



IRF23/2354

Gateway determination report – PP-2021-7404

Rezoning of 159-167 Darley Street West, Mona Vale

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal (Macroplan, July 2021)
Attachment B – Letter of Offer (Intrec, 10 March, 2023)

Attachment C – Sydney North Planning Panel Record of Decision (14 August 2023)

Attachment D – Stormwater Management Plan (AECOM, July 2021)

Attachment E - Preliminary Site Investigation and Acid Sulfate Soil Assessment (Geotechnique, June 2021)

Attachment F – Concept Design (Giles Tribe, June 2021)

Attachment G – Northern Beaches Council Flooding Advice (22 December, 2022)

Attachment H – Preliminary Ecological Assessment (Cumberland Ecology, June 2021)

Attachment I – Feasibility Assessment (Macroplan, March 2023)

Attachment J - Feasibility Assessment (HillPDA, 31 March 2023)

Attachment K - Traffic Impact Assessment (PTC, July 2021)

Attachment L – Local Planning Panel Minutes – 6 October 2021

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Northern Beaches Council
PPA	Sydney North Planning Panel
NAME	Rezoning of 159-167 Darley Street West, Mona Vale
NUMBER	PP-2021-7404
LEP TO BE AMENDED	Pittwater Local Environmental Plan 2014
ADDRESS	159-167 Darley Street West, Mona Vale
DESCRIPTION	Lot 1-5, DP 11108
RECEIVED	15/08/2023
FILE NO.	IRF23/2354
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objective of the planning proposal (**Attachment A**) is to enable the redevelopment of the site to deliver medium density housing (approximately 41 dwellings), including a portion of the development as affordable housing.

The objectives of this planning are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Pittwater Local Environmental Plan 2014 (PLEP) as per the changes in **Table 3** below.

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential	R3 Medium Density Residential
Height	8.5m	No change
Floor Space Ratio	N/A	No change

Control	Current	Proposed
Clause 4.5A - Dwelling density for certain residential accommodation*	Applies	Include reference to the site (in clause 4.5A(3)) so that clause 4.5A does not apply to the site*.
Number of dwellings	5	41

* Clause 4.5A of the PLEP limits the maximum number of dwellings per 200m² of site area for attached, multi-dwelling, residential flat buildings and semi-detached buildings, seniors housing and serviced apartments within the R3 Medium Density Residential Zone.

The proposal is supported by a letter of offer to enter into a voluntary planning agreement (VPA) to provide affordable housing at a rate of 2.085% of the investment value (\$1,122,627) (Intrec, 10 March 2023) (**Attachment B**). At the pre-Gateway briefing on 14 August 2023 (**Attachment C**), the Sydney North Planning Panel (Panel) determined that this be increased to 5% and required through a new affordable housing clause in the LEP (as discussed further in **Section 4.1**).

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is located within Sydney's Northern Beaches, approximately 24km north of the Sydney CBD and approximately 700m north west of the Mona Vale local centre (**Figure 1**).

The site is square shaped and comprises five lots, legally described as Lot 1-5, DP 11108 with an approximate area of 6,120m². It currently 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
- a mix of one and two storey detached dwellings on Park Street to the south.

Several local bus services are located within a ten minute walk of the site, with the B-Line services to the Sydney CBD approximately 1km from the site.



Figure 1 Subject site (Source: Planning Proposal, July 2021)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning Map, which is suitable for community consultation.

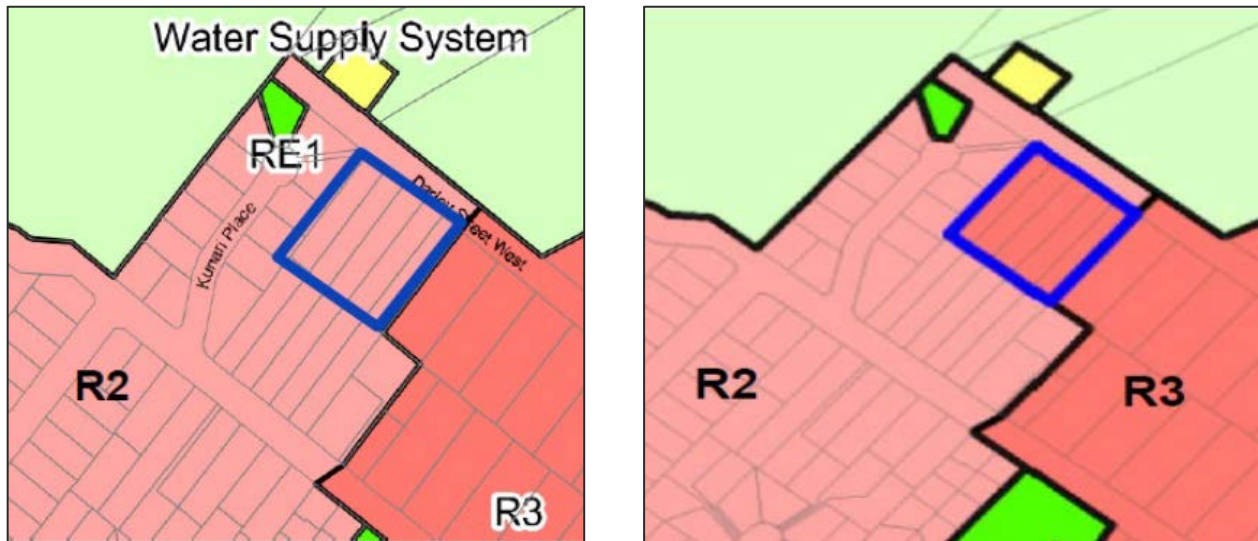


Figure 2 Current zoning on the left and proposed zoning on the right, with the site shown in blue (Source: Planning proposal, July 2021).

Other mapping

The site currently has a minimum lot size of 700sqm, consistent with the existing surrounding R2 zoned land. The proposal does not identify an amendment to the minimum lot size map, however it is mentioned in the letter to the Panel that the proponent update to resolve this issue.

1.6 Background

On 8 July 2021, the proponent lodged the planning proposal with Council. At its ordinary meeting on 26 October 2021, Council resolved to not support the proposal for the following reasons:

- The Planning Proposal is inconsistent with the provisions of the North District Plan.
- The Planning Proposal is inconsistent with the provisions of Council's Local Strategic Planning Statement - Towards 2040.
- 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.
- The Planning Proposal may establish an unwanted precedent.
- The Planning Proposal does not provide affordable housing in keeping with the requirements of Council's Affordable Housing Policy.

The proponent subsequently lodged a request for a rezoning review on 6 December 2021. At its meeting in April 2022, the Panel deferred a decision to allow time to obtain further information from Council and the proponent.

On 7 September 2022, the Panel considered the rezoning review for the planning proposal following Council's notification to the proponent that their request to prepare a planning proposal had not been supported.

The Panel unanimously resolved that the planning proposal demonstrated strategic merit and site-specific merit. In determining that the proposal had strategic merit, the Panel noted consistency

with the North District Plan, Local Strategic Planning Strategy (LSPS) and Local Housing Strategy (LHS), together with the proposal being consistent with the remainder of Darley Street West which is zoned R3 Medium Density Residential.

The Panel noted that prior to proceeding to Gateway determination the proponent should work with the Department and Council to resolve an appropriate affordable housing mix consistent with the North District Plan and address any flooding constraints of the site.

On 25 October 2022, Council advised that it accepted the role of Planning Proposal Authority (PPA). However, on 7 December 2022, the proponent requested an alternate PPA as Council failed to progress the proposal within the 42-day timeframe. On 18 April 2023, no resolution was made by Council in relation to this planning proposal

On 1 May 2023, Council confirmed that it did not adopt the recommendation to submit the planning proposal to the Minister for a Gateway determination.

On 20 June 2023, the Panel was appointed the PPA.

At a meeting on 14 August 2023, the Panel unanimously determined that the planning proposal be submitted to the Department for Gateway assessment, on the condition that, as part of the Gateway determination, the planning proposal be updated to:

- include an affordable housing contribution rate of 5% which is to be mapped and included in a new Affordable Housing clause in the PLEP
- address the most recent version of the Ministerial direction 4.1 Flooding
- address the most recent versions of all Ministerial directions and State Environmental Planning Policies; and
- reflect the current status of the Mona Vale Place Plan Review.

2 Need for the planning proposal

The Department understands that the proposal has been prepared in response to a request from the proponent and is not the result of the North District Plan or other strategic study or report by Council.

The intended outcomes of the proposal cannot currently be delivered under the PLEP as the R2 Low Density Residential zone prohibits multi dwelling housing and residential flat buildings. A planning proposal is therefore the best method of achieving the objectives and intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The site is within the Greater Sydney Region and is subject to the *Greater Sydney Region Plan – A Metropolis of Three Cities* (March 2018). **Table 4** provides an assessment of the planning proposal against relevant aspects of the Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 10: Greater housing supply	The planning proposal seeks to facilitate the redevelopment of the site to provide for approximately 41 dwellings close to existing services and infrastructure.

Regional Plan Objectives	Justification
Objective 11: Housing is more diverse and affordable	The planning proposal would enable a mix of residential apartment units and town houses and will include a minimum of 5% of the site to be dedicated for affordable housing.
Objective 14: integrated land use and transport creates walkable and 30-minute cities	The site is located approximately 700m from the Mona Vale town centre and 1km from the B-line bus stop, with services through the Northern Beaches, Mosman and Cremorne to the Sydney CBD. The proposal intends to increase residential density in an area close to existing services, transport infrastructure and jobs.

3.2 District Plan

The site is within the North District and the Greater Sydney Commission (now called the Greater Cities Commission) released the North District Plan (the plan) on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions (**Table 6**).

Table 5 North District Plan assessment

District Planning Priority	Justification
Liveability N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The site is located within walking distance to Mona Vale town centre and is located near several bus services, providing residents access to jobs and services.</p> <p>The proposal will deliver increased housing supply of approximately 36 additional dwellings (5 existing) and will include a mix of one, two and three bedroom apartments and town houses that increases choice in dwelling types.</p> <p>As discussed in sections 1.3, 1.6 and 4.1, the Panel's requirements for a 5% affordable housing contribution ensures the affordable housing contribution aligns with the District Plan, and this is recommended as a condition of the Gateway determination.</p>
Productivity N12 - Delivering integrated land use and transport planning and a 30- minute city	The site is serviced by several bus services within walking distance and the B-Line express service to the Sydney CBD. In addition to this, the site is close to the Mona Vale town centre and is within 30 minutes of a range of jobs, goods and services.
Sustainability N22 – Adapting to the impacts of urban natural hazards and climate change	The site is identified as being flood affected. The planning proposal is supported by a Stormwater Management Strategy (SMS) (AECOM, June 2021), which states that flooding within the site can be effectively managed and further consideration of management strategies will form part of a future development application. This is discussed in Section 4.1

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Towards 2040 - Local Strategic Planning Statement (LSPS)	<p>Priority 15 (Housing supply, choice and affordability in the right locations) highlights the need for medium density housing and affordable housing supply, focusing on areas up to 1.5km from strategic local centres such as Mona Vale.</p> <p>The proposal seeks to increase diversity and choice through the provision of one, two and three bedroom apartments and town houses that increases housing supply and choice. It also seeks to locate new housing within 800m walking distance of high frequency public transport. While the site is located slightly further than the recommended distance (~1km) from a high frequency B-Line bus service, the proposal generally achieves the intent of this priority.</p>

Priority 16 (Access to quality social and affordable housing) seeks to provide more diverse and affordable rental and social housing options with access to high frequency public transport. In addition to this, Council seeks to introduce a minimum 10% affordable rental housing for all planning proposals for up zoning.

The Department considers that the Panel's requirements to deliver a 5% affordable housing contribution (as discussed in Section 4.1) broadly achieves the intent of this priority.

Priority 27 (Mona Vale as the contemporary, urban heart of the north) supports the growth of Mona Vale as a centre for people living in the north of the LGA, including through improved public areas, increased transport connections and employment infrastructure. Action 27.1 notes that Council will prepare a place plan for Mona Vale and develop relevant LEP and Development Control Plan (DCP) controls to support the revitalisation of the centre.

Council advise that this work is currently underway, but no draft plans have been exhibited. While the strengthening of Mona Vale as a town centre lends support to the proposed development and consistent with the Panel's determination, the Department recommends a condition that the planning proposal be updated to reflect the current status of the Place Plan.

Local Housing Strategy (LHS)

Council's LHS seeks to deliver on five priorities, including:

- meet District Plan housing targets
- undertake detailed planning for centres
- encourage the provision of affordable housing
- investigate and support sustainable housing precincts
- incentivise the delivery of seniors housing.

In alignment with the LSPS, the LHS seeks to deliver new housing in strategic areas. It has identified 'Centre Investigation Areas' (CIA) for future housing delivery, being within 800 metres of identified centres along the existing B-Line. The site is located approximately 200m outside the northern boundary of the Mona Vale CIA (Figure 3).



Figure 3: Mona Vale CIA (Local Housing Strategy, 16 December 2021)

As discussed in **Section 3.4**, the Local Planning Panel (LPP) recommended the site be included in the Mona Vale CIA. While the endorsed LHS (16 December 2021) did not identify the site in the CIA, it formed a resolution of Council's Ordinary Meeting on 26 October 2021 (294/21) that the site be included in the Mona Vale Place Plan (which responds to a variety of studies, including the LHS). As noted above the Mona Vale Place Plan is currently being prepared.

The Panel's rezoning review decision (7 September 2022) determined that the planning proposal is consistent with the LHS. The Department considers that the proposal provides an opportunity to deliver on several of the priorities in the LHS. While the site is located outside the CIA, it is very close to the border and has capacity to deliver any housing shortfalls in the LGA in a strategic location.

Consistent with the Panel's determination (14 August 2023), the Department recommends a condition of the Gateway that the planning proposal be updated to reflect the current status of the Place Plan.

3.4 Local planning panel (LPP) recommendation

On 6 October 2021, the Northern Beaches LPP considered the planning proposal and determined that it was premature and recommended that Council do not proceed with it (**Attachment L**). However, with a view to progressing the proposal in the future, the LPP recommended that the site be included in the Mona Vale CIA and considered in the Mona Vale Place Plan, and the appropriateness of clause 4.5A of the PLEP for the locality be reviewed as part of the Mona Vale CIA.

3.5 Section 9.1 Ministerial Directions

The planning proposal provides an assessment against relevant section 9.1 Directions at the time of being prepared in July 2021. However, given the time since this assessment and noting the Panel's recommendations (**Section 1.6**), the Department recommends a general Gateway condition that the planning proposal be updated to provide an assessment against current Directions.

Notwithstanding, the Department has considered the planning proposal's consistency with relevant section 9.1 Directions in **Table 7** below.

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans	Consistent	This Direction seeks to give effect to the vision, objectives and strategies in the 'Greater Sydney Region Plan - A Metropolis of Three Cities'. This proposal is consistent with this Direction, as detailed in Section 3.1 .
Direction 3.1 Conservation Zones	Consistency yet to be justified	This Direction seeks to protect and conserve environmentally sensitive areas. The planning proposal is supported by a preliminary ecological assessment (Cumberland Ecology, July 2021) (Attachment H).

		<p>The site contains 0.19 ha of Pittwater Spotted Gum (PSG) forest, which is listed as endangered under the <i>Biodiversity Conservation Act 2016</i>. This comprises potential foraging habitat for several aerial and highly mobile threatened fauna species as part of a broader habitat range. However, the report considered that these species are unlikely to be dependent on the resources present in the site.</p> <p>The concept design (Attachment F) shows an area of 0.09ha of the PSG located along the southern boundary of the site is to be retained. This area has the highest ecological value and will maintain linkages throughout the urban landscape.</p> <p>A Gateway condition is recommended to consult with the Biodiversity and Conservation Division (BCD) during the exhibition period, prior to determining whether any inconsistency is justified.</p>
<p>Direction 4.1 Flooding</p>	<p>Consistency yet to be justified</p>	<p>This Direction seeks to ensure that development on flood prone land is consistent with relevant government policies, including the NSW Government’s Flood Prone Land Policy and the Principles of Floodplain Development Manual 2005, and that LEP provisions are commensurate with flood behaviour.</p> <p>This Direction applies as the site is located in the flood planning area.</p> <p>The proposal is inconsistent with this Direction as the rezoning to allow multi dwelling housing and residential flat buildings may significantly increase dwelling density on the site.</p> <p>The planning proposal is supported by a Stormwater Management Strategy (SMS) (AECOM, June 2021) (Attachment D), which provides an assessment against an earlier version of this Direction. It notes that inconsistencies with this Direction are justified as:</p> <ul style="list-style-type: none"> • The proposed development complies with the principles of the Flood Development Manual 2005. • While the proposal will increase the development intensity of the land, it will not result in additional flooding to surrounding dwellings or require increase infrastructure spending to support the development. • Flooding can be managed by current controls in the Pittwater 2021 DCP. • The proposed development will be consistent with the requirements of the Floodplain Development Manual in terms of adopting the 1% AEP flood level, 0.5m freeboard and other applicable requirements. <p>As discussed in Section 4.1, the Department is satisfied that the proposal will adequately manage floodrisk on the site and surrounding area. However, the Department considers that the assessment against this direction is still to be justified, as</p>

		the planning proposal and supporting SMS is to be updated to reflect the current Ministerial Direction.
Direction 4.4 Remediation of Contaminated Land	Consistent	<p>This Direction seeks to reduce risk and harm to human and environmental health by ensuring contamination and remediation are adequately considered.</p> <p>The proposal is supported by a Preliminary Site Investigation and Acid Sulfate Soil Assessment (Geotechnique, June 2021) (Attachment E). As the site has been occupied for residential purposes since 1965, the report concludes that the land is suitable, or can be made suitable, for the proposed medium density residential use subject to the implementation of recommendations of the report at the development application stage.</p> <p>The planning proposal is consistent with this Direction.</p>
Direction 4.5 Acid Sulfate Soils	Consistent	<p>This Direction seeks to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>This Direction applies as the site is identified as potentially containing Class 3 and 5 acid sulfate soils in the PLEP.</p> <p>The planning proposal is accompanied by a Preliminary Site Investigation and Acid Sulfate Soil Assessment (Geotechnique, June 2021) (Attachment E). This addresses the objectives of the Direction and identifies that the site could be made suitable for higher density residential uses following a detailed acid sulfate soils assessment at the development application stage, and (if required) the preparation of an acid sulfate management plan.</p> <p>The planning proposal is consistent with this Direction.</p>
Direction 5.1 Integrating Land Use and Transport	Consistent	<p>This Direction seeks to ensure increased access to housing, jobs, services and public transport, while reducing dependence on cars.</p> <p>The planning proposal is supported by a traffic impact assessment (PTC, July 2021), which concludes that the area is well serviced by public transport and is within walking distance to jobs and services in the Mona Vale town centre. Further, traffic impacts will be negligible and will not adversely impact the surrounding road network.</p> <p>Potential traffic and parking impacts are discussed further in Section 4.3.</p> <p>The planning proposal is consistent with this Direction.</p>
Direction 6.1 Residential Zones	Consistent	<p>This Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the</p>

impact of residential development on the environment and resource lands.

The Department is satisfied that the proposal is consistent with this Direction as it will:

- deliver increased housing supply of approximately 36 additional dwellings
- include a mix of one, two and three bedroom apartments and town houses that increases choice in dwelling types
- is well serviced by existing connections to utilities, public transport infrastructure, open space, services and retail.

3.6 State environmental planning policies (SEPPs)

The planning proposal provides an assessment against relevant SEPPs at the time of being prepared in July 2021. However, given the time since this assessment and noting the Panel's recommendations (**Section 1.6**), the Department recommends a general Gateway condition that the planning proposal be updated to provide an assessment against current SEPPs.

Notwithstanding, the Department has considered the planning proposal's consistency with relevant SEPPs in **Table 8** below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent	Reasons for Consistency or Inconsistency
Housing 2021	This SEPP aims to promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services and designing housing in a way that reflects and enhances its locality.	Yes	<p>The proposal will facilitate approximately 41 new residential dwellings increasing housing stock by 36. The site is also located near the Mona Vale town centre and the B-line bus service.</p> <p>The proposal is consistent with this SEPP as it will deliver a range of housing typologies on a site in close to proximity to existing infrastructure and services.</p> <p>The planning proposal does not prevent future development from being capable of achieving compliance with this SEPP.</p>
Biodiversity and Conservation 2021	This SEPP aims to protect the biodiversity values of trees and other vegetation and preserve amenity of non-rural areas in the State.	Yet to prove consistency	<p>Chapter 2 Vegetation in non-rural areas applies to the proposal, as the site contains 0.19 ha of Pittwater Spotted Gum (PSG) forest, which is listed as endangered under the <i>Biodiversity Conservation Act 2016</i>.</p> <p>The planning proposal is supported by a preliminary ecological assessment</p>

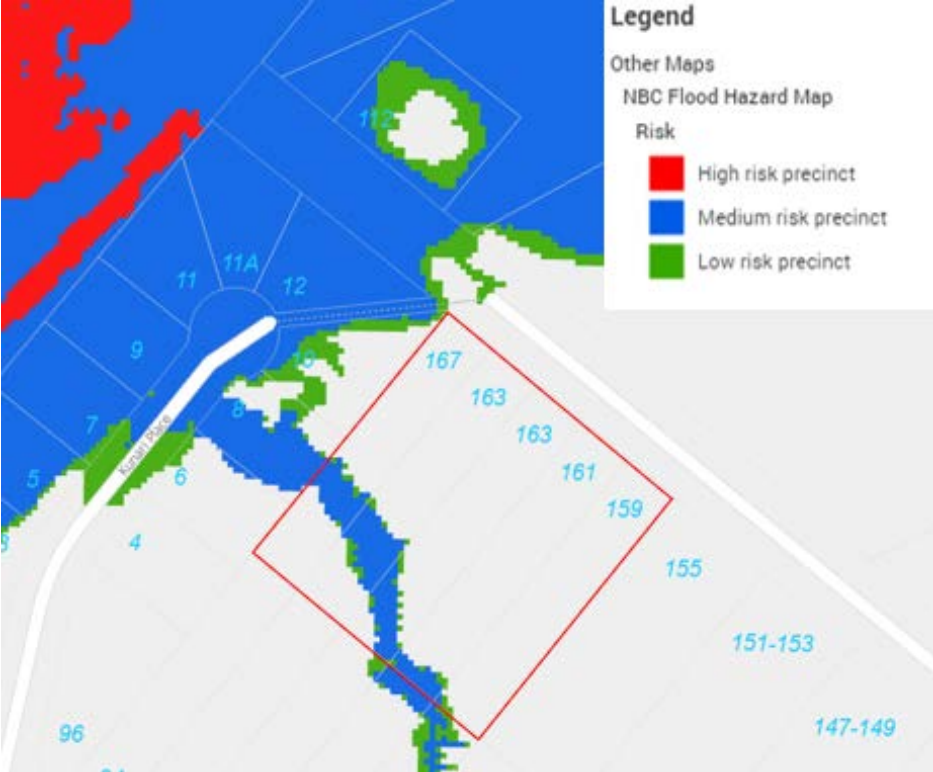
			<p>(Cumberland Ecology, July 2021) (Attachment H).</p> <p>The Department has recommended a condition that the planning proposal be assessed against the current version of the SEPP and that BCD be consulted.</p>
Resilience & Hazards (2021)	Chapter 4 Remediation of Land – The aim of this chapter is to promote remediation for to reduce the risk of harm to human health or the environment.	Yes	<p>A Preliminary Site Investigation and Acid Sulfate Soil Assessment (Geotechnique, June 2021) (Attachment E) was prepared in support of the planning proposal.</p> <p>As the site has been occupied for residential purposes since 1965, the report concludes that the land is suitable, or can be made suitable, for the proposed medium density residential use subject to the implementation of recommendations of the report at the development application stage.</p> <p>The planning proposal does not prevent future development from being capable of achieving compliance with this SEPP.</p>
65 (Design Quality of Residential Apartment Developments)	This SEPP aims to improve the design quality of residential apartment development in NSW.	Yes	<p>The planning proposal includes concept plans (Giles Tribe, June 2021) (Attachment F) which include residential flat buildings. SEPP 65 and the associated Apartment Design Guide (ADG) therefore apply.</p> <p>At the development application stage, the proposal will be required to address consistency with the SEPP 65 and ADG.</p> <p>The planning proposal does not prevent future designs from meeting these requirements.</p>
BASIX (2004)	The SEPP applies to BASIX affected development and aims to ensure consistency in the implementation of the BASIX scheme throughout the State.	Yes	<p>The planning proposal includes concept plans (Giles Tribe, June 2021) (Attachment F), which comprises 41 new residential dwellings. This SEPP will therefore apply should a development application be submitted in the future.</p> <p>The planning proposal does not prevent future development from being capable of achieving compliance with this SEPP.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Ecology	<p>The planning proposal is supported by a preliminary ecological assessment (Cumberland Ecology, July 2021) (Attachment H).</p> <p>The site contains 0.19 ha of Pittwater Spotted Gum (PSG) forest, which is listed as endangered under the <i>Biodiversity Conservation Act 2016</i>. This comprises potential foraging habitat for several aerial and highly mobile threatened fauna species as part of a broader habitat range. However, the report considered that these species are unlikely to be dependent on the resources present in the site.</p> <p>The concept design (Attachment F) shows an area of 0.09ha of the PSG located along the southern boundary of the site is to be retained. This area has the highest ecological value and will maintain linkages throughout the urban landscape.</p> <p>A Gateway condition is recommended to consult with the Biodiversity and Conservation Division (BCD) during the exhibition period.</p>
Flooding	<p>The site is partially affected by low and medium-hazard flooding along the site's rear boundary (Figure 4-5).</p>  <p>Figure 4: Flood Hazard Map (Source: Council, accessed 28/8/23)</p>

The planning proposal is supported by a Stormwater Management Strategy (SMS) (**Attachment D**) which confirms the site as being subject to overland flow and having a medium flood risk.

The concept design seeks to reduce flood depths and divert 70% of the peak 1% AEP and PMF flood water through the site’s shared access driveway towards Darley Street West and the Mona Vale Golf course, and not compromise the functionality of the street in a flood event (**Figure 5**).

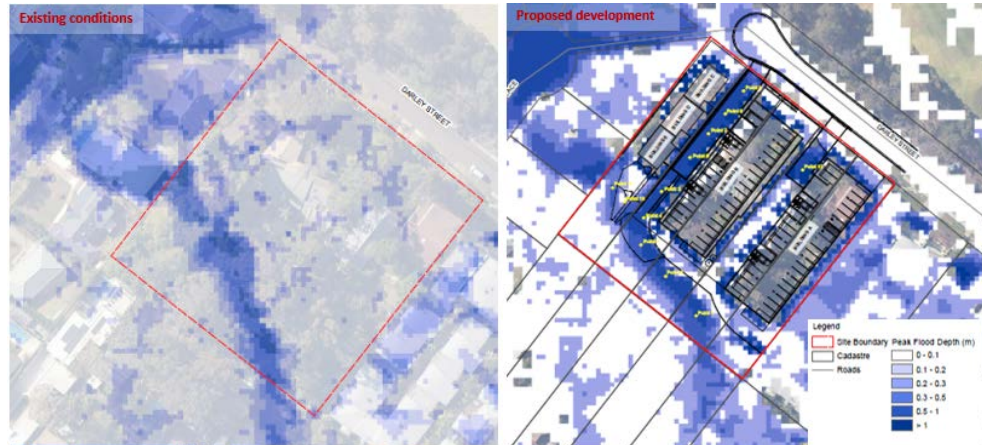


Figure 5: Existing and proposed PMF Flood Depths (AECOM, 2021)

This report also contends that the buildings can be suitably elevated to avoid flood damage within the existing development controls within the Pittwater 2021 DCP.

The Department notes that Council officers have not raised any specific flooding issues with the planning proposal (**Attachment G**), apart from noting that an assessment against the current Ministerial Direction is required (which is also raised by the Panel). Council agreed that the site was not high risk and that it would be appropriate to provide detailed consideration of flooding issues at the development application stage.

Notwithstanding, Council will be consulted as part of a condition on the Gateway determination.

As noted in **Section 3.5**, the Department recommends a Gateway condition that the planning proposal, and supporting reports, be updated to include an assessment against the current Direction 4.1 Flooding. In addition, the Department recommends that the Office of Environment and Heritage (OEH) and State Emergency Services (SES) be consulted on potential flood risk and hazard levels during the exhibition.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social (Affordable Housing)	In response to the Panel’s condition to resolve an appropriate affordable housing mix consistent with the North District Plan, the proponent prepared a feasibility assessment (Macroplan, March 2023) (Attachment I) while Council commissioned

	<p>HillPDA to undertake a peer-review of the proponent's feasibility assessment (Attachment H). Discussions have taken place between Council, the proponent and the Department to determine a viable affordable housing contribution for the planning proposal, but no agreement was reached.</p> <p>The proponent's feasibility assessment concludes 5% or 10% affordable housing contribution rates would not be viable, with 2.085% being the viable 'break-even' point.</p> <p>The HillPDA peer-review and additional feasibility analysis shows that a 5% contribution rate would be viable, based on their assumptions. HillPDA also undertook additional analysis to identify a 'break-even' point of 6.4%.</p> <p>At its meeting on 14 August 2023 and noting some key points of difference between the differing viability assessments (construction costs, construction period, contingency and interest rates), the Panel (as the PPA) determined that the proposal be updated to include an affordable housing contribution rate of 5%, which is to be implemented through the introduction of new Affordable Housing clause in the PLEP.</p> <p>The Department supports this recommendation, as its largely in accordance with the range in the District Plan (being a range between 5% and 10%) and the proposed approach to its implementation is consistent with an adjoining LEP (Warringah LEP 2011, Clause 6.11 – Affordable Housing), which sets a useful precedent.</p> <p>Consistent with the Panel determination, the Department recommends a Gateway condition requiring that the planning proposal be updated to include a new Affordable Housing clause in the PLEP with associated map and identify a 5% contribution rate for the site.</p>
Economic	<p>The planning proposal would result in construction jobs during redevelopment and the increase in residential population would generate demand for goods and services, supporting the economic viability of Mona Vale town centre.</p> <p>Additionally, the sites proximity to nearby centres and the B-Line bus service to the Sydney CBD, and possible future connections to Macquarie Park, ensure that residents are located nearby to jobs and services.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Traffic and Parking	<p>The planning proposal is supported by a Traffic Impact Assessment (TIA) (PTC, July 2021) (Attachment K), which notes that the site is located within walking distance to several bus services and the Mona Vale town centre. The TIA assessed the predicted traffic generation and modelled performance on the surrounding road network.</p> <p>The TIA found the proposal to have a minimal impact on the road network at the AM and PM peaks (with an increase of approximately 23 trips in both the AM and PM), and that the road network would maintain a Service Level B ('good') during peak hours.</p>

As the site is approximately 300m west of a regional road (Pittwater Road) (**Figure 6**), and the TIA outlines limitations in traffic modelling during the COVID-19 pandemic, the Department recommends a Gateway condition that Transport for NSW (and Council) be consulted on the proposal during exhibition.

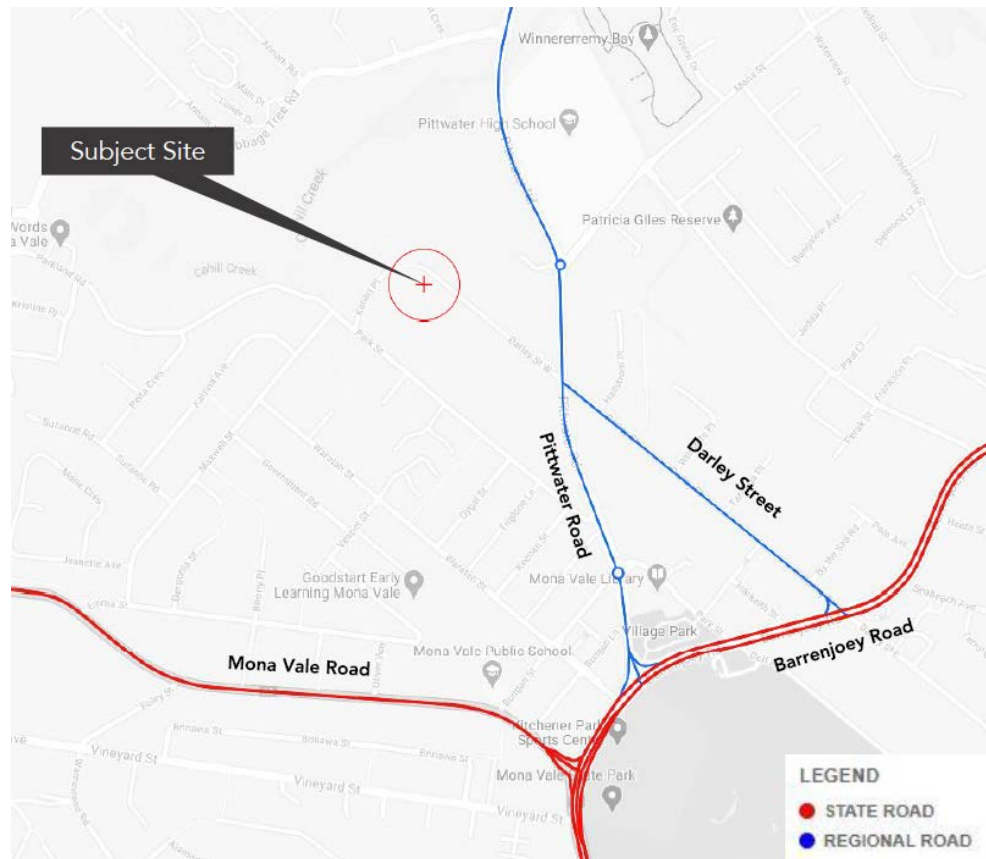


Figure 6: Road hierarchy (PTC, July 2021)

The TIA and indicative concept plan shows that car parking can be accommodated onsite, with specific details on the amount of car parking required to be addressed as part of a future development application.

The Department also recommends that the TIA provide an up-to-date assessment against Ministerial 9.1 Direction 5.1 (Integrating Land Use and Transport).

<p>Utilities and services</p>	<p>Council's existing contributions plan (the Northern Beaches Section 7.12 Contributions Plan 2022) will adequately address costs for road and pathway upgrades and amenities, such as open spaces and community facilities.</p> <p>While the site is located in an existing residential area, the planning proposal has not provided details on the availability of services to the site and their capacity to accommodate the proposed increase in dwellings. The Department therefore recommends a Gateway condition that relevant utility providers be consulted on the planning proposal.</p>
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5 Consultation

5.1 Community

The Panel (as the PPA) has not proposed a timeframe for community consultation.

In accordance with the LEP Plan Making Guideline, August 2023, the Department recommends a community consultation period of a minimum 20 working days.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Relevant utility providers, including Ausgrid and Sydney Water.
- Environment and Heritage Group
- NSW State Emergency Service
- Biodiversity and Conservation Division
- Transport for NSW
- Northern Beaches Council.

6 Timeframe

The Panel (as the PPA) has not proposed a timeframe for completing the LEP.

In accordance with the timescales for a standard planning proposal in the LEP Plan Making Guideline, August 2023, the Department recommends a condition that the LEP be completed on or before Wednesday 17 July 2024.

7 Local plan-making authority

As the Sydney North Planning Panel is the plan proposal authority, the Department recommends that the Department be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal has strategic merit, being consistent with the Region Plan, District Plan, LSPS and LHS.
- The proposal has site specific merit, as it is in an existing residential area adjoining existing R3 Medium Density Residential zoned land containing medium density housing.
- The proposal will have a positive social impact by delivering housing diversity and choice, together with affordable housing options.

As discussed in the sections 4 and 5, the planning proposal should be updated to:

- assess the proposal against up to date SEPPs and Ministerial 9.1 Directions, and in particular Direction 3.1 (Conservation Zones), Direction 4.1 (Flooding) and Direction 5.1 (Integrating Land Use and Transport).
- consider the proposal against the Mona Vale Place Plan, having regard to its current status
- include a new Affordable Housing clause in the PLEP 2014 with associated Affordable Housing Contributions Scheme Map, consistent with clause 6.11 (Affordable Housing) of the Warringah LEP 2011
- identify an affordable housing contribution rate of 5% for the site on the proposed Affordable Housing Contributions Scheme Map.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that consistency with section 9.1 Directions 3.1 (Conservation Zones) and 4.1 (Flooding) are unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal (and any supporting studies) are to be updated to:
 - assess the proposal against up to date SEPPs and Ministerial 9.1 Directions, and in particular Direction 3.1 (Conservation Zones), Direction 4.1 (Flooding) and Direction 5.1 (Integrating Land Use and Transport).
 - consider the proposal against the Mona Vale Place Plan, having regard to its current status
 - include a new Affordable Housing clause in the PLEP with associated Affordable Housing Contributions Scheme Map, consistent with clause 6.11 (Affordable Housing) of the Warringah LEP 2011
 - identify an affordable housing contribution rate of 5% for the site on the proposed Affordable Housing Contributions Scheme Map.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. Consultation is required for a minimum of 30 days with the following public authorities:
 - Relevant utility providers including Ausgrid and Sydney Water.
 - Biodiversity and Conservation Division
 - NSW State Emergency Services
 - Environment and Heritage Group
 - Transport for NSW
 - Greater Cities Commission
 - Northern Beaches Council
4. The LEP is to be finalised on or before Wednesday 17 July 2024.
5. Given the nature of the proposal, the Department will be the local plan-making authority.



(Signature)

8/09/23

(Date)

Lauren Templeman
Manager, North District



8 September 2023
Brendan Metcalfe

Director, North District

Assessment officer

Timothy Coorey

Planning Officer, Agile Planning

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