

Item No: C11/23-417

245-247 GREAT WESTERN HIGHWAY, SOUTH WENTWORTHVILLE -PLANNING PROPOSAL, SITE-SPECIFIC DEVELOPMENT CONTROL PLAN AND REVISED PUBLIC BENEFIT OFFER

Directorate: Environment and Planning
Responsible Officer: Director Environment & Planning
Community Strategic Plan Goal: *Enhancing the Natural and Built Environment*

SUMMARY

On 19 October 2022, Council resolved to endorse the draft planning proposal for 245-247 Great Western Highway Wentworthville, and for the proposal to be forwarded to the Department of Planning and Environment (the Department) for a Gateway Determination. Council also endorsed the draft site-specific Development Control Plan and resolved to prepare a Voluntary Planning Agreement to derive public benefit should a Gateway Determination be received.

On 28 April 2023, the Department issued a Gateway Determination endorsing the planning proposal to proceed for public exhibition. Consistent with the Gateway Determination, Council officers have exhibited the planning proposal and draft site-specific Development Control Plan.

This report outlines feedback received during public exhibition of the planning proposal and draft site-specific Development Control Plan. The report also provides information on the Letter of Offer received for the proposal and the next steps for the preparation of a Voluntary Planning Agreement.

It is recommended that Council finalises the Planning Proposal and adopts the site-specific Development Control Plan. It is also recommended that Council endorse in-principle the Letter of Offer and undertake the necessary steps for the preparation, notification, finalisation and execution of a Voluntary Planning Agreement.

RECOMMENDATION

That Council:

1. **Adopt the exhibited planning controls for 245-247 Great Western Highway, South Wentworthville, as previously resolved by Council and following a Gateway Determination, for a local provision to the Cumberland Local Environmental Plan as follows:**
 - a. **Allow a proposed Height of Building control on the western part of the site where the proposed 4 and 6 storey hotel or motel development is to be located to be maximum of 27 metres (including lift/plant).**

- b. Allow a proposed Floor Space Ratio (FSR) control of 1:1 be applied to entire site (Lot 100 and DP 878926) in response to the proposal.**
 - c. Identify and apply a 'restaurant or café' use as an additional permitted use on the existing Wattles heritage house located on the eastern part of the site by amending Schedule 1 – Additional Permitted Uses of the Cumberland LEP 2021.**
 - d. Identify and apply a 'hotel or motel accommodation' use (not exceeding 76 hotel/motel rooms and a gross floor area of 3,040m²) and other ancillary hotel/motel facilities, including roof top outdoor dining, as additional permitted uses on the western part of the site by amending Schedule 1 – Additional Permitted Uses of the Cumberland LEP 2021.**
- 2. Once endorsed, finalise the planning proposal for 245-247 Great Western Highway, South Wentworthville as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title.**
- 3. Note that the Local Environmental Plan amendment will be published on the New South Wales legislation website and in the Government Gazette upon finalisation.**
- 4. Adopt the site-specific Development Control Plan as an amendment to the Cumberland Development Control Plan 2021, as provided in Attachment 2, with the Development Control Plan coming into effect on the date of notification (gazettal) of the Local Environmental Plan amendment.**
- 5. Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the draft Development Control Plan controls, if required, prior to it coming into effect.**
- 6. Endorse in-principle the revised public benefit offer from the Proponent for 245-247 Great Western Highway, South Wentworthville, as outlined in this report.**
- 7. Endorse and delegate authority for the General Manager to prepare a draft Voluntary Planning Agreement for 245-247 Great Western Highway, South Wentworthville, in accordance with the revised public benefit offer, and to exhibit the draft Voluntary Planning Agreement for 28 days in accordance with statutory and policy requirements.**
- 8. Endorse and delegate authority for the General Manager to finalise the Voluntary Planning Agreement for 245-247 Great Western Highway, South Wentworthville, subject to no significant objections on the Agreement being received during exhibition.**
- 9. Endorse and delegate authority for the Mayor and General Manager to execute the Voluntary Planning Agreement on behalf of Council for 245-247 Great Western Highway, South Wentworthville, subject to no significant objections on the Agreement being received during exhibition.**

REPORT

Background

A Planning Proposal Request (PPR) was lodged with Cumberland City Council on 18 February 2022 for 245-247 Great Western Highway, South Wentworthville which seeks to facilitate the redevelopment of the site for a 76-80 roomed hotel or motel development use with ancillary hotel facilities on the site's west and to also to restore and conserve an existing locally significant heritage building (The Wattles) for the purposes of a 'food and drink premises' (via adaptive reuse) by amending the Cumberland Local Environmental Plan (LEP) 2021. The proposal site is shown in Figure 1 of the report.

NRB Property Group Pty Limited is the applicant and the landowner for this proposal and Mecone Pty Ltd is the proponent's consultant.

The proposal was considered by the Cumberland Local Planning Panel on 13 July 2022. On 19 October 2022, Council considered the report on the PPR for 245- 247 Great Western Highway, South Wentworthville.

At the meeting, Council resolved to:

- "1. Endorse a planning proposal for 245-247 Great Western Highway, South Wentworthville, to amend the Cumberland Local Environment Plan 2021 with a local provision for the proposal as follows:*
 - a. Allow for the Height of Building control on the western part of the site where the proposed hotel or motel is to be located to be 27 metres.*
 - b. Allow for a Floor Space Ratio control for the site of 1:1 in response to the proposal.*
 - c. Identify a restaurant or café as additional permitted uses on the existing Wattles heritage house located on the eastern part of the site.*
 - d. Identify hotel or motel accommodation (not exceeding 76 hotel/motel rooms and a gross floor area of 3,040m²) and other ancillary hotel/motel facilities, including roof top outdoor dining, as additional permitted uses on the western part of the site.*
- 2. Endorse that the planning proposal be prepared and forwarded to the Department of Planning and Environment for a Gateway Determination.*
- 3. Endorse the draft site-specific Development Control Plan associated with the planning proposal for 245-247 Great Western Highway, South Wentworthville, as provided in Attachment 2.*
- 4. Note that, subject to the receipt of a Gateway Determination by the Department of Planning and Environment, the planning proposal and site-specific Development Control Plan for 245-247 Great Western Highway, South Wentworthville, will be exhibited concurrently.*
- 5. Endorse that a Voluntary Planning Agreement be prepared to derive public benefit, should a Gateway Determination be received."*

On 28 April 2023, the Department of Planning and Environment issued a Gateway Determination and endorsed that the Planning Proposal for 245-247 Great Western Highway, South Wentworthville proceed to public exhibition.

On 10 July 2023, the Department of Planning and Environment issued an altered Gateway Determination to correct a minor error to correct the proposed additional use applied for the existing heritage house (The Wattles) on the proposal site, which is as a restaurant or café, as resolved by Council on 19 October 2022.



Figure 1 – Location of Proposal

Site-Specific Development Control Plan (DCP)

On 19 October 2022, Council endorsed a draft site-specific Development Control Plan to be exhibited concurrently along with the planning proposal to guide the future development of the site. Key elements of the draft Development Control Plan include:

- An indicative masterplan, showing the proposed vision, general objectives and the location of existing heritage building (The Wattles) and the proposed hotel or motel development and key infrastructure to be delivered on the site.
- Objectives and development controls relating to proposed land uses, building siting, setbacks, building envelopes, storey height and setbacks, solar access and overshadowing, landscape and public domain and movement access and parking on site, heritage conservation and views and stormwater management for the heritage conservation and adaptive reuse of the existing Wattles house for a restaurant or café use and a 4 and 6 storey hotel or motel development with basement parking on site.

Public exhibition

The Planning Proposal, the draft site-specific Development Control Plan and supporting documentation were publicly exhibited from 13 July 2023 to 10 August 2023 for a period of 29 days. During this time, the proposal's exhibition material was made available on Council's 'Have Your Say' page and the NSW Government's Planning Portal. Submissions were encouraged to be lodged online, posted or emailed to Council. During the public consultation period, Council engaged the community through a range of methods including:

- *Notification letters*
In accordance with Council's resolution in October 2022, property owners and occupiers (residents) located within approximately 200m distance of the subject site also received written notification on the proposal exhibition and over 330 notification letters were sent prior to commencement of exhibition. Council's Heritage Committee members were also notified via letter regarding the proposal exhibition.
- *Social media and newspaper notices*
The online exhibited proposal information was promoted through Council's social media and Instagram platforms on 25 July 2023 and e-news platform on 27 July 2023. Public notices were also published in the Auburn Review and Parra News local newspapers on the week of 24 July 2023 which occurred during the proposal's exhibition period.

Community submissions

During the public exhibition period of the planning proposal, a total of 3 community submissions were received. All submissions related to the planning proposal in general. This included 2 online and 1 written submission. Two (2) submitters expressed a mixed reaction to the proposed hotel or motel use for the site considering its location on Great Western Highway, while 1 submitter supported the proposal after considering the proposed heritage impact statement.

Some of the key issues raised from the submissions are:

- Site's suitability for a proposed hotel or motel development given its current location on Great Western Highway considering other nearby existing hotels within the surrounds.
- Provision of affordable housing or other urban services such as fire brigade/emergency, medical, seniors housing.

The majority of submitters who lodged submissions are residents from the Wentworthville area surrounds while one submission was received from Toongabbie.

The issues raised with the summarised community submissions have been considered by Council officers, and a response is attached to this report.

No issues or concerns were raised for the draft site-specific Development Control Plan exhibited.

Public agency submissions

As required by the Gateway Determination issued, Council consulted with the following public agencies:

- Transport for NSW
- Utility service providers including Jemena Gas Works, Ausgrid, Sydney Water, Endeavour Energy and AGL.

In total, 4 submissions were received as part of this process at the close of exhibition and within a period of 30 working days as specified in Gateway Determination from the commencement of exhibition. This included:

- Transport for NSW
- Jemena Limited (Gas)
- Endeavour Energy
- Sydney Water

Out of the 4 (four) agency submissions received, two submissions (Endeavour Energy and Sydney Water) provided some considerations that would need to be addressed for the proposal site when a development application is lodged in general with key items in these submissions outlined in the following table.

Public Authority	Key Items in Submission
Endeavour Energy	Endeavour Energy has informed no objections to progressing the planning proposal. The submission also confirmed that the proposed development site did not have any easements benefiting Endeavour Energy and included only 3 Street light poles along the length of proposed site along the Great Western Highway. The submission also considered a range of other matters that would need to be considered and met at the development application stage should the proposal proceed.
Sydney Water	Sydney Water has informed no objections to the planning proposal. Considered a range of matters for the development application stage as well.
Transport for NSW (TfNSW)	TfNSW has informed an in-principle support for the vehicular access (entry/exit) arrangements proposed on Great Western Highway. The proposed provision of a deceleration lane requirement proposed for the site initially by TfNSW letters dated April and June 2022 (pre gateway stage) was further re-considered and removed considering the low level of traffic generation and kerbside lane being a strategic bus transit lane with movement every 1 to 2 minutes in the weekday peak period. Any future works within the classified state road reservation as per section 138 of the Roads Act 1993 will require further approval and concurrence from TfNSW.
Jemena Limited (Gas)	Jemena has informed no objections to the proposal as they are not the responsible authority for the provision gas utility for the site.

Table 1: Key items in Public Authority Submissions

No agency submissions were received from AGL and Ausgrid.

Next Steps

Based on the submissions received, there were no major concerns/objections raised to progressing the planning proposal. It is recommended that Council endorse the finalisation of the planning proposal for gazettal and adopt the site-specific Development Control Plan.

Voluntary Planning Agreement

Following Council's resolution on 19 October 2022, the proponent has submitted a revised Letter of Offer to Council. The revised offer seeks to provide a monetary contribution towards a public benefit of future public domain upgrades within the South Wentworthville and Westmead areas.

Council officers have undertaken an assessment on the revised Letter of Offer, and consider it to be consistent with the Cumberland Planning Agreements Policy and Guideline. Based on this assessment, it is recommended that Council endorse in-principle the Letter of Offer.

Subject to endorsement of the Letter of Offer, it is recommended that Council delegate the General Manager to prepare and exhibit the draft Voluntary Planning Agreement based on the offer provided. Subject to no significant objections during the public notification process, it is also recommended that Council endorse the finalisation of the Voluntary Planning Agreement and delegate the Mayor and General Manager to execute the Voluntary Planning Agreement.

COMMUNITY ENGAGEMENT

Consultation processes for the proposal are outlined in the main body of the report.

POLICY IMPLICATIONS

Policy implications for Council 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 and registered on title prior to the Local Environmental Plan amendment being notified. The draft site-specific Development Control Plan will come into effect when the Local Environmental Plan amendment has been notified (gazetted). All statutory and Council policy requirements have been met.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this report.

CONCLUSION

As required by Council's resolution, the draft Planning Proposal and draft site-specific Development Control Plan have been prepared and publicly exhibited. It is recommended that Council finalise the Planning Proposal, adopt the draft site-specific Development Control Plan and progress the preparation of a Voluntary Planning Agreement.

ATTACHMENTS

1. Planning Proposal [↓](#)
2. Draft Site-Specific Development Control Plan [↓](#)
3. Community Submissions [↓](#)
4. Public Agency Submissions [↓](#)
5. Community Engagement Report [↓](#)
6. Updated Letter of Offer (confidential)
Note: Included in Closed Business Paper in accordance with Section 10A(2)(d)(i) of the Local Government Act as the information involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
7. Public Benefit Assessment for Letter of Offer (confidential)
Note: Included in Closed Business Paper in accordance with Section 10A(2)(d)(i) of the Local Government Act as the information involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
8. Gateway Determination (April 2023) [↓](#)
9. Altered Gateway Determination (July 2023) [↓](#)
10. Council Meeting Minutes and Report 19 October 2022 [↓](#)