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02/02/2022

MS Jenny Sillar
14 Kangaroo ST
Manly NSW 2095

RE: DA2021/2590 - 40 Pine Street MANLY NSW 2095

Jenny and Don Sillar
14 Kangaroo Street
Manly NSW 2095
0429 188 080

31 January 2022

Re: DA2021/2590

To whom it may concern

We strongly object to the above application for the following reasons:

Inappropriate zoning - First and foremost, we ask Council to reevaluate the current residential zoning for this tiny block of land which has ZERO access other than utilising public steep pathways and stairs. It is not an appropriate site for a residential build. There is no easement, and any construction on this site would result in significant environmental impacts, reduction in community amenity and reduction in public recreation space. The applicant acknowledges that the small size of this land means there is no way that this construction can comply with the required setbacks. As such any development on this land would be out of keeping with the surrounding built environment. The proposal requires significant impingement on the green zone and requires utilisation of public land.

Inappropriate land use - the site is not suitable for development because it requires an easement (not granted) for water runoff. Regardless, creating more hard surfaces in an area where there is already often a torrent of water running down the pathway from Kangaroo Street into the green zone would have impacts down the slope into properties in Pacific Parade and further exacerbate the flooding in the area. The potential for land slip and erosion has not been adequately addressed in the context of climate change.

Lack of access - There is no access to this block other than by steep public pathway including steep steps. There is no appropriate access for emergency services. There is also no access for waste collection services which would mean that up to three garbage bins would have to be

transported along public pathways, up steep stairs and then located on Kangaroo street. This seems highly impracticable. The pathways are heavily utilised by local foot traffic and the carting of waste along these pathways would be highly unwelcome.

Parking - There is no provision for parking. This means the only parking would be street parking on Kangaroo Street (closest), Pine Street or Smith St. Parking is already very difficult on these streets for current residents. The site at 40 Pine street is located in the Ocean Beach Precinct under the residential parking scheme. Access to Pine Street is via very steep, uneven and poorly lit steps. Parking on Kangaroo street would require vehicles to be moved every 2 hours during the daytime.

Use of public/community land for private benefit - The land adjacent to the proposal on the south boundary is zoned for public community and recreation. It is for the community to use and enjoy. The public land stretches all the way along the public path joining the two paved ends of pine street. It is a beautiful, highly valued green zone filled with beautiful bird life, animal life and flora. It is an oasis which the local community has helped to create over many years and continues to see that it is cared for. This land is not private land and should never be used for private purposes. The construction proposal requires taking over a significant portion of community land to create access via walkways and stairs. This can not be allowed. Community land is for use by ALL the community, not for the benefit of a private developer.

Construction impact - The proposal requires the use of community land (green zone) to enable construction. There will be damage to this green zone. It is unavoidable if construction is permitted. This would be a terrible outcome for the natural local environment with environmental degradation a certainty. In addition, there will be construction equipment/building products moved between the construction site and the roadway. The only way to do this is by a) putting a crane on Kangaroo street (either frequently or for a long period) which will create unacceptable crowding on the roadway and create further parking problems in the street and b) transporting the products and equipment via the local heavily utilised public walkways . Once again this will impinge on the public use of these walkways.

Precedent - If Council approves the development of a residential building on a tiny 99m square block of land with no access, no parking, zero compliance with setbacks, no easement for water run off, degradation of a beautiful green zone filled with vibrant bird and animal life and flora, significant impact to the local community via walkway obstructions and usage then Council is making a mockery of its own DCP and creating a dangerous precedent for development across the entire LGA. We sincerely hope that council will view this proposal as completely inappropriate in accordance with its DCP for the area.

Our final comment is quite simply that Council must review the zoning of this land. There is no way that is an appropriate development site because there is no way that any development can comply with Council's own DCP. We urge Council to remedy the situation which will continue to waste time and money for years to come unless Council takes action.

Thank you for your consideration

Jenny and Don Sillar