

Attachment A

**Public Benefit Offer Letter
From Toga**

14 April 2020

Monica Barone
The Chief Executive Officer
City of Sydney
Level 2, 456 Kent Street
Sydney NSW 2000

Dear Monica,

Re: Public Benefit Offer to Enter into a Planning Agreement for the undeferral of Green Square Town Centre Sites referred to as Sites 2,3 & 4.

Following discussion with Council, Toga Project Services Pty Ltd (the developer) would like to submit a revised public benefit offer to enter into a planning agreement with the City of Sydney (Council) to undefer sites 2, 3 and 4 under the Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013.

Land

Lot 2 DP 25272 (320-322 Botany Road, Alexandria)
Lot 3 DP 25272 (324 Botany Road, Alexandria)
Lot 4 DP25272 (6-14 O’Riordan Street, Alexandria)

Parties

City of Sydney (Council)
Toga Project Services Pty Ltd (The Developer)

Public Benefits and respective timing

Toga has identified a number of public benefits that will be delivered through the undeferral process as per the Green Square Infrastructure Strategy 2006. In order to guarantee the delivery of these public benefits, the developer has requested that Mecone prepare a preliminary public benefit offer to initiate formal discussions with Council in relation to entering a planning agreement which will enable the undeferral process to occur.

The key items which will be contained within any future planning agreement are outlined below:

- **Monetary contributions** - Payment of a Monetary contribution in accordance with the Green Square Town Centre infrastructure strategy which sets out the monetary value of contributions in the Green Square Town Centre. The total value of contributions across will be \$4,440,000 plus CPI (as at December 2005), with any developer works in kind or green infrastructure delivered (detailed below) to be credited against the final monetary contribution amount. Payment of the Monetary contribution will be made prior to the relevant construction certificate for the future development of the land.
- **Land Dedication** – The dedication of land to Council for the future transport place (583.6m2).

In accordance with Council's email advice dated 10 April 2019, Toga also notes Council's request for the following additional setbacks not currently required by the subject site's planning controls:

- A 1.4m setback to Botany Road for footpath widening (24.0m2 approx.); and
- A 2.4m setback to O’Riordan Street (126.5m2 approx.).

These requested setbacks require further discussion and resolution with Council, including whether the land could be dedicated in stratum for only 1-2 levels, prior to Toga making any agreements.

- **Developer works** – Toga will design and construct the land to be dedicated to Council in accordance with Council's Public Domain Design Codes. The value of these works will be agreed with Council and deducted from the overall value of the monetary contribution payable.
- **Green Infrastructure** - the design and construction of any proposed building to meet the City's Green Infrastructure requirements in accordance with the Green Square Town Centre DCP 2012. This includes meeting minimum requirements for water, energy efficiency and air conditioning refrigerant.

Security

Security- A bank guarantee or insurance bond would be payable to secure the developers works prior to the relevant construction certification subject for the future development on the land.

Registration- It is understood by the developer that the planning agreement will be registered on the title of the land to which it applies.

Other Contributions Payable

The application of 7.11 in accordance with any contributions plan(s) will not be excluded as a result of the undeferral process unless it is agreed with Council that the developers works exceed the value of the monetary contribution.

Conclusion

This letter is accompanied by the following Attachment documents reflecting Council's email advice dated 10 April 2019:

- Standard Public Benefits Offer altered to reflect the specific requirements for the relevant sites; and

We will also provide appropriate Owners Consent letter for Site 3 shortly.

We trust that the terms of this letter and appended public benefits offer are agreeable and that an expedited preparation of a Voluntary Planning Agreement can therefore be provided for execution.

If you have any queries please contact me.

Yours sincerely,



Paul Shaw
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