

**108 Station Street, Wentworthville**

Proposal Title : **108 Station Street, Wentworthville**

Proposal Summary : **The proposal seeks to increase the maximum building height from 20m (5-6 storeys) to part 29m (8 storeys) and part 41m (12 storeys) and increase the maximum FSR from 2.2:1 to 4.5:1 for land at 108 Station Street, Wentworthville and to rezone part of the site that will be dedicated as a laneway to SP2 Infrastructure.**

PP Number : **PP\_2015\_HOLRO\_005\_00**

Dop File No : **16/01431**

**Proposal Details**

Date Planning : **08-Mar-2016**

Proposal Received :

LGA covered : **Holroyd**

Region : **Metro(Parra)**

RPA : **Holroyd City Council**

State Electorate : **PARRAMATTA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

**Location Details**

Street :

Suburb :

City :

Postcode :

Land Parcel : **108 Station Street, Wentworthville**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot B DP 410947**

**DoP Planning Officer Contact Details**

Contact Name : **Lillian Charlesworth**

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**RPA Contact Details**

Contact Name : **Natalie Stanowski**

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**DoP Project Manager Contact Details**

Contact Name : **Terry Doran**

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Contact Email : **Terry.Doran@planning.nsw.gov.au**

**Land Release Data**

Growth Centre :

Release Area Name :

Regional / Sub  
Regional Strategy : **Metro West Central  
subregion**Consistent with Strategy : **Yes**

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg  
Residential /  
Employment land) :No. of Lots : **0**No. of Dwellings  
(where relevant) : **75**Gross Floor Area : **0**No of Jobs Created : **0**The NSW Government **Yes**Lobbyists Code of  
Conduct has been  
complied with :

If No, comment :

Have there been **No**  
meetings or  
communications with  
registered lobbyists? :If Yes, comment : **The Lobbyist Contact Register was checked on 15 January, 2016 and indicated no contact with lobbyists regarding this proposal.****Supporting notes**Internal Supporting  
Notes :**The planning proposal was submitted in December 2015, although additional information was required and was subsequently provided by Council on 28 January, 2016. Subsequent advice was sought from council and received on 8 March 2016.**External Supporting  
Notes :**The site is zoned B2 Local Centre, comprises 1,919sq.m. in area and lies within the Wentworthville town centre. The site is currently occupied by two, single storey buildings utilised for an Indian restaurant, pharmacy and beauty salon with car parking at the rear.****Adequacy Assessment****Statement of the objectives - s55(2)(a)**Is a statement of the objectives provided? **Yes**Comment : **The proposal seeks to enable the redevelopment of the site at a scale consistent with the future role of the centre, contribute to the revitalisation of the Wentworthville town centre and facilitate the delivery of a public laneway identified in Council's Wentworthville Centre Planning and Place Making Strategy.****Explanation of provisions provided - s55(2)(b)**Is an explanation of provisions provided? **Yes**Comment : **The proposal seeks to amend Holroyd Local Environmental Plan 2013 as follows:**  
- **rezone a strip of land along the northern site boundary to SP2 Infrastructure;**  
- **increase the maximum FSR for the land zoned B2 Local Centre to 4.5:1; and**  
- **increase the maximum height of buildings for land zoned B2 Local Centre to part 29m and part 41m.****The SP2 zone has been incorrectly referred to within the planning proposal as SP2 Local Road, whereas the proposal should specify SP2 Infrastructure. It is recommended that all**

references to the SP2 zone within the planning proposal be corrected where necessary.

It is noted that council has not indicated whether it will be the acquisition authority for the land proposed to be rezoned SP2. This issue is addressed in this report - refer below.

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

e) List any other matters that need to be considered :

**STATE ENVIRONMENTAL PLANNING POLICY NO.55 - REMEDIATION OF LAND**

This policy will apply to the site at development application stage as a Preliminary Site Investigation concluded that the site may contain contaminants that pose a low risk.

### SECTION 117 DIRECTIONS

#### BACKGROUND

The proposal will retain the existing B2 Local Centre Zone (with the minor exception of the laneway). This zone permits (amongst other things) residential development, with consent.

#### 1.1 BUSINESS AND INDUSTRIAL ZONES

This Direction applies to the planning proposal as it will affect land within an existing or proposed business or industrial zone.

The proposal is considered to be **CONSISTENT** with this direction, as it is not inconsistent with item (4) of the Direction.

**3.1 RESIDENTIAL ZONES** - This Direction applies to the planning proposal as it will affect land within an existing zone in which significant residential development is permitted or proposed to be permitted.

The proposal is considered to be **CONSISTENT** with this direction, as it will continue to permit residential development and satisfy the intent of the direction.

#### 3.4 INTEGRATING LAND USE AND TRANSPORT

This Direction does apply to the planning proposal as it will alter a provision relating to urban land.

Given the location of the site and the circumstances, the proposal is considered to be **CONSISTENT** with this direction.

Note: Holroyd LEP 2013 contains the standard 6.3 Essential services clause.

#### 4.3 FLOOD PRONE LAND

This Direction does apply to the planning proposal as it will alter a provision that affects flood prone land i.e. would permit an increase in development (the site density would approximately double).

The proposal advises: the site has been identified as being affected by moderate stormwater overflows, specifically at the front of the property. The application is not

proposing to rezone the land but involves an increase in density.

Mitigation measures, consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 can satisfactorily be implemented for any future development of the site.

A flood impact assessment report has been prepared and concludes that development controls are available to effectively mitigate against flood risk on and off the site.

Council's Engineering Services Department have raised no objections.

Any inconsistency with the Direction is considered to be of minor significance. The delegate's approval is recommended accordingly.

## 6.2 RESERVING LAND FOR PUBLIC PURPOSES

The proposal includes the rezoning of land within the site from B2 Local Centre to a SP2 Public Infrastructure Zone. The intention is to provide a publicly accessible laneway enabling future development north of the subject land to gain vehicular access from the future laneway. It is proposed that dedication of the land for this purpose will occur through a local voluntary planning agreement.

This Direction does apply to the planning proposal as it will create a zone for a public purpose (i.e. SP2) and, consequently, it is necessary for the relevant public authority and the Secretary of the Department to provide approval under the Direction.

It is noted that the planning proposal does not nominate an acquisition authority for the land to be zoned SP2.

This matter has been discussed with council officers and it was agreed that Council will address this matter during the plan making process and will provide further advice to the Department during the process.

In these circumstances, authorisation for Council to exercise the Commission's plan making power at section 59 stage is not recommended.

It is also recommended that the delegate withhold approving the reservation at this stage and further consideration be given to this matter at the time Council submits the proposal to be made.

## 7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

EP&A Act Section 75A(1) Implementation of strategic plans Section 75A(2) states that, in preparing a planning proposal under section 55, the relevant planning authority is to give effect:

- (a) to any district plan applying to the local government area to which the planning proposal relates (including any adjoining local government area),  
or
- (b) if there is no district plan applying to the local government area—to any regional plan applying to the region in respect of which the local government area is part.

There is no district plan currently applicable to the subject land, and, under Section 75A(3), A Plan for Growing Sydney is taken to be the regional plan for the Greater Sydney Region.

The proposal is considered consistent with A Plan for Growing Sydney as the proposal seeks to provide appropriate development in this location.

It is noted that the planning proposal addresses the former metropolitan plan. An appropriate condition of determination is recommended to amend the planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment :                      **The mapping provided is adequate for public consultation purposes.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment :                      **Council proposes to exhibit the planning proposal for 28 days, provide notice in a local newspaper, place information on Council's website, at Council's customer service centre as well as at the Merrylands and Wentworthville libraries.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

**Proposal Assessment**

**Principal LEP:**

Due Date : **August 2013**

Comments in relation to Principal LEP :                      **Holroyd Local Environmental Plan 2013 came into effect in August 2013.**

**Assessment Criteria**

Need for planning proposal :                      **Council has undertaken economic feasibility testing of the subject site and determined that increased density is required for development of the site to be feasible.**

Consistency with strategic planning framework :

Council is currently undertaking the Wentworthville Centre Revitalisation Planning Project which is jointly funded by Council and the Department. The project aims to facilitate urban renewal and revitalisation of the centre.

Expert studies for the centre on traffic and transport, urban design and economic impact have been finalised and a Planning and Place Making Strategy prepared. The Strategy will be utilised to prepare a planning proposal for the Wentworthville centre.

The planning proposal exceeds the maximum height of building (8 storeys) and FSR controls (3:1) recommended for the subject site in the Planning and Place Making Strategy. The proposal seeks to implement a 41 metre (12 storey) corner element and 29 metres (8 storeys) for the remainder of the net site. The proposed FSR is 4.5:1.

Council supports this departure from the Strategy on the basis that the proposal will provide a publicly accessible laneway, free of cost to Council, that provides a wider public benefit for the Wentworthville centre.

Additionally, Council considers that 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 metres) height across the majority of the site and is considered supportable from the strategic planning context.

The proposal is consistent with the draft West Central Sub-regional Strategy 2007 that identifies the Wentworthville centre as a village that will grow into a town centre as surrounding areas undergo renewal and residential densities increase.

Environmental social economic impacts :

**CONTAMINATION** - The site may be contaminated although the nature of the contaminants is considered by Aargus Pty Ltd to be low risk. Aargus conclude that the site will be suitable for the development following further investigation and any required remediation.

**TRAFFIC** - A Transport Impact Assessment prepared by GTA Consultants concluded that the increase in vehicle trips would be relatively minor and not have any significant impact on local traffic conditions.

**FLOODING** - Council's Engineering Services Department has reviewed the proposal and supporting reports and has no objection to the proposal on flooding grounds.

**ECONOMIC IMPACT** - Given that the rezoning of this site would progress ahead of the planning proposal for the Wentworthville town centre, redevelopment of the site would act as a catalyst to attract further investment and renewal within the centre.

**SOCIAL IMPACT** - The proposal will generate additional dwellings within close proximity to public transport, shops and local open space. The proposed laneway will provide a desirable mid-block connection to enable residents to more conveniently access the adjacent Friend Park and the Wentworthville town centre.

### Assessment Process

|                                            |                                                                                                                       |                                 |         |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|---------------------------------|---------|
| Proposal type :                            | Routine                                                                                                               | Community Consultation Period : | 28 Days |
| Timeframe to make LEP :                    | 12 months                                                                                                             | Delegation :                    | DDG     |
| Public Authority Consultation - 56(2)(d) : | Department of Education and Communities<br>Transport for NSW - Roads and Maritime Services<br>State Emergency Service |                                 |         |

**108 Station Street, Wentworthville**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

**Documents**

| Document File Name                                       | DocumentType Name        | Is Public |
|----------------------------------------------------------|--------------------------|-----------|
| Planning Proposal -108 Station Street Wentworthville.pdf | Proposal                 | Yes       |
| Holroyd cover letter.pdf                                 | Proposal Covering Letter | Yes       |
| Planning Proposal - Attachment 1 - LEP Maps.pdf          | Proposal                 | Yes       |
| Transport Impact Assessment.pdf                          | Study                    | Yes       |
| Flood Impact Assessment.pdf                              | Study                    | Yes       |
| Preliminary Site Investigation (contamination).pdf       | Study                    | Yes       |
| Urban Design Report.pdf                                  | Study                    | Yes       |

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:      **1.1 Business and Industrial Zones**  
                                 **3.1 Residential Zones**  
                                 **3.4 Integrating Land Use and Transport**  
                                 **4.3 Flood Prone Land**  
                                 **6.2 Reserving Land for Public Purposes**  
                                 **7.1 Implementation of A Plan for Growing Sydney**

Additional Information :      **DELEGATION OF PLAN MAKING FUNCTIONS**  
Council officers have advised there is no imperative for it to exercise the Commission's plan making function for this planning proposal.

Given that Council is seeking dedication of land as part of the proposal and there is an unresolved section 117 direction (i.e. 6.2 Reserving land for public purposes) it is recommended that authorisation is this instance not be issued.

**SECTION 117 DIRECTIONS****4.3 FLOOD PRONE LAND**

The delegate's approval is recommended for any inconsistency with this direction as a minor matter.

**6.2 RESERVING LAND FOR PUBLIC PURPOSES**

The approval of the delegate is required when rezoning land for public purposes.

As the question of an acquisition authority requires to be resolved, it is recommended the delegate agree to withhold approval under this direction until the matter is clarified by Council during the plan making process.

**DETERMINATION**

It is recommended the planning proposal proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal to:

- (a) change all references to the SP2 zone from SP2 Local Road to SP2 Infrastructure; and
- (b) address A Plan for Growing Sydney under Table 2 - Consistency with applicable 117 Directions (page 9 of the planning proposal).

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals identified in section 5.5.2 of 'A Guide to Preparing LEPs' (Department of Planning and Infrastructure 2012).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:

- Department of Schools and Communities;
- State Emergency Service;
- Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is supported as it will contribute to the urban renewal and revitalisation of the Wentworthville Centre, enhance pedestrian access through the Centre and is not inconsistent with relevant State and regional plans and policies.

Signature:



Printed Name:

T DORAN

Date:

1/4/16