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**From:** Richard Agius  
**Sent:** 25/01/2024 11:01:40 AM  
**To:** Council Northernbeaches Mailbox  
**Subject:** Fw: DA2023-0995 2024 Jan Objection - Agius  
**Attachments:** Agius DA2023-0995 2024 Jan objection FINALc.docx;

Hello,  
Please find our submission attached.  
Please record on the DA website.  
Thanks in advance  
Richard and Anja @ 56 Brighton  
**Regards**  
**Richard Agius**

**Adam Croft**  
Principal Planner  
Northern Beaches Council  
725 Pittwater Rd  
Dee Why  
[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

24<sup>th</sup> January 2024  
56 Brighton Street  
Freshwater NSW 2096

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Subject: DA2023/0995 52&54 Brighton Street Freshwater – Seniors Housing Development – December 2023 Amended plans response

**Dear Mr Croft,**

We refer to your letter of 19<sup>th</sup> December 2023 of the amended plans and wish to reiterate our objection and clarify that the submitted plans have not changed enough to address our issues raised previously.

Among these are:

Privacy and noise generation:

- The raised floor level now contributes to 2 complete levels of the development overlooking into our property.
- The outdoor barbeques and entertainment area for Units 2 and 6 are beside and above two of our bedrooms.
- The bedroom windows look into our Atrium and dining area.
- Our and Waratah street residences current private backyards will be lost, due to the higher developments floor levels
- We would like clarification that the existing boundary fence heights will be at least retained or elevated.

Loss of direct sunlight:

- We currently enjoy direct sunlight at 8am in the Equinox months (April and September), the current design blocks this welcome direct morning sunlight reaching critical locations of our property.
  - The non-compliance of the 3<sup>rd</sup> story will impinge on our ability to install effective solar panels on the eastern roof space and also equinox morning sunlight.
  - The solar access plan makes mention of additional sunlight on the atrium window mid-winter, while welcomed does not retain the direct sunlight we desire inside the living areas at equinox (March/September)
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Flooding to our property:

- A culvert on the western side of the development appears to divert additional water flow to our property.
- In the gap in the current fence, on the western side of the development, the applicants flood plan document does not have reference points to advise the predicted levels and velocity of water.
- We perceive that the overflow path for the entire width of the two properties is to be diverted to the western boundary, will lead to increased depth on the shared boundary that will increase damage to our property.
- Should the land reserved for the overland flood path be widened to reduce the height of flood affection or should swales be included to direct the water to the street and not to the #56.
- The realigned stormwater drain still has a 90 degree bend, even though the council referral response advised all bends be 45%. Furthermore it is located on our boundary and we have concerns it may undermine the boundary fence.
- On page 26 of the Flood report, there is mention that “council has accepted increases of up to 150mm for similar developments and have suggested this upper threshold could be adopted”. This is an unacceptable view as our properties are exposed if water level increases at all.

Flooding downstream:

- As we know that council drainage is already at capacity in flood events, how can additional water discharge from the loss of drainable land NOT increase flood levels on downstream properties?
- Why doesn't council improve the drainage on Brighton, Waratah, Robert and Bennett streets so that overland flooding risk is removed? Or through the development it funds such improvements.

Loss of street amenity:

- This would be the first dual frontage development in Brighton Street.
- This will be largest development/bulkiest in the street measuring two street frontages with a 50 metre depth and 3 stories. It does not even satisfy the existing development controls for Seniors housing.
- Traffic will be worsened via the additional traffic and parking requirements for the new residents and their visitors, making parking and driving worse on this already busy street, used heavily for parking by senior high-school students.

Development issues:

- Flood is expected in the basement/car park with flood pumps that activate 24 hours after the rain event stops.
- What is the planned basement pump out energy source? I am aware of neighbours and residents of similar developments needing to endure days of pump duration from diesel motors whenever flood events occur.
- A flood warning sign is to be installed in various parts of the development, discouraging car park use, further increasing street congestion, and affecting the amenity of the disabled residents.
- Isn't basement flooding considered a building defect? (For which the building commissioner is acting upon). We notice standards are available for 'construction of buildings in flood hazard sites', these standards are only tolerant to very low levels of basement flooding. How can the residents be sure the structure is not at risk after a flood event? (Reference <https://ncc.abcb.gov.au/>)

- Hence, it is hard to believe that basement/garages and parking is being planned in a PMF zone. We consider this a flawed design and not appropriate in a PMF zone.

Landscaping:

- The heritage tree #50 is still slated for removal, we would like it to be retained, as it provides privacy/screening/visual amenity and habitat for birds and possums.
- In the landscaping plan the tallest tree on the development is being located over the top of the realigned drainage, near where the 90' bend is still visible – It is questionable whether this tree will mature and possibly block pipes because of this placement.

Favorable inclusions:

- Drainage is to be provided to drain the back of #56 through the development. Can this be formalized with an easement? Please consider if the current existing stormwater drainage, that runs beside #56 can be retained and utilized to provide this drainage. This also secures the existing trees by avoiding the excavation of the existing pipes.
- All windows to the east and west have a minimum height of 1500 from floor.

In summary, we cannot comprehend that this development plan would be approved within a flood affected area that will exacerbate flooding on neighbouring properties and cause inconvenience and damage to the resident's property (who themselves are in a seniors and disabled cohort).

What are the consequences to the developer if there are design/engineering/construction errors that cause loss to the residents and neighbours?

We propose a more suitable plan to provide seniors housing on such a site, for example a single-story townhouse development with centre-shared driveway similar to an existing development down the street – which does not include basement car parking. This would also provide a more irregular and interesting shape profile that allows additional sun/shade to reach neighbours properties.

Yours Sincerely, R and A Agius