



northern
beaches
council

MEMORANDUM

DATE: 27 February 2024
TO: Development Determinations Panel (DPP)
CC: Adam Richardson, Manager Development Assessment
FROM: Phil Lane, Principal Planner
SUBJECT: Item No. 3.3 - DA2023/0735 - 26 Thornton Street, Fairlight

Dear Panel Members,

The purpose of this memo provide advice to the Panel in relation to two (2) late submissions have been received from the applicant and the architectural designer (Paul Carrick from Paul Carrick & Associates). This submission seeks to address the recommended reason for refusal. The other submission was received from the adjoining property owners, and is an addendum submission to the submissions already made in relation to the DA.

The submission from the application provides a written submission with a summary of their position and seeks to respond to the reason for refusal within the assessment report prepared. In addition to the written justifications in response to the reason for refusal, a draft conceptual amended plan (section) has been prepared by Paul Carrick & Associates. The purpose of this sketch is to demonstrate how an alternate design could be arranged whereby no impact to the party wall or incursion into the adjoining property would occur. Upon initial review, the documentation provided by the applicant and the designer provides further details which sets the new works 0.11m from the boundary shared with 24 Thornton Street. Additionally, the designer argues within his written submission as follows: -

“the roofing timbers are NOT continuous thus NO dramatic impact as stated. The removal of the 26 roof will have no structural impact on 24.”

*“The residual north roof belongs to 26 and will be supported from 26. The flashing remains on 26. Yeswaterproofing has now been made most difficult.
It is in the best interest of 26 to 100% flash as the junction is now within 26.”*

A further site inspection was undertaken given this representation and it was identified that the timbers clearly span across this roof space (see photo below) running north – south as one single roof shared by 24 and 26 Thornton Street.



Photos showing timbers running north – south and across both 24 and 26 Thornton Street above the dilapidated part wall

Considering the limited information and the absence of a structural engineer's report demonstrating how this alternate design may work where it does not have an impact or breach into the adjoining property, it is clear that there remains insufficient information to properly evaluate the impact or acceptability of the proposed amendments and whether they sufficiently address the original grounds for refusal.

Based on the above it is considered that the reason for refusal stand and that the new information does not provide substantive reason to warrant an alternate design.

The late submission received by the adjoining landowners raised concerns over structural and waterproofing issues due to the amended proposal and future maintenance issues. It is considered that the assessment report has adequately addressed these issues and a review of the most recent section (Sheet 20, Revision A, dated February 24) indicates a potential for waterproofing problems. This stems from the manner in which the roof will be tied into the new fire-rated parapet wall, with no apparent means for water discharge from this part of the roof junction. The fact that this area will be

located on the southern side of the new parapet wall suggests that this area will not receive direct solar access for a majority of the year, which could lead to potential problems such as mould and water ponding.

Issues relating to solar access, floor space ratio and bulk and scale addressed within the assessment report.

Additionally, the owners of 24 Thornton Street have requested the "*right to modify our own development application DA2024/0032 without further cost imposition*". This request is a matter related to DA2024/0032.

Conclusion

It is considered that the representation of the applicant do not change the assessment of the application, nor do they overcome the issues of owners consent and impact on the adjoining property. consider the above. The additional submission from the does not alter or modify Council's assessment of DA2023/0735.

Recommendation

No change to the assessment report recommendations.