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Attention : Toby Philp, Principal Planner

From Kim & Greg Roberts  
8/155-157 Darley Street West,  
Mona Vale 2103

We oppose the proposed rezoning of the properties contained within 159-167 Darley Street West, Mona Vale from R2 to R3 for the following reasons:

1. **Historical Use** - We believe the zoning of these above properties has historically remained at R2 and included clause 4.5 A(3) 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 and cannot be entertained since the rest of the street is not categorised as “a flood prone area”. Lots 159-167 are in a highly sensitive area and we believe this is the key reason that the zoning was established as R2 in the first place.

2. **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?

Many southern side blocks of apartments/townhouses in this street have experienced subterranean flooding and have had insurance claims made. We in this block have had various insurance claims for damage

caused by rain & storm water flooding. What makes these developers think they can achieve what all the other developers have not (and they were not in a flood zone)?

3. **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.

4. **Subterranean moisture** - our considerable experience of subterranean structures in this street, including garage, storage, services, cupboards etc. is that **the natural state is flooded** and 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 spring leaking into our basement garaging from the external ag drainage and it requires regular pumping. This water 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 future homeowners in the proposed zone.

5. **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.

6. **Affordable Housing** - The inclusion of 12 x 1-bedroom apartments

in the proposed redevelopment does not stand up to the test for “AFFORDABLE HOUSING” - there is **no strategic merit 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 classed as affordable housing. As to an affordable housing strategy, might we suggest that redevelopment sites closer to or at the shops be considered.

**7. 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.

**8. Overdevelopment** - Currently in Darley Street West the developments on the southern side contain approximately 11-12 apartments/townhouses per double block. Ours at 155-157 is in fact a block of only 11 townhouses. It would appear that #’s 159-165 are proposing 19-20 apartments per double 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 given the current council’s 5-year plan lacks merit. Blocks 159-167 Darley Street West are in a highly sensitive area and whilst dual occupancy is already permitted there, a change to R3 medium density would destabilise the whole environment both above ground and below. We have seen no pressure or incentive to further develop these blocks under current R2 zoning.

**9. 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 nesting 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.

10. **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. The height of the Fiddlewoods is representative of a 2 storey building so **OH&S issues relating to mould would be exacerbated**. 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 proposed windows overlooking the owners at 3-7/155-157 would destroy their privacy and their quiet enjoyment of life.

11. **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 all directions. In the apparent 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.

12. **Parking Concerns** - We also cannot 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 - where are they all? It is not reasonable to say that the overflow can park in the street. Our building, as an example, has 23 private parking spaces for 11 townhouses and 4 visitor parking spaces - all in secure off-street parking and none of them tandem. During

summer in non Covid lockdown weekend periods parking from golfers is significant in Darley Street West. Given the one hour parking throughout the shopping areas of Mona Vale workers are parking further into side streets. We have noticed that Darley Street West appears to be taking on some of that overflow during the day.

## CONCLUSION -

The Council (and the State Government) can put an end to indiscriminate development here in Darley Street West, Mona Vale by not allowing a change in the zoning from R2 to R3. We feel that the R2 zoning was left in place because there is **no strategic merit** to change it to R3 as the land is not suitable for development below the ground surface. We feel that Darley Street West has done its share of the hard lifting for cramming more people into an environmentally precious area. Where once there were single family dwellings there are now medium density residences - one previous house block now has approximately 6 families living on the same land space. **Urban push needs to stop before reaching this critically evaluated area where a natural watercourse and flood prone area intersect.**

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