

ITEM 5.1 Draft Amendments to the Planning Agreement for the Former Riverlands Golf Course Site in Milperra

AUTHOR Planning

PURPOSE AND BACKGROUND

The entity which recently gained development rights for land at 56 Prescott Parade, Milperra, known as the former Riverlands Golf Course site, has requested Council amend an existing voluntary planning agreement by realigning the delivery of the public benefit works to the proposed development staging of the site.

The purpose of this report is to seek Council's approval to exhibit draft amendments to the planning agreement in response to this request.

The planning controls applying to the site which permit residential development have been in force since 2016. This report does not in any way change the planning rules or zoning relating to the Riverlands site, nor is it a vehicle to do so. This report only relates to the planning agreement that applies to the R2 Low Density Residential zoned area (*refer to Figures 1 & 2 later in this report*).

ISSUE

In 2015, Council adopted a planning proposal to rezone part of the site for residential purposes and to enter into a planning agreement offered by the owner to provide the following public benefits:

- public foreshore walkway and land along the Georges River
- bank stabilisation works along the Georges River
- riparian corridor along the Georges River
- vegetation rehabilitation along the Milperra Drain and
- road improvements on Keys Parade, Raleigh Road and Pozieres Avenue.

The area of the site zoned R2 Low Density Residential has come under the control of Mirvac, which has prepared a new design layout for the site comprising a reduction in the number of residential allotments and introduction of open spaces. This new design layout has been submitted as a development application to Council and remains currently under assessment. This report does not impact the assessment or determination process of the development application and this remains a wholly separate process over which Council has no role in determination.

Council has been requested to amend the existing planning agreement to better align the delivery of the public benefit works with the new concept design and associated construction staging.

Following a review and noting the planning agreement is voluntary in nature, it is proposed to support the request as it would not reduce the public benefits under the existing planning agreement and result in a more logical construction process.

RECOMMENDATION That -

1. Council exhibit the draft Deed of Variation and the Explanatory Note to the Planning Agreement for the former Riverlands Golf Course site (56 Prescott Parade, Milperra) as shown in Attachment A.
2. The matter be reported to Council following the exhibition including a submissions report addressing any submissions received during the exhibition period.

ATTACHMENTS

- A. Draft Deed of Variation to the Planning Agreement

POLICY IMPACT

This matter has no policy implications for Council. The proposed changes would not reduce the public benefits under the existing planning agreement.

FINANCIAL IMPACT

There is a financial benefit to Council in that the developer is being up front about logical staging for the delivery of works consistent with its proposed development staging. Having a voluntary planning agreement that is in line with that means that Council does not have expensive legal costs in dealing with enforcing an old agreement that is no longer in the public interest.

COMMUNITY IMPACT

This matter has no community impact as all the works including public amenity and environmental improvements agreed to as part of the existing planning agreement will continue to apply.

Should Council decide to exhibit the draft Deed of Variation to the Planning Agreement, the community will be able to provide feedback on the proposed changes.

DETAILED INFORMATION

REPORT

Background

In 2015, Council adopted a planning proposal to rezone part of the site at 56 Prescott Parade, Milperra, known as the former Riverlands Golf Course site, to permit residential purposes (refer to Figures 1 and 2) and to enter into a planning agreement offered by the property owner to provide the following public benefits:

- public foreshore walkway and land along the Georges River
- bank stabilisation works along the Georges River
- riparian corridor along the Georges River
- vegetation rehabilitation along the Milperra Drain
- road improvements on Keys Parade, Raleigh Road and Pozieres Avenue.

The planning proposal was made on 7 October 2016 which was supported by a planning agreement with set time frames within which works needed to be delivered. In 2017, the previous owner lodged a development application (DA 675/2017) seeking 241 residential lots within the residential zoned land.

Due to planning and environmental related concerns with the original development application, the application had not been determined and in 2019, Council adopted amendments to the planning agreement to allow the owner more time to deliver on some of the public benefit works whilst the development application remained under assessment. However, the previous development application was refused and was appealed to the Land and Environment Court. Prior to a court hearing on the matter, Mirvac gained control of the site.



Figure 1 – Site on Aerial Map

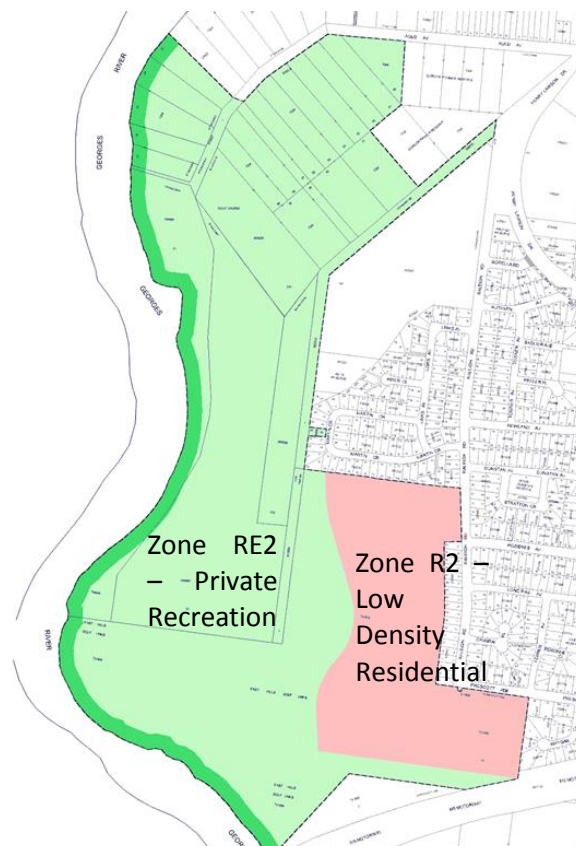


Figure 2 – Zoning Map

Request to Amend the Planning Agreement

Mirvac has since gained the rights to develop the part of the site within Zone R2 Low Density Residential area with a new concept design for the residential development of the site.

Mirvac has requested Council amend the existing planning agreement to better align the delivery of the public benefit works with the new concept design and construction staging. The draft amendments do not intend to reduce the public benefits that were agreed in the existing planning agreement.

At the same time, Mirvac has lodged three development applications to redevelop the part of the site within Zone R2 Low Density Residential:

- DA 1107/2019 – Procedural subdivision DA to re-subdivide the site from 27 lots into 6 lots.
- DA 4/2020 – Subdivision of R2-zoned site into 197 lots and associated internal roads and drainage works.
- DA 108/2020 – Construction of lead in road Keys Parade and Henry Lawson Drive intersection works as per the Planning Agreement.

While the development applications are currently under assessment, they provide an indication of the intended development of the site. The draft amendments to the planning agreement provide a transparent and appropriately timed delivery of public benefit resulting from any works should a consent be forthcoming through other processes.

Key Draft Amendments to the Planning Agreement

The draft Deed of Variation and Explanatory Note are shown in Attachment A. In summary, the key amendments are discussed below:

1. Draft amendments to the delivery of priority public benefit works

When Council agreed to the existing planning agreement, there was uncertainty on the proposed concept design for the residential development of the site. As such, the planning agreement was designed to deliver the public benefit works based on two development stages – prior to the issue of a construction certificate or a subdivision certificate, whichever came first.

However, Mirvac is requesting that Council amend the existing planning agreement to better align the delivery of the public benefit works with the construction staging of the new concept design for the site, as shown in Figure 3. The delivery of the public benefit works would be reprioritised as high, medium or low as follows:

1. High priority works – prior to the issue of the subdivision certificate of Stages 1, 2 or 3.
2. Medium priority works – prior to the issue of the subdivision certificate of Stages 2 or 3.
3. Low priority works – prior to the issue of the subdivision certificate of Stage 3.

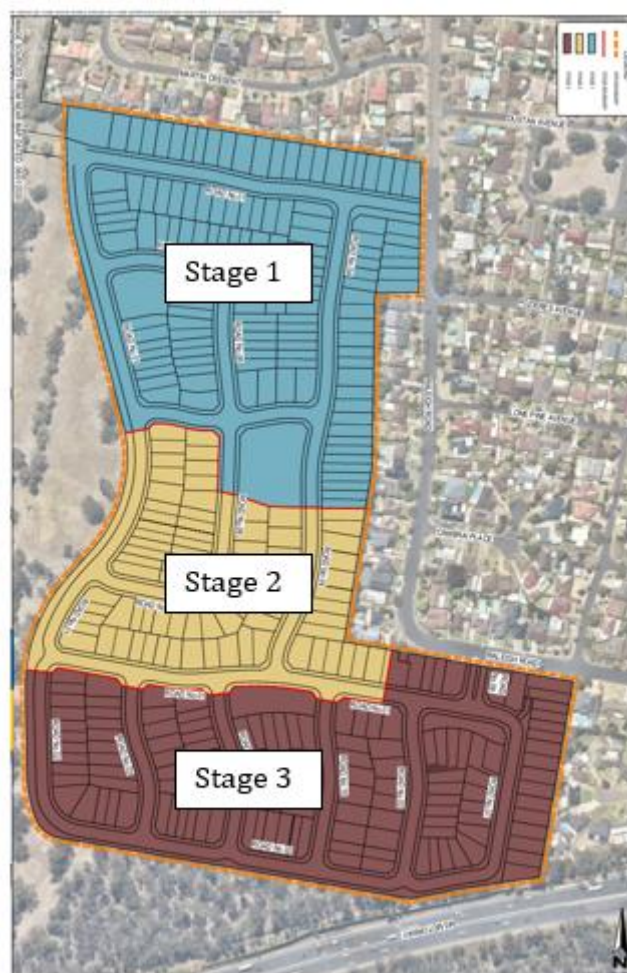


Figure 3 – Proposed construction staging

Based on the proposed reprioritised list, the public benefit works would be delivered as follows:

Public Benefit Works	Existing priority	Proposed priority
Bank stabilization works - south	High	High
Bank stabilization works - north	Medium	High
Keys Parade, and internal road to Raleigh Road construction	High	High
Henry Lawson Drive/Keys Parade intersection works	High	High
Pozieres Avenue road improvements	High	High
Pozieres Avenue raised junctions	High	High
Roundabout on Raleigh Road	High	High
Foreshore pedestrian crossings	Low	Medium
Foreshore pedestrian/cycleway construction	Medium	Medium
Riparian corridor establishment along the Georges River	Low	Medium
Riparian corridor establishment along the Milperra Drain	Low	Medium
Internal road to Prescott Parade construction	High	Low
Foreshore land dedication	High	Low

The draft amendments continue to provide certainty that the public benefit works would be provided as new residents move into the new residential development.

2. Draft amendments to the scope of some of the public benefit works

Mirvac is also requesting Council to amend the scope of some of the public benefit works to enable these works to be consistent with the new concept design for the site, as follows:

Works	Existing scope	Proposed scope
Keys Parade (between Henry Lawson Drive and the residential zone)	17 metre-wide public road reserve with a 10 metre-wide carriageway and footpath on both sides. The 10 metre-wide carriageway allows on-street parking on both sides.	<p>Amend the scope by retaining the 17 metre-wide public road reserve but reducing the carriageway width from 10 metres to 8 metres. This width reduction will delete on-street parking but allow drainage swales and a minimum 2.5m wide shared path.</p> <p>Reason: The primary purpose of this section of Keys Parade is to provide vehicle access from Henry Lawson Drive to the residential land. On-street parking is not required in this section of Keys Parade. Delivering a shared path along Keys Parade will provide increased opportunity for safe active transport.</p>
Pozieres Parade (road improvements and raised junctions)	Road markings, flashing school signs and two raised junctions to be provided to improve road safety.	<p>Retain the need for these works but include a mechanism in the planning agreement that would allow Mirvac to build or pay a monetary contribution to Council to build alternative public benefit works in Milperra.</p> <p>Reason: These works are subject to development consent. If the development consent concludes that these works are not required, the mechanism in the planning agreement would require alternative public benefit works in Milperra in lieu of these works.</p>
Roundabout on Raleigh Road	A roundabout to provide access into the residential development site.	<p>Retain the need for a roundabout but include a mechanism in the planning agreement that would allow Mirvac to build or pay a monetary contribution to Council to build alternative public benefit works in Milperra.</p> <p>Reason: The roundabout is subject to development consent. If the development consent concludes that the roundabout is not required, the mechanism in the planning agreement would require alternative public benefit works in Milperra in lieu of the roundabout.</p>

3. Minor administrative amendments

In the existing planning agreement, there is an item of works that seeks road connections from the residential site to Pozieres Avenue. However, this is an administrative error and the intent is to construct a road connection to the adjoining Prescott Parade. The draft deed seeks to rectify this administrative error.

The draft amendments maintain the intent of the public benefit works while balancing the need to be consistent with the new concept design for the site.

NEXT STEPS

Should Council support the draft amendments to the planning agreement, the draft Deed of Variation will be exhibited for a minimum 28 days and will be reported to Council following the exhibition period.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 MAY 2020

ITEM 4.4 **REZONING CANTERBURY BOWLING CLUB BACK TO OPEN SPACE**
(933) **CLR. ASFOUR**

RESOLVED that Council

1. Immediately commence the preparation of and submit a planning proposal to rezone 15 Close St Canterbury to RE1 Public Recreation, remove the height of building control, remove the floor space ratio control, and delete the site specific clause which applies to the land to align the planning controls with other land zoned for open space throughout the city.
2. The General Manager also review the work undertaken as part of the comprehensive LEP to determine whether there is any avenue to have 15 Close St Canterbury rezoned now as part of the current city wide planning proposal.

- CARRIED

ITEM 4.5 **LOCAL COMMUNITY BASED DONATIONS**
(934) **CLR. ASFOUR**

RESOLVED that

1. Council support the request from Canterbury Earlwood Caring Association and waive the fee of \$42 for the use of Earlwood Senior Citizens Centre for their fundraiser to Support Bushfire Victims.
2. These funds to be made available from Council's Community Grants and Events Sponsorship budget.

- CARRIED

SECTION 5: PLANNING MATTERS

ITEM 5.1 **DRAFT AMENDMENTS TO THE PLANNING AGREEMENT FOR THE FORMER**
(935) **RIVERLANDS GOLF COURSE SITE IN MILPERRA**
CLR. WAUD:/CLR. ISHAC

RESOLVED that

1. Council exhibit the draft Deed of Variation and the Explanatory Note to the Planning Agreement for the former Riverlands Golf Course site (56 Prescott Parade, Milperra) as shown in Attachment A.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 MAY 2020

2. The matter be reported to Council following the exhibition including a submissions report addressing any submissions received during the exhibition period.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Waud and Zakhia

Against:- Clr Tuntevski

ITEM 5.2 PLANNING PROPOSAL FOR 20-21 BOOREA AVENUE, LAKEMBA

IN RESPECT OF ITEM 5.2 – PLANNING PROPOSAL FOR 20-21 BOOREA AVENUE, LAKEMBA, CLR EL-HAYEK DECLARED A SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST WITH RESPECT TO HIS SPORT COACHING ACTIVITIES AND VACATED THE CHAMBER TAKING NO PART IN DEBATE.

CLR EL-HAYEK TEMPORARILY RETIRED FROM THE MEETING AT 6.50 PM.

(936) CLR. SALEH:/CLR. MADIRAZZA

RESOLVED that

1. Council adopt the planning proposal as shown in Attachment A and that it be referred to the NSW Department of Planning, Infrastructure and Environment for finalisation.
2. Council prepare an amendment to Bankstown Development Control Plan 2015 to apply appropriate site-specific controls on the subject site.
3. The draft DCP is placed on public exhibition for a minimum of 28 days.
4. Council receive and consider a further report on the outcomes of the DCP exhibition.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud and Zakhia

Against:- Nil