

## Strategic Planning Referral Response

<b>Application Number:</b>	REV2021/0014
<b>Date:</b>	16/09/2021
<b>To:</b>	Rebecca Englund
<b>Land to be developed (Address):</b>	<p>Lot 21 DP 11320 , 323 - 325 Condamine Street MANLY VALE NSW 2093</p> <p>Lot 22 DP 11320 , 323 - 325 Condamine Street MANLY VALE NSW 2093</p> <p>Lot 123 DP 737259 , 327 - 329 Condamine Street MANLY VALE NSW 2093</p> <p>Lot 25 DP 11320 , 331 Condamine Street MANLY VALE NSW 2093</p> <p>Lot 20 DP 11320 , 321 Condamine Street MANLY VALE NSW 2093</p>

### Officer comments

Rev2021/0014 seeks a review of the Northern Beaches Local Planning Panel's decision to refuse DA2020/0824 for demolition and construction of a shop top housing development. The applicant has updated this application to purportedly address the Panel's reasons for refusal.

The Northern Beaches Section 7.12 Contributions Plan 2021 applies to the land. If supported, a condition will need to be imposed requiring the payment of a monetary contribution based on the cost of works. The stated cost of works is \$11,279,007 however this is not supported by a report from a quantity surveyor.

The Contributions Plan states "where the proposed cost of carrying out the development is \$1,000,001 or more – a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors" is required to provide the cost estimate. If this application is supported, the applicant should be asked to provide an updated cost estimate from a registered quantity surveyor.

The submitted Statement of Environmental Effects states:

*"the application seeks to provide for the dedication of a 1.4 metre wide x 38.075 metre long strip of land adjacent to Sumerville Place to Northern Beaches Council to provide for future laneway widening consistent with that achieved along the balance of Sumerville Place to the north of the site. This dedication also provides for improved pedestrian and vehicle safety along Somerville Place in response to the concerns expressed by Council in its refusal of the application. We propose that this dedication occur by way of a Voluntary Planning Agreement (VPA) with the requirement to enter into a VPA with Council pursuant to section 7.4 of the Environmental Planning and Assessment Act, 1979 (the Act) dealt with by way of an appropriately worded deferred commencement condition."*

On 28 June 2021, Council wrote to the applicant to request additional information. This request also advised that the proposal to dedicate a 1.4m strip of land to Council for pedestrian and vehicular access should include the provision of works to achieve this outcome.

The applicant provided a response to Council's request for additional information on 30 August 2021. This correspondence included a plan identifying the land to be dedicated to Council and a plan showing the proposed works on this land. The applicant also outlined the terms of a potential future VPA as: "Land to be dedicated – A 1.435 metre wide by 38.075 metre area of the land totalling 54.6m<sup>2</sup> as depicted on Architectural plan DA-100(A) at Attachment 1.

*Works within dedicated area of land – The drainage, road pavement widening, kerb and gutter and footpath works proposed within the dedication area of land are depicted on plans C01(A), C02(A), C03 (A) and to C04(B) prepared by Istruct Consulting Engineers a copy of which is at Attachment 2. These works will be completed by the developer prior to issue an Occupation Certificate.*

*Cost or works within dedicated area of land – It is anticipated that the civil works proposed within the dedicated area of land will cost approximately \$50,000.*

*Timing - The land will be dedicated to Council upon completion of the civil works proposed within the dedicated area of land and prior to issue of an Occupation Certificate.*

*We anticipate that the civil works proposed within the dedicated area of land will be offset against the section 7.11 contributions.”*

This correspondence also reiterated the request for council to impose a deferred commencement condition requiring the applicant to enter into a planning agreement.

Council’s Planning Agreement Policy encourages an offer to be submitted prior to the lodgement of a DA. The Policy also requires a formal offer to be assessed by the Development Contributions Committee. Any offer will need to demonstrate adequate public benefit. It is noted that the application does not accompany a formal offer to enter into a planning agreement. No assessment has been completed on the terms of the potential future VPA.

Once a formal offer is received and assessed by the Committee, if supported, a draft Planning Agreement can be prepared and reported to Council for consideration. A draft Planning Agreement will need to be prepared in accordance with the relevant Practice Note and publicly exhibited in accordance with the requirements of the EP&A Regulation.

I have spoken with the applicant’s planning consultant to advise that a deferred commencement condition could be imposed however the applicant will need to consider the risk that the Committee or the Council do not support the terms of a future offer thereby preventing the consent from becoming operational.

#### Recommendations

The applicant should be asked to provide an updated cost estimate from a registered quantity surveyor to inform an accurate determination of the required development contribution.

If the application is to be supported, the requirement to enter into a planning agreement could be addressed by an appropriately worded condition of consent.

The proposal is therefore unsupported.

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

#### **Strategic Planning Conditions:**

Nil.