



Planning,
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Plan finalisation report – PP-2020-3021

Holroyd Local Environmental Plan 2013
55-57 Station Street and 6 Pritchard Street East,
Wentworthville

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55-57 Station Street and 6 Pritchard Street East,

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Holroyd Local Environmental Plan 2013 (Amendment No. 21).

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 existing LEP controls, 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.

1.1.2 Site description

Table 1 Site description

Site Description	Type	Council Name	LGA
The planning proposal (Attachment A) applies to land at 55-57 Station Street, and 6 Pritchard Street East, Wentworthville.	Site	Cumberland City Council	Cumberland



Figure 1 Subject site

1.1.3 Purpose of plan

The planning proposal seeks to amend Holroyd LEP 2013 to permit increased height and floor space ratio controls, and a gymnasium as an additional permitted use on site.

The table below outlines the current and proposed controls for the LEP.

Table 2 Current and proposed controls

Control	Current	Proposed
Maximum height of the building	30m (55-57 Station Street) 17m and 23m (6 Pritchard Street East)	41m (55-57 Station Street) No changes to 6 Pritchard Street East
Floor space ratio	2.2:1 and 2.5:1	3:1
Number of dwellings	78	90
Schedule 1 Additional Permitted Uses	N/A	Permit a 100m ² ground floor private gymnasium for use by residential tenants only

The draft LEP maps are provided at **Attachment Maps** and the draft LEP is provided at **Attachment LEP**. The draft LEP does not intend to alter the existing B2 Local Centre zoning for the site under the Holroyd LEP 2013.

Development Control Plan

Council has endorsed a site specific Development Control Plan (DCP) to ensure appropriate development controls are established to support the intent of the draft LEP. The DCP was exhibited concurrently with the planning proposal. No changes have been made to the site-specific DCP following public exhibition. The proposed site specific DCP will be incorporated under Part L – Town Centre Controls and Part J – Site Specific Controls of the Holroyd DCP 2013 once the LEP is made.

Voluntary Planning Agreement

Council exhibited a local Voluntary Planning Agreement (VPA) concurrently with the planning proposal from 17 September 2020 to 16 October 2020 and execution of the VPA occurred on 21 December 2020. The key elements of the VPA include:

- dedicate 1,040m² (whole of 6 Pritchard Street East) and 120m² (part of 55-57 Station Street) of land, free of cost to Council to allow for a through-site pedestrian link and expansion of the existing Friend Park; and
- rehabilitate and embellish works as required for the dedicated portion of land.

Council did not make any post-exhibition changes to the VPA.

1.1.4 State electorate and local member

The site falls within the Granville state electorate. Julia Finn MP is the State Member.

The site falls within the Parramatta federal electorate. Julie Owens MP is the Federal Member.

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

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 11 March 2020 (**Attachment B**) determined that the proposal should proceed subject to conditions. The Department is satisfied that Council has met the conditions of the Gateway determination and the draft LEP is suitable for finalisation.

3 Public exhibition and post-exhibition changes

In accordance with the Condition 2 of the Gateway determination, the proposal was publicly exhibited by Council from 17 September 2020 to 16 October 2020.

One submission was received on the proposal which was a community submission objecting to the proposal (**Attachment C**). No submissions were received from agencies.

3.1 Submissions during exhibition

The key issues raised in the community submission and Council's responses are summarised below:

The proposed site should not be developed

The submission raised concern about overdevelopment occurring in the in the Wentworthville Village area and that Council should purchase the land and extend the park.

In response, Council noted the site is located within the existing Wentworthville Centre Development Control Plan boundary which implements the broader Wentworthville Centre Strategy vision, objectives and development controls endorsed by Council. It is acknowledged that Friend Park is the only park within Wentworthville Centre, however, purchasing the land would pose a significant financial burden for Council. The planning proposal was accompanied by a VPA which dedicates part of the site (6 Pritchard Street East and 120m² of 55-57 Station Street) to Council for the provision of a through-site pedestrian link to extend Friend Park, which will improve public domain outcomes.

Proposed height of building and amenity impacts

The submission identified the proposed building height having potential overshadowing impacts on the adjacent park and surrounding dwellings.

Council noted that prior to submission of the planning proposal for Gateway, the building height was reduced from 53m to 41m, with the proposed height being consistent with the surrounding height of buildings under Holroyd LEP 2013 (north of the site along Station Street). Additionally, a site-specific DCP has been prepared to mitigate issues relating to the proposed building height, building envelope and setback controls and to protect and preserve the amenity of the surrounding context and extended Friend Park.

3.2 Post-exhibition

Council did not amend the planning proposal in response to the public submission.

At its meeting on 2 December 2020 (**Attachment G**) Council resolved to:

- adopt the planning proposal for finalisation without any post-exhibition changes;
- adopt the site-specific Development Control Plan (DCP) prepared for the site; and
- endorse the Voluntary Planning Agreement (VPA) for execution.

Council confirmed that the VPA was executed on 21 December 2020.

4 Department's Assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, and District Plan and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal to ensure that it is suitable for finalisation.

As outlined in the Gateway determination report (**Attachment D**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the Central City District Plan relating to the site.
- Remains consistent with the Council's Local Strategic Planning Statement.

The report identified that the proposal is generally consistent with all Section 9.1 Directions, with the exception of Direction 1.1 Business and Industrial Zones and Direction 6.3 Site Specific Provisions. Accordingly, condition 1(b) of the Gateway determination identified that the planning proposal be updated to address the inconsistency with these Section 9.1 Directions. Refer to section 4.1 of this report for details.

The Gateway determination report also noted any future development application for the site relating to residential uses will need to address State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development. Additionally, a Phase 1 Contamination Study accompanying the proposal 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 will be conducted at the development application process.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage.

Table 3 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 4 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environment impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

4.1 Detailed Assessment

The following section provides details of the Department's assessment of key matters.

Consistency with Section 9.1 Ministerial Directions - Direction 1.1 Business and Industrial Zones

The Gateway determination report identified the original planning proposal was inconsistent with Direction 1.1 Business and Industrial Zones. The private gymnasium is intended for use by residents only, therefore is considered as part of the residential component of the development. The addition of a private gymnasium at ground floor is not an employment generating use and erodes the potential for employment generating land uses to locate on the site.

Council's revised planning proposal submitted for finalisation notes that the proposed private gymnasium does not significantly reduce the extent of commercial and employment uses proposed for the site and the outcome is consistent with the broader objectives of the direction. Council also noted that the location and nature of the private gymnasium does not reduce the extent of active commercial employment uses along the street frontage. Furthermore, Council advises that the proposed additional permitted use (which provides a material benefit to the future residents) is required to offset the cost to remediate the land and the embellishment and dedication of Friend Park to Council.

The Department considers that the justification provided by Council is sufficient to demonstrate that the inconsistency with this Direction is minor. However, to ensure economic viability and the promotion of opportunity for commercial uses required under the B2 Local Centre zoning, the Department has applied a Schedule 1 clause restricting residential dwellings from being located on the ground floor. This ensures that the commercial and residential components of the development are established without further diminishing the opportunity for business and commercial uses.

Consistency with Section 9.1 Ministerial Directions - Direction 6.3 Site Specific Provisions

The Gateway determination required the planning proposal to address the inconsistency with this Direction prior to public exhibition of the proposal, due to the introduction of an additional permitted use (private gymnasium) that is inconsistent with both the B2 Local Centre zoning and proposed shop-top housing use (as defined under Holroyd LEP 2013).

The revised planning proposal notes the proposed additional permitted use of the gymnasium is unlikely to impose development standard to restrict the current B2 land zoning or its uses and that limiting the gymnasium to 100m² will also ensure that the quantum of ground floor commercial and employment uses proposed are not significantly reduced.

The Department is satisfied that the proposal is unlikely to significantly reduce the quantum of ground floor employment uses and will not impose overly restrictive development controls. Therefore, the Department considers the inconsistency with this Direction to be of minor significance.

Department's response to public submission - Built form and amenity impacts:

The proposal's maximum height of building control of 41m is consistent with the envisioned built form and uplift for the precinct captured through the finalised Wentworthville Town Centre Planning Proposal. The overshadowing analysis in support of the proposal identified that future development on the site could achieve 50-90% solar access to Friend Park between 12pm and 3pm during winter solstice, with overshadowing created unlikely to be cast onto neighbouring properties. The Department notes that a site specific DCP has been prepared for the site, which identifies solar access requirements, controls relating to a future development's building envelope, setbacks and the built form and interface with Friend Park. The Department is satisfied that any negative amenity impacts, specifically overshadowing can be appropriately mitigated through the site specific DCP and further addressed through a future development application.

5 Post assessment consultation

The Department has consulted with the following stakeholders after the assessment.

Table 5 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Three maps have been prepared by Council. The maps have been reviewed by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment E)</p> <p>Council confirmed on 1/03/2021 that it was agreeable with the draft and that the plan should be made (Attachment F)</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 17/03/2021, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- it will support the revitalisation of Wentworthville Town Centre in accordance with the objectives and priorities of the Central City District Plan and Cumberland Local Strategic Planning Statement;
- the draft LEP will facilitate the redevelopment of an existing underutilised site for medium to high density residential and ground floor commercial uses;
- the VPA will facilitate the delivery and embellishment works of an additional 1,040m² of public open space, through the dedication of part of the site for the expansion of Friend Park; and

- issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal.



(Signature)

12/03/2021_____
(Date)

Peter Pham

A/Manager, Central (GPOP)

Assessment officer

Nichola Cook

Student Para Planner, Central (GPOP)

9860 1553

Attachments

Attachment A – Planning Proposal

Attachment B – Gateway determination

Attachment C – Summary of public submission table

Attachment D – Gateway determination report

Attachment E – Clause 3.36(1) consultation with Council

Attachment F – Clause 3.36(1) consultation - Council response

Attachment G – Council report and Minutes – 2 December 2020

Attachment PC – Parliamentary Counsel Opinion

Attachment Maps – Draft LEP maps

Attachment LEP – Draft LEP

Attachment MCS – Map Cover Sheet