

Karen Hanratty  
Central Coast Council  
49 Mann Street  
GOSFORD NSW 2250

May 19, 2020

Dear Ms. Hanratty,

**RE: Submission - DA 011.2020.00058154.001 : 14 Brennan Avenue, Kincumber NSW 2251**

I have attached a report prepared by my Town Planner, which outlines various matters of objection to the proposed development of the above property. I support the matters raised within this report.

A summary of my key concerns is outlined below.

## **1. Zoning**

The proposed development is not consistent with the objectives of the existing zone 7(c2) under Gosford IDO no 122. The objectives are

- (a) to provide a buffer or transition zone between conservation areas and urban areas;  
and*
- (b) to enable development for the purposes of rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:
  - (i) to adversely affect the aesthetic and scenic value of the land and its setting; or*
  - (ii) to create a demand for the uneconomic provision of services; and**
- (c) to allow for non-residential uses where those uses are:
  - (i) compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service;*
  - (ii) unlikely to adversely affect the aesthetic and scenic value of the land and its setting; and*
  - (iii) unlikely to interfere unreasonably with the amenity of adjoining properties**

The subject land is part of a valley which Council has appropriately identified as fulfilling an important role as a buffer between our incredibly important and environmentally sensitive conservation land (land zoned 7(a)) and the adjoining urban areas. The proposed development substantially compromises this buffer, as it is not rural-residential in nature and is of a bulk and scale that adversely affects the aesthetic and scenic value of the land and its setting. The proposed commercialisation of the subject land does not conform at all with the objectives of this zone. The proposed development is also unlike any other within the setting.

The proposed development is non-residential and will undoubtedly place a great deal of demand on the existing road network, which is not designed to cater for any more traffic than the existing load of allotments. The proposed development will interfere unreasonably with the amenity of adjoining properties.

Council have identified the environmentally sensitive value of the valley and correctly proposed to rezone the corridor E4 Environmental Living, as part of the Draft Central Coast Local Environmental Plan (LEP). I note that Council Planners and Councillors recognise the sensitive nature of E4 land, which is reflected in their existing LEP (Gosford LEP 2014), which prohibits Child Care Centres.

There are numerous reasons why the Draft Central Coast Local Environmental Plan has been deferred, however I note again that given the environmentally sensitive characteristics of the valley, of which the subject forms part thereof, Council have included it as part of the Environmental Zone and Urban Edge Review and Deferred Matters Study Area.

Whilst the Draft Central Coast LEP identifies centre based childcare as permissible with consent in the E4 zone, recent Council communications indicate that review of inconsistent permissible uses between Wyong and Gosford LEP's will be deferred until council finalises a Local Strategic Planning Statement. Accordingly, there is no certainty that draft permissible land uses will be implemented in the consolidated LEP and further review will be undertaken to ensure the process will not be characterised by a blanket implementation of the most flexible controls of each zone.

Given that zone 7(c2) is a redundant zone that requires integration of properties to an 'E' category, I strongly encourage Council to continue the review process that is being conducted to iron out flaws in the consolidated LEP land use matrix. It is the responsibility of council to take into account the contents of draft planning legislation and where the contents of which are under internal review, there should be mechanisms in place to stop contentious zoning related developments from impacting the amenity and livelihoods of surrounding residents.

## **2. Environmental Impacts**

My arguments with respect to the impacts of the proposed development upon the natural and built environments are contained in point 1 above and in my Town planners report.

Other environmental concerns I have as a consequence of this proposal are: -

- Increase in vehicle pollution. This will impact the fauna which reside in the valley
- Increase in vehicle noise. This will impact the residents of Brennan Avenue

### **3. Traffic Safety at the intersection of Brennan Avenue and Avoca Drive**

The detrimental impacts that the proposed development would have on traffic impact and safety in Brennan Avenue and at the intersection of Brennan Avenue and Avoca Drive is well addressed by my Planner in the attached report. I do however want to reinforce the following comments and concerns.

Whilst it is documented within the Traffic Impact Assessment (TIA) that SIDRA modelling renders the proposal satisfactory, the TIA fails to address important crash data and safety in suitable capacity. It is requested that the appropriate Council officer review this intersection at peak times to understand how this development could impact lives. It is further requested that the proponent be required to address crash data within an amended TIA and justify how the proposal will not further contribute to the incidence of vehicle crashes at this intersection. It is expected that I will be afforded the opportunity to review any amended reports within a secondary notification period.

A number of local residents witness a number of traffic incidents and collisions at the intersection of Brennan Avenue and Avoca Drive. The incidents are an inevitable consequence of: -

- poor sightlines both east and west bound
- speeding drivers
- the impact of cars turning into Brennan Avenue in the south.
- Unavoidable queuing on Avoca Drive (drivers travelling west bound and turning right across traffic) will generate safety impacts for drivers using the road in both directions.
- The difficulty of performing a right turn onto Avoca Drive (westbound) from Brennan Avenue. The short sightline caused by the curvature of the road renders this maneuver very difficult and especially with speeding drivers

Whilst there will be historic data on incidences recorded by NSW Police and Transport for NSW, I would predict that there are many incidents that go unreported. The data on these incidents would be recorded by local Tow Truck companies and Insurance companies.

A complete understanding of all crash data at this intersection is mandatory for any approval authority to be able to adequately assess the proponent's application. This is even more important given the fact that the application is for 92 children which if approved, would increase the daily traffic movements at this intersection, well beyond the volume of traffic that the intersection was originally designed.

#### **4. Traffic and Safety for Brennan Avenue Residents**

The proposed development will also have a significant impact upon how the children and families of Brennan Avenue use the roadway. For many years we have been afforded the benefits of a quiet roadway, which was constructed to cater for about 9 residents. Current traffic movements within Brennan Avenue are limited for the most part, to these residents, their friends/associates, the garbage truck and the Postman.

Children of Brennan Avenue utilise the road to ride their bikes, access the neighbourhood and play. The proposed development will completely change this environment. As my Planner explains in his report, character is not just defined by the visual aesthetics of a neighbourhood, but also by how the area is able to be used.

In addition to the substantial increase in daily traffic within Brennan Avenue, the proposed car park on-site does not appear to provide sufficient parking for the number of cars expected at high volume times for a 92 place childcare centre.

#### **5. Suitability of the Site**

The matters raised in points 1-4 above provide the main reasons for my argument that the subject is not suitable to accommodate a child care centre.

In addition to these factors however, are the following arguments: -

- Childcare Needs Assessment
- Economic impacts in the locality
- Availability of other more appropriate sites for the intended use

##### **5.01 Childcare Needs Assessment**

In order to address the need for another childcare centre within Kincumber, I have conducted a Childcare Needs Assessment which is attached to this submission. My research comprises analysis of the suburbs of Kincumber, Green Point, Erina, Erina Heights, Terrigal and Avoca Beach (the primary catchment). My data reveals that there is currently 23 Childcare Centres within the catchment supplying a total of 1,458 childcare places.

The daily demand for childcare places within this catchment is 496, which reveals an average occupancy of 34%. This indicates that there is a very high level of existing competition. The argument that the community needs or would be benefitted by the proposed development is therefore not supported.

## **5.02 Economic Impact in the locality**

Given the fact that there is an oversupply of childcare places within the catchment, there is a strong argument that other existing childcare centres will suffer economic loss as a consequence of the proposed development. It is likely that the proposed centre will divert a proportion of families away from other centres, thereby reducing demand and the associated staff positions at those centres.

Therefore, the argument that the proposed development will create employment for the local community is false, as it is likely that the jobs created will be negated by the losses suffered at competing centres.

## **5.03 Availability of Other Sites**

Child Care Centres are best located upon sites possessing the following characteristics: -

- Established urban centres having a variety of uses and serviced by public transport
- Good access and provision of on-site parking
- Within close proximity to a Primary School
- Within a demographic with a large proportion of 0-5 year old children

The proposed development possesses none of these characteristics. If the applicant was determined to build a childcare centre in Kincumber, more suitable sites comprise the following:

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1. Close to the Kincumber town centre. Road infrastructure, parking, public transport and other community services are already established
2. Kincumber Industrial estate. Less environmental and traffic concerns and closer to Kincumber Town Centre and Schools.
3. Residential allotments within close proximity to the Kincumber town centre and/or Kincumber Secondary School, or Kincumber Primary School

Thank you for considering my concerns in assessing this Development Application.