

MEMORANDUM

DATE: 13 December 2023

TO: Northern Beaches Development Determination Panel

CC: Rodney Piggott, Manager Development Assessment

FROM: Kye Miles, Planner

SUBJECT: DA2023/0898 - 22 Bligh Crescent SEAFORTH - Demolition works and construction of a dwelling house including swimming pool.

Dear Panel Members,

Introduction

Council issued its Assessment Report to the Panel for Development Application DA2023/0898 relating to Demolition works and the construction of a dwelling house including a swimming pool, which is scheduled for determination at the Panels meeting on 13 December 2023.

This supplementary memo seeks to amend a typographical and formatting error within the report.

The assessment report and recommended conditions adequately deal with the concerns raised in the late submission.

Formatting error

The 'Internal Referral' table in the assessment report has been incorrectly formatted, with comments extending beyond the page. The recommended correct format is provided below.

Typographical error within the report

The comments under cl 4.6 (4)(a)(ii) read as follows (page 94 of the business paper):

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Floor space ratio development standard and the objectives of the R1 General Residential zone. An assessment against these objectives is provided below.

In addition, the concluding remarks for the 4.6 assessment read as follows (page 96 of the business paper):

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R1 General Residential zone.

The standard wording provided refers to the incorrect zone and is recommended to be amended accordingly below.

Recommendation

That the internal referral table be amended as follows:

Internal Referral Body	Comments
Landscape Officer	<p>Supported - subject to conditions</p> <p><u>Additional Information Comment 28/11/23:</u> The amended plans are noted.</p> <p>To allow the reasonable sharing of views for the applicant and neighbours all plant species selections shall be in accordance with the requirements outlined in the conditions of consent.</p> <p><u>Original Comment:</u> <i>The Arboricultural Impact Assessment (AIA) identified five trees of which trees 1 and 2 are proposed to be removed. Trees 1 and 2 are exempt by species and as such can be managed or removed at the discretion of the applicant without consent. Trees 4 and 5 are located outside the property boundaries and as such must be retained and protected during works, which is supported by the Arborist's findings. Tree 3 is of high significance and will be retained, which is supported. As recommended in the AIA a Project Arborist shall be engaged to supervise all work on the tree protection zone of trees to be retained.</i></p> <p><i>Landscape Referral will only assess the proposed works within the property boundaries, thus the planting, steppers and retaining walls proposed in the road reserve shall be deferred to Council's Road Assets Referral Team for assessment.</i></p> <p><i>The landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent. All on slab landscaping shall meet Council's minimum soil depth requirements. All <i>Rhaphiolepis</i> species shall be substituted with a suitable alternative as Council deems this species an environmental threat.</i></p>
NECC (Development Engineering)	<p>Supported - subject to conditions</p> <p>The proposed works are in Zone 1 of Region 3. The development requires on site detention, which is documented on the submitted plans. A geotechnical and traffic report has been provided. I have no objections to the proposed development.</p>
Road Reserve	<p>Supported - subject to conditions</p>



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Internal Referral Body	Comments
	<p>Amended Comments 17/11/2023</p> <p>The amended plans (including the "Road Asset Plans" - A400-A406) provide greater certainty regarding treatment of the existing retaining walls in the road reserve. The proposed works (removal of walls, regraded verge and batters and landscaping to address the existing walls are supported.</p> <p>Previous Comments (now redundant@17/11/23):</p> <p>The works impact the existing dry stacked sandstone wall immediately adjacent to the kerb and along the south and western boundary of the property. The proposal includes demolition of part of the wall for driveway access to basement carparking. It is unclear as to the ownership of the retaining wall and whether it has been constructed to create a level building platform for the subject property given it is only located around the subject property or has been built during the land subdivision and construction of the road (circa 1961). It is also not possible to establish the condition of the wall given the extensive private vegetation covering the wall although a inspection of the wall on 11/10/2023 by Council engineer found it to be in reasonable condition. The inspection does however raise concerns regarding the impact of the works on the wall.</p> <p>The geotechnical report does not discuss any specific issues in relation the existing dry stacked stone wall nor its ongoing stability given the basement excavation through the wall and directly behind it.</p> <p>Concerns exist in relation to the proposed works impacting on the existing dry stacked wall and cemented/grouted stone wall uphill of the dry stacked wall. The cement grouted wall would appear to have been added later to retain the front yard of the property and is therefore considered a private structure. It appears the proposed pool is sited adjacent to and/or above the grouted stone wall and excavation of the pool may impact the stability of this wall (area shown in green in image below). No details or consideration appears to have been given to this impact.</p> <p>The excavation for the basement to the south of the driveway entry (and along the southern boundary) will result in a very thin volume of fill between the existing dry stacked stone wall and may result in instability during and after construction. No details or consideration appears to have been given to this impact.</p> <p>The embankment adjacent to the southern boundary (shown in red in image below) is an earth embankment. The survey appears incorrect where it depicts a wall behind the kerb. The FFL of the basement is some 2m above the road level on this frontage and no details are provided as to the treatment of this embankment. The basement constructed to the boundary will need to ensure adequate footings are provided and no reliance is placed on the road reserve embankment for support.</p> <p>The location of the driveway and its design limits the available sight distance which could be improved with changes to the design.</p>

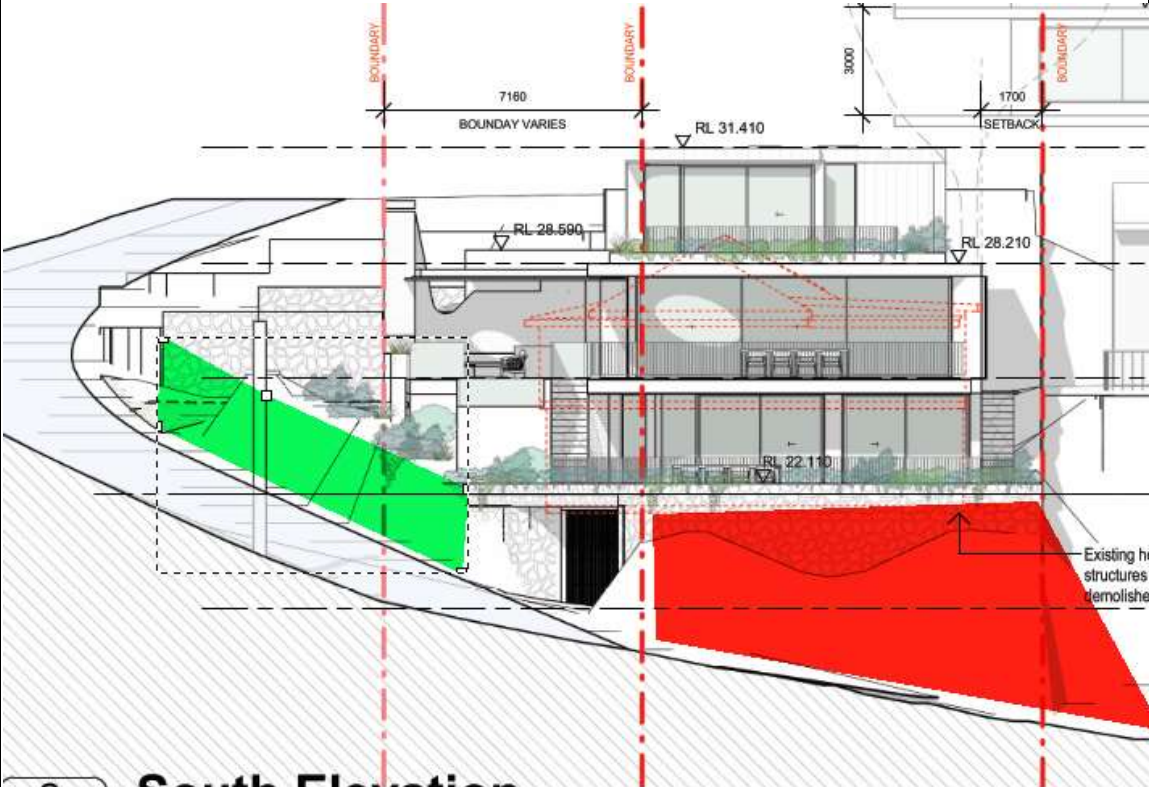


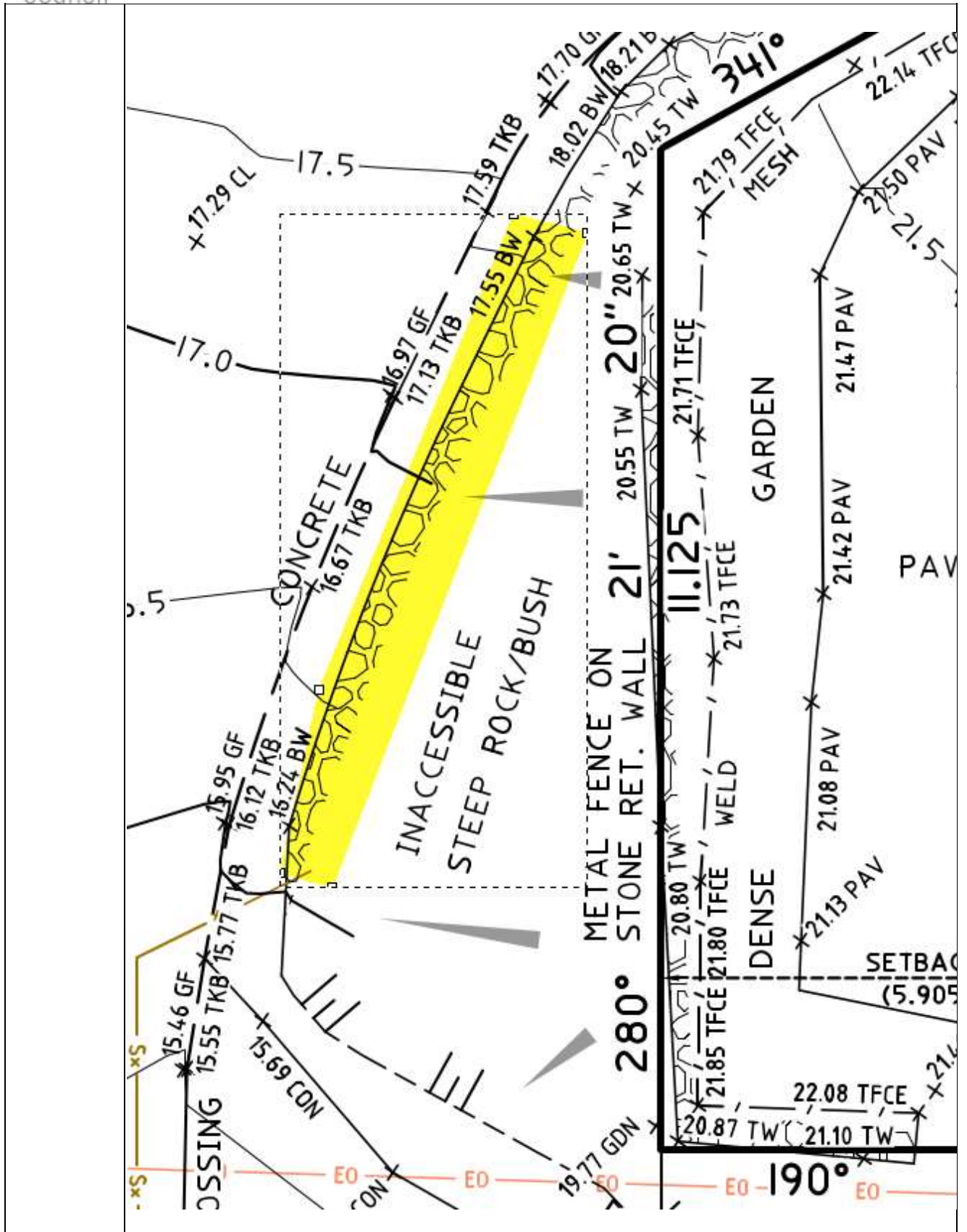
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Internal Referral Body	Comments
	<p>Council's Development Engineering Team to require an Application for Infrastructure Works on Council Roadway to ensure the design and adjustments to the dry stacked sandstone retaining wall and other retaining walls associated with the driveway access is considered. The application for Infrastructure Works shall also address the proposed stepping stones across verge to ensure these works comply with Council standards. A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.</p> <p>Council's Property Team should receive a referral to advise whether a Road Reserve Consent is required in accordance with the former Manly Council Policy for the structural works across the verge. The demolition of the existing garage is noted and may require the cancellation of the existing road reserve lease.</p> <p>The proposed stone wall with letterbox is not supported given the extent of encroachment into the public road reserve and fencing off/alienating the area for private use. The proposed wall should be removed and replaced with a letter box not more than 600x600mm</p> <p>Development Engineering to require the submission of a report on the condition of the retaining wall and a photographic dilapidation report is to be completed and submitted for Council assessment and approval (following removal of vegetation) prior to the issuing of the construction certificate to ensure the proposed works are unlikely to impact the stability of the wall. A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate. A bond for insure against damage the retaining wall shall be required in the amount of \$????,???</p> <p>Accordingly, it is not possible to support the proposed works given the lack of detail pertaining to the retaining walls on the road reserve and consideration of the construction methodology impacting on the walls. The landscaping plans identify the need for planting on the road reserve but insufficient details are provided including any "structural" landscaping to achieve the desired outcome.</p>



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Internal Referral Body	Comments
	 <p>2 South Elevation</p>





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Internal Referral Body	Comments		
Strategic and Place Planning (Heritage Officer)	Supported - subject to conditions		
	HERITAGE COMMENTS		
	Discussion of reason for referral		
	The proposal has been referred to Heritage as the subject site contains is within the vicinity of a heritage listed item with local significance:		
	Item I1 - Harbour foreshores - Manly municipal area boundary adjacent to the Harbour		
	Details of heritage items affected		
	Details of this heritage item, as contained within the Northern Beaches Heritage Inventory, are:		
	Item I1 - Harbour foreshores		
	Statement of significance		
	Natural landscape type - Aesthetic.		
	Physical description		
	Length of foreshore including natural and built elements of the landscape. Rocky sandstone ledgers, beaches, mud flats and sandstone retaining walls and timber structures.		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	
	Australian Heritage Register	No	
NSW State Heritage Register	No		
National Trust of Aust (NSW) Register	No		
RAIA Register of 20th Century Buildings of Significance	No		
Other	N/A		
Consideration of Application			
The application seeks consent for the demolition of the existing site structures and the construction of a new dwelling and a swimming pool. The existing property is a 1 & 2 storey building that originally was built in the early 1900s. The original building was one of the early constructions in the area, but has been extended and altered.			
Given the steep topography of the subject site and the separation between the heritage item and the proposed works, the proposal is considered to not have an adverse impact			



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Internal Referral Body	Comments
	<p>upon the heritage item or its significance.</p> <p>Therefore, no objections are raised on heritage grounds, subject to one condition.</p> <p><u>Consider against the provisions of CL5.10 of MLEP 2013.</u></p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A</p> <p>Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? N/A</p>
Traffic Engineer	<p>Supported - subject to conditions</p> <p>Amended comments relating to the amended report and plans – 22/11/2023</p> <p>The Transport Assessment Addendum prepared by ONETRAFFIC dated 15 November 2023 and the plans (Amended Master Set), Revision B prepared by EMK Architects dated 24/05/2023 have been reviewed by the Traffic team.</p> <p>All the Council's comments dated 09/10/2023 on the first version of the traffic report have been addressed in the amended report. Here are the changes that have been made:</p> <ul style="list-style-type: none"> • Turning plots for access to and from the garage into/out of Bligh Crescent have been provided demonstrating that access for a B99 vehicle to and from the garage is possible from the street as required by AS2890.1 clause B.2, with parked vehicles uphill of the driveway. • The garage doorway width of 6m and the dimensions of the internal parking area have been included on the amended architectural plans. • The driveway has been assessed in terms of sight distance, with some cutting back of the retaining wall and widening of the driveway to improve sight lines for egressing vehicles. <p><u>Conclusion</u></p> <p>All the Council's comments dated 09/10/2023 on the first version of the traffic report have been addressed.</p>



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Internal Referral Body	Comments
	<p>Subject to conditions, the application can be supported on traffic grounds.</p> <p>Original Comment dated 09/10/2023</p> <p><u>Proposal description:</u> Demolition works and construction of a dwelling house including swimming pool.</p> <p>The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none">• Plans (Master Set) – Drawing No. A0101, Revision A, designed by EMK Architects, dated 24/05/2023,• Transport Impact Assessment report, (Reference Number 2318), prepared by ONETRAFFIC,• The <i>Statement of Environment Effects</i> prepared by BBF Town Planners dated July 2023, and• Pre-Lodgement Advice (PLM2022/0010) dated 02 March 2023. <p><u>Parking requirement and design:</u></p> <ul style="list-style-type: none">• The Manly DCP applies to the subject site. Under the DCP, two (2) parking spaces per dwelling are required for a dwelling house. As two (2) parking spaces (in the form of double garage) have been provided, the proposal comprising a residential dwelling provides adequately for the parking needs generated by the development.• The double garages' layout is compliant with Australian Standards AS2890.1:2004 Off-Street Parking requirements. The garage doorway width of 5m has been measured; however, this has not been dimensioned on the architectural plans. The plans should be accompanied by dimensioned garage doorway width. This will be conditioned.• The B85 vehicle turning plots accessing each car parking space in the double garage are shown in Appendix B of the traffic report. These movements seem to require the driver to stop and turn on spot and while this is acceptable under Appendix B4.8 of AS/NZS 2890.1, it demonstrates that access is constrained and a degree of inconvenience for drivers will exist.• No plots for access to and from the garage into/out of Bligh Crescent have been provided in the Traffic report. Swept path plots for B99 vehicles are required to demonstrate that access to and from the garage is possible from the street as required by AS2890.1 clause B.2. <p><u>Access Driveway</u></p>



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Internal Referral Body	Comments
	<ul style="list-style-type: none"> • The driveway is located at the southwest corner of the property on a bend with constrained sight lines however the existing driveway is also located on a bend and also suffers from constrained sight lines. As the relocated driveway allows for turning on the property to facilitate forwards entry and egress the relocated driveway is considered an improvement on the existing situation and, noting the low volumes of traffic, absence of through traffic and unfavourable terrain the new driveway location is supportable. It is however noted that while parking is not permitted opposite the driveway parking is currently permissible uphill of the proposed driveway on the east side of Bligh Crescent and aerial photo imagery suggests that parking does occur in this location. Swept path plots are required to demonstrate that the offstreet parking area and driveway are appropriately sized to permit a B99 vehicle to enter and exit the site from the street as required by AS2890.1 with parked vehicles uphill of the driveway. • The driveway is measured to be approximately 5 meters wide. At the PLM meeting it was noted that any adjustments to the rock/stone wall to improvement sightlines should be detailed on the plans. There are no details on the plans relating to sightline improvements and the only reference in the traffic report is a recommendation for a convex mirror. The introduction of convex mirrors are rarely supported by the Local Traffic Committee as they give a poor perception of the approach speed, direction and position of oncoming traffic and if sightlines can be improved by design amendments these should be pursued. The proposed driveway requires assessment in terms of sight distance in accordance with AS/NZS2890.1:2004 and while full compliance with clause 3.2.4 may not be feasible a review should be undertaken with some cutting back of the retaining wall or widening of the driveway to improve sight lines for egressing vehicles anticipated. Any adjustment to the existing rock/stone wall to improve the sight distances must be detailed on the plans. • It is noted that a vertical clearance plot for a B85 vehicle has been included in the traffic report, entering and accessing the garage and demonstrating that there is adequate overhead clearance and that scraping and bottoming do not occur. <p><u>Traffic Impact</u></p> <ul style="list-style-type: none"> • The proposal will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance.



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Internal Referral Body	Comments
	<p><u>Conclusion</u></p> <p>While the proposed changes appear supportable additional information is required to confirm a) that vehicles can enter and exit the property with parked vehicles on Bligh Crescent and b) to demonstrate that adequate sight lines to approaching traffic are available and if not to adjust driveway width and cut back the embankment to ensure safe egress from the driveway is achievable.</p>

That the comments under cl 4.6 (4)(a)(ii) be amended as follows (page 94 of the business paper):

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Floor space ratio development standard and the objectives of the R2 Low Density Residential zone. An assessment against these objectives is provided below.

In addition, the concluding remarks for the 4.6 assessment be amended as follows (page 96 of the business paper):

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone.