

Strategic Planning Referral Response

Application Number:	DA2023/0669
Proposed Development:	Demolition work and the construction of 28 dwellings, infrastructure, roadworks, tree removal, landscaping, community title subdivision and the dedication of the creekline corridor to Council.
Date:	14/03/2024
To:	Alex Keller
Land to be developed (Address):	Lot 4 DP 553816 , 16 Macpherson Street WARRIEWOOD NSW 2102

Officer comments

On request of the draft conditions ahead of the Section 34 conciliation meeting scheduled on 18 March 2024, I advise as follows:

No formal decision has been made on the Offer to enter into a Planning Agreement with Northern Beaches Council. The Offer involves delivery by the developer of infrastructure as works-in-kind, as the following infrastructure are listed in Warriewood Valley Contributions Plan Amendment 16 Revision 4:

- shared path aligning Brands Lane (Item 23 of the Pedestrian and Cycleway Schedule)
- rehabilitation works of Narrabeen Creek at Sector 303 (Item 2.62B of the Multi-functional Creekline Strategy)
- dedication of inner creekline corridor land – Narrabeen Creek at Sector 303 (Item 303 of Multi-functional Creek Line Strategy (Land acquisition)).

It is recommended that if it is to be approved, the consent should be a deferred commencement consent, with the draft conditions to read as follows:

DEFERRED COMMENCEMENT CONDITION

The developer shall enter into a Planning Agreement with Northern Beaches Council pursuant to section 7.4 of the Environmental Planning and Assessment Act 1979 to deliver works identified in the Contributions Plan and generally consistent with the developer's amended offer dated 4 August 2023 and associated documents and plans. The Offer includes the following items as identified in the Contributions Plan:

- a) Item 23 (Pedestrian and Cycleway Schedule) Shared Path Brands Lane
- b) Item 2.62B (Multi-functional Creek Line Strategy) Rehabilitation works of Narrabeen Creek at Sector 303
- c) Clause 5.2.2 – Creek line corridor land dedication at Sector 303

The Executed Planning Agreement is to be registered on the title of the land before this condition is satisfied.

Note: Please be advised that no decision as to whether Council will enter a Planning Agreement has been made and there is no representation that such a decision will be made until the draft Planning Agreement has been exhibited, assessed and determined by Council in accordance with the Environmental Planning and Assessment Act 1979.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council

within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 76 of the Environmental Planning and Assessment Regulation 2021. 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:

Condition – Development Contribution

Policy Controls

Warriewood Valley Development Contributions Plan Amendment 16, Revision 4 2022

The applicant must pay a total development contribution to Council of \$2,033,235 in accordance with the Warriewood Valley Development Contributions Plan (as amended). This contribution is based on 27 additional dwellings/allotments.

The contribution payable comprises of:

- A monetary contribution of \$ \$1,861,178 (subject to a) below) is payable to Northern Beaches Council.

- Dedication of 1094m² of creek line corridor land in accordance with b) below.

a) Written evidence (receipt/s) from Council for the payment of the monetary contribution is to be provided to the Certifying Authority prior to issue of the construction certificate or subdivision certificate (whichever occurs first), or prior to the issue of the subdivision certificate where no construction certificate is required. If the cash contribution (total or in part) remains unpaid after the financial quarter in which the development consent is issued, the amount unpaid (whether it be the full monetary contribution amount or a part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index.

The agreement for Material Public Benefit Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

b) The Applicant shall dedicate to Northern Beaches Council a total of 1094m² of land for the provision of multi-functional creekline corridor in lieu of a monetary contribution amount calculated in accordance with Table 4 of the Contributions Plan attributed to the creekline corridor to the value of \$172,057.00.

The area to be dedicated is to be subject to a final Plan of Subdivision. The required dedication is to take place by way of subdivision.

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

INSTRUCTIONS: If this condition includes land dedication under point b) there needs to be conditions regarding its transfer into Council ownership as well as a condition in relation to what needs to be submitted Prior to the Issue of the Subdivision Certificate.

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:

DEFERRED COMMENCEMENT CONDITIONS

Planning Agreement - Deferred Commencement DEFERRED COMMENCEMENT CONDITION

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- a) Item 23 (Pedestrian and Cycleway Schedule) Shared Path Brands Lane
- b) Item 2.62B (Multi-functional Creek Line Strategy) Rehabilitation works of Narrabeen Creek at Sector 303
- c) Clause 5.2.2 – Creek line corridor land dedication at Sector 303

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 - Dedication of 1094m² of creek line corridor land in accordance with b) below.
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Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.