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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 24/11/2023 5:33:52 PM  
**To:** DA Submission Mailbox  
**Subject:** TRIMMED Onli e Submi ion

24/11/2023

MR Graham Mackay  
52 Consul RD  
Brookvale NSW 2100  
[REDACTED]

**RE: DA2023/1596 52 A Consul Road BROOKVALE NSW 2100**

24 November 2023  
52 Consul Rd,  
Brookvale 2100

Megan Surtees - Planner  
Northern Beaches Council

Submission Regarding Proposed Development  
Application No. DA2023/1596  
Address Lot 1 DP 26168 52A Consul Road Brookvale  
Description: Alterations and additions to a dwelling house

Thank you for the opportunity to identify issues of concern in relation to the proposed development for Council's consideration

We are concerned that the proposed development in its current form will have a significant and unacceptable impact on our amenity, in particular noise from the proposed entertainment areas, and privacy. We therefore object to the proposed additions and alterations in their current form.

These and other matters of concern or for clarification in relation to the documentation provided in support of the proposed additions and alterations are further discussed in the following sections of this submission.

#### Plans

The renaming of the floor levels is confusing and at times they are referred to differently in the accompanying reports (see Geotechnical Report and Survey Plan). It seems clear from the eastern elevation that the front door is at ground level and there are two floors above that

The Site Plan shows that the ground floor (previously the first floor) is to be extended significantly in the direction of our residence, which is on the western boundary of the property

The Ground Floor Plan indicates that the proposed additions and alterations include a covered outdoor entertainment area adjacent to a new dining room with large doors which are

elevated around 1200mm above the level of our dwelling

There is an open gap from the proposed additions and alterations that looks toward our master bedroom. The configuration of these spaces will direct noise and views towards our master bedroom and main living area

The roof over the outdoor entertainment area extends beyond the Ground Floor level terrace less than 1200mm from the boundary and protrudes over the retaining wall, thus increasing its effective height

The elevated position of the roof in this location is overbearing and will create an unacceptable intrusion towards our property.

There appears to be no indication of visual or acoustic screening on the plan or in the documentation. Should acoustic and visual screening be added to the current proposed additions and alterations it is expected they would be overbearing from our residence.

Based on this consideration, we object to the proposed additions and alterations in their current form

The Western Elevation shows that the retaining walls have an effective height of 1m and that there is an opening of around 4 metres providing unobstructed views from the outside entertainment area and the dining room towards master bedroom and main living area of our residence. This will create noise and impact on our privacy and amenity. Based on this consideration, we object to the proposed additions and alterations in their current form

Based on the Ground Floor plan and referring to the Western Elevation, window W7, which is over the kitchen sink has moved north from the current location of the kitchen window, to opposite our master bedroom window and is now larger. Door D4, which is a 3 pane sliding door, will also provide views to the master bedroom window. Based on this consideration, we object to the proposed additions and alterations in their current form

The western end of the First Floor terrace also overlooks our main living area and master bedroom. There is no screening indicated at this location. Based on this consideration, we object to the proposed additions and alterations in their current form

The Southern Elevation Ground floor left hand side shows the outline of a structure adjacent to the permaform wall which is not identified. What is it?

The Sediment Control and Material Storage Plan shows a sediment control fence adjacent to our boundary at the base of the rock wall. The area at our boundary includes existing stormwater drainage and is a productive blueberry garden.

It is difficult to see how the sediment control fence, as detailed in the Plan could be installed without destroying the garden and impacting the existing stormwater drainage (see comments on Stormwater Management Design). These impacts are not examined.

It is also difficult to understand how a sediment fence at this location would be effective, given that the bulk of the excavation works here are associated with the terraced area of the Ground Floor.

The Site Analysis Plan shows our adjoining yard as Private Open Space. As far as is practicable we endeavour to maintain this area as a secluded private open space. The proposed additions and alterations will significantly diminish the secluded nature of this area. This will impact us.

#### Statement of Environmental Effects

The Statement of Environmental Effects (SEE) repeatedly states that the amenity and privacy of the adjoining property will not be affected by the proposed additions and alterations. We disagree with this assessment.

As stated, the rooms in our residence, 52 Consul Road, facing 52A Consul Road, are the master bedroom and the main living area. In the site description, "Fig 8: View looking south-west towards the adjoining neighbour at No 52 Consul Road" shows a partial view of our dwelling but not the full extent of the eastern side of our house, all of which is impacted by the proposed additions and alterations. There is no other imagery in the SEE that shows this.

The configuration of the proposed additions and alterations including a covered outdoor entertainment area adjacent to a new dining room with large doors which are elevated around 1200mm above the level of our dwelling. The configuration of these spaces will direct noise and views towards our master bedroom and main living area.

The western end of the first floor balcony also overlooks the eastern side of our house.

There is no provision identified for acoustic or visual screening between the properties.

Acoustic and visual screening at the property boundary is unlikely to be effective or aesthetically acceptable as the property boundary, and the level of our residence, is some 1200mm below proposed ground floor level.

The current outdoor entertainment areas at 52A Consul Road are on the eastern side of the existing residence, which mitigates impacts on our amenity and privacy.

The existing kitchen window (over the kitchen sink) is also proposed to be moved north which is more directly opposite our master bedroom window.

Section 7 of the SEE "Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979" states that the impact on the amenity of the adjoining properties is not detrimental or significant.

We disagree that this is the case in relation to impacts on our property.

We suggest that the SEE has not adequately assessed the impacts of privacy and amenity (particularly but not exclusively potential noise from entertainment areas) in relation to our property and that the proposed additions and alterations in their current form do have a significant and unacceptable impact on our property.

#### Stormwater Management Design

Drawing SW2 shows the groundwater drainage plan. The plan indicates the western stormwater pipe commences from a northern drainage pit, traverses (or travels under) the existing retaining wall and then travels south adjacent to the boundary.

Our concern is that these works may impact the wall, existing stormwater drainage adjacent to the boundary (which is not identified on this or the survey drawings), along with the garden plantings on the boundary at this location. We request that this is further investigated to ensure that there are no unanticipated outcomes as a result of the installation of the proposed stormwater drainage.

It is of note that the existing drainage works on the properties in this locality have been developed to manage not only water from these properties and their residences but also water emanating from the escarpment above. Recent flood modelling by Council shows this.

#### Geotechnical

Section 2 page 3 last paragraph - Mention is made in the Geotechnical Report of the installation of a new 5000l water tank. I was unable to locate it on any of the drawings.

Vibration - we are concerned that sufficient safeguards are established to avoid damage to structures on our property and to ensure land slip from the escarpment as a result of the proposed construction. We would like to note that we have been aware of ground vibrations on our property when rock excavation works have been in progress in the locality.

We seek confirmation that the 10m perimeter is adequate given the nature of the underlying rock shelves and the escarpment to the north.

Section 5.1 Comments page 12 paragraph 3 & 4 - states "The use of rock hammers can create ground vibrations which could damage the neighbouring, adjacent structures. Care will be required during the demolition, construction and excavation works to ensure the neighbouring properties, structures and services are not adversely impacted by ground vibrations."

While it appears that adequate testing and monitoring will occur in the event that rock hammers > 250kg are used, we would like to understand what vibration monitoring will occur when small scale equipment (i.e. rock hammer ≤250kg) is used, given the apparent interconnectedness of underground rock shelves in the locality and if 10m excavation perimeter, to ensure adverse impacts do not occur.

Thank you for your consideration of our submission.

Karen and Graham Mackay