

Strategic Planning Referral Response

Application Number:	DA2020/1480
Date:	03/03/2021
To:	Anne-Marie Young
Land to be developed (Address):	Lot 1 DP 5055 , 8 Forest Road WARRIEWOOD NSW 2102

Officer comments

The subject Development Application DA2020/1480 seeks consent to construction of a 3-storey residential flat building containing 64 apartments with basement parking and integrated landscaping.

This residential flat building is to be accommodated on proposed Torrens Title Lot 19 (within a Community Title subdivision) under DA2020/1489 that is still be assessed by Council.

Assessment of this DA

Our commentary to the subdivision DA2020/1489 (see TRIM document 2021/098983) identifies clear deficiencies with the subdivision DA that is likely to impact on the proposed building footprint of this subject DA for the residential flat building, eg. the location of the substation within the APZ and vertical structures within the outer 25m buffer area.

The proposed RFB will have part of its proposed development footprint within the outer 25m buffer area; and will need to be addressed in terms of its suitability or otherwise especially in terms of the objectives of the Warriewood Valley Water Management Specification.

The Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) 2018, known as the 'WV Contributions Plan', applies to the subject property. This Plan, prepared in accordance with legislative requirements, provides the mechanism by which development contributions can be levied on developments within the catchment area for the WV Contributions Plan. Additionally, it addresses the public services and facilities that will be required to meet the needs of the future residents and workers of the Release Area.

Currently, this proposal DA2020/1480 seeks to construct a residential flat building on proposed Torrens Title Lot 19; resulting in an additional 64 dwellings on this lot.

Our response to the subdivision DA2020/1489 clearly identifies that insofar as it relates to Torrens Title Lot 19 development contributions was not imposed on same under that DA, and reads as follows:

Proposed Lot 19 in resubdivision Torrens Title Lot 1 will be subject to a future DA (for a residential flat building where the number of dwellings is unknown for the purposes of the DA and the calculation of development contributions payable under this DA)...As such, development contributions for the creation of Proposed Lot 19 is not levied under the current DA (as there are no dwellings contemplated under this DA), but will be levied when the DA for the future residential flat building (and the number of dwellings confirmed) on same is considered and determined by Council...Council confirms that the value of the inner creekline corridor land (as set out in the Contributions Plan) will directly offset the total monetary contribution payable to Council calculated under this DA, being on the proposed 17 residential allotments only (proposed Lots 2 to 18 inclusive under resubdivision

Torrens Title Lot 1). In this regard, the future DA for proposed Lot 19 to accommodate a residential flat building will be subject to the development contribution rate applicable at the time. The total amount payable (based on the quantum of dwellings approved on this Lot) will not be offset by inner creekline corridor land that was transferred to Council under another consent.

On the basis that the subdivision DA is subsequently approved and the issues raised above regarding the proposed development footprint in the outer 25m buffer area is deemed suitable against the objectives of the Warriewood Valley Water Management Specification.

If this DA is recommended for approval, I provide the following total development contribution amount payable to Council based on:

- The proposed residential flat building will result in 64 dwellings,
- As at 3 March 2021, the contribution rate is \$69,734.00 per lot/dwelling,
- The total contribution amount payable will not be offset by the inner creekline corridor land transferred to Council under another consent, in this case the subdivision DA (DA2020/1489) that created this lot now the subject of DA2020/1480, and
- The total contribution amount is the sum of the contribution rate multiplied by the dwelling numbers, namely \$69, 734.00 x 64 dwellings.

As at 3 March 2021, the total development contribution amount payable to Council is \$4,462,976.00, noting the amount payable will be adjusted at the time of payment.

In the event that this DA is:

1. amended resulting in changes to the total number of dwellings on the proposed Lot, or
2. not determined by 1 June 2021,

the amended DA should be referred back to Development Contributions (S&PP) to update the total development contribution amount payable to Council and the drafted condition.

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

The proposal is therefore supported.

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Strategic Planning Conditions:

FEES / CHARGES / CONTRIBUTIONS

Warriewood Valley Contributions Plan - No creekline corridor

A cash contribution of \$4,462,976.00 (subject to (a) below) is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to Section 7.11 of the Environmental Planning

and Assessment Act 1979 and the Warriewood Valley Development Contributions Plan (as amended).

- 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 monetary 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 increase on a quarterly basis in accordance with the applicable Consumer Price Index.
- b. The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land 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 Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

The Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) may be viewed at 725 Pittwater Road, Dee Why or on Council's website 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.