

Strategic Planning Referral Response

Application Number:	Mod2021/0816
Date:	15/12/2021
To:	Adam Mitchell
Land to be developed (Address):	Lot 1 DP 5055 , 8 Forest Road WARRIEWOOD NSW 2102

Officer comments

N0440/15 was approved by the Land and Environment Court on 3 May 2017 for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping. This application has been subsequently modified on a number of occasions.

The current modification application proposes amendments to several conditions to remove the formal staging of works and approved under past modification applications.

Condition C9 requires the payment of a monetary contribution and the dedication of creek corridor land to Council pursuant to the Warriewood Valley Contributions Plan. This condition has been modified since the original approval to reference the approved staging and changes to the area of creek land to be dedicated.

The applicant has not proposed to modify condition C9 as part of this modification application. However, condition C9 is required to be amended to remove the reference to staging and reflect the appropriate timing for payment of monetary contributions and dedication of creek land.

The full monetary contribution is required to be paid prior to the issue of any construction certificate or subdivision certificate, whichever occurs first. The application includes works within the creek corridor. These works must be complete prior to the dedication of creek land to Council. Creek dedication will occur through the registration of a subdivision certificate and must occur prior to the issue of any occupation certificate.

The modification application can only be supported if condition C9 is modified. An amended condition of consent has been provided.

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:

FEES / CHARGES / CONTRIBUTIONS

Warriewood 7.11 contributions (COW less than \$10 million)

Part C: Prior to the issue of a Construction Certificate

The applicant must pay a total development contribution to Council equivalent to \$5,034,382.26 in accordance with the Warriewood Valley Contributions Plan (as amended). This contribution is comprised of:

- A monetary contribution of \$4,724,933.82 and
- Dedication of 5,796sqm of creekline corridor land, shown as Lot 1 on plan titled 'Proposed Subdivision of Lot 1 DP 5055', Sheet No.1 of 1, reference 15/99, prepared by Pulver Cooper & Blackley, dated 21 March 2018 (by Council).

The monetary contribution must be paid prior to the issue of any Construction Certificate or Subdivision Certificate, whichever occurs first. The monetary contribution includes a \$309,448.44 discount for the dedication of creekline corridor land. The monetary contribution will be adjusted at the time the payment is made, in accordance with the provisions of the Warriewood Valley Contributions Plan (as amended).

The dedication of creekline corridor land is to occur by way of subdivision and must **NOT** occur until all approved works within this land have been completed. The dedication must occur prior to the release of any Occupation Certificate.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than land identified above) in lieu of the monetary contribution above (or any portion of that monetary contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the Applicant in accordance with the Warriewood Valley Development Contributions Plan (as amended). The agreement for Material Public Benefit between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

A copy of the development contributions plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website.

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

Warriewood 7.11 contributions (COW greater than \$10 million and no land subdivision)

Part E: Prior to the issue of a Occupation Certificate

The Applicant is required to dedicate to Council a total of 5,796 square metres of land for the provision of multi-functional creek line corridor facilities, shown as Lot 1 on plan titled 'Proposed Subdivision of Lot 1 DP 5055', Sheet No.1 of 1, reference 15/99, prepared by Pulver Cooper & Blackley, dated 21 March 2018 (by Council).

The dedication is to take place by way of subdivision. Evidence that the Deposited Plan has been registered with NSW Land and Property Information shall be provided to Council prior to the issue of any Occupation Certificate.

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.