



DATE OF DETERMINATION	9 October 2025
DATE OF PANEL DECISION	9 October 2025
PANEL MEMBERS	Abigail Goldberg (Chair), Steve Murray, Natasha Harras, Glenn Elmore
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 30 September 2025.

MATTER DETERMINED

PPSSCC-646 – Cumberland – DA2024/0732 at 86-96 Station Street Wentworthville – Demolition of existing structures and construction of a part seven (7), part fifteen (15) storey mixed use building comprising a childcare centre catering for 120 children, two commercial units, 59 residential apartments pursuant to State Environmental Planning Policy (Housing) 2021 over basement parking, Torrens title subdivision and associated landscaping and civil works. (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6 and the material listed at item 7 in Schedule 1.

Application to vary a development standard:

The Panel considered written requests from the applicant, made under cl 4.6 (3) of the Cumberland Local Environmental Plan 2021 (LEP), in relation to variations to

- Floor Space Ratio
- Height of Buildings
- Landscaped area non-discretionary development standard
- Ceiling height non-discretionary development standard

The Panel noted the extent of the variations to Floor Space Ratio and Height of Buildings are significant. Nevertheless, the Panel acknowledged that Council had worked with the applicant, and had also developed conditions of approval, to ensure building massing and building height had been carefully arranged on the site to minimise amenity impacts to neighbours and to provide an appropriate transition in scale between the Wentworthville Centre and the adjacent residential zone.

The Panel also noted the variations are sought in conjunction with an offer to dedicate land to Council for laneway creation as part of the proposal. In this regard, the proposal would provide material public benefits and improved outcomes for the Wentworthville Centre, including improved permeability as well as enhanced activation of Station Street, both by providing commercial and child care uses at street level and by enabling vehicular access and servicing to be located away from main street frontages.

On this basis the Panel considers that, consistent with the objectives of clause 4.6, providing flexibility to the development standards in this case would assist in improving urban outcomes as well as ensuring greater public benefits for and from the development. The Panel is satisfied that the applicant has demonstrated that:

- a) Compliance with the development standards is unreasonable and unnecessary in the circumstances;
- b) There are sufficient environmental planning grounds to justify contravening these development standards.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

In determining the application, the Panel noted that 59 residential apartments are to be provided, 12 of which will be dedicated for affordable housing for 15 years in accordance with State Environmental Planning Policy (Housing) 2021. The affordable housing units are nominated as adaptable.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 requests for variation; and approve the application for the reasons outlined in the Council Assessment Report which are summarised below:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing) 2021, State environmental Planning Policy (Transport and Infrastructure) 2021, Cumberland Local Environmental Plan 2021 and Cumberland DCP.

The proposed development is appropriately located within the E1 Local Centre under the relevant provisions of the Cumberland LEP, however variations in relation to the height of building, floor space ratio, landscaping and ceiling height under the State Environmental Planning Policy (Housing) 2021 and variations to the Apartment Design Guide and Cumberland Development Control Plan are also sought.

Having regard to the assessment of the proposal from a merit perspective, the Panel may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered four written submissions made during public exhibition. The Panel notes that issues of concern included:

- Loss of solar access
- Blocking of natural light and airflow
- Loss of privacy
- Solar access to Friends Park
- Construction impacts
- Use of side road will increase chance of road accidents
- Waste generation.

The Panel considers that concerns raised by the community have been adequately addressed in the Council Assessment Report and through conditions of approval.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Steve Murray 

Natasha Harras



Glenn Elmore



CI 4.6 variation requests: Floor Space Ratio, Height of Buildings, Landscaped area non-discretionary development standard, Ceiling height non-discretionary development standard.

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSCC-646 – Cumberland – DA2024/0732
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a part seven (7), part fifteen (15) storey mixed use building comprising a childcare centre catering for 120 children, two commercial units, 59 residential apartments pursuant to State Environmental Planning Policy (Housing) 2021 over basement parking, Torrens title subdivision and associated landscaping and civil works.
3	STREET ADDRESS	86-96 Station Street, Wentworthville
4	APPLICANT/OWNER	Applicant: Mr C De Angelis Owner: S96 Pty Lts & MA Beani Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021. ○ State Environmental Planning Policy (Industry and Employment) 2021. ○ State Environmental Planning Policy (Transport and Infrastructure) 2021. ○ State Environmental Planning Policy (Planning System) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Housing) 2021 ○ Cumberland Local Environmental Plan 2021 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Cumberland Development Control Plan 2021 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: September 2025. • Clause 4.6 variation requests: Floor Space Ratio, Height of Buildings, Landscaped area non-discretionary development standard, Ceiling height non-discretionary development standard. • Written submissions during public exhibition: 4 • Total number of unique submissions received by way of objection: 4
8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the Council Assessment Report