

## Strategic Planning Referral Response

<b>Application Number:</b>	Mod2020/0344
<b>Date:</b>	26/11/2020
<b>To:</b>	Jordan Davies
<b>Land to be developed (Address):</b>	Lot 1 DP 202857 , 7 Trentwood Park AVALON BEACH NSW 2107

### Officer comments

Modification application (Mod2020/0344) seeks approval to modify the conditions of consent N0530/15 to allow the development to be staged. It is understood that the subdivision is to be undertaken in two stages as per updated plans TRIM: 2020/739917, to show:

Stage 1 - subdivision of two lots – Lot 1 and superlot (Lot 2)

Stage 2 – resubdivision of approved Lot 2 (created in Stage 1) into two lots (shown on the plans as Lots 2 and 3, with a site area of 2963m<sup>2</sup> and 1621m<sup>2</sup> respectively) and the construction of driveways for same.

Lot 1 will have direct vehicle access from Trentwood Park and existing services in Trentwood Park need be connected to Lot 1. Therefore, physical works will be required to facilitate the first stage of subdivision. Consent N0530/15 includes conditions of regarding establishment of service connections to the proposed lots.

### Development Chronology

1. N0530/15 sought consent to subdivide an existing allotment (Lot 1 within DP 202857 into three lots, including demolition of a detached garage and the extension of the existing driveway to provide common driveway access to the three allotments. The subdivision of the lot would create two additional allotments which would be developed for residential purposes. The application was approved on 10 November 2017.

Proposed Lot Number	Total Area
<i>(Approved under N0530/15)</i>	
Lot 1	883.5sqm
Lot 2	2,952.2sqm
Lot 3	1,582.5sqm

Condition C1 of N0530/15 imposes the payment of development contributions attributable to residential development, in accordance with Pittwater Section 94 Contributions Plan for Residential Development (being in force on 7/11/2015). Condition C1 reads as follows:

1. A contribution of \$40, 000 is payable to Northern Beaches Council for the provision of public infrastructure and services pursuant to the Pittwater Section 94 Contributions Plan for Residential Development.

*The contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate (whichever occurs first) or prior to the issue of the subdivision certificate where no construction certificate is required.*

*The proponent may negotiate with Council for the direct provision of facilities and services specified in the Section 94 Plan, the dedication of land or another material public benefit in lieu of full or partial payment of the monetary contribution. Any agreement shall be in accordance with the Pittwater Section 94 Contributions Plan for Residential Development. The agreement must be finalised, formally signed and in place prior to payment being due.*

*The Pittwater Section 94 Contributions Plan for Residential Development may be inspected at Council's Mona Vale office. 1 Park Street Mona Vale or on Council's website.*

**Cashier Codes:**

SOPS - \$16, 000

SLEL - \$4, 000

SCSF - \$ 7, 000

SVSS - \$13, 000

2. Mod2019/0169 sought consent to modify N0530/15 and was approved on 26/07/2019. Mod2019/0169 sought creation of 1m wide service/ access handles from proposed Lots 2 and 3 to the Trentwood Park frontage to enable the efficient and separate servicing of each allotment without the need for easements. The contribution condition C1 of N0530/15, which relates to contribution payment, remained unchanged.

3. A separate Development Application was lodged on 16/04/2019 for Torrens Title Subdivision of approved but unregistered allotment (approved Lot 2 under N0530/15) to create an additional allotment (proposed Lot 4) and to create a service handle to the Trentwood Park frontage through approved Lot 1. A deferred commencement consent was issued on 01/10/2019. The deferred commencement condition reads as follows:

**1. Registration of Lots**

*The lots approved under Development Consent N0530/15 and as modified by MOD2019/0169 are to be registered with NSW Land Registry Services. Evidence that the lots have been registered with NSW Land Registry Services is to be provided to Council in order to activate the consent.*

*Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.*

*Upon satisfaction of the deferred commencement condition/s, the following conditions apply:*

Applicable development contribution plan at the time of determination was Northern Beaches Section 7.12 Contributions Plan 2019 (being in force from 13/07/2019). No contribution condition was imposed as the costs of work for the development was less than \$100,000.00.

### **Assessment of the Modification (Mod2020/0344)**

The modification application requests condition C1 to be modified to allow the Contribution payment to be staged in accordance with the staging of the development. The contribution amount is to be modified to facilitate the separate subdivision of Lot 1.

At the time of consent, 10 November 2017, Pittwater Section 94 Contributions Plan for Residential Development was the applicable Contributions Plan imposing a contribution rate of \$20,000 per new residential lot/new dwelling.

Although the Northern Beaches Section 7.12 Contributions Plan 2019 repealed Pittwater Section 94 Contributions Plan for Residential Development on 13/07/2019, this application will continue to be considered against the contribution plan in force at the time of the original determination. Being Pittwater Section 94 Contributions Plan for Residential Development.

Based on the staging sequence for the Modification Application and the applicant's proposed change to Condition **C1** "to allow the Section 94 payment for Lot 1 to be paid prior to the issue of the Subdivision Certificate for Lot 1"; the proposed staging of payment is supported subject to the following matters being supported by the Assessment Planner:

1. The description of the approved development clearly states this is a subdivision in Stages, and expressly stating the description of each Stage.
2. There are no works requiring to be completed or would be the subject of a Construction Certificate prior to the issue of a Subdivision Certificate that will create Lot 1. In the event that works are required to be completed/ a Construction Certificate is required to facilitate proposed Stage 1, the condition is being amended to account for this scenario.

Stage 1 – Subdivision to create one residential lot (Lot 1) and one lot for future subdivision – will involve the payment of \$20,000 to council

Stage 2 – resulting in the subdivision of the superlot into 2 residential allotments (less credit for an existing allotment) – will involve the payment of \$20,000.00 to council.

Condition C1 is amended accordingly.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

### **Strategic Planning Conditions:**

## **FEES / CHARGES / CONTRIBUTIONS**

### **Warriewood Valley Contributions Plan - No creekline corridor**

## **Pittwater Section 94 Contributions Plan for Residential Development**

1. *A total contribution of \$40, 000 is payable to Northern Beaches Council for the provision of public infrastructure and services pursuant to the Pittwater Section 94 Contributions Plan for Residential Development.*

*A contribution amount of \$20,000 is to be paid for each Stage prior to the issue of the Construction Certificate or Subdivision Certificate in the event a construction certificate is not required.*

*The proponent may negotiate with Council for the direct provision of facilities and services specified in the Section 94 Plan, the dedication of land or another material public benefit in lieu of full or partial payment of the monetary contribution. Any agreement shall be in accordance with the Pittwater Section 94 Contributions Plan for Residential Development. The agreement must be finalised, formally signed and in place prior to payment being due.*

*Cashier Codes:*

*SOPS - \$8,000.00*

*SLEL - \$2,000.00*

*SCSF - \$3,500.00*

*SVSS - \$6,500.00*

*The Pittwater Section 94 Contributions Plan for Residential Development may be viewed at 725 Pittwater Road, Dee Why or on Council's website Development Contributions.*