

Strategic Planning Referral Response

Application Number:	Mod2024/0445
Proposed Development:	Modification of Development Consent DA2023/0868 granted for Demolition of existing dwellings and construction of a seniors housing development
Date:	22/08/2024
To:	Claire Ryan
Land to be developed (Address):	Lot 44 DP 10648 , 39 Hay Street COLLAROY NSW 2097 Lot 45 DP 10648 , 41 Hay Street COLLAROY NSW 2097 Lot 46 DP 10648 , 43 Hay Street COLLAROY NSW 2097 Lot 43 DP 10648 , 37 Hay Street COLLAROY NSW 2097

Officer comments

INTRODUCTION

Mod2024/0445 seeks to amend Development Consent DA2023/0868 including the following:

- Internal and external apartment alterations including enlargement of ensuites, reconfigurations of rooms and windows.
- Roof expansion to accommodate floor space additions
- Amendment of glazing and terrace lines
- Reduction in landscaped area

This modification application proposes a cost of \$12,318,207.00 compared with the parent application DA2023/0868, which proposed a cost of \$13,186,380.00. As of 22 August 2024, the contributions payment for DA2023/0868 remains outstanding.

SUBJECT SITE

The subject site is 37, 39, 41 and 43 Hay Street, Collaroy. The subject site is zoned R2 *Low Density Residential* under Warringah LEP 2011. The subject site contains a multi-storey dwelling on each lot and a swimming pool on 43 Hay Street (Lot 46 Sec 12 DP 10648).

CHRONOLOGY

DA2023/0868 for *Demolition of existing dwellings and construction of a seniors housing development* was initially refused by Council, then approved by the NSW Land & Environment Court on 25 June 2024. At the time of determination, *Northern Beaches Section 7.12 Contributions Plan 2022* applied to the development and the subject property resulting in the inclusion of Condition 6 to the development consent which reads as follows:

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$131,863.80 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$13,186,380.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council – Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

To date, development contributions have not been paid that would satisfy condition 6 of the development consent DA2023/0868. There has been no Construction Certificate issued for works approved under consent DA2023/0868 nor commencement of site works.

SPP3 received a referral request for this modification, Mod2024/0445, on 16 August 2024.

ASSESSMENT OF MODIFICATION APPLICATION

Northern Beaches Section 7.12 Contributions Plan 2022 was the applicable plan at date of determination and remains applicable to this modification application.

The current application Mod2024/0445 seeks a reduction of the total development cost from \$13,186,380.00 to \$12,318,207. An updated Quantity Surveyor's (QS) Report including cost breakdown prepared by registered Quantity Surveyors, Construction Consultants has been provided by the applicant. Based on the QS Report provided, the change in estimated cost of works is considered reasonable.

The consent issued on subject site is for a Seniors Housing development. The applicant has not demonstrated or requested any exemption for Section 7.12 Contributions. Furthermore, it is noted that the applicant is not a registered social and community housing provider as defined in SEPP (Housing for Seniors or People with a Disability) 2004. As such, no contribution exemption is available in this instance.

RECOMMENDATION

The proposal is supported subject to the amendment of condition 6 as follows:

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$123,182.07 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$12,318,207.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council – Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Strategic Planning Conditions:

Nil.