

From: [REDACTED]
Sent: 11/10/2021 10:10 AM
To: "Council Northernbeaches Mailbox"
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<adam.croft@northernbeaches.nsw>
Subject: DA 2021/1620 HARBORD HOTEL - Objection to Excessive Over-Development and Increased Adverse Impacts
Attachments: 21-10-11 Submission to Harbord Hotel DA 2021-1620 - JBembrick.pdf

Attention: Council Assessment Officer – Adam Croft

Dear Adam

I provide the attached Objection to DA2021/1620 – Harbord Hotel – Alterations and Additions – Better Described as Substantial Up-scaling and Intensification

The Current Hotel is an acceptable part of the daytime local amenity
However, its current evening and late night performance can be extremely disturbing and not adequately managed
Sleep Disturbance would be the worst of the impacts and totally inconsistent with the Residential R2 Zoning.

For a range of reasons described in the attached document, the DA does not warrant approval and should be rejected.

Please load the attachment on to the Website – Attachment provides the basis of my objection.

If adding this email, please remove both email address and, property address from the email, before uploading

[REDACTED]

To: The General Manager
Northern Beaches Council

11 October 2021

By upload to Website, and/or email – council@northernbeaches.nsw.gov.au

– 27 Moore Road Re:

**DEVELOPMENT APPLICATION 2021/1620, HARBORD HOTEL, 29 & 31 Moore Road, Freshwater
Proposal for SUBSTANTIAL INTENSIFICATION of DISTURBING ACTIVITIES
OBJECTION to INTENSIFICATION and HIGHLY PROBABILITY of INCREASED IMPACTS to already
extensively upgraded existing pub Previously CREEPING, NOW LEAPING DEVELOPMENT**

This submission sets out the reasons for objection to the DA2021/1620 (Harbord Hotel (HH)):

- **Significant expansion (intensification)** of existing activities (**From two levels to four levels**)
- **Increase in Floor Space subject to Bar Service Areas** is assessed at **(+720 m² or +74.5%)**
 - Bars added to 1st Floor and attic (beyond existing bars) Accommodation gone.
- **Increased patron and staff numbers of the order of 1,000**, drawn to residential location
 - Intensification well beyond “existing use” activity at time of WLEP 2011
 - Inadequate noise assessment – AKA Acoustic/ has vested interest in sound studio
- **Comparative assessment** of HH Proposal shows the site is much more sensitive than 11 other licensed facilities in southern part of NBC LGA (Section 2). HH is unrivalled in terms of degree of uncontained and disturbing development in a sensitive residential setting.
- **SEE lacks relevant data and detail** to inform an adequate balanced assessment of impacts
 - Existing and Future Patron Numbers should be indicated in SEE – Not Clear?
 - Changes in area for respective uses not clearly presented. (See my Data)
 - SEE has biased Environmental Assessment (Insufficient assessment for the purpose)
 - Extensive effort to justify non-compliance – Lacks adequate treatment of adverse impacts and reasons against the proposed development (Only Proponent view)
 - No measures to address sleep disturbance at late night to 12:30am in morning, as is the case for the current facility – Already a common occurrence for neighbouring properties – Direct consequence of Hotel Operations and late-night discharge.
- **The 2021 Hotel performance** associated with unacceptable noise intrusion and disturbance.
 - Noise impacts have penetrated neighbouring residences (incl sleep disturbance)
 - Direct adverse impacts on residential amenity (noise, litter, glass, urinating on neighbour properties, late night-sleep disturbance and in early 2021 drug taking flowing into neighbouring property. First occurrence under current management.
- **Introduces new use and intensified existing uses** – (not a Pub activity) Sound Studio – not suited to Residential area, suggest that is established elsewhere – It does not need to be here and not linked to a Bar with indicated seating and Tables for of the order of 50 Patrons?
- **Very quiet ambient environment** experienced last 3 months of Covid Lockdown with No Sleep disturbance from Hotel Activities, the actual ambient environment, which this Hotel impacts. Sleep Disturbance is not assessed by HH Impact assessment.
- **Previous application to develop Level 1 (for similar purpose as this application) was overturned by Land and Environment Court (This application has less merit).**
- **The Application must be refused as an overly ambitious property developer’s project with no regard to the neighbouring residential community.**
- **WLEP 1.2 2(e)(i) – non-residential development NOT adversely impact residential amenity!**

The above matters are addressed in the following sections.

1. SIGNIFICANT INTENSIFICATION OF DEVELOPMENT – NEW USES, EXTENDED EXISTING USE

The DA2021/1620 is an over-ambitious attempt by the Property Development Company Meridian led by Glenn Piper to upscale activities in the Harbord Hotel, that is totally surrounded by residential zoned lands and has many residential homes (Figures 1.1 and 1.2) . Many neighbouring residences have living rooms and bedrooms within 50 metres of the proposed development and already experience intrusive direct and indirect disturbance as consequences of the Hotel operation, particularly late-night activities and uncontrolled discharge of intoxicated patrons in residential area.

Intensification is indicated by the following:

- Extension of existing uses to two higher level floors – and including NEW Use
- Significant increase in floor space for areas that are contributory to the existing disturbance
- High probability of increased Patronage numbers – (Likely more than the 50 indicated)
- Replacement of low impact Accommodation Use, by Bar Service and elevated external area
- Greater number of patrons to disperse into surrounding area late at night (increased impact)

The application would have the reviewer believe that it's a good thing and all impacts are managed. This has not been the case for current operations and this application proposes an unbelievable upscaling of operations (**74.5% increase in Bar Served areas**) that can only be perceived, by neighbours, as a greedy over-expansion of the current Hotel and showing complete disregard for the increased impacts on neighbours, concerns that should be well and truly evident to Glenn Piper.

To pretend that impacts on the residential amenity won't increase, is just dishonest and the over ambitious unjustified application should be unreservedly dismissed.

A positive determination of this application would represent the determining authority's legitimisation of increased and excessive impacts on the residential amenity. That outcome conflicts with aims of the Warringah LEP (WLEP) – specific aspects from Clause 1.2 Aims of WLEP are:

- *(2) (d)(i) protect and enhance the residential use and amenity of existing residential environments*
- *(2) (e)(1) ensure that non-residential development does not have an adverse effect on the amenity of residential properties*

Already disturbing Impacts can only get worse with increased numbers (associated with 74.5% increase in floor space for new service levels). Increased serving points for alcohol and very likely increased impacts from discharge of larger number of late-night patrons into the residential surroundings. Expanding activities, increasing people attending the venue and maintaining late night exits for larger numbers to as late as 12.30am and sometimes beyond that, is highly inappropriate and can only have a degrading impact on the residential amenity. **This is NOT supported by WLEP and Council must respect the WLEP Objectives.**

The SEE has provided a narrow review of the development, oriented to the proponent's objectives and neglecting the actual impacts and neighbour concerns, they should be well aware of.

Hence, I have tried to distil some relevant detail to better reflect the nature of the proposal and given little heed to the Hotel marketing and 'green wash' communications with locals. I have drawn on plans and documents that are in the Application, but not easy to understand by neighbour's and where the SEE hasn't helped to depict a clear picture of the actual proposal and its impacts.

Figures 1.1 and 1.2 show the residential context of the Proposal. Tables 1.1 and 1.2 below show some of the detail I have extracted from the Hotel's Plans.

1.1 – CONTEXT OF HOTEL SETTING

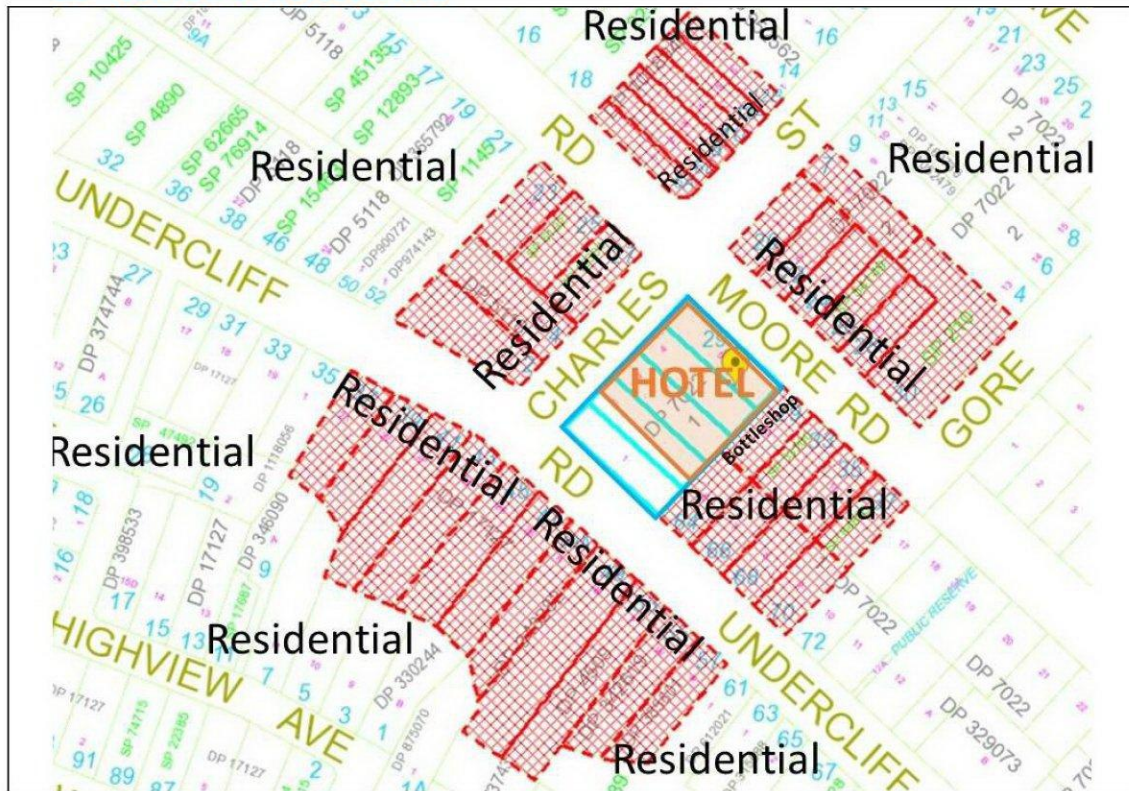


Figure 1.1 – DA Notification Diagram modified to illustrate close residential setting to Hotel.



Figure 1.2 – (Reference Figure 1 SEE emphasising close setting of residential surrounds
White envelope shows close proximity (within 60-70m) of Hotel property.

The DA proposes an increased intensification of the Hotel activities, as follows:

- Northern Courtyard (Lower Ground Floor) – No significant change indicated
- Ground Floor – (Upper Ground Floor) Indicated as generally the same
- First Floor – Change of Use – Accommodation gone – **New Use as Drinking Area**
- First Floor Balcony – **New Use –60 to 100? people in elevated outdoor area**
- Attic Level - **New Use Sound Studio** – (Why should new use be permitted and why a bar?)
- Attic Level - **New Use - Bar Facility (Requires non-compliant roof change)**
- **Increased patron numbers** – discharge late at night can only increase disturbance
- **Increased vehicles**, greater pressure on local parking, noise and disturbance (no capacity)

Table 1.1 – Overview of changes in use and consequences

CURRENT FORM OF DEVELOPMENT	PROPOSED DEVELOPMENT
LOWER GROUND - Northern Courtyard – Open Noise penetrates surrounding residences, series of requests to reduce volume and control impact	Indicated Nil or Minor Change
UPPER GROUND – Bar, Gambling and Entertainment – Exit at late evening to early morning is disturbing, including sleep disturbance	Indicated Nil or Minor Change of Form (Out of Scope) – The existing unsatisfactory impacts will be combined with impacts of new developments – Cumulative impact from increased Patronage likely to be substantial and result in more sleep disturbance
LEVEL 1 – Accommodation – Low Impact	Substantive change From LOW Impact to HIGH IMPACT
ATTIC – Non-Service area – No Impact	NEW Use with Cumulative High Impact by increased Patronage

Table 1.2 – Overview of changes in use and floor space for the existing and changed/new uses

(REFER APPENDIX A)	CURRENT FORM OF DEVELOPMENT	PROPOSED DEVELOPMENT (Substantial Intensification)	
LOWER GROUND - Northern Courtyard – (Beverage, Food)	236 m ² Existing Adverse impact	236 m ² (same) (Figure 1.3)	936 m² EXISTING
UPPER GROUND – Bar – Gambling, Food	730 m ² Existing Adverse Impact	730 m ² (same) (Figure 1.4)	
LEVEL 1 – Accommodation	0 – Existing Accommodation	New Bar - 530 m² (Figure 1.5)	720 m² (NEW) Up-Scaling
ATTIC – Non-Service area	0 – No Services in Attic	New Bar - 190 m² (Figure 1.6)	
TOTAL (Beverage, Food, Entertainment, Gambling)	966 m ² – EXISTING Existing Adverse Impact	1686 m² - PROPOSED (74.5% increase in area)	

The intensification with **74.5% increase in floor space** – Extension to Level 1 and Attic (areas with **previously NO impact**) will increase impacts on residential area. The external Level 1 Balcony is the most obvious aspect for direct impacts on neighbouring residential area and potential for noise to carry across Freshwater Basin. Increased Patron numbers is the other consequence that will increase impacts at this Residential zoned locality – neighbour's doubt the owner's intent to contain Patron numbers and limit impacts. As per comparative analysis (Section 2) of 12 Licensed premises in NBC LGA, shows how inappropriate this HH proposal is related to the 11 other sites in less sensitive areas.

1.2 DETAILS OF EXISTING FACILITIES

Existing Facilities are shown in Figures 1.3 and 1.4. These appear to cover an area of 936 m². Impacts of these areas are the current status and, are regarded as excessive for the residential zoning of the location. Quite simply, the Hotel activity is drawing too many people into this otherwise quiet residential location. Reduction of closing times to 10pm would be more appropriate, but even 11pm would be the most effective means to control late night sleep disturbance.

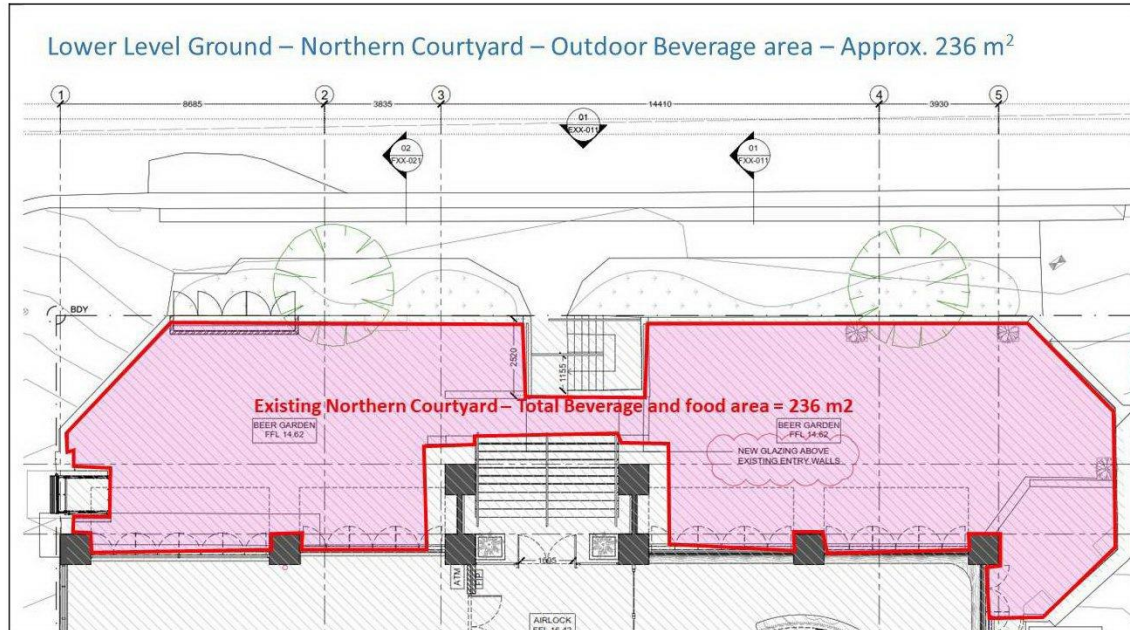


Figure 1.3 – Northern Courtyard (Lower Ground Level)

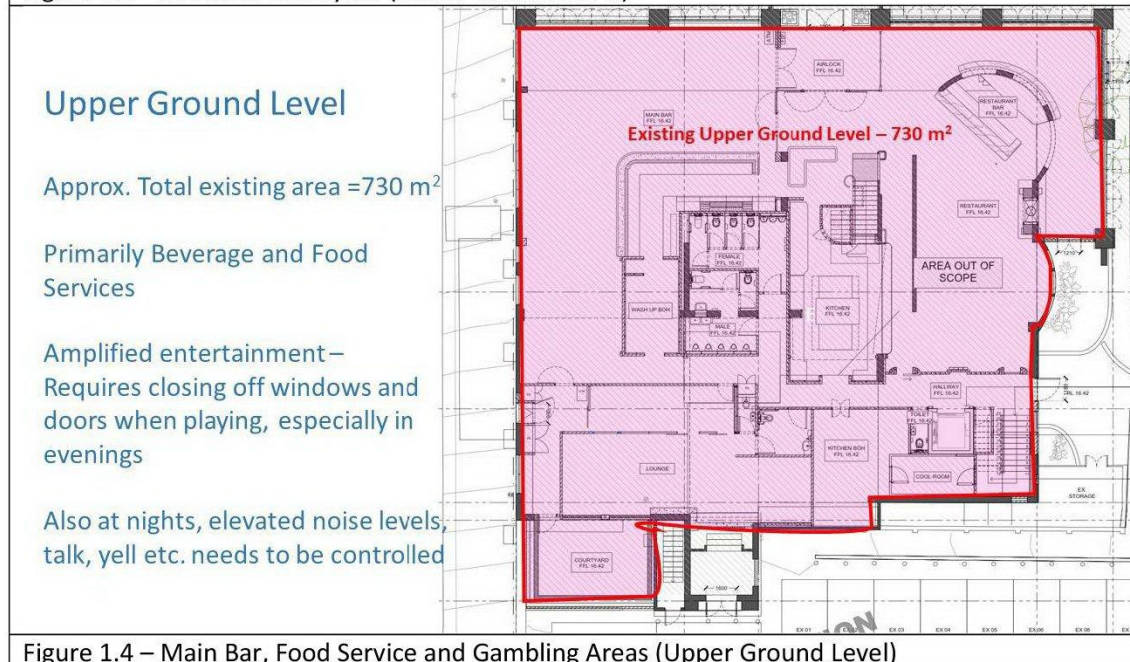


Figure 1.4 – Main Bar, Food Service and Gambling Areas (Upper Ground Level)

Where existing impacts are inadequately managed, complaints have arisen, and sleep disturbance is a regular occurrence, then further intensification must not be approved. Council must respect the Aims of the WLEP and act to protect the residential amenity. The current development is beyond a satisfactory impact and, no expansion/intensification is justified.

1.3 - DETAILS OF EXISTING FACILITIES

Proposed Expansion and Intensification (Up to 1,000 people in 30m by 30m building in R2 Zone?)

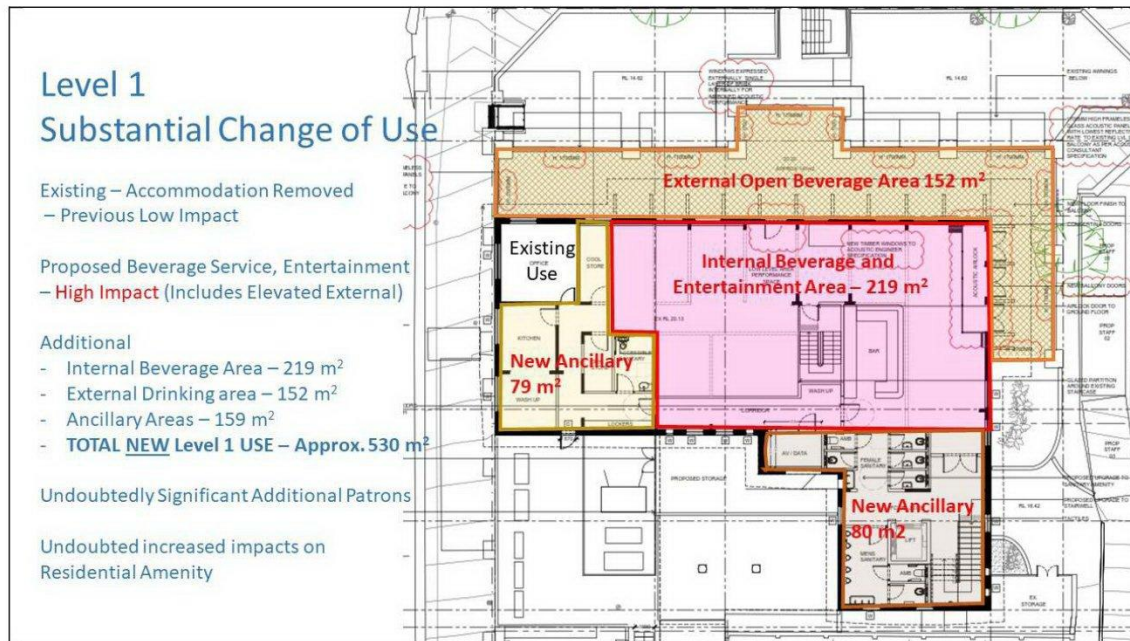


Figure 1.5 – Level 1 – Change from Low Impact Accommodation to High Impact Use

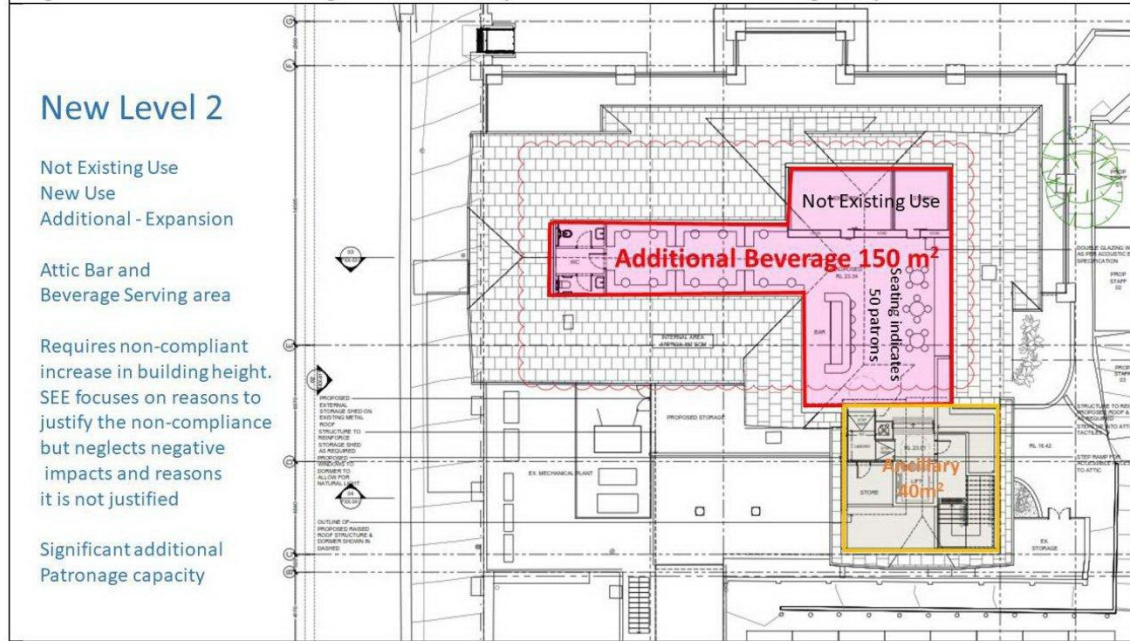


Figure 1.6 – Proposed NEW use – Attis Sound Studio and BAR – Requires Roof changed

Figures 1.5 and 1.6 indicate the areas of proposed Changed Use and New Use. These are assessed in Table 1.2, as a 74.5% increase/intensification of the Harbord Hotel Activities.

The increase in area and expected reduced Covid constraints, is likely to lead to max numbers of over 1,000 and up to 1500 (in a small 30m2 by 30m2 building). Highly inappropriate in Zone R2.

Based on current impacts being inconsistent with residential amenity, there is NO justification for exacerbating adverse impacts on the residential zone constituents.

The Proposal must be unreservedly rejected due to further impacts on residential amenity.

2. COMPARATIVE ANALYSIS OF HH PROPOSAL IN RELATION TO OTHER LICENSED PREMISES

Neighbours to the Hotel find it incomprehensible that Harbord Hotel can contemplate upscaling an already High Impact Licensed Premises in this residential area. Furthermore, neighbours expect that no responsible Determining Authority would approve a development of this nature in a residential area with such small set back, high probability of increased impact, limited traffic management potential and very little way to reduce late night disturbance, except to wind back the closing hours to protect the expected residential amenity at late night. If Council approves this application, then review must be escalated to NSW Government to redress inadequate planning decision making. Similarly, this Application should not be considered separately from Licensing and referral and full independent Social Impact Analysis should be undertaken prior to any decision by Council

To indicate the context of Harbord Hotel proposal and its setting as a Licensed Premises, a comparative analysis has been provided in this document, contrasting the setting and unsuitability of HH Proposal relative to the settings and form of 11 other Licensed Premises in the Northern Beaches Council (NBC) LGA. All 11 other premises are more appropriately located – not residential!

The 12 Licensed Premises considered (including HH) are indicated in Table 2.1 below.

Table 2.1 – Overview of Licensed Premises considered by the Comparative Analysis

Harbord Hotel	Comparison Premises	Zone / Adjacent
Totally surrounded by Residential zoning Draws large number of patrons to otherwise quiet location Current impacts disturb and degrade residential amenity, intrusive noise Sleep disturbance 10pm-12.30am Proposed expansion and intensification brings more serious impacts that are beyond those for 11 licensed premises to the right, that are located in less sensitive areas	Wharf Hotel - Manly	Business District/Harbour
	Ivanhoe Hotel - Manly	Business District/Corso
	New Brighton Hotel - Manly	Business District/Corso
	Hotel Steyne - Manly	Business District/Corso
	Harbord Diggers Freshwater	Harbord Headland
	Brookvale Hotel - Brookvale	Business District/Pittwater Rd
	Manly Leagues - Brookvale	Business District/Pittwater Rd
	Dee Why Hotel – Dee Why	Business District/Pittwater Rd
	Dee Why RSL – Dee Why	Business District/Pittwater Rd
	The Beach Club - Collaroy	Business District/Pittwater Rd
	Sands Hotel - Narrabeen	Business District/Pittwater Rd

Table 2.2 over page shows more detail on the difference in settings of HH and 11 Licensed Premises.

Appendix A complements Table 2.2 and shows illustrative information for each of the 12 Licensed Premises. The Harbord Hotel stands out as being located in a much more sensitive planning zone for which WLEP stated aims include: protection of the residential amenity and to ensure non-residential development does not have an adverse effect on the amenity of residential properties

In summary, **the Harbord Hotel DA at the Location is NOT suitable for the proposed intensification and should NOT be approved.**

Table 2.2 Comparison of Harbord Hotel setting with other NB LGA Hotels/Clubs

Licensed Premises	Location Context - Physical Setting and Setbacks
Manly – Wharf Bar - (Business District / Harbourside)	Between Business District and Harbour – At times loud and noise carries, but much greater setback from residential area. Patrons exit to Business district or foreshore and Jetty
Ivanhoe Hotel, Manly (Business District – On Corso)	On Corso, enclosed beverage areas, minor exterior balcony Noise and disturbance contained in building within Business District. Patrons discharge to Corso (Business District)
New Brighton Hotel Manly (Business District - On Corso)	Mostly enclosed – narrow balcony on Corso Noise and disturbance contained in Business District Patrons discharge to Corso or Sydney Street
Hotel Steyne, Manly (Business District – Corso, Beachfront end)	Enclosed service areas – Beach and Ocean to northeast Noise and disturbance mostly in Business District Patrons discharge to Corso, Sydney Street or South Steyne
Harbord Hotel, Freshwater (Within Residential area) Many families resident in surrounding area	Immersed in Residential area – Min 30m setback. Many homes in close proximity and adjacent exit routes. Proposed additional Level 1 outdoor area 30 to 40 metres from homes. Significant intensification of activities is proposed despite close residential amenity
Harbord Diggers (Headland)	Mostly Enclosed – Open on Ocean Side. Better designed and managed than Harbord Hotel, more suitable setting. Noise and disturbance mostly contained on Ocean side of facility. Patrons leave via Bus or walking, greater setbacks.
Brookvale Hotel, Brookvale (Pittwater Road)	Within Business District, adjacent busy Pittwater Road Noise and Disturbance more likely contained within premises
Manly Leagues Club, Brookvale Pittwater Road	Business District, adjacent busy Pittwater Road Primary impacts for Business District
Dee Why Hotel (Pittwater Rd)	Within Business District, adjacent busy Pittwater Road Primary impacts for Business District
Dee Why RSL (Pittwater Road)	Adjacent busy Pittwater Road Primary impacts for Business District
The Beach Club, Collaroy Pittwater Road	Between busy Pittwater Road and Ocean Primary impacts for Business District
The Sands Hotel, Narrabeen (Pittwater Rd)	Between busy Pittwater Road and Ocean Street Primary impacts for Business District
<p>The above Table indicates the striking contrast between the Harbord Hotel setting and that of 11 other Pubs and Clubs in Southern Northern Beaches LGA. Harbord Hotel has distinctly much less setback from adjacent residential area, less suitable for intensification of Beverage services and discharge of patrons late at night, as well as <u>elevated outdoor area</u>. (See also Appendix B)</p> <p>On this basis, it requires much greater attention to the nature of impacts and increase of impacts beyond the existing service levels (already causing sleep disturbance). The HH site location requires greater constraint on intensity of development and much tighter controls on ancillary disturbance such as late-night discharge of patrons, than would be the case for other licensed premises on the Northern Beaches that may still be subject to requirements for effective management even though in Business District – but less sensitive than HH Proposal location.</p>	

3. TRAFFIC AND PARKING ARRANGEMENTS

I note the Traffic and Parking Assessment Report, Colston, Budd, Rogers & Kafes Pty Ltd of 20 April 2021 (Ref). This report indicates patron and staff numbers and likely vehicle numbers requiring parking spaces, detail not readily apparent in the SEE (but should have been) see Table 3.1:

Based on the Traffic and Parking Assessment, the Hotel's indicated 8 extra parking spaces, if they can be realised (evident conflicts with through traffic and waste management skip locations), will have insignificant impact on the parking needed on local streets. The supposed 8 extra spaces, more wish list (for DA purposes) than reality, do not improve parking to the extent of the potential increased patron and staff numbers. 900 and 62 appear to be randomly selected numbers. (See Table 3.1)

Table 3.1 – Patron Numbers and Parking

	Patrons	Staff	Total	Estimated Cars (Ref)	
				Patrons	Staff
Existing Hotel (29/2/2020) Indicated as busy evening	Max 549	38	587	?	?
Current Max Capacity	820	59	879	49	35
Existing Parking (23 spaces)				84 (62 on street)	
Proposed upgrade capacity?	900	62	962	54	37
Proposed Parking spaces 31?				91 (60 on street) Insignificant change	
Additional parking has tenuous availability, more optimistic than realistic. Increased floor space indicate max numbers may exceed the 900/62 indicated in Traffic assessment (not referenced in SEE)		The additional parking may conflict with traffic flows and does not appear to allow for waste storage to extent previously needed. For 5 days 01/10/21, the Hotel stored ~ 30Kegs on Charles Street Footpath, potential hazard.			

Parking on-site is grossly inadequate for the numbers indicated. There are evident deficiencies in the Hotel's indication that this managed (Figure 3.1). The Proposal's impacts will relate to likely increased patron numbers. Furthermore, a development of this type has the following dilemmas:

- Lots of patron parking on local streets may mean intoxicated patrons driving from the locality during evenings and at closing time – appears to be part of current impacts, as vehicles are driven away loudly and at speed (difficult to police and another drain on NSW Govt resources)
- If Patrons don't drive, then unless large numbers are taken away by buses and taxis, significant numbers of Patrons will be unleashed on local streets in an otherwise quiet residential area. Fuelled by alcohol, elevated voices, yelling intrudes neighbouring residences/sleep disturbance.
- Additionally, those leaving by Taxis/Uber's tend to wait on footpaths outside residential properties (no onsite pick up arrangements as often the case at other facilities). This may occur for extended periods when Taxis and UBERs are in demand, during which loud conversations and yelling (within 10-20m of bedrooms) causes extended sleep disturbance. Extremely annoying for neighbours and injurious to their health.
- The narrow local streets, limited on-site handling of excess traffic, bus, taxis, UBER result in congestion of local streets, double parking, yelling, shouting slamming doors around closing time and to 12:40am, another cause of sleep disturbance. Highly inappropriate. Better suited to the other Licensed Premises listed in Section 2 in Business Districts not Residential Zone R2.

Unsuitability of this residential location, limited onsite parking and, no onsite pick-up and drop-off points is good reason why an expansion / intensification of the Harbord Hotel is **NOT justified**. On Site pick-up and drop-off was suggested by previous submissions and NOT taken up by Owner – **The Owner should not pass problem on to neighbours. The Owner needs to Own the Problem and the Solution.** Neighbours do not accept the impacts of excessive over-development.

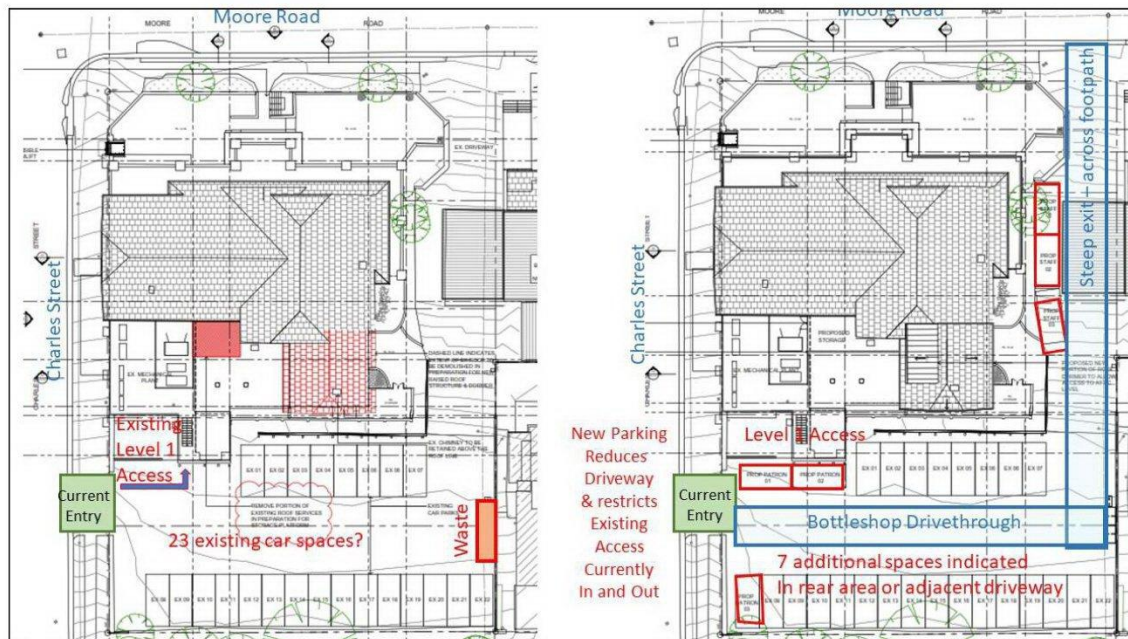


Figure 3.1 – Indication of Hotel' Parking Proposal – Appears an optimistic suggestion that has inherent deficiencies and will not deliver any real benefit. Conflicts in proposed arrangement are likely to limit realisation of the supposed increase of 8 parking spaces.

The traffic flow through the Hotel premises (Figure 3.1) is far from ideal and not supportive of intensified operations at this locality.

The Exit is down a steep ramp and across a footpath. In 2020, an uncontrolled Utility and Trailer went down this driveway and across the footpath and Moore Road crashing into a parked car and taking out a power pole. But for good fortune, that incident could have been one or more fatalities.

The Entry from Charles Street has previously been an Entry and Exit, but as a result of additional parking space (if implemented) blocking part of the Entry, it may be necessary to change to Uni-directional entry from Charles Street and Exit to Moore Road. This may result in bottlenecks at the Bottleshop and back into parking area, a situation that may be exacerbated by proposed parking opposite the Bottleshop. If not implemented, its less parking space on-site.

Waste storage requirements and conflicts of parking opposite the Bottleshop, limit the proposed parking arrangements and 8 car spaces may not be achieved (Only needed for DA?).

Given the proposed development, the Hotel needs to describe in detail, how it intends to deal with:

- Traffic flows – double parking in Moore Rd and Charles Street and pick-ups in roundabout?
- increased waste volumes yet reduced space in the rear yard, provision for waste skips appears much less than previously observed, despite upscaling/intensification of the Hotel operations. (*From 1-5 October KEGs were stacked on Charles Street Footpath*)
- Reduced width of entry from Charles Street (does it become uni-directional?)
- What arrangement for onsite drop-off and pick-up to avoid congestion on Moore Road and Charles Street and the Roundabout, where UBERS, Taxis, Bus? pick up patrons.

On-Site Pick up and Drop Off (least impact, at rear of premises) is essential to reduce late night disturbance and while the Owner neglects to address this, NO intensification should be approved.

4. INADEQUACY OF THE STATEMENT OF ENVIRONMENTAL EFFECTS (SEE)

Neighbours reviewing the application have been confused by a range of documents that don't clearly represent actual proposed changes in terms of increase of patron numbers or extent of change in floor space of the various activities. The SEE, a core document for the DA is lacking. I have derived estimates of key aspects for review purposes, as best as can be achieved, but the SEE could have presented that detail, and in a clear form, but perhaps preferred to stay vague on such aspects.

The EP&A Act Regs Schedule 1 indicates that a Statement of Environmental Effects must indicate the following matters (very light treatment by SEE):

- (a) *The environmental impacts of the development*
- (b) *How the environmental impacts of the development have been identified*
- (c) *The steps to be taken to protect the environment or to lessen the expected harm to the environment*

Appendix B lists Matters for Consideration EPA Act Clause 4.15(1) and my brief view of SEE adequacy. The SEE is INADEQUATE, 27 pages and, a 26 page supplement (as long as the SEE) directed to the issue of non-compliance with Building Standards and seeking to evidence that approval is reasonable. SEE Section 3 provides abbreviated details of the development, does not assemble relevant detail to guide assessment of impacts. The SEE lacks diligence in properly assessing the reasonableness of impacts of the Hotel activities at this Residential location and consequence of activities on residential amenity. The annoying and already disturbing impacts of the Hotel have been raised previously by neighbours, but the SEE does not attempt to address those. It is clearly biased towards serving the Owner's purpose rather than independent, objective assessment of relevant potential environmental impacts. It should be rejected and properly updated.

Clear details of numbers of Existing and Future Patrons are not clear. The SEE indicates an extra 50 patrons, but the Plans indicate that may be just for the Attic location and the noise Report for the Level 1 balcony considers up to 100 persons outside at an elevated level, above neighbouring residences. Level 1 interior (530 m²) may add perhaps another 250, or more. Detail for Patron numbers is essential to predict estimates of impacts on the surrounding residential amenity. The details should be clearly stated in a re-written, re-submitted, more objective and balanced SEE. Given existing disturbing impacts from discharge of patrons late at night, no increase in Patrons numbers is justified without stronger controls. Existing controls are not effective.

Increased floor space for new uses and extended existing uses (relative to existing) is relevant data to gauge increased patronage potential. It can be derived from map sets but requires effort that should have been expended by the Assessor who neglected to do that, possibly intentionally in accord with proponent instructions to limit focus on detail? Not surprising that the proponent may not wish to highlight such detail, when my calculations indicate 74.5% increase. While possibly not precise, even if with a $\pm 10\%$ allowance, it indicates significant increase – i.e. Intensification

The noise assessment is by AKA Acoustic/AKA Music Pty Ltd. AKA Music business involves Sound Studios, an element of this DA. AKA Music operate from St Peters (in a Commercial/Business District much more suited to a Sound Studio) and potentially without the Bar that Harbord Hotel seeks. Brookvale would be more suited to the Sound Studio Development. Over my life, I have been in Sound Studios and I'm familiar with them – not an existing use for Harbord Hotel, or needed. AKA Acoustics is a limited assessment and relies on input from other studies but does not accept any liability for shortcoming in information it references in its report (Unsatisfactory for this DA), additionally, the Noise Assessment does not address consequences of discharge from Hotel, a key impact from late night operations that can only confidently be addressed by earlier closing hours.

Designated Development - Appendix C, provides a neighbour's perspective (checklist) on whether this application can be regarded as Designated Development (based on Factors a Consent Authority should consider for Alterations and Additions, (*EP&A Reg Schedule 3 Part 2*)). Though not development listed in Schedule 3, Part 1, I believe there is a case that it does trigger classification as Designated Development under Schedule 3, Part 2 (see Appendix C). Development Applications of this nature should only occur with mandatory review of Licensing and thorough independent Community Impact Assessment. The SEE boldly claims no impact on Residential amenity – That is not the view of many neighbours to the Proposal, based on current impacts.

Given the substantive upscaling and intensification proposed, Consent should not be given without parallel consideration for Licensing and with consideration of a thorough and independent Community Impact Statement that takes into account existing repeated occurrences of sleep disturbance and the high probability of increased instances of this impact.

A balanced environmental impact assessment (for this DA the SEE), should address existing impacts, new impacts and cumulative impacts. HH Noise assessments have never properly addressed these matters and hence adverse impacts on the residential amenity persist. Intensification, not an option.

Baseline for noise impacts - The impacts should be assessed against ambient environment to identify full impact of the facility. Neighbours know that the ambient night-time noise levels are very low and that sleep disturbance is not an issue without the Hotel (Covid confirmed that). The series of creeping developments have increased extent of activities and hours of operation within the residential zone. Noise assessments have been entirely inadequate in characterising the noise impacts. Proper assessment under the EP&A Act should consider the baseline without Hotel Activities and type of noise. Furthermore, it needs to consider the Special Audible Characteristics of Intoxicated Patrons, Bursts of elevated noise from shouting, yelling, raised voices can be extremely disturbing (likely 20dB or more above ambient levels), they penetrate surrounding residences and disturb normal sleep patterns. Reviews of the Harbord Basin area from my elevated residence shows that lights are mostly out from 10pm onwards, ie people have retired for the night and are trying to sleep. Disruption of sleep regimes is a significant health impact and needs to be considered by NSW regulators when considering impacts of Licensed Premises. If this application fails to properly address that, I will be seeking a State Inquiry for the issue. Its time that adverse noise impacts are properly assessed and addressed by determinations.

Existing Sleep Disturbance - The existing Hotel operation results in sleep disturbance of the order of 2 to 3 nights per week and for some nights, multiple occurrences over 1 to 2 hours and, as late as 12:40am. It's likely multiple persons are affected. Sleep disturbance is not a trivial issue, it can have significant impact on health, work performance and family relationships. For those working Monday to Friday, the Sunday to Thursday nights before work-days, are critical to gaining proper sleep from a health and stress perspective. Neighbours work in diverse areas, health, education, construction, finance, engineering, government, etc and need the benefit of proper sleep to function effectively. Over-development, to serve an overly ambitious developer that disregards neighbour concerns, does not justify adverse impacts on the livelihoods of many neighbours. Allowance for Harbord Hotel to trade to 12pm on Sunday night in the residential area is just **WRONG**, and any work night, disturbance to 12:30am is similarly, **JUST WRONG**.

No increased impact, beyond current impact, is justified in this residential setting. Even the existing impact is excessive and should be contained, most effectively by limiting late night closing time. Closing at 11pm would reduce critical sleep disturbance before and after mid-night. While midnight may apply in a business district, this close setback Residential area (Refer Section 2 And Appendix A) requires tighter more effective control. No Determining Authority should approve activities that

result in sleep disturbance within an area of Residential Amenity. Unfortunately, the SEE neglects to assess this key issue, perhaps conveniently for the Proponent (or is it intentionally misleading?).

Sequence of DAs, that Up-Scaled the previous Activity

The original Hotel had a lesser footprint than the current one. Progressive DAs over years have successively increased the extent on north side and the south-western corner. The current DA now seeks to develop two upper floors for beverage service, including the elevated outdoor balcony and with associated additional patron capacity. The changes continue the upscaling of activities and have a high probability of increased impacts on the residential amenity, potential impacts that are inadequately assessed. No assessment has considered existing sleep disturbance and likely increased disturbance in the residential zoning. Without valid assessment, approval is not justified.

Previous neighbour complaints, February 2021, objected to the extent of impacts that has occurred and which did not get managed by Hotel, without Regulator intervention. These included late night noise, intrusion of Hotel patrons into neighbouring property, noise disturbance and sleep disturbance. The Hotel has been required to improve performance but there is only a limited period post February 2021, since that significant excursion from reasonable performance, insufficient to demonstrate satisfactory ongoing management and not justifying Intensification.

Existing Use and Change/Intensification of Use

Existing use is addressed in EP&A regulation 2000, Part5 *Existing Uses*, regulates existing uses under Section 4.67(1) of the Act. Under Clause 41(2), *an existing use must not be changed under subclause ((1)(e) (if it is a commercial use where change is to an otherwise prohibited commercial use) unless that change:*

- a) *Involves only alterations or additions that are minor in nature, and*
- b) *Does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and*
- c) *Does not involve the rebuilding of the premises associated with the existing use, and*
- d) *Does not involve a significant intensification of that use.*

The Harbord Hotel DA (is for a commercial premises) and proposes to change existing uses (Level 1 Accommodation (Low Impact to Bar Services internal and Exterior Balcony area). Level 2 Sound Studio is a New Use, not previously applicable for the Hotel and one that is not limited to Hotel locations, it could be in Brookvale, and not used as an excuse to include another Bar and what appears to be space for up to 50 Patrons). The DA appears to fail the Existing Use test based on data provided in this Objection. Areas the application fails the above are as follows:

- a) Alterations are not minor change of use (2 additional levels with Bars – As additional use that would otherwise be prohibited in Zone R2, its approval is tenuous). Also includes a new use, better located elsewhere. Both levels replace areas of no current external impacts.
- b) Involves 74.5% increased floor space devoted to Bar Service areas (well beyond the 10%), the change for level 1 is from Low or Nil Impact, to proposed Bar Services - High Impact.
- c) Rebuilding of the roof area – non-compliant with building standards is proposed
- d) The increased floor space (74.5%) and probable increase in Max patron numbers can only be regarded as significant Intensification

The existing use should refer back to the original built form and changes beyond that can be regarded as Upscaling and Intensification. Certainly, removal of the existing Level 1 accommodation and, replacement with Bar Serving Facilities and consequent increased patron numbers and elevated external balcony area are very clear forms of Intensification beyond Existing Use.

Discussion with other neighbours indicated agreement that the existing facility should not be changed, increased, upscaled or intensified and that ongoing, tight management controls are essential to limit regular impacts on residential amenity from the current facilities/operation.

Review of Hours of Operation

The late-night closing (12pm and beyond – 7 days a week) and discharge of intoxicated patrons into residential amenity, is unable to ensure that adverse social impacts can be managed.

The Licence allows patrons to leave after 12pm, an extension of impacts to early hours of the morning. Security personnel have admitted inability to deal with some aspects of problem patrons late at night, once off the Hotel property, where they impact neighbours. That is Hotel sourced impact. Max. Patronage is indicated as 90, with staff almost 1,000 people crammed into a Premises with dimensions of only 30m by 30m, inadequate parking or means to quietly disperse the numbers late at night and inevitability of late-night impacts that can be mitigated, but not eliminated by capping numbers (eg 600 Max) or limiting operating hours e.g. hard close at 11pm.

The 'Plan of Management for Operations of Harbord Hotel, August 2021' Item 48 (see snapshot below) indicates how the Hotel's problems are moved 50m away into Residential Area. This is not Acceptable to Neighbours.

- 48) If the person is considered to be intoxicated, he/she will immediately be asked to leave. If that occurs, they will be required to move 50 metres from the venue and not be permitted re-entry to for 24 hours.

The Hotel current operations bring a large number of patrons (900 indicated) to a small site (only 30m by 30m), totally surrounded within a residential area. Impacts at night are disturbing, beyond what is acceptable for a residential area. Hence any proposal for Intensification needs to be adequately assessed and then managed. It is not acceptable that the Hotel be party to and beneficiary of the intoxication of patrons and then they become the neighbour's problem. Glenn Piper and Meridian need to direct attention to sorting out existing problems before contemplating substantial intensification. The Owner needs to take responsibility. If not, then strict controls by regulators are needed to address the amenity protection obligations.

Is the SEE for the DA Misleading?

It is notable that:

- the Owner's DA2020/0468 and SEE, described 8 m² reduction in floor space for the Ground floor changes.
- For DA 2021/1620, this detail is missing, presumably as it doesn't fit the Owner's objective. I calculate 74.5% increase in what can be regarded higher impact use.

Why was the detail included when convenient to the application (2020) and, excluded when inconvenient (2021)?

Misleading assessment for EIA's that are part of a planning matter determined under the EP&A Act is contrary to the EP&A Act provisions and reliance should not be placed on a misleading SEE by the Consent Authority. Rather the Consent Authority should request resubmission with adequate details and consider whether this DA represents an offence under the Act and the Regulation (see below).

10.6 Offence—false or misleading information (cf previous s 148B)

- (1) A person must not provide information in connection with a planning matter that the person knows, or ought reasonably to know, is false or misleading in a material particular.

Maximum penalty—Tier 3 monetary penalty.

- (4) An environmental impact statement or other document is part of information provided in connection with a matter if it forms part of or accompanies the matter or is subsequently submitted in support of the matter.

Note. The *Crimes Act 1900* contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).

SEE – EPA Act Claus 4.15(1) - Matters for Consideration (Refer Appendix B)

5. CONCLUSIONS

It is extremely annoying to have to address yet another in a series of DAs for HH and, in this case, one that contemplates substantive intensification, with little regard for neighbours. (Up to 1,000 persons in small 30m by 30m premises). Life is busy enough without having to take time to respond to this over-ambitious and inconsiderate application. However, this DA warrants objection by impacted neighbours to redress the over-development and probable significant adverse impacts.

1. CONTEXT OF HOTEL SETTING and INAPPROPRIATENESS for LOCATION

The location of the Hotel, in close proximity to many neighbouring residences, (as can be seen in the Notification Diagram as modified (Figure 1.1), is completely surrounded by residential properties, all at close distance (Figure 1.2), many homes within 35m to 100 metres and the broader locality of Freshwater Basin comprising many residences that can be negatively impacted by late night impacts from existing and in future, proposed more intensive Hotel operations.

Key amenity impacts relate to:

- Disturbance from the Hotel activities within the site (increased noise sources and patronage)
- Emergence of increased patron numbers late at night – Sleep disturbance an unacceptable result of loud intoxicated patrons – Hotel has limited ability to control, it's too late once instances of sleep disturbance occur, and neighbours are woken – damage is done.

I am not aware of any licensed facility in Northern Beaches LGA that has developed so close to housing in a residential zone and with such close proximity (**see section 2 and Appendix A**). The existing facility is already regarded by neighbours as beyond the threshold for acceptability of impacts on the residential amenity and requires ongoing strong controls to limit impact.

2. INTENSIFICATION of DEVELOPMENT

My review of the various bits of dispersed information in the DA's documentation and inadequate SEE indicates the development comprises substantive Change of Use and New Use. It includes re-development of two elevated levels with Changed/New Use, Bars to be installed on both levels and, the floor space for these increasing total floor space by 74.5% (not a figure that's in the SEE, despite a 2020 DA for HH emphasising reduction by 8 m²). Not a convenient figure for the Proponent to emphasise, but very relevant to the extent of changes. The application is not about Existing Use, it is a long way beyond that. I am not an expert in application of EP&A Act for such developments, but I

feel the SEE has been misleading (See Section 4). The Consent Authority should consider if this is the case and, if so, act accordingly to ensure effectiveness of the Development Planning processes.

3. JUSTIFICATION OF ROOF CHANGES - NON-COMPLIANCE ROOF HEIGHT

Most effort of the Hotel's Planner was directed to the Section 4.6 review of non-compliance with changes to Hotel Roof Height and trying to evidence reasonableness? This review is irrelevant in my view, as the Attic Level and extra Bar with indication of seating for about 50 additional patrons is intensification that should be rejected. It's NOT an Existing Use and is Part of the Intensification. A Sound Studio does not need a Bar and does not need to be in the Hotel – Brookvale, better suited.

4. USE OF EXTERNAL BALCONY BY PATRONS

No approval should be given for external use of Level 1 Balcony with PA and amplified system for external beverage and food area overlooking neighbouring homes within 50 metres. This is not matched by any other Licensed Premises reviewed (Section 2 and Appendix A) and has privacy concerns.

In addition, to the cumulative noise impacts, **39% increase in external service areas** (Northern Courtyard (236m²) and Level 1 balcony (152m²)), implications of the DA are for impacts to neighbour's right to privacy, that would now be further impacted from the development of the elevated Level 1 Balcony.

A previous attempt to develop the Level 1 part of the Hotel was refused by the Land and Environment Court (Appeal No. 10746 of 1997) on 12 August 1998. The current proposal is potentially introducing even more significant impacts and should be refused.

5. HIGH LEVEL IMPACTS OF PATRONS LEAVING LATE AT NIGHT

As Sleep Disturbance within the Residential Zone is the worst consequence of late-night operations and patrons discharging directly into a residential environment, this is the key reason why NO intensification should be approved. Up to 1,000 people in this 30m by 30m building entirely surrounded by residential area with homes at close spacing and lower level than much of the development, the intensification is totally inappropriate. Discharge at late night and early morning is a substantive adverse impact that should not be played down by the Proponent and the DA.

The only effective ways to overcome the significant disturbance of large crowds of people exiting this small facility late at night are:

- Cap the max number of patrons to a more suitable number (e.g. 600); and
- Limit closing hours (11pm) due to nature of impacts and setting in R2 Zone
- Provide effective means for quiet dispersal of intoxicated patrons (e.g. adequate number of buses from rear of premises)
- Not allow for dribble of persons leaving the premises after the closing time, that just extends the impact, for the current operation through to 12:40am in morning. The Peak disturbance from exiting patrons generally occurs 12 midnight to about 12:20am (unacceptable).

Sleep Disturbance is too important an issue to summarily dismiss and must be properly addressed, not ignored as is the case for this DA. Were this DA to be approved, neighbours will be Outraged and there will be a need to take this further and not just in relation to Harbord Hotel, but also for similar cases in Sydney and NSW, where the planning system fails to protect residential amenity.

The health of our communities is more important, than the overly ambitious plans of a Developer that does not respect the valid concerns of neighbours.

The DA must be rejected as a blatant over-development in an entirely unsuitable setting.

Appendix A - Comparative Analysis

12 Licensed Premises in Northern Beaches LGA, Harbord Hotel the exception
Harbord Hotel is Over-development in Residential Area

9 October 2021

Harbord Hotel	Comparison Premises	Zone / Adjacent
<p>Totally surrounded by residential</p> <p>Draws large number of patrons to otherwise quiet location</p> <p>Current impacts disturb and degrade residential amenity Sleep disturbance 10pm-12.30am</p> <p>Proposed expansion and intensification brings more serious impacts that are beyond those for 11 premises to the right that are more appropriately located</p>	Wharf Hotel - Manly	Business District/Harbour
	Ivanhoe Hotel - Manly	Business District/Corso
	New Brighton Hotel - Manly	Business District/Corso
	Hotel Steyne - Manly	Business District/Corso
	Harbord Diggers - Freshwater	Harbord Headland
	Brookvale Hotel - Brookvale	Business District/Pittwater Road
	Manly Leagues - Brookvale	Business District/Pittwater Road
	Dee Why Hotel – Dee Why	Business District/Pittwater Road
	Dee Why RSL – Dee Why	Business District/Pittwater Road
	The Beach Club - Collaroy	Business District/Pittwater Road
	The Sands Hotel - Narrabeen	Business District/Pittwater Road

MANLY HOTELS

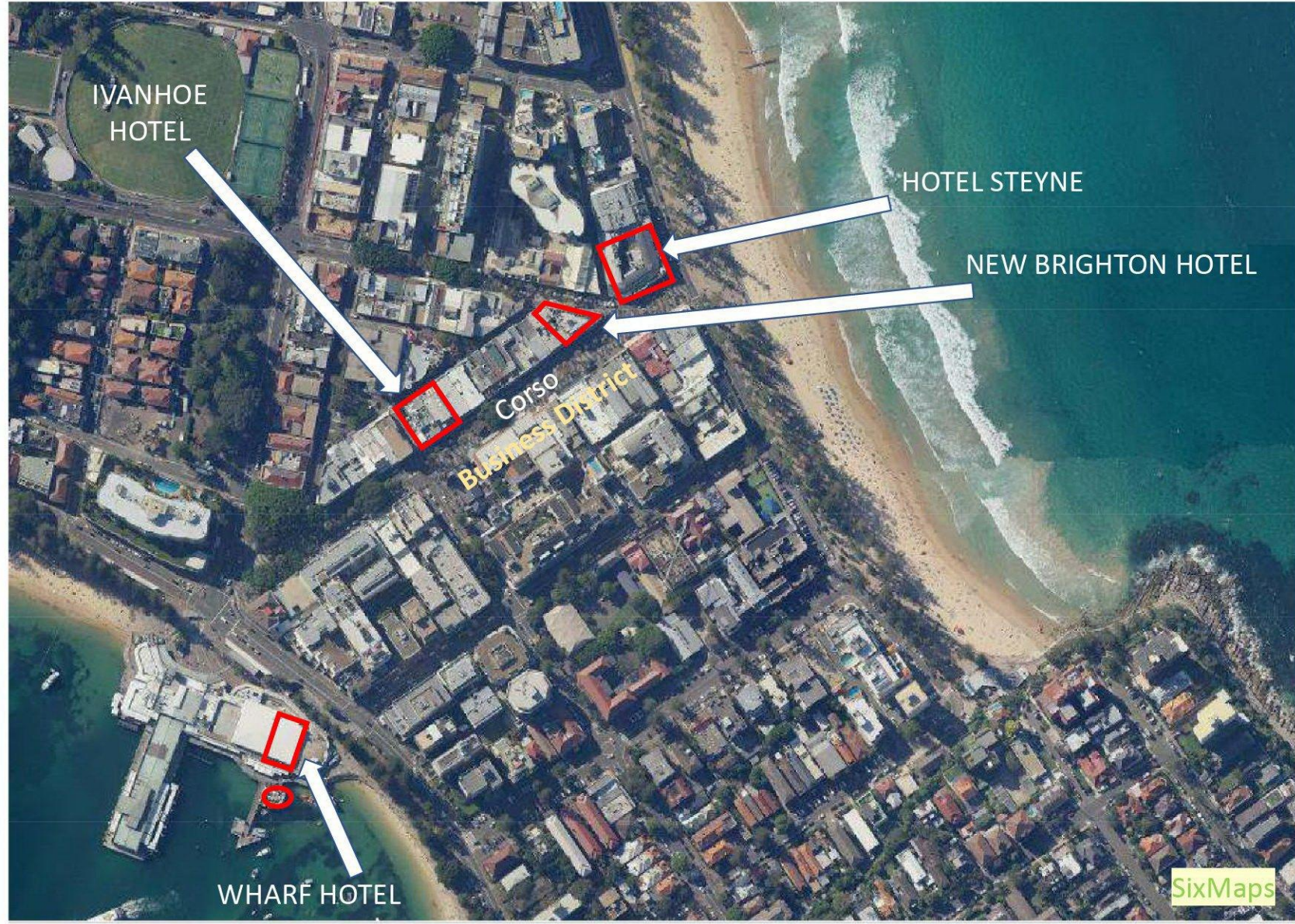
See Diagram →

All in
Business District

Frontage to:

- Harbour
- Corso
- Ocean Front

Less direct impact
On Residential
Zone than Harbord
Hotel



HARBORD HOTEL

See Diagram →

Fully enclosed by Residential Area
Open to NE – Impacts.
Impacts already degrading residential amenity.
Sleep disturbance.

Proposal: – Significant Intensification,
Increased patron nos.
Elevated Balcony
< 50m from homes
Intrusive on Privacy



HARBORD DIGGERS

See Diagram →

Well Designed
Under Cover
Courtyard faces
Ocean

Much more
considerate
than Harbord
Hotel Proposal



Bars and
Restaurants
Under Roof

Courtyard

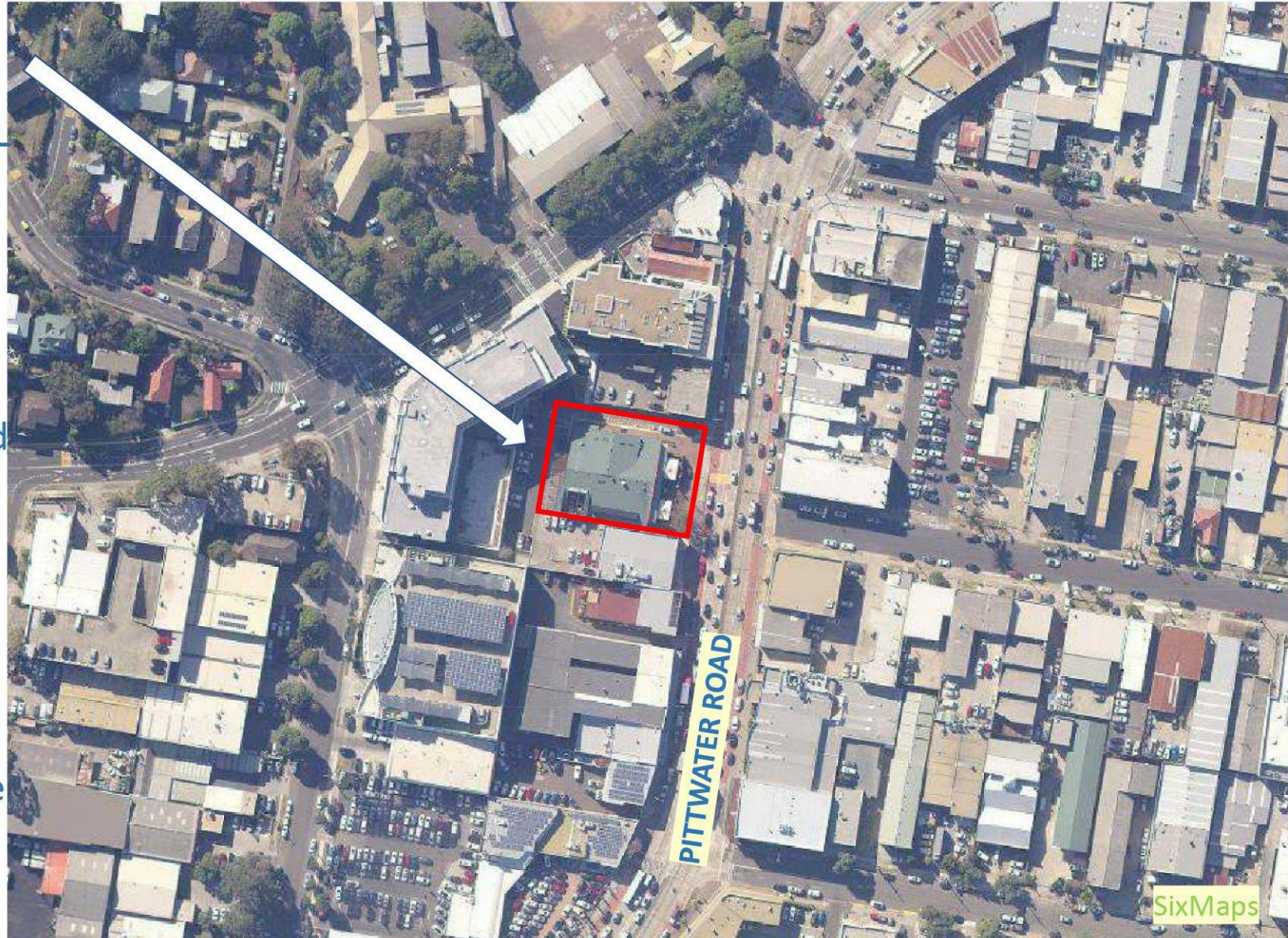
BROOKVALE HOTEL

See Diagram →

Fully enclosed in
Commercial Area
Adjacent Pittwater Rd

Lesser Height
Not towering over
Residential area

Less intensity despite
Being in Less Sensitive
Zoning



MANLY LEAGUES

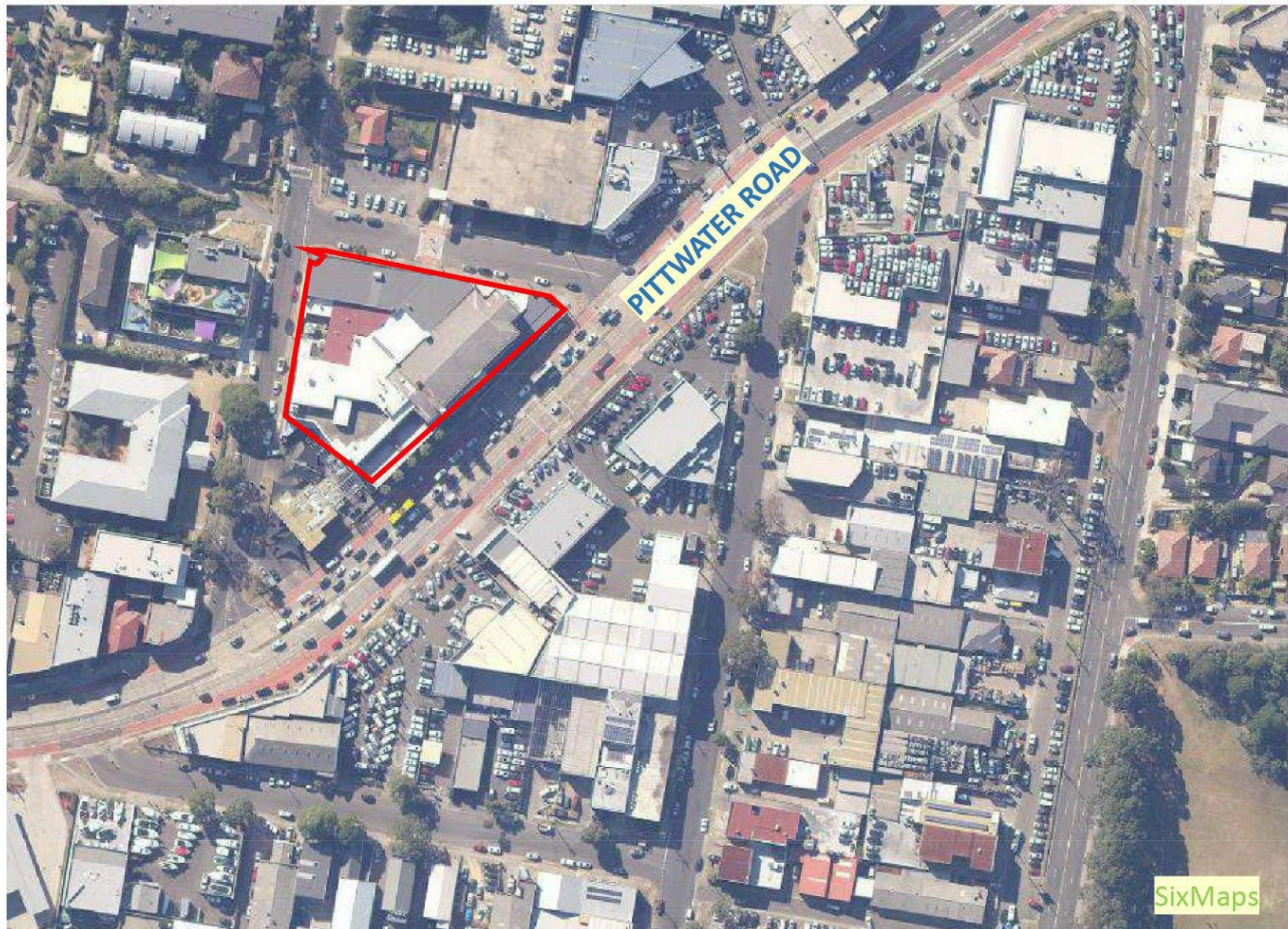
See Diagram →

Located in Business District

Adjacent Busy Pittwater Road

Much more enclosed than Harbord Hotel Proposal, despite being in area with lesser potential for impact on residential amenity

Harbord Hotel proposes closer impacts in more sensitive residential area



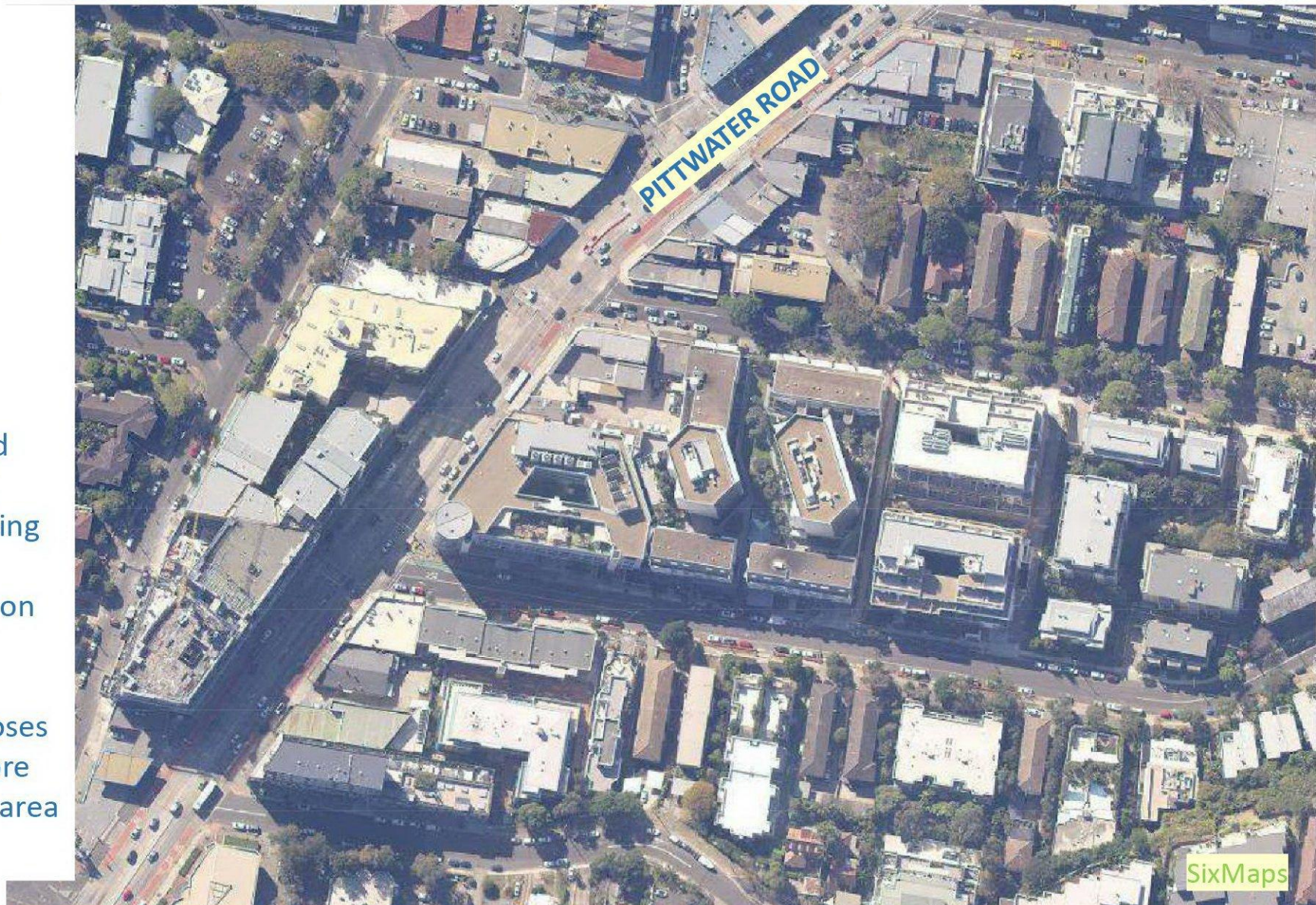
DEE WHY HOTEL

See Diagram →

Located in Business District
Adjacent Busy Pittwater Road

Much more enclosed than Harbord Hotel Proposal, despite being in area with lesser potential for impact on residential amenity

Harbord Hotel proposes closer impacts in more sensitive residential area



DEE WHY RSL

See Diagram →

Located in Business District

Adjacent Busy Pittwater Road

Much more enclosed than Harbord Hotel Proposal, despite being in area with lesser potential for direct impact on amenity

Harbord Hotel proposes closer impacts in more sensitive area



BEACH HOTEL Collaroy

See Diagram →

Located Between
Busy Pittwater Road
and Ocean Front

Much more suitable
location than Harbord
Hotel Proposal.

No Direct impact on
Residential Settings

Harbord Hotel
proposes closer
impacts in more
sensitive residential
areas



SANDS HOTEL Narrabeen

See Diagram →

Located Between
Busy Pittwater Road
and Ocean Front Park

Much more suitable
location than Harbord
Hotel Proposal.

Less Direct impact on
Residential Settings

Harbord Hotel
proposes closer
impacts in more
sensitive residential
area



APPENDIX B

EP&A Act Clause 4.15 – Evaluation (previous Section 79C) (1) Matters for Consideration – general

In determining a development application, a Consent Authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application.

ID	EPA ActCl 4.15(1) Matters for Consideration	Perspective on extent addressed
(a)	Provisions of (below) that apply to which the development relates	
(i)	any environmental planning instrument, and	
(ii)	any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	WLEP 2011 is a key reference planning instrument and the Consent Authority needs to ensure the Aims in respect of the Residential Amenity are addressed.
(iii)	Any development control plan, and	Not reviewed by me for this objection
(iiia)	any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not reviewed by me,
(iv)	The regulations (to the extent that they describe matters for the purposes of this paragraph),	Briefly reviewed not a detailed review
(v)	repealed	NA
(b)	The <u>likely impacts</u> of the development, including <u>environmental impacts on both the natural and built environments, and social and economic impacts in the locality</u> ,	I regard the SEE to have given token consideration to Clause 4.15 (1) (b) and may have potential to be assessed as misleading and under-representing the impacts and consequences of the proposal. <i>Have relevant, 'likely' impacts been properly assessed?</i>
(c)	The suitability of the site for development	Section 2 and Appendix A consider the Site Context relative to 11 other Licensed Premises in the NBC LGA. Of the 12 Premises considered, HH is within the most sensitive setting.
(d)	Any submissions made in accordance with this Act or the regulations	This and other submissions made in response to advertising of the DA. Significant level of objection is a measure of unsuitability of the Proposal.
(c)	The public interest	The public interest has diverse dimensions and it is likely there will be support and objection to the DA. However, the stated Aims and Objectives of the WLEP for protection of residential amenity and requirement that non-residential uses do not adversely impact residential amenity must be a key test of this aspect for its determination – refusal or approval. I believe there are strong grounds for refusal.

APPENDIX C – Are Alterations or ADDITIONS “DESIGNATED DEVELOPMENT”?

PRELIMINARY CHECKLIST – NEIGHBOUR PERSPECTIVE

Checklist item	Indicative response (Neighbour perspective)
(a) The impact of the existing development having regard to factors including:	
(i) Previous environmental management performance, including compliance with conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and	Latest in series of Development Consent in 2020. Significant complaints in February 2021 required intervention and greater proponent control of impacts – No activity since end of June 2021. Only 4 months operation since called to account in February 2021 – Performance subject to ongoing review, not confirmed as yet and Proponent objective to ease DA through.
(ii) Rehabilitation or restoration of any disturbed land	Not considered applicable – Appearance of renovated building is satisfactory
(iii) The number and nature of all past changes and cumulative effects	Numerous changes over time. Number of applications that require neighbours attention and associated stresses on top of own commitments is annoying in itself. Current proposal is a significant change. Similar change in approx. 2006 was rejected by Land and Environment Court. Cumulative impacts are inadequately assessed.
(b) The likely impact of the proposed alterations or additions having regard to factors including:	
(i) The scale, character or nature of the proposal in relation to the development, and	The scale (intensification) involves 74.5% increase in floor space for areas from which disturbance emanates – mostly when exiting.
(ii) The existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is to be carried out and the surrounding locality and	Noise is the principal impact and has both direct and indirect elements. Also, the Site is totally enclosed within a residential zone. While the existing pub activity is provided for, substantive intensification at this sensitive location is inconsistent with the WLEP and residential amenity protection.
(iii) The degree to which the potential environmental impacts can be predicted with adequate certainty, and	The SEE is deficient to assess impacts. Some aspects not reliably quantified. No clear reference to amenity pre-development
(iv) The capacity of the receiving environment to accommodate changes in environmental impacts, and	The receiving residential environment is already excessively impacted – most seriously through sleep disturbance late at night. The Proposal is highly likely to exacerbate the already unacceptable impact.
(c) Any proposals	
(i) to mitigate the environmental impacts and manage any environmental risk	Some acoustic attenuation and operational management is proposed but from experience is insufficient. Intensification means increased impact.
(ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or Public Authorities	Changes are no-compliant with Building Standards – Seeking exemption. Range of aspects to be addressed – may not prevent the indicated impacts

Appendix D - WLEP 2011 (Extracts for consideration) Aims of WLEP**1.2 Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in that part of Northern Beaches local government area to which this Plan applies (in this Plan referred to as *Warringah*) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (a) to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,
 - (b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,
 - (c) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,
 - (d) in relation to residential development, to—
 - (i) protect and enhance the residential use and amenity of existing residential environments, and
 - (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and
 - (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,
 - (e) in relation to non-residential development, to—
 - (i) ensure that non-residential development does not have an adverse effect on the amenity

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of residential properties and public places, and

- (ii) maintain a diversity of employment, services, cultural and recreational facilities,

4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
 - (a) to limit the intensity of development and associated traffic generation so that they are commensurate with the capacity of existing and planned infrastructure, including transport infrastructure,