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**Sent:** 28/02/2018 8:18:13 PM  
**Subject:** Submission on DA2018/0149 for a boarding house at 60 Binalong Avenue Allambie Heights  
**Attachments:** Objection letter to DA2018-0149\_SV Reading.pdf;

**Attention:** Assessing Officer Daniel Milliken, and Northern Beaches Council representatives

**RE: Objection to Development Application Number: DA2018/0149 at 60 Binalong Avenue Allambie Heights** - *Demolition of existing structures and construction of a two storey boarding house containing 36 beds*

Dear Mr Milliken and Northern Beaches Council representatives,

We are long-term residents of 58 Binalong Avenue - next door to the proposed 36 bed boarding house development under **DA2018/0149**, which is proposed for construction at 60 Binalong Avenue, Allambie Heights.

Please see attached our submission in response to this development application. We strongly oppose the development and outline our reasons why in the attached submission.

Kind Regards,  
Stephen and Veronica Reading

Stephen and Veronica Reading  
58 Binalong Avenue  
Allambie Heights NSW 2011

28/02/2018

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We are long-term residents of 58 Binalong Avenue - next door to the proposed 36 bed boarding house development under **DA2018/0149**, which is proposed for construction at 60 Binalong Avenue, Allambie Heights.

As immediate neighbours to this large proposed development, we have a number of specific objections relating to the development application including: overshadowing, bushfire safety, pedestrian safety, driveway visibility, car parking, privacy, security, noise levels and waste management. These objections are all directly relevant to the continued amenity of our property.

We also object to the incompatibility of the building's design with our own property and the character of the area. We have additional concerns around the safety of school children and pedestrians queuing up for buses at the two closest bus stops to this development. As the site is a riparian zone and wildlife corridor, we also have concerns about the impact of the development on the creek and local wildlife.

Overall, we believe that this proposal is a gross overdevelopment in a traditionally quiet, low density suburb. For many reasons it is not a good site for this type of infrastructure and use. As such, it will bring a range of negative impacts for us and surrounding neighbours.

We have reviewed all documents accompanying **DA2018/0149**, and our specific objections are following:

**1. Overshadowing**

We have reviewed the accompanying shadow diagrams provided. On the third page, the shadow diagram showing 3pm on June 21 shows our entire backyard in shadow. Looking at the differential between the 12pm and 3pm timeframes, it appears that from any time after 1pm in mid-winter, the vast majority of our back yard garden will be in shade. It will be completely in shade by 3pm in the afternoon.

We are concerned that plunging our back garden into virtually entire shade from early afternoon will adversely impact our available light. This has ramifications on how we can use the space (i.e. too cold for our school-aged children to play/spend time, less light and warmth, and a less attractive area to be in), and will also diminish the available light for our plants.

We are concerned that there are no shadow diagrams for other solstice events or times of the year i.e. March 21 and why these have not been provided with this application. We are restricted in our view of how three very large-sized two-storey structures situated on the slope above our property will impact our available light and the resulting amenity of our garden at different times of the year. The shadow diagrams provided do not show this. Due to these issues above, **we object to the development.**



*Extract from the Shadow Diagrams provided in the DA*

## **2. Bushfire safety**

According to page 3 of the bushfire report 'Bushfire Risk Assessment' contained within the DA (as well as the Rural Fire Service website), 60 Binalong Avenue is identified as bushfire prone land.

A bush reserve runs along the back boundary of many properties in Binalong Avenue. This forest runs along the east boundary of 60 Binalong Avenue and meets the property's boundary at the southeast corner of the block.

As long-term residents of this bushy suburb, we are constantly alert to the threat of bushfire, particularly in the summer months. We have our own fire evacuation plan and have strong concerns about the logistics of moving a minimum of 36 residents from 36 separate rooms quickly and safely out of the path of a bushfire. This number could actually be up to 72 individuals, as rooms can accommodate up to two people. Mass evacuation will have an impact on the success of fighting a fire.

If fire does occur, time will be needed to knock on the door of each and every dwelling to alert people and help those that require assistance, and longer response and evacuation times will

compromise the safety of residents, neighbours and emergency personnel due to the sheer number of people evacuated.

Evacuation efforts will also hinder traffic coming up and out of Binalong Avenue and impede a quick getaway. This is counterproductive to our own fire evacuation plan. Large numbers of people being evacuated from this single property and milling on the road could become chaotic and quite dangerous as the site spans the corner of three streets and cars often speed around the corner and down Binalong Avenue. Taking into account the inevitable street congestion caused by the boarding house's residents parking on the road (as there will be only 9 car spaces to 36 dwellings/72 people) we believe that any fire emergency could become unnecessarily dangerous for ourselves, our property, and everyone involved.

This danger is compounded by the site's close proximity to Manly Dam Reserve, which is approximately 100 metres away. Ember attack alone from a fire at Manly Dam poses a significant safety risk to residents within the development. In reality, a fire on two fronts is a possibility, and the boarding house will take some time to evacuate fully. This will increase the possibility of damage to our house and create unnecessary risk for our family.

We also note that the '*Bushfire Risk Assessment*' report provided with this development application shows inconsistency between the Asset Protection Zone (APZ) allowed for in the plans, and the APZ required under Section 100b of the Rural Fires Act that corresponds with the site's slope, vegetation and Building Class. The inconsistency is as follows:

1. The proposed development is referred to throughout the supporting documents in the development application as a 'Class 3 building'. As this building is a Class 3 building, we note from Council's advice that it is deemed 'Special Fire Protection Purpose' under section 100b of the Rural Fires Act, and requires a Bushfire Safety Authority from the Rural Fire Service. According to the '*Bushfire Risk Assessment*' report, it has bordering forest and a slope of >10-15 degrees. As the fire hazard is downslope of the property, this makes it more hazardous. We see no evidence of a Bushfire Safety Authority included with this application, which considers factors necessary to ensure fire safety. We assume that Council has recognised this and referred it on to the relevant authorities for diligence checks and compliance.
2. According to the calculator on the Rural Fire Service site, and Table A2.6 in the *Planning for Bushfire 2006* report, a Special Fire Protection Purpose site requires a minimum Asset Protection Zone (APZ) of 60 metres when it is FDI 100 and adjacent to rainforest. When referencing applicable Asset Protection Zone distance, the '*Bushfire Risk Assessment*' report provided actually applies an APZ of 20m **that is applicable to Class 1 and 2 buildings only**, rather than applying the Special Fire Protection Purpose APZ of 60m.

We do not have specialised knowledge of bushfire legislation, but it seems logical that large buildings with many tens of residents would require a greater Asset Protection Zone than 20m. A larger APZ creates additional and much needed defensible space for firefighting, and importantly, more time to move lots of people to safety should a bushfire occur.

The '*Bushfire Risk Assessment*' report is also the basis for the specifications in the DA's BCA report that deal with construction requirements in bushfire prone areas. An extract (seen following) from the BCA report says '*This building is required to be protected in accordance with AS3959 and the Bushfire Report prepared by Bushfire Consultant Australia report.*'

SECTION G: ANCILLARY PROVISIONS		
PART G5 – CONSTRUCTION IN BUSHFIRE PRONE AREAS		
G5.0: Deemed-to-Satisfy Provisions	Noted	-
G5.1: Application of Part	Noted	-
NSW G5.2: Protection	This building is required to be protected in accordance with AS3959 and the Bushfire Report prepared by Bushfire Consultancy Australia Report No. 60Bin-02 dated 25/1/2018.	CRA – Refer Annexure C

*Extract from the BCA report provided with this DA*

As the Bushfire Report appears to incorrectly interpret the APZ and Class of the building, we ask Council to closely investigate the standards of construction proposed, as BAL classification and other bushfire construction related requirements may not be properly met in the building plans and construction materials outlined.

Due to our concerns around evacuation requirements, inadequate fire safety provisions, and the safety of our family and property, **we object to the development.**

### 3. Pedestrian safety

We note from the plans provided that primary entry to the site is through two pathways along the main building frontage on Binalong Avenue. This is problematic. The corner of Binalong Avenue and Jennifer Avenue can be a dangerous area for the following reasons:

1. It is at the top of a steep and busy road where three streets intersect
2. Cars often come around the corner very fast and progress at speed down Binalong Avenue. We have experienced a collision to our parked car and had both a car and a motorbike mount the kerb and crash head first into our garden on separate occasions. This corner can be hazardous for pedestrians to walk around due to an uneven grassy surface, and a number of cars parked outside the front of the development would create even less visibility and more hazards.

We have observed our children having to walk on the road to get around that corner and make their way to the bus stop. Our children walk around this corner twice daily to get to and from school, and we are concerned for their safety should the proposed development go ahead.

3. There are no sealed footpaths anywhere around 60 Binalong Avenue or neighbouring streets. Lack of smooth and uniform pavements around the site and surrounding areas creates risk for residents of the proposed development, who will inevitably be entering and exiting the site at any time of the day or night. In particular, disabled residents i.e. those that are wheelchair bound will be hard pressed to make their way across unpaved grass verge at street level down a largely sloping footpath to the entrance during the day or night. We do not see accessibility provisions in the plans relating to this issue.
4. As noted in the Traffic Report provided, there is some non-compliance in the driveway grade. In reality, people will need to walk around a large paperbark tree at the front of the property which will be right next to the driveway. We question how much driveway visibility pedestrians heading east down Nargong road will have before they attempt to cross the driveway. As the carpark is underground and cars must come up the driveway to get out, this could be a safety issue.

5. A large structure like this will bring a large number of people, greater car congestion, and frequent foot traffic caused by residents entering and exiting the site 24/7. This will compound the existing hazards of the corner and create a clear safety issue, as we frequently see people walking past our house and around the corner of 60 Binalong Avenue.
6. When driving, visibility at the top of Binalong Avenue is compromised when looking left and right due to the rise and angle of the road. It can be tricky to turn right safely, especially when traffic is approaching fast around the corner of Nargong and Binalong Avenue. Essentially, the site is the intersection of three streets and traffic approaches from three directions at any given time. We are concerned that additional congestion on that corner and further impact on current visibility will result in a car accident.

Due to the pedestrian and driving safety concerns outlined above, **we object to the development.**

#### **4. Driveway visibility**

Due to the steep slope of Binalong Avenue, getting out of our driveway can often be challenging. When cars are parked very high on the hill (i.e. at the front of 60 Binalong Avenue), our visibility drops markedly as we often can't see cars coming around the corner until they are only a few metres away. We are concerned about the likelihood of an accident should cars be parked around the site at all times, especially as we have a younger driver in our family. On the basis of physical safety, **we object to the development.**

#### **5. Car parking and congestion**

We understand from the plans that up to 9 car parking spaces are being provided for the 36 dwellings proposed. There is relative infrequency and inconsistency of bus routes in and out of Allambie Heights (especially outside of peak hour). We believe that many future residents of the site will own cars, whether they drive them regularly or not. As some of the rooms will be offered as double rooms, the actual number of cars owned by residents could be much higher than 36. Conceivably, there could be up to 72 residents on the site, and this could equal up to over 60 additional cars needing to park around a development that only offers 9 spaces. Inevitably, cars will spill out onto the neighbouring streets and create a nightmare for existing residents trying to get in and out of their own driveways and park outside their own houses.

This will be problematic for us and most neighbours in Nargong Road, Jennifer Avenue and the top of Binalong Avenue, as inevitable overflow will lead to large volumes of cars on the street, causing street congestion and pedestrian hazard. As well as residents, a steady number of people will be coming in and out of the development on a daily basis; cleaners, gardeners, maintenance workers, visitors etc. These people are most likely to arrive in cars, trucks and maintenance vehicles, which poses further strain on jam-packed streets.

We will face blocked driveway visibility and have daily competition to park our own vehicle outside our house, which is a basic necessity at all times. Competition for parking will impact our amenity and mobility, disrupt our lifestyle and routine, and impact our visiting friends and family when they try to park – especially our elderly and less mobile family members who cannot walk more than a short distance. Equally, tradespeople, couriers, and anyone visiting our home at any time will find it difficult, if not impossible, to park in close proximity to our house.

We also make the point that even 5-10 more people at the local bus stop becomes a hazard when heading west towards Frenchs Forest and Chatswood. Our children catch a school bus in peak hour and the closest bus stop to the development is simply the pavement skirting the main road. There is limited room to wait at the bus stop and more people waiting there will become a potential safety

issue. This area simply does not have the infrastructure to cater for large volumes of commuters. Additionally, the E66 city bus is typically standing room only by the stop nearest Binalong Avenue, and the stop after. This inconveniences many permanent Allambie residents; if a large number of new commuters fill the bus at these higher stops and people lower down Allambie Road can't get on, they lose access to transport.

For all of the reasons above, **we object to the development.**

## 6. Privacy

We believe that the large number of unrelated, non-permanent residents the development will bring will increase our risk of trespass and invasion of privacy. This is because the residents will be unrelated people rather than a typical household that would be expected to maintain amicable long-term relationships with permanent neighbours. As we share a boundary with the property, this also places us at high risk of being overlooked and intruded upon.

Some of the windows will overlook our property, including the site manager's windows, which are angled southeast and will have visibility of our garden. Whilst the 'Report - Statement of Environmental Effects' states that windows do not face south, we do not believe that the plans adequately show this.

The size and bulk of the buildings combined with the slope of the land mean that people in Building B facing east may see right into our garden when using their balconies. If the development goes ahead, we are likely to lose privacy and correspondingly, the amenity and enjoyment of our garden. For those reasons, **we object to the development.**

## 7. Security

As noted, a large number of unrelated people will inhabit the site, and these could rotate frequently based on short-term lease provisions applicable to the boarding house. A frequent high turnover of people within a short time (the development offers 3-month leases) will inevitably increase the security risk to our property and our family.

That is just the residents. There will be a number of people moving in and out of the development; cleaners, gardeners, maintenance workers, residents' visitors etc.

Aside from a site manager, we do not see any security or control measures planned to mitigate security risk. The site manager is available to take complaints on all days but Sundays. This implies that police are the only intervening authority for any noise and behavioural complaints on a Sunday. For example, what happens if there are security incidents caused by tenants in the early hours of Sunday morning? The site is too large to be harmoniously managed at all times by an individual manager. Based on the security points above, **we object to the development.**

## 8. Noise levels

We note that an 'Operational Plan of Management' has been provided, which references noise minimisation measures. These measures rely mostly on tenant cooperation, which is nebulous and cannot be easily enforced.

We believe that the development will be very noisy and this will affect us daily. This is for a range of reasons:

- There will be greater than 36 tenants at any time, even up to 72
- Large numbers of tenants could be using balconies, outdoor areas, the common area, gardens, front paths, and hanging about on the street talking at any hour
- Large numbers of tenants could be entering and exiting the property frequently
- Tenants' cars on the street will be stopping, starting and parking frequently
- Tenants will be coming and going at all hours of the night, talking and using their cars; this will maximise disruption and could contribute to loss of sleep
- The site will house the equivalent amount of people that could be found within 12-14 regular houses. As there was only a single resident for over 40 years in the present dwelling, this number represents **an over 7000% increase in residents on the site**. This amount of people in a single space will undoubtedly cause additional and unwanted noise at any time of day or night.
- The acoustics of Binalong Ave mean that sound echoes loudly right down the street. Increased noise will be amplified and will be heard across many streets in the suburb. The amenity of all neighbours in surrounding streets will be impacted through greatly increased noise levels.

On the basis of excess noise, disruption of the peace (particularly outdoors), and potential loss of sleep, **we strongly object to the development.**

## 9. Waste management

We are concerned about potential stormwater (and waste runoff) entering our property from the proposed development. When rain occurs, the stream behind both properties swells to a torrent and becomes a large waterfall.

We hope that the plans provided will adequately address all stormwater management issues relating to both the new construction and riparian land on and around the property. We note that no riparian land studies have been undertaken in wet weather; we recommend to Council that a more comprehensive waterway study be conducted to observe this waterway in full flow, as in heavy rain it swells to a significant amount of water the strength and size of a waterfall.

We also note that the waste management provisions do not appear adequate. The waste collection area is set far back from the road (more than 6.5 metres), and does not provide easy access for garbage pickup. It's inevitable that large amounts of waste will be generated from such a large development and this waste collection point needs to be easily accessible to avoid garbage overflow issues such as mess, rats and vermin. We have a number of rats in the bush and garbage overflow could attract them to the development in numbers. Garbage trucks will also need some time to pick up all of the bins weekly, and that will hold up traffic in the area.

We don't know if bi-annual Council waste collections apply to this type of development but if 60 Binalong Avenue will be included in waste collection pick up the potential for roadside garbage will be significantly increased.

Should waste disposal provisions be insufficient for up to 72 residents, garbage overflow on the street front remains a continual possibility.

On the basis of the above issues, **we object to the development.**

## 10. Character of the local area

This DA proposes to build three large buildings on the site with associated common room, outdoor entertainment area and underground carpark. Even with minimal second story setback on the southernmost side, all buildings will be two-storey.

The buildings' street frontage on Binalong Avenue will be extensive, spanning the width of two standard blocks with a continuous unbroken façade. This development is totally out of character with the street and the suburb and there is no compatibility with other buildings anywhere in Allambie. The sheer size, scale and bulk of the development will dominate the landscape and clash with surrounding houses.

Our house next-door is weatherboard construction, which is common in the area. Whilst the 'Plans – Notification' report shows a selection of nearby properties to demonstrate compatibility with local houses, we note that the report selectively shows properties that most closely align to the look and feel of the development, rather than a more realistic mix of local properties. Of the twelve properties shown, only one from Binalong Avenue is included. This is not a fair representation of the character of the properties in Binalong Avenue, many of which are single-storey brick or weatherboard construction.



*These artist renditions are from the Plans - Notification Report provided with the development application, and show the long, continuous two-storey façade planned. This is adjacent and nearby to single-storey weatherboard houses. It competes with, does not work with, and does not reflect the character of surrounding properties or the neighbourhood in any way.*

As referenced earlier, the DA includes a summary report entitled 'Report – Statement of Environmental Effects'. The Overview provided in this report reads as follows:

## 1.1 Overview

This report accompanies and supports a Development Application (DA) for demolition of existing structures and development of Affordable Rental Housing (boarding house), at 60 Binalong Avenue, Allambie Heights.

Walsh<sup>2</sup> Architects have responded to the client brief to provide an affordable housing development of excellent design quality which affords high levels of amenity to future occupants and compatibility with the neighbourhood and built form character.

The Northern Beaches is one of the least affordable local government areas in NSW both for rental and purchase. The proposed development will increase the stock of affordable housing within the Northern Beaches LGA and thereby provide an important social benefit.

The built form outcome has been developed through detailed site, context, privacy, view and shadow analysis to ensure an appropriate contextual and streetscape fit. The proposed development maintains high levels of residential amenity to adjoining properties.

Development of the site in the manner proposed is appropriate on a range of environmental planning grounds:

- It is appropriate in terms of the site's location, large land area, separation from neighbouring dwellings and built form context.

### **We object to a number of erroneous statements made in this Overview and the report:**

1. We **do not** agree that this development is compatible with the neighbourhood and built form character. The proposed built form does not adequately consider context, privacy and shadow analysis. We object to winter overshadowing (as outlined earlier in this submission) and point out that virtually no Binalong Ave properties are included for Council's consideration in regards to determining if the development is compatible or complementary to the local area.
2. In regards to increasing affordable housing, we also note that **after 10 years, this development is no longer required to be provided as affordable housing**. This means that the development can change use or type after a 10 year period. This has implications for our future amenity and that of the neighbourhood as we have no certainty of how the site will be used in future.
3. The large number of additional residents will result in swelled commuter numbers and traffic levels in an already traffic stressed area. The impacts will be negative on surrounding residents including ourselves.
4. The site has no streetscape fit, as it is too large, has a continuous span, and does not take into consideration the building types, scale and size of surrounding properties up and down Binalong Avenue
5. There is little separation from our property; the closest building is just over two metres from our common south side boundary. The whole development will overshadow our property in terms of building bulk, size and reduction of light, particularly as we are downslope of the development.
6. There is NO mention made in the Traffic Report of the impact of inadequate parking. The report states 'Based on the above the proposal is assessed as satisfactory in addressing vehicle access and car parking considerations'. **This is manifestly incorrect**. The report **DOES NOT PROVIDE RECOGNITION** that the number of car spaces is vastly inadequate for the

number of residents and importantly, the capacity of the local streets to handle resultant vehicle overflow. This is a disappointing omission, as this factor is critical in assessing loss of amenity for current neighbours.

7. The report does not confirm that maximum number of residents that site will house. Based on 72 residents (i.e. 36 residences with capacity for two people within) this could represent **an up to 7000% increase in residency on the site.**
8. The 'Bushfire Risk' report provided makes reference to the site being bushfire prone land as follows:

## 8.8 Bushfire prone land

The site is within a bushfire prone area and subject to the provisions of the Rural Fires Act 1997. As a result, the proposal is accompanied and supported by a bushfire protection assessment report by Bushfire Consultancy Australia.

1. Notably, the assessment finds that an Asset Protection Zone (APZ) is required to the south eastern corner of the site for a distance of 23m, as shown within Figure 30 below. Otherwise, subject to compliance with the report's recommendations, the proposal satisfies planning for bushfire protection requirements.

*The extract above is from the 'Bushfire Risk' report provided in the DA.*

This information is incorrect. As noted earlier, the correct Asset Protection Zone is not 20m; it should be 60m.

9. We question the statement that the proposal provides 44.8% Landscape Area. The green zone identified seems inadequate in proportion to the size of the buildings. From visual inspection of the plans, it appears that Council grass verge makes up some of the 44%. We ask Council to review this closely.
10. Finally, we challenge the unsubstantiated comment from the report contained in this extract below:

*Consistent with the conclusions reached by Senior Commissioner Roseth in his judgement, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic to the streetscape. Nor would most observers find the proposed built form uncharacteristic with other development throughout the immediate locality.*

*The physical impacts of the development have been found to be acceptable with appropriate levels of residential amenity maintained to adjoining residential properties. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings.*

*The extract above is from 'Report – Statement of Environmental Effects' in the DA*

**We are based directly next door to the site and we find the proposed development offensive, jarring, and unsympathetic to the streetscape. It cannot be reasonably or at all concluded that the proposal is compatible with its surroundings – BECAUSE IT ISN'T.**

Our submission has been written after careful and fair thought about our objections and why they are relevant. We thank Council for reviewing this document and considering our many objections to the development.