

Appendix B

**Voluntary Planning Agreement Letter to Cumberland City
Council
prepared by
Keylan Consulting Pty Ltd**

20 April 2020

The General Manager
Cumberland City Council
PO BOX 42
Merrylands NSW 2160

Dear Mr McNulty,

Proposed Voluntary Planning Agreement in connection with a Planning Proposal at Dunmore Street, Pendle Hill

We act on behalf of the Churches of Christ Property Trust (**CoCPT**) with respect to the preparation of a Planning Proposal for a consolidated land parcel at the corner of Dunmore Street and Pendle Way, Pendle Hill in the Cumberland local government area (**LGA**).

As part of the Planning Proposal, CoCPT anticipates making an offer to Cumberland City Council (**Council**) to enter into a Voluntary Planning Agreement (**VPA**). This letter provides an outline of the items that CoCPT may include in a letter of offer to enter into a VPA and is provided for the purpose of continuing discussions with Council.

We anticipate that the proposed VPA will be in connection with the land outlined in Section 2 below (**Site**). The Site is anticipated to receive an uplift in development potential if the Planning Proposal lodged with Council is successful and the *Holroyd Local Environmental Plan 2013 (HLEP)* is amended. The following sets out the key terms of the proposed VPA.

1. Parties to a VPA

- Cumberland City Council
- Churches of Christ Property Trust

2. Land to which a VPA would relate

The Site comprises the land detailed in Table 1 and outlined in red in Figure 1 as follows:

Address	Lot and DP	Area
284 Dunmore Street, Pendle Hill	Lot 1 DP24728	1,631 m ²
105 Pendle Way, Pendle Hill	Lot 2 DP24728	645 m ²
93 Pendle Way, Pendle Hill	Lot 8 DP24728	645 m ²
91 Pendle Way, Pendle Hill	Lot 9 DP24728	645 m ²
87 Pendle Way, Pendle Hill	Lot 10 DP24728	645 m ²
85 Pendle Way, Pendle Hill	Lot 11 DP 24728	645 m ²
83 Pendle Way, Pendle Hill	Lot 12 DP24728	645 m ²
282 Dunmore Street & 95 Pendle Way, Pendle Hill	Lot 472 DP1204429	8,167 m ²
268-280 Dunmore Street, Pendle Hill	Lot A DP335578	9,044 m ²
222-266 & 282 Dunmore Street & 89 Pendle Way, Pendle Hill	Lot 2 DP554208	1.744 ha
222-266 Dunmore Street, Pendle Hill	Lot 3 DP554208	3.299 ha

Table 1: Site Details



Figure 1: Land to which the VPA relates (shaded yellow and edged in red)

3. Development to which the VPA would relate

The Planning Proposal seeks to amend the *HLEP*, the primary environmental planning instrument applicable to the Site. Specifically, the Planning Proposal proposes the following amendments:

- amend the zoning of the Site from part R2 Low Density Residential, part R3 Medium Density Residential and part R4 High Density Residential to part R4 High Density Residential and part RE2 Private Recreation;
- amend the height of buildings control to permit buildings with a maximum height ranging from 12.5m to 32m;
- amend the floor space ratio (**FSR**) control to permit a maximum FSR ranging from 0.85:1 to 1.5:1; and
- the inclusion of a Schedule 1 amendment to allow the following additional permissible uses in part of the proposed R4 zone on the site: *food and drink premises* and *medical centre*.

An indicative Masterplan has been prepared to support the Planning Proposal. The indicative Masterplan seeks to facilitate the following:

- buildings of up to 8 storeys in height, comprising an indicative total of 650 independent living units (**ILUs**) and affordable housing units, an approximately 240-bed residential aged care facility (**RACF**), approximately 755 m² of community facilities floorspace in the heritage-listed Dunmore House and approximately 1,120 m² of non-residential floorspace in the heritage-listed Ashwood House;
- basement level carparking to meet the required carparking demand;
- approximately 51,709 m² (70% of the total site area) of open space (including publicly accessible communal and private open space), with the retention of significant vegetation on the site; and
- new publicly accessible spaces throughout the site featuring new or upgraded vehicle and pedestrian through-site links.

4. Nature and extent of potential development contributions and timing of delivery

The items which CoCPT may include in a future letter of offer will provide key public benefits associated with the future redevelopment of the Site comprised of:

- the provision of affordable housing for low or very low-income households; and/or
- the provision and ongoing maintenance of landscaping, public footpath linkages and public furniture within the publicly accessible open space, including the open space curtilage; and/or
- the refurbishment, ongoing maintenance and provision of community related uses at Dunmore House and/or;
- a substantial area of publicly accessible open space to be zoned RE2 Private Recreation and comprising Dunmore House and its curtilage (collectively the **Works**)

The timing of the delivery of the Works will be the subject of further discussions.

5. Conditions of offering potential development contributions

Any offer to undertake the Works would include a condition that they are works in kind in satisfaction of development contributions that Council considers payable under the Cumberland Planning Agreements Guidelines as a result of a successful Planning Proposal and subsequent HLEP amendment.

CoCPT anticipates that the calculation of the development contributions under the Cumberland Planning Agreements Guidelines and the value of the Works will be a collaborative effort between CoCPT and Council.

6. Application of Local infrastructure contributions

We understand that under Council's Local Infrastructure Contributions Plan (adopted January 2020) (**Contributions Plan**), as CoCPT is carrying out the following types of development on the Site, it is exempt from the requirement to make section 7.12 contributions under the Contributions Plan:

- development for the purpose of the adaptive re-use of a Heritage Item;
- development for the purposes of any form of seniors housing defined in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* where the developer and landowner is a Social Housing Provider; and
- housing developed or provided by a Social Housing Provider, for the provision of social housing.

For abundant clarity, it is proposed that the VPA would exclude the application of section 7.11 and 7.12 to development in accordance with the indicative Masterplan for the Site.

7. Additional Community Benefits

Additional community benefits are anticipated to be created from the rezoning and future redevelopment of the site, including:

- an increase in the supply of seniors housing and affordable housing in an area that is strategically located with access to public transport, social infrastructure and goods and services in the Pendle Hill town centre;
- contribution to the housing supply targets for the Cumberland LGA as set out in the State government's strategic planning framework including the Greater Sydney Region Plan and Central City District Plan and Council's Local Strategic Planning Statement;
- an appropriate transition in building height, bulk and scale across the site that responds to the surrounding local character, the adjoining Bonds Spinning Mills site (to the east) and adjoining low density residential development (to the south);
- an appropriate response to the existing heritage items on the site, including the adaptive reuse of the heritage listed Dunmore House and Ashwood House; and
- publicly accessible communal open space areas that are enhanced with public furniture, pedestrian linkages, landscaping and ongoing maintenance.

7. Costs

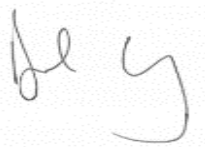
It is anticipated that the VPA will include provisions for the payment of costs and incidentals relating to negotiation, preparation and entering into the agreement as well as administration and enforcement of the VPA from a date to be determined.

8. Conclusion

The formal VPA offer will be made following negotiations with Council, at which time a value of the Works can be calculated and attributed to the benefits being offered. The VPA offer will only be entered into should the Planning Proposal proceed to Gateway, on terms that are acceptable to our client and as agreed in advance with Council.

Should you have any questions regarding this letter of offer, please contact me directly on (02) 8459 7511 or via email at dan@keylan.com.au.

Yours sincerely



Dan Keary BSc MURP MPIA
Director