

Dear Sir / Madam,

**RE - DA2021/1039 - Proposed Boarding House - 16 Wyatt Avenue, Belrose**

I am writing on behalf of local residents in North Belrose living near this site who have asked me as a Registered Planner and experience Land & Environment Court expert witness to review this DA. This submission is made as an update to my original submission to Northern Beaches Council of 31/08/2021, made on behalf of two local residents seeking my assistance.

As a local resident and as a town planner of 25 year experience, I wish to make this submission of objection, raising the following key concerns.

- whether the proposal satisfies the Objects of the EP&A Act, and S.4.15 – Matters for consideration (impacts, site suitability, public interest).
- Occupant Density / overdevelopment of the site
- Lack of key infrastructure (sewer, Council stormwater, kerb & gutter, footpath, main bus service within 400m walking distance)
- Parking and traffic generation
- Bushfire safety egress for occupants and management of required Asset Protection Zone / Inner Protection Area.

**INCONSISTENCY WITH EP&A ACT – Section E 1.3 Objects of Act**

**Comment** – The proposal does not satisfy the definition of *ecologically sustainable development* (“ESD”) as referred to in the Objects of the Act.

With particular reference to the ***precautionary principle*** as referred to in the ESD definition, in the circumstances of the proposal, it would require the consent authority to have confidence that the proposal will not give rise to adverse impacts with regards to:

***Density*** – namely a high density development fitting with its established low density residential surrounds. The density of the R2 Low Density Zone opposite the site to the south is @ 13 dwellings/ha, whereas the proposal exceeds 50 dwellings/ha without supporting infrastructure to warrant such high density. The proposed occupant density is excessive and incompatible with the density and character of its locality.

***Parking, traffic generation and public transport*** – the site is more than 500m to the closest main bus route on Forest Way, and has limited direct bus services to employment areas outside of Sydney CBD and Chatswood. The closest bus stop on Cotentin Road has a low 1 hour frequency of service and is a slow ‘all stops’ service which will most likely see boarding house occupants owning a car and driving for daily travel needs.

As a result a higher proportion of the 62 occupants would likely require driving their own car as their primary means of transport than compared with a boarding house on a main road and close to a main transport node (e.g existing boarding house at 130 Frenchs Forest Road, Frenchs Forest). This will result in greater parking generation and traffic generation than advised in the traffic study.

There is also an existing cumulative impact of parking generated by the expanding John Collet School, the approved 60 place daycare, and soccer matches plus training at Wyatt Ave sportsfields. The proposal will excessively increase this impact, and the Traffic Assessment fails to recognise this.

**Occupant safety** – bushfire risk and egress for its occupants is available only via Wyatt Ave to the east. Occupants needing to park on the street may need to walk more than 100m uphill through the site in the event of an emergency evacuation caused by bushfire. With the vacant bushland and National Park below the site to the north-west, there is a real risk of an uncontrolled bushfire advancing up the valley and onto the site.

Advice from NSW Rural Fire Service dated 29/7/2021 indicates the development requires BAL-40 construction rather than BAL-29 as claimed in the Bushfire Assessment. The Assessment does not consider access constraints to the bushland below which will continue to accumulate fuelwood until either back burned or another major bushfire event, thereby increasing risk of bushfire attack. Further to this, concern is raised regarding the requirements and responsibilities to maintain the required Asset Protection Zone / Inner Protection Area of the site, particularly in circumstances where the development is on-sold.

**land zoning** – the location of the site within the ‘Deferred Matter’ zoned lands reflects the need to carry out further investigations to determine its suitability for development, including environmental constraints and infrastructure servicing constraints. Until Northern Beaches Council have completed their review of Deferred Matter areas, consideration of any development of these areas should be restricted to existing provisions under the various State Environmental Planning Policies that enable certain housing development.

The Deferred Matter areas in Belrose are all characterised as a combination of rural-residential type housing and vacant bushland with an absence of sewer and stormwater infrastructure. Adhering to the *precautionary principle*, the proposal is deemed inappropriate development and should be refused.

#### **INCONSISTENCY WITH EP&A ACT – Section 4.15(1) Matters for consideration**

Reference is made to S.4.15(1) matters listed below

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

**Comment** – During peak storm events the proposal may result in significant surface runoff into the bushland and National Park below, increasing risk of weed spread. The proposed WSUD and OSD do not provide evidence of satisfactorily preventing this impact.

The proposed sewer relies on a pump out system which is not a preferred outcome particularly adjoining sensitive natural bushland and National Park land. Failure of this system could cause significant pollution into the receiving catchment of Middle Harbour Creek.

*(c) the suitability of the site for the development,*

**Comment** – As discussed above, the site is located in an area with limited infrastructure and high bushfire risk. It is not serviced by reticulated gravity fed sewer, stormwater will discharge into sensitive bushland, there is no kerb and gutter or footpath, and there are no immediate plans to improve these services to the locality or Deferred Matter lands in the area.

*(d) any submissions made in accordance with this Act or the regulations,*

**Comment** – Based on the large volume of local resident submissions objecting to the proposal, it is considered that the proposal cannot be reasonably amended to resolve all issues, and rather would require a new Development Application.

*(e) the public interest.*

**Comment** – Boarding House accommodation is recognised as a necessity and in demand based on several other boarding house developments in the Frenchs Forest – Belrose area, within the established urban area. These are adequately serviced and closer to the main bus route on Forest Way / Warringah Road and closer to existing shopping centres.

In the circumstances however, based on the site being considered unsuitable for the proposal and the volume of local resident submissions of objection received, the proposal is not considered in the public interest. This is underpinned by the proposal bypassing the Affordable Housing SEPP limit that would permit a maximum 12 boarding rooms, and instead relying on the Warringah LEP Deferred Matter provisions which do not contemplate a development of this size. The proposed development is excessive in density for its location and considered inappropriate, accordingly it is clearly not within the public interest.

Yours faithfully,



Ben Rourke – town planner

(BTP, MEnvLaw, RegPlan, MPIA, Cert. Busfire Planning)

***Planning Partnerships Pty Ltd***

