

Memo

Development Assessment

To: Northern Beaches Local Planning Panel

From: Daniel Milliken - Principal Planner

CC: Peter Robinson Executive Manager Development Assessment

Date: 1 March 2022

Subject: Item 4.2 – DA2021/1344 – 53-55 Whistler Street, Manly

Record Number: 2022/126809

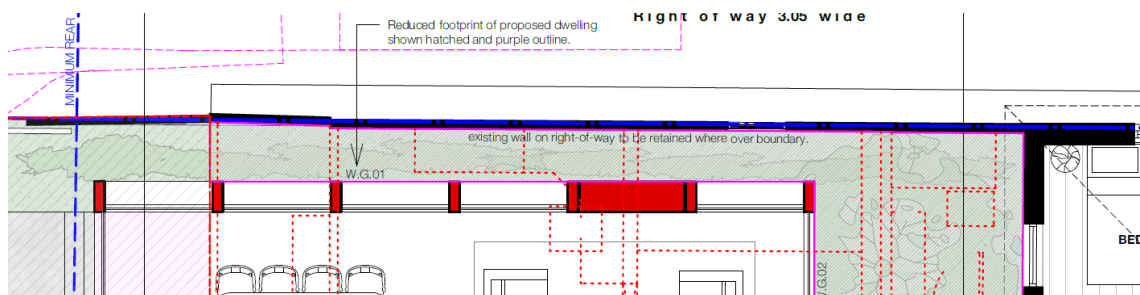
Dear Panel,

This supplementary memo addresses two matters to assist the Panel in its deliberations.

1. Amended plans to address the reason for refusal

The applicant has sent Council amended plans to address the reason for refusal, being that the application was not made pursuant to, and did not have owner's consent from the adjoining property, No. 57 Whistler Street.

The plans leave the elements of the existing dwelling that sit on and over the shared boundary between Nos. 55 and 57 Whistler Street.



The revised plans were not formally requested by Council and were submitted after the report was finalised and so have not been assessed or notified.

Preliminary planning comments to assist the panel are as follows.

It is possible to retain only this existing section of wall?

No information regarding the structural integrity of the single wall being left standing was provided and no structural supports are shown on the plans. With the current information, it cannot be assumed that this wall will remain stable in this manner and in perpetuity.

Is it a good planning outcome?

Retaining this wall to get around the need for owner's consent does not meet the objects of the *Environmental Planning and Assessment Act 1979* in that it does not promote the orderly use and development of land, and does not promote good design and amenity of the built environment.

It is recommended that the panel do not support this outcome.

However, should the panel be of a mind to approve these plans, it is recommended that conditions requiring confirmation of the wall's structural integrity be provided prior to the commencement of any demolition works and any structural recommendations to be followed during works.

Potential conditions are as follows:

Structural Integrity prior to Demolition

A Structural Engineers Report is to be prepared on the physical condition of the existing wall and the suitability of retaining the wall labelled "existing wall on right-of-way to be retained where over boundary" on the approved plans. The report must either confirm that the wall will be structurally stable as proposed or provide recommendations on how the wall is to be retained and maintained in a structurally stable condition. If the report recommends structural supports are required for the wall, those supports must be located on the subject site (55 Whistler St).

Details demonstrating compliance must be submitted to the Principal Certifying Authority prior to the commencement of any demolition works.

Reason: To ensure the remaining wall does not pose a safety risk.

Structural Integrity During works

All recommendations within the Structural Engineers Report for the single wall labelled "existing wall on right-of-way to be retained where over boundary" must be followed.

Details demonstrating compliance must be submitted to the Principal Certifying Authority during works.

Reason: To ensure the remaining wall does not pose a safety risk.

2. Swept paths within the ROW

After the report was finalised and placed on the agenda, additional concerns were raised by residents of No. 57 Whistler Street in relation to the swept paths for vehicles showing access to the proposed parking space on No. 55 Whistler Street.

The specific concerns are that the criteria should be B99 and not B85, that the turning circle on the swept path plan hasn't been drawn properly (on the outer edge), and that any car using this space would hit a car that is parked outside the ROW (above the turning circle in these diagrams).

The concerns were raised with Council's Development Engineers who reviewed the swept path plans again and made the following comments.

The B99 is generally applied in the multi-residential building/parking facility or a non-compliance issue (such as higher grade ramp, smaller access way).

However, the ROW is 3 meters wide and it is a single residential development in this case.

The red line is the swept path of the B85 and the blue line is the design template including the clearances. Both lines are shown within the ROW.

As such, Development Engineering believes the provided swept paths comply.