

Exhibition of Planning Proposal 159-167 Darley Street West, Mona Vale (PP-2021-7404)

The planning proposal seeks to rezone the site, remove residential density limits, and introduce an affordable housing contribution clause.

Site description

The site is located at 159-167 Darley Street West, Mona Vale and contains five separate parcels of land (Lot 1 – 5 DP 11108). The site has a total area of approximately 6,120m² and has a primary frontage to Darley Street. The site is currently occupied by single and double storey dwellings. It is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan (LEP) 2014.



Figure 1 - Subject site (Source: SIX Maps NSW 2023)

What the planning proposal will do

The planning proposal seeks to amend the Pittwater LEP 2014 to enable the redevelopment of the site to deliver medium density housing (approximately 41 dwellings), including a portion as affordable housing.

In summary, it seeks to:

- rezone the site from R2 Low Density Residential to R3 Medium Density Residential Zone
- amend clause 4.5A of Pittwater LEP 2014 so that the maximum dwelling density requirements do not apply to the site.
- introduce an Affordable Housing clause in the Pittwater LEP 2014, identify a 5% contribution rate for the site and include the site on an Affordable Housing Contributions Scheme Map.

What is a planning proposal?

A planning proposal (or “PP”) explains the intended effect of a proposed LEP or proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will ‘give effect’ to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

Note: Any physical development of the land occurs under separate planning processes.

What is a LEP?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size.

LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future.

An LEP is made under the Environmental Planning and Assessment Act 1979.

What are the Council’s, the Sydney North Planning Panel and the Department’s role in the process?

The Council’s role for this planning proposal

This planning proposal originally was submitted to Northern Beaches Council in July 2021. On 26 October 2021, Council resolved to not support the planning proposal. The proponent subsequently lodged a rezoning review request, which resulted in the Sydney North Planning Panel supporting the progression of the proposal for Gateway determination on 7 September 2022. Council accepted the role as Planning Proposal Authority (PPA), however the Department of Planning and Environment appointed the Sydney North Planning Panel PPA to ensure the

timely progression of the proposal. Council are now considered a key stakeholder and will be consulted as part of the public exhibition process.

Sydney North Planning Panel's role for this proposal

The Sydney North Planning Panel acts as the independent body in rezoning reviews within the Northern Beaches Local Government Area. Given Council did not support the progression of the planning proposal, the Panel was requested by the proponent to review the rezoning request.

The Panel determined that the proposal demonstrated strategic and site-specific merit and should proceed to Gateway determination. As the Panel was appointed the PPA, and therefore is responsible for preparing the package of planning proposal documents for public exhibition and running public consultation. The Panel with support of the Agile Planning team within DPE, will consider public submissions on the planning proposal prior to making a decision about whether the planning proposal should proceed to finalisation.

The Department's role for this planning proposal

The Department assesses and guides planning proposals through the LEP making process. This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the local plan-making authority).

On 21 August 2023, the planning proposal was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway determination was issued on 8 September 2023 stating the proposal should proceed subject to the conditions, including the public exhibition of the proposal.

A final assessment of the planning proposal will be undertaken by the Department after the public exhibition at the finalisation stage. At this stage further amendments may be made to respond to matters raised by community members or public authorities. The Department is the LPMA and will determine if the LEP amendment will be made.

Additional information about the planning proposal

More information about the proposal and details about how you can get involved can be found on the NSW Planning Portal.

Go to www.planningportal.nsw.gov.au/ppr/under-exhibition/159-167-darley-street-west-mona-vale.

How to make submissions

Submissions on the planning proposal should be made to the Panel through the NSW Planning Portal.

Your submission must be lodged **by 5pm on Friday, 1 December 2023** and must include:

- if the submission relates to the planning proposal
- a statement on whether you support or object to the proposal; and
- the reasons why you support or object to the proposal.

Persons lodging submissions must declare reportable political donations (including donations of \$1000 or more) made in the previous two years.

Your personal information is protected under the *Privacy and Personal Information Act 1998*.

We may publish any personal information you have included in your submissions on a proposal. Do not include any personal information in your submission that you do not want published. **If you do not want your name and address to be made public, please ensure you tick the relevant box and clearly state this on the front page of your submission.** Making a submission is entirely voluntary and you are under no obligation to provide us with any of your personal information, except as otherwise required by law.

Who should I direct my Planning Proposal inquiries to?

For questions relating to the planning proposal, please contact Douglas Cunningham on (02) 9274 6357.

What is a Planning Proposal Authority?

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination.

A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions.

The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation.

An alternate PPA may be appointed under certain circumstances, where directed by the Minister. As the planning proposal is the result of a rezoning review the Sydney North Planning Panel is the Planning Proposal Authority and the Department will be the Local Plan-Making Authority.

What is a Local Plan-Making Authority (LPMA)?

The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council. The LMPA undertakes the statutory functions in making the LEP.