

Strategic Planning Referral Response

Application Number:	Mod2023/0567
Proposed Development:	Modification of Development Consent DA2022/0145 granted for Demolition works and construction of a mixed-use development comprising a residential flat building and shop top housing, basement parking, lot consolidation and torrens title subdivision.
Date:	08/12/2023
To:	Gareth David
Land to be developed (Address):	Lot CP SP 32072 , 812 Pittwater Road DEE WHY NSW 2099 Lot CP SP 32071 , 4 Delmar Parade DEE WHY NSW 2099

Officer comments

INTRODUCTION

On 23 October 2023, Strategic and Place Planning received a referral request for Mod2023/0567. The application proposes to amend DA2022/0145 for demolition and construction of a mixed-use development comprising a residential flat building, shop top housing and Torrens Title subdivision.

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.

DA2022/0145 was approved by Council on 18 July 2023. Condition 7 of DA2022/0145 requires the payment of a monetary contribution to Council and states:

7. Dee Why Town Centre 7.11 Contributions Plan

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.

PROPOSED MODIFICATION

The modification application seeks changes to DA2022/0145 including:

- Amendments to the built form,
- Reduction in total gross floor area,
- Reduction in total number of apartments from 219 to 218 and change to the dwelling mix.

The submitted Statement of Modification, prepared by Sutherland and Associates Planning and dated October 2023, states “The Section 7.11 contribution in Condition 7 needs to be amended to reflect the reduced number of apartments and revised mix, as well as the minor reduction in commercial floor area”.

Assessment of Modification Application

Condition 7 of DA2022/0145 was imposed in accordance with the Dee Why Town Centre Contributions Plan 2019. The modification application must be assessed in accordance with the same Plan.

The Contributions Plan levies for:

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

Non-residential development:

The Statement of Modification identifies that the application seeks a minor reduction to the approved non-residential floor space. The submitted plan, prepared by Rothelowman and dated 18 September 2023, identifies a decrease in non-residential floorspace of 17.2m² (from 763.9m² to 746.7m²).

The Contributions Plan applies to any net increase in non-residential gross floor area. The Plan also provides a credit for existing development on the site. Clause 4.3 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 crediting the existing approved development.

Despite the proposed decrease in the quantum of non-residential floorspace, the resulting floorspace remains significantly less than the existing quantum on the site. Mod2023/0567 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 time of determination of DA2022/0145, the following residential contribution rates were applicable:

Residential Contribution Rates (March 2023)

Per studio or 1 bed dwelling	\$10,807.10
Per 2 bed dwelling	\$15,850.41
Per 3 or more bed dwelling	\$20,000

These rates are also applicable to Mod2023/0567. 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.

The residential contribution in Condition 7 of DA2022/0145 was calculated based on the following dwelling mix:

- 1-bed – 86
- 2-bed – 91
- 3-bed – 42
- Total – 219

The modification application seeks to reduce the total number of dwellings to 218 and amend the approved dwellings mix as follows:

- 1-bed – 90
- 2-bed – 88
- 3-bed – 40
- Total – 218

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).

Mod2023/0567 is supported by amended plans prepared by Rothelowman and dated 18 September 2023. An assessment of the submitted plans has identified 13 units containing rooms that are considered to be bedrooms that have not been notated on the plans. These dwellings are G11, 123, 109, 206, 230, 210, 306, 330, 310, 402, 427, 407 and 519.

The plans indicate that the rooms in question are habitable rooms and they meet the following criteria for a bedroom in Part 4D-3 of the NSW Government's Apartment Design Guide:

- at least 9m² in size, and
- minimum dimensions of 3m.

Due to the size and configuration of these rooms, they are considered to be a bedroom for the purpose of calculating a development contribution. The amended residential contribution will be based on the following dwelling mix:

- 1-bed – 83
- 2-bed – 90
- 3-bed – 45
- Total – 218

An amended residential monetary contribution of \$3,223,526.20 is applicable for this development.

Residential Development		Contribution Rate	Total
1-bed	83	\$10,807.10	\$896,989.30
2-bed	90	\$15,850.41	\$1,426,536.90
3-bed	45	\$20,000	\$900,000
	218		\$3,223,526.20

RECOMMENDATION

A. The application is supported subject to conditions of consent. If approval of the DA is being recommended by the Assessing Officer, Condition 7 is to be amended as follows:

7. Dee Why Town Centre 7.11 Contributions Plan

The applicant must pay a monetary contribution to Council of \$3,223,526.20. 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 218 additional dwellings comprising: 83 1-bedroom dwellings, 90 2-bedroom dwellings, and 45 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.

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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.

B. If changes are proposed to the quantum or mix of dwellings to be approved, the Assessing Officer must ensure that a referral is sent to Strategic and Place Planning (Development Contributions) to recalculate the applicable contribution.

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:

FEES / CHARGES / CONTRIBUTIONS

Dee Why Town Centre - Contribution Condition

7. Dee Why Town Centre 7.11 Contributions Plan

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