
Sent: 6/02/2022 11:48:44 PM

Subject: Submission for DA2021/1039 Lot 2566 DP 752038 16 Wyatt Avenue, Belrose

Attachments: Submission_16_WyattAve_Uchida.pdf;

Hello,

I hope this email finds you well.

Please find attached my submission for DA2021/1039 Lot 2566 DP 752038 16 Wyatt Avenue, Belrose.

I had requested an extension for submission which Adam Mitchell kindly approved.

Thank you,
Dawn

Dawn Uchida
17 Wyatt Ave
Belrose NSW
2085

6th February, 2021

ATTN:

Clr Michael Regan, Mayor

Mr Ray Brownlee, CEO

Louise Kerr, Director, Planning and Place

Adam Mitchell, Principal Planner

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 to the amended plans for DA2021/1039 high-density, 55-room, 110-person capacity boarding house development application proposed for 16 Wyatt Avenue, Belrose.

Clr Regan, Mr Brownlee and Ms Kerr, I am including you in this correspondence to request your support in closely reviewing this development application and the overwhelming number of community submissions in opposition to it to protect the character of Wyatt Avenue, Belrose, and its community.

Due to the significant adverse impacts the proposed development will have on the natural environment, community, character and amenity of the area, **I strongly oppose this development application.**

I submit my objection to this development application on the following grounds:

Inconsistent With Local Character and Visual Amenity

The NSW Department of Planning, Industry and Environment stipulates that “**Local character is a key consideration in strategic planning for councils across NSW**” and that the “**NSW Government aims to ensure that our planning frameworks provide the capacity to ensure we can maintain, enhance and cultivate the unique character and identity of places.**” They have defined character as “**Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels. It is created by a combination of land, people, the built environment, history, culture and tradition.**”¹

The proposal to develop this high-density boarding house is drastically inconsistent with the character, identity and visual amenity of this low-density residential, nature-rich area, which consists of predominantly R2 Low Density, single dwellings. The introduction of a development even at the revised proposed scale would be¹ grossly inconsistent with the town planning, streetscape quality and character of the area. It would dominate all surrounding residences in size, human density, noise and light. It is incongruent with the built environment of Belrose and Wyatt Avenue, and as evidenced by the number of submissions against this DA, is something the people of the area strongly oppose.

¹ NSW Department of Planning, Industry and Environment, Local Character and Place Guideline.



Figure 1. Current aerial view of Wyatt Avenue, landscape and visual amenity. Red figures indicate known number of residents in each dwelling.



Figure 2. Image with proposed boarding house planning to accommodate 110 boarders, in addition to the adjoining approved boarding house by the same applicant in Jan 2021. Red figures reflect number of residents in each dwelling.

Additionally, the desired future character statement for the Belrose North area under Warringah LEP 2000 states: *The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows. The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed*

to blend with the colours and textures of the natural landscape will be strongly encouraged. Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.

Consistent with the findings of Northern Beaches Council's Design and Sustainability Advisory Panel, from the magnitude of the proposed boarding house, it is undeniably evident that it is not in keeping with the desired future character statement or the current amenity of low-density, low-impact, high-vegetation residential character of the area. It must be mentioned that the proposed development is situated less than 50 metres away and directly next to an already approved boarding house by the same applicants, further amplifying the high density and inconsistency of character and amenity of this DA.

Additionally, in a recent assessment of the proposed development undertaken by the Northern Beaches Design and Sustainability Advisory Panel, they concluded that the scale of this development is not consistent with the applicable density control of 1 dwelling per 20 hectares and has been deemed **inconsistent with the desired future character statement in that it is neither low impact nor low intensity in use.**²

It should be taken into consideration that the same applicant was granted approval for DA2018/0401 to construct a high-density, 25-room boarding house on 14 Wyatt Avenue, directly adjacent to 16 Wyatt Avenue. This was approved on the basis that the individual rooms were not considered 'single dwellings' as they did not contain cooking facilities in each room and tenants would share a common cooking area and kitchen facilities. However, once this DA was approved, the applicant has since submitted amendment Mod2021/0996 to install individual kitchens in each of the dwellings. It is difficult to imagine that this is not an attempt to circumvent the planning controls that limit the density of 'dwellings' in the locality and that the probability of this same tactic being applied to DA2021/1039 is high. This is especially so when considering that the submitted DA plans do not include cooking facilities in individual rooms despite the fact that the plans submitted as part of the BASIX certificate strangely reference the provision of cooktops, fridges and ovens in every room, which is clearly inconsistent with the proposal.

As indicated by Northern Beaches Council's Design and Sustainability Advisory Panel, the applicant referred to a BASIX certificate not being required, whereas the Panel believes that whilst NaTHERS is not required for Class 3 Accommodation, BASIX is required. Council's panel even states its belief that the principal reason for not providing individual kitchens is to circumvent density-limiting planning controls in the locality. The applicant's change of design for 14 Wyatt Avenue is both duplicitous and questionable, and should be taken into account by assessors of this DA in order to ensure long-term protection of the character, people, and environment of this area.

In addition, the proposal would have a significant impact on the site, including deep excavation down to 6m, destroying rock outcrops, clearing nearly all trees on the lot, and does not protect or enhance the natural vegetation nor landform. Even if a boarding house were permissible on the site, the site is unsuitable with its high accommodation density given permissible land uses on adjoining and nearby sites such as animal boarding and industries.

Council and the NSW Government have committed to ensuring strategic planning that recognises and enhances the local character of an area. As noted by council's own assessor, the current inadequate landscaping plans would fail to conceal the

² Design + Sustainability Advisory Panel Meeting Report – Date 07 October 2021

bulk and starkness of the proposed multi-storey buildings and are not suitable for the area.

Local Character - People

With approximately 25 people currently residing in the single dwellings on Wyatt Avenue west of the intersection with Cotentin Road, this would equate to an over 600% increase in density in the short distance of this street.

Data from the Australian Bureau of Statistics, Estimated Residential Population (ERP) shows that the median population growth in Belrose across the three-year period between 2018-2020 was 0.19%³, equating to an average increase of 18.33 people annually in the entire Belrose area (256.7 square kilometres).

Area:	Benchmark area:
Belrose - Oxford Falls	Greater Sydney

Year (ending June 30)	Number	Change in number	Change in percent
2012	9,047	--	--
2013	9,090	+43	+0.48
2014	9,191	+101	+1.11
2015	9,239	+49	+0.53
2016	9,205	-34	-0.37
2017	9,271	+66	+0.71
2018	9,280	+9	+0.09
2019	9,357	+77	+0.83
2020	9,326	-31	-0.33

Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0). Compiled and presented in profile.id by .id (informed decisions).

In contrast, the proposed high-density boarding house would increase the population by 600 times this average (110 people), condensed into less than a 0.009km² area on a single, small cul-de-sac street. Should the adjacent boarding house be considered, this would further increase the proposed population by 890% more than the suburb median during the same period. **It is undeniable that this will have adverse impacts on the community, people, built, and natural environments of the area.**

Visual Impact on Existing Views

This application has not provided a visual impact assessment. Opposite the proposed development site, the street consists of single dwellings at a higher elevation, including 2-storey homes. The current views from these dwellings are of other single dwellings and an abundance of natural landscape and vegetation. Due to the high visual sensitivity of this area, the introduction of the proposed boarding house would significantly degrade all existing views and landscapes with negative visual impact from multiple viewpoints.

³ Profile ID - Estimated Residential Population, Data Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0)

Impacted Acoustic Amenity and Noise Pollution

A development of this magnitude in the low-density character of the area will result in a significant loss of acoustic amenity to existing residents. The downhill position of the proposed site without noise barriers in between will echo onto the street impacting all residents.

The application proposes that the site will house essential workers and shift workers, the nature of which would mean that residents will be entering and exiting throughout the night and early hours of the morning. Given that public transport does not operate at these hours, it is expected that vehicles will be entering and exiting the premises causing both noise and light pollution in the area. This will be especially damaging to residents next to and directly opposite the boarding house with living and sleeping spaces facing the street.

The proposed communal outdoor areas would be available to occupants until 10pm on weeknights and midnight on weekends. With an unenforceable plan of management for noise and no noise barriers between the 2 multi-storey buildings and surrounding homes, the noise generated from the proposed boarding house operation, including the use of the internal and external communal areas, mechanical plant noise (air conditioning, exhausts), vehicle noise and more, will greatly impact the noise levels of the area and well-being of the community.

The noise impact assessment submitted with the DA states: **“Noise associated with communal areas is not well addressed in NSW. Both the Warringah DCP and the NSW EPA Noise Policy for Industry do not address noise from communal areas. As such, to ensure the acoustic amenity is reasonably maintained for the existing surrounding developments, PWNA believe that an RBL + 5dBA as a LAeq approach is considered acceptable. Adoption of a background +5 approach is similar to the criteria typically adopted in the assessments of external areas of a licensed venue during the daytime period.”** This thus suggests that an equivalent amount of noise to the surrounds of a pub would be acceptable on this quiet residential street, which is clearly incongruent with the current quiet character of Wyatt Avenue and would cause significant distress and disturbance to the community and native fauna.

In addition, the assessment considers wall insulation, glazing on windows, and inter-tenancy impacts, etc, but does not consider the noise impact from open windows, which would be very common throughout the year especially for people living in low-cost housing who are cognisant of saving energy costs by not using air conditioning.

Parking and Traffic Generation

35 car spaces are inadequate to service 110 tenants, a building manager, service personnel, and visitors to the premise. Tenants would be forced to park their vehicles on-street, which could see 40 or more cars lined along both sides of Wyatt Ave, causing a significant impact to the roads, community and residents. It should be noted that the traffic assessment submitted with the proposal itself recognises that the north side of Wyatt Avenue is unsuitable for parking as it lacks kerbs and gutters, which means all overflow on-street parking would be concentrated on the south side of the street where a majority of current residents live.

In addition, the Affordable Rental Housing SEPP is not recognised for the C8 locality, hence the proposed parking in the applicant's development proposal are irrelevant.

When viewed against the WLEP2000 as Apartment Style Housing, which would require 73 spaces versus the planned 35 spaces, this means the proposed development would *necessarily depend* on the use of 38 “spare” spaces on Wyatt Avenue, a narrow cul-de-sac that already struggles to accommodate morning and

afternoon peak-hour traffic for the local school and large trucks moving to and from the power station as illustrated in figures 3 and 4 below.

Two-way traffic will not be possible with cars parked on both sides of the street. The views of residents reversing from their driveways will be dangerously impeded, foot traffic of children walking to and from the John Colet School at 6 Wyatt Avenue will be presented a new hazard, and it will pose risks to other pedestrians as there are currently no footpaths on either side of the street.

The traffic study accompanying the proposal is incomplete, erroneous, and out-of-date for the following reasons.

It does not take into account local traffic conditions and modelling, and is not supported by council's Roads and Transport assessment. Of particular note is that it only surveys the intersection of Forest Way with Wyatt Avenue and Morgan Rd, with no modelling for the intersection of Wyatt Avenue and Cotentin Rd and Wyatt Avenue west of this intersection. The future environment of this street needs to be considered, which includes an approved 60-place childcare centre at 12 Wyatt Avenue and the applicant's other approved 54 person boarding house at 14 Wyatt Ave.



Figure 3 – Actual aerial view of daily peak traffic, Wyatt Avenue Belrose, taken January, 2022. Cars lined up beyond entire stretch of Wyatt Avenue, all the way to Warringah road. Cars also parked on the opposite side, allowing only for single way traffic. This congestion is a daily occurrence during peak hours.



Figure 3b – Actual Street view of daily peak traffic, Wyatt Avenue Belrose, taken January, 2022. Cars lined up beyond entire stretch of Wyatt Avenue, all the way to Warringah road. Cars also parked on the opposite side, allowing only for single way traffic. This congestion is a daily occurrence during peak hours.

- **It does not take into account peak-hour traffic.** A traffic assessment should not be based on lull periods of the day, but rather should focus on times when there is traffic to ensure Wyatt Avenue and surrounding streets have the capacity to withstand the additional traffic load the proposed development is likely to bring.

There are 3 key traffic periods on this street: morning and afternoons Monday-Friday as cars line up on the north side of the street to pick up and drop off children at the John Colet School, as shown in the street-level and aerial images above, and weekends when people visit the adjacent national park.

Figures 4b, 4c and 4d in the traffic report do not take this into consideration nor reflect this in their “study”. As the images above demonstrate, Wyatt Avenue is already severely congested on a daily basis, which impedes two-way traffic, and increasingly so when even one car is parked on the south side of the street. It is evident that Wyatt Avenue does not have the capacity to accommodate additional cars parked on-street beyond the range of normal neighbourhood activity. In addition to congestion, this will likely also contribute to the degradation and deterioration of the roads, especially given increasing rainfall and the watercourse that runs below the street.

- **The assessment does not take into consideration weekend traffic,** when local residents visit the mountain bike and hiking trails, who park along Wyatt Ave. Should this DA be approved, this would disadvantage the Northern Beaches community by making this trail more difficult to access.

Additionally, it needs to be taken into consideration that the NSW government has stipulated that nearby lots on Wyatt Avenue - Lot 102 DP 1244381 and Lot 2620 DP 752038 - are community land upon which public recreation facilities must be built. Currently, a Junior Bike Park has been proposed, but no matter what facility is built it will likely attract more visitors to the street, increasing both traffic and parked cars.

- **It does not take into account any visitor parking for current residents or boarding house residents.** With overflow from the boarding house, there is a high likelihood that all remaining available street parking spaces will be taken, not leaving any for visitors to other homes on the street.
- **Insufficient bush fire emergency exit roads.** The assessment rightly indicates that this is high-risk bushfire prone land, saying the development only needs to provide a T-shaped bay for a standard fire truck, but ignores bushfire evacuation plans. Should access to Wyatt Avenue be blocked due to a fire or storm event or traffic congestion from other evacuees, residents evacuating by car will be severely restricted from exiting, effectively trapping them on the driveway or in the basement car park where ventilation is poor.

Including the availability of street parking in the assessment suggests that the DA applicant is aware that the number of proposed car parking spaces included in the development plan will be insufficient and will require overflow street parking.

If approved, the applicant would be required to build kerbs and gutters, footpaths and bus shelters. Transgrid, located at the far western end of Wyatt Ave, have publicly stated that kerbs and gutters on the north side of the street may impede the delivery of transformers on oversized trucks. This would present an additional risk to the local electricity grid, which is an essential service that should be prioritised ahead of private commercial developments.

The collective negative impacts of additional on-street parking and traffic support the fact that Wyatt Avenue is not a suitable location for the proposed boarding house.

Significant Light Pollution

Light pollution from the proposed boarding house from 55 apartments, communal areas, outdoor lighting and vehicle lights will adversely impact residents both on Wyatt Avenue and surrounding streets and the local native fauna.

The proposal's specific focus on essential workers and shift workers means that there will be traffic entering and exiting the premise around the clock due to the nature of shift worker hours and unavailability of public transport at these times. This will introduce a level of light pollution to the area late at night and the early hours of the morning.

All neighbours opposite the location will be subject to the headlights of cars entering and exiting the premise amplified by the gradient of the proposed uphill ramp, which will cause lights to penetrate bedrooms and living areas throughout the night and violate privacy.

An environment reasonably free of light and noise pollution is expected in low density, family residential areas. The light pollution has the potential to impact the sleep, security, well-being and quality of life of residents both on and around Wyatt Avenue.

Affordable Rental Housing State Environment Planning Policy does not apply and the DA does not meet the requirements of the Warringah Local Environment Plan 2000

The State Environment Planning Policy (SEPP) ARH, on which this proposal is based, is not recognised for the C8 locality, nor the equivalent E3 locality in the WLEP2000. Therefore, the merits of the proposal should not be considered nor have any legal authority under these frameworks.

Should the applicant insist on referring to the SEPP, the NSW Government amended the ARH SEPP in 2019 to reflect council and community feedback, limiting boarding houses to 12 boarding rooms per site in R2 zones. This amendment also requires boarding houses to comply with parking rules and council regulations on density and building height. The proposed 55 boarding rooms exceed this by over 350%.

Additionally, Division 3 - Clause 30A clearly stipulates that the character of the local area must be taken into consideration and a consent authority must not consent to development unless it has taken into consideration whether the design of the development is compatible with the character of the local area. It is inarguable that the proposed boarding house is not only incompatible with the local area, but would greatly contribute to loss of character should it be approved.

The WLEP2000 allows one dwelling per 20h, which this proposal, at 62 dwellings on 0.9h, exceeds by 2,100%. Such high intensity will have inevitable large-scale impacts in terms of noise, light, parking, traffic, bushfire risk, sewerage and flood risk, environmental impact, and the mental wellbeing of other residents.

While local planning controls for the C8 locality require properties to maintain at least 50% bushland to preserve local character and biodiversity, the proposed landscaping provides only for a tokenistic lawn and patches of trees. Council's own analysis has deemed this insufficient and inappropriate.

Designated as Extreme Fire Risk Zone by Rural Fire Service

On 29 July 2021 (RFS Reference DA20210716002941-Original-1), the RFS designated the proposed development site as BAL 40, the second highest bushfire attack level. Additionally Harris Environment Consulting conducted a Bushfire Hazard Assessment, which also concluded that the site is bushfire prone.

Situating a high-density boarding house on bushfire prone land will put over one hundred boarders in an extremely vulnerable position should a fire occur, with the potential to be a conduit causing secondary fires to the bushland, national park and surrounding houses, causing devastating loss and damage. Fire evacuation plans off the premises are inadequate given limited access to Wyatt Avenue from the basement carpark for many cars at once, especially if there is any obstruction near the exit.

Australia's own Climate Council, the recent IPCC report, and – most alarmingly – the recent Black Summer bush fires in 2020 confirm that extreme fire events will only get worse, which is a reality the assessor of this DA needs to seriously consider, especially in high bush fire prone areas in such close proximity to a national park.

The BAL 40 bushfire risk mitigation requirements, which include shrubs forming no more than 10% ground cover and total tree canopy cover being less than 15% at maturity, are not aligned with the minimum 50% bushland or native landscaping requirement stipulated in local planning rules.

Taking both fire risk and local planning requirements into consideration, this further underscores the unsuitability of the proposed boarding house in the area, not to mention the risk to both proposed boarders and existing residents.

Inconsistent with Planning Controls - Bushland

The planning controls stipulate that 50% of the proposed lot for development remain as bushland. The landscape plan involves removing the majority of existing bushland, replaced with building and grass. This is not compliant with planning controls.

Inadequate Flood Controls and Assessment of Stormwater Damage

The proposed development site, located on top of an underground watercourse, is prone to flooding from natural rain events, adjoining properties, and a building design that actually digs further down to construct a basement downstream from the most likely flood areas. This will necessitate robust mechanisms and controls to protect the property and its occupants, control the flow of water, and direct it away from the property in a way that does not damage adjoining bushland.

The flood modelling accompanying the proposal does not take into account drainage from adjoining land (boarding house at 14 Wyatt Avenue and a childcare centre at 12 Wyatt Ave), which drain onto the proposed site.

Flood mitigation and drainage were highly contentious during the applicant's protracted battle for approval of the developments on 12 and 14 Wyatt Ave. The consultant's modelling only reflects drainage from these properties prior to their development, which is unrealistic and misleading. Nor has the flood modelling nor council considered the impact, including potential erosion and adverse impacts on native flora and fauna, of stormwater captured and discharged into adjoining bushland and the national park. No accommodation for flood water run-off from steep concreted pathways into adjoining bushland has been made.

The 1% AEP Flood Study submitted with the proposal relies on non-independent modelling, and admittedly not on existing data because it does not exist. Based on current rainfall levels, which are increasingly concentrated in larger storm events, the projected inundation levels do not accommodate the high likelihood of significant rain events. The critical duration of a storm event used by the study is projected at 10 minutes, which has recently been well exceeded locally in Narrabeen, less than 10km away, on 19 Dec 2021, causing significant damage and even death. This also means the projected 0.02m inundation on external sites is already out of date and too conservative for future weather events.

Lack of Wastewater Management Plan

Sydney Water has confirmed that wastewater servicing is not available at this property and the availability of this would be significant as standard sewer water connection will not be possible. Without a robust plan on how wastewater as a by-product of 162 residents is established and approved, this further amplifies the unsuitability of a high-density boarding house in this low-density residential area.

Management Plan Void of Landscape and Vermin Management

The management plan is void of landscaping management responsibilities and vermin control arrangements, which is a concern with shared facilities at this density in a location that has a higher level of bush rats, insects and more that are not found in urban areas.

Does not Meet Requirements of Warringah Local Environment Plan 2000,

including allowance for low-intensity, low-impact dwellings only and 50% bushland requirement.

Inadequate Canopy Cover and Native Vegetation

Vegetation proposed by the applicants is insufficient and inappropriate for maintaining adequate canopy cover and, in its current form, is not supported by council.

Most of the site has already been cleared of vegetation and 50% of the site must be landscaped with local species, so the landscape plan is not compliant and not consistent with Appendix C, WLEP2000.

Lack of Shopping and Services

Shopping and essential services should be easily accessible by all. From the proposed development location, there is only one small grocery store and one liquor store within walking distance. The closest full range supermarket is at Glenrose Shopping Centre, which is 3km one-way. Additionally there are no medical centres, dental clinics or essential services in walking distance, leaving potential boarders disadvantaged and compromised.

I agree and support that affordable housing should be accessible by all, however this should be provided in a manner that is appropriate to impact and design. It is the responsibility of local councils and NSW Government to ensure that these are situated in locations that in the best interest of the potential boarders, prioritising safety, easy access to shopping, medical and other necessary services and amenities. Additionally it should not adversely impact the local character and amenity, natural and built environments, native flora and fauna, people and community of an area to ensure sustainable and positive impact.

DA2021/1039 Lot 2566 DP 752038 is not in alignment with this and for the reasons cited above, I strongly oppose this development application.

Yours sincerely,
Dawn Uchida