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Subject: Submission re DA 2019/1230
Attachments: Submission_3.docx;

Hi Kelsey

Attached is our document containing a submission re DA 2019/1230.

Regards
Janis Buggy

To: Kelsey Wilkes
Assessing Officer
Northern Beaches Council

Email: kelsey.wilkes@northernbeaches.nsw.gov.au

Comments on DA 2019/1230 36 Karina Crescent BELROSE 2085

Submitted by:
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This submission is made by the owners of the property at 7 Lord St, BELROSE, situated below the escarpment to the rear of 36 Karina Crescent, BELROSE.

A summary of the points we wish to be considered is as follows:

- There is a discrepancy in the documents presented in the DA as to what constitutes the deck, the pool fence and the paved area
- Little representation is given in the proposal to the fact that the applicant's property is located above a steep vertical rock face overlooking our property
- There is little information about how far the proposed paving on the eastern side of the pool and the extension of the lawn area will extend out over the escarpment towards our property
- Details are scant regarding the excavation and construction on and over the escarpment
- The proposed extension of paving area and lawn at the rear of the property is marked on the survey as being 5.27m and 5.35 m from the rear boundary which requires a 6 m setback.
- The Survey notes that the boundaries are indicative only. As far as we can tell no ground marks have been referred to in order to determine where the rear boundary line actually is.
- There is a lack of detail about the existing drainage of the downward slope of the property around the lawn and pool area and any future drainage necessary as a result of the extension of the paving and lawn
- There seems to be no provision for access down the escarpment to the rear boundary for maintenance purposes

As a starting point, we would like to clarify what is understood by:

1. The "deck". It appears that it is the concreted area close to the house and not the paved area around the pool
2. The "pool fence". This should refer to the fence surrounding the pool. However, the metal fence on the eastern side of the pool continues across the width of the property as there is a steep drop over the sandstone escarpment to the land below. This part of the existing fence should not be referred to as a pool fence. It is more of a safety fence.
3. The "proposed paving area". This refers not just to paving around the existing pool area but paving over a planned extension towards the rear boundary. The

term “new paving” does not differentiate between the existing pool surrounds and the proposed extension.

Siting of the rear boundary area of 36 Karina Crescent, Belrose and 7 Lord St. Belrose.

The Ascent Geotechnical Assessment states that there is an exposed “*sub-vertical escarpment running N-S along the block*” and identifies this as being Hawkesbury Sandstone. We have included a photo of the rear of the neighbouring property (5 Lord St) to show the extent of this escarpment. It is not isolated to the rear of 36 Karina Crescent. We look out and up onto this escarpment and the beauty of the escarpment is commented on by visitors.

We note that in the Statement of Environmental Effects, there is no photo showing the boundary with the property at the rear. However, in Section 02, we do note the description of “*a steep natural rock wall at the rear of the property*” but the photo (Fig 4) does not show how steep the drop is down the sandstone escarpment to the rear boundary. The so-called “pool fence “is not a boundary fence but is there for safety reasons.



Escarpment behind 5 Lord St
(adjacent to our property)



Looking south along the escarpment behind
our residence



Looking north along the escarpment behind our residence



This shows the height of the escarpment. The existing safety fence can be seen on the brick wall.

Comments on documents accompanying the DA Application under the heading “Proposed Work”

In the Application for Development Consent Section 1.3, no mention is made of the extension out over the escarpment to create more paving space and lawn.

In the Statement of Environmental Effects Section 0.4, again there is no mention of this extension. The use of the word “new” does not indicate an extension.

In the Waste Management Plan - Project Details, there is no mention of this extension

We find it very concerning that an extension of an undisclosed increase, requiring a slab to be built onto the natural sandstone escarpment as well as a masonry wall 4 metres wide by 3.5 metres high, has so little prominence in the description of the proposed works. These measurements have been worked out from a vague East Elevation Drawing DA 08 and the Survey document. These figures are not stated anywhere and have been left to us to work out. We consider the lack of information about the scope of this extension to be unprofessional.

We also find it concerning that the only document which showed the proposed extension over the escarpment compared to the existing safety fence was in the Bushfire Report on page 22.

Further comments on responses in the Statement of Environmental Effects prepared by Action Plans Building Design

05. Area and Compliance Survey

In the table, the rear boundary setback of the house and deck remains unchanged but there is no indication of the measurements of the proposed extension and new fence from the rear boundary. According to the Drawing DA 02, the north setback will be 5.35m and the south setback will be 5.27m. We understand the minimum setback should be 6 metres.

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06. Planning Assessment

6.2.2 “Minimum excavation is required to allow for paving around the pool”. There is no mention of the engineering work to support the significant extension over

the escarpment. The East Elevation plan only shows a drawing of a slab, one pile and a large retaining masonry wall. A construction of this magnitude is not “minimal”.

07 Response to the Warringah DCP 2011

B9 Rear Boundary Setback

As mentioned previously, there is no explanation as to why the rear setback of the proposed paving and lawn extension does not comply with the 6 m setback. It should be noted that the Detail Survey prepared by DA Surveys states in the Notes Regarding Boundary “*the position of boundary lines is indicative only and these lines, the distances and bearings may not be assumed or implied to represent the definitive position of the actual boundary.*” This means that the described setback could be even less.

C4 Stormwater

We note that a stormwater report has been presented. This confirms only that the easement is on the neighbouring property. The report says “*the proposed works are detailed within the southern side of the subject site*”. This does not take into consideration that the changes to drainage beneath the proposed paving and lawn are on the north and east side of the property.

The site slopes from west to east and any run- off that is not collected by the current drainage runs down over the escarpment and across our back lawn where we have had to install agricultural pipes. Water occasionally seeps through the existing retaining wall near the pool on the property. We note that Council has required that a plan for the disposal of stormwater be approved before the issue of a construction certificate.

We do not consider that the proposal gives sufficient attention to the drainage of stormwater on the north eastern side of the property.



Run-off from the escarpment in heavy rain. Note the fence rock has been pushed over by the force of the water



Run-off continues to the back of our house

C7 Excavation and Landfill

There is no mention of excavation and landfill on the eastern side of the property where the paving and lawn extension is proposed

D8 Privacy

The proposed paving and lawn extension brings conversation closer to our back yard and as the property in question is elevated, sound carries across the properties below. However, a proposed well- designed 1.8m fence to replace the current one should prevent people from looking down onto our property.

The report notes that existing trees also contribute to privacy even though privacy in this instance should not be dependent on trees. We would need an assurance that these trees will remain while they are healthy and should only be trimmed to Council guidelines by a qualified arborist.

E1 Private Property Tree Management

As mentioned in D8, we note that the “*proposal does not require the removal of any vegetation*” but does show that the area below the escarpment as landscaped.

E6 Retaining Unique Environmental Features

We strongly maintain that the integrity of the escarpment will be lost behind a large retaining wall and a slab with piers drilled into the rock face to provide support for the extension.

Comments re the Preliminary Geotechnical Assessment

We note the word “preliminary”. We assume there will be a more detailed assessment. We have already commented on the lack of description of a concrete slab proposed for the top of the escarpment in the Proposed Development section of this report.

The author says “*piered footings*” are to be used in sandstone bedrock. There is no indication in the plans as to the diameter of these footings or the number necessary to support the construction above and out over the escarpment. This construction will be visible to us but not to the applicants and we note in the Statement of Environmental Effects Section C7 that “*the integrity of the physical environment should be preserved, as well as the visual and scenic quality.*” Although trees assist the scenic quality they may not be there in the future.

We can find no information in the report as to what will happen to the two floating rocks on the top of the escarpment and their stability. Nor can we find information regarding what excavation will be needed to put in a slab and retaining brick wall.



Two natural floating rocks on the escarpment

Access to area below the privacy fence

The applicant's property extends below the escarpment to the rear of our property. There is a yurt which is used as an office at the rear of our property and we access it daily. The previous owners were not able to climb down the escarpment (there are no steps) so for 30 years we have maintained the area by removing low vegetation and leaf litter. The rear of the neighbouring property 34 Karina Crescent contains dense vegetation and we are regularly on the lookout for red-bellied black snakes. As recently as last week there was one moving across our back lawn. We are concerned that if there is no access down the escarpment to the rear boundary we will have to continue to maintain the area up to the bottom of the escarpment.

In conclusion we maintain that the DA should not be approved based on the points made in this submission and which are summarized here:

- The usage of terms like “deck”, “paving area” and “pool fence” is not consistent across the documents and causes confusion over what part of the DA is being referred to.
- The height of the sandstone escarpment has not been shown in photos nor the visual impact of the extension at an elevated level viewed from our back yard
- The proposed extension of the paved area and lawn to the east of the present metal fence has not been fully disclosed in the Planning Proposal and in other documents relying on this information.
- There is very little information about how the escarpment will be altered in order to build a slab and a retaining wall to support the extension
- The proposed extension over the escarpment does not meet the 6 m rear boundary setback
- The issue of stormwater run-off down the escarpment has not been fully addressed
- Access down the escarpment to the rear boundary is not addressed

Janis and John Buggy

November 25, 2019