

19 February 2022

General Manager
Inner West Council
7-15 Wetherill Street,
Leichhardt NSW 2040

Voluntary Planning Agreement (VPA) Draft Indicative Letter of Offer
Chester Street, 122-130 Pyrmont Bridge Rd and 206 Parramatta Rd, Annandale (the Land)

Dear General Manager,

The purpose of this letter is to make a draft indicative letter of offer (**VPA Offer**) under section 93F of the *Environmental Planning and Assessment Act 1979* (**EPA Act**) to enter into a Voluntary Planning Agreement (**VPA**) with Inner West Council (**Council**) in connection with a Planning Proposal lodged with Council on 30 June 2021. The Planning Proposal seeks amendments to the Leichhardt Local Environmental Plan 2013 (**LLEP 2013**) where it applies to the Land. This draft offer presents a pathway by which the public domain and shared way strategy that the Developer has defined within the Planning Proposal can be achieved. Furthermore, it enables realisations of the green lung strategy and the proposal has drawn on the objectives outlined by Council in delivering certain public benefits.

In summary, the terms of the VPA are proposed to be as follows:

1. Parties

The parties to the Planning Agreement will be:

- MHA PBR Annandale Pty Ltd ATF the MHA PBR Annandale Trust (ABN 503 230 917 26) (**Developer**), and:
- Inner West Council (**Council**).

In this Planning Agreement, the role of:

- The Developer is to deliver works in kind in accordance with the below and to deliver public benefit in connection with the Planning Proposal.

2. Description of the land (s93F(3)(a))

The Planning Agreement will apply to the following land described as:

- (a) Lot 3 Sec 1 DP 976387;
- (b) Lot 4 Sec 1 DP 976387;
- (c) Lot 5 Sec 1 DP 976387;
- (d) Lot 6 Sec 1 DP 976387;
- (e) Lot 12 Sec 1 DP 97638;
- (f) Lot 100 in DP 1101482; and
- (g) Lot 1 in DP 539271,

being the land in folio identifiers Auto-Consol 12165-11, Auto-Consol 11084-79, 100/1101482 and 1/539271., otherwise known as 122-130 Pyrmont Bridge Rd and 206 Parramatta Rd, Annandale NSW 2038 (**Land**).

3. Description of the Planning Proposal

The Planning Agreement relates to the Planning Proposal denoted with Council reference: PPAP/2021/0001, lodged with Council on 30 June 2021, and as lodged with and referenced by the NSW Department of Planning and Environment as PP-2021-5718 (the **Planning Proposal**).

4. Nature and extent of the provision to be made by the developer, and the times and manner in which the provision is to be made (s93F(3)(c))

The Planning Agreement will require that the Developer make the following contributions as works in kind:

- Dedicate to Council a parcel of land that is 3m wide along the entire boundary that the Land shares with Mathieson Street. The dedicated land has an area of approximately [160sqm]. Refer draft Land Dedication Plan included in Appendix 1A.
- Setback any future building at the ground level along Mathieson Street no less than 6m, to provide an enhanced public domain and to embellish that public domain with a new footpath, cycleway, landscape zone and shared zone on Mathieson St at no cost to Council, consistent with Appendix 1B. Design to be worked up and agreed with Council, but landscaping is intended to be generally consistent with and an extension of Council's PRUAIP design for Pyrmont Bridge Rd.
- Setback any future building at the ground level along Pyrmont Bridge Road by no less than 1.5m and embellish that public domain with a new footpath at no cost to Council
- Setback any future building at the ground level along Cahill Street by no less than 3m and embellish that public domain with a new footpath and landscaping zones at no cost to Council
- Include end of journey facilities in the development to encourage walking and cycling.
- Incorporate design mechanisms to reduce urban heat including green infrastructure.
- Provide an economically viable environmentally sustainable building targeting 5 Star Green Star rated building that is suitable for its intended use.
- An enhanced public domain is to be provided with setbacks and integration with the shared zone on Mathieson Street (refer Annexure 1B). The enhanced public domain shall have an area of no less than 600sqm (measured from existing Site boundaries in aggregate) and can include areas open to the sky, and undercroft areas (which can provide weather protection). The public open space along Mathieson Street will vary in width, and will include deeper areas allowing for the integration of seating and landscaping. An easement could be provided to Council over this area to allow public access (if required).

The above contributions are made to the Council in lieu of any local infrastructure contributions otherwise payable to Council.

Additionally, the developer confirms their willingness to pay Council's reasonable legal fees and associated costs of preparing and notifying the Planning Agreement, up to a maximum of \$5,000.

Contributions are linked to the Planning Proposal, where works in kind are subject to agreement between the parties and will be delivered during construction and be certified prior to issuing the Occupation Certificate for any development arising as a result of the Planning Proposal.

5. Mechanisms for resolution of disputes (s93(3)(f))

Disputes are to be resolved via mediation.

6. Enforcement of the agreement by a suitable means (s93F(3)(g))

The Occupation Certificate for the development implemented as a result of the adoption of the Planning Proposal lodged with Council on 30 June 2021 cannot be issued until the works subject to the Planning Agreement are complete and certified as complete.

A copy of the Planning Proposal has been provided to Council and the DPIE.

We look forward to receiving the Council's response to the above VPA Offer. Please do not hesitate to contact the undersigned if you have any questions or would like to discuss the above. This letter supersedes any prior draft letters on this matter.

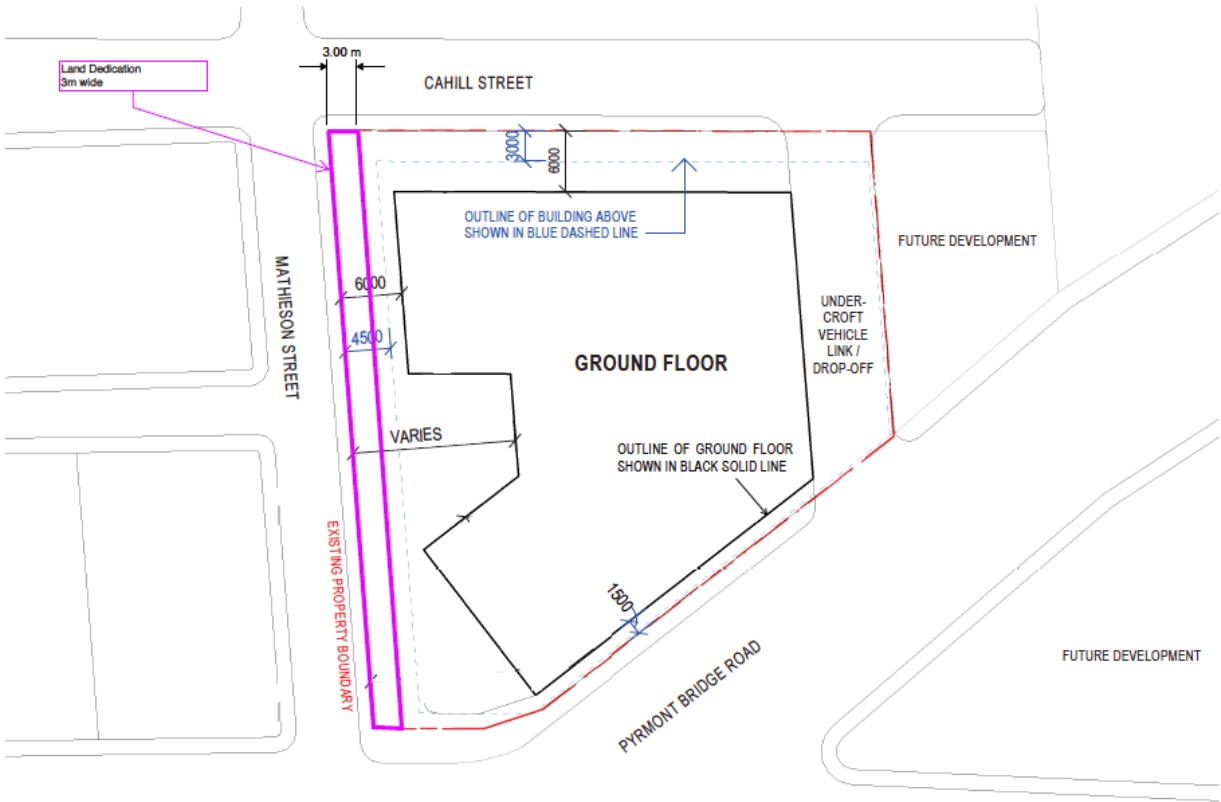
Sincerely,
MHA PBR Annandale Pty Ltd



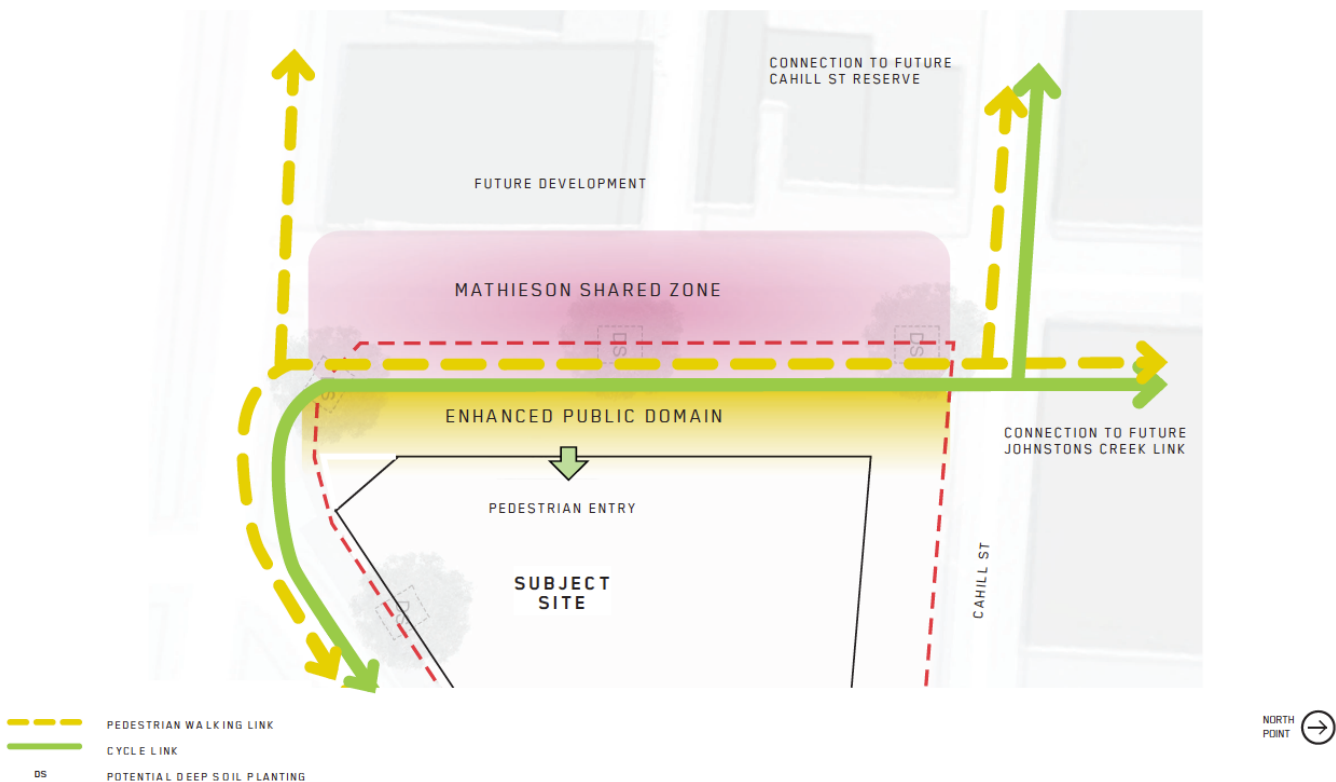
Alex Sicari
Director

Appendix 1A – Draft Land Dedication Plan

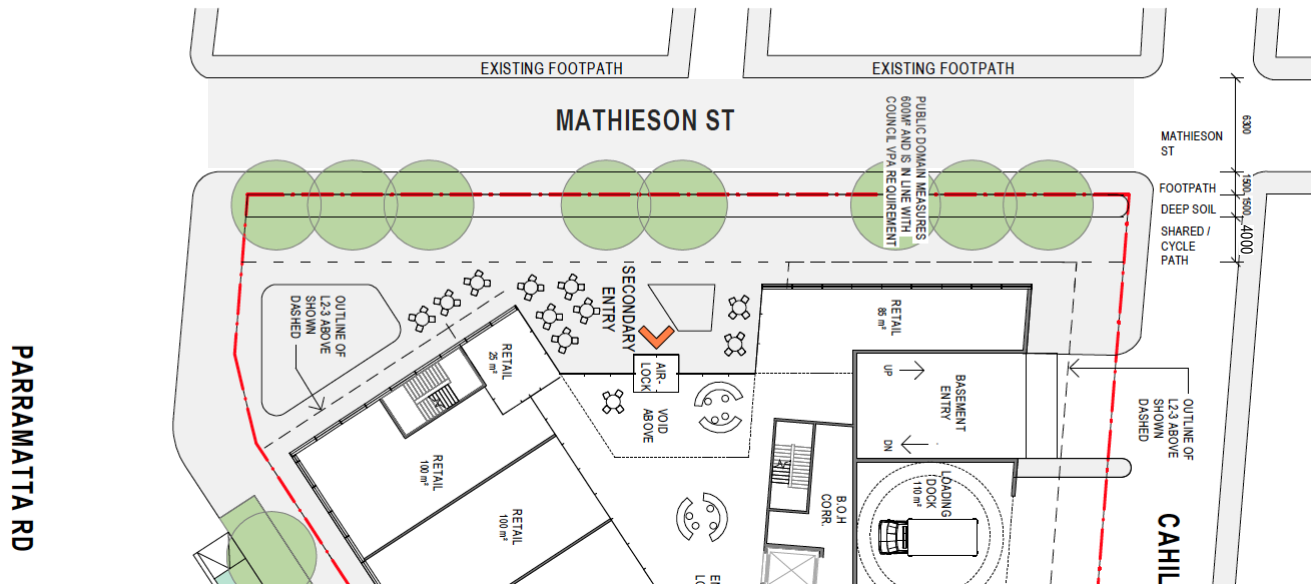
MINIMUM SETBACK DIMENSIONS SHOWN

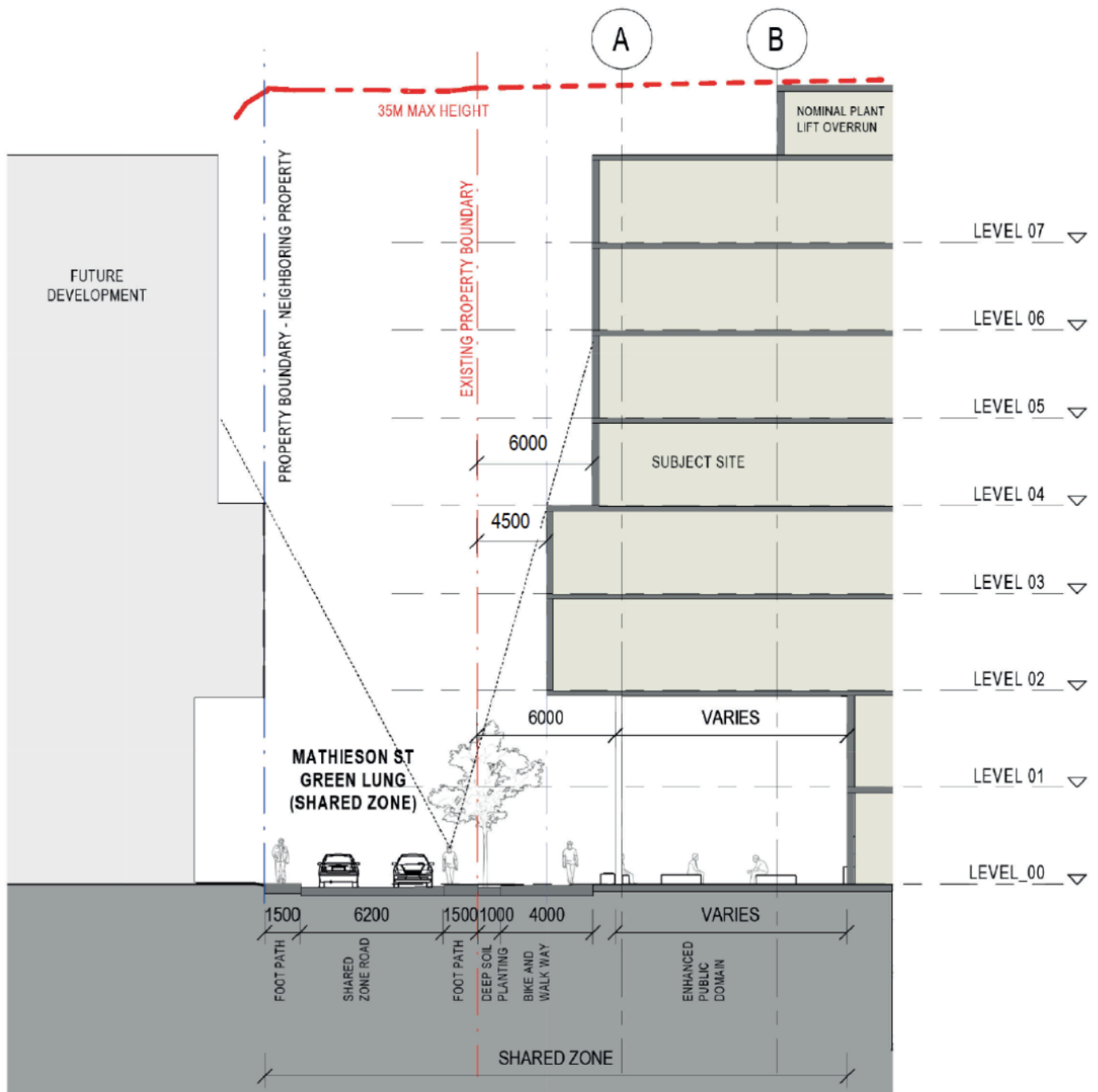


MATHIESON ST PUBLIC DOMAIN

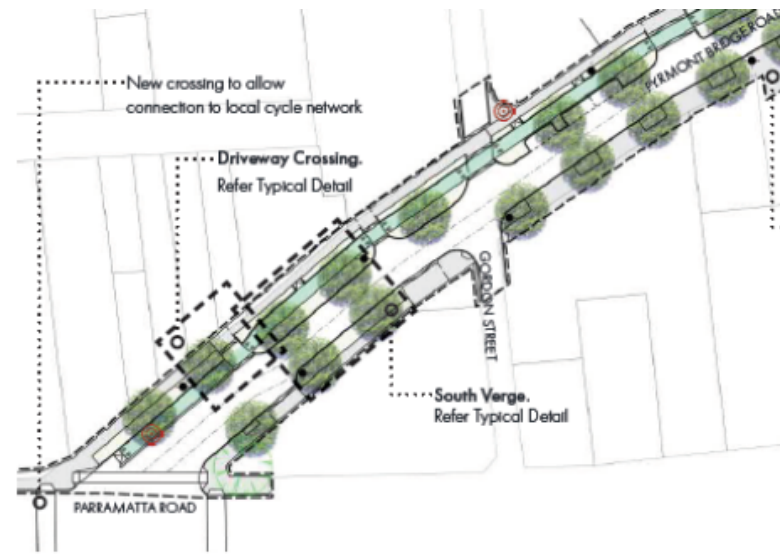
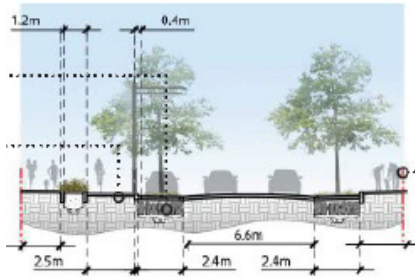


Mathieson St Enhanced Public Domain / Shared Zone: Zones (above) and Concept Design (below)





Shared Zone to be an extension of and consistent with the Pyrmont Bridge Rd public domain included in the PRAIP Extract below



Diagrammatic Layout Plan

Appendix 2 – Title Search



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/539271

SEARCH DATE	TIME	EDITION NO	DATE
14/5/2020	5:02 PM	8	1/2/2016

LAND

LOT 1 IN DEPOSITED PLAN 539271
AT CAMPERDOWN
LOCAL GOVERNMENT AREA INNER WEST
PARISH OF PETERSHAM COUNTY OF CUMBERLAND
TITLE DIAGRAM DP539271

FIRST SCHEDULE

CAMPERDOWN ADMINISTRATION PTY LTD (T AK182566)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 100/1101482

SEARCH DATE	TIME	EDITION NO	DATE
14/5/2020	4:24 PM	4	22/1/2014

LAND

LOT 100 IN DEPOSITED PLAN 1101482
AT ANNANDALE
LOCAL GOVERNMENT AREA INNER WEST
PARISH OF PETERSHAM COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1101482

FIRST SCHEDULE

130 PBR PTY LIMITED

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AI323231 LEASE TO AUST FINE CHINA PTY LTD OF 130 PYRMONT
BRIDGE ROAD, CAMPERDOWN. EXPIRES: 30/9/2018. OPTION OF
RENEWAL: 5 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Appendix 2 – Title Search



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: AUTO CONSOL 12165-11

SEARCH DATE	TIME	EDITION NO	DATE
14/5/2020	3:47 PM	12	22/1/2014

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
AT CAMPERDOWN
LOCAL GOVERNMENT AREA INNER WEST
PARISH OF PETERSHAM COUNTY OF CUMBERLAND
TITLE DIAGRAM DP976387

FIRST SCHEDULE

ZAK ONE PTY LIMITED (T AD38613)

SECOND SCHEDULE (2 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 AI323221 LEASE TO AUST FINE CHINA PTY LTD EXPIRES: 30/9/2018.
OPTION OF RENEWAL: 5 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 3-4 SEC. 1 IN DP976387
LOT 12 SEC. 1 IN DP976387.

*** END OF SEARCH ***

Appendix 3 – Owners Consent

Annexure B Form of Consent

To the Inner West Council, Minister for Planning and any other authority

Property: 122 - 128 Pyrmont Bridge Rd, Camperdown

Zak One Pty Ltd ACN 006 583 428 is the registered proprietor of the above Property and we hereby provide owners consent to or its nominee in:

- (a) making any enquiries and lodging any planning application, including any planning proposal, or development application, in respect of or relating to the Property and related appeals;
- (b) lodging any application to vary any approvals, including any development consents, arising from such applications;
- (c) lodging any other documents or submitting any other correspondence in relation to any application or approval referred to in paragraphs a) and b) above;
- (d) negotiating and pursuing a Voluntary Planning Agreement (VPA), or similar, for the relevant development application and consent to such process is hereby irrevocably given; and
- (e) acting as the agent to deal as the 'Applicant' and enter into any agreements with consent authorities in respect to the Property and any associated development of the Property.
- (f)

Dated: 20.7. 2020

Signed, sealed and delivered by Zak One
Pty Ltd in the presence of:


Signature of Director/Company Secretary

GARRY WILLIAM HYDE

Full name
(print)

Annexure B Form of Consent

To the Inner West Council, Minister for Planning and any other authority


Property: 130 Pyrmont Bridge Rd, Camperdown

130PBR Pty Ltd ACN 110 960 284 is the registered proprietor of the above Property and we hereby provide owners consent to or its nominee in:

- (a) making any enquiries and lodging any planning application, including any planning proposal, or development application, in respect of or relating to the Property and related appeals;
- (b) lodging any application to vary any approvals, including any development consents, arising from such applications;
- (c) lodging any other documents or submitting any other correspondence in relation to any application or approval referred to in paragraphs a) and b) above;
- (d) negotiating and pursuing a Voluntary Planning Agreement (VPA), or similar, for the relevant development application and consent to such process is hereby irrevocably given; and
- (e) acting as the agent to deal as the 'Applicant' and enter into any agreements with consent authorities in respect to the Property and any associated development of the Property.
- (f)

Dated: 20. 7 . 2020

Signed, sealed and delivered 130PBR
Pty Ltd ACN 110 960 284 in the presence
of:



Signature of Director



Full name
(print)



Signature of Director/Company Secretary



Full name
(print)

Annexure B Form of Consent

To the Inner West Council, Minister for Planning and any other authority

Property: 206 Parramatta Rd, Camperdown

Camperdown Administration Pty Ltd ACN 609 767 115 is the registered proprietor of the above Property and we hereby provide owners consent to or its nominee in:

- (a) making any enquiries and lodging any planning application, including any planning proposal, or development application, in respect of or relating to the Property and related appeals;
- (b) lodging any application to vary any approvals, including any development consents, arising from such applications;
- (c) lodging any other documents or submitting any other correspondence in relation to any application or approval referred to in paragraphs a) and b) above;
- (d) negotiating and pursuing a Voluntary Planning Agreement (VPA), or similar, for the relevant development application and consent to such process is hereby irrevocably given; and
- (e) acting as the agent to deal as the 'Applicant' and enter into any agreements with consent authorities in respect to the Property and any associated development of the Property.
- (f)

Dated: 20.7 . 2020

Signed, sealed and delivered
Camperdown Administration Pty Ltd
ACN 609 767 115 in the presence of:



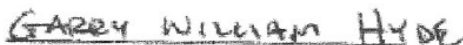
Signature of Director



Full name
(print)



Signature of Director/Company Secretary



Full name
(print)

