

**Our Ref:** 0207/18LT1

12 September 2019

The General Manager  
Cumberland Council  
PO Box 42  
Merrylands NSW 2160

Dear Mr McNulty,

**LETTER OF OFFER – VOLUNTARY PLANNING AGREEMENT  
IN ASSOCIATION WITH AN APPLICATION FOR A PLANNING PROPOSAL  
45 BARCOM STREET, MERRYLANDS WEST**

We act on behalf of Southern Cross Care (NSW & ACT) with respect to the lodgement of an application for a Planning Proposal for land at Nos. 45 Barcom Street, Merrylands West, known as the Cardinal Gilroy Village.

This is a letter of offer to enter into negotiations for a Voluntary Planning Proposal (VPA) in conjunction with the application for a Planning Proposal. The VPA is to be in connection with land formally identified in Section 2.0 below and herein referred to as the site. The site is anticipated to receive uplift in development potential in conjunction with an application for a Planning Proposal to be lodged with Cumberland Council.

The VPA will be in addition to Council’s Section 7.11 or Section 7.12 Contributions Plan.

The following sets out the key terms of the proposed VPA:

**1.0 Parties to the Planning Agreement**

- Cumberland Council
- Southern Cross Care (NSW & ACT)

**2.0 Land to which the VPA relates**

The subject site comprises of the legal information detailed on Table 1 and outlined in red in Figure 1 as follows:

Table 1 - Site Details		
Address	Lot and DP	Area
45 Barcom Street, Merrylands West	Lot 5 DP 701151	2.42ha
	Lot 8 DP 732058	1.928ha
	Lot 11 DP 1075418	3.092ha





Figure 1: Land to which the VPA relates shaded yellow and edged in red

### 3.0 Development to which the VPA relates

The application for a Planning Proposal seeks to amend the Holroyd Local Environmental Plan (HLEP) 2013 as it applies to the site. Specifically, the application for a Planning Proposal seeks the following amendments:

- amend the zoning of the site from R2 Low Density Residential to R4 High Density Residential;
- amend the height of buildings control to permit buildings to a maximum height of 20m; and,
- amend the FSR control to permit a maximum FSR of 0.85:1.

An indicative concept proposal is also contained in the application for a Planning Proposal. The indicative concept proposal seeks to facilitate the following:

- The construction of 18 buildings, ranging from 2 to 6 storeys in height, comprising a total of 460 ILUs, a 153 bed RACF, 1,311sqm of community facilities (excluding the Community Centre building currently being assessed under DA2019/105), and 1,480sqm of permissible non-residential uses in the R4 zone;
- Basement level car parking to cater for 688 car parking spaces to meet the required car parking demand; and
- 46,803sqm (62.5% of the site area) of open space (including publicly accessible, communal and private open space), with significant areas of landscaping to support local flora and fauna on the site.

New publicly accessible spaces are proposed to be created throughout the site including potential new or improved vehicle and pedestrian through-site links.



#### **4.0 Nature and extent of development contributions and timing of delivery**

This letter of offer seeks to enter into a VPA under Section 7.4 of *Environmental Planning and Assessment (EPA) Act 1979* to provide key public benefits associated with the future redevelopment of the site. The following represents a list of items which may be included by the applicant:

- a monetary contribution for the purpose of public infrastructure, amenities and services within the Merrylands West locality; and/or
- the provision of Affordable Housing for low or very low income housing; and/or
- a monetary contribution towards the implementation of the Duck River Masterplan; and/or
- registration of an easement in favour of Council allowing public access to the publicly accessible open spaces at the heart of the site, adjacent to the existing bus stop fronting Barcom Street; and/or,
- the provision and maintenance of landscaping and public furniture within the publicly accessible open space.

We acknowledge the above options and anticipate further discussion regarding these and other matters which have potential public benefit associated with the application for a Planning Proposal.

#### **5.0 Application of s7.11, 7.12 or 7.24 of EPA Act 1979**

The cost of development is not yet known. However, it is anticipated that the VPA will, in accordance with Section 7.4, be in addition to the application of Section 7.11 or Section 7.12 Contribution Plans under the EPA Act 1979.

#### **6.0 Additional Community Benefits**

Additional community benefits are anticipated to be created from future redevelopment of the site and may include:

- The renewal of the existing Seniors Housing development will act as a catalyst for the future redevelopment of the surrounding R3 and R4 zoned land;
- The provision of 460 ILU's and a 153 bed RACF to meet the increasing demand for Seniors Housing by a registered social housing provider;
- The provision of a series of high quality buildings which will provide permissible non-residential uses (such as kiosk, neighbourhood shop and medical suites) on the ground level fronting Kenyons Road will provide much needed local services, activation and vitality for occupants and surrounding residents;
- The provision of publically accessible (in private ownership) open space in the centre of the site will promote social interaction and forms the fulcrum of the site between the northern and southern precincts;
- The retention of significant trees and green open space areas will promote the "green heart" of the site and reduce the Urban Heat loads caused by surrounding development;
- Connectivity between adjoining properties of different uses can be provided which will enhance linkages with Merrylands High School, Cerdon College, Sherwood Scrubs (Youth Off the Streets) and surrounding residential uses.
- Improvements to public safety and amenity by providing a new vehicular access point on Kenyons Road and providing a one way loop road system around the northern and southern precincts;
- Increased activation and natural surveillance of the public domain, and
- Deliver the highest standards of urban planning and excellence in architectural design.



## 7.0 Costs

It is anticipated that the VPA will include provisions for the payment of costs of and incidental to negotiation, preparation and entering into the agreement as well as administration and enforcement of the VPA from a date to be determined.

## 8.0 Conclusion

The formal VPA offer will be made following negotiations, at which time a value can be calculated and attributed to the benefits being offered. The VPA offer will then be made subject to the proviso that the VPA will only be entered into if the Planning Proposal is approved on terms that are acceptable to our client, as agreed in advance with Council

Should you have any questions regarding this letter please contact me direct at our offices on Phone 9531 2555 or by email [jeff@planningingenuity.com.au](mailto:jeff@planningingenuity.com.au)

Yours faithfully,  
**Planning Ingenuity Pty Ltd**



Jeff Mead  
**MANAGING DIRECTOR**