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**Sent:** 14/03/2025 5:31:13 PM  
**Subject:** Submission regarding DA2025/0077".  
**Attachments:** DRAFT Submission to DA - Freshwater neighbors\_SY.docx;

Attached please find attached letter outlining my concerns and objections re DA2025/0077

To Whom It may Concern

**DA2025/0077**

**DA SUBMISSION – 10-28 LAWRENCE STREET, FRESHWATER**

This objection has been prepared in relation to the Development Application DA2025/0077.

Specifically, I have family residing in Undercliffe who will have their backyard sanctity greatly compromised as a result of this proposed development.

This submission objects to the development application in its current form for the following reasons:

1. Height Variation & Clause 4.6
2. Non-compliance with the ADG separation requirements
3. Visual and acoustic privacy impacts
4. Lack of sufficient retail parking
5. Non-compliant overshadowing to dwellings to the south
6. Cumulative impacts of non-compliance

The following provides further consideration of the range of issues and adverse impacts of the current development application:

#### **1. Height Variation & Clause 4.6**

The controls that apply to the site include:

- LEP permits – 11 metres
- Housing SEPP bonus – 13.45m
- Proposed Height – 16.35m

The proposed development seeks to vary the height control with a proposed height of 16.35m. The extent of variation to the height standard is unreasonable when considering the LEP height of 11 metres and the uplift available under the Housing SEPP.

The Clause 4.6 submission seeks to primarily justify the non-compliance with the Building Height control on the basis of the provision of a public plaza. The site does not have a FSR control, therefore it cannot be argued that floor space has been removed at ground level (as stated in the Clause 4.6) to facilitate the plaza and shifted to another area of the site. That argument would hold weight if there was a FSR control and the proposal complied. In the absence of a FSR control, the height development standard and ADG setbacks guide the building envelope. The development does not comply with either the height development standard or separation requirements under the ADG. (this is further addressed below)

Further the Clause 4.6 seeks to justify the height variation on the basis of the delivery of affordable housing. This is not a reasonable ground to justify the variation to the height. The provision of affordable housing already affords the development additional height, the applicant is effectively 'double dipping' to justify variations to the bonus provisions.

In summary:

- There are no reasonable grounds to support the variation to height control and the Clause 4.6.
- The application already benefits from bonus height under the Affordable Housing SEPP, further variation is not reasonable.
- The additional height which includes access to, and areas of communal open space will result in a reduction in privacy to the dwellings along Undercliffe Road and impact on their visual outlook.

## **2. Non-compliance with the ADG Separation requirements**

The site is located at the interface between the E1 Local Centre zone and R2 Low density Residential zone. The transition between the two zones is quite dramatic given the additional height permitted under the Housing SEPP. Strict compliance with the separation requirements under the ADG should be met.

One of the objectives of the E1 Local Centre Zone is:

- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

ADG requires for sites that permit a RFB with an interface to a low density zone to achieve separation as follows:

- **Habitable rooms & balconies up to 4 storeys to be setback 9m**

The proposed development does not comply along the southern boundary as outlined below:

### Mark up - First Floor Plan



### Mark up - Second Floor plan



### Mark up - Third Floor plan



Full compliance with the ADG should be required to ensure sufficient physical separation at the interface with the Low density zone. There is no reason why the development cannot comply. Privacy screens will not resolve acoustic impacts from the close proximity.

The variations to the separation requirements of the ADG will result in adverse impacts in relation to visual and acoustic amenity to the dwellings to the south.

### 3. Lack of sufficient retail parking

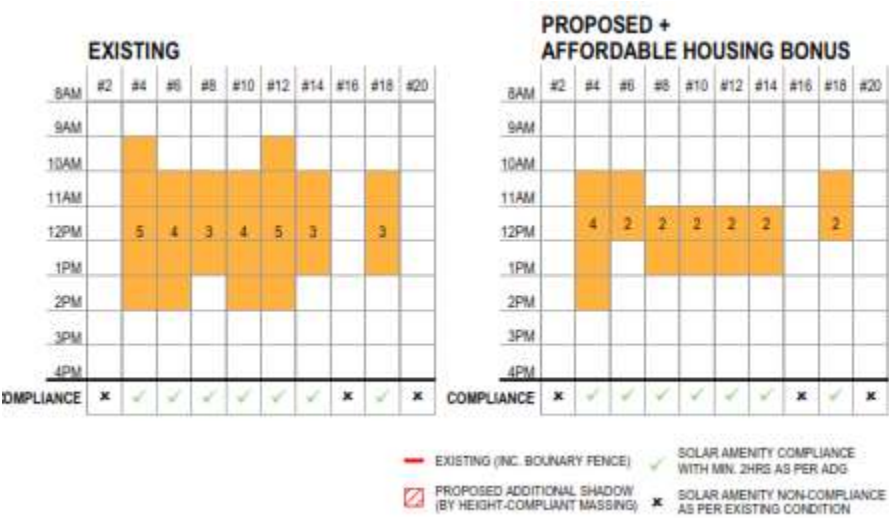
The Warringah DCP requires 72 retail parking spaces.

The development provides 62 spaces, 10 spaces short.

The submitted traffic report provides no reasonable argument for the shortfall in parking provided. Parking in Freshwater is very difficult, and the lack of sufficient parking will place further stress on the availability of street parking which will impact on parking for local residents. Providing additional retail GFA without sufficient parking is contrary to the provisions of the DCP and will impact on public parking in the area.

4. Overshadowing

The shadow diagrams indicate a significant reduction in solar access to the properties to the south, at most the dwellings will retail 2 hours of solar as shown below:



Clause D6 Access to Sunlight of Warringah DCP requires for single dwellings:

*2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*

The proposed development does not comply and should be amended to ensure a minimum of 3 hours solar access is retained to the private open space of all dwellings to the south.

Conclusion & Cumulative impacts

The development should not be approved in its current form. The development needs to consider the interface with the R2 Low density zone and minimise its impact. The cumulative impacts of the variations expressed in this submission will have an adverse impact on the amenity of dwellings un Undercliffe

The following recommendations will assist in minimising the impact on surrounding neighbours and the community:

- Reduction in building height to comply with the maximum height permitted
- Increase setbacks to the southern boundary to comply with ADG separation requirements
- Provide an additional 10 retail parking spaces
- Amend the building envelope to ensure all dwellings to the south retain a minimum of 3 hours solar access between 9am to 3pm as per Clause D6 of Warringah DCP

Thank you for considering our submission

Regards

Samantha Yann

28 Ian Avenue North Curl Curl, 2099