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File Reference: D23/119492

23 May 2023

The Director, Agile Planning and Programs (on behalf of the SSPP)  
NSW Department of Planning and Environment  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150

Attention: Louise McMahon

Dear Ms McMahon

**Georges River Council Submission – Planning Proposal PP-2021-6630  
(Council Ref. PP2021/0002) for 143 Stoney Creek Road, Beverly Hills**

Thank you for the opportunity to provide feedback on the Planning Proposal PP-2021-6630 (Council Ref. PP2021/0002) for 143 Stoney Creek Road, Beverly Hills which is on public exhibition from 27 April 2023 to 26 May 2023.

The key points of Council's submission include:

- An acknowledgement of the Planning Proposal's strategic and site-specific merit;
- Importance of the site specific DCP amendment accompanying the Planning Proposal to ensure that the built form outcome reflects urban design considerations for any future development of the site; and
- Necessity for a Voluntary Planning Agreement (VPA) to accompany the Planning Proposal to address the local demands and cumulative impacts of the new residential population that will be enabled by the Planning Proposal.

**The Planning Proposal**

- As you would be aware, the Planning Proposal was first lodged with Council in November 2021 and after a series of amendments, the applicant lodged a

rezoning review request with the Department of Planning and Environment (the Department), for consideration by the Sydney South Planning Panel (the Panel) in October 2022.

- It is noted that the Planning Proposal submitted for the rezoning review, was recommended by the Panel to be submitted for a Gateway Determination, and is on public exhibition seeks to amend the *Georges River Local Environmental Plan 2021* (GRLEP 2021) for the site as follows:
  - Rezone the site from part SP2 Infrastructure (Public Administration) and part R2 Low Density Residential to R4 High Density Residential;
  - Include “business premises” and “office premises” as additional permitted uses (Schedule 5) on the site;
  - Introduce a maximum floor space ratio (FSR) of 1.4:1 across the site;
  - Introduce a maximum building height of 16m across the site; and
  - Introduce a minimum lot size of 1000sqm across the site.

### **Strategic and Site Specific Merit**

Council officers reviewed the subject Planning Proposal and concluded that it demonstrates strategic merit as it is consistent with the planning priorities and objectives of the Greater Sydney Region Plan and South District Plan, Council’s Local Strategic Planning Statement (LSPS), Council’s Local Housing Strategy, the draft Beverly Hills Master Plan, relevant State environment planning policies (SEPPs) and s.9.1 Ministerial Directions.

The Planning Proposal also demonstrates site specific merit as it adequately justifies that the proposed density (maximum building height of 16m and FSR of 1.4:1) can be accommodated on the site without resulting in adverse amenity impacts on the proposed and surrounding developments. Refer to Council’s submission for detail (**Attachment 1**).

### **Draft Site Specific DCP Amendment**

- A draft site-specific Development Control Plan (Amendment No. 4 to GRDCP 2021) (DCP amendment) has been prepared for the subject site to accompany the Planning Proposal. Whilst Council officers acknowledge the Planning Proposal has strategic and site specific merit, it is imperative that the draft DCP amendment be adopted to support the planning controls in the Planning Proposal. The draft DCP amendment has been prepared to ensure that the built form outcome reflects urban design considerations for any future development of the site, including the provision of built form, boundary setbacks, deep soil



areas, vehicular access, stormwater management, contamination and waste management issues.

- The draft DCP amendment is on public exhibition from **17 May to 16 June 2023**. Council has formally notified the Department's Agile Planning and Programs section regarding the exhibition of the DCP amendment. It should be noted that as part of the exhibition of the draft DCP amendment, Council is receiving submissions that relate to the Planning Proposal which will be sent to the Department and should be considered prior to finalising the Planning Proposal.
- Following the public exhibition of the DCP amendment, Council will consider a report on the submissions received and seeking the adoption of the DCP.
- The DCP will become effective when the LEP (Amendment No. 6 to GRLEP 2021) is gazetted.

### **Need for a VPA to Address Demands and Impacts of the Proposal**

- The Planning Proposal does not include an offer to enter into a VPA. Council considers that a VPA is essential in order to address the local demands and cumulative impacts of the new residential population that will be enabled by the Planning Proposal.
- The proposal will enable the site to be developed for residential flat buildings with the concept plans indicating a yield of up to 38 dwellings. The resulting population of 90-102 people will generate a demand for local parks, require safe and direct pedestrian connections to local parks and public transport facilities as well as improved community facilities and services.
- A preliminary list of the local infrastructure works and facilities identified by Council to directly address the cumulative impacts and demands from the new residential population from the proposal is included in the attached submission (**Attachment 1**).
- The Georges River Council *Local Infrastructure Contributions Plan 2021* (Contributions Plan) does not levy for the above local facilities and works. The proposed development of the site was not anticipated at the time the Contributions Plan was prepared. As such, the S7.11 contributions would not appropriately address the impacts of the development.
- Council concern: Council reiterates that a VPA provides the only funding mechanism for Council to address the demands for local infrastructure and facilities arising from the Planning Proposal. The public benefits identified for a VPA could not be conditioned on a future development consent. Accordingly, finalisation of the Planning Proposal should be subject to the submission and acceptance of a VPA offer.
- Further information on the public benefits of a VPA offer are provided in **Attachment 2**.



It is reiterated that as part of the ongoing public exhibition of the draft DCP amendment, Council is receiving submissions that relate to the Planning Proposal. Accordingly, Council requests that the Department not finalise the Planning Proposal until after the conclusion of the exhibition period for the draft DCP amendment (i.e., 16 June 2023) to enable consideration of all submissions relating to the Planning Proposal.

Attached to this letter is a detailed submission (**Attachment 1**) which covers the topics summarised above. **Attachment 2** provides further information on the public benefits of a VPA offer.

If you require any further explanation of the issues raised in the submission, please do not hesitate to contact the undersigned on 9330 9437 or Harkirat Singh, Senior Strategic Planner on 9330 6259.

Yours faithfully



Stephanie Lum  
**Coordinator Strategic Planning**



## **Attachment 1 – Georges River Council Officer's Submission**

### **Public Exhibition – PP-2021-6630 – 143 Stoney Creek Road, Beverly Hills**

#### **Summary**

This submission is provided in response to the public exhibition of the Planning Proposal PP-2021-6630 (Council reference PP2021/0002) that applies to 143 Stoney Creek Road, Beverly Hills (Lots 2 and 3 in DP 1205598) (the site) which is on public exhibition from 27 April 2023 to 26 May 2023.

It should be noted that as part of the ongoing public exhibition of the draft DCP amendment, Council is receiving submissions that relate to the Planning Proposal. Accordingly, Council requests that the Department of Planning and Environment (the Department) not finalise the Planning Proposal until after the conclusion of the exhibition period for the draft DCP amendment (i.e., 16 June 2023) to enable consideration of all submissions relating to the Planning Proposal.

The key points of Council's submission include:

- An acknowledgement of the Planning Proposal's strategic and site specific merit;
- Importance of the site specific DCP amendment accompanying the Planning Proposal to ensure that the built form outcome reflects urban design considerations for any future development of the site; and
- Necessity for a Voluntary Planning Agreement (VPA) to accompany the Planning Proposal to address the local demands and cumulative impacts of the new residential population that will be enabled by the Planning Proposal.

#### **The Planning Proposal**

As you would be aware, the Planning Proposal was first lodged with Council in November 2021 and after a series of amendments, the applicant lodged a rezoning review request with the Department, for consideration by the Sydney South Planning Panel (the Panel) in October 2022.

It is noted that the Planning Proposal submitted for the rezoning review, was recommended by the Panel to be submitted for a Gateway Determination, and is on public exhibition seeks to amend the *Georges River Local Environmental Plan 2021* (GRLEP 2021) for the site as follows:

- Rezone the site from part SP2 Infrastructure (Public Administration) and part R2 Low Density Residential to R4 High Density Residential;

- Include “business premises” and “office premises” as additional permitted uses (Schedule 5) on the site;
- Introduce a maximum floor space ratio (FSR) of 1.4:1 across the site;
- Introduce a maximum building height of 16m across the site; and
- Introduce a minimum lot size of 1000sqm across the site.

## 1. Strategic and Site Specific Merit

Council officers reviewed the exhibited Planning Proposal as part of the Rezoning Review and concluded that the Planning Proposal demonstrates strategic merit as it is consistent with the planning priorities and objectives of the Greater Sydney Region Plan and South District Plan, Council’s Local Strategic Planning Statement (LSPS), Council’s Local Housing Strategy, the draft Beverly Hills Master Plan, relevant State environment planning policies (SEPPs) and s.9.1 Ministerial Directions as summarised in **Table 1 – Strategic consistency** below:

Strategic document	Comment
Greater Sydney Region Plan and South District Plan	The subject site: <ul style="list-style-type: none"> <li>• is located within walking distance of train and bus services, including those that travel to Riverwood and Hurstville</li> <li>• provides opportunities for employment, housing and services for the local community</li> <li>• provides potential for residential and employment uses on the site within walking distance to an existing centre and public transport</li> </ul>
Local Strategic Planning Statement	The Planning Proposal is consistent with the employment and residential targets and objectives of the Georges River Local Strategic Planning Statement 2040.
Local Housing Strategy	The design concept provides for a range of housing options, in the form of one, two and three bedroom apartments.
Draft Master Plan for Beverly Hills Centre	The subject site was identified as a “future housing investigation area” in the exhibited draft Beverly Hills Local Centre Master Plan (exhibited July 2020). The exhibited draft Master Plan did





	<p>not propose any changes to zoning and development standards of this site or adjoining sites on Stoney Creek Road.</p> <p>At its meeting on 24 April 2023, Council resolved not to proceed with the exhibited Master Plan and endorsed (in part) a number of area-based principles and elements on which a future exhibited Master Plan should be based. However, an amended draft Master Plan would not propose any changes to zoning and development standards of this site or adjoining sites on Stoney Creek Road.</p>
SEPP (Resilience and Hazards) 2021	<p>The site was previously used for a non-residential land use as a government administration building for the Roads and Traffic Authority. A Detailed Site Investigation (DSI) report was submitted with the Planning Proposal.</p> <p>The DSI concluded that widespread contamination was not identified at the site and that the site could be made suitable for mixed use commercial, residential and child care uses. The Planning Proposal is considered satisfactory with respect to the provisions of Chapter 4 Remediation of Land under SEPP (Resilience and Hazards) 2021.</p>
<p>S9.1 Ministerial Directions:</p> <p>4.1 Flooding</p> <p>4.4 Remediation of Land</p> <p>5.1 Integrating Land Use and Transport</p> <p>6.1 Residential Zones</p>	<p>4.1: The submitted concept plans and Flood report demonstrate the ability for a future development to improve the existing flood conditions through a set of design and management conditions.</p> <p>4.4: The DSI concludes that the site can be made suitable for mixed use commercial, residential and child care uses</p> <p>5.1: The Planning Proposal increases opportunities for a range of employment land uses and housing within walking distance of Beverly Hills Centre and public transport.</p> <p>6.1: The proposed land use zone will broaden housing choice and proposes to make use of</p>



	existing infrastructure and services. Also, refer to point 3 below.
<p>Proposed Land use zone:</p> <p>It is proposed to rezone the subject site from SP2 Infrastructure (Public Administration) zone and R2 Low Density Residential zone to R4 High Density Residential zone</p>	<p>The proposed rezoning from SP2 Infrastructure (Public Administration) zone to R4 High Density Residential zone is considered an appropriate planning response, as the site is redundant government land and the intended land uses within the Planning Proposal do not meet the objectives of the SP2 Infrastructure (Public Administration) zone, which are:</p> <ul style="list-style-type: none"> <li>• To provide for infrastructure and related uses</li> <li>• To prevent development that is not compatible with or that may detract from the provision of infrastructure</li> <li>• To protect and provide for land used for community purposes and public infrastructure</li> </ul> <p>The proposal seeks an FSR of 1.4:1 and Height of Building (HOB) of 16m for the site; which are equivalent to those for the approved medical centre (DA2020/0227 granted consent on 21 February 2021). The proposed development standards are higher than the adjoining zones. The adjoining R2 Low Density Residential zone has a base FSR of 0.55:1 and HOB of 9m. The adjacent R4 High Density Residential zone on the northern side of Stoney Creek Road has an FSR of 1:1 and HOB of 12m.</p>

**Table 1: Strategic Consistency**

The Planning Proposal demonstrates site specific merit, as it adequately justifies that the proposed density (maximum building height of 16m and FSR of 1.4:1) can be accommodated on the site without resulting in adverse amenity impacts on the proposed and surrounding developments and current and future occupants. See comments in **Table 2 - Site specific consistency** below:

Topic	Comment
Urban Design	The concept scheme for a residential flat building development has been assessed against the Design Quality Principles specified by Schedule 1 of SEPP 65





	and is consistent with Principle 1 'Context and neighbourhood character', Principle 2 'Built form and scale', Principle 7 'Safety', Principle 9 'Aesthetics', and is considered to comply with the key ADG Design Criteria of deep soil area. The development concept plans can achieve an ADG-compliant development in future, including the criteria of setbacks and building separation.
Stormwater	Any future development on the site would require the diversion of the existing Sydney Water Culvert. Council's stormwater engineer's recommendation for the site (see point 2 below) include stormwater management controls to ensure any future development considers this constraint.
Contamination	The Planning Proposal is accompanied by a DSI prepared by Environmental Investigations Australia. The investigation concludes that widespread contamination was not identified at the site and that the site can be made suitable for mixed use commercial, residential and child care uses.
Traffic and Parking	No major issues concerning traffic and parking have been identified. Council's traffic engineer has reviewed the proposal and is satisfied with the assessment made by Ason Group that the concept design for the residential flat building on the site depicts a decrease in traffic generated from the approved Medical Centre. Further assessment of the parking requirements and vehicular access for any future development would need to be considered at the development assessment stage.
Social and economic impact	The Planning Proposal seeks to include "business premises" and "office premises" as additional permitted uses in Schedule 1 of the GRLEP 2021. These additional uses and the proposed land use zone may result in non-residential land uses which may compete with the existing employment and retail uses in the nearby Beverly Hills Centre. However, non-residential uses are consistent with the previous land use - as a



	government administration building and the approved land use of a medical centre on the subject site.
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**Table 2: Site specific consistency**

Although the Planning Proposal demonstrates strategic and site-specific merit, it is likely to place additional demand on public infrastructure due to the potential increase in population from the future development on the site. Council has identified a potential shortfall in local infrastructure provision which has not been addressed by the proposal. Refer to point 3 below.

## **2. Draft Site Specific DCP Amendment**

A draft site-specific Development Control Plan (Amendment No. 4 to GRDCP 2021) (DCP amendment) has been prepared for the subject site to accompany the Planning Proposal. Whilst Council officers acknowledge the Planning Proposal has strategic and site specific merit, it is imperative that the draft DCP amendment be adopted to support the planning controls in the Planning Proposal. The draft DCP amendment has been prepared to ensure that the built form outcome reflects urban design considerations for any future development of the site, including the provision of built form, boundary setbacks, deep soil areas, vehicular access, stormwater management, contamination and waste management issues.

The draft DCP amendment is on public exhibition from **17 May to 16 June 2023**. Council has formally notified the Department's Agile Planning and Programs section regarding the exhibition of the DCP amendment.

It should be noted that as part of the public exhibition of the draft DCP amendment, Council is receiving submissions that relate to the Planning Proposal. Accordingly, it is requested that the Department not finalise the Planning Proposal until after the conclusion of the exhibition period (i.e., 16 June 2023) to enable consideration of all submissions relating to the Planning Proposal.

Following the public exhibition of the DCP amendment, Council will consider a report on the submissions received and seeking the adoption of the DCP.

The DCP will become effective when the LEP (Amendment No. 6 to GRLEP 2021) is gazetted.

## **3. Need for a VPA to Address Demands and Impacts of the Proposal**

The Planning Proposal does not include an offer to enter into a VPA. Council considers that a VPA is essential in order to address the local demands and



cumulative impacts of the new residential population that will be enabled by the Planning Proposal.

The proposal will enable the site to be developed for residential flat buildings with the concept plans indicating a yield of up to 38 dwellings. The resulting population of 90-102 people will generate a demand for local parks, require safe and direct pedestrian connections to local parks and public transport facilities as well as improved community facilities and services.

A preliminary list of the local infrastructure works and facilities identified by Council to directly address the cumulative impacts and demands from the new residential population from the proposal include:

- Construction of pedestrian refuge island - upgrade intersection of Cambridge Street / Stoney Creek Road to assist with a direct and safe pedestrian route from the site to Beverly Hills Train Station via the signalised intersection of Stoney Creek Road/ King Georges Road.
- Construction of pedestrian refuge island - upgrade intersection of Arcadia Street/ Stoney Creek Road to assist with a direct pedestrian route from the site to the nearest bus stop on Penshurst Street.
- Bus stop upgrades - upgrade and installation of DDA compliant tactile surfaces.
- New bus shelter and upgrade – at the Penshurst Street bus stop (after Stoney Creek Road).
- Improve access to local park – construct pedestrian refuge islands to provide safe and direct route to local park (Gifford Park)
- Upgrade of local park – contribution toward upgrade of Gifford Park that is the closest local park, located on Arcadia Street, 500 metres south of the site.
- On-road and off-road cycleway paths – contribution towards design and construction.
- Improvements to local childcare services and facilities – contribution for portion of cost.



- Improvement to local library services – contribution for portion of cost.

The Georges River Council *Local Infrastructure Contributions Plan 2021* (Contributions Plan) does not levy for the above local facilities and works. The proposed development of the site was not anticipated at the time the Contributions Plan was prepared. As such, the S7.11 contributions would not appropriately address the impacts of the development.

Council concern: Council reiterates that a VPA provides the only funding mechanism for Council to address the demands for local infrastructure and facilities arising from the Planning Proposal. The public benefits identified for a VPA could not be conditioned on a future development consent. Accordingly, finalisation of the Planning Proposal should be subject to the submission and acceptance of a VPA offer.

Further information on the public benefits of a VPA offer are provided in **Attachment 2**.



## **Attachment 3 - Rezoning Review 143 Stoney Creek Road, Beverly Hills**

### **Information on Public Benefits for a VPA Offer**

#### **Planning Proposal - No VPA offer**

The Planning Proposal does not include an offer to enter into a VPA. The Planning Proposal (dated July 2022) states that it:

*“is not accompanied by an offer to enter into a planning agreement with Council, noting that the Council’s current Planning Agreements Policy is predicated on the concept of “value capture” which is contrary to the Department of Planning & Environment Planning Agreements Practice Note dated February 2021 which provides that planning agreements should not be used explicitly for value capture in connection with the making of planning decisions.*

*Notwithstanding, the Planning Proposal does not seek any “uplift” in FSR and provides an identical FSR to that which is already approved on the site. Any increase in infrastructure demand arising from the Planning Proposal is appropriately addressed via the Council’s existing Section 94A Plan, Section 7.12 – Fixed Development Consent Levies, as is already the case under the recently approved medical centre on the site”.*

On 5 October 2022, the Applicant provided legal advice and advised Council that a VPA will not be offered for the reasons summarised below:

- *Council’s Planning Agreements Policy does not entitle Council to mandate a VPA. The voluntary nature of VPAs is confirmed by the Department’s Planning Circular PS21-001 as follows: “A council cannot require a planning agreement in order to progress a planning proposal”.*
- *Council’s Planning Agreements Policy and approach to negotiating a VPA is predicated on the concept of “value capture”, which is directly contrary to the Department’s Practice Note dated February 2021. The Practice Note is made under legislation and Council therefore has an obligation to act in a manner consistent with the Practice Note.*
- *The Planning Proposal is needed to replace redundant zoning, noting that the NSW State Government has sold the site which is now redundant to its requirements.*
- *The Planning Proposal does not seek any uplift in FSR or height.*

- *The Planning Proposal is not designed to facilitate a single, specific development as other Planning Proposals often are. The primary objective of the Planning Proposal has always been to expand the uses which can be accommodated within the existing building on the site and also within the approved medical centre building on the site, and to replace a redundant zoning. If any other development made permissible by the LEP amendment is pursued, the specific infrastructure needs of that future development is appropriately determined at the time the development application is made, just as it was when the DA for the medical centre was approved. The Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 and 7.12 plan) therefore provide the most appropriate mechanisms for addressing any infrastructure demand associated with the potential redevelopment of the site in the future.*

## **Council Comments**

Council considers a VPA is required in order to address the local demands and cumulative impacts of the new residential population that will be enabled by the Planning Proposal.

The Planning Proposal seeks to amend the zoning and change the land uses permissible on the site that will result in a different type of demand and use of local infrastructure compared to that of the existing commercial use.

Council has requested that a VPA offer be submitted in conjunction with the Planning Proposal and has provided the Applicant with a preliminary list of the infrastructure works and community facilities that would address the additional demands (see Table 1). Council has also met with the Applicant to discuss these public benefits.

A VPA is considered necessary for the reasons outlined below:

### **a) Change of use - new residential population**

A VPA is considered essential in order to address the demands that will arise from the 'change of land use' from the current SP2 Infrastructure (Public Administration) and R2 Low Density Residential zones to the proposed R4 High Density Residential zone.

The site was historically used as a RTA administration centre with an office building and carparking on the site. Recently a Development Consent was issued (21 February 2021) for a two and three storey medical centre with an FSR of 1.4:1 and height of 16 metres on the site.

The Planning Proposal seeks to introduce the FSR of 1.4:1 and building height of 16 metres as well as high density residential and additional permitted uses of 'office' and 'business premises'. It is noted that the R4 High Density Residential Zone under *Georges River LEP 2021* typically has an FSR of 1:1 and building height of 13 metres. The residential area opposite the site on Stoney Creek Road has an FSR of 1:1.



Although there is no change to the FSR that has been approved under the recent Development Consent, the proposal will change the use of the site to residential and therefore the demands for infrastructure from the people using the site.

The Planning Proposal will enable the site to be developed for residential flat buildings, with the concept plans indicating a yield up to 38 dwellings. The new resident population of between 90-102 people will generate a different type of demand for local facilities than the current commercial use.

New residents will increase the demand and use of local parks, require safe and direct pedestrian connections to parks and public transport facilities as well as improved local community facilities and services.

**b) S7.11 Contributions Plan**

The *GRC Local Infrastructure Contributions Plan 2021* does not levy for the local facilities and works that would address the demand generated by the new residents on the site.

The proposed development of the site was also not anticipated at the time the Contributions Plan was prepared. As such the s7.11 contributions would not appropriately address the impacts of the development

The Contributions Plan levies for community facilities and services that cater for the broader LGA wide demands and larger scale projects, such as the upgrade of sporting fields and facilities, upgrade of major parks, town centre public domains, new community facilities and key traffic and transport upgrades.

**c) VPA addresses cumulative demand on local facilities**

The VPA provides the only funding mechanism for Council to address the cumulative demands for local infrastructure and facilities arising from Planning Proposals.

The public benefits identified for a VPA could not be conditioned on a future Development Consent.

The VPA forms part of the strategic planning process and addresses the site-specific demands of the proposal, providing proposed public benefits including:

- upgrade of local park,
- upgrade of pedestrian paths to ensure there is a direct and safe route from the site to local parks and public transport,
- upgrade nearby bus stops to ensure they are DDA compliant and improve amenity such as upgrade of seating and shelters,
- improve local community services such as childcare and library services.

**d) Acceptability Test**

The proposed public benefits will meet the acceptability test under the *Practice Note on Planning Agreements 2021* including:

- The public benefits identified are *“directed towards legitimate planning purposes, which can be identified in the statutory planning controls and other adopted planning strategies and policies applying to development”*.
- The VPA and proposed public benefits will *“produce outcomes that meet the general values and expectations of the public and protect the overall public interest”*.
- A VPA will *“provide for a reasonable means of achieving the desired outcomes and securing the benefits”*.
- A VPA will *“protect the community against adverse planning decisions”* and will address the cumulative impacts and demands of the Planning Proposal.

#### **e) Economic Feasibility Assessment - Public Benefits are reasonable**

To ensure that the public benefits for a VPA are not unreasonable or inappropriate, Council engaged economic consultants Hill PDA in June 2022 to undertake an economic feasibility assessment.

The purpose of this work was to provide advice and guidance on a reasonable contribution value. Hill PDA reviewed the Planning Proposal documentation, market research and feasibility assessment.

The economic assessment of the Planning Proposal considered a reasonable contribution value for the public benefits under a VPA was \$760,000. This value would be used to ensure that the value of any public benefits in a VPA was not unreasonable.

Council has not applied land value capture as the primary purpose to determine the value of the contributions. The public benefits were identified by Council staff following an assessment of the Planning Proposal, review of local infrastructure near the site and a review of Council’s adopted strategies and policies.

Council’s current *Planning Agreement Policy 2016* was prepared prior to the Department’s *Practice Note on Planning Agreements* and states that value capture may be ‘one’ of the mechanisms used to determine the contributions for a VPA.

#### **Public Benefits for a VPA**

The preliminary list of the infrastructure works and facilities, identified by Council staff to directly address the cumulative impacts and demands from the new residential population from the proposal, are listed below in Table 1.

The public benefits are not levied under Council's Local Infrastructure Contributions Plan 2021 and cannot be required by way of a condition on any future Development Consent.

The public benefits are local works and facilities close to the site and are supported by Council's adopted strategies and policies.

A VPA will be a key tool to facilitate the delivery of the works and facilities to support the proposed population growth. Council would seek a monetary contribution towards the provision of these public benefits.

**Table 1: Preliminary list of public benefits for VPA**

Infrastructure and community facilities	Comments
<b>Construction of pedestrian refuge island</b> - upgrade intersection of Cambridge Street/ Stoney Creek Road	<p>The refuge will assist with a direct and safe pedestrian route from the site to Beverly Hills Train Station via the signalised intersection of Stoney Creek Road/ King Georges Road.</p> <p>This route will also lead to the nearest bus stops on King Georges Road.</p> <p>With the proposed increase in residents, additional traffic management facilities will be required surrounding the site to improve pedestrian and road safety. Estimated cost of refuge - \$50,000.</p>
<b>Construction of pedestrian refuge island</b> - upgrade intersection of Arcadia Street/ Stoney Creek Road	<p>The refuge will assist with a direct pedestrian route from the site to nearest bus stop on Penshurst Street.</p> <p>This intersection also connects with Council's strategic cycleway that will lead to Gifford Park and straight to the Penshurst shopping district.</p> <p>With the proposed increase in residents, additional traffic management facilities will be required surrounding the Site to improve pedestrian and road safety. Estimated cost of refuge - \$50,000.</p>
<b>Bus stop upgrades</b> - Upgrade and installation of DDA compliant tactile surfaces.	<p>Upgrade three local bus stops:</p> <ul style="list-style-type: none"> <li>- Penshurst Street before Stoney Creek Road bus stop</li> <li>- King Georges Road at Norfolk Avenue bus stop</li> <li>- King Georges Road opposite Norfolk Avenue bus stop</li> </ul> <p>Estimated cost of \$15,000 for each upgrade.</p>
<b>New bus shelter &amp; upgrade</b> - Penshurst Street after Stoney Creek Road bus stop	<p>The installation of a bus shelter and upgrade and installation of DDA compliant tactile will assist customers while waiting for buses.</p> <p>Council's <i>Transport Strategy</i> 2021 sets out strategies and actions to improve for the transport networks and pedestrian facilities.</p>
<b>Pedestrian refuge islands</b> - to provide safe and direct route to local park (Gifford Park)	<p>Gifford Park is the closest local park located on Arcadia street, 500 metres south of the site.</p> <p>In order to provide a safe and direct pedestrian route from the Site to Gifford Park, pedestrian refuge islands are required to slow traffic and provide a safe crossing point at the intersections / road crossing points.</p> <p>Two refuges are required at the intersection of Arcadia Street/ Young Street.</p>

Infrastructure and community facilities	Comments
	<p>Estimated cost of \$100,000. One refuge is required at the intersection of Young Street/ Penshurst Street. This is the preferred intersection which will align with Council's Transport Strategy and cycleway link which leads to Penshurst shopping district. Estimated cost of \$50,000.</p>
<p><b>Upgrade of local park - Gifford Park</b></p>	<p>The increase in population from the proposal will increase the use of local parks.</p> <p>Gifford Park is the closest local park, located on Arcadia Street, 500 metres south of the site. The park has a small playground with play equipment, small old amenities block and netball court.</p> <p>The VPA could include a contribution of \$50,000 towards the upgrade of the play equipment, existing netball courts and upgrade of the amenities block in the park.</p> <p>The GRC Contributions Plan does not levy for the upgrade of Gifford Park.</p> <p><i>Georges River Open Space, Recreation and Community Facilities Strategy (2019-2036)</i> and <i>South District Plan (2018)</i> states that high density development should be located within 200 metres of quality open space.</p> <p>Council's <i>Community Strategic Plan 2022 – 2032</i>, provides that everyone has access to quality parks and open space and active and passive recreation facilities and to ensure public parks and open space and Council buildings are accessible.</p>
<p><b>On-road and off-road cycleway paths – design and construction</b></p>	<p>The provision of active links and safe cycle paths is important as the population increases.</p> <p>A VPA contribution towards the design and construction of on-road and off road paths (including line marking, speed patches, bike lanes, signals and refuges) is important as sites outside of the key centres are redeveloped.</p> <p>Council's Transport Strategy 2021 identifies the need to provide active transport links throughout the LGA.</p>
<p><b>Improvements to local childcare services and facilities –contribution for portion of cost</b></p>	<p>Improvements to existing childcare facilities located in close proximity to the site will directly support the new residential population and address additional demands. The VPA could include a contribution towards a portion of the cost of these improvements.</p> <p>Jack High Child Care Centre in Beverly Hills and the Penshurst Long Day are located close to the site. Improvements to these existing centres can include extended hours of care, extended services (such as to support children with additional needs) and improvement to the resources/facilities. The total estimated cost of such improvements is \$200,000.</p> <p>The GRC <i>Local Infrastructure Contributions Plan</i> does not levy for the upgrade of childcare facilities. The Plan levies for a range of new community facilities throughout the LGA, including a new childcare facility (location yet to be identified).</p>
<p><b>Improvement to local library services – contribution for portion of cost</b></p>	<p>There are no existing or proposed libraries in Beverly Hills, with the closest library's being Penshurst Library and Hurstville Central Library.</p> <p>Improvements to existing libraries such as improving flexible use, standalone self-service points, as well as expanding library services to incorporate mobile library services will support the new population. The VPA could include a</p>

Infrastructure and community facilities	Comments
	<p>contribution towards a portion of the cost of these improvements.</p> <p>The Council's <i>Library Strategy 2030</i> identifies the need to ensure libraries are accessible and "<i>provide opportunities for the community to engage with the library outside our buildings through outreach and online services</i>". The estimated cost of a new mobile library service is \$150,000.</p>