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**From:** [REDACTED]  
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**Subject:** TRIMMED: PEX2024/0005  
**Attachments:** Harbord Hotel\_Stage 3 Objection\_Munro\_26092024.pdf;

**To: Northern Beaches Council**

**From: Anne and Gary Munro**

**Subject: PEX2024/0005**

**Date: 26 September, 2024**

## **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. 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. Submitted documentation does not provide any insights to compliance with this requirement.

## **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 49A Undercliff and surrounding properties is a breeding area for bandicoots. Two possums are regularly seen in the banksia behind the pub and walking on the power lines.

### **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.**

Since this development would be on Undercliff Road, directly across the road from our property, 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..

- 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 does not fit into the streetscape.

- There is no reasonable view sharing from Undercliff Road as the hotel would totally block the heritage building..

- 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**

49A Undercliff has main living areas and the master bedroom 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**. 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.

**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.

**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 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.

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,

Anne and Gary Munro