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To: DA Submission Mailbox
Subject: Online Submission

25/08/2024

MR Ashwin Field
53 Undercliff RD
Freshwater NSW 2096

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

Ashwin Field and Heidi Worner
53 Undercliff Rd
Freshwater NSW 2096

Ref: PEX2024/0005

Dear Rebecca Sio

We are writing to strongly object to the Planning Proposal at 29-31 Moore Rd and 64 Undercliff Rd, Freshwater (expand the permitted uses to facilitate construction of a motel & pool complex).

Specifically we highlight & object to the following:

1. The significant and permanent extension of 'permitted uses' on this property

The property is zoned R2 Low Density Residential, in an overwhelmingly residential area. The local community is a quiet, beachside community. Residents from Freshwater & Queenscliff access local amenities, schools, parks and the Freshwater Village as well as the beach via Undercliff Road, Moore Road, Charles Street and the adjacent parks/pathways.

The applicant is seeking to amend the permitted uses to facilitate building a 37-bed motel and pool complex. This would not fit with the character of the area, would disrupt community usage & amenity (most obviously via additional road traffic and noise) and cannot be considered compatible with R2 zoning.

The applicants purchased a quiet family-run pub (the HH) operating under strict License Conditions. They have undertaken successive developments to super-size the HH, and we have already noted a marked increase in noise levels from patrons on-premises and leaving the premises (and as cited in other submissions: drunk patrons in front gardens, public urination and vomiting, etc). The latest super-sizing - which we understand was pushed through Land & Environment Court despite widespread opposition from the local community and adverse findings from the Council's planning officer - is not yet completed, but increased capacity and a 'recording studio' do not bode well for local amenity.

Still, the License Conditions have mitigated what could have been more severe impacts from night-time noise levels and patrons exiting the premises. It is our understanding (based on conversation with Council) that these License Conditions would not apply to the motel and pool complex, which must be considered a significant detriment or cost to neighbours and the broader community.

2. Applicant's articulation of community benefit and cost

The proposed usage change will transfer value from the community to the commercial interests that own the HH (which is of course why the applicant is seeking the changes). But we feel, at a cost to the community that hugely outweighs the community benefits.

It is surprising that Council have not undertaken any independent analysis of the community cost or benefit, or given residents sufficient time to undertake our own assessment (more on that below).

In contrast the applicant has had plenty of time (and resources) to develop a substantive articulation of their case,

including hiring external 'experts'. There is a risk that in the absence of due consideration or review from Council, this extensive material will be treated as credible or definitive (even if not objective). However even a cursory read highlights issues with the articulation of community benefits & costs in the Planning Proposal (including mis-statement, exaggeration, lack of attention to detail or peer review). We highlight three below as examples only, and based on our own very quick lay person scan.

First, the applicant asserts that the submission is aligned to multiple State & Local government programmes/policies. For example in response to "Is the planning proposal a result of an endorsed LSPS, strategic study or report?" the applicant admits "No" but then claims alignment to a series of planning artifacts (which are repeatedly referenced throughout the Proposal). But a quick read suggests these artifacts offer limited or no support for (could be argued to position against) the Proposal eg:

- o Greater Sydney Region Plan - A Metropolis of Three Cities - Connecting People. This is a State Government strategy that refers specifically to the Western Parkland City Vision, the Central River City Vision and the Eastern Harbour City Vision. None of these regions has any relevance to decisions involving Freshwater (we are unsure why cited throughout this Proposal?).

- o The North District Plan refers to the entirety of Northern Sydney. The Proposal cites that Freshwater is identified as a 'local centre' (inferring it is identified as an area for development). In fact Freshwater is mentioned just once in this voluminous document (a name check in the context of "unique places, centres, neighbourhoods and suburbs") and appears on one map as a suburb in an "approximate 10 minute fast walking catchment around a centre focused on a mass transit stop" (in itself erroneous).

- o The Northern Beaches Local Strategic Planning Statement - Beyond 2040. The applicant lists a range of Priorities served by this Proposal. But only Priority 29 (promoting tourism) is relevant, all other Priorities would go to the super-sizing of the pub already underway (do not require a motel). This same document also refers to centres and neighbourhoods designed to reflect local character and lifestyle and specifically identifies Freshwater as one of these centres: characterised as a quiet, family centred, village with a relaxed beachside lifestyle. Brookvale is identified as an employment centre, Dee Why and Manly as seaside locales of note (mention of tourism in relation to Manly alone).

- o References to the 24 Hour Economy policy, which does still aim to build night-time economies (albeit a review of the 'District Profiles' shows: in commercial precincts with strong transport links, not residential areas with limited transport options particularly at night-time). We understand there was \$200,000 in public money allocated in Jun-23 to a proposal named 'DuskDown' to promote a 24-hour economy in Freshwater & backed by local businesses; however from review of the 24E site today the only residual mention of Freshwater is a single tile with no website or link other than a Harbord Hotel email address, which suggests that Freshwater is thankfully no longer a 24E contender.

Second, the Proposal asserts significant direct & indirect economic benefits. We accept some ongoing benefit to businesses in Freshwater basin - but would expect it will be marginal. Taking 37 beds, generously an average long-term occupancy at 80%, then subtract the number of residents living in the existing residential block to be demolished (conservatively 8 residents being removed from the local economy). We get +22 net or incremental-to-suburb consumers, which sounds pretty marginal in terms of impact on local businesses, particularly after considering that a large proportion of this incremental economic activity will presumably go to the applicants' own commercial operations rather than businesses in the Village.

The applicant's economic experts however claim significant impacts during development and operation: including 28 construction jobs from the Northern Beaches (will they hire only Northern Beaches local builders?). In the main Proposal they estimate an ongoing 59 full-time equivalent jobs in the Northern Beaches area (in the Annexure that number is 76 which suggests a lack of attention to detail or peer review). We're not experts but even +59 FTE implies each annualised motel guest will pay for 2.7 full-time jobs in the Northern Beaches (in addition to paying for room charges and other non-FTE costs). Looking at the dollar impact assessment, there are some workings but limited detail on whether industry benchmarks used (assumptions are provided by the expert & HH imply these visitors are spending double their room costs on food & retail); on the expert's own numbers and assuming some food spend on-premises, the implication is half or more of the estimated total direct spend will in fact be captured by the owners of the HH and motel complex (which isn't really a community benefit). Real factors like capacity constraint and crowding out are explicitly disregarded (understandable, but a quick search reveals there is nearby short-stay accommodation available on the usual platforms which might be crowded out, and anyone who has tried to get a last minute restaurant table in the Village will testify to capacity constraint). Is this meant to be a definitive analysis? We should all be concerned that this might be taken as such.

Third, the Proposal and supporting documents cite various experts to downplay the community costs, which creates the semblance of balance and diligence. But even on a quick read there are some expert statements which suggest that Council must undertake an independent assessment/seek its own expert advice:

- o "The hotel accommodation use, specifically the individual hotel rooms, are not considered to result in any adverse acoustic impacts within the existing residential setting" [That is a pretty definitive statement for an expert to make, in the absence of any acoustic report or even any binding design]
- o "The hotel accommodation building can be designed to mitigate any impacts that may arise through skilful design techniques" [anything can be mitigated in theory if cost & time are no constraint, but our understanding is that cost and time generally constrained in commercial developments]
- o "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... the proposed building will act as a buffer to residential receivers to the south" [which somewhat ignores the reality that additional noise will be created by a 37-bed motel & pool complex]
- o "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" [as set out in point 4 below all references to the conceptual design must be disregarded, because the nice looking drawings and mature treescapes are purely illustrative and not in any way binding]

3. The reality: minimal benefits but significant and long-term costs to the community

We can anticipate there will be some (marginal) economic benefit not captured by the owners of the HH. And there would be a benefit to local residents able to accommodate visiting family and friends close but not too close (though as above - there does already seem to be a reasonable diversity of short-term options on the usual sites). It is hard to see any other benefits to the Freshwater community.

Against this there will be more foot traffic, more road traffic, and more strain on inadequate public transport. The area is currently served by only two public bus routes, one of which runs only during weekday mornings and afternoons. With the construction of the larger pub and the motel-style accommodation, the only viable transport options are cars (private vehicles, Ubers and taxis). Parking is already impossible to find in summer for residents or visitors, traffic grinds to a halt, anyone walking to/from the beach via Undercliff or Moore must contend with foot traffic and bikes. The North District Plan cites the importance of local streets and how they "provide the principal opportunity for formal and informal connections with neighbours and the local community. They must also provide good local access." Building a motel will actually reduce accessibility & connections, from Freshwater and beyond. There will be more noise. At least 37 beds at peak ('at least' because the concept design is in no way binding so we must assume is representative of the best case/minimum impact development), with a pool and shared lounge areas as well as movement to/from the licensed premises, and without the protections of the License Conditions applicable to the HH.

There will be a large-scale multi-year build that will have even more severe traffic & noise impacts.

These community costs will extend beyond the immediate neighbours & across the whole Freshwater Basin (given ingress/egress to the surrounding blocks, through the village and in the streets leading into Freshwater as already seen with the pub even with License Conditions).

Last but certainly not least, the construction of the motel would result in the demolition of the existing low-rise residential building at 64 Undercliff Rd (it would be surprising indeed if Council & State governments prioritised short-term accommodation/tourism over diversity of long-term residencies).

4. Lack of detail or binding design for the ultimate motel/pool complex

The reality is: there is no binding detail in relation to what might be built on the site. The concept design drawings are purely illustrative. The statements dismissing noise impacts have been made in the absence of an acoustics report. We don't actually know how large the motel will be, or how many beds it will host.

We don't know anything about the design or landscaping - whether high end finishes, ample space and plenty of mature trees planted as shown in the drawings (or a more commercial product).

We don't know anything about opening hours, or access, or occupants. The additional parking may be for the benefit of occupants only. The motel pool could be open late - a party venue akin to the Ivy pool in the Sydney CBD, destroying what remains of after-dark quiet in the surrounding neighbourhood.

The accommodation may end up being something more like a backpacker hostel than a motel. While the use extension is for a motel, Council have conceded there is no objective way to delineate between/or enforce the difference between a motel and a backpacker hostel, so we must assume the worst.

And again: all the above risks without the protection of the current License Conditions that apply to the pub, further

eroding resident's right to peaceful enjoyment of their homes (reducing recourse for action if noise and disruption get out of hand - who will know whether late night noise is from the motel or pub?).

5. Lack of Community Consultation or Engagement

For a change of this magnitude in both significance and permanence and given no recourse for residents, we would think that Council would be much clearer on how this decision would be made (and by whom). It is unclear to us whether Council or State government, on what basis & critically with what level of independent review and scrutiny (given the issues identified with what the applicant has put forward).

It is surprising Council has not undertaken any independent assessment of cost or benefit. At the minimum, it would have been very easy to survey Freshwater residents on whether there is there community support

- o For the applicant to build a motel on low-density residential blocks in the heart of Freshwater basin?

- o For Council to expand usage conditions on low-rise residential zoning to accommodate what to a layperson would seem to be mid-density commercial uses?

It is disappointing that Council has not proactively pursued any broad engagement with Freshwater residents (on a proposal that has such a significant and wide-ranging set of impacts). On our count Council notified only 26 adjacent properties (of which 7 are the applicant's properties) and with a 2-week deadline for submissions (no time to organise a broader community response).

To Council: we expect more from you, we are relying on you to represent the local community (not just the commercial interests) in this decision. There is time to do better: in engaging/communicating, in reviewing & checking what is provided by the applicant, and in undertaking your own independent assessment.

To our neighbours: we can now see the pattern of behaviour from the applicant, to keep asking for more (as long as they are able). We cannot assume this will be the last. We need to oppose not just this application but any and all future efforts to super-size, and we're going to have to go beyond this specific Council process (take this matter directly to Council & State Government elected representatives).

6. Creating a precedent for future LEP/permitted use amendments

Finally we would highlight that if this application were to be permitted, it creates a precedent for future expansion of permitted uses to facilitate the development of what a layperson would regard as commercial facilities on R2 Low Density Residential properties - in Freshwater and the Northern Beaches.

In summary: there are significant, long-term and no recourse community costs arising from this proposal & future development, versus only marginal benefits and then to certain sub-sections of our community (that is, if we exclude the transfer of value to the commercial interests that own the HH).

Accordingly we strongly oppose this proposal and hope that our Council (elected representatives & employed officers) will support our local community and deny not just this application to amend the LEP & permitted uses for the Harbord Hotel and its neighbouring property at 64 Undercliff Rd, but what will no doubt be future applications along similar lines (if this proposal is rejected).