

Post-Exhibition Report – PP-2024-1593

Planning proposal at 29-31 Moore Road and 64 Undercliff Road, Freshwater (Harbord Hotel), to include a new Additional Permitted Use on the site (0 homes, 117 jobs).

1 Introduction

The planning proposal is at the post exhibition stage, which is the last stage before a Local Environmental Plan (LEP) may be made and finalised. The Sydney North Planning Panel (the Panel) determined at a rezoning review that the proposal had strategic and site merit on 21 March 2025. Subsequently, a Gateway assessment was undertaken, and a Gateway determination was issued on 23 June 2025 for the proposal to proceed, subject to conditions. Consultation with the community required by the Gateway determination conditions has now been completed.

The purpose of this report is to provide a summary of the key matters raised by members of the public and Northern Beaches Council (Council) during the public exhibition of the planning proposal (**Attachment A**) for 29-31 Moore Road and 64 Undercliff Road, Freshwater (the site). The report makes a recommendation to the Panel that it submit the proposal to the Department of Planning, Housing and Infrastructure for finalisation.

Element	Description
Date of Gateway Determination	23 June 2025
Date Public Exhibition	21 July 2025 to 18 August 2025
Planning Proposal no.	PP-2024-1593
LGA	Northern Beaches
LEP to be amended	Warringah Local Environmental Plan 2011 (WLEP 2011)
Address	29 Moore Road, Freshwater (Lots 1-5, DP 7022) 31 Moore Road, Freshwater (Lot 13, DP 7022) 64 Undercliff Road, Freshwater (Lot 6, DP 7022)
Brief overview of the timeframe/progress of the planning proposal	18 July 2024: Planning proposal lodged with Council. 12 November 2024: The planning proposal was considered by the Council, with the recommendation by Council officers for the proposal to endorsed. Council resolved not to forward the proposal to the Department for Gateway Assessment. 16 November 2024: An email was sent to the proponent from Council advising that Council had resolved not to proceed with the proposal. 18 November 2024: Rezoning review lodged with the Department for PP-2024-280 (RR-2024-30).

Element	Description
	21 March 2025 – The Panel determined should be submitted for Gateway determination as the proposal demonstrated strategic merit and site-specific merit. 23 June 2025 – Gateway determination issued by the Department. 21 July 2025 to 18 August 2025 – Planning proposal is exhibited. 29 August 2025 – Council makes a submission in response to the proposal’s exhibition (Attachment G). 18 September 2025 - Proponent submits response to community and Council submissions (RtS) (Attachment H).
Finalisation date required by Gateway Determination	28 February 2026
Department contact:	Ayva Hamed, Planning Officer

1.1 The Site and local context

The site is known as 29 Moore Road (Lots 1-5, Section 1, DP 7022), 31 Moore Road (Lot 13, Section 1, DP 7022) and 64 Undercliff Road (Lot 6, Section 1, DP 7022), Freshwater. The site is zoned R2 Low Density Residential under the Warringah LEP 2011.

The site has an area of approximately 3,033m², with frontages to Moore Road, Charles Street and Undercliff Road (**Figure 1**).

The Harbord Hotel, a local heritage item, is located at 29 and 31 Moore Road. An at-grade car park is located at the rear of the building with access from Charles Street.

A 3-storey residential building occupies 64 Undercliff Road, with vehicle and pedestrian access to Undercliff Road.



Figure 1 – The site, highlighted in red (source: Nearmaps – September 2025)

1.2 State Electorate and local member

The site falls within the Manly state electorate. James Henry Griffin MP is the State Member.

The site falls within the Warringah federal electorate. Zali Steggall MP is the Federal Member.

To the team’s knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

1.3 Planning Proposal

Table 1 – Overview of planning proposal

Element	Description
Site Area	3,033m ²
Site Description	The planning proposal relates to 29-31 Moore Road and 64 Undercliff Road, Freshwater.
Proposal summary	The planning proposal seeks to amend the Warringah Local Environmental Plan 2011 to facilitate a three-storey hotel on the southern portion of the site comprising approximately 37 hotel rooms, in association with the existing ‘Harbord Hotel’ and bottle shop. In summary, it seeks to: - increase the size of an existing Additional Permitted Use (APU) for ‘pubs’ to include land at 64 Undercliff Road, Freshwater; and - allow ‘hotel and motel accommodation’ on the site as part of the amended APU. <u>Concept Scheme</u> The proposed hotel accommodation development is intended to include: - A three-storey hotel in the southern portion of the site, comprising 37 hotel rooms, reception/lobby, guest lounge, gym and swimming pool; and - Basement carparking with 72 car parking spaces, inclusive of the 33 spaces associated with the existing Harbord Hotel and 39 spaces associated with the proposed hotel accommodation.

The planning proposal (**Attachment A** and **Table 1**) seeks to amend the WLEP 2011 per the changes in **Table 2** below.

Table 2 – Current and proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential	No change.
Maximum height of the building	8.5m	No change.
Floor space ratio	N/A	No change.
Additional Permitted Use (APU)	A portion of the site (29-31 Moore Road, Freshwater) is identified within “Area 14” on the APU Map.	• Increase the size of an existing Additional Permitted Use (APU) for ‘pubs’ to include land at 64 Undercliff Road, Freshwater; and • Allow ‘hotel and motel accommodation’ on the site as part of the amended APU.
Number of dwellings	N/A	37 hotel rooms
Number of jobs	N/A	117 jobs

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

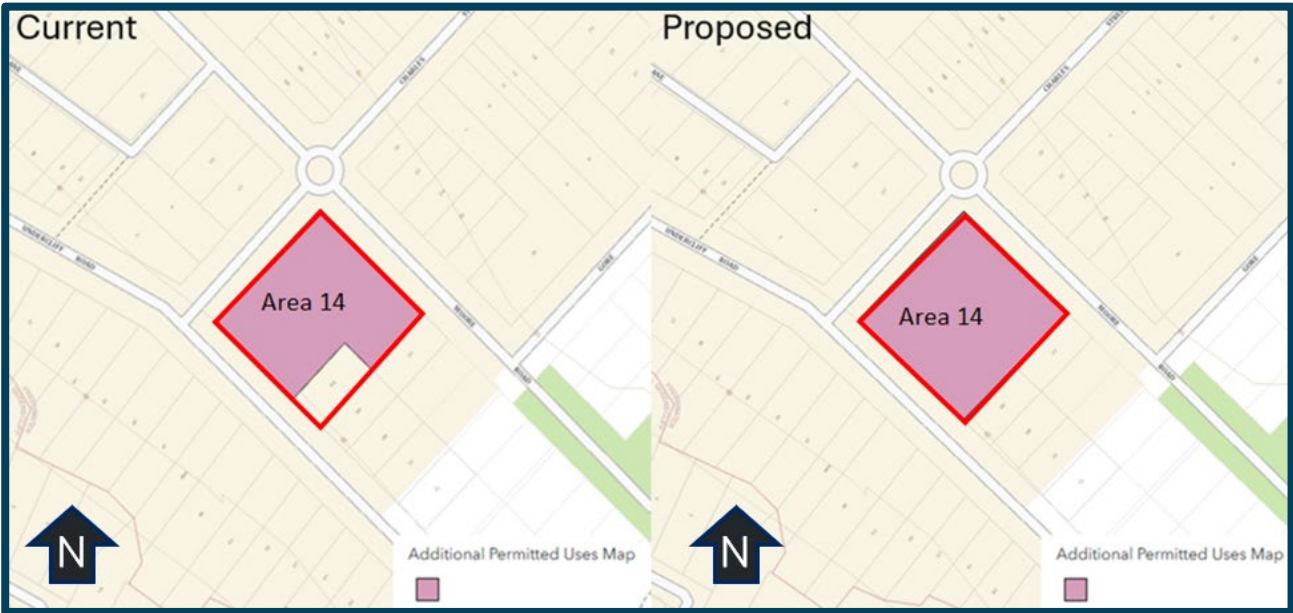


Figure 5. Current and proposed APU maps with the site highlighted red (source: Planning Proposal – April 2025)

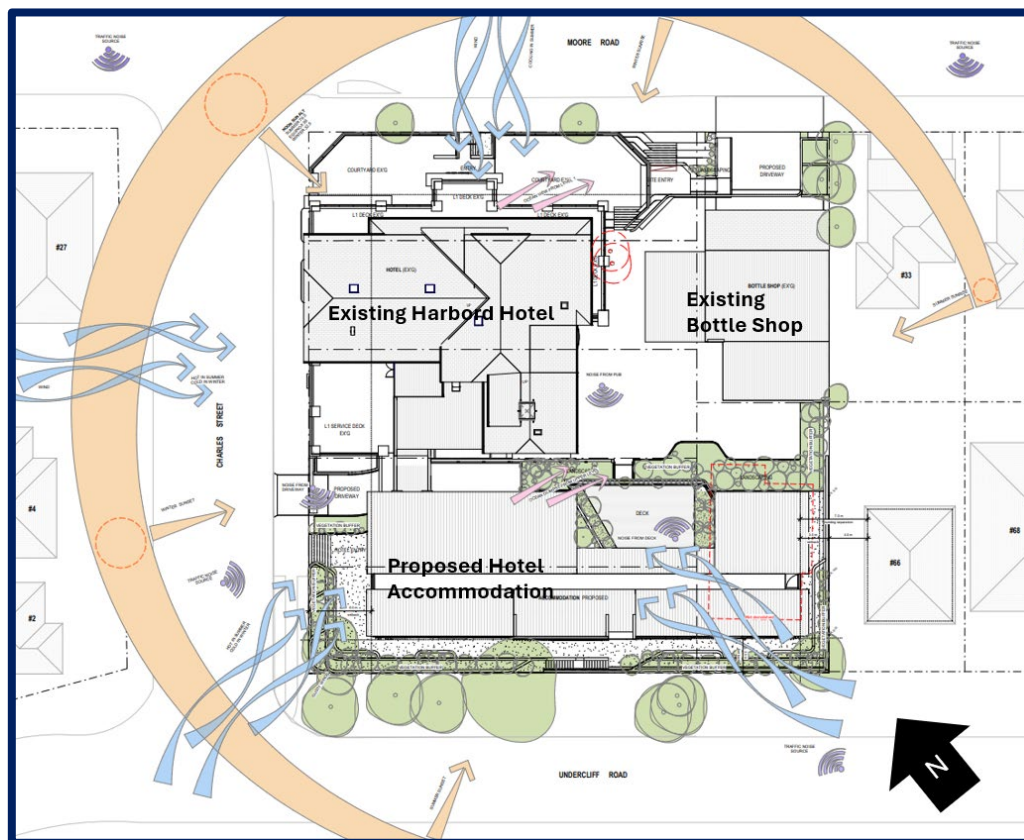


Figure 3 – Concept Site Plan (source: Planning Proposal – April 2025)

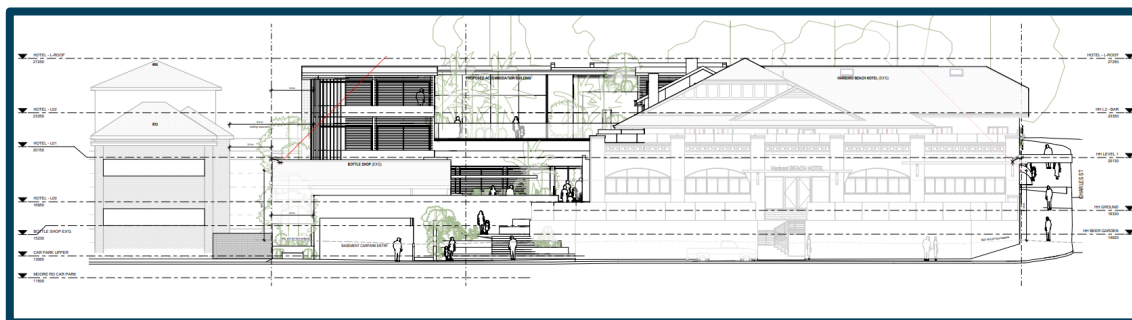


Figure 4 – Northern elevation viewed from Moore Road (source: Planning Proposal – April 2025)

1.4 Rezoning Review

On 19 March 2025, the Panel considered a rezoning review for this planning proposal because Council notified the proponent it will not support the proposed amendment.

On 21 March 2025, the Panel determined to support the planning proposal proceeding for a Gateway determination because the proposal has demonstrated strategic and site specific merit and is consistent with State and Local Strategies.

The Panel's determination and reasons for its decision are provided in **Attachment B**.

The Panel appointed itself as the planning proposal authority (PPA).

On 16 May 2025, the proposal was submitted to the Department for a Gateway determination.

1.5 Gateway determination

The Gateway determination issued on 23 June 2025 (**Attachment C**) determined that the proposal should proceed subject to the following conditions:

- (a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and*
- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).*

The Gateway determination identifies that the proposal is to be finalised before 28 February 2026.

All conditions of the Gateway determination have been met (**Attachment D**).

2 Community Consultation

2.1 Public Exhibition

On 15 July 2025, the PPA team advised the Panel that the proposal have been satisfactorily amended to meet the Gateway Conditions for public exhibition to commence (**Attachment E**).

In accordance with the Gateway determination, the planning proposal and supporting material were publicly exhibited on the NSW Planning Portal for 20 working days, from 21 July 2025 to 18 August 2025.

No consultation was required with public authorities or government agencies under section 3.34(2)(d) of the Act was required by the Gateway determination.

3 Submissions

3.1 Submissions during exhibition

A total of 86 submissions were received during the exhibition period, including:

- 83 unique submissions and 2 duplicate submissions (**Attachment F**); and
- a submission from Northern Beaches Council (**Attachment G**).

Of the unique public submissions, 54 objected to the proposal (65%) and 29 supported the proposal (35%).

The 54 unique public submissions objecting to the proposal were from individuals and organisations, including White Waves Strata Committee and Friends of Freshwater Inc.

A table outlining the PPA Team and Proponent's response to the issues raised in submissions is provided at **Attachment I**.

3.1.1 Submissions supporting the proposal

A total of 29 submissions were received from the community supporting the proposal during exhibition for reasons including:

- Assists with addressing a shortage for short term rental accommodation; and
- Will improve car parking and stormwater outcomes for the area.

3.1.2 Submissions objecting to and/or raising issues about the proposal

In summary, the concerns raised in community submissions included:

- amenity and anti-social behaviour (53%);
- traffic and parking (48%);
- built form (43%);
- stormwater and utilities (33%); and
- inconsistent with the Northern Beaches Local Strategic Planning Statement (18%).

3.1.3 Submission from Northern Beaches Council

A submission was received from Council; the submission is provided in full at **Attachment G**. Council's submission noted that although it did not support progression of the proposal, should the proposal proceed to finalisation, Council requested:

- a site-specific DCP should be required through a LEP provision; and
- the proposed APU be amended to provide a buffer between the impacts of the pub operations on residential amenity on Undercliff Road.

These matters are further discussed in **Section 3.2 of this report**.

3.2 Key Issues from submissions.

3.2.1 Issue – Amenity and anti-social behaviour

Community Submissions

Amenity impacts and anti-social behaviour issues raised in community submissions, include:

- amenity impacts which are not compatible with the residential character of the area, including noise and lighting. Submissions noted that the proposal would exacerbate these issues already being experienced with operation of the Harbord Hotel; and
- increased instances of antisocial behaviour, including impacts on safety which are already being experienced due to current Harbord Hotel operation.

Council Submission

Council's submission requested the extent of the proposed APU should be amended (**Figure 5**), because it:

- would still allow for the uses and layout proposed by the proponent;
- establish a buffer between the impacts of the pub operations on residential amenity on Undercliff Rd; and
- address concerns raised by the community related to noise impacts from the existing pub.



Figure 5 – Current and proposed APU maps with the site highlighted red (source: Northern Beaches Council submission – August 2025)

Proponent Response

The proponent's response to the community and Council concerns concerning the existing pub and anti-social behaviour included:

- the operation of the existing pub is not a relevant matter for consideration in relation to the proposal; and
- the existing pub operates lawfully pursuant to an existing development consent which includes a comprehensive operational plan of management which includes complaints reporting and management/resolution protocols.

The proponent also noted that the proposed APU facilitates the orderly development of the land noting that it is intended that both uses utilise a consolidated basement for access, parking and servicing.

The exclusion of pubs as an additional permitted use from 62 Undercliff Road and hotel and motel accommodation from the footprint of the existing pub and eastern driveway will prevent the ability to provide a consolidated shared basement for access, parking and servicing given the prohibition of pubs and motel accommodation on various portions of the consolidated allotment.

PPA Team Response

The planning proposal adequately addresses community and Council's concerns about amenity impacts and anti-social behaviour, because:

- the proposed development layout locates the hotel and motel accommodation between the existing pub and neighbouring residential development on Undercliff Road. This provides an opportunity to buffer these neighbouring residential developments to the existing pub. This layout and other mitigation measures can be further refined through the development application process.

- Council's proposed amendments to the APU reduce flexibility to respond to merit issues as part of the development application process, including an integrated basement outcome for on-site car parking;
- the amended APU provides a regular shaped site which reduces interfaces with neighbouring residential development compared to the existing APU; and
- anti-social behaviour issues raised by the community around the existing pub can be managed through conditions of development consent and enforcement actions by Council and/or the NSW Police Force as appropriate under existing legislation.

3.2.2 Issue – Traffic and parking

Community Submissions

The traffic and parking issues raised in community submissions, include:

- increased traffic congestion in neighbouring streets; and
- impact on parking in neighbouring streets and residential areas.

Proponent Response

The planning proposal is supported by a Transport Study (**Attachment A4**) which considers the potential traffic impacts and confirms the traffic generation would be very low and the site can accommodate sufficient off-street parking, consistent with the requirements of WDCP 2011.

Council submission

Council's submission did not raise any concerns on the proposal's traffic impacts.

PPA Team Response

The planning proposal demonstrates appropriate traffic and car parking outcomes can be achieved through the development application process, because:

- Council's traffic engineering team assessed the potential traffic impacts during its pre-Gateway assessment process and considered the proposal would not cause unsatisfactory traffic and car parking impacts; and
- the WDCP 2011 includes development controls which address traffic and car parking matters, including access arrangements and minimum on-site car parking rates.

3.2.3 Issue – Built form

Community Submissions

Built form and privacy issues raised in community submissions include:

- built form will lead to overshadowing, restricted views, and lack of privacy;
- the development will be inconsistent with surrounding character; and
- impact on heritage fabric of the existing building.

Council Submission

Council's submission requested a site-specific development control plan (DCP) for the site be prepared before development consent is granted addressing the built form, heritage and amenity impacts. It is recommended that this is specified in any amendment to the WLEP 2011.

Proponent Response

The proponent's response to built form issues raised in community and Council's submission included:

- heritage considerations are adequately addressed through clause 5.10 WLEP, which requires assessment of impacts on the heritage significance of the Harbord Hotel (a listed item), and through the Heritage Impact Statement submitted in support of the planning proposal;
- no change is proposed to the existing 8.5m height limit; and
- does not consider a site-specific DCP necessary to ensure the orderly development of the land or to be incorporated into WLEP 2011. The WDCP 2011 already addresses residential amenity impacts through relevant clauses for noise, sunlight access, views, privacy, glare, and safety.

PPA Team Response

The planning proposal demonstrates that appropriate built form outcomes can be achieved through the development application process, because:

- the proposal does not amend the existing 8.5m WLEP 2011 building height standard which aligns with neighbouring residential development;
- heritage impacts can be addressed through future development application processes in accordance with clause 5.10 Heritage conservation of WLEP 2011; and
- existing WDCP 2011 provides adequate regulation of built form, including setback, overshadowing and built form envelope controls.

Whilst it is not recommended or considered required for the Planning Proposal, the DCP is the responsibility of the Council, and should they choose to they can initiate a site-specific DCP through their normal processes.

4 Next Steps

The Department is the Local Plan-Making Authority (LPMA) for this planning proposal.

The Panel's decision and the final planning proposal will be submitted to the Department through the NSW Planning Portal for finalisation.

The Department will prepare a finalisation report in accordance with the LEP Making Guidelines (August 2023) and will determine whether to make the LEP, with or without variation. The Department may defer the inclusion of a matter in the proposed LEP or not make the LEP.

In accordance with section 3.36(1) of the EP&A Act, the Department will organise drafting of the LEP and finalisation of maps and will consult the panel on any draft instrument.

5 Recommendation

Based on this post-exhibition report, it is recommended that the Panel determine that the planning proposal should be submitted to the Department for finalisation.

The planning proposal is considered suitable for finalisation because:

- the proposal demonstrates strategic and site specific merit;
- the conditions of the Gateway have been met; and

- Council and community consultation has occurred in accordance with the Gateway determination with issues raised adequately resolved.

5.1 Attachments

Attachment A – Planning proposal (April 2025)

Attachment A1 - Site Survey (12 March 2020)

Attachment A2 – Concept Architectural Plan (21 April 2023)

Attachment A3 – Stormwater and Overland flow report (30 November 2021)

Attachment A4 – Transport Study (September 2023)

Attachment A5 – Heritage Impact Statement (September 2023)

Attachment A6 – Aboriginal Heritage Due Diligence Assessment (30 November 2021)

Attachment A7 – Economic Impact Assessment (13 September 2023)

Attachment B – Rezoning Review Record of Decision (21 March 2025)

Attachment C – Gateway Determination (23 June 2025)

Attachment D – Assessment Against Gateway Determination

Attachment E – Authorisation of exhibition (15 July 2025)

Attachment F – Community submissions (redacted)

Attachment G – Council submission

Attachment H – Proponent response to submissions (18 September 2025)

Attachment H1 – Proponent response to community submissions

Attachment H2 – NSW Coastal Design Guideline Checklist

Attachment I – Summary of community submissions and responses



17 November 2025

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