

---

**Sent:** 14/07/2021 10:01:33 AM  
**Subject:** Objection letter to DA2021/0680 for childcare at 16 Bangaroo St, North Balgowlah  
**Attachments:** Objection to DA2021 0680 from Brad Maurice.pdf;

Hello,

Please upload my objection to DA2021 0680 at 16 Bangaroo St, North Balgowlah.

Please do not include my email in the upload just the attached doc.

Regards,  
Brad Maurice  
0481 813 149

Date 13.7.21  
To Northern Beaches Council  
From Brad Maurice  
Address 12 Bangaroo St, North Balgowlah, NSW, 2093  
Ph Brad Maurice  
Re: Objection to DA2021/0680

To whom it may concern,

I would like to object to the DA2021/0680 on a number of different grounds such as that there are a number of significant safety concerns, I believe the location to be unsuitable for this type of development due to noise and other environmental factors and there are inconsistencies/lack of detail in the reports provided in the DA.

#### Safety concerns

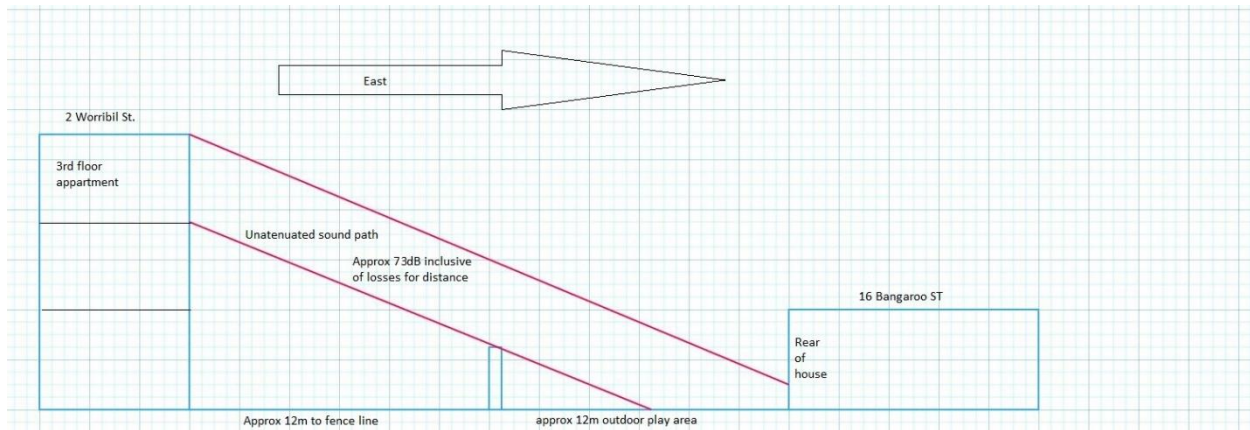
- 1) The roundabout and the corner of Bangaroo and Worrobil has seen a number of accidents in the last year. Cars backing out right next to this roundabout will create a serious risk to other vehicles and pedestrians. This will be the closest driveway to the roundabout and will add greater risk from cars reversing out. Furthermore, the nature of the walls surrounding the driveway make it very hard to see vehicles backing out from this spot if you are making a left turn from Worrobil and heading North on Bangaroo.
- 2) Section D1.6 of the BCA Fire & Safety Report states that there must be unobstructed exit from the ground floor rear exit. I do not believe that there would be enough width for a compliant secondary fire escape route down either side of the house (the drawings are not showing dimensions) while 2 stacked cars are parked on the left side of the driveway to allow for a 1m wide fire egress path as per the National Construction Code. Also, the parking of a car at the east end of this fire escape pathway running along the south side of the house would make any escape route dimensions variable in nature and could completely block off this critical escape path.
- 3) Section D1.6 of the BCA Fire & Safety Report states that there is no secondary escape route from the upper floor in case of fire. Safety requirements should not be overlooked simply because simply because it pertains to employees and not children.

- 4) Plans do not show the dedicated waste storage external to the dwelling. The current waste storage is located down the left side of the house which again blocks the secondary fire escape route.
- 5) Section D2.15 BCA Fire & Safety Report again asks for an exception to minimum safety requirement because they believe the bi-fold doors remain “generally” open. I doubt that BCA has any firsthand knowledge of how these doors are used now or will be used in the future to suggest that they would generally be open in the report. The fact that these doors could be closed at any time creates unacceptable deviation to safety requirements.
- 6) Section D2.15 BCA Fire & Safety Report states that the front door opens inwards creating a choke point as panicked children charging the door in the event of a fire or emergency. Having an automatic hold open device does nothing to mitigate this danger as if the door is closed it would still need to be opened to use this device. The children crowding the door would prevent this. This type of problem with doors swinging inward to venues where there are large groups of people has caused numerous deaths over the years. It is a HUGE safety issue and should not be overlooked simply because they are children potentially crowding the door. I, for one, can't believe the BCA Fire & Safety Report did not consider replacing this door a must!
- 7) The summary of the Northern Beaches Council's Traffic Report states “The development is considered unsuitable as it provides a net increase of only 1 parking space when compared to the existing situation. This is considered insufficient to cater for the increased parking demands generated by the development. The reliance upon only three off street **parking spaces all of which will require reversing either onto or off the site will also impact negatively on pedestrian safety in this location.**” This summary conclusion shows that the parking is not sufficient and that once again this development has safety concerns.
- 8) Northern Beaches Council's Landscaper Referral Response has stated that no Trees are to be removed. For this development. It should be noted that this site has a number of seed dropping trees which pose a choking hazard to children. Once again, another safety issue.

#### Unsuitable location

- 9) Approval of this DA would set a new and unwelcome precedent that any mid-street house could become non-domiciled and commercialized.
- 10) The change to the frontage and high fences will not fit with the character of the street. This DA is not in character with the local neighborhood being a quiet residential neighbourhood and is therefore inconsistent with the dominant character of the area.
- 11) Access to and from the proposed childcare center is limited and difficult to negotiate for parents/guardians, young children and people with a disability. As such, the proposal is contrary to Clause 23 of the Education SEPP and Clause 3.6 Accessibility of the MDCP.

- 12) The proposal fails to provide a sufficient number of drop-off/pick up spaces, bicycles spaces in contradiction to Clause 23 of the Education SEPP, Clause 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) of the MDCP, Clause 4.4.6 Child Care Centers of the MDCP
- 13) Stacking of cars so that three cars fit in this parking does not actually work without overhanging the paved footpath. According to the national construction code a standard parking space must be 2.4m wide which is wider than the pathway down the left side of the road. Length of a standard parking spot must be 5.4m. In affect this site still has only 2 usable parking spaces for as per the National Construction Code which is well below the minimum requirements for a Childcare center with 20 children. This also means that with proposed changes to the front parking area there is a net increase of 0 parking spaces.
- 14) Having a parking lot in front of a house is again not in fitting with the local character of the neighbourhood.
- 15) The property is very narrow and close to its neighbors. There is no way the neighboring houses will be unaffected by noise increase levels from 20 children. This would contradict Clause 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) of the MDCP
- 16) A 3m high fence will not be high enough to block sound fully to the 3<sup>rd</sup> floor of the unit block to the south (Location RO3 in the Acoustics and Air report). There is a direct line of sight to the playground from the third floor of the unit block to the south. The 2<sup>nd</sup> floor of the unit block on 2 Worribil will also have a direct line of site to part of the play area. The distance from the center of that building is roughly 30m to the center of the outdoor play area. If we assume an elevation of 36m for the 3<sup>rd</sup> then it would give a 46m distance of sound travel. At 46m distance sound in an open area would see roughly a 13db drop in sound pressure level. The sound pressure level can then be considered at 86db (avg level for 10 children playing outside as per AAAC is 87dB for 8 children is  $87\text{dB} + 10 \log (n/10)$  where n is number of children = 86dB) – 13db over the distance covered for a sum of 73db. The ambient noise level at this location was estimated at 44 db according to table 3.1 in the report on Acoustics and Air Guidelines according to AAC suggest the total noise should be no more that the ambient noise level + 5 db where in this case neighbours will experience ambient plus a potential additional 42db which is well above AAAC guidelines. Again this is in Contradiction to Clause 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) of the MDCP.



- 17) 3 meter high walls on the property line opposite to 2 Worribil street have the potential to reflect more noise towards the unit block in contradiction Clause 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) of the MDCP
- 18) No detail has been provided or used in the Acoustics and Air Report about sound levels for new ventilation system. Ventilation systems on the roof which the AAAC guidelines estimate at a further 70db.
- 19) The plan to mitigate noise by posting signs to speak quietly is unmanageable, unquantifiable, and quite frankly ridiculous.
- 20) Section 4.1.2 of the Acoustics and Air Report shows figures that are non-compliant with AAAC regulations of 5 db above background noise. The measured background noise is listed as between 44 db and 49 db depending on location making the allowable noise levels 49 db to 54 db. The report states that 10 children age 3 to 5 playing outside would be almost double this at 86 db. The report FAILS to state this as Non-Compliant! In fact, the report has noise predictions with an additional 8 children listed at lower levels than the measured ambient noise for the same area in the same report. The only logical assumption is that this report is incorrect.
- 21) Ambient noise level measurements at locations R01, R02, R03 and R04 in the Acoustics and Air report would only be estimations as permission was never given to enter these properties to take measurements.
- 22) A change in use from domestic to commercial leads to increase crime. There has already been a high level of crime in the area. I had my partners car smashed on my property earlier this year. There was an armed robbery 2 street over on the 19<sup>th</sup> of June, 2021 on Yamba Street. There was a LandRover stolen 1 street to the North just a few months ago. Street signs in the neighborhood have been removed by hoodlums on a regular basis. Having an unoccupied business at night in the area is just not reasonable as it will lead to a further increase in crime in residential neighbourhood.

- 23) Parking is already difficult at the corner of Worrobil and Bangaroo. Council is already planning to remove several spots on Worrobil this year to allow for better passing of cars at the bend on Worrobil. The increased parking from parental drop offs will be a disaster for parking in the area.
- 24) I am concerned with possible water runoff from the conversion of the front of the property to three paved car spaces and the installation of fake grass and sandpit (also mentioned in section 4.4 of Statement of Environmental Effects prepared by BBF) and other play areas in the play area. This does not seem to have a suitable storm water management plan in the DA. Changing over this area to fake grass or rubber mats are not in keeping with the green space area requirements for properties in this residential area.
- 25) The playground specifications report imply that a large part of the playground will be covered in rubber mat and sandpit in which will exasperate the water run off issues already being faced by neighbours immediately to the south and downhill.
- 26) The Statement of Environmental Effects prepared by BBF states that “The site is well serviced with public transport with a bus stops located directly opposite the subject site and to the south, adjacent to the corner of Worrobil and Bangaroo Streets.” This is incorrect as the services that used these stops has been terminated.
- 27) The Statement of Environmental Effects prepared by BBF section 4.11. states that one objectives of the R2 Low Density Residential zone is “To provide for the housing needs of the community within a low density residential environment.” The report then says that this facility satisfies all of the R2 Low Density Residential zone. This development clearly does not satisfy providing housing needs as the center will not be used as a residence.
- 28) The Statement of Environmental Effects prepared by BBF section 4.11. states that one objectives of the R2 Low Density Residential zone is “To enable other land uses that provide facilities or services to meet the day to day needs of residents.” This center does not meet this objective of the R2 Low Density Residential zone as there are already a number of childcare centers in the area with availability. I know this because I just put my daughter into Seaforth Childcare center that is 550 meters from this location. This development clearly does not meet the requirement of providing a service that meets the needs of residents as the need is already met.
- 29) The Statement of Environmental Effects prepared by BBF section 4.11 states that one objectives of the R2 Low Density Residential zone is To ensure that low density residential environments are characterized by landscaped settings that are in harmony with the natural environment of Warringah but changing he frontage area into a 3 car parking lot does not keep the area in harmony with the natural environment
- 30) The Statement of Environmental Effects prepared by BBF section 4.2 Section on Parking Facilities states that the proposed parking is NON-COMPLIANT for a 20 child center.

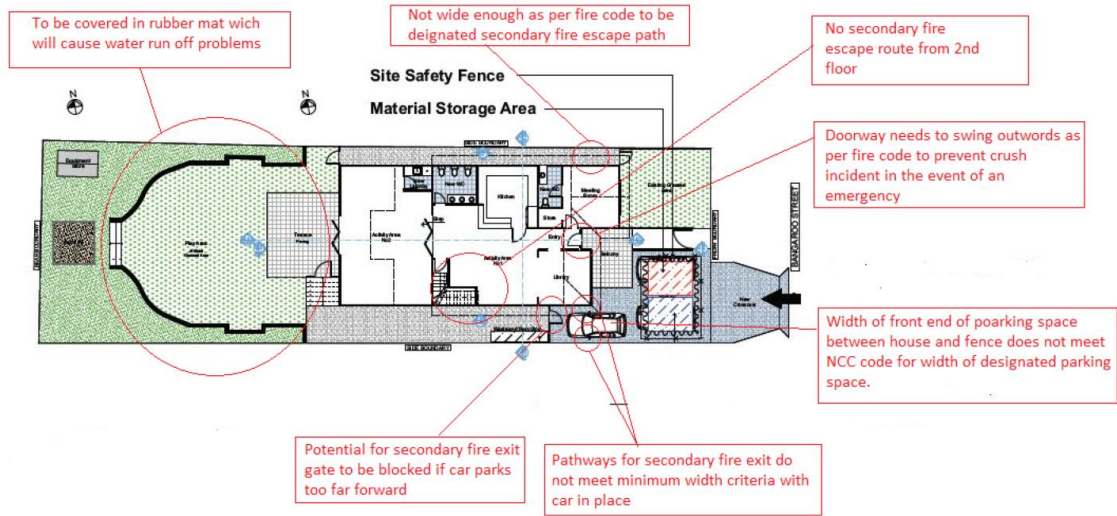
- 31) The Statement of Environmental Effects prepared by BBF section 4.2 Section Access to sunlight says that there is no change to overshadowing of neighbouring properties. I suggest that 3 m fences on the property line will cause considerable overshadowing of neighboring properties in contradiction Clause 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) of the MDCP
- 32) The Statement of Environmental Effects prepared by BBF section 4.2 Section on Privacy suggests that there will be no changes to views. 3m fences on the property line will cause considerable reduction in view for nearby neighbours in contradiction Clause 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) of the MDCP
- 33) The proposed development is not in the public interest as demonstrated by the sheer volume of submissions against it.

#### Inconsistencies in submitted plans and documents

- 1) Plan Survey by C&A Surveyors is missing critical dimensions such as width of pathway down right side of dwelling.
- 2) Site – Master set plans are not dimensioned. The document only shows a scale which is useless without a reference dimension. This document effectively without use.
- 3) The pathway from the rear exit to the street remains without dimensions drawings. I believe it does not meet minimum safety requirements for width of a fire egress route.
- 4) Noise levels used in the Acoustics and Sound report do not follow AAAC guidelines and is therefore invalid
- 5) Acoustics and Sound report does not take into account level 3 of 2 Worrobil Street.
- 6) Parts of the Acoustics and Sound report is only based on logger data during operational hours of daycare from Friday night to early Monday morning.
- 7) There is a lack of detail in the Acoustics and Air report as to numbers used for calculation and assumptions made in calculations. The report contains ambient noise levels measured at locations they simply did not have access to. I question the validity of this entire report.
- 8) Lack of storm water management plan as required by Council's Development Engineering Referral Response when significant areas of play area will be changed to rubber mat or other coverings that don't allow for absorption

Conclusion

In conclusion, the proposed DA shows a number of issues that make this site unsuitable for use as a childcare center for 20 children including noise levels, parking issues, requirement for giant fences and removal of green space that will cause storm water run-off to homes to the south. The DA plans and drawings have a lack of detail, inaccuracies and omissions. A number of these same issues were used recently sited as reasons to decline DA2020/1758 for a similar childcare at 11 Lewis Street in Balgowlah Heights. This previous DA refusal clearly sets a precedent. More importantly there are a number of safety issues in this current DA including fire escape routes, doorway construction, increased danger due to traffic where safety concerns are being sidestepped for convenience. This is not acceptable!



#### Questions for council

- 1) What is councils plan to monitor the limited times for drop off and pick up proposed in the plan?
- 2) How will council monitor that any seeds are picked up from trees that are a potential choking hazard for children? How often will council monitor that the seed pods are picked up?
- 3) Has council measured the parking area for the proposed stacked parking to ensure that two average cars actually fit in the proposed space?
- 4) What will council do if they used the stacked parking spaces but continuously block the pathway as the occupants of 16 Bangaroo St have done in the past?
- 5) How will council ensure noise levels remain below levels proposed in the plan? How often will council check the noise levels to make sure they don't exceed limits?
- 6) What will council due if noise levels exceed the maximum allowable levels if the DA is approved and the center is in operation?



- 7) How will council monitor that the secondary fire escape pathway remains clear and unobstructed and not blocked by a vehicle, waste bins or other items? How often will this be checked?
- 8) Why should exceptions be made to safety standards for this business such as allowing for a doorway that doesn't swing outwards for a fire escape? No secondary fire escape for the second level? Potential blocking of secondary fire escape route from rear of the business?
- 9) Why would the council make exceptions to the minimum parking required for a 20 child daycare in an area where there is already an excess of street parking occurring?
- 10) What is councils plan to mitigate the extra crime that turning residential properties to commercial can lead to?
- 11) Has the council considered the extra water run off issues due to less green space front and back from expansion of parking area and installation of fake grass and sandpits?
- 12) Has the council received a detailed storm water management plan?
- 13) The Statement of Environmental Effects prepared by BBF states that parents will be have a penalty clause in the agreed hours contract for pick ups and drop offs. What is the nature of this penalty clause and how will council ensure that penalties are actioned as it would not be of benefit for the propose Little Gems center to enforce the penalties?
- 14) What is the plan for waste storage outside of the main building? If it is kept in the current location it will block the rear fire escape route