
Sent: 4/02/2022 11:31:47 AM
Subject: DA2021/1039 amended Plans 16 Wyatt Avenue Belrose
Attachments: Submission amended plans 16 Wyatt Ave Jan 2022.docx;

Attention Mr Adam Mitchell
Northern Beaches Council Senior Planner/Assessment Officer,

Please find attached Our Submission for
DA2021/1039 amended Plans
Boarding House Proposal with 55 Rooms
16 Wyatt Ave Belrose NSW

Kind Regards
Ron and Cynthia Patton

Ron and Cynthia Patton
19 Wyatt Ave
Belrose NSW 2085
31 January 2022

Northern Beaches Council
Attention: Mr. Adam Mitchell
Northern Beaches Council Planner/Assessor

DA2021/1039 amended Plans
Boarding House Proposal with 55 Rooms
16 Wyatt Ave Belrose NSW

Dear Sir,

We submit this objection to the proposal with two very large Boarding Houses on 16 Wyatt Ave, which are incongruous within this neighbourhood that consists of bushland and low density detached residential dwellings.

Although the proposal contains no cooking facilities in each room, the proposed development is essentially the same as the original application and will result in the same adverse impacts on the property, the surrounding bushland and on the existing local residents in this quiet residential neighbourhood.

The objections in our submission to the original plans still stand. Our previous submission together with all the previous objections should be taken into consideration with the assessment of the amended plans

This proposal is a backdoor initiative to implement high density residential zoning in this low density residential area and it will diminish the 'quality of life' in this local neighbourhood.

The application states, 'The site is located within a mixed-use precinct characterised by a mix of detached dwellings, townhouses, a boarding house, educational facilities, and specialist landscape supply/nurseries.'

Wyatt Ave does not link to Linden Ave and the other streets where the 'Mixed – Uses' exist. Wyatt Ave is a low density residential street with one school and one reserve with a sports field.

To maintain the character of this street any future developments should be consistent with the existing low density residential dwellings on both sides of Wyatt Ave.

The proposal does not protect the environmental landscape or enhance the bushland and waterways. This is contrary to the desired Future Character for this locality C8 North Belrose in WLEP2000.

Land and Environment Court approval for Boarding House at No 14 Wyatt Ave

The Statement of Environmental Effects from the applicant includes the following,
"On 20 January 2021, the Land and Environment Court upheld an appeal (Platform Architects Pty v Northern Beaches Council [2020] NSWLEC 185) in relation to the refusal of a DA for a boarding house on the adjoining property to the south-east, identified as No. 14 Wyatt Avenue, Belrose. The approved boarding house accommodates 25 boarding rooms, including a manager's room.

Off-street car parking was approved for 13 vehicles, 8 motorcycles and bicycle storage. Vehicular access was approved via a combined entry/exit driveway extending to/from the Wyatt Avenue frontage of the site.”

The approval on the adjoining property 14 Wyatt Ave should not be used as a basis for an assessment on 16 Wyatt Ave.

This appeal to the Land and Environment Court followed two separate Local Planning Panel refusals.

When the first Local Planning Panel hearing refused the development proposal the applicant requested a review of the determination. The Panel included an ex Judge and an ex Commissioner of the Land and Environment Court.

The subsequent Local Planning Panel determination again refused the application with even more extensive reasons than the first Panel determination.

When the applicant submitted an appeal to the Land and Environment Court amended plans were submitted. These amended plans included the deletion of cooking facilities in each room. The Council staff amended the facts and Contentions reducing the contentions to only minor matters. Therefore the Judge made the decision to grant approval.

The determination included the following statement

“Upon leave being granted to the making of the further amendments the Council indicated that it would not be submitting that the DA should be refused or that there remained any identified contention that had not been satisfactorily addressed by the further amendment to the DA. Accordingly, the Council indicated that subject to the imposition of conditions it would not be submitting that any matters would warrant the refusal of the application and that it was a matter for the Court as to whether it was satisfied that the DA should be approved subject to conditions.”

This occurred even though the size of the proposal in the amended plans was not reduced. The amended approved plans will still result in the same adverse impacts as the original application, both on the site and the local residents.

It is essential that the assessment for this current application on 16 Wyatt Ave includes all the reasons in the two Local Planning Panels determinations for refusing the application on 14 Wyatt Ave

Design and Sustainability Advisory Panel (DSAP)

This Panel did not support the original proposal for 16 Wyatt Ave and provided extensive reasons. The amended plans do not address many of the reasons given by the Panel, particularly in regard to the **proposed lower building** at the rear of the property.

The Panel states in part

“The applicant draws comparison of the proposal to LEC approved boarding house on adjoining site (14 Wyatt Avenue). The panel acknowledge that whilst there are clear similarities between the proposed upper building to 14 Wyatt Avenue, the lower (rear) building is subject to significantly different site constraints and as such, any comparison is not relevant, and in no way should the approval for 14 Wyatt be considered to establish a ‘precedent’ for the lower building”

Further the Panel states in part

“These notes and recommendation should not be interpreted as an acceptance of the current scheme.

A comprehensive re-design is required, including the deletion of the entire lower building, but the Panel also notes that there are many detailed aspects that also require resolution in any revised scheme.”

The amended plans still have the lower building in the amended plans.

Further in regard to the proposed lower building there are many issues that make this proposal extremely undesirable.

The site is extremely steep which results in unacceptable pedestrian access.

The proposed pathway to to the lower building extends over a long distance and contains many steps. This does not provide accessible access for lodgers where it is proposed that they will rely on public transport.

The proposed pathway is located along the edge of a flood basin. This is completely unacceptable and unsafe.

The access to the basement car park is 2 meters below the natural surface. The separate details in this submission below under the heading 'Stormwater Drainage' refers to the flooding on this lower section which is supported by photos at the end of this submission.

Excavating in this flood prone area to provide for the lower building is a completely unacceptable area to provide for high density living.

The lower level of the site at the rear of the property is an area where it is completely unacceptable to provide a building for high density living.

Further in regard to the overall development proposal the Panel states;

“There is also the question of whether the development poses a negative public benefit...”

It is essential that the assessment of the development proposal incorporate consideration of all the comments by the Design and Sustainability Advisory Panel.

SEPP for Affordable Rental Housing

Our submissions to the Council staff, the Local Planning Panels and the Land and Environment Court included a consistent approach in each submission; that the SEPP for Affordable Housing does not apply to the C8 North Belrose Locality in WLEP2000.

The SEPP lists the zones for Affordable Rental Housing (INCLUDING Boarding Houses). Locality C8 North Belrose in WLEP2000 is not included in the list.

In the Court proceedings for No 14 Wyatt Ave we made a verbal submission and in frustration the Judge finally asked the Legal representatives for both sides if the SEPP for Affordable Rental Housing applied to this property as it was included as a fact in the facts and contentions document before the Court. Both legal representatives agreed that the SEPP for Affordable Rental Housing did **NOT** apply to this property.

The Judge complained to both legal representatives for allowing the SEPP to be included as a fact in the facts and contentions document.

A review of the application without any reference to the SEPP did not occur.

Again we read in the Applicant's Statement of Environment Effects for the proposal on 16 Wyatt Ave, many references to the SEPP for Affordable Rental Housing, to justify the application.

We request that all Council staff involved in the assessment of this application, be informed that the SEPP for Affordable Rental Housing does not apply to this application for a Boarding House on No 16 Wyatt Ave. The staff members should include the Planning assessment officer and all the staff involved in the referrals, e.g. Traffic and Parking, Urban Design, Landscaping, Natural Environment, etc.

16 Wyatt Ave is in Locality C8 WLEP 2000 and is not included in the list of zones contained in the SEPP for Affordable Rental Housing. Therefore, this SEPP does not apply to this property. Therefore, the benefits in the SEPP for Affordable Rental Housing should not apply to this application on No 16 Wyatt Ave.

Non Urban Lands Study by Council Staff

The applicant has previously mentioned this study.

In the 1990s the Council staff prepared a Non Urban Lands Study which included the properties along the Northern side of Wyatt Ave.

This study suggested some areas become urban areas. However, the Study was not adopted by Council and instead the Council adopted the WLEP2000 without any urban development on the Northern side of Wyatt Ave.

Since the study in the 1990s there have been many studies by Council and the State Government's Department of Planning; none of these studies agreed to rezone these properties on the northern side of Wyatt Ave for urban development. Further there are continuing studies in preparation for the new LEP for the whole of the Northern Beaches LGA, including a Housing study that was subject to extensive public consultation and has been adopted by Council. This Housing Strategy does not include any urban development for the properties along the northern side of Wyatt Ave including No 16 Wyatt Ave.

Application for 2 Boarding Houses without cooking facilities

The application is based on providing boarding rooms without kitchens or kitchenettes as the applicant considers that these rooms are not defined as dwellings.

Boarding Houses are the principal place of residence for the lodgers; therefore each unit should be considered a separate dwelling.

In addition to the above comments by the Land and Environment Court for the Boarding House on 14 Wyatt Ave we refer to the following Land and Environment Court case:

Comments made by Preston at [63] to [65] below: SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66;

"Boarding rooms are considered as separate dwellings if they contain essential components of a domicile – sleeping, bathroom and "kitchen" facilities.

The absence of built-in ovens and stovetops from boarding rooms does not change the fact that a boarding room can be considered to have the essential components of a kitchen."

Preston further states, "[64] It is not appropriate to adopt a technologically constrained and dated view of what constitutes a kitchen."

Preston's comments show that boarding rooms and the manager's residence must be considered as separate domiciles if they contained electrical sockets and space to accommodate a microwave or other plug in electrical cooking appliances.

This means that each boarding room is a separate dwelling and results in the dwelling density for this proposal to be well in excess of the dwelling density provided in Locality C8 North Belrose WLEP2000; the application should be refused.

WLEP2000 Locality C8

The Applicant's Statement of Environmental Effects states that Boarding Houses are nominated as Category 2.

It needs to be noted that Boarding Houses are not listed in Locality C8, the determination that Boarding Houses are Category 2 Developments has only been made in accordance a Clause stating that if a proposal is not prohibited in Category 1 or 3 then it is to be assess as Category 2.

The notes in the LEP state that Category 2 developments maybe consistent with the desired Future character Statement for the particular Locality.

Therefore, it should not be assumed that this proposal is consistent with the Planning controls in Locality C8.

The Desired Future Character Statement for Locality C8 Belrose North states in part: “The present character of the Belrose North Locality will remain unchanged in circumstances specifically addressed a follows.”

Note; the present character relates to the character when the LEP was implemented in 2000. Therefore it is essential that the character relate to the character in 2000 and not to any changes since that time.

The desired Future Character Statement then continues in part as follows:

“Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.”

The housing density is 1 dwelling per 20ha with some exceptions for 1 dwelling per 2ha.

If the proposal is not a dwelling then the proposal needs to be low intensity, low impact.

Note that these requirements are contained in the same sentence as the low density for dwellings. This means that the intensity and impact should be similar to the impact and intensity associated with the dwelling density.

The proposal is clearly well in excess of intensity and impact of the dwelling density.

The proposal is inconsistent with the Desired Future Character Statement for Locality C8.

Residential Neighbourhood

The application states, ‘The site is located within a mixed-use precinct characterised by a mix of detached dwellings, townhouses, a boarding house, educational facilities, and specialist landscape supply/nurseries.’

Wyatt Ave does not link to Linden Ave and the other streets where the ‘Mixed – Uses’ exist.

The missed uses such as plant nurseries and other commercial developments are on a Forest Way Main Road. Wyatt Ave is a local road and should not contain major commercial developments such as Boarding Houses.

Wyatt Ave is a low density residential street with one school and one sports field. To maintain the character of this street any future developments should be consistent with the existing low density residential detached dwellings on both sides of Wyatt Ave.

The applicant’s SEE states that there are various other types of development in this Locality yet it does not refer to the fact that over 50% of Locality C8 is native bushland without any development.

Wyatt Ave is on the fringe of Locality C8 North Belrose and there are no streets linking Wyatt Ave with the other parts of Locality C8.

Wyatt Ave links with other streets to the South in a neighbourhood which is principally low density residential under planning controls of R2 in WLEP2011.

The Northern side of Wyatt Ave is very low residential density under WLEP2000.

Therefore the current character of this neighbourhood is low density detached dwellings.

The proposed large Boarding House is out of character and not compatible with this low density residential neighbourhood.

Bulk and Scale

To demolish one dwelling and replace it with 55 units proposes an extremely large development. The scale of this proposal is extreme when compared with the detached dwellings in this neighbourhood.

In the Applicant's Statement of Environmental Effects, the large scale is acknowledged where it states;

Page 3 Preamble 1.1

"Finally, the overall bulk and scale of the proposed development has been moderated by separating the built form into two (2) separate buildings, with both the upper and lower buildings adopting a series of interconnected modules to **further reduce the perceived bulk and scale of the individual buildings.**"

Page 11 General description of materials and Finishes 3.1

"The palette of the development is based on colours of the neighbourhood – mostly houses with neutral ochre to brown tones. This is complemented with neutral colours of the surrounding natural bushland. These colours are used in a **way to optically reduce the bulk of the building** and to underline the separation into modules"

These two statements acknowledge that the proposal has a large bulk and scale and the Applicant has applied these methods in an attempt to "optically" reduce the bulk and scale of the proposal.

The plans show that the Application consists of two very large buildings one near Wyatt Ave and one at the rear of the property.

These two proposed buildings exceed the existing character of existing detached dwellings in the neighbourhood and will create a high impact and high intensity development well in excess of the existing detached dwellings in Wyatt Ave and well in excess of the planning controls on both sides of Wyatt Ave.

The high visual impact of this proposal will destroy the existing character of this neighbourhood.

Clause 66 of WLEP2000 states, "Buildings are to have a visual bulk and architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces, unless the applicable Locality statement provides otherwise."

The Locality Statement for C8 North Belrose does not provide any exceptions to this planning requirement.

The structures on adjoining or nearby land on the north and south sides of Wyatt Ave between Cotentin Road and the western end, are single or double storey single detached dwellings.

The bulk and scale of the proposal is well in excess of the structures on adjoining or nearby land, therefore the proposal is not in accordance with Clause 66 of WLEP2000.

The bulk and scale of this proposal is well in excess of the scale of existing residential developments in this neighbourhood and in no way compliments the low density detached dwellings in this neighbourhood.

Character of the local neighbourhood

The details in the other parts of this submission together with the details in this section show that the proposal is completely out of character in this local neighbourhood.

For the northern side of Wyatt Ave the planning controls for the C8 Locality contain a Desired Future Character for this Locality in WLEP2000 which states in part, “ Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity low impact uses.”

The planning controls for the southern side of Wyatt Ave are contained in WLEP2011 which is zoned R2 low residential development.

Both sides of Wyatt Ave are zoned for low density development.

In the Applicants Statement of Environmental Effects we find this extraordinary and unacceptable statement on page 32 under the heading Impacts of the Development, “

“In the circumstances, it is reasonable to conclude that the proposed development will be compatible with the existing and likely future character of the locality, and will not be perceived as offensive, jarring or unsympathetic to the existing and likely future character.”

As local residents for 50 years we find this statement offensive and unsympathetic to the existing local residents and contrary to the planning studies by Northern Beaches Council and the State Government’s Department of Planning. We do NOT accept that a developer/applicant, through this DA, can direct Local, State, Federal Governments and the Local Community, what future zoning/character will apply to this neighbourhood/Locality. This is exactly what the applicant is attempting to do with this high intensity/density development proposal.

Since the current owners/applicants of No 16 Wyatt Ave purchased the property in 2001, the former Warringah Council and now the Northern Beaches Council together with the State Government’s Department of Planning have had a consistent approach to resist submissions from property owners in locality C8 to permit intense development of Belrose North.

When the WLEP2011 was being prepared, commencing in 2005, the Council held many community consultation periods and although the C8 Locality was deferred from WLEP2011, the review committee established in 2011, including representatives from the State Government’s Department of Planning and Council, resisted all submissions to permit intense development in this Locality.

The Northern Beaches Council is now in the process of preparing a new LEP for the whole of the areas formerly Pittwater, Warringah and Manly Council areas. Many community consultation periods have already taken place. The Council has adopted a Local Strategic Planning Statement which has been accepted by the Greater Sydney Commission. This document forms the basis for the new LEP.

The Council is currently in the process of various studies to provide technical data and conclusions to determine the appropriate zonings throughout the LGA. These studies have involved and will continue to involve community consultation periods.

One of the recent studies is the Housing Strategy and again Belrose North is not included for any intense urban development. This Housing Strategy was subject to extensive community consultation and has been adopted by Council.

The Housing strategy includes the following statement:

“Boarding houses developments are to be permissible in R2, B1, B2 zones only when within one kilometre of local centres on sites greater than 1,000 square metres with a maximum of 12 rooms and developed and maintained in perpetuity by a community housing provider.”

In 2021 the Council exhibited a discussion paper on the proposed LEP and DCP. Again there is no proposal for intense development for Belrose North. The discussion paper includes details on the deferred areas to support this conclusion.

The above documents show that there is no intension for any change to the character of this neighbourhood, therefore, the SEE statement referred to above should not be considered appropriate for this area.

Further it is essential to consider the location and character of the **southern side of Wyatt Ave** in reference to this application.

This area is zoned R2 in WLEP2011.

In February 2019 the State Government introduced changes to the Affordable Rental Housing SEPP where the then Minister for Planning stated that, " in R2 low density zones Boarding Houses cannot exceed 12 rooms per site to manage the bulk and scale of boarding house developments in the low density zone."

The properties on the Southern side of Wyatt Ave (opposite the proposed development) are zoned R2 Low Density in WLEP2011. It is unacceptable to provide larger boarding houses on the Northern side of Wyatt Ave.

The density for the Northern side of Wyatt Ave in the C8 Locality is in an area where the density is one dwelling per 20 ha; This is even a very much lower density than the Southern side of Wyatt Ave, it is essential that the reason to refuse large intense boarding house developments on the southern side of Wyatt Ave (R2) should also be applied to the Northern side of Wyatt Ave. (Locality C8)

The Applicant's SEE attempts to develop an argument to show that the proposal is compatible with the existing developments in this area by referring to Clause 30A of the SEPP for Affordable Rental Housing.

We do not agree with the reasons in the SEE; we have shown above that the SEPP for Affordable Housing does not apply to this Locality, therefore this section of the Application should be ignored and the proposal only be assessed by applying the Planning Controls in WLEP2000.

The above details in this section and other sections of this submission show that the proposed development is completely out of character with this low density residential neighbourhood and both the Council and the Department of Planning have maintained a consistent approach since 2000, not to provide for intense urban development in Locality C8 North Belrose WLEP2000.

Impact and Intensity

The Design and Sustainability advisory Panel States;

"...It is neither low impact or low intensity use"

This is not consistent to the Desired future Character for this Locality

Intensity of the proposal.

The planning controls provide for developments that are low intensity and low impact. It is essential to measure the impacts of the proposal against the impacts of existing developments.

The maximum housing density in Locality C8 is 1 dwelling per 20ha with some exceptions to permit 1 dwelling per 2ha.

The lot size is only 0.9345ha. This will result in over 1,177 times the density control for this site. This is an extreme variation to the standard for this Locality.

The proposal is for 55 units without kitchens in an attempt to suggest that these units do not constitute a “dwelling”.

Either approach, with or without kitchens, does not change the intensity of the proposal. The proposal with or without kitchens will result in 108 lodgers and 2 in the manager’s unit, being housed in 55 separate units on this site.

In comparison to the existing single detached dwellings in this neighbourhood, 110 people on one site will result in significant extra intensity of living activities by people and vehicles in a concentrated area.

The proposal is on the Northern side of Wyatt Ave where the existing single detached dwellings are on properties with areas between 1ha and 2ha.

We live on the Southern side of Wyatt Ave where there are single detached dwellings on properties with areas of about 700m² in an R2 zone within WLEP2011.

The existing population for the full length of Wyatt Ave is about 35 people. Even if this was increased with larger families in each of the existing detached dwellings and some granny flats it would only result in a total of about 50 people.

This proposal which will place 110 people on one site, will be considerably more intense than 35 to 50 people over the whole length of Wyatt Ave.

If the approved boarding House with 25 rooms on the adjoining property at 14 Wyatt Ave is added, this would result in a cumulative total of 160 people in a very small section of Wyatt Ave

This is 3 times the possible number of residents that would be expected in the whole of Wyatt Ave.

This will result in very high intensity developments compared to the existing and expected intensity of developments in this neighbourhood.

This proposal will produce an extremely high intense development, which is inconsistent with the DFC Statement for Locality C8 in WLEP2000.

Intensity in Low Density zones

As mentioned above, the SEPP (ARF) has been amended to exclude large Boarding Houses from R2 low Density zones.

We live on the opposite side of the road to the proposed development, in a R2 low Density zone.

In announcing this amendment, the Minister for Planning stated that in response to the many submissions from Councils and Communities, it was recognised that Boarding Houses were intense developments and were inappropriate in low density areas.

Therefore, as the proposal is on a site where the density is much lower than R2 Zones where Large Boarding Houses are excluded from the R2 zone on the Southern side of Wyatt Ave, it is inappropriate to develop a large Boarding House on this site on the Northern side of Wyatt Ave.

This proposed high intense development is inappropriate for this neighbourhood and is not in accordance with the Desired Future character of Locality C8 North Belrose in WLEP2000.

Impact

The planning controls provide for developments that are low intensity and low impact.

It is essential to measure the impacts of the proposal against the impacts of existing developments.

The proposal with or without kitchens does not change the impact of the proposal. Both scenarios will result in 108 lodgers and 2 in the managers unit being housed in 55 separate units on this site in two very large buildings.

Some details regarding the impact of the Bulk and Scale of the proposal are described above under the heading Bulk and Scale.

Other impacts of this proposal include excessive excavation, Traffic, Parking, Noise, Outdoor Living, Outdoor Lighting, Vehicles leaving the property at night, Parking and vehicles leaving on street at all hours outside existing residential properties.

Also, evacuation in the event of bush fires, which will conflict with existing residential development and other approved developments in Wyatt Ave.

The details of each of these impacts are included in other sections of this submission.

This proposed high impact development is inappropriate for this neighbourhood and is not in accordance with the Desired Future Character of Locality C8 North Belrose in WLEP2000.

The proposal also has a significant impact on the natural landforms.

The design for each building shows excessive excavation to provide basement parking.

The proposed excavation is will destroy the landforms and change natural ground water drainage.

This area is on a sandstone ridge where there are layers of sandstone and clay.

Natural surface and ground water flows are critical for the local native landscape.

This proposal will destroy both the surface and ground water natural flows which will have an adverse impact on the natural environment.

The proposed extensive excavations are contrary to the Desired Future Character for this Locality

Landscaping

The Landscaping plan included in the applicant's documents shows very little landscaping with only a few trees and shrubs, the plan shows that it is proposed to provide grass/lawn over most of the site. This is unacceptable in this bushland area and this proposal is not in accordance with the planning controls.

The planning controls include - Bushland Setting: A minimum of 50% of the site area is to be kept as natural bushland or landscaped with local species. There are similar requirements for the setback areas.

The proposal does not meet this planning requirement.

The intent of the planning controls in this Locality is to retain and to provide as much bushland as possible in this bushland Locality. This is needed to ensure that there are essential wild life corridors and preservation all types of native species including threatened and endangered species. Although the previous Landscaping Referral Response does not support the proposal the Officer only requires minor amendments.

This referral response refers to the SEPP for Affordable rental Housing. As detailed above, properties in Locality C8 WLEP2000 are not included in this SEPP; therefore all references to this SEPP should be deleted.

We do not agree that minor amendments will provide landscaping consistent with the requirements with the planning controls for Locality C8 WLEP2000, particularly the provision for a minimum of 50% bushland and densely planted local species in the front and side setbacks.

Northern Beaches Council in consultation with the community has adopted a Local Strategic Planning Statement which is incorporated in Council's document 'Towards 2040.'

This Statement has been supported by the Greater Sydney Commission; the Statement places the preservation and enhancement of the natural environment as a top priority.

This development proposal does nothing to meet the requirements of this document.

The Landscaping is not consistent with the planning controls for Locality C8 WLEP2000 nor does the proposed landscaping compliment the surrounding native bushland areas or prioritise the enhancement of the native bushland as required in the Council's Strategic Planning Statement.

Bush Fire

This property adjoins large areas of natural bushland where many bushfires have occurred.

We have lived at the above address for 50 years and we have experienced the devastating effects of these fires. From Wyatt Ave we can see the Blue Mountains to the West, this means that we experience strong westerly winds.

The bush fire season occurs in hot weather with strong westerly winds.

The development site is on a steep north western slope which results in very fast and intense bush fires with glowing embers travelling ahead of the approaching fires. This causes many fires ahead of the main fire including the development site.

We have experienced fires coming from the west and coming all the way to Wyatt Ave.

The application contains a report from a Bush Fire consultant where consideration has been given to the existing site. The consultant's report for the amended plans support the bushland report for the original application stating that

"I have reviewed the revised drawings for the Boarding House at 16 Wyatt Ave Belrose (DA04 dated 8/12/21) and the revised drawings for the Boarding House at 14 Wyatt Ave Belrose (s4.56 Revision 2 dated 8/12/21) and am satisfied that the recommendations of the Bushfire Hazard Assessment for 16 Wyatt Ave Belrose (Ref: 4176BF dated 10/6/21) remain valid."

There is no mention of the Applicant's Landscape Plan or the requirements to provide 50% of the site with bushland in Locality C8 North Belrose WLEP2000. The report only refers to the existing site conditions.

The bushfire requirements in the consultant's report are contrary to the provisions for development in Locality C8 North Belrose WLEP2000.

These requirements include:

- Bushland Setting: A minimum of 50% of the site area is to be kept as natural bushland or landscaped with local species.
- Rear and Side Building Setback: The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveway and fences.
- Front Building Setback: The front building setback is to be densely landscaped using locally occurring species of canopy trees and shrubs and be free of any structures, carparking or site facilities other than driveways, letterboxes and fences.

There is an extremely large conflict between the Bush Fire requirements for this site and the Planning requirements for this site in Locality C8 North Belrose WLEP2000.

Bush Fire risk would be a major risk to the 110 lodgers in this Boarding House proposal.

If it is not possible to meet the Planning requirements for the proposal, due to the Bush Fire requirements, it is not possible to permit this development to be approved.

No evacuation plan has been provided.

Evacuation in the event of a fire is a major concern, as the proposal has only one long access road and the lower building is very close to the bushland in the adjoining property.

Further, there would also be a major conflict with existing residents evacuating in the event of a fire.

The western end of Wyatt Ave is a no through road.

The number of residents (110) from the proposed development evacuating along Wyatt Ave to the east would create a greater risk to the existing residents.

This is unacceptable for Council to put our lives at risk by approving this unacceptable proposal.

The Rural Fire Service requires that the driveway be sufficient to accommodate a fire unit in the event of a bushfire.

The design for the driveway shows that the level of the driveway at the rear of the property, near the bushland, is 2 metres below the natural surface. This means that a fire truck will not be able to access a fire in the bushland at the rear of the property.

This situation is unacceptable and is placing an extreme risk to the 110 residents in the proposed development and existing residents in Wyatt Ave.

Stormwater Drainage

The application consists of a report referring to a possible watercourse across the property. Whether or not part of the property is defined as a water course does not depart from the fact that the property experiences major stormwater flows and flooding during major storms.

The property has a small flat section near Wyatt Ave and then a very steep section leading to another flat section at the rear where flooding often occurs.

Stormwater flows at a very fast rate over the steep section of this property and then slows down at the flat rear section resulting in flooding of the lower area.

At the end of this written submission there are two photos providing examples of the flooding that occurs at the lower flat section.

We acknowledge that these photos were included in a submission dated 11 August 2018 by Mr John Holman (owner of 16 Wyatt Ave) objecting to a proposed Child Care Centre on No 12 Wyatt Ave. The photos are contained in a report from Worley Parsons dated 2 April 2008 attached to the objection by Mr Holman. This submission is on the Council's web site.

Photo 1 shows the storm water flowing from the rear of No 14 Wyatt Ave into the lower area of at the rear of No 16 Wyatt Ave and Photo 2 shows the stormwater flowing and flooding across the lower rear area of No 16 Wyatt Ave.

Although there are proposed stormwater drainage facilities this area is close to bushland and drainage inlets often become blocked with leaves particularly from eucalyptus trees with leaves falling through each year. In this area the proposed driveway is designed to be 2 metres below the natural ground level. This proposed driveway incorporates the inlets for proposed drainage facilities. Creating these facilities at such a low level increases the risk of flooding the property.

The lower area of the property often floods. The design shows that the access drive and the basement car parking area will be 2 metres below the natural ground level.

This is unacceptable and increases the risk of flooding of the property which is completely inappropriate for a large development to house 110 people.

In an attempt to control this flooding the proposal has a very large flooding basin.

This large excavation is not consistent with the Desired Future character for this Locality.

Vehicle access, Traffic, Parking and Carriageway

Vehicle access

The amended plans include an alternate access drive for the lower building. It is proposed that the access will be via the proposed driveway on 14 Wyatt Ave where a Boarding House has been approved.

The application does not include any legal details on how this will be achieved.

Nos 16 and 14 Wyatt Ave are two separate lots and it will be essential that suitable legal provisions are made to the land titles for each lot or both lots are consolidated.

This proposal will also increase the impacts from the driveway for 14 Wyatt Ave. The proposed driveway through 14 Wyatt Ave to the proposed lower building on 16 Wyatt Ave will be very long and steep. This will result in excessive noise from vehicles, including motor cycles, through 14 Wyatt Ave and increase vehicle lights exiting the driveway; both of these will impact the residents on the southern side of Wyatt Ave.

The traffic analysis does not include motor cycles.

The plans show that the onsite parking includes spaces for cars **and motor bikes**.

Both cars and particularly motor bikes will cause considerable noise when accessing this long steep driveway from the lower building on 16 Wyatt Ave and travelling through the long steep drive way on 14 Wyatt Ave.

This will be unacceptable noise impacts on the lodgers in the proposed development and particularly on the existing residents in Wyatt Ave.

Further, the amended plans incorporate an onsite Traffic Light Management system.

This is required as the designs for the driveways cannot provide sufficient sight distance for vehicles entering and exiting the two basement parking areas on 16 Wyatt Ave and the basement parking area for 14 Wyatt Ave.

This shows that the proposal is an overdevelopment of the site where safe vehicle access can only be provided with an electronic system.

The Design and Sustainability Advisory Panel were very critical of the provision of the basement parking areas. There is excessive excavation which is not in accordance with the Planning controls.

The reliance on an onsite electronic traffic management system in this low density residential neighbourhood shows that the proposal is a high intense development and is out of character with the existing developments in this neighbourhood.

Traffic

The Applicant's Traffic and Parking report includes an assessment based on existing traffic movements during a week day. The report does not provide the date when the traffic volumes and movements were measured.

The report by the consultant for the applicant includes a statement that does not relate to this area; Page 10 section 2.4 under the heading 'Intersection Description includes, "The signalised intersection of Georges River Road with Milton Street is a three – leg intersection"

This type of errors give no confidence for the whole report.

The photos indicate very little traffic in Wyatt Ave and very little parking. This is unrealistic.

The section from Forest Way to Cotentin road is parked out during school days and on weekends when there is sport on Wyatt Reserve. At drop off and particularly pick up times for John Colet School the queues extend down Wyatt Ave past the subject site.

At the intersection of Wyatt Ave and Cotentin Road there are many unsafe illegal turning movements at drop off and pick times for students at John Colet School. These unsafe movements also occur at weekends when there is sport on Wyatt Ave.

Further the traffic report has not taken into account the cumulative effects of sporting activities on Wyatt Reserve and other development approvals in Wyatt Ave; these include the increase in student numbers at John Colet School, Child Care centre at No 12 Wyatt Ave and a boarding House at No 14 Wyatt Ave together with a bike Skills facility at 4 Wyatt Ave.

The Traffic report does not present a true representation of the actual traffic issues in Wyatt Ave. The existing issues include excessive traffic volumes and many unsafe movements in this local residential street.

The details of these issues have been included in many other submissions for other development proposals in Wyatt Ave and to the Local Traffic Committee that has proposed changes to the intersection of Wyatt Ave and Cotentin Road.

Another issue that needs to be considered is the reduced traffic during this Covid period. Many people are working from home and there have been lock downs that have reduced the number of students driven to John Colet School and other traffic movements in Wyatt Ave.

The proposed Boarding House development will not provide sufficient parking onsite. The traffic entering and exiting the site together with many other vehicles parking on street will result in many extra traffic movements in Wyatt Ave and at the intersection of Wyatt Ave and Cotentin road. This will result in many adverse impacts on the existing residents and cause unsafe traffic chaos.

Parking

The Applicant's Traffic and Parking report uses the Affordable Rental Housing SEPP for a determination of the onsite parking requirements. As stated above this SEPP does not apply to this property; therefore, this reduced number of onsite parking requirements should not apply to this property.

The reason given is that WLEP2000 does not have onsite parking requirements for Boarding Houses.

However, the schedule in the WLEP2000 does include requirements for 1 bedroom units. Each unit in the boarding House proposal has one bedroom therefore this requirement should be used for this development application.

The Parking and other requirements in the Affordable rental Housing SEPP are based on reduced requirements to provide for developments close to public transport and services.

The reduced requirements are also intended to achieve reduced development costs to compliment lower affordable rentals for people with low incomes.

The development of Boarding Houses in the Northern beaches has shown that the rents are not affordable and many of these developments are advertised as executive suites.

There have been no controls on rents and checking income for lodgers in these developments.

The State Government and the Council are currently addressing these issues as detailed above.

Further it is evident from other Boarding House developments in the Northern beaches that there are insufficient onsite parking spaces.

In addition to insufficient onsite parking for lodgers there are no spaces for visitors and trade services.

Therefore, for this particular development, the numbers of onsite parking spaces in the proposal are insufficient.

The Traffic and Parking report states in part:

“On street parking is provided generally on Wyatt Avenue. The road section adjacent to the site has a road shoulder and is not suitable for on street parking (see Figure 5b). On street parking near the nearby school is restricted to drop off and pick up events during the school drop off/pick up period. Ninety-degree parking is located adjacent to Wyatt Reserve. There are vacant car spaces near and opposite the Boarding House site at all times during the day. Vacant on street car spaces are more limited adjacent to the nearby school during the drop and pick up period.”

This statement means that any vehicles unable to use the limited onsite parking spaces can be parked on street adjoining the properties on the Southern side of Wyatt Ave including in front of our property. The Lodgers could be involved as shift workers this will result in noise outside our bedroom at night time and not allow for visitors and trades people to provide essential services for our home.

This statement acknowledges that there will be insufficient onsite parking spaces in the proposed development. This adverse impact to existing local residents is unacceptable.

The Design and Sustainability Panel state;

“Acknowledging that parking will be required for many of the residents due to the nature of the location (of the lower building) the Panel questions the ratio of Parking to residents....”

Due to the location of the lower building and considering that many residents will use public transport or park on street the Panel states;

“The path of travel (to the lower building) from the (front) boundary to the front door of the building is non – accessible and approximately 145 metres in length.”

These comments show that the numbers of onsite parking spaces are insufficient and the pedestrian access to the lower building is long and non – accessible.

Wyatt Ave Carriageway

The plans associated with the Development Application show that the Carriage way in Wyatt Ave will be reduced in width in comparison to the carriageway width for the Boarding House approved on the adjoining property No 14 Wyatt Ave.

This section of Wyatt Ave is very narrow and can only accommodate two lanes of traffic. To reduce the carriage width with kerb and gutter on both sides will cause traffic chaos and make the street very unsafe for motorists and pedestrians.

Reducing the carriageway width adjacent to the proposed development is unacceptable and unsafe.

Noise

The application does not have an acoustic report.

The proposed large development for 124 lodgers will generate noise well in excess of noise from the existing single dwelling on this site.

The noise will result in many extra vehicle movements, general onsite living particularly outside activities, parking of vehicles on street, air-conditioning mechanical equipment, visitors, service trades, pedestrians from the development etc.

This neighbourhood is a quiet low density residential area. This proposed high density development is out of character and will destroy the quiet amenity of this living area.

Sewer

Sydney Water does not provide a sewer main to the existing dwelling on the Northern side of Wyatt Ave. The application is based on the applicant obtaining approval from Sydney to obtain

approval to pump sewerage from the proposed development into the sewer on the Southern side of Wyatt Ave.

The sewer main may not have sufficient capacity to take the volume of sewerage from such a large development.

It will be essential that approval is obtained from Sydney prior to an assessment of this application.

Lighting

Outdoor lighting will be a significant issue for residents on the southern side of Wyatt Ave.

The application does not include an outside lighting plan.

Extensive outdoor lighting will impact on local wildlife in the area.

Head lights from vehicles exiting the site at night will impact the local residents on the Southern side of Wyatt Ave.

It is essential that a lighting plan be provided by the applicant and the exhibition period be extended to allow residents to view the proposal and to provide comments.

Conclusion

This site is NOT suitable for this Development.

The development poses a negative public benefit and is not in the Local Neighbourhoods Interest.

The above details show that there are many unacceptable impacts to the residents in Wyatt Ave and unacceptable impacts on the property. There are extensive matters in the application that do not meet the Planning requirements in Locality C8 North Belrose WLEP2000.

We request that all the Council assessment staff and the Local Planning Panel consider the details in this submission and ensure that None of the application is not assessed under the Affordable Rental Housing SEPP.

Yours Sincerely

Ron and Cynthia Patton

Attached Photos to the submission by Ron and Cynthia Patton

See next two pages



Photo 1. Stormwater flood at the rear boundary of No 14 Wyatt Ave looking north into the rear of No 16 Wyatt Ave



Uncontrolled overland flow
across No. 16 Wyatt
Avenue

Photo 2. Stormwater flooding at the rear of No 16 Wyatt Ave looking North towards the bushland in the adjoining Property at the rear of No 16 Wyatt Ave.