

**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** Sunday, 25 August 2024 9:21 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

25/08/2024

MS Charlie Ralph  
2 / 25 Charles Street ST  
Freshwater NSW 2096

**RE: PEX2024/0005 - 31 Moore Road FRESHWATER NSW 2096**

To whom it may concern,

I am writing to formally object to the proposed rezoning of the Defined Area from low-density residential to hotel accommodation. This submission is made in light of the Council's legal duty to carefully assess whether the area in question cannot reasonably be developed or used under its existing zoning and to consider whether the development of the land under the existing zoning will be to the detriment of the public good.

#### 1. The Area's Existing Zoning Allows for Reasonable Development

Firstly, the Defined Area in Freshwater is a highly sought-after location, characterised by its unique residential character, proximity to essential services, the beach and appeal to a diverse range of residents. The demand for residential property in this area is well-documented, with properties being swiftly purchased and redeveloped under the current low-density zoning. There is no credible argument to suggest that the area cannot be reasonably developed or used under its existing zoning.

Indeed, the continued interest from families, young professionals, and retirees alike in acquiring and developing properties within this area is a testament to the viability and desirability of the area under its current zoning. Redevelopment projects have consistently demonstrated the potential for significant enhancement of the residential fabric, further adding to the appeal and value of the neighborhood.

#### 2. The Public Good Will Be Compromised by Rezoning

Rezoning the Defined Area for hotel accommodation poses a significant threat to the public good. The introduction of commercial hospitality operations in a predominantly residential area will inevitably lead to increased traffic, noise pollution, and a potential decline in the quality of life for current residents. Such a shift in zoning would not only disrupt the established community but could also set a dangerous precedent for further commercial encroachment into residential neighborhoods, undermining the integrity of the Northern Beaches' planning framework.

Moreover, the Council must recognise that the current zoning fulfills an essential public function by providing a stable and consistent environment for residents, fostering a sense of community, and ensuring that local infrastructure can meet the needs of those who live there. Rezoning for hotel accommodation would likely strain existing infrastructure and ultimately result in a loss of the residential character that makes Freshwater so desirable.

#### Legal Duty and Responsibility of the Council

The Council has a legal obligation to ensure that any rezoning decision is based on a thorough and objective assessment of whether the land cannot reasonably be developed or used under its existing zoning. In the case of the

Defined Area there is overwhelming evidence that the area can and has been successfully developed under its current low-density residential zoning. Any decision to rezone this area for hotel accommodation would clearly represent a failure on the part of the Council to fulfill its legal duty to protect the public good and to ensure that land use decisions are made in the best interest of the community.

In light of these considerations, I urge the Council to reject the proposed rezoning of the Defined Area and to preserve the existing low-density residential zoning, which has proven to be both viable and beneficial to the public.

Thank you for your attention to this matter.

Yours sincerely,

Charlie Ralph