

Strategic Planning Referral Response

Application Number:	Mod2018/0617
To:	Rebecca Englund
Land to be developed (Address):	Lot 31 DP 5464 , 31 Warriewood Road WARRIEWOOD NSW 2102 Lot 30 DP 5464 , 29 Warriewood Road WARRIEWOOD NSW 2102

Officer comments

As identified in the previous referral response, the Applicant is seeking to reduce the quantum of creek corridor land to be dedicated to Council. DA N0182/13 requires the dedication of 3,308m² of land. The Assessment Officer has advised that the Applicant is now seeking to dedicate 3,200m² of land based on a request from Council's Development Engineer to include land containing the bike path connection to the adjacent property. The proposed reduction in creek dedication is 108m², or 3.3%.

As previously advised, based on confirmation from all other referrals that a reduced creek width in this location will not cause any adverse flooding impacts to adjacent or downstream properties, the proposed reduction can only be supported by the Principal Development Contributions Officer subject to the imposition of conditions requiring an appropriate monetary contribution.

The monetary contribution is based on the monetary offset received by the Applicant for the dedication of land and is derived from the land value identified in the contributions plan in force at the time of determination, being \$146.67/m² as identified in Table 6.2 of the Warriewood Valley Section 94 Contributions Plan No.15 Amendment 16.

The monetary contribution will be indexed to reflect the effects of inflation from the time the contribution was originally made by the Applicant, being 19 October 2016. The monetary contribution is calculated as follows:

$108\text{m}^2 \times \$146.67 = \$15,840.36 \times \text{indexation}$

Indexation = 115.2 (current CPI) / 110.4 (CPI at the time the contribution was originally payed)

Total monetary contribution = \$16,529.07

A draft amended condition of consent has been provided.

Strategic Planning Conditions:

FEES / CHARGES / CONTRIBUTIONS

Section 94 Contribution - Creekline corridor on the property

Consent condition C19 is to be amended as follows:

C19

(i) The following is to be made for the provision of public infrastructure and services pursuant

to s.94 of the Environmental Planning and Assessment Act 1979:

a. Payment of a total cash contribution of \$1,936,715.64. The cash component of the Development Contribution is to be paid prior to the issue of the Subdivision Certificate or 1 September 2016 (whichever is the earlier to occur)

b. A cash contribution of \$16,529.07 reflecting the reduced creek corridor land to be dedicated to Council. This cash contribution is to be paid prior to the issue of the Subdivision Certificate for Stage 1. This monetary contribution is to be adjusted by CPI at the time of payment in accordance with the Warriewood Valley Development Contributions Plan.

c. Dedication of ~~3,308~~ 3,200m² of creekline corridor. The creekline corridor land dedication is to be effected prior to or on registration of the subdivision for Stage 2 in accordance with Condition E4. (Note: the creekline corridor land dedication has been deducted from the cash contribution which would otherwise be payable. The base (unimproved) valuation for the creekline corridor is \$146.67 per m² based on the current Section 94 Contributions Plan adopted 1 September 2008, Table 6.2, page 43, wherein the property is in Buffer Area 1).

(ii) The proponent/applicant is to provide a bank guarantee:

a. For the full amount of the cash contribution of \$1,936,715.64

b. In which the bank unconditionally pays the guaranteed sum to Council as requested by Council in writing not earlier than 12 months from the provision of the guarantee or completion of the work

c. In which the bank must pay the guaranteed sum without reference to the applicant/proponent or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development

d. In which the guarantee shall not be cancelled until such time as the cash contribution is paid

e. In which the applicant/proponent is responsible for any charges associated with establishing or operating the bank guarantee.

(iii) Interest shall accrue on any unpaid balance of the cash contribution identified above at the rate of 4% per annum, which interest shall accrue from the issue of the first construction certificate or 1 January 2016, whichever is the earlier to occur. The interest is to be paid at the same time as the payment of the cash contribution.

(iv) In accordance with the Warriewood Valley Section 94 Contributions Plan No.15, the proponent/applicant may negotiate with Council for the direct provision of other facilities and services and dedication of land (other than the dedication of ~~3,308~~ 3,200 m² of land stated above) in lieu of the cash contribution above (or any portion of that cash contribution) or deferral of payments through an agreement for Material Public Benefit under the Warriewood Valley Section 94 Contributions Plan No.15. Where an agreement for Material Public Benefit is sought regarding the payment of cash contributions, the agreement for material public benefit is to be finalised and signed by the proponent and Pittwater Council prior to the issue of the first construction certificate.

Consent condition E4 is to be amended as follows:

The dedication of 3,200m²~~3,308m²~~ of Narrabeen Creekline corridor (measured 25m from the centreline of Narrabeen Creek) is to be effected prior to or through the registration of the Subdivision Plan the subject of the Subdivision Certificate for Stage 2. All structures and introduced/contaminated fill material within the creekline corridor land is to be removed prior to the creekline corridor land being



dedicated to Council.