

## Attachment 2:

### Offer to enter into a Voluntary Planning Agreement – comments on proposed public benefits

A draft letter of offer ('draft offer') dated 10 June 2022 was submitted on behalf of Point Gate Developments Pty Ltd in conjunction with the Planning Proposal. The draft offer proposes to provide both monetary contributions as well as works and is stated to be subject to approval of the Planning Proposal and traffic signal upgrades.

A preliminary assessment of the draft offer has been undertaken by Council staff in accordance with the *Practice Note on Planning Agreements (2021)* and Council's *Planning Agreements Policy (2016)*. Council has had discussions with the Proponent in relation to an earlier VPA offer and will be undertaking further discussions and work in relation to the current draft offer and Planning Proposal.

The provision of a VPA in conjunction with the Planning Proposal is considered essential in order to provide a mechanism to deliver the infrastructure works and community facilities to support the demands and impacts of the proposed increase in population. The VPA will be a key tool to facilitate the delivery of the works to support the Planning Proposal and as such the Planning Proposal and VPA processes should be run in parallel.

Below is an outline of the proposed contributions in the draft offer and Council staff comments. In summary some of the public benefits are supported in principle as part of a VPA offer however some of the works should be provided by the developer as part of the proposed development or as a condition on any future Development Consent.

1. **Monetary Contribution** – the draft offer proposes to provide a monetary contribution, with the value to be determined by applying land value capture or

use of an alternative mechanism as outlined in Council's *Planning Agreements Policy*.

*Council comments:* A monetary contribution towards the infrastructure works and community facilities that are required to address the impacts and demands of the proposed development is supported. A list of the infrastructure works and facilities is outlined in the section below.

In accordance with the *Practice Note on Planning Agreements*, land value capture however is not supported or used as a primary purpose of a planning agreement. To ensure that the value of the monetary contributions for these works is appropriate and reasonable, Council will engage economic consultants to provide guidance on the VPA contribution value. This ensures that the process is open and transparent and the cost of the works and values in the VPA is reasonable.

2. **Publicly accessible open space** - provision of publicly accessible open space connected to the surrounding street via 2 through-site links. The open space is to be retained in private ownership.

*Council comments:* Council supports the creation of the proposed plaza area as part of the Planning Proposal. The cost of creating and embellishing this space, however is not considered or supported as a public benefit under the VPA. The plaza area is considered to primarily service the increased population from the development as well as service and provide direct access to the proposed retail shops fronting onto the space. Being retained in private ownership, the use and management would not be managed by Council.

The creation of a public access easements to enable pedestrian access and connectivity through the site and plaza area are however supported as a public benefit under a VPA.

3. **Through-site links:** public pedestrian access to improve permeability in and around the site.

*Council comments:* The provision of through site links are supported and are considered to be an integral part of the overall design of the proposed development. Council support the creation and registration of public access easements to provide pedestrian access through the site in the VPA, however do not support the cost of creating and embellishing the through site links in a VPA.

4. **Public domain improvements and landscaping:** upgrades to footpath along the Targo Road and public domain improvements.

*Council comments:* Public domain improvements on the footpaths are required as part of the development of any site and would be conditioned on any future Development Consent. They would not be supported as part of a VPA. However, as outlined below, Council have identified a potential need to upgrade the public domain works adjoining and surrounding the site. These works may be considered in a VPA offer.

5. **Traffic improvement works:** delivery of traffic improvement works to the local road network including installation of new traffic signals.

*Council comments:* The draft offer does not identify the traffic works to be provided. The Traffic Report submitted with the Planning Proposal identifies the traffic works required to support the proposed development. Council staff and TfNSW have provided comments on the road works and local traffic management works required.

Some of the traffic works would be conditioned on any future Development Consent and others should be included in a VPA. Council's *Local Infrastructure Contributions Plan* does not levy for any of the identified road works in the proposal.

6. **Section 7.11 Contributions / Offsets –** the draft offer seeks consideration of an offset to be applied to any future section 7.11 contributions.

*Council comments:* Council's *Infrastructure Contributions Plan* does not levy for the local works and facilities required to directly support the proposed development, as the proposed development was not anticipated at the time the plan was prepared. The Contributions Plan levies for community facilities and services that cater for the broader LGA wide demands and larger scale projects. The public benefits provided under a VPA would generally be considered in addition to the s7.11 contributions.

7. **Easement for access :** the draft offer states that to ensure vehicle access to any future development at 201-209 Rocky Point Road, Ramsgate, the Proponent will provide an easement for access. The easement will enable the proposed site-through link off Ramsgate Road and the neighbour's existing laneway to act as a shared way enabling waste vehicles up to 10.5m in length to access any future development at 201-209 Rocky Point Road.

*Council comments:* The creation and registration of an easement for access will be considered as part of the VPA and / or future Development Application.

### **Infrastructure works and community facilities required to support the Planning Proposal and proposed development**

The Planning Proposal will result in a significant increase in the number residents and workers for the site, providing approximately 176 residential units, a supermarket and retail uses.

Council staff have undertaken a review of the Planning Proposal and draft VPA offer and have identified a preliminary list of the works and facilities that are considered to be required to support and address the impacts and demands of the proposed development.

This review has been informed by Council's adopted planning strategies and policies, in addition to the Traffic Report submitted with the Planning Proposal, TfNSW comments and NSW Government strategies.

The proposed mechanisms to deliver these works (i.e. by way of a condition of any future Development Consent, VPA or s7.11 contribution) have been identified.

It is noted that Council's *Infrastructure Contributions Plan – Section 7.11 and Section 7.12 (2021)* does not levy for the majority of the works and facilities identified, as the proposed development was not anticipated at the time the plan was prepared. Additionally, the Contributions Plan levies for community facilities and services that cater for the broader LGA wide demands and larger scale projects.

Council will be progressing discussions with the Proponent on the draft VPA offer and public benefits in order to formalise a VPA offer. In addition, further work on these projects will be undertaken, including cost estimates and priorities. To ensure that the value of the VPA contributions/works is appropriate and reasonable, Council will engage economic consultants to provide guidance on a reasonable VPA contribution value. This ensures that the process is open and transparent and the cost of the works and values in the VPA is reasonable.

Infrastructure works and community facilities (not included in s7.11 Plan)	Proposed mechanism to deliver works	Comments
a) Install traffic signals at Rocky Point Road/Targo Road intersection	DA condition	The Planning Proposal Traffic Report and TfNSW have required these works for the proposal.
b) Install traffic signals at Targo Road /Ramsgate Road/The Promenade	DA condition and/or VPA	The Planning Proposal Traffic Report and TfNSW have required these works for the proposal.
c) Remove existing signalised pedestrian crossing and line marking on Rocky Point Road	DA condition	The Planning Proposal Traffic Report has identified these works for the proposal. Pedestrian facilities are to be provided at the new Targo Road signal
d) Remove on-street parking on the eastern and western side Rocky Point Road and Targo Road	DA condition and/or VPA	The Planning Proposal Traffic Report identifies the requirement for these works for the proposal.
e) Install on-street parking signage on eastern and western side of Rocky Point Road (north of Targo Road)	DA condition	These works are required to support the required changes to the road network.
f) Pavement marking - Ramsgate Road/Rocky Point Road	S7.11 and VPA	The <i>GRC Contributions Plan</i> levies for a portion of the cost of the pavement marking on Ramsgate Road/Rocky Point Road. VPA funds may also be required as part of the proposed changes to the road network.
g) Construct median island on Ramsgate Road (west of Rocky Point Road)	DA condition	Council's traffic engineers have identified the need for a new median island as part of the local traffic management works.
h) Local traffic management works: <ul style="list-style-type: none"> <li>- Raised thresholds along Hastings Road, Targo Road, Burgess Street, Torwood Street, The Promenade</li> <li>- Relocate pedestrian refuge island on Ramsgate Road (west of The Promenade)</li> <li>- Install pedestrian refuge island Dalkeith Street &amp; Ramsgate Rd intersection</li> </ul>	VPA	Council's traffic engineers have identified local traffic management works required to address traffic generation from the proposal.
i) Upgrade local bus stops: <ul style="list-style-type: none"> <li>- Ramsgate Road (if bus stop is relocated west)</li> </ul>	VPA	The bus stops close to the proposed development will require upgrades to service the expected increase in residents utilising public transport.

Infrastructure works and community facilities (not included in s7.11 Plan)	Proposed mechanism to deliver works	Comments
- new bus shelter on Rocky Point Rd at Hastings Road bus stop		Council's <i>Transport Strategy (2021)</i> identifies the need to upgrade and improve accessibility at local bus stops.
j) Creation of a public access easement for the rear laneway between Ramsgate Road and Targo Road	Development Consent	The easement is required to ensure vehicle access to all properties fronting onto the laneway.
k) Creation of a public access easement to provide pedestrian access through the site and plaza area	VPA	The easement for public access will provide pedestrian access through the site and public plaza.
l) Upgrade and improvements to local open space - Claydon Reserve	VPA	<p>Claydon Reserve is located approximately 500metres from the site. The park has existing play equipment, amenities building and soccer fields.</p> <p>The proposed increase in population would increase demand and use of local open space. The <i>GRC Contributions Plan</i> does not levy for the upgrade of any parks in Ramsgate or Claydon Reserve.</p> <p>Council's <i>Open Space, Recreation &amp; Community Facilities Strategy</i> identifies the need for future upgrades at Claydon Reserve.</p> <p>The NSW Government <i>Green Grid – South Spatial Framework</i> identifies Claydon Reserve as a riverside park as one of a string of riverside parks that require improved connectivity, with enhancements to the parks and wetlands required.</p>
m) Improvements to existing community facilities and services including early learning services and library services	VPA	<p>The Planning Proposal will result in an increase in the number of residents and workers in the local area, which will in turn result in a demand for local community services.</p> <p>The <i>GRC Local Infrastructure Contributions Plan</i> levies for a range of new community facilities and services throughout the LGA, including a new child care facility (location yet to be identified), new central and western libraries, library resources and civic precinct. These facilities will address the demands of the proposed development.</p>

Infrastructure works and community facilities (not included in s7.11 Plan)	Proposed mechanism to deliver works	Comments
		<p>To directly support the proposed development, improvements to existing community services that are located in close proximity to the site is recommended.</p> <p>For example this may include the expansion of Council's early learning centres to provide after hours care through extended hours and services for children with additional needs.</p> <p>Additionally Council's <i>Library 2030 Strategy</i> identifies the need to "provide opportunities for the community to engage with the library outside our buildings through outreach and online services". The provision of mobile library services will directly service local centres such as Ramsgate that do not have a library.</p>
n) Investigate active transport links including bike lanes	VPA	Council's <i>Transport Strategy</i> identifies the need to provide active transport links throughout the LGA. Investigation of active links from the development to local parks, Kogarah Town Centre and train station, schools, along Rocky Point Road & Princes Highway should be undertaken.
o) Upgrade of public domain - pedestrian improvements outside the site	VPA	There is potential need to upgrade the public domain works adjoining and surrounding the site. These works may be considered in a VPA offer.
p) Beverly Park catchment – upgrade and improvements to stormwater catchment and naturalisation works	VPA	<p>The Beverly Park Golf course supports the stormwater catchment system for the subject site. This system links into Claydon Reserve and Kogarah Bay.</p> <p>Upgrades to the stormwater systems and naturalisation works will be required as development within catchment increases.</p> <p>Council's <i>Local Infrastructure Contributions Plan</i> does not levy for any stormwater catchment works. Further work will be undertaken to investigate the works required.</p>