

## Strategic Planning Referral Response

<b>Application Number:</b>	DA2023/0669
<b>Proposed Development:</b>	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.
<b>Date:</b>	15/08/2024
<b>To:</b>	Alex Keller
<b>Land to be developed (Address):</b>	Lot 4 DP 553816 , 16 Macpherson Street WARRIEWOOD NSW 2102

### Officer comments

#### General comments

The draft conditions were updated on 15 August 2024 to reflect the 2024/25 contribution rates. The Contributions Panel has provided in-principle support for the offer to enter into a planning agreement. Support is provided to the mechanism that will allow the developer to provide infrastructure on behalf of Council and does not extend to the terms or infrastructure designs which will be negotiated through the preparation of a draft agreement and reported to the elected Council for consideration.

#### Previous 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 as 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:

## DEFERRED COMMENCEMENT CONDITIONS

### Planning Agreement - Deferred Commencement 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

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:

## FEES / CHARGES / CONTRIBUTIONS

### Warriewood Valley - Contribution Condition

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 \$1,857,539 (subject to a) below) is payable to Northern Beaches Council.
- Dedication of 1,091m<sup>2</sup> 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 planning 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 1,091m<sup>2</sup> 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 \$175,696. 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.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA  
SUBDIVISION OR SUBDIVISION CERTIFICATE**

**Warriewood Valley - If dedication of creekline land is proposed**

A Subdivision Certificate must be issued by Council.

Prior to the issue of a Subdivision Certificate, the following documents are to be submitted to Council:

- A draft Plan of Subdivision which clearly identifies the allotment containing the creekline land to be dedicated to Council. The draft Plan must include a notation that the land is to be transferred to Council for a public reserve or drainage reserve.
- Works-As-Executed plans for all structures or facilities on the land to be dedicated to Council.

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.