
Sent: 13/03/2020 9:49:06 PM
Subject: Online Submission

13/03/2020

MR Paul Dodds
12 Westminster AVE
Dee Why NSW 2099
paul.dodds@finance.wa.gov.au

RE: DA2020/0090 - 20 Westminster Avenue DEE WHY NSW 2099

13/3/2020
Mr Paul G Dodds
12 Westminster Ave
Dee Why NSW 2099

RE: DA 2020/0090 - 20 Westminster Avenue DEE WHY NSW 2099 ("DA")

My sister and I are the owners of 12 Westminster Ave, Dee Why.
Our father designed and built the original house in 1952 and added a second story in the 1980s to make it dual occupancy. My sister has lived in the house all her life.

I submit the Council should refuse consent to DA 2020/0090 under s4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (EPAA) for the following reasons:
Approach to assessment of proposal

1. The Statement of Environmental Effects (the Statement) submitted in support of the proposal submits the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP) is the "principal planning instrument" for consideration in the assessment process. I submit it is irrelevant which instrument is the "principal" instrument and proper consideration is to be given to all relevant instruments including:

- Environmental Planning and Assessment Act, 1979 (EPAA)
- State Environmental Planning Policies
- Local Environmental Plan (LEP) and
- Development Control Plan (DCP)

2. An overall assessment of the proposal is required giving due consideration to all of the above instruments. The proposed boarding house development may be made under the provisions of the SEPP but its aims are not to be preferred to the aims of other legislation but interpreted together with that other legislation.

Development not permissible with consent

3. The proposed development is not permissible with consent for the following reason:

- a. Clause 30(1) of SEPP provides a consent authority must not consent to a development unless it satisfies each of the paragraphs in clause 30.
- b. Paragraph 30(1)(b) provides no boarding room will have a gross floor area of more than 25 square meters.
- c. Paragraph 30(1)(e) provides that if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house

manager.

d. The proposal provides for one of the boarding rooms (the managers room) to have a gross floor area of 32.4 square meters and exceeds the limit of 25 square meters set out in clause 30 (1)(b).

The site location is not appropriate

4. The site location is not appropriate for the following reasons:

a. Boarding houses are commercial buildings not residential. A more appropriate site location would be closer to commercial buildings and on a major road better suited to cater for the increased number of boarders and cars.

b. The site is located at a congested and dangerous road convergence point. The site is one lot from the busy intersection of Westminster Ave and Hawkesbury Ave, one lot from the intersection of Westminster Ave and Holborn Ave and 4 lots from Regent St. At one stage the council was considering a zebra crossing at the corner of Westminster Ave and Hawkesbury Ave.

c. Westminster Ave is a Local road with very heavy traffic and limited street parking. It is part of a "short cut" used by cars between Fisher Rd and Pittwater Rd and similarly in the opposite direction. Cars turn from Fisher Rd into Regent Street or Holborn Ave, into Westminster, then into Hawkesbury Ave and finally into Pittwater Rd at the lights. This short cut takes advantage of the traffic lights at the corner of Pittwater Rd and Hawkesbury Ave and Regent Street and Fisher Rd.

d. Dee Why Public School is located between Regent St and Holborn Ave on the same block as the site and traffic is very heavy on these roads and Westminster Ave before and after school when children are dropped off and picked up.

e. Street parking is very limited in Westminster Ave because of driveways, intersections, bus stops and limited visitor and resident parking in the many buildings of flats in the surrounding streets. It is also common for Council employees to park in Westminster Ave and Regent Street during working hours because sufficient parking is not available at the Council Chambers.

f. The Traffic and Parking Impact Statement supporting the proposal does not appear complete or accurate for the following reasons:

i. Regent St is not included in the Road Hierarchy;

ii. The Statement (page 4) refers to a bus stop 160m to the "west" of the site on Pittwater Road". Pittwater Road is to the "east" of the site;

iii. The statement makes no mention that the 23 rooms proposed are all double rooms. The assessment appears to be based on 23 adult residents not the potential 46.

Not compatible with character of local area

5. The proposed development is not compatible with the character of the local area for the following reasons:

a. Boarding houses are commercial buildings not residential. The local area is primarily residential flat buildings with the closest commercial buildings at the corner of Hawkesbury Ave and Pittwater Road. Westminster Ave does not have any commercial buildings.

b. The develop character of the local area is best described as 3 story residential flats with garages underneath (4 rises) interspersed with houses. The proposed development is 4 not 3 stories of boarding rooms with parking spaces underneath (5 rises not 4)

c. A common feature of all the existing residential flats are large balconies to provide each flat with a private outside area. The proposal provides only a limited number of rooms with small balconies and the landscaped areas appear to be divided for use only by the resident of the adjoining ground floor room.

d. The broader build form in the area is to have lower buildings along Westminster Ave and higher buildings behind at 1 Regent St and 2 Holborn Ave. The concept is one of gradation to

not obstruct light and views. The proposal does not follow this pattern. The roof height of the proposal is higher than the wall height of the building to the west of the site.

e. The proposal is not in harmony with the surrounding buildings in particular the building at 18 Westminster Ave which is more than one story lower than the proposal.

f. The flat roof design is not compatible with most surrounding buildings which have pitched roofs. The flat roof design and absence of large balconies presents a bulky form similar to an office building and not residential premises. The flat roof when combined with the extra height of the building prevents a reasonable sharing of views.

g. The driveway design involves two crossovers (one in and one out) and is inconsistent with the surrounding properties which have only a single crossover. The result is that less space is available for street parking and because of the location of the telephone pole it is not possible to have a street tree in front of the property.

h. The ramp into the garage has a gradient of 1:4 and may be a safety issue given the large number of children attending the school nearby.

Non-compliance with LEP and DCP

6. The proposed development is not compliant with the LEP and DCP in the following respects:

a. The number of stories required are 3 but 4 are proposed.

b. The side boundary envelopes require 5m at 45 degrees. The building does not comply.

c. Landscaped open space requires an area of 50% of the site and the proposal provides 50.1% but much of this area is on the North and South boundaries is turf placed on top of the basement slab, of shallow depth and of limited landscaping value.

d. The accessible car parking space required is 1.4 but only 1 is provided.

7. These exceedances are not considered modest when viewed in the context of the number of proposed occupants, inappropriate site location and incompatibility with character of local area.

Other Assessment considerations

8. Concerns about privacy, noise and views are set out below

a. Privacy - Privacy is not maintained with respect to the units at 18 Westminster Ave. The common area and terrace on the 4th floor and the bedrooms on the northern side of the proposed building all look directly into the living areas of the units at 18 Westminster Ave. As each floor of the proposed building is higher than the corresponding floor in the adjacent building privacy is significantly reduced.

b. Noise - I have concerns about the level of noise that will be generated by 46 people (plus children under 5) living in close proximity to each other in one building.

c. The location of the common area and open terrace mean that noise will be blown towards the units in 18 Westminster Ave on the prevailing south easterly wind.

d. The location of 24 air-conditioning units on the roof at the western end of the building is likely to create excessive noise for the residents of upper floors in 2 Holborn Ave.

e. Views - The views from 2 Holborn Ave are significantly limited by the higher proposed building which has a flat roof topped with 24 less than picturesque air-conditioners.

Landscaping - trees and vegetation

9. The proposed development has a significant adverse impact on the existing trees and vegetation:

a. Five (5) trees will be removed including 3 category A trees.

b. Four other trees and a group of trees along the northern boundary will be subject to sustainable levels of impact.

c. The growth of trees and bushes on much of the northern and southern landscape areas appears to be unlikely because the garage roof slab extends virtually to the boundaries and is only covered by 50mm of soil and turf. The Statement on page 58 dot point 6 that the deep soil landscaped areas to the south and north will afford appropriate landscape opportunity. This

does not appear to consider the impact of the below ground garage slab.

d. The landscape treatment of the front setback is not compatible with the streetscape because it is greatly reduced by the enlarged driveway and the positioning of the stormwater detention basin.

e. A street tree at the front of the property is unlikely because of the double access drive way and the telephone pole in the middle.

Parking

10. The parking provided is considered inadequate for the following reasons:

a. Only 12 parking bays are provided for potentially 46 adults. Most couples now have 2 cars.

b. Clause 29(2)(e)(iia) of the SEPP provides a consent authority must not refuse consent to a development on the grounds of parking if (in the case of a development not carried out by or on behalf of a social housing provider) at least 0.5 parking spaces are provided for each boarding room. "Boarding room" in that sub-paragraph is considered to refer to "a boarding room intended to be used by a single lodger". As the rooms in the development are all "double rooms". The required number of parking spaces for that sub-paragraph to apply would be 23. As only 12 bays are provided the Council is considered able to refuse consent on the basis of parking.

c. No provision is made for visitor parking.

d. Street parking is reduced by the double entry drive which eliminates another parking spot from the street. As mentioned above Westminster Ave already has very limited street parking because of the large number of flats in the street.

Affordable housing

11. There are very few details and no financial analysis provided to evidence the proposal satisfies para 5(a)(viii) of the SEPP - "the provision and maintenance of affordable housing". There is no evidence these double rooms will be rented for less than the current market rate for one bedroom units in Dee Why.

There is nothing in the management agreement to stop the owner selling the ground floor units as one bedroom garden flats or combining the rooms as two bedroom units.

Operational Plan of management

12. The Operational Plan of Management proposed is inadequate and does not ensure the development would not contribute to the locational disadvantage of the area. It does not manage the external impacts or mitigate any social impacts other than create a register of complaints. In addition, the Report provides that the manager will be available to deal with complaints between 9am and 6 pm 7 days a week. As most people work it is more likely that complaints would be made after business hours.

GENERAL COMMENTS

Statement of Environmental Effects

The Statement of Environmental Effects submitted with the proposal does not "clearly and comprehensively" address the statutory regime applicable to the DA. The Statement refers to sections of the EPAA which were repealed on 1 March 2018 (e.g. s79C) and is misleading.

Health issues

Leaving aside the legal aspects of the development, I have had personal experience with this type of accommodation.

My wife rents a similar sized room in Nagoya, Japan. The room is in a 9 story building and has a floor area including kitchen and bathroom of about 20 square meters. Each room in the complex has its own mini balcony for fresh air and a little sunshine.

The major problem with the accommodation is the mental health issues associated with living in such a confined space. The room is far too small and with 2 people there is minimal storage

space and it is very claustrophobic. It is easy to feel uncomfortable in your own "home". It is bearable for a few weeks at a time but long term it is detrimental to mental health.

These potential mental health issues are not addressed in the supporting documents for the proposal but I think they should be taken into consideration by the Council.

An object of the EPAA (section 1.3(b)) is to facilitate development by integrating "social considerations" into decision making about planning. I consider the mental health issues which can be generated by this type of accommodation clearly "social considerations" that should be taken into account in your decision.

In conclusion and in summary, I submit the proposal is inappropriate for the site, incompatible with the local area and should not receive consent.

Thank you for considering my submissions.
Paul G Dodds