
Sent: 23/01/2024 10:17:49 AM
Subject: Comment Submission on DA 2023/0995
Attachments: Perry2A.docx;

To: Adam Croft
Principal Planner
Northern Beaches Council

Dear Mr Croft

Please find attached my comment submission on DA2023/0995

Yours sincerely

Frank Perry

58 Brighton St
Freshwater 2096
22nd January 2024

Adam Croft
Principal Planner
Northern Beaches Council
725 Pittwater Rd
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Subject: DA2023/0995
52 & 54 Brighton St Freshwater
Senior Housing Development

Dear Mr Croft

I refer to your letter of 19th December 2023 regarding amended plans for the subject DA and wish to identify the following issues of concern in relation to the development.

The revised plans and additional consultant's comments appear to have changed little. They concentrate on the formulas and regulations required to be satisfied to push this project through the Land and Environment Court rather than face the realities of the development.

1. Buildings

Because both two, three story buildings are set within an R2 area of low-density residential buildings in Brighton, Waratah and Robert streets, the reality is that the bulk and scale of the 8-unit development is obviously excessive. As stated in the DA, the FSR exceeds planning controls, the building planes exceed planning controls, and the site frontage exceeds planning controls. And yet within the development application there are pages and pages of material¹ arguing theoretically that these major breaches should be ignored!! The building is obviously not compatible with the surrounding houses and certainly does not co-exist in harmony with its surroundings.

Within the development application there is much reliance on the project being classed as senior's housing that will meet the needs of seniors and people with a disability and provide the residents with high levels of amenity. However, in reality, a review of the revised plans and associated fittings, indicates that the development could possibly also be perceived as luxury units that could command a premium price on the market.

2. Traffic

The revised DA includes a traffic impact assessment report for the development. There is an error in this report. It states that "On-street parking is not permitted along either side of the street (Brighton St)². In reality, this is clearly incorrect. Large numbers of vehicles park on both sides of Brighton Street. This is due in part to residents and their visitors parking in the street, the spill over parking from Freshwater Senior Campus and commuter parking. The situation has become so bad that vehicles have been parking illegally adjacent to and in the commuter, bus stops in Brighton St and on Brighton St corners. Council has been forced to install Bus Zone restriction signage around the commuter bus stops and no stopping

¹ Boston Blyth Fleming Updated Clause 4.6 Variation Request FSR. Updated Clause 4.6 Variation Request Building Planes.

² Genesis Traffic. "Traffic Impact Assessment 52-54 Brighton St Freshwater 8/12/23. Page 8 Section 2.2 Third dot point.

restriction signage near a street corner in an effort to facilitate buses accessing the stops and enhancing pedestrian and road safety.³ Also as a result of the parking, often two vehicles travelling in opposite directions have difficulty passing side by side. The revised DA has reduced parking in the underground car park from 26 to 16 vehicles and there is no provision for visitor parking. In reality, the development will generate even more vehicle on street parking in Brighton St and surrounds.

The Roads and Traffic Authorities (RTA) Guide to Traffic Generating Developments 2002 manual recommends “an additional one space per each five units for visitor parking or part thereof “for medium density residential flat buildings.⁴ No such facility for visitor parking has been included in the development thus creating more vehicles parking on Brighton and surrounding streets. With no provision for designated parking for visitors, a difficulty is created for general visitors, including district nurses, cleaners and gardeners etc to access a development full of seniors and people with disabilities. It will inevitably lead to even more on street parking.

The amended DA has completely ignored the on-street parking issues on Brighton and surrounding streets.

The traffic consultant has used formulas set out in the RTA Guide to Traffic Generating Developments 2002 manual to calculate that the development “will likely result in the addition of two (2) vehicle movements per hour during peak periods.” In reality, the replacement of two houses, each with one family, with two buildings containing eight families each with two cars, is going to generate a lot more vehicle movements per hour in Brighton St than stated, when assessed over a 24-hour day period.

3. Flooding

It seems incredible that the two buildings are proposed to be constructed on a floodway i.e an area of a floodplain where a significant discharge of water occurs during flood events. The overland flow path runs from Harbord Park to Bennett St.⁵ To offset this, the DA proposes to build a complicated drainage system that includes pumps, retention pits, flood mitigation walls, culverts, rainwater tanks and additional onsite replacement drainage pipes. And even a service room sunk below the underground car park.

In reality, what guarantee is there that this complicated system will actually work? Particularly when all the storm water plans are labelled “Not for Construction”?⁶



While the complicated flood mitigation and drainage system may offer some protection to the two three storey buildings, there is no evidence that the revised DA has any regard for the surrounding properties. Brighton St and adjacent streets including Bennett St have been subject to flooding for many years. Each flood seems to get worse because of additional hard surfaces created by developments in the area. In the most

³ Northern Beaches Council. Circular to Residents. Notification – Bus Zones & No Stopping – Brighton St. 5/12/23. Council Ref TrP2023/01530

⁴ RTA Guide to Traffic Generating Developments RTA 2002 Section 5.4.2 Page 5-4.

⁵ Cf. Glendale Creek Flood Study. Final July 2023. Page 62 Diagram 16.

⁶ RTS Civil Consulting Engineers. LEC Plans Stormwater Amended.

recent flood, March 2022 (see photo of depth and extent of this flood in Brighton St), surrounding residents have suffered damage to their houses, furniture and other household possessions costing them, in many cases, thousands of dollars. The development will replace two houses, their large gardens and one swimming pool, with two buildings that have huge roof areas, balconies, substantial paved open access areas, paved boundary edges, setbacks and two swimming pools and will collect substantially more rainwater than the previous two houses. The additional water collected combined with the stormwater will still ultimately flow into Brighton Street and beyond and only add to the already flood prone streets.

4. Unreasonable Obstruction of Views and Loss of Amenity and Privacy.

Residents on the eastern side of Waratah Street adjacent to the subject land currently enjoy views from their gardens and back decks which vary from pleasant treescapes to expansive views of the neighbourhood looking east. All these views will disappear and be replaced by a view of two, huge, over height, interconnected buildings. Further they will be impacted by noise from the balconies planned for the development. This will be accentuated by the position of “Outside Kitchens” proposed to be located on all the balconies and clearly shown on the amended plans. Waratah St residents will also be impacted by 24/7 pedestrian movements on the top and bottom landings connecting the two buildings.

Presumably, in an effort to hide the buildings from houses in Waratah St the revised DA proposes to retain two existing trees and plant an additional 10 trees along the development’s western side.⁷ What guarantee can be given that the existing trees will survive the demolition and construction phases of the development? Particularly with the excavation of the underground car park. Of the 10 additional trees it is claimed four of the trees will grow to seven metres high, three to eight metres, two to nine metres and one at the Western front of Brighton St to 20 metres high. How long it will take for these trees to grow, whether they will reach these heights, how they will be maintained and, realistically, how effective they will be in hiding the two, three-story oversized buildings is not stated and is unknown.

Most Robert St residents, who are adjacent to the site and currently enjoy leafy outlooks will find themselves looking into a two-storey building and communal area including balconies with their outdoor kitchens, two swimming pools and two fire pits. They too will have their amenity reduced by the noise from the swimming pools and fire pits located close to their back fences, particularly during the summer months.

For the reasons set out above, this development should be refused.

Yours sincerely
Frank Perry

⁷ LEC Plot Design Group. Plans Stormwater (Amended) Undated.