

11 October 2023

Anne Marie Young
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Anne Marie Young

[MOD2023/0520 PAN-373607 – 4 Delmar Parade and 812 Pittwater Road, Dee Why](#)

We refer to your letter dated 27 September 2023 in relation to proposed Mod2023/0520 (PAN-373607) which seeks to amend Development Consent DA2022/0145 for a mixed-use development at 4 Delmar Parade and 812 Pittwater Road, Dee Why.

Below is a response to the various matters raised in the letter.

Issue	Response
<p>1. Quantity Surveyors Report or Cost Summary Report Form - Cost of Works \$1,000,001 or greater.</p> <p>The application seeks consent to reduce the payable development contribution fee, however, the cost of work detailed in the pre-DA form has not changed from the original COW.</p> <p>Please provide evidence, including a separate statement and QS report to support the reduction in fees.</p> <p>A Quantity Surveyors Report detailing the cost of works for the proposed development in accordance with the criteria set out in the Cost Summary Report Form, or completion of the Cost Summary Report Form. The QS report or Cost Summary Report Form is to be completed by a Quantity Surveyor who is a registered member of the Australian Institute of Quantity Surveyors and the QS's registration number is to be provided and the QS Report or Cost Summary Report Form is to be signed and dated. This requirement is contained in the Northern Beaches Section 7.12 Contributions Plan 2021</p>	<p>Condition No. 7 imposes a contribution in accordance with the requirement of the Dee Why Town Centre 7.11 Contributions Plan based on a residential contribution for 219 additional dwellings comprising:</p> <ul style="list-style-type: none"> • 86 x 1 bedroom apartments • 91 x 2 bedroom apartments • 42 x 3 bedroom apartments <p>The approved commercial component of the development did not generate a requirement for a contribution because it is actually less than the existing commercial floorspace on the site. Indeed, the imposed contribution was discounted due to the credit for the existing approved non-residential development.</p> <p>The proposed amendments reduce the total number of apartments by 1 and also changes the mix as follows:</p> <ul style="list-style-type: none"> • 90 x 1 bedroom apartments • 88 x 2 bedroom apartments • 40 x 3 bedroom apartments <p>This change in mix and reduction in apartments numbers is the basis for the requested amendment to the contribution amount in Condition No. 7.</p>

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	<p>There is no requirement for a Quantity Surveyors report as requested having regard to the above and also noting that the Northern Beaches Section 7.12 Contributions Plan 2021 did not apply to the development.</p>
<p>2. Owners Consent - Strata Title</p> <p>Council records identify the site as being in the ownership The Owners Of Strata Plan 32071. The owners consent references the owners of Strata Plan 32072 and Strata Plan 54641, Please clarify.</p> <p>As the property is a strata or community title, the Applicant must provide a letter on strata management letterhead, clearly stating the words "Support for lodgement of Development Application". It is noted that Mason & Brophy Strata Management are listed as the Strata Manager</p>	<p>The site comprises two allotments, being SP 32071 and SP 32072.</p> <p>Two owners consents, one for each of these strata plans, were submitted with the S4.55 application. It is requested that Council check the owners consent letter again.</p> <p>In relation to the request for a letter on strata management letterhead, the applicant has provided an identical owners consent letter as that which was provided for and accepted by Council at the lodgement of the original development application.</p>
<p>3. Boundary Identification Survey</p> <p>A Boundary Identification Survey that is prepared by a registered surveyor and signed by the surveyor. The survey must show the surveyors name and registration number and must be less than 24 months old. The survey notes must clearly stipulate that the "Boundaries of the site have been identified (or defined) by Survey". Boundaries that are taken from title (DP) dimensions only are not acceptable.</p>	<p>It is unclear why a new survey would be required.</p> <p>This is not a new development application and is simply a proposed modification to the approved development consent, and this application does not warrant the need for a new survey. There has been no change to the site since the grant of consent, and moreover even if there had been it would be unlawful to attempt to modify an application on the basis of different site conditions in the context of a S4.55 application.</p>
<p>4. Updated Reports for Modification Application.</p> <p>The original development application was accompanied by the following specialist reports:</p> <ul style="list-style-type: none"> • Geotechnical Report • Arborist Report • BCA Report • Crime Risk Assessment and Security Management Plan • Acoustic Report • Site Investigation • Heritage Impact Statement • Flood Study • NCC Energy Efficiency Report • Access Report and • Water Sensitive Design Strategy Report <p>Updated reports are to make an assessment of the modified proposal and be prepared by a suitably qualified person. Alternatively, the relevant expert can provide a supporting letter stating they have reviewed</p>	<p>The nature of the proposed amendments does not require new reports in the majority of instances, as follows:</p> <ul style="list-style-type: none"> • There is no change proposed in relation to excavation or ground conditions on the site which would require the need for a new Geotechnical Report • There is no change in relation to trees proposed as part of this modification and therefore no need for a new Arborist Report. • There are changes to the building which are relevant to the BCA, and so a new BCA statement accompanies this resubmission. Report • There is no change to the approved development of any consequence in relation to CPTED matters and accordingly a new Crime Risk Assessment and Security Management Plan is not warranted as a result of the proposed amendments. • There is no change to the approved development of any consequence in relation to acoustic matters and accordingly new Acoustic Report is not

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<p>amended proposal and advise the recommendations of the original report remain unchanged.</p>	<p>warranted as a result of the proposed amendments.</p> <ul style="list-style-type: none"> • There is no change in relation to the previous contamination investigations on the site as a result of the proposed modifications and accordingly a new Site Investigation is not warranted. • There is no change to the approved development of any consequence in relation to heritage matters and accordingly a new Heritage Impact Statement is not warranted as a result of the proposed amendments. • There is no change to the approved development of any consequence in relation to flooding matters, noting there is no change proposed to the previously approved stormwater and civil design, and accordingly a new Flood Study is not warranted as a result of the proposed amendments. • There is no change to the approved development of any consequence in relation to energy efficiency requirements of Section J of the NCC and accordingly a new NCC Energy Efficiency Report is not warranted as a result of the proposed amendments. It is noted that a new BASIX Certificate accompanies the application which reflects the changes to the residential components of the development. • An Access Report now accompanies the application. • There is no change to the approved development of any consequence in relation to the Water Sensitive Design Strategy for the site, noting there is no change proposed to the previously approved stormwater and civil design, and accordingly a new Water Sensitive Design Strategy Report is not warranted as a result of the proposed amendments.
<p>5. Modification Plans</p> <p>Please annotate all drawing to clearly reference the proposed changes. All plans must be to scale (1:100 or 1:200) with the scale clearly identified on each plan. Please uploaded the architectural plans as one master set document.</p>	<p>The proposed changes, whilst all relatively minor in themselves, are throughout the entire development such that it is not possible to annotate every single change.</p> <p>However, in order to assist Council in properly identifying and understanding the proposed changes, an additional document has been prepared by Rothelowman architects which is an overlay of the approved and proposed floor plan, in different colours, on the same page. This has been discussed with Steve Findlay who has agreed that this is an</p>

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	acceptable method for illustrating the proposed changes.
<p>6. Shadow Diagrams</p> <p>Please annotate the shadow diagrams to show the changes in shadow impacts / additional new shadow, if applicable.</p>	<p>The shadow diagrams have been amended as requested.</p>

We trust that the revised material and documentation, as well as the responses and clarifications above, have satisfactorily addressed Council's queries in relation to the proposal and that lodgement of the proposed S4.55 application will now be promptly facilitated by Council.

Should you have any questions concerning the above, please contact Aaron Sutherland on 0410 452 371, or alternatively at aaron@sutherlandplanning.com.au

Yours faithfully



Aaron Sutherland

Sutherland & Associates Planning Pty Ltd