

Smith, Greg

From: Larkin, Chris
Sent: Wednesday, 29 August 2018 2:13 PM
To: Smith, Greg
Subject: FW: For Attention of Chris Larkin and Council Staff - Submission re 8 Coomburra Crescent, Ocean Shores

From: jeff A [<mailto:trencher05@hotmail.com>]
Sent: Tuesday, 28 August 2018 8:35 PM
To: submissions; Larkin, Chris
Subject: For Attention of Chris Larkin and Council Staff - Submission re 8 Coomburra Crescent, Ocean Shores

RE: For Attention of Chris Larkin and Council Staff - Submission re 8 Coomburra Crescent, Ocean Shores

I am a resident of 3 Dyum Place, Ocean Shores. My property backs on to the proposed four lot development which is subject to DA 10.2017.516.1 - Address 8 Coomburra Cres, Ocean Shores .

I am addressing one of the three points that council was concerned about - ground water and storm water run off. Upon their inspection of the proposed development, Council staff were alarmed at the lack of the disposal and direction of the storm water run off.

I have lived at this address for 26 years and owned and operated an earth moving business here for 17 years. I have observed the flow of ground water over 8 Coomburra Crescent through several mini cyclones, heavy rain, floods and extreme weather events. The storm water pit on my boundary to 8 Coomburra Crescent does not cope with all the water run off in heavy rain, thus overflowing and running through my block, causing a fair amount of damage over the years. A significant amount of run-off goes past the drain and comes onto my land further down.

I believe the western boundary needs a storm water pit closer to the bottom of the block below the existing storm water pit to catch the missed run off. The contours of the block and seven other houses on Coomburra Crescent backing on to the proposed development on the western side amplify the run off that misses the pit now.

8 Coomburra Crescent is not a flat block of land and it has several major issues. It has many geographic problems with springs, steep slopes, ground water, drainage problems and limited access off Coomburra Crescent. These are not small issues. I come to think that is why when Ocean Shores was originally developed, they had ear marked this challenging spot with one block only in mind, not four.

That is why I think four (4) proposed lots are too many, taking into consideration this complicated site, and should be reduced.

Regards,

Jeff Azzopardi
3 Dyum Place
Ocean Shores

29/8/2018

Proposal Subdivision to Create Four (4) Lots
Parcel No 14500
Property LOT and DP: LOT: 1577 DP: 243995
Description Street Address: 8 Coomburra Crescent OCEAN SHORES
Applicant Ardill Payne & Partners
Consent Authority Byron Shire Council

DA No 10.2017.516.1

For the attention of: Greg Smith, Chris Larkin and Council Staff

Dear Chris, Greg and Council Staff,

Our names are Michael Bushby and Olga Tresz. We are the owners of 10 Coomburra Crescent Ocean Shores.

Please accept this new submission against the 8 Coomburra Crescent DA 2017.516.1 that Councillors deferred their determination on at the August 2nd meeting for the 3 following reasons:

- 1) Investigate possibilities of narrowing the driveway to allow for increased vegetation along the driveway.
- 2) Ensuring Councils stormwater infrastructure is of a size and management regime to adequately receive stormwater generated by this subdivision.
- 3) Ensure that the community have a longer period in which to consider the geotechnical aspects and implications within the development application, and that when reported back to Council a more expansive report from staff on this aspect be presented.

REGARDING POINT ONE

Being on the low side of this access arm, our property will be hugely impacted by this driveway that the applicant first proposed to be a dual carriageway, cemented the full length and width of the arm, thus proposing no vegetation or barriers of any kind. Consequently, Council staff added the condition of a 2.5 metre fence along the arm before this DA went to the Council meeting on August 2nd. During the site inspection by Councillors on the Tuesday prior to that meeting, Councillors realised the severe impact of such a driveway on both our property and number 6 Coomburra. Hence Councillors included point one in their deferral motion. In discussions with council staff after this DA was heard at public access we were told council staff and the applicant would work on a new mostly single lane driveway plan.

We therefore expected to see this new plan well before this DA goes back to Councillors for determination. I have since been told this is not the case, but that conditions will be placed on the DA approval instead. How can the impacts be fairly

accessed by Councillors, or neighbours, if plans are not done first? The driveway will obviously have to be dual lanes on the sharp corner at the bottom of our property. As vehicles turn this corner, their headlights will sweep into every room of our 2 year old council approved permanently tenanted granny flat. Because the sites boundary pegs are not in place, it is impossible to see accurately which trees and shrubbery are on the property of number 10, 8 or 6 Coomburra. Therefore, it is not possible to know the full impact of this dual lane corner, or the rest of the driveway, unless plans are done now. If all the existing vegetation is removed on that corner, or anywhere along the driveway, we request some sort of fencing, sympathetically designed and landscaped, and finished to be in keeping with the neighbourhood, to reduce headlight intrusion, visual disturbance from the moving vehicles in our direct line of vision, engine noise and fumes as vehicles labour up the steep long driveway, and the loss of privacy and security to our property.

Accurate and detailed landscaping plans should be done before final determination of this DA. We understand landscaping plans for battle axe access arms are a standard planning requirement of Byron council. We respectfully ask why this is not intended to be done before determination?

We note it is illegal to remove vegetation on another's property without approval from the owner to do so.

REGARDING POINTS TWO AND THREE – WATER AND GEOTECHNICAL ISSUES

We are not engineers, so please refer to our neighbour Tom Kaveney's submission for his experienced environmental engineers review of the geotechnical report. Tom knows Ocean Shores topography well and understands the implications and failures in the applicant's geotechnical report supplied recently at the request of council staff.

As lay people it seems obvious to us that this block is not suitable for the 4 lots proposed. The geotechnical report acknowledges parts of the site have a greater than usual gradient and slip potential and that retaining work may add risk to neighbouring properties along the south boundary. I note that after months of no rain, the surveyor's vehicle got bogged while drilling the test holes for the report, and the vehicle used to pull it out also got bogged. This begs the question: how will building be actually possible? There is no flat land to place pallets of building materials on, no place for tradies to park on site – they will all have to park on the Coomburra Crescent verge that will indefinitely exacerbate traffic visibility issues, therefore greatly impacting the wider Coomburra community. Tradies will have to walk the long driveway – possibly carrying much of the heavy building materials. Not an easy or cheap exercise!

This block was originally planned as one lot for one house only, not multiple lots with a dual carriageway, for a very good reason IE: its risky and unstable topography. Accordingly, the narrow access arm was included to accommodate a single lane only driveway. If the original developers thought 4 blocks were possible on this site they would have planned it that way and pocketed the extra money themselves. We

respectively ask: if 4 lots were not possible then, how can they be possible now? It is the same land, but now with the added worsening effects of climate change weather events.

Lot 3 should not be a block. It requires severe regrading and retaining. This DA, at the very very most should be 3 single dwelling lots only. We suggest Lot 1 could remain as is. The currently proposed Lot 3 could be split in two. The current Lot 2 could be increased by 200sqm to 1000sqm, and Lot 4 could also be increased by 200sqm to make that block 1875sqm. Then the area of land that was to be lot 3 would be marked as a “no build” area.

FENCING ON THE EAST BOUNDARY OF THE SITE

A sympathetically designed 6 foot fence on the east boundary of the site should be an added condition to reduce the impacts of this subdivision. There will be serious a loss of security to neighbours on this boundary who have had people use their properties as a quick way through from Warrambool Road to Coomburra and on onwards. These neighbours will also suffer much visual and noise disturbance during and after the development is built.

IN SUMMARY

This is our third submission against this development so please refer to our previous submissions as necessary.

Please especially also refer to Tom Kaveney’s new submission regarding matters specifically relating to the applicant’s geotechnical report supplied.

We believe a more comprehensive geotechnical report needs to be supplied by the applicant that addresses all the points Tom raised in his submission. That new report would need to take into consideration future climate change weather events as this steep valley-like block historically becomes a seeping and boggy quagmire with streams running across it and along its lower boundaries often flooding those neighbour’s properties after rain.

As this DA currently stands, we please request this 4 lot subdivision be refused.

Yours Sincerely

Olga Tresz and Michael Bushby

44 Tongarra Drive Ocean Shores NSW 0412 103 346

Smith, Greg

From: Larkin, Chris
Sent: Wednesday, 29 August 2018 2:04 PM
To: Smith, Greg
Subject: FW: For Attention of Chris Larkin and Council Staff - Submission re DA 10.2017.516.1

From: hgetrost@gmail.com [<mailto:hgetrost@gmail.com>] **On Behalf Of** Heide Getrost
Sent: Wednesday, 29 August 2018 1:35 PM
To: council; submissions; Larkin, Chris
Subject: RE: For Attention of Chris Larkin and Council Staff - Submission re DA 10.2017.516.1

Dear Chris and Council Staff,

I am the resident of 6 Coomburra Crescent, Ocean Shores. Thank you for the opportunity to make a submission objecting to the revised DA 10.2017.516.1 (8 Coomburra Cres, Ocean Shores).

My current concerns reflect those of my neighbours. The Geotechnical report is preliminary and needs to be site specific before DA approval is granted. It raises a number of concerns particularly around the stability of Lot 3.

Degrees of slope: The natural slope of Lot 3 is 23 degrees which is above normal guidelines. The Geotech report plans grade/fill earthworks to make it 17.8 – 18 degrees which is the threshold. However, a 17.8 degrees slope created by such earthworks is not the same as a naturally occurring slope of that degree. Further investigation is required before DA Approval to assess the new slope stability with those earthworks in place.

Groundwater Seepage: On the proposed development groundwater flows under the ground at 2 - 3 meters below the surface. The report states they drilled down and found water at the shallow depth of 2.2 meters, even after some months of dry weather. This leads to instability risk and the proposed construction should not proceed unless a Geotech report demonstrates risk is unlikely. This has not been done.

Saturation and instability issues further up the slope: If the groundwater water is prevented from flowing under Lot 3 by non-porous retaining walls then the water will pool somewhere else ie: possibly further up the slope causing instability issues to existing neighbours' properties on 2, 4 and 6 Coomburra Crescent. Ground water management techniques need to be clearly defined that do not transfer risk to our properties.

Management of gap: There will be a gap between the lower boundary of properties on 2, 4 and 6 Coomburra Crescent and the retaining wall of the proposed driveway. The plans are unclear whether the drain is on the surface? Consent Conditions must be defined for the maintenance of this gap.

3 Single Lots: A reduced risk alternative is to limit the proposed development to 3 single dwelling lots only. The proposed Lot 1 would remain as is, but Lot 3 should be split up the middle with half each added to proposed Lots 2 and 4, with the condition that the land that is currently proposed as lot 3 become a non-building area.

Single Lane Access Driveway: The golden cane palms lining the driveway are on my property, number 6 Coomburra Crescent and I have not been asked for consent for their removal. Also to note it is a requirement that a landscaping plan for the access handle of hatchet-shaped lots must be submitted with the DA. Before the next council meeting I would like to review the revised plans for the driveway, or at the very least the proposed consent conditions.

Thank you for your time and attention.

Kind regards,

Heide Getrost
Owner Occupier of 6 Coomburra Crescent Ocean Shores
0423224376

Smith, Greg

From: Smith, Greg
Sent: Thursday, 30 August 2018 10:55 AM
To: Smith, Greg
Subject: For Attention of Chris Larkin and Council Staff - Submission re 8 Coomburra Cres, Ocean Shores

----- Forwarded message -----

From: Larkin, Chris <Chris.Larkin@byron.nsw.gov.au>
Date: Monday, August 27, 2018
Subject: FW: For Attention of Chris Larkin and Council Staff - Submission re 8 Coomburra Cres, Ocean Shores
To: Greg Smith <greg@acclaiamtownplanning.com.au>, "Begovic, Jeff" <jeff.begovic@byron.nsw.gov.au>

Further submission

Regards

Chris

From: Tom Kaveney [mailto:tom.kaveney@adaptstrat.com.au]
Sent: Monday, 27 August 2018 2:43 PM
To: council; submissions; Larkin, Chris
Subject: RE: For Attention of Chris Larkin and Council Staff - Submission re [8 Coomburra Cres, Ocean Shores](#)

I am the resident of [100 Orana Road, Ocean Shores](#). My property backs on to the proposed four Lot development which is subject to DA 10.2017.516.1 (8 Coomburra Cres, Ocean Shores).

As a qualified environmental scientist and experienced environmental engineer I have specific concerns about the stability of the Lots, in particular the steeper slopes of Lot 3 and to a lesser degree Lots 2 and 4. The Geotechnical report made public through Councils website is preliminary in nature and has been informed by a minimum of field testing (6 excavation pits). A full report on a site such as this would also be expected to include geotech cores to determine geology type and geological stability, piezometer readings of water table depths and flows and further slope stability testing.

The Geotech report makes a number of observations and identifies risks and concerns with the slope but provides very little by way of recommended solutions or risk mitigation measures. Specifically it says that further site specific studies should be undertaken prior to construction – this reads as if the author was seriously concerned about slope stability but didn't want to document a negative finding, thus referencing further studies and shifting the problem till later in the development process. If this is the case this will simply cause greater problems for Council later and exacerbate risks for both current and future residents. I feel this is inadequate as decisions being made now by

Council on the Lot configuration and building consent conditions should be informed by appropriate and best available information.

My specific concerns relating to the Geotech report and information are:

Lot 3 slope and stability

Substantial portions of Lot 3 are greater than 18 degrees; up to 23 degrees, this places the lot in an higher risk instability category. Construction on slopes of this type is generally not recommended. Report also notes considerable groundwater surface seepage and likely soil saturation, further adding to instability risk. Report recommends for slopes of this type construction should not proceed unless an “appropriate geotechnical study is undertaken that demonstrates risk is unlikely” – **this has not been done at this time!**

The proposed regrading of Lot 3 to a 17.8 degree slope with batters of 1:4 has not been geotechnically assessed. Construction on a slope of 17.8 degrees should still be limited to lightweight slope sensitive structures and be subject to a site specific geotechnical assessment. A 17.8 degree slope is only fractionally less than the high risk slope of greater than 18 degrees. Constructed slopes and batters are often less stable than naturally occurring slopes – at least until they are settled in and properly stabilised.

Groundwater management

Report recommends that measures be taken to rectify groundwater seepage detected in test pit 4. These proposed measures are not detailed or committed to in the report or in the DA. Measures to alleviate groundwater seepage can be complex and may involve, upgradient pits, pumps, sub soil drains or deviation using non-porous materials or bunding (with subsequent pooling). The latter can occur unintentionally from groundworks and retaining walls and poses additional risk. The groundwater layer is shallow at around 2 metres in depth, at this depth the proposed driveway and retaining wall may intersect and interrupt the groundwater flow; this may transfer saturation and instability issues further up the gradient to existing residences on Coomburra Cres. This should be examined and tested before development is approved.

Surface water

The site acts as a natural catchment funnelling water into the gully and Council maintained drain at the north-western corner of the site. This drain often backs up during heavy rainfall events when the volume of water exceeds drain capacity. Additional stormwater pits and drainage need to be installed to manage flows particularly with likely increases from hard surfaces such as driveways. A surface drain is also required along the top side of the driveway behind 1, 4 and [6 Coomburra Cres.](#)

In summary

At this point I do not understand why site specific geotechnical assessments are not being undertaken. Without this information Council is making an uninformed decision that may have stability risks for other residents and legal risks for Council.

Lot 3 poses substantial slope risk and should not be approved until proper risk assessment is conducted and shows that risk of land slip is unlikely. A three Lot configuration with a non building zone on current proposed Lot 3 would be a safer option.

If DA is approved it should contain specific and detailed consent conditions to further assess and manage risks, these include:

- Site specific Geotech assessments that show that risks are low and manageable.
- Restrictions on groundwater management techniques that will not transfer risks to other residents.
- Building restrictions to lightweight slope sensitive structures (as per guideline referenced in geotech report)
- Improved surface water management, including a second stormwater pit at base of slope and a surface drain along high side of driveway behind 2, 4 and 6 Coomburra Cres

Finally it would be appreciated if Council's proposed consent conditions could be made available to residents prior to this DA being considered at a Council meeting.

Regards

Tom Kaveney

Director



Phone: 0409 127 808

Email: tom.kaveney@adaptstrat.com.au

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Smith, Greg

From: Prema Roberts <susanroberts36@gmail.com>
Sent: Monday, 27 August 2018 11:38 AM
To: submissions
Cc: council
Subject: D.A. No. 10.2017.516.1

Dear Chris & other Council Staff,

Thank you for the opportunity to provide input to the proposed development noted above.

I am a senior citizen, aged 66 years, and have lived at my current address in Ocean Shores for 19 years. This property is my own home, for which I pay rates to Council. The proposed development borders my property.

For privacy and security, and to help reduce the impact of noise and light accruing from the proposed development, I am requesting that a condition for the development be:

that a 2.5 metre fence, of material not needing maintenance and in keeping with the natural surrounds, be constructed along the boundary I share with the land up for development.

The current fence, though makeshift, has been adequate for 19 years in marking the boundary when, for example, slashing has taken place on the land adjacent to mine. It will not be adequate if the proposed development goes ahead.

You will appreciate that, as a pensioner, I could not afford the cost of a fence that the new development would warrant.

Regarding the stormwater and geotechnical concerns of my neighbours who are also impacted by this D.A., I fully endorse recommendations made by spokesperson Olga Tresz and environmental engineer Tom Kaveney.

Yours sincerely,
Susan Roberts
37 Warrambool Road
Ocean Shores
(Lot 1572)