

Mr Ray Browlee PSM
Chief Executive Officer
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attention: Ms Louise Kerr, Director, Planning & Place

10 March 2023

Dear Sir/Madam

**RE: Letter of Offer – Planning Agreement
s7.4 of *Environmental Planning and Assessment Act 1979*
Planning Proposal – RR-2021-104 – 159-167 Darley Street West, Mona Vale**

I'm writing in relation to the Planning Proposal for 159-167 Darley Street West, Mona Vale (subject land) which seeks to rezone the subject land from the R2 – Low Density Residential zone to R3 – Medium Density Residential zone. I also refer to advice from the Northern Sydney Planning Panel regarding the gateway determination for the subject site and to the request from the panel for the applicant to progress a planning agreement addressing affordable housing requirements on the subject site.

This letter of offer is provided to Council in accordance with Council's Voluntary Planning Agreements Policy and Guideline adopted by Council on 12 December 2019. This letter of offer is also made having regard to the *Environmental Planning and Assessment (Planning Agreements) Direction 2019* made by the Hon. Anthony Roberts MP, Minister for Planning on 28 February 2019 and the Practice Note on Planning Agreements issued by the Department of Planning and Environment in February 2021.

This letter of offer recognises that an affordable housing contribution can only be required by Council as part of a development application and not as part of a planning proposal. The agreement is being entered into in advance of a development application being lodged and only commences when the subject land is included in the R3 – Medium Density Residential zone and as a condition of a subsequent development approval.

Proposed Offer

1. The developer undertakes to provide an Affordable Housing contribution (AHC) to Council as part of a development approval on the subject site for a residential flat building and multi dwelling development.
2. The parties agree that the contribution is to be determined in accordance with Council's AH Policy, noting that the development must remain viable.

3. The developer advises that based on the current proposal (12 x 1 bedroom apartments, 22 x 2 bedroom apartments, 4 x 3 bedroom apartments and 3 x 3 bedroom townhouses) and market conditions, an AHC equivalent to \$1,122,627 (2.085%) of the development is break-even for the subject site (detailed feasibility attached).
4. This equates to a contribution of \$183.44/m² of site area (6,120m²) across the subject site.
5. The Council agrees to amend the Northern Beaches Affordable Housing Contribution Scheme to include 159-167 Darley Street West, Mona Vale as a site to which the scheme applies.
6. The agreement is to be entered into prior to finalisation of the rezoning application with payment made in accordance with a subsequent development approval(s).

A detailed submission addressing the full policy requirements (including valuations and cost estimates from accredited professionals) will be submitted to Council as part of final negotiations on the planning agreement.

We look forward to progressing discussions with Council on this matter.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Andrew Thurlow', with a long horizontal line extending to the right.

Andrew Thurlow
Development Director
Intrec Management Pty Ltd