

The Amendment moved by Councillor Elmore seconded by Councillor Saha on being Put was declared LOST on the casting vote of the Mayor.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Amendment: Campbell, Cummings, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Amendment: Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

The Motion moved by Councillor Attie seconded by Councillor Sarkis on being Put was declared CARRIED.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Attie, Christou, Cummings, Garrard, Rahme, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Campbell, Elmore, Hamed, Huang, Lake and Saha.

Councillor Sarkis left the Meeting at 7:39pm and returned to the Meeting at 7:42pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:52pm during the consideration of this item.

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#### **C04/20-416 Investment Report - March 2020**

This item was dealt with earlier in the meeting.

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#### **Min.666 C04/20-417 Planning Proposal – 45 Barcom Street, Merrylands West**

##### **Motion (Attie/Garrard)**

That Council:

1. Endorse an amended planning proposal for the site that seeks to amend the *Holroyd Local Environmental Plan 2013*, to:
  - a. Rezone the site from R2 Low Density Residential to R4 High Density Residential;
  - b. Amend the height of building (HOB) control for the site from 9m to 15m;
  - c. Amend the floor space ratio (FSR) control for the site from 0.5:1 to 0.85:1; and
  - d. Add a clause to Part 6 Additional Local Provisions of *Holroyd Local Environmental Plan 2013* limiting non-residential floor space to 1,480m<sup>2</sup>.

2. Endorse that the planning proposal for 45 Barcom Street, Merrylands, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.
3. Prepare a Voluntary Planning Agreement to derive public benefit, should a Gateway Determination be received.
4. Prepare a site specific Development Control Plan to guide redevelopment of the site, should a Gateway Determination be received.

**Amendment (Lake/Hamed)**

That:

1. This planning proposal request be deferred for decision to the next Council meeting.
2. In accordance with the recommendation of the Cumberland Local Planning Panel on 11 March 2020, Council Officers propose amendments to the height of building controls to provide a range of building height standards across the site up to a maximum of 15 metres, rather than a blanket 15 metre standard.

The Amendment moved by Councillor Lake seconded by Councillor Hamed on being Put was declared LOST.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Amendment: Campbell, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Amendment: Attie, Christou, Cummings, Garrard, Rahme, Sarkis, Zaiter and Zreika.

The Motion moved by Councillor Attie seconded by Councillor Garrard on being Put was declared CARRIED.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Attie, Campbell, Christou, Cummings, Elmore Garrard, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

Councillor Sarkis left the Meeting at 7:53pm and returned to the Meeting at 7:59pm during the consideration of this item.

Councillor Rahme returned to the Meeting at 7:55pm during the consideration of this item.

Item No: C04/20-417

## **PLANNING PROPOSAL – 45 BARCOM STREET, MERRYLANDS WEST**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: PP2020/0011  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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This planning proposal seeks to amend the *Holroyd Local Environmental Plan 2013* for land at 45 Barcom Street, Merrylands West, to:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential
- Increase the Height of Building Control from 9 metres to 15 metres
- Increase the Floor Space Ratio Control from 0.5:1 to 0.85:1, and
- Add a clause to Part 6 Additional Local Provisions of *Holroyd Local Environmental Plan 2013* limiting non-residential floor space to 1,480m<sup>2</sup>.

The proposal has been placed on preliminary public exhibition (pre-Gateway) and was reported to the Cumberland Local Planning Panel in March 2020. The Panel provided advice that there was strategic and site specific merit in the proposal, but suggested refinements to the proposed building height controls and to cap the amount of non-residential floor space of the proposal. These refinements are supported by Council officers.

It is recommended that the planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination. Should a Gateway Determination be received, further work on a Voluntary Planning Agreement and site specific Development Control Plan will be undertaken, and a further report provided to Council.

### **RECOMMENDATION**

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**That Council:**

1. **Endorse an amended planning proposal for the site that seeks to amend the *Holroyd Local Environmental Plan 2013*, to:**
  - a. **Rezone the site from R2 Low Density Residential to R4 High Density Residential;**
  - b. **Amend the height of building (HOB) control for the site from 9m to 15m;**
  - c. **Amend the floor space ratio (FSR) control for the site from 0.5:1 to 0.85:1; and**

- d. **Add a clause to Part 6 Additional Local Provisions of *Holroyd Local Environmental Plan 2013* limiting non-residential floor space to 1,480m<sup>2</sup>.**
2. **Endorse that the planning proposal for 45 Barcom Street, Merrylands, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.**
3. **Prepare a Voluntary Planning Agreement to derive public benefit, should a Gateway Determination be received.**
4. **Prepare a site specific Development Control Plan to guide redevelopment of the site, should a Gateway Determination be received.**

## REPORT

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### ***Background***

The Planning Proposal Request for the site was lodged in September 2019. The proposal sought to amend the *Holroyd Local Environmental Plan 2013* for 45 Barcom Street, Merrylands West, to:

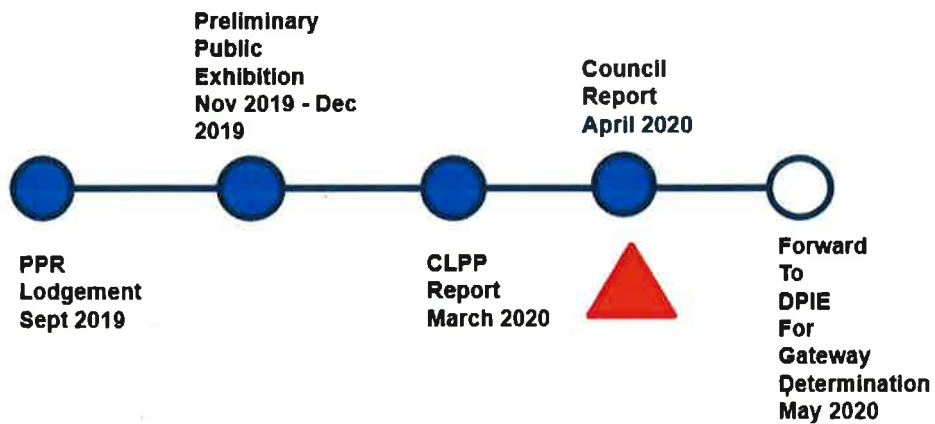
- Rezone the site to R4 High Density Residential
- Increase the Height of Building Control to 20 metres, and
- Increase the Floor Space Ratio Control to 0.85:1.

The proposal seeks to facilitate redevelopment of the site for a new seniors living development with 460 independent living units, a 153 bed residential aged care facility, community facilities, non-residential uses, open space and parking. The proposed masterplan for the redevelopment of the site is provided in Figure 1.



**Figure 1 – Proposed Masterplan**

The status of the planning proposal is provided in Figure 2 below.



**Figure 2 – Planning Proposal Status**



### ***The site and its context***

The site is located at 45 Barcom Road, Merrylands West. The site is irregular in shape and comprises of three lots, lot 5 DP 701151, Lot 8 DP 732058 and Lot 11 DP 1075418, with a total area of 7.44ha (Figure 3). The site is currently occupied by Cardinal Gilroy Village, a seniors living development built in 1973, comprising of 236 independent living units and a 123 bed residential aged care facility.

The site has an eastern boundary measuring approximately 456m with access from Barcom Street. A southern boundary measuring approximately 241m, and irregular western boundary and a northern boundary to Kenyons Road measuring approximately 211m. The site falls across the site from west to east.

Vehicular access is provided from Barcom Street. The site has a dedicated bus stop at the entrance to the village, off Barcom Street, that is serviced by bus route 802. This services operates at a 30 minute frequency from 6am to 9pm.



Figure 3 – The Subject Site

#### Local Context

The site is located approximately 700 metres from the Merrylands West Local Centre. The site is also located within walking distance of both the Canal and Sherwood T-way stops of the Parramatta to Liverpool Transitway.

Surrounding developments include 3-4 storey residential apartments, 1-2 storey dwelling houses, multi dwelling complexes and dual occupancies, local heritage item Sherwood Scrubs and Merrylands High School and Cerdon College.

#### Regional Context

The site is located in the suburb of Merrylands West 3.5km west of Parramatta CBD and 22km west of the Sydney CBD.

The site is within walking distance of the Canal and Sherwood T-way stops of the Parramatta to Liverpool Transitway. Merrylands Railway Station is approximately 2.5 Kilometres.

### Planning Proposal

#### Current Planning Controls

The *Holroyd Local Environmental Plan 2013* applies to the site. The site is currently zoned R2 Low Density Residential. A Floor Space Ratio of 0.5:1 and a 9 metre Maximum Height of Building control apply across the site. These are outlined in Figures 4 to 6.

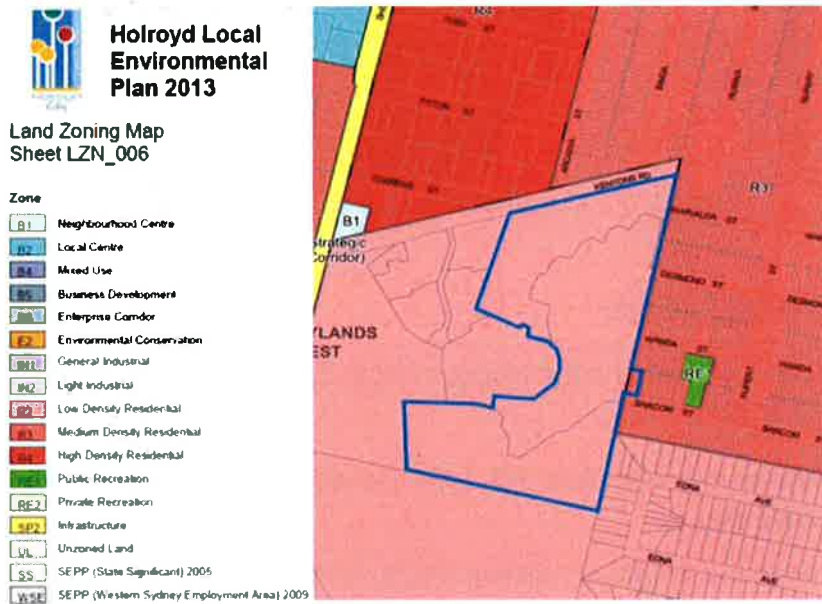


Figure 4 – Current Land Zoning (LZN) Map

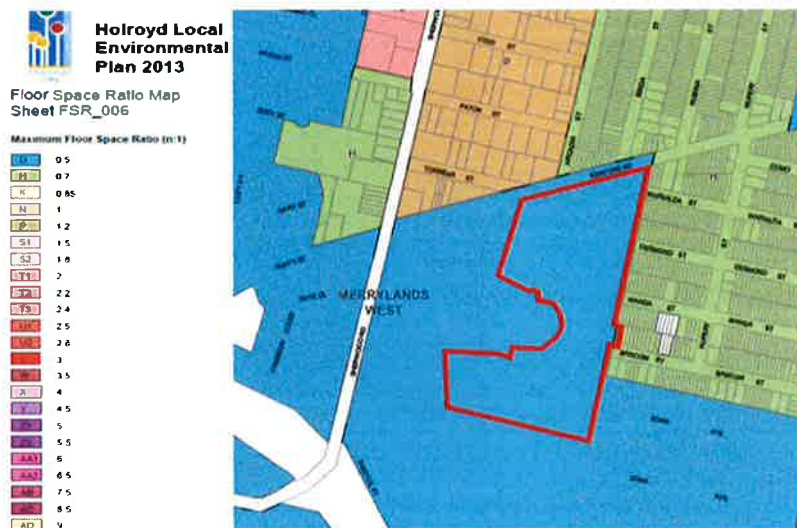


Figure 5 – Current Floor Space Ratio (FSR) Map



Figure 6 – Current Height of Building (HoB) Map

Proposed Planning Controls

The proposal seeks to amend the *Holroyd Local Environmental Plan 2013*, as outlined in Figures 7 to 9, to:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential
- Amend the height of building (HOB) control for the site from 9m to 20m
- Amend the floor space ratio (FSR) control for the site from 0.5:1 to 0.85:1.

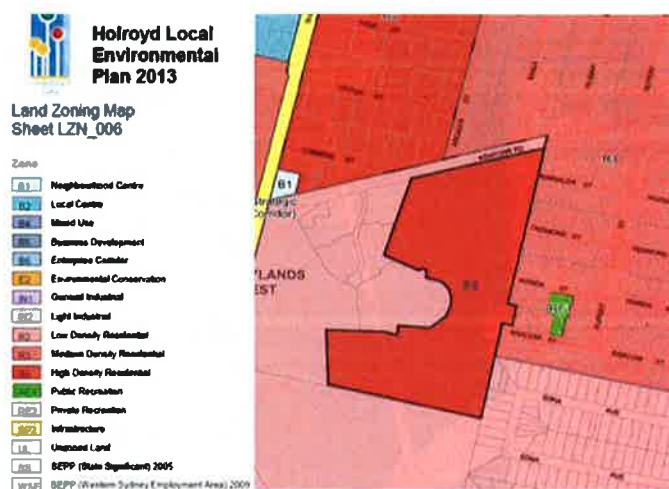


Figure 7 – Proposed Land Use Zone (LZN) Map



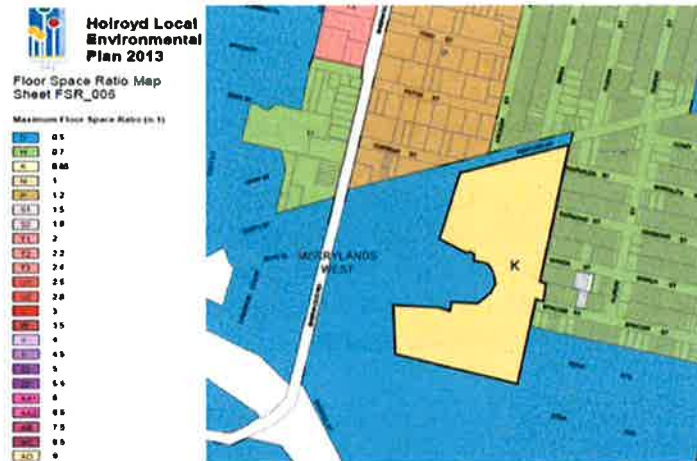


Figure 8 – Proposed Floor Space Ratio (FSR) Map

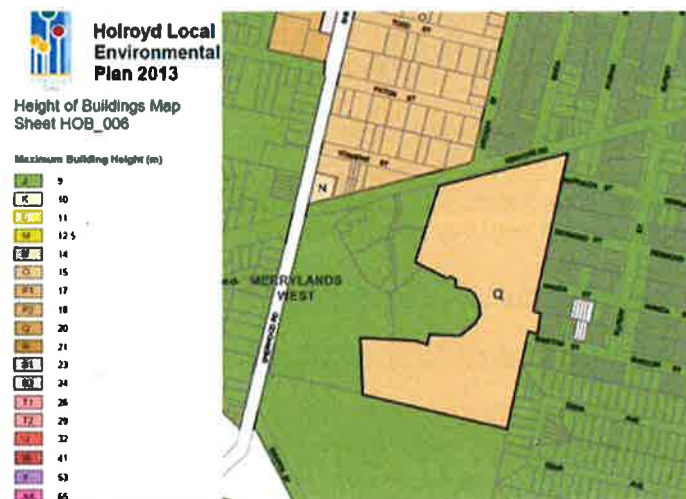


Figure 9 – Proposed Height of Buildings (HoB) Map

### ***Amended Planning Proposal***

#### Advice from the Cumberland Local Planning Panel

The proposal was reported to the Cumberland Local Planning Panel on 11 March 2020. The Panel determined that the proposal had both site specific and strategic merit.

However, the Panel recommended that Council consider amending the proposal to provide a range of building height standards across the site up to a maximum of 15 metres, rather than a blanket 20 metre standard. This recommendation was made due to the built form context of the locality, the proposal's relationship to the adjoining heritage item to the west, and the scale of adjoining residential development to the east and south-east in the R2 and R3 zones.

The Panel also recommended that Council consider amending the proposal, by introducing a special provision limiting the quantum of non-residential floor space on the site so as not to compete with neighbouring commercial centres.

### Amended Planning Controls

The Panel's recommendation to apply a maximum height of building control of 15 metres is supported. However, it is recommended that this height of building control apply to the whole of the site. This provides the proponent with greater flexibility for the masterplan and future development applications for the site. It is proposed that the site specific Development Control Plan address the Panel's recommendation that a range of building heights be applied to the site, to address the relationship with Sherwood Scrubs to the west and the scale of adjoining residential development to the east and south-east in the R2 and R3 zones.

The Panel's recommendation to introduce a special provision limiting the quantum of non-residential floor space on the site is also supported. The masterplan for the site seeks to provide up to 1480m<sup>2</sup> of non-residential floor space and it is recommended that the quantum of non-residential floor space be limited to this amount. It is proposed that a clause be added to Part 6 Additional Local Provisions of the *Holroyd Local Environmental Plan 2013* to facilitate the cap on non-residential floor space.

The amended proposal now seeks to:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential
- Amend the Height of Building (HOB) control for the site from 9m to 15m
- Amend the Floor Space Ratio (FSR) control for the site from 0.5:1 to 0.85:1
- Add a clause to *Part 6 Additional Local Provisions of Holroyd Local Environmental Plan 2013* limiting the quantum of non-residential floor space to 1480m<sup>2</sup>.

### Public Benefit Offer

The proponent has put forward a public benefit offer that is generally consistent with Council's Planning Agreements Policy, and includes:

- 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.

Should a Gateway Determination be issued, a Voluntary Planning Agreement will be negotiated between Council and the applicant. This will then be notified with the planning proposal and Development Control Plan.

#### Development Control Plan

The proponent submitted a site specific Development Control Plan with the proposal. The purpose of the Development Control Plan is to set out a detailed planning and design framework to guide the redevelopment of the site.

The Development Control Plan contains a range development controls including:

- The siting of permissible non residential land uses along Kenyons Road
- The location of open space elements of the redevelopment
- Setbacks to neighbouring land uses
- Building height controls
- Building separation controls
- Movement network.

The information submitted by the proponent will be able to be used as a guide for Council to prepare a site specific Development Control Plan for the site. However, further work, generally relating to building heights and their relationship to neighbouring land uses, is required.

Should a Gateway Determination be issued, a site specific Development Control Plan will be prepared and exhibited with the planning proposal and Voluntary Planning Agreement.

#### ***Strategic Merit Assessment***

##### Economic and Social Benefits

There is strategic merit in progressing the proposal to the next phase of assessment as:

- The existing buildings on the site are nearing the end of their economic life and do not provide the level of amenity or facilities expected in modern retirement villages
- There is strong demand for seniors housing and complementary services and facilities in the Cumberland LGA, with strong growth in the over 55's demographic
- There is increasing demand for additional commercial/retail floor space in the local area to provide for the daily needs of local residents, improve the range of retail, medical and other facilities available to local residents, including residents of Cardinal Gilroy Village.

### Built Form and Urban Design

There is strategic merit in progressing the proposal to the next phase of assessment as:

- The increase in the scale and density of development on the site is balanced through the design and siting of the proposed buildings and the provision of large setbacks to neighbouring properties, including the adjoining heritage item, Sherwood Scrubs
- The proposed site specific Development Control Plan provides certainty that the key elements of the masterplan will be implemented even if the site is sold to another owner, which is considered unlikely.

### Heritage Impact on Sherwood Scrubs

There is strategic merit in progressing the proposal to the next phase of assessment as:

- The redevelopment should not alter how the adjoining heritage item is appreciated or understood
- The proposed building envelopes sit primarily below the existing tree line in views from the heritage item
- The proposed landscape setting on the subject site, specifically the boundary treatment and the central green space, enhances the current setting of the item by visually extending views across the shared boundary
- The layout of the masterplan provides opportunities for views from, and of, the heritage item that did not exist before, thereby widening the audience who have the opportunity to appreciate the significance of the place.

### Traffic and Parking

There is strategic merit in progressing the proposal to the next phase of assessment as:

- The proposed masterplan will only generate an estimated 81 net additional trips during any peak hour
- Given the satisfactory traffic conditions of the local intersections, the additional peak hour trips are not expected to generate a significant impact to intersection performance, delays, or queues.



### Consistency with Cumberland 2030: Our Local Strategic Planning Statement

There is strategic merit in progressing the proposal to the next phase of assessment as it is consistent with the following key Local Planning Priorities within Cumberland 2030: Our Local Strategic Planning Statement:

- Local Planning Priority 5 – Delivering housing diversity to suit changing needs, as the proposal will supply increase housing options for an ageing population
- Local Planning Priority 6 – Deliver affordable housing suitable for the needs of all people at various stages of their lives, as the future redevelopment will incorporate a number of accommodation options to enable people form a variety of backgrounds and socio-economic status to “age in place”.

### Consistency with the Greater Sydney Region Plan – A Metropolis of Three Cities

There is strategic merit in progressing the proposal to the next phase of assessment as it is consistent with the following objectives of the Greater Sydney Region Plan:

- Objective 10 – Greater housing supply, as the proposal will increase the supply of housing for aged care and people with a disability
- Objective 11 – Housing is more diverse and affordable, as the proposal will deliver accessible housing to a broad spectrum of seniors housing to cater for an ageing population.

### Consistency with the Central City District Plan

There is strategic merit in progressing the proposal to the next phase of assessment as it is consistent with the following Planning Priorities of the Central City District Plan:

- Planning Priority C4 Fostering healthy, creative, culturally rich and socially connected communities, as the site is well connected to a number of strategic and local centres by public transport
- Planning Priority C5 Providing housing supply, choice and affordability with access to jobs, service and public transport, as the proposal will contribute towards providing purpose built seniors housing to cater for an ageing population. The proposal will also increase the housing supply in the Cumberland LGA assisting Council to meet its dwelling targets
- Planning Priority C20 Adapting to the impacts urban and natural hazards and climate change, as the masterplan assists to mitigate the urban heat island effect by increasing tree canopy cover on the site.

### **Recommended Planning Controls**

A summary of the recommended planning controls for the proposal is provided in Table 1. This is based on a review of the proponent's proposed planning controls by Council Officers, and advice from the Cumberland Local Planning Panel.

Planning Controls (Holroyd LEP 2013)	Existing Controls	Proponent proposed controls	Cumberland Local Planning Panel advice (March 2020)	Recommended planning controls
Zoning	R2 Low Density Residential	R4 High Density Residential	R4 High Density Residential	R4 High Density Residential
Height of Building	9 metres	20 metres	15 metres	15 metres
Floor Space Ratio	0.5:1	0.85:1	0.85:1	0.85:1
Additional Local Provision			Cap on non-residential floor space.	Cap on non-residential floor space of 1480m <sup>2</sup>

Table 1 – Recommended Planning Controls for Proposal

### **Next Steps**

It is recommended that the planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

Should the proposal proceed to a Gateway Determination, negotiations on the public offer will be progressed and captured through a Voluntary Planning Agreement. In addition, further work will be undertaken on a site-specific Development Control Plan. A report on the Voluntary Planning Agreement and site specific Development Control Plan will be provided to Council

### **COMMUNITY ENGAGEMENT**

The proposal and supporting documents were exhibited for a period of 28 days, between 11 November 2019 and 11 December 2019, as required by Cumberland's Planning Proposal Notification Policy. A total of seven submissions were received by nearby residents. Key issues are summarised below.

- Concerns that the proposal is out of character with the existing low density neighbourhood and that the rezoning will set an undesirable precedent
- Concerns that the future development will result in amenity impacts such as noise, privacy and overshadowing of neighbouring properties

- Concerns that the future development will result in further traffic congestion and lack of parking on surrounding streets, particularly Kenyons Road during peak hour
- Concerns about loss of trees / request to retain the existing 'green belt'
- Support for the proposal to allow the surrounding community to access and use some of the proposed facilities on site.

The majority of issues raised in the submissions can be addressed during the development assessment stage.

#### **POLICY IMPLICATIONS:**

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

#### **RISK IMPLICATIONS**

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There are minimal risk implications for Council associated with the report.

#### **FINANCIAL IMPLICATIONS**

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Should Council support a Gateway Determination for the proposal, a Voluntary Planning Agreement will be negotiated between Council and the applicant.

#### **CONCLUSION**










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It is recommended that the amended planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination. This recommendation is being made as:

- The existing buildings on the site are nearing the end of their economic life and do not provide the level of amenity or facilities expected in modern retirement villages
- There is strong demand for seniors housing and complementary services and facilities in Cumberland LGA, with strong growth in the over 55s population expected in the coming decades
- The increase in the scale and density of development on the site is balanced through the design and siting of the proposed buildings and the provision of large setbacks to neighbouring properties, including the adjoining heritage item, Sherwood Scrubs
- Additional peak hour trips are not expected to generate significant impact to intersection performance, delays, or queues
- Is consistent with the strategic planning framework, including Cumberland 2030: Our Local Strategic Planning Statement, Greater Sydney Region Plan and Central City District Plan

## ATTACHMENTS

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1. Planning Proposal [↓](#) 
2. Minutes from CLPP meeting 11 March 2020 [↓](#) 
3. Masterplan and Urban Design Study [↓](#) 
4. Site-specific Development Control Plan [↓](#) 
5. Social Impact Assessment [↓](#) 
6. Economic Impact Assessment [↓](#) 
7. Heritage Impact Assessment [↓](#) 
8. Visual Impact Assessment [↓](#) 
9. Transport Impact Assessment [↓](#) 
10. Summary of submissions [↓](#) 