



northern  
beaches  
council

## MEMORANDUM

**DATE:** 19 September 2023  
**TO:** Northern Beaches Local Planning Panel (NBLPP)  
**CC:** Peter Robinson, Executive Manager Development Assessment  
**FROM:** Gareth David - Principal Planner, Development Assessment  
**SUBJECT:** Item No. 5.2 - DA2022/1693 - 15 Alfred Road, Brookvale

**TRIM REFERENCE:** 2023/571250 & 2023/601153

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The purpose of this memo is to advise the Panel that additional submissions have been received from objector Roald de Groot & Carmen Sik (No.13. Alfred Road), which raises the following matters:

**1. There is opening in the existing fencing between the subject site and No.13. Alfred Road**

The objection wants to clarify the following to the Panel:

*We have been reading the Development Application Assessment report and like to point out some incorrect information related to the right of carriageway of which we (owners of 13 Alfred Road) are the beneficiaries.*

*The following is stated: "This Right of Carriageway easement does not contain a formed driveway and an existing fence currently restricts any potential use by 13 Alfred Road."*

*It is correct that there is no formed driveway yet. But the existing fence does not restrict any potential use at the moment. There is a pedestrian gate, which is actively being used. There are removable panels in the fence, which, once removed, provide vehicle access.*

Council Comment

The assessment report acknowledges that this Right of Carriageway has potential to provide access to this neighbour. As such, and as discussed within the assessment report, conditions have been imposed requiring "Passing Bay 1", to be reduced in width by 0.5m. This will enable an unimpeded width of 3.2m to be retained within this Right of Carriageway easement. It is considered that the

retention of an unimpeded width of 3.2m is sufficient to facilitate vehicle access in the future (if required) and will retain the purpose of this Right of Carriageway easement.

## **2. Remove tree planting within the Right of Carriageway**

The objector requested amended plans to remove proposed tree planting and garden beds within the Right of Carriageway:

*Approval of the planting of the proposed “New feature trees” and the “Mix planting streetfront garden” would substantially interfere with our enjoyment of the Right of Carriageway.*

### Council Comment

A condition of consent has been recommended (condition 36) specifying that new tree planting and any other vegetation planting, as shown on the Landscape Plan, is not permitted within the right-of-way.

## **3. Concerns that the existing building and structures on site is located within the existing Right of Carriageway and prevents the use of this easement:**

### Council Comment

This matter has been addressed within the assessment report. The proposal seeks to demolish these buildings. A condition of consent has been recommended (condition 51) requiring this existing building and deck to be wholly demolished prior to the issue of the Subdivision Certificate, in accordance with the Demolition Plan.

## **4. Passing Bay within Right of Carriageway**

The objection has raised the following concerns with the proposed passing bay within the Right of Carriageway:

*We are concerned that the proposed Passing Bay 1 may require kerb and guttering, battering or stormwater treatment that will materially and substantially interfere with our use of the Right of Carriageway*

*Any treatments to the southern edge of the Passing Bay 1, which extends up to 2 metres within a 4.57m wide right of way, would impact that right of way.*

*For these reasons, we ask that, to assess the impact of the Proposed Development, Council request further information from the Applicant in relation to any proposed passing bays or driveways within the Right of Carriageway including sufficient detailed designs demonstrating how the proposed passing bays will not impede vehicles and pedestrians traversing the Right of Carriageway.*

### Council Comment

This matter has been addressed within the assessment report. A condition of consent has been recommended (condition 14) requiring that the following amendments are to be made to the approved plans (including approved engineering plans and landscape plans) which has been amended to include any structures supporting the passing bay to maintain a clear setback of 3.2 metres:

- The proposed (westernmost) passing bay, identified on the approved plans as "Passing Bay 1", shall be reduced from 5.5m in width to 5.0m in width (in total). The passing bay and any structures supporting the passing bay, shall have a minimum setback of 3.2m from the southern boundary (adjoining No.13 Alfred Road).

#### **Conclusion:**

Council's recommendation remains that the application be approved, subject to the conditions outlined within the assessment report.

#### **Recommendation:**

That the Northern Beaches Local Planning Panel approve the application, subject to the conditions outlined within the Assessment Report and amended condition 14 to read:

#### **14. Amendments to the approved plans**

The following amendments are to be made to the approved plans (including approved engineering plans and landscape plans):

a) **Passing Bay 1:** The proposed (westernmost) passing bay, identified on the approved plans as "Passing Bay 1", shall be reduced from 5.5m in width to 5.0m in width (in total). The passing bay and any structures supporting the passing bay, shall have a minimum setback of 3.2m from the southern boundary (adjoining No.13 Alfred Road).

b) **Sitting Room Window (ASW 1218)** - A privacy screen is to be installed on the "Upper Floor" western window adjoining the "Sitting room" (ASW 1218) as shown on the approved plans. The privacy screen shall be of horizontal louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, this window shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Finished Floor Level.

c) **Master Bed Windows (ASW 1614 and ASW 1612)** - Privacy screens are to be installed on the "Upper Floor" eastern windows adjoining the "Master Bed" (ASW 1614 and ASW 1612) as shown on the approved plans. The privacy screens shall be of horizontal louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, these windows shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Finished Floor Level.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.