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Sent: 27/10/2022 8:30:58 PM
To: DA Submission Mailbox
Subject: Online Submission

27/10/2022

MR Ian Wallace
31 / 22 Fisher RD
Dee Why NSW 2099
[REDACTED]

RE: DA2022/1510 - 9 Francis Street DEE WHY NSW 2099

Submission
Re DA 2022 / 1510

Ian & Denise Wallace
Suite 31 - 22 Fisher Rd
Dee Why 2099
[REDACTED]

My wife and I are the owners of Suite 31, 22-26 Fisher Rd, Dee Why, (through I & D Wallace Investments, Forestway Psychology Centre), which is within the adjoining property to the proposed development at 28 Fisher Rd, Dee Why and 9 Francis Street, Dee Why. We remain opposed to the proposed development, under this new, amended Development Application and our strong opposition has increased, given further recent circumstances.

I am also the Chairperson, of the Owner's Corporation, SP23101, for the building 22-26 Fisher Rd, Dee Why. I have had significant and serious concerns expressed from owners and tenants, of this building, even with the mildly scaled down plan, of boarding house rooms. All of those concerns lead us to express strong opposition to the proposed development. You will also note that other owners, within this building, have also made submissions, in strong opposition to this Development.

1. The developers, architects and other consultants asserted, in the last review and application process, that they hoped to make increased contact and consultancy attempts. This has barely occurred and therefore gives us no trust in the assured that further processes will be open, transparent and effective, in terms of consultancy, e.g. if discussions needed to occur re noise monitoring, dust and excavation overflow, traffic issues, etc. The George Group's only contact, since lodging a new DA, was to send an email invitation, giving several days' notice, of a pending Zoom meeting, to allow community consultation. This was minimal notice of a Zoom meeting, given very busy work schedules. Further, we are away overseas and therefore did not receive the email at that time, nor were we able to join the Zoom meeting. As a result, I personally emailed the George group, to request a copy of the Zoom meeting, which they did supply, after I requested it. They did indicate that I could contact them further, but they again made no further attempt at consultancy themselves, which appears to be underwhelming and

inadequate business practice, when we are the adjoining property, as well myself holding the position as Chairman, of the Owner's Corporation - Body Corporate, given that we had raised concerns. The Owners Corporation executive have discussed this situation and agreed that it gives us no confidence or assurance that good, effective and necessary consultation and communication would occur, if construction were to begin.

2. We note that the newer Development Application does reduce the number of boarding rooms, from 71 to 50 rooms, as well as seemingly proposing a greater amount of excavation to reduce height. Such extensive excavation, for two underground car parking areas, as well as for a part basement level, raises more serious and severe concerns as to the disturbance and disruption that such lengthy, deep excavation would entail:

- Such excavation would severely to totally disrupt business here, in a very sensitive area. The far greater majority of owners or tenants, on the north side of our building, (therefore the south side of the new development, adjoining our building), are Medical Specialists or Allied Health Specialists, including Cardiologists, ENT Specialists, Audiologists, Psychologists, Physiotherapists, Chiropractors, etc. Many of these specialists use very sensitive, very high precision medical equipment or test equipment, that would not be able to be used, during excavation and construction periods, due to either vibration problems or noise pollution (more specific information can be provided, if necessary, regarding very specific medical tests that are currently undertaken on these premises, including in my office) These specialists have indicated that they could not continue with practicing, or risk the tests given false or distorted results, that places patients at risk. Most of these specialists have been operating and practicing in this area for some 20 to 30 years.

- Further, this very specialised and very sensitive medical equipment is particularly prone to being damaged by dust, including a particular test that I administer, as well as other cardiology test equipment, audiology equipment, etc. The typical dust from such an extensive excavation operation and similar construction process would result in damage to very expensive and very fragile equipment. This would be difficult to prevent generally, as well as given that our Cooling Towers, for the Air Conditioning system, is within only several metres from the proposed development.

- Almost all of the 32 suites are also professional suites, that operate during the daytime. It is essential and critical, in all of these professional suites, that patients or clients can be very clearly heard and that medical specialists or professionals can communicate very clearly and very precisely. The common noise from an excavation process and subsequently from lengthy construction would prevent effective, safe and essential practice, given the very close proximity of the sites. Again, patients or clients would be compromised greatly and potentially at risk, or practice again could not be undertaken.

- It has been asserted that occasional noise could be managed and appointments re-scheduled. This is absolutely impossible, as many of the specialists and professionals, including myself, are fully booked and having waiting periods of between three to six months. Therefore, a ridiculous situation arises, e.g. we cancel an appointment because of noise or vibration results in the medical equipment calibration failing and therefore not permitting administration. Then, we then offer a patient to return in three months, when hopefully there will not be another noise or vibration event? Again, medical or allied health patients could potentially be at risk, as essential test processes could not be completed or undertaken.

Further, there does not appear to be any substantial measures proposed, that would limit the risk of vibration, the disturbance from noise or the disruption and pollution caused by

excavation or construction dust or pollution, that either suitably monitors such factors, or would effectively manage such issues.

- As an example, recently the New Life church regrettably had blocked drainage and sewer services. Therefore, plumbers understandably and acceptably visited the site. They were on site for part of each day, over some three days, including using digging equipment and water jet clearing equipment. They were primarily working on our adjoining fence line, or some 1 metre within their boundary. The noise from this equipment made it impossible to undertake practice in several suites, for several hours each day. This is considered a minimal amount of noise, compared to what would occur if a lengthy excavation and construction process over many months to years. This also highlighted the parking difficulty, in this area. The plumbers repeatedly parked in our access driveway, to allow digging equipment or to use the jet water machinery. We asked the plumbers not to park there and to not block our access driveway, but they did not move their vehicles, as they claimed that they needed to be that close, to run the jet water machines and that there was nowhere else to park. As a result, our general garbage could not be removed, by URM, for several days, as they could not gain access to our driveway and as they will not collect general waste garbage from the street. Similarly, this is an access drive, that allows medical patient "pick-up" or patient "drop off", of invalid, disabled or very vulnerable patients. Again, as Chairman, I have had numerous complaints from specialists, in the building, that their patients could not be dropped off by varied patient transport or community transport services, when the access driveway is used by others. This type of disruption would be very common and disruptive, with such a large, oversized construction occurring.

- I am acutely aware of the possible disruption, as we have to carefully schedule any renovations or service work in our building carefully, so as to not impinge on specialists' practices, nor undertake works that might interrupt their sensitive medical and test equipment.

- Finally, many of these medical specialists and allied health professionals have continued to practice through the several years of the Covid-19 related period, including myself. During this period, we have not had the opportunity of working from home or online, as necessary medical practice, assessment or testing needed to be undertaken. Thus, these specialists and myself have been far more exposed to Covid risks and been under great level of stress and mental health risks. Similarly, in my practice, assessment of children with Autism, assessment of children with Special Needs, assessment for NDIS, etc, needed to still be undertaken, face to face, in clinic. Other specialists here similarly were front line workers, who continued to practice and treat patients, in clinic.

It is now greatly disturbing and deeply distressing that these same specialists are faced with new, very disruptive and disturbing challenges to their ability to practice, undertaken assessment or treat patients or clients, due to disruptions of noise, vibrations, heavy traffic movement, etc, over the next several years.

3. There is considerable risk to damage to our building, due to the level and depth of excavation being undertaken in the current development proposal, including the risk in that excavation is lower than the level of the lowest slab in this building. The Engineers in our building have commented on the risk, given the newly proposed depth of excavation, in such close proximity, to a building that is some 30 years of age. There would be a significant and likely risk of cracking or other damage to this building.

4. The proposed, large development, will restrict traffic and access, in several tight streets, that have very poor access or parking already, i.e. there is already very restricted parking and block out parking periods, such as between 6.30am - 9.30 am and again between 3.30pm -6.30pm,

on the east side of Fisher Rd. The traffic management of excavation equipment, large trucks, delivery vehicles, etc, where there are restricted turning areas, will be hugely problematic. It has been asserted that appropriate traffic management would resolve this issue. However, Fisher Rd in particular is an extremely busy street, that is often highly congested. This is more highly concerning, as emergency services vehicles, including Police and Fire and Rescue vehicles, necessarily travel on this section of either Fisher Rd or Francis Street. A recent incident confirms this unmanageable situation. The current development, on Pittwater Rd, Dee Why, has occasionally been using rear access, for delivery of building material, through the Salvation Army driveway, in 3 -5 Fisher Rd, which is directly opposite my office suite and balcony. The builder's had appropriately set up Traffic Management and Traffic Control workers, blocking one lane of Fisher Road, for delivery of large steel girders, etc. As a result, traffic became gridlocked, as is common with any interruption to traffic flow. At this time, both Police and Fire & Rescue vehicles entered from the intersection of Fisher Rd and St David's Rd. This is common and very normal. Even with the best efforts of the Traffic Control workers, it was not possible for them to immediately get through the gridlocked traffic. I was acutely aware of this as the sirens blazed while the emergency vehicles were trying to find a pathway, as well as there being a lengthy process of horn blowing. I could not continue with the appointment session and all we could do is sadly watch from my balcony (which overlooks Fisher Rd), the congestion and frustration of the emergency vehicles, as they were held up. It is believed that there is a genuine risk to emergency vehicles being delayed, even if only for a few critical minutes. I wonder who will be responsible, in such a potential incident??

Further, even when the building work is completed, there will be an increase in traffic and further difficulty created, by severe traffic congestion, in the area.

5. As stated in early DA submission, the development remains an over development for the area and even with some adjustment, the height of the proposed building and the positioning of rooms and facilities, such as the roof top area, as well as the windows that overlook our building, will either create ongoing noise pollution and invade the privacy of our patients, as well our privacy. It is paramount to patients that they have genuine privacy, at what can be very vulnerable times for them.

The roof top area, as well as other functions, will also create noise and be an unacceptable disruption.

6. There is already a very substantial, very concerning lack of adequate parking in this area. Our building specifically has 63 parking spaces, including some 20 visitor or disability parking spots, for just 32 suites. Even with the reduction on the new Development Application, to 51 boarding rooms, the parking is considered to be severely inadequate. Further, we are already faced with great difficulty, in regard to these spaces being illegally used by other people in the area. I am acutely aware of this great problem, as Chairman, as I constantly receive complaints from elderly, disabled or other patients or visitors, to our building, who cannot find a visitors parking space, mostly as other people outside our centre have parked in our parking spaces. The increase of so many people either staying in the proposed development, being visitors to the conference centre and other people attending the building would only greatly impact further and lead to more people illegally parking in our building. This has occurred frequently already, as a number of people who are questioned as to their parking in our building visitor's spaces have indicated that they are attending activities within 28 Fisher Rd, such as classes, activities, etc. Other buildings and businesses in the area equally create this problem, not just the New Life Church or other users in 28 Fisher Rd.

The proposed Development does not provide anywhere near the same level of parking

provided in other recent developments, e.g. the recently constructed PCYC building has far more adequate parking provisions, is only two storeys high, does not impose on adjacent building, etc.

7. The proposed Development is also very imposing and causes problems for adjacent building including our building, both in terms of the excavation and construction periods, as well as once it is potentially operating. There are several submissions that indicate support for the proposed development, that attest to the great opportunities for increased conferences, activities, classes, etc, within the new development. This appears to be a contraction in terms, in that there is case made for far more increased opportunities for activities, conferences, classes, etc, but there is not a consideration that such increases would also greatly increase traffic in the area, or create a far greater demand for parking. Also, is it reasonable to consider undertaking conferences, but arguing that no significant traffic increase or parking demand would occur seems nonsensical. Conferences do not accommodate only a few people, rather large crowds of participants.

8. The development application possibly has not taken account of the concern, that I raised at the last review, that on our property there is a small scale electrical substation, that has high level voltage processing, under the control of Ausgrid. However, I note that it has now been addressed in the Ausgrid Referral Response, re S16321. We appreciate the specific determination made by Ausgrid in this regard, such as risk of foundation cracking. Further, this substation is at the end of our driveway, on our building's property. It has been protected, on this property, by enclosing it with 2 metre plus high metal fences and having a large, steel barricade, at the end of the driveway, to prevent the garbage truck or other vehicles making contact with the structure. There is not any covering protection, from the top. The small substation is immediately adjacent to the joint boundary, of 22-26 Fisher Rd and 28 Fisher Rd, being only some 90 cm from the fence boundary. We have very similar, significant concerns that excavation might cause cracking to the large, concrete base of this structure, or to the concrete surrounds, as mentioned in the AUSGRID response. Further, there are concerns that any material that is dislodged or accidentally dropped, such as from a crane, would place many at great risk.

9. Also, on a more personal note, we wish to express our opposition, as the newly proposed development, will detract from our office and balcony area. The sun shadow plan, within the new DA application, indicates that our balcony will now be in shade, from approximately 10am in the morning, until late afternoon. Further, we will not have direct sunshine entering our rooms, as we currently have. We purchased this office more than a decade ago, including paying a premium price to have one of the only balconies, in the building. Further, we deliberately chose this office, as it had direct sunlight on the balcony and sunlight entering through the two large floor to ceiling windows and the large, glass sliding door, between these windows. This has been important for our mental health. We are now going to be robbed of this direct sunlight, either on the balcony or from it entering our treatment rooms. Further, discussions with our real estate agent very recently indicated that the value of our office suite would be significantly reduced, with the loss of direct sunshine to the balcony and rooms, if we sold the office suite. Also, the large sliding door allows us fresh air access and fresh cross air ventilation, which was most beneficial during the Covid-19 periods, as recommended by NSW Health. We are now faced with having to close the door, to prevent noise, dust or other pollution entering the office. Again, this occurred during the above mentioned incident, when the plumbers were working on the drainage blockage and rectification works, with the jet water pressure machinery. Again, during this period, we have no fresh air ventilation and access, due to the noise.

10. Finally, it has been asserted that we are against the Church or "anti-church". This is an insulting and very inaccurate assertion. We have had a fairly equally and mutually harmonious relationship with the church and not had any conflicts. We have also been accommodating, e.g. being aware that church visitors attend on the weekend (when our building is not busy) and that some church visitors use our visitor parking spaces, which we have not worked to prevent, rather overlooked it on weekends, whereas the parking area entrance could be locked.

Also, we are not opposing the church. In general, in my discussion with owners in this building, they would be content with the church undertaking a substantial renovation, or rebuilding the church itself, which I also agree with. The opposition is regarding the other over development, such as the conference centre, the café, the open rooftop entertaining area, the ongoing noise pollution, the many boarding rooms, the deep excavation for construction of a taller building, etc.

Overall, we strongly oppose this new Development Application.

Yours Sincerely

Ian Wallace