

---

**Sent:** 20/10/2010 11:37:26 PM  
**Subject:** DA 2010/1446 Freshwater Village  
**Attachments:** DA2010-1446FreshVill.doc; FreshVillDA2010-1446.doc;

Submissions (2) attached

77 Brighton Street  
Curl Curl NSW 2096  
Phone 9938 3459  
Email: aesharp@bigpond.net.au

20<sup>th</sup> October 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 / 1446**  
**22-26 Albert Street, 5-21 Lawrence Street, 18-22 Marmora Street, Freshwater**

Dear Sir / Madam

I wish to object to the proposed development for the following reasons:

#### HARBORD VILLAGE

The LEP map shows that the H2 (Harbord Village) Locality occupies a limited precinct within the surrounding predominantly 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 permanent loss of land that is intended for the H2 Locality [and corresponding Standard Zone B2]. 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 Harbord (Freshwater) 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 having strata title.

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 allow the residential area to 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.

The Village is local to adjoining suburbs of Freshwater, Queenscliff, North Manly and Curl Curl.

#### LOCAL ACCESS

An objective of Zone B2 in the Draft WLEP2009 is:

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

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 Beach is also magnet for visitors in Summer – resulting in additional impacts on traffic and use of facilities.

### PEDESTRIAN ACCESS

In the commercial area, the development RESTRICTS shared pedestrian area to a corridor / arcade only – terminated with a barrier 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 prevent public 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 friendly precinct, and facilitate links between community, business and retail uses.

### COMMUNITY LAND

Community land in the Village is insufficient to provide for additional community services. The local preschool is partly used on a time-share basis. A proposal to spend Section 94 funding on building an occasional preschool care facility in the Village was not implemented, as there was insufficient community land available.

### 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. Local ‘collector’ roads such as Soldiers Avenue, have only a single lane for traffic. 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 single 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 for customers, particularly if they want to park for less than half an hour. Extra time or inconvenience to park could discourage potential customers. 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 spaces are also suitable for elderly and disabled.

The proposed single entry lane and single exit lane would result in queuing of vehicles that could add to the time taken for customers to park. The estimated average queue would be greater during busy times. In addition, vehicles would have to wait for pedestrians crossing the footpath.

#### 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, while the number of rented dwellings is, with 34%, only slightly above the Sydney average.”

In the suburb of Harbord over 50% of the dwellings are multi-unit dwellings. This reduces the argument that additional multi-unit are needed in the area. Multi-unit dwellings also occupy the medium density area in nearby Queenscliff.

The minimum lot size of the H1 Locality is 450 sq m, which is significantly less than the 600 sq m minimum lot size in many other suburbs of Warringah.

#### 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.

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 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 development would result in overshadowing of streets and public areas.

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 areas require air conditioning and interior artificial lighting. This would increase reliance on non-renewable energy. Access to sunlight and natural airflow would reduce additional heating and cooling of commercial buildings.

#### STORMWATER DRAINAGE

The easement above the Council drainage pipe along is required 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 functions in the church / hall, and the desirability of formalizing this 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 for 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 could improve amenity within the car park.

#### WARRINGAH LEP 2000 H1 (FRESHWATER BEACH) LOCALITY

##### **Built Form Controls**

The proposal is non-compliant with built form controls:

Housing density: The maximum housing density is 1 dwelling per 450m<sup>2</sup>.  
The proposed residential lots in the H1 Locality are significantly smaller than the minimum lot size.

##### Category 3 development

This applies to uses that are ancillary to the adjoining H2 Locality, rather than the H1 Locality.

#### H2 (HARBOR VILLAGE) LOCALITY

##### **Desired future character**

The proposal is not consistent with the desired future character (DFC) for the H1 (Freshwater) Locality. The proposed residential use at ground and first floor level does not adhere to the requirements in the DFC.

##### **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 considered to be a Category 2 development.

The Locality Statement states that 'upper floors may be used for housing'. In this case, Category 2 development 'housing on the ground floor' is not consistent with the DFC, due to the inherent contradiction with the requirement for 'shop-top housing'.

#### **Land Use**

Most of the subject site is located within the H2 Locality. Within this area, most of the land would be allocated 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 built form controls for H2 Locality.

Building height: Buildings are neither to exceed 3 storeys nor 11 metres.

Buildings A, B, C exceed the 3 storeys and 11m height limit. Building D exceeds the height limit of 11 metres.

### **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.

### **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.*

The proposed development for the Freshwater Village would be prohibited in the Standard Zone B2, which corresponds to the Harbord Village Locality Statement in the WLEP2000.

Yours sincerely

Ann Sharp

77 Brighton Street  
Curl Curl, NSW 2096  
Phone: 9938 3459  
E-mail: [aesharp@bigpond.net.au](mailto:aesharp@bigpond.net.au)

20<sup>th</sup> October 2010

To: Warringah Council  
Civic Centre  
Dee Why  
NSW 2099

**Re: DA No. 2010/0697  
22-26 Albert St / 5-12 Lawrence St / 18-22 Marmora St Freshwater**

Dear Sir / Madam

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

**Summary of concerns:**

1. Allowing residential development on the ground floor in the rear half of the land would compromise the intended use of the site for commercial purposes.
2. The commercial blocks are deep, and on the opposite side of Lawrence Street, an arcade extends into the block providing additional frontage for shops.
3. The land at the rear adjoins the Harbord Uniting Church and Hall and permissible ground floor uses at the rear could complement these facilities.
4. Commercial land in Harbord is very limited and best located in the Village.
5. A 'gated community' excludes public access and permits no shared use of the land with the surrounding community.

The 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 (local retail) 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.

Re WARRINGAH LEP

**Locality H2 Harbord Village:**

DESIRED FUTURE CHARACTER (DFC) states:

*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.*



Land Use:

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

The plan is not consistent with the following requirements of the H2 Locality:

- o *The ground floor of buildings will be predominantly used for business purposes*
- o *Building design will enable the first floor to be adapted for business use in the future*
- o *Upper floors may be used for housing.*

#### LOCALITY H2

'Business use' is a Category 1 use that would normally take place on business premises.

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

'Housing on the ground floor' is a Category 2 use.

Issues:

- o The first floor of Blocks B, C and D are primarily (or exclusively) for residential use.
- o The building design will not enable the first floor to be adapted for business use.
- o The gated community is not compatible with the definition of business premises, which provides a service directly and regularly to the public.
- o There is a fundamental inconsistency and incompatibility between the proposed development and the DFC for the H2 Locality.

The Development is NOT consistent with the DFC for Locality H2.

The Harbord Uniting Church is tucked away in the corner of Marmora Street. The area in front of the church is an outdoor gathering place used in conjunction with a various functions. The church has no rear garden, so the front garden is the outdoor focus for social events. The front garden also contains memorial plaques and seats for quiet contemplation.

#### **Pedestrian Access / Linkages**

Occasional pedestrian access is allowed (with owners' permission) between the church hall and public car park via private property to the west of subject site and NW corner of subject site.

Council's drainage pipeline traverses the northern end of the site. A drainage easement that has to be kept clear of development could be used for pedestrian access. A pedestrian link could connect the church with the public car park in Oliver Street.

Redevelopment of the subject site, which adjoins the church, should be considered in conjunction with vehicular and pedestrian access to the church and hall.

### **Warringah LEP 2000 General Principles**

The proposal does not satisfactorily address the following:

#### Clause 68 – Conservation of Energy and Water

For the commercial and public precinct within the subject site, the development does not achieve the following:

- o Orientation and layout to make the best use of natural solar energy
- o Buildings are to minimise winter heat loss

#### Clause 66 – Building Bulk

The bulk and scale of the development is too large for the site.

### LOCALITY H1

*“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 proposed residential lots in Marmora Street are not consistent with the housing density standard (minimum of 450 sq metres) or with the predominant pattern, size and configuration of existing allotments in the locality (H1).

The DFC states: *“The Freshwater Beach Locality will remain characterised by detached style housing in landscaped settings interspersed by existing apartment style housing...”*

Built elements of the proposed development that relate to new apartment blocks should not be considered to be Category 1 components of H1. The DFC permits detached style dwellings, and apartments are restricted to those existing at the time the LEP was adopted. Ancillary elements of housing that relate specifically to new apartments and that would detract from the character of the locality, e.g. garbage room, are not consistent with the DFC for H1.

### **Business Use**

The SEE states:

*“Should future occupants of ground and first floor dwelling units in proposed residential Buildings B and C wish to conduct a home business, this would be exempt development under the H2 Locality Statement.”*

Definition:

*“Home Business means the use of a dwelling for the purpose of an office or business, including a bed and breakfast establishment where:*

- a) The use is ancillary to the residential use of the dwelling, and*
- b) The use is undertaken by the permanent residents of the dwelling, and*
- c) The use does not involve the employment of more than one person in addition to those residents, and*
- d) The use does not cause any unacceptable impact on the environment or interference with the amenity of the surrounding area, and...”*

The definition of 'home business' is very different to that of 'business use' and 'business premises', which applies to commercial land and is a Category 1 use for the H2 Locality Statement.

A 'home business' for future occupants of ground and first floor dwellings does not satisfy the land use requirements for 'business use' within the H2 Locality.

### **Parking requirements**

Schedule 7 (Clause 74) of WLEP 2000

*Retail* – 6.1 spaces per 100 square metres;

*Commercial* - 1 space per 40 square metres

The parking requirements for retail and commercial uses are higher than for residential. The proposed gated residential development would inhibit (prevent) the future use of ground and first floors for business use, as adequate parking would not be available.

If the proposed residential development were to generate additional parking demand this would compete with retail and existing on street parking demand.

### **Draft SEPP66 – Integration of transport and land use planning**

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.

### **In Conclusion**

In Harbord (Freshwater)) Village the provision of land for services, employment and commercial use is important. Strategic issues affecting access, linkages and pedestrian amenity are also relevant.

The WLEP 2000 does not provide for an exclusive housing development on existing commercial land in the H2 Locality.

The proposed development is not consistent with the DFC Statements for either the H1 or the H2 Localities under WLEP 2000.

Yours sincerely