



11 Kanimbla Crescent
Bilgola Plateau NSW 2107
Telephone 9918 3526
Mobile 0401 147 868

Monday, 3rd July 2017

Att: Tyson Ek-Moller
Executive Planner
Northern Beaches Council
1 Park St.
Mona Vale, NSW, 2103

**Property: 62&85 Hillside Road, Newport
Development no. N0317/16**

Dear Sir/Madam

I would like to make a written submission to the Northern Beaches Council in respect to the above application.

Submission:

I have appealed against this subdivision in one form or another since 2007. My wife and I are the owners of Lot 147, which is directly adjacent to the proposed subdivision.

I have attached the submission made in April 2007. Most of the comments are still applicable.

I wonder why there is no reference to the original geotech survey that was done by Jeffery and Katauskas for the original application which was knocked back by the Land and Environment court.

Thankyou for your time.

Two handwritten signatures in dark ink. The first signature is "Barrie Lowde" and the second is "Janet Lowde".

Barrie Lowde & Janet Lowde

11 Kanimbla Crescent
Bilgola Plateau NSW 2107
Telephone 9918 3526

Sunday, 8 April 2007

Karen Arthur
Malleon Stephen Jaques
Level 61 Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

Property: 62-85 Hillside Road, Newport
Appeal Against Pittwater Council's decision
Land & Environment Court Proceedings No. 10016 of 2006

Dear Sir/Madam

I would like to make a written submission to the court that is reviewing the application for a subdivision at 62 & 85 Hillside Rd., Newport.

Submission:

My wife and I are the owners of Lot 147, which is directly adjacent to the proposed subdivision.

I am recently retired. I have a BSc (hons) degree in Geology from the mid seventies, and wrote my honours thesis on slope stability. I also project managed construction projects, including 2000 block subdivisions, for 20 years.

I have reviewed the various consultants' reports which have been commissioned by the applicant. I then tried to differentiate between what is practical and what is possible. It is always possible to build anything anywhere given sufficient money and time.

I would like to raise some issues to demonstrate that the consultants work is aimed at presenting a positive solution for the applicant.

Spoon Drain and Subsoil Drain

In the Jeffery and Katauskas geotechnical assessment, which seems to be a basis of the other consultants decisions, it is said that a spoon drain and subsoil drain are needed around the top of lots 2 to 6 to manage runoff.

The spoon drain is around the top of the lots, adjacent to current landholders. No sizing is given. It runs around the contour and discharges at Lot 8. It is some 350 metres long.

The Subsoil drain is some 10 metres below it, and at least 2 metres deep (7.2.1) which will need close timbering. The spoil is removed, base concrete poured, piped and the trench filled with aggregate.

In the joint statement by Dyce & Martens, it is said that construction of this drain is to be by hand (section 2.2 "The Construction Footprint Plan" assumes that the "catch drain" will be constructed using hand tools...). That is an impractical assumption. It has been then taken as gospel by all later consultants. Imagine carrying all that material in and out on a 30 degree slope by hand and not affecting the environment. That "by hand" assumption is also the basis for the vegetation report calculating how much damage would be done to the site.

If mechanical means are employed it will damage a twenty metre wide strip around the whole of the site, because mechanical equipment needs to operate on a close to level surface, drive in and out etc.

Further, if the water is stopped, the vegetation below will die, or at least be severely affected.

Subsoil drains have a finite lifespan as they clog up. Who in the next 100 years is going to maintenance it, and who is going to be able to enforce the management.

Sensitive Site

The site is geologically sensitive. Much of it is at a 30 degree or more slope. It would not have any chance of approval with today's planning laws, however the application was made just prior to the regulations becoming effective. The application being submitted just prior to those regulations coming into affect does not mean that the application is environmentally sustainable. In fact, approval of this application would make a mockery of those regulations as this is exactly the type of site that the regulations were designed to prohibit development.

Geology

Over the last 30 years there have been two landslips in the area. One further around in Hillside Rd and another some 30 years ago in Grandview Drive. It is suspected that they are at the same level as the back of Lot 1, and on the disconformity between the Narrabeen and Hawkesbury sandstones. There has been no investigation of this, except a description of the Geology of the site in Jack Hodgson's geotechnical report and a rough sketched line on a drawing.

There are many loose rocks on the site, and to say the risk of injury to life is small is little consolation if it happens. Above lot 1 there is a sandstone block of maybe 10 tonnes that has moved at least 200mm in the last 6 to 8 years. It is directly above the proposed house on Lot 1, which is also proposed to be at the very back of lot 1 because of its impractical shape. Other sandstone blocks are jointed and their safety indeterminate.

There is also a block of maybe 60 to 80 tonnes poised over the current house.

Most of the site is subject to creep. This creep is maybe two metres deep. We can see this creep as we manage the garden to the back of our lot. We need to be very careful of

erosion. It will be a brave structural engineer who can design a retaining wall to protect the proposed houses, which are clustered very close together at the bottom of the slope.

Noise.

The proposed subdivision is a valley that has acoustic qualities of accentuating sound. As an example, 1 week before Easter, the current house on the site had a party that went to 4 am. The noise sounded as if it was in the next room and sleep was impossible. Further, conversations of people outside the house were clearly audible.

Another example is the garbage trucks that service the cul de sac have extreme trouble turning around. When cars are in the way, the driver screams at the offending car drivers or the garbage truck driver sits on his horn until the cars move. The noise is extreme. It also highlights the access issues.

Whilst it can be said that this antisocial behaviour can be stopped, that is wishful thinking. These incidents will be multiplied eight fold with one house becoming eight.

Ongoing Management.

This proposed subdivision will have social effects on some 30 to 40 local households, and be visible from most of Newport east of Barrenjoey Rd.

It is also stated by Planning Workshop Australia on p7 that “nominated building platforms are indicative only”. There are a great number of comments such as these in the documents that will allow the eight future landowners to contest all or any of the assumptions that the subdivision proposal is based long after the current landowner has gone.

The consultant Dr Daniel Martens loses credibility when he does not agree that ongoing management will be an issue and that many of the guidelines will be flouted in the next 100 years, which is the life of the proposal. Planning Workshop Australia say “will be managed in perpetuity”. Will the Council be able to enforce all the covenants in the documents? No! This management issue is the down side to one person making a few hundred thousand dollars. Once the land is sold, there will be eight more sets of arguments to have with land purchasers.

Solution

There are solutions to these issues that I have raised, but not once in the last 5 years has the applicant pursuing this subdivision had any contact with any adjacent landowner. All the documents imply an entrenched position.

Barrie & Janet Lowde