

19 July 2023



St Augustine's College Sydney
C/- Dfp Planning Pty Ltd 11 Dartford Road
THORNLEIGH NSW 2120

Dear Sir/Madam

Application Number: Mod2023/0314
Address: Lot B DP 395193 , 0 L Federal Parade, BROOKVALE NSW 2100
Lot 100 DP 1250521 , 37 - 43 Federal Parade, BROOKVALE NSW 2100
Lot 13 DP 568333 , 60 Federal Parade, BROOKVALE NSW 2100
Proposed Development: Modification of Development Consent DA2021/2567 granted for Demolition works, construction of two carparks and an increase in student numbers at an educational establishment

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

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

Regards,



Anne-Marie Young
Principal Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0314 PAN-339768
Applicant:	St Augustine's College Sydney C/- Dfp Planning Pty Ltd 11 Dartford Road THORNLEIGH NSW 2120
Property:	Lot B DP 395193 0 L Federal Parade BROOKVALE NSW 2100 Lot 100 DP 1250521 37 - 43 Federal Parade BROOKVALE NSW 2100 Lot 13 DP 568333 60 Federal Parade BROOKVALE NSW 2100
Description of Development:	Modification of Development Consent DA2021/2567 granted for Demolition works, construction of two carparks and an increase in student numbers at an educational establishment
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	19/07/2023
Date from which the consent operates:	19/07/2023

Under Section 4.55 (1) Misdescription of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Anne-Marie Young, Principal Planner

Date 19/07/2023

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-339768 MOD2023/0314	The date of this notice of determination - 19 July 2023	<p>Modification description - The application seeks to modify the following conditions</p> <p>Condition (1) (Approved Reports) so as to update the date of the approved Noise and Vibration Impact Assessment from 05.04.2021 to 05.04.2023 to reflect the relevant version of report on the Panel made the determination.</p> <p>Condition 2 (Maximum Student Numbers - construction of car parks) (a) to amend the timeframe within which to commence construction works to reflect the date the consent was issued / uploaded to the Planning Portal which was 29 May 2023 as opposed to the date of the determination by the NBLPP which was 12 May 2023.</p> <p><u>Amended conditions:</u></p> <p>Condition 1 (Approved Reports) - Noise and Vibration Assessment Project P00054 Rev 006 Dated 05.04.2023 Prepared by E-LAB Consulting</p> <p>Condition 2 (Maximum Student Numbers - construction o car parks) (a) - The construction of the Federal Parade and Alfred Road carparks are to be commenced within 90 days the consent is issued via the Planning Portal (29 May 2021)</p>
PAN-181105 DA2021/2567	Date of determination 12 May 2023	There have been no previous Modifications to the original DA.

Modified conditions

A. Condition 1 is amended to the extent as follows:

Condition No.1 - Approved Plans and supporting Documentation

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

a) Approved Plans

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By

C100 Rev 4 Demolition and Site Management Plan 60 Federal Parade	06.12.2021	Core Project Consulting
C101 Rev 4 Demolition and Site Management Plan Alfred Road	06.12.2021	Core Project Consulting
C200 Rev 4 Sediment and Erosion (SED) Control Plan and Details 60 Federal Parade	06.12.2021	Core Project Consulting
C201 Rev 4 Sediment and Erosion (SED) Control Plan and Details Alfred Road	06.12.2021	Core Project Consulting
C002 Rev 4 Area Analysis and SED Details	06.12.2021	Core Project Consulting
C300 Rev 4 Stormwater Management Plan 60 Federal Parade	06.12.2021	Core Project Consulting
C301 Rev 4 Stormwater Management Plan Alfred Road	06.12.2021	Core Project Consulting
C302 Rev 4 OSD Details 60 Federal Parade	06.12.2021	Core Project Consulting
C303 Rev 4 OSD Details Alfred Road	06.12.2021	Core Project Consulting
C304 Rev 4 Footpath and SW Pit Detail	06.12.2021	Core Project Consulting
C401 Rev 04 Car Park Layout Alfred Road	06.12.2021	Core Project Consulting
C402 Rev 4 Standard Detail Car Park	06.12.2021	Core Project Consulting
C501 Rev 4 Delineation and Line Marking Alfred Road	06.12.2021	Core Project Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Noise and Vibration Impact Assessment Project P00054 Rev 006	05.04.2023	E-LAB Consulting
Preliminary Arboricultural Impact Assessment Report Ref No 11121	14.07.2021	Rain Tree Consulting
Transport Impact Assessment Ref N19000 Issue C	12.12.2021	Stantec
Traffic and Parking Management Plan Ref N190000 Issue G	06.04.2023	Stantec
Flood Impact Assessment Rev 1	28.07.2022	Core Project Consultants
Operational Plan of Management	06.04.2023	St St Augustine's College

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

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01 Rev E Landscape Master Plan	10.11.2022	SPACE Landscape Design
L-02 Rev E Landscape Plan Sheet 1	10.11.2022	SPACE Landscape Design
L-03 Rev E Landscape Plan Sheet 2	10.11.2022	SPACE Landscape Design
L-03 Rev E Landscape Details and	10.11.2022	SPACE Landscape Design

Specifications		
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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

B. Condition 2 is amended to the extent as follows:

2. Maximum Student Numbers - construction of car parks

The maximum student numbers are limited to a maximum 1200. The maximum student numbers may be increased to 1600 on completion of both the Federal Parade and Alfred Road carparks.

On a trial basis the school can operate with a maximum number of 1560 students for period of up to 270 days from the date of this consent, subject to meeting the following criteria:

- (a) The construction of the Federal Parade and Alfred Road carparks are to be commenced within 90 days from the date the consent is issued via the NSW Planning Portal (29 May 2023).
- (b) Both carparks are to be fully constructed and operational within 180 days from the date of the commencement of construction, and
- (c) During the period from the date of the consent to the date of completion of the carparks, the traffic safety measures contained in the approved Traffic and Parking Management Plan are to be fully implemented.

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

Reason: To ensure there is sufficient carparking to support the increase in student enrolments and minimise impacts on the availability of on street carparking.

Important Information

This letter should therefore be read in conjunction with DA2021/2567 dated 12 May 2023.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.