the wider CCCP. It is considered that vehicle servicing arrangements can be satisfactorily addressed in the recommended site specific DCP.

### Parking

The Traffic and Transport Report prepared by SLR Consulting Australia identifies that the Government Services Building will require 148 car parking spaces. The methodology for calculating this parking demand has been reviewed and is supported by GTA.

The proposal seeks to provide a total of 159 car parking spaces:

- 78 parking spaces within the basement car park of the Government Services Building; and
- 81 additional spaces split between the Council Depot on Margaret Street (34 spaces) and the expansion of the Council Staff car park at Margaret Street (47 spaces).

An excess of 11 car parking spaces is proposed which is considered acceptable as there will be no adverse impact on parking availability or traffic generation. Furthermore, the proposed off-site car parking areas are located within a suitable walking distance of the site (less than 400 metres).

It is considered that parking rates, including accessible, motorbike and bicycle parking, can be satisfactorily addressed in the recommended site specific DCP.

### Traffic

GTA have undertaken a review of both the trip generation and intersection modelling provided by SLR and confirmed that the trip generation rates for all land uses within the CCCP are acceptable.

The Traffic and Transport Report prepared by SLR included intersection modelling to determine the traffic impacts arising from the development of the CCCP. This modelling included:

1. A 2019 base case
2. A 2036 'do minimum' scenario
3. A 2036 base case plus development scenario, incorporating the CCCP volumes.

GTA have reviewed this modelling and confirmed that the network is currently (utilising the 2019 base case scenario) performing satisfactorily.

The SLR Report, however, does not test the addition of any of the proposed development volumes under the CCCP against the 2019 scenario. The only scenario tested for additional volumes is the 2036 scenario which assumes the completion of intersection upgrades in the Picton Town Centre identified under the Picton Town Centre Transport Plan 2026. SLR have confirmed that this approach was adopted on the basis that Council has committed to constructing these road upgrades.



GTA have advised that the results of the 2036 development scenario indicate satisfactory performance, demonstrating that the network will cope with increases in background traffic volumes together with the CCCP when fully developed. However, the assessment does not confirm if the CCCP can be partially or fully operational at a timeframe before these upgrades are implemented.

Due to this deficiency in the modelling, GTA have recommended that additional modelling be undertaken if it is proposed to open the Government Services Building before the year 2036.

These issues are considered relevant to the DA stage of the Government Services Building rather than the current PP.

It is also noted that issues including access points, service vehicle arrangements and travel demand management measures to guide the assessment of future development applications can be addressed through the recommended site-specific DCP.

## ***Flooding***

### ***Matters Raised***

Council's Engineering Department reviewed the PP in relation to flooding. The comments received identified that the northern portion of the site is located within the Overland Flood Planning Area associated with a valley system that approximately aligns with Keable Close to the east. Notwithstanding, Council's Engineering review concluded that:

*the subsequent development proposals will need to address the challenges of the flood behaviour at the Site but the increased building height itself does not have any implications from a flood perspective.*

### ***Assessment***

Whilst it is acknowledged that the site is flood prone land, the PP only seeks to increase the maximum building height at the site from 9 meters to 16 meters and does not propose any built structures at this stage.

The PP is supported by a Preliminary Flood Assessment prepared by WMAwater. This report concludes that the construction of the Government Services Building:

*...would have a localised effect on flood behaviour, redirecting the overland flow around the buildings. However, given the relatively shallow depths occurring at the site (less than 100 mm), it is likely that the degree of flood hazard would not be substantially increased elsewhere. An impact assessment would be needed to confirm this assumption, and to ensure that overland flow is not directed into new buildings within the precinct. The flood impact assessment will need to be undertaken in the subsequent stages of this project when proposed designs have been progressed further.*

The need for a flood impact assessment at the DA stage is acknowledged and recommended.

The PP and Preliminary Flood Assessment has been reviewed by Council's Engineering Department. This assessment is supportive of the PP and concludes that the proposed building height increase does not have any implications from a flood perspective.

The PP has been assessed against the relevant Section 9.1 Ministerial Direction relating to Flood Prone Land. The proposal does not rezone the site nor alter the uses that are permitted within the B2 Local Centre zone. As such, the proposal does not permit a significant increase in the development of the site. The PP is therefore consistent with the relevant ministerial direction relating to flood prone land.

On the basis of the above assessment, it is considered that a flood impact assessment would need to be undertaken to support any future DA for the site. In addition, it is recommended that the site specific DCP include appropriate flood planning controls. This may include the establishment of an appropriate freeboard at ground floor level within the site and wider CCCP.

## **Wastewater**

### Matters Raised

#### Council

Council's Health and Regulatory Services Team have advised that at this stage Sydney Water is unable to service the development due to capacity issues at their Picton Sewage Treatment Plant (STP). Capacity issues of Picton's STP are expected to change over the medium term.

It is also noted that Council will have to undertake significant works to increase the size of the sewer carrier line in Picton. The proposed development will therefore be subject to the availability of Sydney Water's reticulated sewer. Notwithstanding, Health and Regulatory Services Team concluded that Council should ensure that Sydney Water can provide the necessary wastewater disposal prior to the issue of any Construction Certificate for the works.

#### Sydney Water

On 26 November 2020 Sydney Water provided comment on the PP. The matters raised in this submission included:

- The development of the site and wider CCCP will require extension and amplification of the existing wastewater network.
- The site is within the Picton WRP catchment which currently has no capacity to accept growth beyond what has been previously considered by Sydney Water. It is understood that this is due to a lack of land to support the irrigation of effluent.
- Development within the Town Centre may need to be delayed until an Effluent Management Strategy for the Picton WRP is finalised and any upgrades to the plant are confirmed. This Strategy was to be completed in the second half of 2020.

#### Assessment

The above correspondence from Sydney Water was issued to the applicant and the applicant's response was received on 27 January 2021. This response outlined the correspondence undertaken by the applicant with Sydney Water to date and included two undated planning advice letters from Sydney Water. These letters confirm the Picton WRP is at capacity but also advise that Sydney Water can provide services to the proposed expansion of the CCCP. An extract of this advice is provided below:

*Picton Town Centre is currently serviced by Sydney Water. The updated growth number indicates that additional EP has increased from 100 to 158, resulting additional average dry weather flow increase from 0.2 l/s to 0.3 l/s. Since it is a minimal dry weather flow increase to WRP, **Sydney Water can provide services to proposed expansion based on the following conditions.***

- *Health check should be carried out on all new development to ensure that no wet weather flow is discharging into Sydney Water system.*
- *The new assets from the development will reduce the current inflow infiltration in the system.*

In addition to the above, the applicant also provided a Feasibility Letter from Sydney Water dated 20 May 2020 (**Attachment [9]**). This letter specifically relates to the Government Services Building rather than the wider CCCP and advises that:

*Development within the Town Centre may need to be delayed until the effluent management strategy is finalised and any upgrades to the plant are confirmed. The strategy is due for completion in the second half of 2020 and **it is anticipated that upgrades to the plant should be completed by late 2025**, subject to Sydney Water funding approvals.*

Based on the above timeline, it is expected that the upgrades with the Picton WTP will be completed by 2025. Should the PP proceed to Gateway, it is considered it would not be finalised until late 2021. A DA for the Government Services Building would then need to be formal lodged and assessed by Council. On this basis, the timeframe of 2025 for the completion of the Picton WTP upgrade works is considered acceptable as it aligns with the delivery of the Government Services Building.

This position is supported by Council's Health and Regulatory Services Team who advised that Council should ensure that Sydney Water can provide the necessary wastewater disposal prior to the issue of any Construction Certificate for the works.

Given the timeline for the Government Services Building PP it is considered that this matter can be dealt with the DA stage and should not preclude the PP from progressing to Gateway Determination.

### **Wollondilly Local Planning Panel Advice**

As required by the ministerial direction issued on 27 September 2018, the proposal was reported to the Wollondilly Local Planning Panel (LPP).

The PP was reported to the LPP at its meeting on 25 February 2021. At the time of the writing of this report the LPP had not met and therefore its comments on the PP will be provided via a separate memo to Council.

### **Consultation**

This PP seeks to amend the Wollondilly Local Environmental Plan 2011 (WLEP 2011) by increasing the building height control established for the site under clause 4.3 of the WLEP 2011 from 9m to 16m. The purpose of this amendment is to enable the development of a new Government Services building, which forms part of the wider Wollondilly Shire Cultural, Civic and Community Precinct.

The PP is consistent with Council's key strategic planning policies and is considered essential to the future redevelopment of the site to accommodate the new Government Services Building and the broader Wollondilly CPPP.

It is therefore recommended that the proposal is recommended for Gateway determination.

However, it is also recommended that the PP is supported by a site specific DCP for the CCCP given the urban design and heritage matters raised in the assessment of the PP. In particular, the site specific DCP should address the following key items:

- Built Form Design
- Heritage
- Landscaping
- Parking and Access
- Flooding.

### **Options for Moving Forward**

The PP has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* and the guidelines published by the Department of Planning, Industry & Environment.

The options to be considered by Council are:

1. Resolve to support the Planning Proposal in the form as described in the Description of Proposal section of this report.
2. Resolve to support the Planning Proposal subject to the preparation of a site specific DCP for the site and wider CCCP.
3. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, landowner/s and submitters that the Planning Proposal has not been supported. There are no appeal rights through the Land and Environment Court against Council's refusal to support the Planning Proposal at this stage of the process.

Option 2 is the recommendation of this report.

### **Financial Implications**

Given the preliminary stage of the proposal, no detailed analysis of infrastructure or financial implications for Council has been undertaken. It is noted that a comprehensive assessment of the relevant financial implications to State or regional infrastructure has also not yet occurred.

### **ATTACHMENTS**

1. **Copy of Picton Government Services Building Planning Proposal** [⇒](#)
2. **Assessment against State and Local Legislation and Planning documents** [⇒](#)
3. **Agency Submission Summary** [⇒](#)
4. **Consultation with Internal Council Staff and External Consultants** [⇒](#)
5. **Heritage Review - GML Heritage** [⇒](#)
6. **Traffic and Parking Peer Review - GTA Consultants** [⇒](#)
7. **Response to Traffic and Transport Matters – SLR Consulting Australia** [⇒](#)
8. **Response to Comments – GTA Consultants** [⇒](#)
9. **Sydney Water Feasibility Letter dated 20 May 2020** [⇒](#)
10. **Minutes Local Planning Panel - 25 February 2021 (under separate cover)**