From:	Alison + Nick Edmonds
Sent:	24/01/2024 9:41:33 PM
To:	Council Northernbeaches Mailbox
Subject:	TRIMMED: Attention: Adam Croft. Submission in relation to LEC 2023/284138 (DA 2023/0995) 52 & 54 Brighton Street, Freshwater
Attachments:	240122 To Adam Croft regarding LEC2023-284138 (DA2023 0995) at 52 and 54 Brighton Street, Freshwater.pdf;

EMAIL FOR ADAM CROFT

Hi Adam,

Please find attached our submission in relation to the amended plans for the proposed development at 52 & 54 Brighton Street, Freshwater.
Please confirm receipt of this email and our submission.

Please don't hesitate to contact us with any queries.

Kind regards,
Nick and Alison Edmonds
65 Brighton Street, Curl Curl

January 22, 2024

Adam Croft
Principal Planner
Northern Beaches Council
Via email (council@northernbeaches.nsw.gov.au)

Dear Adam,

RE: AMENDED PLANS - LEC 2023/284138 (DA 2023/0995) **52 & 54 Brighton Street, Freshwater**

We refer to your letter dated 19 December 2023 and we wish to raise the following objections in relation to the amended plans for the subject development. While we can see that there have been minor amendments to the plans, there are still many aspects that do not comply with development controls or flood planning. We highlight these below:

1. Increased flood risk:
As noted in our previous submission, we have been residents of Brighton Street since 2009 and our property has been in our family since 1950, so we are aware that flooding in Brighton Street within the immediate vicinity of the development has been a known issue to Council for many years. There have been three significant flood events documented on the 20th May 2009, 12th February 2010 and 8th March 2022 since we have lived here (in other words not a 1 in 100 year event). Each event resulted in the blockage of Brighton Street to traffic because of the depth of the water on the road. In our previous submission we attached videos of the 2022 and 2010 floods as a record and drew attention to the increase in likelihood of further events due to climate change.

We refer to the applicant's *previous* flood modelling from the RTS Civil Consulting Engineers (*Overland Flow Study & Impact Assessment Report - Issue 01 - 20 July 2023)* Section 4.1 TUFLOW Results, Table 2.0, 1% AEP Flood Results, page 15 (see below) where there was an **increase of 14mm** in the height of water at Point A from 10.384m AHD Pre-Development to 10.398m AHD Post-Development, and an increase in velocity of 40% from 0.060m/s to 0.084m/s respectively.

Table 2.0 – Table of 1% AEP Flood Results

Flood Level Location	1% AEP Flood Level (AHD)			1% AEP Flood Depth (AHD)		1% AEP Flood Velocity (AHD)	
	Pre-Developed (m)	Post-Developed (m)	Increase (mm)	Pre-Developed (mm)	Post-Developed (mm)	Pre-Developed (m/s)	Post-Developed (m/s)
Point A	10.384	10.398	14	79	93	0.060	0.084

For comparison, we refer to the applicant's *most recent* Flood Report prepared by RTS Civil Consulting Engineers (*Hydraulic Impact Assessment & Flood Management Report - Issue 03 – 8 December 2023)* Table 2.0, 1% AEP Flood Results, page 18 (see below). Given there is no on-site detention proposed and the impervious surfaces and overall structure have remained basically the same as in the previous report, we ask the Court to consider how there is now only a **3mm** increase in water height and only a 7.3% increase in velocity caused by the proposed development. While we recognise the latest report is based on the Greendale Creek Flood Study which explains why the overall water heights at Point A are now higher (10.384m vs 10.461m), the new Flood Report suggests the pre-development vs post-development impact on water height during flooding has been reduced by 78.5% in height, which we question.

Table 2.0 – Table of 1% AEP Flood Results

Flood Level Location	1% AEP Flood Level		1% AEP Flood Depth		1% AEP Flood Velocity		1% AEP Flood Velocity vs Depth	
	Pre-Developed (m)	Post-Developed (m)	Pre-Developed (mm)	Post-Developed (mm)	Pre-Developed (m/s)	Post-Developed (m/s)	Pre-Developed (m^2/s)	Post-Developed (m^2/s)
Point A	10.461	10.464	360	363	0.258	0.277	0.093	0.101

Section 4.1 TUFLOW Results Table 2.0 – Table of 1% AEP Flood Results (page 18) are summarised by stating a ***maximum external increase in flood levels of 19mm, as well as an increased flood velocity***. It concludes by saying that "*As a result of the development the overland flow extent and levels are envisaged to be altered slightly, predominantly within and partly fronting the development site".*

We also believe the water levels referred to in the Flood Report are incorrect. As mentioned in our previous submission, we know the height at the top of our driveway is **10.55m** AHD (based on a site survey undertaken by Bee & Lethbridge Surveyors for our home renovation). During the March 2022 flood event we witnessed the **floodwater breach the top of our driveway by at least 20-30mm** (refer to video provided previously). Referring to this event, the applicant's Flood Report states, *"…a 5% AEP (1 in 20 year ARI) storm event likely occurred during the reported inundation"* (Section 4.1.1 - TUFLOW Results Compared to Community Observations – page 23). We are happy to provide this video again as evidence of the height of the water in March 2022.

With reference to the Flood Report Section 4.1 TUFLOW Results (Figure 3.0, page 15), we know that our driveway is adjacent to Point A. Therefore the Flood Report Table 1.1 – Table of 5% AEP Flood Results (page 17) should be revised to show the **Point A** Pre-Developed (m) Flood Level as **>10.55m** AHD (not 10.434m) **as a minimum**. This revised level is at least 12mm higher than modelled.

Table 1.1 – Table of 5% AEP Flood Results

Flood Level Location	5% AEP Flood Level		5% AEP Flood Depth		5% AEP Flood Velocity		5% AEP Flood Velocity vs Depth	
	Pre-Developed (m)	Post-Developed (m)	Pre-Developed (mm)	Post-Developed (mm)	Pre-Developed (m/s)	Post-Developed (m/s)	Pre-Developed (m^2/s)	Post-Developed (m^2/s)
Point A	10.434	10.435	333	334	0.189	0.191	0.063	0.064

As the height of 10.55m AHD at Point A is an accurate measurement and not an assumption, this level (as a minimum) should be **used as a control to revise all modelling for the 20% AEP, 5% AEP, 1% AEP, 0.2% AEP and PMF storm overland flood events for pre and post-development.** Further reason for revised modelling is that the current **PMF** Flood Results for Point A (pre-development) are only 2mm higher than the top of our driveway.

Compared to video evidence and study results already provided, and based on the points raised above, we do not feel confident that the applicant's flood modelling is an accurate representation of the current flood

situation or impact the proposed development may pose on surrounding properties. For the Court to make an informed decision, we believe it is reasonable to ask Council to undertake their own independent expert modelling to assess the impact of the proposed development, and results presented for comparison to the applicant's Flood Report. We request that such modelling should include detailed structures such as fences within and surrounding the site as they are critical to the accuracy of this study and can significantly affect the results rather than relying on a Mannings 'n' value method.
We ask Council to use these **revised** results to:

a. Ensure the development does not negatively impact properties adjacent to and downstream from the development.
b. Confirm that the future floor levels and structures of the proposed development can be adequately flood protected.
c. Include more widespread Flood Level Locations (*refer to 4.1 TUFLOW Results, Figure 3.0, page 15*) that model pre and post-development scenarios for the overland flow paths in the wider catchment, including downsteam on both Bennett Street and Holloway Place.
d. Confirm the proposed development's driveway crest provides a minimum freeboard of the 1% AEP storm event **plus 500mm freeboard** to ensure there is no risk to the Seniors residing at the property from major inundation of the basement carpark.

Section 4.2 Flood Impact Hazard Assessment Summary (Page 26) states: "*The maximum increase in the PMF Flood levels is predicted to be approximately 97mm fronting the development site." It also states, "…that Council has accepted increases up to 150mm for similar developments and have suggested this upper threshold could be adopted*". **For Council to allow an increase of up to 150mm would be negligent and cause devastation to properties adjacent to and downstream from the development**. We also note that the applicant's comment, "*As a probable worst case, the PMF impacts have been considered which are limited to less than 97mm increase in flood levels which is not considered detrimental"* (Appendix D – Flood Compliance, Clause 5.21 Flood Planning, Compliance/Comments, Item 2b, page 104). **An increase of 97mm as a "worst case" may be the difference of whether floodwater breaches the floor levels of adjacent and downstream properties or not.**

<u>The development should therefore be REFUSED on the grounds that its approval will knowingly increase the likelihood of flooding and damage to properties.</u>

2. Stormwater pipes
We note that the Stormwater Plans have been updated, but the amended pipe layout still includes a 90-degree angle (albeit at a new location), which we assume will still result in significant surcharge of water, as previously highlighted. We also note that although the proposed pipe will have a diameter of 750mm, logic suggests that any advantage provided by a larger pipe will simply be negated when this joins to Council's existing 675mm diameter pipe already existing in Brighton Street. Appendix D – Flood Compliance, Clause 5.21 Flood Planning, Compliance/Comments Item 2e, page 105) states *"The proposed pipeline…it is estimated to continue to surcharge in stormwater events higher than the 20% AEP due to the limited downstream capacity of Council's stormwater infrastructure".*
Lastly, Appendix D – Flood Compliance, Clause 5.21 Flood Planning, Compliance/Comments, Item 3d (page 106) states "*The development scale has been significantly reduced than previously presented to further provide for flood conveyance. As a result, the impacts are considered to be negligible".* **Looking at the overlay plans supplied by the applicant, we would not say that the development scale has been significantly reduced at all and the impacts are not negligible.**

3. Bulk, Scale and Precedent
We note that the plans have been amended slightly to break up the front façade of the proposed development, indicate a slight increase to side boundaries and removal of the roof terraces. However, the building does not present to the street as a two-storey building – it looks much higher and imposing. The amended proposal is still totally out of proportion with Brighton Street's existing architecture and modest 1-2 storey homes. The bulk, scale, density and height of the proposed development is excessive and

inconsistent with the established character of the street. All other properties on Brighton Street consist of a single block street frontage and most properties bordering the proposed development are original cottages that will lose light, privacy and outlook.
Although the FSR has been marginally reduced, it still exceeds the FSR control. The amended proposal is still seeking variations for non-compliance with Council's Building Planes and FSR requirements, and is not keeping within the SEPP Housing controls. These still exceed Council's requirements for scale, density and wall heights, and exceeds the threshold considerations for "low density, low impact". **Due to the discrepancy of the flood levels highlighted in our earlier comments, we ask that the ground floor level and driveway crest heights also be reviewed** for compliance.

4. Access
We note that the applicant is seeking a number of Council Variations for design elements that depart from the standards for access compliance and we **question the intention and suitability of the proposed design for seniors and residents with a disability.**
With reference to the *Access Design Compliance Statement: SEPP (Housing) 2021- Seniors Housing Report V1.4, Section 6.2, Item 7 (1) and (3) Interior General, pages 6 & 7,* we note that the doors to bedrooms 2 & 3 in **each** apartment **do not comply with minimum clear opening requirements**, as well as compliant circulation space at these doors and the walk-in-pantry and laundry. We take this to mean that senior residents who use wheelchairs will not be able to enter these areas within their "Seniors Living" apartments! We also query the lack of access to the EV Charging Bay in the car park for residents with a disability.

5. Car parking and increased traffic
We note that the applicant is seeking a Council Variation for not installing a bollard in the shared areas between car spaces within the proposed carpark (*refer to Access Design Compliance Statement: SEPP (Housing) 2021- Seniors Housing Report V1.4, Section 6.2, Item 5a Private Car Parking, page 6).* This would allow potentially 25 carspots within the carpark (including the EV Charging Bay). As noted previously, we also query the lack of access to the EV Charging Bay for residents with a disability. There is also no provision for Visitor Parking, which means potentially 8 additional cars (as a minimum) will be parked upon our already busy street.
As noted in our previous submission, Brighton Street is a busy street with a constant flow of cars, buses and trucks exiting or entering from the very congested Harbord Road or Oliver Street. Vehicles park on both sides of Brighton Street, which is not free flowing when buses/trucks/cars need to pass each other. One has to pull in behind a parked car to let a larger vehicle pass. Brighton Street is becoming more congested as students from Freshwater Senior Campus are often parking in front of properties. It is also difficult to exit driveways. Brighton Street is a major thoroughfare for children walking to and from Harbord Public School located on Oliver Street to the east, as well as students accessing Freshwater Senior Campus on Brighton Street to the west. It is also a major thoroughfare for children walking to and from Harbord Park (to the South) and Weldon Oval/Curl Curl Sports fields to the North. Any increase to traffic on Brighton Street will also contribute to further congestion at the already crowded intersections of Brighton Street and Oliver Street, and Brighton Street and Harbord Rd.

To conclude, the applicant's flood modelling is NOT an accurate representation of the current flood situation and should be reviewed. Council studies show the development is proposed to be built right in the middle of the overland flow path. This will cause an increase in flood levels immediately downstream and to adjacent private homes, increasing risks to life and property particularly for elderly and disabled residents and the community. The development of sites accommodating overland flow paths is not allowed to increase impacts for neighbours. The bulk, scale, density and height of the proposed development is excessive and inconsistent with the established character of the street.

The proposed development should be REFUSED for the reasons stated above.

Kind regards,
Nick and Alison Edmonds
65 Brighton Street, Curl Curl