



Our Ref: PW:HC:20240747

23 May 2024

**BY EMAIL AND POST:-**  
Planning Enquiry Officer  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

**E-MAILED**  
23/05/2024

Email to: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Dear Recipient

**RE: WEBSTER**  
**RE: DA2024/0487 – PROPERTY 139 LAGOON STREET NARRABEEN**

We act for Maja Martha Webster, who is the owner of the property at 141 Lagoon Street, Narrabeen located on the northern boundary of the property the subject of this Development Application. We note that you have previously received and replied to correspondence from our client's husband Tom Webster.

Our client has been seeking town planning and engineering advice in relation to the proposal and received the engineer's report shortly before the closing date for submissions. It is respectfully requested, having regard to the significance of the matters set out in our client's engineering advice, that it and this letter be taken into account in finalising the Council's response to the application.

We attach a copy of the report dated 16<sup>th</sup> May, 2024 provided by MTK Consulting. As you will see, the report raises significant concerns regarding the risks to our client's property, non-compliance with the Council's Development Control Plan and the engineer requirements necessary to protect our client's property having regard, inter alia, to the proximity of the works and the nature of the soil on both properties.

Our client asks in respect of the report that particular attention be given to the following matters:-

1. The statement on page 2 paragraph 5 that "there is an unacceptable risk to the driveway of 141 Lagoon Street with the possibility of shoring due to the zero-offset proposed in the plans";
2. The comment on page 4 paragraph 1 that the Council should dismiss the sediment and stormwater management plan;
3. The concern raised on page 5 paragraph 1 that "the survey does not include the ground surface levels of the neighbouring site";
4. The concern raised on page 7 that on the engineer's understanding the proposal does not conform with the Council's Development Control Plan;
5. The concern raised in paragraph 1 page 8 that "the estimation of the depth for the excavation is not an accurate quantity";
6. The recommendation on page 9 paragraph 4 that a working design to ensure stability of our client's property be included in the documents and compliance made a condition of approval;
7. The reference on page 10 that the Council should refuse approval until such time as a full submission with full details to ensure the integrity and safety of our client's property has been provided;
8. The comment in the final dot point on page 11 that adequate care has not been taken to ensure the integrity of our client's property.

It is asked that, if the application is otherwise approved, the issues raised by MTK Consulting be included as conditions of approval. In addition, it is asked that a requirement for before and after dilapidation reports be included to be prepared by a suitably qualified expert and that the issue of an occupation certificate be made conditional upon a satisfactory final report.

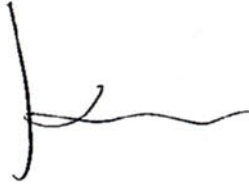
Our client is concerned that the proposed works will greatly hinder and threaten the enjoyment of their property and impact on access to it.

As the road is narrow, it is a cul-de-sac and there is no parking adjacent to the property, it is asked that appropriate conditions be included.

Our client has drawn attention in previous correspondence to the fact that at least some of the owners within the notification map area say that they have not received advice of the Development Application. It is asked that a further notification be sent allowing an opportunity for response before a determination of the application is made.

Kindly let us know if anything further is required to support this submission.

Yours faithfully  
**WMW Lawyers**

A handwritten signature in black ink, appearing to be 'Peter Wood', written in a cursive style.

**Peter Wood**

# MTK Consulting

Structural, Civil & Stormwater Engineering

16<sup>th</sup> May 2024

Mr Tom Webster  
141 Lagoon Street  
Narrabeen, NSW 2101

Job N<sup>o</sup>: 220501

## Re: Comments on the proposed garage at 139 Lagoon Street, Narrabeen

As instructed, we have reviewed the documents associated with the proposed alterations and additions to the residence at 139 Lagoon Street, Narrabeen. The brief is specific to the impact of the proposed works on the driveway of 141 Lagoon Street, Narrabeen. The purpose of the review is to assist the Town Planner with a response to the proposed development.

For the purpose of the review, we have been provided with the following documents:

### Architectural drawings by MHDP Architects

Site Plan and Site Analysis,	#2122/A001/A dated 16/1/2024
Demolition Plan,	#2122/A002/A dated 16/1/2024
Excavation and Fill Plan,	#2122/A003/A dated 16/1/2024
Landscape Area Calculation,	#2122/A005/A dated 16/1/2024
Driveway Profile Plan,	#2122/A006/A dated 16/1/2024
Proposed Ground Floor Plan,	#2122/A100/A dated 16/1/2024
Proposed Garage Floor Plan,	#2122/A101/A dated 16/1/2024
Lagoon Street Elevation,	#2122/A201/A dated 16/1/2024
Photomontage,	#2122/SK10/A dated 16/1/2024
Sediment and Stormwater Plan,	#2122/SK11/A dated 16/1/2024
Shadow Diagrams,	#2122/SK12/A dated 16/1/2024

Geotechnical Engineering reporting by White Geotechnical Group  
Reporting #J5243 dated 18<sup>th</sup> January 2024.

Pre-lodgement Advice from Council  
PLM2021/0307 dated 16<sup>th</sup> November 2021

Survey by Burton & Field  
#E7194-86262 issue A, dated 13/11/2023.

Statement of Environmental Effects by MHDP Architects  
Dated February 2024.

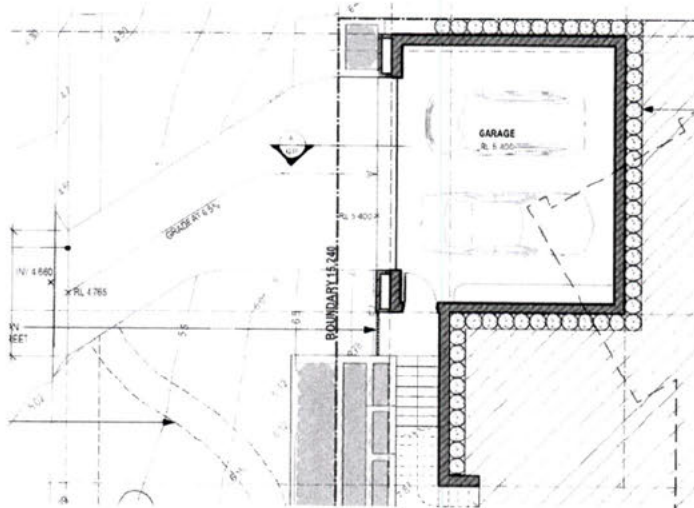
**Michael Kelett**

**Director**

B.E. (Civil) MIE Aust C.P Eng. IntPE(Aus)  
NER (Civil, Structural) APEC Engineer

This summary is not a complete list of potential issues with the application. Regarding the documentation for our review, we note the following significant issues that we believe require clarification in association with the submission to Council:

### **Clarification 1**



MHDP Proposed Garage Floor Plan #2122/A101/A dated 16/1/2024

### **MTK Comment**

The ground level to the northwestern corner of the site, at the boundary between 139 and 141 Lagoon Street appears to be approximately RL 6.0m. The garage floor level is at RL 5.40. The excavation therefore will be at approximately RL 4.90m to comply with the Geotechnical requirements included in the submission to Council.

The Garage has a nominal offset to the boundary of only 450mm. This important information is only nominated on the ground floor plan #2122/A100/A. This measurement should also be included on the Garage Floor Plan #2122/A101/A.

The contiguous piles indicated on the plans have been suggested to be outside the alignment of the structure for the garage. The contiguous piles should not be installed any closer than 200mm to the boundary to allow for the provision of a boundary fence between the two properties on completion of the works.

The planter (to the northern and western boundary of the development site) and the associated footing extend into the corner of the site with 0.0m offset to both the front and side boundaries. There is an unacceptable level of risk to the driveway of 141 Lagoon Street without the possibility of shoring due to the zero-offset proposed in the plans.

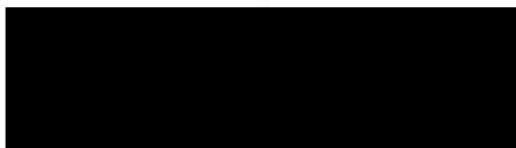
The existing building within the footprint of the excavation and proposed shoring will likely be demolished to carry out the works and reduce site risks during construction.

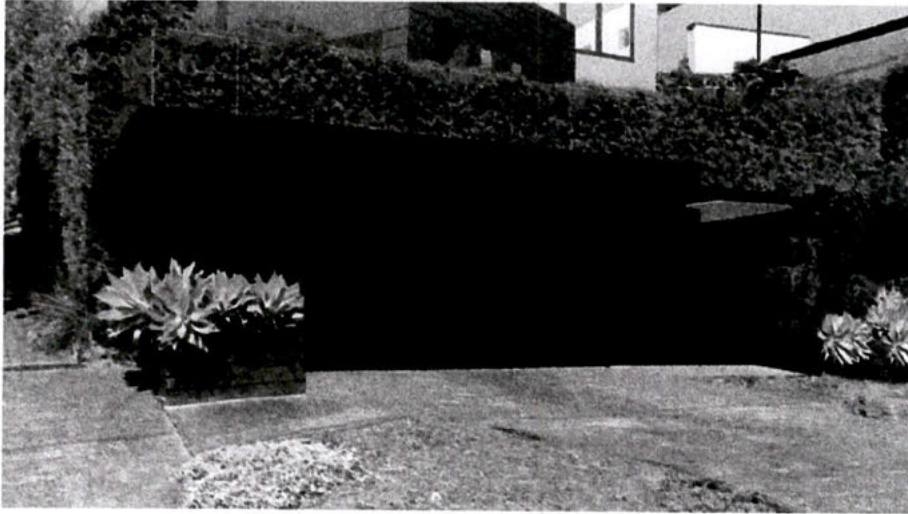
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**Michael Kelett**

**Director**

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NER (Civil, Structural) APEC Engineer



**Clarification 2**

MHDP Photomontage #2122/SK10/A dated 16/1/2024

**MTK Comment**

The ground level to the corner of the site boundary between 139 and 141 Lagoon Street appear to be approximately RL 6.0m. The garage floor level is at RL 5.40m. This is a 600mm difference in the levels at the boundary location.

The impression presented in the documentation does not represent the proposed form along the street frontage and within the Councils Road reserve. The garage level is approximately 600mm deeper into the ground which will increase the bulk of the garage from the street. The inclusion of the retaining walls along the alignment of the side boundary driveway with 141 Lagoon Street should also be corrected.

There is no inclusion of the proposed planter and the effect on the driveway of 141 Lagoon Street in the Photomontage. This is apparent as indicated on the Lagoon Street Elevation, #2122/A201/A dated 16/1/2024.

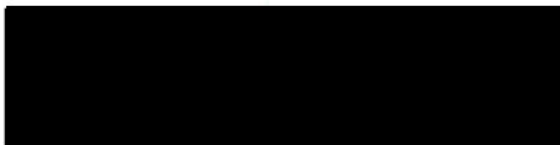
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**Michael Kelett**

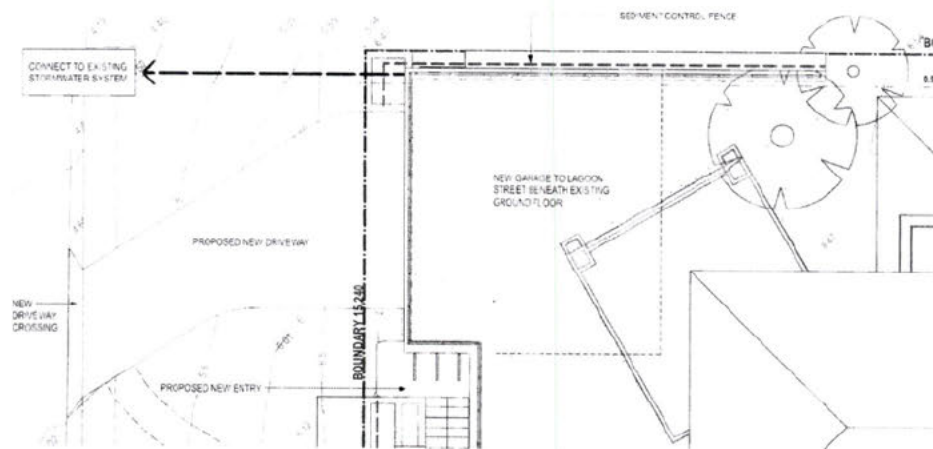
**Director**

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**NER (Civil, Structural) APEC Engineer**



### **Clarification 3**



**MHDP Sediment and Stormwater Plan #2122/SK11/A dated 16/1/2024**

### **MTK Comment**

Although the plan has been nominated as the sediment and stormwater management plan, the Council should dismiss this plan and require adequately presented and designed management plans for both the stormwater and the sediment control measures.

We note that the contiguous piles have been nominated along the alignment of the boundary. The design of the early works for the excavation of the garage must be undertaken before the sediment control measures are considered and documented for the works.

The works for the proposed garage and the early works shoring, due to the depth below ground and proximity to the boundary, will require a redesign and adequate network for the stormwater system. The location nominated for the existing stormwater pipework will require investigation and a plan of management. Please refer to the extract below from Northern Beaches Council DA and modification lodgement requirements nominating the information required for stormwater plans.

#### **Mandatory Plans**

##### **Stormwater Management Plan**

A Stormwater Management Plan must be submitted for all applications proposing new buildings, or alterations and additions of existing buildings.

The plan must detail

- the direction of water flows on all surfaces,
- any existing or proposed water collections points/methods,
- any existing or proposed water reuse systems,
- any existing or proposed connections to Council's stormwater infrastructure,
- the size, location and design of any required on-site detention tank or basin,
- the size, location and design of any required rain garden,
- the size, location and design of any required rainwater tank,
- existing and proposed impervious area and percentage change in existing and proposed impervious area,
- consistency with any relevant BASIX recommendations.

Refer to the Northern Beaches Water Management for Development Policy for further details on Stormwater Management requirements and specifications.

For development in the Warriewood Valley Land Release Area, a Water Management Report is to be prepared in accordance with the Warriewood Valley Water Management Specifications (see clause C6.1 of Pittwater 21 DCP); or in the case of newly created individual allotments see Control D16.4 of Pittwater 21 DCP for additional water management requirements.

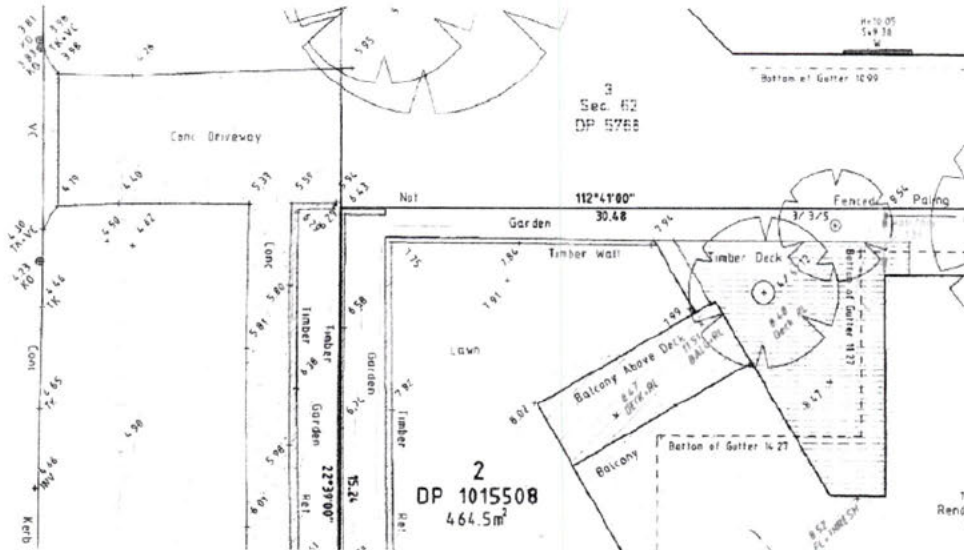
**Michael Kelett**

**Director**

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**NER (Civil, Structural) APEC Engineer**

### Clarification 4



Survey by Burton & Field #E7194-86262 issue A, dated 13/11/2023

### MTK Comment

The Survey along the common boundary between 141 & 139 lagoon Street does not include the ground surface levels of the neighbouring site to the proposed development.

There is a critical failure of the gathering of the information to provide an informed opinion regarding the expected levels of ground and finishes that would need to be supported by the contiguous piles (or alternative shoring) during the construction phase.

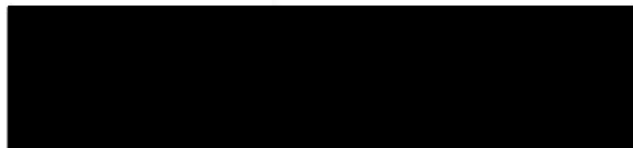
Without the ground levels nominated and included in the documentation, the true extent of the works and therefore the appropriate design is not possible.

Council should insist on the levels of 141 Lagoon Street to be included on the survey with the application to verify or correct the assumptions made in the documents listed within our review. Furthermore, a suitable design for the support of the neighbouring properties must be included in the application where the proposed garage is within the side boundary setback required by Council in the Development Control Plan.

**Michael Kelett**

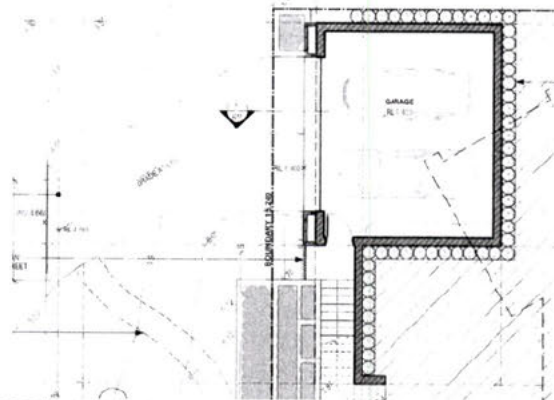
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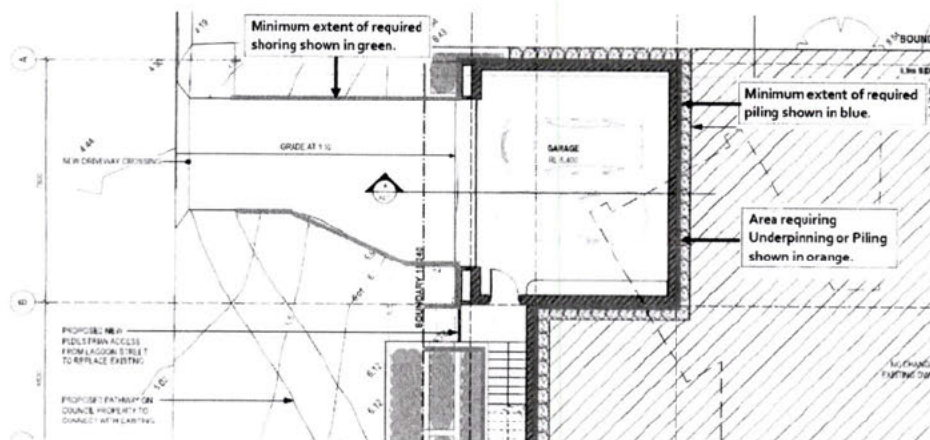




### Clarification 5



MHDP #2122/A101/A Proposed Garage Floor Plan dated 16/1/2024



(Within Geotechnical Engineering reporting) MHDP Proposed Garage Floor Plan #2122/A101/A dated 16/1/2024

### MTK Comment

The proposed ground floor plan in the Architectural set has the same drawing number, revision and date as the drawing used in the Geotechnical Engineers reporting however the extent of the planter boxes and the driveway alignment are different.

The Council should insist that the Application be resubmitted with the corrected Architectural set and inclusions in the Geotechnical Engineering reporting. There should not be two different versions of the same drawing in the Application to Council.

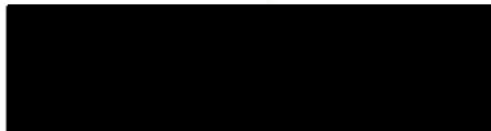
The plans and details must also include the relative levels of the northern neighbour's driveway due to the critical involvement of the parameter for the shoring design along that boundary. We note that even with a compliant side boundary setback, shoring will be required for the excavation as defined by the Geotechnical Engineer.

**Michael Kelett**

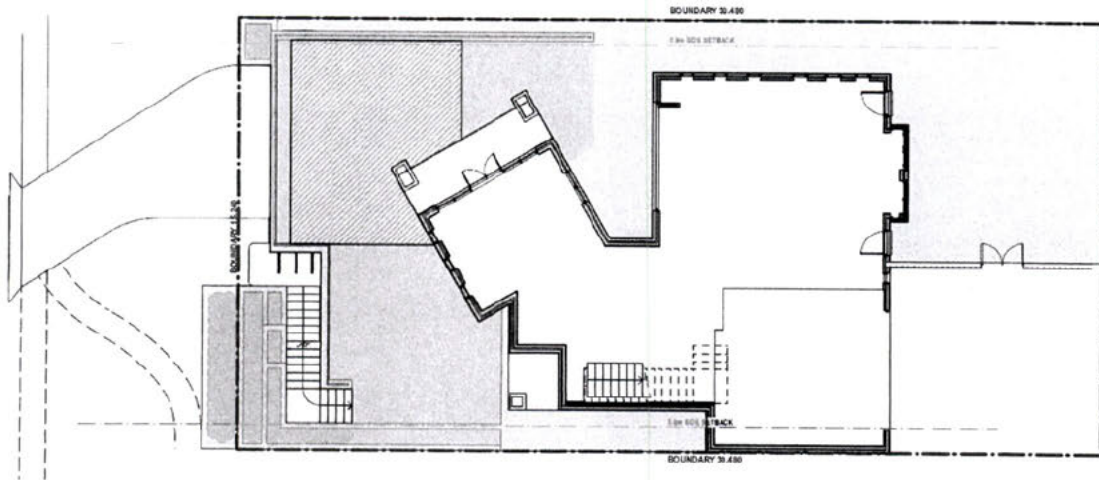
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### **Clarification 6**



MHDP Landscape Area Calculation #2122/A005/A dated 16/1/2024

### **MTK Comment**

Areas for the landscape open space should be reviewed given that the calculation for the landscape open space by the Architect includes the areas where the contiguous piles will be installed, blockwork retaining walls and the area over the suspended slabs.

Warringah Development Control Plan (DCP) part D.

Section D1 landscape open space. Any open space areas with a dimension of less than 2m are excluded from the calculation. The landscape open space must be at ground level. Soil depth must be greater than 1000mm.

This therefore excludes the following areas nominated by the Architect in the calculation:

- areas between the garage and the northern boundary,
- the entire area over the suspended slab of the proposed garage,
- the blockwork along the sides of the stairs,
- the planters to the western side of the entry stairs and the western boundary,
- the raised planter along the length of the southern boundary
- the grassed area between the southern boundary and the existing residence.

To be able to count the area along the northern side of the garage as landscape open space, the garage will need to be relocated with an offset to the common boundary of 139 and 141 Lagoon Street in excess of 2000mm. This modification will also significantly reduce the risks to the driveway and persons at 141 Lagoon Street.

**Michael Kelett**

**Director**

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**NER (Civil, Structural) APEC Engineer**



### **Clarification 7**

#### **1. Proposed Development**

- 1.1** Construct a new driveway, garage and entryway on the W side of the property by excavating to a maximum depth of ~2.9m.
- 1.2** Details of the proposed development are shown on 9 drawings prepared by MHDP Architects, project number 2122. Drawings numbered A001 to A004, A100, A101, A201 and A211 are Revision A, dated 16/1/24. Drawing number SK10 is Revision A/P1, dated 18/12/23.

WGG Reporting #J5243 dated 18<sup>th</sup> January 2024

#### **MTK Comment**

The White Geotechnical Group indicates the following within the reporting. Without the levels of the neighbouring driveway along the length of the northern boundary of the development site, the estimation of the depth for the excavation is not an accurate quantity.

The description of the works should also address that the garage is located along the northern boundary of the development site.

There should have been an insistence/requirement by the Geotechnical Engineer and the Architect that the finished levels of the driveway to 141 Lagoon Street, Narrabeen be included in the Survey used for the proposal.

Sectional details for the proposed works should have been included to define the extent of the involvement and works required to ensure the stability of the neighbouring site. The detailing would assist in the planning for the shoring, inclusion of services (if possible) and the understanding that plants will not grow over the shoring system (nominated contiguous piles for example).

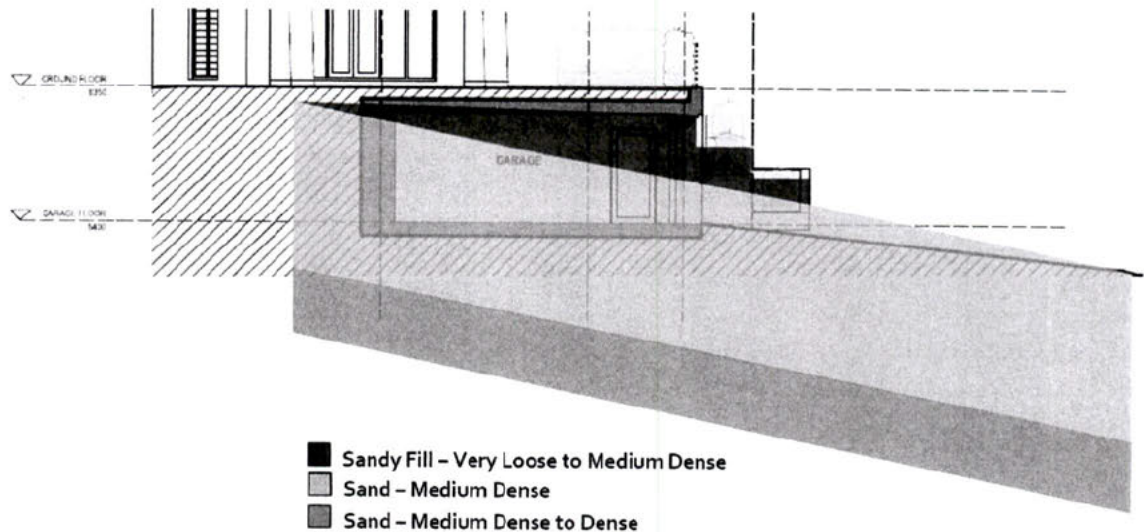
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**Michael Kelett**

**Director**

B.E. (Civil) MIE Aust C.P Eng. IntPE(Aus)  
**NER (Civil, Structural) APEC Engineer**



**Clarification 8**

WGG Reporting #J5243 dated 18<sup>th</sup> January 2024

**MTK Comment**

The reporting by WGG has identified that the development site is 'underlain' by sandy fill over sand. The reporting does not detail the importance of stability to the neighbouring access driveway. There is very little comment in the reporting of how the deal with the limited area between the boundary and the proposed garage wall with a nominal offset of 450mm.

The driveway should expect vehicular loading during and post the construction phase. This should be integrated into the reporting. Will there be limitations on the neighbour at 141 Lagoon Street in using the driveway during the construction phase and beyond due to the proximity of the proposed garage on the development site?

Once the contiguous piles have been installed along the boundary with sufficient tolerance to allow for the installation of a dividing fence, will the location of the garage need to be set off the boundary to allow for the construction of the retaining wall and drainage to the garage retaining wall?

A working design to ensure the stability of 141 Lagoon Street should be included in the documents for Council to assess the merits of the development for both the Applicant and the Neighbours.

**Michael Kelett**

**Director**

B.E. (Civil) MIE Aust C.P Eng. IntPE(Aus)

**NER (Civil, Structural) APEC Engineer**



**Clarification 9****DCP Clause E10 – Landslip Risk**

The subject site is identified as Area B – Flanking Slopes 5° to 25° on the Landslip Risk Map. A Geotechnical report prepared by Crozier Geotechnical is included in this submission.

MHDP Statement of Environmental Effects, dated Feb 2024

**MTK Comment**

The Geotechnical reporting supplied with the application is by White Geotechnical. The statement made in the submission by the Architect should be checked given that Crozier Geotechnical does not appear to have been used for the reporting.

**Clarification 10****DCP Clause B.B5 – Side Boundary Setbacks**

The side setback control is 0.9m.

The existing side setback complies.

The proposed side is setback at 0.45m on existing northern boundary of the site where the garage is proposed to be located. While the proposed garage is within the side boundary setback, it is proposed to be semi-excavated at approx. RL 5.40. The adjacent property has their driveway to the north of the boundary. Any required excavation and retaining will be advised by a geotechnical and structural engineer consultant at later stages.

**DCP Clause B.B5 – Side Boundary Setbacks – Exceptions**

For land zoned R2, consent may be granted for ancillary developments to a dwelling house for single storey outbuildings, carport, pergola or the like that to a minor extent does not comply with the requirements of the setback clause.

As such, the garage is proposed to be within the northern side setback zone and thus can be considered acceptable.

MHDP Statement of Environmental Effects, dated Feb 2024

**MTK Comment**

The proposed encroachment into the side setback is compounded by the unclarified depth along the northern boundary of the development site. As noted, in previous points above, a survey of the relative levels and sectional details of the proposed boundary locations would assist the Geotechnical and a Structural Engineer design an acceptable solution. The solution may include a larger offset of the proposed garage to the northern boundary of the development. The depth of the excavation into a sandy soil with nominal area to ensure the stability of the neighbouring property is cause for the Council to refuse the works until such time that a submission with full details and a practical design to ensure the integrity and safety of 141 Lagoon Street for person and property has been submitted.

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**Michael Kelett**

**Director**

B.E. (Civil) MIE Aust C.P Eng. IntPE(Aus)

**NER (Civil, Structural) APEC Engineer**



**Clarification 11****LEP Clause 6.2 – Earthworks**

The proposed driveway will require excavation to a maximum of 3.2m on site. Care has been taken to support the excavation before the commencement of excavation according to the Geotechnical report prepared by White Geotechnical group is included in this submission.

MHDP Statement of Environmental Effects, dated Feb 2024

**MTK Comment**

Comments in Section 4.1 of the SEE by the Architect imply that care has been taken to support the excavation before the commencement of the excavation.

The information in the proposal does not identify the following important information:

- Finished levels of the driveway to establish the design parameters has not been included in the Survey of the neighbouring property.
- There is no detailing of how the shoring would be installed along the northern boundary of the proposed excavation.
- Due to the friable nature of sand, the type, size and planning of the shoring required between the proposed garage and the boundary has not been resolved. It is likely that a larger offset from the northern boundary for the proposed garage will be necessary to enable support and drainage to be provided.
- The drainage required for the retaining systems nominated by the Geotechnical Engineer are unlikely to be installed with such a small offset to the boundary in the Application.
- We are of the opinion that adequate 'Care' at this stage of the Application has not been taken to ensure the integrity of the neighbouring site at 141 Lagoon Street.

Yours sincerely

**MTK Consulting**

per



**Michael Kelett**

B.E. (Civil) MIE Aust C.P Eng. IntPE(Aus)  
NER (Civil, Structural) APEC Engineer

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Colour copies only should be distributed.**

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**Michael Kelett**

**Director**

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