Sent:	10/12/2018 12:09:50 PM
Subject:	Devlopment objection - 60 Binalong Rd Allambie Heights
Attachments:	Northern Beaches Council 4.docx;

Hello

I sent the attached objection last Friday but I am not sure if it was received.

Thank you
Angela Mayne
0421 245 680

---------- Forwarded message ---------
From: A. Mayne <amayne25@gmail.com>
Date: Fri., 7 Dec. 2018, 3:38 pm
Subject: Draft 5 - final
To: Angela Mayne <amayne25@gmail.com>

Northern Beaches Council
725 Pittwater Road
Dee Why 2099

Objection to amended plans
Application No. DA2018/0149 – NSW LEC Amended Plans
Address: 60 Binalong Ave Allambie Heights (Lot 2211 and Lot 2223) also known as 15 Nargong Road
Demolition of small 3 bedroom house. Construction of 32 room boarding house and basement parking

LAND SLIP RISK

The proposed development will be built on land shown as **LAND SLIP RISK** (Warringah LEP2011).

On 21 April 2015 a heavy storm caused Manly Dam to overflow and the SES knocked on doors to advise residents to be ready to evacuate homes in North Manly and Manly. An evacuation centre was set up at Harbord Diggers Club.

Further up the peninsula a house slipped from its foundations at Narrabeen and on 24 April 2015 engineers and fire brigade bought the house down with high pressure water hoses.

NTH BEACHES

Blast of water used to bring down falling house at North Narrabeen

Steven Deare, Manly Daily
April 24, 2015 4:07pm

A HOUSE on a hill lurched forward and crumpled in its yard in a huge demolition operation involving engineers, firefighters and police this afternoon.

Firefighters blasted the unstable structure at Nareen Pde, North Narrabeen, with water to loosen its foundations, then pulled attached cables to start its fall.

In 1997 in Thredbo NSW, a ski lodge was undermined by water from a leaking water main, the ski lodge sheared off its foundations and slid down the hill, knocking another ski lodge in its path. Beneath the foundations water had turned ground into a slurry and, a creek below the site hampered rescue.

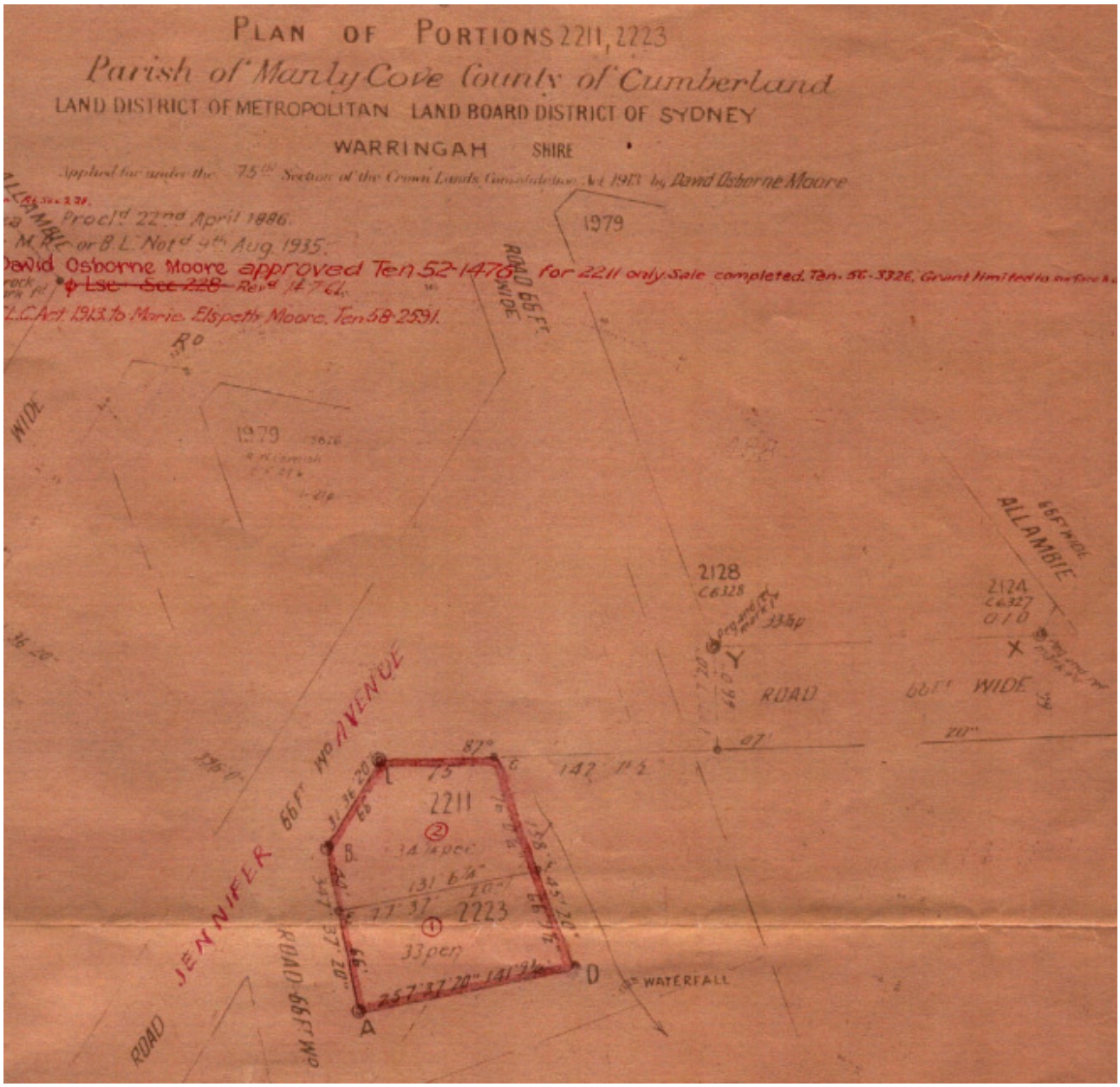
1997 Thredbo landslide - Wikipedia
https://en.wikipedia.org/wiki/1997_Thredbo_landslide

The Coroner's report released on 29 June 2000 said that the landslide was caused by water from heavy rain, melting snow and a leaking water main. The landslide hit an eastern wing of one of the lodges first, which caused the nearby land to collapse onto lodges below.[5] The State Government of New South Wales spent $40 million in out-of-court settlements with 91 businesses and individuals after the incident.

On 3 December 2004, the Supreme Court judgment blamed the leaking water main pipe and the Alpine Way, which was built on a road full of debris, as the cause of the disaster. Soil creep had caused the main to fracture, which had saturated the already unstable slope that supported the road above Carinya.[6]

The proposed development sits on a hill, at the top of a gully, beside a creek and stormwater pipes and, there may be the possibility for the construction to move or even slide down the hill if the land below, beside, or above, the construction was saturated in a prolonged storm event and/or the movement of run-off water downhill towards Queenscliff Lagoon.

The excavation required will remove rock and land beside a creek and during past storms, without any excavation, the creek has worn away fences and caused erosion further down the gully (see 1948 survey and position of creek and waterfall – I cannot see the creek shown in survey submitted with this application but I am not experienced at reading surveys).



RIPARIAN LAND

The proposed development will be built on land shown as **RIPARIAN LAND** (Warringah LEP 2011).

The land is directly beside a creek and directly beside that is a large block of unbuilt upon, grassed land.

Across the road is an even larger block of unbuilt upon, grassed land. The land surrounding the development site soaks up rain and run off from all the surrounding higher ground including Maneroo Road, Jennifer Ave and Allambie Road.

Although some of the water is now channelled through stormwater pipes into the existing creek adjacent to the development site, the land is still sodden during heavy rain.

The two grassed blocks have not been built upon in 70 years since Nargong Road was the first track cut as a roadway from Allambie Road. They are there to soak up water.

Maneroo Road used to be a sealed road all the way downhill to Nargong Road however the hard surface has been dug up and replaced with grass (please see Land Titles fly over photos of the site in 1961 and 1965 to see the direction of water run off before the road was sealed with ashphalt. .

The land where Maneroo Road used to be, after rain, is impossible to walk across when feet sink 30cms into mud however in the Geotechnical Assessment it states:

"Overland or surface flows entering the site from the adjoining areas were not identified at the time of our assessment"

3 Geotechnical Assessment

3.1 Site Classification

Due to the relatively shallow sandy soils and Hawkesbury Sandstone bedrock, the site is classified as **Class "A"** in accordance with AS 2870:2011.

3.2 Ground Water

The property is located toward the top of a moderate slope that rises to the crest of the ridge near Roosevelt Avenue to the north. Normal ground water seepage is expected to move downslope through the soil profile along the interface with underling bedrock, also exploiting any cracks joints or fissures that may be present in the rocks surface.

Due to the position of the block relative to the slope and the underlying geology, no significant standing water table is expected to influence the site.

3.3 Surface Water

Overland or surface flows entering the site from the adjoining areas were not identified at the time of our inspection, however normal overland runoff could enter the site from above during heavy or extended rainfall. The majority of surface flow from above will be captured by the gutter and drain systems for Jennifer Avenue and Nargong Road.

Ascent Geotechnical Consulting Pty Ltd
PO Box 37 Manly NSW 1655 : ☎ **0448 255 537**
www.ascentgeo.com.au : A.B.N. 71 21 428 403

The depth of excavation required to construct this 32 room boarding house is shown in the Ascent Geotechnical Assessment – Table 3 see Rock Excavation, Vibrations,

Rock Excavation	All excavation recommendations as outlined below should be read in conjunction with Safe Work Australia's *'Excavation Work – Code of Practice'*, published March, 2015. Due to the depth of excavation required, proximity to Council infrastructure and adjoining properties, it is strongly recommended that an excavation contractor with demonstrable experience in this type of project be engaged to undertake the proposed works with the appropriate care and diligence. The cuts required for the construction of the basement car park and OSD tank will extend to approximately RL 76.9, requiring excavation to approximate maximum depths of ~ 4.5m from current surface levels. The bulk of the cuts are expected be through competent Hawkesbury Sandstone bedrock. It is essential that any excavation through rock that cannot be readily achieved with a bucket excavator or ripper should be carried out initially using a rock saw to minimise the vibration impact and disturbance on the adjoining properties. Any rock breaking must be carried out only after the rock has been sawed and in short bursts (2-5 seconds) to prevent the

From the Geotechnical Assessment, please see below the sentence 'the likelihood of the slope failing is assessed at unlikely".

3.5 Geotechnical Hazards and Risk Analysis

The slope across the location of the proposed residential development has an average gradient of >10 degrees. The soil profile is comprised of shallow sandy soils, over weathered sandstone bedrock confirmed by ground testing. Provided all footings for the proposed secondary dwelling are taken to and socketed a minimum of 300mm into competent sandstone bedrock, the likelihood of the slope failing is assessed as '**UNLIKELEY**', the consequences of such a failure are assessed as '**MINOR**'. The risk to property is '**LOW**'. The existing conditions and proposed development, including excavations for footings and minor levelling are considered to constitute an '**ACCEPTABLE**' risk to life and a '**LOW**' risk to property provided that the recommendations outlined in **Section 3.6** are adhered to.

I played in the creek as a child but that would not be possible today as the creek floor is over 2 metres below surrounding grass surface level and so I know it has already slipped over time.

COUNCIL LIABILITY - CLAIMS FOR NEGLIGENCE AGAINST LOCAL AUTHORITIES

Land Law
Sixth Edition – 2010
Peter Butt

Page 21

Negligence
[226] As well as invoking the law of nuisance against a neighbour, at common law the landowner may be able to invoke the tort of negligence against the persons whose work caused the subsidence to the land in its natural stat. For example there may be a claim in negligence against an architect, engineer or back hoe operator, on the basis that a person planning or carrying out excavation work owes a duty of care to adjoining landowners not to cause adjoining land to subside. Also, a landowner may have a cause of action against local authorities who cause subsidence in the negligent exercise of their powers, at least where the authorities so not own the land on which the excavation occurs.

Page 24
Right to flow of water
[231] Also distinct from the common law riparian right to receive the flow of water, is the right of an owner of higher-lying land (whether riparian or not) to allow surface water to drain naturally onto lower lying land. However, this right is limited. It does not extend to water brought artificially onto the higher land. Or water that has fallen naturally on the higher ground but has been artificially accumulated there.

(This could mean water that is artificially gathered by roofs, gutters, retention tanks, driveways and other hard surfaces).

BUSHFIRE PRONE LAND

The proposed development will be built on land shown as **BUSHFIRE PRONE LAND** on Warringah LEP 2011.

The land below the proposed development has not burned in a bushfire since 1961-2.

The gully is now full of massive trees and is a rainforest (there was no rainforest there in 1959, it was low scrubby bush).

Because the gully and rainforest are encircled and behind 50 houses and access is restricted to residents only, the land and rainforest are well managed and cherished by residents.

Most blocks in the suburb are considered 'Wildlife corridor', and we make adjustments to encourage wildlife.

If a boarding house is built and the area behind the building becomes more accessible to people who may smoke, there becomes potential for bushfire.

There is no risk from the current residents, we know this as the land has not burned since 1962 – 56 years ago. I have Land Titles Office fly over photos – the 1965 photos show less dense bushland from the 1961 photos.

SUMMARY

In 1959 when I moved to Nargong Road there was no hard surface road or kerb and guttering, no sewerage service, no gas service, no television. We played in the creek along the full length of Nargong Road which has now been hidden by road surface, kerb and stormwater pipes but the underlying land still falls into the gully beside the proposed development.

This building development proposal, which ignores the potential of water flow during future storm events , in this time of extreme weather, could have catastrophic consequences. The potential for this building to move by landslip and water saturation of land already declared riparian land is clear to people who know the land – it is not clear from a hour long inspection of the site, that there are stormwater pipes that join into the gully lower down and, unless a person walks the whole circumference of the gully it is not clear that there is NO ACCESS whatsoever into the gully for fire fighting equipment.

53 houses surround the gully and many are under the tree canopy, the average price of homes in Allambie Heights is $1.6m x 53 = $84,800.000 in potential property loss and damage.

It would be difficult to find a more unsuitable site to build a large multi storey concrete construction, on riparian land next to a creek, and land which becomes waterlogged during heavy rain and adjacent to a gully that has an overgrown forest of trees forming a canopy over houses. The elevation above sea level between the top and bottom of the gully is substantial and yet the reports provided with the DA seem to concentrate on the slope of the site itself – and not the land below which is already eroded in parts.

Council should not allow this development to proceed it is potentially dangerous in many ways.

Thank you.

Angela Mayne
60 Allambie Road
Allambie Heights NSW 2100