

16 November 2022



James McBride  
Governor Philip Tower Level 21 1 Farrer Place  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** Mod2022/0396  
**Address:** Lot 2 DP 1282038 , 100 South Creek Road, CROMER NSW 2099  
Lot 3 DP 1282038 , 10 Inman Road, CROMER NSW 2099  
Lot 1 DP 1282038 , 4 - 8 Inman Road, CROMER NSW 2099  
**Proposed Development:** Modification of Development Consent 2019/1346 granted for  
Demolition works and alterations and additions to an existing  
industrial facility including new warehouse and selfstorage office  
premises and ancillary cafe

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>	Mod2022/0396
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	James McBride
<b>Land to be developed (Address):</b>	Lot 2 DP 1282038 , 100 South Creek Road CROMER NSW 2099 Lot 3 DP 1282038 , 10 Inman Road CROMER NSW 2099 Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099
<b>Proposed Development:</b>	Modification of Development Consent 2019/1346 granted for Demolition works and alterations and additions to an existing industrial facility including new warehouse and selfstorage office premises and ancillary cafe

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	16/11/2022
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The request to modify the above-mentioned Development Consent has been approved as follows:

#### **A. Add Condition No.1A - 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>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
C013674.01-DA41 Issue D.2 - Stormwater Drainage Plan - Ground Floor	20 May 2022	Costin Roe Consulting Pty Ltd
C013674.01-DA51 Issue D.2 - Finished Levels Plan - Ground Floor	20 May 2022	Costin Roe Consulting Pty Ltd

<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>
Arboricultural Letter (ref: 18EGO3T)	7 June 2022	Travers Bushfire & Ecology

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. Add Condition 25A - Amended Landscape - to read as follows:**

The latest Landscape Master Plan (Site Image Rev E Architectural Coordination dated 23/05/2022) issued as part of the Construction certificate, is to be amended in accordance with the following:

- Provision of nine (9) additional native trees.

The amended Landscape Plan is to be certified by a qualified landscape architect and provided to the certifying authority prior to issue of the Construction Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site, and provide suitable compensatory planting.

**C. Add Condition 39A - Site Auditor - to read as follows:**

The accredited site auditor assigned to the development (as per Condition 39) is to ensure that any work on site required in relation to soil and / or groundwater contamination is appropriately managed and shall include the works area approved under this consent in any reports required through the consent. Any new contaminants discovered during works shall be appropriately managed and the certifying authority notified before work continues.

Reason: To protect the environment.

**D. Add Condition 41A - Tree Removal Within Property - to read as follows:**

This consent approves the removal of the following tree within the property (as recommended and identified by tree number in the Arborist's Report dated 07/06/22):

- i) Tree 56 - *Angophora costata*, tree 57 - *Melaleuca* sp., and tree 58 *Eucalyptus piperita*,
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised building works.

**E. Add Condition 50A - Trees Condition - to read as follows:**

All tree hollows proposed for clearing are to be inspected by the Project Ecologist prior to removal. Inspection of tree hollows is to be facilitated by a qualified tree climber or arborist with the use of an elevated work platform where necessary.

The Project Ecologist is to provide written certification of compliance to the Principal Certifier prior to commencement of tree removals.

Reason: To protect native wildlife.

**F. Add Condition 58A - Landscape Completion - to read as follows:**

Nine (9) replacement native trees shall be installed as per the recommendations in the Arborist's Report (07/06/22), and inclusive of the following conditions:

- i) all tree planting shall be a minimum planting size of 100 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

## Important Information

This letter should therefore be read in conjunction with DA2019/1346 dated 17/08/20; and MOD2020/0611 dated 1/04/21.

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



Name                          Adam Susko, Principal Planner

Date                            16/11/2022