

# Revised Explanatory Note

## Introduction

The purpose of this Revised Explanatory Note is to provide a summary to support the notification of the proposed planning agreement (the "**Planning Agreement**") as amended and prepared pursuant to section 93F of the *Environmental Planning and Assessment Act 1979* (the "**Act**").

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the "**Regulation**").

## Parties to the Planning Agreement

The parties to the Planning Agreement are Jubilee Properties Pty Ltd (the "**Owner**") and Warringah Council (the "**Council**").

The Owner has agreed to enter into the Planning Agreement in connection with the proposed Development Application No. 2013/1168 for a mixed use retail, commercial and residential development at 697, 699 and 701 Pittwater Road, Dee Why (the "**DA**").

The contributions contained in the planning agreement partly relate to the adjoining property to the north known as St David's Park, which is No. 703 Pittwater Road, Dee Why, so that property is included in the Subject Land described below.

## Description of the Subject Land

The Planning Agreement applies to the following land (the "**Land**"):

- **LOT B, DP 381816, No. 697 PITTWATER ROAD, DEE WHY**
- **LOT 4, DP 417528, No. 699 PITTWATER ROAD, DEE WHY**
- **LOT 1, DP 300967, No. 701 PITTWATER ROAD, DEE WHY**
- **LOT 1, DP 364010, No. 703 PITTWATER ROAD, DEE WHY**

## Description of the Proposed Development

The Owner is seeking development consent for the demolition of existing buildings and construction of a part 14/part 15 storey mixed use development comprising retail, commercial and residential units (the "**Development**"), comprising the following:

- 129 residential units
- 5 retail units
- 1 commercial unit and skyplaza
- Public Toilet Facilities
- 175 carparking spaces

## Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Owner will make various contributions on the terms of the Planning Agreement. These contributions comprise:

1. demolition of the existing Council block of toilets in St David's Park (Park) by Jubilee at its own expense, in return for use of part of the Park during the construction period;
2. incorporation of new public toilet facilities within the building on the ground floor facing St David's Park, having an internal area of 37m<sup>2</sup> (the Council Toilets);
3. transfer to Council of a community facility on the ground floor (Community Facility 1) and a community facility on level 2 of Cobalt (Community Facility 2); and
4. monetary contribution of \$250,000 towards the provision and/or embellishment of facilities and amenities within the Dee Why Town Centre.

In addition, the transfer of Community Facility 2 is designed to permit the possible future introduction of a pedestrian walkway over Pittwater Road.

### **Assessment of Merits of Planning Agreement**

#### **The planning purpose of the Planning Agreement**

In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purposes:

- the funding and provision of public amenities and facilities;
- the funding of expenditure relating to the upgrade of St David's Park; and/or
- the provision of a future pedestrian skybridge over Pittwater Road as envisaged in the Dee Why Town Centre Masterplan.

#### **How the Planning Agreement promotes the public interest**

The Planning Agreement promotes the public interest by providing:

- a monetary contribution towards the provision and/or embellishment of facilities and amenities within the Dee Why Town Centre; and
- floor space at ground floor level on Pittwater Road that can be used for the delivery of Council services; and
- floor space at Level 2 that can be used for the purposes of a landing for a future pedestrian skybridge over Pittwater Road and St David's Avenue, linking Council's Civic Centre Site and the Meriton Site (Site B), and pedestrian access from the link within the proposed building to Pittwater Road or, if such skybridge does not proceed, otherwise adaptable for Council business purposes or residential apartments for sale or lease by Council; and
- new public toilets which are integrated within the proposed building and demolition of the existing public toilet block, thus increasing the landscaped area of St David's Park.

#### **How the Planning Agreement promotes the objects of the Act**

The objects of the Act are:

- the promotion and co-ordination of the orderly and economic use and development of land; and
- the provision and co-ordination of community facilities and access.

The Planning Agreement promotes the objects of the Act set out above by requiring the Owner to provide the contribution dedications, amounts and works referred to in this Explanatory Note under the heading "*Summary of Objectives, Nature and Effect of the Planning Agreement*" for the following purposes:

- the future provision of Key Pedestrian Connections from Council's Civic Centre Site to the Meriton Site (Site B) in the Dee Why Town Centre;
- the upgrade of St David's Park which will help to implement the Dee Why Town Centre Masterplan;
- the provision of improved public toilets; and
- the provision of a highly accessible Council community facility on the ground floor and possibly, Council office space on Level 2.

#### **How the Planning Agreement promotes the Council's Charter under section 8 of the Local Government Act**

The Planning Agreement promotes the Council's Charter under section 8 of the *Local Government Act 1993* by advancing the following aspects of the Council's Charter through the development contributions that would be secured under the Planning Agreement:

- to have regard to the long term and cumulative effects of its decisions;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development; and
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias.

#### **How the Planning Agreement conforms with the Council's Capital Works Program**

The Planning Agreement conforms with Council's Capital Works Program by contributing to the cost of upgrading St David's Park which is identified as a key open space area under the Dee Why Town Centre Masterplan. The pocket park is identified as being closely linked to the proposed development and its upgrade will help implement the Masterplan.