

## Memo

Development Assessment

**To:** Development Determination Panel Members  
**From:** Tony Collier – Acting Manager Development Assessments  
**Date:** 22 September 2020  
**Subject:** Item 3.3 - MOD2020/0081 – 2 Delmar Parade, Dee Why – Amendment to Conditions  
**Record Number:** 2020/568167

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Dear Panel members

The purpose of this memo is to address an email received on Monday night with respect to certain conditions imposed on MOD2020/0081.

In the email, the applicant queries the following conditions:

- 15 – Stormwater Disposal
- 17 – On-Site Stormwater Detention Details
- 28B – Tanking of Basement Level
- 53A – Post-Construction Road Reserve Dilapidation Report (Major Development)
- 53D – Installation of Security Gate
- 54 – Allocation of Spaces

### Comment

The above conditions are addressed as follows:

#### Condition 15 – Stormwater Disposal

15.

##### **Stormwater Disposal**

Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

#### Condition 17 – On-Site Stormwater Detention Details

### 17. On-Site Stormwater Detention Details

The Applicant is to provide stormwater drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850, and generally in accordance with the concept drainage plans prepared by SGC, drawing number SW200, SW201, SW202, SW203, SW204, SW205, SW300 Issue C, dated 17/7/2020. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NER) or RPENG Civil (Professionals Australia)

The drainage plans must address the following:

- i. The discharge pipe from the onsite detention tank is to be connected to a new inlet pit to be constructed in Delmar Parade and connected by a 375mm Reinforced Concrete Pipe running under the kerbline to Councils adjoining stormwater pit (in front of 4 Delmar Parade).
- ii. Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

The applicant requests that Conditions 15 and 17 be deleted.

Advice from Council's Development Engineer is that the stormwater pit in Delmar Parade is required to be constructed as the former proposal to place the discharge line in the frontage of the neighbouring property is not acceptable as it could potentially limit their future vehicle access opportunities and may also conflict with existing and future service allocations.

**Therefore, Conditions 15 and 17 are to remain as imposed.**

### Condition 28B – Tanking of Basement Level

**K. Add Condition 28B - Tanking of Basement Level to read as follows:**

#### **28B. Tanking of Basement Level**

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of the NSW Office of Water are to be complied with and a copy of the approval must be submitted to the Certifying Authority. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

The applicant requests that this condition be amended (amendment in red) for the following reason:

*"As mentioned, we have been working with Water NSW for the past couple of months on a drained basement solution with permanent cut-off wall. This condition would undermine our work to date with Water NSW. With this in mind, we have proposed a slight amendment to the condition below:*

***Unless otherwise agreed with Water NSW, the basement area is to be permanently tanked. The Applicant is to submit...."***

Advice from Council's Development Engineer is that amending Condition 28B is acceptable.

**Therefore, Condition 28B may be amended.**

Condition 53A - Post-Construction Road Reserve Dilapidation Report (Major Development)

**53A. Post-Construction Road Reserve Dilapidation Report (Major Development)**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

The applicant requests that Conditions 15 and 17 be amended to read as follows:

*"This condition is currently very broad. We understand and accept the objective of the condition, however if it is okay with you, we would like to tighten it up slightly as per the below:*

*The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets, **along Delmar Parade and Pittwater Road for the extent of frontage to the subject site, or as otherwise proven to have been caused by the Applicant, during the course of the construction of this development**".*

Discussion with Council's Development Engineer is that damage caused by the development is not necessarily contained to the frontage of the site and may occur in other parts of Council's infrastructure which is not located within the frontage of the site.

**Therefore, Condition 53A is to remain as imposed.**

Condition 53D – Installation of Security Gate

**53D. Installation of Security Gate**

The resident parking spaces are to be separated from the non-residential parking spaces by installation of a security gate. Given the constraints regarding the placements of the security gate, the resident visitor spaces can be located out of the secured car parking area, should the installation of the security gate is not possible otherwise.

Reason: provision of secure car parking area for residential component

The applicant requests that this condition be deleted as prior discussions indicated that the installation of Retail Parking signage was acceptable in terms of delineating parking separation. This has been indicated on Plan TP01.09(D).

**Therefore, Condition 53D may be deleted.**

Condition 54 – Allocation of Spaces

54.

**Allocation of Spaces**

The parking allocation shall meet the minimum requirements in accordance with Warringah DCP which requires the following:

- 18 retail parking spaces
- 14 residential visitor spaces
- 57 resident spaces

A plan demonstrating the above is to be submitted to and approved by the certifying authority prior to construction certification.

Reason: compliance with Warringah DCP.

The applicant notes that the retail spaces included in the development amount to 17 spaces.

**Therefore Condition 54 may be amended to reflect 17 retail spaces.**

Regards

Tony Collier  
Acting Manager Development Assessment