

---

**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 15/12/2022 11:56:33 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

15/12/2022

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

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

Development Application DA2022/1985 for 27 Waine Street

I object to the proposed development for the following reasons:

The site is an irregular shape and a total site area of 556.14m<sup>2</sup>. It is located on a bend in Waine Street above a downhill embankment to the south.

**Excavation**

Out of the 556.14m<sup>2</sup> site approximately 453m<sup>2</sup> appears to be included in the area to be excavated. The excavation would extend over 80% of the site.

The excavation extends to the extremities of the site: nearly the full length of the northern boundary, half of the eastern boundary, and alongside the southern and western boundaries.

Vehicular access to the basement would require the levelling and removal of trees from the Council verge, which currently provides a vegetated embankment alongside the footpath.

**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 6.5m setback. However, excavation for the basement extends across the site to the northern boundary.

**D1 Landscaped Open Space: Non-compliant**

Non-compliant

Requirement: 278.2m<sup>2</sup> or 50% (minimum) of the site is to be landscaped.

Proposed: 26%

Only half of the required 50% landscape open space is provided.

This does not achieve the required 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 North: 6.0m

Secondary frontages (West and South): 3.5m; Proposed West: 3.0m

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 eastern boundary; Apartments: 3.0m

2m setback to basements; Basement: Nil - 3.5m

Objective:

- 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 wall (with windows) four storeys high. The extensive brick wall 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

Objective

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

The building is four to five 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 proposed development reaches a maximum height of 12.67m, representative of a 1.67m or a 15% variation of 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 3 bedroom units could be occupied by three or more residents each owning a vehicle. Where will the third vehicle park if the street is already parked out? There is no or negligible 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 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.

#### Basement parking

"Due to site constraints, 10 of the 11 residential spaces are proposed to be accommodated in dependent car stackers - i.e. the bottom car is required to be moved in order to access the top car. Importantly, both car spaces on each respective stacker will be allocated to the same apartment."

The stacked car parking relies upon individual residents, who are living in the same apartment, coordinating vehicular movements on a daily basis. Individual residents, particularly if they are renting, may lead independent lives that make it difficult to coordinate parking arrangements.

#### 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."

#### 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."

A yellow line around the edge of the curved road indicates there is no parking or stopping.

The location of the driveway on the downhill bend is an unacceptable hazard for vehicles and cyclists. The driveway across the footpath would allow vehicles to cross on the downhill slope. This would risk the safety of pedestrians and cyclists, especially.

#### Groundwater

Groundwater was not encountered on site investigation depths up to 4.0m. "Maximum excavation depths of approximately 4.55m (varying throughout) are expected for construction of the proposed development. Locally deeper excavation for the proposed lift shafts, building footings and service trenches are also expected to be required as part of the proposed development construction."

The excavation of the site would affect surface and subsurface hydrology. However, there is no indication of the ground water level, which could be encountered during excavation below the 4m.

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