

Greater Sydney, Place and Infrastructure

Plan finalisation report

IRF20/810

Local government area: Cumberland

1. NAME OF DRAFT LEP

Holroyd Local Environmental Plan 2013 (Amendment No 18)

2. SITE DESCRIPTION

The planning proposal applies to the 'Wentworthville Town Centre Precinct', the heart of Wentworthville.

The Wentworthville Town Centre Precinct is located approximately 1.5km south west of the Westmead health precinct, 3km west of Parramatta CBD and 27km west of the Sydney CBD. The precinct is located south of the Wentworthville Rail Station, bound by the Kingsway to the north, Perry Street to the South, Lane Street to the east and the Cumberland Highway to the West. Additional sites on the fringe of the precinct at 79-81 and 88 Dunmore Street, and Council's library and Community Centre at 2-14 Lane Street are also included as part of the precinct (Figure 1).



Figure 1: Location and Boundary plan of planning proposal

The precinct is approximately 9.7 hectares in area and is characterised by single and two storey commercial shops and shop-top housing dating back from the 1960s-1980s, interspersed by a mix of 4-6 storey buildings on Dunmore Street, Station Street and Lane Street. Its built form comprises fine-grained retail along Station Street, big-box retail on Dunmore Street and low-rise buildings on individual lots on the majority of sites.

Properties at 42-44 Dunmore Street (Wentworthville Mall) and 108 Station Street are excluded from this planning proposal as both of these sites are the subject of separate LEP amendments.

3. PURPOSE OF PLAN

The planning proposal seeks to facilitate the revitalisation and renewal of the Wentworthville Town Centre, implementing revised development controls for the precinct. The proposed alterations will address the economic challenges facing the centre, providing up to 2,500 additional dwellings, 1,150 jobs, new commercial floor space, a traffic bypass, public open space and associated infrastructure. To achieve this, the draft LEP seeks to amend Holroyd LEP 2013 as follows:

- Amend the Land Use Zoning Map (Sheet LZN_005) as follows:
 - Rezone part of 21 Station Street, Wentworthville from B2 Local Centre Zone to SP2 Infrastructure Zone in order to extend the 'Dunmore Street Plaza'; and
 - Rezone six (6) properties at 48-50 and 53 Station Street from B2 Local Centre zone to SP2 Infrastructure Zone in order to facilitate an intersection upgrade and a new road associated with the full traffic bypass.
- Amend the Height of Building Map (Sheet HOB_004 and HOB_005) ranging from 10 to 20 metres up to 17 to 53 metres.
- Amend the Floor Space Ratio Map (Sheet FSR_004 and FSR_005) ranging from 1.5:1 to 2.2:1 up to 2:1 to 4.5:1 (excluding bonuses) and to identify 'Area C' on the Map.
- Amend the Land Reservation Acquisition Map (Sheet LRA_005) as follows:
 - Include part of 21 Station Street, Wentworthville for Local Road Widening (SP2) in order to extend the 'Dunmore Street Plaza'; and
 - Include six (6) properties at 48-50 and 53 Station Street for Local Road Widening (SP2) in order to facilitate an intersection upgrade and new road associated with the full traffic bypass.
- Amend the Design Excellence Map (Sheet DEX_005) to include specific areas within the Wentworthville Centre, to be shown as 'Area 3'.
- Include Design Excellence provisions for 'Area 3' allowing bonus FSR of up to 0.5:1 and height of up to 10% awarded to developments exhibiting Design Excellence.
- Introduce a 'Satisfactory Arrangements' clause for State infrastructure.
- Provision of commercial FSR bonus of up to 0.5:1 where commercial premises or a health services facility are provided on the entire first floor on land that permits building heights greater than 30 metres.

4. WENTWORTHVILLE PLANNING AND PLACE MAKING STRATEGY

In 2015, the former Holroyd Council exhibited the Wentworthville Planning and Place Making Strategy (the Strategy) which contained recommendations for new planning controls and urban design, to facilitate the Centre's renewal. The strategy included opportunities to

encourage urban renewal, but also reconsider traffic movement in the locality to improve pedestrian accessibility and connectivity. The strategy was endorsed by Council on 6 April 2016. The adopted strategy structure plan is identified in Figure 2 below, with the indicative image of the renewed centre shown in Figure 3.

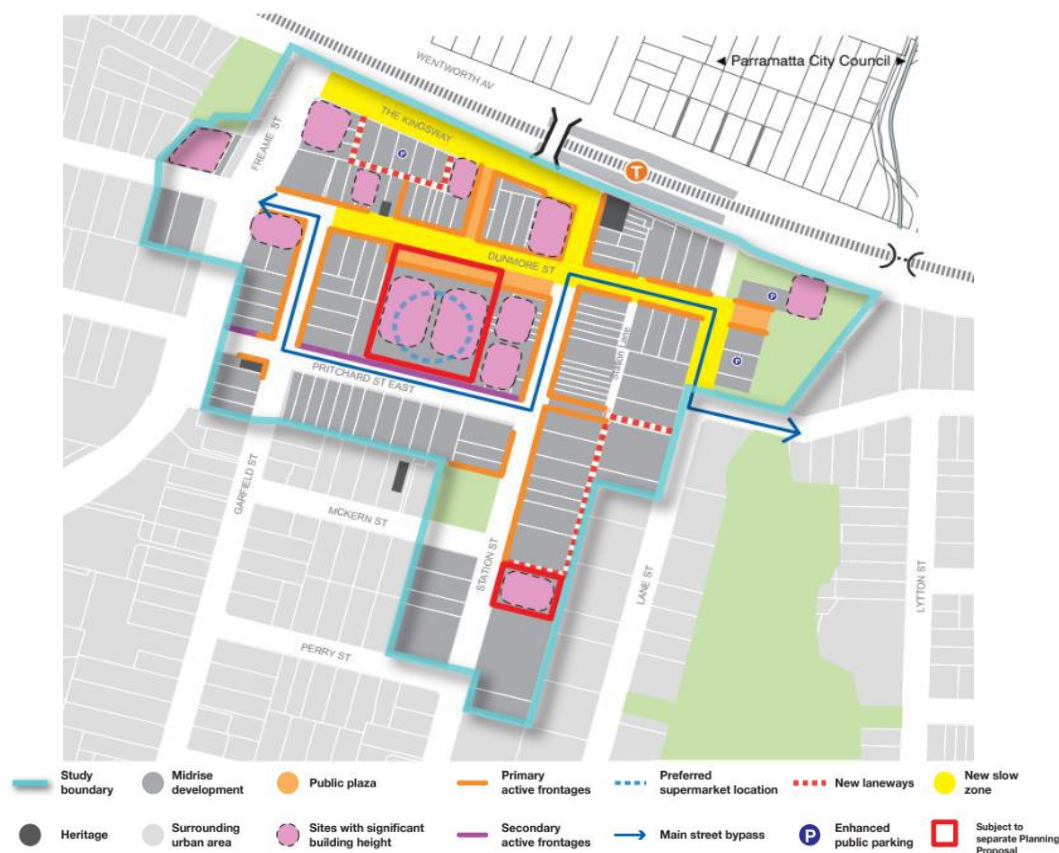


Figure 2: Adopted Wentworthville Centre Structure Plan (note: this Structure Plan shows the partial bypass of Dunmore Street which has since been superseded by the full bypass option).



Figure 3: Adopted built form of Strategy

As such, this planning proposal aims to provide the controls and statutory framework to support the strategy's implementation and acceleration of Wentworthville's renewal.

5. STATE ELECTORATE AND LOCAL MEMBER

The site falls within both Prospect and Granville State electorates. Hugh McDermott MP and Julia Finn MP are the respective State Members.

The site falls within the Parramatta federal electorate. Julie Owens MP is the Federal Member.

To the Central (GPOP) team's knowledge, none of these MP's have made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

6. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 25 May 2018 (**Attachment B**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on 7 May 2019 to extend the timeframe for making the plan by 12 months to 25 May 2020 (**Attachment C**).

At its meeting on 4 December 2019 Council endorsed the planning proposal to finalise the LEP.

The Gateway determination required several matters to be considered and the planning proposal to be amended as follows:

- Condition 1(a) review and consider the potential to include a minimum floor space requirement for commercial premises and health services facilities as part of the proposed floorspace bonus incentive provision.
- Condition 1(b) amend the Explanation of Provisions to clarify the intended application of Design Excellence, existing and proposed bonus FSR provisions.
- Condition 1(c) ensure satisfactory arrangements are proposed for contributions to designated state public infrastructure.
- Condition 1(d) consult Transport for NSW and Roads and Maritime Services and update in accordance with any comments provided.

The planning proposal was amended to address these conditions prior to public exhibition. The Department issued a letter of endorsement for exhibition confirming the Gateway determination conditions had been adequately satisfied (**Attachment C**).

The Department is satisfied that the draft LEP is suitable for finalisation.

7. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 22 May 2019 to 21 July 2019.

Council received a total of 35 submissions.

Council has satisfactorily addressed the matters raised in community submissions, included at Attachment 4 of the report to Council (4 December 2019) (**Attachment G**) and in Council's report to the Local Planning Panel, November 2019. The key issues raised, and Council's responses are summarised overleaf.

The proposed 'full bypass':

In response to submissions raising concerns about traffic congestion and the 'full bypass' option, Council officers indicated that a bypass is necessary to relieve traffic and to deliver on key priorities for the Centre. This includes diverting traffic away from Dunmore Street, specifically between Garfield Street and Station Street where the Dunmore Street Public Plaza is located. A traffic bypass is considered essential to improving public safety and to provide a pleasant outdoor environment for the community as it will manage and reduce traffic in this area. Additionally, traffic modelling and investigations suggest that traffic within the Centre would reach unacceptable levels by 2036 due to forecasted population growth and the introduction of a bypass would significantly improve the current and forecasted traffic conditions.

Acquisition of 53 Station Street:

A submission was made on behalf of the owners of 53 Station Street, objecting to the land acquisition requirement to implement the full bypass. This submission resulted in Council undertaking further analysis to confirm the need for this land as part of the road bypass for the Town Centre. The analysis focused on the intersection of Station Street/Pritchard Street/New Road with a comparison of the Council endorsed option with the retention of a staggered intersection arrangement.

The analysis found that travel times at the intersection are projected to be similar in 2019 and 2026, but in 2036 there would be slightly longer travel times with the staggered intersection options. Council has adopted the findings, no longer identifying 53 Station Street and its four allotments on the Land Reservation Acquisition Map and will retain its B2 Local Centre Zoning. Therefore, this issue has been resolved.

Acquisition of land for proposed laneways:

Two submissions were received regarding the proposed acquisition of land to facilitate the extension of Station Lane, one of which was an objection from the owners of 82 Station street.

In response, Council has identified that no changes will be made to the proposed laneways as they are consistent with the strategic work undertaken at the town centre and will support efficient traffic movement and increase pedestrian amenity. Council have noted that the inclusion of the proposed laneways in the Development Control Plan will provide the basis for further detailed work by all parties at the development application stage.

Site Specific Submissions:

Submissions were received by the landowners of 55-57 Station Street and 6 Pritchard Street East and by Urbis on behalf of the owners of 41-51 Dunmore Street and 15-22 The Kingsway, seeking increases to the Floor Space Ratio and Height of Buildings Controls on their land.

The Department notes that 55-57 Station Street and 6 Pritchard Street East have a separate planning proposal applied to the site, which received a Gateway determination in March 2020 to increase the FSR and Height control for the site.

In response to the submission for the properties at 41-51 Dunmore Street and 15-22 The Kingsway, Council have determined that they do not support the request as the FSR is not matched by an equivalent change in building height. This can lead to a bulkier building or urban form outcome for the site.

General Town Centre Matters

A number of submissions were received regarding more broad town centre matters, including traffic and transport, public domain and open space, built form, commercial and retail development and heritage.

Council identified that these issues raised are more related to the adopted Wentworthville Town Centre Planning and Placemaking Strategy, rather than the draft planning controls. Council noted that these matters will continue to be progressed as part of further detailed planning and detailed design for the Wentworthville Town Centre, including the Development Control Plan.

8. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult Department of Industry – Crown Land and Water Division, Office of Environment and Heritage – Floodplains, Department of Education, Transport for NSW – Roads and Maritime Services and Transport for NSW – Sydney Trains in accordance with the Gateway determination. Council has consulted these authorities.

One submission was received from TfNSW:

TfNSW raised no objection to the planning proposal, noting a prior meeting between TfNSW and Council had been held which discussed the proposal, the proposed traffic bypass and the Wentworthville Public Domain Plan. At this meeting issues to be resolved were identified and the parties agreed to implement an action plan.

The key issues to be resolved and require ongoing consultation between Council and TfNSW relate broadly to traffic circulation, intersection management, and operation of a reduced traffic scenario for Dunmore Street that may result from the future public domain plan and traffic bypass. **Attachments D and H** sets out these matters in further detail and confirms that although work is ongoing between the two parties, the access options being explored are not critical to the functionality of the proposed bypass and do not impact the finalisation of the planning proposal and making of the LEP.

Given that ongoing consultation has been occurring between Council and TfNSW to address these issues to improve community outcomes, the Department is satisfied that these matters will continue to progress and reach a resolution during the next phases of development.

9. POST-EXHIBITION CHANGES

At its meeting on 4 December 2019, Council considered a revised planning proposal and recommended for it to proceed to finalisation as revised. The revision included minor amendments to land acquisition requirements in response to community submissions (set out in Section 7 of this report), location of height controls and provision for laneways.

The revised planning proposal seeks to remove the compulsory acquisition of 53 Station Street for the purpose of a road bypass and rezone the land to B2 Local Centre. This amendment does not alter the intent of the proposal, as additional traffic studies have confirmed that the land is not required, and an alternate route can be used for the bypass.

The location of height controls for Station Street East and Lane Street have been altered within the planning proposal to identify the split height controls reflected within the strategy and the DCP instead of visualising the maximum. This is a minor amendment and does not change the intent of the proposal as no changes to the controls are proposed, only the location of information to provide clarity.

It is not considered that the changes warrant re-exhibition of the draft LEP as they do not alter the outcome for the centre and are in response to issues raised by community submissions.

10. ASSESSMENT

The Wentworthville Town Centre is one of Cumberland's key town centres, serviced by the Wentworthville railway station and is close to employment and services at both the Westmead Health and education precinct and Parramatta CBD. The Department considers the Council has undertaken a strategic approach to reviewing the current planning controls, supported by the Wentworthville Planning and Place Making Strategy.

It is considered that the revised development controls will facilitate a vibrant centre, with better design outcomes, positive public amenity outcomes and improved access. Further, the renewal of the centre will also assist in addressing economic challenges facing the town centre through contributing to greater housing supply and choice, encouraging activity in the commercial centre and provide improved public spaces.

The draft LEP is considered to have merit, as it provides the mechanisms to facilitate high density urban renewal within the centre, ultimately promoting positive place outcomes.

10.1 Satisfactory Arrangements Clause (SAC)

The Gateway determination issued on 25 May 2018 required the inclusion of provision for satisfactory arrangements for contributions to designated State public infrastructure in the Wentworthville Town Centre. This was based on the assumption that the Special Infrastructure Contribution (SIC) for the Wentworthville Planned Precinct (announced June 2017) was being prepared in parallel and would be rolled into the Greater Parramatta SIC.

With the Wentworthville Planned Precinct not being progressed and no planned and costed infrastructure works, the Department have determined to remove the SAC.

The Department have determined that removing the SAC is the most appropriate approach at this time, given the level of justification and evidence base needed to draft a SAC cannot be provided, as State infrastructure works (if any) required by the proposal are unknown. It is noted that the removal of the SAC does not preclude the application of a SIC contribution in the future to enable contributions towards identified state and regional infrastructure. It is also noted that Council will collect local contributions through Development Applications to fund community infrastructure.

10.2 Section 9.1 Directions

The Gateway determination report found that the proposal was largely consistent with the relevant Section 9.1 Directions.

The Gateway determined that any inconsistency with Direction 4.3 Flood Prone Land is justified in accordance with the terms of the direction and no further consideration is required.

10.3 State environmental planning policies

The draft LEP has addressed and is consistent with all relevant SEPPs.

10.4 Central City District Plan

The Greater Sydney Commission's Central City District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year visions for Greater Sydney.

The draft LEP is consistent with the priorities and actions set by the plan. Specifically, the proposal will provide the opportunity to deliver additional jobs and dwellings in a highly accessible location expected to experience significant growth to meet changing community needs (C1 and C2).

Therefore, the Department is satisfied that the proposal gives effect to the Central City District Plan in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

10.5 Cumberland 2030: Our Local Strategic Planning Statement

Council's Local Strategic Planning Statement *Cumberland 2030: Our Local Strategic Planning Statement* (LSPS) outlines Cumberland's 20-year vision for land use planning, population, housing, economic growth and environmental management. It is noted that the Gateway determination was issued prior to the endorsement of Council's LSPS.

The proposal is consistent with the priorities and actions of the LSPS in developing an accessible vibrant local centre. Specifically, the proposal will facilitate a mix of housing to support the diverse needs of the community (Priority 5), whilst improving the centre's accessibility by means of walking, cycling, public transport and car through public domain works and a full traffic bypass (Priority 4).

The public domain and community infrastructure upgrades (Priority 9) alongside new developments of high architectural standards with diverse ground floor uses will assist transforming Wentworthville into a vibrant and attractive centre (Priority 7).

Therefore, the Department is satisfied that the proposal gives effect to the Local Strategic Planning Statement.

10.6 Local Housing Strategy

Council's draft Local Housing Strategy identifies the key priorities, objectives and initiatives for future planning, delivery, and design of housing within Cumberland and how Cumberland will meet the housing priorities in the District plan.

The proposal supports the priorities and actions of the draft LHS as it will deliver a range of transit-oriented housing options (Priority 2) to support the diverse community and their changing needs (Priority 1) as well as the 30-minute city.

Therefore, the Department is satisfied that the proposal gives effect to the draft Local Housing Strategy.

11. MAPPING

There are 9 maps proposed (**Attachment Maps**) and an accompanying map cover sheet (**Attachment MCS**) which amend Holroyd LEP 2013 including:

- Floor Space Ratio Maps FSR_004 and FSR_005;
- Land Zoning Maps LZN_004 and LZN_005;
- Height of Buildings Maps HOB_004 and HOB_005;
- Land Reservation Map LRA_005; and
- Design Excellence Maps DEX_004 and DEX_005.

The draft maps have been checked by the Department's ePlanning Team and sent to Parliamentary Counsel.

12. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* on 13 July 2020 (**Attachment E**).

Council confirmed on 23 July 2020 that it was happy with the draft and that the plan should be made (**Attachment F**).

PARLIAMENTARY COUNSEL OPINION

On 29 July 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- it encourages the urban revitalisation of Wentworthville to create a vibrant and engaging town centre;
- it will provide additional dwellings and employment in a location near public transport, employment and services;
- it ensures the town centre will achieve desirable development outcomes, whilst providing necessary improvements to infrastructure and the public domain; and
- it is consistent with the Central City District Plan and Cumberland LSPS.



4/08/2020

Christine Gough
Director Central (GPOP)
Greater Sydney, Place and Infrastructure

Assessment officer: Holly Villella
Manager, Central (GPOP)
Phone: 9860 1477