

7<sup>th</sup> August 2025

The CEO  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

Attention: Brittany Harrison - Planner

Dear Ms Harrison,

**Development Application No. DA2025/0143**  
**Issues response/ Supplementary Statement of Environmental Effects**  
**Proposed shop top housing**  
**1749 & 1753 Pittwater Road, Mona Vale**

Reference is made to Council's request for further information (RFI) of 30<sup>th</sup> May 2025 and a number of subsequent meetings and discussions with Councils relevant experts to discuss the proposed responses to the issues raised. This submission details the considered response to the issues raised and is to be read in conjunction with the following amended/additional plans and documentation:

- Amended Revision C Architectural plans prepared by Gartner Trovato Architects.
- Urban design response, dated August 2025, prepared by Gartner Trovato Architects.
- Design and Sustainability Advisory Panel (DSAP) minute response, dated 6<sup>th</sup> June 2025, prepared by Gartner Trovato Architects.
- Registered Community Housing Provider engagement confirmation, dated 23<sup>rd</sup> July 2025, prepared by Bridge Housing.
- Environmental Health Referral Response – Contamination, dated 14<sup>th</sup> March 2025, prepared by EIAustralia.
- Updated Traffic and Parking Assessment Report, dated August 2025, prepared by Terraffic.
- Updated geotechnical report, dated July 2025, prepared by Crozier Geotechnical Consultants.
- Updated clause 4.6 variation request – Height of buildings.
- Clause 4.6 variation request – Landscaped area.

The amended plans and documentation provide for the following amendments:

1. Add dimensions to living rooms, adjusting common walls to achieve 4m width.
2. Include demolition and excavation plan.
3. Itemise and record all internal storage to apartments in addition to basement storage.
4. Indicate DCP setback to Pittwater Road.
5. Show AC plant on the roofs and screening.
6. Provide additional detail to 2500mm clear parking in accessible spaces.
7. Add detail for BCA nib protection.
8. Reduce retail setback to laneway.
9. Indicate garbage truck collection location in laneway and show loading zone signage.
10. Co-ordinate changes to the traffic report.
11. Revise affordable housing allocation for increased GFA calculations as requested.
12. Add detail on ventilation for wintergardens to prove compliance with cross ventilation
13. Increase floor-floor heights to 3200mm in Bungan Lane pavilion.
14. Indicate 6m and 9m setbacks from the centreline of laneway to justify minimised setbacks to the lane to achieve ADG compliance with potential future development opposite.
15. Indicate car park directional access and security intercom to justify parking behind security doors
16. Revise store in Retail 02 to plant room labelling to avoid an additional unit as affordable housing
17. Changes to the Pittwater Road façade to minimise the 5<sup>th</sup> storey bulk and setback, changes to 32, 33.
18. Provide indicative modelling for surrounding development to same height to demonstrate no reduction in ADG compliant development potential and acceptable solar access and privacy outcomes.

We respond to the specific issues raised in the RFI response as follows.

## **1. Design and Sustainability Advisory Panel**

Response: This submission is accompanied by a Design and Sustainability Advisory Panel (DSAP) minute response, dated 6<sup>th</sup> June 2025, prepared by Gartner Trovato Architects which outlines a detailed response to the minutes having regard to the amended Revision C Architectural plans.

This matter has been addressed.

## **2. Registered Community Housing Provider**

Response: This submission is accompanied by an engagement letter prepared by Bridge Housing which is a Registered Community Housing Provider.

This matter has been addressed.

### **3. Affordable Housing Component**

Response: The accompanying GFA calculation plans clearly nominate an Affordable Housing Component of 15% of total GFA and accordingly the development is entitled to rely upon the 30% bonus height provisions at section 18 of SEPP Housing.

This matter has been addressed.

### **4. Height of Buildings**

Response: The clause 4.6 variation request has been updated to reflect the amended plans have regard to the development standard at clause 18(2) of SEPP Housing. We confirm that the residential floor plates have 3.2 metre floor to floor clearances to ensure compliance with the minimum 2700mm ADG ceiling height provisions. The retail floor spaces have 3300mm ceiling heights noting that these spaces will be fitted out with exposed underside of slab ceilings with a 200mm thick slab sufficient between retail tenancies and the residential floor plates above.

We rely on the accompanying updated clause 4.6 variation request in support of the building height breach and the DSAP minute response, dated 6<sup>th</sup> June 2025, prepared by Gartner Trovato Architects in response to the DSAP recommendations to demonstrate that the variation request to the building height incentive provisions is well-founded.

This matter has been addressed.

### **5. Ceiling Heights**

Response: As previously outlined minimum 3.2 metre floor to floor clearances have been provided to each residential floor plate to ensure compliance with the minimum 2700mm ADG ceiling height provisions.

This matter has been addressed.

### **6. Landscaped Area**

Response: This submission is accompanied by a clause 4.6 variation request in support of a variation to the clause 19(2)(b) and 19(2)(c) provisions of SEPP Housing. This variation request is well founded.

This matter has been addressed.

## **7. Works on Council Land**

Response: The architectural plans been amended to make it clear that the existing pedestrian ramp located within the Council car park is not altered nor is access to the storage below.

This matter has been addressed.

## **8. Pedestrian Movement and Circulation**

Response: The plans been amended to significantly improve pedestrian access through the site with paths of travel from Retail 01 and 02 to the retail waste rooms clearly nominated.

## **9. Apartment Design Guide**

### **Communal open space**

Response: Whilst it is acknowledged that Part 3D of the ADG contains design criteria which seeks communal open space having an area equal to 25% of the site the design guidance acknowledges that where developments are unable to achieve the design criteria such as sites within business zones or in a dense urban area they should provide communal open space elsewhere such as a landscaped rooftop terrace or a common room, provide larger balconies or increase private open space for apartments and demonstrate good proximity to public open space and facilities.

As requested by Council, the architectural plans contain indicative modelling of surrounding development to both LEP and the infill affordable 30% height uplift available pursuant to Chapter 2 of SEPP Housing. These diagrams indicate that the podium level communal open space areas will receive limited solar access on 21<sup>st</sup> of June. This is a function of the business zone in which the site is located and the dense height and intimate spatial relationship anticipated within the Mona Vale Town Centre.

In this regard, 68m<sup>2</sup> of communal open space has been provided at the roof level of the central pavilion with this common open space area containing landscaping and receiving good levels of amenity given the incorporated shade structure, barbecue and bathroom facilities and the exceptional levels of solar access obtained between 9am and 3pm on 21 June.

We also note that the majority of apartment balconies exceed the minimum ADG size requirements with the site located within immediate proximity of a range of public open space and recreation facilities including Mona Vale Town Centre, Mona Vale Village Park, Kitchener Park, Mona Vale Golf Course and Mona Vale Beach all within short walking distance of the site.

The proposal provides an adequate area of communal open space to enhance residential amenity and to provide opportunities for landscaping and accordingly Objective 3D- 1 of the ADG is satisfied.

This matter has been addressed.

### **Building separation**

Response: The Architectural plans been amended to nominate ADG compliant separation between principal living areas and private open space areas of apartments within the development and to future development anticipated on adjoining sites as depicted in the future indicative massing diagrams contained within the architectural bundle.

This matter has been addressed.

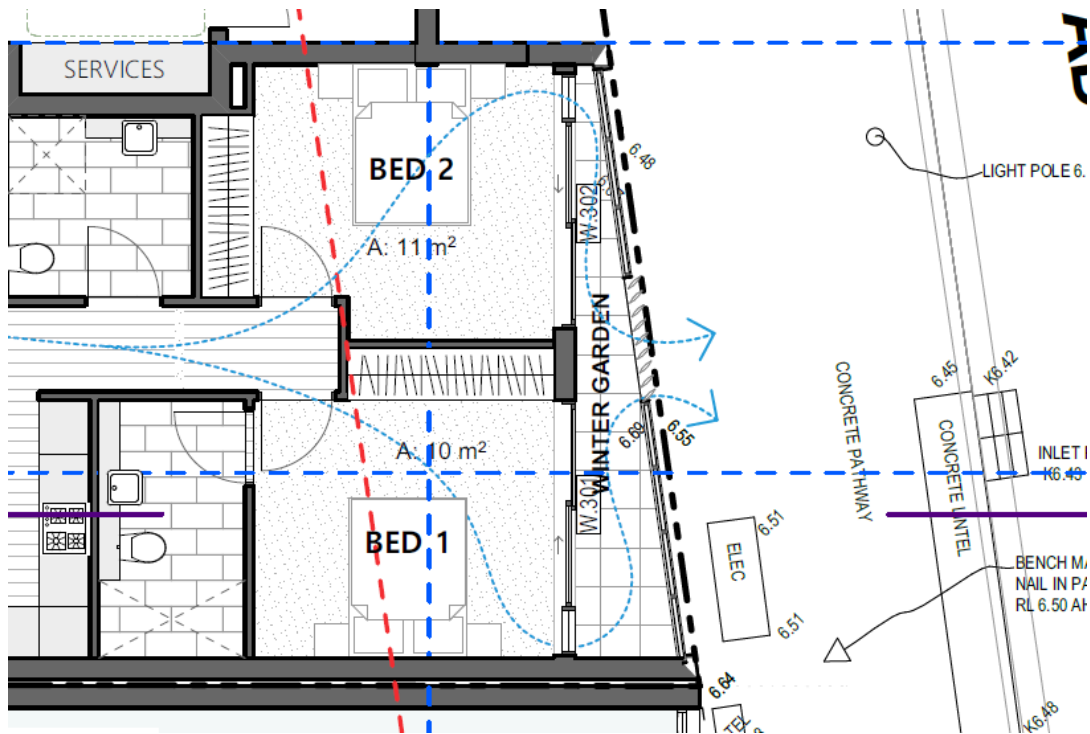
### **Solar access**

Response: We rely on the Architectural Urban Design and DSAP minute response to demonstrates that ADG compliant solar access is achieved the development having regard to the likely future height and massing of development on surrounding properties and as depicted in the future indicative massing diagrams contained within the architectural bundle.

This matter has been addressed.

### **Cross ventilation**

Response: In response to this concern the Pittwater Road facing operable fenestration and its relationship to the operable component of the winter gardens ensures that there is sufficient to offset/ battling between operable window glazing contained within the primary building façade and the operable component of winter gardens to provide appropriate acoustic attenuation to traffic noise whilst facilitating the maintenance of natural ventilation as depicted in the plan extract over page.



This matter has been addressed.

### Unit layout/private open space

Response: These issues have been addressed in the amended Architectural bundle with ADG compliant living room widths, kitchen layouts/ relationship to windows and private open space areas/ dimensions now nominated.

These matters have been addressed.

### Storage

Response: The architectural plans now nominate ADG compliant storage areas as requested.

This matter has been addressed.

### 10. Right of Footway

Response: The Architectural plans been amended to retain the 0.455 metre wide right of carriageway located adjacent to the southern boundary of the allotment.

This matter has been addressed.

## 11. Street setbacks

Response: We rely on the Architectural Urban Design and DSAP minute response to demonstrate that the street setbacks are contextually appropriate given the site frontage to Pittwater Road and having regard to the setback characteristics established by development along Pittwater Road frontage within the site's visual catchment.

That said, we note that the architectural expression of the Pittwater Road facing building façade has been changed to ensure that the upper-level is visually recessive in a streetscape context. We also note that the DSAP minutes associated with a pre-lodgement meeting for a shop top housing development at 1763 Pittwater Road, Mona Vale (PLM2025/0047) around the corner from the subject property contained the following commentary in relation to the Pittwater Road DCP setback provisions:

*The Panel is aware that the area is undergoing transformation. This creates height to setback ratios that differ from the planning objectives/controls governing the site. The Panel would suggest that Council review some of these controls, particularly as they relate to street height and setback of the subject site and this application, as they do not reflect the changing urban reality of the area.*

*It is noted that the applicant proposes to break the PDCP front setback of 3.5m for any wall above 8.5m and 6m above that. There seems to be some value in this strategy. The Panel considers that the 3.5m front setback to Pittwater Road and to Bungan Lane, as required by DCP, would be less likely to deliver the most appropriate outcome for the site in light of the building alignments on adjacent sites as well as the on-going changes that the town centre is undergoing.*

This matter has been addressed.

## 12. Commercial GFA

Response: The proposal provides a total non-residential floor space of 635m<sup>2</sup> representing 17.5% of the total GFA proposed (3622m<sup>2</sup>). We note that this percentage is skewed by the 30% infill affordable housing building height uplift whereby more GFA is facilitated on the site than anticipated by the current LEP and DCP controls. The removal of the uppermost storey from each of the building pavilions would result in a total GFA for development on the site of 2949m<sup>2</sup> with the non-residential floor space of 635m<sup>2</sup> representing 21.5% of total GFA.

We acknowledge that the DCP states that where a variation is sought to the minimum requirement for commercial floor space the applicant is required to justify that the commercial viability of the centre will not be affected in the short or long term and that residents can continue to be provided with a full range of services and facilities.

Whilst the PLM Notes request that an analysis of existing commercial floor space and commercial vacant rates and demand within the Mona Vale town centre be provided in support of any variation in our 22 years dealing with this particular DCP provision we have never been required to provide a formal economic/commercial floorspace needs analysis. Instead, Council has been prepared to accept a variation where it has been demonstrated that ground level street facing commercial floorspace has been maximised. This was evident for the approval of the shop top housing development at 19 Bungan Street, Mona Vale DA2019/0848 which was recently constructed with a commercial floorspace of 23% of total GFA.

Having regard to the objectives associated with the control we provide the following analysis:

- *Achieve the desired future character of the Locality.*

Response: The variation to the commercial GFA provision will not result in a development which is inconsistent with the desired future character of the area in terms of providing a mix of residential, retail and commercial land uses with good levels of street level activation to both street frontages.

- *The density and scale of development reflects the infrastructure capability of the area.*

Response: The Mona Vale Town Centre is well serviced in relation to infrastructure and services with the variation to the commercial GFA provision not having any material impact/ influence on the density and scale the overall development. The proposal is consistent with this objective notwithstanding the non-compliant commercial GFA proposed.

- *Design opportunities and site layout efficiencies are improved through amalgamation of allotments.*

Response: The development involves the amalgamation of 2 allotments to improve site layout efficiencies. The ground floor level commercial floor plates have been maximised having regard to necessary pedestrian and servicing requirements with both street retail frontages appropriately activated. The proposal is consistent with this objective notwithstanding the non-compliant commercial GFA proposed.

- *The development does not adversely impact upon adjoining residential development.*

Response: The variation to the commercial GFA provision will not result in any adverse impact upon adjoining residential development. The proposal is consistent with this objective notwithstanding the non-compliant commercial GFA proposed.



- *An appropriate mix of residential and commercial development is provided, ensuring the functionality of commercial centres.*

Response: The ground floor level commercial floor plates have been maximised having regard to necessary pedestrian and servicing requirements with both street retail frontages appropriately activated. The development provides for an appropriate mix of residential and commercial development with the ground floor level commercial tenancies of sufficient size and dimension to accommodate a range of commercial uses. The proposal is consistent with this objective notwithstanding the non-compliant commercial GFA proposed.

- *Meet the economic and employment needs of Pittwater Community.*

Response: The development provides for an appropriate mix of residential and commercial development with the ground floor level commercial tenancies of sufficient size and dimension to accommodate a range of commercial uses. The quantum of commercial floorspace proposed will meet the economic and employment needs of the community. The proposal is consistent with this objective notwithstanding the non-compliant commercial GFA proposed.

As the proposed commercial floorspace is able to satisfy the objectives of the control strict compliance is unreasonable and unnecessary having regard to clause 4.15(3A)(b) of the Act.

### **13. Referral Comments**

#### **Engineering**

##### Stormwater

Response: We confirm that it is only the OSD Tank 1 overflow which drains to the gutter in Bungun Lane with the balance of stormwater draining to the Pittwater Road drainage system.

##### Geotechnical

Response: The application is accompanied by an updated geotechnical report, dated July 2025, prepared by Crozier Geotechnical Consultants containing the necessary forms 1 and 1a.

This matter has been addressed.

#### **Environmental Health Referral Response – contaminated Land**

Response: We rely on the accompanying Environmental Health Referral Response – Contamination, dated 14<sup>th</sup> March 2025, prepared by EIAustralia in response to this issue.

This matter has been addressed.

### **Property and Commercial Development**

Response: The required application has been submitted to Council in relation to the widening of the existing ROW.

This matter has been addressed.

### **Traffic**

Response: We rely on the accompanying updated Traffic and Parking Assessment Report, dated August 2025, prepared by Terraffic and associated architectural plans which address the traffic and parking issues raised.

These matters have been addressed.

### **Waste Referral**

Response: As requested, the architectural plans now show the path of travel for residential access to waste storage rooms and for commercial/retail to transport waste to commercial storage rooms. The balance of the responses to the waste referral comments have been incorporated into the architectural plans.

These matters have been addressed.

### **Water NSW**

Response: We confirm that the proposal provides for a tanked basement and that no objection is raised to a suitably worded condition in this regard.

## **14. Additional questions/comments**

- Air-conditioning units are not indicated on the plans. The Acoustic Report indicates these are located on the roof. The AC units must be identified along with appropriate screening. Should they be located on the roof, they must be addressed in any Clause 4.6 submission where they breach height. Should they be located on individual unit balconies, the space for the AC unit and screening will not be counted toward the minimum private open space provision.

Response: The AC units have now been nominated on the plans and appropriately screened.

- A demolition plan was not submitted. A plan must be submitted that clearly identifies all structures to be demolished, including the works associated with the Council car park.

Response: A demolition plan has now been provided.

- The nil setback side elevations are proposed to be painted render, raising long-term maintenance concerns. Side wall render is to be removed and replaced with a low maintenance material.

Response: This has been incorporated onto the plans.

- The BCA Report identifies a need to extend the blade walls to ensure a 3m setback for windows adjacent to the boundary. The amended plans are to account for these walls.

Response: These require blade walls have been incorporated onto the plans.

- The applicant's submission has not provided a written assessment of the Apartment Design Guide Part 3 or Part 4 consistent with Section 29 of the Environmental Planning and Assessment Regulation 2021.

Response: We rely on the accompanying urban design statement prepared by Gartner Trovato Architects.

- The architectural plans must be clear where roller doors, intercom systems and the like are proposed in the parking area to provide adequate separation of commercial and residential portions and manage access for visitors.

Response: These issues have been addressed in the updated Traffic and Parking Assessment Report, dated August 2025, prepared by Terraffic and associated architectural plans.

- Clarify the purpose of the void above the driveway entrance.

Response: This has been clarified on the plans.

- The units containing media rooms which are habitable rooms (i.e. have windows) will be treated as bedrooms as they are appropriately designed and dimensioned for that function. Plan references also note these as 3 or 4 bedroom units, as relevant. It is recommended that they are shown as bedrooms.

Response: This has been clarified on the plans.

## **Conclusion**

We are of the considered opinion that the amended documentation, the subject of this submission, comprehensively responds to the issues raised and provides for an overall refinement in the detailing and design quality of the development. Having given due consideration to the matters pursuant to Section 4.15(1) of the Environmental Planning and assessment Act, 1979, it is considered that there are no matters which would prevent Council from granting consent to modification sought in this instance.

Please not hesitate to contact me to discuss any aspect of this submission.

**Yours faithfully**

Boston Blyth Fleming Town Planners

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

Greg Boston

B Urb & Reg Plan (UNE) MPIA  
**Director**