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**Sent:** 4/06/2020 10:35:38 PM  
**Subject:** ATTN: Alex Keller - Submission re DA2020/0431  
**Attachments:** DA Objection - 4 June 2020.pdf;

Dear Alex

Please see attached submission in relation to proposed DA 2020/0431. I was unable to upload this to the Council's website.

I would appreciate your written confirmation of receipt.

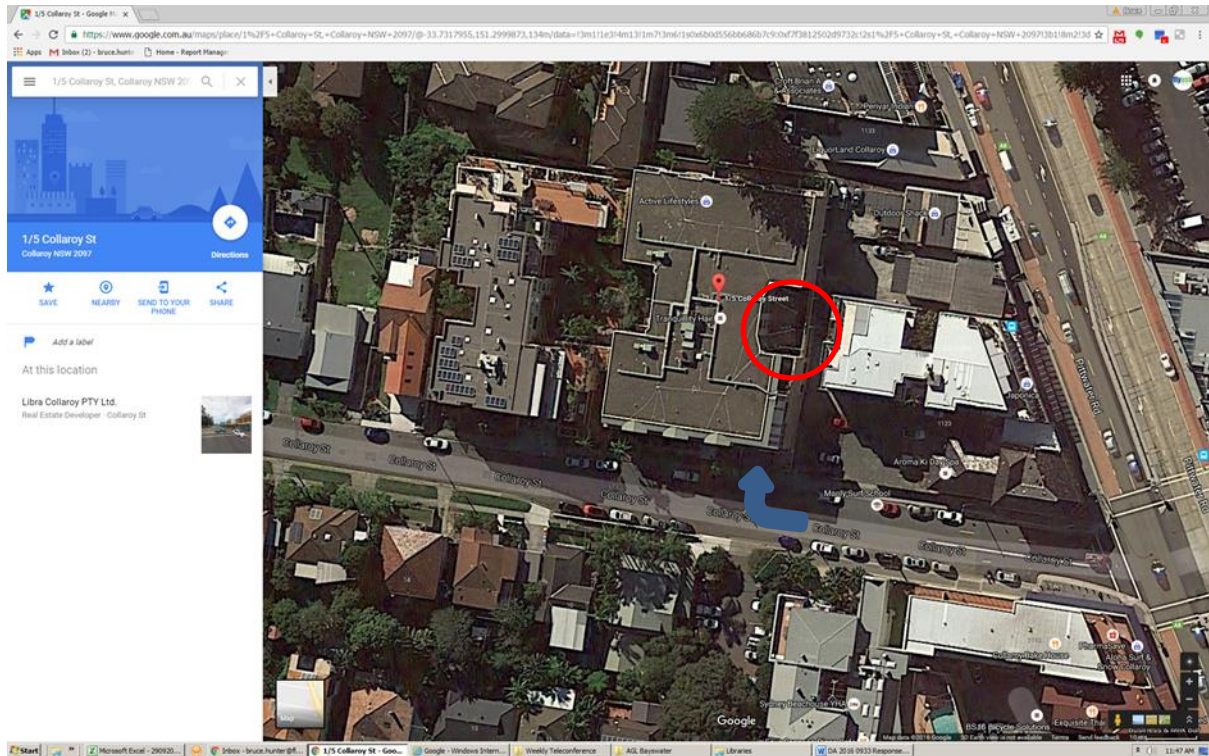
Kind Regards  
Kelsey

## To: Development Assessments

We refer to DA2020/0431 regarding the proposal by Boston Blyth Fleming Pty Ltd to build a boarding house on Collaroy's main road (**the Application**), and associated documents.

We are the owner/occupier of the residential unit at 2/1125 Pittwater Road, Collaroy.

Our unit is immediately adjacent to and overlooks the ground floor and car park area of 1-5 Collaroy Street, Collaroy. (See proximity diagram below.)



Proximity of our unit to congested parking area

Single point of ingress and egress to under unit block parking

We have a number of concerns about the Application and we urge Northern Beaches Council to refuse the proposed development accordingly. Our objections are set out below:

### (1) The location is unsuitable for the proposed development purpose

At the outset, we submit that the location is unsuitable for the proposed development purpose.

The Council must, when providing consent, have regard to a number of matters, including whether the development is compatible with the character of the local area, as well as the likely impacts of the development, including social impacts in the locality. We submit that this Application fails on both these grounds.

The proposed location of the boarding house will neighbour a Liquorland, and will directly oppose a large pub (the Collaroy) and a large club (the Beach Club). In these circumstances, the Council must

consider the potential for excessive noise and anti-social behaviour which may result – and which in fact already occurs, exacerbating an existing issue. Customers of the bottle shop are already known to congregate in the area, being a nuisance (including graffitiing, breaking beer bottles etc) and generally disturbing neighbours. This may result in an undesirable cumulative impact which is not acceptable.

This is particularly unacceptable given the nature of the area. Collaroy is known to be a more quiet, 'sleepy', family-oriented suburb on the Northern Beaches and is often positioned and sold this way by real estate agents and the like. The problems that already exist from the bottle shop customers are already not characteristic of the area. This is a highly residential area, filled with elderly, families and children and it is not befitting accordingly. The Council must recognise the difference between a proposal here, for example, and a proposal in a strictly commercial space in Brookvale or an already 'lively' Manly Steyne strip.

## **(2) Noise Concerns**

The Application proposes that all access to the building (including parking) during construction and occupancy will be via the 'Beachlife' property located at 1-5 Collaroy Street (to which our balcony and bedroom is directly adjacent).

The combined commercial premises / parking zone on the ground floor of 1-5 Collaroy Street is a predominantly concrete structure open to the east (facing our unit).

This open, concrete shell structure (with no sound absorbers) means that any noise is significantly amplified and resonates to the surrounding residential properties, having a significant adverse impact upon adjacent residents who have an entitlement to reasonable amenity.

The extent of this amplification of noise into our unit is extreme. For example, when someone is talking on their phone in the current Collaroy St car park, we can hear the entire conversation as if that person is in our lounge room, even with our double-glass doors shut. This is bearable when movement is minimised (ie, with reduced traffic) but would have an extreme impact on the 'liveability' of our apartment if this were to change.

Currently, as mentioned, this car park, or the area behind the existing commercial spaces (designed to be the proposed parking lot for the new Application – adding more concrete and noise amplification!) is often also used by young people (whether from the adjacent backpackers or otherwise) to drink and smoke late at night. At these times, it is impossible to sleep in our unit. As a result, we have had to resort to contacting Dee Why police a number of times to enforce these rules. On these occasions, the police have actually been able to clearly hear these people speaking from their end of our telephone conversation, despite us being inside with double-glass doors shut. On each occasion, they have come out to 'break up' proceedings on this basis – but this has not stopped these 'gatherings' (likely due to the occupants being 'short term' stays in the area).

We are also aware of other complaints from surrounding neighbours which have been made to the police about this noise from the parking lot – again, every conversation is amplified and carries into adjacent properties. It is foreseeable, and in fact highly probably/likely, that this Application will require additional police visits – which is a waste of their time, energy and expertise.

We have concerns that this Application would elevate noise and make our apartment essentially uninhabitable, ie through:

- Significant additional traffic (estimated (probably conservatively given the number of occupants) by the applicant at 60 additional trips per day);
- Additional noise from conversations in the parking lot (in an area which is excessively amplified due to the 'noise tunnel' to our balcony and bedroom);
- Significant additional noise from construction, for excessive hours during the week days and weekends – giving no reprieve to us.

While I appreciate the Applicant has submitted a 'noise report' for the living space, this fails to account for the level of noise generated from the traffic and parking area and the noise from groupings entering and exiting the parking lot, particularly in a concrete, open parking lot very close to residential properties. Notably, the acoustics report states it was compiled based on testing from 7-9 Collaroy Street. This should be performed from other surrounding areas and account for other general noise.

I would invite the Council and the Applicant to visit our unit and measure noise levels from within our lounge room (with all windows/doors closed) – and to predict noise levels for construction and occupancy on this basis. I would suggest that this noise level would not be acceptable or legal.

In the circumstances, we are concerned the noise would represent, if not a public, certainly a private nuisance.

We note that the Application fails to adequately address potential noise impacts in this respect.

We respectfully submit that the Applicant's Noise Assessment should be re-commissioned to account for noise attributed to increased use of the parking lot by traffic, large construction vehicles, demolition trucks, garbage trucks (?), and by people entering and exiting the establishment or any additional 'gatherings', not just the use of the boarding houses.

The unsuitability of this noise is also exacerbated by the fact that I am a vulnerable person with a compromised immunity condition. This means I am required to work from home for the foreseeable future. Part of my condition (which I do not intend to provide detail about in this public submission but am happy to speak to Council about privately) means that I am suffer from chronic (daily) migraines. Again, in these circumstances, Council has a duty to ensure this Application does not essentially uproot me from my home. I can provide ongoing medical evidence accordingly.

If construction were to go ahead, I would have no choice but to leave my home, which I am sure you can appreciate, is not acceptable.

### **(3) Unsuitable management / scrutiny**

It may be argued that *some* (though certainly not all) of the objections in points 1 and 2 'may' be alleviated by strict management. However, we know from lived experience from the backpackers that even the most stringent management cannot contain the actions of residents – for example if they leave their rooms and take to drinking in the parking lot or the accompanying parking lot in Collaroy Street which already happens.

In any case, the proposed manager's residence is essentially ensconced and separated from the rest of the building. It essentially appears like a luxury apartment with prime water views, as opposed to someone who will be in day-to-day control of operations.

It also brings the purpose of this Application into question.

#### **(4) Unsuitable Hours – Adverse Impact on Residential Amenity**

The applicant proposes construction work times from 7am to 5pm Monday to Friday and 8am to 1pm on Saturday, for a total estimated demolition and construction time of more than one entire year, with associated vehicle movements, congestion and noise.

This includes the use of jackhammers, rock-breakers or other heavy machinery.

This is unacceptable. These work times are early in the morning, including on a weekend day, and effectively cover more than a full day's work from home. This would be incessant for someone working from home in an incredibly high noise area for such a prolonged period (which, as stated above, is a requirement of mine due to my health vulnerabilities).

The Applicant also proposes that:

- visitors and guests will be able to remain on the property from 7am to 10.30pm 7 days a week; and
- use of communal areas (including outside / open air spaces) will be open from 7am to 10.30pm 7 days a week.

These 'quiet times' are completely insufficient, even for people who do not suffer chronic migraines or are not positioned within the concrete 'noise tunnel'. As someone who works from home and requires rest, it is not acceptable that I would need to now 'put up with' additional noise for the majority of my day and night. These 'quiet times' are far more intrusive than those of neighbouring sites. Again, this is not a proposal to build a boarding house in a commercial area in busy Manly – this is a quiet, family, community at Collaroy where we have a reasonable expectation and entitlement to live without incessant acoustic pollution.

#### **(5) Inadequate Parking**

The applicant's submission contemplates the following:

- Up to 27 residents of the boarding house;
- The boarding house manager;
- Visitors and guests of the boarding house residents (no limits on numbers);
- Maintenance and cleaning staff to the boarding house; and
- Staff and visitors of two ground level commercial store; and
- Use of the parking lot by garbage trucks etc.

To meet the parking needs, an area containing 21 car spaces (including 3 disabled spaces) has been allocated. Two of these spots are 'tandem' spots, which are impractical and unsuitable unless people are prepared to 'park in' another person – which we suggest would not happen in practice.

Essentially, they have allocated 17 parking spots for abled people and 3 spots for disabled people for the above. This is highly inadequate given the number of boarding house residents, the number of commercial premises, with customers and staff coming and going, and the coming and going of visitors and guests of up to 27 different individual residents. In fact, the commercial premises alone has 6 spots – 3 each – which would likely be absorbed by staff alone.

The number of parking spaces is clearly insufficient and the location unsuitable for the proposed development purpose.

The Applicant has submitted that their proposed parking is sufficient, as it equates to suggested car spaces. This fails to recognise the uniqueness of the area in which this proposal is suggested.

Parking in the street is already at a premium, particularly as the weather warms and patrons visit the beach (with Collaroy Street directly opposite the beach, ocean pool and children's playground area).

The boarding house intends to be built upon the main road, so there is no available parking directly next to the premises due to clear ways etc.

Parking needs also extend to delivery vehicles, service contactors etc.

Primary access to the ground floor (under residential units) parking spaces is from Collaroy Street. The proposed parking lot is at the rear of the premises and would not be visible from the street front. Hence the driver/s will enter the underground parking zone before confirming that all of the available spaces are occupied. The parking zone is also tight and exiting vehicles may need to reverse out of the driveway back onto Collaroy Street to find alternative parking. Note this will also be difficult as street parking spaces in the immediate vicinity of the proposed development are already fully utilised by residents in the area. Access onto Collaroy Street can also be hazardous with restricted visibility (parked cars etc) and rapidly approaching vehicles travelling down the hill.

#### **(6) Child Safety Risk**

The Application poses a high risk to safety associated with vehicle/pedestrian interaction in the congested parking zone with the arrival of vehicles with young children and associated equipment, eg prams, strollers, change bags etc. This is heightened during construction, with demolition heavy vehicles entering and exiting.

In addition, as aforementioned, access onto Collaroy Street can also be hazardous with restricted visibility (parked cars etc) and rapidly approaching vehicles travelling down the hill. This is exacerbated by the fact that the entrance is used by many vehicles to perform a 3 point turn and then use the traffic lights to turn around on Pittwater Road.

#### **(7) Concerns raised by other local residents**

We have had the opportunity to consider objections lodged by other local residents on the Council website to date. We agree with these objections. In particular, we note the numerous objections raised about traffic and noise concerns which is already problematic – ie with gathering of youths, including previous vandalism and graffiti issues.

We strongly urge Northern Beaches Council to refuse the proposed development accordingly.

If Northern Beaches Council is minded to approve the development notwithstanding the matters contained in this letter, we would appreciate being provided with information about how to appeal that decision.

Regards

Kelsey & Bruce Hunter and Brad Davidson

2/ 1125 Pittwater Road, Collaroy, NSW