

<b>DATE OF DETERMINATION</b>	16 March 2022
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Julie Savet Ward, Clr Diane Colman
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Clr Ola Hamed and Clr Glenn Elmore have previously voted on the matter in council.

Public meeting held by Public Teleconference on 10 March 2022, opened at 1.30pm and closed at 2:10pm. Papers circulated electronically on 23 February 2022.

### PLANNING PROPOSAL

2017SWC141 – Cumberland -PP-2020-1970 - 1 Crescent St, Holroyd, Rezoning from B5 Business Development to part B4 Mixed Use, R4 High Density Residential, SP2 Infrastructure and RE1 Public Open Space, and associated amendments to development controls.

### PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4, and the material presented at meetings listed at item 5 in Schedule 1.

As the planning proposal authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was 3:1 in favour, against the decision was Clr Diane Colman.

### REASONS FOR THE DECISION

The Panel deliberated on the matter, and it was agreed that the majority of the Panel supports the reasons outlined in the report provided by the Department of Planning and Environment, in particular:

- The proposal has satisfied all Gateway conditions.
- The proposal has been amended in response to issues raised in submissions to the public exhibition held in August 2020, as well as to matters of concern raised by Government Agencies, in particular Transport for NSW (TfNSW). These amendments include:
  - Incorporation of a TfNSW proposed land acquisition reservation in the order of 7% (2,710m<sup>2</sup>) of the site area
  - Reduction in retail Gross Floor Area (GFA) by 7,500m<sup>2</sup> to 2,500m<sup>2</sup>
  - Reduction in commercial premises permitted on site from 7,500m<sup>2</sup> to 5,000m<sup>2</sup>
    - In combination retail and commercial GFA is reduced by 50% to 7,500m<sup>2</sup>.
  - Reduction of the footprint of the Woodville Road mixed use building
  - Reduction in trip rates for the development through travel demand management measures
  - Inclusion of car parking rates in any future LEP to ensure this reduces travel demand.
- The Department is progressing the draft State VPA offer lodged by the applicant. The draft State VPA includes monetary contributions in the order of \$12M and a 7% Affordable Housing component. The contribution to affordable housing is within the range that Council finds acceptable.
- The proposed additional open space resulting in 16,372m<sup>2</sup> of open space across the site, achieving about 43% of the site as publicly accessible open space.

The outstanding issue that the Panel has been asked to resolve is in relation to the TfNSW requirement for a pedestrian bridge over Woodville Road. In this regard the majority of the Panel did not support the

requirement for a pedestrian bridge due to there being insufficient evidence that such a bridge is required, and noting Council advice that other solutions to improve pedestrian crossings may be more appropriate.

However, the majority of the Panel has residual concerns regarding safe and effective pedestrian access to the site and its local context. As such, the Panel recommends that the following matters are further resolved 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 in relation to pedestrian connectivity to stations and the provision of a shuttle bus throughout the life of the development.

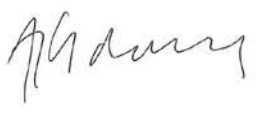
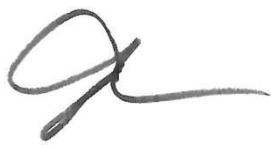


The Panel recommends that these matters are resolved either:

- Before the instrument becomes operational (e.g. its commencement is deferred to enable State and Local VPA and/or contributions plan and a DCP to completed), or
- Prior to the granting of development consent (e.g. a satisfactory arrangement clause or similar, and a site specific DCP clause).

The Panel noted concerns regarding the need for schools in the local area considering population growth in the local area.

Councillor Diane Colman disagreed with the majority decision for the following reasons:

- The site is unsuitable for rezoning for residential housing due to potential contamination, location, noise and air quality issues.
- The proposal for high density housing does not meet the needs of the LGA which consists of family households and already has a greater proportion of high density zoning compared to greater Sydney.
- Local pressures from increased traffic and parking congestion on Crescent St and surrounding streets and, particularly, the intersection with Woodville Road are not adequately considered.
- The current industrial zoning of the site is more likely to create local jobs than the proposed rezoned use as there is no identified demand for additional retail space adjacent to Merrylands and Parramatta CBDs.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Julie Savet Ward	 Diane Colman

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. - ADDRESS	2017SWC141 – Cumberland -PP-2020-1970 - 1 Crescent St, Holroyd
2	LEP TO BE AMENDED	Cumberland Local Environmental Plan 2021
3	PROPOSED INSTRUMENT	Planning proposal to amend Cumberland Local Environmental Plan 2021 and Rezone the site from B5 Business Development to part B4 Mixed Use, R4 High Density Residential, SP2 Infrastructure and RE1 Public Open Space, and associated amendments to development controls.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Submissions report: 22 February 2022</li> <li>• Written submissions during public exhibition: 14</li> <li>• Verbal submissions at the public panel meeting: 2 <ul style="list-style-type: none"> <li>▪ Belinda Gray</li> <li>▪ Daniel Cavallo (Director of Environment and Planning, Cumberland City Council)</li> </ul> </li> <li>• On behalf of the applicant – Tim Blythe, Huw Williams, Ken Hollyoak, Oscar Stanish, Alison Lee</li> </ul>
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 22 July 2021, 11.01am to 12.04pm <ul style="list-style-type: none"> <li>• <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Julie Savet Ward, Ned Attie</li> <li>• <u>Department of Planning &amp; Environment</u>: Christine Gough, Jorge Alvarez, Peter Pham</li> <li>• <u>Council staff</u>: Daniel Cavello, Daniel Anderson, Esra Calim</li> <li>• <u>Applicant</u>: Huw Williams, Tim Blythe</li> </ul> </li> <li>• Council Briefing: 25 February 2022, 9.30am to 10.30am <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Julie Savet Ward</li> <li>○ <u>Department of Planning &amp; Environment</u>: Holly Villella, Jorge Alvarez</li> <li>○ <u>Council staff</u>: Daniel Cavallo, Daniel Anderson, Jai Shankar, Sarah Sheehan, Marie DeSouza</li> </ul> </li> <li>• Applicant Briefing: 10 March 2022, 12.30pm to 1.00pm <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Julie Savet Ward, Cllr Diane Colman</li> <li>○ <u>Department of Planning &amp; Environment</u>: Holly Villella, Jazmin van Veen</li> <li>○ <u>Applicant</u>: Tim Blythe, Huw Williams, Ken Hollyoak, Oscar Stanish, Alison Lee, Lucas Hoy</li> </ul> </li> <li>• <u>Observer</u>: Daniel Cavallo (Director of Environment and Planning, Cumberland City Council)</li> </ul>