
From: Jillian Sneyd
Sent: 19/06/2024 4:37:39 PM
To: Reeve Cocks
Cc: Council Northernbeaches Mailbox
Subject: TRIMMED: DA 2024/0155 - 35 Consul Road
Attachments: 11771 Submission June 2024.pdf;

Reeve

Please find attached a submission in relation to the DA for 35 Consul Road.

Please call if you wish to discuss any of the matters raised or to arrange an inspection from our Clients property.

Regards

Jillian Sneyd
Consultant Planner



A Level 10, 70 Pitt Street Sydney NSW 2000
P GPO Box 5013 Sydney NSW 2001
T (02) 9249 4103
F (02) 9249 4111
W glnplanning.com.au

19 June 2024

Our Ref: 11771 Submission June 2024

Northern Beaches Council
799 Pittwater Rd
DEE WHY NSW 2099

Attention: Reeve Cocks

Dear Reeve,

RE: DA 2024/0155 Use of Premises as an educational establishment and associated external and internal alterations

Property: 35 Consul Road, Brookvale St Augustine's College Brookvale

We refer to our previous submissions on behalf of our clients, the owners, and residents of 31 Consul Road Brookvale. We have reviewed the information submitted and raise the following concerns:

Manner of Lodgement of Development Application

The manner in which the Development Application has been submitted over only 35 Consul Road, although only permissible development as ancillary development to St Augustine's College has resulted in only the adjoining properties to 35 Consul Road being notified of the development. This DA amounts to a further intensification of the School use within the locality to which the bulk of the adjoining residents have not been notified. The ongoing piecemeal approach in effect seeks to minimise the consideration of the DA before Council. Again, as per the earlier application to increase the student cap to 1600, where the overall needs of the school were not considered. This DA arises directly from the approval of the DA 2021/2567 in that the dwelling house previously used for admin purposes was converted to carpark without adequate consideration of the overall needs of the school for administration spaces. As approval of this DA will result in an overall increase in the size of the existing premises, we maintain that the extent of the notification should be wider and include other properties that adjoin the wider school property. The greatest area of land notified of the proposed development are the applicants themselves.

Legislative Considerations

Clause 3.36(6)(a) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* requires the consideration of the design quality principles as set out in Schedule 8. We note the cursory approach of the assessment in the SEE. The development proposal is inconsistent with the intent of Principles 2, 3 and 4. The proposal is a stop gap measure that has been employed to address poor planning as to the ongoing needs of the school. Specifically, Principles 3 and 4 cannot be met where students are proposed to be excluded from the premises on grounds of safety.

The provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021* specifically, Chapter 3's design quality principles seek to ensure new schools are well-designed and appropriately located. This DA is providing a means by which the school premises can be increased

by stealth with minimal consideration of the likely impacts, risks upon the surrounding residential area.

Flood Affectation

The site is identified within the Brookvale Creek Flood Study as being located within the High and Medium Risk Flood Planning Precincts. The proposal seeks approval for the use of the existing dwelling house as an ancillary office use and that students will not be permitted within the property. My client (a qualified civil engineer) has prepared diagrams indicating the extent of the flooding relative to the floor levels of the existing dwelling house.

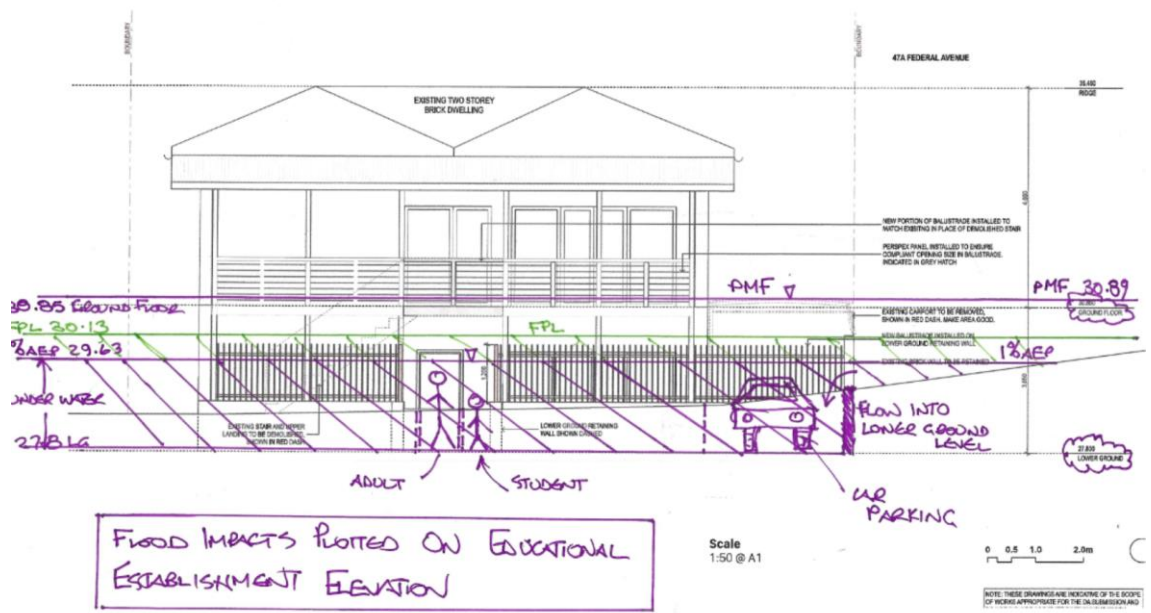


Figure 1 Front Elevation relative to Flood Levels

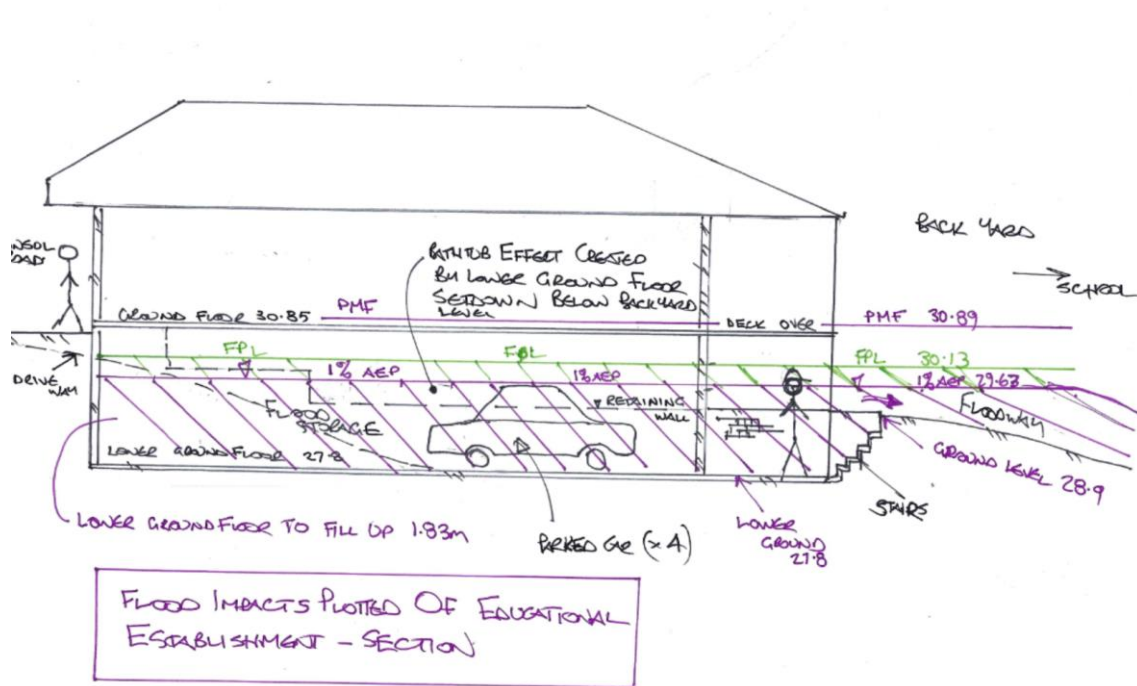


Figure 2 Section showing driveway and rear yard relative to flood levels

The supporting material lodged with the DA is entirely insufficient to address the flood affection of the site. The use of the site as proposed is only permissible as an educational establishment, yet the premise of the DA is that students will not be permitted on the site.

We make the following comments:

- There are no practical means by which the exclusion of students from the site will be achieved. A gate is shown in the rear fence providing access to the school. Students are known to regularly attend the administration component of the school for many related administrative matters, and on many occasions representing or attending with their parents.
- The structural adequacy of the building has not been established to withstand the potential impact of vehicles proposed within the driveway against the dwelling house in the event of a flood event. In the absence of the structural integrity of the dwelling house being established, all parking should be removed from the site to effectively reduce the risk. Notably, the proposal seeks to provide for parking for 4 vehicles increasing from the 2 required for the existing residential use.
- No formal indication has been provided on how the building will be protected from differential hydrostatic forces in the event of the ponding depths expected in the 1%AEP.
- Conditions as to the use and or fitout of the lower ground floor to consider flood resilience have not been proposed or included with the Flood engineers or Building referral.
- The premise of Council's Flood Engineers that "The proposal is for alterations to the existing dwelling, so as to change the buildings use from a residential home to an office and storage area" is fundamentally flawed, as an office is a prohibited use in the R2 Low Density Residential



Use. This DA seeks approval for the "*Use of Premises as an educational establishment and associated external and internal alterations*". The risk assessment should reflect this proposed use correctly, and assume students are present.

- We note that the flood affectation of 35 Consul Road may in fact be greater as a result of downstream works undertaken within the School site prior to and after the finalisation of the Greendale Creek Flood Study, and not included within the modelling on which the Flood Study is based. My client has received communication from Council's Senior Engineer – Floodplain Management and Strategic Projects, Valerie Tulk on 21/8/23, that localised impacts due to these works would increase flood levels upstream of the constriction by around 200mm. Whilst this is a very high level and preliminary assessment, these impacts have not been included or thoroughly addressed in the latest submitted flood study report Further detailed analysis of these impacts should be undertaken to determine that no nett impacts on the adjacent properties occur (including No 35) as a result of the modified flood conditions. A copy of the email is attached.
- Clause 3.10 of State Environmental Planning Policy (Transport and Infrastructure) requires notification of development by a public authority that is on flood liable land to be notified to the State Emergency Service (SES). This development application in what appears to be a loophole has not been considered and nor would future development of the site for either exempt or complying development, despite the introduction of vulnerable people to the site.
- The submitted Flood Management Report provides for the following:
 - Identifies the land use as "*alterations and additions to residential building*" not an educational establishment as is proposed.
 - Does not consider future use of the site for educational establishment.
 - References "*the existing brick retaining wall as protecting*" "*from the 1% AEP flooding*". Figure 12 indicates that there is a retaining wall as shown in red below. These references appear to be a misunderstanding as to levels of the land and existing improvements. Additional survey to confirm and document the above should be provided.

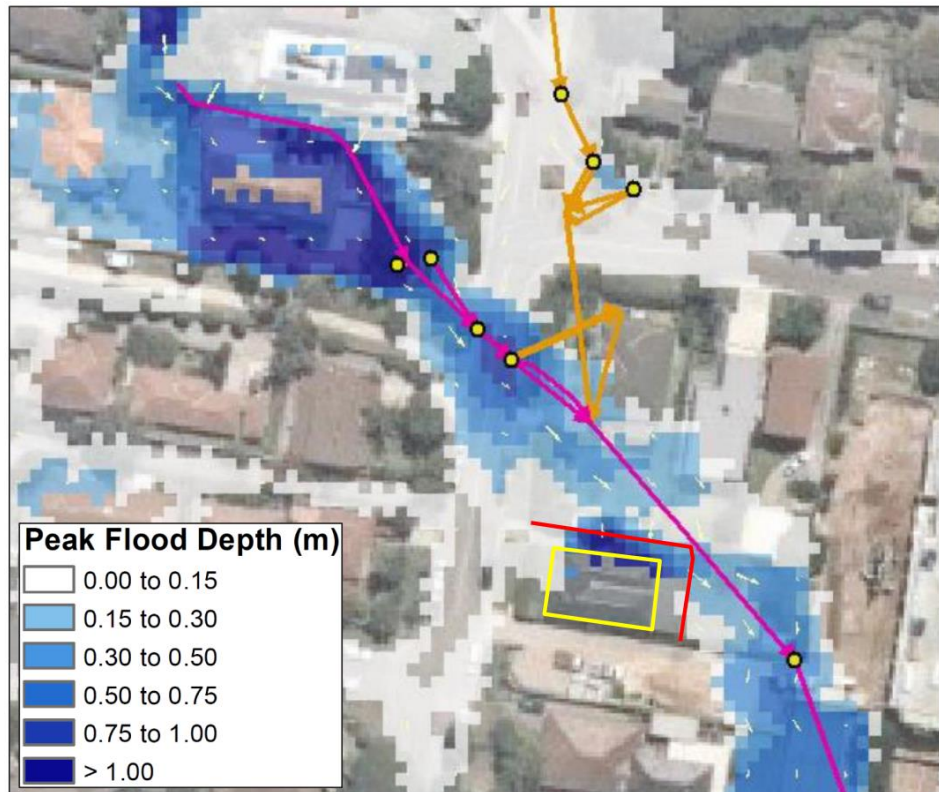


Figure 12 Peak 1% AEP Flood Depth Results in the Vicinity of the Site and Subject Building (Yellow Outline) with the Brick Retaining Wall (Red) (Source: Glendale Creek Flood Study, 2023, Diagram 8)

Figure 3 Figure 12 of Flood Management Report

As is shown in a realestate.com image of the property, the retaining wall is not constructed so as to effectively tank the dwelling from the rear yard, but is in fact excavated below the natural ground level, creating a 'bathtub' or damming effect on the lower ground floor during the major flood events. There is only a minor sump drain in the NW corner of the driveway to empty the ponding into a fully charged culvert adjacent. This is likely to take some time to dissipate flood storage following a major storm event.



Figure 4 Rear yard view indicating lack of rear retaining wall

- o Incorrectly identifies the applicable flood study as Glendale Creek.



Plan of Management (POM)

The submitted POM is indicated as being superseded on the Council DA tracking website, it is not clear that the document remains part of the DA documentation. The POM does not indicate the potential for flooding of the site and the manner in which the risk is proposed to be managed.

There is no ongoing or future use of the property in association with the School anticipated. Notably, the PLM meeting minutes indicate that "*clarification was sought on the long-term use of the site noting that the existing building can be demolished, and the site redeveloped with the adjoining site at 33 Consul Road under Schedule 6 Complying development in schools—Chapter, State Environmental Planning Policy (Transport and Infrastructure) 2021.*"

Conclusion

Whilst approval of the DA will facilitate the use of the site for an ancillary use to the approved educational establishment, it should not be considered as part of the existing school for future considerations. The risk of flooding is disregarded by the school in seeking to prevent students from attending the site. We would consider this to be a difficult if not impossible condition to enforce.

In the absence of any ongoing plans for the redevelopment of the site in conjunction with 33 Consul Road (for which Council has not required any reinstatement since used for construction access to the Goold Building), the use of the ancillary use of site should be time limited (3 -5 years) and a restriction placed on title so that prior to any use as an educational establishment with students to access the site, appropriate considerations of the likely risk to students can be considered in the context of a Development Application, and appropriate risk management including plan of management, updated and correct flood study report, and flood emergency response plan (FERP) adopted that are appropriate to the proposed development.

Yours faithfully

GLN PLANNING PTY LTD

**JILLIAN SNEYD
CONSULTANT TOWN PLANNER**

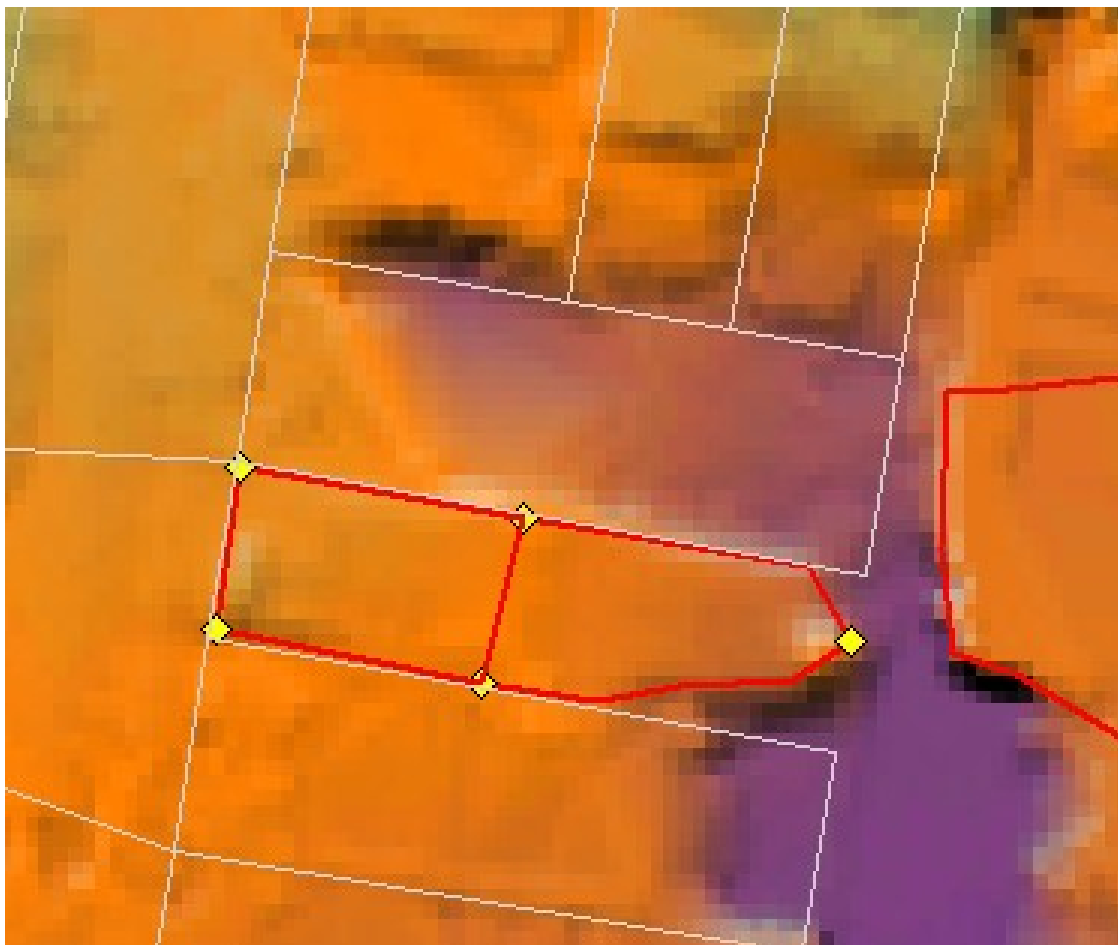
ATT: Email of Valerie Tulk

From: Valerie Tulk <Valerie.Tulk@northernbeaches.nsw.gov.au>
Sent: Monday, 21 August 2023 4:26 PM
To: [REDACTED]
Cc: Patrick Stuart <Patrick.Stuart@northernbeaches.nsw.gov.au>
Subject: RE: Greendale Creek Flood Study - 31 Consul Rd, Brookvale

Hi [REDACTED]

I forwarded your email to our Consultant, and he provided the response below:

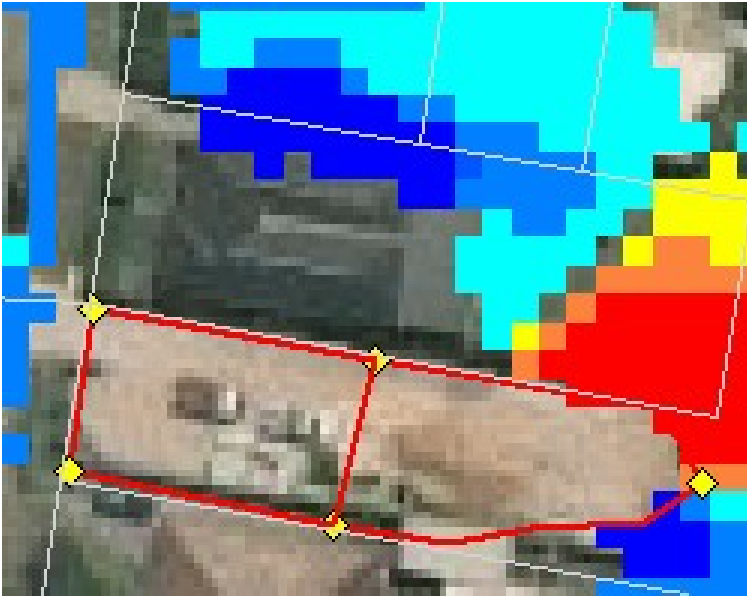
I have used the 2020 LiDAR data to observe the changes that the resident noted, and as per his observations, there has been filling. I have used this 2020 LiDAR data to modify the ground terrain in the model. Below is a screenshot of the 2020 LiDAR data and the areas I have modified are contained within the red polygons. At the edges of these polygons, the 2020 LiDAR and 2013 LiDAR are similar – such that I am aiming to just simulate the encroachment of the flow path due to filling at the location noted by the resident.



Below is a zoom in of the 1% AEP flood depth in the vicinity of this location with the updated terrain in this location (zoom of Figure D6). The 1% AEP flood depth on the downstream side of the constriction still reaches over 0.7m deep (up to 0.6m deep on 31 Consul Road).



As indicated previously, the impact of this encroachment is 0.2m increase in 1% AEP flood level upstream of the constriction, and 0.1m decrease downstream of the constriction. This is shown in the screenshot below. The change in flood level is fairly localised. Note there are other changes in this area due to changes further upstream (i.e. where there are decreases on the upstream side). The extent of the impact is approximately 20m upstream and 30m downstream of the constriction. The flow regime is subcritical.



I hope the Consultant's response above answers your concerns regarding the modelling.

Kind regards,
Valerie

Valerie Tulk
Senior Engineer - Floodplain Management and Strategic Projects

Stormwater, Floodplain Engineering
t 02 8495 6646 m 0412 987 728
valerie.tulk@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au

