

Planning Services

Plan Finalisation Report

Local Government Area: Cumberland

File Number: IRF18/83

1. NAME OF DRAFT LEP

Holroyd Local Environmental Plan 2013 Amendment No.10 (draft LEP).

2. SITE DESCRIPTION

The planning proposal applies to Lot 11 DP746514, at 42 – 44 Dunmore Street, Wentworthville (Wentworthville Mall).



Figure 1: Subject site (highlighted in red)

The site has an area of 8,837m² and contains a 2 storey retail shopping centre comprising a supermarket, 32 retail shops on ground floor and a first-floor open air car park for 199 vehicles. The site adjoins a single storey commercial premise to the east and five - six storey mixed use development to the west. Wentworthville Railway Station is within 150 metres walking distance to the site.

3. PURPOSE OF PLAN

The draft LEP aims to enable the redevelopment of the site for mixed use development that will provide opportunities for the Wentworthville Centre to become a prominent residential, commercial and health service centre with increased public space, pedestrian connectivity and architectural design excellence. The draft LEP seeks to:

- rezone a portion of the site from B2 Local Centre to SP2 Infrastructure;
- increase the maximum floor space ratio (FSR) from 2.4:1 to 4:1;
- increase the maximum height of buildings from 23m to 30m and 62m;
- create a design excellence clause (clause 6.11) to provide a FSR bonus of 0.5:1 and a height bonus of 10% to development over 30m that exhibit design excellence and have been endorsed by the Cumberland Design Excellence Panel; and
- introduce a bonus FSR under clause 6.11 of:
 - 0.5:1 if at least 4,400 square metres of floor space above the ground floor of the building is used for the purposes of commercial premises or a health services facility; and
 - 1:1 if at least 4,000 square metres of floor space within the building is used for the purposes of a supermarket.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Granville Electorate. Julia Finn MP is the State Member for Granville.

Julie Owens MP is the Federal Member for Parramatta.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

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

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

5. GATEWAY DETERMINATION

The Gateway determination issued on 14 June 2016 (**Attachment C**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on 27 March 2017, to extend the timeframe for completion (**Attachment D**). The revised completion date for the Gateway determination was 21 June 2017.

6. COMMUNITY CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 17 August to 28 October 2016.

A total of 40 submissions were received from the community. All 40 submissions either objected to the proposal in its entirety or raised specific concerns relating to:

- building height, density, overshadowing and urban design;
- traffic transport and parking; and
- infrastructure.

Holroyd Council's Post Exhibition Report Submissions Report was considered by the Cumberland Independent Assessment Panel on 14 December 2016 (**Attachment E**). A detailed summary of the community submissions and Council's response can be found at **Appendix 1**.

Council's responses to the main issues raised is as follows:

Height and Density

Objections considered the height and density excessive and out of context.

Council Comments

The proposed heights and FSR are generally consistent with heights and densities envisaged by the 'Wentworthville Planning and Place Making Strategy', and the 'Wentworthville Centre Revitalisation Planning Project', which identified the site as being suitable for a maximum building height of 18 storeys. The proposed 68m (20 storeys) is a minor variation and is considered appropriate due to Wentworthville Centre's role as a key site and with respect to the site's proximity to the centres of Westmead and Parramatta, Wentworthville Railway Station, primary road corridors and the subject land's role as a key location within the Wentworthville Centre.

Overshadowing

Concerns were raised over solar access and overshadowing impacts on surrounding residential development.

Council Comments

Shadows likely to be generated by the proposal are consistent with the shadows considered in the 'Wentworthville Planning and Place Making Strategy'. Solar access diagrams were provided as part of the proposal and demonstrate adjoining properties and communal open space within the site will receive minimum solar access requirements in accordance with Council and Apartment Design Guideline (ADG) controls. Further, a detailed assessment of solar impacts will be undertaken at the development application stage.

Urban Design

Concerns were raised that the proposed development will result in poor urban design outcomes.

Council Comments

The proposal will be built in accordance with the State Government's Apartment Design Guide ensuring quality form and design. Council acknowledges that improved urban design is needed for new development in the area and an incentivised design excellence provision has been introduced to encourage improved urban design outcomes.

Traffic

The additional housing density proposed will result in increased traffic movements leading to the congestion of road networks.

Council Comments

The 'Wentworthville Planning and Place Making Strategy' proposes a number of upgrades to surrounding local roads and intersections, including, a Dunmore Street bypass. This will enhance the centre as a place for pedestrians, whilst responding to expected increased traffic and associated traffic management requirements. Traffic generation resulting from

the proposal is consistent with the projected traffic volumes envisaged in the 'Wentworthville Planning and Place-Making Strategy'.

Parking

The proposal will result in significant impacts to on street parking. Additional public car parking should be provided.

Council Comments

The proposal will be required to deliver parking pursuant to Council's parking rates and the Apartment Design Guide. Demand for on street parking is likely to increase and this will be subject to a review. Timed and resident parking restrictions may be implemented as a result of the review, should there be significant increased demand. The site is also well serviced by public transport.

Infrastructure

Proposed development will result in strain on existing services and infrastructure.

Council Comments

Council is liaising with the Education Department on the provision of schools in the area to meet the demand generated by growing population. A new child care centre has been marked as a high priority under the Holroyd Section 94 Contributions Plan. Blacktown and Westmead hospitals are undergoing and or will be subject to upgrades by 2020.

Expansions and improvements to services such as electricity, communications, water and sewerage will be confirmed at Development Application Stage and a range of new infrastructure features to ensure the success of future dwelling and business growth in the Centre including new laneways, traffic upgrades and public domain improvements are proposed as part of the Wentworthville Planning & Place-Making Strategy.

Department comment:

The Department notes that Council has responded to the community submissions. It is considered that Council has satisfactorily addressed the issues raised during community consultation.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was required by the Gateway determination to consult with:

- Sydney Water;
- Energy Australia;
- Transport for NSW;
- Department of Education and Communities;
- Fire and Rescue NSW;
- NSW Police Force; and
- City of Parramatta.

Submissions were received from Sydney Water Corporation, Endeavour Energy and Transport for NSW (TfNSW) who did not object to the proposal.

Transport for NSW raised concerns about the impacts of the proposed pedestrian crossing on the operation of bus services and recommended further consultation with TfNSW and RMS in relation to design of the crossing.

Council Comments

Dunmore Street will have a reduced speed limit, which will reduce potential safety issues associated with the bus zone and pedestrian crossing. This issue can be addressed at Development Application stage and the location of the crossing could be amended, should this be required.

Council's consideration of the public agency submissions is at **Attachment E**.

Department Comment

The Department is satisfied that the concerns of TfNSW are appropriate to be, and can be resolved at the development application stage, and should not preclude the finalisation of this draft plan.

8. POST EXHIBITION CHANGES

Cumberland Independent Hearing and Assessment Panel's (CIHAP) consideration of the post exhibition report, community submissions and additional provisions as determined by Council as having merit to the proposal, have resulted in the proposal undergoing changes including:

- clause 6.11 (design excellence clause) was revised to include a height bonus of 10% for the portion of the site with a maximum building height of 62m, to apply to buildings over 30m, if the consent authority is satisfied that design excellence is achieved;
- bonus FSR provisions were shifted from clause 4.4 (FSR clause) to clause 6.11 (design excellence clause);
- the provision enabling an FSR bonus for a supermarket was revised from 0.5:1 to 1:1, subject to the provision of a supermarket at a minimum of 4,000sqm of floor space;
- health services facility was included in addition to commercial premises as uses that will enable a 0.5:1 FSR bonus, subject to minimum floor space requirements being met;
- the provision enabling a 0.5:1 FSR bonus for commercial premises or a health services facility above ground level was revised to specify a minimum floor space of 4,400 sqm;
- the FSR for the site was reduced from 4.5:1 to 4:1 (to account for the increased bonus for the supermarket incentive); and
- the maximum building height in the northern part of the site was reduced from 68m to 62m.

The changes listed above are discussed in further detail below:

Design Excellence Height Bonus

The inclusion of a 10% height bonus was included within clause 6.11 - 'design excellence' following a reduction in the mapped building heights in the northern part of the site, from 68m to 62m (18 storeys). The objective of the 10% height bonus is to encourage design excellence for buildings above 62m (18 storeys).

Incentive to Provide a Full Line (large scale) Supermarket

As a large or full line supermarket was considered important to the revitalisation of the Wentworthville Centre, the overall site FSR was reduced from 4.5:1 to 4:1 to allow a bonus 1:1 FSR subject to the provision of a supermarket at a minimum 4,000sqm of floor space.

Incentive to Provide Commercial Space or Health Services Facility

This incentive provides a bonus FSR of 0.5:1 if a minimum floor space of 4,400sqm for commercial space or health services facility use is provided. The incentive is considered suitable for the proposal as it will encourage significant floor space to be allocated for uses which will enforce the site's contribution to the Wentworthville Centre.

The bonus to be applied for the provision of a health services facility use was not part of the notification of the proposal; however, as it is already a permissible use in the B2 – Local Centre zone, re-exhibition is not considered necessary.

9. ASSESSMENT

- the planning proposal has been informed by strategic work undertaken by Council, including the 'Wentworthville Centre Revitalisation Planning Project' and the 'Wentworthville Planning and Place Making Strategy', both of which aim to facilitate orderly and appropriate urban renewal and revitalisation of Wentworthville and its centre;
- the site is located within the wider project area and the amendment, if endorsed, will enable the redevelopment of the subject site for the purposes of mixed use residential and commercial development. The proposal recognises the sites suitability for redevelopment having regard to the site's location and accessibility, and its potential to have increased building heights, floor space ratio, additional commercial space and public open space;
- A Plan for Growing Sydney - the draft plan supports Goal 2 of A Plan for Growing Sydney: to accelerate housing supply across Western Sydney. The site provides an opportunity to deliver 480 new homes in an urban area with access to existing public transport, via the railway station;
- Draft Greater Sydney Region Plan – the draft plan supports the directions set out in this plan by delivering a mixed use development providing housing and employment, supported by rail, health and road infrastructure, creating a well located and connected development; and
- Revised Draft Central City District Plan – Wentworthville is identified as a priority precinct suitable for residential growth. The delivery of 480 dwellings supports the District Plan's objectives of delivering housing around local centres serviced by existing infrastructure.

Section 117 Directions

The LEP amendment is consistent with relevant Directions.

State Environmental Planning Policies

The LEP amendment is consistent with the relevant SEPPs.

10. MAPPING

Four maps are associated with the LEP amendment including preparation of a new design Excellence map;

- Land Zoning Map LZN_005;
- Floor Space Ratio FSR_005;
- Height of Buildings HOB_005; and
- Design Excellence Map DEX_005.

The maps were checked by the Department's ePlanning Team and sent to Parliamentary Counsel on 12 December 2017.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument (**Attachment F**). Council confirmed on 7 December 2017 that it was happy with the draft and that the Plan should be made (**Attachment G**).

12. PARLIAMENTARY COUNSEL OPINION

On 20 December 2017, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Tab PC.

13. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate determine to make the draft LEP because:

- Cumberland Independent Hearing and Assessment Panel and Cumberland Council endorsed the proposal and requested the delegate of the Greater Sydney Commission make the plan;
- Cumberland Council have satisfied all conditions of the Gateway determination;
- There are no outstanding objections;
- There are no unresolved s117 Directions;
- The amending LEP is consistent with the intent and purpose of the planning proposal and Gateway determination;
- The proposal seeks to enable 480 dwelling houses and approximately 9,700sqm retail and commercial space;
- The Department's GIS team have checked the maps and map cover sheet;
- Parliamentary Counsel's opinion was issued on 20 December 2017; and
- Under s59(1) of the Act, Cumberland Council was consulted on the draft plan. Cumberland Council's response was received on 7 December 2017, agreeing that the amendment could be made.

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