

Planning Services

Plan Finalisation Report

Local Government Area: Sydney

File Number: 16/01431

1. NAME OF DRAFT LEP

Holroyd Local Environmental Plan 2013 Amendment No. 16 (draft LEP).

2. SITE DESCRIPTION

The Planning Proposal applies to land at 108 Station Street, Wentworthville (the site).

The site is approximately 1919sqm with existing development on the site comprising of two single storey buildings utilised for a variety of commercial uses. The remaining portions of the site is undeveloped and used for car parking.

The site adjoins commercial buildings to the north and south. Development to the west of the site is characterised by 1-2 storey residential buildings of varying architectural styles and 3-4 storey residential flat buildings are located to the east. The site is included in the southern portion of Wentworthville Centre and within 400m of Wentworthville Railway Station (located to the north). The site (outlined in red) and surrounding Wentworthville Centre (outlined in white) is shown at **Figure 1**.



Figure 1 – The Site (outlined in red)

3. PURPOSE OF PLAN

The final Planning Proposal ([Attachment B](#)) seeks to undertake amendments to the written provisions and maps under the Holroyd Local Environmental Plan 2013 (LEP 2013) to facilitate the redevelopment of 108 Station Street, Wentworthville. It is anticipated that the proposed controls would provide up to 75 dwellings, retail space and a public laneway.

The proposal is consistent with the Wentworthville Centre Revitalisation Planning Project being undertaken by Council. The additional development potential is generally consistent with the planning approach for the area as it aims to facilitate the urban renewal and revitalisation of the site.

The draft Plan seeks to amend the LEP 2013 as follows:

- [Land Zoning \(LZN_005\)](#) – rezone a strip of land on the northern boundary of the site to SP2 Infrastructure. The remainder of the site will remain zoned B2 Local Centre.
- [Height of Buildings \(HOB_005\)](#) – apply a maximum building height of 41m for the ‘tower element’ of the site and a maximum building height of 29m for the remainder of the site.
- [Floor Space Ratio \(FSR_005\)](#) – apply a maximum FSR of 4.5:1 to the site and through a local provision identifying the site as “Area C” on the FSR map, apply a minimum non-residential FSR component of 0.5:1 across the site.
- [Land Reservation \(LZN_005\)](#) – identify part of the site for future land acquisition (Local Road).
- [Clause 5.1](#) – identify Council as the acquisition authority for land identified on the land reservation acquisition map (LRA_005) zoned SP2 Infrastructure and marked ‘Local Road’.

A number of amendments are also proposed to the Holroyd Development Control Plan 2013 (Holroyd DCP 2013) to support the Planning Proposal and achieve the intended outcome for the site. The proposed amendments to the Holroyd DCP 2013 are provided at [Attachment G](#).

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Parramatta Electorate. Julie Owens MP is the State Member for Parramatta.

To the regional planning team’s knowledge, the MP has not 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.
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NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION

The Gateway determination issued on 4 April 2016 ([Attachment C](#)) determined that the proposal should proceed subject to conditions. The timeframe for the draft LEP to be finalised is 11 April 2018. The Department is satisfied that Council has met the conditions of the Gateway determination and the Planning Proposal is adequate for finalisation.

The Gateway determination has been altered twice to extend the timeframe and to reflect minor changes to the Planning Proposal as endorsed by Council ([Attachment D1 and D2](#)).

6. PUBLIC EXHIBITION

In accordance with Condition No. 2 of the Gateway determination, Council exhibited a previous version of the Planning Proposal package for 28 days, from 15 June 2016 to 14 July 2016 and consulted with all required government agencies. As a result of this exhibition, 2 submissions were received, 1 submission from Roads and Maritime Services (RMS).

At its meeting on 6 September 2017, Council resolved that minor changes were required to the Planning Proposal and associated documents. The changes included re-locating the 41m height limit to another portion of the site, including the minimum FSR of 0.5:1 for non-residential development, and updating the documentation to address the (then) Draft West Central District Plan, the Wentworthville Priority Precinct, and the Cumberland Community Strategic Plan.

The documents were revised and the Planning Proposal package was re-exhibited from 4 October 2017 to 1 November 2017. Further consultation with public agencies was considered unnecessary given the minor changes to the Planning Proposal since the original exhibition period in 2016. Further, no additional consultation requirements were required as part of the altered Gateway determination.

Council received 1 submission from the community during exhibition which is summarised in the Cumberland Independent Hearing and Assessment Panel (CIHAP) report provided at [Attachment H](#). The Council report and resolution are provided at [Attachment I](#).

The keys issues raised in the community submission from the latest exhibition and how these have been addressed are detailed as follows:

Issue	Response
Overshadowing - <i>Building will create significant overshadowing to the residents on Lane Street.</i>	<p>Council has undertaken an overshadowing impact assessment that modelled conceptual future buildings on the site. The modelling demonstrated that some overshadowing to adjoining properties could be anticipated in the afternoon during the winter solstice.</p> <p>Any future development application would include details of a specific building designed for the site, and would need to demonstrate compliance with State Environmental Planning Proposal No 65 (SEPP 65) and associated Apartment Design Guide (ADG).</p>

Issue	Response
<p>Overdevelopment/Changes to streetscape</p> <p><i>- The building will change the skyline and make living on the narrow street feel even more cramped and overcrowded.</i></p>	<p>The site is within the area covered by the <i>Wentworthville Planning and Place Making Strategy</i> (the Strategy). The scale of the proposal is generally consistent with the higher density future character envisaged under the Strategy.</p> <p>The development will need to demonstrate compliance with the ADG and DCP which includes controls relating to setbacks, building separation and building articulation, all of which aim to mitigate the bulk and scale of buildings.</p>
<p>Negative effects on surrounding residents</p> <p><i>- The proposal will affect the quality of life of the residents on Lane Street that are situated near the building.</i></p>	<p>The draft site-specific Development Control Plan (DCP) for the site provides measures to protect and manage amenity of nearby residents.</p> <p>It is considered that potential impacts can be mitigated through the development assessment process.</p>

It is considered that Council has adequately addressed the issues raised by the community during the exhibition period.

7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted with Department of Education, RMS and State Emergency Services (SES) in accordance with Condition No. 3 of the Gateway determination.

A submission was made by RMS. In general, RMS supported the proposal and raised matters that will need to be considered and/or addressed through the design and Development Application (DA) phase of the development, such as further consideration of traffic impacts.

8. POST-EXHIBITION CHANGES

Council did not resolve to undertake any post-exhibition changes to the Planning Proposal.

9. ASSESSMENT

The draft LEP is considered to have merit, providing redevelopment opportunity of underutilised land in close proximity to public transport modes and is consistent with the desired future character of the area.

The redevelopment of the site will contribute to housing supply and choice in the area and provides benefits including a public laneway for residents.

Section 9.1 Directions

At the time of the Gateway determination, the delegate of the Secretary agreed that the Planning Proposal's inconsistency with Section 117 Direction 4.3 - Flood Prone Land was of minor significance.

Consistency with Direction 6.2 Reserving Land for Public Purposes was unresolved at Gateway stage and is assessed below.

Direction 6.2 Reserving land for public purpose

This Direction applies to the Planning Proposal as it intends to reserve land within the site for SP2 Infrastructure (Local Road).

The Direction requires approval from both the planning proposal authority and the Secretary when creating reservations of land for public purposes.

Although the land zoned SP2 Infrastructure is proposed to be dedicated to Council via a Voluntary Planning Agreement (VPA), Council has accepted the role of acquisition authority for land identified on the Land Reservation Acquisition map. While approval has not been sought from the Secretary, it is considered appropriate that the Secretary's delegate determine that the objectives of this Direction have been met and therefore this inconsistency is of minor significance.

The following section 9.1 Directions also apply to the Planning Proposal:

Direction 1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect existing employment land, and support the viability of strategic centres. The Proposal is considered to be consistent with this Direction as it proposes only a minor change to the current B2 Mixed Use zoning (a portion of the site will be zoned SP2 – Infrastructure). The proposal includes provisions to require a position of the floor space to be for business and employment uses on the site. The proposal therefore does not reduce the employment floor space within the area.

Direction 3.1 Residential Zones

This Direction applies to the proposal as it affects land in which residential development is currently permitted. The proposal is considered to be consistent with this Direction, as it will continue to permit residential development on site.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to utilise and support public transport services, and reduce the reliance on cars. The site is in close proximity to both train and bus public transport services. The Planning Proposal is consistent with this Direction as it will integrate urban development with existing public transport facilities.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. The proposed identification of the site as "Area C" on the FSR map, to require a minimum FSR of 0.5:1 for non-residential purposes is considered appropriate and reasonable given the sites location within the Wentworthville Town Centre.

State Environmental Planning Policies

SEPP No. 55 Remediation of Land

While the Planning Proposal seeks to increase height and density on the site, residential and/or commercial uses are already permitted on the land under the current land use zones. Council, as the planning authority, considers that any contamination and potential remediation can be addressed in any future development application process.

Strategic Planning Framework

Greater Sydney Region Plan

The Plan outlines how Greater Sydney will manage predicted population growth and provides a footprint for infrastructure delivery.

The Proposal is consistent with Objectives 10 'Greater housing supply' and 11 'Housing is more diverse and affordable' of the Regional Plan as it will deliver a range of housing types within close proximity to an emerging centre and public transport.

There are no directions under the Regional Plan which preclude finalisation of the Plan.

Central City District Plan

The Central City District Plan (District Plan) intends to inform local councils' plans, guide assessment of local Planning Proposals, and inform infrastructure agencies, the development sector and wider community of expectations for growth, change and infrastructure provision within the District.

In particular, the proposal is in line with Planning Priorities C5 'Providing housing supply, choice and affordability with access to jobs and services' and C9 'Delivering integrated land use and transport planning' as it promotes redevelopment of the site within proximity to existing transport nodes. The site is accessible to a variety of services and employment opportunities.

There are no directions under the draft District Plan which preclude finalisation of the Plan.

10. MAPPING

There are 4 maps associated with this Planning Proposal ([Attachment Map](#)) which have been submitted via the ePlanning Portal. These maps have been examined by GIS staff and meet the technical requirements.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the Act ([Attachment E](#)).

Council confirmed on 17 May 2018 that it was happy with the draft and that the Plan should be made.

12. PARLIAMENTARY COUNSEL OPINION

On 22 May 2018, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at [Attachment PC and LEP](#).

13. RECOMMENDATION

Council has satisfied all conditions of the Gateway determination.

In general, the relevant public authorities supported the proposal. There are no outstanding objections.

The proposed changes to various planning controls will provide for the feasible redevelopment of the site, and achieve a development outcome that is consistent with the current and planned urban character of the area. The Proposal is consistent with both the Greater Sydney Region Plan and the Central City District Plan.

It is recommended that Greater Sydney Commission's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) as the proposal will:

- provide additional housing in an appropriate location within the future Wentworthville Centre;
- enable the redevelopment of the subject site, which includes a public laneway; and
- deliver future mixed-use development that is compatible with the surrounding area.



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