
Sent: 7/12/2018 11:14:01 PM
Subject: Submission on DA2018/0149 - LEC amended plans - 60 Binalong Avenue Allambie Heights
Attachments: Objection letter to LEC Amended plans - DA2018-0149_SV Reading.pdf;

Attention: Assessing Officer Daniel Milliken, Northern Beaches Council representatives and the Land and Environment Court

RE: Objection to Development Application Number: DA2018/0149 – NSW LEC Amended Plans - at 60 Binalong Avenue Allambie Heights - Demolition of existing structures and construction of a two storey boarding house containing 32 beds

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

Kind Regards,
Stephen and Veronica Reading

5/12/2018

For the attention of: Land and Environment Court and Northern Beaches Council representatives

RE: Objection to Development Application Number: DA2018/0149 – NSW LEC Amended Plans - at 60 Binalong Avenue Allambie Heights - Demolition of existing structures and construction of a two storey boarding house containing 32 beds

Dear Land and Environment Court and Northern Beaches Council representatives,

We are the direct next-door neighbours of the 32 bed boarding house development under **DA2018/0149** for 60 Binalong Ave, Allambie Heights. We find ourselves in a position where despite making an initial submission vetoing the development application on a number of valid grounds, we have to again speak out against this grossly inappropriate development.

Every point we submitted in our original submission against this development still stands in regards to these revised plans. We request that the Land and Environment Court consider this submission, our previous submission on 28 Feb 2018, and the speech we submitted to LEC at the conciliation session held in October 2018 as firm proof that we, as next-door neighbours, will be adversely impacted if the development goes ahead.

There has been large-scale concern from Allambie Heights residents, neighbours and the wider community about this development. This concern has not abated; it remains and has grown stronger. **Residents do not want this development to go ahead and the large number of submissions against it is testament to this fact.**

There are wider NSW planning changes that are of crucial importance to this development application. We urge the Land and Environment Court to take into full consideration recent legislation changes proposed to boarding house policy by the NSW Planning Minister, Anthony Roberts.

On 28 November 2018, Minister Roberts responded to numerous concerns from across the community about inappropriate boarding house developments in R2 low density residential areas (like Allambie Heights). See the Minister's announcement here: <https://www.anthonyrobertsmp.com.au/media/media-releases/planning-reforms-proposed-boarding-houses>

In his announcement, Minister Roberts stated: "We have listened to the community and councils and what we've heard is that they want more limits placed on these developments in low density areas.

"That's why we're proposing a 12 boarding room limit on boarding house developments in the R2 zone, to address community concerns about amenity impacts, such as overlooking, overshadowing and loss of on-street car parking.

"Labor introduced a boarding house State Environmental Planning Policy (SEPP) in 2009, but never imposed a room limit.

"Establishing a maximum number of boarding rooms per site in low density zones will help to better manage any amenity impacts of boarding house developments on adjoining and nearby properties."

"The AHRSEPP was originally introduced in 2009 to increase the supply and diversity of affordable rental and social housing throughout NSW.

"However, it's clear that the size, scale and proliferation of boarding house developments in the R2 zone is not in line with what was envisaged when the ARHSEPP was introduced.

We would like to highlight to the Land and Environment Court that this 32 bedroom structure, despite some minimal scale back from original plans, is still grossly inappropriate in size and will be way in excess of acceptable noise and waste creation limits for a quiet, low impact R2 zoned suburb. It will also be totally out of character with the local area. Clearly it does not align with the NSW Planning Minister's intention to scale down boarding house size and bulk to 12 rooms maximum to mitigate real and valid concerns from the community. **On this basis alone, this proposal should be rejected.**

If approved by the Land and Environment Court, this approval and the development itself will be out of step with wider planning reform and will not be considering the best interests of the community vs the developer's quest for profit.

Aside from NSW legislation considerations, there is no question that our family will be directly impacted by this development in all negative ways a neighbour can be impacted. **WE FIRMLY OBJECT TO THIS DEVELOPMENT ON ALL POINTS CURRENTLY AND PREVIOUSLY RAISED, AND REQUEST THAT IT IS REFUSED.**

KEY OBJECTIONS

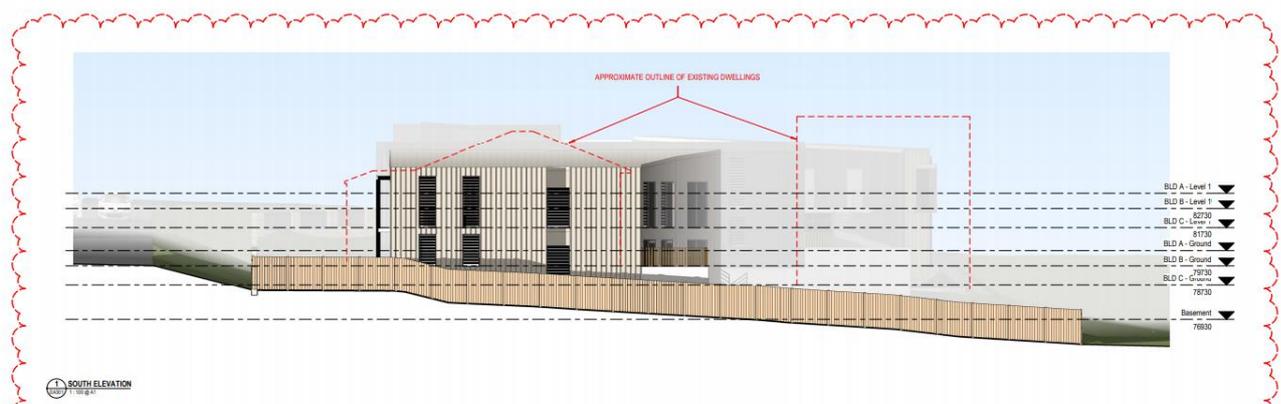
1. We **fundamentally object** to these revised plans as the incompatibility of the building's design with our own property and the neighbourhood **is not in keeping with the character of the local area.**

Our house is of weatherboard construction, which is common in the area. In both the original and revised plans, the buildings' street frontage on Binalong Avenue will be extensive, spanning the width of two standard blocks with large, multiple façades. 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.

2. We **fundamentally object** to these revised plans as they present an unacceptable breach of our privacy and amenity.

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.

A number of windows and a stairwell in these revised plans overlook our property with no measure to mitigate this intrusion. The amended plans now no longer conform with the 'Report - Statement of Environmental Effects' which still states that windows do not face south. Looking at the South Elevation in the plans below, there are a number of windows and a set of stairs that now directly face the southern boundary. This indicates that the developer and architect have not taken our privacy into consideration, which is very disappointing. We strongly object to this future loss of privacy and amenity and request that the Land and Environment Court consider these impacts on us as close neighbours to the development.



South Elevation showing how our property and garden will be overlooked if the plans are approved.

3. We **fundamentally object** to these revised plans as they present an unacceptable overshadowing of our backyard for the majority of sunlight hours during winter, and do not present any information on how our sunlight will be affected during other times of the year, particularly summer. **It is not fair that we as neighbours do not receive a full picture of the impacts of this development on our amenity.**

We have reviewed the accompanying shadow diagrams provided. Similar to the previous plans, the shadow diagram showing 3pm on June 21 shows a concerning amount of shadowing. Unlike the previous plans, the new plans show that our **ENTIRE BACKYARD WILL BE SHADED IN WINTER** from early afternoon.

This has ramifications on available light and how we can use the space, and will also affect the plants in our garden.



4. We **fundamentally object** to these revised plans as they present an unacceptable bushfire egress risk not just to the neighbourhood, but to our own family.

A key consideration of the SEPP requirement is that the development must be "in character" with the local area. The site for development is on bushfire prone land. The size, scale, design and sloping land of the development makes it totally unsuitable and impractical to be on this site due to fire risk.

The site faces continual threat of fire due to the large rainforest directly behind the property and close proximity to Manly Dam, only 100m away. The development falls into the 'Class 3' category, deeming it subject to 'Special Fire Protection Purpose' and a minimum asset protection zone of 20m is mandated. Buildings with this classification are completely out of character with this area, which consists of single, easily defensible dwellings.

We have witnessed fire near neighbouring Jennifer Ave firsthand some years ago, as well as fire on two fronts - Manly Dam and the rainforest behind the property. Being so close to Manly Dam, the threat is ongoing.

It's impractical to expect that 32 or more residents in separate dwellings can evacuate quickly and safely from fast moving fire. Once they do leave the site, where will they go, if not on the street, which could be congested

with vehicles due to inadequate onsite parking. This could cause chaos and danger for emergency personnel and other residents, particularly if embers spread and ignite other fires within the dam or the rainforest.

We see no specific fire disability exit plan included in the application. New fire safety reforms were introduced in 2017 and we are not confident these have been considered holistically in the development application.

5. We **fundamentally object** to these revised plans as they present an unacceptable noise impact stemming from a large number of people on a single site, where site acoustics and slope already create a pronounced echo down the street and valley.

Noise is a huge concern for us. The 'Operational Plan of Management' in the application references noise minimisation measures but these rely mostly on tenant cooperation, which can't be easily enforced.

The site will house the equivalent amount of people that could be found within 12+ regular houses. As there was only a single resident for over 40 years, this number represents a huge increase in residents on the site due to double occupancy in some rooms. Excessive noise will come from:

- Tenants and visitors on balconies, outdoor areas and the street, talking at any volume, at any hour
- Music from multiple dwellings
- Inevitably, many tenants' cars will be parked in the immediate vicinity as these new plans still have a large delta between potential number of residents and the amount of car spaces available. Cars, motorbikes, taxis, service vehicles and visitors will come and go at any time. Vehicles stopping and starting at night will disrupt our sleep and be a constant source of stress.

We urge authorities to consider the negative impacts on our quality of life and that of neighbours if this development is approved. Negative noise impact and loss of sleep may become a lifelong health and wellbeing issue for our family.

6. We **fundamentally object** to these revised plans as we have strong concerns about stormwater and waste runoff entering our property from the development.

We are not confident that the original drainage plans will adequately cope with stormwater flow during flood or heavy rain. No sufficient water report has been provided with these amended plans to measure the 100 year ARI flood flow level despite this study being earlier requested by Council. As we don't see any evidence of revised drainage measures in these revised plans, we can't fully assess if any new measures are satisfactory.

When it rains, a large body of water flows down the adjacent creek, culminating in a sizeable waterfall, and fallen trees occasionally create temporary dams that flood the east boundary area of 60 Binalong Ave. This has been witnessed on several occasions.

We note that no riparian land studies have been undertaken in wet weather and believe that a more comprehensive waterway study should be conducted to observe this waterway in full flow, in order to fully evaluate neighbouring property impacts from the development. Lack of appropriate water reports and due diligence could pose issues for all parties in future.

As background, in its Notice of Determination for this proposed development, Northern Beaches Council noted that:

'Insufficient information has been provided to demonstrate adequate stormwater disposal and drainage or compliance with overland flow requirements in accordance with clause C6 of WDCP 2011.

Key points were:

- The site is adjacent to a sag pit that carries a substantial amount of upstream stormwater. An overland flow study is required to determine the 1 in 100 year ARI water level in the open channel adjacent to the development site. Furthermore, the study is to consider the potential flooding of the site from the floodwaters on Nargong Road.

- The flood levels of the receiving water must be indicated on the drainage layout plan (if applicable). Water surface profiles are to be detailed for the existing and proposed conditions for the development site as well as both upstream and downstream of the development site; and
- The proposed development must comply with all requirements of Section 9.3 of Council's Water Management Policy. Runoff from the developed site must not cause a detrimental effect on any property.'

We also note that waste management will remain a big issue even with the revised LEC plans. It's inevitable that large amounts of waste will be generated from such a large development and the waste collection point needs to be easily accessible to avoid garbage overflow issues such as mess, rats and vermin. Garbage trucks will also take some time to pick up all of the bins weekly, which 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 over 32 residents, garbage overflow on the street front remains a continual possibility.

7. We fundamentally object to these revised plans as they present a high level of pedestrian risk.

We note from the plans provided that primary entry to the site is through two pathways along the main building frontage on Binalong Avenue. Whilst new pathways have now been added, this makes the site no less 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.
4. As noted in the Traffic Report provided, there is some non-compliance in the driveway grade. It is not clear if that has been addressed in the revised plans. 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.
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.
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.

In our earlier submission, we outlined concerns around congestion due to inadequate car spaces. Whilst the developer has added additional car spaces, almost half of the site's residents will still miss out on a car space, which places strain on neighbouring streets and increases traffic.

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 32. Conceivably, there could be over 50 residents on the site, and this could equal up to 30 additional cars needing to park in streets around the development. 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 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 the surrounding 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. Our visiting friends and family may not be able 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. It also has no shelter.

There is limited room to wait at the bus stop and more people waiting there will become a potential safety issue. 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.

Importantly, there is presently no crossing or pathway to enable anyone, let alone disabled commuters, to cross Allambie Road and make their way to the opposite bus stop. This ensures that any disabled tenants will be unable to cross the road to catch a bus travelling east. This contravenes the SEPP requirement of adequate access to public transport.

We are happy to talk to the Land and Environment Court about our objections in any future proceedings.

Regards,
Stephen and Veronica Reading