

MEMORANDUM

To: Northern Beaches Planning Panel (NBLPP)

Cc: Peter Robinson, Executive Manager Development Assessments

From: Phil Lane, Principal Planner

Date: 1 July 2025

Subject: Item 5.1 - MOD2025/0018 54 - 58 Beaconsfield Street, Newport

Record Number: 2025/446102

The purpose of this memo is to provide a response to a submission received from the Applicant requesting amendments to the recommended Conditions of approval, including:

- **Condition 1A** – Modification of Consent – Approved Plans and Supporting Documentation
- **Condition 19** – Vehicle Access & Parking
- **Condition 23** – Amendments to the Approved Plans
- **Condition 98** – No Internal Access to Storage Rooms (Units G01, G02 & G03)

Amendment 1: Condition 1A – Modification of Consent – Approved Plans and Supporting Documentation

The Applicant has submitted an amended BASIX Certificate (1376303M_06 dated 23 June 2025) to replace the current BASIX Certificate (1376303_05 dated 19 June 2025). An amended BASIX Certificate was required to reflect changes to Units G01, G02, and G03, specifically the separation of their respective storage rooms by internal walls.

This updated BASIX Certificate has been reviewed and found to be acceptable. As a result, recommended condition 1A will be updated to reflect BASIX Certificate (137630M_06).

Amendment 2: Condition 19 – Vehicle Access & Parking

The Applicant has requested wording amendments to recommended Condition 19, which were previously agreed to by Council's Traffic Engineering Coordinator via email correspondence on 29 May 2025 between the Applicant and Council's Traffic Engineer. The agreement between the Applicant and Traffic Engineer included a reduction in the pedestrian ramp width from 1.5 metres to 1.0 metre, and a change in terminology from "pedestrian pathway" to "ramp." Council's Traffic Engineer confirmed on 30 June 2025 they are satisfied with the revised wording, as the objective of the condition as initially drafted has been met. Accordingly, Condition 19 is to be amended to reflect the change in terminology/wording.

Amendment 3: Condition No. 23 Amendment to the approved plans

3. Condition 23 – Amendments to the Approved Plans in part reads 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 provide equitable access from the public domain to the eastern lobby.*

The Applicant makes the submission that the 5th dot point (highlight in blue text above) requirement is adequately addressed under Condition 29 – Access and Facilities for Persons with Disabilities, which requires compliance with the Building Code of Australia (BCA) and AS1428, as certified by an Access Consultant, and that Condition 23 is effectively a duplication

29. Access and Facilities for Persons with Disabilities

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 10/11/2023 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.

Council's Senior Building Surveyor provided advice on 30 June 2025 that, given Council is not the Principal Certifier, this matter should be assessed by the Private Certifier responsible for issuing the Construction and Occupation Certificates.

Given the overlap with Condition 29 and reliance on the Private Certifier for compliance, it is recommended that the fifth bullet point of Condition 23 be deleted,

Amendment 4: Condition 98 – No internal access to storage rooms Units G01, G02 & G03

The current wording of recommended Condition 98 provides:

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

Reason: Non-compliance with BCA and ADG."

The Applicant has requested deletion of this condition, arguing that the current Ground Floor Plan clearly separates the storage rooms from the units G01, G02 and G03, rendering the condition superfluous. The removal of this condition is not supported. The superseded plans from the modification included direct access from the units to large rooms storage rooms with furniture demonstrating habitable spaces. Following concerns raised by Council amended plans were submitted, which removed these doorways which separated direct access to the storage rooms from units. Condition 98 does not contradict the current plans and ensures compliance with ADGs.

Furthermore, recommended Condition 98 is an ongoing consent condition, the purpose of which is to serve as an enforceable mechanism post-occupation. Its removal would weaken Council's ability to maintain compliance with the approved non-habitable configuration. Should the storage rooms be proposed for habitable spaces in the future applications addressing the ADG's and National Construction Code would need to be assessed.

It is therefore recommended that Condition 98 be maintained as recommended.

Conclusion

The proposed amendments to conditions 1, 19 and 23 are acceptable and are recommended to be amended. Condition 98 does not contradict the amended proposal, simply reinforces the proposal as presented for consideration and provides clear direction for the Certifier and future occupants. The deletion of condition 98 is not supported.

Recommendation

That the Conditions within the assessment report be amended to read as follows:

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.

Condition 19 – Vehicle Access & Parking reads 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 (Off-street 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.*

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

Condition 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 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.