



IRF22/689

## Plan finalisation report – PP-2020-1970

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1 Crescent Street, Holroyd (+1,255 dwellings and  
+423 jobs) – Cumberland Local Environmental Plan  
2021 (Amendment 4)

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# 1 Introduction

## 1.1 Overview

### 1.1.1 Name of draft LEP

Cumberland Local Environmental Plan 2021 (Amendment No. 4).

The draft LEP seeks to rezone land and amend development standards to facilitate the redevelopment of 1 Crescent Street, Holroyd for a mixed-use development comprising residential uses with supporting neighbourhood retail, commercial and community land uses. The new planning controls for the site will deliver approximately 1,255 new dwellings and 7,500m<sup>2</sup> of commercial and retail floor space, generating approximately 423 jobs.

### 1.1.2 Site description

**Table 1 Site description**

Site Description	<b>The planning proposal (Attachment A) applies to land at 1 Crescent Street, Holroyd</b>
Type	Site
Council / LGA	Cumberland City Council
LGA	Cumberland

The site is legally described at Lot 700, DP 1241836 and located along Crescent Street, with a frontage to Parramatta Road, Church Street and Woodville Road intersection to the east. The site has an area of approximately 37,904m<sup>2</sup> and currently accommodates an industrial warehouse and office facility (**Figure 1**).

The site is zoned B5 Business Development under the Cumberland Local Environmental Plan 2021 (CLEP 2021) and has a maximum building height of 15 metres and maximum floor space ratio (FSR) of 1:1.

An outdoor recreation facility, Holroyd Sports Ground, adjoins the site to the north separated by A'Becketts Creek, which has been channelled. The M4 Motorway adjoins the sports ground further north. Crescent Street and the elevated railway lines (T5 Cumberland Line and T2 Inner West & Leppington Line) adjoin the site to the south. To the south of the railway is an area comprised mostly of single and two storey residential dwellings.

Woodville Road and the western end of Parramatta Road adjoin the site to the east. Further east is a business zone with a mix of generally single storey commercial, showroom, warehouse and industrial uses. A mix of generally single storey light industrial type warehouses and industrial units adjoin the site to the west along Crescent Street. Further west along Crescent Street the industrial area transitions to multi storey residential buildings at "Holroyd Gardens".

The site is located within (approximately) 850m to 1.5km of four train stations including Merrylands, Harris Park, Granville and Parramatta. The site is also serviced by existing local bus networks that provide connectivity along Woodville Road, Parramatta Road and the M4 Motorway.

The site is not listed as a State or local heritage item. There are two locally listed heritage items located in proximity to the site, however, these items are unaffected by the planning proposal.



**Figure 1. Site location (Urban Design Report, prepared by Architectus, dated 1 July 2020)**

### 1.1.3 Background

The planning proposal was subject to a Pre-Gateway Review by the Sydney Central Planning Panel in March 2019 (submitted to the Department on 14 June 2016 after the then Holroyd Council failed to support the proposal within 90 days). The review found that the proposal had sufficient merit to proceed. As such, the Sydney Central Planning Panel (the Panel) are the planning proposal authority for this proposal. The Department have provided briefings to the Panel throughout the pre-Gateway review and finalisation phases of the proposal.

A Panel meeting was held on 10<sup>th</sup> March 2022 seeking the Panel's final recommendation on the finalisation of this proposal. The Panel decision, dated 16<sup>th</sup> March 2022 (**Attachment B**), recommends that the LEP be made and makes further recommendations regarding the resolution of the following issues via appropriate and sufficient funding mechanisms and a site specific DCP:

- Safe and, effective pedestrian access to, from and within the site.
- Infrastructure to support the development – including pedestrian connectivity to stations and a shuttle bus for the lifetime of the development.

The Panel's recommendations have been incorporated into the draft LEP and are discussed further in sections 3.6 and 4.1 of this report.

The Panel also made a recommendation on a requirement identified by TfNSW through their submission to provide a pedestrian bridge to support the development. The Panel decision does not support the provision of a pedestrian bridge and therefore this requirement has not been pursued further. As an alternative, the travel demand management measures put forward by the proponent are supported and, where appropriate, form part of the draft LEP provisions and draft State VPA.

### 1.1.4 Purpose of plan

The draft LEP and mapping (**Attachment LEP** and **Attachment Maps**) amends the Cumberland LEP 2021 as follows:

1. Amend the **Land Zoning Map** (Sheets LZN\_008 and LZN\_009) from B5 Business Development to part B4 Mixed Use, part R4 High Density Residential, RE1 Public Recreation and part SP2 Infrastructure.
2. Amend the maximum height in the **Height of Building Map** (Sheets LZN\_008 and LZN\_009) from 15m to between 32m and 96m.
3. Amend the maximum floor space ratio on the **Floor Space Ratio Map** (Sheets LZN\_008 and LZN\_009) from 1:1 to 3.6:1 across the B4 and R4 zoned land only;
4. Introduce additional clauses within Part 6 Additional local provisions that specify:
  - a site-specific development control plan must be prepared and considered prior to development consent being granted;
  - a concurrence clause where the Planning Secretary must be satisfied that there is adequate State infrastructure to support the development before any development consent is issued;
  - ground and first floor levels of buildings located in the B4 Zone with frontage to Woodville Road be restricted to non-residential uses;
  - a maximum Gross Floor Area (GFA) for 'commercial premises' permitted on the site of 5,000m<sup>2</sup>;
  - a maximum GFA for 'retail premises' permitted on the site of 2,500m<sup>2</sup>; and
  - sets maximum carparking rates for the site to align with the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) (based on those set for the Granville Frame Area).

The draft LEP has a commencement date of 1 November 2022 (deferred by 6 months). This is discussed in Section 4.1 (under local infrastructure provisions).

### State and Local Voluntary Planning Agreements

A draft State VPA is currently under preparation for the site. The proponent has lodged a letter of offer with the Department (Infrastructure Partnerships and Agreements team) for a State VPA (Provided at **Attachment C**, dated 13 October 2021), including monetary contributions in the order of \$12 million and a 7% Affordable Housing component. The offer is currently being updated to include the recommendations of the Panel (the shuttle bus service) and the public open space component of the proposal (RE1 zoned park).

The Department notes the proponent is willing to provide local contributions which may in the future form part of a separate planning agreement with Cumberland Council. However, to date the proponent has been unable to engage with Cumberland Council regarding the planning for delivery of local infrastructure in the area. As such, a deferred commencement approach has been included in the draft LEP to allow for further discussions to take place with Council.

### RE1 Zoned land

It is noted that as Council do not support the proposal and have been unwilling to engage with the proponent regarding, among other matters, the proposed open space areas of 16,372m<sup>2</sup> (7,714m<sup>2</sup> - new park and 8,658m<sup>2</sup> - other publicly accessible open space throughout the site). Therefore, these areas are unable to be secured through the land reservation acquisition map with Council nominated as the acquisition authority (as Council consent is required to do so). However, it is proposed to secure the new park by rezoning it RE1 and including this area in the State VPA. The remaining areas of open space planned for the site are proposed to be negotiated with Council when they are able to engage with the proponent regarding local contributions.



### 1.1.5 State electorate and local member

The site falls within the Granville state electorate. Ms Julia Finn MP is the State Member.

The site falls within the Parramatta federal electorate. Ms Julie Owens MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 2 Gateway determination and alterations

The Gateway determination, issued on 17 July 2019 (**Attachment D1**), determined that the proposal should proceed subject to conditions. The Gateway determination was altered on two occasions:

- 7 July 2020 (**Attachment D2**) – Amend the timing of preparation of the DCP from pre-exhibition to pre-Development Application determination to allow for a timely public exhibition. The name and description of the proposal was amended to reflect the new Cumberland LEP zoning and new legal description for the land. Additional time was granted due to proponent delays in satisfying pre-exhibition conditions. The requested extension was for 12 months, to be finalised by 17 July 2021.
- 30 June 2021 (**Attachment D3**) – To ensure timely progression of the proposal, a new condition was inserted that required the planning proposal be reported to the Sydney Central City Planning Panel for final consideration before 30 September 2021. The proposal was also granted additional time for completion to allow time to resolve issues raised by TfNSW during the public exhibition, relating to traffic modelling and impacts from the proposal on the adjoining road network. The proposal was to be finalised by 31 December 2021.

The proponent has met the conditions of the Gateway determination, as discussed throughout this report. The Department notes that while the Gateway determination has now lapsed, the Panel have been kept updated on the progress of the proposal and a further extension was not deemed necessary as finalisation was underway by the specified date.

## 3 Public exhibition

The planning proposal was publicly exhibited from 3 August to 31 August 2020 in accordance with the Gateway Determination.

The Panel received a total of fourteen submissions (provided at **Attachments E1-E3**) during the public exhibition period. Three submissions were from Government Agencies, two were from councils and nine submissions were from the community and industry.

### 3.1 Advice from agencies

In accordance with condition 3 of the Gateway determination, the Panel was required to consult with the agencies listed below:

- Transport for NSW (TfNSW);
- Cumberland Council;
- Sydney Water;
- Endeavour Energy;

- Environment and Heritage Group; and
- Relevant service infrastructure providers.

The Panel received a total of three submissions from agencies and two from councils. The submissions are summarised in the following section. It is noted that the site immediately adjoins the City of Parramatta LGA and a submission was also received from the City of Parramatta. Endeavour Energy did not provide a submission to the proposal.

### Transport for NSW

Transport for NSW (TfNSW) raised several concerns in their initial submission to the exhibition, dated 4 September 2020 (**Attachment E1**). The concerns related to the traffic modelling undertaken, resultant trip generation and parking, road and intersection capacity/performance, impact on proposed TfNSW road improvements, vehicular site access, and pedestrian and cyclist permeability and amenity.

A number of subsequent submissions by TfNSW and discussions between the proponent, TfNSW and the Department have resulted from this initial submission and the proposal has been amended in response to TfNSW's feedback. TfNSW provided a letter of conditional endorsement to the proposal, dated 17<sup>th</sup> August 2021 (**Attachment E1**).

### Cumberland City Council

Cumberland Council's submission (**Attachment E2**) considered that the proposal does not demonstrate strategic and site-specific merit. During the exhibition period, Council commissioned a traffic consultant to undertake a peer review the proponents traffic impact assessment.

The following key issues were raised in Council's submission:

- The proposal is inconsistent with the PRCUTS which identifies the existing planning controls as the desired land use outcome for the site.
- The proposal is inconsistent with the Cumberland 2030: Our Local Strategic Planning Statement (LSPS).
- The proposal did not consider local traffic impacts in the Merrylands area in combination with the future development permitted in the Merrylands Town Centre, particularly the Pitt Street/Neil Street intersection.
- The location of the proposed development is isolated from all forms of public transport and pedestrian priority and amenity surrounding the site is poor.
- The arrangements for the provision of affordable housing is inconsistent with Council's Interim Affordable Housing Policy.
- The built form promoted in the site specific DCP is not supported because the proposed street wall heights were considered excessive, the setback and building separation controls were inconsistent with existing planning controls, and insufficient information was supplied about resident access to Holroyd Sportsground and the interface with adjoining industrial development.
- The proposal lacks widespread community support. Council conducted a community survey which revealed 86% of respondents indicated that Council or the State Government should not support the proposal, and 64% of respondents were concerned about increased traffic main impacts.
- Council suggested that the proponent consider provisions be made for public benefits and infrastructure to mitigate impacts from the proposal.

### City of Parramatta Council

The City of Parramatta Council provided a submission on 18 September 2020 (**Attachment E2**). Council highlights that the planning proposal does not demonstrate consistency with Section 9.1 Ministerial Direction 1.6 Parramatta Road Corridor Urban Transformation Strategy,



specifically, clause 4(c) – relating to recommended controls, clause 4(d) – relating to staging and clause 5 – relating to consistency.

The following key issues were raised in Council's submission:

- The proposal is inconsistent with PRCUTS in that:
  - The proposal differs from the 'Out of Sequence Checklist'.
  - The site is not identified for development in the PRCUTS Implementation Plan 2016-2023.
  - The proposal seeks zoning different from that envisaged by PRCUTS.
- The proposed zoning reduces the recommended employment generating zones and promotes an excessive increase in residential uses for an isolated site.
- The proposal is considered to provide the opportunity for excessive density in a constrained and isolated location, represent overdevelopment, lack residential amenity and not reflect best practice principles of high density living.
- The proposal lacks logical distribution or rationalisation of building heights and density.
- The traffic assumptions in the proposal pre-empt the completion of the precinct-wide traffic study for the Granville/Auburn section of the PRCUTS area, and may not be consistent with the study.
- The proposal requires a clear funding and delivery mechanism for proposed infrastructure improvements to facilitate greater connectivity and accessibility that permeate the Parramatta LGA.
- The proposal lacks full consideration of impacts on the Parramatta LGA due to gaps in the technical studies undertaken, including the urban design and flooding studies.

### Sydney Water

Sydney Water provided a submission on 24 July 2020 (**Attachment E1**). Sydney Water raised matters relating to the servicing of the site, noting that proponent had already commenced discussions through its lodgement under the Notice of Requirements for the feasibility study (ref: CN 145928). Further assessment will be required at the DA stage, including a Section 73 application.

### Heritage NSW

Heritage NSW provided a submission (**Attachment E1**) highlighting that the planning proposal will not have a direct physical or visual impact on any heritage items listed on the State Heritage Register. However, the submission notes that the proposal has the potential to impact on the following two local heritage items listed under Holroyd LEP 2013 (now Cumberland LEP 2021):

- 'Railway Memorial' (I23), Woodville Road (corner Crescent Street), Granville, and
- 'Vauxhall Inn, circa 1938-9' (I11), 284-286 Parramatta Road, Granville.

## 3.2 Community and Industry submissions

Six of the seven community submissions received (**Attachment E3**) raised the following issues (note: two submissions received from the community are identical, but counted separately):

- the proposal will generate excessive vehicular movements and traffic impacts;
- the site is highly constrained with existing traffic issues;
- the proposed parking spaces are inadequate for the business and open space uses on the site;
- residents will not benefit from access to public transport and adequate public open space; and
- there is a contamination risk associated with the site that has not been addressed.

One community submission supported the proposal as it will deliver a large amount of public open space, traffic upgrades, affordable housing and employment.

Sydney Business Chamber provided a submission in support (**Attachment E3**), stating:

- the proposal is well located near Parramatta CBD and public transport, strikes the right balance in providing additional housing (7% being affordable) and new public and private open space for the residents and surrounding community, and
- the proposal will support new direct and indirect construction and operational jobs.

Evolve Housing provided a submission in support (**Attachment E3**), stating:

- there is a need for affordable housing in the area, the site is located close to public transport and the development will deliver various services and amenities to its residents, and
- the proposal will provide at least 87 dwellings for affordable housing in perpetuity and that Evolve Housing can assist in providing the affordable housing dwellings to local key workers and their families at a reduced rental rate.

### 3.3 Response to Submissions

The proponent has provided the Panel with an Interim Response to Submissions Report, dated 30 October 2020 (**Attachment F**), and a second Briefing Paper, dated 6 August 2021 (**Attachment A**). These two documents together respond to the issues identified in the fourteen submissions received. The Panel considered this response in its decision to submit the proposal for finalisation.

The proponent's assessment addresses traffic and transport issues in detail and responds to the submissions through the amendments made to the proposal and the consequential reduction in traffic generation. Other issues have been addressed, as appropriate, through the preparation of a revised development concept design and are set out in the proponent's reporting.

In summary, the Department is satisfied that matters raised in submissions have been adequately responded to addressing the issues raised through further justification and/ or amendments to the proposal which result in a reduced environmental impact of the proposal. These matters are discussed within this section.

#### 3.3.1 Strategic Planning Policies

Parramatta and Cumberland Councils identified issues concerning the consistency of the proposal with Section 9.1 Ministerial Directions relating to the provision of employment lands and alignment of the proposal with both PRCUTS and Council policies.

##### Department response

The planning proposal seeks to rezone the B5 Business Development zoned site to B4 Mixed Use, R4 High Density Residential (including commercial premises as an additional permitted use), RE1 Public Recreation and SP2 Infrastructure. The site previously employed 125 light industry workers (WesTrac's NSW Operational Headquarters). The proposal is estimated to be capable of facilitating up to 260 industrial jobs if developed under the existing zone and development standards.

Section 9.1 Direction 7.1 Business and Industrial Zones requires that a planning proposal must retain areas and locations of business and industrial zones. The proposal is expected to provide for 423 retail and commercial jobs with 7,500m<sup>2</sup> of retail and commercial floor space. The proposed local provisions that limit the total retail and commercial premises floor space to no greater than 7,500m<sup>2</sup> will ensure the new centre will not compete and dominate existing established centres such as Parramatta, Granville and Merrylands. This approach is consistent with the 9.1 Direction Objective 7(c) to support the viability of identified centres.

In accordance with the Greater Sydney Commission's (GSC) *Information Note – SP2018-1 Industrial and urban services land (retain and manage) – transitional arrangements*, rezoning of established industrial and urban services land within the Central City District is to take a review-

and-manage approach. The transitional provisions identify that if a planning proposal, lodged by Council prior to March 2018, has been supported by the relevant Sydney District Planning Panel for Gateway determination then the review and manage approach has been satisfied. The proponent submitted the proposal to the Department for Pre-Gateway Review in June 2016 and the Sydney Central Planning Panel supported the proposal including the change from B5 Business Development zone.

On this basis, the Department is satisfied that the inconsistency with section 9.1 Direction 7.1 Business and Industrial Zones is justified.

### 3.3.2 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

Both Parramatta and Cumberland Councils raised concern over the planning proposals lack of strategic alignment with the PRCUTS, particularly in relation to the 'out of sequence' release of development.

#### Department Response

Ministerial Direction 1.5 contains scope for proposals to be inconsistent with the PRCUTS where alternative traffic studies have been prepared. It is also noted that the planning proposal pre-dates the finalisation of the PRCUTS (Gateway determination issued on 17 July 2019). Notwithstanding, extensive transport modelling has been prepared to assess the traffic impacts of the development on the road network, including Parramatta Road. TfNSW's latest submission confirms, subject to conditions, that they are satisfied with the proposal's impact on the road network and support the development.

Key objectives of the PRCUTS are to provide a diversity of housing and jobs and guide incremental transformation of the corridor in line with infrastructure delivery. The PRCUTS anticipates that 5,400 new homes and 7,200 new jobs will be delivered in the Granville Precinct by the year 2050. The proposal, located in the Granville Frame Area, aligns with these targets by proposing 1,255 new dwellings, 423 operational jobs and approximately 16,372m<sup>2</sup> of open space (7,714m<sup>2</sup> - new park and 8,658m<sup>2</sup> - other publicly accessible open space throughout the site) and pedestrian and cycle links that are not planned for by the PRCUTS and will benefit the new community.

Further, as a result of TfNSW consultation the maximum car parking rates set by PRCUTS (Granville Frame Area) have been included in the draft LEP as a post exhibition amendment to the proposal to manage traffic generation of the development.

Notwithstanding the above, the development yields proposed by the rezoning are greater than those set by the planning controls in PRCUTS. However, as the proposal pre-dates PRCUTS and the extensive traffic modelling undertaken to address the impacts on Parramatta Road, the Department is satisfied that the inconsistency with section 9.1 Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy is justified.

### 3.3.3 Alignment with Council Policy

Cumberland Council raised concern in relation to the lack of policy alignment with its Local Strategic Planning Statement (LSPS) and Affordable Housing Policy. In particular, Council note that the LSPS does not identify the site as part of strategic planning for the area and seeks 10% of the proposal be affordable housing.

#### Department Response

The LSPS provides a line of sight to demonstrate relevant State Government policy is being delivered at the local level. The proposal meets key priorities in Cumberland Council's LSPS such as:

- delivering housing diversity to suit changing needs,
- delivering affordable housing,
- providing high quality social infrastructure,
- supporting a strong and diverse economy,

- promoting access to local jobs, and
- protecting, enhancing and increasing natural and green spaces.

The proposed development will provide job opportunities (estimated 423 jobs), local services, additional open space and housing forms to suit people across different demographic groups and life stages (1, 2- and 3-bedroom units). On this basis, the Department is satisfied that although not contemplated in the LSPS, the proposal is consistent with the overarching priorities in Council's LSPS.

Cumberland Council has requested that 10% of the housing stock be for affordable housing and dedicated to Council. The District Plan recommends a range of 5-10% of new residential floorspace be affordable housing. The Gateway determination, issued by the Sydney Central Planning Panel, predates Council's LSPS. However, it includes a condition requiring a minimum of 7% of the total new residential units being dedicated in perpetuity for Affordable Housing. The Department considers that the Gateway condition satisfies the recommendations of the District Plan and is appropriate in this case.

### 3.3.4 Urban Design

Five community submissions and both Cumberland and Parramatta Council submissions raised matters such as overdevelopment, large scale built form, undesirable residential amenity outcomes and insufficient open space.

#### Proponent Response

Through their response to the Panel, the proponent acknowledges the concerns raised in submissions and highlights the following in support of the proposal:

- The current proposal has been through a long design and review process, including review by the Sydney Central City Planning Panel, to shape the heights and distribution of towers.
- There remains a requirement for increased housing within the region, particularly to meet the future housing target demands as set out in local strategic documents such as Cumberland LSPS and the PRCUTS, but as well as the Central River City vision within *A Metropolis of Three Cities* (The District Plan).
- The proponent has put forward various State and local opportunities for public benefit, the subject of future negotiation and agreement, that can assist in accommodating any potential increase in population.
- The proponent proposes that the relevant amenity assessments, including air quality and noise assessments, have been undertaken demonstrating that the proposal can achieve appropriate levels of amenity, to be further addressed at the development application stage.
- The 16,372m<sup>2</sup> of open space proposed (7,714m<sup>2</sup> - new park and 8,658m<sup>2</sup> - other publicly accessible open space throughout the site) has the potential to link through to the existing Holroyd Sports Ground (approx. 4.8ha), creating a combined open space of over 6ha. The open space outcomes for the site are significant, achieving around 43% of the site as publicly accessible open space.

#### Department Response

The high-density residential development proposed is consistent with other development sites in the Parramatta Road Corridor and nearby neighbourhoods. Merrylands and Granville centres have higher mixed-use densities of 6:1 compared to the 3.6:1 density proposed across the R4 and B4 zoned land.

The proposal and its supporting design concept have been amended following consideration of the submissions received. Key design features of the proposal, as amended, include:

- reduced footprint of the Woodville Road mixed use building (the largest building in the concept);
- loss of ground floor retail has resulted in at-grade open space (previously landscaped podiums);
- a new publicly accessible open space for Holroyd (delivered as RE1 zoned land);

- a network of pedestrian connections and permeability throughout the site;
- maximum building frontage to open space areas;
- well separated residential built form with proposed building heights from 8 to 28 storeys (32m and 96m);
- development with a northerly aspect and views across open space and adjacent sports ground;
- ground level commercial and retail uses for activation of public areas; and
- on and off-site overshadowing impacts minimised through tower placement.

The design concept has massing proposed with small street blocks to maximise permeability with space for connections throughout the site. The proposed variation in tower heights across the site has been designed to provide visual interest and diversity. The buildings present a podium and tower typology, consistent with the Apartment Design Guide (ADG) which is an appropriate urban design typology for buildings at this density.

The poor amenity of Woodville Road is recognised. The development incorporates design features such as planting of mature trees, a minimum 8m commercial podium and appropriate building materials that will minimise noise or amenity issues from Woodville Road and the M4 motorway.

The proposed additional open space (RE1 land 7,714m<sup>2</sup>) and associated accessible public open space (16,372m<sup>2</sup> including RE1 land) is consistent with the Premier's priority to 'provide greater access to quality, green, open and public spaces closer to homes'.

Improvements to provide pedestrian access and links throughout the site with the regional cycleway and other nearby open space (such as Holroyd Sportsground) will improve accessibility to the new proposed and existing open space for new residents. In keeping with the draft Greener Places Design Guide the proposal will deliver quality, easily accessible open space for recreation and provides additional open space to address expected population growth and increased density.

It is also noted that the LEP will set only the key planning controls such as height and FSR, with the future development scheme to be further refined and interrogated through any development application process. This will also allow for further community consultation and opportunities for feedback.

### 3.3.5 Contamination

Community submissions note that A'Becketts Creek, which runs adjacent to the site, was previously used for the dumping of asbestos and that contamination risks need to be reviewed in accordance with the *Contaminated Land Management Act 1997*.

#### Proponent Response

In its response to the Panel, the proponent notes that the Creek is outside the site but that a contamination report submitted with the planning proposal identifies an extensive history of potential contamination on the site. The proponent notes that further assessment of potential contamination and the need for a remediation action plan will be undertaken at the DA stage in accordance with SEPP (Resilience and Hazards) 2021.

#### Department Comments

Section 9.1 Ministerial Direction 4.4 Remediation of Contaminated Land applies to the subject land as it has been identified to have been used for purposes identified as having the potential for contamination in the Contaminated Land Planning Guidelines. The Direction specifies that a planning proposal authority must not include such land in a zone that would permit a change of use of the land, unless it is satisfied that the land is suitable in its contaminated state or can be made suitable after remediation for any purpose for which land in that zone is permitted to be used.

The planning proposal includes a contamination report prepared by Douglas Partners **(Attachment G)**. This report identifies that the land can be made suitable for the proposed development purposes, high density residential, retail and commercial uses, and open space. On



this basis, the land is suitable for rezoning and further investigations will be required as part of any future development application.

### 3.3.6 Traffic and Transport

Transport for NSW (TfNSW) raised several concerns in their initial submission dated 4 September 2020 (**Attachment E1**). The concerns related to the traffic modelling undertaken, resultant trip generation and parking, road and intersection capacity/performance, impact on proposed TfNSW road improvements, vehicular site access, and pedestrian and cyclist permeability and amenity. The submission provided the following comments:

*‘TfNSW has reviewed the submitted documentation and advises that the planning proposal in its current form cannot be supported as there are significant matters that still require addressing at this stage of the process to reduce safety and efficiency impacts on the network.’*

Since TfNSW’s original submission on the proposal there has been ongoing consultation between the proponent and TfNSW, facilitated by the Department (in accordance with Condition 1(b) of the Gateway determination). TfNSW and the proponent agreed for TfNSW to arrange an independent peer review of the proponent’s traffic modelling to satisfy the outstanding modelling issues raised by TfNSW.

#### 3.3.6.1 Traffic Peer Review

The peer review of the proponent’s traffic modelling, overseen by TfNSW, was prepared by Stantec. The report’s model sensitivity showed that the planning proposal would have the following traffic impacts on the adjacent regional road network:

- travel delays and travel times across the model network will increase by up to 13% with approximately \$60 million in additional travel times costs per annum;
- travel times along Parramatta Rd (in peak directions) will increase by 3-4 minutes; and
- in the morning peak, eastbound drivers along Crescent Street will experience delays of over 3 minutes (approximately 3 signal cycles).

The report indicated that these network performance issues would only noticeably change if there was an approximately 50% reduction in development yields for residential and retail.

In response to Stantec traffic modelling and a meeting with TfNSW and the Department, the proponent amended the proposal resulting in a 50% reduction in the commercial component as agreed with TfNSW. This resulted in post exhibition amendments to the proposal through the floorspace caps on retail and commercial uses, specified as additional local provisions in the draft LEP. TfNSW did not recommend a reduction in the residential component of the proposal.

#### 3.3.6.2 Updated TfNSW submission

TfNSW provided an updated submission considering the amended proposal, dated 17 August 2021 (**Attachment E1**), which confirms the following:

- TfNSW notes that the amended proposal will result in a reduction in traffic generation of 33% in the AM peak and 47% in the PM peak.
- TfNSW agrees in principle to support the amended proposal, subject to the following requirements:
  1. Inclusion of a site-specific clause in the LEP that will prohibit further development beyond the yields of the amended proposal.
  2. Reduction in vehicular traffic generation of the residential component by encouraging a mode shift towards public transport, walking and cycling, requiring the proponent to:
    - a) provide of a pedestrian bridge across Woodville Road at no cost to Government.
    - b) prepare a Travel Demand Management Plan (TDMP) to minimise the traffic generating impact of the proposal.
    - c) provide a car share target of 10-15% (rate adopted by PRUCTS) for residents of the proposed development.
    - d) provide cycle parking facilities.



3. The proponent provide the following additional road works on Crescent Street approaching the intersection of Woodville Road, at no cost to Government:
  - a) an additional eastbound left turn lane
  - b) extension to the existing dual left turn bay from 30 metres to 140 metres in length on The Crescent.

The proponent agrees to fulfil all of the additional requirements stipulated in TfNSW's endorsement of the proposal, with the exception of the requirement for a pedestrian bridge across Woodville Road. The Department acknowledges this in principle agreement and notes that these conditions will be need to be met at the DA stage with any future application referred to TfNSW for comment. The pedestrian bridge is discussed below in 3.2.6.3.

A further submission from TfNSW (dated 8<sup>th</sup> February 2022) recommends that the maximum parking rates for residential and commercial and retail use as per the Granville Frame Area (PRCUTS) be included in the draft LEP. On this basis, the draft LEP includes these maximum car parking rates as per TfNSW's recommendation as a post exhibition amendment.

It is also noted that the draft LEP includes a requirement for a DCP to be prepared along with criteria to be considered in the DCP. This includes the consideration of sustainable travel measures for future site planning, such as those put forward by the proponent and generally supported by TfNSW. The Department considers that this is the most effective way to integrate these travel demand management measures into future Development Applications for the site.

### 3.3.6.3 Summary of Traffic and Transport matters

The resolution of traffic and transport modelling issues are considered critical to the successful finalisation of this planning proposal. Following a significant negotiation process, the proponent and TfNSW have reached an agreement on all traffic and transport issues except for the requirement for the proponent to provide a pedestrian bridge over Woodville Road to improve accessibility to Granville Station.

The TfNSW requirement for a pedestrian bridge across Woodville Road to provide pedestrian access to Granville Station, included in their conditional endorsement of the amended proposal (**Attachment C1**), has not been included in the planning proposal for finalisation. The lack of evidence provided by TfNSW for the justification for the need for the bridge left this matter unresolved. In contrast, the proponent provided a robust justification that the bridge is not required, issues outlined relating to site conditions, heritage restrictions, land ownership, road safety and actual usage of the bridge (findings submitted in a Mobility Analysis and Walkability Study prepared for the site). TfNSW were unable to provide the Department with any comparable data or analysis to enable the Department to make an assessment and therefore reach a decision. Various meetings were held with TfNSW, the proponent and DPE to attempt to resolve this only outstanding transport issue. Therefore, the Department is satisfied that all reasonable efforts have been made to attempt to reach a resolution on this matter without success and sought the Panel's recommendation on how to proceed to finalise the planning proposal.

Discussions with TfNSW have expressed the primary objective is to reduce impact on the road network, and that a pedestrian bridge is a possible measure to achieve this. This has been interpreted by the Department as an opportunity for the proponent to explore alternate measures to reduce the traffic generated by the subject site. On this basis, the planning proposal includes travel demand management measures (to be incorporated through preparation of a DCP for the site), such as a green travel plan, restricted on-site parking provision, bicycle parking and end of trip facilities and the provision of shuttle bus services. TfNSW has generally agreed that these measures are acceptable. The proponent's traffic engineer, TTPP, has modelled the implications of the proponent's project commitments and has concluded that in combination with committed reductions in the retail and commercial floor space of the project (as per the amended proposal, 6 August 2021) and the provision of a shuttle bus service that vehicle traffic can be reduced by approximately 50% from that modelled for the exhibited planning proposal. The proponent submits

that these reductions can be achieved without further reductions in floorspace or a requirement for a pedestrian bridge.

The Department presented the attempts at resolution of this issue and the key facts presented by TfNSW and the proponent outlined above to the Panel. The Panel decided it does not support the provision of a pedestrian bridge (**Attachment B**) and therefore this requirement has not been pursued further. As an alternative, the travel demand management measures put forward by the proponent are supported and, where appropriate, form part of the draft LEP provisions and draft State VPA.

## 3.4 Post-exhibition changes

### 3.4.1 The amended proposal

In response to the issues raised in submissions and key matters raised by TfNSW, including the outcomes of a further review of the traffic and transport modelling led by TfNSW, the proposal has been amended as follows (**Attachment A**).

- Maximum retail GFA reduced from 7,500m<sup>2</sup> to 2,500m<sup>2</sup>, reflecting a neighbourhood scale retail supermarket and shops = 90 jobs.
- Maximum commercial GFA reduced from 7,500m<sup>2</sup> to 5,000m<sup>2</sup> = 333 jobs.
- Reduced trip rates for the development through travel demand management measures.
- Changes have also been made to the development concept scheme supporting the planning proposal (**Figure 2**):
  - Modified development concept to incorporate a TfNSW future land acquisition reservation of approximately 2,710m<sup>2</sup> (7% of the site area) along Woodville Road frontage of the site (notice of which was issued in June 2020).
  - Reduced footprint of the Woodville Road mixed use building (the largest building in the concept).



Figure 2. Amended proposal: Option 1 (preferred option) Site plan (Updated Master Plan, dated 3 August 2021)

As a result of the post exhibition changes to the proposal, the key changes that have been reflected in the draft LEP and mapping include:

### Height of Buildings

The building heights in the Height of Building Map (Sheets LZN\_008 and LZN\_009) have been reconfigured to account for changes in height distribution across the site to reflect improvements to residential amenity through increased tower separation and permeability through the site, however the height range remains as exhibited between 32m and 96m.

### Floor Space Ratio

The floor space ratio on the Floor Space Ratio Map (Sheets LZN\_008 and LZN\_009) has been updated to reflect the 50% or 7,500m<sup>2</sup> reduction in the commercial and retail floorspace component as required through consultation with TfNSW. The final mapping of the floor space ratios for the site show 3.4:1 for the R4 zoned land (no change) and 3.75:1 for the B4 zoned land (previously 4.2:1).

The new FSR values will result in a maximum floor space that can be achieved on the site of 105,352m<sup>2</sup> gross floor area, 7,508m<sup>2</sup> less than the total floor space exhibited. Table 2 confirms the calculations for these figures.

**Table 2 Maximum Gross Floor Area provisions for the site**

Zone	Area of site	Proposed maximum FSR	Maximum GFA achievable
R4	11,560m <sup>2</sup>	3.4:1	39,304m <sup>2</sup>
B4	17,613m <sup>2</sup>	3.75:1	66,048.75m <sup>2</sup>
<b>TOTAL</b>			105,352m <sup>2</sup>

### Commercial and retail floorspace caps

The exhibited commercial and retail floorspace caps of 7,500m<sup>2</sup> each have been reduced in the draft LEP. This post exhibition change is considered appropriate to align with the 50% reduction in the commercial and retail floorspace component as required through consultation with TfNSW. The proposed new caps to be included within Part 6 Additional local provisions are retail – 2,500m<sup>2</sup> and commercial – 5,000m<sup>2</sup>.

### Requirement for Development Control Plan (DCP)

The exhibited proposal included a requirement for a DCP to be prepared as an additional local provision for the site, in accordance with condition 2 of the Gateway determination (as amended) (**Attachment D1**). However, as a result of the Panel recommendation this draft LEP clause has been developed to include criteria to be considered in the DCP. A key recommendation of the Panel decision was the further consideration of 'safe and effective pedestrian access to, from and within the site'. The Department considers this post exhibition amendment the most appropriate way to address the Panel's recommendation.

It is envisaged that further site planning, including pedestrian connectivity, can be undertaken as part of the DCP and implemented through future Development Applications for the site.

### Concurrence clause for State Infrastructure

In accordance with Gateway condition 1(e), the Department has included a clause requiring concurrence with the Planning Secretary in the draft LEP as a post-exhibition amendment to ensure the redevelopment of the site contributes towards designated State and regional infrastructure. This is included as an additional local provision in the draft LEP.

The Department considers the use of a concurrence clause is an appropriate mechanism to ensure State and regional infrastructure is provided to support the proposal. The concurrence clause is an interim measure until the draft State VPA is exhibited and executed. As such, the post-exhibition amendment is considered appropriate.

### Maximum car parking rates

As a result of consultation with TfNSW the draft LEP includes maximum carparking rates for the site to align with those proposed for the Granville Frame area in the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) (further discussed in section 3.5 of this report). This post exhibition amendment is considered appropriate to manage traffic generation to and from the site.

### Local Infrastructure

Cumberland Council have requested the inclusion of a deferred commencement provision (6 months) for the draft LEP, also recommended as part of the Panel's decision (**Attachment B**), to ensure that redevelopment of the site cannot progress until a Planning Agreement securing the required local infrastructure is finalised (further discussed in section 4.1 of this report).

The Department considers these post exhibition amendments to the proposal to be appropriate to reflect a considered response to issues raised in submissions, consultation with TfNSW and the Panel's recommendation dated 16 March 2022.

## 4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (and subsequent alterations) (**Attachments D1-D3**), Panel reporting and meetings, and planning proposal processes. It has also been subject to public consultation and engagement.

The following assesses the proposal against the relevant Section 9.1 Directions left unresolved at Gateway, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

The planning proposal for finalisation:

- is generally consistent with the relevant objectives and Planning Priorities of the Central City District Plan and further discussion is addressed in Section 4.1 below. The proposal was submitted to the Department for Pre-Gateway Review in June 2016, prior to the release of the District Plan. The draft LEP responds to transitional provisions to the 'review and manage' approach for employment lands;
- is generally consistent with Cumberland Council's Local Strategic Planning Statement (LSPS) and further consideration is provided in Section 3.3.3 of this report. The LSPS was not considered at Gateway determination as it was not finalised;
- is generally consistent with all relevant Section 9.1 Directions, noting that the Gateway determination left Directions 1.5 Parramatta Road Corridor Urban Transformation Strategy and 7.1 Business and Industrial Zones unresolved, these are addressed at Section 3.3 of this report; and
- is generally consistent with all relevant SEPPs. Further consideration of the consistency with any relevant SEPP can be considered as part of any development assessment process.

The following table identifies whether the proposal is consistent with the assessment undertaken at the Gateway determination stage, noting many of the identified matters were not in place at this stage. Where the proposal is inconsistent with this assessment, requires further analysis or



requires reconsideration of any unresolved matters these are addressed in Sections 3.3 and 4.1 of this report.

**Table 3 Summary of strategic assessment**

	Consistent with Gateway determination report		
Regional Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1	
District Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1	
Local Strategic Planning Statement	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 3.3.3	
Local Planning Panel (LPP) recommendation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A (Sydney Central Planning Panel)
Section 9.1 Ministerial Directions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to sections 3.3.1 & 3.3.2	
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	

## 4.1 Additional assessment

Section 3.3 of this report provides a detailed assessment of the amended proposal in response to submissions received. The following section provides any additional assessment required to justify the Department's post exhibition changes to the draft LEP provisions.

### 4.1.1 Central City District Plan

The Greater Cities Commission released the Central City District Plan on 18 March 2018. The District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is noted that the Panel determined the proposal could proceed to Gateway determination prior to the release of the District Plan.

The draft LEP is consistent with Planning Priority C5 by providing housing supply, choice, and affordability with access to jobs, services and public transport. The proposal will support the Liveability objectives by delivery of approximately 1,255 new dwellings with a mixture of dwelling sizes and including a 7% affordable housing component with retail and commercial uses to support the community.

The proposal is consistent with the Planning Priority C9 as it will support the 30 minute city principle and the continued economic development and diversity of the Cumberland and Parramatta LGA's. The proposal will permit additional housing within 30 minutes of public transport for travel to Parramatta and Sydney CBDs. The site is serviced by multiple public transport options being approximately 850m to 1.4km from four train stations (Merrylands, Harris Park, Granville and Parramatta) and is within walking distance of existing local bus networks that provide connectivity along Woodville Road, Parramatta Road and the M4 Motorway.

Planning Priority C11 seeks to protect industrial land and is generally not supportive of losses of industrial land uses. The proposal is expected to provide for 423 retail and commercial jobs with 7,500m<sup>2</sup> of retail and commercial floor space.

In accordance with the Greater Sydney Commission's (GSC) *Information Note – SP2018-1 Industrial and urban services land (retain and manage) – transitional arrangements*, rezoning of established industrial and urban services land within the Central City District is to take a review-

and-manage approach. The transitional provisions identify that if a planning proposal, lodged by Council prior to March 2018, has been supported by the relevant Sydney District Planning Panel for Gateway determination then the review and manage approach has been satisfied. The proponent submitted the proposal to the Department for Pre-Gateway Review in June 2016 and the Sydney Central Planning Panel supported the proposal including the change from B5 Business Development zone.

The draft LEP also gives effect to the Planning Priority C16 by supporting sustainability principles in providing mixed use urban form that reduces the need for travel and car transport. The proposal includes an open space provision of 7,714 m<sup>2</sup> (new park) and 8,658m<sup>2</sup> (other publicly accessible open space throughout the site) aligning with Planning Priority C17.

The Department is satisfied that the proposal gives effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

### State Infrastructure Provision

In accordance with Gateway condition 1(e) which required satisfactory arrangements to be in place to require contributions to State infrastructure, the Department has included a clause requiring concurrence with the Planning Secretary in the draft LEP as a post-exhibition amendment. This will ensure the redevelopment of the site contributes towards designated State and regional infrastructure. This is included as an additional local provision in the draft LEP.

The Department considers the use of a concurrence clause is an appropriate mechanism to capture contributions for State and regional infrastructure. The concurrence clause is an interim measure until the draft State VPA is exhibited and executed. As such, the post-exhibition amendment is considered appropriate.

## 5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

**Table 4 Consultation following the Department's assessment**

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Six (6) maps have been prepared by the Department's ePlanning team in accordance with the technical requirements ( <b>Attachment Maps</b> ).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> on 19 <sup>th</sup> April 2022 ( <b>Attachment H</b> ).  Council staff verbally advised the department they would not comment on the Draft LEP.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 27/04/2022, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at <b>Attachment PC</b> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details



## 6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because the plan:

- is consistent with the relevant objectives and Planning Priorities of the Central City District Plan;
- aligns with the strategic vision of the Cumberland Local Strategic Planning Statement;
- will facilitate 1,255 new dwellings on the site, incorporating a range of housing types, 7% of which will be dedicated for affordable housing;
- will enable the redevelopment of the site with supporting neighbourhood retail, commercial and community land uses, generating approximately 432 jobs; and
- will support the delivery of significant public benefits, including 16,372m<sup>2</sup> of open space (7,714m<sup>2</sup> - new park proposed to be offered as a local contribution) that will provide benefit to the future residents and community.



Jazmin van Veen  
Acting Director, Metro Central

19 April 2022

Holly Villella, Manager, Metro Central



27 April 2022

Brendan Metcalfe

Acting Executive Director, Metro Central and North

## Attachments

Attachment	Document
A	Proponent's amended proposal: Briefing Paper, prepared by Urbis, dated 6 August 2021
B	Sydney Central Planning Panel decision, dated 16 <sup>th</sup> March 2022
C	Letter of Offer to enter into a State VPA, prepared by Tiberius (Holroyd) Pty Ltd, dated 13 October 2021
D1	Gateway determination dated 17 July 2019
D2	Alteration of Gateway determination dated 7 July 2020
D3	Alteration of Gateway determination dated 30 June 2021

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E1	Agency submissions <ul style="list-style-type: none"><li>• TfNSW, dated 4 September 2020</li><li>• TfNSW response to amended planning proposal, dated 17 August 2021 (including Development Impact Assessment Review prepared by Stantec)</li><li>• Heritage NSW, dated 3 September 2020</li><li>• Sydney Water, dated 24 July 2020</li></ul>
E2	Council submissions <ul style="list-style-type: none"><li>• Cumberland City Council, dated 3 September 2020</li><li>• City of Parramatta Council, dated 24 September 2020</li></ul>
E3	Community submissions <ul style="list-style-type: none"><li>• Sydney Business Chamber, dated 27 August 2020</li><li>• Evolve Housing, dated 2020</li><li>• Various individual submissions (redacted), various dates</li></ul>
F	Proponent's 'Interim Response to Submissions Report' prepared by Urbis, dated 30 October 2020
G	Contamination Report, prepared by Douglas and Partners
H	Section 3.36(1) consultation with Council

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