

Planning Proposal and Voluntary Planning Agreement – 108 Station Street, Wentworthville – Post Exhibition Report

Responsible Division: Environment & Infrastructure
 Officer: Group Manager - Planning
 File Number: HC-23-08-22
 Delivery Program Code: G5.1 Establish and maintain clear guidelines for zoning, urban planning and development

Proposal Details	
Application lodged	7 May 2015
Applicant / Proponent	Beaini Projects
Owner	S108 Pty Ltd & M A Beaini Pty Ltd
Description of Land	108 Station Street, Wentworthville Lot B on DP410947
Proposal summary	To increase the maximum height of buildings and the floor space ratio for the site and to rezone and dedicate land to form a public laneway.
Site Area / Description of existing use	The site consists of one (1) parcel with a total area of 1918sqm. The site is currently occupied by retail and food outlets with a large uncovered car park at the rear of the property.
Existing Zoning and Planning Controls	Land use zoning: B2 Local Centre. Height: 20m Floor space ratio (FSR): 2.2:1
Proposed Zoning and Planning Controls	Land use zoning: B2 Local Centre; SP2 Infrastructure Height: 29m and 41m Floor space ratio (FSR): 4.5:1 (on B2 Local Centre zone only)
Heritage	Nil
Disclosure of political donations and gifts	Nil
Previous Considerations	C041/16 report Planning Proposal and Voluntary Planning Agreement – 108 Station Street Wentworthville – Post Exhibition Report. CIHAP meeting 20 December 2016. DCS050-15 - Development and Community Services Committee – 20 October 2015

Summary:

At its meeting on 20 December 2016, the Cumberland Independent Hearing and Assessment Panel (CIHAP) considered a report for a Planning Proposal to amend the Planning Controls for 108 Station Street, Wentworthville. The CIHAP recommended that Council proceed with the amendments as proposed by the Planning Proposal and that a

site specific development control plan be developed for the site and publicly exhibited prior to gazettal.

Report:

A Planning Proposal Request was lodged with Council in 2015 by Beaini Projects as property owner and proponent, to amend the planning controls affecting their property at 108 Station Street, Wentworthville. The proposed amendments to the Holroyd Local Environmental Plan (LEP) 2013 were:

- To increase the maximum building height from 20m to 29m and 41m respectively;
- To increase the floor space ratio (FSR) from 2.2:1 to 4.5:1 (over the net site area) and rezone the land offered for the laneway along the northern boundary of the site to SP2 Infrastructure.

The outcome sought through the amendments is to facilitate residential apartments above a revitalised ground floor commercial podium. The Planning Proposal also includes the dedication of 6.6m by 50m lane way through a Voluntary Planning Agreement.

The Department of Planning and Environment (the Department) provided the Gateway Determination to progress with the Planning Proposal on 4 April 2016. The Planning Proposal and associated documentation, including a draft Voluntary Planning Agreement, were subsequently placed on public exhibition from 15 June 2016 until 14 July 2016. A number of submissions were received during the exhibition period.

Cumberland Independent Hearing & Assessment Panel (CIHAP)

The Cumberland Independent Hearing and Assessment Panel (CIHAP) have delegation to make recommendations on Planning Proposals for Council's consideration.

On 20 December 2016, the CIHAP considered a report C041/16 Planning Proposal for 108 Station Street, Wentworthville – Post Exhibition Report. The report responded to the issues raised in submissions during the community consultation phase of the Planning Proposal. The report to the CIHAP recommended that the proposed planning control amendments progress without change.

The CIHAP resolved to recommend the following to Council:

1. *Note Council's compliance with the conditions of the Department of Planning and Environment's Gateway Determination issued for this Planning Proposal in accordance with section 56(2) of the Environmental Planning and assessment Act 1979.*
2. *Recommend proceeding with the proposed planning controls for the subject site endorsed by Council at its meeting of 20 October 2015. That is to amend the planning controls for the site as follows and in accordance with the maps provided at Attachment 2 (of the CIHAP report);*
 - a. *Land use zoning of B2 Local Centre and SP2 Infrastructure*

- b. Maximum building heights of: 29m (approx. 8 storeys) and 41m (approx. 12 storeys).*
 - c. Maximum Floor Space Ratio (FSR) of 4.5:1 on the B2 Local Centre zone only to include a minimum amount of non-residential FSR of 0.9:1 to ensure activation of Station Street and the laneway.*
 - d. The zoning of SP2 Infrastructure and dedication of land approximately 6.6m wide by 50m long for the purposes of a laneway as part of a Voluntary Planning Agreement.*
- 3. Recommend that a site specific Development Control Plan be prepared prior to submission for gazettal.*
- 4. Recommend that this Planning Proposal, with the proposed planning controls as listed in Recommendation 2, be reported to Council seeking a resolution to finalise the LEP amendment.*
- 5. Recommend that the Draft Voluntary Planning Agreement be finalised with no further changes.*

Further to the report recommendations, the CIHAP recommended that of the 4.5:1 FSR to apply to the B2 Local Centre zone part of the site, a minimum of 0.9:1 must be included as non-residential (commercial) floor space to ensure activation along the Station Street and laneway frontages of the site.

The CIHAP also recommended that a site specific Development Control Plan (DCP) be prepared to cover matters such as setbacks and landscaping at the podium level, building configuration to mitigate lightwell issues, and building articulation.

Conclusion:

A number of submissions were received during the community consultation in relation to the Planning Proposal for 108 Station Street, Wentworthville. A review of the proposed amendments to the planning controls, in light of the submissions received was undertaken and determined that the amendments to the planning controls as per the Planning Proposal had merit.

The CIHAP considered the report addressing the community consultation period and recommended that the Planning Proposal be finalised along with the adoption of a site specific development control plan which includes setback provisions. The site specific development control plan (DCP) will be subject to a separate community consultation period and will be reported back to the CIHAP and then Council prior to being progressed as an amendment to the Holroyd DCP 2013. The LEP amendment could then be finalised and incorporated into the Holroyd LEP 2013.

Consultation:

There are no further consultation requirements associated with this Planning Proposal.

Next Steps

An LEP Amendment will be submitted to the Department.

A draft DCP will be placed on public exhibition for 28 days and any submission reported to the CIHAP following the conclusion of the exhibition period.

Financial Implications:

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

Policy Implications:

The progression of this Planning Proposal would require an amendment to the Holroyd Local Environmental Plan (LEP) 2013.

The resolution by Council to adopt a site specific development control plan, following the community consultation period, would result in an amendment being made to the Holroyd DCP 2013.

Communication / Publications:

The Planning Proposal has undergone a community consultation period, as addressed in the CIHAP report CO41/16. The LEP amendment will be published on the NSW Legislation website when it is made.

Report Recommendation:

That Council:

1. Proceed with the site specific development control plan site, as proposed in this report to community consultation
2. Following this consultation on the draft DCP, a report to be provided to the CIHAP and subsequently to Council on the outcomes of that consultation and the review of the site specific development control plan.
3. Finalise the draft Voluntary Planning Agreement with no further changes, as recommended by the CIHAP.
4. Proceed with the proposed planning controls for the subject site (in line with the CIHAP's recommendation
 - a. Land use zoning of B2 Local Centre and SP2 Infrastructure
 - b. Maximum building heights of: 29m (approx. 8 storeys) and 41m (approx. 12

- storeys).
- c. Maximum Floor Space Ratio (FSR) of 4.5:1 on the B2 Local Centre zone only to include a minimum amount of non-residential FSR of 0.9:1 to ensure activation of Station Street and the laneway.
 - d. The zoning of SP2 Infrastructure and dedication of land approximately 6.6m wide by 50m long for the purposes of a laneway as part of a Voluntary Planning Agreement.

Attachments (to be circulated under separate cover):

- 1. CIHAP Report C041/16 - Planning Proposal and Voluntary Planning Agreement - 108 Station Street, Wentworthville - Post Exhibition Report
- 2. Minutes of CIHAP meeting 20 December 2016 for report C041/16.

Min. 008 ITEM 003/17 - PLANNING PROPOSAL FOR LOT 11 BUTU WARGUN
PEMULWUY – PRE GATEWAY EXHIBITION REPORT

Note: Mr. Anthony El-Hazouri addressed the meeting on this item.

Moved and declared carried by the Administrator that:

1. Council proceed with the preparation of a Planning Proposal for Lot 11 Butu Wargun Drive, Pemulwuy, which proposes to rezone part of Lot 11 on DP1162280 for R3 Medium Density Residential, with the following planning controls:
 - A maximum floor space ratio of 0.7;
 - A maximum building height of 10m; and
 - A minimum lot size of 300sqm.
2. Council forward the planning proposal to the Department of Planning & Environment for Gateway Determination.
3. The proponent pays the residual application fee of \$22,304.00 in accordance with Council's fees and charges 2016/2017 prior to the Planning Proposal request being forwarded to the Department of Gateway Determination.

Min. 009 ITEM 004/17 - PLANNING PROPOSAL AND VOLUNTARY PLANNING
AGREEMENT – 108 STATION STREET, WENTWORTHVILLE – POST
EXHIBITION REPORT

Note: Ms. Lisa Lake and Mr. Mickey Beaini addressed the meeting on this item.

Moved and declared carried by the Administrator that Council:

1. Proceed with the site specific development control plan site, as proposed in this report to community consultation, with the costs of the DCP preparation to be borne by the applicant.
2. Following this consultation on the draft DCP, a report to be provided to the CIHAP and subsequently to Council on the outcomes of that consultation and the review of the site specific development control plan.
3. Finalise the draft Voluntary Planning Agreement with no further changes, as recommended by the CIHAP.
4. Proceed with the proposed planning controls for the subject site (in line with the CIHAP's recommendation)
 - a. Land use zoning of B2 Local Centre and SP2 Infrastructure
 - b. Maximum building heights of: 29m (approx. 8 storeys) and 41m (approx. 12 storeys).
 - c. Maximum Floor Space Ratio (FSR) of 4.5:1 on the B2 Local Centre zone only to

- include a minimum amount of non-residential FSR of 0.9:1 to ensure activation of Station Street and the laneway.
- d. The zoning of SP2 Infrastructure and dedication of land approximately 6.6m wide by 50m long for the purposes of a laneway as part of a Voluntary Planning Agreement.

Min. 010 ITEM 005/17 - PLANNING PROPOSAL APPLICATION FOR 2 BACHELL AVENUE, LIDCOMBE

Notes:

1. Mr. Matthew Daniel addressed the meeting on this item.
2. Mr. Justin Doyle and Mr. James Matthews, who had both registered to the address the meeting on this matter, refused to address Council when afforded the opportunity to do so by the Administrator.
3. The letter provided by the proponents of the Planning Proposal addressed to the Administrator dated 31 January 2017, is provided as Attachment 1 to the minutes.

Moved and declared carried by the Administrator that Council not support the Planning Proposal Application PP-2/2016, to amend Auburn Local Environmental Plan 2010 to rezone land at 2 Bachell Avenue, Lidcombe for the following reasons:

1. The proposed intensity and scale of the retail and residential development are not appropriate in this location, which is beyond the walking catchment to Lidcombe rail station and centre, and which would result in poor amenity for future residents;
2. The proposal is not supported by state, district or local plans and strategies;
3. The proposal would result in adverse cumulative effects on industry and local and regional economic productivity;
4. The proposal has the potential to result in land use conflicts with surrounding industrial land and rail uses;
5. The proposal has not adequately considered alternatives to high density residential development.

Min. 011 ITEM 006/17 - PLANNING PROPOSAL FOR 3-7 EAST STREET & 2 RAILWAY STREET, LIDCOMBE – PRE GATEWAY EXHIBITION REPORT

Moved and declared carried by the Administrator that Council defer consideration of the Planning Proposal request for 3-7 East Street and 2 Railway Street, Lidcombe and request the proponent provide the following information as recommended by CIHAP:

1. A revised traffic assessment utilising calibrated modelling.
2. An economic impact assessment that considers the impact to the existing town centre of a supermarket on this site and the likelihood of amalgamation of sufficient