

25 July 2023



The Trustee For Brookvale Studios Unit Trust
C/- Aaron Sutherland Po Box 814
BOWRAL NSW 2576

Dear Sir/Madam

Application Number: Mod2023/0230
Address: Lot 1 DP 1284167 , 101 - 105 Old Pittwater Road, BROOKVALE
NSW 2100
Proposed Development: Modification of Development Consent DA2022/0717 granted for
Demolition works and construction of a mixed use development
comprising self-storage units and industrial units including lot
consolidation

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,



Alex Keller
Principal Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2023/0230 PAN-326108
Applicant:	The Trustee For Brookvale Studios Unit Trust C/- Aaron Sutherland Po Box 814 BOWRAL NSW 2576
Property:	Lot 1 DP 1284167 101 - 105 Old Pittwater Road BROOKVALE NSW 2100
Description of Development:	Modification of Development Consent DA2022/0717 granted for Demolition works and construction of a mixed use development comprising self-storage units and industrial units including lot consolidation
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	24/07/2023
Date from which the consent operates:	24/07/2023

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 Alex Keller, Principal Planner

Date 24/07/2023

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Description
DA2022/0717	1.2.2023	Development Consent ("the DA Consent")
MOD2023/0230	The date of this notice of determination	Modification to Condition 1 & 2 (Approved plans and documents / Service referrals) to the DA consent. Modification to condition 25.

Modified conditions

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation, to read as follows:

"1A. Modification of Consent - 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) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA00.01 - A Proposed Site Plan	17.4.2023	RotheLowman
DA00.03 - A Existing / Demolition Plan	17.4.2023	RotheLowman
DA01.01 - C Basement	17.4.2023	RotheLowman
DA01.02 - C Ground Floor	17.4.2023	RotheLowman
DA01.03 - A Ground Mezzanine	17.4.2023	RotheLowman
DA01.04 - C Level 1	17.4.2023	RotheLowman
DA01.05 - B Level 1 Mezzanine	17.4.2023	RotheLowman
DA01.06 - B Roof	17.4.2023	RotheLowman
DA02.01 - B Elevation Sheet 1	17.4.2023	RotheLowman
DA02.02 - B Elevation Sheet 2	17.4.2023	RotheLowman
DA03.01 - B Sections	17.4.2023	RotheLowman
DA06.02 - A Signage Details	17.4.2023	RotheLowman

Engineering Plans		
Drawing No.	Dated	P
21W12_S4.55_C000 - 1 Coversheet, Drawing Schedule, Notes and Locality Sketch	26.4.2023	H
21W12_S4.55_C101 - 1 Basement Detail Plan	26.4.2023	H
21W12_S4.55_C102 - 1 Ground Floor Detail Plan	26.4.2023	H

21W12_S4.55_C103 - 1 Level 1 Detail Plan	26.4.2023	F
21W12_S4.55_C200 - 1 Stormwater Miscellaneous Details and Pitt Lid Schedule	26.4.2023	F
21W12_S4.55_C201 - 2 OSD Tank Plan, Section and Details	12.7.2023	F
21W12_S4.55_C250 - 1 Drains Catchment Plan	26.4.2023	F
21W12_S4.55_C251 - 1 Music Catchment Plan	26.4.2023	F
21W12_S4.55_SE01 -1 Sediment and Erosion Control Plan	26.4.2023	F
21W12_S4.55_SE02 - 1 Sediment and Erosion Control Typical Sections and Details	26.4.2023	F

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 No.2B Compliance with Other Department, Authority or Service Requirements, to read as follows:

"2B. Compliance with Other Department, Authority or Service Requirements,

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response - Network Standard	15.5.2023
Ausgrid	Ausgrid Referral Response - Overhead and Underground Cables	15.5.2023
WaterNSW	WaterNSW Referral Response (General Terms of Approval)	12.7.2022

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies."

C. Modify Condition No.25 On-Site Stormwater Detention Details, to read as follows:

"25. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's WATER MANAGEMENT POLICY for DEVELOPMENT, and generally in accordance with the concept drainage plans prepared by *Henry and Hymas*, drawing numbers 21W12 DA C101 Rev 01, 21W12 DA C102 REV 02, 21W12 DA DA C103 REV 03, 21W12 DA DA C200 REV 02, 21W12 DA DA C 201 REV 03, 21W12 DA DA C250 REV 03, dated 11/4/22 as modified by Engineering Plans cited in Condition '1A. Modification of Consent - Approved Plans and supporting Documentation' .

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) or Professionals Australia and registered in the General Area of Practice for civil engineering.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development."

Important Information

This letter should therefore be read in conjunction with DA2022/0717 dated 1.2.2023.

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.