
Sent: 22/06/2022 9:49:23 AM

Subject: FW: Rev2022/0004 - Objection due to loss of amenity and not in the public interest

Attachments: Amenity Objection.pdf;

Hi Max,

Please find attached my submission concerning non-compliances with EPA safety through design controls, and also the reasons why this development would remove rather than enhance amenity of the locality (DCP A5) as well as reasons why it is not in the public interest.

I would expect the inconsistency with EPA 79C to be taken very seriously given the recent car theft incidents in Bangaroo Street and Worrobil Street and the vandalism problems at Farmhouse Montessori and Seaforth School.

Remember this house is less than 1m from boundaries with its neighbours. They should not expect to find a crime scene when they look out of their window.

It could be a lot worse than just vandalism too given this property is on the only North/South footpath through the suburb.

Whilst nobody wants to think about such horrible things, supporting a situation where a property that is occupied only 20% of the time by virtue of its operating hours, has poor sightlines to /from the street, and will have a concealed area to entrap victims due to high noise abatement barriers could be very inviting for serious offences and would be totally irresponsible of Council to support.

I'm not sure which referral if any considers this aspect of EPA, but I would like it specifically brought to their attention or listed in the assessment report as an unacceptable aspect of the proposal.

Thanks

David

Objection to REV2022/0004 Commercial use as a Centre Based Child Care Facility at 16 Bangaroo Street

There are already detailed objections regarding

- Non-compliance to noise and the invalid acoustic report
- Non-compliance to parking and the invalid claims in the traffic report
- That no fire safety plan has been provided
- ...and the issue of no waste management plan being provided in non-compliance with LEP

Rather than repeat all of those reasons for refusing this proposal, let's look at the other reasons for refusal being that it is not in the public interest, does not increase the level of local amenity (DCP A5) whilst also failing to comply with EPA 79C.

Summary

This submission outlines the ways in which the proposal

- does not fulfil DCP A5 to increase local amenity
- does not comply with EPA 79C for crime prevention through environmental design
- is inconsistent with Child Care Planning Guideline C2
- is not in the public interest of the community

The decision to refuse the application by DA2021/0680 was the correct decision.

A small reduction in Child Numbers will not mitigate the issues that Council and LPP have advised now several times previously.

At 12 places, the proposed number of child places is still 20%-50% more than the 8-10 child places that Council advised the applicants was the maximum number possible in pre-planning meeting PLM2020/0087.

The community has suffered 2 years of anxiety putting up with 6 notifications of amended plans.

This is an inappropriate location for a Centre Based Child Care Facility of any size.

The volume of objections, extensive conditions imposed by Council referrers, and number of deficiencies highlighted by objectors is clear evidence that this proposal is not in the public interest.

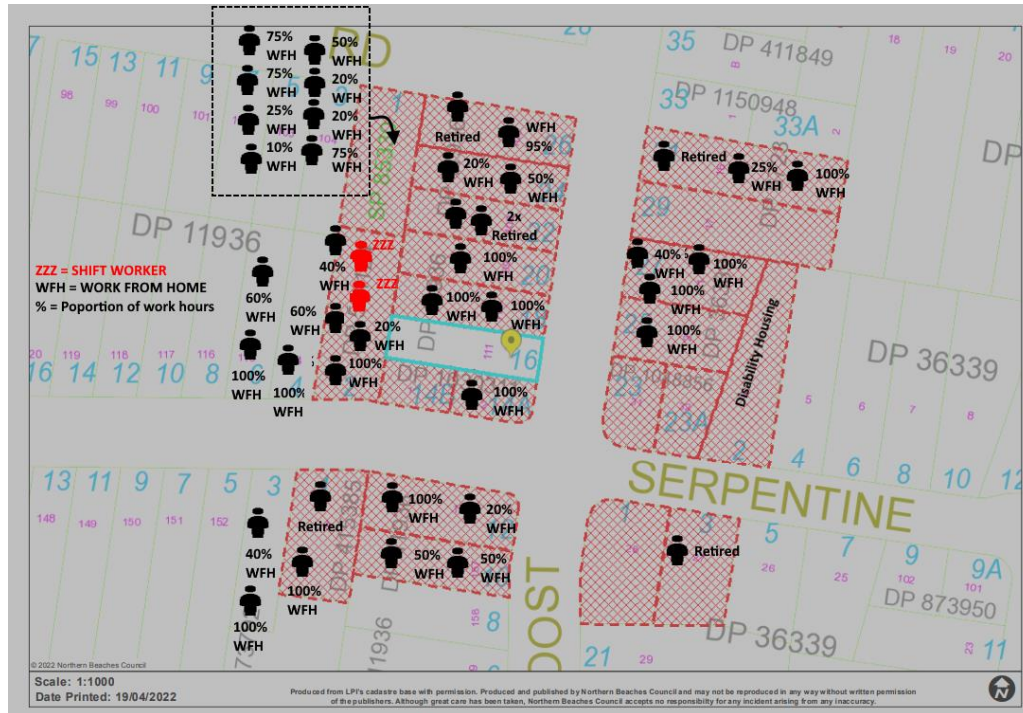
Reduced amenity of most immediate neighbouring homes is inconsistent with DCP A5.

The amenity of the homeowners surrounding this site is based continuing to enjoy a high level of peace and quiet.

The map below shows that a high number of homeowners work from home.

In adjoining properties there are shift workers who need to sleep during the day.

In close proximity there are retirees who currently enjoy the peacefulness of an almost silent outdoor and indoor environment at their homes.



The amount of work from home, retiree and daytime sleep for shift workers is extensive.

The amenity of these homeowners to continue to enjoy their homes in the ways that they do today should not be removed or reduced for the benefit of one out-of-area investor.

The proposal is inconsistent with the aims of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 in that it has too many residential boundaries given the multiple residences to the west, and the location and surrounding uses are not compatible with the proposed development since it will affect the health and wellbeing of shift workers, retirees and people working from home.

Vandalism, crime, and non-compliance with EPA 79C surveillance

Non-residential properties in North Balgowlah / Seaforth are affected by vandalism.

It is not in the public interest to attract vandals to a property by reclassifying it non-residential when in such close proximity to homes.



The screenshot shows a Facebook post from the 'North Balgowlah Community Group'. The post is by Jenny Bensted, posted 3 hours ago. The text of the post describes a school's struggle with vandalism, including the use of surveillance cameras and the discovery of children in the schoolyard. Below the post, there are interaction options: Like, Comment, and Send. The post has 14 reactions. Under the 'Top comments' section, two comments are visible: one from Melissa Gooch expressing sympathy and another from Nic O Rus suggesting fencing.

< Jenny's post ... 🔍

 **North Balgowlah Community Group**
Jenny Bensted · 3 h · 📷

It is so sad that our little school is having to resort to surveillance cameras at school. We have continued to battle with Monday morning cleanups as our out door area has been used as a place to put mud and paint everywhere and just trash the place. We have discovered children in the school on weekends and spoken to them but it has still continued. Can you please discuss this with you family and let them know we are able to film intruders and will need to contact the police. It breaks my heart that It has come to this. Jenny

👍 Like 💬 Comment 📧 Send

👍👍👍 14

Top comments ▾

 **Melissa Gooch**
Oh no Jenny - that's terrible 😞
2 h Like Reply

 **Nic O Rus**
Is it Time for fencing like the others?
2 h Like Reply

Farmhouse Montessori at North Balgowlah report repetitive issues with vandalism at weekends when the property is unattended. 16 Bangaroo Street is proposed to be unattended at weekends!

Seaforth Public School also has issues with vandalism



There is also an increasing level of car theft in the neighbourhood.



Opportunist gang checking out cars to steal from in Worrobil Street 27-May, cars in Worrobil Street and Bangaroo Street were broken into on this day

EPA 79C surveillance

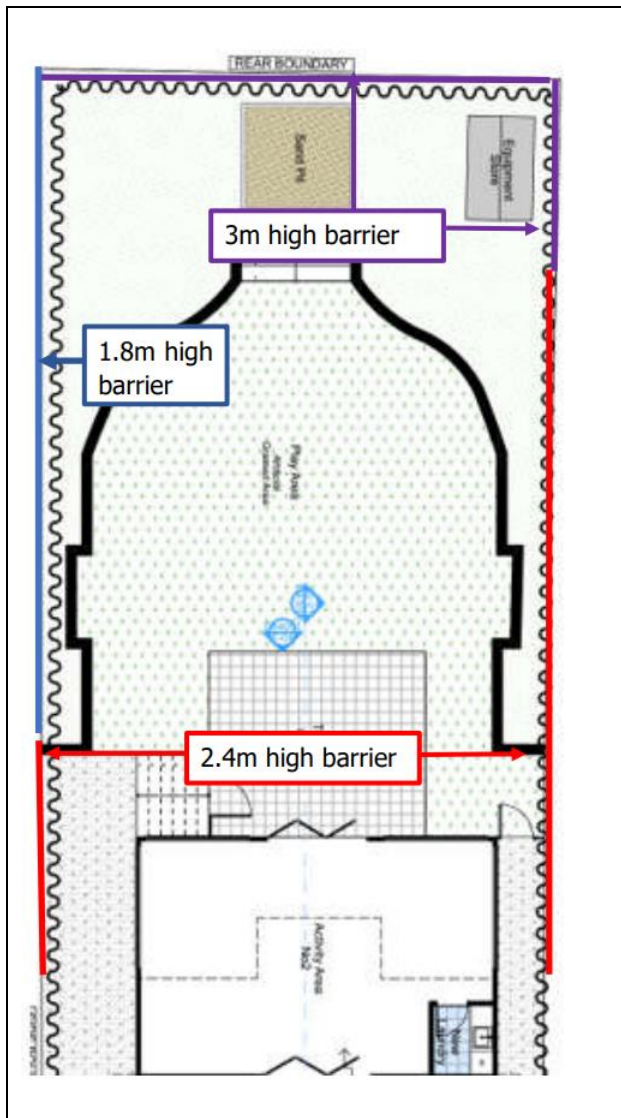
Given that existing properties are experiencing issues with vandalism, and opportunist theft it would not be in the public interest to approve a mid-block residential property be converted to commercial use, and for it to be unoccupied 80% of the time as per proposed operating hours.

As far as I can determine **37.5 hours of occupancy a week** would be the lowest level of occupancy of any non-residential commercial property in postcodes 2093 and 2092.

Further by wrapping the property in 3m high noise abatement barriers a large unsurveilled space would be created down the sides of the property and in the rear yard.

The 3m high barriers themselves would be a tempting canvas for vandals to graffiti, akin to the sound barriers along burnt bridge creek which have been a known magnet for vandalism.





The proposed acoustic barriers as shown in the acoustic report of the application are very high and remove the opportunity for casual surveillance

The effect of these acoustic barriers would be to create a large unsurveilled area down the sides and at the back of the property for offenders to hide, or to entrap victims.



Anyone turning the corner from Worrobil St, walking North on Bangaroo St would be especially at risk as they could easily be grabbed and dragged into the concealed backyard given the poor sightlines from footpath to side entrance

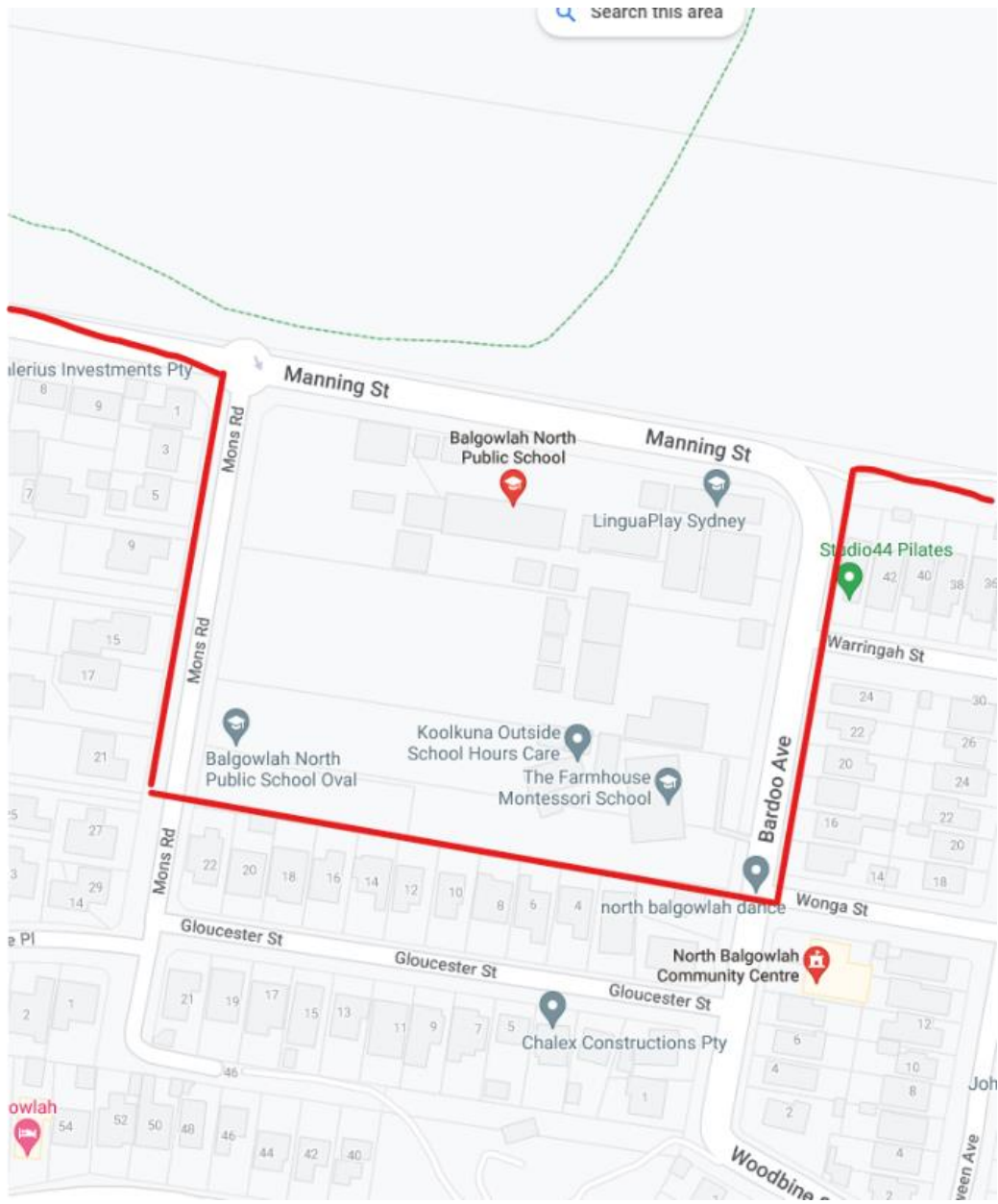
According to EPA 79C

Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would be offenders are often deterred from committing crime in areas with high levels of surveillance.

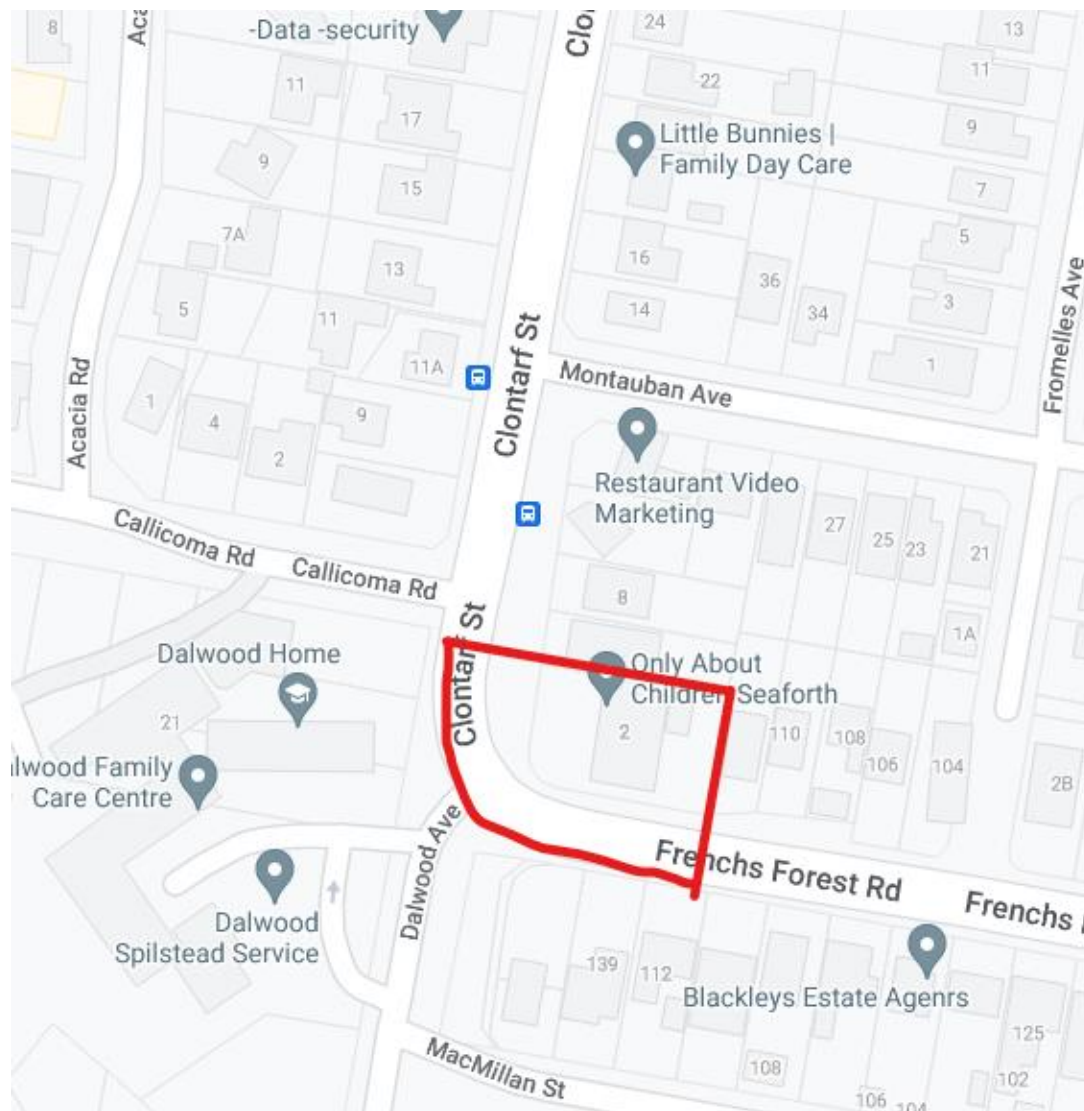
From a design perspective, 'deterrence' can be achieved by:

- clear sightlines between public and private places
- effective lighting of public places
- landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims.

The proposal and in particular the noise abatement plans fail to comply with EPA 79C because the do provide a very convenient place for offenders to hide and entrap victims, and they do not allow clear sightlines between public and private spaces.



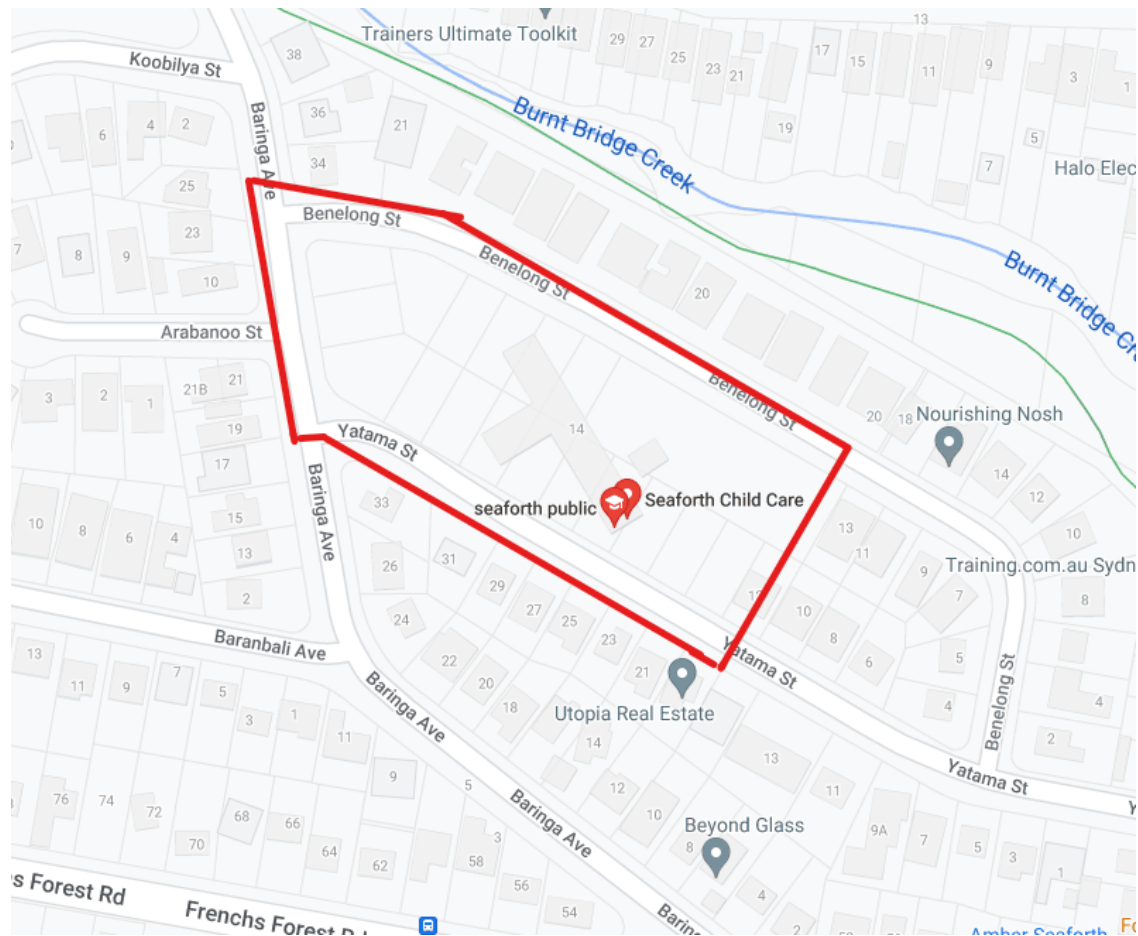
Perimeter to neighbouring residences – Farmhouse Montessori
Adjoins 4 homes on former public school site, and bushland



Perimeter to neighbouring residences – Only About Children

Adjoins 2 homes

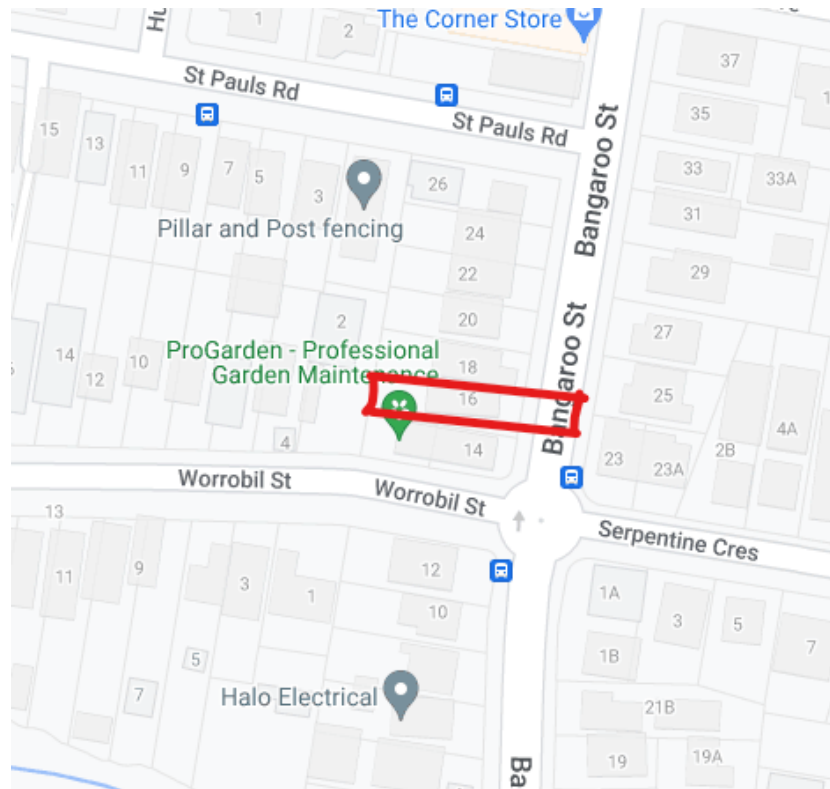
Was a former petrol service station



Perimeter to neighbouring residences – Seaforth Child Care

Adjoins 2 homes separated by school sports fields

16 Bangaroo Street has the smallest perimeter of any site, which is reflective of the site being unsuitable and inconsistent with objective C2 of the Childcare Planning Guideline “To ensure that the site selected for a proposed child care facility is suitable for the use.”



Specifically Objective C2 requires the characteristics of the site are suitable for the scale and type of development proposed having regard to:

- size of street frontage, lot configuration, dimensions and overall size
- number of shared boundaries with residential properties

Unlike all other Commercial Child Care Centre sites, 16 Bangaroo Street has no open area around it as a buffer between it and neighbours. Consequently the lot configurations is unsuitable.

16 Bangaroo Street directly adjoins 9 homes.

14A Bangaroo Street

14B Bangaroo Street

18 Bangaroo Street

1/2 Worrobil Street

2/2 Worrobil Street

3/2 Worrobil Street

4/2 Worrobil Street

5/2 Worrobil Street

6/2 Worrobil Street

A small site adjoining 9 homes, with no buffer between it and those homes is not suitable for the use as a commercial site to be used as a centre based child care facility.

Not in the public interest of the wider community

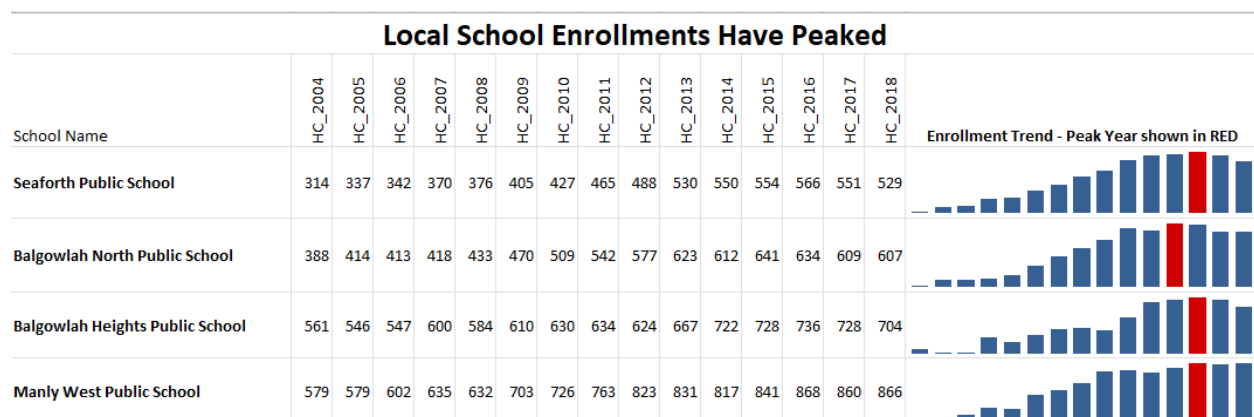
Council has previously stated that it is not relevant if there is a need for the facility, or if it is a viable business.

If there was no change of use I would tend to agree. However, given in this case there is a change of use that removes a residence from the neighbourhood and makes it difficult and costly to return the property to residential use – the need and viability of doing so is directly relevant to whether this course of action is in the public interest.

Decreasing Child Numbers

Young child numbers in North Balgowlah and Seaforth peaked in 2015/16

School enrollments and census data shows that the suburbs have an aging demographic.



School enrolments peaked in 2015/16

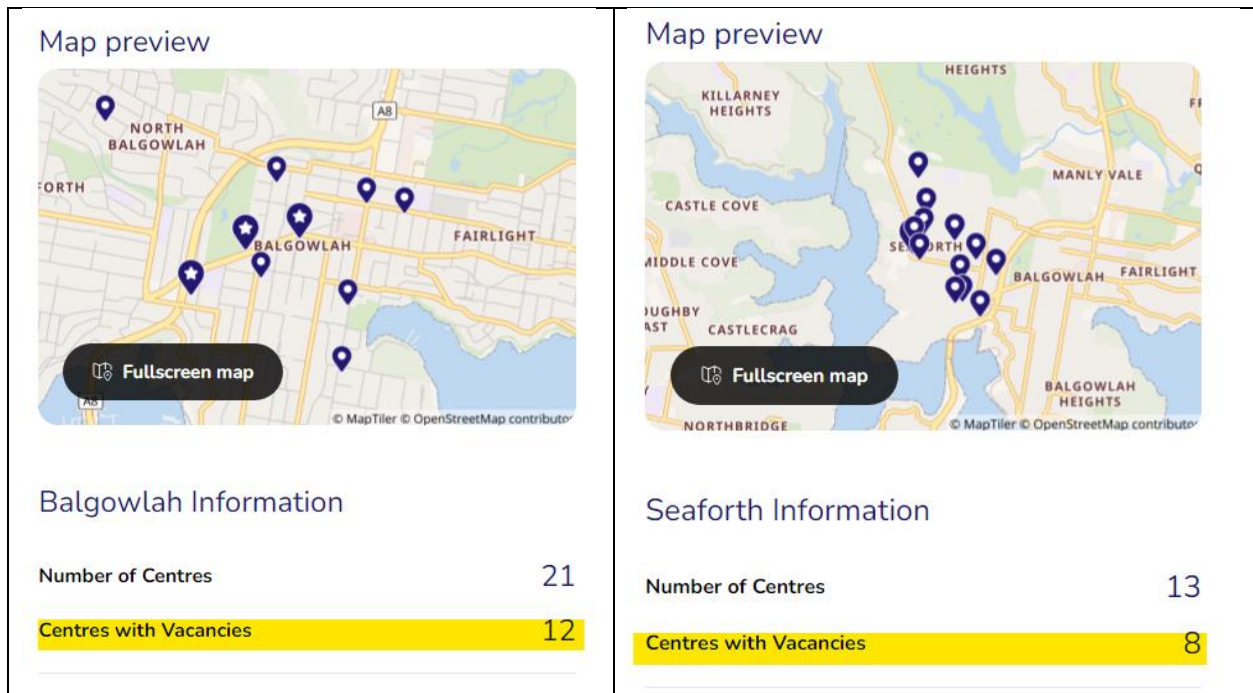
The number of births (and therefore pre-school children) is decreasing

	0-4
2001	1,393
2006	1,533
2011	1,814
2016	1,659

The birth rate in postcode 2093 peaked in 2011

Having lived in the suburb for 22 years, this trend is noticeable. North Balgowlah / Seaforth is unaffordable for new families and will continue to be so as small homes are being remodeled to large 4-5 bed family homes.

This reduction in demand is reflected also in childcare vacancies in the suburb and surrounds.



Source: <https://www.careforkids.com.au/>

With birth rates going down, and well over half of the existing child care facilities in the area have vacancies there seems to be sufficient supply. However, even if more childcare places were needed a **12 place centre opening 8:30am to 4:00pm would be the smallest centre with the shortest opening hours in the local area.**

This does not increase local amenity in a meaningful way and is not in the public interest.

Not a viable business at the size proposed

The scale of the centre as proposed is on par with a Family Day Care Centre. However as a commercial venture it will have substantially higher overhead (costs of 3 staff, commercial lease, insurances, fire inspections, supplies, waste management, and other commercial expenses).

It is very likely that the centre will be under pressure to increase child place numbers, extend hours, find other income streams or shut its doors, restarting yet more Development Applications.

It is not in the public interest to re-classify a residence as commercial when the outcomes for the community are worse than the property remaining residential and being occupied as a dwelling 7 days a week.

Conclusion

The site is inconsistent with planning controls for the following aspects of the proposal (* or has not provided plans to assess)

Planning Application	Consistent/ Inconsistent with planning rules
Parking	Inconsistent
Traffic Volume	Inconsistent
Noise	Inconsistent
Waste Management	No Plan Supplied – Inconsistent with LEP
Fire Safety	No Plan Supplied – Inconsistent with Child Care Planning Guidelines
Security / Crime Prevention	Inconsistent EPA 75C
Site Suitability	Inconsistent – Child Care Planning Guidelines C2
Increased level of local amenity	Inconsistent DCP A5
In the public interest	Inconsistent

At this point it is a frustrating waste of Community, Council and LPP time and money to have to conduct this review when it does not have any merit and is clearly one out of area investor's ill-considered dream vs a nightmare for hundreds of objectors with very valid reasons to preserve the amenity of the neighbourhood we live in.