

ATTACHMENT BOOKLET PLANNING & PLACE

ORDINARY COUNCIL MEETING

TUESDAY 26 APRIL 2022

TABLE OF CONTENTS

Item No	Subject	
12.1	PUBLIC EXHIBITION OF THE DRAFT PLANNING AGREEMENT POLICY	
	Attachment 1: Draft Council Planning Agreement Policy 2022 (Changes Shown in Red).....	2
	Attachment 2: Guide for Developers on Planning Agreements	13
	Attachment 3: Planning Agreements Practice Note, NSW Government, February 2021	23
12.2	PUBLIC EXHIBITION OF THE DRAFT WARRIEWOOD VALLEY DEVELOPMENT CONTRIBUTIONS PLAN AMENDMENT 16 REVISION 4 2022	
	Attachment : Draft Warriewood Valley Development Contributions Plan Amendment 16, Revision 4, 2022.....	44
12.3	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT AMENDMENT TO WARRINGAH DEVELOPMENT CONTROL PLAN 2011 – PART G9 FRENCHS FOREST TOWN CENTRE	
	Attachment 1: Draft Amendment to Warringah Development Control Plan 2011 – Part G9 Frenchs Forest Town Centre	178
	Attachment 2: Explanation of Changes.....	273
	Attachment 3: Community Engagement Report - Frenchs Forest.....	290
12.4	OUTCOME OF PUBLIC EXHIBITION OF THE PLANNING PROPOSAL PEX2020/0008 TO REZONE THE REAR OF 88 BOWER STREET, MANLY	
	Attachment 1: Planning Proposal Post Gateway	326
	Attachment 2: Gateway Determination	346
	Attachment 3: Alteration of Gateway Determination	348
	Attachment 4: Evidence of Consolidation	349



Council Policy

Voluntary Planning Agreements

Policy Statement

This Policy sets out Northern Beaches Council's position relating to **voluntary** planning agreements (VPAs) under section 7.4 of the *Environmental Planning and Assessment Act 1979* (the "Act").

The current legal and procedural framework for VPA obligations is set out in **Division 7.1 of Part 7 of the Act and Division 1A of Part 4 of under the Environmental Planning and Assessment Regulation 2021 2000** (the "Regulation").

The *Planning Agreements Practice Note* (NSW Government, February 2021) and the *Infrastructure Contributions Practice Notes*¹ (NSW Government) should be read in conjunction with this Policy. If there is any inconsistency between the legislative provisions, the Practice Notes issued by NSW Government and this Policy, the legislative provisions and NSW Government Practice Notes prevails.

~~(July 2005) was issued by the Department of Infrastructure Planning and Natural Resources for the purposes of clause 25B of the Regulation. While Council is not legally bound to follow the Practice Note, Council will be guided by the Practice Note, including any amendments to the Practice Note or any replacement Practice Note. If there is any inconsistency between the Practice Note and this Policy, then Council will be guided by this Policy.~~

~~As at the date of this Policy, the Department of Planning, Industry and Environment had exhibited for comment a new draft VPA Practice Note (exhibited in early 2017), however it is yet to be finalised. Accordingly, this Policy may be amended following finalisation of the draft Practice Note.~~

This Policy and any outcomes sought through the VPA process will also be undertaken in the context of delivering the vision, goals and outcomes of the Northern Beaches **Local Strategic Planning Statement – Towards 2040** and Community Strategic Plan.

Scope and Application

This Policy applies to all **VPlanning Agreements (PA)** entered into by the Northern Beaches Council and applies to all land in the Northern Beaches Council local government area (LGA), including any land owned by the Council.

This Policy also applies to land outside of the Northern Beaches Council LGA in case of a joint **VPA** between Council and another council or planning authority for land outside of the Northern Beaches Council LGA.

Section 7.4 of the Act sets out the circumstances under which a VPA may be entered into. It provides that a '...*planning agreement is a voluntary agreement or other arrangement between a planning authority (or 2 or more planning authorities) and a person (the developer):*

- a) *who has sought a change to an environmental planning instrument, or*
- b) *who has made, or proposes to make, a development application or application for a complying development certificate, or*
- c) *who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,*

¹ <https://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Local-infrastructure-contributions-policy>



under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.'

A diagram showing the process is in Attachment 1 of this Policy.

Principles

The guiding principles of this Policy are:

- a) To establish a fair, transparent and accountable framework governing the use and preparation of ~~V~~PAs by Council.
- b) To enhance the range and extent of public benefits arising from a ~~V~~PA.
- c) To ensure a consistent approach is undertaken in the negotiation and preparation of all ~~V~~PAs that is efficient, fair and accountable.
- d) To supplement the application of section 7.11 or section 7.12 of the Act.
- e) To align with Council's corporate and strategic planning context, including Council's Local Strategic Planning Statement, Community Strategic Plan, Delivery Plan, Operational Plan, Development Contribution Plans or other Infrastructure Planning Documents.
- f) To ensure greater probity and establish a probity framework for the negotiation, preparation and implementation of ~~V~~PAs.
- g) To facilitate public participation and to allow the community to gain an understanding of the benefits of appropriate ~~V~~PAs for the provision of public benefits.

Types of Contributions

The contribution negotiated under a ~~V~~PA could comprise of one or more of the following (to Council):

- a) a monetary contribution,
- b) provision of any material public benefit including (without limitation) public facilities,
- c) dedication of land free of cost, or
- d) a combination of the above,

to be used for or applied towards a public purpose².

Consideration of a ~~V~~PA offer Offer to Enter into a Planning Agreement

The Offer to Enter into a Planning Agreement (the "Offer") is initiated by a developer and can occur at any time – before an Application is lodged with Council, during the assessment phase of the Application, or after determination (such as once Council supports a Planning Proposal or a development consent is issued).

An Application means a development application, complying development certificate or application for instrument change (Planning Proposal).

Consideration of the Offer

Council will ultimately require that the contribution a ~~V~~PA provides a positive planning outcome for the Northern Beaches community.

² Public purpose as defined under Section 7.4(2) of the Act



There must be a demonstrable public benefit arising from a ~~V~~PA and this should be clearly demonstrated in the ~~Offer VPA offer documentation~~. This information will help Council to consider the ~~Offer VPA offer~~. ~~However, An Information Guide has been developed to assist developers.~~

Council has the discretion not to enter into a ~~V~~PA for any reason, including if the ~~development~~ contribution is not considered to deliver a sufficient demonstrable public benefit.

In consideration of an ~~Offer VPA offer~~, the following will be taken into account:

- a) Whether it is acceptable and reasonable to use a ~~V~~PA.
- b) Whether the offer proposed in a ~~V~~PA can be achieved via an alternate mechanism such as a condition of development consent.
- c) Whether the ~~V~~PA meets the requirements of the Act and the Regulation.
- d) Whether the ~~V~~PA meets the current and future demands created by the development for new public infrastructure, amenities and services.
- e) Whether the ~~V~~PA aligns with Council's ~~corporate~~ strategic documents.
- f) Whether compensation is required for the loss of, or damage to, a public amenity, service, resource, the natural environment or asset caused by the development through its replacement, substitution, repair or regeneration.
- g) Whether the ~~V~~PA rectifies an existing deficiency in the provision of public facilities and services on the Northern Beaches.
- h) Whether future recurrent funding³ related to the proposed public benefit is sustainable.
- i) Whether the public benefit accrues over time.
- j) Whether the ~~V~~PA is directed towards proper or legitimate planning purposes, ordinarily ascertainable from the statutory planning controls and other adopted planning policies applying to development.
- k) Whether or not there is a nexus between the public benefit and the development application or application for instrument change (note section 7.4(4) of the Act does not require any nexus between the public benefit and the development application or application for instrument change).
- l) Producing outcomes that meet the general values and expectations of the public and protect the overall public interest.
- m) Providing for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits.
- n) Protecting the environment and community against planning harm ~~or adverse planning decisions~~.
- o) Whether there any relevant circumstances that may operate to preclude Council from entering into the proposed ~~V~~PA.

³ All Planning Agreements that involve the carrying out of works for a public purpose by the Developer should include a reasonable contribution toward ongoing maintenance and replacement costs of the infrastructure. The developer may make monetary contributions towards ongoing maintenance and replacement costs or may offer to maintain infrastructure delivered for a certain period of time after handover; or make contributions towards other recurrent costs of public facilities such as operational or service provision costs.



Notwithstanding the above, Council is not obliged to enter into a VPA.

In addition, Council will ensure:

- a) All dealings relating to VPAs, including assessment and implementation, will be subject to strict compliance with the Northern Beaches Council Code of Conduct.
- b) That planning decisions will not be bought or sold through VPAs.
- c) That a VPA will not improperly fetter the exercise of its functions under the Act, Regulation or any other act or law.
- d) That VPAs are not used for any purpose other than that contemplated by section 7.4 of the Act.
- e) That undue weight is not given to a VPA in consideration of a development application or application for instrument change.
- f) That the consideration, negotiation and assessment of a proposed VPA will, ~~to the extent reasonably practicable,~~ be separate from the consideration of the planning merits of a development application or an application for instrument change. Council will, consistently with section 4.15 of the Act, take into consideration relevant provisions of a proposed VPA when evaluating a development application.
- g) That the interests of individuals or interest groups will not outweigh the public interest when considering a VPA.
- h) That it will not improperly use its position to extract disproportionate public benefits from developers under VPAs.
- i) That it will not use VPAs as a means to overcome revenue raising or spending prohibitions to which it is subject or for other improper purposes.

Probity

Public probity is important to Council and it will ensure that the consideration of ~~an Offer/proposed PA any VPA~~ is fair, transparent and is directed at achieving public benefits in an appropriate manner free of corruption or perception of bias.

In this regard, Council will:

- a) Comply with the requirements of the Act and Regulation in respect of VPAs.
- b) Provide a copy of this Policy to any person who seeks to enter into a VPA with Council.
- c) Ensure all parties operate in accordance with Council's Code of Conduct.
- d) Ensure that Council officers and Councillors understand the circumstances in which VPAs are appropriate.
- e) Ensure that Council officers and Councillors understand their particular role and responsibility, some of which carry the potential for conflicts of interest.
- f) Ensure that the community understands Council's role, including how the VPA operates and how Council will assess ~~an Offer and proposed~~ VPAs objectively.
- g) Notify VPAs in accordance with the Act and Regulation, ~~to ensure they are open and transparent, and to achieve maximum public awareness of the matters contained in a VPA and the potential benefits of a VPA.~~



- h) Ensure appropriate delegations and separations of responsibilities in considering development applications or applications for instrument change that involve ~~V~~PA. This involves ensuring processes adequately address the level of risk of corruption of a process while at the same time being appropriate to the likely level of risk.
- i) Ensure that modifications to approved development should be subject to the same scrutiny as the original development application and include notification to the Development Contributions Working Group prior to determination.
- j) Take every step to ensure that conflicts of interest are ameliorated to the greatest extent possible. This may include independent assessment by a third party where Council has an interest, and not entering into any contractual arrangement which purport to guarantee outcomes that are subject to separate regulatory processes.
- k) Ensure that appropriate probity mechanisms are in place.

The procedures that will be implemented to address these matters may include, but not be limited by, the following:

- a) The Councillors will not be involved in the **negotiation and** preparation of the ~~V~~PA but will ultimately decide whether to accept any ~~V~~PA **offer** as part of their duties as Councillors.
- b) The Development Contributions Working Group and Development **Infrastructure Contributions Committee Panel** will assess **a ~~V~~PA offer the Offer** on behalf of Council in accordance with this Policy and make appropriate recommendations to Council.
- c) **The Responsible Officer, with instructions from the Development Infrastructure Contributions Panel, will manage Council's negotiations for the obligations to be included in the PA.**
- d) Council will, in all cases, ensure that Council staff with key responsibility for providing advice on development application approvals, approving development applications or ensuring compliance, do not have a role in the assessment of the commercial aspects of the **Offer, ~~V~~PA** nor on the conditions of the ~~V~~PA except where advice is required on matters relating to the conditions of consent for a particular proposal.
- e) Council may involve an independent person(s) to facilitate or otherwise participate in the consideration of **a ~~V~~PA offer an Offer** particularly where this will lead to a better outcome.
- f) Council will ensure that all discussions with a developer and their consultants relating to a ~~V~~PA are sufficiently documented.
- g) Council will ensure that Council staff involved in ~~V~~PA considerations are free from conflicts of interest.
- h) Where Council has a commercial stake in a development that is the subject of a ~~V~~PA, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its commercial interest role in the development consistent with the ICAC strategies for managing dual roles in its publication *Corruption Risks in NSW development approval processes: Position Paper (September 2007)*.

How will Council value ~~development~~ contributions **under a ~~V~~PA the subject of the Offer?**

Council will seek to value the public benefit of the Offer as follows:

- a) **If the Offer is for provision of land for a public purpose, the value of the benefit is on the basis of the market value of that part of the land the subject of the Offer. This market value is to be prepared by a registered property valuer and provided by the developer.**



- b) If the Offer is the carrying out of works for a public purpose, the value of the benefit is on the basis of the estimated value of the completed works via a cost estimate prepared by an independent quantity surveyor provided by the developer. The Quantity Surveyor's cost estimate of the said works should reference and attach the plans that informed the cost estimate.

If the Offer contribution(s) is identified in the Works Schedule of an adopted Contributions Plan, the estimated cost of the infrastructure item is in the adopted Contributions Plan however, the public benefit value will still need to be assessed.

If required:

- a) the market value assessment will be independently verified by a registered property valuer commissioned by Council.
- b) the valuation will be independently verified by an independent quantity surveyor commissioned by Council.
- ~~a) If the public benefit under a VPA offer is the provision of land for a public purpose, Council will seek to value the benefit on the basis of the market value of the land. This market value is to be provided by the developer and independently verified by a registered property valuer.~~
- ~~b) If the public benefit under a VPA offer is the carrying out of works for a public purpose, Council will generally seek to value the benefit on the basis of the estimated value of the completed works via a cost estimate prepared by an independent quantity surveyor.~~

In all instances, the costs of the valuation ~~of the benefits are to~~ will be at no cost to Council.

It is acknowledged that in some cases the public benefit may be an intangible benefit that can only be assessed in qualitative terms, such as a particular design outcome for a proposed building. In this case, the Council ~~and the developer will negotiate~~ will determine the manner in which the ~~development Offer's~~ contribution is to be valued.

Unless otherwise agreed, all benefits under a ~~V~~PA will be dedicated at no cost to Council and free of any encumbrances, except any permitted encumbrances as agreed by Council.

The Council may attribute a value to benefits provided under a ~~V~~PA, for the purposes of determining the value of the ~~V~~PA contributions being offered by the developer.

Application of Section 7.11 or Section 7.12 development contributions

If an adopted Contributions Plan applies, development contributions under section 7.11 or section 7.12 of the Act will apply to the development.

A developer should assume that section 7.11 or section 7.12 development contributions will be payable to Council in addition to any PA contribution should Council decide to execute the Planning Agreement.

~~A VPA may wholly or partly exclude the application of section 7.11 or section 7.12 to development the subject of the VPA. As a general position, a developer should assume that contributions under these sections will apply to the development. This is a matter which can be negotiated between the Council and the developer having regard to the circumstances of the case.~~

~~Where the VPA is made in conjunction with an application for instrument change that is seeking to vary Council's planning controls to improve the land value, then the VPA contributions should relate to the land value uplift sought. In this case whether section 7.11 or section 7.12 development contributions are also proposed to be paid in addition to any VPA contribution will be relevant to any decision by Council to accept a VPA offer. [Note only - This cannot be used due to the Practice Note on Planning Agreements (Feb 2021)]~~



In the event that Council has resolved to execute a PA and the application is not yet determined, and the ~~Where a~~ VPA is proposed to deliver land or material public benefit identified in the applicable Contributions Plan ~~or material public benefit or land~~ in lieu of paying the section 7.11 or section 7.12 development contributions levied on an existing development consent ~~then the VPA contribution would in this case be an alternate to the development contributions~~ (either in full or part), the proposed section 7.11 or section 7.12 conditions of consent should expressly state what contributions are payable including the PA contribution identified in the Contributions Plan.

An application to modify the consent by deletion or modification of the existing section 7.11 or section 7.12 conditions of consent ~~would~~ **may** also need to be made **following execution of the PA.**

Where certain infrastructure provision or works **are critical to a development occurring and would normally be** required to be provided as part of a development by way of a condition of development consent⁴, then these ~~would be~~ **are** considered to be in addition to any VPA contribution. No reduction in the VPA contribution would be accepted in recognition of works required to be carried out in connection with the proposed development or already required via a condition of consent **unless those works are identified in a contributions plan. This will be at Council's discretion.**

In all other circumstances, Council will generally only favourably consider excluding the application of section 7.11 or section 7.12 where the public benefit to be delivered via the VPA contribution exceeds the public benefit to be delivered under a Development Contributions Plan. A VPA cannot exclude the application of sections 7.11 or 7.12 to a particular development, ~~unless the consent authority for the development or the Minister is a party to the planning agreement (section 7.4(3A) of the Act).~~

Where section 7.11 or section 7.12 is not excluded by a VPA, Council will generally not agree to a provision allowing benefits under the VPA to be taken into consideration in determining a development contribution under section 7.11 or section 7.12.

Modification or discharge of obligations

Council may agree to a provision in a VPA permitting the developer's obligations under the VPA to be modified or discharged in the following circumstances:

- a) The developer's obligations have been fully carried out in accordance with the VPA, or
- b) The development consent to which the VPA relates has lapsed, or
- c) The developer is able to satisfy the Council that good reason exists for some change to the VPA and that the public benefits provided under the modified VPA are appropriate in the circumstances, or
- d) The developer has fully and completely assigned the developer's interest under the VPA in accordance with its terms.

Such a provision ~~will~~ **may** require the modification or revocation of the VPA in accordance with the Act and Regulation.

Costs of Entering a Planning Agreement

An Offer to Enter into a Planning Agreement is to be accompanied by an application fee payable to Council. The application fee covers the assessment and administration costs associated with the consideration of the Offer.

Council and the developer will each meet their own costs in the process of the commercial negotiations for a planning agreement, together with the cost of employing independent

⁴ Refer to Section 4.17(1) of the Environmental Planning and Assessment Act 1979 as amended



consultants and third parties if necessary.

Generally, Council will require that all reasonable costs for the drafting, legal negotiations, exhibition, execution and registration of the Planning Agreement are met by the developer.

Assignment and dealings by the developer

Council will not permit the assignment of any or all of the developer's rights or obligations under the VPA, nor will Council permit any dealing in relation to any part or the whole of the land the subject of the VPA unless:

- a) The developer has, at no cost to Council, first procured the execution by the person with whom it is dealing of all necessary documents in favour of Council by which that person agrees to be bound by the VPA as if they were a party to the original VPA, and
- b) If the proposed dealing involves a mortgage, charge or other encumbrance in relation to the party's right, title and interest in the land, such documents provide for a VPA by the person to the effect that they, and any receiver appointed by them, will not enjoy rights greater than those of that party, and
- c) The party is not in breach of the VPA, and
- d) The Council is satisfied that the assignee is capable of complying with the obligations under the VPA.

The reassignment of the developer's rights or obligations will require a Deed of Novation, to be approved and executed by all parties, and does not affect the operation of or any of other requirements of the VPA.

Provision of security under a VPA

Council will generally require a VPA to make provision for security to cover the developer's obligation under the VPA. The form of security will generally be an unconditional bank guarantee from an Australian bank in favour of Council to the full value of the developer's obligation plus a reasonable contingency under the VPA and on terms otherwise acceptable to Council. This is to manage Council's risk especially in relation to payment for works in lieu.

The provision of no security may be considered where the PA seeks the dedication of land.

Notations on Certificates under Section 10.7(5) of the Act

Council will generally require a VPA to contain an acknowledgement by the developer that Council will make a notation under section 10.7(5) of the Act about the VPA on any certificate issued under section 10.7(2) of the Act relating to the land the subject of the VPA or any other land.

Registration of VPAs

~~Council will generally require a VPA to~~ A PA will contain a provision requiring the developer to agree to registration of the VPA register the PA under the *Real Property Act 1900* at the developer's expense pursuant to section 7.6 of the Act.

The developer will be required to provide the Council with the written agreement of each person with an estate or interest in the land in a form sufficient to effect the registration of the VPA at NSW Land Registry Services.

Dispute resolution

Council will require a VPA to provide for mediation of disputes between the parties to the VPA before the parties may exercise any other legal rights in relation to the dispute.

References and Related Documents



- *Environmental Planning and Assessment Act 1979*, particularly Subdivision 2 of Part 7
- *Environmental Planning and Assessment Regulation 2021 2000 as amended, particularly Division 1A of Part 4*
- *Real Property Act 1900*
- ~~*Practice Note on Planning Agreements* published by the Department of Infrastructure Planning and Natural Resources (July 2005)~~
- ~~*Draft Practice Note on Planning Agreements* published by the Department of Planning, Industry and Environment (November 2016)~~
- *Planning Agreement Practice Note* (February 2021) and *Infrastructure Contributions Practice Notes* issued by NSW Government
- Northern Beaches Council Code of Conduct

Definitions

Act means the *Environmental Planning and Assessment Act 1979*,

Council means the Northern Beaches Council,

Developer is a person who has sought a change to an environmental planning instrument (which includes the making, amendment or repeal of an instrument), or who has made or proposes to make a development application, or who has entered into an agreement with or is otherwise associated with such a person,

Development application has the same meaning as in the Act,

Development Contribution means the kind of provision made by a developer under a ~~Voluntary~~ Planning Agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material public benefit to be used for or applied towards a public purpose.

Development Infrastructure Contributions Panel Committee means the Northern Beaches Council panel responsible for the preparation, implementation and management of development contributions Plans in the Northern Beaches area, and making recommendations to Council regarding ~~Voluntary~~ Planning Agreements,

Development Contributions Working Group means the Northern Beaches Council group that supports the Development ~~Infrastructure~~ Contributions ~~Panel Committee~~ in the preparation, implementation and management of development contributions plans and ~~Voluntary~~ Planning Agreements in the Northern Beaches area. The Working Group undertakes assessments of offers for a ~~Voluntary~~ Planning Agreement,

Instrument Change means a change to an environmental planning instrument to facilitate a development the subject of a ~~Voluntary~~ Planning Agreement,

Planning Obligation means an obligation imposed by a ~~Voluntary~~ Planning Agreement on a developer requiring the developer to make a ~~development~~ contribution,

Practice Notes means the Practice Notes expressly related to Planning Agreements and Infrastructure Contributions issued by NSW Government ~~on Planning Agreements XXXX published by the Department of Infrastructure Planning and Natural Resources (July 2005),~~

Public includes a section of the public,

Public benefit is the benefit enjoyed by the public as a consequence of a development contribution which may be tangible and/or intangible,

Public facilities means public infrastructure, facilities, amenities and services not including water supply or sewerage services,

Regulation means the *Environmental Planning and Assessment Regulation 2021* ~~2000~~ as amended,

VPA means a ~~Voluntary~~ Planning Agreement.

Responsible Officer

- Executive Manager Strategic & Place Planning
- ~~Executive Manager Development Assessment~~
- Executive Manager Environment and Climate Change
- Executive Manager Financial Planning & Systems
- Executive Manager Property
- ~~Manager Strategic and Place Planning or Principal Development Infrastructure Officer~~

Review Date

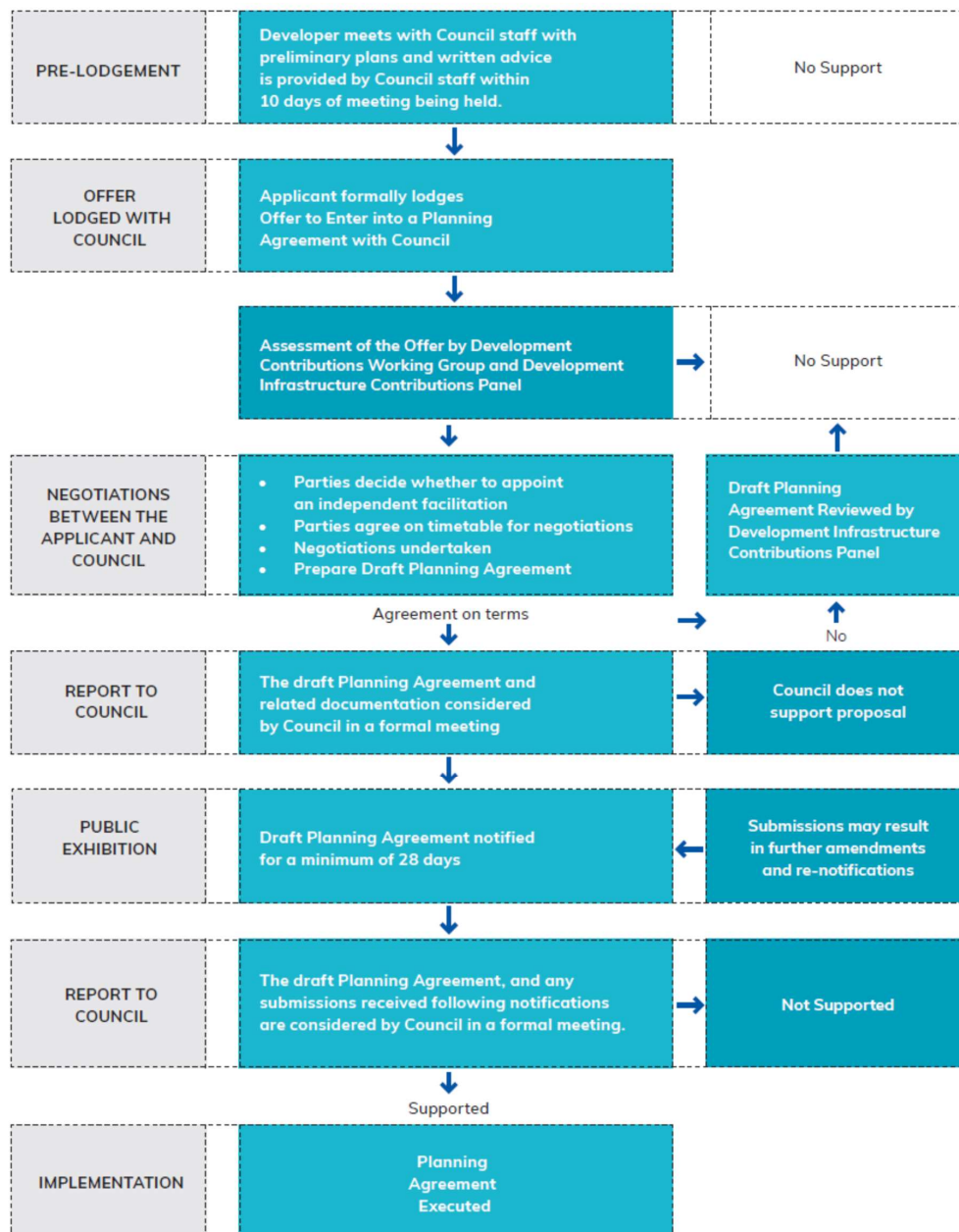
~~October 2023~~ March 2026

Revision History

Revision	Date	Status	TRIM Ref
1	October 2019	Drafted VPA Policy	2019/489894
2	17 Dec 2019	Adopted by Council	2019/489894
3	February 2022	Draft Planning Agreement Policy (Changes Shown)	2021/881645

ATTACHMENT TO DRAFT POLICY

Flowchart of Planning Agreement Process



**TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY**



Guide for Developers – Offer to Enter into a Planning Agreement

1.0 Purpose

This Guide is to assist Developers with understanding the Planning Agreement process and what is required in lodging an Offer to Enter into a Planning Agreement with Northern Beaches Council.

This Guide should be read in conjunction with Council's Planning Agreement Policy (which includes a flowchart showing the Planning Agreement Process). As such, this Guide is not intended to duplicate the contents of Council's Policy, the legislative requirements specific to Planning Agreements or the Practice Notes issued by NSW Government. In the event of an inconsistency, the legislative requirements and Practice Notes issued by NSW Government prevails, followed by Council's Planning Agreement Policy.

It is preferred that if a Developer is contemplating to voluntarily seek to enter into a planning agreement with Council, that the Developer seek a pre-lodgement meeting with Council's Strategic and Place Planning Unit to discuss the proposition. This is recommended before an Offer to Enter into a Planning Agreement is lodged with Council.

2.0 What constitutes an Offer to Enter into a Planning Agreement?

At the Developer's instigation, the Developer may seek to voluntarily enter into a planning agreement with Council to which the Developer is:

- dedicating land free of cost;
 - paying a monetary contribution;
 - providing any other material benefit; or
 - providing any combination of the above,
- to be used for or applied towards a public purpose.

If the Offer is in relation to provision of a Material Public Benefit (other than the dedication of land or the payment of a monetary contribution), this may be through three (3) options:

- a. Provision of infrastructure not identified or contemplated by Council in an adopted Contributions Plan on private land.
- b. Provision of infrastructure not identified or contemplated by Council in an adopted Contributions Plan on public land, the parties of the Offer would need to include the owner(s) of the public land (this may be Council¹ or another Government authority).
- c. Provision of listed infrastructure in an adopted Contributions Plan² and the Developer is seeking to reduce the monetary contribution payable to Council. In this instance, this can

¹ Before an Offer is lodged, discussion with the owner of the land and the person delivering the infrastructure on land not owned by them needs to occur first. Both parties must reach agreement in order to lodge an Offer to Enter into a Planning. In the case where Council is the landowner and party to the lodgement of the Offer, a Probity consultant will be engaged at the outset. There will identified separation of roles within Council in regard to the assessment of the Offer while those involved in the landowner role (for Council) will not participate in the assessment of the Offer.

² Provision of material public benefit refers to the Developer providing the infrastructure identified under the applicable Contributions Plan as Material Public Benefit that, in turn, offsets the monetary contribution amount charged against the development.

**TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY**

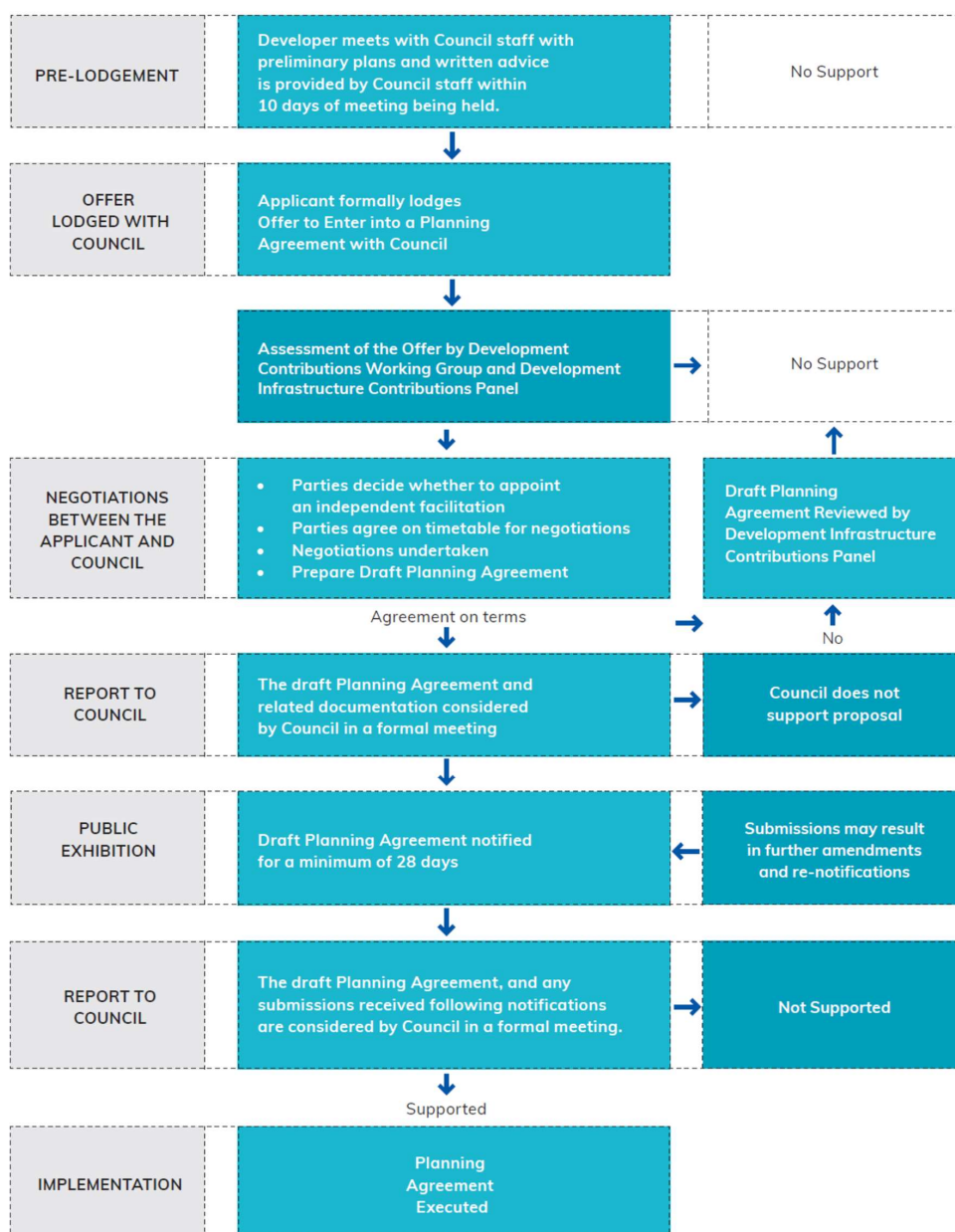


only be considered if an adopted Contributions Plan applicable to the subject land facilitates applicants to provide a Material Public Benefit in part or full satisfaction of a development consent condition imposed in accordance with section 7.11 or section 7.12 of the Environmental Planning and Assessment Act.

The Offer to enter into a planning agreement is to be in the form of a written correspondence from the Developer to Council. The written Offer should be signed by the Developer or his representative with authority to make the offer to Council; and is to include the contact details of the person/representative nominated as the Developer's contact.

TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY

Flowchart of Planning Agreement Process



**TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY**



3.0 Information to accompany the Offer

The information accompanying the Developer's letter of Offer to Enter into a Planning Agreement should include, but not be limited to, the following matters:

- a. Description of the Developer's Offer to Council and if relevant, any plans showing the Developer's Offer.
- b. If relevant, any application³ associated with the Developer's Offer.
- c. If relevant, confirmation of all owners of the land associated with the Offer as party(s) to the Offer.
- d. If the Developer's Offer involves dedication of land, then information addressing the following matters:
 - What the land is being dedicated for (i.e. road reserve, open space etc).
 - Timing of when the land is to be dedicated to Council (acknowledging this will occur after the works required on the land has been completed by the developer).
 - If works are required on the land before then land is intended to be dedicated to Council, then a set of Engineering plans including dimensions and cross-sections of the said works to ensure Council is fully aware of what structures (existing and to be completed) will be on the land at time it is to be dedicated to Council.
 - Details of how the land is intended to be dedicated, noting that this should be via a draft Plan of Subdivision.
 - The land intended to be dedicated identified in an adopted Contributions Plan – Works Schedule, Local Environmental Plan, or not.
 - Any encumbrances on the land as a result of completion of any works on land proposed to be dedicated to Council.
 - Land Valuation report regarding the land intended to be dedicated to Council.
- e. Address each key term required in Council's Planning Agreement Policy including but not limited to:
 - Rationale and origin of the Developer's Offer.
 - The Developer's Offer is to demonstrate public benefit (see 3.1)
 - Valuation of the Developer's Offer (see 3.2)
- f. Proposed implementation of the Developer's Offer (see 3.3)

³ An application is taken to be a Development Application or application for a Complying Development Certificate, or an application seeking a change to an environmental planning instrument lodged by the same Developer seeking to enter into a planning agreement with Northern Beaches Council.

**TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY**



3.1 Demonstrable Public Benefit of the Offer

Council will only enter into a Planning Agreement that provides a positive planning outcome for the Northern Beaches community. There must be a demonstrable public benefit arising from a Planning Agreement and this should be clearly demonstrated in the Developer's letter of Offer.

An outline of potential public benefits is set out in the table at Appendix A and should be used as a guide only. Appendix A is not intended to be an exhaustive list.

3.2 Valuation of the Offer

If the Offer is for land dedication, a market value of that part of the land the subject of the Offer is to be submitted with the Offer documentation. This market value is to be prepared by a registered property valuer and provided by the developer.

If the Offer relates to the carrying out of works for a public purpose, a cost estimate of the said works prepared by an independent quantity surveyor and the plans that the cost estimate has been prepared are to be submitted with the Offer documentation⁴. Documentation outlining the lifecycle costs of the works for a public purpose including operation or ongoing service delivery, as well as likely maintenance and replacement costs is to be submitted as part of the Offer documentation. This information will assist Council in determining whether to accept the Offer and what contribution towards those recurrent costs should be made by the developer.

In all instances, the costs of the valuation are to be at no cost to Council.

3.3 Proposed Implementation of the Offer

Information on proposed timing of when the Developer's Offer is to be provided to Council or, in the case of an infrastructure asset or land dedication then transfer into Council ownership.

If the Offer involves land being dedicated to Council (at no cost to Council) and the land being dedicated involves works being undertaken by the developer first, then the Implementation Plan is to include the following information:

- a. Timing for the land dedication acknowledging this will occur after the works required on the land has been completed by the developer.
- b. Any encumbrances on the land as a result of completion of any works on land proposed to be dedicated to Council.
- c. The manner in which that land (the subject of the Offer) is to be handed over to Council.

The Developer is advised that Council may inspect the land before the land dedication is executed.

⁴ Developers should check the Works Schedule of the applicable Contributions Plan in proposing to provide material public benefit as the value will be considered against the estimated cost of the infrastructure item (that is not a specific program delivery) if it is identified in the Works Schedule.

**TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY**



If the Offer relates to a Material Public Benefit, the Implementation Plan is to include the following information:

- a. Timetable for provision of the Offer.
- b. The design, technical specification and standard of any work required by the VPA to be undertaken by the developer.
- c. The manner in which a work is to be handed over to Council.
- d. The manner in which a material public benefit is to be made available for its public purpose.

The Developer is advised that Council will require:

- inspection of the works any may specify these inspections at/during construction and may include a final inspection as the works will be transferred into Council ownership.
- a warranty period for work, materials, buildings and any other property that form part of any public benefit. These warranties would generally be for a minimum of 12 months for materials and services such as electrical works and 15 years for structural items.

3.3 Lodgement Fee payable to Council

A lodgement fee is to accompany an Offer to enter into a planning agreement with Council. The lodgement fee is used by Council to administer and assess the Offer.

3.4 Are there other costs incurred by the Developer?

Cost may include the payment of an independent registered property valuer and/or quantity surveyor to establish the value of the key item(s) of the Offer.

If the Offer involves the carrying out of works for a public purpose by the Developer and the infrastructure was not identified in a Works Schedule of the applicable Contributions Plan, there will be required a reasonable contribution toward ongoing maintenance and replacement costs of the infrastructure. For more information, see Section 4.0 Recurrent charges of this Guide.

If the Offer is progressed to the preparation and exhibition of a draft Planning Agreement, the Developer is to make provision to pay:

- Council's costs of and incidental to preparing and entering into the Planning Agreement and Explanatory Note including reasonable legal costs in obtaining advice in connection with the Planning Agreement as well as administering and enforcing the Planning Agreement (as executed). This also applies to any amendment to a Planning Agreement.
- Public exhibition and lodgement into NSW Government's e-planning portal.

All costs associated with the delivery of the Developer obligations under the Planning Agreement are to be borne by the developer.

**TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY**



4.0 Recurrent charges

All Planning Agreements that involve the carrying out of works for a public purpose⁵ by the Developer should include a reasonable contribution toward ongoing maintenance and replacement costs of the infrastructure. The developer may make monetary contributions towards ongoing maintenance and replacement costs or may offer to maintain infrastructure delivered for a certain period of time after handover.

The amount of any monetary contribution acceptable to Council will depend on the type and value of the works being handed over to Council, whether repair and maintenance works are likely to be needed and the anticipated costs of maintenance and repair works.

If the developer proposes to maintain the works after completion, a bond or bank guarantee will be required by Council to cover the likely maintenance works in the event the developer defaults.

Planning Agreements may also require a developer to make contributions towards other recurrent costs of public facilities such as operational or service provision costs.

5.0 What happens if the Offer is accepted and the Planning Agreement is now in place?

Council will routinely monitor the performance of the developer's obligations under a Planning Agreement.

Council will require the Planning Agreement to contain a provision establishing a mechanism under which the Planning Agreement is periodically reviewed with the involvement of all parties. This will include a review of the developer's performance under the Planning Agreement and obligations specified in the Implementation Plan.

All Executed Planning Agreements entered into by Council will be listed in a Planning Agreements Register that is available on Council's website, <https://www.northernbeaches.nsw.gov.au/planning-and-development/building-and-renovations/planning-agreements>

6.0 Review Date

February 2026

7.0 Revision History

Revision	Date	Change	HPE CM Ref
1	October 2019	Drafted VPA Guideline – exhibited with Draft VPA Policy	2019/489894
2	December 2019	VPA Guideline implemented concurrent with Council adoption of the VPA Policy	2019/483818
3.1	February 2022	Draft Guide for Developers - Attachment to accompany the draft Planning Agreements Policy when placed on exhibition	2022/080194

⁵ In this instance, the works for a public purpose is not a listed infrastructure item in a Works Schedule of the applicable Contributions Plan. If the material public benefit is an item listed in the applicable Contributions Plan, a maintenance bond for a specified period may be required.

**TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY**



APPENDIX A – POTENTIAL PUBLIC BENEFITS

The following is a list of possible requirements that Council may have for planning agreements. This list is not exhaustive and developers are encouraged to discuss with Council these or other requirements that may be included in a planning agreement. Planning agreements may involve monetary contributions, partial or full construction of new facilities, expansion, upgrades, augmentations, embellishments, fit-outs and resourcing of existing facilities or any other public benefit as agreed to by Council.

Infrastructure	Accessibility improvements – accessible parking, kerb ramps, modifications to public buildings or areas
	Roads – design and construction
	Open space – parks, public places, embellishment
	Drainage and stormwater controls
	Traffic measures
	Transport outcomes
	Pedestrian and cycleway linkages and footpaths
	Telecommunication networks
	Power, water, gas
	Communications and information technology such as WIFI public space
	Bridges (vehicular and pedestrian)
	Flood management / mitigation works
Facilities	Community buildings e.g. meeting rooms, halls, libraries
	Child care centres
	Public toilets
	Youth spaces
	Public leisure facilities
	Performance spaces
	Civic spaces
	Public car parking areas and commuter parking
	Bus shelters

**TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY**



	Family care facilities
	Sport, recreation and activity centres
	Business, research and creative industries incubator space and ancillary uses
	Affordable Housing (outside of Council's adopted Affordable Housing Scheme)
Public Domain Improvements	Paving – paths, streets and open space areas
	Streetscape improvements and general streetscape upgrades
	Plantings – streets and open space areas
	Furniture – seats, bins
	Banners
	Public art in streets, open space and other public domain space
	Kerbs and gutters
	Treatment and/or features in public places
	Facilities such as kiosk in parks and open spaces
	Turf
	Public leisure, sport and recreation facilities
	Environmental management improvements such as water and energy minimising devices
	Restoration and management of natural areas including beaches, bushland, creeks and lagoons
	Water quality devices
	Water bubblers, lockers and other amenities
	Signage including suburb identification, way finding, parking, interpretation and information signs for pedestrians, cyclists and vehicular users
Other	Cash contributions
	Land in particular where it is not identified in a Contributions Plan, such as dedications for parks, facilities, pedestrian connectivity and new roads

**TO BE READ IN CONJUNCTION
WITH PLANNING AGREEMENT POLICY**



	Contributions for the development of community facilities plans and cultural facilities plans
	Aboriginal site protection
	Other benefits in line with Council plans and strategies, including plans of management, flood plain management plans, traffic and transport plans, masterplans, development controls plans, local environmental plans and management plans
	Maintenance / Rehabilitation in perpetuity e.g. pest control and bush regeneration
	Other public benefits that provide a positive planning outcome for the people of the Northern Beaches and meet the objectives of the <i>Environmental Planning and Assessment Act</i>



Planning agreements

Practice note – February 2021



NSW Department of Planning, Industry and Environment | dpie.nsw.gov.au

Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Planning agreements

Subtitle: Practice note – February 2021

First published: February 2021

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (February 2021) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

Preface	1
Planning agreements	1
Legislative and regulatory framework	1
About this practice note	1
How to use this practice note	1
Terminology	2
Updates to this practice note	2
Transitional arrangements	2
Part 1 Introduction	3
1.1 Purpose of planning agreements	3
1.2 Rationale for planning agreements	3
Part 2 Principles and policy for planning agreements	4
2.1 Fundamental principles	4
2.2 Public interest and probity considerations	4
2.3 Value capture	5
2.4 Relationship with development applications and planning proposals	6
2.5 Acceptability test	6
2.6 Policies and procedures for planning agreements	7
Part 3 Strategic considerations when using planning agreements	9
3.1 When to use planning agreements	9
3.2 Land use and strategic infrastructure planning	10
Part 4 Procedures and decision making	11
4.1 Basic procedures for entering into a planning agreement	11
4.2 Offer and negotiation	12
4.3 Costs and charges	13
4.4 Registration and administration	13
4.5 Public participation and notification	15
4.6 Explanatory notes	15
Part 5 Examples of the use of planning agreements	17
Compensation for loss or damage caused by development	17
Meeting demand created by development	17
Prescribing inclusions in development	17
Providing benefits to the wider community	17
Recurrent funding	18
Biodiversity offsetting	18

Preface

Planning agreements

A planning agreement is a voluntary agreement or other arrangement between a planning authority and a developer, who has:

- sought a change to an environmental planning instrument; or
- made or proposes to make a development application or application for a complying development certificate,

under which the developer is required to:

- dedicate land free of cost;
- pay a monetary contribution;
- provide any other material benefit; or
- provide any combination of the above,

to be used for or applied towards a public purpose.

This practice note provides guidance on matters relating to planning agreements, often referred to as voluntary planning agreements or VPAs. It sets out the statutory framework for planning agreements and other matters such as the fundamental principles governing their use.

Legislative and regulatory framework

Part 7 Division 7.1 Subdivision 2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the legislative framework for planning agreements.

Part 4 Division 1A of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) has further requirements relating to the form and subject matter of planning agreements, making, amending and revocation of planning agreements, giving public notice and other procedural arrangements relating to planning agreements.

About this practice note

This practice note is made for the purposes of clause 25B of the EP&A Regulation to assist parties in the preparation of planning agreements.

Planning authorities are not required to apply this practice note, when finalising proposed planning agreements which have been publicly notified pursuant to section 7.5 (1) of the EP&A Act, but not finalised before the issue of this practice note. However, planning authorities may choose to consider parts of the practice note when finalising these planning agreements.

This practice note replaces the previous 'Practice Note – Planning Agreements' issued by the Director General of the then Department of Infrastructure, Planning, and Natural Resources in July 2005.

How to use this practice note

The practice note is structured as follows:

Part 1 provides the rationale for planning agreements.

Part 2 identifies and provides fundamental principles and policy considerations.

Part 3 sets out strategic considerations for when and how planning agreements can be used.

Part 4 provides guidance on the procedures and decision-making for application, negotiation and administration of planning agreements.

Part 5 provides examples of the use of planning agreements.

Affordable Housing Contributions

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes) (SEPP 70) is the enabling mechanism for securing affordable housing contributions through imposing a condition of consent. To secure contributions through this pathway, councils must establish an affordable housing contribution scheme and arrange for the relevant local environmental plan to be amended to authorise the imposition of the condition. *Environmental Planning Assessment (Planning Agreements) Direction 2019* sets out the matters to be considered by council if negotiating a planning agreement which provides for affordable housing.

Mining Projects

This practice note does not apply to planning agreements for mining projects. However, councils can refer to Parts 1, 4 and 5, for appropriate guidance on use, process and governance of those planning agreements.

Terminology

The following terminology is used to convey key concepts in relation to planning agreements:

- **development application** has the same meaning as in the EP&A Act
- **development consent** has the same meaning as in the EP&A Act
- **development contribution** means a contribution made by a developer under a planning agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material public benefit, to be used for or applied towards a public purpose
- **planning authority** has the same meaning as in Division 7.1 of Part 7 of the EP&A Act
- **planning obligation** means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution
- **planning proposal** has the same meaning as in the EP&A Act
- **public benefit** is the benefit enjoyed by the public as a consequence of a development contribution
- **public facilities** means public infrastructure, amenities and services

Updates to this practice note

This practice note will be periodically updated. More detailed information or guidance on specific matters in this practice note may also be the subject of future separate practice notes.

Transitional arrangements

This practice note does not apply to a new or amended planning agreement if it:

- has been substantially negotiated when this practice note is published, and
- public notice of the agreement or amendment is given before 1 July 2021.

Part 1 Introduction

1.1 Purpose of planning agreements

Planning agreements are used widely in the planning system as a tool for delivering innovative or complex infrastructure and public benefit outcomes in connection with planning proposals and development applications.

They provide a way for planning authorities and developers to negotiate flexible outcomes in respect of development contributions and enable the NSW planning system to deliver sustainable development while achieving key economic, social and environmental objectives.

Planning agreements enable the provision of development contributions for a variety of public purposes, some of which extend beyond the scope of section 7.11 and 7.12 (local infrastructure contributions), of the EP&A Act. For example, these additional purposes could include the recurrent funding of public facilities provided by councils, the capital and recurrent funding of transport, the protection and enhancement of the natural environment, and the monitoring of the planning impacts of development.

Planning agreements are negotiated between planning authorities and developers in the context of applications for changes to environmental planning instruments (planning proposals) or for consent to carry out development (development applications).

1.2 Rationale for planning agreements

Since the commencement of the *Environmental Planning and Assessment Amendment (Development Contributions) Act 2005*, the use of planning agreements has steadily grown across NSW. There is a range of reasons why the use of planning agreements has become widespread.

- Planning agreements provide a flexible means of achieving tailored development outcomes and focused public benefits, including agreement by communities to the redistribution of the costs and benefits of development.
- Planning agreements can provide enhanced and more flexible infrastructure funding opportunities and better planning implementation.
- Planning agreements allow for the flexible delivery of infrastructure for a development proposal which may have good planning merit but be out of sequence with broader strategic planning processes.

Planning agreements provide a flexible framework under which the planning authorities can share responsibility for the provision of infrastructure in new release areas or in major urban renewal projects. They permit tailored governance arrangements and the provision of infrastructure in an efficient, co-operative and coordinated way.

Part 2 Principles and policy for planning agreements

2.1 Fundamental principles

Planning agreements must be governed by a set of policy principles that ensure transparency, fairness and flexibility of planning decisions. A planning agreement cannot and should not purport to fetter any authority's exercise of statutory functions, in particular the function of a relevant planning proposal authority in relation to a planning proposal, a local plan-making authority in relation to the local environmental plan that gives effect to a planning proposal or the consent authority for a development application.

A planning agreement related to a development application is one of several matters for consideration identified by the EP&A Act when a consent authority is determining a development application. Public benefits offered by developers do not make unacceptable development acceptable.

Planning authorities and developers that are parties to planning agreements should adhere to the following fundamental principles.

- Planning authorities should always consider a development proposal on its merits, not on the basis of a planning agreement.
- Planning agreements must be underpinned by proper strategic land use and infrastructure planning carried out on a regular basis and must address expected growth and the associated infrastructure demand.
- Strategic planning should ensure that development is supported by the infrastructure needed to meet the needs of the growing population.
- A consent authority cannot refuse to grant development consent on the grounds that a planning agreement has not been entered into in relation to the proposed development or that the developer has not offered to enter into such an agreement.
- Planning agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls.
- Planning agreements must not include public benefits wholly unrelated to the particular development.
- Value capture should not be the primary purpose of a planning agreement.

2.2 Public interest and probity considerations

It is critical to consider whether a planning agreement is in the public interest. Generally speaking, the public interest is directed towards ensuring planning controls are imposed fairly for the benefit of the community. In some cases, the public interest may be directed towards the need to mitigate adverse impacts of development on the public domain or towards providing a benefit to the wider community.

Planning agreements are matters of public interest and this is a relevant consideration in negotiating outcomes. The negotiation of planning agreements involves the use of discretion on both sides, allowing planning authorities and developers to consider different values and varying concepts of the public and private interests.

The ability for a planning agreement to wholly or partly exclude the application of other infrastructure contributions gives a planning authority scope to prioritise the items of infrastructure

that is most needed under an agreement. This means that the financial, social and environmental costs and benefits of development can be redistributed through a planning agreement.

However, there is no guarantee that these costs and benefits will be equitably distributed within the community and what may be a specific benefit to one group in the community may be a loss to another group or the remainder of the community. As such, best practice principles, policies and procedures should be implemented as safeguards to protect the public interest and the integrity of the planning process. These are discussed in *Section 2.6 Policies and procedures for planning agreements*.

If probity and public interest are not considered, planning agreements may produce undesirable outcomes, including where:

- A planning authority seeks inappropriate benefits through a planning agreement because of opportunism or to overcome revenue-raising or spending limitations that exist elsewhere.
- A planning authority has not undertaken appropriate infrastructure planning as part of strategic land use planning, resulting in growth being poorly aligned with infrastructure planning and funding, infrastructure demand and costs relating to infrastructure operation.
- There is insufficient analysis of the likely planning impacts of a proposed development because a planning authority is determined to enter into, or to give effect, to a planning agreement.
- A planning authority allows the interests of individuals or small groups to demand benefits, which otherwise outweigh the public interest.
- A planning authority takes advantage of an imbalance of bargaining power between the planning authority and developer, for example by improperly relying on its statutory position in order to extract unreasonable public benefits under a planning agreement.
- A planning authority's ability to make independent decisions is compromised, or its decisions appear to be fettered by a planning agreement.

The potential for misuse also exists where a planning authority, acting as consent authority or in another regulatory capacity for development, is both party to a planning agreement and a development joint venture partner under the agreement, for example as a landowner. Special safeguards, such as the use of an independent third party in the development assessment process, would be appropriate in such circumstances.

Considerations for public participation

Public participation in the planning agreement process is important to ensure the community has an opportunity to provide input in decisions being made relating to public benefit and development. Planning agreements redistribute the costs and benefits of a development, and it is

critical the public can comment on whether they think the balance between development and public benefit is achieved successfully. Public participation processes are discussed in *Section 4.5 Public participation and notification*.

2.3 Value capture

The term value capture is widely used and covers several different practices. This practice note does not attempt to define or discuss them all. In general, the use of planning agreements for the primary purpose of value capture is not supported as it leads to the perception that planning decisions can be bought and sold and that planning authorities may leverage their bargaining position based on their statutory powers.

Planning agreements should not be used explicitly for value capture in connection with the making of

planning decisions. For example, they should not be used to capture land value uplift resulting from rezoning or variations to planning controls. Such agreements often express value capture as a monetary contribution per square metre of increased floor area or as a percentage of the increased value of the land. Usually the planning agreement would only commence operation as a result of the rezoning proposal or increased development potential being applied.

2.4 Relationship with development applications and planning proposals

Development applications

When determining a development application, the consent authority is required by the EP&A Act to take into consideration any relevant planning agreement or draft agreement that the developer has offered to enter into. The consent authority is also required to take into consideration any public submissions made in respect of the development application, which may include submissions relating to a planning agreement.

Planning proposals

The EP&A Act requires a planning proposal authority to state the objectives and outcomes of a planning proposal, and to describe and justify the process by which they will be achieved. The role of a planning agreement in facilitating these objectives or outcomes should be clearly set out in the planning proposal documentation.

Nexus

Development contributions provided for in a planning agreement are not required to bear the same nexus with development as required for section 7.11 local contributions. However, planning agreements should provide for public benefits that are not wholly unrelated to development.

Varying development standards

Benefits provided under a planning agreement must not be exchanged for a variation from a development standard under any circumstances. Variations to development standards under Clause 4.6 of the Standard Instrument LEP must be justified on planning grounds, and the benefit under the agreement should contribute to achieving the planning objective of the development standard.

Conditions of development consent

Planning authorities and developers must make a judgement in each case about whether negotiation of a planning agreement is beneficial and otherwise appropriate. However, planning agreements should not be used to require compliance with or restate obligations imposed by conditions of development consent.

2.5 Acceptability test

Planning agreements should be assessed against the acceptability test below which is a generally applicable test for determining the acceptability of a planning agreement.

The acceptability test requires that planning agreements:

- Are directed towards legitimate planning purposes, which can be identified in the statutory planning controls and other adopted planning strategies and policies applying to development.
- Provide for the delivery of infrastructure or public benefits not wholly unrelated to the development.

- Produce outcomes that meet the general values and expectations of the public and protect the overall public interest.
- Provide for a reasonable means of achieving the desired outcomes and securing the benefits.
- Protect the community against adverse planning decisions.

2.6 Policies and procedures for planning agreements

Councils are strongly encouraged to publish policies and procedures concerning their use of planning agreements. Best practice principles, policies and procedures should be implemented as safeguards to protect the public interest and the integrity of the planning process.

These safeguards are to protect against the misuse of planning discretions and processes, which may seriously undermine good planning outcomes and public confidence in the planning system. They should ensure that planning decisions are made openly, honestly and freely in any given case and fairly and consistently across the board.

Policies applying to the use of planning agreements should:

- Provide a generally applicable test for determining the acceptability of a planning agreement (see *Section 2.5 Acceptability Test*).
- Contain specific measures to protect the public interest and prevent misuse of planning agreements.
- Have published and accessible rules and procedures.
- Provide for effective formalised public participation.
- Extend fairness to all parties affected by a planning agreement.
- Guarantee regulatory independence of the planning authority.

Policies and procedures prepared by planning authorities should incorporate the contents of this practice note and the following considerations:

- How the use of planning agreements aligns with any relevant district and regional strategic plans and policies.
- How the use of planning agreements fits within the context of the planning authority's broader organisational strategic planning and land use planning policies, goals, and strategies.
- The circumstances in which the planning authority would consider entering into a planning agreement.
- The land use planning and development objectives that are sought to be promoted or addressed by the use of planning agreements.
- The role served by planning agreements in the development contributions and infrastructure funding systems of the planning authority.
- The types of development to which planning agreements will ordinarily apply, and how their use may be differentiated between different types of development.
- Whether any thresholds apply to the use of planning agreements in relation to particular types of development or in particular circumstances.
- The matters ordinarily covered by a planning agreement.
- The form of development contributions ordinarily sought under a planning agreement.
- The kinds of public benefits sought.
- The method for determining the value of public benefits.
- When, how and where public benefits will be provided.

Planning Agreements Practice Note - February 2021

- The procedures for negotiating and entering into planning agreements.
- The planning authority's policies on other matters relating to planning agreements, such as review and modification, discharging of the developer's obligations under agreements, dispute resolution and enforcement mechanisms, and payment of costs relating to the preparation, negotiation, execution, monitoring and other administration of agreements.

Part 3 Strategic considerations when using planning agreements

3.1 When to use planning agreements

This section provides guidance and strategic considerations on when to use planning agreements. Planning agreements should meet the considerations set out in Section 2.1 Fundamental principles and Section 2.5 Acceptability test and should fully comply with the specific requirements in these sections. Whether a planning agreement is acceptable and reasonable can only be judged in the circumstances of the case and considering State, regional or local planning policies.

Planning agreements have the potential to be used in a wide variety of circumstances. For example, they may be an appropriate contribution mechanism:

- In major development sites or precincts that are owned by a single landowner or a consortium of landowners.
- Where the developer has a direct incentive, such as bringing forward potential development, to be involved in the delivery of community infrastructure.
- Where the developer wants to provide community infrastructure in addition to, or at a higher standard than, what has been specified under the contributions plan.
- Where a council and the developer negotiate a different and better or more innovative outcome than can be achieved through imposing direct or indirect contributions.
- Where a proposed development has not been anticipated by local council and thus works and facilities to cater for this development have not been identified. A planning agreement can be prepared to specifically target the needs of the development.

Objectives of planning agreements

The objectives of planning agreements will be dictated by the circumstances of each case and the policies of planning authorities in relation to their use. However, as a general indication, planning agreements may be directed towards achieving the following broad objectives:

- Meeting the demands created by the development for new or augmented public infrastructure, amenities and services.
- Securing off-site benefits for the community so that development delivers a net community benefit.
- Compensating for the loss of or damage to a public amenity, service, resource or asset by development through replacement, substitution, repair or regeneration.

Relationship to other contributions mechanisms

Planning agreements should complement other contribution mechanisms. They can be used to deliver infrastructure outcomes for which these contributions are required, or additional public benefit. Planning agreements should not be used as de facto substitutes for contributions plans.

There is a clear legislative, regulatory and policy framework supporting contributions plans which does not apply to planning agreements. Where there is need for public infrastructure across a development area with a range of landowners, a contributions plan is likely to be more appropriate because it simplifies transactions and is underpinned by clear strategic planning.

Planning agreements may be used to overcome past deficiencies in infrastructure provision that would otherwise prevent development from occurring. This may involve the conferring of a public benefit under the agreement.

3.2 Land use and strategic infrastructure planning

This section provides advice on how planning agreements can support broader strategic infrastructure planning, particularly in areas where there is significant growth, and where a planning agreement may be associated with a planning proposal.

Land use planning should occur concurrently with strategic infrastructure planning to ensure that built form provisions and infrastructure contributions deliver both appropriate urban forms and contributions related to the development.

Strategic infrastructure planning should be undertaken regularly and address expected growth, infrastructure demand resulting from this growth, and the apportioned cost of these infrastructure provisions. Planning agreements should be used towards public benefits that are in accordance with the council's infrastructure planning and funding policies and strategies. Planning agreements should not be used as a substitute to proper strategic infrastructure planning.

Local Strategic Planning Statements

Local strategic planning statements set out the 20-year vision for land use in the local area, including how change will be managed into the future. These statements need to align with the regional and district plans, and council's own priorities in the community strategic plan it prepares under the *Local Government Act 1993*. The statements identify the planning priorities for an area and explain how these are to be delivered.

In this regard, local strategic planning statements will identify upfront the strategic planning priorities and infrastructure needs for an area, which should be reflected in planning agreements that demonstrate a comprehensive approach to infrastructure planning and funding.

Impact of planning proposals

There may be circumstances where a developer lodges a planning proposal that was not anticipated at the time the local strategic planning statement was prepared. It is common site-specific planning proposals in locations where development had not been anticipated to be accompanied by offers to enter into planning agreements. While it is appropriate that applications for more intensive development also consider opportunities for public benefit associated with development, this must be in a way that is mutually agreeable between the planning authority and the developer.

Planning authorities must ensure that adequate infrastructure is available to support the development, that the community can be confident in the integrity of the planning decision and that the planning authority is not improperly relying on its statutory role to extract unreasonable contributions.

Site specific planning proposals must not be prioritised on the basis they provide an opportunity for public benefits. Public benefits to be delivered by development should not be wholly unrelated to the development and the costs should be clearly set out and justified in the planning agreement. It is important that planning agreements in relation to planning proposals complement a comprehensive approach to infrastructure planning and funding.

Part 4 Procedures and decision making

4.1 Basic procedures for entering into a planning agreement

Planning agreements may be negotiated between planning authorities and developers in relation to development applications or changes sought by developers to local environmental plans. Where possible, planning agreements should be negotiated between planning authorities and developers before the related development application is determined or the local environmental plan giving effect to the planning proposal is made so that the development application or planning proposal may be exhibited or notified alongside the draft planning agreement. The steps below are provided for general guidance and are indicative only. The actual steps taken in negotiating each specific planning agreement may differ.

Indicative steps for planning agreements

Step 1 Commencement Before making a development application or submitting a planning proposal, the planning authority and developer decide whether to negotiate a planning agreement. In making this decision consideration should be given to this practice note, relevant legislation and any relevant policies. The parties consider whether other planning authorities and other persons associated with the development should be additional parties to the planning agreement, such as the landowner if the landowner is a different person to the developer.

Step 2 Negotiation If an agreement or arrangement is negotiated, it is documented as a draft planning agreement with an accompanying explanatory note. The draft planning agreement should be assessed against the acceptability test outlined in this practice note. The parties should consider how the draft planning agreement will be enforced and when the draft planning agreement will be executed, as this will inform the security provisions and conditions of the agreement. Legal advice should be sought in each case to ensure that the appropriate provisions are included in the planning agreement.

Step 3 Application When the developer makes the application or submits a planning proposal to the relevant authority, it should be accompanied by the draft planning agreement that has been signed by the developer and the explanatory note.

Step 4 Notification Relevant public authorities are consulted and the application or planning proposal, draft planning agreement and explanatory note are publicly notified in accordance with the EP&A Act and EP&A Regulation. Any amendments required to the application or planning proposal and draft agreement as a result of submissions received are made. If necessary, the amended application, draft planning agreement and explanatory note are re-notified.

Step 5 Assessment The draft planning agreement and public submissions are considered in the determination of the related application. The weight given to the draft planning agreement and public submissions is a matter for the relevant authority acting reasonably.

Step 6 Execution The draft planning agreement is either executed before the relevant application is determined or not long after the application is determined.

4.2 Offer and negotiation

Offer to enter into a planning agreement

The EP&A Act does not define what constitutes an 'offer' for the purpose of section 7.7(3) of the EP&A Act. However, an offer should:

- Be in writing.
- Be addressed to the planning authority to whom it is made.
- Be signed by or on behalf of all parties to the proposed planning agreement other than the planning authority to whom the offer is made.
- Outline in sufficient detail the matters required to be included in a planning agreement as specified in s7.4 (3) of the EP&A Act to allow proper consideration of the offer by the planning authority.
- Address in sufficient detail any relevant matters required to be included in an offer as specified in any applicable planning agreements policy published by the planning authority to whom the offer is made to allow proper consideration by the planning authority.
- Outline in sufficient detail all other key terms and conditions proposed to be contained in the planning agreement to allow proper consideration by the planning authority.

A consent authority cannot refuse to grant development consent on the grounds that a planning agreement has not been entered into in relation to the proposed development or that the developer has not offered to enter into such an agreement.

However, if a developer has offered to enter into a planning agreement in connection with the development application or a change to an environmental planning instrument, then a consent authority is authorised to require a planning agreement to be entered into in the terms of the offer as a condition of development consent.

Efficient negotiation systems

Planning authorities, particularly councils, should implement fast, predictable, transparent and accountable negotiation systems for planning agreements. Negotiation of planning agreements should not unnecessarily delay ordinary planning processes and should run in parallel with applications to change environmental planning instruments or development applications. This includes through pre-application negotiation in appropriate cases. Negotiation should be based on principles of co-operation, full disclosure, early warning, and agreed working practices and timetables.

Involvement of independent third parties

Independent third parties can be used in a variety of situations involving planning agreements. Planning authorities and developers are encouraged to make appropriate use of them during negotiation, including where:

- An independent assessment of a proposed change to an environmental planning instrument or development application is necessary or desirable.
- Factual information requires validation.
- Sensitive financial or other confidential information must be verified or established in the course of negotiations.
- Facilitation of complex negotiations is required for large projects or where numerous parties or stakeholders are involved.
- Dispute resolution is required.

Dispute resolution

Different kinds of dispute resolution mechanisms may suit different disputes, and this should be reflected in a planning agreement. For example, mediation may be suitable to deal with disputes arising from grievances, while expert determination may be suitable to resolve disputes of a technical nature and arbitration may be suitable for resolving commercial disputes.

4.3 Costs and charges

Costs

There is no comprehensive policy on the extent to which a planning authority may recover costs for negotiating, preparing, executing, registering, monitoring, enforcing and otherwise administering planning agreements. Wherever possible, planning authorities and developers should negotiate and agree costs at the earliest opportunity.

GST considerations

Both parties to a planning agreement have a potential GST liability and they should obtain advice in every case on whether a potential GST liability attaches to the agreement.

Recurrent costs and maintenance payments

Planning agreements may require developers to make contributions towards the recurrent costs of facilities that primarily serve the development to which the planning agreement applies or neighbouring development in perpetuity. However, where the facilities are intended to serve the wider community, planning agreements should only require the developer to make contributions towards the recurrent costs of the facility until a public revenue stream is established to support the on-going costs of the facility.

4.4 Registration and administration

Standard form planning agreements

Planning authorities are encouraged to publish and use standard form planning agreements or standard clauses for inclusion in planning agreements in the interests of process efficiency.

Documentation of planning agreements

The parties to a planning agreement should agree on which party is to draft the agreement to avoid duplication of resources and costs.

Councils are required to keep and make available a register of planning agreements. The register should be made available online or incorporated into the online planning register of the planning authority's website.

Monitoring and review of planning agreements

Planning authorities should use standardised systems to monitor the implementation of planning agreements in a systematic and transparent way. This may involve co-operation by different parts of planning authorities.

Monitoring systems should enable information about the implementation of planning agreements to be made readily available to public agencies, developers and the community. Planning agreements should contain a mechanism for their periodic review that should involve the participation of all parties.

Security for enforcement of developer's obligations

Parties should consider the means by which a planning agreement may be enforced. The most suitable means of enforcement may depend on:

- The circumstances of the planning agreement.
- The nature and extent of the developer's obligations under the planning agreement.
- The planning authority's reasonable assessment of the risk and consequences of non-performance.

Tying the performance of the developer's obligations to the issuing of construction, subdivision or occupation certificates may provide a suitable means of enforcing planning agreement obligations in some cases. The EP&A Act and the EP&A Regulation restrict the issuing of a construction certificate, subdivision certificate or occupation certificate by a certifier until any preconditions to the issuing of the certificate specified in a planning agreement have been complied with. Where adopting this approach, consideration should be given to including provisions to allow a developer to provide a financial security, such as a bond or bank guarantee, if they subsequently seek release of a certificate before completing the required obligations. This will avoid the need to amend the planning agreement.

Financial security, such as a bond or bank guarantee, can be a suitable means of enforcement where a planning agreement requires the carrying out of works or the dedication of land by the developer. Financial security can be called on by the planning authority in the event of default, coupled with step-in rights by the planning authority. The value of the financial security should relate to the potential costs that may be incurred by the planning authority in carrying out the relevant works obligations of the developer in the event of default by the developer.

Financial security or additional financial security may also be appropriate where the developer seeks to postpone obligations under a planning agreement to a time later than the time originally specified for performance. An amendment to the planning agreement would ordinarily be required in such circumstances unless the planning agreement already makes provision for such an arrangement.

Registration on title

Registration is important to inform people of the existence of a planning agreement affecting the land and for the enforcement of a planning agreement. Registration on title may bind future owners of the land to the agreement.

To ensure that the intention of the parties to register the planning agreement is not defeated, the developer should get written agreement to the registration from each person with an estate or interest in the land to which the planning agreement applies. This should be provided to the planning authority as a precondition to the execution of the planning agreement.

Provision should be made in a registered planning agreement about when the notation of the planning agreement on the title to land can be removed. For example, when:

- The developer has complied with the obligations under the planning agreement in respect of a part of the land and the notation of the planning agreement will be removed from that part of the land.
- Land the subject of the planning agreement is subdivided and titles for new lots are created and the developer has complied with all relevant planning agreement obligations relating to the subdivision.
- Additional valuable security for performance of the planning agreement acceptable to the planning authority is provided by the developer in exchange for removal of the registration of the planning agreement from the title to land.

Discharge of developer's obligations

Planning agreements should not impose obligations on developers indefinitely. Planning agreements should set out the circumstances in which the parties agree to discharge the developer's obligations under the agreement.

4.5 Public participation and notification

Planning agreements must be publicly notified and made available for public inspection before they can be entered into.

The EP&A Regulation requires that the notification of a proposed planning agreement occurs at the same time as the planning proposal or development application, or if this is not practicable, as soon as possible after.

The terms of the planning agreement and its proposed public benefits should be clearly shown as part of consultation material. This will help the community make a fully informed decision on the overall proposal.

Planning agreements must be accompanied by an explanatory note to assist the public in understanding the agreement. Other types of consultation material are encouraged in addition to the explanatory note. This might include additional written material, diagrams or plans.

Amendment to proposed planning agreement after public notification

Any material changes that are proposed to be made to a planning agreement after a public notice has been given should be subject to renotification if the changes would materially affect:

- How any of the matters specified in section 7.4 of the EP&A Act are dealt with by the planning agreement.
- Other key terms and conditions of the planning agreement.
- The planning authority's interests or the public interest under the planning agreement.
- Whether a non-involved member of the community would have made a submission objecting to the change if it had been publicly notified.

4.6 Explanatory notes

Planning agreements are legal documents and may not be easily understood by the public. An explanatory note can help the public understand a planning agreement and facilitate informed discussion. The EP&A Regulation requires that an explanatory note is provided with the public notice of a planning agreement.

In practice, the explanatory note can be prepared by one of the parties but should be reviewed and agreed on by any other party to the agreement.

The explanatory note must help the broader community to simply and clearly understand what a planning agreement is proposing, how it delivers public benefit, and why it is acceptable and in the public interest. It should be easy to understand, written in plain English and address all considerations outlined in this practice note.

The explanatory note must:

- Identify how the agreement promotes the public interest.
- Identify whether the agreement conforms with the planning authority's capital works program, if any.
- State whether the agreement specifies that certain requirements of the agreement must be

Planning Agreements Practice Note - February 2021

complied with before a construction certificate, occupation certificate or subdivision certificate is issued.

It should be possible for a person to be able to readily understand the nature of the development proposed and the public benefits to be provided. The explanatory note should indicate timing of delivery and should include maps, diagrams and other material to help explain what is proposed.

An explanatory note must summarise the objectives, nature and effect of the proposed agreement and contain an assessment of the merits of the proposed agreement, including the impact on the public or relevant section of the public.

Part 5 Examples of the use of planning agreements

Planning agreements have the potential to be used in a wide variety of planning circumstances and to achieve many different planning outcomes. Their use will be dictated by the circumstances of individual cases and the policies of planning authorities. Accordingly, it is not possible to set out all the circumstances in which a planning agreement may be appropriately entered into.

Below are some examples of the potential scope and application of planning agreements.

Compensation for loss or damage caused by development

Planning agreements can provide for development contributions that compensate for increased demand on the use of a public amenity, service, resource or asset that will or is likely to result from the carrying out the development.

For example, development may result in the loss of or increased impact on the provision of public open space, public car parking, public access, water and air quality, bushland, wildlife habitat or other natural areas.

The planning agreement could impose planning obligations directed towards replacing, substituting, or restoring the public amenity, service, resource or asset to an equivalent standard to that existing before the development is carried out.

In this way, planning agreements can offset development impacts that may otherwise be unacceptable.

Meeting demand created by development

Planning agreements can also provide for development contributions that meet the demand for new public infrastructure, amenities and services created by development. For example, development may create a demand for public transport, drainage services, public roads, public open space, streetscape and other public domain improvements, community and recreational facilities.

The public benefit provided under the agreement could be the provision, extension or improvement of public infrastructure, amenities and services to meet the additional demand created by the development. An agreement may be used to meet the requirements set out in a contributions plan in relation to certain land, or, potentially in the case of a large development area being delivered by one or a small number of developers, provide public amenities and services in lieu of preparing a contributions plan.

Prescribing inclusions in development

Planning agreements can be used to secure the implementation of particular planning policies by requiring development to incorporate particular elements that confer a public benefit.

Examples include agreements that require the provision of public facilities, open space or the retention of urban bushland. Agreements may also require development, in the public interest, to meet aesthetic standards, such as design excellence.

Providing benefits to the wider community

Planning agreements can also be used to secure the provision of broader benefits for the wider community. Broader benefits provided through planning agreements involve an agreement between a developer and a planning authority to allow the wider community to share in benefits

resulting from the development. The benefit may be provided in conjunction with planning obligations or other measures that address the impacts of the development on surrounding land or the wider community.

Alternatively, the benefit could wholly or partly replace such measures if the developer and the planning authority agree to a redistribution of the costs and benefits of development in order to allow the wider community, the planning authority and the developer to realise their specific preferences for the provision of public benefits.

Broader benefits may take the form of additional or better-quality public facilities than is required for a particular development. Alternatively, benefits may involve the provision of public facilities that, although not strictly required to make the development acceptable in planning terms, are not wholly unrelated to the development.

Recurrent funding

Planning agreements may provide for public benefits that take the form of development contributions towards the recurrent costs of infrastructure, facilities and services. Such benefits may relate to the recurrent costs of items that primarily serve the development to which the planning agreement applies or neighbouring development. In such cases, the planning agreement may establish an endowment fund managed by a trust, to pay for the recurrent costs of the relevant item.

For example, a planning agreement may fund the recurrent costs of water quality management in respect of development that will have a demonstrated impact on a natural watercourse that flows through or nearby to the development.

Broader benefits may also take the form of interim funding of the recurrent costs of infrastructure, facilities and services that will ultimately serve the wider community. The planning agreement would only require the developer to make such contributions until a public revenue stream is established to support the on-going costs of the facility.

Biodiversity offsetting

A planning agreement may make provision with respect to the offset of the impact on biodiversity values of proposed development, including by the retirement of biodiversity credits in accordance with the *Biodiversity Conservation Act 2016* (see section 7.18 of that Act).



Draft Warriewood Valley

Development Contributions
Plan Amendment 16, Revision 4
2022

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

Contents

Part A: Preamble	1
Introduction.....	1
Background	2
Findings of <i>Warriewood Valley Strategic Review 2012</i>	5
Findings of <i>Warriewood Valley Strategic Review Addendum Report 2014</i>	6
Exemption from section 94 cap	6
Cessation of certain elements.....	8
Summary elements within the Works Schedule.....	8
Summary of the remaining expenditure	8
Summary of contribution rates by development type: 2021/22 to 2025/26	10
Part B: Management of the Plan	13
1.0 Introduction	14
1.1 Name of this Plan	14
1.2 Purpose and objectives of this Plan	14
1.3 When does this Plan commence?	14
1.4 Land to which this Plan applies.....	14
1.5 Development to which this Plan applies	17
1.6 Operation period of this plan	17
1.7 Relationship with other plans and policies	17
1.8 Savings and transitional arrangements.....	18 ¹⁷
1.9 Definitions	19
2.0 Administration and operation of this Plan	21
2.1 How does this Plan operate?	21
2.2 Section 94E Direction.....	21
2.3 How will contributions be imposed?	21
2.4 How is the contribution amount calculated?	21
2.5 When are the contributions payable?	27
2.6 How are the contributions to be paid?	28
2.7 Adjustment of contribution at time of payment.....	32 ³¹
2.8 Can deferred or periodic payments be made?	32 ³¹
2.9 Obligations of accredited certifiers in issuing certificates	33 ³¹
2.10 Modifications to Development Consents.....	34 ³²
2.11 Exemptions for Certain Types of Development	35 ³³
2.12 Accountability and management of funds	35 ³³
2.13 Review of Plan and Contribution Rates	36 ³⁴
2.14 Review of Plan without the Need for Public Exhibition	37 ³⁴
Part C: Need for Public Facilities and Services	39³⁷
3.0 Need for Public Facilities and Services	40³⁸

~~AUGUST 2018~~APRIL 2022

3.1 Expected development.....	4038
3.2 Characteristics of future population	4038
3.3 Meeting the needs of the incoming population	4139
Part D: Strategies to provide Public Facilities and Services.....	4442
4.0 Traffic and Transport Strategy	4543
4.1 Introduction	4543
4.2 Nexus and future demand.....	4543
4.3 Contributing development	4846
4.4 Apportionment.....	5149
4.5 Reasonableness	5149
4.6 Works schedule.....	5149
5.0 Multi-functional Creek Line Corridor Strategy	5250
5.1 Introduction	5250
5.2 Nexus and future demand.....	5351
5.3 Contributing development	5956
5.4 Apportionment.....	6158
5.5 Reasonableness	6158
5.6 Works schedule.....	6158
6.0 Public Recreation and Open Space Strategy	6259
6.1 Introduction	6259
6.2 Nexus and future demand.....	6259
6.3 Contributing development	7269
6.4 Apportionment.....	7269
6.5 Reasonableness	7269
6.6 Works schedule.....	7269
7.0 Pedestrian and Cyclist Network Strategy.....	7471
7.1 Introduction	7471
7.2 Nexus and future demand.....	7471
Item 33 Shared Path connection from Fern Creek to Fern Creek Road – This section of shared path will be delivered as part of the embellishment of the park at Sector 9.	Error! Bookmark not defined. 73
7.3 Contributing development	7673
7.4 Apportionment.....	7875
7.5 Reasonableness	7875
7.6 Works schedule.....	7875
8.0 Communities Facilities Strategy	7976
8.1 Introduction	7976
8.2 Nexus and future demand.....	7976
8.3 Contributing development	8178
8.4 Apportionment.....	8481
8.5 Reasonableness	8481

~~AUGUST 2018~~APRIL 2022

8.6 Works schedule.....	<u>8481</u>
9.0 Bushfire Protection Strategy	<u>8582</u>
9.1 Introduction	<u>8582</u>
9.2 Nexus and future demand.....	<u>8582</u>
9.3 Contributing development	<u>8683</u>
9.4 Apportionment.....	<u>8683</u>
9.5 Reasonableness	<u>8683</u>
9.6 Works schedule.....	<u>8784</u>
10.0 Ponderosa Parade Drainage Strategy.....	<u>8885</u>
10.1 Introduction	<u>8885</u>
10.2 Nexus and future demand.....	<u>8885</u>
10.3 Contributing development	<u>8885</u>
10.4 Apportionment.....	<u>9087</u>
10.5 Reasonableness	<u>9087</u>
10.6 Works schedule.....	<u>9087</u>
11.0 Administration and Plan Management Strategy	<u>9188</u>
11.1 Introduction	<u>9188</u>
11.2 Nexus and future demand.....	<u>9188</u>
11.3 Contributing development	<u>9188</u>
11.4 Apportionment.....	<u>9188</u>
11.5 Reasonableness	<u>9289</u>
11.6 Works schedule.....	<u>9289</u>
References	<u>9390</u>
Appendices	<u>9592</u>
Appendix A: Completed Works	<u>9592</u>
Appendix B: Works Schedule.....	<u>106403</u>

Tables

Table A: Summary of works schedule	<u>87</u>
Table B: Summary of contribution rates by development type	<u>109</u>
Table 1: Summary of contributing development	<u>2422</u>
Table 2: Calculation of contribution toward Traffic and Transport element	<u>2623</u>
Table 3: Road hierarchy	<u>4641</u>
Table 4: Creek line corridor land to be dedicated	<u>5750</u>
Table 5: Active and passive open space areas	<u>6759</u>

Figures

Figure 1: Land to which this plan applies	<u>1644</u>
Figure 2: Land subject to Traffic and Transport Strategy	<u>5044</u>

~~AUGUST 2018~~ APRIL 2022

Figure 3: Warriewood Valley creek line corridor network	<u>5549</u>
Figure 4: Land subject to Multi-functional Creek Line Corridor Strategy	<u>6052</u>
Figure 5: Land identified for purchase for future active open space.....	<u>7162</u>
Figure 6: Land subject to Public Recreation and Open Space Strategy	<u>7364</u>
Figure 7: Land subject to Pedestrian and Cyclist Network Strategy.....	<u>7768</u>
Figure 8: Land subject to Community Facilities Strategy.....	<u>8374</u>
Figure 9: Land subject to Ponderosa Parade Drainage Strategy	<u>8979</u>
Figure 10: Map of Traffic and Transport Works Schedule	<u>10898</u>
Figure 11: Map of Creek Line Works Schedule	<u>111400</u>
Figure 12: Map of Creek Line Land Acquisition Schedule.....	<u>115403</u>
Figure 13: Map of Public Recreation and Open Space Works Schedule	<u>118405</u>
Figure 14: Map of Pedestrian and Cyclist Network Works Schedule	<u>122407</u>
Figure 15: Map of Community Facilities Works Schedule	<u>124409</u>
Figure 16: Map of Bushfire Protection Works Schedule	<u>126411</u>

~~AUGUST 2018~~ APRIL 2022

PREAMBLE

Part A: Preamble

Introduction

The Warriewood Valley Release Area (the Release Area) is located in the Northern Beaches Local Government Area (LGA), bordered by the Ingleside Chase Reserve and Escarpment to the west; Warriewood Wetlands to the south; Warriewood Sewerage Treatment Plant (STP) and the existing suburbs of Warriewood to the east and Mona Vale to the north. The redevelopment of Warriewood Valley commenced in the 1980s and is continuing today.

It is anticipated that at the completion of the Release Area, a total of ~~2,394~~2,078 residential dwellings will house approximately ~~6,464~~5,611 persons (based on an average occupancy of 2.7 persons per household, ABS 2011 Census). The housing form includes detached dwelling, attached dwellings and residential apartment buildings.

In addition, the numbers of workers are also anticipated to increase as industrial and commercial uses ~~will~~ continue to be accommodated within Warriewood Valley. The industrial and commercial development ~~will be~~ in the form of light industry, industrial units, high quality office units and, possibly, high technology development. The total expected area of industrial/commercial development is 32.68 hectares.

This Plan addresses the public services and facilities that will be required to meet the needs of the future residents and workers of the Release Area. It is anticipated that the population emanating from the Release Area will result in the need for augmented and/or additional:

- Traffic and transport facilities;
- Multi-functional creek line corridors;
- Public recreation and open space;
- Pedestrian and cycle facilities;
- Community services;
- Library services;
- Bushfire management facilities; and
- Plan management and implementation.

Under provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a consent authority is authorised to grant consent to a proposed development subject to a condition requiring the payment of a monetary contribution or the dedication of land, or both, for the provision of public services and facilities.

This Plan identifies the forecast future demands for public services and facilities generated by the development of the Release Area, the programs of works which will be implemented to meet these demands and the anticipated costs of these programs. Based on these inputs, a contribution rate has been calculated that will enable Council to deliver the infrastructure necessary to meet the forecast demand. The land subject to this Plan is identified in Figure 1.

This Plan has been prepared in accordance with the EP&A Act 1979 and *Planning and Assessment Regulation 2000* (EP&A Regulation) and takes into consideration the principles of nexus, apportionment and reasonableness. This Plan was first adopted by the former

PREAMBLE

Pittwater Council on 1 June 1998 and took effect from 11 June 1998. Since this time the Plan has been reviewed ~~20-21~~ times.

The life of this Plan is from ~~2017/18 to 2021/22~~ to 2030/31 inclusive. A ten-year delivery program is anticipated to account for the development of remaining undeveloped land. However, infrastructure funding and provision is driven by income and is dependent on timing of development in the Release Area. This Plan will be monitored and subject to annual reviews to take account of projected growth, the community's needs, cost of local infrastructure and services and progress in providing scheduled works. For this reason, the operation period of the Plan may be adjusted to suit.

Background

Development of Warriewood Valley Release Area up to 2008

The Warriewood Valley Release Area comprises approximately 195 hectares¹ in total area and is the most significant urban release area in the Northern Beaches LGA since the Forestville/Belrose urban releases of the 1970s.

The planning process to facilitate urban development in Warriewood Valley was commenced by the former Warringah Council in the late 1970s and early 1980s. The rezoning of parts of the northern and southern end of Warriewood Valley for industrial and commercial development (comprising 28.98 hectares of land), with a small component of land zoned for medium density residential development, was undertaken in the mid-1980s. These early rezoning's are referred to as Warriewood Valley Stage 1 Release.

In 1991 land in Warriewood and Ingleside was included in the State Government's Urban Development Program (now known as the Metropolitan Development Program). The remaining non-urban sections of the Warriewood Valley Release Area were investigated for their urban potential in conjunction with the Ingleside-Warriewood land release investigations by the then Pittwater Council.

In 1995 Council produced and exhibited a strategy, drawn from a range of environmental and demographic studies, for the release of Ingleside and the remaining land in the Warriewood Valley Release Area known as the Ingleside/Warriewood Urban Land Release Draft Planning Framework 1995. Consultation with the community and various State Government authorities highlighted the infrastructure difficulties associated with a land release at Ingleside and the potential regional environmental impacts.

In 1997 the Minister for Urban Affairs and Planning agreed to a restricted land release within Warriewood Valley only, comprising 110 hectares including 3.7 hectares for industrial and commercial development. The area within 400 metres of the Warriewood STP was deferred for future release. Council, ~~in 1997~~ prepared a strategy to guide development of up to 1,510 dwellings in Warriewood Valley known as the Draft Warriewood Valley Urban Land Release Planning Framework 1997.

In 2001, Council, following a decision by Sydney Water to cap the Warriewood STP, produced and adopted a planning strategy for land within the 400 metres of the Warriewood STP known

¹ Total size of the Release Area under the Warriewood Valley Strategic Review Addendum 2014.

PREAMBLE

as the STP Buffer Sector Draft Planning Framework 2001. The inclusion of the buffer areas in the Warriewood Valley Release Area resulted in an anticipated development of 1,886 dwellings in 190 hectares including 32.68 hectares for industrial/commercial development. At the time, it was recognised that another 39.6 hectares located either side of Boondah Road would be subject to further planning investigations.

On 1 September 2008, Council adopted the *Warriewood Valley Section 94 Plan (Amendment 16) (the Section 94 Plan)* based on the anticipated development of 190 hectares, comprising 1,886 dwellings and 32.68 hectares for industrial/commercial development.

Impact of the 2009 Development Contributions Reform

In 2009 the Minister for Planning, responding to the impact of high development costs on new housing supply and the Global Financial Crisis, introduced a Ministerial Direction that limited development contribution rates to \$30,000 per new dwelling/residential lot for greenfield/release areas and \$20,000 per new dwelling/residential lot for existing residential areas. Council was successful in obtaining an exemption from the cap enabling a contribution rate up to \$62,100 to be levied for each new dwelling/residential lot in Warriewood Valley (via a new Ministerial Direction issued 10 July 2009). That Direction also required Council to commission an independent review of the [Section 94 Plan](#).

In October 2009, Hill PDA was commissioned to undertake the review of the [Section 94 Plan](#). The key findings of the independent review are as follows and have been taken into consideration:

- "1. The Plan's cost of works are appropriate, and if anything are a modest underestimate (in the order of \$1 million). The underestimate may be a result of Council's choice of contingencies, design and project management rates. Appropriate contingencies should range between 5 and 10% and a design and project management cost of 15% should be applied (with the exception of the Library Services and Plan Administration and Management Elements). Whilst the application of the CPI is in keeping with DoP guidance, Council may consider the use of the BPI as an appropriate alternative in some circumstances.*
- 2. The Plan should fund 100% of works relating to through traffic routes as these works would not have been required should development within Warriewood Valley have not occurred. Notwithstanding this, it is recommended that 25% of costs are reappropriated from the Plan to the wider community for works within Jacksons Road and 15% of costs for Garden Street (for access improvements to the Centro Warriewood Shopping Centre) to account for 'external' regional traffic demands.*
- 3. Council seeks approval from the Minister to secure the library book component of the Library element of the Plan in order to recoup expended funds (demonstrated through a Business Plan) and that contributions are secured within the current \$62,100 cap at the rationalisation of other elements within the Plan.*
- 4. Council will need to manage the administrative and management processes of the Plan so that administration costs in the future amount to no greater than 4% of the total cost of works in the Plan (CPI adjusted). We do not consider it appropriate to apply an NPV to administration costs.*
- 5. The application of the parameters utilised by the Plan's financial models which are now subject to restrictions due to the Minister's cap have resulted in a financial risk to Council. The Council*

PREAMBLE

should seek to review the Plan and generate a new financial model in accordance with the requirements as set out in the draft Local Government Development Contributions Guidelines 2009 utilising a NPV method to manage the cash flow and determine contribution rates.

6. *This independent review concludes that the Warriewood Valley Section 94 Plan could not reasonably be reduced so that it would fall under the \$20,000 threshold advocated by the Minister's Direction."*

Additionally, Hill PDA recommended that:

"Based on the outcomes of this review, as a minimum we recommend that Council takes the third option and seeks the Minister's permission for the Plan to exceed the maximum rate of \$20,000 per equivalent dwelling. To address the full scope of matters identified by this review however, we recommend a number of additional mechanisms are implemented by Council. These mechanisms are summarised, in no set order, below.

1. *Secure the \$62,100 Cap and seeks recoupment of the library books that was forward-funded under the Plan.*
2. *Review the Plan to address the funding shortfall as a result of the \$62,100 cap; and reduce levels of infrastructure provision and scope of works; cost of capital works should identify specific allowances for: the net cost of undertaking the works; escalation costs; co-ordinating contractor (principal contractor) site set-up and site supervision (preliminaries); co-ordinating (principal contractor) margins; design and project management and contingencies ensuring no items are missed, improve accountability and transparency and enable improved budgetary management.*
3. *In conjunction with 2, design and implement a new financial model consistent with the principles set out in the draft Local Government Development Contribution Guidelines 2009 prepared by the DoP.*
4. *Review the development density within appropriate sectors of Warriewood Valley (with the intention of increasing the number of equivalent dwellings that could be developed) may assist in reducing the funding shortfall and so long as any potential increase in density reduces, rather than compounds, the financial shortfall by increasing the need for infrastructure (notably recreation facilities).*
5. *In conjunction with 4, Council should develop and adopt a strategy to encourage rapid completion of the land release as well as addressing incomplete or delayed take up rates known as the 'development tail'."*

On 3 May 2010, Council adopted the *Warriewood Valley Planning Framework 2010* (Planning Framework 2010), resulting in an increase of dwelling density in appropriate sectors and the establishment of a strategy to encourage the take-up rate for development. A total of 2,012 dwellings and industrial/commercial development within 32.68 hectares was now anticipated across the 199 hectares of land.² Concurrently, Council commenced a review of its [Section 94](#) Plan to account for the new development anticipated under the 2010 Planning Framework including a review of the identified works schedule aimed at reducing infrastructure and services due to the funding shortfall from contributions.

² Total size of the Release Area under the *Warriewood Valley Planning Framework 2010*. This area included residential sectors not yet masterplanned/ rezoned 2(f) under Pittwater LEP 1993. It did not include the 39.6 hectares located either side of Boondah Road, known as the Southern Buffer.

PREAMBLE

In June 2010 however, a further direction was issued to the then Pittwater Council, capping the contribution rate under the Plan at \$20,000. At the time, the contribution rate had increased to \$71,610 per dwelling/lot. Council subsequently sought an exemption from the cap and a Ministerial Direction was issued on 15 September 2010 enabling Council to levy up to \$62,100 per lot/dwelling. It was acknowledged that the [Section 94](#) Plan has not been reviewed since 2008 and had not accounted for the additional dwellings that resulted from the 2010 Planning Framework.

On 13 May 2011, the then Minister for Planning and Infrastructure issued a further direction to Council exempting Council from the \$20,000 cap and permitting Council to levy up to \$62,100 per lot/dwelling in Warriewood Valley. The Minister's letter also reminded Council:

"It is expected you will continue with the review of the Contributions Plan as required by the Local Contributions Review Panel in July 2009. Any draft plan should be consistent with the findings of the Review Panel and the Warriewood Valley Study."

Findings of Warriewood Valley Strategic Review 2012

In April 2011, Council, in partnership with the then Department of Planning and Infrastructure (DP&I), undertook a strategic review of all undeveloped lands in [the](#) Warriewood Valley Release Area following a recommendation by the Planning Assessment Commission (PAC) when it determined a Part 3A application for 14-18 Boondah Road, Warriewood in January 2011. The review was overseen by a probity auditor and informed by a suite of consultant studies. The review resulted in the co-authored Warriewood Valley Strategic Review Report 2012 (Strategic Review Report 2012) [and was subsequently endorsed by the Director-General of DP&I.](#)

Critically, the review was informed by an economic feasibility study, the Warriewood Valley Economic Feasibility Study.³ Assuming a contribution amount of \$50,000 per lot/dwelling (\$2011/12), the study found that:

"Low density residential (i.e. small lot housing and townhouse dwellings) generally offer better viability given the lower construction cost and sale values. As a rule of thumb, for small lot housing and townhouse development (above ground parking), minimum dwelling density thresholds should be at 30 dwellings per hectare."⁴

Based on this advice, the Strategic Review Report 2012 recommended increasing the density of certain undeveloped lands to 32 dwellings per hectare, whilst reducing the contribution rate to \$50,000 per dwelling/lot.

[In May 2013, the](#) ~~The~~ Strategic Review Report 2012 was endorsed by the Director-General of the then DP&I ~~in May 2013~~ and ~~was~~ subsequently adopted by Council on 12 June 2013. The strategy forecast a total of 2,510 dwellings and 32.68 hectares of industrial/commercial development across potentially 199 hectares of land. Council was advised that with the exception of the Community Facilities element (which [at the time](#) would involve an extension to the existing facility rather than replacement), the cumulative impact of the additional

³ Hill PDA (2011).

⁴ Ibid, 28.

PREAMBLE

dwellings resulting from the increase in density and additional infrastructure commensurate with the added dwellings, and the revised contribution rate starting at \$50,000 (base year 2011/12) to be indexed annually would not impact Council's ability to deliver the remaining infrastructure. In adopting the Strategic Review Report, a subsequent review of the Section 94 Plan was earmarked as a priority. Following the adoption of the Strategic Review Report in June 2013, work commenced to revise and update the Section 94 Plan.

In 2014, in finalising the review of the Section 94 Plan, Hill PDA was requested to review their advice from 2012 to ensure this was still current. HillPDA, having revised their initial recommendation, recommending that a base contribution rate of \$55,000 (\$2011/12) would be viable in light of significant improvements in the residential market in the period since their original advice had been prepared.

Findings of Warriewood Valley Strategic Review Addendum Report 2014

In 2014 a review of the undeveloped properties not afforded a dwelling yield or planning direction under the Strategic Review Report 2012 was completed by Council. This review, known as the *Warriewood Valley Strategic Review Addendum 2014* (Addendum Report 2014), confirms those properties capable of development opportunity and refined the Release Area boundary. This resulted in an additional 17 dwellings being expected within the Release Area.

A total of 2,451 dwellings were anticipated in Warriewood Valley at the time, having accounted for those sectors unlikely to develop to its maximum permissible density where environmental or other constraints exist. Based on the expected number of dwellings, the total population anticipated in Warriewood Valley at the time was 6,618 people (based on household occupancy rate of 2.7 persons per dwelling).⁵ Industrial/commercial development will occur on 32.68 hectares of land already zoned for this purpose.

Following the completion of the Strategic Review Report 2012 and Addendum Report 2014, a major review of the *Warriewood Valley Section 94 Contributions Plan (Amendment 16)* was undertaken by Council. Based on the findings of both studies, the Plan was revised with a residential contribution rate commencing at \$55,000 (\$-2011/12). A contribution rate for commercial and industrial development was derived from this rate. This base contribution rate was required to fund the range of infrastructure in the works schedule and ensure a balanced financial position at the anticipated finalisation of development in the Release Area.

Exemption from section 94 cap

On completion of the Warriewood Valley Strategic Review and the review of the *Warriewood Valley Section 94 Contributions Plan* (resulting in the revision known as Warriewood Valley Section 94 Contributions Plan No 15, Amendment No 16, Revision 1), the Minister for Planning and Environment issued a further section 94E direction on 22 February 2015 revoking the earlier direction of 13 May 2011.

⁵ Australian Bureau Statistics 2011, *2011 Census*.

PREAMBLE

This revocation direction effectively permits Council to levy beyond the previous cap of \$62,100 per new lot/dwellings in Warriewood Valley. The earlier section 94E direction exempting the Plan from the \$20,000 cap remains in force.⁶

⁶ Section 94E Direction issued 28 August 2012.

PREAMBLE

Cessation of certain elements

Sufficient funds have been collected to fund the works associated with certain elements of this Plan, namely the provision of public library facilities, bushfire protection works and Apollo Street facilities. As such, contributions toward these elements are no longer required. Works associated with the provision of public library facilities, bushfire protection works and Apollo Street facilities have already been completed (refer to Appendix A), while works associated with provision of bushfire protection infrastructure are still to be completed (refer to Appendix B).

Works associated with the Ponderosa Parade Precinct were forward-funded in 1990 to facilitate development of the Stage 1 Release (refer to Appendix A). Contributions attributed to the Ponderosa Parade Precinct works are still being collected.

Summary elements within the Works Schedule

This plan has adopted a single works schedule made up of the following elements:

- Traffic and transport,
- Multi-functional creek line land acquisition,
- Multi-functional creek line works,
- Public recreation and open space,
- Pedestrian and cycleway network,
- Community facilities,
- Bushfire protection, and
- Plan management and implementation.

Each element contains a list of the proposed works items. Further information on the works schedule, including cost estimates of each proposed works item is provided in Appendix B.

Summary of the remaining expenditure

The works to be provided by funds generated by this Plan are summarised in Table 1.1. Refer to Section 3.0 for more detail on each plan element. The individual projects and timing is specified in the works schedule at Appendix B.

Table A: Summary of works schedule

Element	Remaining expenditure	Percentage (%)
Traffic and transport	\$18,030,744 <u>12,502,020</u>	27.29 <u>26.62</u>
Multi-functional creek line corridor (rehabilitation works)	\$7,818,040 <u>5,750,290</u>	11.83 <u>12.24</u>
Multi-functional creek line corridor (land acquisition)	\$3,810,699 <u>6,144,411</u>	5.77 <u>13.08</u>
Public recreation and open space	\$27,503,353 <u>15,440,883</u>	41.63 <u>32.88</u>
Pedestrian and cyclist network	\$2,383,122 <u>1,433,664</u>	3.61 <u>3.05</u>

~~AUGUST 2018~~APRIL 2022

PREAMBLE

Community facilities	\$4,983,917 <u>4,900,144</u>	7.54 <u>10.43</u>
Bushfire protection	\$561,022 <u>100,000</u>	0.85 <u>0.21</u>
Administration and plan management	\$976,363 <u>694,071</u>	1.48 <u>1.48</u>
Total	\$66,067,260 <u>46,965,483</u>	

PREAMBLE

Summary of contribution rates by development type: ~~2017/18~~2021/22 to ~~2021/22~~2025/26

Table B: Summary of contribution rates by development type

Development type	Contribution rate 2018/19		Contribution rate 2019/20	Contribution rate 2020/21	Contribution rate 2021/22	Unit
Residential	\$66,245		\$67,967	\$69,734	\$71,548	per dwelling/lot
SEPP Seniors Living (independent living)	\$58,107		\$59,617	\$61,167	\$62,758	per dwelling/lot
SEPP Seniors Living (residential aged care and nursing homes)	\$5,945		\$6,099	\$6,258	\$6,421	per bed
Business Parks and Industrial Estates (outside of Ponderosa Parade)	\$148		\$152	\$156	\$160	per square metre
Business Parks and Industrial Estates (within Ponderosa Parade)	\$202		\$207	\$212	\$218	per square metre
Commercial Development in Residential Zoned Land		Contribution dependant on type of development proposed and relevant trip generation rate as per Section 2.4 of this Plan.				
Development type	Contribution rate <u>2021/22</u>	Contribution rate <u>2022/23</u>	Contribution rate <u>2023/24</u>	Contribution rate <u>2024/25</u>	Contribution rate <u>2025/26</u>	Unit
<u>Residential*</u>	<u>\$71,087</u>	<u>\$72,466</u>	<u>\$73,872</u>	<u>\$75,305</u>	<u>\$76,766</u>	per dwelling/lot

~~AUGUST 2018~~APRIL 2022

10

PREAMBLE

<u>SEPP Seniors Living (independent living)</u>	<u>\$62,571</u>	<u>\$63,785</u>	<u>\$65,023</u>	<u>\$66,284</u>	<u>\$67,570</u>	<u>per dwelling/lot</u>
<u>SEPP Seniors Living (residential aged care and nursing homes)</u>	<u>\$8,381</u>	<u>\$8,543</u>	<u>\$8,709</u>	<u>\$8,878</u>	<u>\$9,050</u>	<u>per bed</u>
<u>Business Parks and Industrial Estates (outside of Ponderosa Parade)</u>	<u>\$205</u>	<u>\$209</u>	<u>\$213</u>	<u>\$218</u>	<u>\$222</u>	<u>per square metre</u>
<u>Business Parks and Industrial Estates (within Ponderosa Parade)</u>	<u>\$230</u>	<u>\$235</u>	<u>\$239</u>	<u>\$244</u>	<u>\$249</u>	<u>per square metre</u>
<u>Commercial Development in Residential Zoned Land</u>		<u>Contribution dependant on type of development proposed and relevant trip generation rate as per Section 2.4 of this Plan.</u>				

*Note: The residential contribution rate also applies to secondary dwellings.

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

Part B: Management of the Plan

1.0 INTRODUCTION

1.0 Introduction

1.1 Name of this Plan

This Plan is called the *Warriewood Valley ~~Release Area Section 94 Contributions Plan~~ (Amendment 16, Revision ~~34~~) 2022*.

1.2 Purpose and objectives of this Plan

The primary purpose of this Plan is to enable Council to levy payment of a monetary contribution, a dedication of land, or, in lieu thereof, to accept the provision of material public benefits (including the dedication of land) or the carrying out of works in kind, towards the provision, extension or augmentation of services and facilities that will, or are likely to be, required as a consequence of development in Warriewood Valley.

Accordingly the objectives of this Plan are to:

- Provide the framework for the efficient and equitable determination, collection and management of development contributions towards the provision of services and facilities;
- Ensure that adequate public services and facilities are provided as part of any new development within a reasonable timeframe;
- Ensure that the existing Northern Beaches community is not unreasonably burdened by the provision of public infrastructure required (either fully or in part) as a result of the ongoing development and re-development of Warriewood Valley;
- Provide an overall strategy for the co-ordinated delivery of services and facilities consistent with Council's strategic intent;
- Provide a comprehensive and transparent strategy which is implemented for the assessment, accounting and review of development contributions made under provisions of the Environmental Planning and Assessment Act (EP&A Act) and Environmental Planning and Assessment Regulation (EP&A Regulation) for Warriewood Valley ~~Release Area~~; and
- Indicate a program of works and expenditure for the provision of public services and facilities required as a result of development.

1.3 When does this Plan commence?

This Plan takes effect from the date the notice of Council's decision to adopt the Plan is published on its website, or on a later date specified in the notice on which public notice was published (pursuant to provisions of the EP&A Regulation).

Development applications determined on or after this date will be subject to the provisions of this Plan.

1.4 Land to which this Plan applies

This Plan applies to land within and adjacent to the Warriewood Valley Release Area, as identified in Figure 1. This land is referred to in this Plan as the Warriewood Valley catchment.

~~AUGUST 2018~~ APRIL 2022

14

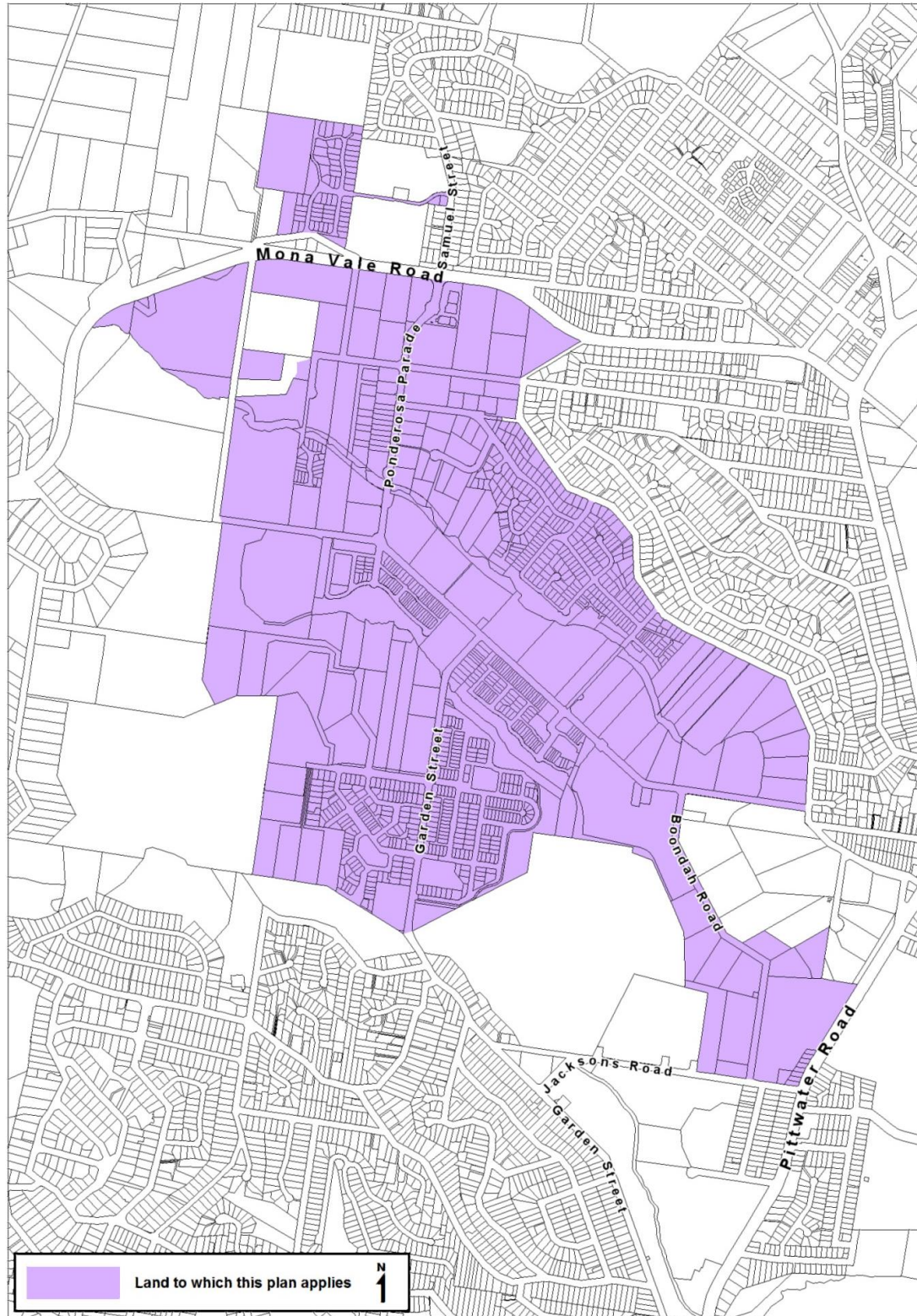
1.0 INTRODUCTION

As certain properties outside of the Release Area directly access the Warriewood Valley road network and therefore place a demand on the amenities, facilities and services provided for under this Plan, Council will also levy development that occurs on this land.

Residential development on land outside of the Warriewood Valley catchment is subject to a separate contributions plan.

1.0 INTRODUCTION

Figure 1: Land to which this plan applies



1.0 INTRODUCTION

1.5 Development to which this Plan applies

This Plan applies to all residential, commercial and industrial development that would result in a commensurate increase in demand for infrastructure and services of the type provided for by this Plan. This includes:

- Residential development, including land subdivision, which would result in the creation of additional private lots/dwellings,
- Commercial and light industrial development within areas designated for such development,
- Other commercial development within areas designated for residential development.

Where development is of a type not specifically stated in this Plan that will result in demand for local infrastructure and services, Council will determine an appropriate contribution rate based on the rates specified in this Plan.

1.6 Operation period of this plan

This Plan provides an administrative framework for the provision of local infrastructure and services up to the end of the ~~2021/22-2030/31~~ financial year.

Infrastructure funding and provision is driven by income and is dependent on timing of the development of the Release Area. This Plan will be monitored and subject to annual reviews to take account of projected growth, the community's needs, cost of local infrastructure and services and progress in providing scheduled works. The projects identified in this Plan will be undertaken as funds become available; ~~with section 94 and if necessary,~~ contributions ~~may be~~ pooled with other Council funding sources and where available, grant funding sources. For this reason the operation period of the Plan may be adjusted to suit.

1.7 Relationship with other plans and policies

On 12 May 2016, Northern Beaches Council was formed through the amalgamation of Pittwater, Warringah and Manly Councils. This Plan is taken to be a Plan applying to part of the new Northern Beaches Council. This Plan repeals and replaces the *Warriewood Valley ~~Section 94 Contributions Plan – Plan No. 15 (Amendment 16) (Revision 23)~~* adopted by Northern Beaches Council on ~~31 January 2017~~ 28 August 2018.

This Plan is consistent with Council's adopted strategic framework for the Warriewood Valley Release Area⁷ and complements ~~the~~ *Pittwater Local Environmental Plan 2014, Pittwater 21 Development Control Plan, Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain) ~~November 2016~~2018* and *Warriewood Valley Roads Masterplan ~~May 2016~~2018*. However, developers and owners should check all relevant Council plans and policies for further information and development standards that may relate to their site.

⁷ Warriewood Valley Strategic Review Report and Strategic Review Addendum Report.

1.0 INTRODUCTION

1.8 Savings and transitional arrangements

A Development Application lodged prior to this Plan being adopted and not yet determined will be determined in accordance with the [Section 94](#) Contributions Plan in force at the date of determination of the Development Application. This criterion applies notwithstanding the date of lodgement of the Development Application.

~~AUGUST 2018~~ [APRIL 2022](#)

18

1.0 INTRODUCTION

1.9 Definitions

The definitions relating to this Plan not stated below have the same definition as those contained in the Council's LEP and DCP.

Applicant means the person, company or organisation submitting a Development Application.

ABS means the Australian Bureau of Statistics.

Base year refers to 2011/12 when the major review of this Plan was completed.

Contribution means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in provisions of the EP&A Act relating to development contributions.

Council means Northern Beaches Council.

CPI^(A) means the All Groups Consumer Price Index (Sydney) as published quarterly by the Australian Bureau of Statistics.

CPI^(F) means the forecast CPI ~~(June on June)~~ as published by ~~BIS Shrapnel Economic Forecast~~ Deloitte.

DCP means a Development Control Plan adopted by Council.

Embellishment means the enhancement of any public facility provided by the council by the provision of services, facilities or works.

EP&A Act means the Environmental Planning and Assessment Act 1979, as amended.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2000, as amended.

LEP means a Local Environmental Plan made by the Minister under Section 70 of the EP&A Act.

LGA means the Northern Beaches Local Government Area.

Planning agreement means a planning agreement referred to in the provisions of the EP&A Act 1979.

PPI means the Producer Price Index (Road and Bridge Construction NSW) as published by the Australian Bureau of Statistics.

SEPP Seniors Living means SEPP (Housing for Seniors and People with a Disability) 2004.

Works Schedule means the schedule of public facilities and services for which development contributions may be required. It also includes the likely timing of provision of those public facilities based on projected rates of development.

1.0 INTRODUCTION

≡

Where a definition is not contained in this Plan, the LEP or DCP then the following documents, in order of preference, shall be used to determine the meaning of the word.

1. The ~~EP&A~~ Environmental Planning and Assessment Act;
2. The ~~EP&A~~ Environmental Planning and Assessment Regulation;
3. Other Acts and Regulations of the NSW Parliament; and
4. The latest edition of the Macquarie Dictionary.

2.0 ADMINISTRATION & OPERATION

2.0 Administration and operation of this Plan

2.1 How does this Plan operate?

Section 7.11 of the EP&A Act permits a consent authority to levy developers to provide or assist in providing new public facilities and services required as a result of new development. The mechanism to require the contribution is through the development assessment or complying development process.

In determining a development application or issuing a complying development certificate, a consent authority may impose a condition of development consent requiring the payment of a monetary contribution, ~~and/or the~~ dedication of land in accordance with the provisions of this Plan.

This Plan identifies the contribution rate applicable to various forms of development and the infrastructure that will be delivered via ~~developer~~ contributions collected under this Plan.

The parameters and assumptions used to calculate the contribution rate and the future works schedule are dynamic. As a result, this Plan will be reviewed periodically.

Contributions made under this Plan are monitored and managed by a financial model developed by Council. Information on the contributions received, and details of how these contributions have been applied toward the provision of infrastructure described in this Plan, will be reported in Council's annual financial statement. A register of contributions received under this Plan is maintained by Council and available on request.

2.2 Section 94E Direction

This Plan is exempt from the monetary contributions cap imposed by the then Minister for Planning and Environment on 22 February 2015 issued ~~formerly~~ under section 94E of the EP&A Act (now Section 7.17 of the EP&A Act), permitting Council to levy beyond the previous cap of \$62,100 per new lot/dwellings⁸ in Warriewood Valley.

2.3 How will contributions be imposed?

In accordance with the EP&A Act, development contributions under this Plan will be imposed as a condition of development consent or as a condition on a Complying Development Certificate⁹.

2.4 How is the contribution amount calculated?

⁸ Ministerial Direction issued 13 May 2011.

⁹ Prescribed condition in Schedule 6A of the SEPP (Exempt and Complying Development Codes) 2008: Evidence of payment of contributions - Sufficient evidence must be provided to the principal certifying authority before works begin to reasonably satisfy the principal certifying authority that any contribution required to be paid under section 7.11 or 7.12 of the Act in respect of the development has been paid.

2.0 ADMINISTRATION & OPERATION

2.4.1 Attributes of the financial model

This Plan utilises a future cash flow model to calculate the contribution amount. The purpose of the financial model is to provide Council with a tool to calculate developer contributions and to allow Council to test the impact of changes to key assumptions to inform its decision making processes over the life of the plan.

Council's contributions model matches future estimated income streams against future estimated infrastructure and land acquisitions, applying assumptions on anticipated investment return on funds held in reserve and movements in forecast [Consumer Price Index \(CPI\)](#) and [Producer Price Index \(PPI\)](#). The model aims to achieve an overall annual balanced financial position throughout the life of the Plan in order to minimise financial risk to Council.

Income

The model calculates estimated income based on projected development over the remaining timeframe multiplied by the applicable contribution rate. For residential development, the model calculates contributions on a per dwelling/lot basis. For commercial/industrial development, contribution rates are calculated on a square metre basis, utilising the total developable area of the site (total site area minus any creek line corridor land).¹⁰

The contribution rate is indexed annually from the base year (2011/12). As discussed previously in Part A, based on the findings of the Strategic Review Report 2012, this Plan has adopted a base residential rate of \$55,000 (2011/12). A contribution rate for commercial and industrial development is then derived from the adopted residential rate based on the infrastructure demand generated by this form of development.

The index rate applied is a three year average of forecast annual CPI.¹¹ Due to changes in the forecast CPI, a forecast indexation rate of ~~2.61.94%~~ from ~~2017/18~~[2021/22](#) onwards has been modelled.

For the purpose of anticipating investment return, the model estimates interest based on the prior year's cumulative closing balance multiplied by an estimated annual interest rate.¹²

Expenditure

The plan has adopted a singular works schedule. The model consolidates all proposed works items into one overall summary plan to enable Council to obtain an overall picture of land acquisition, works and plan management costs across the life of the plan. For the purpose of indicating how funds will be allocated, the model groups expenditure in elements. Further information on the works schedule including more detailed cost estimates is provided in Appendix B.

For works, Council's approach to cost estimation is to seek professional cost estimates (internal and external). Cost estimates are formulated on the basis of design, material costs, contract costs, build costs and associated project

¹⁰ Creek line corridor land is defined as the area of land 25 metres from the creek centreline.

¹¹ ~~BIS Shrapnel Economic Forecast~~[Deloitte forecast.](#)

¹² ~~BIS Shrapnel Economic Forecast~~[Deloitte forecast.](#)

2.0 ADMINISTRATION & OPERATION

management costs and where possible are based on current ~~IPART Local Infrastructure Benchmark Costs Report 2014, prepared by IPART. benchmark costs for infrastructure.~~ The last review of works costs was undertaken in ~~2015/16~~ October 2021.

For land acquisition costs, estimates are sought from independent land valuers. Land acquisition costs are indexed in the same manner as infrastructure works. Valuations of creekline corridor land were last undertaken in ~~June 2015~~ February 2022, while valuations for active open space acquisition were undertaken in June 2017.

The model calculates estimated future expenditure by indexing the budgeted expenditure to the projected year of expense, resulting in future year dollar expenditure. The indexation is applied annually from the year following the latest expenditure review date.

For works and land acquisition the indexation rate used is ~~4.022~~ 4%. This figure represents a 3 year average of the ~~NSW Public Works Building Price Index Producer Price Index (Road and Bridge Construction NSW) (BPI)~~ between ~~2015/16 to 2017/18~~ 2019/20 to 2021/22,¹³ plus a 0.6% allowance for risk in cost inflation.

Initial cost estimates and land valuations prepared for the purposes of this Plan will be regularly reviewed.

2.4.2 Apportionment between different development types

The model recognises that different development types have different demand for infrastructure. The contribution rate applying to different development types has been calculated based on the expected demand for infrastructure generated by the particular form of development. This approach ensures that contribution rates for all forms of development are equitable and reasonable.

Land in the Warriewood Valley Release Area is zoned for a variety of land uses, including R3 Medium Density Residential, ~~IN2 Light Industrial and B7 Business Park and employment zones.~~ This Plan recognises that different development types create different demand for infrastructure. As such, the requirement to contribute to the range of infrastructure planned to be delivered under this Plan varies depending on form and location of the proposed development. This requirement has been determined on the basis of the demand likely to be generated by the proposed development.

Table 1 below outlines the development required to contribute toward each infrastructure element. As shown in Table 1, certain development types do not contribute toward particular elements as it is considered that there is no reasonable nexus between the development and the infrastructure need to require a contribution toward these elements. Contributing development types are discussed in further detail in the proceeding chapters in relation to each plan element.¹⁴

¹³ ~~ABS - Producer Price Index (Road and Bridge Construction NSW Dec)~~ NSW Public Works Building Cost Index Dec 2017.

¹⁴ Refer to Part D: Strategies to Provide Public Facilities and Services.

2.0 ADMINISTRATION & OPERATION

In addition, for particular plan elements, a specific adjustment is undertaken in recognition of the different level of demand generated by different forms of development. These adjustments are undertaken for the traffic and transport element and the pedestrian and cyclist network element. This is discussed in further detail below.

Table 1: Summary of contributing development

Element	Development Type				
	Residential Development	SEPP Seniors Living (Independent living and serviced self-care housing)	SEPP Seniors Living (<u>Assisted Living e.g. Residential care facility/Nursing homes</u>)	<u>Business Park and Light Industrial Development Generating Employment in Employment Lands</u>	Commercial Development in Residential Areas (including childcare centres)
Traffic and transport	✓ *	✓ *	✓ *	✓	✓ *
Multi-functional creek line corridors	✓	✓	✓	✓	✓
Community facilities	✓	✓	✗	✗	✗
Public recreation and open space	✓	✓	✗	✗	✗
Pedestrian and cycleway network	✓ *	✓ *	✗	✓	✓ *
Ponderosa Parade drainage	✗	✗	✗	✓ **	✗
Administration & plan management	✓	✓	✓	✓	✓

* Except development in Sectors 20, 202 & 203.

** Only development in Sectors 7, 102, 103, 104 and 105.

Calculation of contributions for SEPP Seniors Living (assisted living) developments

Despite being assessed under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, a different contribution rate is applied to assisted living developments (known as residential aged care facilities or nursing homes). This rate is based on the different levels of demand for infrastructure generated by this type of development. Due to the age, health or

2.0 ADMINISTRATION & OPERATION

mobility restrictions of residents in assisted living developments, these residents will not create the same demand for open space, community facilities and pedestrian and cycle infrastructure as other residential development in the Release Area.

The contribution rate for assisted living developments is based on the contributing development identified in Table 1. The contribution for applicable works elements is derived from the residential contribution rate and the percentage of indexed total remaining expenditure identified in Table A.

The methodology to calculate contributions for assisted living developments utilises:

1. For the ~~multifunctional~~ Multifunctional creek-Creek corridor-Corridor element (both creek land and works) and ~~plan~~ Plan administration Administration, an apportionment is applied as a result of the reduced occupancy rate for an assisted living development (1 resident per bed) as compared to other residential development in Warriewood Valley (2.7 residents per dwelling regardless of the number of bedrooms); and
2. The ~~traffic~~ Traffic and ~~transport~~ Transport element of the residential dwelling contribution rate is apportioned by the relevant RMS trip generation rate detailed in Table 2.

The sum of these apportioned infrastructure element rates provides the total payable contribution per bed for assisted living developments.

Calculation of contribution toward Traffic and Transport element

The contribution toward the Traffic and Transport element for each development type is determined utilising the relevant trip generation rate as published by the NSW Roads and Maritime Services (RMS).¹⁵

Based on the prevailing residential rate for Traffic and Transport an adjustment is applied to ascertain a contribution rate for other development types.

As the majority of development within the Warriewood Valley Release Area is expected to be residential, a base rate of 9 vehicle movements per day per dwelling (the RMS standard for a single residential dwelling) has been adopted with no adjustment being applied. For other forms of development, an adjustment factor has been applied to ensure an equitable contribution rate is levied for different development types (Table 2 below outlines this adjustment methodology).

¹⁵ NSW Transport (2002) *Guide to Traffic Generating Developments*; NSW Transport (2013) *Technical Direction TDT 2013/04a*.

2.0 ADMINISTRATION & OPERATION

Table 2: Calculation of contribution toward Traffic and Transport element

Development Types	RMS Trip Generation Rate (vehicles movements per day)	Adjustment Factor (as a % of the prevailing residential contribution toward Traffic and Transport)*
Residential (base)	9 per dwelling	No adjustment
SEPP Seniors Living developments:		
Independent living dwellings	5 per dwelling	$5/9 \times 100 = 55\%$
Assisted living residences		
(i) Serviced self-care housing	2 per dwelling	$2/9 \times 100 = 22\%$
(ii) Residential care facilities/Nursing homes	0.64 per bed	$0.64/9 \times 100 = 7\%$
Commercial Development in Residential Areas	To be determined based on RMS Guidelines.	-
Industrial and commercial (business parks and industrial estates)	4.6 per 100 sqm (or 18.4 per 400 sqm)*	$18.4/9 \times 100 = 204\%$

* For the purpose of ~~the~~ this calculation, this Plan adopts an average lot size of 400 m² for a single dwelling, based on an average density of 25 dwellings per hectare across the Release Area.

Calculation of contribution toward Pedestrian and Cyclist Network

This Plan recognises that although commercial and industrial development across Warriewood Valley will generate a need for Pedestrian and Cyclist facilities, this demand will not be to the same magnitude as residential development. As planning authorities within New South Wales have not yet established direct ratios for generation and provision of pedestrian and cyclist facilities for users of commercial and industrial areas, Council has applied an adjustment based on daily utilisation.

It is considered that while residents have access to pedestrian and cyclist facilities 7 days a week, generally workers within commercial and industrial developments will only have access to these facilities 5 out of 7 days a week (71% of the week). Given their reduced call on the provision of these facilities, commercial and industrial developments will levied at 71% of the residential contribution toward this element.

2.0 ADMINISTRATION & OPERATION

2.5 When are the contributions payable?

Council's policy in relation to the timing of payments of monetary contributions required under this Plan is as follows.

2.5.1 Developments involving Land Subdivision only

Payments are required under this Plan prior to the issue of any Construction Certificate (including excavation) for the carrying out of any subdivision works; or prior to the issue of the Subdivision Certificate where no Construction Certificate is required, ~~including excavation.~~

Where the land subdivision will create a lot to accommodate multiple dwellings being constructed on this lot, and the actual quantum of dwellings is unknown (i.e. not part of the development consent for the land subdivision), the development contribution is not to be applied to this lot at this time. The contribution must be applied at the time when ~~Council~~ the consent authority consents to the actual number of dwellings to be constructed on this lot.

If land subdivision is approved under a Complying Development Certificate the prescribed condition in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 must be imposed and requires payment of all relevant contributions prior to the commencement of any works.

2.5.2 Other Developments that require a Construction Certificate

For all other developments, including the construction of multiple dwellings on a single parcel of land, monetary contributions required under this Plan will be payable prior to the issue of any Construction Certificate for the development, including any excavation.

For Complying Development Certificates, the prescribed condition in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 must be imposed and requires payment of all relevant contributions prior to the commencement of any works authorised by the approval.

2.5.3 Developments involving both Subdivision and Building Works

Development contributions are payable to Council prior to the issue of any ~~Payment is to be made before the release of a~~ Construction Certificate or release of a Subdivision Certificate, whichever occurs first.

Where the land subdivision works will create a lot to accommodate multiple dwellings being constructed on this lot, and the actual quantum of dwellings is unknown (i.e. not part of the development consent for the land subdivision), the ~~Section 94~~ contribution will not to be applied to this lot at this time. The contribution will be levied at the time when ~~Council~~ the consent authority consents to the actual number of dwellings to be constructed on the lot.

For Complying Development Certificates, the prescribed condition in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 must be imposed and requires payment of all relevant contributions prior to the commencement of any works.

2.0 ADMINISTRATION & OPERATION

2.5.4 Other developments not requiring the issuing of a Construction Certificate (other than Complying Development Certificates)

Payment is to be made prior to the issuing of the first Occupation Certificate (interim or final) or commencement of the use, whichever occurs first.

2.4.5 Staged developments

Where a development is proposed to take place in stages, in order to provide certainty in cash-flow and minimise risk, Council will require the payment of contributions to coincide with the ~~proposed~~ approved construction/development staging. In this way, for each approved development stage and before issue of any Construction Certificate or Subdivision Certificate (whichever occurs first) applicable to that stage, payment of contributions will be made to Council based on the quantum of lots/dwellings or floorspace approved for that stage, requiring payment of the relevant contributions prior to the issue of any Construction Certificate or Subdivision Certificate (whichever occurs first) for each stage.

2.6 How are the contributions to be paid?

The EP&A Act provides that development contributions may be met by payment of a monetary contribution, the dedication of land, the carrying out of works in kind or the provision of some other material public benefit or any combination of these methods. Each of these methods is considered a form of payment.

As detailed in Chapter 5, this Plan authorises the dedication of creek land to Council. A condition of consent will be imposed requiring the dedication of identified land to Council. The value of this creek land will be recognised in the calculation of the monetary contribution imposed via a condition of consent.

If a developer proposes the delivery of infrastructure within the Plan's works schedule in their development application, if approved, these works will be included in the conditions of consent and stamped plans. The developer may submit an offer to enter into a planning agreement (see below) to seek a reduction in the applicable monetary contribution for these works.

2.6.1 Monetary contribution

The usual means of satisfying a condition of consent requiring a development contribution is via a monetary contribution. Payment must be in the form of cash, debit or credit card, or bank cheque.

2.6.2 Planning Agreements

An Applicant may choose to negotiate a planning agreement with Council under the provision of the EP&A Act. This agreement may involve a proposal to dedicate land, carry out works in kind and/or provide a material public benefit.

Contributions through a planning agreement may be additional to or in lieu of paying a contribution in accordance with a condition of development consent authorised by this Plan. This will be a matter for negotiation with Council. The offer to enter into the planning agreement, together with a copy of the draft agreement should (where possible) accompany the relevant Development Application or Planning Proposal.

2.0 ADMINISTRATION & OPERATION

The EP&A Act and the EP&A Regulation require a draft planning agreement to be exhibited concurrently with a Development Application or a Planning Proposal where practicable. In order to satisfy these criteria, the applicant must notify Council of its preference to negotiate any non-monetary payment of development contributions prior to the lodgement of any Development Application. A planning agreement seeking to reduce the applicable monetary contribution must be executed prior to the payment of the monetary contribution to Council.

If the Council does not agree to enter into the planning agreement, it may grant consent subject to a condition authorised by this Plan requiring the payment of a contribution. Council may also agree to enter into a planning agreement that does not exclude the application of this Plan.

Planning Agreements involving land dedication

Chapter 5 of this Plan authorises the dedication of creek land to Council. A condition of consent will be imposed requiring the dedication of identified land to Council. The value of this creek land will be recognised in the calculation of the monetary contribution imposed via a condition of consent.

Where a planning agreement ~~involves seeks~~ the dedication of land to Council that is not identified within this Plan, a planning agreement is required to facilitate this dedication. ~~the~~ An assessment of the Offer to enter into a planning agreement will be undertaken to determine if there is a sufficient public benefit. The estimated value of the land will be negotiated as part of the planning agreement, taking into account the unique characteristics of the land and the circumstances of the transfer, including but not limited to:

- The extent to which development potential has been lost or retained, wholly or partly,
- Whether the land has been identified by any adopted policy of Council including, but not limited to this Plan. However, in the case of land not targeted in this plan, Council will also assess the potential impact on the achievement of the identified works schedule,
- The size, shape, location, accessibility and topography of the land proposed to be dedicated,
- Whether the land adjoins an existing area of open space and can be readily consolidated into that area and/or if the land will create or improve accessibility within the area,
- Any factors which may affect the usability of the land such as soil condition, flood liability, possible site contamination, public accessibility and safety, proximity to existing uses, current use of the land, cost of embellishment or construction of the proposed facility, impact on this Plan's works schedule, measures required to fence and maintain the land in the event that works cannot be carried out for some time, and the like,
- The degree to which the identified land can satisfy the purpose for which the contributions has been sought, and
- The on-going costs to Council of care, control and management both prior to and after any improvement works are carried out on the land.

2.0 ADMINISTRATION & OPERATION

Material Public Benefits

2.6.4 Material Public Benefits

Council may accept an offer by the applicant to provide a material public benefit (other than the dedication of land) in lieu of the applicant satisfying its obligations under this Plan in a development consent. The offer of a material public benefit may include an offer by the applicant a proposal to complete part or all of a works item identified in the Plan (also known as works in-kind). Council is under no obligation to accept a material public benefit offer and in considering any such offer, will assess the benefits to Council and the community.

In accepting a material public benefit ~~other than works in-kind~~, Council must be satisfied that the offer provides a substantial benefit to the community not envisaged by the Plan and that this benefit warrants Council accepting responsibility to fulfil the Plan notwithstanding a reduction in expected cash contributions. Material public benefit proposals must be formally agreed to by Council and documented in a formal ~~written agreement~~ planning agreement.

~~Works in-kind relate to the undertaking of works of specific or equivalent work specified in the Plan and are therefore more readily capable, in comparison to other types of material public benefits, of providing benefit to the community. Works in-kind agreements must also be formally agreed by Council and documented in a formal written agreement.~~

~~Council may review the valuation of works offered and may seek the services of an independent person to verify the costs.~~

Proposals for material public benefits can accompany a development application or can be made after the grant of development consent but before the monetary contribution is paid. In these scenarios, the following will be accepted:

- a) If, during the assessment of a development application the material public benefit is accepted by Council, a Planning Agreement will need to be prepared. Concurrently, Council will acknowledge its acceptance of the Applicant's proposal via a condition of consent setting out that:
 - i. A Planning Agreement is to be entered into between the Applicant and Council in regard to the material public benefit; and
 - ii. The monetary contribution payable under the 7.11 will stipulate the values of the agreed material public benefit; and
 - iii. Once a Planning Agreement is executed, the agreed reduced cash contribution can be paid.
- b) Following receipt of development consent and before the monetary contribution has been paid to Council, the developer may seek to offer a material public benefit as a way to reduce the monetary contribution payable to Council. If accepted by the Council, the Planning Agreement must be entered into and executed ~~If a material public benefit is accepted by the Council the written agreement must be entered into before~~ payment of the development contribution becomes due under the development consent. The development contribution will then be adjusted at the time of payment to reflect the value of the material public benefit under the agreement, as determined by Council.

2.0 ADMINISTRATION & OPERATION

~~If a material public benefit is accepted by Council during the assessment of a development application, Council will acknowledge its acceptance of the Applicant's proposal via a condition of consent which sets out the adjustment to be made to the monetary contribution once an MPB agreement is entered into. Once a formal written agreement is entered into, the agreed reduced cash contribution can be paid.~~

The cost of verifying the cost of works and preparing the draft Planning agreement Agreement will be at the expense of the Applicant.

2.0 ADMINISTRATION & OPERATION

2.7 Adjustment of contribution at time of payment

To ensure that the value of the contribution is not eroded over time, Council will adjust the contribution amount at the time of payment to account for movements in CPI^(A).

Contributions required as a condition of development consent will be adjusted at the time of payment in accordance with the latest CPI^(A) as published quarterly by the Australian Bureau of Statistics, using the following formula:

$$\text{Contribution at time of payment} = C \times \frac{\text{CPI}^1}{\text{CPI}^2}$$

Where:

- C = The original contribution amount as shown on the development consent.
- CPI¹ = The CPI (Sydney – All Groups) as published by the ABS for the financial quarter at the time of payment.
- CPI² = The CPI (Sydney – All Groups) as published by the ABS for the financial quarter at date of issue of development consent.

Contributions may also be adjusted to reflect Council's acceptance of any material public benefit proposed after the issue of development consent in accordance with part 2.6.4 of this Plan.

2.8 Can deferred or periodic payments be made?

~~No. Council does not accept deferred or periodic payment of monetary Section 94 contributions. may be permitted in certain circumstances subject to consideration of a written application to Council before the payment is due.~~

~~Any agreement to defer or periodically pay monetary contributions will generally be limited to 12 months from the standard payment date. In deciding whether to allow deferred or periodic payment of a monetary contribution, Council will take into consideration the following matters:~~

- ~~• The reasons provided by the applicant requesting a deferred or periodic payment;~~
- ~~• Whether prejudice will be caused to the community deriving benefit from the services being provided under this Plan;~~
- ~~• Whether allowing the deferred or periodic payment is likely to prevent the public services and facilities being provided to meet the demands of development in a timely manner;~~
- ~~• Whether the applicant can provide Council with adequate security to mitigate any risk in relation to the deferred or periodic payment; and~~
- ~~• Any other circumstance considered relevant by Council.~~

~~If Council decides to accept deferred or periodic payment, it will require the applicant to provide a bank guarantee subject to the following:~~

2.0 ADMINISTRATION & OPERATION

- ~~The bank guarantee must be in Australian dollars from a major Australian trading bank and in the name of Northern Beaches Council,~~
- ~~The bank guarantee must have no end date, be unconditional and irrevocable and be in favour of Northern Beaches Council,~~
- ~~Interest will apply to the contribution and will be calculated from the date the Construction Certificate is issued until the date of payment and will compound quarterly,~~
- ~~The interest rate is to be determined by Council based on prevailing bank bill market rates of up to 12 months,~~
- ~~The bank will guarantee an amount equal to the total contribution, or the outstanding contribution, plus the interest that would be accrued over the deferral period, plus any charges associated with establishing or operating the bank security,~~
- ~~The bank must pay the guaranteed sum without reference to the applicant or landowner or any other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development,~~
- ~~The bank's obligations are discharged when payment to Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required, and~~
- ~~Council is also entitled to claim any charges associated with establishing or operating the bank security. The applicant is to be provided with the details of any such expenses.~~

~~If Council agrees to deferred or periodic payments, arrangements relating to the payment will not take effect until the applicant has entered into a formal written agreement with Council reflecting the terms of the approval. The costs of preparing such an agreement will be paid for by the applicant.~~

A Ministerial Direction titled *Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payment 2020)* was issued on 25 June 2020. This Direction allows the deferral of contributions to the Occupation Certificate stage of a development if certain criteria are met. This Direction does **not** apply in any of the following circumstances:

- The estimated cost of the proposed development is less than \$10,000,000.
- The development application concerned is for the subdivision of land that will result in the creation of additional lots, as well as for the erection of a building or a change of use of an existing building.
- The proposed development is the subject of an application for a Complying Development Certificate.

Applicants should review the Ministerial Direction on the Department of Planning and Environment's website.

2.9 Obligations of accredited certifiers in issuing certificates

2.0 ADMINISTRATION & OPERATION

2.9.1 Construction Certificates

In accordance with ~~Clause 146 of~~ the EP&A Regulation, a certifying authority must not issue a Construction Certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council ~~in accordance with clause 142(2) of the EP&A Regulation.~~

The only exceptions to the requirement are where a work in kind, material public benefit and/or dedication of land arrangement has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.9.2 Complying Development Certificates

An accredited certifier must ensure that a condition is imposed regarding the payment of a development contribution, in accordance with the EP&A Regulation.

Schedule 6A of the SEPP (Exempt and Complying Development Codes) 2008 stipulates the following prescribed condition that is to apply before works commence:

Evidence of payment of contributions - Sufficient evidence must be provided to the principal certifying authority before works begin to reasonably satisfy the principal certifying authority that any contribution required to be paid under section 7.11 or 7.12 of the Act in respect of the development has been paid.

If an accredited certifier fails to comply with this requirement, Council may impose the necessary condition on the Complying Development Certificate and it has effect as if it had been imposed by the accredited certifier.

2.10 Modifications to Development Consents

Any subsequent modification to an issued development consent does not alter the original date of consent. Any formal application to modify a development consent that will alter the contributions due and payable will be taken to authorise a change to the development contributions consent condition(s).

As outlined below, the procedure is different depending on whether the original contribution has, or has not, been paid.

2.10.1 Where the Original Contribution has not been paid

If the contribution levied on the original consent has not yet been paid, the contributions are recalculated in their entirety. The revised consent condition will replace the original condition.

2.10.2 Where the Original Contribution has been paid

2.0 ADMINISTRATION & OPERATION

If the contribution levied on the original consent has been paid, the procedure is different since it is not reasonable to apply the CPI inflation to that part of the contribution which has been paid. Given that payment generally occurs at the release of the Construction Certificate, it is also likely that the development will be under construction.

In these circumstances, the development for which contributions have been paid is considered to be the existing (under construction) development. This approved development will be credited as the existing development for the purposes of the recalculation.

The proposed amendments are the proposed development and only the net additional contribution is charged at the current CPI. In this circumstance an additional condition will be inserted alongside the original condition because the additional contribution does not supersede or obviate the obligation to pay the original contribution.

No refunds will be provided as all contributions are committed to Council's works schedule.

2.11 Exemptions for Certain Types of Development

Certain types of development are exempt from the requirement to make a contribution towards provision or improvement of facilities or services. These types of development are listed below. Council acknowledges that these development types provide a public benefit that outweighs the increase in demand for services generated by the new population. This Plan does not apply to the following types of development:

- ~~Secondary dwellings are exempt in accordance with Council's resolution of 20 October 2008.~~
- ~~For the purposes of~~ local infrastructure under this Plan or another contributions plan prepared under Section 7.13 of the EP&A Act;
- That in the opinion of Council does not increase the demand for the categories of local infrastructure addressed by this Plan; and
- ~~For which development contributions will not be levied in accordance with a~~ Where a Ministerial direction ~~Direction has been issued~~ by the Minister under Section 7.17 of the EP&A Act.

2.11.1 Temporary Uses

Where a use is of an interim or temporary nature (less than 12 months) and subject to a time-limited consent which will expire, then contributions will be calculated but will be suspended – meaning no payment is due at activation of the consent. If a subsequent development application is lodged to continue the use, contributions will be due and payable notwithstanding the short-term existence of the use.

2.12 Accountability and management of funds

2.12.1 Accounting standards and contributions register

2.0 ADMINISTRATION & OPERATION

Council is required to comply with a range of financial accountability and public access to information requirements in relation to development contributions. These are addressed in the EP&A Regulation and include:

- Maintenance of, and public access to, a contributions register,
- Maintenance of, and public access to, accounting records for contributions receipts and expenditure,
- Annual financial reporting of contributions,
- Public access to contributions plans and supporting documents.

Separate accounting records are maintained for all development contributions received by Council. A contributions register is maintained by Council in accordance with the EP&A Regulation. This information is available on request.

2.12.2 Treatment of funds received prior to the commencement of this Plan

Funds levied and received under the ~~previous superseded versions plans listed in Section 1.7~~ of this Plan will be used to deliver infrastructure and services of the same infrastructure category identified under this Plan.

2.12.3 Investment of funds

To maintain the time value of monetary contributions received under this Plan, Council will invest these funds until the time of expenditure for the purpose for which they were received.

Council will report all investment returns as part of its annual financial accounts. All investment returns will be retained within the development contributions account to be used exclusively for the purpose for which the original contribution was made.

2.12.4 Pooling of contributions

This Plan expressly authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for other purposes as determined from time to time based on the Release Area's infrastructure requirements.

2.12.5 Goods and Services Tax

At the time of preparing this Plan, the position of the Australian Taxation Office was that the payment of development contributions made under the EP&A Act is exempt from the Goods and Services Tax (GST).

Items in the works schedule of this Plan have been calculated without any GST component.

2.13 Review of Plan and Contribution Rates

Council acknowledges the need to periodically monitor and review this Plan. For this reason, the contribution rate and works schedule will be subject to a number of reviews to take account of such matters as community needs, costs of public facilities and services and extent of development, affordability of contributions and progress in providing scheduled works.

2.0 ADMINISTRATION & OPERATION

Any amendments to this Plan as a result of the review process (other than as outlined in Section 2.14 of this Plan) will be publicly exhibited in accordance with the requirements of the EP&A Regulation.

2.14 Review of Plan without the Need for Public Exhibition

Pursuant to the EP&A Regulation, Council may make minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections, amendments to rates resulting from changes in the indexes adopted by this Plan, and the update to include the omission of details concerning works that have been completed.

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

Part C: Need for Public Facilities and Services

3.0 NEED FOR PUBLIC FACILITIES & SERVICES

3.0 Need for Public Facilities and Services

3.1 Expected development

It is expected that Warriewood Valley will fulfil its role in assisting to meet the demand for Sydney's Greenfield residential, industrial, and commercial needs. Council will levy all development in the Warriewood Valley catchment area which generates the need for additional facilities and services. This includes development approved pursuant to SEPP (Seniors Living) which will be levied development contributions in accordance with this Plan.

It is estimated that residential development in Warriewood Valley Release Area will:

- Provide for ~~2,394~~2,078 dwellings in a variety of housing types including detached dwellings, attached dwellings and multi dwelling housing.
- House an additional ~~6,464~~5,611 persons (this assumes that the SEPP Seniors Living development will be a minor component to the overall population).

It is estimated that industrial and commercial development in Warriewood Valley Release Area will:

- Occupy 32.68 hectares.
- Include light industry, industrial units, high quality office and possibly high technology development and other development not deemed residential that is permissible within the zones.

In addition, it is expected that some ancillary commercial development will occur in areas designated for residential development. This development could include child care centres, neighbourhood shops and veterinary hospitals.

3.2 Characteristics of future population

In line with demographic trends it is expected that the Warriewood Valley Release Area will continue to have similar characteristics to that which have been provided in the 2011 Census (as the area has been released since the late 1990's) and similar release areas in Sydney. It is also intended that the Warriewood Valley Release Area will continue to deliver a range of dwelling types and sizes that facilitates housing choice and meet the diverse needs of the future community. Based on these assumptions, it is estimated that the future population will have similar characteristics to the existing population in Warriewood Valley:

- Preschool and primary school children (0 to 11 years old) make up a large proportion of the population (higher than former Pittwater LGA average).
- Adults are aged primarily 35 to 45 years and comprise approximately 23.78 per cent of the population.
- Larger percentage of 'Frail aged' persons aged over 85 years old (3.8% compared to 2.7% for the former Pittwater LGA).
- Lower proportion of young adults (18 to 24 years old) than the former Pittwater LGA.

3.0 NEED FOR PUBLIC FACILITIES & SERVICES

- Significant representation of couples with children (42.5% of households) and the proportion of couples without children was 23.6% compared to 26.9% in the former Pittwater LGA.
- Lower proportion of lone households (17.8% of households) and group households (18.8% of households) than the former Pittwater LGA.
- High proportion of households that have a mortgage (42.1%) compared to the former Pittwater LGA (36.9%).
- Significant proportion of the population is employed (97.6%) and 2.3% unemployed compared with 96.5% and 3.5% respectively for the former Pittwater LGA.
- 19.8% of the population earned a high income, (those earning \$1,500 per week or more) and 26.8% earned a low income (those earning less than \$400 per week)., compared with 21.1% and 28.2% respectively for the former Pittwater LGA.
- Most significant occupations were professionals (23.5%); managers (17.3%) and clerical and administrative workers (16.7%).
- Larger proportion of people born overseas, as well as a larger proportion of people from a non-English speaking background compared to the former Pittwater LGA.¹⁶

3.3 Meeting the needs of the incoming population

To meet the needs of the existing and future population, Council has developed a set of planning principles and criteria for the sustainable development of Warriewood Valley. The planning principles have been developed from existing planning policy and community aspirations articulated in the strategic framework for Warriewood Valley. Planning controls for the future development of Warriewood Valley are contained within the following key planning documents:

- Relevant State Environmental Planning Policies
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan.

Council's future focus for delivery of facilities and services, and therefore its administration of developer contributions, accord with the planning principles in these documents.

Council is committed to promoting sustainability across all areas of the community. Council defines this as delivering, social, cultural and environmental systems that operate in harmony for the benefit and wellbeing of all residents. The objective is to enable residents to enjoy a good quality of life in an active and vibrant community. Council's role in the provision of public facilities and services all contribute to the collective and individual wellbeing of the community. Council aims to provide access and equity to all facilities and services for all members of the Warriewood community.

¹⁶ .id (2011) Warriewood – Ingleside suburb data.

3.0 NEED FOR PUBLIC FACILITIES & SERVICES

As a result of environmental studies and infrastructure audits carried out as part of the planning framework for the Warriewood Valley, a range of public facilities and services have been identified as being required to satisfy the anticipated demands of the expected population. Such facilities and services will benefit the future population of the Warriewood Valley Release Area and are required as a consequence of development taking place. Having regard to the level of public facilities and services already available and the characteristics of the expected population, it will be necessary to provide additional:

- Traffic and transport facilities;
- Multi-purpose creek line corridors;
- Public recreation and open space areas,
- Pedestrian and cyclist links;
- Community facilities; and
- Bushfire protection facilities (*Note: Contributions no longer required however works still to be delivered*).

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

Part D: Strategies to provide Public Facilities and Services

4.0 TRAFFIC & TRANSPORT STRATEGY

4.0 Traffic and Transport Strategy

4.1 Introduction

This section identifies the traffic and transport measures required to service and link the future community of Warriewood Valley. The ultimate road and transport network was developed through an integrated design process focused on access and servicing considerations to ensure a high quality public domain and walking/cycling accessibility. Accessibility and circulation are central to the efficient functioning of the Warriewood Valley Release Area and surrounding neighbourhoods and are identified as specific design principles underpinning the plan for Warriewood Valley. These principles are:

- The Warriewood Valley Release Area will cater for the safe, efficient and orderly movement and transfer of people and goods to, from and through the area;
- The proposed traffic and transport network will have due regard to, and where possible integrate effectively with, the existing environmental amenity and environmental assets in the Release Area
- The proposed road hierarchy will be compatible with and integrate with proposed land use in a manner which will best service the whole of the Release Area;
- The proposed traffic and transport network is to promote the environmentally sustainable transport modes including cycling, walking and public transport and should be planned in a manner which minimises reliance on the use of private motor vehicles; and
- The proposed traffic and transport network will ensure that the existing community is not burdened by the provision of infrastructure required as a result of the development.

Consistent with these principles, the future residential development within the Warriewood Valley catchment provides for major improvements to the existing road network. New access arrangements are required to connect the new development to the external main road system as well as the provision of a network of minor roads to provide local area access and connectivity.

4.2 Nexus and future demand

The forecast population growth will result in considerable growth in vehicular traffic on many roads including those for which Council has responsibility. This traffic growth will create a need for various new or improved road and traffic management facilities.

Consequently, the nexus for road and traffic management facilities can be clearly established. Council has undertaken various investigations of the requirements for road upgrading to meet the future needs of the Release Area.

The volume and characteristics of expected traffic growth is directly related to land use. Manuals such as the *Roads and Traffic Authority's Guide to Traffic Generating Developments (RTA 2002)* clearly demonstrate the nexus between development and

4.0 TRAFFIC & TRANSPORT STRATEGY

traffic increases. It provides traffic generation rates by land use type including residential, industrial, retail and recreational activities.

Council's aim is to ensure there is capacity on all roads and at major intersections for trips generated by new development. The *Warriewood Valley Roads Masterplan as amended* (Roads Masterplan) outlines the standard for road infrastructure for the Warriewood Valley catchment. The main components of the Roads Masterplan include:

- A road network comprising five classes of roads (see Table 3 below),
- Pedestrian and cyclist facilities provided as part of the road network, and
- A public transport network consisting of bus routes and bus stops.

Table 3: Road Hierarchy

Road Hierarchy Classification	Performance Criteria	Existing Streets to be Upgraded
Sub-Arterial Road	Carry most traffic in the release area. Approximately 10,000 vehicles per day.	Ponderosa Parade, Jacksons Road, MacPherson Street, Warriewood Road (south-east of intersection with Macpherson Street), Garden Street.
Collector Road	Provides for access between sectors and links to Local Streets within sectors. Approximately 5,000 vehicles per day.	Boondah Road, Orchard Street, Jubilee Avenue, Daydream Street, Foley Street, Vineyard Street, Warriewood Road (north-west of intersection with Macpherson Street).
Local Street	Serves internal traffic within a development site, individual sector or buffer area and has a traffic volume between 300 and 2,000 vehicles per day.	Fern Creek Road
Access Street	Serves internal traffic within a development site, individual sector or buffer area and has a traffic volume of less than 300 vehicles per day.	N/A
Laneway	Provides rear access to dwellings within a development site, individual sector or buffer areas and has a traffic volume of less than 300 vehicles per day.	N/A

4.0 TRAFFIC & TRANSPORT STRATEGY

Originally, the *Traffic and Transportation Study* (Urban Research and Planning Pty Ltd Nov 1997) predicted that the Warriewood Valley Release Area would generate an additional 31,000 vehicle trips per day based on an acceptable Level of Service B (average). Estimations indicate that the network can accommodate up to 44,000 vehicle trips per day with a reduced Level of Service for the AM and PM peak demands. *The Strategic Transport Report for Warriewood Valley* (AECOM, 2011), informing the Strategic Review undertaken by Council and the Department of Planning estimated that the network can accommodate the resultant increase in residential development based on assumption that the intersection upgrades identified in the *Warriewood Valley Roads Masterplan* are completed. All key intersections will operate within capacity and are at acceptable levels of service in the am and pm peaks; having minimal impact on the intersection performance of the arterial and collector road network.

The increased travel demand derived from the future development of the Warriewood Valley will generate the need for:

- New and/or augmented traffic facilities to promote the permeability and connectivity of the road network to the surrounding arterial road system and within Warriewood Valley;
- The upgrading of road intersections and sections of roads to provide the required road network that promotes the efficient, safe and orderly movement of people and goods;
- The provision of safe access to and from Mona Vale Road by the broader Warriewood Valley catchment;
- Improved connectivity of the road network to facilitate access and promote low travel times/distance to and from Warriewood Valley;
- Bus connections and emergency vehicles access;
- Improved and safer access to the schools within and adjacent to Warriewood Valley;
- A series of traffic calming measures along roads adjacent to and within Warriewood Valley to mitigate the negative impact of increased traffic generated by the future development on the safety and amenity of the area;
- Speed control measures to minimise pedestrian conflict and safeguard residential amenity;
- The provision of facilities that promote reduced reliance on private motor vehicles and the use of more environmentally sustainable transport modes including public transport, cycling and walking; and
- Provision of emergency access routes during major flood events.

In addition to the above, the impacts and the capacity of roads are to be managed via the provision of traffic calming devices at appropriate locations within the Release Area. The devices include:

- Traffic signals;
- Roundabouts;
- Carriageway narrowing incorporating landscaping;
- Pedestrian/cyclist refuges and medians;
- Channelised intersections;

4.0 TRAFFIC & TRANSPORT STRATEGY

- 3 tonne load limits on residential streets; and
- Vehicle speed controls through appropriate design.

Intersections and their proposed traffic management controls have also been designed to allow efficient, safe and orderly movement of traffic. Safe vehicular movement will be enhanced by the provision of appropriate line marking for vehicle turning bays, bus stop bays and kerb parking areas. The proposed residential precincts will be defined by “gateway” threshold treatments that may also include roundabouts. In addition to the above there is an identified need for major road crossings over creeks to be upgraded for emergency access and evacuation purposes. These are: -

- MacPherson Street (east) at Narrabeen Creek - to be raised to allow access in the 1% AEP storm event; and
- Boondah Road at Narrabeen Creek - to be raised to allow access in the 5% AEP storm event.

The acquisition of land will also be required to improve road alignment and accommodate necessary traffic calming infrastructure. All costs associated with the acquisition of land to enable the provision of traffic and transport facilities are accounted for under this Plan.

4.2.1 Reconstruction of roads directly fronting development sites

Developments fronting existing or planned public roads will be required to construct/reconstruct these roads, incorporating any necessary pedestrian and cyclist infrastructure, as part of the subdivision approved development works associated with the land. These works are deemed necessary to provide safe access for the development, and are requirements imposed via conditions of development consent. The responsibility for funding this work lies solely with the developers of these sites.

These works do not form a part of the works funded under by this Plan, and as such the responsibility for funding this work lies solely with the developers of these sites. These requirements will be imposed via conditions of development consent.

4.2.2 Deletion of works from this strategy sites

There are some works previously identified in the Warriewood Valley Contributions Plan Amendment 16, Revision 3 2018 (superseded by this Plan) which, after further in depth analysis, have been removed for the following reasons:

- Item 28E Path (Foley Street, Jubilee Street to Mona Vale Road) – this item will be provided through Council's adopted Walking Plan programme.

4.3 Contributing development

All development on land identified in Figure 2 will contribute toward the cost of delivering the Traffic and Transport Strategy.

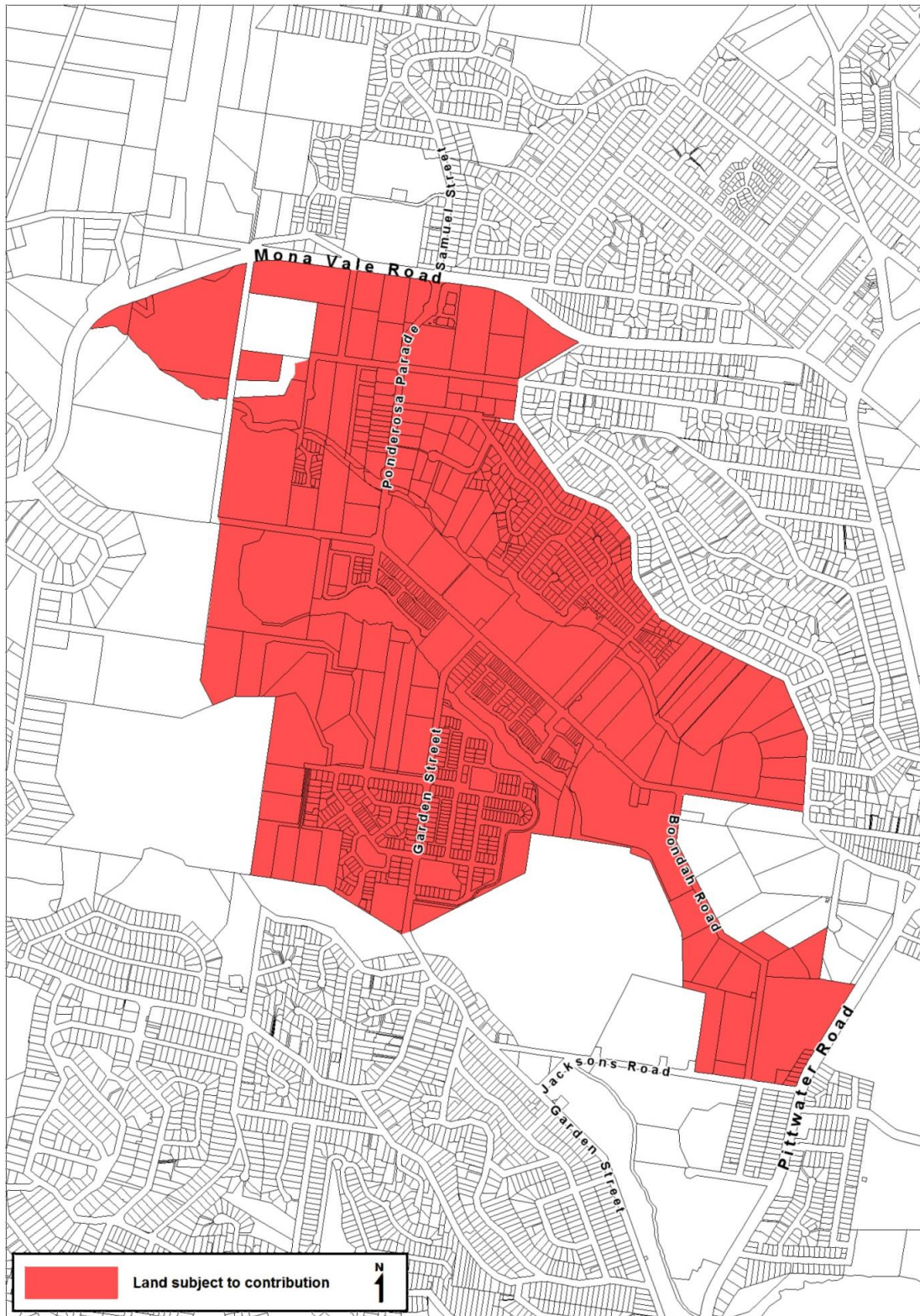
4.0 TRAFFIC & TRANSPORT STRATEGY

Sectors 20, 202 and 203 are not included because of their isolated location to the north of the Release Area. Development in these sectors will be required to provide any traffic and transport facilities generated by the development. These requirements will be determined by Council at the development assessment stage.

120 and 122 Mona Vale Road were included in the Warriewood Valley Release Area following a review in 2014. Vehicular access to these properties from Mona Vale Road has been restricted by the RMS. Vehicular access will be via the existing local road network in the Release Area. Development on these properties will be required to contribute to the items in the Traffic and Transport Strategy.

4.0 TRAFFIC & TRANSPORT STRATEGY

Figure 2: Land subject to Traffic and Transport Strategy



AUGUST 2018 ~~APRIL 2022~~

50

4.0 TRAFFIC & TRANSPORT STRATEGY

4.4 Apportionment

The need to provide the traffic and transport works identified in this Plan is generated by the development of Warriewood Valley. The works have been identified in response to the demand for those facilities likely to be generated by the new residents and commercial/ industrial development in Warriewood Valley.

Being an urban release area traffic and transport works are considered essential in order to allow the proposed development to occur and will primarily benefit the Warriewood Valley community. It is therefore appropriate that all development within Warriewood Valley be subject to the full cost of providing these facilities.

As discussed at section 2.4 of this Plan, the contribution amount toward the Traffic and Transport Strategy is adjusted based on the proposed form of development and the relevant RMS trip generation rate. This adjustment is discussed in detail at section 2.4 of this Plan.

4.5 Reasonableness

A core requirement of a Development Contributions Plan is that contributions must be reasonable. A contribution for traffic and transport works is considered to be reasonable as it levies for the needs of new residents to ensure efficient, effective and safe movement of the Warriewood Valley community. Conversely, it would not be reasonable to burden the broader Northern Beaches community with the financial responsibility of providing infrastructure benefiting the residents of Warriewood Valley.

4.6 Works schedule

The traffic and transport works already completed are listed in Appendix A of this Plan. The traffic and transport works still to be completed is listed in Appendix B.

5.0 MULTI-FUNCTIONAL CREEK LINE CORRIDOR STRATEGY

5.0 Multi-functional Creek Line Corridor Strategy

5.1 Introduction

New development generally results in an increase in impervious surfaces, leading to higher levels of urban stormwater runoff and increased transfer of pollutants from urban to natural environments.

The Warriewood Valley catchment drains to Narrabeen Lagoon. While individual site development impacts on downstream drainage systems are unlikely to be significant, the cumulative effect of uncontrolled development within the Warriewood Valley catchment will adversely affect downstream drainage capacity and water quality. In Warriewood Valley this may lead to an exacerbation of existing flooding problems and possible further deterioration in downstream water quality. On this basis, it is reasonable to require a contribution toward drainage and flood management facilities that are required as a result of the development of the Release Area.

A strategy for environmental protection and water and flood management in Warriewood Valley has been created to facilitate provision of drainage and floodway infrastructure to service Warriewood Valley. This strategy includes the purchase and rehabilitation of land along Narrabeen Creek and Fern Creek as well as an area of land within Sector 1 for the purpose of water detention and flood conveyance.

The key objectives of this Strategy are:

- Provide natural drainage corridors to manage stormwater runoff as it leaves the development site;
- Provide drainage corridors that carry flows up to the 1% Annual Exceedance Probability (AEP) flood event;
- Protect down-stream properties from local flooding as a result of development of the Release Area;
- Enhance long-term environmental conditions of the receiving waters including the Warriewood Wetlands and Narrabeen Lagoon;
- Conserve and maintain integrity and quality of remnant native vegetation along creek lines to provide a functioning habitat for birds and native flora;
- Introduce and enhance wildlife corridors and establish riparian vegetation along Narrabeen and Fern Creeks;
- Protect and restore a range of aquatic habitats within the creeks;
- Preserve and enhance the existing environmental values of Warriewood Valley; and
- Provide for environmentally sustainable use of creek line corridors.

Note this Strategy is concerned with the management of water as it leaves the development site, having already been appropriately detained and treated. The infrastructure funded and delivered under this Strategy does not negate the need for developments to provide their own water detention and water quality facilities on-site.

5.0 MULTI-FUNCTIONAL CREEK LINE CORRIDOR STRATEGY

5.2 Nexus and future demand

As described at section 5.1, new development in the Warriewood Valley catchment will result in an increase in impervious surfaces. The impact of urban development on flow regimes, erosion and siltation, and flooding can be substantially reduced by adopting stormwater management techniques that are focused on continuing the function of the natural drainage system. Future development in the Warriewood Valley catchment will result in the need to manage the quantity and quality of stormwater run-off both up and down stream of development,¹⁷ protect properties from flooding and safeguard the integrity of ecosystems in the catchment.

The overall aim of this strategy is to provide a network of multi-functional creek corridors along Narrabeen Creek, Fern Creek and Mullet Creek primarily for conveyance of stormwater and the 1% AEP flood event. In addition the creek line corridors will provide flora and fauna habitat and linkages, assist in water quality treatment, and contain cyclist and pedestrian facilities (refer to Section 7.0 of this Plan) linking the Warriewood escarpment with Warriewood Wetlands and Narrabeen Lagoon.

The delivery of the multi-functional creek line corridor strategy comprises two components: -

- Rehabilitation and reconstruction of the creek line; and
- Dedication of creek line corridor land.

The pedestrian and cycleway network proposed to be incorporated in the creek line corridor will facilitate connectivity across the Warriewood Valley catchment. As a result of the recreational utility of the creek line corridor network, 30% of the total creek line corridor land area has been included in the overall open space area calculations (resulting in 4.8-17 hectares of creek line corridor land being attributed to passive open space – refer to section 6.0 of this Plan).

5.2.1 Additional creek line corridor now included in Strategy

Following the rezoning and inclusion of 120-122 Mona Vale Road in the Warriewood Valley Release Area in 2014, the creek line corridor land that forms part of ~~these 120 Mona Vale Road sites~~ has been included in this Strategy.

~~These areas~~ This section of creek line corridor ~~are~~ is identified in this Plan. As this creek line section is located on steep and not easily accessible terrain, Accordingly, the rehabilitation and reconstruction of the upper reaches of Narrabeen Creek is not funded by this Plan. Accordingly, for the purpose of calculating the area of passive open space, the upper reaches of Narrabeen Creek have also been excluded from the open space land area calculations set out in Chapter 6.0 - Public Recreation and Open Space Strategy.

¹⁷ Stormwater run-off enters the creek system either directly where development is located adjacent to the creek system or indirectly via piped/open channel stormwater systems where development is not located adjacent to the creek system.

5.0 MULTI-FUNCTIONAL CREEK LINE CORRIDOR STRATEGY

~~Through this strategy, creek line areas will be rehabilitated and reconstructed to assist in water conveyance and protect the new urban development from flooding. The creeks will comprise a natural formation with pools, riffles and rapids to maintain creek line flow and water levels in adjacent wetlands and will be designed in accordance with the Warriewood Valley Water Management Specification. They will also be constructed to contain the 1% AEP flow.~~

5.2.2 Land to be dedicated under this Plan

This strategy comprises the dedication of creek line corridor land to ensure the long-term success of the creek network. As part of this strategy, an inner 50 metre corridor (25 metre wide either side of creek centre line) will be brought into public ownership to ensure efficient and consistent management of the creek, flora and fauna habitat, and the cyclist and pedestrian facilities. In addition to this, an outer 25 metre landscaped buffer to remain in private ownership is to be maintained on both sides of the inner corridor to support habitat and assist in stormwater and water quality management.

At the completion of this strategy, the total area of the creek line corridor land in public ownership will be 16.71 hectares (see Figure 3).

With respect to development sites which partially comprise creek line corridor land, Council will require, by condition of consent, a 25 metre wide corridor to be dedicated to Council as part of the development. The value of this land will directly offset the total monetary contribution payable. Table 4 lists the remaining properties with creek line corridor land required to be dedicated to Council as well as the value attributed to the creek line corridor land. Creek line corridor land has been valued by a registered land valuer as at June 2015~~February 2022~~. The exact area of creek line land to be dedicated to Council is subject to final plan of subdivision. The areas outlined in Table 4 are not survey accurate.

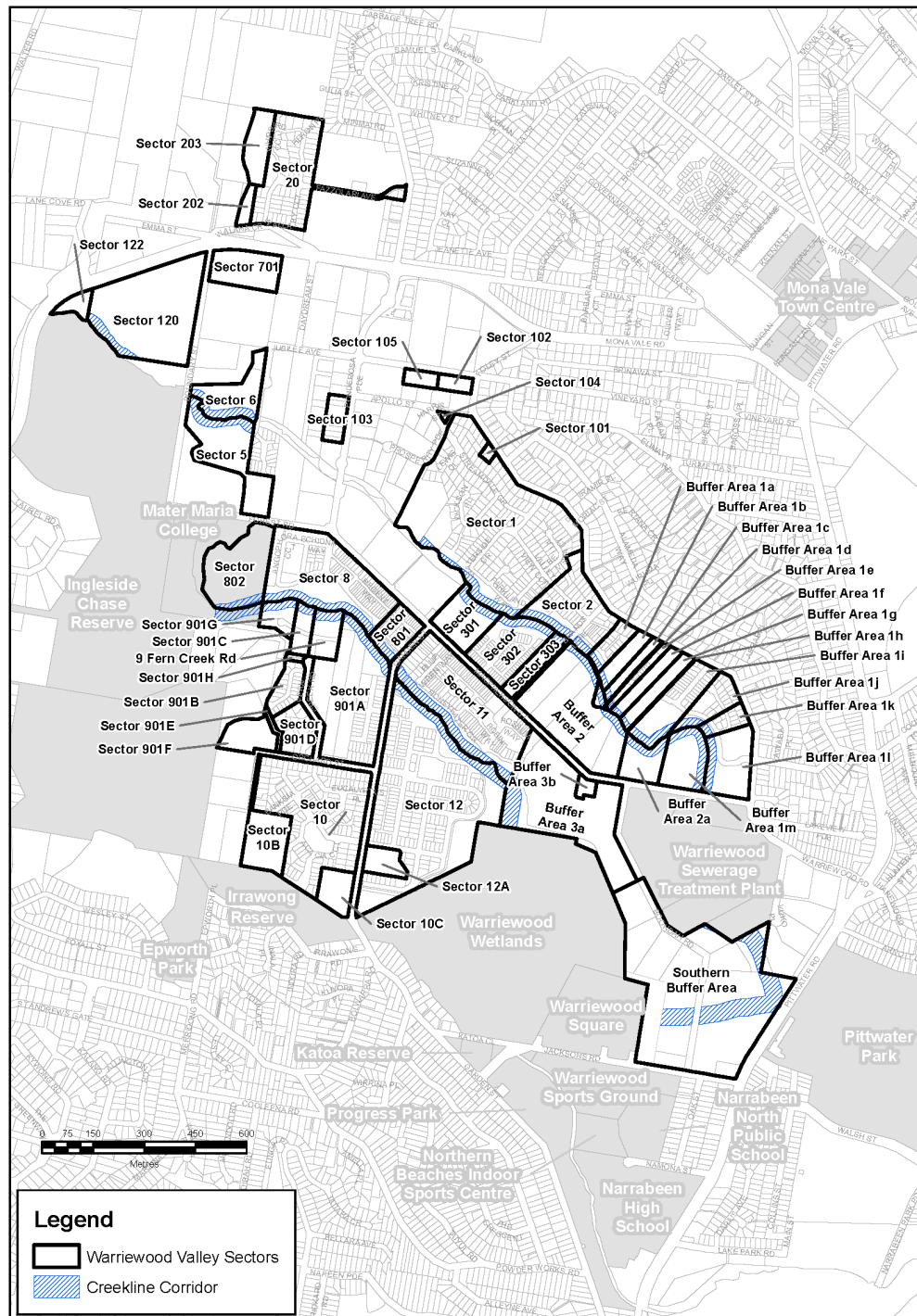
All creek corridor land to be dedicated to Council must be free from weeds and contaminated material. Any remediation works on this land will be at the developer's cost and must be completed and signed off by a professional with relevant qualifications prior to dedication to Council. This will be imposed via conditions of consent.

Creek corridor land is to be dedicated to Council through the release of the Subdivision Certificate. Creek corridor land to be dedicated is to be identified on the linen plan and the Deposited Plan Administration Sheet.

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

Table 4 corresponds with Figure 3 and Appendix B of this Plan.

5.0 MULTI-FUNCTIONAL CREEK LINE CORRIDOR STRATEGY



5.0 MULTI-FUNCTIONAL CREEK LINE CORRIDOR STRATEGY

Table 4: Creek line corridor land to be dedicated

Property	Land to be dedicated (sqm)**	Rate (2018/19-2021/22)*	Land value (2018/19-2021/22)
Sector 501	6,165	\$58.53 150	\$360,848 924,750
Sector 301	3,960	\$150 58.53	\$231,786 594,000
Sector 302	4,344	\$58.53	\$254,262
Sector 303	1,119	\$150 58.53	\$65,497 167,850
Buffer 1b	1,099	\$150 58.53	\$213,348 164,850
Buffer 1c	760	\$150 58.53	\$64,326 114,000
Buffer 1e	443	\$58.53	\$44,484
Buffer 1f	694	\$150 58.53	\$25,930 104,100
Buffer 1g	777	\$150 58.53	\$40,621 116,550
Buffer 1i	4,107	\$58.53	\$45,479
Buffer 1j	2,238	\$146.67****	\$240,390
Buffer 1k	1,070	\$146.67****	\$355,150
Buffer 1l	4,144	\$58.53	\$169,799
Buffer 1m	6,751	\$140 29.27	\$242,556 945,140
Buffer 2a	3,645	\$150 58.53	\$197,574 546,750
Sector 901A - 13 Fern Creek Road	1,493	\$58.53	\$21,949
Sector 901A - 4 Orchard Street	919	\$150 58.53	\$163,596 137,850
Sector 901A - 206 Garden Street	2,945	\$150 58.53	\$155,636 441,750
Sector 901C	1,471	\$58.53	\$86,100
Sector 901G	2,659	\$58.53	\$87,388
Upper Narrabeen Creek - 120 Mona Vale Road	4,531	\$150 29.27	\$53,791 679,650
Upper Narrabeen Creek - 122 Mona Vale Road	2,560	\$29.27	\$172,376

5.0 MULTI-FUNCTIONAL CREEK LINE CORRIDOR STRATEGY

Upper Fern Creek (within Ingleside Chase Escarpment)***	3,430	\$58.53	\$200,764 <u>171,500</u>
Southern Buffer – 3 Boondah Road	375	\$58.53	\$132,604
Southern Buffer – 6 Jacksons Road	2,794	\$58.53	\$74,921
Total	64,493 <u>330,205</u>		\$3,701,474 <u>5,108,740</u>

*Value of creek line corridor land varies across the Release Area based on the utility and condition of the land.

**Exact area of land to be dedicated is subject to final plan of subdivision.

***The purchase of the Upper Fern Creek Corridor in June 2002 was forward funded by Council. Contributions collected under this plan have now been received and are planned to be repaid back to Council (2021/2022) ~~are still to be sought to compensate Council through funds collected under this Plan.~~ The 2022 land valuation has not been applied to this creek line corridor land as the property was already in Council ownership. The repayment is the original purchase price of the land, indexed to the year of the anticipated repayment.

****Development consent issued 10 November 2014. Creekline rate calculated under previous version of this Plan.

5.2.3 Requirements for on-site water quantity and quality maintenance

All developments within the Warriewood Valley catchment will be required to provide water detention and treatment facilities, either on individual lots or on a broad scale area basis, to manage run-off from the development site before it enters the creek network. This requirement is directly generated by the development itself and as a result, the provision of these facilities is not a matter in respect of which any credit will be given against contributions payable under this Plan.

Applicants are advised to refer to the Warriewood Valley Water Management Specification 2001 for guidance on the necessary on-site water quality and quantity requirements.

5.2.4 Deletion of works from this strategy

There are some works previously identified in the Warriewood Valley Contributions Plan Amendment 16, Revision 3 2018 (superseded by this Plan) which, after further in depth analysis, have been removed for the following reasons:

Creek Land

- 6 Jacksons Road

Creek Works

- Item 3.01 on 6 Jacksons Road

5.0 MULTI-FUNCTIONAL CREEK LINE CORRIDOR STRATEGY

This property is not zoned for residential development and is not expected to develop therefore the land is unlikely to come into Council ownership. If the property is developed in the future, creek rehabilitation will be required as a condition of development consent in accordance with planning controls in the LEP and DCP.

Creek land at 122 Mona Vale Road

122 Mona Vale Road was rezoned by the Joint Regional Planning Panel in 2014 and included in the Warriewood Valley Urban Release Area in the Pittwater LEP. There are a number of zones applying to the land including C2 Environmental Conservation which incorporates the creek line corridor land. Council is the nominated acquisition authority for C2 zoned land.

The Warriewood Valley Contributions Plan Amendment 16 Revision 2 only listed creek corridor land on 122 Mona Vale Road for acquisition; not the whole parcel zoned C2 Environmental Conservation.

As residential development is prohibited under the C2 Environmental Conservation zone, the creekline land will not come into Council ownership through a development occurring on this property. It was considered that the Plan should not be burdened with funding the acquisition of the creek line corridor land on this property and has been excluded.

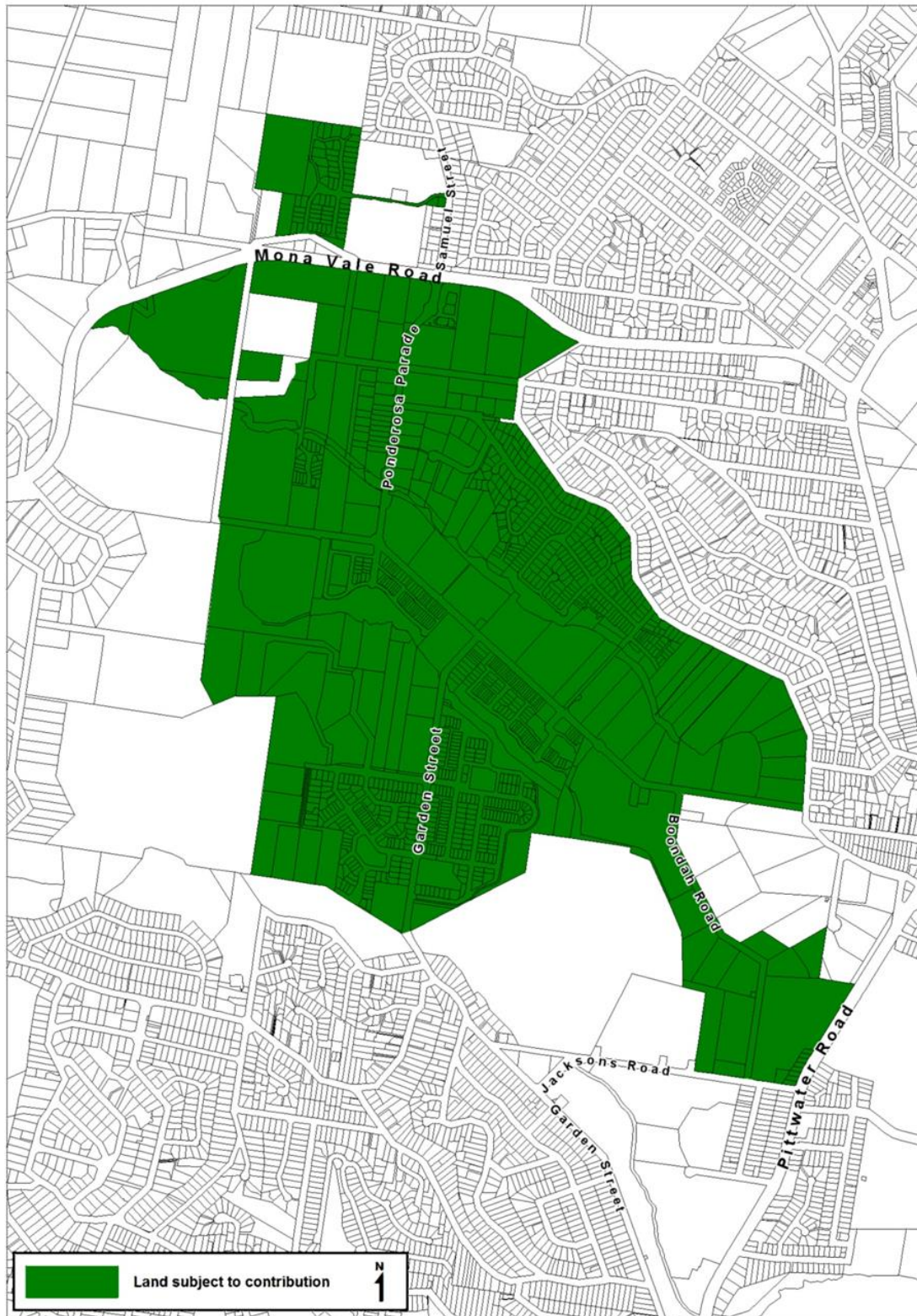
A funding source for the acquisition of 122 Mona Vale Road is still to be identified, and will need to include the creek line corridor land on this property.

5.3 Contributing development

All development on land identified in Figure 4 will contribute towards the cost of delivering the Multi-functional Creek Line Corridor Strategy.

5.0 MULTI-FUNCTIONAL CREEK LINE CORRIDOR STRATEGY

Figure 4: Land subject to Multi-functional Creek Line Corridor Strategy



5.0 MULTI-FUNCTIONAL CREEK LINE CORRIDOR STRATEGY

5.4 Apportionment

The need to provide the multi-functional creek line corridors identified in this part of the Plan is generated by the increase in development across the whole of the Warriewood Valley catchment. It is therefore appropriate that development within the Warriewood Valley catchment be subject to the full cost of providing these facilities.

As discussed at section 2.4.2 of this Plan, the contribution amount toward the creek corridor strategy for residential care facilities is adjusted based on a reduced occupancy rate.

5.5 Reasonableness

The core principle of development contributions is that they must be reasonable. A contribution toward this Strategy is considered reasonable as it will ensure the sustainable management of stormwater generated by the development of the Release Area. Conversely, it would not be reasonable to burden the broader Northern Beaches community with the financial responsibility of providing infrastructure benefiting the residents of Warriewood Valley.

5.6 Works schedule

The land dedication and works already completed are listed in Appendix A of this Plan. The land dedication and works associated with this Strategy that are still to be delivered are detailed in Appendix B.

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

6.0 Public Recreation and Open Space Strategy

6.1 Introduction

The purpose of this section is to ensure that adequate open space is provided throughout Warriewood Valley to meet the needs of an increased population resulting from the development of the Release Area.

The residential development in Warriewood Valley will result in increased demand for recreation and open space facilities. It is expected that a population of the size and nature described in section 3.0 of this Plan will require a range of open space networks to cater for and support the forecast population.

The former Pittwater community strongly supported the conservation and enhancement of the unique environmental qualities of the LGA, as highlighted in numerous studies and community consultation surveys, and further articulated in the *Pittwater Public Space and Recreational Strategy (2014)* (Pittwater Recreation Strategy). This Plan seeks to support these community values and strategic goals by ensuring that the contributions provided from new development go to maintaining and enhancing the unique environment for the benefit of all residents in Warriewood Valley.

The former Pittwater area already provides a range of open space and recreation facilities including a range of facilities for unstructured play and recreation (including picnic areas, playgrounds and walking paths). Parks and open spaces are key components of the environmental, recreation and social infrastructure in all communities. They are used and valued by a wide cross section of residents, from all age groups and socio-economic backgrounds.

The Pittwater Recreation Strategy articulates the strategic framework for the provision of open space and recreational areas for the former Pittwater LGA. The Strategy adopts a standards-based approach of 2.83 hectares per 1000 persons based on the Department of Urban Affairs and Planning *Outdoor Recreation and Open Space Planning Guidelines* (1992) and does not consider land capability or pressures from tourism. The Pittwater Recreational Strategy confirms that there is an existing undersupply of recreation areas in the former Pittwater LGA. Accordingly, the Strategy recognises the importance for the Warriewood Valley Release Area and any release in Ingleside to provide adequate recreation areas and facilities to meet the needs of their incoming populations to ensure that the increase in demand does not further exacerbate the existing shortage of recreation areas within the former Pittwater LGA.

6.2 Nexus and future demand

The provision of public recreation facilities and open space areas benefits the community in a number of ways. Open space provides the venue for many recreational, cultural and social activities and the various types of open space typically provided by local government cater for the differing needs of the community.

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

Public recreation and open spaces are key components of the environmental, recreational and social infrastructure in all communities. They are used and valued by a wide cross section of residents, from all age groups and socio-economic backgrounds.

The former Pittwater LGA is well served, in terms of the everyday needs of its residents, through the provision of local and district parks. In order to ensure the adequate provision of open space and recreational facilities in Warriewood Valley there is a need to identify and purchase land for open space and provide improvements to existing open space areas to increase capacity and provide for the forecast future population.

In order to maintain the present level of service provided, this Plan adopts a two-fold approach to the provision of additional open space and public recreation facilities to meet the additional needs of the incoming population:

- Purchase of strategic land that will contribute to the network of open space currently provided, including land for the purpose of a new park to serve the new population; and
- Embellishment of the existing open space areas.

In determining the future public recreation and open space needs of the community of Warriewood Valley, it has taken into account the anticipated demographic population profile examined in Sections 3.2 and Section 3.3 of this Plan. Generally the profile of new residents moving into Warriewood Valley is expected to be younger than the former Pittwater LGA average. In addition a significant proportion of future residents are also expected to be above the average age of the population. As result there is a need to:

- Provide a significant quantum of open space facilities, offering both passive and active recreation opportunities;
- Ensure that the open space and recreation facilities are of a high quality;
- Provide both neighbourhood and local parks within a 'reasonable' walking distance or in close proximity of future residents;
- Provide sufficient facilities for younger children (aged between 5-10 years old) such as sports fields which will be utilised through junior organised sports (i.e. soccer/football) and off-road cycle ways;
- Provide sufficient facilities for older children and young adults (aged between 10-20 years old). The limited existing recreation opportunities and limited public transport facilities has been identified as two major issues for young people moving into the area. The multi-functional creek line corridors for open space and water management will provide both the opportunity for alternative and safe transport and serve as a recreational area for use by this age group. Multi-use pathways within these corridors provide increased connectivity to district and regional facilities (such as the cinema, Warriewood Square and beaches) and to the main transport routes.
- Ensure adequate recreation facilities are provided for older persons, generally focussed on walking and appreciation of environmental quality. All parks have been developed with strong emphasis on landscaped amenity, facilities for

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

seating and views and to take advantage of environmental settings such as creek lines and associated bushland riparian zones. The open space system has a strong linear design that once accessed allows older users to access all parts of the Release Area off-road via a level, well-lit path with neighbourhood parks located at key intervals. It is envisaged that these parks will become social nodes where all age groups are able to gather while also increasing the Release Area's sense of place.

6.2.1 Strategy for Recreation and Open Space Facilities

The *Demographic and Facility/Service Needs Study for the Ingleside-Warriewood Urban Release Area* (Travers Morgan 1994) identified several issues that needed to be considered in planning for open space and recreation. These strategic issues have been considered and are reflected in this Plan:

- Optimising joint use opportunities with schools and community facilities. Local schools contain extensive areas of open space which historically have not been available to the community for either passive open space or active sports reserves. Council is intensively negotiating with all schools in the area to make this land available to the public out of school hours which is peak recreation time for the community. By providing increased security and facilities such as amenities, lighting and parking, this land will be fully utilised by incoming residents;
- Developing an overall park system with linkages between open space areas using walkways and cycle ways, including linkages to other public use areas and sectors (such as schools, community and retail centres and industrial/commercial sectors);
- Linking the escarpment, creeks, wetlands and lagoons via multi-functional open space corridors; and retaining existing bushland;
- Implementing buffer zones to minimise the migration of pollutants and the potential for flooding of low lying areas for increased urban run-off;
- Providing parks to accommodate water quality elements such as bio-swales and detention basins as urban design elements and where they do not impact upon the recreational opportunity or quality of the area;
- Developing larger integrated parks including playgrounds, sports fields and park lands rather than too many small scattered parks as a means of controlling maintenance costs;
- Establishing parks that cater for older residents with strong emphasis on walking activities, seating, creation of settings with high amenity and landscape quality;
- Establishing parks with adequate car parking and accessibility to residential areas;
- Establishing informal parks in areas where there is topography to create interest and places for informal activity as well as passive purposes;
- Recognising the high capital and recurrent cost of public recreation and open space will limit Council's ability to provide completed facilities in the short to medium term, and therefore in the initial stages of development

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

Council has concentrated on identifying and securing land for open space purposes; and

- Exploring opportunities to bring areas with high conservation value and environmental attributes into public ownership through possible land exchanges between private landowners and State Government departments.

The locations for open space facilities are shown in the *Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain)* as amended. The final location and detailed design of many open space areas will be determined through ongoing consultation with landowners, developers and the community.

The proposed quantum of open space is based on the standard of 2.83 hectares per 1000 persons. While this is less than the current ratio in the LGA, this area of open space meets accepted standards and can be adequately planned and managed to provide high quality, usable and accessible recreational opportunities that meet the needs of the expected population while minimising land acquisition costs.

The Pittwater Recreation Strategy (p. 90) recommends:

"Retain this standard of 2.83 hectares of open space provision per 1,000 population for Warriewood Valley. Ensure the open space provision comprises large and small parks, public recreation areas including multifunctional creekline corridors, pedestrian and cycleway paths, playgrounds and sportsfields... Focus on the purchase of large areas of land suitable for sportsground precincts using section 94 funds from developer contributions."

The proposed provision allows for multi-use facilities and can remain relatively flexible and able to accommodate changing recreation needs and circumstances over time. Provision includes the following:

- Neighbourhood Parks ([Valley View Reserve](#), [Mahogany Reserve](#) and [Shearwater Reserve](#)): Three neighbourhood parks have been provided in the geographic centre of the Release Area. All parks are connected to the central creek line corridors enabling connectivity between all recreational areas. The provision of linear corridors allows all parks to become equally accessible throughout the area. The neighbourhood parks have now been completed. The combination of creek line corridors and parks provide a unique recreational and environmental asset to the new residents.
- Local Park ([Lynne Czinner Part](#)): One centrally located local park will be provided serving the local community.
- Sports fields: [4.75.3](#) hectares of land have already been purchased for sportsgrounds and ancillary uses. This area is known as [the Warriewood Valley Sportsground and comprises land at Jacksons Road and Boondah Road](#). Of the [4.75.3](#) hectares, [2.42.7](#) hectares comprise sports fields and curtilage, with the balance containing associated car parking, amenities and passive recreation areas.

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

- Consideration of the use of flood prone lands for sports fields where possible.
- Use of partnerships with State government agencies, such as Department of Education and Communities, to allow use of sports fields by the public and local sporting associations out of school hours.
- Linear Open Space: Land proposed to be acquired and embellished under this Plan via the Multi-functional Creek Line Corridor program has been included in the overall open space calculations. Generally the recreational potential of the corridors will be limited to pockets along the corridors where the creek meanders, allowing expanded open space areas for passive recreation.

6.2.2 Open space land requirements

Given Warriewood Valley is expected to contain a total of 2,3942,078 residential dwellings which will house 6,464-5,611 persons, the quantum of open space to be provided is 48-315.88 hectares (based on the standard of 2.83 hectares per 1000 persons).

Table 5 details the quantum of open space delivered since the commencement of this-a contributions plan for Warriewood Valley Plan in 1998. As outlined in Table 5, of the 48-2915.88 hectares of open space required for the Release Area, 42-8613.9 hectares of open space has been delivered to date, with 5-431.98 hectares still be delivered. The remaining 5-431.98 hectares comprises 1-690.67 hectares of linear open space to be achieved through the future dedication of creek line corridor land and acquisition of 3-74 provision of 1.31 hectares of land for active open space.

The anticipated open space requirements of the Release Area have changed over time. Recently, sectors in the Release Area are not developing to their maximum permissible yield under the Pittwater LEP; while several properties may have difficulty to redevelop on their own and are unlikely to achieve a development outcome due to site configuration or environmental constraints. Accordingly, the open space requirements are based on updated assumptions on anticipated development. These

The strategy for the provision of this remaining open space is land acquisitions are discussed in further detail in the following sections.

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

Table 5: Active and passive open space areas

Open Space Type	Areas delivered (hectares)	Remaining area still to be delivered (hectares)
Active Open Space	<u>6.46.7</u>	<u>3.741.31</u>
Warriewood Valley Sportsground (Jackson Road)	4.7 *	-
Narrabeen Sports High School (synthetic and turf fields)	1.4 **	-
Southern Buffer	<u>0.6</u>	4.15 – Refer to section 6.2.3
Passive Open Space	<u>6.767.2</u>	<u>1.690.67</u>
Central Local Park (northern half in Sector 8)	1.1 (exclusive of creek line corridor)*	-
Central Local Park (southern half in Sector 9)	<u>4.91.06</u> (exclusive of creek line corridor) (land purchase only) *	Note: Land still to be embellished *
Sector 1 playground	0.2 *	-
Fernbank Reserve playground (in Sector 10)	0.47 *	-
Shearwater playground (in Sector 12)	0.22 *	-
Detention Basin (2 Prosperity Parade)	0.65 usable area only (the remaining 0.35ha comprises water quality basin) *	-
Linear Open Space along Creek Line Network (counted as 30% of total creek line corridor land area)**	<u>3.12-3.5</u>	<u>1.690.67</u> – Refer to section 6.2.4
SUB TOTAL	<u>12.8613.9</u>	<u>5.431.98</u>
TOTAL AREA OF OPEN SPACE TO BE DELIVERED	<u>18.2915.88</u>	

Note that any open space purchases occurring in 2017/18 can only be reflected in the Plan once the year end reconciliation has occurred.

* Refer to Appendix B (in Warriewood Valley) of Pittwater Recreation Strategy

** Refer to Appendix B (in North Narrabeen) of Pittwater Recreation Strategy

* Embellishment identified in works schedule – refer to Item 10 in Public Recreation and Open Space Strategy in Appendix B of this Plan

** Refer to section 5.3 of this Plan

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

6.2.3 Active open space still to be delivered

~~Land located in the Southern Buffer area comprising approximately 4.7 hectares (refer to Figure 5), has been identified as potentially suitable to meet the forecast demand for active open space. Given the expected future population, the purchase of this land would maintain the level of provision for the future residents of Warriewood Valley. This area could be embellished and integrated with the existing playing fields in Boondah Road. It is considered that this land, adjacent/adjoining existing recreation areas, will provide high quality access and will best meet the needs of the future population.~~

~~The future purchase of any lands for open space will be through commercial negotiations between Council and individual landowners. The negotiations will be based on the best outcome for all parties in relation to achievement of high quality public open space outcomes and maximised development potential.~~

~~1.31 hectares of land is still required to meet the anticipated active open space demands of the Release Area.~~

~~Previous versions of the Plan had identified land located in the Southern Buffer area, comprising approximately 4.7 hectares, as potentially suitable to meet the forecast demand for active open space.~~

~~Council has attempted to purchase properties in the Southern Buffer via commercial negotiations to meet this demand. With the exception of 3 Boondah Road, Council has been unsuccessful in purchasing these properties.~~

~~In 2017, Council purchased 3 Boondah Road and has now delivered new hardcourts on this property.~~

~~In the event that Council is unsuccessful in purchasing the total 3.74 hectares required 1.31 hectares of land or there are insufficient funds for the embellishment of the land to sufficiently meet the objectives of this Plan, the following options will be considered:~~

- ~~• Delay embellishment until funds become available through other future opportunities; and~~
- ~~• Further embellish existing active recreation areas with the view to upgrading the playing surfaces to a higher standard to facilitate more intense usage (for example, installing lighting or replacing a turf playing surface with a synthetic surface to allow 7 days per week continued usage regardless of weather conditions and in turn, facilitate increase in number of users and hours of use).~~

~~Opportunities for future land purchase for active open space, including its suitability for such purpose, in and adjoining the Release Area is limited. To satisfy remaining active open space demands, the Plan will fund the embellishment of existing sports fields to increase the available hours of use. This will be achieved through upgrading existing turf surfaces, improving drainage and providing lighting. The Plan will also fund the provision of a new synthetic field at Narrabeen Sports High School providing access for residents outside of school hours.~~

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

The option to meet remaining open space demand through embellishment rather than pursuing the purchase or acquisition of additional land is considered to be a financially sustainable approach. This approach is consistent with the open space strategy in previous versions of the Contributions Plan where suitable land or funds are not available.

Active open space embellishment works are contained in Appendix B.

6.2.4 Passive open space still to be delivered

In order to meet the passive recreation requirements, a total of ~~4,690.67~~ hectares of land is still required to be acquired and will be achieved. ~~This is proposed to be achieved~~ through the acquisition of land along creek line corridors. This linear open space is deemed suitable for use as passive recreational land.

The Multi-functional Creek Line Corridor Strategy, outlined in section 5.0 of this Plan, recognises that the strategy will also deliver a linear open space network within the creek line corridor. Given their primary function as drainage corridors, only 30 percent of the total creek line corridor land is attributable as open space area.

The total inner creek line corridor width is generally 50 metres (25 metres either side of creek centre line). The actual creek bed area and batters will generally occupy up to a 25m width (5m bed and 10m batters on either side). Batters and surrounding creek line land will be extensively planted and as such the recreation potential of the corridors will be limited to pockets along the corridor where the creek meanders and allows expanded open space areas for reasonable recreation opportunities. While industrial and commercial developments are not directly levied under the Public Recreation and Open Space Strategy, it is recognised that there is some recreational value of the creek line corridors for these developments and that people working in these sectors are able to use the corridors for either access to and from work or for lunch time recreation.

As the purchase and embellishment associated with the creek line network has already been attributed as part of the contribution toward the Multi-functional Creek Line Corridor Strategy, a second levy under this Strategy is not applied.

6.2.5 Deletion of works from this strategy

There are some works previously identified in superseded versions of this Plan which, after further in depth analysis, have been removed for the following reasons:

Removed in the Warriewood Valley Contributions Plan Amendment 16 Revision 1 (adopted 15 December 2014)

- Progress Park (0.25 hectares) – not considered desirable as the field is on a main road and is also used as an unleashed dog exercise area. Better options have become available.
- Buffer Area 1m (1 hectare) – considered not suitable for the following reasons:

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

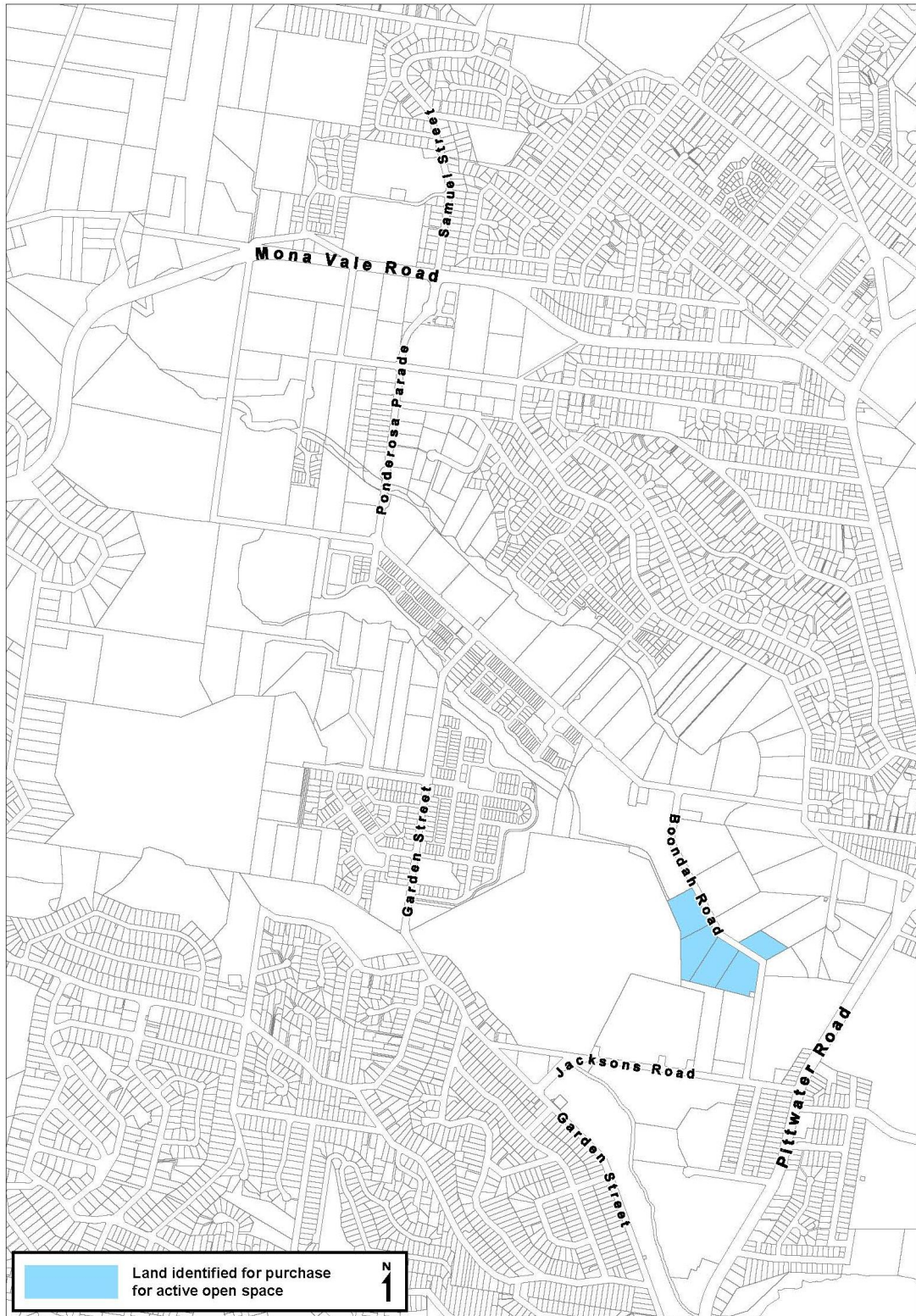
- This land is highly flood affected, with high flood hazard due to depth of flooding and velocity, making it unsuitable for active or passive recreational uses where lives, in particular children's lives could be put at major risk.
- The site is part of the current flood storage for Narrabeen Creek and Narrabeen Lagoon floodplain and as such cannot be filled with more material unless compensatory cut is provided.
- There is potential for the water table to be close to the surface at this location, which would affect the drainage and grass growth of any future sports fields.
- The site has been filled over the years with material of unknown quality. This fill material is likely to contain contaminants that cannot remain in-situ and would need to be removed and replaced. What is observed at the surface is tile, concrete and brick rubble that has been introduced to the site to create a more permeable surface to operate the existing plant nursery.
- The land does not adjoin any existing active recreation facilities. If the site was to be developed for sports fields, separate amenities and car parking facilities would need to be provided. As a result, compared to the cost of expanding existing active recreation facilities, establishing a sports field at this location would be considerably more expensive.
- The site is extremely close to land planned for future medium density residential development. This causes logistical problems with scheduling its use.

Removed in the Warriewood Valley Contributions Plan Amendment 16 Revision 4 (to be adopted June 2022)

- Southern Buffer land acquisitions and embellishment – see section 6.2.3.

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

Figure 5: Land identified for purchase for future active open space



6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

6.3 Contributing development

Development identified in Table 1 on land identified in Figure 6 will contribute towards public recreation and open space facilities.

While industrial/commercial developments are not directly levied for public recreation and open space, it is recognised that there is some recreational value of the creek line corridors and that people working in Warriewood Valley are able to use the corridors for either access to and from work or for lunch time recreation. As industrial and commercial development will contribute toward the Multi-functional Creek Line Corridor Strategy, a contribution toward the Public Recreation and Open Space Strategy is not applied.

The Plan recognises that [SEPP Seniors Living \(assisted living\)](#) developments do not generate the same level of demand for public recreation and open space facilities as other residential development. As a result, [SEPP Seniors Living \(assisted living\)](#) residential developments will not contribute the provision of these facilities.

6.4 Apportionment

The need to provide the public recreation and open space facilities identified in this Strategy is generated by the future residential development of the Warriewood Valley Release Area. It is therefore appropriate that residential development (excluding [SEPP Seniors Living \(assisted living\)](#) developments as identified in Table 1 [and section 2.4.2](#)) within the Warriewood Valley catchment (see Figure 6) be subject to the full cost of providing these open space facilities.

6.5 Reasonableness

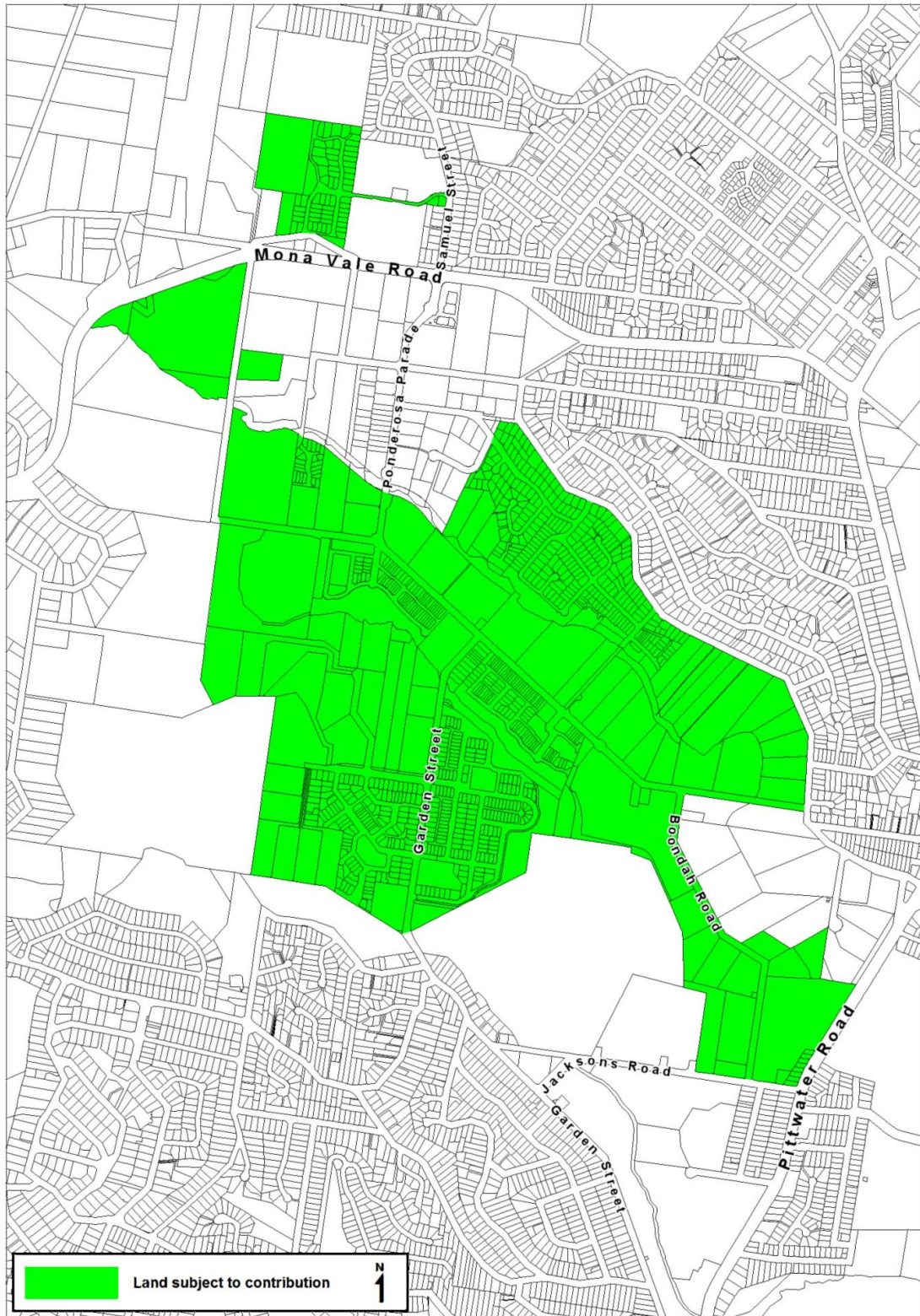
The core principle of development contributions is that they must be reasonable. A contribution toward open space and recreation facilities is considered reasonable as it will ensure the equitable provision of recreation and open space facilities for all future residents. Conversely, it would not be reasonable to burden the broader Northern Beaches community with the financial responsibility of providing infrastructure benefiting the residents of Warriewood Valley.

6.6 Works schedule

The open space and recreation facilities already delivered under this Strategy are listed in Appendix A of this Plan. The open space and recreation facilities associated with this Strategy that are still to be delivered are detailed in Appendix B.

6.0 PUBLIC RECREATION & OPEN SPACE STRATEGY

Figure 6: Land subject to Public Recreation and Open Space Strategy



7.0 PEDESTRIAN & CYCLIST NETWORK STRATEGY

7.0 Pedestrian and Cyclist Network Strategy

7.1 Introduction

The provision of pedestrian and cycleway facilities within communities is critical to provide access, improve health and deliver ecological sustainable development. Consistent with this, Council remains committed to the development of a safe and practical pedestrian and cycleway network for the LGA. Council recognises that additional residential, commercial and industrial development in the Warriewood Valley Release Area will increase the demand for pedestrian and cycleway facilities.

Council's objectives are to provide a consistent standard of facilities for pedestrians and cyclists within Warriewood Valley. This strategy identifies the pedestrian and cycleway facilities that will be required as a result of the future development of Warriewood Valley.

7.2 Nexus and future demand

Pedestrian and cycleway facilities offer a flexible and low impact alternative to the use of private motor vehicles and are an important consideration in transport planning for the Release Area. New development in the Warriewood Valley Release Area is a mix of residential, industrial and commercial development, which will create a demand for transport and recreation facilities by residents and workers.

Sectors 20, 202 and 203 will not be levied under the Pedestrian and Cyclist Network Strategy because of their isolated location to the north of Warriewood Valley. Development in these sectors will be required to provide directly to any required pedestrian and cycleway facilities as part of their development.

Safe pedestrian access to 120 and 122 Mona Vale Road will be via local roads and the networks of shared paths in the Release Area. Development on these properties will be required to contribute to the items in the Pedestrian and Cycle Network Strategy.

Sustainable transport management involves the provision of non-motorised transport modes as well as roads for motorised transport needs. Provision of multi-use access ways can be effective in providing a sustainable and balanced transport regime, particularly for trips in the immediate locality as well as providing an attractive form of recreation and access to recreation facilities within the Warriewood Valley.

Significant adjacent land uses likely to be heavily utilised by Warriewood Valley Release Area residents, such as Warriewood Square and the Warriewood Wetlands, provide both a need and opportunity for convenient and direct pedestrian and cycle path connections.

The *Pittwater Walks and Rides Strategy Masterplan Review – March 2012*, *Move – Northern Beaches Transport Strategy November 2018* and the *Northern Beaches Bike Plan July 2022* identified the need to provide a well-planned active transport network

AUGUST 2018/APRIL 2022

74

7.0 PEDESTRIAN & CYCLIST NETWORK STRATEGY

in order to promote alternative transport use and to cater for the recreational needs of incoming residents. These plans identify the opportunities and constraints in developing bicycle and pedestrian facilities and recommendations for actions required in establishing a safe, functional and integrated bicycle network.

Given Council's commitment to bicycle facilities, ~~expressed in the Pittwater Walks and Rides Strategy Masterplan Review – March 2012,~~ the provision of the cycleway and pedestrian network is a reasonable expectation of incoming residents to Warriewood Valley. The cycleway and pedestrian paths identified are expected to be used for commuters travelling to and from school or work, or to link to other transport networks, such as ~~a planned~~ the B Line stop on Pittwater Road near Jacksons Road, as well as other recreational users.

The pedestrian and cycleway network has been developed and located to service the industrial/commercial and residential areas alike. The creation of the pedestrian and cycleway network has taken into account shared paths situated in the creek line corridors, and the existing and proposed active and passive open space areas. The network will largely be situated in vegetated corridors with high landscape and environmental amenity. Shelters, bridges and other recreational opportunities in addition to playground areas will feature strongly. Key destination points such as Warriewood Square, Warriewood Wetlands, Warriewood cinema complex and sports facilities are accessible from the pedestrian and cycleway network.

The shared paths will also provide access for pedestrians, cyclists, and maintenance vehicles, ensuring their long-term function within the Release Area. Pedestrian and bicycle use and their location primarily in drainage corridors prone to flooding reinforce the need for such paths to be durable and of lasting construction. As such, concrete construction of pathways will be in accordance with RMS and Council standards for construction of shared paths.

~~Acquisition and e~~Construction of the multi-use access way network will proceed at the same pace as the development in Warriewood Valley, as land acquisition of creek line corridor to contain the cycle network will generally occur through dedication of land as adjacent development is approved.

The Pedestrian and Cyclist Network Strategy does not include purchase or augmentation of land already purchased and is for the planning and provision of the actual pedestrian/cycleway facilities only. Through the Traffic and Transport and Multi-Function Creek Line Corridors strategies, a unified system of linear corridors will be acquired throughout Warriewood Valley designed to accommodate facilities for cyclists and pedestrians.

7.2.1 Deletion of works from this strategy

There are some works previously identified in Warriewood Valley Contributions Plan Amendment 16, Revision 3 2018 (superseded by this Plan) which, after further in depth analysis, have been removed for the following reasons:

7.0 PEDESTRIAN & CYCLIST NETWORK STRATEGY

- Item 1 Shared path along Narrabeen Creek at Sectors 5/6 – Located at the western boundary of the Release Area adjacent to the escarpment. A shared path in this location will provide little benefit to residents.
- Item 3 Shared path along Sector 8/9 – This section of shared path will be delivered as part of the embellishment of the park at Sector 9.
- Item 6.1 Shared path Sector 10.B - Located on the western boundary of the Release Area and will provide little benefit to residents. Footpaths will be required as conditions of consent when the property is developed.
- Item 18 Shared path connection Vuko Place to Pittwater Road – This item is proposed on private land which is not considered feasible. An existing connection from Vuko Place to Pittwater Road is available via shared paths in Warriewood Road.
- Item 32 Shared path connection Jacksons Rd to Warriewood Wetlands – Preliminary investigations identified that this item will cause significant adverse environmental impacts if delivered. The existing path is considered appropriate.
- Item 33 Shared Path connection from Fern Creek to Fern Creek Road – This section of shared path will be delivered as part of the embellishment of the park at Sector 9.

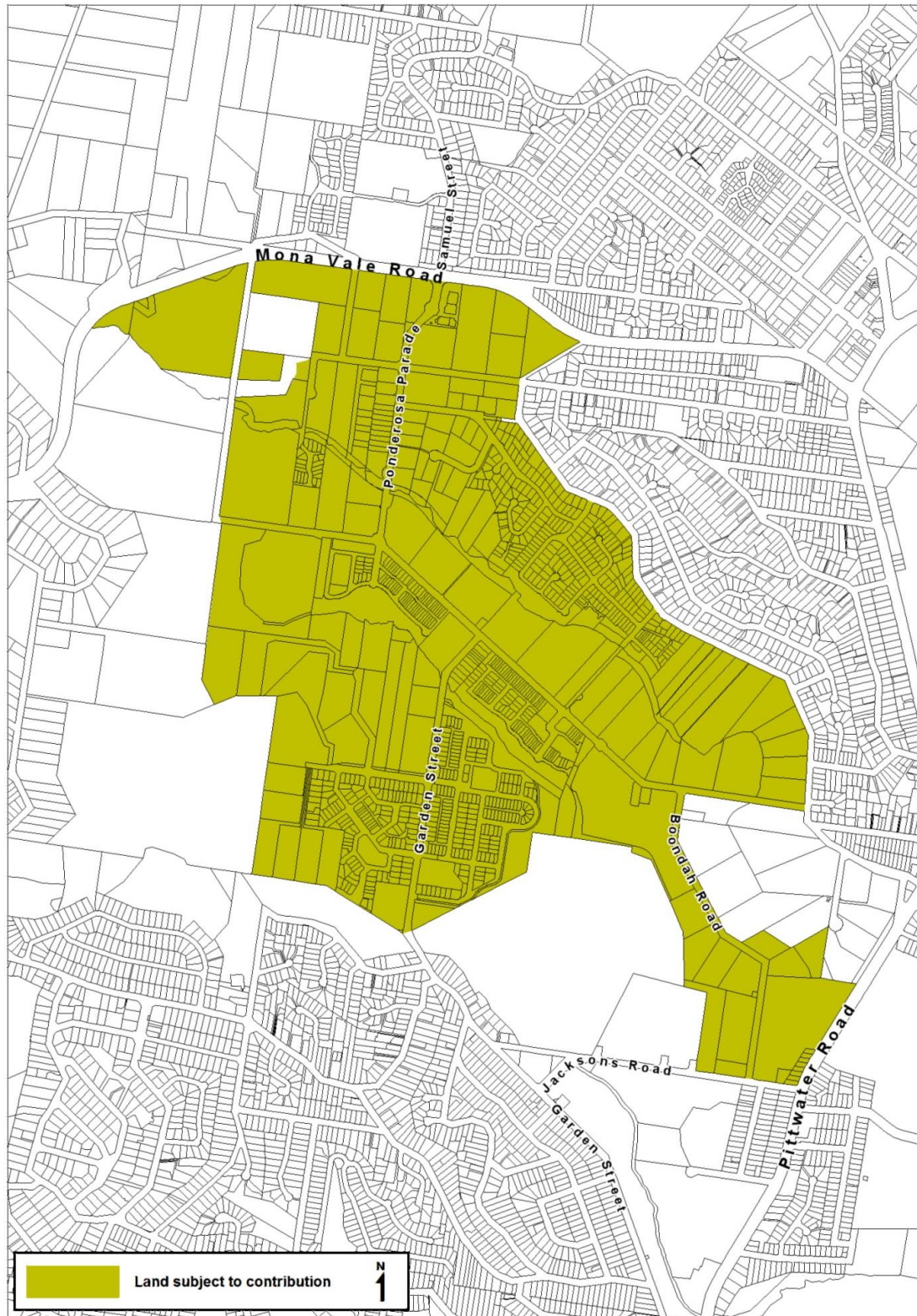
7.3 Contributing development

Development identified in Table 1 on land identified in Figure 7 will contribute towards the cost of delivering the Pedestrian and Cycleway Strategy.

The Plan recognises that residential care facilities do not generate the same level of demand for pedestrian and cycle infrastructure as other residential development. As a result residential care facilities will not contribute the provision of this infrastructure.

7.0 PEDESTRIAN & CYCLIST NETWORK STRATEGY

Figure 7: Land subject to Pedestrian and Cyclist Network Strategy



7.0 PEDESTRIAN & CYCLIST NETWORK STRATEGY

7.4 Apportionment

The need to provide the pedestrian and cycleway facilities identified in the Pedestrian and Cyclist Strategy is generated by the development of the Warriewood Valley catchment. Being an urban release area, pedestrian and cycleway facilities are considered essential pieces of active transport infrastructure and will primarily benefit the residents and workers of the Release Area. It is therefore appropriate that all residential development except for residential care facilities within the Warriewood Valley catchment (excluding Sectors 20, 202 and 203) be subject to the full cost of providing these facilities.

As discussed at section 2.4 of this Plan, a discount toward the Pedestrian and Cyclist Strategic is applied specifically for industrial and commercial development in recognition of the reduced demand for these facilities as compared to residential development. This adjustment is discussed in detail at section 2.4 of this Plan.

7.5 Reasonableness

The core principle of development contributions is that they must be reasonable. A contribution toward this Strategy is considered reasonable as it will ensure the equitable provision of pedestrian and cycleway facilities for all new residents and workers. Conversely, it would not be reasonable to burden the broader Northern Beaches community with the financial responsibility of providing infrastructure benefiting the residents of Warriewood Valley.

7.6 Works schedule

The pedestrian and cycleway facilities already delivered under this Strategy are listed in Appendix A of this Plan. The pedestrian and cycleway facilities associated with this Strategy that are still to be delivered are detailed in Appendix B of this Plan.

8.0 COMMUNITY FACILITIES STRATEGY

8.0 Communities Facilities Strategy

8.1 Introduction

A place for the community to meet is considered a basic prerequisite for community development. A local community facility, such as a community centre, provides a place for community groups to meet, encourages the establishment of new groups and activities and provides a place for the whole community to meet and integrate. These centres provide flexible space that can cater for the needs of a diverse population of various age groups, community groups and ethnic, cultural, linguistic, educational and socio-economic backgrounds. Activities and programs can be adapted to accommodate the changing needs and characteristics of the population. Locality based groups are some of the building blocks of community cohesion and often the focus of effective neighborhoods.

Council seeks to provide a high level of community services throughout the LGA. This element of the Plan has been developed to ensure that an appropriate level of service provision, consistent with relevant benchmarks and best practice, is maintained for all residents and workers of the Warriewood Valley Release Area. Activities accommodated and needed in community centres for Warriewood Valley will include:

- Social activities for all age groups.
- Adult education.
- Playgroups.
- Youth activities.
- Art and craft activities.
- Activities for older residents.
- Activities for those with a disability.
- Catering and function rooms for events.

8.2 Nexus and future demand

Demand for new public facilities within the Warriewood Valley Release Area will be influenced by a number of factors, including the anticipated demographic composition of the new population, the availability and type of facilities currently available, and whether there is any spare capacity within the existing infrastructure.

Existing facilities are at capacity, evidenced by the requests for provision of additional activities and services from community groups that cannot be accommodated in existing facilities. It is apparent, through previous research, that there is no capacity in the existing community facilities to cater for the demand likely to arise from expected population growth over the next 10 years. As a consequence, it will be necessary to provide additional floor space to ensure appropriate levels of service to the incoming population. The factors which will affect the demand for community services are based on the profile of the incoming population.

In 1994, the population of the Warriewood Valley Release Area was anticipated to be different to that of the existing community. The *Demographic & Facility/Services Needs*

8.0 COMMUNITY FACILITIES STRATEGY

Studies, Ingleside-Warriewood Urban Release Area (Travers Morgan 1994) identified the following characteristics and requirements:

- *Services for children*
With a significant proportion of children aged 0-12 years and a high rate of women in the workforce, there will be additional demand for children's services. Residents moving into the area will require access to services such as long day care, pre-school, occasional care and outside school hours care, which is permissible in residential zones of the Release Area. There will also be a need for community facilities in which to provide a range of activities for children, in particular for preschool children and afterschool recreational activities.
- *Services for young people*
Youth entertainment and transport have been identified as two major issues for young people moving into the area. Community facilities will need to provide a variety of recreation/entertainment options for young people, in a location that is accessible by bus, bicycle and those in wheelchairs and on foot.
- *Ageing population*
The provision of multi-unit housing may increase the number of aged residents as very often they are seeking smaller homes with reduced maintenance. There will be continued demand for community centres to provide space for activities for older people and information services such as libraries.
- *Female workforce participation*
With a stable proportion of children aged 0-12 years and continued high rate of female workforce participation, new residential development will create strong demand for child care services, particularly for children under 2 years, preschool services and services for children with a disability.
- *Services for persons with a disability*
It is anticipated that the Release Area will have a significant population of people with disabilities. This is due primarily to the high proportion of aged residents and the attractiveness of the area for those who want to be near the major disability service providers located on the Northern Beaches. There will therefore be a need for community facilities to be fully accessible and to provide a range of services/programs for people with disabilities.
- *Services for the general community*
The need for a range of other services for the general community including community nursing services and services for women and people from non-English speaking backgrounds have been identified as necessary for the future population. This highlights the need for multi-purpose community facility space to provide a base from which a variety of services and activities can be offered to the community.

More recent studies and feedback from the community clearly highlight the need for spaces to also be made available for environmental education and awareness.

8.0 COMMUNITY FACILITIES STRATEGY

Some types of community services are age specific (such as child care, youth centres or senior citizens centres) while others are generic and used by people of all ages (such as exhibition space). This Strategy seeks to provide community facilities and services that are able to provide for the demands of the whole population. Based on a review of Council's strategic community facilities and service priorities and the desire/ability to deliver local services, it is considered that the needs of the incoming population will be best met by provision of additional floor space and equipment.

This Strategy aims to achieve the following objectives and benefits:

- Provide increased flexibility to address changing community needs over time;
- Provide more innovative, economical and effective models of provision;
- Meet a range of community needs in one centre – increasing levels of community access and service;
- Provide a facility that is fully accessible to enable use for services specifically for older residents and for people with disabilities;
- Provide facilities within a reasonable time;
- Establish a focal point for community activities and services which will provide benefits in community development terms and encourage an engaged and connected local community.

In 2018, A-a review of existing community facilities across the LGA ~~has been was~~ undertaken in conjunction with appropriate benchmarks across the State to determine the current rate of provision and level of service. It is appropriate that the community facility in Warriewood Valley be provided at a rate consistent with the provision across the LGA and NSW. This Strategy will provide for the provision of a community facility to satisfy the demands of the expected population of Warriewood Valley consistent with the contemporary benchmark of 80 square metres of community floor space per 1,000 residents.

The proposed location for the new community facility is the existing site of the Nelson Heather Centre which is situated on the corner of Jacksons Road and Pittwater Road. The Nelson Heather Centre provides approximately 940 square metres of floor space.

A new community facility will replace the existing Nelson Heather Centre and is anticipated to provide 2,180 square metres of floor space. Funding for the construction of the community facility under this Plan is limited to the needs of the Warriewood Valley residents, comprising approximately 449 square metres of additional floor space.

Development contributions funding for this community facility is identified in Appendix 2, ~~and is considered appropriate for a facility of the size and scale to service the future projected population.~~

~~Investigations into the preferred location of the community facility are currently underway. The final form and function of the facility will be the subject of future community consultation.~~

8.3 Contributing development

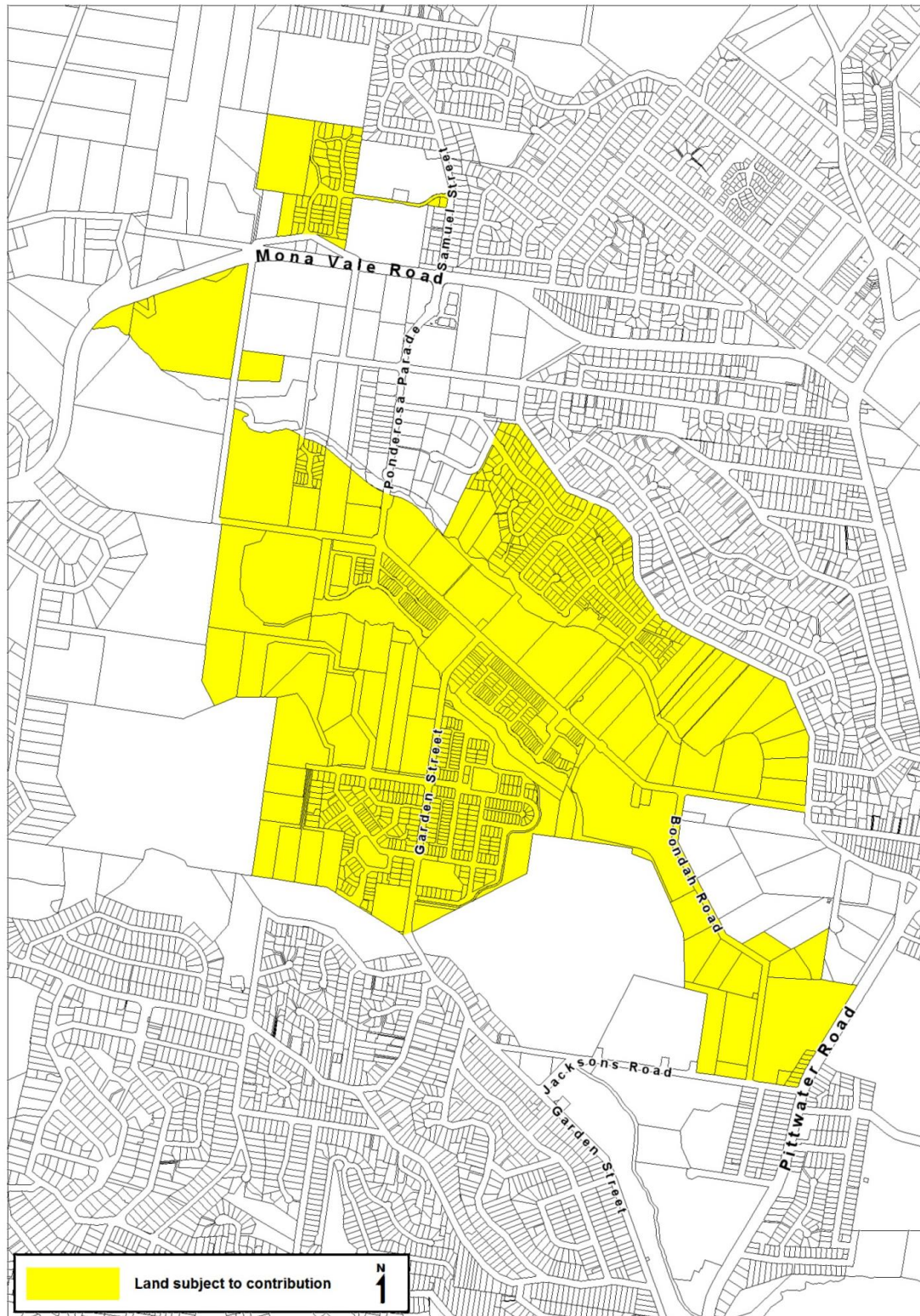
8.0 COMMUNITY FACILITIES STRATEGY

Development identified in Table 1 on land identified in Figure 8 will contribute towards the Community Facilities Strategy.

The Plan recognises that residential care facilities do not generate the same level of demand for community facilities as other residential development. As a result residential care facilities will not contribute the provision of this infrastructure.

8.0 COMMUNITY FACILITIES STRATEGY

Figure 8: Land subject to Community Facilities Strategy



8.0 COMMUNITY FACILITIES STRATEGY

8.4 Apportionment

This Plan will fund a contribution towards the cost of facilities to satisfy the demands of the expected population in the Release Area. The facilities proposed are not required to provide for the needs of existing residents outside of Warriewood Valley, nor are they designed to serve as regional facilities, which may be used by people from outside the LGA. The purpose of this approach is to ensure there is a nexus between the expected population and the demand for these facilities, and to ensure that only new development pays for this provision. The construction of a larger facility that also meets the demands of residents outside of the Release Area will require additional funding sources to address these external demands.¹⁸

This Plan will contribute toward the proposed facility to meet the standards and benchmarks for service provision across the LGA.

8.5 Reasonableness

The core principle of development contributions is that they must be reasonable. A contribution toward this Strategy is considered reasonable as it will ensure the equitable provision of community facilities for all new residents. Conversely, it would not be reasonable to burden the broader Northern Beaches community with the financial responsibility of providing infrastructure benefiting the residents of Warriewood Valley.

8.6 Works schedule

The community facilities already delivered under this Strategy are listed in Appendix A of this Plan. The community facilities associated with this Strategy that are still to be delivered are detailed in Appendix B of this Plan.

¹⁸ On 27 October 2020, a report was provided to Council identifying all proposed funding sources for the community facility and included funding from the Warriewood Contributions Plan identified in Appendix 2. A 'dedicated Your Say' webpage for the community centre is available at https://yoursay.northernbeaches.nsw.gov.au/Warriewood_Community_Centre

9.0 BUSHFIRE PROTECTION STRATEGY

9.0 Bushfire Protection Strategy

9.1 Introduction

The Warriewood Valley Release Area is bordered to the west by significant vegetation. The area's bushland resource is a significant contributor to the high quality of life enjoyed by the Release Area's residents, while its ongoing protection has been shown as a high priority for the wider former Pittwater community. The scenic and natural qualities and the recreational pursuits available are significant contributors to the LGA's quality of life.

With the history of the behaviour of bushfires previously recorded in the Warriewood Valley Release Area and the significant amount of surrounding bushland likely to be conserved in both public and private ownership, bushfire is a potential threat to all new development that must be managed. This Plan provides for bushfire protection measures, which Council considers essential to safeguard life and property from the risk of bushfire.

Note: All contributions toward bushfire protection works have now been collected. Although no further contributions will be levied towards delivery of these facilities, some facilities are still to be delivered. These are identified in Appendix B of this Plan.

9.2 Nexus and future demand

The development of the Warriewood Valley Release Area will require the provision of bushfire protection works. This Plan identifies the bushfire protection works that Council intends to implement to safeguard life and property from the risk of bushfire.

The *Ingleside/Warriewood Urban Land Release Bushfire Hazard Evaluation (1995)* recommended the provision of a perimeter fire trail around a bushfire hazard boundary within an urban subdivision to provide perimeter access for fire fighters and for use as a fire control line. Bushfire protection trails with unobstructed access available to emergency vehicles need to be created and maintained in locations that optimise effective management of bushfire emergencies. The bushfire protection trail comprises both:

- Perimeter roads designed as part of the subdivision of the sector; and
- Access linkages between the perimeter roads.

It is worth noting that this strategy pre-dates the current requirements under Clause 4.14 of the EP&A Act and the introduction of *Planning for Bushfire Protection (NSW RFS, 2006)*. Properties identified as bushfire prone will require compliance with the NSW Rural Fire Service's *Planning for Bushfire Protection 20062019*, including provision of a perimeter fire trail and Asset Protection Zones as part of the subdivision layout. The responsibility for funding and constructing the perimeter fire trail within the development site is the responsibility of the developer.

9.0 BUSHFIRE PROTECTION STRATEGY

This Strategy will deliver key linkages between perimeter roads provided by the developer through the subdivision of land.

9.2.1 Deletion of works from this strategy

With consultation and agreement from the NSW Rural Fire Service, some works previously identified in the Warriewood Valley Contributions Plan Amendment 16 revision 3 2018, have been removed. This includes:

- Item 3 Connection between the local road network and future fire trail on private property (between Sector 5 and Sector 8)
- Item 4 Connection between the local road network and future fire trail on private property (between Sector 9 and Sector 10)

Reason for deletion: The provision of fire trails and perimeter roads on private properties is required by *Planning for Bushfire Protection 2019* when the land is developed. These private properties are yet to develop. The construction of Items 3 and 4 will be imposed on developers via conditions of development consent when the adjacent private properties are developed.

9.3 Contributing development

All contributions toward bushfire protection works have now been collected. Contributions toward this element have not been collected since 4 September 2008.

Prior to this date, all development within the Warriewood Valley Release Area was required to contribute towards the cost of providing bushfire protection services.

9.4 Apportionment

The need to provide bushfire protection facilities identified in the Bushfire Protection Strategy is generated by the development of the Release Area. Given that the Release Area contains significant portions of bushland, developer contributions are required to support additional infrastructure required by new development. Council considers it essential that the full economic value of the contribution made by existing residents to the provision of bushfire protection facilities should be recognised and that new development will benefit substantially from this provision.

9.5 Reasonableness

The core principle of development contributions is that they must be reasonable.

A contribution for bushfire protection is considered to be reasonable as it levies for the needs of new residents and workers for bushfire protection and ensures the equitable provision of these facilities.

9.0 BUSHFIRE PROTECTION STRATEGY

9.6 Works schedule

The program of bushfire protection works still to be delivered under this Plan is detailed in Appendix B of this Plan.

10.0 PONDEROSA PARADE DRAINAGE STRATEGY

10.0 Ponderosa Parade Drainage Strategy

10.1 Introduction

This Strategy identifies the drainage infrastructure within the Ponderosa Parade precinct established to facilitate development of the Stage 1 Release.

The design and construction of stormwater drainage infrastructure along Ponderosa Parade, from Jubilee Avenue to Narrabeen Creek Warriewood, has already been completed. Forward funding from Council has facilitated early delivery and completion of this infrastructure.

A number of sectors still to be developed are required to contribute towards the early delivery of this infrastructure.

10.2 Nexus and future demand

As part of the trunk drainage system for the Ponderosa Parade precinct, a pipeline was constructed in 1998/99 along Ponderosa Parade. The trunk drainage system starts west of Daydream Street and south of Mona Vale Road, and then crosses Daydream Street through private property to the intersection of Jubilee Avenue and Ponderosa Parade. Now complete, this pipeline runs along Ponderosa Parade and discharges stormwater to Narrabeen Creek.

Properties within the Stage 1 Release (being those along Ponderosa Parade between Jubilee Avenue and Narrabeen Creek, and 2 Daydream Street) and Sector 7 are required to contribute toward delivery of this infrastructure. These costs are distributed equitably, based on the area of each site.

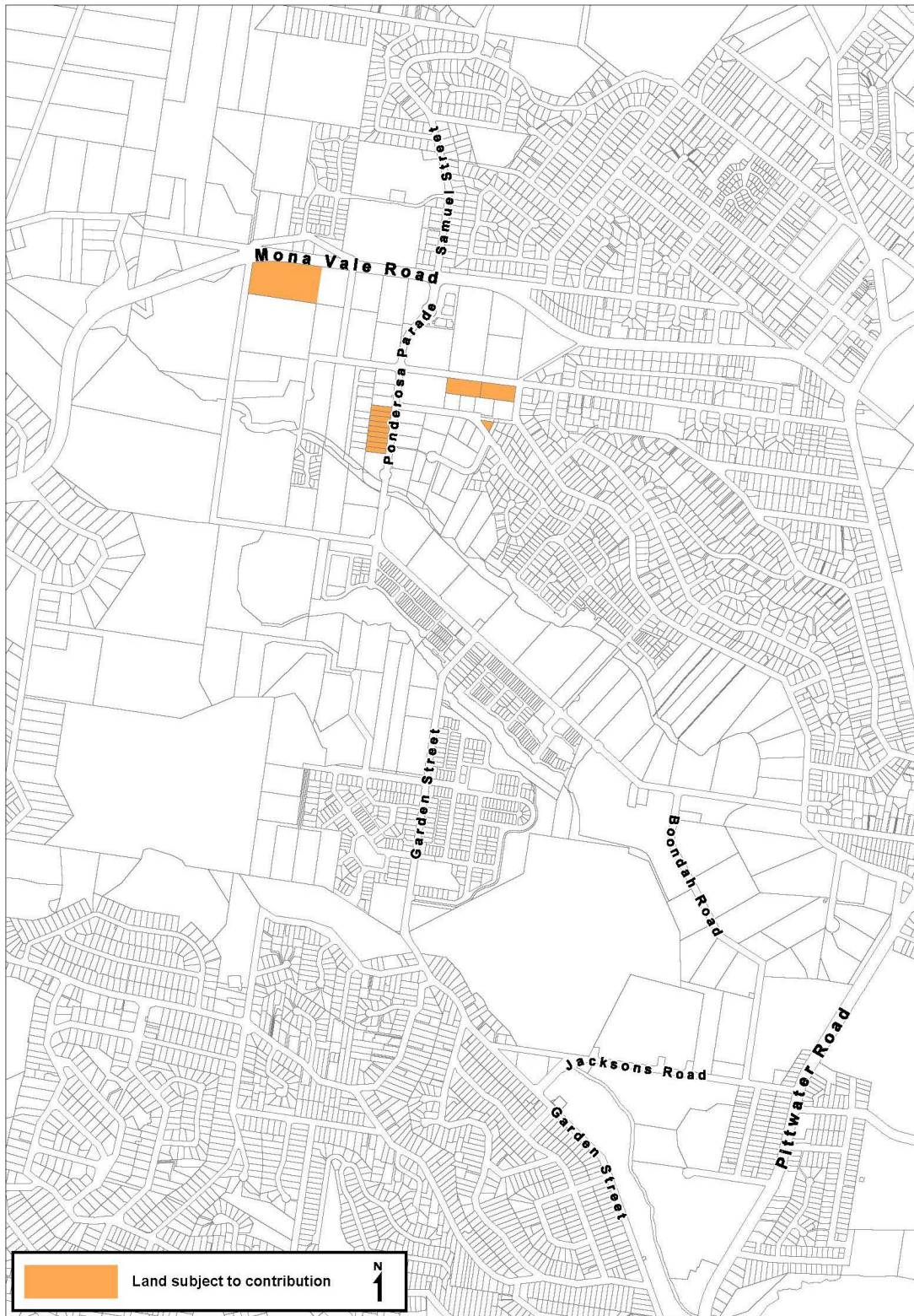
10.3 Contributing development

As of 2017, most of the properties having the benefit of the drainage infrastructure for the Ponderosa Parade precinct have been developed and contributed to the repayment of this infrastructure.

The remaining sectors still to be developed are Sectors 102, 103, 104 and 105. All development on these properties (identified in Figure 9) will contribute towards the drainage infrastructure for the Ponderosa Parade precinct.

10.0 PONDEROSA PARADE DRAINAGE STRATEGY

Figure 9: Land subject to Ponderosa Parade Drainage Strategy



10.0 PONDEROSA PARADE DRAINAGE STRATEGY

10.4 Apportionment

The need to provide the trunk drainage system for the Ponderosa Parade precinct is directly generated by the development of the sectors within this precinct. It is therefore appropriate that all development in this precinct be subject to the full cost of providing this infrastructure.

10.5 Reasonableness

The core principle of development contributions is that they must be reasonable and equitable. This contribution is considered to be reasonable as it relates to costs associated with actual delivery of drainage infrastructure for the Ponderosa Parade Precinct. Costs associated with the early delivery of this infrastructure are still to be recouped via this Plan. Conversely, it would not be reasonable to burden the broader Northern Beaches community with the financial responsibility of providing infrastructure benefiting the Ponderosa Parade Precinct.

10.6 Works schedule

The Ponderosa Parade drainage infrastructure has been delivered and is listed in Appendix A of this Plan.

11.0 ADMINISTRATION & PLAN MANAGEMENT STRATEGY

11.0 Administration and Plan Management Strategy

11.1 Introduction

This Strategy identifies the demand for resources related to the ongoing management and administration of this Plan.

The management and administration of this Plan imposes costs on Council in the preparation, implementation, monitoring and review of this Plan. With the increase in population and workforce there is a necessity to ensure there is a continuous process of managing, monitoring, revising and implementing this Plan.

11.2 Nexus and future demand

~~Section 94~~Contributions plans and management systems exist because the nature of new development justifies and requires it. The costs to prepare, review and implement the plan, including for background studies, will be funded by new development where appropriate.

The administration of a ~~Section 94~~Contributions Plan is an expensive task. Council employs staff on both a part time and full time basis to coordinate the implementation of this Plan, the associated financial model and works schedule. In addition, consultant studies are often commissioned in order to determine design and costings of works, as well as to review the development and demand assumptions. The cost of contract administration is also considered a plan administration cost.

In accordance with IPART's Local Infrastructure Benchmark Costs Final Report, administration and plan management costs have been calculated annually at 1.5% of the value of ~~the works schedule~~expenditure for each financial year.

11.3 Contributing development

All land subject to this Plan will contribute towards the Administration and Plan Management Strategy (refer to Figure 1).

11.4 Apportionment

As this Plan has been prepared solely to cater for the demands of future development, the costs associated with the Plan's preparation and ongoing administration will be borne fully by the future development.

As discussed at section 2.4.2 of this Plan, the contribution amount toward plan administration for residential care facilities is adjusted based on a reduced occupancy rate.

11.0 ADMINISTRATION & PLAN MANAGEMENT STRATEGY

11.5 Reasonableness

The core principle of development contributions is that they must be reasonable. A contribution for Administration and Management is considered to be reasonable as it relates to costs associated with actual delivery of infrastructure identified under this Plan including the monitoring/review of the Plan to facilitate timely delivery.

11.6 Works schedule

The funds to be set aside annually for the management and administration this Plan are listed in Appendix B of this Plan.

WARRIEWOOD VALLEY SECTION 94 CONTRIBUTIONS PLAN
AMENDMENT 16 REVISION 3

References

- Australian Bureau of Statistics, 2011 Census of Population and Housing. 2011.
- Bushfire Hazard Evaluation, Ingleside/Warriewood Urban Land Release, 1995.
- Demographic and Facility/Service Needs Studies Ingleside–Warriewood Urban Release Area, Travers Morgan Pty Ltd, Hirst Consulting Services, Heather Nesbitt, December 1994.
- Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012.*
- Environmental Planning and Assessment Act 1979.*
- Environmental Planning and Assessment Regulation 2000.*
- Independent Pricing and Regulatory Tribunal (2014) *Local Infrastructure Benchmark Costs Final Report, April 2014.*
- Informed Decisions (2011) *Pittwater Council area Community Profile 2011.*
- Integrated Water Management Strategy–Warriewood Valley, Lawson & Treloar Pty Ltd, November 1997.
- Justification of Corridor Widths and Cost Estimates-Warriewood Valley, Lawson & Treloar Pty Ltd, March 1998.
- Minimum standards for fire trails the Warringah – Pittwater Rural Fire Service: South Conservation Service of NSW, Guidelines for the Planning and Maintenance of Trails. 1984,
- National Strategy for an Ageing Australia, 2001.
- NSW Department of Infrastructure (2005), Planning and Natural Resources (2005) *Development Contributions Practice Notes – July 2005.*
- NSW Rural Fire Service, Planning for Bushland Protection, 2006.
- Open Space, Bushland and Recreation Strategy for Pittwater LGA, Heather Nesbitt and Parkland Environmental Planners, December 1999.
- Pittwater 21 Development Control Plan.
- Pittwater Council (2014) *Pittwater Public Space and Recreation Strategy 2014.*
- Pittwater Council, Delivery Program and Budget 2012 – 2016.
- Pittwater Council, Statement of Environmental Values 2013.
- Pittwater Recreation Needs Study, P.M.C. October 1994.
- Planning for Bushland Protection, NSW Rural Fire Service, 2006.
- Rawlinson, Australian Construction Handbook, 2013.
- STP Buffer Sector Draft Planning Framework 2001.
- Supplementary Guidelines: City of Blue Mountains, Guidelines for Access and Fire Protection Zones, 1996.
- Urban Research and Planning Pty Ltd, Warriewood Valley Urban Land Release Traffic and Transport Study, November 1997.
- Warriewood Valley Flood Study Addendum 1, July 2005.
- Warriewood Valley Flood Study, April 2005.
- [Warriewood Valley Landscape Materplan and Design Guidelines \(Public Domain\) 2018 as amended](#)
- Warriewood Valley Planning Framework 2010.
- Warriewood Valley Roads Masterplan (2006 Review), Masson Wilson Twiney, March 2006.

WARRIEWOOD VALLEY SECTION 94 CONTRIBUTIONS PLAN
AMENDMENT 16 REVISION 3

Warriewood Valley Roads Masterplan 2013-[as amended](#).
Warriewood Valley Strategic Review Economic Feasibility Report, Hill PDA, 2011.
Warriewood Valley Strategic Review Report, June 2012.
Warriewood Valley Strategic Transport Report, AECOM, 2011.
Warriewood Valley Urban Land Release Draft Planning Framework 1997.
Warriewood Valley Urban Land Release Roads Masterplan, Jamieson Foley & Associates,
April 1999.
Warriewood Valley Urban Land Release Water Management Specification, February 2001.
Warringah Pittwater Council's Bush Fire Service Minimum Standard for Fire Trail
Construction, Warringah Pittwater Bush Fire Service, undated.

APPENDIX A: COMPLETED WORKS

Appendices

Appendix A: Completed Works

Traffic and Transport Strategy	
Year Completed	Project Description
1998/99	Design and Associated Works
1999/00	Design and Associated Works
2000/01	Mona Vale Road/Foley Street Traffic Lights - Concept Design
	Design and Associated Works
	Traffic calming in Warriewood Road fronting Sector 1 – N0444/98
	Traffic calming in Warriewood Road fronting Sector 1 - N0452/98
	2 bus bays in Warriewood Road-N0444/98
	Line marking/signage in Warriewood Road fronting Sector 1 – N0444/98
	Line marking/signage in Warriewood Road fronting Sector 1 – N0452/98
	Pathway land-Ponderosa Parade to Prosperity Parade – DP 1024779-99/5
2002/03	Pedestrian refuge in Garden Street, south of Orchard Street – N0570/01
	Roundabout (partial) in Garden Street at Sector 10 entrance – N0570/01
	Ponderosa Parade widening and roundabout (88 Mona Vale Rd) – 10904 of 2000
	Traffic Lights at Mona Vale Road/Foley Street - design
	Prosperity Parade street lighting
	Footpath link from Ponderosa Parade to Prosperity Parade
2003/04	Bus Shelter in Garden Street
	Traffic Lights / Roadworks design - Mona Vale Road/Foley Street
	Traffic Calming (Sector 2) Warriewood Road
	Traffic Calming (Sector 1) Warriewood Road

APPENDIX A: COMPLETED WORKS

2004/05	Traffic Lights / Roadworks design - Mona Vale Road/Foley St
	Fern Creek bridge design
	Street tree planting
	Bus shelters in Warriewood Road
	Apollo Street improvements
2005/06	Bus bay in Warriewood Road (Sector 2) - N0143/00
	Pedestrian refuge in Garden Street, north of Mullet Creek - N0785/02
	Roundabout at Sector 10 / Sector 12 entrance – N0785/02
	Roundabout at Garden and Orchard St-N0785/02
	Traffic Lights / Roadwork design - Mona Vale Road/Foley Street
	Fern Creek Bridge design (2005/06)
	Apollo Street Improvements - street lighting and footpath
2006/07	Traffic lights / roadwork design - Mona Vale Road/Foley Street
	Fern Creek bridge design
	Medians in Jubilee Avenue, west of Daydream St (design)
	Entry Threshold – Garden Street/Natuna Street
	Pavement Correction & Strengthening Warriewood Road
	Traffic Calming - Warriewood Road, adjacent to Sector 1 and 2
	Road Widening - Warriewood Road, outside 12 Apollo Street (design)
	Pedestrian Refuge - Warriewood Road, between Moriac Street and Manooka Place
	Splay corner-Forest Road / MacPherson Street-N0210/04
	Bus bay-MacPherson Street at Forest Road-N0210/04
	Pedestrian refuge in MacPherson Street, north of Garden Street - N0210/04
	Signage, line marking & islands-north side of MacPherson Street - N0210/04
	MacPherson St / Forest Rd roundabout - N0210/04
2007/08	Garden St from Sector 12A to Mullet Creek - N0785/02
	Pavement Strengthening at MacPherson St / Brands Lane roundabout - N0210/04

APPENDIX A: COMPLETED WORKS

	Traffic Calming – Warriewood Rd Adjacent to Sector 1 & 2
	Road Widening - Warriewood Road, outside 12 Apollo Street
	Road Culvert over Fern Creek in Garden St
	Street trees
	Culverts in Narrabeen Creek at Ponderosa Pde (design)
	Warriewood Road footpath connection
	Traffic lights Mona Vale Road / Foley Street - relocate power poles
2008/09	Traffic Lights Mona Vale Road / Foley Street
	Pedestrian Refuge - MacPherson Street at Narrabeen Creek (west)
	Culverts in Narrabeen Creek at Ponderosa Parade
	Splay Corner - 213 Garden Street / MacPherson Street
	Road culvert over Fern Creek in Garden Street
	Culverts in Narrabeen Creek at MacPherson Street
	Roadworks associated with Ponderosa Parade culvert
2009/10	Pedestrian Refuge - MacPherson Street at Narrabeen Creek (west)
	Splay Corner - 213 Garden / MacPherson Street
2011/12	Macpherson Street bridge over Narrabeen Creek - Design
	Macpherson Street Boondah Road
2013/14	Bridge and culvert, Road Raising, power and utility Relocation Macpherson Street (Design and part construction)
2014/15	Pavement correction and strengthening at Foley Street
	Roundabout and intersection upgrade - Garden Street/Jacksons Road intersection
	Upgrade Boondah Road from MacPherson Street to approximately chainage 300 (eastern side only)
2015/16	Road upgrade – Macpherson Street (between Garden Street and Sector 8) and Garden Street (eastern side of road only, between Macpherson Street and Fern Creek)
2016/17	Bus Bay and Shelter – Macpherson Street (south side of road) at Garden Street
	Pedestrian Refuge (small) – Garden Street at Fern Creek
	Roundabout – Macpherson Street and Garden Street

APPENDIX A: COMPLETED WORKS

	Road upgrade - Macpherson Street (between Garden Street and Sector 8) and Garden Street (between Macpherson Street and Fern Creek (eastern side of road only))
	Splay corner purchase – MacPherson Street and Warriewood Road (1 corner - south-west corner)
<u>2017/18</u>	<u>Upgrade Boondah Road from Macpherson Street to chainage 300, eastern side only (design and construct)</u>
	<u>Intersection upgrade and parking improvements – Garden Street and Powderworks Road</u>
<u>2018/19</u>	<u>Bridge, culverts, road raising, power and utility relocation – Macpherson Street (design and construct)</u>
	<u>Shared paths – Warriewood Road, Vuko Place to Pittwater Road</u>
	<u>Road upgrade – Warriewood Road, Macpherson Street to Vuko Place</u>
<u>2019/20</u>	<u>Roundabout – Warriewood Road and Hill Street intersection</u>
	<u>Roundabout – Warriewood Road and Macpherson Street</u>
	<u>Bus shelter – Macpherson Street (north side of road near Boondah)</u>
Multi-functional Creek Line Corridor Strategy (Rehabilitation works)	
Year Completed	Project Description
1998/99	Water Strategy Works (Old Drainage Plan)
1999/00	Water Strategy Works
2000/01	Water Quality Compliance /Data Monitoring
	Concept Design of Narrabeen Creek Corridor
	Detailed Design of Narrabeen Creek Corridor
	Concept Design of Fern Creek Corridor
2001/02	Narrabeen Creek 30m Corridor C
	Narrabeen Creek 45m Corridor D
	Narrabeen Creek 45m Corridor E
	Water Quality Compliance Data Monitoring
2002/03	Water Quality Retention Basin - Earthworks
	Narrabeen Creek-corridor E and part corridor D-N0446/98
	Water Quality Compliance Data Monitoring

AUGUST 2018 APRIL 2022

98

APPENDIX A: COMPLETED WORKS

	Water Quality Detention Basin (Stage 2)
	East End Detention Basin Creek Crossing
	Narrabeen Creek Corridor C
	Fern Creek (Section I)
2003/04	Water Quality Compliance Data Monitoring
	Water Quality Detention Basin (Stage 2 earthworks)
	Narrabeen Creek Corridor C (2003/04 works)
	Fern Creek (Section I)
2004/05	Water Quality Compliance Data Monitoring
	Water Quality Detention Basin (Stage 2)
	Water Quality Detention Basin (Stage 2)
	Narrabeen Creek Corridor C (2004/05 works)
	Fern Creek (Section I)
	Narrabeen Creek Corridor B
2005/06	Narrabeen Creek Corridor F (Sector 2)
	Detention Basin
	Fern Creek - Corridor I
	Narrabeen Creek - Corridor C
	Fern Creek - Corridor H (Stage 1)
	Jubilee Ave - Upgrade Outlet
	Water Quality Compliance Data Monitoring
	Warriewood Valley Flood Study - Addendum
2006/07	Narrabeen Creek Corridor F (Sector 2)
	Fern Creek - Pedestrian/Cycleway Bridge (Sector 11/12)
	Detention Basin
	Fern Creek - Corridor H (Stage 1)
	Fern Creek Sector 11/12 Rehab

APPENDIX A: COMPLETED WORKS

	Pedestrian Cycleway Bridge to Detention Basin
	Water Quality Compliance Data Monitoring
	Works in Fern Creek (Sector 11)-N0793/02
2007/08	Detention Basin (Final Stage - survey and design)
	Narrabeen Creek - Corridor F
	Fern Creek - Corridor H (Stage 2)
	Narrabeen Creek - Corridor B
	Water Quality Compliance Data Monitoring
2008/09	Detention Basin Design
	Narrabeen Creek - Corridor B
	Fern Creek Corridor H Stage 1
	Water Quality Compliance Data Monitoring
2009/10	Narrabeen Creek Culverts
	Narrabeen Creek - Corridor B
	Fern Creek Corridor H Stage 1
2010/11	WWV Detention Basin Entry Road
2011/12	Narrabeen Creek - Corridor B - Stage 1
2015/16	Fern Creek – Sector 801
2016/17	Narrabeen Creek at Sector 302
2017/18	Narrabeen Creek at Buffers 1j and 1k
	Narrabeen Creek at Buffer 1e
2019/20	Narrabeen Creek at Buffer 1i
	Narrabeen Creek at Buffer 1i
Multi-functional Creek Line Corridor Strategy (Land acquisition)	
Year Completed	Project Description

~~AUGUST 2018~~[APRIL 2022](#)

100

APPENDIX A: COMPLETED WORKS

2000/01	Water Quality Detention Basin Land Acquisition
	Sector 1-Australand (Lot 3022 DP 1021084) - N0444/98
	1-3 Apollo St (Lot 29 DP 1024779) - 99/5
2001/02	Sector 8 - Direct Dedication of land at Mater Maria School
	Sector 1 - MPB (Byrne and Associates)
2003/04	Fern Creek - Sector 12 – N0785/02 (CPG Developments)
	Fern Creek - Sector 11 - (Direct dedication - Australand)
2004/05	Narrabeen Creek - Sector 2-stage 51-N0143/00 (MPB - Australand)
	Narrabeen Creek -Sector 2-stage 41-N0143/00 (MPB - Australand)
	Narrabeen Creek - Sector 2-stage 6-N1034/02 (MPB - Australand)
	Fern Creek - Sector 12 – (Direct dedication - CPG)
2005/06	Vuko Place - Upgrade pipe outlet
	Sector 15 Creek Land Acquisition (1 Boondah Road)
	Sector 15 Creek Land Acquisition (1 Boondah Road)
	Narrabeen Creek – Sector 6 – N0738/04 (MPB-FKP)
	Narrabeen Creek – Sector 6 (Direct dedication - FKP)
	Fern Creek – Sector 9 (Direct dedication - Australand)
	Narrabeen Creek – STP Buffer Area (Direct dedication - ARV)
<u>2016/17</u>	<u>Narrabeen Creek at Sector 302</u>
<u>2017/18</u>	<u>Narrabeen Creek at Buffer 1e</u>
	<u>Narrabeen Creek at Buffers 1j and 1k</u>
	<u>3 Boondah Road</u>
<u>2019/20</u>	<u>Narrabeen Creek at Buffer 1i</u>
	<u>Narrabeen Creek at Buffer 1l</u>
	<u>901A – 13 Fern Creek Road</u>
	<u>901C – Fern Creek</u>

~~AUGUST 2018~~ [APRIL 2022](#)

101

APPENDIX A: COMPLETED WORKS

2021/22	Upper Fern Creek Corridor
Public Recreation and Open Space Strategy	
Year Completed	Project Description
1999/00	Boondah Reserve works
2000/01	Jacksons Road sportsground acquisition (1st payment)
	Jacksons Road Sportsground Civil Works
	Land for neighbourhood park 1 (Sector 1) (Lot 3022 DP 1021084) - N0446/98
2001/02	Jacksons Road Sportsground Acquisition (2nd payment)
	Jacksons Road Sportsground Car park
2002/03	Jacksons Road Sportsground Acquisition (3rd payment)
	Jacksons Road Sportsground - lighting and signage
	Land for neighbourhood park 2 (Lot 126 DP 1043971) - N0570/01
	Neighbourhood park (Sector 1) - N0446/98
2003/04	Neighbourhood park 2 (Sector 10) - N0570/01
	Land for neighbourhood park 3 (Sector 12) - N0785/02
	Jacksons Road Sportsground Acquisition (4th payment)
	Sportsground (Jacksons Road) Stage 3
2004/05	Jacksons Road Sportsground Acquisition (final payment)
	Jacksons Road Change Rooms (design)
2005/06	Jacksons Road Change Rooms (design)
	District Park (Design)
	Neighbourhood park 3 (Sector 12) - N0785/02
2006/07	Warriewood Valley Sportsground Amenities
	Central park (land in sector 8) - N0210/04

~~AUGUST 2018~~[APRIL 2022](#)

102

APPENDIX A: COMPLETED WORKS

2007/08	Jackson Road Sportsground Lighting
	Jacksons Road Sportsground Amenities - landscaping, plumbing & painting
	Shade Structures to Neighbourhood Parks 1 & 3
	Purchase of open space land (Sector 9)
2008/09	Central Local Park (Sector 8) – Embellishment
	Jackson Road sportsground lighting
	Narrabeen High School soccer ground
	Warriewood Valley Community Centre Childcare Stage 1
2009/10	Central Local Park (Sector 8) - Embellishment
2010/11	Central Local Park (Sector 8) - Embellishment
2011/12	Central Local Park (Sector 8) - Playground
2011/12	Narrabeen High sports field embellishment
2015/16	NBISC Contribution – Stages 1 & 2
<u>2017/18</u>	<u>Warriewood Sportsground (Jacksons Road) – Carpark upgrade and irrigation</u>
	<u>Southern Buffer land acquisition and embellishment (3 Boondah Road)</u>

Community Facilities Strategy

Year Completed	Project Description
2007/08	Warriewood Community Centre Childcare Design/Investigation
2009/10	Warriewood Community Centre Childcare Stage 1
2015/16	Embellishment/Extension of Community Facility Space (Design Stage 1)

Library Facilities Strategy¹⁹

Year Completed	Project Description
2001/02	Library Resource Items / Equipment (2001/02)

¹⁹ All works associated with this strategy have now been completed.

APPENDIX A: COMPLETED WORKS

2002/03	Library Resource Items / Equipment (2002/03)
2003/04	Library Resource Items / Equipment (2003/04)
	Extensions Mona Vale Library
2004/05	Library Resource Items / Equipment (2004/05)
	Extensions Mona Vale Library
2005/06	Library Resource Items / Equipment (2005/06)
	Extensions Mona Vale Library
2006/07	Library Resource Items / Equipment (2006/07)
2007/08	Library Resource Items / Equipment (2007/08)
2008/09	Library Resource Items / Equipment (2008/09)
Pedestrian and Cyclist Network Strategy	
Year Completed	Project Description
2000/01	Cycleway west of Sector 1-NO452/98
2002/03	Cycleway network along Narrabeen Creek –(Sector 1)
	Land in Sector 10 (DP 1043971) - (Stockland) – N0570/01
	Cycleway network in Sector 1-Australand-N0444/98
	Cycleway network in Sector 10 - Stockland – N0570/01
2004/05	Warriewood Wetlands boardwalk - Stage 2
	Cycleway around detention basin in Sector 1
	Cycleway along Pittwater Road (south of Warriewood Road)
	Land south of Sector 12 adjoining conservation/open space - N0785/02 (CPG)
	Land in Sector 11 - (Australand) – N0793/02
2005/06	Warriewood Wetlands boardwalk – Stage 2
	Pedestrian/Cycleway bridge over Fern Creek (Sector 11/12)
	Cycleway network for Sector 12 - (CPG) – N0785/02

APPENDIX A: COMPLETED WORKS

	Cycleway network in Fern Creek (Sector 12) - (CPG) – N0785/02
	Warriewood Wetlands Boardwalk Stage 2
2006/07	Cycleway network in Sector 11 - (Australand) – N0793/02
	Cycleway around detention basin in Sector 1
	Cycleway network along Narrabeen Creek (Sector 2)
2011/12	Cycleway network along Narrabeen Creek (Corridor B)
2015/16	Cycleway network along Fern Creek (Sector 801)
2017/18	Cycleway network along Narrabeen Creek (Buffer 1j and 1k)
2018/19	Pedestrian/cyclist bridge over Brands Lane
	Shared path – Sector 10C
2019/20	Cycleway network along Narrabeen Creek (Buffer 1i)
	Cycleway network along Narrabeen Creek (Buffer 1l)
	Shared path connection from Narrabeen Creek to Warriewood Road
Ponderosa Parade Drainage Strategy²⁰	
Year Completed	Project Description
1998/99	Trunk Drainage Ponderosa Parade
2000/01	Trunk Drainage Ponderosa Parade

²⁰ All works associated with this strategy have now been completed.

APPENDIX B: WORKS SCHEDULE

Appendix B: Works Schedule

Traffic and Transport Strategy			
Location/ Item Number	Project Description	Expenditure (2018/19 2021/22)	Commencement Year
2.5	Roundabout— Warriewood Road and Hill Street intersection	\$195,127	2019/20
3	Roundabout— Warriewood Road and Macpherson Street (construction, underground power and service adjustments)	\$723,596	2017/18
4.3—Design	Bridge and culverts, road raising, power and utility relocation— Macpherson Street (design component)	\$65,784	2017/18
4.3—Construct	Bridge and culverts, road raising, power and utility relocation— Macpherson Street (construction component)	\$5,459,866	2017/18
4.4A	Design - Culvert to increase capacity under Boondah Road at Narrabeen Creek	\$730,834 \$133,879	2019/20 2024/25
4.4B	Construct - Culvert to increase capacity under Boondah Road at Narrabeen Creek	\$1,472,665	
5.5	Bus Bay and shelter – Warriewood Road between Manooka Place and Alameda Way	\$36,646 \$39,511	2021/22 2029/30
5.6	Bus Bay and shelter – Warriewood Road at Alameda Way	\$39,511 \$31,789	2029/30 2024/22
5.7	Bus Bay and shelter – Warriewood Road at Macedon Place	\$39,511 \$36,644	2029/30 2024/22
5.8	Bus shelter x-2— Macpherson Street (north and south side of road) near Boondah Road	\$39,511 \$63,578	2029/30 2024/22
5.10	Bus Bay and shelter – Macpherson Street (north side of road) near Garden Street	\$39,511 \$40,375	2018/19 2021/22
7	Intersection upgrade – Improve left turn and produce two right turn lanes into Pittwater Road at Warriewood Road	\$529,334 \$1,458,422	2020/21 2026/27
10.1	Traffic islands – Jubilee Avenue and Ponderosa Parade (Stage 2 of roundabout construction)	\$78,048 \$145,915	2019/20 2021/22
22	Roundabout – Jubilee Avenue and Warriewood Road	\$319,253 \$509,711	2019/20 2023/24
23	Roundabout – Macpherson Street and Brands Lane	\$195,127 \$202,839	2019/20 2028/29
25	Upgrade existing roundabout – Boondah Road and Jacksons Road	\$189,877 \$233,826	2019/20 2015/26
26b	Road upgrade – Boondah Road from Chainage 300 to Chainage 600 (Design and Construction) Jacksons Road (design and Construct)	\$2,328,393 \$4,724,758	2020/21 2023/24
26c	Road upgrade – Boondah Road from Chainage 600 to Jacksons Road (Design and Construction)	\$3,062,673	2020/21

~~AUGUST 2018~~ APRIL 2022

106

APPENDIX B: WORKS SCHEDULE

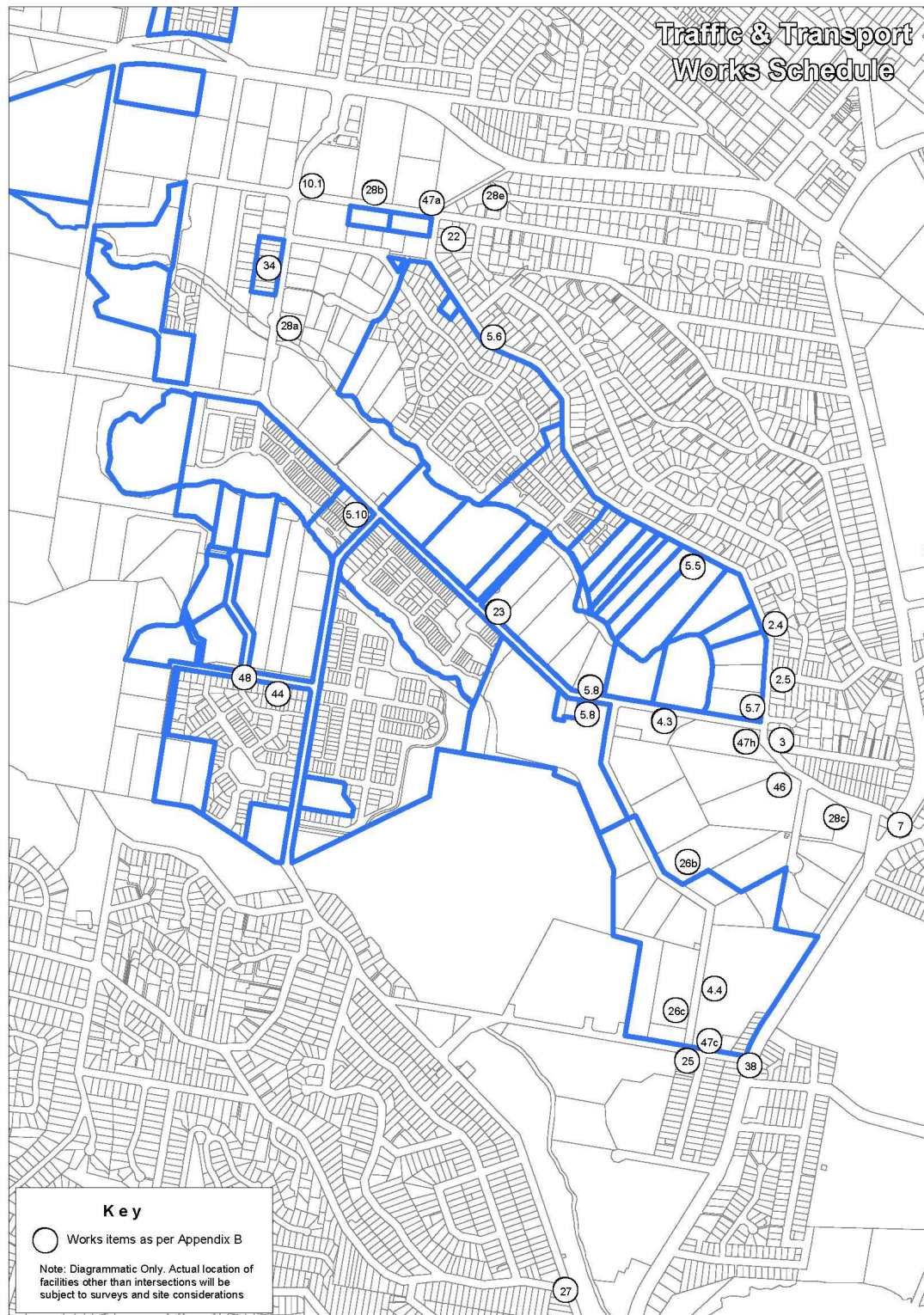
27	Intersection upgrade and parking improvement – Garden Street and Powderworks Road	\$343,235	2017/18
28A	Shared Paths – Ponderosa Parade, Jubilee Avenue to Macpherson Street	\$238,546 <u>\$246,756</u>	2019/20 <u>2027/28</u>
28B	Shared Paths – Jubilee Avenue, Ponderosa Parade to Warriewood Road	\$160,705 <u>\$151,973</u>	2019/20 <u>2023/24</u>
28C	Shared Paths – Warriewood Rd, Vuko Place to Pittwater Road	\$118,018	2017/18
28E	Footpath – Foley St, Jubilee Avenue to Mona Vale Road	\$60,766	2021/22
34	Road pavement upgrade – Ponderosa Parade, between Apollo Street and Macpherson Street (western side of road)	\$1,057,277 <u>\$665,788</u>	2019/20 <u>2027/28</u>
38	Intersection upgrade – Jacksons Road and Pittwater Road	\$587,123 <u>\$992,102</u>	2019/20 <u>2025/26</u>
44	Central Median – Orchard Street, Garden Street to Fern Creek	\$190,536 <u>\$145,189</u>	2021/22 <u>2028/29</u>
46	Road upgrade – Warriewood Road, Macpherson Street to Vuko Place	\$328,000	2017/18
47a	Splay corner purchase - Warriewood Road and Jubilee Avenue (3 corners – north-west, south-east and south west corners)	\$162,061 <u>\$83,000</u>	2018/19 <u>2022/23</u>
47c	Splay corner purchase – Boondah Road and Jacksons Road (2 corners – north east and north west corners)	\$65,275 <u>\$14,000</u>	2018/19 <u>2022/23</u>
48	Roundabout – Orchard Street and Fern Creek Road	\$189,877 <u>\$162,200</u>	2021/22 <u>2028/29</u>
Traffic and Transport Strategy Subtotal		\$17,590,137 <u>\$11,549,379</u>	

~~AUGUST 2018~~ APRIL 2022

107

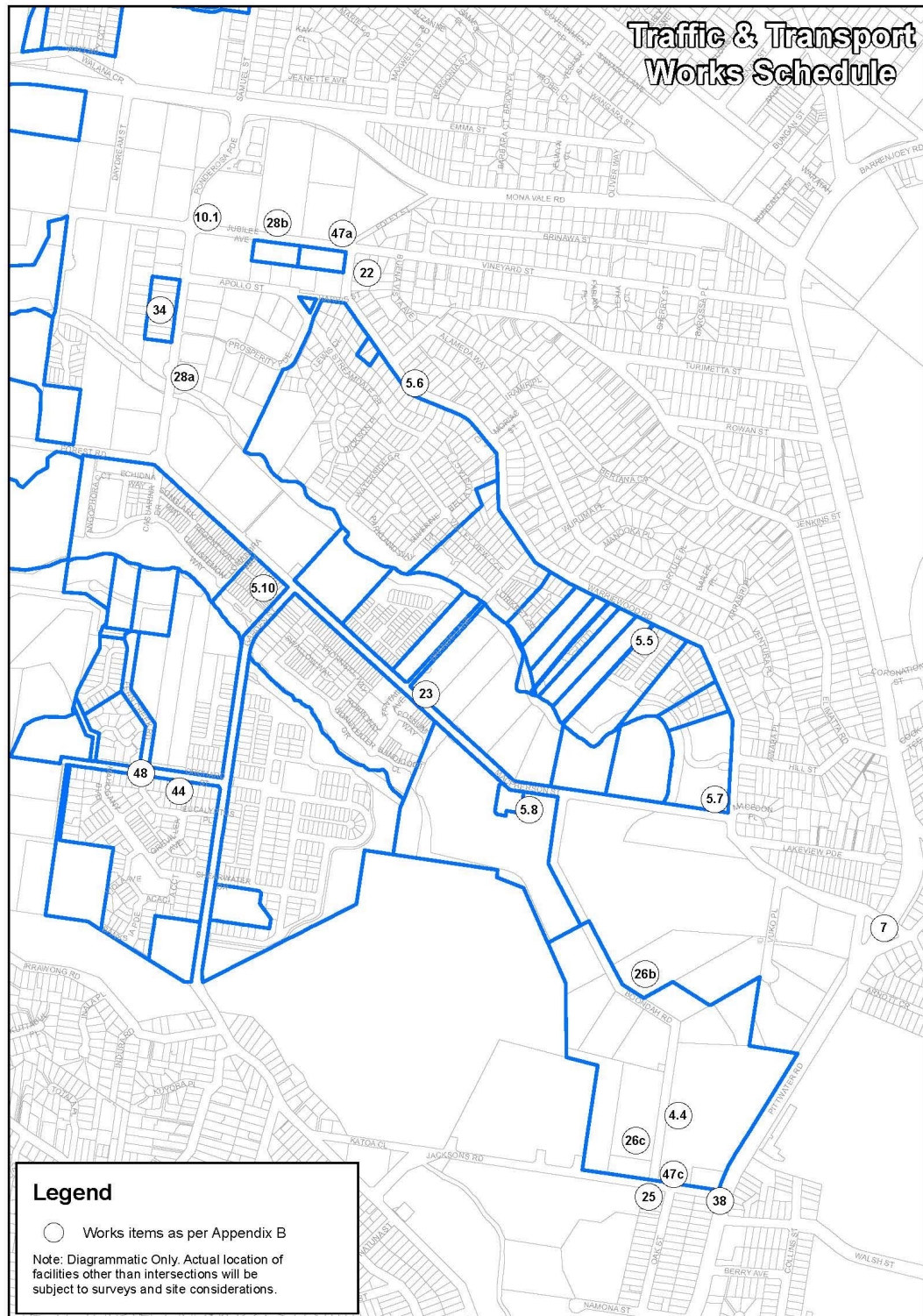
APPENDIX B: WORKS SCHEDULE

Figure 10: Map of Traffic and Transport Works Schedule



AUGUST 2018/APRIL 2022

APPENDIX B: WORKS SCHEDULE



AUGUST 2018/APRIL 2022

APPENDIX B: WORKS SCHEDULE

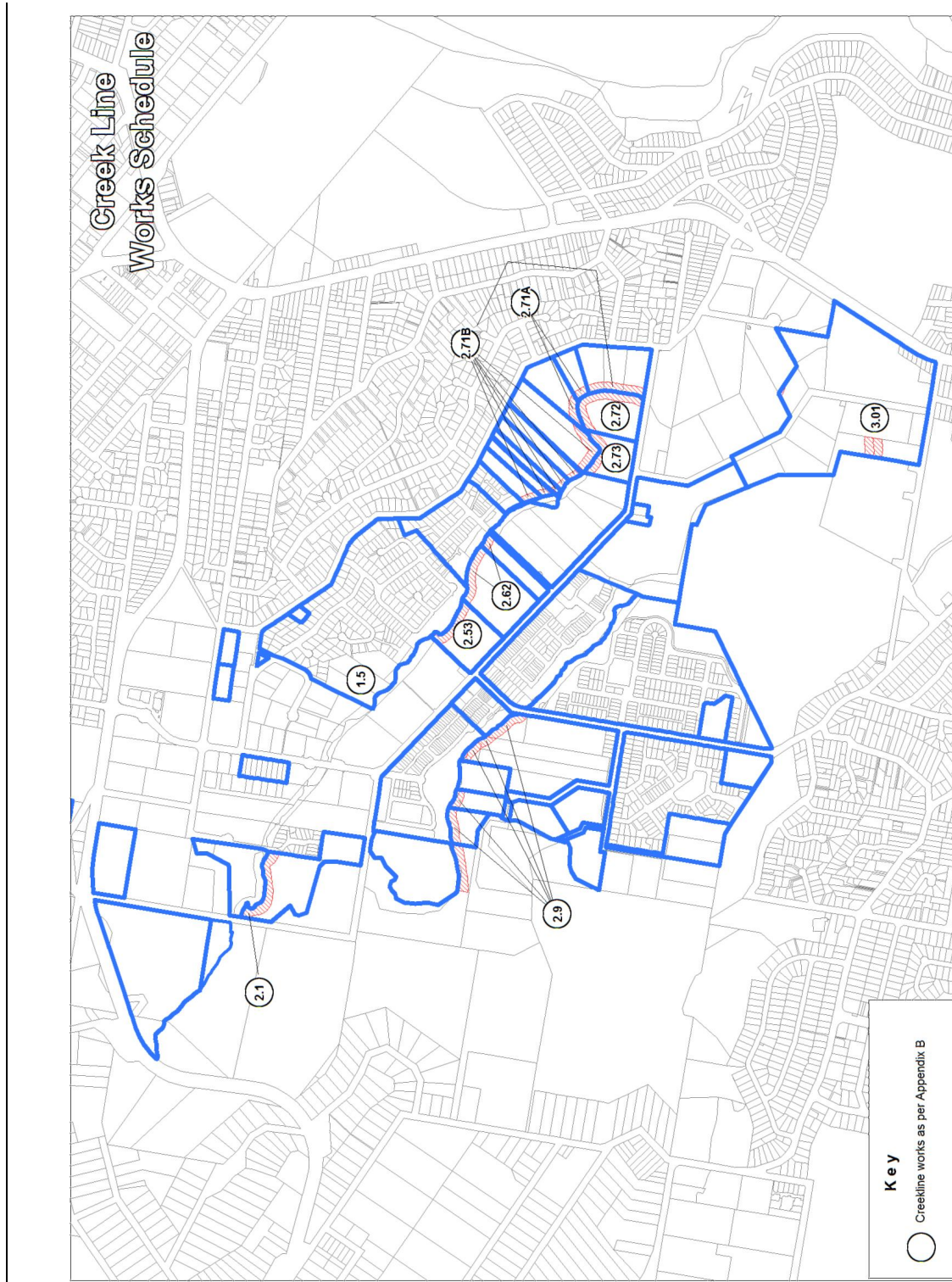
Multi-functional Creek Line Strategy (Rehabilitation works)			
Location/ Item Number	Project Description	Expenditure (2018/192021/22)	Commencement Year
1.5	Water Quality Retention Basin – Narrabeen Creek at Sector 1	\$772,649 \$891,825	2019/202021/22
2.1	Narrabeen Creek Upper Reaches	\$649,000 \$657,800	2020/212025/26
2.53	Narrabeen Creek at Sector 301	\$386,309 \$493,350	2021/222026/27
2.62B	Narrabeen Creek at Sector 302 & 303	\$579,464 \$148,005	2018/192029/30
2.71a	Narrabeen Creek at Buffer 1j & 1k	\$334,802	2018/19
2.71b	Narrabeen Creek at Buffer 1b to 1i & 1l	\$1,467,976	2019/20
2.71B	Narrabeen Creek at Buffer 1b – 53A Warriewood Road	\$184,184	2024/25
2.71C	Narrabeen Creek at Buffer 1c – 53B Warriewood Road	\$124,982	2026/27
2.71D	Narrabeen Creek at Buffer 1d – 53 Warriewood Road	\$8,223	2026/27
2.71F	Narrabeen Creek at Buffer 1f – 49 Warriewood Road	\$192,407	2025/26
2.71G	Narrabeen Creek at Buffer 1g – 45 Warriewood Road	\$212,141	2025/26
2.71H	Narrabeen Creek at Buffer 1h – 43 Warriewood Road	\$8,223	2025/26
2.72	Narrabeen Creek at Buffer 1m	\$1,120,298 \$954,100	2020/212021/22
2.73	Narrabeen Creek at Buffer Area 2a	\$399,186 509,795	2020/212030/31
2.9	Fern Creek at Sector 901a, 901c and 901g.	\$1,416,468 \$442,500	2019/202021/22
2.9A	Fern Creek at 4 Orchard Street	\$140,400	2029/30
2.9B	Fern Creek at 206 Garden Street	\$306,800	2030/31
3.04	Narrabeen Creek in Southern Buffer (6 Jacksons Road)	\$283,294	2021/22
Multi-functional Creek Line Corridor Strategy (Rehabilitation works) Subtotal		\$7,409,416 \$5,274,735	

AUGUST 2018APRIL 2022

110

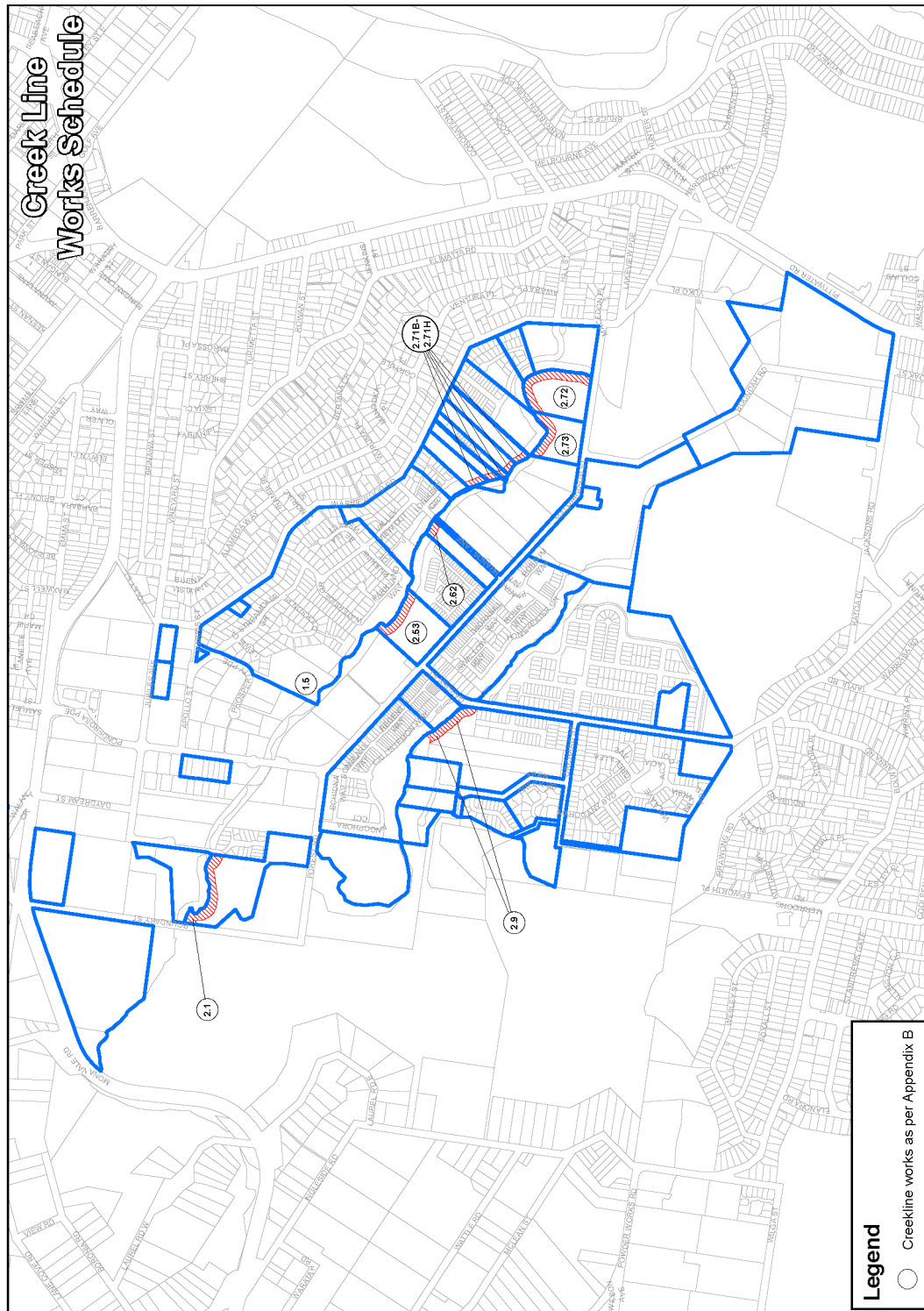
APPENDIX B: WORKS SCHEDULE

Figure 11: Map of Creek Line Works Schedule





APPENDIX B: WORKS SCHEDULE



APPENDIX B: WORKS SCHEDULE

Multi-functional Creek Line Strategy (Land acquisition)			
Location/ Item Number	Project Description	Expenditure (2018/19 2021/22)	Commencement Year
501	Narrabeen Creek Corridor – 6,165m2	\$360,848 \$924,750	2018/19 2025/26
301	Narrabeen Creek Corridor – 3,960m2	\$231,786 \$594,000	2020/21 2026/27
302	Narrabeen Creek Corridor – 4,344m2	\$254,262	2017/18
303	Narrabeen Creek Corridor – 1,119m2	\$65,497 \$167,850	2019/20 2028/29
1b	Narrabeen Creek Corridor – 1,099 m2	\$64,326 164,850	2017/18 2024/25
1c	Narrabeen Creek Corridor – 760m2	\$44,484 \$114,000	2017/18 2026/27
1e	Narrabeen Creek Corridor – 443m2	\$25,930	2017/18
1f	Narrabeen Creek Corridor – 694m2	\$40,621 \$104,100	2019/20 2025/26
1g	Narrabeen Creek Corridor – 777m2	\$45,479 \$116,550	2020/21 2025/26
1i	Narrabeen Creek Corridor – 4,107m2	\$240,390	2018/19
1j	Narrabeen Creek Corridor – 2,238m2	\$355,150	2018/19
1k	Narrabeen Creek Corridor – 1,070m2	\$160,799	2018/19
1l	Narrabeen Creek Corridor – 4,144m2	\$242,556	2018/19
1m	Narrabeen Creek Corridor – 6,751m2	\$197,574 \$945,140	2020/21 2022/23
2a	Narrabeen Creek Corridor – 3,645m2	\$213,348 \$546,750	2021/22 2030/31
901A – 13 Fern Creek Road	Fern Creek Corridor – 1,493m2	\$87,388	2018/19
901A – 4 Orchard Avenue	Fern Creek Corridor – 919m2	\$53,791 \$137,850	2020/21 2029/30
901A – 206 Garden Street	Fern Creek Corridor – 2,945m2	\$172,376 \$441,750	2020/21 2030/31
901C	Fern Creek Corridor – 1,471m2	\$86,100	2018/19
901G	Fern Creek Corridor – 2,659m2	\$155,636	2018/19

~~AUGUST 2018~~APRIL 2022

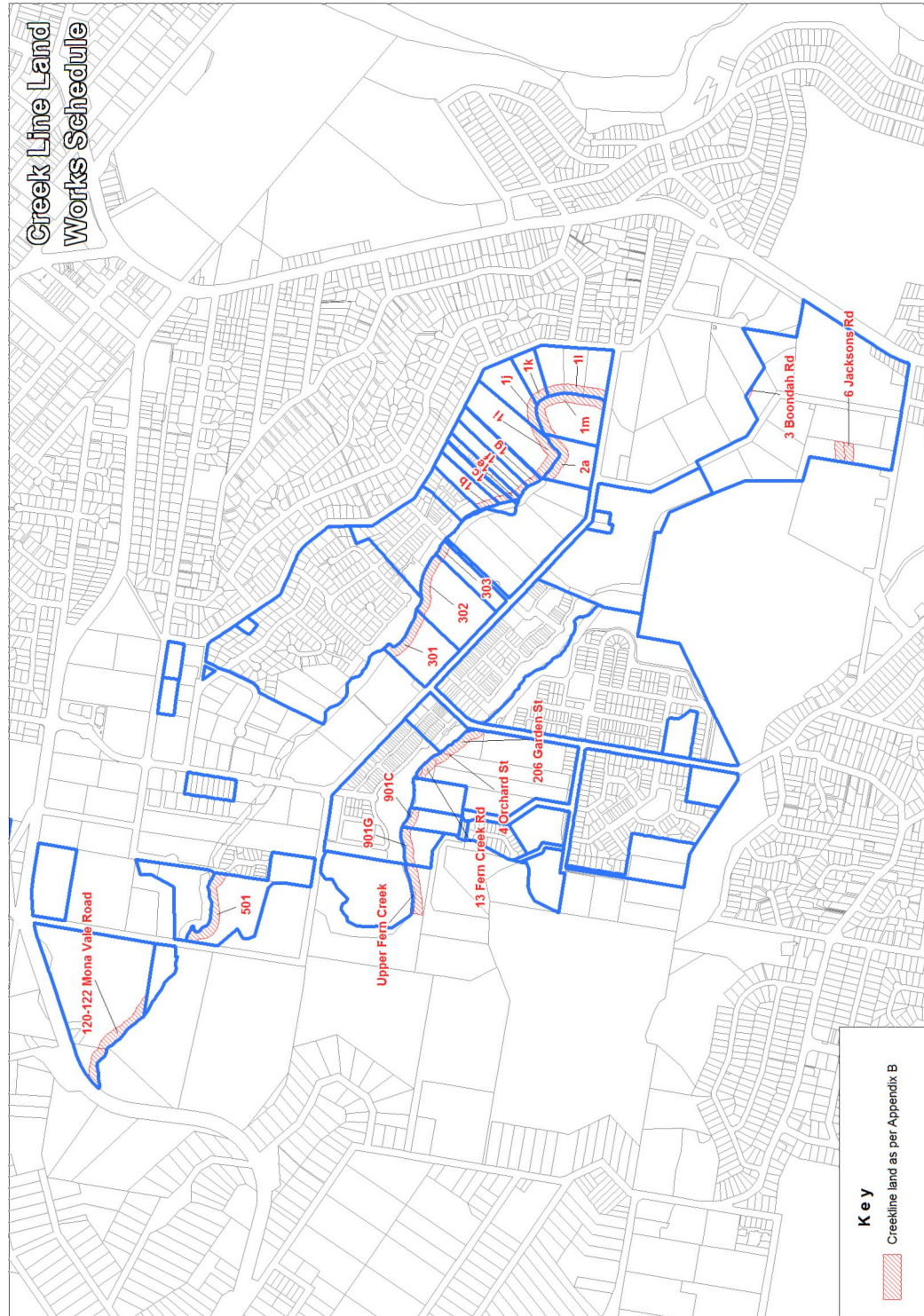
113

APPENDIX B: WORKS SCHEDULE

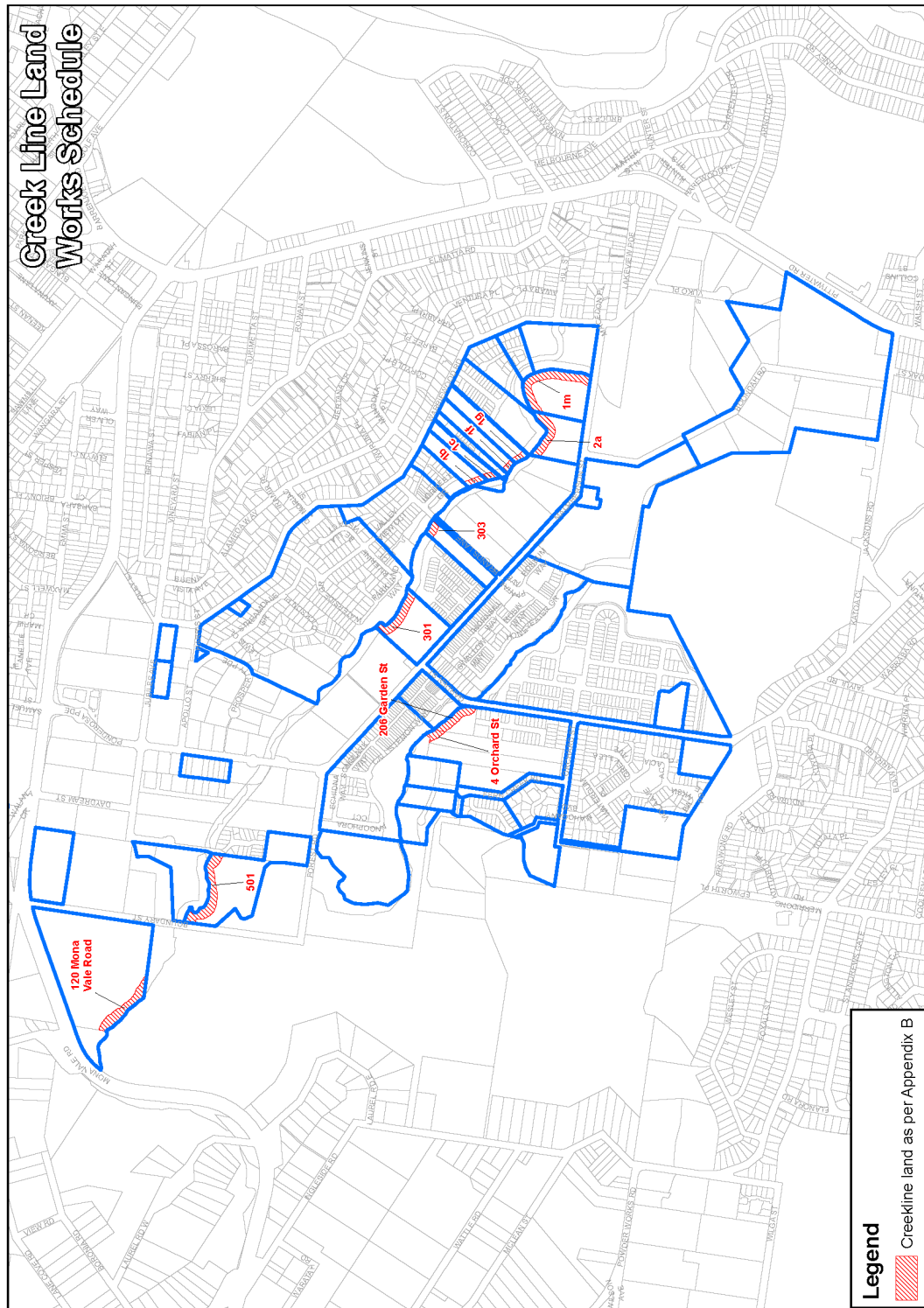
120 Mona Vale Road	Upper Narrabeen Creek – 4,531m ²	\$132,604 <u>\$679,650</u>	2019/20 <u>2030/31</u>
122 Mona Vale Road	Upper Narrabeen Creek – 2,560 m²	\$74,921	2019/20
Upper Fern Creek Corridor	Upper Fern Creek Corridor – 3,430m ²	\$200,764 <u>\$171,500</u>	2019/20 <u>2021/22</u>
3 Boondah Road	Narrabeen Creek Corridor – 375m²	\$21,949	2017/18
6 Jacksons Road	Narrabeen Creek Corridor – 2,795m²	\$163,596	2021/22
Multi-functional Creek Line Corridor Strategy (Land acquisition) Subtotal		\$3,701,174 <u>\$5,108,740</u>	

APPENDIX B: WORKS SCHEDULE

Figure 12: Map of Creek Line Land Acquisition Schedule



APPENDIX B: WORKS SCHEDULE



APPENDIX B: WORKS SCHEDULE

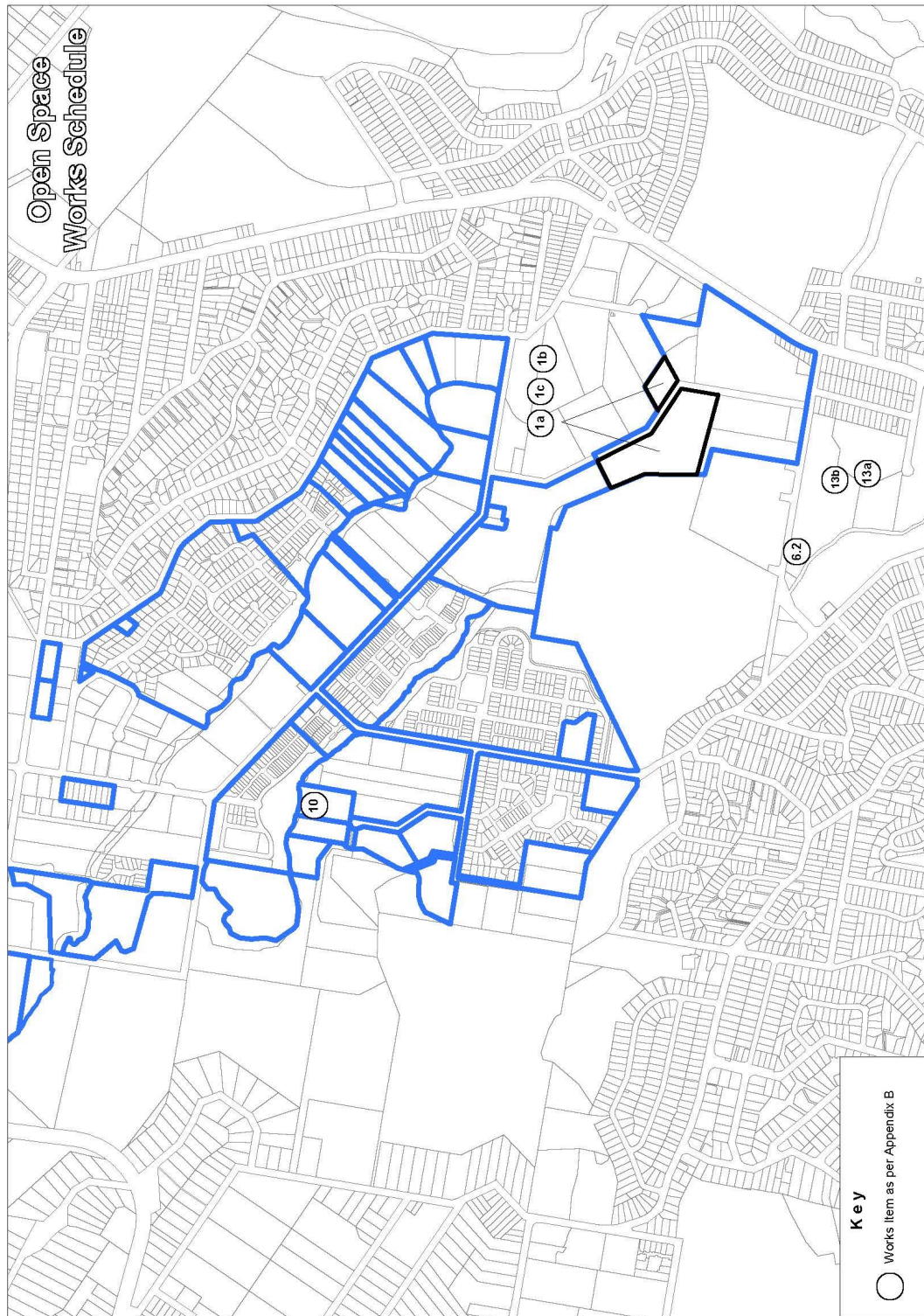
Public Recreation and Open Space Strategy			
Location/ Item Number	Project Description	Expenditure (2018/192021/22)	Commencement Year
4a	Southern Buffer land acquisition and embellishment — Stage 1	\$16,942,129	2019/20
4b	Southern Buffer land acquisition and embellishment — Stage 2	\$1,300,897	2020/21
4c	Southern Buffer land acquisition and embellishment — Stage 3	\$5,203,589	2021/22
6.2	Warriewood Sportsground (Jacksons Road) — Carpark upgrade and irrigation	\$791,349	2017/18
1C	Embellishment of 3 Boondah Road	\$2,986,426	2021/22
1D	Construction of new synthetic field at Narrabeen Sports High School	\$3,478,200	2026/27
1E	Lighting on Boondah Reserve (fields 2, 3 & 4)	\$477,400	2026/27
1F	Conversion of existing turf field at Pittwater Rugby Park to synthetic	\$3,590,558	2028/29
1I	Embellishment of turf field at Boondah 5	\$1,423,279	2026/27
1J	Embellishment of existing turf fields at Boondah 6 and 7 to provide hard courts	\$2,030,452	2027/28
10	Embellishment of southern half of Central Local Park - Sector 9	\$1,856,071 \$2,742,238	2018/192022/23
Public Recreation and Open Space Strategy Subtotal		\$26,094,035\$16,728,553	

AUGUST 2018APRIL 2022

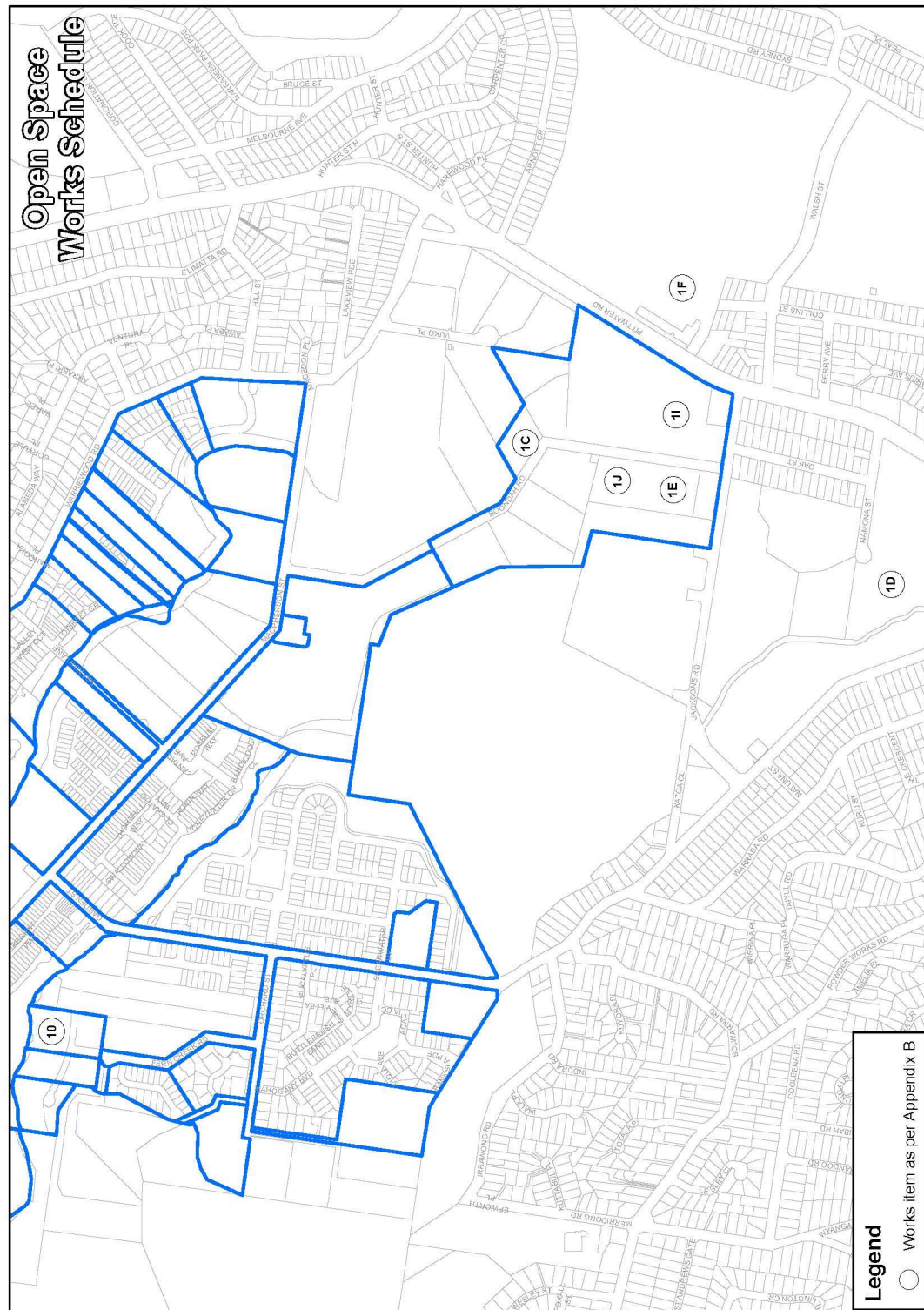
117

APPENDIX B: WORKS SCHEDULE

Figure 13: Map of Public Recreation and Open Space Works Schedule



APPENDIX B: WORKS SCHEDULE



APPENDIX B: WORKS SCHEDULE

Pedestrian and Cyclist Network Strategy			
Location/ Item Number	Project Description	Expenditure (2018/19 2021/22)	Commencement Year
1	Shared path along Narrabeen Creek – Sector 6	\$202,707	2019/20
2	Shared path along Narrabeen Creek – Buffer 1a to 1i	\$564,902	2019/20
2A	Narrabeen Creek Buffer 1a – 61 Warriewood Road	\$90,397	2025/26
2B	Narrabeen Creek Buffer 1b – 53A Warriewood Road	\$23,150	2025/26
2C	Narrabeen Creek Buffer 1c – 53B Warriewood Road	\$13,541	2026/27
2D	Narrabeen Creek Buffer 1d – 53 Warriewood Road	\$1,092	2026/27
2E	Narrabeen Creek Buffer 1e – 53C Warriewood Road	\$54,600	2024/25
2F	Narrabeen Creek Buffer 1f – 49 Warriewood Road	\$17,035	2025/26
2G	Narrabeen Creek Buffer 1g – 45 Warriewood Road	\$18,782	2025/26
2H	Narrabeen Creek Buffer 1h – 43 Warriewood Road	\$1,092	2025/26
3	Shared path along Fern Creek – Sector 8	\$143,052	2019/20
4	Pedestrian/cyclist bridge over Narrabeen Creek at Brands Lane	\$146,798	2018/19
5	Pedestrian/cyclist bridge over Fern Creek at Sector 8/9	\$146,798 \$366,000	2019/20 2022/23
6.1	Shared path – Sector 10B	\$110,789	2019/20
6.2	Shared Path – Sector 10C	\$82,787	2019/20
15	Shared path connection (on road) from Narrabeen Creek to Warriewood Road	\$65,743	2019/20
18	Share path connection – Vuko Place to Pittwater Road	\$236,187	2021/22
20	Shared path connection – Pittwater Road to Boondah Road	\$223,404 \$156,770	2019/20 2022/23
23	Shared path connection (on road) from Narrabeen Creek to Macpherson Street	\$146,704 \$125,320	2019/20 2029/30
31	Shared path connection – Boondah Road to Warriewood Wetlands	\$150,356 \$409,240	2020/21 2030/31
32	Shared path connections – Jacksons Road to Warriewood Wetlands	\$21,071	2017/18
33	Shared path connection from Fern Creek to Fern Creek Road and Fern Creek to Casuarina Drive	\$31,654	2019/20

~~AUGUST 2018~~ APRIL 2022

120

APPENDIX B: WORKS SCHEDULE

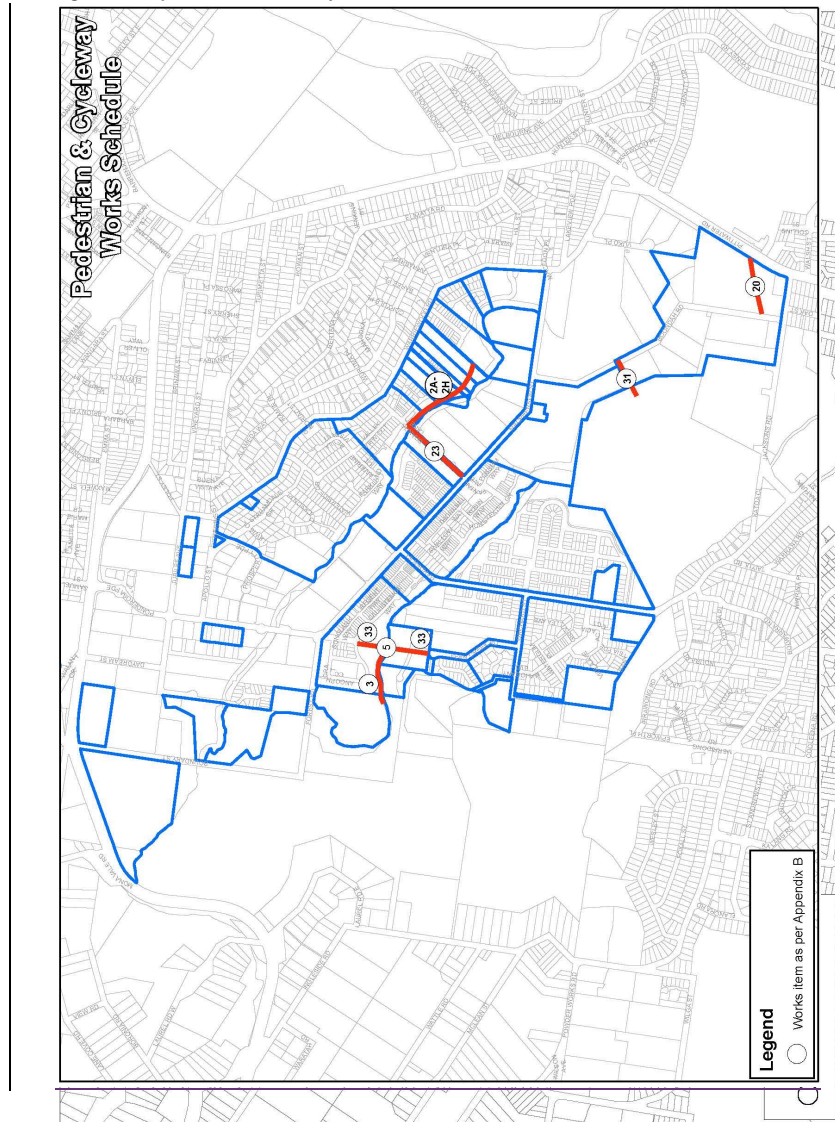
Pedestrian and Cyclist Network Strategy Subtotal

~~\$2,272,954~~
\$1,277,019~~AUGUST 2018~~
APRIL 2022

121

APPENDIX B: WORKS SCHEDULE

Figure 14: Map of Pedestrian and Cyclist Network Works Schedule



AUGUST 2018 ~~APRIL 2022~~

122

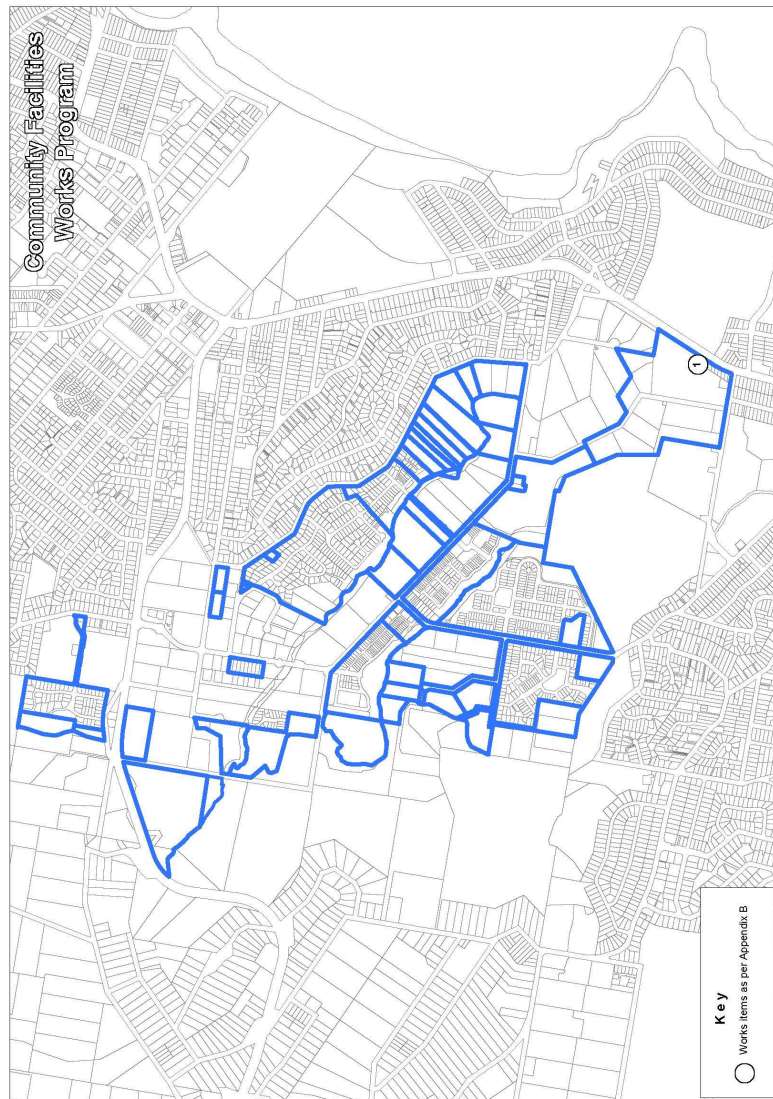
APPENDIX B: WORKS SCHEDULE

Community Facilities Strategy			
Location/ Item Number	Project Description	Expenditure (2018/192021/22)	Commencement Year
	Community Facility Space – Design Stage 3	\$93,651\$179,692	2019/202021/22
	Community Facility Space – Construction Stage 1	\$1,814,484\$4,610,007	2020/212022/23
	Community Facility Space – Construction Stage 2	\$2,458,333	2020/21
	Community Facility Space – Equipment & fitout	\$234,127	2021/22
Community Facilities Strategy Subtotal		\$4,600,595\$4,789,699	

AUGUST 2018APRIL 2022

123

Figure 15: Map of Community Facilities Works Schedule



APPENDIX B: WORKS SCHEDULE

Bushfire Protection Strategy			
Location/ Item Number	Project Description	Expenditure (2018/19)	Commencement Year
2	Connection - Causeway over Fern Creek at Sector 8/9	\$450,694 \$100,000	2019/20 2021/22
3	Connection - Sector 5/8	\$39,802	2021/22
4	Connection - Sector 9/10	\$42,143	2021/22
Bushfire Protection Strategy Subtotal		\$532,639 \$100,000	

~~AUGUST 2018~~ APRIL 2022

125

APPENDIX B: WORKS SCHEDULE

Administration and Plan Management Strategy			
Location/ Item Number	Project Description	Expenditure	Commencement Year
Year 5	Administration and plan management fee	\$119,155	2017/18
Year 6	Administration and plan management fee	\$73,241	2018/19
Year 7	Administration and plan management fee	\$423,287	2019/20
Year 8	Administration and plan management fee	\$235,553	2020/21
Year 9	Administration and plan management fee	\$125,129	2021/22
Year 1	Administration and plan management	\$29,561	2021/22
Year 2	Administration and plan management	\$151,616	2022/23
Year 3	Administration and plan management	\$84,714	2023/24
Year 4	Administration and plan management	\$32,372	2024/25
Year 5	Administration and plan management	\$59,238	2025/26
Year 6	Administration and plan management	\$138,229	2026/27
Year 7	Administration and plan management	\$50,883	2027/28
Year 8	Administration and plan management	\$75,730	2028/29
Year 9	Administration and plan management	\$12,864	2029/30
Year 10	Administration and plan management	\$53,719	2030/31
Administration and Plan Management Strategy Subtotal		\$976,365	694,071
Total Works Schedule		\$63,177,312	– (2018/19) \$46,965,483

AUGUST 2018 APRIL 2022

127

APPENDIX B: WORKS SCHEDULE

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

| ~~AUGUST 2018~~APRIL 2022

128



Changes are indicated as:

~~Red and strike through~~ is deleted text

Blue and underlined is added text

Text in red box are drafting notes

Draft

Part G9 - Frenchs Forest Town Centre

Warringah Development Control Plan (DCP) 2011

Contents

2

1	Introduction	3
2	Desired future character	9
3	Design principles for the Town Centre	11
4	Land use strategy	14
	Frenchs Forest Town Centre	
	Public Domain	
5	Site specific requirements	17
6	Parking	73
7	Contamination	76
8	Sustainability	78
	Water management	
9	Water sensitive urban design	80
10	Waste management	82
A	Part H, Appendix 3 – Frenchs Forest	84
	Town Centre Public Domain	



1 Introduction

1.1 Applies to Land

This section applies to the Frenchs Forest Town Centre (Phase 1 Development), as outlined in Figure 1.

The following parts of the DCP do not apply:

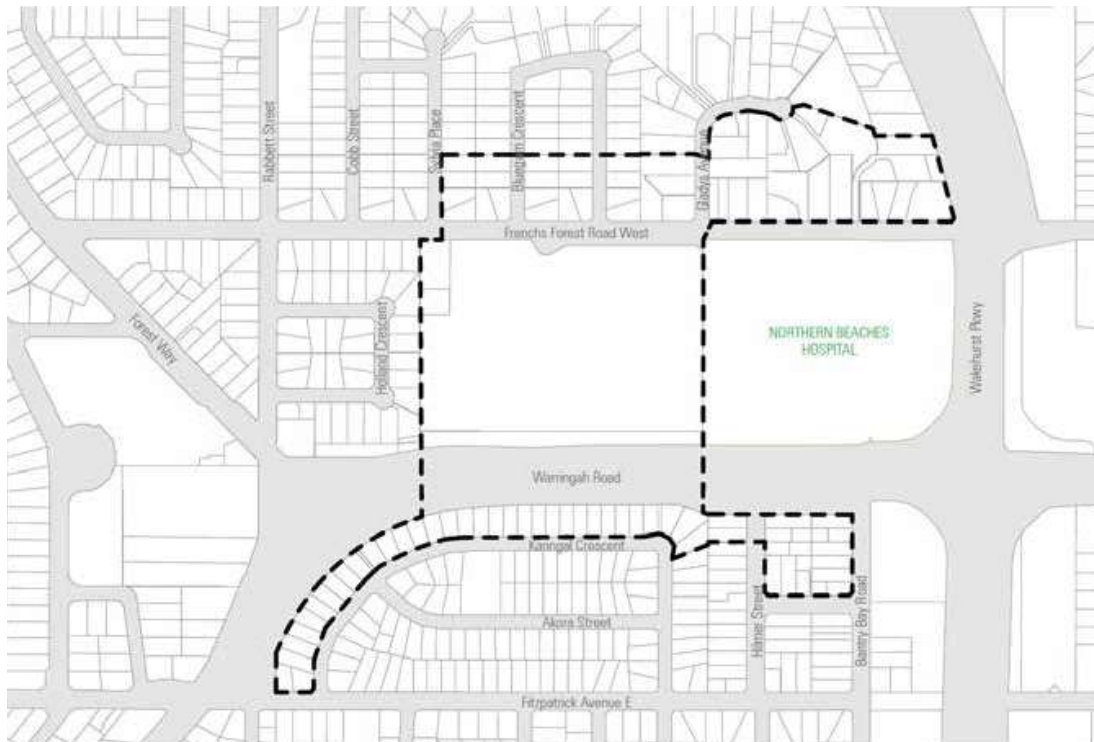
- Part B Built Form Controls
- Part C1 Subdivision (Requirement 1 only)
- Part D1 Landscaped Open Space and Bushland Setting

- Part D19 Site Consolidation in the R3 and IN1 zone.

All other parts of the DCP apply.

In the event of any inconsistency between this section and other sections of the DCP, this section will prevail to the extent of the inconsistency.

Figure 1
Frenchs Forest Town Centre outlined in black
(Phase 1 Development)



1.2 Objectives of this Part and Masterplan for Frenchs Forest Town Centre (Phase 1 development)

The objectives of this Part, and Masterplan (Figure 2) for Frenchs Forest Town Centre (Phase 1 development) are:

- To provide a clear vision and design principles for future development of the Frenchs Forest Town Centre.
- To deliver a master planned outcome which allows for high density, mixed use development and residential transition zones that will guide Frenchs Forest's role as a Strategic Centre.
- To deliver high quality design and public domain outcomes that positively contribute to the character of Frenchs Forest.
- To identify public domain improvements, including new streets, improved pedestrian and cycling connections
- and public open space, resulting in connectedness and increasing social interactions with the community.
- To promote the Frenchs Forest Town Centre as a self-sustaining precinct, providing opportunities for residents to live, work and play in the Town Centre.
- To establish a clear exemplar for the integration and delivery of sustainability [and circular economy](#) at a precinct level and use of industry recognised building rating tools.
- To improve liveability through the use of green infrastructure, creating green spaces and streetscapes that provide visual amenity, reduce heat island effect, reduce the environmental footprint, enhance ecosystems, and create passive recreation opportunities.

Figure 2
Illustrative Master Plan for the Frenchs Forest Town Centre
(Phase 1 Development) (Source: CHROFI)

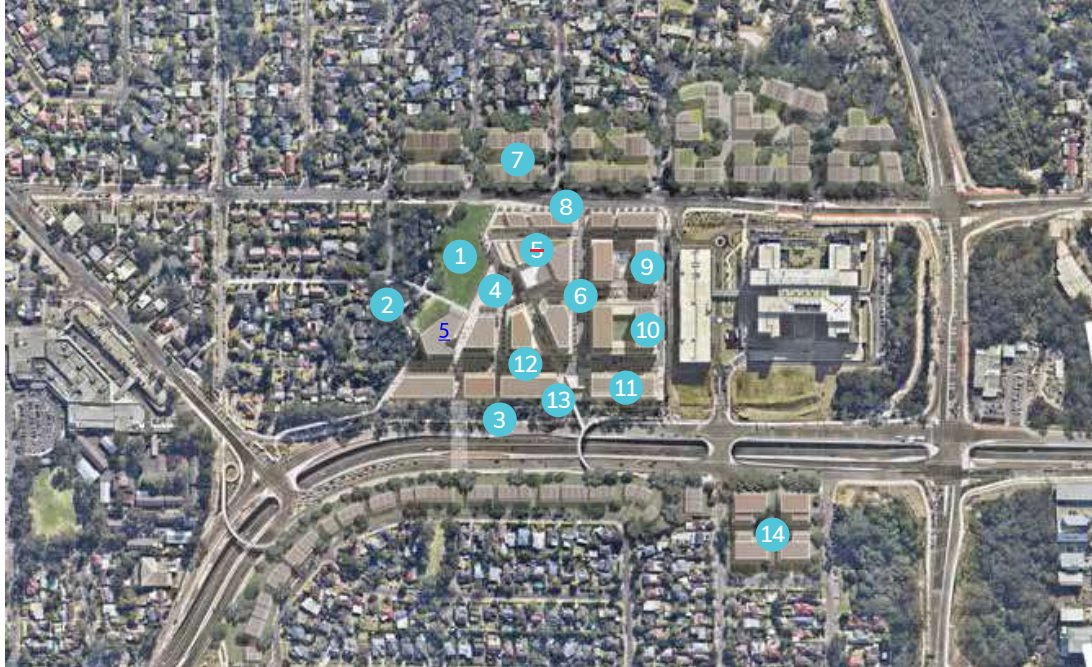


Figure 2 - Explanation

Future development will deliver a master planned outcome and be consistent with Figure 2 and below:

- | | |
|---|---|
| <p>1 Open space that retains mature vegetation and provides passive recreation opportunities.</p> <p>2 Retaining existing mature trees, particularly where they are adjacent to, or form part of the public domain.</p> <p>3 A landscape buffer along Warringah Road is required to retain and enhance the existing trees and provide a natural buffer to development.</p> <p>4 A central public piazza activated by cafes and outdoor dining, with excellent solar access and views over bushland and open space.</p> <p>5 Community buildings ^{hub} to provide for greater social interaction and connectedness.</p> <p>6 A pedestrianised, tree-lined promenade linking to the central piazza and providing a key east-west connection.</p> <p>7 Medium density residential buildings ranging from 3 to 6 storeys provide a transition to surrounding low density development.</p> | <p>8 A new boulevard along Frenchs Forest Road West, with local cafes and outdoor dining in a landscaped setting.</p> <p>9 A sunken courtyard to connect to an underground supermarket, fresh food markets and provide for day-to-day community needs.</p> <p>10 An underground supermarket to minimise bulk and scale at street level.</p> <p>11 A commercial spine to establish a new commercial address in the town centre and provide a buffer to Warringah Road.</p> <p>12 New north-south and east-west streets will connect the Frenchs Forest Town Centre to the existing street network.</p> <p>13 Through site links and new pedestrian and cycling connections to link to bus stops and key desire lines to improve walkability.</p> <p>14 A new neighbourhood centre on Bantry Bay Road that facilitates the adaptive re-use or interpretation of the Former Hew's Residence.</p> |
|---|---|

1.3 Interpretation of this Part and the Masterplan

The Masterplan at Figure 2 provides the framework for future development in the Frenchs Forest Town Centre. It is underpinned by an aspirational and holistic vision for the ~~Planned Precinct as a vibrant and active centre; a centre which addresses the current and future needs of the community and local economy.~~

Part G9 contains the controls that will deliver the desired outcome for future development. Certain controls within this Part use figures to identify numeric values and/ or enhanced understanding of controls. In order to graphically represent controls, some figures include a replication of the Masterplan, identifying such elements as spatial locations of building footprints on indicative new lot configurations, public domain and street and pedestrian linkages.

The DCP recognises that the Masterplan is indicative of desired future outcomes and that future development in the ~~Planned~~ Precinct may not align, throughout the precinct, strictly in accordance with the indicative spatial layout identified in the Masterplan.

The following provides an explanation of certain elements of the Masterplan and the related DCP controls. It is provided to enhance understanding of the way that the DCP controls operate to achieve the coherent master planned outcome.

In relation to:

1. Layout and design of the street network, through site linkages, future allotment patterns and future building footprints.

Figures within this Part use the indicative footprints of future buildings, new street layouts, through site linkages and future allotment patterns that are indicated in the Masterplan.

, to be an urban forest, with green streets and new open space, making a feature of the forest hat has always shaped the site's story. Frenchs Forest will also provide character and great places; it will foster health and connected communities, attract families and encourage new business. It will set the benchmark for health and wellness, liveability and prosperity in a new urban centre.

Indicative future development concepts are used to indicate how Council envisages that:

- The Masterplan concept for the centre should be delivered.
- Building block depths and widths will be managed to achieve optimum design outcomes, linkages, accessibility and walkability.
- Public domain and spaces between buildings will be provided to ensure amenity for all users of the centre.
- Development site areas are of sufficient size to accommodate appropriate areas of deep planting for canopy trees, to re-introduce the forest to the centre.
- Future site vehicular access arrangements will be managed to limit impact on pedestrians and impacts on the street network.
- Minimum lot areas for certain developments will be required to deliver quality of development outcomes in some areas.

2. ~~Land use strategy~~

~~Control 4.1 and Figure 4 provide the control for the Land Use Strategy within the centre. The control supplements the land use zone requirements of Warringah Local Environmental Plan 2011 (Warringah LEP) by identifying why particular uses are sought for certain areas of the town centre. In particular, it identifies the desired range and spatial location of land uses at the ground level that will contribute to delivering the vision of the Masterplan, the Desired Future Character of Precincts and the Objectives of the DCP.~~

~~Figure 4 is based on the indicative building footprints of the Masterplan. The indicative footprints function to describe the spatial~~

~~arrangement of buildings and land uses therein. The figure demonstrates that ground floor land uses are to be grouped in an organised way. It clusters complementary uses, creates relationships between areas of different use and generates active community spaces in between.~~

2 3. Building heights and floor space ratios

Both the Warringah LEP and the DCP make provisions in relation to building heights and floor space ratios. The Masterplan seeks design excellence and the delivery of a range of building heights and a variety of architectural articulation across the centre.

Consequently, development proposals must comply with both the maximum building height controls of both the Warringah LEP and DCP and the maximum floor space ratio controls of the LEP.

The application of both building height and floor space ratio controls, in conjunction with each other, will mean that maximum building height will not always be achievable across the whole of a development site.

Rather, these controls are designed to apply together to achieve buildings that exhibit varied building heights and forms.

3 4. Podium and tower heights

~~Figure 19~~ Podium and tower heights demonstrates the principle discussed in item ~~2 3~~ above. Some building footprints display multiple different values in recognition that the maximum building height will not be achieved across the whole of development sites and that buildings will vary in height to respond to such considerations as:

- Creation of a clearly defined podium and tower
- Tower setbacks to articulate the built form, allow sunlight access and assist in sharing view lines between buildings.
- Amenity for users of open space within the town centre.
- Privacy for occupants of buildings and for their neighbours.

4 5. Areas that are blank between indicative building footprints

Council will insist that the layouts for future streets, through site linkages and pedestrian ways are largely consistent with those indicated in the Masterplan.

In relation to all controls, when a figure depicts building footprints and their surrounding spaces, Council recognises that future development proposals may not be wholly consistent with these layouts.

Assessment of development proposals will take into account the Desired Future Character and Character Statement for the respective Precincts, the Objectives of Part G9, and the Objectives and Requirements of the various controls.

In all instances where controls are illustrated by a figure that indicates future building footprints, the relevant control applies to the whole of development sites and to any building that varies from the indicative footprints.



2 Desired future character

~~Frenchs Forest will be an urban forest, with green streets and new openspace in the Town Centre that provides character, amenity, fosters community and family, and provides a point of difference for business. It will set the benchmark for health and wellness, liveability and prosperity in a new urban centre.~~

Frenchs Forest is an urban forest, with green streets and new open space, making a feature of the forest that has always shaped the site's story.

Frenchs Forest will provide character and great places; it will foster health and connected communities, attract families and encourage new business. It will set the benchmark for health and wellness, liveability and prosperity in a new urban centre.

Figure 3
Precinct location plan
(Source: CHROFI)

10



Phase 1 development is divided into seven precincts, each with their own distinct character and role. The desired future character within the precincts provides the framework to the built form controls in Part G9.

Development in the Frenchs Forest Town Centre is to demonstrate how the proposal contributes to the desired future character. The precincts are:

- 01 The Civic Heart
- 02 Market Quarter
- 03 Commercial Spine
- 04 The Boulevard
- 05 Frenchs Forest Road West Neighbourhood
- 06 Karingal Crescent Neighbourhood
- 07 Bantry Bay Neighbourhood Centre

Precinct 01 to 04 is defined as the 'Town Centre'.

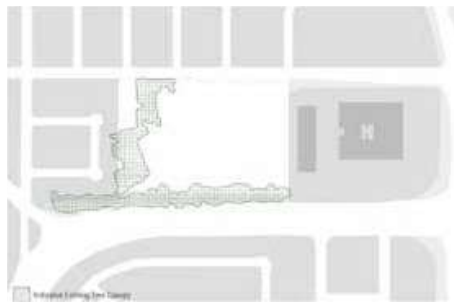
A Character Statement for each precinct, including identification of key features applies.

For Precincts 01-04, design principles also apply (refer to Control 3).



3 Design principles for the town centre

The design principles provide guidance for development in Precincts 01-04. All design principles are to be addressed in any Concept Development Application for Precincts 01-04. Detailed development applications for any development, including public domain works, are to demonstrate consistency with the design principles, where relevant.



1. Preserve and integrate the existing environmental assets of the area / Frenchs Forest.



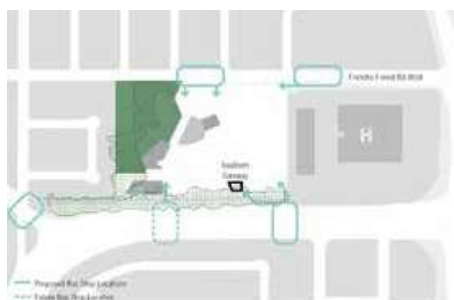
2. Deliver enhanced open space in the Frenchs Forest Town Centre, which is diverse in nature, sustainable and accessible to the entire community.



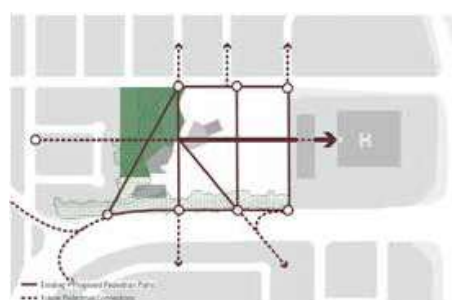
3. A dynamic community hub and space for possible tertiary education facility.



4. Create an innovative social and cultural destination for people to gather and interact.



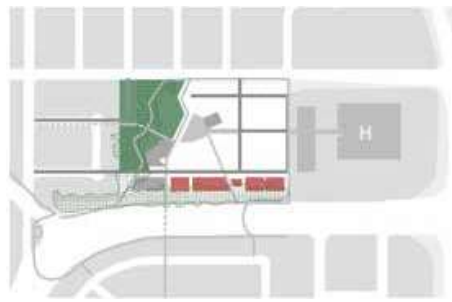
5. Integrate pedestrian and cycling movement and convenience with accessible public transport.



6. Establish a priority pedestrian place.



7. A robust road network.



8. Provide a diversity of jobs through creative and adaptable work spaces.



9. Create a vibrant and active precinct for Frenchs Forest that responds to human needs and human scale.



10. Deliver a built form strategy that enhances Frenchs Forest's sense of place.



[Frenchs Forest Town Centre Public Domain](#)

4 ~~Land use strategy~~

4.1 Land use strategy

15

Objectives

- ~~A. To create an integrated mixed-use precinct that achieves the Desired Future Character and Character Statement for each precinct.~~
- ~~B. To deliver a diverse, balanced and genuine mix of uses that support the growth of Frenchs Forest as a Strategic Centre for the Northern Beaches.~~
- ~~C. To encourage employment uses in order to reinforce the centre as an employment hub for the Northern Beaches.~~
- ~~D. To ensure the sufficient provision of public open space and community uses to meet the needs of the future population.~~

Requirements

- ~~1. Development on the ground level must provide land uses in accordance with Figure 4 to achieve the Character Statement for each Precinct.~~
- ~~2. Despite Requirement 1, for development north of Frenchs Forest Road West (that faces Frenchs Forest Road West) in Precinct 05, non-residential uses at the ground level are to provide opportunities for medical centres and health related uses to support the Northern Beaches Hospital.~~
- ~~3. Despite Requirement 1, for development in Precinct 05 at the corner of Wakehurst Parkway and Frenchs Forest Road West, hotel or motel accommodation or serviced apartment land uses at the ground level are desired (where permitted under Warringah LEP) to complement the services offered by the Northern Beaches Hospital.~~

Relocate Part H, Appendix 3 - Frenchs Forest Town Centre Public Domain (pages 85-94) here

Figure 4
Preferred Land Use Strategy
—Ground Plan

16





5 Site specific requirements

5.1 Precincts 01 - 04 Town Centre

18

5.1.1 Applies to land

This control applies to land within
Precincts 01-04 as outlined in Figure 5.12

Figure 5.12
Precinct 01-04





View south over piazza (Source: CHROFI)

5.1.2 Character Statements

Precinct 01: The Civic Heart



Character Statement

The Civic Heart Precinct will serve as the central gathering place of the Frenchs Forest Town Centre. Centrally located, it will provide a destination for the surrounding residents, workers and visitors. The precinct will be characterised by:

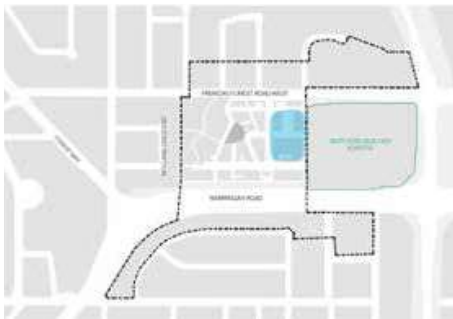
- A large public park that provides a place for informal recreation, ~~and~~ community events, ~~and integrates water sensitive urban design measures.~~

- A forest parkland that retains mature trees and provides a green outlook for the Town Centre.
- A central piazza activated by cafes and outdoor dining, with potential opportunities for evening activities.
- Community ~~buildings~~ hub to provide for greater social interaction and connectedness.
- Lower building heights adjacent to the central piazza and open space, transitioning to taller buildings east and south of the Civic Heart Precinct.
- Flexible and adaptable buildings that allow for a range of community, education and retail uses.
- A smaller scale street network with pedestrianised promenades and through site links that prioritise pedestrian and cycling accessibility.



View west down Hospital link (Source: CHROFI)

Precinct 02: The Market Quarter



Character Statement

The Market Quarter is the high density mixed use precinct with a focus on local services that will meet the day to day needs of workers, residents and visitors. The precinct will be characterised by:

- Mixed use buildings, up to 12 storeys that provide a high rise urban feel, with ground floor non-residential uses that will meet the day to day needs of workers and visitors to the Northern Beaches Hospital.
- Towers that are slender with appropriate separation to create a sense of openness, enhance views, and are located to minimise bulk, overshadowing and visual impacts.
- A fresh food quarter, underground supermarket and a sunken retail courtyard that is a key attractor and promotes weekend and evening activity.
- A new east-west shared connection lined with retail and business ground floor uses provides direct access from the piazza and Northern Beaches Hospital.
- A direct east-west pedestrian connection to the Northern Beaches Hospital provides direct connection from the Town Centre.



Precedent: 1 Denison Street North Sydney
(Source: Bates Smart)

Precinct 03: Commercial Spine



- Diverse and high quality architecture promotes Warringah Road as the commercial address for the Town Centre.
- A continuous commercial frontage adjacent to Warringah Road creates a buffer to residential uses within the Town Centre.
- A landscaped buffer retains existing mature vegetation adjacent to Warringah Road to help buffer noise and visual impacts.
- Improved connections to the public transport network, and a fine grain pedestrian and cycle network that promotes walking and cycling;
- Prioritised pedestrian access via through site links to ensure residents located south of Warringah Road have the ability to access the town centre safely and conveniently.

Character Statement

Warringah Road will be a new commercial address for the Frenchs Forest Town Centre. Providing high exposure to Warringah Road, and the opportunity for a variety of commercial uses, the precinct will be characterised by:

- Flexible and adaptable buildings that allow for a range of commercial uses and support the growth of the centre over time.



Precinct render (Source: CHROFI)

Precinct 04: The Boulevard



Character Statement

Frenchs Forest Road West will be a vibrant boulevard and important arrival to the town centre, Northern Beaches Hospital and surrounding area. The Precinct will be characterised by:

- Medium rise mixed-use apartments (between 5-6 storeys) that are carefully designed to reduce bulk and scale on Frenchs Forest Road West.
- Fine grain active retail frontages with a maximum width of 10 metres, designed to promote active frontages along Frenchs Forest Road West, adjacent to the Northern Beaches Hospital.
- A generous setback provides high quality streetscape amenity with street tree planting, active ground floor frontages, pedestrian and cyclist amenity and adequate room for bus stops.
- A pedestrian focused street with limited vehicular access points from Frenchs Forest Road West. Rear lane servicing ensures a high quality pedestrian environment on Frenchs Forest Road West.

5.1.2³ Concept development application

Objectives

- A. To ensure the orderly development of the town centre and the timely delivery of infrastructure.
- B. To ensure the town centre incorporates the design principles developed for the precinct and facilitates delivery of a low carbon precinct.
- C. To ensure that development is resilient to climate change including reducing the impacts of urban heat island effect.

Requirements

- 1. A single Concept Development Application (DA) is required to be prepared for Precincts 01 to 04. The following documentation is to be provided as part of the Concept Development Application:
 - 1.1 Public domain layout including open space areas, levels, uses, access and circulation in accordance with ~~Part II Appendix 3 – Frenchs Forest Town Centre Public Domain of Warringah DCP 2011;~~ [Control 4](#)
 - 1.2 A Transport Management Plan that outlines a Green Travel Plan for Precincts 01 to 04 which specifies measures to reduce private vehicle demand and encourage walking, cycling and public transport use. The Green Travel Plan should consider different transport needs for residential and non residential uses and address the themes identified in Councils 'Move Northern Beaches Transport Strategy 2038'.

~~1.3 Design excellence strategy, in accordance with Council's Design Excellence Guidelines.~~

1.4³ A Report, prepared by an Ecological Sustainable Development Consultant, addressing the criteria for Green Star Communities rating tool.

1.5⁴ Urban Heat Island and Wind Impact Assessment and proposed mitigation strategies.

1.6⁵ A Heritage Interpretation Strategy including interpretation of the indigenous and non-indigenous heritage. The strategy should incorporate historical themes relevant to the Frenchs Forest area, including Aboriginal heritage, early settlement patterns and agricultural activities.

~~1.7⁶ Water Sensitive Urban Design Strategy, in accordance with Council's Guidelines and reference to Figure 6. All buildings in Precinct 02 are to aim for re-use targets of 50% from alternate sources.~~

1.8⁷ Basement Plan showing parking layout, sweep movements, loading zones and waste collection.

1.9⁸ Building envelopes.

~~1.10⁹~~ Development lots and gross floor area distribution (including floorspace allocated for affordable housing).

1.11¹⁰ Location of tower elements and building heights.

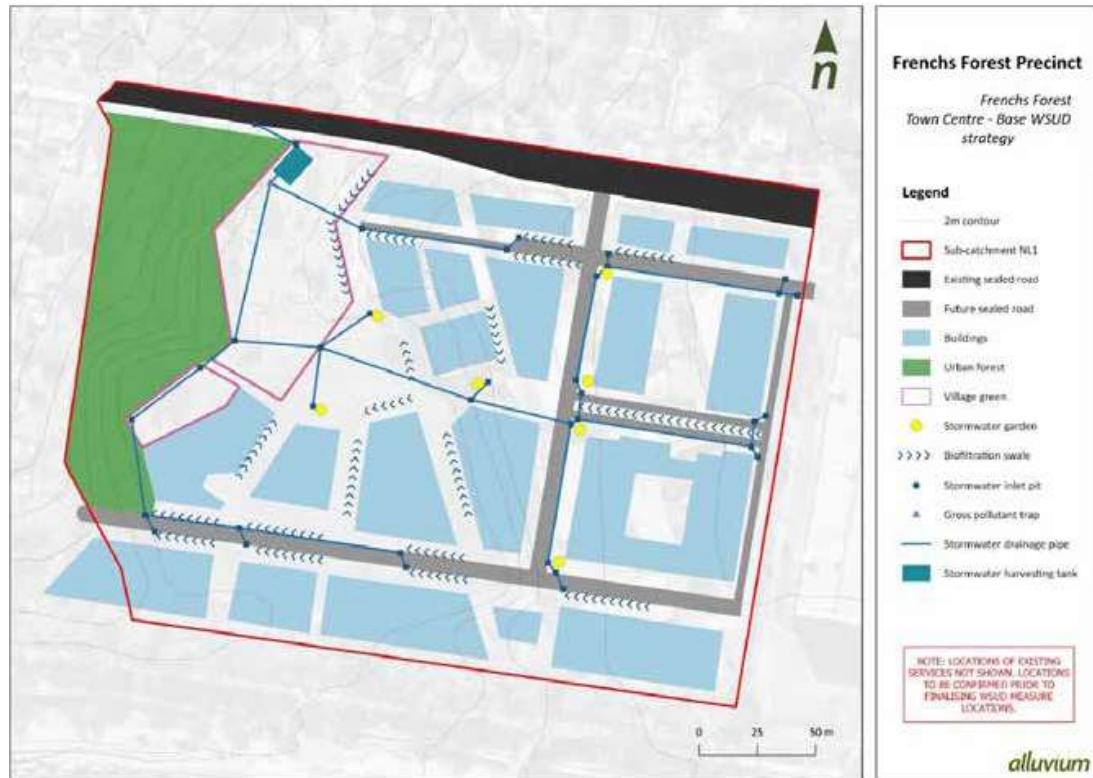
~~1.12¹¹ Location of community uses.~~ [Land uses at the ground floor with regard to the mix of uses identified in the Frenchs Forest 2041 Place Strategy.](#)

1.13¹² Staging Plan.

2. The concept DA shall be accompanied by a Public Domain Guideline, prepared in accordance with Council's Public Domain ~~Guidelines and Part H, Appendix 3 of Warringah DCP 2011.~~ [Space Vision and Design](#) [Control 4 Frenchs Forest Town Centre Public Domain](#). The Guideline must include the following information and relate to the whole of the town centre site:
 - 2.1 Street design – detailed street layout and sections indicating widths of both pedestrian and vehicle areas, alignment levels, materials, electric vehicle charging points, dedicated cycle paths and bicycle parking.
 - 2.2 Tree Planting Strategy including 30% tree canopy target and 45% for the Town Centre Open Space and 30% for the Piazza.
 - 2.3 Signage Strategy and wayfinding palette.
 - 2.4 Pavement and kerb design: [that incorporates water sensitive urban design.](#)
 - 2.5 Street tree planting schedule.
 - 2.6 Street furniture palette.
 - 2.7 Outdoor dining.
 - 2.8 Street lighting.
 - 2.9 Materials ~~palette.~~ [and colour palette, with selections aimed at reducing greenhouse gas emissions and the carbon footprint.](#)
 - 2.10 Heritage Interpretation Strategy.
 - 2.11 Public Art Strategy, which includes a sustainability education awareness focus.

Figure 6 13
Water Sensitive Urban Design Strategy
for Precinct 01-04

25



4 5.1.3 Street network

Objectives

- A. To provide a hierarchy of new local streets to connect the Frenchs Forest Town Centre to the surrounding street network.
- B. To provide an integrated, functional and legible street hierarchy that encourages sustainable travel behaviour.
- C. To create a robust street network that prioritises active transport.
- D. To ensure new local streets can accommodate buses, increased traffic movements and on-street car parking.

Requirements

- 1. The new street network, including streets and laneways, is to be provided in accordance with the street network hierarchy in Figure ~~7~~¹⁴. The street network will comprise of the following:
 - 1.1 A new 20m wide north – south street (Main Street), to connect from Holland Crescent to Frenchs Forest Road West, and provide the primary entry to the town centre.

- 1.2 Extend Holland Crescent to the east to provide a 20m wide street, connecting to Gladys Avenue South.
- 1.3 Extend Gladys Avenue to the south of Frenchs Forest Road West, to a **one-way only**, 7m wide access and servicing street, connecting to Holland Crescent.
- 1.4 Provide new east-west streets to improve pedestrian permeability and vehicular servicing within the town centre.

- 2. The new street network is to provide a series of pedestrian laneways, through site links and arcade links to prioritise movement of people throughout the town centre.
- 3. All streets and lanes must be designed in accordance with the street sections shown at Figures ~~9-16~~¹⁶⁻²³. In addition, footpaths must be designed so that there is a vegetated or permeable buffer between the footpath and road curb to attenuate stormwater flows and remove pollutants.

- ~~5~~ ⁴. Development is to provide an appropriate mix of on-street parking on all streets to assist the viability of retail uses with street activation.

4. All streets, lanes, internal roads and road reserves must remain in private ownership and managed in perpetuity.

Figure 7 14
Street network hierarchy

27



[Note: Shared streets are subject to approval from Transport for NSW](#)

5.1.4⁵ Active transport

Objectives

- A. To ensure that development provides for the timely delivery of new streets, paths, and public transport infrastructure.
- B. To encourage walking and cycling for local trips to promote community interaction and reduce local traffic generation.
- C. To create a walking and cycling network that connects to open spaces and existing public transport infrastructure.
- D. To promote walking and cycling paths through public open space and connections to surrounding residential areas.

Requirements

- 1. Provide pedestrian paths in accordance with Figure 8¹⁵ to improve walking and cycling connections and connect to the surrounding network.
- 2. Streets are to prioritise pedestrians with low speed traffic lanes and generous street landscaping for amenity and shade.
- 3. Provide a series of east-west and north-south links that connect the Frenchs Forest Town Centre to bus stops, surrounding residential neighbourhoods and the Northern Beaches Hospital.
- 4. Provide off-road shared paths as part of the open space network, providing a series of connected pedestrian and cycle paths to connect to public open space areas.
- 5. Provide pedestrian footpaths in accordance with the street sections shown at Figures 9¹⁶⁻²³.

Figure 8 [15](#)
Pedestrian Connectivity

29



Figure 9 16

Street section - Main Street - 20 metres

30

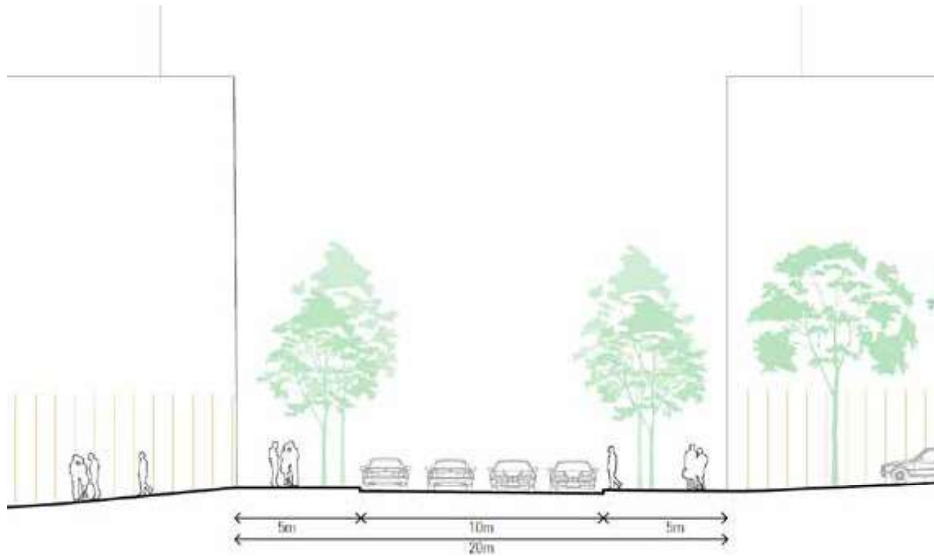


Figure 10 7

Street section - Holland Crescent - 20 metres

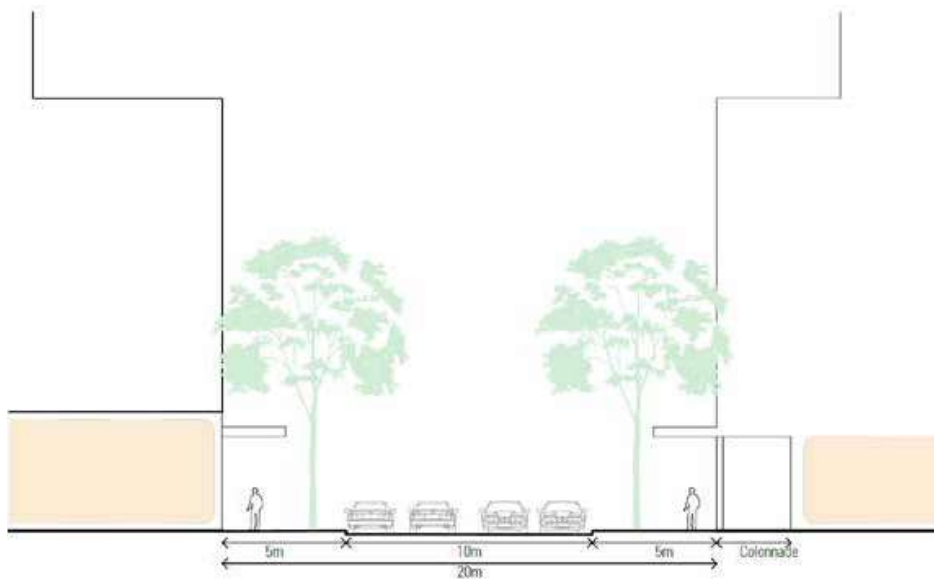


Figure 11.8
Street Section - Frenchs Forest Road West

31

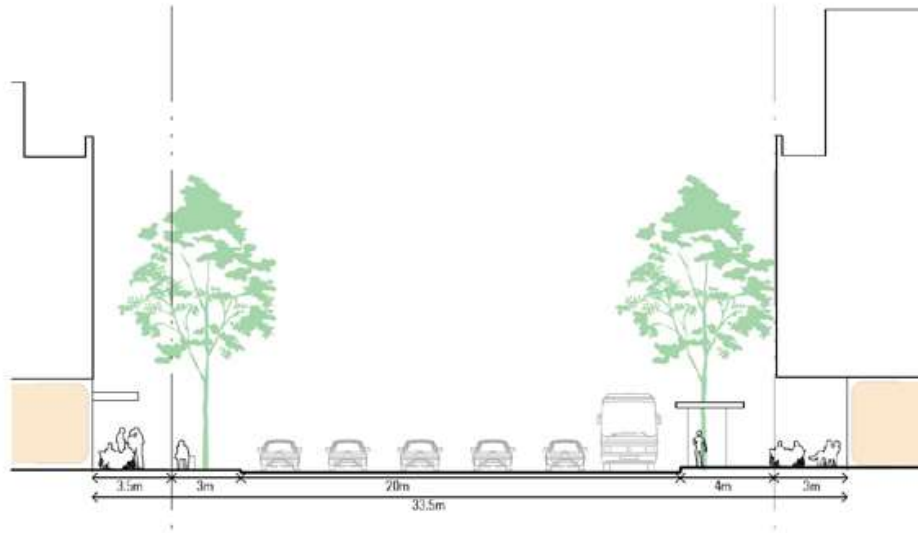


Figure 12.9
Street section - Market Lane- 12 metres

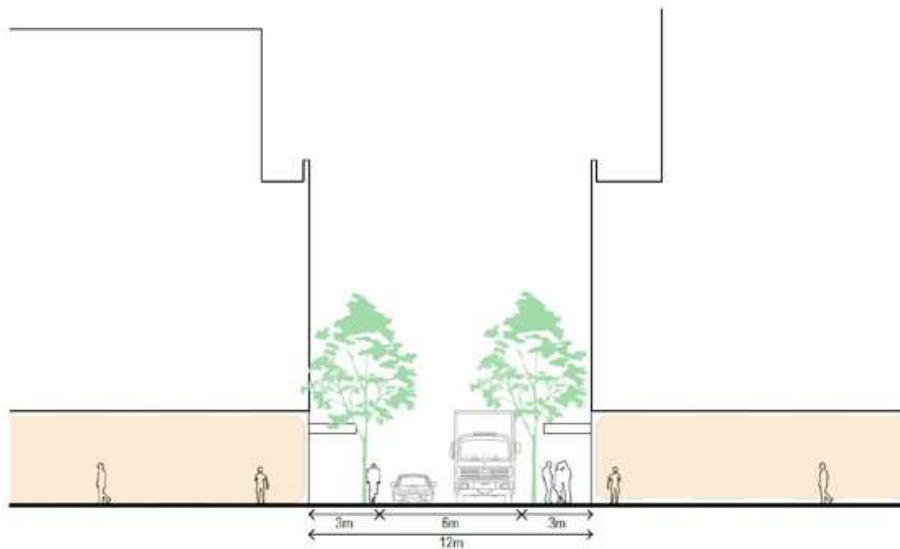


Figure 13 ²⁰ - Piazza Drive
Street section - 12 metres

32

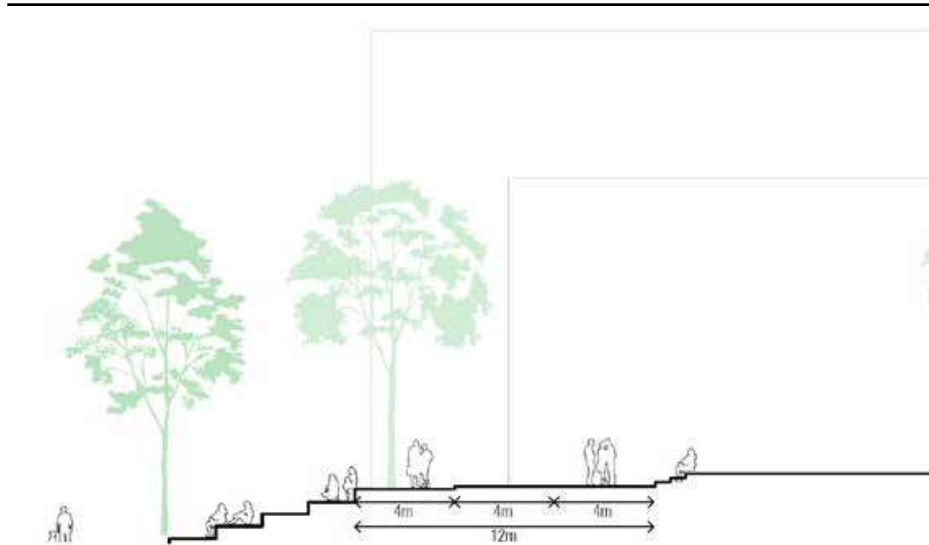


Figure 14 ²¹
Street section - Hospital link (east) - 18 metres

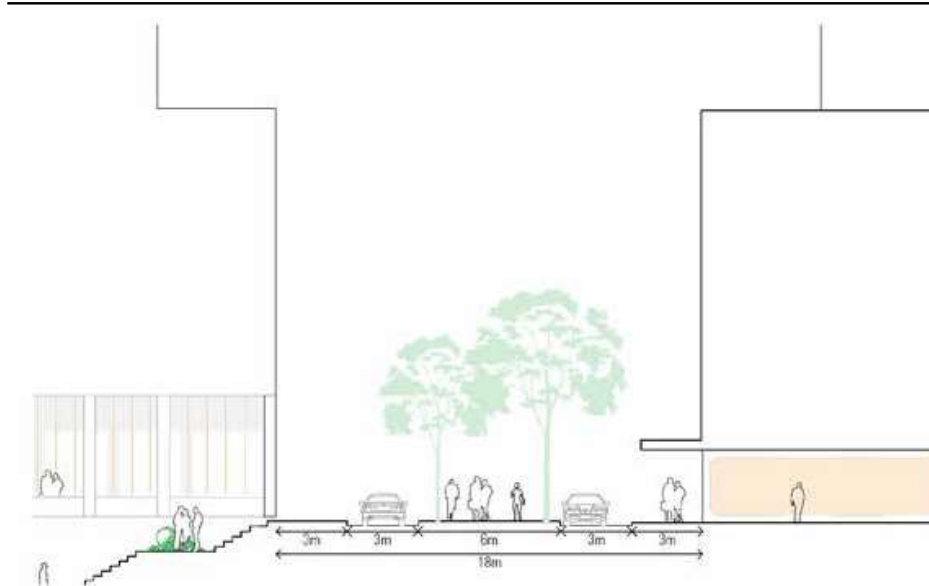


Figure 15 [22](#)

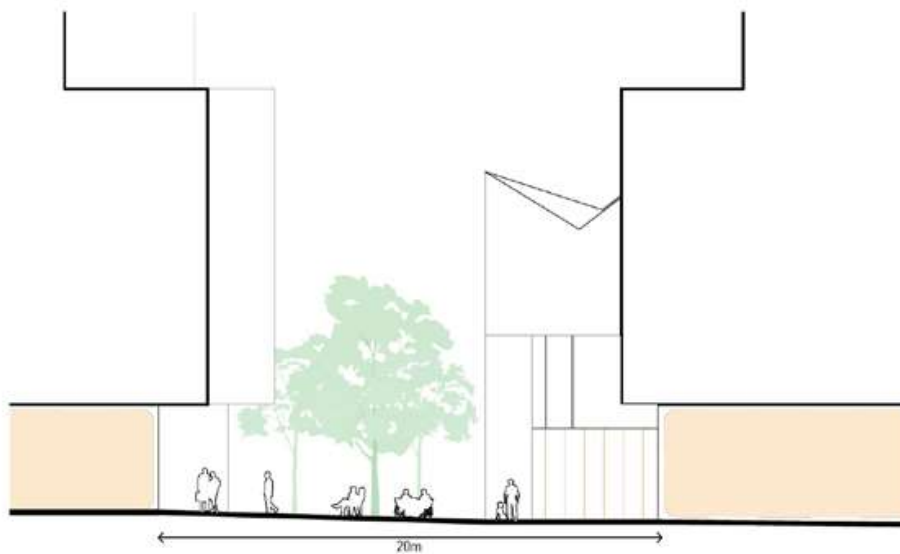
Street section - Gladys Avenue South – Shared Zone (one way) - 7 metres

33



Figure 16 [23](#)

Pedestrian Only Street - Hospital Link West - 20 metres



⁶ 5.1.5 Through site links

Objectives

- A. To promote a walkable, connected and legible Town Centre.
- B. To minimise block length and provide a fine grain pedestrian network.
- C. To encourage pedestrian activity along streets and plazas in conjunction with active edges to support the vitality of Frenchs Forest Town Centre.
- D. To connect and integrate the Town Centre with the surrounding residential areas and public transport network.

Requirements

- 1. Pedestrian site access and connectivity is to be provided in accordance with Figure ~~17~~.²⁴
- 2. Additional through-site links are required where the distance between streets and lanes is greater than 80m.
- 3. Through-site links are to be designed to have a minimum width of 6m. Through-site links are permitted to pass through or under a building where the:
 - 3.1 building's height is greater than 3 storeys;
 - 3.2 maximum distance of the link under any structure is 20m; and
 - 3.3 minimum vertical clearance is 9m.
- 4. Encourage active edges and create opportunities for surveillance to through-site links.
- 5. Blank walls or carparking facing through-site links is not acceptable.
- 6. Footpaths must be designed so that there is a vegetated or permeable buffer between the footpath and road curb to attenuate stormwater flows and remove pollutants.

Figure 17.24
Through site link locations

35



- Type A: 6m wide, 15m clearance or open to air. Align with potential new pedestrian bridge/ existing connection over Warringah Road, 24 hour access.
- Type B: 6m wide, 15m clearance. Maintain clear line of sight from Holland Crescent to Piazza.
- Type C: 6m wide, 9m clearance, 18 hour access.
- Type D: New piazza - Open air, 24 hour access.

5.1.6⁷ Building setbacks

Objectives

- A. To ensure buildings reinforce the street edge and enhance the public domain and pedestrian environment.
- B. To ensure spatial separation between buildings and a master planned outcome as identified in the Masterplan.

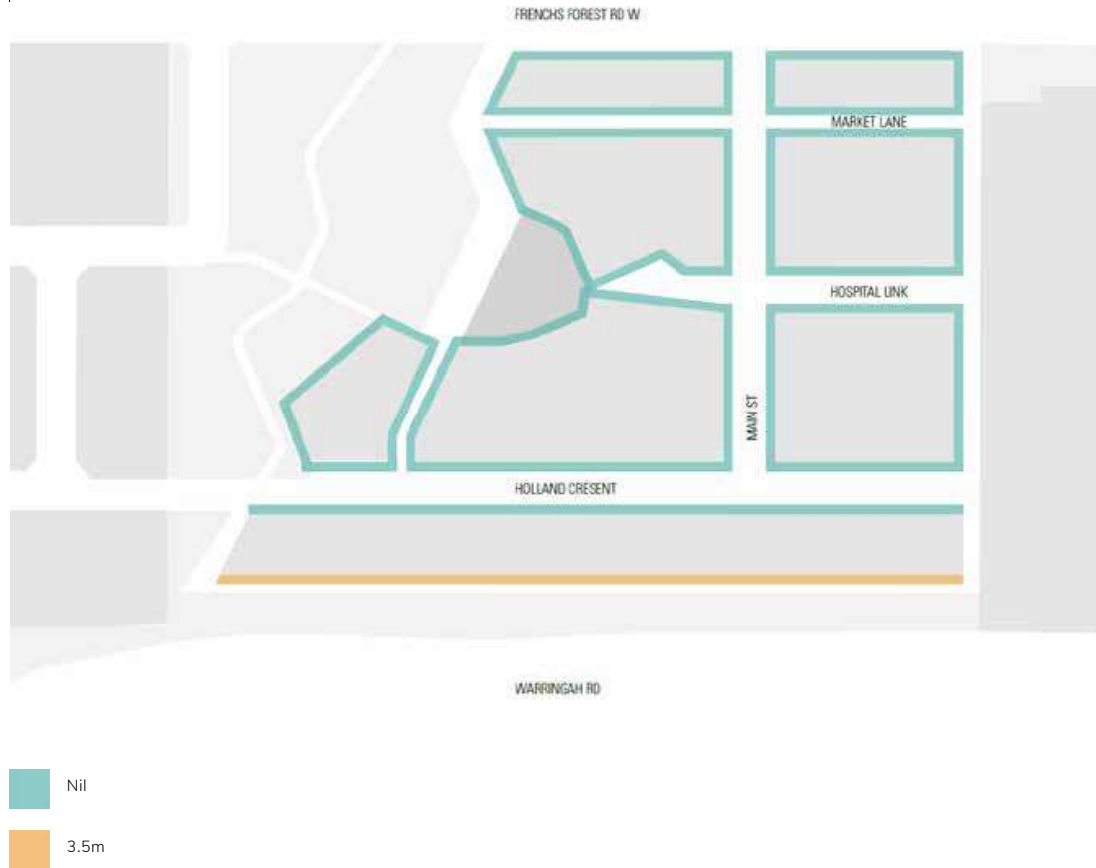
Requirements

- 1. Building setbacks are to be provided in accordance with Figure 18.
- 2. Despite Figure ~~18~~²⁵, for Precinct 04, the ground level of buildings on Frenchs Forest Road West is to be setback at least 3m from the public footpath to provide a colonnade and improve pedestrian amenity, landscaping and reinforce its role as 'The Boulevard'.
- 3. For Precinct 01, buildings directly adjacent to the piazza are to have a nil setback to enable retail spill-out and activation of the area and maintain solar access to the piazza in accordance with Control 5.1.13.2

- 4. For Precinct 03, the 3.5m setback to Warringah Road is to be landscaped to enhance the existing mature vegetation along Warringah Road. Landscaped areas shall allow areas for pedestrian access- [and avoid obscuring or concealing points of entry.](#)
- 5. If setbacks are not identified in Control 5.1.6⁷, setbacks will be determined on a merit basis and will have regard to:
 - 5.1 Streetscape;
 - 5.2 Desired Future Character and Character Statement;
 - 5.3 Amenity of surrounding properties; and
 - 5.4 Setbacks of neighbouring properties.
 - 5.5 Buildings are to be designed to allow for, and to be integrated with, through site links as shown in Figure ~~17~~²⁴

Figure 18 [25](#)
Building setbacks

37



5.1.1.7⁸ Podium and tower heights and setbacks

Note: Podium refers to the built form element that anchors the tower, creates the street wall, and defines the pedestrian experience at the street. The built form addresses the street frontage from the ground level (existing) up to the first building setback. On corner lots, the podium shall be located to front or address both streets.

Note: Tower refers to the built form element set back above the podium and is the most substantial part of the building, which enhances the skyline and public domain. The built form maximises views and access to sunlight through slender floorplates and spacious setbacks between towers.

Note: When interpreting podium and tower heights in Figure 19²⁶, the podium is considered the building with the lesser height. The tower is considered the building with the taller height and identifies the maximum number of storeys that can be achieved for the built form.

Objectives

- A. To ensure that building heights achieve the Desired Future Character and Character Statement for each Precinct, to reinforce the identity of the Frenchs Forest Strategic Centre.
- B. To ensure buildings stay below the airspace requirements for the Northern Beaches Hospital.

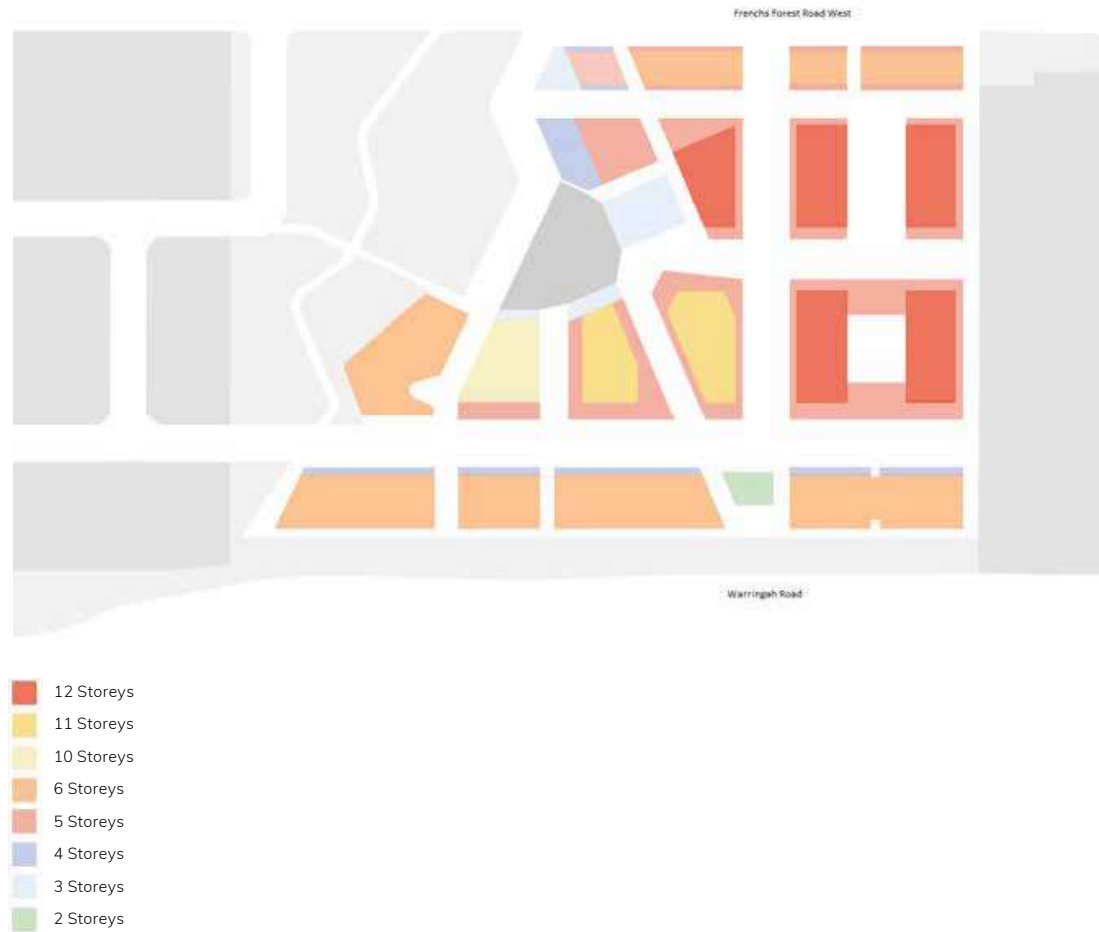
- C. To ensure that a range of building heights is achieved and that these provide an appropriate transition to surrounding residential areas.
- D. To create podium heights and built form edges that front or address the public domain and enhance pedestrian amenity with adequate daylight, appropriate scale, a sense of enclosure and wind mitigation.
- E. To ensure that buildings are appropriately setback above podiums and building heights transition in the streetscape.
- F. To reduce overshadowing, building bulk and visual impact of buildings to streets, open spaces and the public domain.

Requirements

1. Podium and tower heights are to be in accordance with Figure 19²⁶.
2. Any built form above the podium is to be setback from the building⁷ edge in accordance with Figure 20⁷. If setbacks are not identified in Figure 20⁷, setbacks will be determined on a merit basis and have regard to:
 - 2.1 Streetscape;
 - 2.2 Desired Future Character and Character Statement;
 - 2.3 Amenity of surrounding properties; and
 - 2.4 Setbacks of neighbouring properties.

Figure 19 26
Podium and tower heights

39



9 5.1.8 Podium and tower design

Objectives

- A. To reduce the bulk and scale of towers and ensure they are slender, well separated and provide an appropriate scale transition to the street.
- B. To enhance the quality of the public domain in terms of wind mitigation and daylight access.
- C. To enhance the amenity of occupants in buildings in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.
- D. To promote the design and development of sustainable buildings.

Requirements

1. Podiums shall be located to front or address the street. On corner lots, the podium shall be located to front or address both streets and the building façade is to incorporate an architectural treatment that emphasises the corner element.
2. The podium must include a ground floor lobby which addresses the street frontage to allow access to land uses within the tower element.
3. Areas of the podium roof are to provide outdoor space which is open to the sky to deliver casual surveillance. Where the provision of outdoor space is not possible, landscaping is to be provided to improve visual amenity and reduce the heat island effect. Photovoltaic (PV) panels may be located on the podium roof provided that the space is open to the sky, considers safety issues and the location of mechanical plants.
4. Setbacks above the podium are to be emphasised through a change in architectural expression, material selection and design elements. Articulated building facades are to be provided.
5. Towers identified in Figure 2⁸~~1~~:
 - 5.1 Are to be slender to reduce visual impacts with a maximum building footprint of 800m² gross floor area (excludes balconies) and a maximum length of 45m;
 - 5.2 Must include articulation over their length with regular vertical breaks in the building, limiting the overall mass and sense of scale from the public domain;
 - 5.3 Are to be aligned north-south to maximise solar access and minimise overshadowing; and
 - 5.4 Are to be provided with a minimum separation distance from adjacent towers of 24m to provide views, a sense of openness, and a high-quality public domain.
6. Where roof tops of towers do not contain photovoltaic (PV) panels, at least 30% of the roof space is to be provided as a green roof or garden. The location of the green roof or garden must consider safety issues and the location of mechanical plants.
7. For new development, the colour selection must reflect the dominant natural colour of the surrounding landscape.

Figure 20 [7](#)
Tower setbacks

41

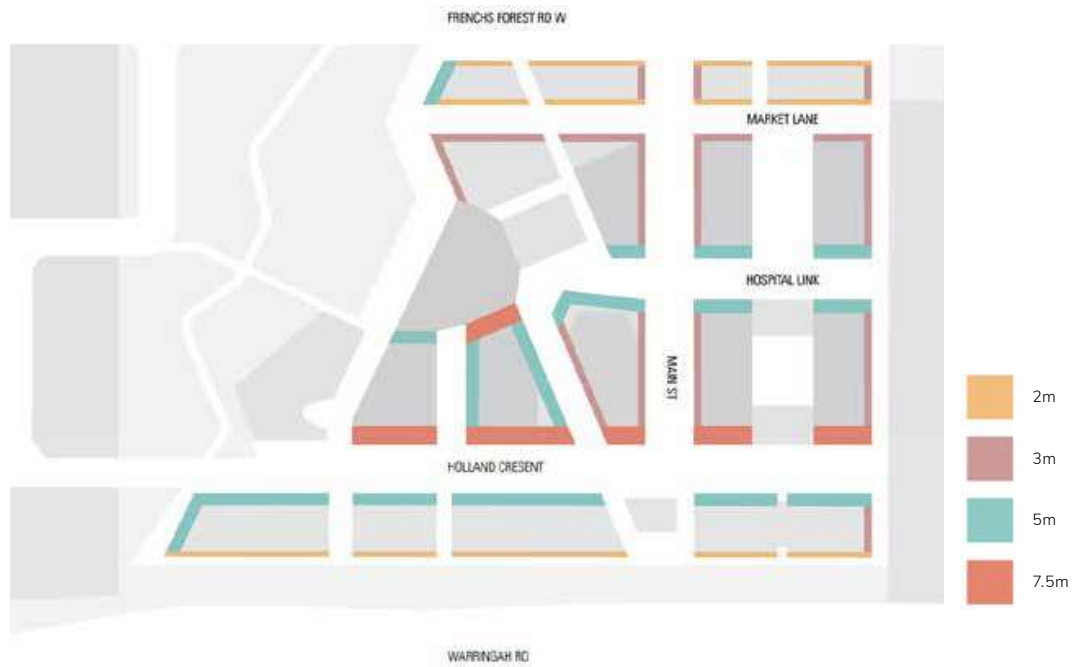
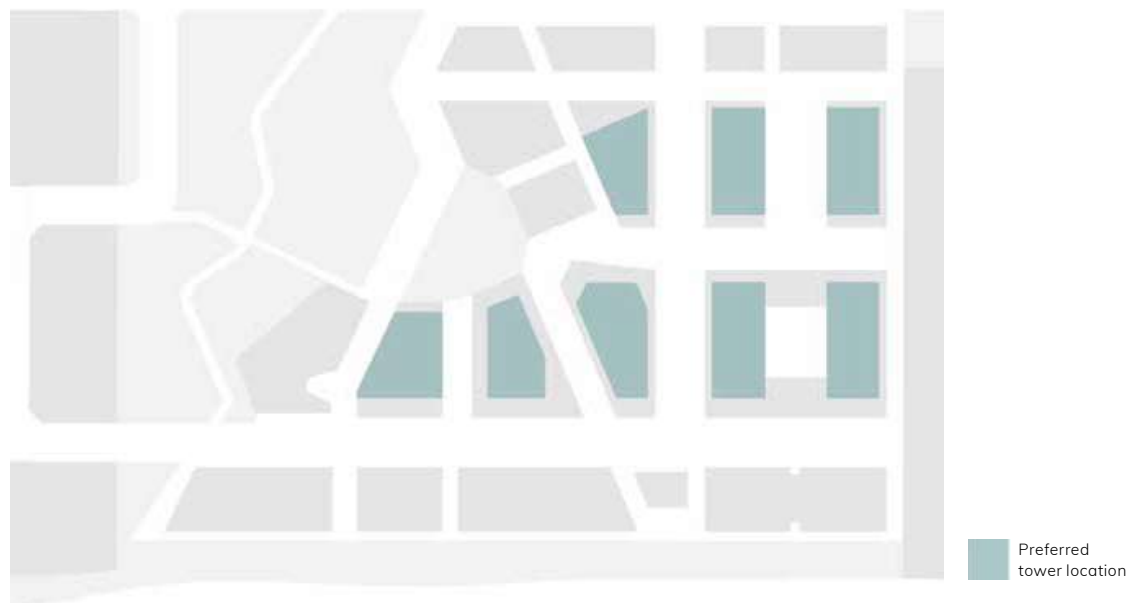


Figure 21 [8](#)
Towers



5.1.10¹⁰ Additional requirements for Precinct 02

Objectives

- A. To ensure the built form delivers the Desired Future Character and Character Statement for the precinct.

Requirements

1. Development must provide an underground supermarket and sunken retail courtyard with landscaping and a central reflective water feature.
2. Pedestrian access to the retail courtyard is to comprise at least two stair cases.

Note: Reference should be made to Control 5.1.16 for requirements on basement design

5.1.16¹ Additional requirements for Precinct 03

Objectives

- A. To ensure the built form delivers the Desired Future Character and Character Statement for the precinct.

- B. To provide viable and usable commercial floor space.
- C. To promote daylight access into building interiors and improve the quality of the indoor environment.
- D. To promote the design and development of sustainable buildings.

Requirements

1. Buildings are to have continuous frontages to maintain and enhance streetscape appearance.
2. Development that proposes office floor space must ensure that no area of office floor space is more than 10 metres from a source of daylight (eg. windows, atria or light wells).
3. Buildings are to be designed to allow for, and to integrate with, through site links as shown in Figure 17.
4. Green roofs on roof tops are required.

5.1.11² Active frontages

Objectives

- A. To provide active, engaging and vibrant streets that encourages community activity, safety and surveillance.
- B. To encourage fine grain retail and a diversity of non-residential ground floor uses to promote street activation.
- C. To achieve the Desired Future Character and Character Statement for each precinct.

Requirements

1. Active frontages are to be provided in accordance with Figure 22.⁹
2. Primary active streets in accordance with Figure 22.⁹ are to provide small scale shop fronts with a maximum street frontage of 10m. Blank walls are not permitted.
3. Edges of the piazza are to be activated as primary active frontages, except where it abuts a road or area of public open space.
4. Secondary active streets in accordance with Figure 22.⁹ are to provide street frontages up to a maximum of 20m and include a minimum of 75% of transparent glazing.
5. Primary commercial streets in accordance with Figure 22.⁹ are to include retail and commercial uses, with separate identifiable residential lobbies. Blank walls are not permitted.
6. Buildings fronting active streets in accordance with Figure 22.⁹ must be designed to allow for flexible ground floor uses with a minimum floor to floor height of 4.5m for the ground level and 3.6m for the first floor above.
7. The ground floor must be at the same general level as the footpath and directly accessible from the street.
8. Continuous awnings or colonnades are to be provided on primary active, secondary active and primary commercial streets in accordance with Figure 22.⁹
9. Design service cabinets or utility services are not to be located on active frontages in accordance with Figure 22.⁹ Where not possible, design service cabinets or utility services are to blend in with the architectural design of the building.

Figure 22 [9](#)
Active frontages

44



5.1.12³ Solar access

Objectives

- A. To provide high amenity open space areas, with excellent solar access at all times of the year.
- B. To ensure new development does not result in a deterioration of direct sunlight access to public spaces.

Requirements

1. Solar access must be provided to 20% of the Piazza between 8.30am and 10.30am on 21 June.
2. A minimum of 4 hours of solar access must be provided to 70% of the total area of public open space comprising the Village Green, Forest Parkland and Piazza, on 21 June between 9am and 3pm.

5.1.15 Noise and Vibration

Objectives

A. To achieve a balance between residential amenity and the operational and functional needs of businesses.

B. To protect residential uses from future noise and/or vibration as the precinct continues to grow to accommodate more residents, workers and visitors.

C. To support the emergence of a night-time economy and a safe, vibrant and active precinct.

Requirements

1. For new development, a Noise Impact Assessment prepared by a suitably qualified acoustic consultant is required. Noise attenuation measures shall demonstrate that residential uses can withstand an external noise level of 55 decibels.

Consideration should be given to the impact of land uses which facilitate late night trading, entertainment and events in the public domain on residential amenity.

5.1.13⁴ Signage

Objectives

- A. To ensure that signage contributes to the Desired Future Character and Character Statement of the Precincts.
- B. To promote signage that is well designed and located, and contributes positively to the appearance of buildings, streetscapes and public domain.

Requirements

1. An overarching signage strategy to be prepared as part of the Concept Development Application required at Control 5.1.12³. The strategy must include (but is not limited to) guidance on theme and character; signage design and location; materials, finishes and colours; illumination of signage, particularly in relation to residential amenity, and streetscape and open space requirements.
2. Signage must not protrude above the roof, awning and/or colonnade.

2. The location and design of noise generating activities, such as loading and unloading areas, garbage collection areas, driveways, parking areas, active recreation areas, air conditioning or mechanical plants, must be sited away from any adjacent sensitive land uses and/or screened by acoustic treatments.

3. In mixed use development that includes residential accommodation, non-residential components of the development must be designed to moderate the impact of noise generated by business operations.

5.1.14⁶ Parking, basement design and basement access

Objectives

- A. To ensure on-site car parking is provided underground in order to improve and enhance the public domain.
- B. To minimise the size and quantity of vehicle and service crossings to reduce pedestrian and vehicular conflict and reinforce a pedestrian friendly street.
- C. To ensure car parking areas are safe and address the needs of building occupants.

Requirements

- 1. Parking rates shall be provided in accordance with Control 6.
- 2. Parking is to be provided underground.
- 3. Where the topography of the land results in the basement parking level projecting above ground level, it is to be designed to:
 - 3.1 not project more than 1m above ground; and
 - 3.2 achieve an attractive ground level relationship between the building and the public domain, with generous vegetation screening.

- 4. Parking, servicing and loading shall be accommodated internally within the building and screened from the street.
- 5. Basement entries are to be provided in accordance with Figure 23.
- 6. Basement entries are prohibited from Frenchs Forest Road West, Main Street and land adjoining the Piazza.
- 7. All driveways must be located a minimum perpendicular distance of 6m away from any intersection.

- 8. A Loading Dock Management Plan must be provided. → [This should identify locations for waste collection, truck turning and maneuvering areas, and electric charging stations to facilitate the potential for electric and last mile delivery vehicles.](#)
- 9. Vehicular access is to be designed to:

- 9.1 Separate and clearly differentiate pedestrian and vehicle access; ~~and~~
- 9.2 Minimise the size, quantity and visual intrusion of vehicle access points on the streetscape: ;

[9.3. Ensure that waste collection is undertaken from a Loading Dock; and](#)

[9.4 Allow for a Probable Maximum Flood Level plus freeboard of at least 0.3m for the underground supermarket in Precinct 02. The upstream catchment flows are to be diverted away from the entrance.](#)

[10. Basement Plans are to identify areas for storage. Storage facilities shall be lockable, located in secure areas of the basement and clearly allocated to specific apartments with appropriate storage size volumes per bedroom.](#)

Figure 23 ³⁰

Basement locations and entry points

47



5.1.15 ⁷Public domain

Objectives

- A. To deliver an integrated town centre with a variety of new public spaces that allow social interaction: [and are safe.](#)

Requirements

1. All development is to be consistent with ~~Part H, Appendix 3 of Warringah DCP 2011.~~ [Control 4](#)
 2. [Mail boxes shall not dominate the streetscape and ensure that:](#)
 - 2.1 [key lockable mail boxes are provided;](#)
 - 2.2 [they are located adjacent to a building entry foyer that has street frontage \(in accordance with any requirements of Australia Post\);](#)
 - 2.3 [the mail box collection area must be from within the building foyer or other area which is only accessible to residents or building occupants; and](#)
 - 2.4 [the mail box collection facility must be in view of video surveillance.](#)

[Note: Reference should be made to Part D20 for requirements on safety and security](#)

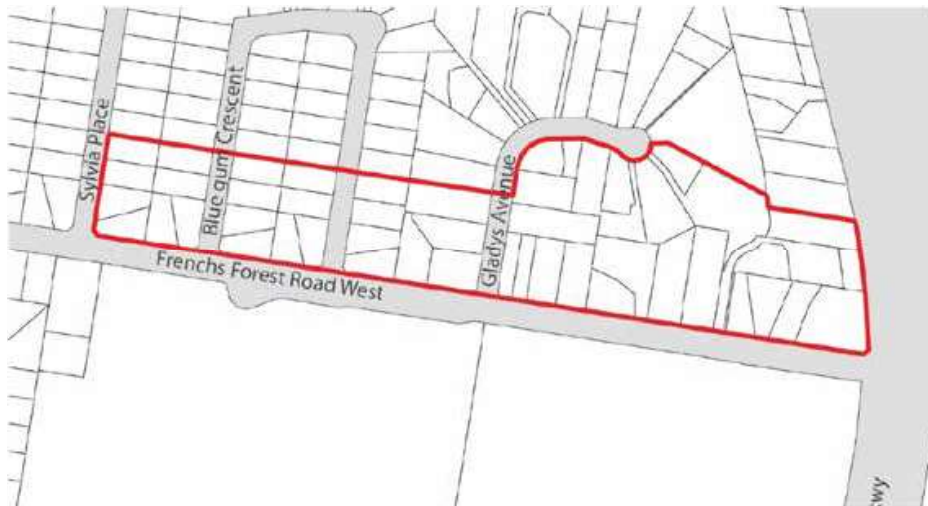
5.2 Precinct 05 - Frenchs Forest Road West Neighbourhood

48

5.2.1 Applies to land

This control applies to land within
Precinct 05 as outlined in Figure ~~24~~.³¹

Figure ~~24~~ ³¹
Precinct 05

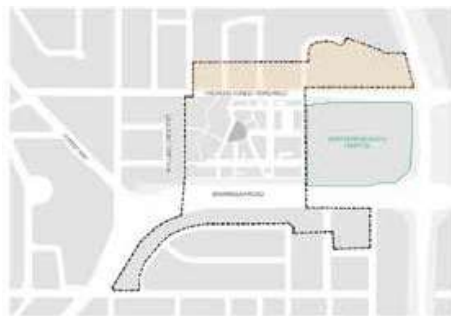




Precinct render (Source: CHROFI)

5.2.2 Character Statement

Precinct 05: Frenchs Forest Road West Neighbourhood



Character Statement

The Frenchs Forest Road West Neighbourhood will provide a contextually appropriate interface to surrounding low density residential areas, whilst increasing housing diversity and activating Frenchs Forest Road West with a range of ~~retail~~, office and medical uses to support the town centre and Hospital. The precinct will be characterised by:

- High quality medium rise apartment buildings, up to 6 storeys to create a new urban residential character to the north of Frenchs Forest Road West.
- Mixed use buildings with a range of ground floor uses, located directly opposite the town centre on Frenchs Forest Road West to create an active and engaging streetscape.
- Non-residential ground floor uses along Frenchs Forest Road West, including medical and health related uses, supporting the Northern Beaches Hospital.
- ~~On Frenchs Forest Road West, close to Wakehurst Parkway, hotels and serviced apartments will support the operation of the Northern Beaches Hospital.~~
- A pedestrian focused street ~~with no vehicular access from~~ Frenchs Forest Road West to deliver a high quality streetscape on Frenchs Forest Road West.

5.2.3 Building setbacks

Objectives

- A. To provide a consistent streetscape along Frenchs Forest Road West in order to achieve the Desired Future Character and Character Statement for the Precinct.
- B. To provide landscaped streetscapes consistent with those of adjacent low-density residential areas for all street frontages other than Frenchs Forest Road West.
- C. To ensure spatial separation between buildings that will provide an appropriate interface to adjoining low density residential areas.

Requirements

Front setbacks

1. A 3.5m setback is to be provided on the northern side of Frenchs Forest Road West. The front setback is to be finished with high quality materials and an active pedestrian frontage across Frenchs Forest Road West.

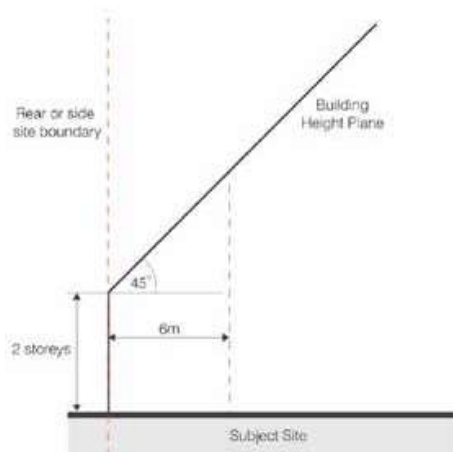
The front setback must not be used for car parking or vehicular access.

2. Development with a frontage to Sylvia Place, Bluegum Crescent and Gladys Avenue must be setback a minimum of 6.5m.
3. Building setbacks from street frontages are to be landscaped and free of any structures, basements, car parking or site facilities other than driveways, letter mail boxes, garbage storage areas and fences.

Side and rear setbacks

1. Development with frontage to Frenchs Forest Road West shall have a nil side setback to ensure a continuous frontage to the street.
2. A minimum setback of 15m is required from Wakehurst Parkway.
3. Development adjacent to the R2 Low Density Residential and RE1 Public Recreation Zone must provide a minimum setback of 6m from the side or rear property boundary for the first 2 storeys. Development above 2 storeys is to be set back within a 45-degree angle, projected from a height of 2 storeys. Refer to Figure 25.

Figure 25
Residential setbacks



5.2.4 Street wall and upper floor setbacks

Objectives

- A. To reduce bulk and scale of buildings, minimise streetscape impacts and provide an appropriate scale transition to adjoining low density residential development.

Requirements

1. Development fronting Frenchs Forest Road West shall have the fifth floor set back at least 3m from the street wall.
2. Development fronting Frenchs Forest Road West and adjoining the right-of-way accessible off Frenchs Forest Road West (known as Bantry Bay Track) shall have the sixth floor set back at least 3m from the street wall.
3. Developing fronting Gladys Avenue shall have the fourth floor set back at least 3m from the street wall.
4. Despite Requirement 3, any portion of a building within 12m of R2 Low Density Residential zoned land must be no more than 2 storeys.
5. Any portion of a building within 12m of RE1 Public Recreation zoned land must be no more than 3 storeys.

Note: Street wall refers to the built form that addresses the street frontage from the ground level up to the first building setback.

4. Mail boxes shall not dominate the streetscape and ensure that:

- 4.1 key lockable mail boxes are provided;
- 4.2 they are located adjacent to a building entry foyer that has street frontage (in accordance with any requirements of Australia Post);
- 4.3 the mail box collection area must be from within the building foyer or other area which is only accessible to residents or building occupants; and
- 4.4 the mail box collection facility must be in view of video surveillance.

5.2.5 Building design

Objectives

- A. To reduce the bulk and scale and ensure buildings are well separated and provide an appropriate scale transition to the street.
- B. To achieve a consistent built form along Frenchs Forest Road West and safety.
- C. To enhance the quality of the public domain.
- D. To enhance the amenity of occupants in buildings in terms of daylight, outlook, view sharing, ventilation, and privacy.
- E. To promote the design and development of sustainable buildings.

Requirements

1. Development shall be located to front or address the street. On corner lots, the buildings shall be located to front or address both streets.
2. Upper floors above the street wall are to be emphasised through a change in architectural expression, material selection and design elements.
3. Building facades are to be articulated into smaller elements or distinctive treatments, at a scale or grain that reflects:
 - 3.1 Different uses and/or components of the building;
 - 3.2 The residential entries and/or lobby; and
 - 3.3 The podium and upper levels of the building.
- ~~4. For new development, the colour selection must reflect the dominant natural colour of the surrounding landscape.~~

Note: Reference should be made to Part D20 for requirements on safety and security

5.2.6 Site consolidation

Objectives

- A. To ensure that the size of new allotments caters for a variety of dwelling and household types and permits adequate solar access, areas for open space, landscaping and car parking.
- B. To ensure that new development achieves the Desired Future Character and Character Statement for the Precinct.

Requirements

- 1. Proposed lots must have dimensions to enable the siting and construction of a buildings that:
 - 1.1 Protect any natural site features;
 - 1.2 Address the street;
 - 1.3 Minimise the impact on neighbours' amenity including access to sunlight, daylight, privacy and views;
 - 1.4 Provide usable outdoor open space;
 - 1.5 Provide activities for relaxation, recreation, outdoor dining and children's play areas; and
 - 1.6 Provide convenient pedestrian, bicycle, motor vehicle access and parking.
- 2. Shop top housing, residential flat buildings, multi dwelling housing and attached dwellings must have a street frontage.
- 3. Should a development result in an isolated lot, the applicant must demonstrate that the isolated lot is capable of being reasonably developed without detracting from the character of the surrounding area.

5.2.7 Materials and finishes

Objectives

- A. To contribute positively to the streetscape and provide a high-quality architecture and robust selection of materials and finishes.
- B. To encourage materials and finishes that contribute to local character.

Requirements

- 1. External materials and finishes should appear to be natural, with subdued natural and dark coastal colours. Brighter colour accents are permitted.
- 2. The dominant use of smooth shiny surfaces such as glass, metallics and plastics should be avoided.

5.2.8 Landscaped area

Objectives

- A. To ensure that new development achieves the Desired Future Character and Character Statement for the precinct.
- B. To retain existing trees, encourage new tree plantings and maximise deep soil areas.
- C. To ensure communal open space minimises amenity impacts to adjoining neighbours.

Note: To measure the area of landscaped area:

- a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks etc. and any open space areas with a dimension of less than 2m are excluded from the calculation;
- b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;
- c) Landscaped areas must be at ground level (finished); and
- d) The minimum soil depth of land that can be included as landscaped area is 1m.

Requirements

- 1. For all residential flat building developments, landscaped area is to be at least 45% of the site area.
- 2. Development must retain and protect any significant trees on the site and adjoining sites. Any tree removal will require offset planting at a ratio of 2 to 1.
- 3. Canopy trees must be planted within the front setback of residential flat buildings.
- 4. Building setbacks are to be landscaped and generally free of any structures, basements, car parking or site facilities other than driveways, ~~letter~~ mail boxes, garbage storage areas and fences.
- 5. Communal open space shall be located to minimise impact on adjoining neighbours' amenity including privacy and noise.

5.2.9 Active frontages

Objectives

- A. To encourage a range of non-residential ground floor uses to promote street activation.
- B. To define areas where active streets are required or desirable.
- C. To achieve the Desired Future Character and Character Statement for the Precinct.

Requirements

- 1. Active frontages are to be provided for development with frontage to Frenchs Forest Road West and zoned B4 Mixed Use ~~d~~ Development. This is to be achieved by:
 - 1.1 Providing street frontages with a minimum width of 10m and maximum width of 20m; ~~and~~

- 1.2 Providing clear glazing to promote passive surveillance ~~and~~ contribute to street activity. Where not possible, a minimum of 75% of transparent glazing is permitted: ~~;~~ and public art (if the estimated construction cost is greater than or equal to \$10 million), to and
- 1.3 Providing flexible ground floor uses with a minimum floor to floor height of 3.6m.
- 2. Continuous awnings are to be provided along Frenchs Forest Road West.
- 3. Design service cabinets or utility services are not to be located on active frontages in accordance with Requirement 1. Where not possible, design service cabinets or utility services are to blend in with the architectural design of the building.

5.2.10 Parking, basement design and basement access

Objectives

- A. To ensure on-site car parking is provided underground in order to minimise the visual impact on the public domain.
- B. To minimise the size and quantity of vehicle and service crossings to retain streetscape amenity and reinforce a high-quality public domain.
- C. To ensure car parking areas and the access to these are safe and address the needs of building occupants.

Requirements

1. Parking rates shall be provided in accordance with Control 6.
2. Parking, servicing and loading shall be accommodated internally within the building and screened from the street.
3. Basement car parking and servicing areas are to be consolidated under building footprints to maximise the site area available for deep soil planting.

4. Vehicular access is prohibited from Frenchs Forest Road West and Wakehurst Parkway. This includes all vehicular access points for loading and unloading, garbage and recycling services and building services generally.

5. Despite Requirement 4, the existing right-of-way accessible via Frenchs Forest Road West between Nos. 112 and 114 Frenchs Forest Road West must remain accessible at all times; and [\(Bantry Bay Track\)](#)

6. Basement entries are to be provided from secondary streets, lanes or shared driveways. access points may be considered for lots east of Bantry Bay Track. This may require concurrence from Transport for NSW.
7. All driveways must be located a minimum perpendicular distance of 6m away from any intersection.
8. Vehicular access is to be designed to:

8.1 Separate and clearly differentiate pedestrian and vehicle access; ~~and~~

8.2 Minimise the size, quantity and visual intrusion of vehicle access points on the streetscape: and

8.3. Ensure that basement entries have an appropriate clearance height that is capable to allow for internal waste collection (where applicable).

9. Basement Plans are to identify areas for storage. Storage facilities shall be lockable, located in secure areas of the basement and clearly allocated to specific apartments with appropriate storage size volumes per bedroom.

5.3 Precinct 06 - Karingal Crescent Neighbourhood

56

5.3.1 Applies to land

This control applies to land within
Precinct 06 as outlined in Figure ~~26~~.³³

Figure ~~26~~ ³³
Precinct 06

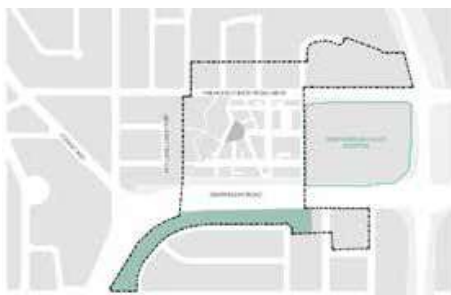




Precedent: Putney Hill (Source: Cox Architecture)

5.3.2 Character Statement

Precinct 06: Karingal Crescent Neighbourhood



Character Statement

The Karingal Crescent Neighbourhood promotes low-rise medium density housing, carefully designed to create a new edge to the town centre and integrate with the existing residential neighbourhood. Diverse housing types within walking distance of the town centre will encourage a walkable residential neighbourhood. The precinct will be characterised by:

- High quality, low-rise medium density housing developments, up to 3 storeys to enhance the established residential character along Karingal Crescent.
- Dual occupancies, semi-detached and attached dwellings to increase housing within walking distance of the town centre and Bantry Bay Neighbourhood Centre, promoting walking for local trips.
- Compact housing types create a new edge to Warringah Road, with landscaped setbacks and north facing rear gardens providing amenity and outlook for residents.
- Landscaped front setbacks, retention of existing trees and new tree plantings to integrate new development into the streetscape.

5.3.3 Building setbacks

Objectives

- A. To maintain the existing visual continuity and pattern of residential buildings' street setbacks, rear gardens and landscape elements in order to achieve the Desired Future Character and Character Statement for the precinct.
- B. To ensure spatial separation between buildings in order to provide a reasonable level of privacy, amenity and solar access.
- C. To ensure opportunities for deep soil landscape areas are provided.
- D. To ensure that buildings are appropriately setback at upper levels to achieve a transition in building bulk and scale at street frontages and at interfaces to adjoining low density residential areas.

Requirements

1. Building setbacks are to be provided in accordance with Figures ³⁴27 and ³⁵28.

Front setbacks

2. Provide a consistent front setback of 5m. Existing mature trees are to be retained, where possible.
3. Building setbacks from street frontages are to be landscaped and free of any structures, basements, car parking structures or site facilities other than driveways, ~~letter~~ mail boxes, garbage storage areas and fences.

Side and rear setbacks

4. Provide a minimum side setback of:
 - 4.1 1m for dual occupancies and semi-detached dwellings
 - 4.2 1.5m for attached dwellings.
5. Provide a minimum rear setback of 8m to Warringah Road. Existing mature trees are to be retained, where possible.

Upper floor setbacks

6. The third storey is to be setback a minimum of 3m from the street wall.

Note: Street wall refers to the built form that addresses the street frontage from the ground level up to the first building setback.

5.3.4 Site consolidation

Objectives

- A. To ensure that the size of new allotments caters for a variety of dwelling and household types and permits adequate solar access, areas for open space, landscaping and car parking.
- B. To ensure that new development achieves the Desired Future Character and Character Statement for the Precinct.

Requirements

- 1. All dwellings must have direct street frontage.
- 2. Dual occupancies must be attached and configured side by side.
- 3. The layout of the development must not result in a "gun barrel" form (e.g. long perpendicular driveways flanked by dwellings with no street address).

- 4. The maximum number of attached dwellings in a row is 6. Development is to provide a 1.5m landscaped break between 6 dwellings.
- 5. Proposed lots must be of a size, and have dimensions to enable, the siting and construction of a dwelling that:
 - 5.1 Addresses the street;
 - 5.2 Minimises the impact on neighbours' amenity including access to sunlight, daylight, privacy and views;
 - 5.3 Provides usable outdoor open space; and
 - 5.4 Provides convenient pedestrian, bicycle, motor vehicle access and parking.

Figures ³⁴~~27~~ and ³⁵~~28~~ illustrate the minimum frontage requirements, setbacks and dimensions for development.

Figure 27 [34](#)

Dual occupancy (attached) and semi-detached dwellings

60

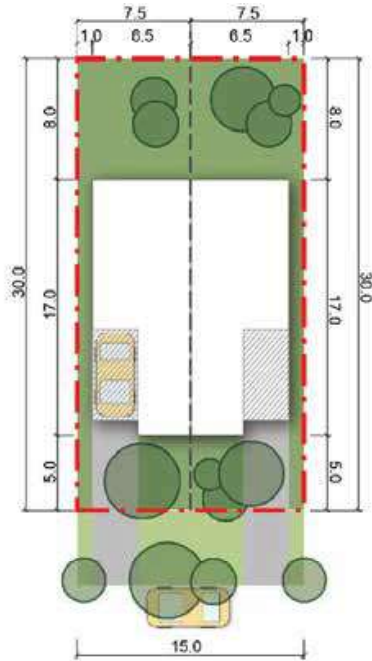
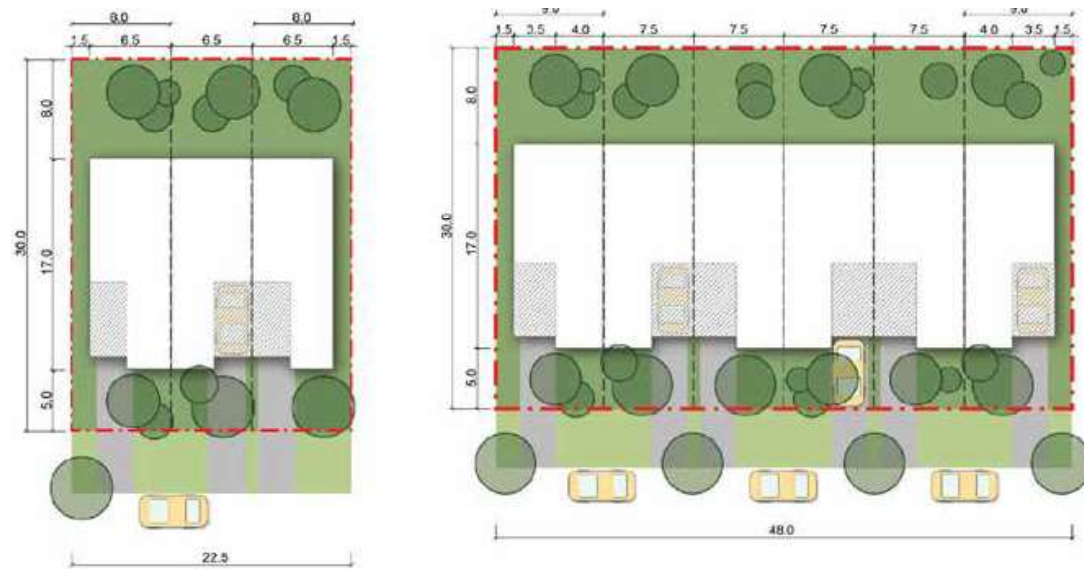


Figure 28 [35](#)

Attached dwellings



5.3.5 Landscaped area

Objectives

- A. To ensure that new development achieves the Desired Future Character and Character Statement for the Precinct.
- B. To retain existing trees, support consolidation of mature vegetation and maximise deep soil areas.

Note: To measure the area of landscaped area:

- a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks etc. and any open space areas with a dimension of less than 2 metres are excluded from the calculation;
- b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;
- c) Landscaped areas must be at ground level (finished); and
- d) The minimum soil depth of land that can be included as landscaped area is 1 metre.

Requirements

- 1. The minimum amount of landscaped area and/or deep soil is to be 30% of the site area.
- 2. Development must retain and protect any significant trees on the site and adjoining sites. Any tree removal will require offset planting at a ratio of 2 to 1.
- 3. Canopy trees with a minimum maturity height of 5m must be planted within the front setback.
- 4. Canopy trees with a minimum maturity height of 8.5m must be planted within the rear setback.

5.3.6 Private open space

Objectives

- A. To ensure that new development has appropriately sized private open space to enhance residential amenity.
- B. To ensure private open space is appropriate located to maximise solar access and useability.

Requirements

- 1. Private open space is located at the rear of the site and must not include the front setback.
- 2. Principal private open space is located adjacent to a living room, dining room or kitchen.

5.3.7 Materials and finishes**Objectives**

- A. To contribute positively to the streetscape and provide a high-quality architecture and robust selection of materials and finishes.
- B. To encourage materials and finishes that contribute to local character.

Requirements

- 1. External materials and finishes should appear to be natural, with subdued natural and dark coastal colours. Brighter colour accents are permitted.
- 2. The dominant use of smooth shiny surfaces such as glass, metallics and plastics is not permitted.

5.3.8 Roof design**Objectives**

- A. To ensure that roof design contributes to the visual interest of the building and reflects the Desired Future Character and Character Statement for the Precinct.

Requirements

- 1. Roof design is to complement the overall architectural intent of the building and not significantly impact on the streetscape.
- 2. Roof forms shall be articulated and incorporate multi-planar elements to ensure a varied roofscape.

5.3.9 Front fences and front walls**Objectives**

- A. To ensure that front fences and walls do not dominate the public domain.

Requirements

- 1. Front fences and front walls are to be no greater than 1.2m in height.
- 2. Hedges to a height of 1.2m may be provided as soft boundary edges.

5.3.10 Parking, parking design and parking access

Objectives

- A. To provide a consistent streetscape pattern of building form and articulation.
- B. To ensure that vehicle parking and site access facilities do not visually dominate development and the streetscape.

Requirements

1. Parking rates shall be provided in accordance with Control 6, except when development is dual occupancy (attached), attached dwelling and/or semi-detached dwelling when a maximum of 2 car spaces (1 per dwelling) applies.
2. Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.
3. Vehicular access is prohibited from Warringah Road. This includes all vehicular access points for garbage and recycling services. Driveways should be located on the side boundary to allow sufficient space for on-street car parking and reduce visual prominence.
4. Garages presenting to a street frontage shall not exceed 3.5m in width.
5. Garages must be setback a minimum of 1.5m behind the building line.
6. A single car parking space (i.e. not within a garage or carport or other structure) may be located between the primary street frontage and the building line, but only if:
 - 6.1 The parking space is uncovered
 - 6.2 Porous materials are used for the parking space's surface.
 - 6.3 Landscape and deep soil requirements are met.
7. Garage doors and gates should be of timber or simple metal cladding.

5.4 Precinct 07 - Bantry Bay Neighbourhood Centre

64

5.4.1 Applies to land

This control applies to land within
Precinct 07 as outlined in Figure 29.

Figure 29
Precinct 07

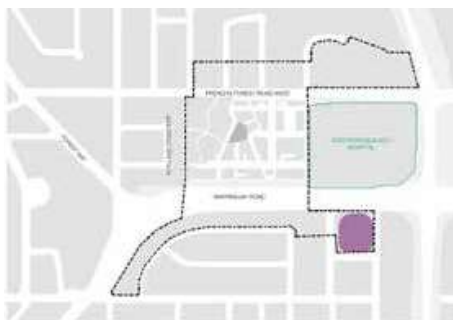




Precedent: Tram Sheds (Source: Mirvac)

5.4.2 Character Statement

Precinct 07: Bantry Bay Neighbourhood Centre



Character Statement

The Bantry Bay Neighbourhood Centre will be an important part of the local community. New local shops will activate Bantry Bay Road and Brick Pit Reserve, while renewal of this area will provide opportunities to celebrate the area's rich history through the interpretation of the Former Hews' Residence. The precinct should be characterised by:

- New neighbourhood shops to provide for the day to day needs of residents living to the south of Warringah Road.
- Re-imagining and celebrating the social significance of the Former Hews' Residence through interpretation. The use of materials and landscaping will provide a connection to the past.
- Ground floor retail uses will activate Bantry Bay Road and Brick Pit Reserve.
- High quality medium rise apartment buildings, up to 5 storeys that integrate with the neighbourhood shops.
- Widened footpaths, street planting and great local streets that bring the community together.
- New tree planting along Warringah Road will improve amenity and provide an outlook to green space.

5.4.3 Site consolidation

Objectives

- A. To encourage lot consolidation to achieve the Desired Future Character and Character Statement for the precinct.
- B. To avoid lot sterilisation.

Requirements

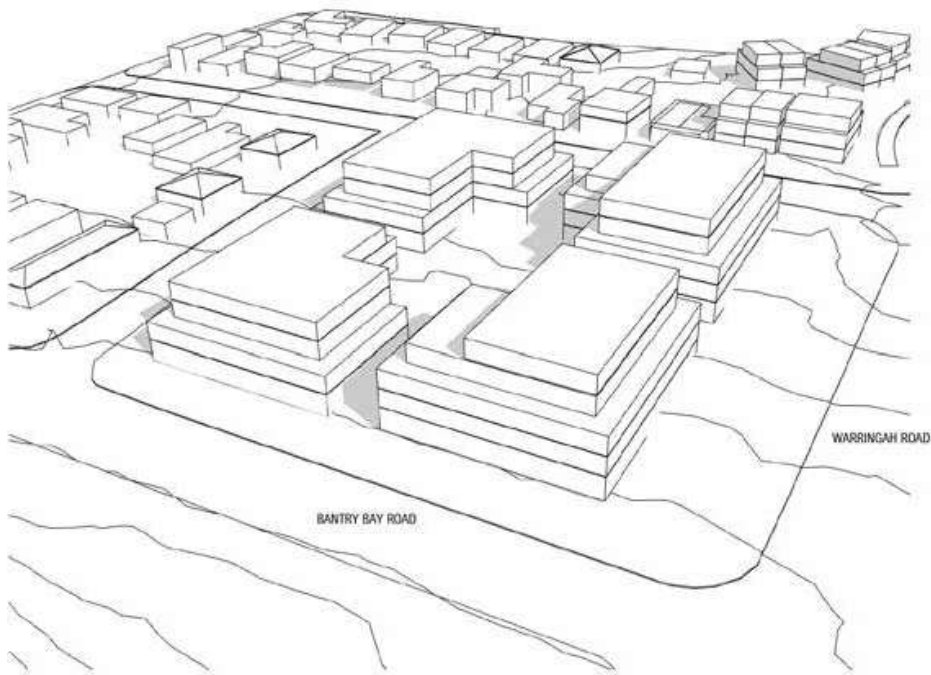
- 1. Development shall result in amalgamated sites in accordance with Figures 30⁷ and 31⁸.
- 2. Development shall not result in adjacent allotments that have areas or dimensions, or are constrained in other ways, that would render such allotment(s) incapable of being developed in accordance with Warringah Local Environmental Plan.
- 3. Lots are to be consolidated where necessary to ensure the development of one allotment will not render an adjoining one unsuitable for future development.

Figure 30⁷

Amalgamated lots indicated by red outline



Figure 31 8
Explanatory diagram showing desired amalgamation pattern



(Note: Built form is for illustrative purposes only)

5.4.4 Building setbacks

Objectives

- A. To achieve the Desired Future Character and Character Statement for the Precinct.
- B. To ensure spatial separation between buildings in order to provide good amenity to residents, workers and visitors.
- C. To achieve a continuous built form along Bantry Bay Road.

Requirements

Front setbacks

- 1. For residential flat buildings, a minimum front setback of 6.5m is required.
- 2. Despite Requirement 1, development with frontage to Bantry Bay Road shall have a minimum 3.5m front setback. For shop top housing developments, the front setback shall be finished with high quality materials and an active pedestrian frontage across Bantry Bay Road.

Side and rear setbacks

- 3. A minimum side setback of 4.5m is required.
- 4. Despite Requirement 3, development adjoining Warringah Road shall have a minimum 6.5m setback to Warringah Road.
- 5. Rear setbacks are to be a minimum of 6m.

5.4.5 Street wall and upper floor setbacks

Objectives

- A. To reduce bulk and scale, minimise streetscape impacts and provide an appropriate scale transition to surrounding low-rise medium and low density residential development.

Requirements

- ~~1. Any storey from the fourth floor or above must be set back at least 3m from the street wall.~~

Note: Street wall refers to the built form that addresses the street frontage from the ground level up to the first building setback.

1. All development must provide street wall heights as indicated in Figure 39.

2. Upper floors are to be set back at least 3m from the street wall.

Drafting note: Insert new 'Figure 39: Street wall heights', which is an extract of the site in the Urban Design Report and Public Domain Masterplan by CHROFI (page 34)

5.4.6 Landscaped area

Objectives

- A. To ensure that new development achieves the Desired Future Character and Character Statement for the Precinct.
- B. To retain existing trees, support consolidation of mature vegetation and maximise deep soil areas.
- C. To provide well designed communal open space areas that achieve good level of amenity.
- D. To ensure good passive surveillance over communal open space.

Note: To measure the area of landscaped area:

- a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks etc. and any open space areas with a dimension of less than 2 metres are excluded from the calculation;
- b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;
- c) Landscaped areas must be at ground level (finished); and
- d) The minimum soil depth of land that can be included as landscaped area is 1 metre.

Requirements

- 1. For all residential flat building developments, landscaped area is to be at least 40% of the site area.
- 2. Development must retain and protect any significant trees on the site and adjoining sites. Any tree removal will require offset planting at a ratio of 2 to 1.
- 3. Canopy trees must be planted within the front set back area of residential flat buildings.
- 4. Building setbacks are to be landscaped and generally free of any structures, basements, car parking or site facilities other than driveways, letter boxes, garbage storage areas and fences.

5.4.7 Active frontages and streetscape

Objectives

- A. To provide active, engaging and vibrant streets that encourages community activity, safety and surveillance.
- B. To ensure development creates a high quality interface between the public and private domain.

Requirements

1. Buildings must be designed to provide continuous frontage along Bantry Bay Road.
2. Buildings must address all street frontages with the main entrance visible from the street.
3. For residential flat buildings, the ground level shall be activated by the provision of entries ~~and~~ accessible landscaped areas, ~~and where appropriate, public art.~~
4. Ground floor apartments that face the street are to have individual entries to the street.
5. Ground floor private open space facing the street is to be provided as a deck or paved area with a minimum depth of 2m.
6. Buildings on corner lots are to address or frame both frontages.
7. Buildings must be designed to allow for flexible ground floor uses with a minimum floor to floor for shop top housing developments with frontage to Bantry Bay Road of a height of 3.6m.

8. For all non-residential ground floor frontages, provide clear glazing wherever possible to promote passive surveillance ~~and~~ contribute to street activity. [and public art \(if the estimated construction cost is greater than or equal to \\$10 million\), to](#)
9. Basement entries should be limited and integrated with building design to minimise impacts on streetscape.
10. For non-residential uses, the ground floor must be at the same general level as the footpath and directly accessible from the street.
11. Continuous awnings for shop top housing developments are to be provided along Bantry Bay Road.
12. Design service cabinets or utility services are not to be located on Bantry Bay Road. Where not possible, design service cabinets or utility services are to blend in with the architectural design of the building.

[13. Mail boxes shall not dominate the streetscape and ensure that:](#)

- [13.1 key lockable mail boxes are provided;](#)
- [13.2 they are located adjacent to a building entry foyer that has street frontage \(in accordance with any requirements of Australia Post\);](#)
- [13.3 the mail box collection area must be from within the building foyer or other area which is only accessible to residents or building occupants; and](#)
- [13.4 the mail box collection facility must be in view of video surveillance.](#)

[Note: Reference should be made to Part D20 for requirements on safety and security](#)

5.4.8 Heritage

Objectives

- A. To encourage the adaptive re-use or interpretation of the former Hews' Residence.
- B. To achieve the Desired Future Character and Character Statement for the Precinct.

Requirements

- 1. Opportunities for the adaptive re-use or interpretation of the heritage significance of the Former Hews' Residence is required.
- 2. Building design is to incorporate at least one of the following features:
 - 2.1 Re-use of architectural elements of the Former Hews' Residence.
 - 2.2 Interpretive elements that assist in understanding the social heritage significance of the Former Hews' Residence, such as:
 - a) Materials, finishes, wall features or graphics that aid in the interpretation of the site's social significance.
 - b) Paving inlays with typography and colours which complement the landscape design and historical characteristics of the Former Hews' Residence.
 - c) Sculptural design or landscaping elements which provide a sense of history of the Former Hews' Residence.

Former Hews' Residence

Statement of Significance

The Former Hews' Residence is one of the oldest surviving dwellings in Frenchs Forest. The site has been continuously occupied since the earliest phase of settlement and development in the district and retains tangible associations with influential pioneering individuals James French and William Hews. For many years, this residence was the focal point of the Frenchs Forest community as part of the early Rodborough Estate, then for its associations with the nearby former Hews' brickworks, and as the location of social activities in connection with the prominent Hews family comprising local sports, recreation, political and religious events. Although modified in its current physical form, the property is considered to have local significance for its historical, associative, and research potential heritage values.

5.4.9 Parking, basement design and basement access

Objectives

- A. To ensure on-site car parking is provided underground in order to minimise the visual impact on the public domain.
- B. To minimise the size and quantity of vehicle and service crossings to retain streetscape amenity and reinforce a high-quality public domain.
- C. To ensure car parking areas are safe and address the needs of building occupants.

Requirements

- 1. Parking rates shall be provided in accordance with Control 6.
- 2. Car parking that is required for visitors and/or retail premises is to be accessible at all times.
- 3. Parking, servicing and loading for commercial and/or retail uses shall be accommodated internally within the building and screened from the street.

- 4. Basement car parking and servicing areas are to be consolidated under building footprints to maximise the site area available for deep soil planting.
- 5. Vehicular access is prohibited from Warringah Road and must be located a minimum distance of 20m from any intersection with Warringah Road. This includes all vehicular access points for loading and unloading, garbage and recycling services and building services generally.

- 6. Other than Requirement 5, all driveways must be located a minimum perpendicular distance of 6m from any intersection.

- 7. Vehicular access is to be designed to:

7.1 Separate and clearly differentiate pedestrian and vehicle access; ~~and~~

7.2 Minimise the size, quantity and visual intrusion of vehicle access points on the streetscape ;and

7.3 Ensure that basements allow for an appropriate clearance height that is capable to allow for internal waste collection (where applicable).

8. Basement Plans are to identify areas for storage. Storage facilities shall be lockable, located in secure areas of the basement and clearly allocated to specific apartments with appropriate storage size volumes per bedroom.



6 Parking

Objectives

- A. To provide adequate on-site parking for a mix of development and vehicle types, including car share, electric vehicles, motorcycles and bicycles.
- B. To support the reduction of car trips and encourage the use of sustainable transport.

Requirements

1. For residential uses, parking rates shall be provided in accordance with Table 2, which specifies a maximum car parking rate for development and a minimum parking rate for more sustainable forms of transport.
2. For Precincts 01 to 04, parking rates shall be provided at a minimum of 4.7 spaces per 100m² of gross leasable floor area (GLFA).
3. Car parking rates for all other uses are to comply with, Part H, Appendix 1 of Warringah DCP 2011. If no uses are identified Appendix 1, car parking rates are to be provided in accordance with the RTA Guide to Traffic Generating Developments (2002).
4. Car parking that is required for retail premises and residential visitor spaces is to be accessible at all times.
5. Residential parking (excluding visitor parking) may be provided behind a secure access point/gate.
6. Privately allocated car spaces shall be located at the rear or lower levels of the basement.
7. The provision of parking for people with disabilities must be provided at a rate of 3% of the required parking spaces.
8. For non-residential development, at least 2 electric vehicle charging spaces or 2% of the parking spaces (whichever is greater) must be provided.
9. For non-residential development, car share spaces are to be provided at a rate of 1 per 200m² gross floor area.

10. Car share spaces are to be:

- 10.1 Publicly accessible at all times;
- 10.2 Located in a convenient location;
- 10.3 Provided in a well-lit location that allows for casual surveillance;
- 10.4 Signed for car share use only; and
- 10.5 Where external, is to be adjacent to a street and integrated with the streetscape through appropriate landscaping.

11. For residential and mixed-use development basement car parking areas are to include car wash bays for use by residents at the rate of 1 bay per 50 dwellings, up to a maximum of 4 spaces per building. The wash bay is to be adequately drained and connected to the sewer line.

12. Bicycle parking for residential uses may be located as part of an extended garage cage.

13. Bicycle parking ~~for non-residential development is to be~~ provided in

accordance with Part C, C3(A) Bicycle Parking and End of Trip Facilities, Requirement 4 of Warringah DCP 2011.

14. End of trip facilities ~~must be provided for buildings which do not comprise any residential uses as follows:~~ [in accordance with Part C3\(A\) Bicycle Parking and End of Trip Facilities, Requirements 5 and 6 of Warringah DCP 2011.](#)

14.1 ~~An electric charging point for electric bicycles.~~

14.2 ~~Bathroom/ change area(s) shall be provided and shall contain:~~

~~— At least one toilet, wash basin, mirror, clothing hooks and power points.~~

~~— A minimum of one shower cubicle per seven (7) required bicycle parking spaces.~~

~~— Each shower cubicle shall include a private clothes changing area with a bench and a minimum of two (2) clothing hooks.~~

[15. End of trip facilities shall provide an electric charging point for electric bicycles.](#)

~~14.3 Clothes Lockers shall be:~~

- ~~— Provided at the rate of one clothes locker for every required bicycle parking space.~~
- ~~— Secure, ventilated and large enough to store cycling gear (such as panniers, shoes, towels and clothing).~~
- ~~Suggested minimum dimensions of a clothes locker are 900mm (height), 350mm (width) and 500mm (depth).~~

~~16~~ 15. Properties are not eligible to apply for Residential Parking Permit Schemes as determined by the RMS Permit Parking Guidelines.

Note: when calculating required parking for development, car parking rates are to be rounded up to the nearest whole number.

[Note: Reference should be made to Part C3 and C3\(A\) for additional requirements on parking facilities, bicycle parking and end of trip facilities.](#)

Table 2
Parking rates for residential uses

Maximum parking rate	
1 bedroom (including studio)	0.6 spaces
2 bedroom	1 space
3 bedrooms and more	1.5 spaces
Visitor car parking	0.1 spaces per dwelling
Minimum parking rate	
Car share dedicated space	2 spaces per 15 dwellings
Electric vehicle charging space	2% of dwellings or 2 per development (whichever is greater)
Motorcycle parking	0.5 spaces per dwelling
Bicycle parking	2 spaces per dwelling 0.25 spaces per dwelling for visitor bicycle parking



7 Contamination

Objectives

- A. To manage potential contamination risks and ensure that changes to land use will not increase the risks to public health or the environment.

Requirements

1. Where new development is proposed at the below addresses, a Preliminary Site Investigation Report must be prepared and submitted with the application for development:
 - 1.1 Lot 28 in DP 15045
 - 1.2 Lot 17 in DP 15045
 - 1.3 Lot 500 in DP 1214811
 - 1.4 Lot 2 in DP 535422
 - 1.5 Lot 1 in DP 746670



8 Sustainability

10. Development shall explore opportunities to incorporate innovative sustainability measures to assist with future proofing the building with emerging technologies and address ongoing maintenance responsibilities. This could include the installation of a building management system to monitor energy, waste and water usage by building operations and occupants, and future proofing the trenching requirements for servicing infrastructure for emerging technologies and electric vehicles.

79

Objectives

- a. To ensure that new development applies the principles of ecologically sustainable development and facilitates the delivery of a low carbon precinct: that embeds the circular economy.
- b. To minimise energy use through passive building design and energy efficient systems.
- c. To encourage energy ~~and~~ waste and water efficiency and water recycling in non-BASIX affected development.
- d. To promote thermal comfort through natural ventilation and passive heating and cooling in residential developments.
- e. To ensure that all development is resilient to climate change including reducing the impacts of urban heat island effect.

5. To minimise energy use buildings are to be designed to:

- 5.1 Include high levels of insulation to reduce energy consumption and include energy efficient appliances;
- 5.2 Incorporate green roof and green façade / green wall elements to reduce heat loads on internal spaces; and
- 5.3 Incorporate shading elements and landscaping on higher levels of buildings to reduce heat loads and encourage passive cooling.

6. All new water fittings and fixtures in all non-residential development, the public domain, and public and private parks are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development.

Requirements

1. All new non-residential buildings are to provide a Report, prepared by an Ecological Sustainable Development Consultant which demonstrates how development addresses NABERS (Section J of the National Construction Code).
2. All new non-residential buildings are to achieve the following minimum NABERS scores:
 - NABERS 5.5 Energy for offices and hotels
 - NABERS 3-star Water for offices and hotels
3. All new non-residential buildings are to achieve a minimum 4-star Green Star Design & As Built rating.
4. Development is to reduce the need for active heating and cooling by incorporating passive design measures to ensure that development is resilient to climate change. This includes design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.

7. The use of energy efficient lighting with an improved lighting power density (watts per second metre), including LED lighting technology, is to be used in any public domain and/or for façade lighting.

8. Development shall ~~where possible,~~ use building materials, fittings and finishes that:

- 8.1 Have been recycled; are recyclable or reusable;
- 8.2 Are made from or incorporate recycled materials; and that contain lower embodied energy to reduce energy use and the environmental footprint;
- 8.3 Have been certified as sustainable or 'environmentally friendly' by a recognised third-party certification scheme; and;
- 8.4 Use non-toxic source origin materials to improve the quality of the indoor environment especially the health, comfort and productivity of building occupants.

If recycled material cannot be used, justification must be included in the Waste Management Plan. Financial costs will not be accepted as appropriate justification.

9. For Precincts 01 to 04, development shall:

9.1 Prioritise the use of recycled material and modular building design for roads, footpaths and buildings together with material passports to enable reuse of materials and ongoing reuse of building materials into the future; and

9.2 Identify opportunities to support food waste collection systems or networks from businesses and residents.



9 ~~Water sensitive~~ ~~urban design~~

[Water management](#)

Objectives that new development minimises the impact on downstream catchment areas of Bantry Bay, Manly Dam and Narrabeen Lagoon.

A. To ensure ~~an integrated approach to water cycle management through the use of water sensitive urban design principles.~~

B. To ensure that new development maintains or enhances water quality of receiving waters in the Bantry Bay, Manly Dam and Narrabeen Lagoon catchments.

Requirements

1. The stormwater drainage systems for all developments are to be designed, installed and maintained as far as is practicable, so as to improve water quality and assist in maintaining stream flow in accordance with Council's Water Management for Development Policy and Water Sensitive Urban Design and MUSIC Modelling Guidelines: and Alluvium Frenchs Forest Planning Precinct Water Sensitive Urban Design Study Strategy (dated December 2019).
2. All water management facilities ~~are to be privately owned and operated.~~ and stormwater infrastructure are to be privately owned and operated.

3. All new development shall be accompanied by a Stormwater Management Plan or Strategy that details the methods for controlling and managing increased stormwater flows on downstream catchment areas and the impacts on private property (where applicable).

Note: Reference should be made to:

- Part C4 for stormwater requirements

- Part E11 for flood prone land requirements

- Alluvium Frenchs Forest Planning Precinct Water Sensitive Urban Design Strategy (dated December 2019)



10 Waste management

Objectives

- A. To ensure that built form maintains a visually appealing streetscape.

[B. To promote circular economy design for buildings and infrastructure to reduce carbon intensive materials and increase recycling.](#)

Requirements

1. All waste management for Precincts 01-04 ~~05 and 07~~ is to be undertaken internally within the building. No waste collection is permitted on street.

[2. The Waste Management Plan for Precincts 01-04 shall explore ways to enable the efficient collection and sharing of waste, water and energy between businesses. This can include:](#)

- [2.1. An underground automated waste collection system, such as a vacuum system to transfer different waste types from buildings to a transfer station;](#)
[2.2. Sharing waste infrastructure between businesses.](#)

[3. For demolition and construction, at least 85% of any waste generated in demolition and construction is to be recycled. This is to be identified in the Waste Management Plan.](#)

[4. All development must comply with the Northern Beaches Council Waste Management Guidelines, particularly in regard to available capacity, separation for recycling and access for servicing.](#)

[Note: Reference should be made to Parts C8 and C9 for waste management and demolition and construction requirements](#)

~~A Part H~~ ~~Appendix 3 –~~ ~~Frenchs Forest~~ ~~Town Centre~~ ~~Public Domain~~

Public domain

85

The public domain will play a crucial role in the success of the Frenchs Forest Town Centre. The public domain will include a variety of new public spaces, including a large new multi-purpose park, central piazza and forest. New streets will be publicly accessible private land and improve connectivity and street activation.

Objectives

- A. To create a high quality public domain with open spaces that achieve the Desired Future Character and Character Statement for each precinct.
- B. To provide a network of integrated and connected open space and public domain areas, that strengthen the character of Frenchs Forest.
- C. To deliver a new large public park in the Frenchs Forest Town Centre: [that integrates water sensitive urban design measures.](#)
- D. To ensure that new streets are publicly accessible private land.
- E. To retain and enhance existing vegetation as an integral part of the public domain.
- F. To ensure that the public domain is accessible, safe and secure for all residents, workers and visitors.
4. Public open space areas are to provide for deep soil planting.
5. Public open space is to include:
 - 5.1 Flexible spaces that support a range of community activities including passive and active recreation;
 - 5.2 Green infrastructure which addresses stormwater management, climate adaptation, heat mitigation, better air quality and food production amongst other benefits, alongside benefits including public amenity, improved biodiversity and increased quality of life;
 - 5.3 Tree plantings and/or landscaping elements that contributes to shading and cooling: [and considers safety, size at maturation and ongoing maintenance;](#)
 - 5.4 Native plant species that have lower fire risks and are drought tolerant; ~~and~~
 - 5.5 Light coloured pavements and road surface to avoid heat absorption and retention: ~~;~~ [and](#)
 - 5.6 No infrastructure that supports private development.
6. Public open space must be designed to provide safety, with lighting, open sightlines and landscaping that allow high levels of public surveillance.

Requirements

1. New public spaces are to be provided in accordance with Table 1 and the concept plans provided at Figures ~~1~~⁴ to ~~8~~¹¹.
2. Existing mature vegetation is to be retained and embellished as part of the open space network.
3. Public open space must comprise consolidated, useable areas that can support a variety of uses at varied times of the day.

[New public spaces that are not identified as future Council assets in Table 1 must be maintained in perpetuity by private landowners.](#)

Table 1
Public open space and public domain

Name	Purpose	Function	Size (m ²)	Future Council asset
Village Green	Primary green space	Multi-purpose informal active and passive recreation, including community events and community sports activities	8,000	Yes
Forest Parkland	Urban bushland and adventure play	Children's adventure play, walking and cycling paths, picnic areas and passive recreation	5,500	Yes
Central Piazza	Publicly accessible Primary community plaza	Public plaza for community events and activities. Publicly accessible plaza for events, activities and activation of the ground floor uses.	1,665	Yes No
Hospital Link	Primary pedestrian east- west connection	A linear space that provides a strong civic connection east-west between the Village Green, Piazza and Northern Beaches Hospital.	20m wide	No
Market Quarter Courtyard	Retail plaza	Small courtyard space. Fresh food and local retail, with opportunities for day-to-day community interaction. Potential to connect to underground supermarket.		No
The Boulevard	Main Street	Retail uses with outdoor dining and pedestrian walkways		No
Southern Gateway	Transport connector	Paved open space connecting to the bus stop and pedestrian bridge on Warringah Road. Potential for a pavilion café or restaurant.		No

Figure 1 4

Public open space and public domain plan

87



Drafting note: Amended Figure 4 to extend the activated public domain towards the ground floor land uses adjoining the Piazza

Figure 2 [5](#)

Village Green - Illustrative concept plan (Source: Tyrrell Studio)

88



The Village Green

Requirements

1. The Village Green is to be one contiguous open space with a minimum area of 8,000m², excluding streets and pedestrian connections. A community hub facility may occupy part of the open space area.
2. It must be designed to provide a large flat green area that can be used for a range of passive and active recreation, including informal recreation, kick-about and training activities.
3. The Village Green is to have a direct frontage to at least one public street. The Village Green should be located adjacent to the Forest Parkland. Separation by road is to be avoided.
4. Lawn terraces should be used to manage topography and provide a transition to the large flat open lawn.
5. The lawn terraces are to be designed to maximise north-west views and informal sit-out spaces.



Precedent: Wormholt Park, London



Precedent: Southbank, Brisbane



Precedent: The Domain, Sydney



Precedent: Village Park, Mona Vale

Figure 3 6

The Forest - Illustrative concept plan (Source: Tyrrell Studio)

89



The Forest Parkland

Requirements

1. The Forest is to be a minimum of 5,500m². The design of the Forest is to retain existing trees.
2. The Forest will form an important part of the open space network, with a range of uses that promote leisure, exercise, and play. Shared bush trails will allow running, walking and cycling.

[3. All pedestrian and cycling trails shall avoid and minimise impacts to biodiversity including threatened species values.](#)



Precedent: Girouard Park, Canada



Precedent: Wild Play, Centennial Park



Precedent: Central Park, Hallett Nature Sanctuary, NYC

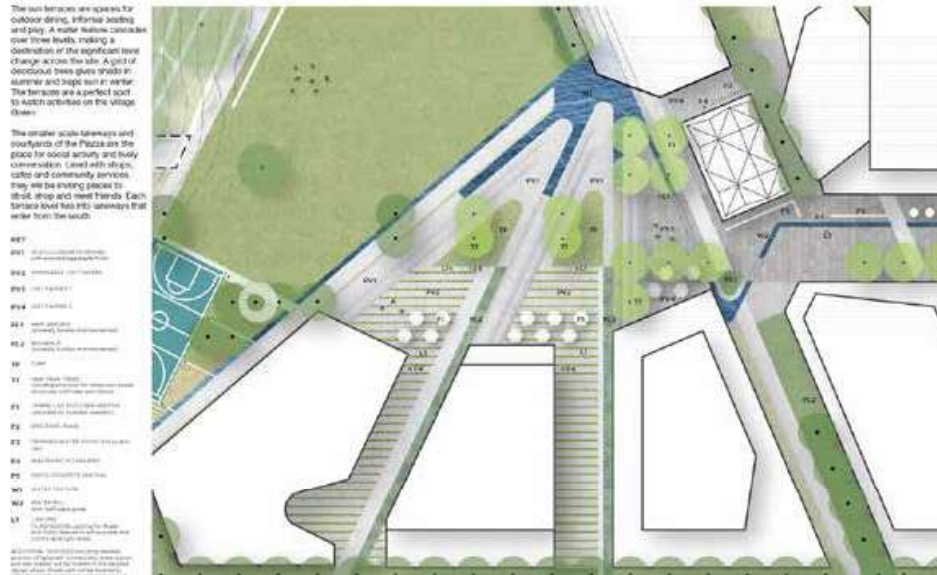


Precedent: Les Jardins de l'Imaginaire, France

Figure 4 7

Piazza - Illustrative concept plan (Source: Tyrrell Studio)

90



The Piazza

Requirements

1. The Piazza is to be a large flexible paved plaza in the centre of Frenchs Forest Town Centre.
2. The Piazza is to be a minimum 1,665m², and appropriately configured to accommodate a range of activities and uses, including outdoor dining, ~~community~~ events and markets.
3. The Piazza is to be located adjacent to the Village Green: and be publicly accessible.
4. The Piazza will have excellent solar access and provide extensive views over the Village Green and Forest Parkland.
5. The Piazza is to be surrounded by active retail uses and should provide a spill out area for ~~community uses~~ events and activities.



Precedent: Bonn Square, Oxford



Precedent: Customs House, Sydney



Precedent: Caixa Forum, Madrid (reused building as focal point)

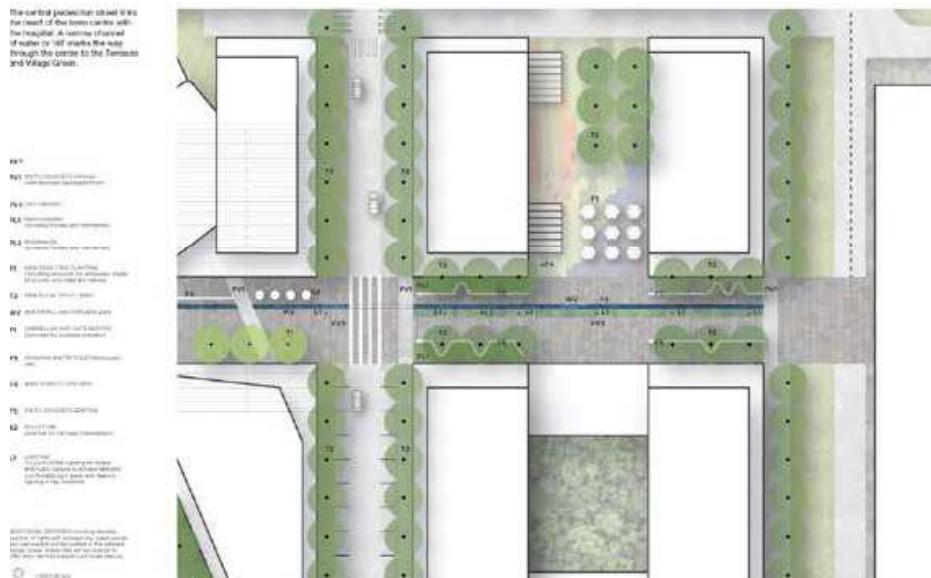


Precedent: Murcia City Hall, Spain

Figure 5 8

Hospital Link - Illustrative concept plan (Source: Tyrrell Design)

91



Hospital Link

Requirements

1. The Hospital Link will be a linear space that provides a strong civic connection east-west between the Village Green and Piazza in the west and Northern Beaches Hospital in the east.
2. The design of the Hospital Link shall reflect the concept design shown in Figure 5.8. The Hospital Link will be pedestrianised adjacent to the Piazza but should accommodate shared two-way vehicle access east of Main Street.
3. The design of the Hospital Link should allow for a future direct pedestrian connection to the Northern Beaches Hospital.



Precedent: Martin Place, Sydney



Precedent: New Road, Brighton



Precedent: The Goods Line, Sydney

Figure 6 9

Market Quarter Courtyard - Illustrative concept plan (Source: CHROFI)



Precedent: One Central Park, Chippendale, Sydney



Precedent: The Commons, Bangkok



Precedent: Riverlight, London



Precedent: Paley Park, New York

Market Quarter Courtyard

Requirements

1. The Market Quarter Courtyard is to be located close to Northern Beaches Hospital, in accordance with Figure 6 9.
2. The design of the Market Quarter Courtyard should provide an intimate and sheltered retail courtyard space away from the streets and the traffic.
3. The space will also be an attractive forecourt to any potential underground supermarket located directly to the south.
4. Access will be via two grand stairs down into a landscaped courtyard with lush planting and a central reflective water feature.
5. Small cafés will activate the edges with spill out seating creating a meeting place for residents.

Plan Legend

- 1 Grand stairways leading down into the sunken courtyard
- 2 Pavilion/cafes to activate ground level
- 3 Lower level / sunken courtyard
- 4 Central reflective water feature.
- 5 Active frontage with cafes and outdoor dining
- 6 Access to potential lower ground supermarket

Figure 7.10

The Boulevard - Illustrative concept plan (Source: CHROFI)

93



The Boulevard

Requirements

1. Frenchs Forest Road West will function as the Boulevard for the Frenchs Forest Town Centre.
2. A 7-metre-wide landscaped pedestrian footpath and grand colonnade is to be provided at the town centre along Frenchs Forest Road West.
3. This will provide an opportunity for tree planting, outdoor dining, pedestrian walkways, and sufficient space to accommodate bus stops.

Plan Legend

- ① Corner gateway and undercroft space at entrance to Town Centre
- ② Covered colonnade providing shade for outdoor dining areas
- ③ Shrub and avenue tree planting along the length of Frenchs Forest Road
- ④ Bus Stop location



Precedent: Passeig de Sant Joan, Spain



Precedent: Mission Rock Proposal, San Francisco



Precedent: The Terraces, Sydney

Figure 8 11

Southern Gateway - Illustrative concept plan (Source: CHROFI)



Southern Gateway

Requirements

1. The Southern Gateway will connect the Town Centre to the established Frenchs Forest community, south of Warringah Road.
2. The Southern Gateway is to be a high quality paved space that creates a high quality pedestrian arrival entry.
3. The space will provide improved pedestrian access to bus stops and the pedestrian bridge on Warringah Road.
4. The Southern Gateway will feature a signature architectural pavilion which could house community uses or cafe space.
5. Buildings are to minimise blank walls and inactive façades to the Southern Gateway.

Plan Legend

- 1 New link to pedestrian bridge
- 2 Public lift
- 3 Plaza space with shade trees and feature seating
- 4 Feature pavilion building/restaurant space.



Precedent: Cloud Canopy, Federation Square, Melbourne



Precedent: Barangaroo House, Sydney



Precedent: Boos Beach Club Restaurant, Luxembourg



Precedent: Commonwealth Skybar, America



Proposed changes to the draft DCP

Changes are indicated as:

~~Red and strikethrough~~ is deleted text

Blue and underlined is added text

Summary of changes:

1. Strengthening waste management requirements
2. More design requirements for water management facilities and stormwater infrastructure
3. Providing flexibility for vehicular access for lots east of the Bantry Bay Track
4. Removing the Land Use Strategy that mandate ground floor uses in the entire precinct
5. Aligning the Urban Design Masterplan for street wall and upper floor setbacks for Precinct 07 (Bantry Bay Neighbourhood Centre)
6. Enhancing sustainability requirements
7. Requiring a Noise Impact Assessment and other controls for the Town Centre site to manage residential amenity and potential noise generating land uses
8. Extending public art requirements to B4 Mixed Use zoned areas in Precinct 05 (Frenchs Forest Road West Neighbourhood) and B1 Neighbourhood Centre zoned area (Bantry Bay Neighbourhood Centre)
9. Strengthening design controls to enhance safety in the public and private domains
10. Clarifying certain controls and requirements
11. Removing duplicate controls and requirements
12. Administrative changes

No	Proposed Amendment	Reason	Reference	Drafting
1	Strengthening waste management and collection requirements by: <ul style="list-style-type: none"> - Ensuring that internal waste collection is undertaken from the loading dock for the town centre site 	To ensure that the initial building design considers waste collection and the desire for internal waste collection for the town centre site.	Control 5.1.16, Requirement 9.3 Control 5.2.10, Requirement 8.3 Control 5.4.9, Requirement 7.3	9. Vehicular access is to be designed to: 9.1 Separate and clearly differentiate pedestrian and vehicle access; and 9.2 Minimise the size, quantity and visual intrusion of vehicle access points on the streetscape; and <u>9.3 Ensure that waste collection is undertaken from a Loading Dock; and</u> X. Vehicular access is to be designed to: X.1 Separate and clearly differentiate pedestrian and vehicle access; and

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				<p>X.2 Minimise the size, quantity and visual intrusion of vehicle access points on the streetscape-;</p> <p><u>X.3 Ensure that basement entries have an appropriate clearance height that is capable to allow for internal waste collection (where applicable); and</u></p>
	<ul style="list-style-type: none"> - Ensuring that waste collection occurs internally for the town centre site only as the Waste Management Plan deals with collection methods for other precincts. - Requiring the Waste Management Plan for the Town Centre site to explore innovative waste collection technology and sharing of waste, water and energy between businesses (circular economy) - Including the circular economy as an objective of the DCP 	<p>To promote the circular economy and ensure that innovative waste collection methods are considered for the town centre site.</p> <p>To ensure that Precincts 01-04 (Town Centre site) are designed to allow internal waste collection.</p>	<p>Control 1.2 Control 10</p>	<p>The objectives of this Part, and Masterplan (Figure 2) for Frenchs Forest Town Centre (Phase 1 development) are:</p> <ul style="list-style-type: none"> • To establish a clear exemplar for the integration and delivery of sustainability <u>and circular economy</u> at a precinct level and use of industry recognised building rating tools <p>Objectives:</p> <p>A. To ensure that built form maintains a visually appealing streetscape.</p> <p>B. <u>To promote circular economy design for buildings and infrastructure to reduce carbon intensive materials and increase recycling.</u></p> <p>Requirements</p> <ol style="list-style-type: none"> 1. All waste management for Precincts 01- 0405 and 07 is to be undertaken internally within the building. No waste collection is permitted on street. 2. <u>The Waste Management Plan for Precincts 01-04 shall explore ways to enable the efficient collection and sharing of waste, water and energy between businesses. This can include:</u> <ol style="list-style-type: none"> 2.1 <u>An underground automated waste collection system, such as a vacuum system to transfer different waste types from buildings to a transfer station;</u>

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				<p>2.2 Sharing waste infrastructure between businesses.</p> <p>3. For demolition and construction, at least 85% of any waste generated in demolition and construction is to be recycled. This is to be identified in the Waste Management Plan.</p> <p>4. All development must comply with the Northern Beaches Council Waste Management Guidelines, particularly in regard to available capacity, separation for recycling and access for servicing.</p> <p>Note: Reference should be made to Parts C8 and C9 for waste management and demolition and construction requirements</p>
2	<p>Including additional design requirements for water management facilities and stormwater infrastructure with:</p> <ul style="list-style-type: none"> - New objectives and requirements to ensure that the Stormwater Management Plan or Strategy details the methods for managing increased stormwater flows on downstream catchments and private property (where applicable). 	To ensure that new development considers the impact on downstream catchments.	Control 9	<p>Objectives</p> <p>A. To ensure an integrated approach to water cycle management through the use of water sensitive urban design principles that new development minimises the impact on downstream catchment areas of Bantry Bay, Manly Dam and Narrabeen Lagoon.</p> <p>B. To ensure that new development maintains or enhances water quality of receiving waters in the Bantry Bay, Manly Dam and Narrabeen Lagoon catchments.</p> <p>Requirements</p> <p>1. The stormwater drainage systems for all developments are to be designed, installed and maintained, as far as practicable, so as to improve water quality and assist in maintaining stream flow in accordance with Council's Water Management for Development Policy and Water Sensitive Urban Design & MUSIC Modelling Guidelines and Alluvium Frenchs Forest Planning Precinct Water Sensitive Urban Design Study Strategy (dated December 2019).</p>

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				<p>2. All water management facilities are to be privately owned and operated. and stormwater infrastructure are to be privately owned and operated.</p> <p>3. All new development shall be accompanied by a Stormwater Management Plan or Strategy that details the methods for controlling and managing increased stormwater flows on downstream catchment areas and the impacts on private property (where applicable).</p> <p><i>Note: Reference should be made to:</i></p> <ul style="list-style-type: none"> - Part C4 for stormwater requirements - Part E11 for flood prone land requirements - Alluvium Frenchs Forest Planning Precinct Water Sensitive Urban Design Strategy (dated December 2019)
	<ul style="list-style-type: none"> - More stormwater and flood planning requirements for Precincts 01 to 04 (Town Centre site) 	To ensure that the town centre site sets an example for stormwater management and reuse.	<p>Control 4, Objective C</p> <p>Control 5.1.2, Character Statement</p> <p>Control 5.1.3, Requirement 1.6</p>	<p>Objectives</p> <p>C. To deliver a new large public park in the Frenchs Forest Town Centre that integrates water sensitive urban design measures.</p> <p>Character Statement</p> <ul style="list-style-type: none"> - A large public park that provides a place for informal recreation, and community events and integrates water sensitive urban design measures. <p>1. A single Concept Development Application (DA) is required to be prepared for Precincts 01 to 04. The following documentation is to be provided as part of the Concept Development Application:</p> <p>1.6 Stormwater Drainage and Water Sensitive Urban Design Strategy, in accordance with Council's Guidelines and reference to Figure 6 13, Control 9 and the Alluvium Frenchs Forest Planning Precinct Water Sensitive Urban Design Strategy (dated December</p>

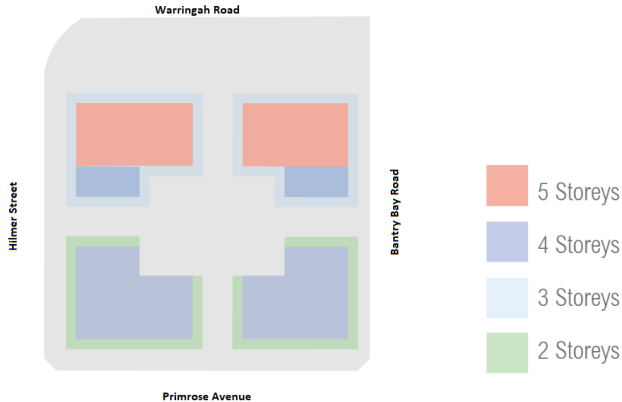
Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				2019). All buildings in Precinct 02 are to aim for re-use targets of 50% from alternate sources.
	- Specific basement design requirements for Precinct 02 (Market Quarter)	To stop flows from entering the facility, as recommended by Mott Macdonald in the Flooding and Stormwater Assessment (dated 19 November 2021).	Control 5.1.16, Requirement 9.4	9. Vehicular access is designed to: <u>9.4 Allow for a Probable Maximum Flood Level plus freeboard of at least 0.3m for the underground supermarket in Precinct 02. The upstream catchment flows are to be diverted away from the entrance.</u>
	- Renaming of Control 9 Water Sensitive Urban Design to Water Management	To reflect the additional requirements which also apply to stormwater infrastructure	Control 9	9 Water sensitive urban design <u>Water management</u>
3	Allowing flexibility for vehicular access for lots east of the Bantry Bay Track by permitting alternative access points, on the provision that this may require concurrence from Transport for NSW	To facilitate alternative vehicular access points that are safe and do not rely on the existing right-of-way at Bantry Bay Track	Control 5.2.10, Requirement 5	5. Despite Requirement 4: <u>5.1 The existing right-of-way accessible via Frenchs Forest Road West between Nos. 112 and 114 Frenchs Forest Road West (Bantry Bay Track) must remain accessible and may be used for vehicular access at all times; and</u> <u>5.2 Alternative vehicular access points may be considered for lots east of Bantry Bay Track. This may require concurrence from Transport for NSW.</u>
4	Removal of the Land Use Strategy applicable to all of Phase 1 Development	A more flexible requirement has been included as part of the Concept Development Application which requires the consideration of a mix of land uses with regard to the Frenchs Forest 2041 Place Strategy	Control 1.3, Point 2 Control 5.1.3, Requirement 1.11	2-Land use strategy Control 4.1 and Figure 4 provide the control for the Land Use Strategy within the centre. The control supplements the land use zone requirements of Warringah Local Environmental Plan 2011 (Warringah LEP) by identifying why particular uses are sought for certain areas of the town centre. In particular, it identifies the desired range and spatial location of land uses at the ground level that will contribute to delivering the vision of the Masterplan, the

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				<p>Desired Future Character of Precincts and the Objectives of the DCP.</p> <p>Figure 4 is based on the indicative building footprints of the Masterplan. The indicative footprints function to describe the spatial arrangement of buildings and land uses therein. The figure demonstrates that ground floor land uses are to be grouped in an organised way. It clusters complementary uses, creates relationships between areas of different use and generates active community spaces in between.</p> <p>1. A single Concept Development Application (DA) is required to be prepared for Precincts 01 to 04. The following documentation is to be provided as part of the Concept Development Application:</p> <p>1.11 Land uses at the ground floor with regard to the mix of uses identified in the Frenchs Forest 2041 Place Strategy</p>
5	Amending street wall and upper floor setbacks for Precinct 07 (Bantry Bay Neighbourhood Centre)	To ensure consistency with the Urban Design Masterplan by CHROFI	Control 5.4.5	<p>1. Any storey from the fourth floor or above must be set back at least 3m from the street wall.</p> <p>Note: Street wall refers to the built form that addresses the street frontage from the ground level up to the first building setback.</p> <p>1. All development must provide street wall heights, as indicated in Figure 39.</p> <p>2. All upper floors are to be set back at least 3m from the street wall.</p>

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				 <p>Figure 39: Street wall heights</p>
6	Enhancing sustainability requirements by:	To facilitate the potential for electric and last mile delivery vehicles	Control 5.1.16, Requirement 8	8. A Loading Dock Management Plan must be provided. This should identify locations for waste collection, truck turning and manoeuvring areas, and electric charging stations to facilitate the potential for electric and last mile delivery vehicles.
	- Requiring end of trip facilities to provide an electric charging point for electric bicycles	To accommodate electric bicycles	Control 6, Requirement 15	15. End of trip facilities shall provide an electric charging point for electric bicycles. Note: Reference should be made to Part C3 and C3(A) for additional requirements on parking facilities, bicycle parking and end of trip facilities.

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
	- Including the circular economy and waste as an objective	To recognise that waste and recycling is an important part of increasing sustainability	Control 8	Objectives A. To ensure that new development applies the principles of ecologically sustainable development and facilitates the delivery of a low carbon precinct that embeds the circular economy. C. To encourage energy and <u>waste and</u> water efficiency and water recycling in non-BASIX affected development.
	- Minimising impacts to biodiversity for The Forest Parkland	To ensure pedestrian and cycling trails minimise impacts to biodiversity	Control 4 The Forest Parkland, Requirement 3	<u>3. All pedestrian and cycling trails shall avoid and minimise impacts to biodiversity including threatened species values.</u>
	- Ensuring the public domain incorporates sustainability features	To ensure the public domain considers water sensitive urban design and materials and colours that reduce greenhouse gas emissions and the carbon footprint	Control 5.1.3, Requirements 2.4 and 2.9	2. The concept DA shall be accompanied by a Public Domain Guideline, prepared in accordance with Council's <u>Public Domain Space Vision and Design</u> Guidelines and Part H, Appendix 3 of Warringah DCP 2014 <u>Control 4 Frenchs Forest Town Centre Public Domain</u> . The Guideline must include the following information and relate to the whole of the town centre site: 2.4 Pavement and kerb design that incorporates water sensitive urban design. 2.9 Materials <u>and colour palette</u> with selections aimed at reducing greenhouse gas emissions and the carbon footprint.
	- Emphasising the need to use sustainable building materials and reduce waste	To embed circular economy principles, minimise waste and deliver a low carbon precinct	Control 8, Requirements 8 and 9	8. <u>Development shall</u> Where possible, use building materials, fittings and finishes that: 8.1 Have been recycled; <u>are recyclable or reusable;</u>

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				<p>8.2 Are made from or incorporate recycled materials;and that contain lower embodied energy to reduce energy use and the environmental footprint;</p> <p>8.3 Have been certified as sustainable or 'environmentally friendly' by a recognised third-part certification system and;</p> <p><u>8.4 Use non-toxic source origin materials to improve the quality of the indoor environment especially the health, comfort and productivity of building occupants.</u></p> <p><u>If recycled material cannot be used, justification must be included in the Waste Management Plan. Financial costs will not be accepted as appropriate justification.</u></p> <p><u>9. For Precincts 01 to 04, development shall:</u></p> <p><u>9.1 Prioritise the use of recycled material and modular building design for roads, footpaths and buildings together with material passports to enable reuse of materials and ongoing reuse of building materials into the future; and</u></p> <p><u>9.2 Identify opportunities to support food waste collection systems or networks from businesses and residents.</u></p>
	- Future proofing buildings with emerging technologies	To future proof buildings with emerging technologies	Control 8, Requirement 10	<u>10. Development shall explore opportunities to incorporate innovative sustainability measures to assist with future proofing the building with emerging technologies and address ongoing maintenance responsibilities. This could include the installation of a building management system to monitor energy, waste and water usage by building operations and occupants, and future proofing the trenching requirements for servicing infrastructure for emerging technologies and electric vehicles.</u>
7	Require a Noise Impact Assessment and other controls for the town centre site to manage residential amenity and	To balance the potential for late night trading,	Control 5.1.15	<u>5.1.15 Noise and Vibration Objectives</u>

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
	potential noise generating land uses in the town centre	<p>entertainment and events with residential amenity.</p> <p>To protect residential uses from future noise as the precinct grows with more residents, workers and visitors.</p> <p>To support the emergence of a night-time economy.</p>		<p>A. To achieve a balance between residential amenity and the operational and functional needs of businesses.</p> <p>B. To protect residential uses from future noise and/or vibration as the precinct continues to grow to accommodate more residents, workers and visitors.</p> <p>C. To support the emergence of a night-time economy and a safe, vibrant and active precinct.</p> <p>Requirements</p> <p>1. For new development, a Noise Impact Assessment prepared by a suitably qualified acoustic consultant is required. Noise attenuation measures shall demonstrate that residential uses can withstand an external noise level of 55 decibels.</p> <p>Consideration should be given to the impact of land uses which facilitate late night trading, entertainment and events in the public domain on residential amenity.</p> <p>2. The location and design of noise generating activities, such as loading and unloading areas, garbage collection areas, driveways, parking areas, active recreation areas, air conditioning or mechanical plants, must be sited away from any adjacent sensitive land uses and/or screened by acoustic treatments.</p> <p>3. In mixed use development that includes residential accommodation, non-residential components of the development must be designed to moderate the impact of noise generated by business operations.</p>
8	Extend requirements to incorporate public art in the B4 Mixed Use zoned areas at Precinct 05 (Frenchs Forest Road West) and B1 Neighbourhood Shops zoned	To promote street activation and align with the anticipated requirements for public art	<p>Control 5.2.9, Requirement 1.2</p> <p>Control 5.4.7, Requirement 3</p>	<p>1. Active street frontages are to be provided for development with frontage to Frenchs Forest Road West and zoned B4 Mixed Use development. This is to be achieved by:</p> <p>1.2 Providing clear glazing to promote passive surveillance and and public art (if the estimated construction cost is greater</p>

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
	area at Precinct 07 (Bantry Bay Neighbourhood Centre) and ensure this applies only for larger developments to align with anticipated controls under the new Northern Beaches DCP. Also, to remove public art requirements for residential flat building developments in Precinct 07 (Bantry Bay Neighbourhood Centre) to align with future public art controls in the Northern Beaches DCP, which requires public art to be provided for mixed use, commercial and retail centres.	in the new Northern Beaches DCP.	Control 5.4.7, Requirement 8	<p><u>than or equal to \$10 million</u>), to contribute to street activity. Where not possible, a minimum of 75% of transparent glazing is permitted; <u>and</u></p> <p>3. For residential flat buildings, the ground level shall be activated by the provision of entries, <u>and</u> accessible landscaped areas, <u>and</u> where appropriate, public art.</p> <p>8. For all non-residential ground floor frontages, provide clear glazing wherever possible to promote passive surveillance <u>and</u> <u>public art (if the estimated construction cost is greater than or equal to \$10 million) to</u> and contribute to street activity.</p>
9	Strengthen design controls to enhance safety in the public and private domain by:	To enhance safety and incorporate principles of Crime Prevention Through Environmental Design	Control 4, Requirement 5.3	<p>5. Public open space is to include:</p> <p>5.3 Tree planting and/or landscaping elements that contributes to shading and cooling; <u>and considers safety, size at maturation and ongoing maintenance;</u></p>
	- Ensuring that tree planting and landscaping in the town centre open space considers safety, size at maturation and ongoing maintenance			
	- Ensuring that landscaping does not obscure or conceal points of entry for the Commercial Core corridor facing Warringah Road	To enhance safety and incorporate principles of Crime Prevention Through Environmental Design	Control 5.1.7, Requirement 4	4. For Precinct 03, the 3.5m setback to Warringah Road is to be landscaped to enhance the existing mature vegetation along Warringah Road. Landscaped areas shall allow areas for pedestrian access- <u>and avoid obscuring or concealing points of entry.</u>
	- To reduce the potential for mail theft in apartment and mixed use buildings	To enhance safety and incorporate principles of	Control 5.1.17, Objective A, Requirement 2	Objectives

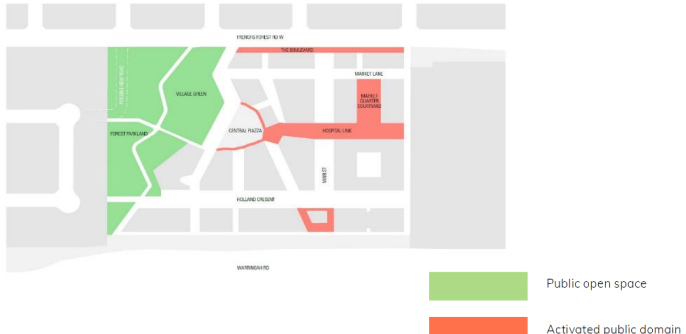
Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
		Crime Prevention Through Environmental Design	Control 5.2.5, Objective C, Requirement 4 Control 5.4.7, Requirement 13	A. To deliver an integrated town centre with a variety of new public spaces that allow social interaction- <u>and are safe.</u> Objectives C. To enhance the quality <u>and safety</u> of the public domain. <u>X. Mail boxes shall not dominate the streetscape and ensure that:</u> <u>x.x key lockable mail boxes are provided;</u> <u>x.x they are located adjacent to a building entry foyer that has street frontage (in accordance with any requirements of Australia Post)</u> <u>x.x the mail box collection area must be from within the building foyer or other area which is only accessible to residents or building occupants; and</u> <u>x.x the mail box collection facility must be in view of video surveillance.</u> <u>Note: Reference should be made to Part D20 for requirements on safety and security</u>
	- To reduce the potential for theft within basement storage cages	To enhance safety and incorporate principles of Crime Prevention Through Environmental Design	Control 5.1.16, Requirement 10 Control 5.2.10, Requirement 9 Control 5.4.9, Requirement 8	<u>X. Basement Plans are to identify areas for storage. Storage facilities shall be lockable, located in secure areas of the basement and clearly allocated to specific apartments with appropriate storage size volumes per bedroom.</u>
10	Clarifications to certain controls and requirements including:	To ensure that the text reflects what is depicted in Figure 14	Control 5.1.4, Requirement 1.3	1.3 Extend Gladys Avenue to the south of Frenchs Forest Road West, to <u>a one-way only</u> , 7m wide access and servicing street, connecting to Holland Crescent.

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
	- A one-way only requirement for Gladys Avenue South			
	- Noted that all internal roads in the town centre are to remain in private ownership and managed in perpetuity	To clarify the ownership and maintenance responsibilities for internal roads in the town centre	Control 5.1.4, Requirement 4	4. All streets, lanes, internal roads and road reserves must remain in private ownership and managed in perpetuity.
	- Noted that shared streets are subject to approval from Transport for NSW	To incorporate the matters raised by Transport for NSW in their submission	Figure 14	Note: Shared streets are subject to approval from Transport for NSW
	- Clarify that Figure 20 shows Piazza Drive	To clarify the location of the figure	Figure 20	Figure 43 20 : Street section – Piazza Drive – 12 metres
	- Include the 'street wall' definition where referenced in certain precincts	To improve readability	Control 5.2.4 Control 5.3.3	Note: Street wall refers to the built form that addresses the street frontage from the ground level up to the first building setback.
	- Reiterate that Bantry Bay Track must remain accessible at all times	To ensure that accessibility is a key matter of consideration	Control 5.2.10, Requirement 5	5. Despite Requirement 4: 5.1 The existing right-of-way accessible via Frenchs Forest Road West between Nos. 112 and 114 Frenchs Forest Road West (Bantry Bay Track) must remain accessible and may be used for vehicular access at all times; and
	- Include references to other parts of the DCP and background studies, where this may warrant further consideration	To improve readability	Control 5.1.17 Control 5.1.10 Control 5.2.5 Control 5.4.7 Control 6 Control 9 Control 10	Note: Reference should be made to Part D20 for requirements on safety and security Note: Reference should be made to Control 5.1.16 for requirements on basement design Note: Reference should be made to Part C3 and C3(A) for additional requirements on parking facilities, bicycle parking and end of trip facilities. Note: Reference should be made to: - Part C4 for stormwater requirements

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				<p>- Part E11 for flood prone land requirements</p> <p>- Alluvium Frenchs Forest Planning Precinct Water Sensitive Urban Design Strategy (dated December 2019) by Alluvium</p> <p>Note: Reference should be made to Parts C8 and C9 for waste management and demolition and construction requirements</p>
	<p>- Clarify that public spaces not identified as a future asset by Council must be maintained in perpetuity by landowners</p>	To ensure that maintenance responsibilities are clear	Control 4, Requirement 1	<p>1. New public spaces are to be provided in accordance with Table 1 and the concept plans at Figures 44 to 811. New public spaces that are not identified as future Council assets in Table 1 must be maintained in perpetuity by private landowners.</p>
	<p>- Clarify that the central Piazza in the Town Centre will not be a future Council asset for areas within the B4 Mixed Use zone</p>	To ensure that maintenance responsibilities are clear and to emphasise that the function is to provide a publicly accessible plaza for events, activities and activation of the ground floor uses.	Control 4, Table 1 Figure 4 The Piazza, Requirements 3 and 5	<p>Central Piazza</p> <p>Purpose: Primary community Publicly accessible plaza</p> <p>Function: Public plaza for community events and activities. Publicly accessible plaza for events, activities and activation of the ground floor uses.</p> <p>Future Council asset: Yes No</p> <p>Figure 4 4: Public open space and public domain plan</p> 

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				<p>Drafting note: Amended Figure 4 to extend the activated public domain towards the ground floor land uses adjoining the Piazza</p> <p>The Piazza</p> <p>Requirements</p> <p>3. The Piazza is to be located adjacent to the Village Green- and be publicly accessible.</p> <p>5. The Piazza is to be surrounded by active retail uses and should provide a spill out area for community uses events and activities.</p>
11	Removal of duplicate controls within the Warringah Local Environmental Plan 2011 or other sections of Warringah DCP 2011 including:	The amendment to Warringah LEP 2011 requires a design excellence strategy to be submitted for certain development.	Control 5.1.3, Requirement 1.3	<p>1. A single Concept Development Application (DA) is required to be prepared for Precincts 01 to 04. The following documentation is to be provided as part of the Concept Development Application:</p> <p>4.3 Design excellence strategy, in accordance with Council's Design Excellence Guidelines.</p>
	- Colour selection for Frenchs Forest Road West	This is a duplicate control with Control 5.2.7.	Control 5.2.5 Requirement 4	<p>4. For new development, the colour selection must reflect the dominant natural colour of the surrounding landscape.</p>
	- Consistency of wording on bicycle parking and end of trip facilities	This is a duplicate control with Part C3(A), Requirements 5 and 6.	Control 6, Requirement 14	<p>End of trip facilities must shall be provided in accordance with Part C3(A) Bicycle Parking and End of Trip Facilities, Requirements 5 and 6 of Warringah DCP 2011. for buildings which do not comprise any residential uses as follows:</p> <p>14.1 An electric charging point for electric bicycles.</p> <p>14.2 Bathroom/ change area(s) shall be provided and shall contain:</p> <p>—At least one toilet, wash basin, mirror, clothing hooks and power points.</p>

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
				<p>—A minimum of one shower cubicle per seven (7) required bicycle parking spaces.</p> <p>—Each shower cubicle shall include a private clothes changing area with a bench and a minimum of two (2) clothing hooks.</p> <p>14.3 Clothes Lockers shall be:</p> <p>—Provided at the rate of one clothes locker for every required bicycle parking space.</p> <p>—Secure, ventilated and large enough to store cycling gear (such as panniers, shoes, towels and clothing). Suggested minimum dimensions of a clothes locker are 900mm (height), 350mm (width) and 500mm (depth).</p>
12	<p>Administrative changes including:</p> <ul style="list-style-type: none"> - Consequential adjustments to numbering and figures to reflect changes - Updated Vision to align with final Frenchs Forest 2041 Place Strategy - Updated the Character Statement for Precinct 01: The Civic Heart to capture the changes addressing the night time economy and water sensitive urban design - Updated reference to Council's Public Space 	Administrative changes including updated references, names and figures and improving readability	Various	Refer to marked up document

Proposed changes to the draft DCP

No	Proposed Amendment	Reason	Reference	Drafting
	<p>Vision and Design Guidelines</p> <ul style="list-style-type: none"> - Corrected street reference to Frenchs Forest Road West - Applied consistent terminology for mail boxes (not letter boxes) - Shifted Frenchs Forest Road Town Centre Public Domain from the Appendix to Control 4 - Updated references to community buildings to community hub 			



Community and Stakeholder Engagement Report

Frenchs Forest Precinct

Impact level: High

Consultation period: 23 July 2021 to 3 September 2021

Contents

1.	Summary.....	2
1.1.	Key outcomes	3
1.2.	How we engaged	4
1.3.	Who responded.....	5
2.	Background	6
3.	Engagement objectives.....	6
4.	Engagement approach.....	6
4.1.	Reaching diverse audiences	7
5.	Findings	7
5.1.	Draft DCP.....	7
5.2.	Affordable Housing Contributions Scheme and Tenancy Guidelines	19
5.3.	Broader project matters	21

1. Summary

This report outlines the outcomes of community and stakeholder engagement as part of a proposal to prepare a supporting package of documents to the NSW Government's draft Frenchs Forest 2041 Place Strategy. These documents include draft amendments to the Warringah Development Control Plan 2011 (draft DCP) and the draft Northern Beaches Affordable Housing Contributions Scheme and Tenancy Guidelines.

The aim of these documents is to deliver the first stage of the Frenchs Forest Town Centre including 2,000 new homes, 250 affordable dwellings, around 2,000 new jobs, public open spaces, and easier walking and cycling connections.

In relation to the draft DCP, community consultation revealed concerns regarding the potential for existing land within the private right-of-way known as the Bantry Bay Track to be 'landlocked', the need for more bicycle and cycling infrastructure to be provided within the precinct, site specific requests to amend certain DCP requirements, the impact of new development on the heritage and character of the precinct, removal of additional trees and bushland, the need for best practice sustainability requirements, suggestions on building design and other concerns such as basement design requirements, solar access to the Village Green, loading dock requirements and landscaped area requirements for residential flat buildings.

The predominant theme that emerged from the feedback explored broader project matters that largely related to the NSW Government, including objection to the project due to over population concerns, requests for more information within the documents on cycling and bicycle infrastructure for the precinct, concerns with the existing road network and the lack of public infrastructure including transport and passive and active open space.

In relation to the Affordable Housing Scheme and Tenancy Guidelines, the feedback indicated a high level of support for the general need for affordable housing along with the proposed 10 to 15 per cent targets in Frenchs Forest. Respondents who were not supportive of the proposal felt that the targets were too high and would impose a significant impost to the development feasibility of the precinct. Feedback also suggested minor amendments to the Tenancy Guidelines.

The community and stakeholder engagement outcomes specific to the Affordable Housing Scheme and Tenancy Guidelines was reported to the Council meeting on 28 September 2021. One recommendation was supported for change which included amending the eligibility criteria to incorporate full time contractors instead of permanent employees only. The Affordable Housing Scheme and Tenancy Guidelines were adopted by Council on 28 September 2021 with the above change.

1.1. Key outcomes



Total unique
responses

361



How responses
were received

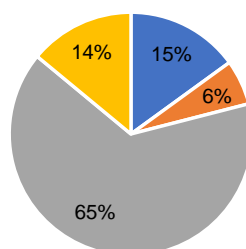
Submission/Comment form
Written responses (email/letter)
NSW Government Planning Portal

Number received
from Council: 146

Number received
from NSW
Government: 215



Documents
commented on



- Draft amendments to Warringah DCP
- Affordable Housing Contributions Scheme & Tenancy Guidelines
- NSW Government's draft Place Strategy
- Other



Feedback
themes

Draft DCP

- Bantry Bay Track
- Cycling and bicycle infrastructure
- Heritage and character
- Site specific requests
- Car parking rates
- Trees and bushland
- Sustainability
- Basement design
- Building design
- Solar access to Village Green
- Loading docks
- Landscaped area for residential flat buildings
- Noise
- Public art
- Land use strategy

Affordable Housing Contributions Scheme & Tenancy Guidelines





- Support and objection to the draft Affordable Housing Contributions Scheme and Tenancy Guidelines
- Affordable housing targets
- Eligibility criteria for full time contractors
- Eligibility criteria for radius of workers within 3km
- Length of stay for residents

Other matters considered elsewhere*

- Cycling and bicycle infrastructure
- Impacts on the road network
- Parks and Open Space
- Sportsfields and Recreation
- Forestway Shopping Centre

<p>*During the exhibition there were other issues raised that did not relate specifically to matters associated with the DCP. These issues were considered by DPE as part of their place strategy and associated legislative changes and/or have been considered in the preparation of the Frenchs Forest contributions plan.</p>	<ul style="list-style-type: none"> • Future investigation area • Undergrounding of the powerlines at Frenchs Forest Road West • Manly Warringah War Memorial State Park • Bus stops • Community hub • Development feasibility • Frenchs Forest Business Park • Economic impacts • Phases 2 and 3 • Construction impacts • Stormwater infrastructure • Sewage infrastructure • Social impacts • Waste • Development Contributions Plan (Section 7.11) • Other
---	--

1.2. How we engaged

 Your Say: visitation stats	Visitors: 5,550	Visits: 7,412	Average time on site per visit: 1min 38sec
 Videos	Webinar Presentation 1: Frenchs Forest About the Precinct		Views: 1,249
	Webinar Presentation 2: What is Council's role		Views: 668
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 3 editions		Distribution: Approx. 21,000 subscribers
	Council (weekly) e-News: 3 editions		Distribution: Approx. 150,000 subscribers
	Stakeholder emails: 3 edms		Distribution: 1,736 subscribers
 Key stakeholder engagement	Stakeholder engagement undertaken concurrently with the exhibition of the NSW Government's Frenchs Forest 2041 Place Strategy.		Webinars: 2 Attendees: 85 and 89
	Links to Council's Your Say project page on the Department of Planning and Environment's (DPE) project page.		Facebook ads: 3 Reached: 179,051 users
			EDMs: 3

Council staff attendance at DPE's webinars, assistance with enquiries from Department, and responses to enquiries.

The Department advertised in the Northern Beaches Review, Manly Daily/Daily Telegraph and digital advertising in the News Corp Network.

Recipients: 757-768

Postcards sent to nearby residents: 5,100

Letters to precinct landowners: 103

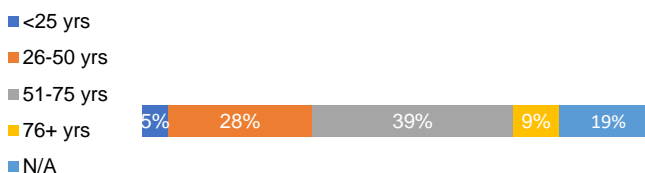
1.3. Who responded¹



Gender

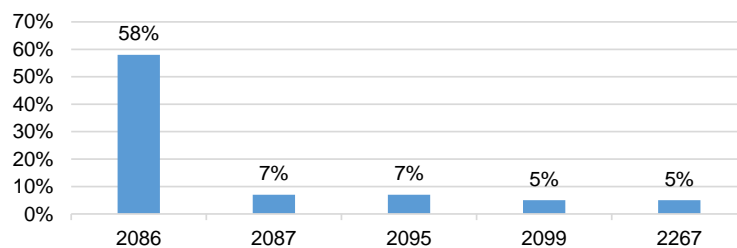


Age groups



Postcodes

(Top 5 postcodes of respondents)



¹ Demographic data was gathered by request only. The data represented only includes those respondents who provided this detail. Data represents submissions received via Council's Yoursay Page.

2. Background

The draft DCP amendment and Affordable Housing Contributions Scheme and Tenancy Guidelines support the NSW Government's Frenchs Forest 2041 Place Strategy, which implements Phase One of Council's Hospital Precinct Structure Plan.

The community were presented with the draft documents along with supporting information including frequently asked questions and two videos which explained the key information in these documents.

All documents were placed on public exhibition in line with the legislative requirements set out in the Environmental Planning and Assessment Regulation 2000 and the Department of Planning and Environment's 'Guideline for Developing an Affordable Housing Contribution Scheme' (dated February 2019).

The project's impact level was 'Level 2 High Impact – Local' and the Community and Stakeholder Engagement Plan was devised on a single stage approach. The engagement approach also recognised the broader consultation being led by the NSW Government and Council's role as a secondary, supporting government agency.

3. Engagement objectives

The key objective of the engagement was to publicly exhibit supporting documents as part of the NSW Government's draft Frenchs Forest Place Strategy exhibition package and clearly identify Council's role in the project.

We aimed to raise awareness of the roles and responsibilities of Council and the NSW Government so that the community and stakeholders could participate and provide feedback through the appropriate channels.

4. Engagement approach

Community and stakeholder engagement for the Frenchs Forest Precinct was conducted over a six week period, from 23 July to 3 September 2021.

A project page was established on our Your Say platform with information provided in an accessible and easy to read format.

The project was primarily promoted through our regular email newsletter (EDM) channels, emails to registered users who signed up for updates and weblinks from the NSW Government's project page.

Feedback was captured through an online comment form embedded onto the Your Say project page. An open-field comments box provided community members and stakeholders a space to explain or elaborate on their support, not support or neutral sentiment as well as any other feedback they wished to contribute. An opportunity was also provided for respondents to upload their submission separately.

Two videos were available on the project page to provide a general understanding of the project and explain the more detailed planning controls in the draft DCP. The videos provided community members and stakeholders with a greater understanding of the roles and responsibilities of Council and the technical content within the documents.

Community members and stakeholders were also able to contact Council staff via phone or email for more specific enquiries.

4.1. Reaching diverse audiences

The NSW Government undertook a thorough stakeholder mapping exercise to identify and understand the needs of the whole community. It was determined for this project that it was particularly important to hear from impacted landowners and residents within and surrounding the precinct, other government agencies, community groups, the school community and organisations affected by the school relocation.

We ensured that our engagement did not overshadow the NSW Government, who were the primary government agency in this project.

5. Findings

5.1. Draft DCP

The following data is based on submissions provided to Northern Beaches Council and DPE. Council has reviewed all submissions received during the engagement process, including those received by DPE to ensure that any and all feedback relating to the draft DCP has been considered. In order to maintain the privacy of individuals making these submissions and due to Council not having permission to publish all submissions, the data has been aggregated by issue. Any person seeking access to the submissions can contact Council directly and may be required to apply via Council's [Access to Information process](#). Access to this information will be subject to a [public interest test](#) to determine the appropriateness of releasing this information.

The feedback collected during consultation revealed a satisfactory level of support for the draft DCP amendment, given the small number of issues raised that related directly to draft DCP in comparison to the total number of submissions received.

Key supportive comments included:

- acknowledgement that the private right-of-way at Bantry Bay Track would be maintained
- support for the sustainability requirements including Green Star, electric vehicle charging stations and increasing car share take up
- support for the delivery of a night time economy.

Suggestions on improvements were also received. Some ideas had merit and included:

- the provision of bicycle storage and end-of-trip facilities for mixed use buildings along with commercial only buildings
- identifying minimum vehicle clearance heights at basement entries and loading docks to accommodate large vehicles such as waste collection
- the provision of electric charging stations within loading docks to facilitate the potential for electric and last mile delivery vehicles
- consideration of noise attenuation measures to protect the amenity of residential land uses in the town centre
- the provision of public art for larger developments
- allowing greater flexibility for ground floor land uses.

Figure 1 illustrates the range of issues raised. Of the unsupportive comments, 27% of concerns related to access issues associated with the Bantry Bay Track, 19% related to the need for more bicycle and cycling infrastructure, 13% related to site specific requests, 11% related to heritage and character, 10% related to car parking rates, 5% related to trees and bushland, 5% related to sustainability, 3% related to building design, and 1% related to other concerns such as basement design, solar access to the village green, loading docks, landscaped area for residential flat buildings, noise, public art and the land use strategy.

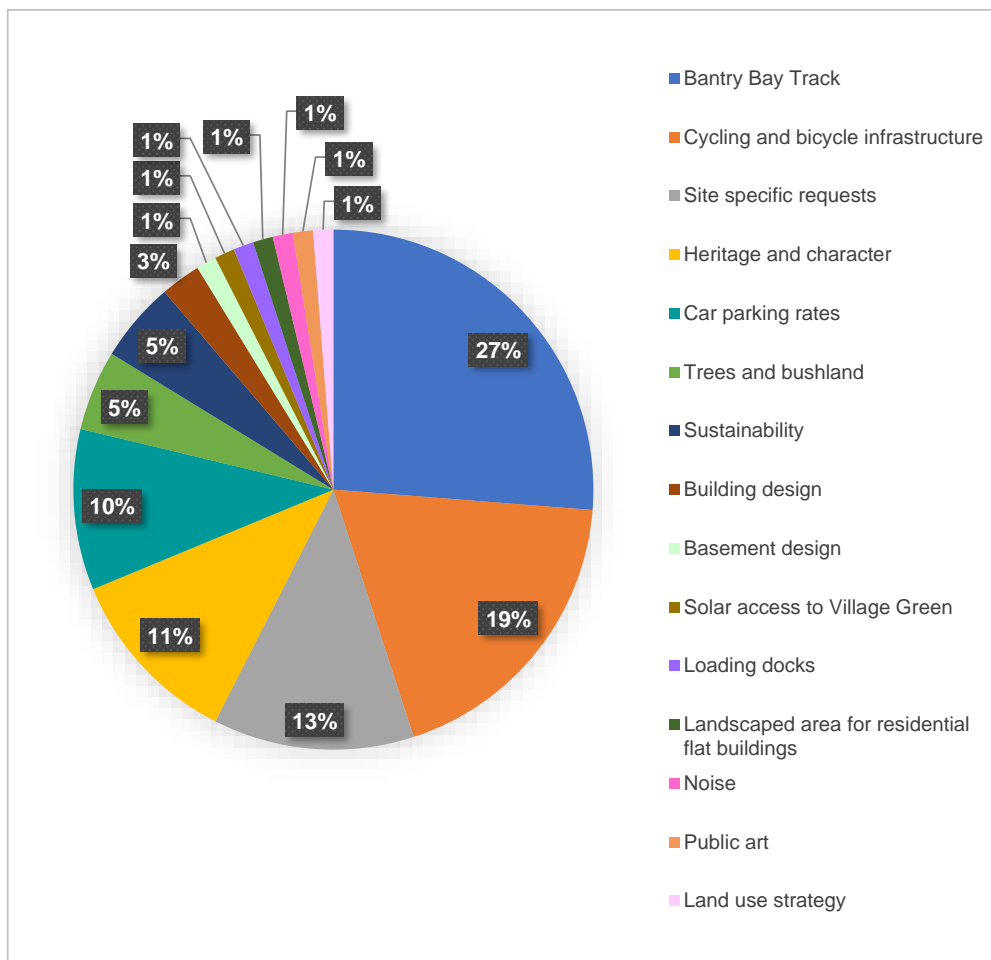


Figure 1: Issues raised in the draft DCP

Table 1 identifies the issues raised in the submissions and Council's response.

Table 1: Issues raised and Council's response regarding the draft DCP

Note: References to DCP control numbers are as per the exhibited draft

Theme	What we heard	Council's response
Bantry Bay Track	Concerns with the drafting of 'Control 5.2.10, Requirements 4 and 5' as respondents commented that this implied that lots with access to Bantry Bay Track would be landlocked as there would be no driveway access off Frenchs Forest Road West and consequently, waste collection, postal services and loading/unloading would not be permitted.	<p>Existing access arrangements at Bantry Bay Track are a result of the original subdivision of the Bantry Bay Track between 1946 to 1954.</p> <p>There have been attempts in the past to rectify issues associated with waste collection, but these have not proceeded due to legal difficulties with covenants and rights of owners at the time of negotiations.</p> <p>The right of way is privately owned, and many users have registered property rights to this. As the right of way is listed on the land title for certain lots, there is a legal requirement that existing access must remain as per the terms of the right of way. The proposed DCP amendment does not override the terms of the right of way. Therefore, the concern that land will be 'landlocked' is not legally possible.</p> <p>The draft DCP has specified that for properties located to the east of Bantry Bay Track, vehicular access off Frenchs Forest Road West may be considered.</p>
	Concerns about the lack of capacity of the right-of-way to handle any increase in vehicle movements, especially by allowing a hotel/motel and the impact of construction vehicles.	The DPE removed the additional land use for hotel and serviced apartments.
	Requests for reassurances that the right-of-way will never be blocked or used by construction workers, vehicles and other visitors.	As the right of way is listed on the land title for certain lots, there is a legal requirement that existing access must remain as per the terms of the right of way.

Theme	What we heard	Council's response
		The DPE removed the additional land use for hotel and serviced apartments.
	Requests to construct a fence or barrier wall along the right-of-way to protect existing owners.	A fence or barrier wall to be constructed along the right of way is a matter for owners as the right of way is private land.
	Requests for the clearway at Frenchs Forest Road West to be maintained.	Frenchs Forest Road West is currently a state managed road. Council are not aware of any proposal to change clearway arrangements.
	Requests for the formalisation of the Bantry Bay Track into a public street with lighting, waste and postal access. The respondents suggested that the cul-de-sac at Gladys Avenue could be extended into the Council drainage reserve and connect to the right-of-way.	The proposal to extend Gladys Avenue into the existing reserve is not supported as there is no funding available. Further, Council is unable to include this proposal in Council's Development Infrastructure Contributions Plan for the precinct (Section 7.11).
	Requests for the existing waste collection service to be improved as residents must place their bins at the entrance of 112A Frenchs Forest Road West, resulting in 52 bins on the street each week.	This is an existing issue that is not changed by the current proposal. Council's waste collection vehicles cannot safely access the entire length of the Bantry Bay Track. Options have been explored in the past to address this however, we understand that this was not pursued due to cost and disagreement amongst all affected owners. The existing waste collection arrangements will remain in place.
	Requests to consider bushfire evacuation.	DPE considered bushfire evacuation and the 15m setback to Wakehurst Parkway addresses this.

Theme	What we heard	Council's response
	Requests for the stormwater pipe at Gladys Avenue to be investigated and upgraded as there are existing flooding issues affecting 16 Wakehurst Parkway.	A customer request has been raised to investigate flooding issues at Gladys Reserve and Council's Stormwater Team are progressing this matter.
Cycling and bicycle infrastructure	Concern that the street sections indicated in Figures 9 to 16 for the town centre site illustrate inappropriate spaces for bicycles and accompanying infrastructure, which does not allow safe cycling. There is concern that shared paths in high pedestrian zones create conflict between cyclists and pedestrians. Requests for the consideration of requiring separated cycling routes in the town centre.	The DCP identifies appropriate widths to accommodate cycle paths in specific locations. The town centre does not include dedicated cycle paths due to safety concerns and high pedestrian volumes, particularly in the piazza area.
	Requests for the provision of bicycle storage for all developments and that 'Control 6, Requirement 14' is amended so that all mixed use buildings (not commercial only buildings) provide end-of-trip facilities.	Bicycle storage for all developments is to be provided in accordance with Part C3(A), Requirement 4. This is calculated by land use and includes residential and non-residential uses.
	Requests to refer to the Cycleway Design Toolkit by Transport for NSW, to ensure that bicycle paths are constructed to current best practice.	The detailed planning stage will refer to current best practice guidelines.
	Requests that the draft DCP does not emphasise car use to reduce car dependency.	The draft DCP has carefully considered a range of initiatives to manage car dependency and promotion of active travel.
Heritage and character	Requests for the Hews House to be kept intact as a culturally and historically significant site and retained due to its historical significance.	The heritage assessment acknowledges that the Hews house was not considered to be of local significance for its aesthetic values. Therefore, adaptive reuse of the house could be explored to assist with the social significance of the house. Council's draft DCP includes provisions which require a Heritage

Theme	What we heard	Council's response
		Interpretation Strategy to be prepared and implemented as part of any redevelopment.
	Concerns that new development will result in the loss of a leafy, green, natural bushland character and family-oriented suburb.	Frenchs Forest will continue to evolve and change to accommodate future growth. Local character and heritage have been important considerations throughout the precinct planning process. DPE commissioned a Heritage Assessment, which identified several recommendations. These have been included in the Place Strategy.
	Requests to retain the Forest Markets.	The Forest Markets is not a Council operated service and are outside of the stage 1 area subject to this draft DCP.
Site specific requests	<u>122-126A & 126B Frenchs Forest Road West</u> Requests amending the references to building heights in 'Control 5.2 Precinct 05 – Frenchs Forest Road West Neighbourhood' to reflect their request to DPE to increase the maximum building height from 17.5m to 22.5m.	DPE did not support this request.
	<u>2 & 4 Gladys Avenue</u> Concerns with the combination of the 1:1 floor space ratio, 45% landscaped area requirement ('Control 5.2.8, Requirement 1'), and setbacks ('Control 5.2.3') as the respondent believes that these controls can only achieve a part 3 and part 2 storey building, which is inconsistent with the 13m building height. Requests that 'Control 5.2.3, Requirement 3' is amended to ensure that all side and rear setbacks are to be consistent with Part 2F of the Apartment Design Guide. Requests to delete 'Control 5.2.4, Requirement 4' which requires any portion	<u>Combination of controls cannot achieve maximum height</u> Page 8 of the draft DCP provides an explanation on how the planning controls are to be interpreted. Point 2 states that the masterplan seeks design excellence and that the application of both building height and floor space ratio controls, in conjunction with each other, will mean that maximum building height will not always be

Theme	What we heard	Council's response
	<p>of a building within 12m of R2 Low Density Residential zoned land to be no more than 2 storeys.</p> <p>Requests to amend 'Control 5.2.2' so that the Character Statement refers to the future investigation area as having a potential 3 to 4 storey height limit.</p>	<p>achievable across the whole of a development site. Rather, these controls are designed to apply together to achieve buildings that exhibit varied building heights and forms.</p> <p><u>Control 5.2.3 side and rear setbacks to be consistent with the Apartment Design Guide</u></p> <p>The setbacks identified in Control 5.2.3 ensure an appropriate transition is provided to adjoining low density residential dwellings, bushfire asset protection zones and the activation of Frenchs Forest Road West.</p> <p><u>Control 5.2.4, Requirement 4 request deletion of storey requirement adjoining R2 Low Density zoned land</u></p> <p>A 2 storey building height limit within 12m of R2 Low Density Residential zoned land aims to reduce bulk and scale and provide an appropriate scale transition to adjoining low density residential development.</p> <p><u>Future investigation area</u></p> <p>It is premature to identify a building height or number of storeys for this area and reference this in the Desired Future Character of relevant precincts.</p>
	<p><u>Precinct 06 (Karingal Crescent Neighbourhood)</u></p> <p>Concerns with 'Control 5.3.10, Requirement 1', which specifies a maximum of 2 car spaces (1 per dwelling) for dual occupancy (attached), attached dwellings and/or semi-attached dwellings, due to the impact on on-street parking.</p>	<p><u>Impact of maximum parking rates with on-street parking</u></p> <p>We are working towards shifting travel demand and reducing dependence on private vehicles. Setting maximum parking rates is</p>

Theme	What we heard	Council's response
	<p>Requests that this is amended to a minimum of 2 car spaces per dwelling.</p> <p>Requests to amend 'Control 5.3.3' so that front setbacks are increased from 5m to 6.5m and rear setbacks are decreased from 8m to 6m.</p>	<p>one approach to managing travel behaviour.</p> <p><u>Request for an increase in front setback and decrease in rear setback</u></p> <p>The proposed front and rear setbacks implement the recommendations from the Urban Design Masterplan.</p>
	<p><u>64 Karingal Crescent</u></p> <p>Concerns with 'Control 5.3.4, Requirements 1, 2 and 3', which require all dwellings to have a street frontage, dual occupancies to be attached side by side and site layouts to not result in a 'gun barrel' form, as the respondent believes that this is not feasible. This was supported by two development concepts showing attached dwellings with a non-compliant street frontage (gun barrel form) and a boarding house development.</p>	<p>We understand that DPE's feasibility studies indicate it is feasible to require all dwellings to address the street frontage. The purpose of this control is to avoid long narrow driveways to the rear of sites, which create a 'gun barrel' corridor along the street. This is considered a poor urban design outcome and creates problems with vehicle circulation.</p>
Car parking rates	<p>Concerns with 'Control 6, Requirement 1', which identifies a maximum parking rate for residential uses, as respondents were unclear with how many car parking spaces would be mandatory, existing issues with on-street parking, and a lack of visitor parking. Some respondents requested a minimum of 2 spaces per dwelling be provided instead of a maximum rate.</p>	<p>We are working towards shifting travel demand and reducing dependence on private vehicles to encourage the use of sustainable transport choices. This is consistent with the priorities and actions adopted by Council in its strategic policy documents including the Local Strategic Planning Statement and Transport Strategy.</p> <p>Frenchs Forest is a Strategic Centre that will be well serviced by public transport including a future east-west bus rapid transit system. A new town centre will also be in walking distance to new homes.</p> <p>Setting maximum parking rates is one approach to</p>

Theme	What we heard	Council's response
		managing travel behaviour and choices.
Trees and bushland	Concerns with 'Control 5.2.8, Requirement 2', 'Control 5.3.5, Requirement 2', and 'Control 5.4.5, Requirement 2', which require offset planting at a ratio of 2 to 1 for any tree removal. Concerns with further loss of bushland.	The balance between environmental values and accommodating growth has been carefully considered. The draft DCP amendment includes requirements to retain mature trees (particularly in public areas) and offset planting at a ratio of 2:1.
	Requests to include edible street trees in the town centre site to create vibrancy.	This is noted. Further opportunities for consultation will be available when detailed landscape planning commences.
Sustainability	Requests for the photomontages to include roof top solar panels.	The photomontages have been produced by DPE.
	Requests to amend 'Control 8' on Sustainability to ensure that development achieves the highest sustainability ratings, carbon neutral certifications and provides a community garden.	The proposed planning controls in the LEP and DCP incorporate several sustainability measures. This includes the requirement for green star rated buildings, NABERS scores, passive design, energy efficient appliances, space to accommodate solar panels, maximum parking rates, bicycle parking requirements, EV charging and car share requirements.
	Requests for the consideration of increased basement floor to ceiling heights to enable adaptive reuse and the consideration of controls to allow drone delivery for roof tops.	Controls don't limit basement floor to ceiling heights. The proposed planning controls do not prohibit the potential for drone delivery on roof tops.
Basement design	Requests to include vehicle clearance heights to cater for trade vehicles.	Appropriate clearance heights will be considered during the pre-lodgement stage, with requirements to

Theme	What we heard	Council's response
		<p>accommodate waste collection vehicles. The Northern Beaches Council Waste Management Guideline identifies that a 4.5m clearance height is generally required for waste collection vehicles.</p> <p>For other sites, existing requirements for vehicle clearance heights will apply. We note that mandating high vehicle clearance heights for basements may have a negative impact on the streetscape.</p>
Building design	Concerns with 'Control 5.1.8, Requirement 7', 'Control 5.2.5, Requirement 4', 'Control 5.2.7', 'Control 5.3.7' on design quality, with requests to ensure high standards of building to avoid constant repairs and maintenance as well as the requirement for a neutral colour scheme.	<p>The draft DCP amendment requires the colour selection should appear to be natural, with subdued natural and dark coastal colours.</p> <p>Further, it is likely that new development will require review by Council's Design and Sustainability Advisory Panel, which reviews design quality and urban design.</p>
Solar access to Village Green	Concerns with 'Control 5.1.12, Requirement 1' requiring solar access to 20% of the Piazza between 8.30am and 10.30am on 21 June, as this is considered too low. A minimum of 50 to 80% is suggested.	<p>The 20% solar access requirement applies only to the Piazza area between 8.30am and 10.30am on 21 June, which will allow for an appropriate level of morning sun during the shortest day of the year.</p> <p>Greater solar access requirements have been imposed for the public areas known as the Village Green, Forest Parkland and Piazza between 9am to 3pm on 21 June.</p>
Loading docks	Concerns with 'Control 5.1.14' as there are no specifications for a minimum vehicle clearance height in basements to accommodate loading docks.	Appropriate clearance heights will be considered during the pre-lodgement stage, with requirements to

Theme	What we heard	Council's response
		<p>accommodate waste collection vehicles. The Northern Beaches Council Waste Management Guideline identifies that a 4.5m clearance height is generally required for waste collection vehicles.</p> <p>The draft DCP also requires a Loading Dock Management Plan to be submitted for the town centre site, which will consider space for trucks and holding areas.</p>
	Requests for the inclusion of electric charging stations within loading docks to facilitate for electric last mile delivery vehicles.	The draft DCP has included a requirement to include electric charging stations within loading docks to facilitate the potential for electric and last mile delivery vehicles.
Landscaped area for residential flat buildings	Concerns with 'Control 5.2.8, Requirement 1', requiring a minimum landscaped area of 45% for residential flat buildings as the respondents are of the view that this will create skinny looking buildings in combination with the restrictive floor space ratio control.	A 45% landscaping requirement currently applies to all residential flat building developments under Warringah DCP 2011 and is considered an appropriate requirement for Frenchs Forest.
	Requests to utilise a minimum landscaped area width approach instead of a percentage of site area, as the respondents are of the view that this will create more common open space.	<p>The definition of landscaped area in the Warringah DCP 2011 has been retained for Frenchs Forest:</p> <p><i>To measure the area of landscaped area:</i></p> <p><i>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks etc. and any open space areas with a dimension of less than 2m are excluded from the calculation;</i></p> <p><i>b) The water surface of swimming pools and impervious surfaces which</i></p>

Theme	What we heard	Council's response
		<p>occur naturally such as rock outcrops are included in the calculation;</p> <p>c) Landscaped areas must be at ground level (finished); and</p> <p>d) The minimum soil depth of land that can be included as landscaped area is 1m.</p>
Noise	Requests to include controls which address noise amenity associated with the supermarket in the town centre and the Hospital cooling towers.	Additional controls in the draft DCP amendment relating to noise and vibration mitigation measures for the town centre site have been included.
Public art	Requests to include public art and for the value of the artwork to be 1% of the capital investment value.	The draft DCP amendment identifies the requirement for a Public Art Strategy for the town centre site. The Strategy is to include a sustainability education awareness focus. Requirements for the provision of public art are also identified for the other precincts, where the estimated construction cost is greater than or equal to \$10 million.
Land use strategy	Concerns with 'Control 4' which requires the delivery of specific land uses on the ground level of all developments, as the respondents are of the view that this could result in unoccupied tenancies due to supply and demand issues.	<p>DPE's feasibility analysis confirms that non-residential land uses are feasible at the ground level. It is important that a variety of commercial floorspace types are provided allowing the market to determine the rents/values for individual spaces. It is important that a variety of spaces are provided to meet the diverse needs of the Frenchs Forest community.</p> <p>The LEP prescribes a variety of non-residential land uses permitted in the</p>

Theme	What we heard	Council's response
		zone which can be delivered at the ground floor. The previous draft DCP control 4.1 Land Use Strategy control has been removed, acknowledging that specifying land uses at the ground floor is too prescriptive. Existing provisions requiring non-residential floorspace within Warringah Local Environment Plan 2011 will apply.

5.2. Affordable Housing Contributions Scheme and Tenancy Guidelines²

The feedback collected during consultation revealed a high level of support for the Affordable Housing Contributions Scheme (the Scheme) and Tenancy Guidelines (the Guidelines). Of the 361 submissions, issues relating to the Scheme and Guidelines were mentioned only 29 times. The Scheme and Guidelines comprised 6% of the submissions received.

Key supportive comments in relation to the Scheme and Guidelines included the general need for affordable housing, the proposed 10 to 15 per cent affordable housing target, the delivery of affordable housing in proximity to transport and the opportunity for older residents in the area to downsize and free up houses for larger families. There were comments which suggested that the target should be higher at 30% or even 40 to 50%. There were also comments which supported the delivery of dwellings rather than monetary contributions. Further, one submission suggested that the Scheme also include social housing.

Respondents who were not supportive of the proposal felt that the targets were too high and that this would impose a significant impost to the development feasibility of the precinct. There were also concerns regarding over population on the Northern Beaches and its impact on living standards for existing residents.

One suggestion for improvement was received regarding the eligibility criteria in the Guidelines to include full time contractors instead of permanent employees only. This request was supported for change.

Table 2 identifies the issues raised in the submissions and Council's response.

Table 2: Issues raised and Council's response regarding the Affordable Housing Contributions Scheme and Tenancy Guidelines

Theme	What we heard	Council's response
Objection to the draft Affordable Housing	Concerns with over population on the Northern Beaches and the potential to lower living standard for existing residents,	We acknowledge concerns around growth and have worked with the DPE to

² The Affordable Housing Contributions Scheme and Tenancy Guidelines was adopted by Council at its meeting on 28 September 2021. The analysis in this section has been extracted from the Report to the Council meeting, 28 September 2021, Item 12.5. The information has been replicated here to provide a complete Community and Stakeholder Engagement Report for the project.

Theme	What we heard	Council's response
Contributions Scheme	where there are minimal service levels of transport infrastructure	develop a strategy of phased growth to ensure that necessary infrastructure is delivered to minimise impacts to residents, the road network and improve public transport. The delivery of affordable housing on the Northern Beaches is a priority for Council.
Affordable housing targets	Concern that the targets would impose a significant impost to the development feasibility of the site and wider precinct, particularly when combined with the limitations of the proposed built form controls under the Frenchs Forest 2041 Place Strategy and Council's draft DCP amendments.	The Affordable Housing Contributions Scheme was developed based on independent feasibility advice. Our submission to DPE requested the preparation of an updated feasibility assessment, which accounted for the infrastructure contributions likely to be imposed on development.
Eligibility criteria for full time contractors	Concerns with the eligibility criteria only applying to permanent employees. Requests to change the eligibility criteria to include full-time contractors, who the respondents view, also endure housing stress.	We recognise that key workers are becoming increasingly casualised and that it is unreasonable for this type of employment to be excluded from the Scheme. We amended Section 1.2 Tenant Eligibility Criteria to require workers to be 'employed' to provide flexibility to consider a range of persons for the Scheme.
Eligibility criteria for radius of workers within 3km	Concerns with the broad locational criteria as it applies to family or those who work in the local government area. Requests for the eligibility criteria to be tightened to target hospital, health and emergency service jobs within 3km so that workers can live close to work.	The Tenancy Guidelines were developed to cover the whole Northern Beaches local government area. In time, we anticipate growth in supply of dwellings across the local government area to support workers across the area.

Theme	What we heard	Council's response
		While we recognise the desire for workers to be able to live closer to work, managing a 3km radius for housing stock across the whole local government area may prevent applicants who most need support from being able to access it.
Length of stay for residents	Concerns with the transitional nature of the program for eligible workers and residents.	<p>A five year maximum assistance period applies under the Scheme, providing households with a greater level of housing certainty, as well as an opportunity to enhance their capacity to enter the private rental market or home ownership by the end of that period.</p> <p>The expectation of a five year maximum stay will be clearly communicated to residents with the intention being that they use this time to improve their situation.</p> <p>This five year limit is important to ensure that there is turnover in housing to aid more people and to help manage the waiting list.</p>

5.3. Broader project matters

The feedback collected during consultation revealed several comments associated with the broader project. This feedback primarily related to the NSW Government. Of the 361 submissions, issues relating to broader project matters were mentioned 65 times. Broader project matters comprised 14% of the submissions received.

A key supportive comment in relation to Council was support for a new community hub and library in the town centre. There were comments suggesting that the future uses could include a library, indoor sporting facility, dedicated gallery space, art and theatre space, an auditorium, music recording studio, cinema, education centre, 3D printing and innovation hub and Council customer service facilities.

Suggestions to improve Council managed infrastructure were also received. This included requests to improve local roads, cycling infrastructure, local parks, sportsfields, bus stops and food and organics waste.

There were also comments received relating to the broader Frenchs Forest precinct including requests to fast track the rezoning of Phases 2 and 3, the future investigation area, requests for Council to undertake its own feasibility testing, and requests for Council to take the lead role with the undergrounding of the 33kV powerlines along Frenchs Forest Road West.

Comments on broader planning matters were also made. One submission requested that the Manly Warringah War Memorial State Park be identified as a wildlife corridor in the Warringah DCP 2011 with a 50% open space target. Another submission requested the inclusion of a site-specific section in the Warringah DCP 2011 on the Frenchs Forest Business Park.

Figure 2 illustrates the range of issues raised. Of the unsupportive comments, 19% of concerns related to requests to extend cycling routes from the precinct to other areas, 17% related to road network concerns, 13% identified the need to upgrade local parks, 12% identified the need to upgrade sportsfields, 6% identified concerns with providing a university in the community hub, 5% related to development feasibility, and the rest related to a range of other concerns.

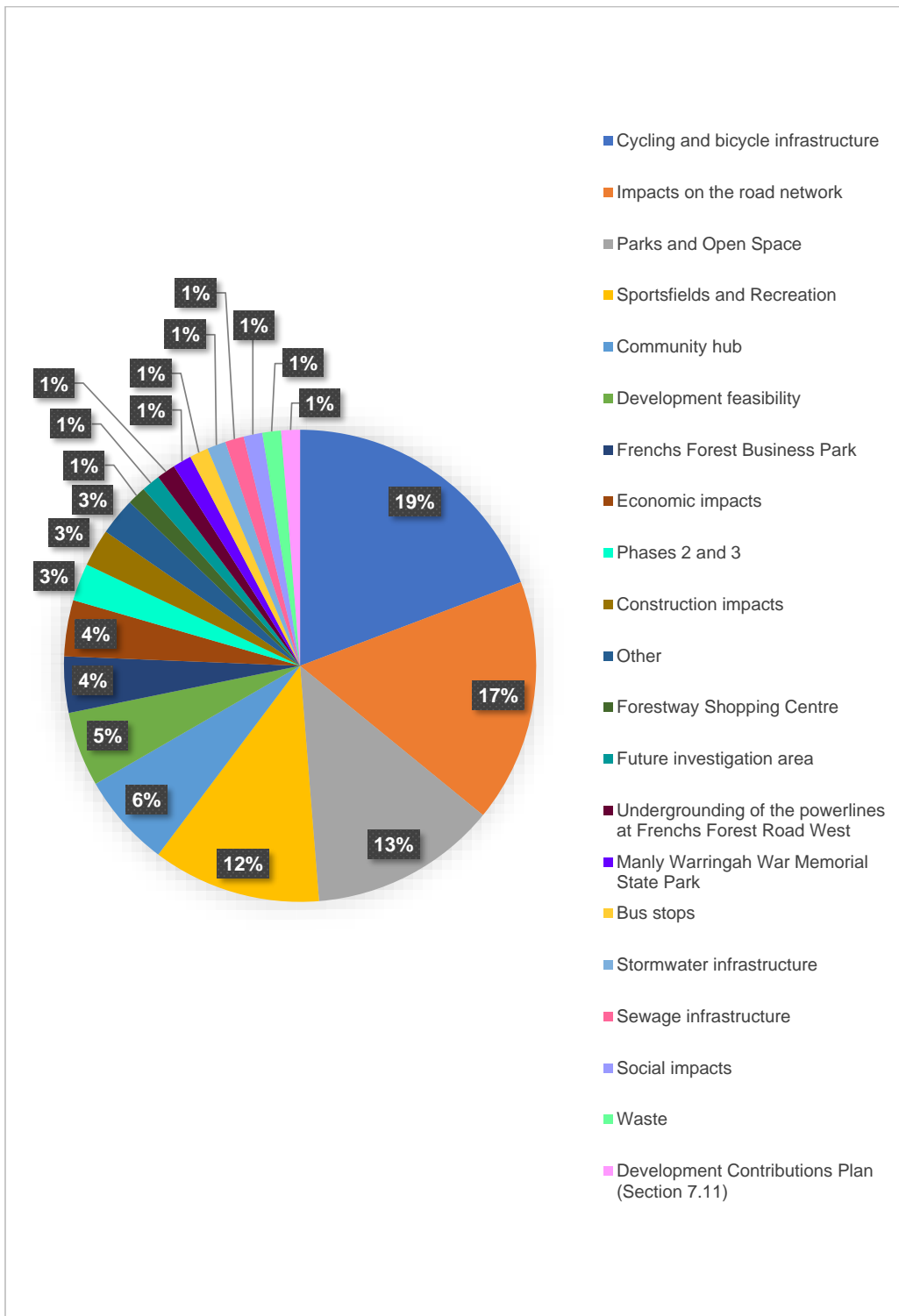


Figure 2: Broader project matters raised

Table 3: Issues raised and Council's response regarding other issues that relate to Council

Note: This does not include issues relating to the Frenchs Forest 2041 Place Strategy or regional/state issues, which is the responsibility of the Department of Planning and Environment³

Theme	What we heard	Council's response
Cycling and bicycle infrastructure	Requests to extend cycling routes from the precinct to Dee Why, Chatswood, Cromer, Killarney Heights, across Wakehurst Parkway, and the new school site at Allambie Heights.	Council's Bike Plan was adopted in 2020 and will guide future infrastructure and programs that will encourage more people to consider riding a bicycle for transport more often. The Bike Plan identifies several regional routes which pass through the Frenchs Forest Strategic Centre.
	Requests for cycling routes to be integrated with bus stops.	Cycle routes have been considered as part of the preparation of council's Northern Beaches Bike Plan which was adopted in July 2020. The plan includes a focus on ensuring that cycle routes provide direct connection to bus stops.
Impacts on the road network	Concerns with impacts to the road network including delays at Forest Way, Warringah Road, local roads surrounding the new school site in Allambie Heights, Bantry Bay Road, Fitzpatrick Avenue East, Akora Crescent, Karingal Avenue and Rabbett Street. Concerns with amenity impacts south of Warringah Road, especially on Hilmer Street.	We note that the road network around the precinct was recently upgraded to facilitate the requirements of access to the Northern Beaches Hospital and provide improved east-west capacity in peak periods. However, in our Submission to DPE, we note that this does not assist the future development of the Frenchs Forest precinct as far as ongoing delivery capacity. We have observed that the high morning peak flows still

³ Examples include requests to amend the planning controls in the Local Environmental Plan (e.g., land use zoning, building heights, floor space ratio), objection to the project, development feasibility, Beaches Link Tunnel, Special Infrastructure Contributions levy and the new High School

Theme	What we heard	Council's response
		<p>result in significant queues westbound between Forest Way and Allambie Road. None of the proposed infrastructure in either DPE or Council's separately commissioned Transport Strategies will address these issues from existing flows, but improvements in Council's Transport Strategies for local precinct access from the state road network and improved public transport connectivity provides the initial direction in addressing the underlying network issues.</p> <p>We will continue to advocate for regional traffic and road infrastructure, required to support the full growth of Phase One.</p>
	Concerns with the future closure of Russell Avenue and the new Naree Road extension, as respondents were of the view that this would make the existing situation worse as Grace Avenue was currently too narrow and difficult to navigate.	More detailed design work will be undertaken, which considers the existing narrow width of Grace Avenue.
	<p>Requests for Rabbett Street to have restricted entry to locals only on weekday mornings.</p> <p>Requests to implement a resident parking permit scheme at Yarraman Avenue.</p> <p>Requests for speedbumps beyond Yarraman Avenue to stop speeding.</p> <p>Requests for an overpass at Yarraman Avenue.</p> <p>Requests for pedestrian bridges to also include vehicles.</p> <p>Requests for marked parking spots at Bantry Bay Road.</p>	These requests have been forwarded to our Transport & Civil Infrastructure division for their information.
Parks and Open Space	Requests for more park upgrades including Rabbett Reserve, a playground in the town centre, dog areas, children's play, skate park or pump track, Sydney Water	Significant upgrades to open space within the precinct are underway. We have received funding from

Theme	What we heard	Council's response
	<p>Pipeline, and a panoramic viewing platform at Panorama Crescent.</p> <p>Requests for improved linkages between Nandi Reserve and the town centre.</p>	<p>the State Government through its Precinct Support Scheme to embellish Brickpit, Akora and Rabbett Reserves. Further opportunities for consultation will be available as the upgrades progress.</p> <p>In addition, a new park is planned for the town centre. The request for a children's play area, skate park or pump track, and dog area are noted. Opportunities for consultation will be available in the future.</p> <p>A significant advantage of the precinct is the proximity to large reserves of bush and nature-based recreation opportunities (Manly Dam, Forestville Park, Garigal National Park) and the ability to increase linkages to these areas, and the supply of trail and path-based recreation opportunities within these existing reserves.</p> <p>Land recently converted to open space at Panorama Crescent is owned by Transport for NSW. We note the request for a panoramic viewing platform. We understand that Transport for NSW are continuing to review the future of this land.</p>
Sportsfields and Recreation	<p>Concerns with capacity of existing fields to accommodate additional residents, the existing deficit of sportsfields and facilities.</p>	<p>Our approach to accommodating increased sports field usage is to enhance existing assets and invest in upgrading capacity.</p> <p>An Open Space Analysis of the precinct has been</p>

Theme	What we heard	Council's response
		<p>undertaken and this has recommended several approaches to enhancing our existing sports fields. These proposals have been included for funding in the Development Contributions Plan (Section 7.11) and will be delivered as the precinct develops. The proposals are summarised below.</p> <ul style="list-style-type: none"> - shared use opportunities with the relocated Forest High School - upgrades to Killarney Heights Oval to synthetic, lighting, and provide additional practice nets - upgrades to two fields at Forestville Park to high quality/high-capacity natural turf fields with lights - two multi-use courts in the new Town Centre - provide multiple uses of Aquatic Reserve through use of land around the Diamonds to provide youth recreation, informal social sport field, exercise and fitness spaces
	<p>Requests to retain the cricket pitch and field in the new town centre or at the relocated high school.</p> <p>Requests for a public amenity building at Lionel Watts Reserve.</p> <p>Requests for more lighting at sportsfields to enable weeknight training for sporting associations.</p>	<p>The requests from various sporting associations have been forwarded to the Parks & Recreation Division for their information.</p>

Theme	What we heard	Council's response
	<p>Requests a commitment that Aquatic Reserve will be maintained as a baseball facility with funding for remedial work and long-term development into a world class facility.</p> <p>Requests to convert privately owned land at Bantry Bay Neighbourhood Centre into an indoor basketball facility.</p>	
Forestway Shopping Centre	Concerned that the project will have an operational impact on the Forestway Shopping Centre, including business trade and traffic management with the future closure of Russell Avenue.	<p>Russell Avenue is an accident blackspot with vehicles turning right onto Forest Way. The closure is necessary to mitigate this problem. Traffic will be diverted towards the extension of Naree Road, which will be signalised and provide a safer option.</p> <p>We note that DPE commissioned an Employment Strategy which recognised that there was still a need for new retail floor space to service the local area and support demand from the new precinct and Northern Beaches Hospital.</p>
Future investigation area	Requests that the future investigation area as identified in the Hospital Precinct Structure Plan considers heights of three to four storeys.	It is too premature to identify a building height or number of storeys for the future investigation area.
Undergrounding of the powerlines at Frenchs Forest Road West	Requests for Council to take the lead role instead of developers with the undergrounding of the 33kV powerlines along Frenchs Forest Road West, given the operational difficulties with undertaking this work in an ad-hoc manner.	This is a complex matter which is dependent on the outcomes from the IPART review of our Development Infrastructure Contributions Plan (Section 7.11).
Manly Warringah War Memorial State Park	Requests for Manly Warringah War Memorial State Park to be identified as a wildlife corridor in the Warringah DCP 2011 with a 50% open space target.	This is a matter for the new Northern Beaches DCP, where further opportunities for comment will be available.
Bus stops	Requests for refuge islands next to bus stops to improve pedestrian safety.	We will continue to advocate for improvements to public transport.

Theme	What we heard	Council's response
Community hub	Concerns with the identification of a university in the community hub due to the impacts of the covid pandemic on the tertiary education sector.	The community hub is an unfunded project at this stage.
Development feasibility	Requests for Council to undertake its own independent feasibility testing of key sites.	Feasibility assessment is a matter for DPE.
Frenchs Forest Business Park	Requests to include a site-specific section in the DCP on the Frenchs Forest Business Park, as respondents were of the view that this area was changing towards a residential character resulting from the seniors housing developments.	<p>The Frenchs Forest Business Park precinct falls within our broader planning review as part of the Northern Beaches Local Environmental Plan Project. An Employment Study has been prepared and the findings indicate that the Frenchs Forest B7 zoned land performs an important role in attracting and retaining high skilled employment and supporting the growth of local businesses.</p> <p>The Study notes that the B7 zoned land is in transition, with high vacancy rates reflecting broader trends of larger corporate businesses leaving the Northern Beaches in recent decades for more attractive precincts in the Eastern Economic Corridor. This is likely due to poor accessibility for workers and the ability to attract the more diverse mix of skills that head office businesses require.</p> <p>With the new hospital, town centre, proposed Beaches Link Tunnel and east-west BRT which promises travel times in as little as 15 minutes to Chatswood, Frenchs Forest is likely to see a lot of change in the coming years. This change is likely to be long term,</p>

Theme	What we heard	Council's response
		<p>particularly once the new town centre is built. A review of the B7 zoned land may be required once the Frenchs Forest town centre is established.</p> <p>Longer term, the Study indicates that the Frenchs Forest Business Park provides an opportunity to take on a higher order commercial employment function for the local government area. This would depend on the success of the 10,000sqm of commercial office floorspace proposed within the new town centre and on the success of Brookvale in developing a commercial office precinct to support growth beyond 2036.</p> <p>It is therefore too premature to consider extending any residential uses to the Frenchs Forest B7 Business Park.</p>
Economic impacts	Concerns with the impact of more retail uses on existing local centres at Forestville, Glenrose Village (Belrose), Allambie Heights and Warringah Mall.	DPE prepared an Economic Impact Study to investigate the impact of the town centre on nearby local centres. The Study indicated that there was still a need for new retail floor space to service the local area and to support future demand from the new precinct and Northern Beaches Hospital.
Phases 2 and 3	Requests to bring forward the rezoning of Phases 2 and 3 as compensation for enduring years of construction and noise associated with the roadworks.	<p>The phasing of the Structure Plan has carefully considered the traffic capacity constraints of the broader precinct.</p> <p>Phases 2 and 3 are reliant on the delivery of</p>

Theme	What we heard	Council's response
		significant state regional transport infrastructure.
Construction impacts	Concerns with construction impacts of the new town centre on existing residents.	Standard conditions of development consent will be applied when development applications are approved which will consider the impacts of construction on nearby residents.
Stormwater infrastructure	Concerns with the increase in hard surface runoff on the environment.	<p>A Water Sensitive Urban Design Strategy for the precinct was prepared. The Strategy identified a recommendation to increase the requirement for BASIX tank size by 50% to manage stormwater discharges to the existing creeks.</p> <p>Due to the steep terrain in many areas of the precinct, increasing the minimum size of rainwater tanks (either permanent storage or temporary detention storage) to manage hydrology was recommended as a cost-effective option.</p> <p>BASIX is a state government policy and is only able to be amended by DPE. We raised this issue in our submission to DPE.</p>
Sewage infrastructure	Concerns with the capacity of existing sewage infrastructure.	Sydney Water was consulted during exhibition and are aware of the proposed growth for consideration in their Growth Servicing Strategies.
Social impacts	Concerns with the displacement of the existing community.	It is forecast that there will be an increased and diverse resident, worker and visitor population living within Frenchs Forest, within a high-density

Theme	What we heard	Council's response
		environment. As a new community, social infrastructure and attractors will help to enhance social cohesion.
Waste	Requests for the implementation of food organics and garden organics (FOGO) in new developments.	Food organics and garden organics falls within our broader initiatives on waste reduction. We are currently examining options to significantly reduce the amount of food entering the red bin.
Development Contributions Plan (Section 7.11)	Concerns with the lack of detail available on the Development Contributions Plan (Section 7.11).	The Development Contributions Plan (Section 7.11) for the Frenchs Forest Precinct was exhibited on 18 March to 1 May 2022.
Other	Requests to include intergenerational housing. Requests to ensure that the Bantry Bay Road shops are built as soon as possible and for cafes and shops to be located in the town centre and not on busy roads.	These matters are outside of Council's control and are matters for consideration by individual landowners.

During the consultation, Council received several questions either through direct contact or within feedback received. We responded to these enquiries during the exhibition period. See Table 4 for a summary of these questions.

Table 4: Questions and Council's response

Question	Council's response
Control 5.2.8, Requirement 1 states that for all residential flat buildings, landscaped area is to be at least 45% of the site area. Does this mean if you had a site size of 4,500sqm and a floor space ratio of 2:1, the total gross floor area would be 9,000sqm? Therefore, the landscaped area would be 4,050sqm and the	We are unable to provide detailed planning advice and recommend obtaining the services of a planning consultant or architect to better understand what can be achieved on a specific site. Please note that other controls such as landscaping, floor space ratios, heights, setbacks, the Apartment Design Guide and State Environmental Planning Policy No. 65 all come into play when understanding what built form or floor space can be achieved on a site.

building area would be 4,950sqm?	
What is the potential of the land at 9 Gladys Avenue?	The relevant controls are contained in the Frenchs Forest 2041 Place Strategy by DPE.
When will Council purchase private properties identified for acquisition?	Council is not in a position to acquire properties until there are sufficient funds collected under the Development Contributions Plan (Section 7.11) from new development in the Frenchs Forest Precinct.
What is the front setback for properties on the northern side of Frenchs Forest Road West?	The relevant controls are contained on page 50 of the draft DCP. Refer to Control 5.2.3, Requirement 1 which states that a 3.5m setback applies on the northern side of Frenchs Forest Road West.
What are the setbacks for 1 Gladys Avenue?	The relevant controls are contained on page 50 of the draft DCP. Refer to Control 5.2.3. Under Front setbacks, Requirement 2 states that development with a frontage to Gladys Avenue must be setback a minimum of 6.5m. Building separation controls under State Environmental Planning Policy No. 65 and the Apartment Design Guide will also apply.
Where are the parking controls in the draft DCP?	The relevant controls are contained on page 73 of the draft DCP. Refer to Control 6.
Where are the Green Star requirements in the draft DCP?	The relevant controls are contained on page 79 of the draft DCP. Refer to Control 8.
Why have the planning controls changed from the Hospital Precinct Structure Plan?	The Hospital Precinct Structure Plan provides the high-level framework whilst the Frenchs Forest 2041 Place Strategy takes this one step further and tests the controls identified. Any changes made reflect the outcomes from the detailed investigations, which seek to improve the desired outcome. The changes made do not alter the intent of the Structure Plan.
Which areas of Frenchs Forest will be rezoned? Is Paxton Street included?	Areas for rezoning are contained in the Phasing Strategy of the Hospital Precinct Structure Plan (page 9). Land to the east of Wakehurst Parkway is not included for rezoning.
What do the 'future investigation' areas mean in the Hospital Precinct Structure Plan?	Whilst the Hospital Precinct Structure Plan identifies a three phased approach over a 20-year period, it also identifies the potential for further expansion beyond the 20-year timeframe. The future investigation areas provide guidance on where future growth could be accommodated, subject to further analysis and the provision of appropriate levels of infrastructure.
How do I make a submission?	<p>Submissions need to be made to the appropriate government agency.</p> <p>For submissions on the Frenchs Forest 2041 Place Strategy, Explanation of Intended Effect, Green Plan, technical studies and Special Infrastructure Contributions, refer to DPE.</p> <p>Council will accept submissions relating to the draft DCP and Affordable Housing Contributions Scheme and Tenancy Guidelines.</p>

Document administration	
Version	1.0
Date	6 April 2022
Status	Final
Related Projects	Northern Beaches Affordable Housing Contributions Scheme and Tenancy Guidelines
Notes	Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.



PLANNING PROPOSAL

Amendments to Manly Local Environmental Plan 2013

**Amendments to rezone the Rear of 88 Bower St,
Manly from RE1 Public Recreation to C4
Environmental Living and apply associated map
amendments**

October 2020

Contents

Background.....	3
Site Description and Existing Use	3
Site History and Ownership	4
Part 1 – Objectives or Intended Outcomes	5
Part 3 – Justification	7
Section A – Need for the Planning Proposal	7
Section B – Relationship to Strategic Planning Framework	7
Section C – Environmental, Social and Economic Impact	13
Section D – State and Commonwealth Interests	15
Part 4 – Maps	16
Part 5 – Community Consultation.....	18
Part 6 – Project Timeline.....	20

Background

Site Description and Existing Use



Figure 1. Site location

The subject site of this Planning Proposal is located at the rear of 88 Bower St, Manly (the site) and is legally described as Lot 1 in DP 1244511 with an area of 56.8m². It is currently used as private open space and associated landscaping for the two/three storey house at 88 Bower St.

The site has a frontage to Marine Parade to the north and east, and adjoins 92 Bower St to the west which contains a three storey residential flat building. 88 Bower St is located immediately south of the site and contains a two/three storey house. The site is currently used as private open space for the property at 88 Bower St and provides pedestrian access from Marine Parade to 88 Bower St.

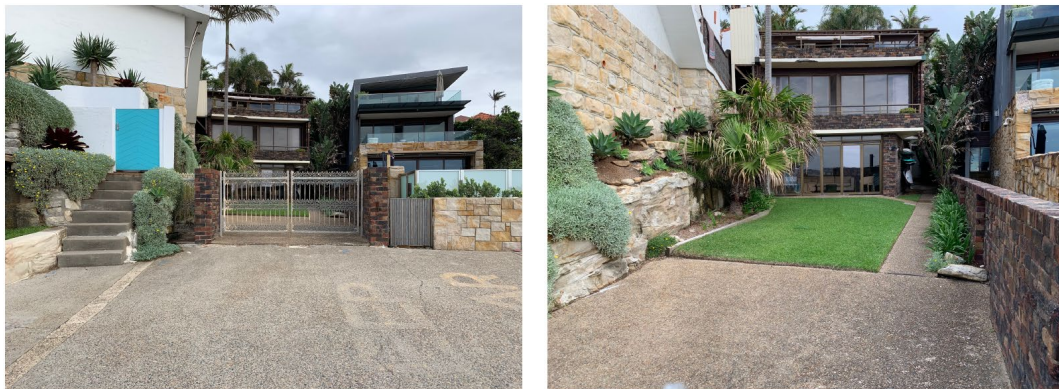


Figure 2. The site from Marine Parade (left) and the site and North façade of the house at 88 Bower St, Manly (right).

Site History and Ownership

The site is currently owned by the proponent who purchased the site from the Department of Industry - Lands (Dol – Lands) on 28 August 2018. The proponent also owns the adjoining property at 88 Bower St.

The proponent currently leases the site to the occupants of 88 Bower St. Prior to the disposal of the site, the Crown leased the site to various occupants of 88 Bower St under a Permissive Occupancy Licence for the purposes of lawn area, footpath, rockery and beautification since 1964. The site is reclaimed foreshore land and was originally below the mean high water mark before associated works on surrounding residential development and public foreshore improvements.

In 2011, the Archdiocese Trustees approached Dol – Lands to purchase the site with the intention to consolidate the subject site with 88 Bower St, Manly. Dol – Lands agreed to investigate a potential direct private sale.

Dol - Lands wrote to Manly Council in January 2016 to seek Council's view to establish 'whether Council may have any interests and/or objections to the sale of the subject area'. No objection to the sale was received by Dol – Lands from Manly Council and Dol – Lands agreed to the direct sale of the site and waived the need for a land assessment for the following reasons:

- The site is considered surplus to public and government requirements.
- The site as a standalone lot is severely constrained due to its small size and location and is only considered of value to the landowner of the adjoining property at 88 Bower St.
- The site has no significant public recreation or environmental attributes.
- There are no Aboriginal Land Claims registered
- The sale of the site would not restrict public access to the remainder of the Crown Land contained within Reserve 31732 for Public Recreation and Reserve 1028748 for surfing recreation.
- The site has been used as private open space and fenced in backyard lawn since 1964 and is unlikely to be perceived as public land use.
- Even if ungated the land being a small area mostly enclosed within adjoining private uses, does not offer much public amenity or value.
- The sale of the land would not impact on the public use of adjoining Crown Land and reserves and is not required for access to waterways, recreation scenic protection, re-vegetation or soil conservation purposes.

The subject site previously formed parts of two larger lots (Lot 7338 DP 1154560 and Lot 7336 DP 1153371) and two land reservations (Shelley Beach Reserve and Manly Freshwater National Surfing Reserve). A new lot was registered to reflect the boundaries of the site on 13 July 2018 and the land reservations were revoked after the sale of the site was approved on 29 June 2018.

Part 1 – Objectives or Intended Outcomes

The Planning Proposal seeks to amend the Manly Local Environmental Plan 2013 to enable the orderly and economic use of the site for residential purposes, consistent with the site's private ownership and adjoining uses.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

1. Amending the Manly Local Environmental Plan 2013 land zoning map (LZN_006) from RE1 Public Recreation to C4 Environmental Living in accordance with the proposed land zoning map in Part 4 of this report.
2. Amending the Manly Local Environmental Plan 2013 lot size map (LSZ_006) to apply a minimum lot size of 500m² in accordance with the proposed lot size map in Part 4 of this report.
3. Amending the Manly Local Environmental Plan 2013 height of buildings map (HOB_006) to apply a maximum height of 8.5m in accordance with the proposed height of buildings map in Part 4 of this report.
4. Amending the floor space ratio map (FSR_006) to apply a maximum floor space ratio of 0.45:1 in accordance with the proposed floor space ratio map in Part 4 of this report.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

NO

The Planning proposal is not the result of any endorsed Local Strategic Planning Statement, strategic study or report. The planning proposal responds to:

- the disposal of the site into private ownership in 2018
- the landowner's intention to consolidate the site and align the sites zoning with the adjoining property at 88 Bower St
- its status as surplus to government and public needs.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

YES

The planning proposal will allow the orderly and economic use and development of the land in conjunction with the adjoining principal residential property (88 Bower St, Manly) and is the most appropriate recourse for achieving the objectives of the proposal.

Section B – Relationship to Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

YES

Greater Sydney Region Plan – A Metropolis of Three Cities

The proposal supports the following objectives outlined in the *Greater Sydney Region Plan*:

Table 1. Consistency with relevant priorities in the *Greater Sydney Region Plan*:

Relevant Planning Priorities	Consistency
<i>Objective 10 – Greater housing supply</i>	The proposal will support residential uses on the site.
<i>Objective 11 – Housing is more diverse and affordable</i>	The proposal will support residential uses on the site.
<i>Objective 14 – Integrated land use and transport creates walkable and 30-minute cities</i>	The proposal will support residential uses on a site close to public transport, jobs, public services and open space.

<i>Objective 31 – Public open space is accessible, protected and enhanced</i>	The proposed amendments would not impact access to surrounding open space and reserves.
---	---

North District Plan

The proposal supports the following priorities outlined in the *North District Plan*:

Table 2. Consistency with relevant priorities in the *North District Plan*:

Relevant Planning Priorities	Consistency
<i>Planning Priority N1 – Planning for a city supported by infrastructure (a 30-minute city)</i>	The proposal would provide for residential accommodation in an accessible and well-serviced location to support a 30-minute city
<i>Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport</i>	The proposal would provide for residential accommodation close to jobs, services and public transport.

a) Does the proposal have site-specific merit, having regard to the following?

Table 3. Commentary on site-specific merit

<i>The natural environment (including known significant environmental values, resources or hazards).</i>	The site has been identified as generally affected by potential coastal inundation. The planning proposal is supported by coastal engineering advice (see Attachment A) which found that potential impacts of coastal inundation could be managed through various mitigation measures e.g. elevated floor levels, setbacks and/or wave rump trip barriers and that future development at the site could be designed to have an acceptably low risk of damage by coastal processes and hazards over an acceptably long life.
<i>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.</i>	The proposed amendments will enable the site to continue to be used as private open space and support and align with surrounding residential uses.
<i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</i>	The site is already supported by adequate services and infrastructure serving the surrounding area.

4. Will the Planning Proposal give effect to a Council's endorsed Local Strategic Planning Statement, or another endorsed local strategy or strategic plan?

The planning proposal will give effect to *Towards 2040*, the Northern Beaches Local Strategic Planning Statement (LSPS) as outlined in the table below.

Table 4. Consistency with the LSPS

Relevant Planning Priorities	Comment
-------------------------------------	----------------

<u>Landscape</u> <i>Priority 1 – Healthy and valued coast and waterways</i> <i>Priority 3 – Protected scenic and cultural landscapes</i> <i>Priority 6 – High quality open space for recreation</i>	<p>Due to the relatively enclosed position of the irregularly shaped site, the proposed amendments will not affect access to surrounding recreation areas, reserves and foreshore. The site has not been used for public access to surrounding open space and recreation areas.</p> <p>The proposed amendments will have minimal impact on the adjacent coastline and waterway, surrounding scenic and cultural landscapes and open space for recreation.</p>
<u>Resilience</u> <i>Priority 8 – Adapted to the impacts of natural and urban hazards and climate change</i>	<p>The proposed amendments are supported by coastal engineering advice see (Attachment A) which found that future development on the site as consolidated with the adjoining 88 Bower St could be designed to have an acceptably low risk of damage from impacts of climate change including coastal inundation and sea level rise.</p>
<u>Housing</u> <i>Priority 15 – Housing supply, choice and affordability in the right locations</i>	<p>The planning proposal provides for the provision of additional land for residential purposes. The site is located in a well-serviced and accessible location.</p>
<u>Great Places</u> <i>Priority 18 – Protected, conserved and celebrated heritage</i>	<p>The proposed amendments will have minimal impact on surrounding heritage items. The site is not listed as a heritage item and is not located within a heritage conservation area. There are also no Aboriginal land claims registered on the site.</p>

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy No. 55 – Remediation of Land

The site is reclaimed land and has historically been used for landscaping works and open space adjacent to residential properties and is therefore unlikely to be affected by contamination.

State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal)

The site is located within a “coastal environment area” and “coastal use area” as mapped in SEPP Coastal where the consent authority must consider whether a proposed development is likely to cause adverse impacts as outlined in the SEPP. Coastal engineering advice (**Attachment A**) prepared by Horton Coastal Engineering reviewed the Planning Proposal against the provisions in SEPP Coastal and found that any future development on the site consolidated with 88 Bower St, under the proposed amendments could be designed and sited to satisfy the requirements of the SEPP.

Table 5: Compliance with State Environmental Planning Policies (SEPPs)

SEPPs (as at October 2020)		Applicable	Consistent
19	Bushland in Urban Areas	No	N/A

SEPPs (as at October 2020)		Applicable	Consistent
33	Hazardous and Offensive Development	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	No	N/A
64	Advertising and Signage	No	N/A
65	Design Quality of Residential Apartment Development	No	N/A
	(Aboriginal Land) 2019	No	N/A
	(Building Sustainability Index: BASIX) 2004	No	N/A
	(Resilience and Hazards) 2021	Yes	Yes
	(Concurrences) 2018	No	N/A
	(Education Establishments and Child Care Facilities) 2017	No	N/A
	(Exempt and Complying Development Codes) 2008	No	N/A
	(Gosford City Centre) 2018	No	N/A
	(Housing) 2021	No	N/A
	(Infrastructure) 2007	No	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
	(Miscellaneous Consent Provisions) 2007	No	N/A
	(Penrith Lakes Scheme) 1989	No	N/A
	(Primary Production and Rural Development) 2019	No	N/A
	(State and Regional Development) 2011	No	N/A
	(State Significant Precincts) 2005	No	N/A
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non-Rural Areas) 2017	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
Sydney Regional Environmental Plans (Deemed SEPPs):			
8	(Central Coast Plateau Areas)	No	N/A
9	Extractive Industry (No 2 -1995)	No	N/A
16	Walsh Bay	No	N/A
20	Hawkesbury – Nepean River (No 2 – 1997)	No	N/A
24	Homebush Bay Area	No	N/A
26	City West	No	N/A
30	St Marys	No	N/A
33	Cooks Cove	No	N/A
	(Sydney Harbour Catchment) 2005	No	N/A

Direction 2.1: Environment Protection Zones

The site does not contain any threatened/endangered species populations or ecological communities or their habitats.

Direction 2.2: Coastal Management

The site has been identified as being generally affected by coastal inundation by the *Manly Ocean Beach and Cabbage Tree Bay Coastline Hazard Definition Study 2003*. Therefore the

planning proposal is inconsistent with item 5 of Direction 2.2 – Coastal Management which states that a planning proposal must not rezone land which would enable increased development or more intensive land-use on land that has been identified as land affected by current or future coastal hazard in a Local Environmental Plan, development control plan, study or assessment by or on behalf of the relevant planning proposal authority.

Direction 2.2 does allow for planning proposals to be inconsistent with the Direction if it can be satisfied that the provisions of the planning proposal that are inconsistent are of minor significance. The proposed rezoning is considered of minor significance since the site would be subject to planning controls for example, setbacks and foreshore scenic protection area provisions, which would preclude any significant intensification on the site.

Coastal engineering advice (**Attachment A**) prepared by Horton Coastal Engineering reviewed the Planning Proposal against the provisions in SEPP Coastal and found that future development at the site could be designed to have an acceptably low risk of being damaged by coastal processes and hazards, such that the planning proposal should not be precluded from a coastal engineering perspective.

Direction 2.3: Heritage Conservation

The site is not identified as a heritage item and is not located within a heritage conservation area. The proposed amendments would have minimal impact on nearby heritage items of the site including Heritage Item No. I167 (Fairy Bower Pool) and Landscape Item No. I168 (Ocean Foreshores), as they are not in the immediate vicinity.

Direction 2.4: Recreation Vehicle Areas

The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.

Direction 3.1: Residential Zones

The proposed amendments support the provision of housing on the site and are consistent with the objectives of Direction 3.1.

Direction 3.2: Caravan Parks and Manufactured Home Estates

The planning proposal does not include provisions for caravan parks and manufactured home estates.

Direction 3.4: Integrating Land Use and Transport

The proposed amendments are consistent with Direction 3.4 as they support the provision of residential accommodation in an accessible location within a walkable distance to services, jobs and public transport.

Direction 6.1: Approval and Referral Requirements

The planning proposal does not include any provisions that require unnecessary requirements for concurrence, consultation or referrals.

Direction 6.2: Reserving Land for Public Purposes

As part of the site's disposal into private ownership, the reservations applying to the site were revoked as they were no longer required for acquisition and were considered surplus to government and public requirements.

Direction 6.3: Site Specific Provisions

The proposed amendments are consistent with the adjoining lot at 88 Bower St and do not include any unnecessarily restrictive site specific planning controls.

Table 6: Compliance with Ministerial Directions

Directions (as at October 2020)		Applicable	Consistency
1	Employment and Resources		
1.1	Business and Industrial Zones	No	N/A
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
2	Environment and Heritage		
2.1	Environment Protection Zones	Yes	N/A
2.2	Coastal Management	Yes	No
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	N/A
2.6	Remediation of Contaminated Land	No	N/A
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	No	N/A
3.6	Shooting Ranges	No	N/A
3.7	Reduction in non-hosted short term rental accommodation period	No	N/A
4	Hazard and Risk		
4.1	Acid Sulfate Soils	No	N/A
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	No	N/A
4.4	Planning for Bushfire Protection	No	N/A
5	Regional Planning		
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.9	North West Rail Link Corridor Strategy	No	N/A
5.10	Implementation of Regional Plans	No	N/A
5.11	Development of Aboriginal Land Council land	No	N/A
6	Local Plan Making		

Directions (as at October 2020)		Applicable	Consistency
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
7	Metropolitan Planning		
7.2	Implementation of Greater Macarthur Land Release Investigation	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

NO

The site is urbanised containing a lawn, path, rockery and fencing and is unlikely to contain critical habitats or accommodated threatened species, populations or ecological communities.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Risks associated with potential coastal inundation have been explored in coastal engineering advice (**Attachment A**) prepared by Horton Coastal Engineering. The advice finds that these risks can be mitigated through design measures for example floor levels and wave run-up trip barriers.

9. Has the Planning Proposal adequately addressed any social and economic effects?

YES

The proposed amendments will not have any adverse social or economic effects on the surrounding area. The site is considered to only be of value to the occupants and owner of the adjoining property at 88 Bower St, Manly.

Section D – State and Commonwealth Interests**10. Is there adequate public infrastructure for the planning proposal?**

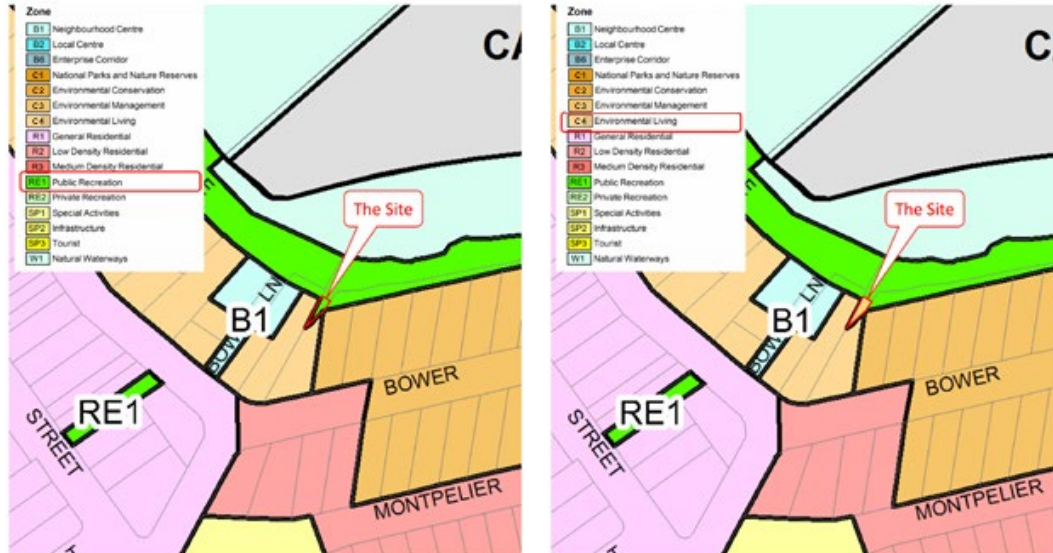
YES

It is unlikely that the proposed amendments will require any new additional services to support the site as it is located within an established residential area with access to existing public infrastructure and services.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

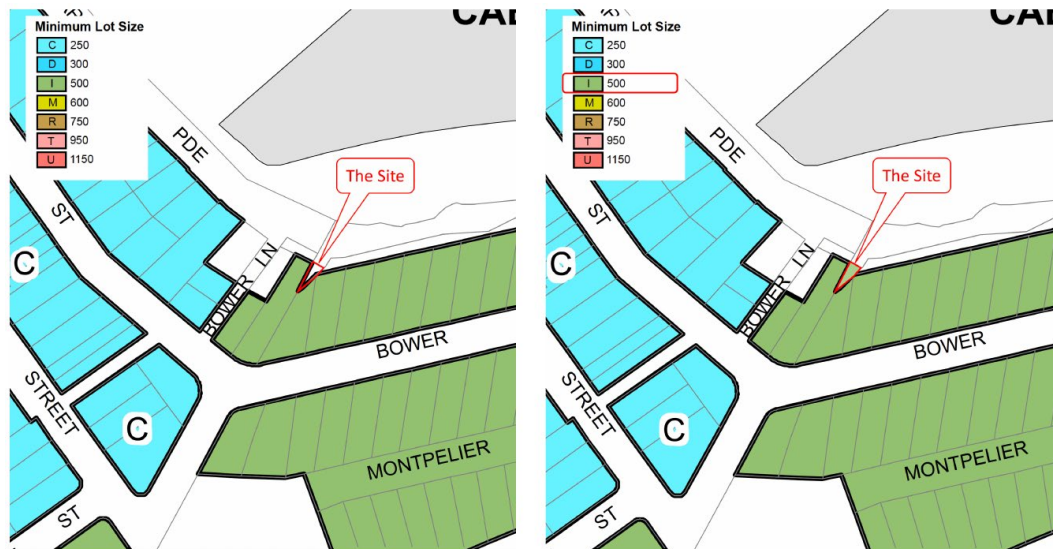
The Planning Proposal is being prepared in accordance with consultation guidelines and provisions prepared by the Department of Planning, Industry and Environment and all statutory consultation will occur in accordance with the requirements of any future Gateway Determination, including any State or Commonwealth authorities.

Part 4 – Maps

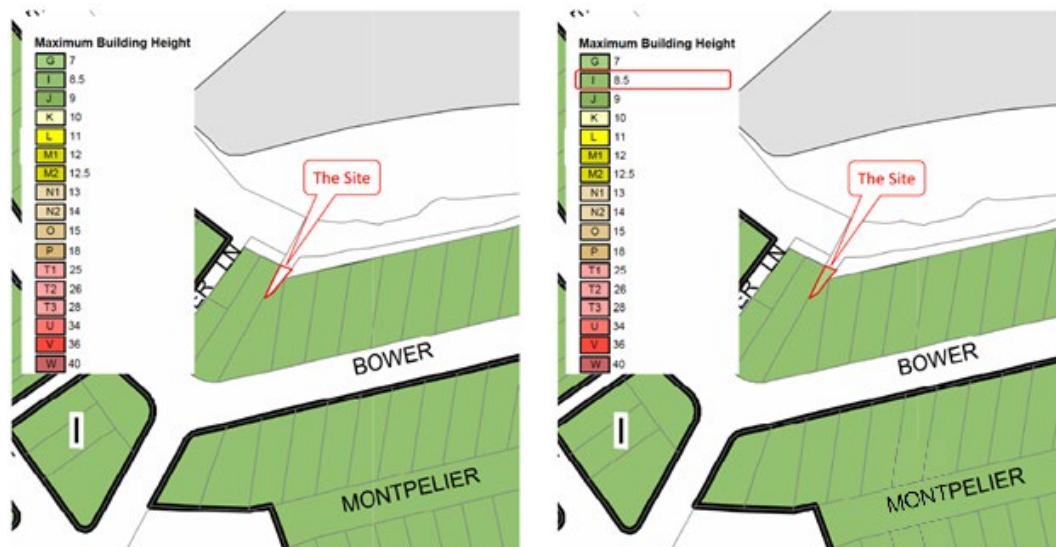


Map 1. Existing site zoning (left) and proposed zoning (right)

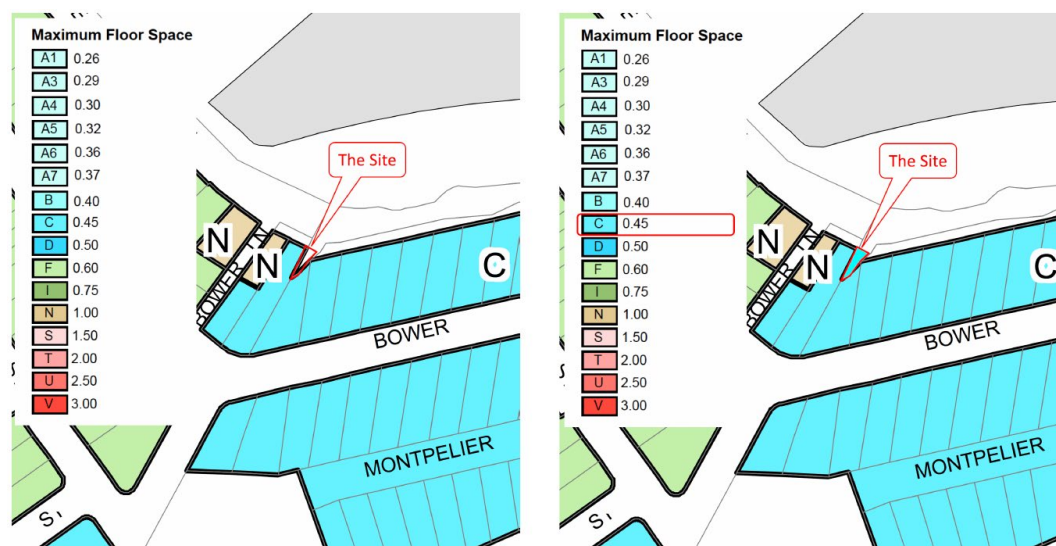
Note: On the 1st December 2021 the NSW government renamed Environmental Zones to Conservation Zones under clause 2.1 Land use zones of the Standard Instrument – Principal Local Environmental Plans.



Map 2. Existing minimum lot size (left) and proposed minimum lot size (right)



Map 3. Existing maximum building height (left) and proposed maximum building height (right)



Map 4. Existing maximum floor space ratio (left) and proposed maximum floor space ratio (right)

Part 5 – Community Consultation

Non Statutory Exhibition

Council placed the Applicant's Planning Proposal on non-statutory public exhibition in accordance with the Northern Beaches Community Participation Plan from 31 August 2020 – 14 September 2020] (2 weeks). Notification included:

- Letters to land owners and occupiers within the vicinity of the subject site including:
 - Properties at 7-9 Marine Parade, Manly
 - 3 Bower Lane, Manly
 - 1 Bower Lane, Manly
 - 95 Bower St, Manly
 - Properties at 94 Bower St, Manly
 - 5 Marine Pde, Manly
 - Properties at 92 Bower St, Manly
 - 88 Bower St, Manly
 - 86 Bower St, Manly
 - Properties at 82-84 Bower St, Manly
 - 80 Bower St, Manly
- Electronic copies of the exhibition material on Council's website
- Emails to registered community members who have listed their interest on Council's Community Engagement Register

3 submissions were received in response to the public exhibition period (see **Attachment B**).

Key issues raised included:

- scarcity of public recreation land
- loss of amenity caused by proposed rezoning
- potential for land to be used for public uses in the future
- opposition to historical and potential future use of land for private purposes.

There have been no matters raised of such significance that should prevent the proposal proceeding to Gateway determination.

Post Gateway Determination Statutory Exhibition

Council placed the Applicant's Planning Proposal on statutory public exhibition in accordance with the Northern Beaches Community Participation Plan from 17 January 2022 to 20 February 2022 (28 days, requirement of a minimum of 14 days). During this time property owners and occupiers in adjacent properties were notified via post, a project page on Council's YourSay webpage, and a notification sign was placed on the main frontage of the site.

Notification included:

- Letters to land owners and occupiers within the vicinity of the subject site including:
 - Properties at 7-9 Marine Parade, Manly
 - 3 Bower Lane, Manly
 - 1 Bower Lane, Manly
 - 95 Bower St, Manly
 - Properties at 94 Bower St, Manly
 - 5 Marine Pde, Manly

- Properties at 92 Bower St, Manly
 - 88 Bower St, Manly
 - 86 Bower St, Manly
 - Properties at 82-84 Bower St, Manly
 - 80 Bower St, Manly
-
- Notification of exhibition letters were sent to the original submitters
 - Electronic copies of the exhibition material on Council's website
 - Emails to registered community members who have listed their interest on Council's Community Engagement Register

2 submissions were received in response to the public exhibition period.

Key issues raised included:

- Identifying the site does not have potential for development
- Requesting the sites planning status should not be modified
- Request that any areas zoned recreation should remain recreation
- The potential for rezoning to increase pressure on existing resources.

The issues raised are not supported by evidence, the submissions stating only that the current zoning should remain public recreation due to pressure on the surrounding lands for recreational space.

The submissions do not acknowledge current private ownership of the site, and that the proposal is for a change in zoning, not for a change from public to private ownership. One submission acknowledges the site has no further potential for development under the proposed C4 Environmental Living zone.

There have been no matters raised of such significance that should prevent the proposal proceeding to Gateway determination.

A public hearing was not required.

Part 6 – Project Timeline

Task	Anticipated timeframe
Commencement date (Amended Gateway Determination)	December 2021
Timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A
Commencement and completion dates for public exhibition period	January 17 to February 20 2022
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	February-March 2022
Timeframe for the consideration of a proposal post exhibition	February-March 2022
Date of submission to the Department to finalise the LEP	April 2022
Anticipated date the local plan-making authority will make the plan (if authorised)	N/A
Anticipated date the local plan-making authority will forward to the PCO for publication	May 2022

Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2021_297): to rezone the rear of 88 Bower Street, Manly from RE1 Public Recreation to E4 Environmental Living and apply associated map amendments

I, the Director, North District at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Manly Local Environmental Plan (LEP) 2013 to rezone the rear of 88 Bower Street, Manly from RE1 Public Recreation to E4 Environmental Living and apply associated map amendments should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - a) Delete reference to Section 9.1 Direction 3.3 Home Occupations and Direction 7.1 Implementation of A plan for Growing Sydney, which have been repealed;
 - b) Update labels on Maps 1 and 2 (Page 16) to clearly show the developments standards;
 - c) Update Map 3 Proposed Maximum Building Height (Page 17) to remove the dark square; and
 - d) Provide evidence that the site has been consolidated with 88 Bower Street.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - a) the planning proposal must be made publicly available for a minimum of 14 days; and
 - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. Council is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a) Council has satisfied all the conditions of the Gateway determination;

- b) the planning proposal is consistent with Section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c) there are no outstanding written objections from public authorities.
5. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.

Dated 1 day of June 2021.



Brendan Metcalfe
Director, North District, Eastern Harbour City Places,
Design and Public Spaces Department of Planning,
Industry and Environment

Delegate of the Minister for Planning and Public Spaces

Planning,
Industry &
Environment**Alteration of Gateway Determination**

Planning Proposal (Department Ref: PP_2021_297): to rezone the rear of 88 Bower Street, Manly from RE1 Public Recreation to E4 Environmental Living and apply associated map amendments.

I, the Director, North District at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 1st day of June 2021 for the proposed amendment to the Manly Local Environmental Plan 2013 as follows:

1. Delete:

Condition 1d

and insert a new condition:

6: "Prior to finalisation the planning proposal is to be updated to provide evidence that the site has been consolidated with 88 Bower Street, Manly".

2. Delete:

"Condition 5"

and replace with:

a new condition 5: "The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination".

Dated 6th day of December 2021



Brendan Metcalfe
Director, North District
Eastern Harbour City
Place, Design and Public Spaces
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces



WARREN LLEWELYN BEE
P.O. Box 330
Forestville 2087

ABN: 23 519 493 925
GPO Box 15
Sydney NSW 2001
DX 17 SYDNEY
P: 02 8776 3575
W: www.nswlrs.com.au

Date: 1/2/2022

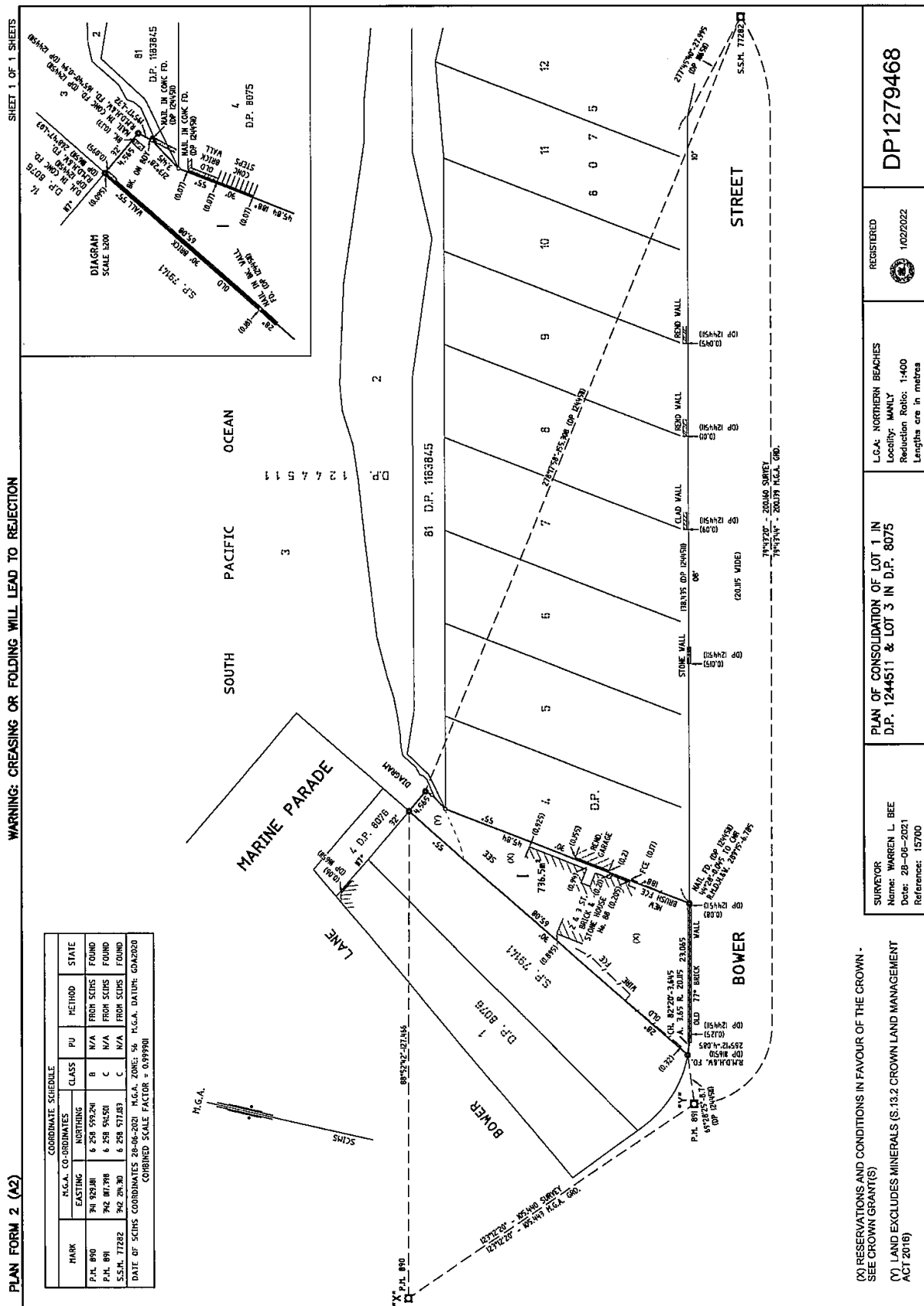
PLAN INFORMATION NOTICE

THE UNDERMENTIONED PLAN WAS REGISTERED ON 1/2/2022


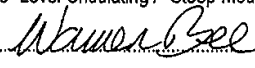
PLAN NUMBER: DP1279468

YOUR REFERENCE: 15700

REGISTRAR GENERAL


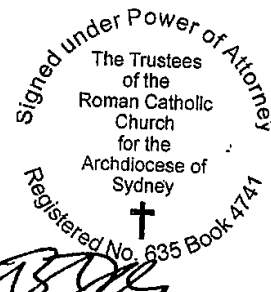


Req:R252337 /Doc:DP 1279468 P /Rev:01-Feb-2022 /NSW LRS /Prt:02-Feb-2
© Office of the Registrar-General /Src:PORTAL /Ref:lrs:eplan-eplan FO

PLAN FORM 6 (2020) WARNING: Creasing or folding will lead to rejection	
DEPOSITED PLAN ADMINISTRATION SHEET Sheet 1 of 3 sheet(s)	
<p>Registered:  1/02/2022</p> <p>Title System: TORRENS</p>	<p>Office Use Only</p> <p>DP1279468</p>
<p>PLAN OF CONSOLIDATION OF LOT 1 in DP 1244511 & LOT 3 in DP 8075</p>	<p>LGA: Northern Beaches</p> <p>Locality: Manly</p> <p>Parish: Manly</p> <p>County: Cumberland</p>
<p>Survey Certificate</p> <p>I, Warren L Bee of Bee & Lethbridge Pty Ltd a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on 28/06/2021 or</p> <p>*(b) The part of the land shown in the plan (*being/*excluding ** was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line: X-Y</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p>Signature:  Dated: 28/6/21</p> <p>Surveyor Identification No: SU000448</p> <p>Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p>*Strike out inappropriate words.</p> <p>**Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	<p>Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>
<p>Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Registered Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Registration number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>	<p>Plans used in the preparation of survey/compilation.</p> <p>DP 1244511</p> <p>DP 8075</p> <p>DP 1116511</p>
<p>Surveyor's Reference: 15700</p>	<p>Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.</p>
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	

Req:R252337 /Doc:DP 1279468 P /Rev:01-Feb-2022 /NSW LRS /Prt:02-Feb-2
© Office of the Registrar-General /Src:PORTAL /Ref:lrs:eplan-eplan FO


PLAN FORM 6A (2019)

DEPOSITED PLAN ADMINISTRATION SHEET					Sheet 2 of 3 sheet(s)									
<p>Registered:  1/02/2022</p> <p>PLAN OF CONSOLIDATION OF LOT 1 in DP 1244511 & LOT 3 in DP 8075</p> <p>Subdivision Certificate number:</p> <p>Date of Endorsement:</p>		<p style="text-align: center; font-size: 24pt;">DP1279468</p> <p style="font-size: 8pt;">This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> A schedule of lots and addresses - See 60(c) SSI Regulation 2017 Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919 Signatures and seals- see 195D Conveyancing Act 1919 Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 												
<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 15%;">LOT NO.</th> <th style="width: 15%;">STREET NUMBER</th> <th style="width: 20%;">STREET NAME</th> <th style="width: 20%;">STREET TYPE</th> <th style="width: 30%;">LOCALITY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>88</td> <td>Bower</td> <td>Street</td> <td>Manly</td> </tr> </tbody> </table>					LOT NO.	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY	1	88	Bower	Street	Manly
LOT NO.	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY										
1	88	Bower	Street	Manly										
OWNERS CONSENT														
<p>SIGNED by The Trustees of the Roman Catholic Church for the Archdiocese of Sydney by its attorneys</p> <p><u>Michael Bryan Digges</u> and <u>Gerald Patrick Gleeson</u> pursuant to Power of Attorney registered No 635 Book 4741 in the presence of:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><u>Jennifer Rose Cook</u> Witness signature</p> <p>Jennifer Rose Cook Witness name in full</p> <p><u>Jennifer Rose Cook</u> Witness signature</p> <p>Jennifer Rose Cook Witness name in full</p> <p><u>Level 16, 133 Liverpool Street</u> Address of witness SYDNEY NSW 2000</p> <p><u>Jennifer Rose Cook</u> Witness signature</p> <p>Jennifer Rose Cook Witness name in full</p> <p><u>Level 16, 133 Liverpool Street</u> Address of witness SYDNEY NSW 2000</p> </div> <div style="width: 45%;"> <p style="text-align: center;">  </p> <p><u>[Signature]</u> Signature</p> <p>Michael Bryan Digges Full name (print please)</p> <p>Position <u>Executive Director,</u> <u>Administration & Finance</u></p> <p><u>[Signature]</u> Signature</p> <p>Gerald Patrick Gleeson Full name (print please)</p> <p>Position <u>Vicar General</u></p> </div> </div>														
If space is insufficient use additional annexure sheet														
Surveyor's Reference: 15700														

15950919_1:JCI:JCI



Req:R252337 /Doc:DP 1279468 P /Rev:01-Feb-2022 /NSW LRS /Prt:02-Feb-2
© Office of the Registrar-General /Src:PORTAL /Ref:lrs:eplan-eplan FO

PLAN FORM 6A (2019) DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 3 of 3 sheet(s)
Registered:  1/02/2022	Office Use Only	Office Use Only
PLAN OF CONSOLIDATION OF LOT 1 in DP 1244511 & LOT 3 in DP 8075		DP1279468
Subdivision Certificate number: Date of Endorsement:		
		<p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none">• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.
<u>MORTGAGEES CONSENT</u>		
If space is insufficient use additional annexure sheet		
Surveyor's Reference: 15700		