

This Submission Form must be completed and attached to your submission.

DA No: N0317/16

The Interim General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Name: Alex Gooding
Address: Co-owner: 79 Hillside Road
Newport 2106 Address: 1 Park Road
Lawson
1783
Phone: _____
Date: 15/08/2016

(Fax No: 9970 1200)

Proposed Development: Subdivision of 62 Hillside Road into 4 residential lots plus civil and landscaping works to 62 and 85 Hillside Road to facilitate the subdivision

At: 62 & 85 HILLSIDE ROAD NEWPORT NSW 2106

I have inspected the plans and related documents. I have considered them in the context of the relevant planning instruments or policies. Yes No
I am willing to provide expert reports to supplement my comments should a conflict in opinion arise. (subject to professional & legal advice) Yes No
I am willing to provide evidence to the Land and Environment Court if the application is appealed. (subject to professional & legal advice) Yes No

In the interests of public transparency please note that your submission in its entirety will be available to the applicant or other interested persons on request and will also be made available on Council's internet site through Council's transparent Development Application Tracking process. You are encouraged, as is the applicant, to discuss with each other any matters that may be of concern.

COMMENTS: (You may use the space provided or attach a separate document).

Please see attached document

Name: Alex Gooding Signature: [Signature] Date: 15/08/2016

Disclosure of Political Donations and Gifts (sec 147 EP&A Act 1979):
Please read the information enclosed concerning political donations and gifts disclosure and, if relevant, tick the box below and provide details of the donation or gift on the disclosure statement available on Council's website:

I have made a political gift or donation

Alex Gooding: Response in relation to DA N0317/16 - 62 and 85 Hillside Road Newport

INTRODUCTION

As the co-owner of 79 Hillside Road I have prepared the following response and recommendations in relation to the Development Application for the above site. Because of limited time I have sought to address only the key issues in relation to the proposal.

1 FAUNA AND VEGETATION

The potential impacts on the natural fauna and vegetation are some of the more critical aspects of the proposal. Given the limited area of littoral rainforest remaining in this area the loss of even 9% is significant.

The Cumberland Ecology finding that "no anticipated significant adverse impacts to fauna migration, nesting or breeding" seems at odds with the experience of local residents. Even this report concedes that "some threatened species which may use the subject area will be affected but claims that because these species are "highly mobile" and the subject site provides only "a small portion" of their home range "no significant impacts are expected to occur".

The fact that some of these species are highly mobile could also indicate that they are likely to make use of parts of the subject site from time to time, even if they were not present at the time particular surveys were carried out.

In this regard the location of the areas proposed for development is just as important as their total size. While concentrating the development in one area of the site does reduce the potential for edge impacts it also has the potential to create a large "wedge" through the existing habitat, significantly extending the footprint of the developed area at the end of Hillside Road and in doing so isolating communities of flora and fauna including threatened species.

While the proposal does reduce the overall impact of development relative to the previous proposal this has to be seen in the context of the cumulative impacts of development already approved on the subject site. In addition even in its reduced form the development still will have a number of major issues as identified in council's 2006 report, including:

- Significant impact upon threatened species (in particular the Powerful Owl)
- Significant impact upon endangered ecological communities (Littoral Rainforest)
- Loss of bushland, resulting in loss of canopy and understorey
- Cumulative impact of development works, construction works, and bushfire mitigation requirements upon environmentally sensitive land

The development proposal also removes the potential to restore and expand the natural habitat to previously cleared and damaged areas, were construction to be limited to just the redevelopment of the sites of the current dwellings on lots 1 and 22.

The DA also incorporates a proposal for a five-year Vegetation Management Plan (VMP) to "provide instruction for the rehabilitation, and adequate protection of Littoral Rainforest to be retained as part of the proposed subdivision" as well as in the adjoining lots owned by the applicant.

While a VMP is welcome and should be implemented regardless of whether the proposal is approved or not, the five-year period is insufficient. The VMP should be made permanent and written into covenants as part of any approved subdivision and/or future development on the subject site.

2 WATER MANAGEMENT, WATERWAYS, STORMWATER AND EROSION AND SEDIMENT CONTROL

What the proposal refers to as a "drainage depression" is and always has been regarded as natural but intermittent creek which is an important habitat for a number of species.

In addition to the creek there are a number of other intermittent waterways across the property that flow after rain (a point made in the council report regarding the 2006/07 proposal for this site). The proposal appears to regard these primarily as a drainage issue, however they appear to play an important role in the ecology of the site as well as downstream from it.

Despite some of the proposed management measures the site will significantly increase the area of impermeable surfaces, particularly once the houses and associated driveways, paved areas etc are built. This has the potential to considerably increase pressure on drainage systems downstream especially in periods of heavy rain.

There is insufficient detail regarding how this drainage system will be managed and maintained in such a way as to preserve water flows to support the environment of areas below the subject site while also protecting downstream properties from damage when there is torrential rain. A similar conclusion was drawn by council in relation to the 2006/07 application.

3 GEOTECHNICAL ISSUES

The Martens geotechnical assessment noted that there was evidence of soil creep as well as minor soil stripping, rock falls and past rotational sliding and considered that deep rotational slide, shallow rotational slide, soil creep and rock fall were possible at the site.

Of these it considered deep and shallow rotational slide were unlikely to rare along with rock fall, while soil creep was almost certain. The report concluded that the proposed development constituted a "low to medium risk of damage to properties and tolerable risk of loss of life" It stated that this risk was "considered typically acceptable" - while noting that this was an assessment that would have to be made ultimately by the "client and stakeholders".

In this regard it should be noted that Hillside Road has a long history of land slips and in particular rotational slides. Numbers 77 and 79 Hillside Road were badly affected by a rotational slide in the early 1960s and there have been several other instances since.

The application notes that PDCP 2014 B2.2 control indicates land shall not be subdivided if the slope measured between the highest and lowest points on such allotment is in excess of 30%. It also notes

that the existing average site "are in the order of 45%" but requests a variation to permit subdivision on the following grounds (in summary):

- The average slope of proposed allotment 1(c) is 30%
- While the slope of the remaining three proposed allotments are generally in excess of 30% on average with slopes ranging from 37% to 50% in selected areas, the proposed development footprint areas all comply with the 30% control.
- The slope of the land overall is not an impediment for bushfire control, provision of services, groundwater management or other requirements.

Despite these reassurances the steep nature of the slope in this area is of particular concern. While the risk may be small the potential for damage should a rotational slide occur on the site in future would be substantial. Such a landslip could affect not only the dwellings proposed for the subject site but also properties above, below and to the side of the site.

4 BUSHFIRE

While the current application has scaled back the size of the Asset Protection Zone (APZ) its management will still have a significant impact on aspects of the littoral rainforest on the site.

The Bushfire Risk Assessment Report notes:

In terms of implementing and / or maintaining APZs, there is no physical reason that would constrain hazard management from being successfully carried out by normal means (e.g. mowing / slashing / grazing).

Rainforest trees in the form of Cabbage Tree Palms may remain insitu as they do not contribute to fire behaviour when under fuels are well managed. Lower shrub species should be spatially separated into clumps. Low or ground species should be managed by raking and or brush cutting with excess removed of site. Excessive fuels on the ground surface (above 10-12mm from the soil) should be raked and removed off site.

While these measures may be required for asset protection they clearly have the potential to interfere with the habitat of many native species.

5 ACCESS, PARKING AND TRAFFIC MANAGEMENT

Hillside Road is a narrow winding congested cul de sac that has a hairpin bend and another blind corner. The road, which has been affected by landslip in previous years, terminates in a small turn circle bounded on one side by a cliff with a sheer drop.

One issue of uniform agreement among residents is that the road is already packed to capacity in terms of the number of parked cars and even in terms of the number of vehicles simply using the street at the same time, particularly on weekends on when construction is occurring. This is a particularly acute issue at the end of Hillside Road where there is little space for parked vehicles with even the turn circle itself being used for legal (and illegal) parking. There is not enough room for the cars of current residents and visitors, let alone trade and delivery vehicles.

The construction of the previously-approved driveway servicing the subject site which opens directly onto the turn circle has already added a complication for turning vehicles. It now means that drivers have to contend with three driveways serving four dwellings that open directly onto the turn circle plus another three driveways servicing four more houses in the last 30 or 40 metres immediately leading up to the turn circle.

While the addition of the previously-approved driveway is a distraction it serves only two dwellings and its length means that there is at least the potential for off-site parking for additional cars and other vehicles over and above any car spaces which are or may be provided in respect of these houses. The addition of another three dwellings will however more than double the number of resident cars that will potentially access the proposed development, adding up to around 12 vehicles. This will increase the potential for conflicts between turning vehicles and those entering and exiting the driveway.

The additional development would also reduce the potential for this driveway to offer de-facto additional parking spaces for tradespeople, visitors attending parties etc. The drivers of these vehicles are likely to have no choice but to try their luck at parking on Hillside Road itself. This will also be an acute issue during the construction of any dwellings on the subject site.

The additional traffic and parked vehicles in this narrow winding street could also have serious ramifications in an emergency, particularly if there was a bushfire. It would be not only the residents of dwellings on the subject site and their visitors but also the residents and visitors in the rest of Hillside Road could be exposed to danger in trying to evacuate the congested street.

Another often overlooked but significant aspect is the arrangements for the collection of rubbish and recycling. If the driveway is classified as a private road then it is unlikely that collection vehicles will access it. This means that around a dozen extra bins will line the narrow cul-de sac on collection days, adding to the bins put out by current residents and causing additional problems for turning vehicles.

In summary the development is likely to have the following impacts in terms of access, parking and traffic management:

- Undesirable impacts on the amenity of existing residents and their visitors who will find it more difficult to drive up the road, turn and/or park at or near current dwellings in the street.
- An increase in the potential for accidents on the turn circle (which is next to a cliff) through conflicts between turning vehicles and those accessing the driveway to the subject site.
- A potential increase in the risk to the safety of residents in the advent of an emergency, particularly bushfire, because of possible problems in evacuating the street as for emergency vehicles trying to access the top section of Hillside Road
- Additional problems relating to the collection of rubbish and recycling materials

6 VISUAL IMPACTS

The proposed development will clearly have an impact on the site's visual amenity, though it is difficult to gauge the extent of this as no information has been provided regarding the potential building envelopes for the proposed dwellings. If however the owners, architects and builders of

these planned houses seek to maximise the potential of their own views then they are much more likely to be visible above the existing canopy line. This will interfere not only with the views of the residents in the existing houses near the site but also the views from many other parts of Newport.

7 ACOUSTIC IMPACTS

The site takes the shape of a natural amphitheatre which magnifies sound. This means that bird calls can be heard quite clearly by neighbouring residents - which also means that the sound of construction on the site will also be amplified and impossible to avoid.

While this may be a short-term problem the ongoing noise from the additional dwellings will not. Associated with this will be the amplified sound of traffic as cars move along the driveway, along with the noise of parties and other social gatherings.

8 RECOMMENDATIONS

1. *DA No. N0317/16 for Subdivision of 62 Hillside Road into 4 residential lots plus civil and landscaping works to 62 and 85 Hillside Road to facilitate the subdivision should be refused by Northern Beaches Council based on the grounds outlined in this submission (and many others) and in particular because of:*
 - *The potential adverse impacts on native fauna and vegetation (including several threatened species);*
 - *The limited duration of the proposed Vegetation Management Plan;*
 - *Issues with stormwater management, protection of waterways and the potential for damage to surrounding properties;*
 - *The potential for landslip and in particular the potential for rotational slide to affect the development as well as surrounding properties;*
 - *In this regard, the fact that the development proposal contravenes council's own PDCP 2014 B2.2 regarding slope control;*
 - *The potential for bushfire control requirements in the Asset Protection Zone to interfere with the remnant native vegetation in this zone;*
 - *The considerable potential negative impact on the amenity of current residents and visitors in Hillside Road caused by the additional congestion and demands on parking that would be associated with the development;*
 - *The possible negative impact on road safety caused by potential conflicts where the driveway accesses the turn circle at the end of Hillside Road;*
 - *The potential adverse impact on resident and visitor safety in the advent of a fire or other emergency because of the increased congestion in Hillside Road;*
 - *The potentially undesirable impacts on the visual and aural amenity of existing residents that are likely to be associated with a development of this nature in a prominent site which is also a natural amphitheatre.*

- 2. Because of the importance of this site Council should give consideration to negotiating with the applicant to acquire the site so that it can be turned into a nature reserve with a plan to rehabilitate the native fauna and flora with the support of local residents;*
- 3. If recommendation 2. is not possible Council should negotiate with the applicant to seek an alternative proposal which involves the development of a new or redeveloped dwelling on each of the sites of the two existing houses with no further subdivision or development permitted beyond these two houses. This should be supported by a permanent Vegetation Management Plan co-funded by Council.*

Alex Gooding
18 August 2016