
From: Richard Agius
Sent: 16/08/2023 11:22:06 AM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Fw: DA2023/0995 - Submission by Agius
Attachments: Agius DA2023-0995 objectionV5.docx;

Hello,

Please find our submission attached

[REDACTED]

[REDACTED]

Regards
Richard Agius

Adam Croft
Principal Planner
Northern Beaches Council
725 Pittwater Rd
Dee Why
council@northernbeaches.nsw.gov.au

15th August 2023
56 Brighton Street
Freshwater NSW 2096

Subject: DA2023/0995 52&54 Brighton Street Freshwater – Seniors Housing Development

Dear Mr Croft,

We refer to your letter of 27th of July 2023 and wish to raise our concerns that the development is unsupportable for the reasons stated below:

1. Visual Privacy – that triangle is our backyard, and hence an unacceptable impact on our amenity



- a. Our garden is currently private, as it is surrounded by 1.8 high walls with large trees in the subject site, as per the image there are several windows and areas that will look directly into our (small) garden from the occupants on the western side of the 3 storey development
- b. We don't understand the proposed height as no information has been found on the current height of the residence on 54. We request/insist that neighbours

understand the intended height through the placement of poles along the length of the development.

- c. The continuous block shape of the building is unacceptable in our street and does not exist in our area 52m x 21m x 9.5m high
 - d. Therefore, a request for amended plans that improve the privacy of the development on 56 Brighton and Waratah Street, including a privacy impact analysis from each vantage point in each property.
2. Loss of significant trees/habitat – trees and habitat are to be unnecessarily sacrificed to allow this overdevelopment
 - a. a tall - native Weeping Myrtle peppermint (*Agonis flexuosa*) of 2.1m diameter, 9 m height and 13m spread, is scheduled for removal – this is a special tree for our neighbourhood as it attracts native birds and possums. A qualified BASC horticulturalist has looked at this tree and considers it a healthy, significant tree that could be 100 years old with many years of longevity. Looking up the growth rate identifies 2.5 cm per year, identifying an age of 84 years. This correlates to planting at the time of the land allotment in 1939. Making it a historic tree worthy of protection, in our opinion. Please assess if the tree qualifies as a heritage tree.

- b. Several bungalow palms/rubber tree have been indicated to be removed however they themselves could form a screening barrier, while new screen trees mature.
 - c. Possums, bush turkeys, lorikeets, kookaburras and magpies frequently use the subject property and fencing to move safely between the blocks; I ask that this be considered in the developments environmental impacts, as their habitat needs to be protected.
3. Traffic impact of development
- a. an additional 8 homes with 27 car spaces WILL generate, not insignificant traffic, including family visits and deliveries and disabled access vehicles on a road that is:
 - i. an already busy through road with a bus route
 - ii. frequented twice a day by large numbers of Freshwater High Seniors campus students and Harbord Public school students and their families, including bicycles
 - iii. that does not allow two cars to pass side by side
 - iv. the intersection with Harbord road is already dangerous for turning right and banks up at peak hour
 - v. that is at the base of a steep hill and often cars are exceeding the limit as they pass the subject residence
 - b. leading to increased collision risk as a result of the development
 - c. the large car park will cause exiting cars headlights to shine into the property across the road, exacerbated by the raised lip entry to the carpark
4. Loss of outlook, shading and increased energy use
- a. Our atriums' architectural positioning takes advantage of the angles in the current subject property ensuring we can see early morning sunrise effects. Regretfully these will be lost with the currently proposed design.
 - b. Our kitchen receives mid-summer morning sunshine which with the current design is lost
 - c. we ask for an hour by hour analysis (in Summer and in Winter) that can accommodate/minimize this effect from these feature locations
5. Noise effects (after completion)
- a. Front of property - Terrace location is currently beside our master bedroom – this should be considered in the design, to minimize the effects
 - b. Storm water improvement devices (beside master bedroom) – we would like to understand what noise will emanate once these devices are in operation and what hours of operation they are required and what can minimize their effect
 - c. We note in the stormwater report that pumps are to be used that can pump 10L/s (presumably to drain the basement). These pumps are known to fail causing flood damage; and also emitting alarms and operating noises affecting the amenity of their neighbours. We ask if gravity fed systems can be provided for such protections, (or just don't dig...)
 - d. Air-conditioning and hot water heat pumps – a property of 8 units is to be expected to include air-conditioning and hot water systems, we would like a submission to include a noise estimation and noise monitoring of these systems. We would like to know how the design will address this impact
 - e. Will the driveway be secured with an electric rolling door? Due to impacts on neighbours we ask that a 'rolling door' be unsupported.
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- f. Will a traffic light also be required? (Neighbours across the road would be affected by that)
6. Climate effects (after completion)
 - a. We are concerned that the new structure will cause the following effects;
 - i. Irradiate the afternoon sun making number 56 warmer on already hot days
 - ii. Shade the garden for longer, making the property even cooler on winter day mornings
 - iii. Wind tunnel effects that will amplify southerly and northerly breezes
 - iv. Remove the presence of cooling sea breezes from the easterly direction
 - b. We request for design improvements to mitigate these effects
 7. Sewerage connection
 - a. We question whether the sewer connection line that passes through 56 Brighton Street is adequate for this development of 8 units with 16 Toilets and 40 sink equivalents (1:2:5 each) if plumbed into the line – and request sewerage is plumbed to the street directly.
 8. Reasonable expectation of large scale development
 - a. When purchasing our property we were aware of the stormwater pipe diagonally across both 52 and 54 Brighton street, which would prohibit future development on the pipeline, and hence our expectation 54 Brighton street would not be developed at this scale.
 9. Retention of existing boundary fencing
 - a. The plans do not make mention of pre-existing high brick fencing on our property boundary, which are included in the site survey, and we would like to clarify that these need to be retained, including the boundary between 54 and 56 at the front of the property. – ie: the proposed plan has shortened the preexisting flood wall (which is unacceptable). We also insist on attractive boundary fencing during the construction period (to secure the privacy of our front yard)
 10. Flooding – to our property
 - a. We would like to understand the drainage planned on the western side of the development – there does not appear to be any water handling measures and if it does, do they account for climate change events (ie: exceptionally sustained periods of heavy rain)
 - b. Stormwater Plans (RTS submitted 7 August 2023) state the 675diameter pipe adjacent to 56 Brighton is to be made redundant AND upgraded to Council standard. There is concern if this is made redundant the existing connections from our home will be significantly impacted. Council policy states where there is an easement or existing Council stormwater pipe dwellings can connect into these. If this were to move or be made redundant this is going against Council's Water Management for Development policy and it is requested Council advise where our home is to drain stormwater to and who will pay for this change.
 11. Flooding – on our street and downstream of the development
 - a. The "Report – Flood" submitted 26/7/2023 – highlights that post-development, increased water will be emitted from the site and at increased velocity to pre-development.
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- b. In a street that already suffers from flooding higher than the curb, this is an unacceptable outcome for residents on the down side of the street that suffered substantial > \$100K damages to their property in 2022, and it is incomprehensible that they would need to deal with even more water flowing through their homes and gardens.
- c. In a meeting with the flood team as part of the Glendale Creek Flood Study notification period – a suggestive action was that the cause of these floods had been the approval of upstream development in the past by the council; surely any further approvals that reduce drainable land in overflow catchment areas make the council liable for any damages caused.
- d. Water that is emitted on the street flows through homes down to Bennet Street and Hallaway Place, sufficient pictures exist of damage downstream from the 2022 event.
- e. The submitted flood (Overland Flow Study & Impact Assessment) report states that “Point A” Pre-Development should be 79mm (at a 1% flood event) however based on the image provided this appears to me to be more than like 260mm on 2022 Event (which is a declared 5% event)



- f. In the flood event, to prevent cars stalling in the flooding area, the subjected street fronts were blocked off with wheelie bins – highlighting that the area is flood impacted
- g. The SEPP guidelines allow for exclusions in Schedule 1 (Environmentally sensitive land) areas which include due to “flooding hazard”
- h. Access to the site for emergency vehicles will be thwarted during a repeat flooding event
- i. Please reject this proposal until drainage problems are fixed and proven

12. Construction period and duration

- a. The demolition of two houses and one swimming pool as well as the excavation of the land of both properties will cause significant disruption to residents of Brighton, Waratah and Robert Streets.
- b. This will include noise, air pollution, dust and vibration.
- c. Residents health may be affected especially those suffering from asthma
- d. The construction of the large dwelling and two swimming pools will be very disruptive to the neighborhood by causing more noise and dust pollution for many months if not years.
- e. There is also a risk of asbestos contamination.
- f. Brighton Street will experience increased congestion via the coming, going and parking of tradesmen, their vehicles and other machinery.
- g. This will be one of the largest developments undertaken in Freshwater and as such will greatly affect the amenity of the residents for a prolonged period.
- h. Boundary fences are requested to be retained throughout the development
- i. Dust and noise mitigation and monitoring procedures/devices are to be put in place
- j. Hours and days of construction are to be controlled
- k. Please also consider that a lot of residents work from home and the disturbances will be substantial for this oversized development

13. Damage to our property during construction and after

- a. that the necessity of the earthworks (and associated vibrations) to develop the foundations and basement parking will undermine our home and/or boundary fences – we would like to know what recourse I have (say via reclaiming a substantial bond) should damage arise
- b. the altered subterranean water flow of the watercourse by this development will also have implications on the stability of our home. That monitoring devices (for which we are granted access to the output) are installed to prove if subterranean water or slippage is flowing against the boundary, these can be commenced as a proactive measure in the pre-construction phase.

14. Requests:

- a. That the drainage from SQID2 and SQID3 (terraces) run on the eastern side of the building to avoid back flow and drainage issue into 56 Brighton street and in a new separate line (not into an existing westerly ground drainage)
- b. Revisit the flood plan to include the estimated flood depth and velocity in between point C and F be provided

15. Missing information summary:

- a. Unable to compare existing building height with proposed building height envelope, a diagram with both represented is requested

- b. Geotechnical assessment – due to the extent of excavations and plans to develop into a underground natural water course
 - c. Compliance with the Glendale Creek Flood management plan
 - d. Consideration of levels from the 2022 Brighton street flood
 - e. Identifying the applicable insurance premium and expected strata cost for the occupants of the building
 - f. Consulting planning NSW “Planning for a more resilient NSW” and how the development has been assessed in that framework, in particular as Seniors/Disabled living qualify for the highest protection.
16. Site is unsuitable due to:
- a. According to the LEP2011 Land zoned R2 low density residential - advises that Seniors Housing is Prohibited – anyway
 - b. That the land is subject to overland flooding and according to the published flood plan is therefore unsuitable for vulnerable people (seniors and people with disabilities)
 - c. Significant loss of drainable land on an overflow impacted site
 - d. Engineering issues with movement of storm water easement (water flow angle impacts)
 - e. The construction of swimming pools that will alter subterranean water movement to the boundaries in an overflow flood risk designated area
 - f. Increasing the financial and emotional impact of high rainfall events to downstream residents, due to climate change trends and due to inadequate council drainage in the basin.
 - g. Due to design to protect against a flood event, it is not appropriate to raise the height of the entire building length for an entire 52 metres
 - h. Google “property chat a house on natural watercourse”

In Summary:

17. Future public will be burdened with a difficult site
- a. We note that the state government has created a new “Building Commissioner” to oversee the quality of apartment building constructions. A common issue is the flooding of basements, and in particular, those situated in natural watercourses. Given the brief to the commissioner, part of the solution to this issue is not to build on dubious sites, for which we consider 54 Brighton Street to be such.
 - b. Given the information and evidence of 5% flooding rates being higher than engineered 1% solution – what amendments to the development are needed to satisfy this new information
 - c. Until Brighton Street drainage issues are solved, in a manner, that does not shift the issue to downstream streets, it will be problematic to further increase the density of this immediate area – if development is to proceed, how can the people/proponents be burdened with their decision if problems arise, rather than just the profits of the development.

We therefore in the interests of the future public, including the owners and operators of the resultant development, request the rejection of this proposal.

Yours Sincerely, R and A Agius