

Planning Matters - 11 December 2018

ITEM 5.3 Draft Amendment to the Voluntary Planning Agreement for the Former Riverlands Golf Course Site in Milperra

AUTHOR Planning

PURPOSE AND BACKGROUND

The property owners of the former Riverlands Golf Course site in Milperra have requested an extension of time to complete some of the public benefit works under an existing Voluntary Planning Agreement (VPA). The purpose of this report is to seek Council's approval to amend the VPA in response to this request.

ISSUE

In 2015, Council adopted a planning proposal to rezone part of the former Riverlands Golf Course site and to enter into a VPA 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.

In October 2016, the Department of Planning & Environment approved the rezoning of the Riverlands site to R2 Low Density Residential. The VPA came into effect with the gazettal of the LEP amendment.

The property owners have requested an extension of time to deliver some of the VPA works as outlined in Attachment A.

RECOMMENDATION That -

1. Council prepare and exhibit a Deed of Variation to the Voluntary Planning Agreement for the former Riverlands Golf Course site in Milperra.
2. Following the exhibition period, Council adopt the Deed of Variation to the Voluntary Planning Agreement provided there are no submissions.
3. The General Manager be granted delegated authority to make wording changes to the Deed of Variation to the Voluntary Planning Agreement, necessary to satisfy legal necessities so long as these do not alter the intent or substance of the deed.
4. The Mayor and General Manager be authorised to sign the Deed of Variation to the Voluntary Planning Agreement.

ATTACHMENTS

- A. Request by the property owners

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

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

DETAILED INFORMATION

Background

At the Ordinary Meeting of 23 June 2015, Council adopted a planning proposal to rezone part of the site at 56 Prescott Parade in Milperra (known as the former Riverlands Golf Course site) as shown in Figures 1 and 2.

Council also resolved to enter into a Voluntary Planning Agreement (VPA) 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.

A VPA is a legal agreement between a property owner and Council to provide public benefit works to support a planning proposal. The VPA came into effect on 7 October 2016 with the gazettal of the LEP amendment.



Figure 1: Former Riverlands Golf Course site in Milperra

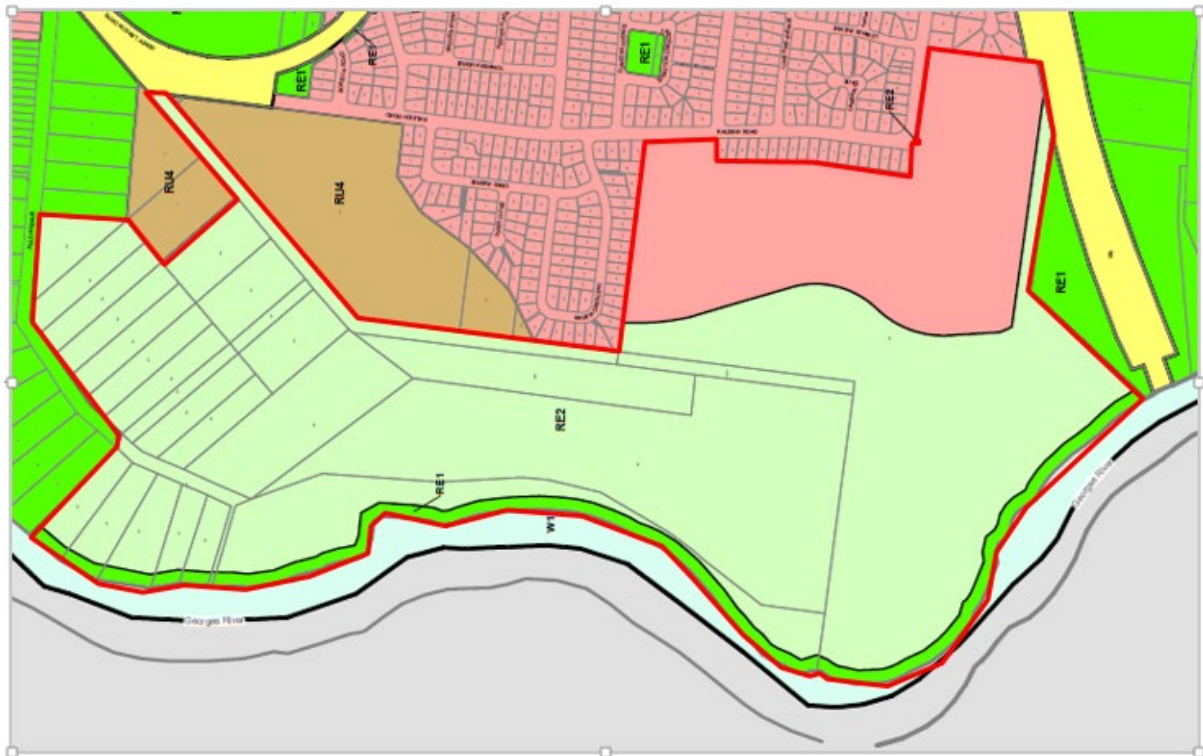


Figure 2: Current Zoning Map

Request by the property owners to amend the timing of some works

The VPA requires the following works to be completed within 12 months of the VPA coming into effect:

- Bank stabilisation works on Site E73
- Bank stabilisation works on Site E74
- Land dedication of a 20 metre wide public foreshore land

These works are shown in Figures 3 and 4.

The property owners have requested an extension of two years to complete the above works. The reason for the extension of time is the property owners require more time to obtain finance for the VPA works given there is currently no DA consent on the area of the site zoned for residential purposes. The request by the property owners is shown in Attachment A.

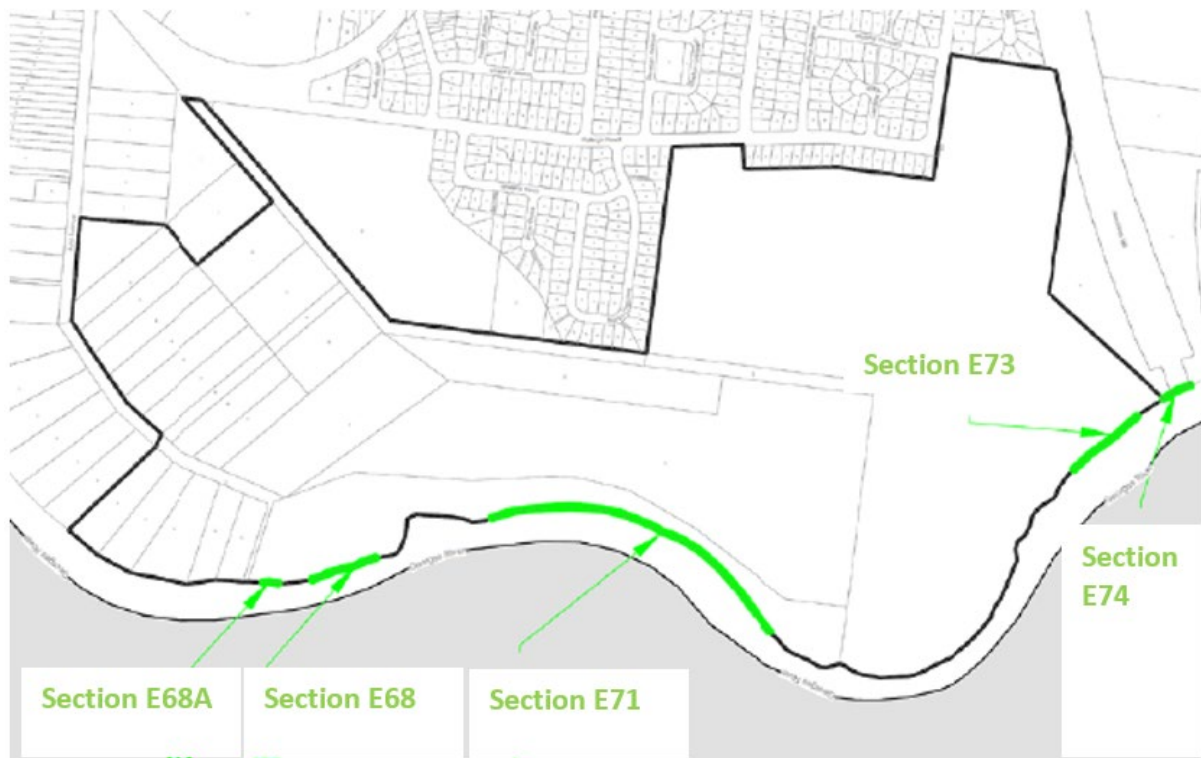


Figure 3: Bank Stabilisation Works



Figure 4: Land dedication of a 20 metre wide public foreshore land

Proposed Deed of Variation to the Voluntary Planning Agreement

In considering the request by the property owners, it is considered appropriate to grant an extension of time to complete the bank stabilisation works (sites E73 and E74) and the land dedication of a 20 metre wide public foreshore land.

It is proposed that that the works are to be completed prior to the issuance of the following certificates (whichever comes first):

- A Construction Certificate for any part of the Zone R2 Low Density Residential land of the Riverlands site.
- A Subdivision Certificate for any part of the Zone R2 Low Density Residential land of the Riverlands site.

In amending the VPA, it is proposed to align the timing of these works to key development stages of the residential land, rather than specific calendar dates. The proposed amendment provides the property owners with the opportunity to obtain the necessary finance, whilst continuing to provide certainty that the VPA works will occur prior to the completion of the redevelopment of the residential land.

The proposed amendment does not impact on the delivery of the remaining works in the VPA.

Next steps

According to Council's Voluntary Planning Agreements Policy, VPAs can be amended by agreement between the parties. An amendment will generally occur by means of a Deed of Variation to the VPA in a form acceptable to Council.

Should Council agree to amend the VPA, the next steps are:

- Council to seek legal advice on the drafting of the Deed of Variation to the VPA.
- The Deed of Variation to the VPA would be exhibited for a minimum 28 days.
- Following the exhibition period, Council adopt the Deed of Variation to the VPA provided there are no submissions, and the Mayor and General Manager be authorised to sign the Deed of Variation.

7 November 2017

Director of Planning
Mr Simon Manoski
Canterbury Bankstown Council
66-72 Rickard Road
Bankstown NSW 1885

Dear Sir

**RIVERLANDS GOLF COURSE VOLUNTARY PLANNING AGREEMENT, 56
PRESCOTT PARADE, MILPERRA**

We refer to your letter dated 16 October 2017 and my telephone conversation with Mitchell Noble on the 8 November 2017 regarding the terms and conditions of the VPA specifically the completion date of the Works and dedication of the Foreshore Land on the site at 56 Prescott Parade, Milperra.

The purpose of this letter is to provide information to address Council's concerns in terms of the delay in the timing and delivery of the Works and request an extension of time of 2 years.

As you may be aware there has been substantial delays in obtaining a valid development consent approval for the construction and use of the site for residential housing.

There has been genuine and sincere attempt by the company to obtain the necessary reports, studies including design changes to address Council's concerns, however further time is still needed.

In order to finance the works required by the VPA and for the residential subdivision a valid operational development consent needs to be provided to the bank in order to secure funding. Therefore we are formally requesting an extension of time to enable a development consent approval to be obtained on the site so that funding can be secured. Due to the size and complexities of the issues on site we estimate this process will take approximately 2 years.

As requested please find a breakdown of the works and the revised timeframe.

Works	Cost	VPA Timeframe	Revised Timeframe
Bank stabilisation works on sites E73 and E74 (Schedule 2 Works page 24 and 25)	\$532,963 (E73) \$81,498 (E74)	7 October 2017	7 October 2019
Land dedication of the foreshore land (Schedule 3 Designated Land page 36)	\$65,000 (est)	7 October 2017	7 October 2019

Notwithstanding the delay, we have been working on the largest and most complicated project listed in the VPA being the upgrade of Keys Parade, and the introduction of traffic signals at the intersection with Henry Lawson Drive. This intersection has long been considered the primary access point for the residential subdivision. After numerous design changes and negotiations the RMS issued on the 29 September 2017 agreed 'in principal' for the proposed new intersection design under Section 87 of the Roads Act, 1993 and we are working with the adjoining land owner Flower Power to bring this project forward.

In closing the company has endeavoured to obtain a valid development consent on the site for a residential subdivision and subsequently secure finance to undertake the works. We estimate that this process may take up to 2 years to complete and we are formally requesting an extension of time.

If you require any further information please give me a call on (02) 8830 0400 or mobile 0411 340 238.

Yours faithfully

Glenn Francis
Planning Director
Statewide Planning Pty Limited

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 11 DECEMBER 2018

employees that may be appropriate for the site.

2. Once the additional information is received and evaluated, a further report be provided to Council on the matter.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Ishac, Kuskoff, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Clr Madirazza

ITEM 5.3 DRAFT AMENDMENT TO THE VOLUNTARY PLANNING AGREEMENT FOR THE FORMER RIVERLANDS GOLF COURSE SITE IN MILPERRA

(465) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that

1. Council prepare and exhibit a Deed of Variation to the Voluntary Planning Agreement for the former Riverlands Golf Course site in Milperra.
2. Following the exhibition period, Council adopt the Deed of Variation to the Voluntary Planning Agreement provided there are no submissions.
3. The General Manager be granted delegated authority to make wording changes to the Deed of Variation to the Voluntary Planning Agreement, necessary to satisfy legal necessities so long as these do not alter the intent or substance of the deed.
4. The Mayor and General Manager be authorised to sign the Deed of Variation to the Voluntary Planning Agreement.

- CARRIED

For:- Clrs Asfour, Eisler, El-Hayek, Ishac, Madirazza, Saleh, Waud and Zakhia

Against:- Clrs Downey, Harika, Kuskoff, Tuntevski and Zaman