26 October 2018

The General Manager
Wollondilly Shire Council
62-64 Menangle Street
Picton NSW 2571

Sir/Madam,

Preliminary Voluntary Planning Agreement Letter of Offer between Ingham Property Group and Wollondilly Shire Council in relation to the Cross Street Planning Proposal

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

This VPA Letter of Offer should be read in conjunction with the Planning Proposal for Cross Street, Tahmoor. The Proponent for the subject Planning Proposal is Ingham Property Group.

The opportunity, at the appropriate time, to discuss the elements of this VPA Letter of Offer with Wollondilly Shire Council is something we would welcome.

Introduction

1. This Preliminary VPA Letter of Offer relates to the above stated Planning Proposal for Cross Street, Tahmoor. The subject land (the land) to which the Planning Proposal relates is identified in Table 1.

Table 1 – Subject land parcels

<table>
<thead>
<tr>
<th>Address</th>
<th>Lot/Deposited Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>85 Progress Street</td>
<td>Lot C DP 374621</td>
</tr>
<tr>
<td>Cross Street</td>
<td>Lots 1-6 DP 1128745</td>
</tr>
<tr>
<td>100 River Road</td>
<td>Lot 255 DP 10669</td>
</tr>
</tbody>
</table>

2. Ingham Property Group (the proponent) is the landowner of the subject land parcels listed in this VPA Letter of Offer.
3. The proponent is willing to enter into a 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 deliver a number of key public benefit works on and where agreed, off site.

4. The proponent offers to enter into a formal VPA arrangement with consideration of the preliminary terms of offer set out in the letter.

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. Wollondilly Shire Council (ABN 93 723 245 808).


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 to which this Voluntary Planning Agreement Relates

9. The VPA relates to the Cross Street Planning Proposal which seeks to amend the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP 2011) as follows:

   a. Amend the Land Zoning Map from RU4 Primary Production Small Lots to R2 Low Density Residential, R5 Large Lot Residential, E3 Environmental Management and E2 Environmental Conservation.

   b. Amend the Lot Size Map from a minimum lot size category of 2 ha to a minimum lot size of (refer to proposed Minimum Lot Size Map at Appendix A):

      i. 700 sqm for land zoned R2 Low Density Residential.

      ii. 975 sqm, 1500 sqm and 4000 sqm for land zoned R5 Large Lot Residential.

      iii. 1 ha and 1.5 ha for land zoned E3 Environmental Management.

      iv. a minimum lot size of 40 ha for buffer land zoned E2 Environmental Conservation around the Bargo River and no minimum lot size for the remaining E2 land.

   c. Amend the Height of Building Map from no maximum building height to a maximum building height of 9 metres.

   d. Amend the Natural Resources Water Map to provide a riparian buffer of 10 metres along the four minor watercourses.

   e. Amend the Urban Release Area Map to include the subject 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. Monetary contribution upfront to Biobank trust fund, relating to 72.77 ha of land proposed to be zoned E2 (refer to proposed Land Zoning Map at Appendix B).


c. Commitment to undertake the first 1-5 years of management and conservation works associated with the Biobank land, in accordance with the Biobank Agreement.

d. Works associated with the installation of pathways and picnic areas (excluding lookout locations) within the Biobank land, in accordance with the Biobank agreement.

e. Works associated with the establishment and embellishment of the proposed local park opposite Tahmoor Road, as requested by Council and considered as part of the Biobank Agreement.

f. Works associated with the establishment of the proposed car park off Progress Street, as requested by Council and considered as part of the Biobank Agreement.

g. Construction of proposed internal local roads associated with the future Cross Street site subdivision of land, in accordance with Council’s requirements.

h. Construction of proposed pedestrian pathways and verge landscaping along proposed roads.

i. Dedication of detention basins in accordance with Council’s ‘Dedication of Land Policy — PLA0036’.

j. Road improvement works associated with a potential pedestrian crossing at Remembrance Drive, subject to confirmation with the Manager of Infrastructure Planning, Wollondilly Shire Council.

k. Construction of River Road connection between the Cross Street site and JR Stud development.

l. The works proposed under this VPA will be in addition to the required s7.11 contribution requirements at the relevant DA phase.

The Application of Section 7.11

11. The VPA will not exclude the application of section 7.11 of the 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 Act.

Costs

12. Each party to this VPA Letter of Offer will bear its own costs for the preparation, negotiation and execution of the formal Voluntary Planning Agreement (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 Woolondilly LEP 2011 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 LEP amendments.

15. The registered VPA shall be released following completion of the future redevelopment of the land.

Conclusion

Ingham Property Group have expended considerable time and resources to the process and this letter outlines our commitment to bringing about a planning outcome which provides considerable amenity to the Tahmoor area. We submit this letter for your earnest consideration.

If you have any questions or require any further details, please don't hesitate to contact Michael Parkinson of Ingham Property Group at (02) 8730 3844 or michaelp@inghampropertygroup.com.au.


Lynette Ingham
Chair – Ingham Property Development Pty Limited

CC: Michael Parkinson (General Manager – Ingham Property Development Pty Limited)
Justin Thornton (Partner – Marsdens Law Group)
Adrian Villiella (Associate Director – Urbis)

Enclosed: Appendix A Proposed Minimum Lot Size Map
Appendix B Proposed Land Zoning Map