

7 November 2024



Lex Pedersen
C/- Mhdp Level 2 271 Alfred Street North
NORTH SYDNEY NSW 2060

Dear Sir/Madam

Application Number: Mod2024/0491
Address: Lot 3 DP 617781 , 69 Bassett Street, MONA VALE NSW 2103
Proposed Development: Modification of consent DA2023/1068 granted for demolition and construction of mixed use development including self-storage and a take-away food and drink premises

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,



Olivia Ramage
Planner

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2024/0491 PAN-468239
Applicant:	Lex Pedersen C/- Mhdp Level 2 271 Alfred Street North NORTH SYDNEY NSW 2060
Property:	Lot 3 DP 617781 69 Bassett Street MONA VALE NSW 2103
Description of Development:	Modification of consent DA2023/1068 granted for demolition and construction of mixed use development including self-storage and a take-away food and drink premises
Determination:	Approved Consent Authority: Northern Beaches Council
Date of Determination:	07/11/2024
Date from which the consent operates:	07/11/2024

Under Section 4.55 (2) 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 Olivia Ramage, Planner

Date 07/11/2024

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-468239	The date of this notice of determination	Modification of Development Consent DA2023/1068 granted for Demolition works and construction of a mixed use development including self-storage units and a take away food and drink premises Add Condition No.3A - Modification of Consent - Approved Plans and supporting documentation Delete Condition No.12 - Amended Landscape Plan Delete Condition No.25 - Vehicle Access & Parking Amend Condition No.28 - Building Code of Australia Fire Safety Requirements Amend Condition No.29 - Access and Facilities for Persons with Disabilities Add Condition No.37A - Hazardous Materials Add Condition No.40A - Tree Removal Within the Road Reserve Add Condition No.51A - Off-site Disposal of Contaminated Soil - Chain of Custody Add Condition No.51B - Requirement to Notify about New Contamination Evidence Add Condition No.51C - Protection of Existing Street Trees Amend Condition No.53 - Landscape Completion Add Condition No.66A - Fire Safety Matters Delete Condition No.78 - Staff and Patronage

Modified conditions

A. Add Condition No.3A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A101	E	Ground Floor Plan	MHDP Architects	August 2024
A102	E	First Floor Plan	MHDP Architects	August 2024
A103	E	Second Floor Plan	MHDP Architects	August 2024
A104	E	Roof Plan	MHDP Architects	August 2024

A201	D	North Elevation	MHDP Architects	August 2024
A202	D	South Elevation	MHDP Architects	August 2024
A203	D	East Elevation	MHDP Architects	August 2024
A204	D	West Elevation	MHDP Architects	August 2024
A301	B	Section A-A	MHDP Architects	July 2024
DA-2413-01	A	Ground Floor Landscape Plan	Sturt Noble Associates	6 August 2024
DA-2413-02	A	Level 2 Landscape Plan	Sturt Noble Associates	6 August 2024
DA-2413-05	A	Planting Schedule	Sturt Noble Associates	6 August 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Building Code of Australia 2022 Compliance Report	R1.7	Ai Consultancy	5 September 2024
Re: 69 Basset St Mona Vale NSW	-	Urban Research and Planning	27 August 2024
Targeted Contamination Assessment	245012	5QS Consulting Engineers	15 August 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Delete Condition No.12 - Amended Landscape Plan

C. Delete Condition No.25 - Vehicle Access & Parking

D. Amend Condition No.28 - Building Code of Australia Fire Safety Requirements to read as follows:

The National Construction Code (NCC)/ Building Code of Australia fire safety requirements as detailed and recommended in the Building Code of Australia 2022, Compliance Report prepared by Ai Consultancy, dated 05/09/2024, Report Ref No. 22059B - R1.7 are to be considered as part of the assessment of the Construction Certificate.

Details demonstrating compliance are to be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building

occupant health & safety.

E. Amend Condition No.29 - Access and Facilities for Persons with Disabilities to read as follows:

Access and facilities to and within the building are to be provided as required for Persons with a Disability in accordance with the Building Code of Australia and AS1428. In this regard the Access Report prepared by Ai Consultancy dated 4/4/2023, Ref No. 22113-R1.1 is to be taken into consideration as part of the assessment of the Construction Certificate. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

F. Add Condition No.37A - Hazardous Materials to read as follows:

A hazardous building materials survey is to be conducted by a suitably qualified and experienced person prior to the commencement of any demolition works on the site. The survey must investigate (but is not limited to) the following: asbestos, lead, synthetic mineral fibre (SMF) and polychlorinated biphenyls (PCBs).

The results of the survey must be provided to Council and the Principal Certifier in written report form prior to the issue of a construction certificate. The report must also include a Hazardous Building Materials Register specific to the site with recommendations for the safe management/removal of each type of hazardous building material/substance identified.

Reason: Protection of the environment and human health.

G. Add Condition No.40A - Tree Removal Within the Road Reserve to read as follows:

a) this consent approves the removal of existing trees within the road reserve as listed below:

i) 1 x Bottlebrush tree on Tengah Crescent and 1 x Bottlebrush tree on Bassett Street as shown on drawing DA-2413-01 Issue A by Sturt Noble dated 06/08/2024.

b) a qualified AQF level 5 Arborist or the Landscape Architect shall identify these trees on site and tag or mark prior to removal.

c) removal of the approved tree/s by the applicant in the road reserve shall only be undertaken by a Council approved tree contractor. Details of currently approved tree contractors can be obtained from Northern Beaches Council's Trees Services business unit prior to removal.

Reason: Public liability.

H. Add Condition No.51A - Off-site Disposal of Contaminated Soil - Chain of Custody to read as follows:

'Chain of Custody' documentation including receipts shall be kept for the exportation of waste (fill and/or soil material) from the site.

Details demonstrating compliance are to be submitted to the Crown Certifier within seven (7) days of transport and made available to Council upon request.

Reason: For protection of environment.

I. Add Condition No.51B - Requirement to Notify about New Contamination Evidence to read as follows:

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifier.

Reason: To protect human health and the environment.

J. Add Condition No.51C - Protection of Existing Street Trees to read as follows:

a) the 1 x *Leptospermum* street tree on Tengah Crescent (as shown on drawing DA-2413-01 Issue A by Sturt Noble dated 06/08/2024) shall be retained during all construction stages, and the street tree fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS 4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

b) all street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

K. Amend Condition No.53 - Landscape Completion to read as follows:

Landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings DA-2413-01, DA-2413-02, and DA-2413-05 Issue A by Sturt Noble dated 06/08/2024), and inclusive of the following conditions:

- a) tree, shrub and groundcover planting within the property boundary shall be installed as indicated on the approved Landscape Plan(s),
- b) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, 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 2.5 metres from buildings or more, and located either within garden bed or within a prepared bed within lawn,
- c) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

Note: landscape works within the road reserve verge is subject to section 138/139 approval and conditions.

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

Reason: Environmental amenity.

L. Add Condition No.66A - Fire Safety Matters to read as follows:

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

M. Delete Condition No.78 - Staff and Patronage

Important Information

This letter should therefore be read in conjunction with DA2023/1068 dated 27 March 2024.

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.