

4<sup>th</sup> December 2024

General Manager  
 Ku-ring-gai Council  
 818 Pacific Highway  
 Gordon NSW 2072

Dear Sir

### Planning Agreement Letter of Offer

Turramurra Village Developments P/L offers to enter into a Planning Agreement with Council under section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with the Planning Proposal for the Turramurra Plaza site at 1364-1396 Pacific Highway and 1, 1A, 3 and 3A Kissing Point Road, Turramurra NSW 2074, also known as the Turramurra Village (the site).

The Planning Agreement Letter of Offer identifies a broad range of public benefit items through a range of mechanisms. The table below identifies these public benefits and the associated mechanisms. Separate to this Letter of Offer, discussions with Transport for NSW and Department of Planning, Housing and Infrastructure will be held regarding the land dedication for road widening along Kissing Point Road and offsetting the value of this land and associated works against the relevant Housing and Productivity Contributions under s7.24 of the *Environmental Planning and Assessment Act 1979*. The matters identified in this letter are for discussion with Council and are not intended to be binding until such discussions are held. It is expected that there will be a period of negotiation with Council on the particulars of the Planning Agreement, prior to its finalisation. The table below generally sets out the proposed items to be included in the Planning Agreement.

A separate matrix is provided as Attachment A which details the various public benefit items, method of delivery and whether offsetting will be sought against any development contributions at a state or local government level.

Item	Terms
<b>Parties</b>	Ku-ring-gai Council Turramurra Village Developments P/L
<b>Land</b>	1396 Pacific Highway, Turramurra 2074 (Lot 1 DP 629520) 1392 Pacific Highway, Turramurra 2074 (Lot 2 DP 16463) 1390 Pacific Highway, Turramurra 2074 (Lot 1 DP 550866) 1380-1388 Pacific Highway, Turramurra 2074 (Lot 101 DP 714988) 1370-1378 Pacific Highway, Turramurra 2074 (Lot 1 DP 500077) 1A Kissing Point Road, Turramurra 2074 (Lot 2 DP 500077)

Item	Terms
	<p>3A Kissing Point Road, Turrumurra 2074 (Lot A DP 391538)</p> <p>1364 Pacific Highway, Turrumurra 2074 (Lot 1 DP 656233)</p> <p>1A Kissing Point Road, Turrumurra 2074 (Lot 2 DP 502388)</p> <p>1A Kissing Point Road, Turrumurra 2074 (Lot 2 DP500761)</p> <p>1 Kissing Point Road, Turrumurra 2074 (Lot 1 DP 500761)</p> <p>3 Kissing Point Road, Turrumurra 2074 (Lot B DP 435272)</p>
<b>Planning Proposal / Development Application</b>	<p>Amend the <i>Ku-ring-gai Local Environmental Plan 2015</i> (KLEP 2015) in order to facilitate the redevelopment of the site for a mixed-use development including commercial premises, retail premises and shop-top housing. The proposed amendments include:</p> <ul style="list-style-type: none"> <li>• Amending the maximum permissible height applying to the site on the on the Height of Buildings map from 17.5m to split heights of 28.5m and 34.5m;</li> <li>• Amend the maximum permissible Floor Space Ratio applying to the site on the Floor Space Ratio map from 2:1 to 3:1;</li> <li>• Impose a minimum non-residential FSR of 0.85:1;</li> <li>• Remove the maximum commercial FSR standard of 1.2:1 (Area 4 in clause 4.4 (2E); and</li> <li>• Reclassify the Council owned part of the site from community to operational land.</li> </ul>
<b>Works</b>	<p>The redevelopment of the site provides a significant opportunity for the delivery of additional local and state infrastructure which will benefit the broader community. The additional infrastructure to be delivered includes:</p> <ol style="list-style-type: none"> <li>1. <b>New Stonex Street</b> – A new public street connecting Kissing Point Road and Duff Street will be delivered.</li> <li>2. <b>Footpath and Road along Kissing Point Road</b> – The footpath along Kissing Point Road will be upgraded</li> <li>3. <b>Stonex Lane</b> – Stonex Lane is to be retained and upgraded as an open-air pedestrian lane with active frontages and supporting street furniture.</li> <li>4. <b>A community centre of up to 400m2</b></li> </ol> <p>Key matters to be further resolved in discussion with Council will include:</p> <ul style="list-style-type: none"> <li>• Timing, staging and responsibility for the above identified works.</li> </ul>

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	<ul style="list-style-type: none"> <li>Specifications and standards to be adopted for the proposed works.</li> <li>Scope, nature and purpose of the proposed community space</li> </ul> <p>Some of the above infrastructure works may be undertaken as 'works in kind' and deducted from the contribution amount, subject to further negotiation and discussion with Council.</p>
<b>Land Transaction</b>	<p>The proposed land transaction to be entered into with Council is detailed below.</p> <p>Council is to provide to the proponent the following land parcels under a "call option" arrangement:</p> <ul style="list-style-type: none"> <li>1A Kissing Point Road, Turramurra 2074 (Lot 2 DP 500077)</li> <li>3A Kissing Point Road, Turramurra 2074 (Lot A DP 391538)</li> <li>1A Kissing Point Road, Turramurra 2074 (Lot 2 DP 502388)</li> <li>1A Kissing Point Road, Turramurra 2074 (Lot 2 DP500761)</li> <li>1 Kissing Point Road, Turramurra 2074 (Lot 1 DP 500761)</li> <li>3 Kissing Point Road, Turramurra 2074 (Lot B DP 435272)</li> </ul> <p>Upon Completion of the re-development Council will receive in return the following:</p> <ol style="list-style-type: none"> <li><b>New Community Park (approx. 708m<sup>2</sup>)</b> - Land for a new public park will be dedicated to Council which is adjacent to Granny Springs Reserve. The new park has been considered as part of the concept design and identified for future dedication to Council. It is understood that the land associated with the park is to be dedicated to Council however, this land will form as part of the overall site for the purpose of FSR transfer.</li> <li><b>New Stonex Street (approx. 1,434m<sup>2</sup>)</b> - A new public street will connect Kissing Point Road and Duff Street.</li> <li><b>Footpath and road along Kissing Point Road (approx. 255m<sup>2</sup>)</b> - The land dedication along Kissing Point Road has been included in the concept design. This will be subject to separate discussion and agreements with Transport for NSW.</li> </ol>

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	<p>4. <b>A Community Centre of up to 400m<sup>2</sup> dedicated to Council</b></p> <p>5. <b>Financial compensation for the Council sites as determined in accordance with the Councils own <i>Acquisitions and Divestment of Land Policy</i> (Policy) Version 3 dated 20<sup>th</sup> Nov 2019.</b></p> <p>It is noted that that infrastructure land that will be stripped of its development potential by the process of utilising that floorspace within the development site will be dedicated free-of-cost back to Council.</p>
<b>Other Public Benefits</b>	A minimum of 30 public car parking spaces on the site dedicated to Council.
<b>Application of section 7.11, 7.12</b>	<p>Value of the cost of the proposed works outlined above would normally be offset against any applicable development contributions and dealt with under a Works in Kind Agreement. However Council has advised that these works cannot be offset against the Section 7.11 Contributions Plan as the public benefits to be delivered by the proposal are not identified in the plan. Noting that this proposal seeks to uplift the development potential on the site, the current Contributions Plan does not anticipate the proposed uplift. This is a matter for further negotiation and discussion with Council.</p> <p>Offset of works and land value attributed to the <b>Footpath and road along Kissing Point Road (approx. 255m<sup>2</sup>)</b> will be negotiated separately with the Department of Planning and Transport for NSW, and will not form part of any credit given by Kuringai Council.</p>
<b>Affordable Housing</b>	<p>As per the supporting Affordable Housing feasibility study, 5% of total floor area will be delivered as affordable housing which will be restricted on title in perpetuity. The mechanism for the delivery of the Affordable Housing is not yet determined noting that should Parliamentary Counsel elect to not include a site specific provision for the application of affordable housing, it could be included as part of this Planning Agreement.</p> <p>The affordable housing component will be required to be managed by a registered community housing provider.</p>
<b>Registration</b>	The planning agreement will be registered on the total of the subject lands until the final responsibilities identify within are discharged.

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<b>Dispute Resolution</b>	<p>Mediation of disputes between parties will occur agreement, before the parties may exercise any other legal rights in relation to the dispute.</p> <p>If the dispute is not resolved under mediation, the dispute may, by agreement between the parties, be agreed to be resolved by expert determination by an independent expert in the relevant field.</p>
<b>Security</b>	<p>As the project progresses, a Quantity Surveyor Report will be prepared to nominate the costs of works outlined above and a bank guarantee will be required prior to the first Construction Certificate being issued.</p>
<b>Costs</b>	<p>The Landowner agrees to pay Council's reasonable costs of and incidental to the negotiation, preparation and entering into the agreement, as well as administration and enforcement of the planning agreement in accordance with the terms set out in the template planning agreement.</p>

The proponent is committed to continuing discussions with Council to ensure the efficient and effective delivery of local infrastructure as well as the appropriate dedication of land as identified in the Planning Proposal.

The proponent's intends to negotiate and enter into a Planning Agreement in accordance with Ku-ring-gai Council's Planning Agreement Policy (version 3 and dated 20 November 2019). A Valuation Report will be prepared which will determine the current value of the site and the potential uplift value. Once the Valuation Report has been prepared, further discussion will be held with Council regarding the funding, delivery and other associated contributions.

It is noted that the planning agreement is multi-faceted and includes a land transaction with Council. As such it is noted that involvement of both legal and planning expertise to coordinate a clear and complete process will be required.

I trust that the above is sufficient for Council to further progress the planning proposal, noting that this will be the beginning of a series of discussions and negotiations with Council regarding the appropriate structure, content and delivery mechanisms for the numerous public benefits to be delivered by the renewal of the site.

I look forward to discussing the above matters further with Council.

Yours faithfully



Allen Linz

Managing Director

Rebel Property Group Pty Ltd

## Appendix A

Public Benefit Item	Delivery Mechanism	Proposed mechanism to compensate the proponent for the cost of provision
<b>Land dedication</b>		
Land (approx. 1,434m <sup>2</sup> ) for delivery of the Stonnex Street which will connect Kissing Point Road and Duff Street will be delivered.	Land dedication to Council + works in kind.	Dedicated to Council at no cost.
Land along Kissing Point Road on lots for road widening and footpath upgrade.	Dedication to TfNSW to be managed through separate planning agreement with TfNSW and DPHI.	Dedicated to Council at no cost.
Space within future basement carpark for 30 public car parking spaces on the site dedicated to Council.	Dedication to Council of separate stratum lot with appropriate easements in place	Dedicated to Council at no cost. .
Space within the future development for a community centre of up to 400m <sup>2</sup>	Dedication to Council of separate stratum lot with appropriate easements in place	Dedicated to Council at no cost.
5% of total residential floor space as affordable housing	TBC – noting that the mechanism for the delivery of the Affordable Housing is not yet determined. Should Parliamentary Counsel elect to not include a site specific provision for the application of affordable housing (i.e. require a Affordable Housing Contribution Scheme to be in place), it could be included as part of this Planning Agreement.	Affordable Housing units not to be dedicated to Council ownership.
Land dedication for new community park (approx. 708m <sup>2</sup> ), adjacent to granny springs reserve. The land associated with the park is to be dedicated to Council however, this land will form as part of the overall site for the purpose of FSR transfer.	Works undertaken on land to be dedicated to Council.	Dedicated to Council at no cost. .

Public Benefit Item	Delivery Mechanism	Proposed mechanism to compensate the proponent for the cost of provision
<b>Works</b>		
Public domain upgrades to Stonex Lane as an open-air pedestrian lane with active frontages and supporting street furniture.	Works undertaken on land to be dedicated to Council.	To be negotiated further with Council once Planning Proposal receives Gateway Determination.
Community Centre Cold Shell fitout	Works in space to be dedicated to Council	To be negotiated further with Council once Planning Proposal receives Gateway Determination.
New Community Park (approx. 708m <sup>2</sup> ) on land adjacent to Granny Springs Reserve.	Works undertaken on land to be dedicated to Council.	To be negotiated further with Council once Planning Proposal receives Gateway Determination.
Public domain works on the land to be dedicated to Council to support the delivery of the new Stonex Street (approx. 1,434m <sup>2</sup> ) - A new public street will connect Kissing Point Road and Duff Street.	Works undertaken on land to be dedicated to Council.	To be negotiated further with Council once Planning Proposal receives Gateway Determination.
Footpath and road upgrade along Kissing Point Road (approx. 255m <sup>2</sup> ) to support the land dedication.	This will be subject to separate discussion and agreements with Transport for NSW.	To be negotiated further with Council once Planning Proposal receives Gateway Determination.