
Sent: 8/06/2022 6:00:59 PM
Subject: Submission - REV2022/0004 - 16 Bangaroo St North Balgowlah
Attachments: 16 Bangaroo Objection - June 2022.docx;

Good afternoon,

Please upload my attached submission for REV2022/0004 to the council website.

Thanks
Irena Zezelj

2/2 Worrobil St
North Balgowlah

Here we go again... I strongly object to the proposed childcare centre at 16 Bangaroo Street for the reasons listed below. Note that these are mostly the same reasons outlined in my objections to the previous applications, none of which have been addressed by the developer in their hopefully final attempt to put a square peg in a round hole.

Inadequate Parking

The proposal indicates 1 staff car spot & 2 parent/carer access spots. Based on the site survey, the staff car spot is not wide enough to fit a car, so is obsolete. The other two spots are also obsolete, as they don't allow for full opening of car doors & are also not long enough for cars - any cars parked here would overhang onto the footpath forcing pedestrians onto the street to pass the site.

During previous notifications, the council traffic engineer asserts "*it is inappropriate to rely on on-street parking for the parking needs generated by a development and the required parking should be accommodated on site*". This should still be the case. Opening the proposed centre in our neighbourhood with inadequate onsite parking will result in nothing short of chaos, as parents will be forced to either double-park or park across driveways.

The traffic report is trying to use another local childcare facility with minor off street parking to leverage off. This is an established centre that would surely not be approved if they had to meet today's parking regulations. It is incomprehensible that specific requirements have been put in place to minimise the impact on local community and this proposal is attempting to circumnavigate them for self-benefit and profit.

Traffic Issues

There is a bus-stop directly across the road. Every morning cars go over to the other side of the road in an attempt to overtake the stopped bus, which is dangerous at the best of times, let alone when parents will be reversing onto or crossing the street, or getting out of cars to drop off children at the proposed centre.

Vehicles will be required to queue & reverse on public roads as well as the roundabout located only 5m from the proposed centre. This roundabout already has visibility issues & is the location of the most traffic incidents in North Balgowlah.

Bangaroo & surrounding streets are narrow, cars park along each side of the roads which only allows for one car to travel along the street at any time. Extra traffic & cars parked along these streets will only exacerbate the access issues already faced by residents.

Risk to Pedestrian Safety

The developers have not addressed pedestrian safety outcomes, in particular the potential conflict between the proposed driveway and the high level of foot traffic that traverses the frontage of the site. There is no pedestrian footpath along the eastern side of Bangaroo Street (across the road from the site), which in turn results in a particularly high usage of the footpath directly in front of the site by students traveling to schools & to the bus stops located within 20m.

The required sight lines to pedestrians and other vehicles in and around the carpark have not been provided. Sight lines should not be obstructed by landscaping or signage and a pedestrian sightline triangle of 2.0 metres by 2.5m metres (in accordance with AS2890.1:2004) has not been provided at the point where the driveway meets the footpath, as the developers are likely aware these sightlines are not achievable.

Council's own Traffic Engineers have raised concern with the level of impact on pedestrians and traffic with vehicles reversing into the street, previously stating that the reliance on parking that *"require reversing either onto or off the site will also impact negatively on pedestrian safety in this location"*. This has not changed, cars are still unable to enter & exit the site in a forward direction.

Loss of Amenity – Noise & Privacy

My property is on the second floor of a unit block directly behind the proposed centre. My windows are 7.5m above ground level, there is also another unit on our floor at the same height with a balcony, with another unit one level up with windows and a balcony at 10.5m high from the proposed centres yard. All of our units look directly into the proposed play area and inside the back room of the proposed centre.

The submission has proposed a fence of at least 3m on our boundary. There is no way possible that this will even come close to ensuring anyone's privacy. We will still easily look over this into their property, as they will into ours. Erecting a taller structure to overcome this will only result in more of an impact to sunlight by overshadowing, which will then be in breach of requirement DCP Control D6 for Access to Sunlight. Note that the applicants have not provided any information on the effect of overshadowing a 3m wall will have on our property.

R2 Low Density Residential zone has an objective of "landscape settings that are in harmony with the natural environment of Warringah" – a 3m high wall surely does not comply. I object to living in a prison like compound just because the applicants want to run a business in an inappropriate location. Additionally, I believe the maximum height of a boundary fence is 1.8m high so don't understand how a 3m high fence even complies.

The council landscape referral response has referenced that the two large magnolia trees be retained & protected. The proposed 3m barriers will need to be installed directly under the canopy of these trees in the protected root zones – how is this even possible?

All of my objections in relation to loss of privacy also relate to the noise impact that the proposed centre will have on properties in our building. Again, a 3m high fence (if it is even legal) will in no way have any effect on blocking noise from the proposed centre to our homes.

We noticed the applicants Acoustics report bases the impact on surrounding buildings via prediction modelling that placed receivers on their building. From living in the unit block for the last 5 years we have come to understand that our concrete building seems to capture/trap the sound, funnel it upwards (as we are on sloping land) and amplify it. Modelling by placing receivers on their building would in no way show the true extent of noise impact on our building, only modelling with receivers on our building would show this accurately – this has not been done.

The proposed development would have a detrimental impact on residents of our building, which is backing onto and overlooking the yard of the proposed centre. There would be absolutely no way to protect us from the constant noise of children and carers in that yard or even indoors, no longer giving us access to the quiet space we originally purchased our properties for. I work from home for three days of the week, this is not due to Covid but my employers shared office arrangements. The noise of 8 children in the outdoor play area a few meters from my home will negatively impact my work.

The developers acoustic report has recommended a noise management plan that has a magnitude of issues, such as:

- “that gates & doors not be slammed” hard to manage and impossible to enforce;
- “do not callout loudly when delivering or collecting their children” also hard to manage and impossible to enforce;
- “if children are yelling or screaming educators will redirect the child to quieter play” totally impractical as well as unenforceable;
- Windows will be shut when children are engaged in “noisy activities” inside. Doesn’t this occur all day with children?

The community sourced acoustic peer review confirms that using this site as a childcare centre will exceed the required noise levels, that the modelling done by the developers doesn’t take into account the top two floors of our building & that the testing of sound levels was done at times that don’t correspond to the opening hours of the centre. I don’t understand how council could consider approving this application considering the lack of relevant information in the developer’s acoustic report.

It is also not known whether the centre will be used for allied or other purposes outside the proposed opening hours or weekends, or the effect these will have on noise & privacy.

Facility Management Plan

As the owner of the property is listed as the point of contact for any incidents, I believe that any issues the community have with the centre operation (mainly concerning parking, traffic and noise) will fall on deaf ears.

The property is currently tenanted by a friend of the owners. His repeated harassment of numerous neighbours has resulted in them calling the police on several occasions – police report numbers can be supplied if required. As the owners don’t appear to be concerned by their tenants intimidation of the community, how can we expect them to be respectful of the community regarding issues relating to the operation of the centre? It is likely that any incidents will need to be reported directly to council, thereby wasting more of council’s time & ratepayer funds.

Lack of Emergency & Evacuation Plans

An emergency & evacuation plan is required to 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, other hazards and away from evacuation points used by tenants 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. This has not been provided in detail by the developer.

The Australian Building Codes Board requires *“every building must have at least one exit from each storey”* and *“existing ground floor is required to have 2 exits as a result of change in use”*. Note that the upstairs level has no exits, one of the exits from ground floor is to the backyard from which the side paths to the front are less than the required 1m wide. (Page 4 of the applicants report confirms the northern boundary side path is only 900mm wide & will be less once they put in the acoustic wall, the southern boundary side path will be blocked by bins). So, there is only really one emergency exit at the front door of the building. Good luck to anyone getting out from upstairs, the backyard (can't climb over 3m walls), middle or back areas of the building if there is a problem – especially since the kitchen is in the front half of the building. How many ways can one say firetrap?

There is no on-site muster point for an evacuation procedure. The only mention is evacuating to a “median strip” (usually in the centre of road?) at the corner of Worrobyl & Bangaroo Streets. I presume they mean the nature strip on this corner, which is adjacent to the busy road & roundabout which has the most reported traffic incidents in North Balgowlah. Again, no mention of how they will safely muster & account for students & staff on-site, then get them out to the street corner or supervise them once there.

Issues with the existing & proposed landscaping

Soil report - I would expect a soil contamination report (especially for asbestos & lead) to be mandatory before a facility such as a child centre and the proposed “play area” landscaping is carried out. I know I would want this reassurance when sending children to a facility. I believe this is part of the regulation anyway and seems to have been “swept under the carpet” so to speak.

Stormwater runoff - I believe my property will be affected by the additional hard surface area runoff from the proposed works in the playground area. Our garages on Worrobyl St are downhill from the site & already suffer significantly from runoff, I believe this would only make things worse. I would expect a hydraulics and geotechnical engineer be engaged to shed more light on the knock-on effect from this part of the proposal.

Change of use to commercial

I object to the change of use required for this development. To turn this into an industrial site so close to so many homes is not in keeping with the immediate neighbourhood, nor in fact the entire suburb where all other industrial use properties have a wide, open perimeter between them and homes. None have 3m high solid boundary fences around them.

Not in the public interest

I implore the council to listen to the over 150 objections submitted to date by the local community, the majority of which relate to issues with parking, change of use to commercial property, noise,

traffic & pedestrian safety. We live on & utilise these streets daily, giving us first-hand experience of the issues already faced & that a commercial development would exacerbate.

Goal 19 of the Shape 2028 Northern Beaches Community Strategic Plan Community Outcome asserts *"Our Council is transparent and trusted to make decisions that reflect the values of the community"*. Over 150 members of the community have reflected their values regarding the many reasons that this site is completely inappropriate for a commercial childcare business.

I hope that the spirit of Goal 19 is more than lip service & that council will reflect community values over the self-interest of one developer. To approve the application could smack of favouritism and would be contrary to both the Shape 2028 Strategic Plan & the Warringah DCP.

I trust that council's previous decision to reject the site as unsuitable for the proposed purpose will be upheld.