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22/09/2021

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RE: DA2021/1426 - 51 Kalang Road ELANORA HEIGHTS NSW 2101

From the Elanora Heights Residents Association

SUBMISSION RE DA2021/1426 - 51 Kalang Rd, Elanora Heights

CONTEXT & SURROUNDINGS

The immediate neighbours include the Elanora Heights Community Kindergarten, private residences, and the adjoining commercial building occupied by a vet, photography studio, and several professional offices.

The kindergarten has 80 children under 5 years of age enrolled, with 40 children in attendance between 8am and 4pm.

Kalang Rd is a busy street, being a bus route, and a medium to high intensity pedestrian zone.

It is noted that while the proposal is broadly consistent with the master plan drawn up by Pittwater Council and contained in the Pittwater DCP, it contains two non-compliances, discussed below.

NOISE, VIBRATION & DUST

The potential for excessive noise, vibration and dust during construction must be addressed if a Consent is issued.

Demolition must address asbestos risk, as it almost certain that the existing cottage contains FC sheeting with asbestos.

A full asbestos risk inspection must be carried out prior to any demolition, and all asbestos safely removed from the site with the strictest standards applied to prevent ANY dust generation. This is a critical safety factor for the sake of the children attending the kindergarten.

Excavation must not allow the use of jack hammers. Any rock excavation must be done with water cooled rock saw equipment. The water cooling is critical to prevent dust from escaping the site. It is our understanding that rock saws also run quieter if well lubricated. It is assumed also that sludge water created in this process will be filtered to prevent pollution of stormwater systems and subsequent damage to the Narrabeen Lagoon catchment, which would become an issue of interest to the EPA.

Hours of operation must be strictly controlled.

TRUCK MOVEMENTS AND CHILD & PEDESTRIAN SAFETY

The footpath on Kalang Rd is very busy when the kindy kids are going to and from the Community Centre. At other times it is moderately busy.

While it can be assumed that a small child will not be walking unaccompanied, a risk analysis shows that when large vehicles mix in close proximity to pedestrians, especially young children, the likelihood of an incident is high, and the result tragic to catastrophic.

Therefore any consent must PROHIBIT TRUCK MOVEMENTS TO AND FROM THE SITE within the hours of 7.45am to 9.15 am, and again from 2.30pm to 4.00pm.

At all other times within the permissible hours of operation of 7.00am to 5.00pm, traffic control staff with gates must be on hand to physically close the footpath in both directions when any vehicle is entering or leaving the site.

PRIVACY & OVERLOOKING

The balconies of the upper residential levels have the potential to overlook the private open space of adjoining properties, especially No. 49 Kalang Rd, and part of the playground of the kindergarten.

These balconies should have a privacy screen up to a height that prevents direct line of site to these private spaces.

COMPLIANCE WITH BUILDING HEIGHT PLANE, SIDE SETBACKS, AND RESULTING POOR AMENITY

We note there is a non-compliance with the height plane and side setback envelope. The triangular lot shape makes efficient building design especially difficult, and this combined with the falling levels of the site make strict compliance with the height plane difficult whilst maintaining good street access to the retail spaces on the ground floor. The lack of winter sunlight to south facing apartments makes them awful energy hungry places to live in winter.

A simplistic solution to the hight plane problem would be to lower the whole building 1.0m to achieve compliance, but this would increase excavation (see above) and make the street access more difficult and less accessible.

We draw Council’s attention to the new Design and Place SEPP currently in draft form, where the Minister for Planning is hoping to inspire better design outcomes with more flexible numerical controls. We also recognise that this admirable goal has the potential to be abused by developers looking for loopholes that provide no community benefit.

But we also recognise that whoever ultimately occupies the residential units in this proposed development will be our neighbours, and part of our community, and it is in their interests - not the developer’s - that we suggest the new Design & Place SEPP be used to guide a redesign of the upper levels to dramatically improve the lived experience and reduce energy

consumption (with environmental, social and economic benefits).

While holding the Elanora Village master plan as the guiding document for overall built form, we make the following suggestions…

The Elanora Master Plan should not be varied for front setbacks, but we note that it is difficult for buildings on the low side of Kalang Rd to achieve compliance with the 11m height limit, and we have no objection to a ‘less than 1m variation' to that control for a small portion of the rear of the building. The current non-compliance of 1.0m is unnecessarily large, and could be reduced to 0.5m without making the street to shop accessibility unworkable.

We suggest the amenity and energy efficiency of the residential units will be improved with some flexibility on side boundary setbacks. It may seem strange for a community group to be suggesting relaxing rules - but there is a proviso.

In its current form the residential units get minimal winter sun - too little to be useful for passive heating or the minimum amenity proposed in the Apartment Design Guide in SEPP65. This is not wholly the result of poor design, just a rigid interpretation of the setbacks in relation to the site’s location on the south side of an existing commercial building with zero lot line setbacks on the common boundary, and the predictable (and arguably justifiable) need to achieve a viable yield on the investment by the developer. We cannot comment on what the developer’s likely return on investment will be, but given the price of real estate on the Northern Beaches, reducing the yield slightly is unlikely to threaten profitability.

Our suggestion of a variation to the side setback controls is also predicated on the fact that the property to the south is the carpark to the community centre (kindy), which is not an ‘occupied’ space in the usual sense. This should not set a general precedent in regard to site setback controls - this is a unique situation, and can be assessed on its merits.

But it would only be allowed on the proviso that 100% of the extra floor area created is dedicated to a courtyard and lightshaft on the north common boundary, for the benefit of the two upper residential levels. The primary function would be to admit winter sunlight - albeit indirect on the lower level, though that level would have a modicum of extra outdoor space.

It may be necessary to reduce floor area or delete one bedroom to make the design work properly, but the extra ‘amenity’ - the brightness and sunlight, ventilation and feeling of openness - would actually improve saleability of the units, and thus not threaten the return on investment. Our future neighbours, part of our community, would therefore reap the benefit without detriment to the rest of us.

The outcome would be:
- a better building with more appropriate site responsive design,
- lower ongoing operational energy demand,
- satisfying the intent of the Pittwater LEP (and presumably the new draft Northern Beaches LEP),
- satisfying the desired outcomes of the new Design & Place SEPP for more sustainable buildings that are designed to respond to site rather than simplistically applied rules (yet to be finalised).

The usual fire safety clauses in the National Construction Code would apply given the minimal separation from the boundary etc.