Statement of Environmental Effects

10 – 28 Lawrence Street, Freshwater

Submitted to Northern Beaches Council
on behalf of Lawrence St Pty Ltd

Ethos Urban

Prepared by Ethos Urban

28 January 2025 | 2200617

'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.

'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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C.	**Landscape Plans and Design Report**	360 Degrees
D.	**Strata Subdivision Plans**	Andrew Lionel Whitfield
E.	**Clause 4.6 Variation Request – Building Height**	Ethos Urban
F.	**View Analysis**	Ethos Urban
G.	**Traffic Impact Assessment**	Stantec
H.	**Noise Impact Assessment**	Acoustic Logic
I.	**Flood and Stormwater Report**	TTW
J.	**Heritage Impact Statement**	GBA Heritage
K.	**Preliminary Site Investigation**	EI Australia
L.	**Post Demolition Investigation Statement**	EI Australia
M.	**Arboricultural Impact Assessment**	Naturally Trees
N.	**Crime Prevention Through Environmental Design Report**	Ethos Urban
O.	**Construction and Demolition Waste Management Plan**	Elephants Foot
P.	**Operational Waste Management Plan**	Elephants Foot
Q.	**Building Code of Australia Report**	Philip Chun
R.	**Fire Engineering Statement**	Holmes
S.	**Accessibility Statement**	Morris Goding Access Consulting
T.	**Ecologically Sustainable Design Report**	Efficient Living
U.	**BASIX and NatHERS Certificates**	Efficient Living
V.	**Geotechnical Investigation**	EI Australia
W.	**Groundwater Take Assessment**	EI Australia
X.	**Coastal Environment Area Assessment**	Horton Coastal Engineering
Y.	**Quantity Surveyor's Statement**	QPC&C
Z.	**NABERs Embodied Emissions Materials Form**	QPC&C
AA.	**Site Survey**	Norton Survey Partners

1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to Northern Beaches Council (Council) on behalf of Lawrence St Pty Ltd (the Proponent) in support for a Development Application (DA) for a four-storey shop-top housing development comprising 30 residential apartments and ground floor retail tenancies at 10-28 Lawrence Street, Freshwater (the site).

Specifically, consent is sought for the following:

- Site preparation works and the demolition of all existing buildings on the site;
- Construction and use of a four-storey shop-top housing development, comprising:
  - 1,379m^2 of retail floorspace across 4-9 tenancies (subject to future fitout) including signage;
  - 3,299m^2 of residential GFA, including 522m^2 of affordable housing, across 30 residential apartments comprising:
    - 6 x one-bedroom apartments;
    - 15 x two-bedroom apartments;
    - 9 x three-bedroom apartments;
  - Rooftop communal open space;
  - A bilevel subterranean basement with 44 residential and 62 retail car parking spaces;
- A 268m^2 public plaza fronting Lawrence Street;
- Public domain landscaping including within the new public plaza and buffer planting zone along the rear of the site;
- Lot consolidation and strata subdivision; and
- Vehicular access via Dowling Street and pedestrian access via Lawrence Street.

This report describes the site, its environs, and the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It should be read in conjunction with the Architectural Plans (**Appendix A**) and accompanying Architectural Design Report (**Appendix B**) prepared by Chrofi, Landscape Plans and Design Report prepared by 360 Degrees (**Appendix C**), and other appended documentation (refer to Table of Contents).

The DA is recommended for approval given the following reasons:

- The proposed development reinforces and enhances the role of Freshwater Village as a centre for the local community, delivering retail and residential uses to meet the needs of people who live, work in and visit the area as well as delivering a new public plaza where community members can congregate.
- The proposed development is consistent with the aims and objectives of the Warringah LEP 2011 and Warringah DCP 2011, as well as the relevant State Environmental Planning Policies.
- The proposed development will provide 522m^2 of affordable housing floorspace (6 apartments), improving housing affordability and diversity outcomes in Freshwater and the Northern Beaches LGA more broadly.
- The proposal will deliver a high standard of residential amenity, as well as significant street activation and vibrancy to Lawrence Street through the provisions of nine (9) retail tenancies at ground level.
- The development will not give rise to unacceptable environmental impacts. Supporting technical studies that accompany this DA confirm that environmental impacts associated with the proposal are appropriate.
- The development is suitable for the site, and in the public interest.

1.1 The Proponent

The Proponent's details are provided in **Table 1** below.

Table 1 Proponent details

Aspect	Detail
Proponent name	Lawrence St Pty Ltd
ACN	644 599 066
Address	Suite 2.03 Level 2, 20 Clarke St, Crows Nest 2065

1.2 Background

The site has long been identified as having redevelopment potential to meet its highest and best use. Development Application DA2011/1361 was approved by the Warringah Development Application Panel on 14 March 2012 for a shop-top housing development with 19 apartments, commercial floorspace (including a below-ground retail level) and a height variation of up to 1.5m. However, DA2011/1361 was ultimately not physically commenced.

In 2023, the NSW Department of Planning, Housing, and Infrastructure (DPHI) announced a series of legislative amendments to the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), including insertion of a clause which grants a building height and/or FSR bonus to a residential development which incorporates a minimum of 10% affordable housing. Accordingly, the site's redevelopment was revisited with a focus on delivering high quality affordable housing within the revised planning framework, culminating in the proposed development. This DA provides for 522m^2 of affordable housing, equating to six (6) out of the 30 apartments proposed.

To ensure that a high-quality built form outcome is provided at the site, the pre-lodgement consultation has been had with Council prior to lodgement. Feedback and recommendations from Council have informed the final design of the application. The Proponent met with Council's Design and Sustainability Advisory Panel on 25 July 2024, and a pre-DA meeting was also held on August 8, 2024. The Design and Sustainability Advisory Panel was generally supportive of the design direction and the proposed development. A detailed response to Council's commentary is provided in **Section 5.1**.

1.3 Integrated Development

The proposed development is nominated integrated development within the meaning of Division 4.8 of the EP&A Act. The Groundwater Take Assessment prepared by El Australia at **Appendix W** (refer to **Section 5.17**) confirms that the development requires continuous dewatering to maintain groundwater at bulk excavation level during construction. Therefore, water supply work approval is required for the development pursuant to section 90(2) of the *Water Management Act 2000*.

2.0 Site Analysis

2.1 Site Location and Context

The site is located at 10 – 28 Lawrence Street, Freshwater within the Northern Beaches Local Government Area (LGA), formerly the Warringah Council LGA. The site is located approximately 600 metres north-west of Freshwater Beach, 2km north of The Corso, Manly, and 12.7km north-east of the Sydney CBD.

The local context surrounding the site is best described as mixed-use low and medium density development and low-density residential development.

The site is in the Freshwater Town Centre which consists of a variety of small-scale retail premises, providing goods and services for the surrounding communities of Freshwater and Queenscliff. The town centre includes a range of premises, including a supermarket, newsagent, bank, medical practice, pharmacies, and several restaurants and cafés. The built form of the town centre predominately consists of one to three storey retail and shop-top housing developments.

Low density residential development is located to the immediate south of the site and a mixture of retail premises are located to the north and east. An existing shop-top housing development is adjacent to the eastern boundary of the site on the corner of Albert Street and Lawrence Street. The site's surrounding context is captured in **Figure 1** below.

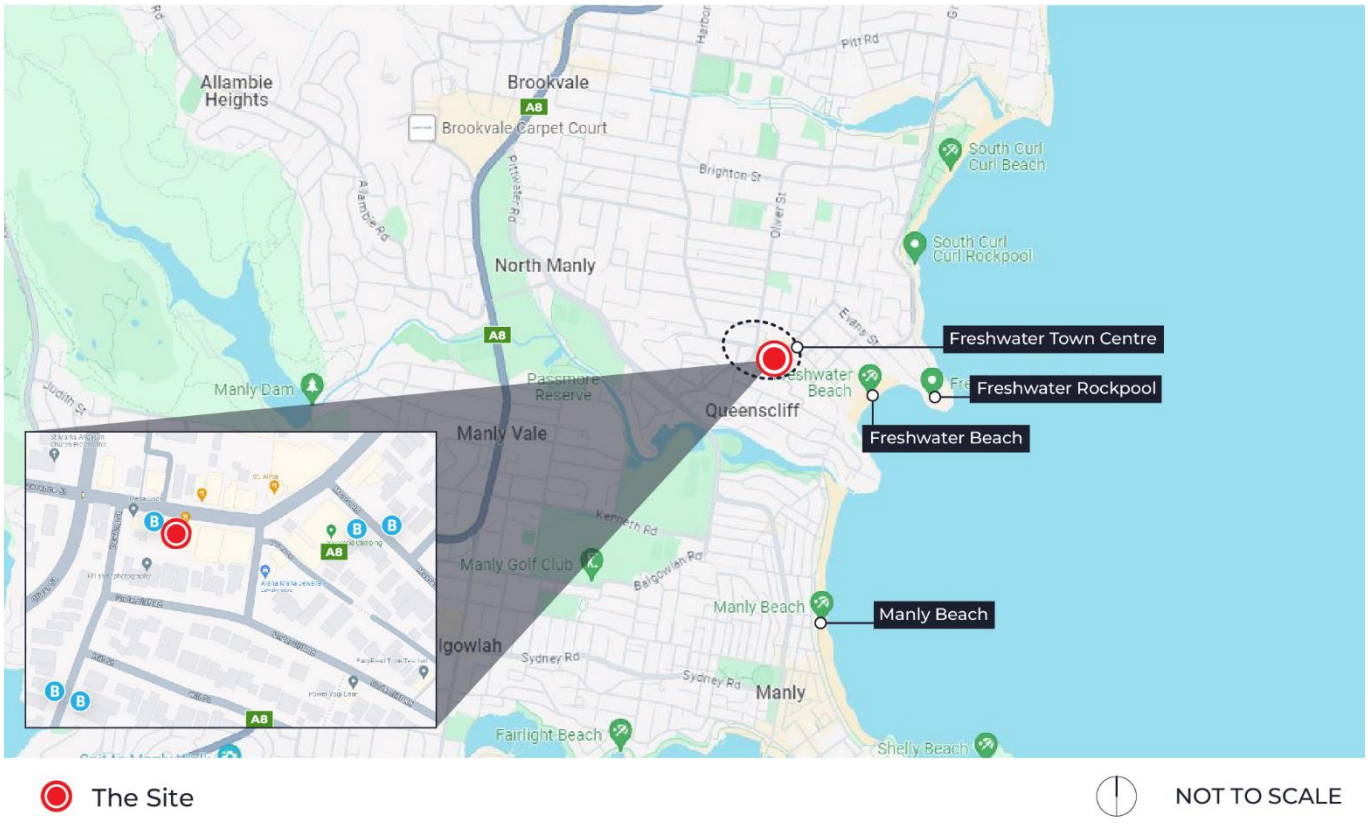

Figure 1 Site context

Source: Google Maps, edits by Ethos Urban

2.2 Site Description

The site is known as 10-28 Lawrence Street, Freshwater and is bound by Lawrence Street to the north and Dowling Street to the west. The topography of the site experiences a steep slope of approx. 6-7m descending from west to east. Vehicular access is currently provided via Dowling Street to the rear of the site.

The site has an approximate total area of 2,568m^2 and is rectangular in shape. Existing built form on the site comprises several one to two-storey buildings with retail tenancies and food and drink premises fronting Lawrence Street, as well as rooftop parking. Existing conditions at the site comprise 1,524m^2 of retail GFA. The site is legally made up of five allotments, as summarised in **Table 2** and **Figure 2** below.

Figure 2 Site aerial

Source: Ethos Urban

Table 2 Site legal description

Lot no (Figure 2)	Address	Allotment	Existing built form
1	10 Lawrence Street	Lot 1 DP 595422	1-storey building with rooftop parking
2	16 Lawrence Street	Lot 45 DP 974653	1-storey building
3	20 Lawrence Street	Lot 1 DP 578401	2-storey building
4	22 Lawrence Street	Lot 1 DP 100563	2-storey building
5	28 Lawrence Street	Lot 1 DP 900061	2-storey building

A site survey of existing site conditions has been provided by Norton Survey Partners at **Appendix AA**.

2.3 Surrounding Development

The site is in the Freshwater Village commercial area and is surrounded by a mix of uses including shop-top housing, retail and commercial development, and low and medium-density housing.

- **North:** North of the site is the Freshwater Village commercial area fronting Lawrence Street, which comprises multi-storey shop-top developments, and commercial and retail stores (**Figures 3** – **4**). A bus stop is located at the frontage of the site and is supported by pedestrian crossings to the east and west.
- **East:** East of the site is a mixed-use development on the corner of Lawrence Street and Albert Street (**Figure 5**). The development comprises a café at ground level and residential units at the two upper levels. Further east is a pedestrian crossing providing pedestrian access to a plaza containing further retail and food outlets within Freshwater Village along Albert Street (**Figure 6**).
- **South:** South of the site are low-density residential properties that front Undercliff Road (**Figure 7**). The property's rear yard is bounded by the site's southern (rear) boundary. Further south are low-density dwelling homes generally comprising two-storey dwellings (**Figure 8**).
- **West:** West of the site is Dowling Steet (**Figure 9**). Retail and commercial development is located further beyond, as well as the Harbord Literary Institute (**Figure 10**). Oliver Street further west is characterised by low and medium density residential development.

Figure 3 2-9 Lawrence Street, shop-top housing development, looking north

Source: Google Maps

Figure 4 Lawrence Street development, looking north

Source: Google Maps

Figure 5 6-8 Lawrence Street, looking south

Source: Google Maps

Figure 6 Pedestrian plaza, Albert Street, looking northwest

Source: Google Maps

Figure 7 5 and 8 Undercliff Road, looking north

Source: Google Maps

Figure 8 Undercliff Road, looking west

Source: Google Maps

Figure 9 Dowling Street, looking south

Source: Google Maps

Figure 10 Lawrence Steet and Harbord Literary Institute, looking south

Source: Google Maps

2.4 Access and Connectivity

2.4.1 Vehicular Access and Parking

Vehicular access to the site is currently provided from the rear of the site, via Dowling Street. A rear servicing laneway is located across the rear boundary, running between the existing building and residential buildings to the south, providing at-grade parking and leading up to a rooftop carpark at 10 Lawrence Street.

2.4.2 Pedestrian and Cyclist Access

The site is surrounded by established pedestrian footpaths providing convenient access to the surrounding Freshwater Village and residential properties. Lawrence Street and Albert Street have pathways on both sides, accommodating pedestrians and cyclists accessing the site and the surrounding village centre and beach located a 600m walk from the site.

Pedestrians currently access the site via Lawrence Street which has multiple access points at each of the retail stores.

2.4.3 Public Transport

A bus stop is located at the site's frontage to Lawrence Street towards the eastern end of the site. The 165X and 167 bus routes service the stop, providing frequent public transport connections to Manly, Warringah Mall and the Sydney CBD.

Additional bus stops are located further west on Lawrence Street, Oliver Street and on Dowling Street, all of which provide services to the Sydney CBD and Manly.

2.5 Site Vegetation

There is minimal existing vegetation on the site. Two mature trees are located adjacent to the site along the public domain footpath, along Dowling Street. A small cluster of shrubs is located at the pedestrian crossing nearest to Dowling Street.

2.6 Heritage Conservation

The site is not a heritage item and is not located within a Heritage Conservation Area. The nearest heritage item is located at the corner of Lawrence Street and Oliver Street (I71) and is known as "Harbord Literary Institute". The heritage item is of local significance. Adjacent to this item is 29 Lawrence Street (I72), another local heritage item known as the "Early Childhood Health Centre". The site's heritage context is shown in **Figure 11**.

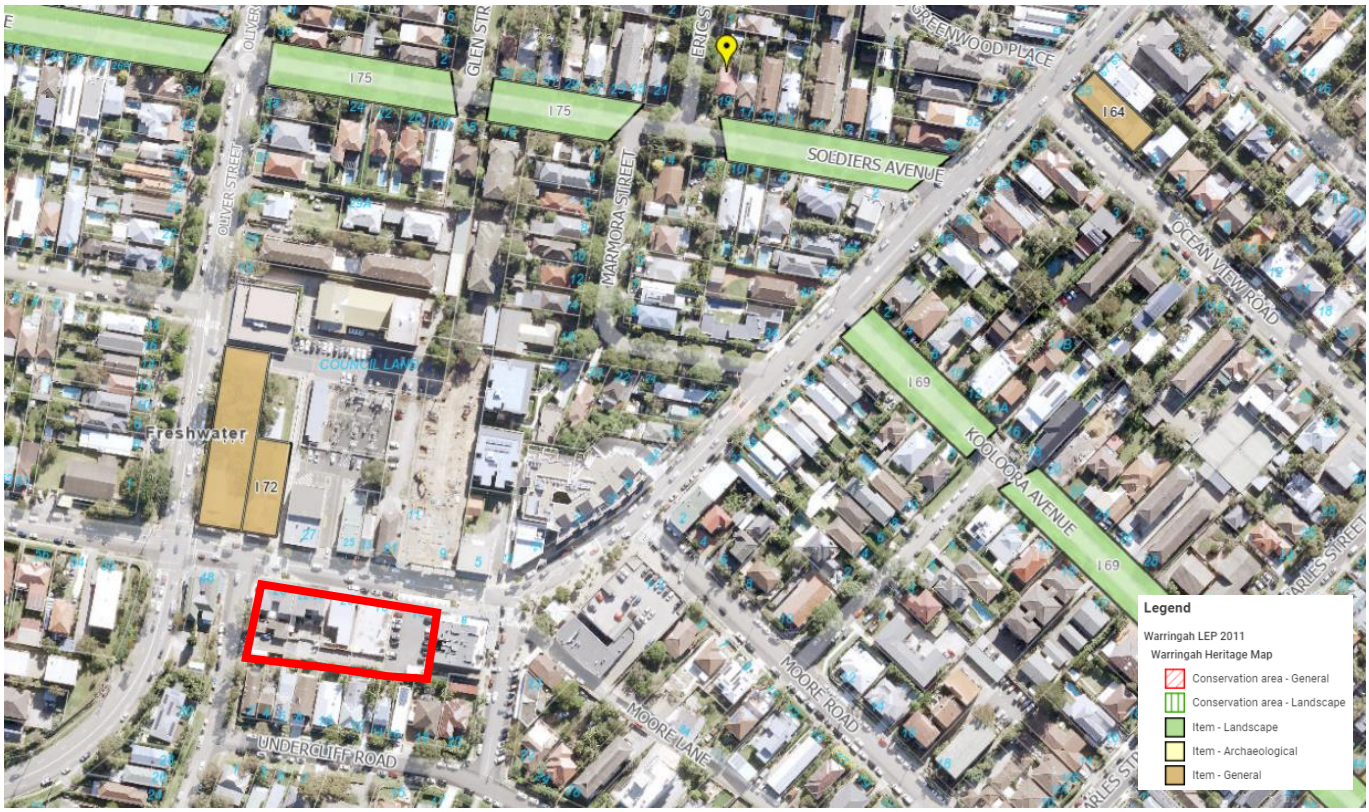

Figure 11 Heritage context surrounding the site (red outline)

Source: Northern Beaches Council, edits by Ethos Urban

3.0 Description of Proposed Development

This Development Application seeks consent for a four-storey shop-top housing development comprising 30 residential apartments and ground floor retail tenancies at 10-28 Lawrence Street, Freshwater (the site).

Specifically, consent is sought for the following:

- Site preparation works and the demolition of all existing buildings on the site;
- Construction and use of a four-storey shop-top housing development, comprising:
  - 1,379m^2 of retail floorspace across 4-9 tenancies (subject to future fitout) including signage;
  - 3,299m^2 of residential GFA, including 522m^2 of affordable housing, across 30 residential apartments comprising:
    - 6 x one-bedroom apartments;
    - 15 x two-bedroom apartments;
    - 9 x three-bedroom apartments;
  - Rooftop communal open space;
  - A bilevel subterranean basement with 44 residential and 62 retail car parking spaces;
- A 268m^2 public plaza fronting Lawrence Street;
- Public domain landscaping including within the new public plaza and buffer planting zone along the rear of the site;
- Lot consolidation and strata subdivision; and
- Vehicular access via Dowling Street and pedestrian access via Lawrence Street.

Artist's impressions of the proposed developments are provided in **Figures 12** – **13** below.

Figure 12 Artist's impression of the proposed development – view from new public plaza

Source: Chrofi

Figure 13 Artist's impression of the proposed development – view from Lawrence Street

Source: Chrofi

3.1 Numerical Overview

A numerical summary of the proposed development is provided in **Table 3** below.

Table 3 Key development information

Component		Proposal
Site area		2,580m^2
Gross floor area	Residential	3,299m^2 (including 522m^2 affordable housing)
	Retail	1,379m^2
	Total	4,678m^2
	% as affordable housing	522m^2 – 11.16% of all GFA
Building height		16.35m [see footnote 1]
Apartment mix	1-bedroom	6 (20%)
	2-bedroom	15 (50%)
	3-bedroom	9 (30%)
	Total	30 apartments
Building setbacks (Level 1)	North (Lawrence Street)	0 – 10.3m
	South (rear)	2.5m – 13.9m
	East	0m

[1] as calculated under the *Bettar* method. The maximum height would be 18.65m if calculated under the *Merman* method. Refer to accompanying Clause 4.6 Variation Request at **Appendix E** for further information.

Component		Proposal
	West	0m
Car parking	Retail	62
	Residential	44
	Total	106
Communal open space	Rooftop communal space	171m^2
Public open space	Public plaza	268m^2

3.2 Site Preparation, Demolition and Excavation

It is proposed to demolish all existing structures and buildings on site to facilitate the proposed development. Detailed demolition plans are located at Drawing A-DA-003 within the Architectural Drawings at **Appendix A**, an excerpt of which is provided at **Figure 14** below. It is also proposed to excavate the site to accommodate the proposed bilevel basement.

Figure 14 Extent of proposed demolition

Source: Chrofi

3.3 Built Form

The proposal comprises a four-storey, mixed use shop top housing development building that consists of 4-9 ground floor retail tenancies (intertenancy walls subject to future fitout) and a public plaza at ground floor, and 30 residential apartments at levels 1 – 3 above. A two-storey basement is provided below ground with car parking. The proposed building primarily fronts Lawrence Street, with vehicular access provided from the rear via Dowling Street, consistent with existing conditions.

To break up perceived bulk and scale and ensure high quality articulation and visual interest is provided to the public domain, central to the built form design is ensuring that the development reads as four distinct 'blocks' when viewed from the streetscape through the usage of articulation and setbacks, as shown in **Figure 15** below.

Figure 15 Presentation to Lawrence Street, showing distinct built form with four individual blocks

Source: Chrofi

Furthermore, the built form is staggered to be primarily concentrated in the central portion of the site where it reaches a maximum height of 16.35m. The massing respectfully tapers to the site's rear, southern boundary which is adjacent to low-density residential development. A central public plaza is located in between the middle two 'blocks' activated by surrounding retail tenancies, providing a place for congregation and respite.

A land-use summary per level is provided in **Table 4** below.

Table 4 Proposed land uses by level

Level	Uses
Basement level 2	• 44 residential carpark spaces • 14 retail carpark spaces • Residential waste storage • Goods and retail lift
Basement level 1	• 48 retail carpark spaces • Goods and retail lift • Services and plant
Ground level[2]	• 9 retail tenancies • Goods and retail lift • Residential lobby entrances and circulation cores • 268m^2 landscaped public plaza • Retail EOT facilities • Basement driveway • Services and plant
Level 1	• 12 residential apartments • Residential circulation cores • Residential and retail waste storage • Driveway entrance from Dowling Street • Services and plant
Level 2	• 12 residential apartments • Residential circulation cores
Level 3	• 6 residential apartments • Residential circulation cores
Level 4 (Rooftop)	• 124m^2 and 47m^2 communal open spaces • Residential circulation cores • Rooftop services and plant

Further breakdown of the proposed built form by level is provided in the below subsections.

[2] Expressed across both Lower Ground and Upper Ground levels on the Architectural Plans due to the site's varied topography.

3.3.1 Basement Levels

The proposed development provides for two levels of subterranean basement located below the site. The basement extent has been built generally to the site boundaries. 44 residential and 14 retail carpark spaces are provided in basement level 2, and 48 retail carpark spaces in basement level 1. Basement level 2 also provides two residential waste rooms, one for each circulation core.

A security access area separates the residential spaces in basement level 2 from the retail parking spaces. Excerpts from the Architectural Plans (**Appendix A**) of the basement levels is provided in **Figures 16** – **17** below.

Figure 16 Proposed basement level 2 layout

Source: Chrofi

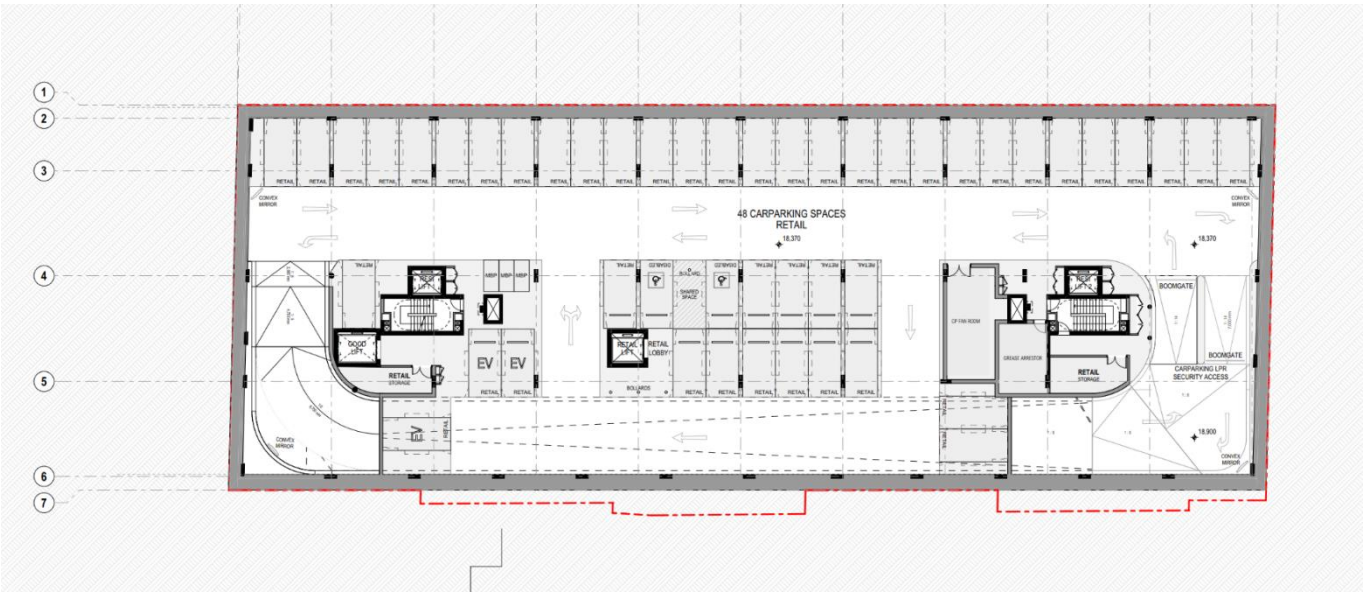

Figure 17 Proposed basement level 1 layout

Source: Chrofi

3.3.2 Ground Level

Due to the site's varied topography, ground level has been expressed as both a lower ground and upper ground level on the Architectural Plans (**Appendix A**). The ground level layout and above comprises four distinct 'blocks' to break down perceived bulk and scale, and constitutes 1,379m^2 of retail GFA across 4-9 tenancies (exact number subject to future fitout). The westernmost tenancy is bilevel due to the site's topography.

Consent is sought for the cold shell for the retail tenancies only. Fitout, inter-tenancy walls and operation will occur as part of future fitout applications to each of the individual tenancies. The development provisions for eight under awning signs (discussed at **Section 3.7**), with content to be determined under fitout applications.

Central to the ground level layout in between the middle two 'blocks' is a 268m^2 landscaped public plaza, which provides opportunities for community congregation and respite. The plaza is activated by retail on either side. Entrances to the two residential lobbies are located in between the notches between the middle and side blocks facing Lawrence Street, on either side of the central plaza, behind security gates. The driveway entrance, services and plant area are provided to the rear of the ground level.

An excerpt of the proposed ground floor layout is provided in **Figure 18** below.

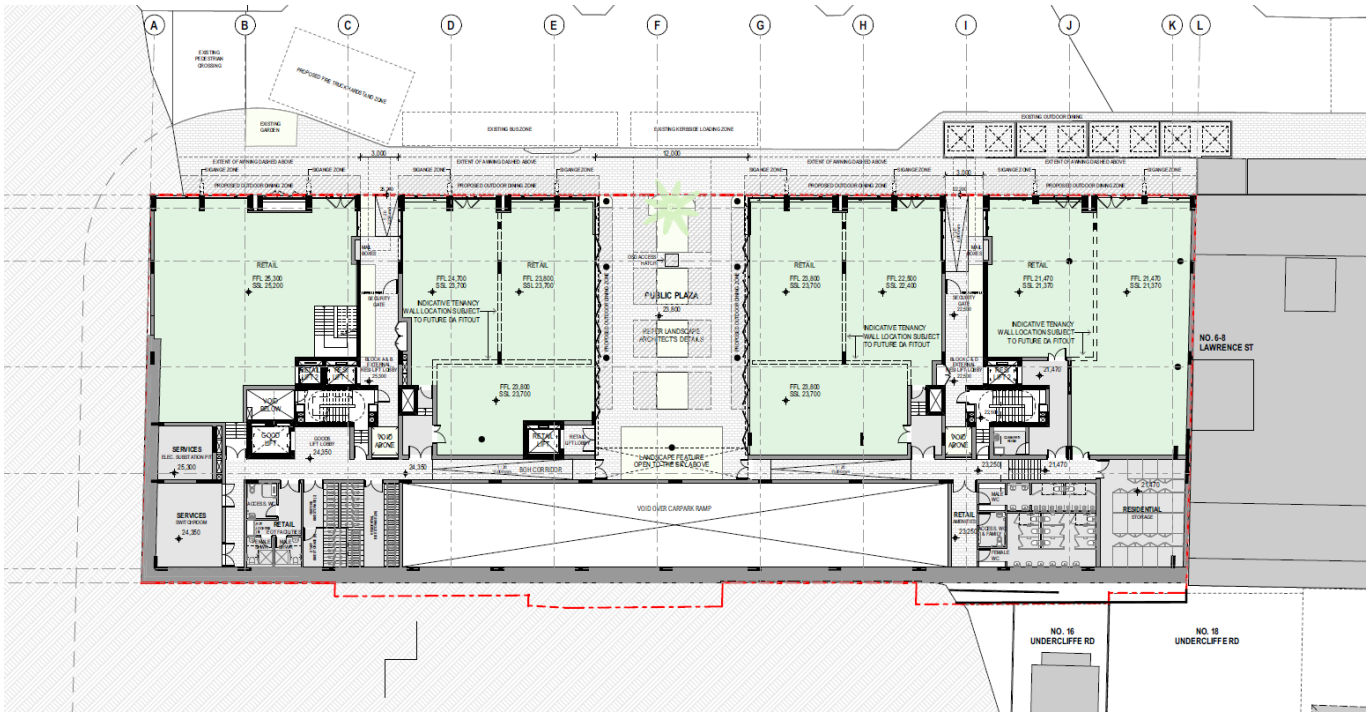

Figure 18 Proposed ground level layout

Source: Chrofi

3.3.3 Residential Levels

Above the ground floor, levels 1 – 3 of the proposed development comprise residential apartments. Two separate circulation cores provide access to apartments at the eastern and western sides of the development respectively. Apartments have been designed to have a northern orientation to Lawrence Street wherever possible, with a minority of apartments facing south. 12 apartments are provided at levels 1 and 2, and 6 apartments at level 3.

The residential levels adopt staggered setbacks towards Lawrence Street and the residential properties to the south, as summarised in **Table 5** below (inclusive of balconies). A buffer planting zone is provided at the southern end of the site and the adjoining residential properties to provide adequate separation.

Table 5 Proposed setbacks to Lawrence Street and southern boundary

Level	To Lawrence Street	To southern boundary
Level 1	0m – 10.3m	2.5m – 13.9m
Level 2	0m – 10.3m	5.2m – 13.9m
Level 3	2m – 10.3m	7.3m – 13.9m

Excerpts from the Architectural Plans of the residential levels is provided in **Figures 19** – **21** below.

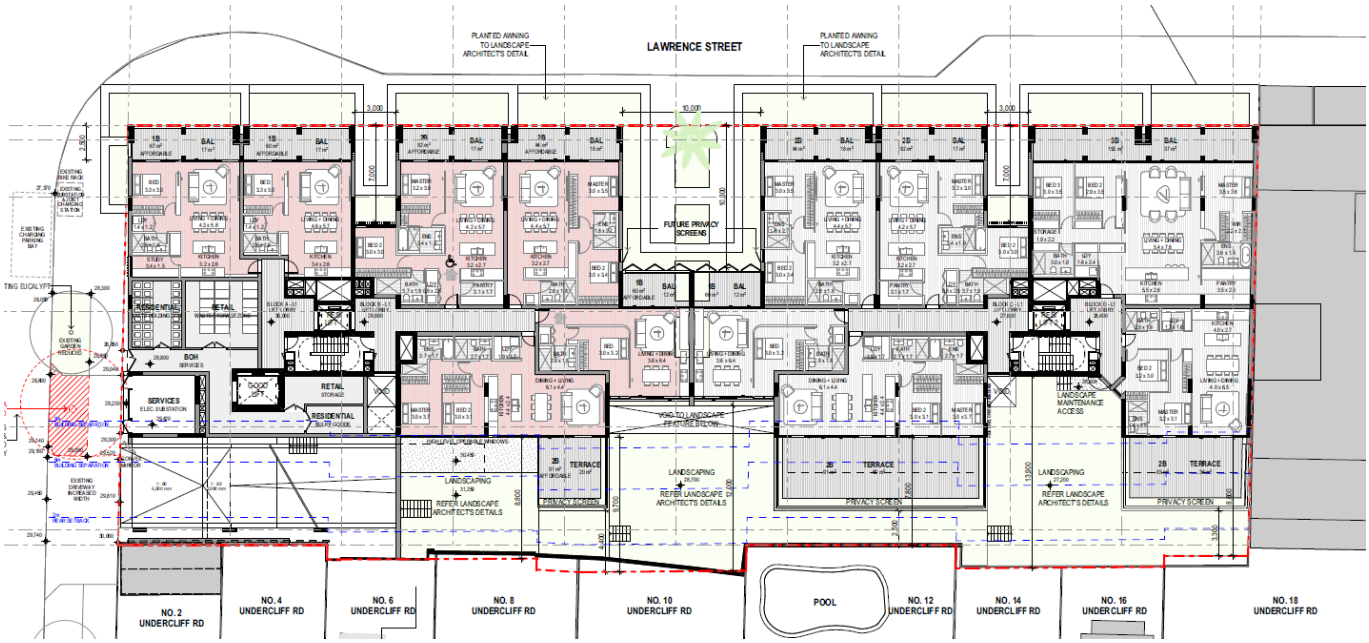

Figure 19 Proposed level 1 layout

Source: Chrofi

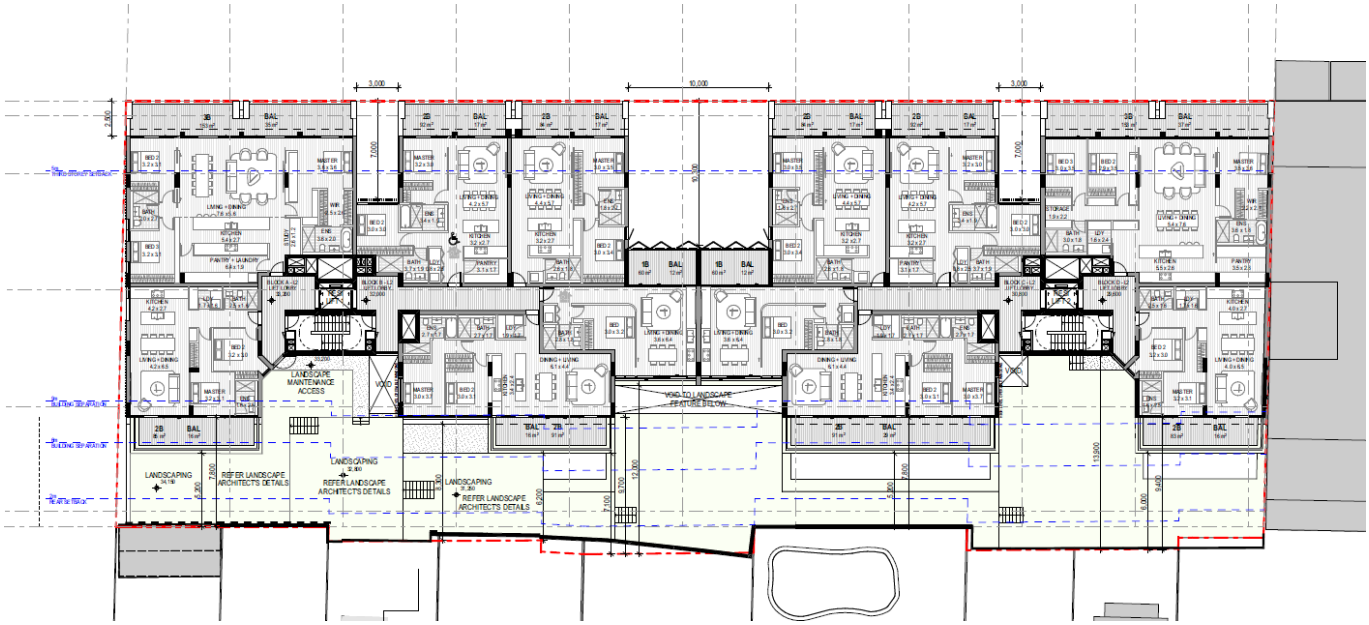

Figure 20 Proposed level 2 layout

Source: Chrofi

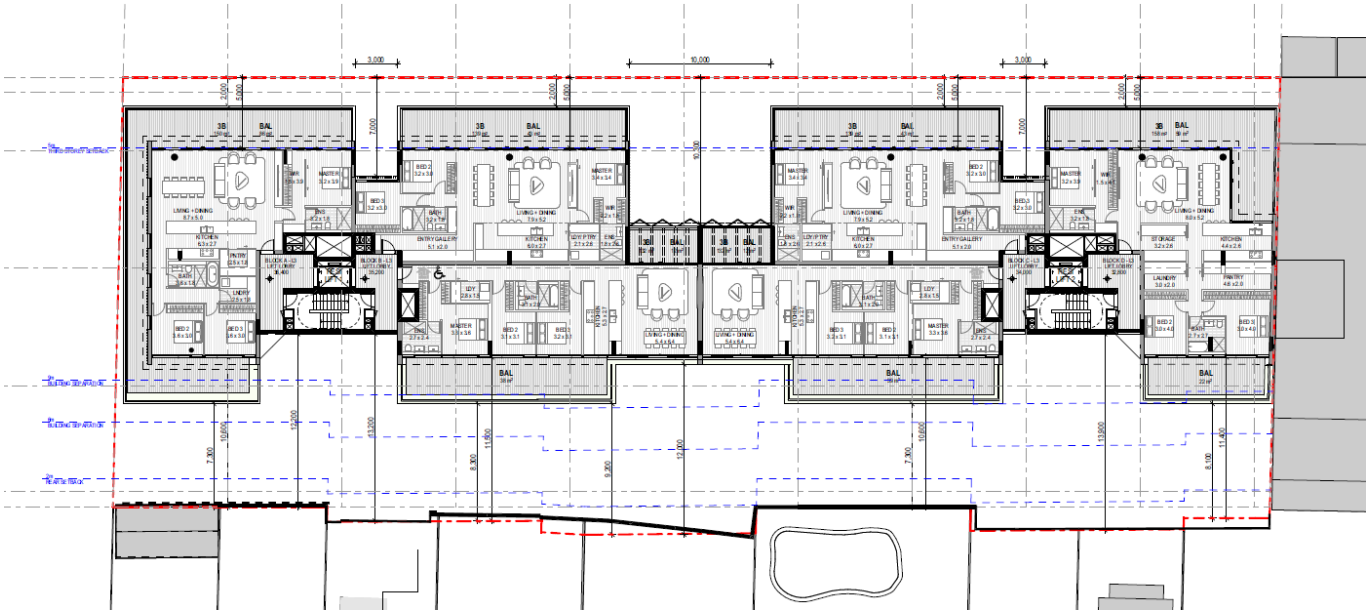

Figure 21 Proposed level 3 layout

Source: Chrofi

3.3.4 Rooftop

Two communal open spaces, 124m^2 and 47m^2 in size, are located at the rooftop of the building. The spaces contain outdoor seating, shaded areas and landscaping and both spaces will be usable by all residents of the building. An excerpt from the Architectural Plans of the proposed rooftop area is shown in **Figure 22** below.

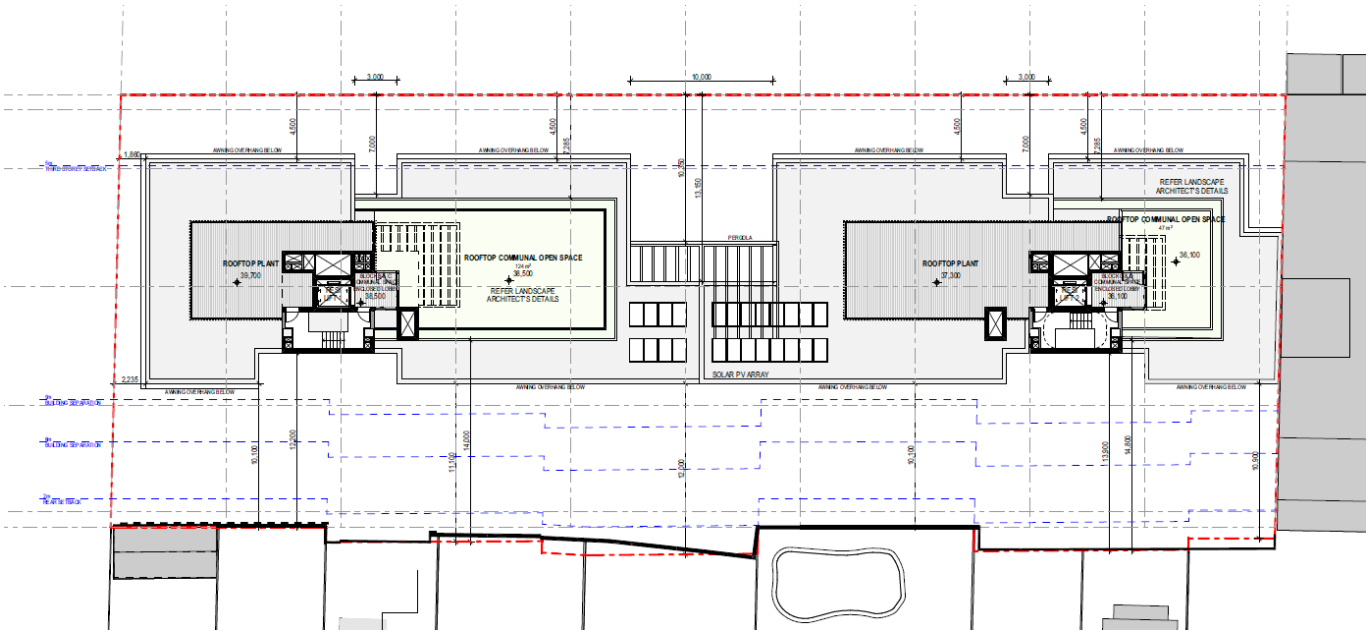

Figure 22 Proposed rooftop (level 4) layout

Source: Chrofi

3.4 Affordable Housing

As shown on Drawing A-DA-101 of the Architectural Plans (**Appendix A**), six (6) out of the 30 proposed apartments are to be affordable housing within the meaning of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

Specifically, the affordable apartments are the six (6) apartments accessed from the western access core at level 1 of the proposed building. They comprise a variety of typologies (3 one-bedroom, 3 two-bedroom) and orientations (4 north-facing, 2 south-facing).

Affordable housing comprises 522m² of the site's GFA, representing 11.16% of the total GFA sought. Therefore, the proposal is eligible for a 22.32% building height bonus under Part 2, Division 1, Section 16 of the Housing SEPP, as further discussed at **Section 4.3** below.

3.5 Landscaping

3.5.1 Tree Removal

As identified in **Section 2.5** above, two street trees are located along the Dowling Street footpath, outside the lot boundary adjacent to the site. Of these trees, the southern tree is proposed to be removed, as it conflicts with the proposed development. This tree is identified as 'Tree 4' in the Arboricultural Impact Assessment at **Appendix M**. An excerpt showing the location of this tree is provided in **Figure 23** below.

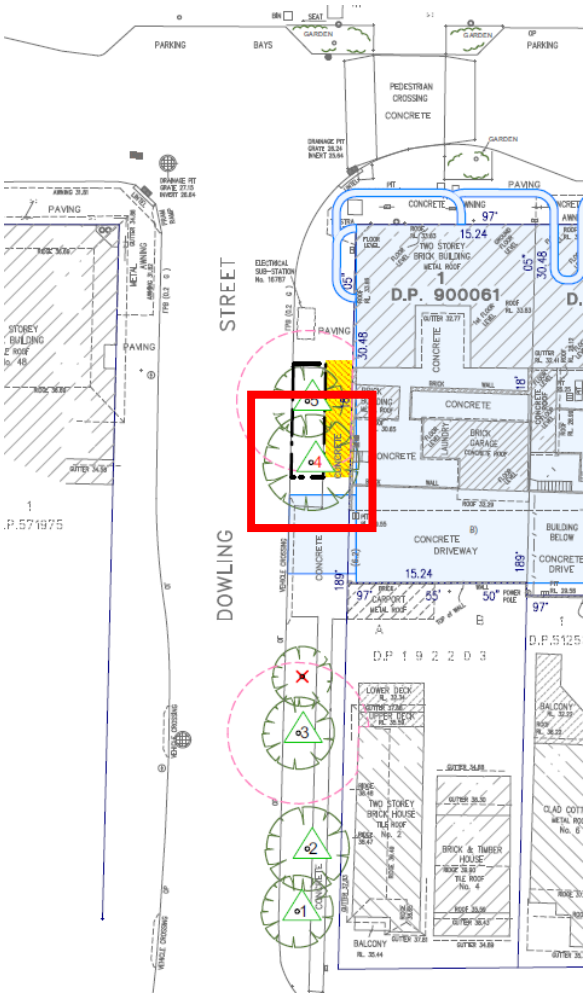

Figure 23 Location of street tree to be removed along Dowling Street

Source: Naturally Trees, edits by Ethos Urban

3.5.2 Proposed Landscaping

Landscaping at the site will be provided in accordance with the Landscape Plans prepared by 360 Degrees at **Appendix C**. Vegetative planting is proposed at the following key locations:

- Within the public plaza provided at ground floor level;
- Within the buffer planting zone at the southern boundary between the proposed built form and adjoining residential properties; and
- Within the rooftop communal open spaces.

Additionally, climbers will be provided to all balconies. Excerpts of the proposed landscaping are provided in **Figures 24** – **26** below. As discussed in **Section 2.5**, there is minimal existing vegetation on the site and the proposal represents a noticeable increase in vegetative cover for the site.

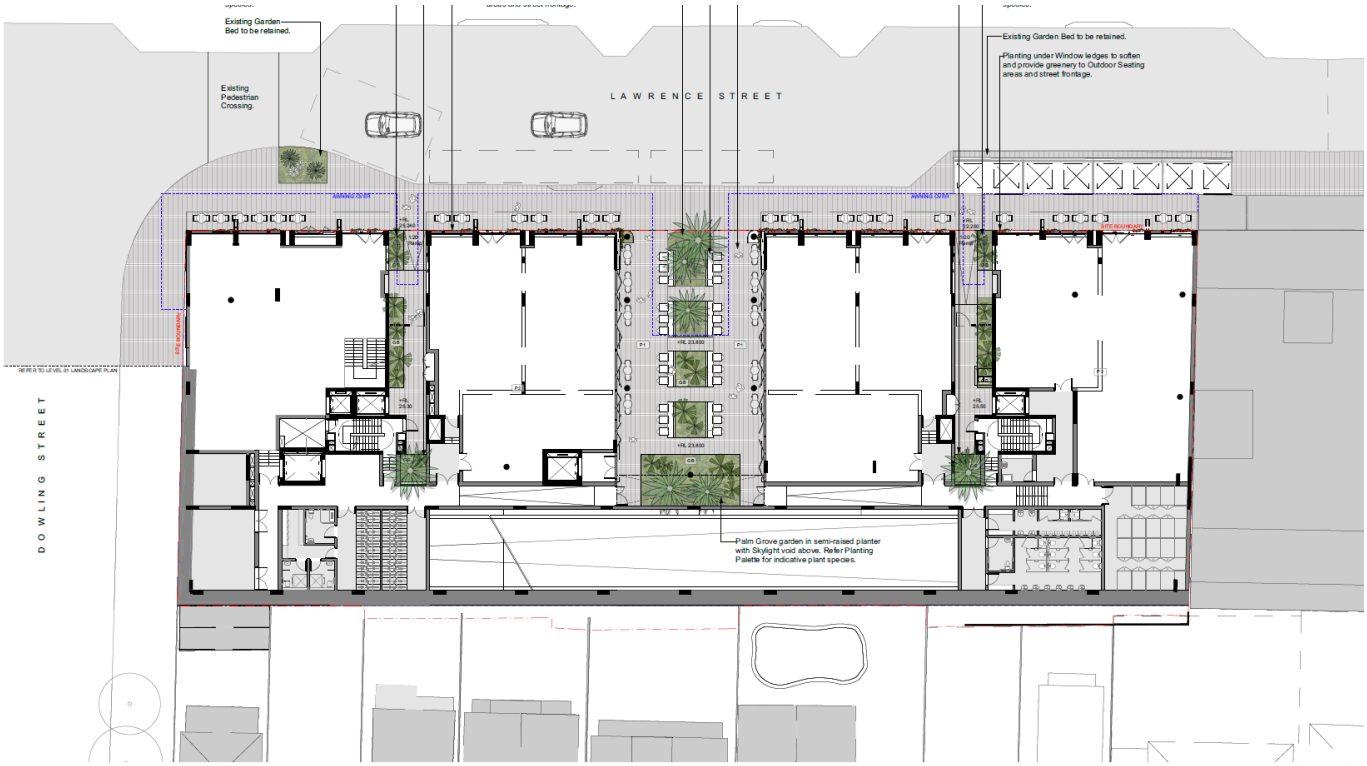

Figure 24 Proposed landscaping to public plaza

Source: 360 Degrees

Figure 25 Proposed landscaping to buffer area

Source: 360 Degrees

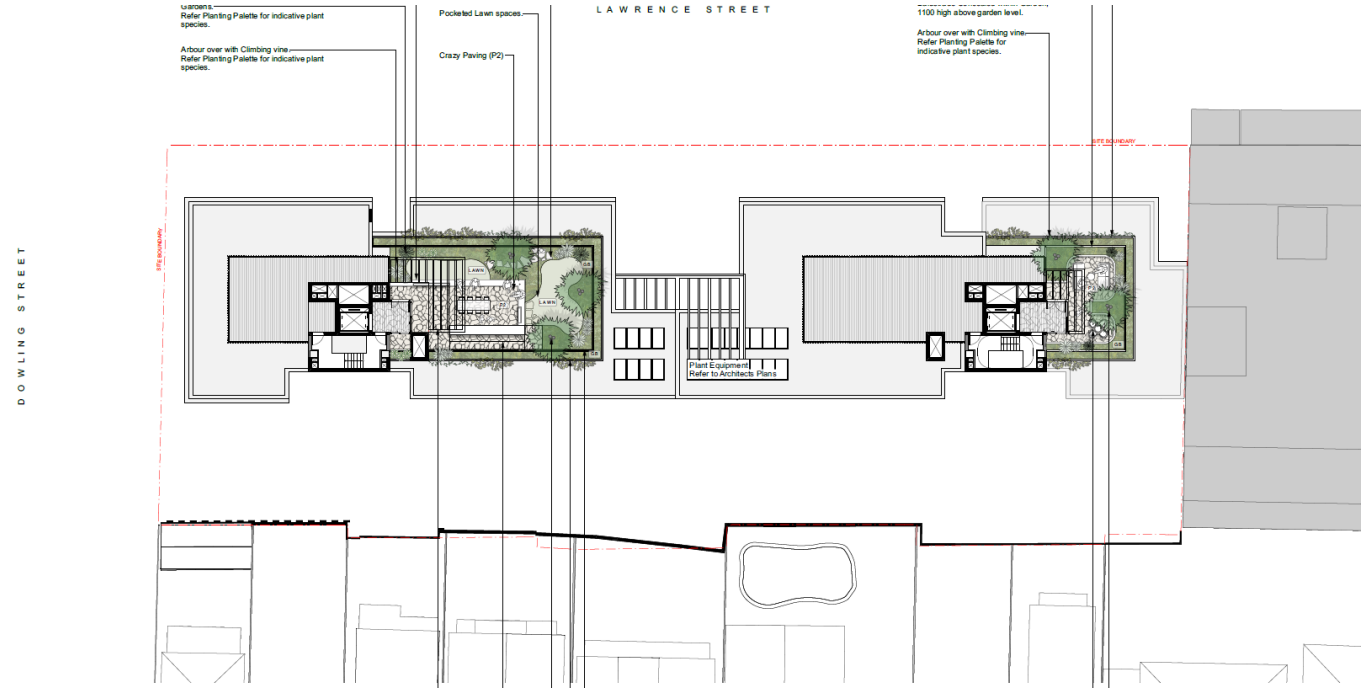

Figure 26 Proposed landscaping to rooftop communal open space

Source: 360 Degrees

3.6 Parking, Access and Servicing

3.6.1 Vehicular Access and Parking

As discussed in **Section 3.3.1**, both residential and retail parking will be provided within a bilevel basement beneath the site. 44 residential and 14 retail carpark spaces are provided in basement level 2, and 48 retail carpark spaces in basement level 1.

Vehicular access to the basement is provided from Dowling Street to the west, in accordance with existing site conditions. Due to the drop in topography from west to east at the site, the site's Dowling Street frontage is located at level 1, and it is necessary for the driveway ramp to cut across the entire southern boundary of the site before entering basement level 1 at its eastern end. However, the driveway's appearance has been significantly mitigated through the rear landscape buffer zone, which covers the driveway for its entire length.

3.6.2 Pedestrian Access

Pedestrian access will continue to be provided from Lawrence Street for the proposed retail tenancies and residential lobby entrances.

3.6.3 Site Loading

It is proposed for site loading to occur via a new street loading area along Dowling Street, as shown within Drawing A-DA-101 of the Architectural Plans (**Appendix A**) and the Traffic and Parking Report at **Appendix G**. An excerpt is provided in **Figure 27** below. The loading area can accommodate up to a Medium Rigid Vehicle (MRV).

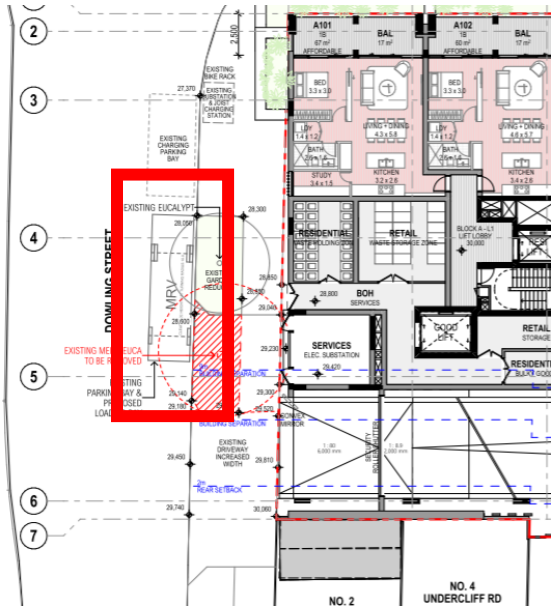

Figure 27 Location of the proposed loading area (red outline) along Dowling Street

Source: Chrofi, edits by Ethos Urban

As part of the design development of the project, options to accommodate on-site loading were explored. On-street loading was found to be the only viable option, as further discussed in the Traffic and Parking Report and **Section 5.4.3** below.

3.7 Signage

The development provisions for eight under awning signs spaced across the Lawrence Street frontage, as shown on Drawings A-DA-100 and A-DA-301 of the Architectural Plans (**Appendix A**), locations of which are provided in **Figure 28** below. The eight signs are to be identical in size and comprise 525mm x 525mm illuminated signage frames within metal surround, as shown in **Figure 29**.

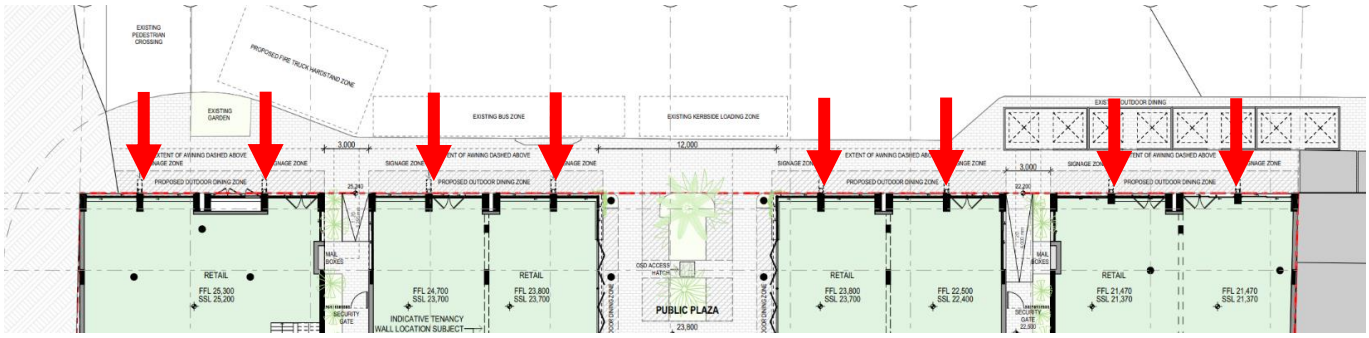

Figure 28 Proposed signage locations

Source: Chrofi, edits by Ethos Urban

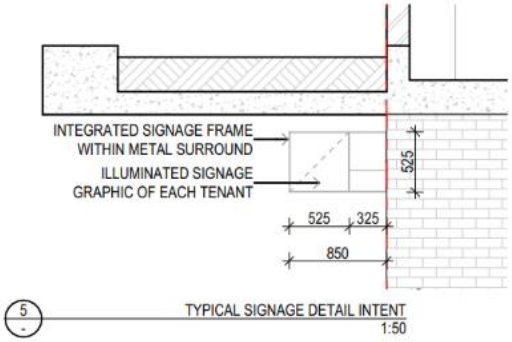

Figure 29 Proposed signage design detail

Source: Chrofi

Signage content does not form part of this application. Content will relate to identification of future tenants, which is to be determined under future fit-out applications for the retail tenancy cold shells.

3.8 Subdivision Works

Consent is sought for lot consolidation of the current component allotments that make up the site (as listed in **Section 2.2**). Consent is then sought for the strata subdivision of the consolidated allotment in accordance with the proposed apartments. Specifically, the strata subdivision will create:

- 30 residential allotments, corresponding to each proposed apartment; and
- 1 Common Property (CP) allotment.

Strata Subdivision Plans have been prepared by Andrew Lionel Whitfield at **Appendix D**. The plans represent draft strata plans for DA stage only, with all strata boundaries, areas and layouts to be confirmed through final survey at detailed design stage, as is standard practice.

3.9 Utilities and Services Infrastructure

Consent is sought to connect the proposed development to the relevant utilities and services infrastructure, including sewer drainage, potable water, gas services, and high and low voltage electrical infrastructure to enable its operation. Being located within an existing urban area, the site is currently serviced by all necessary utilities and services infrastructure, with any augmentation and additional capacity (if required) to be confirmed at construction certificate stage, as is industry standard practice.

4.0 Statutory Assessment

This section provides an assessment of the proposed development against the provisions of the relevant environmental planning instruments (EPIs), as required under Section 4.15(1) of the EP&A Act.

4.1 Warringah Local Environmental Plan 2011

The *Warringah Local Environmental Plan 2011* (WLEP 2011) is the principal EPI that applies to the site, setting out the relevant parameters around land use and built form. An assessment of the development against the relevant parameters of the WLEP 2011 is provided in **Table 6**.

Table 6 Assessment against WLEP 2011 controls

Clause	Control	Assessment
2.1 – Land use zones	E1 Local Centre	The site is zoned E1 Local Centre. The proposal is consistent with the objectives of the zone in that it will deliver retail and residential uses to meet the needs of people who live, work in and visit the area. The proposed land uses comprise *shop top housing* (for the residential component) and *commercial premises*[3] (retail component), both of which are explicitly permissible with consent in the land use table. Therefore, the proposed development is permissible with consent.
4.3 – Height of buildings	11m *13.45m with Housing SEPP bonus*	The site has a mapped height limit of 11 metres under the WLEP 2011. A 22.32% height bonus is applicable to the development pursuant to Part 2, Division 1, Section 16 of the Housing SEPP, as the proposal delivers 11.16% (522m^2) of its GFA as affordable housing. Application of this bonus results in a height limit of 13.45m. The proposal seeks a maximum height of 16.35m, representing a 21.56% variation to the 13.45m height limit. The intent of this variation is to deliver a key additional public benefit at the site in the form of a 268m^2 public plaza. It would be possible to deliver the quantum of proposed floorspace within the height limit, however this would reduce the design quality of the development and preclude the delivery of the 268m^2 public plaza. Due to it being open to the sky, delivering the public plaza has resulted in significant potential floorspace at all levels of the building to be forfeited, thereby requiring this variation to ensure its continued viability. Refer to Clause 4.6 Variation Request prepared at **Appendix E** for detailed justification and discussion. Further discussion is also provided at **Section 5.2.2**.
4.4 – Floor space ratio	N/A	There is no FSR limit that is applicable to the site.
5.10 – Heritage conservation	N/A	The site is not listed as a heritage item under any environmental planning instrument and is not located within a Heritage Conservation Area. Heritage items I71 ("Harbord Literary Institute") and I72 ("Early Childhood Health Centre") are listed as items of local significance under the WLEP 2011 and are located opposite Lawrence Street to the north-east (refer to **Figure 30** below). A Heritage Impact Statement has been prepared at **Appendix J** confirming no unacceptable impacts onto these heritage items. Refer to **Section 5.7** for further discussion.
5.21 – Flood planning	N/A	The site is not mapped as being flood prone under any environmental planning instrument.
6.1 – Acid Sulfate Soils	N/A	The site is not mapped as containing or being proximate to acid sulfate soils.

[3] For the avoidance of doubt, *retail premises* are a type of *commercial premises* under the WLEP 2011.

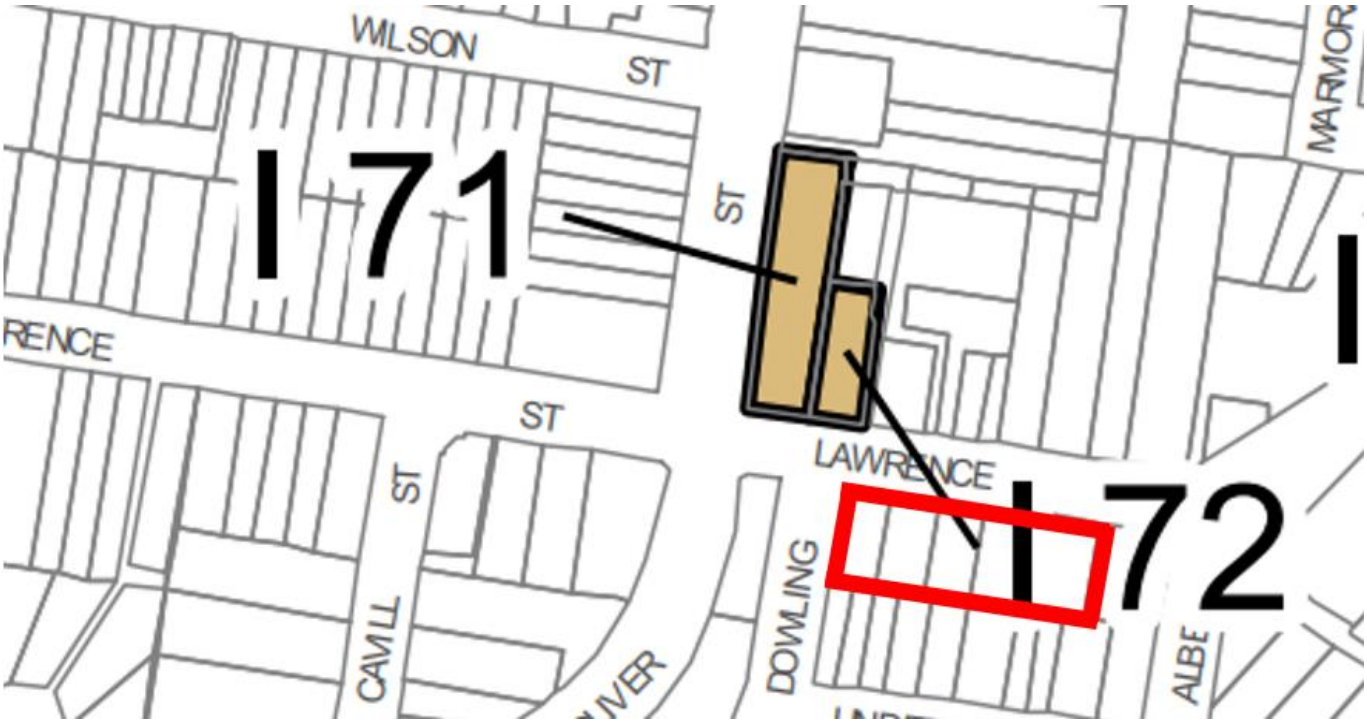

Figure 30 Heritage items in proximity of the site (red outline)

Source: WLEP 2011, edits by Ethos Urban

4.2 Draft Northern Beaches Local Environmental Plan

It is understood that Council is currently in the process of preparing a new Local Environmental Plan across the entirety of the Northern Beaches LGA. It is understood that, on 17 June 2024, Council resolved to submit a Planning Proposal for the creation of the LEP for 'Gateway Determination' under Section 3.34 of the EP&A Act.

Public exhibition of the new LEP is not anticipated to occur until early 2025, therefore the new draft controls are not yet known. It is anticipated that the new LEP would not change the site's controls from that currently gazetted in the WLEP 2011.

4.3 State Environmental Planning Policies

An assessment of the development against the relevant State Environmental Planning Policies (SEPPs) is provided in **Table 7** below.

Table 7 Assessment against State Environmental Planning Polices

SEPP	Chapter	Assessment
State Environmental Planning Policy (Housing) 2021	2 – Affordable housing	As shown on Drawing A-DA-101 of the Architectural Plans (**Appendix A**), six (6) out of the 30 proposed apartments are to be affordable housing within the meaning of Chapter 2 of the Housing SEPP. Refer to **Section 3.4** above. Affordable housing comprises 522m^2 of the site's GFA, representing 11.16% of the total GFA sought. Therefore, the proposal is eligible for a 22.32% building height bonus under Part 2, Division 1, Section 16 of the Housing SEPP. The proposed development seeks to utilise this height bonus to optimise the delivery of affordable housing in the local area.
	4 – Design quality of residential apartment development	Chapter 4 of the Housing SEPP aims to ensure that residential apartment development provides socially and environmentally sustainable housing through high-quality design of built form. The proposed development is consistent with Chapter 4 and its accompanying Apartment Design Guide (ADG). Detailed assessment of the proposal against the ADG is provided in **Section 5.3** below. A Design Verification Statement has been prepared by Chrofi within the Architectural Design Report at **Appendix B**, confirming that the development was designed by a registered architect and meets the requirements of the SEPP.

SEPP	Chapter	Assessment
State Environmental Planning Policy (Resilience and Hazards) 2021	2 – Coastal management	The development is partially located within a "coastal environment" area as identified in Chapter 2 of the Resilience and Hazards SEPP. Accordingly, a Coastal Environment Area Assessment has been prepared by Horton Coastal Engineering at **Appendix X** demonstrating that the development will not have adverse impacts on the coastal environment area. Refer to **Section 5.18** below for discussion.
	4 – Remediation of land	Chapter 4 of the Resilience and Hazards SEPP regulates the state-wide planning approach for the remediation of land. Chapter 4, Clause 7 of the SEPPP requires that a consent authority is not to consent to the carrying out of development unless it is satisfied that the land is suitable, or can be made suitable, for its future intended use. In accordance with the requirements of the SEPP, a Preliminary Site Investigation has been prepared at **Appendix K.** The document concludes that the site can be made suitable for the proposed development from a contamination perspective. See discussion at **Section 5.8**.
State Environmental Planning Policy (Transport and Infrastructure) 2021	2 – Infrastructure	For the avoidance of doubt, it is noted that the proposed development does not meet the requirements of 'traffic-generating development' under section 2.122 of the Transport and Infrastructure SEPP. The development does not front onto a classified road. The development does not meet the criteria of either 300 residential dwellings or 2,000m^2 of shops for a development that does not front onto a classified road to be considered traffic-generating development.
State Environmental Planning Policy (Industry and Employment) 2021	3 – Advertising and signage	Chapter 3 of Industry and Employment SEPP applies to all signage that, under an environmental planning instrument, can be displayed with or without development consent and is visible from any public place or public reserve. The proposed signage (**Section 3.7**) has been designed in accordance with the signage assessment criteria provided in Schedule 5 of the SEPP. Refer to **Section** No signage is proposed under this application. Proposed retail tenancies are for cold shell only. Signage at the site will form part of future applications, including signage associated with retail tenancies once tenants are confirmed as part of separate fit-out applications.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	2 – Vegetation in non-rural areas	Chapter 2 of the Biodiversity and Conservation SEPP applies to development that seeks to remove vegetation in any non-rural area of the State. As noted above in **Section 3.5.1**, a single street tree is proposed to be removed to facilitate the project. Refer to Arborist Report at **Appendix M**, and further discussion at **Section 5.9** below. The loss of the street tree is offset by the proposed landscaping works.
State Environmental Planning Policy (Sustainable Buildings) 2022		BASIX and NatHERS Certificates for the proposed development have been provided at **Appendix U**. A NABERs Embodied Emissions Materials Form has been prepared by QPC&C at **Appendix Z**.

4.3.1 State Environmental Planning Policy (Industry and Employment) 2021 – Signage

Chapter 3 (Advertising and Signage) of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) applies to all signage that, under an environmental planning instrument, can be displayed with or without development consent and is visible from any public place or public reserve. The proposed signage meets the objectives of the Industry and Employment SEPP in that it:

- is scaled appropriately for the building and the broader site in which it is located;
- is commensurate with the amenity and visual character of the area including the character of the existing surrounding top of building signage;
- does not block any significant views and will not have an adverse impact on the amenity or future character of the surrounding area;
- will effectively communicate the address of one of the major tenants of the building; and
- will be of a high quality design and finish.

Schedule 5 of Industry and Employment SEPP contains a range of assessment criteria which signs must comply with. In accordance with Section 3.6 of the Industry and Employment SEPP, an assessment against Schedule 5 is provided at **Table 8**.

Table 8 Assessment against Schedule 5 of the Industry and Employment SEPP

Assessment criteria	Comments	Compliance
1. Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with the area's existing character, including the street level retail nature of Freshwater Village and its historical subdivision character.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No specific outdoor advertising theme applies to the area or locality. The design of the signage is consistent with the size and scale of existing and surrounding signage at the site.	Yes
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage is not considered to detract from the amenity or visual quality of any environmentally sensitive area, heritage area, natural or other conservation area, open space area, waterway, rural landscape, or residential area. The signage does not protrude above any building.	Yes
3. Views and Vistas		
Does the proposal obscure or compromise important views?	The proposed signage is located below the street level awnings and therefore will not dominate the skyline and/or reduce the quality of vistas.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?		
Does the proposal respect the viewing rights of other advertisers?	N/A – the signage does not obstruct any other signage.	Yes
4. Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate and has been designed in tandem with the building. It will respond to the overall size of the building and surrounding streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will improve the visual interest of the setting and landscape through facilitating high quality signage that integrates with the architectural characteristics of the building and identifies future tenants of the retail tenancies.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage has been designed to be evenly spaced across the Lawrence Street and uniform in design, thereby rationalising and simplifying existing signage.	Yes
Does the proposal screen unsightliness?	The signage will promote visual interest at the site and is necessary to identify future retail tenancy tenants.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No signage will protrude above any building, structure and/or tree canopy.	Yes
Does the proposal require ongoing vegetation management?	The signage will not require vegetation management.	Yes
5. Site and Building		
Is the proposal compatible with the scale, proportion and other characteristics of	The proposed signage has been carefully designed to be compatible with the scale, proportions, and presentation of the existing building.	Yes

Assessment criteria	Comments	Compliance
the site or building, or both, on which the proposed signage is to be located?	The scale of the signage is appropriate within the context of the site and will support the operation of the retail tenancies. Signage content will form part of future fitout applications.	
Does the proposal respect important features of the site or building, or both?	The proposal is respectful in design and will not dominate the surrounding locality or detract from any of the important features of the proposed building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage has been designed in tandem with the proposed building built form. Imagination and innovation is not necessary for retail tenancy identification signage.	Yes
6. Associated Devices and Logos with Advertisements and Advertising Structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No. As demonstrated within the Architectural Plans, no such devices or platforms are required.	N/A
7. Illumination		
Would illumination result in unacceptable glare?	The illumination levels of the proposed signs have been designed in accordance with the relevant Australian Standards to prevent unacceptable or adverse glare impacts.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	The illumination will not affect pedestrian or vehicular safety.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination will not detract from the amenity of surrounding residences. The signage is localised beneath the proposed awnings.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The illumination levels of the proposed signs have been designed in accordance with the relevant Australian Standards to prevent adverse impacts.	Yes
Is the illumination subject to a curfew?	Signage illumination times will be subject to future fitout applications for the retail tenancies.	Yes
8. Safety		
Would the proposal reduce the safety for any public road?	The proposed signage will not impact the safety of any road users including drivers, pedestrians, bicyclists, or result in the obstruction of any sightlines from public areas, or have safety implications more broadly.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?		
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		

4.4 Warringah Development Control Plan 2011

The Warringah Development Control Plan 2011 (WDCP 2011) augments the WLEP 2011 for development within the part of the Northern Beaches LGA that comprises the former Warringah LGA. While it is not legislation, it provides guidance on the desired built form for development within its area of application. As required under Section 4.15(3A) of the EP&A Act, a Consent Authority is required to apply DCP provisions flexibly and allow reasonable alternative solutions that achieve the objects of those standards.

A summary overview of the proposed development's compliance with the relevant guidance of the WDCP 2011 is provided in **Table 9** below.

Table 9 Compliance with Warringah Development Control Plan 2011

Control	Comments
Part B – Built Form Controls	
B2 Number of Storeys	The Number of Storeys DCP Map nominates a 3-storey limit for the site. The proposed development proposes a 4-storey built form. This is needed to accommodate the 22.32% building height bonus which the project is eligible for pursuant to Part 2, Division 1, Section 16 of the Housing SEPP (refer to **Section 4.3** above), and the design intent of providing a 268m^2 public plaza on the site. Refer to response provided at 'G5 Freshwater Village – 2. Number of Storeys' below for more detailed justification.
B3 Side Boundary Envelope	N/A – the site is not identified under the Site Boundary Controls DCP Map.
B4 Site Coverage	N/A – the site is not identified under the Site Coverage DCP Map.
B6 Merit Assessment of Side Boundary Setbacks	The site is listed as 'Merit Assessment' in the Side Boundary Setbacks DCP Map. Matters relating to side setbacks are covered in Section G5 Freshwater Village, Item 11.
B7 Front Boundary Setbacks	The site is classified as 'L' under the Front Boundary Setback DCP Map, being that of a nil ground and first floor setback, and second floor setback of 5m. The proposed development provides a second storey setback of 0m – 10.3m, representing a partial variation to this control. This is driven by the design intent to break down the development into four distinct 'blocks' and reduce the perceived bulk and scale when viewed from Lawrence Street, thereby necessitating a more variable setback rather than a standard continuous setback of 5 metres. Refer to response at 'G5 Freshwater Village – 10. Front setback' for more detailed justification.
B9 Rear Boundary Setbacks	The site is listed as 'Merit Assessment' in the Side Boundary Setbacks DCP Map. Matters relating to rear setbacks are covered in Section G5 Freshwater Village, Item 11.
Part C Siting Factors	
C2 Traffic, Access and Safety	The proposed development maintains traffic access from the side street (Dowling Street) rather than Lawrence Street, as compliant with the DCP guidance. Traffic and vehicular access are further discussed in the Traffic Impact Assessment (**Appendix G**) and **Section 5.4** below.
C3 Parking Facilities	Two levels of basement parking will be provided as compliant with the DCP guidelines.
C4 Stormwater	The proposed development will not have adverse impacts on stormwater. Refer to **Section 5.6** below.
C7 Excavation and Landfill	The proposed basement excavation works will not result in unacceptable environmental or visual impacts.
C8 Demolition and Construction	Construction at the site will be governed through a Construction Environmental Management Plan to ensure there are no unacceptable impacts. Construction Waste Management is discussed in **Section 5.11.1** below.
C9 Waste Management	The proposed development will provide for appropriate waste management during its operation. Refer to the Operational Waste Management Plan (**Appendix P**) and **Section 5.11.2** below.
Part D Design	
D2 Private Open Space	The proposed development is compliant with and significantly exceeds private open space requirements of the Apartment Design Guide. Refer to **Section 5.3** below.
D3 Noise	Plant noise and equipment will be addressed at construction certificate stage once details of building plant are confirmed, as is standard practice.
D6 Access to Sunlight	The proposed development is generally compliant with solar access requirements of the Apartment Design Guide. Refer to **Section 5.3** below.
D7 Views	The development allows for reasonable sharing of views. Refer to **Section 5.2.3**.

Control	Comments
D8 Privacy	The proposed development is compliant with building separation requirements of the Apartment Design Guide. Refer to **Section 5.3** below.
D9 Building Bulk	The proposal minimises perceived bulk through extensive articulation of the built form into four distinct 'blocks', and progressive staggered setbacks.
D10 Building Colours and Materials	The proposed development utilises a sympathetic materiality palette that is reflective of the local character of the area, while expressing a contemporary aesthetic consistent with recent developments in the area and the locality's coastal nature.
D11 Roofs	The proposed roof design sets back plant and mechanical equipment so that they are appropriately shielded from the streetscape.
D18 Accessibility and Adaptability	Refer to Accessibility Statement prepared at **Appendix S** and **Section 5.14** below. 3 out of 30 apartments (10%) have been provided as adaptable apartments as consistent with the DCP recommendation of 10%. Refer to Drawings A-DA-601 and A-DA-602 within **Appendix A**.
D20 Safety and Security	Refer to CPTED Report prepared at **Appendix N** and **Section 5.10** below.
D22 Conservation of Energy and Water	The proposed development seeks to minimise the usage of energy and water. BASIX and NatHERS Certificates have been provided at **Appendix U**.
D23 Signs	The proposed signage (**Section 3.7**) has been designed in accordance with the recommendations of the WDCP 2011. This includes as follows: • The proposed signage has been designed to respond to the amenity of the streetscape and surrounding locality. • The signage is of an appropriate size and scale. As such, they will not dominate or obscure other signage or create clutter. • The signage been positioned to be compatible with the design, scale and character of the proposed development. • The signage has been designed to not result in excessive glare or reflection, or obscure views. • All signage is to be located below the building awnings, with no signage located above.
Part E The Natural Environment	
E1 Preservation of Trees or Bushland Vegetation	As noted above in **Section 3.5.1**, a single street tree is proposed to be removed to facilitate the project. Refer to Arborist Report at **Appendix M**, and further discussion at **Section 5.9** below. The loss of the street tree is offset by proposed landscaping, including within the public plaza.
E10 Landslip Risk	As noted on the Landslip Risk DCP Map, the site is classified as 'Area B – Slope from 5 – 25°'. A Geotechnical Investigation has been provided at **Appendix V** (refer to **Section 5.16.1** below), confirming that the proposal will not result in adverse landslide risk.
G5 Freshwater Village	
1. Built form in Freshwater	The proposed development reinforces and enhances the role of Freshwater Village as a centre for the local community, delivering retail and residential uses to meet the needs of people who live, work in and visit the area as well as delivering a new public plaza where community members can congregate. The development achieves a lightweight and articulated built form with an appearance that evokes the coastal setting of Freshwater. Refer to **Section 5.2.1** below for further discussion.

<table>
<tr><th>Control</th><th>Comments</th></tr>
<tr><td>2. Number of Storeys</td><td>The Number of Storeys DCP Map nominates a 3-storey limit for the site.
The proposed development proposes a 4-storey built form which corresponds to the 22.32% building height bonus which the project is eligible for pursuant to Part 2, Division 1, Section 16 of the Housing SEPP (refer to Section 4.3 above), and the design intent of providing a 268m^2 public plaza to create a sense of place.
The planning objectives of this DCP control continue to be achieved notwithstanding the noncompliance. An assessment is provided in the table below.
<table>
<tr><th>Objective</th><th>Assessment</th></tr>
<tr><td>O1. To ensure a reasonable level of amenity and solar access is provided and maintained to adjoining and nearby properties</td><td>The proposal will deliver a reasonable level of amenity and solar access to surrounding and nearby properties.
The built form makes use of staggered setbacks and significant articulation, including breaking up the bulk into four separate blocks, reducing perceived scale and improving amenity for surrounding landowners.
Solar access to surrounding properties is further discussed at Section 5.2.4, demonstrating that there are no unreasonable impacts.</td></tr>
<tr><td>O2. To complement the height of buildings control in the LEP with a number of storeys control.</td><td>As noted above, the development is eligible for a 22.32% height bonus under the Housing SEPP.
Therefore, a variation to the number of storeys is necessary to accommodate this bonus and ensure the number of storeys continues to align with the LEP height control.</td></tr>
<tr><td>O3. To provide sufficient scope for innovative roof pitch and variation in roof design</td><td>The proposal provides for an appropriate roof design with communal open space and building plant centrally located and set back from the streetscape to avoid unreasonable visual impacts.</td></tr>
</table>
Therefore, the variation to the number of storeys control is considered appropriate.</td></tr>
<tr><td>3. Street activation</td><td>The proposal will provide activated retail uses throughout the Lawrence Street frontage, as well as adjoining the new public plaza. New ground level retail will have glazed frontages addressing the street and clear and direct entrances to shop fronts. Shop fronts will also front onto the public plaza as required.
Overall, the building design will reinforce and maintain the street character of Lawrence Street, will activate the street, and will enhance the quality of the street experience for pedestrians.</td></tr>
<tr><td>4. Street facades and shopfront design</td><td>There is to be no presentation of blank facades to Lawrence Street, with all retail fronts and residential lobby entrances clearly visible. The retail floorspace is split across 4 - 9 tenancies (exact number subject to intertenancy walls in future fitout applications), with this breakup respecting the narrow lot appearance of Freshwater village.</td></tr>
<tr><td>5. Access and loading</td><td>The proposed development maintains existing vehicular access from Dowling Street, with no access from Lawrence Street. All carpark entries, services and loading are to now occur away from the primary street frontage, with site loading to be moved from Lawrence Street to Dowling Street. The proposed design will help minimise pedestrian-vehicular conflicts thereby to improve pedestrian safety within the local centre.</td></tr>
<tr><td>6. Lighting</td><td>Any illumination associated with the proposal will be designed in accordance with the relevant Australian Standards.</td></tr>
<tr><td>7. Safety and security</td><td>The proposed development has been designed in accordance with CPTED principles. Refer to CPTED Report prepared at Appendix N and Section 5.10 below.</td></tr>
<tr><td>8. Signage</td><td>No signage is proposed under this application. Signage for retail tenancies will form part of future fit-out applications.</td></tr>
</table>

<table>
<tr><th>Control</th><th>Comments</th></tr>
<tr><td>9. Awnings</td><td>The proposed development delivers awnings along Lawrence Street in alignment with the proposed breaks in the built form. In response to Council comments (Section 5.1.2), the awning has been updated to wrap around the Lawrence Street and Dowling Street corner.</td></tr>
<tr><td>10. Front setback</td><td>The proposed development provides a second level (third storey) setback of 0m (2.5m excluding balconies) – 10.3m, representing a partial variation to this control. This is driven by the design intent to break down the development into four distinct ‘blocks’ and reduce the perceived bulk and scale when viewed from Lawrence Street, thereby necessitating a more variable setback rather than a standard continuous setback of 5 metres.
The planning objectives of this control in the DCP continue to be achieved notwithstanding the noncompliance. It is considered that the proposed variation enables the development to achieve a higher level of compliance with the objectives. An assessment is provided in the table below.
<table>
<tr><th>Objective</th><th>Assessment</th></tr>
<tr><td>O1. To improve pedestrian and customer amenity</td><td>The proposed variation enables the delivery of significant articulation and a 268m^2 public plaza, which achieves a higher level of pedestrian and customer amenity than a blanket 5m setback that would otherwise be fully compliant.</td></tr>
<tr><td>O2. To expand publicly accessible areas at ground level</td><td>The variation enables the delivery of a 268m^2 public plaza which represents a significant expansion to the quantum of publicly accessible area at ground level.</td></tr>
<tr><td>O3. To help enliven street frontages</td><td>The public plaza enables additional retail frontages and activation, providing improved vibrancy compared to what would be possible with a blanket 5m setback.</td></tr>
<tr><td>O4. To maintain uninterrupted pedestrian circulation and flow</td><td>The proposed layout continues to allow for uninterrupted pedestrian circulation and flow.</td></tr>
<tr><td>O5. To create a sense of openness</td><td>The variation enables the delivery of a 268m^2 public plaza which is a significant improvement in the sense of openness that the project delivers, compared to a uniform 5m setback.</td></tr>
<tr><td>O6. To protect and enhance the visual quality of streetscapes and public spaces</td><td>The significant architectural articulation and public plaza afforded by the proposed variation delivers enhancements to the visual quality of the Freshwater streetscape.</td></tr>
</table>
Therefore, the variation to the front setback control is considered appropriate.</td></tr>
<tr><td>11. Side and rear setbacks</td><td>This control requires that where a side or rear setback adjoins land zoned for residential purposes, a minimum setback of 2m is to be provided which is to be landscaped and densely planted.
The site adjoins residential zoned land along its southern boundary to the rear. Accordingly, a progressively staggered setback of 2.5m – 13.9m is provided to the rear boundary of the site facing the residential properties, being greater than the recommended 2m setback. A landscaped buffer zone is provided between the proposed built form and the dwellings to the south, as shown in Section 3.5.2, as consistent with the guidance.</td></tr>
<tr><td>12. Other side and rear setbacks</td><td>This control requires that where a side or rear setback does not adjoin land zoned for residential purposes, the extent of the setback is to be determined on a merit basis.
Both of the site’s side setbacks (east and west) do not adjoin land zoned for residential purposes. A nil setback is provided to either side. In this regard:
A nil setback to the western side is appropriate as this is a street corner and not a property boundary. A nil setback here ensures continuous activation of the pedestrian footpath. Furthermore, it is consistent with the existing built form on the site which presents a nil setback.
A nil setback to the eastern side is appropriate to enable a consistent and continuous built form with 8 Lawrence Street, to maintain the village centre atmosphere of Lawrence Street. Such an arrangement is also consistent with the existing built form on the site.</td></tr>
</table>

Control	Comments
13. Roofs and building form	The design of the proposed roof has been integrated into the building design. Rooftop plant and services have been centrally located away from the building edges and screened from the public domain.
14. Building massing	The proposed development respects the lot pattern of Freshwater through breaking up the built form into four distinct blocks and up to seven separate retail tenancies fronting the streetscape, further broken up through a new public plaza and residential lobby entrances.
15. Building sustainability	The proposed development seeks to minimise the usage of energy and water. BASIX and NatHERS Certificates have been provided at **Appendix U**. The project achieves a 4 Star Green star rating.
16. Materials and colours	The proposed development utilises a sympathetic materiality palette that is reflective of the local character of the area, while expressing a contemporary aesthetic consistent with recent developments in the area and the locality's coastal nature.
18. Development in the vicinity of heritage items	A Heritage Impact Assessment has been prepared at **Appendix J** confirming the proposed development has no adverse impact on heritage items in the vicinity of the site.

5.0 Environmental Assessment

5.1 Pre-Lodgement Consultation

5.1.1 Design and Sustainability Advisory Panel

The Proponent met with Council's Design and Sustainability Advisory Panel on 25 July 2024. The Panel was generally supportive of the design of the proposed development. It is noted in the opening statement of the meeting minutes that:

> *The Panel is generally supportive of the design direction. The emphasis on the surrounding character and on breaking down the building mass with a more "porous" architectural response is supported.*

The Panel also made the following comments in the meeting minutes:

- *The Panel endorses the thorough attention given to site analysis. It is evident that this site analysis has helped to generate a clear and convincing design response.*
- *In particular it is good to see that the change in zoning along the southern boundary has been referenced in the nominated rear separation of 9m (6m+3m). It is also encouraging to see that the privacy and solar impacts of the development on these neighbouring dwellings is being given due consideration at this early stage in the process.*
- *The Panel acknowledges the applicant's reference to the remnant 1960s suburban brick shops in the area and the deficiencies of these buildings for shopfront retailers. It appreciates that the community would like to see better provision for carparking, improved pedestrian accessibility and general greening of the area with more trees. This is endorsed.*
- *References to the coastal landscape and local sandstone ecology of the area as a basis for the overall material and spatial quality of the development are also supported.*
- *The Panel also commends the response to country and the intentions of the design team to reference water courses as part of this. It remains to be seen how this is to be done in a sympathetic and meaningful way.*
- *The Panel is generally supportive of the overall design intentions.*
- *Residential entries have security lines closer to the street which is positive. The resolution of these entries to ensure there are no CPTED issues and including protection through awnings should be considered in the development of the design.*
- *The integration of the landscape with the building design is positive and enhances the character of the development in the local area for residents and for the public. This approach should be enhanced as the design is developed.*
- *The provision of communal open space in the development is important, despite the high level of local amenity. It is acknowledged that this is impacting the building height with stairs and lifts running up, but these are very limited extensions and allows significant amenity to be provided.*

After the meeting, a series of recommendations were issued by the Panel. The recommendations have informed the further design development of the proposal and a response to each recommendation is provided within **Table 10** below.

Table 10 Response to Design and Sustainability Advisory Panel recommendations

Recommendation	Response
Scale, built form and articulation	
The Panel has reservations about the planning and treatment of the southern side of the development and does not feel as though the carpark entry has been properly resolved in line with other site and amenity constraints. A redesign of both aspects is recommended.	The southern façade of the development has undergone further design development. The development has sought to maximise apartments' northern orientation where possible, which was noted and supported by the Panel. South facing apartments have been provided with generous expanses of glazing to maximise access to daylight, as well as generous private open spaces, to ensure that a high level of amenity is delivered for these apartments. A response to the carpark entry and driveway matters is provided below.

Recommendation	Response
Investigate options for a quicker route down into the carpark from the west-side entry thereby diminishing the impact of the long ramp on the bulk and layout of the building. This should address the undesirable and inefficient proximity between south-facing apartments, private open space, lightwells to public commercial space at ground level, the green landscape buffer and the un-certain uses of the stepped roof top of the carpark.	The design of the ramp is a consequence of the topography of the site, which drops significantly from the western to the eastern end of the site. The project team has considered ways to reduce the length of the driveway. As Dowling Street is the only feasible location for the driveway entrance (as an entrance from Lawrence Street is undesirable), a long ramp is inevitable. The impact of the length of the driveway has been mitigated through extensive landscaping within the buffer zone located above it, between the building and the southern boundary. The proposed design represents a significant improvement over existing site conditions where there is instead open air hardstand area.
Improvements to amenity of south-facing apartments especially of B103, B104, C101, B201 & C201.	Further detailed planning of south facing units have been undertaken, and through-living areas incorporated where possible to ensure access to north-facing balconies is provided wherever possible.
Improvements to POS amenity of south facing dwellings to be improved. A revised scheme should aim to maximise soil depth available for the landscape zone and maximise the functionality and amenity provided by the landscape in this zone.	South facing apartments have been provided with generous expanses of glazing to maximise access to daylight, as well as generous private open spaces. Soil depts have been maximised to ensure generous buffer planting can be delivered to the southern boundary. However, it is not feasible for deep soil to be provided to the buffer zone as the zone provides screening to the driveway entrance, which is located directly below. Landscape Plans of the buffer zone have been provided within **Appendix C**.
Net public-benefit of variation to setbacks (including issues related to privacy, separation distance and front-building alignment) to be clarified.	As delineated above, the proposed variations to setbacks are necessary to provide a 268m^2 public plaza and significant articulation in built form (breaking up the bulk and scale of the building into four distinct blocks), whilst still delivering a quantum of retail and residential floorspace that is feasible. The additional impacts because of the setback variations are considered to be minimal, and therefore the variation is considered to be a net positive for Freshwater village.
No impacts of solar loss to neighbouring properties as a result of height non-compliances to be demonstrated.	Refer to Drawings A-DA-501 and A-DA-502 within the Architectural Plans (**Appendix A**) and **Section 5.2.4** below, demonstrating that the proposed development has acceptable overshadowing impacts to surrounding receivers.
Access Vehicular movement and car parking	
(As above) Investigate options for a quicker route down into the carpark from the west-side entry thereby diminishing the impact of the long ramp on the bulk and layout of the building.	Refer to response to this issue above.
Landscape	
The provision of high-quality amenity for residents should be demonstrated in the next stage submission including landscape plans prepared by a suitably qualified Landscape Architect	Noted. Landscape Plans have been prepared by 360 Degrees and are provided at **Appendix C**.
The design of the communal open space provision must consider achievement of the ADG requirements and provision of suitable soil depths to support the landscape on structure.	171m^2 of communal open space is provided on the rooftop of the building. The proposed development has carefully balanced the provision of rooftop communal space with the need to reduce the visual impact of the space from the streetscape, including ensuring that the rooftop space is not perceived as a full additional storey. Refer to **Section 5.3** for detailed discussion. Landscaping has been incorporated into the rooftop communal open space as detailed within the Landscape Plans at **Appendix C**.

Recommendation	Response
Investigate opportunities for provision of street trees in deep soil if possible.	Deep soil street tree planting is not feasible along either the frontage to Lawrence Street or Dowling Street.
Provision of PV in conjunction with green roofs should be considered.	PVs are provided on the rooftop as shown within Drawing A-DA-104 of the Architectural Plans (**Appendix A**).
Amenity	
Resolve amenity issues of south-facing dwellings and POS as described above	Bi-folding screens have been provided to plaza facing apartments to offer residents the choice for added privacy screening and acoustic mitigation if desired. The length of street awnings has been shortened to two stepped awnings per block versus a singular long awning per block. This allows for a more appropriate scale relationship between awning and street and adds a finer grain character to the built form. Small breaks occur to define entries without overly impacting of the extent of footpath cover provided. Rooftop communal areas have been retained as recommended by the Panel.
Façade Treatment/ Aesthetics	
Further development sought.	Further development has been undertaken with regards to the rear treatment of the building, with additional articulation and breaks in form introduced to prevent the appearance of a monolithic and overbearing façade. Materiality diversity is proposed consisting of face brick for walls, concrete finish to balcony upstands, integrated planter treatments to terraces, and light-weight cladding materials to the upper levels.
Sustainability	
Rainwater recycling – show what the rainwater will be connected to.	The development incorporates a 40m^3 rainwater tank capturing roof water which will be reused on site for irrigation and toilet flushing. Refer to Flood and Stormwater Report prepared by TTW at **Appendix I**.
Detail the EV charging strategy and make sure fire safety provisions are going to be accommodated.	Six (6) EV parking spaces are provided, including three (3) for residential and three (3) for retail land uses. Fire safety provisions have been adhered to and will be confirmed at construction certificate stage.
Ensure there is enough bike parking for all apartments and the retail spaces.	Adequate bicycle parking is provided for all apartments and retail uses as confirmed within the Traffic Impact Assessment prepared by Stantec at **Appendix G**.
Remove any gas from the building, including the retail. Induction cooktops and heat pump hot water is recommended.	Gas will not be provided to the residential component of the development. Gas will only be provided to the retail component of the development as an option for future food and drink premises.
The common corridors should be naturally ventilated, make sure the windows to those spaces are operable and weather protected.	The common corridors are naturally ventilated with weather-protected and operable windows.

5.1.2 Pre-DA Meeting

In addition to the meeting with the Design and Sustainability Advisory Panel, a pre-DA meeting was held with Council on August 8, 2024. Several comments were raised by Council, as provided in the pre-DA meeting minutes dated August 9, 2024. Commentary from Council has informed the design of the proposed development.

A response to each of the key items raised by Council is provided in **Table 11** below.

Table 11 Response to Council Pre-DA comments

Clause / control	Council comment	Proponent's response
Warringah Local Environmental Plan 2011 (WLEP 2011)		
Part 2 – Zoning and Permissibility	• Definition of proposed development: Shop top housing • Zone: E1 Local centre • Permitted with Consent or Prohibited: Permitted with consent	Noted.
Clause 4.6 – Exceptions to Development Standards	Additional height is permitted by way of SEPP (Housing) 2021 provisions that override Warringah LEP. It is advised that the need to use Clause 4.6 should be avoided to go even higher than the additional height plane permitted by SEPP Housing. The 'bonus' height provisions add significant uplift / additional yield that would otherwise not be permitted (in this case calculated to 13.4m from EGL). In this regard, roof top elements that add to the building height further including the need for the lift access to the roof areas should be avoided (removed). The use of side mounted lift mechanisms and maintenance access hatch only for the roof and stepping the building down the slope will likely eliminate any height non-compliance for the upper height plane permitted by the SEPP provision. DSAP comments are noted, however, given the history of DAs on the site, the rooftop POS and other protruding elements should be minimised with the parapet and balcony edges set well back. Additional sensitive design considerations such as laying PV flat or at a low angle, using attractive roof treatment, and choice of external wall colours / materials suitable for the 'beachside village' desired future characterisation outlined in the DCP, should be incorporated.	The proposal seeks a maximum height of 16.35m[4], representing a 21.56% variation to the 13.45m height limit incorporating the Housing SEPP bonus. The underlying intent of the height variation is to provide for a 268m^2 public plaza rather than to provide additional residential floorspace beyond what a fully compliant built form can deliver. Due to it being open to the sky, delivering the public plaza has resulted in significant potential floorspace at all levels of the building to be forfeited, thereby requiring this variation to ensure its continued viability. The variation also in part due to the significant sloping topography at the site, which drops towards Lawrence Street and the east. Due to this, while parts of the development exceed the height limit, others remain below it. This is especially true for the southern rear boundary (which is especially sensitive due to it being an interface with R2 Low Density Residential zoned land) where the entirety of the built form lies below the limit. Furthermore, the extent of the variation relates predominantly to the rooftop communal open space and lift overrun. The communal space is intended to provide a high level of residential amenity for both the site's market and affordable housing residents rather than to provide additional habitable floorspace above the height plane. With regards to lift overruns, it is common for consent authorities to grant height variations for lift overruns as long as they are suitably screened from the streetscape, given they by their very nature are highly localised and need to rise above the roofline of a building. The rooftop communal space and access to it was supported by the Design and Sustainability Advisory Panel, which in the meeting minutes noted that: *The provision of communal open space in the development is important, despite the high level of local amenity. It is acknowledged that this is impacting the building height with stairs and lifts running up, but these are very limited extensions and allows significant amenity to be provided.* It would be possible to deliver the quantum of proposed floorspace within the height limit, however this would reduce the design quality of the development and preclude the delivery of the 268m^2 public plaza fronting Lawrence Street. Refer to Clause 4.6 Variation Request prepared at **Appendix E** and **Section 5.2.2** for detailed justification and discussion.

[4] as calculated under the *Bettar* method. The maximum height would be 18.65m if calculated under the *Merman* method. Refer to accompanying Clause 4.6 Variation Request at **Appendix E** for further information.

<table>
<tr><th>Clause / control</th><th>Council comment</th><th>Proponent's response</th></tr>
<tr><td colspan="3">Warringah Development Control Plan 2011 (WDCP 2011)</td></tr>
<tr><td>B2. Number of Storeys</td><td>Does not comply. Building design changes recommended.
Upper storeys should be setback further and trafficable roof top elements removed so the upper storeys are not readily visible along Lawrence Street.
While the additional proposed heights may address affordable housing requirements under the Housing SEPP, the extra height of the lift overrun and communal rooftop parapets, particularly in Blocks C and D, exceeds this allowance. As a result, the total height surpasses compliance limits, and it is not acceptable.
Under Housing SEPP 2021, Division 1 design requirements, development consent cannot be granted unless the consent authority has assessed whether the residential development aligns with the desirable elements of the local area's character.</td><td>The proposed development proposes a 4-storey built form to suitably accommodate the 22.32% building height bonus the proposal is eligible for under the Housing SEPP, to deliver significant affordable housing floorspace at the site, and the design intent of providing a 268m^2 public plaza to create a sense of place.
The proposed development makes use of extensive articulation elements, including the breaking down of the built form into four distinct blocks, changes in materiality expression, and staggered setbacks to achieve an appropriate break down of scale to Lawrence Street and the southern property boundary.
The planning objectives of the Number of Storeys DCP control continue to be achieved notwithstanding the noncompliance. An assessment is provided in the table below.
<table>
<tr><th>Objective</th><th>Assessment</th></tr>
<tr><td>O1. To ensure a reasonable level of amenity and solar access is provided and maintained to adjoining and nearby properties</td><td>The proposal will deliver a reasonable level of amenity and solar access to surrounding and nearby properties.
The built form makes use of staggered setbacks and significant articulation, including breaking up the bulk into four separate blocks, reducing perceived scale and improving amenity for surrounding landowners.
Solar access to surrounding properties is further discussed at Section 5.2.4, demonstrating that there are no unreasonable impacts.</td></tr>
<tr><td>O2. To complement the height of buildings control in the LEP with a number of storeys control.</td><td>As noted above, the development is eligible for a 22.32% height bonus under the Housing SEPP.
Therefore, a variation to the number of storeys is necessary to accommodate this bonus and ensure the number of storeys continues to align with the LEP height control.</td></tr>
<tr><td>O3. To provide sufficient scope for innovative roof pitch and variation in roof design</td><td>The proposal provides for an appropriate roof design with communal open space and building plant centrally located and set back from the streetscape to avoid unreasonable visual impacts.</td></tr>
</table>
Therefore, the variation to the number of storeys control is considered appropriate.</td></tr>
<tr><td>B6. East Side Boundary Setbacks (East)</td><td>Satisfactory. Not using vehicle crossings to Lawrence Street from the site is supported by the DCP.</td><td>Noted.</td></tr>
</table>

Clause / control	Council comment	Proponent's response
B8. Front Boundary Setbacks	Proposal includes a fourth storey element due to SEPP Housing allowances. The upper levels need to be stepped back further and balconies with more lightweight elements and smaller 'sections'. (Note advice from TfNSW is recommended if they are seeking to improve the bus bay in front of the site)	Noted. Further design work has been undertaken to ensure that the fourth storey (level 3) presents appropriately to the surrounding streetscape. The 4th storey (level 3) balconies on Lawrence Street have incorporated a combination of vertically fluted upstand treatments to offer detail to the façade, coupled with a lighter weight balustrade above. This approach helps break down the scale of these elements while providing a degree of screening to the balconies from public view.
B10. Rear Boundary Setbacks	Further refinement and design revision of the setback area required.	The proposed built form is partially compliant with the 9m rear setback recommended under the ADG (refer to **Section 5.3** below) due to the extensive architectural articulation at this location While some sections are not fully compliant, others provide for a setback much greater than 9 metres. When averaged out, an average setback of 10 metres is provided to the rear boundary, as demonstrated within the Architectural Design Report at **Appendix B**. The development employs significant vegetative landscaping along the southern frontage within the buffer zone between the proposed building and the boundary, in addition to privacy screens for the proposed balconies, mitigating against unacceptable visual privacy impacts. Detailed rear interface sections have been provided at Drawing A-DA-302 within **Appendix A**, demonstrating that the combination of buffer zone landscaping and privacy screens will deliver an appropriate visual privacy interface along the southern frontage.
WDCP 2011 - G5 Freshwater Village		
R1. Development is to evoke the coastal setting of the area through architectural expression and public art, e.g. murals or other external treatment of buildings. The massed concrete forms and wall planes to be refined (curved edges, timber and brick and weatherboard elements incorporated).		Sandstone coloured brickwork with fine detailing is proposed to evoke the colours and textures of sandstone escarpments and the beach, as well as complimenting the materiality and colour of neighbouring buildings. Lightweight cladding treatment is proposed to the upper-level building form to address scale and breakdown the built form.
R2. Buildings, including balconies and carpark entry points, fronting any public place must not contain any utility service pipe or conduit that is visible from the public place. Design work should be mindful of CC requirements including vents (shop and carpark) fire boosters and AC/gas units to be screened and integrated.		The proposed development does not include any utility or service pipes that would be visible from the public streetscape. Utilities have been suitably screened. The development will deliver a high-quality built form that will improve visual interest and the quality of built form in Freshwater Village.
R3. Locate residential uses so that noise, odour and any other adverse impacts are minimised from loading bays, garbage disposal and other service areas.		Residential uses have been suitably insulated from the loading dock and waste storage areas. Such uses have been located at the Dowling Street frontage, to not disrupt continuous retail opportunities along Lawrence Street.

Clause / control	Council comment	Proponent's response
R4. Retail entries are to be no more than 10m apart. A minimum floor to ceiling height of 3.3m for ground floor uses. Details to be shown on the plans and sections.		Retail entries are closer than 10m apart as indicated on the Architectural Plans (**Appendix A**). Ceiling heights for retail function are greater than 3.3m as compliant with DCP recommendations. Each of the four proposed blocks are narrower than three of the four buildings currently on the site, reflecting the original street rhythm and 'narrow lot' character of Freshwater Village and emphasising the verticality of the building.
R5.A minimum floor to ceiling height of 2.7m for uses above the ground floor. Single measurements (in addition to RL lines) should be shown in sections.		All residential uses above ground floor have a minimum of 2.7m ceiling height, as shown within the Architectural Plans.
R6. For any development with 10 or more shops or 500m2 or more retail floor space, accessible and well signposted toilet facilities complying with AS 1428 shall be provided. These facilities shall have the same minimum opening and closing hours as the proposed development. Photomontage and plans details will show this is achievable (appropriate annotation on plans). The DCP intends to maintain Freshwater's low-scale character and respond to the area's topography and coastal setting, buildings and roof forms must step naturally with the terrain (WDCP G5). Building design changes are recommended to better address this DA consideration. In general, the applicant must provide a master set of plans and drawings with clear details showing all setbacks and correctly aligned level orders with more vertical emphasis to the pattern / rhythm of historical segments of the streetscape, particular to the DFC expressed in the WDCP		The proposed development will deliver 1,379m^2 of retail floorspace, across 4 – 9 tenancies (exact number and intertenancy walls subject to future fitout applications). Accordingly, retail toilet facilities have been provided at ground level, both in a dedicated amenities area and as part of the retail EOT facilities. Both residential entrances have been designed to be clearly separate and distinguished from any retail tenancy entrances. Drawings have been provided to address these requirements. Photomontages depict the character and look and feel of the development as a contemporary mixed-use development in the centre of Freshwater Village with a strong emphasis on the public domain and key public offering of the north facing central plaza space.
Number of storeys	Does not comply. Building design changes recommended. Upper storeys should be setback further and trafficable roof top elements removed so the upper storeys are not readily visible along Lawrence Street. While the additional proposed heights may address affordable housing requirements under the Housing SEPP, the extra height of the lift overrun and communal rooftop parapets, particularly in Blocks C and D, exceeds this allowance. As a result, the total height surpasses compliance limits, and it is not acceptable. Under Housing SEPP 2021, Division 1 design requirements, development consent cannot be granted unless the consent authority has assessed whether the residential development aligns with the desirable elements of the local area's character.	Refer to detailed response provided to 'B2. Number of Storeys' above for detailed response and justification. With regards to the extra height of the communal rooftop and lift overrun, it is important to note that the rooftop communal space and access to it was supported by the Design and Sustainability Advisory Panel, which in the meeting minutes noted that: *The provision of communal open space in the development is important, despite the high level of local amenity. It is acknowledged that this is impacting the building height with stairs and lifts running up, but these are very limited extensions and allows significant amenity to be provided.* The above analysis and **Section 5.2.1** below demonstrate that the proposed development is consistent with the desired character of Freshwater Village, including around the objectives and requirements for development in Freshwater Village.

Clause / control	Council comment	Proponent's response
Street activation	Building design changes recommended. The site is well positioned for street activation and future redevelopment for shops / small business operators. Appropriate services provisions (vent, delivery, storage, back of house area are vital to allow a mix of uses that will remain over time to support the neighbourhood centre and maintain a lively street character for Freshwater. (Crime prevention through environmental design (CPTED) considerations will assist this in achieving good street activation and safe nighttime environment	The proposal will provide activated retail uses throughout the Lawrence Street frontage, as well as adjoining the new public plaza. New ground level retail will have glazed frontages addressing the street and clear and direct entrances to shop fronts. Shop fronts will also front onto the public plaza as required. Overall, the building design will reinforce and maintain the street character of Lawrence Street, will activate the street, and will enhance the quality of the street experience for pedestrians.
Street façades and shop fronts	Building design changes recommended. A balance between openable or glass shop fronts and some masonry / stone and size / styling of window / door elements to give an attractive, high quality and versatile presentation of the shops at ground levels. See also detailed comment from Council's Heritage Advisor in these PLM notes.	There is to be no presentation of blank facades to Lawrence Street, with all retail fronts and residential lobby entrances clearly visible. The retail floorspace is split across 4 - 9 tenancies (exact number subject to intertenancy walls in future fitout applications), with this breakup respecting the narrow lot appearance of Freshwater village. Shop fronts are elegantly proportioned and framed by vertical masonry elements that bring a verticality and fine-grained expression to the development reflecting the general patterning and block break up of the street. Shop fronts will be a combination of fixed and operable glazing with hob upstands to address the sloping nature of the street.
Access and loading	Building design changes recommended. See detailed comments from Traffic Engineering and Waste Services. Loading from Lawrence Street is discouraged due to bus services and traffic congestions including pedestrian movements and existing street infrastructure.	The proposed development maintains existing vehicular access from Dowling Street, with no access from Lawrence Street. All carpark entries, services and loading are to now occur away from the primary street frontage, with site loading to be moved from Lawrence Street to Dowling Street. The proposed design will help minimise pedestrian-vehicular conflicts thereby to improve pedestrian safety within the local centre.
Lighting	Details to be provided.	Noted. Any illumination associated with the proposal will be designed in accordance with the relevant Australian Standards. Detailed lighting specifications will be confirmed at construction certificate stage as consistent with industry standard practice.
Safety and security	Details to be provided.	A Crime Prevention Through Environmental Design Report (CPTED) has been prepared by Ethos Urban at **Appendix N**. The report finds that the proposed layout and design of the proposal are generally consistent with the principles of CPTED. Refer to **Section 5.10** for detailed discussion.
Signage	A 'schematic' or 'generic sign plan' may be used for the DA. Nominating sign positions.	Noted. Details around signage have been provided at **Section 3.7** above, and within the Architectural Plans.

Clause / control	Council comment	Proponent's response
Awnings	Building design changes recommended. • Provide continuous awnings along Lawrence Street, however these should be sectioned to follow (step down) the topography where sloped • Clearance to be shown on the plans / sections. • Be mindful of street tree options for planting also for future. • Adjustment may be required for the design. (Regarding wrapping of awning around street corner) • Note issues raised re bus stop at front of site and entry points for loading / carparking access include waste service staff needing ease (level) access to bin rooms.	The design of the awnings has undergone further refinement and now wraps around the corner of Dowling Street and Lawrence Street for 6 metres, as recommended. • Stepped awnings have been provided. Awnings are predominantly continuous with small breaks at residential entry lobbies where the awning wraps into the space as well as a larger break aligning with the central plaza. This is necessary due to the sloping nature of the street, as shown on the Architectural Plans. • There are no existing street trees. The breaks at residential entry locations may permit opportunity for future tree placement as well at the break in the awning at the central plaza. • Awnings has been extended around the Dowling Street corner for 6m in accordance with Council's recommendations. • Awnings have been setback a minimum of 600mm from kerb and their placement does not impact on any street trees or other urban design features
Front setback	Building design changes recommended. • Past proposal has a setback, however the front alignment proposed complies. The arcade width provided space for outdoor setback away from the main footpath. • 5m setback to be shown in section and plan view. • The extend of upper-level landscaping can require heavy engineered structures adding bulk and too much massing to the building. Therefore, a balanced approach with other requirements is advised.	Refer to detailed discussion at **Section 4.4** around justification of the proposed front setback design. As discussed above, the proposed development provides a second level (third storey) setback of 0m (2.5m excluding balconies) – 10.3m. This is driven by the design intent to break down the development into four distinct 'blocks' and reduce the perceived bulk and scale when viewed from Lawrence Street, thereby necessitating a more variable setback rather than a standard continuous setback of 5 metres. A key feature of the development is the planted street awing which has been appropriately engineered to withstand loads. This is a key feature bringing landscaping into the centre of Freshwater Village and connecting the development to its coastal context.
Side and rear setback	Details required for assessment. Additionally, in association with the height and setbacks a shadow study with percentage calculations and a solar analysis must be conducted for communal open spaces (if retained) / POS and adjacent neighbouring properties.	Noted. Overshadowing analysis has been provided in the Architectural Plans and is discussed at **Section 5.2.4** below. All of the rooftop communal open space proposed will receive direct sunlight for a minimum of 2 hours in midwinter.

Clause / control	Council comment	Proponent's response
Roofs and building forms	The DCP does not encourage communal open space on the roof. As noted above the non-compliant lift elements and roof top height created by the communal open space on the roof is contrary to this objective. To properly address this issue, the upper floors of Blocks C and D must be removed, and all lift overruns and rooftop features must be brought under the height control line.	With regards to the extra height of the communal rooftop and lift overrun, it is important to note that the rooftop communal space and access to it was supported by the Design and Sustainability Advisory Panel, which in the meeting minutes noted that: *The provision of communal open space in the development is important, despite the high level of local amenity. It is acknowledged that this is impacting the building height with stairs and lifts running up, but these are very limited extensions and allows significant amenity to be provided.* The inclusion of the rooftop communal space will ensure that a high level of amenity is provided to future residents. The proposed development has carefully balanced the provision of rooftop communal space with the need to reduce the visual impact of the space from the streetscape, including ensuring that the rooftop space is not perceived as a full additional storey.
	The slope of the site requires stepping of the building in segments.	The proposed development has been stepped into four distinct 'blocks', as consistent with the site's topography and respecting the historical narrow lot character of Freshwater.
	Lighter roof colour may be used but can be broken down with elements on the roof or treatment that is low reflective to overlooking properties.	Roof treatment is proposed in a medium low reflective colour.
Building massing	Proper setbacks have not been implemented to address streetscape, neighbouring properties' amenity, and adjacent developments. To minimise scale and bulk and ensure reasonable view sharing, a minimum 5m setback is required on the 3rd floor, and a 6m setback is needed from the rear boundary. Currently, the 5m upper-storey setbacks on the 3rd floor are measured from the building line, but they should be measured from the balcony line. This adjustment is crucial around Block A, particularly at the corner of Lawrence and Dowling Street, and along Dowling Street near the heritage-listed building, to ensure a cohesive design. (It is recommended that the client review the design in the approved DA for 48 Lawrence Street for reference).	The proposal has maintained the 5m building line fourth storey (level 3) setback to Lawrence Street (2m when measured from the balcony) as this is necessary to deliver a viable built form for that level, given its narrow floorplate due to the need to provide for a substantive setback from the residential properties to the rear. Furthermore, the material change in façade treatment reinforces the notion of an expressed 2 storey base with set backed upper levels. The proposal maintains a consistent building line from end to end along Lawrence Street with breaks in façade. A Heritage Impact Assessment has been prepared at **Appendix J** confirming that the proposed development will not have unacceptable impacts to the heritage-listed items opposite Lawrence Street. Refer to further discussion at **Section 5.7**.
	To enhance architectural expression, break up the massing, create visual interest, and reflect the coastal character of Freshwater, the proposal should integrate a variety of materials, colours, and detailed façade and roof articulation, in line with the Freshwater Village WDCP (G5, 13 &16)	The proposed development utilises a sympathetic materiality palette that is reflective of the local character of the area, while expressing a contemporary aesthetic consistent with recent developments in the area and the locality's coastal nature.

Clause / control	Council comment	Proponent's response
Building sustainability	Details to be provided. See DSAP advice for PV, EV and the like. BASIX requirements to be met. Effective cross ventilation for apartments by adjusting separation at the upper levels.	The proposed development seeks to minimise the usage of energy and water. PV and EV charging have been incorporated into the development design. BASIX and NatHERS Certificates have been provided at **Appendix U**. The project achieves a 4 Star Green star rating. Refer to **Section 5.15** below.
	To support sustainable deep soil landscaping (and maintain privacy between dwellings), it is recommended that the buffer planting zone be converted into a deep soil zone with a minimum width of 3 metres extending to the rear boundary.	It is not feasible for deep soil to be provided to the rear landscaping buffer zone as the zone provides screening to the driveway entrance, which is located directly below. Landscape Plans of the buffer zone have been provided within **Appendix C**.
Materials and colours	Does not comply. Changes recommended. Inclusion of sandstone elements and edging, including hardwood and some lightweight materials (weatherboard) commensurate with Freshwater character. The façade on Dowling Street is monotone and lacks detail. According to the Freshwater Village WDCP awning control (G5, 9, O3/R7), buildings on street corners should have awnings that wrap around or extend for a minimum of 6 metres. To enhance the design, it's recommended that the awning wraps around the corner, extending along the Dowling Street façade and up to the carpark entry. Additionally, the design must comply with all awning controls specified in the Freshwater Village WDCP.	The materiality and colour palette has been revised since the pre-DA meeting. The proposed development utilises a sympathetic materiality palette that is reflective of the local character of the area, while expressing a contemporary aesthetic consistent with recent developments in the area and the locality's coastal nature. Brickwork in a sandstone-coloured tone has been incorporated at the lower levels to give emphasis to the 2-3 storey built form with the upper setback level proposed in a lighter weight cladding with vertical batten-like cladding treatment, complimenting the materiality and colour of neighbouring buildings. Further design development has occurred to the façade on Dowling Street. Although opportunities for articulation are limited due to the need for services and the driveway entrance to be located at this location, a diverse materiality and colour palette as well as incorporation of textured brickwork and windows in the façade help provide visual interest and passive surveillance.
Active travel	Details to be include for bike, EV, visitor or EOT facilities at ground floor and basement areas.	Noted. Bike, EV, visitor and EOT facilities have been incorporated as shown on the Architectural Plans (**Appendix A**).

Clause / control	Council comment	Proponent's response
Development in the vicinity of heritage items	DA should demonstrate sensitivity and local character 'cues' to not be adverse to the historical character of Freshwater local centre. Given the proximity of the heritage-listed building on the opposite corner, it is essential to ensure that any proposed development does not adversely impact and instead complements the heritage significance of the item. The façade design must be sympathetic in both shape and materials. Development must consider the heritage item's significance and include a statement of heritage impact, detailing the proposed works' effect on this significance. This statement should also address any relevant conservation or management plans for the heritage-listed properties and outline measures to mitigate any negative impacts on their heritage value. (Freshwater Village DCP G5, 18)	A Heritage Impact Statement has been prepared by GBA Heritage and is provided at **Appendix J** confirming that the proposal will not have unacceptable impacts onto the proximate heritage items. In summary, the Heritage Impact Statement finds as follows: • Freshwater Village is an evolved and evolving commercial/retail centre with some residential use. Original lot boundaries and building styles, widths and heights in the Village have changed over time and continue to evolve. • The proposed building will employ sympathetic materials to the heritage items in the vicinity, will be separated from them by four street lanes and will have no adverse impact on their setting or on any significant views to or from them. Its use of brickwork and other materials in the earth-tone colour spectrum will be sympathetic to the brick heritage items. • The proposed building is articulated into several elements, each narrower than three of the four buildings currently on the site, thus reducing its apparent massing and better reflecting the original street rhythm and enhancing the character of the Village streetscape. Refer to **Section 5.7** below.
Specialist Advice		
Traffic engineering	Parking	Refer to **Section 5.4**. A Traffic Impact Assessment (TIA) has been prepared by Stantec at **Appendix G**. The report confirms that: • The proposed provision of 44 residential parking spaces is compliant with the residential parking rates stipulated in the Warringah DCP, which when applied to the proposed development results in a recommended total of exactly 44 spaces. • The 62 proposed retail spaces represent a minor shortfall of 9 car spaces when the Warringah DCP retail parking rate is applied. The TIA notes that the Warringah DCP rate is significantly higher when compared to other DCPs in the Northern Beaches LGA, including that of the Pittwater and Manly DCPs. Applying the rates in those DCPs to the development would result in a requirement of 43 and 32 spaces, respectively, which the proposal then significantly exceeds. Therefore, the proposed retail parking provision is considered acceptable.
	Access	Refer to **Section 5.4**. The report confirms that vehicular access, internal circulation, and servicing for the proposed development complies with the relevant requirements of the AS2890 series Australian Standards. Swept path assessments have been appended to the TIA demonstrating compliance.

Clause / control	Council comment	Proponent's response
	Loading	Refer to **Section 5.4**. The potential for off-street (on-site) loading was explored by the project team as part of the design development process. Given the site has limited manoeuvring space, it was found that off-street loading would require usage of a turntable. However, several issues were noted with the provision of a turntable, including the conflict between light and heavy vehicles, unsupportable ramp grades, loss of on street parking and swept path conflicts, which would preclude off-street loading from being viable. The TIA confirms that the proposed loading arrangement on Dowling Street will have minimal impact on traffic flow.
Waste management services		Refer to **Section 5.11.2**. An Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot at **Appendix P**. The OWMP identifies the expected waste generation during the operational phase of the proposed development, and how this waste is to be managed, for both its retail and residential components. Council will be engaged to collect the residential waste and recycling in accordance with Council's collection schedule. Prior to collection days, the building manager will transport the bins from the basement level communal bin room to the residential bin presentation room on the first floor. A private waste collection contractor will be engaged to service the retail waste and recycling bins per an agreed schedule. Waste collection vehicles will park in the loading bay along Dowling Street (**Section 3.6.3**) and collect the waste from either the residential bin collection room or the retail bin room. The collection of retail bins will occur on separate days from the collection of residential bins to minimise conflicting uses of the loading bay. Upon completion of servicing, the collection vehicle will continue along Dowling Street in a forward direction.
Development engineering	Stormwater plans	Refer to **Section 5.6**. A Flood and Stormwater Report has been prepared by TTW at **Appendix I**. The report confirms that stormwater impacts of the development would meet the relevant stormwater requirements of Council.
	Geotechnical report	Refer to **Section 5.16**. A Geotechnical Investigation has been prepared by EI Australia and is provided at **Appendix V**.
Landscape architect	The proposed development is capable of complying with most applicable provisions in the ADG, including natural cross ventilation and solar access. However, due to the existing constraints of the site and the desire to provide a best possible urban design outcome, the proposed development is not capable of achieving the following ADG requirements: • Deep soil landscaping: 7% of site area required.	Noted and agreed. The development is located at a constrained site within a village centre, with non-residential uses at ground level. Existing conditions on the site comprise exclusively of built form and hardstand area. There is also a need to provide for basement car parking and a long driveway entrance at the rear due to the site's topography. Therefore, provision of true deep soil at the site would not be feasible. Although not deep soil, the development has provisioned for significant landscaping opportunities, as detailed at **Section 3.5**, including within the public plaza and rear landscaping buffer zone.

Clause / control	Council comment	Proponent's response
	Shop Top Housing is to be consistent with the design quality principles outlined in State Environmental Planning Policy (Housing) 2021 and the objectives, design criteria and design guidance outlined in the Apartment Design Guide, including the design quality principles of Principle 5: Landscape, and the objectives of 3E Deep Soil Zone, 4O Landscape Design, and 4P Planting on Structures.	Noted. A detailed assessment of the development against the Apartment Design Guide is provided in **Section 5.3** below.
	Adjoining properties to the south all occupy Land zoned R2 Low Density Residential, and it is advised that Landscape Referral consider that the Design Criteria should be applied at the rear of the development property (south) to provide a landscape buffer transition to properties within the R2 Land. ADG provides Design guidance on how this may be achieved. It is noted that reliance of on structure planting to soften the built form presents structural integrity and long-term maintenance issues and any such on structure provisions will require appropriate structural design to support the 'wet weight' of soil and planting.	The development employs significant vegetative landscaping along the southern frontage within the buffer zone between the proposed building and the boundary, in addition to privacy screens for the proposed balconies, mitigating against unacceptable visual privacy impacts. Details of this buffer zone is shown in the Landscape Plans at **Appendix C**.
Catchment management		Refer to **Section 5.18**. A Coastal Environment Area Assessment has been prepared by Horton Coastal Engineering at **Appendix X** demonstrating that the development will not have adverse impacts on the coastal environment area.
Environmental health	Noise	Refer to **Section 5.5**. A Noise Impact Assessment has been prepared by Acoustic Logic at **Appendix H**. The report assesses noise, and vibration impacts of the proposed development, during its construction and operational phases, and finds them to be acceptable.
	Contaminated land	Refer to **Section 5.8**. A Preliminary Site Investigation (PSI) has been undertaken by EI Australia and is provided at **Appendix K**.
	Future food premises	Noted; this will form part of future fit-out applications for the individual retail tenancies.
Heritage assessment		Refer to **Section 5.7**. A Heritage Impact Statement has been prepared by GBA Heritage and is provided at **Appendix J** confirming that the proposal will not have unacceptable impacts onto the proximate heritage items.
DSAP		A detailed response to DSAP (Design and Sustainability Advisory Panel) comments is provided in **Section 5.1.1** above. The Panel was generally supportive of the design of the proposed development.

5.2 Built Form

5.2.1 Bulk and Scale

As noted above in **Section 3.3**, the proposed development employs a highly articulated built form divided into four distinct 'blocks' to break up perceived bulk and scale and improve visual interest when viewed from the public domain. Each of the blocks is narrower than three of the four buildings currently on the site, reflecting the original street rhythm and 'narrow lot' character of Freshwater Village and emphasising the verticality of the building.

The proposed development has been designed to evoke the coastal setting of the site through the choice of light weight external facades and a light and clear materiality palette. A centrally located public plaza is provided to further reduce the perceived visual bulk when viewed from Lawrence Street. The public plaza invites visitors into the site to further improve street level retail activation, village character, and vibrancy. The public plaza will foster greater activation and provide a space for both residents and visitors to the site to linger and enjoy.

The desired future character of Freshwater Village is set in Section G5, part 1 of the WDCP 2011, which sets out objectives and requirements for development in Freshwater Village. An assessment of the proposal against these recommendations is provided below in **Table 12**, demonstrating compliance with the area's desired character.

Table 12 Assessment against built form in Freshwater Village DCP built form guidance

Objectives	Requirements	Assessment
O1. To reinforce and enhance the role of Freshwater Village as a centre for the local community.	*R1. Development is to evoke the coastal setting of the area through architectural expression and public art, e.g. murals or other external treatment of buildings.*	The proposed development employs significant articulation in architectural expression and utilises a lightweight built form and materiality palette that evokes the coastal setting of Freshwater. As noted in **Section 5.1.2** above, sandstone coloured brickwork with fine detailing is proposed to evoke the colours and textures of sandstone escarpments and the beach, as well as complimenting the materiality and colour of neighbouring buildings. Light weight cladding treatment is proposed to the upper-level building form to address scale and breakdown the built form.
O2. To achieve high quality built form that enhances the streetscapes and coastal character of Freshwater Village	*R2.Buildings, including balconies and carpark entry points, fronting any public place must not contain any utility service pipe or conduit that is visible from the public place.* *Utility services including service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places including streets.*	The proposed development does not include any utility or service pipes that would be visible from the public streetscape. Utilities have been suitably screened. The development will deliver a high-quality built form that will improve visual interest and the quality of built form in Freshwater Village.
O3. To maintain and enhance Freshwater as an attractive destination among Sydney's coastal centres	*R3. Locate residential uses so that noise, odour and any other adverse impacts are minimised from loading bays, garbage disposal and other service areas*	Residential uses have been suitably insulated from the loading dock and waste storage areas. Such uses have been located at the Dowling Street frontage, to not disrupt continuous retail opportunities along Lawrence Street.
O4. To ensure development responds to the low scale, narrow lot pattern of Freshwater	*R4. Retail entries are to be no more than 10m apart.* *A minimum floor to ceiling height of 3.3m for ground floor uses.* *R5.A minimum floor to ceiling height of 2.7m for uses above the ground floor.*	Each of the four proposed blocks are narrower than three of the four buildings currently on the site, reflecting the original street rhythm and 'narrow lot' character of Freshwater Village and emphasising the verticality of the building. The sections within **Appendix A** demonstrate that the development complies with the floor to ceiling height requirements for both ground floor and storeys above.

Objectives	Requirements	Assessment
O5. To achieve comfortable, functional and attractive buildings for residents, workers and visitors	*R6. For any development with 10 or more shops or 500m² or more retail floor space, accessible and well signposted toilet facilities complying with AS 1428 shall be provided. These facilities shall have the same minimum opening and closing hours as the proposed development.* *Residential entries are to be separate and clearly distinguished from business entries*	The proposed development will deliver 1,379m² of retail floorspace, across 4 – 9 tenancies (exact number and intertenancy walls subject to future fitout applications). Accordingly, retail toilet facilities have been provided at ground level, both in a dedicated amenities area and as part of the retail EOT facilities. Both residential entrances have been designed to be clearly separate and distinguished from any retail tenancy entrances.

The above therefore demonstrates that the proposed development is consistent with and reinforces the desired coastal character of Freshwater.

5.2.2 Setbacks and Height

The built form has provisioned for progressively staggered setbacks from ground level up to level 3 as discussed at **Section 3.3.3**, with the built form being primarily concentrated at the central portion of the site, reducing visual impacts when viewed from all of its frontages, especially from its primary frontage along Lawrence Street and from residential properties to the rear (**Figure 31**).

Figure 31 Artist's impression of the development, viewed from the corner of Lawrence and Dowling Streets

Source: Chrofi

The proposal seeks a variation of 2.9m (as interpretated under *Bettar)*, which is a 21.56% variation to the 13.45m height limit for the site established under the WLEP 2011 (following application of the Housing SEPP bonus). The Clause 4.6 Variation Request for Height prepared at **Appendix E** confirms that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard.

In summary, the height variation is appropriate as:

- The objectives of clause 4.3 of the WLEP 2011 are achieved notwithstanding non-compliance with the standard. Specifically:
  - Objective (a): Notwithstanding the height variation, the development is compatible with the height and scale of surrounding and nearby development. The height variation frees up area in the lower levels to deliver a 268m² public plaza open to the sky that presents a more sympathetic interface with surrounding sites and the coastal setting of Freshwater.

  - Objective (b): Detailed analysis has demonstrated that the variation would not result in unacceptable impacts with regards to visual impact, disruption of views, loss of privacy or loss of solar access. The public plaza facilitated by the height variation has clear view impact benefits, considerably reducing the appearance of building scale and bulk in particular when seen from Freshwater Road.
  - Objective (c): The proposed development (variation included) is consistent with and reinforces the desired coastal character of Freshwater, including its 'narrow lot' character through an articulated built form broken up into four distinct 'blocks'. The height variation enables a public plaza enhancing the role of Freshwater Village as a centre for the local community.
  - Objective (d): The proposal (variation included) will provide for acceptable visual impacts from public places including Lawrence Street.
- There are sufficient environmental planning grounds to justify contravening the development standard as:
  - The underlying intent of the height variation is to provide for a 268m^2 public plaza rather than to provide additional residential floorspace beyond what a fully compliant built form can deliver. Due to it being open to the sky, delivering the public plaza has resulted in significant potential floorspace at all levels of the building to be forfeited, thereby requiring this variation to ensure its continued viability.
  - The variation is in part due to the significant sloping topography at the site, which drops towards Lawrence Street and the east. Due to this, while parts of the development exceed the height limit, others remain below it. This is especially true for the southern rear boundary (which is especially sensitive due to it being an interface with R2 Low Density Residential zoned land) where the entirety of the built form lies below the height limit (see **Figure 32** below).
  - The extent of the variation relates predominantly to the rooftop communal open space and lift overrun. The communal space is intended to provide a high level of residential amenity for both the site's market and affordable housing residents rather than to provide additional habitable floorspace above the height plane. With regards to lift overruns, it is common for consent authorities to grant height variations for lift overruns as long as they are suitably screened from the streetscape, given they by their very nature are highly localised and need to rise above the roofline of a building. The rooftop communal space and access to it was supported by the Design and Sustainability Advisory Panel, which in the meeting minutes noted that:

    The provision of communal open space in the development is important, despite the high level of local amenity. It is acknowledged that this is impacting the building height with stairs and lifts running up, but these are very limited extensions and allows significant amenity to be provided.
  - The delivery of the proposed development (variation included) will provide critical market and affordable housing supply to an area with one of the highest rates of housing unaffordability in Sydney and New South Wales more broadly. This would be compromised if the proposed development were to not be delivered.
  - The proposed development (including height variation) is consistent with the Objects of the EP&A Act, including promoting the orderly and economic use and development of land, and promoting the delivery and maintenance of affordable housing.

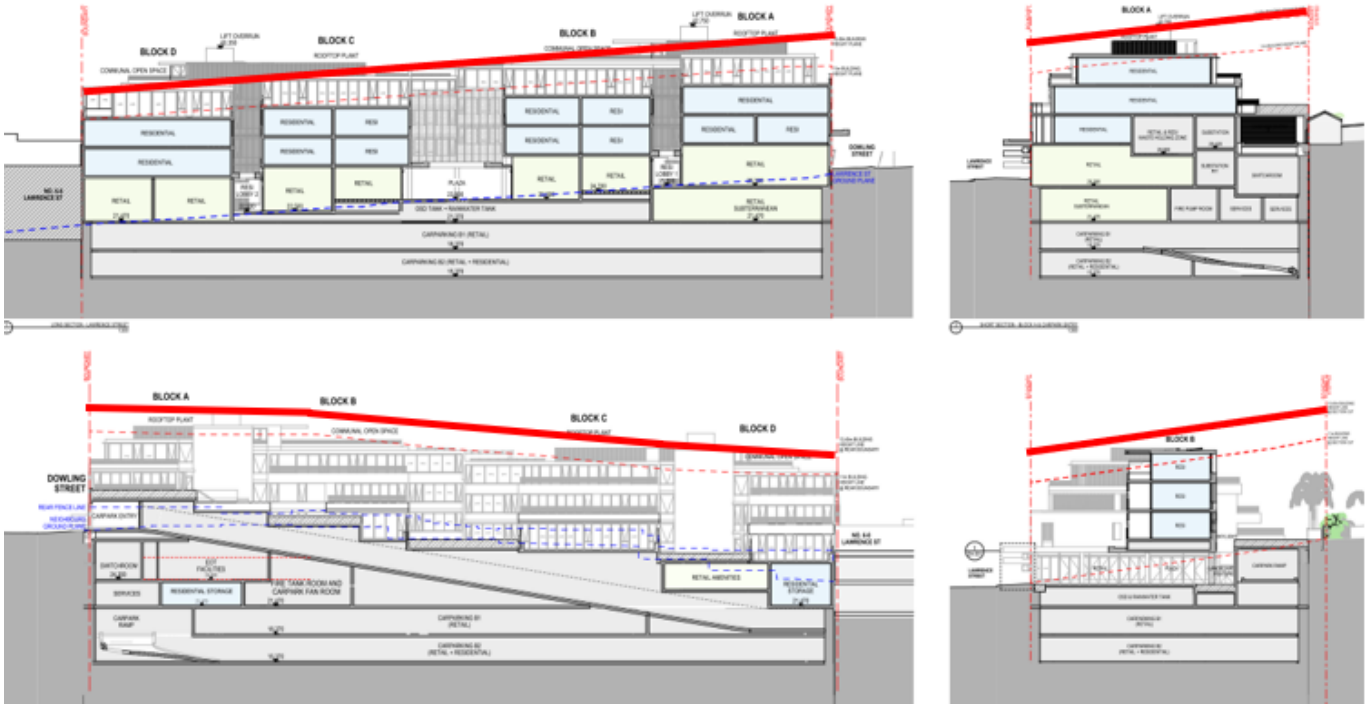

Figure 32 Compliance with 13.45m height limit throughout the site

Source: Chrofi, edits by Ethos Urban

5.2.3 View Impacts

A View Analysis has been prepared by Ethos Urban at **Appendix F**. The report addresses the view impacts of the proposal, especially from properties most affected by the proposed built form (adjacent in Dowling Street and from the south along Queenscliff Road).

In summary, the View Analysis finds that:

- The proposal will have the greatest view impact on nearby residential properties on Lawrence Street, Undercliff Road and Dowling Street.
- These views are largely local to district views mainly of the suburban landscape character area of Freshwater which primarily comprises low rise detached houses in landscaped settings containing trees and other vegetation. From more elevated locations on Undercliff Road to the south of the site and Dowling Street to the west of the site the views extend to include larger parts of Freshwater, and glimpses of part of the Pacific Ocean. The value of these views' ranges from low – medium to medium – high.
- The qualitative view impact of the proposal ranges from negligible to moderate. Only one of the identified viewpoints in the View Analysis is of moderate impact.
- The scale and massing of the proposal and therefore its view impact is shaped by the intent to avoid a single block form by creating a public plaza fronting Lawrence Street and its articulation into multiple 'blocks'.
- While this reduces the appearance of building bulk when seen from Lawrence Street, it results in minor variation to the height controls under the WLEP 2011 and the Housing SEPP, and the front upper-level setback control. This variation is justified by a Clause 4.6 Variation Request (**Appendix E**). It is not considered that these variations give rise to significant, adverse view impact.
- The shaping of massing away from the rear boundary enabled by the employment of these strategies retains a view corridor for impacted properties on Dowling Street and reduces the impact of building scale and bulk for properties to the immediate south of the site on Undercliff Road.
- These skilful design measures represent a considered response to site and context parameters, and a balance between retaining the applicant's development potential and amenity and reducing view impact on neighbours.

On the basis of the above, the View Analysis concludes that while the proposal will impact existing views, the level of impact is acceptable and can be supported on view impact grounds.

5.2.4 Overshadowing

Overshadowing diagrams of the development during the winter solstice (thereby representing a 'worst case' scenario) at hourly intervals have been provided at Drawing A-DA-501 of the Architectural Plans (**Appendix A**). The drawing provides a comparative assessment between overshadowing impacts of the existing built form on the site, and that of the proposed development.

An excerpt has been provided in **Figure 33** below. The grey shading represents the existing overshadowing on the site and surrounding developments from the current buildings, while the red hatching highlights any extent of additional overshadowing resulting from the proposed development during the winter solstice.

The site's interface with its southern boundary has been carefully designed and set back to prevent adverse overshadowing impacts to adjoining residential properties. The overshadowing analysis demonstrates that additional overshadowing as a result of the proposed development is largely minor when compared to existing site conditions and are largely confined to the backyards of the surrounding receivers, with only limited overshadowing falling onto the built form of these properties.

Furthermore, **Figure 34** below provides a comparison between the hours of solar access for each residential dwelling to the rear of the site. This demonstrates that the development does not reduce any surrounding dwelling to less than the 2 hours direct sunlight mid-winter. Furthermore, the blue hatching shows the additional overshadowing impacts generated by the proposed height variation. It can be seen below that this impact is minor and relegated to largely backyards of adjacent properties.

All dwellings will continue to receive more than two hours direct sunlight save for the properties at 16 and 20 Undercliff Road; however, these two dwellings already do not receive direct solar access during midwinter and therefore are not further impacted by the proposal.

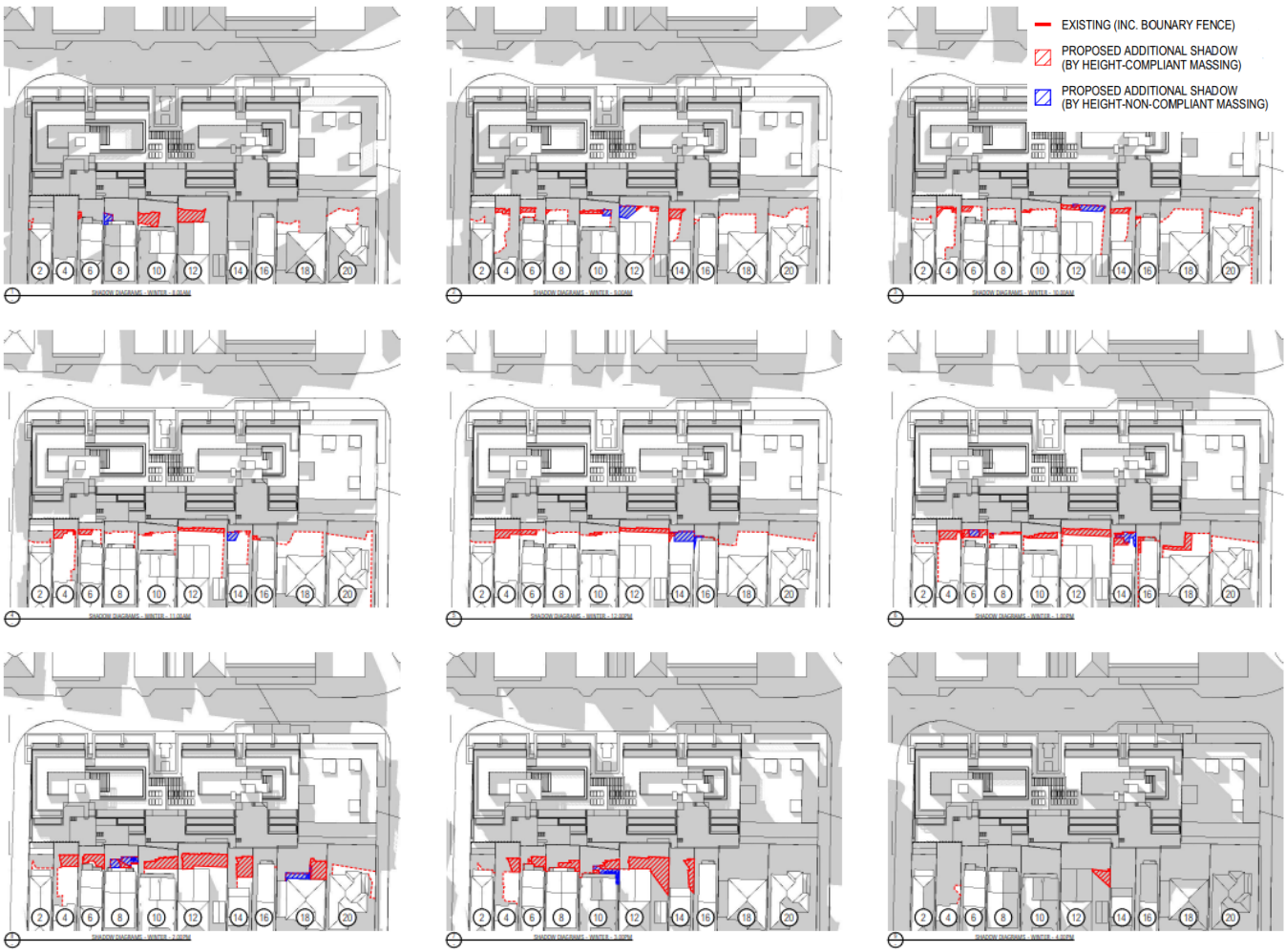

Figure 33 Overshadowing impacts of the development compared to existing built form – additional overshadowing shown in red; impacts due to the height variation shown in blue

Source: Chrofi

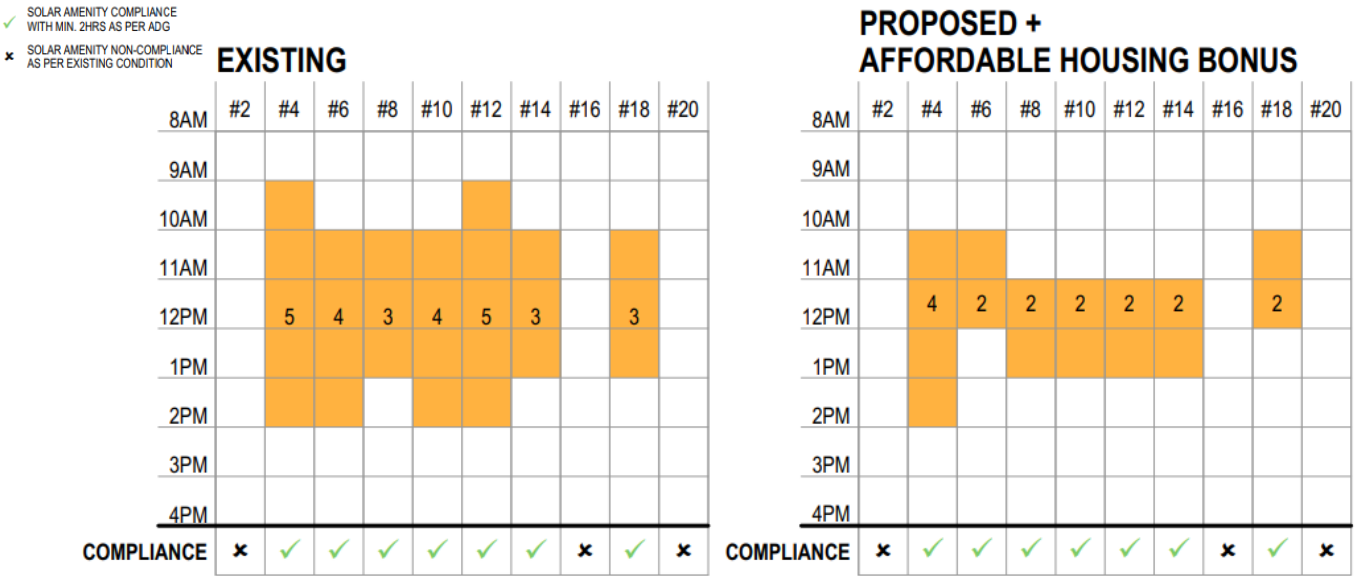

Figure 34 Solar access to residential properties to the rear – existing and proposed scenarios

Source: Chrofi

Based on the above, the overshadowing impacts of the development are acceptable.

5.3 Residential Amenity

The proposed development will deliver a high level of residential amenity and is generally consistent with the recommendations of Chapter 4 of the Housing SEPP and its accompanying Apartment Design Guide. A Design Verification Statement has been prepared by Chrofi within the Architectural Design Report at **Appendix B**, confirming that the development was designed by a registered architect and meets the requirements of the SEPP.

With regards to the key numerical metrics of the ADG, as shown in Drawing A-DA-402 in **Appendix A**:

- 23 out to 30 (76%) of all apartments receive at least 2 hours of direct sunlight between 9am – 3pm mid-winter. This meets the 70% recommendation of the ADG.
- 22 out of 30 (73%) of all apartments are naturally cross ventilated which complies with the minimum ADG 60% recommendation.

An assessment of the development's compliance with the relevant ADG provisions is provided in **Table 13** below.

Table 13 Assessment against the Apartment Design Guide

<table>
<tr><th>Objectives and Design Criteria</th><th>Commentary</th><th>Complies?</th></tr>
<tr><td colspan="3">Part 3 Siting the Development</td></tr>
<tr><td colspan="3">3D Communal and Public Open Space</td></tr>
<tr><td>Communal open space has a minimum area equal to 25% of the site.</td><td>The proposed development provides for 171m^2 of communal open space on the rooftop. This equates to 6.62% of the site area, which is less than the 25% recommendation and therefore a numerical noncompliance.
The proposed development has carefully balanced the provision of rooftop communal space with the need to reduce the visual impact of the space from the streetscape, including ensuring that the rooftop space is not perceived as a full additional storey.
The ADG acknowledges that development in locations “such as [...] sites within business zones, or in a dense urban area” like Freshwater Village may not feasibly be able to meet the requirements of the design criteria. The ADG notes such non-compliances can be offset through both public and private open space.
In this regard:
• The development provides for generous private open space (balconies) for all apartments significantly above and beyond the required minimums. Refer to response to Objective 4E below.
• The development also proposes a 268m^2 public plaza at ground level which residents would be able to enjoy.</td><td>Refer to commentary</td></tr>
<tr><td>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).</td><td>All of the rooftop communal open space proposed will receive direct sunlight for a minimum of 2 hours in midwinter.</td><td>✓
Yes</td></tr>
<tr><td colspan="3">3E Deep Soil Zones</td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirements:
<table><tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>Less than 650m^2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m^2 – 1,500m^2</td><td>3m</td></tr><tr><td>Greater than 1,500m^2</td><td>6m</td></tr><tr><td>Greater than 1,500m^2 with significant existing tree cover</td><td>6m</td></tr></table></td><td>The ADG acknowledges that:
Achieving the design criteria may not be possible on some sites including where:
• the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)
• there is 100% site coverage or non-residential uses at ground floor level.
The development is located at a constrained site within a village centre, with non-residential uses at ground level. Existing conditions on the site comprise exclusively of built form and hardstand area. There is also a need to provide for basement car parking and a long driveway entrance at the rear due to the site’s topography. Therefore, provision of true deep soil at the site would not be feasible.
Although not deep soil, the development has provisioned for significant landscaping opportunities, as detailed at Section 3.5, including within the public plaza and rear landscaping buffer zone.</td><td>Refer to commentary</td></tr>
</table>

3F Visual Privacy

Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: **Building Height** / **Habitable rooms and balconies** / **Non-habitable rooms** Up to 12m (4 storeys) / 6m / 3m Up to 25m (5-8 storeys) / 9m / 4.5m Over 25m (9+ storeys) / 12m / 6m *Note: Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1 when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.*	The proposed development is adjacent to properties zoned R2 Low Density Residential to the south. Therefore, increased recommended setbacks of 9m (for habitable rooms) and 6m (for non-habitable rooms) apply to the southern frontage. The proposed built form is partially compliant with the 9m rear setback due to the extensive architectural articulation at this location While some sections are not fully compliant, others provide for a setback much greater than 9 metres. When averaged out, an average setback of 10 metres is provided to the rear boundary, as demonstrated within the Architectural Design Report at **Appendix B**. The development employs significant vegetative landscaping along the southern frontage within the buffer zone between the proposed building and the boundary, in addition to privacy screens for the proposed balconies, mitigating against unacceptable visual privacy impacts. Detailed rear interface sections have been provided at Drawing A-DA-302 within **Appendix A**, demonstrating that the combination of buffer zone landscaping and privacy screens will deliver an appropriate visual privacy interface along the southern frontage.	Refer to commentary

3K Bicycle and Car Parking

For development on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.	Does not apply to the development site, which is zoned E1 Local Centre and not located in proximity of rail infrastructure or B3/B4 (now E2/MU1) zoned land.	N/A

Part 4 Designing the Buildings

4A Solar and Daylight access

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	23 out to 30 (76%) of all apartments receive at least 2 hours of direct sunlight between 9am – 3pm mid-winter. This meets the 70% recommendation of the ADG. Refer to Drawing A-DA-402 in **Appendix A** for compliance diagrams.	✓ Yes

A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	6 out of 30 (20%) of all apartments receive no direct sunlight between 9am – 3pm midwinter. Refer to Drawing A-DA-402 in **Appendix A** for compliance diagrams. The apartments without solar access are all south facing. This noncompliance with the 15% maximum recommendation is due to the site's shape and orientation, being long and narrow with lengthy northern and southern frontages. The development has prioritised orienting apartments along the northern façade to the maximum extent possible (the other 24 out of 30 apartments all have either a full or partial northern frontage). In this regard, this noncompliance is due to the constraints associated with the natural shape and orientation of the site. Therefore, the variation is appropriate in the circumstances.	Refer to commentary
4B Natural Ventilation		
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	22 out of 30 (73%) of all apartments are naturally cross ventilated which complies with the minimum ADG 60% recommendation. The development is less than 9 storeys tall. Refer to Drawing A-DA-402 in **Appendix A** for compliance diagrams.	✓ Yes
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The maximum depth of any cross-over/cross-through apartment does not exceed 18m.	✓ Yes
4C Ceiling Height		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: **Minimum ceiling height** Habitable rooms: 2.7m Non-habitable: 2.4m For 2 storey apartments: 2.7m for main living area floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area Attic spaces: 1.8m at edge of room with a 30 degree minimum ceiling slope If located in mixed use areas: 3.3m for ground and first floor to promote future flexibility of use These minimums do not preclude higher ceilings if desired.	The proposed development has been designed to meet the ceiling height recommendations for both habitable and non-habitable rooms, as demonstrated within the Architectural Plans (**Appendix A**).	✓ Yes
4D Apartment Size and Layout		

Apartments are required to have the following minimum internal areas: **Apartment Type** / **Minimum internal area** Studio / 35m² 1 bedroom / 50m² 2 bedroom / 70m² 3 bedroom / 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.	All apartments meet, and in most cases significantly exceed, the minimum apartment area requirements. The area of each individual apartment is noted in the **Appendix A** floorplans.	✓ Yes
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	External glazing to all habitable rooms is greater than the minimum 10% required.	✓ Yes
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	All habitable room depths of the proposed development are compliant with this control.	✓ Yes
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Most apartments have a maximum depth of 8m to the rear kitchen bench; however, there are 2 apartments out of the 30 proposed which exceed the recommended 8m to the kitchen rear bench. These apartments are generous in size (154m²) with living areas 5.5m in width, with generous full width glazing and openings providing a sufficient degree of daylight and ventilation.	Refer to commentary
Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).	Bedrooms and master bedrooms are equal to and are generally greater than the minimum sizes required.	✓ Yes
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Bedrooms all have dimensions of 3 metres or greater (excluding wardrobe space). The dimensions of individual bedrooms are noted in the **Appendix A** floorplans.	✓ Yes
Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments.	All living rooms or combined/living dining rooms are compliant with the minimum width requirements. The dimensions of living and dining rooms are noted in the **Appendix A** floorplans.	✓ Yes
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All cross-over and cross-through apartments are compliant with the minimum width requirements.	✓ Yes
4E Private Open Space and Balconies		

All apartments are required to have primary balconies as follows: **Dwelling Type / Minimum Area / Minimum depth** Studio apartment: 4m² / - 1 bedroom apartment: 8m² / 2m 2 bedroom apartment: 10m² / 2m 3+ bedroom apartment: 12m² / 2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m.	All apartments are provided with generous balconies which significantly exceed these minimums. • The minimum balcony size for a 1-bedroom apartment in the development is 12m². • The minimum balcony size for a 2-bed or larger apartment is 16-17m², and several are provided with balconies exceeding 30m².	✓ Yes
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.	Does not apply to the proposed development.	N/A
4F Common Circulation and Spaces		
The maximum number of apartments off a circulation core on a single level is eight.	The proposed development provides for two circulation cores. No more than 6 apartments are provided off a single core.	✓ Yes
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Does not apply to the proposed development.	N/A
4G Storage		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: **Dwelling Type / Minimum Area** Studio apartment: 4m³ 1 bedroom apartment: 6m³ 2 bedroom apartment: 8m³ 3+ bedroom apartment: 10m³ At least 50% of the required storage is to be located within the apartment.	All apartments proposed meet the recommended storage requirements. Refer to Drawing A-DA-403 in **Appendix A** for the quantum of storage provided to each apartment.	✓ Yes

5.4 Traffic and Transport

A Traffic Impact Assessment (TIA) has been prepared by Stantec at **Appendix G**. The report assesses the traffic and parking implications of the proposed development, including adequacy of proposed parking and impacts onto the surrounding road network.

5.4.1 Layout and Parking

The report confirms that vehicular access, internal circulation, and servicing for the proposed development complies with the relevant requirements of the AS2890 series Australian Standards. Swept path assessments have been appended to the TIA demonstrating compliance.

The proposed development provides for 62 retail (including three EV and two accessible) and 44 residential (including three EV, six visitor and three accessible) parking spaces.

The TIA confirms that the proposed provision of 44 residential parking spaces is compliant with the residential parking rates stipulated in the Warringah DCP, which when applied to the proposed development results in a recommended total of exactly 44 spaces. In this regard, the provision of residential spaces is considered appropriate.

With regards to retail parking, it is acknowledged that the 62 proposed spaces represent a minor shortfall of 9 car spaces when the Warringah DCP retail parking rate is applied. The TIA notes that the Warringah DCP rate is significantly higher when compared to other DCPs in the Northern Beaches LGA, including that of the Pittwater and Manly DCPs. Applying the rates in those DCPs to the development would result in a requirement of 43 and 32 spaces, respectively, which the proposal then significantly exceeds.

It is also noted that only 18 car parking spaces are provided under the existing site conditions which services a similar area of retail as the proposal. The proposed development provides significantly more retail car parking spaces (44 additional spaces) than what currently exists on the site, hence representing a significant increase in parking to service the Freshwater Village centre.

Furthermore, the TIA notes that it is unlikely that the development would attract many new vehicle trips but would generally comprise linked trips to nearby retail uses, residents who live upstairs or residents within close proximity to the site. Parking demand would therefore be noticeably lower than an independent shopping centre or food and beverage tenancy. On this basis, the TIA confirms that the proposed retail parking provision is appropriate in the circumstances.

5.4.2 Traffic Generation

Section 5 of the TIA analyses the predicted traffic generation rates of both existing site conditions and the proposed development. In summary, the retail and residential components of the proposal are expected to generate the following traffic movements, expressed in vehicular trips per hour (**Table 14**), when compared to existing site conditions:

Table 14 Anticipated vehicular generation rates

Land use	AM peak	PM peak	Saturday
Retail tenancies	23 trips	47 trips	58 trips
Residential apartments	10 trips	10 trips	9 trips
Total	**33 trips**	**57 trips**	**67 trips**
Existing site conditions	30 trips	53 trips	59 trips
Difference	**+3 trips**	**+4 trips**	**+8 trips**

The above demonstrates that the proposed development generates 3, 4 and 8 additional vehicles trips in the AM, PM and Saturday peak hours respectively. Considering the low net traffic generated by the site in all peak hours, it is not expected that the site will have a material impact on the function and safety of the road network. This is confirmed through SIDRA modelling in the report which finds negligible impacts on intersection level of service.

5.4.3 Loading and Servicing

As noted above in **Section 3.6.3**, is proposed for site loading to occur via a new street loading area along Dowling Street. The loading area can accommodate up to a Medium Rigid Vehicle (MRV).

The potential for off-street (on-site) loading was explored by the project team as part of the design development process. Given the site has limited manoeuvring space, it was found that off-street loading would require usage of a turntable. However, several issues were noted with the provision of a turntable, including the conflict between light and heavy vehicles, unsupportable ramp grades, loss of on street parking and swept path conflicts, which would preclude off-street loading from being viable.

Additionally, Council's waste services team noted in the pre-DA meeting that without a designated on-street loading zone on Dowling Street, waste collection would have to occur in the middle of the traffic lane. This raises concerns regarding both safety and traffic flow, particularly since Dowling Street is a bus route in both directions.

The TIA confirms that the proposed loading arrangement on Dowling Street will have minimal impact on traffic flow due to the width of the loading vehicles. Dowling Street is approximately 11 metres wide, allowing for 2.5-metre parking lanes and 3.0-metre travel lanes, which can comfortably accommodate the necessary operations.

5.5 Noise and Vibration

A Noise Impact Assessment has been prepared by Acoustic Logic at **Appendix H**. The report assesses noise, and vibration impacts of the proposed development, during its construction and operational phases. A summary of its findings is provided below.

5.5.1 Construction Noise Impacts

The Noise Impact Assessment establishes suitable noise and vibration management levels for the project based on EPA guidelines to ensure that impacts onto surrounding receivers are acceptable, including the establishment of noise affected and highly noise affected levels. These are:

- 58 dB(a)$L_{eq(15min)}$ (noise affected) and 75 dB(a)$L_{eq(15min}$ (highly affected) for surrounding residential receivers; and
- 70 dB(a)$L_{eq(15min)}$ for commercial receivers.

If noise levels exceed the management levels identified above, noise management and mitigation measures will be required. The report confirms that a Construction Noise and Vibration Management Plan is to be prepared prior to the issuance of a construction certificate to ensure that impacts are suitably mitigated and remain below the identified noise levels where possible.

The above recommendations are standard for such a project and can be enforced through conditions of consent.

5.5.2 Operational Noise Impacts

With regards to noise generated during the operational phase of the development, the Noise Impact Assessment confirms as follows:

- Noise associated with operation of the retail tenancies cannot be ascertained until fitout stage; however, the report confirms that the tenancies are capable of not generating adverse acoustic impacts provided that appropriate acoustic treatments and management controls are implemented, with the specific treatment depending on each of their final use. If used for the purposes of licensed premises, this would be subject to Liquor and Gaming NSW applications and requirements.
- Noise from mechanical plant will be confirmed at construction certificate stage once mechanical plant details are known, as is industry standard practice. The Noise Impact Assessment provides indicative sound power levels for future plant selections which when complied with will not result in adverse impacts onto surrounding receivers.
- Usage of the carpark is anticipated to result in noise generation of less than 36 dB(a)$L_{eq(15min)}$. This is less than the noise trigger level of 48 dB(a)$L_{eq(15min)}$ and therefore will not generate adverse acoustic impacts. It is noted that the entirety of the carpark entry ramp is enclosed which would assist in minimising noise, compared to current site arrangements where the rear laneway is unenclosed.
- Noise from additional traffic generation due to the development will be negligible, and less than the 2 dB increase in traffic noise that the Road Noise Policy considers to be a significant increase.
- The rooftop communal open spaces should not generate adverse acoustic impacts. Given that the nearest receivers are the residential receivers below, by-laws will be utilised to manage their appropriate use.

Based on the above, the Noise Impact Assessment confirms that the acoustic impacts of the proposed development are considered acceptable.

5.6 Flooding and Stormwater Management

A Flood and Stormwater Report has been prepared by TTW at **Appendix I**. The report confirms that the design of the development shall incorporate the following water quality devices to ensure acceptable stormwater impacts:

- A 40m^3 rainwater tank capturing roof water from the proposed building which will be reused on site for irrigation and toilet flushing.
- Precast stormwater filtration cartridges (690mm PSorb StormFilters) which will be located inside a storm filter chamber downstream of the drainage system, enabling treatment of silt-sized particles and a high percentage of the total phosphorus, nitrogen and hydrocarbon present in the stormwater.

- Filter baskets such as the Ocean Protect OceanGuards or equivalent to capture gross pollutants, suspended solids and attached pollutants. The filter basket is to be located within the OSD,.

The report confirms that, following the implementation of the above measures, stormwater impacts of the development would meet the relevant stormwater requirements of Council. This includes MUSIC modelling indicating that stormwater quality at the site would meet the pollutant load reduction targets of Council's Water Management for Development Policy.

The Flooding and Stormwater Report also confirms that the site is not subject to flooding, even during major storm events. Therefore, the development will have acceptable flooding and stormwater management impacts.

5.7 Heritage Impact

A Heritage Impact Statement has been prepared by GBA Heritage at **Appendix J**. As outlined in **Section 2.6** above, the site is in the vicinity of two heritage items including "Harbord Literary Institute" (I71) and "Early Childhood Health Centre" (I72), located northwest of the site across Lawrence Street.

In summary, the Heritage Impact Statement finds as follows:

- Freshwater Village is an evolved and evolving commercial/retail centre with some residential use. Original lot boundaries and building styles, widths and heights in the Village have changed over time and continue to evolve.
- The proposed building will employ sympathetic materials to the heritage items in the vicinity, will be separated from them by four street lanes and will have no adverse impact on their setting or on any significant views to or from them. Its use of brickwork and other materials in the earth-tone colour spectrum will be sympathetic to the brick heritage items.
- The proposed building is articulated into several elements, each narrower than three of the four buildings currently on the site, thus reducing its apparent massing and better reflecting the original street rhythm and enhancing the character of the Village streetscape.

Based on the above, the Heritage Impact Statement confirms that the proposed development will have acceptable heritage impacts and is supportable from a heritage perspective.

5.8 Contamination

A Preliminary Site Investigation (PSI) has been undertaken by EI Australia and is provided at **Appendix K**. The report finds, that, in summary:

- The site was used for residential purposes before the 1950s and 1960s when commercial uses were introduced to the site.
- The site and surrounding lands were free of statutory notices and licensing agreements issued under the *Contaminated Land Management Act 1997 and Protection of the Environment Operations Act 1997*. The site is not included on the list of contaminated sites notified to the EPA
- No gross contaminations were detected during the site inspection. There was also no evidence found of underground storage tanks or above-ground storage tanks on the site.
- The potential for acid-sulfate soils is very low.

However, there is potential for contamination to be present within the site area, with the report recommending the following:

- A Stage 2 Detailed Site Investigation (DSI) should be undertaken with intrusive soil sampling and associated laboratory analysis.
- Before the commencement of any demolition works, a Hazardous Materials Survey should be undertaken.
- All soil materials that are designated for off-site disposal including any virgin excavated natural material must be pre-classified in accordance with the NSW Environmental Protection Authority (EPA) 2014 Waste Classification Guidelines
- Any material being imported to the site should be validated as suitable for the intended residential and mixed-use development in accordance with the NSW EPA guidelines.

A Post Demolition Investigation Statement has been provided by EI Australia at **Appendix L**. This report finds that, given that the site is currently actively used for commercial uses with multiple tenancies, and otherwise comprises hardstand driveway and parking areas that cannot be drilled, it is unfeasible for a Stage 2 DSI to be undertaken at this stage and will not be feasible until existing structures are demolished.

Given the above, it is considered appropriate for the Stage 2 DSI and Hazardous Materials Survey to be undertaken at construction certificate stages, as is standard for such operational sites in town centres.

5.9 Tree Removal

An Arboricultural Impact Assessment (AIA) has been prepared by Naturally Trees and is provided at **Appendix M**. The AIA was undertaken to assess the level of impact the development is likely to cause on the 10 existing street trees in the vicinity of the site. This includes two trees (Trees 4 and 5) directly adjacent along the footpath. No trees are located within the site boundary itself.

In summary, following site inspection:

- Tree 4 requires removal to facilitate the project, as it conflicts with the proposed development (refer to **Section 3.5.1**).
- Trees 1, 2, 3 and 5 (all along Dowling Street) were identified as trees that may be affected through disturbance of their Tree Protection Zones (TPZ) if unmitigated. The report provides management and protective measures to be implemented for the retention of these trees without adverse impacts, which will be implemented as part of the project works.
- Trees 6, 7, 8, 9 and 10 (all along Albert Street) are anticipated to remain unimpacted.

The AIA recommends that consideration be given for replacement planting to be delivered on site to offset the removal of Tree 4. Accordingly, the proposal provides for numerous landscaping areas as shown in the Landscape Plans (**Appendix C**) and **Section 3.5.2** above.

5.10 Crime Prevention Through Environmental Design

A Crime Prevention Through Environmental Design Report (CPTED) has been prepared by Ethos Urban at **Appendix N**. The CPTED Assessment assesses the potential crime risk of the proposal, with regards to the four crime risk principles of surveillance, territorial reinforcement, activity and space management, and access control.

In summary, the report finds that the proposed layout and design of the proposal are generally consistent with the principles of CPTED. The proposed development provides a high level of natural surveillance and has implemented good opportunities to minimise crime.

Freshwater is identified as having a low occurrence of crime relative to NSW averages. The CPTED Assessment founds the crime risk rating of the existing built form to be 'low'. The proposed redevelopment of the site continues to have a 'low' crime risk rating.

Nevertheless, the CPTED Assessment provides several recommendations to minimise crime risk at the site, such as through implementation of CCTV surveillance, territorial reinforcement, access control and ongoing maintenance of buildings. These technical recommendations will be incorporated at the construction certificate and operational stages of the development.

Therefore, the proposal is supportable from a CPTED perspective.

5.11 Waste Management

5.11.1 Construction Waste Management

A Construction and Demolition Waste Management Plan (CDWMP) has been prepared by Elephants Foot at **Appendix O**. The report outlines anticipated waste generation rates during demolition of the existing buildings and construction works, and how such waste is to be managed.

The report demonstrates that the proposed demolition works are anticipated to generate approximately 25,528.3m^3 of waste (split across excavation material, bricks, tiles, concrete, timber, plasterboard, metals and asbestos), of which 25,424.8m^3 are anticipated to be diverted from landfill, representing a diversion from landfill rate of 99.6% which is significantly above the NSW Government's target of 80%.

During the construction stage, the report anticipates the project to generate approximately 578m^3 of waste (excavation material, bricks, tiles, concrete, timber, plasterboard and metals), of which 550.1m^3 is anticipated to be diverted from landfill, representing a diversion rate of 95.2%, again well above the NSW Government's target of 80%.

5.11.2 Operational Waste Management

An Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot at **Appendix P**. The OWMP identifies the expected waste generation during the operational phase of the proposed development, and how this waste is to be managed, for both its retail and residential components.

Retail Waste Generation

Anticipated retail waste generation rates are provided in **Table 15** below. As retail tenants are not yet known, the rates provided in the Plan are estimates only.

Table 15 Retail waste generation rates

Tenancy Type	General Waste (L/100m2/ day)	Garbage Generated (L/week)	Recycling Generation Rate (L/100m²/day)	Recycling (L/week)
Food and Beverage Tenants	150	9387	100	6258
Retail	50	3370.5	100	6741
Total		**12757.5**		**12999**

Based on the estimated retail waste generation rates, the following bin requirements are anticipated:

- General Waste: 4 x 1100L bins collected 3-4 times weekly.
- Recycling: 4 x 1100L bins collected 3-4 times weekly.

Residential Waste Generation

Anticipated residential waste generation rates are provided in **Table 16** below.

Table 16 Residential waste generation rates

Core	General Waste Generation Rate (L/unit/Week	Generated General Waste (L/Week	Carboard Recycling Generation Rate (L/unit/week)	Generated Cardboard Recycling (L/week)	Co-Mingled Recycling Generation Rate (L/unit/week)	Generated Co-Mingled Recycling (L/week)
Block A	80	400	60	300	40	200
Block B	80	800	60	600	40	400
Block C	80	800	60	600	40	400
Block D	80	400	60	300	40	200
Total		**2400**		**1800**		**1200**

Based on the estimated residential waste generation rates, the following bin requirements are anticipated:

- General Waste: 10 x 240L bins collected 1 x weekly.
- Cardboard/Paper Recycling: 8 x 240L bins collected 1 x weekly.
- Commingled Recycling: 5 x 240L bins collected 1 x weekly.

Waste Management

Council will be engaged to collect the residential waste and recycling in accordance with Council's collection schedule. Prior to collection days, the building manager will transport the bins from the basement level communal bin room to the residential bin presentation room on the first floor.

A private waste collection contractor will be engaged to service the retail waste and recycling bins per an agreed schedule.

Waste collection vehicles will park in the loading bay along Dowling Street (**Section 3.6.3**) and collect the waste from either the residential bin collection room or the retail bin room. The collection of retail bins will occur on

separate days from the collection of residential bins to minimise conflicting uses of the loading bay. Upon completion of servicing, the collection vehicle will continue along Dowling Street in a forward direction.

5.12 Building Code of Australia

A Building Code of Australia (BCA) Report has been prepared by Philip Chun at **Appendix Q**. The BCA Assessment ensures that the proposed development has been reviewed by an appropriately qualified Registered Building Surveyor, and that it complies, or is capable of compliance with, the relevant provisions of the BCA 2022.

The BCA Assessment confirms that the design of the proposed development is capable of compliance with the BCA 2022. The report identifies matters which require further verification but notes that these matters can be clarified and resolved at the construction certificate stage, as is standard industry practice, without giving rise to inconsistencies with the development consent.

5.13 Fire Engineering

A Fire Engineering Statement has been prepared by Holmes and is provided at **Appendix R**. The letter relates to the fire safety design aspects of the development and confirms that it generally satisfies the performance requirements of the BCA 2022 as they relate to fire safety, as well as setting out the proposed approach for each performance solution required.

5.14 Accessibility

An Accessibility Statement has been prepared by Morris Goding Access Consulting and is attached at **Appendix S**. The report provides an assessment of the proposed development with regards to the AS1428 series Australian Standards, BCA, *DDA Access to Premises Standards* (including DDA Access Code) and ultimately the *Commonwealth Disability Discrimination Act* (DDA).

The report confirms that the development is readily capable of compliance with the relevant requirements. Further work will occur during design development stage to ensure appropriate outcomes are achieved, as is industry best practice.

5.15 Ecologically Sustainable Design

An Ecologically Sustainable Design (ESD) Report has been prepared by Efficient Living at **Appendix T**. The report identifies the key ESD initiatives that have been integrated into the design of the proposed development and considers relevant ESD requirements. This includes initiatives aiming to achieve a minimum 4-star GBCA Green Star Building v1 rating for the development. A Section J Assessment has been appended which addresses NCC 2022 Section J requirements for the retail component of the development.

5.15.1 BASIX and NatHERS Compliance

BASIX and NatHERS Certificates of the proposed development have been provided at **Appendix U**.

A NABERs Embodied Emissions Materials Form has been prepared by QPC&C at **Appendix Z**.

5.16 Geotechnical Conditions

A Geotechnical Investigation has been prepared by EI Australia and is provided at **Appendix V**. The report provides the following recommendations on actions to be undertaken prior to the commencement of excavation works.

- A detailed dilapidation survey is to be carried out on all structures surrounding the site that fall within the zone of influence of the excavation.
- Test pits are to be excavated adjacent to the existing neighbouring footings for sheds and pool to the south and be inspected by the geotechnical and structural engineers to inspect and assess the in-situ ground conditions at the founding level and footing details.

These recommendations are to be undertaken at construction certificate stage and can be facilitated through standard conditions of consent.

5.16.1 Landslide Risk Assessment

The Geotechnical Investigation provides an assessment on landslide risk, in accordance with Section E10 – Landslip Risk of the Warringah Development Control Plan 2011. The report confirms that:

> *"[...] With appropriate engineering design, construction controls and monitoring, the landslide riskassociated with the proposed basement during excavation and construction will be Low to Very Low."*

5.17 Groundwater

EI Australia has prepared a Groundwater Take Assessment at **Appendix W**. The Groundwater Take Assessment provides an estimation of the groundwater take volumes that require pumping out during the construction and operation of the development.

The assessment confirms that, for the proposed development's drained basement design, groundwater take will be approximately: 1.50ML / year during construction and operational phase. Therefore, anticipated groundwater impacts are deemed acceptable.

The Groundwater Take Assessment notes that the development requires continuous dewatering to maintain groundwater at a depth of bulk excavation level during construction. Therefore, water supply work approval is required, and the development is nominated integrated development pursuant to section 90(2) of the *Water Management Act 2000*. Refer to **Section 1.3** above.

5.18 Coastal Environment

A Coastal Environment Area Assessment has been prepared by Horton Coastal Engineering at **Appendix X** demonstrating that the development will not have adverse impacts on the coastal environment area, in accordance with Chapter 2 of the Resilience and Hazards SEPP (refer to **Section 4.3**). The report concludes that:

> *The proposed development is not credibly expected to interact with coastal processes over an acceptably long life exceeding 60 years, and satisfies the requirements of* State Environmental Planning Policy (Resilience and Hazards) 2021 *and the* Coastal Management Act 2016 *[...].*

Therefore, the coastal environment impacts of the proposal are acceptable.

5.19 Cost of Works

The Quantity Surveyor's Statement prepared by QPC&C at **Appendix Y** confirms the project's estimated Capital Investment Value (CIV) to be $31,384,845 excluding GST ($34,523,329 including GST).

5.20 Social and Economic Impacts on the Locality

In accordance with Section 4.15(1)(b) of the EP&A Act, the proposed development is anticipated to provide positive social and economic impacts for Freshwater Village. This includes:

- Providing critical affordable housing and market housing during a housing affordability crisis.
- Provision of high quality apartments with a range of sizes to help meet the needs of a growing population.
- Encouraging street activation and vibrancy in Freshwater Village, with retail tenancies and the provision of a new public plaza.
- Providing additional economic and social benefits for the Freshwater Village by providing employment opportunities during both its construction and operational phases.

5.21 Site Suitability

In accordance with Section 4.15(1)(c) of the EP&A Act, the site is suitable for the proposed development for the following reasons:

- The site is situated in the Freshwater town centre which provides future residents and tenants with easy access to and from by the site by car, foot, bike or public transportation along Lawrence Street.
- The proposed development has been designed in a manner that minimises impacts onto surrounding landowners and improves the natural, historical and environmental quality of the site and surroundings.

- The site is zoned E1 Local Centre which permits the proposal, and the project meets the objectives of this land use.
- There exists adequate services and utilities for the proposed development.

5.22 Public Interest

In accordance with Section 4.15(1)(e) of the EP&A Act, the proposed development is in the public interest for the following reasons:

- The proposed development reinforces and enhances the role of Freshwater Village as a centre for the local community, delivering retail and residential uses to meet the needs of people who live, work in and visit the area as well as delivering a new public plaza where community members can congregate.
- The proposed development is consistent with the aims and objectives of the Warringah LEP 2011 and Warringah DCP 2011, as well as the relevant State Environmental Planning Policies.
- The proposed development will provide 522m^2 of affordable housing floorspace (6 apartments), improving housing affordability and diversity outcomes in Freshwater and the Northern Beaches LGA more broadly.
- The proposal will deliver a high standard of residential amenity, as well as significant street activation and vibrancy to Lawrence Street through the provision of 4 – 9 retail tenancies at ground level.
- The development will not give rise to unacceptable environmental impacts. Supporting technical studies that accompany this DA confirm that environmental impacts associated with the proposal are appropriate.

6.0 Conclusion

This SEE has provided a detailed assessment of the proposal against the relevant matters under Section 4.15(1) of the EP&A Act. This DA seeks consent is sought for the following:

- Site preparation works and the demolition of all existing buildings on the site;
- Construction and use of a four-storey shop-top housing development, comprising:
  - 1,379m^2 of retail floorspace across 4-9 tenancies (subject to future fitout) including signage;
  - 3,299m^2 of residential GFA, including 522m^2 of affordable housing, across 30 residential apartments comprising:
    - 6 x one-bedroom apartments;
    - 15 x two-bedroom apartments;
    - 9 x three-bedroom apartments;
  - Rooftop communal open space;
  - A bilevel subterranean basement with 44 residential and 62 retail car parking spaces;
- A 268m^2 public plaza fronting Lawrence Street;
- Public domain landscaping including within the new public plaza and buffer planting zone along the rear of the site;
- Lot consolidation and strata subdivision; and
- Vehicular access via Dowling Street and pedestrian access via Lawrence Street.

The application is recommended for approval given the following reasons:

- The proposed development reinforces and enhances the role of Freshwater Village as a centre for the local community, delivering retail and residential uses to meet the needs of people who live, work in and visit the area as well as delivering a new public plaza where community members can congregate.
- The proposed development is consistent with the aims and objectives of the Warringah LEP 2011 and Warringah DCP 2011, as well as the relevant State Environmental Planning Policies.
- The proposed development will provide 522m^2 of affordable housing floorspace (6 apartments), improving housing affordability and diversity outcomes in Freshwater and the Northern Beaches LGA more broadly.
- The proposal will deliver a high standard of residential amenity, as well as significant street activation and vibrancy to Lawrence Street through the provisions of 9 retail tenancies at ground level.
- The development will not give rise to unacceptable environmental impacts. Supporting technical studies that accompany this DA confirm that environmental impacts associated with the proposal are appropriate.
- The development is suitable for the site, and in the public interest.

For the reasons above, this DA is considered supportable and is therefore respectfully recommended for approval.