



30 March 2020

Chief Executive Officer  
Northern Beaches Council  
PO Box 1336  
Dee Why, NSW 2099

**Attention:** Lashta Haidari, Assessment Officer

**Submission to Modification 2020/0081, 2 Delmar Parade, Dee Why**

Reference is made to correspondence received from Council advising that Council is in receipt of an Application to Modify Development Consent DA2017/1183.

This submission has been prepared on behalf of the adjoining landowners to the south (814-816 Pittwater Road, Dee Why) - Moresfine Pty Ltd. A comparative image of both sites is provided below:

**Site Context: 814-816 Pittwater Road and 2 Delmar Parade, Dee Why**

Yellow: 2 Delmar Parade, Dee Why  
Red: 814-816 Pittwater Road, Dee Why





In preparing this submission, due consideration has been given to the documentation on Council's website in respect of the Modification 2020/0081 - in particular, the Statement of Environmental Effects prepared by Sutherland & Associates Planning has been comprehensively reviewed to determine if the proposed modification adversely impacts upon our client's property.

It is also important to note that a submission was made to the Joint Regional Planning Panel Sydney North when the Development Application was considered by the Panel. It is noted that approval for the development was issued on 12 September 2018.

The following submission is made in respect of the subject modification as it relates to our client's property:

**Reduction in the side Boundary Setback - Southern Boundary adjacent to Client Property:**



Source: documentation, Northern Beaches Council for MOD2020/0081



1. The SoEE refers to “the application seeks approval for a range of refinements to the development”. The SoEE also states, “The amended proposal retains the same number of apartments as those which were originally approved and also adheres to the heights and **majority of the setbacks established by the approved development**”. In respect of the changes to the approved setback, it is noted that on the southern boundary, which abuts our client’s property, from level 4 and above, the building now has a reduced setback from the southern boundary of 3m. The modification has also introduced screened secondary windows to the residential apartments that abut the common boundary of our client’s property. Notwithstanding that the 3m setback is ADG compliant, it is imperative that this reduced setback *does not* prejudice any future redevelopment on our client’s property. It is therefore important for Council to acknowledge that any future development on 814-816 Pittwater Road, along the northern boundary shall be developed with a setback being ADG compliant, as per the modification now before Council. Our client should not be prejudiced as a result of the reduced setback and the introduction of windows (which were not, previously, part of the approved development) along the southern boundary of the proposed building.

In respect of the reduced setback of the building on level 4 and above, the applicant should provide further documentary evidence that there is no increase in shadow impacts on our client’s property as a result of moving the building closer to the southern boundary.

2. Implications relating to the amendments to the CTMP from a 14-day notice period to a 5-day notice period: if this part of the modification were to be approved by Council, it would have severe ramifications on our client’s business, which is a car and truck rental facility. We respectfully request Council not support a 5-day notice period. If Council is of the opinion that this 14-day period can be reduced, it should be at least 10 working days. Our clients and their management team for the Avis Rental Car facility need an absolute minimum of 10 working days so that they can plan around this type of disruption to their day-to-day business.
3. Reduction in Height of Basement. At the time the approval was granted for DA2017/1183 a Condition was placed on the Consent to ensure that adequate arrangements had been made regarding vehicular access including service vehicles from Delmar Parade to our client’s property.

It would appear from the review of the plans submitted with the Modification and the SoEE that supported the application, it is proposed to reduce the height of the basement from 4.5m to 4.3m. The height of the basement that forms part of the vehicular access arrangements to our client’s property were set at 4.5m. Any reduction in the height would severely impact upon their site link/basement connection, which was approved under DA2017/1183. The terms of the side and shape of the agreed access arrangements were the subject of protracted negotiations with the previous owner and in consultation with Council’s Assessment Officer. The terms of the Condition relating to access are set out on the following page and the approved drawings that accompanied the Development Consent for DA2017/1183 clearly depict the height of the basement.



65. **Right of Access (through-site vehicle link)**

A right of access (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and the accompanying 88B instrument to ensure a through-site vehicle access within the ground level to No. 814 -816 Pittwater Road, Dee Why (Avis site) as detailed on the approved plans.

The terms of the right of way (available from Northern Beaches Council), are to be prepared by a registered surveyor to Northern Beaches Council's standard requirements at the applicant's expense.

Activation of the through site link will only occur upon redevelopment and physical commencement of a mixed-use development on 814-816 Pittwater Rd Dee Why (Avis Site).

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate.

Reason: To allow the reasonable development of the neighbouring site. (DACENH23)

We respectfully request Council to give serious consideration to the matters raised above. Please do not hesitate to contact me should any matter require clarification or additional information.

Yours sincerely

**DENIS SMITH**  
Principal