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**Sent:** 13/03/2025 9:20:08 AM  
**To:** Council Northernbeaches Mailbox  
**Subject:** TRIMMED: Attention to DA Admin Submission DA2025/0077  
**Attachments:** 28 Lawerence St Freshwater Development - for Lodgement DA 20250077.docx;

Hello

Please find attached the document that will accompany my submission that was lodged earlier this morning for

Gary Wearne  
6 Undercliff Road  
Freshwater NSW 2096

Many thanks

Gary Wearne



# Issues to consider regarding 28 Lawrence St Freshwater Development

## Application (DA 2025/0077)

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### Traffic Impact

- An additional 30 units and related retail development, along with the proposed 120 car spaces will cause a major impact on the traffic flows in Freshwater which are already congested and difficult to navigate. The proposal seems to indicate that this will not have a large impact on traffic flows and congestion. Currently there is traffic congestion in the Freshwater shops precinct as the surrounding streets are used for through traffic from Manly to Dee Why.
- Additional Council traffic flow management may be needed which could **impact other parts of the Freshwater basin**
- Acceptance of this Development Application could lead to Precedence for future developments and further greatly **impact traffic flows in other parts of the Freshwater basin.**

### Parking

- Lack of sufficient retail parking – Warring DCP requires 72 retail parking spaces, while the development provides for 62, 10 spaces short.
- Additionally, the proposed plan requests two existing street parking spaces to be converted to a loading Zone. Leading **12 spaces short in total.**
- Existing Parking availability in Freshwater Shops precinct (and surrounding streets) is low and often saturated – additional Council traffic flow and Parking management may be needed.
- The lack of parking could **impact other parts of the Freshwater basin.**

- Acceptance of these Parking arrangements could lead to Precedence for future developments and further greatly **impact other parts of the Freshwater basin.**

## Height Compliance

- *General Permitted height* for developments = 11m
- **Allowed height** extensions for Considering Affordable housing allowance to be = **13.45m**
- Proposed height of buildings = 16.35m (greater by 2.9m)
- Proposed height including Lift over-run and roof-top open garden
  - o **Western Lift over-run = 17.45m** (from Lawrence Street) (greater by 4m)
  - o **Eastern open space awning = 17.33m** (from Lawrence Street) (greater by 3.90m)
  - o **Eastern Lift over-run = 18.90m** (from Lawrence Street) (**greater by 5.35m**)

There is no justification for the non-compliance of the additional height. The inclusion of areas of communal open space will result in a reduction in privacy for residents on both sides of the development.

Acceptance of these heights could lead to Precedence for future developments and **impact other parts of the Freshwater basin.**

## Loss of Freshwater Village – ‘Village Feel’

Modern development may result in the loss of the existing Village Feel as this and other developments progress in the future. The existing main-plaza outside the Chicken shop enhances this and the allows for a great village feel particularly the larger Trees and pedestrian seating. It would be great if the council could allow for some additional space at the top end of the village to form this type of Plaza and enhance the Village feel.

## Non-Compliance with transition between Shopping Center Zoning and Low Density Residential Zone

There is not compliance with the set-back requirements where Shops back onto a low Density Residential Zone. The requirement is for at least a 9 metres setback from the boundary of Residential Zone to the development -> in some instances this is only 2.5 metres.

Additionally, there is **no setback** at ground level for the three properties that back onto the entrance of the carport at the western end of the development.

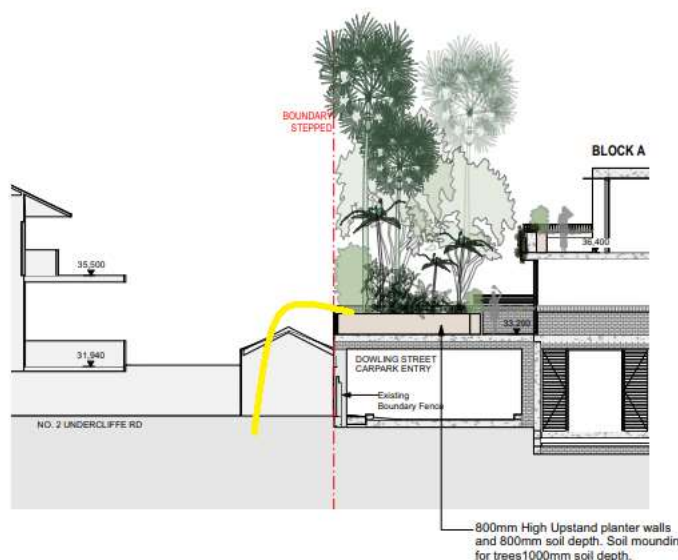


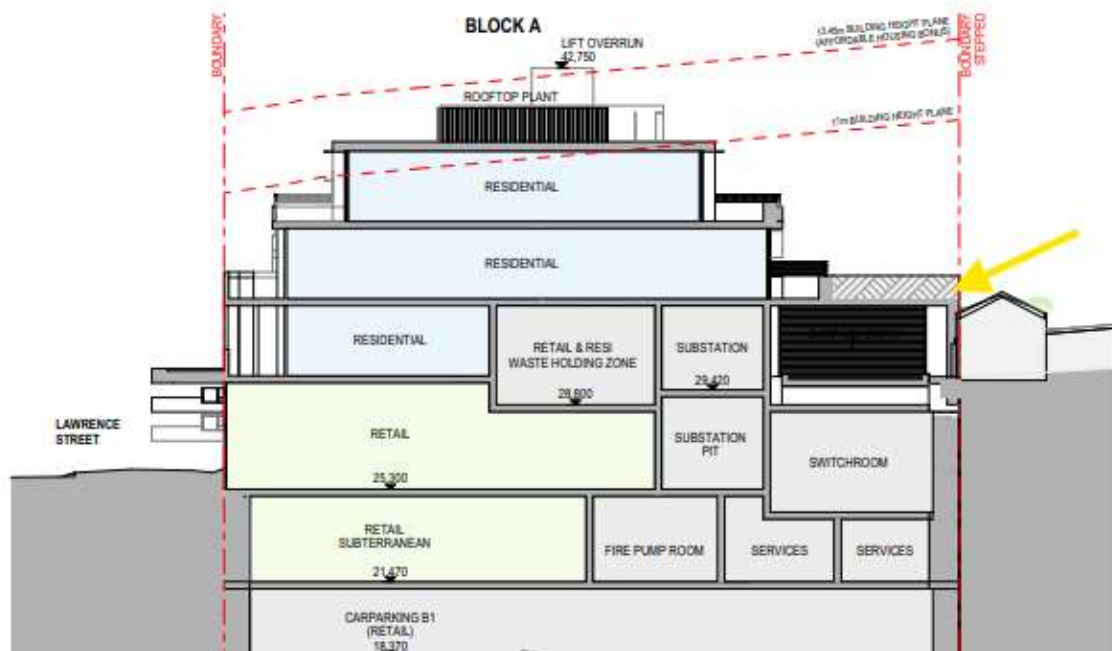
If the Development Application is passed in its current form - this could set a precedent for other Developments which could **impact other parts of the Freshwater basin.**

## Major Non-compliance with transition between Shopping Center Zoning and Low Density Residential Zone for the three houses at the Western end of the development

This will result in a wall height of **3.8 Metres** (note this is an estimate of height of top of roof of car-park entry add 0.8m planter boxes – as there seems to be no height mentioned in the Plans – which may be a purposeful oversight). This will also allow residents (of the new development) to enter the back yard of the houses (No. 2, 4 and No. 6 – our house) and allow no separation to the roof of house number 2 – the houses which are subject to backing onto this private courtyard. This leads to **security issues** where there are no walls between residences (other than a small 800mm planter box wall).

The combined height of the Wall and Planter box does not seem to be mentioned in the plan for the building design – so may not be in accordance with building boundary restrictions in Northern beaches council.

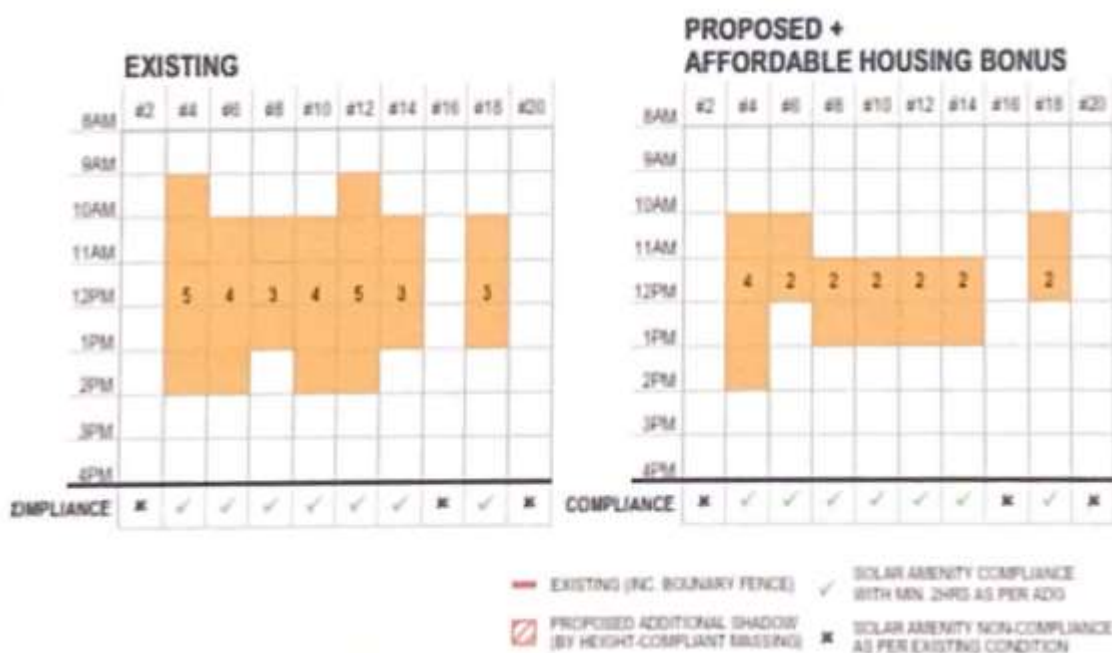




## Overshadowing

The Development Application does not comply with Clause D6 Access to Sunlight of Warringah DCP (*adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21*). And needs to be amended to raise the current result of the Plan to be from 2 hours to 3 hours.

If the Development Application is passed in its current form - this could set a precedent for other Developments which could **impact other parts of the Freshwater basin**.



## Noise from Roof to parties....

Acceptance of this plan will lay down precedent for future developments of the Freshwater Village precinct to move to 4 stories with roof-top party areas and may promote other residents to also apply

for roof top gardens. Roof top gardens also imply Roof top barbecues and parties and related noise and movement that will impact surrounding neighbors and reduce their quality of life.

## Other

- Loss of the existing Melaleuca on Dowling Street (as set out on page 9 of the Plans – Master Set document). This tree is a well-established tree and has numerous birds visiting (including Lorikeets, Cockatoo, Bats) and provides much needed green space and shade for residents. It would be preferable if this tree could remain.

## ‘View Point’ document included in the Development Application may contain misleading statements

In regard to **7.1 Viewpoint 1: 8 Undercliff Road** (pages 36 to 38)

- This property has a very similar out-look to our property (being 6 Undercliff Road).
- Contend that the following statement is incorrect and designed to be misleading:
  - o The document states - *This is primarily a short-range local view with elements of a district view.*
    - This statement is **not correct** – for example from the Lounge room at 6 Undercliff Road we can see views of all trees and houses to the top of Headland Road in Curl Curl / Dee Why (roughly **three kilometres**) which is a Northerly aspect and also angled views to the East and West. Following the development this distance will be **reduced from three kilometres to twenty metres.**
  - o The Figure 24 Viewpoint 1: 8 Undercliffe Road – existing view Source: CHROFI is not a real representation of the view. Comparing the current view to the one supplied, this is designed to be misleading to give the impression that the loss of the existing view is not large and need not be considered.

Suggested view by developer from 8 Undercliff Road (proposed to be similar to 6 Undercliff Road)



Figure 24 Viewpoint 1: 8 Undercliffe Road – existing view  
Source: CHROFI

Current View 1 from 6 Undercliff Road Balcony (photo supplied by owner)



Current View 2 from 6 Undercliff Road Balcony (photo supplied by owner)



Current View from 6 Undercliff Road Lounge Room (photo supplied by owner)

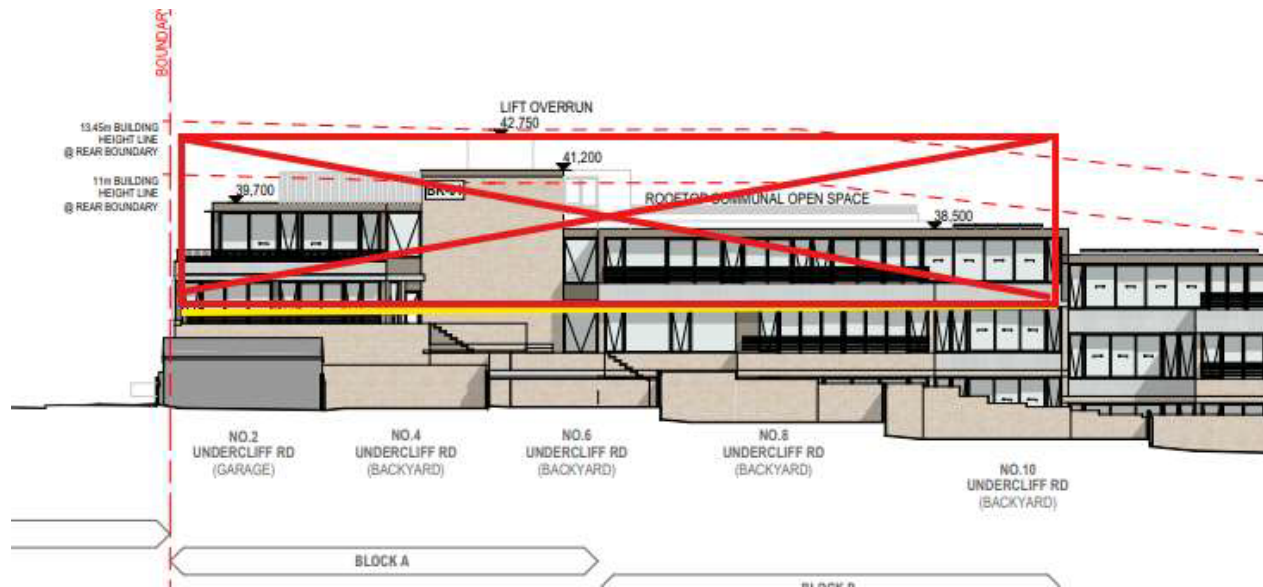


**Suggest Replacement** view from 6 Undercliff Road – following development (*note the lift over-run is greater than 5 meters above regulations and could be contained with existing builder*)



Figure 25 Viewpoint 1: 8 Undercliff Road – proposed view

Source: CHROFI



The above screenshot (from page 13 of the Plans – Master Set document), shows the change in the loss of outlook. The yellow line is the current level of the shops in Lawrence Street, from the view at 6 Undercliff Road lounge room, and the Red box shows the level of clear space and clear view lost that changes the distance of outlook from roughly **three kiloMetres to 20 Metres**.

Additionally, the proposed View above does not display the impact of Landscaping as set out on Page 18 of the ‘Landscape Design Report’ which indicates that significant landscaping will change this view. Additionally, the concrete platform behind the brick wall is not located on the page 18 view.

Refer to the item in yellow in following screenshot.



As the design we are referencing is for level 2. The landscaping displayed in the following screenshot for item 1 (from Page 39 of the report) indicates that an additional planter wall of 800mm will increase the height of the existing wall.

- Contend that the following statement is incorrect and designed to be misleading:
  - o *Assessed level of impact, and why? = Moderate.*
    - *While the proposal will **appear dominant in the view**, it does not block iconic or high value elements. It will enhance the visual amenity of the midground of the view by replacing the rear elevations and roofs of buildings and the un-enclosed access driveway to onsite carparking with a well-designed, contemporary apartment building.*
    - Agree that the proposal will be dominant in the view – note that any / all existing outlook will be lost and replaced with a new building where owners or tenants will look directly into our lounge room (from close distance e.g., 20 Metres), this **raises the rating of this issue to be higher than Moderate.**
    - Disagree *It will enhance the visual amenity of the midground* - It is difficult to agree with this statement where currently most of the mid-ground does not exist and is clear space that will be replaced by a new building with the same issues as above. Note that the view of the back of the shops was tidied up following sale in 2019 and is not currently an eyesore.

The **value of the loss of this view** is difficult to determine – however should the development move forward as proposed and we decide to sell and move house,

- the cost of selling and then purchasing a suitable home would be roughly \$270,000
- loss of value on the sale price due to loss of privacy and loss of outlook (estimate = \$500,000? – including large drop in the potential buyers market for those people who would no longer consider purchasing a property with outlook directly into a block of units);
- **Total = \$770,000** (note this would most likely be higher for some of the other houses that back onto the existing shopping center)


and then we also need to consider the effort to find a suitable replace home.

- point 7.3 Viewpoint 3: 6-8 Undercliffe Road – seem to relate to 5-7 Undercliff Road and may need corrections
- Statement on Page 15 *Land to the south having frontage to Undercliffe Road comprises a mix of detached houses and smaller scale apartment buildings (Figure 7).*
  - o Please note that there are **no** apartment buildings that back onto the proposed development (there is one duplex property). This is a misleading statement.

## Impact on Future development with similar Zoning

The development proposal needs to be considered by council with the regard that any development that is permitted that is not within existing council regulations will have precedence for future developments for similar areas and will impact all visitors to Freshwater and residents in Freshwater (and in particular the Freshwater basin area and the Freshwater Village) as:

- If this development footprint was taken as precedent to future developments and also undertaken by owners of the land highlighted on the back of this page where business frontage is already in existence (which is roughly 4.5 times larger than the current development – note this is based on an inference of Zone plans on the Internet and real zoning has not been fully checked), then the issues below would extend to numerous streets and impact many more of the residents in Freshwater. This would potentially cause...

Current Proposal	Potential future additional (as above *4.5)	Total	
<b>30 units;</b> (3,299sqm Residential space of: <ul style="list-style-type: none"> <li>- 6 * 1 BR units</li> <li>- 15 * 2 BR units</li> <li>- 9 * 3 BR units</li> </ul> <b>1,379sqm Retail Space</b> (4-9 tenancies)  <b>Car Spaces 120</b>	<b>134 total units;</b> (14,845 sqm Residential space of: <ul style="list-style-type: none"> <li>- 27 * 1 BR units</li> <li>- 67 * 2 BR units</li> <li>- 40 * 3 BR units</li> </ul> <b>6,205 sqm Retail Space</b> (18-40 tenancies)  <b>Car Spaces 540</b>	<b>164 total units;</b> (17,144 sqm Residential space of: <ul style="list-style-type: none"> <li>- 33 * 1 BR units</li> <li>- 72 * 2 BR units</li> <li>- 49 * 3 BR units</li> </ul> <b>7,584 m2 Retail Space</b> (22-49 tenancies)  <b>Car Spaces 660</b>	 <p>Source = Plans Master Set with the yellow shapes added to indicate possible additional development with similar footprint and street photos.</p>

## Photos of existing non developed shopping areas

