

DATE OF DECISION	20 March 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Julie Savet Ward, Ned Attie and Eddy Sarkis
APOLOGIES	Gabrielle Morrish
DECLARATIONS OF INTEREST	Clr Sarkis noted that he had received a briefing regarding this site at Council several years previously. He has however not been involved in any decision making in this regard to date.

PLANNING PROPOSAL

2017SWCC141 – Cumberland – PGR_2016_HOLRO_002_00 at 1 Crescent Street, Holroyd. (Department Ref: PP_2019_CUMB_002_00)

The Planning Proposal (the Proposal) seeks to amend the Holroyd LEP 2016 to rezone land at 1 Crescent Street, Holroyd from B5 Business Development, to B4 Mixed Use, R4 High Density Residential (including “commercial premises” as an additional permitted use); RE1 Public Recreation, SP2 Infrastructure and amend associated development standards.

The Sydney Central City Planning Panel (the Panel) has been appointed Planning Proposal Authority (PPA) for the application.

BACKGROUND

A Gateway Determination was issued for the Proposal by the Department of Planning, Industry and Environment (the Department) on 17 July 2019. This determination contained conditions requiring the Proposal and supporting documents be updated to ensure consistency, consultation with the RMS, inclusion of affordable housing (7% in perpetuity) as part of the development (subject to studies), inclusion of a satisfactory arrangements clause, need for mandatory floor space and update of the project timeline. The Gateway determination also required the preparation of a site specific development control plan (DCP) prior to public exhibition.

The proponent has since requested two amendments to the Gateway determination with an aim of allowing the Proposal to proceed to public exhibition. These amendments address the conditions related to affordable housing and preparation of a DCP prior to public exhibition.

The proponent has requested that the Panel provide a response to these amendments to the Gateway approval to enable the Proposal to proceed to public exhibition. The Panel has also been invited to consider additional requirements to the above in its role as PPA, for consideration by the Department, which is required to endorse the Proposal prior to the public exhibition being held.

MEETINGS

On 16 March 2020 the Panel met to consider the Proposal and determine whether it should be forwarded to the Department under Section 3.34 of the Environment Planning and Assessment Act (EPA Act) 1979 for Gateway Determination. Before making its decision, the Panel reviewed the amended Proposal and accompanying documents. In addition, the Panel met with the RMS and the proponent on this date.

On 17 March 2020, the Panel met with the Mayor of Cumberland Council and Director of Environment and Planning at the request of the Mayor. Subsequent to this, the Panel discussed and agreed its position with regard to the request for amendments as well as additional recommendations in relation to the role of the Panel as PPA, for consideration by the Department

MEETING PARTICIPANTS:

DEPARTMENT OF PLANNING, INDUSTRY & ENVIRONMENT REPRESENTATIVES (16 March 2020):

Christine Gough
Genevieve Scarfe

RMS REPRESENTATIVES (16 March 2020):

James Hall
Ragip Ilyas Karaman

Note: Cllr Attie was an apology for this meeting.

PROPONENT REPRESENTATIVES (16 March 2020):

Huw Williams
Matthew O'Donnell
Tim Blythe
Princess Ventura
Oscar Stanisch
Ken Hollyoak
Rubini Ventouras

CUMBERLAND COUNCIL REPRESENTATIVES (17 March 2020):

Cllr Steve Christou, Mayor
Daniel Cavallo, Director Environment and Planning

PANEL MEMBERS BY TELECONFERENCE (17 MARCH 2020):

Julie Savet Ward
David Ryan

PANEL DECISION

The Panel overall decision is that while it would be appropriate for the Proposal to proceed to exhibition, as this will enable both the community and agencies to be informed of the plans, and comment to be formally received, the Proposal has not yet adequately satisfied several conditions of the Gateway Determination.

Of the two proposed amendments, the Panel supports one only and requires further information with regard to the other, as outlined below.

Request for amendments to Gateway Determination conditions:

Condition 1c

With regard to **condition 1c** of the Gateway Determination, the proponent's request to amend the requirement for affordable housing provision to a minimum of 7% of the total number of new residential units for a period of 12 years on the basis of a study undertaken by their consultant, is **not supported**.

The Panel notes that a limited number of scenarios only have been examined to date by the proponent regarding affordable housing. The Panel recommends that further scenarios be tested, including scenarios by means of which a contribution of affordable housing in perpetuity may be achieved, being the intention of the determination condition. The Panel further recommends that the proponent meet with registered community housing providers, with charity status, to receive advice on scenarios able to be achieved in partnership with the provider.

The Panel acknowledges that Council's position is for a 10% affordable housing contribution, in perpetuity. Council has cited a number of recent precedents where this has been achieved, being the John Cootes development in Woodville Road and 2 – 10 Church Street, Lidcombe, demonstrating that feasibility is being achieved, on very similar sites, under current development circumstances.

Condition 2

With regard to **condition 2** of the Gateway Determination, the proponent's amendment request to allow the preparation of the DCP following the finalisation of the planning proposal and prior to the determination of any development application (DA) over the site, the Panel **supports** this amendment.

The Panel recommends that to assist the community in understanding the Proposal, an indicative DCP should be placed on exhibition along with the Proposal, when this takes place. The exhibited DCP should clearly indicate that it is draft, for explanatory purposes only.

Other recommendations relation to the Gateway Determination conditions:

With regard to fulfilment of the remaining conditions of the Gateway Determination, the Panel, in its role as PPA, puts forward advice to the Department for its consideration prior to endorsing the Proposal for public exhibition, as outlined below.

Condition 1a

The Panel is not confident that the proponent has satisfactorily addressed this condition as it has not clearly demonstrated changes to the Proposal from an urban design point of view since the Panel last sighted the design in June 2019. In particular, the Panel recommends that the proponent more clearly identify how building height, FSR and apartment numbers align with previous submissions.

The proponent has also not yet provided adequate information as to what urban design initiatives and social infrastructure are proposed to provide for the social and community needs of a new, relatively isolated community. The Panel recommends that this be further considered by the proponent.

The Panel suggests that the Department consider an urban design peer review of an updated submission from the proponent prior to proceeding to exhibition.

Condition 1d

Having met with both the RMS and the proponent, the Panel is not at all satisfied that the RMS has been adequately consulted, or provided with the information that it has requested in order to satisfy this condition. The Panel notes that at present there is a significant difference between the views of the proponent and the views of the RMS.

The Panel recommends that further consultation with the RMS by the proponent is essential for agreement between the parties to be achieved or differences otherwise resolved. The Panel notes that written confirmation regarding an updated position is to be submitted to the Department.

The Panel also notes Council's high level of concern regarding traffic, noting that both Woodville Road and The Crescent experience significant traffic congestion, as well as being hostile pedestrian environments.

The Panel observes that the proponent's submission is potentially misleading regarding the accessibility of the site to public transport considering the isolated nature of the site, its being surrounded by busy roads, and with a locally impermeable road structure. The Panel encourages the applicant to reconsider ways in which the site is to be integrated into its context, with pedestrian access to existing train stations and bus facilities realistically supported.

Condition 1e

The Panel notes that this condition has not yet been satisfied as a landing on State contributions has not been achieved. The Panel observes moreover that given the nature of the application, both physical (hard) and social (soft) infrastructure should be taken into account at this stage.

The Panel considers that community benefit is not yet demonstrated in the Proposal, and that an important complement to this condition should be the demonstration of social infrastructure contributions proposed for the local, as well as State level, for example by way of a Voluntary Planning Agreement (VPA).

Condition 1f

The proponent concedes that the mechanism as currently proposed is not appropriate. As such this condition has not been satisfied and the Panel recommends that an appropriate mechanism be further explored and put forward for review.

Condition 4

The Panel notes that the proponent is currently considering a parallel consultation process to be undertaken alongside the public exhibition, noting that prior attempts to engage with the community (in 2015) were not successful. The Panel supports this action and recommends that an updated Community Engagement Plan be submitted along with the next iteration of the Proposal.

The Community Engagement Plan should outline the overall approach and proposed tools for engagement, including innovative ways not previously applied, noting that this community includes many non-English speakers. The proponent should also outline the way in which their engagement plan will be coordinated with the Department's 28 day exhibition process.






Further recommendations

Consultation with Council

The Panel notes that a new Council is in place, with several updated strategies, and that both the Mayor and Director of Planning and Environment are receptive to meeting with the proponent considering the high profile of this site, its isolated location and the importance of providing support for any new community as well as existing local residents.

The Panel recommends that the proponent offer Council a briefing on the Proposal, once updated but prior to exhibition.

The Panel decision was unanimous.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Julie Savet Ward	 Ned Attie
 Eddy Sarkis	