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To: DA Submission Mailbox
Subject: Online Submission

04/08/2023

MRS Ann Sharp
- 77 Brighton ST
Curl Curl NSW 2096
[REDACTED]

RE: DA2022/1985 - 27 Waine Street FRESHWATER NSW 2096

I object to the proposed development:

The site is an irregular shape and a total site area of 556.4m². It is located on a bend in Waine Street above a downhill embankment to the south.

Reasons for objection include:

Excavation

Within the 556.4m² site approximately 453m² appears to be included in the area to be excavated. The excavation would over 80% of the site leaving only a small residual area of the existing land surface and soil.

The excavation extends to extremities of the site: nearly the full length of western boundary (with 3m setback) and northern boundary; nearly half the eastern and southern boundary.

This is excessive and will gouge a huge hole out of the site. Instead, more of the natural landscape should be retained and the excavation reduced.

Preservation of Trees (E1)

The proposal includes the removal of trees. The majority of these site trees "are totally consumed or have major incursions imposed by the basement".

The trees to be removed are mostly located near the northern boundary. They could have been retained within the required minimum 6.5m front setback. However, excavation for the basement extends across the site to the northern boundary.

On the south side, the basement access would require the levelling and removal of trees from the Council verge, including a vegetated embankment alongside the footpath.

Re Tree Canopy

The removal of trees will significantly remove the tree canopy.

A proposed rooftop area will not compensate for the deficiency of landscape open space at ground level. The depth of soil on the rooftop is generally too shallow to support canopy trees; and the rooftop is unsuitable for children for safety reasons.

D1 Landscaped Open Space: Non-compliant

Requirement: 50% (minimum) of the site is to be landscaped.

Proposed: 36%

The proposal does not satisfy relevant objectives, including:

- To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.

Setbacks**B7 Front Boundary Setbacks: Non-compliant**

Primary Frontage (North): 6.5m; Proposed: 6.0m

Secondary frontage (South): 6.5m; Proposed: 4.0m

The proposal does not satisfy the objective:

- To protect and enhance the visual quality of streetscapes and public spaces.

B5 Side Boundary Setbacks: Non-compliant

Requirement 4.5m to western boundary: Proposed 3-3.5m

Requirement 4.5m to eastern boundary: Proposed 3.0m

The proposal does not satisfy relevant objectives, including:

- To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.

The district outlook from adjacent dwellings will be replaced with a brick facade up to four storeys high. The elongated brick facade will have a setback of only 3m from the eastern boundary instead of the required minimum setback of 4.5m.

B2. Number of storeys: Non-compliant

Requirement 3 storeys; Proposed 4 storeys

The proposal does not achieve relevant objectives, including:

- To minimise the visual impact of development when viewed from adjoining properties

The building is four storeys high and exceeds the required limit of three storeys.

Building Height: Non-compliant

WLEP 2011

Clause 4.3 - Height of buildings

"The height of a building on the subject land is not to exceed 11 metres."

The objectives of this control include:

- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access

The maximum height of the building would exceed the 11m building height development standard.

Kerbside parking

"The development site is located on the eastern side of Waine Street, on the inside of the bend in the road. Kerbside parking is generally permitted on both sides of the road, however is not permitted on the inside of the bend outside the site frontage."

The existing on-street parking restriction is: "No Stopping restrictions along the inside bend of

Waine Street, along the majority of the site frontage."

The four 3 bedroom units are likely to increase demand for on-street parking. A relevant constraint to development on this site is the lack of space available for kerbside parking adjacent to the site due to no stopping restrictions along the inside bend.

D7. Views

Objectives

- To allow for the reasonable sharing of views.

"Dwellings on the western side of the residential flat buildings at 25 Waine Street have distant district views over the subject site."

The development will block views from adjacent apartments. The expansive three and four storey brick facade on the eastern side of the development will be a visual barrier.

The Master Plan includes a visual impression of the impact on views from selected apartments in 25 Waine Street. However, the Plan does not show the impact on views from 4, 8 and 12 in 25 Waine Street. These apartments would be the most affected by the development.

D6. Access to Sunlight

Overshadowing of 25 Waine Street at 3pm in June coincides with hours of available sunlight in winter afternoons for some apartments. This could mean very little sun for most of the day during winter for some living areas.

Sight Distance Requirements

"There are a number of criteria for assessing sight distance at access driveways. In particular, vehicle speed is a key factor in determining the required sight distance requirements."

"Whilst the legal speed limit in Waine Street is 50km/h, it is entirely unsafe to travel at that speed around the bend past the site frontage. In fact, even 40km/h could be considered dangerous around the bend."

For the proposed access driveway, the sight distance is based is on a vehicle speed of 30km/h, which is approximately "the prevailing speed of vehicles heading south around the bend in Waine Street". However, if a vehicle was travelling south at vehicle speed of between 30km/h and the legal limit of 50km/h, this sight distance would not be adequate to prevent a collision.

Vehicular Access

"Vehicular access to the site and basement parking area is proposed to be provided via a new 6.1m wide entry/exit driveway located at southern end of the Waine Street site frontage - i.e. the lowest point of the site."

The location of the site access driveway on the downhill bend is an unacceptable hazard for vehicles and cyclists travelling south. The access driveway would pose a further hazard as vehicles cross the footpath on the downhill bend. This would risk the safety of pedestrians and cyclists.

The Traffic Engineer Referral Response states: "The driveway is located at the southeast

corner, which is not the safest option with access being preferred from the north east corner." The development should be reconfigured and the driveway relocated to avoid the dangerous bend.

The proposed access driveway would require the removal of over 6m the vegetated embankment together with trees and vegetation. This embankment is on Council (public) land and provides landscaped amenity within the street.

In conclusion, the proposal is a substantial overdevelopment that is not compliant with existing development controls and should be refused.