

HAMPTONS

7 June 2024

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

To Whom It May Concern,

APPLICATION PURSUANT TO SECTION 4.55(1A) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT DA 2023/0849: LOT 1, SP 67337, 1/63-67 THE CORSO, MANLY NSW 2095 ALTERATIONS AND ADDITIONS TO A COMMERCIAL PREMISES

This Modification Application (MA) is made in relation to DA 2023/0849, granted by Northern Beaches Council (Council) on 22 November 2023. DA 2023/0849 granted development consent for alterations and additions to a commercial premises,

This MA seeks to modify Condition 1 Approved Plans and Supporting Documentation following design development requiring modification to the internal layout of the premises, a reduced shopfront window to the south elevation to accommodate a new door enclosing a hydrant booster required for fire compliance purposes and the application of frosting film to the upper, mezzanine, windows facing south.

SECTION 4.55(1A) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The proposed modifications are minor and therefore the subject of s.4.55(1A) of the Environmental Planning & Assessment Act 1979 (EP & A Act), which addresses Modifications involving minimal environmental impact and states that:

HAMPTONS

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—the regulations, if the regulations so require, or*
- d) 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*
- e) 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. These matters are addressed below.

The proposed modification are of minimal environmental impact and, as modified, will result in the development being substantially the same development as that for which consent was originally granted.

HAMPTONS

DESCRIPTION OF THE PROPOSED MODIFICATIONS

The proposed modifications, by plan reference, are set out below and are as shown on the Amended Plans prepared by Antoniades Architects.

Plan No.	Plan Revision	Plan Title	Description of Changes
DA01	A	Cover sheet	
DA03	A	Floor Plans	<p><u>Ground Floor</u></p> <p>Reconfiguration of Retail 03 Reception area, with stairs being repositioned on the western side and a new stair platform lift</p> <p>Reconfiguration of Accessible toilet, including entry to this.</p> <p>Reconfiguration of internal layout</p> <p>Inclusion of a ramp approximately mid-way through the tenancy</p> <p>Reconfiguration of accessible toilet</p> <p>Retail 02</p> <p>Reconfiguration of internal layout</p> <p>Reconfiguration of accessible toilet and storeroom adjacent</p> <p>Extension of internal ramp</p> <p>Inclusion of sprinkler booster at the south-western corner of premises with new enclosing door</p> <p><u>Mezzanine</u></p> <p>Retail 03</p> <p>Reconfiguration of internal partition walls</p> <p>Repositioning of stair to western side of tenancy</p> <p>Inclusion of sinks in treatment rooms</p> <p>Retail 02</p> <p>Reconfiguration of internal layout.</p>
DA08	A	Elevations	<p>Location of a hydrant booster on the southern side of the premises, with new door enclosing this to the street frontage</p> <p>Reduced shopfront window to accommodate the hydrant booster</p> <p>Application of frosting to mezzanine windows along southern elevation</p>

HAMPTONS

DA09	B	Sections	New glass balustrade and ramp for accessibility purposes New internal door New stair
------	---	----------	--

HAMPTONS

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2021

S.100 of the Environmental Planning & Assessment Regulation 2021 (EP & A Regulation) sets out the Content of modification application. This is addressed below.

Clause	Response
1 A modification application must contain the following information—	
a) the name and address of the applicant,	Goran Iliev Goran.I@initium.com.au 0425 426 661 Shop 3, 599 Pacific Highway, Saint Leonards
b) a description of the development that will be carried out under the development consent,	Alterations and additions to commercial premises
c) the address and folio identifier of the land on which the development will be carried out,	Lot 1, SP 67337, 1/63-67 The Corso, Manly NSW 2095
d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,	This MA seeks to modify condition 1 of the development consent to alter the approved plans. The intent and purpose of this modification will have the same outcome as that imposed under the principal development consent.
e) whether the modification is intended to—	
i) merely correct a minor error, misdescription or miscalculation, or	Not applicable
ii) have another effect specified in the modification application,	The modification seeks minor modifications to the internal layout of the premises; the inclusion of a fire hydrant pump to satisfy fire regulations and minor changes to the streetscape elevation to ensure internal privacy of the tenancy. The changes proposed have the same effect as that imposed by the original condition.

HAMPTONS

Clause	Response
f) a description of the expected impacts of the modification,	There are no expected impacts of the modification.
g) an undertaking that the modified development will remain substantially the same as the development originally approved,	The minor extent of modification will result in the development remaining substantially the same as the development originally approved.
h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,	Not applicable
i) if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,	Owner’s consent is included with this application.
j) whether the modification application is being made to—	
i) the Court under the Act, section 4.55, or	Not applicable
ii) the consent authority under the Act, section 4.56.	Not applicable

MANLY LOCAL ENVIRONMENTAL PLAN 2013

The modification application will not have any impact in terms of the Manly Local Environmental Plan (*LEP*) 2013. Specifically, the modifications do not result in any changes to the height of the building nor the approved floor space ratio.

In relation to heritage conservation (clause 5.10) the proposed changes to the exterior of the building in relation to fire services are a necessary consequence for building code compliance and will be discreetly positioned behind a door so as not to compromise the appearance of the façade of the building, or within the conservation area.

The proposed modifications will not alter the building’s compliance with clause 6.16 and design excellence will be maintained in accordance with the original development consent.

HAMPTONS

Therefore, the proposed modifications are consistent with the requirements of the LEP.

MANLY DEVELOPMENT CONTROL PLAN 2013

3.1.3 Townscape (Local and Neighbourhood Centres)

The proposed changes to the façade of the building will not compromise the townscape in which the site is located and will continue to ensure that the built form retains design excellence in the streetscape, noting that the inclusion of the hydrant pump is an essential fire safety requirement for the premises. While the adjacent window will need to be reduced in size, it will continue to serve the intended purpose of passive surveillance to the street, despite being slightly smaller in size.

The frosting to the mezzanine windows is modest and a necessity having regard to the use of the premises.

The pattern of solid to void ratios remains appropriate and there is no change proposed to the materials, textures and colours.

3.2 Heritage Considerations

The proposed modifications are not considered to have any adverse impact in heritage terms.

3.6 Accessibility

The proposed modifications which include the provision of a stair climber and extension of the internal access ramp for compliance purposes ensures that equitable access will be achieved within the building.

3.8 Waste Management

There are no changes proposed to the approved waste management plan.

HAMPTONS

THE LIKELY IMPACTS OF THE PROPOSAL

The likely impacts of the proposal are considered in accordance with s.4.15 of the EP & A Act. These are addressed below.

Title / Clause	Comments	Compliance
Evaluation		
Matters for consideration – general in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application -		
the provisions of		
any environmental planning instrument, and	The LEP is addressed above and the modification has no impact in relation to any environmental planning instrument.	Yes
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		Not applicable
any development control plan, and	The DCP is addressed above and the modification has no impact in relation to any environmental planning instrument.	Yes
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

HAMPTONS

Title / Clause	Comments	Compliance
the regulations (to the extent that they prescribe matters for the purpose of this paragraph),		Matters relating to the EP & A Regulation are addressed above.
(Repealed) that apply to the land to which the development application relates,		
the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	As detailed above, there are no impacts because of the modifications which have come about following design development.	Yes
the suitability of the site for the development	The modified application has no impact on the continued suitability of the site for the purpose intended under the original development consent.	Yes
any submissions made in accordance with this Act or the regulations,	Should any submissions be made, the Applicant would respond to these accordingly.	Yes
the public interest	The public interest is best served with by ensuring that the proposed modifications are made.	Yes

HAMPTONS

CONCLUSION

This MA represents an amendment to Condition 1 regarding the approved plans in relation to DA 2023/0849, granted by Northern Beaches Council, for the premises at 1/63-67 The Corso, Manly.

There are no adverse impacts resulting from the proposed modifications that would affect the site itself or the adjoining properties and the proposed modifications remain consistent with the development consent as intended.

On that basis, it is requested that Condition 1 of DA 2023/0849 is modified to reflect the changes to the approved plans included with this application, in accordance with s.4.55(1A) of the EP & A Act as set out below.

Approved Plans				
Plan No	Revision No.	Plan Title	Drawn By	Date of Plan
DA00	A	Cover Sheet	Antoniades Architects	27 May 2024
DA02	01	Existing/Demolition Plan	Grain Architects	15 June 2023
DA03	02	Proposed Ground Floor Plan	Grain Architects	18 September 2023
	A	Proposed Floor Plans	Antoniades Architects	27 May 2024
DA04	01	Proposed Mezzanine Level	Grain Architects	15 June 2023
DA08	03	Elevations South, as it relates to the approved materials and finishes only	Grain Architects	25 October 2023
	A	Elevations	Antoniades Architects	27 May 2024
DA09	02	Section 01	Grain Architects	18 September 2023
	A	Sections	Antoniades Architects	27 May 2024
DA10	01	Section 02	Grain Architects	15 June 2023

Yours sincerely,



Kristy Hodgkinson

Director