

11/08/2021

Northern Beaches Council
PO Box 82
Manly NSW 1655

To whom it may concern,

RE: STATEMENT OF MODIFICATION FOR PROPOSED CHANGES AS PART OF S4.55(2) APPLICATION TO MODIFY DA2019/1426 AT 77 COLLINGWOOD STREET MANLY NSW 2095

On behalf of the applicant Emmanuel Deleuze, please find below a Statement of Modification regarding the proposed changes to the previously approved DA (DA2019/1426) at the above-mentioned address. The proposed changes include a revision to Condition 5 to allow the servery window to be used for both placing and collecting orders.

1.0 SUBJECT SITE AND BACKGROUND

The subject site is located at 77 Collingwood Street, Manly and is formally described as Lot 1 on DP14521. The site is irregular in shape with an area of approximately 212m² and is currently improved by a two-storey mixed use building. The site has a corner frontage to Collingwood Street, North Steyne, and Cameron Avenue respectively. The subject tenancy is a ground floor tenancy currently operated as a café. The site is directly adjoined to a residential premises to the South-West, and does not directly adjoin any other land uses. The Queenscliff Surf Life Club and the Manly Lagoon Reserve Playground are directly opposite the site. Surrounding land uses consist of predominately residential premises in the surrounding residential zoning, with a number of mixed use and recreational purposes in the greater vicinity of the site. The location of the site is indicated below in Figure 1-3 respectively.

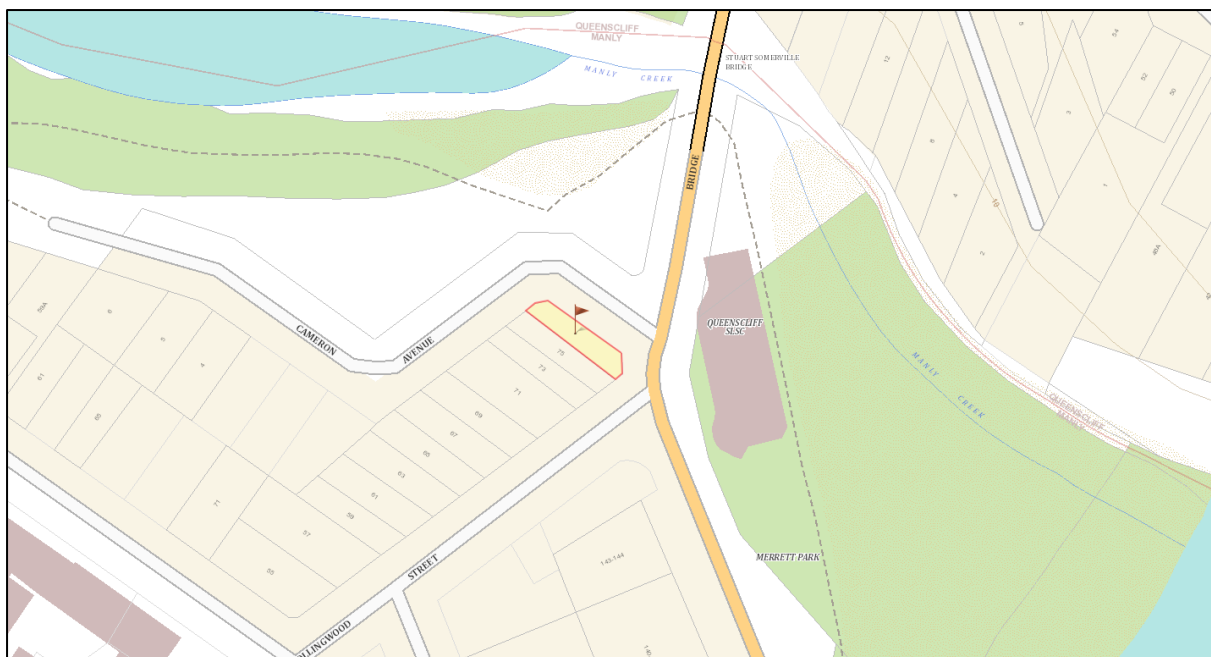


Figure 1: Subject Site Location



Figure 2: Subject Site Location

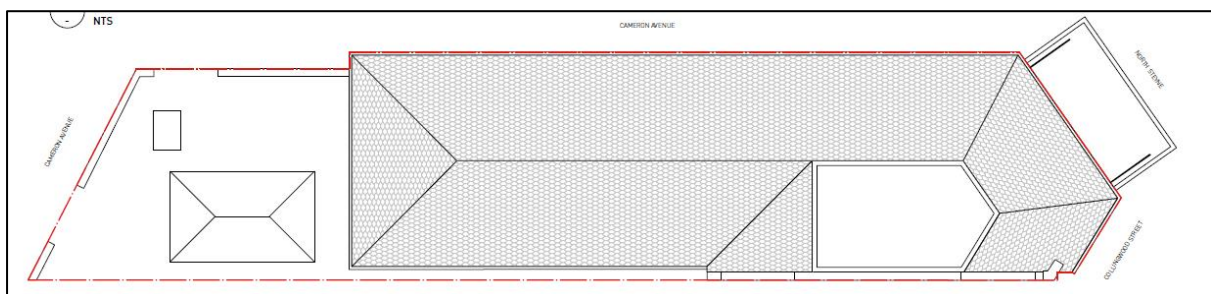


Figure 3: Site Plan

As way of background, Complying Development Certificate 8206-01-2018-CDC, referred to as “the CDC” from here-within, was issued by Jason Storer of AE&D Pty Ltd on 27/09/2018 for “renovation of a current shop to a café restaurant”. DA2018/1285 was issued by Northern Beaches Council on 28/09/2018 for “alterations and additions to an existing mixed use development”, namely approving a new window facing Cameron Avenue as it was excluded from the CDC. Council issued a “Notice of Intention to Give a Development Control Order” on 13/09/2019 (Reference No EPA2019/0361) with a stop use order to cease the use of the service window fronting Cameron Avenue. DA2019/1426 was issued by Northern Beaches Council on 09/02/2020 for “use of the servery window in an existing café”. Condition 5 on DA2019/1426 is currently worded as:

5. Servery Window

The premises is operate in accordance with the following:

- i) The servery window is to be used only for the collection of orders by customers. All orders are to be taken from inside the premises and not via the servery;*
- ii) When the pedestrian thoroughfare becomes congested or blocked, the servery is to be closed and orders collected from inside the premises.*

2.0 PROPOSED CHANGES

The proposed changes as part of this Section 4.55(2) application include a proposed change to Condition 5 to allow the use of the servery window for both the placing of, and the collection of, orders. Condition 5 is proposed to be worded as follows (changes **bolded**).

5. Servery Window

The premises is **to** operate in accordance with the following:

~~i) The servery window is to be used only for the collection of orders by customers. All orders are to be taken from inside the premises and not via the servery;~~

~~ii) i) When the pedestrian thoroughfare becomes congested or blocked, the servery is to be closed and orders **placed and** collected from inside the premises.~~

Reason: To prevent the queuing of customers and maintain the pedestrian thoroughfare on the footpath.

Since 23/03/2020, given the global COVID-19 pandemic, the operators have been given no choice but to use the servery window for customers placing and collecting orders. Currently two stickers are placed on the footpath in front of the servery window as indicated below in Figure 4 and 5, however these are proposed to be replaced with two new more permanent "Please Queue Here" stickers as indicated below in Figure 6 and the attached "Proposed Floor Decals" attachment.



Figure 4: Location of current floor decals



Figure 5: Location of current floor decals



Figure 6: Location of proposed floor decals

The proposed amendment to the condition will have no adverse impacts on pedestrian movements within the footpath noting the overall large size of the footpath area in front of the tenancy and the fact that there has been no recent management or operational issues. The Plan of Management will be appropriately amended to address the revised change in operations, and any complaints will be dealt with in an appropriate manner by the operators. The proposed changes are of a minor nature and will still result in substantially the same development as originally approved. The changes will have no adverse impact on the built form of the local area and will have no associated amenity impacts.

Please do not hesitate to contact the undersigned on the below details for further discussion.

Kind regards,



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