

7th August 2019

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

Attention: Mr David Auster – Planner

Dear David,

**Statement of Environmental Effects
Modification of Consent DA2019/0149
Alterations and additions to shopping centre including awning
extension, new shop front doors, landscape works, relocation of
signage and extension to hours of operation
10 Park Street, Mona Vale**

We refer to the above development application approved by Council on 28th June 2019. Condition 6 of the consent contained the following requirement:

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 6.43m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 6.43m AHD unless adequately protected from floodwaters in accordance with industry standards.

We note that clarification was sought in relation these conditions prior to the granting of consent as detailed in the email thread at Attachment 1.

On 31st May 2019, Valerie Tulk, Council's Specialist Floodplain Engineer confirmed by email that Conditions 6(C3) and 6(D1) should only apply to area affected by the proposed development – the flood gate and the outdoor eating area.

This important distinction, as to the area of the development to which these conditions would apply, did not find its way into the final conditions of development consent. Such omission would, in our opinion, represent a minor error to which section 4.55(1) of the Environmental Planning and Assessment Act 1979 (the Act) would apply.

As such we hereby formally request that pursuant to section 4.55(1) of the Act that Council correct this minor error by amending these conditions by inserting the following wording:

Conditions 6(C3) and 6(D1) only apply to the area affected by the proposed development namely the flood gate and the outdoor eating area.

Please do not hesitate to contact me to discuss any aspect of this submission.

Yours sincerely

BOSTON BLYTH FLEMING PTY LTD

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director

FW: 10 Park Street - Flooding conditions - Questions



David Auster
To: Greg Boston

Hi Greg,

As discussed, please see below.

David Auster
Acting Principal Planner

Development Assessment
t 02 9942 2632
david.auster@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au



From: Valerie Tulk <Valerie.Tulk@northernbeaches.nsw.gov.au>
Sent: Friday, 31 May 2019 2:39 PM
To: David Auster <David.Auster@northernbeaches.nsw.gov.au>
Subject: RE: 10 Park Street - Flooding conditions - Questions

Hi David,
Generally with C3, it wouldn't be necessary to move any main electrical boards, just provide a circuit breaker so that the electricity automatically cuts off if it gets flooded.
In this case, the shops are supposed to be protected by the self-actuating flood gate, and so wouldn't need any modification.
These 2 conditions should apply just to area affected by the proposed development – the flood gate and the outdoor eating area.

Regards,
Valerie

Valerie Tulk
Engineer - Specialist Floodplain

Stormwater Floodplain Engineering
t 02 9942 2915 m 0412 987 728
valerie.tulk@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au



From: David Auster <David.Auster@northernbeaches.nsw.gov.au>
Sent: Friday, 31 May 2019 2:27 PM
To: Valerie Tulk <Valerie.Tulk@northernbeaches.nsw.gov.au>
Subject: FW: 10 Park Street - Flooding conditions - Questions
Importance: High

Hi Valerie,

Can you please have a look at the email below and let me know if the intention is for the conditions to apply to the whole site or just the tenancies at the front where the works are located?

Kind regards

David Auster
Principal Planner

Development Assessment
t 02 9942 2632
david.auster@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au



From: Greg Boston <greg@bbfplanners.com.au>
Sent: Wednesday, 29 May 2019 12:46 PM
To: David Auster <David.Auster@northernbeaches.nsw.gov.au>
Cc: Rodney Piggott <Rodney.Piggott@northernbeaches.nsw.gov.au>; Anna Williams <Anna.Williams@northernbeaches.nsw.gov.au>
Subject: 10 Park Street - Flooding conditions - Questions
Importance: High

Hi David,

We have reviewed the proposed flooding conditions as attached and have a few questions/ concerns.

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 6.43m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 6.43m AHD unless adequately protected from floodwaters in accordance with industry standards.

Do these conditions only apply to the street facing tenancies the subject of the application or the whole site?.

C3 would require significant upgrade works to the entire premises noting the main electrical boards are located in the basement which is below the FPL.

Again D1 has implications for tenancies outside the scope of the proposed works.

I assume they only apply to the front tenancies however we request that this be clarified and the conditions refined as necessary.

Can you also confirm when we can expect the application to be reported and determined as things have now become time critical given the need to lock in tenants.

I look forward to your response.

Regards

Greg Boston
B Urb & Reg Plan (UNE) MPIA
B Env Hlth (UWS)
Director

