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Subject: Online Submission

23/02/2018

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36 OceanView RD
Freshwater NSW 2096

RE: DA2017/1294 - 15 Lawrence Street FRESHWATER NSW 2096

Please refer to Development Application lodged by IPM Holdings Pty Ltd. For the construction of 23 residential units: 179 metres squared of retail floor space and 46 ground level car spaces, at the above address, of which 11 are for retail customers. The relevant planning instruments against which this application ought to be considered, are: -

- (i) Warringah LEP 2011
- (ii) Warringah DCP 2011
- (iii) Amendment to Warringah DCP, Part 5, Freshwater Village
- (iv) Landmark case Freshwater Village Developments Pty Ltd V Warringah Council (2011) NSW LEC 1127
- (v) The existing zoning of Oliver Street Council Car Park

1. NONCOMPLIANCE WITH WARRINGAH DCP 2011 PART 5, FRESHWATER VILLAGE

This application does not comply with the specific amendment to the Warringah Development Control Plan, 2011, at Part 5, Freshwater Village. It is non-compliant in the following ways.

- (i) Parking.
- (ii) Pedestrian safety
- (iii) Loss of active shop frontages.
- (iv) Traffic congestion
- (v) Future Character of Freshwater Village
- (vi) Height breaches

This application is predicated on the use of an existing laneway for access to its 46, ground floor, car parking spaces via Lawrence Street. Warringah DCP 2011 (G3 Parking Facilities) makes specific reference to "minimising the visual aspect of vehicle entrances" and the "encouragement of active shopfronts along Lawrence Street". This application is non-compliant with this requirement

It is my understanding that this was addressed in 2011 as part of a Council-convened Freshwater Village Working Party, which worked to develop the DCP Part 5 controls.

It was clear, then and now, that future development applications were not to use

these existing narrow laneways and that access for the purpose of parking was to be gained by some other means, namely access from the rear, side, or from Albert Street. This view has not changed but rather has become more cemented as traffic and activity in the Village has increased tremendously. This application makes no attempt to consider these possibilities.

Likewise, these controls were aligned to the provision of underground parking, so as to alleviate congestion at Lawrence/Albert Street levels and to contribute to public amenity.

The soon to be completed 23 Unit plus retail "Freshwater" in Albert Street, and the completed 16 Unit "Kahana" at 18 Marmora St. are examples of developments in compliance with the Freshwater Village controls, with the requisite underground parking facilities for both resident and community use. They exemplify the desired future character of Freshwater Village and neither uses laneways.

2. UNSAFE PROXIMITY TO ELECTRO-MAGNETIC FIELD PRODUCERS

Recently Ausgrid has added another transformer, to enlarge capacity to 14KV at its Harbord Electricity Sub-Station. Capacity is likely to further expand as more medium density housing comes on line. Ausgrid has indicated and expect that these developments will require further sub-station capacity.

Likewise, a Telstra Communications Tower, which was the subject of much community controversy in recent years, is affixed to a 6-storey Telstra building, immediately adjacent to the northern end of the land that is the subject of this DA.

It is widely understood that both of these electricity emitters create a large, intense, electro-magnetic field around their operation.

Within the Harbord Electricity Sub-Station, the magnetic field is so intense, that for work, health and safety purposes, no worker spends more than a short period within the field on maintenance duties typically under 15 minutes.

In a report commissioned for the adjacent DA 2017/1287, Webb Australia states that, at the Sub-Station fence, the electro-magnetic radiation is 1-8mgs. Given that it was measured on the old 11 KV rather than the current 14kv field it is likely understated and thus more dangerous.

In respect of residential developments in general, guidelines for the continuous exposure of children, 0-4, to avoid risk of leukaemia, should be limited to rms magnetic flux densities not greater than 4Mg. At the sub-Station fence line, the radiation is easily double this level.

In respect of the hazards posed by EMR, The UK Department of Health, has recommended that buildings be prevented from being built within 60 metres of EMF sources. Clearly DA2017/1294 proposes residential accommodation within the 60 metre ambit of this magnetic field at both its western and northern boundaries. DA 2017/1287 is immediately adjacent

It is known that electro-magnetic radiation can pass effortlessly through walls, and in

order to alleviate this risk, Web Australia, for the applicant, is proposing a "Faraday Cage" along the western wall of the building immediately adjacent to the Sub Station. This would require a copper-sheathed wall in much the same way as provided for the radiation generated by MRI scanners. It means that the cost would skyrocket and is currently understated thus possibly creating a "cut corners" outcome.

In the judgement of Freshwater Village Developments Pty Ltd v Warringah Council, (2011) NSWLEC 1127, issues were raised by Council regarding the safety and proximity of residential apartments to the Harbord Zone Electricity Sub Station and the Telstra Telecommunications Tower. Necessary protection measures were also referenced in the judgement that ultimately saw the appeal made by the developer dismissed and the application refused.

It is noted that Ausgrid, in its response to this DA, "requires that due consideration be given to the capability of the proposed development, within existing Ausgrid infrastructure, to risks of electrocution, fire risks, EMF's, noise, visual amenity, or other matters that may impact on either Ausgrid or the development". Ausgrid also specifies that any wall be at least 3 metres from its Sub Station Fence.

The Sub Station EMR also has a great impact on nearby electrical equipment, computers and receivers. In Electrical storms the Sub- station has been known to attract lightning flashes.

On the basis of the risk posed by EMR, and given that the Electricity Substation is likely to increase capacity yet again, as is the Telstra Communications Tower, with the provision of 5G signals, that both these adjacent sites are unsuitable and hazardous for residential accommodation, and more appropriate for intermittent usage.

3. OTHER ISSUES:-

3.1 Notification

Residents of Freshwater Basin and surrounds have been routinely notified of these DA's, and had been vigilant in noting these applications in the Manly Daily. In this instance, no notices were received by a majority of residents and Council's notification system has been found wanting on such important DA's for the future of Freshwater Village.

3.2 Built Form

We note non-compliance with built form requirements in respect of overshadowing, minimum floor to ceiling heights and height non-compliance for buildings.

3.3 TWO SEPARATE DA'S

It is disappointing that the two parties could not agree on any aspect of these developments, notwithstanding the intervention of Council. In this sense, these DA's are thus both opportunistic and speculative.

3.4 ACCESS VIA THE OLIVER STREET CAR PARK

Previous attempts for proposed developments on these sites by the Cornerstone Group in 2010 and Freshwater Village Developments for a consolidated site in 2011, did not succeed in gaining access via the Oliver Street Car Park as this area is

Council land and would require a change of zoning which requires community approval. In 2010, Council records will show that the community was steadfastly against such a rezoning.

We note that these DA's did not consider these rezoning issues in their applications on this occasion.

3.5 Ground Water and Surface Water Issues

Both sites are subject to extensive ground water and surface water movement. Downstream developments have been required to conform with stringent Council requirements as to the removal of ground water into storm water systems. An additional issue arises with the surface water deriving from the hard surfaces of the Oliver Street Car park and the relative steepness of the slope. It is clear that this is the reason for above ground parking as underground parking excavation would be costly and subject to controls on the seepage.

While I am not against development or modernisation of the Village, consideration needs to be made to the benefit of the community, the character of a unique village and the traffic and safety issues must be taken into consideration on these sites.

I respectfully submit that these applications be denied on the above facts.