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**Sent:** 30/06/2010 10:01:31 PM  
**Subject:** DA2010/0697 Freshwater Village  
**Attachments:** DA2010-0697FreshVillc.doc;

See attached

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30<sup>th</sup> June 2010

To: The General Manager  
Warringah Council  
Civic Centre  
725 Pittwater Road  
DEE WHY 2099

Attention: Planning and Development Services

Re: Development Application No. DA 2010 / 0697  
22-26 Albert Street, 5-21 Lawrence Street, 18-22 Marmora Street, Freshwater

Dear Sir / Madam

I wish to object to the above development application for the following reasons:

Re WARRINGAH LEP 2000  
H2 (HARBORD VILLAGE) LOCALITY

**Summary points:**

- Allowing residential development on the ground floor in the northern half of the [H2 Locality] land would compromise the intended use of the site for business purposes.
- Land for business use in Harbord is very limited and best located in the Village.
- A 'gated community' excludes public access and permits no shared use of the land with the surrounding community.

The Warringah LEP incorporates certain expectations in the appropriate use of land. However, the residential component would inadvertently change the allocated use of the rear half of the land from commercial to residential.

**Draft North East Subregion Strategy**

The Draft NE Subregion Strategy seeks to retain employment land on the Peninsula. Allowing residential on the ground floor of the rear half of the commercial land would reduce the land available for employment in Harbord Village.

**Locality H2 : Harbord Village**

DESIRED FUTURE CHARACTER (DFC) includes:

- *The Harbord Village will retain its retail character incorporating a mix of small retail and business uses with low rise shop-top housing.*
- *The ground floor of buildings will be predominantly used for business purposes while upper floors may be used for housing. Building design will enable the first floor to be adapted for business use in the future.*

The proposal is not consistent with the following requirements of the DFC for the H2 Locality:

- The ground floor of [some] buildings would be predominantly for residential use.
- The proposed apartments on the first floor could not be adapted easily for normal business use.
- Housing would extend to the lower (ground) floor level and not be limited to upper floors or shop-top housing.

**Land Use:**

Category 1: *business premises, health consulting rooms, housing (not on ground floor), medical centres, offices, shops, restaurants.*

The WLEP2000 definition of 'business premises' includes: “*providing a service directly and regularly to the public*”.

The gated residential development is not compatible with the definition of business premises, which provides a service directly and regularly to the public.

**Category 2 development**

Housing is a Category 1 land use in the surrounding residential area - but not on the ground floor of the Village. Housing on the ground floor is not mentioned in the land use table and is therefore considered to be a Category 2 development.

**Land Use**

Although most of the subject site is located within the H2 Locality, a significant portion of the land would be allocated exclusively to a residential use. The proposal would substantially reduce the land area set aside for ground floor uses associated specifically with the H2 Locality.

**Built Form Controls**

The proposal does not comply with the following built form controls:

Building height: *Buildings are neither to exceed 3 storeys or 11 metres.*

The proposal includes building heights of 5 storeys / 16.6m.

Front building setback

*The minimum front building setback to any third storey is 5 metres.*

The proposal has a front setback of only 4m from the façade of Building A [ 2.2m from awning].

**LOCALITY H1 (FRESHWATER BEACH)**

The DFC states: “*The Freshwater Beach Locality will remain characterised by detached style housing in landscaped settings interspersed by existing apartment style housing and a range of complementary and compatible uses.*”

The DFC permits detached style housing in landscaped settings. Apartment style housing is restricted to those existing at the time the LEP was adopted.

*“Unless exemptions are made to the housing density standard in this Locality Statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.”*

The proposal is not consistent with the predominant size of existing allotments in the locality.

Built form controls: non-compliances include:

Housing density: *The maximum housing density is 1 dwelling per 450m<sup>2</sup>.*

Three dwellings (combined land area of 1649.9 m<sup>2</sup>) would be replaced with 5 dwellings wholly [and 4 dwellings partly] within the H1 Locality - yielding an average lot size of less than 30 m<sup>2</sup>.

Building height: *Buildings are not to exceed 8.5 metres in height.*

The maximum height proposed within the H1 locality is 9.2m.

Landscaped open space: *The minimum area of landscaped open space is 40% of the site area.*

The development allows for only 33.7% of landscaped open space.

#### DRAFT WLEP2009

In the draft WLEP2009 the H2 Locality has been translated into the Zone B2 (Local Centre).

#### Land use

Housing on the ground floor would be prohibited in the Zone B2 (Local Centre). Shop top housing is permitted with consent. Residential accommodation is prohibited.

#### Objectives

The proposal would compromise the following OBJECTIVES of the B2 zone:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*

#### HARBORD VILLAGE

The LEP map shows that the H2 (Harbord Village) Locality occupies a limited precinct within the surrounding residential area of H1 Freshwater Beach) Locality.

The proposal would compromise future opportunities for increased employment, a range of business uses, services and community facilities that could be provided within the Village. It would mean a likely permanent loss of land that is intended for the H2 Locality [Local Centre]. The locality would be deprived of opportunities for the appropriate use of this land to service the surrounding residential area.

Consolidating and diversifying business and community functions is a priority land use planning consideration for the Harbord Village. The land area of the Village is limited with a much smaller area than the surrounding residential Locality.

The Village could expand, but rezoning surrounding land would not be easy, particularly with nearby existing apartment blocks and multiple strata titles.

In terms of land use, the development would be equivalent to allowing the H1 Locality to encroach upon a substantial portion of the H2 Locality. Housing on the ground floor would extend into the commercial precinct. The area allocated to the H2 (Harbord Village) Locality would effectively shrink in size.

Reducing the area allocated to business functions would also undermine the opportunity for the future provision and expansion of local services to provide for the surrounding residential area.

#### LOCAL ACCESS

An objective of Zone B2 in the Draft WLEP2009 is:

- *To maximise public transport patronage and encourage walking and cycling.*

The Village is local to adjoining suburbs (mainly east of Pittwater Road) including Freshwater, Queenscliff, North Manly and Curl Curl.

Consolidating business and community uses within the Village would help to achieve this objective. Increased dependence on LOCAL services reduces the need to travel by car and increases opportunities to walk or cycle.

Freshwater has areas that are suitable for cycling, which from observation is becoming increasingly popular – even for families with children. This is an incentive to improve pedestrian and cycling safety – particularly in the vicinity of the Village.

Freshwater is also magnet for visitors in Summer – with additional impact on traffic, use of facilities.

## PEDESTRIAN ACCESS

In the commercial area, shared / public pedestrian access would be restricted to a corridor / arcade only – terminated with a fence and gate to a private residential area.

The proposal would result in a significant loss of land within the H2 Locality. Most of the H2 component of the land would have residential use on the ground floor and exclude public access.

The proposed residential precinct is a gated community that would block pedestrian access across the H2 precinct.

The Urban Design report does not consider pedestrian links between facilities and the potential to improve pedestrian links across the Village via the subject site.

Pedestrian connections would reinforce / enhance the function of Harbord Village as a pedestrian precinct, and facilitate links between community, business and retail uses.

## SOCIAL ISSUES

The Harbord Institute is partly used on a time-share basis and a proposal to spend Section 94 funding for an occasional child care facility in the Village did not proceed due to limited community land.

The subject site adjoins Freshwater Uniting Church and hall and permissible ground floor uses could complement these facilities.

## TRAFFIC

The main vehicular entry in Albert Street means that vehicles – including delivery trucks to service shops – would pass through narrow residential roads that are not designed for through traffic and large vehicles. The amenity and safety of local streets would be adversely affected.

Alternatively, vehicles would travel through the shopping precinct in Lawrence Street, with accompanying impacts on restricted traffic flow and pedestrian amenity.

The location of the vehicular entry / exist would conflict with vehicular traffic traveling along Albert Street and Moore Road and there is potential for congestion – particularly in the Summer months, with the increased volume of traffic to and from Freshwater Beach.

The proposed entry / exit site for vehicles in Albert Street traverses a well-used footpath for pedestrians.

The Urban Design Report (page 7) states:

“it is expected that the primary car access direction is from the east via Oliver Street”. (Oliver Street is to the *west* of the site.) If the primary car access direction is expected via Oliver Street, then the proposed vehicular access in Albert Street would inevitably increase traffic in local connecting roads.

Although the proposal would reduce entry / exit driveways for vehicles along Lawrence Street, the proposed vehicular access in Albert Street is not satisfactory.

## PARKING

Basement car parking is less suitable for short trips and could discourage customers who want to park for less than half an hour. The existing at grade car park outside the Harbord Growers Market is well used and there is a high turnover of customers. At grade car parks are also suitable for elderly and disabled.

The proposed single entry lane and single exit lane would result in an estimated average queue (of 2 to 3 vehicles) that would add to the overall time taken for customers to park. The queue would be greater during busy times. In addition, vehicles would have to wait for pedestrians crossing the driveway.

According to the traffic report: “Large rigid trucks would require the use of the full width of the driveway and hence management of the driveway will be required to allow access by a large rigid truck.” The supervision required for large trucks could contribute to congestion and parking time. There are also safety implications in relying on management for the maneuvering of trucks.

#### URBAN DENSITY

The Urban Design report states: “The number of multi-unit dwellings in Harbord suburb is 52% which is double the Sydney metropolitan average”.

The provision of additional multi-unit dwellings in Harbord is not a priority, as over 50% of the existing housing stock consists of multi-unit dwellings. Multi-unit dwellings also dominate the medium density area in nearby Queenscliff.

#### VISUAL IMPACT

The increased height would visually protrude above surrounding buildings. The design and scale of the development would not enhance the Freshwater Village locality. The proposal is visually ‘out of place’. It is a consolidated mass of buildings that would overwhelm the limited area within the Village and the surrounding area.

In the Urban Design Report, the photo of the local church forming a vista at the end of Val. Street, Haymarket, is visually appealing. The church tower is an attractive (heritage) architectural feature at the visual apex of the street. However, the church steeple bears no resemblance to the rectangular multi-storey structure that would visually terminate the vista from Moore Road.

The proposed building would be intimidating in its scale, size and angular design. The design does not blend with the traditional character of the shopping area in Harbord Village or with heritage listed buildings in Lawrence Street.

The Telstra building is a red brick structure located near the rear of the Waves Youth Club. The footprint of the Telstra building occupies a relatively small area compared with the proposed development. The larger footprint, size and scale of the proposed development would be far more conspicuous than the Telstra building.

The observation in the urban design report that existing buildings in Freshwater ‘lack visual coherency’ refers to the existing mix of housing types, including apartment blocks. In the DFC for the H1 Locality in the WLEP2000, the character and accompanying standards for future development are based upon detached style dwellings, not existing apartments.

The Urban Design Report suggests an R1 General Residential zone would be more appropriate for Freshwater. However, the R2 Low Residential zone is a more accurate translation of the H1 Freshwater Locality in the WLEP2000. A clear decision was made some years ago to discourage progressive overdevelopment of Freshwater, avoid new apartments and retain the low density housing character.

The Urban Design Report states: “Dwelling choice and affordability is at the metropolitan average levels”. The existing apartment style dwellings in Freshwater already provide a range of housing choice that is on a par with the metropolitan average. The existing apartments are also likely to be more affordable than new exclusive apartments, such as those that are proposed in a gated community in the village.

#### SUNLIGHT ACCESS

Pedestrian access in the new development is restricted to plaza providing access to shops at the rear of Lawrence Street. The proposed plaza is a corridor between buildings rather than a focal point for pedestrian activity. The pedestrian corridor has little access to sunlight.

#### OVERSHADOWING

The shadow diagrams show overshadowing [in midwinter] of:

- Footpath area on the southern side [at 9am and 3pm]
- Forecourt of Freshwater plaza [at 3pm]
- Footpath areas at N and S corners of Moore Road and Albert Street [at 3pm]

The forecourt of Freshwater plaza is a focal point for pedestrian activity within the Village. Shadows would fall on areas that were part of the recent \$2million Council funded face-lift of Freshwater Village.

#### ENERGY

The retail area at basement level would require air conditioning and interior artificial lighting. Reliance on non-renewable energy could be reduced with improved access to sunlight and ambient airflow within the commercial area.

#### STORMWATER DRAINAGE

The easement above the Council drainage pipe along needs to be at least 3metres wide and to provide an overland flow path. This width would be sufficient to allow for pedestrian access along the northern boundary of the subject site. A pedestrian path / easement would also provide a cleared area suitable for an overland flow path.

The proposal does not consider the use of the existing public car park for church functions, and the desirability of formalizing pedestrian access. A shared pedestrian link between the car park and church hall in Marmora Street would allow for continued use of the public (community) car park in conjunction with events at the church and hall.

This connection was acknowledged and partially provided for in the development approved fro 5/5A Lawrence Street – subject to a link on the adjoining property [to the west] to allow a connecting link.

The opportunity exists for an easement with a dual function for stormwater and shared pedestrian access along the northern boundary of the site. A corridor of land could be set aside for this purpose and incorporated into the design of a proposed redevelopment. If necessary, the land could be resumed or transferred to Council to facilitate future management.

Water Sensitive Urban Design (WSUD) measures such as landscaping within the car park would capture runoff, attenuate flow and improve amenity.

#### EXCAVATION

The Geotechnical report states that:

- *“The site is located near the mid-slope of a hillside which falls to the north-east at about 3 degrees.”*
- *“Excavation for the proposed basement will result in cuts to depths ranging from about 3.5m to 12.5m and will extend close to the site boundaries.”*
- *“While much of the excavation will be through soils, over the western portion of the site it will be predominantly through bedrock with rock encountered at 1m in the top (south-western) corner of the site.”*

The site is on a hillside and the proposal would carve out a large part of the natural rock underlying the hill. The excavation would extend to the boundaries and nearby structures could be vulnerable to damage. The depth of the excavation would result in dramatic discontinuities at the subsurface interface with surrounding land.

Re groundwater:

- *“As the proposed excavation will extend below the groundwater table some dewatering will be required.”*
- *“treatment of the groundwater to remove turbidity will probably be required prior to its disposal to the stormwater system.”*
- *“residual flows which occur into the floor of the basement would have to be collected in a series of subsoil drains.”*

The excavation would extend below the groundwater table and interrupt / intercept seepage flows through bedrock. The basement would need to be tanked or permanently dewatered. The impact of the excavation on groundwater / subsurface flows would be considerable, with potential off-site impacts including stormwater discharge.

#### IN CONCLUSION

- The proposed development is not consistent with the DFC for the H2 / H1 Locality
- The proposal contains significant non-compliances with built form controls, including building height.
- On balance the development does not achieve reduced dependence on cars for travel, as it would reduce the availability of commercial land accessible to surrounding residents.
- The development would alter the intended ground floor use of a significant portion of land allocated for commercial use in Harbord Village.
- The proposed residential use on the ground (and first) floor would displace potential commercial uses, which could be provided to complement other retail, business and community functions in the Harbord Village.
- The loss of commercial land would have detrimental social impacts on the Harbord Community.

Yours sincerely

Ann Sharp