

31<sup>st</sup> October 2024

The CEO  
Northern Beaches Council  
PO Box 82  
MANLY NSW 2095

Dear Sir,

**Statement of Environmental Effects  
Modification of Land and Environment Court Issued Consent  
T & P Manly Land Pty Ltd v Northern Beaches Council  
Demolition and Construction of Shop Top Housing  
35 – 43 Belgrave Street, Manly**

**1.0 Introduction**

On 30<sup>th</sup> July 2024 the Land and Environment Court of New South Wales (the Court) granted development consent DA2023/0987 for the demolition of existing structures and construction of a shop top housing development comprising of ground floor retail premises, 24 residential apartments and two levels of basement carparking, associated infrastructure and landscaping.

We have been engaged to prepare an application to modify the consent pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979 (the Act). Specifically, this application seeks to modify conditions 1, 16 and 23 of the consent to facilitate the discharge of stormwater to Raglan Street instead of Whistler Street as detailed on the accompanying civil plans C000(E), C001(D), C402(E), C405(D) and C406(E) prepared by Van der meer Consulting.

Such modification is required due to the location and depth of the existing electrical services within Whistler Street which prevents the installation of the proposed 375mm RCP pipe for drainage extension due to the potential clashes to high voltage electricity lines. Compliance with the approved condition would require diverting the existing services and put at risk all existing buried services on Whistler Street.

The modifications do not result in any external changes to the approved building, landscaping or its environmental consequences.

To that extent Council can be satisfied that the modifications involve minimal environmental impact and the development as modified represents substantially the same development as originally approved. Accordingly, the application is appropriately dealt with by way of section 4.56 of the Act.

## **2.0 Detail of Modifications Sought**

This application seeks to modify conditions 1, 16 and 23 of the consent to facilitate the discharge of stormwater to Raglan Street instead of Whistler Street as detailed on the accompanying civil plans C000(E), C001(D), C402(E), C405(D) and C406(E) prepared by Van der meer Consulting.

### **Modification to conditions**

The application seeks the modification of the following conditions:

#### Condition 1 - Approved Plans and Supporting Documentation

This condition is to be amended to reference the accompanying civil plans C000(E), C001(D), C402(E), C405(D) and C406(E) prepared by Van der meer Consulting.

#### Condition 16 – On-Site Stormwater Detention Details

This condition is to be amended to read as follows:

##### *16. On-Site Stormwater Detention Details*

*The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Van Der Meer Consulting, job number SY232-008, drawing number C000(E), C001(D), C401, C402(E), C405(D), C406(E), ~~dated 10/7/2023~~. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.*

*The drainage plans must address the following:*

- i. The discharge pipe running parallel to the kerb in Whistler Street shall be deleted.*

- ii. Connection to the existing Council system shall be via ~~connection to the existing kerb inlet pit located on Raglan Street, the provision of a new kerb inlet pit perpendicular to the site outlet in Whistler St and a pipe extension to the existing Council pit at the corner of Whistler Street.~~

### Condition 23 - Submission Roads Act Application for Civil Works in the Public Road

This condition is to be amended to read as follows:

#### *23. Submission Roads Act Application for Civil Works in the Public Road*

*The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.*

*The application is to include Civil Engineering plans for the design of vehicle crossing, street tree planting and stormwater connection which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer. The design must include the following information:*

- 1. A vehicular crossing 6 meters wide should be constructed in accordance with Council's standard drawing Normal*
- ~~2. A kerb inlet pit in front of the subject site on Whistler Street with a Ø 375mm RRJ RCP extension to the existing council pit at the corner of Whistler St.~~*
- 3. Details of street tree planting.*
- 4. Any rectification of footpath/paving.*
- 5. A services plan indicating all services in the road reserve. Where any services are to be adjusted as a result of the works, approval from the relevant service authority is to be provided.*

*The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.*

*An approval is to be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.*

*Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.*

### **3.0 Section 4.56 of the Environmental Planning and Assessment Act 1979**

We regard the modifications sought as being minor in nature and not giving rise to any adverse environmental consequences. Accordingly, the modified development is "essentially or materially" the same as the approved development such that the application is appropriately categorised as being "substantially the same" and is appropriately dealt with by way of Section 4.56 of the Act.

## **8.0 Conclusion**

This application seeks to modify conditions 1, 16 and 23 of the consent to facilitate the discharge of stormwater to Raglan Street instead of Whistler Street as detailed on the accompanying civil plans C000(E), C001(D), C402(E), C405(D) and C406(E) prepared by Van der meer Consulting.

Such modification is required due to the location and depth of the existing electrical services within Whistler Street which prevents the installation of the proposed 375mm RCP pipe for drainage extension due to the potential clashes to high voltage electricity lines. Compliance with the approved condition would require diverting the existing services and put at risk all existing buried services on Whistler Street.

The modifications do not result in any external changes to the approved building, landscaping or its environmental consequences.

To that extent Council can be satisfied that the modifications involve minimal environmental impact and the development as modified represents substantially the same development as originally approved. Accordingly, the application is appropriately dealt with by way of section 4.56 of the Act.

Having given due consideration to the relevant considerations pursuant to s4.15(1) of the Act it is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

Yours sincerely

**BOSTON BLYTH FLEMING PTY LIMITED**



**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

**Director**