
Sent: 20/07/2021 1:02:00 PM
Subject: FW: DA2021/0680 submission objecting to the proposed development
Attachments: Ludicrous aspects of DA2021 0680.pdf;

Sent: Tuesday, 20 July 2021 10:46 AM
To: Council Mailbox <council@northernbeaches.nsw.gov.au>
Subject: DA2021/0680 submission objecting to the proposed development

Please add this submission to the list of objections, and withhold my email address.

Many thanks.

David Perks
1 Worrobil Street, North Balgowlah

Please add this to my previous submission

I object to development application DA2021/0680 from a point of view that the site is completely unsuited to the proposed purpose.

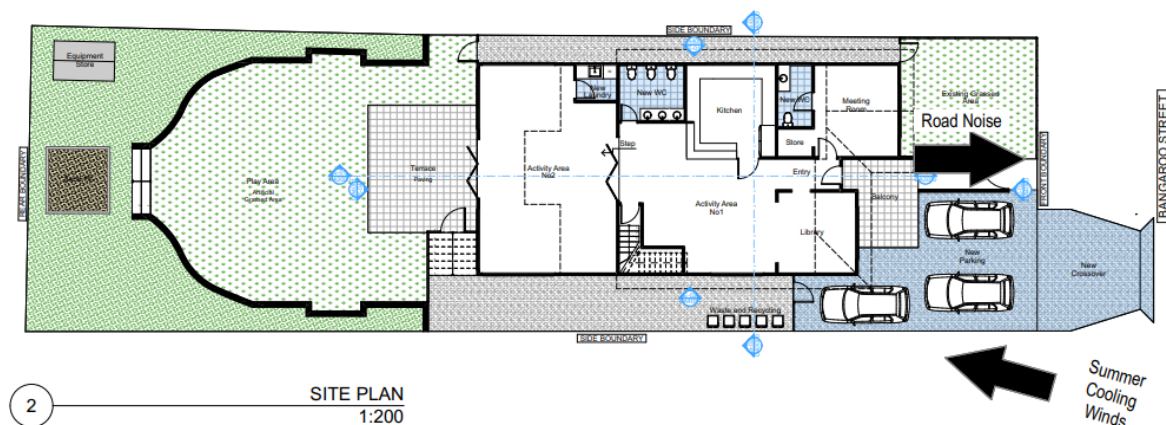
Anyone with familiarity with the location would know this, including the owners, and I believe the application itself is a deceptive representation of what is intended.

Having reviewed Council's referral responses, I believe that even Council may have been misled by missing, inconsistent and contradictory information in (or not in) the plans.

I aim to provide some missing context here so that ultimately decisions are more fully informed.

The Master Set of Plans shows very little of what is intended

As submitted



The plans as submitted do not reflect as new work, all of the new works as described in other submitted documents.

This is not a simple matter of some fine detail being overlooked. It is a material level of omission such as 3m high boundary walls, and shadow diagrams not included on the plans.

In review of the previous withdrawn DA2020/1397, Council remarked that “as there is no survey plan provided indicating the existing impervious areas on the site, it is unclear if there is an increase in impervious area for the proposal” ... and “Development Engineers cannot support the application due to insufficient information and non-compliance with Clauses C2 and C4 of Warringah DCP” ... and **“Calculations are to be provided to demonstrate the increase in impervious area for the proposal”.**

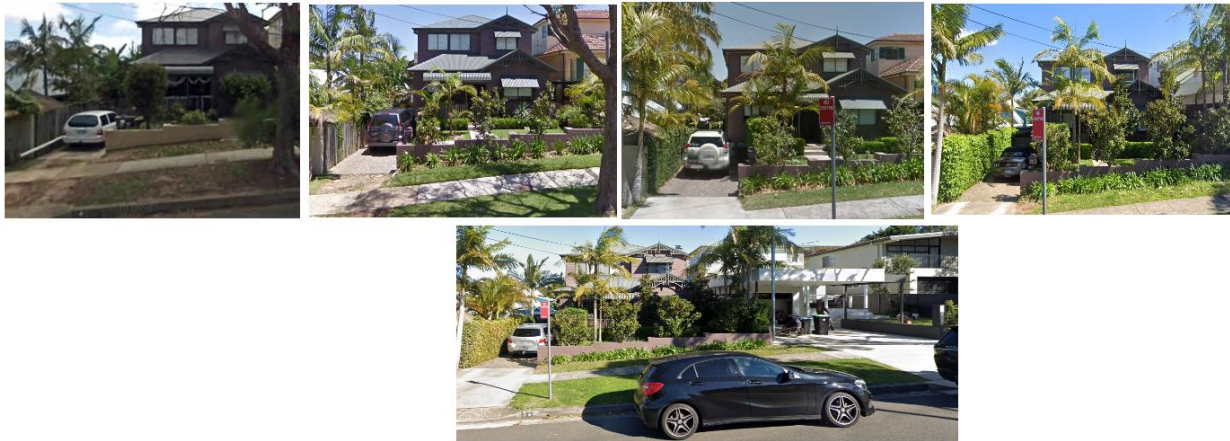
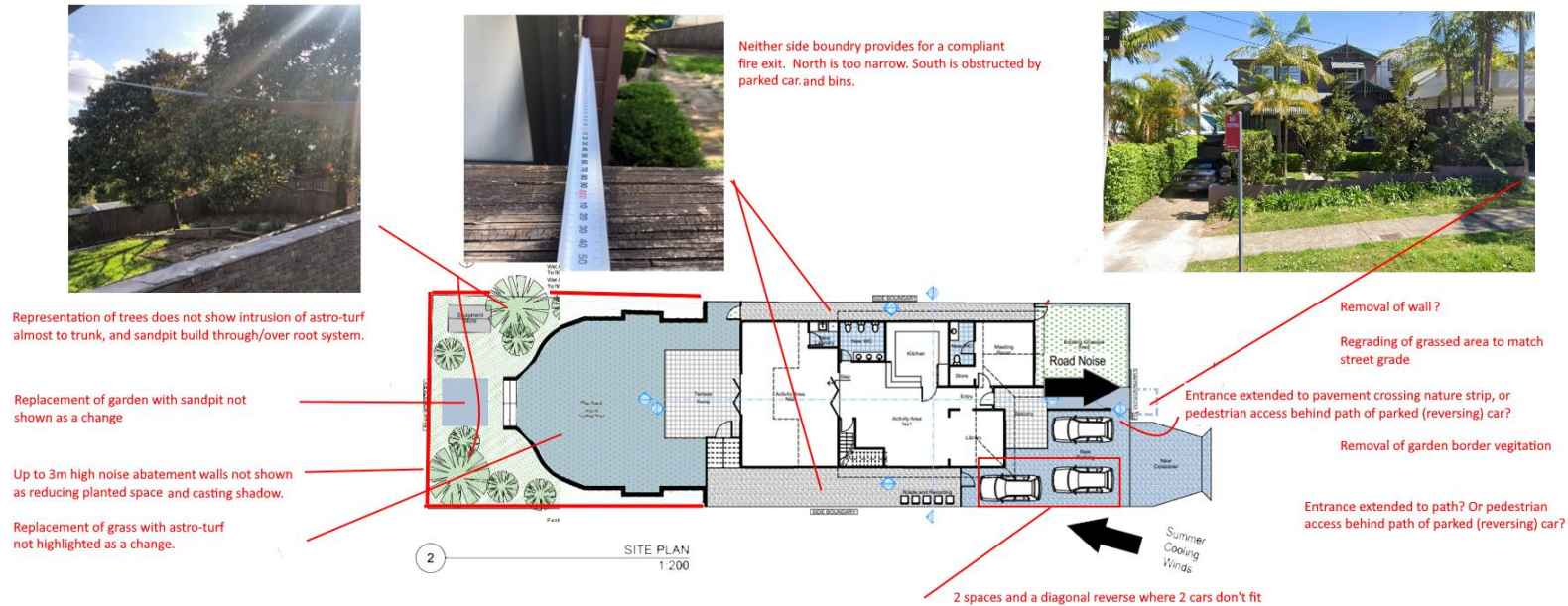
Despite this, there are **still no plans that show measurements**. Measurements would allow for a more accurate assessment of the proposal, and to make calculations where it seems like the proposal could be non-compliant or marginal. Instead of measurements, the applicants use ambit claims in many areas of their submission.

What is specifically unclear from the plans is new works in regards to

- Erecting boundary walls up to 3m high at the rear and sides of the property
- Removing the rear turf area and replacing grass with Astro-turf
- What is intended for the North East corner of the site; will the wall remain, and vegetation, or will this be open to the street
- Pedestrian access seems to be around the rear of a parked car when approaching the path from the street, or is it proposed to extend the entrance to the pavement for pedestrian access?
- Fire evacuation and assembly plans are missing
- Without measurements it is difficult to establish the dimensions of the parking area which would seem well below Australian Standards when looking at a single car parked in that space

The following mark ups illustrate these ambiguities and omissions

Plan marked up with actual new works



The Plans are incapable of meeting Councils conditions and Childcare Centre planning conditions which conflict

Landscape Referral Response

The landscape response stipulates the retention of existing trees to the rear of the property, (the outdoor play area), and construction controls to ensure tree health. However,

- a. The trees in question are Magnolia Trees which have tasty looking seed pods.



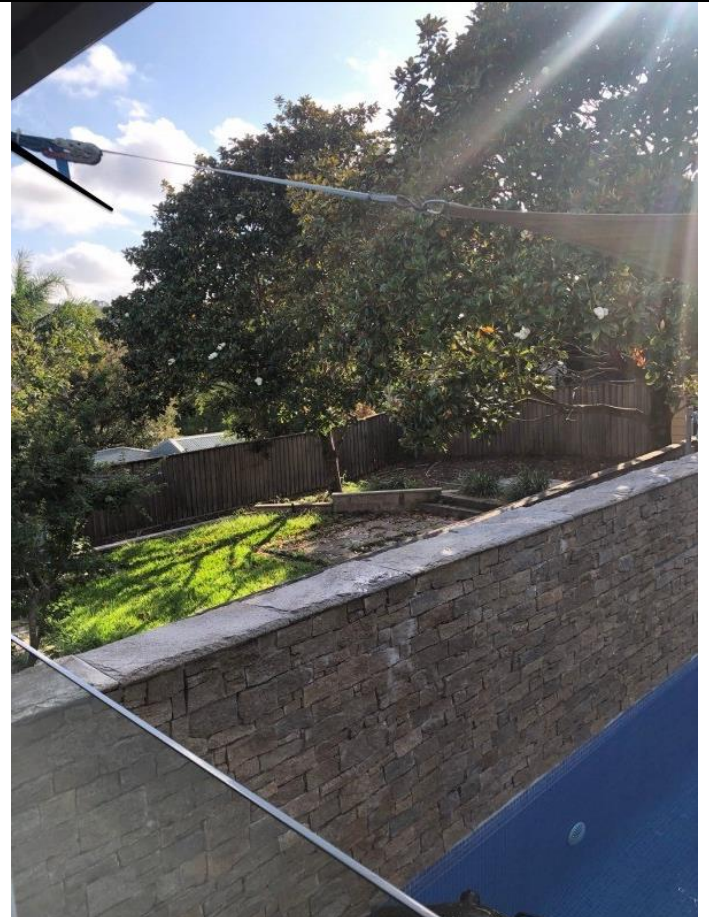
Whereas Childcare Planning Guideline 4.10 Regulation 113 says:

“Shrubs and trees selected for the play space must be safe for children. **Avoid plant species that risk the health, safety and welfare of the facility’s occupants, such as those which:**

- are known to be poisonous, produce toxins or have toxic leaves or berries
- have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches”

- b. In Conditions to be complied with point b) ii), the Landscape referral states “**existing ground levels shall be maintained within the tree protection zone**”. The SEPP states that this condition prohibits changing of ground levels within the root zone of a tree by way of excavation, trenching, filling or stockpiling.

Due to the poor quality of the plans it may not have been apparent that the replacement of lawn with Astro-turf appears to be in the TPZ of both trees, and that the excavation required to provide a suitable base for astro-turf would most likely breach this condition, not to mention the effect of Astro-turf above the tree root zone for the longer term.



Note the border of the proposed Astro-turf area is very close to the trunk of the tree in view and this is set back further than the other tree.

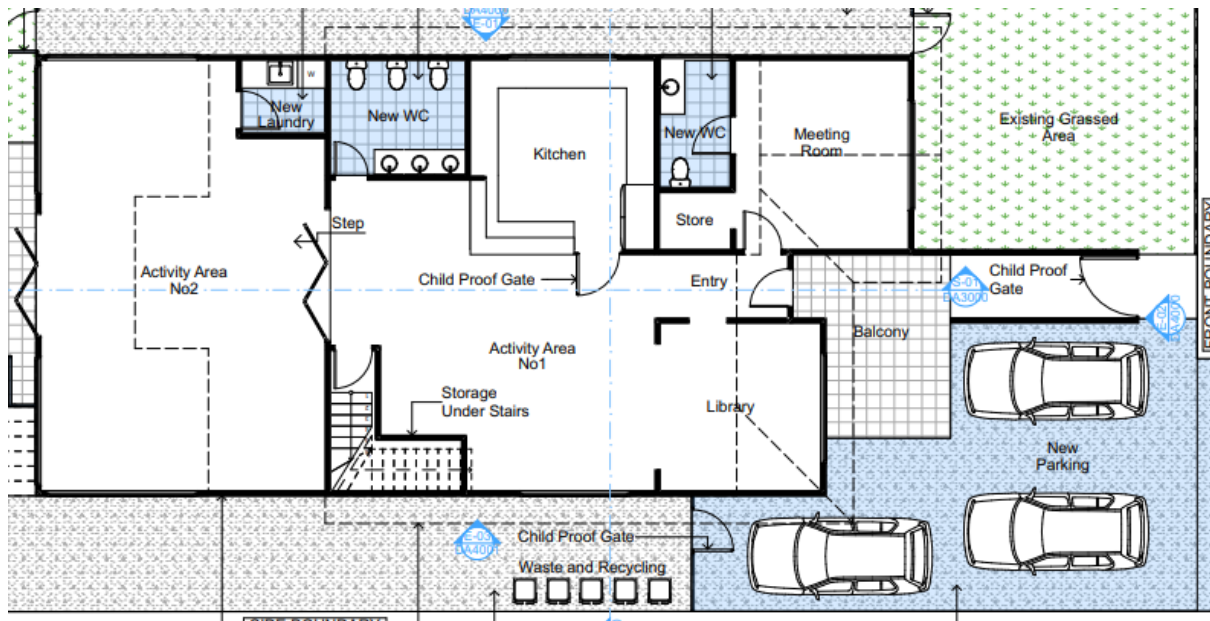
Formation of an Astro-turf base requires excavation up to 100mm with crushed rock fill then compacted.

This does not sound very compliant with the conditions of Council's conditions to protect these trees.

Environmental Health Referral Response - commercial use

This referral response seeks compliance to AS4674 and adequate extraction/ ventilation.

What it does not do is reference the best practice design statements from the Childcare Planning Guidelines Section C which state **“Administration and services rooms such as the laundry and kitchen are located nearest the parking. This allows for separate access for deliveries away from children and their play areas.”**



There is no path to or from the kitchen with supplies, rubbish, hot food and beverages, even a burning pan, without passing immediately into a child's activity area.

Environmental Health Referral Response - industrial use

This referral response references compliance with the Acoustic Report Recommendations and an update of the Management Plan to provide a contact number to Neighbours of the centre.

A peer review of the Acoustic Report has discredited the methodology, findings and proposed abatement measures provided within it. Refer Noise and Sound Submission of report Report No. nss23446 – Final - Rev A

In summary the findings of this peer review are **“We find that the reports have not fully taken into account the noise from the outdoor play areas, particularly the residential receivers, in the elevated six units at 2 Worrobbil Street. The proposed noise barriers up to 3 metres high in**

residential gardens would not generally be acceptable to neighbours. Even so, it is our view that the barriers are not high enough to meet the noise goals of background noise plus 5 dB. Hence, we conclude that the proposed site is totally unsuitable for use as a childcare centre."

In making the referral response Council may not have realised that 3m and 2.4m rear boundary walls are proposed since these are not shown on the Master Set of plans.

Notwithstanding that the applicants' sound report is flawed, if the attenuation measures were understood, then Council should explain why these are deemed acceptable when **non-compliant with DCP clause D15** which states **"Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary."**

With regard to the inclusion of a telephone contact number in the management plan as a measure to maintain amenity of the surrounding area, I am failing to connect the dots of how this will help!?

One of the reasons for such a high number of submissions is that this development is not needed or wanted in the community, and that the investors behind it have done nothing positive to engage with the community or seek input prior to or during the DA process. **There is absolutely zero hope of Neighbours being placated by calling the centre management. It will be Council receiving the calls.**

See further comments on the Management Plan later in this submission.

Engineering Referral Response

In concluding that the proposed increase in impervious area for the proposal is negligible and as such OSD is not required, it would be comforting to know that the conversion of rear lawn to AstroTurf was factored into this response.

Since this is not shown as new work on the plans it would be easy to overlook!

Whilst the AstroTurf itself may be permeable, the recommended ground preparation would seem to create a less permeable sub-surface than the existing lawn and soil.

Just knowing how the storm water than runs down our driveway from the North Side of Worrobyl Street behaves on the gravel drive versus the lawn tells me there is a marked difference in permeability.

Excavate up to 100mm of soil and fill with compactable rock	Compact the rock to form a solid surface	Spray with water to set everything up
		

I would be glad of **confirmation from Council that the Engineering Referral Response fully evaluated the effects of Astroturfing the rear garden** (not shown as new work on the plans) in determining its position on OSD and Storm Water handling.

Further, the engineering response references relocating the No Stopping sign to accommodate the widened drive, effectively shrinking the size of the parking space bounded by the sign.



Can Council confirm there will still be a full size on street parking bay here following adjustment of the sign?

Ambit claims in lieu of facts and measures

There are various aspects of the proposal where details and facts would have been preferable to ambit claims and assertions. Such claims by the applicants mainly manifest in the Statement of Environmental Effects.

Ambit claim 1

SEE 3.2: The structure of the daily routines is detailed in the operational management plan.

“Most of their playtime is conducted in the secure indoor environment. The children’s daily routines are planned and managed to be conducive to the environment and amenity of the neighbourhood.”

No daily routines are detailed in the operational management plan.

There is no quantification of playtime indoors versus outdoors, and **no information on how the daily routines are planned and managed to be conducive to the environment and amenity of the neighbourhood.**

Ambit claim 2

SEE 3.2: Parents will enter into an agreement with the child care provider allocating a specific drop off time between 8am-8:30am to ensure that drop off’s are staggered

It is stated elsewhere that these agreements are for 10 minute drop of slots, hence with 2 parking spaces;

	Parking Space 1	Parking Space 2
8:00 – 8:10	Parent 1	Parent 2
8:11 – 8:20	Parent 3	Parent 4
8:21 – 8:30	Parent 5	Parent 6

Drop off numbers don’t stack up even with this totally unrealistic regime

Ambit claim 3

SEE 3.2: In terms of the car parking demand/ traffic generation we note that a majority of children (approximately 90%) will be dropped off before 9am

Ignoring that the management plan says drop off is from 8:00 – 8:30, continuing with 10 minute contracted drop off times

	Parking Space 1	Parking Space 2
8:31 – 8:40	Parent 7	Parent 8
8:41 – 8:50	Parent 9	Parent 10
8:51 – 9:00	Parent 11	Parent 12

20 children * 90% = 18 drop off's, but **contractual drop off arrangements can only accomplish 12 drop offs by 9am** even if

- Everyone arrives and departs within their permitted time, and
- It only takes each parent a maximum of 10 mins to
 - Enter the car park,
 - park,
 - remove child from car seat,
 - gather things (backpack, etc)
 - walk to entrance at toddler speed,
 - sign in (hopefully no-one else is waiting),
 - kiss and goodbye to child, willing them not to cry else noise,
 - walk back to car,
 - put on seatbelt
 - start car
 - reverse possibly diagonally into traffic with poor sightlines, and avoiding pedestrians walking to school

Ambit claim 4

SEE 3.2: The acceptability of the traffic/ car parking circumstance is detailed in the Traffic and Parking Assessment Report, Also SEE 4.2 The report found that there is not any unsatisfactory traffic capacity or safety-related implications associated with the proposal.

Taken at approx. 15:50 on a Thursday (peak pick up time), **these 2 photo's show traffic chaos directly outside the proposed Childcare Centre at 16 Bangaroo Street at proposed pick up time**





[Ambit claim 5](#)

SEE 4.2 Over-reaching claims of compliance

DCP Control D15 (boundary wall height) is conveniently missing from the compliance table, obviously being non-compliant, as is any other reference to this 3m high boundary wall construction other than in the Sound Report

[Ambit claim 6](#)

SEE 4.4 Part 3: The small scale nature of the centre ensures that no unreasonable amenity impacts, particularly relating to noise concerns, will occur with the proposed use.

This is patently untrue when limitations on Childrens' play and non-compliant 3m high noise abatement walls are required, and these still fail to meet permissible noise levels when assessed correctly.

[Ambit claim 7](#)

SEE 4.4 Part 4: The building will receive excellent levels of natural light and ventilation in combination with air conditioning.

This is contradicted outright by the deficiency of natural light recorded in the BCA for Activity Area 1, which may require changes to window sizes in that area to reach the required light level.

Ambit claim 8

SEE 4.4. Part 4: The centre administration will prepare an emergency and evacuation plan before the centre opens in accordance with the regulations.

However, Child Care Planning Guideline section 4.8 states

An emergency and evaluation plan should be submitted with a DA and should consider:

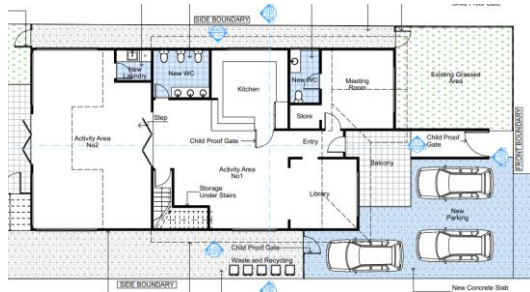
- **the mobility of children and how this is to be accommodated during an evacuation**
- **the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings**
- **how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.**

And the BCA report highlights that

D1.10	Discharge from exits:- <ul style="list-style-type: none">• Not to be blocked at the point of discharge to open space with path of travel to road being not < 1.0m wide.• Path of travel to the road to be via a stair or by a ramp with gradients no steeper than 1:8 (or 1:14 of ramp required for disabled access).	The discharge from the Ground Floor external rear exit door necessitates a 1.0m clear path of travel for egress to reach the street. <u>Recommendation:</u> 5. That the plans incorporate a path of travel from the rear exit to reach the street in accordance with BCA Clause D1.10. Details to be provided in conjunction with Construction Certificate Application.
-------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

It does not seem possible that he plans as submitted can yield an evacuation plan that is in accordance with regulations given the following

The South pathway is blocked (by bins, and a parked car)



The North pathway is too narrow to be a compliant exit



Over reliance on an unrealistic Management Plan and an inexperienced team

Throughout the DA and in some aspects of Councils' own referral conditions, the Management Plan is referenced as a mitigation for non-compliances and anti-social aspects of the proposed development.

There's an **inference that the inexperienced applicants will be capable of operating within the bounds of said plan**, however, the DA process itself should be a cautionary sign to Council given the **failure of the applicants to even comply with the planning process** and resulting in a **succession of renotifications and extensions causing an unnecessarily stressful period for neighbours**.

The submission of 28-Jun by Carolyn Leis provides an industry veterans perspective on running a childcare centre with 21 years running centres on the Northern Beaches. **"Child care centres are noisy and busy and there is no way to protect the neighbours from this in a residential area."** If we didn't already know that a Management Plan cannot compensate for an unsuitable location this is the voice of experience telling us that.

In considering if there is a need in the community with regard to zoning requirements, I believe Section 13 of the Management Plan is worthy of more attention.

Entitled "The Community" the Management Plan literally has nothing to say! There are words, but they simply restate the aims of the centre which are covered in section 2, and reference a complaints process which is detailed in section 14.

This absence of any genuine interest in community by the applicants speaks volumes about this Development Application for me. There is nothing in it for the community. Many submissions from local parents suggest that patronage will be out-of-area as it does not fit local needs, and in fact puts their children's safety at risk. **Who stands to gain?**

Mrs Lies submission says "the Northern Beaches is already saturated with child care centres - almost all centres have vacancies and have had for a number of years. There is simply no need for another centre." Other submissions highlight that local centres are offering incentives and deals to fill vacancies.

Meanwhile, the community of North Balgowlah is amazing.

Almost 150 families have decided to devote their time and energy to speaking out about why they feel this development is wrong. As of tonight 19-Jul, there is not one submission of support.

What the community finds in short supply are homes for sale and homes for rent. This proposal would worsen that shortage.

Further **what the community needs is safer roads for our children**. Community leaders are working closely with Council to achieve this. **This proposal would worsen the level of road safety by**

introducing 20 hazardous manoeuvrers each morning and afternoon across the main/only pavement used by pedestrians to get to and from School.

With a \$3m plus asset at 16 Bangaroo Street, the investor applicants could easily sell, rent, or use equity to find and develop a more suitable site for Childcare that will be better for Children, better for the community and therefore better for themselves. They have **much better options to realise their dream than jamming an unwanted commercial development amongst homes, and inflicting a nightmare on everyone else.**

Please listen and act on the overwhelming sentiment of local residents by rejecting this application once and for all.