
From: Phil Castle
Sent: 11/03/2025 8:08:03 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Attention to DA Admin Submission DA2025/0077
Attachments: DA2025 0077 Collective Submission from adjoining owners.pdf;

To Whom it May Concern

Kind Regards

Phil Castle

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. It has been prepared by the owners of 2-16,7,15 Undercliff Road, Freshwater, NSW 2096.

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 and visual and acoustic privacy impacts
3. Lack of sufficient retail parking
4. Non-compliant overshadowing to dwellings to the south
5. Cumulative impacts of non-compliance

6. SUMMARY

7. In summary, this development needs to be considered very carefully given that it is located on the boundary of Freshwater's retail zoning and the low-density housing to the south of the main strip. Council has stated a clear desire to maintain the "village feel" of Freshwater and the maintenance of low-density housing where possible – this development poses a significant risk to both due to the breach of LEP conditions listed above. In addition it has potential to negatively impact the amenity, privacy and value of homes on the southern boundary.

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.

Clause 4.6 of the 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 Floor Space Ratio (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 the NSW State Government Apartment Design Guide (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, Clause 4.6 seeks to justify the height variation because 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 Clause 4.6.
- The application already benefits from bonus height under the Affordable Housing SEPP, and 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 and amenity to the dwellings along Undercliffe Road and significant negative impact on their visual outlook.

2. Non-compliance with the ADG Separation requirements and visual and acoustic privacy impacts

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:

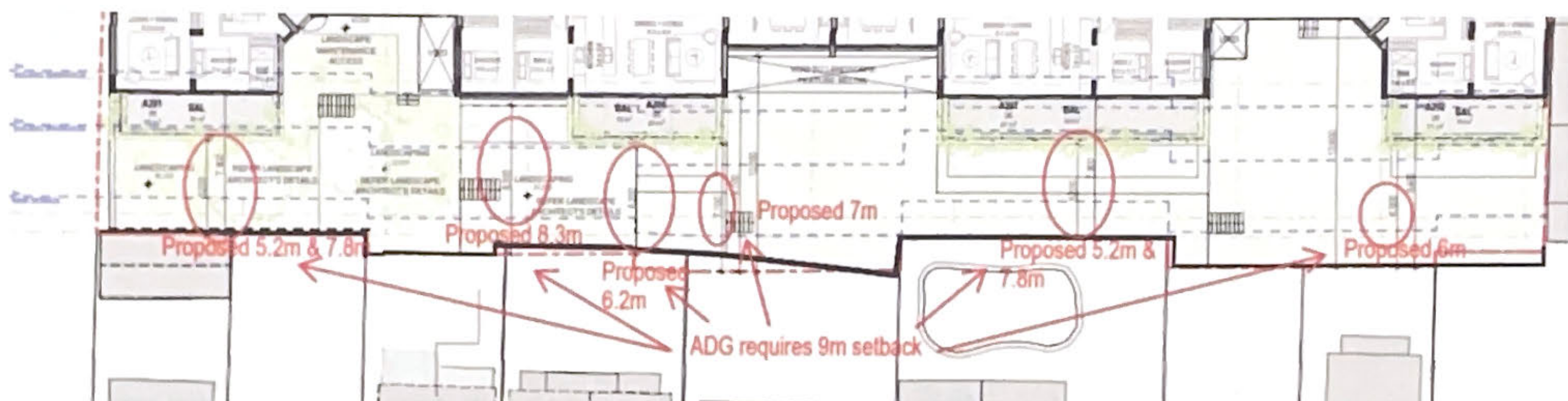
- Habitable rooms & balconies up to 4 storeys to be setback 9m (6 metres plus an additional 3 metres due to the adjoining property being zoned R2 Low Density)

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

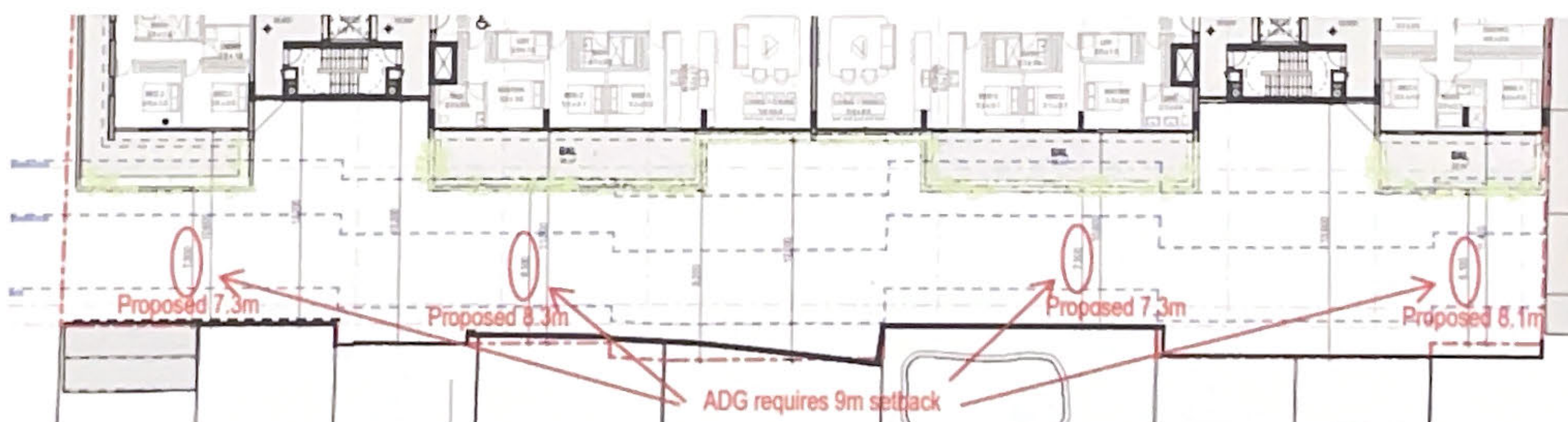
Mark up - First Floor Plan



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.

In addition, the design appears to breach the ADG setback guidelines to the rear of numbers 4, 8 and 12 Undercliff, which are already closer to the development due to the shape of their blocks – the design needs to be updated to take this into account and move the setbacks to be the minimum 9m recommended by the ADG.

3. Lack of sufficient retail parking

The Warringah DCP requires 72 retail parking spaces.

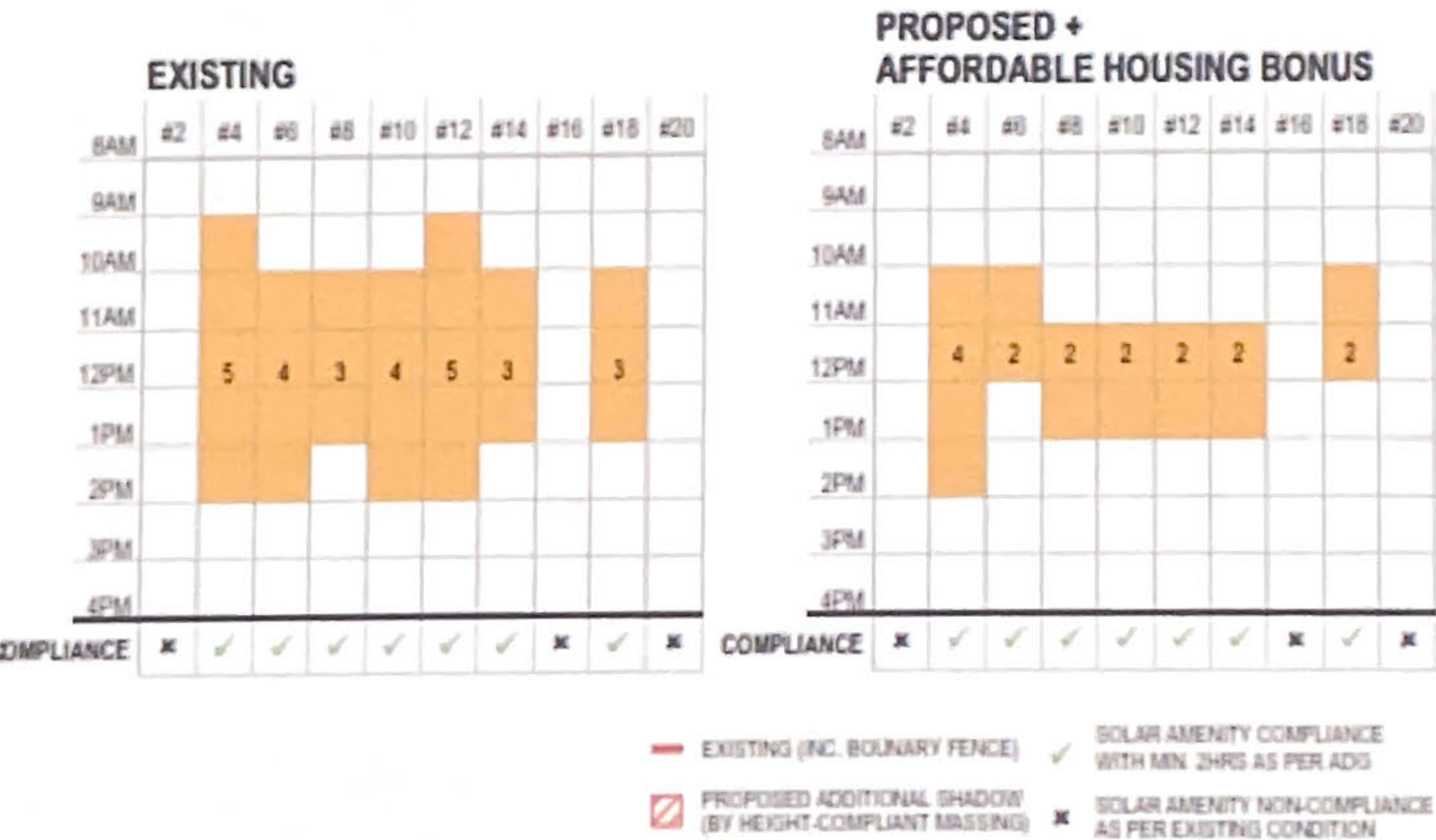
The development provides 62 spaces, 10 spaces short. In addition, the proposal requires two on-street parking spaces to be subsumed into an on-street loading dock, creating a total shortfall of 12 parking spaces. The use of an on-street loading dock for goods inwards and rubbish removal is itself not in line with council guidelines.

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. Non-compliant overshadowing to dwellings to the south

5.

The shadow diagrams indicate a significant reduction in solar access to the properties to the south, at most the dwellings will retain 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 the design 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 of non-compliance

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


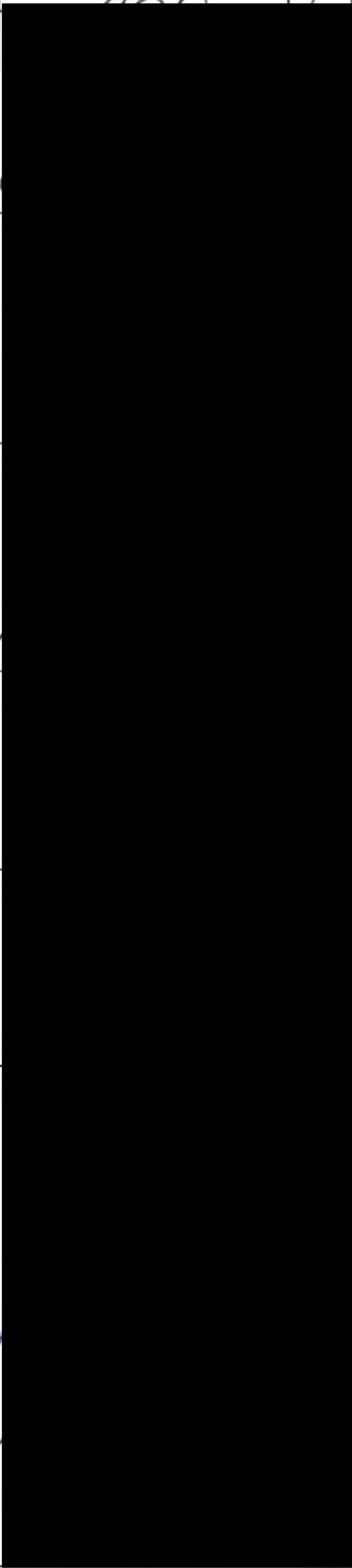

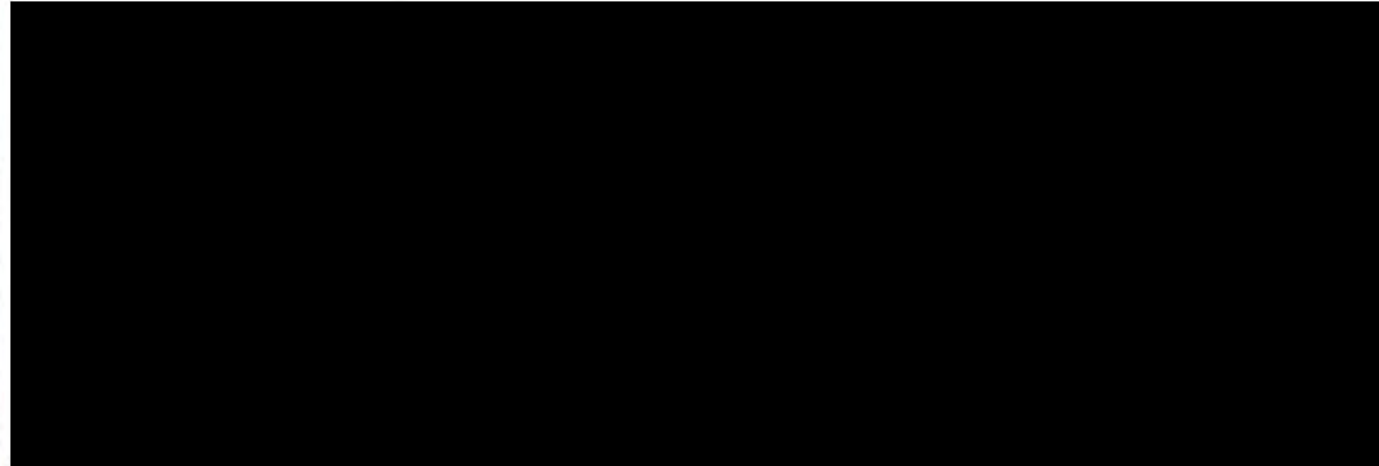



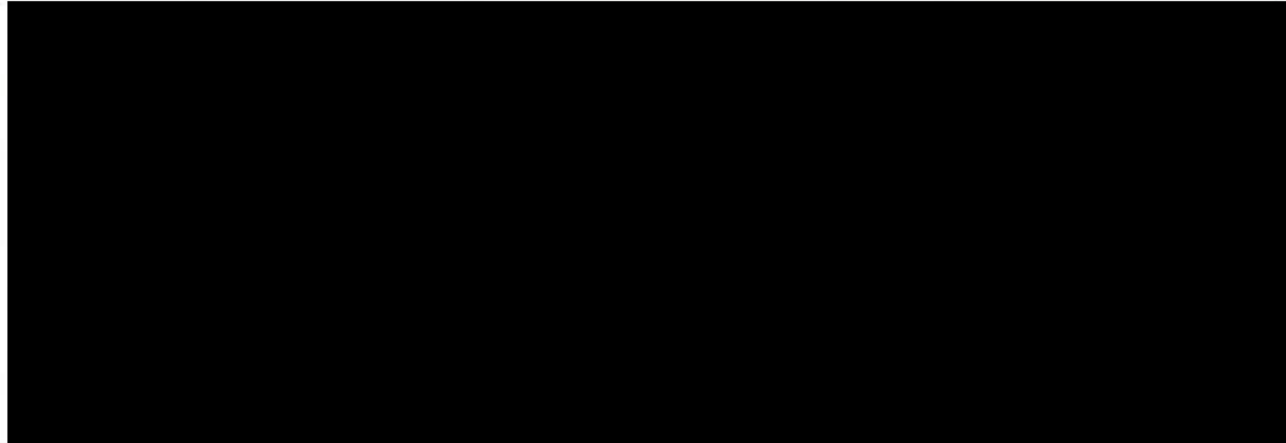
The following recommendations will assist in minimising the impact on surrounding neighbours and the community:

- 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, this excludes the two existing car spaces in Dowling Street that are proposed to be removed to create a loading zone.
- Amend the building envelope to ensure all dwellings to the south retain a minimum of 3 hours solar access between 9am to 3pm i.e, as per Clause D6 of Warringah DCP
- All deliveries and rubbish collection needs to be undertaken from within the building envelope.
- The proposed roof top garden exceeds the height limit and implies/encourages community activity which will lead to a detrimental impact on the adjoining neighbourhood, from related noise and visual impact.

We encourage the Council Planning Office to attend our homes and attain an accurate firsthand understanding of the visual impact.

Thank you for considering our submission.

Regards

ADDRESS	OWNERS DETAILS	OWNER'S SIGNATURES
2 Undercliff Road, Freshwater	Peter and Sue Adams 	
4 Undercliff Road, Freshwater	Pamela Collins 	
6 Undercliff Road, Freshwater	Gary and Myra Wearne 	
8 Undercliff Road, Freshwater	Aidan and Kara 	
10 Undercliff Road, Freshwater	Phillip and Sandra Castle 	
12 Undercliff Road, Freshwater	Cameron Berkman and Josie Alonso 	
14 Undercliff Road, Freshwater	Malcom and Peta Harris 	

16 Undercliff Road, Freshwater	Luciana Bittencourt [REDACTED]	[REDACTED]
7 Undercliff Road, Freshwater	Noela Roberts [REDACTED]	
15 Undercliff Road, Freshwater	Kevin and Katherine Tuckey [REDACTED]	