

Item No: C07/23-342

AMENDMENT TO THE CUMBERLAND DEVELOPMENT CONTROL PLAN

Directorate: Environment and Planning
Responsible Officer: Director Environment & Planning
Community Strategic Plan Goal: *Enhancing the Natural and Built Environment*

SUMMARY

This report provides an update on planning activities for the site, and recommends that Council endorse the draft site-specific Development Control Plan outlined in the report being placed on public exhibition for a period of at least 28 days.

RECOMMENDATION

That Council:

- 1. Note the status of planning activities as outlined in the report.**
- 2. Endorse the draft site-specific Development Control Plan (Attachment 2), and proceed to public exhibition for a period of at least 28 days.**
- 3. Delegate to the General Manager the authorisation to make minor revisions to the draft site-specific Development Control Plan, as necessary, following Council's deliberations, to ensure the desired objectives and intended outcomes can be achieved.**

REPORT

Background

The planning proposal for a mixed-use development at 1 Crescent Street, Holroyd (former Caterpillar site) was initially considered by the former Holroyd Council, but placed under the planning authority of the Sydney Central City Planning Panel. The Panel issued a Gateway Determination on the proposal. Following the completion of conditions related to the Gateway Determination, the planning proposal was placed on public exhibition from 3 August 2020 to 30 August 2020.

In response to public exhibition, further work was undertaken by the proponent and State agencies during 2020 and 2021. The Sydney Central City Planning Panel considered the proposal at a meeting on 10 March 2022 and determined (with a 3:1 majority) that the finalisation of the planning proposal be undertaken by the Department of Planning and Environment.

Following the determination by the Panel, the planning proposal for the site was gazetted in April 2022, and commenced in November 2022. As part of the gazettal, the Cumberland Local Environmental Plan was amended to include the following:

- Clause 6.20: Development of land at 1 Crescent Street, Holroyd – general
- Clause 6.21: Development of land at 1 Crescent Street, Holroyd – gross floor area and parking
- Changing to zoning, height and floor space ratio maps

Status of Planning Activities

At the meeting of 6 April 2022, it was resolved:

“That Council:

- 1. Note the status of the planning proposal for 1 Crescent Street, Holroyd, with the Sydney Central City Planning Panel determining that the planning proposal be finalised by the Department of Planning and Environment.*
- 2. Delegate to the General Manager the authority to liaise with the proponent and State agencies in progressing further planning activities associated with the planning proposal.”*

Further to this resolution, Council officers have made efforts to liaise with the proponent and State agencies in progressing further planning activities, including the preparation of a site-specific Development Control Plan and negotiation of a Voluntary Planning Agreement to capture local infrastructure requirements associated with the proposal.

Site-Specific Development Control Plan

As outlined in Clause 6.20(2) of the Cumberland Local Environmental Plan, development consent must not be granted to development until a Development Control Plan applies to the land. Council officers have had initial discussions with the applicant on the preparation of the site-specific Development Control Plan over the past 12 months.

In May 2023, the applicant advised that their intention is to undertake the site-specific Development Control Plan through an alternate pathway, which is as part of a concept Development Application. Section 4.23 of the Environmental Planning & Assessment Act 1979 (NSW) provides that the preparation of site-specific Development Control Plan may instead be satisfied by the making and approval of a concept development application.

While Council officers note that this alternate pathway for the preparation of a site-specific Development Control Plan is a mechanism that could be contemplated, it requires detailed planning work to be prepared by the applicant, with limited or no input from Council. Given the public interest in ensuring that there is an appropriate framework to guide development on the site, Council officers have prepared a site-specific Development Control Plan to satisfy the requirements of Clause 6.20(2) of the Cumberland Local Environmental Plan and to cover a range of site-specific

requirements. The preparation of the document was also informed by the draft site-specific Development Control Plan that was prepared by the applicant for the site as part of the planning proposal.

The draft site-specific Development Control Plan is attached to this report. It includes information on the following:

- vision and masterplan for the site
- provision of infrastructure and services
- development controls, including building height and street walls, setbacks and building separation, building and design, noise, open space, landscaping and trees, vehicular access and movement, connectivity, parking and basement access, contamination, A'Becketts Creek drainage channel, and the Railway Memorial.

It is recommended that the site-specific Development Control Plan for 1 Crescent Street, Holroyd, be placed on public exhibition.

Voluntary Planning Agreement

In regard to a local Voluntary Planning Agreement, Council officers have previously identified local infrastructure for consideration as part of the Agreement, consistent with Council's submissions on the planning proposal. This includes upgrades to Holroyd Sportsground (including connections with the site), upgrade of the Pitt Street and Walpole Street intersection to meet future demand arising from the development on the site, and improved walking and cycling links between the site and Merrylands town centre.

While initial discussions were held with the applicant over the past 12 months, the applicant advised in May 2023 that the entering into a planning agreement with Council is voluntary and at their discretion. As there is no commitment into entering a local Voluntary Planning Agreement, Council officers have identified a provision in the site-specific Development Control Plan for consideration of these local infrastructure improvements as part of development applications for the site.

In addition, Council officers understand that a State Voluntary Planning Agreement is being negotiated between the Department of Planning and the applicant. As this is a matter between the parties, Council officers do not have any specific details on the scope of this Agreement.

COMMUNITY ENGAGEMENT

Subject to endorsement by Council, the draft site-specific Development Control Plan will be publicly exhibited for at least 28 days in accordance with statutory and policy requirements.

POLICY IMPLICATIONS

Policy implications for Council are outlined in the main body of this report.

RISK IMPLICATIONS

The preparation of a site-specific Development Control Plan for this location will mitigate risks associated with the proposal by providing a framework to guide development at this location.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Following Council's previous deliberations on the proposal at 1 Crescent Street, Holroyd, an update on planning activities is provided for consideration by Council.

ATTACHMENTS

1. 1 Crescent Street, Holroyd - Planning Controls in Local Environmental Plan [↓](#)
2. 1 Crescent Street, Holroyd - Draft Site-Specific Development Control Plan [↓](#)