
Sent: 14/03/2022 9:33:12 AM
Subject: LPP Meeting 16/3/2022 - DA2021/1408 (16 Addison Road Manly)
Attachments: Traffic Managment Plan - Council letter 27 Jan 2022.pdf; NBLPP DA 2021
1408 16 Addison Rd Manly 140322.pdf;

Dear Natalie

Please see attached letter for the attention of the Planning Panel and a copy of the earlier submission prepared by my client (for ease of reference)

Regards

Tony Robb
BA(Hons) UPS. Dip. TP. (Westminster) RPIA
Principal

EVOLUTION PLANNING
PO Box 309
Frenchs Forest NSW 1640

0430 007 725



14 Addison Road
Manly NSW 2095

27 January 2022

Attention: Maxwell Duncan
Planning Department
Northern Beaches Council
P O Box 82 Manly NSW 1655

Application DA2021/1408

Address LIC30003605 and Lot 2 DP325220 - 16 Addison Road Manly

Document Construction Traffic Management Plan prepared by Transport and Traffic Planning Associates

This letter refers to the proposed development application for 16 Addison Road Manly, in particular the Construction Traffic Management Plan. We appreciate that the owners of 16 Addison Road have shared this document at this stage via the Council website.

We have reviewed the document and offer the following comments for consideration by Council.

Accuracy and Completeness

Aspects of the document are inaccurate and incomplete. Further the document on the website does not have the “List of Figures” nor the text for the “Appendices”. We will appreciate if these can be provided to us.

Right of Carriageway

No mention is made in the document that the driveway is used daily by neighbours living at 12 Addison Road and 14 Addison Road. These properties have a right of carriageway over the driveway. In terms of this, no parking of vehicles on the driveway is permitted and no storage of any materials or supplies is permitted in the driveway. We request a condition of approval for the development application includes statements to this effect.

Section 5.2 - Surrounding Property Access – The document states “*Access to surrounding properties will be available at all times during the construction*”. This is an extremely presumptive statement – under no circumstances will we permit access to our property at all times.

We note that the width of the driveway is greater than the specified 2.3m.

Loading and Unloading of Vehicles

We confirm as per Section 5.3 “All loading and unloading activities will occur on site.”

This will require thoughtful planning by the owner because

- a) during excavation the site will be a “big hole in ground” and,
- b) the site entry and existing carport area is narrow.

We request conditions of approval for the development application include full details on how the owner will ensure vehicles will be able to park on the construction site to load and unload materials, equipment, supplies etc. and not simply obstruct the driveway. We emphasise that vehicles cannot be parked in the drive way and no materials can be loaded or unloaded in the driveway. The motherhood statements in the current plan such as ‘wherever possible’ and ‘wherever feasible’ plan should be replaced with details on how the owner will ensure compliance with these conditions.

We appreciate that the induction of tradies will include explanations to this effect.

Wheel Wash Station

The wheel wash station with appropriate drainage must be located fully within the site and not near the driveway. The location must be such that no washings under any circumstances can enter any of the drains on the driveway. The drains on the driveway flow directly to the harbour. Under no circumstances can any materials, dirt, sand, liquids etc be washed down the drains on the driveway. Blockage of these drains will result in flooding of the property 14 Addison Road. Should this occur, we require confirmation in writing that the associated damage and repair costs will be paid for by the owners of 16 Addison Road. We request a condition of approval for the development application includes statements to this effect.

Parking in Addison Road

There is no unrestricted parking in Addison Road. All street parking has 2-hour time limit between 8am to 10pm.

Section 5.3 states – *“There will be no loss of on-street parking spaces, given that all loading and unloading activities will occur on the site.”*

Given the number of apartment complexes in Addison Road on most days it is very difficult for residents to find street parking in Addison Road. Most submissions to Council regarding this development application commented on the impact the construction phase will have on parking in Addison Road.

Twenty tradies parking their vehicles in Addison Road will have a major impact on street parking. It is unrealistic to expect tradies to store their tools on site and use public transport to access the property. This just is not what tradies do!

Vehicles Accessing the Property

The report details conflicting information on the number and type of vehicles that will access the site. We would appreciate receiving an accurate assessment of the number and type of vehicles that will access the driveway.

No mention is made of heavy machinery transporting excavators and such like equipment. Details of brick, glass panels, timber and concrete delivery to the site has not been included in the report.

Damage to Driveway

During the demolition, excavation and construction phases, damage to the driveway is likely to occur. We request a condition of approval is included that requires the owner to cover the full cost of this repair.

In section 4.1 - mention is made of a “new driveway” - what plans have been submitted for this driveway. Can we please have access to these plans?

Site Security and Dust Fencing

We will appreciate if the location of site security and dust fencing is provided in a sketch to ensure it does not limit access to the properties of 12 Addison Road and 14 Addison Road.

In section 4.10 reference is made that the existing fence and gate will remain. There is no existing fencing and gate.

Section 4.10 refers to erection of site security and dust fencing on the northern side of the site during the construction of the new fencing and gate. This statement does not make sense as there is no access to the property from the northern side of the property.

Access by Emergency Vehicles

The only way emergency vehicles will be restricted from accessing neighbouring properties is if vehicles are parked in the driveway or loading and unloading takes place in the driveway only take place on site and not the driveway.

Public Consultation Process

It is noted that Patrick Joyce is the nominated contact for day-to-day activities on site. This is impractical as Mr. Joyce lives in Queensland. We will appreciate if a person who is on-site daily is nominated as the contact for neighbours.

In Conclusion

In conclusion we request Council genuinely considers the issues the shared driveway will pose during the development of 16 Addison Road and address these prior to any consent being granted.

We refer to the comments made in our earlier submission to Council (Letter dated 29 October 2021 by Tony Robb of Evolution Planning, the town planner we engaged.)

“Evidence must be provided prior to the grant of consent, (if Council is of the opinion the proposal is otherwise worthy of support), in the form of a detailed Construction Traffic Management Plan, to ensure that the rights for carriageway are maintained for the entirety of the construction process.

This is considered to be a critical, determinative issue which should not be deferred to post consent consideration by way of a condition. None of the key-stakeholders (including Council) would want to be in a position where consent has been granted but issues arise later with respect to the maintenance of the purpose of the easement as a right of carriageway. From experience, such instances may result in costly and time-consuming legal proceedings.”

We are happy to discuss the concerns and issues with Council as we really want to avoid any problems and issues arising during the development of the property.

Best regards



Margaret Lavers
(Owner: 14 Addison Road Manly)

Copy: Tony Robb – Evolution Planning

EVOLUTION PLANNING

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14 March 2021

General Manager
Northern Beaches Council
1 Belgrave Street
MANLY NSW 2095

By email: planningpanels@northernbeaches.nsw.gov.au

Dear Sir or Madam:

RE: NORTHERN BEACHES LOCAL PLANNING PANEL - MEETING 16 MARCH 2022

DA2021/1408 – 16 ADDISON RD, MANLY – NEW DWELLING – OBJECTION

We have been engaged, in a town planning advisory capacity, by the owners of 14 Addison Road, Manly, located to the immediate south-west of the development site. Evolution Planning has previously prepared submissions to Council on behalf of the owners of 14 Addison Road, dated 7 September 2021 and 29 October 2021, the earlier of which was superseded by the latter.

We welcome the recommendation of refusal made in the Assessment report and respectfully request the Panel concur with the recommendation.

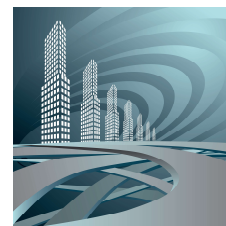
Should the Panel disagree with the recommendation and be of a mind to approve or defer the determination of the DA to allow for amendments, we request that further careful consideration be given to the following two matters.

1. Privacy

Following the initial notification of the DA and our first letter of objection, discussions took place with the planner for the applicant and certain amendments to the design were negotiated to attempt to mitigate what were significant privacy impacts to the main living room of the owners of 14 Addison Road.

The amendments to the design included fixed louvres at Level 1 (west elevation) and a fixed cowl on the window on the west elevation facing my client's property.

The exact positioning of the louvres and depth of the cowl is critical for them to be of any value in terms of privacy mitigation and any deviation from the exact angles and dimensions shown on the amended plans could result in privacy impacts which we insist are properly and permanently mitigated.



Our earlier objections related to privacy and the non-compliance of the proposal with built form related planning controls were removed on the basis of the design amendments to prevent overlooking and it therefore critical that, if the DA is approved, that the proposed overlooking mitigation mechanisms are properly implemented and remain for the life of the development.

We therefore request that if the Panel is of a mind to grant consent that the following conditions be imposed:

Prior to the Issue of a Construction Certificate

"The proposed permanent louvres on the west elevation of the first-floor level should be set at an angle and the window cowling on the first-floor level be of a width and set at an angle so that no direct sightlines are available from the internal space of the proposed first floor level and the east elevation windows and ground floor roof window at 14 Addison Road. Details shall be provided to the PCA prior to the issue of a Construction Certificate"

On-Going Conditions Which Must Be Complied with At All Times

"The proposed permanent louvres on the west elevation of the first-floor level and the window cowling on the first-floor level shall be maintained in place for the life of the building. Any changes to these elements may only be made with the approval of Council"

2. Traffic Management

Access to the site is achieved via a shared access handle where there are reciprocal rights of carriageway benefitting the development site and two other properties, (including 14 Addison Road).

The operations of this shared accessway, ensuring the rights for carriageway are maintained for the entirety of the construction process, as well as other traffic and parking related impacts in the locality are considered to be a critical, determinative issues which should not be deferred to post consent consideration by way of a condition.

Following our concerns being raised in response to the initial notification of the DA, a Construction Traffic Management Plan (CTMP) was eventually provided to Council which upon review was considered to be entirely inadequate for reasons outlined in a submission made by my client dated 27 January 2022, which the Panel should have a copy of. We have attached a copy for convenience.

At the very least, if the Panel is of a mind to approve the DA, the approval of a detailed CTMP ensuring the maintenance of the right of way at all times should be imposed on any consent as a Deferred Commencement Condition.

Should the Panel decide to refuse the DA, we request that the absence of appropriate management solutions to maintain the right of way be included as a reason for refusal.

Please contact the undersigned directly on 0430 007 725, should you wish to discuss this matter further.



Yours sincerely,

Tony Robb
Principal.
BA(Hons) UPS, Grad.Dip.TP (Westminster) RPIA

