

APPENDIX 23

January 2026

Wingham Urban Release Area 1



UPDATED PROPOSAL FOR A PLANNING AGREEMENT





HAMPSTEAD PROPERTY

COPRAD P/L (ACN 167 694 135)
trading as **Hampstead Property**
PO Box 358, Kiama NSW 2533
www.hampstead.com.au

26 October 2024

Mr Adrian Panuccio
General Manager
MidCoast Council
PO Box 482
Taree NSW 2430

Dear Mr Panuccio,

Re: Offer to enter into a Planning Agreement in respect of a Planning Proposal for land at Lot 92 DP1285477 located at Wingham Road, WINGHAM

This letter of offer to enter into a Voluntary Planning Agreement (**VPA**) under section 7.4 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) has been prepared in support of a Planning Proposal lodged by MPT Farms Pty Limited (**MPT**) for land at Lot 92 DP1285477 being Wingham Road, Wingham (**the Site**). MPT is the registered proprietor of the Site and Hampstead Property is an owner and representative of MPT.

The minutes prepared by MidCoast Council (**Council**) for the Planning Proposal Pre-Lodgement Meeting on 28 September 2023 for the Site state *"Determine whether a Letter of Offer for a Planning Agreement is required and provided appropriate documentation with the Planning Proposal."*

A letter from Council dated 28 June 2024 instructed that the Letter of Offer *"capture environmental management options (including revegetation)"* which were the subject of conversations of a similar timing.

In response, MPT submits this letter of offer for consideration by Council prior to the drafting of the VPA to be considered in conjunction with the Planning Proposal. This letter provides a brief outline of the Planning Proposal, its public benefits and potential contributions, and has been prepared with consideration to the Council's Planning Agreement Guidelines approved 7 July 2023 (**Guidelines**) and Council's Planning Agreement Policy adopted 28 June 2023 (**Policy**).

Per the Guidelines, the letter of offer meets the 'Acceptability Test' and contemplates all options for delivering a planning benefit including:

- a) payment of a monetary contribution.
- b) the dedication of land.
- c) the provision of works or infrastructure.
- d) the provision of amenities or services.

The proposed VPA would deliver material benefits to communities of Wingham as well as MidCoast. MPT is excited at the prospects of working with Council to provide meaningful contributions to infrastructure and the amenity of the area.

Planning Proposal

The Planning Proposal seeks to rezone the Site from RU1 Primary Production to a combination of R1 General Residential, SP2 Infrastructure, C2 Environmental Protection and C4 Environmental Living. The Planning Proposal also seeks appropriate built form controls, seeking new minimum lot sizes of 450m² (R1) and 15 hectares (C4), and 8.5 metres height limit (R1).

The purpose of the Planning Proposal is to facilitate the creation of a vibrant, new residential community on the Site that encourages economic growth and housing choice to the town of Wingham and provides high quality and diverse housing. The proposed urban structure is shown on the Concept Precinct Plan contained in Schedule 1.

The Site is located approximately 500 metres from the Wingham town centre, has significant frontage to Wingham Road and is proximate to existing infrastructure services. The portion of the Site proposed to accommodate housing is largely free of development constraints such as flooding, bushfire, heritage and biodiversity features.

The Site has been earmarked for residential growth since 2006 and more recently has been identified for growth in the Hunter Regional Plan 2041 (2022), MidCoast Housing Strategy (2021) and the MidCoast Urban Release Areas Report (2021).

In July 2023, the Department of Planning & Environment (**DPE**), now Department of Planning, Housing & Infrastructure, issued a letter to MPT in response to an application to the State-assessed planning proposal industry nomination pilot. The letter advised that although not selected under the pilot, DPE recognised the merit of the application and the potential to contribute to increasing housing supply in NSW. DPE expressed an interest to discuss how the progression of a planning proposal could be supported.

The Planning Proposal responds to the Hunter Regional Plan 2041 including housing density and diversity, and the 15-minute neighbourhood. Further, the Planning Proposal is consistent with Council's strategic documentation and minutes from the pre-lodgement meeting in September 2023. Frequent consultation with Council planning officers has been undertaken during preparation of the documents.

The scale of the Site provides an opportunity for the developer to contribute funds and/or works that provide a positive benefit to the existing Wingham community by improving accessibility and road conditions, establishing a positive entry statement to the town's primary entry and by encouraging non-vehicular transport and the 15-minute neighbourhood. The infrastructure-first and place-based approach of the Planning Proposal is consistent with the objectives of the Hunter Regional Plan 2041.

Public Benefits

The development has the potential to deliver substantial public benefits, including a vibrant new community with:

- An upgraded Wingham Road with new roundabout and speed controls to improve safety and provide a legal alternative for vehicles traveling towards the Wingham town centre from the existing residences and businesses on the north side of Wingham Road.

- New pedestrian and cyclist through-site links, connecting approximately 25 existing dwellings plus new residents of the proposed development to the existing (or proposed under the Cedar Party Creek Bridge replacement) path network providing access to open spaces, local shops and services in the nearby town centre of Wingham via a Shared Use Path.
- Protection and embellishment of the Cedar Party Creek riparian corridor within the Site including the C2 zoning and potential for revegetation minimising the impact of erosion.
- Enhancement of the first order watercourse (outside the proposed R1 area) to establish the stream and adjacent vegetation.
- Up to 300 new dwellings, providing for a greater diversity of housing types and assisting to alleviate issues of the housing crisis.
- Streetscape upgrades, including street tree planting that will reinforce and contribute to the landscaped character of the locality and provide an entry statement for the town of Wingham.
- Construction of public roads and footpaths for dedication to Council as well as the potential to upgrade existing roads.
- Stormwater infrastructure including construction of stormwater basins for dedication to Council.
- Wastewater infrastructure to existing and new residences and businesses including a new pump station to minimise ongoing maintenance responsibilities of Council, and dedication of land.

Schedule 2 provides details of public benefit works associated with the Planning Proposal including an aerial plan identifying the location of works and a table that includes the description of works and a high-level indicative cost estimate. The works detailed in the table in Schedule 2 are not intended to be exhaustive and MPT envisage that a scope would be finalised in consultation with Council.

One of the packages of works in Schedule 2 includes pedestrian access over the level crossing for which there are various Commonwealth and State Government grants including the following:

1. [Regional Level Crossing Upgrade Fund](#) (Australian Government) – Submissions for funding in Round 2 close on 27 September 2024.
2. Level Crossing Improvement Program (Transport for NSW).

MPT is willing to contribute to the preparation of application(s) or submission(s) under the VPA to seek financial assistance for the delivery of safety measures to improve accessibility.

Proposed Contributions

MPT proposes to progress discussions with Council to scope public benefit works that are additional to the standard development requirements and benefit the greater community based on the items detailed in Schedule 2. MPT is willing to consider delivery of these items in lieu of local infrastructure contributions payable under the Environmental Planning and Assessment Act 1979 (**the Act**), or in place of, or in combination with, monetary contributions on a staged basis.

On 17 October 2024, Council advised that the contributions payable for the Wingham contributions area under the 'Greater Taree Section 94 Contributions Plan 2016' (**the Plan**) are \$8,226.98 per lot. Based on an estimated yield of 294 lots, the total contributions payable for the proposed development using current contributions rates would be \$2,418,732.12.

The works would provide a material public benefit to the people of Wingham by invigorating the main gateway entry to the town, improving connectivity for the existing and proposed population on the eastern side of town and protecting the sensitive environmental area surrounding Cedar Party Creek.

The timing of payments and works are to be broadly consistent with the timing which contributions would become payable on a per-lot basis, except where advanced works were required to enable development.

Proposed Exclusions

It is proposed that the VPA will exclude the application of sections 7.11, 7.12 and 7.24 of the Act in relation to future development applications on the Site.

Acknowledgements

MPT acknowledges the following in relation to a planning agreement with Council:

- The VPA would be required to be registered on the title of the relevant folios of the Site with Land Registry Services.
- The developer will be required to pay a Planning Agreement Management Fee to cover Council's costs associated with planning agreements.

Next Steps

We look forward to progressing discussions on this VPA offer, which we consider will provide significant public benefit for the existing and future communities at Wingham and the MidCoast.

Yours sincerely,

Hampstead Property on behalf of MPT Farms P/L



Tim Colless

0403 234 066

Tim.Colless@hampstead.com.au

Encl. Schedule 1

Concept Precinct Plan

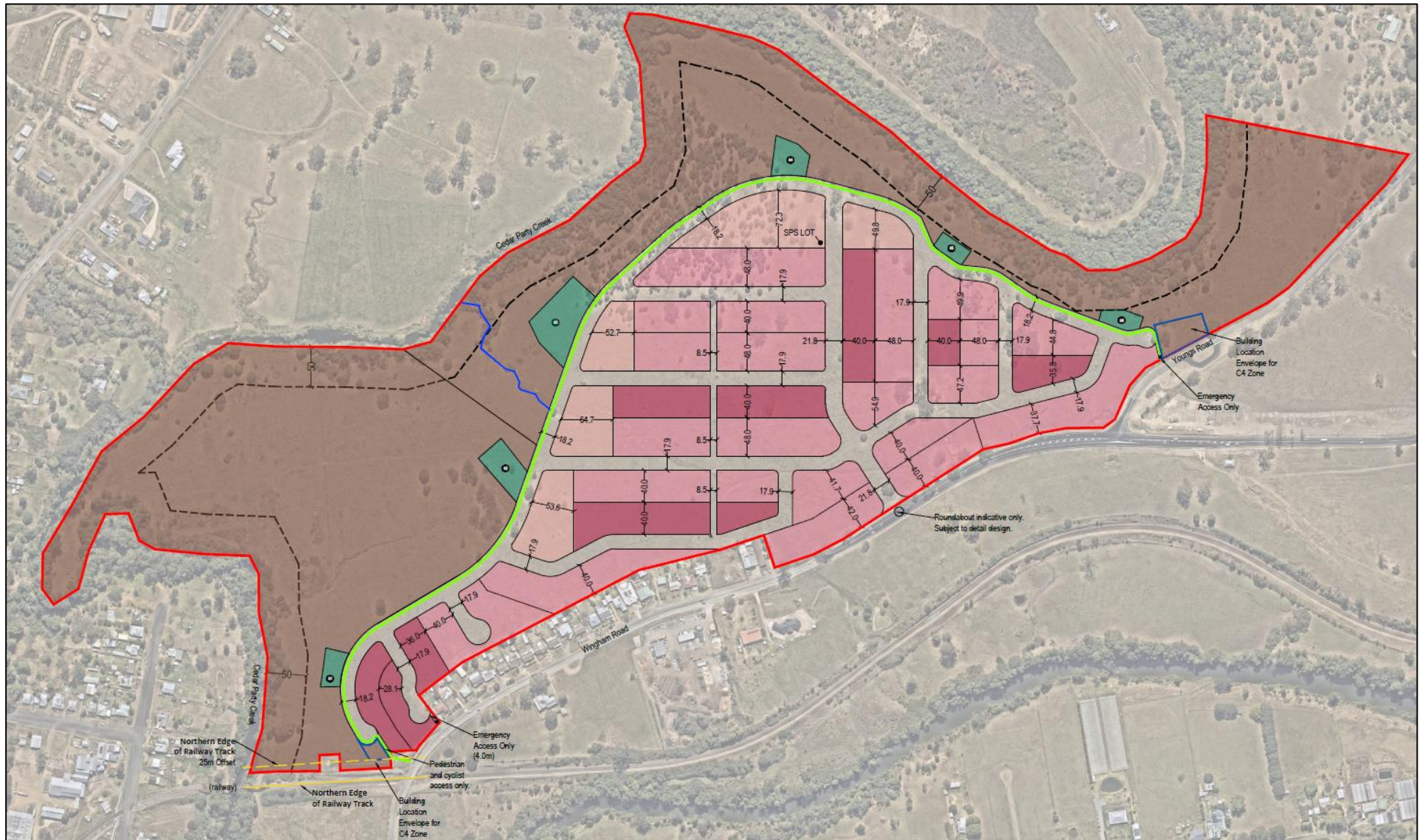
Schedule 2

Public Benefit works – Aerial Plan and Table

Cc MidCoast Council

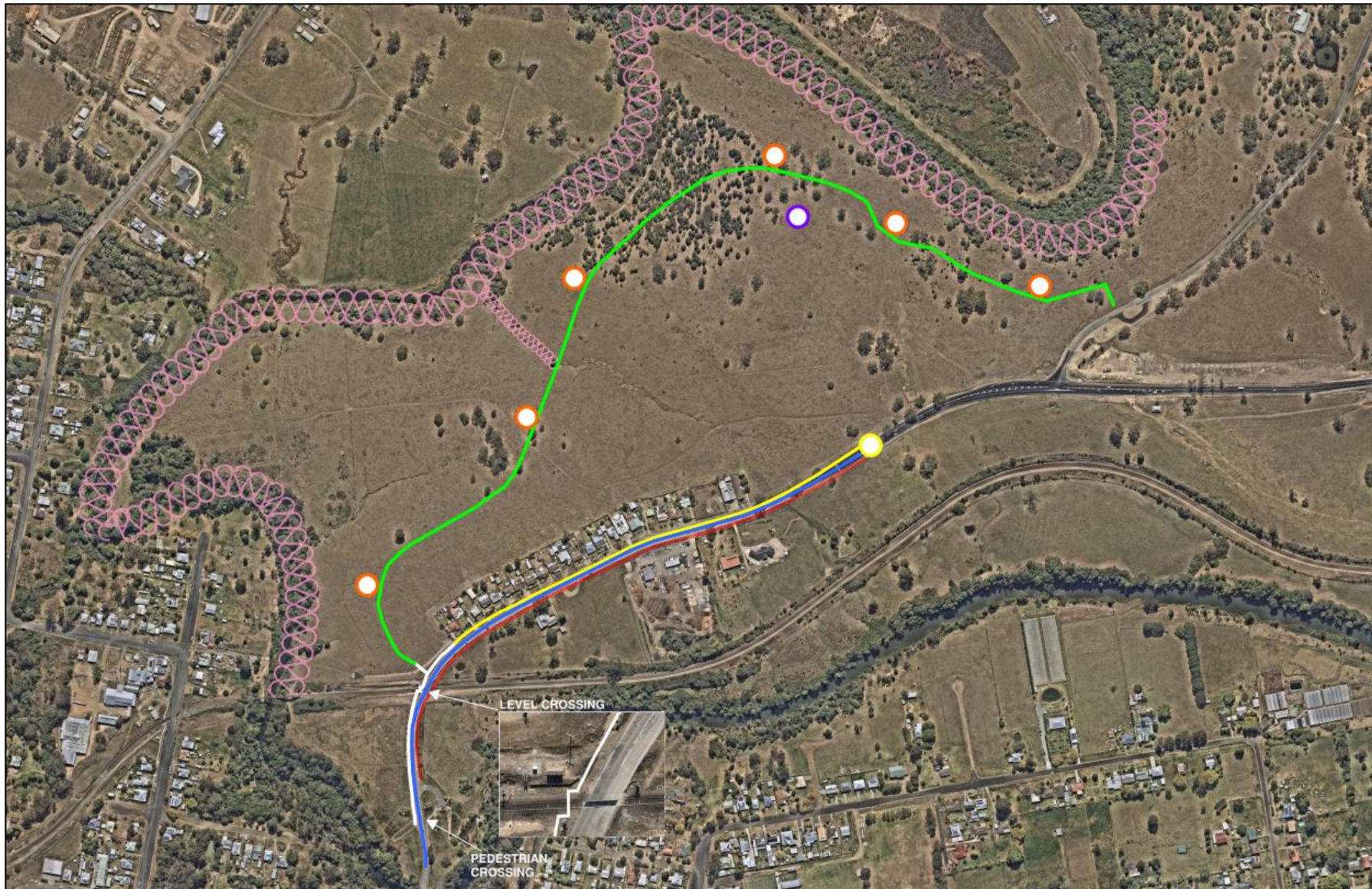
Michael Griffith (Michael.Griffith@MidCoast.nsw.gov.au)

SCHEDULE 1 – PRECINCT PLAN



Wingham Precinct Plan where dark pink is Small Lots (450-600m²), light pink is Medium Lots (600-800m²) and tan is Large Lots (750-1,500m²).

SCHEDULE 2 – PUBLIC BENEFIT WORKS



#	DESCRIPTION	COST
1(a) White	Shared Use Path - Site to Chrissy Gollan Park Shared Use Path from the southwest corner of the Site, across the level rail crossing to opposite Chrissy Gollan Park, and crossing Wingham Road to connect to the existing pathway system and that which will be constructed as part of the Cedar Party Creek Bridge replacement works. <u>Scope</u>: 295 metres path, 2.5 metres wide; Pedestrian access across level crossing; Pedestrian crossing over Wingham Road connecting to existing path network including pedestrian refuge island; Trees planted at 7 metre spacing. <u>Exclusions</u>: Tree planting, land acquisition, rail crossing lights, grade-separated crossing, road works, guard rails, drainage.	\$236,411
1(b) Yellow	Shared Use Path - Wingham Road frontage Extension of the Shared Use Path detailed in 1(a) east along the frontage of the existing 25 dwellings fronting Wingham Road, and further to the proposed roundabout. <u>Scope</u>: 640 metres path, 2.5 metres wide; Trees planted at 7 metre spacing. <u>Exclusions</u>: Land acquisition, road works, guard rails (road verge estimated as minimum 9m), drainage.	\$222,857
1(c) Green	Shared Use Path – Through the Site Shared Use Path (SUP) through the Site, within the outside verge of the perimeter road. The perimeter road specifications are proposed to exceed requirements of a Local Street in the Greater Taree Development Control Plan 2010 including the scenic SUP which will provide a public benefit for the community of Wingham by an enhanced pedestrian and cycleway experience with rural interface and views that will encourage physical activity, attract visitors to the area and provide access to/from the Youngs Road bus stop. <u>Scope</u>: 1,610 metres path, 2.5 metres wide; Trees planted at 7 metre spacing. <u>Exclusions</u>: Preparation works.	\$520,375
2 Pink	Riparian embellishment Rehabilitation and environmental improvement to the Cedar Party Creek and potentially the first order watercourse riparian zones to improve habitat connectivity and revegetation and implement measures to prevent soil erosion. Works include site preparation; planting to stabilise banks, minimise erosion and improve water quality; maintenance and irrigation to ensure establishment. Fencing to manage livestock access.	\$250,000 subject to scope
3 Blue	Wingham Road Kerb and Channel (Gutters) Construction of kerb and channel to both sides of Wingham Road from the proposed roundabout to Chrissy Golan Park including associated stormwater drainage measures. Works to be in accordance with Council's Infrastructure Specifications 1122. <u>Scope</u>: 1,870 metres (both sides of Wingham Road) including site works preparation and provision sum for drainage (subject to civil engineering).	\$353,750

	<u>Exclusions:</u> Road repair works, asset relocation.	
4 Yellow	Wingham Road roundabout Construction of a roundabout on Wingham Road to improve safety of traffic movements in proximity to existing residential and commercial properties and enhance to entry statement to the town of Wingham. The costs of construction of the new two-lane roundabout is apportioned to 33% under the VPA and 67% to the developer.	\$500,000
5 Red	Wingham Road Tree Planting In addition to tree planting associated with the Shared Use path on the north and west of Wingham Road (#1 & #2), planting of trees on the south and east to create an entry statement to the town of Wingham. This would address the Character Statements of the GTDCP which states <i>"The gateway to the town centre when approaching from Taree is not clearly defined and could be reinforced through future developments."</i>	\$34,000
6 Orange	Stormwater infrastructure Construction of six end of line biofiltration basins to satisfy water quality and quantity requirements including the creation of lots and dedication to Council.	TBA
7 Purple	Wastewater infrastructure Construction of a new sewer pump station to service the new community as well as the existing residential properties on Wingham Road. Works may involve relocation of the existing sewer pump station from Lot 1 DP1133826 to minimise ongoing maintenance responsibilities of Council, and dedication of land.	TBA

Clarifications and exclusions:

- Costs are indicative pending confirmation of the scope and design.
- Costs exclude planning, design, environmental and geotechnical conditions, and traffic management (except for the roundabout).
- Preliminary consultation has been undertaken with ARTC who have advised that while grade separated access is the standard preferred outcome of Government, a level crossing may be permitted subject to a Risk Management assessment.

4 March 2025



HAMPSTEAD PROPERTY

The Trustee for COPRAD P/L
(ABN: 43 108 573 935) trading as
Hampstead Property

PO Box 358, Kiama NSW 2533
www.hampstead.com.au

Ms Kate Kennedy
MidCoast Council
PO Box 482
Taree NSW 2430

Via email: kate.kennedy@MidCoast.nsw.gov.au

Dear Kate,

Re: Planning Proposal for Lot 92 Wingham Road, Wingham (PP-2024-2365)

On behalf of MPT Farms P/L (**MPT**), we refer to the Planning Proposal for Lot 92 Wingham Road, Wingham (PP-2024-2365) and provide responses to comments from MidCoast Council (**Council**) to enable an initial assessment to be completed. Thank you for your assistance coordinating the process to date.

1. Zoning and Minimum Lot Sizes

On 27 February 2025, we issued to Council LEP Maps, a Concept Precinct Plan, Concept Lot Layout and Urban Design Vision Report, all reflecting adjusted zonings and minimum lot sizes (**MLS**) as proposed by Council.

In relation to the land outside the perimeter road proposed to be rezoned C4 Environmental Living (**C4**) and C2 Environmental Conservation (**C2**) with a MLS of 20 hectares, Council has explained *"The single lot outside of the residential footprint will also ensure there is no unnecessary fragmentation of the land, provides an improved environmental outcome and we also note that the majority of this lot will also be flood prone land"*.

Separately, Council has advised *"For this area of C4 zoned land, it is considered that there is merit in the application of a 10ha minimum lot size; as a 10ha minimum lot size is being applied to areas of the MidCoast under the draft MidCoast LEP where it is adequately justified."*

MPT does not agree with Council's view regarding the environmental outcome and feel that two lots (using a MLS of 10 hectares) would provide a far superior urban outcome with improved land management of the C2 land as well as the interface between the C4 and R1 General Residential (**R1**) land. Any fragmentation would relate only to title boundaries and ownership; a continuation of the C2 zoning would be retained and it's likely that two owners would maintain to a higher standard than one.

MPT acknowledges Council's preference for larger C2 parcels as applied in the Draft MidCoast Local Environmental Plan (**Draft LEP**) however this has little consistency with the existing C2 parcels around Wingham as shown in Figure 1 and may be more relevant only to lots that are not privately-owned.

Despite our differing views, MPT will continue to work productively with Council and has submitted the revised LEP Maps and other urban design plans (27/02/2025) per Council's requests to allow the process to proceed.

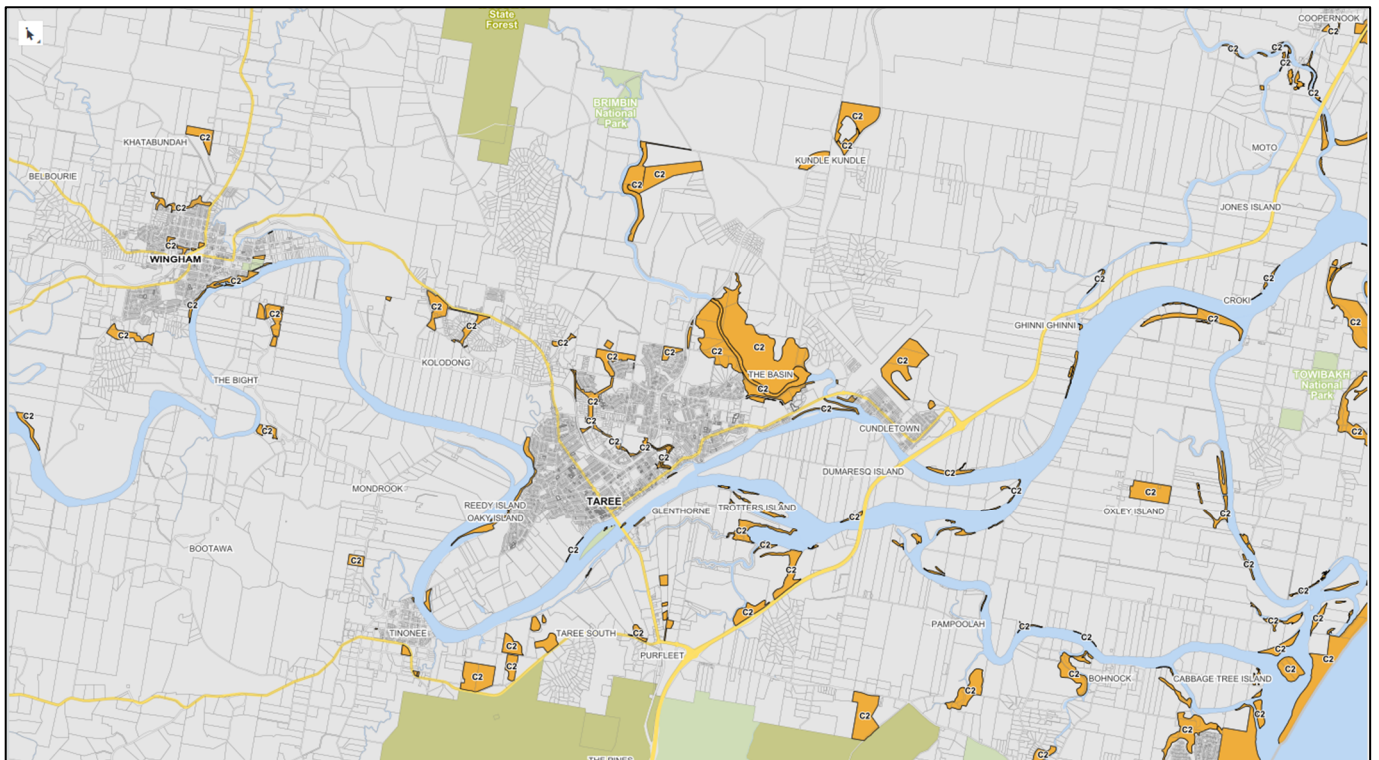


Figure 1: C2 parcels near Wingham (source: Draft MidCoast Local Environmental Plan mapping, MidCoast Council)

2. Letter of Offer

The revised Letter of Offer dated 4 March 2025 included in Schedule 1 is provided in consideration of recent communications with Council including Council's letter dated 13 February 2025. The proposed scope for inclusion in a Voluntary planning Agreement (**VPA**) has been reduced to one item being the footpath from 1032 Wingham Road, Wingham to Cedar Party Creek Bridge. Despite MPT's strong view that the footpath cannot reasonably be said to exclude the rail crossing that bisects the footpath, the crossing has been excluded from inclusion in the VPA as required by Council.

As raised previously, MPT is willing to contribute to the preparation of application(s) or submission(s) under the VPA to seek financial assistance from Commonwealth and State Government grants to upgrade level crossings for the delivery of safety measures to improve accessibility. We would appreciate Council's assistance where required to submit applications.

Without limiting the Letter of Offer, MPT would prefer to pay monetary contributions in lieu of entering a VPA based on the reduced scope of works and Council's vested interest. In response to this position Council has previously advised that "the footpath is not on Council's work schedule in the near future" and that the proposed development relies on the footpath for connectivity to the Wingham township.

We accept the staging/timing for the footpath within the Greater Taree Section 94 Contributions Plan 2016 (**Contributions Plan**) is 'after 2031' however this is based on a priority rating of 'Low' which would change with progress of development at the Site. Council has also raised that the Site was raised for rezoning in the Medium term in Council's Growth Areas Report (2021) which has not yet commenced. We submit this is good reason to reconsider the Contributions Plan which was prepared in 2016.

Our hope is to progress development as soon as possible however allowing somewhat aggressive timeframes of one year each for rezoning, development application (**DA**) preparation and approval, site works and dwelling construction, there will not be residents at the Site before 2029.

Council has undertaken various works to Wingham Road in the vicinity of the proposed footpath including the recently completed Youngs Road intersection and the ongoing Cedar Party Creek Bridge upgrade. As the path will form part of the Wingham Road reserve between these two projects, and that Council will be the future owner of the asset, MPT feels that it might be appropriate for Council to deliver the footpath.

The Letter of Offer also refers to Council's proposal that the cost of decommissioning the sewer pump station and connecting existing lots to the new pump station would be offset against sewer developer charges for the development. This approach is agreed by MPT.

3. Stormwater management

Council's letter dated 20 December 2024 included comments to the Water Quality Assessment and MUSIC Modelling for PP-2024-2365 and Hampstead provided responses in a letter issued 21 January 2025. Council's letter dated 13 February 2025 provided further comments and we provide a summary of items herein.

The documentation submitted with the planning package demonstrates a workable solution for stormwater management although some changes will be required to meet Council expectations. The exact location, boundaries, zoning and function of stormwater basins will be addressed in detail as part of a future DA with consideration to the items discussed below.

- 1) Fewer basins will be provided as part of the stormwater strategy to reduce maintenance obligations on Council. Subject to further design and consideration of Council, the basins for C2/3 and C4/5 will be consolidated (potentially as shown in Figure 2), and the basins for C1 and C6 will be left untreated subject to demonstrating this is a feasible option.
- 2) Water quality treatment and quantity detention will be separated.
- 3) Constraints such as ecology and flood affectation will be considered and where an impact is deemed to be unacceptable, the R1 zoned land will be considered to accommodate stormwater infrastructure rather than the C4 land.
- 4) Expansion of basins should be considered if an increased yield was considered although this might be unlikely given comments in section 4 of this letter.

Council has requested information regarding a funding source for ongoing maintenance of stormwater infrastructure. Based on the advice on this matter, there is no provision for a stormwater management services

charge in the Contributions Plan and stormwater charges are included within Council rates to help maintain and improve flood and stormwater infrastructure.

Under the proposed development, rates will be payable for approximately 276 properties and monetary contributions of approximately \$1,800,000 will be paid (prior to indexation). To the extent that the development is in accordance with Council's Development Control Plan and there is no additional or higher level of stormwater management service, an additional funding source would not be provided.

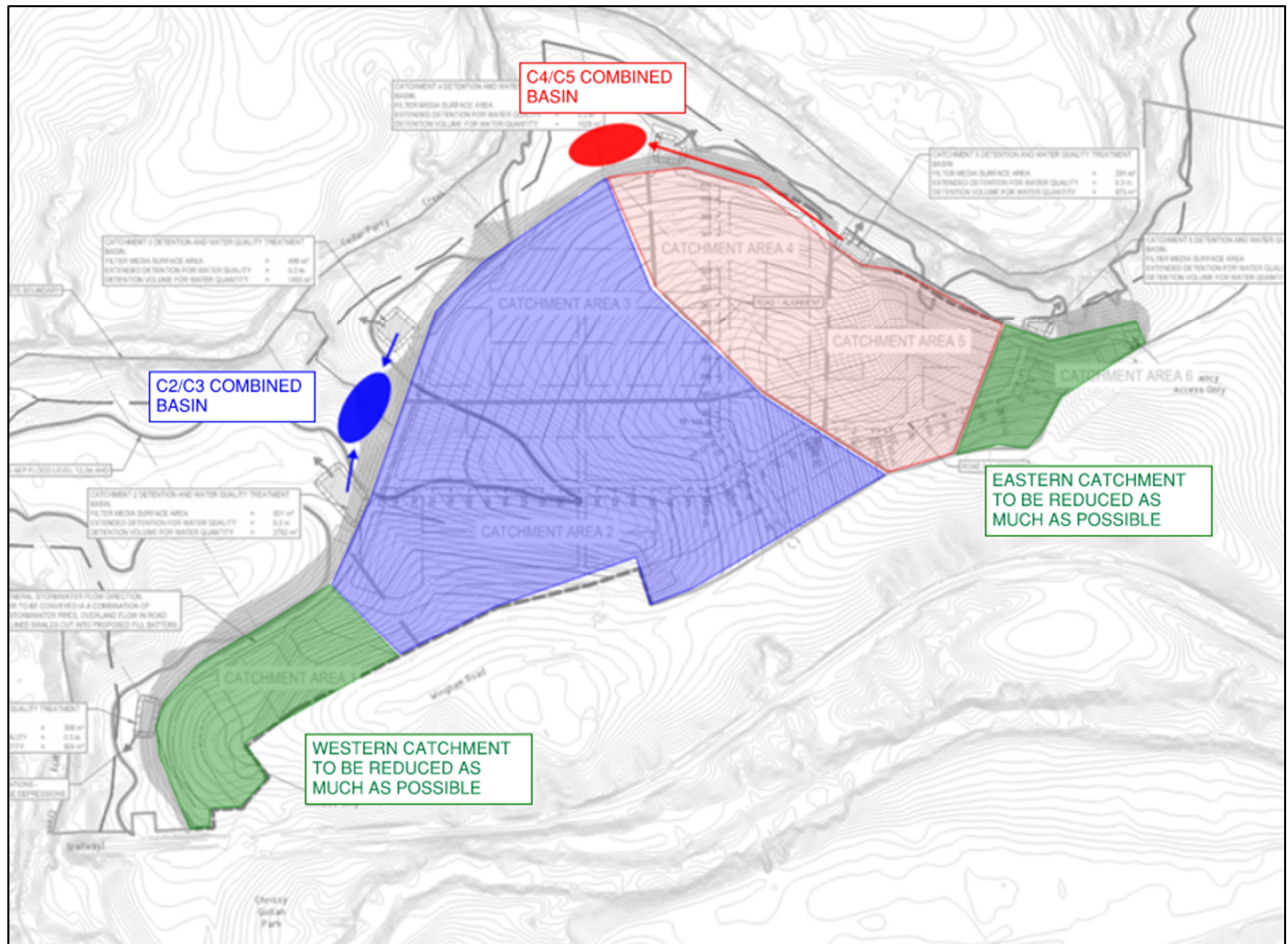


Figure 2: Indicative stormwater management strategy subject to design and Council assessment.

4. Potential Lot Yield

The MidCoast Urban Land Monitor (October 2019) finds that residential lots in Wingham are typically around 800m², significantly larger than the lot size required to achieve the target of 15 lots per hectare identified in the Hunter Regional Plan 2041 and reiterated by the Department of Planning, Housing & Infrastructure (DPHI) in the pre-lodgement meeting minutes.

To respond to this target and to achieve housing diversity as another of objective DPHI, the concept Precinct Plan aims to maximise the efficiency of developable land (minimise roads) and utilises ranges of lot sizes within separate precincts as follows:

- Small Lots – 450m² to 600m²

- Medium Lots – 600m² to 800m²
- Large Lots – 750m² to 1,500m²

The concept Precinct Plan applies the midpoint for each range to the area of each precinct to project an approximate yield, totalling 294 lots for the R1 area. Further analysis of the potential yield was undertaken in the concept Lot Layout using the same precincts resulting in 276 lots for the R1 zone.

During the consultation phase, TfNSW raised concern that the TIA only models an estimated yield of up to 300 residential lots and that more may be achievable. The extent that the lot yield could be increased beyond 276 lots is considered limited before additional roads would be required, reducing the land available for lots. In addition, the TIA confirms that a single lane roundabout would be sufficient to accommodate traffic generated from 294 lots however the Preliminary Roundabout Design shows the potential for a dual lane roundabout (which would result in a further reduction of land zoned R1). The concept Lot Layout and Preliminary Roundabout Design have now been issued to TfNSW which appears to have addressed their concerns.

Council has raised potential concern that other aspects of the proposed development may not be able to accommodate above 300 lots and has suggested that a maximum cap may need to be imposed. Any future DA would need to justify the number of lots proposed and the Planning Proposal package provides justification for a yield beyond what is currently shown on the concept Lot Layout so there is a buffer. If Council and DPHI determine that a cap is considered necessary, we are willing to work through that process.

5. North Coast Rail crossing

Extensive consultation has been undertaken with ARTC and the letter in Schedule 2 was issued by ARTC dated 25 February 2025. The ARTC letter provides commentary of the proposed pedestrian crossing of the North Coast Rail and states “... ARTC is not opposed to a pedestrian crossing of the North Coast Rail at Wingham Road however investigations are required to determine the form of such a crossing.”

To confirm the approach to crossing, ARTC proposes a workshop followed by a Risk Assessment assessing all options. Transport for NSW is interested to attend the workshop, and Council is encouraged to attend. Although ARTC suggests this process prior to lodgement of a development application, MPT proposes to commence following the issue of a Gateway Determination.

6. Change in speed limit

A draft Traffic Impact Assessment (TIA) was issued to Transport for NSW (TfNSW) on 26 April 2024 and a response received on 15 May 2024 as previously issued to Council. The response did not reference the change in speed limit proposed in the TIA and Hampstead (on behalf of MPT) requested further clarification on 17 January 2025 following consultation with Council.

On 11 February 2025 TfNSW advised that ‘in-principle’ support for a change in speed limits should be sought “prior to finalising the intersection design”. Although the intersection design will not be finalised until a future DA is prepared, we requested TfNSW feedback for the proposed change in speed limit on the same day that contact details were provided and are yet to receive a response.

On 4 March 2025, TfNSW advised by email of the following which has been issued to Council separately:

"After assessment of the area, I can confirm that Transport for NSW give in-principle support for an extension of the existing 60km/h zone into the existing 90km/h zone. The length of this extension would incorporate the proposed roundabout but possibly would extend further to also capture Youngs Road. This would be resolved under a full review."

We again thank Council for their active role assessing the Planning Proposal and we welcome any comments or questions that you have.

Yours sincerely,

Hampstead Property on behalf of MPT Farms



Tim Colless

0403 234 066

Tim.Colless@hampstead.com.au

Encl. **Schedule 1:** Letter of Offer dated 4 March 2025
 Schedule 2: ARTC Letter dated 25 February 2025

Cc **MidCoast Council:** Michael Griffith (Michael.Griffith@MidCoast.nsw.gov.au)

Schedule 1: Letter of Offer dated 4 March 2025

INITIAL PROPOSAL FOR A PLANNING AGREEMENT

4 March 2025



HAMPSTEAD PROPERTY

Mr Adrian Panuccio
General Manager
MidCoast Council
PO Box 482
Taree NSW 2430

COPRAD P/L (ACN 167 694 135)
trading as **Hampstead Property**
PO Box 358, Kiama NSW 2533
www.hampstead.com.au

Dear Mr Panuccio,

Re: Offer to enter into a Planning Agreement in respect of a Planning Proposal for land at Lot 92 DP1285477 located at Wingham Road, WINGHAM

This letter of offer to enter into a Voluntary Planning Agreement (**VPA**) under section 7.4 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) has been prepared in support of Planning Proposal PP-2024-2365 lodged by MPT Farms Pty Limited (**MPT**) for land at Lot 92 DP1285477 being Wingham Road, Wingham (**the Site**). MPT is the registered proprietor of the Site and Hampstead Property is an owner and representative of MPT.

Background

The minutes prepared by MidCoast Council (**Council**) for the Planning Proposal Pre-Lodgement Meeting on 28 September 2023 for the Site state *"Determine whether a Letter of Offer for a Planning Agreement is required and provided appropriate documentation with the Planning Proposal."*

A planning package including a Letter of Offer dated 30 May 2024 was uploaded to the NSW Planning Portal on 12 June 2024 and later returned due to a reconsidered scope of biodiversity assessment. A letter from Council dated 28 June 2024 provided with return of the Planning Proposal instructed that the Letter of Offer *"capture environmental management options (including revegetation)"* which were the subject of conversations of a similar timing.

A revised Letter of Offer dated 26 October 2024 was submitted as part of the Planning Proposal package uploaded on 28 October 2024 and was followed by various meetings, letters and emails regarding the scope of a future VPA. This revised Letter of Offer dated 4 March 2025 is submitted to Council excluding items detailed in previous versions including the environmental management options as per Council's letter dated 13 February 2025. No works are proposed in proximity to land that is subject to the *Water Management Act 2000* so revegetation will not be required.

This Letter of Offer has been prepared with consideration to Council's Planning Agreement Policy adopted 28 June 2023 (**Policy**) and Council's Planning Agreement Guidelines approved 7 July 2023 (**Guidelines**). We support the Policy in particular its purpose to *"deliver outcomes for the community"* and the guiding principles for negotiating a planning agreement. We agree to comply with the Guidelines and have prepared this letter with

account of the Acceptability Test including that a VPA should “*produce outcomes that meet the general values and expectations of the public and protect the overall public interest.*”

On behalf of MPT, Hampstead submits this Letter of Offer to Council to identify the works for inclusion within a VPA for which a contributions reduction would be granted for the works cost. This letter provides a brief outline of the Planning Proposal, its public benefits and potential contributions, and the proposed content of the VPA which would deliver material benefits to communities of Wingham and MidCoast. MPT is excited at the prospects of working with Council to provide meaningful contributions to infrastructure and the amenity of the area.

Planning Proposal

The Planning Proposal seeks to rezone the Site from RU1 Primary Production to a combination of R1 General Residential, C2 Environmental Protection and C4 Environmental Living. The Planning Proposal also seeks appropriate built form controls, seeking new minimum lot sizes of 450m² (R1) and 20 hectares (C2 & C4), and 8.5 metres height limit (R1).

The purpose of the Planning Proposal is to facilitate the creation of a vibrant, new residential community on the Site that encourages economic growth and housing choice to the town of Wingham and provides high quality and diverse housing.

The Site is located approximately 500 metres from the Wingham town centre, has significant frontage to Wingham Road and is proximate to existing infrastructure services. The portion of the Site proposed to accommodate housing is largely free of development constraints such as flooding, bushfire, heritage and biodiversity features.

The Site has been earmarked for residential growth since 2006 and more recently has been identified for growth in the Hunter Regional Plan 2041 (2022), MidCoast Housing Strategy (2021) and the MidCoast Urban Release Areas Report (2021).

In July 2023, the Department of Planning & Environment (**DPE**), now Department of Planning, Housing & Infrastructure, issued a letter to MPT in response to an application to the State-assessed planning proposal industry nomination pilot. The letter advised that although not selected under the pilot, DPE recognised the merit of the application and the potential to contribute to increasing housing supply in NSW. DPE expressed an interest to discuss how the progression of a planning proposal could be supported.

The Planning Proposal responds to the Hunter Regional Plan 2041 including housing density and diversity, and the 15-minute neighbourhood. Further, the Planning Proposal is consistent with Council’s strategic documentation and minutes from the pre-lodgement meeting in September 2023. Frequent consultation with Council planning officers has been undertaken during preparation of the documents.

The scale of the Site provides an opportunity for the developer to contribute funds and/or works that provide a positive benefit to the existing Wingham community by improving accessibility and road conditions, establishing a positive entry statement to the town’s primary entry and by encouraging non-vehicular transport and the 15-minute neighbourhood. The infrastructure-first and place-based approach of the Planning Proposal is consistent with the objectives of the Hunter Regional Plan 2041.

Public Benefits

The development has the potential to deliver substantial public benefits including a vibrant new community with:

- An upgraded Wingham Road with new roundabout and speed controls to improve safety and provide a legal alternative for vehicles traveling towards the Wingham town centre from the existing residences and businesses on the north side of Wingham Road.
- New pedestrian and cyclist through-site links, connecting approximately 25 existing dwellings plus new residents of the proposed community to the existing (or proposed under the Cedar Party Creek Bridge replacement) path network providing access to open spaces, local shops and services in the nearby town centre of Wingham via a Shared Use Path.
- Approximately 276 new dwellings, providing for a greater diversity of housing types and assisting to alleviate issues of the housing crisis.
- Streetscape upgrades, including street tree planting that will reinforce and contribute to the landscaped character of the locality and provide an entry statement for the town of Wingham.
- Construction of public roads and footpaths for dedication to Council as well as the potential to upgrade existing roads.
- Stormwater infrastructure including construction of stormwater basins for dedication to Council.
- Wastewater infrastructure to existing and new residences and businesses including a new pump station to minimise ongoing maintenance responsibilities of Council, and dedication of land.

In relation to the wastewater infrastructure, Council requires the relocation of the existing Sewer Pump Station (SPS) so that one new SPS will service the existing residents and businesses on the northern side of Wingham Road as well as the proposed development of the Site. In response to the proponent's proposal that costs associated with servicing existing connections be offset against any s.7.11 contributions liability and included within the VPA, Council's letter dated 13 February 2025 advised:

"Council is willing to progress the offsetting of sewer developer charges against the cost of decommissioning the sewer pump station and connecting existing lots to the new pump station. The scope and detail of the works, including which decommissioning tasks that would be undertaken by Council would be confirmed during the design phase."

MPT proposes the concept of this offset to be included within the VPA noting that the scope will not be definitively detailed until the design phase as outlined in Council's advice.

Extensive consultation has been undertaken with Council in preparation of this Letter of Offer and the one remaining item proposed to provide an offset to contributions is the footpath from 1032 Wingham Road, Wingham to the Cedar Party Creek Bridge, generally as described as item W6 in the Greater Taree Section 94 Contributions Plan 2016 (**Contributions Plan**).

Council provided in-principle agreement for the footpath to be included in the VPA and associated costs to offset contributions although has noted that the rail line crossing is not included in the Contributions Plan and should not be included in the VPA. The rail crossing is an integral component of the footpath to ensure we *"deliver outcomes for the community"* (Policy) and *"produce outcomes that meet the general values and expectations of the public and protect the overall public interest"* (Guidelines). Without the crossing, the footpath would be unusable and unsafe however given Council's unwillingness, the Letter of Offer has been revised to exclude the rail crossing other than a cost allowance for construction of the concrete footpath over the 20-metre rail corridor.

The W6 Footpath will be located on the west of Wingham Road and may require further works to connect to Wingham’s footpath network however the Cedar Party Creek Bridge upgrade and further investigation will be required so is excluded from this Letter of Offer.

The following box provides a summary of the works and cost proposed for inclusion in the VPA.

Wingham Road footpath (W6)	
- Construction of a footpath from 1032 Wingham Road to the vicinity of Cedar Party Creek Bridge. The footpath will be 2 metres wide, approximately 760 metres long and will be constructed in accordance with relevant Australian Standards, Codes and Local Policy. - Allowance to cross the rail corridor at the rate of the footpath utilised in the Contribution Plan. - The total of these items is referred to as the Agreed Works Cost.	
Wingham Road Footpath (W6)	\$228,000
Contributions Plan Works cost prior to indexation.	
Rail Crossing	\$6,000
20 metre wide rail corridor; 2-metre wide footpath; \$150/m ² before indexation.	
Agreed Works Cost (prior to indexation)	\$234,000

Proposed Contributions

On 17 October 2024, Council advised that the contributions payable for the Wingham contributions area under the Contributions Plan are \$8,226.98 per lot. Based on the yield of 276 lots shown in the Concept Lot Layout, the total contributions payable for the proposed development using current contributions rates would be \$2,270,646.

Subject to the terms of a VPA, MPT offers to deliver the W6 Footpath in lieu of local infrastructure contributions payable under the EP&A Act to the amount of the Agreed Works Cost. Local infrastructure contributions would be payable for the liability beyond the Agreed Works Cost and would be payable upon issue of relevant development consent and include indexation.

The VPA would retain the application of sections 7.11, 7.12 and 7.24 of the EP&A Act in relation to future development applications on the Site (where applicable) with a credit for the amount of the Agreed Works Cost. Beyond the Agreed Works Cost, local infrastructure contributions would be payable per the relevant contributions plan as part of future DAs.

Acknowledgements

MPT acknowledges the VPA would be required to be registered on the title of the relevant folios of the Site with Land Registry Services until its expiry or termination.

MPT paid a Planning Agreement Management Fee to cover Council's costs associated with planning agreements in November 2024.

Next Steps

We look forward to progressing discussions on this VPA offer, which we consider will provide significant public benefit for the existing and future communities at Wingham and the MidCoast.

Yours sincerely,

Hampstead Property on behalf of MPT Farms P/L



Tim Colless

0403 234 066

Tim.Colless@hampstead.com.au

Cc Colliers International

Adrian Miller

MidCoast Council

Kate Kennedy, Michael Griffith

Schedule 2: ARTC Letter dated 25 February 2025

Level 4, 60 Carrington St,
Sydney NSW 2000
GPO Box 14,
Sydney, 2001, NSW

P 02 8259 0700
E info@artc.com.au
W artc.com.au



25 February 2025

Mr Tim Colless
Hampstead Property
PO Box 358
Kiama NSW 2533

Dear Tim,

Re: Proposed crossing of North Coast Rail at Wingham

We refer to your letter dated 19 July 2024, the Third Party Works application submitted 12 August 2024 and various communications in relation to the proposed crossing of the North Coast Rail near the site owned by MPT Farms at Wingham Road, Wingham, also known as Lot 92 DP1285477.

We understand that, on behalf of MPT Farms, Hampstead Property has submitted a planning proposal to rezone land north of the rail line to allow residential development, and that you have advised a desire for any such future residential community to have pedestrian access to the Wingham town centre south of the rail line.

ARTC also notes that you have advised that a pedestrian path from near the subject land across the North Coast Rail is identified as proposed works within Council's Greater Taree Section 94 Contributions Plan 2016, although no investigations have been undertaken to determine how the rail would be crossed.

ARTC has considered your request and understand that while the site may be some time from rezoning to permit residential, early engagement is encouraged. From an initial review, ARTC is not opposed to a pedestrian crossing of the North Coast Rail at Wingham Road however investigations are required to determine the form of such a crossing.

In relation to the proposed crossing of the North Coast Rail, ARTC advises current policies, including the National Level Crossing Safety Strategy, ARTC's Level Crossing Policy, TfNSW Level Crossing Policy and the Office of National Rail Safety Regulation Policy for level crossings, there is a preference to avoid new at-grade level crossings.

As there is no existing formal pedestrian crossing of the North Coast Rail at the subject location in Wingham, ARTC has a preference that a grade separated crossing, either a tunnel under the or a footbridge over the existing rail line, be investigated in conjunction with an at-grade crossing.

To progress this matter further, ARTC requires a Risk Assessment to be undertaken at the cost of the applicant which would include a workshop with ARTC specialist staff. The Risk Assessment would need to be undertaken by a competent person / organisation and consider such factors as safety, topography, environmental impacts, commercial viability and effectiveness for grade separated and at-grade crossing options to cross the rail line. The Risk Assessment will also need to comply with the ARTC Risk policy.

You have advised that rezoning of the property, if successful, is unlikely to occur before the end of 2025 at the earliest. We encourage you to continue consulting with ARTC throughout the rezoning process and to ensure the efficient allocation of ARTC resources, seek approval for a crossing type prior to lodgement of a development application.

Should you have further inquiries, please contact me on 0417 226 581

Yours sincerely,

Michael Taylor
Snr Project Manager NSW & QLD Third Party Works

