

17 June 2010

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

Attention: Lashta Haidari

Dear Madam

DA 2010 / 0697

This submission relates to the above development application for a mixed retail and residential development at Freshwater Village.

This proposal is a gross over development of the site. This is evident from its failure to comply with existing built form controls, its spurious arguments for justification and its obscene proposals for private parking provision.

In terms of built form controls it fails on a number of counts, including the following.

Front building setback.

Building A fails to provide the required 5m third storey set back, as well as being over the height limit in places. The justification that the over height areas relate to plant room is irrelevant- they are over height. The height restrictions relate to maximums not averages. The awnings extend to within 2.2m of the boundary. This results in overshadowing of the public domain in Lawrence Street. The fact the awnings screen the plant room from the street only reinforces the point that the design is an over development. What the proponent considers acceptable in terms of non-dominance and the merits of a high level of architectural design are a shaky justification - the proposal does not achieve the required setbacks and creates overshadowing before 11.30am and after 2.30pm (the 3 hours when the sun is at its highest altitude). Desirable direct sunlight to the public domain outside of these hours, particularly in winter, is deprived.

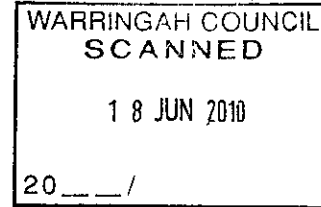
Over-height

The proposal exceeds the current LEP height limits by up to 5.6m in H2 locality and 0.7m in H1 locality. The proponent's arguments for these height excesses are flawed. In this regard:

- They do not attain the required third storey setbacks on Lawrence Street
- They exceed the three storey height limit for the H2 locality
- They attribute much of the excessive height to services infrastructure – parapets, plant rooms and lift overruns. In this regard the height limit is a maximum, suggesting what is below this services infrastructure is too much in any case.
- The proponent considers that the LEP height limit "...will lead to a less than optimal built form significantly adding to the site constraints which would limit the development potential of the site even further." This is hardly a coherent argument for exceeding known built form controls that have been in place for 10 years.



14 Wyuna Ave
Freshwater NSW 2096



- The proponent argues that portions of the development do not maximize the height. These are demonstrably areas set aside for access (to car parks, for truck movements, pedestrian routes etc) and the amenity of the development's residents (pools, courtyards, solar access etc). As to whether they are "...*what could be expected for development within the village centre.*" is an entirely moot point.
- The arguments for increased height based upon non-impact upon adjoining areas ignore the fact that increased height equals increased density equals increased occupation, vehicles, infrastructure etc. There is a cumulative effect of other impacts stemming from the increased height.

Legibility

The concept of the development providing a much needed '*legibility*', as put forth in the Urban Design Study, is complete drivel. The centre is totally '*legible*' at the present. Upon turning from Oliver Street, the village centre is totally differentiated, as is the form of the valley/basin landform (ridge to north, the middle distance basin residential areas on the flat, the Digger's Club on the headland and the ocean). The concept that the village centre needs to differentiate in terms of height is a concocted notion. Why is it necessary? As noted in the study, the current number of multi unit dwellings in Harbord/Freshwater is 52%, which is double the Sydney metropolitan average. It isn't that apparent apart from the odd exception (e.g. White Waves - somebody also thought that was a good idea in the past).

In fact, the development as proposed will diminish the "legibility" of the Freshwater basin. From the key Oliver Street intersection it will intrude upon the views to the northern ridges that help orientate people *immediately to the basin landform and the beach to the east. These critical spatial attributes of Freshwater - the valley/basin landform, the divergent Bruin estate geometry and the more or less cardinal compass grid of the Harbord Rd/Oliver St subdivisions - give Freshwater it's legibility, not some over scaled development in the village centre.* The development as proposed diminishes, rather than enhances, this legibility.

Vehicles

The justification for this site's development based upon traffic and transport is perhaps the most brazen. On the one hand, an argument is made that some RTA standards for calculating retail parking are more appropriate (based upon experience) than the current LEP requirements. This results in a reduced requirement for public parking. On the other hand the LEP requirements for minimum residential parking rates are adopted for calculation purposes. This results in an overall minimum parking requirement calculation of 270 spaces. The development proposes 343 spaces in total. This hardly seems in the community's interest - i.e. reduced public parking and increased development parking.

The impudence of this gross encouragement of private vehicle usage is more so given the proponent's arguments re the adequacy of public transport in the area as a justification for higher residential densities. All it does is put in more parking for the development residents, far beyond that required by the current LEP, and an obvious marketing plus. Reducing the scale of any development at the site to LEP requirements (which is an increased density from existing conditions) would seem a reasonable position in terms of maximum parking provision.

The proponent's position appears even more confused when the Urban Density Strategy trumpets the benefits of direct access from Oliver St., freeing up pedestrian access in the main street. The current proposal puts all traffic access to the site from an 8m wide entry off Albert Road - in the vicinity of two pedestrian crossings and the most direct route to the beach - an, at times, highly congested intersection. The situation almost becomes comic when turntables for

articulated long vehicles are proposed to ensure safe egress from the site. Perhaps the current design and planning in this regard isn't such a polished idea.

In summary, this proposal is clearly a gross overdevelopment. The proponent notes that this site has the potential to influence the development of the village centre for the next 100 years. The proposal as it stands threatens the nature of the true Freshwater village. I trust this submission will be passed on to, and be taken into account by, the relevant approval body.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JH' with a flourish.

Jeremy Hodges