

**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

11 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FROM MERITON IN RELATION TO PLANNING PROPOSAL AT 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 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: A Confidential Memorandum from the Acting Director – City Planning and Development dated 28 November 2017 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillors Maggio and Purcell)

- (a) 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:

1. Upon transfer of all Key Worker Units – Reduce by \$300,000
 2. Upon Payment of Monetary Contribution – Reduce by \$150,000
 3. 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;

- iii. exhibit a Draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979.
- (d) 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.
- (e) That Meriton be informed of Council's decision.
- (f) 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.

Record for the Voting:

For the Motion: Unanimous