

Greater Sydney, Place and Infrastructure

IRF20/536

Gateway determination report

LGA	Cumberland
PPA	Cumberland Council
NAME	Amendments to HOB and FSR, additional permitted uses to include a ground floor private gymnasium located at 55-57 Station Street, and 6 Pritchard Street East (approximately 10-12 additional dwellings).
NUMBER	PP_2020_CUMBE_001_00
LEP TO BE AMENDED	Holroyd Local Environmental Plan 2013
ADDRESS	55-57 Station Street and 6 Pritchard Street East, Wentworthville
DESCRIPTION	Lot 1A DP305764, Lot 2A in DP305764, Lot 3A in DP30576 and SP19949
RECEIVED	24 January 2020
FILE NO.	IRF20/536
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the development controls for land at 55-57 Station Street and 6 Pritchard Street East, Wentworthville (the site), by amending the Holroyd Local Environmental Plan 2013 as follows:

- Increase the Floor Space Ratio (FSR) from 2:1 and 2.2:1 to 3:1 across the site;
- Increase the Height of Building (HOB) from part 10m, 17m and 20m to part 17m, 23m and 41m across the site; and
- Amend schedule 1 Additional Permitted Uses to permit 100sqm ground floor private gymnasium for use by residential tenants only.

The planning proposal seeks to allow for redevelopment of the site for the purpose of a shop-top housing development with residential apartments above ground level; and a private gymnasium and commercial/retail uses at ground floor. The proposed uplift will allow for approximately 10-12 additional dwellings in comparison to the controls of the Wentworthville Town Centre planning proposal (currently with the Department for finalisation), enabling approximately 90 dwellings in total. The

proposal will also facilitate the delivery of an additional 1,040m² of public open space, through the dedication of part of the site for the expansion of Friend Park.

1.2 Site description

The site comprises of four allotments, defined in **Table 1** below, and is approximately 2,759m².

Street Address	Lot	DP
55-57 Station Street	1A	DP305764
55-57 Station Street	2A	DP305764
55-57 Station Street	3A	DP305764
6 Pritchard Street	-	SP19949

Table 1: Site description for 55-57 Station Street and 6 Pritchard Street East

The site is rectangular with a primary road frontage to Pritchard Street East of approximately 60m and a secondary frontage to Station Street of approximately 46m.

The site consists of an unused petrol station and two retail buildings, with the majority of the site currently being used as carparking as shown in **Figure 1**.



Figure 1: Aerial View of 55-57 Station Street and 6 Pritchard Street East

1.3 Existing planning controls

Under the Holroyd Local Environmental Plan 2013, the site:

- is zoned B2 Local Centre;
- has a maximum building height of 10m, 17m and 20m; and
- has a floor space ratio of 2.2:1 and 2:1.

The following map extracts from the Holroyd Local Environmental Plan 2013 illustrate the current controls applying to the site in **Figure 2, Figure 3** and **Figure 4**.



Figure 2: Existing B2 Local Centre zoning over the site shown bound in red (HLEP 2013).



Figure 3: Existing HOB controls of 10m, 17m and 20m over the site shown bound in red (HELP 2013).

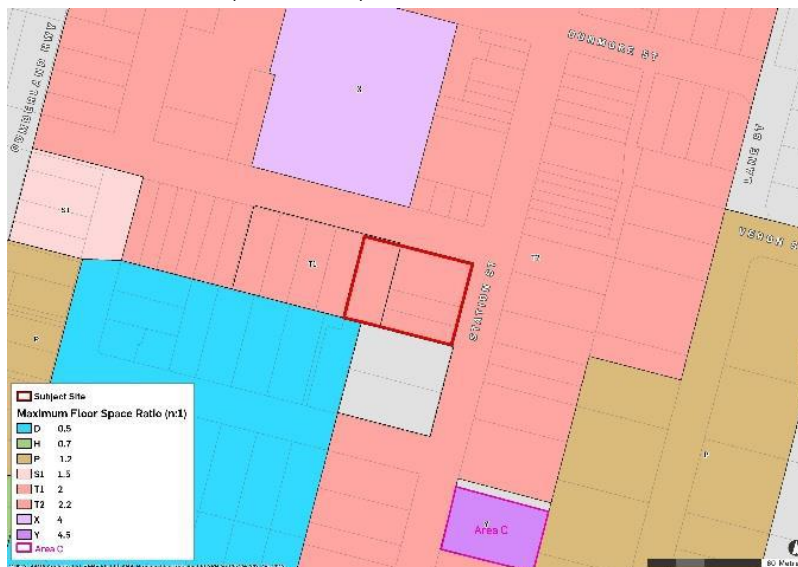


Figure 4: Existing FSR controls of 2.2:1 and 2:1 over the site shown bound in red (HLEP 2013).

1.4 Surrounding area

The site is located within the Wentworthville Town Centre, approximately 250m from Wentworthville Station. The surrounding locality is characterised by single and two storey commercial shops and shop-top housing, with a mix of 4-6 storey buildings on Dunmore Street, Station Street and Lane Street. Its built form comprises fine-grained retail along Station Street, big-box retail on Dunmore Street and low-rise buildings on individual lots on the remainder of sites.

Development to the north of the site consists of a former IGA and a number of single storey commercial premises and shop-top housing developments. A recent shop-top housing development at 52 Dunmore Street is located to the north east of the site, containing 6 storeys with a recessed 7th storey.

Adjoining the site at the southern boundary is Friend Park, the only park in the town centre. The park includes a childcare centre to the west and a children's playground to the north.

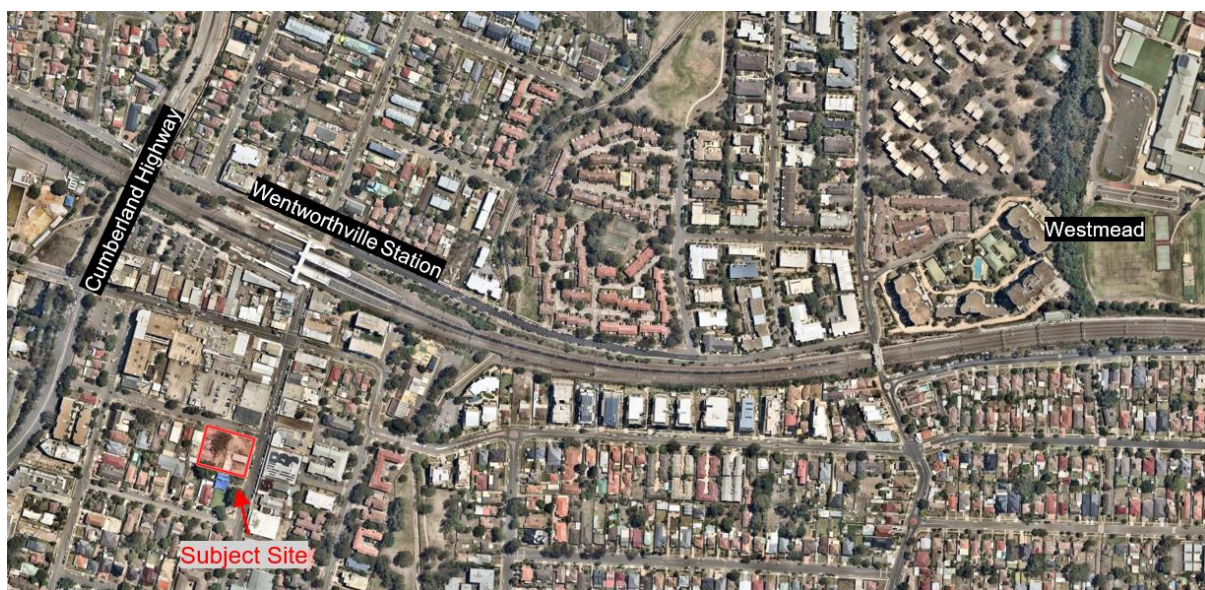


Figure 8: Aerial map showing surrounding area with site bound in red.

1.5 Summary of recommendation

It is recommended that the planning proposal should proceed subject to conditions outlined in this report. Overall, the proposal will facilitate the redevelopment of an underutilised site for a shop-top housing development, facilitating the broader objectives of the Wentworthville Town Centre Strategy. There are no changes to the zoning of the site, and the proposed uplift will only allow an additional 10-12 dwellings in comparison to the proposed controls under the Wentworthville Town Centre planning proposal. The redevelopment will support improving the amenity of the site, Friend Park and Wentworthville Town Centre aligning with the envisioned local centre use of the land.

Council has advised that the dedication of land for Friend Park will occur via a Voluntary Planning Agreement with zoning changes to RE1 Public Open Space to occur via a later housekeeping amendment.

Recommendations of the Local Planning Panel:

The planning proposal was referred to the Local Planning Panel on 5 November 2019. The panel supported the Council officer's recommendation and suggested the

inclusion of further site-specific controls to minimise overshadowing impacts on Friend Park. To address the Panel's advice, Council will prepare a site-specific development control plan following a Gateway Determination. The site-specific controls will address the resolution of density and height as well minimise overshadowing impacts and maintain amenity to Friend Park.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to facilitate redevelopment of the site for the purpose of a shop-top housing development, comprising of residential apartments, a private gymnasium and commercial/retail uses.

The proposal does not intend to rezone the land. The proposed uplift will allow for approximately 10-12 additional dwellings in comparison to the controls under the Wentworthville Town Centre planning proposal (currently with the Department for finalisation), enabling approximately 90 dwellings in total.

Additionally, the proposal's objectives seek to balance the uplift and maximise public benefit through negotiations of a Voluntary Planning Agreement (VPA) which aims to:

- dedicate part of the site to facilitate the expansion of Friend Park;
- carry out embellishment works at Friend Park; and
- consider affordable housing options for any future development on the site.

Council intends to consider the rezoning of the portion of dedicated land to RE1 Public Recreation as a future amendment of the LEP, once the execution of the Voluntary Planning Agreement occurs.

A site-specific development control plan will be prepared to enhance urban design and public amenity for the site.

The objectives and intended outcomes of the planning proposal are considered clear and are explained in 'Part1-Objectives and Intended Outcomes' (**Attachment A**), as well as the attached appendices that form the proposal.

2.2 Explanation of provisions

In order to achieve the desired objectives, the following amendments to the Holroyd LEP 2013 are proposed:

- Increase the Floor Space Ratio from 2:1 and 2.2:1 to 3:1 across the site
- Increase HOB from 10m, 17m and 20m to 41m at 55-57 Station Street and 17m and 23m at 6 Pritchard Street East
- Amend schedule 1 Additional Permitted Uses to permit a 100sqm ground floor private gymnasium for use by residential tenants only.

All other planning controls applying to the site will remain unchanged. The explanation of provisions in the planning proposal is sufficient for the purpose of public exhibition.

2.3 Mapping

The proposal seeks to amend the following maps:

Map Type	Map Tile Reference
Height of Buildings Map	HOB_005

Floor Space Ratio Map	FSR_005
Additional Permitted Uses Map	APU_005

The planning proposal includes existing and proposed HOB, FSR and Additional Permitted Uses maps. The quality of the mapping is required to be improved prior to public exhibition. The proposed maps are to be updated to suitably demonstrate the proposed changes to the site.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal was initiated by the landowner, as result of the findings of the Economic and Development Feasibility Assessment (**Attachment D**) commissioned by Council in 2015 to support the Wentworthville Centre Planning and Place Making Strategy. The study determined that it was not feasible to redevelop the site with an FSR of less than 3:1.

The uplift anticipated by this planning proposal is generally consistent with Council's Wentworthville Town Centre planning proposal (currently with the Department for finalisation) which aims to facilitate urban renewal to allow appropriate built form on the site, while minimise overshadowing impacts on Friend Park.

The proposed increase in FSR and Building Height will also offset the loss of developable land on the site resulting from the dedication of 1,040m² of the site to Council for the expansion of Friend Park. This will ensure that dwelling yields are not reduced.

Council have advised that a site-specific development control plan will be prepared to enhance urban design and public amenity for the site following a Gateway determination being issued. Council has indicated the need for maximising public benefit and have advised that the proponent will enter into negotiations to support the upgrade and expansion of Friend Park via a Voluntary Planning Agreement (VPA).

4. STRATEGIC ASSESSMENT

4.1 Regional / District

4.1.1 Central City District Plan:

The Central City District Plan Provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The proposal is considered to give effect to the Central City District Plan. The proposal will facilitate a shop-top housing development that is consistent with the following priorities:

Planning Priority C1 – Planning for a City supported by infrastructure

The site is appropriately located approximately 250m from the Wentworthville train station and 700m from the Westmead Health and Education Precinct where a future Metro West station will be located. Future residents will be well served by public transport and other services within Wentworthville and surrounding areas. The planning proposal provides an opportunity to deliver additional jobs and housing in a highly accessible location, thus, is consistent with the plan.

Planning Priority C5 – Providing housing supply, choice and affordability, with access to jobs and services

The proposal will facilitate the delivery of a mix of dwellings with a wide range of employment, education and services within 30 minutes on public transport. The site is within walking distance of Wentworthville train station, with direct services to Parramatta CBD, Sydney CBD, Liverpool and Blacktown.

Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District's heritage:

The proposal facilitates redevelopment of an existing urban infill site including public and private open space, presenting opportunities for social interaction and respecting local heritage. The expansion and embellishment of Friend Park, which is the only park in the town centre will improve the amenity of the area whilst creating a local attractor for the centre through enhanced facilities.

Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city:

The proposal will provide new dwellings in close proximity to existing public transport links and will contribute to creating a 30-minute city. The proposal will enable residents to walk or cycle to Wentworthville Town Centre and access jobs in Parramatta CBD and Westmead Health and Education precinct, aligning with this planning priority.

4.2 Local

4.2.1 Draft Cumberland 2030: Our Strategic Planning Statement:

Draft Cumberland 2030 builds on the Greater Sydney Commission's Region Plan and District Plan, as well as Council's own Community Strategic Plan, establishing a land use vision, priorities and actions for the local area.

The proposal is generally consistent with the plan and this consistency is outlined below:

Planning Priority 4 – Improving accessibility with our town centres:

The proposal supports this strategic vision through providing a through site link to Friend Park, connecting Friend Park to the Dunmore Street Plaza. Implementing this active transport creates greater accessibility for residents and the surrounding community through connecting the core of the centre through means of walking and cycling.

Planning Priority 5 – Delivering housing diversity to suit changing needs:

A key vision of Council is providing greater variety and supply of housing to meet the needs of a growing population. The proposal will facilitate the delivery of a mix of 1, 2- and 3-bedroom apartments, providing housing choice to the changing needs of the population.

Planning Priority 6 – Delivering affordable housing suitable for the needs of all people at various stages of their lives:

This planning priority identifies the delivery of affordable housing an important desire for Council moving into the future. Council has endorsed a 15 percent affordable housing target that is applied to planning proposals, with a minimum of 5 percent. The planning proposal aims to provide 10% of the development to be dedicated as

affordable housing floor space, consistent with this planning priority. As such, the planning proposal displays strategic merit.

Planning Priority 7 – Designing vibrant and attractive town centres:

This planning priority highlights the importance of Local Centres as an integral component of land use planning, as they are a focus of community life and entertainment. The proposal will support the vibrancy of Wentworthville Town Centre through facilitating the redevelopment of the site, incorporating ground floor retail land uses, active street frontages, a through site link and the dedication of land as an extension of Friend Park.

4.2.2 Cumberland Community Strategic Plan 2017-2027

The Cumberland Community Strategic Plan sets out the community's vision for the future, the strategies in place to achieve it and measures how to progress towards or away from the visions. The planning proposal is broadly consistent with the strategic vision outlined by the plan. The provision of additional housing in a walkable residential neighbourhood with high amenity assists in creating a great place to live (Strategic Goal 1). The site is within walking distance to Wentworthville Station and safe walking links will allow future residents and workers to access local services and facilities. As such, this Planning Proposal is deemed to have strategic merit, aligning with key visions of the Community Strategic Plan.

4.2.3 Wentworthville Town Centre Planning Proposal

On December 2019, Council adopted a new suit of planning controls for the Wentworthville Town Centre, which form the Wentworthville Town Centre Planning Proposal currently with the Department for finalisation. The planning proposal, initiated by Council, was a result of the *Wentworthville Centre Planning and Place Making Strategy*, which recommended a range of urban design and new planning controls to facilitate the urban renewal and economic revitalisation of the centre.

As such, the proposal seeks to facilitate the renewal and revitalisation of the Wentworthville Town Centre through the implementation of new planning controls. These controls will assist in providing opportunities for high quality commercial floor space, improving architectural standards of new buildings, infrastructure and public domain works and enhancing connectivity within the centre.

Under the Wentworthville Town Centre Planning Proposal, the site:

- is zoned B2 Local Centre;
- has a maximum building height of 17m, 23m and 30m; and
- has a floor space ratio of 2.5:1 and 2.2:1.

The site-specific planning proposal includes the following:

- increasing the maximum building height control to 41m at 55-57 Station Street and 17-23m at 6 Pritchard Street East;
- increasing the floor space ratio to 3:1 across the entire site; and
- including an additional permitted use – private gymnasium.

These proposed changes broadly align with the Town Centre planning proposal in revitalising the Centre. The provision of ground floor commercial space and activation of Friend Park will provide active frontages marking the southern gateway

into the retail centre. Additionally, Council's desire to expand Friend Park as is supported through this proposal. The VPA between Council and the Proponent will deliver significant amenity improvements through upgrades to BBQ facilities and play equipment, whilst also expanding Friend Park by 1,040m², aligning with Council's vision and delivering the objectives of the Wentworthville Town Centre planning proposal.

4.4 Section 9.1 Ministerial Directions

It is considered that the planning proposal is generally consistent with all Section 9.1 Directions, with the exception of the following.

Direction 1.1 Business and Industrial Zones:

The objectives of this direction are to encourage employment in suitable locations, protect employment lands in business and industrial zones, and to support the viability of identified centre.

This direction applies when a planning proposal will affect land within an existing or proposed business or industrial zone.

The site is zoned B2 Local Centre and allows for a range of retail, business, entertainment, community uses to serve the community whilst allowing residential development that is well-integrated with commercial uses. The proposal reduces the potential floor space for employment uses with the provision of an additional permitted use of a private gymnasium for tenants only.

Council has not addressed this inconsistency with the direction. The private gymnasium is intended for use by residents only and therefore is considered as part of the residential component of the development. The addition of a private gymnasium at ground floor, ie. not an employment generating use, erodes the potential for employment generating land uses to locate on the site. Council is required to update the planning proposal to address this 9.1 Direction prior to exhibition and it is recommended that this Direction remains unresolved.

Direction 6.3 Site Specific Provisions:

This direction seeks to discourage any unnecessarily restrictive site-specific planning controls.

The proposal is inconsistent with the direction as it will impose an additional permitted use that is inconsistent with both the B2 local centre zoning and proposed shop-top housing use (as defined under Holroyd LEP 2013).

Council did not address the inconsistency with this direction. It is recommended that this Direction remain unresolved.

4.5 State environmental planning policies (SEPPs)

Additional considerations at the development application stage will be required in relation to:

SEPP 65 – Design Quality of Residential Flat Development:

SEPP 65 provides principles to ensure that residential apartments are of high-quality design and maximise amenity both externally and internally for occupants. The SEPP is supported by the Apartment Design Guide (ADG) which provides further detail on how development can achieve these principles. An urban design report (**Attachment**

E) has been prepared in support of the planning proposal, which indicates the suitability of the site for the proposed built form. Any future development application for a shop top housing building on the site will need to address SEPP 65 and the ADG.

SEPP 55 – Remediation of Land

SEPP 55 provides guidance on the remediation of contaminated land to ensure the risk of harm to human health or any other aspect of the environment is reduced. The SEPP specifies certain considerations that are relevant in determining applications in general and development applications for consent to carry out a remediation works whilst also setting requirements for remediation work to meet certain standards and notification requirements. A Phase 1 Contamination Study (Attachment F) was prepared in support of the proposal. This study confirms the potential for contamination on the site and concludes that remediation is viable for the intended use of the site. Further detailed contamination studies in line with SEPP 55 will be conducted at the development application process.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal will create positive social outcomes within the area. The proposal will facilitate the redevelopment of land to provide increased housing choice and employment space close to public transport, education facilities and local shops. The proposal will improve amenity for adjoining properties due to the proposed expansion and embellishment works to enhance the amenity of neighbouring Friend Park by way of a Voluntary Planning Agreement. Council has indicated that the rezoning of the land dedicated to Friend Park's expansion to RE1 Public Recreation will be conducted as part of a broad amendment to the LEP once the execution of the VPA has been resolved.

5.2 Environmental

5.2.1 Urban Design:

As discussed previously, the property consists of two detached retail buildings and an unused petrol station, with most surrounding development being of low scale detached shop-top housing and residential buildings.

The Wentworthville Town Centre planning proposal has endorsed a predominant height limit of 8 storeys (30 m) throughout the centre. Six towers of 12-13 storeys have been identified in strategic locations that reinforce key entries into the core of the centre and 3 taller towers of 16-18 storeys (53-62m) have also been identified in the core. The subject site is located at a corner site which marks the southern gateway to Wentworthville Town Centre and therefore a height limit of up to 12-13 storeys (maximum of 41m) is consistent with the anticipated future scale of the surrounding development.

The proposed street wall height of 5 storeys with 3-metre upper level setbacks will maintain the human scale of the centre and retain the village atmosphere.

Overshadowing analysis of the proposed scheme is provided as part of the urban design report (**Attachment E**). The analysis identifies that future development on the site could achieve 50-90% solar access of the existing Friend Park between 12pm and 3pm during winter solstice and 50-70% solar access to the extended Friend Park between 10am and 3pm. The analysis indicates that the north-south oriented nature

of the scheme results in a narrow and fast-moving shadow, indicating any significant shadow is unlikely to be cast onto neighbouring properties.

5.2.2 Traffic, Transport and Parking:

A traffic study (**Attachment G**) has been prepared in support of the planning proposal. It is noted that the report undertook an assessment for 106 additional dwellings which is higher than the proposed 90 additional dwellings. The report has concluded that the proposal will not have unacceptable traffic, parking or servicing implications.

Further detailed traffic assessment is considered unnecessary at this stage. Impact from the site can be appropriately addressed through any future development application.

5.2.3 Pedestrian connectivity and active transport links:

The urban design report submitted as part of the planning proposal (**Attachment E**) proposes a through site link aligned to the western boundary of the site. The provision of the through site link aims to improve pedestrian connections by providing a more direct connection by connecting Friend Park to Dunmore Street Plaza. Council have advised that the pedestrian link will be dedicated and delivered as part of the VPA between the proponent and Council. Council has not indicated if the treatment of these connections and how they relate to adjoining uses will be refined as part of a site-specific DCP, however, based on the nature of the proposal and advice from the local planning panel this should be addressed as part of a site-specific DCP.

5.2.4 Site Contamination

A contamination study was prepared in support of the planning proposal (**Attachment F**). The study indicates the probable contamination from a variety of sources such as fill material, fuel storage tanks, use of pesticides and hazardous building material. The report concludes that the site can be made suitable for the intended use of the site.

Further detailed contamination studies will be conducted in line with the requirements of SEPP 55 at the development application process.

5.3 Economic

The Economic and Development Feasibility Assessment (**Attachment D**) prepared for Council in 2015 in support of the Wentworthville Town Centre planning proposal identifies the conditions under which the site is commercially viable. The report concluded that the site would only be viable for redevelopment if an FSR of 3:1 was applied, as the existing controls are unfeasible and unattractive to develop should additional public benefits such as open space and passageways be provided.

In addition, the Council Report (**Attachment H**) dated from 4 December 2019 noted that the increase in FSR and Building Height was necessary to offset the loss of developable land due to the proposed dedication of 1,040m² to Council for the expansion and revitalisation of Friend Park on the site. Council identified these controls will ensure planned dwelling yields are not reduced.

5.4 Infrastructure

5.4.1 Local Infrastructure:

The site is within walking distance to Wentworthville Train Station, providing direct services to Parramatta CBD, Sydney CBD, Liverpool and Blacktown. The

intensification of the site and likely increased demand on local infrastructure and services will be addressed through a future development application for the site.

Council is also considering a Voluntary Planning Agreement for the expansion and embellishment of Friend Park, in relation to this proposal.

6. CONSULTATION

6.1 Community

The planning proposal outlines a community consultation process that is consistent with *A Guide to Preparing Local Environmental Plans (2016)*.

Given the nature of the planning proposal it is recommended that a 28-day community consultation period applies.

6.2 Agencies

The planning proposal does not have any issues which requires state agency consultation.

7. TIME FRAME

Council has suggested the proposal could be finalised in four months following submission to the Department. A nine-month timeframe is recommended to allow for some flexibility in the timeline and reflecting Council's intent to negotiate a Voluntary Planning Agreement and prepare a Development Control Plan.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the plan-making authority in relation to this planning proposal. Given the outstanding section 9.1 Directions and need for consistency with the Wentworthville Town Centre planning proposal, authorisation is not given to Council to finalise the proposal.

9. CONCLUSION

It is recommended that the planning proposal proceed with conditions, as it;

- will facilitate redevelopment of an existing underutilised site for medium to high density residential and ground floor commercial uses;
- will improve the amenity of neighbouring Friend Park through dedication of part of the site to the expansion of the park and through site pedestrian link;
- will facilitate the revitalisation of the Wentworthville Town Centre, in line with the Wentworthville Town Centre planning proposal and Wentworthville Planning and Placemaking Strategy; and
- gives effect to the Central City District Plan and more specifically, the 30-minute city by providing new dwellings and jobs in proximity to Parramatta CBD and Westmead Health and Education Precinct and improving public spaces.

10. RECOMMENDATION

It is recommended that the Acting Director, Central (GPOP) as the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

It is recommended that the delegate of the Secretary:

1. note that the inconsistency with section 9.1 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions are unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

2. Prior to public exhibition, Council is to update the planning proposal as follows:
 - (a) Update the proposed maps in the planning proposal to clearly identify the intended changes.
 - (b) Update the planning proposal to address the inconsistency with section 9.1 Directions 1.1 Business and Industrial zones and 6.3 Site Specific Provisions in relation to the proposed private gymnasium on the ground floor.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should not be the local plan-making authority to make this plan.



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