

Memo

Department

2023/To: Sydney North Planning Panel

Cc: Peter Robinson, Executive Manager Development Assessment

From: Adam Susko, Principal Planner

Date: 5 May 2023

Subject: **DA2022/0145** – 812 Pittwater Road and 4 Delmar Parade, Dee Why – Mixed Use Development

Record Number: 2023/276002

Dear Panel,

INTRODUCTION

Council has finalised and provided its Assessment Report to the Panel for Development Application DA2022/0145 relating to a mixed-use development, which is scheduled for determination at the Panels meeting on 10 May 2023.

This supplementary memo seeks to expand on commentary provided in that assessment report and amend a condition.

Specifically, this memo updates the comments from the *Strategic and Place Planning (Development Contributions)* referral comments commencing on Page 24 of 137, and Condition 7 *Dee Why Town Centre 7.11 Contributions Plan*.

The changes come about as a consequence of the 2023 CPI changes which were always anticipated to be imposed in the consent, if it were to be determined after 26 April 2023.

CHANGE TO STRATEGIC AND PLACE PLANNING (DEVELOPMENT CONTRIBUTIONS) REFERRAL COMMENTS

Changes made to the referral comments are in red and, where relevant, struck through:

DA2022/0145 was accepted by Council on 4 March 2022. A referral request was made to Strategic and Place Planning for development contribution comments.

Subsequently, the Assessing Officer advised that the applicant was undertaking a significant redesign of the proposal that was likely to result in changes to the quantum of dwelling and non-residential floorspace.

An interim referral response was provided on 14 September 2022, requesting that the DA be re-referred once the additional information had been received.

*Additional information was received on 16 December 2022. This memo updated the initial response provided on 14 September. **The memo was also updated on 28 April***

2023 to update contributions rates following the release of the Mar-23 CPI, published by the ABS on 27 April 2023.

SUBJECT SITE

The subject site is:

- *4 Delmar Parade Dee Why (Lot CP SP 32071), and*
- *812 Pittwater Road Dee Why (Lot CP SP 32072)*

The land is zoned B4 Mixed Use under the Warringah LEP 2011. The land is also identified as being within the Dee Why Town Centre on the Centres LEP Map.

The site has a frontage to Pittwater Road and Delmar Parade. It adjoins Stony Range Flora Reserve, 816 Pittwater Road, and 2, 6 and 8 Delmar Parade.

The site currently contains three 2-storey commercial buildings.

ASSESSMENT OF DA

The submitted Statement of Environment Effects (SEE) has been prepared by Sutherland & Associates Planning.

The SEE advises that the application seeks consent for demolition of existing structures and construction of a mixed-use development containing 3 commercial tenancies and 230 apartments over a 2-storey basement containing 340 car parking spaces, lot consolidation and a 2-lot Torrens title subdivision to reflect the commercial and residential components of the development.

Additional information was received on 16 December 2022. This included amended architectural plans prepared by Rothelowman dated 7 December 2022. No updated SEE was provided.

The amended plans resulted in a change to the total quantum of proposed dwellings. The amended plans identify that the updated application comprises a total of 219 dwellings and 763.9m² of non-residential floorspace.

The Dee Why Contributions Plan 2019 (the Contributions Plan) applies to the land and to this development. The Contributions Plan levies for:

- *non-residential development that will result in a net increase in gross floor area on the land.*
- *residential development that will result in a net increase in dwellings on the land, and*

To determine the net increase in residential and non-residential development, the Contributions Plan provides a credit for existing development on the site. Clause 4.3 of the Contributions Plan details the methodology to determine the allowance for existing development. This clause states that an allowance for existing residential development cannot be applied to non-residential development and vice versa. It also states that the onus is on the applicant to establish a case for existing approved development.

Existing Development on the Subject Site

The site currently contains three 2-storey commercial buildings. These buildings appear to have been approved in 1985 via building application BA3597/84. There are no existing approved dwellings on the site.

The survey identifies the footprint of the existing commercial buildings. The application did not include floorplans of the existing development on the subject site.

Non-Residential in Proposed Development

The amended plans identify a total of 763.9m² of proposed non-residential floorspace on the site, comprising:

- Ground floor - 325.4sqm
- Level 1 - 438.5sqm

This quantum of non-residential floorspace is significantly below the existing commercial development on the site. If approved, DA2022/0145 will not result in a net increase in non-residential development. No contribution is applicable for the non-residential component of this development.

Residential Development

The Contributions Plan applies a residential contribution rate based on a net increase in dwellings. The residential rate is based on the number of bedrooms in each proposed dwelling.

At the date of this response, the indexed residential contribution rates are:

Residential Contribution Rates (Dec 2022 Mar 2023)	
<i>Per studio or 1 bed dwelling</i>	\$10,660.54 \$10,807.10
<i>Per 2 bed dwelling</i>	\$15,635.42 \$15,850.41
<i>Per 3 or more bed dwelling</i>	\$20,000

The 3-bedroom contribution rate is capped at \$20,000, in accordance with the Ministerial Direction dated 21 August 2012, and clause 4.2 of the Contributions Plan.

Clause 4.3 of the Contributions Plan states:

Council will make the final determination on the number of bedrooms in a dwelling that is part of a proposed residential development, despite the notations on the plans that suggests that a bedroom is some other room type (e.g. study, office).

Five dwellings contain rooms that are considered to be bedrooms that have not been notated on the amended plans. These dwellings are D105, E304, E404, E504, D503 and F606. Due to their size and configuration of these rooms they are considered to be a bedroom for the purpose of calculating a development contribution.

The amended plans identify a total of 219 additional dwellings on the site.

A total residential monetary contribution of ~~\$3,179,625.40~~ \$3,211,797.45 is applicable for this development.

Net increase in residential development		Contribution Rate	TOTAL
1-bed	86	\$10,807.10	\$916,803.25 \$929,410.15

2-bed	91	\$15,850.41	\$1,422,822.15 \$1,442,387.30
3-bed	42	\$20,000	\$840,000
	219		\$3,179,625.40 \$3,211,797.45

The residential contribution is based on the following dwelling breakdown:

Ground Floor – 21 dwellings

1 bed dwelling	9
2 bed dwelling	6
3 bed dwelling	6

First Floor – 39 dwellings

1 bed dwelling	19
2 bed dwelling	15
3 bed dwelling	5

Second Floor – 44 dwellings

1 bed dwelling	18
2 bed dwelling	20
3 bed dwelling	6

Third Floor – 44 dwellings

1 bed dwelling	18
2 bed dwelling	20
3 bed dwelling	6

Fourth Floor – 42 dwellings

1 bed dwelling	15
2 bed dwelling	20
3 bed dwelling	7

Fifth Floor – 19 dwellings

1 bed dwelling	5
2 bed dwelling	8
3 bed dwelling	6

Sixth Floor – 5 dwellings

1 bed dwelling	1
2 bed dwelling	1
3 bed dwelling	3

Seventh Floor – 5 dwellings

1 bed dwelling	1
2 bed dwelling	1
3 bed dwelling	3

CHANGE TO CONDITION No. 7 DEE WHY TOWN CENTRE 7.11 CONTRIBUTIONS PLAN TO READ AS FOLLOWS:

*The applicant must pay a monetary contribution to Council of **\$3,211,797.45**. This contribution is calculated at the date of this consent, in accordance with Dee Why Town Centre Contributions Plan (as amended).*

The monetary contributions is based on a residential contribution for 219 additional dwellings comprising: 86 1-bedroom dwellings, 91 2-bedroom dwellings, and 42 3-bedroom dwellings.

A credit for the existing approved non-residential development has been accounted for in this monetary contribution.

The total amount payable will be adjusted at the time of payment in accordance with the Dee Why Town Centre 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.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the Dee Why Town Centre Contributions Plan (as amended) and Council's Planning Agreement Policy. The Planning Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

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 that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Dee Why Town Centre.

RECOMMENDATION

That the Panel note the changes to the referral comments listed above and Condition No. 7 be amended to read as follows:

7 DEE WHY TOWN CENTRE 7.11 CONTRIBUTIONS PLAN TO READ AS FOLLOWS:

*The applicant must pay a monetary contribution to Council of **\$3,211,797.45**. This contribution is calculated at the date of this consent, in accordance with Dee Why Town Centre Contributions Plan (as amended).*

The monetary contributions is based on a residential contribution for 219 additional dwellings comprising: 86 1-bedroom dwellings, 91 2-bedroom dwellings, and 42 3-bedroom dwellings.

A credit for the existing approved non-residential development has been accounted for in this monetary contribution.

The total amount payable will be adjusted at the time of payment in accordance with the Dee Why Town Centre 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.

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance the Dee Why Town Centre Contributions Plan (as amended) and Council's Planning Agreement Policy. The Planning Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

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 that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Dee Why Town Centre.



Adam Susko, Principal Planner