



DA Submission

Reference No: 5ebdbdf6741a3

Your Submission

Development Application: 011.2020.00058249.001

Applicant: B Cavers

Description: Land Filling to Reinstate Landscape Damaged in Storm Event & Minor Realignment of Driveway to Improve Vehicle Access

Comments: I submit the following for Council's consideration when assessing the Development Application No. 58249/2020. I am the owner of the property 4400 Wisemans Ferry Road that adjoins the applicant's property on its northern and north eastern boundaries. My property is greatly affected by the physical, social and environmental effects of the proposal. Background: Prior to October 2019, vehicle and pedestrian access to the applicant's properties 4402 (Lot 1), 4404 (Lot 52) and 4406 (Lot 51) Wisemans Ferry Road (WFR) was via a driveway on my property (4400 WFR). The driveway then crossed a portion of the applicant's property 4402 WFR (Lot 1) to complete the access to my property. All overland stormwater from the applicant's property didn't cross the access driveway and discharged into the existing drainage system. In October 2019 the applicant advised me that she would be constructing her access driveway on her property 4406 WFR (Lot 51) south of her house, and that a fence would be constructed on our common boundary to contain her dogs. Earthworks was to commence in the next two weeks. On 31 October 2019 I received an email from the applicant that included: "To Finnish of my block before the fencing I need to know when your earth works begin. I cannot have my earthworks sitting here for days waiting. I need to cover the road and level out the back section the road runs in on also removing the cattle grid. I'm asking this as it seems you have yet to make a decision on whom shall work for you. I did say I wouldn't block you out but that is not an indefinite time frame nor months either considering I have done mine in two weeks. I believe you need to get it done or I will have no choice but continue my work and you will have to find alternative access!!" This required that I redirect the driveway that crossed the north-eastern corner of her land (Lot 1) so that I could maintain access to my land, and also maintain access for the Rural Fire Brigade to fight fires in the National Park that surround my property on three sides. Following the surveying and pegging of our common boundary at my expense, my driveway access was redirected so that it adjoined the common property boundary and traversed under the overhead powerlines in a way that had the minimum impact on the environment and terrain. The works were completed on 11 November 2019 with all the necessary drainage works so that overland stormwater didn't cross my driveway or enter the applicant's land, and discharged into the existing drainage system. From November 2019, the applicant used my access driveway and adjoining land for the temporary dumping of a very large amount of fill prior to transferring it onto her property, since her new driveway was too steep for the access of such

large vehicles. Photographs are available that confirm this. The written agreement with the applicant is that the applicant will reinstate my driveway and land to its original condition on completion of the dumping of fill. The significant rains that occurred on 7th and 8th February caused large amounts of the recently deposited fill on the applicant's property to be deposited on my land and greatly damaged my recently constructed access driveway. The use of my driveway and land for the access and dumping of fill had destroyed the drainage works that were provided by me during the redirection of my driveway. On 10 March 2020 officers of the Central Coast Council visited the two properties and stopped further works by the applicant. Currently my access driveway remains barely accessible and a very large amount of fill remains on the adjoining land. The proposal lacks significant information that describes the extent of the actual works that occurred since November 2019 and prior to the stated storm event. It also lacks significant information that should describe the extent of the actual works and the extent and impact of the proposed works since the storm event. Such existing works are currently having a significant adverse impact on my access driveway, the adjoining land and the environment. The proposed works could add to these adverse impacts. In addition to the factors described above that clarify the actual current situation, I wish to identify a number of anomalies that are contained in the application:

1. Lodgement Reference: #24964: a. Location of Property: Properties subject to this application also include 4402 (Lot 1) and 4406 (Lot 51) Wisemans Ferry Road.
2. Site Plan: a. The location of the "Cadastral Boundary", and thus the extent of the proposed works, indicated on the Site Plan do not correlate with the true surveyed property boundaries. b. The area of hatching defining the "Import and spread fill in this area" does not include areas where fill has been deposited on the applicant's land and I assume will remain. c. The extent of "Place sandstone boulders at edge of filled area" does not include areas where fill has been deposited on the applicant's land and I assume will remain.
3. Appendix A: Waste Management Plan Template: a. P3 Excavation Material: The schedule does not identify the considerable amount of material that has been excavated on the property in creating the new access driveway on Lot 51 and the access track to the pumphouse adjoining the northern boundary of Lot 1 that has been spread on the property.
4. Statement of Environmental Effects: a. P6 Objectives of Zone: The 5th dot point is "To limit development in areas subject to steep slopes and flooding". The proposed works are obviously affected by this objective as demonstrated by the alleged basis of this application, i.e. "to reinstate landscape damaged in storm event". No details are provided as to how future stormwater flowing across the applicant's property will be managed and its likely impacts on this and the adjoining properties, including my property. b. P7 (b) The suitability of the site for the development: Based on the limited information provided, the proposal does not recognize the situation that occurred before the significant amount of fill was deposited on the property prior to the storm event. c. P8 5.6 Economic and Social Impacts: As has been clearly demonstrated by the recent rain events, the proposed works could have a very significant economic and social impact on me as a result of future stormwater damaging my access driveway and the adjoining land. d. P8 5.7 Environmental Benefits: The "Site Plan" shows the area "Import and spread fill in this area" includes the retention of existing trees. The lower trunks of these existing trees are already buried in fill that was deposited since December 2019. Does the 3rd dot point propose the removal of this fill material? e. P9 5.13 Stormwater/flooding: The proposed works are obviously affected by this objective as demonstrated by the alleged basis of this application. No

details are provided as to how future stormwater flowing across the property will be managed and its likely impacts on this and the adjoining properties, including my property. f. P10 6.0 Conclusion: The proposal does not ensure that this and the adjoining properties will not be significantly impacted adversely by future stormwater flowing off the applicant's property. My property had not been significantly impacted by stormwater flowing off the applicant's property prior to December 2019 when the dumping of soil on the applicant's property commenced. On 22 February 2020, I received an email from the applicant that stated: "...Your property and mine will be completed and your part will be returned to its former state...Your driveway will no longer be an issue I have spoken to Adrian it will be done before anything of mine !!". The "Statement of Environmental Effects" states (p3) "...Some material that was washed into the neighbour's property will be retrieved and spread onto the area proposed for filling and reshaping. Except for this, all work will be carried out strictly on the nominated site....". Access onto my property to undertake any works will not be allowed unless the applicant completes the restoration of my driveway and the adjoining land to its former state before any further works that are the subject of this application are done on her land. The following information is required before additional comments can be made on the current application: 1. The original (i.e. prior to November 2019), current and proposed ground levels, particularly along our common boundary. 2. The proposed depth of fill, compaction and surface finish. 3. The proposed edge treatment along our common boundary where any change to the adjoining original ground levels are envisaged - i.e. materials, height, angle, fencing. 4. The proposed method of managing overland stormwater flows on the applicant's property so as to prevent such stormwater from damaging my driveway and adjoining land, as was the original situation. I look forward to receiving the above information in time so that I can base further comments on factual information before the current closing date of Monday, 25 May 2020.

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