

**Item No:** C0718 Item 11

**Subject:** VOLUNTARY PLANNING AGREEMENT - PETERSHAM RSL

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### **SUMMARY**

This report provides the outcomes of the Voluntary Planning Agreement (VPA) community consultation. The VPA is for Petersham RSL sites 1, 2 and 3 planning proposal for a residential development including the new RSL club. It is recommended that council enter into the VPA provided in ATTACHMENT 1

### **RECOMMENDATION**

**THAT Council enter into the Voluntary Planning Agreement for Petersham RSL sites 1, 2 and 3 provided in ATTACHMENT 1**

### **BACKGROUND**

The planning proposal for the Petersham RSL development which incorporates 3 sites (3-7 Regent St, 13-17 Regent Street and 287-309 Trafalgar Street & 16-20 Fisher Street) was approved by Council on the 10<sup>th</sup> April.

The Developer has agreed to enter into an agreement to provide public benefits if the planning proposal and development application is approved. The Agreement requires the Developer to transfer 24 car parking spaces within a stratum lot on ground level of Site 1 to Council in fee simple as a freehold stratum lot prior to the issue of an occupation certificate for Site 1.

The Developer is also required to pay a monetary contribution to Council in the amount of \$3,500,000.00 prior to the issue of any occupation certificate for the last stage of the Proposed Development.

The Developer is required to transfer 6 affordable housing units (3 x 2 bedroom units and 3 x 1 bedroom units with no car spaces) located on Site 1 to Council within 28 days of the registration of the strata plan for Site 1.

The Developer must register the Planning Agreement on the title of the Land in accordance with section 7.6 of the Act.

The objective of the Planning Agreement is to facilitate the delivery of contributions by the Developer towards the provision of infrastructure, facilities and services which will be required in connection with the development of the Land.

The Planning Agreement does not exclude the operation of Section 7.11 and 7.12 of the Act in relation to any development application for the Proposed Development.

The Developer has proposed the agreement and General Counsel has reviewed and approved the agreement.

## **FINANCIAL IMPLICATIONS**

The proponent will enter into Voluntary Planning Agreement (VPA) with Council to provide a monetary payment of \$3.5M, 24 car spaces and 6 affordable units. The agreement does not exclude the Developer from paying Development Contributions as per Section 7.11 and 7.12 of the Act.

## **PUBLIC CONSULTATION**

The Voluntary Planning Agreement documentation was exhibited for 28 days from 8<sup>th</sup> May 2018 to 5<sup>th</sup> June 2018. During this period, the material was made available on Council's Your Say website and in the Leichhardt and Petersham Customer Service Centre.

The public exhibition was advertised in the Inner West Courier on 8<sup>th</sup> May and 15<sup>th</sup> May 2018.

### **Submission Overview**

During the exhibition period, Council's Your Say Inner West website received the following response:

- No. of visitors who viewed the page - 223
- No. of visitors who clicked the page to download documents - 29
- No. of visitors who engaged and made an online submission - 15

The public exhibition process generated fifteen (15) submissions in all with the following mix of opinion on the proposal:

- 5 objected to the Voluntary Planning Agreement ;
- 3 submissions supported the Voluntary Planning Agreement;
- 7 submissions supported the Voluntary Planning Agreement in principle and suggested changes to the proposed scheme;

### **Public Authority Submissions**

No public authority consultation was required by the Gateway Determination.

### **Local resident / Inner West Your Say submissions**

Ten of the fifteen submissions from local residents expressed support for the Voluntary Planning Agreement.

The other one local resident didn't support the Planning Proposal but didn't have a comments on the Voluntary Planning Agreement.

<b>Issue – Scale of the development</b>
One submission didn't support the VPA and stated Planning for such large scale buildings needs to be reviewed and controlled by council impartially - this agreement means its not impartial. It also just seems to mean the developer can build a bigger structure but the council lets it pass because they have been paid
<b>RESPONSE</b>
The VPA doesn't approve the scale of the development and doesn't influence the approval processes for the Planning Proposal. The VPA seek additional contribution for the additional density of the development over the current zoning.
<b>No change to the exhibited document is recommended.</b>

**ISSUE – Number of Units and Building Height**

One submission didn't support the VPA and stated

There should not be an increase in the number of apartments/building heights as the infrastructure is not able to cope with it - the streets are not designed for such large amounts of traffic and being near a train station there is high pedestrian traffic and minimal safeguards. The development should be modest and in keeping with the character of the area and respect the neighbours and the community.

**RESPONSE**

The Voluntary Planning Agreement does not deal with the planning issues. The planning proposal was approved and a DA will be reviewed prior to approval. The council will however be provided with a monetary contribution of \$3.5 million which will be spent on upgrading the local infrastructure and local community facilities

**No change to the exhibited document is recommended.**

**ISSUE – The elements of the VPA**

One submissions agreed with the VPA but stated the below:

1. Six (6) "affordable" housing units in a complex of over 360 apartments are way too few - not even 2% of the approximate total. There is a high rate of housing rental and purchasing stress in the inner west. Many workers who support the CBD and inner west in their roles (nurses, teachers, administrators, shop workers etc) cannot afford to live in their area of work. The proponent will make a fortune out of this development and must be compelled to provide at least a further 10 (ten) "affordable" units to enable a more equitable spread of occupiers from across our communities. In an era of shrinking public housing availability, it is not equitable for wealthy developers to offer such a small number of affordable places.
2. The proposed contribution of \$3,500,000 by the proponent sounds impressive but how has this sum been arrived at? This development will have a massive impact on amenity not only in the immediate area but around Petersham itself. Where will newcomers and current residents go for open space? The proponent should be compelled to provide defined new open space of a reasonable size to accommodate the influx of new residents. Rather than offering this sum, why cannot the proponent be compelled to offer a parcel of land (Site 2) as part of the VPA?
3. 24 public car parking spaces: are these available for members of the public? Are they meant to take into account overflow of Council employees who may have to travel long distances to reach their workplace?

**RESPONSE**

The total value of the VPA is 50% of the uplift in land value due to the planning proposal. The allocation of open space is determined as part of the planning proposes and the VPA has provided an additional contribution of \$3.5 million to upgrade the surrounding area. The 24 car spaces are for the use of the general public and will not be allocated to Council staff.

**No change to the exhibited document is recommended.**

**ISSUE – Density of the Development**

One submissions supported the VPA but stated

The number of stores in the 16-20 Fisher St proposal is far too many. 11 storeys will tower over everything - even the Water Tower on Chester Street - 5 storeys is high enough. The other two developments at 3-7 Regent St and 17 Regent St should be restricted to 5 storeys

<p>maximum. There are no high rises in this area and it is not in keeping with the local traditional area. On top of that schools are already full and the trains packed to capacity at peak hours. Yes we need to developed the rail corridor but only at a pace that existing services can sustain. Residents on the Terminus St side of the railway will now have a high rise landscape ruining the heritage look of the area.</p>
<p><b>RESPONSE</b></p>
<p>The Voluntary Planning Agreement does not deal with the planning issues. The planning proposal was approved and the DA will be assessed independently.</p> <p><b>No change to the exhibited document is recommended.</b></p>

#### **Post Exhibition Amendments**

Consideration has been given to the public and proponent's submissions. It is recommended that no changes be made to the Voluntary Planning Agreement

#### **Conclusion**

The Public Exhibition of the Voluntary Planning Agreement for the Petersham RSL site was undertaken in accordance with the *Environmental Planning and Assessment Act* and Council's Community Engagement framework.

This report has assessed the submissions and recommends that no change be made to the Voluntary Planning Agreement. It is recommended that this Voluntary Planning Agreement be in ATTACHMENT 1 be endorsed by Council.

#### **ATTACHMENTS**

1. [↓](#) Petershal RSL - VPA