

**Offer to enter into a Voluntary Planning Agreement for  
“payment of a monetary contribution”**

**Pursuant to s.93F of the Environmental Planning and Assessment Act 1979 (Act)**

**Applicant’s Outline of Offer**

**Background**

1. This offer to enter into a Voluntary Planning Agreement is made by the developer, GR Capital Group Pty Ltd, in connection with a section 96 application to modify development consent DA 2014/1083 to include five additional levels of residential units and an additional 44 basement car spaces (**the Modification Application**).
2. The Modification Application relates to Lots 1 and 2 in DP 306979 and Lots 14, 15 and 16 of Section A in DP 2752, known as 1-5 Treacy Street, Hurstville NSW 2220 (**the Site**).
3. The developer formally offers to enter into a voluntary planning agreement, where the parties to the agreement are Hurstville Council and the developer.

**Summary**

4. The Site falls within the eastern end of the Hurstville Town Centre and is located on the corner of Hill Street and the Avenue.
5. Hurstville Council, through the *Hurstville City Centre Concept Masterplan* and other traffic studies undertaken has identified a need for traffic upgrade and improvement works as well as additional parking in the Town Centre and areas surrounding the Site.
6. The Planning Agreement which accompanied Development Consent DA 2014/1083 proposed a range of upgrade works and street widening surrounding the site.
7. As part of the Modification Application, the developer intends to provide a monetary contribution in the amount of \$200,000 to be used for traffic upgrade works or parking facilities as Hurstville Council sees fit. (**the Monetary Contribution**).
8. The developer offers the Monetary Contribution in a genuine effort to address traffic and parking concerns in the Town Centre and adjacent to the Site.
9. In addition to the section 94 contributions payable under the consent and any amended consent, the developer offers to provide the Monetary Contribution as an additional public benefit provided as part of the Modification Application.

**Nexus when no is required**

10. On 12 December 2012 Council adopted the “Hurstville Section 94 Development Contributions Plan 2012”. This Plan took effect on 14 March 2013. (See: <http://www.hurstville.nsw.gov.au/DownloadDocument.aspx?DocumentID=2818>)
11. Within Appendix F to the Contributions Plan, the “Road and Traffic Management” infrastructure required to assist in meeting the demands placed upon roads within the City of Hurstville includes at RT1, RT2 and RT3:

#### ROAD AND TRAFFIC MANAGEMENT

RT1	Widen Treacy Street railway underpass ie road bridge (at Forest Road) to 4-lanes	Hurstville City Centre	\$5,985,646	3	Detail investigations currently being undertaken by RailCorp	ARUP Hurstville City Centre Traffic study 2007/SKM traffic modelling 2009
RT2	Widen The Avenue road underpass ie railway bridge (at Tracey Street) to 4-lanes	Hurstville City Centre	\$13,603,739	3	Detail investigations by the RailCorp are in progress. Concept design has been prepared by Council	SKM Traffic model 2009
RT3	Widen Lily Street road bridge (railway underpass) to 4-lanes	Hurstville City Centre	\$13,603,739	3	ARUP Traffic Study recommendation. Detail surveys and a concept design has been prepared by Council.	ARUP Hurstville City Centre Traffic study 2007/SKM traffic modelling 2009

12. To undertake these three projects Council needs to procure through section 94 and /or VPA contributions over \$33 Million.
13. Despite a VPA not requiring any nexus between the contribution and the Contribution Plan, the proponent recognises that there is both a nexus and a clear public benefit in making further contributions towards the achievement of capital funding for these infrastructure works.

#### The offer

14. In circumstances where the Modification Application is approved and prior to the issue of a Construction Certificate reflecting the modified scheme is issued and development works have physically commenced, the developer offers to:
  - a. Provide an additional monetary contribution, beyond the existing VPA and the Section 94 contributions payable in the amount of \$200,000 to Hurstville Council towards Road and Traffic Management Infrastructure items RT1, RT2 and/or Item RT3 within Appendix F to the Contributions Plan.

#### (the applicant's offer)

15. The voluntary planning agreement which would give effect to the applicant's offer would not exclude (wholly or in part) the application of section 94, 94A or 94EF.
16. The applicant seeks that benefits under the agreement will be taken into consideration in determining a development contribution under section 94.
17. The final voluntary planning agreement will contain provisions necessary to ensure that it complies with the *Environmental Planning and Assessment Act 1979* and that the developer's interests are protected.

#### GR Capital Group Pty Ltd

Executed by GR Capital Group Pty Ltd in accordance with section 127 Corporations Act 2001:

  
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Sole Director

Name: Wensteng Liu.....

15 December 2015