

2 June 2020

Attention: Alex Keller  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Dear Sir

**Re: DA2020/0431 Demolition works and construction of a Mixed Use Development comprising commercial units and a Boarding House**

In May 2020, development application DA2020/0431 was submitted by Boston Blyth Fleming Pty Ltd on behalf of Piadro Pty Ltd and United Equity Group Pty Ltd. I am a resident of the nearby property known as 'Horizons on the Beach' and located at 1135 Pittwater Road, Collaroy. Therefore, I am a member of the community that will be affected by the proposed development. I speak on behalf of my partner with whom I reside and co-own our unit. For the reasons outlined below, we would like to voice our objection to the proposed development as it stands.

I have reviewed the following documents to prepare this submission: development application, various plans and drawings, preliminary site investigation report, geotechnical report, traffic assessment and the boarding house management plan.

**Background**

The subject site consists of two properties fronting Pittwater Road. The northern property is a single level commercial building currently occupied by Humboldt Recruitment and Travel. The southern property consists of a two storey building which is used for commercial purposes on the ground floor with residential accommodation on the top floor. The buildings were constructed in the 1950/60s. They are old, dated, and prime for redevelopment. I am pro-development and development of the site should be encouraged. The land is zoned B2 Local Centre.

The proposed development includes demolition work of the existing dwellings and the construction of a mixed use development comprising commercial units and a boarding house. More specifically, it includes basement parking, two ground floor commercial units, two levels of boarding house accommodation, and a manager's residence on the third/top floor. The rooms of the boarding house are located along the eastern and western site boundaries. The purpose of the proposed development, and hence justification, is to provide affordable rental housing.

**Affordable housing and potential social impacts**

Two environmental planning instruments relevant to the proposed development are the *Warringah Local Environmental Plan 2011* (WLEP) and the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the SEPP).

The WLEP defines the term boarding house. The definition excludes backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment. As boarding houses are a type of residential accommodation, therefore, the proposed boarding house cannot be used for tourist or visitor accommodation.

I note that the applicant states that the development will be 'pursuant to the provisions of State Environmental Planning Policy (Affordable Housing) 2009.' I presume the development would be considered 'new affordable rental housing' in accordance with Part 2 of the SEPP.

One of the aims of the SEPP is 'to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation'. The SEPP defines affordable housing as housing 'for very low income households, low income households or moderate income households.'

When evaluating an application, a consent authority must consider whether the development is compatible with the character of the local area (clause 16A of the SEPP) as well as 'the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality' and 'the suitability of the site for the development' (clause 4.15 of the *Environment Planning and Assessment Act 1979*). Moreover, one of the aims of the WLEP is to ensure that the social effects of development are appropriate (clause 1.2).

In this section, I wish to focus on the potential social impacts of the proposed development.

In view of the application and the SEPP, occupants of the boarding house will be either homeless or other disadvantaged people with very low income to moderate levels of income. Unfortunately, these groups are more vulnerable to issues relating to problem gambling, drug abuse and alcoholism.

To consider potential social impacts, it is also necessary to understand the surrounding area within the immediate vicinity of the proposed development. The northern neighbour is a Liquorland (bottle shop) and directly across the road there is the Collaroy (a pub) and the Collaroy Services Beach Club (a registered club). Each of these premises are licensed to sell alcohol and two offer gaming facilities including poker machines.

There are two impacts to consider in relation to the proposed development. One is the potential impact on future boarding house residents of having multiple liquor licenced & gaming venues within steps of the facility. The other is potential amenity impacts such as excessive noise and anti-social behaviour which may result. The pre-existing social impacts that exist due to the bottle shop, pub, and club, could be compounded by the boarding house. For example, customers of the bottle shop are already known to congregate between the shop and the Horizons on the Beach property, being a nuisance and generally disturbing neighbours. It is common to find the remnants of their partying in the morning (e.g., empty or broken bottles, rubbish, etc). This would result in an undesirable cumulative impact and accepting such behaviour as inevitable does not make it acceptable.

I do not object to the premise of affordable housing. However, the site must be appropriate to avoid further disadvantage or negatively impacting the local community. That is to say that there would be other properties in Collaroy that are more appropriate and better suited to development as a boarding house.

### **Manager's residence**

A manager's residence located on the top floor of the development is proposed and will consist of a three bedroom, two bathroom, unit with extensive beach front views to the east.

As previously stated, it is presumed that the development meets the definition of new affordable rental housing in accordance with Part 2 of the SEPP. As such, the development must be used for affordable housing for 10 years and the accommodation must be managed by a registered community housing provider (clause 17 of the SEPP). It is presumed that the occupant of the manager's residence will be an employee of the registered provider. In view of this, the proposed residence appears to be inconsistent with the proposed development.

The floor area of the manager's residence is further evidence that supports the point that the residence is inconsistent with the proposed development (i.e., to provide affordable rental housing). The manager's residence has an area of 158 square metres (sq m) based on the applicant's survey plans. The NSW Department of Planning and Environment *Apartment Design Guide* (July 2015) sets out a minimum internal area of 90 sq m for three bedroom units, while in 2013<sup>1</sup>, the average size of a three bedroom unit was 120 sq m. Apartments, of all sizes, are generally getting smaller, so it is unlikely that the average area has increased significantly. In view of this, the proposed manager's residence is considerably larger than the minimum and average areas, which brings the purpose of the residence into question and therefore, makes the purpose of the proposed development questionable.

### **Boarding house management plan**

The management plan appears generic. It is not clear who prepared the plan, which raises concerns about the appropriateness of the plan, whether the plan has been successfully implemented elsewhere, etc. This raises questions like who will manage the property and do they have appropriate experience managing boarding houses.

The roles and responsibilities related to the management plan are not clear. Section 2 refers to a Managing Agent, section 3 refers to the owner or manager while section 4 refers to the appointed Boarding House Manager. Clear definition is important, for example, who will monitor and enforce adherence to the drugs and alcohol policies. A lack of enforcement could lead to complaints.

Section 12 of the plan covers occupational health and safety (OHS) requirements and references the *OHS Act 2000* and *OHS Regulation 2001*. The Act was repealed almost 10 years ago and replaced the *Work Health and Safety Act 2011*, while the Regulation was repealed by the *Work Health and Safety Regulation 2017*.

As previously stated, complaints could result from non-compliance with policies and house keeping rules. Section 15 covers the handling of complaints and incidents. Presumably, this relates to complaints generated from within the boarding house as well as outside such as neighbours. Responsibility is assigned to the Managing Agent. Are they occupant of the manager's residence? The plan indicates that the Managing Agent will be available between the hours of 9 am and 6 pm, Monday to Saturday. However, the plan does not address how complaints will be handled that occur outside of these hours, for example at 2 am on a Wednesday morning or anytime on a Sunday. Does this mean occupants and neighbours would need to contact Police to resolve complaints related to noise? This would place an unnecessary and undue burden on the already stretched services of our Police force.

A quick internet search for boarding house management plans provided an interesting result. The proposed plan is almost identical to a management plan for a 48 room boarding house in Strathfield South dated March 2018<sup>2</sup>.

It is quite clear from my research that the success (or otherwise) of a board house heavily depends on its management. In view of the above and the applicant's submission, I am not filled with confidence that the boarding house will be appropriately managed.

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<sup>1</sup> <http://www.projectagenda.com.au/apartment-sizes-set-to-plateau/>

<sup>2</sup> <https://www.strathfield.nsw.gov.au/assets/Development-Notifications-2018/DA2018.029-Plan-of-Management-494-496-Liverpool-Road-Strathfield.pdf>

## **Land use suitability**

The applicant included a preliminary site investigation report with their application. The report is scant on detail and was not been prepared in accordance with relevant State and Federal guidelines, such as the *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013) and the *Contaminated land guidelines: Consultants reporting on contaminated land* (NSW EPA 2020).

The investigation included a desktop review, site history review and site inspection. It identified several sources of potential contamination yet does not recommend further assessment to define the nature and extent of the contamination. Furthermore, the report does not conclude that the land is suitable for the proposed land use. I note that the geotechnical investigation, completed by the same consulting firm, included drilling four soil bores. Fill material was identified in each bore.

The report states that the contamination would be removed during bulk excavation. While this might be the case, one of the sources identified is the nearby dry cleaners which may use chemicals associated such as PCE, TCE, DCA, etc. These are categorised as dense non-aqueous phase liquids (DNAPL), which means they have a specific gravity greater than water. That means these chemicals will migrate downwards until trapped via a relatively impermeable barrier. Therefore, if contamination associated with a dry cleaner was present, it could be anything but shallow, and would need to be assessed by a qualified hydrogeologist in accordance with the *Guidelines for the Assessment and Management of Groundwater Contamination* (NSW EPA 2007).

While the consultant's view may hold true, it leaves a lot to chance as it reliant on an earthworks contractor having experience remediating contamination. A more appropriate response would be to develop a remedial action plan for the site.

In view of this, the preliminary site investigation report is not appropriate, and Council could be unable to meet its obligations related to contamination in accordance with *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP55). Should this property be developed for any purpose in the future, Council may wish to consider including the need for a site audit as a condition of consent to protect human health and the environment. The site audit would be undertaken in accordance with the *Guidelines for the NSW Site Auditor Scheme (3rd Edition)* (NSW EPA 2017).

## **Traffic assessment**

A right of way through the 'Beachlife' property located at 1-5 Collaroy Street provides vehicular access to the site. Despite off-street parking, there is no vehicular access to the site from Pittwater Road and nor is there any proposed. Therefore, all traffic movements, during construction and occupancy, would be via the right of way

Pittwater Road is the main arterial road along the beach front of the Northern Beaches. The northbound side is a clearway during the afternoon/evening peak hour.

It is presumed that during demolition and construction large construction vehicles and machinery would enter/exit the site via Pittwater Road as access to the site via the right of way would be difficult due to lack of space in which to manoeuvre. Traffic during construction would need to be carefully managed to minimise impact to Pittwater Road as well as worker and public health.

A traffic impact assessment was submitted with the application. However, this appears to focus on impact during occupancy. Traffic impact during construction does not appear to have been assessed and for the reasons above, any potential impact could be significant. Furthermore, the traffic assessment focused on traffic generation in general and did not assess how the development would impact the property on which the right of way is located. I suspect they would not appreciate an additional 60 plus

traffic movements through their property a day. It is inappropriate and inconsiderate for the assessment to not consider the residents of the Beachlife property.

The right of way to access the site in its current form (i.e., essentially two single residential dwellings) is appropriate. Using the right of way to access a multi-user dwelling as foreshadowed by the traffic assessment is not appropriate.

Vehicle access to the property should not prevent development of the site. However, it needs to be considered seriously.

### **Noise**

Due to COVID-19 many people are currently working from home for the foreseeable future. Therefore, construction related noise may be intolerable. Should the site be developed, controls to minimise noise, especially during construction will need to be implemented.

### **Privacy and amenity**

The proposed development includes rooms on the first and second floors which face the west. These rooms all include balconies that would be accessed by a sliding door. These rooms face directly towards the Beachlife property, which include multiple east facing balconies on all three floors and large east facing windows on the third/top floor. Therefore, the west facing rooms of the boarding house rooms would have limited privacy. Similarly, the same could be said about the residents of the Beachlife property.

Furthermore, the proposed development would also result in significant shadowing adversely affecting neighbouring units as evidenced by the applicant's own shadow diagrams. Given the pre-existing neighbouring units, a two storey development may be more appropriate as this would reduce the overall impact on privacy, shadowing, and amenity.

### **Closure**

As I stated at the beginning, I am pro-development and I encourage the development of the site as the community will benefit from its development. However, the development needs to be appropriate. While the proposed development is permissible in accordance with the land use zoning, it requires consent. This means that the development application will be evaluated critically to ensure it is appropriate and compatible with the surrounding land use.

For the reasons stated above, I do not support the proposed development. It is not compatible with the character of the local area. There are likely to be significant social impacts due to the development and furthermore, the site is not suitable for the proposed development.

In closing, I would like to point out that I do not object the proposal to develop the ground floor as commercial units.

Should you require any clarification do not hesitate to contact me on 0408 100 878.

Yours sincerely,

  
Stephan Pawelczyk