

Ms Karen Armstrong
Director Metropolitan
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

9 August 2016

Our ref: LEP2015/5/4

**66 – 82 Talavera Road Macquarie Park (Lot 1 DP 854779) –
Request for Gateway Determination**

Dear Ms Armstrong

I am writing to you regarding a request for a gateway determination for the site 66 – 82 Talavera Road Macquarie Park.

At its meeting on 8 December 2015 Council considered a report on a planning proposal for 66 – 82 Talavera Road Macquarie Park. The Planning Proposal sought to:-

- Amend LEP 2014 Land Zoning Map from B7 Business Park to B4 Mixed Use for the site
- Amend LEP 2014 Macquarie Park Corridor Precinct Incentive Height of Buildings Map to increase the maximum height of buildings permitted on the eastern portion of the site from 45m to 120m and
- Amend LEP 2014 Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map to increase the FSR across the whole of the site from 1.5:1 to 3.5:1.

The Planning Proposal sought to change the zoning, incentive height and incentive floor space controls applying to the site to facilitate the development of four 38 storey towers and four buildings 5-7 storeys in height to enable a mixed use development that comprised:-

- 1,125 dwellings
- 1,526 car parking spaces
- 20,000sqm non-residential floor space (including a 60 place child care centre, retail and commercial land uses)
- New public open space of 10,000sqm.

At the meeting of the 8 December 2015 Council resolved in part:-

- (a) *That Council defers the determination of the Planning Proposal for 66 – 82 Talavera Road Macquarie Park until the Macquarie Park Strategic*

Review and the supporting draft Plan outlining the future direction for Macquarie Park in terms of land use, urban design and infrastructure provision and delivery is completed (approx. June 2016).

- (b) *That upon completion of the Macquarie Park Strategic Review and the supporting draft Plan for the future direction for Macquarie Park an amended Planning Proposal and a Voluntary Planning Agreement be submitted for 66 – 82 Talavera Road Macquarie Park based on that draft Plan.*

The basis for the resolution was Council's desire to ensure that the strategic direction currently being developed for Macquarie Park Corridor by the Department of Planning and Environment would not be undermined. The study being undertaken of Macquarie Park Corridor will identify appropriate land uses, development densities and infrastructure needs for the Corridor. The subject site is within the study area.

Council also considered that the proposed PP should contribute to the critical infrastructure required to be delivered to meet the growing population demands in the Corridor in an appropriate and timely manner.

A rescission motion was lodged against the resolution and Council in considering the rescission motion resolved on the 15 December 2015 the following:

(a) That Council provides in-principle support for the proposed amendments outlined in the Planning Proposal for 66-82 Talavera Road, Macquarie Park subject to the proponent providing an appropriate level of community benefit to the City of Ryde via a Voluntary Planning Agreement.

(b) That determination of the planning proposal be deferred to enable negotiations to occur with the proponent regarding the extent and nature of the community benefit including, but not limited to, matters such as Affordable (Key Worker) Housing, Recreation Facilities, Open Space and Public Infrastructure.

(c) That subject to the General Manager being generally satisfied that the proponent is offering an appropriate community benefit (VPA terms), the outcomes of the negotiations and the Planning Proposal be reported to the next available meeting of Council in 2016.

In February 2016 Council in a letter to the proponent identified potential community benefits (in addition to applicable S94 Contributions) which included:-

- Affordable housing
- Pedestrian bridge
- A monetary contribution to be put towards the fine grain road network and traffic facilities/intersection upgrades in the vicinity of the site
- Open space

- Indoor recreation centre

Three letters of offer from the proponent have been received by Council.

Council on the 26 July 2016 considered a confidential report regarding the letters of offer and on that date resolved the following:-

- (a) *That Council accept the irrevocable letters of offer from Holdmark dated 21 and 26 July 2016 to enter into a Voluntary Planning Agreement in accordance with Option 3 as outlined in the Report.*
- (b) *That Council forward, within 7 days, the Planning Proposal to the Department of Planning and Environment for Gateway Determination.*

In supporting Option 3 Council also supported an increase in the proposed floor space ratio of the site from 3.5:1 (as per the original PP) to 3.7:1 with additional gross floor area of 11 400sqm for the provision of affordable housing and an indoor recreation centre on the site.

Accordingly I request:-

- that the Department of Environment and Planning make a Gateway Determination and that Council be issued with authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 with respect to the Planning Proposal for the property 66 – 72 Talavera Road and
- that the following be made conditions of the Gateway Determination;-
 1. Prior to public exhibition, the planning proposal is to be updated:-
 - a. to apply a maximum floor space ratio of 3.7:1 across the whole site and
 - b. an additional gross floor area of 11 400sqm for affordable housing and a recreation centre be permitted across the whole site;
 2. Prior to public exhibition the updated planning proposal and support material be submitted to Council for review;
 3. That a Draft Planning Agreement between the developer and owner of the land (if not one of the same); and the Council the City of Ryde containing the public benefits listed in accordance with the irrevocable letter of offer from Holdmark dated 21 July 2016 (and clarified in letters dated 26 July 2016 and 2 August 2016), be exhibited at the same time as the Planning Proposal.

Please find attached:-

- the planning proposal for 66 – 72 Talavera Road Macquarie Park prepared by the applicant and considered by Council on the 8 December 2015.
- the Council Report titled *PLANNING PROPOSAL - 66-82 TALAVERA ROAD, MACQUARIE PARK*
- the Council resolution of the 8 December 2015 with the rescission motion noted

- the Council resolution of the 15 December 2015 considering the rescission motion
- the Council resolution of the 26 July 2016 regarding the letters of offer by the proponent
- Correspondence from the proponent regarding the VPA and the Planning Proposal

The proposed timeline for the PP is expected to be in accordance with the following table:

Milestone	Date
1. Original Planning Proposal presented to Council	5 Dec 2015
2. Planning Proposal submitted to Gateway	9 Aug 2016
3. Gateway determination received by Council	2 Sept 2016
4. Amended PP received by Council with VPA Offer	26 Aug 2016
5. Community consultation (28 days)	21 Sept-19 Oct 2016
6. Outcomes of Community consultation Presented to Council	22 Nov 2016
7. Planning Proposal submitted to DPE requesting notification on Government website	1 Dec 2016

For further enquiries please contact Susan Wotton Strategic Planner on 99528204.

Yours sincerely

Liz Coad
Acting Director - City Strategy and Planning