

Memo

To: Sydney North Planning Panel

From: Rod Piggott – Development Assessment Manager

Date: 7 August 2025

Subject: PPSSNH-613 - Northern Beaches - DA2025/0077 - 10-28
Lawrence Street, Freshwater - Shop Top Housing

Record Number: 2025/523874

The purpose of the memo is to provide revised reasons for refusal as directed by the Panel

1. Pursuant to Section 4.15(1)(a)(iv) of the of the Environmental Planning and Assessment Act 1979, the application has not been accompanied by the required information for a Development Application.

Particulars:

- i. The development application proposes a loading zone on Council land along the Dowling Street.
- ii. As such, the development application does not contain all the information and documents required by Clause 24(1)(b) of the Environmental Planning and Assessment Regulation 2021 and the development application has not been made with the owners consent from Council, as required by Clause 23(1)(b) Environmental Planning and Assessment Regulation 2021.
- iii. The development application does not include satisfactory information to assess any view loss impacts upon surrounding properties.

2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide.

Particulars:

- i. Due to inadequate setbacks and landscaping, the proposal fails to achieve compatibility with the desired elements of the character of the locality, contrary to Section 20 Design Requirements of SEPP Housing.

- ii. Due to the various non-compliances with the objectives of the ADG, the proposal fails to achieve the following Design Quality Principles at Schedule 9 SEPP Housing:

- 1: Context and Neighbourhood Character
- 2: Built Form and Scale

- 5: Landscape
- 6: Amenity
- 9: Aesthetics

iii. The proposal is inconsistent with the following requirements and objectives of the ADG:

- 2F Building Separation
- 2H Side and Rear Setbacks
- 3A Site Analysis
- 3B Orientation
- 3D Communal and Public Open Space
- 3E Deep soil zones
- 3F Visual privacy
- 4A Solar and daylight access
- 4O Landscape Design
- 4H Acoustic Privacy
- 4P Planting on structures

3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.

Particulars:

The development comprising of both residential and non residential floorspace does not protect the amenity of adjoining low density residential development, nor is compatible with neighbouring development in terms of bulk and scale in relation to sub clause 2.(d) and (e)

4. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause Zone E1 Local Centre of the Warringah Local Environmental Plan 2011.

Particulars:

The bulk and scale and character of the building remain is inconsistent with desired character of the area and is it is not of appropriate built form to maintain suitable amenity to adjoining residential development in the R2 Low Density Residential zone to the rear of the property.

5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Section 18 of SEPP Housing, Clause 4.3 Height of Buildings and Clause 4.6 Exceptions to Development Standards of the Warringah Local Environmental Plan 2011.

Particulars:

i. The proposed additional building height does not correspond to the proposed proportion of gross floor area to be used for affordable housing as required by Section 18 of SEPP Housing.

ii. The consent authority is not satisfied that the applicant's variation request under Clause 4.6 of WLEP 2011 seeking to justify a contravention of Clause 4.3 Height of buildings has adequately demonstrated that:

i) compliance with the standard is unreasonable or unnecessary,

ii) there are sufficient environmental planning grounds to justify the contravention,

6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposal has not demonstrated that a safe loading zone can be accommodated on site. The proposal is inconsistent with the requirements and objectives of part C2 (Traffic, Access and Safety) and G5.5 (Access and Loading) of WDCP 2011.

Particulars

Insufficient information has been submitted to satisfy Council that a safe and adequate loading zone on site can be provided.

7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part C4 Stormwater of the Warringah Development Control Plan.

Particulars:

The application has not demonstrated a suitable stormwater management solution for the site, resulting in inconsistency with the requirements and objectives of C4 (Stormwater) of WDCP 2011. The proposal does not provide sufficient information in relation to the below matters which are required to demonstrate compliance with Council's Stormwater Policy:

- A stormwater management plan
- Connection to the existing Council pipeline.

8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part D6 Access to Sunlight of the Warringah Development Control Plan.

Particulars

i. *The development applications fails to provide at a minimum of 3 hours of sunlight between 9am and 3pm on June 21 to the adjoining dwelling houses to the south of the subject site.*

9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Parts (E1 Preservation of Trees or Bushland Vegetation, and G5 Freshwater Village 11. Side and rear setbacks) of the Warringah Development Control Plan.

Particulars

i. *Insufficient information has been provided to determine the proposed plant species locations and quantities for the subject site.*

ii. The Arboricultural report does not reflect the proposed development plans and is outdated.

10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of part G5.18 (Development in the vicinity of heritage items) of the Warringah Development Control Plan.

Particulars

Insufficient setbacks front setback are proposed to Dowling Street frontage to minimise the visual impact of the development on the following heritage items within vicinity of the subject site.

- Item I71 - Building known as 'Harbord Literary Institute' - Corner Lawrence and Oliver Street
- Item I72 - Building known as 'Early Childhood Health Centre' - 29 Lawrence Street, Freshwater

11. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.