

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2025/0018
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 5B DP 158658, 58 Beaconsfield Street NEWPORT NSW 2106 Lot 6 DP 1096088, 56 Beaconsfield Street NEWPORT NSW 2106 Lot 7B DP 162021, 54 Beaconsfield Street NEWPORT NSW 2106
Proposed Development:	Modification of Development Consent DA2023/1869 granted for Demolition works and construction of a Residential Flat Building including the consolidation of 3 lots into 1 lot
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	Jak Newport Pty Ltd

Application Lodged:	12/02/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	30/04/2025 to 28/05/2025
Advertised:	30/04/2025
Submissions Received:	1
Clause 4.6 Variation:	Not Required for Modification
Recommendation:	Approval

EXECUTIVE SUMMARY

This application seeks consent to modify DA2023/1869 for the demolition of existing dwellings, consolidation of three lots into one, and construction of a 13-unit residential flat building at 54-58 Beaconsfield Street, Newport.

The modification involves many relatively minor changes to the external elements of the building,

whilst largely maintaining the external configuration and envelope. There are increases in the height of the building, reconfiguration of floorplans for some units and an increase in floorspace within a void in the basement to create storage areas.

The application has been referred to the Northern Beaches Local Planning Panel (NBLPP) as the extent of modification proposes a further variation to the 'Height of Buildings' development standard under Clause 4.3 of the Pittwater Local Environmental Plan (PLEP) 2014, which is greater than 10% and that approved under DA2023/1861. The application is also required to be referred to the NBLPP as it constitutes a Section 4.55(2) modification to a development originally determined by the NBLPP.

The height breach predominantly arises from the introduction of enclosed lobbies to the lifts which access the roof top terraces. The extent of non-compliance with the 8.5 metres height standard ranges from:

- 0.2 metres (2.3%) for the southern awning;
- Up to 2.601 metres (30.6%) for the western lift overrun.

The building height breaches introduced under this application occur in part as a consequence of an increased in slab thicknesses and a need to meet the required internal ceiling heights and setbacks for wet areas and doors.

The additional building elements on the roof which breach the building height limit have been integrated into the built form, being centrally positioned within the roof form in which they do not appreciably increase the building bulk and mass. They also provided for enhanced access to the communal areas of the roof, given rise to an increase of amenity to these areas.

The application was notified in accordance with the Northern Beaches Community Participation Plan. One submission was received during the notification period.

The application was referred to the Design and Sustainability Advisory Panel. While the Panel raised no objection to the proposed variation in building height, however raised concerns with regard to the layout of ground floor Units G01 and G02. These issues have been addressed with amended plans which overcome the concerns DSAP.

Overall, the proposed modifications represents a series of design refinements to the approved development which are typical type amendments made to a development of this scale when it proceeds from DA approval to Construction Certificate stage.

It is recommended that the Northern Beaches Local Planning Panel approve the application, subject to the amended conditions outlined in this report.

PROPOSED DEVELOPMENT IN DETAIL

The proposal, as amended seeks to modify the approval for development as follows:

- Reconfiguration of internal apartment layouts;
- Extension of the basement shoring wall to the ground floor subterranean area;
- Amendments to the glazing line on the south-facing balconies of Units 105 and 205;
- Addition of skylights to Units 201, 203, 204, and 205;
- Increase in the lift overrun height and floor-to-floor heights to improve buildability;
- Provision of lift and stair enclosures at the roof terrace level to address weatherproofing requirements;
- Amendments to the driveway gradients;
- Increase in the reduced level (RL) of the lift lobby;
- Addition of storage rooms at the rear of the ground floor;
- Inclusion of a gym on the ground floor with connecting stairs and hallway to each lobby;
- Enclosure of Fire Stair 01 at the ground floor level to ensure BCA compliance, providing fire-isolated access to the fire pump room;
- Amendments to the external entries for Lobbies A and B;
- Lowering of Roof Terrace C to the level of Roof A Lobby for accessibility compliance; and
- Amendments to basement storage areas.

The above is as per amended plans received on 19 June 2025. In accordance with Council's Community Participation Plan, the amended plans did not require re-notification, as they amounted to lesser environmental impact than the original plans for this application.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings

Pittwater Local Environmental Plan 2014 - 4.5A Density controls for certain residential accommodation

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - B8.6 Construction and Demolition - Traffic Management Plan

Pittwater 21 Development Control Plan - C1.3 View Sharing

Pittwater 21 Development Control Plan - C1.7 Private Open Space

Pittwater 21 Development Control Plan - C1.25 Plant, Equipment Boxes and Lift Over-Run

Pittwater 21 Development Control Plan - D10.4 Building colours and materials

Pittwater 21 Development Control Plan - D10.14 Fences - General

SITE DESCRIPTION

Property Description:	<p>Lot 5B DP 158658 , 58 Beaconsfield Street NEWPORT NSW 2106</p> <p>Lot 6 DP 1096088 , 56 Beaconsfield Street NEWPORT NSW 2106</p> <p>Lot 7B DP 162021 , 54 Beaconsfield Street NEWPORT NSW 2106</p>
Detailed Site Description:	<p>The subject site consists of three existing lots at Nos. 54 - 58 Beaconsfield Street. The site is current under construction with the recent demolition of the three dwelling houses and associated structures.</p> <p>The sites have a combined frontage of approximately 62 metres and a variable depth of between 31.155 metres and 38.975 metres and a total site area of 2,113.5m². The topography slopes down from the north-east (rear) to the south-west (street) with a fall of approximately 8 metres across the length of the site.</p> <p>There are a number of significant trees primarily located at the front of the site.</p> <p>The land is zoned R3 Medium Density Residential and a 'Residential Flat Building' is permitted with consent in the zone.</p> <p>Detailed Description of Adjoining/Surrounding Development</p>

As stated above, the subject site is zoned R3 and is the last of the lots to be developed in this south-eastern end of the R3 zone. No. 60 Beaconsfield Street - to the west is No. 60 Beaconsfield Street, a dual frontage site amalgamated from six (6) individual lots. This site contains a recently approved and constructed Multi-Unit Housing development (DA2019/1280). The development comprises a townhouse-style building with 18 x 3-bedroom dwellings and basement car parking for 43 vehicles. Approval was granted by the *Northern Beaches Local Planning Panel* on 23 April 2020. Key elements of this development include a 12.9% (9.6 metres) building height variation for the canopies above rooftop terraces. Nos. 15-17 Queens Parade - to the north is 15-17 Queens Parade, consists of multi-unit housing development comprising 7 townhouses.

The subject site adjoins low density residential to the south and east and will be the transitional site to the low-density residential zone extending to the east.

Other adjoining development within the Locality consists of:

- Newport Hotel (on Kalinya Street to the west)
- Kalinya Street E1 Local Centre zone to the west
- Newport Public School (60m to the east)
- Newport Anchorage Marina (on Beaconsfield Street to the southwest)

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- **PLM2023/0084** - Pre-lodgement for demolition works and construction of a Residential Flat Building.
- **DA2023/1869** - Demolition works and construction of a Residential Flat Building including the consolidation of 3 lots into 1 lot approved via NBLPP on 2 October 2024.
- **CC2025/0194** - Construction Certificate (CC) relates to shoring and excavation as part of construction of a residential apartment building comprising part 2 and part 3 over basement carpark issued 28 February 2025.
- **CC2025/0503** - Construction Certificate (CC) relates to slab on ground and ground structural works) issued on 30 May 2025.

HISTORY OF CURRENT APPLICATION

24 March 2025

The Applicant, submitted information which attempted to address issues raised by Council's Traffic Engineer within their preliminary assessment.

1 April 2025

The Applicant, submitted information which attempted to address issues raised BCA, Access, Traffic Reports to address issues raised by Council's Building Surveyor and Traffic Engineer within their preliminary assessments.

11 April 2025

The Applicant, unsolicited submitted amended Architectural Plans, Design Verification Statement, SEPP 65 Assessment and a Statement of Modification which included substantial changes to the original modification plans.

The OSD was also relocated from the entry pathway to Lobby A to the western side of the building.

17 April 2025

The Application was re-notified and re-advertised given the amended information and architectural plans

22 April 2025

Amended stormwater plans submitted by the applicant, in response to further comment from Council's Development Engineer.

1 May 2025

Referral response from Council's Building Surveyor is received supporting the application, subject to Conditions.

8 May 2025 - Senior Development Engineer Referral Response (Amended Plans)

Referral response from Council's Development Engineer is received not supporting the amended relocation of the OSD system on the western side of the building as in conflict with the approved landscaping plans (DA2023/1869) by Wyer and Co (Landscape Architect and Design).

12 May 2025 - Senior Landscape Architect

Referral response from Council's Senior Landscape Architect is received not supporting the amended relocation of the OSD system on the western side of the building as in conflict with the approved landscaping plans (DA2023/1869) by Wyer and Co (Landscape Architect and Design).

22 May 2025 - Design and Sustainability Advisory Panel Meeting

The Panel provided the following comments:

"The Panel does not support the proposal in its current form because the modification to the ground floor apartment layout diminishes or detracts from the design quality of the original development. Redesign of the apartment layouts to Apartments G01 and G01 is required."

26 May 2025 - Request for Information requested by Council

Council wrote to the applicant, raising concerns primarily in non-compliance with the Apartment Design Guide (ADG), relocation of the On-site Detention (OSD) System and updating landscaping plans.

28 May 2025 - Amended Plans

Amended information is submitted by the applicant relocating the OSD system under the entry pathway.

4 June 2025 - Referral Response from Council's Senior Development Engineer

"The amended stormwater management plans as prepared by Goldfish and Bay are now acceptable as the On site stormwater detention tank has now been relocated from the landscaping area to the hard paved pedestrian front access area. No objections subject to conditions."

6 June 2025 - Amended Plans

Amended plans were submitted to Council on 6 June 2025. These plans involved the following changes:

- Entry footpath to Lobby B narrowed to 2.9 metres from 5 metres;
- Relocation of OSD system from the western side of the building back to entry footpath to Lobby A; and
- Updated Landscape Plans.

11 June 2025 - Referral response from Council's Senior Landscape Architect

"Architectural Plans are submitted that responds to the concerns previously raised with the width of the eastern entrance footpath reduced. No Landscape Plans were submitted as requested to co-ordinate all plans and thus a condition shall be imposed for co-ordinated Landscape Plans to ensure consistency with the front setback landscape setting outcomes."

19 June 2025 - Amended Plans and Design Verification Statement

Amended plans were submitted to Council on 19 June 2025. The revised plans include the following key changes:

- Removal of the flex room (bedroom) from Unit G01 to improve internal amenity, particularly daylight and ventilation to the kitchen area.
- Removal of the internal connections between Units G01, G02, and G03 and their respective storage rooms. These storage areas are now accessed via the shared storage corridors located at the rear of the building.
- Updated Design Verification Statement.

20 June 2025 – Updated BASIX Certificate

- An updated BASIX Certificate was submitted to reflect the recent changes made to the proposed development.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2023/1869, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and

Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2023/1869 for the following reasons:</p> <ul style="list-style-type: none"> • The proposed use and residential density remain unchanged from that originally approved. • The building form, footprint, height, floor space, car parking, landscaping, and drainage arrangements are not materially altered, despite the breach to the maximum building height. • The modifications maintain the previously approved—and intended—residential amenity outcomes for surrounding properties, including in relation to privacy, visual bulk, acoustic privacy, overshadowing, and view sharing.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2023/1869 was referred to Water NSW as integrated development, due to the presence of ground water and the need to de-water the basement. By way of letter dated 25 February 2025, Water NSW advised that the extent and scope of amendment to the proposed development did not alter the extent of approved impact on ground water and as such they had no objection the proposed modifications, no was it necessary that they provide any further amended or further conditions.
(c) it has notified the application in accordance with:	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental

Section 4.55 (2) - Other Modifications	Comments
(i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on “Notification & Submissions Received” in this report.

Section 4.55 (3) Assessment

Under Section 4.55(3) of the *Environmental Planning and Assessment Act 1979*, in determining an application to modify a development consent, the consent authority must consider the relevant matters set out in Section 4.15(1), as well as the reasons given for the original grant of consent.

Council has assessed the modified development against the original determination, including the proposed variations to building height. The assessment has considered the suitability of the development for the site, its environmental impacts, and all other relevant matters.

Section 4.55(3) serves to ensure that any modifications—whether minor or more substantial—are assessed within the framework of the broader planning principles in Section 4.15(1) and the reasons for determination of the consent which is now sought to be modified.

4.15(1) includes consideration of:

- The likely impacts of the development, including environmental, social, and amenity impacts;
- The suitability of the site for the development;
- The objectives of applicable planning controls;
- Any submissions received; and
- The public interest.

Having regard to these considerations, the modified development is considered to remain appropriate for the site.

In the Local Planning Panel's granting of consent, the reasons for determination were: *The Panel agrees generally with the Assessment Report, subject to the above*

The Assessment report concluded that: *the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.*

The reasons for granting of the original consent have been considered in the assessment of this modification application. The proposed changes will result in a modified development that will not conflict with the original reasons for the granting of consent.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 (2) the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification statement from the building designer at lodgement of the development application. An amended design verification statement has been submitted.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>request additional information. In this case, further information was requested in relation to non-compliances with the Apartment Design Guide (ADG), the relocation of the On-Site Detention (OSD) system, updated landscape plans, updated architectural plans, updated BASIX Certificate and updated Design Verification Statement.</p> <p>In response, the applicant submitted amended architectural and stormwater plans, which have been reviewed and addressed through the recommended conditions of consent. However, updated landscape plans were not provided. As such, Council's Senior Landscape Architect has recommended a condition requiring the submission of satisfactory landscape plans which will be included within the recommended consent conditions. Additionally, a revised BASIX Certificate and design verification certificate have also been submitted by the applicant.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter was previously addressed through a condition of consent included in the original approval (DA2023/1869) and remains applicable.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter was previously addressed through a condition of consent included in the original approval (DA2023/1869) and remains applicable.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a recommended conditions of consent.</p> <p><u>Section 102 of the EP&A Regulation 2021</u>, a Design Verification Statement has been lodged with the application. Additionally, an amended BASIX Certificate has been submitted and reviewed by Council. Both documents have been considered as part of the assessment and the BASIX Certificate will be referenced in the recommended conditions of consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 'Matters for Consideration'	Comments
	(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 30/04/2025 to 28/05/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mrs Sandra Fraser-Hills	1 / 9 Queens Parade NEWPORT NSW 2106

The issues raised in submissions are addressed as follows:

- ***Building height; lift overruns and floor to floor height increases***

The submissions raised concerns that the proposal does not comply with building height due to lift overruns protruding the height plane due to headroom required for the lift overruns and also increases to floor to floor heights.

Comment: The majority of the building's footprint and envelope complies with the building height development standard. The areas of non-compliance are limited to the eastern and western lift overruns, the eastern stair enclosure, portions of planter boxes surrounding the communal open spaces on the rooftop, and the southern awning over the balcony of Unit 204. Notably, the lift overruns provide necessary access—including disability access—to the rooftop communal open spaces, which is a requirement under the Apartment Design Guide (ADG).

According to information submitted with the application, the specified lift requires a 3.58 metres headroom (lift overrun). This headroom accommodates the lift car's upward travel and the necessary machinery and safety equipment. Headroom requirements typically range from 3.5 metres to 6 metres for buildings up to 25 storeys, depending on lift type (e.g., hydraulic or traction), building height, and lift speed. The proposed 3.58 metres height is therefore at the lower end of the acceptable range and considered reasonable in this context.

Additionally, the increased floor-to-floor heights are intended to provide a flush transition between internal living spaces and balconies/communal areas, while still achieving a clear ceiling height of 2.7 metres in all habitable rooms. This results in a floor-to-floor height of 3.2 metres between the Ground and Level 01 and from Level 01 to Level 02, and 3.3m between Level 02 and the roof terrace.

Given the above, the proposed lift headroom and floor-to-floor heights are considered reasonable. They support a high level of internal amenity for future occupants without resulting in any significant adverse visual or amenity impacts on adjoining properties or the Beaconsfield Street streetscape.

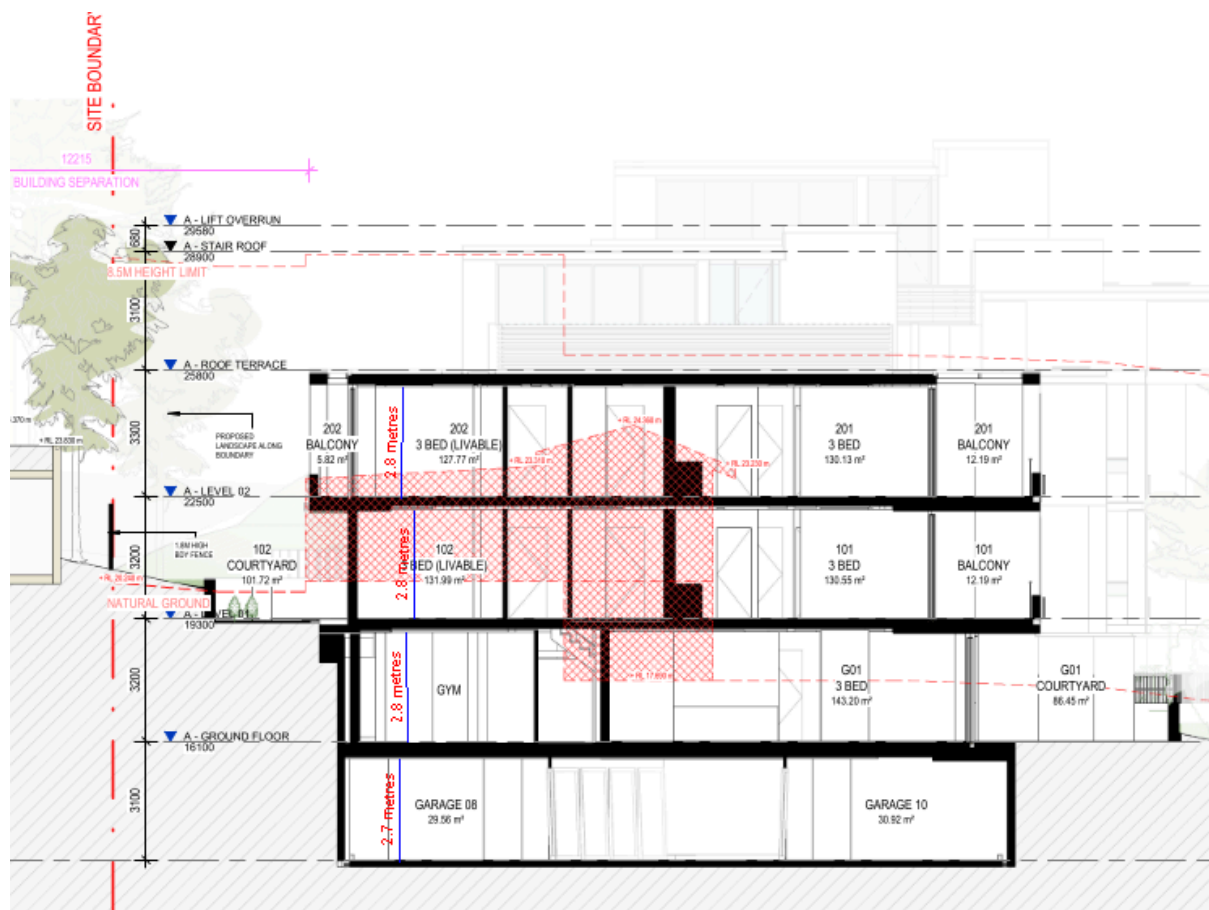


Figure 1 - Section 02 from Architectural Plans

The applicant has sought a variation to the building height development standard under Clause 4.3 Height of Buildings of the PLEP 2014. An assessment of this request is provided later in this report and concludes that the proposed variation is reasonable. In summary, the exceedance in height will not result in any unreasonable visual or amenity impacts.

Additionally, an assessment of view impacts, also contained later in this report, finds that the proposal will not result in any unreasonable loss of views.

REFERRALS

Internal Referral Body	Comments
Design and Sustainability Advisory Panel	<p><i>Unsupported of plans prior to amendments in response to Panel minutes</i></p> <p>General The July 2023 DSAP Charter states “<i>section 4.55 applications to modify an approval where the Design & Sustainability Advisory Panel provided advice will not be referred to the Panel for review (except where significant design changes are proposed).</i>”</p> <p>SEPP Housing 2021 Section 146 (2) requires Council to refer the modification application to the design review panel for advice before determining the modification application as the qualified designer has changed. Section 146 (4) requires the design review panel to advise whether the modification— “<i>(a) diminishes or detracts from the design quality of the original development, or</i> <i>(b) compromises the design intent of the original development.</i>”</p> <p>The Panel is of the view that the modification of the apartment layouts on the ground floor detracts from the design quality of the original development.</p> <p>Strategic context, urban context: surrounding area character Front building lines remain as approved.</p> <p><u>Recommendations</u> 1. No recommendations required.</p> <p>Scale, built form and articulation Changes to the built form at roof terrace level which include increasing the lift overrun and enclosing stair access are considered acceptable in terms of building massing subject to Council being satisfied that there will be minimal impact to shared views from living areas in properties to the rear boundary (9-19 Queens Parade).</p> <p><u>Recommendations</u> 2. Council to be satisfied that view impacts from modifications are less than moderate.</p> <p><u>Assessment Officer's Comments</u> A view assessment has been completed in accordance with Clause C1.3 – View Sharing of the Pittwater 21 Development Control Plan (P21 DCP).</p>

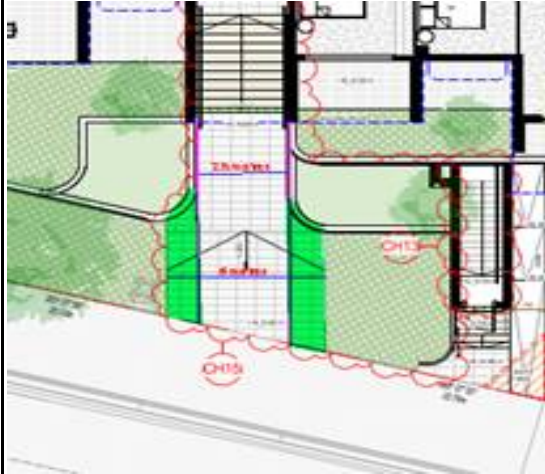
Internal Referral Body	Comments
	<p>Access, vehicular movement and car parking The modification amends driveway gradients. The Panel has no concerns.</p> <p>Access to the eastern lobby is via stairs and is therefore not accessible from a public street.</p> <p><u>Recommendations</u> 3. Provide equitable access to all lobbies.</p> <p><u>Assessment Officer's Comments</u> Equitable access to the western lobby has been provided. A condition will be included to ensure that equitable access is also provided to the eastern lobby, thereby addressing the recommendation above.</p> <p>Landscape The development has been before the Panel previously and the revised landscape plans submitted with the Construction Certificate have addressed previous recommendations regarding the landscape treatment.</p> <p>In particular it is noted that the use of structural root cell for the street tree planting has been incorporated which was previous recommendation and the OSD / Rainwater tank has now been relocated to an area that is not part of the deep soil zone both which are supported by the Panel.</p> <p><u>Recommendations</u> 4. The submitted stormwater plans show several conflicts with the location for tree planting and further coordination is required to ensure the proposed planting plan can be realised as per the approved DA plans.</p> <p>5. The concrete enclosure and associated inlets for the drainage easement have many points of conflict with the proposed planting plan which can only be mitigated through revisions to the planting layout at this late stage. These revisions must still be compliant with the Conditions of Consent.</p> <p>6. The Arborist report no longer reflects the current extent of the building and associated elevated external built upon areas which should be coordinated by underlaying the latest building plans.</p> <p><u>Assessment Officer's Comments</u> Amended architectural and engineering plans have been submitted, relocating the on-site detention (OSD) system beneath the pathway leading to Lobby A. This addresses Points 4 and 5 of the recommendations above. In relation to Point 6, conditions provided</p>

Internal Referral Body	Comments
	<p>by Council's Senior Landscape Architect will ensure the recommended landscaping outcomes are achieved.</p> <p>Amenity The ground floor apartment depths and layouts have been modified. The level of amenity achieved by the original design has been reduced. Apartments G01 and G02 require redesign.</p> <p>Apartment G01:</p> <ul style="list-style-type: none"> • The living room depth has been increased from approximately 8.7m to approximately 9.3m which exceeds the maximum habitable room depth of 8m (ADG 4D-2). When this is combined with a minimum 4m wide living space and the fact that the room has a southerly aspect and is set behind a balcony overhang of 2m depth the levels of natural light and ventilation achieved are a concern. • The revised kitchen location in the open plan layout does not have access to natural light and ventilation. The kitchen does not observe the design guidance in ADG 4D-1 that a window should be visible from any point in a habitable room. • Consider moving Bedroom 2 across into the dressing room of Bedroom 3 to increase the access to daylight and ventilation of the open plan living room. • Storage Room proposed is window less and is shown with a furniture layout suggesting a habitable cinema room. ADG-1 (2) requires every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. <p>Apartment G02:</p> <ul style="list-style-type: none"> • Storage Room proposed is window less and is shown with a furniture layout suggesting a habitable cinema room. ADG-1 (2) requires every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. <p><u>Recommendations</u></p> <p>7. Apartment G01: Increase the apartment living room width and ceiling height to achieve good quality natural light and ventilation to the open plan living space.</p> <p>8. Apartment G01: Arrange the kitchen so that it has access to natural light and the window should be visible from any point in the kitchen.</p> <p>9. Access to storage rooms in both G01 and G02 be organised share the access corridors to all other storage cages.</p> <p><u>Assessment Officer's Comments</u></p> <p>The recently amended plans have removed the flex room (bedroom) within Unit G01 to improve natural light and ventilation to the open-plan living area, including the kitchen. Additionally, the amended</p>

Internal Referral Body	Comments
	<p>plans have removed the internal access to the storage rooms for Units G01, G02, and G03, with access now provided via the rear access corridors.</p> <p>Façade treatment/Aesthetics Facades remain generally as approved.</p> <p><u>Recommendations</u> 10. No recommendations required.</p> <p>Sustainability The design of the ground floor apartments does not support good amenity through daylight or ventilation as the spaces are too deep to allow good penetration of sunlight or breezes. Previous designs shown for this site included much shallower apartments on the Ground floor which would achieve a much higher quality of internal space.</p> <p>The majority of prior sustainability comments have been adopted, however a few items are still outstanding, particularly avoiding gas in the design.</p> <p><u>Recommendations</u></p> <ul style="list-style-type: none"> • Replace all gas cooking with induction or electric. • Show the central heat pump on the drawings and ensure the structural requirements of the roof have been allowed for to accommodate the heat pump. • Show EV charging in the basement on the drawings, or provide a description for how EV charging is being provided. <p><u>Assessment Officer's Comments</u> A condition will be included requiring the replacement of all gas cooking with induction or electric appliances. It is noted that the applicant's consultant has submitted a BASIX Compliance Report (Revision 05), dated 20 June 2025 and prepared by E-LAB Consulting, which indicates gas cooktops and electric ovens. This condition will ensure alignment with sustainability objectives and the Design and Sustainability Advisory Panel's recommendations.</p> <p>Regarding hot water systems, it is noted that each unit will be fitted with an electric instantaneous hot water system; therefore, a central heat pump is not proposed and does not need to be shown on the plans.</p> <p>A condition will also be included requiring the provision of electric vehicle (EV) charging infrastructure within the basement, to support sustainable transport options and satisfy relevant sustainability objectives.</p> <p>PANEL CONCLUSION</p>

Internal Referral Body	Comments
	<p>The Panel does not support the proposal in its current form because the modification to the ground floor apartment layout diminishes or detracts from the design quality of the original development. Redesign of the apartment layouts to Apartments G01 and G01 is required.</p> <p><u>Assessment Officers Comments</u></p> <p>Following consideration of the application by the Design and Sustainability Advisory Panel (DSAP), the proposal has been amended to address several of the issues raised, to the satisfaction of Council's Assessment Officer. Notably, the removal of the flex room (bedroom) from Apartment G01 has improved daylight access and natural ventilation to the kitchen and dining areas of that unit.</p> <p>Additionally, the previously interconnected storage rooms associated with Apartments G01, G02, and G03 have now been separated by walls, with access now provided via dedicated storage corridors located at the rear of the building.</p> <p>It is also noted that the panel's conclusion contains a typographical error. The request for redesign was intended to refer to Apartments G01 and G02, not G01 twice as currently stated.</p> <p>To ensure consistency with the DSAP recommendations, the following additional conditions will be included:</p> <ul style="list-style-type: none"> • Equitable access is to be provided to the eastern lobby. • All gas cooking appliances are to be replaced with induction or electric alternatives. • Provision of electric vehicle (EV) charging infrastructure within the basement car park. <p>These amendments and conditions collectively ensure improved environmental performance, accessibility, and internal amenity in line with DSAP advice.</p>
Building Assessment - Fire and Disability upgrades	<p><i>Supported - subject to conditions</i></p> <p>The application has been investigated with respects to aspects relevant the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	<p><i>Supported - without conditions</i></p> <p>General Comments</p> <p>The proposal seeks approval for a suite of mostly internal amendments to the original consent.</p> <p>None of the changes amendments are considered to alter previous conclusions made in referral responses by Environmental Health.</p> <p>The proposal is supported.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Environmental Health (Industrial)	<p><i>Supported - without conditions</i></p> <p>General Comments</p> <p>The proposal seeks approval for a suite of mostly internal amendments to the original consent.</p> <p>None of the changes amendments are considered to alter previous conclusions made in referral responses by Environmental Health.</p> <p>The proposal is supported.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p><i>Supported - subject to conditions</i></p> <p>11.06.2025 comments to further updated plans:</p> <p>Architectural Plans are submitted that responds to the concerns previously raised with the width of the eastern entrance footpath reduced. No Landscape Plans were submitted as requested to co-ordinate all plans and thus a condition shall be imposed for co-ordinated Landscape Plans to ensure consistency with the front setback landscape setting outcomes.</p> <p>DA2023/1869 Condition 10 Amended Landscape Plans shall be modified. Condition 61. Landscape Completion remains unaltered.</p> <p>28.05.2025 comments in response to updated plans:</p> <p>The location of the OSD under the western entrance footpath within the property raises no concerns. However, the width of the eastern entrance footpath at approximately 5 metres in width is not supported as this is not necessary to provide for access activities and the</p>

Internal Referral Body	Comments
	<p>percentage of hardstand within the front setback diminishes the landscape area to an extent that impacts the presentation of the landscape setting as more prominent than the built form as required under Pittwater DCP.</p> <p>It is suggested that the width of the eastern entrance footpath shall be aligned with the building entry and external walling width as illustrated below. Amended Landscape Plans shall indicate mass planting to the landscape areas either side of the footpath to enhance the entry setting.</p>  <p>Updated comments 12.05.2025: Subsequent amended plans are submitted including stormwater plans and these include additional and/or relocated infrastructure within the landscape zones, that will inhibit tree planting approved in the development consent under the as approved landscape plans. The development consent stormwater plans included pits and lines closer to the basement alignment and the modified stormwater pits and line (additional and relocated) are not supported and a co-ordinated approach is required. No amended Landscape Plans have been submitted with the modification application.</p> <p>Additionally, the inclusion of the OSD tank within approved landscape area nominated for tree and other planting is not supported.</p> <p>Previous comments: <i>The application is for modification to development consent DA2023/1869 as described in reports and as illustrated on plans. In terms of landscape setting outcomes, the modification includes: extension to the basement at the ground floor level of the building and this reduces the soil depth to the courtyards at first floor level. It is however noted that this courtyard level is designed under the development consent with predominately lawn areas and low height planting or planting not requiring substantial soil depth, thus the indicated soil depth on the modification plans are adequate to support the intended landscape outcomes.</i></p>

Internal Referral Body	Comments
	<i>Landscape Referral conditions under the development consent remain unaltered including: Conditions 10, 11, 38, 39, 43, 60, 61, and 88.</i>
NECC (Bushland and Biodiversity)	<p>Supported - without conditions</p> <p>The comments in this referral relate to the following applicable controls and provisions:</p> <ul style="list-style-type: none"> Pittwater 21 DCP - Clause B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land <p>The proposed modifications would not alter the conclusions of the initial Biodiversity Referral. No additional vegetation is being proposed for removal and the proposed modifications are unlikely to have a significant impact on native flora and fauna.</p>
NECC (Development Engineering)	<p>Supported - subject to conditions</p> <p>Comments 4/6/2025 The amended stormwater management plans as prepared by Goldfish and Bay are now acceptable as the On site stormwater detention tank has now been relocated from the landscaping area to the hard paved pedestrian front access area. No objections subject to conditions.</p> <p>Updated Comments 8/5/2025 The amended stormwater drainage plans detail the relocation of the OSD tank from under a hard paved pedestrian access area to the south western corner which is heavily landscaped. The relocation of the OSD tank is in conflict with the tree planting proposed in the development application (DA 2023/1869) approved landscaping plans as prepared by Wyer and Co. The on site detention tank location will ensure that the proposed tree planting schedule is this location is not viable . Councils Landscape officer should also respond to this proposal . Therefore the application is not supported.</p> <p>Previous comments No objections to the proposed modifications as they have no impact on the stormwater management plan. No additional conditions required.</p>
NECC (Water Management)	<p>Supported - without conditions</p> <p>NECC Water management has no objection to the proposed modification and no new or revised Water Management conditions are required for the approved development.</p>
Traffic Engineer	

Internal Referral Body	Comments
	<p data-bbox="531 309 1002 342"><i>Supported - subject to conditions</i></p> <p data-bbox="531 376 954 409">Further comments - 13/05/2025</p> <ul data-bbox="563 443 1428 2056" style="list-style-type: none"> <li data-bbox="563 443 1428 689">• It is noted that a new set of architectural plans dated 25/03/2025 has been provided together with Amended Statement of Environmental Effects dated 15 April 2025, a report prepared by Archicare outlining proposed changes dated 8 April 2025, an amended access report dated 28/03/2025 an amended Traffic Impact Assessment dated 31 March 2025 and other documentation. <li data-bbox="563 689 1428 857">• It is noted that a gym with 50.81 sqm GFA has been added to the ground floor. It is believed that the proposed gym will be for use by the residents only. Hence, a separate parking demand and traffic generation for the proposed gym has not been calculated. <li data-bbox="563 857 1428 1529">• It is noted that changes have been made to the driveway grades. The previously approved driveway grades were first 6m at 5% followed by 2m @ 1:8 , 10.76m @ 1:4 and 2m @ 1:8. The amended driveway has a length of 5955mm on the exit side with a grade of approximately 6.38% and the length of approximately 5.4m on the entry side. There is no RL provided on the entry side. Furthermore, it has been noticed that there are inconsistencies with the grades on floor plans (drawing number AR-S4-100 and AR-S4-101) and section plan (drawing number AR-S4-302). The traffic team have calculated that the transition grade shown as 1:4 in the floor plan is actually 1:8 which is compliant with AS2890.1 and the 1:4 grade shown for 12.62m ramp is approximately 1:4.6 which, again, is compliant with AS2890.1. However, plans should be amended to show correct grades and this should be consistent throughout all the pages of the master set. A condition has already been complied to DA2023/1869 requiring that the driveway grades must be compliant with AS2890.1:2004 This is to be retained. <li data-bbox="563 1529 1428 1955">• It is noted that a pathway runs along the side of the driveway apparently at the same level as RLs as the driveway. It is understood that this pathway is primarily to facilitate safe transfer of bins from the basement to the temporary bin holding area at the ground floor level. It is unclear from the plans if the pathway and driveway are at different levels, if there is a kerb to separate pedestrians from vehicles, over what length the kerb extends and what is the width of the kerb. The presence of a kerb to separate pedestrians from vehicular traffic is considered necessary. It will be conditioned that the pedestrian pathway must be hatched and that kerb must be provided separating the pathway and the driveway. <li data-bbox="563 1955 1428 2056">• A location of card reader is not provided in the updated architectural plans. As there is a roller door to the basement and visitor parking spaces are provided behind the roller

Internal Referral Body	Comments
	<p>doors, information about the location of card reader must be provided. This will be conditioned</p> <ul style="list-style-type: none"> It is noticed that dimensions of bicycle parking spaces are not shown in the architectural plans. A condition of consent has already been applied to DA2023/1869 requiring that bicycle parking spaces must be designed in accordance with AS2890.3:2015 this will be retained. <p>Summary</p> <ul style="list-style-type: none"> There are a few minor issues remaining, however, the modification can now be supported subject to a couple of extra conditions noting that all previous traffic conditions must remain active. <p>Original comments dated 21/03/2025 Proposal description: Proposed modification of Development Consent DA2023/1869 granted for demolition works and construction of a residential flat building on 54 - 58 Beaconsfield Street, Newport. The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> Plans - Master set, designed by PBD Architects, issue F, dated 21/01/2025. Statement of modification prepared by Boston Blyth Fleming Town Planners, dated 19 December 2024. <p>Comments</p> <ul style="list-style-type: none"> It is noted that the proposal is for a modification to the approved plans including but not limited to addition of skylights to some of the units, increase in lift overrun and floor to floor heights, amendments to driveway gradients etc. It is noted that an updated traffic report has not been provided with the application. It is noted that the number of units and total number of car parking spaces are unchanged. Furthermore, there is no change in the car park layout and design in the basement. Therefore, it appears that there are no traffic engineering related matters related to the total number of car parking spaces or car park design within the basement. However, due to changes in the driveway gradients and floor levels, there is concern that this may have impacted upon the required clearances for access to and from the carparking level. A sectional plan demonstrating that a minimum of 2.2 metres height clearance throughout the length of the ramp is available must be provided. Also, a ground clearance plot using a B99 vehicle to show that scraping does not occur on the length of the ramp must also be provided. <p>Conclusion</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> This missing information outlined above is required to support changes in driveway gradients, and at this stage the modification cannot be supported.
Waste Officer	<p>Supported - without conditions</p> <p>Conditions as per Determination of DA2023/1869 dated 12 October 2024 with consent to operate from 14 October 2024 to apply to this application for modifications. See Doc ID 2024/735929. No change to waste service provision</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>Supported - subject to conditions</p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>
Nominated Integrated Development - WaterNSW - Water Management Act 2000, s90(2) - Water management works approval to construct and use a specified water supply/drainage/flood work at a specified location	<p>Supported - without conditions</p> <p>WaterNSW has reviewed the proposed amendments. The information provided indicates that there are no changes to the water supply work to take groundwater.</p> <p>The General Terms of Approval (S4551158700) issued on 21 January 2025 are still current and we have no objections to the proposed amendments.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. 1376303M_05 dated

19 June 2025).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Housing) 2021

Application of Chapter

Clause 144 of State Environmental Planning Policy Housing 2021 (SEPP Housing) stipulates that:

(1) This chapter applies to development only if:

(a) the development consists of:

- (i) the erection of a new building,
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building, or
- (iii) the conversion of an existing building, and

(b) the building concerned is at least 3 or more storeys, not including underground car parking storeys, and

(c) the building contains at least 4 dwellings.

As previously outlined, the approved development as to be modified is for the erection of a three storey residential apartment development, plus basement car parking for the provisions of 13 self-contained dwellings. As per the provisions of Clause 144 outlining the application of the policy, the provisions of Chapter 4 SEPP Housing are applicable to the assessment of this application.

As previously outlined within this report Clause 29 of the Environmental Planning and Assessment Regulation 2021 requires the submission of a Design Verification Statement from the qualified designer at lodgement of the modification application. This documentation has been submitted with the modification application, as amended.

Determination of development applications and modification applications for residential apartment development

Clause 147 of SEPP Housing requires that:

(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
- (b) the Apartment Design Guide,*
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*

Comment: The below part of the report makes an assessment against the design quality principles

contained within Schedule 9 (a) and an assessment is carried out against the ADG below (b).

Overall, the development as to be modified meets the design quality principles of Schedule 9 for the reasons outlined below. The modified development appropriately responds to the design guidelines within the ADG and where strict compliance is not achieved numerical requirements, reasonable alternative solutions are provided to meet the objectives of the ADG.

Advice from Council's Development and Sustainability Advisory Panel (DSAP) has been obtained and the applicant has amended the proposal where necessary to respond to the DSAP advice. Overall, the DSAP were not supportive of the proposal in its original form because the proposed modification to the ground floor apartment layout diminished and detracted from the design quality of the original development. Redesign of the apartment layouts to Apartments G01 and G02 was undertaken to overcome these matters.

Non-discretionary development standards for residential apartment development

Clause 148 of SEPP Housing contain non-discretionary development standards that, if complied with, prevent the consent authority from requiring more onerous standards for the matters (i.e 'must not refuse' standards).

The following are non-discretionary development standards under sub clause (2):

- (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide
- (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,
- (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Comment: As noted in the below assessment, the modified development meets the minimum requirements of the ADG in relation to Part 3J, 4D and 4C. This assessment has not required more onerous standards and does not recommend refusal of any of these reasons.

DESIGN QUALITY PRINCIPLES - Schedule 9

Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment: The proposal presents a built form footprint that aligns well with both the existing development and the desired future character of the area. This is achieved through compliance with front, side, and rear setbacks, and by extending the building footprint downward to include lower levels

for a gym, storage areas and a basement. This basement accommodates compliant residential parking and additional storage, resulting in a positive planning outcome whereby parking is set back from the street and deep soil landscaping can be established within the front setback area.

The building has also been sensitively designed with an orientation that minimises impacts on adjoining properties. Adequate screening and separation are provided to the rear neighbours, and the compliant boundary setbacks offer substantial opportunity for vegetation and planting along all site edges.

In terms of form and scale, the siting and height of the development integrate well with the established subdivision pattern. The majority of the built form complies with the maximum height standard, with moderate encroachments limited to the centrally located lift overruns, the eastern stair enclosure, and minor elements such as the planter boxes and awning structure on the southern elevation (above the balcony of Unit 204). These elements are modest in scale and do not result in any adverse visual or amenity impacts.

Overall, the proposal demonstrates a considered response to the site context and planning controls, and is consistent with both the existing and desired character of the area.

Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment: The height, bulk, scale and setbacks of the modified development are generally consistent with existing development in the surrounding area and the planning controls for the site. This includes compliant setbacks, and compliant side boundary envelope. As such, the proposal is consistent with the established character, as well as the character that can be reasonably expected given planning controls that apply to the site and surrounding sites.

The modified development also complies with the landscaped area control to allow for a generous area of landscaping to the front, sides, and rear of the site, reminiscent of the common allocation of landscaped area on lower density sites.

Overall, the proposal provides a good design, having regard to the planning controls, existing context and desired character. As such, the proposed bulk and scale is deemed to be reasonable.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment: Extended discussion of the appropriateness of the density is discussed further in this report. Further, the proposal provides a good response to the ADG for internal amenity by providing units with appropriate design, including solar access and ventilation (as further discussed below).

As such, the proposed density will maintain a high level of amenity, and is contextually appropriate.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment: The modified development is supported by an amended BASIX certificate. The majority of units demonstrate compliance with cross-ventilation requirements and provide suitable access to sunlight and daylight. In response to recommendations from the Design and Sustainability Advisory Panel (DSAP), all gas cooking will be replaced with induction appliances, water heating will be provided via instantaneous electric systems, and provisions for EV charging will be incorporated into the Construction Certificate (CC) documentation.

Conditions will be included to ensure these sustainability outcomes and DSAP recommendations are implemented.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comment: The proposal provides a landscaped area that is compliant with the control under the P21DCP. This includes an outcome that involves generous areas of landscaping to the front, sides and rear of the building to appropriately respect the desired character of the area.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comment: The building is well orientated to take advantage of light, district views, and amenity whilst also respecting neighbourhood amenity by providing suitable separation from, and orientation away from neighbouring properties.

The proposal also provides compliant storage, indoor space, private open space, and communal open space.

The proposal also provides suitable access for various ages and degrees of mobility.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment: The public and private domain is well defined for the site and the private open space is protected from the street. Passive surveillance is provided over the street from windows and balconies.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment: The modified development provides a mix in the style and design of apartments with various internal designs. The proposal provides communal open space to the rooftop with landscaping suitably integrated into the design.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment: The modified development provides a variety of materials colours (subject condition) and textures as a part of the built form. The proposal also provides setbacks and landscape elements that are consistent with the desired character of the area.

APARTMENT DESIGN GUIDE

The following table is an assessment against the criteria of the 'Apartment Design Guide' as required by SEPP Housing.

Development Control	Criteria / Guideline	Comments
Part 3 Siting the Development		

Site Analysis	Does the development relate well to its context and is it sited appropriately?	<p>Consistent</p> <p>The modified development provides an appropriate siting which provides compliant setbacks to allow for suitable landscape buffers.</p> <p>The residential flat building also respects the characteristics of the R3 Medium Density residential zone through compliance with the built form controls applicable to the site.</p>
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	<p>Consistent</p> <p>The modified development has large open balconies, courtyards and windows that have an orientation toward the north to take advantage of sunlight.</p> <p>The building is also orientated to take advantage of district views whilst suitably respecting privacy and amenity for neighbouring properties.</p>
Public Domain Interface	<p>Does the development transition well between the private and public domain without compromising safety and security?</p> <p>Is the amenity of the public domain retained and enhanced?</p>	<p>Consistent</p> <p>Clear entrances are provided and boundaries between the private and public domain are delineated through landscaping, paths and openings at each street boundary.</p> <p>Windows and balconies also allow for passive surveillance.</p>
Communal and Public Open Space	<p>Appropriate communal open space is to be provided as follows:</p> <ol style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site 	<p>Does not Comply - Acceptable on Merit</p> <p>The proposed development provides</p>

	<p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter)</p>	<p>18.8% (398m²) of communal open space (COS), which is located primarily on the roof and large landscaped setbacks provided at the ground level. This COS will receive 50% direct sunlight or a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter).</p> <p>The non-compliance with the proportion of area is considered acceptable in this instance as the development provides more than compliant areas of private open space to each apartment and the development is in close proximity to areas of high quality public open space (notably Trafalgar Park located to the north). Furthermore, the amount of COS is increased over that originally approved.</p>												
Deep Soil Zones	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m²</td><td>-</td><td rowspan="4">7% (148sqm) minimum 3m dimension</td></tr> <tr> <td>650m² – 1,500m²</td><td>3m</td></tr> <tr> <td>Greater than 1,500m²</td><td>6m</td></tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-	7% (148sqm) minimum 3m dimension	650m ² – 1,500m ²	3m	Greater than 1,500m ²	6m	Greater than 1,500m ² with significant existing tree cover	6m	<p>Consistent</p> <p>The modified development would have 15.9% deep soil areas with dimensions of 3m.</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)												
Less than 650m ²	-	7% (148sqm) minimum 3m dimension												
650m ² – 1,500m ²	3m													
Greater than 1,500m ²	6m													
Greater than 1,500m ² with significant existing tree cover	6m													

Visual Privacy	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="451 409 1074 768"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Partly does not Comply - Acceptable on Merit</p> <p>The separation of the building at the rear of the site varies from 4.5m-8m. Due to the highly articulated nature of the rear elevation, there are only minor sections of the footprint that do not comply with the 6m separation distance requirement. These sections are well separated from neighbouring living spaces, well orientated or screened with planter boxes.</p> <p>The proposal also fully complies with the rear setback control, and for a large part of the rear elevation, is well in excess of the requirement for rear setback.</p> <p>Overall, a mix of suitable screening, orientation and physical separation provides a good design for visual privacy.</p>
Building height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
Pedestrian Access and entries	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	<p>Consistent</p> <p>Pedestrian access is identified through openings to the public domain at the road frontage.</p>												
Vehicle Access	<p>Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?</p>	<p>Consistent</p> <p>Vehicle access is provided to the eastern end of the frontage.</p> <p>The design is to the satisfaction of Council's Development Engineer and Traffic Engineer</p>												

Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	<p>Consistent</p> <p>The proposal complies with car parking requirements, with the exception of one (1) visitor parking space. The previously approved basement carpark was also deficient by one (1) visitor space; however, this was considered acceptable given the site's proximity to public transport (less than 150 metres to bus services in both directions) and other nearby facilities.</p> <p>Additionally, conditions have been included to address the provision of bicycle parking within the basement carpark.</p>
Part 4 Designing the Building		
Amenity		
Solar and Daylight Access	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter. 	<p>Consistent</p> <p>76.9% (10 of 13) of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter.</p> <p>Consistent</p> <p>Two apartments (G01 and G02) receive no solar access between 9am and 3pm at mid winter. This equates to 15%.</p>
Natural Ventilation	<p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p>	<p>Consistent</p> <p>69% or 9/13 units</p>

	<ul style="list-style-type: none">At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.													
	<ul style="list-style-type: none">Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.	Consistent												
Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>Consistent</p> <p>The structural modifications to the approved development ensure that internal ceiling heights are achieved throughout the development, notwithstanding the breach in building height.</p>
Minimum ceiling height														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	Consistent		
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													

increase the minimum internal area by 12m ² each.	
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Consistent Noting that amendments to the ground floor units G01 and G02 will ensure adequate daylight penetration into each unit.
Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Acceptable on Merit Despite variations to the maximum habitable room depth of 8 metres from a window—specifically 17.5% for Unit G01 and 25% for Unit G02—the apartments have been designed to achieve a good level of internal amenity. This includes adequate private open space, as well as appropriate access to daylight and natural ventilation. The amended plans have removed the flex room (bedroom) from Unit G01, which has significantly improved daylight access and ventilation to the kitchen. Similarly, modifications to Unit G02 have reduced the extent of non-compliance, also enhancing daylight access and natural ventilation to the kitchen area.
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Consistent
Bedrooms have a minimum dimension of 3.0m and must include built in wardrobes or have	Consistent

	space for freestanding wardrobes, in addition to the 3.0m minimum dimension.																
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments	Consistent															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Consistent															
Private Open Space and Balconies	All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	Consistent
	Dwelling Type	Minimum Area	Minimum Depth														
	Studio apartments	4m ²	-														
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
	The minimum balcony depth to be counted as contributing to the balcony area is 1m																
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	Consistent															
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Consistent															
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A															
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m²</td></tr><tr><td>1 bedroom apartments</td><td>6m²</td></tr><tr><td>2 bedroom apartments</td><td>8m²</td></tr><tr><td>3+ bedroom apartments</td><td>10m²</td></tr></table>	Dwelling Type	Storage size volume	Studio apartments	4m ²	1 bedroom apartments	6m ²	2 bedroom apartments	8m ²	3+ bedroom apartments	10m ²	Consistent					
	Dwelling Type	Storage size volume															
Studio apartments	4m ²																
1 bedroom apartments	6m ²																
2 bedroom apartments	8m ²																
3+ bedroom apartments	10m ²																
	At least 50% of the required storage is to be located within the apartment.																

Acoustic Privacy	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	Consistent
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	Consistent
Configuration		
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	Acceptable on Merit The proposal provides for a majority (12 units) with three (3) bedroom units with only 1 unit having two (2) bedrooms, however, provides a wide variety of internal and private open space designs. Some apartments also have the provision of studies. This provides an appropriate mix in the circumstances.
Ground Floor Apartments	Do the ground floor apartments deliver amenity and safety for their residents?	Consistent The entrances are well separated from the street and provide a safe design with ability to enclose and lock.
Facades	Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	Consistent The facades are well articulated, the building is well stepped, and a mix of materials is used to provide suitable visual interest.
Roof Design	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Can the roof top be used for common open space? This is not suitable where there will be any unreasonable amenity impacts caused by the use of the roof top.	Consistent The roof design is consistent with surrounding development and consists of common open space and sustainability features including PV Cells and planting.
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and	Consistent

	context.	The landscape plan responds well to the context, retaining large areas for landscaping to the front, sides and rear of the site.				
Planting on Structures	When planting on structures the following are recommended as minimum standards for a range of plant sizes:				Consistent	
	Plant type	Definition	Soil Volume	Soil Depth		Soil Area
	Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm		10m x 10m or equivalent
	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm		6m x 6m or equivalent
	Small trees	6-8m high, up to 4m crown spread at maturity	9m ³	800mm		3.5m x 3.5m or equivalent
	Shrubs			500-600mm		
	Ground Cover			300-450mm		
	Turf			200mm		
Universal Design	Do at least 20% of the apartments in the development incorporate the Livable Housing Guideline's silver level universal design features				Consistent The application is accompanied by an Access Report which confirms compliance. The following three (3) units G03, 102 & 202 are capable of providing compliance with the features of Silver level of Livable Housing Guidelines as noted in the Access Report.	

Adaptable Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A
Mixed Use	Can the development be accessed through public transport and does it positively contribute to the public domain? Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.	N/A
Awnings and Signage	Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development. Signage must respond to the existing streetscape character and context.	N/A
Performance		
Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	Yes
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	Yes
Waste Management	Has a waste management plan been submitted as part of the development application demonstrating safe and convenient collection and storage of waste and recycling?	Yes
Building Maintenance	Does the development incorporate a design and material selection that ensures the longevity and sustainability of the building?	Yes

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0 metres of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment: The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	10m*	8.7m - 11.1m	2.3% - 30.6%	No (see comments)
Density controls for certain residential accommodation	1 dwelling per 200m ²	1 dwelling per 162.6m ² (13 dwellings)	1 dwelling per 162.6m ² (13 dwellings)	-	Unchanged

* Approved variation was 17.6% (1.5m) via DA2023/1869

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	No
4.5A Density controls for certain residential accommodation	No
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

Description of non-compliance:

Development standard:	Height of buildings
Requirement:	8.5m
Proposed:	8.7m - 11.1m
Percentage variation to requirement:	2.3% - 30.6%

TABLE 1

	Original Approved Height	Breach Over 8.5m	Proposed Height	Breach Over 8.5m	Difference
Western Lift Overrun	10.52m*	2.02m	11.1m	2.6m	+ 0.58m
Eastern Lift Overrun	10m**	1.5m	10.574m	2.074m	+ 0.574m
Eastern access lobby	8.4m	-	9.384m	0.884m	+ 0.984m
Awning over balcony for Unit 204/ Planter boxes	8.1m	-	8.7m	0.2m	+ 0.6m

* Updated Clause 4.6 Variation request - height of buildings submitted by applicants planner (DA2023/1869)

** Approved height (2023/1869)

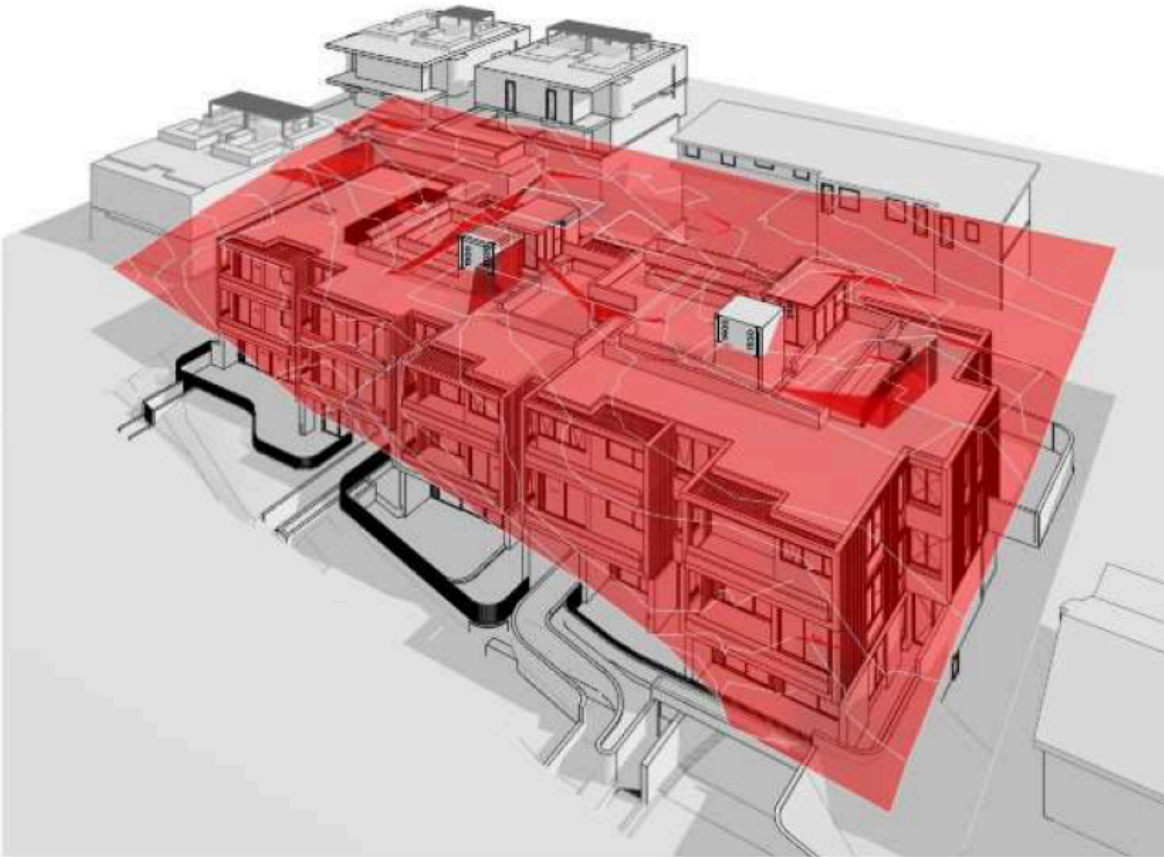


Figure 2: Height blanket diagram for DA2023/1869 from a southeast perspective

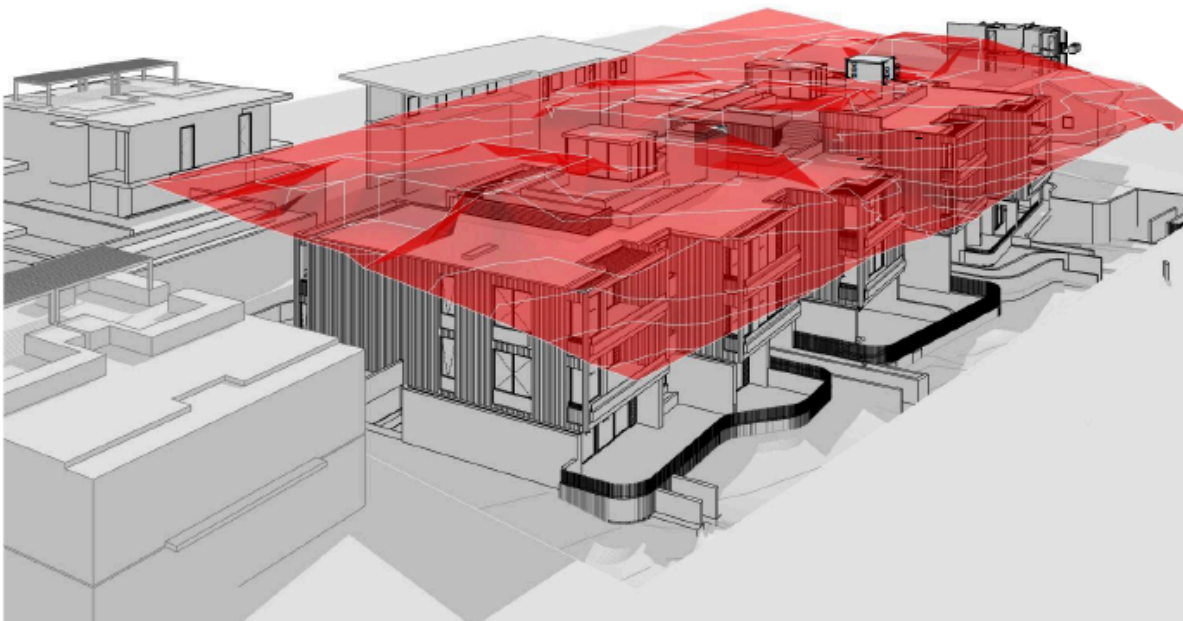


Figure 3: Height blanket diagram for DA2023/1869 from a southwest perspective

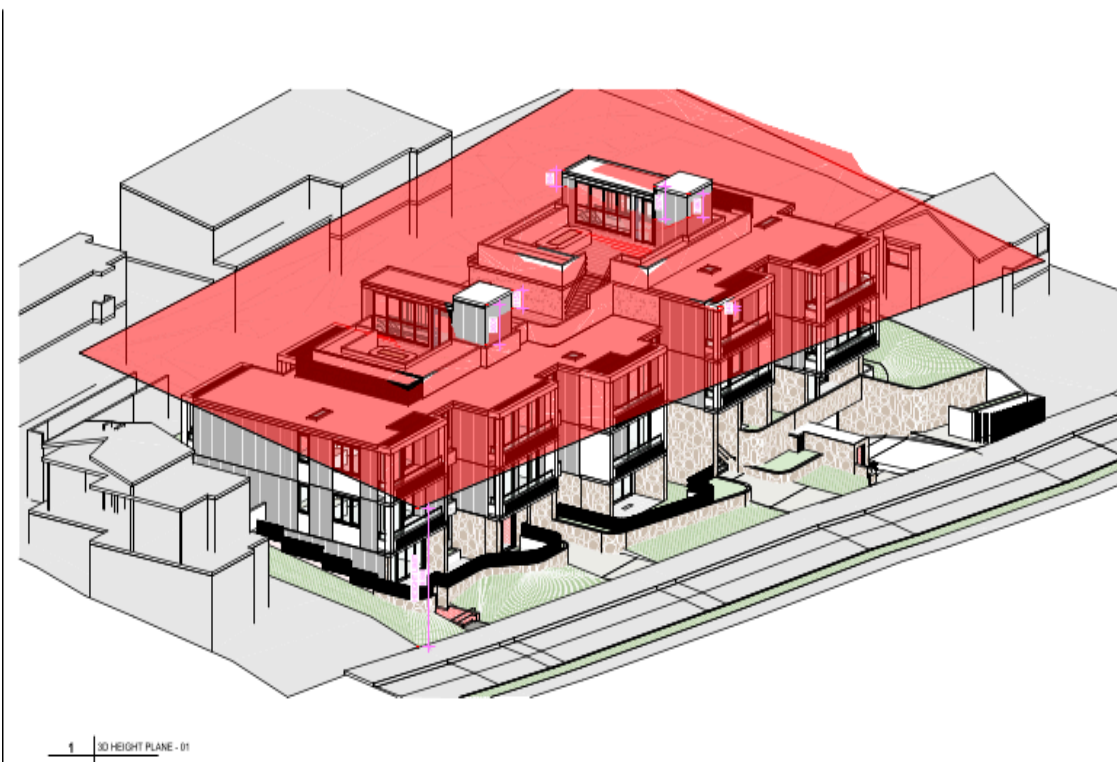


Figure 4 - Height blanket diagram for MOD2025/0018 from southwest perspective (provided by the applicant)

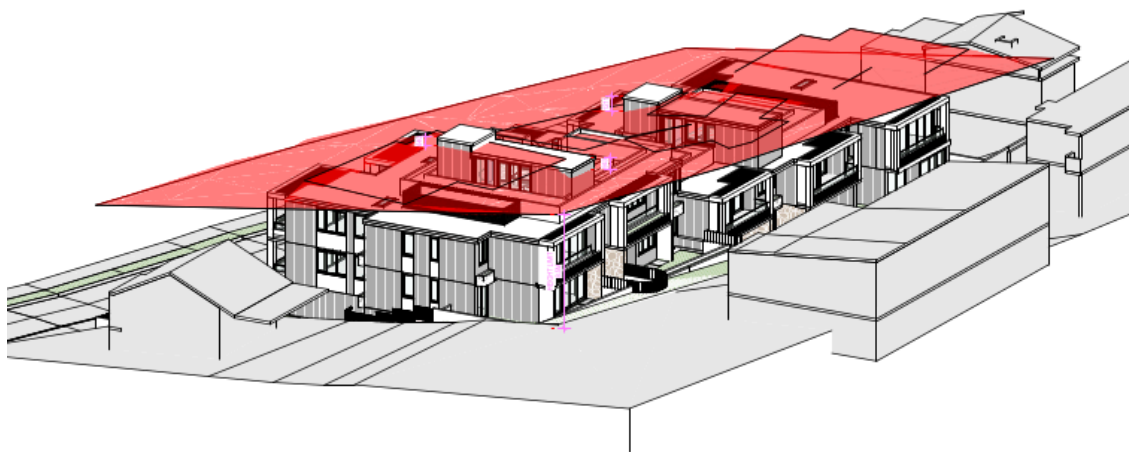


Figure 5 - Height blanket diagram for MOD2025/0018 from northeast perspective (provided by the applicant)

Assessment of request to vary a development standard:

Table 1 (above) has been provided to clearly differentiate between the approved building heights under DA2023/1869 and the proposed heights under the current modification application MOD2025/0018. The key changes are as follows:

- The western lift overrun has increased by 0.58m, resulting in a new height of 11.1m.
- The eastern lift overrun has increased by 0.574m, resulting in a new height of 10.574m.

- The eastern access stair lobby has increased by 0.884m, resulting in a new height of 9.384m.
- The planter boxes and awning over the balcony of Unit 204 have increased by 0.2m, reaching a maximum height of 8.7m.

These amendments represent minor increases to rooftop structures and elements, with all height breaches located towards the centre of the site and away from the building's outer façades—with the exception of the awning over Unit 204. The potential impacts of these changes are addressed in detail throughout this report.

Whilst the modification application will result in a building height that exceeds the maximum permitted by Clause 4.3 of the Pittwater LEP 2014 (and it is greater than that originally approved), the application does not strictly need to address the requirements of Clause 4.6.

The application has been made under Section 4.55 of the Environmental Planning and Assessment (EPA) Act 1979, which is a free standing provision that in itself authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is subject to its own stand-alone tests (such as the substantially the same test and consideration of all relevant Section 4.15 matters) and does not rely upon having a Clause 4.6 variation in order to determine the modification application.

Clause 4.6 regulates whether development consent may be granted, not whether an existing consent may be modified, and therefore does not apply to Section 4.55 modification applications. As such, the applicant is not required to submit a written request adequately addressing the matters required to be demonstrated by cl 4.6(3).

Notwithstanding that Clause 4.6 does not apply to Section 4.55 modification applications, the merits of the variation have been assessed with regard to the objectives of the height of buildings development standard and the underlying objectives of the R3 Medium Density Residential zone. Notwithstanding that Clause 4.6 does not strictly apply, the assessment has also taken into consideration the relevant tests of the recent judgement contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

The applicant's planner provides the following justification:

"The question is whether the building height breaching elements, as modified, contribute to the height and scale of the development to the extent that the resultant building form will be incompatible with the height and scale of surrounding and nearby development. That is, will the non-compliant building height breaching elements result in a built form which is incapable of coexisting in harmony with surrounding and nearby development to the extent that it will appear inappropriate and jarring in a streetscape and urban design context.

In this regard, I note that the building height breaching elements are limited to the lift core extensions, the eastern weatherproofing enclosure element, and minor roof/balustrade edges. The vast majority of the development as viewed from Beaconsfield Street complies with the 8.5 metre height standard. The central location of the lift shafts ensures they are not readily discernible in the streetscape and do not contribute to any unacceptable

height, bulk, or scale. The overall height, bulk and scale of the building as viewed from Beaconsfield Street is consistent with surrounding development, including the residential flat building to the west at 60 Beaconsfield Street.

In this regard, I have formed the considered opinion that the non-compliant building elements will not contribute to the height and scale of the development to the extent that the resultant building form would be incompatible with the height and scale of surrounding and nearby development.”

Council Comment:

It is considered that the applicant has satisfactorily demonstrated that compliance with Clause 4.3 of the *Pittwater Local Environmental Plan* (PLEP) is unreasonable or unnecessary in the circumstances of this application. The variation has been appropriately justified on the basis that the objectives of Clause 4.3 are achieved, notwithstanding the numerical non-compliance.

In this regard, reference is made to the planning principle established in *Wehbe v Pittwater Council* [2007] NSWLEC 827, which confirms that demonstrating compliance with the objectives of the development standard is a valid and acceptable means of justifying that compliance with the standard is unnecessary or unreasonable.

Accordingly, the variation is supported.

There are sufficient environmental planning grounds to justify contravening the development standard,

Comment: Having regard to the circumstances of the case, it is considered that there are sufficient environmental planning grounds to justify the contravention of the height development standard in this instance. The proposed variation results in a built form that remains compatible with both the existing and desired future character of the locality. It does not give rise to any unreasonable amenity impacts and continues to achieve key planning objectives relating to urban design, landscaping, and view sharing.

The modified built form appropriately responds to the site's topography and physical constraints. Furthermore, the extent of the non-compliance is limited to minor architectural elements—such as lift overruns and stair enclosures—that are centralised within the roofscape, thereby ensuring minimal visibility from the public domain and negligible impact on the surrounding area.

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

4.3 Height of buildings

(1) The objectives of this clause are as follows—

a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment: The proposal is for a three storey building that complies with all relevant built form controls under the Pittwater DCP. It is surrounded by landscaped areas that meet the applicable requirements, allowing for substantial planting that contributes positively to the local character.

Furthermore, the building is well articulated and appropriately separated from neighbouring properties and the street, ensuring a suitable relationship with the surrounding context. The numerically non-compliant elements relating to building height—specifically the lift overruns—are centrally located on the site and occupy only a minor portion of the overall footprint. As such, the proposal remains consistent with the desired future character of the area.

b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment: The significant majority of the built form and building envelope—including the entirety of the top level—complies with the applicable height standard. The proposal also satisfies the relevant built form controls, including building envelope, setbacks, and landscaped area provisions.

While portions of the lift overruns do not comply with the height standard, they represent a breach and do not detract from the overall compliance of the development. In this context, the built form remains consistent with what can reasonably be expected under the applicable planning controls for the site.

Accordingly, the proposal is compatible with the surrounding development, which comprises a mix of one- and two-storey dwellings and two/three storey residential flat buildings.

The proposal will also be compatible with the neighbouring development approved under DA2019/1280 (as shown in the photo below). That development was approved with canopies above the roof terraces which exceeded the height standard. Additionally, a variation to the front setback control was granted, allowing built form to be located 3.0 metres from the street frontage.

In contrast, the proposed development complies with the front setback control, thereby providing greater opportunity for landscaping to soften and integrate with the built form, contributing positively to the streetscape and local character.



Figure 6: Photo of neighbouring development to the west (DA2019/1280)

c) to minimise any overshadowing of neighbouring properties,

Comment: The proposal complies with the numerical requirements for Solar Access under the P21DCP. Along with the compliant setbacks and a compliant envelope, this provides a situation in which overshadowing to neighbouring properties is suitably minimised.

d) to allow for the reasonable sharing of views,

Comment: An assessment of view impacts under Clause C1.3 – View Sharing of this report has found that the proposal allows for a reasonable sharing of views.

e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment: The proposed built form responds appropriately to the site's topography by stepping with the natural slope of the land. Excavation is limited to a single level of apartments and one level of basement parking, with deep soil zones provided along each boundary. This represents a reasonable and considered response to the site conditions, particularly in the context of the proposed building typology and the planning controls applicable to the zone.

f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,

Comment: The proposal will not result in any unreasonable visual impacts, as the built form complies with the relevant DCP controls and the extent of height exceedance is limited to a minor to moderate degree.

Zone objectives

The underlying objectives of the R3 Medium Density Residential zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*

Comment: The development will increase the housing stock of the area and provide a reasonable mix of town house types and sizes commensurate to a medium density residential environment.

The development is considered to satisfy this objective.

- To provide a variety of housing types within a medium density residential environment.

Comment: The development provides two (2) and three (3) bedroom units, which is considered to satisfy the provision of a variety of houses within the medium density residential environment of Newport.

The development is considered to satisfy this objective.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment: The proposed multi-unit housing development will provide additional occupants to frequent local businesses within the Newport precinct. In this regard, the development will enable other land uses that provide facilities or services to meet the day to day needs of residents.

The development is considered to satisfy this objective.

- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

Comment: The proposed development does not provide any other land uses, therefore this objective is not applicable to the proposed development.

Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R3 Medium Density Residential zone.

Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Comment:

The subject application is made under Section 4.55 of the EPA Act. As such, Clause 4.6 does not strictly apply and the concurrence of the Secretary is not required to be obtained.

The matters set out in Section 4.55(3) are addressed in the relevant sections of this report.

4.5A Density controls for certain residential accomodation

The proposed modification does not alter the approved residential density as established under DA2023/1869.

7.2 Earthworks

Clause 7.2 of the *Pittwater Local Environmental Plan* (PLEP) seeks to ensure that earthworks do not have a detrimental impact on environmental functions and processes, neighbouring uses, heritage features, or the surrounding land. Before granting consent for earthworks, Council must consider the following:

(a) The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment: The modified proposal is unlikely to result in unreasonable disruption to existing drainage patterns or soil stability. The original conditions of consent (DA2023/1869) will continue to ensure this outcome is achieved.

(b) The effect of the proposed development on the likely future use or redevelopment of the land

Comment: The proposed modification will not unreasonably limit the future use or redevelopment potential of the land.

(c) The quality of the fill or the soil to be excavated, or both

Comment: Excavated material will be managed in accordance with the approved Waste Management Plan. This is supported by the original conditions of consent, which remain in force.

(d) The effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The modified earthworks will not result in any unreasonable impacts on the amenity of adjoining properties.

(e) The source of any fill material and the destination of any excavated material

Comment: Excavated material will be processed and managed in accordance with the approved Waste Management Plan, as reinforced by the original conditions of consent.

(f) The likelihood of disturbing relics

Comment: The site is not identified as being of Aboriginal or non-Aboriginal heritage significance, and is not mapped as being likely to contain any relics.

(g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment: The development has been reviewed by Council's Water Management Officer and Biodiversity Officer. No objections have been raised.

(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

Comment: The original conditions of consent provide appropriate mitigation measures to minimise any potential impacts associated with the proposed earthworks.

(i) The proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area

Comment: The site is not a heritage item, is not located near a heritage item, and is not within a heritage conservation area or known archaeological site.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	6.5m (Building) 3.4m – 10.2m (Basement) Nil (Hydrant booster and bin holding area)	6.5m (Building) 3.4m – 9.8m (Basement) Nil (Hydrant booster and bin holding area)	Yes Unaltered* Unaltered
Rear building line	3m (below 3m in height)	3.0m - 6.0m (Basement)	3.0m - 6.0m (Basement)	Yes
	4.1m (above 3m in height - based on wall height at rear)	4.5m	4.5m	Yes
Side building line (East)	3m (below 3m in height)	6.2m (Basement) 4.0m - 6.0m (Building)	6.2m (Basement) 4.0m - 6.0m (Building)	Yes

	3.5m - 4.3m (above 3m in height - based on wall height)	3.5m - 4.3m (above 3m in height - based on wall height)	4.0m - 6.0m (Building)	Yes
Building envelope	East - 45 degrees from a height of 4.2m	Within envelope	Within envelope	Yes
	West - 45 degrees from a height of 4.2m	Within envelope	Within envelope	Yes
Landscaped area	50% (1056.8m ²)	50% (1060m ²)	51.3% (1084.6m ²)	Yes

* Basement at closest point remains unaltered

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B2.5 Dwelling Density and Subdivision - Medium Density Residential	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	No	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.10 Building Facades	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.15 Storage Facilities	Yes	Yes
C1.18 Car/Vehicle/Boat Wash Bays	Yes	Yes
C1.20 Undergrounding of Utility Services	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	Yes	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	Yes	Yes
D10.12 Landscaped Area - General	Yes	Yes
D10.14 Fences - General	Yes	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The approved parking arrangements under DA2023/1869 remain unchanged as part of the proposed modified development, despite the minor shortfall in car parking.

B8.6 Construction and Demolition - Traffic Management Plan

Within the original consent conditions via DA2023/1869 the Applicant had to submit an application for a Construction Traffic Management Plan (CTMP) to Council for approval prior to issue of the Construction Certificate. The CTMP was approved by Council on 2 December 2024. The Modification does not require any change to the approved CTMP

C1.3 View Sharing

No formal submissions were received regarding view loss. However, it is noted that a view sharing assessment was undertaken as part of the original development application (DA2023/1869), which concluded:

- *“Glimpses of the water view are likely to be retained, and given the extremely partial nature of the view, any impact will be negligible.”*
- *“The majority of the building is contained within a footprint that complies with the building height development standard. The lift overruns represent only minor incursions, occupying minimal site coverage. As such, view sharing is considered acceptable.”*

In reviewing the modified development, the building now includes increased overall building height, including breaches at the eastern and western lift overruns, the eastern stair enclosure, portions of planter boxes surrounding the rooftop communal open spaces, and the southern awning over the balcony of Unit 204.

Despite these changes, the conclusions of the original view assessment remain applicable. The majority of the building continues to comply with the building height development standard, and the height breaches are limited in extent, occupying only a small portion of the roof area. As such, reasonable view sharing is still considered to be achieved.

In accordance with Clause C1.3 of the DCP, appropriate consideration has been given to potential view loss impacts on adjoining properties.

C1.7 Private Open Space

The ADG requirements for private open space for each apartment prevail over the DCP requirements.

The proposed development provides satisfactory private open space for each individual apartment, in accordance with the minimum dimensions and size stipulated within the ADG.

C1.25 Plant, Equipment Boxes and Lift Over-Run

The proposal includes lift overruns to provide access to the required communal open space, in accordance with the Apartment Design Guide.

The lift overruns are centrally located within the building and on the site. Specifications provided by the applicant demonstrate that the structures have been designed to minimise bulk and scale, appropriate to their function.

Given their central placement and the limited number of overruns, the proposal will not result in any unreasonable impacts. Furthermore, the design remains consistent with the desired future character of the area, as previously outlined.

Accordingly, the proposal is considered to satisfy the relevant outcomes of the applicable planning clause.

D10.4 Building colours and materials

The following variation clause applies to the site:

"Council may consider lighter coloured external walls (excluding white) only for residential development within Area 3 on the Landscaped Area Map, and for non-residential development in areas that are not visually prominent."

Comment: The proposal incorporates a mix of colours and materials, including various shades of cream. The building benefits from a compliant front setback and provides opportunities for landscaping to be integrated into the design, which will assist in softening its visual impact. The development will not appear visually obtrusive and is considered contextually appropriate for its location. Accordingly, the use of lighter colours is acceptable in this instance.

Condition 34 – External Colours and Materials of the original approval (DA2023/1869) will continue to apply and ensure that the development remains consistent with the intent of this clause.

D10.14 Fences - General

Under the original conditions approval (DA2023/1869) Condition 23 - Amendments to the approved plans was imposed to require the front fence is a reasonable height having regard to the streetscape. Pursuant to the variation allowed under this clause, being fences up to 1.8m for private open space in the front setback (balconies), it is reasonable for the condition to allow a fence of up to 1.8 metres (with the solid part of the fence being no higher than 1.2 metres).

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

The proposal seeks consent to modify the approved development involving the demolition of existing dwellings, consolidation of three lots into one, and the construction of a 13-unit residential flat building.

The application has been referred to the Northern Beaches Local Planning Panel (NBLPP) as it involves a variation to the 'Height of Buildings' development standard under Clause 4.3 of the Pittwater Local Environmental Plan (PLEP) 2014 which is greater than that originally approved by the NBLPP for the DA and is in excess of 10%. Furthermore, the application is a Section 4.55(2) modification to a development originally determined by the NBLPP.

Council received 1 submission during the notification period required under the Northern Beaches CPP. Concerns raised in the public submission have been appropriately addressed and, where necessary, resolved through the submission of amended plans and the imposition of conditions of consent.

Key assessment matters relate to compliance with Clause 4.3 Height of Buildings under the PLEP 2014, the Apartment Design Guide (ADG), and issues raised by Council's Development Engineer, Senior Landscape Architect, and Traffic Engineer.

The proposal maintains a compliant building footprint with respect to planning controls for setbacks, building envelope, and landscaped area. All dwellings remain within the height standard, with the exception of specific elements including the lift overruns, eastern stair enclosure, planter boxes, and the awning over the southern balcony of Unit 204.

These non-compliant elements serve a necessary and functional purpose—principally to provide equitable access to rooftop communal open spaces, as required under the ADG. The elements are centrally located within the building footprint, well-separated from site boundaries, and do not result in any unreasonable visual or amenity impacts on adjoining properties or the public domain.

Issues raised by the Design and Sustainability Advisory Panel (DSAP) have been considered, and the amended design—including the removal of the flex room (third bedroom) in Unit G01 and the removal of internal connections to storage rooms for Units G01, G02 and G03—addresses key concerns raised by both the Panel and Council to ensure an improved planning outcome.

Additional issues raised by Council's internal referral specialists have been resolved through revised plans, supplementary information, and the application of appropriate and modified conditions.

The modified development represents a high-quality architectural outcome that responds appropriately to the planning controls and site context. It demonstrates strong articulation, appropriate massing, and the use of high-quality external finishes and materials. The design will contribute positively to the

streetscape and local character, supported by substantial landscaping that reinforces the desired future character of the area.

Further, the proposal meets the objectives of the R3 Medium Density Residential zone by promoting housing diversity while maintaining residential amenity.

Accordingly, the proposal is recommended for approval, subject to recommended and modified conditions.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Northern Beaches Local Planning Panel as the consent authority grant approval to Modification Application No. Mod2025/0018 for Modification of Development Consent DA2023/1869 granted for Demolition works and construction of a Residential Flat Building including the consolidation of 3 lots into 1 lot on land at Lot 5B DP 158658,58 Beaconsfield Street, NEWPORT, Lot 6 DP 1096088,56 Beaconsfield Street, NEWPORT, Lot 7B DP 162021,54 Beaconsfield Street, NEWPORT, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN - 504331 MOD2025/0018	The date of this notice of determination	<p>Section 4.55 (2) Environmental Impact - Modification of Development Consent DA2023/1869 granted for Demolition works and construction of a Residential Flat Building including the consolidation of 3 lots into 1 lot</p> <p>Add Condition No. 1A - Modification of Consent - Approved Plans and supporting documentation</p> <p>Modify Condition No. 4 - Compliance with Other Department, Authority or Service Requirements</p> <p>Modify Condition No. 10 - Amended Landscape Plans</p> <p>Modify Condition No. 15 - On-Site Stormwater Detention Details</p> <p>Modify Condition No. 19 - Vehicle Access & Parking</p> <p>Modify Condition No. 23 - Amendments to the approved plans</p> <p>Modify Condition No. 28 - National Construction Code (BCA) upgrade requirements and Fire Safety upgrade</p> <p>Modify Condition No. 29 - Access and Facilities for Persons with Disabilities</p> <p>Add Condition No. 87A - Fire Safety Matters</p> <p>Add Condition No. 98 - No internal access to storage rooms from Units G01, G02 & G03</p>

Modified conditions

A. Add Condition No.1A - 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
AR-S4-002	2	SITE PLAN	ARCHICORE	16/06/2025
AR-S4-100	2	BASEMENT FLOOR PLAN	ARCHICORE	16/06/2025
AR-S4-101	4	GROUND FLOOR PLAN	ARCHICORE	16/06/2025
AR-S4-102	2	FIRST FLOOR PLAN	ARCHICORE	16/06/2025
AR-S4-103	2	SECOND FLOOR PLAN	ARCHICORE	16/06/2025
AR-S4-104	2	ROOF PLAN	ARCHICORE	16/06/2025
AR-S4-200	2	ELEVATION SHEET 01	ARCHICORE	16/06/2025
AR-S4-201	2	ELEVATIONS SHEET 02	ARCHICORE	16/06/2025
AR-S4-300	2	SECTION SHEET 01	ARCHICORE	16/06/2025
AR-S4-301	2	SECTION SHEET 02	ARCHICORE	16/06/2025
AR-S4-302	1	SECTION SHEET 03	ARCHICORE	16/06/2025
AR-S4-400	2	SCHEDULE OF COLOURS AND MATERIALS	ARCHICORE	16/06/2025
AR-S4-500	2	LANDCAPE AREA	ARCHICORE	16/06/2025
AR-S4-504	2	STORAGE CALCULATION DIAGRAM	ARCHICORE	16/06/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate (1376303M_05)	05	E-LAB CONSULTING	19/06/2025
Traffic Response to RFI	-	GENESIS TRAFFIC	31/03/2025
Section 4.55 Application for Design Changes – BCA Statement		STEVE WATSON & PARTNERS	01/04/2025
Statement of Compliance Access for People with a Disability	-	ACCESSIBLE BUILDING SOLUTIONS	28/03/2025

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. Modify Condition No. 4 - Compliance with Other Department, Authority or Service Requirements to read as follows:

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	12 March 2025
Water NSW	Referral Response - Water NSW	25 February 2025

(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. 10 - Amended Landscape Plans to read as follows:

Amended Landscape Plans based on Wyer & Co drawings CC-01 to CC-06 inclusive (all revision 03), shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

- i) the nominated *Tristania laurina* 'luscious' along the entirety of the rear boundary shall be clearly marked by symbol, as shall all nominated tree planting.
- ii) the nominated number of proposed tree planting within the front setback shall remain unaltered,
- iii) street tree planting shall consist of *Xanthostemon chrysanthus* delivered at a pre-ordered 200 litre container size minimum, installed within pavement as detailed in Council's Standard Drawing 1300 - Tree Pit Details, including strata cell subsurface with root barriers and planted understorey, (#)

(#) item iii) shall also be documented for the section 138 and 139 application for works in the road reserve, consisting of full pavement width to the road reserve with street tree planting.

Certification shall be provided to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

D. Modify Condition No. 15 - On-Site Stormwater Detention Details to read as follows:

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 for Development Policy, and generally in accordance with the concept drainage plans prepared by Goldfish and Bay, drawing number 24-1023-CIV- S4.55 020 C, S4.55 030 C, S4.55 04 B, S4.55 041 C, dated 20/5/2025.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) 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.

E. Modify Condition No. 19 - Vehicle Access & Parking to read as follows:

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

1. All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890

for the respective type of vehicle.

2. Details must be provided to clarify how access to the basement will be controlled. As a roller door is proposed, a location of card reader for visitors accessing the basement must be provided.

3. Details must be provided for the kerb separating the pedestrian pathway and the vehicle driveway ramp into the basement. Details for the height, width, and length of the kerb must be provided. The kerb must be a minimum of 150mm high and leave a clear width for pedestrians of no less than 1.5m and of sufficient length to safely separate pedestrians from vehicular traffic.

Plans prepared by a suitably qualified Engineer shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

F. Modify Condition No. 23 - Amendments to the approved plans read as follows:

The following amendments are to be made to the approved plans:

- The proposed front fence is to be no greater than 1.8m in height from existing ground level (with the solid section of the fence being no greater than 1.2m above existing ground level).
- Notations to Unit G01 are to be altered from 3 BED to 2 BED.
- Provision of electric vehicle (EV) charging infrastructure within the basement carpark.
- All gas cooking appliances are to be replaced with induction or electric appliances.
- The eastern access is to be provide equitable access from the public domain to the eastern lobby.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

G. Modify Condition No. 28 - National Construction Code (BCA) upgrade requirements and Fire Safety upgrade to read as follows:

The Building Code of Australia fire safety requirements for the building as detailed and recommended in the DA Stage BCA Report prepared by Steve Watson and Partners, dated 26/10/2023, Ref No. 2023/2093 including any required Performance Reviews, are to be considered as part of the assessment for any Construction Certificate. Details demonstrating compliance are to be provided to the Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

H. Modify 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 Statement of Compliance – Access for People with Disabilities prepared by Accessible Building Solutions dated 28/03/2025 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.

I. Add Condition No. 87A - 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.

J. Add Condition No. 98 - No internal access to storage rooms from Units G01, G02 & G03

No internal access from Units G01, G02 & G03 to the storage room(s).

Reason: Non compliance with Building Code of Australia (BCA) and Apartment Design Guide (ADG).