

27th September 2018

The General Manager
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

RE: SECTION 4.55 (1A) – MINOR AMENDMENT TO APPROVED DEVELOPMENT APPLICATION
DA No: DA2017/0318 & DA MOD No: DA2018/0036
18 HOWARD AVENUE, DEE WHY NSW 2099

On behalf of our client NMMH Pty Ltd, we hereby submit the Section 4.55 (1A) minor amendment to the approved development application and the following information:

- Section 4.55 (1A) form signed by the owner NMMH Pty Ltd
- Directors Council consent letter dated 14.09.2018
- Architectural Drawings:
 - Ground Floor and Sub Floor Plan
 - Section A-A
- This letter and Statement of Environmental Effects
 - Appendix No: 1 - Table: 7 - Storage Details
 - Appendix No: 1 – Geotechnical Report Crozier

**STATEMENT OF ENVIRONMENTAL EFFECTS –
SECTION 4.55 (1A) MINOR AMENDMENT TO APPROVED DA 2017/0318**

This Section 4.55 (1A) application proposes the addition of a subfloor level of approximately 89m² under the approved retail shop providing additional storage area for the use of the building (*Refer to Appendix 1 attached*). The storage area is proposed to be used for cleaning equipment and retail & residential storage. Access to the proposed new storage will be provided from the approved fire stair connected from the ground floor foyer at FL 15.20, which is above the flood planning level for the site.

The proposed subfloor area is internal to the approved building and not visible from the street. It is proposed to be located under the retail shop floor level, which is raised approximately 700mm above street level to comply with the flood planning requirements for the site.

There is no change to the external envelope or footprint of the building as a result of the proposed minor amendment and no additional GFA as the subfloor is below ground level. The additional storage will provide the building with improved amenity above that of the minimum compliance.

The proposed new store rooms are additional to the SEP 65 Apartment Design Guide required storage calculations for the approved residential apartments and retail areas and will provide additional amenity to the building occupants.

Furthermore the proposed amendment has no impact on the building height, bulk and scale and external form of the building. The subfloor level is proposed at RL 12.76 which is 1.6 metres above the maximum water table RL 11.6 as described by the Crozier Geotechnical report. Therefore, as the sub floor is well above the water table no dewatering of the sub-floor area will be required.

As a result of the sub-floor space not impacting the water table and the building envelope being unchanged, there is no environmental impact on the locality or neighbours properties and as such we seek Councils approval of this application.

Statutory planning controls

Statutory Provisions for Section 4.55 (1A) Modification

The changes proposed to the existing approved mixed use development do not constitute a substantial change to the development as approved or to such a degree that it would not be considered to be same or substantially the same development.

It is submitted that the following outcomes are relevant to this proposed modification:

- This application for modification of consent does not significantly alter the external appearance or built form of the subject premises to any degree that it would represent a building of a different urban design to the approved development.
- The built form outcome is indistinguishable in terms of overall bulk, scale and appearance of the development that has been previously approved. The minor changes to the built form (such as increased podium height) are minor in nature with very minimal impacts (when viewed from the surroundings or subsequent shadow).
- The amenity and streetscape outcomes of the original development are retained with no increase in impact from the amendments in terms of amenity for privacy or visual impacts.
- The use of the land will remain for the purpose of a commercial development as approved by Council under DA2017/0318.

The modification does not alter the merit-based assessment that generated the original approval for DA2017/0318. The approval, as amended, will retain the essence of the original consent and is therefore considered to fall within the relevant tests for Section 4.55 of The Act. The application meets the requirements of a Section 4.55 (1A) Minor Amendment, and therefore the consent authority can consider and grant consent to the application on the basis that the development will remain substantially the same as that originally approved by Council.

Warringah Local Environmental Plan 2011 (WLEP2011)

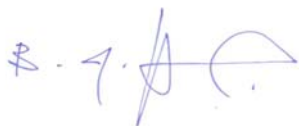
The modifications proposed by this application do not change the proposals compliance with the relevant WLEP2011 controls including zoning, permissibility and building heights.

Warringah Development Control Plan 2011:

The modifications sought by this application will not conflict with the proposals compliance with the Warringah Development Control Plan 2011 (WDCP2011). Where changes have been proposed in regard to BCA, parking, internal configuration and the like, these have been backed up with specialist input as submitted via the application.

The proposed modifications are considered to be generally compliant with the relevant provisions of the WDDCP2011 and do not primarily change the compliance of the application with that previously approved by Council.

Yours faithfully,



Ben Humel
Humel Architects Pty Ltd

APPENDIX: 1 - Table: 7 Rev A – Storage Details

STORE ROOM AREA CALCULATIONS:								
*- TEXT IN BOLD DENOTES STORE ROOM AREAS WITHIN THE UNIT. ALL OTHER AREAS INDICATES STORE ROOMS ARE LOCATED EXTERNAL FROM UNIT (GARAGE LEVELS ETC.)								
UNIT NUMBER (FLOOR LEVEL):	LOCATION & STORAGE AREAS:							
	SUB FLR:	GND FLR:	1ST FLR:	2ND FLR:	*INTERNAL Volume (m ²):	TOTAL Volume:	SEPP 65 min. total Volume	Complies
UNIT 1 (1ST FLR)	-	11.00m ³	-	-	11.27m³	22.27m ³	6m ³	Yes
UNIT 2 (1ST FLR)	-	-	-	-	11.27m³	11.27m ³	6m ³	Yes
UNIT 3 (2ND FLR)	-	8.20m ³	-	-	11.27m³	19.47m ³	6m ³	Yes
UNIT 4 (2ND FLR)	-	8.20m ³	-	-	11.27m³	19.47m ³	6m ³	Yes
UNIT 5 (2ND FLR)	-	-	-	-	11.27m³	11.27m ³	6m ³	Yes
UNIT 6 (2ND FLR)	-	-	-	-	11.27m³	11.27m ³	6m ³	Yes
UNIT 7 (2ND-3RD FLR)	-	-	-	5.85m ³	6.02m³	11.87m ³	6m ³	Yes
UNIT 8 (2ND-3RD FLR)	-	-	-	5.85m ³	6.02m³	11.87m ³	6m ³	Yes
UNIT 9 (2ND-3RD FLR)	-	11.00m ³	-	-	6.02m³	17.02m ³	6m ³	Yes
UNIT 10 (2ND-3RD FLR)	-	11.00m ³	-	-	6.02m³	17.02m ³	6m ³	Yes
UNIT 11 (3RD FLR)	-	-	5.85m ³	-	7.72m³	13.57m ³	6m ³	Yes
UNIT 12 (3RD FLR)	-	-	5.85m ³	-	7.72m³	13.57m ³	6m ³	Yes
UNIT 13 (3RD FLR)	-	16.06m ³	-	-	7.99m³	23.78m ³	6m ³	Yes
UNIT 14 (3RD FLR)	-	-	13.28m ³	-	13.39m³	26.67m ³	8m ³	Yes
UNIT 15 (4TH FLR)	-	16.06m ³	-	-	4.52m³	20.58m ³	6m ³	Yes
UNIT 16 (4TH FLR)	-	-	13.28m ³	-	13.39m³	26.67m ³	8m ³	Yes
UNIT 17 (4TH FLR)	-	-	-	14.95m ³	13.39m³	28.34m ³	8m ³	Yes
UNIT 18 (5TH FLR)	-	4.80m ³	-	-	4.52m³	9.32m ³	6m ³	Yes
UNIT 19 (5TH FLR)	-	-	-	14.95m ³	13.39m³	28.34m ³	8m ³	Yes
UNIT 20 (5TH FLR)	-	-	9.24m ³	-	13.39m³	22.63m ³	8m ³	Yes
UNIT 21 (6TH FLR)	-	4.80m ³	-	-	4.52m³	9.32m ³	6m ³	Yes
UNIT 22 (6TH FLR)	-	-	9.24m ³	-	13.39m³	22.63m ³	8m ³	Yes
UNIT 23 (6TH FLR)	-	-	-	10.40m ³	13.39m³	23.79m ³	8m ³	Yes
UNIT 24 (7TH FLR)	-	4.80m ³	-	-	4.52m³	9.32m ³	6m ³	Yes
UNIT 25 (7TH FLR)	-	-	-	10.40m ³	13.39m³	23.79m ³	8m ³	Yes
SUB FLOOR ADDITIONAL FOUNDATION	89m²	-	-	-	-	195.8m² (89m²)	-	Yes

APPENDIX: 2 – Crozier Geotechnical Report dated May 2017 – Pages 1 & 8.