

28 May 2018

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

Voluntary Planning Agreement (VPA) Letter of Offer
1-5 Chester Street, Annandale

Dear General Manager,

The purpose of this letter is to make a formal 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 the proposed amendments to the Leichhardt Local Environmental Plan 2013 (**LLEP 2013**) where it applies to Allotment 11 in DP 499846 (the **land**).

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

1. Parties

The parties to the Planning Agreement will be:

- Corvas Pty Ltd (ACN 606 079 243) c/- Britely Property (**Developer**):
 - Ph: (02) 9896 7727
 - Mob: +64 11 678 018
 - Email: asicari@britely.com.au
- Inner West Council (**Council**).

In this Planning Agreement, the role of:

- The Developer is to deliver monetary contributions and works in kind in accordance with the below to deliver public benefit in connection with proposed amendments to LLEP 2013 where it applies to the land.
- The Council is to apply the Contribution to implement public benefit works in accordance with the relevant local infrastructure plan.

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

The Planning Agreement will apply to Allotment 11 in DP 499846, otherwise known as 1-5 Chester Street, Annandale NSW 2038 (**land**). Under existing conditions, the land is in the ownership of Mr Peter Fitzhenry with arrangements in place for the Developer to finalise acquisition (settle) the land in December 2018. Confirmation of the owner's consent to the VPA offer is annexed to this letter.

3. Description of the development application/change to an environmental planning instrument (s93F(3)(b)(i))

The Planning Agreement relates to the proposed amendments to the LLEP 2013 where it applies to the land as follows:

- Land use zone: From IN2 Light Industrial to R3 Medium Density Residential.
- Maximum height of buildings: From nil (N/A) to P2 – 17m.
- Maximum FSR: From N – 1.0:1 to U2 – 2.6:1.

The Planning Proposal and associated documentation are submitted together with this letter. Draft planning maps are attached in Appendix 1 of this letter.

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 provides that the Developer will make a contribution to local infrastructure equivalent to **\$25,113 per dwelling** approved at the Development Application, offset by potential Works in Kind (details to be confirmed), potentially consisting of:

- delivery of a pedestrian bridge over the adjoining Johnstons Creek (as Councils plans), forming part of an open space and movement corridor along the creek between Parramatta Road and Booth Street; and
- improvements to the adjoining existing pocket park at the terminus of Chester Street, south of Johnstons Creek, including:
 - Landscaped treatment to enhance the public domain;
 - Lighting (4 x pathway bollard lights) to enhance security at night ; and
 - Public art including graffiti wall to replace existing graffiti-covered wall within the subject site.

This contribution is made to the Council in lieu of a Section 94 or Section 7.11, independently of any regional infrastructure contributions payable to the Department of Planning for regional infrastructure.

Additionally, the developer confirms their willingness to pay Council's reasonable legal fees and associated costs of preparing and notifying the Planning Agreement.

Monetary contributions are to be paid by the Developer to Council prior to a Construction Certificate being issued for the construction of the main works of the Project.

Works in Kind will be delivered during construction of the Project and be certified prior to issuing the final Occupation Certificate.

5. Exclusion of s94, s94A and s94EF contributions (s93F(3)(d))

- (a) Sections 94 and 94A of the EPA Act are wholly excluded as they apply to the land and development.
- (b) Section 94EF of the EPA Act is wholly excluded as it applies to the land and development.

For the avoidance of doubt, the per dwelling rate is the maximum total contribution amount, offset by the Works in Kind delivered under the VPA and no additional contributions are payable (other than the contribution being made to the Department of Planning via a separate VPA offer attached to this Proposal).

6. Whether benefits under the Agreement are or are not to be taken into consideration in determining a development contribution under s94 (s93F(3)(e))

Not applicable. The application of s94 is to be wholly excluded as it applies to the development and the land. For the avoidance of doubt, the per dwelling rate is the total contribution amount, offset by the Works in Kind delivered under the VPA, and no additional contributions are payable (other than the contribution

being made to the Department of Planning via separate VPA offer attached to this Proposal).

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

Disputes are to be resolved via mediation.

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

The planning agreement is to be registered on title and released once the monetary contributions are delivered

A copy of the relevant Planning Proposal submission materials are provided along with this letter. These documents will provide you with a comprehensive understanding of this matter. Specifically please refer to the Integrated Infrastructure Delivery Plan (prepared by Northrop) and Stakeholder Engagement Report (prepared by Ethos Urban) as these outline details of infrastructure costs and correspondence with relevant Council and Government Agencies that has informed the basis of this offer.

A Title Search and Letter of Authority to Lodge are included as Appendix 2 and 3 of this Letter.

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.

Sincerely,

ae design partnership Pty Ltd



Rohan Dickson
Director

Appendix 1 – Proposed amendments to Leichhardt Local Environmental Plan 2013

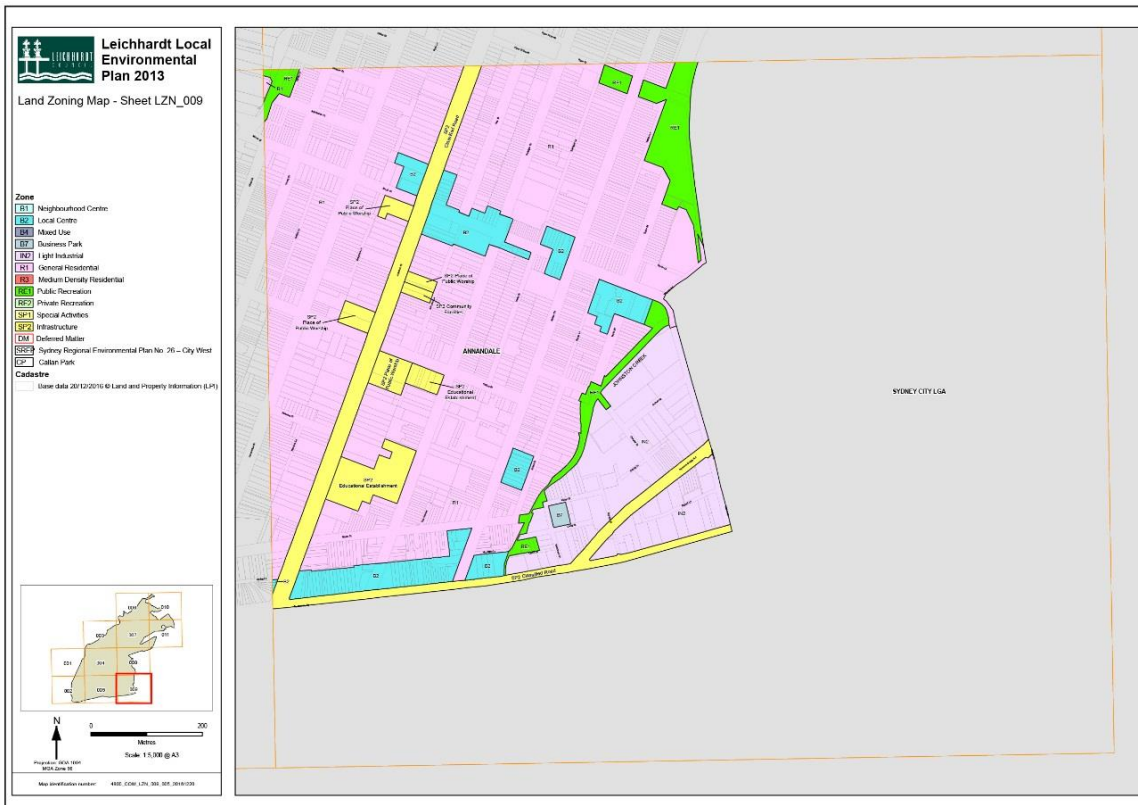


Figure 1: Current Land Use Zoning Map

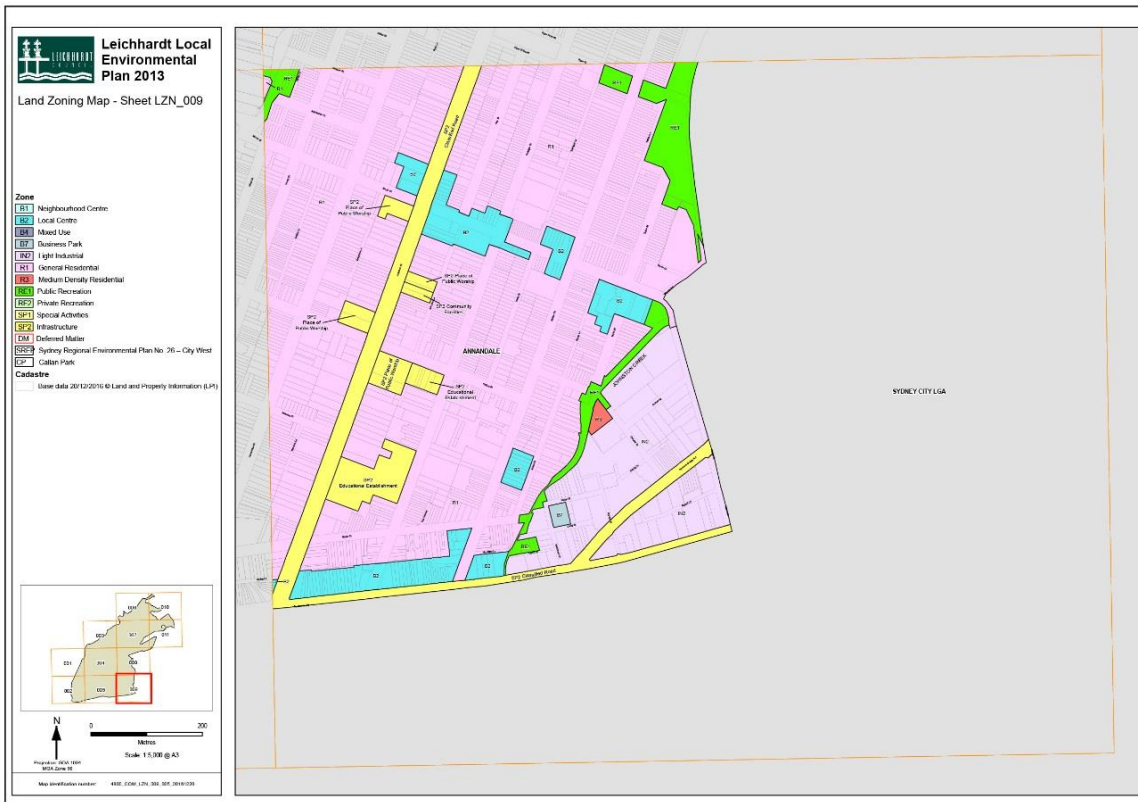


Figure 2: Amended Land Use Zoning Map



Figure 3: Current Height of Buildings Map

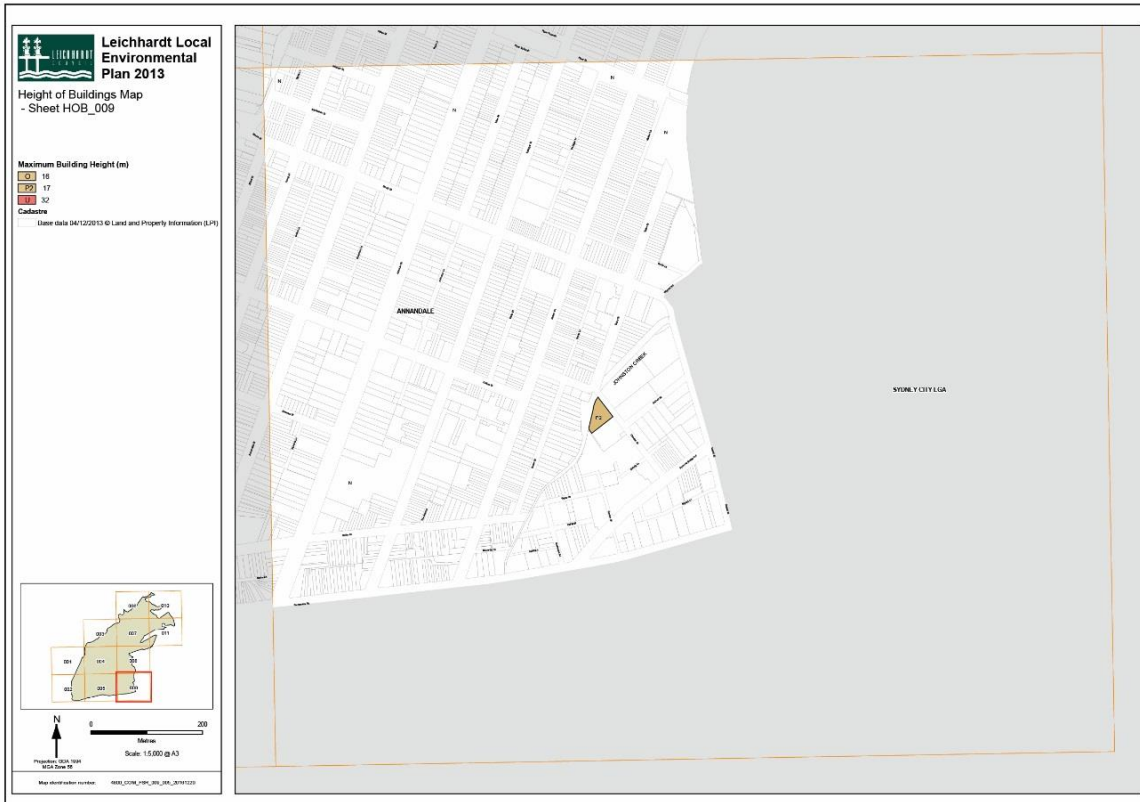


Figure 4: Amended Height of Buildings Map

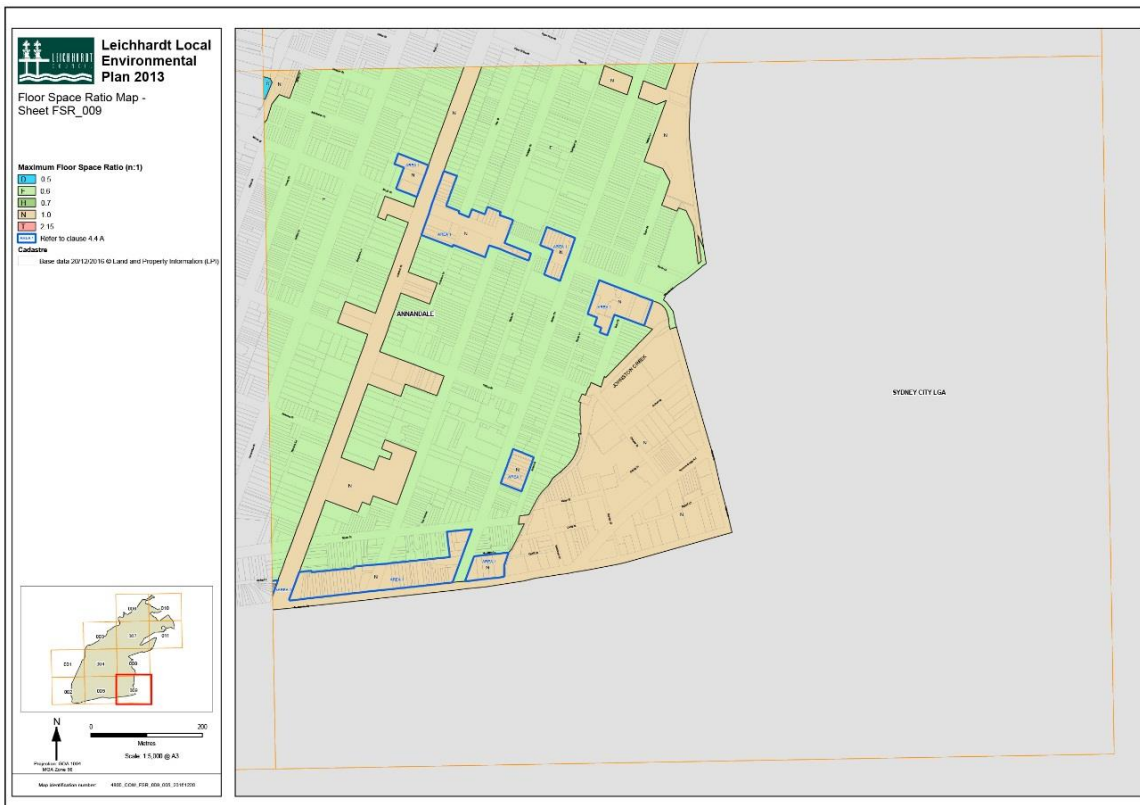


Figure 5: Current FSR Map

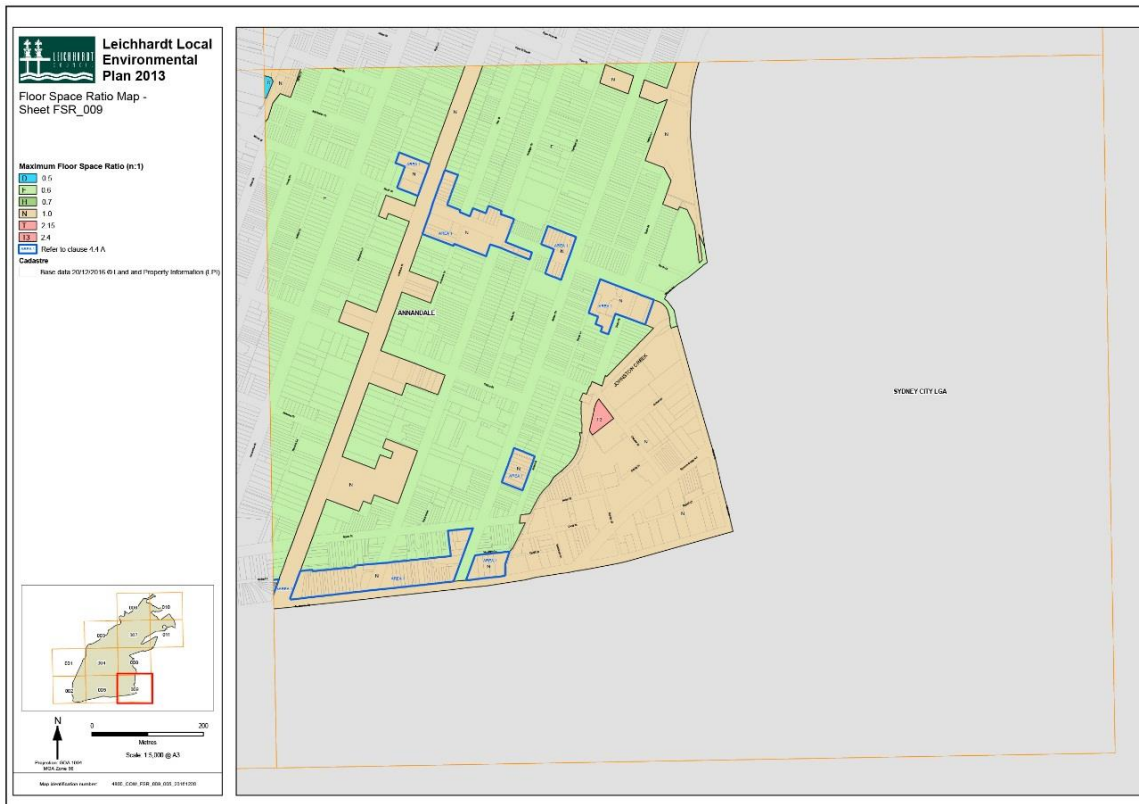


Figure 6: Amended FSR Map

Appendix 2 – Title Search



Order number: 48957288
Your Reference: 657550
23/01/18 15:39



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 11/499846

SEARCH DATE	TIME	EDITION NO	DATE
23/1/2018	3:39 PM	2	12/1/2004

LAND

LOT 11 IN DEPOSITED PLAN 499846
AT CAMPERDOWN
LOCAL GOVERNMENT AREA INNER WEST
PARISH OF PETERSHAM COUNTY OF CUMBERLAND
TITLE DIAGRAM DP499846

FIRST SCHEDULE

PETER JOHN FITZHENRY

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 A965109 EASEMENT APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE LAND SHOWN SO BURDENED IN DP174289
- 3 A965109 EASEMENT AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN DP174289
- * 4 AM949456 CAVEAT BY CORVAS PTY LTD

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 23/1/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.
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Appendix 3 – Authority to Lodge

Annexure D Consent

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

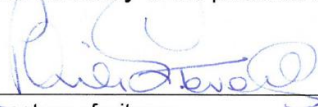
Property: 1-5 Chester Street Camperdown NSW 2050 (Folio Identifier 11/499846)

TAKE NOTICE THAT **Peter John Fitzhenry** is the registered proprietor of the above Property and hereby consent to **Corvas Pty Ltd ACN 606 079 243** or its nominee:


- a) lodging any application, including any 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.

Dated: 9 June 2017

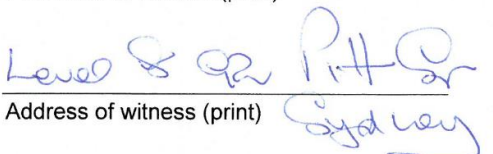
Signed, sealed and delivered by Peter John Fitzhenry in the presence of:



Signature of witness



Full name of witness (print)



Address of witness (print)



Signature of Peter John Fitzhenry

28 May 2018

The Hon Anthony Roberts, MA (Comms) MP
Minister for Planning
NSW Department of Planning and Environment
320 Pitt Street,
Sydney NSW 2000

Voluntary Planning Agreement (VPA) Letter of Offer
1-5 Chester Street, Annandale

Dear Minister Roberts,

The purpose of this letter is to make a formal 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 the Minister for Planning (**Department**) in connection with the proposed amendments to the Leichhardt Local Environmental Plan 2013 (**LLEP 2013**) where it applies to Allotment 11 in DP 499846 (the **land**).

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

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The Planning Proposal and associated documentation are submitted together with this letter. Draft

3463-0078-8488v2ae design partnership pty ltd ABN 85 162 968 103 3/780 Darling Street, Rozelle 2039 +61 2 9818 5898

Nominated Architect N R Dickson 7061 www.aedesignstudio.com.au mail@aedesignstudio.com.au

planning maps are attached in Appendix 1 of this letter.

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 provides that the Developer will make a contribution equivalent to **\$25,134 per Dwelling** approved under the project Development Application. This rate is derived from the revised PRUTS Infrastructure Schedule, prepared by Northrop Engineers included in the Proposals Integrated Infrastructure Delivery Plan.

This contribution is made to the Department independently of any local infrastructure contributions to be made to Inner West Council relating to Local / Section 94 contributions.

Additionally, the developer confirms their willingness to pay the Department's reasonable legal fees and associated costs of preparing and notifying the Planning Agreement.

Contributions are to be paid by the Developer to the Department prior to a Construction Certificate being issued for the construction of the main works of the Project.

5. Exclusion of s94, s94A and s94EF contributions (s93F(3)(d))

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We look forward to receiving the Department of Planning and Environment'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.

Sincerely,

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Rohan Dickson
Director

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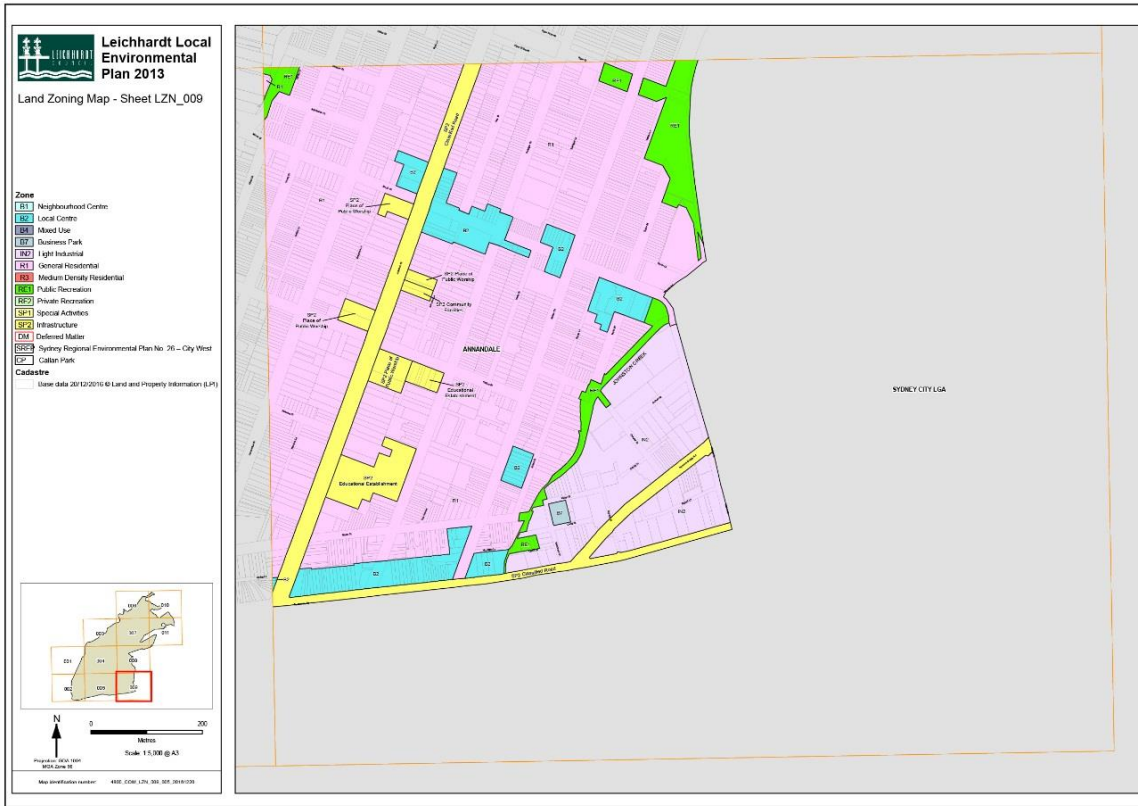


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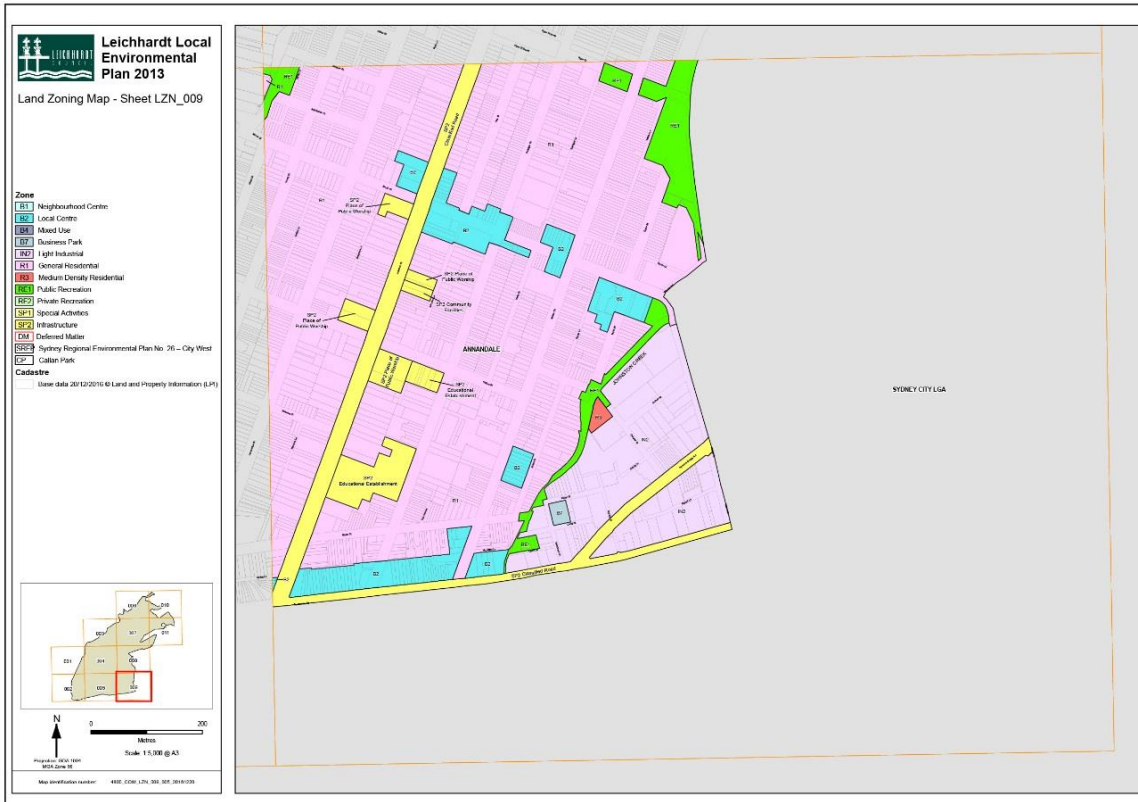


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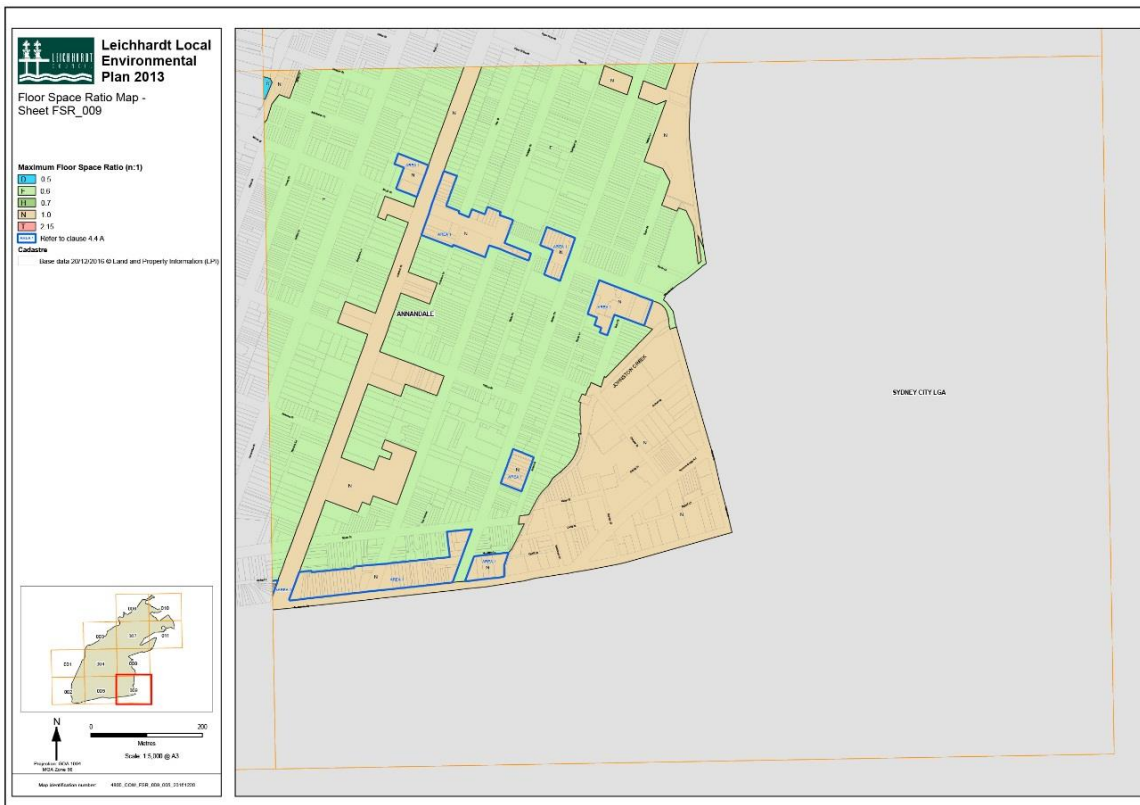


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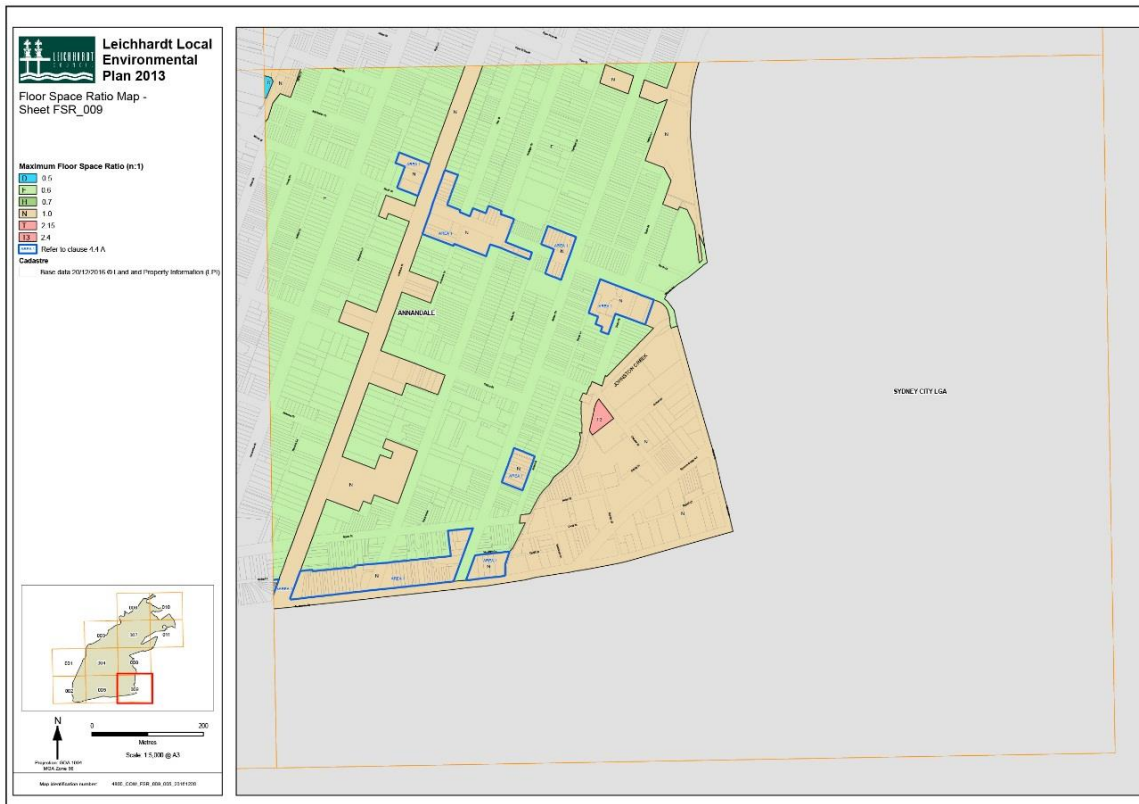


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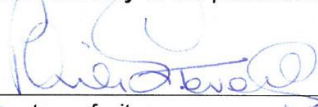
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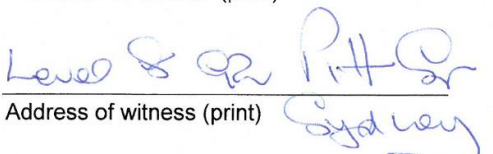
Signed, sealed and delivered by Peter John Fitzhenry in the presence of:



Signature of witness



Full name of witness (print)



Address of witness (print)



Signature of Peter John Fitzhenry