
Sent: 10/10/2019 1:42:41 PM
Subject: Online Submission

10/10/2019

MR Breckon Jones
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RE: DA2019/0191 - 2 A West Street BALGOWLAH NSW 2093

Mr B and Mrs C Jones
Owners, 37 New St West, Balgowlah Heights 2093

Re Northern Beaches Council DA2019/0191
10/10/19

Dear Sir/Madam:

We wish to add our objection to the over 20 submissions regarding the proposed development. For the following reasons:

Despite the Traffic Engineers Referral Response interpreting that the traffic generation as a result of the proposed driveway extension and the bridge, the planned design allows for 2 new vehicles' access, a change in condition that results in a 33.3% increase in existing resident traffic alone. This therefore constitutes a 33.3% increase in safety risk, which would exceed any reasonable tolerance threshold. The response also sets the condition of a swept path analysis to be performed, which should include the likely improper use of the private driveways of our property, 37 and especially our neighbour's, 37a, for vehicles manoeuvring along the narrow New St W driveway.

We highlight that the currently installed signage at the Woodland St entrance to the extended driveway clearly states that this section of New St W provides access to 37 and 37a only, is a no through road and acts as Pedestrian Access.

In its current form, the New St W extended driveway from Woodland St is only 3m wide at its narrowest and any obstruction by heavy vehicles seeking access for construction would potentially block our free entry and access to our property. The nature of our business requires that we be on-call and depart to visit Client sites at any given time of day, so we cannot be placed in a position where access to our property is denied by road closure or blocked passage. Furthermore, one of our children suffers from asthma and we have had reason to, at short notice, need to take her to hospital Emergency. In no way can there be a circumstance where our access is blocked or inhibited that might prevent us from exiting our property to enable her access to medical care.

Our rationale for paying a premium on our property was its seclusion and safety for our young children. Neither of the two properties for which the New St W driveway provides access have gated boundary fences and we are not in a position nor desire to pay to have a gate and further fencing installed. So should the 33.3% increase in potential traffic occur, this would present serious safety risk to our children, visiting children and the many pedestrians who use

the extended driveway as pedestrian access. Though the traffic engineer has considered the increased risk of the proposed development negligible, given several residents have challenged this assessment, what would Council propose occur in order to minimize any safety risk, negligible or otherwise?

Direction 3 of Council's Active Travel strategy is 'Making Walking Safe' and states "... pedestrian safety is crucial to increasing walking for transport. If risks to pedestrians increase, fewer people will want to walk... the built environment must be improved in concert with changing perceptions to minimise risk." This strategy's signatory is Mayor Michael Regan; what would His Worship the Mayor's response be to the subversion of the objectives of this strategy by the proposed development in question progressing?

If subdivision and subsequent building permission were to be granted, it should only be as a result of a property re-design, without a bridge on Council land for private vehicle access from New St W via an extended driveway. For example, where the existing drive at upper New St provides access to the garage at 2A West St, this could be used as part of the Torrens title design for vehicles of the new lot to park; or a redesign could allow for a driveway to run down along the inside of the southern boundary to access the new property lot. This would mean no impact at all to the nature strip, no impact to pedestrians and not increase traffic flow on the lower New St west driveway.

In any event, access for construction vehicles would be unacceptable via the lower New St W driveway as cited in the 2019 Traffic Report - "In respect to servicing, New Street is generally unsuitable for use by large vehicles... The same arrangement would apply to any dwelling on Lot 2" and given there is no parking in the immediate vicinity of Woodland St, a logical conclusion would be that any contractor vehicle access only be made from the upper part of New St W and via the existing residence of 2A West St.

The Roads and Assets Referral Response by the Assessing Officer indicates that as the development may impact existing Council assets and result in encroachments being created within the road reserve, further conditions of the proposed driveway details are to be supplied; we request these be provided for review when available and prior to progressing.

We wish for a report to be made publicly available showing an engineer's assessment considering the effect of construction works on the stability of the New St W pedestrian stairs which already appear to be tilting and could require remediation work to ensure pedestrian safety.

The ALS Report on the impact to Stormwater of the proposed driveway installation is that it "... will impact the sewer twice and the stormwater. Condition of stormwater pipe very poor." In heavy rain, the drainage at the end of the extended driveway cul der sac is already poor and would be amplified as cited in this report.

The Natural Environment Referral Response - Biodiversity indicates that negative biodiversity impacts are likely as a result of the proposal and therefore recommends conditions of consent. Council's Bushland and Biodiversity strategy publication Warringah Local Habitat Strategy section 2 Principles of Managing Local Habitat states that "... focus should be on habitat preservation. Preservation is more effective than repair. It is very difficult, if not impossible, to artificially recreate a functioning physical and biological system. .. Attempts at recreation are usually very expensive." Would it not be more prudent for Council to make a decision now, against the proposed development and in favour of conservation, rather than need in future to use a greater proportion of rate-payer funds to rehabilitate the New St nature corridor?

Should things progress, we request any biodiversity impact survey be made publicly available in a wider community forum before meeting its approval status, and take into account mitigation actions required to protect the affected native flora and fauna that reside in the strip and adjoining green corridors. In addition to the identified vegetation at risk, in our short time here, we have observed no less than the following wildlife inhabiting, nesting and breeding in the vicinity:

- Brush turkeys
- King parrots
- Kookaburras
- Cockatoos
- Galahs
- Channel billed cuckoos
- Grey headed flying foxes
- Micro bats
- Native stingless bees
- Eastern water dragons
- Brown frogs
- Possums
- Blue tongue lizards

In the Landscape referral Response, the Officer requires tree protection conditions be met. We would highlight that in addition to protection of high value trees, any removal of trees could destabilise the land and weaken the root system of the very tall trees, increasing the risk of these trees collapsing in the direction of adjacent properties, which could affect home insurance premiums for resident policy holders. Will Council provide compensation to residents for rising premiums and/or in the future event that a tree on council land in the vicinity of the development should fall and a claim be denied by the insurer?

The use of public land for private gain as a result of this proposed development sets a dangerous precedent. Several prior submissions have highlighted that if the current proposal were approved, the applicant would receive free use of Council/Public land at minimal inconvenience but with maximum inconvenience to the New St W residents, the public and the natural environment. No property on the northern side of New St West in this section of the road, nor the similar section between Woodland St and Bungalow Ave with green space and pedestrian access, provides truncated access for private use by cutting into Council or Crown land.

We reiterate as other residents have, that the transference of ownership from Crown to Council land, should not provide a precedent for a DA request to then gain access to private property via construction on public land, especially given this consent was previously denied. What documentation can Council or the Applicant provide to the Public to ensure that all due process has been correctly and ethically followed and that all prior concerns on this have been addressed?

With heightened interest in and public scrutiny of conservation matters, does Council really wish to be represented as an institution that does not advocate for the environment? This precedent would be counter intuitive to Council's targets for environmental sustainability which state: "We are committed to taking care of our precious environment, now and for future generations... Northern Beaches Council is developing new strategies and goals in relation to environmental sustainability and climate change." It would be disappointing to see the effect of Council's positive media be undone by actions such as this DA proposal, and given Council

wants to "demonstrate our ongoing commitment to real action to mitigate and adapt to climate change and deliver on the aspiration in our draft Community Strategic Plan to show real leadership in environmental sustainability."

Now is Council's chance to demonstrate a tangible example of leadership by denying consent for this development proposal and insisting upon an alternative path of advocacy.

Sincerely,
Mr B and Mrs C Jones
breckonjones@gmail.com