

Greater Sydney, Place and Infrastructure

IRF20/3160

Gateway determination report

LGA	Cumberland
PPA	Cumberland Council
NAME	45 Barcom Street, Merrylands West (+224 homes, +134 jobs)
NUMBER	PP_2020_CUMBE_002_00
LEP TO BE AMENDED	Holroyd Local Environmental Plan 2013
ADDRESS	45 Barcom Street, Merrylands West
DESCRIPTION	Lot 5 DP 701151, Lot 8 DP 732058 and Lot 11 DP 1075418
RECEIVED	16 June 2020
FILE NO.	IRF20/3160
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the development controls for land at 45 Barcom Street, Merrylands West (the site), by amending the Holroyd Local Environment Plan 2013 (HELP 2013) as follows:

- rezone the site from R2 Low Density Residential to R4 High Density Residential;
- increase the Height of Building (HOB) from 9 metres to 15 metres;
- increase the Floor Space Ratio (FSR) from 0.5:1 to 0.85:1; and
- insert a site-specific clause under Part 6 (Additional Local Provisions) limiting non-residential floor space to 1,480m².

The proposed uplift will allow approximately 224 additional independent living units, enabling approximately 460 units in total. The proposal will include 153 residential aged care facility beds, an additional 30 beds as part of the redevelopment. It is anticipated that the proposal will create 134 additional jobs.

1.2 Site description

The site is located at 45 Barcom Road, Merrylands West and comprises three lots, totalling an area of 7.44 Hectares (**Figure 1**). **Table 1** below describes the Lot and Deposited Plan details.

The site is owned by registered housing provider, Southern Cross Care NSW & ACT, and is used for the purpose of seniors living development built in 1973. The site is occupied by Cardinal Gilroy Village, comprising of 236 independent living units and a 123 bed residential aged care facility.

The village contains a chapel, community room, hobby garden and activity room. The built form of the village is currently characterised by a series of low-rise brick units **(Figure 2 and Figure 3)**. Vehicular access is provided from Barcom Street. The site has a dedicated bus stop at the entrance to the village, off Barcom Street, which services the area approximately every 30 minutes.

The site is also located adjacent to local heritage item described as “Sherwood Scrubs” (I81) **(Figure 4)**.

Lot	Deposited Plan	Area (Hectares)
5	701151	2.42
8	7302058	1.928
11	1075418	3.095

Table 1: Lot and Deposited Plan Numbers




 Site Boundaries 

Figure 1: Aerial view of 45 Barcom Street, Merrylands West (Source: Cumberland Council Planning Proposal)



Figure 2: Built form of existing units (Source: Cumberland Council Planning Proposal)



Figure 3: Built form of existing units (Source: Cumberland Council Planning Proposal)



Figure 4: Local heritage item known as 'Sherwood Scrubs' (181) adjacent subject site (Source: Cumberland Council Planning Proposal)

1.3 Existing planning controls

Under the Holroyd Local Environmental Plan (HLEP) 2013, currently the site:

- is zoned R2 Low Density Residential;
- has a maximum building height of 9 metres; and
- has a maximum floor space ratio of 0.5:1.

The following map extracts from the HLEP 2011 illustrate the current controls applying to the site in **Figures 5, 6 and 7**.



Figure 5: Existing R2 Low Density Residential zoning over the site (Source: HLEP 2013 land zoning map)

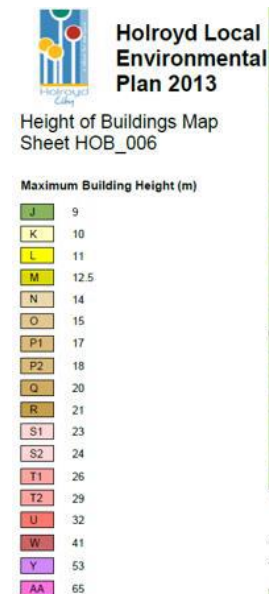


Figure 6: Existing 9m limit HOB over the site (Source: HLEP 2013 HOB map)

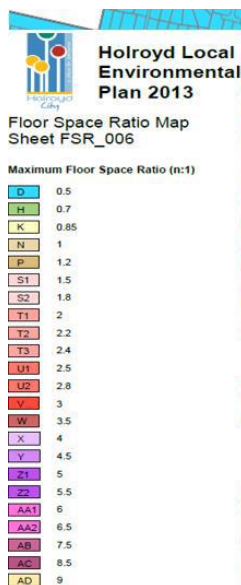


Figure 7: Existing FSR of 0.5:1 over the site (Source: HLEP 2013 FSR Map)

1.4 Surrounding area

Residential uses to the north of the site generally comprise of 2-4 storey residential flat buildings located in the R4 High Density Residential zone. To the east of the site comprises of detached 1-2 storey single dwelling houses and dual occupancies located within an R3 Medium Density Residential zone. To the south and west of the site comprise Youth Off the Streets, local heritage item 'Sherwood Scrubs', Merrylands High School and Cerdon College. There is no access between the village and these educational institutions.

The site is located approximately 700 metres from the Merrylands West Local Centre, 2.5km from Merrylands Town Centre and 3.5km west of Parramatta CBD. The site is also located within walking distance of both the Canal and Sherwood T-way stops of the Parramatta to Liverpool Transitway.



Figure 8: Local context (Source: Cumberland Council Planning Proposal)

1.5 Summary of recommendation

It is recommended that the planning proposal should proceed subject to conditions outlined in this report. The planning proposal will facilitate redevelopment of an existing site in an area identified for high density residential uses. The proposal also

provides the opportunity to deliver additional community benefits through a Voluntary Planning Agreement and provides evidence the built form and scale between the adjacent residential sites is appropriate to minimise overshadowing impacts.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of this planning proposal is to facilitate redevelopment of the Cardinal Gilroy Village seniors living development that has been in operation for almost 50 years. The redevelopment is planned to renew the village as an expanded aged care and mixed-use development to meet the demands of seniors housing.

A site-specific provision is proposed to limit non-residential floor space to 1,480m².

A site-specific development control plan will be prepared to enhance urban design and public amenity for the site. A Voluntary Planning Agreement (VPA) will be negotiated to increase public benefits as part of the planning proposal.

The objectives and intended outcomes of the planning proposal are considered clear and are explained in 'Part 1 – Objectives and Intended Outcomes', as well as the attached appendices that form the proposal.

2.2 Explanation of provisions

This planning proposal seeks to amend the *Holroyd Local Environment Plan 2013* (HLEP 2013) as follows:

1. rezone the site from R2 Low Density Residential to R4 High Density Residential on the **Land Zoning Map** (Sheet LZN_006);
2. amend the maximum building height on the **Height of Buildings Map** (Sheet HOB_006) from 9 metres to 15 metres;
3. amend the maximum FSR the **Floor Space Ratio Map** (Sheet FSR_006) from 0.5:1 to 0.85:1; and
4. insert a new site-specific clause under Part 6 (Additional Local Provisions) limiting non-residential floor space to 1,480m²

All other planning controls applying to the site will remain unchanged. The explanation of provisions in the planning proposal is sufficient for the purpose of public exhibition

2.3 Mapping

The planning proposal provides mapping to demonstrate the existing and proposed controls as set out in section 2.2 of this report. The maps are suitable for public exhibition.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of any site-specific study or report and is a landowner-initiated planning proposal.

Council's LSPS identifies a need for approximately 750 additional dwellings in Merrylands West to cater for anticipated growth. The LSPS identifies the site is adjacent to an investigation area for Medium to High Density Housing.

The planning proposal seeks to allow for the redevelopment of Cardinal Gilroy Village seniors living to renew the facilities and expand the aged care and mixed used development through a high-density residential zoning.

Council has advised that a site-specific development control plan will be prepared to enhance urban design and public amenity for the site following a Gateway determination being issued. Council has indicated a need for increasing public benefits as part of the planning proposal which will be negotiated via a Voluntary Planning Agreement (VPA).

4. STRATEGIC ASSESSMENT

4.1 District

Central City District Plan

The Central City 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 a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The proposal is generally consistent with the Central City District Plan. The proposal will facilitate a high-density residential development that is specifically consistent with the following:

- *Planning Priority C5 – Providing housing supply, choice, and affordability with access to jobs, services and public transport:* The proposal aims to facilitate a total of 460 independent living units, a 153-bed residential aged care facility, community facilities and associated services. The proposed controls will facilitate an additional 224 homes to that allowed under existing controls. Council's Local Housing Strategy identifies an anticipated increase in the proportion of residents aged 65+, placing increased demand for dwellings close to public transport, retail and health infrastructure. By providing additional homes to meet this anticipated demand, the planning proposal is providing increased housing supply and choice in an existing urban location with access to services and public transport.
- *Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city:* The proposal will provide new dwellings in close proximity to existing public transport links, the Transitway Corridor and will contribute to creating a 30-minute city.

The Department is satisfied the proposal will give effect to the District Plan, in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

4.2 Local

Cumberland 2030: Our Local Strategic Planning Statement

Cumberland 2030: Our Local Strategic Planning Statement (LSPS) is Cumberland Council's plan for economic, social and environmental land use needs over the next 10 years. The LSPS will guide the content of Council's

- *Planning Priority 3 – Aligning local infrastructure delivery with planned growth:* Council's LSPS identifies most of development growth is anticipated to occur around key centres and strategic corridors. Centres and strategic transit

corridors are identified in **Figure 10**. The planning proposal is located near the Merrylands West centre and the Transitway Corridor from Liverpool to Parramatta. Council's LSPS seeks to investigate innovative funding mechanisms for the delivery of local infrastructure. The planning proposal seeks to utilise a VPA to deliver public benefit from the proposal.

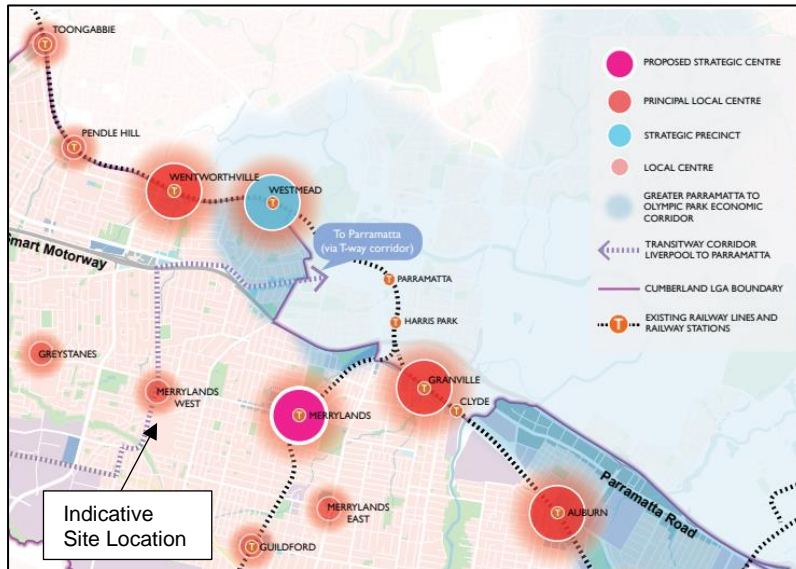


Figure 10: Context – Merrylands West (Source: Council's LSPS)

- Planning Priority 5 – Deliver housing diversity to suit changing needs:*
 Council's LSPS identifies a need for approximately 750 additional dwellings in Merrylands West and seeks to deliver of a pipeline of housing supply to support housing targets for Western Sydney. The LSPS also identifies the intent to investigate Medium to High Density Housing opportunities around the Merrylands West centre (**Figure 11**). The LSPS also outlines the increasing demand for services and dwellings required to cater for an ageing population in the Local Government Area. The proposal seeks to facilitate additional housing for seniors in an existing aged-care facility and through future development applications indicates the opportunity to provide site-based services to cater for the needs of the facility.

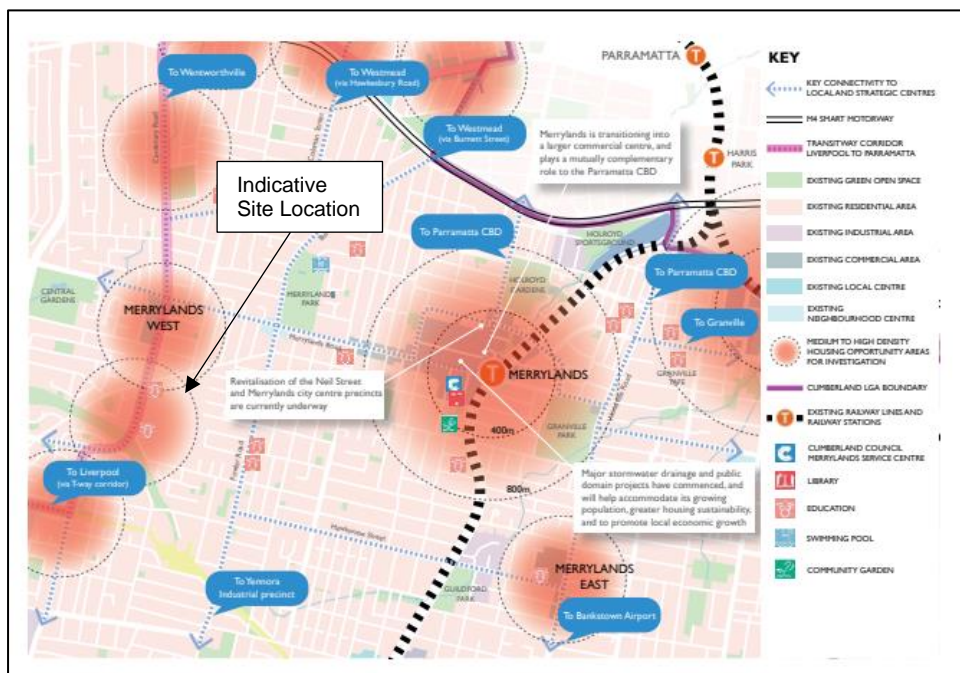


Figure 11: Strategic Context – Merrylands West (Source: Council's LSPS)

- **Planning Priority 9 – Providing high quality, fit-for-purpose community and social infrastructure in line with growth and changing requirements:** Council's LSPS and draft Local Housing Strategy identified there is an opportunity to cater for the older population in Cumberland to provide additional services such as health facilities, community services, and other social infrastructure such as leisure/recreational spaces. Council has identified the intent to enter into a VPA with the landowner to deliver additional social benefits.

4.3 Section 9.1 Ministerial Directions

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of heritage.

The planning proposal states the development... *'is unlikely to create or result in significant impacts or alter/remove the existing heritage item above or disrupt any view lines'.* The proposal also provides indicative building heights and separation distances to the above heritage item, any impacts anticipated as a result would be further considered and detailed when a draft site specific DCP is prepared'.

The Local Planning Panel has recommended:

The Council consider amending the planning 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, given both the built form context of the locality, the 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 planning proposal has been amended from the initial developer proposed 20 metres to a revised 15 metres. The proposal seeks to increase the building height

from 9 metres (approximately 3 storeys) to 15 metres (approximately 5 storeys) across the site.

A Heritage Impact Statement has also been prepared to accompany the planning proposal. The Statement concludes the proposed buildings in the masterplan are higher than the existing development and can be viewed from the heritage item in some views however any adverse heritage impact is mitigated in the following ways:

- *There is no change to how the heritage item is appreciated or understood;*
- *The proposed 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, and*
- *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.*

The Heritage Impact Statement has analysed the potential impacts of the increased building height on the significance and appreciation of the heritage item and identifies minimal impact from the proposal on the heritage item.

The supporting Masterplan and Urban Design Report has also considered the impacts of overshadowing from the proposal on the adjoining heritage item. The assessment identified there is no direct impact of overshadowing on the adjoining heritage item.

Council has indicated as part of its planning proposal that site-specific design considerations will be prepared in a Development Control Plan. Council identified the Development Control Plan will set out a detailed design framework to guide the redevelopment of the site, including the siting of non-residential permissible uses; building height controls; Building separation controls. The proposed masterplan and heritage assessment identify the proposal will assist in conserving heritage items. During the preparation of the Development Control Plan, it is recommended council include controls documenting how the adjoining heritage item will continue to be conserved through future development.

Notwithstanding, the HLEP includes measures for future development applications to conserve the environmental heritage of the area and requires consideration of a heritage assessment at the time of an application (Clause 5.10). Given the planning proposal does not seek to remove clause 5.10, it is considered that the planning proposal aligns with Ministerial Direction 2.3.

Direction 3.1 Residential Zones

The objectives of this direction are to encourage variety and choice of housing to meet the future needs of the community, make efficient use of existing infrastructure and minimise impacts of development on the environment.

The proposal is consistent with these objectives as it delivers additional housing for the aging population on an existing urbanised site with good access to services and facilities at Merrylands Town Centre. The proposed uplift will allow approximately

224 additional independent living units and an additional 30 residential aged care facility beds.

The proposal is therefore considered consistent with the Direction.

Direction 3.4 Integrating Land Use and Transport

The direction seeks to reduce travel demand by car through improving access to housing, jobs and services by walking, cycling and public transport.

The proposal will provide new dwellings within walking distance to both the Canal and Sherwood Tway stops of the Parramatta to Liverpool Transitway, contributing to creating a 30-minute city. The proposal will enable residents to walk or cycle to Merrylands Town Centre and Merrylands West Local Centre, with existing bus and rail services to Parramatta CBD and Granville Town Centre. The planning proposal is consistent with the direction.

Direction 6.3 Site Specific Provisions

The objective of direction 6.3 is to discourage unnecessarily restrictive site-specific controls. The planning proposal seeks to introduce a site-specific planning control to limit non-residential floor-space to 1,480m² to limit the impact of additional commercial/retail floor-space on the viability of nearby commercial uses. The supporting material provided as part of the proposal provides an economic impact assessment identifying the future development can support approximately 1,480m² of commercial/retail uses and approximately 2,000m² of community facilities.

To limit the proposals impact on and facilitate the viability of nearby commercial/retail uses, it is recommended the planning proposal is amended to place a 1,480m² limit on commercial/retail uses rather than the proposed blanket non-residential uses. This will facilitate ancillary activities (such as recreational uses for the needs of the residents) associated with the aged-care facility to be developed as part of a future development application without triggering the cap and for commercial uses to be restricted so as not to impact on the viability of nearby commercial uses.

While the proposal is inconsistent with this direction, its inconsistency is considered to be minor and will ensure any commercial or retail uses are ancillary and not competing with established centres.

Direction Local Planning Panels

The planning proposal is consistent with the Local Planning Panels Direction – planning proposals (issued 23 February 2018) as it was considered by the Cumberland Local Planning Panel on 11 March 2020. The panel recommended that Council consider amend the building heights for a range of building height standards across the site up to a maximum of 15 metres, rather than 20 metres due its relationship adjoining the heritage item to the west.

The panel also recommended the 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*’. This matter has been addressed above in Direction 6.3.

Other matters were also recommended regarding site-specific DCP matters, including the retention of significant site trees and vegetation.

4.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all SEPP's, particularly:

SEPP (Housing for Seniors or People with a Disability) 2004

The SEPP for Housing for Seniors or People with a Disability seeks to increase the supply and diversity of residences that meets the needs of seniors or people with a disability, make efficient use of infrastructure, and be of good design. The design principles identified within the SEPP will be required to be considered in a future development application for applicable assessable development on the site. The SEPP also provides for some opportunities for additional density in certain circumstances. It is considered that the proposal is consistent with the intent of the SEPP.

SEPP No. 65 Design Quality of Residential Flat Development

SEPP 65 provides principles to ensure that residential apartments are of high-quality design and maximise amenity both externally and internally for occupants. The SEPP is supported by the Apartment Design Guide which provides further detail on how development can achieve these principles. Any future development application for applicable residential flat development on the site would need to address SEPP 65 and the ADG.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal will create positive social outcomes within the area. The proposal will facilitate the redevelopment of land to provide diverse housing for the aging population close to public transport, education facilities and local shops. The proposal will improve amenity for adjoining properties due to a more compatible land use being facilitated.

5.2 Environmental

The proposal is within an existing urbanised area of the Cumberland LGA. The Department's mapping system does not identify the site contains any hazards such as bushfire, flooding or landslide hazard. The adjoining property contains a terrestrial biodiversity and contains scattered vegetation. The site is in-close proximity to the Green-Grid, however, does not affect this. Specific consideration of buildings, the proposed increased in floor-space to facilitate the future development and the interaction with adjoining development will be considered during the development application stage and in the preparation of a site-specific Development Control Plan.

The proposed masterplan and supporting urban design report also notes the existing open space is poor with one-two storey buildings. The proposed development envisaged through the amended controls will facilitate increased private open-space of up to 62% of the site.

5.3 Economic

The planning proposal is supported by an Economic Impact Assessment which assesses the potential land uses on the site such as 1,480sq.m of retail and complementary non-retail floorspace such as medical suites. The proposal seeks to rezone the site within the R4 High Density Residential zone of the HLEP 2013. The R4 zone of the HLEP 2013 seeks to provide for the housing needs of the community

within a high-density residential environment and enable other land uses that provide facilities or services to meet the day to day needs of residents.

Land uses permitted with consent include community facilities, neighbourhood shops, and other development. The proposal seeks to limit the extent of non-residential floor-space on the site to 1,480sq.m so as not to impact on nearby commercial uses. The proposed cap has been further considered in section 4.3 of this report.

5.4 Infrastructure

The planning proposal will result in approximately 224 additional homes and 134 jobs. The planning proposal notes the site is located in an established residential area, serviced by all essential services and infrastructure. The planning proposal also notes that Council intends to enter into a VPA with the proponent to derive public benefit from the proposal.

The planning proposal is also supported by a Traffic Impact Assessment to consider the potential impact of increased traffic movements on the road network. The assessment notes the future development could generate up to 81 net additional trips during peak hour. The report recommends the development is not expected to generate significant impact to the local intersections and detailed traffic assessment can be considered at the time of a development application.

6. CONSULTATION

6.1 Community

A previous proposal was on preliminary public exhibition (pre-gateway) for a period of 28 days, between 11 November 2019 and 11 December 2019. Council identified 7 submissions were received by nearby residents and key comments regarding the proposal included:

- concern the development will be out of character;
- concern with the impact of amenity impacts such as noise, privacy and overshadowing;
- concerned with traffic congestion and the potential loss of trees; and
- support for increased community facilities.

Council identified the majority of issues can be addressed during the development application stage.

Given the planning proposal has been amended since early consultation, it is recommended statutory consultation occur with the community for a minimum of 28 days.

6.2 Agencies

As addressed within this report, it is recommended the following agencies are consulted:

- Department of Premier and Cabinet – NSW Heritage; and
- Transport for NSW.

7. TIME FRAME

Council proposes a time frame of 12 months to finalise this planning proposal. Given the nature of the planning proposal, a 12 month timeframe is considered appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested authorisation to be the local plan-making authority in relation to this planning proposal.

Given the minor nature of the planning proposal, it is recommended that Council is authorised to be the local plan-making authority.

9. CONCLUSION

The planning proposal is supported to proceed, subject to conditions of approval. The planning proposal will facilitate redevelopment of an existing site in an area identified for higher density residential uses and the proposal includes an opportunity to deliver additional community benefits through a Voluntary Planning Agreement.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is minor or justified in the terms of the directions.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to ensure the additional local provision applies to limiting 1,480m² of retail/commercial floor-space rather than applying the limit to non-residential floor space.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Department of Premier and Cabinet – NSW Heritage; and
 - Transport for NSW.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.



Holly Villella
Manager, Central (GPOP)



20/7/2020

Jazmin van Veen
Acting Director, Central (GPOP)

Assessment officer: Thomas Holmes
Senior Planner, Central (GPOP)
Phone: 9860 1583