Planning Proposal Request for 42-44 Dunmore Street
Wentworthville (Wentworthville Mall)

Responsible Department: Environmental and Planning Services
Executive Officer: Director of Environmental & Planning Services
File Number: INFOC/19 - BP16/8
Delivery Program Code: 5.1.1 Oversee the land use planning, design and compliance framework for managing and facilitate appropriate development
5.2.1 Identify strategies that support the development of local centres and business areas across the City
7.1.2 Ensure land use planning recognises and promotes business and employment centres
8.8.1 Oversee and implement Council’s Residential Development Strategy and appropriate housing opportunities through land use planning
8.2.1 Ensure housing growth is focused around centres and planning controls do not compromise housing affordability
9.3.1 Ensure planning and development implements Environmentally Sustainable Design Principles

PROPOSAL DETAILS

<table>
<thead>
<tr>
<th>Address</th>
<th>42-44 Dunmore Street, Wentworthville</th>
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<tbody>
<tr>
<td>Owner</td>
<td>Austino Wentworthville Pty Ltd. Company details have been provided under separate cover.</td>
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<tr>
<td>Proponent</td>
<td>JBA Planning on behalf of Austino Wentworthville Pty Ltd</td>
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<tr>
<td>Current Zoning/ Planning controls</td>
<td>Zoning: B2 Local Centre Height: 23m FSR: 2.4:1</td>
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<tr>
<td>Proposed Zoning/ Planning Controls</td>
<td>Zoning: B2 Local Centre Height: 55m-88m FSR: 7.5:1</td>
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Summary:

A planning proposal has been submitted for property 42-44 Dunmore Street Wentworthville requesting to amend the following development standards contained within Holroyd Local Environmental Plan 2013:
• Increase the maximum building height from 23 metres (6 storeys) to 88 metres (25-26 storeys) fronting Dunmore Street and 55 metres (15 storeys) fronting Pritchard Street East.
• Increase the maximum floor space ratio (FSR) from 2.4:1 to 7.5:1.

The proponent is also seeking to enter into a voluntary planning agreement (VPA) with Council in order to dedicate an embellished public mall/pedestrian link space and first level community and commercial floor space which would be created in the future redevelopment of the site.

The request for a planning proposal has been lodged by JBA Planning Consultants no behalf of the owner Austino Wentworthville Pty Ltd.

The purpose of this report is to provide a pre-Gateway assessment of the strategic merit of the proposal for Councils consideration, in order to progress to the next stage of the plan making process. Four options have been provided for Council’s consideration. It is recommended that Council proceed with an alternative planning proposal for 67m (20 storeys) and 30m (8 storeys) and 6:1 FSR (inclusive of floor space bonuses.

**Site and Location:**

The subject site is currently known as ‘Wentworthville Mall” and is within 150m walking distance of Wentworthville Railway Station. The site is situated between the southern side of Dunmore Street and the northern side of Pritchard Street East, between Garfield Street and Station Street.

The site consists of a single lot, zoned B2 Local Centre under Holroyd Local Environmental Plan 2013 (Holroyd LEP 2013) and is 8,837m² in size. The site currently contains an IGA Supermarket (2,309m²) and 32 speciality shop premises including St George Bank, TAB and a Pharmacy. Currently 199 car parking spaces are provided on site.

The site adjoins an existing single storey commercial premise to the east and a site under development for a 5/6 storey mixed use development to the west.

The site is not affected by stormwater flooding. No vegetation exists on site; however a number of street trees exist on the footpath where awnings are not located.
It is noted that a development application for the redevelopment of the subject site, including the construction of over 67 apartments, was approved by Council in June 2010. This consent expired in June 2015.

**Background:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>20 February 2015</td>
<td>Meeting with landowner. Advised of concerns regarding heights over 20 storeys and that previous plans by Council for 15 storeys were not proceeded with. Advised Wentworthville Revitalisation Planning Project is underway.</td>
</tr>
<tr>
<td>29 June 2015</td>
<td>Planning proposal lodged by JBA Planning on behalf of landowners Austino Pty Ltd.</td>
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<tr>
<td>17 August 2015</td>
<td>Meeting held with proponent and landowner. Proponent informed that the proposal request did not provide sufficient strategic merit justification for the requested heights and density.</td>
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<tr>
<td>2 September 2015</td>
<td>A letter was issued to the proponent, requesting additional information in order to assess the planning proposal. The request included:</td>
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<td>• Further strategic merit justification in relation to the centre context, economic and feasibility and suitability of non-residential floor space.</td>
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<td>• A detailed social impact assessment</td>
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<td>• Mapped maximum building heights and FSR</td>
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<td>• Further justification for a blanket approach to height across the site</td>
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<td>• Detailed floor space testing</td>
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<td>• Further detail on the VPA</td>
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<td>• Further traffic related information</td>
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<td>• Justification for non-compliance in the provision of parking spaces</td>
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<tr>
<td>30 September 2015</td>
<td>Wentworthville Planning and Place Making Strategy released for community consultation.</td>
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<tr>
<td>28 Oct 2015</td>
<td>Proponent lodged additional information, notably including an amendment to the proposed height of buildings, creating a split height across the site of 88m fronting Dunmore Street and 55m fronting Pritchard Street East</td>
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<tr>
<td>15 Dec 2015</td>
<td>Meeting held with the landowner. Landowner informed that the submitted planning proposal as submitted had deficient planning justification (strategic merit).</td>
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<tr>
<td>6 January 2016</td>
<td>A letter was issued to the proponent informing them that the pre-gateway assessment of the planning proposal request has commenced, however additional social impact assessment information was still to be provided. Feedback was also provided to the applicant:</td>
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<td>• The density and height of the proposal does not respond to the context of Wentworthville Centre.</td>
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<td>Date</td>
<td>Event Description</td>
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<td>28 January 2016</td>
<td>Briefing was presented to Councillors by the proponent regarding the proposal.</td>
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<tr>
<td>2 February 2016</td>
<td>Additional supporting information provided to Council including an amended social impact assessment, solar access diagrams for the proposed public space and amended maximum building height map.</td>
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**Current Planning Controls:**

The site is currently entirely zoned B2 Local Centre under Holroyd LEP 2013 (Figure 1) and is identified as being located within the Wentworthville Town Centre. The entirety of the site has a maximum building height of 24m under Holroyd LEP 2013 (Figure 2).

The entirety of the site has a maximum floor space ratio of 2.4:1 under Holroyd LEP 2013 (Figure 3).

![Zoning map of Wentworthville Centre (subject site outlined)](image)
Figure 2- Maximum height of buildings (subject site highlighted)
The site does not contain any items of Environmental heritage under Holroyd LEP 2013 (Figure 4). Several items of Environmental heritage are located in the general vicinity of the site including Wentworthville Post Office (item #108).
Planning Proposal

The planning proposal request seeks a significant increase to the height and density achievable on the site in order to enable redevelopment for a higher yielding mixed commercial and shop top housing (apartment) development.

The proposal seeks to:

- Increase the maximum height of buildings from 24m (6-7 storeys) to
  - 88m (25 - 26 storeys) - northern part of the site fronting Dunmore Street, and
  - 55m (15 storeys) - southern part of the site fronting Pritchard Street East (Figure 5).
- Increase the maximum floor space ratio (FSR) from 2.4:1 to 7.5:1 (Figure 6).
- Provide Council, via a Voluntary Planning Agreement (VPA), 600m² community space, 2,570m² public open mall space (including embellishments), Commercial space and a pedestrian crossing at Dunmore Street. This is in addition to future Section 94 development contributions.
The proposal seeks to enable the creation of an open mall development, providing open air pedestrian access between Dunmore Street and Pritchard Street East via a 20m wide pedestrian mall, spilt across 3 levels (due to site levels - Figure 7).
The request submits the intention of providing ground and first floor retail and commercial land uses including a 4,000m² supermarket, medical centre and community uses. It is noted that while the request does not provide any firm commitment such as a planning mechanism to ensure this floor space is provided within a future development application, the concept confirms that a supermarket with such floor space is generally achievable on the site.

No request for design excellence provisions or an FSR bonus for the provision of commercial floor space has been made.

As indicated in the concept provided the requested increase in height and density would enable the creation of a mixed commercial and residential development containing 4 towers comprising:

- two 26 storey towers fronting Dunmore Street and;
- two 15 storey towers fronting Pritchard Street East, including a 3 storey podium

The proposal would result in the creation of 698 dwellings (560 dwellings per hectare), 880 car parking spaces and over 9,000m² in commercial and retail floor space. This could result in up to $20.7m in retail expenditure per annum once the development is complete and occupied.
A copy of the planning proposal request report and supplementary information are provided in Attachments 1 and 2. In addition, further reports provided by the proponent are available for viewing on Council’s website.

The planning proposal request precedes the preparation of a planning proposal resulting from the exhibition of the Planning and Place Making Strategy for Wentworthville Centre.

A summary table comparing the planning proposal request with Holroyd LEP 2013, the exhibited Wentworthville Planning & Place Making Strategy and the previously exhibited Draft LEP 2012 is provided in Attachment 3.

**Strategic Merit Assessment of Planning Proposal:**

An assessment of the application is provided:

*Wentworthville Planning and Place Making Strategy 2015*

The site is located within the study area of the Wentworthville Centre Revitalisation Planning Project and was subject to the exhibition of the Wentworthville Centre Planning and Place Making Strategy. The Strategy was informed by expert studies and community consultation and provided actions and recommendations to revitalise Wentworthville Centre. A comparison of the compliance of the proposal request against the key priorities is provided in Attachment 4.

The Strategy makes specific recommendations for the Mall site, including:

- A maximum building height and FSR:
  - **Option 1** (Figures 8-9)
    - 2 towers of 12-13 storeys (fronting Dunmore Street),
    - 8 Storeys (fronting Pritchard Street East),
    - FSR between 4:1- 4.5:1
  - **Option 2**- (Figures 10-11)
    - One tower of 18 Storeys (fronting Dunmore Street),
    - 8 storeys (fronting Pritchard Street East) and,
    - FSR of 4:1-5:1
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- The provision of public open space to form part of the Dunmore Street Plaza (724.24m²)
- The provision of a site through link between Dunmore Street and Pritchard Street East (no dimension specified)
Public exhibition of the Strategy concluded in November 2015. It is anticipated matters regarding the exhibition and a planning proposal request will be reported to Council in March/April 2016.

The planning proposal request *is partly consistent* with the Strategy in such that it:

- highlights an intention to facilitate the redevelopment and revitalisation of a key site within Wentworthville Centre.
- acknowledges the suitability of a large site in the core of the centre by indicating the provision of floor space for a full line supermarket anchor.
- proposes a through site link between Dunmore Street and Prichard Street East.
- indicates the provision of first floor commercial floor space.
- proposes a pedestrian crossing on Dunmore Street.

The planning proposal request *is inconsistent* with the exhibited Strategy as it:

- departs significantly from the proposed maximum building height and proposes four towers.
- departs significantly from the proposed maximum floor space ratio,
- proposes a reorientation of public open space from the on street public plaza (Dunmore Street Plaza) to an internal pedestrian mall connecting Dunmore Street with Pritchard Street East with a series of ‘public plazas’ located across three levels.

An assessment of the suitability of the planning proposal request, considering the merit of these departures from the Strategy and the overall suitability of the proposal is provided below.

*Merit Assessment - Height and Density*

The proposal request seeks to obtain an additional 8 storeys fronting Dunmore Street and an additional 7 storeys fronting Pritchard Street East compared to the Planning & Place Making Strategy.

Under the Strategy, additional FSR can be obtained for sites with proposed heights of 12 storeys and over, in order to provide first floor commercial floor space, resulting in an additional storey. Noting the indicative provision of first floor commercial floor space in the proposal request, in order to be consistent with the Strategy, the assessment will be based on a departure of 7 storeys fronting Dunmore Street. Further discussion on ensuring commercial floor space is provided as per the indicative plan is provided further in the report.

Redevelopment of Wentworthville Centre (and other existing rail based Centres) for increased densities is supported by key planning documents including Sydney
Metropolitan Strategy “A Plan for Growing Sydney”, Draft Central West Subregional Strategy and this has influenced the preparation of the Strategy for Wentworthville Centre. No debate is provided regarding the suitability of Wentworthville Centre for the provision of new dwellings within a highly accessible area, however, the heights and overall density of the proposal must be determined as being suitable for the Centre at the regional, local and immediate contexts.

Listed is a summary of the major points provided by the proponent supporting the suitability of the height and density of the proposal:

- building heights of 15 storeys, with ‘urban marker’ buildings of 25 storeys would be appropriate for a centre such as Wentworthville.
- ‘comparable’ rail based centres have been identified as St Leonards (38 storeys), Rhodes, Olympic Park, Wentworth Point (25-26 storeys), Carlingford and Burwood (18 storeys)
- the proposed height aligns with those proposed on the Bonds site (factoring natural topography).
- two planning proposals lodged in the ‘comparable’ centre Granville propose heights of 34-35 storeys.
- the proposed FSR for Wentworthville would be lower than Parramatta and Merrylands (over 7.5:1), but greater than Granville/Epping (6:1), Auburn/Lidcombe (5:1).
- an increased FSR will bring Wentworthville Centre into alignment with Centres for which more recent planning has been undertaken on order to incentivise renewal.
- the proposed FSR will remain lower than Merrylands, thereby maintaining a hierarchy.

Assessment Response

- Wentworthville is Holroyd’s second largest centre to Merrylands. It is located ideally to assist in providing additional housing, complimentary employment and local services to Westmead and Parramatta CBD. Councils Strategy has acknowledged its strategic location and balanced its context to surrounding lower scale apartment buildings, dwellings and other local centres (such as Pendle Hill).
- Under the Sydney Metropolitan Strategy:
  - Wentworthville is not identified within the 'Greater Parramatta' area (Merrylands and Granville Centres are) all within a 'Greater Parramatta Precinct'.
  - Wentworthville is not identified as a 'Strategic Centre' unlike St Leonards, Rhodes, Olympic Park and Burwood
  - Wentworthville is not located within an Urban Activation Precinct, such as Wentworth Point.
Strategic Centres, Urban Activation Centres and centres within the Greater Parramatta area are not considered to be directly 'comparable' centres to Wentworthville. The context of Wentworthville Centre compels lower heights and densities than permitted for these Centres.

- Expert studies and community consultation forming Councils Strategy have determined that building heights suitable for the size, role and context of Wentworthville Centre should be 8-12 storeys with few 'urban markers' at 18 storeys. It is accepted that due to its size and location, the Mall site (section fronting Dunmore Street) has the ability to accommodate greater building heights to add meaning to the urban structure of the Centre, without detracting from the overall character and predominant scale and amenity of the Centre. The Strategy identifies this by supporting an 'urban marker' on the site.

- It is believed that the proposal will be taller than the highest building on the Bonds Site.

- It is understood that the planning proposals in Granville referenced by the applicant have either been significantly reduced in height by the Department of Planning & Environment or are yet to be determined due to inconsistencies with the Draft Parramatta Road Revitalisation Plan.

- The planning proposal request does not provide sufficient justification for the request of building heights above what is proposed under Councils Strategy. Economic assessment demonstrating that the current controls and the draft Strategy controls are not achievable has not been provided. Councils own feasibility report has indicated development under the current controls was generally not feasible, however an FSR of 3.36 would enable a feasible development.

- A modest increase in building height, (fronting Dunmore Street) may be considered in order to further reflect the core location of the site within the Centre, compared to the other urban markers located at the railway station and the entrance from the Cumberland Highway. A height of 20 storeys (67m- including any floor space bonus) would have urban design merit, would not create any additional overshadowing impacts, would not be inconsistent with the context of the centre and would not comprise the draft Strategy.

- An appropriate height transition within the site is necessary to provide a built form transition to lower building heights in McKern Street and to enable the achievement of solar access for current and future residents on Pritchard Street East. Concern is raised that a number of sites on Pritchard Street East would have difficulty in achieving satisfactory solar access where 15 storeys is proposed. Additionally, 15 storeys is not considered a suitable transition height to sites opposite and adjacent (8-12 storeys) and is a significant departure from the Strategy. While consideration may be given to 12 storeys (42m) in this location, where it does not impact the achievement of solar access to current and future residents of Pritchard Street East, it is recommended that an 8 storey height limit would be more suitable for this location.
• The proposed FSR of 7.5:1 is excessive and is a density only suitable for higher order strategic centres. It is understood that the proposed FSR is not necessary for achieving feasibility for redevelopment. The FSR proposed in the draft strategy was lesser, as only one 18 storey tower and an 8 Storey street wall development was proposed. Consideration could be given to increasing the FSR in order to enable an additional tower of up to 20 storeys. An additional tower of this height should not create any additional overshadowing impacts to Pritchard Street East. This increase is assessed as being consistent with Councils Strategy as it would be sensitively located to reinforce the core of the Centre. A maximum FSR of 5:1- 6:1 (inclusive of any floor space bonus) would be considered appropriate for the context of the site within the Centre.

• An FSR of 5:1-6:1 generally results in a dwelling density of 400-500 dwellings per hectare, which is appropriate for a site in the core (heart) of a planned large town centre on a railway station. It is noted that the planning proposal request FSR of 7.5:1 would equate to between 500-600 dwellings per hectare.

**Merit Assessment- Economic Considerations**

Given it’s the capacity and location, the site is central to the revitalisation of the Centre. Councils Planning and Place Making Strategy has ensured that future development of the site is feasible and provides development potential incentives to enable its short term redevelopment.

• 5,204m² of commercial floor space currently exists on site, including a supermarket (2,309m²).
• Under Councils Strategy over 10,000m² of commercial floor space could be achieved, including floor space bonus for a supermarket and 1st floor commercial floor space.
• The planning proposal request proposes over 9,000m² of commercial GFA, the provision of a 4,000m² supermarket, medical centre, community space and 18 speciality shops.
• The indicative plans show the 4,000m² supermarket space to include loading, shared pedestrian areas and a separate retail premises, rendering the actual supermarket size to be just over 3,000m². Councils’ economic and retail feasibility consultants have confirmed that the 4,000m² full line supermarket size recommended in Councils study is an internal lettable area and does not include a loading or pedestrian areas or other ancillary retail. In order to provide a larger supermarket space, amended plans would be presented at development application stage. It is noted that the applicant has not provided any studies or information supporting a supermarket less than 4,000m².
• The proponent has chosen to provide a substantial proportion of the ground floor as public open space, rather than maximising potential retail floor space.
The proponent is proposing to provide a significant amount of floor space on the 1st floor as community space for a suitable community facility, rather than maximising commercial floor space returns.

The planning proposal does not provide a planning mechanism to ensure the provision of the supermarket or upper floor commercial space.

The applicant has provided supporting information noting that the value uplift of the site above an FSR of 5.5:1 translates into a dollar value of $7.95m and that the value of the public benefits proposed is greater than this amount ($8.59m). This is based on an assumption of the base FSR being 5:1 (compared to the 3-3.5:1 in the Strategy) and that Council is willing to accept the proposed public benefits. The Wentworthville Planning & Place Making Strategy proposed sharing the value uplift of floor space above 8 storeys.

Council’s Strategy proposes floor space bonus mechanisms for the provision of a full line supermarket on the mall site and 1st floor commercial floor space where a site is 12 storeys or greater. This is an approach to encourage commercial uses without reducing the residential floor space potential of a site.

The planning proposal request does not guarantee a future development application will include a supermarket or 1st floor commercial floor space. It is therefore recommended that any supported planning proposal for the site include provisions providing an additional floor space of 0.5:1 for the provision of a full line supermarket (4000m²) and 0.5:1 for the provision of above ground floor commercial floor space.

**Merit Assessment – Public Open Space**

The proposal request has indicated the delivery of 2,570m² of ‘civic plaza’ public open space, to be provided as two plazas and a forecourt, running north/south, between Dunmore Street and Pritchard Street East, forming a pedestrian mall between the proposed buildings on the site (Figure 5).

The space is formed within the mandatory building separations, primarily impacting the achievable retail/commercial floor space, as this area of separation would normally be required for residential towers under SEPP 65 and the Apartment Design Guide (ADG). The embellished spaces are intended to be provided to Council as part of a VPA. The proposal indicates the public open spaces would represent a $5.15m contribution to the community. The planning proposal has indicated that this public space is intended to also form the communal open space for residents of the site.

The proposal request has not indicated the provision of land to form part of the ‘Dunmore Street Plaza’, as required by the Wentworthville Centre Planning and Place Making Strategy. The Dunmore Street Plaza is an 8m wide addition to the existing 4m wide footpath proposed from the Mall site to the corner of Dunmore and Station

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Streets, creating a 1,500m² promenade space capitalising on the northerly aspect and include activities such as outdoor dining, seating, public art and other suitable temporary uses, widening the street to 28m to create an open, pedestrian focused Dunmore Street.

The Strategy did not propose a larger public space on the Mall site to ensure that the achievement of a supermarket anchor would not be compromised. A public space on the street contributes to the entire Centre, ensuring the movement of pedestrians is not internalised on one site and that the public space would activate the street. The Strategy also identified a through site link on the Mall site to increase permeability through the street block.

The following assessment is made on the proposed public space:

- The Dunmore Street Plaza creates a pedestrian focus to the Centre, working collaboratively with the proposed main street by-pass to encourage pedestrian movement and vitality to the streetscape. Through the widening of the street the plaza makes a positive public domain contribution by reducing the impact of any taller buildings.
- The proposed public space/pedestrian link on the Mall site is an enclosed internalised space, which does not provide the same positive impacts to the street as the Plaza. The space is wider than the Dunmore Street Plaza and would allow some other activities, however it will have the effect of drawing people off the street into the mall space, rather than encouraging activity along the street.
- The section of the proposed public space which fronts Dunmore Street is considered to be complimentary to the Dunmore Street Plaza and would make a contribution to an active streetscape.
- The proposals public space/pedestrian link will not perform the same important contribution to the streetscape as the Dunmore Street Plaza and would not be recommended as a suitable replacement.
- The proposals Dunmore Street space receives an acceptable level of solar access (see investigation on Council’s website). The Dunmore Street Plaza would receive adequate solar access.
- The proposed public spaces create a through site link, however they are not connected by accessible paths of travel, rather by stairs and lifts. Lifts on their own are not considered an acceptable accessibility solution.
- The supermarket forecourt may be well used by patrons of the supermarket, however it is disconnected from both Dunmore Street and Pritchard Street East and it is envisaged it would not be as highly trafficked as the Dunmore Street space.
- The Pritchard Street space would receive just over 1 hour a day of solar access in mid-winter, which is not a satisfactory amenity. This could lead to the space being less frequented, providing an opportunity for crime and other security issues. It is recommended that this space is not accepted as a land dedication.
The proposed public space is not suitable to be the sole communal space provided to residents of the site.

Where Council chooses to accept some or all of the proposed spaces through a VPA, consideration would need to be given to matters surrounding future maintenance, security and public liability.

The creation of the Dunmore Street Plaza is a key deliverable of the Strategy and was well received by the community. As a consequence of the exhibition, it will be the expectation of the community that this space is to be delivered. While components of the public open space of planning proposal request are supported, this space is assessed as being complimentary to the Dunmore Street Plaza but not suitable to replace it.

The indicative plans have been designed without the Dunmore Street Plaza, therefore the development design would need to be revised if the Plaza was mandated. This would amount to a reduction of 8 metres across the podium (1,632m²) and 8 metres (including a 3 metre upper storey setback) across both residential towers (up to 8,000m²). The floor space could be replaced by increasing the commercial floor space on the ground floor, removing the Pritchard St space and increasing the podium height. Council could also consider reducing the upper storey setback for the towers, which would only create a tower shortfall of just over 5,000m².

It is not considered appropriate for Council to enter into a VPA for the dedication of public open space where this is proposed to also double as the communal open space for residents.

For any planning proposal supported for the Mall site, it is recommended that the land forming the Dunmore Street Plaza, be zoned SP2 Infrastructure to deliver this space through a future amended Section 94 development contributions plan.

Traffic and Transport Considerations

The planning proposal request indicates that:

- Vehicular access would be obtained from Pritchard Street East.
- 880 parking spaces are proposed to be provided (533 spaces for residential and 341 for retail and commercial).
- Provision of a pedestrian crossing on Dunmore Street is proposed.
- Traffic modelling of the post development conditions demonstrates that the intersection of Dunmore Street and Station Street would operate near capacity.

Vehicular access to the development is provided from Pritchard Street East. This is consistent with Councils Planning and Place Making Strategy which indicates that vehicular entries would not be permitted onto primary active frontages.
While the provision of parking is not directly assessed for the planning proposal request it is noted that the supporting information indicates a significant shortfall in the provision of parking spaces on the site. No spaces are proposed to be provided for studio units and visitor parking. Under SEPP 65 and Holroyd DCP 2013 and additional 182 parking spaces are required. The applicant has explained that the lesser rate is satisfactory due to the close proximity to the railway station, however it is concluded that the density of the proposal is too high and has enabled this shortfall.

No details have been provided regarding the provision of bicycle parking in the development.

The provision of a pedestrian crossing on Dunmore Street is consistent with Council’s Strategy and supports a pedestrian focus for Dunmore Street. This crossing is to be provided to Council via a VPA. Details on the specific form and location of the crossing are to be determined in consultation with Council’s Engineering Services Department.

The proposal demonstrates an impact on the level of service at the intersection of Dunmore Street and Station Street, which would operate a level of service D (near capacity). Council’s background studies for the Planning and Place Making Strategy indicate that future development in the Centre and through traffic would also cause this intersection (and several others) to hit their capacities. Council’s Engineering Services Department have indicated that the increase in vehicular traffic as a result of the additional dwellings under the planning proposal request, as compared with built form option 2 under Council’s Strategy will not have a further dramatic impact on the road network. Council’s Strategy proposes the implementation of a traffic bypass in the Centre and its importance in managing traffic within Wentworthville Centre is further highlighted by this application.

Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) under Section 93F of the Environmental Planning and Assessment Act 1979 can be made between a developer and Council, which can require the developer to dedicate land, pay a monetary contribution or any other public benefit to be used for a public purpose. A VPA does not exclude the application of Council’s existing section 94 plan unless agreed by Council, however it can be made in lieu of, if agreed to by Council.

The proponent has submitted a letter of offer to enter into a VPA with Council (Attachment 5). A number of on-site public benefits are proposed to be provided to the community:
- **2,570m² of embellished public open space including**: Dunmore Street space (683m²), Supermarket Forecourt (593m²) Pritchard Street space (1,294m²). Embellishment of these spaces include CCTV, paving, lighting, public art, free Wi-Fi, provision for events, furniture, landscaping, notice board.

- **600m² of commercial floor space for community uses** (to be managed by Council, the development strata or NGO)

- **Commercial floor space for professional consulting rooms** (no size or proposed management arrangements indicated)

- **Road crossing works for Dunmore Street**, including surface paving, traffic calming and fencing.

The letter of offer does not propose exclusion from the payment of contributions under Holroyd Section 94 Contributions Plan 2013.

The letter of offer indicates a number of public benefits that should be further examined. The following comments are made in relation to the letter of offer:

- There is reservation in the acceptance of any public open space which proposed to double as communal open space for residents. Council would be in effect paying for the maintenance of a strata asset.

- It is not intended that any of the proposed public open spaces will be accepted in lieu of the provision of the Dunmore Street Plaza.

- The long term cost of maintenance of the public open spaces requires further consideration.

- A needs analysis would be required in respect to the proposed commercial floor space offered. Holroyd s94 Development Contributions Plan 2013 indicated the need for the expansion/addition of a number of community facilities in Wentworthville. Noting the proposed redevelopment of the existing library site into a community hub and the incompatibility for the proposed commercial floor space to become a child care centre, further review is needed in order to determine the suitability of the space for future community uses.

- Investigation into the management of any commercial floor space and on-going costs involved is to be undertaken.

The VPA is to be further assessed and negotiated with the applicant and then publicly exhibited with a planning proposal following any Gateway Determination. It is recommended that delegation is provided to the General Manager to negotiate the VPA on behalf of Council, which will be reported back to Council after public exhibition.

*Design and Amenity Considerations*

The supporting documentation verifies the designs compliance with the requirements of State Environmental Planning Policy No. 65, specifically the Apartment Design Code,
with respect to the achievement of solar access for dwellings within the development, cross ventilation and building separations.

The dwelling mix proposed for the development is:

- Studio - 130 (18.6%)
- 1 bedroom - 202 (28.93%)
- 2 bedroom - 300 (42.97%)
- 3 bedroom - 66 (9.4%)

Councils’ studies support the predominant supply of 2 bedroom units (with a car parking space). The proposed supply of studio units within the Wentworthville market is questioned, specifically in the knowledge that no parking spaces are proposed for these units.

Concern has been raised with the overshadowing impact of the proposed 15 storey towers on Pritchard Street East and it is recommended that these be reduced in height.

The proposed street wall height in the indicative plan does not align with the Strategy, however this can be addressed during the development assessment process.

Social & Cultural Considerations

The proponent has submitted a social impact assessment and Impact Management Plan, as required by Councils Social Impact Assessment Policy 2012. Council’s Social Planner has assessed the plans as adequately addressing the full scope of relevant impacts of the proposal (both positive and negative).

The major identified positive impacts of the proposal are:

- the valuable provision of new social infrastructure without any drain on public resources or existing s94 funds
- Providing additional residential units within Wentworthville, contributes to alleviating Sydney’s housing affordability.
- Increasing safety by providing active frontages

The negative impacts of the proposal are:

- Increase in traffic
- Construction noise and occupation noise
- Development impacts such as privacy and solar access
- Streetscape character
- Open space
The assessment concludes that “there is a nexus between the amount of additional floor space that translates to development profit and the ability to provide a series of social and community benefits”. The assessment recommends that the benefits of the public spaces, through site link and renewed shopping precinct should not be “jeopardised by any insistence of Council to reduce the overall yield of the proposal”. Unfortunately the Social Impact Assessment does not provide any justification for this statement and fails to acknowledge the wider planning considerations to determine the appropriate densities and building heights. It is noted that both development options under Council’s Planning and Place Making Strategy have been tested as economically feasible.

Environmental Considerations – Flooding and Contamination

A Stage 1 Environmental Site Assessment has been provided by the proponent. The review has found no obvious sources of contamination; however this conclusion is limited by the lack of in-depth information of the land uses. The report highlights the potential for site contamination from the fill material, on site commercial uses (including dry cleaning and car parking) and hazardous building materials used in the construction of current and former buildings. Councils Environmental Health Section have reviewed the report and conclude that the recommendations provided in the environmental site assessment should be enacted prior to demolition and construction.

The subject site is not identified as a flood control lot, however a future development application for the site would be required to introduce on site detention provisions.

117 Directions

Section 117 of the Environmental Planning and Assessment Act 1979 allows the minister for planning to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft local environmental plans (LEPs).

The proposal is generally consistent with the 117 Directions and no objection is raised in this respect.

Agency Consultation

The requirement for consultation with relevant agencies would be identified in the Gateway determination, as would the minimum requirement for public exhibition of the Planning Proposal.

Options:
Four options have been provided for Council’s consideration and are detailed below. Option A is the planning proposal request as submitted, Option B is the development standards as proposed under Option 1 of the Wentworthville Planning & Place Making Strategy, Option C is as proposed under Option 2 of the Strategy and Option D – a hybrid option, enabling a two towers of 20 storeys, retaining 8 storeys to Pritchard Street and an FSR of up to 6:1 with bonuses. Both option 2 and 3 would require the provision of the Dunmore Street Plaza and this is recommended to be obtained through entering into a VPA.

OPTION A - Planning Proposal Request as submitted

i) Increase the maximum building height to 88m (approx. 25-26 storeys) fronting Dunmore Street and 55m (approx. 15-16 storeys) fronting Pritchard Street East.
ii) Increase the maximum floor space ratio to 7.5:1
iii) The provision of a public open space and pedestrian link corridor between Dunmore Street and Pritchard Street East, being 20 metres wide.
iv) A Voluntary Planning Agreement.

OPTION B - Option 1 of Wentworthville Planning & Place Making Strategy

i) Increase the maximum building height to 46m (approx. 13 storeys) fronting Dunmore Street and 30m (approx. 8 storeys) fronting Pritchard Street East.
i) Increase the maximum floor space ratio to 3.5:1.
ii) Create a provision which enables a floor space bonus of 0.5:1 for the construction of a full line supermarket on the subject site.
iii) Create a provision which enables a floor space bonus of 0.5:1 for the provision of commercial floor space above ground floor.
iv) The zoning and dedication of Dunmore Street Plaza as part of a Voluntary Planning Agreement.

OPTION C - Option 2 of Wentworthville Planning & Place Making Strategy

i) Increase the maximum building height to 61m (approx. 18 storeys) fronting Dunmore Street and 30m (approx. 8 storeys) fronting Pritchard Street East.
ii) Increase the maximum floor space ratio to 4:1.
iii) Create a provision which enables a floor space bonus of 0.5:1 for the construction of a full line supermarket on the subject site.
iv) Create a provision which enables a floor space bonus of 0.5:1 for the provision of commercial floor space above ground floor.
v) The zoning and dedication of Dunmore Street Plaza as part of a Voluntary Planning Agreement.

OPTION D - Increase height and FSR and provision of Dunmore Street Plaza
i) Increase the maximum building height 68m (approx. 20 storeys) fronting Dunmore Street and 30m (approx. 8 storeys) fronting Pritchard Street East.

ii) Increase the maximum floor space ratio to 5:1

iii) Create a provision which enables a floor space bonus of 0.5:1 for the construction of a full line supermarket on the subject site.

iv) Create a provision which enables a floor space bonus of 0.5:1 for the provision of commercial floor space above ground floor.

v) The zoning and dedication of Dunmore Street Plaza as part of a Voluntary Planning Agreement.

**Conclusion:**

The Wentworthville Mall site is the largest land holding in single ownership in the core of Wentworthville Centre. Any redevelopment of this site would have the potential to stimulate the revitalisation and renewal of Wentworthville Centre.

The request for a planning proposal seeks to increase the existing height and floor space ratio development standards on the site substantially from the current Local Environmental Controls and in addition dedicate a portion of land as public open space, connecting Dunmore Street to Pritchard Street East.

Council has recently exhibited the Wentworthville Centre Planning & Place Making Strategy, which proposes building height and floor space ratio increases across the centre and includes the provision of new public spaces, traffic management solutions as part of a whole of centre approach to revitalisation.

The planning proposal request for 42-44 Dunmore Street Wentworthville is a substantial departure from the proposed heights, floor space ratio of the Strategy and has provided an alternative public open space option to the proposed Dunmore Street Plaza.

An assessment of the suitability of the planning proposal request, considering the merit of these departures from the Strategy and the overall suitability of the proposal has been undertaken. The assessment indicates that small departures in respect to height and floor space ratio could be considered consistent with Councils Planning and Place Making Strategy, however justification for the proposals requested height and FSR is has not been founded. The proposals public open space, whilst large in area, does not achieve the same streetscape contribution as the Dunmore Street Plaza and is not recommended to replace this space; however the sections of the proposed public open space could positively contribute to public space in the Centre.

It is recommended that Council endorse Option D.
**Supporting Documentation:**

In addition to the attachments provided in this report, the proponents supporting documentation below will be made available for view on Council’s Website:

- Amended Social Impact Assessment
- Communal Open Space Solar Access Investigation
- Community Consultation Report
- Concept Design Report
- Flood and Stormwater Management
- Impact Management Plan
- Social and Economic Benefits Assessment
- Social Impact Assessment
- Stage 1 Environmental Site Assessment
- Traffic Report
- Traffic Report Supporting Material
- Updated Ground Floor Plan
- Urban Design Report
- Valuation Advice of Bonus Floor Space

**Consultation:**

This report proposes that community consultation be carried out as determined by the Department of Planning and Environment when it issues a gateway determination of the planning proposal. Nonetheless, it is recommended that the Planning Proposal include the following:

- The Planning Proposal being exhibited for 28 days (subject to gateway determination conditions) at the Council administration building and at Wentworthville and Merrylands libraries.
- The Planning Proposal being displayed on the Council website.
- The Planning Proposal being advertised in the local newspaper during the first and second weeks of the community consultation.
- Letters being sent to neighbouring properties opposite and adjacent to the site.

**Financial Implications:**

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

**Policy Implications:**

This report proposes to forward to the Department of Planning and Environment a planning proposal that may potentially result in an amendment to Holroyd Local Environmental Plan 2013.
The requested proposal (Option A) is not consistent with the exhibited Wentworthville Planning & Place Making Strategy. The recommended proposal (Option D) is substantially consistent with the Strategy, providing for the envisioned Dunmore Street Plaza, two storeys higher than the Strategy Option 2 heights.

**Communication / Publications:**

It is proposed that, after the Department of Planning & Environment issues a Gateway Determination, the Planning Proposal would be advertised in the local newspaper during the first and second weeks of the community consultation period.

**Report Recommendation:**

i) That Council prepare a planning proposal for Gateway submission and public consultation in accordance with Option D for 42 - 44 Dunmore Street, Wentworthville.

ii) That delegated authority is provided to the General Manager to proceed with negotiations for a Voluntary Planning Agreement with the land owner for the planning proposal.

iii) That Council advise the Department of Planning that Council wishes to exercise its plan making delegations for this planning proposal.

That pending Gateway Determination, Council undertake community consultation in relation to the Planning Proposal.

**Council Resolution**

Note: Clr. Lake declared a non-pecuniary non-significant interest in this item, being that she has a personal friendship and political association with the owner of a property in the vicinity to the site of the proposal, remained in the Chamber and took part in the debate and vote thereon.

Note: Standing Orders were suspended to permit the following speakers to address the meeting: Mr. Kerry Keogh, Mr. Russell Strahle, Mr. Thomas Brown, Ms. Siobhan McInerney, Mr. Chris Bain, Mr. Neil Toft, Mr. Tony Lin and Ms. Carol Trewick.

On resumption, a motion was moved Clr. Whitfield, seconded Clr. Lake that:

i) Council prepare a planning proposal for Gateway submission and public consultation in accordance with Option B for 42 - 44 Dunmore Street, Wentworthville, being:
   a) Increase the maximum building height to 46m (approx. 13 storeys) fronting
b) Increase the maximum floor space ratio to 3.5:1.

b) Create a provision which enables a floor space bonus of 0.5:1 for the construction of a full line supermarket on the subject site.

d) Create a provision which enables a floor space bonus of 0.5:1 for the provision of commercial floor space above ground floor.

e) The zoning and dedication of Dunmore Street Plaza as part of a Voluntary Planning Agreement.

ii) Delegated authority is provided to the General Manager to proceed with negotiations for a Voluntary Planning Agreement with the land owner for the planning proposal.

iii) Council advise the Department of Planning that Council wishes to exercise its planning delegations for this planning proposal.


An amendment was moved Clr. Grove, seconded Clr. Rahme that:

i) Council prepare a planning proposal for Gateway submission and public consultation in accordance with Option D for 42 - 44 Dunmore Street, Wentworthville, being amended to:

a) Increase the maximum building height 68m (approx. 20 storeys) fronting Dunmore Street and 30m (approx. 8 storeys) fronting Pritchard Street East.

b) Make the maximum floor space ratio to 4.5:1

c) Create a provision which enables a floor space bonus of 0.5:1 for the construction of a full line supermarket on the subject site.

d) Create a provision which enables a floor space bonus of 0.5:1 for the provision of commercial floor space above ground floor.

e) Create a provision which enables a floor space bonus of 0.5:1 under a ‘design excellence’ provision.

f) The zoning and dedication of Dunmore Street Plaza as part of a Voluntary Planning Agreement.

ii) Delegated authority is provided to the General Manager to proceed with negotiations for a Voluntary Planning Agreement with the land owner for the planning proposal.

iii) Council advise the Department of Planning that Council wishes to exercise its planning delegations for this planning proposal.

The amendment moved Clr. Grove, seconded Clr. Rahme on being Put was declared CARRIED.

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

**Ayes**
Clr. Cummings (Mayor)
Clr. Dr. Brodie
Clr. Colman
Clr. Grove
Clr. Nadima Kafrouni
Clr. Nasr Kafrouni
Clr. Rahme
Clr. Zaiter

**Noes**
Clr. Lake
Clr. Whitfield

The amendment then became the motion.

The motion moved Clr. Grove, seconded Clr. Rahme on being Put was declared CARRIED.

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

**Ayes**
Clr. Cummings (Mayor)
Clr. Dr. Brodie
Clr. Colman
Clr. Grove
Clr. Nadima Kafrouni
Clr. Nasr Kafrouni
Clr. Rahme
Clr. Zaiter

**Noes**
Clr. Lake
Cllr. Whitfield

Note: Cllr. Rahme left the Chamber at 8:45 p.m. and did not return.

Matter Arising: Resolved on the motion of Cllr. Lake, seconded Cllr. Whitfield that community consultation letters for the planning proposal be sent to all property owners located on Great Western Highway, Station Street, Dunmore Street, Cumberland Highway and both eastern and western sides of Lane Street, Wentworthville.

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

**Ayes**
Cllr. Cummings (Mayor)
Cllr. Dr. Brodie
Cllr. Colman
Cllr. Grove
Cllr. Nadima Kafrouni
Cllr. Nasr Kafrouni
Cllr. Lake
Cllr. Whitfield

**Noes**
Cllr Zaiter (Abstained)

**Attachments:**
1. Planning Proposal Report
2. Planning Proposal Report - Additional Information
3. Comparison of Planning Proposal Request to current controls, previous draft controls and Strategy controls
4. Comparison of Planning Proposal Request and Key Priorities of Wentworthville Centre Planning & Place Making Strategy
5. Voluntary Planning Agreement- Draft Heads of Agreement