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**From:** Amanda  
**Sent:** 8/06/2022 12:41:46 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** Council Submission REV2022/0004  
**Attachments:** Amanda Magarey Submission Jun2022.docx;

Good afternoon,

Please update the council website with my submission.

Thank you,  
Amanda Magarey.

Sent from my iPad

**Subject: Council Submission**

Amanda Magarey  
3/2 Worroobil Street North Balgowlah

Dear Max

Re: 16 Bangaroo St Seaforth: Proposed Child Care: DA 2020/1397(8,2 REVIEW)

Amended DA has not satisfactorily addressed my concerns detailed in my submission of **20/07/2021 (see submission at end of document)**.

In particular I note that the applicant has failed to address the provisions of 8.3(3) of the E P and A Act which provides as follows:

*(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, **but only if it is satisfied that it is substantially the same development** (my emphasis).*

In that regard it is my view that the proposed reduction of the number of children to be accommodated on the site is not substantially the same application, and fails to address how it is proposed to manage and ensure that only eight out of the 12 children will be allowed outside the subject building.

Despite the reduction in numbers of children, and reduced parking, the proposed development is still inconsistent with the Councils previous reasons for refusal being 1-5, and 6-8.

As indicated previously the objective of the residential zone is:

*to ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

That is Bangaroo Street is characterised by a substantial building set back with landscaped gardens in front. Whilst the proposed amendment has reduced the number of vehicular accesses and parking provision, it is still proposed to remove of all vegetation in front of the existing dwelling, and its replacement with a concrete parking area vehicular parking for 3 vehicles, and reverse exiting from the site.

The objectives of the front setback which requires the *sense of openness* to be maintained, as well as the

*visual continuity and pattern of buildings and landscape elements, and to protect and enhance the visual quality of streetscapes and public spaces.*

In that regard, and as I indicated previously, I note that *development is to maintain a minimum setback to road frontages*, and the front boundary setback area is to be landscaped and generally free of any structures, including car parking.

The proposed amendment is still inconsistent with Council's policy in relation to Traffic, Access and Safety (C2) in that it will

- (a) Result in unnecessary traffic hazards and vehicular queuing on a public road without adequate on site drop off and pick up provisions, the potential pedestrian and traffic conflicts resulting from the design and location of vehicular access to the site.
  - (b) The applicants have not adequately demonstrated that the location of vehicular and pedestrian access meets the objectives of Council's requirements
  - (c) No provision has been made for onsite loading and unloading, but more particularly in relation to drop off and pick up of children.
- The proposed car parking is inconsistent with:
    - (a) The objectives of the control C3 (Parking Facilities) which includes to site and design parking facilities to have minimal visual impact on the street frontage, and are designed so as not to dominate the street frontage or other public places.
    - (b) The requirements of this clause in that the off street parking, as it has not demonstrated
  - the need or otherwise for parking facilities for courier vehicles, delivery / service vehicles and bicycles.
  - That there will be a safe and convenient pedestrian and traffic movement;
  - That there is adequate provision for manoeuvring and convenient access to individual spaces;
  - That vehicles will be able to enter and leave the site in a forward direction;
  - That landscaping will be provided to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;
  - The objective of Clause D1 of Council's DCP related to Landscaping which is:  
*To enable planting to maintain and enhance the streetscape.*
  - The objectives of Clause D15 related to Side and Rear Fences which is as follows:  
*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.*

In that regard it is noted that that it is still proposed to erect a fence along the rear of the site **no less than 3metres high**, and a fence along the northern boundary of **no less than 2.4 metres high**.

As I also indicated previously, it is noted that fencing is not shown on any plans submitted to Council, although recommended by the acoustic consultant.

That fencing would detrimentally impact on the visual privacy of adjoining neighbours and properties and subject them to unacceptable bulk and scale when viewed from their properties and private open spaces.

Further to the above the review has still not adequately addressed a number of the principles, objectives and guidelines, articulated by the NSW Department of Planning and Environment's –Childcare Planning Guidelines as follows:

- (a) *Principle 1-Context*, as the development fails to enhance the qualities and R2 Low Density Residential identity of the neighbouring dwellings, streetscape and the neighbourhood.
- (b) *Principle 5-Landscape*, as the proposal does not result in a development that is integrated with the existing streetscape.
- (c) *Compatibility with the local character and surrounding streetscape*, as there is limited landscape in the front setback of the site, and the proposed car parking will diminish the local character.
- (d) *Providing a landscape design that contributes to the street scape and amenity and reinforces local context*. The proposal does not contribute to the street scape and amenity, nor fit in with local context in terms of setting. The development does not result in additional planting in order to enhance the development within the existing streetscape setting.
- (e) *Incorporate car parking into the landscape design of the site*. No additional landscaping is provided. The parking area and dual access ways limit severely the amount of landscaping capable of being provided.
- (f) Failure to comply with many of the Planning guidelines indicated in Part 3 of the Child Care Planning Guidelines.

I am recovering from a long illness and spend most of my time at home recuperating – this includes morning & afternoon rest periods. During the summer I leave the door open to allow fresh air. Having the outdoor play area of the proposed centre over the fence (that is located within 3 meters of my front door) will drastically hinder my ability to recuperate in my home.

Accordingly, it is my view that the Council's previous decision to refuse the application should be upheld for the reasons set out above. It is absolutely ludicrous that council resources, ratepayer money & the communities time has been wasted yet again on this ridiculous inappropriate application. It's an accident waiting to happen.

## **PREVIOUS SUBMISSION DATED 20/07/2021 – ISSUES STILL NOT ADDRESSED**

I strongly object to the proposed development for the following reasons:

### **Noise generation and the loss of quiet neighbourhood amenity**

The location of a childcare centre in such close proximity to residential properties will result in a significant increase in daytime noise and activity on the subject site and in the surrounding streets. I understand that to alleviate the noise there is a plan to restrict the number of children outdoors at any one time and close windows of the building for noisy play – music etc. With children receiving limited time outside each day on a rotating schedule, it is expected that when the kids do get a chance to play outside, they will be extremely excited and noisy. The noise of the door opening and shutting when children and staff need to move in and out of the building for food, toilet etc will exacerbate the problem. The sand pit located close to the adjacent unit block at 2 Worrobil Street will also concentrate noise in this area. What happens on special event days such as Easter hat parade and Mothers Day events, are they all expected to be inside or will management plan rules be constantly ignored?

I note that a 3 metre sound wall is proposed to be erected at the rear of the property to minimise the impact of the occupants of the units at 2 Worrobil Street. Given most of the units in the block are at a higher level, this wall will not be able to contain the noise within the site. In fact it may even create an amphitheatre effect for surrounding properties and those across Bangaroo Street.

The testing for the acoustic report was not carried out beyond the subject property. I think it is imperative that further testing be undertaken from the middle and highest units of 2 Worrobil Street to gain a better understanding of how noise travels in this space.

A resident of 2 Worrobil Street has had their own report done. It is important that Council consider these results in making their assessment of this project.

### **Privacy and security of children in care**

From my property at 3/2 Worrobil Street I am currently able to look directly into the backroom and garden area of the subject property. Better views are gained from the common stairwell to the upper units and from the units 2, 4 & 5. The proposed 3 metre wall will not block this view, therefore there will be risks related to security and privacy for the children and the centre. Although discouraged, these stairs are often used by local people (non residents) to get through the property to Worrobil Street, potentially exposing the children to further privacy issues.

### **Traffic, parking and pedestrian safety**

There is an insufficient plan for staff parking. The spaces to be provided are minimal and will be too small to allow safe access and egress from the centre. It is also assumed that any additional cars of staff and parent travelling to work or the centre by car will have to park in Worrobil Street which is already a busy narrow street. Local residents already struggle to park in Worrobil Street and do not want this problem to be exacerbated. Garbage and delivery trucks already have trouble negotiating the street safely.

Bangaroo Street is the main thoroughfare for public buses, school buses, local traffic and through traffic using it as a rat run with drivers connecting Seaforth and Wakehurst Parkway to avoid

congestion. The roundabout at Worrobil Street is already dangerous with speeding cars and numerous blindspots, and bus stops and blinding morning sun blocking vision of the roads, pedestrians and bike riders. School kids use this street to access Seaforth Public School and due to the steepness and state of the paths, parents with prams often need to travel along the road edge to negotiate their path. There are many school buses using Bangaroo Street every weekday. I have significant concerns about my safety and that of my local community especially given the number of parents having to enter and exit the proposed parking spaces (backwards) each morning and afternoon at peak times. The specified pick up drop off times identified in the plan will not work. Any parent knows that children do not behave according to timeframes, nor the rest of society. This is not a suitable plan of management.

The traffic modelling undertaken for the proposal was carried out during covid shut down period when people were not moving around as much. These studies should be undertaken again once covid restrictions are fully lifted to gain a true understanding of the traffic flows in the vicinity.

It is imperative that the issues raised in relation to this DA are put to the Council Traffic Committee for consideration before a decision is made. It is difficult to believe that any Traffic Committee would endorse this application or plan of management.

### **Increased stormwater runoff and reduced landscaping**

Water already travels from the subject property downhill onto properties below on Worrobil Street. The proposal will require the removal of significant soft landscaping including trees and grass to be replaced by impervious surfaces such as concrete and artificial grass. How will the resulting increase in stormwater runoff be managed on the site?

The owners of the subject property have already removed significant vegetation from the rear yard. It is noted the proposal suggests there is no requirement to remove any flora or fauna, however the landscape plan shows the remaining trees on site to be removed. These established trees provide homes to many native species and provide some privacy to neighbours. There are not clear details on how the applicant will compensate for this proposed loss of habitat. This is very concerning.

### **Waste Management**

I assume there will be significant waste generated by this proposal and have concerns about where the garbage bins will be located on the property and how often they will need to be emptied given it's a commercial business.

### **Inappropriate landuse in residential zone and inconsistency with Council policy**

1) The use of 16 Bangaroo Street as a childcare centre as proposed is inconsistent with:

- the objective of the zone 'to ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah'. That is, 16 Bangaroo Street is characterised by a substantial building set back with landscaped gardens in front. This proposal requires the removal of all vegetation in front of the existing dwelling, and its replacement with vehicular access and parking for 3 vehicles.
- the objectives of the front setback which requires the 'sense of openness' to be maintained, as well as the 'visual continuity and pattern of buildings and landscape elements', and to 'protect and enhance the visual quality of streetscapes and public spaces'. In that regard I note that

development is to 'maintain a minimum setback to road frontages', and the front boundary setback area is to be landscaped and generally free of any structures, including car parking.

2) The proposal is also inconsistent with Council's policy in relation to Traffic, Access and Safety (C2) in that it will result in unnecessary traffic hazards and vehicular queuing on a public road without adequate on site drop off and pick up provisions, the number of vehicular crossings provided, and the potential pedestrian and traffic conflicts resulting from the design and location of vehicular access to the site.

The applicants have not adequately demonstrated that the location of vehicular and pedestrian access meets the objectives of Council's requirements. No provision has been made for onsite loading and unloading, but more particularly in relation to drop off and pick up of children.

3) The proposed car parking is also inconsistent with the objectives of the control C3 (Parking Facilities) which includes that the site and design of parking facilities are to have minimal visual impact on the street frontage, and are to be designed so as not to dominate the street frontage or other public places. The requirements of this clause have not been demonstrated as per the following:

- There is a need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.
- There needs to be an adequate amount of parking provided, for staff and customers
- The use of stack parking is also inconsistent with the Council objectives.
- There needs to be safe and convenient pedestrian and traffic movement;
- there needs to be adequate provision for manoeuvring and convenient access to individual spaces;
- vehicles need to be able to enter and leave the site in a forward direction;
- landscaping needs to be provided to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;

4) The proposal is also inconsistent with the objective of Clause D1 of Council's DCP related to Landscaping which is 'to enable planting to maintain and enhance the streetscape'.

5) The proposal is also inconsistent with a number of the principles, objectives and guidelines, articulated by the NSW Department of Planning and Environment's – Childcare Planning Guidelines as follows:

- Principle 1-Context, as the development fails to enhance the qualities and R2 Low Density Residential identity of the neighbouring dwellings, streetscape and the neighbourhood.
- Principle 5-Landscape, as the proposal does not result in a development that is integrated with the existing streetscape.
- Compatibility with the local character and surrounding streetscape, as there is limited landscape in the front setback of the site, and the proposed car parking will diminish the local character.
- Providing a landscape design that contributes to the street scape and amenity and reinforces local context. The proposal does not contribute to the street scape and amenity, nor fit in with local context in terms of setting. The development does not result in additional planting in order to enhance the development within the existing streetscape setting.

- Incorporate car parking into the landscape design of the site. No additional landscaping is provided. The parking area and dual access ways limit severely the amount of landscaping capable of being provided.
- Failure to comply with many of the Planning guidelines indicated in Part 3 of the Child Care Planning Guidelines.

Thank you for your consideration of the issues raised in my submission.

Amanda Magarey

3/2 Worrobil Street, North Balgowlah