



Pre-lodgement Meeting Notes

Application No: PLM2023/0108
Meeting Date: 31 August 2023
Property Address: 142-146 Pitt Road NORTH CURL CURL
Proposal: Shop Top Housing

Attendees for Council: Julie Edwards – Planner
Mia Battisti – Student Planner
Claire Ryan – Principal Planner
Jordan Davies – Acting Development Assessments Manager
Joseph Tremonte – Senior Landscape Officer
Joné Wright - Acting Senior Environment Officer – Catchments
James Brocklebank – Traffic Engineering Coordinator
Rosemary Roche – Environmental Health Officer
Matthew Makomaski – Senior Development Engineer
Patrick Stewart – Team leader, Floodplain Planning & Response

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.



You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant

Flooding

Comment:

The site is located within Flood prone land and is burdened by a Council stormwater pipe. Councils Development Engineers and Flood Planning Engineers have reviewed the proposal and provided comments located later in the report under Specialist Advice. In summary:

Flood Engineering

A Flood Management Report (FMR) is required. The development is required to comply with the WLEP and the WDCP. The following is required, but not limited to:

- Flood modelling is required to ensure there is no adverse flood impacts of other properties in the catchment. Adverse impacts are defined in A.8 of the WDCP. Loss of flood storage must be mitigated. Building footprints in Councils adopted flood model can be amended to reflect actual existing conditions. All modelling methodology and details must be provided in the FMR and the model made available to Council. Detailed mapping must be provided including clearly identified post-development flood levels and afflux mapping for all adverse impact requirements.
- Floor levels are required to be at or above flood planning levels (FPLs). Prescriptive control C7 in E11 of the WDCP can be utilised for the first 5m of retail street frontage.
- Driveway crests and all other potential water entry points to the basement carpark are required to be at or above the FPL. Council does not accept flood gates/barriers to protect the basement.

The current design is not supported due to likely non-compliances with 5.21 of the WLEP and E11 of the WDCP.

Development Engineering

1. The development site is burdened by a 675 mm Council stormwater pipe. The pipe will require upgrading to convey flows up to the 5% AEP for the section of pipe traversing the subject property up to Council Pit SPP 03921. Modelling is to be undertaken using DRAINS software using ARR 2019 methodology, an IL-CL model, Data Hub parameters and BOM rainfall data. Provide a detailed DRAINS model to Council for perusal. The pipe alignment can be adjusted to suit the proposed development. Provide stormwater management plans and a DRAINS model.
2. Provide a minimum 3m wide drainage easement benefitting Council.
3. On site detention is not required as the site is burdened by overland flooding.

Stormwater is to be disposed from site in accordance with Council's Water Management for Development Policy Version 2 26 February 2021 and AS/NZS 3500.3:2003



Response to Matters Raised by the Applicant

Tree Retention/Removal

Comment:

Council does not support the removal of any tree of arboricultural value, especially within adjoining properties where there is no arboricultural, structural, or personal safety reason to remove a tree. The Arboricultural Impact Assessment provides adequate assessment to require that the Cooks Pine (identified as T1 and located within adjoining property) be retained and be a constraint to development such that any development works are to be arranged to preserve the Cooks Pine.

Therefore, the siting of any works involving excavation shall be determined based on arboricultural input to provide guidance of setback distances for any such excavation, and an Arboricultural Impact Assessment report shall be submitted to provide tree protection measures to ensure long term preservation of the Cooks Pine.

References to exempt species upon neighbouring properties is irrelevant and development upon the subject property shall protect all neighbouring trees and vegetation. The exempt provisions apply to private land however any development may only utilise the exempt provision for the development land owned and not any neighbouring property. The Arboricultural Impact Assessment recommendations for removal of trees within neighbouring property is not supported, and such recommendations shall be documented in the report for retention.

Vehicular Access

Comment:

Due to the narrow width of the right of way there is no opportunity to widen the driveway along the rear of the adjacent block and Council Traffic Engineers give in principle support for the use of traffic signals to manage movements into and out of the driveway.

The creation a No Parking zone north of the driveway on Playfair Road is not supported as it takes away public parking to benefit a private development and would also impact upon an adjacent property access and an existing bus stop. Widening of the driveway to create a passing bay at the rear of 142-146 Pitt Road should be explored to limit the potential for vehicle-to-vehicle conflict.

Servicing

Comment:

Without clear plans Councils Waste team are unable to provide specific comments. The requirements for waste management for developments are located in the waste management guidelines and associated chapters which can be found here <https://www.northernbeaches.nsw.gov.au/services/rubbish-and-recycling/building-waste> in the Documents section.

If the applicant has any specific questions regarding waste management for the site, the Waste Management Team are happy to discuss them directly with the applicant. Please contact Council to arrange for a member of the Waste Management team to contact the applicant.



Response to Matters Raised by the Applicant

Building Height

Comment:

Council's Principal Planner has reviewed the proposal and provided detailed Development Assessment comments under Specialist Advice of this report. In summary, the proposed height breach is not supported in the current form. While it is noted that there are other nearby developments with minor second floor elements, these do not provide a precedent for the extent of breach indicated by the submitted concept plans for the subject site. However, a second-floor element may be supported on merit subject to:

- A significant reduction to the footprint of the second floor so that it is not generally 'readable' from the public domain,
- A written request to vary the height of building development standard addressing the matters required by Clause 4.6 of the WLEP,
- Greater side and rear setbacks to meet the objectives of the WDCP and the ADG requirements. There is insufficient building separation (particularly considering the adjoining R2 land), visual privacy, landscaping (incl. deep soil), and communal open space,
- Compliance with the ADG requirements for solar access and cross ventilation. There is concern that the proposal will not comply with these particular requirements of the ADG.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

WLEP 2014 can be viewed at <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0649#dict>

Part 2 - Zoning and Permissibility

Definition of proposed development: (ref. WLEP 2011 Dictionary)	<i>Shop Top Housing</i> <i>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 facilities.</i> <i>Note—</i> <i>Shop top housing is a type of residential accommodation—see the definition of that term in this Dictionary.</i>
Zone:	E1 Local Centre
Permitted with Consent or Prohibited:	Permitted with consent

Clause 4.6 - Exceptions to Development Standards



Clause 4.6 enables the applicant to request a variation to the applicable Development Standards listed under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.

A request to vary a development Standard is not a guarantee that the variation would be supported as this needs to be considered by Council in terms of context, impact and public interest and whether the request demonstrates sufficient environmental planning grounds for the variation.

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
4.3 Building Height	8.5m	10.7m	No

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

WDCP 2011 can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DGP>

The following notes the identified non-compliant areas of the proposal only.

Part B Built Form Controls		
Control	Permitted	Proposed
Side Setback	Merit Assessment	<u>East</u> Ground and first floor – 1.8m Second floor – 3.5m <u>West</u> Ground and first floor – Nil Second floor – 3m
<u>Comment:</u> The proposed setbacks to the eastern side boundary are not supported. Please see Development Engineering and Development Assessment Comments under Specialist Advice below for full details.		
Rear Setback	Merit Assessment	Ground and first floor – 3m First floor – 6.5m
<u>Comment:</u> The proposed rear setback is not supported. Please review Development Assessment and Landscaping comments under Specialist Advice below for full details. The ADG requires larger spatial separation where adjoining a low density zone.		



Specialist Advice

Landscape

Council does not support the removal of any tree of arboricultural value, especially within adjoining properties where there is no arboricultural, structural, or personal safety reason to remove a tree. The Arboricultural Impact Assessment provides adequate assessment to require that the Cooks Pine (identified as T1 and located within adjoining property) be retained and be a constraint to development such that any development works are to be arranged to preserve the Cooks Pine.

Therefore the siting of any works involving excavation shall be determined based on arboricultural input to provide guidance of setback distances for any such excavation, and an Arboricultural Impact Assessment report shall be submitted to provide tree protection measures to ensure long term preservation of the Cooks Pine.

References to exempt species upon neighbouring properties is irrelevant and development upon the subject property shall protect all neighbouring trees and vegetation. The exempt provisions apply to private land however any development may only utilise the exempt provision for the development land owned and not any neighbouring property. The Arboricultural Impact Assessment recommendations for removal of trees within neighbouring property is not supported, and such recommendations shall be documented in the report for retention.

General Landscape comments

Shop Top Housing is to be consistent with the design quality principles outlined in State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the objectives, design criteria and design guidance outlined in the Apartment Design Guide.

Under the State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development, and specifically clause 30 Standards that cannot be used as grounds to refuse development consent or modification of development consent, part (2) (a) and (b), the design quality principles for Principle 5: Landscape, and the objectives of 3E Deep Soil Zone, 4O Landscape Design, and 4P Planting on Structures, shall be considered.

DA documentation

Landscape Plan and Arboricultural Impact Assessment.

Traffic Engineering

The Pre-lodgement proposal is for demolition of the existing shop top housing development and construction of a new shop top housing development with basement parking, ground floor shops and up to two levels of residential.

There is no detail in terms of the number or size of shops, the number or size of apartments, the number of parking spaces in the basement, the design of the basement



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parking area, the gradient and widths of the proposed driveway and vehicle access ramp. Without this detail little in the way of detailed comment can be provided.

Given the narrow width of the right of way it is infeasible to widen the driveway along the rear of the adjacent block and in principle support for the use of traffic signals to manage movements into and out of the driveway is supported. The creation a No Parking zone north of the driveway on Playfair Road is not however supported. This takes away public parking to benefit a private development and would also impact upon an adjacent property access and an existing bus stop. Widening of the driveway to create a passing bay at the rear of 142-146 Pitt Road should be explored to facilitate a passing bay on the property and limit the potential for vehicle to vehicle conflict. This would be acceptable particularly if there are low numbers of vehicle movements to and from the driveway. Signposting to provide advise to advise exiting traffic to Give Way to entering traffic at the waiting bay would be required.

There is no detail in terms of parking. Parking numbers must comply with DCP requirements and the design of the carpark must comply with AS/NZS2890.1. Driveway and access ramp gradients must also comply with AS/NZS2890.1 requirements

There is an existing footpath along the shop frontage to Pitt Road with 90 degree angle parking bays and time restricted parking. There have been issues reported in the recent past associated with the footpath width being restricted by kerbside dining activity and vehicles overhanging the footpath to an extent that did not permit access by prams/wheelchairs etc. There have also been recent incidents of vehicles mounting the kerb and impacting shopfronts. To ensure the safety of pedestrians on the footpath and any persons dining at kerbside it will be required that any development activity be completed in conjunction with widening of the footpath and installation of kerbside bollards to prevent vehicle intrusion on the footpath area and provide adequate width for kerbside dining AND pedestrians. It is noted that Council's bike plan also proposes a shared path for the Pitt Road property frontage. An approximate width of 3.5m of paved footpath area is therefore considered appropriate and achievable.

Water Management

The proposal is subject to:

- State Environmental Planning Policy (Resilience and Hazards) 2021 (clauses 2.8 and 2.12);
- Northern Beaches Water Management for Development Policy (WM Policy); and
- Relevant LEP and DCP clauses, in particular WDCP C4 Stormwater

The proposal is at concept stage and is for a mixed commercial and residential development, with a lot area that exceeds 1000sqm.

WDCP

C4 Stormwater - The requirements of this item are that stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any



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receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. Additionally, the stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

Refer to Northern Beaches Water Management for Development Policy (WM Policy) for water management requirements. The outcomes Council seeks under the WM Policy includes:

1. The integration of water sensitive urban design measures to address stormwater management;
2. Improvement of the quality of stormwater discharged;
3. Minimising impervious areas where possible, reusing rainwater and stormwater, and providing treatment measures that replicate the natural water cycle (e.g., infiltration).

Please note under the WM Policy, Table 5 – General Stormwater Quality Requirements apply. To demonstrate compliance a model, preferably Model for Urban Stormwater Improvement Conceptualisation (MUSIC), must be provided. Details of the modelling and all data files must be provided. Stormwater plans will also be required to assess this development. Refer to the Water Management for Development Policy for additional information.

Groundwater and construction dewatering

The basement parking excavation for this development is expected to interfere with groundwater and dewatering will be required. A geotechnical report that speaks to groundwater should be provided. The development is likely subject to the integrated development assessment process for construction dewatering and will need to be referred to WaterNSW.

- To undertake construction dewatering, the following approvals must be obtained from WaterNSW.
 - water supply work approval
 - water access licence (WAL) - unless the project qualifies for an exemption, please refer to the fact sheets for more information
 - water use approval
- Refer WaterNSW guidelines for dewatering construction
<https://www.waternsw.com.au/customer-services/water-licensing/dewatering>
and https://www.waternsw.com.au/__data/assets/pdf_file/0005/167279/Fact-sheet-Geotechnical-investigation-reports-Minimum-requirements-FA.pdf

The development will be subject to a Council issued dewatering permit which can be requested by contacting catchment@northernbeaches.nsw.gov.au A Council issued dewatering permit can be issued after the Development Application is successful.

Development Assessment

- The extent of the built form that exceeds the height of building development standard is not supported. It is understood that other nearby developments have minor second-floor projections, but these do not provide precedent for the extent of breach indicated by the submitted concept plans for the subject site. A second-floor element may be supported on merit subject to:



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- Significant reduction of the footprint of the breaching element, such that it is not generally 'readable' from the public domain, and
- Demonstration of the matters required by Clause 4.6 of the WLEP 2011 by way of a written request to vary the height of building development standard.
- Greater side and rear setbacks are required, with respect to both the DCP and the ADG requirements. The concept massing is not supported in this regard, with specific reference to insufficient building separation (particularly considering the adjoining R2 land), visual privacy, landscaping (incl. deep soil), and communal open space.
- Concern is raised with regard to solar access and cross ventilation to the potential units at the first floor and a portion of the second floor – it appears difficult to comply with ADG requirements as follows:
 - If apartments are to be designed to be north-south orientated for the full depth of the building massing, concern is raised that the units will be too long to provide suitable cross ventilation (see Objective 4B-3 of the ADG), and suitable access to daylight in habitable rooms (see Objective 4D-2 of the ADG), or
 - If apartments are to be designed to address either north or south, concern is raised that there will be too many south-facing units (see Objective 4A-1 of the ADG).

Environmental Health

Contaminated Lands

A phase 1 preliminary site investigation will be required to determine the potential for and likelihood of encountering contamination within the site, and to determine whether the site is suitable for the proposed land use.

A suitably qualified person will need to conduct this investigation and recommend the next steps based on the investigation results.

If a detailed site investigation is required, this must be undertaken, and the report provided with the DA. The purpose of a detailed site investigation is to determine whether a site is contaminated to a point where remediation is required to make a site suitable for a particular land use, and to delineate any areas of particular concern.

Noise

Demolition management plan to include methods to manage noise during the demolition.

An acoustic report is to be provided with the DA which address potential noise sources that may cause a noise disturbance once the development is operational. With the many residential receivers in close proximity the following will need to be considered within the acoustic report:

- Increase in vehicle movements to the rear of the subject site and potential impacts on 19 Playfair Road, 150 and 148 Pitt Road.



Specialist Advice

- Location of windows for residential units, proposed location of exhaust fan outlets, air conditioning units.
- Mitigation measures to address potential noise sources.
- Recommended construction materials to absorb/block noise from residential units and commercial/retail units.
- Apartments – consideration to the location of mechanical vents in each apartment so they don't impact noise wise on the apartments above.
- Commercial tenancies will require their own DA. If food premises were to occupy the spaces, then consideration at this stage should be given to space/void for mechanical extraction vent through the building to the roof.
- Location of services/plant room.

Development Engineering

Comments

Stormwater Assets/ Development Engineer Comments

1. The development site is burdened by a 675 mm Council stormwater pipe. The pipe will require upgrading to convey flows up to the 5% AEP for the section of pipe traversing the subject property up to Council Pit SPP 03921. Modelling is to be undertaken using DRAINS software using ARR 2019 methodology, an IL-CL model, Data Hub parameters and BOM rainfall data. Provide a detailed DRAINS model to Council for perusal. The pipe alignment can be adjusted to suit the proposed development. Provide stormwater management plans and a DRAINS model.
2. Provide a minimum 3 metre wide drainage easement benefitting Council.
3. On site detention is not required as the site is burdened by overland flooding.
4. Refer to comments from Floodplain Planning for flood related matters.
5. Stormwater is to be disposed from site in accordance with Council's Water Management for Development Policy Version 2 26 February 2021 and AS/NZS 3500.3:2003

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Clause 4.6 Variation Request
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote and a Quantity Surveyors Report
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan



- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans
- ADG report and Design Statement
- Arboricultural Impact Assessment
- Landscape Plan
- Model for Urban Stormwater Improvement Conceptualisation (MUSIC)
- Geotechnical Report
- Contaminated lands – Phase 1 preliminary site investigation
- Demolition management plan – include methods to manage noise and dust during the demolition
- Acoustic Report
- Photomontage
- BASIX Certificate and address the requirements of SEPP (Sustainable Buildings) 2022 for the non-residential component.
- BCA Report
- Access Report
- Parking and Traffic Impact Statement

IMPORTANT NOTE FOR DA LODGEMENT

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 31 August 2023 to discuss Shop top Housing at 142-146 Pitt Road NORTH CURL CURL. The notes reference the plans prepared by Warren and Mahony dated August 2023.

The application in its current concept form is not supported. It is recommended that the proposal be designed to address the concerns raised in the meeting and these notes. Once amendments to the plans have been made, Council is willing to review the plans and provide additional comments. If a further detailed design is developed and significant changes, it is recommended another PLM be submitted and the application is referred to the Design Sustainability Advisory Panel (DSAP) for further pre-lodgement advice (as the DA once lodged will be referred to the DSAP).



Concluding Comments

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.