



7 June 2022

The General Manager
Cumberland City Council
16 Memorial Avenue,
Merrylands NSW 2160

council@cumberland.nsw.gov.au

Dear Mr Fitzgerald,

Re: Letter of Offer - Proposed Voluntary Planning Agreement for Public Benefits - in association with Planning Proposal for 245 Great Western Highway, South Wentworthville

We act on behalf of NRB Property Group Pty Ltd with respect of a Planning Proposal (PP2022/0003) die land at 245-247 Great Western Highway, South Wentworthville.

This is a letter of offer to enter into negotiations for a Voluntary Planning Agreement (VPA) in relation to the planning proposal.

The planning proposal is intended to support the redevelopment of the site for the purposes of a multi-level hotel and enable the long-term conservation and use of 'The Wattles', a heritage cottage located on the eastern side of the site, as a restaurant.

NRB Property Group Pty Ltd offers to enter into a Voluntary Planning Agreement (VPA) with Council under section 7.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in connection with Planning Proposal PP2022/0003 for an amendment to Cumberland LEP 2021 to facilitate a 5-6 storey hotel and use of 'The Wattles' heritage house for a restaurant by:

- Increasing the maximum Height of Buildings to 25m,
- Introducing a 1:1 Floor Space Ratio, and
- Adding 'hotel or motel accommodation' and 'food and drink premises' as additional permitted uses in Schedule 1.

Parties to the Planning Agreement

Section 7.4 of the EP&A Act provides for a planning agreement, being a voluntary agreement between the planning authority and the developer (i.e. the applicant and owner of the site) for the contribution of a "*material public benefit... to be used for or applied towards a public purpose*".

The parties to the Voluntary Planning Agreement would be:

- Cumberland City Council
- NRB Property Group Pty Ltd

Public Purposes

The proposed public benefit contributions, which fall within the broad ("without limitation") definition of a public purpose under Subsection 7.4 (2), are categorised as:

- a) the provision public amenities (works)
- b) the provision of transport infrastructure (works) relating to land
- c) the conservation and enhancement of an item of environmental heritage

Land to which the Offer Relates

The VPA is to be in connection with land formally identified in Table 1 below, referred to as 'the site'.

Table 1. The Site Details		
Address	Legal description	Land area
245 Great Western Highway, South Wentworthville	Lot 100 DP 878926	4,727m ² (approx.)

Planning Proposal to which the Offer Relates

The offer to enter into a VPA for the proposed public benefits specified is in connection with the Planning Proposal identified in Table 2 below, referred to as 'the Planning Proposal'.

Table 1. Planning Proposal	
Reference Number	Description of Changes to Cumberland LEP for the site
PP2022/0003	<ol style="list-style-type: none">1. Amend Maximum Height of Buildings to – 25m2. Amend Maximum Floor Space Ratio to – 1:13. Additional permitted use in Schedule 1 – 'hotel or motel accommodation'4. Additional permitted use in Schedule 1 – 'food and drink premises'

Proposed Public Benefit Items and Terms

NRB Property Group Pty Ltd generally accepts the terms of Council's Planning Agreement Template and offers the following public benefit items and terms in connection with the Planning Proposal for the site:

Table 3. Proposed Public Benefits

Public Benefit Item	Detail	Timing
Public domain upgrade and footpath connection	<p>Southern side of the Great Western Highway along the site frontage and along to the T-way bus stop, including:</p> <ul style="list-style-type: none"> - Removal of redundant driveways - Re-grading and compaction work - Footpath pavement connection - Landscaping works, vegetation planting within verge / nature strip 	<p>Prior to the issue of any occupation certificate for a hotel or motel accommodation</p> <p>Tree and vegetation maintenance for agreed period after establishment</p>
Environmental Heritage Item Conservation and Enhancement Works	<p>Conservation works to 'The Wattles' heritage house in accordance with the Schedule of Conservation Works prepared by Dr Roy Lumby and Dr Sue Rosen of Sue Rosen Associates (October 2021), including:</p> <ul style="list-style-type: none"> - Remedial work - Removal of intrusive elements - Roof repairs - Chimney restoration - Wall repairs - Joinery, door, window restoration - Timber floor maintenance work - Plumbing repairs - Repair and repainting of plaster - Repair of decorative details <p>Enhancement works to establish a heritage garden setting in front of 'The Wattles' heritage house, including:</p> <ul style="list-style-type: none"> - Heritage landscape design - Reinstatement of water fountain - Garden path - Landscaping works - Plantings of suitable species 	<p>Prior to the issue if any occupation certificate for a restaurant / food or drink premises in The Wattles building</p> <p>Prior to the issue of any construction certificate for a hotel or motel accommodation</p>

Application of s7.11 or s7.12 Contributions

It is expected that the VPA would, in accordance with Section 7.4 of the EP&A Act, be in addition to the development contribution under Section 7.12 of the Act and Cumberland Local Infrastructure Contributions Plan 2020, which for non-residential development is 1% of the Cost of Works for development over \$200,000.

Additional Benefits to the Community

In addition to the 'public purposes' benefits identified for the offer of a VPA, the Planning Proposal and future development of a hotel and restaurant presents additional benefits to the local community:

- Commercial use of the restored Wattles heritage building providing an on-going source of income for maintenance and long-term conservation of the locally significant cultural heritage item.
- Public access to grounds and The Wattles heritage house (not currently highly visible from public streets) facilitated by commercial restaurant and hotel uses.
- Economic activity (local jobs) and social activity created by the tourist and visitor accommodation and a destination restaurant in a culturally significant building.

It is noted that the proposal does not involve an increase in resident population that would increase demand for social infrastructure such as open space or community facilities.

Conclusion

The formal Voluntary Planning Agreement will be made following public exhibition of this offer and general agreement between Council and the applicant/developer NRB Property Group Pty Ltd.

We propose the following next steps in relation to this offer:

- Council consider this offer and provide any comments for consideration by applicant.
- Letter of offer exhibited for community consideration and comment with the planning proposal.
- Legal drafting of formal VPA generally in line with Council's Planning Agreement Template arranged by applicant.
- Final VPA negotiated and executed.

We would be happy to discuss this offer and the details of the proposed public benefits further.

We look forward to continuing to work with Council to progress the planning proposal and achieve a high-quality development outcome that provides direct benefits to the local community.

If you have any questions, please do not hesitate to contact me on 8667 8668.

Yours sincerely,



Adan Davis
Director