

ITEM 2 - DA2024/0374 – 142-146 Pitt Road NORTH CURL CURL

PANEL COMMENT AND RECOMMENDATIONS

General

The subject site is zoned E1 Local Centre under the Warringah Local Environmental Plan 2011 and is surrounded by land zoned E1 Local Centre to the west and R2 Low Density Residential to the north, east, and south. The site currently accommodates shop top housing comprised of nine shops at the ground floor, and residential units at the first floor. The site is adjoined by shop top housing to the west, and low density detached dwelling houses to the north, east, and south. The proposed development involves the demolition of the existing shop top housing and construction of a new shop top housing development, as follows:

- Basement level car parking for 20 resident spaces and two visitor spaces, and 16 bicycle parking spaces.
- Three above-ground levels, comprised of:
 - Bicycle parking (10 spaces),
 - Bin storage,
 - Five retail premises,
 - Eleven residential units (including two x two-level units):
 - 2 x two-bedroom units
 - 9 x three-bedroom units

Council have advised the Panel that the project does not meet the definition of shop-top housing. Reference is made to following definition as established by the L&EC: “*Shop-top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services*”. The proposed residential uses on the ground floor, albeit at slightly higher level and at rear of the property, would appear to contravene this definition. Resolution of this matter may potentially resolve other related design concerns as raised below.

In its current form the Panel is concerned that the proposal would represent an over-development of the site and be likely to result in negative impacts to the amenity of surrounding properties and as well as many of the dwellings within the proposed development.

Strategic context, urban context: surrounding area character

Site analysis is missing. Refer pages 44-47 of the ADG for a guide on the form that this analysis should take. Permissible building heights and setbacks of surrounding properties should be shown. An appropriate response to the scale of surrounding development (both existing and future) is sought.

Setbacks to the northern and eastern boundary should meet the 6m ADG minimum. Further attention is drawn to 2F “Building Separation” of the ADG. To the north and east of the site there is a change to an R2 zone. Under the ADG, boundaries between a change in zone require an increase of 3m to the minimum separation distance. This is likely to require a 9m setback.

The Panel is concerned that resulting built form does not give adequate consideration to key objectives of the Warringah LEP 2011 and Warringah DCP 2011 and the Apartment Design Guide.

The floorplan is deep (over 27m at points). This results in a bulky building with poor amenity to units (further discussed below).

Recommendations

1. Comprehensive site analysis (refer ADG pages 20-23) is missing and should be prepared. The site analysis might reveal substantive reasons for varying certain controls;
2. Consideration should be given to improving the residential entry, to include a more direct line of sight from the street entry to the lift, as well improving opportunities for natural light, and the provision of a fully accessible pathway from street entry to lift (that does not rely on an intermediate stair lift). Repositioning the entry into the centre of the building (between retail units) would facilitate this;
3. Building separation distances at side and rear need to respond to ADG and accommodate change in zone;

Scale, built form and articulation

The Panel notes non-compliances with Warringah LEP 2011, Warringah DCP 2011 [in particular the height exceedance of 3.1m (constituting a full storey)] and the ADG. The Panel sees little justification for a variation to these controls.

Notable ADG non-compliances include 2F Building Separation- which calls for 12m between habitable rooms/balconies -and 3F Visual Privacy – which calls for 9m between habitable and non-habitable & 6 between non-habitable rooms. This is especially problematic on level 1 at northern rear.

The ADG calls for 6m setback along the rear boundary going up to 9m where there is a change of zoning. No compelling arguments are advanced to justify such a major non-compliance. The separation distance along the side boundary to 140 Pitt Road should also be re-considered in light of the this change of zone rule.

The Panel has concerns about the viable operation and management of retail tenancies given that no provision for storage has been allowed and no provision for commercial kitchen exhaust has been made. The ground floor plan shows tables and chairs along the street frontage which would suggest that this matter has not yet been resolved. If none of the retail is envisaged for use as a café or food sale this may not be an appropriate way to inhabit the paved zone. Increasing the amount of soft-landscape along the boundary with street parking might offer better opportunities for the activation of this space.

Other ADG non-compliances need to be adequately resolved. Bedrooms in some dwellings derive the primary source of air and light from courtyards. Light wells cannot be used as the primary air source for habitable rooms. Objective 4B-2 also mandates minimum depth to width ratios of courtyards. Overlooking concerns into the courtyards (from the top floor POS areas) need to be addressed with appropriate design solutions.

Multiple units have excessive depths to living spaces, often noted as over 9m.

The cross-ventilation requirements of the building do not appear to comply with the ADG (60% of units are required but it would appear that only 45% would comply).

There is currently no light and ventilation to circulation spaces.

Multiple balcony depths do not meet the required 2.4m, limiting their amenity, particularly for 3 bedroom units. Planters are not to be included in this depth.

The lack of communal open space needs to also be addressed.

Recommendations

4. Provide a minimum 9m setback to rear;
5. Resolve side-back to east in line with ADG;
6. Ensure ADG compliance with rules governing access to light and air for all habitable spaces;
7. Ensure ADG compliance with cross-ventilation;

8. Provide light and air to common circulation;
9. Ensure useability and ADG compliance for balconies;
10. Address lack of communal open space (ADG provides offset if POS areas are made larger);

Access, vehicular movement and car parking

It is unclear how traffic is to be managed with a single lane 3m wide ramp into the basement. For this solution to perform to code it is likely to require vehicle waiting bays at both the bottom and the top of the ramp. Further detail should be sought.

The vehicle entry ramp is in close proximity to the POS of the rear units at the north-western corner of the site. This will exacerbate the effect of noise and smells from vehicles accelerating up the ramp. An ADG compliant setback at the rear and increased soft-landscape should help to ameliorate this.

Recommendations

11. Better resolve the constraints of having to locate the basement vehicle ramp in such close proximity to the living spaces and POS of dwellings that rely exclusively on the preferred northern aspect.

Landscape

The application proposes planting among the building with a blank wall screening along the eastern boundary along with creeping vines over the planter boxes and internal courtyards with natural light and materials.

The Applicant has stated in their presentation that the retention and protection of the existing neighbouring trees were a driver in the design response however, the stormwater plans show junction pits and pipes directly conflicting with the existing tree roots fall within both the structural root zone and the tree protection zone for the neighbouring trees.

The rear and western setback do not comply with the required 6m (+3m) as outlined in the ADG which then reduces dramatically the ability to provide adequate landscaping that would be in scale with a development of this size and compliance with this planning control is expected.

The current rear building configuration produces curious indentations in rear (north) façade creating narrow enclosed landscaped spaces that provide no amenity/benefit (on the ground floor this north-facing space is enclosed by solid walls on 3 sides).

Recommendations

12. The revised proposal needs to increase the side and rear setbacks to 6m (9m for rear at least) as outlined in Part 3E Deep Soil Zones of the ADG to allow adequate room for large tree planting. This will also allow the stormwater to be redesigned to avoid the structural root zones and dramatically reduce the amount of incursion to an acceptable level of less than 10% with the roots of the neighbouring trees to be retained
13. More spacious rear private open space areas should be provided to the residential units with more true, unencumbered deep soil area provided to align more with the basement outline as depicted in drawing A10.B01 of the Plans – Master Set Architectural plans.
14. A variety of tree sizes shall be included in the revised landscape design to provide adequate screening measures to the rear units and to increase the amenity for all users and residents. Currently there are only 2 x trees specified to the rear of the property with a heavy reliance on the neighbouring tree to provide screening between properties. The future of the neighbouring tree cannot be guaranteed and therefore screening, and canopy cover must be provided on the subject site.
15. Although a good tree for screening, the *Elaeocarpus eumundi* proposed along the eastern setback will very quickly grow to a width that will require continual maintenance to allow convenient passage around the side of the building. A smaller plant should be considered for this area.

16. The structural root cell proposed for the street trees is a good idea however, the cells should continue under the carparking area to allow for equal lateral growth of the roots in all directions which will enhance the growth of the trees.
17. The planters at the front of the top floor units should consider specifying a few small trees or palms to provide some more privacy to these units and to help break up the strong vertical nature of the building façade.

Amenity

No communal open space. Cross ventilation requirements of units not met (60% required but on 45% are). Greater variation in apartment mix is recommended; no 1-bedroom units are provided and the others are predominantly all 2 bedroom.

Recommendations

18. See recommendations above and below

Façade treatment/Aesthetics

The Panel commends the attention given to the architectural character and materiality of the proposal.

The nominated “Design Drivers”, Design Principles” and “Materiality Palette” appear to be well-founded and the Panel is confident that such an approach should help to deliver a building of high architectural and landscape quality.

Recommendations

19. The Panel would like to see how the design principles might be applied to better resolving some of the site and internal planning deficiencies.

Sustainability

The focus on sustainability is welcomed and supported by the Panel. Conflicts exist between what was said/presented and what is shown on the drawings. Common corridors are not ventilated and there is no natural light available either.

The solar access and natural ventilation design is good, and the apartment designs are generous. More consistency is required between the Architectural Design Statement (and design objectives overall) and the drawings/reports. This includes the following:

- The BASIX certificate nominates steel stud frame for the walls and no insulation. There must be insulation to meet NatHERS requirements, so this needs to be included that in the BASIX certificate. It is also recommended to use timber stud frames as it will perform better for embodied carbon and thermally as well.
- Potential to naturally ventilate the common corridor through a vertical ventilation path from the ground floor through the skylight
- The plans show a lot of solar panels but only 7kW nominated in the BASIX certificate. More should be committed in the design and consider connecting some of the panels direct to some of the apartments to increase solar consumption on site.
- Electric cooktops are noted but induction would perform better.
- A heat pump hot water system is in the BASIX certificate which is a great solution however it is shown on the plans in the basement. It is likely that this would need to be moved as the heat pump will require better ventilation. It could be located on the roof, providing more spatial flexibility in the basement.
- No EV charging is nominated in the plans. There will need to be electrical and services capacity for all spaces to have charging, so some spaces should be shown on the plans.

Recommendations

20. Use timber stud walls instead of steel framing;

21. Include the wall and roof insulation in the BASIX certificate;
22. Naturally ventilate the common corridor;
23. Increase the commitment of solar power in the BASIX certificate;
24. Induction cooktops are recommended instead of standard electric to reduce emissions;
25. Make sure the spatial requirements for the heat pump have been considered. The heat pump will need ventilation and therefore may need to be on the roof;
26. Include EV car charging spaces on the plans.

PANEL CONCLUSION

The Panel does not support the proposal in its current form. Changes to the design - as recommended above - are sought. This may entail a reduction in the floor area. The Panel does not support the variation to increase the height of building. The Panel refers the applicant to the Apartment Design Guide for aspects related to amenity and internal planning of apartments.