

21 December 2023



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

Dear Sir/Madam

Application Number: Mod2023/0531
Address: Lot B DP 395193 , 24 Alfred Road, 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 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.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Michael French
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0531 PAN-375437
Applicant:	St Augustine's College Sydney C/- DFP Planning 11 Dartford Road THORNLEIGH NSW 2120
Property:	Lot B DP 395193 24 Alfred Road 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 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:	21/12/2023
Date from which the consent operates:	21/12/2023

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



Name Michael French, Planner

Date 21/12/2023

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
Mod2023/0531	The date of this notice of determination	Modification of Development Consent DA2021/2567 granted for Demolition works, construction of two carparks and an increase in student numbers at an educational establishment.
Mod2023/0314	19 July 2023	<p>Modification of Development Consent DA2021/2567 granted for Demolition works, construction of two carparks and an increase in student numbers at an educational establishment.</p> <p>Amendment of Condition 1 - <i>Approved Plans and supporting Documentation</i></p> <p>Amendment of Condition 2 to read as follows: <i>Maximum Student Numbers - construction of car parks</i></p> <p>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:</p> <p>(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).</p> <p>(b) Both carparks are to be fully constructed and operational within 180 days from the date of the commencement of construction, and</p> <p>(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.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of final Occupation Certificate.</p> <p>Reason: To ensure there is sufficient carparking to support the increase in student enrolments and minimise impacts on the availability of on street carparking.</p>

Modified conditions

A. Modify Condition 17 - Amendments to the Approved Plans, to read as follows:

The following amendments are to be made to the plans:

- (a) 60 Federal Parade car park - The paved material finish is to be drivable grassed pavers within the 6.5m front setback, or two parking space widths; to coordinate with parking bays and the remaining paving is to be water permeable paving.
- (b) Alfred Street / Gulliver Street car park - The paved material finish is to be drivable grassed pavers within the front setback to Gulliver Street, or one parking space widths; to coordinate with parking bays and the remaining paving is to be water permeable paving.
- (c) The fence height and any gates to the Alfred Street / Gulliver Street car park are to be a maximum 2.2m above footpath level.
- (d) A gated pedestrian entry separated from the vehicular entry is to be provided. The gate is to be the same height as the front fence. No gates are to encroach over the property boundary when opening, closing, or stationary.
- (e) A clear path of travel for pedestrians is to be provided from the public footpath.
- (f) The fence height and any gates to the Federal Street car park are to be a maximum 2.2m above footpath level, and set back a minimum of 1.5m from the front boundary line.
- (g) Screen planting shall be inserted between the Federal Street Carpark front fence and the front boundary line. The selected planting is to comprise of native species capable of attaining a minimum height of 2.2m at maturity. This planting should screen the entire length of the fence, excluding the length of any gates, such that pedestrian and vehicle access is not restricted.

The modifications are to be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To minimise the visual impact of development on and improve the visual quality of the streetscape and to aid water infiltration and protect the natural environment and to ensure that development maintains and enhances the security and safety of the community.

Important Information

This letter should therefore be read in conjunction with DA2021/2567 dated 12 May 2023 and Mod2023/0314 dated 19 July 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.