

## Strategic Planning Referral Response

<b>Application Number:</b>	DA2019/0887
<b>Date:</b>	06/07/2020
<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

The subject property is identified as Buffer 1m on the PLEP Urban Release Area Map. The property fronts Macpherson Street to the south. The northern and eastern boundaries are defined by the centreline of Narrabeen Creek. The property is currently vacant but once contained a nursery which has since been demolished.

The application proposes Community Title subdivision and associated civil works to create:

- an allotment containing the ring road (approved under the earlier earthworks DA N0398/17) and water management infrastructure, labelled Lot 1
- 22 residential allotments, labelled Lots 2-23 inclusive
- an allotment to contain the inner creekline corridor, labelled Lot 24.

The SEE contains a development contribution calculation. Council does not support this calculation for a number of reasons. The Applicant's calculation is based on 21 allotments. The contribution must be calculated based on the proposal to create 22 residential allotment on a vacant site that has never accommodated a dwelling.

The Warriewood Valley Development Contributions Plan Amendment 16 Revision 3 2018 (the Contributions Plan) identifies that the inner 25m creekline corridor of the property is to be dedicated to Council. Table 4 of the Contributions Plan identifies that the area of inner creek corridor on the property is approximately 6,751m<sup>2</sup>.

The submitted Survey prepared by JBW Surveyors, dated 25 September 2018, identifies the total site area is 2.13 hectares. The submitted Plan of Subdivision, prepared by B&P Surveys, dated 20 June 2017, identifies that Lot 24 containing the inner creek corridor is 8,764m<sup>2</sup> in size. A note on the Plan of Subdivision identifies that this calculation is based on DP5464.

DP5464 was surveyed in 1906. This survey identifies the site as 2.32 hectares based on the rear property boundary being the creek centreline at that point in time. The Contributions Plan advises:

*Noting that the position of the creek centreline has meandered over the years, to avoid confusion, the area of creekline required to be dedicated to Council is to be measured as 25m from the current rear property boundary.*

The area of Lot 24 as shown on the submitted Plan of Subdivision is not supported. The Plan of subdivision must be amended to identify the 25m inner creekline corridor measured from the current centreline of the creek based on the submitted survey prepared by JBW Surveyors, dated 25 September 2018. Based on the recent survey the inner creekline corridor area would total approximately 6,792m<sup>2</sup>.

The submitted Statement of Environmental Effects (SEE) purports that the creek reconstruction and rehabilitation works identified for Buffer 1m in Appendix 2 of the Contributions Plan has been approved under a separate application on the site for earthworks, being DA N0398/17. The SEE requests a contributions credit for the value of these works which the Applicant has incorrectly calculated.

DA N0398/17 was approved by the Land & Environment Court on 31 May 2019. The application sought approval for earthworks and the construction of a ring road and was not related to residential development. This application involved significant cut in the creek corridor to create a 1%AEP flood-free building pad in the centre of the site.

The Team Leader, Floodplain Planning & Response has advised that the information submitted with the Construction Certificate for N0398/17 has not demonstrated that the creek reconstruction will accommodate the 1%AEP. Additionally, the Contributions Plan identifies that a works-in-kind agreement is the necessary mechanism for an applicant seeking to satisfy an obligation to pay a monetary contribution by providing some other kind of material public benefit. The Contribution Plan identifies that Council is under no obligation to accept a works-in-kind agreement and in considering any such offer, will assess the benefits to Council and the community.

Notwithstanding, the creek works in N0398/17 were proposed by the applicant to provide a flood free building pad in the centre of the site. The Contributions Plan identifies that these works are not contemplated to be commenced by Council until 2020/21. However, the works schedule is subject to changes to actual development timeframes, community needs and economic conditions. If the Applicant requires that these works are completed ahead of Council's anticipated timeframe they will need to undertake them at their own cost.

#### **Additional Comments 18 March 2020**

The revised plan of subdivision identifies an acceptable area of creekline corridor to be dedicated to Council. A contribution calculation has been prepared in accordance with the Contributions Plan and financial model. The proposal is acceptable subject to conditions.

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 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.