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16/08/2023

MS Ballanda Sack
41 brighton ST
CURL CURL NSW 2096
[REDACTED]

RE: DA2023/0995 - 54 Brighton Street FRESHWATER NSW 2096

Dear Mr Croft

The following sets out my concerns in relation to DA2023/0995 52&54 Brighton Street Freshwater - Seniors Housing Development

1. The proposed development is of excessive bulk and scale. It exceeds the development standards (FSR and building plane) intended to regulate higher density Senior Living development in residential zones (where residential flat buildings are not permitted).

The exceedance of the buildings standards is a consequence of the over development of the site and most critically the proposal to provide for partially above ground basement parking for 27 vehicles (more than 3 spaces for each proposed dwelling).

A necessary consequence of the pseudo basement parking is that no part of the proposed dwellings (Senior living) will be at grade (ie at natural ground level). The plans indicate that the entry to the proposed dwellings sits 2.2m above street level. This has several implications:

- It would seem inconsistent with the practical requirements of residents of a senior living residence to not be able to access the street at grade.
- The building presents to the street as a 3 storey building. Contrary to the statement in the SEE it is neither similar in height nor scale to the detached style of housing in the locality.
- The visual and privacy impacts of the proposed development are unreasonable and intrusive (as the ground floor sits over 2.2m above the adjoining properties).
- It is probable that the overshadowing impacts, especially to the residences on the west of the development, are unreasonable. Having regard to the shadow diagrams provided it is unclear how a development that is significantly taller and bulkier than the existing can be depicted as having a nil or reduced shadow impact. It may be the case that the shadow diagrams seek to depict the shadow impact of existing vegetation (and not just existing structures).

2. The proposed development is inconsistent with three of the four planning principles for assessing compatibility of "medium density" seniors housing in low density residential settings established in GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council [2003] NSWLEC 268.

a) "16 The second principle is that where the size of a SEPP 5 development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building. Sections of a building, or separate buildings should be separated by

generous breaks and landscaping." Like the development rejected by the Court in GPC: "The width of the front building is twice that of most houses in the street. The fact that the site itself is wide is no justification for not breaking up the building, or placing a significant visual break in the middle."

b) "17 The third principle is that where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved. Topography that makes development appear smaller should not be modified. It is preferable to preserve existing vegetation around a site's edges to destroying it and planting new vegetation". Like the development rejected in GPC, the proposal " involves the destruction of most of the existing vegetation and its replacement by new planting that, in the best of cases, would take many years to be established".

c) "18 The fourth principle is that a SEPP 5 development should aim to reflect the materials and building forms of other buildings in the street. This is not to say that new materials and forms can never be introduced, only that their introduction should be done with care and sensitivity". Like the development rejected in GPT "The proposal includes a variety of roof forms, such as parapets, gables and skillion roofs. Most of the buildings around have hipped or gabled roofs." More importantly all of the buildings on the street are at grade, with the ground floor on the ground.

3. The proposed roof top gardens are incompatible with the neighbouring residential development.