



IRF25/2636

Plan finalisation report – PP-2024-1593

Warringah Local Environmental Plan 2011, 29-31 Moore Road and 64 Undercliff Road, Freshwater

July 2026



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Plan finalisation report – PP-2024-1593

Subtitle: Warringah Local Environmental Plan 2011, 29-31 Moore Road and 64 Undercliff Road, Freshwater

© State of New South Wales through Department of Planning, Housing and Infrastructure 2026. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (July 26) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication

Contents

1	Introduction.....	2
1.1	Overview	2
1.1.1	Warringah Local Environmental Plan 2011 (Amendment No. 31)	2
1.1.2	Site description	2
1.1.3	Purpose of plan	4
1.1.4	State electorate and local member	6
1.1.5	Background	6
2	Gateway determination and alterations	6
3	Public exhibition and post-exhibition changes	7
3.1	Submissions during exhibition	7
3.1.1	Submissions supporting the proposal	7
3.1.2	Submissions objecting to and/or raising issues about the proposal.....	7
4	Department’s Assessment.....	12
4.1	Detailed Assessment.....	13
4.1.1	Built form, character and heritage	13
4.1.2	Amenity and anti-social behaviour	13
4.1.3	Loss of housing	14
4.1.4	Alternative Council proposed APU.....	14
4.1.5	Inconsistency with NBLSPS.....	14
5	Post assessment consultation.....	15
6	Recommendation.....	15
	Attachments	16

1 Introduction

1.1 Overview

1.1.1 Warringah Local Environmental Plan 2011 (Amendment No. 31)

The proposed draft LEP (**Attachment LEP**) aims to amend the *Warringah Local Environmental Plan 2011* to at 29-31 Moore Road and 64 Undercliff Road, Freshwater (**Figure 1**) to:

- Increase the size of an existing Additional Permitted Use (APU) for pubs.
- Allow hotel and motel accommodation on the site as part of the amended existing Additional Permitted Use (APU) that permits pubs.

1.1.2 Site description

The site is located in Freshwater, bounded by Moore Road (northeast), Charles Street (northwest) and Undercliff Road (southwest) (**Figure 2**). The site consists of 7 lots:

- 29 Moore Road, Freshwater, being Lots 1–5, Section 1, DP 7022.
- 31 Moore Road, Freshwater, being Lot 13, Section 1, DP 7022.
- 64 Undercliff Road, Freshwater, being Lot 6, Section 1, DP 7022.

The current uses of the site include:

- The ‘Harbord Hotel’, located on 29 and 31 Moore Road. The primary building is an item of local heritage significance by Schedule 5 Part 1 of WLEP2011.
- At-grade open carpark, located on rear of 29 and 31 Moore Road.
- Drive-through bottle shop, located on northeast of 29 and 31 Moore Road.
- 3-storey residential flat building, located on 64 Undercliff Road.

The site is zoned R2 Low Density Residential. Nearby key features (**Figure 1**) include:

- Freshwater Town Centre (E1 Local Centre), 200m northwest of the site.
- The Pilu Restaurant (APU “Area 15”), 150m southeast of the site. The primary building, the ‘Freshwater’ Restaurant, is an item of local heritage significance by Schedule 5 Part 1 of WLEP2011.
- Freshwater Beach, 200m southeast of the site.

The site is rectangular with a 53.945m wide frontage to both Moore Road and Undercliff Road and a 56.225m wide frontage to Charles Street. The area is 3,033m². There is a 6.5m fall (11% slope) from Undercliff Road frontage to Moore Road frontage.

Moore Road, Charles Street and Undercliff Road are two-lane local roads. Surrounding development is primarily residential with a mixture of character, density and heights. The site is adjoined by two multi-residential properties: 33 Moore Road (3 storeys) and 66 Undercliff Road (3 storeys).



Figure 1 Context of subject site (source: Attachment A Planning proposal)



Figure 2 Subject site (base image source: Attachment A Planning proposal. Annotations by the Department)

1.1.3 Purpose of plan

The table below and Figures 3 and 4 outline the current and proposed controls for the Warringah LEP for the subject site. The proposed controls have been amended post-exhibition (refer **Section 1.1.5** of this report for further detail).

The proposed controls aim to amend the *Warringah Local Environmental Plan 2011* at 29-31 Moore Road and 64 Undercliff Road, Freshwater (Figure 1) to:

- Allow hotel and motel accommodation as part of the amended existing Additional Permitted Use (APU) that permits pubs.
- Introduce a new APU for hotel and motel accommodation and pubs on the remaining part of the site.

Table 1 Current and proposed controls

Control	Current	Proposed
Development permitted with consent on APU map (Lots 1-5, Section 1, DP 7022 and Lot 13, Section 1, DP 7022)	Pubs	Pubs Hotel and motel accommodation
Development permitted with consent on APU map (Lot 6, Section 1, DP 7022)	Nil	Pubs Hotel and motel accommodation
Zone	R2 Low Density Residential	No proposed change
Maximum height of the building	8.5m	No proposed change

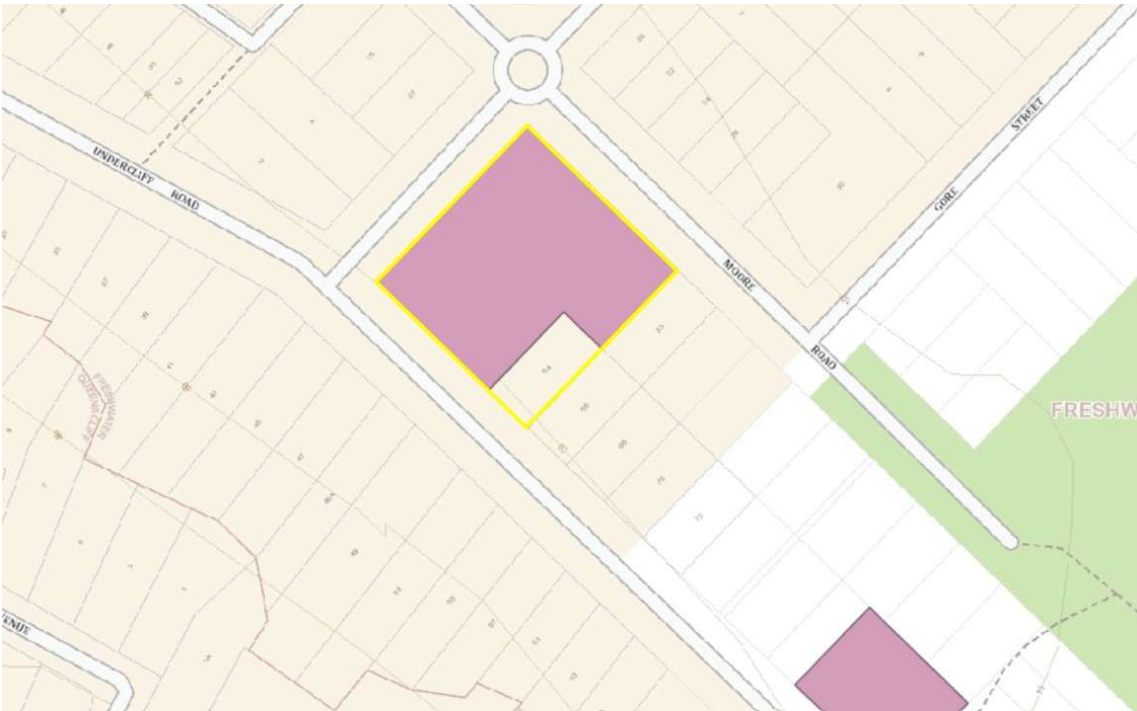


Figure 3 Existing WLEP2011 additional permitted uses map – “Area 14” (highlighted in purple), where pubs are permitted with consent (source: Attachment A Planning proposal)

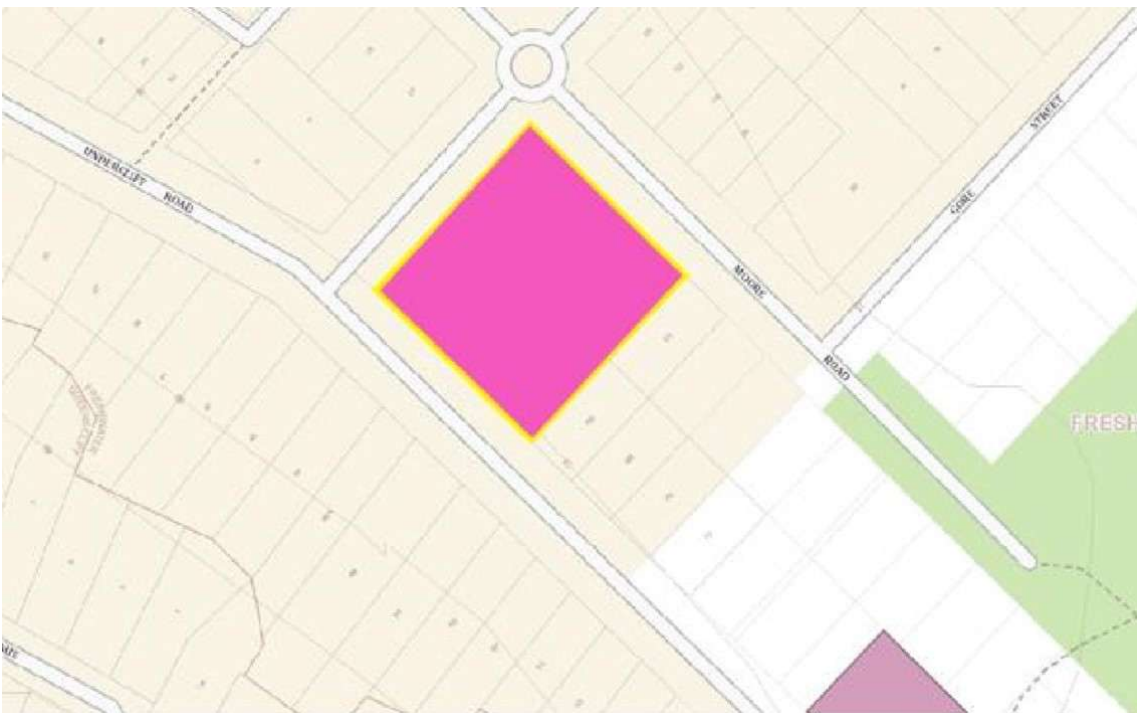


Figure 4 Proposed WLEP2011 additional permitted uses map – Area highlighted in pink, where pubs, hotel and motel accommodation are to be permitted with consent (source: Attachment A Planning proposal and amended by the Department)

1.1.4 State electorate and local member

The site falls within the Manly state electorate. James 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.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

1.1.5 Background

Harbord Hotel Holdings have initiated a proponent-led planning proposal to provide hotel and motel accommodation in association with the 'Harbord Hotel'.

Key dates in the planning proposal include:

- 30 September 2020: Pre-lodgement meeting held between applicant, landowners, architect and Council.
- 18 July 2024: Planning proposal PP-2024-1593 submitted via the NSW Planning Portal by applicant on behalf of Harbord Hotel Holdings for consideration by Northern Beaches Council.
- 9 August 2024 – 19 September 2024: Proposal placed on non-statutory pre-Gateway exhibition by Council.
- 16 October 2024: Northern Beaches Local Planning Panel (LPP) recommend that Council progress the planning proposal (**Attachment B1**) subject to amendments (**Attachment B2**).
- 12 November 2024: Proposal considered by Council, with Council officers recommending proposal endorsement and adopting LPP recommendations (**Attachment B3, B4**). Council resolved to not endorse the proposal (**Attachment B5**).
- 16 November 2024: Proponent notified that Council had resolved not to proceed with the proposal.
- 18 November 2024: Rezoning review lodged with the Department for PP-2024-280 (RR-2024-34). Council not able to accept role of Planning Proposal Authority (PPA).
- 21 March 2025: The Panel recommend that the proposed instrument be submitted for a Gateway determination as the proposal demonstrated strategic and site-specific merit (**Attachment B6**).
- 23 June 2025: The Department issued a Gateway determination (**Attachment Gateway**). The Sydney North Planning Panel was appointed as the PPA.
- 21 July 2025 to 18 August 2025: The proposal was placed on public exhibition.

2 Gateway determination and alterations

The Gateway determination issued on 23/06/2025 (**Attachment Gateway**) determined that the proposal should proceed subject to conditions. All of the Gateway determination conditions have been met.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by the Department from 21/07/2025 to 18/08/2025.

A total of 86 submissions were received, including:

- 83 unique submissions and 2 duplicate submissions from the public (**Attachment C1**); and
- A submission from Northern Beaches Council (**Attachment C2**).

Of the unique public submissions, 54 objected to the proposal (65%) and 29 supported the proposal (35%) (**Attachment C1**).

A summary of all submissions, and the PPA's response to them, is provided in a separate attachment (**Attachment C3**).

The proponent also made a submission reiterating the benefits of the proposal and addressing some community concerns (**Attachment C4**).

A Post Exhibition Report was issued by the PPA on 18 November 2025 (**Attachment D1**).

The Sydney North Planning Panel held an online public meeting on 27 November 2025 to hear from those who made a submission on the proposal. A record of the issues raised, and responses was considered by the Panel.

On 8 December 2025, the Sydney North Planning Panel determined to recommend to the Minister that the proposed instrument should be made (**Attachment D2**).

3.1 Submissions during exhibition

3.1.1 Submissions supporting the proposal

As identified in the Department's Post Exhibition Report (**Attachment D1**), the following key themes were raised during public exhibition in support of the planning proposal:

- The proposal will assist in addressing the shortage of short term rental accommodation in the area.
- The proposal will improve car parking and stormwater outcomes for the area.

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

Table 2 provides details on key issues raised by Northern Beaches Council, as identified in the post exhibition report's summary of submissions (**Attachment C3**). **Table 2** also includes the Department's consideration of the adequacy of responses in the post exhibition report.

Table 2 Summary of Key Issues – Northern Beaches Council Submission

Issue raised	Post exhibition report and Department assessment
1. Alternative Council proposed APU (Figure 5) Establishes buffer between pub operations and residential areas. Addresses noise concerns from existing pub operations. Still enables proponent's proposed uses and layout.	Post exhibition report – Summary of Submissions (Attachment C3) • Not necessary to amend APU. • Proposed development layout locates hotel between existing pub and neighbouring residential development, creating a buffer. Layout and mitigation measures can be refined through development application process. Conclusion also reached by Northern Beaches Local Planning Panel in October 2024 (Attachment B2). • Council's proposed APU reduces flexibility to respond to merit issues as part of development application process. This includes an integrated basement for carparking. Department's consideration: • The PPA has adequately responded these issues noting this will be further addressed at the detailed development application stage. Refer section 4.1 for further assessment.
2. Site-specific development control plan DCP to be prepared before development consent. Addresses built form, heritage, and amenity impacts. Recommended to be specified in any WLEP2011 amendment.	Post exhibition report – Summary of Submissions (Attachment C3) • Not necessary to include LEP provision for site-specific DCP preparation. • Proposal does not amend existing height of building standards which currently align with neighbouring residential development. • Heritage impacts can be addressed through a future development application process in accordance with cl5.10 Heritage Conservation in WLEP2011. • Existing WDCP2011 controls provide adequate built form controls that consider setbacks, overshadowing, and built form envelopes. Department's consideration: • The PPA has adequately responded. Issues relating to built form, heritage, and amenity impacts will be managed through existing WDCP2011 controls and the development application process.

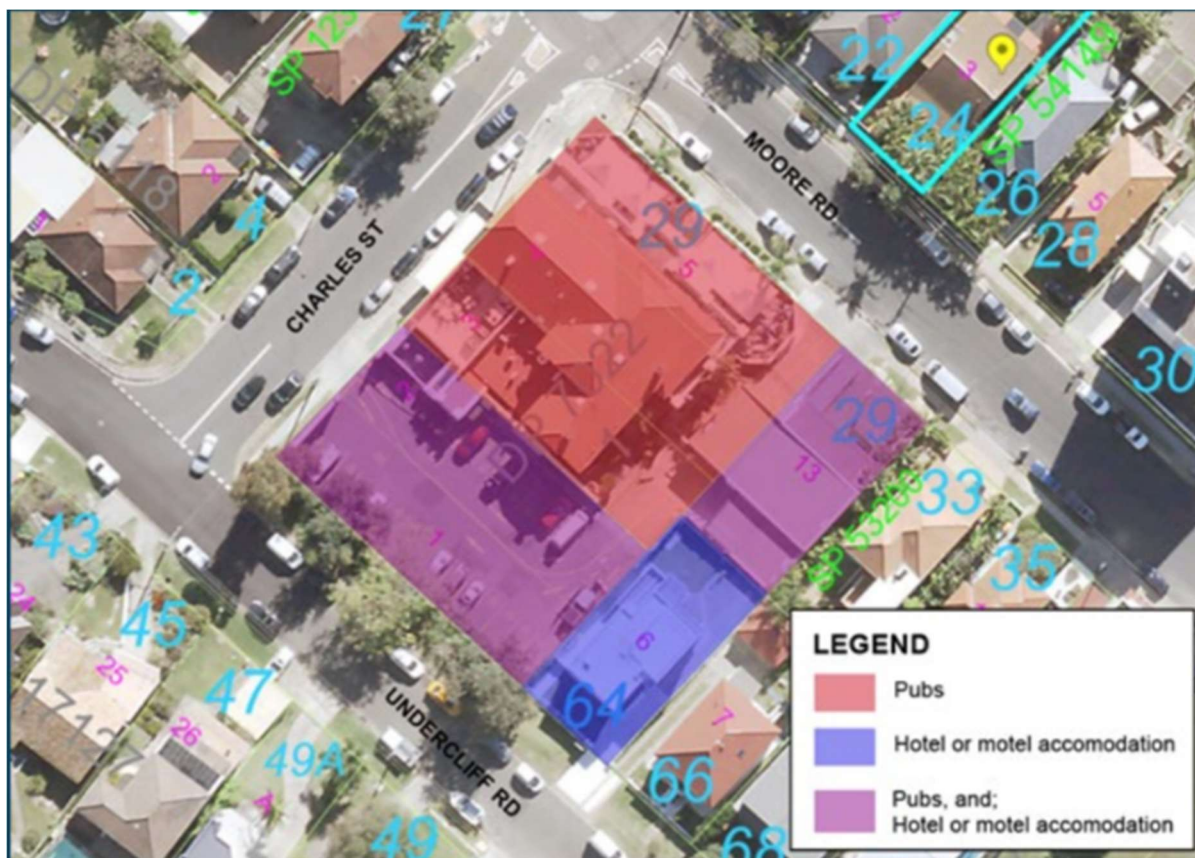


Figure 5 Alternative Council Proposed APU (source: Northern Beaches Council Public Exhibition Submission – Attachment C2)

The PPA identified (**Attachment C3**) the following key themes raised by the community during public exhibition in objection to the planning proposal:

- Amenity and anti-social behaviour
- Traffic and parking
- Built form
- Stormwater and utilities
- Inconsistency with Northern Beaches Local Strategic Planning Statement.

Table 3 provides details on key issues raised by the community, as identified in the post exhibition report's summary of submissions (**Attachment C3**).

Table 3 Summary of Key Issues – Public Submissions

Issue raised	Submissions (%)	Post exhibition report and Department assessment
1. Amenity and anti-social behaviour. Concerns about local safety, amenity and noise from existing pub operations.	53%	Post exhibition report – Summary of Submissions (Attachment C3) - Proposed development layout locates hotel between existing pub and neighbouring residential development, creating a buffer. Layout and mitigation measures can be refined through development application process. Conclusion also reached by Northern Beaches Local Planning Panel in October 2024 (Attachment B2). - Council's proposed APU reduces site flexibility including inhibiting an integrated basement for carparking. - A regular shaped APU reduces residential interfaces compared to existing APU. - Anti-social behaviours can be managed through development consent conditions and enforcement by Council/NSW Police under existing legislation. Department's consideration: - The PPA has adequately responded regarding concerns about amenity and noise noting these aspects will be further addressed at the detailed development application stage. - The PPA has adequately responded regarding anti-social behaviour management. The Department agrees that anti-social behaviours can be managed through development consent conditions and enforcement.
2. Traffic and parking Increased traffic congestion in neighbouring streets. Impacts on parking in surrounding area and residential properties.	48%	Post exhibition report – Summary of Submissions (Attachment C3) - Traffic and parking matters can be adequately addressed through the development application process. - Council's traffic engineering team (Attachment B3) considered the proposal would not cause unsatisfactory traffic and car parking impacts. The Warringah Development Control Plan 2011 (WDGP2011) includes adequate planning controls to manage traffic and car parking. Therefore appropriate traffic and car parking outcomes can be achieved. Department's consideration: - The PPA has adequately responded. Issues relating to traffic and parking will be managed through existing WDGP2011 controls and the development application process. - Council's traffic engineering team did consider that the proposal "adequately addresses the potential traffic and parking impacts of the proposed use on the site." (Attachment B3).

Issue raised	Submissions (%)	Post exhibition report and Department assessment
3. Built form Overshadowing, restricted views, and lack of privacy. Development inconsistent with surrounding character. Impact on existing heritage building fabric.	43%	Post exhibition report – Summary of Submissions (Attachment C3) - Built form matters can be adequately addressed through the development application process. - Proposal does not amend existing height of building standards which currently align with neighbouring residential development. - Heritage impacts can be addressed through a future development application process in accordance with cl5.10 Heritage Conservation in WLEP2011. - Existing WDCP2011 controls provide adequate built form controls that consider setbacks, overshadowing, and built form envelopes. Department's consideration: - The PPA has adequately responded. Issues relating to built form, heritage, overshadowing, views, privacy and amenity impacts will be managed through existing WDCP2011 controls and the development application process. Refer section 4.1 for further details.
4. Stormwater and utilities Concerns about adequacy of existing stormwater infrastructure. Impacts of increased runoff. Impact on adjoining properties' drainage capacity.	33%	Post exhibition report – Summary of Submissions (Attachment C3) - Stormwater and utility matters can be adequately addressed through the development application process. - Council's senior development engineer advised during pre-Gateway assessment process that stormwater infrastructure can be upgraded/rediverted in accordance with Council's Water management for Development Policy (Attachment B3). - Site is located within established urban area. Department's consideration: - The PPA has adequately responded. Issues relating to stormwater, runoff and drainage impacts will be managed through existing WDCP2011 controls and the development application process. - Council's Senior Development Engineer did consider stormwater impacts and that for a development application to proceed, "Council's stormwater infrastructure located within the site can be upgraded or rediverted within the subject site to facilitate future development if required in accordance with Councils Water Management for Development Policy". Council noted that upgrading/rediverting will be considered in the development application phase and not in the planning proposal phase (Attachment B3).

Issue raised	Submissions (%)	Post exhibition report and Department assessment
5. Inconsistency with the Northern Beaches Local Strategic Planning Statement (NBLSPS) Concerns about rezoning of 64 Undercliff Road. Loss of residential accommodation. Inconsistency with NBLSPS	18%	Post exhibition report – Summary of Submissions (Attachment C3) - The proposal adequately considers NBLSPS and other strategic documents. - Proposal does not negatively affect housing provision as site retains existing R2 Low Density Residential zoning. - Provides hotel accommodation within 10-minute walk of E1 Local Centre, Freshwater Beach and Northern Beaches Coastal Walk. - Diversifies hotel accommodation and broadens night-time activities. - Provides opportunity to minimise land use conflict and prevents residential uses from sterilising night-time opportunities in centres. Department's consideration: - The PPA has adequately responded. Refer to Section 4.1 for further assessment.

4 Department's Assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment Gateway**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, State Environmental Planning Policies (SEPPs), Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment Gateway Report**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the North District Plan.
- Remains consistent with the Council's Local Strategic Planning Statement.
- Remains consistent with all relevant Section 9.1 Directions.
- Remains consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

Table 4 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
District Plan	☒ Yes	☐ No, refer to section 4.1
Local Strategic Planning Statement	☒ Yes	☐ No, refer to section 4.1
Local Planning Panel (LPP) recommendation	☒ Yes	☐ No, refer to section 4.1
Section 9.1 Ministerial Directions	☒ Yes	☐ No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	☒ Yes	☐ No, refer to section 4.1

Table 5 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	☒ Yes	☐ No, refer to section 4.1
Environment impacts	☒ Yes	☐ No, refer to section 4.1
Infrastructure	☒ Yes	☐ No, refer to section 4.1

4.1 Detailed Assessment

The following section provides details of the Department's assessment of key matters raised during public exhibition.

4.1.1 Built form, character and heritage

Controls related to overshadowing, views, privacy, character, and heritage are currently managed through the WLEP2011 and WDCP2011.

To retain the area's character, the same built form controls should be applied to all developments. If additional controls specific to the site were introduced, this would result in controls inconsistent with the surrounding residential context and thereby altering the site's existing character.

4.1.2 Amenity and anti-social behaviour

The expanded pub APU new APU of hotel and motel accommodation is to enable the orderly and economic use and development of the land as per the planning proposal's objectives. Further, the APU will "Enable the lodgement of a separate development application, seeking consent for the construction of hotel and motel accommodation in the southern portion of the site, to be integrated and managed in association with the existing 'Harbord Hotel' and bottle shop."

Pub usage is currently permitted on the Undercliff Road residential interface. The proposal will extend and permit this land use to Lot 6 (**Figure 4**). The Department considers this a small expansion of the existing APU that already permits this use. Amenity will be further addressed at the detailed development application stage.

4.1.3 Loss of housing

The proposal does not alter the site's existing R2 Low Density Residential zoning and does not prohibit potential future residential development. The proposed APU will permit hotel and motel accommodation on Lot 6 which may result in a loss of existing residential apartments. The Department acknowledges this, however, considers that the potential redevelopment in this part of the site will provide several benefits in alignment with the North District Plan. This includes facilitating appropriate development that creates opportunities for participation in creative night-time economy activities (Planning Priority N4) such as hotel visitors attending live entertainment at the 'Harbord Hotel'. The proposal also facilitates a coordinated approach to tourism activities, events, and accommodation (Planning Priority N13) through co-locating accommodation, a pub, and a live music event. This provides a coordinated development approach that encourages local tourism while controlling visitor accommodation extent to a limited site area.

The Department also notes that the provision of accommodation in a desirable location may redirect demand from short-term rental accommodation which would allow housing for longer term occupancy.

4.1.4 Alternative Council proposed APU

The Council alternative proposed APU (**Figure 5**) may reduce flexibility of development layouts on the site and affect the development's ability to meet other site-specific outcomes including a rationalised parking outcome.

Further, Council's alternative proposed APU may limit the ability to achieve a consolidated basement. This may result in two basement entries, which does not best facilitate WDCP2011's objectives, particularly Section C3 Parking Facilities to site and design parking facilities that minimise visual impacts on street frontages.

It is noted the Local Planning Panel on 16 October 2024 acknowledged that additional design flexibility is needed at the basement level for a practical outcome (**Attachment B2**). While the LPP recommended an approach permitting a specific APU for pub-related car parking and associated access on Lot 6 (**Attachment B2**), this creates overly complex APU conditions.

The Department considers the initial planning proposal's simplified APU that allows pub usage across the entire site is more suitable and enables flexibility in development layout and usage.

4.1.5 Inconsistency with NBLSPS

Several public responses indicated that the LSPS directs tourism growth to centres such as Brookvale and Dee Why which have established public transport and infrastructure. Responses mention that Freshwater is not identified for short-term accommodation growth due to lack of public transport and infrastructure capacity.

The Department considers that the planning proposal has strategic merit and is consistent with the LSPS. Several strategies in the LSPS support modest accommodation provision in Freshwater including:

- Priority 29 'A Thriving, sustainable tourism economy' includes "promote and integrate coastal walks with centres, transport and accommodation." The proposed accommodation is located within a 10-minute walk of the E1 Local Centre and Northern Beaches Coast Walk.
- The LSPS states that "diversifying tourism offerings beyond Manly, Palm Beach and the beaches, and beyond the summer peak, will strengthen the tourism economy." Hotel accommodation in Freshwater would provide tourism offerings year-round and reduce pressure on Manly and Palm Beach.
- Priority 30 'A diverse night-time economy' states that "suburbs such as Freshwater could be investigated for evening activities, while more diverse night-time offerings in places that will

grow and change – like Dee Why, Brookvale or Frenchs Forest – is fundamental.” Providing hotel accommodation will help support evening activity through encouraging visitor usage of nearby restaurants and bars.

5 Post assessment consultation

The Department has consulted with the following stakeholders after the assessment.

Table 6 Consultation following the Department’s assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	One map has been prepared by the Department’s ePlanning team and meet the technical requirements.	☒ Yes ☐ No, see below for details
Planning Panel	The Planning Panel was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>. The Panel confirmed on 31/03/2026 that it was agreeable with the draft and that the plan should be made (Attachment F).	☒ Yes ☐ No, see below for details
Parliamentary Counsel Opinion	On 22/06/2026 , Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	☒ Yes ☐ No, see below for details

6 Recommendation

It is recommended that the Minister’s delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit being consistent with the North District plan.
- It is consistent with the Gateway Determination.
- Issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal.



23.06.2026

Angela Hynes

Manager, Local Planning and Council Support (North, East and Central Coast)



08.07.2026

Eleanor Robertson

Director, Local Planning and Council Support (North, East and Central Coast)

Assessment officer

Max Harpandi

Planning Officer, Local Planning and Council Support (North, East and Central Coast)

9860 1441

Attachments

Attachment	Document
A	Planning Proposal Report
B1	Council Assessment Report
B2	Local Planning Panel Minutes – October 2024
B3	Council Planning Proposal Report
B4	Council Prepared Planning Proposal Report for Gateway
B5	Council Meeting Minutes
B6	Sydney North Planning Panel Rezoning Review – March 2025
Gateway	Gateway Determination
Gateway Report	Gateway Determination Report
C1	Community Submissions – Redacted
C2	Northern Beaches Council Submission
C3	Summary of Community Submissions and Responses
C4	Proponent Response to Submissions
D1	Post Exhibition Report
D2	Sydney North Planning Panel Post Exhibition – December 2025
E	Summary of Assessment Against Gateway Conditions
F	Consultation with PPA on behalf of Panel

Attachment	Document
MCS	Map Cover Sheet
PC	PCO Certificate
LEP	Draft LEP