

## Strategic Planning Referral Response

<b>Application Number:</b>	Mod2022/0352
<b>Date:</b>	12/09/2022
<b>To:</b>	Luke Zajac
<b>Land to be developed (Address):</b>	Lot 3 DP 1115877 , 53 B Warriewood Road WARRIEWOOD NSW 2102 Lot 3 DP 942319 , 53 Warriewood Road WARRIEWOOD NSW 2102

### Officer comments

#### INTRODUCTION

Modification application MOD2022/0352 seeks the following changes to DA2019/0263:

- Reduction to the width of both the temporary access way extending from Warriewood Road to Pheasant Place and the permanent driveway arrangement in relation to Lots 4, 5, 6 and 7,
- Associated reduction to the width of easements,
- Alterations to the approved ground levels of Lots 2, 3 and 17 (proposed Lot 16) fronting Warriewood Road,
- Relocation of the driveways servicing Lots 2, 3 and 13, and
- Re-numbering of Lots 16 and 17

The submitted Statement of Environmental Effects also advises “With the exception of any required reference to the modified documents, the modifications will not give rise to any amendments to existing conditions of consent.”

#### SUBJECT SITE

On 3 October 2019, Council granted consent to DA2019/0263 for a 17 Lot Community Title subdivision and associated infrastructure, including the extension of Lorikeet Grove.

A Development Contributions referral response for DA2019/0263 was provided on 8 August 2019 and is TRIM: 2019/447446.

#### ASSESSMENT OF MODIFICATION APPLICATION

The Warriewood Valley Contributions Plan Amendment 16 Revision 3 (the Contributions Plan) levies contributions for the provision of public infrastructure identified in the Plan. The Contributions Plan was in force at the time of the original determination and applies to the modification application.

The development contribution was calculated and imposed on DA2019/0263 in accordance with the Contributions Plan. Condition 11 of the development consent requires the payment of a monetary contribution and dedication of 942sqm of creek land to Council. The modification application does not propose a change to the quantum or size of the approved allotments. No recalculation of the development contribution is required. There is no change to Condition 11.

The modification application seeks to renumber the allotment which is to be dedicated to Council. This is currently shown as Lot 16 on the stamped plans. The modification application proposes to renumber this allotment to Lot 17.

Condition 29 of DA2019/0263 stipulates:

### 29 Location of Shared Pathway

All approved plans referenced in Condition 1 of this consent are to be amended, as follows:

a. With the exception of any transition required to connect to an existing shared pathway, the proposed shared pathway (and any necessary easements) is to be located within Lot 16.

Reason: To ensure public access along the shared pathway.

If the modification application is approved, the Planner should amend Condition 29 to reference Lot 17.

It is noted that the location of the shared path is inconsistent on the submitted Landscape Plans and Civil Plans. The Landscape Plans show more of the path within the creek land to be dedicated to Council, which is supported. Council's Landscape Architect should review the submitted plans and provide advice on the required location of the shared path. A condition of consent will be provided that requires an easement be created across the section of shared path transitions within the land that will remain in private ownership (Pt Lot 1). This easement should be for access and maintenance benefitting Council.

The Statement of Environmental Effects advises that the proposed amendments will reduce the total impervious site coverage by approximately 85sqm. It is recommended that Council's flooding and water management teams review the applicant's calculations and consider any potential implications of these changes on the approved water management facilities.

It is also noted that the Parking Assessment Report prepared by Varga Traffic Planning referenced in Statement of Environmental Effects has not been provided.

### **RECOMMENDATION**

A. It is the Assessing Officer's responsibility to ensure that if any changes are made to the development that may result in re-calculation of contributions payable, the application will be referred to Strategic & Place Planning for consideration.

B. If approval of the DA is being recommended by the Assessing Officer, impose the conditions provided with this Development Contribution Referral Response.

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:**

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**

### **Warriewood Valley - dedication of creekline land**

A Subdivision Certificate must be issued by Council. Prior to the issue of a Subdivision Certificate, the following documents are to be submitted to Council:

- A draft Plan of Subdivision which clearly identifies the allotment containing the creekline land to be dedicated to Council. The draft Plan of Subdivision must include:
  - a notation that the land is to be transferred to Council for a public reserve or drainage reserve.
  - an easement for access and maintenance benefitting Council across the sections of cycleway transitions within Pt Lot 1 as identified on the Landscape Plans prepared by Sym Studio and dated 22 June 2022. The 88B instrument is to be provided to Council with the draft Plan of Subdivision.
- Works-As-Executed plans for all structures or facilities on the land to be dedicated to Council.