

Our Ref: ARB:TJA:384

22 February 2021

Mr Brett Newman
Chief Executive Officer
City of Parramatta Council
By email: bnewman@cityofparramatta.nsw.gov.au

CC: Christine Gough
NSW Department of Planning, Industry and Environment
By email: christine.gough@planning.nsw.gov.au

CC: Catherine Van Laeren
NSW Department of Planning, Industry and Environment
By email: catherine.vanlaeren@planning.nsw.gov.au

Dear Mr Newman

**Re: Offer to enter into a s7.4 Voluntary Planning Agreement (“VPA”)
with the City of Parramatta Council (“Council”) for the re-
development of 93 Bridge Road, Westmead (“Site”)**

We act for 93 Bridge Road Pty Limited (atf Bridge Road Unit Trust).

We refer to discussions which you have had with our client’s architects and urban designers, RobertsDay and its town planners, Willow Tree, about the re-development of the Site.

Our client has lodged a site-specific planning proposal for the re-development of the Site with Council (**Planning Proposal**). A copy is **attached** for your information.

The Site is closely proximate to existing and proposed public transport and major health services facilities. Its proposed re-development will help facilitate both the State government’s and Council’s near- and medium-term planning goals for this part of Sydney.

Subsequent to the submission of an earlier proposal in March 2019, the Planning Proposal has been refined to provide for a '*base case*' and an '*added value proposal*'. This Planning Proposal now seeks to optimise contributions to the *Westmead Health and Education Precinct* and *Innovation District* through a 'added value proposal'. A 'base case' proposal has also been conceptualised as an alternate to demonstrate a lower-scale option.

The 'added value proposal' proposes a 6:1 floor space ratio (**FSR**) and 132m building height (40 storeys) in response to the State Government's mandate for Westmead under the draft *Westmead 2036 Place Strategy*. The 'added value proposal' will enable the creation of a health-oriented vertical village for Westmead, optimising both innovation and other public benefits for the precinct.

The primary benefits of the 'added value proposal' include:

- 7,500m² more commercial floor space (precinct-supportive uses);
- 374 more jobs (243% increase);
- 144 total additional residential units to increase housing supply;
- 402 Build To Rent (**BTR**) units to address housing diversity and affordability;
- 223 more units for students, the NDIS and a medical motel;
- 750m² more community space (400% increase); and
- A fully-funded creek crossing.

In contrast, the 'base case' proposal significantly reduces the scale and density of the proposed built form: it consists of 370 units and incorporates a minimum 4.5:1 FSR and 78m building height (22 storeys). The result is a conservative, residential-led scheme responsive to the recommendations of Council. No BTR component is proposed under the 'base case'.

The amendments to the local planning regime in both the 'base case' and the 'added value proposal' will bring the Site into line with other nearby current and proposed projects for the development of Westmead and surrounding suburbs, and better prepare the area for the future needs of its residential and working population.

Upon approval of the Planning Proposal, our client proposes to lodge a development application (**DA**) for a staged, mixed-use development in compliance with the terms of the Planning Proposal.

In support of the proposed re-development of the Site, and assuming the Planning Proposal is ultimately approved in the form submitted, our client offers to enter into a **VPA** to provide a range of important public benefits pursuant to section 7.4 of the *Environmental Planning and Assessment Act 1979* (**Act**), subject to the terms set out in this letter.

A VPA of this kind will assist in:

- facilitating a transparent planning process for the Site;
- ensuring appropriate accountability by both our client and government; and
- allowing for the provision of ancillary facilities

thus satisfying the purpose and objectives of VPA's under the Act, as explained in the Parliamentary Second Reading of the Bill that introduced section 7.4, (and as cited in *Huntlee Pty Ltd v Sweetwater Action Group Inc* (2011) 185 LGERA 429).

The terms of the VPA will be adjusted in accordance with the FSR allocated to the site. The optimum public benefit achievable is under the 'added value proposal'.

The *key features* of the **VPA offer** are as set out in the following table:

VPA offer under Base Case	VPA Offer under Added Value Proposal
Dedication of land for a new street	
Half-road construction	
Provision of two shared streets	

VPA offer under Base Case	VPA Offer under Added Value Proposal
Provision of pedestrian through-site links	
Provision of publicly accessible open space	
Provision of precinct-supportive uses	
Delivery of a 250m² Community Centre	Delivery of a 1,000m² Community Centre
	Inclusion of BTR housing
	A fully-funded creek-crossing

Collateral terms of the offer:

- If the Council grants development consent for the DA, no further levies or contributions will be imposed on our client other than via contributions under section 7.11 or 7.12 of the Act.
- We note that our client does not consider that a bank guarantee is a necessary or appropriate form of security but, on any view of it, the timing of any further security (beyond registration of the VPA) will be after the grant of development consent when funding is available. In the event that Council requires a bank guarantee or some other form of security (**Security**), the Security will be provided upon Council granting a suitable consent to the DA.
- The VPA will contain mechanisms for the resolution of disputes and the enforcement of the agreement by the parties.
- The VPA will also be lodged and registered on the title of the land under section 7.6 of the Act as soon as practicable after its execution.

This offer is made subject to the Planning Proposal being approved on terms acceptable to our client. Such terms must include **a minimum FSR of 4.5:1** and confirmation that Council will progress the Planning Proposal to Gateway and finalise the amendments to the *Local Environment Plan* and *Development Control Plan* promptly.

If this FSR is not approved (or the Planning Proposal is otherwise approved on terms which are unsatisfactory to our client), this offer may be withdrawn by notice in writing to Council, in which case our client may elect to submit a revised offer.

Alternatively, our client is amenable to the negotiation of a further option which includes the approval of a FSR which is *between* that proposed in the ‘base case’ and the ‘added value proposal’. In that case, our client may elect to offer a VPA on appropriate, proportional terms in accordance with the total FSR allocated to the site.

Our client requests a meeting with relevant Council officers to discuss the Planning Proposal and this accompanying offer.

Yours faithfully
Beatty Legal



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