

Our Ref: ARB:TJA:384

18 March 2019

BY EMAIL

Ann-Maree Carruthers  
Director, Sydney Region West  
NSW Department of Planning and Environment  
320 Pitt Street  
Sydney NSW 2000

CC: Marcus Ray, Deputy Secretary, Planning Services  
NSW Department of Planning and Environment

The General Manager  
City of Parramatta Council

Dear Ms Carruthers

**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 Ltd (atf Bridge Road Unit Trust). We refer to discussions which you have had with Architects and Urban Designers, RobertsDay and Town Planners, Willow Tree, who have also been advising our client 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 of which is **attached** for your information.

Following recent discussions between our client, its consultants and Council, we understand that all planning proposals within its local government area are currently being referred to the Department for assessment.

The Site is closely proximate to existing and proposed public transport and major health services facilities. Its proposed re-development will further facilitate the State and local governments' near- and medium-term planning goals for this part of Sydney.

The Planning Proposal seeks to:

- provide a maximum permissible floor space ratio (**FSR**) of 6:1;
- increase the maximum permissible height to 40 stories; and
- include 'Short-term Accommodation' as an Additional Permitted Use in the R4 Zone for the Site.

The amendments to the local planning regime 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. The development will comprise a total of 430 apartments, with up to 5% (21 units) dedicated as affordable housing.

The residential apartment component of the DA will include a maximum FSR of 4.5:1 and additional precinct-supportive uses will be added to produce a maximum combined total site FSR of 6:1.

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; and
- ensuring appropriate accountability by both our client and government and
- allowing for the necessary collection and expenditure of funds for the provision of ancillary facilities

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

The *key features* of the offer are:

- the dedication to Council of 12m wide parcel of land along the extent of the length of the northern boundaries of 93 Bridge Road (approx. 124m in length being 1,429 m<sup>2</sup> of land as depicted in the **attached** plan) upon Council's commitment to complete a public vehicle, bicycle and pedestrian street connection through to Hawkesbury Road. (Note that in calculating FSR, this proposed dedication of land to Council will not be deducted from the Total Site Area of 8,663 m<sup>2</sup>);
- the construction of half the proposed road traversing the length of the northern boundaries of 93 Bridge Road, or the provision of an agreed funding equivalent;
- the provision of publicly-accessible open space) fronting Grand Corniche (as depicted in the **attached** plan);
- the provision of a through-site link on N-S orientation connecting Riviera Park to the South through to the Nurses' Quarters redevelopment site to the North of 93 Bridge Road, as depicted in the **attached** plan; and
- the provision of a second through-site link on E-W orientation connecting Bridge Road to the new publicly-accessible open space, as depicted in the **attached** plan;
- noting cl 5.3 of *Parramatta Local Environment Plan* and the contiguous SP2 (Health Services Facility) zone, the provision of additional precinct-supportive uses will be included to compliment the base 4:5:1 residential FSR to a maximum combined total site FSR of 6:1. These uses will respond specifically to Council's Draft Social Infrastructure Strategy 2017 and will include a Community Centre (of up to 1,000 m<sup>2</sup>), Student Housing and/or NDIS Physical and/or Mental Disability Housing and/or short-to medium-term residential accommodation for families of patients or outpatients staying at a hospital and/or a Medical Centre, Retail Units and/or a 'Food Alley'.

*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 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 other security (**Security**), the Security will be provided upon Council granting a suitable consent to the DA.
- The VPA will not exclude the application of sections 7.4, 7.11, 7.12 or section 7.24 of the Act and it 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 an FSR of 6:1 and confirmation that Council will progress the Planning Proposal to Gateway and finalise the Local Environment Plan and Development Control Plan promptly.

If this FSR is not approved (or the Planning Proposal is otherwise approved on terms that 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, if a reduced FSR and/or reduced height is approved under the Planning Proposal, our client may elect to offer a VPA on appropriate, proportional terms.

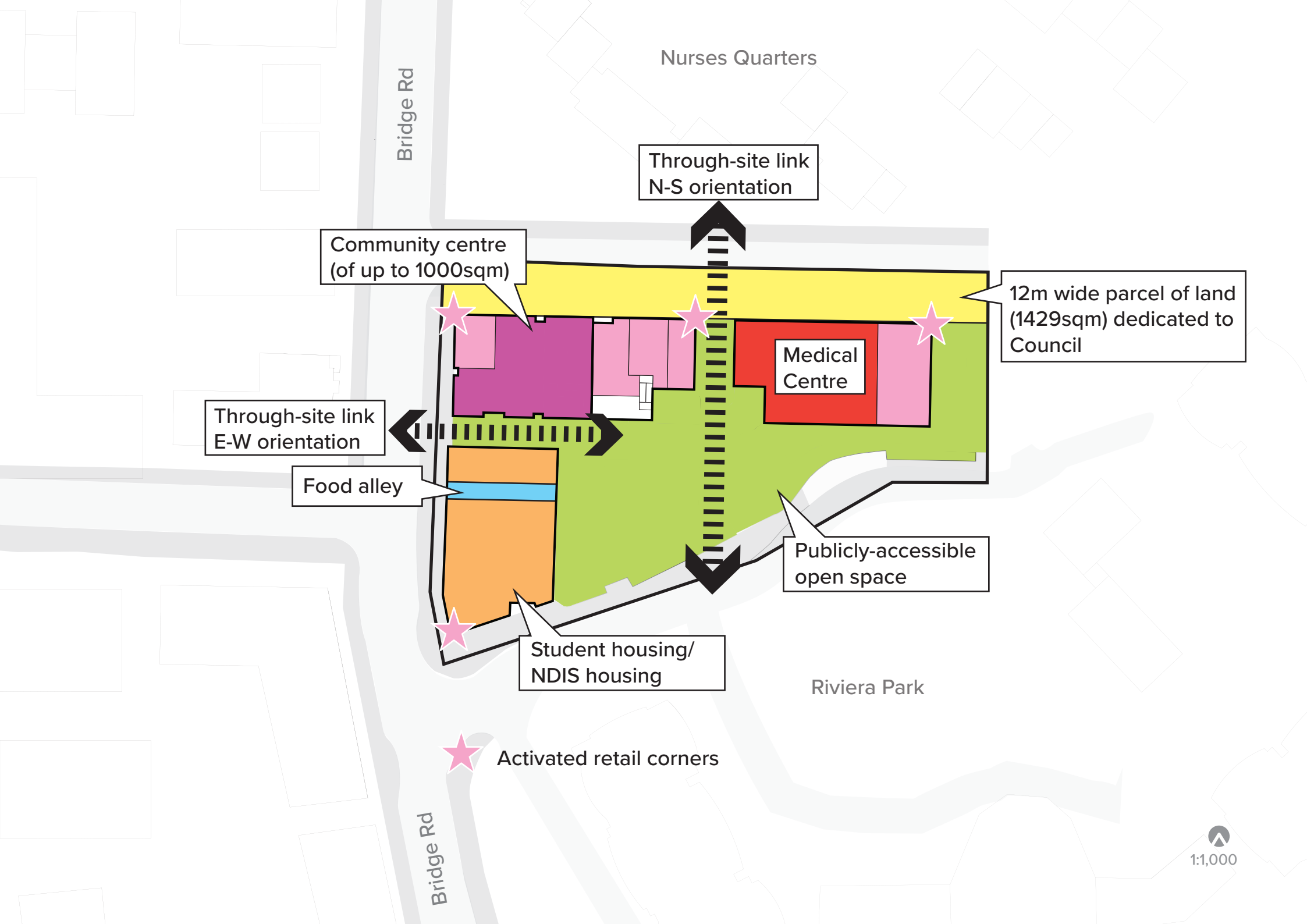
We request a meeting with relevant Departmental officers (accompanied by representatives of Council) to discuss the Planning Proposal and this accompanying offer.

Please contact us to discuss the above matters with a view to arranging such a meeting.

Yours faithfully  
**Beatty Legal**



Andrew Beatty  
Director  
Beatty Legal Pty Limited  
ABN 44 273 924 764



Nurses Quarters

Through-site link  
N-S orientation

Community centre  
(of up to 1000sqm)

12m wide parcel of land  
(1429sqm) dedicated to  
Council

Medical  
Centre

Through-site link  
E-W orientation

Food alley

Publicly-accessible  
open space

Student housing/  
NDIS housing

Riviera Park

Activated retail corners

Bridge Rd

Bridge Rd