
Sent: 23/06/2021 8:34:36 AM
Subject: 16 Bangaroo Street, North Balgowlah - DA2021/0680
Attachments: Objection Letter - 16 Bangaroo Street - June 2021.pdf;

Dear Penny,

I hope this finds you well.

Please see attached objection letter regarding the subject childcare centre DA at 16 Bangaroo Street, North Balgowlah. Thank you.

Please don't hesitate to contact me if you have any questions.

Kind regards,

Joseph Chan

BCP (Hons) (UNSW)

Town Planner

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09 June 2021

Ms Penny Wood
Development Assessment Officer
Northern Beaches Council
PO Box 82
Manly NSW 1655

Dear Ms Wood,

Re: Submission in regards to DA/2021/0680 at 16 Bangaroo Street, North Balgowlah

“Alterations and additions to an existing dwelling house and use as a centre-based child care facility”

Corona Projects has been engaged by the property owners of 18 Bangaroo Street, North Balgowlah to undertake an assessment of DA/2021/0680 and provide a submission to Council on their behalf. 18 Bangaroo Street adjoins the development site to the north. This assessment is based on a review of the development application plans and documents available for inspection on Northern Beaches Council’s website.

In December 2020, Corona Projects were engaged to prepare an objection letter for the previous application DA/2020/1397 for the *‘Alterations and additions to the existing dwelling house and use of premises as a childcare centre’*. After assessing the revised proposal for the current application, it is found that the noncompliance items, as raised previously, have remained; thus, the revised proposal cannot be accepted in its current form.

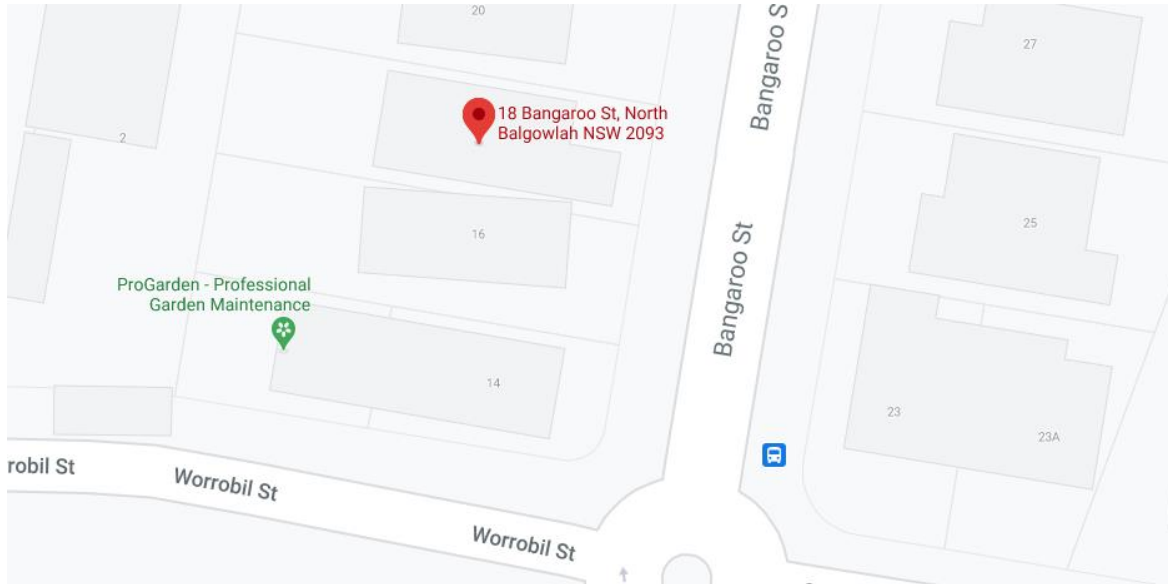


Figure 1 – Site Locality Map (Google Maps, 2020)

1. Introduction

The subject development application DA/2021/0680 is for the change of use from a single dwelling house to a 20-place childcare centre with associate alterations to the building at 16 Bangaroo Street, North Balgowlah. The proposed development raises concerns relating to the unwarranted traffic impacts, adverse acoustic impacts and undesirable street frontage design. Subsequently, the proposal is considered to be inappropriate to the locality as the proposed land use will bring unacceptable impacts to the residents at 18 Bangaroo Street, as well as other closely surrounding neighbourhood properties within the vicinity of the childcare centre.



Figure 2 – Subject site as viewed from Bangaroo Street (Corona Projects, 2020)

2. Parking and traffic impacts

Childcare centre is defined as a *Traffic Generating Development*, which will always bring additional traffic into the area as additional trips during peak hours will be made to visit the site.

The proposal will bring unwarranted traffic impacts to Bangaroo Street and lead to the intensified competition on street parking during peak hours. As stated in the Statement of Environmental Effects prepared by BBF Planners, the proposed development contains a numerical noncompliance with the car parking rate. The Warringah Development Control Plan (WDCP) 2011 stipulates the car parking rate for new childcare centre development is:

“1 space for every 4 children, having regard to the maximum number of children authorised to be cared for at any particular time.”

The proposal requires five (5) parking spaces for the proposed 20-place childcare centre. However, the current proposal fails short on two parking space by only providing three (3) tandem parking spaces in front of the property. The lack of one single parking space, although suggested as a ‘minor



noncompliance', is not acceptable on planning grounds as sufficient parking spaces are essential to minimise the impact of a traffic generating development to the locality.

Moreover, the *RTA Guide to Traffic Generating Developments 2002* states that parking space for childcare centre '**must be provided in a convenient location, allowing safe movement of children to and from the centre**'. The proposed parking arrangement is unable to provide a logical, safe and unobstructed access to the centre. There is insufficient moving space between the Centre's entrance and the proposed parking location. It is likely that children may collide with any manoeuvring vehicles that are entering or leaving the site. In addition, the submitted swept path diagram in the traffic report (Page 52-56 of traffic report) showed that all vehicles entering the property is unable to leave the site in a forward direction. As such, the proposal is unable to meet Control 3 of Part C3 Parking Facilities of WDCP 2011, which outlines:

3 Carparking, other than for individual dwellings, shall:

- *Provide safe and convenient pedestrian and traffic movement*
- *Enable vehicle to enter and leave the site in a forward direction*

Furthermore, the RTA Guide illustrates that 'Consideration could be given to reducing the parking required if convenient and safe on-street parking is available, provided that the use of such parking does not adversely affect the amenity of the adjacent area'. The fact that all vehicles cannot leave the site in a forward direction and the proposal will bring an additional amount of traffic into the area has shown that the proposal will unavoidably create unwarranted adverse impacts to the amenity of the area. Therefore, the proposed land use and operation details are considered to be unsuitable for the subject site and amendments should be made to address the adverse impacts to other properties in the area.

In addition, the proposal requires the removal of front vegetation and landscaped area in order to accommodate the parking needs; however, the site is still unable to provide a DCP compliant parking scheme. This shows that the site is unable to accommodate the large number of children onsite, thus a reduction in scope is highly encouraged.

When accessing the general impacts of a proposed development, Senior Commissioner Moore established a set of planning principles in *Davies v Penrith City Council [2013]*, which outlines the principles for assessing a development's impact on neighbouring properties. The proposal has been



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assessed against the principles and is considered to have unacceptable impacts to the surrounding area.

Planning principles	Comments
<i>How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?</i>	<p>The proposed childcare centre development will create unwarranted traffic and acoustic impact to the locality. The proposal attracts additional traffic where Bangaroo Street is not able to handle the additional traffic volume.</p> <p>Also, the proposal did not consider the setting of North Balgowlah as a low-rise residential suburb. It will bring unwarranted acoustic impacts that will create a high degree of noise nuisance to the properties in the immediate vicinity.</p> <p>The proposed reduction of front landscaped area will also result in an unacceptable loss to the dwelling amenity and to the streetscape.</p>
<i>How reasonable is the proposal causing the impact?</i>	<p>The impacts of the proposal are considered to be unreasonable as the subject site is not capable to accommodate a 20-place childcare centre. The subject site is unable to accommodate the proposed number of children due to the noncompliance parking number. The additional traffic and acoustic impacts are unwarranted.</p>
<i>How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?</i>	<p>The proposal will not lead to the loss of any development potential to the surrounding properties. However, given that North Balgowlah is a low-rise residential suburb, the area is vulnerable to additional traffic and acoustic impacts generated from the proposed childcare centre.</p>
<i>Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?</i>	<p>The proposal does not result in any significant increase in floor space, while the proposed acoustic barriers are bulky that they do not respect the setting of the area. The removal of front landscaped area is considered to be unacceptable as well.</p>
<i>Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?</i>	<p>The proposal contains several numerical noncompliance with WDCP 2011. The noncompliance with car parking rate is found to be most unacceptable as it will lead to the competition of street parking during peak hours.</p>



	The noncompliance represents the overdevelopment of the site and that the proposal should be revised in order to reduce its impacts to the surrounding properties.
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Table 1: Planning Principles surrounding traffic (Corona Projects, 2020)

3. Acoustic barriers location

The proposal is accompanied by an acoustic report prepared by Wilkinson Murray Pty Ltd. The acoustic report suggested that new acoustic barriers will be installed to address the additional noise generated from the proposed development. The proposed barriers are illustrated in Figure 3.

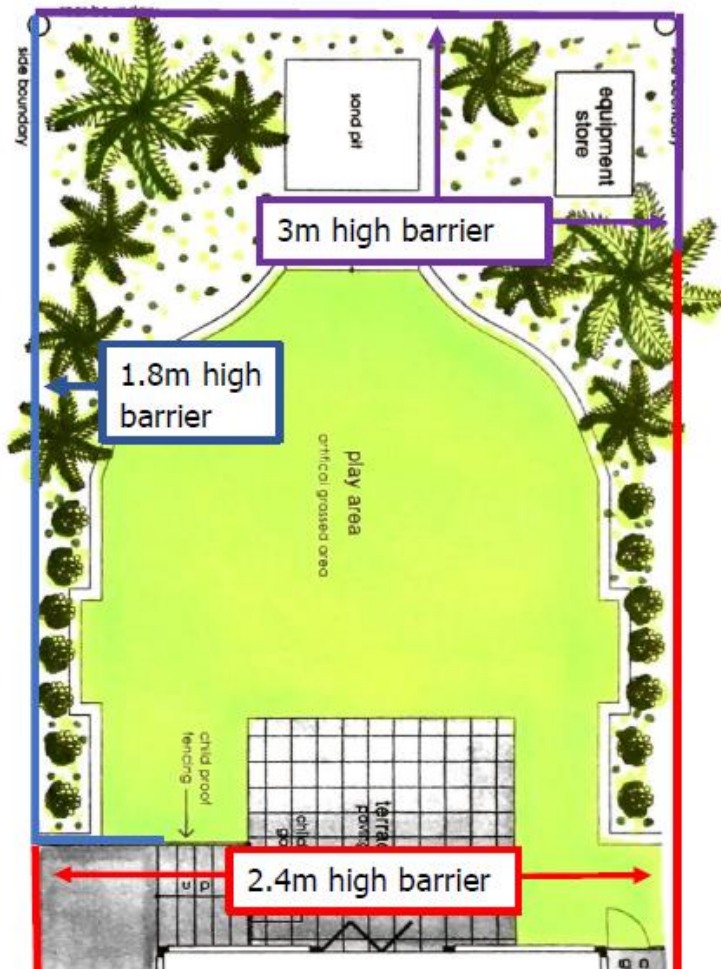


Figure 3 – Proposed acoustic barrier location (Wilkinson Murray Pty Ltd, 2020)



The proposal did not consider the impacts of the acoustic barriers to the surrounding dwellings. The proposed 2.4m and 3m acoustic barriers are considered to be unacceptable due to their bulk impact. Control 1 of Part D15 Side and Rear Fences of WDCP 2011 states that:

'Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary'.

As shown in Figure 3, the proposed acoustic barriers do not comply with the control by a significant percentage. Thus, the height of the barriers should be reduced in order to mitigate its bulk impacts to the surrounding dwellings. However, by reducing the height of the barriers, it leaves the question that whether the barriers are still able to reduce the noise generated from the proposed development.

In addition, the architectural plans should be revised to show the proposed location of the acoustic barriers and delineate its impacts to the surrounding properties. Sections and shadow diagrams should be provided to demonstrate that the new acoustic fence will not overshadow any significant principal internal living space and private open space.

The acoustic report submitted with the development application provides impractical mitigation measures that is not considered to result in any reduction in acoustic impact on the neighbouring properties. The report provides unrealistic suggestions to mitigate acoustic impacts by things such as limiting the numbers of children playing outside which is unrealistic for a childcare centre.

Additionally, the plan of management states that the applicants would mitigate noise issues by placing signs around the centre to ensure people speak quietly outside and for parents to not yell out for their children. This is not adequate in addressing noise concerns and will be difficult to enforce through the operation of the centre.

The planning principle, *Stockland Developments v Wollongong Council and others [2004] NSWLEC 470* deals with noise impacts on sensitive receivers as followed:

As a general planning principle, where there is conflict between a noise source and a sensitive receptor preference should be given to the attenuation of any noise from the source rather than at the sensitive receptor.



As per the planning principle above, any noise mitigation measures should be provided at the source of the noise rather than relying on the sensitive receivers to implement measures to maintain their acoustic privacy. The report provided does not provide sufficient mitigation measures to adequately reduce the acoustic impact of the development on the neighbouring property. It is considered that based on the acoustic report the development is not suitable for the site and should be refused.

4. Kitchen layout

Our previous submission has noted that no kitchen layout plan has been submitted to accompany the proposal. The current architectural plans did not address the flow and safety of the food preparation and serving procedures. Moreover, the applicant fails to outline any measures to prevent food contamination from the use of soaps and cleaning products in the kitchen.

The revised plan should clearly delineate the food storage area, flow of food preparation procedures, location of cooking and washing facilities and other essential facilities on the plans to demonstrate compliance with Council's policy and other applicable national guidelines. Additional information should be submitted to ensure compliance with the current legislation and ensure the safety of the children.

Conclusion

The residents of Bangaroo Street are not anti-development and would be happy with the proposed alterations and additions to the existing dwelling. The concerns of the residents are due to the impact of a commercial childcare centre on a site that does not adequately provide sufficient facilities to reduce the impact of the centre on neighbouring properties. It is considered that the development is out of character for the area and that the noise impact, impact on privacy and the lack of parking for the site are inadequate. The proposal is identified to be an overdevelopment of the site and as a result the development application should be refused in order to protect the amenity of the North Balgowlah precinct.



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The owners of 18 Bangaroo Street, North Balgowla invite Council to conduct a site inspection on their property to best understand the perspective of the discussed concerns. Please contact Mr Sinan Kaya (0407 067 964) to arrange a visit.

Kind regards,

Eleni Emvalomas

Bachelor of Architecture and Environments (USYD)

Town Planner