From:	[redacted]
Sent:	7/03/2023 2:46:54 PM
To:	Council Northernbeaches Mailbox
Cc:	Rebecca Overton
Subject:	DA 2022 2277 272 WHALE BEACH ROAD WHALE BEACH NSW 2107 WRITTEN SUBMISSION: LETTER OF OBJECTION SUBMISSION: TULLOCH
Attachments:	OVERTON GEOTEC PEER REVIEW.pdf; 272 Whale Bch Rd - Geotech Peer Review Report.pdf;

Submission + Geotechnical Peer Review from Croziers

Kind regards,

Bill Tulloch BSc[Arch]BArch[Hons1]UNSW RIBA RAIA
[redacted]

S U B M I S S I O N

a written submission by way of objection

BILL TULLOCH BSc [Arch] BArch [Hons1] UNSW RIBA RAIA

prepared for

REBECCA OVERTON, 274 WHALE BEACH ROAD WHALE BEACH NSW 2107

7 MARCH 2023

Northern Beaches Council
PO Box 82
Manly
NSW 1655

council@northernbeaches.nsw.gov.au

RE: DA 2022 2277
272 WHALE BEACH ROAD WHALE BEACH NSW 2107
WRITTEN SUBMISSION: LETTER OF OBJECTION
SUBMISSION: TULLOCH

Dear Sir,

This document is a written submission by way of objection lodged under Section 4.15 of the EPAA 1979 [the EPA Act].

I have been instructed by my clients to prepare a further objection to this DA.

The original submission dated 30 January 2023 requested Council to refuse the DA on geotechnical grounds.

Council will recall within Section C12 of that submission, an extensive list of concerns were raised.

My Client has appointed Tony Crozier to complete a Peer Review of the submitted Geotechnical Report. Crozier's report is attached to this submission.

I contend that the DA be refused as Council does not have before it sufficient reports to grant consent.

Tony Crozier states:

- *The submitted geotechnical report does not comply with the Policy requirements or its objectives and does not relate to the design as submitted to Council in the development application.*
- *The geotechnical report is dated 21 July 2022 which is before the Issue A (29 August 2022) of the architectural design and well before Issue G (Issued for Da Approval) (23 December 2022).*
- *The report does not reference the relevant Council policy or the sites H1 landslip hazard zoning providing no certainty that the site zoning or policy where considered in its preparation*
- *The report is not accompanied by Forms 1 and 1a of the policy, as is required for submission and acceptance of the report by Council, and which confirm that engineer has assessed the conditions as per the policy and holds Professional Indemnity Insurance*
- *It appears authored by an unregistered engineer (no registration details listed).*
- *The report references "only shallow excavations will be required" however bulk excavations of up to approx. 7.0m depth are proposed across the site extending to within proximity of both side property boundaries and neighbouring residential dwellings*
- *The architectural design details a "saw cut sandstone edge" to the Gym/Studio level, however the report provides no recommendations regarding suitable equipment or ground vibration control*
- *Investigation upon which the report is based is limited to visual inspection and the conducting of one DCP test and two boreholes that extended through soils before being terminated at ≤1.70m depth within soils without identification of bedrock.*
- *The report provides a series of potential landslide hazards and treatment options, none of which appear site or development specific.*
- *It provides no description of adjacent properties or conditions/hazards with these properties that could be impacted by or impact upon the development (i.e. boulders, stabilised outcrops)*
- *The report provides no recommendations for excavation support systems, provides no parameters for design and assessment of retention systems*

The geotechnical report supplied does not meet the Council's policy requirements or objectives and as such should not be accepted by Council with the Development Application. It provides limited assessment which does not appear site or development specific, provides no design or construction recommendations to maintain stability within the "Acceptable Risk Management" criteria and involved very limited and shallow investigation for what are deep excavations into the hill slope that have high potential for detrimental impact on adjacent properties and structures.

As such, should approval of the proposed development occur based on the supplied geotechnical report, then serious concerns should be held for the stability and protection of your property and house."

My earlier submission raised concerns regarding:

- *Stability of the natural hillside slope; upslope of the proposed residence, beneath the proposed residence, downslope of the proposed residence and to all neighbour's land.*
- *Stability of the cliff adjacent to the site.*
- *Stability of existing retaining walls that will remain;*
- *Stability of proposed retaining walls to support the excavations for the proposed residence, and external landscaping walls.*
- *Incomplete consideration of landslip hazards*
- *Incomplete consideration of Natural Hillside Slope*
- *Incomplete consideration of the Cliff above the Site*
- *Incomplete consideration to create a Large-Scale Translational Slide*
- *Incomplete consideration of Existing Retaining Walls*
- *Incomplete consideration of Proposed Retaining Walls*
- *Incomplete consideration of partial excavation of large boulders*
- *Incomplete consideration and inadequate identification of 'floaters' across neighbour's boundary*
- *Incomplete consideration Surface Erosion*
- *Incomplete consideration of potential Rock Fall*
- *Incomplete consideration landslip of soils from excavation*

My clients have concerns to the lack of extensive recommendations in respect to the following:

- *Incomplete Conditions Recommended to Establish the Design Parameters*
- *Incomplete Conditions Recommended to the Detailed Design to be Undertaken for the Construction Certificate*
- *Incomplete Conditions Recommended During the Construction Period*
- *Incomplete Conditions Recommended for Ongoing Management of the Site/Structure(s)*
- *Incomplete Geotechnical Risk Management Forms*

On the above grounds, Council must **REFUSE the DA.**

Yours faithfully,

Bill Tulloch

Bill Tulloch BSc [Arch] BArch [Hons1] UNSW RIBA RAIA
PO Box 440 Mona Vale
NSW 1660

Attached: Crozier's Peer Review dated 3 March 2023

CROZIER GEOTECHNICAL CONSULTANTS

Crozier Geotechnical Consultants ABN: 96 113 453 624
Unit 12/ 42-46 Wattle Road Phone: (02) 9939 1882
Brookvale NSW 2100 Email: info@croziergeotech.com.au
Crozier Geotechnical Consultants a division of PJC Geo - Engineering Pty Ltd

Date: 3 March 2023
No. Pages: 3
Project No.: 2023-030

Rebecca Overton

Geotechnical Review of Geotechnical Report for Proposed Development at 272 Whale Beach Road, Whale Beach.

We understand that a development application (No.: 2022/2277) for a proposed new dwelling has been submitted for the property No. 272 Whale Beach Rd, which neighbours your property to the west. As such, you have requested a review of the geotechnical report submitted with the development application.

As a result we have reviewed the following submitted documents, as available from the Council's online system:

1. Geotechnical Report titled "Proposed Knockdown Rebuild – 272 Whale Beach Road, Whale Beach, NSW, Site Classification and Slope Stability Risk Assessment Report; Reference: JS/S1589, Dated: 21 July 2022
2. Architectural Design by Avenue on Design, Project no.: A0242, Issue: G, Dated: 23 December 2022
3. Survey drawing by Wumara Group, reference: 080722DF2, Dated: 20/07/2022, Issue: 2.

It is understood from these plans that development involves demolition of all existing structures and the construction of a new residential dwelling. The new structure will involve a 5 storey dwelling formed at various levels, that will step up the slope towards the north. From the survey and architectural drawings, and using an anticipated slab/footing thickness of 0.40m, the development will involve bulk excavation to approximately:

- Basement/Garage – 7.20m at north-west corner, 7.00m at north-east corner
- Lower Ground Floor – 4.17m " " , 5.70m " "
- Ground Floor - 2.91m " " , 2.21m " "
- First Floor - 0.26m " " , 6.00m " "
- Second Floor – 1.86m " " , 2.86m " "

The following approximate separation distances for the excavations, to the east and west boundaries, are required (including any groundwater drainage system) to complete the proposed development based on the submitted architectural plans:

- Basement/Garage 6.80m east, 0.70m west boundary
- Lower Ground Floor 0.80m " 1.05m "
- Ground Floor 0.70m " 0.70m "
- First Floor 1.30m " 1.30m "
- Second Floor, 3.70m " 1.90m "

Crozier Geotechnical Consultants 2023

The site is designated as being within a H1 landslip hazard zone by the Geotechnical Risk Management Policy for Pittwater - 2009. To meet the Councils Policy requirements for land classified as H1 a detailed Geotechnical Report which meets the requirements of Paragraph 6.5 of that policy is required for submission with a Development Application.

The policy objectives are reproduced below:

3.1 Policy Objectives
The objectives of this Policy are to ensure that:

(a) geotechnical and related structural matters are adequately investigated and documented by applicants or proponents of activities prior to the lodgment of any development application to carry out any development subject to this Policy, or wherever an application is lodged for a Building Certificate,

(b) the proposed development activity is appropriate and relevant conditions that should be applied if it is to be carried out, are identified, having regard to the results of the geotechnical and related structural investigations,

Geotechnical Risk Management Policy for Pittwater - 2009

(c) in the event that a proposed development activity is only appropriate if carried out subject to geotechnical and related structural engineering conditions, those geotechnical conditions are identified by applicants prior to lodgment of the development application are able to be met, including all appropriate constraints and remedial maintenance actions required prior to, during and after the carrying out of the development,

(d) effective geotechnical conditions are specified in the Geotechnical Reports and are incorporated into the architectural and structural engineering design plans at the Construction Certificate stage,

(e) the preparation of geotechnical and related structural engineering information and certificates required to be lodged by this Policy are carried out by suitably qualified professionals with appropriate expertise in the applicable areas of engineering, and

(f) developments are only carried out if geotechnical and related structural engineering risks, and where appropriate coastal process risks, are identified and can be effectively addressed and managed for the life of the development.

(g) the development is constructed in accordance with the recommendations of the Geotechnical Engineer/Engineering Geologist and verified by the Geotechnical Engineer/Engineering Geologist.

(h) ongoing requirements to maintain the integrity of the geotechnical solution as contained in consent are effectively carried out to the specified requirements for the life of the development.

The submitted geotechnical report does not comply with the Policy requirements or its objectives and does not relate to the design as submitted to Council in the development application.

- The geotechnical report is dated 21 July 2022 which is before the Issue A (29 August 2022) of the architectural design and well before Issue G (Issued for Da Approval) (23 December 2022).
- The report does not reference the relevant Council policy or the sites H1 landslip hazard zoning providing no certainty that the site zoning or policy where considered in its preparation

- The report is not accompanied by Forms 1 and 1a of the policy, as is required for submission and acceptance of the report by Council, and which confirm that engineer has assessed the conditions as per the policy and holds Professional Indemnity Insurance
- It appears authored by an unregistered engineer (no registration details listed).
- The report references "only shallow excavations will be required" however bulk excavations of up to approx. 7.0m depth are proposed across the site extending to within proximity of both side property boundaries and neighbouring residential dwellings
- The architectural design details a "saw cut sandstone edge" to the Gym/Studio level, however the report provides no recommendations regarding suitable equipment or ground vibration control
- Investigation upon which the report is based is limited to visual inspection and the conducting of one DCP test and two boreholes that extended through soils before being terminated at ≤1.70m depth within soils without identification of bedrock.
- The report provides a series of potential landslide hazards and treatment options, none of which appear site or development specific.
- It provides no description of adjacent properties or conditions/hazards with these properties that could be impacted by or impact upon the development (i.e. boulders, stabilised outcrops)
- The report provides no recommendations for excavation support systems, provides no parameters for design and assessment of retention systems

The geotechnical report supplied does not meet the Council's policy requirements or objectives and as such should not be accepted by Council with the Development Application. It provides limited assessment which does not appear site or development specific, provides no design or construction recommendations to maintain stability within the "Acceptable Risk Management" criteria and involved very limited and shallow investigation for what are deep excavations into the hill slope that have high potential for detrimental impact on adjacent properties and structures.

As such, should approval of the proposed development occur based on the supplied geotechnical report, then serious concerns should be held for the stability and protection of your property and house.

Yours faithfully,

Troy Crozier
Principal
MIE Aust.; MAIG.
RPGeo – Geotechnical and Engineering

CROZIER GEOTECHNICAL CONSULTANTS

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