

### Extraordinary Council Meeting AGENDA NO. 16/18

Meeting Date: Tuesday 4 December 2018

Location: Council Chambers, Level 1A, 1 Pope Street, Ryde

Time: 9.00pm

Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.

### **NOTICE OF BUSINESS**

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### 1 EXECUTIVE SUMMARY REPORT - PLANNING PROPOSAL AND VOLUNTARY PLANNING AGREEMENT FROM MERITON - 112 TALAVERA ROAD, MACQUARIE PARK

Report prepared by: Director - City Planning and Environment

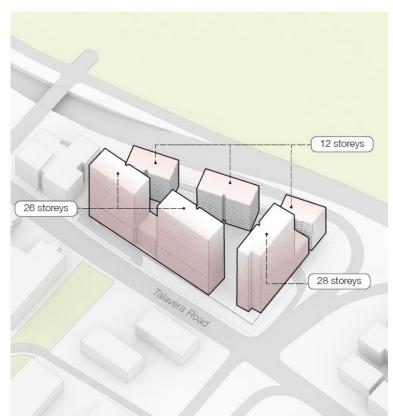
File No.: GRP/09/6/11 - BP18/1314

### REPORT SUMMARY

This report has been prepared to provide an overview of the following two reports on the Planning Proposal and the Voluntary Planning Agreement submitted by Meriton at 112 Talavera Road, Macquarie Park.

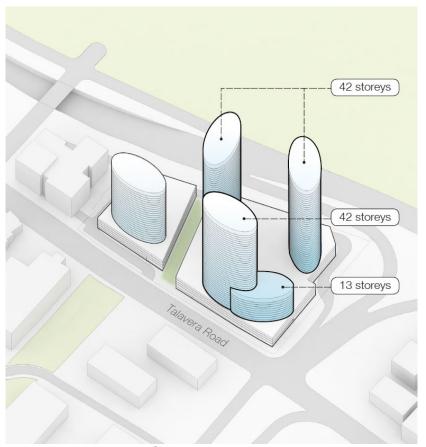
It also seeks to address key questions raised by Councillors and advises of a proposed variation to the Planning Proposal to reduce height.

Under Clause 3.35 of the Environmental Planning and Assessment Act Council can vary a Planning Proposal at this stage in the process and recommend it proceed on that basis.



Current Planning Controls – Permitted Development

The compliant scheme consists of six tower blocks arranged around a central communal open space. Towers range from 12 to 28 storeys, with taller towers creating a wall of development fronting Talavera Road, as per LEP height controls.



Revised Planning Controls – Variation proposed

Massing east of the central green space is redistributed to three 42-storey towers and a 13 storey building attached to the southern tower.

### **RECOMMENDATION:**

That the Executive Summary Report prepared by the Director - City Planning and Environment on the Planning Proposal and the Voluntary Planning Agreement at 112 Talavera Road, Macquarie Park be noted.

### **ATTACHMENTS**

1 Revised Proposal by Meriton - 112 Talavera Road, Macquarie Park - 26 November 2018

Report Prepared and Approved By:

### Liz Coad

**Director - City Planning and Environment** 



### A. The Planning Proposal Process

- The City of Ryde Council has <u>not</u> made a decision to support the Planning Proposal by Meriton at 112 Talavera Road, Macquarie Park.
- The initial Gateway Determination was issued by the Department of Planning and Environment (as a delegate of the Greater Sydney Commission) on 7 March 2018.
- The Gateway Determination required matters to be resolved before the community exhibition including consultation with the Civil Aviation Safety Authority (CASA) and Roads and Maritime Services (RMS). This fact lead to the delay in the timing of the exhibition for approximately 7 months.
- The Planning Proposal is now at Stage 4 (of 5) in the plan making process known as – Post exhibition review
- City of Ryde Council is required to consider the public submissions and recommend whether the Planning Proposal proceeds, to vary the proposal or not to proceed (Clause 3.35 of the Environmental Planning and Assessment Act allows for Council to vary a proposal).
- The final decision on the making of the plan is by the Greater Sydney Commission currently. With the imminent implementation of an amendment to Greater Sydney Commission Act (Act 66, 2018). This delegation will transfer to the Minister for Planning.

### B. The Planning Proposal and variation proposed to address height

- The exhibited proposal includes a maximum height of RL243 or approximately 63 storeys.
- Following the various media campaigns including on social media prior to and during the official community exhibition I have been in dialogue with representatives of Meriton.
- A variation to the Planning Proposal has been negotiated to address concerns related to height. The maximum height has been reduced from RL243 to RL185 or approximately 42 storeys. There will be no change to floor space or yield or the Voluntary Planning Agreement (Meriton submission – ATTACHMENT 1).
- Council can at Stage 4 of the planning making process accept a variation and recommend on that basis the plan proceed.



- The subject site is already zoned for high density residential development that would yield approximately 900 apartments. The Planning Proposal would increase this by approximately 360 apartments (final numbers determined at Development Application stage depending on size).
- In regard to traffic concerns following detailed consultation with the RMS they have raised no objections to the plan proceeding subject to parking being capped at 1081 spaces which will be dealt with at the subsequent development application stages should the plan proceed. A Development Control Plan will be prepared by Council staff and reported to Council should the plan proceed.
- Further the RMS has agreed in principle to direct access left in only to the Herring Road/M2 westbound on ramp.

### C. The Voluntary Planning Agreement (VPA)

- A VPA is a legitimate developer contributions system under the Environmental Planning and Assessment Act for developers to voluntarily offer planning authorities to provide infrastructure for the local community or cash payments to go towards community infrastructure in conjunction with a review of planning controls or with a development application.
- Following City of Ryde Council's support of the initial offer for a VPA and as delegated to staff months of negotiation have taken place since late 2017.
- City of Ryde has obtained expert opinion from Hill PDA and Lindsay Taylor Lawyers to support staff in the negotiations, assessment and recommendations around the VPA.

The exhibited VPA proposes the following public benefits in summary:

- Dedication in Stratum of approximately 27 Affordable Housing Apartments to Council, being 7% of the total uplift of Gross Floor Area as sought by the Planning Proposal
- A Monetary Contribution to the value of \$8,244,100 towards the construction of Stage 2 of Christie Park Upgrades by Council
- Easement for public access over passive pedestrian link (open space) within the development

This is valued at approximately \$35 million dollars.



In addition Meriton has confirmed a payment is required to the State Government of NSW of \$12,528 million for State Infrastructure Projects (termed 'satisfactory arrangements') for the plan to proceed.

- These figures do not include the standard developer contributions to also be paid to City of Ryde under our 7.11 Plan (formerly Section 94) valued conservatively at approximately \$25 million which will be paid by Meriton and be indexed by CPI.
- The combined costs of the VPA and payment for 'satisfactory arrangements' with the NSW State Government represent approximately 50% of Residual Land Value which is the industry standard for value capture from developments. Noting the residential market has softened since late 2017.

### Conclusion

- Detailed assessment and recommendations for both the Planning Proposal and the Voluntary Planning Agreement are contained in the subsequent two reports.
- The staff recommendation accompanying is approval of the amended Planning Proposal and Voluntary Planning Agreement.
- Options are also provided for Council.
- My considered opinion is that Council should support the amendment to height and for the plan to proceed on that basis and be forwarded to the Greater Sydney Commission with the Voluntary Planning Agreement also endorsed by Council and the General Manager delegated to finalise this on behalf of Council.

This is recommended for the following key planning reasons:-

- the maximum height of the proposal has been reduced by approximately 21 storeys.
- the site is a gateway site to Macquarie Park with direct access onto the M2 and is already zoned for high density residential development.
- there are no objections to the plan proceeding from CASA, RMS or Transport for NSW (TfNSW).



- increasing density in this location with access to the Metro Station, Macquarie University, Macquarie Shopping Centre, Macquarie University Hospital and excellent employment opportunities takes pressure off our smaller centres and other parts of the City to provide more housing including our low density zones. In other words the plan has strategic merit.
- there is demonstrated public benefit without significant environmental impacts.

Finally I have to advise that should City of Ryde Council fail to make a decision at this stage the Minister for Planning or the Greater Sydney Commission under Section 3.32 (2) of the Environmental Planning and Assessment Act can direct the Planning Secretary to intervene if the Council has failed to comply with its obligations which will put the VPA and \$35 million of public benefit at risk.

For the consideration of Council in conjunction with the following reports (Items 2 and 3).



### **ATTACHMENT 1**

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26 November 2018

Ms Liz Coad Director City Planning and Environment. City of Ryde 1 Pope Street RYDE NSW 2112

Dear Ms Coad.

### 112 TALAVERA ROAD, MACQURIE PARK - REVISED PROPOSAL

As you are aware, Meriton proceeded with this project on the basis of established government policy to increase housing supply and affordable housing close to transport, jobs and services. This proposal received support to proceed from Council and this was verified by a gateway approval form the Department of Planning and Environment (DPE) on behalf of the Greater Sydney Commission (GSC). We have also complied with both Council and State Government requirements for value capture (or a "betterment tax") and when considered with other contributions, would result in a total of \$78M in public benefits, \$60M more than if we proceeded under the existing controls.

In our view, this is one of the best development sites in Australia – it is large, at a gateway to one of the most significant commercial centres in Australia that is benefiting from \$bn's in state infrastructure investment. It is supported by extensive education, medical, retail and employment services and importantly is located away from low-density suburbs. Combined with the public benefits and design competition to ensure high quality design outcomes, we truly believe this would be one of Australia's best examples of high-quality transit-orientated development and we are disappointed that individual political agendas have undermined what could be a really positive development for the area. We understand that the positive impacts were identified in a number of submissions from local residents, business chambers, housing providers and industry groups that represent a broad sector of the community.

Notwithstanding, upon review of the submissions made and discussions with the Council, the building height was a clear issue and we agree to reduce the height of the proposal. The original 60-storey proposal (approximately 200m or RL 243m) was made to reflect the gateway location; economic significance of the area; aeronautical requirements and to substantially improve the design outcomes. We believe these benefits can be retained with reducing the maximum height to a maximum of 42 stories (or approximately 140.5m or RL185m) but we would lose the options for height differentiation which was a key design benefit of the original proposal. The revised plans are attached and demonstrate that despite the reduced height, the proposal still achieves a far superior outcome then what is permitted under the existing controls.

Importantly, the revised height is less than other similar centres recently approved by the Government including St Leonards/Crows Nest (50 storeys); Parramatta (65 Storeys), North Sydney (42 commercial storeys at 168m) and Sydney Olympic park (45 Storeys) which all benefit from existing/planned metro stations. Locally, it is slightly taller than nearby projects including 33 residential stories over the Macquarie Centre (120m) but less than the 154m endorsed on other proposals in the precinct.

Despite the reduction in height, we can still maintain the density of 6.5:1, which is substantially less than that permitted at St Leonards/Crow's Nest (12-17:1), Parramatta (11.5:1); North Sydney (12.46:1) and Sydney Olympic Park (6.5-12:1) and is only slightly higher than the maximum FSR of 6:1 permitted on nearby sites under the Ryde LEP.

MERITON PROPERTY SERVICES Member of the Meriton Group ABN: 69 115 511 281 Level 11 Meriton Tower 528 Kent Street, Sydney NSW 2000 Tel (02) 9287 2888 Fox (02) 9287 2777 meriton.com.au



### **ATTACHMENT 1**

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Accordingly, we trust this is an acceptable compromise and despite the concessions, Meriton is willing to maintain its commitment to the VPA should the revised proposal be endorsed.

We also note that the community expressed concerns on traffic. Prior to the exhibition commencing and as required by the Gateway approval, Meriton agreed with RMS to substantially lower parking rates as part of the proposal. The reduced parking rates ensure that the traffic generated under the proposal is the same as that which was allocated to our site when the State Government rezoned the land for high-density residential development in 2015 (i.e. the proposed increase in development maintains the same traffic as what is already permitted). The reduction in parking will be supplemented by carsharing and other transport initiatives to reduce car dependency and this has now been approved by the respective state agencies of RMS and TfNSW. This approach should be commended and supports the Government investment in the NWRL that will substantially increase the capacity of the adjoining Macquarie University Station from 23,000 people per hour to 46,000 people per hour in the peak with trains running every 5 minutes. Instead, this is ignored and used to fuel fear in the local community and traffic remains a reason used to not support the proposal.

Overall, the proposal has adequately addressed all community, technical and policy requirements where there are significant public benefits and the planning outcomes are substantially improved.

We would like to reiterate that at all times, Meriton has worked collaboratively with relevant authorities and worked within the legislative and policy framework for this proposal. It is disappointing that the political environment has unfairly targeted this proposal that generates a better outcome in every aspect of the development. Notwithstanding, we acknowledge the issues raised and are happy to address the community concerns, maintain our commitment for public benefits and look forward to this revised proposal proceeding with support from the Council.

Please contact the undersigned should you require further information.

Yours faithfully MERITON GROUP

Mr Matthew Lennartz

Executive Manager - Planning and Government

Appendix - Built Form Development (Revised Scheme - 42 Storeys)

### ATTACHMENT

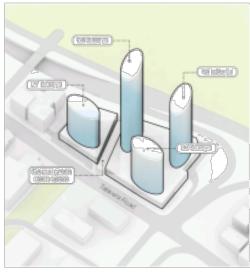
### Appendix - Built Form Development (Revised Scheme - 42 Storeys)

### **Built Form Development**



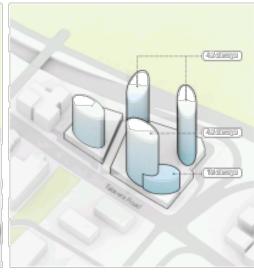
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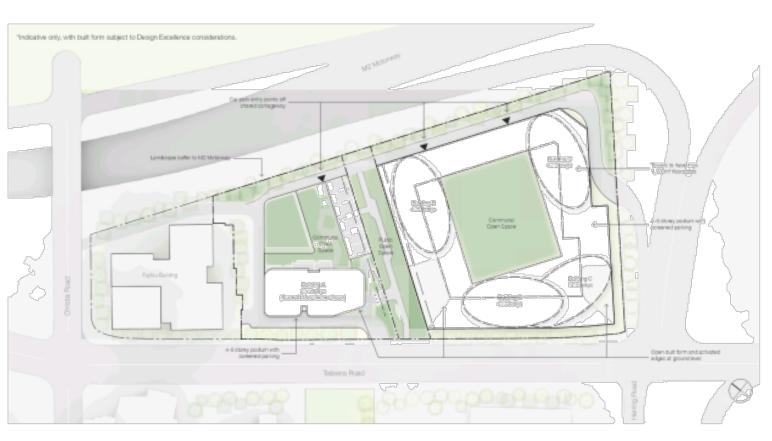
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## **ATTACHMENT 1**

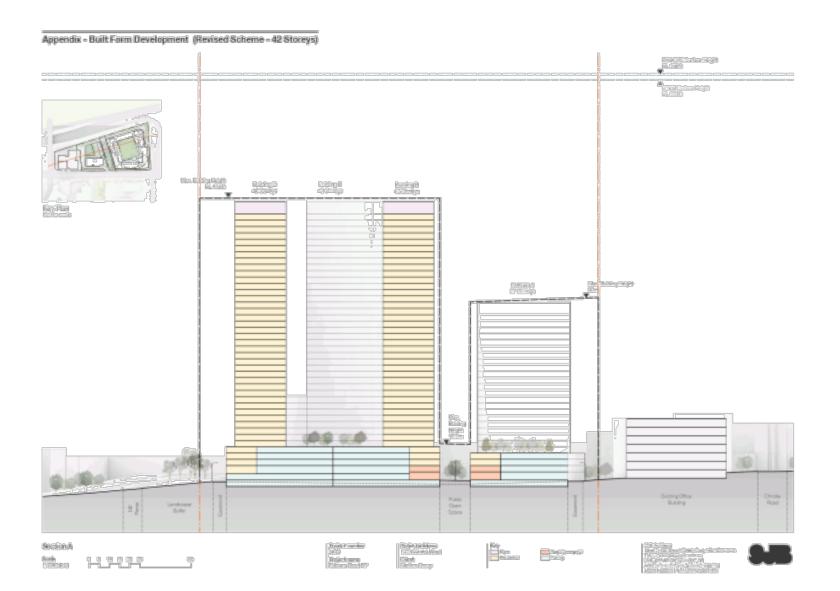
### Appendix - Built Form Development (Revised Scheme - 42 Storeys)

### Hustratice Master Plan



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## **ATTACHMENT 1**





### 2 PLANNING PROPOSAL - 112 TALAVERA ROAD, MACQUARIE PARK

Report prepared by: Senior Coordinator - Strategic Planning

File No.: LEP2017/9/4 - BP18/1303

### REPORT SUMMARY

Council exhibited a Planning Proposal from 24 October 2018 to 21 November 2018 to amend the Floor Space Ratio (FSR) and building height limit within the *Ryde Local Environmental Plan 2014* (RLEP 2014) as they apply to 112 Talavera Road, Macquarie Park (Lot 422 in DP 1153360) (the site) as follows:

- Amend the Height of Buildings Map to give the land a maximum building height of 18.5 metres, 90 metres and RL 243 (the land currently has height controls of 45 metres and 90 metres).
- Amend the Floor Space Ratio Map to give the land a FSR control of 6.5:1 (the land currently has a floor space ratio control of 4.5:1).
- Add site specific provisions for design excellence for all developments on the site.
- Retain the existing B4 Mixed Use land zoning.

The Planning Proposal was submitted in May 2016 by Meriton Group with the objective of building a mixed use development on the site. Under the current controls approximately 900 dwellings are achievable on the site. The Proposal would enable approximately 360 additional dwellings bringing the total number of dwellings possible on the site to approximately 1260.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (draft VPA). The draft VPA outlines the terms for delivery of public benefits summarised as follows:

- Dedication in Stratum of approximately 27 Affordable Housing Apartments to Council, being 7% of the total uplift of Gross Floor Area as sought by the Planning Proposal.
- A Monetary Contribution to the value of \$8,244,100 towards the construction of Stage 2 of Christie Park upgrades as detailed in Council adopted Master Plan.
- Easement for public access over passive open space within the development.

A separate report regarding the exhibition of the draft VPA is presented to Council in the following report.



Council considered a report on the Planning Proposal on 28 November 2018 and resolved (in part) that Council submit the Planning Proposal for Gateway Determination, in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*. This resolution could be made because the Proposal passed the strategic merit test and site specific assessment of development impacts such as overshadowing was considered acceptable (refer to discussion below).

The Department of Planning and Environment (the Department as delegate for the Greater Sydney Commission) made an initial Gateway Determination on 7 March 2018 requiring the following, amongst other matters, to be addressed prior to consultation being undertaken with the community for a minimum of 28 days:

- Additional assessment be carried out, including a revised Traffic Impact Assessment (TIA) and an aeronautical assessment;
- Consultation with government agencies;
- Satisfactory arrangements for contributions for state public infrastructure being made by the Department in consultation with Ryde City Council (as identified in the Macquarie Park Strategic Investigation);
- Further information on the proposed design excellence clauses; and
- Further justification regarding the need for the Planning Proposal taking into account the local strategic context of the Macquarie Park Corridor.

At that time the Department did not issue authorisation for Council to exercise its delegations with respect to making the Planning Proposal.

The Gateway Determination was later amended by the Department on 27 July 2018 to clarify and revise the conditions following consultation with agencies. The Gateway Determination and Alteration of Gateway Determination are provided at **ATTACHMENTS 1 AND 2**. The Planning Proposal was required to be updated in accordance with the Gateway Determination and submitted to the Department for approval prior to exhibition. Refer to **ATTACHMENT 3** for letter from the Department dated 24 September 2018 providing their approval and a copy of the Planning Proposal approved for exhibition at **ATTACHMENT 4**.

As matters required resolution between gateway and exhibition this resulted in the period of time between gateway and exhibition of 7 months.



This report outlines the history of the changes to the Planning Proposal, the public exhibition processes, the submissions received and provides responses to the issues raised by the community. A total of 395 submissions were received during the exhibition period. In summary, it was clear that submitters were concerned about traffic congestion, insufficient supporting infrastructure, the decision making process, loss of local amenity and/or character, building height and other matters. Refer to **ATTACHMENT 5** for a detailed summary of the community submissions and responses.

It is considered that the issues raised can be addressed by the Proposal due to the location of the site to supporting infrastructure, i.e. being in close proximity to public transport (bus and metro), retail and entertainment (Macquarie Shopping Centre), the Macquarie University and Macquarie University hospital, Christie Park and a range of employment opportunities. The TIA completed as part of the Planning Proposal also demonstrates that the local road network will be operating either at or below network capacity if the site was to be developed in accordance to the Planning Proposal addressing the concerns raised in relation to traffic congestion. The RMS has proposed limiting parking on the site to the level currently permissible to assist with reducing traffic generation in Macquarie Park. Further, the proposed Proposal is considered appropriate for the proposed and emerging character of Herring Road, Macquarie Park, a strategic health and education precinct.

It should be noted that overshadowing does not impact nearby residential developments and that the height concerns are proposed to be addressed by design excellence requirements. Design excellence and parking limits will be controlled by an amendment to the Ryde Development Control Plan 2014.

Following exhibition, the proponent submitted a letter on 26 November 2018 proposing an amendment to the Planning Proposal to address the concerns about height raised by the community. To do this the amendment proposes to reduce the maximum building height of RL 243 (or approximately 63 storeys) to RL 185 (approximately 42 storeys). The letter is included at **ATTACHMENT 6**.

It is recommended that Council support the finalisation of the proposed Planning Proposal as per the amendment received and request the Minister for Planning to determine that the matter proceeds.

### RECOMMENDATION:

(a) That Council determines that the Planning Proposal, as proposed to be amended by the proponents letter dated 26 November 2018, is appropriate with the following amendments proposed to the *Ryde Local Environmental Plan 2014*:



- Amend the Height of Buildings Map to give the land a maximum building height of 18.5 metres, 90 metres and RL185.
- Amend the Floor Space Ratio Map to give the land a FSR control of 6.5:1.
- Add site specific provisions for design excellence for all developments on the site.
- (b) The Council determine that the Planning Proposal amended by the proponents letter dated 26 November 2018 is an appropriate outcome on the site for the following reasons:
  - 1. Consistency with the *Greater Sydney Region Plan: A Metropolis of Three Cities*, Greater Sydney Commissions North District Plan's and Ryde Local Planning Study 2010, passing the strategic merit test and other site specific assessment matters.
  - 2. The site is located at a gateway to Macquarie Park and is in close proximity to public transport (bus and metro), retail and entertainment (Macquarie Shopping Centre), education and hospital services, and a range of employment opportunities.
  - A key function of the Macquarie University Station Precinct is to provide for increased housing around the Metro station to support the adjacent employment centre in Macquarie Park. The proposal is consistent with this function.
  - 4. The proposed Proposal is considered appropriate for the proposed and emerging character of Herring Road, Macquarie Park which permits buildings up to 120m. The orientation of the site and its distance from other residential properties is such that the outstanding impact is considered acceptable.
  - The Traffic Impact Assessment completed as part of the Planning Proposal demonstrates that the local road network will be operating either at or below network capacity if the site was to be developed in accordance to the Planning Proposal.
- (c) That Council supports the finalisation of the Planning Proposal for the land described as 112 Talavera Road, Macquarie Park (Lot 422 in DP 1153360);
- (d) That Council recommend to the relevant planning authority (currently the Greater Sydney Commission) that:
  - 1. The matter proceed to the preparation of a Local Environmental Plan;
  - 2. An opinion be sought from Parliamentary Counsel as to whether the Local Environmental Plan can be made:



- Satisfactory arrangements are made for the provision for contributions to designated state public infrastructure identified as part of the Macquarie Park Strategic Investigation and that this be undertaken as part of the finalisation process in the preparation of a Local Environmental Plan; and
- 4. Appropriate design excellence clauses are drafted during the finalisation process in the preparation of a Local Environmental Plan.
- (e) That an amendment to the Ryde Development Control Plan 2014 be prepared if the Local Environmental Plan is recommended to be made that:
  - Addresses the RMS parking and access requirements, design matters raised in relation to footpath design by Transport for NSW and the proposed design excellence provisions;
  - 2. Is referred to the Design Review Panel for review as required by cl. 21A of the Environmental Planning and Assessment Regulation 2000; and
  - Is reported to Council as soon as practicable for approval to exhibit for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

That Council notify all community members who made a submission on the Planning Proposal of its decision and the reasons for the decision.

### **ATTACHMENTS**

- 1 Gateway Determination 7 March 2018
- 2 Gateway Determination Alteration 27 July 2018
- 3 Department of Planning and Environment's Approval to Exhibit Proposal
- 4 Amended Planning Proposal 112 Talavera Road, Macquarie Park CIRCULATED UNDER SEPARATE COVER
- 5 Community Submissions and Responses Table
- **6** Meriton Letter dated 26 November 2018
- 7 Council Resolution 28 November 2017
- 8 The Hon. Victor Dominello Submission
- **9** Civil Aviation Safety Authority (CASA) Submission (incl. Airservices Australia)
- 10 Roads and Maritime Services Correspondence
- 11 Transport for NSW Submission
- 12 NSW Rural Fire Service Submission
- **13** Sydney Water Submission
- 14 City of Parramatta Submission
- 15 Office of Environment and Heritage Submission



Report Prepared By:

Lexie Macdonald Senior Coordinator - Strategic Planning

Report Approved By:

Dyalan Govender Manager - Urban Strategy

Liz Coad Director - City Planning and Environment



### Background

### Planning Proposal

The Planning Proposal (the Proposal) seeks to amend the floor space ratio (FSR) and building height limit within the *Ryde Local Environmental Plan 2014* (RLEP 2014) as they apply to 112 Talavera Road, Macquarie Park (LOT 422 in DP 1153360) (the site). The Proposal also seeks to introduce design excellence provisions for all developments.

The Proposal was submitted by Meriton Group in May 2016, with the objective of building a mixed use development on the 19,530m² site (Figure 1) that would yield approximately 360 additional dwellings than are currently achievable on the site. A description of the Proposal as amended to comply with Gateway Determination is detailed below. The amended Proposal is included at **ATTACHMENT 4** -

### **CIRCULATED UNDER SEPARATE COVER**



Figure 1: Aerial photograph showing the location of the Planning Proposal bound by red



Council considered a report on the Planning Proposal on 28 November 2018 and resolved:

- (a) That Council submit the Planning Proposal for 112 Talavera Road (LOT 422 DP 1153360) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and request that:
  - i. The Gateway Determination is subject to a condition requiring the Relevant Planning Authority to consider the outcomes of the Macquarie Park traffic model prepared by Transport for NSW, prior to finalisation of the Plan.
  - ii. That the Gateway Determination is subject to a condition requiring a design competition in accordance with the Director General's Design Excellence Guidelines.
  - iii. Council be given delegation from the Minister to implement the Plan.
- (b) That Council delegate the Acting General Manager to publicly exhibit the Planning Proposal when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979. A further report will be presented to Council following the completion of the exhibition period.
- (c) That Council authorise the preparation of a site specific Development control Plan to give detailed guidance on the design excellence, site specific parking controls, setbacks and other built form controls. The draft Development control Plan will be presented to council early 2018 seeking approval to publicly exhibit the Plan.

The above resolution of Council is provided in full at **ATTACHMENT 7**.

Referring to part (a)(i), (a)(ii) and (b) of Council's resolution above, the Department of Planning and Environment (the Department), as delegate for the Greater Sydney Commission, made a Gateway Determination on 7 March 2018 (subsequently altered by the Department on 27 July 2018). The Proposal has also been exhibited. The determination, the alteration to the determination and exhibition are discussed below.

In reference to part (a)(iii) of the above resolution, Council has not been given delegation by the Department, as delegate of the Greater Sydney Commission, to make the Plan. Therefore, Council must forward its recommendation to the Department for determination as to whether or not the plan should be made under Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

To address part (c) of the above resolution, a draft DCP will be prepared and exhibited where a decision to proceed with the Planning Proposal is made.



### Plan-Making Process

The plan-making process can be outlined as follows:

- 1. Planning Proposal this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
- 2. Gateway determination by the Minister for Planning or delegate if the Planning Proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
- 3. Community Consultation the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
- 4. Post Exhibition Review the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan the legal instrument.
- 5. Decision the making of the plan by the relevant planning authority (currently the Greater Sydney Commission).

Currently under the Environmental Planning and Assessment Act 1979, the Greater Sydney Commission is the local plan-making authority. However, when the Planning Legislation Amendment (Greater Sydney Commission) Act 2018 commences (which is imminent), the Minister for Planning will become the local plan-making authority.

This proposal is currently at step 4 of the above outlined process.

This report outlines the history of the Proposal, the public exhibition process and the submissions received. The report discusses the responses to the public submissions and concludes that Council should support the Planning Proposal (with the proposed amendment discussed above) as it passes the strategic merit test and other site specific assessment matters are manageable (see discussion below).

### **Site Description**

The subject site is known as 112 Talavera Road, Macquarie Park and is legally described as LOT 422 DP 1153360. The site is an irregular shaped allotment and comprises a site area of approximately 19,530m<sup>2</sup>.

The site can be considered to be the majority of an "island" site bound by the M2 Motorway, Herring Road, Talavera Road and Christie Road.

The site currently accommodates commercial and warehousing uses and associated hard stand parking and driveways. A small watercourse runs around the existing building within established drainage infrastructure, which converges with Shrimptons Creek and Lane Cove River on the opposite side of the M2.



Figure 2: Aerial view of site from the North West



Figure 3: View of site from South-West, looking east down Talavera Road

### Existing Planning Controls

The site is zoned B4 Mixed Use under the RLEP 2014 which permits a broad range of land uses including residential, business, retail and community uses. There are two current maximum height of building controls across the site of 45m and 90m. The site currently has a FSR of 4.5:1. Refer to zoning, height of building and FSR maps in Figures 4, 5 and 6 below.



Figure 4: Existing RLEP 2014 Zoning map



Figure 5: Existing RLEP 2014 Height of Building map



Figure 6: Existing RLEP 2014 FSR map

### **Local Context**

The site is located within the Macquarie University Station Precinct (formerly known as the Herring Road Urban Activation Precinct). The site can be considered a gateway to Macquarie Park as it is located adjacent to the M2 off ramp at the entry to Macquarie Park. Immediately to the north of the site is the M2 Motorway, Meriton's North Ryde Serviced Apartments are located to the east, the Macquarie Shopping Centre is located to the south east, the Macquarie University Hospital and campus facilities are located to the south and south west and land to the west is developed as office accommodation. Christie Park and Lane Cove National Park are located to the north on the opposite side of the M2. A residential area characterised generally by residential flat buildings from 3 to four storeys in height is also located on the opposite side of the M2 to the south west. This includes residential streets off Khartoum Road.

The site is located within proximity to key transport, education, business and retail facilities. The site is within 400m walking distance of Macquarie Shopping Centre, Macquarie University, Macquarie University Hospital and the Metro Station. Christie Road provides pedestrian and vehicular links to the opposite side of the M2 to Lane Cove National Park and Christie Park.

The suburb is serviced by a series of key roads. Lane Cove Road provides linkages to the north and south, while the M2 Motorway and Epping Road provides direct connectivity to Sydney CBD.



The site is located within the Mixed Use Residential area of the Macquarie Park Corridor. This is shown in the Structure Plan at Figure 7. The Structure Plan underpins the development controls within the Ryde Development Control Plan 2014 and supports the RLEP 2014 by setting out the broad framework for development within the Macquarie Park Corridor.

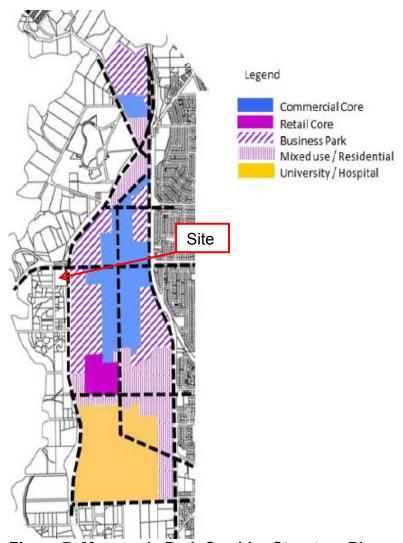


Figure 7: Macquarie Park Corridor Structure Plan

### Planning Proposal

The Planning Proposal was submitted in May 2016 by Meriton Group seeking to increase the development capacity of the site. The following amendments to the *Ryde Local Environment Plan 2014* (RLEP 2014) were proposed at that time:

 Amend the Height of Buildings Map to give the land a maximum building height of 18.5 metres, 90 metres and 200 metres (the land currently has height controls of 45 metres and 90 metres).



- Amend the Floor Space Ratio Map to give the land a FSR control of 6.5:1 (the land currently has a floor space ratio control of 4.5:1).
- Add site specific provisions for design excellence for all developments on the site.
- Retain the existing B4 Mixed Use land zoning.

The Planning Proposal is supported by an Aeronautical Impact Assessment to ensure aviation navigation requirements would be met by the proposal. The assessment identifies that the site has a PANS OPS (Procedures for Air Navigation Services – Aircraft Operations) height of RL 246.3m AHD. To ensure the height of buildings provisions will not conflict with aviation requirements (i.e. the PANS OP height), the Planning Proposal was amended prior to exhibition so that the portion of the site proposing development up to 200m (or 63 storeys) would have height controls expressed as a maximum RL to ensure the height limit is clear and is not subject to changes in the ground levels across the site. Accordingly, the amendment to the height of building maps proposes to impose a maximum height of RL243 on the eastern portion of the site.

Under the current planning controls a mixed use development of up to 87,885m² is permissible. Under the proposed amendments an additional 39,060m² will be permissible resulting in a total developable Gross Floor Area (GFA) of 126,945m². Noting that dwelling numbers are estimates only and are subject to design constraints and the mix of unit sizes, it is estimated the proposed amendments would result in approximately 360 additional dwellings, increasing the number of dwellings permissible on the site from approximately 900 dwellings under the current controls, to approximately 1260 dwellings.

### **Gateway Determination**

The Department of Planning and Environment, as delegate for the Greater Sydney Commission, made a Gateway Determination on 7 March 2018 that an amendment to the RLEP 2014 to increase the permitted height and floor space ratio at 112 Talavera Road, Macquarie Park, should proceed subject to seven conditions. An alteration to the Gateway Determination was later issued (discussed below).

Conditions 1 and 6 stated that the Planning Proposal be updated to:

- Provide additional assessment, including a revised transport impact assessment and an assessment of the airspace controls that apply to the site;
- Provide a timeline outlining the anticipated timeframes for the plan-making process;



- Address the current strategic planning framework for the site, including the Draft Greater Sydney Region Plan and the Draft North District Plan (which have both now been finalised);
- Include satisfactory arrangements provision for contributions to designated state
  public infrastructure identified as part of the Macquarie Park strategic investigation
  being undertaken by the Department in consultation with Ryde City Council;
- Provide further information on the proposed design excellence clause(s);
- Further justification be provided for the need for the Planning Proposal taking into account the local strategic context of the Macquarie Park Corridor; and
- Demonstrate consistency with any available findings of the Macquarie Park strategic investigation being undertaken by the Department in consultation with City of Ryde.

Condition 2 provided a list of agencies required to be consulted with prior to community consultation and Condition 3 required that the Planning Proposal be revised to address Conditions 1 and 2 and then forwarded to the Department for review and approval.

Conditions 4, 5 and 7 detail the community and additional government agency consultation requirements required during community consultation. This included a requirement that that community consultation on the Planning Proposal be undertaken for a minimum of 28 days and that a public hearing was not required as per the requirements of the *Environmental Planning and Assessment Act 1979*.

In accordance to Conditions 1-3, further discussions ensued between the Department, government agencies, the proponent and officers of Council, to clarify how the conditions of the Gateway Determination were to be satisfied.

In its covering letter to the Gateway Determination, the Department did not issue authorisation for Council to exercise its delegations with respect to being the local plan-making authority for the Planning Proposal.

The Gateway Determination and covering letter is provided at **ATTACHMENT 1**.



### **Alteration to Gateway Determination**

The Gateway Determination was altered by the Department of Planning and Environment on 27 July 2018 to clarify and revise the conditions following consultation with agencies. In particular, the condition in relation to the revised traffic impact assessment was varied to require that the RMS provide future growth rates for SIDRA modelling to be undertaken as part of the assessment and that consideration be given to reduced parking rates. The Alteration to Gateway Determination is provided at **ATTACHMENT 2**.

The Planning Proposal was required to be updated in accordance with the altered Gateway Determination and submitted to the Department for approval prior to exhibition. Refer to **ATTACHMENT 3** for letter from the Department dated 24 September 2018 providing their approval and a copy of the Planning Proposal approved for exhibition at **ATTACHMENT 4** (provided under separate cover).

### **Exhibition Process**

In accordance with Condition 3 of the altered Gateway Determination, an updated Planning Proposal was provided to the Department of Planning and Environment for review and approval before community consultation. The Department advised on 24 September 2018 that the proposal was suitable for community consultation.

Community consultation regarding the Planning Proposal was carried out in accordance with legislative requirements and the gateway determination. Key dates and events of the community consultation are as follows:

- Publicly exhibited from 24 October 2018 to 21 November 2018.
- An exhibition notice placed in the Northern District Times at the beginning of the exhibition period and during the exhibition period.
- A copy of the Planning Proposal and all supporting material was available for public viewing online on Council's website, City of Ryde Customer Service Centre, City of Ryde North Ryde Office and all of Council's libraries (Eastwood, North Ryde, Gladesville, Ryde, and West Ryde).
- Notification letters were sent to approximately 5,500 affected land owners within the surrounding area.
- Consultation was undertaken with relevant government agencies, including Hunters Hill, Lane Cove, Parramatta and Ku-ring-gai councils.
- Drop in information sessions with planning staff on Wednesdays and Fridays at the City of Ryde Customer Service Centre and Mondays and Thursdays at Council's North Ryde Office.



All submissions received during the public exhibition are outlined in this report and a detailed table of issues raised in the submissions and responses to these issues is provided in **ATTACHMENT 5**.

### **Community Submissions**

A total of 395 submissions from the community were received during the exhibition period and a further 16 were received after closing. No form letters were received. However, one submission was signed by a group of 7 landowners in Cottonwood Crescent, Macquarie Park. A small percentage of letters (33 in total) did not provide a name or address.

Of the 411 submissions received, 381 objected to the proposal, 21 supported the proposal and 9 offered conditional support subject to specific changes being made to the Proposal. Thirty (30) submissions objected to the Planning Proposal with no reasons. The comments in submissions are summarised in the table below and at **ATTACHMENT 5**. Responses are also provided in the attachment.

It is noted that two submissions have been received in support of the Proposal from the Sydney Business Chamber and Western Sydney Business Chamber. A submission was received from the local State Member, The Hon, Victor Dominello MP objecting to the proposal. The State Member's submission is outlined separately below. The issues raised by the business chambers are considered with the community submissions below and in **ATTACHMENT 5**.

The range of issues canvassed in the individual submissions are broadly categorised in Table 1. Four of the main issues are also discussed below, i.e. traffic congestion, insufficient supporting infrastructure, loss of local amenity and/or character and building height. Responses to these issues are also provided.



Table 1: Summary of the issues raised and expressed as the proportion of the individual public submissions received.

Issue	No. Times Cited in Submissions	Percentage of Submissions
Traffic Congestion	236	57%
Inadequate Supporting Infrastructure	215	52%
Loss of Local Amenity and/or Character	200	49%
Decision Making Progress Concerns	177	43%
Over-population and/or Over-development	161	39%
Unacceptable Height	107	26%
Environmental Concerns	40	10%
Other	78	19%

### Traffic Congestion Concerns

Over 57% (236) of the submissions cited traffic congestion as a concern. The submissions contended that the Proposal would exacerbate traffic volumes and the cumulative traffic effects generated by development in the vicinity. Excessive queuing times at intersections were specifically mentioned in the submissions.

The RMS has proposed limiting parking on the site to the level currently permissible. This will limit the traffic generation of the site.

A Transport Impact Assessment (TIA) was conducted to examine the impacts of the proposed development on the surrounding transport network. A modelling exercise was conducted for the local road network surrounding the proposal for a plus 10 year scenario (design year of 2026). The modelling considered intersection and network capacity and signalised intersection, performance analysis and network timing. The modelling and analysis showed that the local road network will be operating either at or below network capacity if the site was to be developed in accordance to the Planning Proposal.

In relation to parking matters, the TIA found that the proposed increase in density on the site can be accommodated with application of the maximum parking rates in the Ryde Development Control Plan 2014 (Ryde DCP). This was in accordance to comments made by the RMS (refer to discussion below). The TIA also found that the site is serviced by acceptable pedestrian and cyclist connections and access to public transport (being located within 400m from the Macquarie Park Metro Station.

A copy of the TIA is included at **ATTACHMENT 4** (provided under separate cover).



### Inadequate Supporting Infrastructure Concerns

Over 52% (215) of submissions raised concerns in relation to possible impacts to existing infrastructure as a result of the additional dwellings that are being proposed as part of the Proposal. It is noted that while 125 submissions stated concerns about the impact of the Proposal to infrastructure in general, 69 were concerned about the impact to local schools, 29 submissions raised concerns in relation to the lack of existing open space, 21 raised concerns about possible impacts to hospital services and 17 submissions where concerned about the ability for existing utilities to service any future development on the site.

Inadequate provision for public transport was also cited in a number of submissions (54), along with concerns in relation to parking (47). The influx of new residents into the locality and the likely increase in demand for parking throughout the day is of concern to the community.

The site is well serviced by transport, health, education and open space infrastructure and by other services and facilities as it is less than 400m (or a 5-minute walk) from:

- Macquarie University Rail Station (The rail Metro is to be completed mid-2019 with more frequent services and an increased catchment);
- Bus interchange (Herring Road);
- M2 Motorway;
- Macquarie Centre; which provides services, entertainment and other facilities;
- Macquarie University Hospital;
- Christie Park (Council is upgrading Christie Park to include 2 synthetic sports fields, 6 Futsal courts, tiered seating, amenities and parking. An associated VPA has been offered to fund upgrades to Christie Park to address the additional demand on regional recreation facilities);
- Lane Cove National Park;
- Macquarie University and Excelsia College (private university); and
- Smalls Road primary school site is 1.8Km from the site and is planned to re-open in 2020.



The NSW Department of Education, Sydney Water, NSW Health, Energy Australia, Ambulance NSW, the NSW Police and NSW State Emergency Services were notified of the public exhibition and provided the opportunity to comment on the Proposal in relation to their respective infrastructure provision. No objections were received from the infrastructure providers.

Unacceptable Height Concerns and Loss of Local Amenity and/or Character

One-hundred and seven (107) or 26% of submissions, objected to the Planning Proposal on the basis that the proposed maximum building height of RL 243 would allow approximately 63 storeys on a portion of the site.

The reasons provided for the objections to height included concerns that any buildings resulting from the increase in maximum building height would not be in keeping with the local character of Macquarie Park or the Ryde Local Government Area (LGA) and the visual appearance of the buildings in the skyline. It was also stated that the additional population achievable under the proposed maximum height and FSR would only exacerbate traffic congestion and impact on pedestrian connectivity and safety.

Some submissions stated that changing the maximum height controls would create a precedent resulting in more buildings of the proposed height to be considered elsewhere within the precinct. Amenity issues resulting from the proposed height were also raised, such as over-shadowing of nearby properties.

Following exhibition, the proponent submitted a letter on 26 November 2018 proposing an amendment to the Planning Proposal to address the above concerns of the community. To do this the amendment proposes to reduce the maximum building height of RL 243 (or approximately 63 storeys) to RL 185 (approximately 42 storeys).

The proposed range of building heights are considered appropriate for the proposed and emerging character of Macquarie Park and appropriately locate height at a focal point close to Macquarie University Metro Station, Macquarie University, Macquarie University Hospital and Macquarie Shopping Centre. The proposed building heights would also enable a visually interesting skyline to be created, acting as a marker to the Christie Road and Herring Road entry points to Macquarie Park off the M2 Motorway.



The locational advantages of the site including proximity to road, rail, education and health services have also been considered in relation to the development capacity of the site and impacts to surrounding land. This consideration was made through the preparation of an urban design study (refer to ATTACHMENT 4). The study was undertaken to ensure consistency could be achieved with *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65) and accompanying Apartment Design Guide. The aims of SEPP 65 and the ADG are to ensure quality design for buildings that respond appropriately to the character of the area, landscape setting and surrounding built form. The outcome of the study is that consistency with SEPP 65 and the Apartment Design Guide could be achieved at the proposed heights.

The urban design study outcomes were achieved by exploring opportunities that tall, slender towers can afford with regard to reducing building footprints and maximising open space through the site. The tower configuration has also been demonstrated to avoid adverse solar access impacts upon sensitive land uses, i.e. the study has identified that the positions of a variety of tower forms across the site can be pursued without adverse shadow impacts upon public open space land or surrounding areas. (Refer to Figure 8). This is further aided by the sites location, being bound on three sides by roads, including the M2 Motorway.

It is noted that design excellence provisions (including a design competition) are proposed to assist with the visual appearance of any development on the site. This is considered appropriate for developments that would reach the proposed maximum building heights, as the provisions will ensure a high level of design quality is achieved through a competitive design process.

It is further noted that no objection in relation to height was received by the Civil Aviation Safety Authority (CASA).



Shadow cast

[\_\_\_] Extent of shadow cast by compliant scheme

Figure 8: Proposed overshadowing during the winter solstice – 21 June (Source: SJB Planning Proposal)



### The Hon. Victor Dominello MP, Member for Ryde Submission

The Hon. Victor Dominello MP, made a submission in his capacity as the State Member for Ryde (ATTACHMENT 8) objecting to the Proposal on the following grounds in relation to traffic concerns:

- The Proposal will result in increasing traffic congestion, parking shortages and loss of amenity in Ryde.
- The Proposal (citing a Traffic Impact Assessment completed in March as part of the Proposal) is predicted to reduce the level of service at Talavera Road and Herring Road in the morning and evening peak.
- Christie Road is almost at capacity and the developer's proposed contribution to upgrade Christie Park does not include funds to upgrade the road to accommodate the increased patronage the park upgrades will attract.

The grounds for objection also related to the following infrastructure concerns:

- The Proposal has insufficient new social infrastructure to support the rapid increase in population that would result from the Proposal and do little to meaningfully improve the amenity of the area for the Ryde community.
- The proposed developer's contribution for a pedestrian link and upgrade of Christie Park are not an adequate trade-off for the proposed additional apartments.

Other grounds for objection include:

- The Proposal does not provide adequate affordable housing.
- Approval of this Proposal would set a precedent that will likely serve as
  justification for future developments of similar bulk and density at other sites
  within the City of Ryde, particularly within the immediate vicinity of 112 Talavera
  Road.
- Given that the Council is required to update its Local Environmental Plan in the next 18 months, (i.e. by 30 June 2020) it would be preferable to defer consideration of the Proposal to ensure that the development is in line with community expectation that will form the updated Local Environmental Plan.



The reasons for objection in relation to traffic and infrastructure are responded to above in the summary of responses to community submissions section of this report and in **ATTACHMENT 5**. In relation to the comments made regarding affordable housing, the amount proposed is in accordance to Council's Affordable Housing Policy adopted in 2016. In reference to the concerns that the Proposal will set a precedent, it is noted that all Planning Proposals are required to pass the strategic merit and site specific merit tests (discussed below) and this ensures that no precedents can set via approval of Planning Proposals. It is also noted that a mixed use development is already permitted on the site under its B4 Mixed Use zoning, and the unique orientation and immediate context of the site is such that overshadowing of community open space is minimal.

### **Consultation with External Organisations and Government Agencies**

Correspondence was received from the following six public agencies.

1. Civil Aviation Safety Authority (CASA) (incl. Airservices Australia)

The Civil Aviation Safety Authority (CASA) is the Australian national government authority that regulates Australian aviation safety. They license pilots, register aircraft and oversee safety. CASA has reviewed the Aeronautical Impact Assessment (AIA) by Landrum and Brown of 5 April 2018 submitted as part of the Planning Proposal and assessed the proposal from an obstacle perspective on behalf of Sydney Airport. CASA has stated that they have no issues with the AIA but that any building on the site built to the proposed maximum building height of RL 243 will require a medium intensity steady red light during the hours of darkness to ensure that it can be observed. Such lighting is also to have a remote monitoring capability. CASA noted that the assessment did not include crane activity at the site. However, this would be the subject of further assessment at the development application stage the Planning Proposal proceeds.

In their submission, CASA also noted that PANS-OPS (Procedures for Air Navigation Services – Aircraft Operations), TAR (Terminal Approach Radar) and RTCC (Radar Terrain Clearance Chart Height) aspects are matters for Airservices Australia and sought comments from them. Airservices Australia is Australia's air navigation service provider. In relation to those aspects, Airservices Australia advised CASA that a building at the maximum height included in the Planning Proposal, i.e. of RL 243, will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Sydney Airport or any communications, navigation or surveillance facilities.

The CASA submission (including correspondence from Airservices Australia) is included at **ATTACHMENT 9**.



### 2. Roads and Maritime Services

Council consulted with the Roads and Maritime Services (RMS) on the Planning Proposal and accompanying TIA prior to the exhibition. The RMS recommended, via a letter dated 17 October 2017 (included at **ATTACHMENT 10**), deferral of the Planning Proposal until an update to the traffic modelling had been undertaken. The RMS raised no objection to the Planning Proposal proceeding to Gateway Determination prior to the completion of the modelling recommending that:

- The Planning Proposal should demonstrate there will be no additional traffic generation above the current approved planning and parking controls (both on and off site); and
- A control in the City of Ryde LEP 2014 should be included in the Planning Proposal to ensure that there is no increase in traffic demand and parking generated by the proposed uplift (both on and off site).

A number of additional issues were also raised by the RMS stating that they warranted consideration prior to any changes to planning controls are proceeded with. The issues included:

- Vehicular arrangements in relation to access to and from the site needing to be consolidated to Christie Road and Talavera Road with the current left-in access via the M2 Herring Road closed to future redevelopment.
- Parking provision being limited to the amount of parking required under the Ryde Development Control Plan 2014 (RDCP).
- Details being provided to the RMS regarding the proposed pedestrian connection over the M2 Motorway and the potential impacts to motorway operations as the result of any increase in residential density.

As discussed above, Council considered a report on the Planning Proposal on 28 November 2017 and resolved to submit the Planning Proposal for Gateway Determination requesting that the determination be subject to conditions addressing the above matters. The Department of Planning and Environment considered the comments of the RMS and Council's request and included conditions in the Gateway Determination and Alteration to deal with the matters raised (also discussed above).

The RMS advised Council via a letter dated 5 October 2018 (included at **ATTACHMENT 10**), that a revised TIA had been submitted to address the conditions of the determination, that the conditions had been addressed and they raised no objection to the Planning Proposal proceeding to exhibition.



In that letter the RMS also stated that parking on the site should be limited to a maximum of 1081 parking spaces. The RMS also reviewed its previous position and raised no objection in-principle to the retention of the left-in only access from the Herring Road/M2 Westbound on ramp subject to the driveway in Talavera Road being physically restricted to left-in and left-out movements only. The RMS further stated that impact of this would be minimal.

During the exhibition period, the RMS advised that their letter dated 5 October 2018 is to be considered to be their final submission.

### 3. Transport for NSW

Transport for NSW stated in a submission received during the exhibition period that they had no objections to the Proposal (Refer to **ATTACHMENT 11**). However, it was stated that further assessment in relation to the capacity of pedestrian crossings and footpaths to cope with additional pedestrian movements generated by the Proposal was required, along with further assessment regarding potential measures that could be introduced to ensure the safety of pedestrians and cyclists.

It is noted that these issues cannot be dealt with now as they are design matters that are considered at the development application stage. To ensure the matters are appropriately addressed at that stage, an amendment to the DCP will be made if the Proposal proceeds.

It is also noted that Transport for NSW is considering an upgrade to the Macquarie Park Bus Interchange and has prepared 3 separate options for analysis and review. The footpath planning for the site, including the drafting of an amendment to the DCP with appropriate design controls, would be undertaken upon a preferred option being selected.

### 4. NSW Rural Fire Service

The NSW Rural Fire Service raised no objection to the Proposal subject to a requirement that future buildings on the site be constructed to comply with *Planning for Bushfire Protection 2006* (and/or subsequent edition). In particular, buildings will need to be located as per the required setback distances from Lane Cove National Park. The construction of any buildings on the site is subject to development application and it is at that stage the location of the buildings would be assessed for compliance with the setback requirements. This requirement is therefore not relevant to the consideration of this Planning Proposal which deals with changes to the maximum height and FSR controls and not the final location of any buildings on the site. Refer to **ATTACHMENT 12** for a copy of the submission.



### 5. Sydney Water

Sydney Water raised no objections to the Planning Proposal and stated that detail comments on connections and services will be provided when any development applications for the land are referred to Sydney Water. Refer to **ATTACHMENT 13** for a copy of the submission.

### 6. Parramatta City Council

Parramatta City Council provided a submission in relation to the Planning Proposal stating that they appreciated the invitation to comment. As the site is outside their local government area, they do not believe the proposal will materially impact on any of their sites or precincts and as such they do not have any comments to provide. A copy of the submission is provided at **ATTACHMENT 14**.

### 7. Office of Environment and Heritage

The Office of Environment and Heritage (OEH) provided a submission stating:

- Any future development on the site must address all relevant matters in OEH
   (2013) Guidelines for developments adjoining land managed by the Office of
   Environment and Heritage (due to the site's location to Lane Cove National Park);
- The cumulative impact of increasing the population with the proposal and other development proposals and the pressure/disturbance this increase will place on the Lane Cove National Park and nearby reserves should be assessed;
- Future redevelopment of the site should incorporate 'Green roofs' and 'Cool roofs' as outlined in the *Urban Green Cover in NSW Technical Guidelines* which can be found via the website climatechange.envionment.nsw.gov.au; and
- A diversity of native plant species from the relevant local native vegetation communities are recommended to be used to landscape the site and a landscape plan should be prepared for this.

The above matters raised by OEH would be the subject of further assessment at the development application stage if the Planning Proposal proceeds.



### **Other Planning Matters**

Strategic merit and site specific merit

The strategic merit and site specific merit of the Planning Proposal has been assessed in relation to:

- Consistency with the Department of Planning and Environment's Guide to Preparing Planning Proposals and Guide to Preparing Council Local Environment Plan;
- Consistency with the relevant objectives and actions of state, metropolitan, regional and local planning policies and strategies; and
- Potential environmental, social, traffic and amenity impacts.

As discussed above, the site is located at a gateway to Macquarie Park and is in close proximity to public transport (bus and metro), retail and entertainment (Macquarie Shopping Centre), Macquarie University and Macquarie University hospital and a range of employment opportunities. A key function of the Macquarie University Station Precinct is to provide for increased housing around the metro station to support the adjacent employment centre in Macquarie Park and the proposal is consistent with this function. The proposal is also consistent with the NSW Government's Greater Sydney Regional Plan 'A Metropolis of Three Cities', the North District Plan and Ryde Local Planning Study 2010.

It is also noted that on 8 December 2015 Council adopted a series of principles to inform the Strategic Review of Macquarie Park currently underway in collaboration with Department of Environment and Planning. While the site is not located in the review area, it is noted that one of the principles adopted was to:

Allow for housing that is located in the immediate vicinity to the existing residential and mixed use areas at Macquarie University Station precinct and North Ryde Station precinct.

The Planning Proposal is consistent with this principle, which seeks to protect and support the commercial core by providing housing in close proximity to employment opportunities using land already zoned for residential uses.

Draft Voluntary Planning Agreement and State Infrastructure Contributions

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (draft VPA) that was exhibited at the same time as the Proposal. The draft VPA outlines the terms for delivery of public benefits summarised as follows:



- Dedication in Stratum of approximately 27 Affordable Housing Apartments to Council, being 7% of the total uplift of Gross Floor Area as sought by the Planning Proposal.
- A Monetary Contribution to the value of \$8,244,100 towards the construction of Stage 2 of Christie Park upgrades.
- Easement for public access over passive pedestrian link (open space) within the development.

Council will be considering the exhibition of the draft VPA in a separate report. However, it is noted that the draft VPA offers a significant contribution for the upgrade of Christie Park and the provision of open space likely to be used by future residents of the development. The offer would significantly offset the demand created by future residents of the Proposal for recreation and open space facilities.

It is also noted that the Gateway Determination for the Planning Proposal required satisfactory arrangements for contributions to designated state public infrastructure as identified as part of the Macquarie Park strategic investigation be undertaken by the Department of Planning and Environment in consultation with Council. These arrangements will be considered as part of the finalisation process for any changes to the planning controls should the Proposal proceed.

### Amendment to Planning Proposal Requested by Proponent - 23 November 2018

Following exhibition, the proponent submitted a letter on 26 November 2018 proposing an amendment to the Planning Proposal to address the concerns of the community related to maximum height. To do this the amendment proposes to reduce the maximum building height of RL 243 (or approximately 63 storeys) to RL 185 (approximately 42 storeys). The letter is included at **ATTACHMENT 6**. The proposal is shown in Figure 9 below.

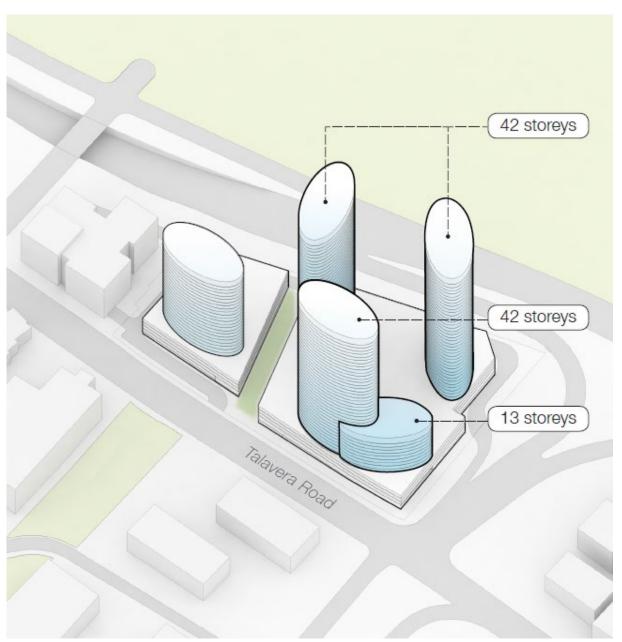


Figure 9: Amended Proposal (Source: SJB)

### **Conclusions**

The Planning Proposal for 112 Talavera Road, Macquarie Park has been exhibited in accordance with the Gateway Determination and conditions. The exhibition received 411 public submissions (395 were received during the exhibition period, and 16 were received after the exhibition closed), and 7 from public agencies. The Proposal elicited widespread opposition from the local community in relation to height, traffic congestion, insufficient supporting infrastructure, the decision making process, loss of local amenity and/or character and other matters.



It is considered that the concerns of the community can be overcome by the Proposal due to the proximity of the site to supporting infrastructure, i.e. being less than 400m to public transport (bus and metro), retail and entertainment (Macquarie Shopping Centre), the Macquarie University and Macquarie University hospital, Christie Park and a range of employment opportunities. The TIA completed as part of the Planning Proposal also demonstrates that the local road network will be operating either at or below network capacity if the site was to be developed in accordance to the Planning Proposal addressing the concerns raised in relation to traffic congestion. Further, the Planning Proposal is considered appropriate for the proposed and emerging character of Macquarie Park, passing the strategic merit test and other site specific assessment matters (refer to discussion above).

The proposed amendment will result in a lower maximum height then initially proposed on the site to address concerns with respect to excessive heights raised by the community. It is therefore recommended that Council support the finalisation of the proposed Planning Proposal as per the amendment received with a maximum height of RL 185 (approximately 42 storeys) and request the Minister for Planning to determine that the matter proceeds.

As discussed above, Council must forward its recommendation to the Department of Planning and Environment for determination as to whether the plan should be made under Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

### **Financial Implications**

Adoption of the recommendations outlined in this report will have no financial impact on Council's budget.

### **Options**

<u>Option 1: That Council resolve to support the Planning Proposal incorporating the proposed amendment from the proponent</u>

This is the preferred option. This is because the amended Proposal continues to pass the strategic merit test, site specific assessment matters will remain manageable and, most importantly, the concerns of the community have been addressed by the proponent in relation to height (see discussion above).

This option may result in the preparation of an amending Local Environmental Plan by the Department of Planning and Environment that will change the maximum building height and FSR provisions and introduce design excellence provisions for all development. This will depend on whether the Minister for Planning, after considering Council's recommendation to proceed with the Planning Proposal, decides to use its plan-making delegations to make the proposed amendments to the planning controls or decides instead not to proceed.



### Option 2: That Council resolves to support the Planning Proposal (unamended)

This is not the recommended option. While the Proposal as exhibited is considered to have strategic merit, the amendment proposes to reduce the proposed maximum height. This is considered to provide an outcome more consistent with heights in similar centres proximate to Metro stations and is also responsive to the concerns raised in relation to height during the community consultation.

### Option 3: That Council resolves not to support the Planning Proposal

This is not the recommended option. The outcome of this option would be that Council does not support the proposed increase to the maximum height of building and FSR planning provisions or the introduction of design excellence provisions as per the Planning Proposal. This option is not supported as it would result in a bulky built form and would not afford the same design excellence provisions as the Proposal. The Proposal also provides housing proximate to arterial roads, regional shopping and entertainment facilities, an employment centre, a hospital, and a university with minimal impact on existing residences. This option would require the General Manger to write to the Department of Planning and Environment, to state that Council recommends that the Planning Proposal not proceed. Under this option, the Minister for Planning may still decide to proceed with amendments to the planning controls after considering Council's recommendation. In this circumstance the draft VPA may not proceed.

### **ATTACHMENT 1**



IRF18/460

Mr George Dedes Acting General Manager City of Ryde Council Locked Bag 2069 NORTH RYDE NSW 1670

Dear Mr Dedes

### Planning proposal PP\_2018\_RYDEC\_001\_00 to amend Ryde Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the permitted building height and floor space ratio at 112 Talavera Road, Macquarie Park.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 4.3 Flood Prone Land is of minor significance.

Council will still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of relevant section 9.1 Directions 3.5 Development Near Licensed Aerodromes and 4.4 Bushfire Prone Land.

As the proposal seeks a considerable increase to the recently introduced planning controls, I am requiring that a number of actions be undertaken prior to community consultation and the revised planning proposal be returned to the Department for endorsement.

Additional information is required in relation to the intended outcomes of the proposed design excellence clause. Rather than only applying to buildings over 150 metres in height, it is considered that the clause should be site-specific, apply to all development on the site and clearly explain the intended design outcomes.

In response to current strategic planning and development applications in the Macquarie Park corridor, Roads and Maritime Services (RMS) has been in discussions with Transport for NSW and the Department on an update to the Macquarie Park Aimsun model to identify the cumulative traffic impacts of current proposals. Prior to community consultation, the planning proposal should be updated to demonstrate consistency with the revised Aimsun traffic model. The proposal should also be updated to include a new satisfactory arrangements clause for contributions to the provision of designated state public infrastructure.

320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | planning.nsw.gov.au



### **ATTACHMENT 1**

Further explanation is also required to justify how an increase in the development capacity on the site would provide a better outcome than the increased density provided by the 2015 LEP amendments afforded by the Herring Road Precinct strategic study. The proposal should also be updated to demonstrate consistency with the Revised Draft District Plan and the Draft Greater Sydney Region Plan.

Given that further investigation into the site's aviation navigation constraints and traffic impacts may result in changes to the current proposal, it is considered prudent that consultation with relevant aviation agencies and RMS occurs prior to community consultation. This will also provide the community with sufficient information to consider the proposal and assurance that these authorities have reviewed the proposal.

Council should also demonstrate that the proposal is consistent with any available findings of the Macquarie Park strategic investigation prior to finalisation.

Plan-making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be authorised to be the local plan-making authority for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to be the local plan-making authority due to the current strategic planning work being undertaken by the Department within the Macquarie Park corridor.

The amending local environmental plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Carina Lucchinelli to assist you. Ms Lucchinelli can be contacted on 9274 6563.

7 March 2018

Yours sincerely

Executive Director, Regions

Planning Services

Encl: Gateway Determination

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### **ATTACHMENT 1**



### **Gateway Determination**

Planning proposal (Department Ref: PP\_2018\_RYDEC\_001\_00): to increase the permitted height and floor space ratio at 112 Talavera Road, Macquarie Park.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ryde Local Environmental Plan (LEP) 2014 to increase the permitted height and floor space ratio at 112 Talavera Road, Macquarie Park should proceed subject to the following conditions:

- The planning proposal is to be updated to:
  - (a) provide an assessment of the airspace controls that apply to the site and provide clarification on how the maximum building height of 200m is measured relative to the airspace controls applying to the site;
  - (b) provide a project timeline outlining the anticipated time frames for the plan-making process;
  - address relevant priorities and actions in the Draft Greater Sydney Region Plan and the Revised Draft North District Plan;
  - include a satisfactory arrangements provision for contributions to designated state public infrastructure identified as part of the Macquarie Park strategic investigation being undertaken by the Department in consultation with City of Ryde Council;
  - (e) provide further information as to the intended outcomes and application
    of the proposed design excellence clause(s). The design excellence
    clause should be site-specific, apply to the entire development and
    clearly explain the intended design outcomes;
  - demonstrate consistency with the updated Aimsun traffic model for the Macquarie Park Precinct, available at request from RMS; and
  - (g) provide further justification in relation to the need for a planning proposal, taking into account the local strategic context of the Macquarie Park Corridor and in particular the Macquarie University Station Precinct.
- Prior to community consultation, consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant Section 9.1 Directions:
  - Sydney Airport Corporation Limited;
  - Bankstown Airport Limited;
  - Civil Aviation Safety Authority;
  - Airservices Australia;
  - Roads and Maritime Services; and
  - NSW Rural Fire Service.

LGA PP 2018 RYDEC 001 00



### **ATTACHMENT 1**



- Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval.
- Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - the planning proposal must be made publicly available for a minimum of 28 days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).
- Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Transport for NSW Sydney Trains;
  - · Department of Education;
  - Ambulance NSW;
  - NSW Police Force;
  - NSW State Emergency Service;
  - NSW Ministry of Health;
  - · Energy Australia; and
  - Sydney Water.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

- Prior to finalisation, the planning proposal is to be updated to demonstrate consistency with any available findings of the Macquarie Park strategic investigation being undertaken by the Department in consultation with Ryde Council.
- 7. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

LGA PP 2018 RYDEC 001 00



### **ATTACHMENT 1**



The time frame for completing the LEP is to be 18 months following the date of the Gateway determination.

Dated 7 day of Marcol 2018.

Stephen Murray Executive Director, Regions

Planning Services
Department of Planning and Environment

**Delegate of the Greater Sydney Commission** 



### **ATTACHMENT 2**



PP\_2018\_RYDEC\_001\_00

Mr George Dedes General Manager City of Ryde Council Locked Bag 2069 NORTH RYDE 1670

Dear Mr Dedes

### Planning proposal PP\_2018\_RYDEC\_001\_00 – Alteration of Gateway determination

I refer to your letter in relation to revisions to planning proposal PP\_2018\_RYDEC\_001\_00 to increase the maximum permitted building height and floor space ratio at 112 Talavera Road, Macquarie Park.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 7 March 2018 for PP\_2018\_RYDEC\_001\_00. The Alteration of Gateway determination is enclosed.

The additional information that has been provided in relation to the aviation navigation constraints of the proposed building height is sufficient to support the Gateway alteration request to undertake consultation with the relevant aviation authorities during the community consultation period.

In relation to the traffic impacts of the proposal and the request to combine agency and community consultation, the Department has consulted with Roads and Maritime Services (RMS). RMS considered that the Aimsun modelling, as required in the original conditions of the Gateway determination, is not suitable for the assessment of the planning proposal. Instead, RMS will provide future growth rates to be modelled for the assessment of the future traffic impacts of the proposal as part of the additional SIDRA modelling.

It was also agreed that the supporting traffic impact assessment should be updated to reflect RMS's preliminary advice in relation to SIDRA modelling and to provide consideration of reduced parking rates. The altered Gateway also requires an assessment of entry/exit options for the site, including a demonstration of the impacts of the closure of the left-in access via the M2.

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### **ATTACHMENT 2**

It is considered that once these matters have been addressed, the planning proposal will be suitable to proceed to public exhibition, and formal consultation with RMS may be carried out at that stage.

I am not able to agree to the request that consultation with NSW Rural Fire Service occur during community consultation. The section 9.1 direction Planning for Bushfire Protection requires that this consultation occurs prior to community consultation. I am unable to change this requirement. It is recommended that you refer the matter as soon as possible to RFS, so as not to delay the process.

If you have any questions in relation to this matter, I have arranged for Ms Carina Lucchinelli to assist you. Ms Lucchinelli can be contacted on 9274 6563.

Yours sincerely

Stephen Murray

Executive Director, Regions

**Planning Services** 

Encl: Alteration of Gateway determination

**ATTACHMENT 2** 



### Alteration of Gateway Determination

### Planning proposal (Department Ref: PP\_2018\_RYDEC\_001\_00)

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 7 March 2018 for the proposed amendment to the Ryde Local Environmental Plan 2014 as follows:

### 1. Delete:

"condition 1"

and replace with:

new condition 1: "The planning proposal is to be updated to:

- (a) provide an assessment of the airspace controls that apply to the site and provide clarification on how the maximum building height of 200m is measured relative to the airspace controls applying to the site:
- (b) provide a project timeline outlining the anticipated time frames for the planmaking process;
- address relevant priorities and actions in the Draft Greater Sydney Region Plan and the Revised Draft North District Plan;
- include a satisfactory arrangements provision for contributions to designated state public infrastructure identified as part of the Macquarie Park strategic investigation being undertaken by the Department in consultation with City of Ryde Council;
- (e) provide further information as to the intended outcomes and application of the proposed design excellence clause(s). The design excellence clause should be site-specific, apply to the entire development and clearly explain the intended design outcomes;
- (f) provide further justification in relation to the need for a planning proposal, taking into account the local strategic context of the Macquarie Park Corridor and in particular the Macquarie University Station Precinct; and
- (g) include a revised traffic impact assessment that:
  - i. incorporates Roads and Maritime Services' (RMS) SIDRA modelling advice dated October 2017;
  - ii. considers the traffic generation implications of reduced parking rates;
  - iii. incorporates future traffic growth. The applicable future growth rates to be modelled for the assessment of future traffic impacts are available from RMS by request; and
  - iv. provides an assessment of entry/exit options of the site, including a demonstration of the impacts of the closure of the left-in access via the M2."

[PP\_2018\_RYDEC\_001\_00] (IRF18/3063)

### **ATTACHMENT 2**

2. Delete:

"condition 2"

and replace with:

new condition 2: "Prior to community consultation, consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions."

3. Delete:

"condition 5"

and replace with:

new condition 5: "Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Transport for NSW Sydney Trains;
- Department of Education;
- Ambulance NSW;
- NSW Police Force;
- NSW State Emergency Service;
- NSW Ministry of Health;
- Energy Australia;
- Sydney Water;
- Sydney Airport Corporation Limited;
- Bankstown Airport Limited;
- Civil Aviation Safety Authority;
- Airservices Australia; and
- Roads and Maritime Services.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal."

Dated

day of Jely

2018.

Stephen Murray

**Executive Director, Regions** 

**Planning Services** 

Department of Planning and

**Environment** 

Delegate of the Greater Sydney Commission

[PP\_2018\_RYDEC\_001\_00] (IRF18/3063)



**ATTACHMENT 3** 



IRF18/5172

Mr George Dedes General Manager City of Ryde Council Locked Bag 2069 NORTH RYDE 1670

Dear Mr Dedes

I refer to Council's revised planning proposal PP\_2018\_RYDEC\_001\_00 provided in accordance with condition 3 of the Gateway determination issued 7 March 2018 and subsequently altered on 27 July 2018.

I have considered the revised planning proposal, including the revised Traffic Impact Assessment and letter from NSW Rural Fire Service dated 14 September 2018, and decided that the planning proposal is now suitable for public exhibition.

I note that RFS raise no objection to the planning proposal if it complies with *Planning for Bush Fire Protection 2006*, which would require changes to the proposed setback distances of the concept plan to support fire protection provisions. I agree that this condition may be addressed post-exhibition in conjunction with public submissions and responses from public authorities.

With respect to condition 1(g), I note that a revised Traffic Impact Assessment was received, addressing the requirements of the altered Gateway determination dated 27 July 2018.

I note that the planning proposal was previously revised and forwarded to the Department on 30 May 2018, having satisfactorily met conditions (a)-(f) of the Gateway determination requiring further information on: aviation navigation constraints, project time frames, the *Greater Sydney Region Plan* and *North District Plan*, satisfactory arrangements for contributions to state infrastructure, the proposed design excellence clause, and the need for a planning proposal.

If you have any further questions in relation to this matter, I have arranged for Ms Carina Lucchinelli to assist you. Ms Lucchinelli can be contacted on 9274 6563

Yours sincerely

Amanda Harvey 7 7 7 Director, Sydney Region East

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ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
1	D18/207277	Objects to the planning proposal on the basis of:  - Traffic congestion - Unacceptable height - Inadequate supporting infrastructure	Traffic congestion: The RMS commented on the 15 October 2018 (Attachment 10) that based on 1081 parking spaces within the future development that the proposal demonstrated no additional traffic generation above the current existing planning and parking controls.  The Proposal is less than 400m from the rail station. The Sydney Metro rail upgrade will complete in 2019 and contribute to improvements in public transport usage.  Action: Include in the site specific DCP -1081 max. parking space control  Height: The height is consistent with the role of Macquarie Park as a strategic employment and education centre.  The impacts of the height – overshadowing – are acceptable, given the island site location adjacent M2 and Herring Rd.  CASA has raised no abjection to the proposal.  The future development will be subject to a design competition to ensure quality built form outcomes.  Action: - requirements for a design excellence competition to be detailed in a future Development Control Plan  Infrastructure: The site is proximate to the university, shopping centre/ entertainment, a hospital and public transport.  Smalls Rd school is to plan to re-open to meet demand of the area.
			Smalls ha school is to plan to re-open to meet definant of the area.

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
2	D18/207750	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:  - Inadequate supporting infrastructure  - Over-population and/or over-development  - Loss of local amenity and/or character	Over-population / over-development / demographics: The North District Plan has set a target of 7,600 additional dwellings in Ryde by 2021. Council's response to state government targets has been to place growth in town centres in order to maintain the character of the low density residential areas. This proposal is consistent with Council's long term approach. Council's focus is also to ensure diverse housing types and styles to respond to the demographic composition of the Ryde Local Government Area including planning for families, older and younger people, lone person and share households.  Loss of local amenity and character: Herring Rd Precinct is in transition in built form character and land use activity and as a result the proposal is consistent with the future intended character of the area.  The amenity impacts are acceptable as there are no residential neighbours in the immediate vicinity.
3	D18/207753	Conditional support if concerns are addressed. Concerns are:  - Unacceptable height  - Traffic congestion  - Inadequate supporting infrastructure  - Loss of local amenity and/or character  - Decision making process concerns	Height: Refer to the comments for submission 1 Traffic congestion: Refer to the comments for submission 1 Infrastructure: Refer to the comments for submission 1 Loss of local amenity and character: Refer to the comments for submission 2  Decision making process: The Planning Proposal was considered by Ryde Council in accordance with NSW planning legislation and it was determined the PP met the required strategic and merit considerations and should proceed to Gateway Determination by DPE and subsequent community consultation. The Gateway Determination was conditional upon receipt of CASA, RMS and RFS comment. The next step in the process includes consideration by Council of all submissions received. The process is governed by the Act and is transparent.

## ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
4	D18/208036	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
5	D18/208063	Objects to the planning proposal	Noted
6	D18/208230	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
7	D18/208232	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	D18/208234	basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	
8	D18/208236	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
9	D18/208239	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		- Decision making process concerns	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
10	D18/208240	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
11	D18/208237	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
12	D18/208241	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
13	D18/208243	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Unacceptable height</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	

## ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
14	D18/208246	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
15	D18/208671	Conditional support if concerns are	Height: Refer to the comments for submission 1
		addressed. Concerns are:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
16	D18/208832	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Over-population and/or over-	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
17	D18/209099	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
L		- Decision making process concerns	
18	D18/209228	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		- Unacceptable height	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Over-population / over-development: Refer to the comments for submission 2
		- Inadequate supporting	
		infrastructure	
		- Over-population and/or over-	
		development	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
19	D18/209229	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
20	D18/209233	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
21	D18/209235	Supports the planning proposal	Noted
22	D18/209238	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
23	D18/209239	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
	D18/222557	basis of:	
		<ul> <li>Decision making process concerns</li> </ul>	
24	D18/209241	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
25	D18/209243	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
26	D18/209712	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Environmental Concerns: The development will not overshadow areas, including the Lane
		<ul> <li>Over-population and/or over-</li> </ul>	Cove National Park, to the north of the M2. Water Sensitive Urban Design (WSUD) and
		development	stormwater improvements, which include a landscaped overland flow-path are proposed.
		<ul> <li>Loss of local amenity and/or</li> </ul>	The environmental outcomes are considered acceptable as a result.
		character	The site is within the existing Macquarie University Priority Precinct - a high density
		<ul> <li>Environmental concerns</li> </ul>	residential area. The <u>Draft Open Space for Recreation Guide</u> by the NSW Government
			Architect recommends that a local park of 1500sqm is within 200m of all dwellings and
			that District Recreation Parks should be within 2km. The proposal meets these
			recommendations as:
			a local park is to be located on the site which will also act in part as an overland
			flow-path.
			Christie Park is a District level park and within 350m walking distance of the site. A
			VPA is offered to mitigate the impacts of the development proposal and
			contributes to an upgrade to Christie Park
27	D18/209748	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		- Traffic congestion	
		- Over-population and/or over-	
20	D40/240074	development	N
28	D18/210071	Supports the planning proposal on the	Noted
		basis of:	
29	D18/210073	- Urban consolidation	Tff:
29	D18/2100/3	Objects to the planning proposal on the basis of:	Traffic congestion: Refer to the comments for submission 1 Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		- Insufficient supporting	Other: conversion of commercial space: It is acknowledged that the existing commercial
		infrastructure	development on the site will be replaced. However, it is not proposed to change the land
		- Loss of local amenity and/or	use zoning as part of this proposal. The site is within the existing Macquarie University
		character	Priority Precinct which is zoned B4 Mixed Use and enables a mix of development outcomes
		- Other: conversion of commercial	including high density residential development.
		space	meraning mgn activity residential developments
	1	- Space	

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
30	D18/210087	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>VPA:</u> A Voluntary Planning Agreement (VPA) is offered by a developer to Council to
		<ul> <li>Insufficient supporting</li> </ul>	mitigate issues associated with the proposed density of a development and is undertaken
		infrastructure	in accordance with the NSW Planning Legislation. A separate report has been prepared in
		<ul> <li>Other: inadequate VPA</li> </ul>	relation to the draft VPA submitted for the site which outlines the legislative process
			required to be undertaken. The submission comments have been forwarded to the
			relevant Council Officer to be dealt with in that separate report.
31	D18/210130	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		- Insufficient supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		- Decision making process concerns	
		- Loss of local amenity and/or	
	D40/040470	character	
32	D18/210179	Objects to the planning proposal on the basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Loss of local amenity and/or character</li> </ul>	
33	D18/210214	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
33	018/210214	basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		- Insufficient supporting	1003 of local afficiency and character. Herei to the comments for submission 2
		infrastructure	
		- Loss of local amenity and/or	
		character	
34	D18/210216	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
35	D18/210220	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
36	D18/210223	Objects to the planning proposal	Noted
37	D18/210329	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Traffic congestion	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
38	D18/210330	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Conversion of commercial space: Refer to the comments for submission 29
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Other: Conversion of commercial</li> </ul>	
		space	
39	D18/210331	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	<u>Lack of variety in housing types available:</u> The State Government's North District Plan and
		infrastructure	A Plan for Growing Sydney identify the need for Council's to optimise transport
		- Decision making process concerns	infrastructure use. Apartments deliver a higher density of development than other housing
		<ul> <li>Other: Lack of variety in housing</li> </ul>	styles and as such are most suited adjacent to transport nodes such as the Macquarie
		types available	Metro. Variety in the apartments themselves will be available as the development will
			deliver a mix of 1, 2 and 3 bedroom apartments.

# ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
40	D18/210493	Conditional support if concerns are	Height: Refer to the comments for submission 1
		addressed. Concerns are:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environment: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over-</li> </ul>	Housing Affordability: The VPA includes 7% (approx. 27 apartments) of the uplift floor
		development	space as affordable housing to be dedicated to Council. Two of the affordable housing
		<ul> <li>Loss of local amenity and/or</li> </ul>	units will be fully accessible.
		character	
		<ul> <li>Environmental concerns</li> </ul>	
		<ul> <li>Other: Housing affordability</li> </ul>	
41	D18/210559	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
42	D18/210560	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	
		<ul> <li>Traffic congestion</li> </ul>	
43	D18/210561	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	
		<ul> <li>Traffic congestion</li> </ul>	
44	D18/210569	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
45	D18/210736	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
46	D18/211252	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
47	D18/211257	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
48	D18/211258	Objects to the planning proposal	Noted
49	D18/211259	Supports the planning proposal	Noted
50	D18/211262	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
51	D18/211264	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Loss of local amenity and/or</li> </ul>	Devaluing surrounding properties: There is no evidence that the value of surrounding
		character	properties will be devalued by this proposal. Evidence suggests that property values
		<ul> <li>Environmental concerns</li> </ul>	increased within the Macquarie University Priority Precinct – a mixed use/high density
		<ul> <li>Other: devaluing surrounding</li> </ul>	residential area –following increases to the permissible height and FSR implemented by
		properties	DPE in 2015.

## ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
52	D18/211266	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
53	D18/211268	Objects to the planning proposal	Noted
54	D18/211269	Objects to the planning proposal	Noted
55	D18/211270	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
56	D18/211273	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	
57	D18/211274	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
	D18/218492	basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		- Inadequate supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		- Over-population and/or over-	
		development	
		- Loss of local amenity and/or	
	D.10/011070	character	
58	D18/211276	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		- Loss of local amenity and/or	
		character	

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ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
59	D18/211277	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Over-population and/or over-</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		development	
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
60	D18/211380	Objects to the planning proposal	Noted
61	D18/211462	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
62	D18/211463	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
63	D18/211464	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Decision making process concerns</li> </ul>	Devaluing surrounding properties: Refer to the comments for submission 51
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
		<ul> <li>Other: Surrounding property</li> </ul>	
		values	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
64	D18/211466	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
65	D18/211468	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
66	D18/211625	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
67	D18/211635	Objects to the planning proposal	Noted
68	D18/211644	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		- Unacceptable height	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		- Insufficient supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		- Decision making process concerns	
		- Loss of local amenity and/or	
	D40/044646	character	Information - Defends the common testing in the last of
69	D18/211646	Objects to the planning proposal on the basis of:	Infrastructure: Refer to the comments for submission 1
			Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting infrastructure</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
			Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> <li>Over-population and/or over-</li> </ul>	
		development	
		- Loss of local amenity and/or	
		character	
70	D18/211647	Objects to the planning proposal	Noted
70	D10/21104/	Objects to trie planning proposal	Noted

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ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
71	D18/211648	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Loss of local character and/or</li> </ul>	
		amenity	
72	D18/211655	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
73	D18/211656	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
74	D18/211907	Objects to the planning proposal on the	<u>Decision making process:</u> Refer to the comments for submission 3
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
75	D18/212383	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
76	D18/212506	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	

# ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
77	D18/212602	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Traffic congestion	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
78	D18/212957	Objects to the planning proposal	Noted
79	D18/213002	Supports the planning proposal on the	Noted
		basis of:	
		- Urban consolidation	
80	D18/213159	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	
		<ul> <li>Decision making process concerns</li> </ul>	
81	D18/213248	Conditional support if concerns are	Height: Refer to the comments for submission 1
		addressed. Concerns are:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Unacceptable height</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
82	D18/213498	Supports the planning proposal on the	Noted
		basis of:	
		<ul> <li>Other: housing affordability</li> </ul>	
		- Other: job creation	
83	D18/213522	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		- Inadequate supporting	
		infrastructure	
		- Over-population and/or over-	
		development	
84	D18/213553	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		- Decision making process concerns	
		- Over-population and/or over-	
		development	

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### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
85	D18/213557	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
86	D18/213563	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
87	D18/213953	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	
88	D18/214058	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
89	D18/214059	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
90	D18/214060	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
91	D18/214061	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
92	D18/214064	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Environmental concerns	
93	D18/214065	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
<b> </b> *		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Loss of local amenity and/or</li> </ul>	Housing Affordability: Refer to the comments for submission 40
		character	
		<ul> <li>Environmental concerns</li> </ul>	
		<ul> <li>Other: Housing affordability</li> </ul>	

# ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
94	D18/214066	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
95	D18/214067	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	
96	D18/214068	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
97	D18/214069	Supports the planning proposal on the	Noted
		basis of:	
		- Well located	
98	D18/214070	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		- Inadequate supporting	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
99	D18/214071	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Unacceptable height	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		- Over-population and/or over-	
		development	
		- Loss of local amenity and/or	
		character	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
100	D18/214072	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
101	D18/214073	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
102	D18/214074	Objects to the planning proposal	
103	D18/214112	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Housing Affordability: Refer to the comments for submission 40
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		- Other: Housing affordability	
104	D18/214183	Conditional support if concerns are	<u>Traffic congestion:</u> Refer to the comments for submission 1
		addressed. Concerns are:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	
		- Inadequate supporting	
		infrastructure	
105	D18/214962	Objects to the planning proposal	Noted
106	D18/214963	Objects to the planning proposal	Noted

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
107	D18/214964	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
108	D18/214965	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
109	D18/214966	Objects to the planning proposal	Noted
110	D18/215230	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	
		<ul> <li>Unacceptable height</li> </ul>	
111	D18/215701	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
	D18/219133	basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
112	D18/215702	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Design Plans: This is a Planning proposal and detailed design plans are not required. Should
		<ul> <li>Decision making process concerns</li> </ul>	a Development Application be submitted for the site extensive detailed plans would be
		<ul> <li>Loss of local amenity and/or</li> </ul>	required and re-exhibited for comment.
		character	
		- Other: unclear design plans	
113	D18/215703	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
114	D18/216381	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
115	D18/216381	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		- Inadequate supporting	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
116	D18/216383	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		- Loss of local amenity and/or	
		character	



ITEM 2 (continued)

- 11	TRIM D-4	Cubaciacian Cumana	Diamaing Personne
#	TRIM Ref	Submission Summary	Planning Response
117	D18/216384	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
118	D18/216385	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
119	D18/216386	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
120	D18/216387	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
121	D18/216388	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		- Unacceptable height	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Over-population / over-development: Refer to the comments for submission 2
		- Inadequate supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		- Loss of local amenity and/or	
		character	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
122	D18/216389	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Unacceptable height</li> </ul>	Conversion of commercial space: Refer to the comments for submission 29
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Other: conversion of commercial</li> </ul>	
		space	
123	D18/216390	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	Lack of variety in housing styles available: Refer to the comments for submission 39
		- Over-population and/or over-	
		development	
		- Other: lack of variety in housing	
		types available	
124	D18/216391	Objects to the planning proposal on the	<u>Decision making process:</u> Refer to the comments for submission 3
		basis of:	
		- Decision making process concerns	
125	D18/216392	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		- Loss of local amenity and/or	
120	D40/246202	character	Traffic connection Defeate the comments for submission 1
126	D18/216393	Objects to the planning proposal on the basis of:	Traffic congestion: Refer to the comments for submission 1
			Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> <li>Decision making process concerns</li> </ul>	
127	D18/216394	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
12/	D10/210394	basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Over-population / over-development: Refer to the comments for submission 2
		- Inadequate supporting	Over-population / Over-development. Neter to the comments for submission 2
		infrastructure	
		- Over-population and/or over-	
		development	
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ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
128	D18/216395	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
	D18/217132	basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Traffic congestion	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
129	D18/216396	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
130	D18/216397	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
131	D18/216398	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
132	D18/216399	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	
		- Traffic congestion	



ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
133	D18/216400	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
134	D18/216401	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	<u>Crime and Safety:</u> This is a Planning Proposal. Should a DA be submitted an assessment of
		<ul> <li>Decision making process concerns</li> </ul>	the building based on the Department of Planning and Environment's – Crime Prevention
		<ul> <li>Over-population and/or over-</li> </ul>	and the Assessment of DA Guidelines would be undertaken.
		development	
		<ul> <li>Other: increasing crime and</li> </ul>	
		antisocial behaviour	
135	D18/216403	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

# ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
136	D18/216404	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
137	D18/216405	Objects to the planning proposal	Noted
138	D18/216406	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
139	D18/216407	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
	D18/216602	basis of:	Over-population / over-development: Refer to the comments for submission 2
		- Inadequate supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		- Over-population and/or over-	
		development	
		<ul> <li>Loss of local amenity and/or character</li> </ul>	
140	D18/216408	Objects to the planning proposal on the	Height; Refer to the comments for submission 1
140	D16/216406	basis of:	Traffic congestion: Refer to the comments for submission 1
		- Unacceptable height	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Over-population / over-development. Refer to the comments for submission 2
		- Decision making process concerns	
		- Over-population and/or over-	
		development	
141	D18/216409	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
141	010/210403	basis of:	dela population / over-development. Refer to the comments for submission 2
		- Over-population and/or over-	
		development	

# ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
142	D18/216410	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Unacceptable height</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	
143	D18/216411	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	
		<ul> <li>Traffic congestion</li> </ul>	
144	D18/216412	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	D18/222775	basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
145	D18/216598	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
146	D18/216601	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
147	D18/213235	Supports the planning proposal on the	Noted
		basis of:	
		<ul> <li>Good location</li> </ul>	
148	D18/216705	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

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### **ATTACHMENT 5**

#	TRIM Ref	Submission Summary	Planning Response
149	D18/216709	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
150	D18/216719	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
151	D18/216763	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over</li> </ul>	
		development	
		<ul> <li>Environmental concerns</li> </ul>	
152	D18/216848	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Devaluing surrounding properties: Refer to the comments for submission 51
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Other: devaluing surrounding</li> </ul>	
		properties	
153	D18/216913	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		- Over-population and/or over-	
		development	

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
154	D18/217129	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
155	D18/217131	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
156	D18/217132	[supplementary to submission 128]	
157	D18/217133	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
158	D18/217134	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	<u>Crime and Safety</u> : Refer to the comments for submission 134
		<ul> <li>Decision making process concerns</li> </ul>	
		- Other: Safety	
159	D18/217135	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
160	D18/217136	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
161	D18/217140	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
	D18/217144	basis of:	Infrastructure: Refer to the comments for submission 1
	D18/217432	<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
162	D18/217155	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
163	D18/217459	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	

# ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
164	D18/217607	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
10.	010,11707	basis of:	Infrastructure: Refer to the comments for submission 1
		- Unacceptable height	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		- Loss of local amenity and/or	
		character	
165	D18/218372	Conditional support if concerns are	Height: Refer to the comments for submission 1
		addressed. Concerns are:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Unacceptable height</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
166	D18/218442	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
167	D18/218482	Objects to the planning proposal	Noted
168	D18/218492	[supplementary to submission 57]	
169	D18/218506	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
170	D18/218507	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		- Unacceptable height	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		- Loss of local amenity and/or	
L		character	
171	D18/218544	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		- Traffic congestion	
		- Over-population and/or over-	
		development	

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### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
172	D18/218676	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Decision making process: Refer to the comments for submission 3
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Decision making process concerns</li> </ul>	
173	D18/218677	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
174	D18/218679	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission
		<ul> <li>Unacceptable height</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
175	D18/219131	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	VPA: Refer to the comments for submission 30
		<ul> <li>Inadequate supporting</li> </ul>	Housing Affordability: Refer to the comments for submission 40
		infrastructure	
		<ul> <li>Other: inadequate VPA</li> </ul>	
		<ul> <li>Other: housing affordability</li> </ul>	

Agenda of the Extraordinary Council Meeting No. 16/18, dated Tuesday 4 December 2018.

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
176	D18/219132	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Environmental concerns</li> </ul>	
177	D18/219133	[supplementary to submission 111]	
178	D18/219136	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
179	D18/219137	Conditional support if concerns are	Traffic congestion: Refer to the comments for submission 1
		addressed. Concerns are:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		Infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Environmental concerns</li> </ul>	
180	D18/219138	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	D18/219139	basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
181	D18/219140	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
182	D18/219141	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
183	D18/219142	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Conversion of commercial space: Refer to the comments for submission 29
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Other: Conversion of commercial</li> </ul>	
		space	
184	D18/219446	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		- Decision making process concerns	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	

#	TRIM Ref	Submission Summary	Planning Response
185	D18/219448	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Conversion of commercial space: Refer to the comments for submission 29
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Other: conversion of commercial</li> </ul>	
		space	
186	D18/219450	Conditional support if concerns are	Traffic congestion: Refer to the comments for submission 1
		addressed. Concerns are:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
187	D18/219452	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Vacant/ Unaffordable apartments: Market forces determine dwelling prices and the extent
		<ul> <li>Decision making process concerns</li> </ul>	of development undertaken. This comment is noted
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Other: vacant yet unaffordable</li> </ul>	
		apartments	
188	D18/219455	Supports the planning proposal on the	Housing Affordability: Refer to the comments for submission 40
		basis of:	
		<ul> <li>Other: housing affordability</li> </ul>	

### ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
189	D18/219531	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	,	basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Over-population / over-development: Refer to the comments for submission 2
		- Inadequate supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		- Loss of local amenity and/or	
		character	
190	D18/219533	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
191	D18/219534	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
192	D18/219535	Objects to the planning proposal	Noted
193	D18/219536	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Decision making process concerns</li> </ul>	
		- Over-population and/or over-	
		development	
		<ul> <li>Environmental concerns</li> </ul>	

# ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
194	D18/219538	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
195	D18/219540	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Insufficient supporting</li> </ul>	Conversion of commercial space: Refer to the comments for submission 29
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Other: conversion of commercial</li> </ul>	
		space	
196	D18/219541	Supports the planning proposal on the	Noted
		basis of:	
		<ul> <li>Urban consolidation</li> </ul>	
		<ul> <li>Housing availability and</li> </ul>	
		affordability	
197	D18/219542	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	

### Lifestyle and opportunity @ your doorstep

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
198	D18/219543	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	,	basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		infrastructure	Housing Affordability: Refer to the comments for submission 40
		- Decision making process concerns	Lack of variety in housing styles available: Refer to the comments for submission 39
		<ul> <li>Environmental concerns</li> </ul>	
		<ul> <li>Other: housing affordability and</li> </ul>	
		variety	
199	D18/219545	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		infrastructure	Lack of variety in housing styles available: Refer to the comments for submission 39
		<ul> <li>Decision making process concerns</li> </ul>	Housing Affordability: Refer to the comments for submission 40
		<ul> <li>Environmental concerns</li> </ul>	
		<ul> <li>Other: variety and housing</li> </ul>	
		affordability	
200	D18/219546	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Unacceptable height	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
201	D18/219547	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		- Unacceptable height	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		- Over-population and/or over-	
		development	
		- Loss of local amenity and/or	
		character	

# ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
202	D18/219548	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
	D18/219550	basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
203	D18/219552	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
204	D18/219554	Conditional support if concerns are	Height: Refer to the comments for submission 1
		addressed. Concerns are:	Traffic congestion: Refer to the comments for submission 1
		- Unacceptable height	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		infrastructure	Flooding: A Preliminary Flood Impact Assessment submitted with the PP concludes that
		<ul> <li>Loss of local amenity and/or</li> </ul>	the flood issues affecting the site are manageable. A further Flood Study would be
		character	required to be submitted with any Development Application for the site.
		<ul> <li>Environmental concerns</li> </ul>	Housing Affordability: Refer to the comments for submission 40
		<ul> <li>Other: specific concerns about the</li> </ul>	
		quality of the flooding assessment	
		<ul> <li>Other: housing affordability</li> </ul>	
205	D18/219564	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Unacceptable height	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

# ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
206	D18/211057	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Crime and safety: Refer to the comments for submission 134
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over</li> </ul>	
		development	
		- Other: safety	
207	D18/211378	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		- Unacceptable height	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
208	D18/211360	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		- Loss of local amenity and/or	
		character	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
209	D18/211949	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
210	D18/212556	Objects to the planning proposal on the	Not relevant to this PP.
		basis of:	
		<ul> <li>Other: existing maintenance</li> </ul>	
		problems, some of which are	
		causing safety concerns	
211	D18/212959	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		- Decision making process concerns	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
L		character	
212	D18/213244	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Environmental Concerns: Refer to the comments for submission 26
		- Decision making process concerns	
		- Loss of local amenity and/or	
		character	
		- Environmental concerns	

# ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
213	D18/214062	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	,	basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
214	D18/214075	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over-</li> </ul>	Conversion of commercial space: Refer to the comments for submission 29
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Environmental concerns	
		<ul> <li>Other: conversion of commercial</li> </ul>	
		space	
215	D18/220285	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
216	D18/220286	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	<u>VPA</u> : Refer to the comments for submission 30
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Other: inadequate VPA</li> </ul>	

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ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
217	D18/220287	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Unacceptable height</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
218	D18/220288	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
219	D18/220289	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
	D18/220290	basis of:	Infrastructure: Refer to the comments for submission 1
	D18/220291	<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
220	D18/220292	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	D18/220293	basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
221	D18/220294	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	



ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
222	D18/220295	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
223	D18/220296	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Housing Affordability: Refer to the comments for submission 40
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Other: housing affordability</li> </ul>	
224	D18/220298	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
	D18/220299	basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
225	D18/220300	Conditional support if concerns are	Height: Refer to the comments for submission 1
		addressed. Concerns are:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	

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### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
226	D18/220301	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	D18/223052	basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	<u>Design:</u> A Design Excellence clause is proposed for the LEP to address design issues.
		<ul> <li>Over-population and/or over</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Other: Design concerns	
227	D18/220302	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Environmental concerns	
228	D18/220304	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
	545/55555	character	
229	D18/220305	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	
222	D40/00000	- Traffic congestion	
230	D18/220306	Objects to the planning proposal	Noted
231	D18/220451	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		- Decision making process concerns	
		- Loss of local amenity and/or	
		character	

# ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
232	D18/220454	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
233	D18/220455	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/ or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
234	D18/220457	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Crime and Safety: refer to the comments for submission 134
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Other: safety</li> </ul>	
		- Other: crime	
235	D18/220458	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-development and/or over-</li> </ul>	
		population	
		<ul> <li>Environmental concerns</li> </ul>	
236	D18/220459	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-development and/or over-</li> </ul>	
		population	

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
237	D18/220460	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Devaluing surrounding properties: Refer to the comments for submission 51
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Other: devaluing surrounding</li> </ul>	
		properties	
238	D18/220462	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		- Decision making process concerns	
239	D18/220463	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
240	D18/220464	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	<u>Disruption during construction:</u> This is a Planning Proposal. Should a Local Development
		- Inadequate supporting	Application be approved there would be specific controls on construction activity imposed
		infrastructure	
		<ul> <li>Other: disruption during</li> </ul>	
		construction	
241	D18/220465	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Traffic congestion	
		- Loss of local amenity and/or	
		character	

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
242	D18/221004	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	<u>VPA</u> : Refer to the comments for submission 30
		<ul> <li>Decision making process concerns</li> </ul>	Crime and Safety: refer to the comments for submission 134
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Other: inadequate VPA</li> </ul>	
		<ul> <li>Other: safety</li> </ul>	
243	D18/221166	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	
244	D18/221190	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	<u>Crime and Safety:</u> refer to the comments for submission 134
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Other: safety	
245	D18/221271	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Crime and Safety: refer to the comments for submission 134
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Other: crime	

Agenda of the Extraordinary Council Meeting No. 16/18, dated Tuesday 4 December 2018.

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
246	D18/221273	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
247	D18/221274	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
248	D18/221275	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
249	D18/221276	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		- Unacceptable height	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local character and/or</li> </ul>	
		amenity	

### ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
250	D18/221277	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	,	basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	
		- Inadequate supporting	
		infrastructure	
251	D18/221282	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
252	D18/221284	Supports "the addition of site specific	
		provisions for design excellence for all	Noted
		developments on the site".	
			Over-population / over-development: Refer to the comments for submission 2
		Objects to "the proposed amendment to	
		the Height of Buildings Map or the Floor	
		Space Ratio Map" on the basis of:	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
253	D18/221285	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	<u>VPA</u> : Refer to the comments for submission 30
		infrastructure	<u>Disruption during construction:</u> Refer to the comments for submission 240
		<ul> <li>Decision making process concerns</li> </ul>	
		- Other: inadequate VPA	
		<ul> <li>Other: disruption during</li> </ul>	
		construction	

Agenda of the Extraordinary Council Meeting No. 16/18, dated Tuesday 4 December 2018.



ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
254	D18/221501	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Conversion of commercial space: Refer to the comments for submission 29
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Other: conversion of commercial</li> </ul>	
		space	
255	D18/221810	Objects to the planning proposal on the	Loss of local amenity and character: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
256	D18/221823	Supports the planning proposal on the	Noted
		basis of:	
		<ul> <li>Development of "Macquarie Park</li> </ul>	
		into a leading international	
		technology centre"	
		<ul> <li>Supports the VPA</li> </ul>	
257	D18/221828	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
258	D18/221936	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
259	D18/221937	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		crowding	

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ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
260	D18/221938	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
261	D18/221944	Conditional support if concerns are	Height: Refer to the comments for submission 1
		addressed. Concerns are:	Over-population / over-development: Refer to the comments for submission 2
		- Unacceptable height	Housing Affordability: Refer to the comments for submission 40
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		- Other: affordability	
262	D18/221947	Objects to the planning proposal on the	<u>Decision making process:</u> Refer to the comments for submission 3
		basis of:	Crime and safety: Refer to the comments for submission 134
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Other: safety</li> </ul>	
263	D18/221949	Objects to the planning proposal on the	<u>Decision making process:</u> Refer to the comments for submission 3
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	<u>Design Excellence:</u> Refer to the comments for submission 226
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
ļ		- Other: building quality	
264	D18/221953	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		- Inadequate supporting	
		infrastructure	
		- Loss of local amenity and/or	
		character	

## ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
265	D18/221968	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	<u>VPA</u> : Refer to the comments for submission 30
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Other: inadequate VPA	
266	D18/221971	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
267	D18/221976	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Design Excellence: Refer to the comments for submission 226
		Decision making process concerns	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Other: questions design	
250	D40/224000	excellence	N : 1
268	D18/221980	Objects to the planning proposal	Noted
269	D18/221984	Objects to the planning proposal	Noted
270	D18/221987	Objects to the planning proposal	Noted
271	D18/221988	Objects to the planning proposal	Noted

## ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
272	D18/222538	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
	,	basis of:	Traffic congestion: Refer to the comments for submission 1
		- Unacceptable height	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
273	D18/222544	Objects to the planning proposal, in total	Height: Refer to the comments for submission 1
		agreement with Victor Dominello as	Traffic congestion: Refer to the comments for submission 1
		follows:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	<u>VPA</u> : Refer to the comments for submission 3
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Decision making process	
		- Other: inadequate VPA	
274	D18/222548	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Traffic congestion	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
	545/55555	character	
275	D18/222550	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	<u>Decision making process:</u> Refer to the comments for submission 3
		- Inadequate supporting	
		infrastructure	
276	D10/222552	- Decision making process concerns	Height: Defect to the comments for submission 1
276	D18/222552	Objects to the planning proposal on the basis of:	Height: Refer to the comments for submission 1
			Loss of local amenity and character: Refer to the comments for submission 2
		- Unacceptable height	
		<ul> <li>Loss of local amenity and/or character</li> </ul>	
		Cildiactei	

### Lifestyle and opportunity @ your doorstep

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
277	D18/222555	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	
		<ul> <li>Decision making process concerns</li> </ul>	
278	D18/222558	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
279	D18/222559	Objects to the planning proposal, in total	Height: Refer to the comments for submission 1
		agreement with Victor Dominello as	<u>Traffic congestion:</u> Refer to the comments for submission 1
		follows:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Decision making process</li> </ul>	
280	D18/222560	Objects to the planning proposal, in total	Height: Refer to the comments for submission 1
	'	agreement with Victor Dominello as	Traffic congestion: Refer to the comments for submission 1
		follows:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	<u>VPA</u> : Refer to the comments for submission 3
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Decision making process</li> </ul>	
		<ul> <li>Other: inadequate VPA</li> </ul>	

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
281	D18/222561	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	<u>VPA</u> : Refer to the comments for submission 30
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Other: inadequate VPA</li> </ul>	
282	D18/222563	Supports the planning proposal on the	Noted
		basis of:	
		<ul> <li>Beneficial VPA</li> </ul>	
		<ul> <li>Well situated</li> </ul>	
		<ul> <li>Minimal impact on surrounding</li> </ul>	
		residences	
283	D18/222564	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
284	D18/222757	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
285	D18/222760	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

S

**ATTACHMENT** 

ITEM 2 (continued)

Other: safety

### TRIM Ref **Submission Summary Planning Response** 286 D18/222763 Objects to the planning proposal on the Traffic congestion: Refer to the comments for submission 1 basis of: Decision making process: Refer to the comments for submission 3 Traffic congestion Loss of local amenity and character: Refer to the comments for submission 2 Decision making process concerns Loss of local amenity and/or character D18/222764 Objects to the planning proposal on the Traffic congestion: Refer to the comments for submission 1 basis of: Infrastructure: Refer to the comments for submission 1 Traffic congestion Loss of local amenity and character: Refer to the comments for submission 2 Inadequate supporting infrastructure Loss of local amenity and/or character 288 D18/222765 Objects to the planning proposal on the Traffic congestion: Refer to the comments for submission 1 basis of: Infrastructure: Refer to the comments for submission 1 Traffic congestion Inadequate supporting infrastructure D18/222768 Objects to the planning proposal on the Traffic congestion: Refer to the comments for submission 1 basis of: Infrastructure: Refer to the comments for submission 1 Traffic congestion Decision making process: Refer to the comments for submission 3 Environmental Concerns: Refer to the comments for submission 26 Inadequate supporting infrastructure Decision making process concerns Environmental concerns 290 D18/222772 Objects to the planning proposal on the Over-population / over-development: Refer to the comments for submission 2 basis of: Over-population and/or overdevelopment 291 D18/222773 Objects to the planning proposal on the Traffic congestion: Refer to the comments for submission 1 Over-population / over-development: Refer to the comments for submission 2 basis of: Traffic congestion Crime and safety: Refer to the comments for submission 134 Over-population and/or overdevelopment

112 Talavera Road Submission Summaries

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# ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
292	D18/222778	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
293	D18/222779	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
294	D18/222780	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		- Environmental concerns	
295	D18/222781	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
296	D18/222783	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		- Unacceptable height	Decision making process: Refer to the comments for submission 3
		- Traffic congestion	
L		- Decision making process concerns	
297	D18/222785	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		- Loss of local amenity and/or	
		character	

## ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
298	D18/222788	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	
		<ul> <li>Decision making process concerns</li> </ul>	
299	D18/222791	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
300	D18/222793	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Crime and safety: Refer to the comments for submission 134
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Other: safety</li> </ul>	
		- Other: crime	
301	D18/222795	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
302	D18/222799	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Loss of local amenity and/or</li> </ul>	Crime and safety: Refer to the comments for submission 134
		character	
		<ul> <li>Environmental concerns</li> </ul>	
		- Other: safety	
		- Other: crime	
303	D18/222874	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	<u>VPA</u> : Refer to the comments for submission 30
		- Inadequate supporting	
		infrastructure	
		<ul> <li>Other: inadequate VPA</li> </ul>	

### © City of Ryde Lifestyle and opportunity @ your doorstep

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
304	D18/222876	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
305	D18/222878	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
306	D18/222879	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Insufficient supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
307	D18/222880	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
308	D18/222881	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
309	D18/222883	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

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ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
310	D18/222887	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	<u>VPA</u> : Refer to the comments for submission 30
		<ul> <li>Decision making process concerns</li> </ul>	Housing Affordability: Refer to the comments for submission 40
		<ul> <li>Over-population and/or over-</li> </ul>	<u>Demographics:</u> Refer to the comments for over – population/over development in
		development	submission 2
		<ul> <li>Other: affordability</li> </ul>	
		<ul> <li>Other: inadequate VPA</li> </ul>	
		<ul> <li>Other: impact on demographics</li> </ul>	
311	D18/222892	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
312	D18/223022	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process</li> </ul>	
		concerns	
313	D18/223023	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
314	D18/223025	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	

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### Lifestyle and opportunity @ your doorstep

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
315	D18/223026	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Disruption during construction: Refer to the comments for submission 240
		- Traffic congestion	
		<ul> <li>Other: disruption during</li> </ul>	
		construction	
316	D18/223029	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
317	D18/223033	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	<u>VPA</u> : Refer to the comments for submission 30
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Other: inadequate VPA	
318	D18/223036	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		- Unacceptable height	Over-population / over-development: Refer to the comments for submission 2
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		- Loss of local amenity and/or	
		character	
319	D18/223039	Objects to the planning proposal on the	<u>Demographics:</u> Refer to the comments for over – population/over development in
		basis of:	submission 2
		- Other: impact on demographics	
320		Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
	D18/223041	basis of:	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
321	D18/223042	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	<u>Destructive People:</u> Noted
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Other: "how destructive people</li> </ul>	
		are"	
322	D18/223043	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
323	D18/223044	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
324	D18/223046	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Unacceptable height</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

# ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
325	D18/223048	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
326	D18/223050	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
327	D18/223054	Objects to the planning proposal	Noted
328	D18/223056	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
329	D18/223393	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Impact on Retirement Village: The retirement village on Epping Road and residential
		<ul> <li>Inadequate supporting</li> </ul>	development on the other side of the M2 will not be adversely impacted by this Proposal
		infrastructure	Crime and Safety: Refer to the comments for submission 134
		<ul> <li>Other: impact on nearby</li> </ul>	
		retirement villages and safety	
330	D18/223512	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
331	D18/223513	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	<u>VPA</u> : Refer to the comments for submission 30
		infrastructure	Housing Affordability: Refer to the comments for submission 40
		<ul> <li>Decision making process concerns</li> </ul>	Conversion of commercial space: Refer to the comments for submission 29
		<ul> <li>Other: inadequate VPA</li> </ul>	
		<ul> <li>Other: affordability</li> </ul>	
		- Other: job loss	
332	D18/223516	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local character and/or</li> </ul>	
		amenity	
		<ul> <li>Environmental concerns</li> </ul>	
333	D18/223518	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
334	D18/223517	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	

## ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
335	D18/223522	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
336	D18/223523	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
337	D18/223525	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Unacceptable height</li> </ul>	<u>Crime and Safety</u> : Refer to the comments for submission 134
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Other: Safety	
338	D18/223528	Objects to the planning proposal	Noted
339	D18/223529	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
340	D18/223531	Objects to the planning proposal on the	<u>Decision making process:</u> Refer to the comments for submission 3
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		- Over-population and/or over-	
		development	
341	D18/223533	Objects to the planning proposal	Noted

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ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
342	D18/223535	Supports the planning proposal on the	• •
	,	basis of:	
		- Good VPA	
		<ul> <li>Increased open space, solar</li> </ul>	
		access, and views	
343	D18/223684	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	Foreign Worker legislation is a Federal Government matter and not relevant to this
		development	Planning Proposal
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Other: please limit foreign worker</li> </ul>	
		and products	
344	D18/223991	Objects to the planning proposal on the	<u>Decision making process:</u> Refer to the comments for submission 3
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
345	D18/223994	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	<u>VPA:</u> Refer to the comments for submission 30
		<ul> <li>Over-population and/or over-</li> </ul>	Housing Affordability: Refer to the comments for submission 40
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Other: Inadequate VPA	
		<ul> <li>Other: Housing affordability</li> </ul>	

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
346	D18/224006	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	<u>Demographics:</u> Refer to the comments for over – population/over development in
		<ul> <li>Over-populationand/or over-</li> </ul>	submission 2
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Other: impact on demographics</li> </ul>	
347	D18/224012	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
	D18/224779	basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
348	D18/224014	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
349	D18/224015	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		infrastructure	Crime and Safety: Refer to the comments for submission 134
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
		- Other: Safety	

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
350	D18/224024	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Unacceptable height</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
351	D18/224028	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	
352	D18/224030	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
353	D18/224031	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
354	D18/224032	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	

## ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
355	D18/224036	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
	D18/224722	basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
356	D18/224037	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	
357	D18/224038	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	D18/224051	basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
358	D18/224039	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	



ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
359	D18/224040	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
360	D18/224042	Supports the planning proposal on the	Noted
		basis of:	
		<ul> <li>Job creation / business generation</li> </ul>	
361	D18/224043	Supports the planning proposal on the	
		basis of:	
		<ul> <li>Housing affordability</li> </ul>	
362	D18/224044	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		- Inadequate supporting	
		infrastructure	
363	D18/224045	Supports the planning proposal on the	Noted
		basis of:	
		- Urban consolidation	
		<ul> <li>Housing affordability</li> </ul>	
		- Good location	
		- Other: supports taller thinner	
L		design	
364	D18/224050	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	<u>Decision making process:</u> Refer to the comments for submission 3
		- Inadequate supporting	
		infrastructure	
		- Decision making process concerns	

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
365	D18/224058	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
366	D18/224062	Supports the planning proposal on the	Noted
		basis of:	
		<ul> <li>Housing affordability</li> </ul>	
		- Good location	
		<ul> <li>Good VPA</li> </ul>	
		<ul> <li>Tower forms improve solar</li> </ul>	
		access, reduce overshadowing,	
		increase open space	
367	D18/224172	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
368	D18/224272	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	<u>Decision making process:</u> Refer to the comments for submission 3
		- Inadequate supporting	
		infrastructure	
		- Decision making process concerns	
369	D18/224275	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	
		<ul> <li>Traffic congestion</li> </ul>	

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# ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
370	D18/224276	Objects to the planning proposal on the basis of:  - Over-population and/or over-development	Over-population / over-development: Refer to the comments for submission 2
371	D18/224277	Objects to the planning proposal on the basis of:  - Traffic congestion - Over-population and/or over-development	<u>Traffic congestion:</u> Refer to the comments for submission 1 <u>Over-population / over-development:</u> Refer to the comments for submission 2
372	D18/224279	Objects to the planning proposal on the basis of:  - Unacceptable height - Traffic congestion - Decision making process concerns - Loss of local amenity and/or character	Height: Refer to the comments for submission 1 Traffic congestion: Refer to the comments for submission 1 Decision making process: Refer to the comments for submission 3 Loss of local amenity and character: Refer to the comments for submission 2
373	D18/224283	Supports the planning proposal on the basis of: - Good location	Noted
374	D18/224287	Objects to the planning proposal on the basis of:  - Inadequate supporting infrastructure - Decision making process concerns - Loss of local amenity and/or character	Infrastructure: Refer to the comments for submission 1  Decision making process: Refer to the comments for submission 3  Loss of local amenity and character: Refer to the comments for submission 2
375	D18/224295	Objects to the planning proposal on the basis of:  - Traffic congestion - Inadequate supporting infrastructure - Over-population and/or over-development - Loss of local amenity and/or character - Environmental concerns	Traffic congestion: Refer to the comments for submission 1 Infrastructure: Refer to the comments for submission 1 Over-population / over-development: Refer to the comments for submission 2 Loss of local amenity and character: Refer to the comments for submission 2 Environmental Concerns: Refer to the comments for submission 26

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
376	D18/224300	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
377	D18/224302	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
378	D18/224308	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	<u>Decision making process:</u> Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
379	D18/224310	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	
		<ul> <li>Unacceptable height</li> </ul>	
380	D18/224317	Objects to the planning proposal	Noted

Agenda of the Extraordinary Council Meeting No. 16/18, dated Tuesday 4 December 2018.

ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
381	D18/224320	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		infrastructure	Crime and Safety: Refer to the comments for submission 134
		<ul> <li>Loss of local amenity and/or</li> </ul>	<u>Disruption during construction:</u> This is a matter that will be addressed during the
		character	development assessment process and subject to conditions of development consent
		<ul> <li>Environmental concerns</li> </ul>	
		- Other: Safety	
		<ul> <li>Other: Disruption during</li> </ul>	
		construction	
382	D18/224323	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
383	D18/224327	Objects to the planning proposal	Noted
384	D18/224357	Supports the planning proposal on the	Noted
		basis of:	
		<ul> <li>Housing affordability</li> </ul>	
		- Urban consolidation	
		- Job creation / business generation	
		- Good VPA	
385	D18/224483	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
	D18/224485	basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		- Inadequate supporting	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		- Over-population and/or over-	
		development	
		- Loss of local amenity and/or	
		character	

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### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
386	D18/224487	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
387	D18/224488	Supports the planning proposal on the	Noted
		basis of:	
		<ul> <li>Urban consolidation</li> </ul>	
		<ul> <li>Housing affordability</li> </ul>	
		<ul> <li>Good location</li> </ul>	
		<ul> <li>Tall slender buildings increasing</li> </ul>	
		solar access, improving	
		streetscape, expanding open	
		space	
		<ul> <li>Design excellence requirement</li> </ul>	
388	D18/224490	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
389	D18/224492	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

### Lifestyle and opportunity @ your doorstep

ITEM 2 (continued)

### 112 Talavera Road Submission Summaries

#	TRIM Ref	Submission Summary	Planning Response
390	D18/224495	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		<ul> <li>Environmental concerns</li> </ul>	
391	D18/224529	Supports the planning proposal with	Traffic congestion: Refer to the comments for submission 1
		respect to the location and the slender	Decision making process: Refer to the comments for submission 3
		design, but objects to the planning	Housing Affordability: Refer to the comments for submission 40
		proposal on the basis of :	
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Other: housing affordability</li> </ul>	
392	D18/224534	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	<u>Traffic congestion:</u> Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	Crime and Safety: Refer to the comments for submission 134
		infrastructure	Design Concerns: The future development will be subject to a design competition to
		<ul> <li>Over-population and/or over-</li> </ul>	ensure quality built form outcomes.
		development	Action: - requirements for a design excellence competition to be detailed in a
		<ul> <li>Other: design concerns</li> </ul>	future Development Control Plan
		<ul> <li>Other: safety</li> </ul>	
393	D18/224589	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Loss of local amenity and character: Refer to the comments for submission 2
		- Unacceptable height	
		- Loss of local amenity and/or	
		character	



ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
394	D18/224590	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
395	D18/224591	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
396	D18/224592	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	

## ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
397	D18/224593	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
398	D18/224597	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
&	D18/224739	basis of:	Loss of local amenity and character: Refer to the comments for submission 2
<u>413</u>		<ul> <li>Decision making process</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Loss of local amenity and/or</li> </ul>	Devaluing surrounding properties: Refer to the comments for submission 51
		character	<u>Design Concerns</u> : The future development will be subject to a design competition to
		<ul> <li>Environmental concerns</li> </ul>	ensure quality built form outcomes.
		<ul> <li>Other: devaluing surrounding</li> </ul>	Action: - requirements for a design excellence competition to be detailed in a
		properties	future Development Control Plan
		<ul> <li>Other: design concerns</li> </ul>	
399	D18/224599	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Over-population and/or over-</li> </ul>	Inequitable Benefits: It is acknowledged that the local park proposed on the site will
		development	primarily benefit the future residents of the site. However, proposed contributions to the
		<ul> <li>Loss of local amenity and/or</li> </ul>	upgrade of Christie Park ( a district park) and road improvements will benefit the broader
		character	community.
		- Other: inequitable benefits	
400	D18/224600	Objects to the planning proposal on the	<u>Traffic congestion:</u> Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Inadequate supporting</li> </ul>	
		infrastructure	

#	TRIM Ref	Submission Summary	Planning Response
401	D18/224601	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Decision making process: Refer to the comments for submission 3
		<ul> <li>Unacceptable height</li> </ul>	<u>VPA:</u> Refer to the comments for submission 30
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Other: inadequate VPA</li> </ul>	
402	D18/224602	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	
		- Traffic congestion	
403	D18/224603	Objects to the planning proposal on the	Infrastructure: Refer to the comments for submission 1
		basis of:	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Inadequate supporting</li> </ul>	<u>VPA:</u> Refer to the comments for submission 30
		infrastructure	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
		- Other: inadequate VPA	
404	D18/224604	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
405	D18/224605	Objects to the planning proposal on the	Decision making process: Refer to the comments for submission 3
		basis of:	Conversion of commercial space: Refer to the comments for submission 29
		- Decision making process concerns	
		<ul> <li>Other: conversion of commercial</li> </ul>	
		space	
406	D18/224606	Objects to the planning proposal on the	Over-population / over-development: Refer to the comments for submission 2
		basis of:	
		- Over-population and/or over-	
	D40/004507	development	T 00 1 0 0 1 1 1 1 1
407	D18/224607	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		- Traffic congestion	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting infrastructure</li> </ul>	Loss of local amenity and character: Refer to the comments for submission 2
		- Decision making process concerns	
		- Loss of local amenity and/or	
		character	

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## ITEM 2 (continued)

#	TRIM Ref	Submission Summary	Planning Response
408	D18/224609	Objects to the planning proposal on the	Height: Refer to the comments for submission 1
		basis of:	Traffic congestion: Refer to the comments for submission 1
		<ul> <li>Unacceptable height</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		<ul> <li>Traffic congestion</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
409	D18/224610	Conditional support if concerns are	Height: Refer to the comments for submission 1
		addressed. Concerns are:	
		<ul> <li>Unacceptable height</li> </ul>	
410	D18/224614	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	
		<ul> <li>Decision making process concerns</li> </ul>	
		<ul> <li>Over-population and/or over-</li> </ul>	
		development	
411	D18/224616	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	
		<ul> <li>Traffic congestion</li> </ul>	
412	D18/224732	Objects to the planning proposal on the	Traffic congestion: Refer to the comments for submission 1
		basis of:	Infrastructure: Refer to the comments for submission 1
		<ul> <li>Traffic congestion</li> </ul>	Decision making process: Refer to the comments for submission 3
		<ul> <li>Inadequate supporting</li> </ul>	Over-population / over-development: Refer to the comments for submission 2
		infrastructure	Loss of local amenity and character: Refer to the comments for submission 2
		<ul> <li>Decision making process concerns</li> </ul>	Environmental Concerns: Refer to the comments for submission 26
		<ul> <li>Over-population and/or over-</li> </ul>	Conversion of commercial space: Refer to the comments for submission 29
		development	Crime and Safety: Refer to the comments for submission 134
		<ul> <li>Loss of local amenity and/or</li> </ul>	
		character	
		- Environmental concerns	
		<ul> <li>Other: conversion of commercial</li> </ul>	
		space	
		<ul> <li>Other: Safety and Crime</li> </ul>	



### **ATTACHMENT 6**



26 November 2018

Ms Liz Coad Director City Planning and Environment. City of Ryde 1 Pope Street RYDE NSW 2112

Dear Ms Coad.

### 112 TALAVERA ROAD, MACQURIE PARK - REVISED PROPOSAL

As you are aware, Meriton proceeded with this project on the basis of established government policy to increase housing supply and affordable housing close to transport, jobs and services. This proposal received support to proceed from Council and this was verified by a gateway approval form the Department of Planning and Environment (DPE) on behalf of the Greater Sydney Commission (GSC). We have also complied with both Council and State Government requirements for value capture (or a "betterment tax") and when considered with other contributions, would result in a total of \$78M in public benefits, \$60M more than if we proceeded under the existing controls.

In our view, this is one of the best development sites in Australia – it is large, at a gateway to one of the most significant commercial centres in Australia that is benefiting from \$bn's in state infrastructure investment. It is supported by extensive education, medical, retail and employment services and importantly is located away from low-density suburbs. Combined with the public benefits and design competition to ensure high quality design outcomes, we truly believe this would be one of Australia's best examples of high-quality transit-orientated development and we are disappointed that individual political agendas have undermined what could be a really positive development for the area. We understand that the positive impacts were identified in a number of submissions from local residents, business chambers, housing providers and industry groups that represent a broad sector of the community.

Notwithstanding, upon review of the submissions made and discussions with the Council, the building height was a clear issue and we agree to reduce the height of the proposal. The original 60-storey proposal (approximately 200m or RL 243m) was made to reflect the gateway location; economic significance of the area; aeronautical requirements and to substantially improve the design outcomes. We believe these benefits can be retained with reducing the maximum height to a maximum of 42 stories (or approximately 140.5m or RL185m) but we would lose the options for height differentiation which was a key design benefit of the original proposal. The revised plans are attached and demonstrate that despite the reduced height, the proposal still achieves a far superior outcome then what is permitted under the existing controls.

Importantly, the revised height is less than other similar centres recently approved by the Government including St Leonards/Crows Nest (50 storeys); Parramatta (65 Storeys), North Sydney (42 commercial storeys at 168m) and Sydney Olympic park (45 Storeys) which all benefit from existing/planned metro stations. Locally, it is slightly taller than nearby projects including 33 residential stories over the Macquarie Centre (120m) but less than the 154m endorsed on other proposals in the precinct.

Despite the reduction in height, we can still maintain the density of 6.5:1, which is substantially less than that permitted at St Leonards/Crow's Nest (12-17:1), Parramatta (11.5:1); North Sydney (12.46:1) and Sydney Olympic Park (6.5-12:1) and is only slightly higher than the maximum FSR of 6:1 permitted on nearby sites under the Ryde LEP

MERITON PROPERTY SERVICES Mamber of the Meriton Group ABN: 69 115 511 281 Level 11 Meriton Tower 528 Kent Street, Sydney NSW 2000 Tel (02) 9287 2888 Fox (02) 9287 2777 meriton.com.au



### ATTACHMENT 6

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Accordingly, we trust this is an acceptable compromise and despite the concessions, Meriton is willing to maintain its commitment to the VPA should the revised proposal be endorsed.

We also note that the community expressed concerns on traffic. Prior to the exhibition commencing and as required by the Gateway approval, Meriton agreed with RMS to substantially lower parking rates as part of the proposal. The reduced parking rates ensure that the traffic generated under the proposal is the same as that which was allocated to our site when the State Government rezoned the land for high-density residential development in 2015 (i.e. the proposed increase in development maintains the same traffic as what is already permitted). The reduction in parking will be supplemented by carsharing and other transport initiatives to reduce car dependency and this has now been approved by the respective state agencies of RMS and TfNSW. This approach should be commended and supports the Government investment in the NWRL that will substantially increase the capacity of the adjoining Macquarie University Station from 23,000 people per hour to 46,000 people per hour in the peak with trains running every 5 minutes. Instead, this is ignored and used to fuel fear in the local community and traffic remains a reason used to not support the proposal.

Overall, the proposal has adequately addressed all community, technical and policy requirements where there are significant public benefits and the planning outcomes are substantially improved.

We would like to reiterate that at all times, Meriton has worked collaboratively with relevant authorities and worked within the legislative and policy framework for this proposal. It is disappointing that the political environment has unfairly targeted this proposal that generates a better outcome in every aspect of the development. Notwithstanding, we acknowledge the issues raised and are happy to address the community concerns, maintain our commitment for public benefits and look forward to this revised proposal proceeding with support from the Council.

Please contact the undersigned should you require further information.

Yours faithfully MERITON GROUP

Mr Matthew Lennartz

Executive Manager - Planning and Government

**ATTACHMENT 6** 

### **ATTACHMENT 6**

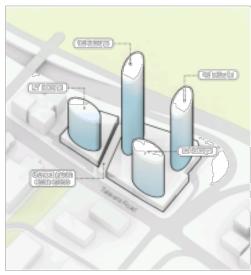
Appendix - Built Form Development (Revised Scheme - 42 Storeys)

### **Built Form Development**



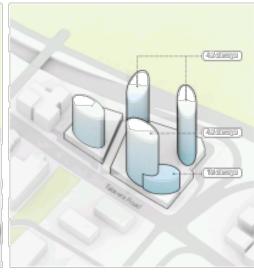
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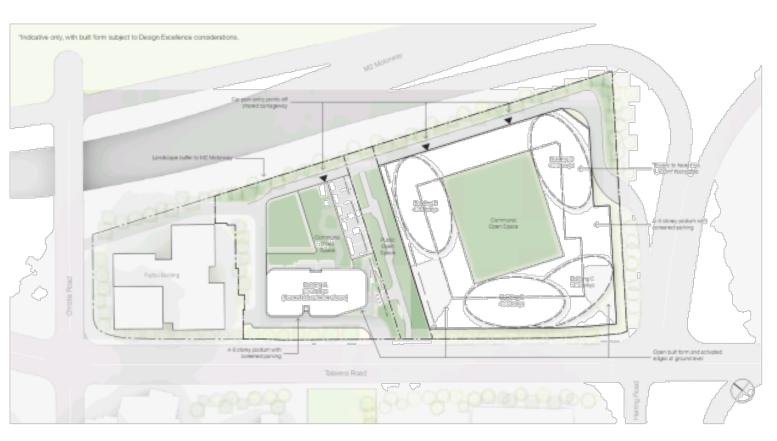
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### **ATTACHMENT 6**

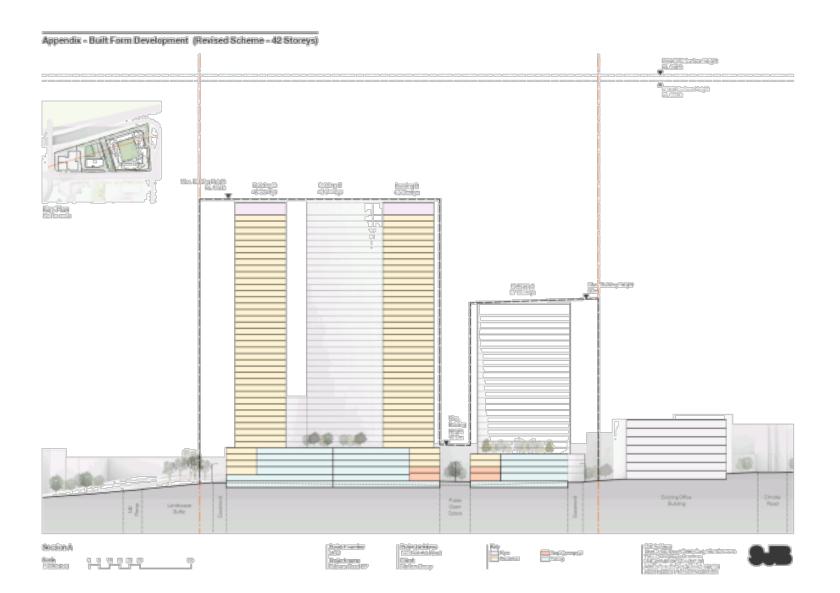
### Appendix - Built Form Development (Revised Scheme - 42 Storeys)

### Hustratice Master Plan



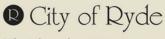
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### **ATTACHMENT 6**





### **ATTACHMENT 7**



Lifestyle and opportunity @ your doorstep

OFFICIAL RECORDS COPY

Instructions for Action Sheets - D13/14757

### EXTRACT FROM MINUTES OF COUNCIL MEETING NO. 10/17 AT ITS MEETING HELD ON 28 NOVEMBER 2017

### COUNCIL REPORT

Note: Councillors Brown, Lane and Yedelian OAM were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Gordon)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

### Record for the Voting:

For the Motion: Unanimous

### 10 PLANNING PROPOSAL - 112 TALAVERA ROAD MACQUARIE PARK

Note: Council's Director – Corporate and Organisational Support Services, Roy Newsome disclosed a Pecuniary Interest in this Item for the reason that he is in the process of acquiring a property in another Local Government Area from Meriton. He has not been involved in any discussions or had any involvement in these matters related to Meriton, to ensure this matter is managed with full transparency. He left the meeting at 11.24pm and did not return and was not present for consideration or voting on this Item.

Note: Councillors Brown, Lane and Yedelian OAM were not present for consideration or voting on this Item.

Note: Matthew Lennartz (representing the Meriton Group) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Maggio and Moujalli)

(a) That Council submit the Planning Proposal for 112 Talavera Road (LOT 422 DP 1153360) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and request that:

Page 1 of 2

For information on how to Action this document refer to D13/14757



## **ATTACHMENT 7**

- The Gateway Determination is subject to a condition requiring the Relevant Planning Authority to consider the outcomes of the Macquarie Park traffic model prepared by Transport for NSW, prior to finalisation of the Plan.
- ii. That the Gateway Determination is subject to a condition requiring a design competition in accordance with the Director General's Design Excellence Guidelines.
- iii. Council be given delegation from the Minister to implement the Plan.
- (b) That Council delegate the Acting General Manager to publicly exhibit the Planning Proposal when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979. A further report will be presented to Council following the completion of the exhibition period.
- (c) That Council authorise the preparation of a site specific Development Control Plan to give detailed guidance on design excellence, site specific parking controls, setbacks and other built form controls. The draft Development Control Plan will be presented to Council early 2018 seeking approval to publicly exhibit the Plan.

#### Record for the Voting:

For the Motion: Unanimous

#### **ATTACHMENT 8**



Phone 9808 3288 Eax 9877 6222 Email ryde@parliament.nsw.gov.au Mail PQ Box 736, Ryde NSW 1680 Electorate office Ground Floor, 5 - 9 Devlin Street Ryde NSW 2112 Web www.victordominello.com.au

Mr George Dedes General Manager City of Ryde Locked Bag 2069 NORTH RYDE NSW 1670

Dear General Manager

#### RE: Planning Proposal - 112 Talavera Road, Macquarie Park

I write to place on record the concerns of myself and my constituents with respect to the proposed 63 storey residential development at 112 Talavera Road, Macquarie Park ('the development'). Before I detail the reasons for my objection, I would be grateful if you could provide me answers to the following questions:

- When this proposal was put to a confidential vote in November last year, Council had the option
  to either reject the proposal as it has done with other VPAs such as Holdmark and Yuhu, or
  support the proposal. Why did Ryde Council support the proposal? In my view this should
  have been rejected outright.
- Council first indicated that it would consult the community about this proposal in April this year.Why has Council delayed consultation by 6 months?
- 3. Given the circumstances and the community angst associated with this proposal one would have thought that the maximum permissible time for consultation would be provided to the community. I note that Council has only provided the statutory minimum period. Why did Council provide the minimal time available for consultation? I request that Council extend its consultation period to 90 days. There appears to be little prejudice to the developer in extending the consultation period, whereas significant prejudice could be visited upon the community without adequate time to provide feedback.
- 4. I note that the developer has recently erected signs on the site stating that 'Luxury Apartments' are 'Coming Soon' notwithstanding that community consultation has not been concluded. What steps has Council taken to remedy this action by the developer?
- 5. In addition, Council's notice of community consultation in the Northern District Times extends the size of the development from 60 storeys, to potentially 63 storeys. Why was the information about 63 storeys not released sooner?
- 6. I note that in December 2017 Council publicised that the developer contributions from this proposal resulted in an upgrade to Christie Park. Why did Council advertise these upgrades in circumstances where community consultation had not yet commenced?

I would be grateful for your early reply of these questions as I would like to inform my community of same.



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## **ATTACHMENT 8**



I oppose this development on the following grounds:

The development will undoubtedly increase traffic congestion, parking shortages, and the
destruction of existing amenity in Ryde. I recommend Councillors and Council staff observe
Herring, Talavera, Lane Cove, Waterloo and Epping Roads on any day during peak hour, where
these roads better resemble a carpark more than a motorway.

A traffic impact assessment report prepared by the State Government in March this year found that "the proposal is predicted to reduce the level of service (where A is very good and F is unsatisfactory) at Talavera Road and Herring Road from C to D in the evening peak.

"The level of service for the Talavera Road and Christie Road intersection is predicted to fall from C to E in the morning peak, which is approaching capacity."

The report also notes that Christie Road is almost at capacity. The developer's contribution to upgrade Christie Park is short-sighted without road upgrades to accommodate the increased patronage these upgrades will attract. Given the findings of this report, Council should reject this proposal and the financial contributions outright, as local infrastructure is incapable of supporting this increase in population and traffic.

The development proposes insufficient new social infrastructure to support the rapid
in population that would result from this development.

A pedestrian link and \$8 million upgrade to Christie Park is not an adequate trade-off for approving an additional 1,256 new residential apartments on this site. These upgrades are merely designed to enhance the profitability of the development, and do little to meaningfully improve the amenity of the area for the Ryde community;

- 3. The development requires the following concessions to Council's planning laws:
  - a. Increasing the maximum height limits from 45m and 90m to 18.5m, 135m and 200m on the site more than doubling in some instances.
  - b. The need to increase maximum Floor Space Area (FSA) from 4.5:1 to 6.5:1;

Council frequently boasts of its commitment to social and affordable housing, however despite only 27 units reserved for affordable housing from a total of 1,256 (equating to 2.1%) Mayor Laxale considers this "the best deal for ratepayers it (Council) could manage." This is especially concerning given the Mayor's public opposition to the upgrades at Ivanhoe Estate, which will bring over 1,000 new social and affordable homes, an aged care facility, a Catholic high school, 2 childcare centres and brand new community green space. Why is the Mayor (and by extension Council,) unwilling to support the Ivanhoe upgrades (which has the backing of Mission Australia,) but will support over 1,256 new apartments for overwhelmingly less social and affordable housing?



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#### **ATTACHMENT 8**



- Approval of this development would set a dangerous precedent that will likely serve as
  justification for future developments of similar bulk and density at other sites within the City of
  Ryde, particularly within the immediate vicinity of 112 Talavera Road.
- 5. The Mayor has previously supported developments above Ryde Council's LEP. For example:
  - In 2015, Mayor Laxale voted to amend Ryde Council's Local Environment Plan (the LEP) to allow for a 20 storey apartment complex to be built at 388-390 Lane Cove Road, Macquarie Park.
     Previously, the maximum building height under the LEP was 11 storeys.
  - In 2016, the Mayor voted to support four towers of 23 stories at 101-107 Waterloo Road. The LEP only allows for 20 storeys at the site.

However, this proposal is a doubling of the current permitted zoning. This is not a minor alteration of the LEP, this is a dramatic doubling where the developer, at face value, will make significant gain from the 30 additional storeys, and the community is not getting a commensurate gain in terms of social contribution.

As the Member for Ryde I have strenuously fought against overdevelopment in our community for 10 years.

- 1. In 2008, I fought against illegal boarding houses and regulated against their construction.
- Our community campaigns to protect open space at Tennis World, Ryde Hockey and Smalls Road were also incredibly successful.
- In Blenheim Park I have worked alongside all levels of government and the North Ryde community to prevent development and increase open space by 2000 square metres.
- 4. In 2013 I fought alongside residents of Allengrove Crescent to stop the development of an 8 storey, 179 apartment building. The Planning Assessment Committee initially rejected the development in its entirety, however on subsequent appeal the development was amended to 5 storeys.
- In 2015 I fought together with the residents of Whiteside Street to stop an 11 storey, 160 apartment development.
- Most recently we fought against the proposed amendments to Holdmark's Meadowbank
  Foreshore Development, successfully stopping a proposal to change height restrictions on
  residential buildings from 10 storeys to 24 storeys in 2017, and another proposal to increase
  height from 10 storeys to 15 storeys in 2018.
- 7. In 2018 I am fighting for the community in opposing this 63 storey proposal.



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## **ATTACHMENT 8**



Earlier this year I successfully fought to freeze future development applications in the City of Ryde, and stop Ryde Council doing deals with developers beyond their local planning controls in exchange for financial contributions. This freeze was specifically designed to prevent more short-sighted planning decisions such as this, and give Council time to fix its broken planning laws to ensure approvals align with community expectations.

Given that the Council is required to updated its LEP in the next 18 months, (i.e., by 30 June 2020) it would be preferable to defer consideration of this historic proposal to ensure that the development is in line with community expectation that will form the updated LEP.

When Council continually does deals with developers whereby they support an increase in scale in exchange for financial contribution it undermines the confidence of the community in the decision-making process.

Ryde is a great place to live, and our community has done more than its fair share of heavy lifting to accommodate new residential developments that is required to support our rapidly growing population. It is therefore extraordinary that despite the community's fervent opposition to many other proposals in the past, Council sought fit to *voluntarily* enter into an agreement of this scale.

This overdevelopment is an affront to Ryde residents who have fought against overdevelopment for years. This development application should have been rejected by Council in November last year. Instead Council chose to support the application, thereby putting the community through unnecessary angst, which it finds itself in now. I urge Council to reverse its decision, reject the financial contributions that form part of this development proposal, and reject the proposal outright.

Yours sincerely

The Hon. Victor Dominello MP Member for Ryde







## **ATTACHMENT 9**

#### Naomi L'Oste-Brown

From: Alder, David <David.Alder@casa.gov.au>
Sent: Thursday, 25 October 2018 10:47 AM

To: City of Ryde Cc: ANAA Corro

Subject:Planning Proposal 112 Talavera Road, Macquarie Park [SEC=UNCLASSIFIED]Attachments:180716 180359, Building Development, 112 Talavera Rd, Macquarie Park - CASA

response to SACL (and Meriton).PDF; Scanned copy 112 Talavera Road, Macquarie

Park Aeronautical Impact Assessment (AIA) by Landrum and Brown.pdf

#### UNCLASSIFIED

File F18/2634-14

#### Karen Peters

I refer to the letter to CASA of 22 October 2018 seeking community comments on a Planning Proposal to amend the planning controls relating to 112 Talavera Road, Macquarie Park.

CASA has briefly reviewed the Aeronautical Impact Assessment (AIA) by Landrum and Brown of 5 April 2018 (enclosed).

Notwithstanding minor detail CASA has no issues with the AIA; although the PANS-OPS, TAR and RTCC aspects are matters for Airservices Australia. (Refer to enclosed Airservices Assessment).

CASA has assessed the proposal from an obstacle perspective on behalf of Sydney Airport. Please refer to enclosed. The CASA assessment remains valid.

For information: according to the Civil Aviation Safety Regulation 1998 139.365 and CASA Manual of Standards Part 139 7.1.5.1 – a person who proposes to construct a structure taller than 110m above ground must inform CASA, including height and location. Structure includes cranes and buildings.

#### Regards

#### David Alder

Aerodrome Engineer
Air Navigation, Airspace and Aerodromes Branch
CASA Aviation Group
p: 02 6217 1342 m: 0455 051 611
16 Furzer Street, Phillip ACT 2606
GPO Box 2005, Canberra ACT 2601

#### www.casa.gov.au









#### **ATTACHMENT 9**



Air Navigation, Airspace and Aerodromes

File Ref: F18/2303-23 Your Ref: 18/0359

16/07/2018

Peter Bleasedale Sydney Airport Corp Ltd On behalf of Matthew Lennartz Meriton

Dear Mr. Bleasdale,

#### PROPERTY DEVELOPMENT, 112 TALAVERA ROAD, MACQUARIE PARK

I refer to the request for advice from CASA under the CASR Part 139 regarding the above proposal. CASA has assessed the proposed building(s) at 112 Talavera Road, Macquarie Park, NSW.

The height of the proposed building B at this site is 243 m AHD or 183 m Above Ground Level. The proposed building is outside the limit of the Sydney Airport outer horizontal surface.

CASA has determined that the building will be a hazardous object under regulation 139.370(1) of the Civil Aviation Safety Regulations 1998 due to its height and location and lack of obstacle lighting.

CASA recommends that building B be obstacle lit by medium intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 - Aerodromes (MOS Part 139). Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS Part 139.

The proponent should ensure obstacle lighting arrangements have a remote monitoring capability. This assessment does not include any crane activity required during construction.

In support of Subpart 175.E of the Civil Aviation Safety Regulations 1998, CASA recommends that all permanent obstacles 100m or more above ground level are reported to the Aeronautical Information Service (AIS) provider, Airservices Australia.

Yours sincerely,

Down Seel

David Alder

Aerodrome Engineer

Adelaide • Brisbane • Cairns • Canberra • Darwin • Melbourne • Perth • Sydney • Tamworth • Townsville

GPO Box 2005 Canberra ACT 2601 Telephone 131 757 www.casa.gov.au



## **ATTACHMENT 10**



Tuesday 17 October 2017

Roads and Maritime Reference: SYD17/00939

The General Manager City of Ryde Council Locked Bag 2069 North Ryde NSW 1670

Attention: Lexie McDonald

#### PLANNING PROPOSAL TO AMEND RYDE LEP 2014 - 112 TALAVERA ROAD, MACQUARIE PARK

Dear Ms McDonald

I refer to Council's email of 11 July 2017 inviting Roads and Maritime Services to provide comment on the abovementioned planning proposal. Roads and Maritime apologises for the delay and appreciates the additional time for review and comment.

Roads and Maritime has reviewed the submitted documentation and it is noted that the Planning Proposal is seeking to:

- Increase the height controls by amending the Height of Buildings Map to impose a maximum height of 18 metres, 135 metres and 200 metres; and
- Increase the FSR controls by amending the Floor Space Ratio to impose a maximum FSR of 7.15:1 across the site.

It is noted that the Planning Proposal sits within the Macquarie Park Herring Road Precinct, which is currently subject to a Land Use Infrastructure Implementation Plan (LUIIP) by the Department of Planning and Environment. It is further noted that Planning Proposals being considered by Council are seeking increased uplift above and beyond current planning controls; an additional 5,000 dwellings for North Ryde and Herring Road bringing the potential total number of dwellings to 14,255. It is noted that current planning controls provide for 9,700 dwellings. Roads and Maritime is of the view that the proposed increase in development uplift will require traffic modelling to assess the cumulative traffic and transport impacts on the local and regional road network. In this regard, Roads and Maritime has been in discussions with Transport for NSW and Department of Planning & Environment for an update to the Macquarie Park Aimsun model to include current Planning Proposals / Development Applications to identify the cumulative traffic impacts and development of an appropriate Special Infrastructure Contribution / Infrastructure List. It was also agreed that an update to the traffic modelling for Macquarie Park should include the proposed fine grain street network in

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13

## **ATTACHMENT 10**

order to test the opportunities/constraints that future local road connections can provide to network capacity and efficiency improvements.

Therefore, Roads and Maritime recommends the deferral of this Planning Proposal until an update to the traffic modelling has been undertaken that includes the increases in development uplift. Should Council decide to proceed to Gateway Determination prior to the completion of the traffic modelling, Roads and Maritime recommends that:

- a) The Planning Proposal demonstrates there will be no additional traffic generation above the current approved planning and parking controls (both on and off site) and;
- b) A control in the City of Ryde LEP 2014 should be included to ensure that there is no increase in traffic demand and parking generated by the proposed uplift (both on and off site).

Notwithstanding the above comments, Council will need to consider the following additional issues prior to the making of the plan:

- Traffic modelling and analysis may need to be refined further to address comments outlined in Attachment A from Roads and Maritime's Traffic Analysis section.
- Vehicular access to/from the site should be consolidated to Christie Road and Talavera Road with the current left-in access via the M2 Herring Road on ramp closed to future redevelopment. Future redevelopment of the site reduces the need for a separate left-in access point (to service separate businesses) via the M2 Herring Road on ramp which in turn will remove current operational conflict between traffic streams and the confusing guidance at the intersection. It also provides Roads and Maritime future opportunities to implement more efficient incident management; rather than having to implement manual traffic control (ie. allow vehicles for the site to pass through whilst detouring motorway bound traffic) and other motorway operational initiatives. Council is reminded the eastern boundary of the site, fronting the M2 Herring Road on ramp, has access denied provisions consistent with a SP2 Classified Road zoning in City of Ryde LEP 2014 (and the operational requirements of the M2 motorway) and provisions of the Infrastructure SEPP. A control that outlines the access provisions for the site should be included in the Access Strategy component of Council's DCP.
- Car parking provision, as outlined above, may need to be limited to the car parking rates identified under current controls in Ryde LEP 2014. The proposed parking provision of 1491 car parking spaces has not considered the anticipated increase in mode share to public transport as a result of the future Sydney Metro Macquarie University station. There is currently a disparity between the total number of parking spaces proposed and the calculated traffic generated by the development and the influence that car parking has on traffic generation.
- The Planning Proposal has identified the opportunity for a pedestrian connection over the M2 motorway (provided by others) as part of the Macquarie Park Finalisation Report however; little information has been provided in relation to the location, design, cost, timing and delivery of the proposed pedestrian connection. Further information is required in relation to the issues raised in this point.
- The proposal's location adjacent to the M2 motorway will require consideration of the potential impacts of high density residential development to motorway operations such as lighting, operational toll collection points and noise attenuation measures to mitigate against motorway related traffic noise impacts. Furthermore, information will be required as to how projectiles being dropped / thrown off the balconies of

**ATTACHMENT 10** 

the residential towers in the direction of the M2 motorway will be mitigated. Additional issues to be addressed at the development application stage include:

- The proponent must undertake a dilapidation survey of the M2 Motorway pre and post construction.
- The RMS Technical Direction (GTD2012/001) 'Excavation adjacent to RMS infrastructure' as well as 'Development near Rail Corridors and Busy Roads – Interim Guideline' must be adhered to.
- No temporary or permanent structures are to be erected on The Hills Motorway Limited (THML) Land.
- There is to be no drainage (temporary construction or permanent) diverted onto the THML Land. This
  includes any drainage easements or connections into THML's stormwater system.
- No additional light spill from the proposed developments onto THML Land.
- The proponent must not impact the M2 on and off ramps (Herring and Christie Road) during construction of their works.
- THML will not permit the lifting and slewing of loads over THML land.

Thank you for the opportunity to provide advice on the subject proposal. If you require clarification on any issue raised, please contact Tricia Zapanta, Strategic Land Use Planner on 8849 2473 or by email on Tricia.Zapanta@rms.nsw.gov.au.

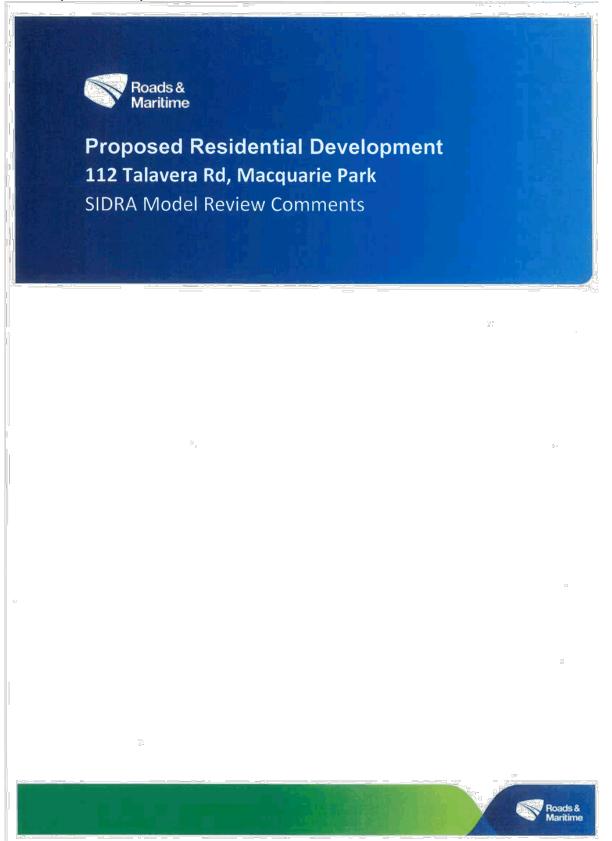
Yours Sincerely.

Mary Whalan

Principal Network Manager, North Precinct

**Network Sydney** 



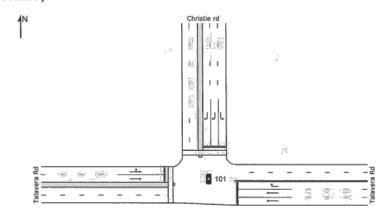


# **ATTACHMENT 10**

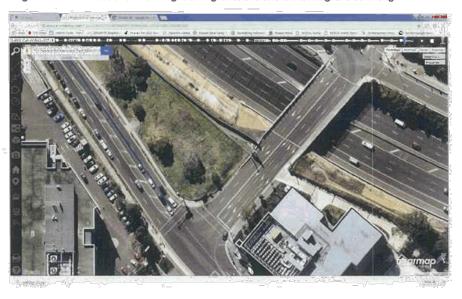
## SIDRA Model Review - 112 Talavera Rd, Macquarie Park

Christie Rd / Talavera Rd (2\_Base) - AM & PM Peak

Lane Geometry:



- East approach: Should have one short right turning lane approx. 180 m long and two through lanes approx. 250m long. Model has shown all three lengths of equal length 136m long.
- West approach: Should have one share through and left turning lane of approx. 135m long
   and one through lane of approx. 155m long. Model has shown both lane 500m long.
- North approach: should have two left turning lanes and one right turning lane approx. 90m long. Model has instead shown two right tuning lanes and one left turning lane 36m long.



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#### Pedestrians:

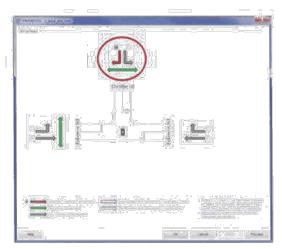
Peak flow period of 60 min seems to have been adopted in the model. Why? Need
justification. SIDRA default is 30 min.

#### Volumes:

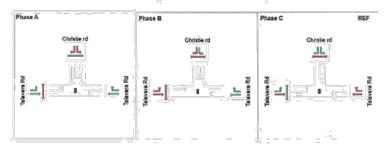
Peak flow period of 60 min seems to have been adopted in the model. Why? Need
justification. SIDRA default is 30 min.

#### **Priorities:**

 Opposing movements for right running vehicles appears to have shown incorrectly. See below:

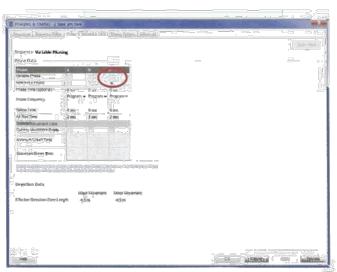


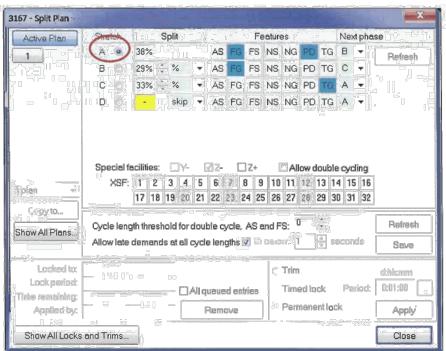
## Phasing and Timing:



- Model has allowed for filter right turns in phase A. It is likely that filter right turns are not allowed at this intersection in AM and PM peak times. Please check with Network Ops team if filter turns are allowed during peaks.
- It is noted that in the model C phase is adopted as reference phase. SCATS indicate that A
  phase is reference phase. Should be reviewed and corrected. See below.

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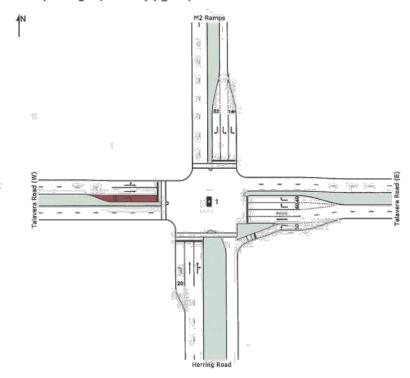


TCS cycle time of 115 sec seems to have been adopted and SCATS data seems to show that
adopted time is high and quite conservative. Pls check with Network Ops if adopted cycle
time is OK.

# **ATTACHMENT 10**

Yellow and all red time adopted in the model is 4 sec and 2 sec for all three phases. SCATS
indicates all-red time of 2.5 sec. in this case consideration should be given to adopt all red
time of 3 sec in SIDAR for A and B phase because SIDRD doesn't accept half numerals such as
2.5.

## Talavera Rd / Herring Rd / M2 Ramp (5\_Base) - AM & PM Peak



#### Lane Geometry:

- South approach: One through lane and one share through and right turning lane should be approx. should be approx. 340m long. Model has shown both lanes to be 190m long.
- West approach: One through lane and one share through and left turning lane on Talavera Rd should approx. 250 m long. Model has shown both the lanes 116m long.
- North approach: Should have one short left turning lane approx. 180m long, 2<sup>nd</sup> left turning lane approx. 460m long and one short right turning lane approx. 110m long. Model has 1 short left turn 145m long, 2<sup>nd</sup> left turn 500m long and one short right turn 85m long.
- East approach: Should have two through lanes approx. 170m long, two right turn lanes one approx. 56m and other approx. 78m long. Model two has right turn lanes one 40m and other 60m long.

# **ATTACHMENT 10**

#### Pedestrians:

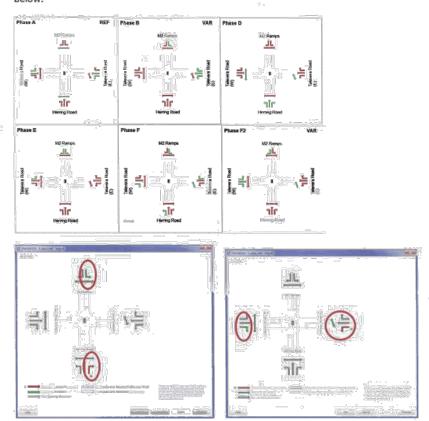
Peak flow period of 60 min seems to have been adopted in the model. Why? Need
justification. SIDRA default is 30 min.

#### Volumes:

 Peak flow period of 60 min seems to have been adopted in the model. Why? Need justification. SIDRA default is 30 min.

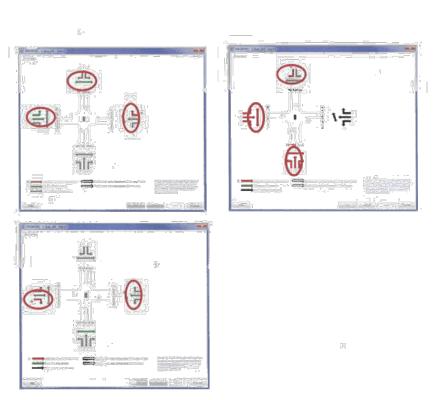
#### **Priorities:**

 For given phasing Opposing movements for right running vehicles appears to have shown incorrectly. Also pedestrian movements should be shown as opposing movement for turning vehicle movements. Opposing movements should in accordance with phasing dia. See below:





# **ATTACHMENT 10**



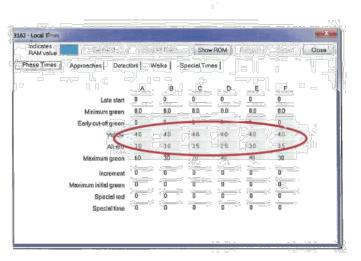
#### Vehicle Movement Data\_Signals:

 Signal coordination arrival type parameter value of 4 has been adopted for all movements on East and South approach and for through movement on West approach in both AM and PM Peak. Need Justification for changing default values.

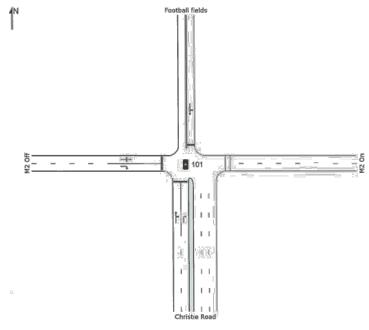
#### Phasing and Timing:

- SCATS indicates that this intersection runs phases A, D E, F in AM and PM peak with Nominal cycle time of 120 sec in AM peak and 130 sec in PM peak. Model has adopted 120 sec cycle time for AM peak and 110 sec cycle time for PM peak. Also SCATS indicated that B phase run few time in PM peak. Model has shown phases A, B, D, E, F and F2 run in AM peak and A, D, E, & F run in PM peak. Please discuss with Network Ops.
- Yellow and all red time adopted in the model is 4 sec and 2 sec for all phases. SCATS indicate diff all-red times. See below:

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## Christie Road / Football Fields / M2 Ramps (6\_base): AM & PM Peak



## Lane Geometry:

- South approach: Should have one share through and right lane and one right turning lane both approx. 90m long. Model has both the lanes 60m long.
- West Approach: Should have one short share lane with all movement permitted approx.
   130m long and one full length right turning lane.. Model has both the lanes as full length lanes.

# **ATTACHMENT 10**

 North Approach: Should have one through and one short left running lane. Through lane should be approx. 30m long and short left turning lane approx. 10m long. Model has just one share through and left turning lane 500m long.

#### Pedestrians:

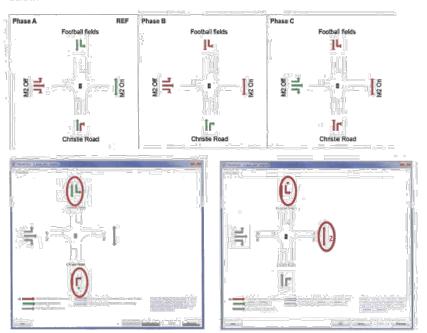
 Peak flow period of 60 min seems to have been adopted in the model. Why? Need justification. SIDRA default is 30 min.

#### Volumes:

 Peak flow period of 60 min seems to have been adopted in the model. Why? Need justification. SIDRA default is 30 min.

#### Priorities:

 For given phasing Opposing movements for right running vehicles appears to have shown incorrectly. Also pedestrian movements should be shown as opposing movement for turning vehicle movements. Opposing movements should in accordance with phasing dia. See below:



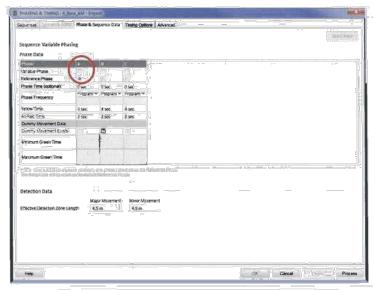
# Phasing and Timing:

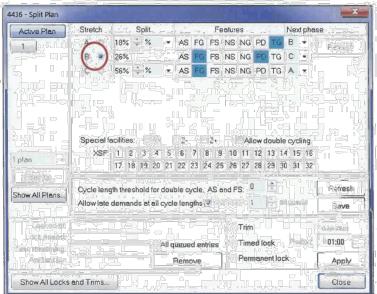
 SCATS indicates that this intersection runs phases A, B, C in AM and PM peak with Nominal cycle time of 95 sec in AM peak and 70 Sec PM peak. Model has adopted 85 sec cycle time for AM peak and 40 sec cycle time for PM peak. Pls review.



## **ATTACHMENT 10**

It is noted that in the model A phase is adopted as reference phase. SCATS indicate that B
phase is reference phase. Should be reviewed and corrected. See below.





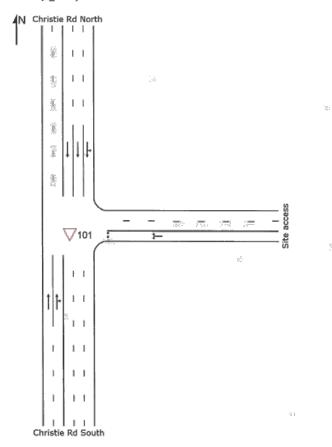
 It is noted that for this intersection optimum cycle time option seems to have been adopted for both AM and PM peak. It is not clear why? For other intersection user given cycle time



# **ATTACHMENT 10**

option has been adopted. For consistency purpose similar option should be adopted for this intersection.

#### Christie Rd / Site Access (1\_Base): AM & PM Peak



#### Lane Geometry:

East Approach: Site access lane length should be approx. 70m and not 500m.

It seems all movements are allowed from this site access is that correct??

## Pedestrians:

Peak flow period of 60 min seems to have been adopted in the model. Why? Need
justification. SIDRA default is 30 min.

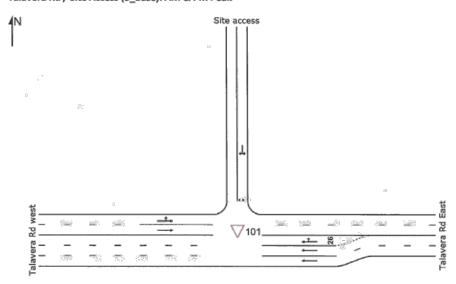


## **ATTACHMENT 10**

#### Volumes:

 Peak flow period of 60 min seems to have been adopted in the model. Why? Need justification. SIDRA default is 30 min.

#### Talavera Rd / Site Access (3\_Base): AM & PM Peak

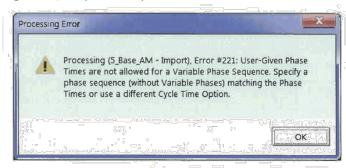


#### Lane Geometry:

It seems all movements are allowed from this site access is that correct??

#### SIDRA Network Model Comments:

 Network model appears to give a following processing error. This may be due to selecting user given site / CCG phase time option. Please correct.



Network has shown all the three signalised intersection as coordinated intersections.
 However SCATS seem to indicate that none of these intersections are either linked or coordinated with each other. Please discuss this Network Ops team.



# **ATTACHMENT 10**

- It is not clear how the offset for intersection 2\_base\_new was determined??
- It is noted that diff network cycle times seems to have been adopted in Network Model for AM and PM peak. Need justification. Z
- It is noted that for post development scenario network cycle time of 100 sec has been
  adopted which is lower than the cycle time adopted for existing scenario. This seems
  unrealistic and should be reviewed. This is also in contradiction with PM peak scenario
  where network cycle time of 100sec is adopted for both existing and post development
  scenario.

#### **General Comments:**

- Traffic Impact Assessment states that that the pedestrian crossing on western approach
  along Talavera road at the intersection of Talavera Rd. Christie Rd should be shifted to
  eastern leg in increase the intersection capacity. Consideration should be given to
  investigate to level of benefit this may provide.
- It also suggested having all movements to and from site access off Talavera road. This is likely to create road safety issues and consideration should be given to restrict this access to left in, left out and right in only.



# **ATTACHMENT 10**



5 October 2018

Roads and Maritime Reference: SYD17/00939/04

The General Manager City of Ryde Council Locked Bag 2069 NORTH RYDE NSW 1670

Attention: Sammie Kwon

Dear Sir/Madam,

UPDATED TRAFFIC IMPACT ASSESSMENT TO SUPPORT PLANNING PROPOSAL 112 TALAVERA ROAD, MACQUARIE PARK

Reference is made to Council's correspondence dated 31 August 2018, regarding the abovementioned proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment prior to public exhibition in relation to condition 1(g) of the *Alteration of Gateway Determination* (see below).

- (g) include a revised traffic impact assessment that:
  - incorporates Roads and Maritime Services' (RMS) SIDRA modelling advice dated October 2017;
  - ii. considers the traffic generation implications of reduced parking rates;
  - iii. incorporates future traffic growth. The applicable future growth rates to be modelled for the assessment of future traffic impacts are available from RMS by request; and
  - iv. provides an assessment of entry/exit options of the site, including a demonstration of the impacts of the closure of the left-in access via the M2."

It is noted that the applicant has submitted a revised Traffic Impact Assessment (TIA) for review. Roads and Maritime has reviewed the revised TIA and provides the following comments in regard to points i, ii and iii above;

- Roads and Maritime's SIDRA modelling comments from our previous advice dated 17 October 2017 have been adequately addressed.
- The parking of rates for the proposed uplift have been based on the objectives of no additional traffic generation and the 1081 parking spaces proposed is less than the 1232 that is permitted under the City of Ryde Development Control Plan (DCP) 2014.
- The traffic modelling that has been undertaken has incorporated future traffic growth forecasts for the years 2021 and 2031.

In regard to the proposed assessment of the proposed access arrangements, Roads and Maritime has reviewed the TIA and our previous advice and provides the following comments for Council's consideration:

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13



## **ATTACHMENT 10**

- The TIA has demonstrated that the traffic impacts of closing the existing left in driveway
  access from the Herring Road/M2 Westbound on ramp may result in additional traffic
  circulation through the local network and contribute to increased delays and congestion
  elsewhere.
- It is noted that the existing driveway is currently designated as a right of way, used to access
  the adjoining Fujitsu site, which is not subject to this planning proposal.
- The TIA states that 'the right turn onto Talavera Road is difficult due to higher traffic volumes and is used by only 2% of people exiting the site'.

Considering the above, Roads and Maritime has reviewed its previous position and would raise no objection in-principle the retention of the left in only access from the Herring Road/M2 Westbound on ramp subject to the driveway in Talavera Road being physically restricted to left in/left out movements only. The impact of this would be minimal as the right turning movements into the site from Talavera Road would turn right at the Herring/Talavera intersection and then turn left into the site.

After consideration of the revised Traffic Impact Assessment, Roads and Maritime is satisfied that gateway conditions relating to the previous Roads and Maritime comments have been addressed and raise no objection to this planning proposal proceeding to public exhibition.

Thank you for the opportunity to provide advice on the subject planning proposal. Should you have any questions or further enquiries in relation to this matter, Nav Prasad would be pleased to take your call on 02 8843 3321 or e: <a href="mailto:development.sydney@rms.nsw.gov.au">development.sydney@rms.nsw.gov.au</a>.

Yours sincerely,

Mary Whalan

**Director Network Integration** 

North West Precinct, Sydney Division



## **ATTACHMENT 11**



Dyalan Govender Manager Urban Strategy City of Ryde Council Locked Bag 2069 NORTH RYDE NSW 1670

Attn: Karen Peters

Dear Mr Govender

#### Planning Proposal and Voluntary Planning Agreement for 112 Talavera Road, Macquarie Park (LEP2017/9 & VPA2016/5/3)

Thank you for your correspondence dated 22 October 2018 requesting Transport for NSW (TfNSW) to review and comment on the subject matter.

It is noted that Roads and Maritime Services had provided a submission on 5 October 2018 in response to the proposal prior to public exhibition.

The proposal seeks to retain the existing B4 Mixed Use land zoning and proposes to amend the maximum building height and Floor Space Ratio for the subject site. The proposal is accompanied by a draft Voluntary Planning Agreement that offers the delivery of public benefits. An indicative layout plan has also been provided to demonstrate a concept that supports the proposed intensification.

The subject proposal has been reviewed and no objections are raised. Some comments are provided in **TAB A** in relation to the transport assessment and indicative layout plans for Council's consideration.

Thank you for the opportunity to provide advice on the subject planning proposal. For any future correspondences regarding planning and development matters, please email to <a href="mailto:development@transport.nsw.gov.au">development@transport.nsw.gov.au</a>.

Yours sincerely

20/11/2018

Mark Ozinga

Principal Manager, Land Use Planning & Development Freight, Strategy & Planning

CD18/09971



#### **ATTACHMENT 11**

Tab A – Comments in regards to Transport Assessment and Indicative Layout Plan for the proposed development at 112 Talavera Road, Macquarie Park

## Capacity of pedestrian crossing and footpaths

The transport assessment provides a high level summary of the existing pedestrian and cycle catchment. The assessment also notes that the proposed development would generate 838 peak hour pedestrian trips, however, no assessment on the impact of pedestrian crossings and footpaths has been provided. Further assessment should be provided to assess the capacity of pedestrian crossing and footpaths at the intersection of Talavera Road/Herring Road and any other crossing facilities which may be required to link to nearby trip generators.

#### Measures to consider ensuring safety of pedestrians

The subject site is located within walking distance of rail, buses, a major shopping centre, university and within a major employment precinct. The planning proposal offers public open space with retail frontages on the subject site that will encourage additional walking trips to the site from the surrounding area. It is recommended that further assessment be undertaken to look at measures to ensure the safety of pedestrian and cycling trips in relation to the following aspects:

- Ensuring that street crossing provision supports pedestrian desire lines between the site and trip attractors in the nearby surrounding such as Macquarie Centre, future Metro Station and Macquarie University.
- Ensuring adequate footpath width to cater for the increased pedestrian trips and their safety.
- The interface of driveway and footpath/public open space should be carefully designed to support and prioritise pedestrian safety.
- Acknowledgment of the Macquarie University Station Bus Interchange investigation and the need to integrate with potential options currently under investigation.

These issues would also need further detailed design consideration in subsequent development stages.



## **ATTACHMENT 12**





The General Manager Council of the City of Ryde Locked Bag 2069

Your reference LEP20
Our reference R18/3

LEP2017/9 & VPA2016/5/3

R18/3313

15 November 2018

Attention: Dyalan Govender

Dear Dyalan,

Planning Proposal and Voluntary Planning Agreement - 112 Talavera Road, Macquarie Park

Reference is made to correspondence dated 22 October 2018 seeking comment in relation to the above planning proposal and voluntary planning agreement which seeks to increase the maximum heights and floor space provisions of the Ryde LEP 2017.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal and agreement with regards to Section 4.4 of the directions issued in accordance with Section 9.1 of the *Environmental Planning and Assessment Act* 1979.

The objectives of the direction are:

- to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The direction provides that a planning proposal must:

- (a) have regard to Planning for Bushfire Protection 2006 and/or subsequent edition,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future buildings to be constructed comply with *Planning for Bush Fire Protection 2006* and/or subsequent edition. This includes, but is not limited to:

- Provision of Asset Protection Zones (APZs) within the proposed lots;
- Access to be provided in accordance with the design specifications; and,
- Services to be provided in accordance with the acceptable solutions or performance criteria.

Postal address

NSW Rural Fire Service Planning and Environment Services Locked Bag 17 GRANVILLE NSW 2141 T 1300 NSW RFS F (02) 8741 5433 E records@rfs nsw.gov.au www.rfs.nsw.gov.au





# **ATTACHMENT 12**

With regard to these requirements, the following comments are made in relation to the submitted concept plan:

Buildings B and D will not be able to support special fire protection purpose development as they are proposed within the required setback distances.

If you have any queries regarding this advice, please contact Matthew Apps, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

Nika Fomin

Manager, Planning and Environment Services (East)

NSW RURAL FIRE SERVICE

2062

# **ATTACHMENT 12**



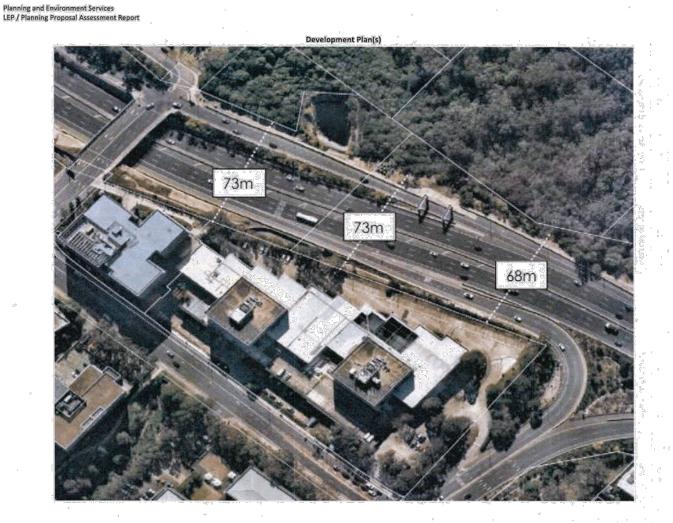
## **Application Details**

Assessing Officer	Matthew Apps	NSW RFS Reference	R18/3313 LEP2017/9 & VPA2016/5/3 PBP Aims and Objectives		
Referral agency	Ryde	Referral Reference			
Stage of Proposal:	Planning Proposal	Assessed against:			
Lot & Street Address	112 Talavera Road – Macquarie Park				
Proposed Development	Planning Proposal and Voluntary Planning Agreement				
Bush Fire Report Provided	Yes FPAA Accredited	Yes Author, Date, Reference	Bush Fire Planning Services, 28/8/18		

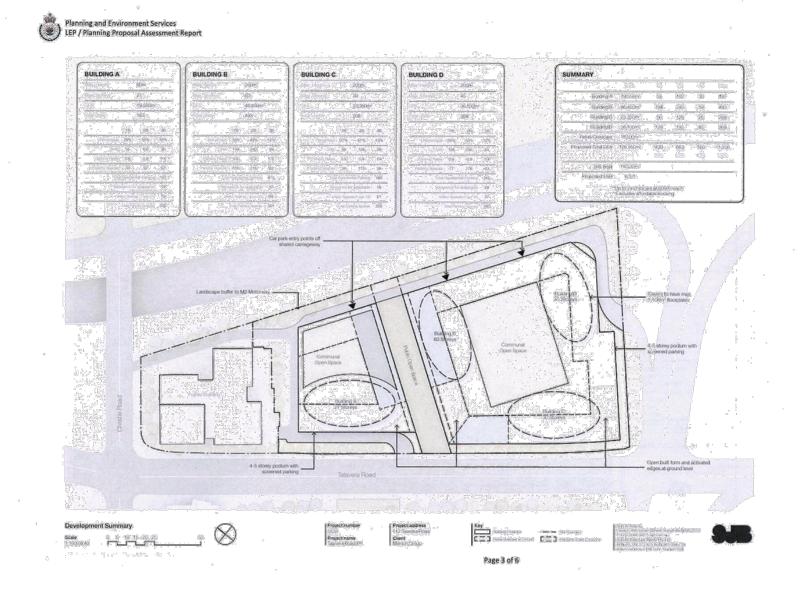
#### Assessment Summary

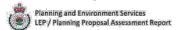
and the second representative to the second		. 0 (.)	e-0			
Proposal Details & Background						
It is proposed to amend the Ryde LEP in regards to the following for the planning proposal;  Amend the height of building map to a height of 18.5 and 90 metres						
<ul> <li>Amend the height of build</li> <li>Amend the floor space</li> </ul>	ng map to a neight of 18.5 and 90 metres	. 6				
	for design excellence for all developments on the site					
	to obligate the angle to an observe opinion of the site	4 4 4 4				
In regards to the VPA the following is	proposed:					
	proximately 27 affordable housing apartments to Council					
<ul> <li>Monetary contribution toy</li> </ul>	vards the construction of Stage 2 of Christie Park upgrades					
	over passive pedestrian link		7.300			
Site Inspection		1. C. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	2. F. S.			
Was a site inspection undertaken?	No - sufficient information was available to undertake an a	assessment				
If Yes: - Date undertaken:						
- Reason for inspection:						
Asset Protection	Zones Vegetation	Emergency Ma	nagement & Evacuation			
Siting and Design	Effective slope	Separation dist	H 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
Construction leve	Services	Site Slope				
Access	Landscaping	Other				
	Land of the Control o	Other				
- Inspection Notes:	Carrie 197 ° 00 Carrie 170 Carrie 1860 Paris					
Conclusion						
	he building heights again for the planned proposal. The RFS h	as previously mad	le comment (11/9/18) where			
it outlined compliance would be requ	ired with PBP. Specific comment was made in regards to Buil	dines B and D in v	which they would not be able			
to support SFPP development as the	y are within the required setback distances.					
The new proposed heights are relat	ively the same as previously submitted and the previous a	issessment under	rtaken dated 10/9/18 is still			
applicable, but the separation distan	ces have been tweaked.	3 . 3%				
		44 6 7	Jan Sa			
Overall, the proposal can comply wit	h PBP 2006 and 2018 and will be advised as such to Council.	6., 1.00				
Recommendation Other	3. 3. 4	124	Too A S			
necommendation other		Date:	12/11/2018			

Page 1 of 6



Page 2 of 6







Page 4 of 6

**ATTACHMENT 12** 

# ITEM 2 (continued)

		是多数的		APZ Assessm	ent Table	estate and the	Maria de la companya	No. of Case of Case		BOTH STEPS
FDI	Assessor	Aspect	1 -Vegetation Formation As shown on Vegetation Formation layer in MapDesk	2 - Vegetation Formation As identified by applicant and confirmed in this assessment	Vegetation Classification As per AS3959-2009	Effective slope Under classified vegetation	Required APZ As per PBP Appendix 2	Separation distance / Proposed APZ	Complies? (with PBP Appendix 2)	Required BAL (where applicable)
	Applicant	NE		Dry Sclerophyll Forest	Forest	>0-5	25 (sub) 70 (SFPP)	>80	Yes	<b>&lt;&lt;.&gt;&gt;&gt;</b>
	NSW RFS.	KOP	Dry Sclerophyll Forest	Dry Sclerophyll Forest	Forest	>0-5	25 (sub) 70 (SFPP)	>80	Yes	
		INE.	Dry Sclerophyll Forest	Dry Sclerophyll Forest	Forest	>5-10	35 (sub) 85 (SFPP)	>74	Ño	
	Applicant	NE		Dry Sclerophyll Forest	Forest	>0-5	25	>80	Yes	° <<.>>>
100	NSW RFS North	North	Dry Sclerophyll Forest	Dry Scierophyll Forest	Forest	upslope/flat	25 (sub) 60 (SFPP)	>78	Yes	
		××>>.	<<>>	<b>**.</b>	<<>>>	<<>>			<<,>>>	۵
	Applicant	South		<b>**</b>	<<>>>	<<>>>	0 0 00.00		<<.,>>>	
	NSW RFS South	Cleared land	Managed Lands	<<,>>>	<<,,>>>			<<.>>>	<<,,>>>	
		×<>>		<b>***</b>	<<.>>>			<<.>>>		
	Applicant	West		**************************************	<<.>>>	<<>>	. 1000 011 00 0	1	<<>>>	
	NSW RFS West	41.0 (2.000.4)	Cleared land	Managed Lands	<<.>>>	<<.>>>		. *	<<>>	<>>> .
		west	«.»	<b>«.»</b>	<b>**.</b> **	<<>>>		0.8	<<.>>>	1
	Where the	assessed v	egetation formation in 2 is differ	ent from the mapped formation	in 1, detail what in	formation the as	sessed forma	tion is based o	n:	
	_N/A	N/ASix MapsSite inspectionConsultant's reportOther vegetation mapping X Aerial photographyOther			a 0	4				
	Comments:					9	1	0 . , .	- G	,

It has been noted to the north east of proposed buildings

Planning and Environment Services LEP / Planning Proposal Assessment Report



# **ATTACHMENT 12**



## 117 Directions

Direction:	Does the proposal comply with the direction?
The planning proposal:	· · · · · · · · · · · · · · · · · · ·
Has regard for Planning for Bush Fire Protection 2006,	Yes
Introduces controls that avoid placing inappropriate developments in hazardous areas, and	Yes
Ensures that bushfire hozard reduction is not prohibited within the APZ.	Xes
Where development is proposed, the planning proposal complies with the following provisions, as appropriate:	
Provide an Asset Protection Zone (APZ) incorporating at a minimum:  (i) An inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and An Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,	Yes
For infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard. If provisions of the planning proposal permit Special Fire Protection Purposes, the APZ provisions must be complied with,	Yes
Contain provisions for two-way access roads, which links to perimeter roads and/or to fire trail networks,	Yes
Contain provisions for adequate water supply for firefighting purposes,	Yes
: Minimise the perimeter of the area of land interfacing the hazard which may be developed,	Yeş
Introduce controls on the placement of combustible materials in the inner Protection Area.	Yes

# Planning Principles for Rezoning to Residential in Bush Fire Prone Areas (Clause 2.3 of PBP)

Principle:	Does the proposal comply with the principles?				
The planning proposal:					
Provision of a perimeter road with two way access which delineates the extent of the intended development.	Yes				
Provision, at the urban bushland interface, for the establishment of adequate asset protection zones for future housing.	Yes				
Specifying minimum residential lot depths to accommodate asset protection zones for lots on perimeter roads.	Yes				
Minimising the perimeter of the area of the land interfacing the hazard, which may be developed.	Yes				
Introduction of controls which avoid placing inappropriate developments in hazardous areas.	Yes				
Introduction of controls on the placement of combustible materials in	Yes				



# **ATTACHMENT 13**

#### Naomi L'Oste-Brown

From: UrbanGrowth < UrbanGrowth@sydneywater.com.au>

Sent: Thursday, 25 October 2018 4:26 PM

To: City of Ryde

Subject: RE: Planning Proposal - 112 Talavera Road, Macquarie Park

Dear Sir or Madam,

Thank you for referring the planning proposal listed above to Sydney Water.

We have reviewed the proposal and have no objections.

Detail comments on connections and services will be provided once development applications on the rezoned sites are referred to Sydney Water.

Should you have further questions, please contact me on the details provided below.

Kind regards,

Growth Planning & Development Team.









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## **ATTACHMENT 14**

#### Naomi L'Oste-Brown

From: Jonathon Carle <JCarle@cityofparramatta.nsw.gov.au>

Sent: Monday, 12 November 2018 11:43 AM

City of Ryde To:

Subject: Draft VPA - 112 Talavera Rd, Macquarie Park - VPA2016/5/3

CEO - City of Ryde - Notification of Public Exhibition - Have Your Say - 112 Talavera Attachments:

Road Macquarie ~ Planning Proposal and Voluntary Planning Agreement.PDF

Hi

I refer to the attached letter inviting the City of Parramatta to provide comments on the captioned VPA.

We appreciate the invitation, however, as the site is outside our local government area and won't materially impact on any of our sites or precincts, we do not have any comments to provide.

Regards, Jonathon

#### **Jonathon Carle**

Service Manager, Land Use Planning | City Strategy Unit

02 9806 5387

City of Parramatta 126 Church Street, Parramatta NSW 2150 PO Box 32, Parramatta, NSW 2124 cityofparramatta.nsw.gov.au











I acknowledge the Traditional Owners of the land I work on, the Darug Peoples, and pay my respects to their Elders past and present.

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**ATTACHMENT 15** 



Our ref: DOC18/827051 Your ref: LEP2017/9 & VPA2016/5/3

> Dyalan Govender Manager Urban Strategy City of Ryde Locked Bag 2069 NORTH RYDE NSW 1670

Dear Mr Govender

OEH comments on Public exhibition of 112 Talavera Road Macquarie Park - Planning Proposal and Voluntary Planning

Thank you for your letter of 19 October 2018, requesting comments from the Office of Environment and Heritage (OEH) on the above Planning Proposal.

OEH appreciates Council providing it with an extension in which to provide its comments.

OEH provides its recommendations and comments in Attachment A in relation to biodiversity and the adjoining Lane Cove National Park. Please note, OEH is still reviewing the proposal in relation to flood related issues and may provide additional comments on this.

Please note, a separate response may be provided on heritage matters by the Heritage Division of OEH as delegate of the Heritage Council of NSW.

Should you have any queries regarding this matter, please contact Janne Grose on 8837 6017 or janne.grose@environment.nsw.gov.au.

Yours sincerely

S. Hannioon 23/11/18

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney
Communities and Greater Sydney Division

PO Box 644 Parramatta NSW 2124
Level 2, 10 Valentine Ave Parramatta NSW 2150
Tel: (02) 9995 5000 Fax: (02) 9995 6900
ABN 30 841 387 271
www.environment.nsw.gov.au



#### **ATTACHMENT 15**

Page 2

#### Attachment A

#### OEH comments on Public exhibition of 112 Talavera Road Macquarie Park - Planning Proposal and Voluntary Planning

The Office of Environment and Heritage (OEH) has reviewed the following documentation:

- 112 Talavera Road Macquarie Park Planning Proposal report (PPR)- October 2018
- Attachment 1 Urban Design Report 12 October 2018
- Attachment 2 Indicative Layout 8 May 2018
- · Attachment 4 Preliminary Flood Impact Assessment by Calibre Consulting
- Attachment 7 Bushfire Risk Assessment 12 August 2018

and provides the following comments.

OEH notes the site is already zoned for high density residential development, the proposal is for the construction of a multi-use residential development and it seeks to increase the site density and height of buildings. It is noted the site is currently developed with a multistorey office/industrial complex and carparking and that the planning proposal has the potential to provide an additional 360 dwellings increasing the capacity from 900 dwellings to 1260 dwellings.

As the site is in close proximity to land managed by OEH, Lane Cove National Park is located north of the site on the opposite side of the M2 Motorway, OEH requests that the Planning Proposal addresses all relevant matters to be considered in the OEH (2013) Guidelines for developments adjoining land managed by the Office of Environment and Heritage. A copy of the guidelines is available at the following link:

http://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-quidelines

to ensure the proposal does not adversely impact the National Park.

The proposal will potentially increase the number of people that will use the National Park for recreation/open space purposes and place additional pressure/disturbance on the Park and other open space areas within the vicinity, including the nature reserve south of Talavera Road which lies within the Macquarie University Precinct directly south of the site.

The planning proposal notes the proposal provides connectivity opportunities to the National Park as the site is within 450m of the entry to the Lane Cove Valley Walk in the National Park (pages 16 and 17) and the Urban Design Report indicates the site's location between existing open space areas may be enhanced with the addition of a through site link to provide additional connectivity. The report indicates linkages should be established with existing networks particularly with University Creek (page 32). The cumulative impact of increasing the population with this proposal and other development proposals and the pressure/disturbance this increase will place on the National Park and nearby reserves should be assessed.

#### **Building Design**

OEH recommends the future redevelopment of the site incorporates Green Roofs and Cool Roofs into the design of the buildings. The numerous benefits of Green Roofs and Cool Roofs are outlined in the OEH (2015) Urban Green Cover in NSW Technical Guidelines which can be found at the following link:

http://climatechange.environment.nsw.gov.au//Adapting-to-climate-change/Green-Cover

In addition to regulating the temperature of roofs and building interiors, reducing the energy needed for cooling and the impact of the UHI effect, the provision of Intensive Green roofs would provide additional recreational areas at the site and thereby assist to reduce the use of, and potential impacts on the Lane Cove National Park and nearby nature reserves.



#### **ATTACHMENT 15**

Page 3

#### Landscaping of the site

The Planning Proposal indicates the proposal will increase the area of open space by 40% and the landscaped area could accommodate canopy tree planting opportunities (page 19). OEH recommends a diversity of native plant species from the relevant local native vegetation communities are used to landscape the site, particularly as the site is near the National Park. The use of local genetic plant material has numerous environmental benefits. OEH recommends the landscaping plan for the site should:

- include details on the native vegetation community (or communities) that once occurred on the site, with a list of local provenance species (trees, shrubs and groundcovers) to be used for landscaping
- specify that any landscaping will use a diversity of local provenance trees, shrubs and groundcover species from the native vegetation community (or communities) that once occurred on the site (rather than use exotic plant species).

(END OF SUBMISSION)



OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY MERITON IN ASSOCIATION WITH PLANNING PROPOSAL FOR 112 TALAVERA ROAD, MACQUARIE PARK

Report prepared by: Development Contributions Coordinator

File No.: VPA2016/5/6 - BP18/1273

#### REPORT SUMMARY

At its Ordinary Meeting of 28 November 2017 Council considered a report on an offer to enter into a Voluntary Planning Agreement (**VPA**) by Meriton (**Developer**), dated 5 September 2017 (**ATTACHMENT 1**) and made the following resolution:

- 1. That the Acting General Manager be delegated to accept an amended offer to provide 7% Affordable Housing, in accordance with Council's Draft Planning Proposal, waiting a Gateway Determination at the Department of Planning and Environment and not alter or withdraw any other part of their offer as detailed in **ATTACHMENT 1**:
  - a. Affordable Housing up to 7% of the total Gross Floor Area (GFA) of the residential development uplift component of the development resulting from the Planning Proposal, being dedicated to Council, which is approximately 2,734.2sqm or 27 Apartments.
  - b. Internal Open Space Allowance for public access within the development site provided as at grade open space not less than 1,300sqm. To be embellished as a passive pedestrian link with pathways and open space landscaping activated by retail/commercial uses at ground level to Talavera Road frontage (refer to Annexure A in ATTACHMENT 1 for proposed location).
  - c. Monetary Contribution payment of a monetary contribution of \$8,244,100, prior to issue of any Occupation Certificate for residential uses within the development, to fund Stage 2 upgrade of Christie Park in accordance with Council's Master Plan for Christie Park. The work is to be commenced within two years of Council receiving the funds, otherwise Council is to return the funds to the Applicant.
  - d. Key Worker Housing Dedication upon the issue of the later of an Occupation Certificate for the respective building in which the apartments are located or as agreed in writing between the parties.
  - e. The Planning Agreement is to be registered on the title of the land until all obligations are fulfilled. Registration to be excluded from any lot created under the Strata.



- f. The Meriton Properties Pty Ltd (as the parent company of the Meriton group) would be party to the VPA as a Guarantor for all Public Benefits including the dedication of the Affordable Housing Apartments, registration of the easement and payout of the Monetary Contribution.
- g. A Bank Guarantee or Insurance Bond of no more than \$500,000 to be provided to Council prior to the issue of any Construction Certificate for the Development. The Guarantee/Bond can only be drawn upon should the public benefits not be delivered and Council is required to undertake enforcement action in the Land and Environment Court. The value of the Guarantee/Bond must be amended as follows:
  - i. Upon transfer of all Key Worker Units Reduce by \$300,000
  - ii. Upon Payment of Monetary Contribution Reduce by \$150,000
  - iii. Upon Registration of the easement to allow public access over the Open Space Reduce by \$50,000
- h. The offer by the Applicant does not exclude the payment of Council's Section 94 Contributions Plan and states S94 will be payable at the usual time, being prior to issue of Construction Certificate; And:
- 2. Exhibit a Draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979.
- 3. That Council delegate authority to the Acting General Manager to:
  - i. Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in Item (b) above;
  - ii. Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- 4. That Meriton be informed of Council's decision.
- 5. That upon dedication of the key worker housing apartments at 112 Talavera Road, Macquarie Park (LOT 422 DP 1221081), public notification of the intention to classify the land as operational, in accordance with Section 34 of the Local Government Act 1993 be undertaken and subsequently reported to Council.



Following receipt of the above resolution, the Developer provided a revised letter of offer to enter into a VPA dated 29 November 2017 (**ATTACHMENT 2**). The revised offer was considered to be in accordance with Council's resolution and Council staff under the direction of the General Manager proceeded to negotiate, finalise and exhibit a draft VPA (**ATTACHMENT 3**).

The Draft Planning Agreement (**ATTACHMENT 3**) was placed on public exhibition with the associated Planning Proposal (reported separately) for 28 days from 24 October 2018 to 21 November 2018, in accordance with Section 7.5(1) of the Environmental Planning and Assessment Act, 1979 (EPA Act).

A total of 411 submissions from individuals in the community were received during the exhibition period for the Planning Proposal and draft VPA. Of these letters, only 16 objected to the draft VPA and 5 provided a positive response. As such the bulk of the submissions addressed the Planning Proposal. The main themes of the submissions in relation to the draft VPA were that the offer does not provide enough public benefits.

Overall there was no substantiating evidence provided that would prevent Council from entering into the VPA to accept the Public Benefits offered by the Developer in this case.

The VPA is valued at approximately \$35 million, adequately secured, and in satisfaction of the acceptability criteria established in Council's adopted and published VPA Policy. The VPA is also part of a wider set of contributions required, which include Section 7.11 Contributions (approx. \$25M) and State Infrastructure Contribution of \$12 million (according to Meriton's Notification Statement in the Planning Proposal).

Therefore it is recommended that Council enter into the VPA to secure the public benefits offered by the Developer. The final consent authority for the Planning Proposal, for which the VPA relates, is currently the Greater Sydney Commission. Should the State Government see fit to approve the Planning Proposal Council will be able to receive the Public Benefits offered by the Developer.

#### **RECOMMENDATION:**

- (a) That Council delegate authority to the General Manager to:
  - Authorise any minor changes to the draft Voluntary Planning Agreement, provided that those changes do not diminish the value or nature of the public benefits as exhibited;
  - iii. Subsequently enter into the Voluntary Planning Agreement on behalf of Council.



- (b) That upon dedication of the key worker housing apartments at 112 Talavera Road, Macquarie Park (LOT 422 DP 1221081), public notification of the intention to classify the land as operational, in accordance with Section 34 of the Local Government Act 1993 be undertaken and subsequently reported to Council.
- (c) That Meriton and those people who made a submission be informed of Council's decision.

#### **ATTACHMENTS**

- Meriton 5 September 2017 Offer to enter into VPA and Planning Proposal -112 Talavera Road Macquarie Park - Matthew Lennartz - Executive Manager -Planning and Government
- 2 29 November 2017 Revised VPA Offer
- 3 Draft Planning Agreement as Exhibited
- 4 Draft Hill PDA Uplift Report for 112 Talavera Road Planning Agreement Offer
- 5 Submission Against 63 Storey Tower

Report Prepared By:

David Matthews
Development Contributions Coordinator

Report Approved By:

Dyalan Govender Manager - Urban Strategy

Liz Coad Director - City Planning and Environment



# **History**

At its Ordinary Meeting of 28 November 2017 Council considered a report on an offer to enter into a Voluntary Planning Agreement (VPA) by Meriton (**Developer**), dated 5 September 2017 (**ATTACHMENT 1**) and made the following resolution:

- 1. That the Acting General Manager be delegated to accept an amended offer to provide 7% Affordable Housing, in accordance with Council's Draft Planning Proposal, waiting a Gateway Determination at the Department of Planning and Environment and not alter or withdraw any other part of their offer as detailed in **ATTACHMENT 1**:
  - a. Affordable Housing up to 7% of the total Gross Floor Area (GFA) of the residential development uplift component of the development resulting from the Planning Proposal, being dedicated to Council, which is approximately 2,734.2sqm or 27 Apartments.
  - b. Internal Open Space Allowance for public access within the development site provided as at grade open space not less than 1,300sqm. To be embellished as a passive pedestrian link with pathways and open space landscaping activated by retail/commercial uses at ground level to Talavera Road frontage (refer to Annexure A in ATTACHMENT 1 for proposed location).
  - c. Monetary Contribution payment of a monetary contribution of \$8,244,100, prior to issue of any Occupation Certificate for residential uses within the development, to fund Stage 2 upgrade of Christie Park in accordance with Council's Master Plan for Christie Park. The work is to be commenced within two years of Council receiving the funds, otherwise Council is to return the funds to the Applicant.
  - d. Key Worker Housing Dedication upon the issue of the later of an Occupation Certificate for the respective building in which the apartments are located or as agreed in writing between the parties.
  - d. The Planning Agreement is to be registered on the title of the land until all obligations are fulfilled. Registration to be excluded from any lot created under the Strata.
  - f. The Meriton Properties Pty Ltd (as the parent company of the Meriton group) would be party to the VPA as a Guarantor for all Public Benefits including the dedication of the Affordable Housing Apartments, registration of the easement and payout of the Monetary Contribution.



- g. A Bank Guarantee or Insurance Bond of no more than \$500,000 to be provided to Council prior to the issue of any Construction Certificate for the Development. The Guarantee/Bond can only be drawn upon should the public benefits not be delivered and Council is required to undertake enforcement action in the Land and Environment Court. The value of the Guarantee/Bond must be amended as follows:
  - i. Upon transfer of all Key Worker Units Reduce by \$300,000
  - ii. Upon Payment of Monetary Contribution Reduce by \$150,000
  - iii. Upon Registration of the easement to allow public access over the Open Space Reduce by \$50,000
- h. The offer by the Applicant does not exclude the payment of Council's Section 94 Contributions Plan and states S94 will be payable at the usual time, being prior to issue of Construction Certificate; And:
- 2. Exhibit a Draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979.
- 3. That Council delegate authority to the Acting General Manager to:
  - i. Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in Item (b) above;
  - ii. Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- 4. That Meriton be informed of Council's decision.
- 5. That upon dedication of the key worker housing apartments at 112 Talavera Road, Macquarie Park (LOT 422 DP 1221081), public notification of the intention to classify the land as operational, in accordance with Section 34 of the Local Government Act 1993 be undertaken and subsequently reported to Council.

Following receipt of the above resolution, the Developer provided a revised letter of offer to enter into a VPA dated 29 November 2017 (**ATTACHMENT 2**). The revised offer was considered to be in accordance with Council's resolution and Council staff under the direction of the General Manager proceeded to negotiate, finalise and exhibit a draft VPA (**ATTACHMENT 3**). This report discusses the Draft VPA and results of the public exhibition period.



## Recap of VPA Offer from Meriton in relation to the Planning Proposal

The Planning Proposal is reported separately within this Business Paper.

The VPA Offer from the Developer, is attached in full as **ATTACHMENT 2** to this report, and the Finalised VPA is attached in full as **ATTACHMENT 3**. The Public benefits under the Draft VPA are summarised as follows:

#### **Public Benefits**

- Key Worker Housing Dedication of twenty seven (27) residential
  apartments to Council within the development as Affordable (Key Worker)
  Housing. Twenty seven (27) apartments equates to approximately 7% of the
  total uplift of the GFA, resulting from the Planning Proposal. The value of the
  apartments according to Meriton is \$1.0 million each, hence a \$27 million
  contribution in public benefit.
- Internal Open Space Allowance for public access within the development site provided as at grade open space not less than 1,300sqm. To be embellished as a passive pedestrian link with pathways and open space landscaping activated by retail/commercial uses at ground level to Talavera Road frontage (refer to Schedule 13, p. 52 in ATTACHMENT 3 for proposed location).
- Monetary Contribution payment of a monetary contribution of \$8,244,100 to fund Stage 2 upgrade of Christie Park in accordance with Council's Master Plan for Christie Park. The work is to be commenced within two years of Council receiving the funds, otherwise Council is to return the funds to the Applicant.

The resulting Public Benefit is therefore estimated to be approximately \$35 million. This is in addition to the relevant Section 7.11 Contributions payable (approx. \$25m).

#### **Timing of Public Benefit Provision**

- Key Worker Housing Dedication upon the issue of the later of an Occupation Certificate for the respective building in which the apartments are located or as agreed in writing between the parties.
- Internal Open Space Easement for public access registered prior to the Occupation Certificate in the Final Building.
- Monetary Contribution Prior to issue of any Occupation Certificate for residential uses within the development, after the Instrument Change.



## Security

- The Planning Agreement is to be registered on the title of the land until all obligations are fulfilled. Registration to be excluded from any lot created under the Strata.
- The Meriton Properties Pty Ltd (as the parent company of the Meriton group)
  would be party to the VPA as a Guarantor for all Public Benefits including
  the dedication of the key worker apartments, registration of the easement
  and payout of the Monetary Contribution.
- A Bank Guarantee or Insurance Bond of \$500,000 is to be provided to Council prior to the issue of any Construction Certificate for the Development. The Guarantee/Bond can only be drawn upon should the public benefits not be delivered and Council is required to undertake enforcement action in the Land and Environment Court. The value of the Guarantee/Bond must be amended as follows:
  - Upon transfer of all Key Worker Units Reduce by \$300,000
  - Upon Payment of Monetary Contribution Reduce by \$150,000
  - Upon Registration of the easement to allow public access over the Open Space – Reduce by \$50,000
- A Defects Liability Security is required under the VPA as follows:
  - Amount \$150,000 due upon transfer of the Affordable Housing Apartments
  - 50% reduction of Defects Liability after 6 months
     Remainder to be refunded or returned after 12 months.

#### **Section 7.11 Developer Contributions**

 The offer by the Applicant does not exclude the payment of Council's Section 7.11 Contributions Plan (approx. \$25M) and states S7.11 will be payable at the usual time, being prior to issue of Construction Certificate.

#### Consultation

The Draft Planning Agreement (**ATTACHMENT 3**) was placed on public exhibition with the associated Planning Proposal (reported separately) for 28 days from 24 October 2018 to 21 November 2018, in accordance with Section 7.5(1) of the Environmental Planning and Assessment Act, 1979 (EPA Act).



A total of 411 submissions from individuals in the community were received during the exhibition period for the Planning Proposal and draft VPA. Of these letters, only 16 objected to the draft VPA and 5 provided a positive response. As such the bulk of the submissions addressed the Planning Proposal. The main themes of the submissions in relation to the draft VPA were that the offer does not provide enough public benefits.

However none of the submissions offered critical analysis of the Draft VPA and/or provided any evidence of what amount of public benefits would be acceptable, other than 1 submission that suggested 20% of the number of apartment should be dedicated as affordable housing.

Overall there was no substantiating evidence provided that would prevent Council from entering into the VPA to accept the Public Benefits offered by the Developer in this case.

Two summary tables of the comments are provided below. The first table takes quotes from the submissions that made objections and the second table does the same for the supportive responses. Each table provide a comment to the quotes as follows:

In Sup		oport of VPA Offer
Item	Matter Raised by	Comment
	respondent concerning the VPA, as quoted:	
1.	This Macquarie Park project is in keeping with the expected expansion of Macquarie Park into a leading international technology centre. The plan provides open space within the project area as well as considerable funds for new and upgraded amenities in the surrounding area as well as transport infrastructure. As such I fully support the proposal.	enhance the capacity of open space and



Lifestyle and opportunity @ your doorstep

## ITEM 3 (continued)

I am writing as General Manager of the Gladesville Football Hornsby Association which is based at Christie Park, across the M2 from the proposed development. The Association supports the proposal based on the community benefit that will derive from the Voluntary Planning Agreement. Christie Park has been redeveloped recently by Council and has provided a great community asset, by providing synthetic fields that can be used all day every day. Since their completion they have been extensively used community sporting groups, schools and casual users. GHFA has been able to offer new competitions over summer and during the day which expands their use even further. The current volume of use was not possible with the previous grass fields. The proposed development will provide important funds for the continued development of Christie Park by providing more spaces for casual and social use by the community. The location of the building adjacent to the M2, Macquarie Centre and public transport links, as well as open space at Christie Park and Lane Cove National Park appropriate, and we believe the development's location amongst the Macquarie

The support of Gladesville Hornsby Football Association is noted. The benefits of increasing capacity of Christie Park are discussed in Item 1 above.

ITEM	3 (continued)	
	Park Business Park will have minimal impact on other residential communities and will be consistent with the current level of development in the area.	
3.	The Sydney Business Chamber (the Chamber)  The chamber takes interest in Macquarie Park as a critical location for business housing and employment growth for Sydney. Macquarie park is accessible by a range of transport options, including train and on demand bus services. With Sydney Metro under construction, the connectivity of Macquarie park to other centres, St as St Leonards and Crows Nest, will only be increased in the future providing excellent alignment to NSW Government strategies to increase development in locations close to transport infrastructure.	The support of Sydney Business Chamber is noted. The benefits of increasing capacity of Christie Park are discussed in Item 1 above.
	The Chamber notes that as part of the proposed development, the proponent has committed to provide:  • 27 residential apartments to house key workers  • \$8.2 million to upgrade Christie Park into a regional sporting complex  • \$2 million for the development of	

park

publicly accessible

development site.

organisations in Western

Sydney. Over the last 6

within

the

@ your doorstep

ITEM 3 (	continue	d)
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4.

In light of these benefits, the Chamber strongly endorses the proposal to be accepted.

The Western Sydney Business Chamber is noted. The benefits of increasing affordable housing are discussed throughout

the body of this report.

vears, we have been active advocating to reduce the jobs deficit in Western Sydney. Over 300,000 people currently travel from Western Sydney to Eastern Sydney to access work. This has a severe impact on quality of life of these long commuters. While most of our advocacy is in support of infrastructure that can help to generate economic activity, providing increased housing close to strong job markets should be a priority to reduce the job deficit. Macquarie Park is nationally significant employment cluster with a focus on knowledge workers. The iobs Macquarie Park have strong multiplier effects and help to create many more jobs in the broader economy. It is important that strong housing growth should be provided close to this significant job engine. Sydney is one of the world's most expensive cities for residential property. One effect of these high property prices is that many people

Agenda of the Extraordinary Council Meeting No. 16/18, dated Tuesday 4 December 2018.

ITEM 3 (continued)

are pushed to live on the very edge of the metropolis. This often leads to a reduction in the participation rate of highly qualified people, and this in turn leads to the loss of economic productivity for our city.

I am also very enthusiastic suggested about the voluntary planning agreement that can deliver 27 affordable housing units that will be dedicated to Ryde City Council. As a former Minister for Housing in NSW, and a current board member of community housing provider, I want to commend both the applicant and the City of Ryde for this bold opportunity to improve housing supply for key workers who would otherwise find unaffordable to live in this exceptional location.

5. I support the proposal for a residential development at the above location. Whilst the height may need some review, the area is perfect for residential high rise living, with the surrounding area suitably equipped with shops, recreational areas and transport all within easy distance. The contribution to the community will support other community endeavors including recreational sports fields and public access

areas.

The support of this local resident is noted. The benefits of increasing capacity of Christie Park are discussed in Item 1 above.



OE		BJECTIONS
Item	Matter Raised in	Comment
	Submissions concerning	
1.	the VPA, as quoted:  The VPA money offer for Christie Park a is bribe to entice Council approve the DA (development application)	VPAs are a legitimate planning tool under s7.4 of the EPA Act to allow developers to negotiate with Council and other Planning Authorities for the provision of public benefits to help mitigate the impact of their particular development.
		In this case the Developer is offering 27 affordable housing apartments, being 7% of the GFA uplift requested via the Planning Proposal. The 7% is recommended as the figure that should be applied in such cases by Council's Consultants. It is consistent with the Gateway request adopted by Council and as submitted to Department of Planning and Environment to be included in Ryde LEP 2014, which will operate with SEPP 70 for such Planning Proposals.
		Meriton is also offering \$8.2 Million in monetary contribution, which will fully fund Stage 2 of Christie Park upgrade.
		The affordable housing will be available to those in need via Council's Social Housing Provider (Link Housing) and will be in close proximity to significant public transport nodes, being Herring Road Bus Interchange and Metro Rail at Macquarie Centre. Residents are also in close walking distance to significant retail, entertainment and commercial services within Macquarie Centre. Providing Council owned Affordable Housing assists in the provision of Affordable Housing options to local key workers.  The upgrade of Christie Park will also provide
		improved availability of recreation and active space in close proximity to the development and other developing residential areas in the vicinity of the park.

ITEM	3 (continued)	
		The offered benefits are provided to mitigate specific impacts of the development – providing active recreation space and housing for key workers, that will support new residents on the site, as well as the wider community.
2.	Meriton's community contribution is manifestly inadequate to justify development of this scale	An assessment of Meriton's initial offer (5% Affordable Housing, funds to upgrade Christie park and open space easement on the Site) was undertaken by Hill PDA against the relevant industry expectations (ATTACHMENT 4). This assessment indicated the offer was substantial, but could be viably increased.
		In response, the Affordable housing offered was increased from 5% to 7% as per the exhibited VPA.
		The VPA is valued at approximately \$35 million. This is in addition to the Section 7.11 contributions and the State Infrastructure Contribution ( <b>SIC</b> ) payable.
		The value the SIC contribution is \$12 million (according to Meriton), which places the package of public benefits in the vicinity of the recommended 50% RLV uplift benchmark for value capture.
3.	The very tiny offer by the developers to create some "affordable housing" is simply laughable, given the profits of developers. If Council and the government were serious about affordable housing, and they should be, then there should be a "levy" on every developer to provide 20% of all new dwellings as affordable housing given	7% of the GFA uplift for Planning Proposals has been recommended to Council by independent experts as a reasonable provision for Affordable Housing in respect of such Planning Proposals. 7% of the GFA uplift allows the development to remain feasible, rather than marginal. As such there is greater certainty on the delivery of the Affordable Housing, as the development from which it is derived has less financial risk.  A 20% take on the total GFA would likely render the development unfeasible,
	gratis to Council. For every development in the City of Ryde (none would be over	preventing the delivery of Affordable Housing on the Site and also preventing the feasible

ITEM 3 (continued)

12 storeys) and each 100 units would 20 mean affordable units. which would start to address the poverty issues that many in our society are facing. For this development to provide just 2% of units to council (of which only 2 meet accessibility standards) makes a nonsense of the offer.

general housing supply and potentially having an adverse impact on affordability.

4. Whilst I acknowledge the developer's contribution to upgrade Christie Park, this contribution is short-sighted complementary without road upgrades to accommodate the increased patronage this facility will attract. Despite RMS recommending Council defer consideration of Laxale Towers until infrastructure upgrades can be considered, this has been ignored. Given the possible traffic problems outlined above, this is shortsighted and yet another example of Council leaping before looking.

> It is also concerning that despite Laxale Towers being one of the largest ever developments in the history of Rvde. the developers' provision of new infrastructure for the community is not also at historically high levels. A pedestrian link and relatively inexpensive upgrade to Christie Park – a pre-existing facility - is

The monetary contribution offered to fund Stage 2 upgrade of Christie Park is not insignificant. Stage 2 upgrade of Christie Park will provide in demand facilities for open space recreation. Christie Park upgrades will have regional significance and serve the greater population of the City of Ryde and beyond.

In terms of road infrastructure, Council is quietly growing the Macquarie Park Access network through incentive provisions under Clause 6.9 of Ryde LEP 2014, via other Planning Agreements. These planning agreements relating to sites where land is required for fine grain roads improve wider road network.

Further, the Developer will be providing monetary contributions towards state infrastructure, which will include State Roads, Buses, trains, hospitals and schools. The monetary contributions are usually required by a SIC Levy, in this case to the value of \$12 million (according to Meriton).

The developer will also be providing Section 7.11 contributions to Council, which will help fund road upgrades as well as upgrades to other essential infrastructure.

ITEM 3 (continued)

not an adequate trade-off for approving an additional new residential 1,256 apartments, on a site that could potentially attract in excess of 3,000 residents. These upgrades are nothing more than accents to enhance the profitability of Laxale Towers, and do little to meaningfully improve the liveability and amenity of the area for existing residents.

Finally, Council frequently boasts of its commitment to social and affordable housing, however I find it inconceivable that when a reported 27 units are designated for affordable housing from a total of 1,256 (equating to 2.1%) Mayor Laxale considers this "the best deal for ratepayers it (Council) could manage."

5. of On top this the development proposal only with came additional upgrades to already existing Christie Park, a pedestrian link and up to two child care centres. These will not in and of themselves enough to accommodate the people of Ryde, Epping and the North Western suburbs, and Meriton needs promise further infrastructure themselves without relying on the State Govt or Ryde ratepayers to provide it for them. This

development must only go

Refer to Comments in Items 1 to 4.

ITEM	3 (continued)	
	ahead if significant improvements to infrastructure including a new hospital, minimum of two schools, additional arterial roads, aged care facilities, more open space and public transport services are promised and provided by Meriton. As these have not been promised then it must be opposed. Even if these infrastructure proposals were met I would still find it hard to support the development based on the height and inadequacy of having.	
6.	there is no other community facility such as primary/secondary school, library and recreational grounds to meet the demand from traditional 3000-4000 residents in that building complex	Refer to Comments in Items 1 to 4.
7.	27 alleged affordable housing units and \$8.2 million for the Christie Park sports complex is nowhere close to the amount of extra profit this greedy organisation will make from the additional 15 storeys they are seeking.	Refer to Comments in Items 1 to 4.
8.	I have calculated the additional 360 dwellings this PP will permit will provide Meriton with approximately an additional \$400million. While I acknowledge this is a rough calculation, this means the \$66million	The Public Access Easement will remain in the ownership of the Development Strata, whom will be responsible for its up keep. The easement is to allow access via the general public, i.e. not be restricted to residents only. As such Council will not bare any maintenance costs for the up keep of the public access easement.

ITEM 3 (continued)

offered to the Council in the Voluntary Planning Agreement (VPA)and the \$12million to the State Government are grossly inadequate to compensate for this rezoning and to cover the costs to Council and the State Government install the additional infrastructure which will be required. This PP therefore represents a huge financial risk and loss to Ryde Council and the State Government. I do not think it is good stewardship of rate payers' money for the Council to enter into such a poorly paid arrangement. The \$2million public open offered space area Council in the VPA will prove to be a liability as it is no more than an easement. which obviously the developer hopes the Council will maintain in the future.

In respect to the value of the public benefits refer to comments in Items 1 to 4.

9. also believe that community resources are inadequate to support the proposed development. possesses Rvde undersupply of primary and secondary schools for the existing population, with a massive number of demountables struggling to cater for students. Unless new primary or secondary schools are opened within the area. I am unsure how the area could support the

potential influx of students

families.

and

Refer to Comments in Items 1 to 4.

While

ITEM	ITEM 3 (continued)		
	Meriton's proposed provision of public benefits is welcomed, to me it represents too little too late.		
10.	The Developer's provision of new infrastructure as detailed in the proposal will go nowhere near compensating the negative impact this development will have on the local community.	Refer to Comments in Items 1 to 4.	
11.	The development proposes insufficient new social infrastructure to support the rapid increase in population that would result from this development. A pedestrian link and \$8 million upgrade to Christie Park is not an adequate trade-off for approving an additional 1,256 new residential apartments on this site. These upgrades are merely designed to enhance the profitability of the development, and do little to meaningfully improve the amenity of the area for the Ryde community;	Refer to Comments in Items 1 to 4.	
12.	There is only 27 units in the proposed Laxale towers that will be affordable for ordinary people, the rest are, as the Meriton sign says that is advertising at 112 Talavera road, luxury apartments.  The deal offered to the council by Meriton to upgrade Christie park, build a footbridge over Talvera	Refer to Comments in Items 1 to 4. In addition, the upgrade to Christie Park is a Council initiated upgrade. The VPA will allow Council to bring the upgrade forward in its works plan, which will help mitigate the impacts of the development as well as free up the allocated \$8.2 million Council originally budgeted. As such Council will be able to redirect \$8.2 of the original allocated funds to another or multiple other projects in Macquarie Park. As such the result is \$16.4 in infrastructure improvements.	

ITEM	3 (co	ntinu	ued)

ITEM	3 (continued)	
	road, make changes to traffic lights are a joke compared to what the people of Ryde will have to endure if this mega structure goes ahead Christie park is fine how it is currently and the traffic in the area is horrendous and we wouldn't need a footbridge if Laxale towers doesn't go ahead not a fair deal at all. It is not even a deal really, I'd call it more of a trick that Ryde council has fallen for.	
13.	Further, i understand that the developer has offered a paltry \$8m as an incentive to develop open space next to the development. This is a pathetic offer in lieu of the profits the developer will make from the project. Further, who will fund the maintenance of the park?	Refer to Comments in Items 1, 4 and 8.
14.	The Voluntary Planning Agreement doesn't include provision to provide local employment for these displaced employees or new residents. As a result of not providing local employment it provides an inadequate number of affordable units	The proposal does not rezone any land to reduce the employment potential of the site.  VPAs can only include public benefits that are considered to be for a 'public purpose'. Employment is not considered a public purpose under the EPA Act. Section 7.4(2) of the EPA Act outlines what are acceptable public purposes that can be included in VPA as follows:  A public purpose includes (without limitation) any of the following:  (a) the provision of (or the recoupment of the cost of providing) public amenities or public services,  (b) the provision of (or the recoupment of the cost of providing) affordable housing,

ITEM	3 (continued)	
		(c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land, (d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure, (e) the monitoring of the planning impacts of development, (f) the conservation or enhancement of the natural environment.  Once complete, the development will is anticipated to contain commercial premises. These are discussed in greater detail in the Planning Proposal reported separately within this business paper.  In respect to the affordable housing units refer to Comments in Items 1 to 4.
15.	It is interesting to note that Meriton insists that the Council should allow for the amendments to go through, in order for them, the council, to benefit from the developer's generosity by way of a substantial monetary contribution (by way of it VPA) to fund local road, parks and community facilities such as Council's proposed upgrade to nearby Christie Park sporting fields as well as \$12million to fund state infrastructure like major roads. Indeed it cites in its SIS "Planning for Priority Precincts recognises a need for cooperation between state and local governments to deliver infrastructure, including social infrastructure". But	Refer to Comments in Items 1 to 4.

why should one be sacrificed for the other? This smacks as bribery monetary incentives that would be withdrawn Meriton were not allowed to go ahead. Since when has the government on both a local and a state level needed to rely on monetary contributions towards needed infrastructure in the form of bribes from 3

developers, at the expense of local infrastructure and amenities? Sacrificing its own development controls order to fund infrastructure required due developments? the These are not good reasons to allow this development to go ahead! Yes the state government might receive revenue for roadsbut where would these roads be improved/built? Certainly not in our local area...

The development proposes insufficient new social infrastructure to support the rapid increase in population that would result from this development. A pedestrian link and \$8 million upgrade to Christie Park is not an adequate trade-off for additional approving an 1,256 residential new apartments on this site. These upgrades are merely designed to enhance the profitability the of development, and do little to meaningfully improve the amenity of the area for the

III LIVI	3 (continued)	
	Ryde community The touted 27 affordable housing units presented to council as an added incentive is a drop in the ocean, a mere 2% with the rest being sold for well over what the average house was sold for less than 5 years ago! A laughably inadequate incentive.	
16.	I believe this building is of excessive height and the offsets in terms of the benefits to the larger community are not proportionate. The only real beneficiary of this development will be the developer. The upgrading of Christie Park only provides benefits to a limited number of people in the community and the affordable housing component is insignificant when one considers the size of the development.	Refer to Comments in Items 1, 4 and 12.

# **Submission by Victor Dominello MP**

Further, a submission was made by Victor Dominello MP and is included as **ATTACHMENT 5**. The matters raised by Mr Dominello in relation to the draft VPA are discussed as follows:

Item	Matter Raised by Mr	Comment
	Dominello concerning the	
	VPA, as quoted:	
A.	When this proposal was put	All initial VPA offers are considered by Council
	to a confidential vote in	in confidential session, unless the applicant
	November last year, Council	making the offer is otherwise agreeable for the
	had the option to either	offer not to be 'in confidence'. Initial VPA offers
	reject the proposal as it has	are usually confidential until such time that they
	done with other VPAs such	are agreed and placed on public exhibition.
	as Holdmark and Yuhu, or	Section 10A(2) of the Local Government Act
	support the proposal. Why	outlines matters that enable an item to be
	did Ryde Council support	confidential. In regards to initial VPA offers,

ITEM	3 (continued)	
Item	Matter Raised by Mr	Comment
	Dominello concerning the	
	VPA, as quoted:	
	the proposal? In my view	s10(A)(2)(d) usually applies, in that:
	this should have been	
	rejected outright.	(d) commercial information of a confidential nature that would, if disclosed:  (i) prejudice the commercial position of the person who supplied it, or  (ii) confer a commercial advantage on a competitor of the council, or  (iii) reveal a trade secret,
		Council engaged Hill PDA to third party review the VPA offer from Meriton (ATTACHMENT 4). This assessment indicated the offer was substantial, but could be viably increased.
		In response, the Affordable Housing offered was increased from 5% to 7% as per the exhibited VPA.
		The VPA is valued at approximately \$35 million. This is in addition to the Section 7.11 contributions and the State Infrastructure Contribution ( <b>SIC</b> ) payable.
		The value the SIC contribution is \$12 million (according to Meriton), which places the package of public benefits in the vicinity of the recommended 50% RLV uplift benchmark for value capture.
		In regards to Holdmark and Yuhu VPA offers, Council accepted those offers and is currently negotiating their final terms before they can be exhibited.
B.	I note that in December 2017 Council publicised that the developer contributions from this proposal resulted in an upgrade to Christie Park. Why did Council advertise these upgrades	The publication in December 2017 resulted from a media release of the publicly available Minutes of Councils Ordinary Meeting of 28 November 2017. The resolution of the Council on this matter from those minutes is contained in the body of this report.
	in circumstances where community consultation had not yet commenced?	

3 (continued) Matter Raised by Mr Dominello concerning the	Comment
Dominello concerning the	
VPA, as quoted:	
The development proposes insufficient new social infrastructure to support the rapid increase in population that would result from this development.	The monetary contribution offered to fund Stage 2 upgrade of Christie Park is significant. Stage 2 upgrade of Christie Park will provide facilities for active recreation. Christie Park upgrades will have regional significance and serve the greater population of the City of Ryde and beyond.
A pedestrian link and \$8 million upgrade to Christie Park is not an adequate trade-off for approving an additional 1,256 new residential apartments on this site. These upgrades are merely designed to enhance the profitability of the development, and do little to meaningfully improve the amenity of the area for the Ryde community;	In addition, the upgrade to Christie Park is a Council initiated upgrade identified in Council analysis of the future function of the Park. The VPA will allow Council to bring the upgrade forward in its works plan, which will help mitigate the impacts of the development as well as free up the allocated \$8.2 million Council originally budgeted. As such Council will be able to redirect \$8.2 of the original allocated funds to another or multiple other projects in Macquarie Park. As such the result is \$16.4 in infrastructure improvements.
Council frequently boasts of its commitment to social and affordable housing, however despite only 27 units reserved for affordable housing from a total of 1,256 (equating to 2.1%) Mayor Laxale considers this "the best deal for ratepayers it (Council) could manage." This is especially concerning given the Mayor's public opposition to the upgrades at Ivanhoe Estate, which will bring over 1,000 new social and affordable homes, an aged care facility, a Catholic high school, 2 childcare centres and brand new community green space. Why is the Mayor (and by extension)	The 27 affordable housing apartments are 7% of the GFA uplift requested via the Planning Proposal, which equates to 2.1% of the total 1,256 apartments. The 7% is recommended as the figure that should be applied in such cases based on detailed analysis supporting Council's Gateway request adopted by Council and as submitted to Department of Planning and Environment to be included in Ryde's LEP, which will operate with SEPP 70 for such Planning Proposals.  The Affordable Housing will be available to those in need via Council's Social Housing Provider (Link Housing) and will be in close proximity to significant public transport nodes, being Herring Road Bus Interchange and Metro Rail at Macquarie Centre. Residents are also in close walking distance to significant retail, entertainment and commercial services within Macquarie Centre. Providing Council owned Affordable Housing assists in the provision of
	infrastructure to support the rapid increase in population that would result from this development.  A pedestrian link and \$8 million upgrade to Christie Park is not an adequate trade-off for approving an additional 1,256 new residential apartments on this site. These upgrades are merely designed to enhance the profitability of the development, and do little to meaningfully improve the amenity of the area for the Ryde community;  Council frequently boasts of its commitment to social and affordable housing, however despite only 27 units reserved for affordable housing from a total of 1,256 (equating to 2.1%) Mayor Laxale considers this "the best deal for ratepayers it (Council) could manage." This is especially concerning given the Mayor's public opposition to the upgrades at Ivanhoe Estate, which will bring over 1,000 new social and affordable homes, an aged care facility, a Catholic high school, 2 childcare centres and brand new community

ITEM 3 (continued)
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ITEM	3 (continued)	
Item	Matter Raised by Mr Dominello concerning the VPA, as quoted:	Comment
	support the Ivanhoe upgrades (which has the backing of Mission Australia,) but will support over 1,256 new apartments for overwhelmingly less social and affordable housing?	Meriton is also offering \$12 million to the State Government to meet its 'satisfactory arrangements' obligations in terms of State infrastructure provision.
E.	This is not a minor alteration of the LEP, this is a dramatic doubling where the developer, at face value, will make significant gain from the 30 additional storeys, and the community is not getting a commensurate gain in terms of social	Hill PDA has assessed the offer (ATTACHMENT 4) on behalf of Council in terms of recent market sales (at the time in late half 2017) of apartments within similar mixed used developments in the Macquarie Park locality. It was Hill PDAs view that the offer (at \$27 million in value) was significant, but could be viably increased.
	contribution.	A common industry benchmark of 50% of the uplift in the Residual Land Value ( <b>RLV</b> ) (value of land after taking development costs into account), was used by Hill PDA to assess the offer.
		The calculated RLV by Hill PDA was \$117 million, at that time, resulting from the Planning Proposal. The market has softened in the past 12 months somewhat. Hence Hill PDA states a public benefit offer from the applicant should be in the vicinity of \$50 to \$60 million, at that time.
		The current offer stands at \$35 million, up from the original \$27 million after Council resolved for the General Manager to negotiate a greater number of affordable housing apartments up to 7% of the increase in Gross Floor Area.
		The current offer is considered reasonable as there are other inherent financial risks, such as the requirement under the gateway determination for the developer to meet satisfactory arrangements in regards to State Infrastructure either via payment of a State Infrastructure Levy (SIC Levy) to the State

	3 (continueu)	
Item	Matter Raised by Mr	Comment
	Dominello concerning the	
	VPA, as quoted:	
	VPA, as quoteu.	
		Government (currently unpublished); or enter into a Voluntary Planning Agreement with the Department of Planning and Environment in lieu of the SIC Levy. According to Meriton, they are providing \$12million toward State infrastructure. This amount should be confirmed by the Department of Planning and Environment should the Minister or their delegate be of a mind approve the Planning Proposal.
		The unconfirmed State infrastructure amount of \$12 million combined with the \$35 million offer to Council places total value capture over and above standard Section 7.11 developer contributions at \$47 million. In a softening market, this is in the vicinity of the 50% RLV recommended value capture and therefore considered a commensurate social contribution.

# Acceptability Test - VPA Policy

Council's VPA Policy contains an acceptability test to be applied to all VPA offers:

Acceptability Test	Comment
(a) Is the proposed Planning Agreement directed towards a proper and legitimate planning purpose having regard to the statutory planning controls and other adopted planning policies and infrastructure strategies and the circumstances of the case?	Yes – the Public Benefits offered by the Developer are considered to be legitimate planning purposes as:  a. Affordable Housing is listed as public purpose under Section 7.4(2) of the Environmental Planning and Assessment Act 1979 (EPA Act) and is required for Planning Proposals under Council's Interim Affordable Housing Policy.  b. Part 4.5 of City of Ryde Development Control Plan 2014 (DCP), Section 5 outlines the need for Open Space and Public Domain in Macquarie Park.
(b) Does the proposed Planning Agreement provide for a reasonable means of achieving the relevant	'enforcement bond' of \$500,000 to cover Council's costs if it defaults on the agreement

ITEM 3 (continued)	Commont
Acceptability Test	Comment Count
planning purpose and see the relevant public benefi	
(c) Will the proposed Pla Agreement produce outouthat protect the public inte	towards protecting the public interest as 'community' funds will not be required to enforce the VPA in the event that the Applicant defaults.
	Delivery of the offer is in the public interest, as the Key Worker Housing will provide an affordable housing option for key workers in Macquarie Park; the development will provide for additional open space; and the improvement of Christie Park.
circumstances that operate to preclude C from entering into	•
(e) Will the proposed Plate Agreement provide be that bear a relationship delivery of services infrastructures within the	enefits affordable housing as required by Council's to the Interim Affordable Housing Policy; open and space in accordance with the City Ryde DCP;
	Further, the Applicant has provided a Social Infrastructure Statement (SIS) by Elton Consulting (ATTACHMENT 2) on their behalf supporting the Planning Proposal and VPA

Acceptability Test	Comment
	Offer. The SIS concludes that the open space offered within the development will meet 'passive' open space needs of the future residents, whilst the commitment to upgrade Christie Park, which is within walking distance of the site, will offset the likely added pressure from the development on the demand for 'active' open space.
(f) Is the quantum of the Public Benefit commensurate with the value of the Development Contribution?	, , , , , , , , , , , , , , , , , , ,

# **Options**

# Option 1 - Council Enter into the VPA

It is recommended that Council enter into the VPA to secure the public benefits offered by the Developer. The final consent authority for the Planning Proposal, for which the VPA relates, is the Greater Sydney Commission currently. Hence should the State Government see fit to approve the Planning Proposal Council will be able to receive the Public Benefits offered by the Developer.

#### Option 2 - Council reject the offer to enter into the VPA

This course of action is not recommended as Council is not the final consent authority in regard to the Planning Proposal. Hence a rejection of the VPA offer could result in the Planning Proposal being made by the State Government with no Public Benefit derived from the development to the local community. In this scenario all public benefits offered by the Developer in relation to the Planning Proposal will be foregone.



#### ATTACHMENT 1



5 September 2017

Ms Liz Coad Director - City Planning and Development City of Ryde Council **Binary Centre** 3 Richardson Place North Ryde NSW 2113

Dear Ms Coad

Offer to Enter into a Planning Agreement in relation to the Planning Proposal at 112 Talavera Road, Macquarie Park

Further to ongoing discussions, Karimbla Properties (No. 52) and parent Company Meriton Properties Pty Ltd are pleased to make an offer to enter into a Planning Agreement with the City of Ryde Council in relation to our Planning Proposal at 112 Talavera Road, Macquarie Park. Details of the offer are provided below for Council's consideration.

#### Proposal:

Planning Proposal to amend the Ryde LEP to increase the total FSR to 6.5:1 and building heights up to 200m.

#### Parties:

Council:

City of Ryde Council

Developer: Karimbla Properties (No. 52) Pty Ltd - ABN: 91 168 601 296 Guarantor:

Meriton Properties Pty Ltd - ABN: 15 101 852 019

#### **Public Benefits:**

Key Worker Housing - Dedication of twenty (20) residential apartments to the Council within the Development for the purpose of Key Worker Housing which equates to 5% of the total uplift of Gross Floor Area (GFA) across the site. The Key Worker Housing will not be subject of S94 Contributions and will be exempt from the calculation of GFA under the future Development Application/s. The units will be identified at the discretion of Meriton/Karimbla on a similar mix to that of the overall development and be located in a single stratum lot in a single location/building. The units will be finished to a standard Meriton quality similar to other similar units within the development. Should a different FSR be approved, then the number of units dedicated will adjust commensurately based on 5% of the GFA uplift at a rate of 100m²/unit.

The Council agrees that the dedicated apartments will only be utilised for the purpose of providing affordable rental housing for Key Workers as defined in its respective policies.

Open Space - Allowance for public access over the internal at-grade open space of not less than 1,300m2. Please note that the open space would be embellished as a passive pedestrian link with pathways and open landscaping (predominantly turf and some minor feature landscaping) to minimise maintenance and will be activated by retail/commercial

> Level 11 Meriton Tower 528 Kent Street, Sydney NSW 2000 Tel (O2) 9287 2888 Fax (O2) 9287 2777 meriton.com.a

**MERITON PROPERTY SERVICES** Member of the Meriton Group ABN: 69 115 511 281



#### **ATTACHMENT 1**

uses at the Talavera Road frontage. The general location and arrangement is provided in the plan at Annexure A.

Monetary Contribution – Monetary Contribution of \$8,244,100 to fund the Stage 2 upgrade of Christie Park in accordance with the extract received from Council on 30 June 2017 of the "Christie Park Master Plan and Feasibility Study – Final" dated 3 March 2016 by SGL Consulting Group. The Developer and Guarantor expect that the works will be commenced within 2 years of the Monetary Contribution being made or the funds should be returned to the Developer.

#### Timing:

- Key Worker Housing Dedication upon the issue of the later of an Occupation Certificate
  for the respective building in which the units are located or as agreed in writing between
  the parties (this allows some flexibility to address construction issues)
- Open Space Easement for public access registered prior to the Occupation Certificate
  in the Final Building. This will accommodate ongoing construction management across the
  site and maximize public safety.
- Monetary Contribution Prior to any Occupation Certificate for residential uses within
  the development. It should be noted that the additional s94 contributions would be in the
  order of \$7.8M that will be paid as normal (i.e.

#### Security

- The executed Planning Agreement may be registered on the title of the land until all obligations are fulfilled. Registration of the agreement would be exempt from any lot created under the Strata Titles Act in relation to the Land.
- The Developer acknowledges that relevant conditions of development consent obligating
  the Developer to the public benefits in accordance with the Planning Agreement may be
  applied to future Development Approvals as necessary in accordance with Section
  79C(1)(a)(iiia) of the Environmental Planning and Assessment Act 1979 (EPAA).
- Meriton Properties Pty Ltd (as the parent company of the Meriton Group) would be a Party to the VPA as a Guarantor for all Public Benefits including the dedication of units, registration of the easement and payment of the Monetary Contribution.
- A Bank Guarantee or Insurance Bond of no more than \$500,000 to be provided to Council
  prior to the issue of any Construction Certificate for the Development. The Guarantee/
  Bond can only be drawn upon should the public benefits not be delivered and Council is
  required to undertake enforcement action in the Land and Environment Court. The value
  of the Guarantee/Bond must be amended as follows:
  - Upon transfer of all Key Worker Units Reduce by \$300,000
  - Upon payment of Monetary Contribution Reduce by \$150,000
  - Upon registration of the easement to allow public access over the Open Space Reduce by \$50,000

We trust the offer is acceptable and we look forward to an efficient process to formalise the planning proposal and this Agreement. We are deliver these substantial public benefits.



# **ATTACHMENT 1**

Please contact Mr Matthew Lennartz on 9287 2691 should you require any further information on this matter.

Matthew Lennartz Executive Manager Planning and Government

Meriton Group

David Cremona Company Director

National Head of Construction

Meriton Group



# **ATTACHMENT 1**

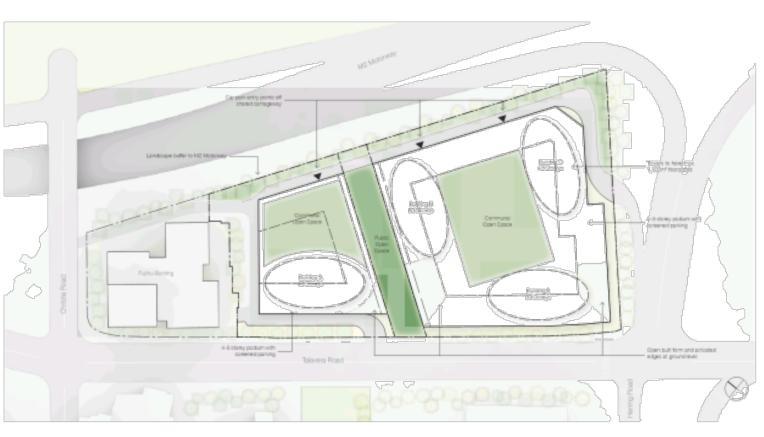
Annexure A - Indicative Site Layout

3.0

# **ATTACHMENT 1**

Design Scheme

4.1 Hustrative Master Plan



49



#### **ATTACHMENT 2**



29 November 2017

Ms Liz Coad
Director – City Planning and Development
City of Ryde Council
Binary Centre
3 Richardson Place
North Ryde NSW 2113

Dear Ms Coad

Revised Offer to Enter into a Planning Agreement in relation to the Planning Proposal at 112 Talavera Road, Macquarie Park

Further to ongoing discussions, Karimbla Properties (No. 52) and parent Company Meriton Properties Pty Ltd are pleased to make an offer to enter into a Planning Agreement with the City of Ryde Council in relation to our Planning Proposal at 112 Talavera Road, Macquarie Park. Details of the offer are provided below for Council's consideration.

#### Proposal:

 Planning Proposal to amend the Ryde LEP to increase the total FSR to 6.5:1 and building heights up to 200m.

#### Parties:

Council:

City of Ryde Council

Developer: Karin

Karimbla Properties (No. 52) Pty Ltd - ABN: 91 168 601 296

Guarantor: Meriton Properties Pty Ltd - ABN: 15 101 852 019

#### Public Benefits:

• Key Worker Housing - Dedication of twenty-seven (27) residential apartments to the Council within the Development for the purpose of Key Worker Housing which equates to 7% of the total uplift of Gross Floor Area (GFA) across the site. The Key Worker Housing will not be subject of S94 Contributions and will be exempt from the calculation of GFA under the future Development Application/s. The units will be identified at the discretion of Meriton/Karimbla on a similar mix to that of the overall development and be located in a single stratum lot in a single location/building. The units will be finished to a standard Meriton quality similar to other similar units within the development. Should a different FSR be approved, then the number of units dedicated will adjust commensurately based on 7% of the GFA uplift at a rate of 100m²/unit.

The Council agrees that the dedicated apartments will only be utilised for the purpose of providing affordable rental housing for Key Workers as defined in its respective policies.

 Open Space – Allowance for public access over the internal at-grade open space of not less than 1,300m2. Please note that the open space would be embellished as a passive pedestrian link with pathways and open landscaping (predominantly turf and some minor feature landscaping) to minimise maintenance and will be activated by retail/commercial

MERITON PROPERTY SERVICES Member of the Meriton Group ABN: 69 115 511 281 Level II Meriton Tower 528 Kent Street, Sydney NSW 2000 Tel (02) 9287 2888 Fax (02) 9287 2777 meriton.com.au



#### **ATTACHMENT 2**

uses at the Talavera Road frontage. The general location and arrangement is provided in the plan at Annexure A.

Monetary Contribution – Monetary Contribution of \$8,244,100 to fund the Stage 2 upgrade of Christie Park in accordance with the extract received from Council on 30 June 2017 of the "Christie Park Master Plan and Feasibility Study – Final" dated 3 March 2016 by SGL Consulting Group. The Developer and Guarantor expect that the works will be commenced within 2 years of the Monetary Contribution being made or the funds should be returned to the Developer.

#### Timing:

- Key Worker Housing Dedication upon the issue of the later of an Occupation Certificate
  for the respective building in which the units are located or as agreed in writing between
  the parties (this allows some flexibility to address construction issues)
- Open Space Easement for public access registered prior to the Occupation Certificate
  in the Final Building. This will accommodate ongoing construction management across the
  site and maximize public safety.
- Monetary Contribution Prior to any Occupation Certificate for residential uses within
  the development. It should be noted that the additional s94 contributions would be in the
  order of \$7.8M that will be paid as normal (i.e. Prior to the Construction Certificate).

#### Security

- The executed Planning Agreement may be registered on the title of the land until all
  obligations are fulfilled. Registration of the agreement would be exempt from any lot
  created under the Strata Titles Act in relation to the Land.
- The Developer acknowledges that relevant conditions of development consent obligating
  the Developer to the public benefits in accordance with the Planning Agreement may be
  applied to future Development Approvals as necessary in accordance with Section
  79C(1)(a)(iiia) of the Environmental Planning and Assessment Act 1979 (EPAA).
- Meriton Properties Pty Ltd (as the parent company of the Meriton Group) would be a Party
  to the VPA as a Guarantor for all Public Benefits including the dedication of units,
  registration of the easement and payment of the Monetary Contribution.
- A Bank Guarantee or Insurance Bond of no more than \$500,000 to be provided to Council
  prior to the issue of any Construction Certificate for the Development. The Guarantee/
  Bond can only be drawn upon should the public benefits not be delivered and Council is
  required to undertake enforcement action in the Land and Environment Court. The value
  of the Guarantee/Bond must be amended as follows:
  - Upon transfer of all Key Worker Units Reduce by \$300,000
  - Upon payment of Monetary Contribution Reduce by \$150,000
  - Upon registration of the easement to allow public access over the Open Space Reduce by \$50,000

We trust the offer is acceptable and we look forward to an efficient process to formalise the planning proposal and this Agreement. We are deliver these substantial public benefits.



# **ATTACHMENT 2**

Please contact Mr Matthew Lennartz on 9287 2691 should you require any further

information on this matter.

Matthew Lennartz Executive Manager Planning and Government Meriton Group

David Cremona Company Director National Head of Construction Meriton Group



# **ATTACHMENT 2**

Annexure A – Indicative Site Layout

# **ATTACHMENT 2**

Design Scheme

4.1 Hustrative Master Plan



# **ATTACHMENT 3**

The Council of the City of Ryde ABN 81 621 292 610

and

Karimbla Properties (No. 52) Pty Limited ACN 168 601 296

and

Meriton Properties Pty Ltd ACN 000 698 626

# **Planning Agreement**

Environmental Planning and Assessment Act 1979



# **ATTACHMENT 3**

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# **ATTACHMENT 3**

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#### **ATTACHMENT 3**

Planning Agreement made at

on

2018.

Parties

The Council of the City of Ryde (ABN 81 621 292 610) of Level 1, Building 0, Binary Centre, 3 Richardson Place, North Ryde, NSW (Council)

And

Karimbla Properties (No. 52) Pty Limited (ACN 168 601 296) of Level 11, 528

Kent Street, Sydney NSW 2000 (Developer)

And

Meriton Properties Pty Ltd (ACN 000 698 626) of Level 11, 528 Kent Street,

Sydney NSW 2000 (Guarantor)

#### Background

- A. The Developer is the owner of the Land.
- B. For the purpose of Section 7.4(1) of the Act, the Developer has sought a change to the environmental planning instruments applying to the Land to enable the Developer to carry out the Development.
- C The Developer has offered to enter into a planning agreement in connection with the amendment to the relevant environmental planning instrument and make Development Contributions in connection with the carrying out of the Development enabled by the Instrument Change in accordance with the terms of this Deed.
- The Guarantor is a party to this Deed to guarantee the performance of the Developer's obligations under this Deed.

#### Operative provisions

#### 1. Interpretation

#### 1.1 Definitions

The following words have these meanings in this Deed unless the contrary intention appears:

Accessible means in accordance with the relevant requirements of "Australian Standard AS 1428".

Act means the Environmental Planning and Assessment Act, 1979 and Regulations (as amended).

Adjustment Date means each 30 June every year after the date of this Deed.

Affordable Housing has the same meaning as in the Act.

Affordable Housing Unit or AHU means a dwelling in the Development that is Affordable Housing in a location and to a specification approved by the Council.

AHU Standards means the Council's standards for Affordable Housing Units as set out in Schedule 17 of this Deed.

Application means an application for any Approval.

Approval means any approvals, consents, certificates, permits, endorsements, licences, conditions or requirements (and any modifications or variations to them) which may be required by Law for the commencement and carrying out of the Contributions Works or the Development generally

Page 3 of 76



#### **ATTACHMENT 3**

and includes a Development Consent or other approval under the Act (or modification of that approval).

Authority means any governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity and includes an accredited certifier accredited under the *Building Professionals Act 2005*.

Bank Bill Rate means the average bid rate for Bills having a tenor of 90 days as displayed on the "BBSY" page of the Reuters Monitor System on the day the relevant payment is due (**Due Date**). However, if the average bid rate is not displayed by 10:30 am on the Due Date or if it is displayed but there is an obvious error in that rate, **Bank Bill Rate** means:

- (a) the rate Council calculates as the average of the bid rates quoted at approximately 10:30 am on that day by each of five or more institutions chosen by Council which provide rates for display on the "BBSY" page of the Reuters Monitor System for Bills of a 90 day tenor which are accepted by that institution (after excluding the highest and the lowest, or in the case of equality, one of the highest and one of the lowest bid rates); or
- (b) where Council is unable to calculate a rate under paragraph (a) because it is unable to obtain the necessary number of quotes, the rate set by Council in good faith at approximately 10:30 am on that day, having regard, to the extent possible, to the rates otherwise bid for Bills of a 90 day tenor at or around that time.

The rate calculated or set must be expressed as a percentage rate per annum and be rounded up to the nearest fourth decimal place.

Council may calculate a rate under paragraph (a) or (b) before 11:00 am on the Due Date, but if the average bid rate appears on the "BBSY" page by 11:00 am and there is no obvious error in it, the "BBSY" page rate applies as the **Bank Bill Rate** under this Deed despite any calculation by Council under paragraph (a) or (b).

Bank Guarantee means an irrevocable and unconditional undertaking without expiry or end date by one of the following trading banks:

- (a) Australia and New Zealand Banking Group Limited;
- (b) Commonwealth Bank of Australia;
- (c) Macquarie Bank;
- (d) National Australia Bank Limited;
- (e) St George Bank Limited;
- (f) Westpac Banking Corporation;
- (g) Credit Suisse; or
- Other financial institution approved by Council in its absolute discretion,

to pay an amount or amounts of money to Council on demand and containing terms and conditions reasonably acceptable to Council;

Bills means a bill of exchange as defined in the Bills of Exchange Act 1909 (Cth), but does not include a cheque.

**Bond** means a documentary performance bond which must be denominated in Australian dollars and be an unconditional undertaking with all the following requirements. It must:

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#### **ATTACHMENT 3**

- Be signed and issued by an Australian Prudential Regulation Authority (APRA)
  regulated authorised deposit taking institution or an insurer authorised by APRA to
  conduct new or renewal insurance business in Australia;
- (b) Have at all times an investment grade security rating from an industry recognised rating agency of at least:
  - BBB + [Standard & Poors and Fitch]; or
  - (ii) Baa 1 [Moodys]; or
  - (iii) bbb [Bests].
- (c) Be issued on behalf of the Developer;
- (d) Have no expiry or end date;
- (e) Have the beneficiary as Council;
- (f) Be irrevocable;
- State either individually, or in total with other lodged compliant forms of Guarantee, the relevant minimum amount required to be lodged as security; and
- (g) State the purpose of the deposit required in accordance with this Deed; and
- (h) contain terms and conditions reasonably acceptable to Council.

**Builder** means any entity contracted under the Construction Contract to carry out the Contribution Works.

**Building** means a building proposed to be constructed on the Land, but excluding marketing suites or other buildings which are not part of the Development and which are not intended to remain on the Land indefinitely.

Business Day means any day except for Saturday or Sunday or a day which is a public holiday in Sydney.

Certificate of Practical Completion has the meaning given to that term in clause 1.19 of Schedule 4.

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Consent Authority means, in relation to an Application, the Authority having the function to determine the Application.

Construction Certificate means a certificate issued under section 6.4(a) of the Act (or referred to as \$109C(1)(b) of the Act until 1 September 2018) and includes any amending Construction Certificate.

Construction Contract means the contract to carry out the Contribution Works (whether or not that is a contract for the Contribution Works only or forms part of a contract for the building and other components of the Development).

Construction Cost means the Costs of and directly attributable to the performance of the Contribution Works including:

preparation of design and construction drawings for the Contribution Works;

Page 5 of 76



#### **ATTACHMENT 3**

- (b) preparation of all Applications for all Approvals for the Development and the Contribution Works and all Costs associated with obtaining all Approvals;
- cost of materials used or installed (as the case may be) as part of the Contribution Works; and
- (c) labour, equipment hire and other Costs directly associated with the excavation and construction of the Contribution Works.

Contribution Amount means the monetary contribution to be made by the Developer to Council as described in the first row of Table 4 to Schedule 3.

Contribution Land means the land to be transferred by the Developer as described in Table 1 to Schedule 3 of this Deed and as generally indicated in Schedule 12.

Contribution Works means the works to be undertaken by the Developer as described in Table 2 of Schedule 3.

Contributions means the dedication of land (free of any Encumbrance and Cost), the payment of a monetary contribution and the provision of material public benefits or any combination of them to be used or applied towards a public purpose, all as provided for in the Contributions Schedule of this Deed including the Contribution Amount, the Contribution Land and the Contribution Works but does not include any Security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this deed for the purposes of \$7.4(3)(g) of the Act.

Contributions Schedule means the table and notes included in Schedule 3.

Costs includes all costs, charges, expenses, outgoing, payment, fee and other expenditure of any

Court means the New South Wales Land and Environment Court or any other court of competent jurisdiction.

CPI means the Sydney Consumer Price Index (All Groups) published by the Commonwealth Statistician, or if that index no longer exists, any similar index which Council determines in its sole discretion.

Dealing has the same meaning as under the Real Property Act 1900

Deed means this deed.

**Defect** means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use and enjoyment of a Contribution Works or a part of a Contribution Works. but excludes any damage (wilful or otherwise) to the extent it is caused by the Council or any other authorised user of the Contribution Land or Contribution Works.

Defects Liability Period means in respect of the Contribution Works, the period of 12 months which commences on the date of Practical Completion of the Contribution Works.

**Defects Security** means Security in the amount of \$150,000 to be provided by the Developer under clause 1.7 of Schedule 11.

Developer's Offer means the Letter from Meriton to the Council dated 29 November 2017.

**Development** means the development of the Land for urban purposes including a mixed use development that is made permissible by the taking effect of the Instrument Change and generally

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#### **ATTACHMENT 3**

described in clause 2 of Schedule 2, being development for which Development Consent is granted and as modified from time to time.

Development Application has the same meaning as in the Act.

**Development Consent** has the same meaning as in the Act and includes each 'Development Consent' issued for the Development..

**Development Program** means a program for the completion of the Development or parts of the Development.

Dispute means a dispute or difference between the Parties under or in relation to this Deed.

Easement means the easement in gross to be registered by the Developer as described in Table 3 of Schedule 3.

Encumbrance, in relation to any land, means any:

- security for the payment of money or performance of obligations, including a mortgage, charge, lien, pledge, trust, power or title retention;
- right, interest or arrangement which has the effect of giving another person a preference, priority or advantage over creditors including any right of set-off;
- (c) right that a person (other than the owner) has to remove something from land (known as a profit à prendre), easement, public right of way, restrictive or positive covenant, lease, or licence to use or occupy; or
- third party right or interest or any right arising as a consequence of the enforcement of a judgment,

or any agreement to create any of them or allow them to exist, in respect of that land.

Explanatory Note means the explanatory note relating to this Deed, as required by clause 25E of the Regulation, being Exhibit A to this Deed.

GST has the meaning it has in the GST Act.

GST Act means the A New Tax System (Goods and Services Tax) Act 1999 (Cth).

GST Amount has the meaning given to that term in clause 14.3.

Home Warranty Insurance has the same meaning as in the Home Building Act 1989.

Insurer means an insurer that is licensed by the Australian Prudential Regulatory Authority (APRA) to operate in Australia or has an investment grade rating from an industry recognised rating agency such as Moodies, Standard & Poors or Bests.

Interest Rate in relation to interest payable on any payment due under this Deed means the rate which is the Bank Bill Rate plus a margin of 2% per annum.

Instrument Change means the change to environmental planning instruments proposed in the Planning Proposal.

Internal Floor Area means the floor area when measured from the face of the inner wall of a unit.

Land means the land described in clause 1 of Schedule 2 and includes any lots created by any Subdivision of that land after the date of this Deed.

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#### **ATTACHMENT 3**

#### Law means:

- (a) the common law including principles of equity; and
- (b) the requirements of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws or consents by an Authority.

Legal Costs means reasonable legal costs and expenses on a full indemnity basis or solicitor and own client basis, whichever is the higher.

Occupation Certificate means a certificate referred to in section 6.4(c) of the Act(or referred to as s109C(1)(c) of the Act until 1 September 2018).

Party means a Party to this Deed, and includes their successors and assigns.

Permitted Encumbrance means each of:

- easements benefitting statutory authorities, encroachments authorised by Approvals and environmental management requirements;
- (b) restrictive covenant to ensure that the dedicated units are to be used for the purpose of affordable housing for a minimum of 10 years.
- (c) any of the following:
  - an Encumbrance (other than a mortgage, charge, pledge, lien, security interest, title retention, contractual right of set-off, or any other security agreement or arrangement in favour of any person); and
  - (ii) such other agreement or arrangement,

Council (acting reasonably) agrees in writing are permitted encumbrances.

Planning Proposal means the planning proposal which seeks to make the following amendments to RLEP:

- increase the maximum height control for the Land from 45 and 90 metres to 243mAHD;
- (b) increase the FSR control for the Land from 4.5:1 to 6.5:1.

Practical Completion means in relation to each Contribution Works, the point of time at which Council issues a Certificate of Practical Completion in accordance with Schedule 4.

Quantity Surveyor means a registered quantity surveyor appointed by Council and approved by the Developer (acting reasonably).

Real Property Act means the Real Property Act 1900 (NSW).

Register means the Torrens title register maintained under the Real Property Act.

Regulations means the Environmental Planning and Assessment Regulation 2000 (NSW) as amended from time to time.

Relevant Subdivision has the meaning given to that term in clause 1.1 of Schedule 5.

Revised Bond Amounts has the meaning given to that term in clause 1.3 of Schedule 11.

RLEP means Ryde Local Environmental Plan 2014.

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#### **ATTACHMENT 3**

Security means a Bank Guarantee or a Bond or other form of security to the satisfaction of the Council.

Security Amount means \$500,000.00 which may be submitted in multiple Bank Guarantees or Bonds relating to Clause 1.2 of Schedule 11

Management Statement means either a building management statement under section 196E of Conveyancing Act 1919 or a strata management statement under Part 6 of Strata Schemes Development Act 2015 (as the case may be) which, without limitation, provides for access to the Stratum Lot to the satisfaction of the Council acting reasonably

Strata Plan means the strata plan, strata plan of subdivision or strata plan of consolidation that is registered in accordance with the *Strata Schemes Development Act 2015* to create the title for the Contribution Land.

Stratum Lot means the stratum lot containing the Affordable Housing Units required to be transferred to the Council under this Deed.

Subdivision has the meaning given to "subdivision of land" in section 6.2 of the Act and Subdivide has a similar meaning.

Subdivision Certificate has the same meaning as in the Act.

Taxes means taxes, levies, imposts, deductions, charges and duties (including stamp and transaction duties) excluding GST together with any related interest, penalties, fines and expenses in connection with them, except if imposed on, or calculated having regard to, net income of a person.

#### 1.2 General

In this Deed:

- (a) headings are for convenience only and do not affect interpretation;
   and unless the context indicates a contrary intention:
- "person" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
- (c) a reference to a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation;
- (d) a reference to a document (including this Deed) is to that document as varied, novated, ratified or replaced from time to time;
- (e) a reference to a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments, replacements and substitutions;
- (f) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;
- (g) a reference to a party, clause, schedule, exhibit, attachment or annexure is a reference to a party, clause, schedule, exhibit, attachment or annexure to or of this Deed, and a reference to this Deed includes all schedules, exhibits, attachments and annexures to it;
- if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
- (i) "includes" in any form is not a word of limitation;

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#### **ATTACHMENT 3**

- (j) a reference to "\$" or "dollar" is to Australian currency;
- (k) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this Deed; and
- any capitalised term used, but not defined in this Deed, will have the meaning ascribed to it under, and by virtue of, the Act.

#### 2. Planning Agreement

#### 2.1 Commencement

This Deed commences and has force and effect on and from the date when the Parties have:

(a) both executed the same copy of the Deed;

each executed separate counterparts of this Deed and exchanged the counterparts;

#### 2.2 Planning agreement under the Act

This Deed constitutes a planning agreement within the meaning of section 7.4 of the Act.

#### 2.3 Application of the Planning Agreement

This Deed applies to:

- (a) the Land;
- (b) the Instrument Change; and
- (c) the Development.

#### 3. Development Contributions

#### 3.1 Payment or Delivery of Contributions

The Parties agree that the Developer must (at its Cost and risk):

- carry out and complete the Contribution Works in accordance with Schedule 3,
   Schedule 4 and Schedule 13; and
- (b) transfer the Contribution Land to Council in accordance with Schedule 3, Schedule 5 and Schedule 13; and
- (c) register the Easement on the title to the Land in accordance with Schedule 3, Schedule 5 and Schedule 13; and
- (d) pay the Contribution Amount to the Council in accordance with Schedule 3 and Schedule 6.

#### 3.2 Purpose of the Contributions:

- (a) The Contribution Works and the Contribution Land are to be delivered under this Deed for the purpose of:
  - (i) providing Affordable Housing;

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#### **ATTACHMENT 3**

- (ii) upgrading and improving the urban environment and public domain.
- (b) The Easement to be registered under this Deed is for the purpose of public pedestrian access
- (c) The Contributions Amount paid under this Deed is to be applied towards the Stage 2 upgrade of Christie Park with such upgrade to commence within 2 years of the date of payment of the Contributions Amount.

#### 3.3 Use of Contribution Land

(a) The Parties acknowledge and agree that following the tenth anniversary of the date of Practical Completion of the Development, Council may in its absolute discretion sell the Contribution Land or any part of it and apply the proceeds of that sale towards public purposes determined by the Council.

#### 4. Application of s7.11, 7.12 and 7.24 of the Act

- (a) This Deed excludes the application of sections 7.11 and 7.12 of the Act to the Development to the extent set out in Schedule 1.
- (b) This Deed does not exclude the application of \$7.24 to the Development.

#### Caveat

#### 5.1 Caveatable Interest

The Developer acknowledges and agrees that when this Deed is executed by it (whether or not Council has executed this Deed), Council is deemed to have acquired, and the Developer is deemed to have granted, an equitable estate and interest in the Land for the purposes of section 74F(1) of the Real Property Act and consequently Council has a sufficient interest in the Land in respect of which to lodge with the NSW Land Registry Services a caveat notifying that interest.

#### 5.2 Caveat over Contribution Land and common property

- (a) The Developer acknowledges and agrees that, subject to clause 7, if Council considers the Developer is in breach of this Deed, the Council may lodge a caveat on the Contribution Land and common property or any other part of the Land on which this Deed remains registered to protect its rights under this Deed and the Developer will not object to Council lodging a caveat in the relevant folio of the Register for the Land nor (subject to the provisions of this clause 5) will it seek to remove any caveat lodged by Council
- (b) If Council lodges a caveat in accordance with this clause, then Council will do all things reasonably required to ensure that the caveat does not prevent or delay either the registration of this Deed or any Dealing which is not inconsistent with this Agreement.
- (c) Council (as the Caveator) will not unreasonably prevent or delay the provision of any consent the Developer may reasonably require to enable this Deed or any Dealing to be registered.

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#### **ATTACHMENT 3**

- (d) The Developer will notify Council 15 Business Days prior to registration of the Stratum Lot creating the Contribution Land.
- (e) The Developer acknowledges and agrees that it will not object to Council lodging a caveat under Clause 5.2(a) in the relevant folios of the Register for the Contribution Land, common property or any other land on which this Deed remains registered, nor will it seek to remove any such caveat lodged by Council.

#### 6. Registration of this Deed

#### 6.1 Ownership of the Land

The Developer represents and warrants that it is the legal and beneficial owner of the Land.

#### 6.2 Registration on title

The Parties agree that this Deed is to be registered on the Land and the Developer agrees to promptly do all things that are necessary for Council to procure the registration of this Deed in the relevant folio of the Register for the Land in accordance with section 7.6 of the Act and in accordance with Schedule 9.

The Parties agree that the Land will be subdivided from time to time and that the Deed is not to be registered on any land or title created under a Strata Plan other than common property or the Contribution Land.

The Parties agree that if the Instrument Change does not take effect and the Developer withdraws the application for Development Consent for the Development, both Parties will do all things necessary to remove this Deed from the Title of the Land.

#### 7. Release and Discharge

- (a) Council agrees to release and discharge this Deed and remove any caveat lodged by Council pursuant to clause 5 subject to and on the terms contained in clause 5 and Schedule 10 to this Deed.
- (b) Notwithstanding any other provisions of this Deed, Council agrees to immediately remove any caveat lodged by Council:
  - (i) pursuant to clause 5.1, when this Deed is registered on the Land.
  - (ii) pursuant to clause 5.2(a), when the relevant breach has been rectified.

#### 8. Breaches to be rectified

- (a) If Council considers that the Developer has defaulted on the performance of any of its obligations under this Deed, then Council may give written notice to it which:
  - (i) identifies the nature of the breach; and
  - (ii) requires it to
    - A. rectify the breach if it reasonably considers it is capable of rectification, or
    - B. pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification; and

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#### **ATTACHMENT 3**

- (iii) specifies the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- (b) If Council issues a notice under clause 8(a), the provisions of Schedule 7 apply.
- (c) In accordance with sections 6.10 and 6.15(d)of the Act (referred to as \$109H and \$109J respectively until 1 September 2018) and clause 146A of the Regulation, all breaches of this Deed for which Council has provided a notice requiring rectification of that breach to the Developer must be rectified prior to the issue (following the date that such notice is provided to the Developer) of any Construction Certificate, Subdivision Certificate or Occupation Certificate relating to the Land or the Development.

#### 9. Additional Security

The Developer has agreed to provide Security to Council for performance of its obligations under this Deed on the terms and conditions of Schedule 11.

#### 10. Assignment and other dealings

The Developer and the Guarantor agree that the provisions of Schedule 12 apply in relation to any proposed assignment or dealing in relation to the Land (or any part of it) or of the Developer's and Guarantor's interest in this Deed.

#### 11. Review of Deed

The Parties may agree to review this Deed. Any review or modification will be conducted in the circumstances and in the manner determined by the Parties. Where the need for a review does not affect the Obligations under this Deed, the changes may be implemented by both parties agreeing in writing.

#### 12. Dispute resolution

The Parties agree that any disputes under or in relation to this Deed will be resolved in accordance with the procedures set out in Schedule 8.

# 13. Overdue payments

#### 13.1 Interest on overdue money

The Developer agrees to pay interest to Council on any amount payable by it under this Deed from when it becomes due for payment, during the period that it remains unpaid, on demand or at times determined by Council, calculated on daily balances. The rate to be applied to each daily balance is the Interest Rate.

#### 13.2 Compounding

Interest which is not paid when due for payment may be capitalised by Council at intervals, which Council determines from time to time or, if no determination is made, then on the first day of each month. Interest is payable on capitalised interest at the rate and in the manner referred to in this clause.

#### 13.3 Interest on liability merged in judgment or order

If a liability under this Deed becomes merged in a judgment or order, then the Developer agrees to pay interest to Council on the amount of that liability as an independent obligation. This interest accrues from the date the liability becomes due for payment both before and after the

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#### **ATTACHMENT 3**

judgment or order until it is paid, at a rate that is the higher of the rate payable under the judgment or order and the rate referred to in this clause 13.

For the avoidance of doubt, if a liability under this Deed becomes merged in a judgment or order then the Developer will only be required to pay either interest payable under the judgment or order or interest calculated under this clause 13 but not both.

#### 14. GST

#### 14.1 Interpretation

- (a) Except where the context suggests otherwise, terms used in this clause 14 have the meanings given to those terms by the GST Act.
- (b) Any part of a supply that is treated as a separate supply for GST purposes (including attributing GST payable to tax periods) will be treated as a separate supply for the purposes of this clause 14.
- (c) A reference to something done (including a supply made) by a party includes a reference to something done by any entity through which that party acts.

#### 14.2 Consideration GST exclusive

Unless otherwise expressly stated, all sums payable or consideration to be provided under this Deed are exclusive of GST.

#### 14.3 GST not payable on Contributions

The Parties agree, in accordance with Class Ruling CR2013/13 published by the Commissioner, that Contributions required to be made under this Deed are exempt from GST.

#### 14.4 Additional amount of GST payable

If GST is imposed on any supply made under or in accordance with this Deed, the Developer must pay the GST or pay to Council an additional amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

#### 14.5 No merger

This clause will not merge on completion or termination of this Deed.

#### 15. Explanatory Note

The Explanatory Note must not be used to assist in construing this Deed.

#### 16. Notices

#### 16.1 Form

Any notice, consent, information, application or request that must or may be given or made to a party under this Deed is only given or made if it is in writing and delivered or posted to that party at its address set out below or faxed to that party at its fax number set out below:

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#### **ATTACHMENT 3**

#### Council

Name: Council of the City of Ryde

Address: The Binary Centre, Building 0, Level 1, 3 Richardson Place,

North Ryde NSW 2113

Fax: 9952 8222 For the attention of: General Manager

Developer

Name: Karimbla Properties (No. 52) Pty Limited (ACN 168 206 296)

Address: Level 11, 528 Kent Street, Sydney NSW 2000

Fax: 9287 2835 For the attention of: Director

Guarantor

Name: Meriton Properties Pty Ltd (ACN 000 698 626) Address: Level 11, 528 Kent Street, Sydney NSW 2000

Fax: 9287 2835 For the attention of: Director

#### 16.2 Change of address

If a Party gives another Party 3 Business Days' notice of a change of its address or fax number, any notice, consent, information, application, or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

#### 16.3 Receipt

Any notice, consent, information, application or request is to be treated as given or made at the following time:

- (a) if it is delivered, when it is left at the relevant address;
- (b) if it is sent by post, 2 Business Days after it is posted; and
- (c) if it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

#### 16.4 Receipt - next Business Day

If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, after 5pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

#### 17. Schedules and Annexures to this Deed

The Parties agree:

- (a) that all the Schedules and Annexures and Appendices form part of this Deed; and
- (b) to comply with the provisions of those Schedules and Annexures.

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#### **ATTACHMENT 3**

#### 18. General provisions

The Parties agree to the miscellaneous and general provisions set out in Schedule 14 to this Deed apply.

#### 19. Surrender of Right of Appeal

(a) The Developer and the Guarantor are not to commence or maintain or to cause or procure the commencement or maintenance of any proceedings in any court or tribunal or similar body appealing against or questioning the validity of this Deed, or an Approval relating to the Development insofar as the subject matter of the proceedings relate to the validity of this Deed or a condition of Approval requiring this Deed to be complied with.

#### 20. Guarantee

- (a) The Guarantor gives this guarantee and indemnity in consideration of the Council agreeing to enter into this Deed.
- (b) The Guarantor unconditionally and irrevocably guarantees to the Council the due and punctual provision of the Contributions and any other obligations of the Developer under this Deed.
- (c) The Guarantor unconditionally and irrevocably indemnifies the Council, its employees, officers, agents, contractors and workmen from and against all losses, damages, costs (including legal costs on a full indemnity basis), charges, expenses, actions claims and demands whatsoever which may be sustained, suffered, recovered or made arising in connection with the performance of this Deed and any breach of this Deed by the Developer.
- (d) The Guarantor will pay any money payable under this Deed to Council within 20 business days of receipt by the Guarantors of a tax invoice for the amount payable.
- (e) A payment is made for the purposes of this Deed if Council receives the full amount payable under this Deed by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council, as the case may be



## **ATTACHMENT 3**

#### Schedule 1 - Section 7.4 Requirements

The Parties acknowledge and agree that the table set out below provides for certain terms, conditions and procedures for the purpose of the Planning Agreement complying with the Act.

Requirement under the Act		This Planning Agreement	
Planning instrument and/or development application - (Section 7.4(1))			
The Developer has:			
(a)	Sought a change to an environmental planning instrument.	(a) Yes	
(b)	Made, or proposes to make, a Development Application.	(b) Yes	
(c)	Entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(c) No	
	ription of land to which this Deed applies - on 7.4(3)(a))	The Land described in clause 1 of Schedule 2.	
Description of change to the environmental planning instrument or the development to which this Deed applies - (Section 7.4(3)(b))			
Descr	ibe:		
(a)	The proposed change to the environmental planning instrument to which this Deed applies; and	(a) The Planning Proposal defined in clause 1.1	
(b)	The development to which this Deed applies.	(b) The Development described in clause 2 of Schedule 2	
The scope, timing and manner of delivery of contribution required by this planning agreement - (Section 7.4(3)(c))		As set out in Schedule 3 – Contributions Schedule, Schedule 4 – Contribution Works Procedures, Schedule 5 – Contribution Land and Easement Procedures and Schedule 6 – Contributions Amount Procedures.	
Applicability of Section 7.11 of the Act - (Section $7.4(3)(d)$ )		The application of section 7.11 of the Act is not excluded in respect of the Development other than as provided below.	
		The application of \$7.11 of the Act is excluded for the part of the Development that is an Affordable Housing Unit.	
		The other benefits under this Deed are not to be taken into consideration when determining a development contribution under \$7.11 of the Act for the Development.	
Appli	cability of Section 7.12 of the Act - (Section	The application of section 7.12 of the Act is	

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# **ATTACHMENT 3**

Requirement under the Act	This Planning Agreement
7.4(3)(d))	excluded in respect of the Development and for the avoidance of doubt, no contributions under section 7.12 will be required to be paid.
Applicability of Section 7.24 of the Act - (Section 7.4(3)(d))	The application of section 7.24 of the Act is not excluded in respect of the Development and for the avoidance of doubt, contributions (if any) under section 7.24 will be required to be paid.
Consideration of benefits under this Deed if section 7.11 applies - (Section 7.4(3)(e))	
Are the benefits under this Deed to be taken into consideration if Section 7.11 of the Act is not excluded?	N/A
Mechanism for Dispute resolution - (Section 7.4(3)(f))	
This Deed provides a mechanism for the resolution of Disputes under the agreement?	Refer to clause 12 and Schedule 8.
Enforcement of this Deed (Section (3)(g) and section (7.6)	Refer to clauses 5, 6, 8 and 9 and Schedule 11.
This Deed provides for enforcement by a suitable means in the event of a breach.	Refer to classes 5, 6, 6 and 7 and 5 electric 11.
Registration of this Deed	
The parties agree that this Deed will be registered in accordance with clause 6.	Refer to clause 6 and Schedule 9.
No obligation to grant consent or exercise functions - (Section 7.4(9))	
The parties acknowledge that this Deed does not impose an obligation on a planning authority to grant a Development Consent, or to exercise any function under the Act in relation to a change to an environmental planning instrument.	Refer to clause 1.8 of Schedule 14.



#### **ATTACHMENT 3**

Schedule 2 - Description of the Land and the Development

#### 1. Title

Address	Title Details	Landowner
112 Talavera Road, Macquarie Park	LOT 422 DP 1221081	Karimbla Properties (No. 52) Pty Ltd

#### 2. Development

The construction of the following on the Land that is made permissible by the taking effect of the Instrument Change:

- approximately 1270 residential apartments (including approximately 27 Affordable
  Housing Units (2 of which will be Accessible) in stratum having a total area of 7% of
  the total uplift of Gross Floor Area of the Land (in accordance with Council's
  Affordable Housing Policy) on the Land;
- commercial/retail space on the Land.

## **ATTACHMENT 3**

#### Schedule 3 - Contributions Schedule

Table 1 - Contribution Land

Column 1 - Contribution	Column 2 - Date Contribution Land is to be transferred
The Contribution Land for Affordable Housing The transfer, free of cost to Council, in accordance with Schedule 5, of:  • the Stratum Lot containing the AHUs referred to in Item 1 of Table 2 of this Schedule, being a Stratum Lot with an area equal to 7% of the total uplift of Gross Floor Area of the Land made permissible by the taking effect of the Instrument Change • the car parking spaces and storage spaces for each AHU referred to in Item 1 of Table 2 of this Schedule.	Each Affordable Housing Unit, car parking space and storage space to be transferred to the Council is to be transferred:  • after the Stratum Lot is registered and within 15 Business Days after the issuing of any Occupation Certificate and Certificate of Practical Completion for that Affordable Housing Unit, car parking space and storage space and any part of the Building required for access to that Affordable Housing Unit, car parking space and storage space, and • before any Occupation Certificate is issued in respect of any other part of the Building in which the AHU is located, or, if a later time is agreed in writing between the Parties then that later time.

The Contribution Land will be taken to have been transferred under this Deed when the transfer of the Contribution Land has occurred in accordance with Schedule 5.

Table 2 - Contribution Works

Column 1 Contribution Item	Column 2 - Contribution	Column 3 - Date Contribution Works are to be Practically Completed and delivered
Item 1	Affordable Housing Units, car spaces and storage spaces  The Developer to design, construct and complete the following in accordance with the AHU Standards:  (a) approximately 27 Affordable Housing Units (2 of which will be Accessible) within one Stratum Lot within a Building on the Land in a location approved by the Council, with the area of the Stratum Lot being 7% of	Practical Completion of each Affordable Housing Unit, car space and storage space to be provided prior to the time the Contribution Land is transferred to Council in accordance with this Deed.

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## **ATTACHMENT 3**

	the total uplift of Gross Floor Area of the Land made permissible by the taking effect of the Instrument Change. The Affordable Housing Units are to have the following configurations:  (i) approximately 40% of the AHUs are to be 1	
	bedroom units of a comparable size to other 1 bedroom units in the Development which are not AHUs,	
	<ul> <li>(ii) approximately 50% of the Affordable Housing Units are to be 2 bedroom units of a comparable size to other 2 bedroom units in the Development which are not AHUs,</li> </ul>	
	(iii) approximately 10% of the Affordable Housing Units are to be 3 bedroom units of a comparable size to other 3 bedroom units in the Development which are not AHUs,	
	(b) car parking spaces and storage spaces for each AHU with such spaces to be within the same Building as the AHUs and the car parking spaces and storage spaces for the Accessible AHUs to also be Accessible. The number and size of the car parking spaces and storage spaces for each AHU is to be the lesser of:	
	that required under the relevant Development     Control Plan applying to the Development, or	
	(ii) that required under SEPP 65,	
	(iii) a number and size comparable to other units in the Development which are not AHUs.	
Item 2	Pedestrian link and embellishment	The pedestrian link and
	The Developer to design, construct, complete and embellish a passive pedestrian link with an area of not less than 1300sqm in the general location shown as 'public open space' on the Illustrative Master Plan in Schedule 13. The passive pedestrian link and embellishment is to include pathways and open landscaping to a design and standard approved by the Council	embellishment is to be completed prior to the time the Easement is required to be registered under this Deed.

The Contribution Works will be taken to have been completed when Council issues a Certificate of Practical Completion for those works in accordance with Schedule 4.

Table 3 - Easement

Column 1 - Contribution	Column 2 - Date Easement is to be registered on title
Easement for public access over pedestrian link The registration of an easement in gross in favour of the Council on terms generally in accordance with the terms of easement set out in Schedule 18 to enable public access over the passive pedestrian link to be constructed by the Developer under this Deed.	Easement to be registered prior to the issuing of any Occupation Certificate for any part of the last residential Building to be constructed in the Development, as shown on the Illustrative Master Plan in Schedule 13.

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## **ATTACHMENT 3**

The easement for public access will be taken to have been registered when it is registered on the title to the Land in accordance with Schedule 5.

Table 4 - Contributions Amount

Column 1 - Contribution	Column 2 - Date Contributions Amount is to be paid
Contributions Amount  The Developer to pay monetary contributions to the Council in the amount of \$8,244,100 towards the Council's carrying out of the Stage 2 upgrade of Christie Park.	The Contributions Amount is to be paid prior to the earlier of:  (a) the issuing of any Occupation Certificate after the Instrument Change which authorises residential occupation or use of any Building in the Development, or  (b) the actual occupation of any Building in the Development after the Instrument Change.

The provisions in Schedule 6 apply to the Contribution Amount.

#### **ATTACHMENT 3**

#### Schedule 4 - Contribution Works Procedures

This Schedule 4 applies to all Contribution Works.

#### 1.1 Approvals and Design responsibility

- (a) These Contribution Works Procedures must be read and construed subject to:
  - (i) any requirements or conditions of any Development Consent; and
  - the requirements of and conditions imposed by all relevant Authorities and all laws relating to the Development and the construction of the Development.
- (b) The Developer must at its Cost and risk:
  - prepare all Applications and submit such applications to Council and obtain all Approvals necessary to carry out the Contribution Works; and
  - (ii) comply with all conditions of all such Approvals.
- (c) The Developer agrees to procure the design of the Contribution Works in accordance with this Deed and the Development Consent.
- (d) The Developer must ensure that the Contribution Works are carried out:
  - in accordance with this Deed, the Development Consent and all Approvals and the requirements of all Laws, including without limitation, occupational health and safety legislation; and
  - ii) in a good and workmanlike manner and so that they are diligently progressed until completion;

and it is acknowledged that to the extent that there is any inconsistency between this Deed and any Approval, the terms of the Approval shall take precedence.

#### 1.2 Costs of the Contribution Works

The Developer will bear all Construction Costs and any other Costs associated with the Contribution Works.

#### 1.3 Construction phase

- (a) Subject to clause 1.3(b) of this Schedule 4, the Developer must procure the execution and completion of the Contribution Works in accordance with:
  - (i) the Approvals;
  - (ii) any Contribution Works program agreed with Council; and
  - (iii) its other obligations under this Deed.
- (b) The Developer must not commence construction of any of the Contribution Works until it has given Council copies of all Approvals relating to the Contribution Works.

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#### **ATTACHMENT 3**

#### 1.4 Review of Contribution Works and Construction Documents

The Developer acknowledges and agrees that:

- (a) Council may but is not obliged to critically analyse, review and comment upon the plans and specifications of the Contribution Works and to this end the Developer must, prior to making any Application for Development Consent, regularly meet with Council and provide it with copies of the plans and specifications of the Contributions Works:
- the Developer at its own Cost, is to comply with any reasonable direction given to it by the Council to prepare or modify a design or specification relating to a Contribution Work that the Developer is required to carry out under this Deed;
- (c) Council is not responsible for any errors omissions or non-compliance with any Law or the requirement of any Authority by reason of agreeing to the plans and specifications of the Contribution Works;
- (d) Council is not liable for any liability, loss or Cost incurred by the Developer because of any defect in the design or construction of any part of the Contribution Works; and
- (e) No comment, review or information supplied to the Developer by Council alters or alleviates the Developer from its obligation to construct and complete the Contribution Works in accordance with this Deed and any Approval.

#### 1.5 Developer responsibilities

- (a) The Developer must keep Council informed of the progress of the Contribution Works and provide to Council such information about the Contribution Works as Council reasonably requests.
- (b) The Developer is responsible for the delivery and care of the Contribution Works at all times prior to dedication of the Contribution Land.
- (c) Prior to dedication of the Contribution Land, the Developer is responsible for:
  - providing all things and taking all measures reasonably within its control to protect people and property in relation to the Land where failure to do so may render Council or the Developer liable under the Law;
  - (ii) ensuring that nuisances and unreasonable noise and disturbances are prevented; and
  - (iii) taking any urgent action in relation to the Land necessary to protect people and the consequences of any failure to take such action where failure to do so may render Council or the Developer liable under the Law.

#### 1.6 Damage

- (a) The Developer is to maintain any Contribution Work required to be carried out by the developer under this Deed until the Contribution Work is completed for the purposes of this Deed and transferred to Council..
- (b) If the Developer or the employees or agents of the Developer damage any public utilities and services or property on or adjacent to the Land, the Developer must promptly make good the damage and pay any compensation which the Law requires the Developer to pay.

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#### **ATTACHMENT 3**

#### 1.7 Best Industry Practice

The Developer must ensure that the Contribution Works it has procured to be designed and carried out are designed and carried out according to Best Industry Practice.

#### 1.8 Quality of Material and Work

The Developer must procure the Contribution Works to be carried out in accordance with the AHU Standards:

- using good quality new materials, which must be suitable for the purpose for which they are required under this Deed;
- (b) in a proper and tradesmanlike manner;
- (c) without the use of asbestos in any form;
- (d) in compliance with relevant qualitative standards determined by Australian Standards Limited, the Building Code of Australia and any relevant manufacturers' standards relating to design and finishes; and
- so that the Contribution Works, when completed, are suitable for the purpose for which they are required as contemplated by the relevant Approvals and this Deed.

#### 1.9 Inspection

- (a) Without limiting any power the Council may have under any Law, the Council, may, by giving 48 hours' notice to the Developer, enter the Land to inspect, examine or test any Contribution Work and or to remedy any breach by the Developer of its obligations under this Deed relating to the Work, subject to:
  - the terms of the Construction Contract (to this end the Developer must ensure that no clause of any Construction Contract prevents Council from accessing the Land for the purpose set out in this clause);
  - (ii) giving reasonable notice to the Developer;
  - (iii) complying with all reasonable directions of the Developer.
  - (b) Council may, within 5 Business Days of carrying out an inspection, notify the Developer of any effect or non-compliance in the Contribution Works and direct the Developer to carry out work to rectify that defect or non-compliance. Such work may include, but is not limited to:
    - (i) removal of defective or non-complying material from the Contribution Land;
    - (ii) demolishing defective or non-complying work;
    - (iii) reconstructing, replacing or correcting any defective or non-complying work; and
    - (iv) not delivering any defective or non-complying material to the site of the Contribution Works.
- (c) If the Developer is issued a direction to carry out further work under clause 1.9(b) of this Schedule 4, the Developer must, at the Developer's cost, rectify the defect or noncompliance specified in the notice within the time period specified in the notice.
- (d) If the Developer fails to comply with a direction to carry out work given under clause 1.9(b) of this Schedule 4, Council will be entitled to refuse to accept that the

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#### **ATTACHMENT 3**

Contribution Works (or the relevant part of the Contribution Works) have been completed in accordance with this Deed.

- (e) For the avoidance of doubt, any acceptance by Council that the Developer has rectified a defect or non-compliance identified in a notice issued under clause 1.9(b) of this Schedule 4 does not constitute:
  - acceptance by Council that the Contribution Works comply with all Approvals and Laws: or
  - (ii) an Approval by Council in respect of the Contribution Works; or
  - (iii) an agreement or acknowledgement by Council that the Contribution Works or the relevant part of the Contribution Works are complete and may be delivered to Council in accordance with this Deed.
- (f) For the purposes of ensuring compliance with the AHU Standards, the Council may, pursuant to clause 1.9(a) of this Schedule, enter and inspect two (2) units, car spaces and storage space which are not AHU or for the purposes of AHU, within the Building in which an AHU, car space and storage space is located.

#### 1.10 Risk

The Developer undertakes the Contribution Works entirely at its own risk.

#### 1.11 Insurance

- (a) Prior to the commencement of the Contribution Works, the Developer must procure the insurance policies covering such risks, and on terms and in a form, reasonably acceptable to Council including:
  - physical loss, damage or destruction of each aspect of the Contribution Works (including any associated temporary works) for the value of the Contribution Works;
  - (ii) public risk insurance;
  - (iii) third party liability;
  - (iv) contractors;
  - (v) professional indemnity insurance with respect to design works only;
  - (vi) Workers Compensation insurance, as required by Law; and
  - (vii)if required by Law, Home Warranty Insurance.
- (b) The policies must provide cover for the period from the date of the commencement of construction of the Contribution Works until the end of any relevant Defects Liability Period for each and every aspect of the Contribution Works and as required under the Home Building Act 1989 in the case of Home Warranty Insurance.
- (c) The Developer must provide evidence of currency of insurance required by clause 1.11(a) of this Schedule 4 upon request by Council throughout the term of this Deed.

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#### **ATTACHMENT 3**

#### 1.12 Amount of property insurance

The insurance cover in relation to works insurance must be for an amount not less than the full insurable value of the Development on a full reinstatement and replacement basis (including extra Costs of reinstatement, Costs of demolition and removal of debris, and professional fees).

#### 1.13 Insurance generally

All insurances which the Developer is required by this Deed to effect and maintain:

- (a) must be with an Insurer;
- (b) must note the rights and interests of Council; and
- (c) must not in any respect limit or derogate from the liabilities or obligations of the Developer under this Deed.

#### 1.14 Providing proof of insurance

Whenever reasonably requested in writing by Council, the Developer must give Council certificates of the insurance policies which the Developer is required by this Deed to effect and maintain.

#### 1.15 Premiums

The Developer must punctually pay all premiums in respect of all insurances required under this Agreement.

#### 1.16 Additional Obligations

The Developer must:

- (a) not do or omit to do anything which if done or not done might vitiate, impair, derogate or prejudice any insurance or might prejudice any claim under any insurance policy:
- (b) if necessary, rectify anything which might prejudice any insurance policy;
- (c) reinstate an insurance policy if it lapses;
- (d) immediately notify Council in writing if an insurer gives notice of cancellation in respect of any insurance policy; and
- (e) give full, true and particular information to the insurer of all matters and things the non-disclosure of which might in any way prejudice or affect any such policy or the payment of all or any benefits under the insurance.

#### 1.17 Application of insurance proceeds

If all or any part of the Contribution Works are damaged or destroyed prior to Practical Completion thereof:

 (a) all insurance proceeds in respect of that damage or destruction must be applied to repair or reinstate the Contribution Works;

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# **ATTACHMENT 3**

- (b) if the insurance proceeds received under the insurances in respect of the damage or destruction are less than the cost of repairing or replacing the Contribution Works (or those insurances are void or unenforceable and there are no proceeds), the Developer must complete the repair and replacement of the Contribution Works using its own funds; and
- (c) if the insurance proceeds received under the insurances in respect of the damage or destruction exceed the Costs of repairing or replacing the Contribution Works, the Developer will be entitled to keep that excess.

#### 1.18 Input tax credits

- (a) Where the Developer has effected any insurance policy referred to in this Deed before the date of this Deed, the Developer:
  - (i) warrants that it informed the insurer of the extent of its entitlement to an input tax credit for the last premium it paid at or before the time of first making any subsequent claim under the insurance policy; and
  - (ii) must inform the insurer of the extent of its entitlement to an input tax credit for any future premium it pays immediately after paying that premium.
- (b) Where the Developer effects any insurance policy referred to in this Deed after the date of this Deed, the Developer must inform the insurer of the extent of its entitlement to an input tax credit for any premium it pays immediately after paying that premium.

#### 1.19 Certification

- (a) When the Developer is of the opinion that the Contribution Works have reached Practical Completion, the Developer must send a notice to Council requesting written certification from Council that the Contribution Works are complete to the satisfaction of Council (acting reasonably)(Certificate of Practical Completion).
- (b) Within 10 Business Days or another period of time as agreed between the parties of a notice issued under clause 1.19(a) of this Schedule 4, Council will inspect the Contribution Works, and any other part of the Land, in accordance with clause 1.9 of this Schedule 4 and may issue a notice under clause 1.9(b) of this Schedule 4, in which case the provisions of clause 1.9(c) and (d) will apply.
- (c) The Developer must ensure that it has provided Council with an adequate opportunity to carry out an inspection under clause 1.9 of this Schedule 4 and this clause 1.19 prior to the issue of a Certificate of Practical Completion for any part of the Contribution Works

#### 1.20 Dispute where no Certificate of Practical Completion

If after 10 Business Days of the Council inspecting the Contribution Works, Council does not either issue the Certificate of Practical Completion or give the Developer notice under clause 1.9(b) of this Schedule 4, then either Council or the Developer may regard the circumstances as a Dispute between Council and the Developer.

#### 1.21 Issue of Certificate

If Council is satisfied that:

 (a) a Contribution Work has been completed in accordance with this Deed to the satisfaction of the Council;

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# **ATTACHMENT 3**

- (b) in respect of a Contribution Work which is located on Contribution Land, the Developer has procured the registration of the relevant documentation to create the Relevant Subdivision of the Contribution Land in accordance with all Approvals; and
- (c) any notice issued under clause 1.9(b) and clause 1.19 has been complied with, and

then Council may issue a Certificate of Practical Completion for that Contribution Work.

# 1.22 Pre-requisites for Certificate of Practical Completion

Council will not issue a Certificate of Practical Completion unless and until:

- (a) where relevant, copies of all necessary documents and Approvals issued by the Consent Authority or relevant accredited certifier acknowledging completion of a specific aspect of the Contribution Works have been delivered to Council; and
- (b) copies of all other certificates, consents and Approvals required of any relevant Authority, whose certificate, consent or approval is required for the erection, use or occupancy of the Contribution Works other than an Occupation Certificate for the AHU have been delivered to Council, and
- (c) in respect of a Certificate of Practical Completion for an AHU:
  - prior to the registration of a Management Statement for the building within which the AHU's are located, the Developer has provided the Council with a draft Management Statement and,
  - (ii) the Council has approved the Management Statement, and
  - (iii) the Management Statement approved by the Council has been registered on

# 1.23 Providing documents to Council

The Developer must deliver to Council copies of the following items (as may be relevant) in relation to the Contribution Works:

- (a) a copy of as built drawings and all warranties and operations manuals given in connection with the Contribution Works; and
- a copy of all certificates issued by any Authority in relation to any part of the Contribution Works which have not previously been delivered to Council, including an Occupation Certificate for the Contribution Work,

promptly, and in any event within 40 Business Days, after Practical Completion of the Contribution Works.

#### 1.24 Defects Liability Period

- (a) The Developer must ensure that, on transfer of the Contribution Land, Council will have the benefit of any defects liability warranty and Home Warranty Insurance given by a Builder in relation to the Contribution Land and the Contribution Works.
- (b) At any time during the Defects Liability Period (in respect of a Contribution), Council may inspect the Contribution Works for the purpose of ascertaining what Defects and omissions (if any) in the Contribution Works are required to be made good by the Developer.
- (c) Council may give notice (Rectification Notice) to the Developer that:

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#### **ATTACHMENT 3**

- (i) states that part of the Contribution Works are defective, giving details;
- (ii) specifies the works which Council considers are required to rectify the defect;
- (iii) specifies the date on which the defect must be rectified (within a reasonable period of time).
- (d) The Developer must rectify any Defects or omissions in the Contribution Works which are identified in a Rectification Notice by:
  - procuring the performance of the work required to rectify the defect within the time period specified by Council or such other time as agreed between the parties;
  - (ii) keeping Council reasonably informed of the action to be taken to rectify the defect; and
  - (iii) carrying out the rectification.
- (e) When the Developer considers that a rectification is complete, the Developer must notify Council that the works subject to the relevant Rectification Notice are complete and provide documentation, plans or invoices which establish that those works were carried out.
- (f) Council may inspect the rectification works within 5 Business Days of receiving a notice from the Developer under clause 1.24(e) of this Schedule 4 (or another period of time otherwise agreed between the parties acting reasonable) and may:
  - issue a further Rectification Notice if it is not reasonably satisfied that the rectification is complete; or
  - (ii) notify the Developer in writing that it is satisfied the Rectification works are complete.
- (g) If the Developer fails to complete or rectify such works within the period required by a Rectification Notice under clause 1.24(c) or clause 1.24(f)(i) then Council may step-in to complete or rectify such works or take enforcement action, and the Developer must reimburse Council promptly following any demand by Council for all Costs and Legal Costs incurred by Council in completing or rectifying such works, or taking enforcement action or proceedings to have such works completed or rectified that were not or could not be satisfied by calling on the Defects Security provided by the Developer under Schedule 11.
- (h) The Developer must meet all costs of and incidental to rectification of Defects under this clause 1.24 that is not met by the Defects Security and indemnifies Council for all monies payable by the Developer to Council pursuant to paragraph 1.24 (g) of this Schedule
- (i) The indemnity in paragraph 1.24 (h) of this Schedule 4 is a continuing obligation, separate and independent from the Developer's other obligations and survives completion, rescission or termination of this Deed. The Developer must pay on demand any amount it must pay under the indemnity in paragraph 1.24(h) of this Schedule 4.

#### 1.25 Development Program

(a) The Developer must provide an updated Development Program to Council from time to time as the Development progresses, and as a minimum must provide an updated program:

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# **ATTACHMENT 3**

- (i) as soon as possible upon lodgement of an Application for Development Consent and thereafter upon lodgement of an Application for construction of a Building with the relevant Consent Authority;
- (ii) whenever there are delays in the Development which materially impact on the milestones identified in the previous Development Program provided to Council which relate to the issue of a Construction Certificate or Occupation Certificate;
- (iii) no less than 6 months before the Developer lodges an Application for an Occupation Certificate for any Building with the relevant Consent Authority.
- (b) Council is not to disclose the Development Program referred to in clause 1.28(a) above to any third party unless required by law or in any other circumstances, with the consent of the Developer.

#### 1.26 Indemnities

The Developer indemnifies Council, its employees, officers, agents, contractors and workmen from and against all Claims in connection with the carrying out of the Contribution Works by the Developer except to the extent such Claim arises either directly or indirectly as a result of the negligence, default, act or omission of Council or its employee, officer, agent or contractor.

#### 1.27 Application for Occupation Certificate

An Occupation Certificate for a Contribution Work is not to be issued unless a Certificate of Practical Completion for the Work has been issued in accordance with clause 1.21 and 1.22 of this Schedule.

The Developer is to apply for an Occupation Certificate for an Affordable Housing Unit, car parking space and storage space within 15 Business Days after Practical Completion of the relevant Contribution Work.



# **ATTACHMENT 3**

#### Schedule 5 - Contribution Land and Easement Procedures

#### 1.1 Approvals

No less than 10 Business Days before the timing identified in Column 2 of Table 1 and Table 3 of Schedule 3 respectively, the Developer must at its Cost and risk and as relevant:

- (a) prepare all Applications and registrable documents and obtain all Approvals necessary to subdivide the Land by one or more plans of subdivision to separate the Contribution Land from the Land (Relevant Subdivision);
- (b) prepare all registrable documents and obtain all Approvals necessary to register the Easement on the Land;
- (c) comply with all conditions of all such Approvals; and
- (d) procure NSW Land Registry Services to register the relevant documentation and plans to create the Relevant Subdivision and Easement consistent with all such Approvals.

# 1.2 Developer undertakings regarding Contribution Land

In accordance with the timing identified in Column 2 of Table 1 of Schedule 3, the Developer must (at its Cost and risk):

- do all acts and execute and deliver all documents (in form and content reasonably satisfactory to Council) to Council (or such other person as Council may reasonably direct) in order to give effect to the dedication or transfer (as the case may be) of the Contribution Land to Council (at no cost to Council);
- (b) deliver to Council:
  - (i) the certificate or certificates of title for the Contribution Land;
  - (ii) any consents and other documentation in registrable form duly executed by all necessary persons required by the Registrar-General for the transfer (and registration) of the Contribution Land; and
  - (iii) any permits in connection with the Contribution Land and any consents and other documentation in a registrable form necessary, or otherwise required by Council, for the transfer (and registration) of those permits;
- (c) take any other necessary action (including paying all Taxes) to give effect to the transfer of the title of the Contribution Land to Council (or such other person as Council may direct) free of all Encumbrances (other than a Permitted Encumbrance) and affectations (including any charge or liability for rates, taxes and charges) except any caveat lodged over the Contribution Land by Council in accordance with clause 5 of this Deed;
- (d) pay Council's Costs and Legal Costs in connection with the transfer of the Contribution Land;
- (e) take all practical steps and sign all documents as reasonably required by Council or NSW Land Registry Services to give effect to the transfer of the Contribution Land, including promptly responding to any requisitions issued by NSW Land Registry Services.

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# **ATTACHMENT 3**

#### 1.3 Developer undertakings regarding Easement

In accordance with the timing identified in Column 2 of Table 3 of Schedule 3, the Developer must (at its Cost and risk):

- (a) do all acts and execute and deliver all documents (in registrable form and content reasonably satisfactory to Council) to Council (or such other person as Council may reasonably direct) in order to give effect to the registration of the Easement (at no cost to Council);
- (b) deliver to Council:
  - (i) the production slip issued by the Land Registry Services evidencing that the certificate or certificates of title for the land on which the Easements are located have been produced to Land Registry Services for the purposes of registering the Easements; and
  - (ii) any consents and other documentation in registrable form duly executed by all necessary persons required by the Registrar-General for the registration of the Easement;
- (c) pay Council's Costs and Legal Costs in connection with the registration of the Easement;
- (d) take all practical steps and sign all documents as reasonably required by Council or NSW Land Registry Services to give effect to the registration of the Easement, including promptly responding to any requisitions issued by NSW Land Registry Services.

# 1.4 Acquisition of Contribution Land

- (a) If the Developer does not transfer to Council the Contribution Land as required by this Deed (including the dedication and transfer of the Contribution Land to Council (as the case may be), Council is entitled to:
  - register the documents identified in clause 2 of Schedule 11, and do anything otherwise required, to effect the transfer of the Contribution Land, and
  - (ii) call upon the Bond in clause 1 of Schedule 11 in accordance with that clause to cover the cost of the transfer of the Contribution Land.
- (b) Except as otherwise agreed between the Developer and Council, the Developer must ensure that the Contribution Land is free of all Encumbrances (other than Permitted Encumbrances) and affectations (including any charge or liability for rates, taxes and charges), on the date that the Contribution Land is transferred to Council (as the case may be) in accordance with paragraph 1.4(a) of this Schedule 5.
- (c) The Developer indemnifies and keeps indemnified Council against all Claims made against Council as a result of any transfer of the whole or any part of the relevant interest in land under paragraph 1.4 of this Schedule 5.
- (d) The Developer must pay Council, promptly on demand, an amount equivalent to all Costs and Legal Costs incurred by Council (and not recovered by calling on a Bond) on acquiring the whole or any part of the relevant interest in land under this Schedule 5

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# **ATTACHMENT 3**

- (e) As an alternative to proceeding pursuant to clauses 1.4(a) of this Schedule 3, if the Developer does not transfer or grant to Council the interests in the Contribution Land required to be transferred under this Deed at the time at which it is required to be transferred, the Developer consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Land Acquisition (Just Terms Compensation) Act 1991.
- (f) The Council is to only acquire land pursuant to clause 1.4(e) of this Schedule 5 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Developer to transfer the land required to be transferred under this Deed.
- (g) Clause 1.4(e) of this Schedule 5 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- (h) If, as a result of the acquisition referred to in clause 1.4(e) of this Schedule 5, the Council is required to pay compensation to any person other than the Developer, the Developer is to reimburse the Council that amount, upon a written request being made by the Council, or the Council can call on any Security.
- (i) The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the Contribution Land concerned except if, and to the extent that, the Claim arises because of the Council's negligence or default.
- (j) The Developer is to promptly do all things necessary, and consent to the Council doing all things necessary, to give effect to this clause 1.4, including without limitation:
  - (i) signing any documents or forms,
  - (ii) giving landowner's consent for lodgement of any Development Application,
  - (iii) producing certificates of title to the Registrar-General under the Real Property Act 1900. and
  - (iv) paying the Council's costs arising under this clause 1.4.
- (k) The Developer must pay Council, promptly on demand, an amount equivalent to all Costs and Legal Costs incurred by Council (and not recovered by calling on the Security) on acquiring the whole or any part of the relevant interest in land under this Schedule 5.

# 1.5 Acquisition of Easement

- (a) If the Developer does not register the Easement by the time at which it is required to be registered, the Developer consents to the Council compulsorily acquiring the Easement for compensation in the amount of \$1 without having to follow the preacquisition procedure under the Land Acquisition (Just Terms Compensation) Act 1991.
- (b) The Council is to only acquire Easement pursuant to clause 1.5(a) of this Schedule 5 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Developer to register the Easement required to be registered under this Deed.
- (c) Clause 1.5(a) of this Schedule 5 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- (d) If, as a result of the acquisition referred to in clause 1.5(a) of this Schedule 5, the Council is required to pay compensation to any person other than the Developer, the

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Developer is to reimburse the Council that amount, upon a written request being made by the Council.

- (e) The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the Easement except if, and to the extent that, the Claim arises because of the Council's negligence or default.
- (f) The Developer is to promptly do all things necessary, and consent to the Council doing all things necessary, to give effect to this clause 1.4, including without limitation:
  - (i) signing any documents or forms,
  - producing certificates of title to the Registrar-General under the Real Property Act 1900, and
  - (iii) paying the Council's costs arising under this clause 1.5.
- (g) The Developer must pay Council, promptly on demand, an amount equivalent to all Costs and Legal Costs incurred by Council (and not recovered by calling on the Security) on acquiring the whole or any part of the Easement under this Schedule 5.

#### 1.6 Occupation Certificate

- (a) The Developer must ensure that, on the date of transfer of the Contribution Land in accordance with clause 1.2 of this Schedule 5 or acquisition of the Contribution Land in accordance with clause 1.3 of this Schedule 5:
  - (i) all works and fit out of the Contribution Land are complete so that the Contribution Land is fit for purpose and able to be occupied and used as an Affordable Housing Unit; and
  - (ii) an Occupation Certificate has been issued for the Contribution Land authorising its occupation and use under the Act.
- (b) If the Contribution Land is transferred to Council without the Developer first obtaining an Occupation Certificate, then Council can obtain the Occupation Certificate itself at the Developer's cost and may call on any Security provided under Schedule 10 of this Deed to recover the cost of doing so.
- (c) If the Council is unable to obtain an Occupation Certificate under paragraph (b) of this clause, because any works to the Contribution Land are incomplete or defective, the Council may give a Rectification Notice under clause 1.24 of Schedule 4 requiring the completion of those works or rectification of those Defects, as well as requiring the Developer to obtain an Occupation Certificate for the Contribution Land.

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# **ATTACHMENT 3**

#### Schedule 6 - Contributions Amount Procedures

#### 1.1 Payment of Contributions Amount

A Contributions Amount is made for the purposes of this Deed when the Council receives the full amount of the contribution payable under this Deed in cash or if paid by unendorsed bank cheque those funds are cleared in a bank account nominated by the Council.

#### 1.2 Application of Contributions

The Contributions Amount is to be applied towards the Council's costs of carrying out the Stage 2 upgrade of Christie Park as described in the document 'Christie Park Master Plan and Feasibility Study – Final' dated 3 March 2016 prepared by SGL Consulting Group.

#### 1.3 Return of Contributions Amount

- (a) In the event that Council has not commenced the Stage 2 upgrade of Christie Park, by the relevant date referred to in clause 1.3(b) then the Council is to return the Contributions Amount to the Developer.
- (b) For the purposes of clause 1.3(a), the relevant date is:
  - the date that is 2 years after the date the Contribution Amount is paid to the Council in accordance with clause 1.1, or
  - (ii) such later date as may be:
    - (A) agreed between the parties in writing, or
    - (B) determined by the Council acting reasonably, having regard or any Force Majeure Event which causes the Council to not be able to commence the Stage 2 Upgrade of Christie Park within 2 years after the date the Contribution Amount is paid to the Council.
- (c) For the avoidance of doubt, Council is not required to return any part of the Contributions Amount to the Developer if the Stage 2 upgrade of Christie Park is commenced by the relevant date referred to in clause 1.3(b).
- (d) In this clause,

Force Majeure Event means any event or circumstance, or a combination of events or circumstances:

- (a) which arises from a cause beyond the reasonable control of the Council, including:
  - (i) an act of God;
  - (ii) strike, lockout, other industrial disturbance or labour difficulty;
  - (iii) war (declared or undeclared), act of public enemy, blockade, revolution, riot, insurrection, civil commotion;
  - (iv) lightning, storm, flood, other inclement weather, fire, earthquake, explosion, epidemic, quarantine;
  - (v) embargo, unavailability of any essential equipment or materials, unavoidable accident, lack of transportation; or

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# **ATTACHMENT 3**

- (vi) anything done or not done by or to a person, except the Party relying on force majeure; and
- (b) which the Council takes reasonable precautions to protect itself against, and uses reasonable endeavours to mitigate the consequences of (which does not require the Council to settle a labour dispute if, in the Council's opinion, that is not in its best interests).

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# **ATTACHMENT 3**

#### Schedule 7 - Notification and rectification of breach

#### 1. Notice of breach

#### 1.1 Developer's Response to Notice

Promptly upon receipt of a notice under clause 8(a), the Developer must fully comply with the notice and rectify the breach identified in that notice within the time period specified in that notice; or

#### 1.2 Rights of Council after Giving Notice

- (a) If the Developer does not take the action outlines in clause 1.1 of this Schedule 7 then Council may take any or all of the actions available to it under this Deed including:
  - (i) taking any action under clause 2.1 of this Schedule 7;
  - taking enforcement action including calling on the Security without further notice to the Developer in accordance with Schedule 11; and
  - (iii) issuing a further notice to the Developer under clause 8(a).
- (b) The rights of Council under this Deed, and any action taken by it as referred to in clause 1.2 of this Schedule 6 or otherwise, are without derogation from the other rights and remedies available to Council under this Deed, at law and in equity in relation to any default of the Developer.

#### 2. Council may rectify breach

#### 2.1 Council may perform Developer's obligations

- (a) Before exercising its rights under clause 2.1 of this Schedule 7, Council will give such written notice as it considers reasonable (except in the case of an emergency or where there is an issue of public safety where less time may be specified) to the Developer of its intention to exercise its rights under clause 2.1 of this Schedule 7.
- (b) Council may (but is not obliged to):
  - perform the Developer's obligations where the Developer fails to rectify the breach identified in the notice referred to in clause 8(a) within the time period specified in that notice;
  - (ii) rectify any breach of this Deed;
  - (iii) carry out other works that are necessary to be carried out; and
  - (iv) otherwise do anything which the Developer should have done under this Deed.
- (c) Without limiting clause 2.1 of this Schedule 7 the Developer agrees that Council, its employees, agents and contractors, may enter onto the Land and do whatever is necessary to remedy the breach, in the absolute discretion of Council. Council must comply with the reasonable directions of the Developer relating to work, health and safety and compliance with all Laws.
- (d) The Developer indemnifies and will keep Council indemnified from and against all claims, actions, demands, losses, damages, Costs and Legal Costs incurred by Council or for which Council may become liable in the exercise or purported exercise of the

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# **ATTACHMENT 3**

rights of Council under this clause 2.1 of this Schedule 7, except in the event that such Claim is caused by or contributed to by the negligence of Council or where Council has exercised its rights in breach of this Deed.

- (e) Any costs incurred by the Council in remedying a breach in accordance with clause 2.1 may be recovered by the Council by either or a combination of the following means:
  - in respect of costs associated with enforcement proceedings, by calling-up and applying the Security provided by the Developer under this Deed; or
  - (ii) as a debt due in a court of competent jurisdiction.
- (f) For the purpose of clause 2.1 of this Schedule 7, the Council's costs of remedying a breach the subject of a notice given under clause 8 (a) include, but are not limited to:
  - the costs of the Council's servants, agents and contractors reasonably incurred for that purpose;
  - (ii) all fees and charges necessarily or reasonably incurred by the Council in remedying the breach; and
  - (iii) all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- (g) Nothing in this clause 2.1 of this Schedule 7 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer, including but not limited to seeking relief in an appropriate court.

# **ATTACHMENT 3**

#### Schedule 8 - Dispute Resolution

#### 1.1 Not commence

Subject to the terms of this Deed, a party must not commence any court proceedings relating to a Dispute unless it complies with the provisions of this Schedule 8.

#### 1.2 Written notice of Dispute

A party claiming that a Dispute has arisen under or in relation to this Deed must give written notice to the other party specifying the nature of the Dispute.

#### 1.3 Attempt to resolve

On receipt of notice under clause 1.2 of this Schedule 8, the parties must endeavour in good faith to resolve the Dispute expeditiously using informal Dispute resolution techniques such as mediation, expert evaluation or other techniques agreed by them.

#### 1.4 Mediation

If the parties do not agree within 10 Business Days of receipt of notice under clause 1.2 of this Schedule 8 (or any further period agreed in writing by them) as to:

- (a) the Dispute resolution technique and procedures to be adopted;
- (b) the timetable for all steps in those procedures; or
- (c) the selection and compensation of the independent person required for such technique,

the parties must mediate the Dispute in accordance with the Mediation Rules of the Law Society of NSW. The parties must request the president of the Law Society of NSW or the president's nominee to select the mediator and determine the mediator's remuneration.

#### 1.5 Expert evaluation generally

- (a) If the parties agree under clause 1.3 of this Schedule 8 that expert evaluation is the appropriate Dispute resolution technique, expert evaluation must be carried out in accordance with this clause.
- (b) Where the parties are not able to agree on an appropriate expert, the expert is to be appointed by the President of the appropriate institute or association.
- (c) If the parties cannot agree on which institute or association is appropriate in the circumstances (within the same 10 Business Days), either party may refer the selection of the institute or association to the President of the Bar Association of New South Wales to select the most appropriate institute or association.
- (d) The institutes or associations from which the expert may be appointed are:

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# **ATTACHMENT 3**

- if an architect: the Royal Australian Institute of Architects, New South Wales Chapter;
- (ii) if an engineer: Engineers Australia,
- (iii) if a valuer: the Australian Property Institute Incorporated ARBN 007 505 866, New South Wales Division;
- (iv) if an expert in decontamination: Engineers Australia Environmental College
- (v) if an expert in insurance: the Australian and New Zealand Institute of Insurance and Finance, New South Wales Branch;
- (vi) if a real estate agent: the Real Estate Institute of New South Wales;
- (vii) if a quantity surveyor: the Australian Institute of Quantity Surveyors, New South Wales Chapter;
- (viii) if a barrister: the New South Wales Bar Association;
- (ix) if an accountant: the Institute of Chartered Accountants, New South Wales Division;
- (x) if a solicitor or mediator: the Law Society of New South Wales
- (e) If:
  - (i) more than two types of experts are required to determine the Dispute; or
  - (ii) the parties agree to appoint a lead expert; or
  - (iii) the President of the Bar Association exercising his or her functions in accordance with clause consider the appointment of a lead expert appropriate.

then the parties must appoint a lead expert.

- (f) The lead expert must be a solicitor who has practised for not less than 15 years and who has not less than 5 years' experience in alternative Dispute resolution. The lead expert must be agreed by the parties and failing agreement will be appointed by the President of the Law Society of New South Wales.
- (g) If a lead expert is appointed the functions of that person are:
  - to determine the type of expert required to determine the Dispute;
  - ii) in the absence of agreement between the parties as to the identity of the expert, to request the appropriate institute or association referred to in clause ("Institutes and associations") to appoint an expert;
  - (iii) to determine the questions to be put to the expert and, if there is more than one expert, to co-ordinate and determine the timing of each expert determination;

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# **ATTACHMENT 3**

- (iv) if the Dispute requires determination by an expert solicitor, to perform that function;
- if the expert determinations obtained are ambiguous, contradictory or in conflict, to resolve the ambiguity, contradiction or conflict;
- (vi) on receipt of the expert determinations to deliver to the parties a final determination of the Dispute;
- (vii) to determine any question of procedure concerning the Dispute resolution process.
- (h) The expert is to be engaged on his standard terms of engagement subject to any amendments required to ensure consistency with this clause.
- (i) Both parties may, within 20 Business Days of the date of appointment of the expert, make written submissions to the expert on the matter the subject of the Dispute. If a party makes a written submission to the expert, it must give a copy of the submission to the other party at the same time as it gives the submission to the expert. Submissions must include all particulars upon which a party seeks to rely in support of its position in relation to the Dispute. The expert will determine the procedure for determining the Dispute.
- (j) When any Dispute or difference referred to in this clause has been referred for determination, the parties will each use their best endeavours to make available to the expert all facts and circumstances which the expert may require to settle or determine the Dispute or difference and must ensure that their respective employees, agents and consultants are available to appear at any hearing or enquiry called for by the expert. The parties record their agreement that the hearing be concluded within 20 Business Days, and the expert's decision given within 20 Business, of the date of appointment of the expert, and shall use their best endeavours to see that these time frames are met.
- (k) The expert's decision is not final and binding on the parties and the parties may refer their Dispute to a Court of competent jurisdiction for determination on the basis of a fresh hearing of all issues and facts. The cost of the expert's decision is to be borne by the parties in the shares as the expert determines and in the absence of a determination equally between the parties.
- (I) The expert will also determine the amount of the costs and expenses of the reference of such Dispute to him. In default of such decision, those costs and expenses will be borne by the parties in equal shares.

# 1.6 Court proceedings

Subject to clause 19 of this Deed, if the Dispute is not resolved within 30 Business Days after notice is given under clause 1.3 of this Schedule 8, then any party which has complied with the provisions of this Schedule 8, may in writing terminate any Dispute resolution process undertaken under this clause and may then commence court proceedings in relation to the Dispute.

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# **ATTACHMENT 3**

#### 1.7 Not use information

The parties acknowledge the purpose of any exchange of information or documents or the making of any offer of settlement under the provisions of this Schedule 8, is to attempt to settle the Dispute. No party may use any information or documents obtained through any Dispute resolution process undertaken under the provisions of this Schedule 8 for any purpose other than in an attempt to settle the Dispute.

#### 1.8 No prejudice

The provisions of this Schedule 8 do not prejudice the right of a party to institute court proceedings for urgent injunctive or declaratory relief in relation to any matter arising out of or relating to this deed.

#### 1.9 Costs

The Costs of appointing a mediator or expert under this Schedule 8, will be borne equally by the Parties. Each Party will be responsible for its own Legal Costs with respect to any Dispute resolution process.



# **ATTACHMENT 3**

#### Schedule 9 - Registration of Deed

- (a) The Developer warrants that it has obtained all consents to the registration of this Deed on the Title to the Land as are necessary and in particular the consent of any Mortgagee or Lessee registered on the Certificate of Title to the Land;
- (b) The Developer must on execution of this Deed, produce to Council together with this Deed for execution by Council:
  - an instrument in registrable form requesting registration of this Deed on the Title to the Land executed by all persons required by the Registrar-General to execute such form (other than the Council),
  - (ii) a letter from the caveator (if any) and mortgagee (if any) and lessees of any registered lease on the Land (if any) consenting to the registration of this Deed,
  - (iii) production information as evidence that the Mortgagee (if any) or the Developer has produced the Certificate of Title to Land Registry Services for the purpose of registration of the Deed, and
  - (iv) a bank cheque for the relevant registration fees.
- (c) The Developer must promptly comply with any requisitions that may be raised with regard to registration of the Deed from Land Registry Services.
- (d) Council will notify the Developer following registration of the Deed by Council and forward the Developer's copy of the Deed to it.



# **ATTACHMENT 3**

#### Schedule 10 - Release and Discharge Terms

- (a) Once Council is satisfied (acting reasonably) that the Developer has fully complied with all of its obligations under this Deed, at the Developer's request (and Cost), Council must within a reasonable period of time after receiving a written request for the Developer to do so:
  - (i) provide a full release and discharge of this Deed with respect to the whole of the Land other than the Contribution Land; and
  - (ii) (should Council not already have done so) sign such documentation as is necessary to remove any caveat lodged by Council in relation to the Land pursuant to clause 5 of this Deed including provision for this Deed to be removed from the Register.
- (b) Despite clause (a) above of this Schedule 10, from time to time, the Developer may request Council to provide a partial release and discharge prior to the completion of all obligations under this Deed, so that this Deed may be removed from the Register relating to any part of the Land in respect of which a Strata Plan has been registered, in which circumstance Council must authorise the removal of this Deed from the Register if:
  - (i) the Deed is registered against the Contribution Land and the Common Property created by the Strata Plan;
  - (ii) any caveat over the Contribution Land will be registered at the same time as the Strata Plan;
  - (iii) the Security under clause 1 of Schedule 11 has been provided to Council;
  - (iv) the documents required under clause 2 of Schedule 11 have been provided to Council; and
  - (v) the Developer is not otherwise in default of any of their obligations under this Deed (as determined by Council (acting reasonably), at the time of the Developer's request, unless Council waives the default.

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# **ATTACHMENT 3**

#### Schedule 11 - Security and Enforcement

# 1. Security

#### 1.1 Developer to provide

- (a) Prior to the issue of the first Construction Certificate for any part of the Development after the Instrument Change takes effect, the Developer must provide Security to Council for the Security Amount.
- (b) The Security referred to in clause 1.1(a) of this Schedule 11, secures the Council's Costs of obtaining the Contributions including but not limited to taking legal proceedings to enforce:
  - (i) the Practical Completion of the Contribution Works;
  - (ii) the transferring the Contribution Land to Council;
  - (iii) the registration of the Easement on Title to the Land;
  - (iv) the obtaining any Occupation Certificate for the Contribution Land;
  - (v) the remedying any breach of this Deed notwithstanding any other remedy Council may have under this Deed, under any Act or otherwise at law or in equity;

in accordance with this Deed.

- (c) The Council may not call up the Security unless it has commenced legal proceedings in respect of enforcing this Deed.
- (d) The Council may call up and apply the proceeds of the Security towards satisfying its Costs of obtaining the Development Contributions as referred to in clause 1.1(a) of this Schedule.
- (e) The Council consents to the Developer providing Security issued by AIG Australia Limited.

#### 1.2 Reduction of the Security Amount

(a) Subject to clause 1.7, the Developer may by written notice to Council, upon occurrence of a matter specified in Column 1 of the table below in accordance with this Deed, request a reduction of the Security Amount in the amount specified in Column 2 of the table below:

Column 1	Column 2
Transfer of all Affordable Housing Units, car spaces and storage spaces to Council	\$300,000.00
Payment of Contribution Amount in full	\$150,000.00
Registration of Easement on Title to the Land	\$50,000.00

# **ATTACHMENT 3**

#### 1.3 Adjustment of the Security

(a) On each Adjustment Date the Bond Amounts are to be adjusted to the Revised Bond Amount as determined in accordance with the following formula:

$$RBA = \underbrace{BA \times A}_{B}$$

where:

RBA is the Revised Bond Amount applicable from the relevant Adjustment Date;

BA is the Bond Amount that is current on the relevant Adjustment Date;

A is the CPI published immediately before the relevant Adjustment Date;

**B** is the CPI published immediately before the date of this Deed and, in the case of subsequent adjustments, the immediately preceding Adjustment Date.

No increase or other change will be made to the Revised Bond Amount where B is greater than A.

- (b) Council must give the Developer written notice of the Revised Bond Amounts to apply from the relevant Adjustment Date.
- (c) The Developer must give Council replacement or further Bonds so that Council holds Bonds for an amount equal to the Revised Bond Amounts no later than 15 Business Days after receipt of a notice given under clause 1.3(b) of this Schedule 11.

#### 1.4 Face value of Security

If a Security is required to be provided by the Developer to Council under this Deed, then the Developer must procure and give to Council a Security with a face value of an amount equivalent to the amount and at the time specified in this Deed.

#### 1.5 Failure to Provide Security

- (a) Despite any other provision in this Deed, the Council, in its absolute discretion, may refuse to allow the Developer to enter, occupy or use any land owned or controlled by the Council or refuse to provide the Developer with any plant, equipment, facilities or assistance relating to the carrying out the Development if the Developer has not provided the Security to the Council in accordance with this Deed.
- (b) The Developer may at any time provide the Council with a replacement Security.
- (c) If, despite the requirements of this Deed, any Bond provided by the Developer is expressed as expiring on a certain date, the Developer must provide Council with a replacement Security 30 Business Days prior to the expiry of any Bond. Council is entitled to refuse to accept Security which has an expiry date.

#### 1.6 Claims under Security

Except as otherwise provided under this Deed, Council may, without giving prior written notice to the Developer, make claims under a Security provided by it and Council may call upon the Security (in full or in part) in the event that the Council takes proceedings in respect of the Developer' breach of its obligation to carry out and complete any of the Development Contributions obligations under this Deed and may retain and use such monies in its discretion for that purpose.

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# **ATTACHMENT 3**

#### 1.7 Defects Security

- (a) The Council is not required to reduce the Security Amount upon the transfer of all Affordable Housing Units, car spaces and storage spaces unless and until the Developer has provided to the Council the Defects Security.
- (b) The Defects Security secures the rectification of any Defects and omissions (if any) of the Contribution Works during the period of 6 months from date of Practical Completion of Item 1 of the Contribution Works.
- (c) Council may apply the proceeds of the Defects Security in satisfaction of any obligation of the Developer under this Deed to rectify any Defects in the Contribution Works in accordance with Schedule 4.
- (d) Council may, without giving prior written notice to the Developer, make claims under the Defects Security and Council may call upon the Defects Security (in full or in part) in the event that:
  - a. the Developer breaches its obligation under clause 1.24 of Schedule 4 to complete or rectify any Defects in the Contribution Works within the period required by a Rectification Notice under clause 1.24, and
  - the Guarantor fails to complete or rectify the Defects to which clause (d)(a)
    applies within the period required by a Rectification Notice under clause 1.24,
    and
  - c. if there is a Dispute in respect of the defect in the Contributions Works, the parties have sought mediation or expert determination of the Dispute in accordance with any relevant provisions in Schedule 8 and no mediated agreement or expert determination has been reached within 30 Business Days of a notice of Dispute under clause 1.2 of Schedule 8.
- (e) The Council may retain and use such monies in its discretion to compensate Council for the Developer's breach of its obligations under clause 1.24 of Schedule 4.
- (f) The Council is to release and return the Defects Security, or any unused part of it to the Developer after the later of:
  - a. the end of the period of 6 months from the date of Practical Completion of Item
     1 of the Contribution Works, and
  - b. if a Rectification Notice is issued within the period of 6 months from the date of Practical Completion of Item 1 of the Contribution Works, the date when the Defects specified in the Rectification Notice have been rectified.

#### 1.8 Requirements for Bonds issued by an insurer

- (a) This clause applies to any Security provided by the Developer that is in the form of a Bond issued by an insurer.
- (b) A Bond that requires periodic payment of premiums in order to maintain the Bond will not be accepted.
- (c) A Bond provided by the Developer is to be accompanied by evidence of full up-front payment of all premiums in respect of that Bond.

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# **ATTACHMENT 3**

# 2. Transfer documents

(a) The implied terms and warranties in Schedules 2 and 3 of the Conveyancing (Sale of Land) Regulation 2017 apply to this Deed as relevant in respect of any transfer of land to the Council as if this Deed is a contract for the sale of land and the Developer agrees to be bound by them.

#### 3. Restriction on issue of Certificates

- (a) For the purposes of section 6.8(1)(a) of the Act (referred to as 109F(1) of the Act until 1 September 2019) and clause 146A of the Regulation the Developer must: provide the Security under clause 1 of Schedule 11
- (b) For the purposes of section 6.10(1) of the Act (referred to as \$109H(2) of the Act until 1 September 2019), the Developer must:
  - (i) transfer each Affordable Housing Unit, car parking space and storage space to be transferred to the Council prior to the issuing of any Occupation Certificate for any part the Building within which the Affordable Housing Unit, car parking space and storage space is located (other than an Occupation Certificate in respect only of any Affordable Housing Unit, car parking space and storage space to be transferred and any part of the Building required for access to that Affordable Housing Unit, car parking space and storage space) or as agreed between the parties,
  - register the Easement prior to the issuing of any Occupation Certificate for any part of the last Building as shown on the Illustrative Master Plan in Schedule 13 to be constructed,
  - (iii) pay the Contribution Amount prior to the issuing of any Occupation Certificate which authorises residential occupation or use of any Building in the Development.
- (c) The Developer is to provide this clause 3 of Schedule 11 to each certifying authority for the Development.
- (d) Prior to the issuing of any Construction Certificate or Occupation Certificate for the Development, the Developer is to provide the Council with written confirmation from the certifying authority that all the requirements of this Deed that, by its terms, are required to be complied with before a Construction Certificate or Occupation certificate (as the case may be) is issued have been complied with.

# **ATTACHMENT 3**

#### Schedule 12 - Assignment and Dealing

#### 1.1 Developer's proposed assignment of rights

- (a) Unless the matters specified in clause 1.1(b) of this Schedule 12 are satisfied, the Developer is not to assign or novate to any person the Developer's rights or obligations under this Deed, and the Guarantor is not to sell, transfer or assign any part of its ownership in the Developer
- (b) The Developer must not assign or novate to any person its rights or obligations under this Deed and the Guarantor is not to sell, transfer or assign any part of its ownership in the Developer, unless the prior written consent of Council is obtained. Council must not unreasonably withhold its consent in circumstances where the following matters have been satisfied:
  - (i) the Developer or the Guarantor, as the case may be, satisfies Council that the rights of Council will not be diminished or fettered in any way;
  - (ii) the Developer or the Guarantor, as the case may be, has, at no cost to Council, first procured the execution by the person to whom the Developer's rights or obligations under this Deed, or the ownership of the Developer, are to be sold, transferred, assigned or novated (incoming party), of a deed in favour of the Council in the form of Schedule 16, completed in a manner satisfactory to Council. Such deed includes covenants that the incoming party:
    - A. will perform the obligations of the Developer or the Guarantor, as the case may be, under this Deed;
    - B. is financially capable of complying with the Developer's obligations under this Deed; and
    - c. is bound by the terms and conditions of this Deed (relevant to the Developer or the Guarantor, as the case may be) as if the incoming party had executed this Deed;
  - (iii) the Developer or the Guarantor, as the case may be, is not in breach of this Deed with respect to the relevant part of the Land in case of an assignment or novation of the Developer's interest in part of the Land only, unless the breach is waived by Council;
  - (iv) the Developer or the Guarantor, as the case may be, and the incoming party pay Council's reasonable costs in relation to the novation deed and assignment; and
  - (v) the Developer or the Guarantor, as the case may be, has secured from the incoming party the replacement of the Securities specified in Schedule 11 as may be required by Council.

# 1.2 Right of Developer to sell Land

(a) The Developer must not sell or transfer the whole or any part of the Land or any of its interests in the Land (and must procure that the whole or any part of the Land is not sold or transferred) prior to this Deed being removed from title to that Land (or any part of it) unless before any such sale, transfer or disposal of any such part of the Land or such part of their interest in the Land to another person (Transferee) the Developer complies with the requirements specified in clause 1.1(b) of this Schedule 12 and obtains Council's prior written consent. Council must not unreasonably

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# **ATTACHMENT 3**

withhold its consent in circumstances where the requirements specified in clause 1.1(b) of this Schedule 12 are satisfied.

(b) Clause 1.2(a) does not apply to the sale or transfer of a strata lot that has been created in a strata scheme other than an AHU or common property.

#### 1.3 Council's Costs

The Developer must pay to Council (or reimburse Council on demand) for all the Costs and Legal Costs incurred by Council in connection with any assignment or dealing proposed under clauses 1.1 or 1.2 of this Schedule 12.

#### 1.4 Council's assignment of rights

Council may assign its rights under this Deed to any successor in title.

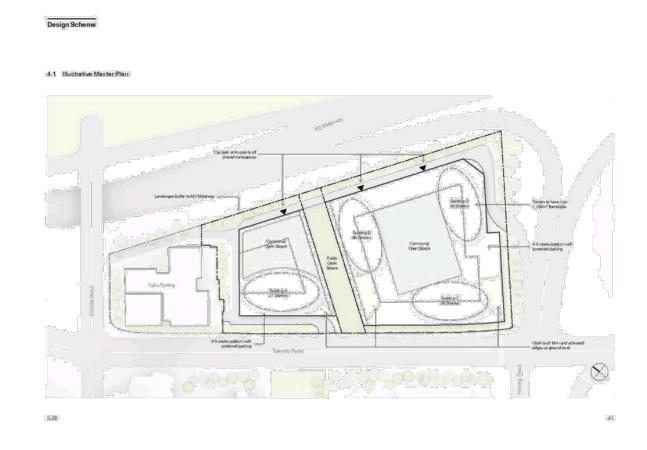
# 1.5 Council to act promptly

Council must act promptly in dealing with any application made by the Developer in respect of any proposed assignment or dealing proposed under clauses 1.1 or 1.2 of this Schedule 12.

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# **ATTACHMENT 3**

# Schedule 13 – Illustrative Master Plan



# **ATTACHMENT 3**

#### Schedule 14 - General Provisions

#### 1.1 Approvals and Consent

- (a) Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.
- (b) A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

#### 1.2 Costs

- (a) Unless otherwise specified in this Deed, all Costs and Legal Costs relating to this Deed are to be borne by the Developer in the amount specified in Schedule 15 and is payable on demand.
- (b) In addition to clause 1.2(a) of this Schedule 14, the Developer agrees to pay or reimburse Council on demand for:
  - (i) Costs and Legal Costs of Council in connection with:
    - A. exercising, enforcing or preserving, or attempting to exercise, enforce or preserve, rights under this Deed, including in connection with the Developer default;
    - B. any waiver, variation, release or discharge of this Deed; and
  - (ii) Taxes and fees (including, without limitation, registration fees and stamp duty) and fines and penalties in respect of fees which may be payable or determined to be payable in connection with this Deed or a payment or receipt or any transaction contemplated by this Deed.

#### 1.3 Illegality

If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

#### 1.4 Entire agreement

To the extent permitted by law this Deed:

- embodies the entire understanding of the parties, and constitutes the entire terms agreed by the parties; and
- (b) supersedes any prior written or other agreement of the parties. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed.

#### 1.5 Further acts

Each Party must promptly execute all documents and do all things that another party from time to time reasonably requests to give effect to, perfect or complete this Deed and all transactions incidental to it.

# **ATTACHMENT 3**

#### 1.6 Governing Law and jurisdiction

This Deed is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

#### 1.7 Enforcement

- (a) This Deed may be enforced by any Party in any court of competent jurisdiction.
- (b) For the avoidance of doubt, nothing in this Deed prevents:
  - (i) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates; and
  - (ii) an Authority or Council from exercising any function under the Act or any other Law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

#### 1.8 No fetter

Nothing in this Deed is to be construed as requiring an Authority (including Council) to do anything that would cause it to be in breach of any of its obligations at Law, and without limitation:

- nothing in this Deed is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty; and
- (b) nothing in this Deed imposes any obligation on an Authority to:
  - (i) grant any Development Consent; or
  - (ii) exercise any function or power under the Act in relation to a change, or a proposed change, in an environmental planning instrument.

# 1.9 Representations and warranties

- (a) Each Party each individually represents and warrants that:
  - (i) (power) it has power to enter into this Deed and comply with its obligations under the Deed;
  - (ii) (no contravention or exceeding power) this Deed does not contravene its
    constituent documents (if any) or any law or obligation by which it is bound or
    to which any of its assets are subject, or cause a limitation on its powers or the
    powers of its officers to be exceeded;
  - (iii)(authorisations) it has in full force and effect the authorisations necessary for it to enter into this Deed to which it is a party, to comply with its obligations and exercise its rights under this Deed and to allow this Deed to be enforced;
  - (iv)(validity of obligations) its obligations under this Deed are valid and binding and are enforceable against it in accordance with the terms of the Deed;
  - (v) (no immunity) does not have immunity from the jurisdiction of a court or from legal process; and
  - (vi)(benefit) it benefits by entering into this Deed to which it is a Party.



# **ATTACHMENT 3**

(b) Each Party acknowledge that each other Party has entered into this Deed to which it is a party in reliance on the representations and warranties in this clause 1.9 of this Schedule 14.

#### 1.10 Severability

- (a) If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- (b) If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

#### 1.11 Modification

No modification of this Deed will be of any force or effect unless it is in writing and signed by the Parties as a Deed.

#### 1.12 Waiver

- (a) The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or a breach of obligation by, another Party.
- (b) A waiver by a party is only effective if it is in writing and signed and dated by the party giving the waiver.
- (c) A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

# 1.13 Confidentiality

The Parties agree that the terms of this Deed are not confidential and this Deed may be treated as a public Deed and exhibited or reported without restriction by any Party.

#### 1.14 Release and indemnity

- (a) The Developer agrees that the obligation to provide the Contributions is at the risk of the Developer. The Developer releases Council from any Claim, liability or loss it may have against Council arising from, and Costs and Legal Costs incurred in connection with, the performance of the Developer's obligations under this Deed.
- (b) The Developer indemnifies Council against all Claims, liabilities or loss that may be made, suffered, recovered or made against Council arising from and against, and any Costs and Legal Costs incurred in connection with Council enforcing the Developer's performance of the Developer's obligations under this and/or Council exercising Council's rights under or by virtue of this Deed.
- (c) The indemnity in clause 1.14(b) of this Schedule 14 is a continuing obligation, independent of the Developer's other obligations under this Deed and continues after this Deed ends.
- (d) It is not necessary for a Party to incur expense or to make any payment before enforcing a right of indemnity conferred by this clause 1.14



# **ATTACHMENT 3**

(e) A Party must pay on demand any amount it must pay under an indemnity in this clause 1.14.

#### 1.15 Report by Developer

- (a) The Developer is to provide to the Council by not later than each anniversary of the date on which this Deed is entered into a report detailing the performance of its obligations under this Deed.
- (b) The report referred is to be in such a form and to address such matters as required by the Council from time to time.

# 1.16 Review of Deed

- (a) The Parties agree to review this Deed every 5 years, and otherwise if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- (b) For the purposes of clause 1.16(a), the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- (c) For the purposes of addressing any matter arising from a review of this Deed referred to in clause 1.16(a), the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- (d) If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.
- (e) A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 1.16(a) (but not 1.16(d) is not a Dispute for the purposes of this Deed and is not a breach of this Deed



**ATTACHMENT 3** 

Schedule 15 - Costs

The Developer is to pay all Council's reasonable legal costs associated with the preparation and execution of this Deed upon receipt of an itemised invoice from the Council.



# **ATTACHMENT 3**

Schedule 16 - Pro-forma Novation Deed

# Novation Deed

[Planning Authority]
Council

[<mark>Developer</mark>] Transferor

[Insert Transferee's name]

# **ATTACHMENT 3**

Novation Deed made at

arties

[*insert*] (Council) [*insert*] (Transferor)

[Insert Transferee's name] of [insert] (Transferee)

on

#### Recitals

- A Council and the Transferor are parties to the Original Agreement.
- B The Transferor is defined as the Developer under the terms of the Original Agreement.
- C The Original Agreement relates to the whole of the Land.
- D The Transferor wishes to assign its rights and obligations under the Original Agreement to the Transferee.
- E The parties to this Deed have agreed to the novation of the Transferor's obligations under the Original Agreement to the Transferee.

# This deed provides

#### Definitions and interpretation

#### 1.1 Definitions

Effective Date means [insert]

Original Agreement means the voluntary planning agreement dated [insert] and made between Council the Developer.

Required Obligations means the Developer's obligations under the terms of the Original Agreement.

Transferor means [insert].

# 1.2 References to certain general terms

In this deed unless the contrary intention appears:

- (a) All other capitalised words, other than those specifically defined in this Deed and used in this Deed have the meanings given to those words in the Planning Agreement.
- A reference to this deed or another instrument includes any variation or replacement of them;
- A reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (d) The singular includes the plural and vice versa;



# **ATTACHMENT 3**

- The word person includes a firm, body corporate, an unincorporated association or an authority;
- A reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and assigns;
- An agreement, representation or warranty on the part of or in favour of two or more persons binds or is for the benefit of them jointly and severally;
- (h) A reference to anything (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of persons is a reference to anyone or more of them;
- "Include" in any form when introducing a list of items does not limit the meaning
  of the words to which the list relates to those items or to items of a similar nature;
  and
- Capitalised terms which are used in this deed but are not otherwise defined have the meaning given to them in the Original Agreement.

#### 1.3 Headings

Headings are inserted for convenience and do not affect the interpretation of this deed.

#### 2. Novation

# 2.1 Original Agreement

Subject to clause 2.4 and with effect from the Effective Date:

- the Transferee is substituted for the Transferor as a party to the Original Agreement, and agrees to perform the Required Obligations;
- (b) the Transferee accepts the novation and will be bound by the Original Agreement, and comply with the provisions of the Original Agreement, as if the Transferee was a party to the Original Agreement instead of the Transferor insofar as the Original Agreement relates to the Required Obligations; and
- (c) the Transferor is released and discharged from all obligations and liabilities, and from all claims (whether for Costs, Legal Costs, damages, fees or otherwise), arising under the Original Agreement insofar as the Original Agreement relates to the Required Obligations.

#### 2.2 Performance by Transferee

The Transferee must perform all of the Transferor's obligations under the Original Agreement as if named as the Transferor, whether or not the relevant obligations relate to works performed prior to the date of this Deed, including, but not limited to:

- the delivery of all public benefits to Council (including the Contribution Amounts, Contribution Lands and Contribution Works); and
- (b) the provision of all Securities to Council.



# **ATTACHMENT 3**

#### 2.3 Release of Security

The parties expressly acknowledge and agree that:

- (a) Council will release any Guarantee provided to Council by the Transferor under the provisions of the Original Agreement to the Transferor (or as the Transferor otherwise directs in writing) promptly and in any event within 14 days of the provision of replacement Security by the Transferee; and
- (b) nothing in this clause 2.3 will be read or construed as a waiver of any right held by Council relating to or arising from the performance of the Original Agreement by the Transferor before the date of this Deed.

#### 2.4 Liability before Effective Date

Notwithstanding clause 2.1, the Transferor is not released, relieved or discharged from liability under the Original Agreement before the Effective Date, or any breach of any provision of the Original Agreement by the Transferor occurring before the Effective Date (to the extent that it is not remedied by the Effective Date) in so far as the Original Agreement relates to the Required Obligations.

# 3. Affirmation of the Original Agreement

The Original Agreement will be read and construed subject to this deed, and in all other respects the provisions of the Original Agreement are ratified and confirmed, and, subject to the variation and novation contained in this deed, the Original Agreement will continue in full force and effect.

#### 4. GST

Where a supply made under this deed gives rise to a liability for GST, the Transferee must pay the GST or pay to Council an additional amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances. Terms used in this clause have the meanings in the A New Tax System (Goods and Services Tax) Act 1999.

#### 5. Stamp duty and costs

- (a) The Transferor and the Transferee are jointly and severally liable for Council's Legal Costs of and incidental to the negotiation, preparation and execution of this deed, and must reimburse Council for such Legal Costs promptly on demand.
- (b) The Transferee will pay all stamp duty arising directly or indirectly from this deed.

#### 6. Further acts

- (a) Each party will take all steps, execute all deeds and do everything reasonably required by any other party to give effect to any of the actions contemplated by this deed.
- (b) This deed binds each party which signs it even if other parties do not, or if the execution by other parties is defective, void or voidable.



# **ATTACHMENT 3**

7.	Governing law  This deed is governed by the law in force in the place specified in the New South Wales and the parties submit to the non-exclusive jurisdiction of the courts of that place.	
8.	Counterparts  This deed may consist of a number of counterparts and the counterparts taken together constitute one and the same instrument.	
Execute	ed as a deed.	
[ <i>insert A</i>	Appropriate execution clauses for Council, i	Developer]
Transfer	sealed and delivered by [insert ree] in accordance with section 127 of the cons Act by or in the presence of:	
Signature	of Secretary/other Director	Signature of Director
Name of	Secretary/other Director in full	Name of Director in full



# **ATTACHMENT 3**

#### Schedule 17 - AHU Standards

Each Affordable Housing Unit (AHU), car space and storage space to be transferred to the Council will be to the following standards:

- The quality and standards of construction and finish of an AHU, car space and storage space to
  be transferred to the Council is to be the same as any other similar unit, car space and storage
  space in the Building which is not an AHU or for the purposes of an AHU.
- All fixtures, fittings and inclusions in an AHU, car space and storage space to be transferred to
  the Council are to be consistent with and of the same quality and standards as other similar units,
  car spaces and storage spaces within the Building unless otherwise required to comply with
  Australian Standards 1428 and/or Australian Standard 4299, or as otherwise agreed between the
  parties in a detailed Schedule of Finishes,
- The AHU, car space and storage space will comply with appropriate Australian Standards and the Building Code of Australia
- The AHU will be equipped with the following minimum fittings, if not already included in an
  agreed Schedule of Finishes or as otherwise agreed between the parties in writing:
  - floor coverings to all rooms (tiled kitchens, bathrooms, laundries and hallways; and carpet in living, lounge and bedroom/s),
  - light fittings fit for purpose in each room,
  - o telephone and television aerial points in the lounge and main bedroom,
  - o cable television fittings if provided in the Building,
  - o allocation of car and storage spaces consistent with other units,
  - all opening windows to have fly screens; and blinds consistent with other units, if other
    units do not have fly screens or blinds then fly screens and blinds are to be installed for
    the AHU to a type and standard approved by the Council,
  - sliding doors to have blinds and security fly screen door provisions consistent with other units, if other units do not have fly screen doors then fly screen doors are to be installed for the AHU to a type and standard approved by the Council
  - provision of air conditioning to living area and bedroom/s,
  - o security and/or intercom system
- The two (2) Accessible AHU including their related car spaces and storage spaces shall comply
  with Australian Standard 1428 (AS1428). An Accessible. An Accessible AHU will include features
  in place to facilitate use by a person with a disability or progressive frailty
- Where specified provision of an adaptable AHU including car spaces will comply with Australian Standard 4299 (AS4299). An adaptable AHU will be designed in such a way that it can be modified easily in the future to become accessible to both occupants and visitors with disabilities or progressive frailties



### **ATTACHMENT 3**

#### Schedule 18 - Terms of Easement

- 1.1 The Council, its Authorised Users and the public have the right to:
  - go, pass and repass over the site of the Easement;
    - on foot (and not using rollerblades, skateboards, scooters, bikes or similar items of equipment);
    - (ii) with wheelchairs or other accessible aids; and
    - without animals (except for guide dogs or hearing dogs for the visually or hearing impaired);
  - (b) remain for the purposes of recreation on those parts of the Easement Site that are intended to be and are capable of being used for the purposes of recreation; and
  - (c) in exercising their rights under clause 1.1, the Council, shall not cause any damage to the Lot Burdened and any improvements on it
- 1.2 The Landowner must keep the Easement Site in a clean condition to Council's satisfaction, acting reasonably.
- 1.3 If requested by Council (acting reasonably), the Landowner must carry out any maintenance or repair work to the Easement Site, including all structures, lighting and landscaping within the Easement Site.
- 1.4 The Landowner must maintain and pay for the electricity supply to all lighting within the Easement Site and ensure that such lighting is kept in good working order and is operating in non-daylight hours.
- 1.5 If the Landowner does not comply with clause 1.2 to clause 1.4, the Landowner must:
  - (a) allow Council to enter the Lot Burdened and to remain for any reasonable time for the purposes of carrying out any necessary work on the Easement Site to ensure that the Easement Site is suitable for public access including cleaning, constructing, placing, repairing or maintaining trafficable surfaces, structures, lighting and landscaping within the Easement Site; and
  - reimburse Council for the cost of that work, upon receipt of a request for payment from Council.
- 1.6 In exercising its powers under clause 1.5 of this Easement, Council must:
  - (a) ensure that all work is done properly;
  - (b) cause as little inconvenience as is practicable to the Landowner and any occupier of the Lot Burdened;
  - (c) cause as little damage as is practicable to the Lot Burdened and any improvements on it;
  - (d) restore any damage caused by Council (or its employees, contractors or agents) to the Lot Burdened so that the Lot Burdened is restored as nearly as is practicable to its former condition;



## **ATTACHMENT 3**

- (e) make good any collateral damage; and
- (f) ensure that Council does not permit or do anything which may result in the Landowner to be in breach of any maintenance agreement with any third parties or any other agreements with any third parties including tenants in the Strata Scheme.
- 1.7 The Landowner must insure in any occurrence based policy against public liability covering the public use of the Easement Site for a sum determined by the Landowner, which must not be less than \$20 million, and must provide evidence of insurances to Council as soon as practicable after receiving a written request to do so.
- 1.8 The Landowner must not create any rules or regulations relating to rights granted to Council under this Easement or which are inconsistent with the obligations of the Landowner in relation to the Easement Site.
- 1.9 The Landowner, acting reasonably (and having regard to the nature of the use of, or activity carried on the Lot Burdened) may remove (in a lawful manner) any person from the Easement Site, if the person:
  - (a) is not adequately clothed;
  - (b) is drunk or under the influence of drugs;
  - (c) loiters or causes excessive noise;
  - (d) behaves in a manner reasonably likely to cause harm, offence, embarrassment or inconvenience to persons on the Lot Burdened;
  - does not comply with any rules made by the Landowner in relation to the use and enjoyment of the Easement Site; and
  - (f) is engaging in criminal behaviour.
- 1.10 The Landowner may, having regard to the nature of the use of, or activity carried on the Lot Burdened, after obtaining written approval from the Council, temporarily restrict access to the Easement Land for a period agreed in writing with the Council, for construction and public safety.
- 1.11 The Landowner agrees to indemnify the Council from and against any loss suffered or incurred by the Council arising from or as a consequences of the exercise of rights in this instrument by the Council, Authorised Users or the public, unless the loss is caused by the negligence of the Council, including but not limited to:
  - damage to any property of the Council, Authorised User or member of the public located on the Easement Site or the Lot Burdened; and
  - (b) injury to any person on the Easement Site or the Lot Burdened.
- 1.12 Subject to clause 1.8, a Strata Management Statement or Building Management Statement may include provisions in respect of the use, repair and maintenance of the Easement Site.
- 1.13 A Strata Management Statement or Building Management Statement may regulate the apportionment of costs in relation to the Easement, but may not require the Council or owners of affordable housing units to pay any such costs.



## **ATTACHMENT 3**

1.14 To the extent of any inconsistency between the Strata Management Statement or Building Management Statement and this Instrument, this Instrument will prevail.

Name of authority empowered to release, vary or modify this right of access: The Council of the City of Ryde.



#### **ATTACHMENT 3**

Exhibit A - Explanatory Note

#### EXPLANATORY NOTE

#### Cl. 25E of Environmental Planning and Assessment Regulation 2000

Planning Agreement – Lot 422 in DP 1221081 known as 112 Talavera Road, Macquarie Park (Land)

#### Introduction

The purpose of this Explanatory Note is to provide a summary to support the notification of a draft Planning Agreement (**Planning Agreement**), under Section 7.4 of the *Environmental Planning and Assessment Act* 1979 (Act), prepared in connection with a planning proposal to amend Ryde Local Environmental Plan 2014 ('RLEP').

The Planning Proposal seeks to amend RLEP seeks to make the following amendments to RLEP insofar as it applies to the Land:

- increase the maximum height control from 45 and 90 metres to 243mAHD metres;
- (b) increase the FSR control for the Land from 4.5:1 to 6.5:1.

The Planning Agreement specifies the public benefits to be provided by the Developer in connection with the amendment to the Planning Proposal.

The Developer proposes to lodge an application for development consent for a mixed use development on the Land that is made permissible by the taking effect of the Instrument Change.

This Deed does not exclude the application of \$7.11 of the Act except to any Affordable Housing Unit in the Development to be transferred to the Council under this Deed. Contributions under sections 7.12 of the Act are excluded under the Planning Agreement in respect of the Development generally and are therefore not payable by the Developer if development consent is granted for the Development. Contributions under section 7.24 of the act are not excluded under the Planning Agreement.

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation* 2000 (**Regulation**).

For the purposes of this explanatory note, capitalised terms which are used in this explanatory note but which are not otherwise defined have the meaning given to those terms in the Planning Agreement.

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

## 1. Parties to the Planning Agreement



## **ATTACHMENT 3**

The parties to the Planning Agreement are Karimbla Properties (No. 52) Pty Limited (ACN 168 601 296) (Developer), Meriton Properties Pty Ltd (ACN 101 852 019) (Guarantor) and the Council of the City of Ryde (Council).

#### 2. Description of the Land

The Planning Agreement applies to Lot 422 in DP 1221081 known as 112 Talavera Road, Macquarie Park (Land).

# 3. Description of the Proposed Change to the Environmental Planning Instrument and Development

The Planning Agreement relates to a planning proposal considered by Council at its meeting of 28 November 2017 and recommended for a gateway determination.

The planning proposal seeks to make the following amendments to RLEP:

- (a) increase the maximum height control from 45 and 90 metres to 243mAHD;
- (b) increase the FSR control for the Land from 4.5:1 to 6.5:1.

#### 4. Summary of Objectives, Nature and Effect of the Planning Agreement

The objective of the Planning Agreement is to ensure the construction and transfer to Council of a stratum lot to be used for affordable housing ready for occupation, associated car parking spaces and storage spaces, the carrying out of pedestrian link embellishment works and registration of an easement in gross for public pedestrian access through the pedestrian link, and monetary contributions to be applied towards the Council's carrying out of the Stage 2 upgrade of Christie Park.

In order to secure the obligations of the Developer under the Planning Agreement, the terms of the Planning Agreement requires the provision of security in the form of Bonds or Bank Guarantees, the registration of the Planning Agreement on the title of the Land, prohibits the issuing of relevant occupation certificates until those obligations are satisfied and allows the Council to register the transfer of the stratum lot. Further, the obligations of the Developer under the VPA are guaranteed by the Guarantor.

The public benefits to be provided under the Planning Agreement are summarised as follows:

#### a. Contribution Land

The Developer (at its cost) agrees to transfer to Council:

- (i) a stratum lot containing approximately 27 Affordable Housing Units (2 of which will be Accessible) with the total area of the stratum lot to be transferred being 7% of the total uplift of Gross Floor Area of the Land made permissible by the taking effect of the Instrument Change,
- (ii) car spaces and storage spaces associated with the Affordable Housing Units.



## **ATTACHMENT 3**

#### b. Contribution Works

The Developer agrees to deliver (at its cost) the following works:

- the construction and fit out of the Affordable Housing Units, car parking spaces and storage spaces;
- (iv) the construction and embellishment of a pedestrian link with an area of not less than 1300sqm that will benefit from a public access easement

#### c. Monetary Contribution

The Developer agrees to pay monetary contributions to the Council in the amount of \$8,244,100 towards the Council's carrying out of the Stage 2 upgrade of Christie Park.

### 5. Assessment of the merits of the Planning Agreement

# (a) How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement promotes the objects of the Act, in particular objects s1.3(c) and (d) which relate to "the provision and maintenance of affordable housing". In this regard, these objects are satisfied as the planning agreement will ensure the delivery of the Affordable Housing Unit.

(b) How the Planning Agreement promotes elements of the Principles for local government (formerly the Council's charter) in the Local Government Act 1993

The Planning Agreement promotes a number of elements of the Principles for local government in Chapter 3 of the *Local Government Act* 1993 (NSW) (formerly the Council's charter under section 8 of the *Local Government Act* 1993 (NSW)).

The Agreement promotes the following principles:

- The management of lands and other assets so that current and future local community needs can be met in an affordable way,
- Working with others to secure appropriate services for local community needs.
- Promoting Council's long-term strategic planning on behalf of the local community.

The Council's strategic planning for Ryde envisions an attractive, vibrant and sustainable urban place which provides quality residential and commercial developments complimented with enhanced pedestrian access through Ryde.

The Planning Agreement requires the Developer to construct and transfer to Council units to be used for affordable housing.



## **ATTACHMENT 3**

In summary, the Planning Agreement promotes the principles for local government by ensuring the delivery of the public benefits under the Planning Agreement which in turn satisfy the following:

- the engagement by Council in long-term strategic planning on behalf of the local community;
- the provision of adequate, equitable and appropriate services and facilities for the community; and
- (iii) the appropriate response as to the provision and planning for the needs of the community.
- (c) The impact of the Planning Agreement on the public or any section of the public.

The scope of the Planning Agreement will benefit the local and wider community as it will serve the needs of the public by providing affordable housing opportunities, improving the pedestrian access and funding for upgrades to Christie Park.

It is envisaged that the Contributions to be delivered under the Planning Agreement will have a positive impact on the local community by virtue of providing much needed affordable housing units and improvements to public access and the public parks.

# (d) Whether the Planning Agreement conforms with Council's capital works

The Contribution to be delivered under the Planning Agreement are not consistent with the capital works program. They are agreed between Council and the developer to ameliorate against the impacts of the development beyond the scope of the capital works program, which includes Council's s7.11 program.

#### (f) The planning purpose or purposes of the Planning Agreement

The Planning Agreement will provide a major public benefit in terms of the provision of affordable housing units. As it would be difficult to obtain these public benefits through other statutory means, the Planning Agreement is the most suitable instrument by which the Contributions can be delivered.

#### (g) Compliance of certain requirements prior to issue of construction, occupation or subdivision certificates.

The Planning Agreement requires the completion of the construction and fit out of the affordable housing units, transfer of those units, the completion of the pedestrian link and embellishment, registration of the easement in gross, and payment of monetary contributions prior to the issue of various Occupation Certificates for the development on the Land.



## **ATTACHMENT 3**

Security for the Council's costs of taking proceedings to enforce the Developer's obligations under this Deed is to be provided prior to the issue of a Construction Certificate for the Development.



## **ATTACHMENT 3**

Annexure to Explanatory Note - Contributions Schedule (Schedule 3 of the Planning Agreement)



## **ATTACHMENT 3**

Executed as a Deed.		
EXECUTED by THE COUNCIL OF THE CITY OF RYDE by INSERT, General Manager under delegated authority pursuant to Section 377 of the Local Government Act 1993 in the presence of:	)	
	_	
Witness (signature):		[INSERT NAME]
Name (printed):		
EXECUTED by Karimbla Properties (No. 52) Pty Limited (ACN 168 601 296) in accordance with section 127 of Corporations Law:	) ) ) )	
Signature:		Signature:
Name:		Name:
Position:		Position:
EXECUTED by Meriton Properties Pty Ltd (ACN 101 852 019) in accordance with section 127 of Corporations Law:	)	
	_	
Signature:		Signature:
Name:		Name:
Position:	1	Position:
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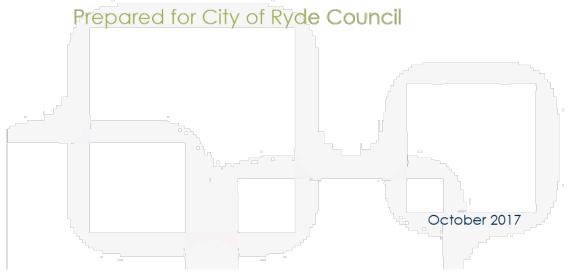
**ATTACHMENT 4** 



# MERITON MACQUARIE PARK

VPA Land Value Uplift Assessment





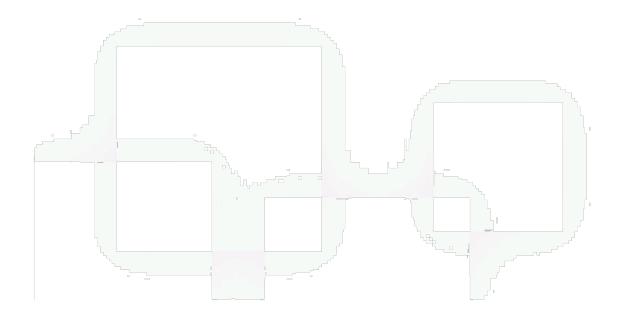


## **ATTACHMENT 4**



# Contents

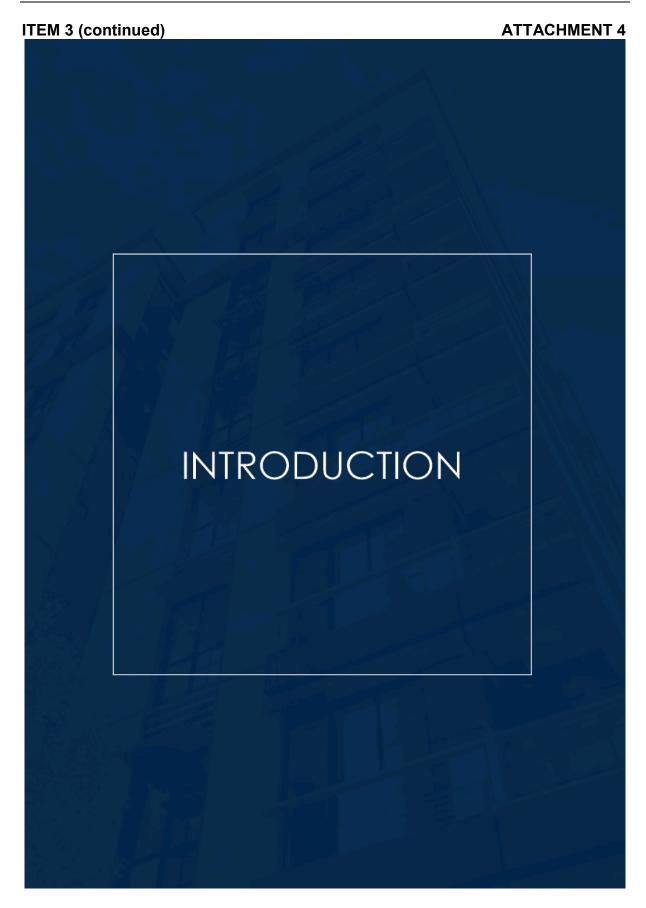
1.0	Intro	oduction
	1.1	Planning Proposal Submitted by Meriton
2.0	Mar	ket Research
	2.1	Development Site Sales in Macquarie Park
3.0	LAN	D Value Uplift Commentary1
	3.1	Assessed Land Value Uplift Amount
	3.2	VPA Consideration 1
	3.3	Common Categories for VPA Payments (contained in State legislation)
	3.4	Summary
	3.5	Further Value Capture Considerations – Payment Timing & Project Scale 1



## **ATTACHMENT 4**

Chris D Smith			
Senior Associate, HillPDA			
FAPI MRCS chris.smith @hillpda.com			
annsannar wimpaa.com			
Supervisor			
Adrian Hack			
Principal, Urban and Retail Economics			
M. Land Econ. B.Town Planning (Hons). MPIA <u>Adrian.Hack@hillpda.com</u>			
rational racket imputation			
Quality Control			
This document is for discussion purposes only unless signed and d	lated by a F	rincipal of HillPDA.	
Part			
Reviewer			
Signature	Dated	19/07/17	
Report Details			
Job Number C18068			
Version	Draft		
File Name Meriton Macquarie Park (Talavera Road	d) VPA Upli	ft Assessment	
Date Printed 19/10/17			







### **ATTACHMENT 4**



## 1.0 INTRODUCTION

In response to your request on behalf of the City of Ryde Council we have reviewed the Planning Proposal submitted by Meriton Apartments for the development site at 112 Talavera Road Macquarie Park and provide advice regarding the following specific elements:

- Uplift in land value should the Planning Proposal achieve the increased number of units (ie. 1,270 increased from 880);
- Assessment of the VPA offer expressed in correspondence from Meriton Apartments after regard to:
  - Council's Interim Affordable Housing Policy
  - o Christie Park Masterplan (extract annexed)
  - o Email and letter dated 5 September from Meriton to Council.

We have been provided with the following to review for this assessment:

- Christie Street Park Masterplan;
- VPA offer from Meriton dated 5 September 2017 (letter and email);
- Planning Proposal prepared by SJB Planning.

#### 1.1 Planning Proposal Submitted by Meriton

A Planning Proposal has been prepared by the Meriton Group for this site of 1.953 Ha (19,530m²) that has a triple street frontage to the M2 Motorway, Herring and Talavera Roads.

The land has a legal description of Lot 422 in Deposited Plan (DP) 1153360.

The land is currently zoned B4 Mixed Use under the Ryde Local Environmental Plan (LEP) 2014 which grants a floor space ratio (FSR) density of 4.5:1 and a permitted building height varying between 45 and 90metres.

The property is currently developed as an office industrial complex with associated car-parking over its entirety.

## Initial Planning Proposal

The initial Planning Proposal contained within a report prepared by SJB Planning dated May 2017 indicated:

- Amending the FSR maps within the LEP for this site to show a maximum FSR of 7.15:1
- Increasing the number of units by 500 from 900 to 1,400 (subsequently revised to 880 to 1,270);
- Open Space on site (15metres wide) to be dedicated to Council;
- Open Space Contribution of \$8.244million (cash) to be advanced;
- Increasing the building height from 45 and 90metres to 18, 135 and 200metres to the respective buildings
   (4); and
- 5% of the added units to be dedicated for Affordable Housing (ie. 26 units).

#### **Revised Planning Proposal**

A letter and email from Meriton to Ms L Coad at Council both dated 5 September 2017 outline a revised Planning Proposal summarised as follows:

■ C18068 Meriton Macquarie Park VPA Land Value Uplift Assessment DRAFT

5 of 16

## **ATTACHMENT 4**



- An FSR amendment for the unit density to 6.5:1;
- Increasing the number of units by 390 (reduced from 500) from 880 to 1,270;
- Open Space cash contribution of \$8.24million (Christie Park Stage II);
- Dedication of (on site) Open Space land being an area "of not less than 1,300m2" (15 metres wide);
- Increasing building heights up to 200metres (60 storeys); and
- Added units to be dedicated for Affordable Housing (ie. 5% of the uplift or "20 units" rounded) with potential for Meriton to increase this to 7% of the uplift (or 26 units).

#### Claimed Public Benefit in the Revised Planning Proposal

The table below reveals the stated public benefit as claimed by Meriton contained in the revised Planning Proposal.

After calculating the land value uplift for this Proposal, we provide commentary about a reasonable VPA offer that refers to each of the items listed below.

Table 1: Planning Proposal Contents from Meriton

evised Planning Proposal for 112 Talavera oad, Macquarie Park	VPA Offer Content from Meriton
Affordable Housing	\$20,000,000 20 units x \$1.0million each
Open Space (cash contribution) Open Space (dedication)	\$8,240,000 1,300m <sup>2</sup> on site to be dedicated
SIC Contribution	\$25,380,000 based on an estimate of \$200/m <sup>2</sup> x 126,900m <sup>2</sup>
Sub-total	\$53,620,000
Design competition	\$32,000,000 (rounded) îe. \$25,000 in added costs for 1,270 units
594 Contributions (additional)	\$7,800,000 or \$20,000 / added unit (390 units)
Total	\$93,420,000  Meriton correspondence states "just over \$96,420,000".

Source: Meriton email and HillPDA



## **ATTACHMENT 4**



Figure 1: Subject Site - 112 Talavera Road, Macquarie Park & Surrounds



Source: Six Points Maps







#### **ATTACHMENT 4**



## 2.0 MARKET RESEARCH

Market research was undertaken for recent development site sales in Macquarie Park to apply to the subject site and derive estimates of value for the consultancy advice provided regarding the land value uplift.

Due to the clear illustration of land value in the following site sales including the subject property (a recent transaction) we have not conducted a residual feasibility analysis for the base case and uplift case.

Instead the measure of land value uplift is achieved by multiplying the number of additional units sought in the Planning Proposal by the prevailing land development site rate derived from the sales analysis below.

#### 2.1 Development Site Sales in Macquarie Park

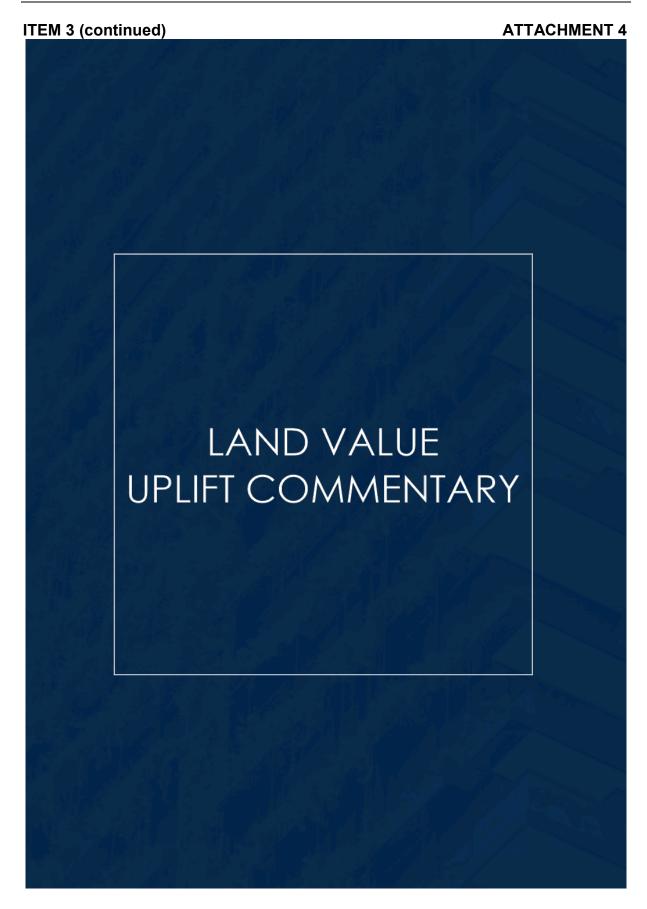
Recent development site sales (all B4) in the same locality include the following:

- 112 Talavera Road, Macquarie Park: (subject site) 1.958 hectares bought by Meriton from Goodman in March 2017 for \$279,569,940. Based on the proposed yield at the acquisition date of 880 apartments the sale price equates to \$318,000 per apartment.
- 101-107 Waterloo Road, Macquarie Park sold for \$180.0million in June 2017. The land encloses 17,100m<sup>2</sup> and has a zoning of B4 Mixed Use with an FSR of 3:1. Based on a proposed development of 51,300m<sup>2</sup> (GFA) including a retail component of 1,744m<sup>2</sup> the purchase price equates to \$292,723 per dwelling (603 units) after allowing \$2,000/m<sup>2</sup> of GFA for the retail component.
- 8 Lachlan Ave & 5-7 Cottonwood Crescent, Macquarie Park comprises a site of 3,312m<sup>2</sup> bought in September 2017 for \$55.0million zoned B4 Mixed Use and an FSR of 4:1. This reveals a potential GFA of 13,248m<sup>2</sup> and a yield of 155 apartments (price shows \$354,838/unit).
- 137-143 Herring Road, Macquarie Park sold in December 2015 for \$80.6million with an area of 5,022m², zoned B4 with an FSR of 4.5:1. This sales shows \$303,007 / unit given an estimated GFA of 22,599m² and an average unit area of 85m² resulting in around 266 units projected.
- 80-82 Waterloo Road and 16 Byfield Street Macquarie Park encloses 7,639m² and has an FSR of 4. It sold in December 2015 for \$101million without any DA approval. A prepared plan indicates 336 apartments (given a GFA of 30,566m² and 91m² average unit area) in a scheme prepared by Reid Campbell Architects and Urbis Town Planners for a two staged 20 storey mixed use project. The purchase price shows \$300,595 per apartment if analysed as containing residential units only.

In broad terms suitable for this level of analysis the subject site land acquisition shows in a recent transaction a rate of \$318,000/unit (880 units).

This is supported by the further sales evidence after comparing their status based on the key factors of location, amenity, accessibility (pedestrian and vehicular) and natural light afforded by the site's layout.

In summary, the rate shown for the recent sale of the subject site is supported by the sales evidence after adjustment for their comparability and is adopted in our further analysis of the land value uplift calculation.





## **ATTACHMENT 4**



## 3.0 LAND VALUE UPLIFT COMMENTARY

#### 3.1 Assessed Land Value Uplift Amount

Our analysis of site sales evidence above includes the recent sale of the subject property.

This analysis shows a land rate of \$318,000 /unit based on 880 units being the LEP controls compliant based project density.

This rate is supported by the sales analysed after regard to their comparability based on location, amenity and accessibility.

For this level of analysis the following calculation provides sufficient indication of the land value uplift from the Planning Proposal given the site sales rates analysed.

Table 2: Land Value Uplift Calculation

	Number of additional units	(Land) Site rate derived from sales evidence	
Land value uplift calculation	390	\$318,000 /unit	
Total estimate of land value uplift	\$117,000,000		

This high level analysis can be clarified with further data regarding a specific scheme (base case and uplift case) that is understood not to be available yet.

The level of analysis above is considered to be adequate for the VPA discussions underway.

This land value uplift estimate is not intended to be a prescriptive outcome but rather to facilitate commercial negotiations within the VPA framework which provides for voluntary negotiations within set guidelines that are not specific targets.

#### 3.2 VPA Consideration

We provide commentary about a reasonable VPA offer / consideration arising from the land value uplift assessed above.

This advice is intended to reinforce the existing guidelines within the VPA framework and intended to create an opportunity for the developer and Councils to reach agreement to lower Council's costs for the provision of public services and infrastructure by granting density concessions to the developer.

The VPA framework allows a voluntary outcome for these parties on the basis of commercial negotiation. A guideline exists indicating a reasonable consideration may equate to around 50% of the land value uplift.

Various Councils have adopted in their VPA policies a result resembling 50% of the uplift with flexibility to facilitate an outcome. A target range in this case for a reasonable VPA consideration is \$50 to \$60 million or a possibly lower amount given the scale of the project. Further commentary on this follows.

Examination of the permitted costs compared to the offered costs by Meriton follows.



## **ATTACHMENT 4**



The following table compares the offered costs by Meriton to the categories commonly contained in a VPA agreement.

Table 3: Public Benefit Analysis (Summary of Table 1 above)

Revised Planning Proposal for 112 Talavera Road, Macquarie Park	Claimed Public Benefit by Meriton	Public Benefit Actually Arising
Affordable Housing	\$20,000,000 20 units x \$1.0million each	\$20,000,000 20 units x \$1.0million each
Open Space (cash contribution)	\$8,240,000	\$8,240,000
SIC Contribution	\$25,380,000 ie. \$200/m² as disclosed by Meriton	Subject to negotiation.
Sub-total	\$53,620,000	\$28,240,000
Design competition	\$32,000,000 (rounded)	Not applicable.
S94 Contributions (additional)	\$7,800,000 (\$20,000 / added unit)	Not applicable.
Total	\$93,420,000	\$28,240,000

Source: Meriton email and HillPDA

This table shows a large discrepancy between the VPA offer amounts referred to by Meriton and our estimate of the actual public benefit.

#### 3.3 Common Categories for VPA Payments (contained in State legislation)

Some of the costs above included by Meriton relate to the ordinary course of the DA consent process and are not applicable in a VPA offer.

The legislation allows for defined categories of payments for public amenity that typically encompass:

- Cash (provided Council has a VPA Contributions payment plan to properly allocate the funds received to disclosed public (infra-structure) projects);
- Dedication of Affordable Housing stock allows a developer to construct and transfer ownership of Affordable Housing stock to a community provider, Council or possibly allow its private sale with a suitable covenant on title restricting its use for the relevant objectives; and
- Works in Kind such as construction of a Community Facility within the project
- Dedication of Open Space in excess of what is otherwise necessary (or would have been provided).

#### **Affordable Housing**

Meriton has referred to offering 5% of the uplifted stock volume for Affordable Housing (AF) which equates to 5% of 390 units or 20 units. Their correspondence also refers to potentially increasing this 7% of the uplifted stock volume that would increase the AF units to 28 dwellings that could equate to \$28million subject to the valuation of the stock (assessment of size (internal area), amenity and accessibility).



#### **ATTACHMENT 4**



If measuring the land value uplift consideration by AF stock only, our calculations and advice for other VPA assessments containing residential stock of this calibre often reveals a ratio of 1 in 8 units (or 12.5%) of the increased stock (number) corresponds to a reasonable VPA consideration.

This is applied to the uplift unit quantity for the subject property below.

12.5% of 390 = 48.75 units (say 48 dwellings)

This number of units (48) equates to 3.78% of the total stock to be built. (1,270)

For smaller schemes a common target for AF stock is around 5% of the total supply in a development. A lower percentage is reasonable in this case if the AF units are supplied in the earlier stages of the relatively long project.

It is likely the final VPA consideration will comprise a combination of AF stock, a cash contribution and potentially land dedication and works in kind so that a hybrid calculation will be eventually applicable.

#### Open Space

Meriton has offered a cash contribution toward Open Space of \$8.24million. This would appear to be a straightforward matter for inclusion in the VPA payment provided Council has a VPA Contributions Plan that contains specific Open Space identified for acquisition by the contributed funds. We have been advised these finds will be applicable to Stage II (facilities upgrade) at Christie Park in the near vicinity.

Further open space within the development has been suggested by Meriton for inclusion in the VPA, however, without further detail it appears this open space is land that would otherwise have been required in the development under the DA consent process and also necessary to provide sufficient "green space" to sell the units.

#### Works in Kind

The State legislation allows a developer to provide matters of public benefit and infrastructure at its own cost where the cost (confirmed by a quantity surveyor) is included in the agreed VPA offer amount.

This may be works for a Community Facility, public library, enhancement of Open Space (with recreation facilities) or other defined public infrastructure to be documented.

#### Other Factors

The Meriton offer refers to a SIC Contribution that may form a potentially significant sum (development cost) although it is presently unknown as to whether it will be applicable to this project. It may be categorised as a (DA) Planning Consent development charge and therefore excluded from the VPA measure of public benefit costs.

Specific legal advice should be sought about the treatment of this potential cost and the relevant VPA legislation.

This potential impost may also be possibly accommodated within the flexibility of the VPA framework that occurs to allow a commercial outcome within reasonable constraints and open book disclosure.

The Meriton offer refers to the significant costs of a required **Design Competition**. It is difficult to consider these costs directly associated with public benefit and the actual costs (if applicable) may be considerably less than \$32milion (\$25,000/unit) estimated by Meriton. If it can be verified that these costs will apply in a significant amount then they should be included in the Uplift Case feasibility calculation reducing the land value uplift and hence reasonable VPA consideration payable. Further enquiry and verification is required for these possible costs.



#### **ATTACHMENT 4**



#### 3.4 Summary

It is evident the current offer from Meriton of around \$28.42million equates to a significant shortfall from the target amount set at 50% of the land value uplift identified as \$117million, resulting in a target VPA consideration (50%) of \$50 to \$60 million given the Council's Interim AF Policy.

It is reasonable to consider a lower VPA consideration given the significant scale of this project particularly if the VPA consideration is transferred early in the project timing.

It is reasonable for the common guideline factor of 50% (of the land value uplift) be reduced in this case give the scale of the project and significant amount of public benefit to be achieved. Further commentary is provided below.

#### 3.5 Further Value Capture Considerations – Payment Timing & Project Scale

In addition to the common target rate of around 50% of the land value uplift that many Councils seek to capture in a Planning Proposal, the **timing** of payment and **scale** of the project is important.

For longer projects over multiple stages higher developer returns are sought to offset the deferred timing of profits and greater risk associated with longer construction timeframes not the least of which is a "market" risk from the changing cycle.

Achieving higher returns requires lower costs, so it is reasonable that a VPA consideration should be proportionally lower for more lengthy development timeframes.

There is little prescription for the amount of VPA consideration discount for multi staged projects except for the principles of a reasonable outcome for public benefit with disclosure and compatible with existing guidelines.

Other forms of consideration may be discussed such as

- Various forms of works in kind;
- Public open spaces, embellishment, artwork, etc;
- Contributions to public transport infrastructure and services and / or human services infrastructure.

The timing of these benefits is important and may be aligned to the VPA consideration timing. If this VPA timing precedes the works completion a lower consideration may be negotiated.

Also note that **not** all works would be viewed as a public or planning benefit under a VPA. Some external works and infrastructure may be required as mitigation works due to the impacts of the development itself and hence should be considered as conditions of DA consent (under a different Planning category to legitimate VPA costs).

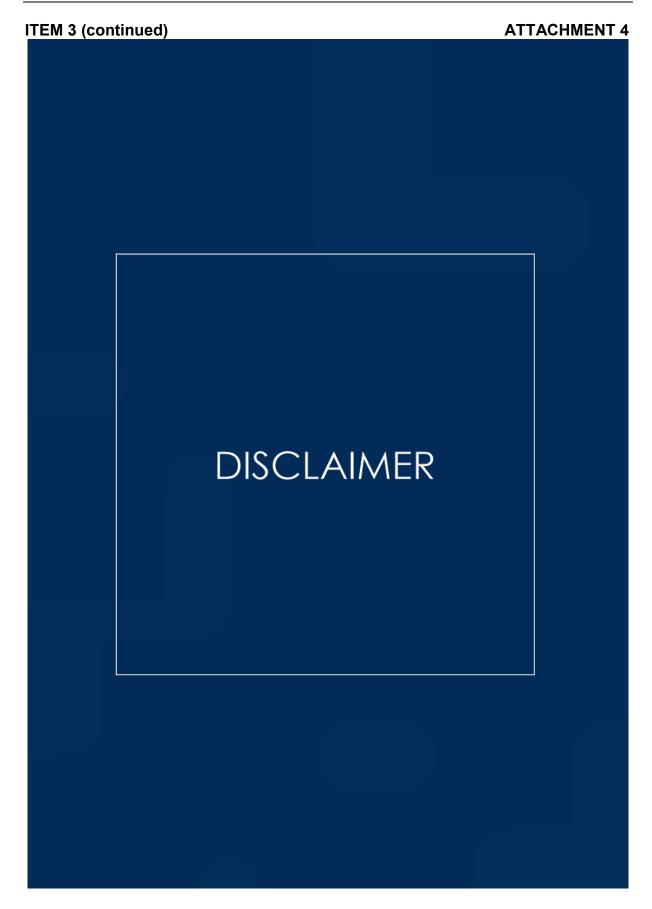
Section 94 is a development cost that should not be construed as a benefit under a VPA. Also some works in kind may be viewed as an offset (rebate) to Section 94 rather than a VPA payment.

#### Draft Practice Note from the Planning Minister

Finally we draw your attention to the recent draft Practice Note from the Planning Minister (November 2016) that states "Planning authorities should ensure that proper investigation and consideration of development feasibility and capacity to pay is carried out, preferably on an open book basis, if raised as an issue with the developer".

Further the VPA needs "to provide a public benefit that has a clear link to the development and should not be wholly unrelated".







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### **ATTACHMENT 5**



Phone 9808 3288 Eax 9877 6222 Email ryde@parliament.nsw.gov.au Mail PQ Box 736, Ryde NSW 1680 Electorate office Ground Floor, 5 - 9 Devlin Street Ryde NSW 2112 Web www.victordominello.com.au

Mr George Dedes General Manager City of Ryde Locked Bag 2069 NORTH RYDE NSW 1670

Dear General Manager

#### RE: Planning Proposal - 112 Talavera Road, Macquarie Park

I write to place on record the concerns of myself and my constituents with respect to the proposed 63 storey residential development at 112 Talavera Road, Macquarie Park ('the development'). Before I detail the reasons for my objection, I would be grateful if you could provide me answers to the following questions:

- When this proposal was put to a confidential vote in November last year, Council had the option
  to either reject the proposal as it has done with other VPAs such as Holdmark and Yuhu, or
  support the proposal. Why did Ryde Council support the proposal? In my view this should
  have been rejected outright.
- Council first indicated that it would consult the community about this proposal in April this year.Why has Council delayed consultation by 6 months?
- 3. Given the circumstances and the community angst associated with this proposal one would have thought that the maximum permissible time for consultation would be provided to the community. I note that Council has only provided the statutory minimum period. Why did Council provide the minimal time available for consultation? I request that Council extend its consultation period to 90 days. There appears to be little prejudice to the developer in extending the consultation period, whereas significant prejudice could be visited upon the community without adequate time to provide feedback.
- 4. I note that the developer has recently erected signs on the site stating that 'Luxury Apartments' are 'Coming Soon' notwithstanding that community consultation has not been concluded. What steps has Council taken to remedy this action by the developer?
- 5. In addition, Council's notice of community consultation in the Northern District Times extends the size of the development from 60 storeys, to potentially 63 storeys. Why was the information about 63 storeys not released sooner?
- 6. I note that in December 2017 Council publicised that the developer contributions from this proposal resulted in an upgrade to Christie Park. Why did Council advertise these upgrades in circumstances where community consultation had not yet commenced?

I would be grateful for your early reply of these questions as I would like to inform my community of same.



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I oppose this development on the following grounds:

The development will undoubtedly increase traffic congestion, parking shortages, and the
destruction of existing amenity in Ryde. I recommend Councillors and Council staff observe
Herring, Talavera, Lane Cove, Waterloo and Epping Roads on any day during peak hour, where
these roads better resemble a carpark more than a motorway.

A traffic impact assessment report prepared by the State Government in March this year found that "the proposal is predicted to reduce the level of service (where A is very good and F is unsatisfactory) at Talavera Road and Herring Road from C to D in the evening peak.

"The level of service for the Talavera Road and Christie Road intersection is predicted to fall from C to E in the morning peak, which is approaching capacity."

The report also notes that Christie Road is almost at capacity. The developer's contribution to upgrade Christie Park is short-sighted without road upgrades to accommodate the increased patronage these upgrades will attract. Given the findings of this report, Council should reject this proposal and the financial contributions outright, as local infrastructure is incapable of supporting this increase in population and traffic.

The development proposes insufficient new social infrastructure to support the rapid
in population that would result from this development.

A pedestrian link and \$8 million upgrade to Christie Park is not an adequate trade-off for approving an additional 1,256 new residential apartments on this site. These upgrades are merely designed to enhance the profitability of the development, and do little to meaningfully improve the amenity of the area for the Ryde community;

- 3. The development requires the following concessions to Council's planning laws:
  - a. Increasing the maximum height limits from 45m and 90m to 18.5m, 135m and 200m on the site more than doubling in some instances.
  - b. The need to increase maximum Floor Space Area (FSA) from 4.5:1 to 6.5:1;

Council frequently boasts of its commitment to social and affordable housing, however despite only 27 units reserved for affordable housing from a total of 1,256 (equating to 2.1%) Mayor Laxale considers this "the best deal for ratepayers it (Council) could manage." This is especially concerning given the Mayor's public opposition to the upgrades at Ivanhoe Estate, which will bring over 1,000 new social and affordable homes, an aged care facility, a Catholic high school, 2 childcare centres and brand new community green space. Why is the Mayor (and by extension Council,) unwilling to support the Ivanhoe upgrades (which has the backing of Mission Australia,) but will support over 1,256 new apartments for overwhelmingly less social and affordable housing?



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- Approval of this development would set a dangerous precedent that will likely serve as
  justification for future developments of similar bulk and density at other sites within the City of
  Ryde, particularly within the immediate vicinity of 112 Talavera Road.
- 5. The Mayor has previously supported developments above Ryde Council's LEP. For example:
  - In 2015, Mayor Laxale voted to amend Ryde Council's Local Environment Plan (the LEP) to allow for a 20 storey apartment complex to be built at 388-390 Lane Cove Road, Macquarie Park.
     Previously, the maximum building height under the LEP was 11 storeys.
  - In 2016, the Mayor voted to support four towers of 23 stories at 101-107 Waterloo Road. The LEP only allows for 20 storeys at the site.

However, this proposal is a doubling of the current permitted zoning. This is not a minor alteration of the LEP, this is a dramatic doubling where the developer, at face value, will make significant gain from the 30 additional storeys, and the community is not getting a commensurate gain in terms of social contribution.

As the Member for Ryde I have strenuously fought against overdevelopment in our community for 10 years.

- 1. In 2008, I fought against illegal boarding houses and regulated against their construction.
- Our community campaigns to protect open space at Tennis World, Ryde Hockey and Smalls Road were also incredibly successful.
- In Blenheim Park I have worked alongside all levels of government and the North Ryde community to prevent development and increase open space by 2000 square metres.
- 4. In 2013 I fought alongside residents of Allengrove Crescent to stop the development of an 8 storey, 179 apartment building. The Planning Assessment Committee initially rejected the development in its entirety, however on subsequent appeal the development was amended to 5 storeys.
- In 2015 I fought together with the residents of Whiteside Street to stop an 11 storey, 160 apartment development.
- Most recently we fought against the proposed amendments to Holdmark's Meadowbank
   Foreshore Development, successfully stopping a proposal to change height restrictions on
   residential buildings from 10 storeys to 24 storeys in 2017, and another proposal to increase
   height from 10 storeys to 15 storeys in 2018.
- 7. In 2018 I am fighting for the community in opposing this 63 storey proposal.



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Earlier this year I successfully fought to freeze future development applications in the City of Ryde, and stop Ryde Council doing deals with developers beyond their local planning controls in exchange for financial contributions. This freeze was specifically designed to prevent more short-sighted planning decisions such as this, and give Council time to fix its broken planning laws to ensure approvals align with community expectations.

Given that the Council is required to updated its LEP in the next 18 months, (i.e., by 30 June 2020) it would be preferable to defer consideration of this historic proposal to ensure that the development is in line with community expectation that will form the updated LEP.

When Council continually does deals with developers whereby they support an increase in scale in exchange for financial contribution it undermines the confidence of the community in the decision-making process.

Ryde is a great place to live, and our community has done more than its fair share of heavy lifting to accommodate new residential developments that is required to support our rapidly growing population. It is therefore extraordinary that despite the community's fervent opposition to many other proposals in the past, Council sought fit to *voluntarily* enter into an agreement of this scale.

This overdevelopment is an affront to Ryde residents who have fought against overdevelopment for years. This development application should have been rejected by Council in November last year. Instead Council chose to support the application, thereby putting the community through unnecessary angst, which it finds itself in now. I urge Council to reverse its decision, reject the financial contributions that form part of this development proposal, and reject the proposal outright.

Yours sincerely

The Hon. Victor Dominello MP Member for Ryde



