

Min. 954 C12/20-630 6 Pritchard Street East and 55-57 Station Street, Wentworthville - Planning Proposal, Development Control Plan and Voluntary Planning Agreement**Resolved (Attie/Zaiter)**

That Council:

1. Adopt the recommended planning controls for 55- 57 Station Street and 6 Pritchard Street East, Wentworthville, as previously resolved by Council, being:
 - a. a maximum building height of 41m be applied to 55-57 Station Street, Wentworthville along with an existing maximum building height of 17m and 23m on 6 Pritchard Street East;
 - b. a maximum Floor Space Ratio of 3:1 be applied to 6 Pritchard Street East and 55-57 Station Street, Wentworthville; and
 - c. a 100m² Gymnasium use be applied as an additional permitted use for the site.
2. Endorse and delegate authority to the Mayor and General Manager to execute the Voluntary Planning Agreement on behalf of Council for 6 Pritchard Street East and 55-57 Station Street, Wentworthville, as provided in Attachment 5.
3. Adopt the site-specific Development Control Plan as an amendment to the Holroyd Development Control Plan 2013, as provided in Attachment 6, with the Development Control Plan coming into effect on the date of notification (gazettal) of the Local Environmental Plan amendment.
4. Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the Development Control Plan controls, if required, prior to coming into effect.
5. Endorse that the site-specific Development Control Plan be carried over to the new Cumberland Development Control Plan when this is in force.
6. Note that the finalisation and gazettal of the Local Environmental Plan amendment will be undertaken by the Department of Planning, Industry and Environment, once the Voluntary Planning Agreement has been executed and registered on title by the Proponent.
7. Note that this Local Environmental Plan amendment will be published in the Government Gazette upon finalisation.

The Motion moved by Councillor Attie seconded by Councillor Zaiter on being Put was declared CARRIED on the casting vote of the Mayor.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion:	Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.
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Councillor(s) Against the Motion:	Campbell, Cummings, Elmore, Hamed, Huang, Lake and Saha.
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C12/20-631 Draft Community Spaces Plan of Management

This item was withdrawn by the General Manager.

The Mayor, Councillor Christou closed the meeting at 8:50pm.

Chairperson_____ General Manager_____

Item No: C12/20-630

**6 PRITCHARD STREET EAST AND 55-57 STATION STREET, WENTWORTHVILLE
- PLANNING PROPOSAL, DEVELOPMENT CONTROL PLAN AND VOLUNTARY
PLANNING AGREEMENT**

Responsible Division: Environment & Planning
Officer: Director Environment & Planning
File Number: PP2020/0008
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

The planning proposal for 6 Pritchard Street East and 55-57 Station Street, Wentworthville was endorsed by Council at its meeting of 18 December 2019 for a Gateway Determination. The resolution also required the preparation of an acceptable Voluntary Planning Agreement and site-specific Development Control Plan.

Following receipt of a Gateway Determination by the Department of Planning, Industry and Environment and in accordance with Council's resolution, the Planning Proposal, draft Voluntary Planning Agreement and draft site-specific Development Control Plan have been prepared and exhibited. This report outlines the feedback received during exhibition.

It is recommended that Council forward the Planning Proposal to the Department of Planning, Industry and Environment for finalisation, the Voluntary Planning Agreement be endorsed and executed, and the site-specific Development Control Plan be adopted.

RECOMMENDATION

That Council:

1. **Adopt the recommended planning controls for 55- 57 Station Street and 6 Pritchard Street East, Wentworthville, as previously resolved by Council, being:**
 - a. **a maximum building height of 41m be applied to 55-57 Station Street, Wentworthville along with an existing maximum building height of 17m and 23m on 6 Pritchard Street East;**
 - b. **a maximum Floor Space Ratio of 3:1 be applied to 6 Pritchard Street East and 55-57 Station Street, Wentworthville; and**
 - c. **a 100m² Gymnasium use be applied as an additional permitted use for the site.**
2. **Endorse and delegate authority to the Mayor and General Manager to execute the Voluntary Planning Agreement on behalf of Council for 6**

Pritchard Street East and 55-57 Station Street, Wentworthville, as provided in Attachment 5.

- 3. Adopt the site-specific Development Control Plan as an amendment to the Holroyd Development Control Plan 2013, as provided in Attachment 6, with the Development Control Plan coming into effect on the date of notification (gazettal) of the Local Environmental Plan amendment.**
- 4. Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the Development Control Plan controls, if required, prior to coming into effect.**
- 5. Endorse that the site-specific Development Control Plan be carried over to the new Cumberland Development Control Plan when this is in force.**
- 6. Note that the finalisation and gazettal of the Local Environmental Plan amendment will be undertaken by the Department of Planning, Industry and Environment, once the Voluntary Planning Agreement has been executed and registered on title by the Proponent.**
- 7. Note that this Local Environmental Plan amendment will be published in the Government Gazette upon finalisation.**

REPORT

Background

A planning proposal request was lodged with Cumberland City Council in September 2019 for 6 Pritchard Street East and 55-57 Station Street, Wentworthville which sought to increase the maximum height of buildings, floor space ratio controls and introduce an additional permitted use under the *Holroyd Local Environmental Plan (LEP) 2013* for this site.

The proposal was considered by the Cumberland Local Planning Panel in November 2019. The Panel recommended that the proposal be reported to Council seeking a resolution to proceed to Gateway and recommended the preparation of site-specific Development Control Plan for the site.

The proposal was reported to Council in December 2019, with Council endorsing that a planning proposal be prepared that seeks to amend the following planning controls:

- Apply an Floor Space Ratio control of 3:1 on the entire site;
- Increase the Height of building controls of 41 metres on 55 - 57 Station Street and 17 metres and 23 metres on 6 Pritchard Street; and
- Introduce a 100m² Gymnasium as an additional permitted use for the site.

Council also resolved to prepare a draft site-specific Development Control Plan to include objectives and development controls relating to site boundary and building envelope controls to mitigate any discrepancies between floor space ratio and building height controls and to mitigate amenity issues as a result of the proposed development to its surrounds. Council also resolved to prepare a Voluntary Planning Agreement to capture public benefit arising from the proposal.

A Gateway Determination was issued for the proposal in March 2020.

Public Exhibition

The draft Planning Proposal, draft Voluntary Planning Agreement and draft site-specific Development Control Plan were publicly exhibited for a period of 30 days, from Thursday 17 September 2020 to Friday 16 October 2020. During this time, the exhibition material was made available on Council's website and in hard copy form at selected Customer Service Centres and Libraries. Owners and occupiers within a 200 metre radius of the site received written notification. As per the Gateway Determination issued, Council was not required to consult with any public authorities for this proposal.

A total of one (1) community submission was received in response to the exhibition. The submission expressed concerns about potential amenity impacts, including overshadowing.

Planning Proposal

The issues raised in the community submission were considered by Council officers prior to the Gateway Determination stage of the planning proposal and can be further addressed as part of the development application stage should the planning proposal proceed. A site-specific Development Control Plan has also been prepared to mitigate issues relating to proposed building height, envelope and setback controls and to protect and preserve the amenity of surrounding existing and extended Friend Park and surrounds.

No changes to the planning proposal are proposed in response to the public submission. It is recommended that Council forward the planning proposal to the Department of Planning, Industry and Environment.

Development Control Plan

Council's resolution required that a site-specific Development Control Plan (DCP) be prepared to mitigate overshadowing, other amenity and built form impacts as a result of the proposed development. These include provision of greater level of solar access provisions throughout the year at significant times, protection of amenity, and inclusion of building storeys and envelope controls and setbacks that relate to ground floor, street wall and upper level setbacks.

No changes have been made to the site-specific DCP following public exhibition in conjunction with the planning proposal.

It is recommended that Council adopt the site-specific DCP for the site, as provided in Attachment 6, as an amendment to the Holroyd DCP 2013 under Part L – Town Centre Controls and Part J – Site Specific Controls. It is also recommended that Council endorse the carryover of the site-specific DCP to the new Cumberland DCP when in force.

Voluntary Planning Agreement

Council's resolution also required that a draft Voluntary Planning Agreement (VPA) be prepared with the planning proposal.

A public benefit offer was received by the proponent for consideration by Council. The offer includes:

- Dedicate 1,040m² of land (whole of 6 Pritchard Street East and 120m² of 55- 57 Station Street, Wentworthville) free-of-cost to Council to allow for a through-site pedestrian link and expansion of existing Friend Park northwardly; and

- Rehabilitate and embellish that land.
- Offset s7.11 contributions for future development applications on the site related to open space and recreation, community facilities and public domain works.

An analysis of the offer by Council officers indicates that this is consistent with the Cumberland Planning Agreements Policy. The offer formalises land for the purposes of a through-site pedestrian link and expands existing Friend Park in a manner that supports the redevelopment and revitalisation of the Wentworthville Town Centre.

A draft VPA was negotiated between Council and the applicant to capture the public benefit offer. The draft VPA was notified in accordance to statutory and policy requirements. No changes have been made to the VPA following notification during the public exhibition of the planning proposal.

It is recommended that Council endorse the VPA, as provided in Attachment 5, and, through the Mayor and General Manager, execute the VPA on behalf of Council prior to finalisation and gazettal of the planning proposal.

COMMUNITY ENGAGEMENT

Community engagement on the proposal is outlined in the main body of the report.

POLICY IMPLICATIONS

Policy implications are outlined in the main body of the report.

RISK IMPLICATIONS

There are minimal risk implications for Council associated with this report. This report's recommendation stipulates that the Voluntary Planning Agreement must be executed by both parties and registered on title prior to the Local Environmental Plan amendment being finalised. The Development Control Plan will come into effect once the Local Environmental Plan has been made (gazetted). All statutory and Council policy requirements have been met.

FINANCIAL IMPLICATIONS

Financial implication for Council regarding the Voluntary Planning Agreement are outlined in the main body of the report.

CONCLUSION

As required by Council's resolution on December 2019, the draft Planning Proposal, draft Voluntary Planning Agreement and a draft site-specific Development Control Plan have been prepared and publicly exhibited for a period of 30 days. This report outlines the feedback received. It is recommended that the Voluntary Planning Agreement be executed, the site-specific Development Control Plan be adopted and that Council forward the planning proposal to the Department of Planning, Industry and Environment for finalisation and gazettal.

ATTACHMENTS

1. Planning Proposal [↓](#)

2. Gateway Determination [↓](#)
3. Letter of Offer (confidential)
4. Analysis of Public Benefit Offer (confidential)
5. Voluntary Planning Agreement [↓](#)
6. Site-specific Development Control Plan [↓](#)
7. Summary of submission (post-Gateway public exhibition) [↓](#)

