
Sent: 23/08/2021 3:51:05 PM
Subject: Submission McElroy DA2021-1039 16 Wyatt Avenue
Attachments: DA2021-1039 16 Wyatt Ave.pdf;

ATT: Adam Mitchell

Please find attached my submission for DA2021/1039, 16 Wyatt Avenue BELROSE. Demolition works and the construction of a boarding house development.

Regards,

Clare McElroy

Clare McElroy
5 Wyatt Ave
Belrose NSW 2085

20 Aug 2021

General Manager
Northern Beaches Council
Attention: Adam Mitchell

RE: DA2021/1039

Lot 2566 DP 752038 16 Wyatt Avenue BELROSE

Demolition works and the construction of a boarding house development

Thank you for the opportunity to lodge a submission on this large and inappropriate development on rural land at 16 Wyatt Avenue, Belrose.

I strongly object to this proposal.

This development does not belong in Wyatt Avenue and is completely out of character with the quiet, large lot rural and low-density residential neighbourhood. Just because the nature of the proposal is “residential” this does not mean it is compatible with the surrounding neighbourhood. It is high density residential development with high impact.

The proposal does not meet the character statements or housing density for the locality. The development will have unacceptable impacts on the neighbourhood community from its the scale and intensity, along with lack of parking, bushfire and flood risk, noise impacts and environmental concerns.

In its current form, the proposal is not supported by the RFS due to bush fire risk. The proposal is not supported by council’s Environmental Health officers (no acoustic report or sewerage approvals). The proposal is incomplete and therefore not supported by council’s Roads and Assets officers.

The applicant owns the adjoining land at 14 Wyatt Avenue where a boarding house proposal (DA2018/0401) was repeatedly refused by the council and local planning panel. Just because the applicant persisted and eventually won approval in the NSW Land and Environment court is no reason to consider this latest application.

16 Wyatt Avenue is on deferred land in the C8 locality (Belrose North) WLEP2000. This land is still under review by Council and the Department of Planning to determine future zoning, so that the land can be included in the WLEP2011. It is not in the public interest to pre-empt any decisions on the future zoning of this land by approving this proposal.

The community does not want high density housing in quiet back streets on the urban fringe. This is not “NIMBYISM”, it is the local community requesting planning decisions that respect the local character and amenity of their neighbourhood - decisions that do not prioritise opportunistic, ad hoc, spot re-zoning for the benefit of developers.

ARH (Affordable Rental Housing) SEPP2009

- SEPP ARH is not recognised for the C8 locality, nor the equivalent E3 locality in the WLEP2011. Assessment against that SEPP should hold no determining weight when considering the merit of this application.
- In February 2019, in response to feedback from communities and councils, the NSW government amended ARH SEPP so that **boarding houses are limited to 12 boarding rooms per site** in R2 zones. As the housing density is lower for the subject site, this density should not be exceeded.
- According to the above amendment, boarding houses must also “...comply with parking rules as well as council rules on density and building height”. **This proposal does not comply with council rules on housing density.**
- **Under the WLEP2000, the housing density for the C8 Belrose North locality is one dwelling per 20ha.** The subject land measures 9,345m² (0.9ha) and proposes 61 “domiciles” or dwellings housed in two multi-storey buildings – the equivalent of over 1,220 dwellings per 20ha. Even if the boarding house is regarded as two dwellings on .9ha, this equates to over 40 dwellings per 20ha. This is high density development that comes nowhere near complying with the housing density for either the C8 or R2 locality.
- **High density equals high impact and high intensity of activity.** I do not see how the applicant can argue otherwise. The average occupancy in this locality is one family per property. The level of movements and domestic activity generated by a 60-room boarding house is not commensurate with other properties in the neighbourhood, no matter how hard the applicant argues otherwise.
- **Building bulk and scale.** The proposed large, bulky buildings sprawl across the site and are out of character with residential buildings in the neighbourhood. There is non-compliance with the side setback for the building closest to Wyatt Avenue. The setback is only 6m but should be a minimum of 10m. This is unacceptable when the land parcel is over 9,000 m².
- **Landscaping .** Under local planning controls, properties in the C8 locality are required to retain a minimum 50% of the site as bushland or landscaping with local species. The intention of this is to preserve the local character and biodiversity values of the area. Instead, the subject site has largely been cleared (much of it historical and without prior approval) and the proposed “landscaping” consists of lawn with a few pocket plantings around the buildings. There is a 260m² on-site detention basin for storing run off, which limits landscaping in this area. The lower building is located close to bushland and is at risk of fire, further limiting the scope for native planting. The site is not suitable for this scale of development.

- **Noise**
- **No acoustic report** has been supplied with the application.
- **Council’s Environmental Health officer has refused the proposal** based on lack of an acoustic report modelling noise impacts.
- The buildings will accommodate up to 122 lodgers, plus a manager and any visitors, vehicles and service personnel associated with the site. The occupants are free to come and go at all hours of the day and night (a high possibility if they are the proposed essential services or shift workers) and they will need to park on the street due to the inadequate on-site parking provision. There are communal outdoor areas that are available to tenants until 10pm on weeknights and midnight on weekends. It is reasonable to assume that the noise generated by up to 122 lodgers will not be comparable to the low impact noise from a single dwelling in this quiet neighbourhood.
- The applicant proposes that a Plan of Management will address and manage any unacceptable noise impacts on the neighbourhood. This is absurd. A POM is basically an unenforceable set of house rules and of no value to residents after a development has been approved.

Bushfire risk

- The subject site is zoned as Fire Prone Land.
- **This development application is not supported by the RFS** as it does not satisfy the controls for building on fire prone land and presents an unacceptable risk to the occupants in a bushfire emergency.
- In 1994, Wyatt Avenue was threatened by wildfires that raced up the northern and western slopes, resulting in evacuations and some property losses. It is irresponsible to propose building high density housing in such a location, particularly with a predicted future increase in extreme fire events.
- In 2000, this property was the subject of a development application (DA2000/5177). for retirement village style “self-care accommodation” of a similar scale to this application. Council refused that proposal, in part because of unacceptable bushfire risk.
- Due to the fire prone classification, and the proximity of the lower building to bushland, there is a requirement for the property to be largely clear of vegetation and managed as an inner protection zone. This is incompatible with the character statement for the C8 locality where 50% of a property should be bushland or native landscaping. (NB. Bushland at the rear of this property was cleared without approval in 2019/20 at the time approval was being sought for a boarding house at 14 Wyatt Ave adjacent).

Drainage and Flooding

- The site is subject to overland flooding and partial inundation, requiring flood walls and other flood mitigation devices to be built. It is not appropriate to put a high-density residential development on flood prone land.

- The flood modelling, provided by the applicant’s consultant, does not recognise potential impacts from development approvals on adjacent land (boarding house at 14 Wyatt Ave and childcare centre at 12 Wyatt Ave). These properties drain onto the subject site. Flood mitigation and drainage were the subject of protracted disputes during the DA assessment for both properties. The consultant’s modelling only reflects drainage from these properties in an undeveloped state.
- The flood modelling shows run off and stormwater being captured and discharged into bushland on the northwest corner of the property. There is no consideration given, either from council bushland officers or an external consultant, on the impact of this discharge on the bushland and Fireclay Gully beyond.

Traffic and Parking

- **The parking provision is inadequate.** There are 31 car spaces, 10 motorcycle and 14 bicycle spaces for 62 rooms. There is no visitor parking. The applicant’s traffic consultant states that this satisfies the parking requirement in SEPP (ARH) 2009 of .5 spaces per single bedroom unit. They suggest that visitors can park “in spare spaces” on the street. As **SEPP ARH does not apply to this locality, no consideration should be given to the parking standards described in the SEPP.**
- When appropriately assessed under the WLEP2000 as Apartment Style Housing, the on-site parking provision would be one car space for each single bedroom unit and one visitor space for every 5 units – this is 73 car spaces that would need to be provided on site to meet tenant and visitor needs.
- **The lack of parking will cause unacceptable impacts on residents.** The western section of Wyatt near the development is narrow and cannot accommodate two-way traffic when cars are parked on both sides of the road. The car parks for Wyatt Reserve and the tennis centre are for users of those facilities, not for overflow resident parking.
- **Just because there are bus stops nearby does not mean this location is suitable for high density living or “essential service workers”.** The bus routes are not in a rapid transit corridor and bus links to arterial roads are limited. After hours services for shift workers are limited.
- The traffic and parking report from the applicant’s consultant, Motion Traffic Engineers, **does not show modelling for the T-intersection of Wyatt Avenue and Cotentin Road** – the intersection that is closest to the subject site and which is chaotic and congested in mornings and afternoons. The traffic threshold for these two local roads is significantly lower than that for Wyatt Avenue/Forest Way and will be further impacted by other DA approvals. The traffic study is incomplete.
- Council has approved modifications to the Wyatt/Cotentin intersection as part of a DA approval for a childcare centre at 10-12 Wyatt. These changes mean that traffic exiting

the subject site will no longer have right of way along Wyatt Avenue and will need to queue at a stop sign. The traffic study does not recognise this approval.

- **The traffic study does not recognise the traffic that will be generated by recent development approvals in Wyatt Avenue**, including the applicant's other boarding house at 14 Wyatt (also with lack of parking), a 60-place childcare centre at 12 Wyatt, and John Colet School expansion. Each of these developments will generate significant additional traffic movements and a need for off-site parking. It is imperative that council collates the traffic data from all recent development approvals so that parking and traffic impacts can be accurately assessed.
- **Council's Roads and Assets referral response indicates the proposal is not supported.** The applicant is required to construct kerb and guttering, footpaths, and bus shelters. **A referral to Transgrid is needed** for kerb and guttering in this section of Wyatt Avenue. In response to other DAs for Wyatt Avenue, Transgrid have stated that they do not want kerb and guttering on this side of Wyatt Avenue, They require a soft road shoulder to allow for delivery of transformers (on oversized vehicles over 4m wide and 25m long).

I do not support this proposal. The number of occupants greatly exceeds the expected occupancy for a property in the C8 or R2 locality. The affordable housing SEPP does not apply to this land and if it did, only 12 rooms would be permitted, not 61.

The multi-storey buildings are out of character and an overdevelopment of the site. The bushfire and flood risk make the site inappropriate. Approval would result in adverse impacts on the local environment and the residents of Wyatt Avenue from increased traffic, parking, noise and the comings and goings of a transient population.

I urge Council to reject this application.

Thank you for the opportunity to comment.

Yours sincerely,

Clare McElroy