

Precinct resolution

PRECINCT: Kensington West Kingsford Precinct **EMAIL:** kwkprecinct@gmail.com

MEETING DATE: 05 August 2024 **FILE:** F2004/08211

ACTIONED TO: Todd Clarke, Director City Services

RESOLUTION NUMBER: **Resolution 05082024(1)**

Resolution

That Council provides the Sep or Oct 2024 Precinct meeting with an update on status of the feasibility study and plans for the council owned Rainbow St, Kingsford.

Council response

Council engaged Strategic Planning Consultants in September 2024.

The consultant is currently reviewing the existing planning related controls, documents, and strategic plans of Council in order to commence the feasibility study.

The consultants program requires a draft feasibility study and options analysis to be presented to Council Officers by the end of 2024.

Council contact

Todd Clarke
Director City Services
30 September 2024

Precinct resolution

PRECINCT: Kensington West Kingsford Precinct **EMAIL:** kwkprecinct@gmail.com

MEETING DATE: 05 August 2024 **FILE:** F2004/08211

ACTIONED TO: Stella Agagiotis, Manager Strategic Planning

RESOLUTION NUMBER: **Resolution 05082024(3)**

Resolution

The council writes to the precinct to clarify in general terms how VPA funds are spent (including if any funds are spent in the immediate area / precinct of the development).

Council response

In response to the resolution of the Kensington West Kingsford Precinct meeting (05 August 2024), the following has been prepared by Council's Strategic Planning team.

Randwick's Planning Agreement Policy is the overarching policy that establishes the framework to guide the preparation of Planning Agreements in a manner that is efficient, fair, transparent and accountable. This Policy was updated and adopted by Council in March 2024.

Background

Monetary funds acquired through a VPA are spent in accordance with the terms of an executed agreement between Council and a developer. The specific terms of the agreement are negotiated and determined in accordance with Council's Planning Agreements Policy:

https://www.randwick.nsw.gov.au/__data/assets/pdf_file/0007/25990/Planning-Agreements-Policy-2024.pdf

The Planning Agreements Policy outlines the key steps and processes of entering into a VPA as well as the criteria of an 'acceptability test' to ensure that VPAs serve legitimate planning purposes, deliver relevant infrastructure or public benefits, align with public values and interests and achieve desired outcomes reasonably.

Council is required to monitor and review executed VPAs including the performance of the developer's obligations and compliance under the agreement. Generally, the conditions and requirements of a VPA will take effect from operation of the development consent and often requires contributions to be made prior to the issuing of a Construction Certificate, Occupation Certificate or subdivision certificate (depending on what was negotiated under the VPA).

Collection of VPA contributions and spending

An executed VPA will specify the timing of contribution payments and/or works to be completed by a developer. There are a variety of ways that developers can make a contribution under a VPA, these include:

- **Monetary contributions** – money paid to Council pursuant to a s7.12 Contributions Plan, Affordable Housing Plan or a Community Infrastructure Plan in place.
- **Dedication of land/assets** – a dedication of land to Council.
- **Works in lieu/kind** – work undertaken by a developer or provision of a public benefit in lieu of a monetary contribution under a contributions plan.
- Combination of the above.

Contributions negotiated under a VPA are utilised for works required to support growth which have been identified within a relevant s7.12 development contributions plan to which the land applies. A copy of Council's existing s7.12 contributions plans can be found within the below link:

<https://www.randwick.nsw.gov.au/planning-and-building/planning/section-7.12-contributions-plan>

Contributions can also be collected for the purposes of Community Infrastructure (CIC) and Affordable Housing (AH). Council currently has CIC and AH plans in place for land within the Kensington and Kingsford Town Centres (K2K). These plans collect additional contributions for community infrastructure and affordable housing as a result of additional development provisions and incentives. A copy of Council's AH and CIC plan can be found at the links below:

AH Plan: https://www.randwick.nsw.gov.au/__data/assets/pdf_file/0009/283815/Kensington-and-Kingsford-Town-Centres-Affordable-Housing-Plan.pdf

CIC Plan: https://www.randwick.nsw.gov.au/__data/assets/pdf_file/0009/295173/Kensington-and-Kingsford-Town-Centres-Community-Infrastructure-Plan.pdf

A list of works proposed to be undertaken from contributions can be found in the schedules and appendices of the relevant plans which determined where contributions are directed and timing of the works.

VPA example

The table below outlines a VPA a case study for a development within the Kensington & Kingsford (K2K) Town Centres where a VPA was entered into in August 2022. Council has received some contribution payments whilst others are works in kind and need to be completed by a specified date. Council's internal contribution Committee oversees payments and application of funds. Affordable housing contributions are pooled with other contributions and Council will determine how these will be applied to future affordable housing projects in accordance with Council's Affordable Housing Strategy.

391- 397A Anzac Parade and 9-17 Bunnerong Road. Kingsford: DA/311/2020 (approved 7 June 2021)

Voluntary Planning Agreement entered 19/08/2022

VPA Contribution	Amount	Timing or conditions for payment or Works in Kind	Status / Update
s7.12 Development Contributions Plan: Kensington and Kingsford Town Centres – Public Art	\$500,000	The earlier of 2 years from the date the relevant Construction Certificate is issued or the issue of the first Occupation Certificate in respect of the development.	Payment required March 2026 or with lodgement of an Occupation Certificate
s7.12 Development Contributions Plan: Kensington and Kingsford Town Centres – Monetary contributions	\$ 1,244,096	Prior to the issue of third Construction Certificate in respect of the development	Payment of \$1,309,202.58 received (CPI indexation included)
CIC – Works in Kind	\$1,540,000 - Construction of Anzac Pde Footpaths & Intersections	The earlier of 2 years from the date the relevant Construction Certificate is issued or the issue of the first Occupation Certificate in respect of the development.	Works required by March 2026 or with lodgement of an Occupation Certificate

CIC – Works in Kind	\$210,225 - Construction of Public Realm Works	The earlier of 2 years from the date the relevant Construction Certificate is issued or the issue of the first Occupation Certificate in respect of the development.	Works required by March 2026 or with lodgement of an Occupation Certificate
CIC – Works in Kind	\$1,200,000 - Anzac Parade and Gardeners Road intersection	The earlier of 2 years from the date the relevant Construction Certificate is issued or the issue of the first Occupation Certificate in respect of the development.	Works required by March 2026 or with lodgement of an Occupation Certificate
Affordable Housing Contributions	\$4,158,908.99	Prior to the issue of an Occupation Certificate	Payment of \$4,158,908.99 received

As part of this particular VPA, a combination of contributions were negotiated including monetary contributions and works in kind under the s7.12, CIC and AH plan. The developer has already paid the majority of the contributions required however works in kind under the CIC plan are not required to be completed until March 2026 or with the lodgement of an Occupation Certificate.

Register of VPAs

Council maintains a register of all executed VPA's on its website. The register contains the date the VPA was entered into as well a short description of the agreement and is updated on a quarterly basis. VPAs that are undergoing negotiation and/or public exhibition are added to the register once executed by all parties. A copy of the register can be found below:

https://www.randwick.nsw.gov.au/__data/assets/pdf_file/0008/352259/Register-of-voluntary-planning-agreements-entered-into-by-Randwick-City-Council.pdf

For any further information on VPAs, including their status, please contact Frank Ko, Manager Development Assessment on 02 9093 6965.

Stella Agagiotis

Manager, Strategic Planning

25 October 2024

Precinct resolution

PRECINCT: Kensington West Kingsford Precinct **EMAIL:** kwkprecinct@gmail.com

MEETING DATE: 05 August 2024 **FILE:** F2004/08211

ACTIONED TO: Frank Ko, Manager Development Assessments

RESOLUTION NUMBER: **Resolution 05082024(4)**

Resolution

Resolution 05082024(4): That in relation to recent VPA for 273-275 Anzac Parade, Kingsford, that the VPA contribution stays in the Kensington / West Kingsford Precinct.

Council response

As part of the VPA, a portion of the community infrastructure contributions will be paid as works-in-kind to improve the local infrastructure such as footpath upgrade along Anzac Parade, public realm works and upgrades to Anzac Parade and improvement to Houston Lane.

Council contact

Frank Ko

Manager Development Assessment
27 September 2024

Precinct resolution

PRECINCT: Kensington West Kingsford Precinct **EMAIL:** kwkprecinct@gmail.com

MEETING DATE: 05 August 2024 **FILE:** F2004/08211

ACTIONED TO: Tony Lehmann, Manager Integrated Transport

RESOLUTION NUMBER: **Resolution 05082024(7)**

Resolution

Resolution 05082024(7): The request is that Council write to Transport for NSW to do a review of that location and intersection [Pedestrian access at Anzac Pde and Todman Avenue]; Traffic Committee will write the request to Transport for NSW.

Council response

Thank you for raising these issues in relation to the intersection at Anzac Parade/Todman Avenue.

As Anzac Parade is classified as a State Road, Transport for NSW are the road managers with sole control over its design and operation. As such, any modifications to the traffic signals at this location are a matter for Transport for NSW.

Council have recently commenced the Todman Avenue and Lenthall Street Walking and Cycling Improvements project. As part of this project, improvements to the Anzac Parade/Todman Avenue intersection will be investigated. This will include the potential relocation of the existing westbound bus stop on Todman Avenue and Council will work in close liaison with Transport for NSW on this matter

Council contact

Lachlan Wood

Senior Sustainable Transport Officer
17 October 2024