

10 January 2024



Coles Supermarkets Australia Pty Ltd  
Level 6 120 Sussex Street  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** Mod2023/0604

**Address:** Lot 101 DP 1144021 , 377 - 381 Barrenjoey Road, NEWPORT NSW 2106  
Lot 102 DP 1144021 , 377 - 381 Barrenjoey Road, NEWPORT NSW 2106  
LOT 1 S/P 82884 , 1 / 377 - 381 Barrenjoey Road, NEWPORT NSW 2106  
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LOT 21 S/P 82884 , 21 / 377 - 381 Barrenjoey Road, NEWPORT NSW 2106

**Lot CP SP 82884 , 377 - 381 Barrenjoey Road, NEWPORT NSW  
2106**

**Proposed Development: Modification of Development Consent N0599/03 granted for  
Demolition and construction of a shop top housing development  
consisting of supermarket, three retail units and 21 residential  
units and Strata Subdivision.**

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Claire Ryan  
**Principal Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2023/0604 PAN-385126
<b>Applicant:</b>	Coles Supermarkets Australia Pty Ltd Level 6 120 Sussex Street SYDNEY NSW 2000
<b>Property:</b>	<p>Lot 101 DP 1144021 377 - 381 Barrenjoey Road NEWPORT NSW 2106 Lot 102 DP 1144021 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 1 S/P 82884 1 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 1 S/P 82884 1 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 2 S/P 82884 2 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 2 S/P 82884 2 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 3 S/P 82884 3 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 3 S/P 82884 3 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 4 S/P 82884 4 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 4 S/P 82884 4 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 5 S/P 82884 5 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 5 S/P 82884 5 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 6 S/P 82884 6 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 6 S/P 82884 6 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 7 S/P 82884 7 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 7 S/P 82884 7 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 8 S/P 82884 8 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 8 S/P 82884 8 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 9 S/P 82884 9 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 9 S/P 82884 9 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106 LOT 10 S/P 82884 10 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106</p>

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<b>Description of Development:</b>	<p>Modification of Development Consent N0599/03 granted for Demolition and construction of a shop top housing development consisting of supermarket, three retail units and 21 residential units and Strata Subdivision.</p>

<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	10/01/2024
<b>Date from which the consent operates:</b>	10/01/2024

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

Claire Ryan, Principal Planner

Date

10/01/2024

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-385126 Mod2023/0604	The date of this notice of determination	Modification of conditions of consent.  Modified Condition: <ul style="list-style-type: none"> <li>Condition D26</li> <li>Condition D236</li> </ul>
N0599/03/S96/4	18 October 2012	Various minor modifications.
N0599/03/S96/3	16 October 2008	
N0599/03/S96/2	15 June 2006	
N0599/03/S96/1	8 August 2005	

### Modified conditions

#### A. Modify Condition D62 to read as follows:

All deliveries to the loading dock are to occur and be supervised in accordance with the approved Loading Dock Management Plan, prepared by Transport Management Consulting, Version 1.1, dated 20 July 2023.

Reason: Safe vehicular access.

#### B. Modify Condition D236 to read as follows:

All vehicle ingress and/or egress activities for the loading dock are to be undertaken in accordance with the approved Loading Dock Management Plan, prepared by Transport Management Consulting, Version 1.1, dated 20 July 2023. Vehicle queuing on public road is not permitted.

Reason: Safe vehicular access.

## Important Information

This letter should therefore be read in conjunction with N0599/03 dated 22 July 2004, N0599/03/S96/1 dated 8 August 2005, N0599/03/S96/2 dated 15 June 2006, N0599/03/S96/3 dated 16 October 2008, and N0599/03/S96/04 dated 18 October 2012.

## 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.