

Strategic Planning Referral Response

Application Number:	Mod2024/0550
Proposed Development:	Modification of Development Consent DA2018/1654 granted for Demolition works and Construction of a new aged care facility including underground parking
Date:	30/10/2024
To:	Kye Miles
Land to be developed (Address):	Lot 3 DP 805710 , 181 Forest Way BELROSE NSW 2085

Officer comments

INTRODUCTION

Mod2024/0550 seeks to modify works approved under Development Consent DA2018/1654 and certain conditions of consent. The applicant, as a part of this modification application has not requested any change to the contribution condition. However, since there is a change in cost of works, this application has been referred to Strategic and Place Planning on 22 October 2024.

SUBJECT SITE

The subject site is 181 Forest Way, Belrose. The subject site is within locality B2 *Oxford Falls Valley* under Warringah LEP 2000. The subject site contains a dwelling house.

CHRONOLOGY

DA2018/1654 for *Demolition works and Construction of a new aged care facility including underground parking* was approved by the Land and Environment Court on 22 October 2020. *Northern Beaches Section 7.12 Contributions Plan 2019* (the 2019 Plan) applies to DA2018/1654 and subsequent Modification applications.

The consent contained Condition 8, as follows:

8. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$277,248.10 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 2019. The monetary contribution is based on a development cost of \$27,724,810.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly

basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

As of 30 October, this payment remains outstanding and the condition has not been fulfilled. No Construction Certificate has been issued for the development.

Mod2022/0289 was approved by the Sydney North Planning Panel on 26 April 2023. The application proposed a cost of works increase of \$357,060 to the development cost, resulting in a total cost of \$28,081,870. However, it appears that the cost summary report for Mod2022/0289 was miscalculated and added a further \$10,000,000 to the development cost for a total of \$38,081,870. As a result of this miscalculation, the modification was considered to be over \$30 million and as such was assessed by the Sydney North Planning Panel.

Additionally, the contributions owed to Council was erroneously not amended from the parent DA. As a result, the contributions owed currently reflects only DA2018/1654 and not the additional development cost for Mod2022/0289.

ASSESSMENT OF CURRENT APPLICATION

This modification application seeks amendments to works approved under DA2018/1654. The modifications include internal and external alterations to approved works and amendments to certain conditions of consent. The modification does not seek amendment to the contribution condition however, since there is a change in cost of works, this application has been referred to Strategic and Place Planning.

Condition 8 of the consent remains unfulfilled and there is no Construction Certificate issued for the development, it is appropriate to modify condition 8 for the monetary contributions payable.

The revised cost estimate of \$28,388,528 is provided by the applicants' quantity surveyor against Mod2024/0550. The increase in construction cost proposed by this modification is \$306,658. This increase in estimated cost of works is due to additional landscape structure, undercroft pump room and lift stop. The revised figure provided by the quantity surveyor takes into account the costs against works approved under Mod2022/0289 getting the total cost of works to \$28,388,528. If the proposed modifications are supported by the Assessing Officer, condition 8 is required to be updated to ensure the contributions payable to Council is accurate and based on the updated cost of works.

RECOMMENDATION

The application as submitted if supported by the Assessing Officer, Condition 8 is to be amended to read as follows:

8. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$283,885.28 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 2019. The monetary contribution is based on a development cost of \$28,388,528.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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.