

27 Albert St
Freshwater NSW 2096
Tel (02) 9905 7778
Fax (02) 9907 2509

8 June 2010,

The General Manager
Attention: Planning and Development Services
Warringah Council
Dee Why NSW 2099



Dear Sir / Madam

RE: FRESHWATER VILLAGE DEVELOPMENT - DA2010/0697

I write in regard to the above development proposed by Freshwater Village Developments Pty Ltd. Although I am in no way opposed to re-development of the site(s), it would appear that the proposal is clearly excessive and takes little account for the appropriate statutory planning controls nor the needs and desires of the local population. I have outlined my concerns in more detail below.

1.0 WARRINGAH L.E.P. CONSIDERATIONS

As confirmed in the developers' Statement of Environmental Effects (SEE), "The prime statutory planning instrument applicable to the site is Warringah Local Environmental Plan 2000 (WLEP 2000)..."(pp37).

The SEE goes on to reference the WLEP in regard to the desired future character of locality H2;

*"The Harbord Village will retain its retail character incorporating a mix of **small** retail and business uses with **low-rise** shop-top housing...Buildings greater than 2 storeys in height are to be designed so that the massing is **substantially** reduced on the top floor thereby reducing the visual bulk of the development and enabling views between buildings..."(pp39)*

And regarding the desired future character of the H1 locality;

*"The Freshwater beach locality will remain characterized by detached style housing in landscaped settings interspersed by **existing** apartment style housing...Future development will maintain the visual pattern and predominant scale of existing detached style housing..."(pp38)*

Despite the erroneous ramblings of the developers' SEE – the development clearly contravenes the relevant locality statements and controls, specifically;

- The development proposes approx. 3,500m² of retail development with 159 designated retail underground car spaces – hardly “small” retail use
- The proposal has buildings up to 5 storeys high – hardly “low-rise” shop-top housing
- Building over 2 storeys do not have “substantially” reduced massing as they get higher
- It is very difficult to see from the elevations provided how any views between the buildings will be possible
- The ‘townhouse’ style dwellings proposed for the H1 (and part H2) are not typical of the predominant detached style of housing – and are proposed on sites smaller than the minimum size stipulated by the WLEP
- There are residential buildings proposed for the H2 area to the ground floor – this is not permitted under the WLEP
- Housing density (H1 and H2) – breaches WLEP
- Building height (H1 and H2) – breaches WLEP
- Front building set-back (H2) – breaches WLEP
- Landscaped open space (H1) – breaches WLEP

The developers’ SEE states that the breaches of the WLEP;

- “...are considered minor” (pp44),
- “...most of the non-compliances with the built-form controls are contained within the H1 locality” (pp44) and;
- “...whilst there are certain minor non-compliances the development does not seek to maximize controls across the site (pp44)

The breaches of the WLEP are numerous and indeed significant. Further, the more significant breaches stem from the more excessive H2 area buildings. It would seem the developers are seeking dispensation from the LEP of a magnitude, which, for a typical single-dwelling DA would be seen as ridiculous to even consider. For example, the development proposes Building B at 16.6m high – which is 5.6m (or 51%) over the height limit of 11m. One must ask how a development application for a single-dwelling in the locality, that had a height, say, of 12.75m (50% over the 8.5m limit), would be considered?

Further, the developer seeks dispensation for the WLEP breaches as they do “not seek to maximize controls across the site” – for example, they propose it is okay to breach the height limit by 50% in one part of the site if they are under the height limit in another part of the site. Is this allowable under the WLEP?

2.0 TRAFFIC IMPLICATIONS

The development proposes 337 underground car spaces that will be accessed through a single driveway on Albert St, located where the current exit to the Growers Market car park is. The developers’ traffic ‘consultant’ has documented that there will be no adverse impact for the increased traffic flow that is generated by the development. They state;

“v) the surrounding road network can accommodate traffic from the proposed development with the intersections along Albert St operating at the same level of services as for the existing situation.” (pp19)

I make the following points in regard to the potential impact on local traffic

- The development will produce a significant increase in the number of vehicles using Harbord Village streets – this is acknowledged by the developers.
- There already exists obvious, well-known and significant traffic congestion in the Harbord Village area, concentrated around the Growers Market / Moore & Albert St intersection. This congestion is particularly evident during peak periods including Summer time, sunny weather and weekends.
- *The developers' traffic report does not document this congestion – possibly their "counts" were undertaken during a period of wet weather during "late March 2010" (pp4). It is significant that there are no summer traffic figures provided.*
- The SEE and the traffic report makes several references to the fact that the "proposed development would result in the removal of number of existing driveways on Albert St and Lawrence St which would reduce the number of potential conflict points and improve pedestrian flow along these streets..."(pp18-19). The report, however, does not quantify how many vehicles actually use these driveways, what 'conflict' actually exists or what are the problems with 'pedestrian flow'. I suggest that the removal of the existing driveways will have no impact as they currently carry such a miniscule number of vehicles. Further, I am unaware of any conflict points or problems with pedestrian flow that currently exist. Surely, issues with pedestrian flow would develop on the Albert St footpath where the vehicle entry / exit for the whole site is located.
- The traffic report states that "AS2890.1-2004 suggests that for car park of over 300 spaces for a mixed use development...should provide...dual entry lanes and single or dual exit lanes" (p13). However, the developers have deemed it necessary to only provide for single entry and exit lanes.
- In summary, the proposed development will greatly increase traffic load to the area and significantly add to the existing congestion – especially at peak times. This is contrary to, a clearly flawed traffic report that has been commissioned by the developers. It is ridiculous to deduct that traffic flow will operate at the '**same level**' as currently exists.

3.0 THE NEED FOR THE DEVELOPMENT

The SEE states, amongst much other non-factual spin, that;

"The redevelopment of the site will assist in achieving its status as a "small village" capable of supporting the surrounding neighborhood and providing for housing needs and choices, whilst providing facilities to meet the daily needs of residents. The mixed use proposal allows for the opportunity to provide for a range of retail uses within a safe and attractive public plaza environment." (pp6)

I make the following observations in regard to the above --

- Is not Freshwater already a "small village"? – the issue here is controlling excessive development so that Freshwater may remain a "small village"
- Is not the village already 'capable' of supporting the surrounding neighborhood? There already exists an IGA supermarket, a large growers market, two butcher shops, two chemists, 9-10 restaurants, many cafes, gift shops, 4 hairdressers, fashion shops, a bottle shop, a gym and multiple professional practices.

- Does not Freshwater already provide a great variety of housing options – with many high-rise, and low-rise apartment building already existing side by side free-standing houses of great diversity.
- I am unaware of any issue with ‘safety’ in the village at present – however, I am certain that with a retail development of the size proposed – the potential for ‘safety’ issues arising can only increase.
- There exists, within a few easily-reached kilometers of the village – the well-developed and substantial retail precincts of Manly, Manly Vale, Balgowlah, Dee Why and Brookvale.
- An “attractive public plaza environment” – ‘plaza’ is typically defined as public open space – it is not apparent from the DA documents viewed, that there is any plaza type environment proposed.

4.0 OTHER CONSIDERATIONS

Further to the issues raised above – the following also deserves serious consideration –


- Despite the developers claims of “much need economic stimulus” (SEE, pp5) and the development providing “stimulus and catalyst” for the village (SEE, pp22) – the huge new retail development would most likely have a decimating effect on the existing retail businesses in the village. *This scenario being typical where big chain stores move into areas once serviced by smaller individual shops.*
- The extremely close proximity of the proposed development to the existing electricity sub-station and Telstra communications installation – radiation concerns.
- The development will cause significant overshadowing to the South side of Lawrence St (newly upgraded area, cafes and restaurants) and Eastern side of Albert St – all areas of public open space.
- The environmental cost of undertaking such a huge and unnecessary development is excessive and unwarranted.

In conclusion; I would like to note my strong opposition to the proposed development - primarily on the following grounds -

- The proposal does not comply with the legislative development controls or future visions for Freshwater Village.
- Existing traffic congestion in Freshwater Village will only be increased by the proposal.
- There is no apparent need for such an excessive development.
- The developers’ case for the proposal, as put forward in their Statement of Environmental Effects – is flawed, erroneous and misleading. They seem intent solely on maximizing potential profit via maximum development of the site(s).

Overall it would seem that the proposal is totally inconsistent with that of a “small village”, and that the development is generally not in the public interest.

Yours faithfully,



Angus Urquhart