



Minto Planning Services

Town Planning Consultants

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT

142-146 PITT ROAD, NORTH CURL CURL

**On Behalf of
Balito 1 Pty Ltd**

4th April 2024

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Demolition of Existing Structures and Construction of a Shop Top Housing Development

at

142-146 Pitt Road, North Curl Curl

Prepared under instructions from

Balito Investments P/L



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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Balito 1 P/L. The proposal seeks approval for the demolition of the existing structures followed by the construction of a shop top housing development comprising eleven (11) residential units and ground floor commercial premises comprising of five (5) retail tenancies upon land which is known as 142-146 Pitt Road, North Curl Curl.

The proposal also seeks approval for the consolidation of the subject allotments into a single development site.

In consideration of this application reference has been made to:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *State Environmental Planning Policy (Resilience & Hazards) 2021.*
- *State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*

Additional information to support this application includes:

- Survey Plan prepared by Peak Surveying Services, Job No. 23-2072, Sheet 1 of 1 and dated 31/05/2023.
- Architectural Plans, Shadow Diagrams, Overland Flow Sections, and Overlooking Sections prepared by Warren and Mahoney, Job No. 10146, Drawing No's. A00.004 to SK.305, Revision A and dated 06/12/2023.
- Architectural Design Report & SEPP No 65 Design Verification Statement prepared by Warren and Mahoney and dated April 2024.
- Landscape Plans prepared by Paul Scrivener Landscape, Job Ref No. 23/2601, Sheets 1 to 3, Issue F and dated 4/4/24.
- Arboricultural Impact Assessment Report prepared by Martin Peacock Tree Care and dated 4/4/24.
- Civil Engineering Plans prepared by Integrated Group Services, Project No. EN-N23_149, Dwg No's. C100 (Revision 02 and dated 05/12/2023) & C200 (Revision 03 and dated 05/12/2023).
- Stormwater Management Plans prepared by Integrated Group Services, Project No. EN-N23_149, Dwg No's. SW000 & SW301, Revision 02 and dated 3/4/24.
- Stormwater Management WSUD and Easement Report prepared by Integrated Group Services, Project No. EN-N23_149, Revision 2 and dated 3/4/24.
- Flood Impact and Risk Management Report prepared by Integrated Group Services, Revision 02 and dated 3/4/24.
- Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates, Ref No. 23082, Issue C and dated December 2023.

- DA Acoustic Assessment prepared by Acoustic Logic, Doc Ref. 20230587.1/286A/R0/JW, Revision 0 and dated 28/06/2023.
- Geotechnical Investigation Report prepared by Morrow Geotechnics P/L, Ref No. P2932_01 and dated 28/06/2023.
- Accessibility Assessment Report prepared by Nest Consulting Group, Ref No. 23074.1-Access, Issue 1 and dated 23/11/2023.
- Adaptable Housing Assessment Report prepared by Nest Consulting Group, Ref No. 23074.1-AS4299, Issue 1 and dated 23/11/2023.
- BCA Assessment Report prepared by Nest Consulting Group, Ref No. 23074.1-BCA, Issue 1 and dated 30/11/2023.
- Phase 1 - Environmental Site Investigation prepared by Waratah Environmental Consulting, Ref No. WEC121.PSI_v1.0 and dated 23/06/2023.
- Phase 2 - Environmental Site Investigation prepared by Waratah Environmental Consulting, Ref No. WEC121.DSI_v1.0 and dated 3/11/2023.
- Remediation Action Plan prepared by Waratah Environmental Consulting, Ref No. WEC121.RAP_v2.0 and dated 23/11/2023.
- Hazardous Materials Survey prepared by Waratah Environmental Consulting, Ref No. WEC121.HMS_v1.0 and dated 19/06/2023.
- BASIX Certificate No. 1729497M_03 and dated 2/4/24.
- BASIX Assessment Report prepared by Integrated Group Services, Revision 3.0 and dated 4/4/24.
- Waste Management Plan prepared by Dickens Solutions P/L, Ref No. 23170 and dated December 2023.
- Quantity Survey Report prepared by Construction Consultants, Job Code Q23C123 and dated 01/12/2023.
- Clause 4.6 Submission - Exception to development standard in relation to Clause 4.3 - Height of Building prepared by Minto Planning Services and dated 11/12/2023.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

As a result of that assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. THE SITE

The subject site comprises of 3 allotments of land known as 142-146 Pitt Road, North Curl Curl.

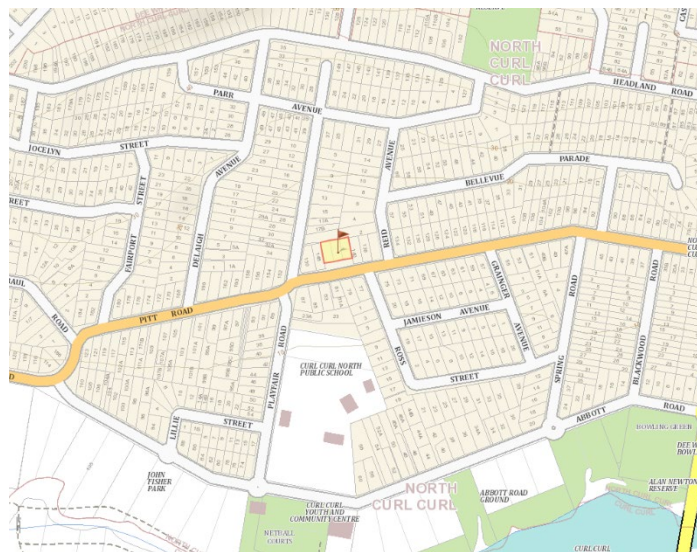
A full description of the development site is detailed below:

Land Parcel	Property description	Site area
142-146 Pitt Road	Lot 28 in DP 394337	418m ²
	Lot 29 in DP 394337	418m ²
	Lot 30 in DP 394337	418m ²
	Lot 262 in DP 1028346	45.1m ²

The subject site once consolidated will result in a rectangular shaped allotment with a site area of 1,299m².

The development site consists of rectangular shaped street front allotments and is located on the northern side of Pitt Road to the east of its intersection with Playfair Road.

The site location is depicted in the following street map extract.



Site Location Map

The subject site is a gently sloping allotment having a fall from the north eastern rear corner (RL 15.66) through to the front boundary (RL 13.72). The total fall over the site is 1.94m. Consistent with the fall of the land all collected surface water is capable of being drained to the street drainage system in Pitt Road.

Currently erected upon the site is a two storey brick mixed use building comprising of ground level commercial and first floor residential apartments. The building is located along the front southern portion with a zero setback to the front boundary and includes an awning that extends across the full width of the site. A detached timber clad shed with metal roof and comprising of a bathroom is located within the rear of the property.

The existing building is not identified as a heritage item and is not considered to have any heritage significance which would prevent its proposed demolition. The subject site is not located in a heritage conservation area.

Vehicular access to the site is currently provided by a concrete driveway within an existing right of carriageway which enters the site from Playfair Road and provides access to the rear of the property.

Vegetation upon the site is limited to areas of patches of grass within the rear of the property.

An assessment of the existing trees adjoining the site has been undertaken by Martin Peacock Tree Care and is contained within an Arboricultural Impact Assessment Report which accompanies this application.

That report has identified the following outcomes resulting from the proposal in relation to the site's existing and adjoining trees:

- There are a total of 4 trees adjoining the subject site.
- All trees located in the adjacent sites are to be retained and protected.

Subject to compliance with the recommendations of the Arboricultural Impact Assessment Report it is considered that the proposal provides an appropriate outcome in terms of tree retention.



The subject site as viewed from Pitt Road



The existing vehicular access to the subject site as viewed from Playfair Road



An aerial view of the subject sites

3. THE SURROUNDING LOCALITY

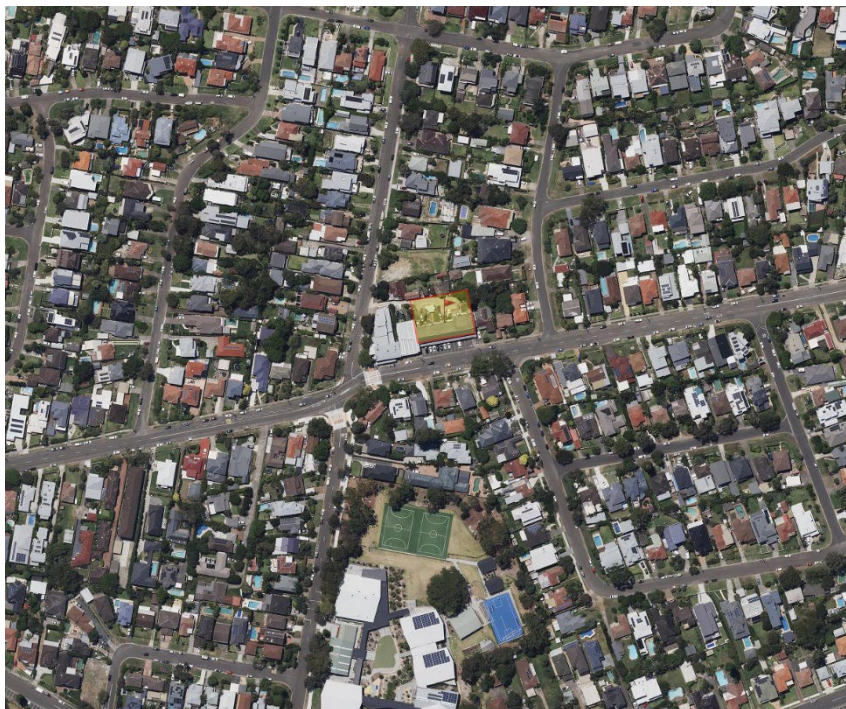
The subject property is located in a coastal residential locality comprising of a combination of traditional and recently constructed contemporary single and two storey dwellings. There are also examples of residential flat buildings within the vicinity together with other examples of shop top housing within the adjoining and nearby E1 - Local Centre zoned land.

The adjoining and nearby shop top housing developments comprise of a combination of two and three storey development, similar to that proposed by this application.

Directly adjoining the site to the east and north are a number of single storey dwelling houses.

Land located further to the south of the site is zoned RE1 and comprises of a variety of recreational uses including a number of ovals and the Curl Curl Lagoon.

The other distinguishing feature of the locality is the sites proximity to North Curl Curl Beach located to the south east of the site.



An aerial view of the subject and adjoining properties

The subject site is considered to be ideally suited to this form of development being located within walking distance of:

- North Curl Curl Beach
- Employment Zones located further to the west and
- A number of regularly serviced bus stops

4. THE PROPOSAL

The proposal seeks approval for the demolition of the existing structures followed by the construction of a shop top housing development comprising eleven (11) residential units and ground floor commercial premises comprising of five (5) retail tenancies.

The proposal also includes the consolidation of the subject allotments into a single development site.

The proposed development is to comprise of three (3) levels erected over a single level of basement.

The basement level provides parking for twenty-two (22) cars (including two accessible spaces & two visitor spaces) and sixteen (16) bicycles. A bulky waste storage, sewer pump out emergency storage, grease arrestor, hot water plant room and elec/coms cupboard are also provided at this level.

The proposed ground floor level provides for a five (5) retail tenancies fronting Pitt Road and four (4) residential units together with:

- The residential entry/common corridor and which provides lift & stair access to all levels.
- The waste storage room.
- 11 storage cages dedicated to storage for each unit.
- Bicycle parking providing 10 spaces for staff/visitors.
- A vehicle waiting bay.

The proposed development incorporates 2 x 2 bedroom, 8 x 3 bedroom and 1 x 4 bedroom units.

The composition of each of the units is:

Unit No. L00.01

Entry, laundry, bathroom, two bedrooms (main with ensuite & WIR), study nook, kitchen and living/dining.

Unit TH.02

Ground Floor

Entry, powder room, kitchen, dining/living and stairs.

First Floor

Three bedrooms (main with ensuite & WIR), laundry, bathroom and stairs.

Unit TH.03

Ground Floor

Entry, powder room, kitchen, dining/living and stairs.

First Floor

Three bedrooms (main with ensuite & WIR), laundry, bathroom and stairs.

Unit No. L0.04

Entry, study nook, WC, kitchen, pantry, living/dining, bathroom and three bedrooms (main with ensuite & WIR).

Unit No. L1.05

Entry, kitchen, pantry, living/dining, laundry, study nook and two bedrooms (main with ensuite & WIR).

Unit No. L1.06

Entry, kitchen, living/dining, WC, bathroom, laundry cupboard and three bedrooms (main with ensuite).

Unit No. L1.07

Entry, bathroom, laundry, WC, study nook, kitchen, living/dining and three bedrooms (main with ensuite & WIR).

Unit No. L1.08

Entry, laundry, study nook, WC, kitchen, living/dining, bathroom and three bedrooms (main with ensuite).

Unit No. L1.09

Entry, kitchen/dining, WC, study nook, bathroom, laundry and three bedrooms (main with ensuite).

Unit No. L2.10

Entry, WC, laundry, study nook, bathroom, three bedrooms (main with WIR & ensuite), kitchen, pantry and living/dining.

Unit No. L2.11

Entry, laundry, WC, study/office, four bedrooms (main with ensuite), kitchen, pantry, living/dining, bathroom, study nook & storage.

The development is to be sited with a zero setback from the front boundary and western side boundary. A minimum rear setback of 3m is provided to external wall. A 3m eastern side setback is provided to the external wall of the building.

It is considered that the proposed setbacks in conjunction with the proposed articulation and materials and finishes will provide for a high quality outcome for the site.

The development which is architect designed will be of masonry construction with a flat roof. The proposal is to be finished with concrete and textured bricks together with timber cladding and screens. Planter boxes are provided to the edges of the terraces which provide for additional privacy and visual interest.

Vehicular access to the site is proposed to be provided by an existing concrete driveway located within an existing 3m wide right of carriageway which enters the site from Playfair Road. A new 3m wide access ramp is proposed to provide access to the basement level with access to be controlled by a traffic signal/sign system.

In relation to the provision of car parking upon the site it is advised that a total of twenty-two (22) cars (including two accessible spaces & two visitor spaces) and sixteen (16) bicycles are proposed to be provided within the basement car park. The basement has been configured so as to allow for all vehicles to enter and leave the site in a forward direction. The proposal also includes modifications to the on-street parking to formalise the provision of one (1) accessible space and one (1) loading/refuse collection space. The depth of the on-street parking spaces has also been reduced at the request of the Council so as to provide an increased width to the adjoining footpath area.

Pedestrian access is provided via shop front entries directly from Pitt Road to each of the ground floor retail premises. Pedestrian access to the residential units is via the main building entry from Pitt Road. In addition to disabled persons access from the main pedestrian entry point, disabled persons access will be provided throughout the proposed shop top housing via the proposed passenger lift which in addition to linking all levels of the proposed building also provides access to the proposed basement car parking.

The provision of the proposed lift will ensure that disabled persons access is provided to all common facilities associated with the proposal together with the two adaptable units.

The proposal given that it comprises of 3 storeys is subject to the requirements of SEPP No.65 and the Apartment Design Guide. An assessment of the proposal against the requirements of SEPP No. 65 and the Apartment Design Guide has been undertaken by the architects and forms part of the information accompanying this application.

A Waste Management Plan has been prepared for the site by Dickens Solutions and forms part of the information accompanying this application. All waste associated with the proposal will be stored in the Waste Storage Room located at the ground floor level and the Bulky Waste Room located at the basement level, with all waste being removed from the property by a private waste contractor.

The proposed waste storage areas are considered to have been appropriately sized so as to accommodate the required waste containers for a development of this size. All commercial and residential waste and recycling will take place from Pitt Road.

The proposal also includes landscaping of the site as detailed on the accompanying landscape plan prepared by Paul Scrivener Landscape. The proposed landscape works include the planting of a number of tree species, ground cover and shrub species. It is considered that the proposed landscaping will provide for a significant improvement on the landscape character of the property.

The proposal also provides for the collection of all stormwater from built upon areas as detailed on the accompanying Stormwater Management Plans prepared by Integrated Group Services. Collected stormwater is to be discharged to street gutter in Pitt Road via a 10,000L inground rainwater tank and 7.5m³ WSUD tank in accordance with the Council's Stormwater Management Policy.

The proposal also seeks to upgrade and relocate the existing 675mm diameter Council stormwater pipe which traverses the site. A 3m wide drainage easement including a new 750mm diameter pipe is proposed along the eastern side boundary. The proposed easement will also contain the required overland flow path from the rear of the site to Pitt Road.

The development indices associated with the proposal are detailed below:

Site Area: **1,299m²**

Gross Floor Area: **2,052m²**

5. ZONING & DEVELOPMENT CONTROLS

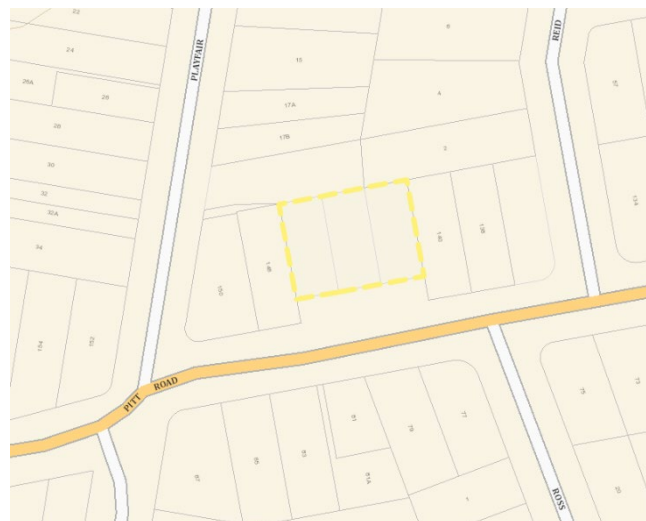
The proposed development is identified as development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Warringah Local Environmental Plan 2011.

The following is an assessment of the proposal against the relevant provisions of the Act, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and all of the relevant planning instruments and policies of Northern Beaches Council.

5.1 Planning for Bushfire Protection

The subject site is not identified as comprising bushfire prone land on Council's Bushfire Prone Lands Map.

Therefore, the provisions of Planning for Bushfire Protection do not apply to the subject application.



Extract from Council Bushfire Prone Land Map

5.2 State Environmental Planning Policy (Resilience and Hazards) 2021

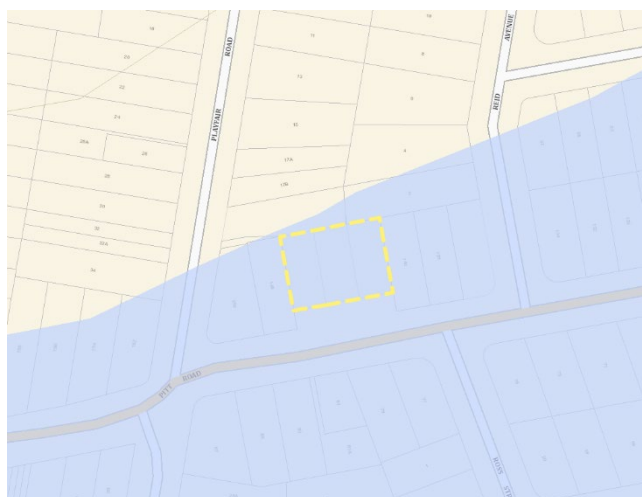
Chapter 2 - Coastal Management

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and

(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

The assessment against Part 2.2 - Division 3 and Division 5 of the SEPP below demonstrates compliance with the aims of this policy.



Extract of Coastal Environment Area Mapping

Division 3 - Coastal Environment Area

An assessment of the proposal against Section 2.10 is provided in the table below.

SEPP Requirement	Response
1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following: a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, b) coastal environmental values and natural coastal processes, c) the water quality of the marine estate (within the	<i>The proposal involves construction of shop top housing and is considered to not result in any adverse impacts on the integrity and resilience of the biophysical, hydrological and ecological environment.</i> <i>The proposal will not impact upon the coastal environment and natural coastal processes.</i> <i>The proposed shop top housing is located in a residential locality</i>

meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1, d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, f) Aboriginal cultural heritage, practices and places, g) the use of the surf zone.	<i>and is not considered to have any adverse impacts on water quality of any marine estate.</i> <i>The proposal does not seek to remove any marine or significant native vegetation and is not considered to result in any adverse impacts on native vegetation, fauna and their habitats.</i> <i>The subject site and location of proposed works will not result in any adverse impacts to public open space and safe access for members of the public.</i> <i>The site is not identified as containing land of Aboriginal Cultural Heritage.</i> <i>The proposal will not result in any adverse impact to the use of the surf zone.</i>
2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that: a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or c) if that impact cannot be minimised—the development	<i>The proposed development has been designed and sited to avoid any potential adverse impacts referred to in subsection (1).</i>

will be managed to mitigate that impact.	
3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of SEPP (Biodiversity and Conservation) 2021, Chapter 6.	<i>The SEPP (Biodiversity and Conservation) 2021, Chapter 6 does not apply to the subject site.</i>

Division 5 - General

Section 2.12

It is considered that the proposed shop top housing will not result in an increased risk of coastal hazards to the subject site, surrounding properties or foreshore area.

Chapter 4 - Remediation of land

The object of Chapter 4 is to provide a State-wide planning approach to the remediation of land and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment.

This Chapter requires that the consent authority must not consent to the carrying out of any development on land unless it has considered whether that land is contaminated and if so, whether it is suitable for a proposed development or requires remediation.

In response to the requirements of the SEPP it is advised in relation to the issue of site contamination a Hazardous Material Survey & Phase 1 - Environmental Site Investigation Report have been prepared by Waratah Environmental Consulting. The Phase 1 - Environmental Site Investigation Report provided the following within its recommendations:

With due regard for overall project objectives, the Waratah make the following recommendations:

- *A Phase 2 - Detailed Site Investigation is required to adequately characterise the quality of all fill soils onsite and subsurface groundwater conditions. Should the presence of contamination be confirmed, a remedial action plan (RAP) may be required;*
- *Any soil material designated for offsite disposal should be classified in accordance with the NSW EPA (2014) Waste Classification Guidelines;*
- *The findings and recommendations of the hazardous materials survey (Waratah, 2023) should be implemented as soon as possible;*
- *Any material imported to the site for site levelling purposes and / or the construction of landscaping areas, should be validated as virgin excavated natural material (VENM) with appropriate laboratory sampling and validation.*

On the basis of the above a Phase 2 - Environmental Site Investigation Report has been prepared by Waratah Environmental Consulting and dated 3rd November 2023. That report provided the following within its recommendations:

With due regard for overall project objectives, the Waratah make the following recommendations:

- *A Remediation Action Plan is required to guide the removal and disposal of friable asbestos impacted fill materials in the northern portion of the site, and to address identified data gaps;*
- *Following the remediation of the site, a site validation report should be prepared to detail the remediation works that have been undertaken at the site, and to confirm that the site has been rendered suitable for its intended use as a mixed-use commercial/residential building;*
- *Any soil material designated for offsite disposal should be classified in accordance with the NSW EPA (2014) Waste Classification Guidelines;*
- *Any material imported to the site for site levelling purposes and / or the construction of landscaping areas, should be validated as virgin excavated natural material (VENM) with appropriate laboratory sampling and validation.*

A Remediation Action Plan (RAP) has been prepared by Waratah Environmental Consulting and dated 3rd November 2023. That report provides the following within its recommendations:

The PSI (Waratah, 2023) identified historically imported fill soil, The DSI (Waratah, 2023a) confirmed that the fill soils in the northern portion of the site contained ACM in a bonded and friable condition.

*Waratah has identified data gaps which require addressing (refer to **Section 3.5**) and recommend that these data gaps be closed as part of the validation report. In the event that additional contamination is encountered that requires remedial or site management measures to be implemented outside the scope of this RAP, the remediation and validation details must be included in the validation report. This includes remediation and validation associated with the removal of any USTs or other buried infrastructure.*

The remediation strategy includes the capping of contaminated fill on site. This RAP also provides a contingency option for off-site disposal of contaminated fill, should the data gap investigation identify contamination which is not suitable to be capped, and/or subsequent stakeholder consultation established that this option is most preferred.

Both remedial options outlined above are considered technically achievable to implement and validate. On this basis, Waratah is of the opinion that the site can be made suitable for the proposed development provided this RAP is implemented.

A site validation report is to be prepared on completion of remediation activities and submitted to the consent authority to demonstrate that the site is suitable for the proposed development. In the event that contaminated fill is kept on site (i.e. the preferred remediation approach), an EMP will also be required as part of the validation documentation process.

The remediation works and subsequent validation reporting is required as part of the proposed works.

It is anticipated that the requirement to undertake the required remediation and subsequent site validation will form conditions of consent for this application.

On the basis of the above it is considered that the requirements of the SEPP have been addressed.

On this basis the application does not require further consideration under the SEPP.

Summary

It is my opinion based upon this assessment that the proposal satisfies the requirements of State Environmental Planning Policy (Resilience & Hazards) 2021.

5.3 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

SEPP No.65 is a State Government policy which applies to shop top housing having a height of 3 or more storeys and containing 4 or more units and as such does apply to the proposal.

The primary aim of the policy is to ensure that there is an improvement in the design quality of residential flat development. This is proposed to be primarily achieved by ensuring that in cases where the policy applies that buildings are designed by registered architects and that any design has regard to 9 design quality principles.

An Architectural Design Report addressing each of the 9 design quality principles has been prepared by the architect including an architectural design verification statement in accordance with the requirements of the SEPP. This document forms part of the information accompanying this application.

In order to achieve compliance with the design quality principles as contained within the SEPP the Government has produced an Apartment Design Guide. This document provides useful information (including design guidance/suggestions) as to ways of satisfying the design principles of the SEPP.

An assessment of the proposal against the requirements of the Apartment Design Guide has been included within the Architectural Design Report and forms part of the information accompanying this application. It is my opinion that the proposal achieves appropriate compliance with its requirements.

It is therefore my opinion that the proposal satisfies the requirements of SEPP No.65 and the Apartment Design Guide.

5.4 Warringah Local Environmental Plan 2011

The subject land is zoned E1 - Local Centre under the provisions of the Warringah Local Environmental Plan 2011.

The objectives for development within the E1 zone are:

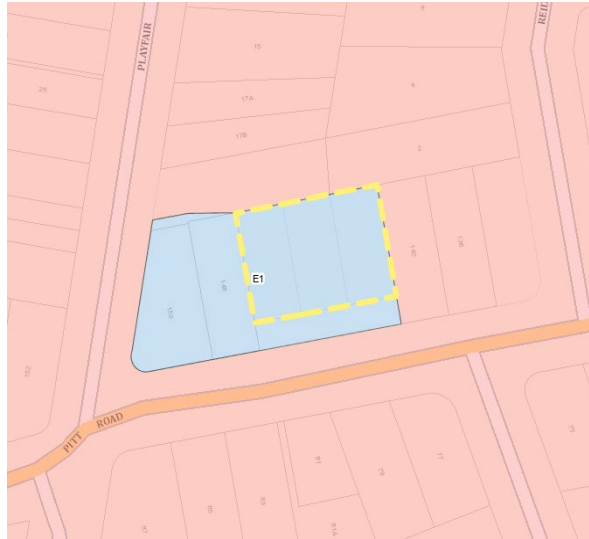
- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

Under the E1 - Local Centre zone a range of uses including that of *shop top housing* are permissible with the consent of the Council.

The LEP defines shop top housing as:

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.

The proposal which seeks to demolish the existing structures erected upon the site and to construct a new shop top housing building comprising eleven (11) dwellings and ground floor commercial premises consisting of five (5) retail tenancies upon the site satisfies the above definition and is considered to be consistent with the above objectives and is development permissible with the consent of the Council.



Extract from Council Zoning Map

The following provisions of the Warringah Local Environmental Plan 2011 are considered applicable to the subject site.

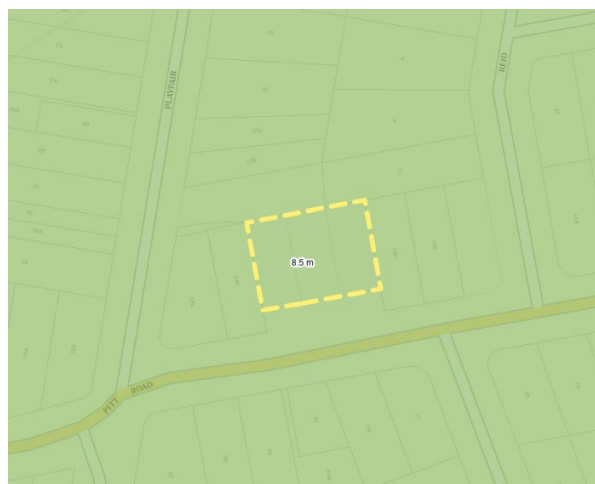
Clause 4.3 - Height of Buildings

The subject site is subject to a maximum building height control of 8.5m.

The proposal as detailed on the accompanying plans will result in a maximum building height of 11.6m and which exceeds the requirements of this clause.

The proposed non-compliance relates to the proposed lift overrun and a portion of Level 2.

A Clause 4.6 variation has been prepared in support of the non-compliance and accompanies this application. The Clause 4.6 submission is considered to be well founded and is worthy of the support of the Council.



Extract of Council Height of Buildings Map

Clause 4.4 - Floor Space Ratio

There is no FSR control under Council's LEP which is applicable to the subject site.

Clause 5.21 - Flood Planning

The subject site is identified as flood prone land and is affected by overland flows.

A Flood Impact and Risk Management Report has been prepared by Integrated Group Services and forms part of the accompanying documentation. That report within its summary provides:

IGS has completed a Site-Specific Flood Risk Management Report for the proposed development at 142 - 146 Pitt Road, North Curl Curl. Based on the available information and performed Tuflow Modelling, the following summary of recommendations is given below:

- It is recommended to take refuge within the communal space at RL 15.00m of the residence and await further instruction from SES/relevant authorities.*
- The flood planning levels mentioned in section 3 of this report and as indicated in the architectural plans by Warren and Mahoney, meet the flood planning requirements as per Warringah Development Control Plan 2011 DCP. These levels must be maintained to protect the property from flood waters.*

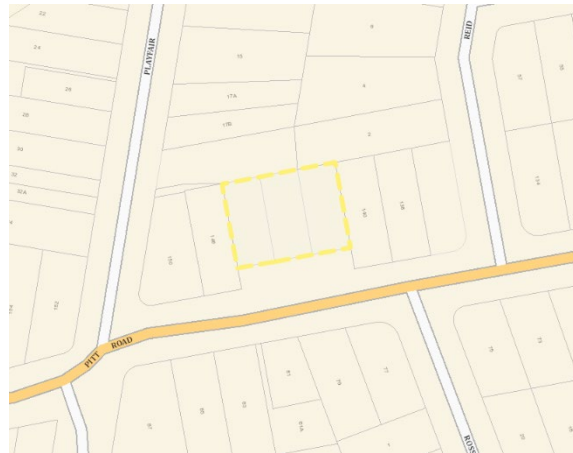
This flood impact and risk management plan has identified the flood risks associated with the site and outlined flood mitigation and management strategies that address potential risks and hazards to the occupants and structure of the building. Based on the incorporated flood planning levels and flood impact and risk management plan, we believe this development application meets all flooding and risk management requirements stipulated within the Warringah Development Control Plan 2011 and Northern Beaches council Building in Flood Prone Land Guidelines.

Based upon the findings of this report it is my opinion that there will be no unreasonable flooding impacts associated with the proposal.

Clause 5.10 - Heritage Conservation

The subject site is not identified as comprising a heritage item nor is it located within a heritage conservation area. It is not considered to have any heritage significance which would prevent the subject application from proceeding.

The proposal is therefore considered to satisfy the requirements of this Clause.



Extract from Council Heritage Map

Clause 6.2 - Earthworks

Earthworks are proposed as part of the subject application and include the construction of the proposed basement. The extent of proposed excavation associated with the proposal including setbacks is detailed on the accompanying architectural plans.

A Geotechnical Investigation Report has been undertaken for the site and is included as part of the information accompanying this application. It is considered that subject to compliance with the recommendations of their report that the proposal will not result in any unreasonable impacts.

The proposal is therefore considered to satisfy the requirements of Clause 6.2 of the LEP.

Clause 6.4 - Development on Sloping Land

The site is identified as Area 'A' on Council's Landslip Risk Map.

A Geotechnical Investigation Report has been undertaken for the site and is included as part of the information accompanying this application. It is considered that subject to compliance with the recommendations of their report that the proposal will not result in any unreasonable impacts.

Reference is also made to the accompanying Stormwater Management Plans and Report which demonstrate that the development will not cause significant impacts because of stormwater discharge from the development site and will not impact on or affect the existing subsurface flow conditions.

On the basis of the above it is my opinion that the proposal satisfies the requirements of Clause 6.4 of the LEP.



Extract of Council Landslip Map

Summary

There are no other provisions of the LEP which it is considered are relevant to the proposal.

It is my opinion based upon this assessment and subject to Council's support of the accompanying Clause 4.6 Variation, that the proposal is compliant with the aims, Warringah LEP and is therefore permissible upon the subject site with the consent of the Council.

5.5 Warringah Development Control Plan 2011

The Warringah Development Control Plan 2011 (DCP) applies to land identified in the Warringah Local Environmental Plan 2011 and applies to the subject site.

The proposal has been assessed against the requirements of the DCP particularly having regard to matters related to shop top housing.

Parts B, C, D, E & F of the DCP are considered to be specifically relevant to the proposal.

The following table provides an assessment against the relevant requirements of the DCP:

Clause	Requirements	Compliance
B6 - Merit Assessment of Side Boundary Setbacks	1. Side boundary setbacks will be determined on a merit basis and will have regard to: • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development 2. Generally, side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	A zero setback is provided to the western side boundary consistent with the existing building. A 3m eastern side setback is provided and includes landscaping. It is considered that the proposed setbacks are unlikely to result in any adverse streetscape impacts. Privacy screens and increased setbacks and planter boxes to the edges of terraces to Level 2 are provided to limit any privacy impacts to the adjoining properties.
B10 Merit Assessment of Rear Setbacks	1. Rear boundary setbacks will be determined on a merit basis and will have regard to: • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development	A 3m rear setback is provided to the ground floor and Level 1. A 6m setback to the external wall is provided to Level 2. It is considered that the proposed setbacks are unlikely to result in any adverse streetscape impacts. Privacy screens and increased setbacks and planter boxes to the edges of terraces to Level 2 are provided to limit any

Clause	Requirements	Compliance
		privacy impacts to the adjoining properties. Furthermore, the provision of mature trees to the north will protect privacy of adjoining rear properties.
C2 - Traffic, Access and Safety	Vehicle access is to be obtained from minor streets and lanes where available and practical. Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes Vehicular access to the site is proposed to be provided by an existing concrete driveway located within an existing 3m wide right of carriageway which enters the site from Playfair Road. Reference is made to the accompanying Civil Engineering Plans which includes a Driveway and Footpath Profiles plan (Dwg No. C200).
C3 - Parking Facilities	1. The following design principles shall be met: • Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.; • Laneways are to be used to provide rear access to carparking areas where possible; • Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments; • Parking is to be located so that views of the street from front windows are not obscured; and • Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or	In relation to the provision of car parking upon the site it is advised that a total of twenty-two (22) cars (including two accessible spaces & two visitor spaces) and sixteen (16) bicycles are proposed to be provided within the basement car park. The basement has been configured so as to allow for all vehicles to enter and leave the site in a forward direction. The proposal also includes modifications to the on-street parking to formalise the provision of one (1) accessible space and one (1) loading/refuse collection space.

Clause	Requirements	Compliance
	50% of the building width, whichever is the lesser. 2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account: • the land use; • the hours of operation; • the availability of public transport; • the availability of alternative car parking; and • the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles. 3. Carparking, other than for individual dwellings, shall : • Avoid the use of mechanical car stacking spaces; • Not be readily apparent from public spaces; • Provide safe and convenient pedestrian and traffic movement; • Include adequate provision for manoeuvring and convenient access to individual spaces; • Enable vehicles to enter and leave the site in a forward direction; • Incorporate unobstructed access to visitor parking spaces; • Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places; • Provide on site detention of stormwater, where appropriate; and • Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1. 4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various	Reference is made to the accompanying Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates.

Clause	Requirements	Compliance
	land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant. 5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use. 6. For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided. 7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard. 8. For Forest Way Village car parking at ground level is to be provided for individual units.	
C3(A) Bicycle Parking and End of Trip Facilities	Bicycle Parking 1 Per dwelling and 1 visitor per 12 dwellings. 1 per 200m2 GFA for retail and 1 per 600m2 GFA for retail visitors	Yes. A total of 26 bicycle space are provided in accordance with the DCP requirements. Reference is made to the accompanying Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates.

Clause	Requirements	Compliance
C4 - Stormwater	Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	Yes The proposal also provides for the collection of all stormwater from built upon areas as detailed on the accompanying Stormwater Management Plans prepared by Integrated Group Services. Collected stormwater is to be discharged to street gutter in Pitt Road via a 10,000L inground rainwater tank and 7.5m³ WSUD tank in accordance with the Council's Stormwater Management Policy. The proposal also seeks to upgrade the existing 675mm diameter Council stormwater pipe. A 3m wide drainage easement including a new 750mm diameter pipe is proposed along the eastern side boundary. The proposed easement will also provide an exit rout to the overland flow flowing towards the rear of the site. Reference is made to the accompanying Stormwater Management Plans and Stormwater WSUD and Easement Report prepared by Integrated Group Services.
C7 - Excavation and Landfill	1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation. 2. Excavation and landfill works must not result in any adverse impact on adjoining land. 3. Excavated and landfill areas shall be constructed to	Yes Excavation is proposed to accommodate a single level of basement parking and is not considered to result in adverse impacts on adjoining land.

Clause	Requirements	Compliance
	ensure the geological stability of the work. 4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment. 5. Rehabilitation and revegetation techniques shall be applied to the fill. 6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.	A limited area of fill is to be provided within the north eastern portion and will not have adverse impacts on visual and natural environments or adjoining properties. A Geotechnical Investigation Report has been submitted with the application and provides construction methodology and recommendations. It is considered that the proposed excavation satisfies the objectives and controls contained in this section of the DCP.
C8 - Demolition and Construction	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	Yes A Waste Management Plan has been prepared by Dickens Solutions P/L.
C9 - Waste Management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	Yes Waste Management Plan has been prepared by Dickens Solutions P/L. The proposed waste storage areas are considered to have been appropriately sized so as to accommodate the required waste containers for a development of this size.

Clause	Requirements	Compliance
		All commercial and residential waste and recycling will take place from Pitt Road.
D2 - Private Open Space	1. Residential development is to include private open space for each dwelling. 2. Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing A total of 10m² with minimum dimensions of 2.5 metres 3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play. 4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development. 5. Private open space shall not be located in the primary front building setback. 6. Private open space is to be located to maximise solar access.	Yes Compliant private open space is provided to each dwelling.
D3 - Noise	1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	Noted and capable of being conditioned accordingly.

Clause	Requirements	Compliance
	See also NSW Industrial Noise Policy Appendices 2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise. 3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am. 4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages. 5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.	
D6 - Access to sunlight	1. Development should avoid unreasonable overshadowing any public open space. 2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	Yes Shadow diagrams (Dwg No. A50.501) have been prepared which depict compliance with the requirements of this clause.
D7 - Views	1. Development shall provide for the reasonable sharing of views.	Yes It is considered that there will be no unreasonable view loss associated with the proposal.

Clause	Requirements	Compliance
D8 - Privacy	1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties. 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. 3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass. 4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings. 5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.	Yes The proposal has been designed to ensure the privacy of the adjoining properties is maintained. The high use living areas are orientated to either overlook the rear yard or towards the south. There are no windows to the western elevation. The windows to the eastern elevation are provided with louvred privacy screening. The proposal also provides for detailed landscaping of the site which includes planting of mature trees and planter boxes to the edges of terraces to further assist with maintaining privacy. Reference is made to the Overlooking Sections Plans (Dwg No. SK304 & SK305) within the architectural plans which details the limited extent of overlooking to the rear.
D9 - Building Bulk	1. Side and rear setbacks are to be progressively increased as wall height increases. 2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief. 3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:	Yes The proposal results in a three storey building with Level 2 provided with increased setbacks to minimise bulk and scale. The building is articulated on all facades and materials and finishes which reduce the building bulk and include the use of green roof and landscape plantings.

Clause	Requirements	Compliance
	The amount of fill is not to exceed one metre in depth. Fill is not to spread beyond the footprint of the building. Excavation of the landform is to be minimised. 4. Building height and scale needs to relate to topography and site conditions. 5. Orientate development to address the street. 6. Use colour, materials and surface treatment to reduce building bulk. 7. Landscape plantings are to be provided to reduce the visual bulk of new building and works. 8. Articulate walls to reduce building mass.	Reference is made to the accompanying Architectural Design Report which provides the following statement in relation to Built Form and Scale: <i>The Building is split into three segments with three equal parts along Pitt Road, providing a distinct legibility. This rhythm is prominently featured along the facade, contributing to a more articulated street presence, both in the upper level units, and on the retail on ground level.</i> <i>By recessing the upper level units from the street, the prominence of the lower apartment and retail facade are made more prominent. Additionally, the recessed positioning of the balconies provides a softening to the building's outline, separating the rhythm of mass at ground level and above.</i>
D10 - Building Colours and materials	1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping. 2. The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape. 3. The colours and materials used for alterations and	Yes External materials and finishes are compatible with the natural environment. The proposal is to be finished with concrete and textured bricks together with timber cladding and screens. Planter boxes are provided to the edges of the terraces which

Clause	Requirements	Compliance
	additions to an existing structure shall complement the existing external building façade. 4. The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.	provide for additional privacy and visual interest. Reference is made to Section 2.6 of the accompanying Architectural Design Report which provides a Materiality - Palette.
D11 - Roofs	1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs. 2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape. 3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas. 4. Roofs shall incorporate eaves for shading. 5. Roofing materials should not cause excessive glare and reflection. 6. Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.	Yes The proposal provides for a flat roof form which is compatible with the variety of roof forms in the locality. The lift overrun does not detract from the appearance of the building. The proposal is considered to provide for a roof design which satisfies the requirements of this section.
D12 - Glare and Reflection	1. The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours; • Minimising the lit area of signage; • Locating the light source away from adjoining	Yes The proposal will not result in unreasonable glare or reflection.

Clause	Requirements	Compliance
	properties or boundaries; and • Directing light spill within the site. 2. Any glare from artificial illumination is to be minimised by utilising one or more of the following: • Indirect lighting; • Controlling the level of illumination; and • Directing the light source away from view lines. 3. Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following: • Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones; • Orienting reflective materials away from properties that may be impacted; • Recessing glass into the façade; • Utilising shading devices; • Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and • Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.	
D13 - Front Fences and Front Walls	1. Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character. 2. Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.	N/A The proposal does not include any front fence or front walls.

Clause	Requirements	Compliance
	3. Fences located within the front building setback area are to complement the existing streetscape character. 4. Fences are to be constructed to allow casual surveillance, except where there is excessive noise. 5. Gates are not to encroach over the property boundary when opening or closing. 6. Fences should complement the architectural period of the building.	
D14 - Site Facilities	1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular: • Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection; • All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets; • Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers; • Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and • Mail boxes are to be incorporated into the front fence	Yes Waste Management Plan has been prepared by Dickens Solutions P/L. The proposed waste storage areas are considered to have been appropriately sized so as to accommodate the required waste containers for a development of this size. All commercial and residential waste and recycling will take place from Pitt Road. Mailboxes are provided to the main entry and are accessible and clearly identifiable.

Clause	Requirements	Compliance
	or landscaping design. They are to be easily accessible and clearly identifiable.	
D15 - Side and Rear Fences	1. Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary. 2. For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped. 3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.	Yes A new 1800mm high painted timber and lapped and capped fence is provided to the eastern side boundary and rear northern boundary.
D18 - Accessibility	1. The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided. 2. There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings. 3. Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces. 4. Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated. 5. There is to be effective signage and sufficient illumination for people with a disability. 6. Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.	Yes. Reference is made to the accompanying Accessibility Assessment Report & Adaptable Housing Assessment Report prepared by Nest Consulting Group.

Clause	Requirements	Compliance
	7. Access for people with a disability is to be provided at the main entrance to the development. 8. Development is to comply with Australian Standard AS1428.2. 9. Where a development comprises at least five (5) dwellings, 10% (rounded up to next whole number) of dwellings shall be capable of being adapted (Class C) under AS4299	
D20 - Safety and Security	1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance. 2. Service areas and access ways are to be either secured or designed to allow casual surveillance. 3. There is to be adequate lighting of entrances and pedestrian areas. 4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety. 5. Entrances to buildings are to be from public streets wherever possible. 6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications - Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).	Yes Reference is made to the Architectural Design Report which provides the following in relation to Design Quality Principle 7 - Safety: <i>The development has a clear delineation between private and public, which is further enhanced through its typology being Shop top housing. A dedicated residential entry along towards the east of the site allow residents a secure entry from the public domain. The organisation of the units provide passive overlooking of the street, adding to the security. All gardens are shielded from public access and access is only provided from each individual unit.</i>

Clause	Requirements	Compliance
	7. Buildings are to be designed to allow casual surveillance of the street, for example by: a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved; b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance; c) Locating high use rooms to maximise casual surveillance; d) Clearly displaying the street number on the front of the building in pedestrian view; and e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters. 8. Casual surveillance of loading areas is to be improved by: a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and b) Providing adequate day and night lighting which will reduce the risk of undesirable activity. 9. Design entrances to buildings from public streets so that: a) Building entrances are clearly identifiable, defined, lit and visible; b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development; c) Main entrances are clearly identifiable; d) Pavement surfaces and signage direct pedestrian movements; and	

Clause	Requirements	Compliance
	e) Potential conflict between pedestrians and vehicles is avoided.	
D21 - Provision and Location of Utility Services	1. If a proposed development will involve a need for them, utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage. 2. Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets. 3. Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are: a) A reduction in the number of trenches required; b) An accurate location of services for maintenance; c) Minimising the conflict between services; d) Minimising land required and cost; 4. The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses. 5. Where natural features are disturbed the soil profile should be restored and landscaping and tree planting should be sited and selected to minimise impact on services, including existing overhead cables. 6. Where utilities are located above ground, screening	Yes The proposal will be provided with connections to all required infrastructure that are essential to the development. The proposal includes a provision of a new stormwater pipe within a 3m easement to allow for an overland flow path together with a sewer diversion to the eastern portion of the site. All site services are capable of compliance with relevant controls contained within this section.

Clause	Requirements	Compliance
	devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area. 7. Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater. 8. On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.	
E1 - Preservation of Trees or Bushland Vegetation	1. When a DA required for clearing vegetation the following requirements apply: 2. Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species. 3. Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided. 4. Development must also avoid any impact on trees on public land. 5. For development applications involving the construction of new buildings and works containing	An assessment of the existing trees adjoining the site has been undertaken by Martin Peacock Tree Care and is contained within an Arboricultural Impact Assessment Report which accompanies this application. That report has identified the following outcomes resulting from the proposal in relation to the site's existing and adjoining trees: • There are a total of 4 trees adjoining the subject site. • All trees located in the adjacent sites are to be retained and protected.

Clause	Requirements	Compliance
	Classes 2-9 (BCA), the information contained in Appendix 11 is to be submitted. 6. Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan as per Appendix 12 is to be submitted. 7. Development applications which require the removal of bushland on land under the Warringah LEP 2011 must address relevant objectives and requirements of Parts E2, E3, E4, E5, E6, E7 and E8 of the Warringah DCP 2011.	
E10 - Landslip Risk	Identified on map as Area A	Yes A Geotechnical Investigation Report has been submitted.
E11 - Flood Prone Land	1. Development must comply with the prescriptive controls set out in the Matrix below. Where a property is affected by more than one Flood Risk Precinct, or has varying Flood Life Hazard Category across it, the assessment must consider the controls relevant at each location on the property. 2. Development on flood prone land requires the preparation of a Flood Management Report by a suitably qualified professional.	The subject site is identified as flood prone land and is affected by overland flows. A Flood Impact and Risk Management Report has been prepared by Integrated Group Services and forms part of the accompanying documentation. That report within its summary provides: <i>IGS has completed a Site-Specific Flood Risk Management Report for the proposed development at 142 - 146 Pitt Road, North Curl Curl. Based on the available</i>

Clause	Requirements	Compliance
		information and performed TufLOW Modelling, the following summary of recommendations is given below: • It is recommended to take refuge within the communal space at RL 15.00m of the residence and await further instruction from SES/relevant authorities. • The flood planning levels mentioned in section 3 of this report and as indicated in the architectural plans by Warren and Mahoney, meet the flood planning requirements as per Warringah Development Control Plan 2011 DCP. These levels must be maintained to protect the property from flood waters. This flood impact and risk management plan has identified the flood risks associated with the site and outlined flood mitigation and management strategies that address potential risks and hazards to the occupants and structure of the building. Based on the incorporated flood planning levels and flood impact and risk management plan, we believe this development application meets all flooding and risk management requirements

Clause	Requirements	Compliance
		<i>stipulated within the Warringah Development Control Plan 2011 and Northern Beaches council Building in Flood Prone Land Guidelines.</i> Based upon the findings of this report it is my opinion that there will be no unreasonable flooding impacts associated with the proposal.
F1 Local and Neighbourhood Centres	1. Buildings are to define the streets and public spaces and create environments that are appropriate to the human scale as well as being interesting, safe and comfortable. 2. The minimum floor to ceiling height for buildings is to be 3.0 metres for ground floor levels and 2.7 metres for upper storeys. 3. The design and arrangement of buildings are to recognise and preserve existing significant public views. 4. Development that adjoins residential land is not to reduce amenity enjoyed by adjoining residents. 5. The built form of development in the local or neighbourhood retail centre is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly above ground floor level. 6. Buildings greater than 2 storeys are to be designed so that the massing is substantially reduced on the top floors and stepped back from the street front to reduce bulk and ensure that new development does not dominate existing buildings and public spaces. 7. Applicants are to demonstrate how the following	Yes. Reference is made to the accompanying Architectural Plans and Architectural Design Report prepared by Warren and Mahoney. It is my opinion that the proposal has been designed having consideration for the requirements for Local Centres and has been described in detail in Section 2.0 of the Architectural Design Report.

Clause	Requirements	Compliance
	significant considerations meet the objectives of this control: • Scale and proportion of the façade; • Pattern of openings; • Ratio of solid walls to voids and windows; • Parapet and/or building heights and alignments; • Height of individual floors in relation to adjoining buildings; • Materials, textures and colours; and • Architectural style and façade detailing including window and balcony details 8. Footpath awnings should be designed to allow for street tree planting. 9. Awnings should be consistent in design, materials, scale and overhang with adjacent retail developments. 10. Awnings should have an adequate clearance from the kerb.	

Summary

There are no other provisions of the DCP which it is considered are relevant to the proposal.

On the basis of the above the proposal is considered to achieve appropriate compliance with the requirements of Council's DCP.

Where a variation is proposed it is considered that the proposal satisfies the objectives of the provision and that a variation is appropriate in accordance with the requirements of Section 4.15(3A)(b) of the Act.

The proposal is therefore considered to be worthy of the support of the Council.

6. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned E1 - Local Centre under the provisions of the Warringah Local Environmental Plan 2011. The proposed demolition of the existing structures followed by the construction of a shop top housing development comprising eleven (11) units and ground floor commercial premises comprising of five (5) retail tenancies with basement carparking upon land which is known as 142-146 Pitt Road, North Curl Curl is permissible with the consent of Council.

The proposal has been assessed against the objectives and provisions of the SEPP (Resilience and Hazards) 2021, SEPP No 65 and both the Warringah LEP 2011 and the Warringah Development Control Plan 2011 as detailed within this report the proposal was found to satisfy the requirements of these Policies.

A Clause 4.6 variation has been included to address the non-compliance with Clause 4.3 - Height of buildings. The Clause 4.6 variation is considered to be well founded and are worthy of the support of the Council.

Draft Environmental Planning Instruments - Section 4.15(1)(a)(ii)

There are no other environmental planning instruments or draft environmental planning instruments, which are applicable to the proposal and which have not been addressed within this report.

Impacts of the Development - Section 4.15(1)(b)

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area.

The proposed development has been designed in accordance with the requirements of the Apartment Design Guide as detailed both within this report and the accompanying Architectural Design Report.

The proposal in my opinion results in a high quality design providing generous levels of internal amenity as well as a positive contribution to the locality.

Suitability of the Site - Section 4.15(1)(c)

The subject site is zoned E1 Local Centre under the Warringah Local Environmental Plan 2011. The construction of the proposed shop top housing development is permissible with the consent of Council.

The subject site currently supports a two storey brick mixed use building comprising of ground level commercial and first floor residential apartments and in the absence of any unreasonable detrimental impact is thus considered suitable for the proposed development.

Public Interest - Section 4.15(e)

In the absence of any detrimental impacts it is considered that the proposal which provides for eleven (11) new dwellings and five (5) retail premises in a shop top housing built form consistent with the zoning of the land is in the public interest.

7. CONCLUSION

The proposed development is permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and the Warringah Local Environmental Plan 2011 and has been assessed against the requirements of Section 4.15(1) of the Act, SEPP (Resilience and Hazards) 2021, SEPP No 65 and the Warringah LEP & DCP.

In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives and the applicable prescriptive requirements of the above controls.

A Clause 4.6 variation has been included to address the non-compliance with Clause 4.3 - Height of buildings. The Clause 4.6 variation is considered to be well founded and are worthy of the support of the Council.

Where a variation is proposed to the requirements of Council's DCP it is considered that the proposal satisfies the objectives of the provision and that a variation is appropriate in accordance with the requirements of Section 4.15(3A(b) of the Act.

It is considered that the proposal will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed demolition of the existing structures followed by the construction of a shop top housing development comprising eleven (11) units and ground floor commercial premises comprising of five (5) retail tenancies with basement carparking upon land at 142-146 Pitt Road, North Curl Curl is worthy of the support of Council.



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MINTO PLANNING SERVICES PTY LTD
4th April 2024