

## Strategic Planning Referral Response

<b>Application Number:</b>	Mod2020/0458
<b>Date:</b>	03/11/2020
<b>To:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 25 DP 5464 , 2 Macpherson Street WARRIEWOOD NSW 2102

### Officer comments

Modification application (Mod2020/0458) seeks approval to modify Condition 6 of consent DA2019/0887. DA2019/0887 sought consent to 24 Lot Community Title Subdivision to accommodate future residential development. DA2019/0887 included dedication of creek line corridor (proposed Lot 24 - being the 25-metre inner creek line corridor) to Council. No creekline works were proposed or subsequently approved under this consent.

Condition 6 imposes the payment of development contributions attributable to residential development, in accordance with Warriewood Valley Development Contributions Plan Amendment 16, Revision 3, 2018 (being the "WV Plan" in force on 28/07/2020). Condition 6 reads as follows:

#### **6. Warriewood Valley Contributions Plan - Creekline corridor**

*The following is to be made 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 monetary contribution of \$1,320,770.41 (subject to (a) below) is payable to Northern Beaches Council, and*
- *Dedication of 6,739sqm of creekline 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 increase on a quarterly basis in accordance with the applicable Consumer Price Index.*
  - b) The Applicant shall dedicate to Northern Beaches Council a total of 6,739sqm 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 \$213,386.83. The required dedication is to take place by way of subdivision.*
  - c) 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 in (b) 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 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 (as amended) may be viewed at 725 Pittwater Rd, Dee Why or alternatively, on Council's website Development Contributions.*

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

The dedication of the 25-metre inner creek line corridor is identified works item under the WWV Plan. Accordingly, the cash contribution amount payable and expressed in Condition 6 shows the amount payable minus the value of the creekline corridor land (which is listed in the WWV Plan adjusted to 2020/21 dollars).

### **Assessment of the Modification (Mod2020/0458)**

The application seeks a reduction of the cash contribution amount payable to Council, imposed by Development consent DA2019/0887. The amount the applicant is wanting/willing to pay is \$202,500.81, based on the amount purported to be equivalent to the value of creekline corridor rehabilitation works.

As already advised, DA2019/0887 did not include creekline corridor works. Council did not approve creekline corridor works under the development consent that is the subject of the modification.

Accordingly, the subject modification to reduce the cash contribution payable on the basis of creekline corridor works that were not part of a development consent the applicant is now seeking to modify is unreasonable and not supported.

The proposal is therefore unsupported.

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

### **Strategic Planning Conditions:**

Nil.