
From: Kevin Shanahan
Sent: 2/11/2021 8:53:40 AM
To: Council Northernbeaches Mailbox
Subject: Submission - Anne Marie Young - DA 2021 - 1841
Attachments: Coronation Street DA 2021 1841.pdf;

Dear Anne Marie,

Please find attached submission to the proposal in DA 2021-1841

There seems to be no option to upload a submission letter on your DA portal – Perhaps this could be addressed

Please feel free to contact me if you require any further information - [REDACTED]

Regards

Kevin Shanahan

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Kevin & Gretel Shanahan
162 Narrabeen Park Parade
Mona Vale NSW 2103
[REDACTED]

2nd November 2021

Council Ref: DA2021/1841

The General Manager
North Beaches Council

Attention: Anne-Marie Young

Dear Anne-Marie

Re: DA2021/1841 Demolition works and construction of a seniors housing development.

Reference is made to the above Development Application. The purpose of this submission is to object to the development for the following reasons:

1. The site is not suitable for the development.

a. Low Density Residential Character

Despite the fact that Seniors Housing (infill self-care housing) is permissible pursuant to the SEPP (Housing for Seniors or People with a Disability) 2004, the site is within an established low density residential zone where the character of the area is predominantly detached dwellings. The specific objectives of the R2 Low Density Zone are to provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

b. Height of Buildings

The LEP height of building standard for the site and the surrounding area is 8.5 m. This 8.5 m height limit is consistently applied to the R2 Low Density Residential zone to restrain buildings to a two storey building form allowing for a pitched roof.

The SEPP reduces the permissible building height to 8 m for Seniors Housing. To further restrain building height, Clause 40 of the SEPP requires that:

*(4) Height in zones where residential flat buildings are not permitted.
If the development is proposed in a residential zone where residential flat buildings are not permitted—*

(a) the height of all buildings in the proposed development must be 8 metres or less, and

(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated

development to which this Policy applies) **must be not more than 2 storeys in height**, and

Note—

The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

Comment:

Section 40 of the SEPP applies to DA2021/1841. The proposed development involves a significant departure to this requirement and therefore is not permitted.

The proposal involves a 4 storey building within the LEP definition of a storey:

Storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only a lift shaft, stairway or meter room, or*
- (b) a mezzanine, or*
- (c) an attic.*

The explanation provided in the Statement of Environmental Effects is inaccurate:

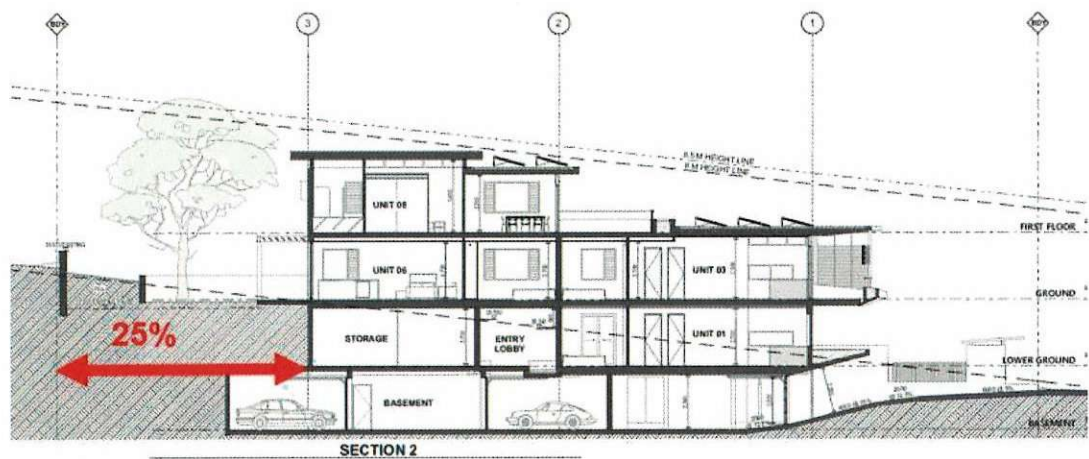
In relation to storeys we confirm that the building is 2 storeys, compliant with the control. (SoEE, Page 33).

The building is four storeys.

Notwithstanding the LEP definition, the NCC also defines a storey as:

Storey means a space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not—

- (a) a space that contains only—*
 - (i) a lift shaft, stairway or meter room; or*
 - (ii) a bathroom, shower room, laundry, water closet, or other sanitary compartment; or*
 - (iii) accommodation intended for not more than 3 vehicles; or*
 - (iv) a combination of the above; or*
- (b) a mezzanine.*



Source: Drawing A09

As shown in the plan extract above, part of the building is located in the rear 25% area of the site, and therefore does not comply with subclause 40(4)(d).

The SoEE (page 36) incorrectly states that there is no development within the rear 25% area of the site.

The proposed building has four storeys and is not permitted pursuant to Clause 40 of the SEPP.

2. Impact of the development

The building relies on deep 6.7 m excavations to accommodate basement levels 1 and 2. There are existing dwellings either side of the subject land and a building at 28 Cook Terrace approximately 1.5 m from the rear boundary. Clause 7.2 of the LEP requires, among other things, an assessment of the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, the effect of the development on the existing and likely amenity of adjoining properties, any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. These matters have not been addressed in the SoEE.

SECTION 1

- Topsoil
 Clay
 Narrabeen Group Rocks – Extremely Low Strength Shale - after being cut up by excavation equipment can resemble a stiff to hard clay.



We consider that the development is not suitable for the proposed site for the following reasons:

1. The bulk, form and density of the development is inconsistent with the low density character of the neighbourhood.
2. To maintain a compliant building height, the proposed building relies on deep excavations to accommodate two storeys of basement and apartments.
3. The development is not permitted under the Pittwater LEP and therefore relies on the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The development does not comply with Section 40 of the SEPP and is therefore not a permissible development.
4. Clause 7.2 Earthworks has not been addressed in the Statement of Environmental Effects

We consider that the site is not suitable for a four storey development due to incompatibility with the low density character of the neighbourhood and the impact arising from deep excavations to accommodate two basement levels.

On the surface it appears as the proponents for this development have attempted to conceal the overall height and bulk of the building by burying the first to storeys within 6.7 m of excavation.

On the basis of the above, it is respectfully requested that Council refuse DA2021/1841 as the site is not suitable for the development.

Yours faithfully

Two handwritten signatures in black ink. The signature on the left is a stylized 'K' with a horizontal line extending to the right. The signature on the right is a more complex, cursive signature with a long horizontal line extending to the right.

Kevin & Gretel Shanahan