



5 August 2022

Ref: WTJ22-157
Contact: Macy Fenn

The General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

Via NSW Planning Portal

**SECTION 4.55(1A) APPLICATION FOR MODIFICATION OF DA2019/1346
APPROVED DEMOLITION WORKS AND ALTERATIONS AND ADDITIONS TO AN EXISTING INDUSTRIAL
FACILITY, INCLUDING NEW WAREHOUSE, AND SELF-STORAGE, OFFICE PREMISES AND ANCILLARY
CAFÉ.**

4 – 8 Inman Road, Cromer (LOT 1 DP 128038)

Dear Sir/Madam,

Reference is made to development consent **DA2019/1346** granted on 17 August 2020 for the alterations and additions to an existing industrial facility at 4 – 8 Inman Road, Cromer, more formally described as Lot 1 DP 1220196 (Subject Site).

1. INTRODUCTION

This statement has been prepared in support of a Section 4.55(1A) Modification Application (MA) submitted to Northern Beaches Council, seeking to modify to development consent **DA2019/1346 (Appendix 1)** which granted consent for:

Demolition works and alterations and additions to an existing industrial facility, including new warehouse, and self-storage, office premises and ancillary café.

This application is made pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), on behalf of EG. The following supporting documentation has been provided as part of this application:

- **Appendix 1** Development Consent (**DA2019/1346**)
- **Appendix 2** Development Consent (**Mod2020/0611**)
- **Appendix 3** Architectural Plans
- **Appendix 4** Landscape Plans
- **Appendix 5** Civil and Structural Engineering Letter
- **Appendix 6** BCA Statement
- **Appendix 7** Statement of Heritage Impact

The overall intent of the proposed modifications is to fitout and upgrade two (2) existing buildings to improve the functionality of the Site. The works to the buildings would ensure the upgradation of the buildings for contemporary needs and requirements ensuring that the heritage buildings are retained

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as a part of the new development. As a result, the proposed works would improve the presentation of the heritage buildings within the complex and external streetscapes.

This MA constitutes the second modification sought to **DA2019/1346. Mod2020/0611** was granted approval on 1 April 2021 for the reconfiguration of the basement car park. There is currently a Section 4.55(1A) being assessed by Council. This relates to tree removal and will not impact the assessment of this Section 4.55(1A).

2. SITE LOCATION AND CHARACTERISTICS

The Subject Site is located at 4 – 8 Inman Road, Cromer. The Subject Site is bound by South Creek Road to the south and Inman Road to the west. The north-western corner of the Subject Site is bound by Orlando Road, which connects to Parkes Road. The Subject Site also has frontage to Campbell Avenue. The remainder of the Subject Site shares a common boundary with existing residential dwellings and childcare centre to the north.

The Subject Site is zoned IN1 General Industrial, pursuant to the WLEP2011 and includes mostly office buildings and large warehouse/manufacturing buildings. Zones surrounding the Subject Site include RE1 – Public Recreation, RE2 – Private Recreation, SP2 – Infrastructure, and R2 – Low Density Residential.

Located twenty (20) kilometres from the Sydney CBD, the Subject Site is within the Cromer Industrial Precinct, close to the Northern Beaches Hospital, the B-line bus network, and the Beaches Link Tunnel project. It is also near to the Dee Why Town Centre, which is undergoing significant urban renewal.

The Subject Site has been significantly developed and includes a variety of buildings and structures, ranging in age from the 1920s through to 2006, with works commenced to facilitate the redevelopment works approved in 2020. Three (3) separate heritage listings apply to the Subject Site, under the WLEP 2011, being; Item 52: 'Roche Building'; Item 53: 'Givaudan-Roure Office'; and Item 38: 'Trees'.

The existing Site characteristics are depicted in **Figures 1 and 2** below.



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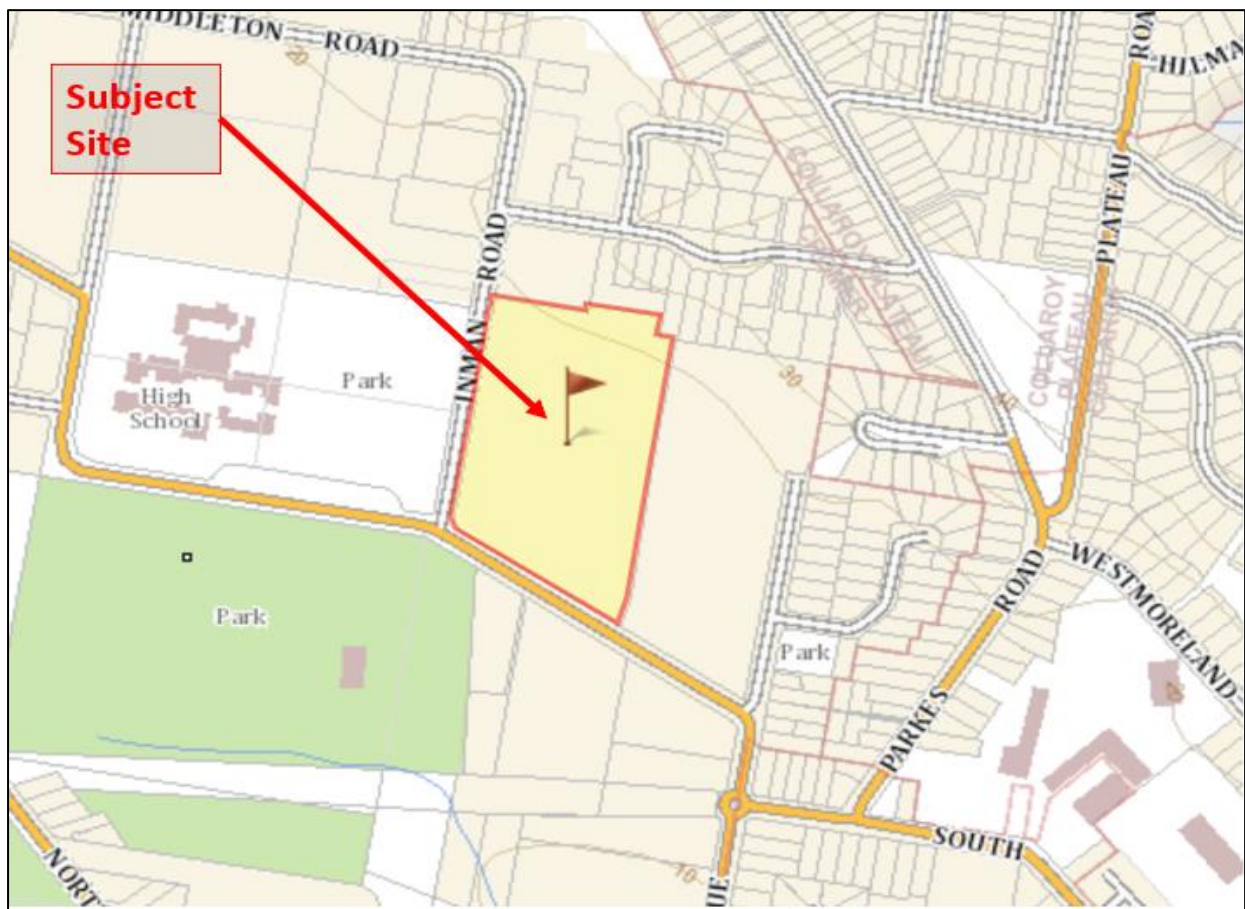


Figure 1. Cadastral Map (Source: SIX Maps, 2022)



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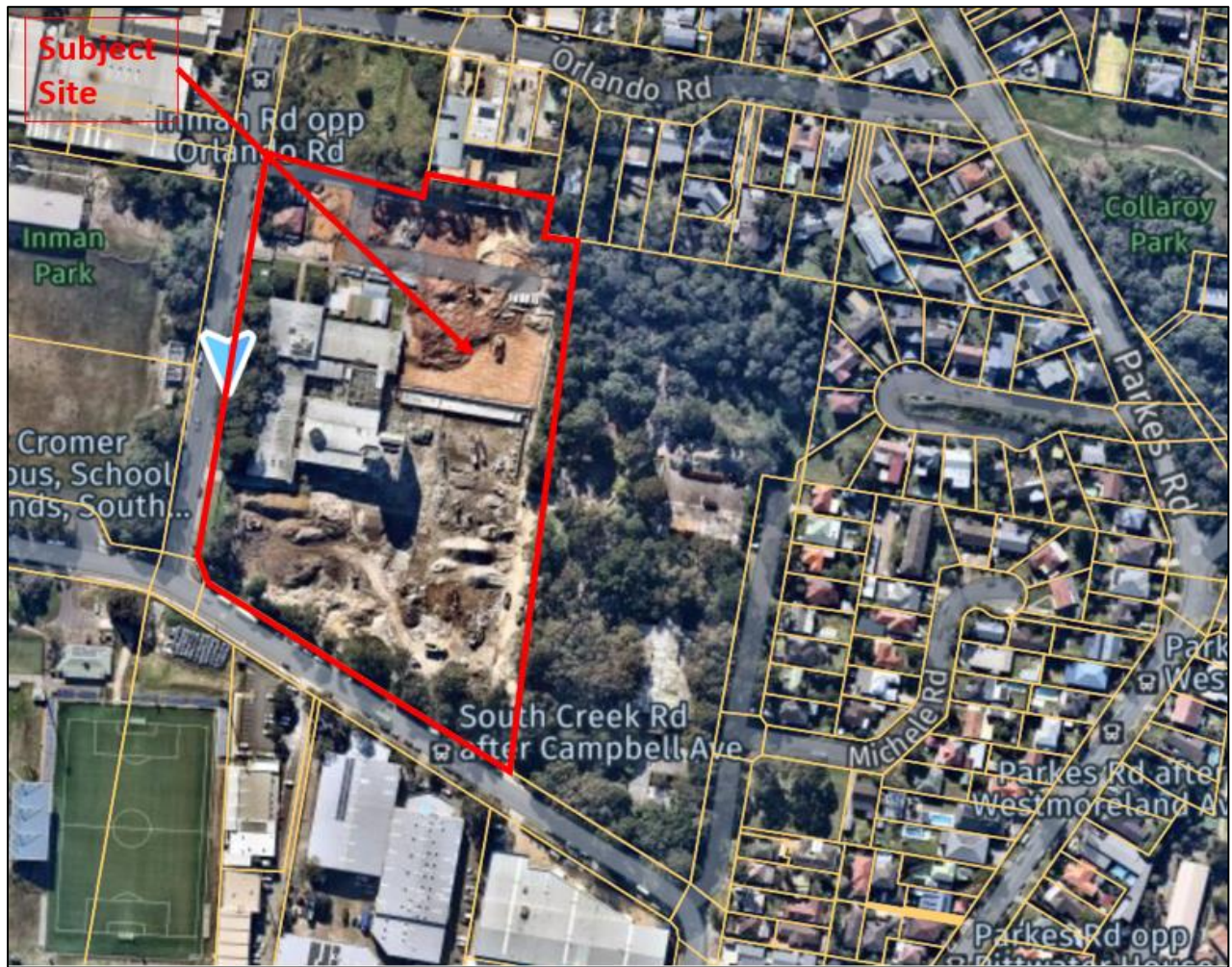


Figure 2. Aerial Map (Source: Nearmap, 2022)

3. PROPOSED MODIFICATIONS

The proposed modification seeks consent for the fitout of an existing office building involving internal and external alterations and additions. The purpose of this is to improve the functionality of the Site in accordance with **DA2019/1346**

A summary of the proposed modifications includes:

- Alterations and additions within the interiors of cottage (B5) to convert it into a café; and
- Alterations and additions within the interiors of Buildings 01, 02, 06 to convert them into modern office spaces.
- Exterior changes to both the cottage and existing office building

More detail on the scope of works proposed is listed below and demonstrated in **Figure 3 – Figure 7**. The architectural plans Appendix 3

Scope of works

- Internal partitions to be removed
- Existing floor finish to be replaced
- Exterior fenestration
- Exterior walls to be repainted and skirting repaired

Demolition works



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- Existing pump room to be demolished
- Existing ramp to be demolished
- Existing add-on windows to be demolished
- Existing door to be removed and reutilised
- Existing brick structure to be demolished
- Bathroom to be demolished
- Existing kitchen to be demolished
- Existing security office to be demolished
- Walls to be demolished to maintain 2.1m height
- Existing floor coverings to expose timber floors
- Concrete floor to be removed
- Carport roof to be removed
- Remove door retain for reuse
- Existing add on windows to be demolished
- Existing carport to be demolished

Basement

- MSB entry to be closed off and relocated
- New MSB entry
- New paving to suit required levels and finished
- New stairs to connect existing basement level with proposed driveway
- Replace existing heritage circular stair handrail
- New lightweight infill walls
- New accessible toilet
- New wall to match existing
- New electrical kiosk substations

First Floor

- Existing floor finishes to be removed and replaced
- New accessible toilets

Ground Floor Plan

- Existing floor finishes
- Existing amenities to be updated
- New external walls to replicate existing glass modulation

Occupation and fitout of existing cottage for a Café

- New outdoor area
- New timber stairs
- New door location
- Existing floor coverings to be removed to expose timber floors
- Replace existing floor boards with CFC flooring 50mm FFL to allow for tile floor finish with falls
- Timber slat screens in front of retaining wall
- Low-rise, low-speed constant pressure wheelchair lift compliant with NCC glass panels lift shaft

Landscaping works

- Shrub, accent and ground cover planting
- Mulch
- Hardwood timber stakes securely in ground and avoid root ball
- Tree planting
- Turf



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4. AMENDED DEVELOPMENT CONSENT

The desired development outcome as outlined above requires the following modifications to development consent **DA2019/1346**.

The proposed amendments are demonstrated in blue, with deletions as a ~~strike through~~ and additions as underlined.

4.1 Proposed Conditions

Condition No. 1

Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans – Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA101 C Rev.12 (Image 01 – External Finishes) <u>DA_M201 Rev.B (Coversheet)</u>	06/07/2022 <u>06/07/2022</u>	SBA Architects <u>SBA Architects</u>
DA201 Rev.12 (Site Plan) <u>DA_M201 Rev.C (Site Plan)</u>	12.11.2019 <u>18/07/2022</u>	SBA Architects <u>SBA Architects</u>
DA202 Rev.12 (Ground Floor Plan) <u>DA_M301 Rev.B (Heritage Building – Ground Floor & First Floor Plans)</u>	06.11.2019 <u>06/07/2022</u>	SBA Architects <u>SBA Architects</u>
DA203 Rev.12 (Basement Plan) <u>DA_M300 Rev.C (Heritage – Basement Plans)</u>	12.11.2019 <u>17/07/2022</u>	SBA Architects <u>SBA Architects</u>
DA204 Rev.12 (Level 1 Floor Plan) <u>DA205 Rev.12 (Typical Offices 150sqm Plans and Elevations)</u>	12.11.2019 <u>12.11.2019</u>	SBA Architects <u>SBA Architects</u>
DA206 Rev.12 (Typical Offices 250sqm Plans and Elevations) <u>DA207 Rev.12 (Roof Plan)</u> <u>DA_M302 Rev.B (Roof Plan – Heritage Office)</u>	12.11.2019 <u>06/07/2022</u>	SBA Architects <u>SBA Architects</u>
DA208 Rev.12 (Demolition Plan) <u>DA_M210 Rev.B (Demolition Plan – Basement Heritage Building)</u> <u>DA_M211 Rev.B (Demolition Plan – Ground & Level 1 – Heritage Building)</u> <u>DA_M213 Rev.B (Demolition Plan & Elevations – Heritage Cottage)</u>	12.11.2019 <u>06/07/2022</u> <u>06/07/2022</u> <u>06/07/2022</u>	SBA Architects <u>SBA Architects</u> <u>SBA Architects</u> <u>SBA Architects</u>
DA301 Rev.12 (Elevations) DA302 Rev.12 (Elevations 2) DA305 Rev.12 (Sections) DA306 Rev.12 (Sections 2) <u>DA_M310 Rev.E (Café floor & Roof Plan)</u> <u>DA_M311 Rev.E (Heritage Cottage Café – Elevations and Sections)</u> <u>DA_M401 Rev.B (Heritage Office Elevations)</u> <u>DA_M410 Rev.B (Heritage Building – Sections)</u>	12.11.2019 12.11.2019 12.11.2019 12.11.2019 <u>18/07/2022</u> <u>18/07/2022</u> <u>06/07/2022</u> <u>06/07/2022</u>	SBA Architects SBA Architects SBA Architects SBA Architects <u>SBA Architects</u> <u>SBA Architects</u> <u>SBA Architects</u> <u>SBA Architects</u>
<u>000 Landscape Coversheet</u>	<u>12/07/2022</u>	<u>Site Image Landscape Architects</u>
<u>001 Landscape Master Plan</u>	<u>12/07/2022</u>	<u>Site Image Landscape Architects</u>
<u>101 Landscape Plan</u>	<u>12/07/2022</u>	<u>Site Image Landscape Architects</u>
<u>102 Landscape Plan</u>	<u>12/07/2022</u>	<u>Site Image Landscape Architects</u>



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104 Landscape Plan	12/07/2022	Site Image Landscape Architects
501 Landscape Details	12/07/2022	Site Image Landscape Architects

5. STATUTORY PLANNING FRAMEWORK**5.1 Environmental Planning and Assessment Act 1979**

The EP&A Act is the principle planning and development legislation in New South Wales. Pursuant to Part 4, the proposal is local development. The modifications sought to the development consent **DA2019/1346** warrants consideration of the provisions of Section 4.55(1A) of the EP&A Act. The provisions of Section 4.55 of the EP&A Act provided in **TABLE 1** below require consideration in this instance.

TABLE 1. SECTION 4.55(1A) ASSESSMENT	
Clause	Response
(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—	
<i>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</i>	The proposed modification will result in the same ultimate development outcome to that previously approved. The main modification sought relates to the fitout of an existing office building to improve the functionality of the Site.
<i>(b) 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</i>	As above.
<i>(c) it has notified the application in accordance with—</i> <i>(i) the regulations, if the regulations so require, or</i> <i>(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</i>	The application will be re-notified as required in accordance with the regulations and the <i>Northern Beaches Community Participation Plan</i> .
<i>(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	It is acknowledged that Council must consider any submissions received, concerning the proposed modifications.
(3) In determining an application for modification of a consent under this section, 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 consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	The proposed modifications are consistent with the matters referred to in Section 4.15(1) of the EP&A Act. Refer to Section 5.1.1 of this statement.



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5.1.1 Section 4.15 – Reasons given by the consent authority for the grant of the consent

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 2** below.

TABLE 2. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	Refer to Section 5.5.1 of this statement.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no applicable draft instruments for consideration.
Section 4.15(1)(a)(iii) any development control plan, and	Refer to Section 6.1 of this statement.
Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Refer to Section 5.2 of this statement.
Section 4.15(1)(b)-(c)	Refer to Section 7 of this statement.

5.1.2 Section 4.46 – Integrated Development

Section 4.46 of the EP&A Act defines ‘integrated development’ as matters which require consent from Council and one or more authorities under related legislation. In these circumstances, prior to granting consent, Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

Pursuant to Section 4.46 of the EP&A Act the proposed development does constitute integrated development.

5.2 Environmental Planning & Assessment Regulation 2021

This application has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

5.2.1 Schedule 3 – Designated Development

Section 4(1) of the EP&A Regulation states, that any development described in Part 2 of Schedule 3, would be declared to be Designated Development for the purposes of the EP&A Act. Further, the proposal is not identified as ‘Designated Development’ pursuant Schedule 3 of the EP&A Regulation.

5.3 Heritage Act 1997

The *Heritage Act 1977* protects the cultural and natural history of NSW and those items identified as State or local heritage significance. The Subject Site is listed as an item of environmental heritage in Schedule 5 of the WLEP2011. However, the Subject Site is not listed on any other statutory or non-statutory lists or registers. The Subject Site comprises three (3) items of environmental heritage, all of which are listed under Schedule 5 of the WLEP2011.

Clause 5.10(4) and 5.10(5) of the WLEP2011 require Council to assess the potential heritage impact of non-exempt development, such as the proposed works, on the heritage significance of said heritage items, and also assess the extent to which the proposal would impact the heritage significance of those heritage items.



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The heritage impact statement prepared by Heritage21 (attached in **Appendix 7**) notes there are no aspects of the proposal which could be detrimental to the significance of the subject site and the buildings of high heritage significance including Building 01, 02, 06 and the heritage cottage within the former Roche complex. The statement concludes the proposed development complies with pertinent heritage controls and would engender a neutral impact on the heritage significance of the subject site.

The proposal, from an external viewpoint is generally in accordance with the development approved under **DA2019/1346**.

For further consideration refer to **Section 7.6** of this SEE.

5.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017 and sets out, among other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change.

As part of **DA2019/1346 (Appendix 2)**, an ecological survey and assessment have been undertaken in accordance with relevant legislation including the EP&A Act and the BC Act.

In respect of matters required to be considered under the EP&A Act and relating to the species / provisions of the BC Act, three (3) threatened fauna species including the Powerful Owl (*Ninox strenua*), Grey-headed Flying-fox (*Pteropus poliocephalus*) and Little Bentwing-bat (*Miniopterus australis*), two (2) threatened flora species *Eucalyptus scoparia* and *Syzygium paniculatum* (all planted), and no threatened ecological communities (TECs) were recorded within the study area.

The assessment of significance test in accordance with Section 7.3 of the BC Act concluded that the proposed development is not likely to have a significant effect on any threatened species, endangered communities, or their habitat. Therefore, a species impact statement is not required for the proposed activity.

Notwithstanding, the proposed development is part of the existing and approved footprint under **DA2019/1346 (Appendix 2)**.

5.5 Local Planning Context

5.5.1 Warringah Local Environmental Plan 2011

The Site is subject to the provisions of WLEP2011. Relevant permissibility and development standards are summarised in the subsequent sections of this report.

Zoning and permissibility

The Subject Site is zoned IN1 General Industrial pursuant to the WLEP2011.



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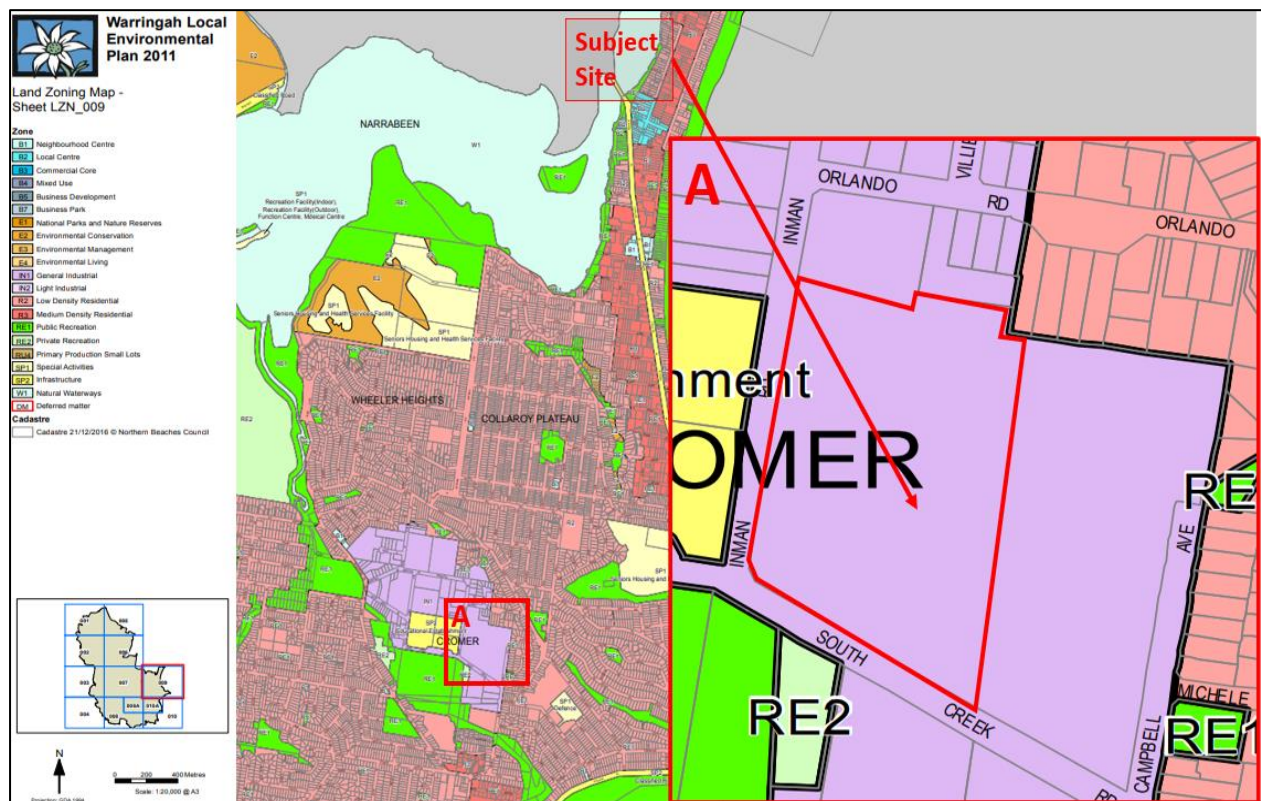


Figure 7. WLEP2011 Zoning Map (Source: NSW Legislation, 2022)

The Subject Site is zoned IN1 General industrial, pursuant to the WLEP2011.

The proposal, as modified, is consistent with the objectives of the zone as it will facilitate development of employment generating uses including occupation of the existing office and café.. Given the minor nature of the changes sought under this application, the proposed modification does not result in any of the objectives of the zone being compromised.

The development will continue to be capable of achieving these objectives to the same capacity as the development approved under **DA2019/1346**.

Development standards

This section provides is a summary of all WLEP2011 provisions, as they apply to the proposed development.

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TABLE 3. DEVELOPMENT STANDARDS	
Clause	Comment
Principle development standards	
Clause 4.1 – Minimum Lot Size	The Subject Site is not restricted to a minimum lot size.
Clause 4.3 – Height of Buildings	The proposed modification does not seek to alter the approved building height.
Clause 4.4 – Floor Space Ratio	The Subject Site is not restricted to a maximum floor space ratio.
Clause 4.6 – Exceptions to development standards	The proposal, as modified, does not seek to contravene any additional development standards.
Clause 5.10 – Heritage	<p>The Subject Site contains three (3) items of heritage, listed under the WLEP2011.</p> <p>As depicted in Figure 8 below, the Subject Site is listed as an item of environmental heritage in Schedule 5 of the WLEP2011. For further consideration refer to Section 7.6 of this SEE.</p>
Clause 6.2 – Earthworks	No earthworks are proposed as part of this modification.
Clause 6.4 – Development of sloping land	The Subject Site is identified as being within 'Areas A, D and E' on Council's Landslip Risk Map. Notwithstanding, the proposed development is located entirely within an existing building and would have no material impact in this respect.



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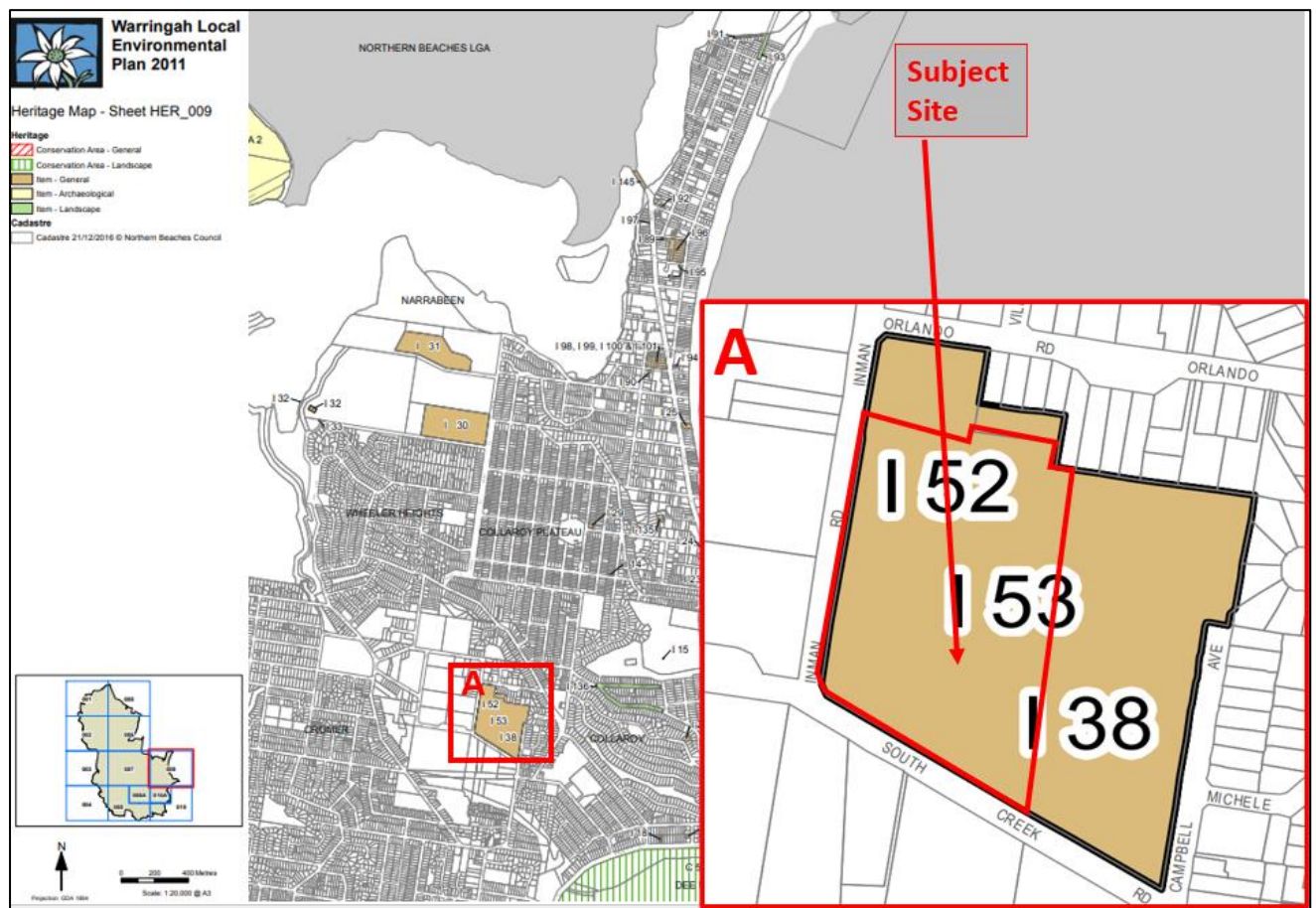


Figure 8. WLEP2011 Heritage Map (Source: NSW Legislation, 2022)

6 NON-STATUTORY PLANNING FRAMEWORK

6.1 Warringah Development Control Plan 2021

The *Warringah Development Control Plan 2011* (WDPC2011) supplements WLEP2011 and provides more detailed provisions to guide development.

The proposal as modified does not seek to contravene the development controls.

7 LIKELY IMPACTS OF DEVELOPMENT

7.1 Context and Setting

The Subject Site comprises one large allotment, including laboratory, factory, warehouse buildings, administrative offices and stores, previously occupied by Roche. The buildings are predominantly located in the south western portion of the Subject Site and are accessible via Inman Road.

The approved development involves the construction of multi-unit warehouse, self-storage facilities, including ancillary works, and the adaptive re-use of the former Roche office building and heritage cottage.

The proposed modifications ensure the functional operation of the Subject Site in accordance with the approved development. The proposal, as modified, would not exhibit any adverse environmental impacts and will not unduly impact on the amenity or operations of any adjoining sites. Therefore, the proposal is considered compatible with the Site context and setting.

7.2 Built Form

The proposal, as modified, does not propose any changes to the external built form or will intensify the visible built form of the development. The changes are internal only and do not seek to increase the height or floor space.

7.5 Traffic and Transport

There are no proposed modifications to the current traffic and transport provisions on Site.

7.6 Heritage

As depicted in **Figure 8**, the Subject Site is listed as an item of environmental heritage in Schedule 5 of the WLEP2011. The Subject Site comprises three (3) items of heritage:

- Item 52: 'Roche Building';

It is noted that Item 53: 'Givaudan-Roure Office' and Item 38: 'Trees' are located east of the subject site. The scope of this proposal will not impact heritage items located on nearby sites

Clause 5.10(4) and 5.10(5) of the WLEP2011 require Council to assess the potential heritage impact of non-exempt development, such as the works proposed as part of this development, on the heritage significance of the listed items, and the extent to which the proposal would impact on their heritage significance.

The Heritage Impact Statement prepared by Heritage 21 (refer to **Appendix 7**) states there are no aspects of the proposed modifications which could be detrimental to the significance of the subject site and the buildings of high heritage significance including Building 01, 02, 06 and the heritage cottage within the former Roche Complex. Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would engender a neutral impact on the heritage significance of the subject site.

7.7 Building Code of Australia

The BCA Report (refer to **Appendix 6**) prepared by BCA Logic notes all building works will demonstrate compliance with the relevant performance requirements of any BCA Condition imposed.

7.8 Biodiversity

The proposed development is for the fitout of an existing building as approved under **DA2019/1346** (**Appendix 2**) and would have no further impact on biodiversity.



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7.9 Stormwater

The proposal would not impact on stormwater management or other civil engineering matters. Moreover, the proposed development is entirely internal to the approved building.

7.10 Other Matters for Consideration

All other matters for consideration have been previously assessed as part of **DA2019/1346** and remain unaffected by the proposed modifications.

7.11 Suitability of Site for Development

The Subject Site will remain suitable for the purpose of light industries that will respond to the characteristics of the site and surrounding locality.

7.12 Submissions

No submissions have been received at the time of writing this statement. Any submissions received post lodgement shall be reviewed and considered.

7.13 The Public Interest

The development as modified would have no adverse impact on the public interest. The proposed modifications would improve the functionality of operations, with no adverse visual or amenity impacts for neighbouring properties or the public domain.



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8 CONCLUSION

This application seeks consent for modifications to development consent **DA2019/1346**, pursuant to Section 4.55(1A) of the EP&A Act. The proposal has been prepared after taking into consideration the following key issues:

- Development history of the Subject Site;
- Development Consent **DA2019/1346**;
- Site context and locality;
- Relevant heads of consideration under Section 4.55(1A) of the EP&A Act; and
- Relevant statutory and non-statutory planning instruments.

The proposed modifications are considered acceptable, and worthy of support by Northern Beaches Council, for the following reasons:

- The proposed modifications reflect the intention of the original consent to provide adaptive re-use of the office building and café;
- The proposed modifications maintain compliance with the key development standards contained within WLEP2011 and WDCP2011; and,
- The development, as modified, will remain substantially the same, and will not result in additional environmental impacts.

In light of the above, the modifications proposed to development consent **DA2019/1346** are considered worthy of support by Northern Beaches Council.

Should you require additional information, please do not hesitate to contact Macy Fenn via email at mfenn@willowtp.com.au.

Yours faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd



Appendix 1 - Development Consent (DA2019/1346)



Appendix 2 - Development Consent (Mod2020/0611)



Appendix 3 - Architectural Plans



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Appendix 4 - Landscape Plans



Appendix 5 - Civil and Structural Engineering Letter



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Appendix 6 - BCA Statement



Appendix 7 - Statement of Heritage Impact

