

EXPLANATORY NOTE

Planning Agreement

11-17 Khartoum Road and 33-39 Talavera Road, Macquarie Park, NSW

1 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 Development Application LDA 2017/0547 (**Development Application**).

This Explanatory Note has been prepared jointly by the parties to the Planning Agreement as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000 (Regulation)*.

Contributions under sections 7.11 and 7.12 of the Act are excluded under the Planning Agreement.

Contributions under section 7.24 of the Act are not excluded.

In this Explanatory Note, capitalised terms have the meaning given to those terms in the Planning Agreement unless otherwise defined.

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (a) Council of the City of Ryde ABN 81 621 292 610 (**Council**); and
- (b) The Trust Company Limited as custodian for Stockland Trust Management Limited as Trustee for Advance Property Fund (**Owner**).
- (c) **Stockland Trust Management Limited** as Responsible Entity for the Advance Property Fund ACN 001 900 741 of level 29, 133 Castlereagh Street, Sydney New South Wales (**Responsible Entity**)
- (d) **Sydney North Planning Panel** c/- Planning Panels Secretariat, 320 Pitt Street, Sydney, New South Wales (**Consent Authority**)

3 Description of the Land

The Planning Agreement applies to Lot 1 in Deposited Plan 633221 and known as 11-17 Khartoum Road and 33-39 Talavera Road, Macquarie Park, NSW being the land comprised in certificate of title folio identifiers 1 / 633221 (**Land**).

4 Description of the Proposed Development

No change is proposed to an environmental planning instrument.

The Owner seeks to carry out redevelopment of the Land in accordance with the staged development application No. 2017/0547 lodged with the Council on 21 December 2017, comprising a staged redevelopment (stages 1 to 4) of the Land comprising:

- (a) Four retail and support pavilions fronting the central open space;.
 - (b) A total floor space of 59,769sq.m (FSR 1.99:1) comprising the following land uses:
 - (i) Office;
 - (ii) Retail (café/restaurants and neighbourhood shops);
 - (c) Varying building heights up to 10 storeys (45 metres);
 - (d) Basement car parking for 987 vehicles;
 - (e) New internal roads connecting between Khartoum Road and Talavera Road;
 - (f) New Road 22 along the south-west boundary of the site connecting to Talavera Road;
 - (g) New pedestrian through site link connecting to Talavera Road and future Road 1; and
 - (h) Landscaping works including a central publicly accessible open space,.
- (described in this Explanatory Note as the **Development**).

5 Summary of Objectives, Nature and Effect of the Planning Agreement

The objective of the Planning Agreement is to facilitate the delivery by the Owner of the Contributions comprising:

- (a) the carrying out of the Pedestrian Link Works;
 - (b) the carrying out of the Road Land Works and dedication of the Road Land as public road; and
 - (c) the carrying out of the Public Domain Works,
- (together **Contributions**).

In order to secure the obligations of the Developer under the Planning Agreement, the terms of the Planning Agreement require the provision of security in the form of bank guarantees or security deposits for the amounts stipulated in the Planning Agreement.

The public benefits to be provided under the Planning Agreement are summarised as follows:

- (a) the construction and dedication to Council of the Road Land;
- (b) the construction of the Pedestrian Link Works and registration of an easement in favour of Council over the Pedestrian Link across the Land; and
- (c) the carrying out of Public Domain Works to Khartoum and Talavera Roads outside the boundary of the Land.

6 Assessment of the merits of the Planning Agreement

6.1 How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement provides a Pedestrian Link, enhancements to existing public roads and new public roads to meet the needs of the people who will live, work or visit the locality once the Development is complete.

In doing so, the Agreement promotes the following objects of the Act:

- (a) to promote the orderly and economic use and development of land (section 1.3(c)); and
- (b) to promote good design and amenity of the built environment (section 1.3(g)).

The delivery of the Contributions under the Planning Agreement will be in the public interest because they will result in the provision of public infrastructure. The provision of these items will promote the social and economic welfare of the community.

6.2 How the Planning Agreement promotes the objects of the Local Government Act 1993 (LG Act) and the elements of the Council's charter

The Planning Agreement promotes the exercise by Council of its functions in accordance with the guiding principles set out in Chapter 3 of the LG Act because it will assist Council to provide infrastructure and public spaces for the benefit of the community in the area of the Development.

Council's strategic planning for Macquarie Park envisions an attractive, vibrant and sustainable urban place which provides quality residential and commercial developments complimented with enhanced pedestrian, bike and road access.

In summary, the Planning Agreement promotes the Council's charter by ensuring the delivery of the public benefits under the Planning Agreement which in turn satisfy the following aspects of Council's charter under the LG Act:

- (a) Councils should plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community (section 8A(1)(c));
- (b) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way (section 8A(1)(g); and
- (c) Council should work with others to secure the appropriate services for local community needs (section 8A(1)(g)).

6.3 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 improve the public domain by providing new local roads, pedestrian links and enhancing existing public roads. .

6.4 Whether the Planning Agreement conforms with Council's capital works program

The scope of the Planning Agreement is consistent with Council's capital works program.

6.5 The planning purpose or purposes of the Planning Agreement

The public purpose of the Planning Agreement is the provision of infrastructure that will provide a public benefit in terms of improving public access in and around the site. The Contributions to be delivered under the Planning Agreement will ensure that there is

sufficient infrastructure for the Development, producing a good planning outcome from the Development of the Land. As it would be difficult to obtain these public benefits through other statutory means, the Planning Agreement is the most suitable means of achieving that purpose.

6.6 Compliance of certain requirements prior to issue of construction, occupation or subdivision certificates

The Contributions under the Planning Agreement, being the Contribution Works and the dedication of the Contribution Land, must be provided in accordance with the timing provisions as set out in Schedule 3 of the Planning Agreement. Details of the proposed timing for the delivery of the Contributions are set out in the Annexure to this Explanatory Note.