

25 October 2019

The General Manager
The Hills Shire Council
3 Columbia Court
Baulkham Hills NSW 2153

Dear Council,

PRELIMINARY VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER BETWEEN CASTLE 7 PTY LTD AND THE HILLS SHIRE COUNCIL IN RELATION TO VIVIEN PLACE PLANNING PROPOSAL

The following preliminary Voluntary Planning Agreement Letter of Offer (**VPA Letter of Offer**) has been prepared with consideration to section 7.4 of the *Environmental Planning and Assessment Act 1979 No 203 (EP&A Act)*.

This VPA Letter of Offer should be read in conjunction with the submitted Planning Proposal for Vivien Place, Castle Hill. The Proponent for the subject Planning Proposal is Castle 7 Pty Ltd.

The opportunity to discuss the elements of this preliminary VPA Letter of Offer with The Hills Shire Council (**Council**) is something we would welcome.

INTRODUCTION

1. This preliminary VPA Letter of Offer relates to the above stated Planning Proposal for Vivien Place. The land (**the Land**) to which the Planning Proposal relates to is identified in **Table 1**.

Table 1 – Site Details

Address	Lot/Deposited Plan	Address	Lot/Deposited Plan
1 Vivien Place	Lot 10 DP 227212	12 Gilham Street	Lot 11 DP 227212
2 Vivien Place	Lot 5 DP 227212	1 Gay Street	Lot 4 DP 227212
3 Vivien Place	Lot 9 DP 227212	3 Gay Street	Lot 30 DP 259208
4 Vivien Place	Lot 6 227212	5 Gay Street	Lot 31 259208
5 Vivien Place	Lot 8 DP 227212	7 Gay Street	Lot 32 DP 259208
6 Vivien Place	Lot 7 DP 227212	Vivien Place Road Reserve (including footpaths)	

2. Castle 7 Pty Ltd (**the Proponent**) has entered into formal contracts which provide controlling interests over the contiguous land parcels listed under paragraph 1 of this VPA Letter of Offer, excluding the land pertaining to Vivien Place road reserve.

3. The proponent proposes to enter into a Voluntary Planning Agreement (**VPA**) in connection with the Planning Proposal under which the Proponent would offer a monetary contribution, embellish and dedicate land for public access within and across the land and delivery a number of key public domain works and community benefits on site.
4. The Proponent offers to enter into a formal VPA arrangement based upon the terms of offer set out in the VPA Letter of Offer.
5. The terms upon which this VPA Letter of Offer is made to Council are set out below.

RELEVANT PARTIES TO THE VOLUNTARY PLANNING AGREEMENT

6. The Hills Shire Council (ABN 25 034 494 656)
7. Castle 7 Pty Ltd (ABN 53 605 782 447)

LAND TO WHICH THIS VOLUNTARY PLANNING AGREEMENT RELATES

8. As set out under paragraph 1, **Table 1** of this VPA Letter of Offer.

PLANNING PROPOSAL WHICH THIS VOLUNTARY PLANNING AGREEMENT RELATES

9. The VPA relates to the Vivien Place Planning Proposal which seeks to amend *The Hills Local Environmental Plan 2012* (**The Hills LEP 2012**) as follows:
 - (a) **Amend Land Zoning (Sheet LZN_024) Map:**
Amendment to the relevant Land Zoning Map (Sheet LNZ_024) to show the site zoned as 'R4 High Density Residential'.
 - (b) **Amend Minimum Lot Size (Sheet LSZ_024) Map:**
Amendment to the relevant Minimum Lot Size Map (Sheet LSZ_024) to show a minimum lot size of 1,800sqm (U2) applying to the site.
 - (c) **Amend Height of Buildings (Sheet HOB_024) Map:**
Amendments to the relevant Height of Buildings Map (Sheet HOB_024) to show a maximum building height of 62m applying to the site.
 - (d) **Amend Floor Space Ratio (Sheet FSR_024) (N:1) Map:**
Amendment to the relevant Floor Space Ratio Map (Sheet FSR_024) to show an FSR of 2.28:1 applying to the site.

THE NATURE AND EXTENT OF THE PROVISION

10. It is intended that the following contributions be considered as part of formalising the VPA to be entered into between Council and the Proponent:
 - (a) **Through-site link dedication:**
The provision of a series of interconnected and publicly accessible through-site links at the site
 - Note: Refer to area marked as (A) in orange on Attachment A.

(b) **On-site road:**

The embellishment and dedication of an on-site road at the site's western boundary linking Gilham Street and Les Shore Place (this will be undertaken once the existing Vivien Place Road Reserve, owned by the Council, which is used only by the residents of Vivien Place, is closed and transferred to the Proponent)

– Note: Refer to area marked as (B) in red on Attachment A.

(c) **The construction of new footpaths:**

The design, construction and commissioning for the construction of a new footpath adjacent to Gilham Street and Gay Street, for the extent only where the land interfaces with both public streets.

– Note: Refer to area marked as (C) in purple on Attachment A.

THE APPLICATION OF SECTION 7.11, 7.12 OR 7.24

11. The VPA will not exclude the application of section 7.11, 7.12 or 7.24 of the EP&A Act. The benefits offered via the VPA are not to be taken into consideration in determining a development contribution under section 7.11 of the EP&A Act.

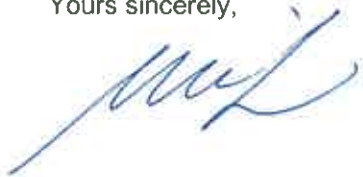
COSTS

12. Each party to this preliminary VPA Letter of Offer will bear its own costs for the preparation, negotiation and execution of the formal VPA, as well as any referenced annexures under the VPA.

REGISTRATION

13. The VPA will be registered on title prior to the release of the first construction certificate for the physical commencement of development works.
14. The VPA will become effective upon the successful amendment of The Hills LEP 2012 in accordance with the above stated Planning Proposal, and development consent is granted for the future redevelopment of the land in accordance with the proposed Local Environmental Plan amendments.
15. The registered VPA shall be released following completion of the future redevelopment of the land.

Yours sincerely,



Moni Xinye An

Castle 7 Pty Ltd

VIVIEN PLACE VPA ATTACHEMENT A

