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**From:** Noel Purcell  
**Sent:** 20/05/2022 2:51:54 AM  
**To:** Council Northernbeaches Mailbox  
**Cc:** Boronia Foley  
**Subject:** Re: Submission on Mod 2021/0733 - DA436/2008  
**Attachments:** Submission re Mod2021-0733 - Amended Plans re Development at 5 Commonwealth Parade 1.docx;

I refer to my earlier email relating to a supplementary submission on Mod 2021/0733 dated 25 April 2022.

It appears that I may have mistakenly missed attaching the detailed submission.

Please find the Submission attached.

We look forward to hearing from Council relating to this matter.

Dr Noel Purcell

On Mon, 25 Apr 2022, 11:27 am Noel Purcell, <[REDACTED]> wrote:

Please find attached a further Submission from owners of 1-3 The Crescent, Manly (also known as 1 Commonwealth Parade, Manly), which is an adjoining property to 5 Commonwealth Parade, Manly, the subject of the Proposed Development Mod 2021/0733 - DA436/2008.

We note that the original set of plans for Mod 2021/0733 have been superseded by a new set of plans dated 4-4-2022 on the Council's website.

To date, we have not been advised of the new plans which have very serious implications for the structural integrity of the adjoining buildings.

Consequently, the necessity for this new submission.

Sincerely  
Noel Purcell

On Tue, 12 Oct 2021, 3:37 pm , <[REDACTED]> wrote:

Attention Development Assessment,

Please find attached a Submission from owners of 1-3 The Crescent, Manly (also known as 1 Commonwealth Parade, Manly), which is an adjoining property to 5 Commonwealth Parade, Manly, the subject of the Proposed Development Mod 2021/0733 - DA436/2008.

While we are broadly supportive of the development, we strongly request that the Council adds an additional condition of approval as detailed in the attached Submission to ensure that the structure and integrity of our property is protected during the extensive demolition and excavation works.

We thank the Council for their consideration of our Submission.

Yours faithfully

Noel Purcell, Boronia Foley, Alex Manu and Natalie Habib

## SUBMISSION FROM OWNERS OF 1-3 THE CRESCENT, MANLY, 2095

25 April 2022

### NOTICE OF PROPOSED DEVELOPMENT

**Modification No: Mod 2021/0733**

**Subject Property: Lot CP SP 11874 - 5 Commonwealth Parade, Manly**

**DESCRIPTION: Modification of Development Consent DA436/2008 granted for alterations and additions to a residential flat building**

#### **Introduction:**

Our second submission on Mod 2021/0733 is necessary as the set of plans which were the subject of the Council's Notice of Proposed Development dated 1 October 2021, have now been superseded on the Council's website with a new set of Amended Plans, dated 4/4/2022.

#### **Proposed Basement Level Ignores Structural Engineer's Minimal Determination**

The Amended Plans (Status s4.55 2021, Revision B) lower the basement floor level by some 0.8 meters from the original Mod 2021/0733 Plans (Status s4.55 2021, Revision A) to a level that structural engineers BG&E have found poses high risks to the structural integrity of the adjoining properties.

unacceptable concluded needed to be ***"raised by a minimum of 1-1.5 meters"*** to alleviate the

BG&E were requested by Momentum Projects to provide construction advice and risk mitigation measures to the adjoining buildings. In their letter dated 11 February (as included in the *Report - Statement of Environmental Effects* relating to Mod 2021/0733) BG&E noted that:

#### **1. No. 7 Commonwealth Parade –**

- *"Existing footings under 7 Commonwealth Parade are supporting a 9 storey masonry building under high stress."*
- *"Pressure from existing footings is then applied laterally to the shoring wall."*
- *"Exact location of the footings is not known."*
- *"The closer the footings are located to natural ground surface the higher the lateral pressure will be applied to the shoring wall."*

## 2. No. 1-3 Commonwealth Parade –

- *“Level of the basement at nearby building at 1-3 Commonwealth Parade is approximately 1m higher than the development at 5 Commonwealth Parade which poses risk and potential requirement for underpinning works.”*

As a result, BG&E concluded and recommended that the basement level needed to be **raised by a minimum of 1-1.5 meters** to alleviate the high risks to the structural integrity of the adjoining properties.

Added to the fact that the excavations under these amended plans would expose and go approximately 1m below the boundary piling, and basement structural walls of our building, the excavations would also extend beyond the existing contiguous piling wall, to depth of some 4 meters below the footings at the rear part of our building.

Clearly, the Amended Plans relating to Mod2021/0733, relative to the original Mod2021/0733 plans, **exacerbates the risks to the structural integrity of the adjoining buildings.**

As we again submit, it is therefore critical that the Council ensures that the proposed development fully complies with the *Environmental Planning and Assessment Regulation 2000 Act, REG 98E - Condition Relating to Shoring and Adequacy of Adjoining Property*, which states that:

*(1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work ... on adjoining land, the person having the benefit of the development consent must, at the person's own expense--*

*(a) protect and support the building, structure or work from possible damage from the excavation, and*

*(b) where necessary, underpin the building, structure or work to prevent any such damage.*

Importantly, as previously submitted, the Geotechnical Report, Ref 23373SD2rpt Rev 18/07/2020 by JK Geotechnics, concluded that *“further geotechnical investigation of the site will be required to obtain a more accurate representation of the subsurface profile, particularly the sandstone bedrock quality, as the basis for the detailed design”*. The Geotechnical Report also stated that this should involve *“additional geotechnical investigation including additional cored boreholes extending below the proposed bulk excavation levels”*.

Given the Structural Engineer's findings and recommendations, and the fact that the essential and required further geotechnical investigation work in the Geotechnical Report has not been undertaken to date, we submit that the amended plans involving a basement level some 1 to 1.5 meters below minimum level recommended by the structural engineers must not be approved.

We therefore submit that the following specific Conditions of Consent must be added by Council:

- ***Prior to approval of the detailed structural design and the issuing of a Construction Certificate, all required further geotechnical investigations, as detailed in the Geotechnical Report, Ref 23373SD2rpt Rev 18/07/2020 by JK Geotechnics, must be undertaken and the findings and recommendations from those investigations be provided to Council and the adjoining property owners and implemented.***
- ***The level of the basement must comply with the Structural Engineer's recommendations, namely that they be raised by a minimum of 1 to 1.5 metres from the level of FFL 10.650 in the amended plans (Status s4.55 2021, Revision B).***

Without these conditions, the risk to the structural integrity of the adjoining properties from the proposed excavations simply will be unacceptable and hidden.

### **Raising the Level of the Basement without Increasing the Building Height**

Given the relatively large ceiling heights of the proposed building, with the floors being 3.040 metres apart, the level of the basement could be easily raised by a minimum of 1.140 metres without raising the overall height of the building, simply by reducing the height between each of the floors to 2.66 metres (which is the height between the floors in our building).

### **Traffic Management**

The removal of the proposed visitor parking space under the front of the building in the amended plans addresses the likely negative impact on traffic flows and safety on entry and exit which we raised in our previous submission.

### **Conclusion**

The Council must include in the Conditions of Consent the findings and recommendations of both BG&E (structural engineers) and JK Geotechnics, relating to minimising and managing the serious risks that the proposed excavations pose to the structural integrity of the adjoining properties.

At minimum, the level of the basement must not be below that recommended by the structural engineers and the construction must not commence until all recommended geotechnical work is undertaken and adequate measure are in place and agreed with the

adjoining property owners to ensure the structural integrity of the adjoining properties is protected during excavations.

A handwritten signature in black ink, appearing to read 'Noel Purcell', is written over a faint, rectangular stamp. The signature is fluid and cursive.

Signed by Dr Noel Purcell on behalf of himself and Boronia Foley, Owners of Units in 1-3 The Crescent, Manly 2095