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MRS Geraldine Stephenson
1 / 129 - 131 Darley Street West ST
Mona Vale NSW 2103
chris_gerri@hotmail.com

RE: PEX2021/0001 - 161 Darley Street West MONA VALE NSW 2103

As Secretary of the Strata Committee and on behalf of the Committee and the residents of 129-131 Darley Street West

We oppose the proposed rezoning of the properties contained within 159-167 Darley Street West, Mona Vale from R2 Low Density Residential to R3 Medium Density Residential and the proposal to amend clause 4.5 A(3) of Pittwater LEP 2014 to include reference to 159-167 Darley Street West, Mona Vale for the following reasons:

1. Historical Use - The zoning of these above properties has historically remained at R2 for various reasons but primarily because of the natural water course between Darley Street West & Park Street. The water table is close to the surface, and this confirms that the proposed rezoned area and the areas to the west of them are flood prone. The argument that having R3 zoning in the rest of Darley Street West does not set a precedent for change since the rest of the street is not categorised as "a flood prone area

2. Overdevelopment - Currently in Darley Street West the developments on the southern side contain approximately 11-12 apartments/townhouses per double block.

It would appear that #'s 159-165 are proposing 19-20 apartments per block with #167 showing 3 townhouses. From the proposed redevelopment drawings on the council's website the increase from current/primary use of one dwelling per block appears to be approximately 10-fold and so overdevelopment is assured and undermines the council's Pittwater LEP and lacks strategic merit.

The proposed amendment to Pittwater LEP Clause 4.5A(3) for the proposed site is totally inappropriate for Darley Street West specifically and Mona Vale generally.

3. Affordable Housing - The inclusion of 12 x 1 bedroom apartments in the proposed redevelopment does not stand up to the test for "AFFORDABLE HOUSING" - it is not a valid argument to rezone to R3 to allow for affordable housing as the current housing values in this street are in the multi-million dollar price range and therefore cannot be affordable housing.

4. Housing Need - the LGA's five-year housing target of 3,400 new dwellings under the North District Plan is highly likely to be met under existing planning controls without the need for unplanned uplift.

5. Parking Concerns - it is not possible to determine from the proposed drawings whether the 3 townhouses have single or double above ground garaging - with accommodation for 3 bedrooms they would need at least double garaging off street and looking at the parking

requirement plan Building A which has 20 apartments appears to only supply 34 resident parking spaces where in reality they will require 40 and Building B with 19 apartments would require 38 parking spaces, plus visitor off street parking.

It is not reasonable to say that the overflow can park in the street

6. Water Table Issues - We understand that consideration for rezoning from R2 has not been considered previously because R3 zoning would allow disturbing the ground levels for underground car parking and hence creating a water proofing issue along with massive water run off because what is currently grass absorption would become excessive water runoff from hard surfaces such as courtyards, paths, driveways and major roof areas into pipes and drains.

The topography of the said land means that it is within a flood planning area which distinguishes it from other R3 developments in Darley Street West so it cannot be said that redevelopment at 159-167 would be in keeping with the rest of the street.

There also appears to be a substantial amount of cut & fill to allow for the proposed development. In addition, we cannot see any provision for water tanks to accumulate, store and reuse the rainwater from the roof areas?

Every southern side block of apartments/townhouses in this street has experienced subterranean flooding and has had insurance claims made. We in this block have an insurance claim for damage caused by rain & storm water flooding.

7. Subterranean moisture - our considerable experience of subterranean structures in this street, including garage, storage, services, cupboards etc. is that the natural state is subject to flooding that can only be mitigated using electricity and pumps. Neither are guaranteed and are likely to fail (and have failed) when required. There is a constant water leaking into our basement garaging from the external drainage and it requires regular pumping. The flow rate changes following a dry spell but never stops completely. This proposed rezoning would be in a watercourse and continuous pumping is not an acceptable practice on domestic dwellings. External water proofing in our experience is prone to failure and is not solvable long term post construction by use of negative internal membranes and we hold little store in the ability of any developer/builder to sufficiently battle nature to ensure the "quiet and comfortable accommodation" of those homeowners in the proposed zone.

8. Traffic - With a proposed redevelopment of some 41 dwellings that would be at least 82 extra motor vehicles coming and going from the end of a cul-de-sac at various times of the day and night. Congestion at the nearest intersection cannot be mitigated by further delaying the existing local traffic using other traffic flow devices - such as right-hand turn arrows. In the proposed plan there are not at least 2 spaces per apartment, and we believe the proposed new owners at 159-167 would be taking up street parking because of the difficulty of fully utilising proposed tandem car parking spaces off street.

9. Climate Change - what was once acceptable, now urgently needs to be reviewed in 2021. Our street has experienced at least 2 long-lasting torrential rainstorms in the past 2 years. Current climate change conditions being faced worldwide are having devastating consequences and any removal of healthy existing native flora and the subsequent effect on the fauna must be seriously considered.

10. Effect on Fauna - Redevelopment on the scale allowable in R3 would have an adverse

environmental impact on the topography together with the current flora and fauna in this area. In our courtyard on any given day, we may have Kookaburras, Butcher birds, Magpies and the occasional Currawong visit us. In season we have separately a blue tongue lizard, a water dragon and, whilst we have not seen the snake, we have seen the discarded skin both this year and last. It is our guess that they live in the surrounding trees and bushes. We have lots of trees and shrubs in our courtyard and we know that they are not sleeping here. Disturbance to the fauna in the proposed rezone site by artificial light would also be increased significantly as currently there is light from 4 single dwellings with R2 zoned housing behind in Park Street.

11. Soil Contamination - Contaminants generally migrate from a site via a combination of windblown dust, rainwater infiltration, groundwater migration and surface water run-off, all of which are suddenly an issue following redevelopment in a flood prone area. Issues relating to Acid Sulphate Soils would raise the possibility of the formation of sulphuric acid when these soils are exposed to oxygen by drainage or excavation. Determining the contamination levels after demolition are of course too late for everyone and everything so this proposed rezoning to R3 MUST NOT be allowed.

12. Overshadowing - We are also concerned that the overshadowing from a full length two storey building all along the fence line in winter would be detrimental to the health of the residents at 155-157 as they already live with mould creation from the introduced English Fiddlewood trees growing along the fence line from # 159 which even though deciduous lose their leaves in our summer. Neighbours in our building on the western boundary purchased their properties under the advice of R2 zoning (low density only allowed) so the number of windows overlooking the owners at 3-7/155-157 would destroy their privacy and their quiet enjoyment of life.

CONCLUSION -

The Council (and the State Government) can maintain the integrity of the Pittwater LEP here in Darley Street West, Mona Vale by not allowing a change in the zoning from R2 to R3 for this development

The R2 zoning was in place recognising that the land is not suitable for development medium density development.

The current zoning is also consistent with the Pittwater PEP as evidenced by the adjacent R2 Zoning in Kunari Place and Park Street.

The proposed amendment to Pittwater LEP Clause 4.5A(3) for the proposed overdevelopment of the site is strongly opposed as it is not consistent with the Pittwater LEP, would be inconsistent with other buildings in Darley St West and is not needed to meet either affordable housing or the LGAs housing target