



# **PLANNING PROPOSAL FOR 108 STATION STREET WENTWORTHVILLE**

To increase the maximum building height  
and maximum floor space ratio at  
108 Station Street Wentworthville and  
rezone land to be dedicated as a public  
laneway to SP2 Infrastructure.

Revised September 2017  
Original (for exhibition) June 2016

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# **1 Introduction**

## **1.1 Overview**

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and relevant guidelines produced by the Department of Planning and Environment.

The purpose of the planning proposal is to seek an amendment to Holroyd Local Environmental Plan 2013 (HLEP 2013) to increase the maximum building height and maximum floor space ratio (FSR) at 108 Station Street, Wentworthville and rezone land to be dedicated as a laneway to SP2 Infrastructure.

### **Revised Planning Proposal September 2017**

The purpose of this revised planning proposal is primarily to seek an amendment to the HLEP 2013 for the adjusted revised planning controls for the property, as resolved by Council, including the process behind and context to those adjusted controls. This revised planning proposal is also to provide the current status of the Planning Agreement for the dedication of the laneway; and to address the consistency of the planning proposal to the draft West Central District Plan, which have progressed since the preparation of the earlier (original) planning proposal.

## **1.2 Background**

The subject site is located within the B2 Local Centre zone, on the southern fringe of the Wentworthville Centre, on Station Street, within 400m of Wentworthville Railway Station. The subject site covers an area of 1,919m<sup>2</sup>, with a site frontage of 38m and depth of 50m. A right of carriageway exists between the subject site and 86 Station Street to the north (3.66m on each site). The site currently contains several retail shops, including a pharmacy, restaurant, beauty salon and on grade parking.

The request for a planning proposal for the site was lodged with Council on 7 May 2015 to amend the following development standards contained in Holroyd Local Environmental Plan 2013 for the subject site:

- Increase the maximum building height from 20 metres (5-6 storeys) to 43 metres (13-14 storeys) across the site.
- Increase the maximum floor space ratio (FSR) from 2.2:1 to 5.5:1.

An initial assessment of the application revealed that while supportive of an opportunity to commence the revitalisation of the Wentworthville Centre, the request could not be supported due to:

- The height being inconsistent with Councils recent planning and design studies.

- The proposed FSR not being reflective of the building form achievable under the proposed height (within SEPP 65 design requirements).
- The proposal did not demonstrate that the site had a specific point of difference within the local and immediate context of the Centre or provides a public benefit in order to justify greater heights than might otherwise be applied to this section of Station Street.

Overall, the initial proposal lacked any strategic merit or justification for the requested heights and density in this location.

#### *Amended Proposal*

An amended proposal was subsequently lodged with Council to amend the following development standards contained in Holroyd Local Environmental Plan 2013 for the subject site:

- Increase the maximum building height to 41 metres (12 storeys) - as a front corner element, 35 metres (10 storeys) for the remaining Station Street frontage and 29 metres (8 storeys) to the rear of the site.
- Increase the maximum floor space ratio (FSR) to 4.5:1 (over the gross site area).

In the amended proposal, the proponent proposed to enter into a voluntary planning agreement (VPA) to establish an easement or right of way on land proposed to be a shared access way under the building concept plans submitted with the application.

An assessment of the amended application concluded (noting the context of the site being on the fringe of the Centre and adjacent to an existing 3 storey residential flat building) that:

- For consideration for heights above 8 storeys for a site on the fringe of the centre, the planning proposal would have to demonstrate that the site has a specific point of difference in its context and provides a public benefit, which the amended application failed to demonstrate.
- The proposed FSR was not reflective of the proposed building form plans submitted to Council or achievable under the proposed building heights and could not be supported.

In correspondence to the proponent, it was indicated that a building height of 29 metres (8 storeys) and an FSR of 3:1 was likely to be proposed in Council's Planning and Place Making Strategy for Wentworthville Centre, however where a laneway was to be dedicated as a public benefit, free of cost to Council via a VPA, Council planners may be in a position to support a higher building element on the corner of that laneway.

#### *2nd Amended Proposal*

Testing was undertaken to determine the achievable FSR for site, using the outcomes of the built form modelling for the site, (created as part of the Wentworthville Centre Urban Design

Study, undertaken as part of the Wentworthville Centre Revitalisation Planning Project), with the addition of a corner element up to 12 storeys. An FSR of approximately 3.8:1 (gross) or 4.5:1 (net, excluding the land dedication) could be achieved.

This is supported on the basis that the proponent is proposing to dedicate the laneway freehold, free of cost to Council for public access via a VPA. This is considered a public benefit to the wider centre and for which Section 94 development contributions would not need to be used to purchase the land. It is noted that a laneway is proposed in this location in the Planning and Place Making Strategy, which was the subject of community consultation from September to November 2015.

Dedication of this land creates a point of difference for the proposal. It enables the provision of permanent public access, which is considered a public benefit, and may justify additional height in the form of an additional 4 storeys in the north- western corner of the site, which would provide built form legibility to the vehicular entry on Station Street.

The proponent has provided a letter of offer to Council for the dedication of this laneway, freehold and at no cost to Holroyd City Council, to create a public laneway, on the basis of a proposed 3.8:1 (gross site area) FSR, 8 storey (29m) height and corner element height of 12 storeys (41m). The 3.8:1 FSR over the gross site equates to 4.5:1 FSR over the net site area (excluding the laneway land).

Council resolved (DCS 050-15) to support the proposal on this basis.

### **Revised Proposal September 2017**

This section outlines the adjusted controls as proposed under this planning proposal including the key elements of the process that lead to these adjusted controls.

The planning proposal (dated November 2015 amended for exhibition), with Gateway Determination, was placed on public exhibition in June and July 2016. In response to the submissions received, the proponent submitted an amended design to Council which proposed a gross FSR of 4.2:1 and a net FSR of 5.1:1

The submissions received during the public exhibition, as well as the amended design by the proponents, were addressed in a report to the Cumberland Independent Hearing and Assessment Panel (IHAP) and considered at the meeting of 14 December 2016 (Report C014/16). The recommendations of the Cumberland IHAP were reported to Council on 1 February 2017 (report # 004/17). At that meeting Council resolved in part, to (resolution 1) proceed with the preparation and exhibition of a site specific development control plan for the site and to (resolution 4) proceed with the proposed planning controls per the Cumberland IHAP recommendation being:

- a. land use zoning of B2 Local Centre and SP2 Infrastructure
- b. maximum building heights of 29m (approx. 8 storeys) and 41m (approx. 12 storeys).

- c. maximum Floor Space Ratio (FSR) of 4.5:1 on the B2 Local Centre zone only to include a minimum amount of non-residential FSR of 0.9:1 to ensure activation of Station Street and the laneway.

Detail of the submissions received, the review of those submissions, and the minutes of the meeting are provided at Attachment 1 for the Cumberland IHAP report (report #C041/16) of 14 December 2016 and Attachment 2 for the Council report (report #004/17) of 1 February 2017.

The draft site specific development control plan (DCP) was subsequently prepared with reference to the proposed planning controls, as resolved by Council. The document was also drafted so as to align and be generally consistent with the Wentworthville Planning and Placemaking Strategy Option 2 and specific aspects as relevant, and incorporating additional matters as resolved by Council. In preparing the site specific DCP, detailed modelling and testing of potential built forms were undertaken in order to confirm the ability of a building form to meet the requirements of State Environment Planning Policy (SEPP) 65 and the Holroyd DCP 2013 including with respect to building setback, separation distances through the height of the building. Building models provided within the exhibited site specific DCP recognise that the upper storeys of the building would not be located into the corner of the property, reflecting those setback and separation requirements. Further information on the drafting of the site specific DCP is provided in the Cumberland IHAP report of 9 August 2017 (report #028/17) (Attachment 3).

The draft site specific DCP was placed on public exhibition in April - May 2017. The proponent made a submission during this exhibition period that addressed aspects of the site specific DCP, as well as two (2) matters in respect of the proposed planning controls under the LEP. These matters were the:

- (i) position of the 41m tower within the site (further information on this is provided below);  
and,
- (ii) minimum 0.9:1 non-residential FSR.

The review of the matters raised in the submission in respect of the site specific DCP were addressed in the post-exhibition report to Cumberland IHAP (report #C028/17 – Attachment 3) and to Council (report #155/17 of 6 September 2017) (Attachment 4). The matters raised in the submission affecting the proposed planning controls under the LEP were not addressed in that report as Council had previously resolved to proceed with the proposed planning controls (in February 2017).

In respect of the position of the 41m tower element, refined testing and modelling has demonstrated that the position of the tower in the corner of the site, and the shape of the tower as shown in the site specific DCP, would not be achievable. Therefore, to achieve compliance with those requirements, the position of the tower element would need to be shifted in a south-easterly direction. The dimensions and corresponding shape of the tower

element would also need to be adjusted to meet those building separation distances and to comply with the maximum 500m<sup>2</sup> building footplate requirement. This has implications for the position and dimensions of the tower element as provided on the maximum height of buildings map of the planning proposal for the LEP amendment. The maximum footplate of the tower was imposed to manage overshadowing impacts to adjacent properties to the east – a concern raised in a public submission to the planning proposal. While the position and shape of the tower within the site has been adjusted and so may have implications for the area and duration of overshadowing, the reduced width of the tower is anticipated to partially offset that adjustment. Modelling will be undertaken to assess the overshadowing impact of the new tower position and shape on adjacent properties.

The Cumberland IHAP took into consideration the proponents submission relating to the proposed planning controls, and the site specific DCP as revised to address the submission comments, the further modelling and the internal review by Council officers, and recommended that the draft LEP (planning controls) be adjusted as stated below, and also recommended that the draft site specific DCP be further revised to align with the adjusted planning controls. In relation to this, the Cumberland IHAP recommended the following:

*“2(a) amend the draft LEP height of buildings map to move the 41m height limit area in a south-easterly direction to align with the new Figure 10 in the DCP.*

*2(b) amend the non-residential floor space in the draft LEP to a minimum requirement of 0.5:1.”*

The Cumberland IHAP also recommended that both the revised draft (LEP) planning controls and the revised draft site specific DCP be re-exhibited.

The recommendations of the Cumberland IHAP were resolved by Council (report #155/17) at the meeting of 6 September 2017.

Copies of the adjusted draft (LEP) planning controls that reflect the Councils resolution of 6 September 2017 (the shifted tower element and the non-residential FSR value) are provided at Attachment 5. Copies of the draft (LEP) planning controls as exhibited in mid 2016 with the planning proposal (as amended for exhibition addressing the Gateway determination conditions) is provided at Attachment 6 for reference.

### **1.3 Land to which the Planning Proposal applies**

The location of the subject site is shown (in red) in Figure 1.



**Figure 1: location of the subject site (including Wentworthville Centre area)**(Source Holroyd City Council)

## **1.4 Current Planning Controls**

### **Holroyd Local Environmental Plan 2013**

#### *Zoning*

The subject land is currently zoned B2 Local Centre under Holroyd Local Environmental Plan 2013. The objectives of the B2 zone are:

- To provide a range of retail, business, entertainment and community uses that service the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations
- To maximise public transport patronage and encourage walking and cycling.
- To permit residential development that is complementary to, and well-integrated with, commercial uses.

#### *Height of buildings*

Pursuant to Clause 4.3 of HLEP 2013 the land subject to this Proposal currently has a maximum building height limit of 20 metres

#### *Floor space ratio*

Pursuant to Clause 4.4 of HLEP 2013 the land subject to this Proposal currently has a maximum Floor Space Ratio of 2.2:1.

### *Heritage*

Pursuant to Schedule 5 of HLEP 2013, no items of environmental heritage are located on the subject land.

### **Holroyd Development Control Plan 2013**

Holroyd Development Control Plan 2013 (Holroyd DCP) came into effect on 5 August 2013. Controls relating to development permissible in the B2 Local Centre zone in Wentworthville Centre are contained within Part L of the DCP.

## **2 The Planning Proposal**

### **2.1 Objectives and Intended Outcomes**

This Planning Proposal aims to:

- Enable the redevelopment of land within the existing Wentworthville Centre at a scale appropriate to the future role of the Centre;
- Contribute to the renewal and revitalisation of Wentworthville Centre;
- Provide for the orderly and economic development of land;
- Facilitate the delivery of a public laneway on the land as proposed in the Wentworthville Centre Planning and Place Making Strategy;

### **2.2 Explanation of Provisions**

The proposed objectives and outcomes will be achieved by:

- Amending the Holroyd Local Environmental Plan 2013 Land Zoning Map in accordance with the proposed zoning map provided in Attachment 1, which indicates new zone SP2 Infrastructure on the site.
- Amending the Holroyd Local Environmental Plan 2013 Floor Space Ratio Map in accordance with the proposed floor space ratio map provided in Attachment 1, which shows the maximum floor space ratios across the net site area (excluding SP 2 zoned land) to be 4.5:1.
- Amending the Holroyd Local Environmental Plan 2013 Height of Buildings Map in accordance with the proposed height of buildings map provided in Attachment 1, which shows the following maximum building heights within the site:
  - 41 metres (12 storeys) in the front corner element of the site.
  - 29 metres (8 storeys) for the remainder of the net site.

### **Revised Planning Proposal September 2017**

The proposed objectives and outcomes will be achieved by:

- Amending the Holroyd Local Environmental Plan 2013 Floor Space Ratio provisions that indicate the maximum floor space ratio across the net site area (excluding SP2 zoned land) to be 4.5:1, and to specify a minimum non-residential FSR component of 0.5:1 across the net site area. The specific mechanism to deliver this outcome in the Holroyd LEP 2013 will be subject to legal drafting prior to finalisation.

- Amending the Holroyd Local Environmental Plan 2013 Height of Buildings Map in accordance with the proposed height of buildings map provided in Attachment 5, specified as:
  - maximum building height of 41 metres (12 storeys) (referred to as the ‘tower element’) to be positioned within the property as follows: 5.7m setback from the northern (laneway) property boundary and 3.0m setback from the western (Station street frontage) property boundary. This 41m maximum building height (tower) element is to have a revised rectangular shape of dimensions: 16.9m (width) by 30.0m (length). Refer Figure 2 below for detail of the position and dimensions of this tower element.
  - maximum building height of 29 metres (8 storeys) for the remainder of the net site.

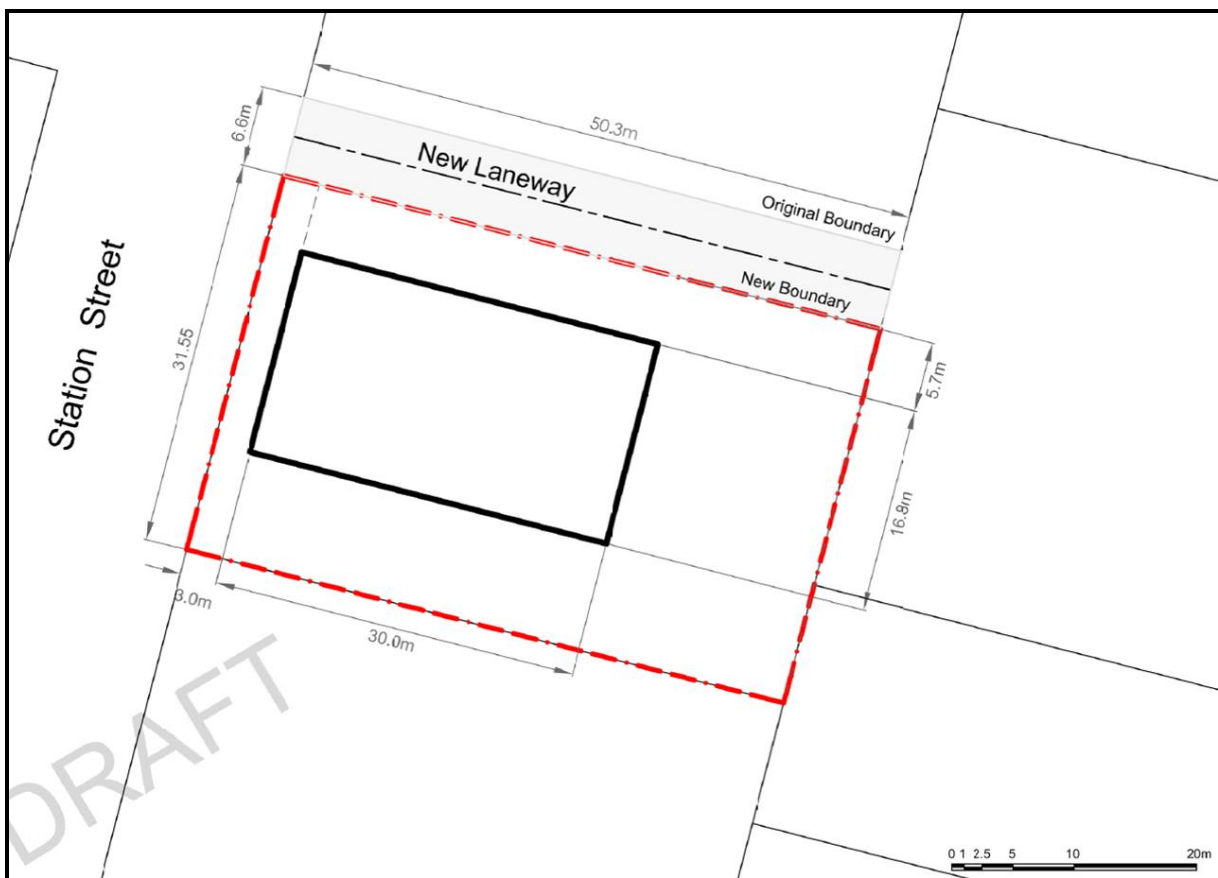


Figure 2: Revised location of 41m tower element within the site

### 2.3 Justification

This section details the reasons for the proposed outcomes and is based on a series of questions outlined in the Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* 2012. Heads of consideration include the need for the planning proposal from a strategic planning viewpoint, implications for State and Commonwealth agencies and environmental, social and economic impacts.

### **2.3.1 Need for the Planning Proposal**

#### **Q: Is the planning proposal a result of any strategic study or report?**

Yes.

Council is currently undertaking the Wentworthville Centre Revitalisation Planning Project, which is funded by the Department of Planning and Environment and Holroyd City Council. The project aims to facilitate urban renewal and ultimately the revitalisation of the centre through the preparation of economic, traffic and transport, urban design modelling and community consultation. Expert studies for the project have been completed and Council has prepared a Planning and Place Making Strategy that will guide future amendments to Council's Local Environmental Plan, Development Control Plan and Section 94 Development Contributions Plan.

The subject site is located within the project study area and has been subject to the urban design and built form modelling study recommendations. These recommendations have been incorporated into the Wentworthville Centre Planning and Place Making Strategy 2015, which was exhibited from 30 September to 4 November 2015.

The Strategy recommendations for the subject site include:

- A maximum building height of 8 storeys fronting Station Street;
- A FSR of 3:1; and
- The provision of laneway access to create an 8 metre wide extension to connect with the existing Station Lane, to be achieved through Section 94 development contributions.

It is noted that as part of Council's background studies, economic feasibility testing was undertaken on the subject site. Testing concluded that an increase of the current 2.2:1 FSR and 20m (5-6 storeys) height control would be necessary for development to generally be feasible on the subject site.

Consideration has been given to the strategic planning merit of the departure of the requested 41 metre (12 storey) corner element from the exhibited Strategy of a maximum of 29 metres (8 storeys) for the subject site. The opportunity to create a publicly accessible laneway, free of cost to Council provides a wider public benefit for the Centre, enabling future development north of the subject site to gain vehicular access off a future rear laneway, enhancing the pedestrian experience to Station Street. The ability for the subject site to provide this public laneway creates a definite point of difference for this site over others along Station Street. A corner building element, permitting an additional 4 storeys (up to 41 metres) to be located on the corner of Station Street and the proposed new laneway would provide a built form marker to the location of the laneway, whilst generally maintaining an 8 storey (29 metre) height across the majority of the site and is considered supportable from the strategic planning context.

### **Revised Planning Proposal September 2017**

The planning proposal, with the associated planning controls to be progressed, has been revised in response to the Council resolution of the two adjustments to be made to the planning controls to be progressed through the HLEP amendment. Those adjustments are in respect of the position and shape (dimensions) of the 41m maximum building height (tower) element and specifying a non-residential FSR component to 0.5:1.

The draft site specific DCP, a stand-alone document that will form an amendment to the Holroyd DCP 2013, was prepared so as to align and be generally consistent with the adopted Wentworthville Planning and Placemaking Strategy (the Strategy) Option 2. The draft site specific DCP incorporates specific elements of the Strategy and later additional elements as resolved by Council.

In particular, aspects of the Strategy that were incorporated and reflected in the draft site specific DCP include:

- Community directions relating to the centre redevelopment, residential developments, retail revitalisation and amenity & facilities.
- Extension of Station Lane with new access off Station Street.
- Preparation of (centre wide) development controls relating to:
  - building frontage,
  - upper storey and side setbacks;
  - active frontages,
  - landscape setbacks;
  - vehicle access
  - green walls & landscaping on structures.

Further details on these and other aspects of the strategy that informed the preparation of the site specific DCP are provided in the Cumberland IHAP report C028/17 dated 9 August 2017 (Attachment 3).

### **Q: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes.

The planning proposal is the best means of achieving the objectives or intended outcome as indicated:

- After the conclusion of the exhibition of the Wentworthville Planning and Place Making Strategy in November 2015, the current Stage of Councils Revitalisation Project for Wentworthville Centre involves the preparation of a planning proposal for the study area. The Planning and Place Making Strategy proposed amendments to achievable building heights and floor space within the Centre. The subject planning proposal is generally consistent with this approach.

- The subject planning proposal is further advanced than the outcomes of the Wentworthville Planning and Place Making Strategy and therefore should proceed ahead of a future planning proposal for the entire Wentworthville Centre.
- The rezoning of the proposed laneway to SP2 Infrastructure creates certainty for the community regarding the provision of the land for a laneway and is the preferred approach to achieve the future laneway.

### **2.3.2 Relationship to strategic planning framework**

**Q: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

Yes.

The planning proposal is consistent with the State Government's Planning Strategy for Sydney 'A Plan for Growing Sydney', as it would contribute to housing supply and housing choice closer to an existing centre and assist in leading the renewal and revitalisation of the Centre that is served by existing transport.

The draft West Central Sub-regional Strategy 2007 (WCSRS 2007) identifies Wentworthville Centre as village that will grow into a town centres as *"surrounding areas undergo renewal and residential densities increase providing for changing demographics and economic trends"*. The Planning proposal is consistent in enabling the growth of Wentworthville into a 'Town Centre'. The proposal is also consistent with the following applicable Strategy actions:

- B1.1 Establish a typology of Centres.
- A Plan for housing in centres consistent with their employment role
- C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres.
- C3.1 Renew Local Centres to improve economic viability and amenity.

### **Revised Planning Proposal September 2017**

The Revised Planning Proposal (September 2017) is consistent with the draft West Central District Plan (District Plan) that was released in November 2016. The District Plan recognises the area as a dynamic and rapidly growing region within Sydney. The proposed development is to provide retail commercial uses (ground and lower ground levels) below residential apartments. As such the proposed development will contribute to economic activity and employment opportunities on the site and as part of the wider Wentworthville centre, and will provide residential accommodation located in proximity to public transport with a focus on the Wentworthville train station. As such the proposal contributes to the identified priorities of the Productive City and the Liveable City under the District Plan in respect of providing housing choice and contributing to the district housing supply target, encourages active transport, supports economic development, services and employment opportunities close to homes and within the Wentworthville centre precinct.

The property is within proposed Wentworthville Priority Precinct which was announced in June 2017. Specific details available on the Priority Precinct are not yet available in order to address the consistency of the planning proposal with that Priority Precinct. However, Priority Precincts generally have the aim of ‘providing more homes and jobs close to public transport, shops and services’. Applying this broad aim, the location and nature of the proposed development under the planning proposal would contribute to these general aims as it will provide commercial/retail floor space and additional dwellings in proximity to the existing Wentworthville centre and train station.

### **Q: Is the planning proposal consistent with a council’s local strategic or other local strategic plan?**

Yes.

The Planning Proposal is consistent with Holroyd Council’s Community Strategic Plan. The plan establishes a central vision for Holroyd for 20 years into the future. By 2031, Holroyd is expected to accommodate an additional 30,000 people and 11,000 new homes. The Planning Proposal supports the objectives of the Community Strategic Plan in that it will provide additional dwellings to accommodate anticipated population growth within close proximity to an established public transport node and town centre.

### **Revised Planning Proposal September 2017**

The Cumberland Community Strategic Plan 2017-2027 outlines the vision for the Cumberland Community and the six (6) strategic goals for Council towards achieving that vision. The proposed development at 108 Station Street would be expected to directly support three (3) of those strategic goals, being:

- Goal 1: A great place to live. The new residential dwellings of the development will be located in proximity to the services and transport options of the Wentworthville Centre. The Wentworthville Centre is currently the subject of a Council initiative for revitalisation through implementation of the Planning and Place Making Strategy and associated revised planning controls and centre wide development control plan provisions (in progress).
- Goal 4: A strong local economy. The proposed development, which is to include commercial / retail uses, would contribute to small business activity on the site and as part of the Wentworthville Centre, and provide access to (local) job opportunities.
- Goal 5: A resilient built environment. The proposed development is to provide a new mixed use building, with apartment housing, within the existing Wentworthville centre. as part of the development proposal, a planning agreement has been signed that provides for a laneway off Station Street to the north of the property that will in the future connect with the existing Station Lane providing rear access to properties on Station Street.

### **Q: Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Table 1 below lists all relevant State Environmental Planning Policies for the areas subject to this Proposal. As demonstrated, the planning proposal does not contain any provisions that would be inconsistent with the objectives of the relevant SEPPs.

**Table 1 - Consistency with applicable SEPP's**

| Relevant State Environmental Planning Policies              | Consistent |
|-------------------------------------------------------------|------------|
| SEPP 19 Bushland in Urban Areas                             | Yes        |
| SEPP 32 Urban Consolidation (Redevelopment of Urban Land)   | Yes        |
| SEPP 55 Remediation of Land                                 | Yes        |
| SEPP 64 Advertising and Signage                             | Yes        |
| SEPP 65 Design Quality of Residential Flat Development      | Yes        |
| SEPP (BASIX) 2004                                           | Yes        |
| SEPP (Housing for Seniors or People with a Disability) 2004 | Yes        |
| SEPP (Infrastructure) 2007                                  | Yes        |
| SEPP (Affordable Rental Housing) 2009                       | Yes        |

**Q: Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?**

The planning proposal is consistent with the relevant Section 117 Directions, as detailed in Table 2 below.

**Table 2 - Consistency with applicable Section 117 Directions**

|                                                            |                                                                                                                                                                                                                                            |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Employment and resources</b>                         |                                                                                                                                                                                                                                            |
| 1.1 Business and Industrial Zones                          | Yes.<br>The proposal does not reduce the total potential floor space area for employment uses on the subject site and is therefore consistent with this direction.                                                                         |
| 1.2 Rural Zones                                            | Not Applicable                                                                                                                                                                                                                             |
| 1.3 Mining, Petroleum Production and Extractive Industries | Not Applicable                                                                                                                                                                                                                             |
| 1.4 Oyster Aquaculture                                     | Not Applicable                                                                                                                                                                                                                             |
| 1.5 Rural Lands                                            | Not Applicable                                                                                                                                                                                                                             |
| <b>2. Environment and Heritage</b>                         |                                                                                                                                                                                                                                            |
| 2.1 Environment Protection Zones                           | Not Applicable<br>This Proposal does not apply any to land within an environment protection zone or any land otherwise identified for environment protection purposes under HLEP 2013.                                                     |
| 2.2 Coastal Protection                                     | Not Applicable                                                                                                                                                                                                                             |
| 2.3 Heritage Conservation                                  | Not Applicable                                                                                                                                                                                                                             |
| 2.4 Recreation Vehicle Areas                               | Not Applicable                                                                                                                                                                                                                             |
| <b>3. Housing, Infrastructure and Urban Development</b>    |                                                                                                                                                                                                                                            |
| 3.1 Residential Zones                                      | Yes<br>The proposal is consistent with this direction as it will broaden the choice of dwelling types within Wentworthville Centre. The proposal does not contain provisions which reduce the permissible residential density of the land. |
| 3.2 Caravan Parks and Manufactured Home Estates            | Not applicable                                                                                                                                                                                                                             |
| 3.3 Home Occupations                                       | Not Applicable                                                                                                                                                                                                                             |

|                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.4 Integrating Land Use and Transport                                       | <p>Yes</p> <p>The proposal is consistent with this Direction as the proposed built form outcome improves access to housing, jobs and services by both active and public transport.</p> <p>An increased housing density within 400m of the Wentworthville Railway Station will enable a greater number of people access to the station, with limited trips generated and the distances travelled by car.</p>                                                                                                                                         |
| 3.5 Development Near Licensed Aerodromes                                     | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3.6 Shooting Ranges                                                          | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>4. Hazard and Risk</b>                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4.1 Acid Sulphate Soils                                                      | <p>Not Applicable</p> <p>This Proposal does not rezone any land identified on the Acid Sulphate Soils Planning Maps as having a probability of acid sulphate soils being present.</p>                                                                                                                                                                                                                                                                                                                                                               |
| 4.2 Mine Subsidence and Unstable Land                                        | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4.3 Flood Prone Land                                                         | <p>The Proposal is consistent with this direction.</p> <p>The application is not proposing to rezone the land or change the existing permissible uses. The proposal will involve an increase in the intensity of the use of the land, though not significant. Mitigation measures, consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) can satisfactorily be implemented for any future development on site.</p> |
| 4.4 Planning for Bushfire Protection                                         | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>5. Regional Planning</b>                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5.1 Implementation of Regional Strategies                                    | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.2 Sydney Drinking Water Catchments                                         | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.8 Second Sydney Airport: Badgerys Creek                                    | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.9 North West Rail Link Corridor Strategy                                   | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>6. Local Plan Making</b>                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6.1 Approval and Referral                                                    | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Requirements                                                | This Proposal does not alter any provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6.2 Reserving Land for Public Purposes                      | <p>Yes</p> <p>The Proposal would create a new laneway on the site, which would be zoned SP2 Infrastructure. Once zoned for this purpose, this land would come under the care and control of Council. The dedication of this land would be achieved through a Voluntary Planning Agreement between Council and the developer.</p> <p>Council considers that the Director-General's approval for the creation of this zone would be implicit in the Gateway Determination.</p> <p>The Proposal does not alter or reduce existing zonings or reservations of land for public purposes, nor propose to acquire any land for public purposes nor to rezone any land currently reserved for a public purpose.</p>                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 6.3 Site Specific Provisions                                | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>7. Metropolitan Planning</b>                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036 | <p>Yes</p> <p>The Metropolitan Plan – A Plan for Growing Sydney provides a long term planning framework based on strategic directions for the future growth of Sydney. The Planning Proposal is consistent with the aims and objectives of the Plan by:</p> <p><b>Increasing housing in existing urban areas</b> - The planning proposal would enable the construction of approximately 75 dwellings within the existing centre of Wentworthville.</p> <p><b>Enabling new residential growth in areas served by existing or planned public transport</b>-Wentworthville Centre has existing access to public transport via the railway station.</p> <p><b>Deliver infrastructure to support growth and urban renewal</b> -The planning proposal includes provision for the dedication of land for the future construction of a laneway, which will enable for the extension to the existing Station Lane.</p> <p><b>Improving housing affordability</b> -The planning proposal would increase the number of apartment dwellings within the Centre, providing additional housing supply, supporting housing choice and affordability.</p> |

### **2.3.3 Environmental, social and economic impact**

**Q: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is no declared critical habitat within the Holroyd LGA. No threatened species, populations or ecological communities or their habitats exist within the site, and therefore would not be adversely affected as a result of the proposal.

**Q: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

General desktop investigations undertaken to date do not suggest any major constraints to the proposed rezoning of the site. The site is affected by contamination and a preliminary contamination assessment has been provided by the proponent.

A preliminary site investigation was submitted with the proposal, which was prepared in accordance with the NSW EPA Guidelines for consultants reporting on contaminated sites and the National Environmental Protection Measure (NEPM 2013 Amendment). The report concluded the following areas of concern:

- Potential importation of uncontrolled fill that may contain various contaminants,
- Current or past use of pesticides,
- Car park areas where leaks and spills from cars,
- Chemical storage areas,
- High voltage electrical transformer box where leaks may have occurred, and
- Asbestos based building materials.

The report concludes that the site will be suitable for future residential development subject to a detailed Environmental Site Assessment prior to the determination of any development application.

Council's Environmental Health Unit have reviewed the plans and supporting reports and concur that further assessment reports will be required to be submitted to Council for determination prior to the approval of any development application; however there is no objection to the requested planning proposal.

**Q: Has the planning proposal adequately addressed any social and economic effects?**

#### *Social impacts*

The social impacts of the Proposal are addressed in Section 3.5.4.

#### *Economic impacts*

The economic impacts of the Proposal are addressed in Section 3.4.

### **2.3.4 State and Commonwealth interests**

#### **Q: Is there adequate public infrastructure for the planning proposal?**

It is unlikely that the Proposal alone will require upgrades or increases to public infrastructure and services. There is currently adequate public infrastructure available to service the proposal.

Additionally, Council's Section 94 Plan would levy new development within the subject site for contributions towards the delivery of new public infrastructure to meet the additional demand generated by the proposal. This is addressed in Section 3.6.

#### **Q: What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?**

As the Gateway Determination has yet to be issued by the Minister for Planning and Environment, no State or Commonwealth authorities have been identified or consulted at this stage.

### **Revised Planning Proposal September 2017**

The planning proposal dated November 2015, as amended for exhibition per the Gateway Determination conditions, was placed on public exhibition and notifications were sent to those public authorities identified in the Gateway Determination. A submission was received from the NSW Roads and Maritime Services (RMS) that raised no objection to the proposal. The view of the RMS was considered and addressed in the post Exhibition report to the Cumberland IHAP report (report number C041/16 of 14 December 2016) and subsequently reported to Council (of 1 February 2017 report number 004/17) (Attachments 1 and 2 respectively)

Public authorities will have an opportunity to provide comments on the revised Planning Proposal and the revised site specific development control plan during the public exhibition.

## **2.4 Mapping**

All relevant maps that assist in identifying the intent of the planning proposal are contained in Attachment 1.

## **2.5 Community Consultation**

It is proposed that the planning proposal be exhibited for a period of 28 days, as resolved by Council at its meeting on 20 October 2015. Exhibition material will contain a copy of the planning proposal and relevant maps supported by a written notice that describes the objectives and intended outcomes of the proposal, the land to which the proposal applies and an indicative time frame for finalisation of the planning proposal. Consultation will not occur until receipt of the 'gateway determination'.

The proposed consultation methodology will include:

- forwarding a copy of the planning proposal and the gateway determination to State and Commonwealth public authorities identified in the gateway determination;
- giving notice of the public exhibition in the main local newspaper (Parramatta Advertiser) during the first and second weeks of the consultation;
- notifying the exhibition of the planning proposal on Council's web site including all relevant documentation;
- providing a copy of the planning proposal and supporting documentation at Council's customer service centre and Merrylands and Wentworthville libraries;
- notifying all affected property owners and body corporates by letter opposite and adjacent to the site.

### **Revised Planning Proposal September 2017**

The Planning Proposal dated November 2015 (revised for exhibition June 2016) was publically exhibited from 15 June to 13 July 2016. Documentation relating to the Planning Proposal was made available via Council's website, at the Council Administration Building in Merrylands and at the Merrylands and Wentworthville Libraries. Letters notifying of the public exhibition were sent to relevant landowners and to the public authorities as listed in the conditions of the Gateway Determination. Four (4) submissions were received during the public exhibition period, being two (2) from the general public, one (1) from the proponent and one (1) from a public authority. Details of the public exhibition activity and the submissions received are detailed in the Cumberland IHAP report C041/16.

The proposed public exhibition (including community consultation) associated with this revised Planning Proposal (September 2017) will be consistent with that as previously undertaken, being:

- giving notice of the public exhibition in the main local newspaper (Parramatta Advertiser) during the first and third weeks of the exhibition period;
- notifying the exhibition of the planning proposal on Council's website including all relevant documentation;
- providing a copy of the planning proposal and supporting documentation at Council's Administration Centre in Merrylands and in the Merrylands and Wentworthville libraries;
- notifying all affected property owners and body corporates by letter opposite and adjacent to the site
- notifying those members of the general public who made a submission under the 2016 public exhibition of the planning proposal.

Notifications would also be sent to any public authorities specified in the conditions of a revised Gateway Determination (if issued) by the Department of Planning & Environment to this revised planning proposal.

## 2.6 Project Timeline

An outline of the expected timeframe for completion of the Planning Proposal is provided below.

|                                                             |                     |
|-------------------------------------------------------------|---------------------|
| Planning Proposal submitted to NSW Planning and Environment | December 2015       |
| Gateway Determination received by Council                   | January 2015        |
| Planning proposal publicly exhibited for 28 days            | February-March 2016 |
| Council considers report on exhibition                      | May 2016            |
| LEP amendment gazetted                                      | August 2016         |

### Revised Planning Proposal September 2017 - Revised Project Timeline

An outline of the expected timeframe for completion of the Planning Proposal is provided below.

|                                                                                                                                                                  |                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Planning Proposal submitted to NSW Department of Planning and Environment                                                                                        | December 2015                |
| Gateway Determination received by Council                                                                                                                        | April 2016                   |
| Planning Proposal publicly exhibited                                                                                                                             | 15 June 2016 to 13 July 2016 |
| (Voluntary Planning Agreement publicly exhibited)                                                                                                                | (25 May – 4 July 2016)       |
| Cumberland IHAP considers report on exhibition of Planning Proposal and draft VPA                                                                                | 14 December 2016             |
| Council considers report on public exhibition of Planning Proposal and VPA                                                                                       | 1 February 2017              |
| VPA executed (signed) by parties                                                                                                                                 | March 2017                   |
| Exhibition of site specific development control plan for 28 days                                                                                                 | 26 April 2017 to 24 May 2017 |
| Cumberland IHAP considers report on exhibition of site specific development control plan                                                                         | 9 August 2017                |
| Council considers report on Exhibition of site specific development control plan                                                                                 | 6 September 2017             |
| <i>Revised Planning Proposal submitted to NSW Dept of Planning &amp; Environment</i>                                                                             | <i>September 2017</i>        |
| <i>Revised Gateway Determination received by Council</i>                                                                                                         | <i>October 2017</i>          |
| <i>Public exhibition (for 28 days) of revised Planning Proposal and revised site specific development control plan</i>                                           | <i>October-November 2017</i> |
| <i>Cumberland IHAP considers report on re-exhibition of the revised Planning Proposal (LEP amendment) and the revised site specific development control plan</i> | <i>December 2017</i>         |
| <i>Council considers report on re-exhibition of the revised Planning Proposal (LEP amendment) and the revised site specific development control plan</i>         | <i>February 2018</i>         |
| <i>LEP amendment gazetted and site specific development control plan in force</i>                                                                                | <i>April 2018</i>            |

### **3 Assessment of Planning Matters**

#### **3.1 Traffic & Transport**

A traffic and transport report was provided to support the initial planning proposal (requesting a greater number of dwellings than the current proposal). The report indicates that the proposed development would be able to provide both residential and commercial car parking spaces in accordance with Councils Development Control Plan. The proposal would also achieve parking requirements established in SEPP 65.

Additional 20-30 (AM) trips and 15-20 (PM) trips would be generated per hour by the proposals' residential component, with the retail component of the site remaining unchanged. It is envisaged this will have a minor affect and no mitigation measure are proposed or required.

As part of the Wentworthville Centre Revitalisation Planning Project, a traffic and transport study was completed by Council, as well as a traffic modelling study. The Wentworthville Centre Planning and Place Making Strategy proposes a number of mitigation measures to manage vehicular traffic within the Centre. The plan proposes a southern extension of Station lane, connecting up to Station Street through a laneway through 86 Station Street and 108 Station Street, where an existing right of accessway easement is located. The proposal seeks to accommodate a 6.6 metre wide laneway on the site and has made a letter of offer to dedicate this to Council in order to create a public roadway.

The subject site has excellent access to public transport, being located within short walking distance to Wentworthville Railway Station and within approximately 800m walking distance to the Parramatta to Liverpool Transitway (Finlayson Station).

Existing footpaths service the site and these are in reasonable condition. Councils existing Section 94 Contributions Plan proposes upgrades to footpaths within the town Centre, where the subject site is located.

#### **3.2 Urban Design Considerations**

##### **3.5.1 Scale and Visual Impact**

With the exception of the higher corner element, the scale of the requested planning proposal is generally consistent with the exhibited Planning and Place Making Strategy for Wentworthville Centre. The corner element of an additional 4 storeys would act as a visual marker for the public laneway and is not anticipated to cause any further negative overshadowing or amenity concerns. The location of taller building heights in this location is consistent with the strategic location of other taller building elements in the centre, at key entries and where public infrastructure is to be provided.

### **3.5.2 Design and Amenity**

Building envelope drawings were provided to support the requested planning proposal in respect to floor space ratio, overshadowing and streetscape presentation. Council's urban design and modelling study for Wentworthville Centre also provided building envelopes for the subject site.

The envelopes demonstrate compliance with minimum setback and separation distances as required under SEPP 65, providing adequate separation between existing residential apartments and the subject site, which would also enable future landscape treatment to provide additional privacy.

The provided drawings demonstrate the overshadowing impact of the development on adjacent sites under the earlier amended proposal. These verify that owing to the orientation of the site, that the shadow impact of the development in the earlier (and taller) proposal should not further compromise the potential for adjacent sites (including the existing residential flat buildings to the east) to achieve solar and daylight access as required under SEPP 65. The heights of the subject proposal would have no greater impact than the than under the earlier proposal.

Concerns were raised with the proponent regarding the design of the submitted buildings envelope and the potential constrained nature of dwellings, lift access, corridors within the narrow building envelope depth and suitability of the communal open space, noting it would be overshadowed all day. Neither of the proposed planning standards would restrict the achievement of a more optimal building envelope, such as indicated in Council's urban design study.

### **3.3 Economic Considerations**

While the proposal does not intend to change the actual amount of retail and commercial floor space currently on site, the proposal has identified the following positive economic benefits that the requested planning proposal will have on the Wentworthville Centre and surrounding locality:

- provide for new high quality retail development that attract new businesses that will better serve would better serve the existing and future residents living in the Wentworthville and surrounding residential areas by increasing local choice, convenience and amenity;
- act as a catalyst for revitalisation of the centre that will enable a demonstration mixed use project and benchmark for future sustainable development to occur in the Wentworthville town centre, which will serve to attract further economic investment and renewal in the town centre;
- provide for increased supply and mix of housing choice in the Wentworthville centre with close access to public transport and employment.

- introduce mixed use development that provides frontage and passive surveillance to adjacent streets and public open space, which will enhance the feeling of safety. This in turn will facilitate economic revitalisation by creating a more attractive and utilised town centre to the benefit of local residents and business owners;
- provide employment and amenity on a local level through the introduction of new business opportunities that will enhance the service offer within the Wentworthville town centre;
- Employment creation will occur both during the construction stage as well as the operation stage after the building is occupied;
- increase the critical residential mass in the town centre by enabling higher density on upper levels that will promote greater utilisation of town centre retail amenities and further enhance the viability for local businesses;
- have minimal impact on the viability of existing businesses in the town centre and compliment surrounding centres in the locality so as not to detract from their viability;
- facilitate cost and fuel savings for local residents resulting from greater provision services and retail facilities at a local level; and
- better utilise government investment in the locality including road and public transport infrastructure, reducing the need to create additional infrastructure carrying local, metropolitan and state-wide budgetary benefits.

It is noted that economic feasibility was not a key aspect of the planning proposal request. Economic feasibility testing was undertaken for the subject site as part of the Wentworthville Centre Revitalisation Planning Project, which determined, using assumptions on land value and a smaller laneway dedication, that the site was feasible at a height of 8 storeys with an FSR of 3:1. No testing has been undertaken for the subject proposal with a corner element of an additional 4 storeys.

It was raised by the proponent that where a building contains floors over 8 storeys in height, the entire building is required to contain additional fire safety measures, such as sprinklers, and this can be a significant cost to construction.

The proposed FSR of 3.8:1 (4.5:1 net FSR) is deemed suitable to provide an appropriate built form outcome and ensure the feasibility of development.

#### **Revised Planning Proposal September 2017**

A non-residential FSR of 0.5:1, of the net site 4:5:1 FSR, was imposed to ensure a minimum provision of retail or other commercial uses and to ensure activation of the Station Street and Station Lane (part) frontages.

### **3.4 Social & Cultural Considerations**

A social impact assessment was provided with the proposal, which has been reviewed by Council's Social Planner. The proposal complies with the initial scoping review methodology set out in Councils Social Impact Assessment Policy and reviews the proposals' potential impact on population change, housing, mobility and access, cultural values, community connectedness, health and wellbeing, crime and safety and the local economy.

The major identified positive impacts of the proposal are:

- Supply of a more diverse and affordable housing mix in a suitable location (within the Wentworthville Town Centre, and close to Wentworthville rail station, parks and a range of community services)
- Improved safety in the locale from the additional 'casual surveillance' provided by the 'activated' street front including social gathering spaces at street level
- Potential for increased active transport – with a strengthening of pedestrian connections between the development and Wentworthville rail station, the shopping precinct and Friend Park
- The short term generation of employment in the demolition, construction and fit out stages of the development and on-going support of local shops by the new residents (around 350-400 people)
- On-going employment associated with the proposed ground floor commercial space

No negative social impacts are identified in the proposal but these are likely to be confined to short term amenity impacts during demolition/construction, minor long term increase in traffic and potential amenity impacts (such as overshadowing and noise). Some of these potential impacts could be mitigated through the development assessment process by, for example, a Construction Management Plan, use of CPTED principles, detailed design outcomes and high quality landscape treatments.

It is concluded that the population increase is consistent with the planning intent for the precinct and is unlikely to generate any significant negative social impacts and a further Social Impact Assessment is not required.

### **3.5 Infrastructure Considerations - Laneway**

While the requested proposal itself alone would not generate demand for the provision of additional infrastructure and services, Councils Planning and Place Making Strategy as part of the Wentworthville Centre Revitalisation Planning Project has identified the need for a rear laneway to extend south from the existing Station Lane, in order to service properties on the eastern side of Station Street, south of Pritchard Street East. A rear laneway would provide a more ideal vehicular access point for these properties and reduce the number of vehicular exits onto Station Street, creating a more optimal pedestrian environment within the Centre.

The requested planning proposal has enabled Council the opportunity to commence the creation of the laneway, by providing an initial vehicular access point from Station Street, which will benefit the Centre.

The proponent has provided a letter of offer to Council to signal their intention to dedicate the laneway, freehold and at no cost to Holroyd City Council. A draft Voluntary Planning Agreement is proposed to be formalised by the applicant after the 'gateway determination' and prior to public exhibition.

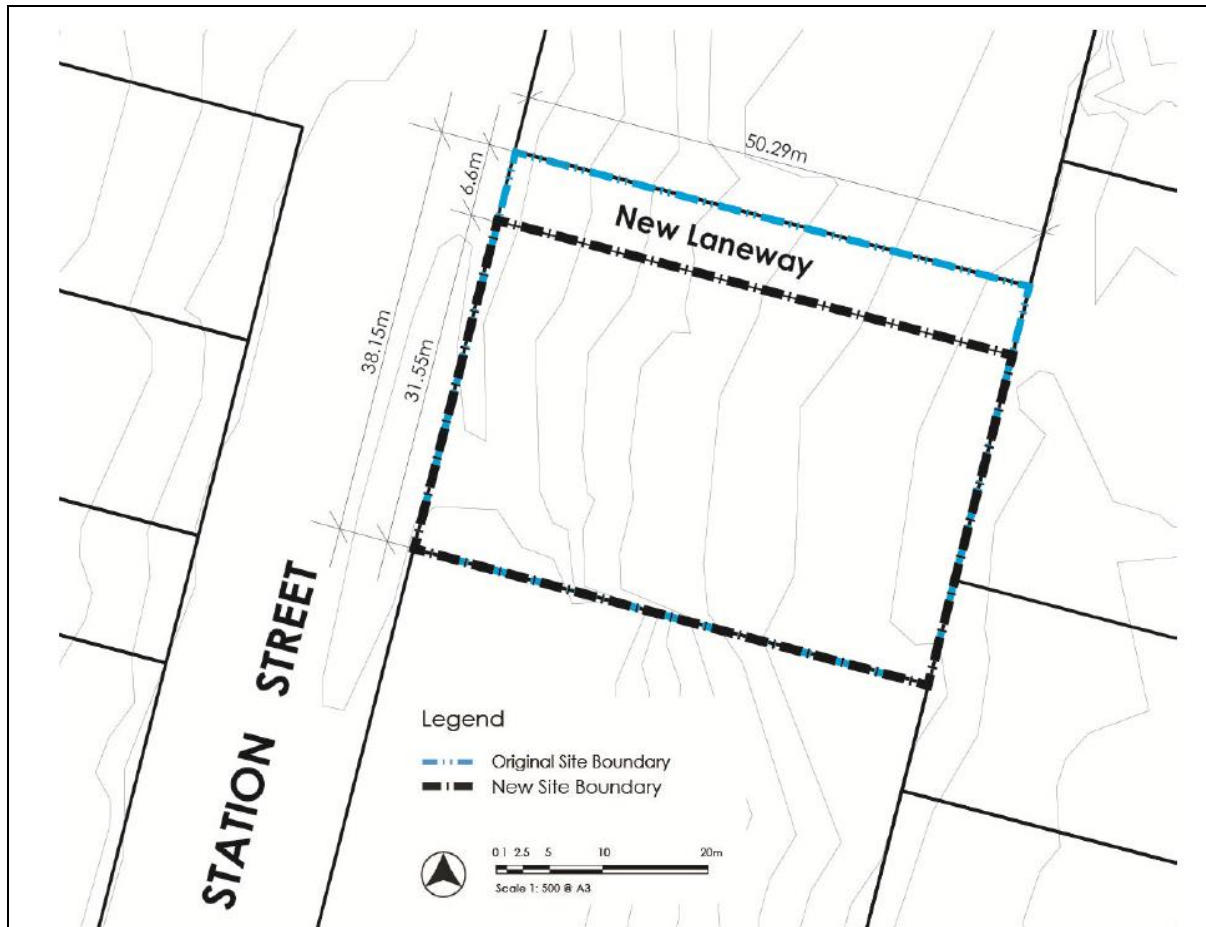
Additionally, as required by Council's Section 94 Development Contributions Plan the proponent would also need to make development contributions to facilitate the delivery of infrastructure to meet the demand generated by new development.

### **Revised Planning Proposal September 2017**

A draft voluntary planning agreement to provide the public laneway was prepared and exhibited. The exhibition period, being from late May to early July 2016, was partially concurrent with the public exhibition of the Planning Proposal (refer to table in section 2. above).

At the meeting of 1 February 2017 Council, with reference to the report (004/17) of the public exhibition of the Planning Proposal and Voluntary Planning agreement, resolved to: *"3. Finalise the draft Voluntary Planning Agreement with no further changes, as recommended by the CIHAP."*

The Planning Agreement with the proponent that provides the laneway was signed by both parties in March 2017. The laneway is to be approximately 6.6m wide and 50m long. The length equates to the depth of the subject property of 108 Station Street and runs along the northern side of the property (refer Figure 3). Under the planning agreement the land comprising the laneway is to be dedicated as a public road following the issue of any future development consent for the redevelopment of the 108 Station Street property.



**Figure 3: Laneway location and property of 108 Station Street Wentworthville**

## **Attachments (for revised planning proposal only)**

Attachment 1 CIHAP report #C014/16 and minutes of 14 December 2016

Attachment 2 Council report #004/17 and minutes of 1 February 2017

Attachment 3 CIHAP report #C028/17 and minutes of 9 August 2017

Attachment 4 Council report #155/17 and minutes of 6 September 2017

Attachment 5 LEP Maps (revised September 2017)

Attachment 6 LEP maps (as exhibited June 2016)

**PLANNING PROPOSAL (REVISED SEPTEMBER 2017)**

**108 STATION STREET WENTWORTHVILLE**

**ATTACHMENT 1**

**CUMBERLAND IHAP REPORT C014-16 AND MINUTES**

**14 DECEMBER 2016**

## Planning Proposal and Voluntary Planning Agreement - 108 Station Street, Wentworthville - Post Exhibition Report

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Responsible Department: | Environment & Infrastructure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Executive Officer:      | Manager Strategic Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| File Number:            | HC-23-08-22                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Delivery Program Code:  | <p>5.1.1 Oversee the land use planning, design and compliance framework for managing and facilitate appropriate development</p> <p>5.2.1 Identify strategies that support the development of local centres and business areas across the City</p> <p>7.1.1 Identify and support investment and business in the City</p> <p>7.1.2 Ensure land use planning recognises and promotes business and employment centres</p> <p>8.2.1 Ensure housing growth is focused around centres and planning controls do not compromise housing affordability</p> <p>10.4.1 Maintain and enhance opportunities for community input into planning processes</p> |

| Proposal Details                            |                                                                                                                                              |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Application lodged                          | 7 May 2015                                                                                                                                   |
| Proponent                                   | Beaini Projects                                                                                                                              |
| Owner                                       | S108 Pty Ltd & M A Beaini Pty Ltd                                                                                                            |
| Address                                     | 108 Station Street Wentworthville                                                                                                            |
| Proposal summary                            | To increase the maximum height of buildings and the floor space ratio for the site and to rezone and dedicate land to form a public laneway. |
| Existing Zoning and Planning Controls       | <b>Zoning:</b> B2 Local Centre<br><b>Height:</b> 20m<br><b>FSR:</b> 2.2:1                                                                    |
| Proposed Zoning and Planning Controls       | <b>Zoning:</b> B2 Local Centre; SP2 Infrastructure<br><b>Height:</b> 29m and 41m<br><b>FSR:</b> 4.5:1 (on B2 Local Centre zone only)         |
| Heritage                                    | NIL                                                                                                                                          |
| Disclosure of political donations and gifts | NIL                                                                                                                                          |
| Previous Considerations                     | DCS050-15 - Development and Community Services Committee – 20 October 2015                                                                   |

### Summary:

A Planning Proposal Request for property 108 Station Street, Wentworthville was received by Council in 2015 requesting an increase to the maximum building height and floor space ratio for the site.

At its meeting of 20 October 2015, Council resolved to increase the maximum building height to 41 metres for a front corner element and 29 metres for the remainder of the net site, increase the maximum floor space ratio (FSR) to 4.5:1 (over the net site area and rezone the land offered for the laneway along the northern boundary of the site to SP2 Infrastructure.

A Gateway Determination for the proposal was issued by Department of Planning & Environment on 4 April 2016. In accordance with the Determination, the planning proposal was publicly exhibited from 15 June 2016 until 14 July 2016. A number of submissions were received in response to the exhibition. A Voluntary Planning Agreement (VPA) that includes the dedication of the land for the laneway was exhibited in conjunction with the Planning Proposal.

This report recommends that the Planning Proposal and VPA as exhibited be endorsed by the Cumberland Independent Hearing and Assessment Panel (CIHAP) and, subject to endorsement by Council, be forwarded to the Department of Planning and Environment (DP&E) for finalisation.

#### Report:

#### Site and Location

The subject site (Lot B DP 410947) is located within the B2 Local Centre zone, on the southern fringe of the Wentworthville Centre, on Station Street (Figure 1). The site is situated on the eastern side of Station Street, just south of the intersection of Station Street and McKern Street. It is 1,919m<sup>2</sup> in area, with a site frontage of 38m and depth of 50m. The site slopes to the rear, with a fall of approximately 3m. The site is affected by stormwater flooding. A right of carriageway exists between the subject site and 86 Station Street to the north (3.66m on each site).



Figure 3- land subject to planning proposal

### Background and History

The request for a planning proposal for the site was lodged with Council on 7 May 2015. The process and events to date is summarised in the table below:

| Date                | Event                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 May 2015          | Planning proposal submitted proposing the following controls: <ul style="list-style-type: none"> <li>• Increase the maximum building height from 20 metres (5-6 storeys) to 43 metres (13-14 storeys) across the site.</li> <li>• Increase the maximum floor space ratio (FSR) from 2.2:1 to 5.5:1.</li> </ul>                                                                                     |
| 24 July 2015        | A meeting was held with the proponent to advise that the submitted planning proposal had insufficient planning justification (strategic merit). The proponent indicated that they would reconsider their proposal.                                                                                                                                                                                 |
| 4 August 2015       | A meeting was held with the proponent to further discuss the proposal.                                                                                                                                                                                                                                                                                                                             |
| 12 - 17 August 2015 | The proponent submitted an amended planning proposal request, proposing the following controls: <ul style="list-style-type: none"> <li>• Increase the maximum building height from 20 metres (5-6 storeys) to 41 metres (12 storeys) - as a front corner element, 35 metres (10 storeys) for the majority of Station street frontage and 29 metres (8 storeys) to the rear of the site.</li> </ul> |

| Date              | Event                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <ul style="list-style-type: none"> <li>• Increase the maximum floor space ratio (FSR) from 2.2:1 to 4.5:1 (gross).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1 September 2015  | A letter was issued to the proponent indicating that the amended planning proposal request in its current form could not be supported and that a building height of 8 storeys and an FSR of 3:1 will be recommended as the preferred option (consistent with the Wentworthville Planning and Place Making Strategy), however there would be potential to support a planning proposal with a height of 8 and 12 storeys with a gross FSR of 3.5:1 where the proposed shared access land is dedicated to Council free of cost via a VPA. |
| 4 September 2015  | A letter was submitted by the proponent, raising concern with the financial viability of the development with reduced FSR and building height. The proponent requested an FSR of 4:1 be considered by Council. The proponent indicated support in dedicating the accessway to Council.                                                                                                                                                                                                                                                 |
| 15 September 2015 | The proponent was advised that an FSR of 3.8:1 (gross) could be recommended to be supported, where the proponent would be willing to dedicate the proposed laneway, freehold, free of cost to Council, via a voluntary planning agreement (VPA).                                                                                                                                                                                                                                                                                       |
| 17 September 2015 | The proponent submitted a letter of offer to enter into a VPA with Council to dedicate the proposed laneway to Council freehold, at no cost to Council.                                                                                                                                                                                                                                                                                                                                                                                |
| 20 October 2015   | Council resolution to proceed with a planning proposal for the subject site, as per the recommendations of report DCS050-15. The recommendations include: <ul style="list-style-type: none"> <li>• Rezone land offered to Council as a laneway on to site SP2-Infrastructure</li> <li>• Increase maximum building height to 41m for a front corner element and 29m for the remainder of the net site</li> <li>• Increase the maximum FSR to 4.5:1 (net site area)</li> </ul>                                                           |
| 3 December 2015   | Planning Proposal lodged with Department of Planning and Environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 28 January 2016   | Further information provided to the Department of Planning & Environment in respect of the Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 4 April 2016      | Gateway Determination received from Department of Planning & Environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5 May 2016        | Draft Voluntary Planning Agreement provided to the proponent for comment.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 25 May 2016       | Commencement of Draft Voluntary Planning Agreement public exhibition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 15 June 2016      | Public exhibition of planning proposal commence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4 July 2016       | Exhibition of Draft Voluntary Planning Agreement concludes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 13 July 2016      | Exhibition of Planning Proposal concludes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 31 August 2016    | In response to submissions received especially regarding the impact of the proposal on 37-39 Lane Street, the proponents submitted an amended design including shadow analysis with a gross FSR of 4.2:1 and net FSR of 5.1:1.                                                                                                                                                                                                                                                                                                         |

### Community Consultation

The Planning Proposal was publicly exhibited from 15 June to 13 July 2016. A copy of the Planning Proposal, Gateway Determination and supporting material was published on Council's website and also available to view at the Merrylands Administration building, Merrylands library and Wentworthville library.

As a result of the exhibition, four submissions were received. Two from the general public, one on behalf of the proponent and one from Roads and Maritime Service (RMS). A copy of the exhibited Planning Proposal is included in Attachment 1. A copy of the exhibited Land Zoning Map, Height of Buildings Map, and Floor Space Ratio Map is included in Attachment 2.

Additionally the Voluntary Planning Agreement (VPA), forming part of the Planning Proposal documentation, was publicly exhibited from 25 May to 4 July 2016. No submissions were received specifically in relation to the VPA. A copy of the exhibited VPA is included in Attachment 3.

### Wentworthville Centre Revitalisation Planning Project

108 Station Street Wentworthville is located within the study area of the Wentworthville Centre Revitalisation Planning Project, that is subject to the Wentworthville Centre Planning and Place Making Strategy (adopted by Council on 3 August 2016 063/16).

At the time of the initial assessment of the planning proposal request, the final preparation and public exhibition of the draft Wentworthville Planning and Place Making Strategy was undertaken. The provisions of the draft Strategy were considered during the initial assessment of the planning proposal request.

Assessment of the proposal's achievement of, and consistency with, the provisions of the Wentworthville Centre Planning and Place Making Strategy continued during the post exhibition assessment and are further detailed in this report. A copy of the Wentworthville Planning and Place Making Strategy is included in Attachment 4.

### Submission Review

A number of issues were raised in the submissions. An analysis and response to the submissions is provided below:

1. *The Proposal is inconsistent with Wentworthville Centre Planning & Place Making Strategy*

#### Submission comments:

- The planning proposal is not consistent with either built form options exhibited in the Wentworthville Planning and Place Making Strategy.
- The Planning Proposal should not be considered prior to the Strategy being adopted.
- The Strategy was publicly exhibited between October – November 2015 and subject to well attended information sessions. During this exhibition, there was no discussion with the community about the possibility of building heights of 12 storeys in this location.

- The integrity of the Strategy process has been undermined to have this proposal determined first.

Response:

A Planning Proposal request may be lodged at any time for any site within the Cumberland Local Government Area (LGA). Under the requirements of the Department of Planning & Environment, Council is obligated to undertake an assessment of all lodged Planning Proposal requests.

The subject Planning Proposal was lodged prior to the exhibition of the draft Wentworthville Planning and Place Making Strategy, however, discussion with the proponent focused on the ability to demonstrate that the site and proposal has a point of difference in its context and/or could provide a public benefit.

A report on the planning proposal request was considered by Council on 20 October 2015, within the final fortnight of the exhibition of the draft Wentworthville Centre Planning and Place Making Strategy. No discussion was held regarding the proposal during the exhibition of the Strategy, as no resolution to proceed with a planning proposal was made at that time.

The community consultation process for the Wentworthville Planning and Place Making Strategy provided the community the opportunity to consider and make submissions on an overall Strategy for the Centre. The community was also provided the opportunity to provide input to the Planning Proposal for 108 Station Street based on the adopted Strategy for the Centre. While the proposal does differ from the adopted Strategy, there is a justifiable point of difference for this site compared to others in this part of Station Street as it seeks to provide a laneway connection to the street in accordance with the Strategy. In this regard, some variation in height and FSR is considered reasonable.

*2. Proposal is not appropriate in the location and surrounding context*

Submission comments:

- A future development of this size and scale is inappropriate for this part of Wentworthville.
- The site's location is not within the core of the centre, but located on the southern fringe of the Centre, bordering an area characterised by older and heritage listed homes and churches.
- A building that could be achieved under the planning proposal does not fit in the local context and will create a detrimental visual impact on the leafy village character of the precinct.

Response:

Apart from the higher corner element, the scale of the proposal along Station is generally consistent with the adopted Planning and Place Making Strategy for Wentworthville Centre. In support of the Strategy, economic feasibility testing was undertaken for the subject site. The report indicates that existing building heights (20m) and FSR (2.2:1) under Holroyd Local Environmental Plan 2013 were not a financially viable redevelopment option in the current market.

Based on rigorous site testing undertaken of the achievable FSR under the built form modelling, appropriate building heights (29m (8 storeys) and 41m (12 storeys) for a corner building element) and FSR (3.8:1 – gross; 4.5:1 – net) have been proposed for the site including a dedication of a portion of the site for infrastructure (laneway).

The opportunity to create a publicly accessible laneway, as part of a voluntary planning agreement (VPA) with Council, provides a wider public benefit for the Centre, enabling future development north of the subject site to gain vehicular access off a future rear laneway, thereby enhancing the pedestrian environment on Station Street. The ability for the subject site to provide this public laneway creates a definite point of difference for this site over others along Station Street. In addition, a corner building element located on the corner of Station Street and the proposed laneway would provide a built form marker to the location of the laneway, whilst generally maintaining the 29m (8 storey) height across the majority of the site to mitigate impacts on properties in Lane Street to the east. New development would be subject to the controls in the ADG, ensuring setbacks and building separation appropriate to the adjoining development.

The public benefits and the strategic merit justify the additional height in the north-western corner of the site. However, the 4.5:1 (gross) FSR requested by the proponent results in additional bulk to the rear portion of the building. In this regard, an overshadowing impact assessment was undertaken on behalf of Council by an independent consultant. The report concluded that the rear portion of the proponent's concept would result in a significant shadow impact on the existing building to the east. The report recommends an increase to the rear setback and reduction in the building depth of the 8 storey portion to mitigate the overshadowing impact. This is further discussed in detail in the following section.

*3. The proposal will create amenity issues, such as overshadowing, traffic and parking*

Submission comment:

- The cumulative effect of the road changes proposed under the Strategy and redevelopment of other sites outside of the town centre, such as the Wentworthville bowling club, will increase traffic on McKern Street, turning it into a major thoroughfare.
- The proposal will exasperate existing traffic issues for McKern Street such as buses and trucks using the road, where a 5 tonne limit applies and turning issues from McKern Street to Station Street.
- McKern Street is currently parked out all day, creating issues with cars parking across driveways. The traffic impact statement does not address this issue, and does not appear to have conducted any actual observations or research into current traffic issues or potential impacts caused by this redevelopment
- Concerned overshadowing may be a problem, as the apartments in the adjacent building (facing lane Street) will be overshadowed and there is all day overshadowing of the communal open space.

Response:

*Overshadowing*

DesignInc Sydney urban designers were employed by Council to provide independent advice (Refer Attachment 5: Overshadowing Impact Assessment, dated 27 October 2016) on the potential shadow impacts of the proposal at 108 Station Street with specific regard to the adjacent three storey residential apartment building along Lane Street (37 – 39 Lane Street). The western façade of 37-39 Lane Street includes balconies associated with habitable rooms. These balconies have a privacy/weather protection solid brick parapet wall on all three sides. The assessment has established that 37-39 Lane Street overshadows itself to some extent up until 1.15pm at mid-winter given the orientation and the parapet walls. However, after 1.15pm onwards, the balconies on the western façade of 37-39 Lane Street and associated habitable rooms have access to direct sunlight (i.e. 1 hour 45 minutes between 9am and 3pm at the winter solstice).

The NSW Government's Apartment Design Guide (ADG) recommends a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter for the living rooms and private open spaces of at least 70% of apartments in a building. It further states that *where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%*. The shadow study provided by the proponent illustrates that the proposed 12 storey development at 108 Station Street has no impact on access to sunlight for 37-39 Lane Street from 9am to 12.30pm. However by 2.30pm more than 70% of the façade is overshadowed by the proposed development. Consequently, the western façade of 37-39 Lane Street will have significant overshadowing impact between 9am and 3pm as a result of overshadowing by itself in the morning and by the proposed development in the afternoon.

Nevertheless, given that the proposal does not cast any shadow on 37-39 Lane Street in the morning, it is considered that it is possible to further reduce the overshadowing impact at a detail design stage as part of a future development application. Consideration should be given at development application stage to take into account the fact that 37-39 Lane Street is responsible for overshadowing itself for much of the day.

Notwithstanding, in order to minimise the impact of overshadowing by the proposed development, DesignInc Sydney have recommended two options. Option 1 recommends an increase in setback controls only; while Option 2 recommends an increase in setbacks and a decrease in building height. However, it is considered that some of the proposed recommendations are based on somewhat conservative assumptions. For instance, DesignInc have calculated the Gross Floor Area (GFA) based on an efficiency ratio of 50% for a retail/commercial component over four storeys whereas the proponent is only proposing commercial/retail development over two storeys. In addition, the ADG recommends an efficiency ratio of 80-85% excluding services, circulation, loading requirements etc. and Council officers assume a more practical ratio of 50% for the ground floor and 65-75% for any retail/commercial levels above ground.

Therefore, based on site testing undertaken of the achievable FSR under the built form modelling, it is considered that the FSR of 3.8:1 (gross) or 4.5:1 (net) as publicly exhibited is appropriate for the site. The FSR was determined based on ADG compliant building envelopes and combined with specific development controls which include:

Building Height - 29m (8 storeys) and 41m (12 storeys -for a corner building element)  
Rear Setback - 12m for up to 4 storey  
Min. 25m for levels above 5 storey (except for the corner element)

These setback controls are consistent with the setbacks contained within the Wentworthville Planning and Place Making Strategy. It is considered that these parameters will allow for a revised detailed design to preserve solar access to 37-39 Lane Street from any future shading and for a reduction in the bulk of the building to the rear. If the proposal were to comply with the setback and separation requirements, it is unlikely that it will achieve the 4.5:1 (gross) FSR requested by the proponent. However, based on the efficiency ratios and development standards outlined above, an FSR of 3.8:1 (gross) and 4.5:1 (net) can be realistically achieved.

#### *Traffic*

The Traffic and Transport Strategy that informed the Wentworthville Planning and Place Making Strategy (Bitzios, dated 22/9/2015) analyses existing transport conditions, determine projected transport issues and model transport outcomes within the entire Wentworthville Centre. The traffic survey undertaken found that most traffic entering Dunmore Street from Cumberland Highway was from the north and west, with a reasonably small volume from the south. To alleviate the traffic congestion, the Planning and Place Making Strategy proposes a new bypass route along Garfield Street and Pritchard Street East, which aims to encourage through traffic away from McKern Street and Dunmore Street by making Pritchard Street East the most efficient route (e.g. through reconfiguration of Garfield Street to give way to Pritchard Street). Notwithstanding, should the scheme proceed to implementation, a traffic monitoring program could be implemented for McKern Street to determine if additional traffic management is required in this and other surrounding streets.

The proposed bypass will entail new arrangements for traffic flows through the Centre, which may involve restrictions to traffic movements in certain locations, however any such restrictions will be for the purpose of ensuring more efficient traffic through the Centre. With the introduction of the bypass, which will provide a direct connection to Cumberland Highway, it is unlikely that trucks or buses (except for garbage trucks and local buses) will use McKern Street as an alternate route.

#### *Parking*

Any proposed development on the site will be required to provide the requisite amount of parking on site in accordance with Holroyd Development Control Plan 2013. As noted in the Transport Impact Assessment that accompanied the initial planning proposal request for the site, the car parking requirements will be reviewed at the development application stage when the exact residential and commercial mix is known.

The Wentworthville Planning and Place Making Strategy takes a holistic approach when addressing parking issues in the Centre and contains a number of recommended actions to address parking issues as the Centre grows. Provision of a multi-level commuter car park in close proximity to the station and adequate parking for business staff and customers on site in basement parking provided as part of new development, together with some short-stay on-street parking would be required to address this issue. Similarly, all areas with time restricted parking are also enforced by Council to ensure higher turnover of spaces particularly in the core of the Centre.

To ease future on-street parking demand, the Traffic and Transport Strategy that informed the Wentworthville Planning and Place Making Strategy recommends site-specific underground public parking areas for the fringe development sites (eg corner of McKern and Station Streets and the corner of Perry and Station Streets) to accommodate a mix of short term retail/visitor parking, long term employee parking and residential parking. These actions will be facilitated through the implementation of the Wentworthville Planning and Place Making Strategy.

*4. Lack of public benefit/justification for additional floor space for provision of laneway*

Submission comment:

- The laneway does not provide any great public benefit and will mainly benefit the proponent by enhancing the amenity of the development.
- Dedication of this land as a public road should not be used to justify such a major height extension of four storeys.

Response:

The provision of the laneway in this location does provide a public benefit. By providing a separate service access, the laneway will catalyse the growth of new small businesses that will service the community and generate employment. The provision of a service access (laneway) will maximise the active street frontage along Station Street and facilitate an improved pedestrian environment given that loading/unloading spaces will be accommodated along the laneway at the rear of these properties. This will also make room for more visitor parking spaces along Station Street. In addition, by removing service vehicles from Station Street, the laneway will also alleviate traffic on Station Street and the Centre in general.

Accordingly, although the laneway may not deliver direct public benefits (such as public open space or a library) it does contribute towards improving the traffic and parking situation of the Centre and the urban environment. As the site can deliver the laneway connection to Station Street, an increase in building height over the corner element of the site and commensurate density increase is considered reasonable.

*5. Issues with proposed Laneway*

Submission comment:

- Concern about the safety of the proposed location of the new public laneway being directly opposite the intersection of McKern Street. It is understood the laneway is detailed in the Strategy, however any relevant submissions on this matter in the Strategy have not been reported to Council.
- Do not understand why Council wishes to take on the additional maintenance responsibility of new laneway. Why not leave ownership with the landowner?

Response:

Traffic and potential safety issues regarding the laneway and its relationship to the intersection of McKern and Station Streets will be further investigated by Council at the detailed design phase as part of any future development application for the site. This will include strategies to manage any potential traffic and safety issues attributable to the

laneway. Traffic arrangements such as left in/out, the new laneway to be one-way or a signalised intersection can be investigated at this time and any approval for the laneway will not be given unless these issues can be addressed to the satisfaction of Council.

Based on the potential property amalgamations for development within this area of Station Street, the new laneway will service up to nine (9) lots in addition to two (2) lots with a residential strata title, hence the ownership and maintenance of the laneway by Council is considered to be a reasonable option.

#### 6. Application of SP2 Zone and Net/Gross Floor Space Ratio

- The zoning of the land to form the laneway as SP2 Infrastructure does not alter the client's intention to dedicate the land to Council via a Voluntary Planning Agreement. The provision of a 'Net' FSR across the B2 Local Centre zoned land is not necessary.
- Negotiations with Council involved the entirety of the site remaining B2 Local Centre and an FSR of 4.5:1 across the entire site.
- This change to the sites zoned had no direct correlation with the then proposed FSR, therefore the provision of separate gross and net FSRs for the subject site is considered unnecessary. The maximum FSR for the entirety of the subject site should have remained at 4.5:1.

#### Response:

Council has considered the requirements of the Department of Planning and Environment (DP&E), the Environmental Planning and Assessment Act 1979 (EP&A Act) and implications of permissibility and site area when assessing and proposing appropriate zoning and floor space controls.

The SP2 Infrastructure zone was proposed for the land subject to the future laneway on the subject site, in order to be consistent with LEP practice note PN07-001, which indicates that land that is to be acquired by Council for a public purpose, such as a local road, as in this instance, should be zoned SP2 Infrastructure. This is also consistent with Section 26(1)(c) of the Environmental Planning and Assessment Act 1979 (EP&A Act), which details that an Environmental Planning Instrument (such as a Local Environmental Plan) can make provision for reserving land for use for the purposes of a 'public place' (i.e. a public road).

At no time was an FSR of 4.5:1 across the entirety of the subject site considered supportable by Council officers. Correspondence from Council to the proponent continued to clearly indicate a position of supporting an FSR of between 3:1 and 3.8:1 for the entirety of the site (or 'gross site').

Due to the need for the laneway land to be zoned SP2 Infrastructure, further consideration was given to any impacts this zone may have in respect to the achievement of the supportable floor space in any future development on the site. This raised the issue of land use permissibility and the effect of *site area* (as defined in HLEP 2013) on floor space calculations.

Development for the purposes intended by the proponent (i.e. mixed use development - commercial premises and shop top housing), would only be permissible in the B2 Local

Centre zoned part of the site, where the proposed land uses are permissible. As a result, the 'site area' used for the purposes of calculating the maximum amount of floorspace that could be achieved, would only be the land which is zoned B2 Local Centre. As the maximum amount of floorspace that can be achieved for a development is determined by a ratio to site area, if the applicable site area is reduced, the amount of floorspace that can be achieved is also reduced. This means that the zoning of the land has an impact on the achievement of floorspace.

The Council Report that dealt with the initial planning proposal request (20 October 2015 - DCS050-15) detailed that an FSR of 3.8:1 was appropriate for the 'gross' site area- being both the B2 Local Centre and SP2 Infrastructure zoned land. If an FSR of 3.8:1 was implemented across the 'gross' site, the full potential of this floor space could not be achieved, as the site area does not include the SP2 Infrastructure zoned land. Instead a 'net' FSR was proposed, that only covers the B2 Local Centre zone, equivalent to the 'gross' FSR of 3.8:1, to match the smaller site area. Therefore a 'net' FSR of 4.5:1 was exhibited that maintains the same development potential as the 'gross' FSR.

The SP2 Infrastructure zone has been applied to the land which is proposed to form a public road, obtained through a land dedication via a Voluntary Planning Agreement (VPA). It is noted that as the land that is proposed to be acquired by Council by way of an agreement outside of the Land Reservation Acquisition regime, the proposed land is not required to be detailed on a Land Reservation Acquisition (LRA) Map in Holroyd LEP 2013.

*7. Objection to the proposed maximum Floor Space Ratio- greater floorspace potential sought*

Submission comment:

- Negotiations between the proponent and Council generally arrived at a maximum height of 29m and 41m and a maximum FSR of 4.5:1 as they were complimentary to one another, which was demonstrated via 3D indicative concepts.
- The current Planning Proposal does not facilitate development on the subject site that can achieve the maximum building height proposed in the Planning Proposal.
- Given the location of the subject site within the Wentworthville Centre and its close proximity to the railway station there is sufficient planning justification in facilitating a compatible maximum FSR and building height to encourage a mix of uses and higher density living.
- An FSR of 4.5:1 across the whole of the subject site would allow any future development proposed on the site to achieve its full potential within relevant planning controls without having a detrimental environmental impact on neighbouring properties and future developments.
- Further correspondence from the proponent supported by detailed design drawings, conveyed that building with a gross FSR of 4.2:1 and net FSR of 5.1:1 could be achieved without negatively impacting neighbouring properties.

Response:

Council considered the location, context and the (now adopted) Wentworthville Planning and Place Making Strategy when assessing and proposing appropriate height and floor space controls in this planning proposal.

As previously noted, at no time was an FSR of 4.5:1 across the entirety of the subject site modelled by Council or considered supportable by Council. Correspondence from Council to the proponent continued to clearly indicate a position of supporting an FSR of between 3:1 and 3.8:1 for the entirety of the site (or 'gross site').

If building with significantly increased height and FSR on the site can meet the requirements of the ADG, that is not by itself sufficient justification to change the development standards in an LEP. The analysis undertaken when considering a planning proposal must assess a range of factors including the local urban context and the overall bulk and scale of development from an urban design perspective. Although the site is located within 400 metres of Wentworthville Railway Station, in the local context, the site is located on the southern fringe of the Centre, and in the immediate context, the site is adjacent to an existing 3 storey residential flat building to the east. Any change to the built form, would be required to create a transition between the existing development and future Centre.

Urban Design and Planning as part of the Wentworthville Planning and Place Making Strategy determined that a building height of 8 storeys (29m) was appropriate for the subject site. Prior to the Planning Proposal request being determined by Council, the proponent was informed that for consideration of building heights over and above 8 storeys and an FSR of 3:1, the planning proposal would have to demonstrate that the site has a specific point of difference in its context and provides a public benefit.

The ability for the site to provide a large component of a public laneway proposed under the Planning and Place Making Strategy was seen as a specific point of difference for the site. Additional height and a commensurate floorspace that could integrate with the proposed heights in the Strategy was considered on the basis of the provision of land for a public laneway. This analysis has confirmed that the building height and FSR controls that were publicly exhibited for the site are the maximum that can be supported in this location.

The proponent was also seeking to use a proposed FSR bonus provision for commercial development that has been provided for certain sites within the core of the Wentworthville Centre under the Wentworthville Planning and Place Making Strategy. The Strategy recommends the following under the FSR control for the adopted Option 2:

*"For sites identified to be over 8 storeys, a floor space bonus of 0.5:1 will be offered for the provision of commercial uses on the first floor".*

The proponent has used the above recommendation to rationalise the proposed FSR given the 12 storey height of the proposal along Station Street. The proponent argues that the 0.5 bonus FSR will ultimately result in a potential maximum FSR for the site in the region of 5:1 (net (4.5 + 0.5)) or 4.3:1 (gross (3.8+0.5)). Accordingly, in the submission on behalf of the proponent dated 5 July 2016, it was requested that a clause to be included in the Planning Proposal to allow for additional FSR of 0.5:1 (and if applicable height) for any future development over 8 storeys on the site which includes commercial uses at the first floor.

The design concept submitted by the proponent in support of their planning proposal request incorporates around 687m<sup>2</sup> commercial space at lower ground, which also

includes parking at the Station Street edge with a centrally located service core and garbage storage. One of the objectives of the 0.5:1 bonus FSR is to provide a focus of commercial activity within the core of the Wentworthville Centre. The subject site is located on the fringe of the Wentworthville Centre and is quite separate from sites that could potentially be developed for heights greater than 8 storeys under the Strategy. In addition, the site has a direct interface with residential development in Lane Street to the East and given the constraints in relation to overshadowing indicated above, it is questionable as to whether a design for the site could achieve an FSR over and above the 4.5:1 (net) recommended for the site.

Sites identified in the Wentworthville Planning and Place Making Strategy as being able to accommodate the bonus FSR had their base FSR calculated on their ability to include a bonus FSR within an ADG compliant building envelope. If this bonus clause were to be applied to 108 Station Street, the base FSR would need to be reduced in order for it to be able to include the bonus FSR within a similarly compliant building envelope that is appropriate for the local context.

#### **Voluntary Planning Agreement**

A Voluntary Planning Agreement (VPA) was exhibited in conjunction with the Planning Proposal for the site that proposes the proponent dedicate to Council that part of the land identified as SP2 Infrastructure (approximately 6.6 m wide by 50m long). As previously noted, the provision of the laneway connection to Station Street provides a point of difference for the site to justify a departure from the adopted Wentworthville Planning and Place Making Strategy in terms of building height and density. This laneway connection is identified in the adopted Strategy and will assist in enhancing the pedestrian environment on Station Street.

The proponent has expressed some concerns in relation to the FSR proposed for the net site area (i.e. the site minus the laneway component) and is seeking more density, nevertheless, they have agreed to the dedication of the 6.6m wide by 50m long section of land as stipulated in the exhibited VPA.

It is therefore recommended that the exhibited VPA be finalised with the proponent and agreed to by Council with no further changes.

#### **Conclusion**

The community consultation period for the Planning Proposal to amend the planning controls affecting 108 Station Street, Wentworthville, concluded on 13 July 2016. A total of four submissions were received during the community consultation period.

The consideration of submissions established that there are no issues that would preclude the Planning Proposal progressing in its current form. It is therefore recommended that the Planning Proposal be progressed with the proposed planning controls as exhibited.

#### **Next Steps**

Subject to a Council resolution in accordance with the report recommendation, the following will be undertaken:

- Consultation with proponent to finalise the VPA.

- Preparation of documentation for the proposed LEP amendment and submitting request to the DP&E to make the amendment.

**Report Recommendation:**

That the Cumberland Independent Hearing and Assessment Panel (CIHAP):

1. Note Council's compliance with the conditions of the Department of Planning and Environment's Gateway Determination issued for this Planning Proposal in accordance with section 56(2) of the *Environmental Planning and Assessment Act 1979*.
2. Recommend proceeding with the proposed planning controls for the subject site endorsed by Council at its meeting of 20 October 2015. That is, to amend the planning controls for the site as follows and in accordance with the maps in Attachment 2:
  - a. Land use zoning of B2 Local Centre and SP2 Infrastructure.
  - b. Maximum building heights of Height: 29m (approx. 8 storeys) and 41m (approx. 12 storeys).
  - c. Maximum Floor Space Ratio (FSR) of 4.5:1 on the B2 Local Centre Zone only.
  - d. The zoning of SP2 Infrastructure and dedication of land approximately 6.6 m wide by 50m long for the purposes of a laneway as part of a Voluntary Planning Agreement.
3. Recommend that this Planning Proposal, with the proposed planning controls as listed in Recommendation 3, be reported to Council seeking a resolution to finalise the LEP amendment.
4. Recommend that the Draft Voluntary Planning Agreement be finalised with no further changes.

**Attachments (to be circulated to CIHAP members only under separate cover):**

1. Planning Proposal
2. LEP Maps
3. Voluntary Planning Agreement
4. Wentworthville Planning and Place Making Strategy
5. Overshadowing Impact Assessment – DesignInc Sydney



1. The heading 'Landscaping' be renamed 'Side and Rear Setbacks'.
2. A development control C3 be added titled 'Landscaping' requiring a minimum of 25% of the site being provided as landscaped area.

For: The Hon. P. Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

#### **ITEM C040/16 – MATTER WITHDRAWN**

#### **ITEM 041/16 – PLANNING PROPOSAL AND VOLUNTARY PLANNING AGREEMENT - 108 STATION STREET, WENTWORTHVILLE - POST EXHIBITION REPORT**

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel (CIHAP):

1. Note Council's compliance with the conditions of the Department of Planning and Environment's Gateway Determination issued for this Planning Proposal in accordance with section 56(2) of the *Environmental Planning and Assessment Act 1979*.
2. Recommend proceeding with the proposed planning controls for the subject site endorsed by Council at its meeting of 20 October 2015. That is, to amend the planning controls for the site as follows and in accordance with the maps in Attachment 2:
  - a. Land use zoning of B2 Local Centre and SP2 Infrastructure.
  - b. Maximum building heights of Height: 29m (approx. 8 storeys) and 41m (approx. 12 storeys).
  - c. Maximum Floor Space Ratio (FSR) of 4.5:1 on the B2 Local Centre Zone only to include a minimum amount of non-residential FSR of 0.9:1 to ensure activation of Station Street and the laneway.
  - d. The zoning of SP2 Infrastructure and dedication of land approximately 6.6m wide by 50m long for the purposes of a laneway as part of a Voluntary Planning Agreement.
3. Recommend that a site specific Development Control Plan be prepared prior to submission for gazettal.
4. Recommend that this Planning Proposal, with the proposed planning controls as listed in Recommendation 2, be reported to Council seeking a resolution to finalise the LEP amendment.
5. Recommend that the Draft Voluntary Planning Agreement be finalised with no further changes.

For: The Hon. P. Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

**ITEM C042/16 –PLANNING PROPOSAL APPLICATION FOR 2 BACHELL AVENUE, LIDCOMBE**

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel (CIHAP) recommend that the Planning Proposal PP-2/2016, to amend the Auburn Local Environmental Plan 2010 to rezone land at 2 Bachell Avenue, Lidcombe, not be supported for the following reasons:

- (i) The proposed intensity and scale of the retail and residential development are not appropriate in this location, which is beyond the walking catchment to Lidcombe rail station and centre, and which would result in poor amenity for future residents;
- (ii) The proposal is not supported by state, district or local plans and strategies;
- (iii) The proposal would result in adverse cumulative effects on industry and local and regional economic productivity;
- (iv) The proposal has the potential to result in land use conflicts with surrounding industrial land and rail uses;
- (v) The proposal has not adequately considered alternatives to high density residential development.

The meeting terminated at 2:06 p.m.

Signed:

Chairperson

**PLANNING PROPOSAL (REVISED SEPTEMBER 2017)**

**108 STATION STREET WENTWORTHVILLE**

**ATTACHMENT 2**

**COUNCIL REPORT 004-17 AND MINUTES**

**1 FEBRUARY 2017**

## Planning Proposal and Voluntary Planning Agreement – 108 Station Street, Wentworthville – Post Exhibition Report

Responsible Division: Environment & Infrastructure  
 Officer: Group Manager - Planning  
 File Number: HC-23-08-22  
 Delivery Program Code: G5.1 Establish and maintain clear guidelines for zoning, urban planning and development

| Proposal Details                            |                                                                                                                                                                                                                                               |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application lodged                          | 7 May 2015                                                                                                                                                                                                                                    |
| Applicant / Proponent                       | Beaini Projects                                                                                                                                                                                                                               |
| Owner                                       | S108 Pty Ltd & M A Beaini Pty Ltd                                                                                                                                                                                                             |
| Description of Land                         | 108 Station Street, Wentworthville<br>Lot B on DP410947                                                                                                                                                                                       |
| Proposal summary                            | To increase the maximum height of buildings and the floor space ratio for the site and to rezone and dedicate land to form a public laneway.                                                                                                  |
| Site Area / Description of existing use     | The site consists of one (1) parcel with a total area of 1918sqm. The site is currently occupied by retail and food outlets with a large uncovered car park at the rear of the property.                                                      |
| Existing Zoning and Planning Controls       | Land use zoning: B2 Local Centre.<br>Height: 20m<br>Floor space ratio (FSR): 2.2:1                                                                                                                                                            |
| Proposed Zoning and Planning Controls       | Land use zoning: B2 Local Centre; SP2 Infrastructure<br>Height: 29m and 41m<br>Floor space ratio (FSR): 4.5:1 (on B2 Local Centre zone only)                                                                                                  |
| Heritage                                    | Nil                                                                                                                                                                                                                                           |
| Disclosure of political donations and gifts | Nil                                                                                                                                                                                                                                           |
| Previous Considerations                     | C041/16 report Planning Proposal and Voluntary Planning Agreement – 108 Station Street Wentworthville – Post Exhibition Report. CIHAP meeting 20 December 2016.<br>DCS050-15 - Development and Community Services Committee – 20 October 2015 |

### Summary:

At its meeting on 20 December 2016, the Cumberland Independent Hearing and Assessment Panel (CIHAP) considered a report for a Planning Proposal to amend the Planning Controls for 108 Station Street, Wentworthville. The CIHAP recommended that Council proceed with the amendments as proposed by the Planning Proposal and that a

site specific development control plan be developed for the site and publicly exhibited prior to gazettal.

**Report:**

A Planning Proposal Request was lodged with Council in 2015 by Beaini Projects as property owner and proponent, to amend the planning controls affecting their property at 108 Station Street, Wentworthville. The proposed amendments to the Holroyd Local Environmental Plan (LEP) 2013 were:

- To increase the maximum building height from 20m to 29m and 41m respectively;
- To increase the floor space ratio (FSR) from 2.2:1 to 4.5:1 (over the net site area) and rezone the land offered for the laneway along the northern boundary of the site to SP2 Infrastructure.

The outcome sought through the amendments is to facilitate residential apartments above a revitalised ground floor commercial podium. The Planning Proposal also includes the dedication of 6.6m by 50m lane way through a Voluntary Planning Agreement.

The Department of Planning and Environment (the Department) provided the Gateway Determination to progress with the Planning Proposal on 4 April 2016. The Planning Proposal and associated documentation, including a draft Voluntary Planning Agreement, were subsequently placed on public exhibition from 15 June 2016 until 14 July 2016. A number of submissions were received during the exhibition period.

**Cumberland Independent Hearing & Assessment Panel (CIHAP)**

The Cumberland Independent Hearing and Assessment Panel (CIHAP) have delegation to make recommendations on Planning Proposals for Council's consideration.

On 20 December 2016, the CIHAP considered a report C041/16 Planning Proposal for 108 Station Street, Wentworthville – Post Exhibition Report. The report responded to the issues raised in submissions during the community consultation phase of the Planning Proposal. The report to the CIHAP recommended that the proposed planning control amendments progress without change.

The CIHAP resolved to recommend the following to Council:

1. *Note Council's compliance with the conditions of the Department of Planning and Environment's Gateway Determination issued for this Planning Proposal in accordance with section 56(2) of the Environmental Planning and assessment Act 1979.*
2. *Recommend proceeding with the proposed planning controls for the subject site endorsed by Council at its meeting of 20 October 2015. That is to amend the planning controls for the site as follows and in accordance with the maps provided at Attachment 2 (of the CIHAP report);*
  - a. *Land use zoning of B2 Local Centre and SP2 Infrastructure*

- b. Maximum building heights of: 29m (approx. 8 storeys) and 41m (approx. 12 storeys).*
  - c. Maximum Floor Space Ratio (FSR) of 4.5:1 on the B2 Local Centre zone only to include a minimum amount of non-residential FSR of 0.9:1 to ensure activation of Station Street and the laneway.*
  - d. The zoning of SP2 Infrastructure and dedication of land approximately 6.6m wide by 50m long for the purposes of a laneway as part of a Voluntary Planning Agreement.*
- 3. Recommend that a site specific Development Control Plan be prepared prior to submission for gazettal.*
- 4. Recommend that this Planning Proposal, with the proposed planning controls as listed in Recommendation 2, be reported to Council seeking a resolution to finalise the LEP amendment.*
- 5. Recommend that the Draft Voluntary Planning Agreement be finalised with no further changes.*

Further to the report recommendations, the CIHAP recommended that of the 4.5:1 FSR to apply to the B2 Local Centre zone part of the site, a minimum of 0.9:1 must be included as non-residential (commercial) floor space to ensure activation along the Station Street and laneway frontages of the site.

The CIHAP also recommended that a site specific Development Control Plan (DCP) be prepared to cover matters such as setbacks and landscaping at the podium level, building configuration to mitigate lightwell issues, and building articulation.

#### **Conclusion:**

A number of submissions were received during the community consultation in relation to the Planning Proposal for 108 Station Street, Wentworthville. A review of the proposed amendments to the planning controls, in light of the submissions received was undertaken and determined that the amendments to the planning controls as per the Planning Proposal had merit.

The CIHAP considered the report addressing the community consultation period and recommended that the Planning Proposal be finalised along with the adoption of a site specific development control plan which includes setback provisions. The site specific development control plan (DCP) will be subject to a separate community consultation period and will be reported back to the CIHAP and then Council prior to being progressed as an amendment to the Holroyd DCP 2013. The LEP amendment could then be finalised and incorporated into the Holroyd LEP 2013.

**Consultation:**

There are no further consultation requirements associated with this Planning Proposal.

**Next Steps**

An LEP Amendment will be submitted to the Department.

A draft DCP will be placed on public exhibition for 28 days and any submission reported to the CIHAP following the conclusion of the exhibition period.

**Financial Implications:**

There are no financial implications for Council associated with this report.

**Policy Implications:**

The progression of this Planning Proposal would require an amendment to the Holroyd Local Environmental Plan (LEP) 2013.

The resolution by Council to adopt a site specific development control plan, following the community consultation period, would result in an amendment being made to the Holroyd DCP 2013.

**Communication / Publications:**

The Planning Proposal has undergone a community consultation period, as addressed in the CIHAP report CO41/16. The LEP amendment will be published on the NSW Legislation website when it is made.

**Report Recommendation:**

That Council:

1. Proceed with the site specific development control plan site, as proposed in this report to community consultation
2. Following this consultation on the draft DCP, a report to be provided to the CIHAP and subsequently to Council on the outcomes of that consultation and the review of the site specific development control plan.
3. Finalise the draft Voluntary Planning Agreement with no further changes, as recommended by the CIHAP.
4. Proceed with the proposed planning controls for the subject site (in line with the CIHAP's recommendation
  - a. Land use zoning of B2 Local Centre and SP2 Infrastructure
  - b. Maximum building heights of: 29m (approx. 8 storeys) and 41m (approx. 12

- storeys).
- c. Maximum Floor Space Ratio (FSR) of 4.5:1 on the B2 Local Centre zone only to include a minimum amount of non-residential FSR of 0.9:1 to ensure activation of Station Street and the laneway.
  - d. The zoning of SP2 Infrastructure and dedication of land approximately 6.6m wide by 50m long for the purposes of a laneway as part of a Voluntary Planning Agreement.

**Attachments (to be circulated under separate cover):**

- 1. CIHAP Report C041/16 - Planning Proposal and Voluntary Planning Agreement - 108 Station Street, Wentworthville - Post Exhibition Report
- 2. Minutes of CIHAP meeting 20 December 2016 for report C041/16.



Min. 008        ITEM 003/17 - PLANNING PROPOSAL FOR LOT 11 BUTU WARGUN  
PEMULWUY – PRE GATEWAY EXHIBITION REPORT

Note: Mr. Anthony El-Hazouri addressed the meeting on this item.

**Moved and declared carried by the Administrator that:**

1. Council proceed with the preparation of a Planning Proposal for Lot 11 Butu Wargun Drive, Pemulwuy, which proposes to rezone part of Lot 11 on DP1162280 for R3 Medium Density Residential, with the following planning controls:
  - A maximum floor space ratio of 0.7;
  - A maximum building height of 10m; and
  - A minimum lot size of 300sqm.
2. Council forward the planning proposal to the Department of Planning & Environment for Gateway Determination.
3. The proponent pays the residual application fee of \$22,304.00 in accordance with Council's fees and charges 2016/2017 prior to the Planning Proposal request being forwarded to the Department of Gateway Determination.

Min. 009        ITEM 004/17 - PLANNING PROPOSAL AND VOLUNTARY PLANNING  
AGREEMENT – 108 STATION STREET, WENTWORTHVILLE – POST  
EXHIBITION REPORT

Note: Ms. Lisa Lake and Mr. Mickey Beaini addressed the meeting on this item.

**Moved and declared carried by the Administrator that Council:**

1. Proceed with the site specific development control plan site, as proposed in this report to community consultation, with the costs of the DCP preparation to be borne by the applicant.
2. Following this consultation on the draft DCP, a report to be provided to the CIHAP and subsequently to Council on the outcomes of that consultation and the review of the site specific development control plan.
3. Finalise the draft Voluntary Planning Agreement with no further changes, as recommended by the CIHAP.
4. Proceed with the proposed planning controls for the subject site (in line with the CIHAP's recommendation)
  - a. Land use zoning of B2 Local Centre and SP2 Infrastructure
  - b. Maximum building heights of: 29m (approx. 8 storeys) and 41m (approx. 12 storeys).
  - c. Maximum Floor Space Ratio (FSR) of 4.5:1 on the B2 Local Centre zone only to

- include a minimum amount of non-residential FSR of 0.9:1 to ensure activation of Station Street and the laneway.
- d. The zoning of SP2 Infrastructure and dedication of land approximately 6.6m wide by 50m long for the purposes of a laneway as part of a Voluntary Planning Agreement.

Min. 010      ITEM 005/17 - PLANNING PROPOSAL APPLICATION FOR 2 BACHELL AVENUE, LIDCOMBE

Notes:

1. Mr. Matthew Daniel addressed the meeting on this item.
2. Mr. Justin Doyle and Mr. James Matthews, who had both registered to the address the meeting on this matter, refused to address Council when afforded the opportunity to do so by the Administrator.
3. The letter provided by the proponents of the Planning Proposal addressed to the Administrator dated 31 January 2017, is provided as Attachment 1 to the minutes.

**Moved and declared carried by the Administrator that Council not support the Planning Proposal Application PP-2/2016, to amend Auburn Local Environmental Plan 2010 to rezone land at 2 Bachell Avenue, Lidcombe for the following reasons:**

1. The proposed intensity and scale of the retail and residential development are not appropriate in this location, which is beyond the walking catchment to Lidcombe rail station and centre, and which would result in poor amenity for future residents;
2. The proposal is not supported by state, district or local plans and strategies;
3. The proposal would result in adverse cumulative effects on industry and local and regional economic productivity;
4. The proposal has the potential to result in land use conflicts with surrounding industrial land and rail uses;
5. The proposal has not adequately considered alternatives to high density residential development.

Min. 011      ITEM 006/17 - PLANNING PROPOSAL FOR 3-7 EAST STREET & 2 RAILWAY STREET, LIDCOMBE – PRE GATEWAY EXHIBITION REPORT

**Moved and declared carried by the Administrator that Council defer consideration of the Planning Proposal request for 3-7 East Street and 2 Railway Street, Lidcombe and request the proponent provide the following information as recommended by CIHAP:**

1. A revised traffic assessment utilising calibrated modelling.
2. An economic impact assessment that considers the impact to the existing town centre of a supermarket on this site and the likelihood of amalgamation of sufficient

**PLANNING PROPOSAL (REVISED SEPTEMBER 2017)**

**108 STATION STREET WENTWORTHVILLE**

**ATTACHMENT 3**

**CUMBERLAND IHAP REPORT C028-17 AND MINUTES**

**9 AUGUST 2017**

## Site Specific Development Control Plan for 108 Station Street, Wentworthville - Post-exhibition Report

Responsible Division: Environment & Infrastructure  
Officer: Group Manager - Planning  
File Number: HC-23-08-22

### Summary:

The purpose of this report is to address the submissions received during the public exhibition period for the draft Site Specific Development Control Plan for 108 Station Street Wentworthville, and to provide recommendations as to how the site specific development controls, and the subsequent amendment to the Holroyd Development Control Plan 2013, should proceed.

The site specific development control plan was prepared following the Council resolution at the Ordinary Meeting of 1 February 2017 (004/2017), in accordance with the Cumberland IHAP recommendations (C041/16) of the Post Exhibition Report on the Planning Proposal and Voluntary Planning Agreement for 108 Station Street Wentworthville.

### Report:

#### *Background*

The land that is the subject of the draft site specific Development Control Plan is situated at 108 Station Street, Wentworthville (referred to in this report as 'the subject site' or 'the site'). It is located within the Wentworthville Town Centre and is zoned B2 Local Centre.

The site is shown in Figure 1 below.

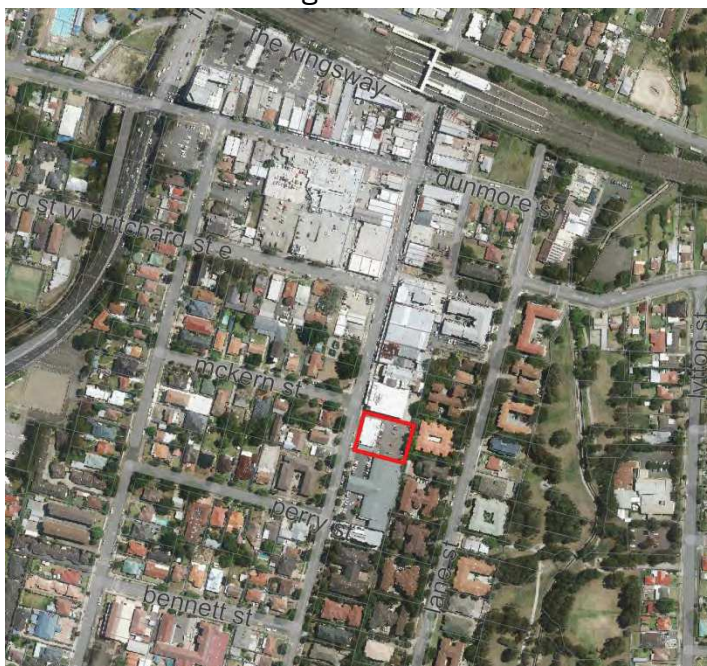


Figure 1 – Site Location

***The Planning Proposal***

The Planning Proposal to which the site specific development controls relate amends the maximum height of buildings from 20m to 29m (8 storeys) and 41m (12 storeys), and the floor space ratio (FSR) from 2.2:1 to 4.5:1 for the site. The planning proposal, and amended controls would enable redevelopment of the site for a mixed use building, comprising residential units above commercial uses.

In considering the post-exhibition report for the Planning Proposal for the site, Cumberland IHAP recommended that a Site Specific Development Control Plan be prepared and exhibited. This report provides the outcomes of that public exhibition of the draft site specific development control plan for the site.

***History***

The process and events to date for the Site Specific Development Control Plan and related Planning Proposal, are summarised in the table below:

| Date                        | Event                                                                                                                                                                                                                                                                                                          |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 May 2015                  | Planning proposal submitted proposing the following controls: <ul style="list-style-type: none"> <li>• Increase the maximum building height from 20 metres (5-6 storeys) to 43 metres (13-14 storeys) across the site.</li> <li>• Increase the maximum floor space ratio (FSR) from 2.2:1 to 5.5:1.</li> </ul> |
| July 2015 – September 2015  | Discussions between the proponent and Council on the planning proposal request.                                                                                                                                                                                                                                |
| 17 September 2015           | The proponent submitted a letter of offer to enter into a VPA with Council to dedicate the proposed laneway to Council freehold, at no cost to Council.                                                                                                                                                        |
| 20 October 2015             | Council resolution to proceed with a Planning Proposal for the subject site (as recommended in report DCS050-15) for 29m and 41m with a maximum net FSR of 4.5:1.                                                                                                                                              |
| 3 December 2015             | Planning Proposal lodged with Department of Planning and Environment.                                                                                                                                                                                                                                          |
| 4 April 2016                | Gateway Determination received from Department of Planning & Environment.                                                                                                                                                                                                                                      |
| 25 May 2016 – 4 July 2016   | Public exhibition of draft Voluntary Planning Agreement.                                                                                                                                                                                                                                                       |
| 15 June 2016 – 13 July 2016 | Public exhibition of Planning Proposal.                                                                                                                                                                                                                                                                        |
| 31 August 2016              | In response to submissions received, the proponents submitted an amended concept design for the Planning Proposal.                                                                                                                                                                                             |

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 December 2016               | Cumberland IHAP report C041/16 Planning proposal and voluntary planning agreement – 108 Station Street Wentworthville – Post Exhibition report.<br>The Cumberland IHAP resolved as follows:<br><i>“3. Recommend that a site specific Development Control Plan be prepared prior to submission (of the Planning Proposal) for gazettal.”</i>                                                                                                                                                                                                                                                                 |
| 1 February 2017                | Council report 041/17 Planning proposal and voluntary planning agreement – 108 Station Street Wentworthville – Post Exhibition Report.<br>Council resolved the following:<br>1. <i>Proceed with the site specific development control plan site, as proposed in this report to community consultation, with the costs of the DCP preparation to be borne by the applicant.</i><br>2. <i>Following this consultation on the draft DCP, a report be provided to the CIHAP and subsequently to Council on the outcomes of that consultation and the review of the site specific Development Control Plan.”</i> |
| 26 April 2017 –<br>24 May 2017 | Public Exhibition of draft site specific development controls.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

### ***Wentworthville Planning and Placemaking Strategy and Wentworthville Centre Planning Proposal***

The site is within the area covered by the Wentworthville Planning and Placemaking Strategy (the Strategy). The Strategy provides an overall vision and direction for the planning and future development of the Wentworthville Centre. The Strategy was publicly exhibited from September to November 2015. The Post-Exhibition report on the Strategy's exhibition, addressing the community submissions and to seek direction on the way forward, was reported to Cumberland IHAP in 13 July 2016 (report C008/16) and to Council at its Ordinary Meeting of 3 August 2016 (Report 063/16)

A separate Planning Proposal to amend the planning controls for the wider Wentworthville Centre is being prepared to progress the adopted scenario of the Strategy. The Wentworthville Centre Planning Proposal excludes the property of 108 Station Street as changes to the planning controls for this property are being separately progressed. However the 108 Station Street proposal will be generally consistent with the wider Strategy and Wentworthville Planning Proposal.

### ***Preparation of Draft Development Controls***

The site specific development control plan was prepared for 108 Station Street, Wentworthville, in accordance with the Cumberland IHAP recommendation and subsequent Council resolution. The document was prepared by Council to align and be consistent with Option 2 of the Wentworthville Planning and Placemaking Strategy as adopted by Council. The resolution included specific aspects and elements for the future design and development of the Wentworthville Centre.

Specific elements of the Wentworthville Planning and Placemaking strategy, as adopted by Council that are particularly relevant to and incorporated into the preparation of the draft development controls for 108 Station Street Wentworthville, are:

- Community Directions, for the centre to incorporate the following:
  - Direction #1 centre redevelopment. Create a modern engaging and safe centre while maintaining the human scale and village feel of the street.
  - Direction #2 Residential Developments. High quality mid-rise residential redevelopment.
  - Direction #3 retail revitalisation. Successful and sustainable retail and commercial centre.
  - Direction #4 amenity and facilities. An accessible and green public realm.
- To extend Station Lane to the south with a new access off Station Street (opposite McKern Street)
- To prepare new development controls for the centre covering:
  - building frontage
  - street wall heights and upper storey setbacks
  - side setbacks
  - primary and secondary active frontages
  - landscape setbacks
  - building façade design
  - vehicular access
  - site through links.

In its consideration of the Strategy, the Cumberland HIAP made a recommendation that a revised Development Control Plan be prepared (for the Wentworthville Centre) that is consistent with the Strategy (recommendation #8) and a recommendation that provisions for green walls and landscaping on structures to be implemented through the revised Development Control Plan for the centre (recommendation #9) (minutes to report C008/16 of 13 July 2016). These recommendations were subsequently adopted by Council at its meeting of 3 August 2016 (Report 063/16).

### ***Exhibition of Draft Development Controls***

The public exhibition process for the site specific development control plan consisted of the following components:

- A 28-day public exhibition period commenced 26 April 2017 and concluded on 24 May 2017.
- Letter notifications sent to owner of properties in the vicinity of the site, being the same owners notified of the Planning Proposal public exhibition) and to those who made submissions to the Planning Proposal.
- Newspaper advertisements placed in the Council Corporate Page of the Parramatta Advertiser on 26 April 2017 and 10 May 2017.
- Notice on the Cumberland Council website.  
Copies of the Planning Proposal and supporting documentation were placed in the Merrylands and Wentworthville libraries and in the Customer Service area of the

Council Administration buildings in Merrylands and Auburn. The documentation was also made available on Council's website.

Written submissions to the Planning Proposal were invited via post or email.

### ***Submissions Received***

During the community consultation period, no submissions were received from the local community or from a public authority.

One (1) submission was received from the owner of the subject property (**Attachment 1**). The matters raised in that submission relate to two aspects of the subject property, being the:

- i. Site specific development controls as exhibited.
- ii. Planning controls, particularly the building heights and floor space ratio associated with the Planning Proposal and amendment to the Holroyd Local Environmental Plan (LEP) 2013, and the related administrative process relating to that amendment.

### ***Matters Raised in the Submission and Response Relating to the Draft Site Specific Development Control Plan***

The following matters, relating to the site specific development control document, were raised in the submission. The Council response is also provided to each matter.

#### Submission - Matter 1:

*Chapter 3 Access. 3.1 Laneway. Controls*

Controls – second bullet point: delete figures 2 and 3 and replace with figure 4.

#### Council response - Matter 1:

This was a typographical error in the original document. The dot point has been updated with Figure 4 as the correct figure reference.

#### Submission - Matter 2:

*Chapter 4 – Built Form. 4.1 Active Frontage. Controls - Station Street*

To improve the clarity in interpretation of the controls, we request that the words 'street level' be added to the first dot point of the controls pertaining to Station Street and the basis of the measurement defined, as set out below:

*- A minimum 90% of the street level building facade is to be transparent, measured from finished floor level to finished ceiling level.*

#### Council response - Matter 2:

The dot point has been amended to include the term 'ground level' which is the standard terminology and is consistent with the terminology within the rest of the document.

Including detail of where the measurements are taken from is not supported. This level of detail is to be addressed as part of the detailed design of a future building. Also the request for the glazing to be applied to the façade as measured from finished ground

level to finished ceiling level may exclude any areas of partial façade (part levels) which would mitigate the benefits and intent of requiring an active frontage.

It is therefore recommended that this dot point be amended as noted.

Submission - Matter 3:

*Chapter 4 – Built Form. 4.1 Active Frontage. Controls - Station Street*

“It is requested that the fifth dot point be amended and *child care centres* be added as another indicative active use, after gymnasium.”

Council response - Matter 3:

It is considered that this requested change is not necessary for the following reasons:

- This dot point is not intended to provide an exhaustive list of possible uses but a few indicative uses that may be appropriate and feasible at this location, subject to the normal development application and assessment processes and considerations.
- A gymnasium is specified as a particular type of use, which comes under indoor recreational facilities which are also permitted with consent under the B2 Local Centre land use zoning, and that may be appropriate and feasible in this location.
- Child care centres are ‘permitted with consent’ use under the B2 Local Centre land use zoning which applies to the site.
- However, child care centres are a specialised land use that may not be appropriate in this location and this building land would require a detailed assessment of suitability. The submission notes that Station Street is identified as a road not considered suitable to locate a childcare centre, and raised concerns over traffic movements and safe drop off and pick up.
- If Council specifies a childcare centre within these controls as an indicative land use, it would create an expectation that such a land use is appropriate at this location and would, in principle, be supportable by Council. However it is not recommended that Council imply that a childcare centre is appropriate and feasible when there are fundamental concerns and issues, and potential for non-compliances, with such a use on this site or location.

It is therefore recommended that ‘child care centres’ are not listed as an indicative use within the site specific development control plan.

Submission - Matter 4:

*Chapter 4 – Built Form. 4.1 Active Frontage. Controls - Station Street*

“If this site is not flood prone we suggest the second sentence of the sixth bullet be deleted”

Council response - Matter 4:

The full wording of this draft control is as follows:

*“On sloping sites, the maximum level change between ground floor tenancies and the adjacent footpath is to be maximum 600mm. On flood prone land advice should be sought from Council’s engineers.”*

The subject site is flood prone and a flood risk, being partially affected by stormwater overflow / flooding. Therefore this statement within the dot point is recommended to remain without change.

Submission - Matter 5:*Chapter 4 – Built Form. 4.1 Active Frontage. Controls - New Laneway*

“We request that the word “Commercial” be added at the beginning of the bullet point, the words “at lower ground and ground (Station Street) levels” after “Laneway” and the words “(measured from finished ground level to finished ceiling level)” at the end of the sentence.”

Council response - Matter 5:

The current wording of the draft controls is as follows:

*“Frontage along the new laneway should be visually activated by incorporating clear glazing to minimum 90% of the façade.”*

The suggested new wording of the control, in full incorporating the requested change, would be *“Commercial frontage along the new laneway at lower ground and ground (Station Street) levels should be visually activated by incorporating clear glazing to minimum 90% of the façade (measured from finished ground level to finished ceiling level).”*

The word ‘commercial’ is not considered suitable as it may not cover all possible uses that may be proposed. The term ‘non-residential’ would be more encompassing of the range of land uses and activities that may be permissible within these spaces.

The existing draft control confirms that the glazing would apply to the building façade. Vehicle entry and access points may not have a building façade as such or are captured in the (maximum) 10% of frontage not requiring glazing treatment.

Including detail of where the measurements are taken from is not considered necessary. This level of detail is to be addressed as part of the detailed design of a future building. Also the request for the glazing to be applied to the façade as measured from finished ground level to finished ceiling level may exclude any areas of partial façade (part levels) which would mitigate the benefits and intent of requiring an active frontage.

However, to provide clarity and to be consistent with the control change applied to Station Street (per Matter 2 above), the phrase ‘at ground level’ has been added at the end of the dot point, noting that the ‘ground level’ for the building entry in the laneway is at a lower elevation than on Station Street.

It is therefore recommended that this draft control be amended to:

*“Frontage along the new laneway should be visually activated by incorporating clear glazing to minimum 90% of the façade at ground level”*

Submission - Matter 6:*Chapter 4 – Built Form. 4.1 Active Frontage. Controls – New Laneway*

“We suggest that, since Figure 4 concerns active street frontage locations and access points, building heights should not be shown on this diagram. They are already shown on Figure 10.

Showing heights on two diagrams increases the risk of errors and misinterpretation.”

Council response - Matter 6:

The building heights on this figure provide the context of the laneway, and the building form that it faces and provides consistency in the figures presentation through the document. The building height notations on the figure are small and discrete and are not considered to cause confusion.

It is recommended that this figure remain, retaining the building height information.

Submission – Matter 7:*Chapter 4 – Built Form. 4.2 Building Setbacks and Build-to Lines*

“For clarity, we suggest that this section heading and the title of *Figure 5* be changed to “*Setbacks and Build-to Lines at Ground Level*”

Council response – Matter 7:

The wording provided in the draft development control plan applies standard terminology for addressing setbacks and build to lines, including as used in the Apartment Design Guide. However, to improve clarity, it would be suitable for the word ‘building’ to be replaced with ‘street’ for the setback distance.

Correspondingly, the caption for Figure 5 should also be updated to specify ‘Street Setbacks’.

Amending the wording to specify ‘at ground level’ could theoretically imply that a development may extend over or beyond those setback values and build-to lines at levels above ground level ie storeys 2-12 may extend into the airspace. This may result in unintended and untested building outcomes in this case.

It is recommended that the section heading be amended to replace ‘Building Setbacks’ with ‘Street Setbacks’ and the caption for Figure 5 be amended to also specify ‘Street Setbacks’.

Submission – Matter 8:*Chapter 4 – Built Form. 4.3 Street Wall Heights- Figure 6*

“We interpret Figure 6 to show the condition at the eastern end of the laneway, at its lowest point. For clarity, we suggest that the words “*Lower Ground Floor (east end of laneway)*” and “*Ground Floor (Station Street)*” be added to the diagram.”

Council response – Matter 8:

It is considered that the submission request is to clarify where Figure 6 is viewed from given the slope of the lot and so different building levels.

To address the underlying point of the request, it is considered appropriate for the caption of Figure 6 to be amended to specify ‘West’. Furthermore the two dot points of the Controls should be amended to include ‘with upper level setback’ to note this setback requirement and as shown in Figure 6.

It should also be noted that the diagrams provided in the development controls are conceptual plans to support and be read in conjunction with the objectives and controls of the respective clause.

It is recommended that the caption for Figure 6 be amended as noted above.

Submission – Matter 9:

*Chapter 4 – Built Form. 4.4 Upper Level Setbacks Figure 8*

“Again, we interpret Figure 8 to show the condition at the eastern end of the laneway. The setbacks need to be adjusted to show compliance with ADG setbacks for habitable rooms / balconies.”

Council response – Matter 9:

With respect of the first part of this request, it is considered that this is to clarify where Figure 8 is viewed from given the slope of the lot and so different building levels.

To address this issue, the caption of Figure 8 can be amended to specify ‘west’, consistent with the caption for Figure 6.

Figure 8 should also be revised so as to demonstrate compliance with the ADG, regarding setbacks, can be achieved with the building concept shown within the site specific development control plan. The original site boundary, laneway (6.6m width) and new site boundary are now shown. Setback distances marked on the figure are from the new site boundary, and when added to the 3.3m distance taken from the laneway centreline to the new property boundary demonstrate that compliance with the ADG can be achieved.

It should also be noted that the diagrams provided in the development controls are conceptual plans to support and be read in conjunction with the objectives and controls of the respective clause.

It is recommended that the caption for Figure 8 be amended and the content within Figure 8 be updated as noted above.

Submission – Matter 10:

*Chapter 4 – Built Form. 4.4 Upper Level Setbacks. Figure 9*

“Given that the draft DCP is site specific, it is requested that Council consider amending Figure 9 so that it indicates the slope of the site, such that at the rear of the site a lower ground floor level will be achieved, thereby realising a 2-storey podium height at the rear, rather than a single storey as currently shown. This diagram also needs to be amended so that it is consistent with the setbacks adjusted for ADG compliance as discussed immediately above.”

Council response – Matter 10:

The caption of Figure 9 can be amended to specify ‘west’, consistent with the captions for Figure 6 and 8.

Figure 9 should also be revised so as to demonstrate that compliance with the ADG, regarding setbacks, can be achieved with the building concept shown within the site specific development control plan. This is consistent with the approach for the revised Figure 8.

It is recommended that the caption for Figure 9 be amended and the content within Figure 9 be updated as noted above.

Submission – Matter 11:*Chapter 4 – Built Form. 4.5 Building Bulk and Design. Controls*

“We request that Council give consideration to deletion of the second dot point of the controls pertaining to building bulk and design. As the site is the subject of a separate Planning Proposal, the floor space ratio for the site will not be consistent with those indicated in the FSR range for the fringe in either Options 1 or 2 of the Wentworthville Centre Planning and Placemaking Strategy.”

“If it is so agreed, the floor plate area in the third dot point should be changed from “500m<sup>2</sup>” to “550m<sup>2</sup>”.

Council response – Matter 11:

The second dot point of the controls in this section as exhibited was as follows:

“Floor space ratio for the site should be in accordance with the Wentworthville Centre Planning and Place Making Strategy.”

It is recognised that the FSR of this site will not be as per the Strategy, noting the strategy provided a range of FSR values, but also the Voluntary Planning Agreement which provides for the laneway and so the FSR of the gross versus the nett (excluding laneway) site, which affect the FSR applicable to the developable property at 108 Station Street.

Therefore it is recommended that this dot point be deleted from the controls.

No justification or reasoning has been provided in the submission for the increased floor plate area. The floor plate area of 500m<sup>2</sup> as specified in the development controls is recommended to remain without change. This floor plate area has been modelled and tested as part of these controls and the overall ability of the building to achieve ADG compliance – at the revised location of the tower as shown in the revised site specific development control plan (discussed below). Any variation to that should be considered through a detailed assessment at the Development Application stage.

It is recommended that this floor area of 500m<sup>2</sup> remain unchanged in the development controls.

Submission – Matter 12:*Chapter 4 – Built Form. 4.5 Building Bulk and Design. Figure 10*

“It is requested that this Figure be amended to align with the building heights and revised setbacks as discussed above. It is essential to avoid misinterpretation that all diagrams are consistent.”

Council response – Matter 12:

Figure 10 has also been revised so as to demonstrate that compliance with the ADG, regarding setbacks, can be achieved consistent with the approach for the revised Figures 8 and 9.

As noted above, the building heights shown on this figure provide the context of the laneway, and are recommended to remain.

The revised Figure 10 shows the tower element located within the site so as to demonstrate compliance with the setback requirement of the ADG (discussed below).

It is recommended that the amended Figure 10 be included in the site specific development control plan.

Submission – Matter 13:

*Chapter 4 – Built Form. 4.7 Building Separation. Figures 12 & 13*

“We request that Figures 12 and 13 be amended in the same way as we suggest for Figure 9 above.”

Council response – Matter 13:

It would be appropriate for Figures 12 and 13 to be amended to demonstrate a building concept, including setbacks, which can comply with the ADG requirements.

It is recommended that the revised Figures 12 and 13 be included in the site specific development control plan.

Submission – Matter 14:

*Chapter 6 - Environmental Performance.*

“Section 6 of the draft DCP seeks the incorporation of a roof garden (green roof) and a biowall (green wall) in any development proposal for the site.

It is requested that the requirement for a green roof / green wall be deleted from the draft DCP.”

Council response – Matter 14:

This clause of the development controls was developed from and is consistent with the resolution of Council, per the Cumberland IHAP recommendation for the Wentworthville Planning and Placemaking Strategy, The Cumberland IHAP made a recommendation for “provisions for green walls and landscaping on structures to be implemented through the revised Development Control Plan for the Centre”. This recommendation was subsequently resolved by Council.

Therefore, this clause of the development controls for 108 Station Street is consistent with the development controls that will be prepared and applied over the entire Wentworthville Centre. This is also consistent with the overall Strategy that highlighted the need for and included in visual impressions an increase in greenery and vegetation in the streetscape including above ground level (green walls).

The wording of the controls per the exhibited draft development control is as follows “consideration should be given to utilising roof space for developing roof gardens (green roof)” and “where appropriate biowalls (green walls) should be incorporated in the design of buildings.” Therefore, consideration is to be given to incorporating such measures into a design, but are not mandatory. However, any future development application that does not incorporate a green roof and biowalls into a design would need to address and justify that exclusion and so why the control has not been met.

Therefore it is recommended that the wording of this part be retained without change.

***Review of the draft site specific Development Controls***

With further internal modelling and testing of a theoretical building concept, and in considering the submission made, changes have been recommended to several figures

of the revised site specific development control plan. These changes include additional text on setback distances and demonstrate those setbacks through 3-D models. These setbacks provided are in line with and demonstrate the ability of a development to comply with the ADG. As a result of this testing and modelling, the location of the tower within the site, as shown in the figures, has been shifted to the south and east from the property boundary. The distance of this shift of the tower is about 3m and 5.5m.

it is noted that the location of the tower within the site, and therefore of the 41m maximum building height, is in a different place to that as shown in the LEP amendment maps.

The recommended revised site specific development control plan is provided at **Attachment 2**.

***Matters Raised in the Submission Relating to Planning Controls under the LEP***

The submission raised three points that relate to the proposed planning controls under the Planning Proposal and future LEP amendment, being the:

- i. Location of the 41m (12-storey tower) within the site, shown in the Planning Proposal, draft LEP amendment maps and the draft site specific development control plan as being in the Station Street / Lane corner of the site at the property boundaries.
  - ii. Floor space ratio (FSR), in particular the requirement for the minimum 0.9:1 of FSR to be for non-residential uses recommended by Cumberland IHAP and as resolved by Council ((Report #004/17 for Council meeting on 1 February 2017 – **Attachment 4**) following the exhibition of the Planning Proposal, and
  - iii. Administrative matters relating to the planning controls and LEP amendment process
- The Planning Proposal with the building heights configuration has previously undergone a public exhibition and Council has resolved to finalise Planning Proposal and so make the LEP amendment. The minimum non-residential FSR stipulation, as recommended by the Cumberland IHAP (Report #C041/16 and minutes - 14 December 2016 – **Attachment 3**), was also resolved by Council through that report and meeting. The LEP amendment is yet to be completed and will be finalised so as to come into force in conjunction with the proposed DCP amendment.

**Conclusion:**

The community consultation period for the proposed site specific Development Control Plan for 108 Station Street, Wentworthville concluded on 24 May 2017. One submission was received on behalf of the property owner.

Each of the matters raised during the community consultation period which relate to the Development Controls Plan have been considered and a recommendation made on whether the requested changes can be accepted or are not supported.

The submission also addressed matters that relate to the maximum building height and the location of the tower within the building envelope, and the Floor Space Ratio (FSR) as it relates to the non-residential portion of the site. These matters are not addressed in this report as they relate to the planning controls previously considered by the Cumberland IHAP and resolved Council through the Planning Proposal process, for the LEP amendment, for 108 Station Street Wentworthville.

**Next Steps**

Upon Council resolution to adopt the revised Site Specific Development Control Plan, it will be finalised as an amendment to the Holroyd DCP 2013.

**Consultation:**

There are no consultation processes for Council associated with this report.

**Financial Implications:**

There are no financial implications for Council associated with this report.

**Policy Implications:**

There are no policy implications for Council associated with this report.

**Communication / Publications:**

The Amendment to the Holroyd DCP 2013 will be notified in the local newspaper following adoption by Council.

**Report Recommendation:**

That the Cumberland Independent Hearing and Assessment Panel (IHAP) recommend that Council adopt the revised site specific development control plan dated July 2017 for 108 Station Street, Wentworthville (per Attachment 2).

**Attachments:**

1. Submission received from Beaini Projects dated 21 June 2017
2. Revised site specific development control plan for 108 Station Street Wentworthville dated July 2017
3. Cumberland IHAP report (C041/16) and minutes of 14 December 2016
4. Council Report (004/17) for the Ordinary Meeting of February 2017

(CIHAP) that Development Application No. DA-500/2016 for Demolition of the dwelling house and ancillary structures and construction of a new two storey boarding house comprising eight (8) boarding rooms on land at 75 Graham Street, AUBURN be granted deferred commencement approval subject to the conditions listed in the attached schedule and the following amendment to condition 4:

The boarding house is approved to accommodate a maximum of 9 lodgers.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. Brian McDonald, Mr. Stuart McDonald, and Mr. Paul Mould AM.

Against: Nil

ITEM C028/17 - SITE SPECIFIC DEVELOPMENT CONTROL PLAN FOR 108 STATION STREET, WENTWORTHVILLE - POST-EXHIBITION REPORT

**Note:** Mr. Geoff Baker and Mr. Andrew Robinson addressed the panel on this item. Mr Mickey Beaini tabled a draft sketch at the meeting.

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that the Cumberland Independent Hearing and Assessment Panel (IHAP) recommend that Council:

1. Adopt the revised site specific development control plan dated July 2017 for 108 Station Street, Wentworthville (per Attachment 2) with the following amendment for the purposes of re-exhibition:
  - a) Substitute the proponents draft sketch tabled at the meeting for Figure 10 in the draft DCP with the exception of the four storey area to the east of the two storey podium line and subsequent amendments to Figure 4.
2. Amend the draft LEP as follows:
  - a) Amend the draft LEP height of buildings map to move the 41 metre height limit area in a south easterly direction to align with the new Figure 10 in the DCP.
  - b) Amend the non-residential floor space in the draft LEP to a minimum requirement of 0.5:1.
3. Re-exhibit the draft LEP and draft DCP.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. Brian McDonald, Mr. Stuart McDonald, and Mr. Paul Mould AM.

Against: Nil

ITEM C029/17 - PLANNING PROPOSAL REQUEST FOR 2 PERCY STREET, AUBURN

**Note:** Mr. Paul Naylor, Mr. Izzet Anmak, Ms. Helen Deegan and Mr. Graham Guy addressed the panel on this item.

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel

**PLANNING PROPOSAL (REVISED SEPTEMBER 2017)**

**108 STATION STREET WENTWORTHVILLE**

**ATTACHMENT 4**

**COUNCIL REPORT 155-17 AND MINUTES**

**6 SEPTEMBER 2017**

## Site Specific Development Control Plan for 108 Station Street Wentworthville – Post-exhibition report

Responsible Division: Environment & Infrastructure  
Officer: Group Manager - Planning  
File Number: HC-23-08-22

### Summary:

The purpose of this report is to progress the site specific development control plan (DCP) for 108 Station Street, Wentworthville following public exhibition. The site specific DCP supports a related Planning Proposal to amend Holroyd Local Environmental Plan (LEP) 2013 for this site.

The Cumberland Independent Hearing and Assessment Panel (IHAP) recommended that Council adopt a revised site specific DCP and a revised draft LEP amendment, and to re-exhibit both the revised site specific DCP and the amended LEP planning controls.

### Report Recommendation:

#### **That Council:**

1. Adopt the revised site specific development control plan dated July 2017 for 108 Station Street Wentworthville (per attachment 2) with the following amendment for the purposes of re-exhibition:
  - a. Substitute the proponent's draft sketch tabled at the August IHAP meeting for Figure 10 in the draft DCP, with the exception of the four storey area to the east of the two storey podium line that will remain at one storey.
  - b. Amend Figure 4 in the draft DCP to ensure consistency with Figure 10.
2. Amend the draft LEP as follows:
  - a. Amend the draft LEP height of buildings map to move the 41 metre height limit area in a south easterly direction to be consistent with the new Figure 10 in the DCP.
  - b. Amend the non-residential floor space in the draft LEP to a minimum requirement of 0.5:1.

#### **3.Re-exhibit the revised draft LEP and draft DCP.**

### Report:

A Planning Proposal for 108 Station Street, Wentworthville (the site), sought to amend the maximum height of buildings from 20m to 29m (8 storeys) and 41m (12 storeys); and to amend the floor space ratio (FSR) from 2.2:1 to 4.5:1 for the site, under Holroyd LEP

2013. The existing zoning of B2 Local Centre over the site is to be retained. The amended controls are to enable redevelopment of the site for a mixed use development, comprising multi storey residential units above commercial uses. At its meeting of 1 February 2017 (Item 004/17), Council resolved to progress the proposed planning controls for the site as an amendment to the Holroyd LEP 2013 (**Attachment 1**).

The site is shown in Figure 1 below.



**Figure 1 – Site Location**

The site is within the area of Wentworthville Centre covered by the *Wentworthville Planning and Placemaking Strategy* and the *Wentworthville Revitalisation project*. A Planning Proposal is currently being drafted to progress the planning controls for the Wentworthville Centre as a whole endorsed under that project. However the site of 108 Station Street is excluded from the Wentworthville Centre Planning Proposal, given there is a separate Planning proposal for that site.

In considering the post-exhibition report for the Planning Proposal in February 2017, the Cumberland IHAP recommended that a site specific DCP be prepared and exhibited.

The site specific DCP was prepared for 108 Station Street, Wentworthville, in accordance with the Cumberland IHAP recommendation and subsequent Council resolution. The DCP was prepared by Council to be generally consistent with the *Wentworthville Planning and Placemaking Strategy* as adopted by Council.

The public exhibition of the site specific DCP was undertaken between 26 April 2017 and 24 May 2017 with advertisements placed in the Parramatta Advertiser newspaper, and a notice on Council's website. Letter notifications were also sent to property owners in the vicinity of the site, and to people who made a submission to the Planning Proposal for the site. The exhibition material was available to view on Council's website, at the Council Administration Building in Merrylands, and at Council libraries in Merrylands and Wentworthville.

One (1) submission was received during the public exhibition period, being from the property owner and proponent of the Planning Proposal. The matters raised in that submission relate to two topics, being the:

- site specific development control plan as exhibited; and
- planning controls, particularly the building heights and floor space ratio associated with the Planning Proposal and amendment to the Holroyd LEP 2013.

The matters raised in the submission relating to the site specific DCP were assessed and a number of changes were proposed by Council officers in the post-exhibition report to the Cumberland IHAP. The revised draft site specific DCP is provided at **Attachment 2**. The matters raised in the submission relating to the Planning Proposal and proposed LEP amendment were not specifically addressed in the Cumberland IHAP report as Council had previously resolved to progress this amendment.

#### ***Cumberland Independent Hearing and Assessment Panel (IHAP)***

The Cumberland IHAP, at its meeting of 9 August 2017, considered the report on the site specific DCP following the public exhibition period. The report to the Cumberland IHAP is provided at **Attachment 3**.

The proponent addressed the Cumberland IHAP meeting and tabled a document (**Attachment 4**) which raised matters in relation to the draft DCP, and the location of the building height and the non-residential FSR element of the planning controls under the proposed LEP amendment. Notwithstanding the previous resolution of Council in relation to the proposed LEP amendment for the site, the Cumberland IHAP accepted the proponent's submission relating to the Planning Proposal and recommended that certain changes be made as outlined below.

The Cumberland IHAP recommendation was as follows:

*That the Cumberland Independent Hearing and Assessment Panel (CIHAP) recommend that Council:*

*1. Adopt the revised site specific development control plan dated July 2017 for 108 Station Street Wentworthville (per attachment 2) with the following amendment for the purposes of re-exhibition:*

*a. Substitute the proponents draft sketch tabled at the meeting for figure 10 in the draft DCP with the exception of the four storey area to the east of the two storey podium line and subsequent amendments to Figure 4.*

*2. Amend the draft LEP as follows:*

*a. Amend the draft LEP height of buildings map to move the 41 metre height limit area in a south easterly direction to align with the new figure 10 in the DCP.*

*b. Amend the non-residential floor space in the draft LEP to a minimum requirement of 0.5:1.*

### *3. Re-exhibit the draft LEP and draft DCP.*

#### **Conclusion:**

This matter was considered by the Cumberland IHAP on 9 August 2017 which recommended that further amendments be made to the site specific DCP, and to the draft LEP amendment of the planning controls of the site. This report to Council recommends that the site specific DCP and draft LEP amendment be revised to reflect the IHAP's recommendations, and be then re-exhibited.

#### **Consultation:**

If Council resolves per the recommendations of this report, the revised site specific DCP and the revised LEP amendment will be re-exhibited. A report on the outcomes of the re-exhibition would subsequently be provided to the Cumberland IHAP and Council.

#### **Financial Implications:**

There are no financial implications for Council associated with this report.

#### **Policy Implications:**

Council has previously resolved to finalise the LEP amendment for 108 Station Street, Wentworthville. That resolution would be superseded by a resolution to amend and re-exhibit the LEP amendment as recommended in this report.

Following re-exhibition of the revised planning controls a report will be prepared for Cumberland IHAP and subsequently to Council addressing any submissions received.

#### **Communication / Publications:**

Both the site specific DCP and proposed planning controls will be re-exhibited for a period of 28 days and will be advertised in local newspapers and on Council's website.

#### **Supplementary Attachments:**

Supplementary attachments, being the attachments to the Cumberland IHAP report C028/17 for the meeting of 9 August 2017 are available via Council's website:

<http://www.cumberland.nsw.gov.au>

#### **Attachments:**

1. Council Report and Minutes of 1 February 2017 (Item 004/17).
2. Revised Development Controls - 108 Station Street - July 2017.
3. Cumberland IHAP report and minutes 9 August 2017.
4. Proponent document tabled at Cumberland IHAP meeting 9 August 2017.

i. On receipt of all required information to the satisfaction of the General Manager, proceed with the preparation of a planning proposal for 2 Percy St, Auburn (PP-2/2017) on the following basis:

- iv. permit 'educational establishment' as an additional permitted use under Schedule 1 of Auburn LEP 2010;  
add the site to the Additional Permitted Uses Map;  
amend the Height of Buildings Map to provide for a maximum building height
- v. for the site of 10m, or up to 12 m height if adequately justified by information provided under recommendation 3;
- vi. incorporate any revisions required that result from the revised Flood Impact Assessment; and
- vii. incorporate any revisions that result from the revised traffic and transport assessment, including a Letter of Offer for a Planning Agreement, if appropriate.

j. The General Manager be requested not to subdelegate this matter.

Min.222            ITEM 155/17 - SITE SPECIFIC DEVELOPMENT CONTROL PLAN FOR 108  
STATION STREET WENTWORTHVILLE – POST-EXHIBITION REPORT

Moved and declared carried by the Administrator that Council:

1. Adopt the revised site specific development control plan dated July 2017 for 108 Station Street Wentworthville (per attachment 2) with the following amendment for the purposes of re-exhibition:

- a. Substitute the proponent's draft sketch tabled at the August IHAP meeting for Figure 10 in the draft DCP, with the exception of the four storey area to the east of the two storey podium line that will remain at one storey.
- b. Amend Figure 4 in the draft DCP to ensure consistency with Figure 10.

2. Amend the draft LEP as follows:

- a. Amend the draft LEP height of buildings map to move the 41 metre height limit area in a south easterly direction to be consistent with the new Figure 10 in the DCP.
- b. Amend the non-residential floor space in the draft LEP to a minimum requirement of 0.5:1.

3. Re-exhibit the revised draft LEP and draft DCP.

Min.223            ITEM 156/17 - CUMBERLAND PLANNING AGREEMENTS POLICY AND  
GUIDELINES

Moved and declared carried by the Administrator that Council:

1. Amend the Draft Cumberland Planning Agreements Policy (at Attachment 2) to require a contribution of at least 5% of any potential additional residential floorspace (or where impracticable, an equivalent monetary contribution) for affordable housing be included in Planning agreements (related to planning proposals that would result in potential

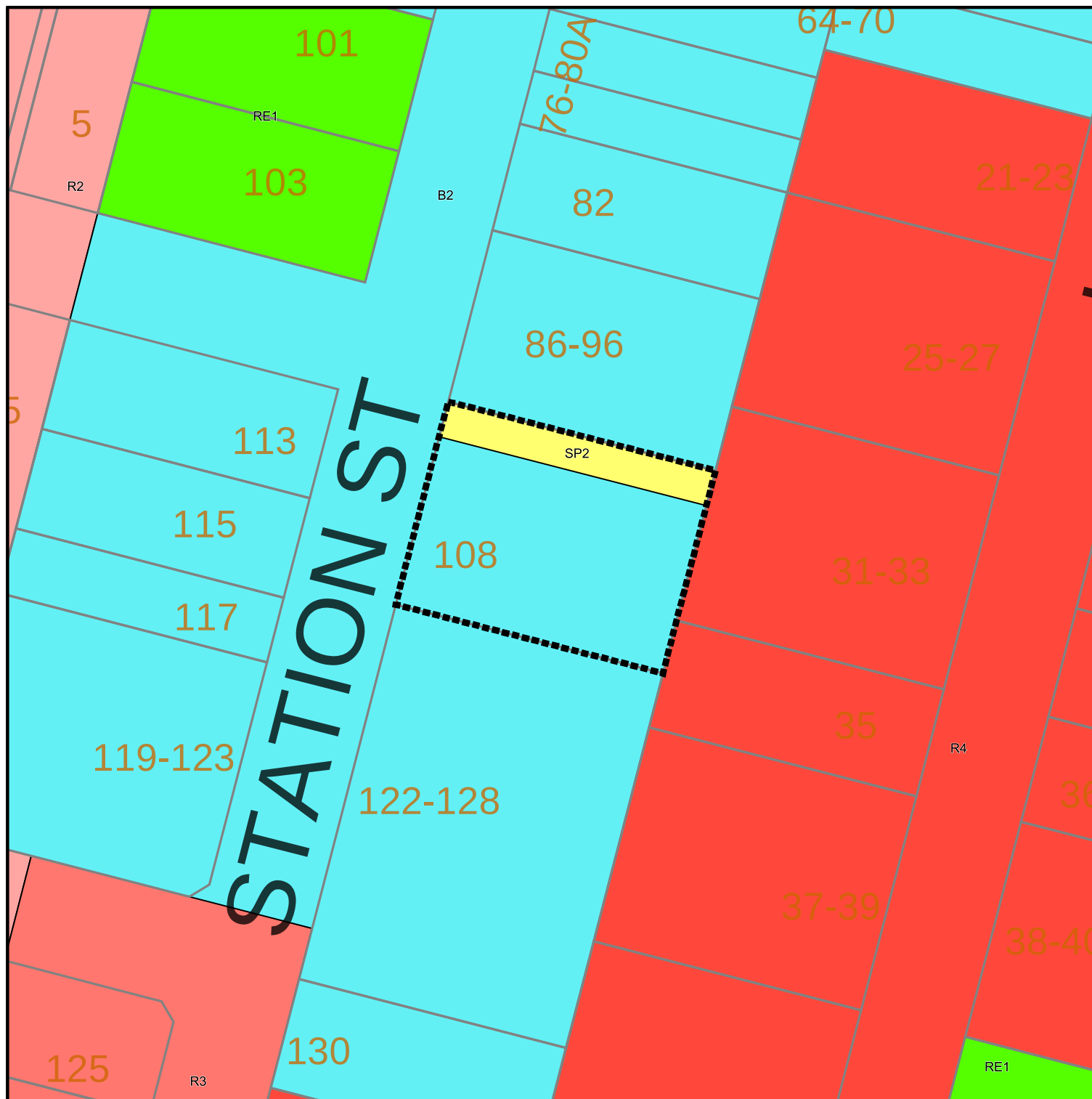
**PLANNING PROPOSAL (REVISED SEPTEMBER 2017)**

**108 STATION STREET WENTWORTHVILLE**

**ATTACHMENT 5**

**REVISED DETAILED LEP MAPS FOR**

**LZN; HOB; FSR.**



**Draft Holroyd LEP 2013 Amendment**  
**108 Station St, Wentworthville**  
**Land Zoning**

**Land Zoning**

Neighbourhood Centre

B1

Low Density Residential

R2

Local Centre

B2

Medium Density Residential

R3

Mixed Use

B4

High Density Residential

R4

Business Development

B5

Public Recreation

RE1

Enterprise Corridor

B6

Private Recreation

RE2

Business Park

B7

Infrastructure

SP2

Environmental Conservation

E2

Unzoned Land

UL

General Industrial

IN1

SEPP (Major Development) 2005

MD

Light Industrial

IN2

SEPP (Western Sydney  
Employment Area) 2009

WSE



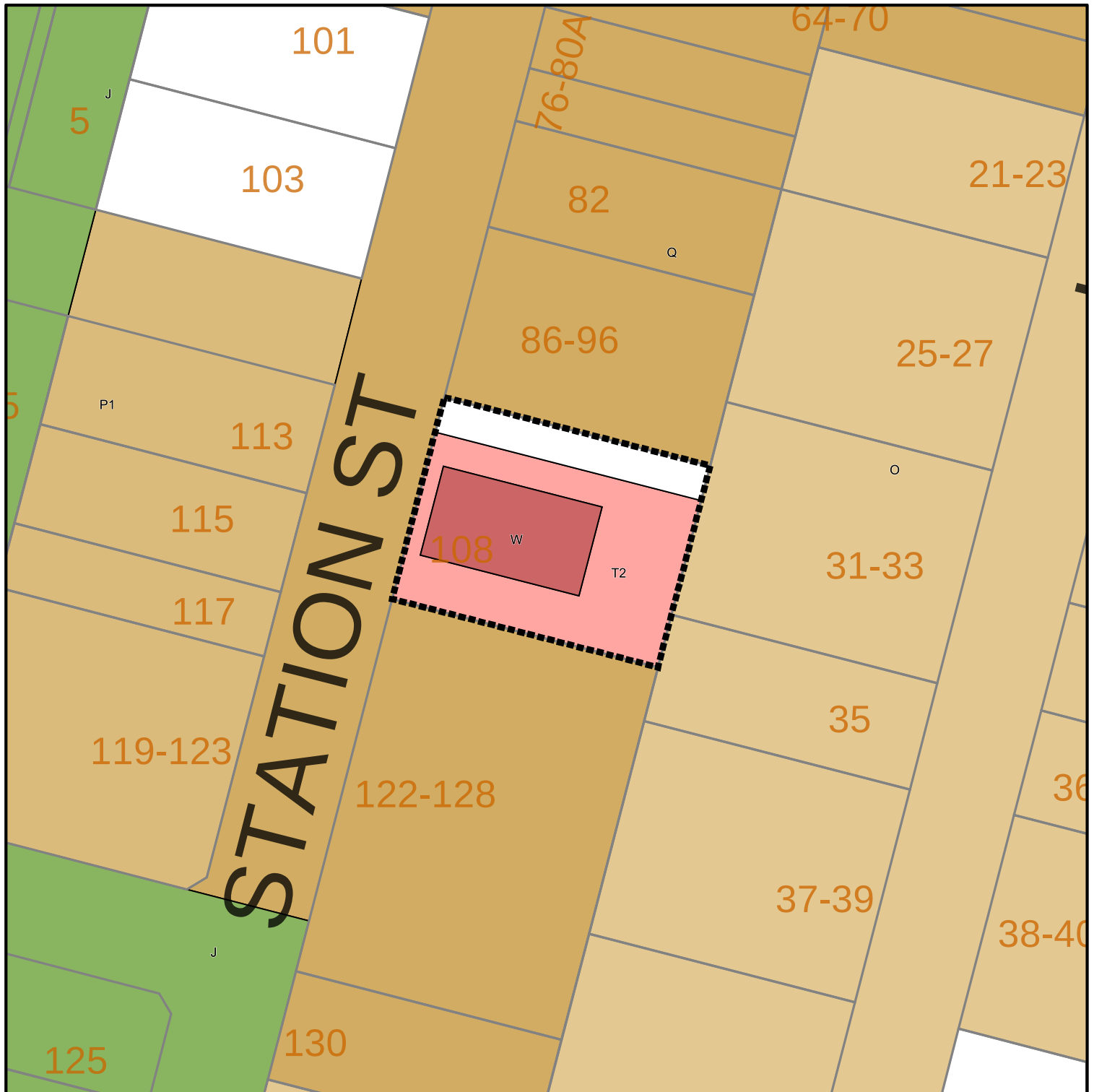
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108 Station St,  
Wentworthville

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**Draft Holroyd LEP 2013 Amendment**  
**108 Station St, Wentworthville**  
**Height of Buildings**

**Maximum Building Height (m)**

|    |      |
|----|------|
| J  | 9    |
| K  | 10   |
| L  | 11   |
| M  | 12.5 |
| N  | 14   |
| O  | 15   |
| P1 | 17   |
| P2 | 18   |
| Q  | 20   |
| R  | 21   |

|    |    |
|----|----|
| S1 | 23 |
| S2 | 24 |
| T1 | 26 |
| T2 | 29 |
| U  | 32 |
| V  | 38 |
| W  | 41 |
| Y  | 53 |
| AA | 65 |



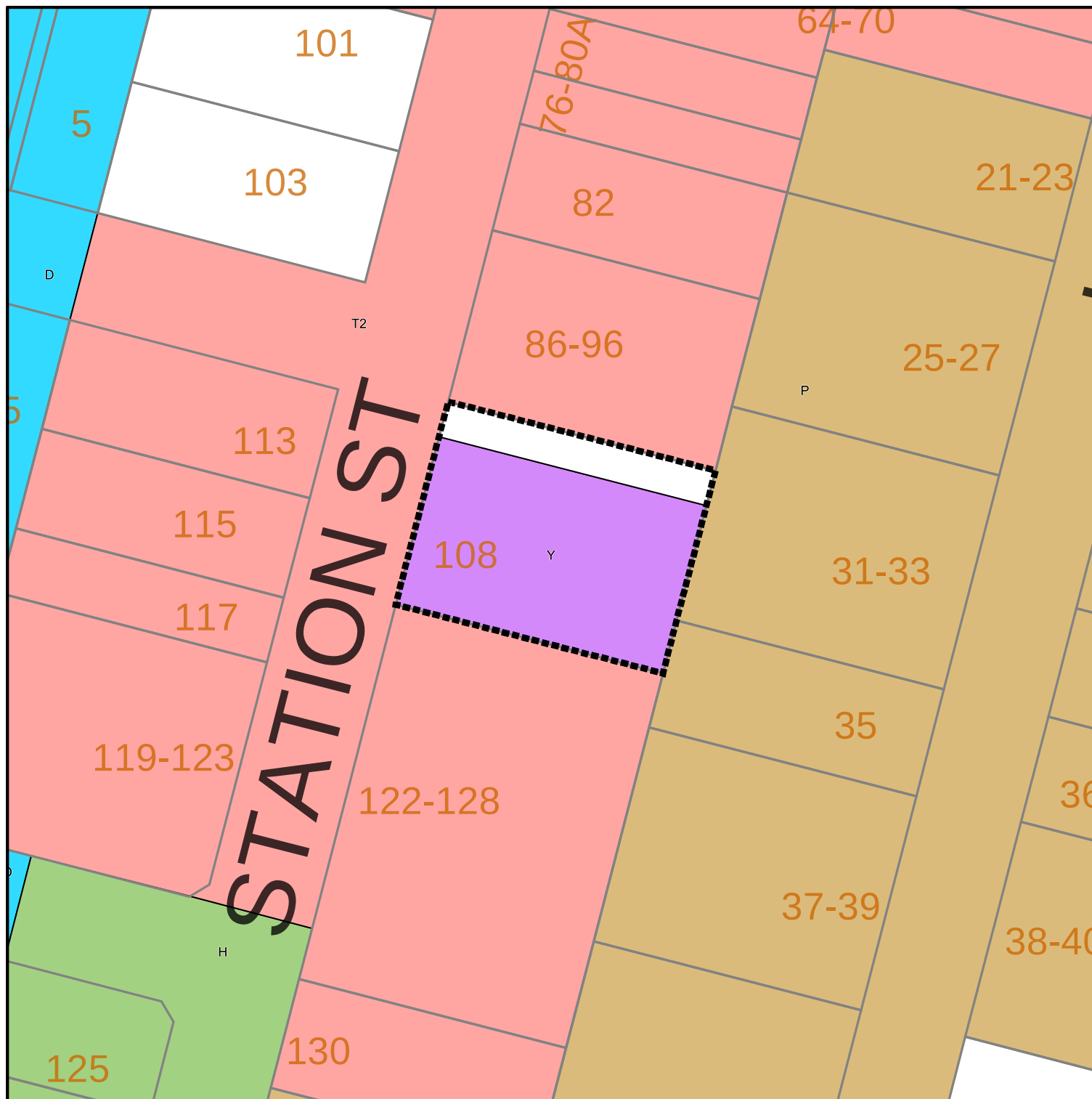
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108 Station St,  
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**Draft Holroyd LEP 2013 Amendment**  
**108 Station St, Wentworthville**  
**Floor Space Ratio**

**Maximum Floor Space Ratio (n:1)**

|           |      |            |     |
|-----------|------|------------|-----|
| <b>D</b>  | 0.5  | <b>U1</b>  | 2.5 |
| <b>H</b>  | 0.7  | <b>U2</b>  | 2.8 |
| <b>K</b>  | 0.85 | <b>V</b>   | 3   |
| <b>N</b>  | 1    | <b>W</b>   | 3.5 |
| <b>P</b>  | 1.2  | <b>X</b>   | 4   |
| <b>S1</b> | 1.5  | <b>Y</b>   | 4.5 |
| <b>S2</b> | 1.8  | <b>Z1</b>  | 5   |
| <b>T1</b> | 2    | <b>Z2</b>  | 5.5 |
| <b>T2</b> | 2.2  | <b>AA1</b> | 6   |
| <b>T3</b> | 2.4  | <b>AA2</b> | 6.5 |

|           |     |
|-----------|-----|
| <b>AB</b> | 7.5 |
| <b>AC</b> | 8.5 |
| <b>AD</b> | 9   |

**Area A**

**Area B**

Note: minimum non-residential floor space ratio of 0.5:1 applied to site



**CUMBERLAND COUNCIL**

Print Date: 13/09/2017  
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108 Station St,  
Wentworthville

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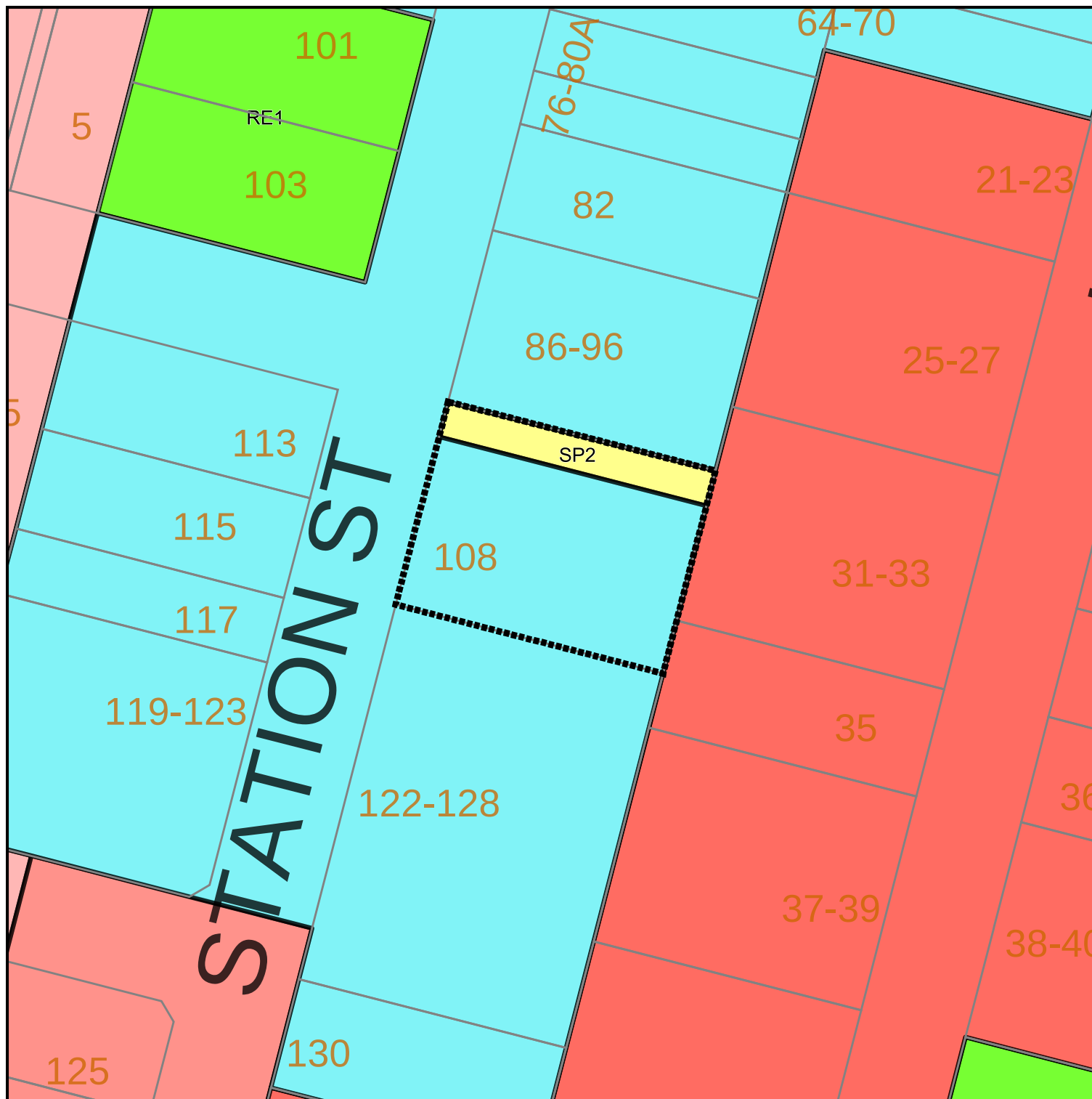
**PLANNING PROPOSAL (REVISED SEPTEMBER 2017)**

**108 STATION STREET WENTWORTHVILLE**

**ATTACHMENT 6**

**ORIGINAL (JUNE 2016) DETAILED LEP MAPS FOR**

**LZN; HOB; FSR.**



**Draft LEP 2013 Amendment**  
**108 Station St, Wentworthville**  
**Land Zoning**



Print Date: 13/10/2015  
Scale 1: 1000



108 Station St,  
Wentworthville

**LAND ZONING**

Neighbourhood Centre

B1

Local Centre

B2

Mixed Use

B4

Business Development

B5

Enterprise Corridor

B6

Business Park

B7

Environmental Conservation

E2

General Industrial

IN1

Light Industrial

IN2

Low Density Residential

R2

Medium Density Residential

R3

High Density Residential

R4

Public Recreation

RE1

Private Recreation

RE2

Infrastructure

SP2

Unzoned Land

UL

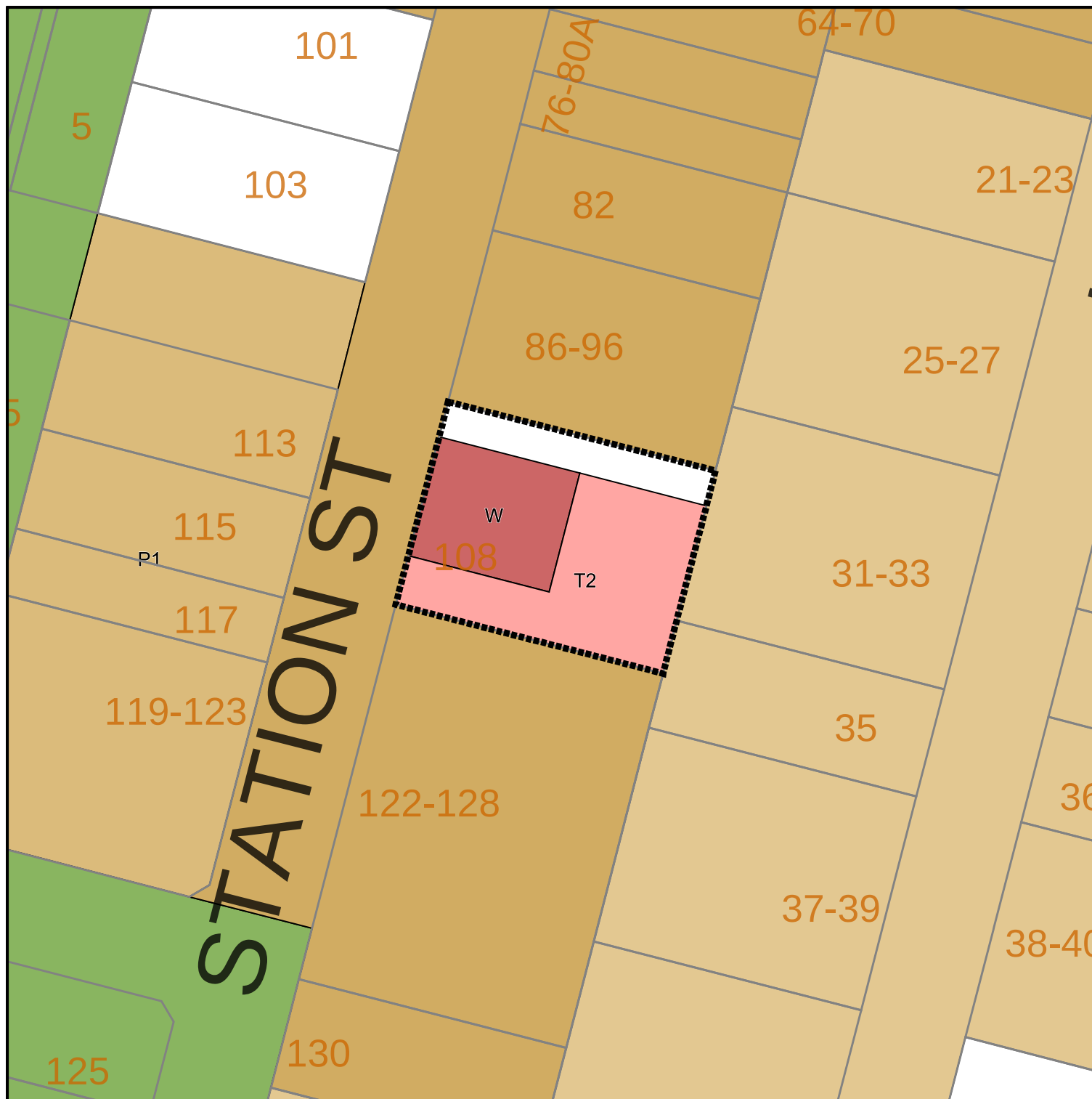
SEPP (Major Development) 2005

MD

SEPP (Western Sydney  
Employment Area) 2009

WSE

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**Draft LEP 2013 Amendment**  
**108 Station St, Wentworthville**  
**Height of Buildings**

**Maximum Building Height (m)**

|    |      |
|----|------|
| J  | 9    |
| K  | 10   |
| L  | 11   |
| M  | 12.5 |
| N  | 14   |
| O  | 15   |
| P1 | 17   |
| P2 | 18   |
| Q  | 20   |
| R  | 21   |

|    |    |
|----|----|
| S1 | 23 |
| S2 | 24 |
| T1 | 26 |
| T2 | 29 |
| U  | 32 |
| V  | 38 |
| W  | 41 |
| Y  | 53 |
| AA | 65 |

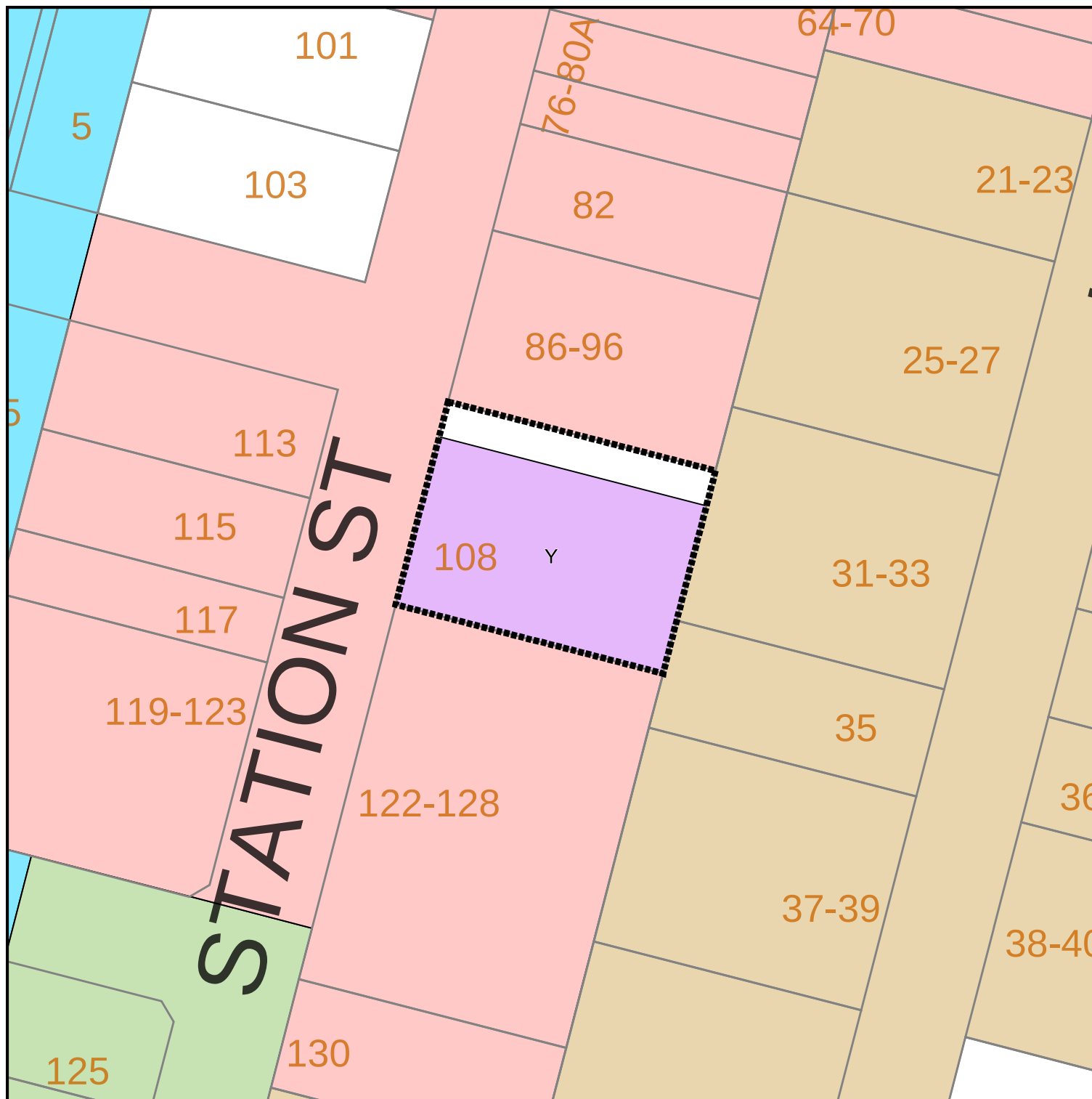


Print Date: 13/10/2015  
Scale 1: 1000



108 Station St,  
Wentworthville

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**Draft LEP 2013 Amendment**  
**108 Station St, Wentworthville**  
**Floor Space Ratio**

**Maximum Floor Space Ratio (n:1)**

|           |      |            |     |               |     |
|-----------|------|------------|-----|---------------|-----|
| <b>D</b>  | 0.5  | <b>U1</b>  | 2.5 | <b>AB</b>     | 7.5 |
| <b>H</b>  | 0.7  | <b>U2</b>  | 2.8 | <b>AC</b>     | 8.5 |
| <b>K</b>  | 0.85 | <b>V</b>   | 3   | <b>AD</b>     | 9   |
| <b>N</b>  | 1    | <b>W</b>   | 3.5 | <b>Area A</b> |     |
| <b>P</b>  | 1.2  | <b>X</b>   | 4   | <b>Area B</b> |     |
| <b>S1</b> | 1.5  | <b>Y</b>   | 4.5 |               |     |
| <b>S2</b> | 1.8  | <b>Z1</b>  | 5   |               |     |
| <b>T1</b> | 2    | <b>Z2</b>  | 5.5 |               |     |
| <b>T2</b> | 2.2  | <b>AA1</b> | 6   |               |     |
| <b>T3</b> | 2.4  | <b>AA2</b> | 6.5 |               |     |



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