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**Min.1065 C03/21-705 Approval of Heavy Vehicle Access to FBT - Transwest Pty Ltd****Resolved (Sarkis/Attie)**

That Council:

1. Approve a trial period of twelve (12) months for heavy vehicles under Higher Mass Limits to access Council roads identified under recommendation 2, subject to the completion of a surface dilapidation and condition report submitted by the applicant to Council and the payment of a performance bond as determined by Council's fees and charges.
2. Note that permissible access to Council's roads would be restricted to the following road sections:
  - (i) Long Street, Smithfield – From Cumberland Highway to Gipps Road (approximately 2.3km)
  - (ii) Britton Street, Smithfield – From Long Street roundabout to past the first bend (approximately 520m)

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**Min.1066 C03/21-698 Investment Report - February 2021****Resolved (Garrard/Sarkis)**

That Council receive the report and congratulate the finance staff on their efforts.

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**Min.1067 C03/21-699 45 Barcom Street, Merrylands West - Draft Voluntary Planning Agreement and Draft Development Control Plan**

**Note:** Councillors Attie and Sarkis exited the Chamber at 8:17pm prior to the consideration of this item as they had declared a less than significant non-pecuniary interest in relation to this item.

**Resolved (Cummings/Elmore)**

That Council:

1. Endorse in-principle the public benefit offer from the applicant of 45 Barcom Street, Merrylands West, for a monetary contribution towards local infrastructure upgrades in the Merrylands West area, as well as a monetary contribution towards the Duck River Masterplan;
2. Endorse that the draft Voluntary Planning Agreement and draft site-specific Development Control Plan for 45 Barcom Street, Merrylands West, be publicly exhibited for a period of 28 days in accordance with statutory and policy requirements; and
3. Note that the planning proposal for 45 Barcom Street, Merrylands West, will be placed on Post-Gateway public exhibition at the same time as the exhibition of the

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draft Voluntary Planning Agreement and draft site-specific Development Control Plan.

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: Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Rahme, Saha, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

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**Min.1068 C03/21-700 2-22 William Street, Granville - Planning Proposal, Development Control Plan and Voluntary Planning Agreement**

**Note:** Councillors Attie and Sarkis were not present in the Chamber during the consideration of this item as they had declared a less than significant non-pecuniary interest in relation to this item.

**Resolved (Cummings/Zaiter)**

That Council:

1. Adopt the recommended planning controls for 2-22 William Street, Granville, as previously resolved by Council, being:
  - a. a maximum building height of 16 metres be applied to the site;
  - b. a maximum Floor Space Ratio of 1.7:1 be applied to the site; and
  - c. removal of existing local heritage item I205 known as 10 William Street, Granville (Lot 27 DP 2371).
2. Finalise the Planning Proposal (Attachment 1), as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title.
3. Note that this Local Environmental Plan amendment will be published in the Government Gazette upon finalisation.
4. Adopt the site-specific Development Control Plan as an amendment to the Parramatta Development Control Plan 2011, as provided in Attachment 4, with the Development Control Plan coming into effect on the date of notification (gazettal) of the Local Environmental Plan amendment.
5. Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the Development Control Plan controls, if required, prior to coming into effect.
6. Endorse that the site-specific Development Control Plan provisions be carried over to the new Cumberland Development Control Plan when this is in force.
7. Endorse and delegate authority to the Mayor and General Manager to execute the Voluntary Planning Agreement on behalf of Council for 2-22 William Street, Granville, as provided in Attachment 5.

Item No: C03/21-699

## **45 BARCOM STREET, MERRYLANDS WEST - DRAFT VOLUNTARY PLANNING AGREEMENT AND DRAFT DEVELOPMENT CONTROL PLAN**

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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Following the endorsement by Council and Gateway Determination regarding the revised planning proposal for 45 Barcom Street, Merrylands West, a public benefit offer has been proposed by the proponent for a monetary contribution towards local infrastructure upgrades in the Merrylands West area, as well as a monetary contribution towards the Duck River Masterplan. Council officers have reviewed the updated offer and determined that it is consistent with the Cumberland Planning Agreements Policy and Guidelines. A draft Voluntary Planning Agreement has been prepared to reflect the offer.

A draft site-specific Development Control Plan has also been prepared, as resolved by Council, to guide the redevelopment of the site.

It is recommended that Council endorse in-principle the updated offer, draft Voluntary Planning Agreement, and draft site-specific Development Control Plan provisions prepared for the planning proposal. Subject to Council's endorsement of the above, the draft Voluntary Planning Agreement and draft site-specific Development Control Plan will be exhibited as part of the post-Gateway exhibition of the planning proposal.

### **RECOMMENDATION**

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**That Council:**

- 1. Endorse in-principle the public benefit offer from the applicant of 45 Barcom Street, Merrylands West, for a monetary contribution towards local infrastructure upgrades in the Merrylands West area, as well as a monetary contribution towards the Duck River Masterplan;**
- 2. Endorse that the draft Voluntary Planning Agreement and draft site-specific Development Control Plan for 45 Barcom Street, Merrylands West, be publicly exhibited for a period of 28 days in accordance with statutory and policy requirements; and**
- 3. Note that the planning proposal for 45 Barcom Street, Merrylands West, will be placed on Post-Gateway public exhibition at the same time as the exhibition of the draft Voluntary Planning Agreement and draft site-specific Development Control Plan.**

## REPORT

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### **Context**

In September 2019, a Planning Proposal Request for 45 Barcom Street, Merrylands West was lodged. The proposal sought to amend the *Holroyd Local Environment Plan (LEP) 2013* for 45 Barcom Street, Merrylands West to rezone the land, increase the existing Height of Building (HoB) controls, increase the existing Floor Space Ratio (FSR) controls of the site and add a clause to Part 6 Additional Local Provisions to include 1,480m<sup>2</sup> of retail/commercial uses (formerly referred to as non-residential uses) as per the Gateway Determination issued.

The proposal seeks to facilitate the redevelopment of the existing Cardinal Gilroy Village land at 45 Barcom Street, Merrylands West to build a new seniors housing development that involves the construction of 17 buildings that range from 2 to 5 storeys, community facilities (1,311m<sup>2</sup>) and commercial/retail uses (1,480m<sup>2</sup>) with onsite open space and car parking.

The draft Voluntary Planning Agreement negotiated for 45 Barcom Street will result in 26,040sqm of additional residential Gross Floor Area (GFA) to accommodate approximately 224 additional independent living units (approximately 460 living units in total), and an additional 25 bed residential aged care facility (approximately 148 beds in total). This also includes a small portion of community facilities and retail/commercial uses to facilitate the redevelopment of the site.

The site's maximum permitted Gross Floor Area (GFA) proposed is 63,240m<sup>2</sup>.

The planning proposal was endorsed by Council in April 2020 and forwarded to the Department of Planning, Industry and Environment for a Gateway Determination. A Gateway Determination was issued by the Department in July 2020, authorising Council to proceed to exhibition with its planning proposal for 45 Barcom Street, Merrylands West.

### **Proposed Offer and Public Benefit**

The proponent has provided a public benefit offer to Council (Attachment 1) following a resolution from Council in April 2020 to derive public benefit, and as per recommendations of the Cumberland Local Planning Panel. The letter of offer proposes a monetary contribution to the funding of local infrastructure upgrades in the Merrylands West area, such as road and traffic works, as well as a monetary contribution to the Duck River Masterplan.

Council officers have undertaken an analysis of the proposed updated offer (Attachment 2) and determined that it is consistent with the Cumberland Planning Agreements Policy and Guidelines.

A draft Voluntary Planning Agreement has been prepared in accordance with the letter of offer, as provided in Attachment 3.

### **Draft Site-Specific Development Control Plan**

As recommended by the Cumberland Local Planning Panel in March 2020 and resolved by Council in April 2020, a draft site-specific Development Control Plan has been prepared (Attachment 4).

The draft Development Control Plan includes a vision statement and broad principles (design and planning framework) to redevelop the site for a new seniors housing development to integrate and complement with the surrounding Merrylands West community.

The draft Plan also includes provisions to support an appropriate transition in the built form between the proposed seniors housing development and its adjoining heritage significant items located to the west, and neighbouring low and medium residential development located to the east. This is achieved through siting of buildings and separation setbacks and including a range of building storeys accordingly.

The site-specific Development Control Plan will amend existing Part J - Site Specific Controls of *Holroyd Development Control Plan 2013*. Should the new *Cumberland Development Control Plan* be in force prior to finalisation of the planning proposal, the site-specific Development Control Plan will be included in the Plan under Part F1 – Residential Site Specific (Attachment 5).

### **Next Steps**

It is recommended that Council endorse in-principle the public benefit offer, draft Voluntary Planning Agreement and draft site-specific Development Control Plan for 45 Barcom Street, Merrylands West. Subject to endorsement, the draft Voluntary Planning Agreement and draft site-specific Development Control Plan will be publicly exhibited in accordance with statutory and policy requirements. The post-Gateway public exhibition for the planning proposal applying to 45 Barcom Street, Merrylands West, will also be held at the same time.

Following this process, a further report will be provided to Council on the draft Voluntary Planning Agreement, draft Development Control Plan and Planning Proposal.

### **COMMUNITY ENGAGEMENT**

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Subject to Council endorsement, the draft Voluntary Planning Agreement and draft site-specific Development Control Plan will be placed on public exhibition in accordance with the *Environmental Planning and Assessment Act* and Council's Planning Agreements Policy and Guidelines. The planning proposal will also be placed on post-Gateway exhibition at the same time.

### **POLICY IMPLICATIONS**

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Policy implications are outlined in the body of the report.

### **RISK IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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Financial implications on the public benefit offer for Council are outlined in the main body of the report.

## CONCLUSION

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A public benefit offer has been provided by the proponent of 45 Barcom Street, Merrylands West for a monetary contribution, supported by a draft Voluntary Planning Agreement. A site-specific draft Development Control Plan has also been prepared. It is recommended that Council endorse in-principle the public benefit offer, as well as endorse the public exhibition of the draft Voluntary Planning Agreement and draft site-specific Development Control Plan.

## ATTACHMENTS

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1. Updated Letter of Offer (confidential)
2. Public Benefit Offer Analysis (confidential)
3. Draft Voluntary Planning Agreement [↓](#)
4. Draft Site Specific Development Control Plan (Holroyd DCP version) [↓](#)
5. Draft Site Specific Development Control Plan (Cumberland DCP version) [↓](#)