

4 June 2024

SLR Ref No.: 630.13960.00001

**Attention: General Manager**  
Northern Beaches Council  
1 Belgrave Street  
Manly NSW 2095

SLR Project No.: 630.13960.00001

**RE: Statement of Environmental Effects  
s4.55(1A) Modification to DA2023/1142  
4-8 Inman Road, Cromer NSW 2099**

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## **1.0 Introduction**

SLR Consulting Australia Pty Ltd (SLR) acts on behalf of Indoor Padel Australia in lodging this Section 4.55(1A) modification application to Northern Beaches Council (Council) to modify DA 2023/1142. The proposal includes modifications to 'Condition 1 *Approved Plans and Supporting Documentation*' of the approved consent to facilitate the minor internal changes located at 4-8 Inman Road, Cromer NSW 2099. The minor change to the approved consent is necessary to comply with the relevant BCA/fire compliance and structural adequacy.

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states that a consent authority may, on application, modify a development consent involving substantially the same development and minimal environmental impact. The proposed modification is considered to satisfy these requirements as detailed within this modification application.

## **2.0 Site Details**

The site is legally described as Lot 1 within DP 1282038 and is known as 4-8 Inman Road Cromer. Refer to **Figure 1** and **Figure 2** for a site aerial and cadastral plan. It has two (2) street frontages, being South Creek Road to the south and Inman Road to the west.

Within the site, the premises subject of this modification application is known as Warehouse Unit 2 which is under construction. The unit is located in the northeast corner of the site.

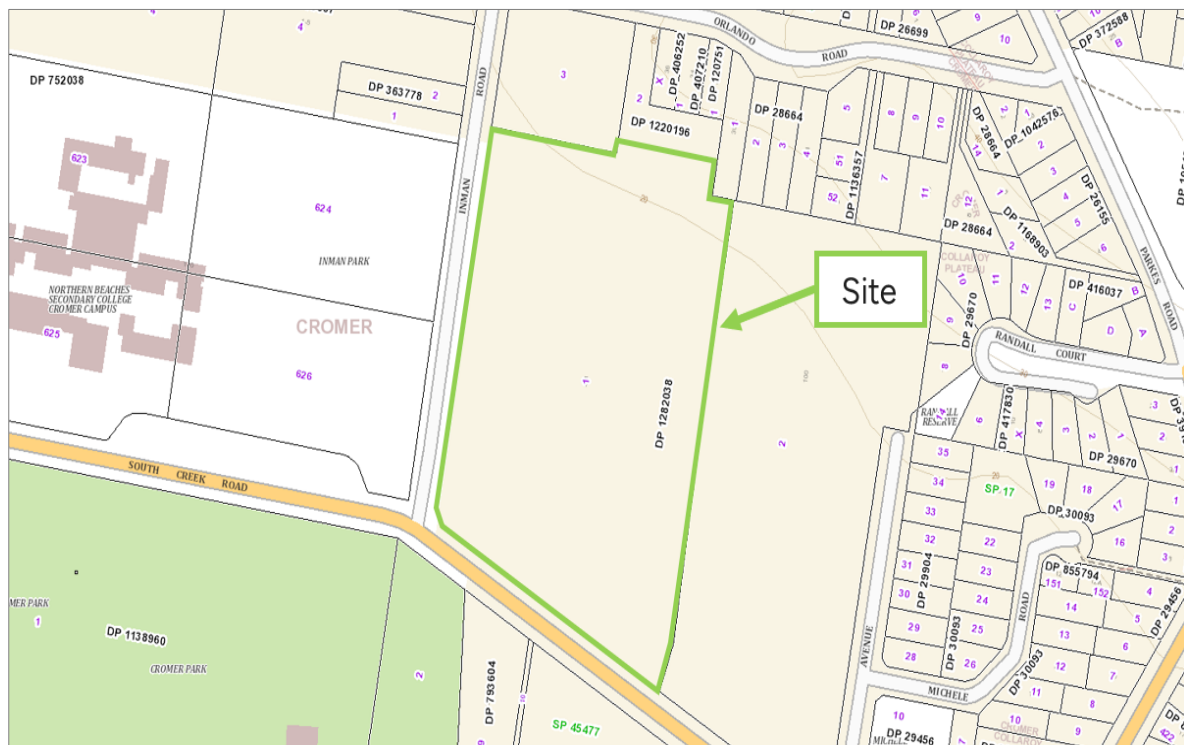
Vehicle access to the site is available off both South Creek Road and Inman Road.

Refer to **Figure 1** to view the existing site and surrounding development.

**Figure 1 Site Aerial (Source: Google Earth, dated 28 December 2022)**



**Figure 2 Site Cadastre (SIX Maps)**



## 3.0 Background

DA2023/1142 was approved on 24 November 2023 with the description 'Use of existing premises as an indoor recreational facility, including fitout and signage'. The proposed modifications are required as instructed by the appointed Building Certifier to achieve compliance with the BCA and fire safety requirements prior to issuing the Construction Certificate (CC).

The proposed development has not commenced any works onsite.

## 4.0 Proposed Modification

The proposal seeks minor changes to the internal layout of the site to enable a more efficient and user-friendly environment.

The proposed minor changes are detailed below and are included on the amended architectural plans enclosed at Appendix A.

### Ground Floor:

- Layout reconfiguration of four (4) padel courts to including the following:
  - Padel Court 3 – setback 850mm from the southern side;
  - Installation of two (2) access gates to Court 3 on the southern side of the court;
  - Padel Court 4 – setback 3085mm from the southern side;
- Removal of staircase ground floor to accommodate installation of Padel Court 4;
- East section (adjacent to Padel Court 1) to be closed off with mesh identified as restricted area;
- Installation of mesh to the northern side of the Padel Court (adjacent to Court 1 & 2);
- Installation of five (5) bollards along the north side of the padel court.

### Mezzanine Floor:

- Inclusion of two (2) wet areas – total combined area 8.32m<sup>2</sup>;
- Wet area to comply with AS 3740-2021;
- Installation of exhaust fans within each wet area;
- Minor reconfiguration to the existing internal wall within the 'office' area identified on the floor plan;
- New wall to be insulated using same material as per adjacent walls notated on the floor plan.

### Signage

Installation of illuminated sign mounted to upper building wall on the southern elevation, dimensions 6m x 2.5m

Approved plans are listed within the consent at Condition 1. The proposed changes in turn require a change to this condition. These changes are represented below.



### Condition 1 – Approved Plans and Supporting Documentation

Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA01.01	n/a	Site Plan	Archi Spectrum	n/a
<del>DA03.01</del> DA03.01	a	<del>Proposed Ground Plan</del> Proposed Ground Plan	Archi Spectrum	04/06/2024
<del>DA03.02</del> DA03.02	a	<del>Proposed Mezzanine</del> Proposed Mezzanine	Archi Spectrum	04/06/2024
<del>DA04.01</del> DA04.01	a	<del>Elevations</del> Elevation	Archi Spectrum	04/06/2024

## 5.0 Relevant Legislation and Planning Controls

### 5.1 Environmental Planning and Assessment Act 1979

The appropriate approval path for the proposed modification is a s4.55(1A) under the EP&A Act.

**(1A) Modifications involving minimal environmental impact** 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 proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with—
  - (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 that requires the notification or advertising of applications for modification of a development consent, and
- (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.

Subsections (1), (2) and (5) do not apply to such a modification.

The proposed amendment does not change the overall design, appearance, or land uses of the development (as approved). Therefore, the proposal is substantially the same development for which consent was originally granted and of minimal environmental impact.

Minor internal changes to the approved application relate to layout of the four (4) padel courts, reconfiguration of the internal wall within the area identified office, installation of two (2) wet rooms and fitout related to compliance with BCA and standards for the ongoing use of the approved indoor recreational use.

As such the proposed modification can be considered under s4.55(1A) of the EP&A Act.





## 5.2 Warringah Local Environmental Plan 2011

The site is located within the Warringah Shire LGA and is subject to the Warringah LEP 2011. The site is zoned E4 General Industrial under the LEP.

The proposed modification will not alter the approved land use, which remains permissible and consistent with the objectives of the E4 zone.

The proposed modification results in the approved development still being consistent with all other LEP clauses applicable to the site with no variations.

## 5.3 Warringah Development Control Plan 2011

The Warringah DCP 2011 applies to the site. The minor nature of the modifications proposed do not impact the compliance of the development with relevant DCP controls as assessed under the original application, and thus do not warrant further reassessment.

## 6.0 Environmental Assessment & Justification

The environmental assessment completed as part of DA 2023/1142 still remains valid. No further impacts are anticipated.

The proposed minor alterations relate primarily to the layout configuration and compliance with the BCA and AS Standards to the approved indoor recreational use within the same footprint of the approved consent and minimal environmental impact.

## 7.0 Conclusion

The proposed amendment to DA 2023/1142 is considered to have minimal environmental impact and will not change the approved design or land use(s) at the site. It is therefore considered a s4.55(1A) application under the EP&A Act 1979 is appropriate.

Given the absence of any significant adverse impacts resulting from the modification and consistency with all relevant planning legislation and Council policy, the proposed modification is considered to be worthy of Council's support.

Yours sincerely,

**SLR Consulting Australia**



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**Appendix A** Architectural Plans – Archi Spectrum – 4 June 2024



# Appendix A

## Architectural Plans

