

5 September 2022



The Trustee For Dee Why 1 Unit Trust  
Level 29 2 Chifley Square  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** Mod2022/0401  
**Address:** Lot 1 DP 710661 , 2 Delmar Parade, DEE WHY NSW 2099  
**Proposed Development:** Modification of Development Consent DA2017/1183 granted for demolition works and construction of a Mixed Use Development, comprising retail shops and shop top housing

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Adam Susko  
**Principal Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2022/0401
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	The Trustee For Dee Why 1 Unit Trust
<b>Land to be developed (Address):</b>	Lot 1 DP 710661 , 2 Delmar Parade DEE WHY NSW 2099
<b>Proposed Development:</b>	Modification of Development Consent DA2017/1183 granted for demolition works and construction of a Mixed Use Development, comprising retail shops and shop top housing

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	05/09/2022
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The request to modify the above-mentioned Development Consent has been approved as follows:

#### **A. Add Condition No.1C - Modification of Consent - Approved Plans and supporting Documentation to read as follows:**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

##### a) Modification Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
TP01.08 F - Basement Level 2	15 July 2022	Rothelowman
TP01.09 F - Basement Level 1	15 July 2022	Rothelowman
TP01.10 H - Ground Level	15 July 2022	Rothelowman
TP01.11 E - Level 1	15 July 2022	Rothelowman
TP01.12 E - Level 2	15 July 2022	Rothelowman
TP01.13 E - Level 3	15 July 2022	Rothelowman
TP01.14 E - Level 4	15 July 2022	Rothelowman
TP01.15 E - Level 5	15 July 2022	Rothelowman
TP01.16 E - Level 6	15 July 2022	Rothelowman
TP01.17 D - Roof Level	15 July 2022	Rothelowman
TP02.05 E - Site Elevations - North	15 July 2022	Rothelowman
TP02.06 F - Site Elevations - South	15 July 2022	Rothelowman
TP02.07 E - Site Elevations - East	15 July 2022	Rothelowman

TP02.08 D - Site Elevations - West	15 July 2022	Rothelowman
TP03.01 D - Site Section 1	15 July 2022	Rothelowman
TP03.02 E - Site Section 2	15 July 2022	Rothelowman
TP03.03 E - Site Section 3	15 July 2022	Rothelowman
TP03.04 D - Site Section 4	15 July 2022	Rothelowman

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate no. 1068650M_10	26 May 2022	Senica Consultancy Group Pty Ltd

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

### **B. Modify Condition 53F - Required Tree Planting to read as follows:**

Street trees shall be planted in accordance with the following schedule:

- 2 x *Tristaniopsis laurina* 'Luscious' planted at 100 litre container size, within Delmar Parade road reserve forward of the property, clear of driveway and intersection sightlines and generally in alignment with other street trees.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

## **Important Information**

This letter should therefore be read in conjunction with DA2017/1183 dated 13 June 2018, MOD2020/0081 dated 22 September 2020 and MOD2021/0274 dated 09 September 2021.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

## **Right to Review by the Council**

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be lodged on the NSW Planning portal within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

## **Right of Appeal**

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

*NOTE: A fee will apply for any request to review the determination.*

**Signed**            On behalf of the Consent Authority



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Name                Adam Susko, Principal Planner

Date                 05/09/2022