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Via email: Sarkis.Nassif@holdmark.com.au

Dear Mr Nassif,

**Planning proposal 66 - 82 Talavera Road, Macquarie Park  
(PP\_2016\_RYDEC\_005\_01)**

I refer to your planning proposal for 66-82 Talavera Road, Macquarie Park. I also note the correspondence from Ms Rourke of Allens on behalf of Holdmark Property Group dated 21 December 2020. This requested the Department to keep the planning proposal active and further extend the timeframe for its finalisation, pending the outcome of the Macquarie Park strategic investigation.

I appreciate the significant resources and time invested by Holdmark in the preparation of the planning proposal, including the time spent negotiating a voluntary planning proposal with City of Ryde Council and working through the Gateway requirements.

You are aware that Council, as the Planning Proposal Authority, recently wrote to the Department requesting the Minister determine that the matter not proceed. Council indicated the issues, as summarised below, triggered the need for a new planning proposal. Council raised concerns that:

- The effect of changes to the proposed floor space and height of building controls would lead to the proponent having all the benefit of the increased floor space and building heights without an obligation to provide public benefits which would otherwise be required under clause 6.9 of *Ryde Local Environmental Plan 2014*.
- Progressing the proposal at this junction is premature given the Macquarie Park Strategic Review and the consideration of appropriate infrastructure to accompany any changes to planning controls in Macquarie Park, occurring through the Ryde Coordination Group.
- The fundamental variation from the 2016 proposal and the 2020 amended proposal cannot be said to be the subject of either the Council resolution to request a Gateway Determination, not the subject of the Gateway Determination itself.

- The 2020 amended proposal which the proponent has requested the Council to exhibit does not provide opportunity for community benefits and instead incorporates what was supposed to be incentive bonuses into the base controls.
- Failure to complete the LEP within the prescribed time, when combined with the significant variation in terms of the proposal, exacerbates the issue of whether the community would consider the Gateway Determination to relate to the same planning proposal.

The Department has carefully considered Council's request in the context of both the NSW Government's Planning Reform Action Plan and the Macquarie Park strategic investigation underway.

The planning reforms aim to make the planning assessment process more transparent and better align them to the delivery of strategic plans. This is part of a plan-led approach to rezonings. This will see planning proposals generally taking one year and no more than two years to complete.

To facilitate this, the Department has reviewed all long-standing or legacy planning proposals by the end of 2020 where these have had a Gateway determination for four or more years. This is an important first step toward achieving the Government's targets established in the Action Plan.

The Gateway Determination for this proposal was made in 2016 and (as amended) required the LEP to be finalised by 21 May 2020. There remains a significant amount of work to resolve remaining issues, despite Holdmark's and Council's best endeavours.

The site is also included within the Macquarie Park Investigation Area. The Ryde Coordination Group (RCG) is overseeing the preparation of a place strategy and strategic infrastructure assessment for Macquarie Park. The RCG is chaired by the Greater Sydney Commission's North District Commissioner and includes key government agencies and Council executive staff. The role of the RCG is to guide the preparation of, and endorse material prepared for, the Macquarie Park strategic investigation.

A draft Place Strategy for Macquarie Park will be exhibited in early 2021. The Place Strategy will set the strategic land use framework to guide future changes to planning controls and investment and infrastructure delivery decisions in Macquarie Park over the next twenty years.

It is important for the strategic investigations for Macquarie Park to be finalised and the draft Place Strategy released for consideration by the community, landowners and developers. The Department does not wish to pre-empt a meaningful engagement process by progressing planning proposals in tandem.

Holdmark will have an opportunity to consider and respond to the findings of the investigation and the draft Place Strategy. After this you may choose to prepare a new planning proposal, bearing in mind that any future planning proposal for the site would need to be consistent with the outcomes of the final Place Strategy. The

Department would be happy to engage with you further once the draft Place Strategy is on exhibition.

Having regard to these considerations, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway Determination dated 21 September 2016 for PP\_2016\_RYDEC\_005\_01 (since altered) to 'do not proceed'. The Alteration of Gateway Determination is enclosed.

If you have any questions in relation to this matter, Mr Luke Downend, Acting Director of North District would be happy to assist you. Mr Downend can be contacted on 8217 2034.

Yours sincerely,



24 December 2020

**Malcolm McDonald**  
**Executive Director, Eastern Harbour City**  
**Greater Sydney, Place & Infrastructure**

Encl: Alteration of Gateway Determination



## Alteration of Gateway Determination

### *Planning proposal (Department Ref: PP\_2016\_RYDEC\_005\_01)*

I, Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 21 September 2016 (since altered) for the proposed amendment to the Ryde Local Environmental Plan 2014 as follows:

1. Change the description of the planning proposal

**from**

"I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ryde Local Environmental Plan (LEP) 2014 to amend the zone, building height and floor space ratio control should proceed subject to the following conditions:"

**to**

"I, the Executive Director, Eastern Harbour City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ryde Local Environmental Plan (Ryde LEP) 2014 to amend the zone, building height and floor space ratio control at 66-82 Talavera Road, Macquarie Park should not proceed."

2. Delete conditions 1 to 6.

Dated 17<sup>th</sup> of December 2020.

A handwritten signature in blue ink, appearing to read 'M. McDonald'.

**Malcolm McDonald**  
Executive Director, Eastern Harbour City  
Greater Sydney, Place and Infrastructure  
Department of Planning, Industry and  
Environment

**Delegate for Minister for Planning and  
Public Spaces**