

The CEO
Northern Beaches Council
council@northernbeaches.nsw.gov.au
Attention: Maxwell Duncan

29 August 2022

Dear Sir,

RE: REV2022/0004 16 Bangaroo Street North Balgowlah

We refer to our previous submission dated 8th June 2022. Council has advised that in light of additional information provided by the applicant, the application is now renotified. In response to this, we reiterate our objection to the proposed childcare centre at 16 Bangaroo Street North Balgowlah. We are advising a group of residents in Worrobil and Bangaroo Streets and provide the following submission on their behalf.

Inadequate traffic movements and parking arrangements

We have reviewed the additional information provided by Transport Strategies (TS) on behalf of the applicant. We are alarmed at the conclusions reached which do not appear to be in the best interests of safety for users of the childcare centre or pedestrians in the immediate vicinity of the site. In particular we note the following:

- Traffic Impact (Pages 8 and 9 of TS document)

We note that the vehicle trips per hour are now increased to 17, from 10 previously within the school peak. We think that 1 vehicle every three minute entering or exiting the site is a significant increase and creates higher levels of risk for pedestrian and traffic movements. The hour from 8:30 to 9:30 and and 3 to 4pm represent peak hours in our view given the amount of pedestrian and vehicular traffic generated by the school zone. Given the centre shuts at 4pm, there appears no logic in comparing the vehicle movements with a peak that may occur between 5-6pm as per the TS report.

Page 4 of the TS report acknowledges the queuing that occurs as a result of *the set-down and pick-up activities associated with Seaforth Public School*. As stated in our previous submission, we are concerned that a centre operating in this context should be permitted to operate with a reverse exiting manoeuvre. In a context where

- queuing is acknowledged during school zone times, and,
- where vehicle movements will happen once every three minutes, and;
- where half of those trips will be reversing over the public footpath,

we think that the safety of pedestrians, motorists and children needs to be prioritised and maximised. We reiterate our significant concern that the site and its context is not suitable

for the proposed development which requires a reversing manoeuvre under these circumstances.

- Access and Parking (pages 10 - 14 of TS document)

The analysis provided by McLaren Traffic Engineering on behalf of the objectors indicates that the requirements of AS/NZS 2890.1: 2004, Figure 3.3 have not been considered. The pedestrian sightline guidance provided by the AS are clearly relevant and we think critical given the increased usage of the footpath by pedestrians and children. That vehicles will be reversing from the driveway means that sightlines for pedestrians to exiting vehicles is critical to pedestrian safety.

TS has conceded that compliance with the sight lines requirements are *clearly not practical*. We believe this position taken by TS and the applicant means that the parking and access arrangements as proposed are not suitable for the intensity and location of the childcare centre.

TS argue that the site is in a low density residential zone and there are limited opportunities to modify the site to accommodate forward in and forward out movement, and other examples of this situation exist without safety issues. We note that the 2 examples given by TS are childcare centres that are either not operating at all, or are not located within a school zone area where pedestrian and traffic movements are heightened during school zone hours. We note also that the consent granted for a kindergarten at 36 Condamine Street predates the AS/NZS 2890.1: 2004 and State Environmental Planning Policy (Transport and Infrastructure) 2021, and the accompanying Childcare Planning Guideline and subsequently reliance on it as a precedent is inappropriate.

Overall, if the site cannot be modified to be made safe for pedestrians and motorists, the site is in our opinion not suitable for the proposed development. Section 4.15 (1) (c) of the Environmental Planning and Assessment Act requires the consent authority to consider the *suitability of the site for the development*. We think that the inability for the childcare centre to provide safe access means that the proposal fails this test.

Furthermore, we note that TS has justified the non-compliant scenario by quoting NSW Centre for Road Safety data. TS argue that this data shows *there have been no pedestrian related crashes associated with the existing reversing of vehicles out of dwellings*. We think it is spurious and misleading to compare statistics based on movements from dwellings to the proposed vehicle movements of the child care centre which will be far greater at 17 movements per hour. This is not a sound argument for supporting the proposed situation. In addition, as detailed within the website for the Centre for Road Safety Data, we note the the data relied upon was only for vehicle crashes that met all the following criteria:

- *Were reported to the police; and*
- *Occurred on a road open to the public; and,*
- *Involved at least one moving road vehicle; and,*
- *Involved at least one person being killed or injured or at least one motor vehicle being towed away.*

The data set used for supporting the childcare centre is significantly narrow, and does not provide a representative analysis of traffic conflicts in the area.

The arguments made by TS in relation to the existing road safety circumstances relating to dwelling houses only, and based only on data meeting the above criteria is not a sound basis for drawing conclusions for the proposed childcare centre. We urge Council and the consent authority to discard these conclusions.

Finally, we note the TS review and conclusions regarding the appropriateness of the undersized parking provided by the proposal. We are concerned that the professional recommendation of this report is to support a parking arrangement that will forever be limited to the use of a 4.1m long vehicle (Hyundai I20, TS report page 14).

It is a well understood principle and fact that a development consent continues with the land despite a change in ownership, and the restriction of the use of parking areas to a very small car is both impractical and difficult to monitor. If the proposed parking must rely on the use of undersized vehicles to meet requirements, then we say this is further evidence of the site not being suitable for the proposed development.

Furthermore, we note the inconsistency in the factual information presented by the application whereby the TS report indicates that the front tandem space will be used by the applicant. We understand the applicant to be the proposed operator of the proposed childcare premises. The Amended Plan of Management however indicates at Item No. 14 Parking that *The centre will have three spaces for drop off and pick up.*

Again, we note that the the above access and parking arrangements proposed by the centre are unable to comply with the requirements of the State Environmental Planning Policy (Transport and Infrastructure) 2021, and the accompanying Childcare Planning Guideline. In particular, the Guideline requires a development to *provide a safe and connected environment for pedestrians both on and around the site.* We believe that the proposal cannot meet this requirement because:

- It requires 17 traffic movements that will conflict with pedestrians on the public pathway at a rate of 1 movement per 3 minutes; and,
- Of those traffic movements, 50% will be reversing manoeuvres over the public pathway which experiences high traffic during set down and pick up times due to the proximity of Seaforth Public school; and,
- The proposed vehicle movements will be occurring on a site close to an intersection which is also busy during these times, and that vehicle queuing is already an acknowledged circumstance; and,
- The site cannot provide adequate sight lines to ensure that pedestrian and motorist conflict is minimised at the entrance to the site and cannot comply with the relevant Australian Standard as to sight distances.

Neighbour Amenity

We do not believe that the information provided by the applicant has clearly resolved the issues previously raised regarding neighbour amenity due to noise levels and the visual impact of noise mitigation screens required to manage the noise impact.

We refer to our previous submission which outlines the impacts associated with noise and the up to 3m high barriers that are required to the perimeter of the rear yard. It is not clear that noise issues are resolved, however notwithstanding this, we object to the erection of high barriers noting their visual impact and clear incompatibility with the residential neighbourhood. The proposal on this site is clearly not able to manage its impacts in a manner that is consistent with the objectives of Warringah DCP, which include particularly:

- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*

Stormwater

We note that in previous iterations of this application the appropriate disposal of stormwater has been an a reason for Council concern. In particular, it appears that an increase in impervious areas requires that OSD be provided on site. As the plans are not appropriately dimensioned and cannot be accurately scaled, we estimate that the proposal has approximately two thirds of the rear yard is to be covered in impermeable artificial turf which would equate to approximately 200m². This may significantly affect runoff into neighbouring properties.

We ask that Council investigate this issue and to advise of the details for stormwater disposal in accordance with the relevant Council policy, and that this information to be made available online.

In summary, we reiterate our previous objections and ask that the application be referred to the NBLPP with a recommendation for refusal as it has not resolved the previous reasons of refusal and does not meet the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021, and the accompanying Childcare Planning Guideline.

Please feel free to contact us on 0418 622 598 or at anna@blackwattleplanning.com.au.

Regards,



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Director

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