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Subject: Online Submission

19/07/2019

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Elanora Heights NSW 2101
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RE: DA2019/0658 - 35 Coolangatta Avenue ELANORA HEIGHTS NSW 2101

Response to:
DA2019/0658
35 Coolangatta Ave Elanora Heights

Dear Mr Bull,

We reside at 33 Coolangatta Ave, Elanora Heights and wish to raise a number of concerns regarding the above application. We would have much preferred to discuss this proposal with our new neighbours directly in a less formal manner as we believe such a discussion could be highly beneficial to both parties, however we have been notified of their plans in this way and will respond accordingly.

Firstly, we object to the proposed balcony of the proposed secondary dwelling facing into our backyard. This would impact on our privacy as the building will be considerably higher than the ground level of our yard and would subsequently look directly into our yard.

Secondly, we are greatly concerned about the number of cars being parked on Coolangatta Ave. Since the applicants have taken ownership, this is often more than 7 cars (all belonging to the applicants and their tenants) and we fear it will only increase with this development. Apart from the obvious inconvenience to local residents, we feel it is a safety concern as the applicants' cars are often parked on both sides of the street creating a pinch point and turning a two-way thoroughfare into a one-way thoroughfare. We feel that during construction this situation would inevitably be exacerbated by construction trucks and other vehicles.

Thirdly, we are concerned with the number of people residing in the primary dwelling. We have noticed that there appears to be separate meter electrical supply installed to other parts of the house. We know that a condition of sale required the previous vendor to return what was being used as a dual family occupancy dwelling by the former occupants into a single family dwelling in order to comply with council regulations. We hope that it has not been modified to accommodate the number of families now living there. Would council please clarify the status of this dwelling?

In general we are not opposed to affordable, higher density living and believe it to be a worthwhile initiative. Such developments do require compliance with statutory bodies and need to meet the requirements set out in control plans. The purpose of the private certifying authority is not to assist developers and their experts to seek loop holes and ambiguities to exploit but rather to ensure that the proposal meets minimum statutory guidelines. Generally, and given the issues raised above and the clarifications sought following, we are not convinced that the development complies with state government and council regulations or their intent.

Can the applicants and their experts in reference to the Statement of Environmental Effects document and other documents included in the DA please provide the following clarifications:

- According to various control authorities the secondary dwelling may not exceed 60sqm, with the included balcony it clearly exceeds this total. Why has this proposal been submitted with a total area in excess of the permissible figure?
- How does the Statement of Environmental Effect document address the bulk and scale of the development in relation to the surrounding properties?
- How has the foot print of the proposed dwelling has been restricted?
- The SEE indicates that the existing garage and dwelling below is being demolished due to deterioration. If it is deteriorating should it be demolished regardless of the outcome of this application, i.e. does it pose a risk?
- Has this building been structurally certified by an engineer?
- Our understanding of this building is that it was constructed without Council consent. It had been utilised by the former owners as a garage above and dwelling for boarders below. Our understanding is that the new owners purchased the property with this structure to remain on the understanding that it could only be used a "studio". Can the applicants please formerly clarify with Council the status of this structure as it adjoins our property?
- SEPP 2009 Affordable Rental Housing 4.3 states that the total permissible floor area of a primary and secondary dwelling combined cannot exceed 380 sqm for a property less than 900 sqm where the primary dwelling floor area calculation is the sum of each floor and is added to the area of the footprint of the proposed development. Please clarify how the proposed development satisfies this condition?
- The calculation of landscape area includes an area of the existing driveway to be removed why is this not reflected in the demolition plan?
- The demolition plan includes the removal of the existing shed. As part of the DA this shed should remain in place until the approval consent is granted, why has this shed been moved prior to such a determination? If it is to remain in its current location how can the area it occupies be included in the total landscape area calculations?
- It is it the intention that the existing driveway along the north side of the primary dwelling be retained?
- Does the width of the existing driveway meet minimum SEPP and Council standards?
- Will a 1.5 metre landscape buffer be installed between the driveway and the property as per NBDGP?
- Is it intended that the future occupiers of the secondary dwelling will park at the rear of the property?
- If so then the natural landscape provision cannot be met, if not where will they park?
- The proposed balcony referred to is covered by the same roof and is not a "roof extension" and as such should be included in the building's footprint. Certainly the area below cannot be classified as landscape, impervious or otherwise as the plans indicate that this area may be concreted at a later date to provide storage, can this be clarified?
- In section 4.0 of SEE "The Proposal" to whom is the term the "proprietor" referring?
- What is the meaning of the sentence "acting as an extension of the living towards green for outdoor living and family entertainment"?
- What measures are going to be included to ensure the "tranquillity of residents" and the "the minimum acoustically"
- What provisions are included to meet privacy considerations?
- In section 5.3 Landscape Area it states that 6% of land may be classified as impervious landscape and included in the total landscape calculation to satisfy planning requirements. The areas to be included in the calculation of landscape area include the area at the rear of the primary dwelling below the veranda. This area is called a patio as these areas are permissible

to be included as outdoor recreational areas. Please clarify how this area is a patio when it is a covered area under a covered veranda and deck and would normally be defined as a porch, or in this case a rear porch? (A Porch is defined as a covered shelter projecting from the entrance of a house)

- If this area is removed from the calculation how does the submission meet the requirements of the Landscape Area calculations provided in the document?

- The landscape referral response states that no tree impact assessment is required as there will be no impact on existing trees. The stormwater plan clearly shows a stormwater pipe traversing the critical root zone of an existing 5m tall Peppercorn tree. Please clarify how this work will be undertaken without damaging the subject tree?

- The building footprint appears to be within the drip zone and tree protection zone of the above mentioned peppercorn tree. Please clarify how it will be constructed without damaging the tree?

- How will landscape screening be provided to the neighbouring property boundaries at the pot sizes indicated in the NB Landscape referral Response without further demolition of fencing and driveway areas on either side of the property.

- We note that the fence lines of property are generally encroaching on all the surrounding neighbouring properties at the rear of no.35, will these discrepancies be addressed as part of this development?

- In the event of a major storm or prolonged rain event can the civil engineer confirm that the water tank and stormwater design will be able to manage with the volume of water from the roof catchment during such a rain event once the system is fully charged?

In summary we are not opposed to Affordable Housing or Environmental Living initiatives especially given the relative large plots available in the Elanora Heights district. We do not believe however that the applicants and their experts have been able to reach the minimum compliance criteria stipulated in the various control plans nor their intent. Further we believe that the applicants have already achieved "high density living" in their primary dwelling and that as such no further expansion in regard to a secondary dwelling is warranted on this property.

Yours sincerely,

Andrew Chippindall and Barbara Healy