
Sent: 7/07/2021 9:20:36 AM
Subject: Submission from Friends of Freshwater on DA2021/0744 for 50 Lawrence St.,
Freshwater
Attachments: 23121201.PDF;

Attention: Rebecca Englund

Please find attached our Submission for the above Development Application

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Best regards

Peter Harley OAM
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Mr. Ray Brownlee
Chief Executive Officer
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Attention : The Assessment Officer, Rebecca Englund

6 July 2021

Re: DA2021/0744 – 50 Lawrence St., Freshwater

50 Lawrence St. is an important site in Freshwater Village. Bounded by three streets and atop the slope down into the retail precinct, it has a commanding presence and is a "Landmark Site". As such, it demands good architectural form, otherwise it could dominate the surrounding area and not necessarily in a good way. Whatever is built on this site, will be with the Freshwater community for many decades, as the current structure has been. It needs to meet not only the specific needs of the applicant but the Freshwater community generally. It also needs to interface with the heritage of the Street.

Hence the intense concern expressed by the community as to this current DA.

It should also attempt to be carbon neutral in its energy use, given that will be an ever increasing demand on buildings of this nature.

We are also of the view that this DA should be exemplary in its adherence to the Planning Controls of the Warringah LEP and the Warringah DCP as they apply to Freshwater Village.

Specifically, we raise the following objections:

- The proposed part 4 storeys and 12m height exceed the LEP limits of 3 storeys and 11m.
- The DA is non-compliant with the DCP landscaped area requirement - 25% of the site required. The new application offers only a minor concession to this requirement.
- The residential component of the proposal dominates the site. This is inconsistent with the land use B2 zoning which requires the provision of a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. A development disproportionately comprising an inadequate meterage allocated to commercial use and a predominant m2 allocated to residential use cannot achieve the intended outcomes of the B2 zoning.



- The sheer bulk of the building continues to overshadow the neighbouring property to the south.
- The proposed development continues to be totally out of character with the heritage buildings to its north and the Freshwater Village in general.
- The proposed on-site parking allocation is short of the DCP parking requirement of 21. In a tightly packed Freshwater Village there is no leeway with this requirement.
- The addition of an extra access driveway in Dowling Street contravenes the intent of the Freshwater DCP to improve pedestrian safety in the Village.
- The proposal requires the removal/relocation of the accessible 167 bus stop in Dowling Street, adversely impacting public transport access for able bodied and disabled public transport commuters to the commercial centre of Freshwater. There ought to be space available for a bus shelter and seating.
- The build cost for 13 units, suggests a construction cost per unit which is exceedingly low and implies a frugal approach to construction.
- There is no mention of the linkage between the building and the public verge around it. Other buildings in Freshwater have willingly supplied public amenities such as public seating, bicycle racks, public art, and garden plots and public toilets.
- The two ground floor commercial sites have a lowered roof line in a cynical attempt to accommodate four floors of apartments. These are also unacceptably small in their dimensions.
- Three storey maximum/Building height breach/Clause 4.6

G5 Freshwater Village DCP

The Freshwater Village DCP specifically places a limit for a maximum of 3 storeys. Shop-top developments in Freshwater have typically been designed with two storeys, with a generously setback third storey which is generally not discernible from the street. The proposal is clearly non-compliant, appearing as 4 storeys from all public frontages: Oliver Street, Dowling Street, and Lawrence Street. It is clear that the developer's planning consultants has relied on Google Streetview, if they were to actually read the case of *Project Venture Developments v Pittwater Council (2005) NSWLEC 191*, they would know that Senior Commissioner Roseth developed a viewpoint that focuses primarily on the compatibility of a proposed building and its surroundings. Clearly, a proposed four-storey development is not compatible next to 1-2 storey dwelling house. Around the block, there is another shop-top development that is similarly on a corner and adjoining dwelling houses known as "The Caville" at 6-8 Lawrence Street that is clearly more consistent with the DCP.

While there is no reason to support a variation to the already generous 11m height of buildings standard, the developer's planning consultant has again made numerous errors within the Clause 4.6 variation request incorrectly making reference to the "Manly Local Environmental Plan 2013" despite Freshwater being subject to the "Warringah Local Environmental Plan 2012". This is clear evidence of the lack of professionalism and due diligence taken by the developer's planning consultant.

Lack of car parking

The developer's planning consultant claims the requirement for car parking is 19 spaces and that the proposal is compliant in that regard. It seems, however, the developer's planning consultant cannot read plans, as based on the plans only 18 spaces are provided. Freshwater is completely congested with traffic year-round with almost no available on-street parking within the village and surrounding local streets readily available. Nothing less than full compliance should be sought.

Landscape Plan, Street Trees and Public Domain

The developer's landscape plan demonstrates a haphazard approach to: street tree planting (non-native) and removal, public footpaths, repairing existing retaining walls and retaining gravel areas in the public domain areas fronting the site. The developer should be obligated to renew this public domain in a cohesive way in consultation with Council. The street trees around the site (some of which need to be removed for the development), should be replaced with suitable established native canopy street trees such as Paperbark Trees, Water Gums, Coastal Banksias or Buckinghamias in suitable pot sizes along both Oliver Street and Dowling Street (as suggested by the developer's Arborist). The Developer appears to use public land for exclusive private benefit for the outdoor seating area. Recognizing this, the Developer should be compensating the local community through a renewed public footpath, landscaping and trees along Oliver Street and Dowling Street.

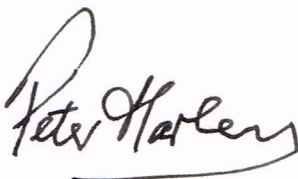
Café/Restaurant toilet accessibility

DCP D18 Accessibility

- The location of one (1) small staff/patron toilet for all users of any future café or restaurant is impractical and ill-thought out being located some 37m away and through a busy underground car park. How can the developer's planning consultant say that this arrangement provides convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability? Rather, the proposed toilet location appears to blatantly discriminate against such people.

For all of the above reasons, we strongly object to this application.

Yours faithfully



Peter Harley OAM
President