

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	13 March 2024
<b>DATE OF PANEL DECISION</b>	11 March 2024
<b>DATE OF PANEL BRIEFING</b>	19 February 2024
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Louise Camenzuli, David Kitto
<b>APOLOGIES</b>	Phillipa Frecklington
<b>DECLARATIONS OF INTEREST</b>	As council is the owner, all councillors and council staff are conflicted in this matter.

Papers circulated electronically on 12 February 2024.

#### MATTER DETERMINED

PPSSWC-352 – Wollondilly – DA/2023/674/1 – 62-64 Menangle Street, Picton - Demolition of existing buildings & the construction of a public administration building, public library plus public plaza as part of the Wollondilly Community, Cultural and Civic Precinct.

#### PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

#### Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Wollondilly Local Environmental Plan 2011 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (development standard) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (development standard) of the LEP and the objectives for development in the E1 Local Centre zone; and
- c) the concurrence of the Secretary has been assumed (PS 20-002).

The Panel is satisfied that the numerical non-compliances are not significant (11.1% and 15.6%), will lead to a superior design outcome and the proposed variation does not result in any adverse impacts upon the amenity of adjoining properties or public domain. The proposed development is also of a height, bulk and scale that is envisaged by the WCCCP Masterplan.

#### Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

## REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the independent Assessment Report.

The development application 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.

The Panel is satisfied, on review of the independent Assessment Report and supporting documentation, that the application is consistent with the adopted Master Plan for the Wollondilly Community, Cultural and Civic Precinct, the Picton Place Plan and relevant state and local planning policies. The independent Assessment Report states that “development 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 Panel agrees with this assessment and is satisfied that it is in the public interest to approve the proposed development, subject to the conditions in the Assessment Report.

## CONDITIONS

The development application was approved subject to the conditions in the Assessment Report.




## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the one written submission that was made during public exhibition. The panel notes that issues of concern included:

- Character of Picton and pedestrian and vehicle movements.
- The net zero transition.
- The viability of repurposing the existing building.
- The transitioning impacts for users of existing Council services.
- Creation and maintenance of the village green.
- Social impact and economic impact.

These matters are addressed in detail at section 1.6 of the Assessment Report.

The panel considers that concerns raised by the relevant submission have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-352 – Wollondilly – DA/2023/674/1
2	PROPOSED DEVELOPMENT	Demolition of existing buildings & the construction of a public administration building, public library plus public plaza as part of the Wollondilly Community, Cultural and Civic Precinct.
3	STREET ADDRESS	62-64 Menangle Street, Picton, (Lot 70 DP 1279596)
4	APPLICANT/OWNER	Applicant: SMEC Australia Pty Limited Owner: Wollondilly Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>Wollondilly Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Wollondilly Development Control Plan 2016</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 30 January 2024</li> <li>Clause 4.6 variation Height of Building</li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Kick Off Briefing: 4 September 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Ryan Cole, Phillipa Frecklington</li> <li><u>Council assessment staff</u>: Mairead Hawes, Stephen Gardiner</li> <li><u>Applicant representatives</u>: Thomas Carberry, Katie Shuttle, Andrew Poore, Tammy Beck, Mike Nelson, Skye Diamant</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 19 February 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli</li> <li><u>Council assessment staff</u>: Mairead Hawes, Veena Karnavar, Corrie Swanepoel, Stephen Gardiner</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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