

PWS BUILDING CONSULTANCY

BUILDING REGULATIONS AND FIRE SAFETY
CONSULTANTS

PLANNERS MANAGERS, ENVIRONMENTAL CONSULTANTS

26A PRODUCTION AVENUE, KOGARAH, NSW, 2217

PHONE: 9587 9600, MOBILE: 0414 767732, FAX: 9587 6433

EMAIL: pwsbld@bigpond.com

Section 4.55 Modification Application



Address: 1 Kangaroo Street, Manly

Client: Rizon Builders

Northern Beaches Council
P.O. Box 82,
Manly, NSW, 1655.

7 May, 2020

Attention: General Manager

Dear Sir/Madam,

**Section 4.55 Modification Application
Re: 1 Kangaroo Street, Manly
Development Application DA/2020/0121**

This document is to support a Section 4.55 Modification Application for the deletion of Condition 5 of the Development Consent.

The approved Development application was for the Reinstatement/Reconstruction of an Impact damaged front Sandstone Retaining Wall/Fence.

Following receipt of a survey (requirement of Condition 7 of Development Consent) it showed the existing wall encroaching over Council's property (Road Reserve) by 20mm at the base on the southern boundary or Raglan Road Frontage and 45mm to the base of the eastern boundary or Kangaroo Street frontage. It should be noted the encroachments are to the base of the existing wall and top of the existing wall is located considerably behind the boundary line.

Condition 5 of the Development Consent states "All works within the property boundary – The applicant is to ensure that all works are to be located within the property boundary". We request Condition 5 be deleted from Development Consent DA/2020/0121 and the existing wall be allowed to encroach at the base slightly upon Council's Road Reserve for the following reasons:

- The maximum encroachment is 45mm and only at the base of the existing structure;
- Construction of the wall behind the boundary would result in the wall not being straight in line and would result in the wall being bowed;
- Construction of the wall would result in the base of the being setback 45mm from the existing wall. Unsightly appearance. Not tradesman like;
- The sandstone wall is existing and there would be no additional impacts as a result of the reconstruction upon the existing street scene;
- The existing wall is listed as heritage and remain as existing to the best of the builders ability.

It is considered the heritage significance of the existing Sandstone Retaining Wall would not be detrimentally affected by the proposed reinstatement/reconstruction for the following reasons:

- Significant elements of the existing heritage building/retaining wall has been retained as part of the proposed like for like reconstruction/reinstatement;
- The proposed work will not expose archaeological artefacts of significance;
- The proposed demolition was the unexpected cause of impact damage of the heritage item;
- The proposed demolition and reconstruction is essential for the proper function of the existing establishment;
- The proposed demolition and reconstruction is essential for the long term viability of the heritages elements of the existing building;
- The proposed reconstruction will not visually dominate the heritage significance of the existing structure as it will be like for like;

Should the reconstruction be carried behind the boundary lines, the structure will not achieve the above the above Heritage requirements and would visually detract from the appearance of the existing wall by not maintaining the structures physical features.

We would like thank Council for their assistance in the above matter. Should you require any further information please do not hesitate to contact the undersigned on telephone number 0414 767732.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Smith', written in a cursive style.

Phil Smith