
Sent: 27/05/2021 2:17:40 PM
Subject: Application No DA2021/0514 - 28 Stuart Street COLLAROY
Attachments: SUBMISSION re. DA20210514 28 Stuart Street COLLAROY.pdf;

ATTENTION
Gareth David

Dear Mr. David,

Thank you for notifying us of the above development. Our submission in response to the relevant plans and reports, as viewed on the Council's website, is attached.

Could we please also request a meeting with you regarding this development application?

Thanks again,

Luke & Roula Dunkerley

Submission regarding NOTICE OF PROPOSED DEVELOPMENT

Application No. DA2021/0514

Address: Lot 1 DP 1199598 28 Stuart Street COLLAROY

DATE: 27 May 2021

Thank you for inviting us to write a submission regarding the above Development Application.

We have looked carefully at the plans and related documents on the Council's website.

We understand that it is not unreasonable for the existing building at 28 Stuart Street Collaroy to be demolished and replaced.

However, from what we have learnt from the tabled documents, we believe that the development proposed under Application No. DA2021/0514 is **not sympathetic to the surrounding natural and built environment**, and would require an **unreasonable scale of excavation given the instability of the land and the 'Landslip' zoning** of the block. Further, we believe there is a critical oversight in the Waste Management Plan as regards the removal of **Asbestos Cement Sheeting**.

In particular, we have the following questions to submit:

- (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, "6.8 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) We notice that throughout The STATEMENT OF ENVIRONMENTAL EFFECTS PROPOSED DEVELOPMENT APPLICATION, the various guidelines established by the State Environmental Planning Policies and the Warringah Local Environmental Plan 2011 to safeguard surrounding properties during and after such a construction in this fragile, landslip area, have been satisfied using reference to the extensive Geotechnical Report submitted as part of the application. This Geotechnical Report is unequivocal about the risks involved and the requirement for exceptional measures to be taken during construction.
What guarantee can we be given that the many recommendations in the Geotechnical Report will be adhered to, including constant site visits and inspections by Geotechnical experts throughout the construction period?

- (iv) We are particularly concerned about the proposed excavations described in the Geotechnical Report as they relate to our retaining wall to the east of 28 Stuart Street. In Section 8. "Geotechnical Hazards and Risk Analysis", the report states: "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 (Hazard Four). The vibrations from the proposed excavations are a potential hazard (Hazard Five)."

The "concrete block retaining wall" mentioned does not run along "part of the E common boundary". We had this retaining wall constructed entirely within our property. Can we have some assurance that there will be no excavation beyond the boundary between 28 Stuart Street and our property at 26 Stuart Street?

- (v) 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.

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.

- (vi) The proposed building appears to be completely at odds with its surroundings. The elevations attached to the Application make it clear that this building will be of unreasonable proportions, uncharacteristic of the neighbourhood. Unlike the elegant, steel framed residence currently under construction at 30 Stuart Street, the plans demonstrate that this building will not sit 'lightly' on the block - rather, it will appear ponderous, overwhelming, even monolithic. We were interested to read in the Warringah LEP 2011, section (d) ii., that amongst the LEP's purposes is a commitment to promoting "development that is compatible with neighbouring development in terms of bulk, scale and appearance". Further, in the STATEMENT OF ENVIRONMENTAL EFFECTS PROPOSED DEVELOPMENT APPLICATION, in the section that deals with the Warringah Development Control Plan 2011 under Part D9: Building Bulk, we were encouraged to read the requirement that "On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised".

Will consideration be given to the suitability of this structure in an area that to date has been characterised by its greenery, and domestic architecture that blends with the environment, rather than dominating it?

- (vii) While looking at the plan for the WEST ELEVATION, we noticed three sets of double entry doors, one each on the Lower Ground, Ground and First Floors. This is in addition to the entry door for the Granny Flat on the Second Floor, as shown on the SOUTH ELEVATION. In multiple places in the documentation this Application states that it is for a "Dwelling house and secondary dwelling". Floorplans show bedrooms and bathrooms on each of the levels accessible by these multiple double entry doors, in addition to the bedrooms and bathroom in the Granny Flat.

Will it be considered that this building may have been designed to be converted into multiple (4+) dwellings in the future?

(viii) The STATEMENT OF ENVIRONMENTAL EFFECTS PROPOSED DEVELOPMENT APPLICATION attached to the Application deals with a number of issues listed under the introduction: "Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime".

What relevance does this have to the proposed "Dwelling house and secondary dwelling"?

(ix) Also in The STATEMENT OF ENVIRONMENTAL EFFECTS PROPOSED DEVELOPMENT APPLICATION, in the section that deals with the Warringah Development Control Plan 2011 under Part D: Design, section D8: Privacy, is the requirement that "The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings." Despite the Statement claiming "The design of adjoining dwelling has been taken into consideration to avoid direct or close views into the windows", from the EAST ELEVATION and the FIRST FLOOR PLAN provided, it is clear that the windows of the proposed building's 5th and 6th Bedrooms will look directly into the Kitchen and Living Room windows on the west facing wall of our dwelling at 26 Stuart Street.

Will this Requirement from the Warringah Development Control Plan 2011 be followed in the consideration of this Application?

(x) In the LANDSCAPE REFERRAL RESPONSE, we note that 'no Arborist's Report was sighted with the application'. We are particularly concerned about an indigenous tree just within our boundary on the eastern side of 28 Stuart Street. It is a mature Lophostemon Confertus (Box Brush) that is certain to have roots running well into the area planned for excavation.

Will an Arborist's Report be supplied for this development and can we ask that the risks posed to this tree are accounted for in that report?

(xi) With its two current structures, most of the land area of 28 Stuart Street is green space. Clearly this area of porous land would be substantially reduced by the proposed building. In the BASIX report, under "Description of Project", the "Area of Garden & Lawn" is listed as 250sqm + 61.7sqm. Amongst the plans, on the LANDSCAPE & OPEN SPACE CALCULATION, the 60 step concrete staircase and landings on the western boundary appear to be included in that "Landscape" figure, rather than in the "Impervious" area. Additionally, a tree on the eastern side of the driveway that is listed as being "RETAINED" on the LANDSCAPE PLAN is on land that will need to be excavated to create the flat area in front of the basement facade, as shown on the NORTH ELEVATION.

Will these apparent over-claims on the LANDSCAPE PLAN be addressed in the consideration of this application?

Once again, thank you for the opportunity to submit these questions. We understand that it is not unreasonable for the existing building at 28 Stuart Street Collaroy to be demolished and replaced. However, we believe that the expansive development proposed under Application No. DA2021/0514 is not sympathetic to the surrounding natural and built environment, and is unreasonable given the instability of the land.

Regards,

Luke & Roula Dunkerley