

4 August 2016

The General Manager  
City of Ryde  
Civic Centre  
1 Devlin Street  
Ryde NSW 2112

Dear Sir,

## Letter of Offer to enter into a Voluntary Planning Agreement – Development Application, 152-186 Rowe Street, Eastwood

This letter of offer to enter into a Voluntary Planning Agreement (**VPA**) has been prepared in support of a development application submitted on behalf of Yuhu Property (Australia) Pty Ltd (**Yuhu**). Set out below are details of the development proposal, and the essential terms of the PA would be prepared.

We are submitting this letter of offer for initial consideration by Council of the City of Ryde (**Council**) with a Development Application (**DA**) prior to the drafting of the VPA. We look forward to progressing discussions on this VPA offer, which we consider will provide significant public benefit for the existing and future community at Eastwood.

### 1 Development Overview

On 22 July 2016, Urbis Pty Ltd lodged a development application (Test of Adequacy submission) on behalf of Yuhu.

The development application seeks consent for a mixed use development. The objectives of the development application and the outcomes sought to be delivered through the Development Application, include the redevelopment of the land to accommodate a high quality mixed use development of a large site in the Eastwood Town Centre that successfully integrates with surrounding land uses, whilst activating adjoining public domain. The redevelopment comprises:

- Retail and commercial uses;
- Residential accommodation in the form of shop top housing;
- Car parking for residents, retail, and commercial uses; and
- Publicly accessible pedestrian links between Rowe Street and Rutledge Street.

Variations to the Height of Building (HOB) standards under Clause 4.3 of the Ryde Local Environmental Plan 2014 (RLEP, 2014) are proposed and a Request for Exceptions to the HOB standards accompanies the development application.

Further information on the proposed development application is provided in the Statement of Environmental Effects (**SEE**) and supporting documents.

## 2 Voluntary Planning Agreement Offer

Council adopted a VPA Policy on 15 July 2015 to guide the preparation of VPAs under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The VPA Policy aims to:

- Establish a fair, transparent and accountable framework governing the use of Planning Agreements by City of Ryde;
- Give stakeholders in development greater involvement in the type, standard and location of public facilities and other public benefits; and
- Adopt innovative and flexible approaches to the provision of infrastructure and other public benefits in a manner that is consistent with Council's strategic and infrastructure plans.

Yuhu proposes to prepare and submit for Council's consideration a VPA under the terms of the Council's adopted policy. It is proposed that the VPA will include a concept design for an upgrade to Rowe Street Mall (**Rowe Street Mall Upgrade Works**) to create an enhanced public domain, which exceeds the public domain works that would ordinarily be associated with the DA and comprises the following works:

- Upgraded arbour frame;
- New fixed tables;
- Reinstate existing green canopy on upgraded arbour frame;
- New catenary lighting;
- New timber benches;
- New water feature;
- New steel planters; and
- New native tree planting.

McGregor Coxall Landscape Architects have prepared Landscape Concept Plans demonstrating the proposed works to the Rowe Street Mall landscape, provided at **Appendix C** to the DA submission package.

The indicative costing of the Rowe Street Upgrade Works has been estimated by WT Partnership Quantity Surveyors to be \$1,407,863.00 (Incl. GST). Refer to Cost Summary Report provided at **Appendix U** to the DA submission.

Yuhu invite as conditions of consent the following in relation to the timing of the preparation of the VPA with Council, registration on title, and completion of the Rowe Street Mall Upgrade Works:

1. Prior to the issue of any Construction Certificate for above ground works to which the consent relates the applicant/developer shall enter into a Voluntary Planning Agreement (VPA) with Council. This report shall outline the terms of the offer made by the applicant in connection with the subject Development Application. All works shall be carried out in accordance with the applicable VPA.
2. Prior to the issue of any Construction Certificate for above ground works the applicant/developer must register the VPA on the title of the land to which the VPA applies.
3. The Rowe Street Upgrade Works that are referenced on the Landscape Plan titled Rowe Street Mall Landscape Plan, prepared by McGregor Coxall Landscape Architects dated July 2016, must be carried out to the satisfaction of Council. The details of the Rowe Street Upgrade Works must be provided to Council prior to the issue of any Construction Certificate for those works. The Rowe Street Upgrade Works as approved by Council under this condition must be completed to Council's satisfaction prior to the issue of any Occupation Certificate.

### 3 Section 94 Developer Contributions

The development of the site would be subject to the provisions of *City of Ryde Section 94 Development Contributions Plan 2007 Interim Update (2014)* (**Section 94 Plan**). The Section 94 Plan calls for the payment of a monetary contribution towards the provision of identified local infrastructure. The Section 94 Plan also makes provision for Council to require development contributions, as monetary contributions for the delivery of material public benefits and undertaking of works in kind in part or full satisfaction of the contribution obligation that would arise in relation to a development proposal.

This VPA letter of offer does not affect the application of the Section 94 Plan to the proposed DA.

### 4 The Next Steps

This VPA letter of offer is submitted to Council for your consideration as part of the DA for the proposed mixed use development of the site at 152-186 Rowe Street, Eastwood. If it is acceptable Council we request that the development consent include appropriate conditions as requested in Section 2 of this VPA letter of offer.

Yours faithfully,



Murray Donaldson  
Director, Planning