

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No: Mod2023/0567

Development Consent modified: DA2022/0145

Description of development to be carried out under the consent (as previously modified): 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

Address and particulars of title of land on which development to be carried out: 812 Pittwater Road and 4 Delmar Parade DEE WHY NSW 2099, legally identified as Lot CP SP 32072 and Lot CP SP 32071

Description of modification to the development consent: Internal and external modifications across all levels including introduction of a roof top communal open space

Determination: The development consent is modified as follows:

1. Insert new Condition 1B as follows:

1B. Modification of Consent - Approved Plans and supporting documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
TP00.04	F	Site Plan	Rothe Lowman	24 June 2024
TP01.03	K	Ground Floor	Rothe Lowman	24 June 2024
TP01.04	J	Level 1	Rothe Lowman	24 June 2024
TP01.05	K	Level 2	Rothe Lowman	24 June 2024
TP01.06	J	Level 3	Rothe Lowman	24 June 2024
TP01.07	J	Level 4	Rothe Lowman	24 June 2024

TP01.08	J	Level 5	Rothe Lowman	24 June 2024
TP01.09	J	Level 6	Rothe Lowman	24 June 2024
TP01.10	J	Level 7	Rothe Lowman	24 June 2024
TP01.11	J	Level 8	Rothe Lowman	24 June 2024
TP02.05	J	Site Elevations	Rothe Lowman	24 June 2024
TP02.06	J	Site Elevations	Rothe Lowman	24 June 2024
TP03.01	H	Sections	Rothe Lowman	24 June 2024
TP03.02	G	Sections 2	Rothe Lowman	24 June 2024
TP06.01	G	GFA Plans	Rothe Lowman	24 June 2024
TP06.04	G	Communal / Landscape Plan	Rothe Lowman	24 June 2024
TP06.21	F	Storage Schedule	Rothe Lowman	24 June 2024
TP06.31	F	Adaptable Plans	Rothe Lowman	24 June 2024
TP06.32	F	Adaptable Plans	Rothe Lowman	24 June 2024
TP06.33	F	Adaptable Plans	Rothe Lowman	24 June 2024
TP06.34	C	Adaptable Plans & LHA Schedule	Rothe Lowman	24 June 2024
TP06.40	D	Commercial Adaptations	Rothe Lowman	24 June 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate No. 1250181M_08	-	SLR Consulting Pty Ltd	26 June 2024
BCA Compliance Assessment Report	02	Absolute BCA & Accessibility Consulting Pty Ltd	29 September 2023

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Insert new Condition 7A as follows:

7A. Dee Why Town Centre - Contribution Condition

The applicant must pay an additional monetary contribution to Council of \$11,728.75, as a result of the approved changes to the dwelling mix as follows:

- 83 x 1-bedroom dwellings
- 90 x 2-bedroom dwellings
- 45 x 3-bedroom dwellings

amounting to \$3,223,526.20 for 218 additional dwellings and accounts for the contribution already paid under DA2022/0145. This contribution is calculated at the date of this consent, in accordance with Dee Why Town Centre Contributions Plan (as amended).

A credit for the existing approved non-residential development has also been accounted in this 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 the issue of any Construction Certificate for the residential component of the development.

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.

3. Insert new Condition 43A as follows:

43A. Underground Cabling

All underground cabling shall be located within the grass verge/outside the car park pavement footprint.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of a Construction Certificate.

Reason: Public amenity.

4. Insert new Condition 43B as follows:

43B. Design and Construction Elements

The recommended building design elements as outlined in Section 7.1 to 7.6 of the Acoustic Report dated 19 March 2024, prepared by Acoustic Dynamics, are to be incorporated into the design of the development.

Reason: To ensure noise emission and transmission is acceptable.

5. Insert new Condition 43C as follows:

43C. Mechanical Services

Prior to the relevant Construction Certification, a suitably qualified acoustical consultant is to undertake a full mechanical noise emission assessment to certify that noise emission levels resulting from the use and operation of mechanical services will not exceed the noise emission objectives outlines in Section 5 of the Acoustic Report dated 19 March 2024, prepared by Acoustic Dynamics.

Reason: To ensure compliance with noise emission levels

6. Insert new Condition 81A as follows:

81A. Wildlife Protection

If activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

7. Insert new Condition 117A as follows:

117A. Loading Dock Management Plan to be provided to Council

A Loading Dock Management Plan, prepared in accordance with the Site Waste Management Report dated 3 March 2023, is to be submitted to Councils Waste Management Team for approval.

The Loading Dock Management Plan must ensure that the loading dock is available for the exclusive use of Council's waste collection vehicles from 6.00am to 6.00pm on the scheduled days of collection each week.

The scheduled days of collection will be notified to the owners' corporation/building manager by Northern Beaches Council prior to the commencement of the service and on an ongoing basis as needed. Council reserves the right to change the days of collection as required.

No items are to be stored in the loading dock and truck turning area.

Reason: To ensure efficient and safe access for waste management and removal services.

8. Insert new Condition 117B as follows:

117B Noise Management Plan

A Noise Management Plan is to be prepared by the building manager/person in charge which incorporates best management practices and procedures to protect the acoustic amenity of building occupants and the surrounding area. The plan is to include recommendations as outlines in Section 7.5 of the Acoustic Report dated 19 March 2024 prepared by Acoustic Dynamics.

Reason: To ensure noise amenity of the area

9. Insert new Condition 117C as follows:

117C No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

10. Amend numbering of conditions after condition 99 to continue numbering sequentially from number 100 onwards to ensure consistency and remove duplication of condition numbers.