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**From:** Caroline Barnett  
**Sent:** 19/08/2024 1:48:14 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** PEX2024/0005 Barnett and Lowe  
**Attachments:** PEX20240005 Barnett and Lowe submission.pdf;

Dear Rebecca,  
Please find attached our response to PEX2024/0005. Please also be aware your website is still not showing results under the search field for:  
PEX2024/0005  
64 Undercliff Road  
29-31 Moore Road  
Nothing appears on the map function.

The only way it works is searching '29 Moore Road'

This is inadequate.

Once this is fixed please re-notify and start the exhibition period again as no one can find the proposal. Also, all the documents were missing from your site over the weekend which is a time when residents have a moment to write a letter.

Kind Regards,  
Caroline Barnett



Mark and Caroline Barnett  
Geoff and Lynn Lowe  
45 and 51 Undercliff Road  
Freshwater, NSW 2096

August 19, 2024

Dear Rebecca Sio,

Firstly, we're concerned the notification map wasn't included in the documents. This seems inconsistent with other submissions especially as this is a re-zoning issue. I have learnt only the immediate neighbours have been notified which is insufficient for a re-zoning proposal that effects all of Freshwater. It also seems inadequate the documents disappeared from your website over the weekend of August 17-18 and the search function gives no results when searching using the proposal number, the map function or 64 Undercliff Road.

The documentation supplied by the town planner Greg Boston clearly demonstrates that hotel accommodation can't be provided on the site without adversely impacting upon the local heritage significance of the existing building as seen from Undercliff Road the streetscape or the amenity of surrounding and nearby properties that sit within this R2 Low Density Residential Zone.

The proposal doesn't confidently demonstrate Harbord Hotel can build a hotel while staying within the restrictions of an R2 zone.

This Planning Proposal demonstrates that there is insufficient site-specific planning merit to support hotel accommodation on the property and that the proposed amendment to WLEP 2011 is highly inappropriate to include hotel accommodation on the site that is a R2 Low Density Residential zone.

## **Responses to the Planning Proposal**

### **Planning Proposal**

The future development application for the hotel accommodation building will rely upon the existing provisions of WLEP 2011 and *Warringah Development Control Plan 2011 (WDCP 2011)* for buildings within the **R2 Low Density Residential zone, which remain applicable despite the land use proposed.**

In the WLEP2011 document within an R2 residential zone - a hotel is prohibited as it's not listed under 'Permitted with consent'. It clearly states- Prohibited 'Any development not specified in item 2 or 3'. Hotel is not in item 2 and 3.

If the R2 is to remain then these would need to be adhered to otherwise they would need to apply for an E1 Local Centre Zone. The documentation doesn't support this as follows.

### Zone R2 Low Density Residential

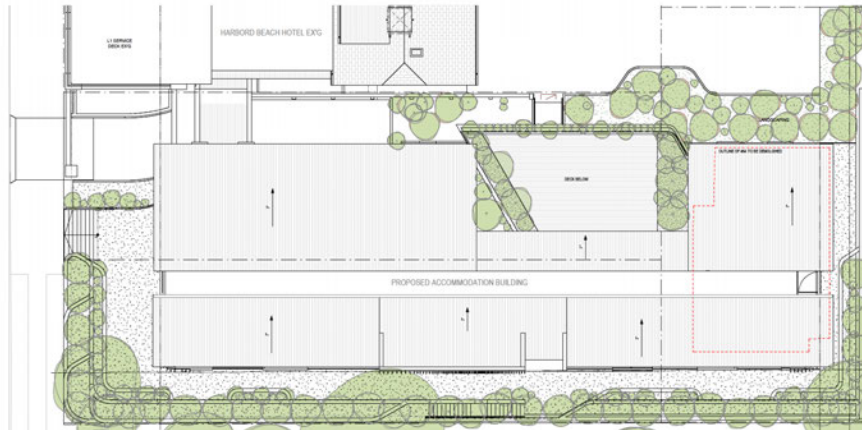
- To provide for the housing needs of the community within a low density residential environment - A hotel does not support this intent.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents - In fact as a resident my view is that a hotel is contrary to my day to day need for peace and quiet and safety of my three children. We would go from knowing and trusting our neighbours to having a rotation of strangers across the road with their hotel rooms facing 3 bedrooms on our property. I have an 11 year old and two teenagers. This is very inappropriate.



- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah - A three level hotel block is definitely not in harmony with the natural

environment.

- The total building footprint(s) must not cover more than 33.3% of the site area. The 33% would need to be met under R2 zoning rules. Can you supply documentation of this as the plan below looks to cover much more than 33%? I would assume council won't allow any of the existing trees on the nature strip (council land) to be removed as this is an existing green screen between the residents on Undercliff and the pub.



### 5.3 Justification of strategic and site-specific merit

#### Section C – Environmental, social and economic impact

The surrounding sites definitely contain threatened species. The cliff and undeveloped land behind 45 Undercliff and surrounding properties is a breeding area for bandicoots. They come down to the properties on Undercliff Road in the early evening to feed in the gardens and burrow into the lawn for food. They have been seen on the nature strip behind the pub as I've dodged them in the car. It's a bushy overgrown area. They're at least feeding there if not living and breeding.

Two possums are regularly seen in the banksia behind the pub and walking on the power lines.

Here are some recent photos of feeding holes in the lawn.





Bandicoot burrow in the green waste pile at the rear of 45 Undercliff Road.



## Noise

Since the recent renovation there has been increased noise from the kitchen exhaust that is at the rear of the Hotel and people coming and going. The exhaust seems to run all night. They must have installed a more powerful, noisy exhaust system. With the addition of a café this can only get worse.

There would be 16 hotel rooms across the road from our property at 45 Undercliff spanning 3 levels. This is an increase of about 32 people staying across the road and their vehicles. How will this proposal address the increased air conditioning noise for this many rooms? Sound travels up and we'd be looking onto their roof.

## Visual Impact

The Planning Proposal claims that it demonstrates a high-quality development that integrates with and complements the existing development at the site. If the Planning Proposal does not seek to alter the built form controls applicable to the site, and as such, the future building will be assessed against the controls that currently apply to the **R2 Low Density Residential site** to ensure consistency with the desired character of the locality then why, in this proposal have they ignored some basic restrictions?

This proposal only demonstrates how it's impossible to build a hotel within R2 zone restrictions.

- The artist's impression supplied shows one modernist monolithic structure spanning the width of 4 residential blocks on Undercliff Road. Under R2 restrictions only dual occupancy, including duplexes, semi-detached, and terraced houses are permitted. It doesn't appear to have attempted to reflect the style of such buildings.

- The plan has ignored the rear setback of 6m. The plan is only 3.5. This proposal is not aligned with the following exception.
- **Exceptions**
- **Land Zoned R2 or R3**  
On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the **character of the secondary street and the predominant setbacks existing to that street.**

In our DA DA2018/0706 the council required full compliance with the 6.5m setback by virtue of it reflecting the character and predominant setback on properties on Undercliff road. Since this development would be on Undercliff Road, directly across the road from our development, granting of this exception would represent inconsistent and unfair application of planning rules.

- There are common areas with full height glass that will be illuminated at night shining into residents houses across the road. This on both Charles and Undercliff Road. This is not in keeping with an R2 zone as residential houses don't have common areas that need to be lit.
- Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building. How is this possible over 3 levels?. No detail has been supplied.
- 33.3% - the total building footprint(s) must not cover more than 33.3% of the site area. No documentation has been provided as to how this is possible when building a hotel.
- Side Boundary Setbacks – There are no opportunities for deep soil landscape areas.
- This proposal is visually dominant – it's immensely dominant compared to the residential houses. No attempt has been made to design the hotel to blend in with the style of Undercliff Road or Charles Street. It's not the desired character of the locality as a residential street.
- The scale and bulk of the building isn't in keeping with our lovely beachy residential street. A reasonable attempt would break the one massive block into 4 separate buildings that imitate residential buildings and rethink materials and style.
- There's not adequate separation between buildings especially on the eastern side to ensure a reasonable level of privacy, amenity and solar access is maintained. On the southern side along Undercliff Road privacy is concern.
- There is no visual continuity and pattern of buildings and landscape elements as this doesn't not fit into the streetscape. This looks like something that belongs in inner city Sydney. There's nothing beachy or residential about this.

- There is no reasonable view sharing from Undercliff Road as the hotel would totally block the heritage building. This is important to us even though the heritage report states it's secondary to Moore Road and Charles Street.
- The swimming pool and small courtyard is the only private open space and the proposal has minimal Landscaped Open Space. The swimming pool is far from private as the infinity edge seems to face the residents of Moore Road. No residential plan would allow this lack of privacy from both sides.
- To ensure new development is a good neighbour.

***It is clear they're not capable of building a hotel within the R2 building restrictions***

**Privacy**

45 Undercliff has 3 bedrooms on the northern side of our house facing the pub. With the addition of a hotel that's now 16 hotel rooms facing us and us at them.

The concept architectural plans provide definitely don't comply with the Planning Proposal to not alter the built form controls applicable to the site, if the building will be assessed against the controls that currently apply to the **R2 Low Density Residential site** to ensure consistency with the desired character of the locality, the only thing they've adhered to is the 8.5m height restriction.

**Heritage Impact**

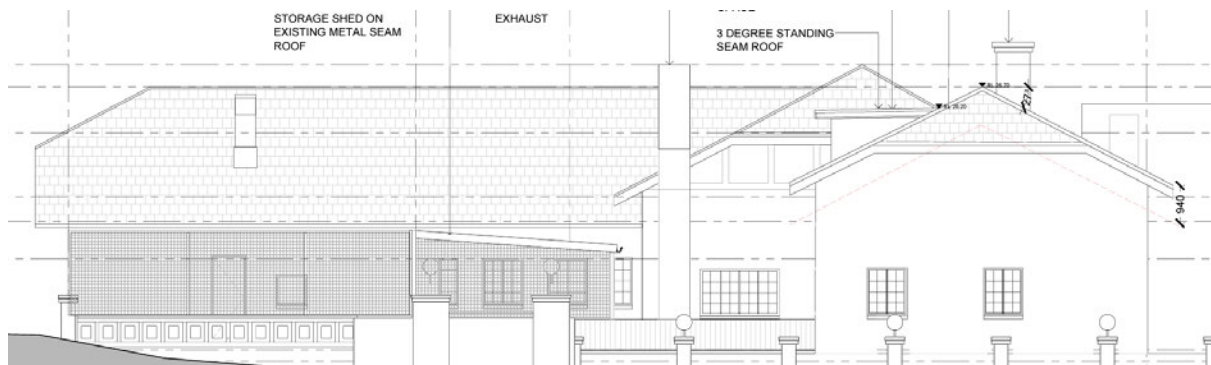
The Planning Proposal is supported by a Heritage Impact Statement by Weir Phillips (**Annexure 5**) which confirms that the Hotel previously provided accommodation on the site and as such, the proposal is in keeping with the original and historical use of the site. If this is the case, in keeping with the heritage of the building the accommodation should be maintained within the existing heritage building.

The heritage report claims that the 'proposed change of use to permit hotel accommodation is **consistent with the character of the area** and responds to the changing nature of hotel accommodation demonstrating a preference for purpose built hotel/motel accommodation rather than staying above an operating hotel.' - Hotel accommodation isn't at all consistent with the character of Freshwater, as there are no other hotels.

The heritage report notes the rear of the building has been extensively altered with several additions. The rear of the building does not clearly demonstrate the key aesthetic characteristics of the c.1928 era of construction. If this is the case, why hasn't the council suggested in previous or current DA's that this should be rectified to maintain the heritage integrity of the building?



In their latest DA the rear of the building has been greatly improved and our view will improve with this upgrade. The exhaust and satellite dishes are now covered to give emphasis to the heritage features of the building.



### View Corridors

Views to the heritage hotel building are currently uninhibited. The Heritage impact statement comments that the views from the rear aren't as significant as the front. While this is accurate, the secondary views **are significant to the residents of Undercliff Road**. Luckily from 45 Undercliff Road and 51 Undercliff Road, we can mostly only see the original building. The first and second level, back original fence and roof. We enjoy overlooking the features of this heritage bungalow building and often comment how lucky we are to not live across the road from an apartment block. There will be no view corridor at all under this proposal. View sharing is standard practice when submitting a DA. This is another example of how a hotel can't be built under R2 restrictions.

As you can see in this photo of the view towards the hotel we definitely have understanding of the buildings key architectural and aesthetic features. (Ignore the current scaffold.)





**Significant intensification** would further degrade the residential amenity. Council should not approve a proposal that degrades residential amenity. The WLEP Aims for residential amenity not to be degraded, as would be the case from the Hotel's intensification of activities. The proposed amendment to the Additional Permitted Uses provisions maintains the current R2 Low Density Residential zoning and applicable built form controls, to permitting one additional type of development clearly isn't appropriate in light of the existing use of the land and the context of the site.

This is aggressive over-development of the site and maximising profit at expense of local community.

### **Precedence**

If council were to allow and amended use of their R2 zone, then the residents directly across the road on Undercliff Road could collectively sell and build a hotel with ocean views. As we're on steep blocks, under R2 restrictions we could build 5 levels stepping back. Under this precedence we could also ignore the 33% building

footprint and destroy the bandicoot habitat.



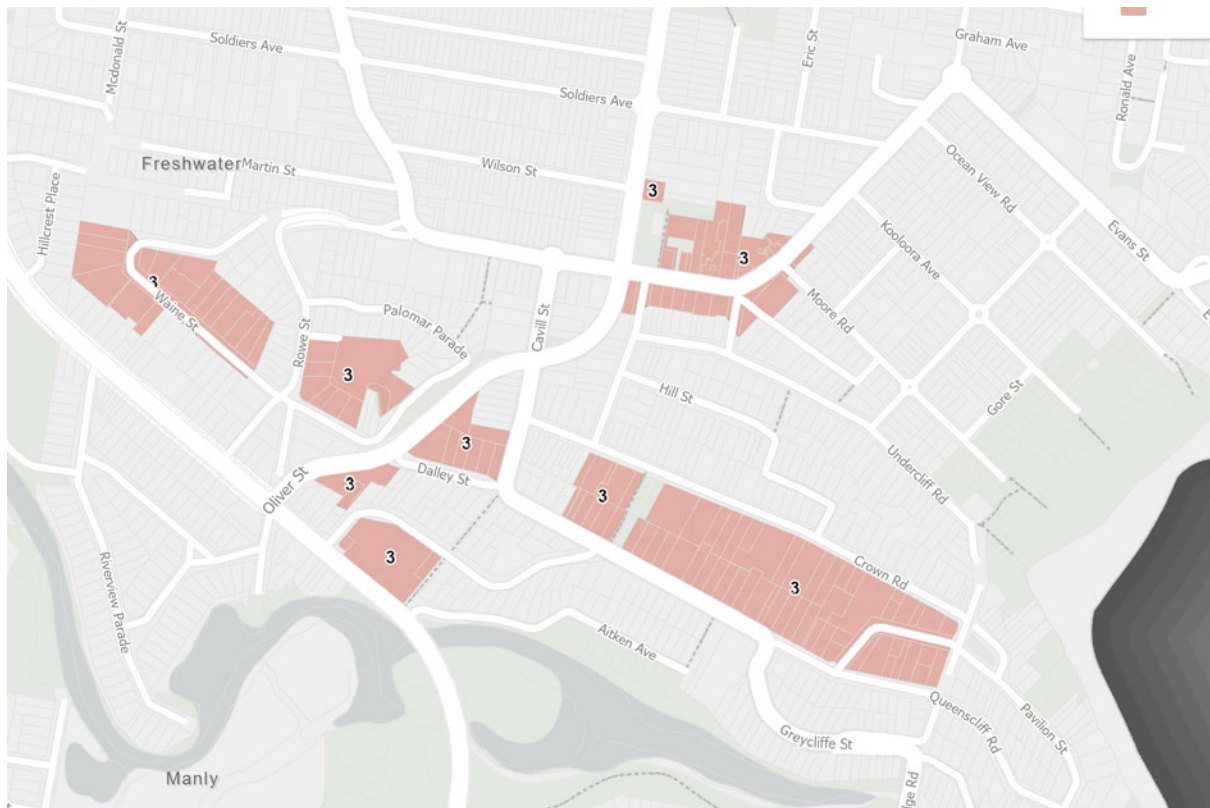
## Conclusions

We are significantly concerned by the substance of this Planning proposal PEX2024/0005 and disregard for the integrity of the surrounding community's residential amenity and well-being.

The proposed change of use to permit hotel accommodation isn't consistent with the character of the area and doesn't respond to the changing nature of hotel accommodation as this area is zoned residential R2. If the council feels there's a need for purpose built hotel/motel accommodation then this should be looked at in an appropriate zone.

There have been many developments in the Freshwater area in R3 zones where a hotel could be incorporated such as the Diggers and the new development on the corner of Oliver and Lawrence Street. If the council feels there's a need for hotel then please refer to your map below.

Insignificant documentation and drawings to support confidence they can build a hotel within the constraints of an R2 residential zone.



The proposed change of zoning to incorporate hotel accommodation is consistent with the historic and ongoing use of the site.

The proposed planning amendments to rezone the site, to allow for hotel accommodation not consistent with the character of Freshwater as a beach side suburb in an R2 or R3 zone.

Regards,  
Caroline and Mark Barnett 45 Undercliff Road  
Geoff and Lynn Lowe 51 Undercliff Road