

Explanatory Note

Minister for Planning (ABN 20 770 707 468) and

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

Draft Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister for Planning (ABN 20 770 707 468) (the **Minister**) and Karimbla Properties (No. 52) Pty Limited (ACN 168 601 296) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to Lot 2 in Deposited Plan 1268157, known as 112 Talavera Road, Macquarie Park 2113 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land and develop it for mixed use purposes. The Planning Agreement applies to that development to the extent that it is:

- (i) within Stage 2 as referred to in the Concept Development Application LDA 2020/0187 lodged with the City of Ryde Council and as shown on the plan annexed; and
- (ii) the subject of a Development Application that is made at any time after the commencement of the Planning Agreement.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$12,528,000 (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) to be paid in up to three instalments, for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.10 of *Ryde Local Environmental Plan 2014* (**LEP**).

The Development Contribution is required to be paid as follows:

- The first contribution amount will be payable prior to the issue of the first occupation certificate for the first building in relation to which an occupation certificate is sought;

- The second contribution amount will be payable prior to the issue of the first occupation certificate for the second building in relation to which an occupation certificate is sought;
- The third contribution amount will be payable prior to the issue of the final occupation certificate for a building on the Subject Land or on the date that is five years after the date of the Planning Agreement, whichever is earlier,

in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a bank guarantee in accordance with Schedule 5 to the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State public infrastructure referred to in clause 6.10 of the LEP.

No relevant capital works program by the Minister is associated with the Planning Agreement.

Assessment of Merits of Planning Agreement

The Public Purpose of the Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services; and
- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes an appropriate contribution towards the provision of services, facilities and infrastructure.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services to satisfy needs that arise from development of the Subject Land.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive impact on the public who will ultimately use it.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement requires an instalment of the Development Contribution to be paid prior to the issue of the relevant occupation certificate, and therefore contains a restriction on the issue of an occupation certificate within the meaning of section 48 of [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate or a subdivision certificate.

CHRISTIE ROAD

M2 MOTORWAY

HERRING ROAD

TALavera ROAD

STAGE 01

SITE AREA = 6202m²
GFA= 22 985m²

STAGE 02

SITE AREA = 13 333m²
GFA= 103 992.5m²

SUBJECT TO DESIGN
COMPETITION AND
DEVELOPMENT APPLICATIONS

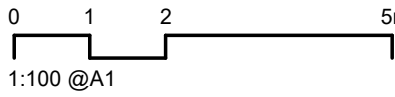
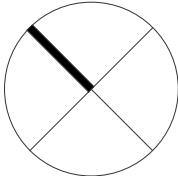
STAGING TO BE CONFIRMED

TOTAL SITE AREA = 19,535m²
TOTAL GFA = 126,977.5m²
FSR: 6.5:1

Key

- STAGE 01
- STAGE 02

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.	Key
1	30.04.2020	FOR INFORMATION			
2	16.07.2020	UPDATED			



Project
118 TALavera RD
MACQUARIE PARK

Drawing Name
Site Overview

Date	Scale	Sheet Size
16.07.2020	1 : 500	@ A1
Drawn	Chk.	Job No.
Author	Checker	6192
Drawing No.		Revision
SK-201		/ 2

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