

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	12 March 2020
PANEL MEMBERS	David Ryan (Acting Chair), Julie Savet Ward, Ken McBryde, Martin Zaiter and Sameer Pandey
APOLOGIES	Abigail Goldberg
DECLARATIONS OF INTEREST	<p>Gabrielle Morrish advised that she prepared with other consultants an implementation master plan for Westmead and will not participate in this matter.</p> <p>Jane Fielding advised that she has worked on planning approvals for adjacent land for Health Infrastructure NSW and will not participate in this matter.</p>

Public meeting held at Rydalmere Operations Centre on 12 March 2020, opened at 12.30pm and closed at 1.55pm.

MATTER DETERMINED

PPSSCC-19 – City of Parramatta - DA/487/2019 – Lot 1 DP 213094, Lot 1 DP 515289, Lot 4 DP 1242123, Lot 2 DP 1022392 (Being Lots 1-14 SP 64792), CP DP 97469, 12, 12A, 14, 14B & 14C Mons Road, Westmead – Alterations and additions to the existing Westmead Private Hospital comprising of lot consolidation, demolition works and construction of a three storey building to accommodate new consulting rooms and inpatient units and expansion of the existing operating theatres (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2011 (LEP), that has demonstrated that:

- compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the B4 zone; and
- the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The development is permissible in the B4 zone and satisfies the requirements of all the applicable planning controls with one minor exception being the maximum building height control proposed.
2. A written request to vary the building height development standard has been received. For the reasons contained in its decision, the Panel is satisfied that consent may be granted to the development notwithstanding the variation to the building height standard.
3. The Panel noted the flood affectation of the site and the expert advice provided on behalf of the applicant and Council and is satisfied, based on that advice, that the development is acceptable subject to the imposition of Council's recommended conditions of consent and an additional condition imposed by the Panel.
4. The Panel notes the applicant's request to vary recommended conditions 94 and 95 of consent and has responded by retaining the conditions subject to an amendment to condition 94.
5. The development will be compatible with the emerging and planned future character of the Westmead precinct.
6. The development will provide enhanced health services within the precinct.
7. For the reasons above, the Panel considers that the public benefits associated with the development outweigh its manageable impacts and that approval of the application is therefore in the public interest.

CONDITIONS

The development application was approved subject to the revised recommended conditions presented at the meeting with the following amendments -

Condition 1 to include one additional architectural drawing –

Drawing No. DA8004 - Issue P1 – Plan Title Preliminary Impression of undercroft dropoff zone – Dated 27.11.2019

Condition 94 will include the following words at the end –



The applicant may apply for the removal of the restriction and easement upon the approval of a future development on the site that addresses the issues the subject to this condition. Council will not unreasonably refuse the removal of the restriction and easement in those circumstances.

A new condition is added to read as follows –

The landscape plans are to be revised to assist in limiting, as far as practicable, safety risks associated with flood management around the existing slot inlet. Revised plans and sections are to be submitted for approval by Council's Group Manager DTSU prior to the release of the relevant Construction Certificate.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes there were no written submissions made during public exhibition.

PANEL MEMBERS	
 David Ryan (Acting Chair)	 Julie Savet Ward

	
Ken McBryde	Martin Zaiter
	
Sameer Pandey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-19 – City of Parramatta - DA/487/
2	PROPOSED DEVELOPMENT	Alterations and additions to the existing Westmead Private Hospital comprising of lot consolidation, demolition works and construction of a three storey building to accommodate new consulting rooms and inpatient units and expansion of the existing operating theatres
3	STREET ADDRESS	Lot 1 DP 213094, Lot 1 DP 515289, Lot 4 DP 1242123, Lot 2 DP 1022392 (Being Lots 1-14 SP 64792), CP DP 97469, 12, 12A, 14, 14B & 14C Monds Road, Westmead
4	APPLICANT/OWNER	Applicant – Erilyan Pty Ltd Owner – Alpha Westmead Private Hospital Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private Instructure over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 (Remediation of Land) State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 Parramatta Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Parramatta Development Control Plan 2011 Planning agreements: Nil Provisions of the Environmental Planning and Assessment Regulation 2000 Coastal zone management plan: [Nil] The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations

		<ul style="list-style-type: none"> • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 2 February 2020 • Clause 4.6 variation • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Steven Chong ○ On behalf of the applicant – Lewis McAulay and Mary Digiglio
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 13 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg, David Ryan, Martin Zaiter and Ken McBryde ○ <u>Council assessment staff</u>: Deepa Randhawa, Paul Clarke and Mark Leotta • Site inspection: 12 March 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: David Ryan (Acting Chair), Julie Savet Ward, Ken McBryde and Martin Zaiter ○ Clr Pandey conducted a site inspection prior to 12 March 2020 ○ <u>Council assessment staff</u>: Steven Chong, Paul Clarke • Final briefing to discuss council's recommendation, 12 March 2020, 11.00am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: David Ryan (Acting Chair), Julie Savet Ward, Ken McBryde, Martin Zaiter and Sameer Pandey ○ <u>Council assessment staff</u>: Steven Chong, Paul Clarke
	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report