

14 South Steyne Manly

(Lot 501 DP 736679)

Prepared for
IKUS Pty Ltd

Section 4.55(1A) Modification (DA2021/0318)

March 2022

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Statement of Validity**Section 4.55 Application prepared by**

Name:

Derek Sinclair

Qualifications:

B.A. (Hons)

Owner's Details

Name:

Stephen Hayes

Address

2135b Pittwater Road, Church Point, NSW 2105

Site Details

Address

14 South Steyne
Manly NSW 2095

Lot & DP

Lot 501 DP 736679

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Schedule 1A Summary of proposed modification in accordance with Clause 100 of
the Regulations

Drawings

| | | |
|------|----------------------------|-----------|
| DA00 | Cover Sheet | NTS |
| DA10 | Proposed Ground Floor Plan | 1:100 @A3 |
| DA11 | Proposed First Floor Plan | 1:100 @A3 |
| DA12 | Proposed Roof Plan | 1:100@A3 |
| DA30 | Proposed Elevations | 1:100 @A3 |
| DA31 | Proposed Elevations | 1:100 @A3 |

1 Introduction

This application seeks to modify development consent DA2021/0318, which relates to approved development of a commercial building at 14 South Steyne, Manly 2095. The site is described as Lot 501 in DP 736679.

An amendment to the current development consent was determined by way of development consent by Northern Beaches Council on the 21st July 2021 for alterations and additions to commercial development.

Condition 1 of the consent required that the development be carried out in compliance (except as amended by any other condition of consent) with the approved plans listed in the condition, or any plans submitted and approved by Council to satisfy the conditions of the consent.

2 Statutory Basis for the Application

Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides that

(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.*

As demonstrated in this report, and the accompanying architectural drawings, the proposed modifications are minor in nature and will have minimal environmental impact. Furthermore, the modified development is substantially the same development as the development for which the consent was originally granted.

3 The Proposed Modifications

The purpose of this application is to seek approval, pursuant to the provisions of S4.55 (1A) of the *Environmental Planning and Assessment Act 1979*, to modify the existing development consent by amending Condition 1 to include the following plans in place of the corresponding plans in the

drawing schedule in Condition 1 of the consent:

| | | |
|------|----------------------------|-----------|
| DA10 | Proposed Ground Floor Plan | 1:100 @A3 |
| DA11 | Proposed First Floor Plan | 1:100 @A3 |
| DA12 | Proposed Roof Plan | 1:100 @A3 |
| DA30 | Proposed Elevations | 1:100@a3 |
| DA31 | Proposed Elevations | 1:100 @A3 |

In summary, the proposed modifications are as follows:

Ground Floor (Drawing DA 10)

- Existing double folding doors (WD01—05) to be replaced on a like for like basis with new timber framed doors. Existing highlight windows are to be retained and repaired. See Drawing DA 30 for architectural details of modifications to northwest façade.
- Alteration to kitchen layout to allow proposed dumb waiter.
- Addition of office with staff lockers
- Increase in size of bar counter
- Addition of cleaner's cabinet below stairs.

First Floor (Drawing DA11)

- Existing cool room to be replaced by a new cool room
- Existing dumb waiter to be relocated
- Fixed bar seating replaced tables and chairs
- Fresh air intake grille in accordance with mechanical engineering specification

Roof (Drawing DA12)

- Mechanical ventilation equipment revised to suit kitchen layout. All equipment located behind acoustic screens.

The modification proposed in this application is not exempt or complying development.

4 Description of Expected Impacts

The development as modified will be substantially the same as the approved development. Given the nature of the proposed modification the environmental impacts will be minimal when compared to the approved development for the following reasons:

- The proposed modifications do not change the FSR or height of the existing development;
- The external alterations to the building are limited to replacing like for like, and the colours used will be in keeping with the established heritage significance and values of the building;
- The purpose of the proposed internal modifications is to modernise and improve the operational efficiency of the restaurant; and
- No change of use or intensification of use of the site is proposed.

5 Conclusion and Recommendations

The applicant is proposing an amendment to condition 1 that will allow minor internal and external the modifications of a commercial building consistent with the original development consent. The modified development is substantially the same development as the approved development.

It is recommended that Council approve this application.

Summary of Proposed Modification in accordance with Clause 115 of the Regulations

| | | | | | | | | | | | | | | | | |
|---|---|-----------|----------------------------|-----------|------|---------------------------|-----------|------|--------------------|-----------|------|---------------------|----------|------|---------------------|-----------|
| Name and Address of Applicant | Stephen Hayes 2135b Pittwater Road, Church Point, NSW 2105 | | | | | | | | | | | | | | | |
| Description of the development to be carried out | Same as approved: alterations and additions to commercial development. | | | | | | | | | | | | | | | |
| Address and particulars of title | 14 South Steyne, Manly 2095. Lot 501 in DP 736679. | | | | | | | | | | | | | | | |
| Description of the proposed modification | <p>It is proposed modification to modify Condition 1 of the consent to DA2021/0318 pursuant to S4.55(1A) of the EP & A Act 1979 to allow minor modifications to existing and approved details of the approved commercial development. The modification requires to replacement of existing drawing listed in the schedule in Condition 1 by the following:</p> <table><tr><td>DA10</td><td>Proposed Ground Floor Plan</td><td>1:100 @A3</td></tr><tr><td>DA11</td><td>Proposed First Floor Plan</td><td>1:100 @A3</td></tr><tr><td>DA12</td><td>Proposed Roof Plan</td><td>1:100 @A3</td></tr><tr><td>DA30</td><td>Proposed Elevations</td><td>1:100@A3</td></tr><tr><td>DA31</td><td>Proposed Elevations</td><td>1:100 @A3</td></tr></table> | DA10 | Proposed Ground Floor Plan | 1:100 @A3 | DA11 | Proposed First Floor Plan | 1:100 @A3 | DA12 | Proposed Roof Plan | 1:100 @A3 | DA30 | Proposed Elevations | 1:100@A3 | DA31 | Proposed Elevations | 1:100 @A3 |
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| DA31 | Proposed Elevations | 1:100 @A3 | | | | | | | | | | | | | | |
| Intent of application | To improve the appearance and operational efficiency of an approved commercial development. | | | | | | | | | | | | | | | |
| Description of the expected impacts of the modification | There are no expected additional environmental impacts that will result from the proposed modification. | | | | | | | | | | | | | | | |
| Whether the development is substantially the same. | The modification does not change the approved development parameters for FSR, height and setback. The proposed alterations are largely internal and minimal. Accordingly, the modified development is substantially the same as the development lodged and approved by Council. | | | | | | | | | | | | | | | |
| Owner’s consent to making of the application | The owner’s consent to the application has been supplied on the S4.55 Application Form. | | | | | | | | | | | | | | | |
| Consent Authority | The application is made to the Northern Beaches Council as the consent authority. | | | | | | | | | | | | | | | |