

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



(Fax No: 9970 1200)

Name: Barrie Lowde

Address: 11 Karumba Cres

Bilgola Plateau

Phone: 9918 3526

Date: 8-8-2016

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.

Yes No

I am willing to provide evidence to the Land and Environment Court if the application is appealed.

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).

See attachments

Name: Barrie Lowde

Signature: [Signature]

Date: 8-8-2016

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

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Monday, 8 August 2016

Northern Beaches Council
Village Park, 1 Park St.,
Mona Vale NSW, 2103

Dear Sir/Madam,

Rc: DA No: N0317/16

I am writing this letter in response to a letter from Cheryl Williamson, Senior Planner, with regard to 62 and 85 Hillside Road, Newport.

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

Nothing much has changed since the applicant's submission in 2007 and our replies. Certainly not the geology of the area! In a reply to an email from the applicant, the following list of questions was asked. There was not a detailed reply to the questions but there was a reply. The questions asked on Jun 20 were:

1. Where are the four properties to be situated? What is their physical relationship to the geological unconformity in the area?
2. Are they serviced by a concrete road?
3. Does the building of the road mean that the property between 83 and 85 Hillside becomes an option to sell and have a house built on it?
4. What happens to the rest of 85 Hillside?
5. How do you overcome the council ban on subdividing land steeper than 20 degrees?
6. How do you overcome the general instability of the geology of the area?
7. How do you overcome the previous Land & Environment Courts refusal to agree to a subdivision?
8. What is the maximum height of the houses?
9. How does the bush fire management area affect the subdivision?

Further, since the application in 2007 and the geotech reports available then (jack Hodgson and Jeffery and Katauskas (12th January, 2004)), there have been other geotech reports done for other council DAs.

I have attached our submission dated 19th April, 2007 to the Land and Environment Court as it is still relevant.

Thank you for your time.

Yours faithfully



Barrie Lowde

11 Kanimbla Crescent
Bilgola Plateau NSW 2107
Telephone 9918 3526

Thursday, 19 April 2007

The Commissioner
Land and Environment Court

**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. Not all documents that exist were made available by the Council, so this submission is based on what is available.

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 and increase the potential for erosion. If the water is not stopped, in very heavy rainfall, the potential for landslip is increased.

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 maintenance.

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, particularly Lot 1, 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

There are three aspects to manage, landslip, soil creep and loose boulders

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 soil creep. This creep is maybe two metres deep. We can see this creep as we manage the garden to the back of our lot. 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. The creep may take 20 to 50 years to overcome obstacles in its way. The Geotech engineers say no cut or fill should exceed 0.5 m whereas the engineer speaks of 4.5m cuts for Garages.

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