



## **PLANNING PROPOSAL**

Amendments to  
Warringah Local  
Environmental Plan 2011

29-31 Moore Road and  
64 Undercliff Road,  
Freshwater

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# Planning Proposal

## Amendments to Warringah Local Environmental Plan 2011

### Hotel accommodation associated with the Harbord Hotel 29-31 Moore Road and 64 Undercliffe Road, Freshwater



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**TABLE OF CONTENTS**

**1 Executive Summary ..... 3**

**2 Introduction ..... 4**

**3 Site Analysis ..... 5**

    3.1 Site Description and location ..... 5

        3.1.1 The Site ..... 5

        3.1.1 The Locality ..... 14

**4 Intended Development Outcome ..... 19**

**5 Planning Proposal ..... 20**

    5.1 Part 1 – Objectives or Intended Outcomes ..... 20

        5.1.1 Objectives ..... 20

        5.1.2 Outcomes ..... 20

    5.2 Part 2 – Explanation of Provisions ..... 20

    5.3 Justification of strategic and site-specific merit ..... 21

        5.3.1 Strategic Merit ..... 21

        5.3.2 Site-Specific Merit ..... 26

    5.4 Part 4 - Mapping ..... 30

    5.5 Part 5 – Community Consultation ..... 31

    5.6 Part 6 – Project Timeline ..... 31

**6 Conclusion ..... 32**

## 1 Executive Summary

|   |   |
|---|---|
| <p>Site Address</p>                             | <ul style="list-style-type: none"> <li>▪ Lot 1, Section 1, DP 7022 – 29 Moore Road, Freshwater</li> <li>▪ Lot 2, Section 1, DP 7022 – 29 Moore Road, Freshwater</li> <li>▪ Lot 3, Section 1, DP 7022 – 29 Moore Road, Freshwater</li> <li>▪ Lot 4, Section 1, DP 7022 – 29 Moore Road, Freshwater</li> <li>▪ Lot 5, Section 1, DP 7022 – 29 Moore Road, Freshwater</li> <li>▪ Lot 6, Section 1, DP 7022 – 64 Undercliffe Road, Freshwater</li> <li>▪ Lot 13, Section 1, DP 7022 – 31 Moore Road, Freshwater</li> </ul>  |
| <p>Existing planning controls</p>               | <p><b>14 Use of certain land at 29 Moore Road, Freshwater</b></p> <p>(1) <i>This clause applies to land at 29 Moore Road, Freshwater, being Lots 1–5, Section 1, DP 7022 and Lot 13, Section 1, DP 7022, shown as “Area 14” on the Additional Permitted Uses Map.</i></p> <p>(2) <i>Development for the purposes of pubs is permitted with consent.</i></p>   |
| <p>Proposed amendments to planning controls</p> | <p><b>14 Use of certain land at Moore Road and Undercliffe Road, Freshwater</b></p> <p>(1) <i>This clause applies to the following land identified as “Area 14” on the Additional Permitted Uses Map:</i></p> <ul style="list-style-type: none"> <li>a. <i>29 Moore Road, Freshwater, being Lots 1–5, Section 1, DP 7022</i></li> <li>b. <i>31 Moore Road, Freshwater, being Lot 13, Section 1, DP 7022, and</i></li> <li>c. <i>64 Undercliffe Road, Freshwater, being Lot 6, Section 1, DP7022.</i></li> </ul> <p>(2) <i>Development for the purposes of pubs and hotel accommodation is permitted with consent.</i></p> <p>Amend the Additional Permitted Uses Map of WLEP 2011 to include the land at 64 Undercliffe Road, Freshwater.</p> |
| <p>Technical documents relied upon</p>          | <ul style="list-style-type: none"> <li>▪ Survey by Total Surveying Solutions - <b>Annexure 1</b></li> <li>▪ Architectural Plans by Hot House Architects - <b>Annexure 2</b></li> <li>▪ Stormwater and Overland Flow Assessment by Stellen Consulting - <b>Annexure 3</b></li> <li>▪ Transport Study by Colston Budd Rogers &amp; Kafes - <b>Annexure 4.</b></li> <li>▪ Heritage Impact Statement by Weir Phillips - <b>Annexure 5</b></li> <li>▪ Aboriginal Heritage Due Diligence Assessment by Extent Heritage - <b>Annexure 6</b></li> <li>▪ Economic Impact Assessment by SGS Economics &amp; Planning – <b>Annexure 7</b></li> </ul>   |

## 2 Introduction

This Planning Proposal has been prepared on behalf of Harbord Hotel Holdings to facilitate the provision of hotel accommodation in association with the Harbord Hotel at 29-31 Moore Road and 64 Undercliffe Road, Freshwater (**site**). Specifically, this Planning Proposal seeks to amend *Warringah Local Environmental Plan 2011 (WLEP 2011)* to include hotel accommodation as an Additional Permitted Use at the site.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979, as amended (EP&A Act)* and the *Local Environmental Plan Making Guideline (LEP Making Guideline)* prepared by the Department of Planning, Industry and Environment, dated August 2023.

The objective of the proposed amendment to WLEP 2011 is to facilitate the construction of hotel accommodation on the southern portion of the site, to be integrated and managed in association with the existing Harbord Hotel and bottle shop. Whilst the building itself will be the subject of a future, separate development application, this Planning Proposal is supported by Architectural Plans by Hot House Architects, to demonstrate that hotel accommodation can be provided on the site without adversely impacting upon the local heritage significance of the existing building, the streetscape or the amenity of surrounding and nearby properties.

In addition to the Architectural Plans, this Planning Proposal is supported by:

- Boundary and Detail Survey by Total Surveying Solutions
- Aboriginal Heritage Due Diligence Assessment by Extent Heritage
- Heritage Impact Statement by Weir Phillips
- Stormwater and Overland Flow Assessment by Stellen Consulting
- Transport Study by Colston Budd Rogers & Kafes
- Economic Impact Assessment by SGS Economics & Planning
- Construction & Demolition Waste Management Plan by Elephants Foot Recycling Solutions
- Operational Waste Management Plan by Elephants Foot Consulting

A pre-lodgement meeting was held with Council in September 2020 (PLM2020/0221) with Council providing in principle support for the Planning Proposal. A copy of the minutes from this meeting also accompanies this Planning Proposal.

This Planning Proposal demonstrates that there is sufficient site-specific and strategic planning merit to support hotel accommodation on the property and that the proposed amendment to WLEP 2011 is the appropriate mechanism to facilitate hotel accommodation on the site. Accordingly, Council can be satisfied that the matter should proceed to Gateway Determination.

## 3 Site Analysis

### 3.1 Site Description and location

#### 3.1.1 The Site

The site comprises seven separate allotments, as follows:

- Lot 1, Section 1, DP 7022 – 29 Moore Road, Freshwater
- Lot 2, Section 1, DP 7022 – 29 Moore Road, Freshwater
- Lot 3, Section 1, DP 7022 – 29 Moore Road, Freshwater
- Lot 4, Section 1, DP 7022 – 29 Moore Road, Freshwater
- Lot 5, Section 1, DP 7022 – 29 Moore Road, Freshwater
- Lot 6, Section 1, DP 7022 – 64 Undercliffe Road, Freshwater
- Lot 13, Section 1, DP 7022 – 31 Moore Road, Freshwater

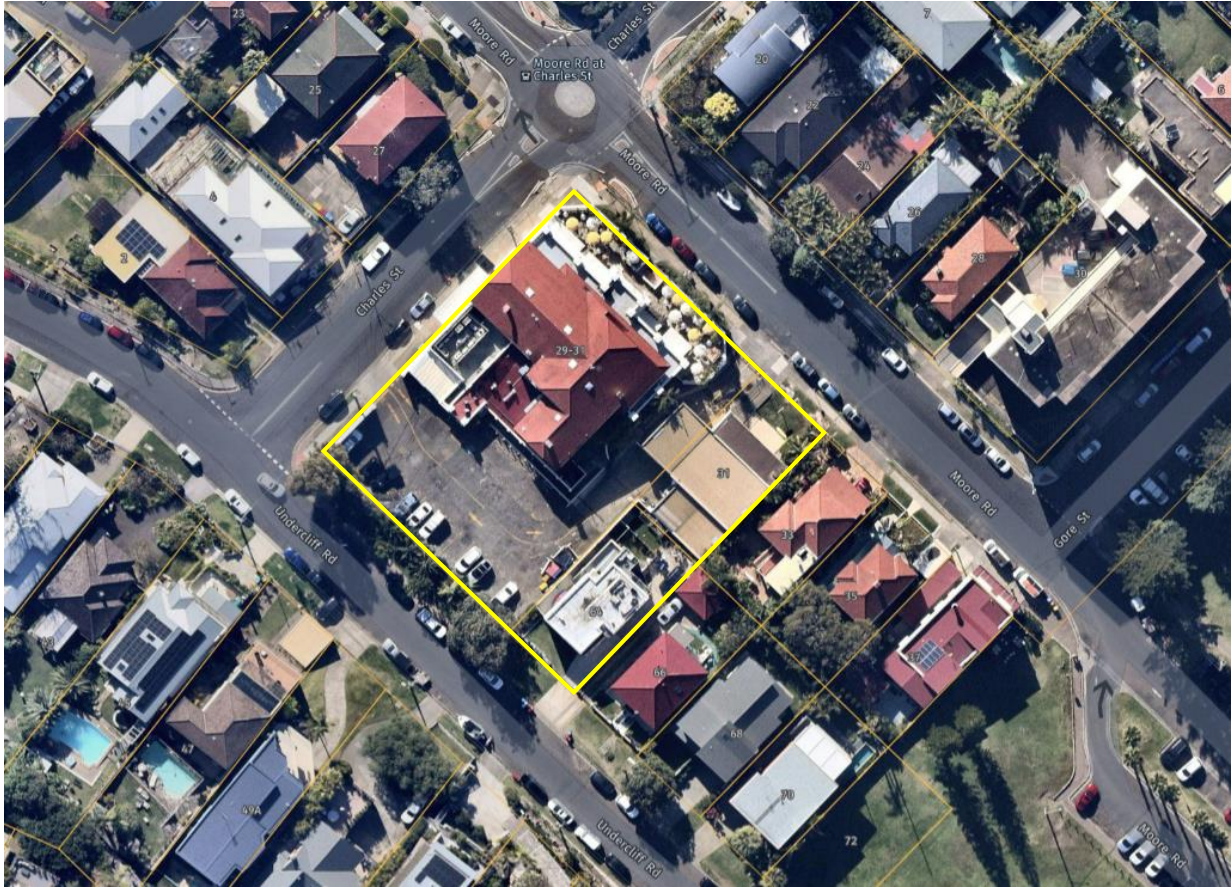
The site is rectangular in shape, with a 53.945m wide frontage to Moore Road (north-east), a 56.225m wide frontage to Charles Street (north-west), a 53.945m wide frontage to Undercliffe Road (south-west) and a total area of 3,033m<sup>2</sup>.

The site experiences a fall of approximately 6.5m from the frontage to Undercliffe Road down to the frontage to Moore Road, with a slope of approximately 11%.

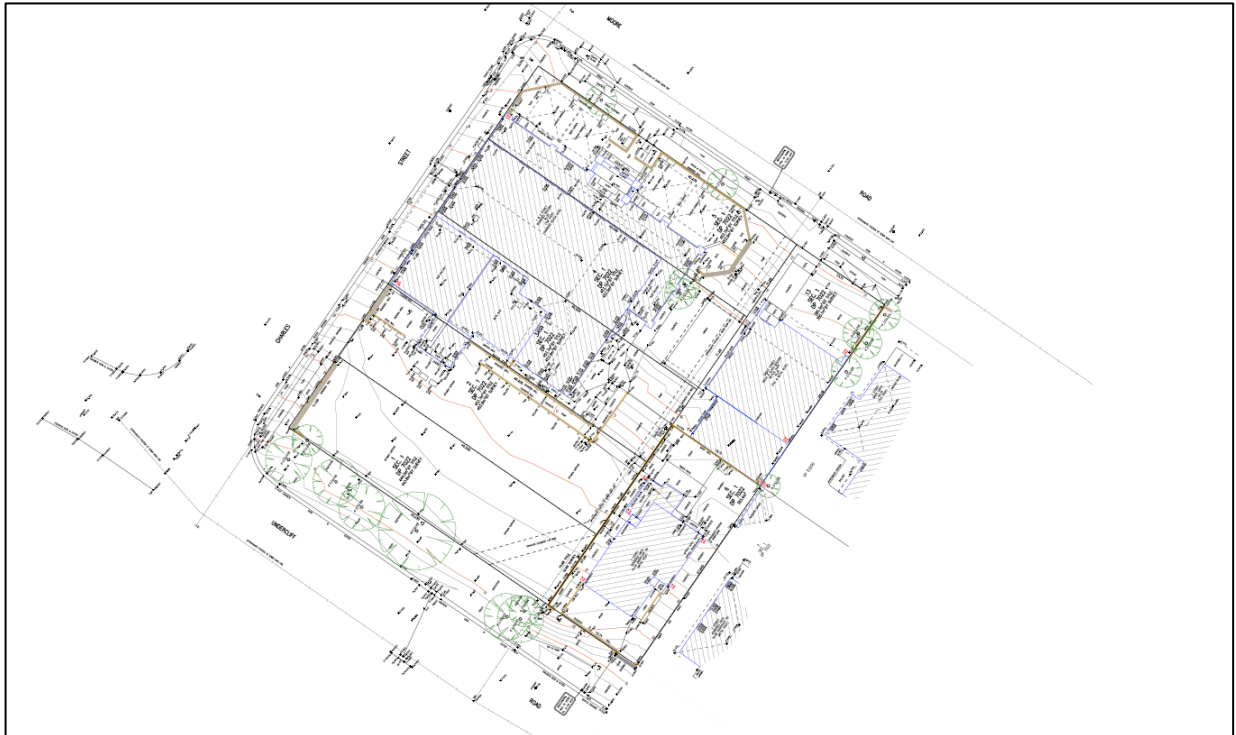
The Harbord Hotel currently occupies the land at 29 and 31 Moore Road. The primary building, which is an item of local heritage significance, is located in the northern corner of the site, with entrances to both Moore Road and Charles Street. An at-grade open carpark is located to the rear of the building, along the full width of the lot, and a drive-thru bottle shop is located to the side of the building at the eastern corner of the site. Vehicular access to the carpark and the drive-thru bottle shop is gained from Charles Street, with egress to Charles Street or to Moore Road (through the drive-thru).

A three storey residential flat building occupies the land at 64 Undercliffe Road, with vehicular and pedestrian access to Undercliffe Road.

An aerial image of the site is provided at Figure 1, with the physical and topographical characteristics of the site are depicted on the site survey extract at Figure 2. Images of the site are at Figures 3-6 with a copy of the site survey at **Annexure 1**.



**Figure 1: Aerial photograph of the site**  
**Source: Nearmap**



**Figure 2: Site survey extract**



**Figure 3: The Harbord Hotel as seen from Moore Road**



**Figure 4: The Drive-Thru Bottle Shop as seen from Moore Road**





**Figure 5: The Harbord Hotel as seen from Charles Street**



**Figure 6: The Harbord Hotel as seen from the carpark**



**Figure 7: The rear carpark as seen from the access driveway**



**Figure 8: The rear carpark and the residential flat building at 64 Undercliffe Road**

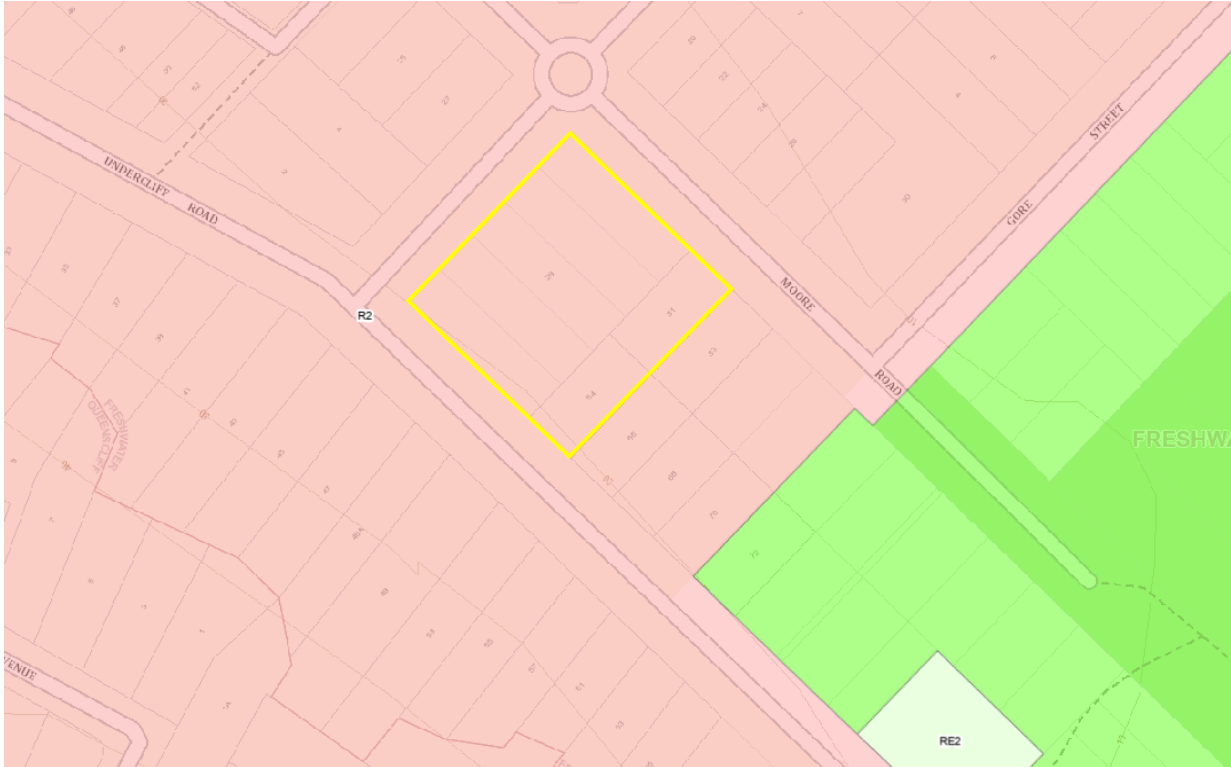


**Figure 9: The Harbord Hotel as seen from Undercliffe Road**

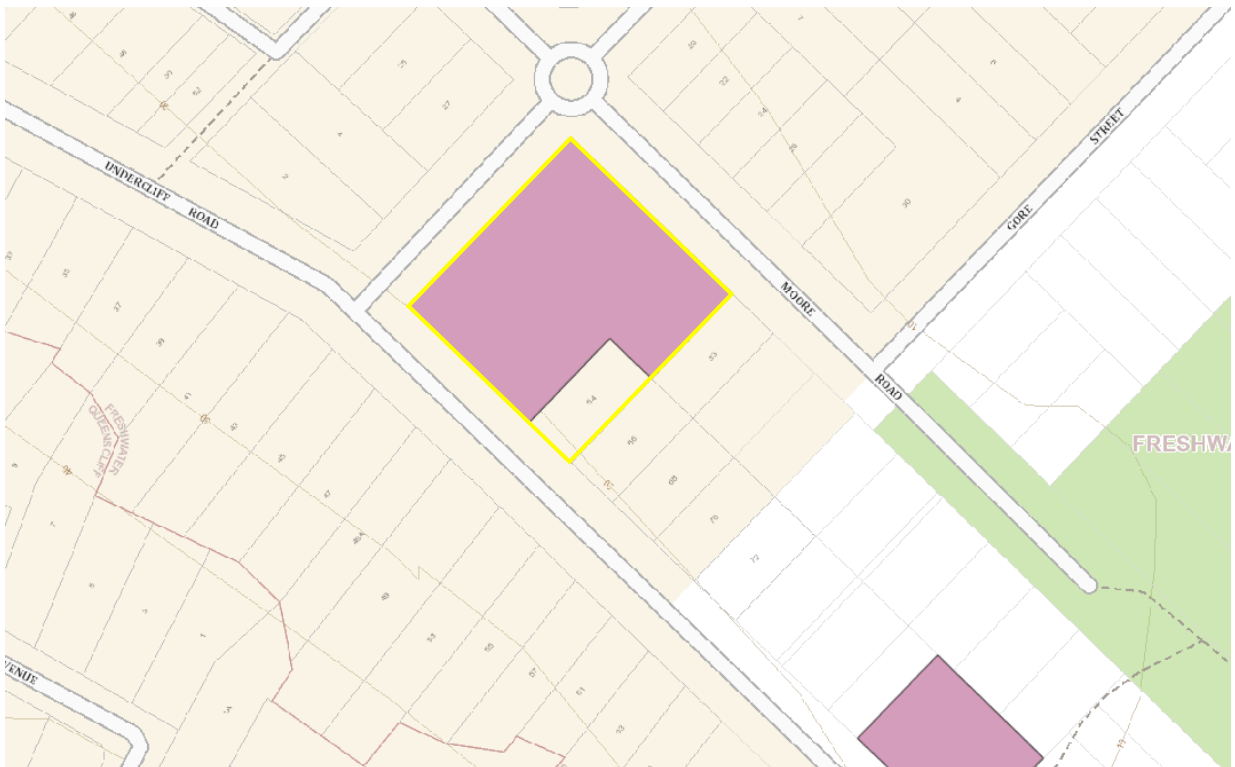


**Figure 10: The residential flat building at 64 Undercliffe Road**

The site is zoned R2 Low Density Residential under the provisions of WLEP 2011, as shown in Figure 11. The majority of the site, being 29-31 Moore Road, is identified within Area 14 on the Additional Permitted Uses Map of WLEP 2011, as shown in Figure 12.

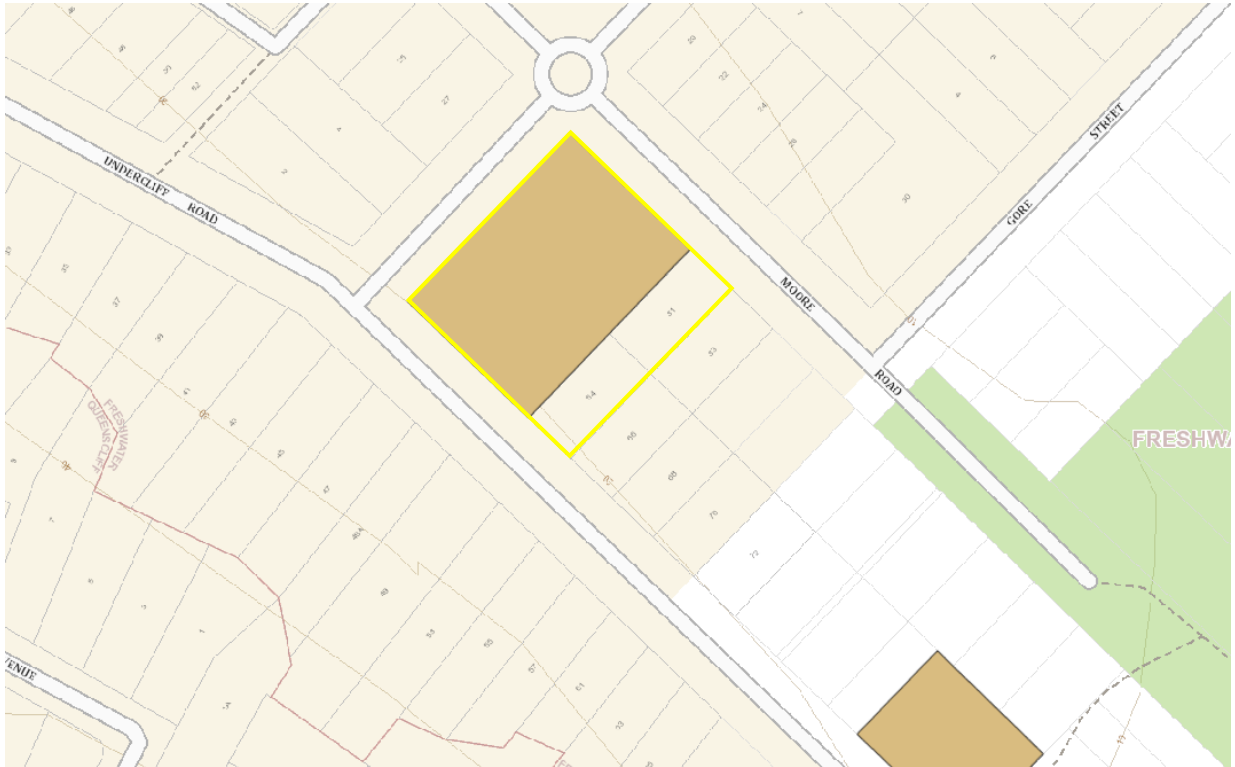


**Figure 11: Extract of Height of Buildings Map of WLEP 2011**

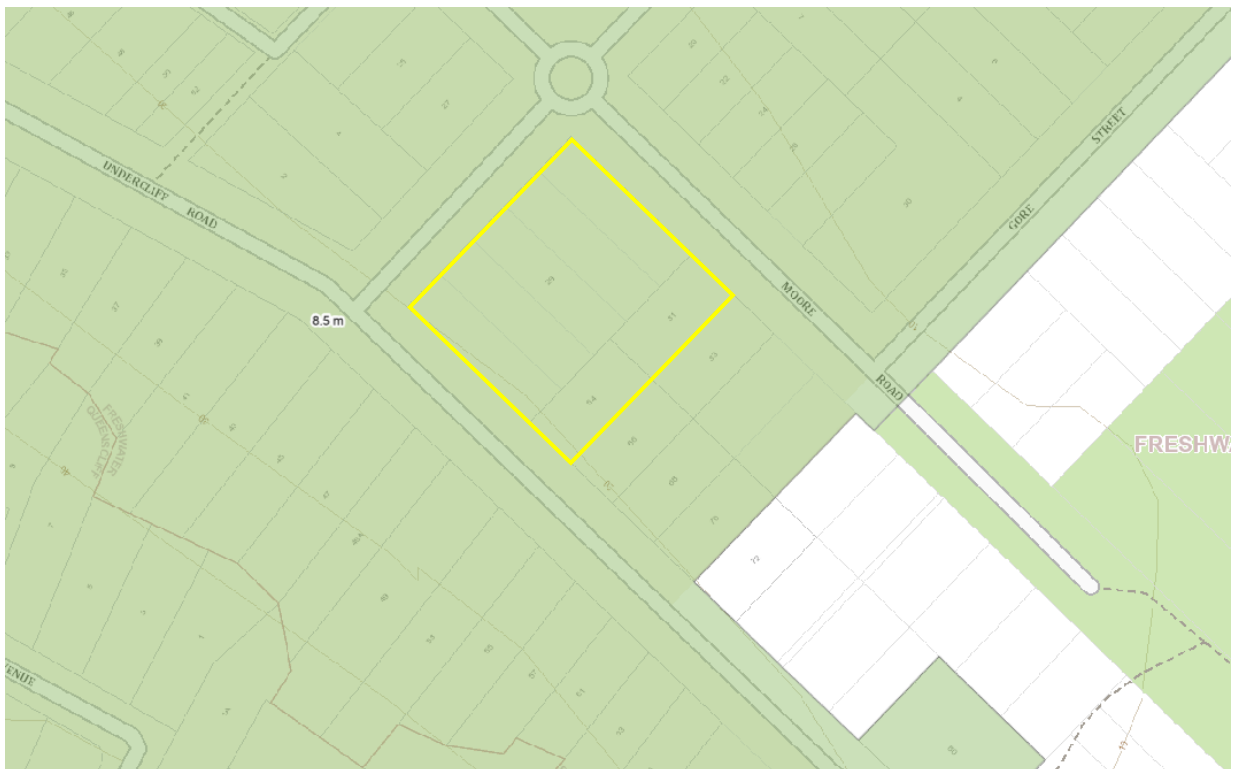


**Figure 12: Extract of Additional Permitted Uses Map of WLEP 2011**

The existing hotel building is identified as an item of local heritage significance on the Heritage Map of WLEP 2011, as shown in Figure 13. The site is subject to an 8.5m maximum height limit, as shown on the Height of Buildings Map of WLEP 2011 at Figure 14.

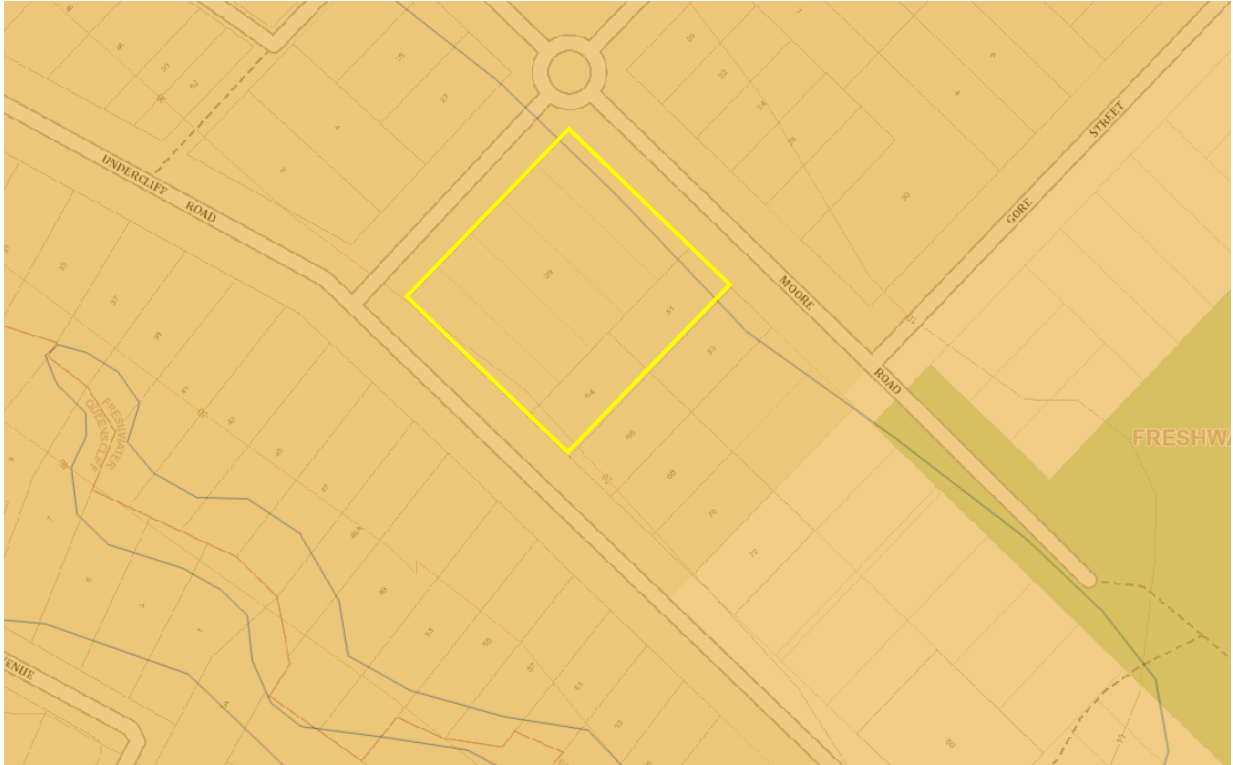


**Figure 13: Extract of Heritage Map of WLEP 2011**

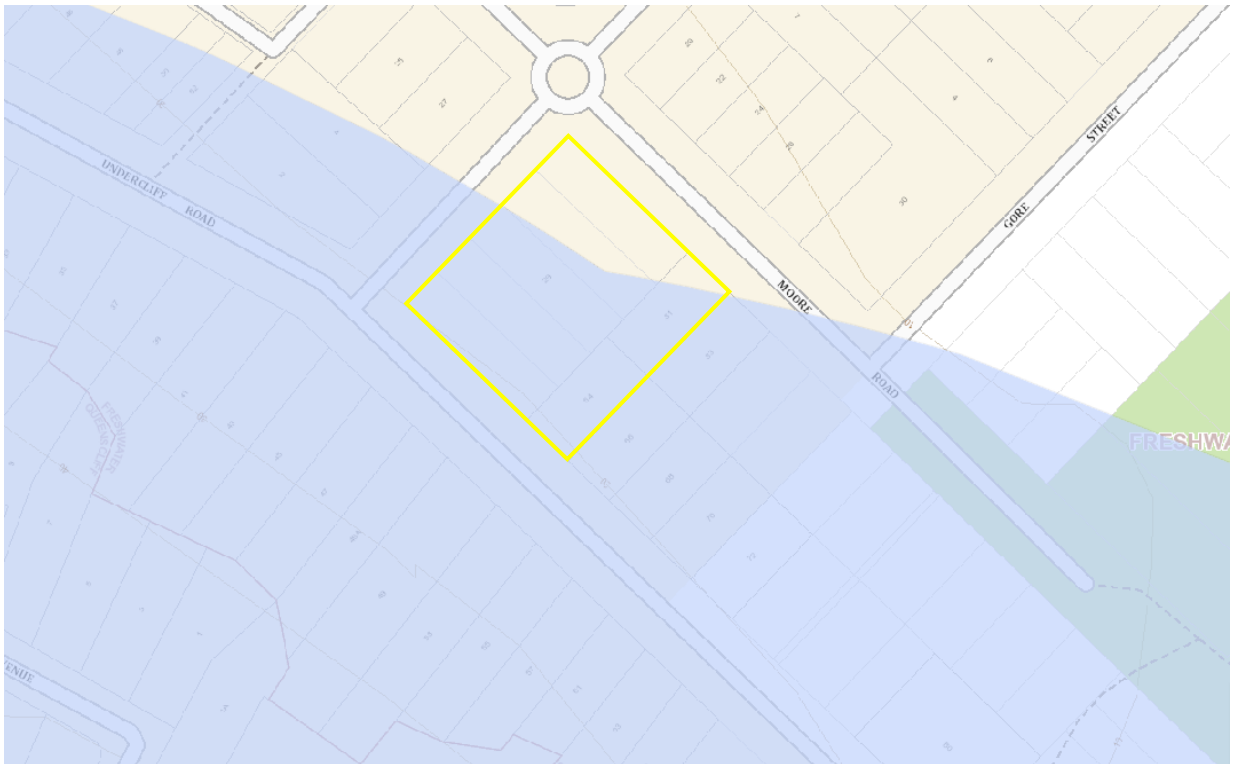


**Figure 14: Extract of Height of Buildings Map of WLEP 2011**

The site is identified within Areas A and B of the Landslide Risk Map of WLEP 2011, as shown in Figure 15. The site is partially located within the Coastal Environmental Area of the Coastal Environment Area Map of SEPP (Resilience and Hazards) as shown in Figure 16.



**Figure 15: Extract of Landslide Risk Map of WLEP 2011**



**Figure 16: Extract of Coastal Environment Area Map of SEPP (Resilience and Hazards)**

### 3.1.1 The Locality

The site is located within the suburb of Freshwater, which is located towards the southern end of the Northern Beaches Local Government Area.

The Freshwater Town Centre is located approximately 130m to the north-west of the site, at the north-western end of Moore Road. The town centre comprises a range of restaurants, cafes, community facilities and retail offerings. Freshwater Beach is located approximately 130m to the south-east of the site, at the south-eastern end of Moore Road, with three public carparks, a foreshore park/reserve and a children’s playground. The site is also located in close proximity to Pilu Restaurant, which hosts a number of wedding and events. An aerial image of the wider context of the site is provided at Figure 17.



**Figure 17: Aerial photograph of the wider context of the site**

Moore Road is a two-lane local road, with footpaths and unrestricted parking on both sides of the street. Moore Road extends from the Freshwater Town Centre to the north-west to the Freshwater Beach public carpark to the south-east. The 165 (South Curl Curl – Wynyard) and 167 (Warringah Mall – Manly) bus services travel along Moore Road, with bus stops within 40m of the site. Development along Moore Road is primarily residential in nature, of varying age, density and character.

The property immediately adjacent to site on Moore Road (33 Moore Road) contains an attached dual occupancy development. The properties on the opposite side of Moore Road contain dwelling houses or dual occupancies. Images of development along Moore Road are at Figures 18 and 19.

Undercliffe Road is a two-lane local road, with unrestricted parking on both sides of the street. Development along Undercliffe Road is primarily residential in nature, of varying age, density and character.

The property immediately adjacent to site on Undercliffe Road (66 Undercliffe Road) contains an attached dual occupancy development. The properties on the opposite side of Undercliffe Road contain dwelling houses. Images of development along Undercliffe Road are at Figures 20 and 21.

Charles Street is a two-lane local road, with unrestricted parking on both sides of the street. Development along Charles Street is primarily residential in nature, of varying age, density and character. The properties on the opposite side of Charles Street comprise dwelling houses and a residential flat building. An image of development along Charles Street is at Figure 22.





**Figure 18: 33 Moore Road (right), 35 Moore Road (centre) and 37 Moore Road (left)**



**Figure 19: 26 Moore Road (left), 28 Moore Road (centre) and 30 Moore Road (right)**



**Figure 20: 45 Undercliffe Road (right) and 47 Undercliffe Road (left)**



**Figure 21: Undercliffe Road, looking in a south-easterly direction**



***Figure 22: Charles Street, looking in a north-easterly direction***

## 4 Intended Development Outcome

The objective of the proposed amendment to WLEP 2011 is to facilitate the construction of hotel accommodation on the southern portion of the site, to be integrated and managed in association with the existing Harbord Hotel and bottle shop. Whilst the building itself will be the subject of a future, separate development application, this Planning Proposal is supported by Architectural Plans by Hot House Architects (**Annexure 2**), to demonstrate that hotel accommodation can be provided on the site without adversely impacting upon the local heritage significance of the existing building, the streetscape or the amenity of surrounding and nearby properties.

The proposed hotel accommodation development is intended to include:

- A three storey hotel in the southern portion of the site, comprising 37 hotel rooms, reception/lobby, guest lounge, gym and swimming pool,
- Basement carparking with 72 car parking spaces, inclusive of the 33 spaces associated with the existing Harbord Hotel and 39 spaces associated with the proposed hotel accommodation.

The development is to be integrated with and managed as part of the existing Harbord Hotel.

A perspective of the concept development, as seen from the intersection of Charles Street and Undercliffe Road, is provided at Figure 23.



**Figure 23: Perspective of proposed development by Hot House Architects**

## 5 Planning Proposal

### 5.1 Part 1 – Objectives or Intended Outcomes

#### 5.1.1 Objectives

The objective of the Planning Proposal is to amend WLEP 2011 to permit hotel accommodation at the site.

#### 5.1.2 Outcomes

The intended outcomes of the Planning Proposal are:

- To enable the orderly and economic use and development of the land.
- To provide hotel accommodation on a site that is ideally suited for such use.
- To enable the lodgement of a separate development application, seeking consent for the construction of hotel accommodation in the southern portion of the site, to be integrated and managed in association with the existing Harbord Hotel and bottle shop.

### 5.2 Part 2 – Explanation of Provisions

The objectives and intended outcomes set out above will be achieved by the following amendments to WLEP 2011:

- Amend Clause 14 of Schedule 1 of WLEP 2011.

A portion of the site, being 29-31 Moore Road, is identified within Area 14 on the Additional Permitted Uses Map of WLEP 2011 which facilitates the ongoing use of the existing “pub” at the R2 Low Density Residential zoned site. Clause 14 of Schedule 1 of WLEP 2011 currently reads:

#### **14 Use of certain land at 29 Moore Road, Freshwater**

- (1) *This clause applies to land at 29 Moore Road, Freshwater, being Lots 1–5, Section 1, DP 7022 and Lot 13, Section 1, DP 7022, shown as “Area 14” on the Additional Permitted Uses Map.*
- (2) *Development for the purposes of pubs is permitted with consent.*

This Planning Proposal seeks to amend Clause 14 of Schedule 1 of WLEP 2011, to read:

#### **14 Use of certain land at Moore Road and Undercliffe Road, Freshwater**

- (1) *This clause applies to the following land identified as “Area 14” on the Additional Permitted Uses Map:*
  - d. *29 Moore Road, Freshwater, being Lots 1–5, Section 1, DP 7022*
  - e. *31 Moore Road, Freshwater, being Lot 13, Section 1, DP 7022, and*

- f. 64 Undercliffe Road, Freshwater, being Lot 6, Section 1, DP7022.
- (2) Development for the purposes of pubs and hotel accommodation is permitted with consent.

- Amend the Additional Permitted Uses Map of WLEP 2011 to include the land at 64 Undercliffe Road, Freshwater.

The intent of the amendments is to enable the orderly and economic use and development of the site. The inclusion of “hotel accommodation” in clause 14 of Schedule 1 provides for the lodgement of a future development application for the construction of hotel accommodation at the site. The inclusion of the land at 64 Undercliffe Road allows for a more functional building area for the future hotel, and for the site to be managed as one entity, such that the basement carpark can be shared by users of both the existing “pub” and the proposed hotel accommodation.

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.

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

#### 5.3.1 Strategic Merit

The Planning Proposal has strategic merit, as established with regard to the matters listed for consideration in the LEP Making Guideline.

| Question  | Consideration   |
|---|---|
| <b>Section A – Need for the planning proposal</b>                                 |   |
| Is the planning proposal a result of an endorsed LSPS, strategic study or report? | <p>No.</p> <p>However, the proposal is consistent with relevant provisions of the:</p> <ul style="list-style-type: none"> <li>▪ Greater Sydney Region Plan – A Metropolis of Three Cities - Connecting People,</li> <li>▪ North District Plan,</li> <li>▪ Northern Beaches Local Strategic Planning Statement – Beyond 2040,</li> <li>▪ Shape 2028 Northern Beaches Community Strategic Plan, and</li> <li>▪ Northern Beaches Destination Management Plan.</li> </ul> |

| Question   | Consideration   |
|--|---|
| <p>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</p>   | <p>The proposed amendments to the Additional Permitted Uses provisions of WLEP 2011 is the best means of achieving the intended outcomes.</p> <p>The alternate would be to rezone the site to a zone that permits pubs and hotel accommodation, such as the E1 Local Centre Zone. However, this would facilitate alternate land uses well beyond those currently permitted on the site and would alter the applicable built form controls under WDCP 2011.</p> <p>The proposed amendment to the Additional Permitted Uses provisions maintains the current R2 Low Density Residential zoning and applicable built form controls, whilst permitting one additional type of development that is appropriate in light of the existing use of the land and the context of the site.</p>   |
| <p><b>Section B – Relationship to the strategic planning framework</b></p>   |   |
| <p>Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</p> | <p>Yes.</p> <p><u>Greater Sydney Region Plan – A Metropolis of Three Cities – Connecting People</u></p> <p>The provision of hotel accommodation in conjunction with the existing pub (Harbord Hotel) is consistent with the following objectives and strategies of this Plan:</p> <ul style="list-style-type: none"> <li>▪ Objective 9: <i>Celebrate the arts and celebrate creative industries and innovation</i>, in so far as the proposed hotel accommodation aims to meet the social and recreational needs of tourists and visitors to the existing hotel and to the wider Freshwater area, and to stimulate the night-time economy.</li> <li>▪ Objective 12: <i>Great places that bring people together</i>, in so far as the proposed hotel accommodation will provide much needed accommodation within Freshwater for tourists and visitors to the existing hotel and to the wider Freshwater area.</li> <li>▪ Strategy 24.2: <i>Tourism</i>, in so far as the proposed hotel accommodation aligns with the strategies that seek to encourage the development of well-designed and located tourism facilities, enhance town centres, support the development of places for artistic and</li> </ul> |

| Question  | Consideration   |
|---|---|
|   | <p>cultural activities and the growth of the night-time economy.</p> <p><u>North District Plan</u><br/>The North District Plan identified Freshwater as a Local Centre. The provision of hotel accommodation at the site is consistent with the following priorities and actions of this plan:</p> <ul style="list-style-type: none"> <li>▪ Planning Priority N13: <i>Supporting growth of targeted industry sectors</i>, in so far as the proposed hotel accommodation is consistent with the expressed need to plan for tourism and visitation activities.</li> <li>▪ Action 59, in so far as the proposed hotel accommodation will enhance tourist and visitor economy in the Freshwater Local Centre, with a specific coordinated approach that integrates the proposed accommodation with the existing pub (Harbord Hotel) which hosts events and activities.</li> </ul>   |
| <p>Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</p> | <p>Yes.</p> <p><u>Northern Beaches Local Strategic Planning Statement – Beyond 2040</u><br/>The provision of hotel accommodation at the site is consistent with Priority 29: <i>A thriving, sustainable tourism economy</i> of the LSPS which seeks to diversify tourist offerings beyond Manly and Palm Beach. In particular, the proposal is consistent with the Principles of this Priority, which seek to:</p> <ul style="list-style-type: none"> <li>▪ Enable a strong tourism economy while maintaining quality of life and protecting the environment.</li> <li>▪ Ensure a range of well-designed tourist accommodation in appropriate locations.</li> <li>▪ Promote and integrate coastal walks with centres, transport and accommodation.</li> </ul> <p>The stimulation of the night-time economy and the direct integration of the existing pub (Harbord Hotel) is also consistent with:</p> <ul style="list-style-type: none"> <li>▪ Priority 7 – <i>A low carbon community, with high energy, water and waste efficiency (sustainability through building design)</i>, in so far as the new building will be energy, water and waste efficient and designed to support smart technology.</li> </ul> |



| Question | Consideration   |
|----------|---|
|          | <ul style="list-style-type: none"> <li>▪ Priority 14 – <i>A community enriched through the arts and connected through creativity</i>, in so far as the proposed hotel accommodation serves as an extension of the existing hotel that provides a performance space and promotes local musicians,</li> <li>▪ Priority 17 – <i>Centres and neighbourhoods designed to reflect local character, lifestyle and demographic changes</i>, in so far as the proposed hotel serves to promote night-time activity in Freshwater and as the development as a whole appropriately recognises the heritage and cultural significance of the site.</li> <li>▪ Priority 18 – <i>Protected, conserved and celebrated heritage</i>, in so far as the proposed development recognises and appropriately responds to the heritage and cultural significance of the site.</li> <li>▪ Priority 22 – <i>Jobs that match the skills and needs of the community</i>, in so far as the proposed hotel will increase local job opportunities in Freshwater.</li> <li>▪ Priority 30 – <i>A diverse night-time economy</i>, in so far as the proposed development will broaden the range of night-time activities in Freshwater and foster a diverse live music culture (as the proposed accommodation serves as an extension of the existing hotel that provides a performance space and promotes local musicians).</li> </ul> <p>Further, Council can be satisfied that the proposed development is not inconsistent with any of the 30 Priorities of the LSPS, or any of the specific principles.</p> <p><u>Destination Northern Beaches</u></p> <p>The Planning Proposal is consistent with the Goals and Focus Areas of <i>Destination Northern Beaches</i>, specifically in relation to:</p> <ul style="list-style-type: none"> <li>▪ Goal 1, in so far as the proposed hotel accommodation will increase visitor expenditure in the Freshwater Local Centre and the wider Northern Beaches area, and that it provides the opportunity to convert domestic day trippers to overnight visitors.</li> </ul> |

| Question   | Consideration  |
|--|--|
| <p>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</p> | <p>Yes.</p> <p><u>NSW 2021: A Plan to Make NSW Number One</u><br/>           The Planning Proposal is consistent with the Goals and of <i>NSW 2021</i>, specifically in relation to:</p> <ul style="list-style-type: none"> <li>▪ Goal 1, in so far as the proposed hotel will positively contribute to the NSW economy (See <b>Annexure 7</b>). In particular, the proposed hotel will contribute to the provision of tourist accommodation, which is targeted for a significant increase.</li> <li>▪ Goal 27, in so far as the proposed hotel will enhance cultural, creative and recreation opportunities.</li> </ul> <p><u>NSW Visitor Economy Strategy 2030</u><br/>           The Planning Proposal is consistent with the vision for the NSW Visitor Economy to 2030 as expressed in the <i>NSW Visitor Economy Strategy</i>, specifically in relation to:</p> <ul style="list-style-type: none"> <li>▪ Strategic Pillar 3: <i>Showcase our Strengths</i>, in so far as the site is ideally suited to showcase the beauty of the Northern Beaches and the soul of Freshwater, with direct integration with music and live performance provided at the existing hotel.</li> <li>▪ Strategic Pillar 5: Facilitate Growth, in so far as the proposed hotel will provide much needed visitor infrastructure which is identified as having a higher impact on the visitor economy.</li> </ul> <p><u>NSW 2040 Economic Blueprint</u><br/>           The Planning Proposal is consistent with the direction of the <i>NSW 2040 Economic Blueprint</i>, in so far it is consistent with the intent to strengthen tourism, which is identified as a strong industry that is vital to the success of the NSW economy.</p> <p><u>Sydney 24-hour Economy Strategy</u><br/>           The Planning Proposal is consistent with the intent of the <i>Sydney 24-hour Economy Strategy</i>, in so far as hotel accommodation is identified as a key supporting business for core night-time businesses.</p> |

| Question   | Consideration                         |
|--|---------------------------------------|
| Is the planning proposal consistent with applicable SEPPs?   | Yes.<br><br>See <b>Attachment 1</b> . |
| Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)? | Yes.<br><br>See <b>Attachment 2</b> . |

### 5.3.2 Site-Specific Merit

| Question   | Consideration   |
|--|---|
| <b>Section C – Environmental, social and economic impact</b>   |   |
| Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal? | No.<br><br>The site does not contain critical habitat or threatened species, populations or ecological communities.   |
| Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?   | <p><u>Stormwater</u></p> <p>The site is bisected by a stormwater pipe and an associated easement. The Planning Proposal is supported by a Stormwater and Overland Flow Assessment by Stellen Consulting (<b>Annexure 3</b>), which recommends the relocation of the stormwater pipe to the adjacent road reserve for better maintenance access and to upgrade the pipes and pits to carry anticipated flows and to accommodate appropriate blockage factors. Further detail can be provided to accompany the future development application for the physical works.</p> <p><u>Traffic</u></p> <p>The Planning Proposal is supported by a Transport Study by Colston Budd Rogers &amp; Kafes (<b>Annexure 4</b>) which considers the potential traffic impacts associated with hotel accommodation on the site, comprising up to 37 rooms and associated facilities. The Transport Study confirms that:</p> <ul style="list-style-type: none"> <li>the site can accommodate sufficient off-street parking, consistent with the requirements of WDCP 2011,</li> </ul> |

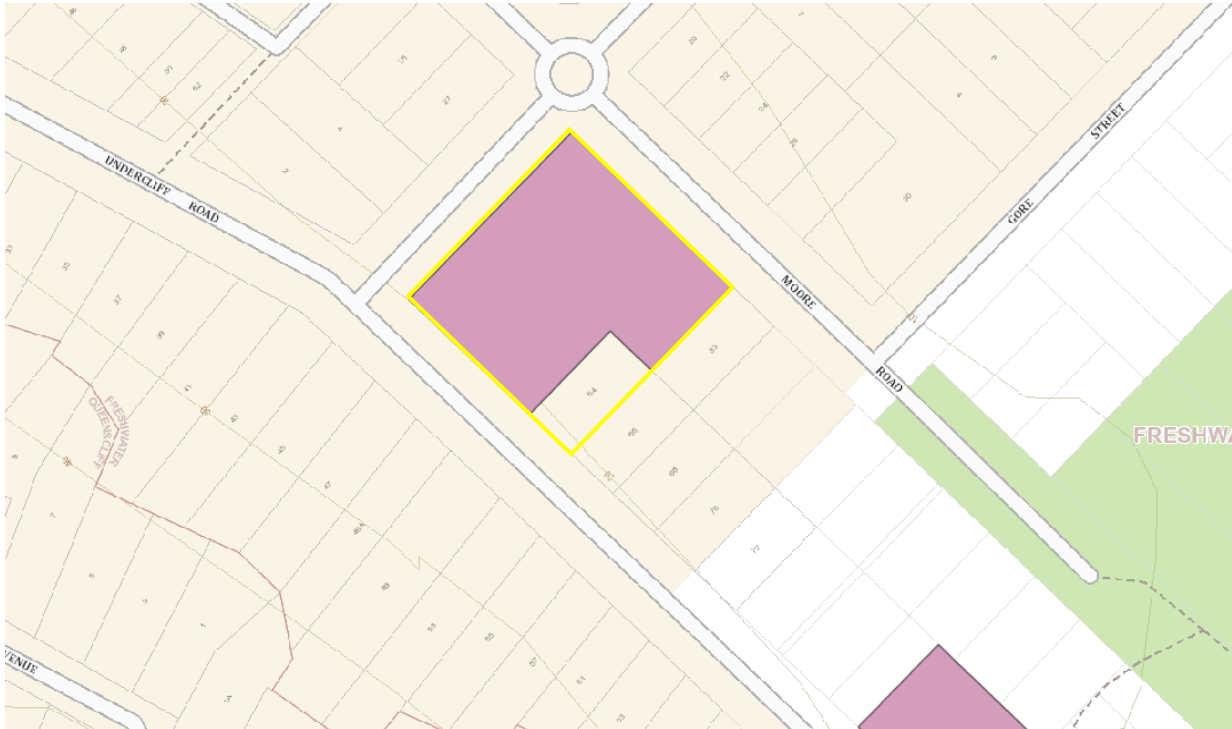
| Question | Consideration   |
|----------|---|
|          | <ul style="list-style-type: none"> <li>▪ access, internal circulation and layout can be provided in accordance with Australian Standards,</li> <li>▪ Traffic generation would be very low, and such low traffic generation would not have noticeable effects on the operation of the surrounding road network.</li> </ul> <p><u>Noise</u></p> <p>The hotel accommodation use, specifically the individual hotel rooms, are not considered to result in any adverse acoustic impacts within the existing residential setting. Nonetheless, the hotel accommodation building can be designed to mitigate any impacts that may arise through skilful design techniques and by minimising openings adjacent to residential buildings.</p> <p>If anything, the incorporation of a building at the rear of the site and the undergrounding of the carpark and loading zone should reduce acoustic impacts associated with the existing use of the site as a pub, as the proposed building will act as a buffer to residential receivers to the south of the site and as noises associated with carparking and loading will be internalised.</p> <p>Any future development application will be accompanied by an acoustic report.</p> <p><u>Visual Impact</u></p> <p>The Planning Proposal is supported by Architectural Plans by Hot House Architects that demonstrate a high-quality development that integrates with and complements the existing development at the site. 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.</p> <p>In this regard, we note that the concept architectural plans provide for a building which is compliant with the applicable 8.5 metre building height standard and which</p> |

| Question   | Consideration   |
|--|---|
|  | <p>will be compatible in a streetscape and broader urban built form context.</p> <p>Future development will be subject to the submission and approval of a development application.</p> <p><u>Heritage Impact</u></p> <p>The Planning Proposal is supported by a Heritage Impact Statement by Weir Phillips (<b>Annexure 5</b>) which confirms that the architectural, historic and/or social significance of the Harbord Hotel will not be impacted upon by the proposed amendments to WLEP 2011. Rather, it identifies 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. The Heritage Impact Statement also confirms that the proposed amendments to WLEP 2011 and the use of the site for hotel accommodation will not impacts upon other heritage items in the vicinity of the site.</p> <p><u>Aboriginal Heritage Impact</u></p> <p>The Planning Proposal is supported by an Aboriginal Heritage Due Diligence Assessment prepared by Extent Heritage (<b>Annexure 6</b>) with such report concluding that the potential for Aboriginal objects to be present in the study area is low.</p> |
| <p>Has the planning proposal adequately addressed any social and economic effects?</p> | <p>Yes.</p> <p>The Planning Proposal is supported by an Economic Impact Assessment by SGS Economics &amp; Planning (<b>Annexure 7</b>) which confirms that the construction of hotel accommodation at the site will:</p> <ul style="list-style-type: none"> <li>▪ Directly support approximately 28 full-time equivalent jobs in the Northern Beaches economy, and</li> <li>▪ When flow-on effects are incorporated, the development will support approximately 64 jobs in the Northern Beaches economy, and the local region will gain \$12 million in value-added from this construction activity.</li> </ul> <p>Further, the on-going operation of the site (inclusive of the pub, bottle shop and hotel accommodation) will:</p>  |

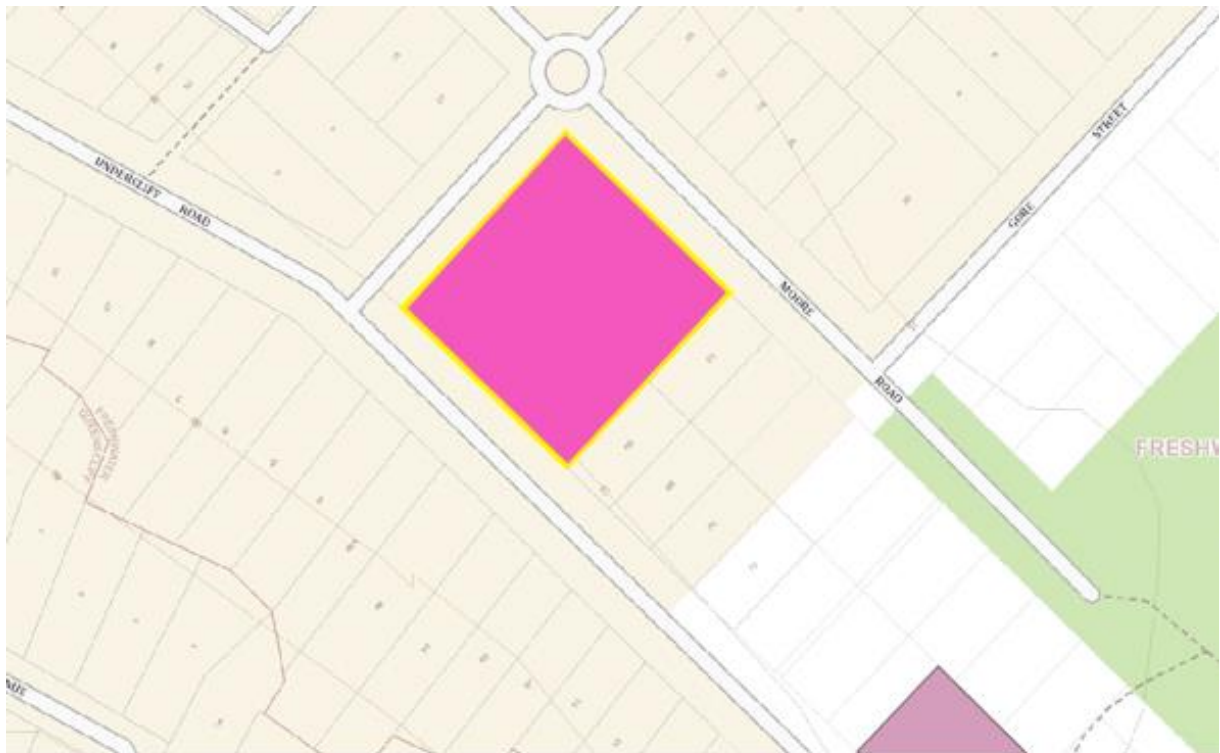
| Question  | Consideration  |
|---|--|
|   | <ul style="list-style-type: none"> <li>▪ Directly support approximately 59 full-time equivalent jobs in the Northern Beaches local economy by attracting new tourists to the LGA.</li> <li>▪ When flow-on effects are incorporated, the development will support approximately 117 jobs in the Northern Beaches economy, and the local region will gain \$11.9 million in value-added per annum from accommodation, food and retail service.</li> </ul>  |
| <b>Section D – Infrastructure (Local, State and Commonwealth)</b>   |  |
| <p>Is there adequate public infrastructure for the planning proposal?</p>   | <p>Yes.</p> <p>The site has access to all essential services.</p> <p>The accompanying Transport Study by Colston Budd Rogers &amp; Kafes confirms that traffic generation would not have noticeable effects on the operation of the surrounding road network. The site is serviced by a regular bus service, with bus stops within 40m of the site. The site is also located in close proximity to a number of public carparks, with sufficient on-site parking also provided.</p> <p>The site is in immediate proximity to Freshwater Local Centre and Freshwater Beach, with footpaths on both sides of Moore Road. The site is also within comfortable walking distance from Manly Town Centre.</p> |
| <b>Section E – State and Commonwealth Interests</b>   |  |
| <p>What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?</p> | <p>Relevant public authorities will be consulted following the Gateway determination.</p>  |

## 5.4 Part 4 - Mapping

The Planning Proposal will require amendment to the Additional Permitted Uses Map to include the land at 64 Undercliffe Road, Freshwater. An extract of the current Additional Permitted Uses Map is at Figure 24, with the proposed Additional Permitted Uses Map at Figure 25.



**Figure 24 – Extract of Additional Permitted Uses Map of WLEP 2011**



**Figure 25: Indicative change to Additional Permitted Uses Map of WLEP 2011**

## 5.5 Part 5 – Community Consultation

Council will place the Planning Proposal on public exhibition in accordance with the Gateway Determination and requirements of the LEP Making Guideline. The LEP Making Guideline indicates that consultation will be tailored to specific Proposals. The exhibition period for standard Planning Proposals is 20 days.

In accordance with the LEP Making Guideline, notification of the Planning Proposal at the public exhibition stage will occur:

- on Council’s website
- on the Planning Portal
- in writing to affected and adjoining landowners.

A pre-lodgement meeting was held with Council in September 2020 with Council providing in principle support for the Planning Proposal. A copy of the minutes from this meeting also accompanies this Planning Proposal.

## 5.6 Part 6 – Project Timeline

| Stage   | Timeframe and/or date |
|---|-----------------------|
| Consideration by Council                                | 85 working days       |
| Council decision  | 10 working days       |
| Gateway determination                                   | 25 working days       |
| Pre-exhibition  | 50 working days       |
| Commencement and completion of public exhibition period | 40 working days       |
| Consideration of submissions                            | 30 working days       |
| Post-exhibition review and additional studies           | 25 working days       |
| Submission to the Department for finalisation           | 15 working days       |
| Gazettal of LEP amendment                               | 35 working days       |



## 6 Conclusion

This Planning Proposal seeks to amend WLEP 2011 to include hotel accommodation as an Additional Permitted Use at the site.

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the LEP Making Guideline prepared by the Department of Planning, Industry and Environment, dated September 2022.

The objective of the proposed amendment to WLEP 2011 is to facilitate the construction of hotel accommodation on the southern portion of the site, to be integrated and managed in association with the existing Harbord Hotel and bottle shop. Whilst the building itself will be the subject of a future, separate development application, this Planning Proposal is supported by Architectural Plans by Hot House Architects, to demonstrate that hotel accommodation can be provided on the site without adversely impacting upon the local heritage significance of the existing building, the streetscape or the amenity of surrounding and nearby properties.

Further technical reports are also provided in relation to Aboriginal Heritage Due Diligence, Economic Impact, Traffic, Stormwater, Heritage and Waste Management.

The Planning Proposal will provide certainty to all stakeholders in relation to the future use and development of the site and will increase in the supply of hotel accommodation in Freshwater, consistent with the strategic direction of the Greater Sydney Region Plan – A Metropolis of Three Cities - Connecting People, the North District Plan, the Northern Beaches Local Strategic Planning Statement – Beyond 2040, Shape 2028 Northern Beaches Community Strategic Plan, and Northern Beaches Destination Management Plan.

For the reasons outlined above, in our opinion, it would be appropriate for Northern Beaches Council, as the relevant planning authority, to support the Planning Proposal as outlined.

### **Boston Blyth Fleming Pty Limited**



**Greg Boston**

**Director**

**Attachment 1 – Identification of SEPPs**

| SEPP  | Consistency | Comment  |
|---|-------------|--|
| SEPP (Biodiversity and Conservation) 2021                         | Yes         | <u>Chapter 2: Vegetation in non-rural areas</u><br>No tree removal is anticipated in association with the proposed development. Nonetheless, development consent for tree removal can be obtained via any future development application for the building works. |
| SEPP (Building Sustainability Index: BASIX) 2004                  | N/A         | N/A  |
| SEPP (Exempt and Complying Development Codes) 2008                | N/A         | N/A  |
| SEPP (Housing) 2021   | N/A         | N/A  |
| SEPP (Industry and Employment) 2021                               | N/A         | N/A  |
| SEPP No. 65 – Design Quality of Residential Apartment Development | N/A         | N/A  |
| SEPP (Planning Systems) 2021                                      | N/A         | N/A  |
| SEPP (Precincts – Central River City) 2021                        | N/A         | N/A  |
| SEPP (Precincts – Eastern Harbour City) 2021                      | N/A         | N/A  |
| SEPP (Precincts –Regional) 2021                                   | N/A         | N/A  |
| SEPP (Precincts – Western Parkland City) 2021                     | N/A         | N/A  |
| SEPP (Primary Production) 2021                                    | N/A         | N/A  |
| SEPP (Resilience and Hazards) 2021                                |             | <u>Chapter 2: Coastal Management</u><br>The site is located within the Coastal Environment Area, as identified on the Coastal Environment Area Map of this policy. The Planning Proposal will not result in any adverse impacts upon the matters                 |

| SEPP                                     | Consistency | Comment  |
|--|-------------|--|
|  |             | <p>prescribed by clause 2.10 of this policy.</p> <p><u>Chapter 4: Remediation of Land</u></p> <p>The site is not identified as a contaminated site on the NSW EPA's list of notified sites, nor is it in the vicinity of any listed sites. However, this can be addressed in further detail as part of any future development application.</p> |
| SEPP (Resources and Energy) 2021         | N/A         | N/A  |
| SEPP (Sustainable Buildings) 2022        | Yes         | <p>This policy commences on 1 October 2023 and will be applicable in relation to the proposed hotel accommodation building.</p> <p>Any future development application for the building will need to demonstrate the obtainment of a 4 star NABERS energy rating.</p>   |
| SEPP (Transport and Infrastructure) 2021 | N/A         | The proposed development does not constitute traffic generating development.   |

## Attachment 2 – Assessment against relevant Section 9.1 Ministerial Directions

| Direction   | Comment   | Consistency |
|---|---|-------------|
| <b>Focus Area 1: Planning Systems</b>   |   |             |
| 1.1 Implementation of Regional Plans  | The Planning Proposal is consistent with the Greater Sydney Region Plan, as identified in Part 3.3.1 of the document.   | Yes         |
| 1.3 Approval and Referral Requirements  | The Planning Proposal is substantially consistent with the terms of this direction.   | Yes         |
| 1.4 Site Specific Provisions  | The Planning Proposal is consistent with the terms of this direction, in that it will allow particular development to be carried out without imposing development standards or requirements in addition to those already contained in WLEP 2011. Further, it does not contain or refer to drawings that show details of the proposed development. | Yes         |
| <b>Focus Area 1: Planning Systems – Place-based</b>                                   |   |             |
| Directions 1.5 - 1.22 are not applicable to the Planning Proposal                     |   |             |
| <b>Focus Area 2: Design and Place</b>   |   |             |
| This Focus Area was blank when the Directions were made.                              |   |             |
| <b>Focus Area 3: Biodiversity and Conservation</b>                                    |   |             |
| 3.1 Biodiversity and Conservation   |   | N/A         |
| 3.2 Heritage Conservation   | The Planning Proposal does not seek to amend the applicable heritage provisions of the site, and the existing local heritage listing relating to the existing building will be maintained.  | Yes         |
| 3.3 Sydney Drinking Water Catchments  |   | N/A         |
| 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPS |   | N/A         |
| 3.5 Recreation Vehicle Areas  |   | N/A         |

| Direction   | Comment   | Consistency |
|---|---|-------------|
| 3.6 Strategic Conservation Planning                           |   | N/A         |
| 3.7 Public Bushland   |   | N/A         |
| 3.8 Willandra Lakes Region                                    |   | N/A         |
| 3.9 Sydney Harbour Foreshores and Waterways Area              |   | N/A         |
| 3.10 Water Catchment Protection                               |   | N/A         |
| <b>Focus Area 4: Resilience and Hazards</b>                   |   |             |
| 4.1 Flooding  |   | N/A         |
| 4.2 Coastal Hazard  | The Planning Proposal does not detract from the application of the Coastal Management Act 2016 or the provisions of Chapter 2 of SEPP (Resilience and Hazards) 2021 and does not seek to amend the site's inclusion on the Coastal Environment Area Map of this policy. | Yes         |
| 4.3 Planning for Bushfire Protection                          |   | N/A         |
| 4.4 Remediation of Contaminated Land                          | The Planning Proposal does not relate to land within an investigation area or land that is known/identified as being contaminated. Further, the Planning Proposal does not seek to rezone land or to carry out development.   | Yes         |
| 4.5 Acid Sulfate Soils  |   | N/A         |
| 4.6 Mine Subsidence and Unstable Land                         |   | N/A         |
| <b>Focus Area 5: Transport and Infrastructure</b>             |   |             |
| 5.1 Integrating Land Use and Transport                        |   | N/A         |
| 5.2 Reserving Land for Public Purposes                        |   | N/A         |
| 5.3 Development Near Regulated Airports and Defence Airfields |   | N/A         |

| Direction  | Comment   | Consistency |
|--|---|-------------|
| 5.4 Shooting Ranges  |   | N/A         |
| <b>Focus Area 6: Housing</b>   |   |             |
| 6.1 Residential Zones  | The Planning Proposal will make efficient use of existing infrastructure and services and will be of good design. Further, the Planning Proposal does not contain provisions which will reduce the permissible residential density of land. | Yes         |
| 6.2 Caravan Parks and Manufactured Home Estates                              |   | N/A         |
| <b>Focus Area 7: Industry and Employment</b>                                 |   |             |
| 7.1 Employment Zones   |   | N/A         |
| 7.2 Reduction in non-hosted short-term rental accommodation period           |   | N/A         |
| 7.3 Commercial and Retail Development along the Pacific Highway, North Coast |   | N/A         |
| <b>Focus Area 8: Resources and Energy</b>                                    |   |             |
| 8.1 Mining, Petroleum Production and Extractive Industries                   |   | N/A         |
| <b>Focus Area 9: Primary Production</b>                                      |   |             |
| 9.1 Rural Zones  |   | N/A         |
| 9.2 Rural Lands  |   | N/A         |
| 9.3 Oyster Aquaculture   |   | N/A         |

| Direction  | Comment | Consistency |
|--|---------|-------------|
| 9.4 Farmland of State and Regional Significance on the NSW Far North Coast |         | N/A         |