

Explanatory Note

Proposed draft Planning Agreement

Under section 7.4 of the *Environmental Planning and Assessment Act 1979*

1. Parties

Northern Beaches Council (Planning Authority)

Warrimac Pty Ltd (Developer)

2. Description of subject land

The land to which the draft Planning Agreement applies is:

Lot 4 DP 553816 – 16 Macpherson Street, WARRIEWOOD NSW 2102

3. Description of proposed change to environmental planning instrument/development application

A Development Application (DA2023/0669) was lodged with Council for:

‘Demolition work and the construction of 28 dwellings, infrastructure, roadworks, tree removal, landscaping, community title subdivision and the rehabilitation and dedication of the creek line corridor to Council.’

On 28 November 2024, consent was granted by the Land & Environment Court by way of a deferred commencement consent. This means the consent is not operational until such time as the deferred commencement condition has been satisfied by the Applicant/Developer. The deferred commencement condition (Condition 1) requires:

- the Developer to enter into a Planning Agreement with Northern Beaches Council, and
- an Executed Planning Agreement (signed) to be in place,

before the consent can operate.

4. Summary of objectives, nature and effect of the proposed draft Planning Agreement

The draft Planning Agreement is for the delivery of the following Contribution Works:

- the rehabilitation of the creek line corridor and
- the construction of a shared path connection within Brands Lane.

The Contribution Works is defined in the draft Planning Agreement and are identified in the relevant Contributions Plan (Warriewood Valley Contributions Plan Amendment 16 Revision 4). The Contributions Works are therefore ‘works-in-kind’ infrastructure.

6. Timing of delivery of the public community benefit

Upon the signing of the Planning Agreement, the Contribution Works can be undertaken.

Under the adopted Contributions Plan, Council anticipated the creek line rehabilitation works and the shared path to be delivered in financial year 2029/2030 subject to sufficient money (being development contributions paid to Council) being available in the Warriewood Valley cash reserve. The Planning Agreement will mean that this infrastructure will be delivered ahead of the planned timeframe and is delivered at the same time as the development that will benefit from it most.

The Contribution Works are to be undertaken in accordance with the timing specified in Schedule 2 of this Planning Agreement.

7. Other Matters

Condition 8 in the DA consent specifies that the payment of a monetary contribution of \$1,625,627 is required to be made to Council. This monetary contribution is in addition to the Contributions Works that are the subject of the draft Planning Agreement.

Once executed, the Planning Agreement will be registered on the title of the subject land.

The Planning Agreement will be signed and dated by all Parties.