

5 February 2025



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

Dear Sir/Madam

**Application Number:** Mod2024/0647

**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](http://www.northernbeaches.nsw.gov.au)

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

Regards,



Anaiis Sarkissian  
**Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2024/0647 PAN-490238
<b>Applicant:</b>	Jak Newport Pty Ltd Level 2 10 James Street WATERLOO NSW 2017
<b>Property:</b>	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
<b>Description of Development:</b>	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
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	04/02/2025
<b>Date from which the consent operates:</b>	04/02/2025

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



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Name Anais Sarkissian, Planner

Date 04/02/2025

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-490238 MOD2024/0647	The date of this notice of determination	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  Modify Condition 3 - Approved Plans and supporting documentation Modify Condition 4 - Compliance with Other Department, Authority or Service Requirements Add Condition 9A - Housing and productivity contribution - Development consents

### Modified conditions

#### A. Modify Condition 3 - 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
DA002	D	Demolition Plan	PBD Architects	12 June 2024
DA004	E	Site Plan	PBD Architects	12 July 2024
DA100	E	Ground Floor Plan	PBD Architects	12 July 2024
DA101	D	First Floor Plan	PBD Architects	12 June 2024
DA102	D	Second Floor Plan	PBD Architects	12 June 2024
DA103	E	Roof Plan	PBD Architects	12 July 2024
DA104	E	Basement Plan	PBD Architects	20 August 2024
DA200	D	Elevation Sheet 1	PBD Architects	12 June 2024
DA201	D	Elevation Sheet 2	PBD Architects	12 June 2024
DA300	D	Section Sheet 1	PBD Architects	12 June 2024
DA301	D	Section Sheet 2	PBD Architects	12 June 2024
DA302	E	Driveway Section	PBD Architects	20 August 2024
DA400	D	Schedule of Colours and Materials	PBD Architects	12 June 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1376303M_03	E-LAB Consulting	16 November 2023
Arboricultural Impact Appraisal and Method Statement	A	Ezigrow Arboricultural Consulting	7 May 2024
Geotechnical Investigation	2	EI Australia	29 May 2024
Operational Waste Management Plan	D	Elephants Foot Recycling Solutions	26 April 2024
Traffic Impact Assessment	2	Genesis Traffic	13 November 2023
Traffic Engineering Statement	23082	Genesis Traffic	18 June 2024
Flora and Fauna Assessment Report	Final v1.0	Narla Environmental Pty Ltd	6 May 2024
Hydrogeological Report including Dewatering Management Plan and Groundwater Seepage Analysis	0	EI Australia	17 July 2024

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

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

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

#### **B. Modify Condition 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	24 January 2024
WaterNSW	WaterNSW Referral Response - S4551158700	21 January 2025

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://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. Add Condition 9A - Housing and productivity contribution - Development consents, to read as follows:**

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$100,000
<b>Total:</b>	<b>\$100,000</b>

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

***highest PPI number***

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***consent PPI number***

where—

***highest PPI number*** is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

***consent PPI number*** is the PPI number last used to adjust HPC rates when consent was granted.

***June quarter 2023 and PPI*** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC	Before the issue of the first strata certificate

Order) or only of residential strata subdivision and a change of use of an existing building	
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
  - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
  - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.
6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

## 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.