

3 August 2023

The Trustee For Ypi2b Ot3 Development Trust  
Level 10 Suite 1 56 Berry Street  
NORTH SYDNEY NSW 2060

Dear Sir/Madam

**Application Number:** Mod2023/0386  
**Address:** Lot 1 DP 1282038 , 4 - 8 Inman Road, CROMER NSW 2099  
**Proposed Development:** Modification of Development Consent DA2019/1346 granted for demolition works and alternations and additions to an existing industrial facility, including new warehouse, and self storage, office premises and ancillary café.

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,



Simon Ferguson Tuor  
**Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2023/0386 PAN-349250
<b>Applicant:</b>	The Trustee For Ypi2b Ot3 Development Trust Level 10 Suite 1 56 Berry Street NORTH SYDNEY NSW 2060
<b>Property:</b>	Lot 1 DP 1282038 4 - 8 Inman Road CROMER NSW 2099
<b>Description of Development:</b>	Modification of Development Consent DA2019/1346 granted for demolition works and alternations and additions to an existing industrial facility, including new warehouse, and self storage, office premises and ancillary café.
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	03/08/2023
<b>Date from which the consent operates:</b>	03/08/2023

Under Section 4.55 (1a) Minor Environmental Impact 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



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Name                          Simon Ferguson Tuor, Planner

Date                            03/08/2023

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-349250 Mod2023/0386	02 August 2023	<p>Modification of Development Consent DA2019/1346 granted for demolition works and alternations and additions to an existing industrial facility, including new warehouse, and self storage, office premises and ancillary café.</p> <p>Condition 70 amended to defer the registration of the café (food business) until such time as the fit out is complete.</p> <p>Condition 1 amended to include the updated Level 1 Floor Plan which references the changes to Condition 70.</p>
Mod2022/0452	15 December 2022	<p>Modification to amend 2019/1346 for fitout of an existing office building including internal and external alterations</p> <p>A. Add Condition No.1B - Modification of Consent - Approved Plans and supporting Documentation            B. Add Condition 57A Additional Contamination            C. Add Condition 70A Kitchen Design, Construction and Fitout of Food Premises Certification            D. Add Condition 71A Registration of Food Business</p>
Mod2022/0396	16 November 2022	<p>Modification to amend DA2019/1346 for the removal of additional trees.</p> <p>A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation            B. Add Condition 25A - Amended Landscape            C. Add Condition 39A - Site Auditor            D. Add Condition 41A - Tree Removal Within Property            E. Add Condition 50A - Trees Condition            F. Add Condition 58A - Landscape Completion</p>
Mod2020/0611	1 April 2021	<p>Modification Application 2020/0611 to amend DA2019/1346 stormwater conditions of the parent consent.</p> <p>A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation            B. Modify Condition 2 - Compliance with Other Department, Authority or Service            C. Modify Condition 13 - On-site Stormwater Detention Details            D. Modify Condition 18 - Stormwater Drainage Application            D. Modify Condition 77 - Certification for the Installation of Stormwater Treatment Measures</p>

### Modified conditions

**A. Add Condition 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>
DA204 - Level 1 Floor Plan - Rev12	11.07.2023 (date received)	SBA Architects

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

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

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

**B. Modify Condition 70 - Registration of Food Business to read as follows:**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued in connection with the construction certificate for the fit out for the café.

Reason: Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

**Important Information**

This letter should therefore be read in conjunction with **DA2019/1346** - dated 17 August 2020.  
**Mod2020/0611** - dated 1 April 2021.  
**DA2021/1464** - dated 23 February 2022.  
**Mod2022/0396** - dated 16 November 2022.  
**Mod2022/0452** - dated 15 December 2022..

**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.