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To: DA Submission Mailbox
Subject: Online Submission

07/11/2022

MR LUKE DUNKERLEY
26 STUART ST
COLLARROY NSW 2097
[REDACTED]

RE: REV2022/0021 - 28 Stuart Street COLLARROY NSW 2097

Dear Ms. Gelder,

Thank you for the opportunity to make a submission regarding Application No. REV2022/0021 (DA2021/2566), relating to the proposed demolition works and construction of a dwelling house and secondary dwelling at 28 Stuart Street, Collaroy. As your records show, we have made prior submissions regarding this development, first to Mr. Gareth David on 27 May, 2021, then to Ms. Clare Costanzo on 1 February 2022 and again on 6 April 2022.

We note that this Application is described as a 'Review' and that, as far as we can discern from the new Master Set of plans appearing on the Council's website, the only change from the DA that the council rejected on 20 July 2022 is a very small adjustment to the Lower Ground Floorplan.

Accordingly, we would like to repeat some concerns we have articulated during this process that we have yet to receive a response to.

(i) When we purchased our property in this area in 2001, we were made aware that it is classified as a 'Landslip Zone' and that this zoning would impact the scale of future development on our property and those adjoining it. On looking at the plan submitted with this Application titled 'SECTION', it is clear that this proposed dwelling will require extensive excavation - according to the Geotechnical Report provided, "6.5 metres" into "Extremely Low to Medium Strength Rock". Can the stability of this 'Landslip' zoned area be guaranteed, particularly during construction?

(ii) If such a large quantity of earth were to be removed, along with the disruption to the stability of the land, will there not be considerable issues with water management during construction?

(iii) A further query we have made but have not received feedback on also relates to the Geotech report, under the title "Geotechnical Hazards and Risk Analysis". The report reads: "The proposed excavation for the house undercutting the concrete retaining wall on the W side of the house (Photo 21), timber retaining wall that runs along part of the W common boundary (Photos 18 & 19) and concrete block retaining wall that runs along part of the E common boundary (Photo 20) is a potential hazard". That concrete block retaining wall is not on the boundary - we had it built at least 45cm inside our property. To undercut it would require excavating underneath our property. We can see that the most recent plans set the new dwelling back from the Eastern boundary, suggesting that there would be no need to undercut

our retaining wall. Is this correct? Is there an error in the terminology being used in the report? Can we have some reassurance that there will be no excavation beyond the boundary between 28 Stuart Street and our property at 26 Stuart Street?

(iv) We also remain concerned about the absence of any indication of how asbestos will be dealt with during demolition. In the WASTE MANAGEMENT PLAN, Section 1, Demolition, there is no acknowledgement of the fact that, according to the previous owners, the principal building currently standing at 28 Stuart Street is clad principally in Asbestos Cement Sheeting. Other than a band of weatherboard reaching the base of the window line, we believe this dwelling, originally built in 1937, is clad entirely in 'abestos fibro' externally, and possibly internally also. However, in the WASTE MANAGEMENT PLAN in "Section 1 - Demolition", the space on the form concerning the management of Asbestos has been left blank. Can we be assured that Demolition and Waste Management Plans for the removal of this Asbestos Cement Sheeting will be demanded by Council before any development can be considered? We are parents of a school-aged child and are bewildered that this critical detail has been overlooked.

Finally, given what appears to be a very minor adjustment to the floorplan of the DA rejected by the Council in July this year, can you help us understand how this minor alteration addresses your 'Reasons for Refusal', namely:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Environmental Planning and Assessment Act 1979
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Housing) 2021.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of 5.4 Controls relating to miscellaneous permissible uses of the Warringah Local Environmental Plan 2011.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C2 Traffic, Access and Safety of the Warringah Development Control Plan.

Notwithstanding these concerns, we acknowledge that the most recent Master Set of Plans indicate the proposed structure is an improvement on the original. We can see that it will be set back further from its East Boundary and that the positioning of windows has been improved to lessen "direct or close views" as laid out in the Warringah Development Control Plan 2011.

Thank you again Ms. Gelder for inviting us to make this submission.

Regards,
Luke & Roula Dunkerley