

DA/2021/305/1 - WOLLONDILLY PAC - 2-4 COLDEN STREET & 66 MENANGLE STREET, PICTON

File Number: 5449#450

Panel Reference	PPSSWC-149
DA Number	DA/2021/305/1
LGA	Wollondilly Shire Council
Proposed Development	Demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works.
Street Address	66 Menangle Street Picton, 2 Colden Street Picton & 4 Colden Street Picton (Lot A DP158722, Lot B DP158722 and Lot A DP153067).
Applicant/Owner	Tract Consultants Pty Ltd c/o Wollondilly Shire Council Owner: Wollondilly Shire Council
Date of DA lodgement	03 May 2021
Number of Submissions	Public Notification – 28 April 2021 and 26 May 2021 1 Submission Received
Recommendation	Approve with conditions
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011)	Capital Investment Value (CIV) exceeds \$5 million for Council related development (\$16,967,220.00)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Environmental Planning and Assessment Regulation 2000</i> • <i>Coal Mine Compensation Act 2017</i> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No. 64 Advertising and Signage • Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River • Wollondilly Local Environmental Plan 2011 • Wollondilly Development Control Plan 2016 • Western City District Plan • Wollondilly Local Strategic Planning Statement
List all documents submitted with this	<ol style="list-style-type: none"> 1. Survey Plan 2. Architectural Plans

report for the Panel's consideration	3. Landscape Plans 4. Engineering Plans 5. Applicant's Clause 4.6 Variation Request 6. Design Summary Report 7. DCP Compliance Assessment 8. External & Internal Response Table 9. Draft Conditions
Report prepared by	The Planning Hub – Independent Town Planning Consultant on behalf of Council
Report date	8 February 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.

DEVELOPMENT SUMMARY

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel) determination of a development application (DA) for the demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works at 2-4 Colden Street & 66 Menangle Street Picton.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State *Environmental Planning Policy* (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$16,967,220 which exceeds the CIV threshold of \$5 million for Council related development.

SUMMARY OF RECOMMENDATION

That the Panel approve DA/2021/305/1 for the demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works at 2-4 Colden Street & 66 Menangle Street Picton pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a Development Application from Wollondilly Shire Council c/o Tract Consultants Pty Ltd submitted on April 22, 2021, seeking approval for the demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works at 2-4 Colden Street & 66 Menangle Street Picton.

The application forms part of Stage 1 of the Wollondilly Community, Cultural and Civic Precinct Master Plan. This is the third Development Application made under the Master Plan, following the approval of the Wollondilly Shire Hall renovation which was approved by the Wollondilly Shire Local Planning Panel in December 2020.

The proposal is generally consistent with all relevant environmental planning instruments and is considered satisfactory. The proposal varies the maximum building height control for the site under the Wollondilly Local Environmental (LEP) 2011. The applicant submitted a Clause 4.6 Variation Request, and the proposed variation is considered to be reasonable as outlined in this report. The internal and external referral concerns have been addressed and considered satisfactory.

The application is consistent with the adopted Master Plan for the *Wollondilly Community, Cultural and Civic Precinct Master Plan* and relevant state and local planning policies. The design provides a reasonable and sustainable response that allows for the protection of the environment and heritage, protection of commercial uses, promotion of internal amenity and management of parking/access.

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979, including likely impacts, the suitability of the site for the development, and the public interest, and the proposed development is considered appropriate.

Considering the above, it is recommended that the Sydney Western City Planning Panel determine the Development Application pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979 and grant consent subject to the conditions as provided at Attachment 9.

RECOMMENDATION

That the Panel approve DA/2021/305/1 for the demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works at 2-4 Colden Street & 66 Menangle Street Picton pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

REPORT

Background

Application Background

The application forms part of Stage 1 of the *Wollondilly Community, Cultural and Civic Precinct Master Plan*. This is the third Development Application made under the Master Plan, following the approval of the Wollondilly Shire Hall renovation which was approved by the Wollondilly Shire Local Planning Panel in December 2020.

In summary, the staged works under the Master Plan include:

- Refurbishment and extension of the Shire Hall (Previous DA /2020/433/1) approved by the Wollondilly Shire Local Planning Panel on 17 December 2020.
- New Children's Services and Community building (DA/2020/912/1) approved by the Wollondilly Shire Local Planning Panel on 29 July 2021.
- New Performing Arts facility (subject application).
- New Council offices and community spaces.
- New Library and Learning Hub.
- Visual Arts Exhibition and Workshop spaces.
- Significant public open space and public domain works.

These are shown on the following precinct/Master Plan map.



• *Figure 1: Staged Precinct Masterplan (Source: Wollondilly Community, Cultural and Civic Precinct Master Plan)*

As identified in Figure 1 above the subject application forms part of Stage 1a of the Masterplan.

The Site and Locality

The subject site is located on the norther side of Menangle Street at the intersection of Menangle Street and Colden Street. The site forms part of the Picton Civic / Business precinct and is adjoined at the rear by Corbett Lane. Corbett Lane provides access to an existing public car park and Picton Mall commercial area to the north.

The site is commonly known as 66 Menangle Street & 2-4 Colden Street, Picton and legally described as Lot A DP158722, Lot B DP158722 and Lot A DP153067.

Currently located on the site of the proposed development is the existing Picton Rural Fire Service Brigade facility at 2 Colden Street (B/DP 158722), Wollondilly Shire Council childcare cottage (A/DP 158722), and the Picton Masonic Centre (A/DP 153067).

Adjoining to the north is a section of the existing council car park identified by the Council to be redeveloped at a later stage as part of the WCCCP public domain. To the west of the site is the Wollondilly Shire Council administration building, Shire Hall and Wollondilly Library. To the east of the site is an established residential neighbourhood on the opposite side of Colden Street.

The site's location and context is detailed in Figures 2 and 3 below.

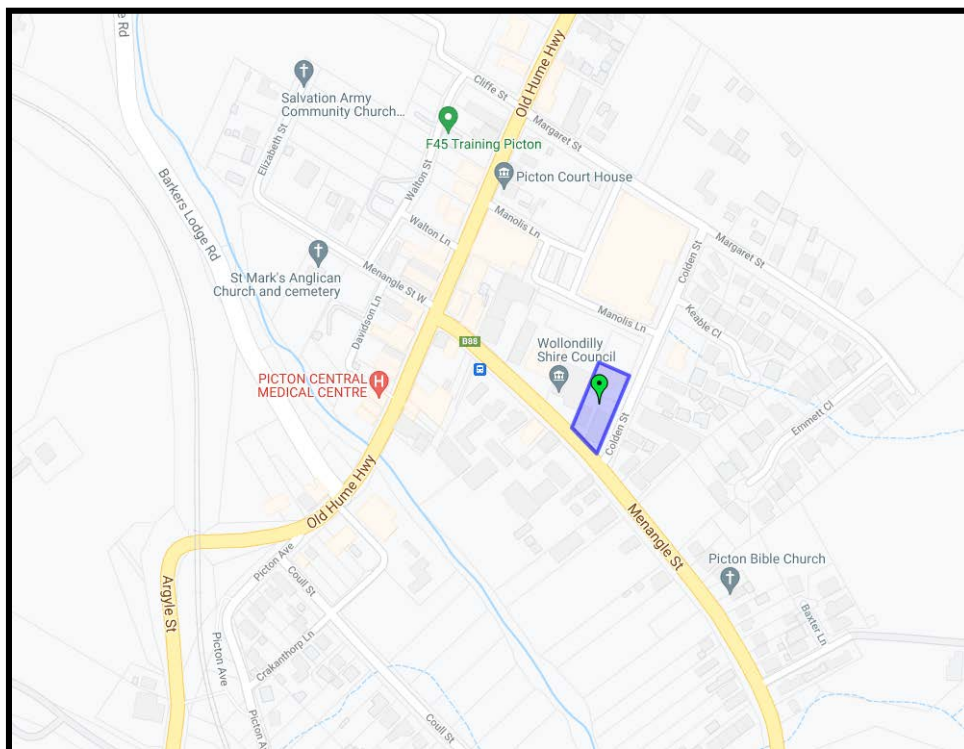


Figure 2 – Locality Plan (Source Nearmap)



Figure 3 – Site Aerial (Source: Nearmap)

The site is zoned B2 Local Centre under the provisions of the Wollondilly Local Environmental Plan 2011. Entertainment and Community Facilities are permitted with consent in the B2 zone.

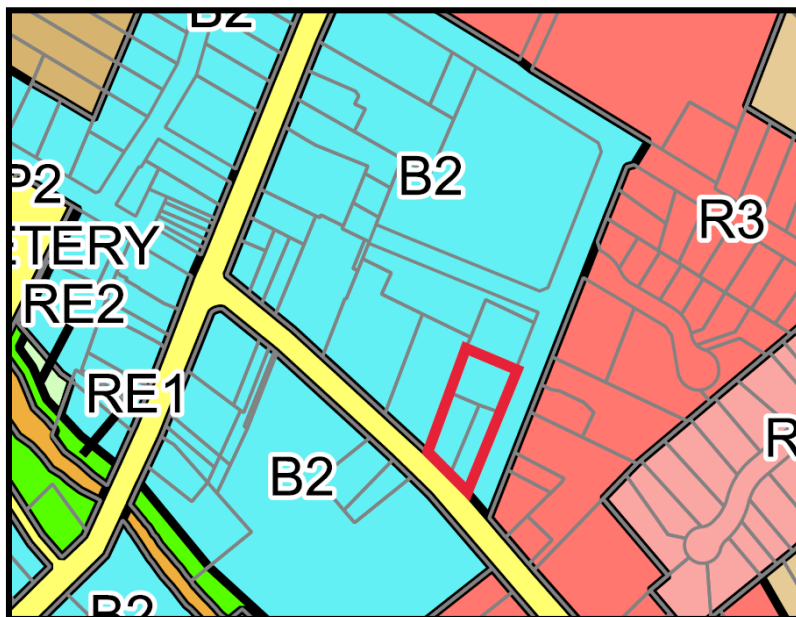


Figure 4 – Zoning Map (Source: NSW Legislation)

The Subject Application

The subject application was lodged with Wollondilly Shire Council on 22 April 2021 for the demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works at 2-4 Colden Street & 66 Menangle Street, Picton.

Following a detailed assessment of the proposal, additional information was requested from the applicant on a number of occasions to ensure the development complied with the applicable development controls.

Following receipt of amended information from the applicant, the development is now in a form that allows for a determination to be made.

Notification and Referrals

The subject application is classed as Integrated Development under Clause 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and was referred to the relevant authorities for concurrence, as follows:

- Subsidence Advisory NSW – land identified as within a Mine Subsidence District - *Coal Mines Subsidence Compensation Act (2017)*.

In addition, the application was referred to a number of other state agencies which the development may impact for comment (refer **Attachment 8**).

The Development Application was advertised for a period of 28 days 28 April 2021 and 26 May 2021. 1 submission was received during that notification period.

Panel Briefing

On 5 October 2021, the Sydney Western City Planning Panel was briefed on the application by Wollondilly Council. The key issues raised by the Panel and discussed at the briefing were as follows:

- The site's location within a heritage conservation area;
- Proposed Height variation;
- Proposed materials and finishes; and
- Urban Design and Master planning requirements for the site and wider precinct.

1. THE PROPOSAL

The proposal seeks development consent for the demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works at 2-4 Colden Street & 66 Menangle Street, Picton. Specifically, the development will comprise of the following:

- Demolition of the existing children's service centre, Rural Fire Services Building, and site preparation works;

- Relocation of the existing Masonic Lodge;
- Construction and use for a Performing Arts Centre (PAC), comprising the following components:
 - Front-of-House
 - Forecourt, accessible entry and drop-off area;
 - Entry and foyer;
 - Box office, bar and cloakroom;
 - Patron amenities;
 - Centre administration; and
 - Airlock and store room.
 - Performance space
 - Sound-lock entry;
 - Flat-floor performance space, including:
 - Seating capacity - Maximum 512 seats including 16 wheelchair positions;
 - Removable seating pit to create 'raised stage' experience;
 - A 10x 10m stage area with wings and cross-over;
 - Technical catwalks/tension wire grid over sprung floor suitable for dance control room; and
 - Operable wall to divide the room.
 - Backstage - performers
 - Green room;
 - Dressing rooms with ensuite - 2x principal;
 - Dressing rooms - 2 ensemble with a sliding door between;
 - Toilet facilities and wash rooms;
 - Function Kitchen and Cool room; and
 - Performer amenities.
 - Backstage - loading and storage
 - Loading dock and Platform lift;
 - Refuse yard and bin enclosure;
 - Scene dock;
 - Laundry;
 - Technical office and workshop;
 - Crew change; and
 - Equipment store and Furniture store.
- Landscaping; and
- Signage.

Operation

The Wollondilly PAC building and internal layout has been designed to be adaptable and provide for a range of theatre and artistic formats, in conjunction with other presentation, civic, exhibition and cinematic uses. The PAC building is primarily designed for the following main performance uses and activities:

- [illegible]

Figure 5: Demolition Plan (Source: William Ross Architects)

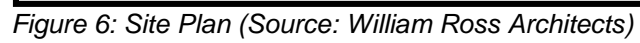


Figure 6: Site Plan (Source: William Ross Architects)

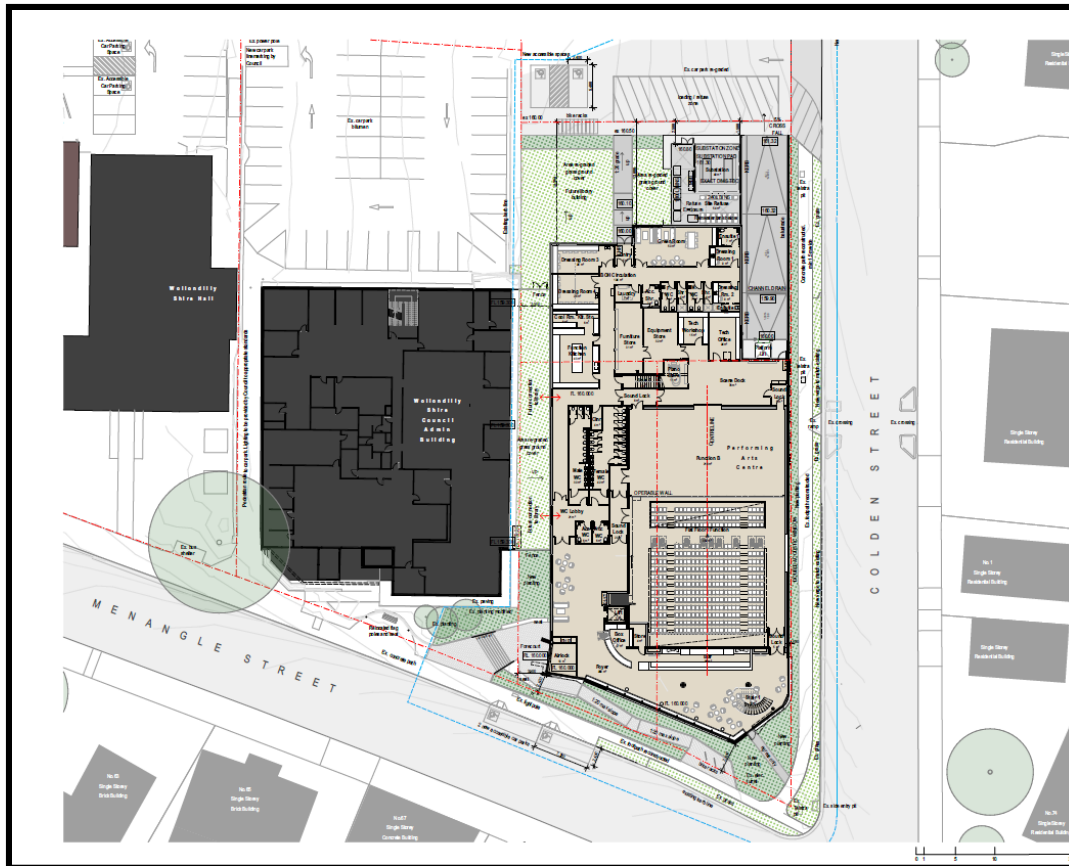


Figure 7: Proposed Ground Floor Plan (Source: William Ross Architects)

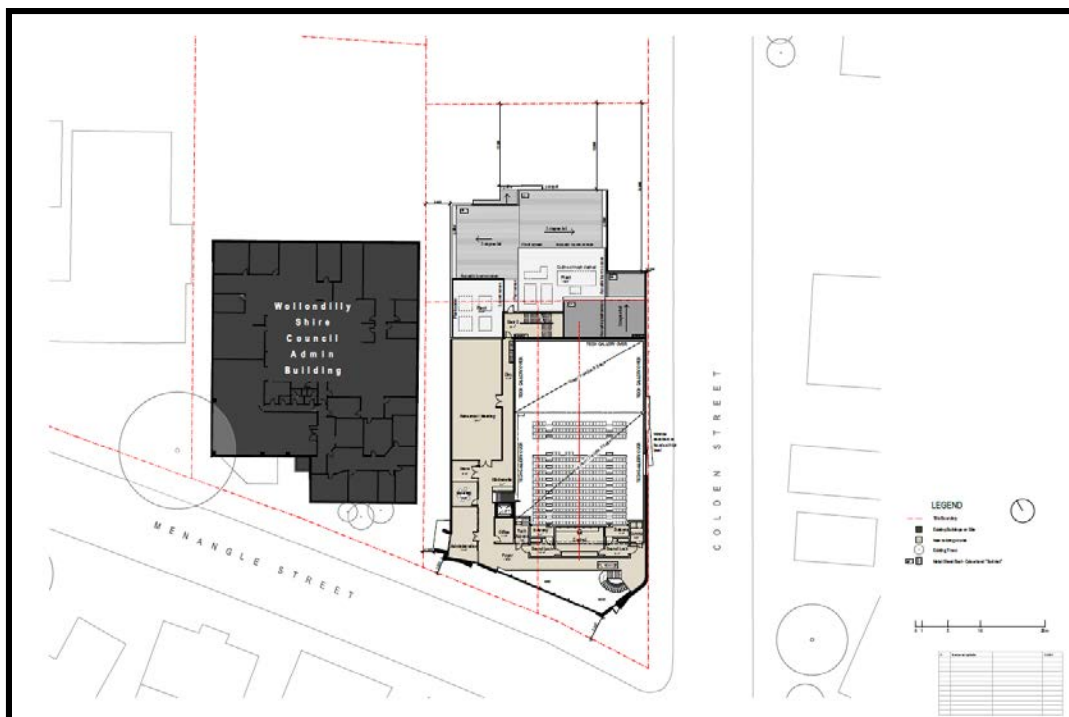
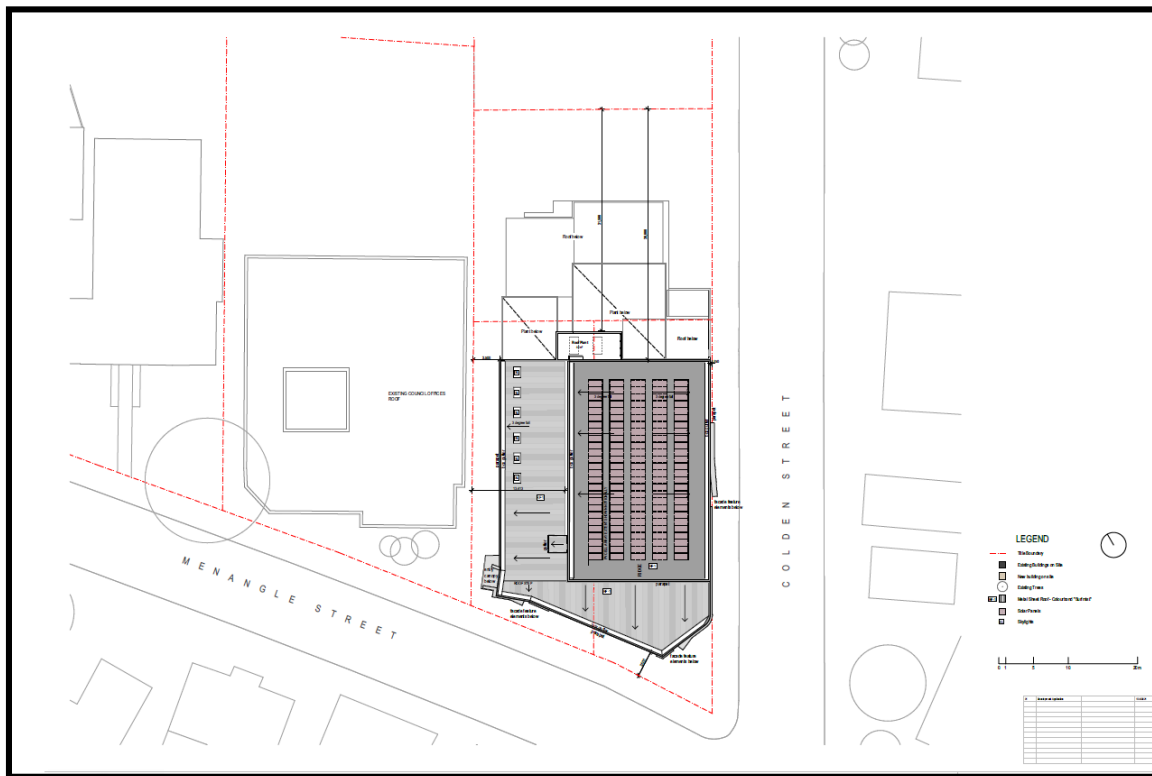
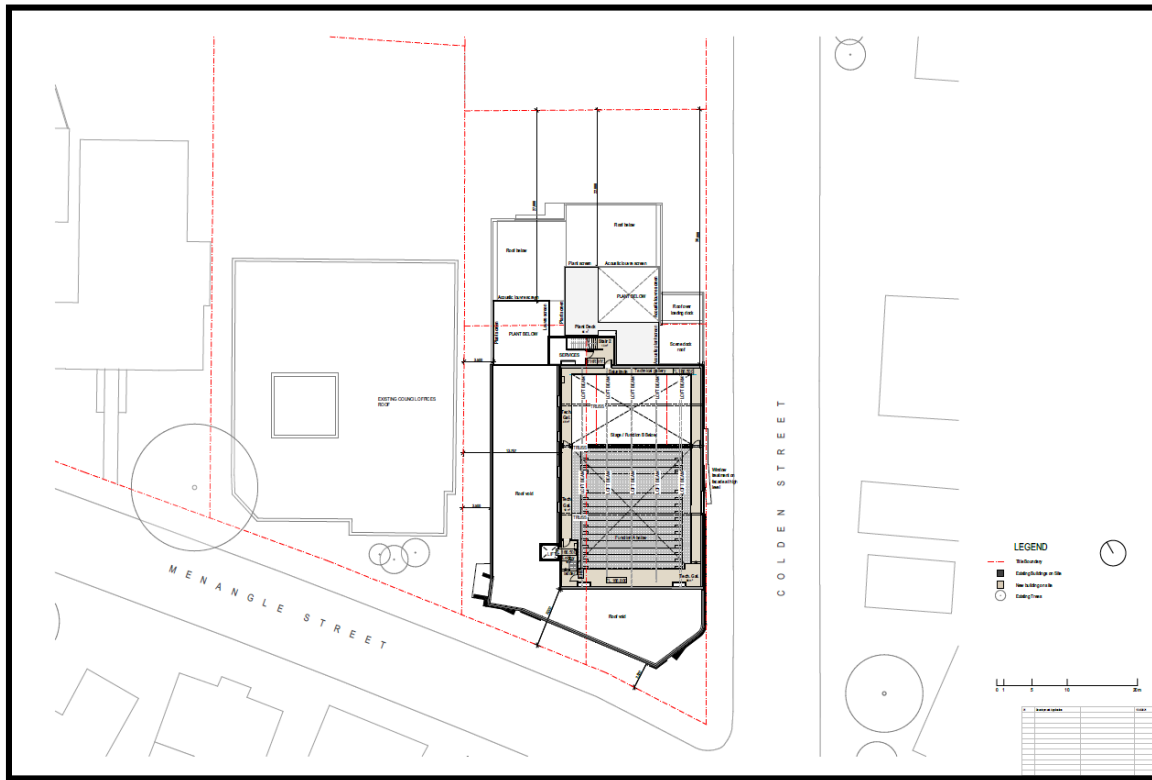


Figure 8: Proposed First Floor Plan (Source: William Ross Architects)





○ Corner View



○ Corner View Night

Figure 13: Perspectives (Source: William Ross Architects)



Figure 14: Perspectives (Source: William Ross Architects)

Urban Design and Precinct Context

As detailed, the application forms part of Stage 1 of the *Wollondilly Community, Cultural and Civic Precinct Master Plan (WCCCP)*. This is the third Development Application made under the

Master Plan, following the approval of the Wollondilly Shire Hall renovation and new children services and community building.

In summary, the staged works under the Master Plan include:

- Refurbishment and extension of the Shire Hall (Previous DA /2020/433/1) approved by the Wollondilly Shire Local Planning Panel on 17 December 2020.
- New Children's Services and Community building (DA/2020/912/1) approved by the Wollondilly Shire Local Planning Panel on 29 July 2021.
- New Performing Arts facility (subject application).
- New Council offices and community spaces.
- New Library and Learning Hub.
- Visual Arts Exhibition and Workshop spaces.
- Significant public open space and public domain works.

Subsequent to the Panel Briefing additional information was sought from the applicant regarding the Master planning for the site and precinct including the design process for the subject application and its urban design response to the site context and development of the Wollondilly Community, Cultural and Civic Precinct with particular regard to the site's location within the Picton Heritage Conservation area and the desired future character of the area.

The applicant provided additional information in December 2021 outlining the Master planning for the site and precinct including the design process for the subject application and its urban design response to the site context. The following provides an overview of the Masterplan and design process for the proposed development.

Project Timeline

In early 2019, Council commenced the master planning process. The following is a summary timeline of key developments since then:

2019

- WCCCP Community Consultation - undertaken for Council by Elton Consulting
- Masterplan - prepared by e8urban and SPA Architects; Adopted August 2019

2020

- Masterplan Review and Public Realm Plan - prepared by WRA and Tract Urban Design;
- Final Masterplan presented to Council May 2020
- Agreement between the Picton Masons Lodge and Council to relocate the Masons Lodge to a new facility elsewhere in Picton
- DA for the Shire Hall refurbishment and extension, by SPA and Tract Landscape Architects
- Concept Design completed for Building A, the Children's Centre, and Building E1, the Performing Arts Centre, by WRA and Tract Landscape Architects

2021

- DA for Building A, Children's Centre, obtained
- DA for Building E, Performing Arts Centre lodged
- Picton Place Plan completed by ArtScape; Adopted July, 2021

2019 Masterplan

The masterplan was based on two stages of extensive community consultation undertaken in 2019 by Elton Consulting. From this consultation, eight principles for urban design and place-making were developed. They were:

- Connectivity and permeability
- Orientation
- Civic edges
- Great arrival experiences
- A civic heart
- Diversity of uses
- Green amenity, and
- A Shire feel

The masterplan considered opportunities for future connections and site development outside of the main WCCC Precinct.

The key projects in the WCCC Precinct itself include:

- Refurbishment and extension of the Shire Hall
- New Children's Services and Community building
- New 350 seat Multifunction Theatre facility
- New Government Services Centre
- New Library and Learning Hub
- Community, Arts, Exhibition and Workshop spaces
- Significant public open space and public domain works

Heritage Considerations

Wollondilly Council's vision for the Precinct is for it to become the community, civic, cultural and economic heart of Wollondilly. In the Master plan endorsed by Council in 2019, the proposal requires demolition of four existing buildings in the Picton Heritage Conservation area (C2). These include the Children's Services cottage, the Masonic Hall, the 1970s Council administration building and the SES fire station on the corner of Menangle and Colden Streets, Picton. None of these buildings are heritage listed.

The existing building stock to be demolished are single and double storey buildings without consistent architecture or aesthetic not befitting a civic precinct.

2020 Masterplan and Public Realm Plan

In 2020 WRA and Tract Urban Design were commissioned to undertake a review of the WCCC Precinct masterplan, further develop the detailed facility briefs and prepare the public realm plan.

Review of the 2019 master plan acknowledged the cohesive vision for the Precinct, with a good functional site arrangement and robust design principles to inform the subsequent stages of design.

Further stakeholder consultation, site analysis and brief development identified additional site opportunities and constraints which resulted in the following key design changes:

- Improved Performing Arts Centre Functionality;
- Larger Civic Forecourt on Menangle Street
- Improved Visibility to the Green

In the previous master plan, the Picton Masonic Lodge was not included in the final Precinct boundary. Located on Colden Street, halfway along the Precinct boundary, it presents a key constraint on development of the site. Successful Performing Arts Centres rely on key facility relationships that allow them to operate in an efficient and functional manner. It was found that the retention of the Masons building would compromise the performing arts centre in terms of:

- Its functional and operational arrangement,
- Limit the extent of public facing façades presentation to the street - ie the foyers, as the 'black-box' of the theatre would dominate the frontages
- Very little space for a workable forecourt,
- Compromised connection to the future Library and Learning Hub
- Achieving safe truck access and loading would further reduce the potential building footprint.

In summary, the site was too small to deliver the 350 seat performing arts centre without the acquisition of some or all of the Masons site.

Development of the master plan considered many options, including re-building the Masons Lodge alongside the new performing arts building, with Council utilising the southern portion of the Masons' current site or relocating the Masons Lodge off-site and incorporating the site into the Precinct. In consultation with the Masons, the latter option was agreed and endorsed by Council.

Incorporation of the Masons Lodge site into the Precinct provides improved community benefit, including:

- Improved function of the Performing Arts Centre layout, including loading.
- Ability to increase public realm generally on site and the forecourt space to the Theatre and Library along Menangle Street.
- Ability to create more open space between building forms to create views to the Village Green and the existing Shire Hall frontage.
- Potential to create a single loading and waste location for the site away from high-value public spaces

The 2020 masterplan was able to create more public open space, pull building footprints back from street frontages and away from the existing Shire Hall once the Masons Lodge site was incorporated into the Precinct as detailed in Figures 15-17 below.



Figure 15 – 2019 & 2020 Masterplan Comparison



Figure 16: Staged Precinct Masterplan (Source: Wollondilly Community, Cultural and Civic Precinct Master Plan)



Figure 17 – Final Masterplan 3D

Performing Arts Centre Design Response

The key building form and design response for the Performing Arts Centre include:

- Reflecting History and Place – using of form, shape and material to link to the various histories of the Shire
- Marking Entry – creating a strong form and focal point on corner of Menangle & Colden Streets
- Wollondilly's Stage – activation of Menangle Street, day and night, through the large, glazed facade
- Celebrating Wollondilly's Creative Life – art activation opportunities on Colden Street and in the foyers

The building materials provide a textured application of material - from the shingle cladding in matt and metallic finish, to the sand-blasted pre-cast concrete panels which reveal the warmth of the aggregate.

The theatre itself is located along the Colden Street facade. As a large stretch of facade, several techniques have been used to break-down the mass and provide interest:

- The feature vertical slot window on the corner of Menangle and Colden Streets provides views into the foyer - showcasing activity within the centre
- The feature window moves to low height glazing wrapping along Colden Street providing direct views into the foyer
- Along the eastern facade, where the theatre is located, a large, vertical window showcases activity inside when the theatre does not require a 'black-box' arrangement. The glazing sweeps down to hover just above the ground line. The facade at this point bends out towards the street with a
- deep, coloured reveal. This attempts to provide depth and break-up the eastern facade
- Further along the eastern facade, the sand-blasted precast concrete provides a textured backdrop to the art-box installation. The back-lit art boxes will be curated by Council, showcasing various artworks.



Figure 18 – 3D render of proposed materials and finishes

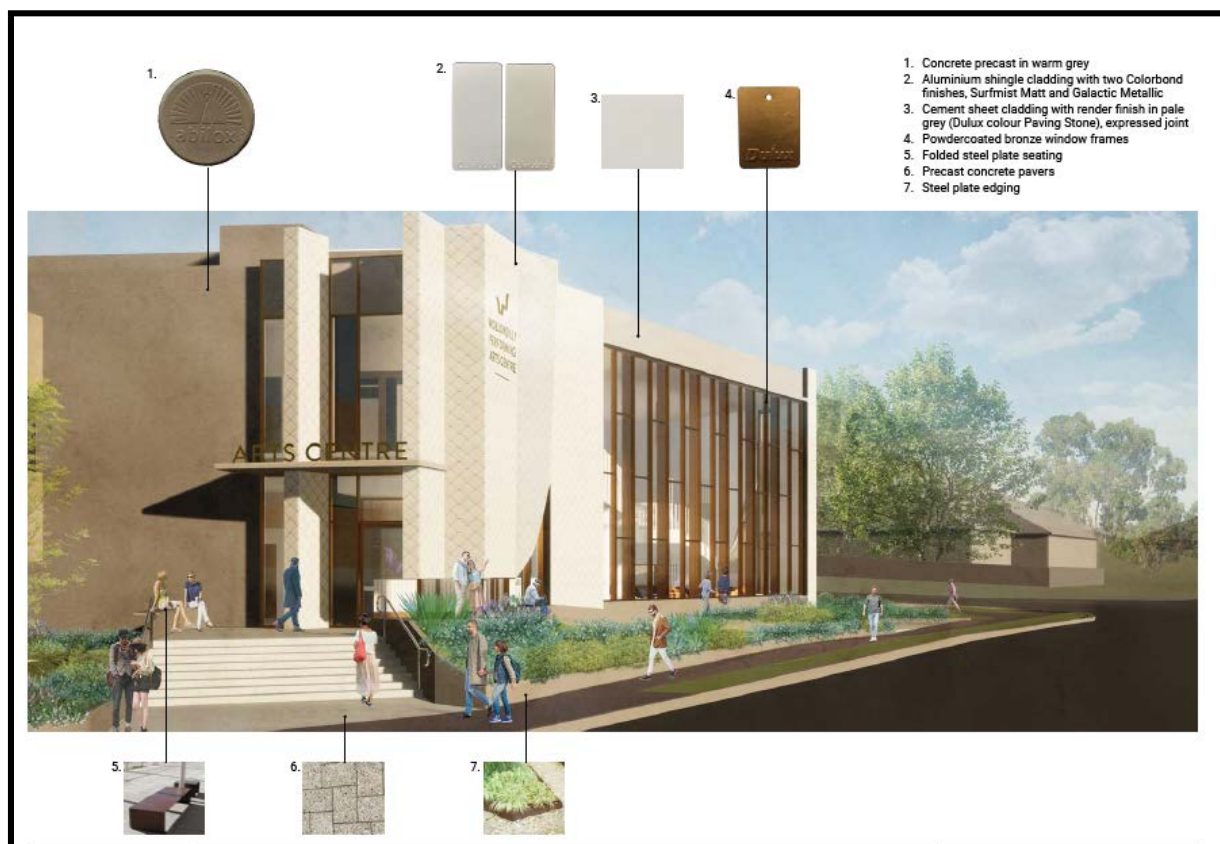


Figure 19 – 3D render of proposed materials and finishes

Refer to the applicant's Design Summary Report (**Attachment 6**) for further details.

2. ASSESSMENT

An assessment against 4.15 of the Environmental Planning and Assessment Act 1979 is provided below.

Environmental Planning and Assessment Act 1979 – Section 4.15

In determining a DA, the consent authority is to take into consideration the following matter as are of relevance in the assessment of the DA on the subject property.

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Coal Mine Compensation Act 2017*
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No. 64 Advertising and Signage
- Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Wollondilly Local Environmental Plan 2011
- Wollondilly Development Control Plan 2016

An assessment of the proposed DA against the above instruments is detailed below.

Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent and one or more approvals under other State Government Acts. In relation to the subject application the following Acts apply:

- Subsidence Advisory NSW – land identified as within a Mine Subsidence District - *Coal/Mines Subsidence Compensation Act (2017)*.

The application has been referred to the following State Government Agencies / external agencies for comment:

- Endeavour Energy;
- Sydney Water;
- Civil Aviation Safety Authority;
- NSW Police Force;
- Transport for NSW;
- Cubbitch Barta Native Title Claimants Aboriginal Corporation; and

- Tharawal Local Aboriginal Group.

Environmental Planning and Assessment (EP&A) Regulation 2000

The proposal does not contravene the Environmental Planning and Assessment Regulation.

Coal Mine Subsidence Compensation Act 2017

In accordance with Section 22 of the *Coal Mine Compensation Act 2017*, an application for approval to alter or erect improvements, or to subdivide land, within a mine subsidence district is to be made to Subsidence Advisory NSW. The site is located within the Wilton Mine Subsidence District.

The application was referred to the Subsidence Advisory NSW who granted approval of the development on 23 April 2021 subject to conditions provided in the recommended conditions of consent attached to this report.

State Environmental Planning Policy (State and Regional Development) 2011

In accordance with Schedule 7 Regionally Significant Development of the SEPP, the proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$16,967,220 which exceeds the \$5 million threshold for Council related development. While Council is responsible for the assessment of the Development Application, determination of the Application will be made by the Sydney Western City Central Planning Panel.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

In accordance with Clause 101 of ISEPP, the proposed development was referred to the Transport for NSW (TfNSW) for review and comment.

Transport for NSW (TfNSW) completed an assessment of the DA. TfNSW provided comments for Council's Development Engineers review and provided Council's Engineers had no issue they raise no objection to the DA.

Council's Development Engineers reviewed TfNSW's comments and raised no further issue subject to the inclusion of conditions of consent which have been included in the Recommended Conditions of Consent provided in **Attachment 9**.

State Environmental Planning Policy No. 55 - Remediation of Land;

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

In particular, SEPP 55 contains a number of objectives that aim to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment:

- a) *By specifying when consent is required, and when it is not required, for a remediation work;*
and

- b) *By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and*
- c) *By requiring that a remediation work meet certain standards and notification requirements*

Subject to Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

A Preliminary Site Investigation was submitted in support of the application which identified areas of environmental concern that require further assessment. Council's Contamination Officer reviewed the investigation and requested that a Detailed Site Investigation be submitted to address the identified areas of environmental concern.

The applicant submitted a Detailed Site Investigation which concluded that the site can be made suitable for its intended use subject to further investigation once demolition had occurred onsite. Council's Contamination Officer reviewed the investigation and raised no objection subject to the inclusion of the following conditions which have been included in the Recommended Conditions of Consent provided as **Attachment 9** to this report:

- *A Hazardous Building Materials Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on the site. A HBMA report shall be provided to the PCA and Council.*
- *Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment. In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.*
- *Compliance with the recommendations as outlined in the Detailed Site Investigation prepared by SMEC dated 29 September 2021 (Rev 1).*
- *A supplementary Detailed Site Investigation is to be prepared and submitted to Council after demolition and prior to the commencement of building works. The supplementary Detailed Site Investigation is to be prepared by a suitably qualified Contaminated Land Consultant with reference to all previous investigations carried out at the site. The supplementary Detailed Site Investigation is to close all data gaps identified in the Detailed Site Investigation prepared by SMEC dated 29 September 2021 and is to include a thorough assessment of the existing Childcare centre site. Should the supplementary Detailed Site Investigation identify contamination that requires remediation then a separate Development Application for Remediation will be required.*

State Environmental Planning Policy No. 64 applies to the entire state to ensure that signage is compatible with the desired amenity and character of an area, whilst ensuring that signs provide effective communication in suitable locations.

The proposed development includes the provision of the following Building Identification signs:

- Illuminated Canopy sign above the main entry detailing 'Arts Centre';
- Illuminated Wall sign on the South Elevation detailing 'Wollondilly Performing Arts Centre' and
- Illuminated Canopy sign above the stage door entry detailing 'Stage Door'.

An assessment of the proposed signage against the assessment criteria in Schedule 1 of SEPP is provided the table below.

Schedule Clause	Assessment Criteria	Comment
1. Character of the Area	<ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character or the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage is compatible with the existing and future character of the area.</p> <p>The signage is considered consistent with the signage in the locality in terms of design and numbers of signs proposed.</p>
2. Special Areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas or other areas including residential.
3. Views and vistas	<ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and 	<p>The proposed signage will not obscure or compromise any important views lines.</p> <p>The signage will not dominate the skyline or reduce the quality of vistas.</p>

	<p>reduce the quality of vistas?</p> <ul style="list-style-type: none"> Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signage does not detract from the viewing of any advertising structure within the local.</p>
4. Streetscape setting on landscape	<ul style="list-style-type: none"> Is the scale proportion and form of the proposal appropriate for the streetscape or landscape? Does the proposal contribute to the visual interest of the streetscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The scale and form of the proposed signage will not impact on the amenity of surrounding streetscape or landscape.</p> <p>The signage will add to the visual interest of the area.</p> <p>The proposed signage has been designed to minimise visual clutter and provide simple business identification signage.</p> <p>The proposed signage has been designed to complement the built form.</p> <p>The signage does not protrude above the building or tree canopy.</p> <p>No vegetation management will be required.</p>
5. Site and Building	<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building or both on which the proposed signage is to be located? 	<p>The signage has been designed to reflect the scale and character of the use of the subject site.</p>

	<ul style="list-style-type: none"> • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site building or both? 	<p>The proposed signage respects the important features of both the building and the site.</p> <p>Signage details have been incorporated within the built form structure.</p>
6. Associated devices and logos with advertisements and advertising structures	<ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>All signage has been designed as an integrated product.</p>
7. Illumination	<ul style="list-style-type: none"> • Would illumination result in unsightly glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>The proposed illumination will not result in unsightly glare. The proposed illumination will not affect safety for pedestrians, vehicles or aircraft.</p> <p>The proposed signage has been sited and designed to ensure it does not detract from the amenity of any residence or other form of accommodation.</p> <p>The intensity of the illumination can be adjusted.</p> <p>No curfew proposed.</p>
8. Safety	<ul style="list-style-type: none"> • Would the proposal reduce the safety on any public road? 	<p>The proposed signage will not impact on safety of motorists</p>

	<ul style="list-style-type: none"> • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children by obscuring sightlines from public areas? 	<p>travelling on adjoining public roads.</p> <p>The proposed signage will not impact on the safety of pedestrians or cyclists.</p> <p>The proposed signage will not obscure sightlines from public areas.</p>
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Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River (No 2 – 1997)

The aim of Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SREP) is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The SREP applies to the subject site.

The proposed development is in accordance with the general planning considerations set out in Clause 5 of the SREP and the relevant specific planning policies and strategies set out in Clause 6. Provision will be made for adequate erosion and sediment control measures to ensure sediment because of the development is not deposited in the Hawkesbury Nepean River via the stormwater system.

Council's Development Engineer has reviewed the proposed development regarding stormwater drainage and is satisfied with the proposed stormwater drainage system in relation to the SREP.

Wollondilly Local Environmental Plan 2011

The Wollondilly Local Environmental Plan (LEP) 2011 applies to the site and proposed development.

Permissibility

The site is zoned B2 Local Centre under the provisions of the Wollondilly Local Environmental Plan 2011. Entertainment and Community Facilities are permitted with consent in the B2 zone.

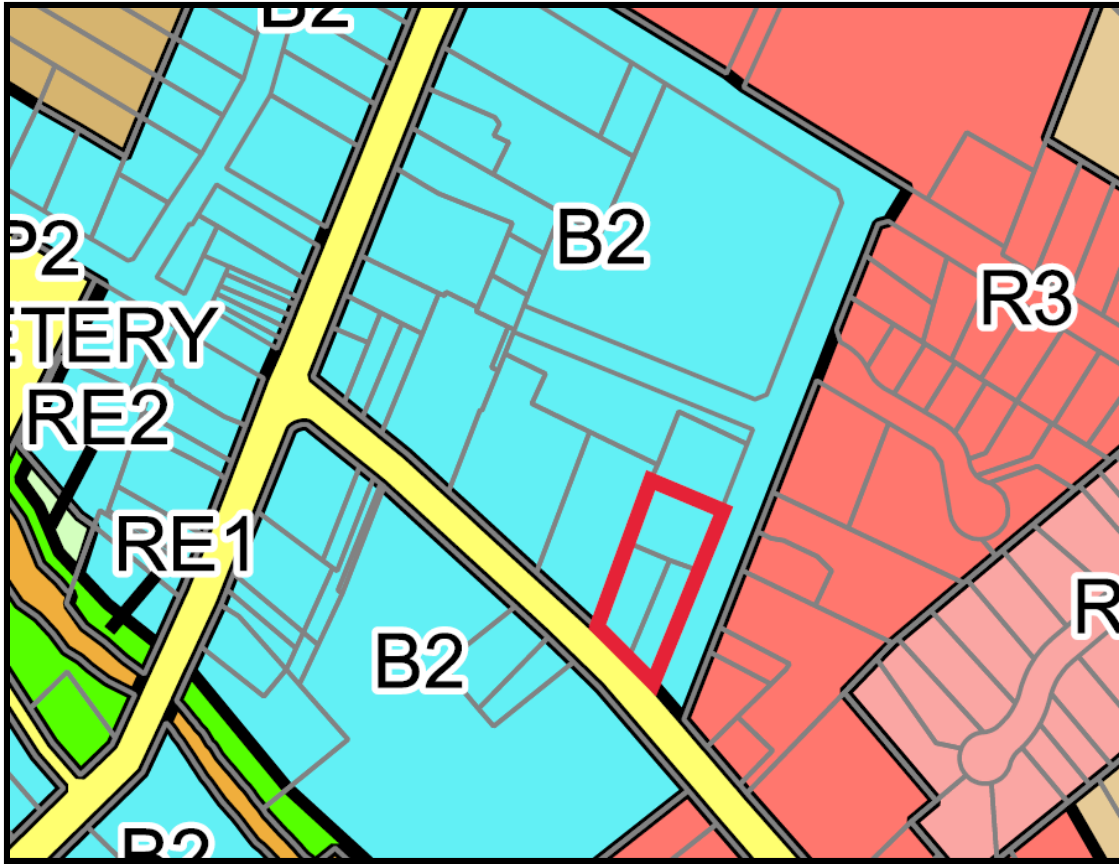


Figure 20 – Zoning Map (Source: NSW Legislation)

Zone Objectives

The objectives of the B2 Local Centre zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for appropriate residential development in the form of shop top housing to support the vitality of the local area.*

Officer Comment:

The proposed development is consistent with the objectives of the zone as it will provide a community use that serves the needs of the community, encourages employment opportunities in an accessible location and encourages non-vehicular transport within the Picton Town Centre.

Relevant Clauses

The DA was assessed against the following relevant clauses of the Wollondilly LEP 2011.

Clause	Requirement	Provided	Compliance
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	The application proposes the demolition of existing structures.	Yes
4.3 – Height of Buildings	9m	<p>The proposed development results in a variation of 1.8m to the 9m height limit.</p> <p>A Clause 4.6 Variation Request was submitted with the application. The justification given is supported and is assessed below.</p> <p>The reasons given are considered consistent with the objectives of the zone, the clause, the Master Plan and would create beneficial internal amenity with limited exterior impact.</p> <p>Refer to the discussion of the Clause 4.6 submission below.</p>	No – Merit Assessment
5.10 – Heritage conservation	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.	<p>The site is located within the Picton Heritage Conservation Area. The application was referred to an external heritage consultant for review. The external heritage consultant was generally supportive of the proposal subject to the consideration of the following recommendations:</p> <ul style="list-style-type: none"> <i>The Masonic Hall was considered for the heritage list during the council's heritage review, but was thought to be sufficiently protected by its location inside the HCA. Preliminary heritage referral advice was that this Arts Centre design should give some acknowledgment to the small Masonic Hall that is intended to be demolished to make way for the development.</i> 	Yes

		<p><i>Without requiring significant design amendments, it is requested that the development "give a nod" to the demolished masonic hall on this site, rather than airbrushing it out of local history. For example, the Masonic Hall wall footprint could be reproduced in the floor finish pattern of one of the larger spaces in the development. The Masonic emblem could be removed from the original building and displayed inside the new development with a small explanatory story board. This acknowledgement could be embellished with a plaque outside the building.</i></p> <ul style="list-style-type: none"> <i>Plans for the new Performing Arts Centre building show a tiny strip of residue land on the street frontage being infilled with the usual lines of native grasses and ground covers. This large piece of architecture should be flanked by some architecturally scaled trees. This requires deep soil and considerable ground area. The last referred for heritage comment showed a car park near the Performing Arts Centre. I recommended that as this appeared to be the only large open outdoor space, that some vigorous, large shade trees be included in the car park.</i> <p>The applicant submitted additional information regarding the provision of architecturally scaled trees detailing that they would be delivered in later stages of the overall</p>	
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		<p>development of the precinct as part of the public domain upgrades. Council's Natural Resources Officer reviewed the additional information and was satisfied that the landscaping would be addressed under future stages and raised no objection to Stage 1 progressing based on the interim landscaping identified under the subject application.</p> <p>The heritage recommendations relating to the Masonic Lodge have been included as conditions of consent in the Recommended Conditions of Consent provided in Attachment 9.</p>	
7.1 Essential Services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage.</p>	<p>Consistent, can be supported. Suitable conditions requiring consultation with the relevant authorities to make services available have been included in the Recommended Conditions of Consent provided as Attachment 9 to this report.</p>	Yes
7.5 Earthworks	<p>To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The proposed development involves earthworks to facilitate the proposed development. Council's Development Engineering have assessed the proposed development and have stated that the proposal is acceptable provided the conditions outlined receive compliance. The conditions provided by Development Engineering have been included in the Recommended Conditions of Consent provided in Attachment 9.</p>	Yes

Proposed Building Height Variation and Clause 4.6 Submission/Evaluation

The proposed development has a maximum height of 11.8m resulting in a variation of 2.8m (31.11%) to the maximum building height development standard of 9m pursuant to Clause 4.3 of the Wollondilly Local Environmental Plan 2011.

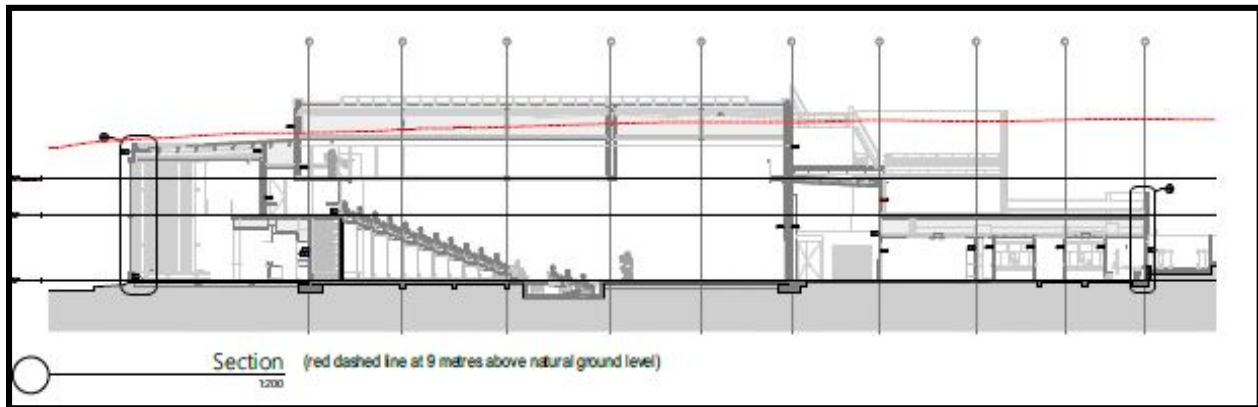


Figure 21: Section Detailing Height Breach (Source: William Ross Architects)

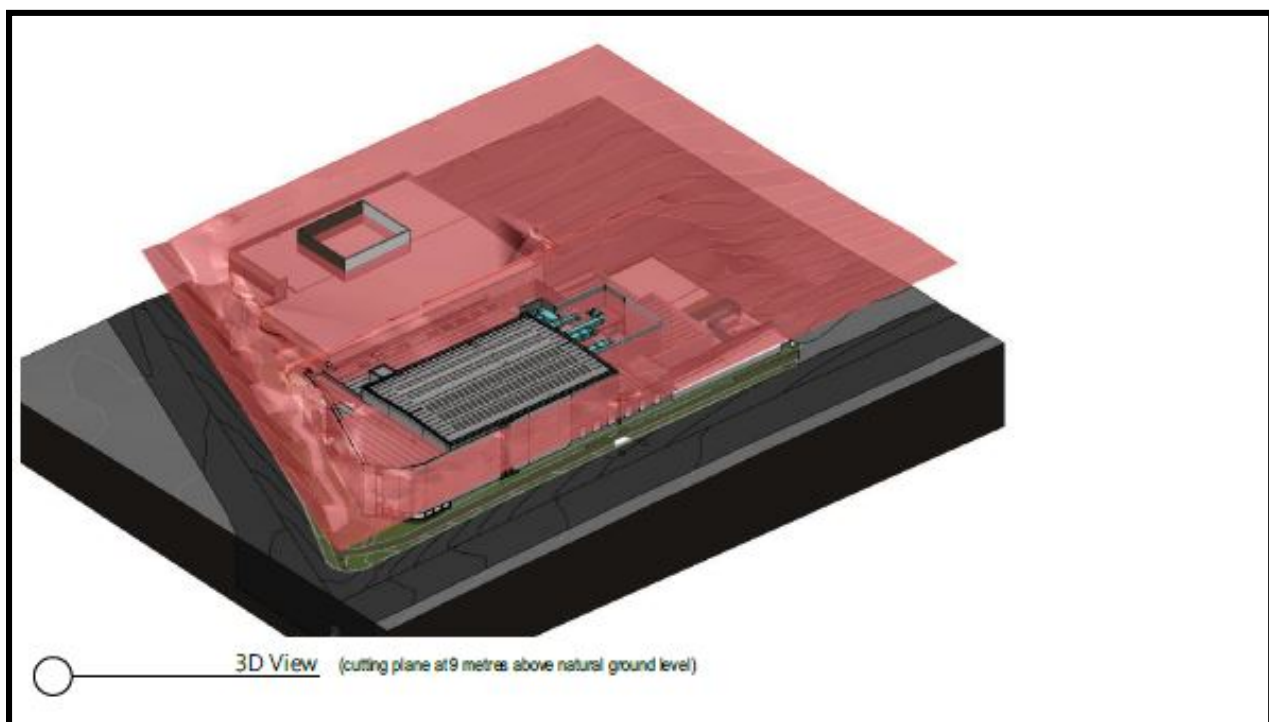


Figure 22: 3D Height Plane detailing the height breach (Source: William Ross Architects)

Clause 4.6 provides flexibility in applying certain Development Standards on the following grounds:

- 1) *The objectives of this clause are as follows—*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Pursuant to Clause 4.6:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

Assessment:

Whether compliance with the standard is unreasonable and unnecessary in the circumstances of the case

Tract has provided justification that strict compliance with the Height of Buildings standard is unnecessary and unreasonable for the following reasons:

'The breach of building height relates to the following operational requirements of the Wollondilly PAC:

- The building's roof accommodates the slope of the site and keeps a profile in alignment with the original architectural vision of the building;*
- Natural lighting;*
- Internal acoustic design requirements;*

- Stage and roof equipment requirements; and
- Rooftop Solar photovoltaic design requirements.

The variation in height request is also required due to the natural slope of the ground level at the site, which drops down significantly from Corbett Lane towards Menangle Street. The maximum height of the building (calculated at the highest point from ground level) is 11.8m.

Due to the operational requirements for a modern fit-for-purpose performing arts centre (including internal acoustic design, stage and roof equipment, and rooftop solar photovoltaic requirements) compliance with the standard is unnecessary if it hinders the operation of a facility that will support arts and cultural activities within the LGA.

The proposed development is in alignment with intended vision of the Wollondilly Community, Cultural and Civic Precinct (WCCCP) and has been designed under the direction of the principles established under the endorsed WCCCP Master Plan and design process established by Wollondilly Shire Council.

The proposed development and its variation from the HOB standard can be considered appropriate given the context of the WCCCP, the objectives outlined within the WLEP 2011, and principles of the WCCCP Master Plan (2020) and Western Parkland City Liveability Program.

The Wollondilly PAC building does not result in a detrimental aesthetic impact to the locality. The scale or intensity for the building is appropriate for its purpose and as part of this Stage of the WCCCP renewal of the Picton Town Centre.

The breach of the height of building development standard allows a built form response consistent with the urban design principles established in the WCCCP Master Plan and allows the proposed Wollondilly PAC to operate as a multifunctional performing arts centre.

Should compliance with the 9.0m HOB development standard be enforced, it would hinder the Wollondilly PAC in operating as a performing arts centre, limiting the building in holding major performances and significant events for the community and the Council's benefit.

A review of the impact on the viability and community benefit of the PAC of reducing the height was undertaken for the two following scenarios:

1. *Reduce the height by approximately 1m to reduce the amount the building is over the height restriction to 1.8m.*
2. *Reduce the height of the building to comply with the 9m height restriction*

The consequences of lowering the roof by 1m include:

- **Deletion of the Tension Wire Grid (TWG)** - *The loss of the TWG reduces the centres ability to include community members working on the technical level of the theatre, including school and education programs. The ability to train small groups is lost.*
- **Lighting and Sightlines** - *Lowering of the roof trusses means the rear 'follow-spot' lighting positions cannot operate. These are popular with school performances, awards nights and so forth, reducing the attractiveness of the venue to these user groups*

- **Theatre Formats** - Loss of the TWG will reduce the flexibility of the theatre itself, reducing the range of more contemporary, flat floor theatre productions that can be staged at the venue.
- **Operations** - Loss of the TWG and follow-spot location increases the set-up time for some shows and functions, and may mean a smaller range of shows attracted to the venue
- **Mechanical Ductwork** - Lowering of the roof trusses may require exposure of mechanical ductwork on the side or roof of the theatre. This will be unsightly, and possibly negates the visual benefit of lowering the roof itself.
- **Reduced Community Benefit** - Loss of the TWG and rear follow-spot position reduces the ability for general community members to work safely at height and gather in groups to be instructed on the technical aspects of theatre production.

To achieve a theatre with a 9m building height in this location the working height of the theatre is reduced to 5m and the space becomes more like a Rehearsal Studio than professional theatre. The lower ceiling height also results in a loss of 4-5 rows from the retractable seating which would need to be replaced on the flat floor.

The consequences of complying with the 9m height limit include::

- **Deletion of the Tension Wire Grid (TWG)** - The loss of the TWG reduces the centres ability to include community members working on the technical level of the theatre, including school and education programs. The ability to train small groups is lost.
- **Lighting and Sightlines** - Lowering of the roof trusses means the rear 'follow-spot' lighting positions cannot operate. These are popular with school performances, awards nights and so forth, reducing the attractiveness of the venue to these user groups
- **Theatre Formats** - Loss of the TWG will reduce the flexibility of the theatre itself, reducing the range of more contemporary, flat floor theatre productions that can be staged at the venue.
- **Operations** - Loss of the TWG and follow-spot location increases the set-up time for some shows and functions, and may mean a smaller range of shows attracted to the venue
- **Mechanical Ductwork** - Lowering of the roof trusses may require exposure of mechanical ductwork on the side or roof of the theatre. This will be unsightly, and possibly negates the visual benefit of lowering the roof itself.
- **Reduced Seating Capacity or Poor Sightlines** - The lowered roof means head height over the rear 4-5 x rows of seats cannot be achieved resulting in a loss of 100-120 seats. These seats could be replaced on the flat floor, however sightlines would be very poor and impact on the functionality of the space.
- **Reduced Community Benefit** - Loss of the TWG and rear follow-spot position reduces the ability for general community members to work safely at height and gather in groups to be instructed on the technical aspects of theatre production.

It is considered that strict numerical compliance would diminish positive elements of the development. The design maximises the use of natural light, public domain integration, connectivity and accessibility in accordance with the Master Plan and strict compliance would result in a reduced functionality for a key aspect of the WCCCP and the wider LGA.

The proposed variation does not result in any adverse impacts upon the amenity of adjoining properties or public domain areas. It is of a height, bulk and scale that is envisaged by the WCCCP Masterplan.

The proposal is consistent with the zone objectives as previously demonstrated and the Height of Buildings development objectives as contained within the WLEP as demonstrated below.

Whether the proposal is consistent with the objectives of the Height of Buildings standard

The objectives of the standard are as follows:

- (a) to minimise the impact of new development on neighbouring properties and the streetscape with regard to bulk, overshadowing, privacy and views,*
- (b) to maintain a size and scale of development that is compatible with the existing and emerging character of the locality,*
- (c) to ensure that the height of buildings is compatible with the landscape and environmental constraints of the land.*

The proposed development is considered to be consistent with the objectives of the Height of Buildings development standard as it has been sited and designed to minimise the impacts of the bulk and scale of the development on the WCCC Precinct and surrounding area, it does not result in any privacy or view impacts and does not result in adverse shadow impacts on the surrounding area as demonstrated in the Shadow Diagrams submitted in support of the application. The proposed development achieves the key principles and objectives of the WCCCP Masterplan and is of a scale that is not inconsistent with the existing precinct and is reflective of the emerging and desired character for the Picton Town Centre. The design is generally compliant with the WLEP, Master Plan design and WDCP controls.

Given the above considerations and in these circumstances, compliance with the development standard is considered to be unreasonable and unnecessary. Strict application would necessitate an unnecessary re-design which would not result in a material form change or improvement and would rather have the effect of unduly reducing the functionality and desired use and activation of the site and wider precinct.

Achieving numerical compliance will not result in an improved planning outcome. Flexibility in the application of the height standard is warranted.

Whether the proposal is consistent with the objectives for development within the zone

Objectives of Zone B2 Local Centre:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- To encourage employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To provide for appropriate residential development in the form of shop top housing to support the vitality of the local area.*

The proposed development is consistent with the objectives of the zone as it will provide a community use that serves the needs of the community, encourages employment opportunities in an accessible location and encourages non-vehicular transport within the Picton Town Centre.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Tract has provided justification there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

In summary, these environmental planning grounds include as follows:

- *The development complies with the core B2 Local Centre land use and Clause 4.3 Height of Building (HOB) ,objectives outlined within the WLEP 2011 and forms part of the renewal of the Picton Town Centre as part of the WCCCP;*
- *While the proposed development of the Wollondilly PAC breaching the proposed HOB development standard, the building has been designed in accordance with the principles of the WCCCP Master Plan (2020) and the Council's application for the Western Parkland City Liveability Program:*
 - *Deliver modern fit-for-purpose cultural facilities to meet the needs of a rapidly growing community.*
 - *Develop local capability in Wollondilly for arts, cultural and community activities to reduce reliance on facilities outside the LGA, often a significant barrier to participation due to the travel time and costs.*
 - *Build the cultural base of the Western Parkland City to redress the current imbalance of regional facilities through development of a performance space and other creative arts spaces to retain and attract a larger and more diverse range of performances and creative activities.*
 - *Support local business development through the provision of facilities for meetings, seminars, as well as activity generating performances.*
- *The Wollondilly PAC breach of the HOB standard does not significantly impact upon the Picton Town Centre Conservation area (as per the Statement of Heritage Impact included as part of the DA);*
- *The proposed Wollondilly PAC building's operational requirements (including internal acoustic design, stage and roof equipment, and rooftop solar photovoltaic requirements) requires a contravening of the HOB development standard to allow the building to function effectively as a modern performing arts centre;*
- *Despite the variation there are no adverse shadowing impacts on the surrounding area;*
- *The contravention of the HOB development standard is necessary to deliver a modern fit-for-purpose performing arts facility.*
- *There are several positive impacts associated with the proposed Wollondilly PAC that would be in the interest of the public, including:*
 - *That it was found to help improve community connectedness, the creative industries, provide employment opportunities (during construction and operation) and support the local economy;*
 - *The development of the Wollondilly PAC would help fulfil an objective established by the Council; and*
 - *That the project would help the local community and meet council strategic goals.*
- *There would be no public benefit in maintaining stringent compliance with the current HOB development standard considering the extensive urban design and pre-development process already undertaken by the Council and other parties in support of the development of the WCCCP (including WCCCP Master Plan in 2020 and the Picton Place Plan 2021).*

The applicant's grounds/reasons for the proposed variations to the development standards are supported. Given the need to provide a fit for purpose facility in accordance with the endorsed WCCCP Masterplan and the lack of adverse impacts from a built form and amenity perspective there are sufficient environmental planning grounds to justify contravening the standard.

Whether the proposed development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The development is considered to be consistent with the objectives of the zone and the objectives for the height of building standard. The uses are permissible in the zone and are in accordance with the Master Plan. The proposal provides an architectural outcome that is complementary to its setting and the desired future character of the area. It references the desired themes in the Master Plan in terms of traffic, parking, other uses, acoustics, landscaping and connection to the planned civic buildings. The proposal provides considerable positive public benefits by revitalising the precinct and providing a key community facility for use by the public within the LGA.

Given the above and that the fact that it will not create any adverse impacts, it is considered to be in the public interest.

Concurrence from the Director-General.

The proposal does not require concurrence from the Director-General.

Matters of State/Regional Significance

No matters of state or regional significance are raised by contravening the standard.

(a)(ii) The Provision of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

There is no draft Environmental Planning Instrument applicable to the proposed modifications.

(a)(iii) The Provisions of any Development Control Plan

Wollondilly Development Control Plan 2016

The Wollondilly Development Control Plan (DCP) 2016 provides detailed provisions to supplement the Wollondilly LEP 2011. An assessment of the proposal against the relevant development controls applying to the subject site and development is provided in **Attachment 7**.

The proposal is generally consistent with the relevant objectives and controls of the Wollondilly DCP.

(a)(iia) Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4.

Not Applicable

(a)(iv) The Regulations

The Regulations do not prescribe any additional matters that are relevant to the proposed DA.

(1)(b) The likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Key matters for consideration when considering the development's potential impact on the natural and built environment are deemed to be as follows:

Natural Environment

The proposed development is not considered to adversely impact on the natural environment and has been designed to ensure any potential impacts are appropriately minimised and mitigated.

The proposed development has been prepared and designed in line with the key environmental planning instruments and policies implemented to minimise impacts on the natural environment as evidenced in the preparation of the following specialist studies in support of the application:

- Detailed Site Investigation;
- Geotech Report;
- Arborist Report;
- Aboriginal Archaeological Due Diligence Assessment: and
- Landscape Plans;

The application and supporting investigations were reviewed by Council's Natural Resources Officer, Environment Officer, Environmental Health Team, Tree Officer and Contamination Officer who raised no objections to the proposal, supporting the findings and recommendations of the investigations and provided conditions of consent to ensure compliance.

Council officers confirmed the relevant environmental investigation were prepared in accordance with the applicable environmental planning instruments and policies and that the development has been designed to appropriately minimise and mitigate any potential impacts on the natural environment.

Therefore, the proposed development is not considered to have any adverse impacts on the natural environment.

Built Environment**Heritage**

The subject site is located within the Picton Heritage Conservation Area. A Heritage Impact Statement (HIS) was lodged in support of the application which concluded that the significance of heritage items in the vicinity will not be directly or indirectly impacted by the proposal and impacts to the significance of the Conservation Area will be negligible.

The external heritage consultant was generally supportive of the proposal subject to the consideration of the following recommendations:

- *The Masonic Hall was considered for the heritage list during the council's heritage review, but was thought to be sufficiently protected by its location inside the HCA. Preliminary heritage referral advice was that this Arts Centre design should give some acknowledgment to the small Masonic Hall that is intended to be demolished to make way for the development.*

Without requiring significant design amendments, it is requested that the development "give a nod" to the demolished Masonic Hall on this site, rather than airbrushing it out of local history. For example, the Masonic Hall wall footprint could be reproduced in the floor finish pattern of one

of the larger spaces in the development. The Masonic emblem could be removed from the original building and displayed inside the new development with a small explanatory story board. This acknowledgement could be embellished with a plaque outside the building.

- *Plans for the new Performing Arts Centre building show a tiny strip of residue land on the street frontage being infilled with the usual lines of native grasses and ground covers. This large piece of architecture should be flanked by some architecturally scaled trees. This requires deep soil and considerable ground area. The last referred for heritage comment showed a car park near the Performing Arts Centre. I recommended that as this appeared to be the only large open outdoor space, that some vigorous, large shade trees be included in the car park.*

The applicant submitted additional information regarding the provision of architecturally scaled trees detailing that they would be delivered in later stages of the overall development of the precinct as part of the public domain upgrades. Council's Natural Resources Officer reviewed the additional information and was satisfied that the landscaping would be addressed under future stages and raised no objection to Stage 1 progressing based on the interim landscaping identified under the subject application.

The heritage recommendations relating to the Masonic Lodge have been included as conditions of consent in the Recommended Conditions of Consent provided in **Attachment 9**.

Carparking

A Transport Assessment was submitted in support of the proposal which outlined the following:

The WCCP precinct currently has 149 car spaces provided in an at-grade car park. This car park is shared between various uses within the precinct, including the library, Council offices and existing child care centre.

As a result of the Stage 1 of the masterplan there will be a reduction of parking within the existing Council car park by some 19 car spaces. The strategy developed for parking is to offset the parking requirement through the provision of an additional 42 car spaces as part of the Walton Street Car Park extension. These 42 car spaces will be made available before the PAC is opened and result in a net increase in parking in the Picton Town Centre.

The Picton town centre is serviced by a number of at grade car parks and basement parking under Picton Mall. The total amount of parking including on-street parking to be considered as part of this assessment is 587 car spaces this includes the Walton Street Car Park.

Table 4.1: Total Parking Supply

Site	Name	Existing	Stage 1
Off-street Parking			
1,2,3	WCCCP	149	130
	Corbett Lane East		2
4	Corbett Lane West	60	60
5	Central Car Park	22	22
6	Short Stay	64	64
7	Picton Mall	136	136
8	Police Station	49	49
9	Margaret Street	46	46
10	WSC Staff Car Park	36	36
11	Menangle Street Car Park	25	25
12	Argyle Street South	52	52
13	Davidson Lane	72	72
14	Walton Street	46	97
	Subtotal	508	542
On Street	Menangle	19	16
On Street	Colden	2	5
On Street	Other	58	58
	Subtotal	79	79
	Total	587	621

Figure 23 – Total Parking Supply in the Picton Town Centre (Source: TTPP)

To assess the parking requirements, the precinct has been considered as a whole, including the new childcare centre to account for multi-use visits (e.g. visitors seeking to stop at more than one facility within the precinct during a single visit). The existing parking demand is based on data provided in the Wollondilly Shire Community, Cultural and Civic Precinct, Traffic and Transport Assessment (SLR 2020).

	7:00	7:30	8:00	8:30	9:00	9:30	10:00		16:00	16:30	17:00	17:30	18:00
Demand from Other Uses Including the Childcare Centre	48	76	96	173	247	315	348		326	293	256	179	143
Performing Arts Centre	20	20	20	20	20	20	20		98	98	98	98	146
Total Demand	68	96	116	193	267	335	368		424	391	354	277	289
Available Parking	621	621	621	621	621	621	621		621	621	621	621	621
Remaining Parking	552	524	504	427	353	285	252		196	229	266	343	331

Figure 24 – Parking Accumulation Assessment (Source: TTPP)

Stage	Includes	Available Parking	Peak Demand	Difference
Stage 1	Performing Arts Centre	620	424	196

Figure 25 – PAC Parking Supply and Demand (Source: TTPP).

An estimate of future parking demand for the PAC has estimated that as the peak parking demand for the centre is likely to occur in the evenings that there is enough capacity for the PAC.

The Transport Assessment was reviewed by Council's Engineers and TfNSW who requested additional information on the expected parking demand and supply for the Performance Arts Centre. A Further Parking Assessment was prepared by Cardno and submitted by the applicant in October 2021. The findings of the assessment are summarised below:

Based on expected use of the Performing Arts Centre, it is expected to generate peak parking demands of:

Period	Maximum calculated parking demand
Weekday	155
Weeknight	174
Weekend	238

Figure 26 – PAC Parking Demand (Source: Cardno).

Wollondilly Shire Council recently commissioned car parking surveys of the town centre on:

- > Saturday 5 June 2021
- > Tuesday 8 June 2021.

A car parking model was developed based on land use in Picton. It assumes average site occupancy per land use, driver mode share and temporal demand of all land use types in Picton.

The model over-estimates car parking demand by approximately 15 per cent in comparison to recent surveys undertaken. This provides a buffer on the high side for this memorandum's car parking recommendations.

Under the PAC scenarios assessed, weekday, weeknight, weekend day and night, only the weekday day time scenarios shows potential issues of parking demand and available supply.

The resultant modelled weekday peak parking demand through Picton Town Centre is summarised as follows.

Period	Maximum Picton town centre parking demand with Matinee performance	Picton town centre supply (after completion of Performing Arts Centre)	Demand difference to supply	Picton town centre 85 % of supply	Demand difference of 85% supply
Weekday	1,001	1,116	151	949	-52

Figure 27 - Picton Town Centre Parking Demand (Source: Cardno)

The modelling indicates that with the Performing Arts centre in operation, there would be a peak parking demand of 1,001 vehicles with a supply of 1,116 spaces.

While this indicates that the existing parking demand can be accommodated around Picton, it is desired to plan for car parking to utilise a maximum of around 85 per cent. Above 85 per cent demand, car parking gradually becomes more difficult to locate. The modelled peak parking demand exceeds the 85 per cent of existing supply by 52 spaces.

The modelling indicates that there will be ample supply for weeknight and weekend periods.

To limit car parking demand to a maximum of 85 per cent of parking space supply, approximately 52 more spaces would need to be provided. Council proposes to provide the following additional car parking in line with the Performing Arts Centre development:

Location	Estimated additional spaces.
Barkers Lodge Road (adjacent to Stonequarry Creek)	30
Council depot reconfiguration (with Council staff parking provisions to be transferred to this site)	58
Total	88

Figure 28 – Proposed Additional Parking to be provided by Council (Source: Cardno)

These additional spaces would increase the spare parking opportunities within Picton Town Centre. The estimated peak demand of 1,001 means there would be 203 remaining parking opportunities throughout Picton.

Council's Development Engineering Team reviewed the Additional Parking Assessment provided in support of the development and raised no issues subject to the inclusion of conditions of consent which have been included in the recommended conditions in **Attachment 9**.

Character, Bulk and Scale

The application forms part of Stage 1 of the *Wollondilly Community, Cultural and Civic Precinct Master Plan*. This is the third Development Application made under the Master Plan, following the approval of the Wollondilly Shire Hall renovation which was approved by the Wollondilly Shire Local Planning Panel in December 2020.

In summary, the staged works under the Master Plan include:

- Refurbishment and extension of the Shire Hall (Previous DA /2020/433/1) approved by the Wollondilly Shire Local Planning Panel on 17 December 2020.
- New Children's Services and Community building (DA/2020/912/1) approved by the Wollondilly Shire Local Planning Panel on 29 July 2021.
- New Performing Arts facility (subject application).
- New Council offices and community spaces.
- New Library and Learning Hub.
- Visual Arts Exhibition and Workshop spaces.
- Significant public open space and public domain works.

These are shown on the following precinct/Master Plan map.



Figure 29: Staged Precinct Masterplan (Source: Wollondilly Community, Cultural and Civic Precinct Master Plan)

The proposed development is in alignment with intended vision of the Wollondilly Community, Cultural and Civic Precinct (WCCCP) and has been designed under the direction of the principles established under the endorsed WCCCP Master Plan and design process established by Wollondilly Shire Council.

The proposed development aims to provide a purpose-built performing arts centre that is of a size and scale that can accommodate the proposed use and has been designed to ensure it is not inconsistent with the existing built form in the area and is reflective of the desired future character of the precinct and the wider Picton Town Centre.

The proposed development and its variation from the HOB standard can be considered appropriate given the context of the WCCCP, the objectives outlined within the WLEP 2011, and principles of the WCCCP Master Plan (2020) and Western Parkland City Liveability Program. Strict application would necessitate an unnecessary re-design which would not result in a material form change or improvement and would rather have the effect of unduly reducing the functionality and desired use and activation of the site and wider precinct.

The proposal has been sited and designed to ensure it does not result in any adverse built form, shadow or amenity impacts on surrounding land uses and activates the corner of the precinct providing a key regionally significant development for the WCCCP.

The Wollondilly PAC building does not result in a detrimental aesthetic impact to the locality. The scale or intensity for building is appropriate for its purpose and as part of Stage of the WCCCP renewal of the Picton Town Centre.

Therefore, the proposed development is not considered to have any adverse impacts on the built environment.

Social and Economic Impacts

The proposed development is considered to result in a positive social impact through the provision of a community facility that will provide a service to existing and future residents consistent with the Wollondilly Community, Cultural and Civic Precinct Masterplan.

The proposed development will positively contribute to the Picton Heritage Conservation Area and wider Community.

In addition, it will promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of a permanent new development and activity within the site. The proposed facility will also provide short-term and long-term economic benefits through construction expenditure and employment.

(1)(c) The suitability of the site

The proposed development has adequately addressed the key concerns including built form, traffic and car parking and servicing. The proposed development is compatible with the surrounding area; therefore, Council can be satisfied that the site is suitable for the proposed development.

(1)(d) Any submissions made in accordance with this Act or the Regulations.

The Development Application was advertised for a period of 28 days 28 April 2021 and 26 May 2021. 1 submission was received during that notification period.

A review of the submission received has been undertaken and a response to each key issue raised is provided below.

Objection	Response
Amenity impacts on surrounding land use resulting from the long term construction of the proposal	Appropriate conditions of consent have been included in the recommended conditions in Attachment 9 that will ensure all potential impacts resulting from construction of the proposal are appropriately minimized and mitigated through the demolition and constructions stages of the proposal.

<p>Incomplete assessment against the relevant provisions of the Disability Discrimination Act. (DDA) 1992 which a number of items listed as being still required or under development</p>	<p>The documentation submitted with the application was reviewed by Council's Building Surveyor, Environmental Health Team and Development Engineering Team who raised no objection to the proposal.</p> <p>Conditions of consent requiring compliance with the relevant legislation and Australian Standards have been in the recommended conditions in Attachment 9.</p>								
<p>Height variation</p>	<p>The proposed development results in a variation of 1.8m to the 9m height limit. A Clause 4.6 Variation Request was submitted with the application.</p> <p>Despite the variation the development is considered to be consistent with the objectives of the zone and the objectives for the height of building standard. The uses are permissible in the zone and are in accordance with the Master Plan. The proposal provides an architectural outcome that is complementary to its setting and the desired future character of the area. It references the desired themes in the Master Plan in terms of traffic, parking, other uses, acoustics, landscaping and connection to the planned civic buildings. The proposal provides considerable positive public benefits by revitalising the precinct and providing a key community facility for use by the public within the LGA.</p> <p>Strict compliance with the 9m height limit would result in reduced functionality for the proposed use and would not achieve the objectives for the site as outlined in the WCCCP Masterplan. .</p> <p>Given the above and that the fact that it will not create any adverse impacts, it is considered to be in the public interest.</p>								
<p>Traffic and parking Impacts</p>	<p>A Parking Assessment was prepared by Cardno and submitted by the applicant in October 2021. The findings of the assessment are summarised below:</p> <p><i>Based on expected use of the Performing Arts Centre, it is expected to generate peak parking demands of:</i></p> <table border="1" data-bbox="616 1435 1385 1559"> <thead> <tr> <th>Period</th><th>Maximum calculated parking demand</th></tr> </thead> <tbody> <tr> <td>Weekday</td><td>155</td></tr> <tr> <td>Weeknight</td><td>174</td></tr> <tr> <td>Weekend</td><td>238</td></tr> </tbody> </table> <p><i>Figure 30 – PAC Parking Demand (Source: Cardno).</i></p> <p><i>Wollondilly Shire Council recently commissioned car parking surveys of the town centre on:</i></p> <ul style="list-style-type: none"> > Saturday 5 June 2021 > Tuesday 8 June 2021. <p><i>A car parking model was developed based on land use in Picton. It assumes average site occupancy per land use, driver mode share and temporal demand of all land use types in Picton.</i></p> <p><i>The model over-estimates car parking demand by approximately 15 per cent in comparison to recent surveys undertaken. This</i></p>	Period	Maximum calculated parking demand	Weekday	155	Weeknight	174	Weekend	238
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provides a buffer on the high side for this memorandum's car parking recommendations.

Under the PAC scenarios assessed, weekday, weeknight, weekend day and night, only the weekday day time scenarios shows potential issues of parking demand and available supply.

The resultant modelled weekday peak parking demand through Picton Town Centre is summarised as follows.

Period	Maximum Picton town centre parking demand with Matinee performance	Picton town centre supply (after completion of Performing Arts Centre)	Demand difference to supply	Picton town centre 85 % of supply	Demand difference of 85% supply
Weekday	1,001	1,116	151	949	-52

Figure 31 - Picton Town Centre Parking Demand (Source: Cardno)

The modelling indicates that with the Performing Arts centre in operation, there would be a peak parking demand of 1,001 vehicles with a supply of 1,116 spaces.

While this indicates that the existing parking demand can be accommodated around Picton, it is desired to plan for car parking to utilise a maximum of around 85 per cent. Above 85 per cent demand, car parking gradually becomes more difficult to locate. The modelled peak parking demand exceeds the 85 per cent of existing supply by 52 spaces.

The modelling indicates that there will be ample supply for weeknight and weekend periods.

To limit car parking demand to a maximum of 85 per cent of parking space supply, approximately 52 more spaces would need to be provided. Council proposes to provide the following additional car parking in line with the Performing Arts Centre development:

Location	Estimated additional spaces.
Barkers Lodge Road (adjacent to Stonequarry Creek)	30
Council depot reconfiguration (with Council staff parking provisions to be transferred to this site)	58
Total	88

Figure 32 – Proposed Additional Parking to be provided by Council (Source: Cardno)

These additional spaces would increase the spare parking opportunities within Picton Town Centre. The estimated peak demand of 1,001 means there would be 203 remaining parking opportunities throughout Picton.

Council's Development Engineering Team reviewed the Additional Parking Assessment provided in support of the development and raised no issues subject to the inclusion of conditions of consent which have been included in the recommended conditions in **Attachment 9**.

Failure to recognise the significance of the wider region.

The proposed development involves the construction of a regionally significant entertainment and community facility that recognizes the significance of the Wollondilly LGA and is strategically located within the Picton Town Centre. The

	development will provide services and facilities for the local community and provide a state-of-the-art facility that will attract events from outside of the region providing access to increased cultural activities within the region.
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(1)(e) The public Interest

The public interest is served through the detailed assessment of this DA under *the Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments, Development Control Plan and policies.

That assessment has demonstrated that the proposed development has addressed the requirements of the relevant planning instruments and draft development controls applicable to it including the objectives of the zone.

The proposed development has also demonstrated that the site is suitable for the proposal and positively contributes to the provision of services and facilities within Picton and the wider LGA. Based on the above assessment, the proposal is in the interest of the public.

3. OTHER MATTERS

External and Internal Referrals

The subject DA was referred to a number of public agencies and their responses are summarised in in **Attachment 8**.

In addition, the DA was referred to a number of internal officers and their responses are also summarised in in **Attachment 8**.

4. CONCLUSION

A Development Application has been received for the demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works at 2-4 Colden Street & 66 Menangle Street Picton.

The development is not considered likely to have a significant and detrimental impact on the natural or built environment and is suitable for the site, having regard to its consistency with the relevant planning controls applicable to it.

5. RECOMMENDATION

That DA/2021/305/1 for the demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works at 2-4 Colden Street & 66 Menangle Street Picton be approved subject to the recommended conditions in **Attachment 9** to this report.

Financial Implications

Separate budget considerations apply to the development of the Picton Precinct. This report does not seek to approve any expenditure.

RECOMMENDED CONDITIONS

The application is recommendation for approval subject to the recommended conditions detailed in Attachment 9.

ATTACHMENTS

- 1. Survey Plan**
- 2. Architectural Plans**
- 3. Landscape Plans**
- 4. Civil Engineering Plans**
- 5. Applicant's Clause 4.6 Variation Request**
- 6. Design Summary Report**
- 7. DCP Assessment**
- 8. Internal & External Responses Table**
- 9. Recommended Conditions of Consent**