



Memo

To: Northern Beaches Planning Panel

From: Penny Wood
Planner

Date: 16 November 2021

Subject: Supplementary Memo: DA2021/0680 - 16 Bangaroo Street, North
Balgowlah

Record Number: Insert Record Number here

Dear Panel,

A submission objecting to the proposal was received by Council, however was not included within the assessment report. The submission objecting to the application is attached to this supplementary report as appendix 1.

As a result, the total submissions for the application is 152, of which all object to the application.

Regards,

Penny Wood
Planner

Appendix 1

Adam Iezzi
2/2 Worrobyl St,
North Balgowlah, NSW, 2093
0408 225 186

I object to DA2021/0680 as this is an unsuitable site with unsuitable investors who are only looking to make a dollar at any cost, even at the detriment of the neighboring homes, local community, pedestrian safety and child safety.

Their unwillingness to address safety concerns brought up in the community's submissions for now their withdrawn DA2020/1397 at the same property baffles me.

We have found that this site and proposal doesn't really have much going for it in terms of compliance and I object to all of these non-compliances, bogus reports, missing reports and safety issues listed below.

It's Council's duty of care to evaluate silly proposals like this to ensure they are rejected for the safety of the community and children, not to mention the many other factors that will affect people's lives should this development proposal be approved.

INCOMPLIANCE LIST

(Definitely missing non-compliances)

ACOUSTICS	NOT COMPLIANT	<i>verified from Peer review from Noise and Sound Services</i>
PRIVACY	NOT COMPLIANT	<i>overlooking from unit block</i>
PARKING REQUIREMENTS	NOT COMPLIANT	<i>3 Staff + 20 kids = 8 on site car parking requirement</i>
2 x PARKING EXISTING	NOT COMPLIANT	<i>stacked parking spots are not to Australian Standards, width from building to existing fence is approximately 1900mm with a 2400mm standard</i>
EMERGENCY EGRESS	NOT COMPLIANT	<i>Minimum of 2 x 1m egress paths required – external north side path is approximately 850mm, external southern path is a proposed car space. Door entrance opens inwards causing a bottleneck and jam at the only exit only to then lead to another inward opening child proof gate on the exit path.</i>
FIRE REGULATIONS	NOT COMPLIANT	<i>No fire engineer has assessed the building to determine if a 90/90/90 fire resistance level is able to be achieved on the northern walls of the home which is less than 1.5m from the boundary. I DON'T THINK THIS IS POSSIBLE AS EXISTING TIMBER FRAME ROOF AND FACIA IS CONNECTED ONTO TIMBER WALL STUDS, +WINDOWS DO NOT MEET A90/90/90 CRITERIA.</i>
VENTILATION	NOT COMPLIANT	<i>Due to a 90/90/90 FRL on Northern Wall & a FRL of 60/60/60 on southern walls, windows on these walls are required to have to be fire rated fixed windows to</i>

		<i>achieve these numbers thus causing a major ventilation issue requirement as per BCA see below extract.</i>
DISABILITY ACCESS	NOT COMPLIANT	<i>site has at least one step at all entrances and internally no wheelchair access achievable</i>
TRAFFIC	NOT COMPLIANT & NOT SAFE	<i>unsupported as per councils own referral response</i>
VISUAL BULK	NOT COMPLIANT	<i>bulky 3m noise barrier mid way through our fence line which borders multiple homes</i>
OVERSHADOWING	NOT COMPLIANT	<i>3m barrier will block morning light and overshadow ground floor unit & existing gardens@ 2 Worrobil St</i>
BUILDING COLOURS AND MATERIALS	NOT COMPLIANT	<i>Recently painted vivid multi coloured shed is already not in keeping with the current surroundings</i>
PEDESTRIAN SAFETY	NOT COMPLIANT	<i>Not safe and Unsupported as per councils own referral response</i>
BIKE PARKING	NOT COMPLIANT	<i>1 bike spot per 3 car parking required) total of 3 spots required</i>
PLANS IN GENERAL	NOT COMPLIANT	<i>As per councils own DA application requirements. Plans are missing, all Measurements, part of works not highlighted and unclear, hard surface area not stated, all RL heights (needed for in compliant noise barrier heights), solar access & shadow diagrams for noise barriers, type of noise barrier and thickness, existing vegetation (massive magnolias canopy taking at least 50% of yard), disability access arrangements (steps present at front entrance not represented on plans), contours at 1m intervals, elevations and plans for perimeter barriers, location of proposed commercial exhaust fan, views to and from site, location of existing fence line to boundary.</i>
REPORTS (MOST IF NOT ALL)	NOT COMPLIANT	<i>misleading and or not correct</i>
LANDSCAPING	NOT COMPLIANT	<i>The childcare center planning guideline clearly states "Shrubs and trees selected for the play space must be safe for children" and makes reference to trees with seed pods. This site has massive magnolias covering 50% of the rear play area that produce seed pods (which the cockatoos make a mess of every year but also provide us a fair bit of privacy) I don't see how this could comply.</i>
OTHER MISC BCA FACTORS	VARIOUS NON COMPLIANCE	<i>internal stair width, internal steps and risers, number of required exits, main door swing direction & threshold steps to name a few.</i>
STORMWATER RUNOFF/ NON PORUS CHILD PLAY AREA PROPOSED	NOT COMPLIANT	<i>land area percentage</i>
Emergency and Evacuation Plan	NON EXISTENT	<i>Safety does not appear to be of concern to the investors</i>
STAFFING REQUIREMENTS	NOT COMPLIANT	<i>not enough staff for the number of areas & child activities, Children cannot be left with only one staff member whilst transferring noisy kids inside</i>
HOURS OF OPERATION	NOT CONSISTANT	<i>Some documents note 8am to 4pm, Some documents note 8:30am to 4pm & Some documents note both 8am to 4pm and 8:30am to 4pm. Which one is it?</i>
STREET SIGNAGE	VISUAL POLLUTION	<i>No signage details provided and will most likely not be in keeping with the surrounding streetscape</i>
SOIL REPORT	NON EXISTENT	<i>Asbestos and lead are found in the majority of</i>

		<i>backyards due to old landfill at the time of building. I think this requirement would be high on the priority list for a childcare. Investors don't seem to care).</i>
ELECTRICAL WORKS SCOPE	NON EXISTANT	<i>I cannot see any provisions for existing electrical works to be modified and made child safe. I am sure that there would be many instances requiring attention.</i>
PLAN OF MANAGEMENT	ABSOLUTELY RIDICULIOUS	<i>No way can the noise restraints of parents, kids and car doors be upheld and/or enforced.</i>
TRAFFIC REPORT	MISLEADING	<i>As shown below and in councils referral response.</i>
ACOUSTIC REPORT	INCORRECT	<i>Not compliant as per Peer review from Noise and Sound Services. Also incorrect opening times.</i>
STATEMENT OF ENVIRONMENTAL EFFECTS	MISLEADING & INCONSISTENT	<i>Various issues listed above. And also includes inconsistencies such as hours of operations.</i>

OTHER SUPPORTING FACTS

FIRE EGRESS



Picture taken of measurement of proposed fire egress path less than 1m.

PARKING



Picture taken of driveway with estimates made from bin wheelbase measurements. Australian standards state 2400mm wide standard car spot requirements

7.2 Parking

The existing parking arrangement has been designed to accommodate 2 cars, as shown in the following figures:

Not To AS2890.1



The proposed additional on-site space has been designed in accordance with Australian Standards AS2890.1 at 2.4 x 5.4 metres for standard car spaces.

Extract from Traffic Report – misleading report trying to hide the fact parking is not to Australian standards. Mums with SUV's will definitely not park cars here. In fact, I'm not sure of any stacked parking spots where bumpers having to touch, is acceptable.

8.0 Conclusion

The proposed Child Care Centre development at 16 Bangaroo Street in North Bagowiah will present as a suitable outcome for the local area. The assessment of the potential traffic, transport and parking implications have concluded that the development will:

- * the site is located in close proximity to high-frequency public transport services which link to the Metropolitan transport system
- * not present any unsatisfactory traffic capacity or safety-related implications
- * the additional peak parking demand will be adequately accommodated within the existing on-street parking.
- * the limited on-site staff parking will be appropriate for the proposed development, consistent with the other small neighborhood child care centre in Northern Beaches area.
- * the proposed widening of an existing access is adequate and safe for the proposed development.
- * the parking arrangement will be in accordance with AS2890.1.
- * the existing servicing arrangement will be retained and remain suitable for the proposed development.

Worded carefully to be misleading to enable this uncompliant proposal through.

Report worded carefully to mislead and slip through parking requirements

BUILDING COLOURS AND MATERIALS

Building Colours and Materials DCP Control D10	Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	No change to existing	Yes How?
--	---	-----------------------	-------------

Extract from BBF Statement of environmental effects report



Picture taken from 2 Worrobil St common area stairs leading to units 4,5 & 6. Shows vivid multicoloured painted shed. RECENTLY PAINTED since the last DA withdrawal. Even 3m barrier will not hide this.

OPERATION HOURS

3.1 Details of the Proposed Use

The application proposes alterations and additions to the existing dwelling and the use of the ground floor as a child care centre.

The application proposed a new ground floor layout which creates activity spaces and new outdoor play areas. The works also provides access to 3 off-street parking spaces proposed. These details are depicted on the plans prepared by Distinctive Additions.

The childcare centre is to cater for 20 children and 3 staff members. The proposed hours of operation are from 8am to 4pm, Monday – Friday. Between 8am and 8:30am will be the drop off time for parents. 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.

SOURCE: Statement of environmental effects page 7 - 8am to 4pm

3.2 Operational Characteristics – Child Care Centre

The application is accompanied by an Operational Plan of Management. The proposed 20 place child care centre will operate from 8:30am – 4pm (Monday - Friday), employing a total of 3 staff. The centre will only be intaking children between 3 and 5 years of age.

SOURCE: Statement of environmental effects page 7cont – 8:30am to 4pm

Hours of operation - the proposed hours of operation between 8:30am – 4pm Monday to Friday which is consistent with this guide and will not adversely impact the amenity of surrounding properties.

SOURCE: Statement of environmental effects page 21 – 8:30am to 4pm

2 SITE DESCRIPTION

The proposed development is a two-storey structure comprised of two separate indoor playrooms, a library, staff/meeting rooms and kitchen, and an outdoor play area in the backyard.

The proposed child care centre will accommodate a total of 20 children between the ages of 3 and 6 years old. The centre will operate from 8:30am-4:00pm, Monday to Friday. The client has advised the outdoor play time will be divided amongst the children and have proposed to permit a maximum of 8 children outside at one time.

SOURCE: Acoustic Report 8:30am to 4pm

2.2 Proposed Development

The Applicant proposes to undertake minor alterations and additions to the existing building on the site, to provide for a childcare centre capable of accommodating up to 20 children and 3 staff members.

It is proposed to widen the existing vehicle access for accesses to 3 on-site parking spaces.

Dedicated pedestrian access will be provided on Bangaroo Street at the eastern site boundary. The proposed hours of operation are from 8.30 am to 4.00 pm Mondays to Fridays.

SOURCE: Traffic Report 8:30am to 4pm

4. Hours of Operation

The centre will operate from 8.00am to 4pm, Monday to Friday. It will be closed on Public Holidays. Between 8am and 8:30am will be the drop off time for parents. 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.

SOURCE: Plan of management 8:00am to 4pm

VENTILATION

F4.6 Natural ventilation

- (a) Natural ventilation provided in accordance with F4.5(a) must consist of openings, *windows*, doors or other devices which can be opened—
 - (i) with a ventilating area not less than 5% of the *floor area* of the room *required* to be ventilated; and
 - (ii) open to—
 - (A) a suitably sized court, or space open to the sky; or
 - (B) an open verandah, carport, or the like; or
 - (C) an adjoining room in accordance with F4.7.
- (b) The requirements of (a)(i) do not apply to a Class 8 *electricity network substation*.

F4.7 Ventilation borrowed from adjoining room

Natural ventilation to a room may come through a *window*, opening, door or other device from an adjoining room (including an enclosed verandah) if both rooms are within the same *sole-occupancy unit* or the enclosed verandah is common property, and—

- (a) in a Class 2 building, a *sole-occupancy unit* of a Class 3 building or Class 4 part of a building—
 - (i) the room to be ventilated is not a *sanitary compartment*; and
 - (ii) the *window*, opening, door or other device has a ventilating area of not less than 5% of the *floor area* of the room to be ventilated; and
 - (iii) the adjoining room has a *window*, opening, door or other device with a ventilating area of not less than 5% of the combined *floor areas* of both rooms; and
- (b) in a Class 5, 6, 7, 8 (except a Class 8 *electricity network substation*) or 9 building—
 - (i) the *window*, opening, door or other device has a ventilating area of not less than 10% of the *floor area* of the room to be ventilated, measured not more than 3.6 m above the floor; and
 - (ii) the adjoining room has a *window*, opening, door or other device with a ventilating area of not less than 10% of the combined *floor areas* of both rooms; and
- (c) the ventilating areas specified in (a) and (b) may be reduced as appropriate if direct natural ventilation is provided from another source.

SOURCE: Extract from NCC 2019 Volume 1 BCA

Fixed glass non operable fire rated windows would be required to achieve a Fire Resistance Level (FRL) of 60/60/60 or 90/90/90 on all north and southern facing walls, which will cause a ventilation non compliance in most rooms of the site.

Need I say any more?