

3rd April 2024

The CEO
Northern Beaches Council
Po Box 882
MONA VALE NSW 1660

Attention: Robert Platt - Principal Development Infrastructure Officer

Dear Mr Platt,

Updated Offer to Enter into a Planning Agreement with Northern Beaches Council

VPA2023/0001

**Development of Sector 303 including built form and subdivision
Lot 4, DP553816, 16 Macpherson Street, Warriewood**

Reference is made to Development Application DA2023/0669 currently before the Land and Environment Court of NSW proposing the construction of 28 dwellings, infrastructure, roadworks, tree removal, landscaping, community title subdivision and the dedication of the inner 25 metre creek line corridor to Council.

This Voluntary Planning Agreement (VPA) offer proposes the delivery of works-in-kind involving the rehabilitation of the creek line corridor and the construction of the shared path connection within Brands Lane being works identified in the Warriewood Valley Contributions Plan and the dedication of the inner creek line corridor to Council.

Council has requested confirmation as to the area of proposed Lot 30 having regard to the current titled centreline of the creek with this updated VPA offer adopting the area of proposed Lot 30 as detailed in the accompanying correspondence dated 15 March 2024 and Lot dedication plan 048-22G L02[00] prepared by Colliers International Engineering and Design. These documents confirm that proposed Lot 30 has a site area of 1091m² with a copy of these documents at **Attachment 3**.

We note that Narrabeen Creek has undergone substantial artificial re-alignment as a result of the development of the adjoining sites over the past several decades. DP 1072867, which forms a common creek boundary, notes the artificial re-alignment of Narrabeen Creek when defining the northern boundary of the subject allotment. Several registered plans upstream and downstream of the subject plan also come to the same conclusion when defining their respective creek boundary.

The location of the northern boundary, being the former centreline of Narrabeen Creek, has been digitised from DP 5464 and is substantially the same as that shown on DP 331865 and DP 553816. This being the common (and southern) boundary of Lot 6015, DP 1072867 - Public Reserve.

The proposed works-in-kind and land dedication to which this VPA offer relates are as follows:

- Item 23 (Pedestrian and Cycleway Schedule) Shared Path Brands Lane

The location and detail of the Shared Path is depicted in the Civil Works plans, Revision D, prepared by Craig and Rhodes at **Attachment 1**.

- Item 2.62B (Multi-functional Creek Line Strategy) Rehabilitation works of Narrabeen Creek at Sector 303

The location and detail of the Narrabeen Creek rehabilitation works is depicted in the Narrabeen Creek Rehabilitation Works plans, Revision D, prepared by Craig and Rhodes at **Attachment 2**.

- Clause 5.2.2 - Creek line corridor land dedication at Sector 303.

The inner 25 metre creek line corridor proposed to be dedicated to Council is nominated as proposed Lot 30 on concept Lot dedication plan 048-22G L02[00] prepared by Colliers International Engineering and Design **Attachment 3**.

Rationale and origin of the Offer

The Offer relates to works and required creek line corridor land dedication specifically identified in the Warriewood Valley Contributions Plan and which are proposed to be carried out as a component of the subject development application.

Demonstratable Public Benefit of the Offer

The Offer relates to works and required creek line corridor land dedication specifically identified in the Warriewood Valley Contributions Plan and will facilitate the completion of these identified works and creek line corridor land dedication as a component of the subject development application. The Offer facilitates the provision of identified infrastructure and works located on public land (upon dedication of the inner creek line corridor) within Warriewood Valley and accordingly provides Public Benefit.

Valuation of the Offer

We rely on the accompanying Detailed Cost Estimate, dated July 2023 prepared by Berco Consulting (**Attachment 4**) identifies the valuation of the offer as follows:

- Item 23 (Pedestrian and Cycleway Schedule) Shared Path Brands Lane

Cost: \$71,304.00 + GST

- Item 2.62B (Multi-functional Creek Line Strategy) Rehabilitation works of Narrabeen Creek at Sector 303

Cost: \$206,727.00 + GST

- Preliminaries

Cost: \$33,364.00 + GST

- Margin

Cost: \$23,355.00 + GST

Gross Construction Cost for works-in-kind: \$368,224.00

- Clause 5.2.2 - Creek line corridor land dedication at Sector 303.

The accompanying documentation confirms that 1091m² of creek line corridor (proposed Lot 30) is to be dedicated to Council. In accordance with Table 4 a rate of \$150 per square metres applies to the dedicated land representing a (2021/2022) land value of **\$163,650.00**. We note that it will be necessary for Council to confirm the 2023/2024 land value to enable an accurate determination of current land value.

The value of this land will directly offset the total monetary contribution payable for development on the land.

Proposed implementation of the Offer

- Item 23 (Pedestrian and Cycleway Schedule) Shared Path Brands Lane

These works will be carried out prior to issue of any Occupation Certificate relating to DA2023/0669

- Item 2.62B (Multi-functional Creek Line Strategy) Rehabilitation works of Narrabeen Creek at Sector 303

These works will be carried out prior to the dedication of the creek line corridor in accordance with DA2023/0669.

- Clause 5.2.2 - Creek line corridor land dedication at Sector 303.

The land will be dedicated upon registration of the draft plan of subdivision with NSW Land Services.

Please do not hesitate to contact me to discuss any aspect of this correspondence.

Yours sincerely

BOSTON BLYTH FLEMING PTY LIMITED



Greg Boston

B Urb & Reg Plan (UNE) MPIA

Director

Attachment 1 Civil works plans, Revision D, prepared by Craig and Rhodes

Attachment 2 Narrabeen Creek rehabilitation works plans, Revision D, prepared by Craig and Rhodes

(Updated)

Attachment 3 Correspondence dated 15 March 2024 and Lot dedication plan 048-22G L02[00] prepared by Colliers International Engineering and Design

Attachment 4 Detailed Cost Estimate, dated July 2023 prepared by Berco Consulting

ATTACHMENT 3 (AMENDED)

NB: NO CHANGE TO PREVIOUSLY SUBMITTED ATTACHMENTS 1, 2 AND 4).

7/3 Rider Blvd, Rhodes NSW
2138

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Colliers International Engineering & Design (NSW) Pty Ltd
ABN 77 050 209 991

IPM Property
17 Castlereagh Street
Sydney
NSW 2000
Attention: William Allen

15/3/2024
Colliers Ref: 048-22

Dear William,

Re: Plan of Proposed Lot to be Dedicated to Council for Voluntary Planning Agreement

We direct your attention to the Concept Plan of Subdivision prepared by us, "048-22P L02 [00]" dated 15/3/2024.

We advise the area of the proposed Lot 30 to be dedicated to Council under the future Voluntary Planning Agreement is **1091m²**.

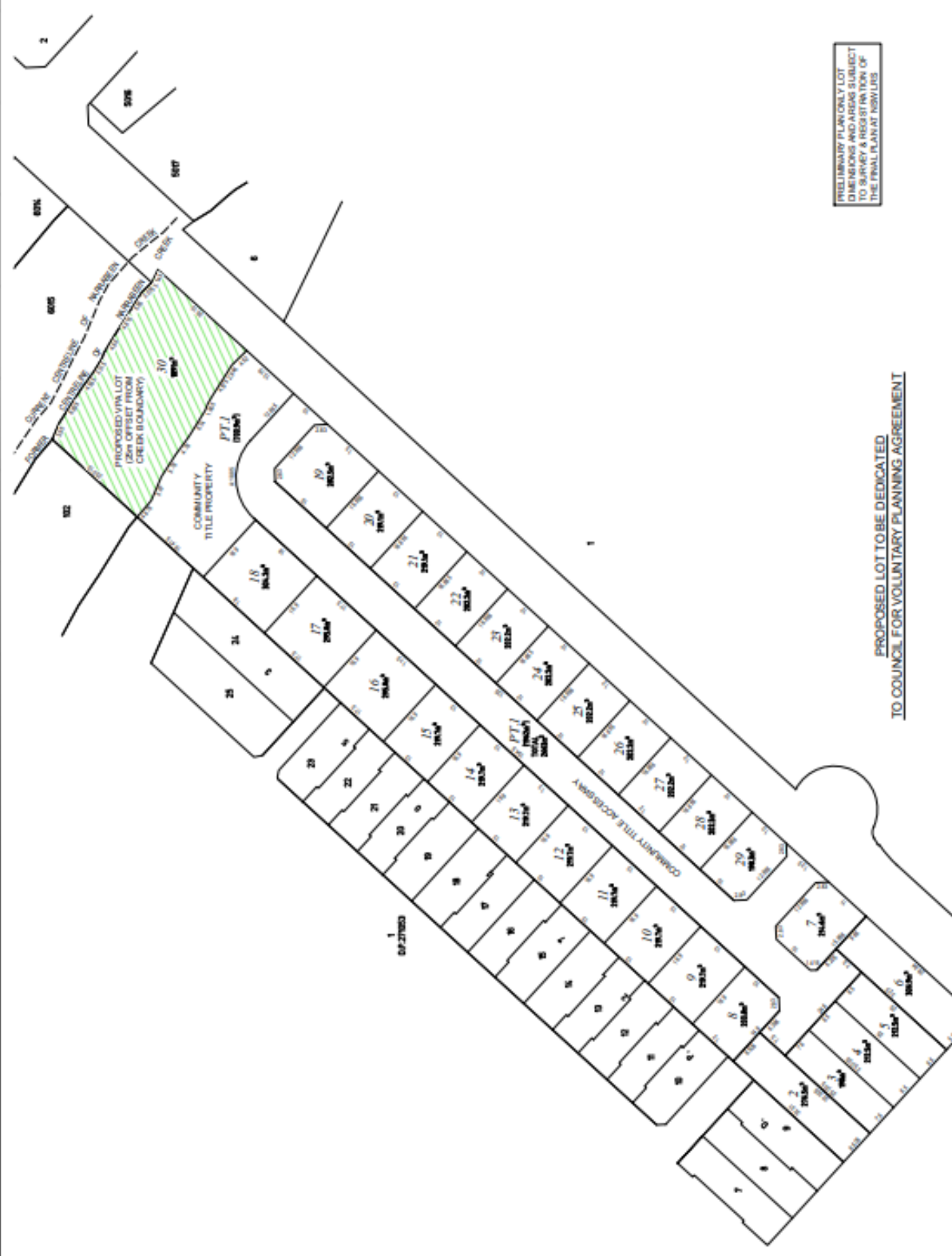
Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Gibbs", with a stylized flourish extending to the right.

Matthew Gibbs

Registered Land Surveyor

Colliers Engineering & Design NSW Pty Ltd



PRELIMINARY PLAN ONLY LOT
 DIMENSIONS AND AREAS SUBJECT
 TO SURVEY AND APPROVAL BY
 THE STRATA PLAN ACT NSW/LUIS

PROPOSED LOT TO BE DEDICATED
 TO COUNCIL FOR VOLUNTARY PLANNING AGREEMENT

		CONCEPT PLAN DIVISION 81 MACHESON STREET WARRIMOO		PROJECT: WARRIMOO PTY LTD DATE: 03/03/2020		048-220-100 (0) 10 - 10 AM	
048-220-100 (0) 10 - 10 AM		048-220-100 (0) 10 - 10 AM		048-220-100 (0) 10 - 10 AM		048-220-100 (0) 10 - 10 AM	