

<b>ITEM 12.5</b>	<b>PLANNING PROPOSAL (PEX2021/0001) - 159-167 DARLEY STREET, MONA VALE</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2021/700303</b>
<b>ATTACHMENTS</b>	<b>1 Planning Proposal (Included In Attachments Booklet)</b> <b>2 Northern Beaches Local Planning Panel Advice (Included In Attachments Booklet)</b>

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## SUMMARY

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### PURPOSE

To seek endorsement from Council to reject the Planning Proposal (Attachment1) to rezone properties located at 159-167 Darley Street West, Mona Vale from R2 Low Density Residential to R3 Medium Density Residential and to amend clause 4.5A of Pittwater Local Environmental Plan 2014 (PLEP 2014) so that maximum dwelling density requirements do not apply to the site.

### EXECUTIVE SUMMARY

A Planning Proposal (PEX 2021/0001) was lodged on 14 July 2021 by Intrec Management (the Proponent) seeking to rezone properties located at 159-167 Darley Street West, Mona Vale from R2 Low Density Residential under PLEP 2014 to R3 Medium Density Residential and amend Clause 4.5A (3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale (thereby confirming that clause 4.5A does not apply to the subject site).

Council placed the Proponent's Planning Proposal on non-statutory public exhibition in accordance with the Northern Beaches Community Participation Plan from 9 August 2021 to 22 August 2021 (2 weeks).

72 public submissions were received in response to the public exhibition period. 66 submissions objected to the proposal. One submission generally supported the proposal, with a further submission being neutral and four submissions raising no objection to the rezoning but objecting to the proposed removal of the density restrictions.

Key issues raised in submissions include: lack of strategic merit, inconsistency with the character of the area, not in the interest of the local population, does not provide for any affordable rental housing and site- specific impacts such as increased traffic and parking impacts, and broader impacts on infrastructure and the environment.

The Northern Beaches Local Planning Panel considered the Planning Proposal on 6 October 2021 and indicated general agreement with Council's planning proposal report not to support the Planning Proposal and considered the application to be premature given the strategic planning initiatives being undertaken, in particular the Mona Vale Place Plan. The Panel recommended (Attachment 2):

- A. That Council not proceed with the Planning Proposal for 159-167 Darley Street Mona Vale, and not forward it to the NSW Department of Planning, Industry and Environment for a Gateway determination for the reasons set out in the assessment report.
- B. That the site be included in the Mona Vale Centre Investigation Area and the appropriateness of clause 4.5A of the Pittwater LEP 2014 for the locality be reviewed as part of the Mona Vale Centre Investigation Area investigations.

The Planning Proposal is considered to be inconsistent with the Greater Sydney Region Plan, North District Plan, Northern Beaches Local Strategic Planning Statement - Towards 2040,

Northern Beaches Local Housing Strategy, and has not demonstrated sufficient strategic merit or site-specific merit.

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## **RECOMMENDATION OF DIRECTOR PLANNING AND PLACE**

That Council:

1. Reject the Planning Proposal for 159-167 Darley Street West, Mona Vale and not forward it to the NSW Department of Planning, Industry and Environment seeking a Gateway determination for the following reasons:
    - A. The Planning Proposal is inconsistent with the provisions of the North District Plan.
    - B. The Planning Proposal is inconsistent with the provisions of Council's Local Strategic Planning Statement - Towards 2040.
    - C. The Planning Proposal does not demonstrate strategic merit or site specific merit when assessed against the NSW Planning & Environment's: A guide to preparing planning proposals.
    - D. The Planning Proposal may establish an unwanted precedent.
    - E. The Planning Proposal does not provide affordable housing in keeping with the requirements of Council's Affordable Housing Policy.
  2. As part of the Mona Vale Place Planning Process, include 159-167 Darley Street West, Mona Vale for consideration within the Centre Investigation Area (as identified within the draft Local Housing Strategy) and the appropriateness of clause 4.5A of the Pittwater LEP 2014 for the locality be reviewed as part of the Place Planning process.
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## REPORT

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### BACKGROUND

A Planning Proposal (PEX 2021/0001) for properties at 159-167 Darley Street West, Mona Vale was lodged on 14 July 2021 by Intrec Management (the Proponent).

The proposal is to:

- Rezone properties 159-167 Darley Street West, Mona Vale from R2 Low Density Residential under PLEP 2014 to R3 Medium Density Residential.
- Amend Clause 4.5A(3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale (thereby confirming that clause 4.5A does not apply to the subject site).

A Concept Plan has been prepared for the site which shows an indicative scheme for 2 residential flat buildings containing 38 apartments and 3 townhouses being provided on the site.

It is noted that the Concept Plan carries no statutory weight, and should the Planning Proposal be approved, a development application would be required for any redevelopment of the site, which could be of a substantially different form and density to the submitted Concept Plan.

Three of the properties subject to the proposal are owned by Magnolia Views Property Pty Ltd, with the remaining two properties in separate private ownership.

### Pre-lodgment meeting

A pre-lodgement meeting for the Planning Proposal was held on 9 September 2020, with the following comments provided to the Proponent.

#### Strategic & Place Planning

- Mona Vale is identified as a Strategic Centre within both the Greater Sydney Region Plan 2036 and the North District Plan. Council is undertaking technical studies to determine how to best achieve the housing and employment targets in the context of the Strategic Centre and the entire LGA.
- The North District Plan and Local Strategic Planning Statement do not specifically require the need for additional housing in the location of the subject site.
- Based on Council's preliminary research, the LGA's five-year housing target (2016-2021) under the North District Plan is 3,400 new dwellings and is likely to be met under existing planning controls without the need for unplanned uplift.
- Council's LSPS has actions for the Mona Vale strategic centre focused on place planning and revitalisation of the commercial centre as well as improvements to circulation and transportation both within the centre and in terms of access to other areas of the LGA.
- The LSPS also indicates that other studies will inform how Council is able to achieve housing, employment, and other infrastructure targets into the future.
- There is no clear link between the Northern Beaches LSPS and the provision of additional housing beyond the existing Mona Vale strategic centre. As noted above, recent research indicates that existing planning controls will be able to deliver short term targets with an emphasis on new dwellings being provided in already identified precincts such as Frenchs Forest.
- Any areas subject to uplift would be subject to the provision of affordable housing in accordance with Council's adopted Affordable Housing policy. In particular, the proposal

must provide for the delivery of the 10% rental housing target (all strategic plans and planning proposals for urban renewal or greenfield development).

- Discussion was had in relation to the possibility of introducing Additional Permitted Uses to the site to ensure that development occurs as intended by the objectives of the Planning Proposal. Council is unable to provide formal comment on the use of APUs for this site given that this matter does not form part of the pre-lodgement documents. Further discussion may be held separately for this matter.
- The proposal to remove clause 4.5A in relation to density controls for residential accommodation is not supported.
- Further, the proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zone R2 land (or other land across LGA with similar characteristics and attributes). Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners to consider rezoning under the same premises.

#### Stormwater, Floodplain Engineering

- The Proposal must show compliance with the Flood Prone Land (4.3) Direction of the Local Planning Directions under Section 9.1(2) of the Environmental Planning and Assessment Act 1979.
- The proposal would permit a significant increase in the development of floodprone land, the applicant must demonstrate that the cumulative impact of the development will not affect surrounding areas.
- The planning proposal has the potential to set a precedent for adjoining properties to upzone without the benefit of a wider housing review or the impacts to flood prone land to the northwest of the subject site.
- A comprehensive Flood Risk Assessment is required which includes:
  - 2D flood modelling of the existing flood regime for a range of design flood events up to and including the Probable Maximum Flood event
  - Flood modelling of the post construction scenario for the same design flood events up to and including the Probable Maximum Flood event
  - Afflux mapping to demonstrate the impact of the development on the flood regime, including the impact on flood depths and velocities
  - Consideration of the potential for blockage and how this will be mitigated
  - Determination of the required Flood Planning Level and resultant minimum floor level requirements for future development.
  - An assessment of the flood risk to life associated with the development including appropriate flood emergency response planning
  - Detail of any required civil works to mitigate flood risk
  - Commentary on the consistency of the proposal with Section 9.1 Direction 4.3 Flood Prone Land
  - Council is supportive of opportunities to minimise flood risk to private property and divert this flow to Darley Street if it does not impact the trafficability of the roadway in flood events.

- The Proposal would need to outline how any future Development Application on the site could comply with Council's Local Environmental Plan and Development Control Plan provisions for flood prone land.

### Site Description

The subject site (see *Figure 1*) comprises five lots in total, legally described as Lot 1-5, DP 11108 with an approximate area of 6,120m<sup>2</sup>. The site contains five single or two storey dwellings, and adjoins:

- A residential flat building to the East containing 11 units (155 Darley Street West),
- Darley Street West and Bayview Golf Course to the North,
- Detached dwellings and a residential flat building containing four units (10 Kunari Place) to the West; and
- A mix of one and two storey detached dwellings located in Park Street to the South.



*Figure 1 : Aerial photo of site and adjoining properties*





Figure 2 : 159 Darley Street West



Figure 3 : 161 Darley Street West





Figure 4 : 163 Darley Street West (double block)



Figure 5 : 167 Darley Street West



## Site Ownership

Three of the lots subject to the proposal are owned by Magnolia Views Property Pty Ltd (161-163 Darley Street West), with the remaining two properties in separate private ownership (159 Darley Street West & 167 Darley Street West).

## Proposed Amendments to PLEP 2014

The following amendments to PLEP 2014 are proposed:

- A. Rezone the site from R2 Low Density Residential to R3 Medium Density Residential



Figure 6 : Site - existing zoning





Figure 7 : Site - Proposed Zoning

- B. Amend Clause 4.5A(3) to include reference to 159-167 Darley Street West, Mona Vale (thereby confirming that clause 4.5A does not apply to the subject site):

**Clause 4.5A Density controls for certain residential accommodation**

- (1) *The objectives of this clause are as follows—*
- (a) *to achieve planned residential density in certain zones,*
  - (b) *to ensure building density is consistent with the desired character of the locality.*
- (2) *Development consent must not be granted to development for a purpose specified in Column 1 of the table to this clause on land in the zone shown opposite that development in Column 2 of that table unless the development complies with the density requirements specified in Column 3 of that table.*
- (3) *This clause does not apply to land in the Warriewood Valley Release Area and 159-167 Darley Street West, Mona Vale*

**Assessment of Planning Proposal**

The following assessment is undertaken in accordance with the NSW Department of Planning, Industry and Environment's '*Planning Proposals: A Guide to Preparing Planning Proposals*'.

The Planning Proposal seeks to amend Pittwater Local Environmental Plan 2014 to enable the site to be developed for medium density housing.

A Concept Plan has been prepared for the site to indicate up to 41 dwellings (three townhouse and 38 apartments) (See Figure 8).



Figure 8 : Concept Plan (BLDA=20 units ; BLDB = 18 units ; BLD B,C & D = 3 townhouses )

## Part 2 – Explanation of Provisions

The site is currently zoned R2-low density residential under PLEP 2014, and the construction of multi-dwelling housing and residential flat buildings are not consistent with the objectives of this zone and are prohibited uses.

The proposal seeks to permit the development of multi-dwelling housing and residential flat buildings on the site by rezoning the site from R2 Low Density Residential to R3 Medium Density Residential. Both multi-dwelling housing and residential flat buildings are permissible with consent under the R3 Medium Density Zone within PLEP 2014.

Density controls also exist for the development of certain residential accommodation within the R3 zone under Clause 4.5 of PLEP 2014 that restrict the density of development to a maximum of one dwelling per 200 square metres of site area.

The proposal also seeks to amend Clause 4.5A(3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale (thereby confirming that clause 4.5A does not apply to the subject site).

Specifically, the proposed outcome of the planning proposal will be achieved by:

- Amending PLEP 2014 Land Zoning Map Sheet 12 for 159-167 Darley Street West, Mona Vale



in accordance with Figure 7.

- Amending clause 4.5(3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale and thereby confirming that clause 4.5A does not apply to the site.

A Concept Plan has been prepared for the site showing two apartment buildings comprising 38 apartments plus three townhouses, equating to 41 dwellings with a density of approximately one dwelling per 149 square metres.

However, it is noted that the Concept Plan carries no statutory weight and should the Planning Proposal be approved in its current form, a development application would be required for the site, which could be of a substantially different form and density to the submitted Concept Plan.

### **Part 3 – Justification**

#### **Section A – Need for the Planning Proposal**

##### **1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, Strategic Study or report?**

The Planning Proposal is not the result of any endorsed Local Strategic Planning Statement (LSPS), strategic study or report. Whilst Councils LSPS identifies an area of 1.5km around the Mona Vale centre to investigate medium density housing, a key principle is also to locate a greater diversity of housing and affordable housing options within reasonable walking distance (800m) of high-frequency public transport. The mechanism to further explore the location, demand and type of dwelling is Councils Local Housing Strategy (LHS) and preparation of the Mona Vale Place Plan.

Action 15.1 of the LSPS is for Council to prepare and implement a LHS. Council adopted the LHS on 27 April 2021. The endorsed LHS does not consider the site for medium density housing.

Action 27.1 of the LSPS is for Council to prepare a place plan for Mona Vale and develop LEP and DCP controls to respond to LEP studies and support the revitalisation of the centre. Council is about to commence the preparation of a place plan for Mona Vale.

##### **2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The objective of the Planning Proposal is to provide additional medium density housing within the vicinity of the Mona Vale town centre via a spot rezoning. Spot rezonings are not the best means of achieving the intended outcomes of providing a mix and diversity of housing to meet the needs of the local community whilst considering the unique character and impacts on infrastructure to support any proposed growth.

The best and most orderly way to explore and outline Council's approach to managing the location, type, and amount of new housing to meet the needs of the Northern Beaches community to 2036 is through Councils LHS and Place Planning of the Mona Vale area.

#### **Section B - Relationship to Strategic Planning Framework**

##### **3. Will the planning proposal give effect to the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy?)**

###### **a) Does the proposal have strategic merit?**

Mona Vale is identified as a Strategic Centre within both the *Greater Sydney Region Plan 2036* and the *North District Plan*. In these documents, strategic centres are the focus of housing, employment, and transportation. As per the District Plan, Mona Vale strategic centre is a mixed-use area including retail, commercial, community, light industrial and residential uses.

In both the Regional and the District plans, the focus for this centre is in its commercial and retail function including a job target of between 700-1700 jobs by 2036. A 0–5-year housing target of 3,400 dwellings is also provided in the North District Plan, with each Council to also develop 6-10 housing targets through its LHS and demonstrate capacity for steady housing supply.

The Northern Beaches Council's LSPS (Towards 2040) was made by the Chief Executive Officer under delegated authority based on Council's resolution 25 February 2020 and a letter of support from the Greater Sydney Commission (GSC) for consistency with the Greater Sydney Region Plan and North District Plan. This new planning document sets out a 20-year vision for land use in the area.

Councils LSPS and LHS (adopted at the Council meeting of 27 April 2021) is the mechanism to provide a locally relevant response to the Greater Sydney Region Plan and District Plan housing targets. The LSPS identifies the need to prepare a LHS and a Place Plan for Mona Vale.

The LHS applies the principles of Towards 2040 and aims to build in long term capacity for growth around centres with good transport, whilst respecting each centre's scale and character and increasing housing diversity and affordability.

It considers trends in terms of population growth and change; household size and mix; issues such as affordability, sustainability and building resilience; and housing diversity, including housing types such as boarding houses, seniors housing and social and affordable housing.

The LHS identifies that we will need to accommodate around 12,000 new homes by 2036 to provide for population growth. Analysis shows we generally have the capacity under existing planning rules to provide for these new homes, without having to make major changes to our existing planning controls for most of the Council area. The shortfall between what is needed and what is possible (i.e., the gap that we must plan for to 2036) within current controls is 275 dwellings.

However, Council still needs to provide for a diversity of dwelling types to meet local needs and to enable Council to seek exemption from housing-related State Environment Planning Policies, which have in the past resulted in ad-hoc development with poor environmental planning outcomes.

The LHS outlines options to achieve this goal, including the identification of Centre Investigation Areas within an 800-metre radius of nominated centres, Mona Vale being one of them (the others being Brookvale, Dee Why, Manly Vale & Narrabeen). This work will be subject to separate precinct-based master-planning and community consultation. Council has State Government funding to begin the Mona Vale Place Plan (which will incorporate the investigation area), which will commence shortly and will consider the development potential of that area, including the appropriate level of new development that can be accommodated, and demands for local infrastructure.

The Proposal is both outside of the Mona Vale investigation area and is inconsistent with the intent of master-planning, which is to consider the area, reflecting upon the unique character of the area and potential infrastructure required to support any growth.

Further, Council's LHS identifies a significant undersupply of affordable housing on the Northern Beaches to support key and essential workers, and through Councils adopted Affordable Housing Policy aims for the provision of 10% affordable rental housing in areas subject to urban renewal (areas of zoning uplift). This is reinforced through Council's LSPS, which contains several principles and actions in relation to social and affordable housing, including seeking a minimum of 10 per cent affordable rental housing to be included in new planning proposals, consistent with Council's existing Affordable Housing Policy.

The Proposal does not provide for the provision of any affordable rental housing and is inconsistent with Councils affordable housing policy and LHS.



The North District Plan, LSPS and LHS do not specifically require the need for additional housing in the location of the subject site. Further the Proponent has not demonstrated why this planning proposal should be progressed ahead of the Mona Vale Place Plan and without the demonstrable strategic need for additional housing of this form in this location.

It is therefore considered that the Proposal does not have strategic merit.

Greater Sydney Region Plan – A Metropolis of Three Cities

The proposal's consistency with the relevant objectives of the *Greater Sydney Region Plan* is detailed within Table 1.

Relevant Planning Priorities	Consistency
<b>Housing the City</b> Objective 10 – Greater housing supply	<p>The proposal will support residential uses on the site; however, the objective is to support new housing in the right location and must be co-ordinated with local infrastructure.</p> <p>The site is not the right location for additional medium density housing such as residential flat buildings, which needs to be planned for with consideration of the broader character of the area and impacts on infrastructure to support any proposed growth.</p> <p>As identified above, Council's LHS identifies an area within 800 metres of the Mona Vale centre as an area for future investigation. This will be subject to separate precinct-based master-planning and community consultation work, to be done via the Mona Vale Place Plan. The site is not located within the 800-metre investigation area.</p> <p>Work on the Mona Vale Place Plan (which will incorporate the investigation area) will be starting soon and will take into consideration the area, including the appropriate level of new development that can be accommodated and impacts on local infrastructure.</p> <p>Any increase in density in the R3 zone under the LEP should also be considered holistically in the context of the proposed precinct-based review being undertaken by Council in the Mona Vale Centre Investigation Area.</p>
Objective 11 – Housing is more diverse and affordable	<p>The objective is to provide diverse housing choices, particularly in the form of additional affordable rental housing.</p> <p>Councils affordable housing policy requires areas of urban renewal (areas of zoning uplift) to provide 10% affordable rental housing.</p> <p>This is reinforced through Council's LSPS, which contains several principles and actions in relation to social and affordable housing, including seeking a minimum of 10 per cent affordable rental housing to be included in new planning proposals</p> <p>The Proposal does not include for the provision of any affordable rental housing (increasing the density to provide a</p>

	variety of dwelling sizes does not increase the provision of affordable rental supply) and is inconsistent with Council's affordable housing policy, LSPS and Objective 11.
<b>A well-connected city</b>  Objective 14 - Integrated land use and transport creates walkable and 30-minute cities	<p>To achieve a 30-minute city the integration of land use and transport planning is required to create walkable cities.</p> <p>Council's adopted position within its LHS for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This area has been identified as the most appropriate location within a walkable distance to services, jobs, and public transport.</p> <p>This work is to be a separate precinct-based place-planning process and will take into consideration the impacts on local infrastructure, including transport.</p> <p>The Planning Proposal to change the zoning and alter the density to significantly increase the number of dwellings on this site, which is located outside of the 800-metre investigation area, is inconsistent with Council's adopted Local Housing Strategy and considered inconsistent with Objective 14.</p>

Table 1 : Consistency with relevant priorities in the Greater Sydney Region Plan

#### North District Plan

The proposals consistency with the relevant objectives of the *North District Plan* is detailed within Table 2.

Relevant Planning Priorities	Consistency
<b>Housing the city</b> Planning Priority N5 – Providing housing supply, choice, and affordability, with access to jobs, services, and public transport	<p>The objective is to support new diverse housing (such as terrace and villa homes that provide increased housing options) in the right location and must be coordinated with local infrastructure.</p> <p>Priority N5 identifies that councils are in the best position to investigate and confirm which parts of their local government area are suited to additional medium density opportunities (particularly for infill development) through the preparation of local housing strategies.</p> <p>Priority N5 also sets five-year housing targets for the Northern Beaches area and stipulates that each council is to develop 6-10 housing targets through its LHS and demonstrate capacity for steady housing supply.</p> <p>As detailed above, Council's adopted LHS identifies that Council generally has capacity under existing planning rules to provide for these new homes. However, Council needs to provide for a diversity of dwelling types to meet demand, and to enable Council to seek exemption from housing-related State Environment Planning Policies,</p> <p>One of these options is the identification of an area within 800 metres of the Mona Vale centre as an area for</p>



	<p>investigation. This will be subject to separate precinct-based place-planning and community consultation work, to be done via the Mona Vale Place Plan.</p> <p>Work on the Mona Vale Place Plan (which will incorporate the investigation area) will be starting soon and will take into consideration the appropriate level of new development that can be accommodated and impacts on local infrastructure.</p> <p>Priority N5 also identifies the requirement for councils to prepare affordable Rental Housing Target Schemes following development of implementation arrangements.</p> <p>In addition to Council's LSPS &amp; LHS a key element of Council's Affordable Housing Policy is the inclusion of the Northern Beaches LGA in State Environmental Planning Policy No.70 (SEPP70). SEPP 70 enables Councils to include affordable rental housing requirements in Local Environmental Plans (LEPs) in areas subject to zoning "uplift" through an affordable housing contribution scheme.</p> <p>Council has developed a draft affordable housing contribution scheme, which will allow the collection of developer contributions to provide affordable housing either as complete dwellings or as an equivalent monetary contribution. The scheme will initially apply to the Frenchs Forest Planned Precinct and a site subject to a rezoning proposal in Narrabeen. It will be extended to other land that is subject to increases in residential density in the future.</p> <p>The proposal does not provide for the provision of any affordable rental housing and is inconsistent with Councils affordable housing policy, LSPS and Priority N5</p>
<p><b>A well-connected city</b></p> <p>Planning Priority N12 – Delivering integrated land use and transport planning and a 30-minute city</p>	<p>To achieve a 30-minute city the integration of land use and transport planning is required to create walkable cities.</p> <p>Councils adopted position within its LHS for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This area has been identified as the most appropriate location within a walkable distance to services, jobs, and public transport.</p> <p>This work is to be a separate precinct-based place-planning process and will take into consideration the impacts on local infrastructure, including transport.</p> <p>The Planning Proposal to change the zoning and alter the density to significantly increase the number of dwellings on the site, which is outside the 800-metre investigation area, is inconsistent with Council's adopted Local Housing Strategy and considered inconsistent with Planning Priority N12.</p>

<p><b>A resilient city</b></p> <p>Planning Priority N22 - Adapting to the impacts of urban and natural hazards and climate change</p>	<p>Effective planning can reduce exposure to natural and urban hazards, with growth and change to be considered at the local level, taking into consideration cumulative impacts.</p> <p>The site is identified as flood affected, with the Planning Proposal showing general compliance with planning on flood affected land. A full assessment however cannot be undertaken until a more detailed application is lodged.</p>
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Table 2 : Consistency with relevant priorities in the North District Plan

**4. Does the proposal have site-specific merit, having regard to the following?**

<p>The natural environment (including known significant environmental values, resources, or hazards).</p>	<p><u>Flooding</u> The subject site is affected by Low Risk and Medium Risk flood hazards in accordance with Council's Flood Hazard Map adopted in 2019. Council notes the Planning Proposal generally meets the flood controls in the LEP and DCP, however has not addressed the most recent Ministerial direction 4.3 (flood prone land - released on 14 July 2021). Council however considers it generally consistent with Direction 4.3, however a full assessment cannot be undertaken until a more detailed development application is lodged and would be subject to approval by the development engineers.</p> <p><u>Biodiversity</u> The Ecological Assessment has concluded that the subject site contains a total of 0.23 ha of native vegetation, of which, 0.13 ha is indicated to be impacted. It is recommended that any future development design maximises efforts to avoid/ minimises impacts to the biodiversity values of the site and locality, including Pittwater Spotted Gum Forest.</p> <p>From the information supplied it is hard to determine the number of native trees proposed for removal, and whether it would be compliant with the DCP controls in relation to removal of tree canopy. An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries.</p>
<p>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.</p>	<p>The site is zoned R2 low density residential.</p> <p>Councils LHS identifies an area within 800 metres of the Mona Vale centre as an area for investigation for additional housing diversity and density.</p> <p>Whilst Council will be beginning work on the Mona Vale Place Plan soon (which will incorporate the investigation area), it will apply the LHS adopted Centre Renewal Framework for this work. This identifies the outer zone of the investigation area as an area suitable for housing that matches the character of existing detached housing, such as dual occupancy, terraces, semi-detached</p>



	<p>dwellings, or manor homes.</p> <p>The subject site is not within the identified centre investigation area, and the proposal is for a Concept Plan with two apartment buildings in addition to three town houses.</p> <p>The proposal is inconsistent with the likely future uses of land in the vicinity of the proposal.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p>	<p>Work on the Mona Vale Place Plan (which will incorporate the investigation area identified within the LHS) will be starting soon and will take into consideration the centre investigation area as identified within the LHS.</p> <p>Planning for infrastructure to support proposed growth will be a key element of this work, and will consider potential impacts on local infrastructure, including transport, traffic, environmental sustainability, and climate change. The need for new infrastructure will also be informed by other Council strategies, such as the social infrastructure study, open space and recreation strategy, and a land use and infrastructure implementation plan.</p>

Table 3 : Commentary on site specific merit

## 5. Will the planning proposal give effect to a council's local strategy or other local strategic plan?

Councils LSPS contains four priorities related to housing as shown in *Table 4*.

Relevant Planning Priorities	Comment
<p><u>Open Space</u></p> <p>Priority 6 - High quality open space for recreation</p>	<p>A key principle is to locate all new residential development within 400m of open space and all high-density areas within 200m of open space.</p> <p>The site is opposite the Bayview Golf Course, and within 200m of additional areas zoned RE1.</p>
<p><u>Housing</u></p> <p>Priority 15 – Housing supply, choice, and affordability in the right locations</p>	<p>A key principle is to locate a greater diversity of housing and affordable housing options within reasonable walking distance (800m) of high-frequency public transport.</p> <p>A key action to deliver on the priority is to prepare and implement a local housing strategy.</p> <p>The Proposal is not within 800 metres of the B-line stop, or the area for investigation as identified within the LHS.</p>
<p>Priority 16 – Access to quality social housing and affordable housing</p>	<p>To ensure an available supply of affordable rental housing and provide for a minimum of 10% affordable rental housing for all planning proposals for upzoning.</p> <p>The Proposal does not provide for any affordable rental housing in accordance with this priority or Councils</p>

	affordable housing policy.
<b><u>Jobs and skills</u></b> Priority 27 – Prepare a place plan for Mona Vale and develop LEP and DCP controls to respond to LEP studies and support the revitalisation of the centre.	<p>Priority 27 of the document recognises Mona Vale as the contemporary, urban heart of the north. Actions for this strategic centre focus on place planning and revitalisation of the commercial centre as well as improvements to circulation and transportation both within the centre and in terms of access to other areas of the LGA.</p> <p>The LSPS indicates that other studies will inform how Council is able to achieve housing, employment, and other infrastructure targets into the future.</p> <p>There is no clear link between the Northern Beaches LSPS and the provision of additional housing beyond the existing Mona Vale strategic centre. As noted above, this will be investigated through work on the Mona Vale Place Plan (which will incorporate the investigation area identified within the LHS), which will be starting soon and will take into consideration the area.</p>

Table 4 : Consistency with Towards 2040

Further, the LSPS identifies an area of 1.5km around the Mona Vale centre to investigate medium density housing, which will be further explored through the preparation of a LHS, with the key principle being to locate a greater diversity of housing and affordable housing options within reasonable walking distance (800m) of high-frequency public transport.

Councils adopted LHS, applies the principles of Towards 2040 and aims to build in long term capacity for growth around centres with good transport, whilst respecting each centres scale and character and increasing housing diversity and affordability.

As detailed above, the LHS looks at the housing mix in the Northern Beaches today, and the kind of housing that will be needed in the future. It considers trends in terms of population growth and change; household size and mix; issues such as affordability, sustainability and building resilience; and housing diversity, including housing types such as boarding houses, seniors housing and social and affordable housing.

The adopted position for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This work is to be a separate precinct-based place-planning process involving community consultation. Council has State Government funding to begin the Mona Vale Place Plan (which will incorporate the investigation area), which will be starting soon and will take into consideration the area, including the appropriate level of new development that can be accommodated, including the impacts on local infrastructure.

The Proposal is both outside of the Mona Vale investigation area and is inconsistent with the intent of master-planning, which is to consider the area, reflect on the unique character of the area and circumstances and impacts on infrastructure to support any proposed growth.

In consideration of the above, the documents submitted by the proponent have not demonstrated why this planning proposal should be progressed ahead of the completion of the Mona Vale Place Plan.

Further, the proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zone R2 land (or other land across LGA with similar characteristics and attributes). Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners to consider rezoning under the same premise.



It is therefore considered the Proposal does not have site specific or strategic merit.

## **6. Is this Planning proposal consistent with applicable State Environmental Planning Policies?**

### **SEPP 55 – Remediation of Land**

The Proposal includes a Concept Plan for the potential development of two residential flat buildings containing 38 apartments and three townhouses. SEPP 55 would apply should a development application be submitted. Matters for consideration are included within Ministerial Direction 2.6 detailed within section 6.

### **SEPP 65 – Design Quality of Residential Apartment Development**

The Proposal includes a Concept Plan for the potential development of two residential flat buildings containing 38 apartments and three townhouses.

It is noted that the Concept Plan carries no statutory weight, and should the Planning Proposal be approved in its current form, a development application would be required for the site, which could be of a substantially different form and density to the submitted Concept Plan.

SEPP 65 would apply should a development application be submitted.

### **SEPP 70 - Affordable Housing (Revised Schemes)**

The Proposal does not provide any affordable rental housing.

SEPP 70 identifies the need for affordable housing across the whole of the State and enables councils to include affordable rental housing requirements in Local Environmental Plans in areas subject to zoning “uplift” through an affordable housing contribution scheme.

Council has developed an affordable housing contribution scheme, which allows the collection of developer contributions to provide affordable housing either as complete dwellings or as an equivalent monetary contribution, consistent with Council’s affordable housing policy for areas of urban renewal (areas of zoning uplift) to provide 10% affordable rental housing

The Scheme is to apply initially to the Frenchs Forest Planned Precinct and a site in Narrabeen, however, may be extended to other areas that are rezoned or are subject to increases in residential density in the future. Each area will be subject to separate feasibility analysis to determine the required contribution rate.

The proposal does not provide any affordable rental housing and is inconsistent with Council’s affordable housing policy and intention of SEPP 70 to enable the provision of additional affordable rental housing within the Northern Beaches LGA.

### **SEPP (Building Sustainability Index: BASIX) 2004**

The Proposal includes a Concept Plan for the potential development of two residential flat buildings containing 38 apartments and three townhouses.

It is noted that the Concept Plan carries no statutory weight and should the Planning Proposal be approved in its current form, a development application would be required for the site, which could be of a substantially different form and density to the submitted Concept Plan.

SEPP BASIX would apply should a development application be submitted.

<b>SEPPs</b>		<b>Applicable</b>	<b>Consistent</b>
1	Development Standards		
19	Bushland in Urban Areas	No	N/A
21	Caravan Parks	No	N/A

33	Hazardous and Offensive Development	No	N/A
36	Manufactured Home Estates	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	No	N/A
55	Remediation of Land	Yes	Would apply should a development application be submitted.
64	Advertising and Signage	No	N/A
65	Design Quality of Residential Apartment Development	Yes	Would apply should a development application be submitted.
70	Affordable Housing (Revised Schemes)	Yes	No – The proposal does not provide any affordable rental housing.
	(Aboriginal Land) 2019	No	N/A
	(Affordable Rental Housing) 2009	No	N/A
	(Building Sustainability Index: BASIX) 2004	Yes	Would apply should a development application be submitted.
	(Coastal Management) 2018	Yes	Would apply should a development application be submitted.
	(Concurrences) 2018	No	N/A
	(Education Establishments and Child Care Facilities) 2017	No	N/A
	(Exempt and Complying Development Codes) 2008	Yes	Would apply should the Planning Proposal be approved.
	(Gosford City Centre) 2018	No	N/A
	(Housing for Seniors or People with a Disability) 2004	No	N/A
	(Infrastructure) 2007	No	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
	(Miscellaneous Consent Provisions) 2007	No	N/A
	(Penrith Lakes Scheme) 1989	No	N/A
	(Primary Production and Rural Development) 2019	No	N/A
	(State and Regional Development) 2011	No	N/A
	(State Significant Precincts) 2005	No	N/A
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non-Rural Areas) 2017	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
Sydney Regional Environmental Plans (Deemed SEPPs):			
8	(Central Coast Plateau Areas)	No	N/A
9	Extractive Industry (No 2 -1995)	No	N/A
16	Walsh Bay	No	N/A
20	Hawkesbury – Nepean River (No 2 – 1997)	No	N/A

24	Homebush Bay Area	No	N/A
26	City West	No	N/A
30	St Marys	No	N/A
33	Cooks Cove	No	N/A
	(Sydney Harbour Catchment) 2005	No	N/A

Table 5 : Compliance with State Environmental Planning Policies (SEPPs)

## 7. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

### Direction 2.6: Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

A Preliminary Site Investigation (PSI) and Preliminary Acid Sulfate Soil Assessment (PASSA) was undertaken and prepared by the proponent which identifies that the land is not located within an investigation area, activities listed in Table 1 of the draft Contaminated Land Planning Guidelines have not been known to have been carried out on the site; the site has been used and occupied by residential development for over 50 years and the land is suitable, or can be made suitable, for the proposed medium density use subject to the implementation of recommendations of the report at the Development Application Stage.

### Direction 3.1: Residential Zones

The objectives of this direction are:

- to encourage a variety and choice of housing types to provide for existing and future housing needs,
- to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- to minimise the impact of residential development on the environment and resource lands.

The proposed amendments are to provide for medium density development.

As outlined above, a Concept Plan has been prepared for the site which includes the potential construction of two residential flat buildings containing 38 apartments and three townhouses.

Council notes that the Concept Plan carries no statutory weight, and should the Planning Proposal be approved, a development application would be required for the site, which could be of a substantially different form and density to the submitted Concept Plan.

Councils adopted position within its LHS for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This work is to be a separate precinct-based place-planning process involving community consultation. Council has State Government funding to begin the Mona Vale Place Plan (which will incorporate the investigation area), which will be starting soon and will take into consideration the area, including the appropriate level of new development that can be accommodated, including the impacts on local infrastructure.

The Proposal is both outside of the Mona Vale investigation area and inconsistent with the intent of master-planning, which is to consider the area, reflect on the unique character of the area and circumstances and impacts on infrastructure to support any proposed growth.

Any increase in density in the R3 zone under the LEP should also be considered holistically in the context of the proposed precinct-based review being undertaken by Council in the Mona Vale Centre Investigation Area.



Councils LHS is the most appropriate mechanism to broaden (where required) the choice of building types and locations available in the housing market in the Northern Beaches today, and the kind of housing that will be needed in the future.

The proposal is therefore considered to be inconsistent with the objectives of Direction 3.1.

#### **Direction 3.4: Integrating Land Use and Transport**

*The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*

- a) improving access to housing, jobs and services by walking, cycling and public transport, and
- b) increasing the choice of available transport and reducing dependence on cars, and
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) supporting the efficient and viable operation of public transport services, and
- e) providing for the efficient movement of freight.

Councils adopted position within its LHS for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This area has been identified as the most appropriate location within a walkable distance to services, jobs, and public transport.

This work is to be a separate precinct-based master-planning process and will take into consideration the impacts on local infrastructure, including transport.

The Planning Proposal seeks to change the zoning and alter the density to significantly increase the number of dwellings on the site, is outside of the investigation area and is inconsistent with Councils adopted Local Housing Strategy and considered inconsistent with Direction 3.4.

#### **Direction 4.3 Flood Prone Land**

The Proposal must show compliance with the Flood Prone Land (4.3) Direction of the Local Planning Directions under Section 9.1(2) of the Environmental Planning and Assessment Act 1979.

Under this direction, the following applies:

*A planning proposal must include provisions that give effect to and are consistent with:*

- a) the NSW Flood Prone Land Policy,
- b) the principles of the Floodplain Development Manual 2005,
- c) the Considering flooding in land use planning guideline 2021, and
- d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.

Council notes the Planning Proposal has not addressed the most recent direction (released on 14 July 2021). Council however considers it generally consistent with Direction 4.3, however a full assessment cannot be undertaken until a more detailed development application is lodged.

#### **Direction 5.10 - Implementation of Regional Plans**

The North District Plan does not specifically require the need for additional housing in the location of the subject site, with the mechanism to provide a locally relevant response to the District Plan housing being Councils LSPS and LHS/Mona Vale Place Plan.

The Proponent has not demonstrated why this planning proposal should be progressed ahead of

the Mona Vale Place Plan and without the demonstrable strategic need for additional housing of this form in this location.

Further, the proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zone R2 land (or other land across LGA with similar characteristics and attributes). Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners to consider rezoning under the same premises.

It is therefore considered the Proposal is inconsistent with the Regional Plan.

Directions (as of July 2021)		Applicable	Consistency
<b>1</b>	<b>Employment and Resources</b>		
1.1	Business and Industrial Zones	No	N/A
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
<b>2</b>	<b>Environment and Heritage</b>		
2.1	Environment Protection Zones	No	N/A
2.2	Coastal Management	No	N/A
2.3	Heritage Conservation	No	N/A
2.4	Recreation Vehicle Areas	No	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	N/A
2.6	Remediation of Contaminated Land	Yes	Would apply should a development application be submitted.
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	Yes	No
3.2	Caravan Parks and Manufactured Home Estates	No	N/A
3.3	Home Occupations	No	N/A
3.4	Integrating Land Use and Transport	Yes	No
3.5	Development Near Licensed Aerodromes	No	N/A
3.6	Shooting Ranges	No	N/A
3.7	Reduction in non-hosted short term rental accommodation period	No	N/A
<b>4</b>	<b>Hazard and Risk</b>		
4.1	Acid Sulfate Soils	Yes	Would apply should a development application be submitted.
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	Yes	Would apply should a development application be submitted.
4.4	Planning for Bushfire Protection	No	N/A
<b>5</b>	<b>Regional Planning</b>		
5.2	Sydney Drinking Water Catchments	No	N/A

5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.9	North West Rail Link Corridor Strategy	No	N/A
5.10	Implementation of Regional Plans	Yes	No
5.11	Development of Aboriginal Land Council land	No	N/A
<b>6</b>	<b>Local Plan Making</b>		
6.1	Approval and Referral Requirements	No	N/A
6.2	Reserving Land for Public Purposes	No	N/A
6.3	Site Specific Provisions	No	N/A
<b>7</b>	<b>Metropolitan Planning</b>		
7.2	Implementation of Greater Macarthur Land Release Investigation	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A

Table 6 : Compliance with Ministerial Directions

## Section C – Environmental, social and economic impact

**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The Ecological Assessment has concluded that the subject site contains a total of 0.23 Ha of native vegetation, of which, 0.13 Ha is indicated to be impacted. It is recommended that any future



development design maximises efforts to avoid/minimise impacts to the biodiversity values of the site and locality, including Pittwater Wagstaff Spotted Gum Forest. From the information supplied it is hard to determine the number of native trees proposed for removal, and whether it would be compliant with the DCP controls in relation to removal of tree canopy. An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The proposed amendments seek to increase the dwelling density of the site, with potential increased environmental considerations that will be required to be assessed should a development application be submitted.

**Q9. Has the planning proposal adequately addressed any social and economic effects?**

A key principle of Council's local strategic planning statement is to locate a greater diversity of housing and affordable housing options within reasonable walking distance (800m) of high-frequency public transport, with a key action being to deliver on the priority is to prepare and implement a local housing strategy. Council's local housing strategy looks at the housing mix in the Northern Beaches today, and the kind of housing that will be needed in the future. It considers trends in terms of population growth and change; household size and mix; issues such as affordability, sustainability and building resilience; and housing diversity, including housing types such as boarding houses, seniors housing and social and affordable housing.

Council's LHS and its targets have been prepared based on projections and other information currently available by DPIE. The LHS notes that the DPIE population projections were released before the COVID-19 pandemic, and may need to be reviewed to reflect revised projections. The LHS further notes that "COVID-19 pandemic has had and will continue to have many impacts. Restrictions on travel and migration within Australia and internationally are likely to affect levels of population growth, particularly in the short term. Given the uncertainty, it is not possible to accurately predict the impact that COVID-19 associated restrictions will have on rates of population growth, demand for particular housing types, or the need for affordable housing. This reiterates the need for effective, flexible planning for the future of housing on the Northern Beaches and Sydney".

However, with regards to the impacts of COVID, it is noted that the population insight update provided by DPIE in December 2020 states that "ongoing border restrictions, the economic downturn and fewer births are likely to lead to both a lower rate of population growth and changing in living arrangements. These in turn will lead to less underlying demand for housing."

The proposed amendments are considered inconsistent with Council's strategic documents and do not provide for any affordable rental housing (increasing the density to provide a variety of dwelling sizes does not increase the provision of affordable rental supply).

**Section D – State and Commonwealth interests**

**Q10. Is there adequate public infrastructure for the planning proposal?**

Removing the density provision for the site will result in a potential increase in dwellings and therefore additional site related impacts such as additional cars entering and exiting the site. Any increase in density in the R3 zone under the LEP should be considered holistically in the context of the proposed precinct-based review being undertaken by Council in the Mona Vale Centre Investigation Area and potential impacts on infrastructure.

**Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

N/A

## CONSULTATION

Council placed the Proponent's Planning Proposal on a non-statutory public exhibition in accordance with the Northern Beaches Community Participation Plan from 9 August 2021 to 22 August 2021 (2 weeks). Notification included:

- Letters to landowners and occupiers within the vicinity of the subject site including:
  - 155 Darley Street West, Mona Vale
  - 12 Kunari Place, Mona Vale
  - 10 Kunari Place, Mona Vale
  - 8 Kunari Place, Mona Vale
  - 6 Kunari Place, Mona Vale
  - 4 Kunari Place, Mona Vale
  - 96 Park Street, Mona Vale
  - 94 Park Street, Mona Vale
  - 92 Park Street, Mona Vale
  - 90 Park Street, Mona Vale
  - 88 Park Street, Mona Vale
  - 86 Park Street, Mona Vale
  - 82 Park Street, Mona Vale
  - 82A Park Street, Mona Vale
  - Bayview Golf Club
- Electronic copies of the exhibition material on Council's yoursay page.

Emails to registered community members who have listed their interest on Council's Community Engagement Register were sent on 9 August 2021 (to 22,483 people) and 14 August 2021 (to 173,038 people).

## Submissions

72 public submissions were received in response to the public exhibition period.

66 submissions objected to the proposal. One submission generally supported the proposal, with a further submission being neutral and four submissions raising no objection to the rezoning but objecting to the proposed removal of the density restrictions.

A summary of the objections to the proposal is provided below.

### Strategic Merit

- Overpopulation of the Northern Beaches with no requirement for the unplanned uplift due to the North District Plan zero-five-year housing target likely to be met under existing planning controls.
- There is no strategic merit in rezoning the site to R3, with any rezoning to form part of the strategic planning process and not through a spot rezoning with land closer to the Mona Vale centre more appropriate for medium density housing.
- The proposal is inconsistent with the desired future character of the area.
- The proposal is not providing affordable housing, nor enabling the provision of smaller housing as claimed, but instead is a way for the developer to increase profits.
- The Proposal is not in the interest of the local population.

### Other Issues

- The development of this density will result in increased traffic and parking impacts on Darley Street West which is a dead-end cul-de-sac and cannot sustain any more traffic, with increased safety issues at the lights at the Pittwater Road intersection.
- Overdevelopment of the site which is unsuitable for such a high density of development and should therefore remain low density.
- The development will depreciate the value of existing properties in the vicinity of the site.
- Inaccurate mapping within the Planning Proposal Report, with 102 Darley Street West (a private development) identified as part of Bayview Golf Club
- Existing sewage problems in the area, and the increase in density on the site will exacerbate issues.
- Additional demand for garbage collection and the increased noise that will be associated with this is unacceptable.
- Broader Impacts/strain on infrastructure and the environment, particularly flora and fauna, soil contamination and impacts on climate change.
- The proposal is within a flood prone area, with existing issues with the water table and underground parking and subterranean moisture.
- Overshadowing and impacts on privacy, particularly on adjoining neighbours.
- Will this property become predominately investors and therefore the potential to create an increase in airBnB style short term renters and significantly increase noise and other associated activities commonly found in this style of development.
- Issues raised by Council in the pre-lodgment meeting have not been satisfactorily addressed.
- Community consultation on the proposal is inadequate, and all of Darley Street West should have been notified.

### **Response**

#### Strategic Merit

As detailed above, Council agrees that the Planning Proposal is inconsistent with Council's strategic direction and the planning proposal has not demonstrated why this planning proposal should be progressed ahead of the Mona Vale Place Plan and without the demonstrable strategic need for additional housing of this form in this location.

Further, the proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zone R2 land (or other land across LGA with similar characteristics and attributes). Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners to consider rezoning under the same premises.

It is therefore considered the Proposal has no strategic merit.

#### Other Issues

Council notes many of the issues raised in submissions are matters for consideration should the Planning Proposal be approved, and a development application is lodged for the site.

In this respect a Concept Plan has been prepared for the site which includes the construction



of two residential flat buildings containing 38 apartments and three townhouses.

Council notes the Concept Plan is not an application for development, and as such a merit assessment of the Concept Plan has not been undertaken at this point, inclusive of all site related issues associated with building such a development.

It is noted however that removing the density provision for the site will also result in a potential increase in dwellings and therefore additional site related impacts such as additional cars entering and exiting the site. Any increase in density in the R3 zone under the LEP should also be considered holistically in the context of the proposed precinct-based review being undertaken by Council in the Mona Vale Centre Investigation Area.

Council does not support the Planning Proposal, and notes that the Concept Plan carries no statutory weight. However, should the Planning Proposal be approved, a development application would be required for the site, at which point the site-specific impacts would be subject to the development assessment process.

It is also noted however that should the Planning Proposal be approved; any development application could be of a substantially different form and density to the submitted Concept Plan.

With regards to community consultation, Council notified all the adjacent neighbours that would be directly impacted by the Planning Proposal. Electronic copies of the exhibition material were also published on Council's Yoursay page, with other community members who listed their interest on Council's Community Engagement Register also receiving an email about the Proposal.

### **Agency Referrals**

The Planning Proposal was referred to Sydney Water for comment (due to the location of the Sydney Water site at 112 Darley Street West).

Sydney Water advise that potable water is available to the site via a 100mm CICL watermain (laid in 1949) on Darley Street West. Wastewater should also be available via a 150mm PVC wastewater main (laid in 1975) within the property boundary. Amplifications, adjustments, and/or minor extensions may be required.

Detailed requirements, including any potential extensions or amplifications, will be provided once the development is further referred to Sydney Water for a Section 73 application.

### **Internal Referrals**

Referrals were sent to the following Northern Beaches Council business units requesting specialist feedback on the planning proposal:

- Transport
- Stormwater and Flooding
- Coast and Catchments
- Environment & Biodiversity
- Place and Economic Development
- Urban Design

Council notes the Concept Plan is not an application for development, and as such a detailed assessment of all issues associated with building such a development has not be undertaken at this point.

Council also notes that the Concept Plan carries no statutory weight, and should the Planning Proposal be approved, a development application would be required for the site, which could be substantially different to the submitted Concept Plan.

### Transport

- Concerns raised on the impact on the adjoining intersection of Darley Road west and Pittwater Road.
- Secondary concerns relate to access to transport services from the proposed intensification of dwellings on the subject sites.
- The application includes a Traffic Impact Assessment report that addresses the usual issues of concern. Intersection capacity and safety will need to be considered in any future applications.
- Additional lane capacity at Darley Street West needs to be considered to address increased generation and demand attributed to any proposed development.
- Any future application for the development consent should consider compliance with AS2890, AS1742, and provide suitable connections from the development to Active Transport Network and public transport connections.
- No objection to the proposal is raised at this stage.

### Flooding

- The planning proposal generally meets the flood controls in the LEP and DCP and Direction 4.3 of the Local Planning Directions. A full assessment, however, cannot be undertaken until the DA stage and would be subject to approval by the development engineers.
- The subject site is affected by Low Risk and Medium Risk flood hazards in accordance with Council's Flood Hazard Map adopted in 2019.
- An existing overland flowpath traverses through the subject properties and continues towards Kunari Place (number 6, 8 and 10). The proposed proposal involves diverting approximately 70% of the peak 1% AEP flows arriving from the south east through a new shared access driveway to Darley Street West.
- The diverted flows arrive at Darley Street West and subsequently discharge overland towards Mona Vale golf course. The additional flows within Darley Street West will generally achieve flood depths and velocities that maintain the current flood risk hazard ( $h_1 - h_2$ ).
- The 1% AEP afflux mapping indicates an increase in depths by up to 40mm on Darley Street West and to the reserve to the north adjacent to the golf course where additional overland flows have been directed.
- The post development flood modelling results indicate a reduction of flood depths for the 1% AEP event and PMF for 6, 8 and 10 Kunari Place ranging from 0.05 to 0.15m.
- The proposed buildings (C, D and E) have ground floor levels set at 1% AEP plus 500mm freeboard (4.91m AHD) associated with the diverted flows.
- The ground floor levels of both building A and B are elevated above existing overland flow paths and not impacted by local flood depths.
- Flood waters up to the PMF would not enter the undercover parking area (under building B and the new townhouses) as it is set at the PMF level of 4.64m AHD.

- A detailed flood evacuation plan or shelter in place details would need to be provided at the DA stage.
- All buildings would be required to be designed and constructed as flood compatible buildings and have structural integrity up to the PMF.

#### Catchments and Water Management

- Not aware of any statutory considerations or actions regarding Water Management that that Council should be initiating with assessment of the proposal.
- The site is not in a riparian area or riparian buffer and no issues or concerns in relation to water management.
- Future developments on the site will be required to comply with chapter 4 of Council's Water Management for Development Policy, including demonstration that impervious areas are minimised and Water Sensitive Urban Design is incorporated in the landscaping and build design to meet the Policy's General Stormwater Quality Requirements (Table 4).
- This is achievable based on the provided concept plans.

#### Biodiversity

- A preliminary Ecological Assessment has been undertaken to support the proposal. Findings from the assessment identify that the subject site contains 0.19 ha of PCT 1214 Pittwater Spotted Gum Forest (PSGF), consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, listed as endangered under the Biodiversity Conservation Act 2016 (BC Act). The remainder of the subject site is comprised of Planted Native Vegetation (0.04 ha), exotic vegetation (0.22 ha) and existing developed land (0.17 ha).
- The Ecological Assessment has estimated that the proposal will require the removal of approximately 0.09 ha of PSGF, 0.04 ha of planted native vegetation and 0.15 ha of exotic vegetation. These areas have been calculated based on area of the development overlapping the vegetation mapping prepared by the Ecologist.
- The Ecological Assessment has concluded that as the subject site contains a total of 0.23 ha of native vegetation, of which, 0.13 ha is indicated to be impacted, the NSW Biodiversity Offset Scheme is unlikely to be triggered by this mechanism. A preliminary assessment of significance has also been conducted which indicated that a significant impact to threatened biodiversity is unlikely.
- Indirect and prescribed impacts are required to be considered in assessment of whether the proposal triggers the BOS in accordance with the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017, thus entry into the BOS and preparation of a Biodiversity Development Assessment Report (BDAR) cannot be ruled out at this stage.
- It is recommended that any future development design maximises efforts to avoid and minimises impacts to the biodiversity values of the site and locality, including Pittwater Wagstaff Spotted Gum Forest. As documented, further Biodiversity Assessment will be required as part of any development application to Council and should be based on final plans and incorporate the results of the Arboricultural Impact Assessment.
- The assessment should conduct site surveys with reference to relevant published flora and fauna survey guidelines. In addition, the Ecological Assessment must address the proposals compliance with the local planning controls Pittwater 21 DCP cl. B4.3 Flora and Fauna Habitat Enhancement Category 2 Land & cl. B4.22 Preservation of Trees and Bushland Vegetation.



- From the information supplied it is hard to determine the number of native trees that are proposed for removal, and whether it would be compliant with the DCP controls in relation to removal of tree canopy. An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries. This may identify that further native vegetation requires removal due to location of tree, health of tree and/or application of relevant exemptions in accordance with the Pittwater 21 DCP.

#### Economic development & tourism

- The site is well removed from the industrial area and so there is not an economic development concern with the impact of the rezoning on the Mona Vale industrial uses at eastern end of Darley Street.
- The attached Economic Assessment sets out the case for increasing housing supply and diversity in Mona Vale area in general and identifies increasing demand for housing in the Northern Beaches arising from the trend for increased working from home.
- However, there may be an issue with proceeding with the rezoning ahead of detailed Place Planning process, led by the Strategic Place and Planning team.

#### **Northern Beaches Local Planning Panel Advice**

The Northern Beaches Local Planning Panel (the Panel) considered the Planning Proposal on 6 October 2021 and indicated general agreement with the planning proposal report, and considers the application is premature given the strategic planning initiatives being undertaken, namely the Mona Vale Place Plan. The Panel recommended:

- A. That Council not proceed with the Planning Proposal for 159-167 Darley Street Mona Vale, and not forward it to the NSW Department of Planning, Industry and Environment for a Gateway determination for the reasons set out in the assessment report.
- B. That the site be included in the Mona Vale Centre Investigation Area and the appropriateness of clause 4.5A of the Pittwater LEP 2014 for the locality be reviewed as part of the Mona Vale Centre Investigation Area investigations.

Comment: No objection is raised to considering the site in conjunction with work being undertaken on the Mona Vale Place Plan given the work already undertaken by the proponents and the proposed timing of the Place Plan. This is reflected in the report recommendation.

#### **TIMING**

Should Council not support the recommendation to reject the planning proposal, but rather proceed with the Planning Proposal, the anticipated timeframe for the completion of the Planning Proposal would be approximately 10-12 months from the date of Council's approval to proceed. Following the issue of a Gateway Determination, Council will be required to formally exhibit the Planning Proposal for 28 days.

The matter would then be reported back to Council for final consideration following exhibition.

#### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

**FINANCIAL CONSIDERATIONS**

The assessment of the Planning Proposal is funded by the prescribed Planning Proposal fee as set out in Councils Fees and Charges 2021/22 and does not have an adverse impact on Council's budget.

**SOCIAL CONSIDERATIONS**

The proposed amendments are inconsistent with Council's strategic documents and do not provide for any affordable rental housing.

**ENVIRONMENTAL CONSIDERATIONS**

The proposed amendments seek to increase the dwelling density of the site, with potential increased environmental considerations that will be required to be assessed should a development application be submitted.

**GOVERNANCE AND RISK CONSIDERATIONS**

The relevant considerations for the Planning Proposal, as outlined within the Department of Planning, Infrastructure and Environment Planning Proposal guidelines, "Planning Proposal: A Guide to Preparing Proposals (2018)" have been met.