

DATE OF DECISION	6 October 2021
PANEL MEMBERS	David Ryan (Acting Chair), Ken McBryde, Noni Ruker, Sameer Pandey and Martin Zaiter
APOLOGIES	Abigail Goldberg
DECLARATIONS OF INTEREST	Nil

REZONING REVIEW

Request for a rezoning review – RR-2021-84, 93 Bridge Road, Westmead (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☐ The Council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The Council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

‘Base Case’ proposal

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
 - ☒ has demonstrated strategic merit but not site specific merit

The decision was 3 against the proposal and 2 for.

For: David Ryan and Ken McBryde

Against: Noni Ruker, Sameer Pandey and Martin Zaiter

‘Added value’ proposal

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
 - ☒ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

‘Base Case’ Proposal

The Panel considers the ‘base case’ Planning Proposal (the Proposal) does not display Strategic or Site-Specific Merit.

The key consideration in reaching this conclusion pertains to the lack of strategic planning for the Westmead Precinct (the Precinct) resulting in the Panel’s inability to assess the Proposal against its Strategic Merit with enough certainty to ensure the Proposal realises the Precinct’s aspirations and avoids detrimental effects on the evolution of the Precinct as a whole.

The current incomplete aspects of Precinct wide planning and design are fundamental to place realisation and include:

- The distribution of height and density across the Precinct.
- The amount, types and distribution of public and publicly accessible open spaces.
- Major and minor infrastructure improvements to movement and connectivity.
- Synergy between place containment, modal split, walking and cycling options and reduced reliance on private vehicular transport.
- Infrastructure funding agreements.
- Ensuring affordable housing and other special purpose housing is delivered.
- Innovation in the design and delivery of a mix of uses required for a Medical and Educational Innovation Precinct, activation of streets and ground level spaces.

Regarding the final two points, the Panel agreed that the Proposal had merit. However, given the importance of the Westmead Precinct, the majority agreed that infrastructure and development planning and design at a precinct scale should precede decisions on a site-by-site basis.

A Minority of Panel members considered the ‘base case’ Proposal displayed both Strategic and Site-Specific Merit, conditional upon several matters considered resolvable through the gateway process, including:

- The evaluation of any implications for the proposed density arising from Transport for NSW’s pending Precinct-wide Strategic Transport Study, and, if available within a timeframe that does not unreasonably delay the progress of the Proposal and Council’s subsequent transport study for the precinct. Noting that floorspace ratio be no greater than the ‘base case’ proposal which should be able to be accommodated in future traffic and transport planning for a large precinct planned to undergo major urban transformation, and therefore does not represent a significant risk should it proceed ahead of the finalisation of those studies.
- The determination of satisfactory arrangements for securing appropriate local, precinct and regional infrastructure contributions commensurate with the proposed increased development potential of the site and Precinct requirements.
- The determination of appropriate mechanisms to ensure the land use mix (including affordable and other forms of special purpose housing) and public benefit uses upon which the Planning Proposal is predicated, are delivered.
- Confirmation of legal arrangements to secure the use of the common open space and community facilities within the Monarco Residential Estate by future occupants of the subject site, as advised to be the case by the proponent.

- Given the site's location within the Precinct in proximity to transport, schools and the Hospital the Proposal could demonstrate further how it would overcome increased reliance on private vehicular through promotion and planning for walking and cycling

The minority notes the site's adjacency to Westmead Hospital, schools and other facilities and its reasonable proximity to both the Wentworthville and Westmead train stations. This geographic location indicates that the proposed transport options for the site's population, such as e-bikes & walking, rather than reliance on cars, is a reasonable proposition.






The minority acknowledges that there remain unresolved matters that would ideally be fully resolved prior to finalisation of the Proposal, however, considers that the benefits arising from the Proposal outweigh the risks of proceeding with it, particularly given the indeterminant and potentially prolonged period before all strategic planning settings for the Precinct are finalised.

'Added value' proposal

The Panel was unanimous in deciding that the 'Added value' Proposal did not have either Strategic Merit or Site-Specific Merit.

In reaching its decision, the Panel was not satisfied that the proposed building height of the 'signature tower' was adequately justified based on the location of the site on the periphery of the Precinct, some distance from likely primary activity centres such as the Metro Station and Westmead Hospital.

The Panel considered that a proposal of this density would be likely to have a significant impact on the movement network and the demand for open space and other infrastructure, which it cannot be satisfied will be adequately addressed without the benefit of the outcomes of the current investigations and strategic planning being undertaken by the relevant state agencies and Council.

PANEL MEMBERS	
 David Ryan (Acting Chair)	 Noni Ruker
 Sameer Pandey	 Martin Zaiter
 Ken McBryde	

SCHEDULE 1

1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	Request for a rezoning review – RR-2021-84, 93 Bridge Road, Westmead.
2	LEP TO BE AMENDED	Parramatta Local Environmental Plan 2011
3	PROPOSED INSTRUMENT	The rezoning review request seeks to amend the Parramatta Local Environmental Plan 2011 on land at 93 Bridge Road, Westmead (SP 31901) to increase height of building (HOB), floor space ratio (FSR), and introduce an Additional Permitted Use (APU) for short term accommodation.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<p>Site inspection has been curtailed due to COVID-19. Panel members to undertake site inspection individually.</p> <ul style="list-style-type: none"> Briefing with Department of Planning, Industry and Environment (DPIE): 23 September 2021 <ul style="list-style-type: none"> Panel members in attendance: David Ryan (Acting Chair), Ken McBryde, Noni Ruker, Sameer Pandey and Martin Zaiter DPIE staff in attendance: Holly Villella and Peter Pham Briefing with Council: 22 23 September 2021 <ul style="list-style-type: none"> Panel members in attendance: David Ryan (Acting Chair), Ken McBryde, Noni Ruker, Sameer Pandey and Martin Zaiter DPIE staff in attendance: Peter Pham and Holly Villella Council representatives in attendance: Jema Samonte, Kevin Kuo, Michael Rogers, David Birds Briefing with Proponent: 23 September 2021 <ul style="list-style-type: none"> Panel members in attendance: David Ryan (Acting Chair), Ken McBryde, Noni Ruker, Sameer Pandey and Martin Zaiter DPIE staff in attendance: Peter Pham and Holly Villella Proponent representatives in attendance: Chris Wilson, Stephen Moore, Professor Les Stein, Cameron Smart, Derek Taylor and Piran Trethewey Papers were circulated electronically on 10 September 2021