

3 July 2025



Jak Newport Pty Ltd
Level 2 10 James Street
WATERLOO NSW 2017

Dear Sir/Madam

Application Number: Mod2025/0018
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

Please find attached the Notice of Determination for the above mentioned Application.

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

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

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

Regards,



Adam Richardson
Manager Development Assessments

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application Number:	Mod2025/0018 PAN-504331
Applicant:	Jak Newport Pty Ltd Level 2 10 James Street WATERLOO NSW 2017
Property:	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
Description of 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
Determination:	Approved Consent Authority: Northern Beaches Local Planning Panel
Date of Determination:	02/07/2025
Date from which the consent operates:	02/07/2025

Under Section 4.55 (2) Environmental Impact of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Adam Richardson, Manager Development Assessments

Date 02/07/2025

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_06)	06	E-LAB CONSULTING	23/06/2025
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 *Tristanopsis 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 must be provided for the kerb separating the ramp and the vehicle ramp into the basement. Details of 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 of no less than 1m.

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.

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

The storage rooms are not to be used as habitable spaces. No internal access from units G01, G02 and G03 to the storage rooms.

Reason: Non-compliance with BCA and ADG.

Important Information

This letter should therefore be read in conjunction with DA2023/1869 dated 2 October 2024.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.