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MEMORANDUM

DATE: 27 October 2020

TO: Sydney North Planning Panel (SNPP)

CC: Anna Williams, Development Assessment Manager
Peter Robinson, Executive Manager

FROM: Anne-Marie Young, Principal Planner

SUBJECT: PPSSNH-105 –Northern Beaches - DA2020/0579 25-27 Warriewood Road – Construction of a Residential Flat Building, semi-detached dwelling, dwelling house and Community Title Subdivision, including internal private road

REFERENCE: Updated conditions following a review by the applicant

Dear Panel Members,

OVERVIEW

The purpose of this memo is to advise the Panel of the updated condition following a review of the draft set of conditions by the Applicant. The main matters of concern by the Applicant to the draft set of conditions relate the timing of the payment of contributions and staged occupation.

Other more minor matters relate to clarification on the wording of the staging, clarification on whether the Occupation Certificate (OC) is an interim or final OC and a request to review the deferred commencement condition relating to the laneway dimensions. A summary of Council's response to these matters is provided below:

1. **Condition 8 – Warriewood Valley Contributions:** The Applicant notes that it is the intention that the Residential Flat Building (RFB) will be constructed before the dwellings fronting Warriewood Road. As such, the Applicant has requested that the wording of the condition be amended to allow for the payment of contributions prior to the issue of the separate construction certificates for the RFB and the dwellings.

Comment

Condition 8 (Warriewood Valley Contributions Plan) has been amended to allow for the payment of the contributions prior to the issue of the separate construction certificates for stage 2 and stage 3. The amended condition reads as follows:

8. Warriewood Valley Contributions Plan - No creekline corridor

(a) Prior to the 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 for the



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Stage 2 of the development (being Community Title Subdivision of Part Lot 2, the land on the Northern side of the Lorikeet Grove with a total area of 7784sqm as identified in subdivision certificate SC2020/0011, to create 3 lots and a laneway, and construction of common open space, associated landscaping and stormwater infrastructure, and 32-unit residential flat building) a cash contribution of \$2,231,488.00 is payable to Northern Beaches Council 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). This is calculated based on the applicable rate of \$69,734.00 per lot/dwelling, for the creation of 32 dwellings.

(b) Prior to the 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 for the

Stage 3 of the development (being re-subdivision of Lot 3 as identified in survey 18442 SUB 1B into 11 lots. Construction of 10 semi-detached dwellings, a dwelling house fronting Warriewood Road) a cash contribution of \$767,074.00 is payable to Northern Beaches Council 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). This is calculated based on the applicable rate of \$69,734.00 per lot/dwelling, for the creation of 11 dwellings.

(c) Written evidence (receipt/s) from Council for the payment of the monetary contribution of 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 monetary 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

(d) The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land 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 (Amendment 16, Revision 3) may be viewed at 725 Pittwater Road, Dee Why or on Council's website 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.

2. **Staged occupation:** The Applicant has confirmed that it is likely that the RFB will be completed and be able to be occupied prior to the completion of the dwellings fronting Warriewood Road. As such, the Applicant requests that some "prior to Occupation Certificate" conditions be constructed as requiring the works to be completed for both the Stage 2



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development and the Stage 3 development prior to the issued on an Occupation Certificate for either stage.

Comment:

The following conditions have been amended to allow for the staged occupation of the development to reflect the separate construction certificates for Stage 2 and 3. Each condition is split into part (a) to reflect the works to be completed at stage 2 prior to the issue on an OC for stage 2 and part (b) to reflect works to be completed at stage 3 prior to the issue on an OC for stage 3.

- Condition 58 (Landscape completion);
 - Condition 61 (Post Construction Dilapidation Report);
 - Condition 64 (Removal of Sediment and Erosion Controls);
 - Condition 65 (Geotechnical Certification Prior to Occupation Certificate);
 - Condition 66 (Environmental Reports Certification);
 - Condition 67 (Asbestos Clearing Certificate);
 - Condition 69 (House / Building Number), and
 - Condition 72 (Materials).
3. **Clarification of Stage 1** - Condition 1 (e) (i) has been amended to include reference to *"landscaping of this small area of land, and the creation of future Lot 11 and future Lot 12"*. In addition, a note has also been added to the end of condition 1 (e) (iii) to reference this.
 4. **Clarification of Stage 2** – Condition 1(e) (ii) has been amended to reference Future lot 12 as opposed to future lot 2.
 5. **Clarification of Stage 3** - Condition 1 (g) has been amended to reference *"the landscaping of the Community Association Property located to the east of the internal accessway"*.
 6. **Clarification of the relevant Occupation Certificate ("Interim" as opposed to "Final")** – All references to *"Interim"* Occupation Certificate have been deleted.
 7. **Clarification of landscape maintenance condition** – Condition 76 has been amended to replace the words *"If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components"* with the following words:

"If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans."
 8. **Condition 1 Deferred commencement– laneway dimensions** – The condition requires the following:
 - (a) *The laneway shall be designed with a 6.0m clear width from Lorikeet Grove to at least the first town house.*
 - (b) *Design plans and vehicular swept paths demonstrating two (2) B99 class vehicles passing one another through the 'bend' are to be submitted to and approved by Council's Traffic Team prior to the consent becoming active.*



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Reason: To ensure access is efficient and safety risks are minimized

The applicant notes that this has been tested and complies and that swept path plans will be provided. Council's Transport Engineer has confirmed that the deferred commencement relating to the laneway is still relevant and Council need to be satisfied that the requirements of the condition do not alter the layout of the site significantly enough to impact the alignment of certain infrastructure. As such the condition remains unaltered.