

SYDNEY WESTERN CITY PLANNING PANEL REPORT**DA/2023/674/1 - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF A PUBLIC ADMINISTRATION BUILDING, PUBLIC LIBRARY AND PUBLIC PLAZA AS PART OF THE WOLLONDILLY COMMUNITY, CULTURAL AND CIVIC PRECINCT****File Number: DA/2023/674/1#208****Directorate: Director Shire Futures**

Panel Reference	PPSSWC-352
DA Number	DA/2023/674/1
LGA	Wollondilly Shire Council
Proposed Development	The demolition of existing buildings and the construction of a public administration building, public library, and public plaza as part of the Wollondilly Community, Cultural and Civic Precinct.
Street Address	62-64 Menangle Street, Picton (Lot 70 DP 1279596)
Applicant/Owner	SMEC Australia Pty Ltd c/o Wollondilly Shire Council Owner: Wollondilly Shire Council
Date of DA Lodgement	2 August 2023
Total number of submissions Number of Unique Objections	Public Notification – 15 August 2023 to 12 September 2023 1 Submission Received
Recommendation	Approval
Regional Development Criteria Schedule 7 of the SEPP (State and Regional Development) 2011	Capital Investment Value (CIV) exceeds \$5 million for Council related development (\$83,051,913.00)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • Coal Mine Compensation Act 2017 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • 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 report for the Panel's consideration	<ol style="list-style-type: none"> 1. Architectural Plans 2. Landscape Design Report 3. Engineering Plans 4. Statement of Environmental Effects 5. Applicant's Clause 4.6 Variation Request 6. Design Report 7. DCP Compliance Assessment 8. External & Internal Response Table 9. Draft Conditions
Clause 4.6 requests	<p>Pursuant to clause 4.6 of the WLEP 2011, the proposal seeks to vary the building height standard stipulated in clause 4.3 Wollondilly Local Environmental Plan 2011.</p> <p>The proposed development has a maximum height of 10m to 18.5m resulting in a</p>

	variation of 1m to the 9m height limit (11.1%) and a variation of 2.5m to the 16m height limit (15.6%) pursuant to Clause 4.3 of the Wollondilly Local Environmental Plan 2011.
Report prepared by	The Planning Hub – Independent Town Planning Consultant on behalf of Wollondilly Shire Council
Report date	30 January 2024

Summary of s4.15 matters

Have all recommendation in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? ☒

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

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? ☒

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? ☐

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Summary of s4.15 matters

Have draft conditions been provided to the applicant for comment? ☒

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 Development Application (DA) seeks approval for the demolition of existing structures and construction of a public administration building, public library, public plaza and associated works as part of the Wollondilly Community, Cultural and Civic Precinct at 62-64 Menangle Street Picton.

The application forms part of Stage 2, 3 and 4 of the *Wollondilly Community, Cultural and Civic Precinct Master Plan*. This is the fourth DA made under the Master Plan, following the approval of the Wollondilly Performing Arts Centre by the Sydney Western City Planning Panel.

EXECUTIVE SUMMARY

The Panel is the determining authority for this DA as, pursuant to Part 2.4 and Schedule 6 of State *Environmental Planning Policy (Planning Systems) 2021*, the capital investment value (CIV) of the proposed development is \$83,051,913 which exceeds the CIV threshold of \$5 million for Council related development.

The Planning Hub were engaged to undertake an independent planning assessment of the application as Council is the landowner and applicant for the DA.

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*, The Picton Place 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 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/2023/674/1 for the demolition of existing structures, the construction of a public administration building, public library, public plaza and associated works as part of the Wollondilly Community, Cultural and Civic Precinct at 62-64 Menangle Street, Picton pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

REPORT

Background

Application Background

The Development Application forms part of Stage 2, 3 and 4 of the Wollondilly Community, Cultural and Civic Precinct Master Plan (Master Plan). This is the fourth DA made under the Master Plan, following the approval of the Wollondilly Performing Arts Centre by the Sydney Western City Planning Panel.

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

- Refurbishment and extension of the Shire Hall, approved by the Wollondilly Shire Local Planning Panel on 17 December 2020.
- New Children's Services and Community building, approved by the Wollondilly Shire Local Planning Panel on 29 July 2021.
- New Performing Arts facility and community spaces, approved by the Sydney Western City Planning Panel on 11 March 2022.
- New Government Services Centre, village green, new Library and Learning Hub, community arts, exhibition and workshop civic forecourt and link (Subject Application).

A map showing the stages of the Master Plan is provided at Figure1.



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

The Subject Application

The DA was lodged on 2 August 2023. Following a detailed assessment of the proposal, additional information was requested from the applicant on 13 September 2023, 23 October 2023, 6 November 2023 and 24 November 2023. Additional Information was submitted by the applicant in response to the requests.

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 DA 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 DA was advertised between 15 August 2023 and 12 September 2023. 1 submission was received during that notification period.

Panel Briefing

On 4 September 2023, the Sydney Western City Planning Panel (Panel) was briefed on the DA by Wollondilly Shire Council. The key items raised by the Panel and discussed at the briefing were as follows:

- Active Transport;
- The proposed Height variation;
- Heritage Impacts
- Acoustic Impacts;
- Land Use Definition; and
- Parking.

A response to each item raised by the Panel for consideration is addressed in Table 1.

Consideration	Response
The Panel queried the active transport links to the area and if there was bicycle parking provided on site. The Council advised there is bicycle parking provided on site and there is a wider Council plan regarding active transport links.	<p>Bicycle parking and associated facilities are provided as part of the application in accordance with 'Cycling Aspects of Austroads Guidelines' prepared by Austroads, third edition, dated June 2017 as required by the DCP. The development was supported by a Traffic Impact Assessment and Green Travel Plan that was assessed by an Independent Traffic Consultant who raised no objection subject to conditions of consent that been included in the Recommended Conditions of Consent (Attachment 9).</p> <p>The development has been designed to provide improved pedestrian connections and infrastructure throughout the precinct.</p>

Consideration	Response
<p>The Panel queried if the lift overrun could be managed under clause 5.6 instead of clause 4.6. The applicant advised it was investigated in pre-application meetings and justification provided as to why clause 4.6 was chosen instead of clause 5.6 to support the breach to the height limit.</p>	<p>Clause 5.6 of the LEP relates to Architectural roof features noting that the features must comprise a decorative element on the uppermost portion of the building to satisfy the clause. The proposed height variation relates to lift overruns and services on the roof of the proposed buildings and does not satisfy the requirements of Clause 5.6 of the LEP. The height variation is therefore sought under Clause 4.6 of the LEP, and a detailed assessment is provided in Section 6 of this report.</p>
<p>The Panel queried if any demolition would impact the heritage items. It was confirmed there is no demolition or impacts from demolition on the heritage items.</p>	<p>The proposed demolition will not impact on any heritage items in proximity to the development. The application was referred to an external heritage consultant for review due to the site's location within the Picton Heritage Conservation Area and proximity to Heritage items. The external heritage consultant raised no objection to the development.</p>
<p>The Panel queried how the acoustic assessment had considered the future operational impacts of the development on nearby sensitive receivers.</p>	<p>A Detailed Acoustic Assessment and Noise and Vibration Assessment were submitted in support of the application that address the noise impacts of the demolition, construction and operation of the development. The application was referred to Council's Environmental Health Team who raised no objection subject to the incorporation of conditions of consent which have been included in the Recommended Conditions of Consent provided in Attachment 9.</p>
<p>The Panel queried the definition of 'government services building' and how this links with the documents supporting the application and the definition of a public service building in Council's LEP.</p>	<p>The proposed development is defined as a public administration building (Government Services Building (GSB)), office premises (lettable floor area in the GSB), information and education facility (library) and recreation area (public plaza). All proposed land uses are permitted with consent in the E1 Local Centre zone under the Wollondilly LEP.</p>
<p>The Panel queried the approach to provide parking on site noting it is a staged development. The Council advised parking is based on a staged strategy and an assessment is still being undertaken on the traffic requirements.</p>	<p>In February 2023, Council adopted a set of amendments to Volume 5 of the Wollondilly DCP concerning the WCCCP. Section 4.5A.6 states 'Car parking is to be provided in accordance with the Picton Town Centre Parking Strategy, prepared by Cardno, dated 14 September 2022. This includes the provision of parking outside of the precinct.'</p>

Consideration	Response
	<p>The referenced parking strategy involved creating a car parking demand model to help estimate the change in parking demand over time as the WCCCP precinct evolves.</p> <p>The 80 parking spaces provided is consistent with the Picton Town Centre Parking Strategy. The Parking Strategy requires a total Picton Town Centre parking capacity of 1,151 spaces in 2024, which will increase to 1,407 spaces in 2030.</p> <p>This equates to a shortfall of 49 spaces in 2024. As of May 2023, a small 29-space car park has been constructed on the corner of Menangle Street and Walton Lane, thus at least 20 additional parking spaces are still necessary in the town centre to meet the requirements of the parking strategy.</p> <p>Based on the above shortfall for the precinct, the following condition of consent has been included in the Recommended Conditions of Consent (Attachment 9):</p> <p><i>Prior to the commencement of any works on-site (including demolition works), Council must meet the 2024 parking targets defined in the Picton Town Centre Parking Strategy. This includes the delivery of an additional 21 parking spaces within the Picton Town Centre to offset the parking space loss imposed by this development.</i></p> <p>The above condition will ensure the development is consistent with the endorsed parking strategy and will not result in any adverse car parking or access impacts on the precinct and wider area.</p>
The Panel queried if the parking constraints will delay the development and is it a requirement for the minimum to be provided prior to consent being issued or as a condition of consent	As above a condition is proposed prior to works commencing that ensures the development is consistent with the endorsed parking strategy and will not result in any adverse car parking or access impacts on the precinct and wider area.

Table 1 – Response to items raised by the Panel

1.1 Description of Site and Surrounding Area

The subject site is located on the northern side of Menangle Street at the intersection of Menangle Street and Colden Street. The site forms part of the Wollondilly Community, Cultural and Civic Precinct (WCCCP) 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 legally described as Lot 70 DP 1279596 and is commonly known by the following:

- 42 Menangle Street, Picton;
- 52 Menangle Street, Picton;
- 62-64 Menangle Street, Picton;
- 66 Menangle Street, Picton; and
- 2-4 Colden Street, Picton.

The Shire Hall is located at 52 Menangle Street, Picton and is currently used for community purposes. Directly west of the Shire Hall is the existing Wollondilly Library, located at 42 Menangle Street, which consists of a two-storey brick building. Adjoining the Library to the rear is the Wollondilly Childrens Services Building located at 42A Menangle Street, Picton.

The existing Council Administration Building is located at 62-64 Menangle Street and is the current public administration building for WSC. Under construction at the corner of Menangle Street and Colden Street is the Wollondilly Performance Centre approved under DA/2021/305/1 at 2-4 Colden Street, Picton. The staff carpark for Council employees is located at the rear of the site and is accessed via entrances from both Colden Street and Corbett Lane.

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

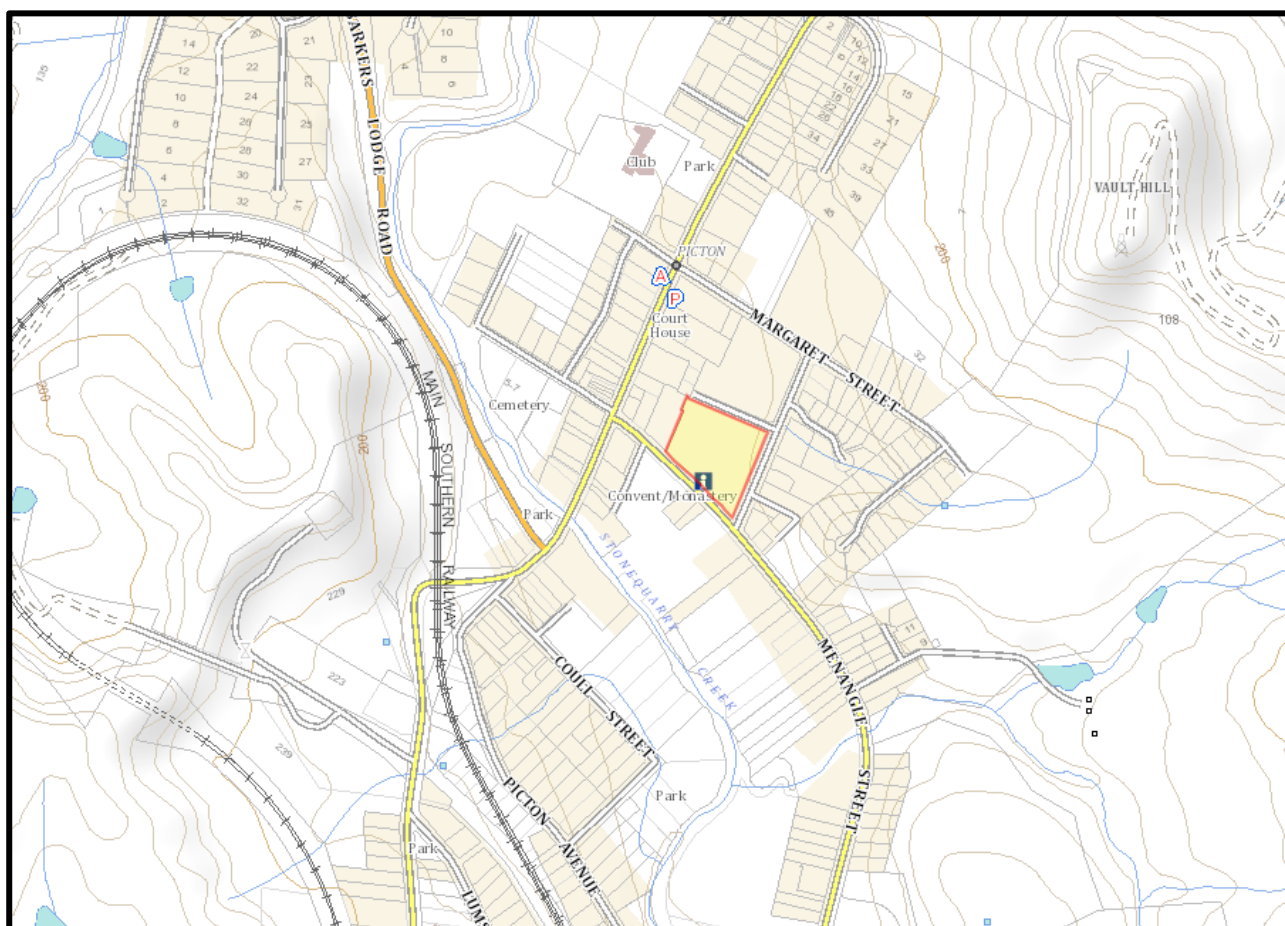


Figure 2 – Locality Plan (Source Sixmaps)



Figure 3 – Site Aerial (Source: Nearmap)

As illustrated in Figure 4, the site is zoned E1 Local Centre under the provisions of the Wollondilly Local Environmental Plan 2011. Public Administration Buildings, Libraries (Information and Education Facility) and Office premises are permitted with consent in the E1 zone.



Figure 4 – Zoning Map (Source: NSW Legislation)

1.2 Description of Development

The proposal seeks development consent demolition of existing structures and construction of a public administration building, public library, public plaza and associated works as part of the Wollondilly Community, Cultural and Civic Precinct at 62-64 Menangle Street Picton. Specifically, the development will comprise of the following:

- Demolition of the two-level Council administration building
- Demolition of existing public car park
- Construction of a new public administration building comprising of a Government Services Building with associated landscaping
- Construction of new information and education facility (library)
- Construction of a public plaza
- Establishment of new pedestrian pathways and associated landscaping

Specifically, the construction component of the development will comprise the following stages.

Stage 1 - Public Administration Building

- Construction of a 4-storey public administration building with a gross floor area of 5,100m² and comprising of the following components:

Basement Level

- Provision of a split-level basement parking comprising of 63 Car parking space, 3 motorcycle spaces, turning bays, storage cages, and lifts and stairs providing access to upper levels.

Level 1 (Ground Floor)

- The provision of a split level at grade car parking area comprising of 16 (including 2 disabled) car parking spaces, 10 bicycle parking spaces, turning bays and drop of area;
- The provision of foyer with associated customer service area and lifts and stairs providing access to lower and upper levels.
- The provision of 5 x meeting rooms, council staff room and a range of rooms for amenities including bathrooms and change rooms.

Level 2 (First Floor)

- The provision of an open floor office area (lettable area) for future private office premises operation.
- Council staff area comprising of 1 x office, 2 x meeting rooms, 2 x booths, comms room, storage room, social area, and a range of rooms for amenities including bathrooms.
- Provision of a public foyer comprising 5 x meeting rooms, interview room, lifts and stairs providing access to lower and upper levels and connectivity to the adjoining library.

Level 3 (Second Floor)

- The provision of a 3 x council staff areas, 1 x informal work area, kitchen, 2 x offices, 7 x meeting rooms, comms room, multifaith room, bathrooms and lifts and stairs providing access to lower and upper levels.
- The provision of roof terrace.

Level 4

- The provision of a 2 x council staff areas, kitchen, interview room, office, 4 x meeting rooms, comms and UPS rooms, storage, a range of rooms for amenities including bathrooms and lifts and stairs providing access to lower and upper levels.

- The provision of 4 x offices for Council executives and PA's, Councillor's room and kitchenette.
- The provision of 2 x roof terraces.
- Partial construction of the main walkway to comprise of landscaping, multipurpose spill out space, terrace and plaza for future public art installation.

Stage 2 - Library

- Construction of a 2-storey library building with a gross floor area of 2,700m² and comprising of the following components:

Level 1 (Ground Floor)

- The provision of an open library area with an associated event space and area for the display of collections and cafe.
- The provision of a children's area with associated parents' room, bathrooms and storage.
- The provision of bathrooms, first aid room, acquisitions room and lifts and stairs providing access to upper levels.

Level 2 (First Floor)

- The provision of an open library area with associated areas for research, local history, reading, informal works, meeting rooms, storage, green room, veranda and contains connectivity to the public administration building and separate corridor to the performance arts centre.
- The provision of a young people area with 5 x study rooms.
- The provision of a staff work room with associated storage and meeting room.
- Provision of a pedestrian links throughout the site comprising of landscaping, seating, café spill-out area, and courtyard, art laneway marker, and upgrades to shire hall frontage & formal gardens.

Stage 3 – Village Green

- Construction of an open lawn village green with adjoining discover play gardens, plaza, terrace, performance space and stage and associated landscaping and pedestrian infrastructure.
- Provision of underground OSD tank below village green.

Figures 5 and 6 show the Demolition Plan and Site Plan.

Figures 7 to 10 show the proposed Floor Plans.

Figures 11 and 12 illustrate the proposed Elevations, with Figure 13 showing Perspectives of the development.



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

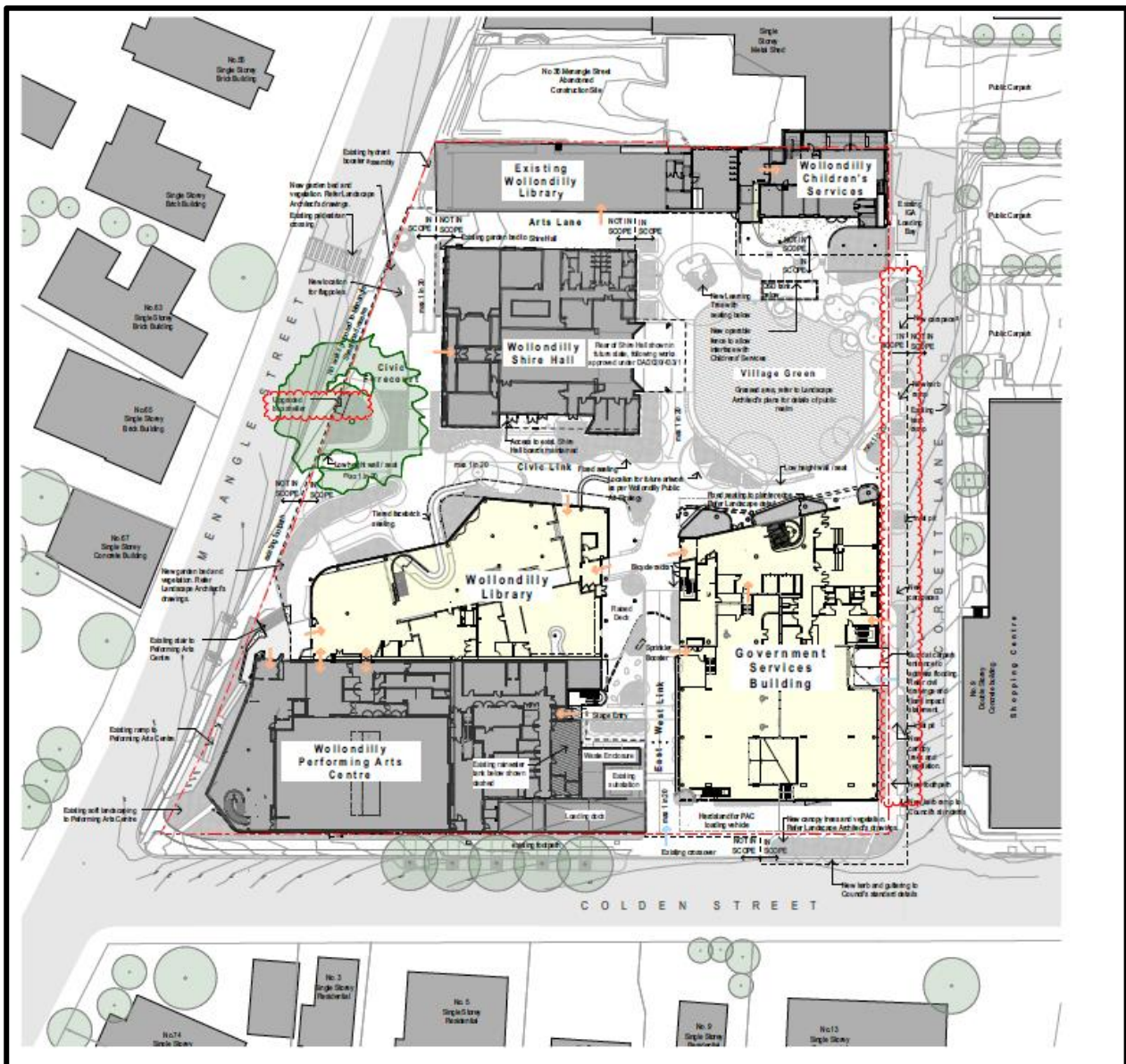


Figure 6: Site Plan (Source: William Ross Architects)

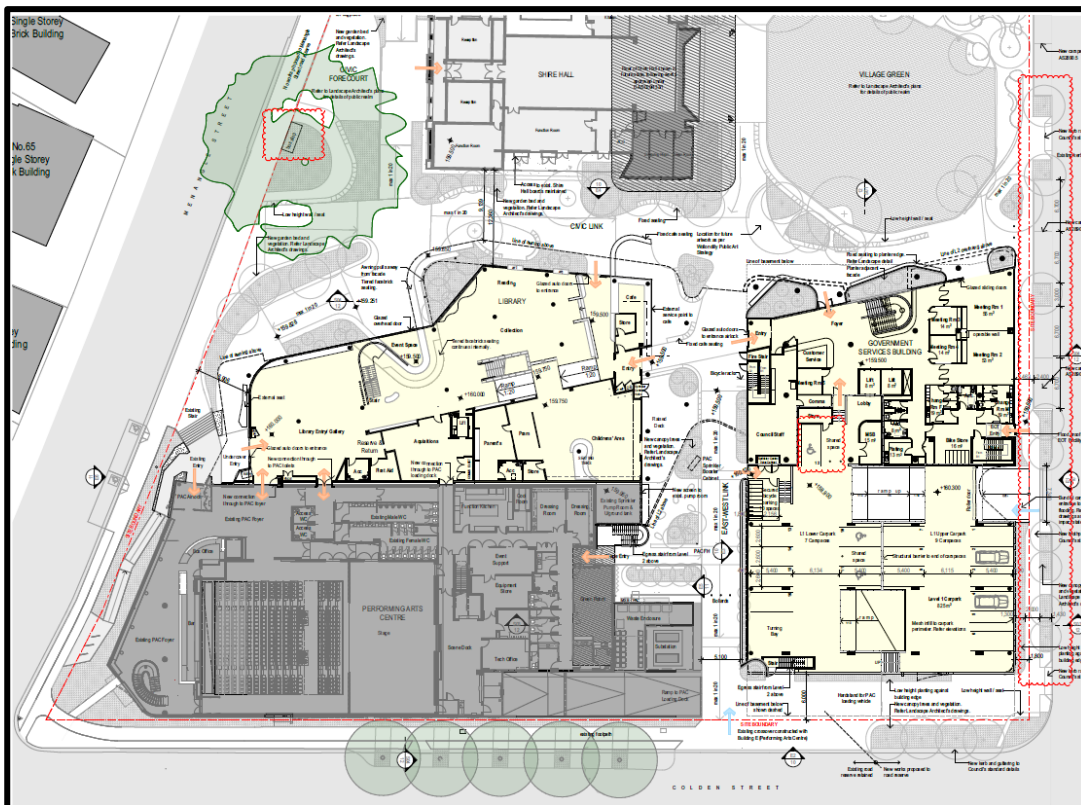


Figure 7: Proposed Ground Floor Plan (Source: William Ross Architects)

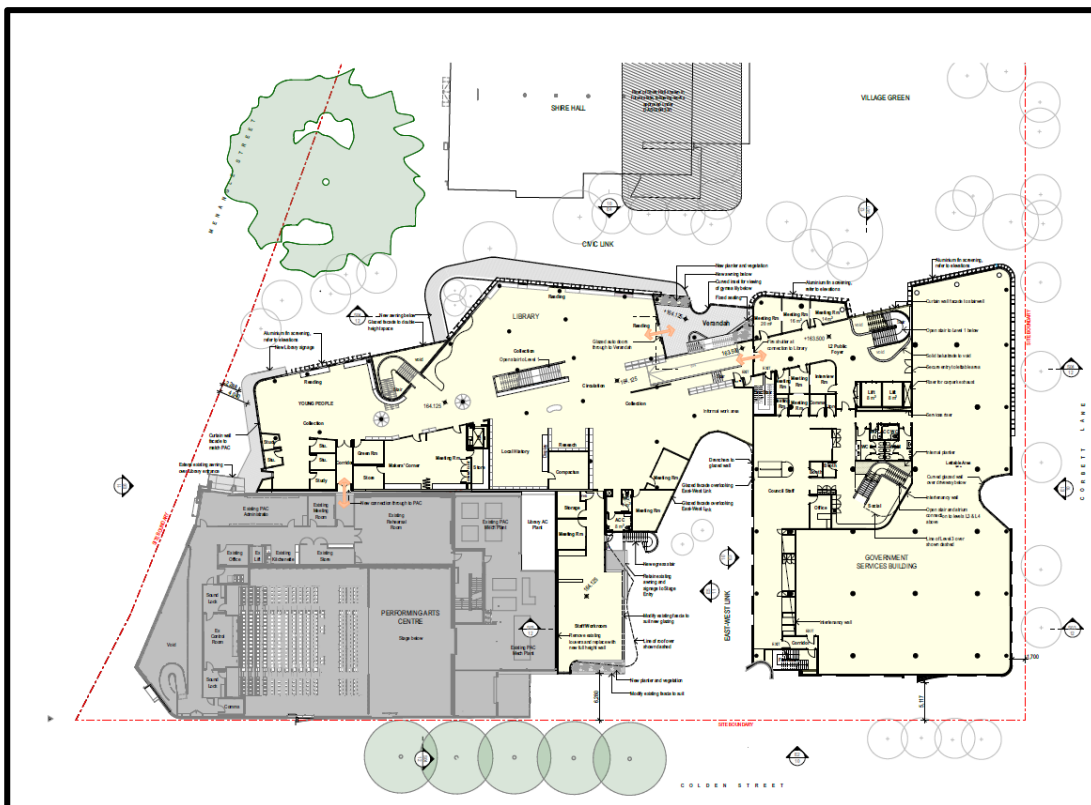


Figure 8: Proposed First Floor Plan (Source: William Ross Architects)

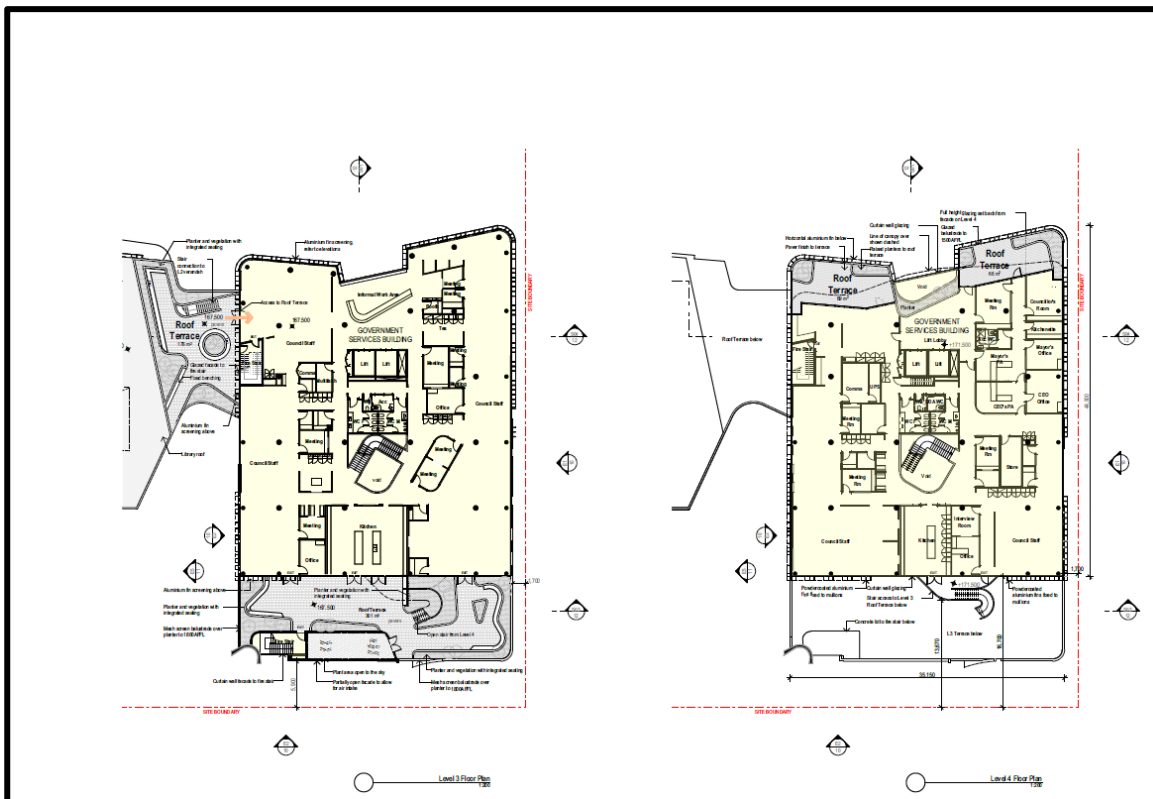


Figure 9: Proposed Second and Third Floor (Source: William Ross Architects)

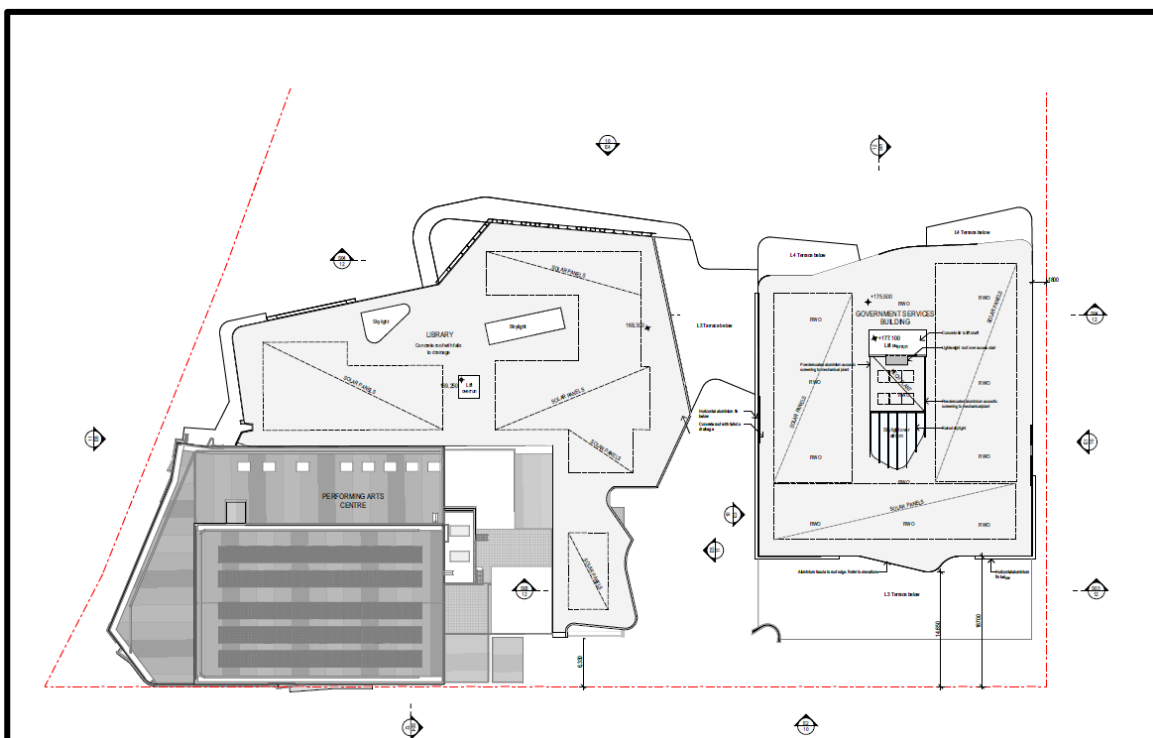


Figure 10: Proposed Roof Plan (Source: William Ross Architects)

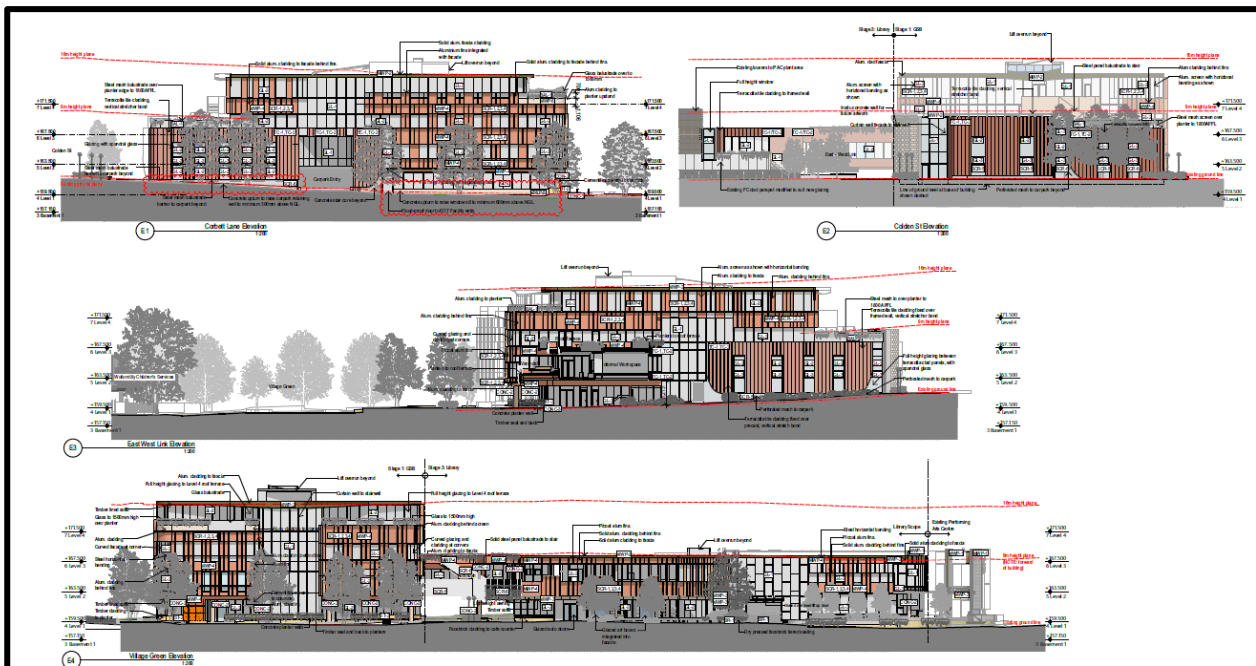


Figure 11: Proposed Elevations (Source: William Ross Architects)

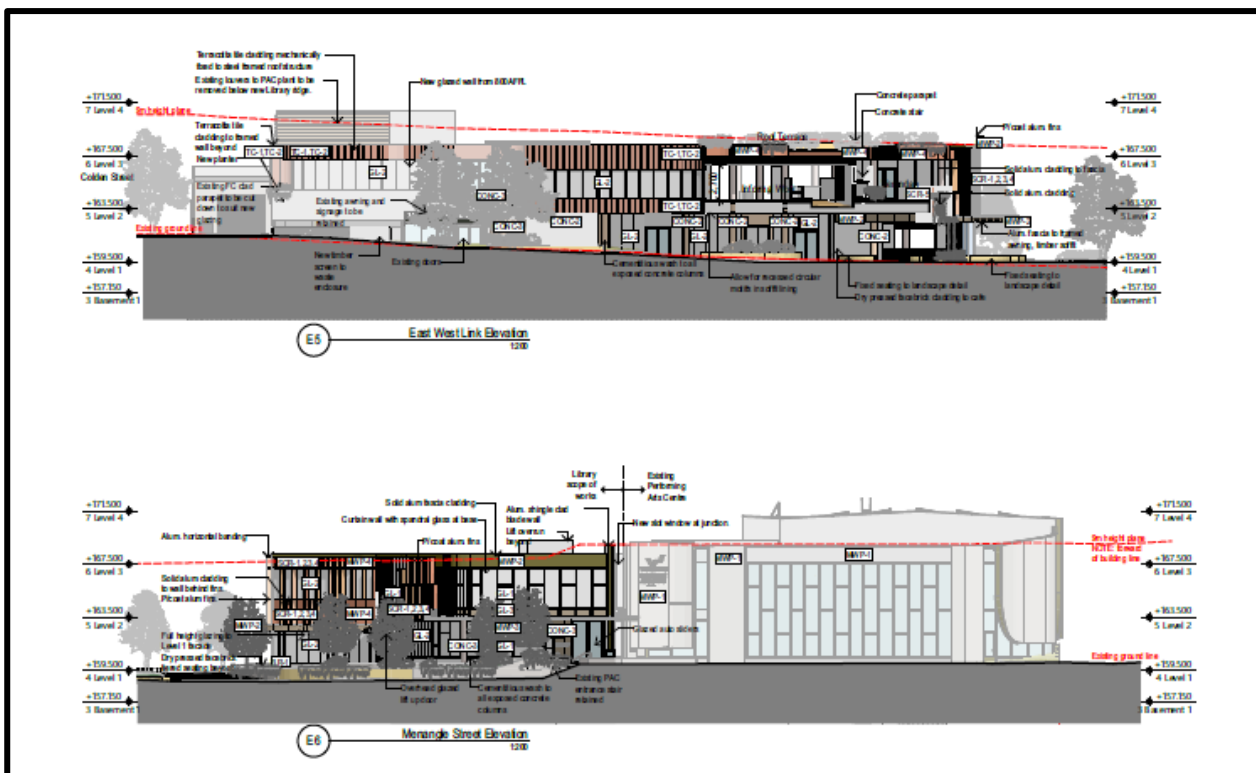


Figure 12: Proposed Elevations (Source: William Ross Architects)



Figure 13: Perspectives (Source: William Ross Architects)

1.3 Section 4.15 Evaluation

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 matters as are of relevance in the assessment of the DA on the subject property.

1.3.1 Provisions of Relevant Environmental Planning Instruments

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

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Coal Mine Compensation Act 2017
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- 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 was also referred to the following State Government Agencies / external agencies for comment:

- Endeavour Energy;
- Sydney Water;
- Western Sydney Airport Authority;
- NSW Police Force;
- Transport for NSW;
- Cubbitch Barta Native Title Claimants Aboriginal Corporation; and
- Tharawal Local Aboriginal Group.

The relevant State Government Agencies / external agencies responses are summarised in **Attachment 8**.

Environmental Planning and Assessment (EP&A) Regulation 2021

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 1 September 2023 subject to conditions provided in the recommended conditions of consent attached to this report.

State Environmental Planning Policy (Planning Systems) 2021

In accordance with Schedule 6 Regionally Significant Development of the SEPP, the proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$83,051,913 which exceeds the \$5 million threshold for Council related development. The relevant consent authority for the DA is the Sydney Western City Central Planning Panel.

State Environmental Planning Policy (Transport and Infrastructure) 2021

In accordance with Clauses 2.119 and 2.122 of the SEPP, the proposed development was referred to the Transport for NSW (TfNSW) for review and comment as the development has frontage to Menangle Street (classified road) and constitutes traffic generating development.

Transport for NSW (TfNSW) completed an assessment of the DA and requested additional information which was provided by the applicant. TfNSW raised no objection to the DA 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 (Resilience and Hazards) 2021

Chapter 4 of the SEPP requires Council to consider whether the subject land of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a

proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

An assessment of the relevant provisions of Chapter 4 of the SEPP (Reliance and Hazard) 2021 is provided in the table below.

Chapter 4 Remediation of land	
Relevant Provisions	
Provisions	Comment
4.6 Contamination and remediation to be considered in determining development application	
(1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	<p>The application was referred to Council's Contamination Officer who requested a Detailed Site Investigation be submitted to confirm the suitability of the site for the development. A Detailed Site Investigation was submitted with the application which stated that further investigations and/or remedial works once demolition has been undertaken can substantially reduce the contamination risks to make the land suitable for the development.</p> <p>The amended documentation submitted by the applicant was re-referred to Council's Contamination Officer who raised no objection subject to recommended conditions of consent.</p> <p>As such, it is satisfied that the subject site can be made suitable for the intended use subject to compliance with the recommended conditions of consent.</p>
(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	As above.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the SEPP 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 a Canopy Sign at the entrance of the library detailing 'Library'.

An assessment of the proposed signage against the assessment criteria in Schedule 5 of SEPP is provided the table below.

Schedule Clause	Assessment Criteria	Comment
1. Character of the Area	<p>Is the proposal compatible with the existing or desired future character or the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<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	<p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<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>The proposed signage does not detract from the viewing of any advertising structure within the local.</p>
4. Streetscape setting on landscape	<p>Is the scale proportion and form of the proposal appropriate for the streetscape or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p>	<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</p>

Schedule Clause	Assessment Criteria	Comment
	<p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>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 for the proposed signage.</p>
5. Site and Building	<p>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> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site building or both?</p>	<p>The signage has been designed to reflect the scale and character of the use of the subject site.</p> <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	<p>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>	<p>All signage has been designed as an integrated product.</p>
7. Illumination	<p>Would illumination result in unsightly glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p>	<p>The proposed illumination will not result in unsightly glare.</p> <p>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>

Schedule Clause	Assessment Criteria	Comment
	Can the intensity of the illumination be adjusted, if necessary?	The intensity of the illumination can be adjusted.
	Is the illumination subject to a curfew?	No curfew proposed.
8. Safety	Would the proposal reduce the safety on any public road?	The proposed signage will not impact on safety of motorists travelling on adjoining public roads.
	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not impact on the safety of pedestrians or cyclists.
	Would the proposal reduce the safety for pedestrians, particularly children by obscuring sightlines from public areas?	The proposed signage will not obscure sightlines from public areas.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 – Koala habitat protection 2021

Chapter 4 aims to encourage the conservation of areas of natural vegetation that provides habitat for koalas to support a permanent free-living population over their present range and reserve the current trend of Koala Population decline.

An assessment of Chapter 4 of the SEPP (Biodiversity and Conservation) 2021 is provided in the table below.

Chapter 4 Koala habit protection 2021	
Part 4.2 Development control of Koala habitats	
4.8 Development assessment process – approved koala plan of management	
(1) This section applies to land to which this Chapter applies and to which an approved koala plan of management applies. (2) The council's determination of the development application must be consistent with the approved koala plan of management that applies to the land.	The site does not have an approved Koala Plan of Management (KPoM).
4.9 Development assessment process – no approved koala plan of management	
(1) This section applies to land to which this Chapter applies if the land— (a) has an area of at least 1 hectare (including adjoining land within the	The site has an area of over 1ha. Council is satisfied that the development is likely to have no impact on koalas or koala habitat.

Chapter 4 Koala habit protection 2021	
Part 4.2 Development control of Koala habitats	
<p>same ownership), and</p> <p>(b) does not have an approved koala plan of management applying to the land.</p> <p>(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.</p> <p>(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.</p>	

Chapter 6 Water catchments

Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 applies to development in the Hawkesbury-Nepean River Catchment and aims to ensure that the impacts of future land uses are considered in a regional context. The site is identified as being located within the Hawkesbury-Nepean River Catchment.

An assessment of Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 is provided in the table below.

Provisions	Comment
Part 6.1 Preliminary	
6.1 Land to which this chapter applies	
<p>This Chapter applies to land in the following catchments—</p> <p>(d) the Hawkesbury-Nepean Catchment</p>	<p>The subject site is identified as being within the Hawkesbury Nepean Catchment.</p>
Part 6.2 Development in regulated catchments	
Division 2 Controls on development generally	
6.6 Water quality and quantity	
<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</p> <p>(b) whether the development will have an adverse impact on water flow in a</p>	<p>Council's Development Engineer reviewed the proposed means of stormwater management and raised no objections subject to recommended conditions of consent. As such, Council is satisfied that water flow and run-off will be appropriately managed and that impact on water quality and quantity will be appropriately minimised.</p>

Provisions	Comment
<p>natural waterbody,</p> <p>(c) whether the development will increase the amount of stormwater run-off from a site,</p> <p>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</p> <p>(e) the impact of the development on the level and quality of the water table,</p> <p>(f) the cumulative environmental impact of the development on the regulated catchment,</p> <p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</p>	
<p>6.7 Aquatic ecology</p> <p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,</p> <p>(b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—</p> <p>(i) a controlled activity approval under the <i>Water Management Act 2000</i>, or</p> <p>(ii) a permit under the <i>Fisheries Management Act 1994</i>,</p> <p>(c) whether the development will minimise or avoid—</p> <p>(i) the erosion of land abutting a natural waterbody, or</p> <p>(ii) the sedimentation of a natural waterbody,</p> <p>(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,</p> <p>(e) whether the development includes</p>	<p>Council's Development Engineer has reviewed the proposed means of stormwater drainage and raised no objections subject to recommended conditions of consent. As such, Council is satisfied that subject to conditions of consent the impact on terrestrial, aquatic or migratory animals or vegetation will be minimised.</p> <p>Approval under the Water Management Act 2000 and Fisheries Management Act 1994 is not required.</p> <p>Subject to suitable conditions of consent, the development is not anticipated to result in erosion of land abutting waterways or result in increased sedimentation of natural waterbodies.</p> <p>Development is not identified as being in proximity to wetlands or littoral rainforest area.</p> <p>Subject to compliance with recommended conditions of consent, impacts to the</p>

Provisions	Comment
adequate safeguards and rehabilitation measures to protect aquatic ecology, (f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.	Hawksbury Nepean Catchment have been considered suitably mitigated. Council is satisfied that subject to the recommended conditions of consent, the impact on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and the impacts on water quality will be minimised.
<u>6.8 Flooding</u> (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems. (2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not— (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	Council's Development Engineer has raised no objections subject to recommended conditions of consent. Therefore, it is satisfied that the proposed development will not impact on periodic flooding. Council's Development Engineer requested additional information in relation to Flooding and Stormwater. These comments were subsequently addressed by the applicant in amended documentation submitted. The proposal is deemed to be acceptable by Council's Development Engineering Team subject to the incorporation of conditions of consent which have been included in the Recommended Conditions of Consent provided in Attachment 9 .
<u>6.9 Recreation and public access</u>	The development is not considered to impact public access to recreational land. Noted the site is not adjacent recreation land or foreshores.
<u>6.10 Total catchment management</u>	The development is not anticipated to impact on total catchment management.
Division 3 Control on development in specific areas	
<u>6.11 Land within 100m of natural waterbody</u>	Development comprises land within 100m of a natural waterbody. The development is not for water dependent uses nor considered to conflict with surrounding land uses (largely residential in nature).
<u>6.12 Riverine Scenic Areas</u>	Development is not identified as a riverine scenic area on the Hawksbury-Nepean Riverine Scenic Area Map

Provisions	Comment
<u>6.13 Hawkesbury-Nepean conservation area sub-catchments</u>	Development is not proposed within Hawkesbury-Nepean conservation area sub catchment.
<u>6.20 On-site domestic sewerage systems</u>	The proposed method for onsite disposal is considered appropriate.
<u>6.21 Stormwater management</u>	Councils Development Engineer has reviewed the proposed development regarding stormwater drainage and raised no objections subject to conditions of consent.
<u>6.22 Waste or resource management facilities</u>	N/A – listed uses not proposed with this application
<u>6.23 Demolition on certain land</u>	Consent is sought for the demolition of existing structures.

Wollondilly Local Environmental Plan 2011

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

Permissibility

The site is zoned E1 Local Centre under the provisions of the Wollondilly Local Environmental Plan 2011. Public Administration Buildings, Libraries (Information and Education Facility), Office premises and recreation areas are permitted with consent in the E1 zone.



Figure 14 – Zoning Map (Source: NSW Legislation)

Zone Objectives

The objectives of the E1 Local Centre zone are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To support the health and wellbeing of the community by providing employment and services that are close to housing and well supported by public and active transport.*
- *To encourage vibrant local centres by allowing tourist and visitor accommodation and facilities.*

Assessing Officer Comment:

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

The proposed development introduces a Village Green that will service the needs of the community and provides key pedestrian links from Menangle Street, Colden Street and Corbett Lane through to the Village Green and beyond into the Picton CBD (Argyle Street).

The proposal will create a clearly identifiable cultural and civic hub in the centre of the CBD. The proposal facilitates the continued and improved use of the site as a public administration centre and introduces additional community uses and facilities that will enhance the activation of the area.

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 and 16m	<p>The proposed development results in a variation of 2.5m to the 16m height limit (15.6%) and a variation of 1m to the 9m height limit (11.1%).</p> <p>A Clause 4.6 Variation Request was submitted with the application. The justification given is supported and is assessed below.</p> <p>Refer to the discussion of the Clause 4.6 submission below.</p>	No – Merit Assessment
5.10 – Heritage	To conserve the heritage significance of heritage	The application was referred to an external heritage consultant	Yes

Clause	Requirement	Provided	Compliance
conservation	items and heritage conservation areas, including associated fabric, settings and views.	<p>for review due to the site's location within the Picton Heritage Conservation Area and proximity to Heritage items. The external heritage consultant raised no objection to the development noting the following:</p> <ul style="list-style-type: none"> • <i>The proposal includes the demolition of the Council Administration Building and site features, which make Little contribution to the heritage significance of the Picton Conservation Area. The demolition works will have an acceptable heritage impact.</i> • <i>The proposal will improve public engagement with a part of the Picton Conservation Area that is currently occupied by a car park.</i> • <i>The proposal will improve the setting of part of the Picton Conservation Area that currently occupied by non-contributory elements.</i> • <i>The design of the proposed new library and Government Services Building is sympathetic to the Picton Conservation Area and heritage items in the vicinity.</i> • <i>The proposed library has a greater setback from the former Shire Hall than the existing building, and has a more sympathetic design. The proposed library will enhance the setting of the hall and will increase views of it from Menangle Street. The proposed library will have a positive heritage impact.</i> • <i>The proposed Government Services Building will obscure a view to Reservoir Hill and the old Picton Post Office clock tower from Colden Street.</i> 	

Clause	Requirement	Provided	Compliance
		<p><i>This view is of secondary significance to the Picton Conservation Area. The proposed building will have a minor negative heritage impact.</i></p> <ul style="list-style-type: none"> <i>The proposed development will have no physical impact on heritage items in the vicinity.</i> <i>Other than the loss of one significant view associated with the subject site, the proposed development is consistent with the heritage requirements and guidelines of the Wollondilly LEP 2011 and the Wollondilly DCP 2016.</i> 	
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>	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.	Yes
7.5 Earthworks	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.	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 .	Yes

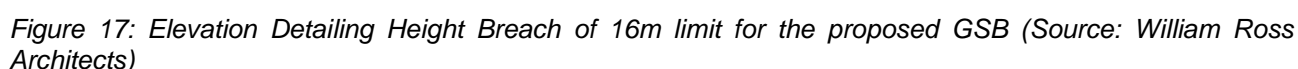
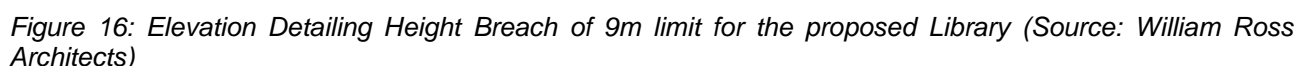


Figure 15: Height of Buildings Map (Source: NSW Planning Portal)

Proposed Building Height Variation and Clause 4.6 Submission/Evaluation

The subject site has a split height control of 9m (applying to the library site and plaza) and 16m applying to the Government Services Building site.

As shown in Figure 16 and 17, the proposed development has a maximum height of 10m to 18.5m resulting in a variation of 1m to the 9m height limit (11.1%) and a variation of 2.5m to the 16m height limit (15.6%) pursuant to Clause 4.3 of the Wollondilly Local Environmental Plan 2011.



(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.*

(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

SMEC Pty Ltd has provided justification in their written request that strict compliance with the Height of Buildings standard is unnecessary and unreasonable for the following reasons:

The flexible application of the height development standard is appropriate in this instance as it results in an improvement to urban form. By flexibly applying the height standard, the proposal improves the urban form of the development by reducing the extent of the building footprint. The flexible application of the height control enables:

- *The GSB is to be provided with larger setbacks, in particular from Colden Street, than what is required under the DCP controls. Large roof terrace areas on each level of the building will be provided*
- *An overall improvement to building massing as the bulk of the building can be placed in a location that has the least impact on heritage, overshadowing, bulk and scale.*
- *Ease of maintenance and reduced on-going maintenance costs of rooftop infrastructure on the GSB and Library, including solar panels, will be enabled as a result of access via the stairwell.*
- *Equitable access to all levels of the GSB building, which is required to provide equitable access to all areas.*

The additional 2.5m building height sought beyond the 16m control and additional 1m building height sought beyond the 9m control allows for the lift overrun which is located centrally within the

roof area such as that the shadow cast by the additional height is negligible and does not impact on the nearby residential properties and complies with the overshadowing requirements for the Village Green specified by the DCP. The architectural appearance of both the Library and GSB provides improved articulation and modulation of building bulk, and positively interacts with and enhances nearby the nearby heritage Wollondilly Shire Hall (the Shire Hall) building.

The proposal will enhance the usability of public spaces throughout the WCCCP and Picton Town Centre, through introducing a landmark public administration building, high quality public plaza and new library. The proposal presents a positive outcome for the Picton Central Business District (CBD) and will provide Council with modern, functional and fit-for-purpose customer service centres, offices, commercial lettable areas and a new community library. In this instance, applying flexibility to the height of building development standard facilitates a better outcome, achieving the objectives of clause 4.6.

This Clause 4.6 variation request is well founded as it demonstrates the following:

- Compliance with the height standard is unreasonable and unnecessary in the circumstances of the proposed development. The increase in height is to accommodate for lift overruns of the GSB and Library. Both buildings comply with the numerical height limit when measured to roof height
- There are sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of this particular case
- There is a lack of environmental impact resulting from the numeric variation, the proposal is within a strategic location to support additional building height, and the proposed buildings are appropriate for the built form context of the area
- The development remains consistent with the relevant objectives of the E1 Local Centre zone, notwithstanding the numeric variation in accordance with Clause 4.6(4)(a)(ii) of the WLEP 2011
- The proposed development improves the overall public urban realm and the availability of public space surrounding the building. This demonstrates that through the flexible application of the building height development standard, a better planning outcome can be achieved on the subject site
- The development is an important cultural, civic and community precinct, and is within the public interest.

It is considered that strict numerical compliance would diminish positive elements of the development, its contribution to the WCCCP and Picton Town Centre. The design maximises the use of natural light, public domain integration, connectivity, accessibility and positive urban design 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.

Furthermore, strict compliance would limit the ability of the development to achieve the two storey (library) and four storey (GSB) heights envisaged for the precinct in the site specific development control plan for the Wollondilly Cultural Precinct.

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 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 E1 Local Centre:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- To support the health and wellbeing of the community by providing employment and services that are close to housing and well supported by public and active transport.*
- To encourage vibrant local centres by allowing tourist and visitor accommodation and facilities.*

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

The proposed development introduces a Village Green that will service the needs of the community and provides key pedestrian links from Menangle Street, Colden Street and Corbett Lane through to the Village Green and beyond into the Picton CBD (Argyle Street).

The proposal will create a clearly identifiable cultural and civic hub in the centre of the CBD. The proposal facilitates the continued and improved use of the site as a public administration centre and introduces additional community uses and facilities that will enhance the activation of the area.

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

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

The proposed height variation is acceptable on the site and has environmental planning merit as follows:

- *Equitable access:* *The variations sought the lift overruns is directly attributable to the requirement for a public administration building to have equitable access throughout. There is no option to not provide equitable disabled access throughout the building, and the only alternative design to achieve compliance with the height of buildings development standard would be to reduce the buildings by one storey, which in turn would not meet the desired operational requirements. The deletion of a floor would not be an orderly and economic use of the land pursuant to Object 1.3(c) of the Act.*
- *Lack of environmental impact:* *The design of the development has considered the character, form, scale and materiality of development within the local area. The design is suitable for the Site and includes a podium of cladding, glazing and vertical aluminium fins that allow consistency between each building within the precinct whilst also maintaining a distinctive character for both the GSB and Library, and physically connected PAC. Each level of the GSB contains a landscaped terrace with overhanging vegetation that will further break up the mass and scale of the building. The generous setbacks provided for the Library ensures that the development will not visually dominate when viewed from Menangle Street and increases the distance from the Shire Hall. The development has been designed to minimise the shadow cast on the adjoining development, including the Village Green. It is noted that the additional height created by the lift overruns on both buildings do not result in additional overshadowing due to their placement in the centre of the roof area. The breach in height is non-discernible from the public of private domain.*
- *No impact to design:* *Because of the location of the non-compliant elements being generally centrally located to the roof of each building, the breach and non-compliance is non-discernible from the surrounding public and private domain. It is not anticipated that the non-compliant elements would be visible from any surrounding properties, however in the event that they were visible, the elements would not be discordant with the rest of the building; would not detract from the overall quality of the architecture; and would not be attributable to any amenity impacts to neighbouring properties.*
- *Heritage:* *The additional height created by the lift overruns has been managed through their placement in the centre of the roof and concealment with a louvered aluminium screen to ensure the development remains respectful to the heritage character of the area. The selection of sympathetic materials, repeated scale of building forms and landscaping will provide continuity in the streetscape. A Heritage Impact Statement was provided with the proposal and recommendations of the Heritage Advisory Panel can be included as conditions, if required by Council.*
- *Strategic Location:* *The development is considered consistent with the desired future character for the Picton Town Centre as expressed by the provisions of the WLEP 2011, Wollondilly DCP, and the adopted Picton Place Plan 2021. The Site is within the Picton CBD and provides an opportunity to activate the heart of Picton by providing key community services and the new Village Green. This will strengthen Picton as the main administration and civic hub of the Wollondilly LGA and enhance the civic importance of the precinct.*
- *Urban Hierarchy:* *The Picton Place Plan outlines the importance of retaining Picton's historic role within the Wollondilly LGA as an administrative centre. The development will increase community access to cultural resources and allow people build connections through the*

provision of an extensive public domain. The development will activate the centre of Picton by providing a new Library, Village Green and GSB and will be a clearly identifiable cultural and civic hub in the centre of the CBD.

- *Landmark building: The GSB and Library will be a landmark building that delineates a change in urban form and clearly identifies the civic hub of the CBD. The proposal capitalises on the opportunity for a landmark building and presents a quality architectural design with highly durable, contemporary building materials. The additional building height created by the lift overruns is not visible from the public domain ensuring it is not the dominating visual element of each building.*

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 key facilities for use by the public within the LGA.

Given the above and the fact that the variations 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.

1.3.2 Provisions of Relevant Draft Environmental Planning Instruments

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

1.3.3 Provisions of Relevant Development Control Plans

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.

1.3.4 Draft and/or Planning Agreements Entered or Offered to Enter into

Not Applicable

1.4 Impact of the Development

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;
- Flood Report; and
- Landscape Plans.

The application and supporting investigations were reviewed by Council's 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 application was referred to an external heritage consultant for review due to the site's location within the Picton Heritage Conservation Area and proximity to Heritage items. The external heritage consultant raised no objection to the development noting the following:

- *The proposal includes the demolition of the Council Administration Building and site features, which make Little contribution to the heritage significance of the Picton Conservation Area. The demolition works will have an acceptable heritage impact.*
- *The proposal will improve public engagement with a part of the Picton Conservation Area that is currently occupied by a car park.*
- *The proposal will improve the setting of part of the Picton Conservation Area that currently occupied by non-contributory elements.*
- *The design of the proposed new library and Government Services Building is sympathetic to the Picton Conservation Area and heritage items in the vicinity.*
- *The proposed library has a greater setback from the former Shire Hall than the existing building, and has a more sympathetic design. The proposed library will enhance the setting of the hall and will increase views of it from Menangle Street. The proposed library will have a positive heritage impact.*
- *The proposed Government Services Building will obscure a view to Reservoir Hill and the old Picton Post Office clock tower from Colden Street. This view is of secondary significance to the Picton Conservation Area. The proposed building will have a minor negative heritage impact.*
- *The proposed development will have no physical impact on heritage items in the vicinity.*

- Other than the loss of one significant view associated with the subject site, the proposed development is consistent with the heritage requirements and guidelines of the Wollondilly LEP 2011 and the Wollondilly DCP 2016.

Car Parking and Access

A Traffic Impact Assessment (TIA) was submitted in support of the proposal which assessed the adequacy of parking provision for the development and wider WCCCP.

There are currently 131 off-street parking spaces available on the WCCCP site of which 37 are reserved for use by Council staff with the remaining 94 for public use.

In February 2023, Council adopted a set of amendments to Volume 5 of the Wollondilly DCP concerning the WCCCP. Section 4.5A.6 states 'Car parking is to be provided in accordance with the Picton Town Centre Parking Strategy, prepared by Cardno, dated 14 September 2022. This includes the provision of parking outside of the precinct.'

The referenced parking strategy involved creating a car parking demand model to help estimate the change in parking demand over time as the WCCCP precinct evolves. The individual parking requirements relevant to land uses assessed in this DA are provided in Figure 18 below.

Description	Use	Statutory Parking Rate	Size (existing)	Statutory Parking Requirement (existing)	Size (future)	Statutory Parking Requirement (future)
GSB	Government office	2.5 spaces / 100m ² GFA	2440m ²	61 spaces	5500m ²	138 spaces
Library and Work Hub	Library	2.3 spaces / 100m ² GFA	446m ²	11 spaces	2621m ²	61 spaces
Green Square	No parking generation (ancillary to other land uses)					
Total				72 spaces		199 spaces

Figure 18 - Parking required for relevant land uses - Picton Town Centre Parking Strategy 2022

The 80 parking spaces provided is consistent with the Picton Town Centre Parking Strategy. The Parking Strategy requires a total Picton Town Centre parking capacity of 1,151 spaces in 2024, which will increase to 1,407 spaces in 2030.

This equates to a shortfall of 49 spaces in 2024. As of May 2023, a small 29-space car park has been constructed on the corner of Menangle Street and Walton Lane, thus at least 20 additional parking spaces are still necessary in the town centre to meet the requirements of the parking strategy.

Based on the above shortfall for the precinct, the following condition of consent has been included in the Recommended Conditions of Consent (**Attachment 9**):

Prior to the commencement of any works on-site (including demolition works), Council must meet the 2024 parking targets defined in the Picton Town Centre Parking Strategy. This includes the delivery of an additional 21 parking spaces within the Picton Town Centre to offset the parking space loss imposed by this development.

The above condition will ensure the development is consistent with the endorsed parking strategy and will not result in any adverse car parking or access impacts on the precinct and wider area.

Character, Bulk and Scale

The application forms part of Stages 2, 3 and 4 of the *Wollondilly Community, Cultural and Civic Precinct Master Plan*. This is the fourth 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 approved by the Wollondilly Shire Local Planning Panel on 17 December 2020.
- New Children's Services and Community building approved by the Wollondilly Shire Local Planning Panel on 29 July 2021.
- New Performing Arts facility and community spaces approved by the Sydney Western City Planning Panel on 11 March 2022.
- New Government Services Centre, village green, new Library and Learning Hub, community arts, exhibition and workshop civic forecourt and link (Subject Application).

These are shown on the Precinct Masterplan at Figure 19.



Figure 19: 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, Part 4.5A of Volume 5 of the DCP and design process established by Wollondilly Shire Council.

The proposed development aims to provide purpose-built facilities at a scale that can accommodate the proposed uses 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 design of the development is reflective of the urban form and design envisaged for the precinct and provides well-designed and high-quality development that enhances the character, function and vitality of the town centre.

The development provides an embellished and well-activated public plaza and open space positively contributing to the activation and use of public spaces within the precinct.



Figure 20: Perspectives (Source: William Ross Architects)

The proposed development and its variation from the HOB standards 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). Strict application of the height standards 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 precinct providing a key regionally significant development for the WCCCP.

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

Therefore, the proposed development is not considered to have any adverse impact on the built environment and will result in a positive built form and urban design outcome for the precinct.

Social and Economic Impacts

The proposed development is considered to result in a positive social impact through the provision of community related development 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 development will also provide short-term and long-term economic benefits through construction expenditure and employment.

1.5 Sustainability of the Site

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

1.6 Submissions

The Development Application was advertised between 15 August 2023 and 12 September 2023. 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.

Concern	Comment
<i>This proposal will essentially change the face of Picton. It has taken a demolish everything and start again approach. There is no assessment of the overall impact of pedestrian and vehicle movements within the block bordered by Argyle Street, Margaret Street, Colden Street and Menangle Street.</i>	<p>The proposed development has been designed in accordance with the WCCCP Masterplan and Wollondilly DCP to achieve the desired future character and context for the precinct.</p> <p>The development was supported by a Traffic Impact Assessment that was assessed by an Independent Traffic Consultant who raised no objection subject to conditions of consent that been included in the Recommended Conditions of Consent (Attachment 9).</p> <p>The development has been designed to provide improved pedestrian connections and infrastructure through the precinct.</p>
<i>There is no assessment in relation to moving towards zero emissions when you consider the energy costs of demolition of the existing Council administration building. This will include, but not limited to the excavator machines on site, the trucks and trailers used to remove the demolition materials, the cost to re-use the demolition materials. On top of that the energy costs to construct a brand-new building including, but no limited to, the cost to find a solid base on which to build. You may not be aware of the cost overrun for the Children's extension to the back of the library where there was not a suitable bearing ground material until quite deep.</i>	<p>The proposed development has maximised sustainability options where possible along with appropriate energy saving measures.</p> <p>The proposal is deemed to be acceptable by Council's Sustainability Coordinator subject to the incorporation of conditions of consent which have been included in the Recommended Conditions of Consent provided in Attachment 9.</p>
<i>There is no assessment of the viability of re-purposing the existing building and the potential increase in building height to accommodate greater floor area and staff.</i>	A detailed assessment of the existing facilities in the precinct was undertaken during the development of the WCCCP Masterplan.
<i>There is no assessment of the transitioning impacts for users of Council services, during the demolition and new construction of the Administration building. This re-development</i>	The current administration building will remain operational until such time the new building is constructed to ensure there is no impact on the

<i>period, if like the Children's services will extend for over 2.5 years.</i>	operation of Council services.
<i>The plans show a grass village green on the south side of the building, however, despite Council's best efforts at the south side of the Shire Hall, the grass continues to die. How will a village green effect be achieved?</i>	The application is supported by detailed landscape plans which incorporate site and climate specific plant selection. The proposed landscape design is deemed to be acceptable by Council's Environment Team subject to the incorporation of conditions of consent which have been included in the Recommended Conditions of Consent provided in Attachment 9 .
<i>There is no Social Impact assessment, including the social impact during the demolition and construction phase.</i>	A Social and Health Impact Comment was submitted with the application and reviewed by the Wollondilly Social and Health Impact Assessment Working Group (SaHIA). All comments have been appropriately considered in the assessment of the application and conditions are imposed to mitigate any adverse social impacts during the demolition and construction phase.
<i>There is no economic impact assessment for how this development is good value for ratepayers and local businesses.</i>	Economic Assessments were undertaken in support of the wider redevelopment of the WCCCP which were considered by Council at the Council Meeting on 27 June 2023. The consideration found that the development comes at no cost for ratepayers and the development demonstrates long term economic benefit. Furthermore, the proposed development will also provide short-term and long-term economic benefits through construction expenditure and employment.

1.7 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 2021*, Environmental Planning Instruments, Development Control Plan and policies.

The proposal 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 proposed use 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.

Other Matters

External and Internal Referrals

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

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

Section 4.16(11) of the EP & A Act - Other restrictions on determination of development applications

The assessment process to date has been managed in accordance with Council's adopted conflict of interest policy as required by the Act and Section 66A of the EP & A Regulation 2021.

For this DA, the following management strategy was developed, exhibited and adhered to during the assessment process, in accordance with Section 30B of the Regulation:

Council conflict of interest management statement	
Project name	Wollondilly Community, Cultural & Civic Precinct
DA number	DA/2023/674/1
Potential conflict	Wollondilly Shire Council is the applicant. The staged DA for the Wollondilly Community, Cultural & Civic Precinct has an estimated capital investment value of \$83,051,913 and council expects to receive revenue through renting commercial office spaces.
Management strategy	<p>Council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> • The development application will be determined by the Sydney Western City Planning Panel. • Assessment of the application will be outsourced to an independent consulting town planner, traffic consultant and heritage consultant. The remaining internal referrals will be undertaken by Council staff but will remain separated from the project team. • A private certifier will be engaged to undertake the certification for the development.
Contact	Concerns about Council fulfilling its obligations should be reported to Council's Manager Governance, Integrity & Ethics.

The DA was also exhibited for 28 days, thereby satisfying Schedule 1 Clause 9B of the Act.

Financial Implications

The approval of this DA has no financial impact on Council's adopted budget or forward estimates.

Conclusion and recommendation

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.

Recommendation

- A. That the Clause 4.6 written request to vary the Height of Buildings standard under Clause 4.3 of WLEP 2011 be supported.
- B. That DA/2023/674/1 for the demolition of existing structures and the construction of a public administration building, public library, public plaza and associated works as part of the Wollondilly Community, Cultural and Civic Precinct at 62-64 Menangle Street, Picton be approved subject to the recommended conditions in **Attachment 9** to this report.

ATTACHMENTS

- 1. Architectural Plans**
- 2. Landscape Design Report**
- 3. Engineering Plans**
- 4. Statement of Environmental Effects**
- 5. Applicants Clause 4.6 Variation Request**
- 6. Design Report**
- 7. DCP Compliance Assessment**
- 8. Internal & External Responses Table**
- 9. Recommended Conditions of Consent**