

Planning Proposal

159-167 Darley Street West, Mona Vale

July 2024



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Introduction

Solve Property Group (Solve) has been retained by Intrec Management Pty Ltd (Intrec) and the applicant for Magnolia Views Property Pty Ltd (MVP), to update the Planning Proposal (PP) to rezone properties 159-167 Darley Street West, Mona Vale from R2 Low Density Residential under *Pittwater Local Environmental Plan 2014* (PLEP 2014) to R3 Medium Density Residential in order to facilitate the redevelopment of these sites for medium residential housing, consistent with the remainder of Darley Street West. Medium density housing (e.g. residential flat buildings and multi dwelling housing) is not permissible within the current R2 land use zone. In addition, the PP seeks to amend clause 4.5A of the PLEP which restricts the dwelling density (i.e. the number of dwellings) that can be developed on the site to improve diversity, affordability and mix of housing options provided.

The PP was submitted to Northern Beaches Council (Council), as the “planning authority”, requesting amendments to PLEP 2014 under Division 3.4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) in July 2021 after 2 years of pre-lodgements discussions. Council determined to not support the PP at its meeting on 26 October 2021. Following a proponent initiated rezoning review, the Sydney North Planning Panel (Panel) requested further information from the proponent in relation to the provision of affordable housing on site at its meeting on 13 April 2022. The panel again met on 7 September 2022 to consider the additional affordable housing contributions proposed by the applicant (in addition to the housing diversity proposed on site).

The panel determined on 13 September 2022 that the PP should be submitted for Gateway determination. The panel provided Council with the option of being the Planning Proposal Authority (PPA). Despite electing to be the PPA on the final day of the relevant period (25 October 2022) and being required to submit the PP for gateway determination prior to 6 December 2022, Council did not progress the PP until it was submitted to Council for consideration on 18 April 2023. This was more than 4 months after the PP was required to be submitted to DPE for gateway review. Councillors voted against the PP and as a result, the panel accepted its role as PPA on 14 August 2023. The panel also determined the following:

The Panel has reviewed the revised planning proposal and determined that the planning proposal should be submitted to the Department of Planning and Environment for Gateway

assessment on the condition that, as a 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 Pittwater LEP 2014;*
- *address the most recent version of 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.*

A revised PP responding to the requirements of the panel was prepared in accordance with the Department of Planning and Environment's (DPE) planning proposal guidelines, *Local Environmental Plan Making Guideline (August 2023)*¹ and was submitted to DPE (for the panel) on 27 October 2023.

The revised PP included an updated Addendum Cover Letter from AECOM addressing the revised ministerial directions for flooding and stormwater management and provided an additional attachment recognising feasibility testing on the affordable housing contributions (consistent with the North District Plan).

The PP was publicly exhibited for 28 days from Friday 3 November 2023 until 1 December 2023. Forty-one (41) submissions were received including from government agencies and a submission on behalf of the proponent. A submissions report was prepared by the proponent along with further detailed ecological analysis by Cumberland Ecology, and a peer review of stormwater and flooding impacts on the site by Lyall & Associates. In addition, the proponent sought advice regarding construction costs by registered quantity surveyors - wtpartnership to address the project feasibility considerations in relation to affordable housing contributions. The submissions report and further assessments were submitted to the Department on 21 February 2024.

Further submissions were made by the proponent to the Department on 18 April 2024 regarding feedback from the Department's Biodiversity, Conservation and Science Group.

The Department finalised its post exhibition report on 24 May 2024 and the panel met on 3 June 2024. The panel's decision was determined on 12 June 2024.

¹ [Local Environmental Plan Making Guideline - August 2023 \(nsw.gov.au\)](https://www.nsw.gov.au/local-environmental-plan-making-guideline-august-2023)

The panel (as Planning Proposal Authority) determined unanimously that the proposal should be recommended to the Minister for approval on the basis that the proposal demonstrated strategic and site-specific merit and that the conditions of Gateway had been met, and that community consultation had occurred, and the submissions raised had been adequately addressed.

The panel recommended that the PP be updated in response to submissions. The updates recommended by the panel include:

- Remove the provision to delete the application of clause 4.5A of the Pittwater LEP 2014 so that the maximum dwelling density requirements do not apply to the site and replace with a provision to amend Clause 4.5A of the Pittwater LEP 201 to introduce a maximum of 1 dwelling/150m² of site area, which will deliver the proposed maximum density of 41 dwellings.
- A Site-Specific Development Control Plan (DCP) prior to the development consent being issued. The DCP will need to be prepared in consultation with Council and include the following:
 - Objectives and controls to protect, rehabilitate and conserve the ecological values on the site, including the endangered ecological community, Pittwater and Wagstaffe Spotted Gum Forest including:
 - To require an assessment of biodiversity values to be undertaken through application of Stages 1 and 2 of the Biodiversity Assessment Method;
 - To require preparation and implementation of a Vegetation Management Plan which restricts development and identifies appropriate setbacks on the southern portion of the site where the vulnerable, endangered or critically endangered species are predominantly located;
 - Objectives and controls specific to the site that will establish site coverage and landscaping requirement to manage density and retention of vegetation. Controls should also ensure overshadowing, visual, privacy, bulk and amenity impacts on the adjoining low density residential properties are acceptable;
 - Objectives and controls to manage flood patterns within and downstream of the site to ensure that post development flows are improved and not worsened by the development, including the recommendations in the Lyall & Associates peer review letter to Solve Property, 16 February 2024; and

- When submitting any DA, the application should accompany an updated traffic report incorporating recent data and analysis.
- LEP clause requiring an affordable housing rate of 5% to apply to the total gross floor area;
- Biodiversity Map so that Clause 7.6 of the Pittwater LEP 2014 applies;
- Remove the site from the Minimum Lot Size Map consistent with all land zoned R3 Medium Density in the Pittwater LEP 2014 not having a minimum lot size control; and
- Flood hazard vulnerability classification maps for existing and post development scenarios based on the current concept plans, are to be prepared and provided to the Department.

This revised PP responds to the requirements from the panel and has been prepared in accordance with the Department of Planning and Environment's (DPE) planning proposal guidelines, *Local Environmental Plan Making Guideline (August 2023)*².

It should be noted that since the decision of the panel on 12 June 2024, Council resolved at an extraordinary meeting on 17 June 2024 to progress a PP to the Minister for Planning and Public Spaces for the preparation of a new comprehensive LEP for the Northern Beaches. The outcome of this decision is that the existing 4 LEPs for Manly LEP 2013, Pittwater LEP 2014, Warringah LEP 2011 and Warringah LEP 2000 will all be repealed and replaced by a new consolidated Northern Beaches LEP³.

It is important to note that the Council resolution (which was 5 days after the panel decision) removes the density controls (cl 4.5A) for the Pittwater LEP 2014 and will instead replace them with minimum allotment size and street frontage controls for dual occupancies, manor houses, multi dwelling housing, residential flat buildings, and seniors housing. The concept plans submitted with the PP comply with the LEP changes proposed by Council. The proposed changes to the operation of cl 4.5A were not detailed by Council in the finalisation meeting with the panel.

It should be further noted that for the purposes of addressing the matters required to be considered under the EP&A Act for a planning proposal, a concept plan of a medium density residential development has been prepared for the site. The concept plan (Figure 1) includes

² [Local Environmental Plan Making Guideline - August 2023 \(nsw.gov.au\)](https://www.nsw.gov.au/ep&a/local-environmental-plan-making-guideline-august-2023)

³ <https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadGenWebDoc.ashx?id=MwiCaajo1xoV0A60ki4OEg%3d%3d>

the construction of two (2) residential flat buildings and three (3) townhouses. The residential flat buildings include a mix of one-, two- and three-bedroom apartments and basement carpark with a total of 38 apartments. In total, there are 41 dwellings are proposed under the current concept plan with the proposed dwelling mix:

- 12 x 1 Bedroom apartments
- 22 x 2 Bedroom apartments
- 4 x 3 Bedroom apartments
- 3 x Townhouses

The concept drawings (Appendix A) and the following technical studies have been relied upon to prepare this PP:

- Appendix A – Concept / Architectural drawings by Giles Tribe
- Appendix B – Urban Design Study by Giles Tribe
- Appendix C – Traffic Impact Assessment by ptc
- Appendix D – Preliminary Stie Investigation (Contamination) and Preliminary Acid Sulfate Soil Assessment by Geotechnique
- Appendix E – Stormwater Management Strategy by AECOM
- Appendix F – Infrastructure and Utilities Assessment by Enspire
- Appendix G – Preliminary Ecological Assessment by Cumberland Ecology
- Appendix H – Economic Assessment and Justification Report by Macroplan
- Appendix I – Survey Plan
- Appendix J – Pre-Lodgement Meeting – 9 September 2020 – Response to Issues
- Appendix K – Affordable Housing Contribution – Feasibility Assessment and draft Planning Agreement

Appendix E of this PP has been updated to include a cover statement from AECOM confirming that flooding and stormwater management on the site complies with the most recent version of Ministerial direction 4.1 – Flooding. It has been further updated post the panel decision to include flood hazard vulnerability classification maps for existing and post development scenarios based on the current concept plans.

Appendix K has been added to this PP to provide a feasibility assessment of the proposed affordable housing contribution consistent with the Greater Sydney Region Plan and North District Plan which required affordable housing contributions to be “subject to viability”⁴.

Figure 1. Concept Plan



Source: Giles Tribe, Urban Design Study (2021)

⁴ Page 44 - <https://greatercities.au/strategic-planning/city-plans/north>

Section 1: Site and Locality Description

1.1 Locational Context

The subject site is located at the end of a cul-de-sac on Darley Street West, opposite the Bayview Golf Club (Figure 2). The site is located less than 600m walking distance from Mona Vale's shops (commercial and retail core) and is located 280m from the intersection of Pittwater Road. The closest bus stop is approximately 400m from the site on Pittwater Road and the site is within easy walking distances to more than 3,500 jobs in the Mona Vale employment area and town centre.

Figure 2. Site Context



Source: Solve Property Group (2023)

Darley Street West is characterised with two storey medium density development, consisting of predominantly two storey apartment buildings with basement carparks and some two storey townhouses (refer to Figure 3). The building footprints generally occupy the site with minimum side and rear setbacks. Most of the allotments along Darley Street West have been amalgamated to allow for the construction of these apartments and townhouses (Figure 4).

These buildings contribute to a strong streetscape character of two storey buildings with landscape between. The residential buildings are generally of high-quality architecture with large balconies capitalising on the northern aspect and views over the golf course.

Figure 3. Streetscape



135 – 137 Darley St.



139 – 141 Darley St.



143-145 Darley St.



147 – 149 Darley St.



151 – 153 Darley St.



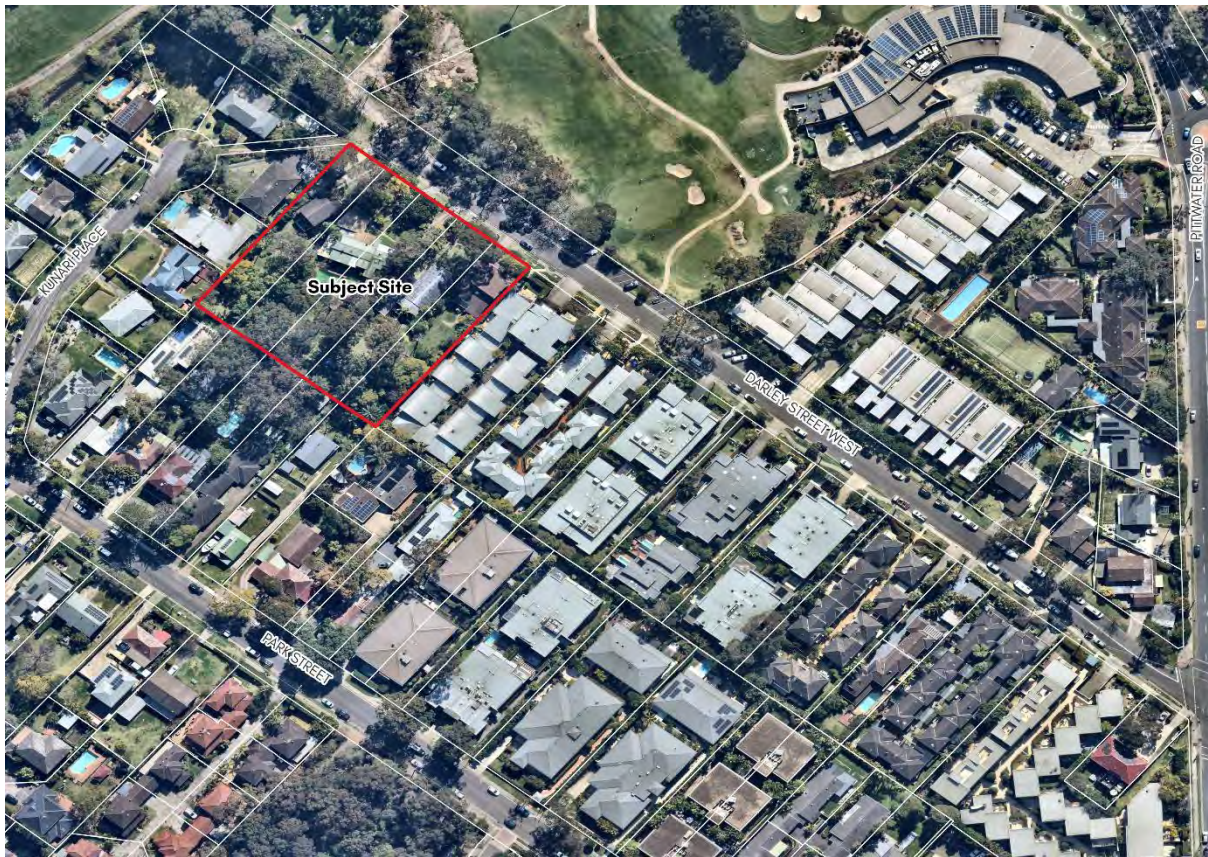
155 – 157 Darley St.

Source: Giles Tribe, Urban Design Study (2021)

The following development is located immediately surrounding the subject site:

- A 2-storey apartment building immediately north on 10 Kunari Place, adjoins 167 Darley Street West, with pedestrian access off Darley Street West.
- A substantial 2-storey apartment block is located immediately south of 159 Darley Street West at 155-157 Darley Street West.
- To the rear along Park St are a mix of large 1 storey and 2 storey houses and dual occupancy houses.

Figure 4. Surrounding Built Form



Source: Solve Property Group (2023)

1.2 The Site and Property Description

The site is in the Northern Beaches local government area (LGA), formerly Pittwater LGA. The subject site has a total site area of approximately 6,120m² and comprises five properties (shown in Figure 5 below), legally described as:

- Lot 5 DP11108 (159 Darley Street West)
- Lot 4 DP11108 (161 Darley Street West)
- Lot 3 DP11108 (163 Darley Street West)
- Lot 2 DP11108 (165 Darley Street West)
- Lot 1 DP11108 (167 Darley Street West)

Figure 5: Subject Site



Source: Solve Property Group (2023)

These properties are the only allotments occupied by single and double storey single dwellings on the southern side of Darley Street West (Figure 6). The houses are c.1960-1970 and are not of significant quality. These houses are well set back and incorporate large gardens. Most of the vegetation on site is located towards the rear of the site.

The site has a cross fall of 9m from the eastern corner at the front of 159 Darley Street West to the western corner at the rear of 167 Darley Street West.

Figure 6. Existing dwellings on subject site

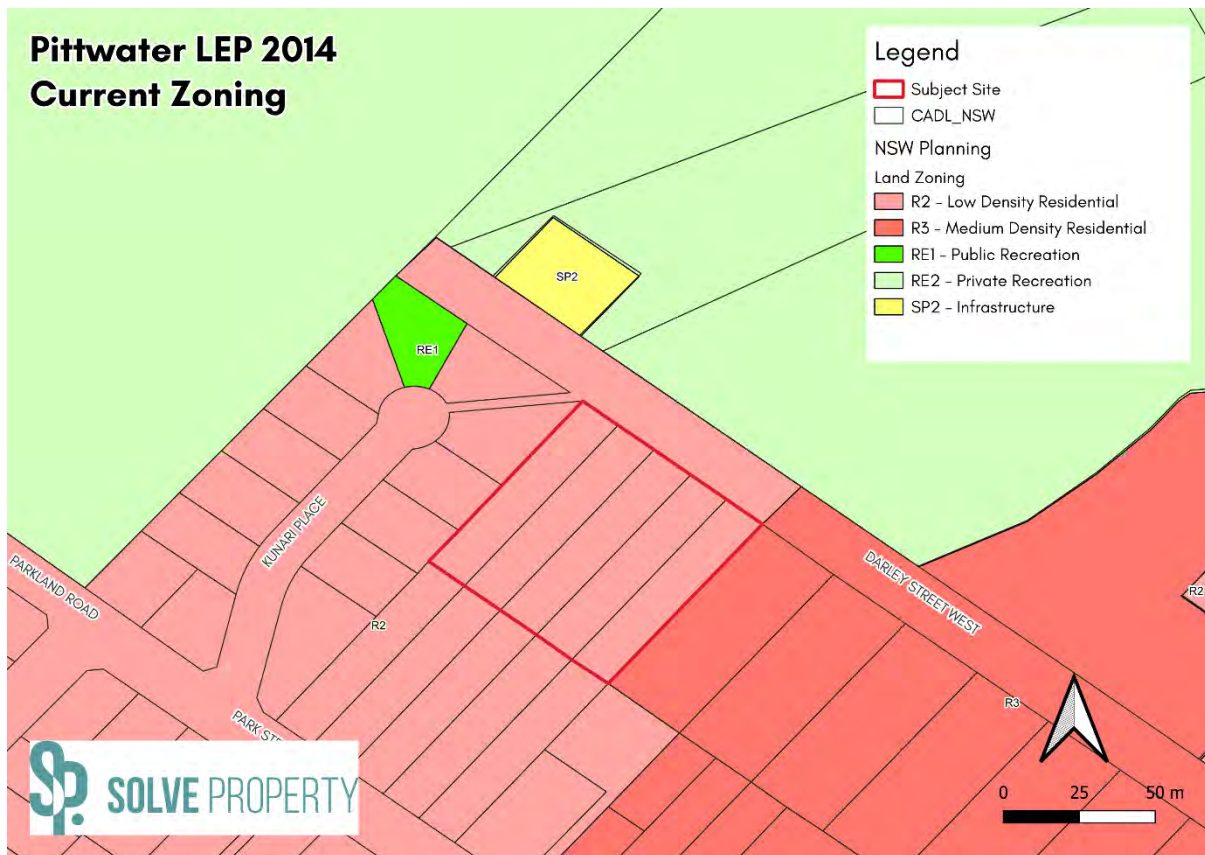


Source: Giles Tribe, Urban Design Study (2021)

1.3 Current Planning Controls

Under the Pittwater Local Environmental Plan 2014 (PLEP 2014), the site is zoned R2 Low Density Residential as shown below in Figure 7. The site has a height limit control of 8.5m. There is no floor space ratio (FSR) that applies to the site.

Figure 7. Subject Site & Current Zoning



Source: NSW Planning Portal (2023)

1.4 Gateway Determination

The panel determined that the PP should progress to gateway subject to the conditions detailed in Table 1 below:

Table 1. Gateway Requirements – PPA (Sydney North Planning Panel)

Gateway Requirement	Proponent Comment
<i>Include an affordable housing contribution rate of 5% which is to be mapped and</i>	An affordable housing contribution rate of 5% of GFA has been included in the PP as determined by the panel.

<i>included in a new Affordable Housing clause in the Pittwater LEP 2014;</i>	
<i>Address the most recent version of Ministerial Direction 4.1 Flooding;</i>	The previous Stormwater Management Strategy (Appendix E) has been reviewed by AECOM with an addendum cover letter addressing the current Ministerial direction 4.1 – Flooding. The AECOM review has found that the proposal is consistent with the current Ministerial Direction and will be subject to further detailed review during the subsequent development application (see updated Appendix E).
<i>Address the most recent versions of all Ministerial directions and State Environmental Planning Policies; and</i>	All State Environmental Planning Policies (SEPPs) and Ministerial Directions have been updated in this PP (see section 2.3.4). There are no changes to the Ministerial Directions or SEPPs that preclude the subject site from being rezoned.
<i>Reflect the current status of the Mona Vale Place Plan Review</i>	The current status of the Mona Vale Place Plan is addressed in section 2.3.1. It should be noted that whilst the Mona Vale Place Plan is scheduled to be completed in mid-late 2024, this is two years later than originally planned and three years after the process commenced for the second time (originally commenced in 2016).

Each of the conditions has been addressed throughout this PP. The PP has also been amended to reflect post consultation conditions recommended by the panel.

Section 2: Planning Proposal

This section addresses the following components outlined under Section 3.33(2) and 3.33(3) of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Local Environmental Plan Making Guideline (August 2023)*:

- Part 1 – Objectives and Intended Outcome
- Part 2 – Explanation of Provisions
- Part 3 – Justification
- Part 4 – Mapping
- Part 5 – Consultation
- Part 6 – Project Timeline

2.1 Part 1 – Objectives or Intended Outcomes

To amend PLEP 2014 to enable the redevelopment of the subject site for medium density housing including a mix and diversity of dwelling types and sizes.

Part 2 – Explanation of Provisions

The PP seeks to rezone 159-167 Darley Street West, Mona Vale from a R2 Low Density Residential zone under PLEP 2014 to a R3 Medium Density Residential zone to facilitate the redevelopment of the subject site for medium residential housing, consistent with other housing typology within Darley Street West. Medium density housing developments (i.e. residential flat buildings and multi dwelling housing) are not permissible within the current R2 Low Density Residential zone. Specifically, the PP seeks to permit the following uses to be developed:

residential flat building means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The objectives of the existing R2 Low Density Residential zone is outlined below:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

The development of the site for “residential flat building” and “multi dwelling housing” is not consistent with the R2 Low Density Residential zone objectives and these uses are prohibited. The PP therefore seeks to rezone the site to R3 Medium Density Residential zone to permit these uses to be developed on the subject site, subject to development consent. The objectives of the R3 Medium Density Residential zone is outlined below including details of development which is permissible with consent and prohibited development.

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; **Multi dwelling housing**; Neighbourhood shops; Oyster aquaculture; Places of public worship; **Residential flat buildings**; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Tank-based aquaculture; Veterinary hospitals*

4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

The objectives of the R3 Medium Density Residential zone are consistent with the proposed development outcome and the character of this locality. Land adjoining the subject site to its east is zoned R3 Medium Density Residential with the majority of Darley Street West having been developed for medium density housing. The rezoning of the subject site to facilitate medium density housing is a natural extension of the existing land uses, zoning and development character of this area.

The concept plan illustrates the construction of two (2) apartment buildings with 18 - 20 apartments each on the site including a mix of one-, two- and three-bedroom apartments and three (3) two-storey townhouses.

The application of clause 4.5A of PLEP 2014 would not permit the construction of more than 30 apartments on the subject site under the current controls which allows a maximum of one dwelling per 200m² of site area. These planning controls have a perverse outcome of limiting the provision of housing diversity and therefore housing affordability. Consistent with the *Greater Sydney Region Plan (2018)* and the *Northern Beaches Local Strategic Planning Statement (2020)*, a diversity of housing types, sizes and price points can help improve housing affordability. In addition to rezoning the site to allow for medium density housing, the PP originally sought to remove the applicability of clause 4.5A of the PLEP 2014 to facilitate a mix of dwelling types to be provided.

Clause 4.5A of the PLEP 2014 states:

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.

(4) In this clause—

Warriewood Valley Release Area means the area identified as Warriewood Valley Release Area on the Urban Release Area Map.

Column 1 Specified development	Column 2 Zone	Column 3 Density
Attached dwellings	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Multi dwelling housing	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Residential flat buildings	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Semi-detached dwellings	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Seniors housing	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Serviced apartments	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Shop top housing	B1 Neighbourhood Centre	A maximum of 1 dwelling per 150 square metres of site area.

It is noted that this clause is only applicable to land that was formerly within the Pittwater LGA and does not apply to other parts of the Northern Beaches Council area. It should be further noted that Council resolved to remove this provision from its consolidated LEP for the Northern Beaches Council at its meeting on 17 June 2024. Notwithstanding, the amended PP has been updated to reflect the panel requirements in relation to a maximum density of 1 dwelling per 150 square metres of site area.

Specifically, the proposed outcome of this PP will be achieved by:

- Amending PLEP 2014 Land Zoning Map for 159-167 Darley Street West, Mona Vale in accordance with the proposed zoning map shown in Figure 8A;
- Amending clause 4.5A(4) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale with the following amendments:

Column 1 - Specified Development	Amend to include a new row with the words "159-167 Darley Street West, Mona Vale"
Column 2 - Zone or Area	Include in the new 159-167 Darley Street West, Mona Vale row, "R3 Medium Density Residential"
Column 3 - Density	Include in the new 159-167 Darley Street West, Mona Vale row, "A maximum of 1 dwelling per 150 square metres of site area."

- Amending PLEP 2014 to include an Affordable Housing Contributions Scheme Area for 159-167 Darley Street West, Mona Vale, generally in accordance with the proposed affordable housing contribution scheme map shown in Figure 8B;
- Amending clause 7.6 - Biodiversity Mapping of the PLEP 2014 to include the site in biodiversity mapping shown in Figure 8C; and
- Remove the site from the Minimum Lot Size Map consistent with all land zoned R3 Medium Density in the Pittwater LEP 2014 not having a minimum lot size control generally in accordance with the mapping shown at Figure 8D.

In addition to the above Pittwater LEP 2014 Changes, the panel has also requested a site-specific DCP be prepared for the site. There are no similar examples in the Pittwater LEP 2014, however, it is proposed to introduce a new clause 7.14 under Part 7 Additional Local Provisions of the Pittwater LEP 2014. The recommended approach to new clause 7.14 is detailed below:

7.14 Development on land at 159-167 Darley Street West, Mona Vale

- 1) *The objective of this clause is to ensure development on certain land occurs in accordance with a site-specific development control plan.*
- 2) *This clause applies to land identified as 159-167 Darley Street West, Mona Vale.*
- 3) *Development consent must not be granted to development on the land unless a development control plan that complies with subclause (4) has been prepared for, or applies to, the land.*

- 4) *The development control plan must provide for the following –*
- a. *Objectives and controls to protect, rehabilitate and conserve the ecological values on the site, including the endangered ecological community, Pittwater and Wagstaffe Spotted Gum Forest including:*
 - b. *To require an assessment of biodiversity values to be undertaken through application of Stages 1 and 2 of the Biodiversity Assessment Method consistent with the Biodiversity Conservation Act 2016;*
 - c. *To require preparation and implementation of a Vegetation Management Plan which restricts development and identifies appropriate setbacks on the southern portion of the site where the vulnerable, endangered or critically endangered species are predominantly located;*
 - d. *Objectives and controls specific to the site that will establish site coverage and landscaping requirement to manage density and retention of vegetation. Controls should also ensure overshadowing, visual, privacy, bulk and amenity impacts on the adjoining low density residential properties are acceptable;*
 - e. *Objectives and controls to manage flood patterns within and downstream of the site to ensure that post development flows are improved and not worsened by the development, including the recommendations in the Lyall & Associates peer review letter to Solve Property, 16 February 2024; and*
 - f. *When submitting any DA, the application should accompany an updated traffic report incorporating recent data and analysis.*

Figure 8A. Proposed Zoning

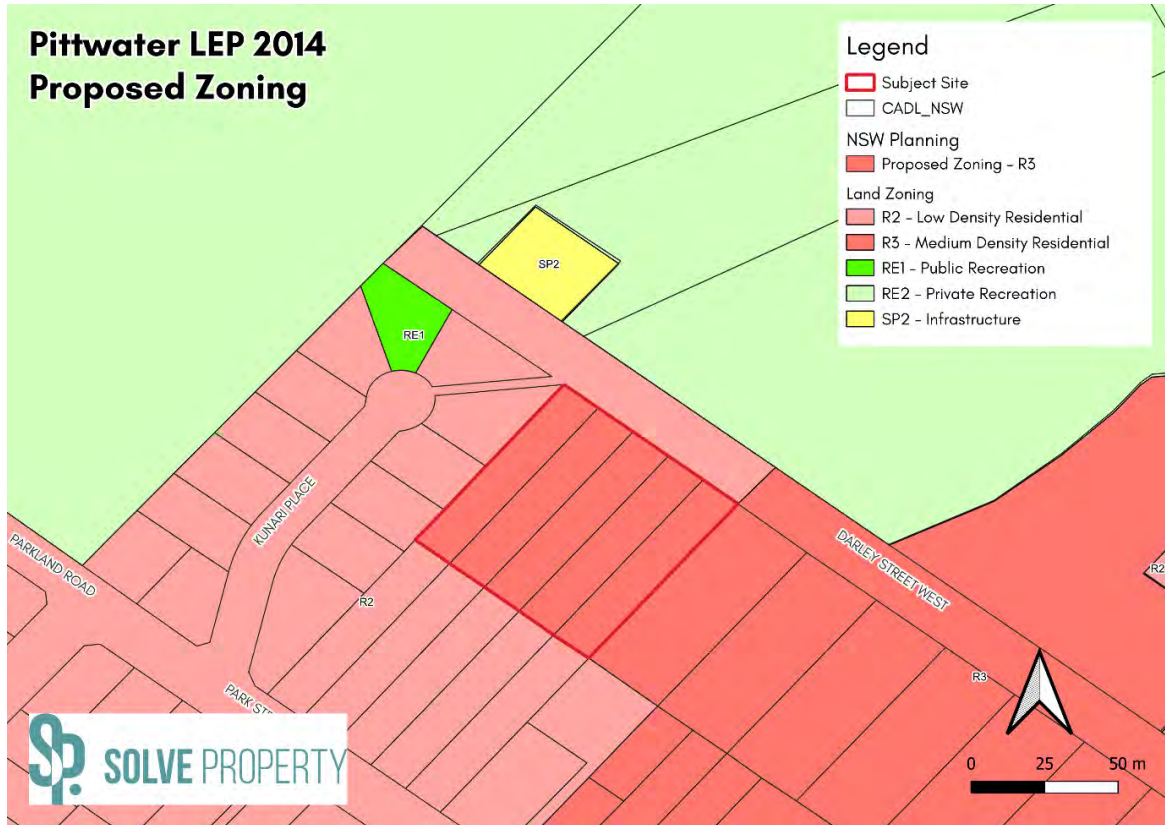


Figure 8B. Proposed Affordable Housing Contributions Scheme Map



Figure 8C. Proposed Biodiversity Mapping (cl. 7.6)



Source: Solve Property Group (2024)

Figure 8D. Proposed Minimum Lost Size Map (site removed)



Source: Solve Property Group (2024)

Part 3 – Justification

2.3.1 Section A – Need for the planning proposal

Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The PP seeks to deliver on the objectives of the Greater Cities Commission's (GCC) North District Plan and Council's LSPS and Local Housing Strategy to provide a mix and diversity of housing to meet the needs of the community as outlined in Section B below. Amending the PLEP 2014 to rezone the subject site to R3 Medium Density Residential and amending the applicability of clause 4.5A to development carried out on the site will facilitate the land being developed for medium density housing including different dwelling sizes and price points.

In addition, an affordable housing contribution equivalent to 5% of GFA is proposed. This requirement is consistent with the GCC North District Plan (page 44) and is a requirement from the panel as a condition of gateway.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP is the best means and most expedient process of achieving the intended outcome to deliver medium-density housing on the site through amending PLEP 2014.

The implications of continuing to implement clause 4.5A of the PLEP 2014 to housing developments in the northern part of the LGA was not addressed in the *Northern Beaches Local Housing Strategy*, but Council has since resolved to remove this provision in the consolidated LEP for the Northern Beaches. This clause limits the number of dwellings which can be built on a site, which in most instances would not change the building footprint or scale of a medium density residential development. That is, visually the FSR and height controls determine the building footprint and scale of the development, while clause 4.5A influences whether the development site has a mixture of one, two and/or three-bedroom apartments or is dominated by three plus bedroom apartments. Hence under the proposed concept development, and subject to the site being rezoned R3 Medium Density Residential, visually the development would present the same whether there were 30 or 41 apartments within the development envelope based on the height and FSR remaining unchanged.

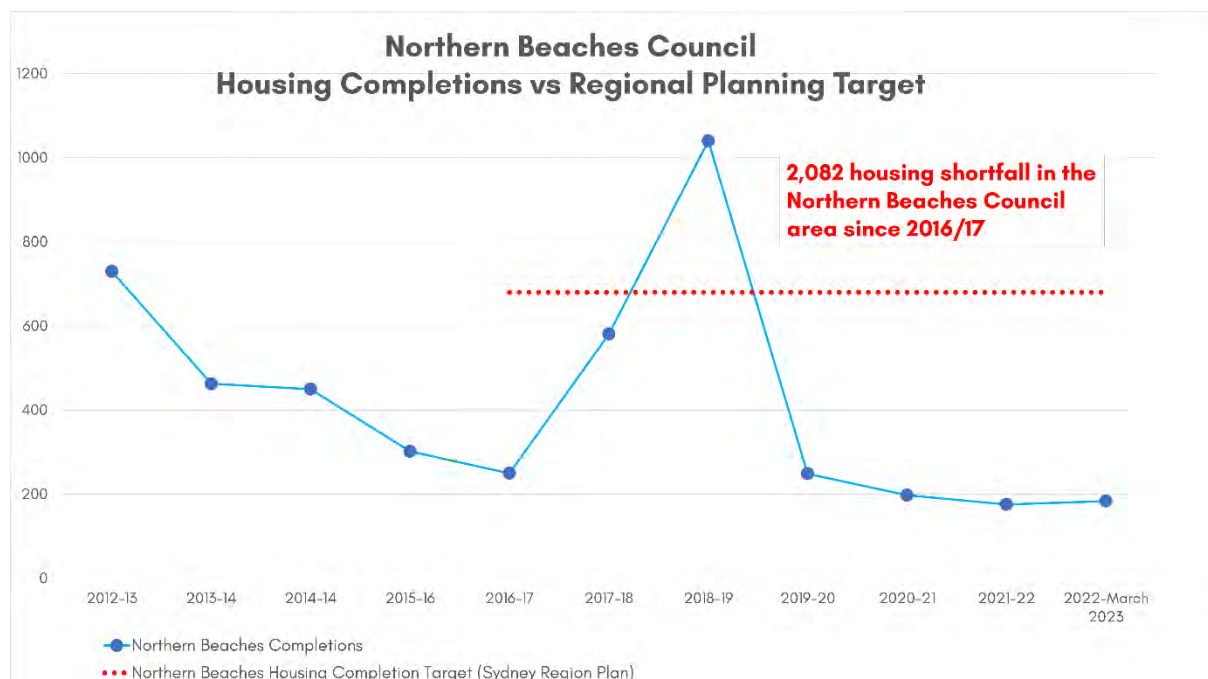
The panel determined to continue applying clause 4.5A but at a reduced threshold of one dwelling per 150m² of site area. A few days after the panel's decision, Council resolved to remove clause 4.5A in the consolidated LEP. Notwithstanding, Council has confirmed in its Local Housing Strategy (LHS) that it will not be considering changes to the other planning

controls for Mona Vale until it has undertaken a detailed planning analysis, estimated to occur between 2025-2036.

Whilst Council did initiate a Mona Vale Place Plan in 2016, it was ceased prior to finalisation. Council again commenced a Mona Vale Place Plan in December 2021 and progress has been slow with the latest publicly available updates confirming that Council is currently reviewing the draft plan and traffic considerations and that a draft Place Plan is expected to be exhibited in early to mid-2024 with a report for Council endorsement in mid to late 2024, three years after the process commenced for the second time and 2 years later than originally advised (August 2022).

Waiting for Council to complete its detailed planning analysis of Mona Vale, and to subsequently complete the Place Plan and make amendments to its LEP will further impact on housing supply and further exacerbate affordability issues in Mona Vale. Refer to Appendix H for further information regarding the economic justification for this PP and the consequences of limiting housing supply in Mona Vale.

Figure 9 – Housing Completions – Northern Beaches Council Area vs North District Plan Target



Source: Solve Property Group (2023)

It should be noted that the Northern Beaches Council area is more than 2,000 houses behind the housing targets set by the GCC for housing from 2016/17. This represents delivery of only 56.23% of the required housing targets. Figure 9 above illustrates the housing completions in

the Northern Beaches Council area from 2012/13 to March 2023 and recognises the required housing targets established in the Sydney Region Plan / North District Plan.

2.3.2 Section B – Relationship to strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the *Greater Sydney Region Plan, North District Plan, Northern Beaches Local Strategic Planning Statement* and endorsed *Northern Beaches Local Housing Strategy*. Specifically, Objective 10 of the Greater Sydney Region Plan notes that providing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney’s growing population. The Plan states (p68–69):

“Factors that contribute to rental and purchasing affordability challenges include the limited availability of smaller dwellings to meet the growing proportion of small households as well as the growing distance between areas where housing is affordable and the location of employment and education opportunities... A diversity of housing types, sizes and price points can help improve affordability.”

Figure 10 – Consistency with Region / District Plan



Source: Greater Sydney Commission, North District Plan (2018), Solve Property Group (2023)

The PP will deliver additional housing supply in close proximity to a strategic centre (Mona Vale) which has employment opportunities (more than 3,500 jobs), amenity and services. In addition, the proposal will deliver a diversity of apartment sizes (1, 2 and 3 bedroom) and therefore a

range of price points. This is a significant gap in the current market largely as a result of the provisions of clause 4.5A of the PLEP 2014. The panel has recommended it be retained at an adjusted dwelling density scale of 1 dwelling per 150m² of site area.

A Metropolis of Three Cities: Greater Sydney Region Plan 2036

The *Greater Sydney Region Plan* (2018) sets the 40-year vision and planning priorities for a metropolis of three cities (i.e. Western Parkland City, Central River City and Eastern Harbour City). The subject site is located within the Eastern Harbour City. The broader priorities of the *Greater Sydney Region Plan* are implemented through five District Plans. The subject site is located within Greater Sydney's North District.

The Greater Sydney Region Plan identifies a centre hierarchy ranging from metropolitan centres to strategic centres to local centres. Where a centre sits in the hierarchy is based on its activity mix, scale and location. For example, metropolitan and strategic centres are identified as a focus for jobs growth and industry investment. A summary of the roles of these centres is provided below:

- Metropolitan centres are the economic focus of Greater Sydney, fundamental to growing its global competitiveness and where government actions and investment, including transport, will be focused.
- Strategic centres enable access to a wide range of goods, services and jobs. Strategic centres are becoming increasingly important parts of the region's structure as both a place for employment but also to live. Mona Vale is identified as a strategic centre and therefore is the closest centre to the subject site.
- Local centres are a focal point of neighbourhoods. They provide essential access to day to-day goods and services and access to public transport. Infill development is encouraged on residential land around local centres.

The Plan spatially identifies where Sydney's population growth will be accommodated over the next 20 years including housing supply targets for each District. By 2036, the North District will need to accommodate an additional 92,000 dwellings (Figure 11).

However, it is important to note that these housing targets should not be deliberately interpreted or used around the notion that these are a maximum topping up figure for new housing when in fact, they are a minimum performance expectation relevant to this metropolitan plan. If there can be earlier and practical materialisation of new housing such as medium density, it should not be unnecessarily withheld based on housing targets being

achieved. As illustrated in Figure 9 above, this is not the case in the Northern Beaches, with only 56% of housing completions being achieved since 2016/17. This has resulted in a gap in housing completions vs target of more than 2,000 new homes. This is having a materially significant impact on housing supply in the area and as a consequence, housing affordability continues to diminish significantly. The Economic Assessment and Justification Report (Appendix H) outlines the consequences and impacts of additional housing supply not being provided in the Northern Beaches and specifically Mona Vale. The provision of additional housing supply in locations such as Frenchs Forest does not address the housing issues in Mona Vale which includes a lack of medium density housing and different apartment sizes.

The Plan identifies several objectives that aim to deliver the vision for Greater Sydney and the Eastern Harbour City. The following objectives are relevant to this PP:

- Objective 10 – Greater housing supply
- Objective 11 – Housing is more diverse and affordable
- Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities
- Objective 22 – Investment and business activity in centres
- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced
- Objective – Exposure to natural and urban hazards is reduced

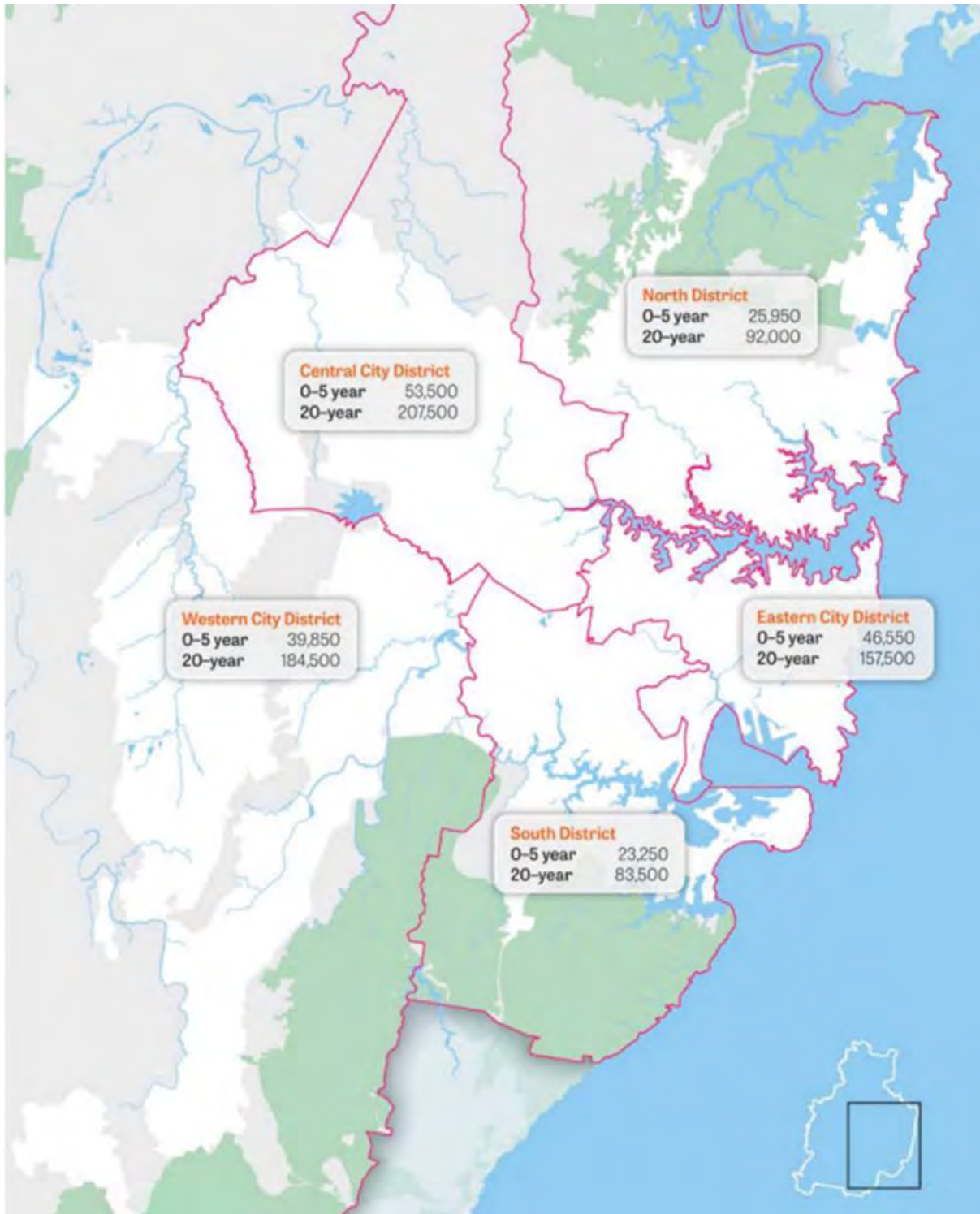
These objectives are similarly considered in the North District Plan and therefore have been considered under the relevant Planning Priorities of the North District Plan.

North District Plan

As stated above, the site is located within Greater Sydney's North District (Figure 12) and as such the North District Plan (2018) is applicable to the site.

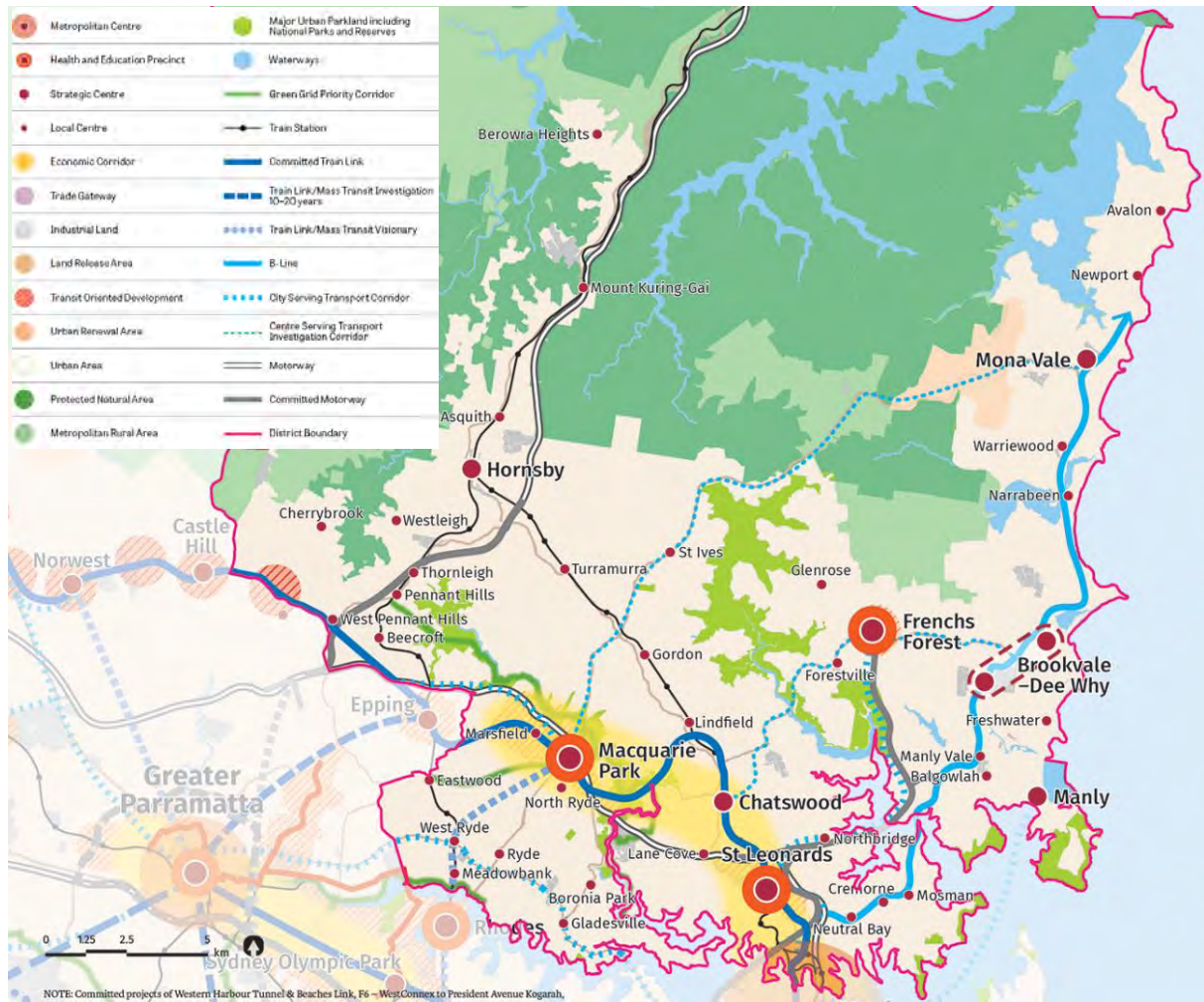
The North District Plan sets out the strategic direction and planning framework to support all levels of government to deliver jobs and social opportunities for the North District. This Plan aligns with the *Greater Sydney Region Plan* and identifies the planning priorities to deliver the ten strategic directions for a metropolis of three cities. The Plan also provides details regarding housing targets for each LGA in the District including the Northern Beaches LGA. The planning priorities applicable to this PP are summarised in table 2 below.

Figure 11. Greater Sydney housing targets 2016-2036



Source: Greater Sydney Commission, *A Metropolis of Three Cities: Greater Sydney Region Plan (2018)*

Figure 12. North District Structure Plan



Source: Greater Sydney Commission, North District Plan (2018)

Table 2. Applicable Planning Priorities - North District Plan

Planning Priorities	Consistency and Applicability
<p>Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport (This gives effect to Objective 10</p>	<p>This Planning Priority states that new housing must be in the right places to meet demand for different housing types, tenure, price points, preferred locations and design. It discusses the need to provide housing supply, choice and affordability, with access to jobs, services and public transport as well as the need to plan for expected changes in household and age structures. The Plan specifically states (p38):</p>

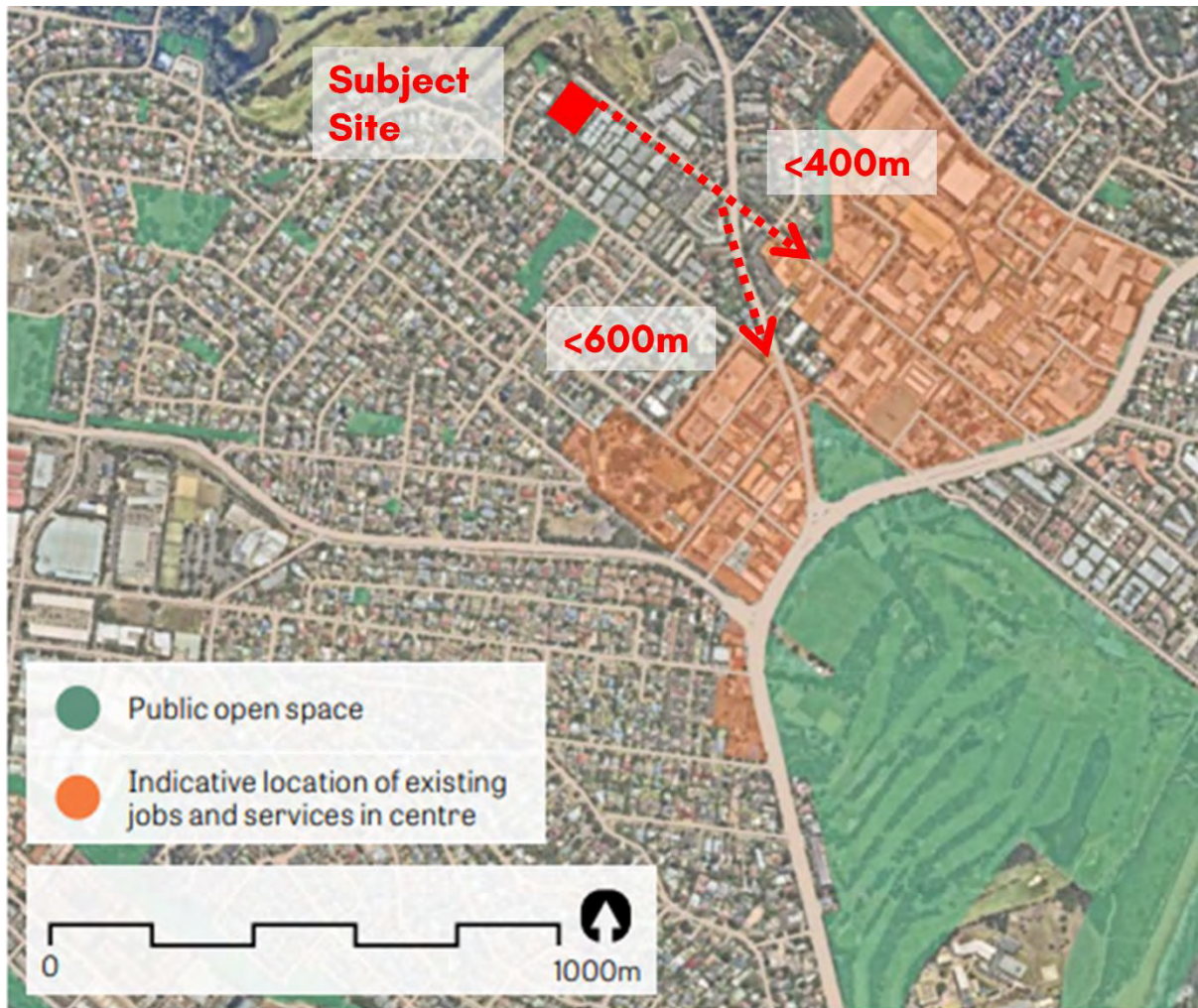
<p>and 11 of the Greater Sydney Region Plan)</p>	<p><i>“Multi-unit dwellings can provide important housing for seniors and more affordable homes for young people. This needs to be balanced with medium density row, terrace and villa homes that provide increased housing options, especially for larger households.”</i></p> <p>The PP has the intended effect of delivering multi-unit dwellings and apartment sizes, catering for the current and future resident’s needs. The site is located less than 600m from the Mona Vale commercial / retail core and less than 400m from employment lands and public transport. The PP will deliver a diversity and mix of different apartment sizes which will result in different prices points for the apartments.</p>
<p>Planning Priority N10 – Growing investment, business opportunities and jobs in strategic centres (This gives effect to Objective 22 of the Greater Sydney Region Plan)</p>	<p>Mona Vale is identified as a strategic centre within the North District (Figure 12). Actions within the Plan relate to the ongoing development and growth of the commercial and retail function of the area. Allowing the population to grow through density will help to support this outcome with more people requiring more service providers.</p> <p>Mona Vale’s strategic centre is a mixed-use area which includes retail, commercial, community, light industrial and residential uses providing amenity and convenience for residents. Mona Vale itself is projected to provide an additional 700-1700 new jobs by 2036. The subject site is located less than 400m walking distance from the “strategic centre” of Mona Vale (Figure 13).</p> <p>Action 45 of the Plan (p77), relates to strengthening Mona Vale as a strategic centre by protecting and nurturing its retail and commercial core. Developing local employment growth will need to be supported by improved housing options to accommodate a variety of additional workers.</p> <p>The Northern Beaches Council is committed to building and strengthening the commercial and retail activity in the five major centres. However, the employment generating capacity of this</p>

	<p>strategic centre is tied in with the population that surrounds it. For particular types of businesses, the size of market required for a viable business has increased over time, so a larger population would be positive for the on-going health and viability of the Mona Vale strategic centre. The other issue for businesses is obtaining employees and for employees the availability of housing is a crucial issue for them.</p> <p>The PP will provide a mix of housing options to support Mona Vale's important role as a commercial and strategic centre for the Northern Beaches and deliver housing within walking distance of this strategic centre including providing more affordable housing choices.</p>
<p>Planning Priority N12 - Delivering integrated land use and transport planning and a 30-minute city (This gives effect to Objective 14 of the Greater Sydney Region Plan)</p>	<p>To achieve the 30-minute city long term aspiration, the Plan notes that more housing, jobs, health and education facilities will need to be planned in metropolitan and strategic centres (such as Mona Vale) so that more people can access public transport metropolitan and strategic centres. This is also important from a liveability, productivity and sustainability perspective. The PP will provide additional housing opportunities within walking distance of Mona Vale strategic centre as well as public transport options which provide connectivity within the Northern Beaches and to Sydney's CBD.</p>
<p>Planning Priority N16 - Protecting and enhancing bushland and biodiversity (This gives effect to Objective 27 of the Greater Sydney Region Plan)</p>	<p>The Plan includes actions to manage urban bushland and remnant vegetation as green infrastructure and seeks to ensure remnant vegetation is incorporated into the planning and design of neighbourhoods. Mona Vale and the subject site are not identified within protection areas of Figure 20 of the Plan.</p> <p>A preliminary ecological assessment has been undertaken to support this Planning Proposal (Appendix G). The subject site contains 0.19 ha of PCT 1214 Pittwater Spotted Gum Forest, consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, listed as endangered under the <i>Biodiversity Conservation Act, 2016</i> (BC Act). The remainder of</p>

	<p>the subject site is comprised of Planted Native Vegetation (0.04 ha) and other exotic vegetation. The concept plan requires the removal of some vegetation. Further details regarding the potential impact of the future development of the subject site is discussed in detail in Part 2.3.3 below and in Appendix G.</p> <p>The area of vegetation to be retained is proposed to be further enhanced with the establishment of understorey replanting and the replacement of a 0.08 ha area of Exotic Vegetation, Exotic Dominated Grassland and Cleared Land with native landscape plantings. Specifically, the proposal provides opportunities for revegetation of the subject site with characteristic species of the Pittwater Spotted Gum Forest threatened species community.</p> <p>The panel has recommended that biodiversity mapping associated with cl 7.6 of the Pittwater LEP 2014 be amended to reflect the site. Whilst below the thresholds identified in the BC Act and not identified in Council’s recent shire wide conservation zones review, the PP has been updated in accordance with the panel’s direction. The requirements of the BC Act will prevail to the extent of any inconsistency during the assessment of future development applications on the site.</p>
<p>Planning Priority N22 – Adapting to the impacts of urban and natural hazards and climate change (This gives effect to Objectives 36, 37 and 38 of the Greater Sydney Region Plan)</p>	<p>The site is identified as being partly flood affected. The Plan acknowledges that placing development in hazardous areas or increasing the density of development in areas with limited evacuation options increases risk to people and property. A Stormwater Management Strategy (Appendix E) has been prepared to address Council’s concerns regarding flooding issues on the site and potential risks to people and property. Detailed modelling has been undertaken to support this PP and has been recently reassessed to ensure compatibility with the current Ministerial Directions. Engineering design solutions have also been identified to address overland flow issues and contribute to an overall improvement in stormwater drainage and flooding to downstream landowners.</p>

	<p>More specifically, the concept proposal aims to mitigate the impact of flooding both on the proposed development site, and on the downstream landowners. These have previously been discussed with Council and would be implemented at the DA stage.</p> <p>Further updates to Appendix E have been prepared to provide flood risk hazard mapping for the 1% and PMF flooding events pre-development and post-development consistent with the concept plan. These updates have been provided in accordance with the conditions required by the panel. It should be noted that the post development flood hazard mapping included in the updated Appendix E is indicative of the concept development only.</p>
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Figure 13. Mona Vale Strategic Centre



Source: Greater Sydney Commission, North District Plan (2018), Solve Property Group (2023)

Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes, the PP gives effect to Council's local strategic statement and local housing strategy as outlined below.

Towards 2040: Local Strategic Planning Statement (2020)

The Northern Beaches "Towards 2040" Local Strategic Planning Statement (LSPS) sets a 20-year land use vision for the Northern Beaches LGA and how Council will sustainably manage growth and change. The LSPS seeks to give effect to the strategic direction set by Greater Sydney Region Plan and North District Plan. The vision for the Northern Beaches LGA is (p22):

“In 2040, the Northern Beaches has a stunning coastal and bushland environment, an enriched and contemporary coastal character and better connections to the North District and the rest of Greater Sydney. The natural environment is healthy and protected and highly valued by residents and visitors alike. There is a range of housing to accommodate the whole community and we continue to pursue design excellence and sustainability outcomes in built forms. It offers a thriving local economy and a sustainable mix of employment and industrial lands and vibrant and enlivened centres. The healthy and active community can easily access artistic, creative, sporting and recreational opportunities and the services and facilities that support their health and wellbeing.”

A copy of the Northern Beaches Structure Plan outlining the future growth for the LGA and potential future transport corridors is shown in Figure 14.

The LGA’s population in 2016 was 253,000 and this increased to around 274,000 in 2021 and is expected to increase to almost 290,000 by 2041. Whilst this has reduced marginally from earlier projections, largely because of changes in population growth as a result of COVID-19 and government policy changes in respect to the Ingleside priority growth area (reduction of 3,400 dwellings). The net long term housing requirement for the balance of the Northern Beaches Council area remains largely unchanged.

Other LSPS matters of relevance include:

- The population of the LGA is older than the Greater Sydney average and Council expects that this trend will continue.
- The LGA has a lower proportion of young adults compared to Greater Sydney however, Council has identified that this could change as a result of matters including housing affordability.
- Approximately 56% of the LGA’s dwellings (i.e. approximately 101,500) are detached dwellings with the provision of detached dwellings the greatest around Frenchs Forest and Mona Vale. Based on projected population growth, the LGA will need to plan for approximately 12,000 additional dwellings over the next 20 years as well as housing choice given the dominance of detached dwelling stock.

The LSPS confirms that Mona Vale is a strategic centre that serves people in the northern end of the peninsula and provides over 4,000 local jobs. Over 60% of those employed, live and work in Mona Vale, and the area has a higher proportion of older people living in the locality. While

it is well connected to the south via the B-Line, it has limited access to and from other areas in the north and west, as such there is particularly high private car usage in the locality.

Mona Vale is characterised by its local coastal character with a village atmosphere however, in the future it is identified as developing into a cosmopolitan coastal local character and being the urban heart of the northern peninsula (Figure 14). It is also identified as needing to provide additional housing choice and being an employment hub with a focus on additional jobs being provided closer to home. The subject site's proximity to existing employment lands and the strategic centre of Mona Vale (<400m distance) as well as the proposal to provide housing choice (i.e. a diversity of medium density housing stock) is therefore strategically aligned with the future vision for Mona Vale.

While Council has committed to prepare a Place Plan for Mona Vale, it will not progress until late 2024 at the earliest and based on previous timelines (the first Mona Vale Place Plan commenced in 2016), there must be some uncertainty regarding its completion even at this future stage.

The PP should not be delayed by this process on the basis that it aligns with the strategic direction of the LSPS, and it would deliver additional apartment housing supply and apartment sizes at a time when Council has achieved only 56% of its targeted housing completions since 2016/17. The LSPS acknowledges that opportunities exist for new housing to be provided near the Mona Vale centre (p120) and the proposed land use zoning and development form would provide a continuation of Darley Street West's existing built form and zoning within walking distance of the town centre. The design quality of the development concept pursues design excellences and will incorporate sustainability outcomes in the final built form.

The LSPS states (p32):

"Planning proposals seeking changes to the planning controls for additional development capacity through spot rezoning must have strategic merit and site-specific merit."

Figure 14. Northern Beaches Structure Plan



Source: Northern Beaches Council, Towards 2040 Local Strategic Planning Statement (2020)

The PP has strategic and site-specific merit to proceed for the reasons specified above. Specifically, the proposed Planning Proposal is consistent with the following Planning Priorities of the LSPS:

- The site is in close proximity to the strategic centre of Mona Vale and is within walking distance of high-frequency public transport (Priority 15, Priority 19).
- The site is located within 100m of public open space and is located directly opposite private open space (i.e. the Bayview Golf Club) (Priority 6, Priority 15).
- The proposal will positively contribute to the built environment and result in overall better urban design outcomes than existing planning controls (Priority 15).
- The proposal will complement the local character and will be consistent with the land use zoning and development form of Darley Street West (Priority 15).
- The proposal will support Mona Vale transitioning from a predominantly low-density centre to a place that offers more diverse housing and job opportunities, especially catering to the ageing population (Priority 27).

Council has acknowledged that housing affordability is a major issue for the Council area with additional housing supply needed to address affordability issues and to provide a greater choice of housing options to a changing and ageing community. The LSPS specifically states that *“significant additional housing supply is not needed to address projected population growth, but is needed to address affordability issues and to provide a greater choice of housing options to a changing and ageing community”* (p128). This PP seeks to address this issue by providing housing options which are in low supply for the Mona Vale area.

To address housing affordability in localities such as Mona Vale, Council has recently endorsed the removal of density caps (i.e. one dwelling per 200m²) as part of the new consolidated Northern Beaches LEP. The current requirement (cl. 4.5A) to provide larger and hence fewer apartments will not support Council’s objective to provide more affordable housing including opportunities for more affordable rental accommodation in accordance with Planning Priority 16. This PP therefore seeks to vary this development standard. Removal of this clause will encourage the delivery of one- and two-bedroom apartments which will contribute to the provision of more affordable housing stock for both renters and purchasers. The panel recommended the retention of a density cap at a lower threshold of 1 apartment per 150m² of site area. The proposed changes to the operation of cl 4.5A were not detailed by Council in the finalisation meeting with the panel.

Northern Beaches Local Housing Strategy (2021)

The final draft *Northern Beaches Local Housing Strategy* (LHS), dated April 2021, was endorsed by Council and approved by DPE on 16 December 2021⁵. Whilst approved, it should be noted that DPE applied 13 conditions to the approval of the LHS which required significant amendments to the delivery framework to meet the requirements of the North District Plan. There is no publicly available information on amendments to the LHS to address these conditions of approval.

Notwithstanding, the LHS outlines how and where housing will be delivered to meet the Northern Beaches community's needs, now and into the future and has been shaped around the following vision:

As the Northern Beaches community grows and changes, residents will be able to find the right housing that meets their needs, lifestyles and budgets.

This diverse mix of homes will be contained primarily within existing urban areas, with their design and construction respecting the area's heritage, environmental features and existing character.

New housing will be focused in and near centres where people can easily access public transport or walk or cycle to shops and services. This means that many parts of the LGA will only experience minimal change.

The mix of new housing will include well-designed flats, low rise dwellings, and social and affordable housing, including boarding housing. Seniors housing will be developed in areas that will allow older people to easily access transport and services.

This mix will mean that young and older residents can continue to live on the Northern Beaches in the community they know.

New housing will follow the principles of sustainable development, designed to reduce energy and water use and take advantage of natural elements such as breezes and heat. People will be less likely to use their cars and will enjoy living near new and enhanced open space areas." (p6)

Five priority areas have been identified to assist with achieving the above vision:

⁵ https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Northern+Beaches+Local+Housing+Strategy+-+letter+of+approval.pdf

- **Priority 1:** Housing targets – meet District Plan and 6–10 year housing targets.
- **Priority 2:** Detailed planning for centres – establish sufficient capacity to accommodate housing demand around existing centres.
- **Priority 3:** Social and affordable housing – encourage the provision of affordable housing and plan for boarding house in appropriate and accessible locations.
- **Priority 4:** Precinct sustainability and housing – investigate and support sustainable housing precincts.
- **Priority 5:** Planning for seniors housing – incentivise the provision of seniors housing in the right locations.

Under Priority 2, Council confirms that new housing will be focused in two different locations (with one of the two being in a Centres Investigation Areas (CIA)) with the aim of providing new housing in well located places. The focus of the CIA is to investigate opportunities for low-rise medium density housing around the applicable centre, such as terraces and multi-dwelling housing in accordance with the Centres Renewal Framework (CRF) (Figure 15). Mona Vale is identified as a CIA.

Under the CRF, the centre core would logically be the Mona Vale Strategic Centre (B4 Mixed Use zoned land) and land within an 800m radius of the strategic centre. The subject site is located within the 800m radius and therefore could be considered as part of the centre core.

Consistent with that, the publicly exhibited version of the draft LHS (December 2020) identified the centre of the CIA as being in the middle of the strategic centre (i.e. the intersection of Pittwater Road and Bungan Street) (Figure 16). On that basis, the subject site would have been within the mixed housing area within the CIA.

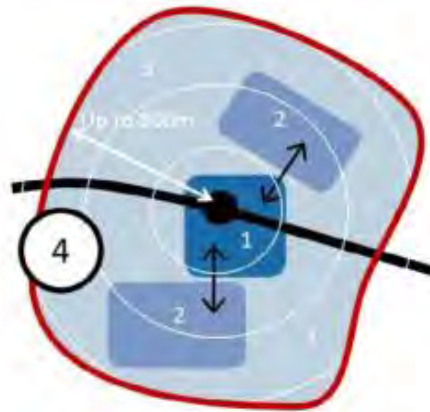
However, as part of finalising the LHS (April 2021), Council moved the central point of the Mona Vale CIA radius away from the middle of the strategic centre to the B1 bus stop on Barrenjoey Road (Figure 16). A substantial area within 800 metres and easy walking distance of the commercial precinct was excluded, now resulting in the subject site being located just outside the Mona Vale CIA.

While the overall changes in the CRF were said to “*better reflect walkable distances*”, no real justification was provided for changing the CIA for Mona Vale and excluding locations within 800 metres (a walkable distance) of the town centre (strategic centre). The report to Council dated 27 April 2021 did not identify that the centre point of the Mona Vale CIA had been amended and that land previously identified for investigation was to be excluded.

Figure 15. Northern Beaches Centres Renewal Framework (CRF)

Defining the investigation area boundary:

- Areas within 800 metres of centres
- Exclude areas with heritage, topography or environmental constraints



Precincts

1. Centre core

- Highly accessible and in town centre areas - less than 800m to public transport.
- Areas that are logical extensions of a centre where people can easily walk to the centre without facing physical barriers.
- Includes larger sites suitable for redevelopment, or areas with potential for site amalgamations to host additional development.
- Suited to mixed use developments (with ground floor retail) and higher density housing such as apartments (such as within Brookvale and Frenchs Forest).

2. Mixed housing

- Up to 800m from centres and public transport.
- Good amenity, representing opportunity areas closest to assets such as parks and shops.
- Suited to larger lot sizes, typically over 600 sqm, ready for redevelopment without site amalgamations.
- Suited for housing such as townhouses and small scale apartments of 2-4 storeys.

3. Influence areas

- Located within within 800m walk of centres.
- Suitable for housing that match the character of existing detached housing areas, such as dual occupancies, terraces, semi-detached dwellings or manor homes.
- Ideally creating Torrens (not strata) titled properties.

4. Excluded areas

- Heritage conservation areas, sites with high environmental hazards and risks, and areas zoned for E4 Environmental Living.

Source: Northern Beaches Council, Draft Northern Beaches Local Housing Strategy (April 2021)

Figure 16. Draft & Final draft LHS (December 2020 & April 2021) Mona Vale CIA boundary



Source: Northern Beaches Council, Draft Northern Beaches Local Housing Strategy (April 2021)

Notwithstanding the above, the relevant features of the subject site in Darley Street West fit neatly with the CRF descriptors as follows, to provide 'Mixed housing', and therefore the subject site should be included within the Mona Vale CIA:

1. Highly accessible – only a 9-minute walk or 700 metres to the middle of the town centre, which has an abundance of amenities by way of shops and other services. That is, within walkable distance.
2. In terms of public transport, it is a 5-minute walk to the 156-bus service stops on Pittwater Road (400m walk) and a 13-minute walk to the B-Line bus stop on Barrenjoey Road opposite Village Park. That is, within walkable distance.
3. In terms of recreational amenity, it is over the road from the Bayview Golf Course which also has other facilities e.g., tennis courts. The subject site is also within walking distance to the beach at the opposite end of Darley Street, the park with a playground opposite the beach, and to the ocean walks to the south. The beach has an ocean pool and is patrolled.
4. The area contains a mix of detached houses, dual occupancies, townhouses and apartments, but there is substantial need for additional housing.
5. Includes larger sites suitable for redevelopment, or areas with potential for site amalgamations to host additional development.
6. Most of the detached houses are on lots larger than 600 sqm, which would have the potential for small scale developments of townhouses and apartments of 2-4 stories.

Priority 3 of the LHS is also of relevance to the PP. The LHS states (p11):

*"We can start to tackle affordability and provide options for more people by planning for the right **diversity of housing** that will allow more people to be able to afford to live in the Northern Beaches. This includes:*

- *low density housing, such as single and secondary dwellings or low to medium density housing, such as attached dual occupancies.*
- *medium density housing, including those allowed by the Low-Rise Housing Diversity Code.*
- *..."*

This PP will facilitate the provision of a mix of one-, two- and three-bedroom apartments which will provide different price points as well as make available housing options that meet resident’s needs, lifestyles and budgets (including single person households). The majority of housing in Mona Vale is detached dwellings and the PP will deliver more diverse housing choices, addressing people’s changing needs whilst providing more affordable smaller housing to help address affordability. Delivering this type of housing is consistent with the findings and recommendations of the LHS.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 3 below demonstrates the proposals consistency with the current State Environmental Planning Policies (SEPP).

Table 3. State Environmental Planning Policies (SEPP)

SEPP Title	Consistent
<p>SEPP (Biodiversity and Conservation) 2021</p> <ul style="list-style-type: none"> Ch 2 Vegetation in Non-Rural Areas 	<p>Consistent - The subject site triggers chapter 2 – vegetation in non-rural areas. As detailed in Appendix G and section 2.3.3 below, there will be some clearing on site, but this will be below accepted thresholds in the <i>Biodiversity Conservation Act 2016</i>.</p> <p>It should be noted however that consistent with the recommendations of the panel, an amendment to Council’s biodiversity mapping is proposed to reflect the site.</p> <p>A Site Specific DCP is also recommended by the panel to ensure that vegetation management is considered as part of the future development application, notwithstanding the existing provisions in the Pittwater DCP.</p>

SEPP (Housing) 2021 <ul style="list-style-type: none"> Ch 2 Affordable Housing 	Consistent – The PP includes a requirement to provide an affordable housing contribution equivalent to 5% of GFA.
SEPP (Industry and Employment) 2021	Not Applicable
SEPP (Primary Production) 2021	Not Applicable
SEPP (Resilience and Hazards) 2021	Not Applicable
SEPP (Resources and Energy) 2021	Not Applicable
SEPP (Transport and Infrastructure) 2021	Not Applicable
SEPP (Planning Systems) 2021	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	Consistent – This SEPP allows for certain development and works to be carried out as exempt and complying development. Notwithstanding this, any future development (i.e. Concept Plan) will require development approval from Council.
SEPP (Precincts – Eastern Harbour City)	Not Applicable

Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 4 below outlines the applicable Ministerial Directions that are applicable to the planning proposal.

Table 4. Ministerial Directions

Focus Area 1: Planning Systems – Place-based

1.1 Implementation of Regional Plans

Ministerial Direction	Comment
Direction 1.1	
<p>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning</p>	<p><i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.</i></p> <p>As discussed under section 2.3.2 of this report, the PP is consistent with the strategic direction of the <i>Greater Sydney Region Plan</i> and the <i>North District Plan</i>. The strategic planning narrative confirms that Mona Vale is well suited to provide medium density housing, particularly for land within walking distance of the town/strategic centre. The subject site is within walking distance of Mona Vale shops and ‘strategic centre’ lands as identified in the <i>North District Plan</i>. The PP seeks to provide housing options and choice which will also support employment growth opportunities for Mona Vale.</p> <p>The PP will facilitate the rezoning of the land to R3 Medium Density Residential which will enable the construction of medium-density development, a form of housing which is lacking in the North District and particularly in Mona Vale. As shown in Figure 1 and Appendix A, the concept for the land proposes two apartment buildings and three townhouses. The facilitation of medium-density housing development will add to the</p>

	Mona Vale housing supply that will deliver additional housing choice to future homebuyers and/or renters. The apartment buildings are proposed to contain a mixture of apartment sizes which will provide further choice and affordability.
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1.2 Development of Aboriginal Land Council land

Ministerial Direction	Comment
Direction 1.2	
<p>When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</p> <p>any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</p> <p>if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.</p> <p>Note: Development delivery plans must be published in the Gazette or the NSW planning portal.</p>	Not Applicable

1.3 Approval and Referral Requirements

Ministerial Direction	Comment
Direction 1.3	
A planning proposal to which this direction applies must:	Consistent

minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and

not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:

the appropriate Minister or public authority, and

the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and not identify development as designated development unless the relevant planning authority:

can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and

has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

No new referral or concurrence conditions are proposed.

1.4 Site Specific Provisions

Ministerial Direction	Comment
Direction 1.4	
<p>A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>allow that land use to be carried out in the zone the land is situated on, or</p> <p>rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p>	<p><i>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</i></p> <p>Council has previously suggested that a Schedule 1 amendment to PLEP 2014 could be an alternative pathway to achieve the intent of the PP. Such an approach would be inconsistent with this Ministerial Direction given Darley Street West is zoned R3 Medium Density Residential, except for the subject site, and the application of an R3 Medium Density Residential zone on the site would achieve the intended outcome. Adding additional permitted uses to the R2 Low Density Residential zone is likely to be considered an unnecessary planning restriction for land that adjoins R3 zoned land.</p> <p>The PP to rezone the land to R3 Medium Density Residential is a logical extension of the type of development that is suitable in this location and is consistent with the existing character of this street.</p>
<p>A planning proposal must not contain or refer to drawings that show details of the proposed development</p>	<p>Consistent – Whilst a Concept Master Plan has been prepared in support of the proposal, the PP does not contain or refer to drawings that show details of the proposed development. A future development of the site will be subject to a future DA to Council.</p>

Focus Area 2: Design and Place

Not Applicable

Focus Area 3: Biodiversity and Conservation

3.1 Conservation Zones

Ministerial Direction	Comment
Direction 3.1	
A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	A Preliminary Ecological Assessment Report (Appendix G) has been prepared as part of this PP. The subject site contains 0.19 ha of PCT 1214 Pittwater Spotted Gum forest, consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, listed as endangered under the BC Act. The remainder of the subject site is comprised of Planted Native Vegetation (0.04 ha), Exotic Vegetation (0.17 ha), Exotic Dominated Grassland (0.05 ha) and Cleared Land (0.17 ha). The likely future development is anticipated to result in impacts to a 0.09 ha of PCT 1214, 0.04 ha of Planted Native Vegetation, 0.11 ha of Exotic Vegetation and 0.04 ha of Exotic Dominated Grassland. Figure 17 below identifies the existing vegetation communities and habitat features within the site including area and vegetation identified for retention and further investigation. It is noted that the PCT 1214 to be retained is located along the southern boundary of the subject site, bearing connectivity to the native vegetation within the adjacent lot. The area of PCT1214 to be retained is of the highest ecological

	<p>retention value and will serve to maintain a degree of linkage throughout the urban landscape.</p> <p>The preliminary ecological assessment indicated that issues relating to threatened species and threatened ecological communities are manageable and not significant.</p> <p>A suite of mitigation measures has been recommended by Cumberland Ecology to minimise the impacts on biodiversity values for the likely future development (refer to Section 4.2 of Appendix G). The impacts of the likely future development and any applicable mitigation measures can be re-evaluated at the DA stage of the project.</p> <p>In addition, the panel has recommended that Council’s Biodiversity mapping (cl. 7.6) be updated to reflect the findings from the ecological studies. Whilst not identified by Council in its recent shire wide conservation zones review (and associated mapping), an amendment to the mapping is proposed as recommended by the panel.</p>
<p>A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a</p>	<p>Council’s recent Conservation Zones Review considered the subject land and confirmed that no changes to the zoning were necessary for conservation purposes and that a conservation zone would not apply to the site as the site did not meet the relevant criteria⁶</p>

⁶ [Conservation Zones Review | Your Say Northern Beaches \(nsw.gov.au\)](https://www.nsw.gov.au/your-say-northern-beaches)

change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".	
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3.2 Heritage Conservation

Ministerial Direction	Comment
Direction 3.2	
<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	Not Applicable

3.3 Sydney Drinking Water Catchments

Ministerial Direction	Comment
Direction 3.3	
<p>A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:</p> <p>new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and</p> <p>future land use in the Sydney drinking water catchment should be matched to land and water capability, and</p> <p>the ecological values of land within a Special Area that is:</p> <p>reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or</p> <p>declared as a wilderness area under the Wilderness Act 1987, or</p> <p>owned or under the care control and management of the Sydney Catchment Authority, should be maintained.</p>	Not Applicable

3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs

Ministerial Direction	Comment
Direction 3.4	

<p>A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils E Zone Review Final Recommendations.</p>	<p>Not Applicable</p>
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3.5 Recreation Vehicle Areas

Ministerial Direction	Comment
<p>Direction 3.5</p>	
<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <p>where the land is within a conservation zone,</p> <p>where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</p> <p>the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September 1985, and</p>	<p>Not Applicable</p>

the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.	
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Focus Area 4: Resilience and Hazards

4.1 Flooding

Ministerial Direction	Comment
Direction 4.1	
A planning proposal must include provisions that give effect to and are consistent with: the NSW Flood Prone Land Policy the principles of the Floodplain Development Manual 2005 the Considering flooding in land use planning guideline 2021; and 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.	Consistent – The Stormwater Management Report prepared by AECOM (Appendix E) and Addendum addresses this requirement in detail. In addition, the independent peer review by Lyall & Associates has made a number of recommendations which need to be reflected in the site specific DCP prior to the issue of a future development consent. Further, the Stormwater Management Report prepared by AECOM has been updated to provide flood hazard vulnerability classification maps for existing and post development scenarios based on the current concept plans.
A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.	Not Applicable

A planning proposal must not contain provisions that apply to the flood planning area which:

- permit development in floodway areas
- permit development that will result in significant flood impacts to other properties
- permit development for the purposes of residential accommodation in high hazard areas
- permit a significant increase in the development and/or dwelling density of that land
- permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate
- permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent
- are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities

Consistent - AECOM have prepared a Stormwater Management Strategy (SMS) (Appendix E) to address the flood related risks associated with developing the site for medium density housing. The Addendum to Appendix E addresses this Ministerial Direction in detail.

Specifically, the proposal seeks to provide betterment to downstream properties currently impacted by flooding by diverting the existing overland flow path through the new driveway access towards the existing public road. This grading will divert approximately 70% of arriving flows in the 1% AEP event through the private driveway towards Darley Street West.

This will result in a reduction in flood depths (post development) for downstream properties at 6, 8 and 10 Kunari Place ranging from 0.05 to 0.15m in the 1% AEP event (as shown in Figure 6 of the report).

It should be noted that the subject site is not defined as 'high hazard' in McCarrs Creek, Mona Vale and Bayview Flood Study (2017), and whilst the PP will increase the development and/or dwelling density of the land, it is not considered to be a 'significant increase' in the local context, and no structures are proposed within realigned overland flow path.

The development does not propose land use typologies with vulnerable persons and the improvements to onsite stormwater

<p>permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p>	<p>management infrastructure will be delivered by the proponent and as such there will be no requirement for government spending on emergency management services, flood mitigation or emergency response measures.</p> <p>In addition, the independent peer review by Lyall & Associates has made several recommendations which need to be reflected in the site specific DCP prior to the issue of a future development consent.</p>
<p>A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>permit development in floodway areas</p> <p>permit development that will result in significant flood impacts to other properties</p> <p>permit a significant increase in the dwelling density of that land</p> <p>permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate</p> <p>are likely to affect the safe occupation of and efficient evacuation of the lot; or</p> <p>are likely to result in a significantly increased requirement for government spending on</p>	<p>Consistent – Refer to Appendix E.</p>

emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.	
For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.	Consistent – Refer to Appendix E.

4.2 Coastal Management

Ministerial Direction	Comment
Direction 4.2	
A planning proposal must include provisions that give effect to and are consistent with: the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas; the NSW Coastal Management Manual and associated Toolkit; NSW Coastal Design Guidelines 2003; and any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land	Not Applicable

<p>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <p>within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or</p> <p>that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>by or on behalf of the relevant planning authority and the planning proposal authority,</p> <p>or</p> <p>by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</p>	<p>Not Applicable</p>
<p>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021</p>	<p>Not Applicable</p>
<p>A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:</p> <p>Coastal wetlands and littoral rainforests area map;</p>	<p>Not Applicable</p>

<p>Coastal vulnerability area map;</p> <p>Coastal environment area map; and</p> <p>Coastal use area map.</p> <p>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</p> <p>Note: Under section 10(2) of the Coastal Management Act 2016, any provision of an LEP that identifies a coastal management area (or part of such an area) must not be made without the recommendation of the Minister administering the Coastal Management Act 2016.</p>	
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4.3 Planning for Bushfire Protection

Ministerial Direction	Comment
Direction 4.3	
<p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4,</p>	Not Applicable

<p>Schedule 1 to the EP&A Act, and take into account any comments so made.</p>	
<p>A planning proposal must:</p> <p>have regard to Planning for Bushfire Protection 2019,</p> <p>introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ)</p>	<p>Not Applicable</p>
<p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service.</p> <p>If the provisions of the planning proposal</p>	<p>Not Applicable</p>

<p>permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>contain provisions for adequate water supply for firefighting purposes,</p> <p>minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
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4.4 Remediation of Contaminated Land

Ministerial Direction	Comment
Direction 4.4	
<p>A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>the planning proposal authority has considered whether the land is contaminated, and</p> <p>if the land is contaminated, the planning proposal authority is satisfied that the land is</p>	<p>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.</p> <p>A Preliminary Site Investigation (PSI) and Preliminary Acid Sulfate Soil Assessment (PASSA) was undertaken and prepared by Geotechnique Pty Ltd (Appendix D).</p>

<p>suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p>	<p>The assessment provided the following findings:</p> <ul style="list-style-type: none"> • The site is not located within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>; and • Activities listed in Table 1 of the draft Contaminated Land Planning Guidelines have not been known to have been carried out on the site; and • The site has been used and occupied by residential development for over 50 years and there is no evidence to suggest that activities listed in Table 1 of the draft Contaminated Land Planning Guidelines have occurred on the site; and • The land is suitable, or can be made suitable, for the proposed medium density use subject to the implementation of recommendations in this report at the Development Application (DA) Stage.
<p>Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p>	<p>Consistent – Refer to Appendix D</p>

Note: In this direction, contaminated land planning guidelines means guidelines under clause 3 of Schedule 6 to the EP&A Act.

4.5 Acid Sulfate Soils

Ministerial Direction	Comment
Direction 4.5	
<p>The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulphate Soils Planning Maps as having a probability of acid sulphate soils being present.</p>	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Part of the site (i.e. mainly the properties identified as 163-165 and 167 Darley Street West) is identified as Acid Sulfate Soils Class 3 and the remaining part of the site is identified as Class 5. Clause 7.1 of the PLEP 2014 is therefore applicable to works proposed more than 1m below the natural ground level surface. PLEP 2014 addresses the requirements of this Ministerial Direction.</p> <p>Notwithstanding the above, a PASSA was undertaken and prepared by Geotechnique Pty Ltd (Appendix D). The PASSA considered the applicability of Ministerial Direction. The assessment confirmed the following findings:</p> <ul style="list-style-type: none"> • The site has the probability of containing acid sulfate soils and is mapped as Class 3 and Class 5 under PLEP; and

	<ul style="list-style-type: none"> • The PLEP includes clause 7.1 which is to ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage; and • Under clause 7.1 of the PLEP, an acid sulfate soil management plan will be required to be prepared for development that involves works more than 1m below natural ground level; and • The site is already developed for residential use and the proposed rezoning will not change the primary use of the site for residential purposes.
<p>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulphate soils, those provisions must be consistent with:</p> <p>the Acid Sulphate Soils Model LEP in the Acid Sulphate Soils Planning Guidelines adopted by the Planning Secretary, or</p> <p>other such provisions provided by the Planning Secretary that are consistent with the Acid Sulphate Soils Planning Guidelines.</p>	<p>Complies</p>
<p>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid</p>	<p>Complies</p>

sulphate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.	
Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulphate soils on the Acid Sulphate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).	Complies

4.6 Mine Subsidence and Unstable Land

Ministerial Direction	Comment
Direction 4.6	
<p>When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</p> <p>consult Subsidence Advisory NSW to ascertain:</p> <p>if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and</p>	Not Applicable

<p>the scale, density and type of development that is appropriate for the potential level of subsidence, and</p> <p>incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and</p> <p>include a copy of any information received from Subsidence Advisory NSW with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary prior to undertaking community consultation in satisfaction of Schedule 1 to the Act.</p>	
<p>A planning proposal must not permit development on land that has been identified as unstable as referred to in the application section of this direction.</p>	<p>Not Applicable</p>

Focus Area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport

Ministerial Direction	Comment
<p>Direction 5.1</p>	
<p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p>	<p>Consistent</p>

The Right Place for Business and Services – Planning Policy (DUAP 2001).	
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5.2 Reserving Land for Public Purposes

Ministerial Direction	Comment
Direction 5.2	
A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).	Not Applicable
When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must: reserve the land in accordance with the request, and include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and identify the relevant acquiring authority for the land.	Not Applicable
When a Minister or public authority requests a relevant planning authority to include	Not Applicable

<p>provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>include the requested provisions, or</p> <p>take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p>	
<p>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	<p>Not Applicable</p>

5.3 Development Near Regulated Airports and Defence Airfields

Ministerial Direction	Comment
<p>Direction 5.3</p>	
<p>(1) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</p> <p>(a) consult with the lessee/operator of that airport;</p>	<p>Not Applicable</p>

<p>(b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;</p> <p>(c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(d) not allow development types that are incompatible with the current and future operation of that airport.</p>	
<p>(2) In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</p> <p>(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</p> <p>(b) for land affected by the prescribed airspace (as defined in clause 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996.</p>	<p>Not Applicable</p>

<p>This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</p>	
<p>(3) In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</p> <p>(a) consult with the Department of Defence if:</p> <p>i. the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</p> <p>ii. no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</p> <p>(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airfield</p>	<p>Not Applicable</p>
<p>(4) A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</p> <p>(a) for residential purposes or to increase residential densities in areas where the</p>	<p>Not Applicable</p>

<p>Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</p> <p>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</p> <p>(c) for commercial or industrial purposes where the ANEF is above 30.</p>	
<p>(5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</p>	<p>Not Applicable</p>

5.4 Shooting Ranges

Ministerial Direction	Comment
<p>Direction 5.4</p>	
<p>(1) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</p> <p>(a) permitting more intensive land uses than those which are permitted under the existing zone; or</p> <p>(b) permitting land uses that are incompatible with the noise emitted by the existing shooting range.</p> <p>Note: In this direction, an “existing shooting range” means a shooting range the subject of a valid approval issued under the Firearms Act 1996 and Firearms Regulation 2006 (now repealed) or</p>	<p>Not Applicable</p>

Firearms Regulation 2017 and includes the Range Danger Area of that shooting range.	
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Focus Area 6: Housing

6.1 Residential Zones

Ministerial Direction	Comment
Direction 6.1	
<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>broaden the choice of building types and locations available in the housing market, and make more efficient use of existing infrastructure and services, and</p> <p>reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>be of good design.</p>	Consistent
<p>A planning proposal must, in relation to land to which this direction applies:</p> <p>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>not contain provisions which will reduce the permissible residential density of land.</p>	Consistent

6.2 Caravan Parks and Manufactured Home Estates

Ministerial Direction	Comment
Direction 6.2	
<p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> that would facilitate the retention of the existing caravan park.</p>	Not Applicable
<p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>take into account the categories of land set out in Schedule 6 of <i>State Environmental Planning Policy (Housing) 2021</i> as to where MHEs should not be located,</p> <p>take into account the principles listed in clause 125 of <i>State Environmental Planning Policy (Housing) 2021</i> (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p>	Not Applicable

include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent	
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Focus Area 7: Industry and Employment

7.1 Business and Industrial Zones

Ministerial Direction	Comment
Direction 7.1	
<p>A planning proposal must:</p> <p>give effect to the objectives of this direction,</p> <p>retain the areas and locations of existing business and industrial zones,</p> <p>not reduce the total potential floor space area for employment uses and related public services in business zones,</p> <p>not reduce the total potential floor space area for industrial uses in industrial zones,</p> <p>and</p> <p>ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</p>	Not Applicable

7.2 Reduction in non-hosted short-term rental accommodation period

Ministerial Direction	Comment
Direction 7.2	
<p>The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:</p> <p>non-hosted short term rental accommodation periods must not be reduced to be less than 90 days</p> <p>the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated</p> <p>the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.</p>	Not Applicable

7.3 Commercial and Retail Development along the Pacific Highway, North Coast

Ministerial Direction	Comment
Direction 7.3	
<p>A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p> <p>new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;</p>	Not Applicable

<p>development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and</p> <p>for the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80km/hour</p>	
<p>A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p> <p>new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this direction;</p> <p>development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and</p> <p>for the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</p>	Not Applicable
<p>Notwithstanding the requirements of paragraphs (1) and (2), the establishment of highway service centres may be permitted at</p>	Not Applicable

<p>the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the <i>Standard Instrument (Local Environmental Plans) Order 2006</i></p>	
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Focus Area 8: Resources and Energy

8.1 Mining, Petroleum Production and Extractive Industries

Ministerial Direction	Comment
Direction 8.1	
<p>In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <p>consult the Secretary of the Department of Primary Industries (DPI) to identify any:</p> <p>resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</p> <p>existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</p> <p>seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</p>	Not Applicable

<p>identify and take into consideration issues likely to lead to land use conflict between other land uses and:</p> <p>development of resources identified under (1)(a)(i), or</p> <p>ii. existing development identified under (1)(a)(ii).</p>	
<p>Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:</p> <p>provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions, allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act.</p>	<p>Not Applicable</p>

Focus Area 9: Primary Production

9.1 Rural Zones

Ministerial Direction	Comment
Direction 9.1	
(1) A planning proposal must: not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	Not Applicable
not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	Not Applicable

9.2 Rural Lands

Ministerial Direction	Comment
Direction 9.2	
A planning proposal must: be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement consider the significance of agriculture and primary production to the State and rural communities identify and protect environmental values, including but not limited to, maintaining	Not Applicable

<p>biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p> <p>consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p> <p>promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>support farmers in exercising their right to farm</p> <p>prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</p> <p>consider State significant agricultural land identified in Chapter 2 of the <i>State Environmental Planning Policy (Primary Production) 2021</i> for the purpose of ensuring the ongoing viability of this land</p> <p>consider the social, economic and environmental interests of the community.</p>	
<p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>is consistent with the priority of minimising rural land fragmentation and land use</p>	<p>Not Applicable</p>

<p>conflict, particularly between residential and other rural land uses</p> <p>will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>where it is for rural residential purposes:</p> <p>is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>is necessary taking account of existing and future demand and supply of rural residential land</p>	
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9.3 Oyster Aquaculture

Ministerial Direction	Comment
Direction 9.3	
<p>In the preparation of a planning proposal the relevant planning authority must:</p> <p>identify any 'Priority Oyster Aquaculture Areas' and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,</p> <p>identify any proposed land uses which could result in any adverse impact on a 'Priority</p>	Not Applicable

<p>Oyster Aquaculture Area' or oyster aquaculture leases outside such an area, identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,</p> <p>consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</p> <p>ensure the planning proposal is consistent with the Strategy.</p>	
<p>(2) Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), relevant planning authority must:</p> <p>provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary before undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act</p>	<p>Not Applicable</p>

9.4 Farmland of State and Regional Significance on the NSW Far North Coast

Ministerial Direction	Comment
Direction 9.4	
<p>A planning proposal must not:</p> <p>rezone land identified as “State Significant Farmland” for urban or rural residential purposes.</p> <p>rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.</p> <p>rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes</p>	Not Applicable

2.3.3 Section C – Environmental, social and economic impact

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 Preliminary Ecological Assessment Report (Appendix G) by Cumberland Ecology has considered the biodiversity values of the subject site and assessed, at a high level, the potential ecological impacts of likely future development.

The subject site contains 0.19 ha of PCT 1214 Pittwater Spotted Gum forest, consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, listed as endangered under the BC Act. The remainder of the subject site is comprised of Planted Native Vegetation (0.04 ha), Exotic Vegetation (0.17 ha), Exotic Dominated Grassland (0.05 ha) and Cleared Land (0.17 ha). The likely future development is anticipated to result in impacts to a 0.09 ha of PCT 1214, 0.04 ha of Planted Native Vegetation, 0.11 ha of Exotic Vegetation and 0.04 ha of Exotic Dominated Grassland. Figure 17 identifies the existing vegetation communities and habitat features within the site including area and vegetation identified for retention and further investigation. It is noted that the PCT 1214 to be retained is located along

the southern boundary of the subject site, bearing connectivity to the native vegetation within the adjacent lot. The area of PCT1214 to be retained is of the highest ecological retention value and will serve to maintain a degree of linkage throughout the urban landscape.

The Pittwater and Wagstaffe Spotted Gum Forest vegetation throughout the subject land comprises potential foraging habitat for several aerial and highly mobile threatened fauna species as part of a broader habitat range. These species are unlikely to be dependent on the resources present in the subject land. A Test of Significance was prepared by Cumberland Ecology for Pittwater Spotted Gum Forest which indicated that a significant impact is unlikely to occur based on the indicative footprint of the likely future development. This preliminary ecological assessment indicated that issues relating to threatened species and threatened ecological communities are manageable and not significant.

Notwithstanding this, a suite of mitigation measures has been recommended by Cumberland Ecology to minimise the impacts on biodiversity values for the likely future development (refer to Section 4.2 of Appendix G). The impacts of the likely future development and any applicable mitigation measures can be re-evaluated at the DA stage of the project.

No referral to the Commonwealth is required. The impacts of the project are proposed to be assessed in detailed within a Flora and Fauna Assessment at the DA stage by a suitably qualified and experienced ecologist. The assessment will include assessment against the elements of the site-specific DCP.

Figure 17. Vegetation communities and habitat features within the subject site



Source: Cumberland Ecology, Preliminary Ecological Assessment Report (2021)

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

A number of technical studies have been prepared to support the PP and demonstrate that any potential impacts of the project concept plan can be managed at the DA stage. A summary of the findings and recommendations is outlined below.

Urban Design and Local Character

Consideration has been given to the location and context of the site including the existing character of the locality. The development form proposed by Giles Tribe (Appendix A) is consistent with the existing streetscape of Darley Street West which is dominated by two-three storey residential flat buildings and townhouse developments.

The Urban Design Study prepared by Giles Tribe (Appendix B) establishes Urban Design Principles which address the site opportunities and constraints of a potential medium density residential development. The concept design allows for the development to be staged while ensuring the integrity of the streetscape character, flexibility and financial feasibility, and to

avoid any site isolation issues. The Study also incorporated advice and inputs from the other technical consultants.

The proposed built forms step down the slope of the site to reduce the amount of cut and fill, maximising the northern aspects and views. The built form also addresses the main street frontage with fenestration and large balconies, aiding passive surveillance. Their siting allows for landscaped breaks between buildings.

Figure 18. Indicative design proposed for the subject site



Source: Giles Tribe, Urban Design Study (2021)

The siting of the built form also responds to the overland flowpath and flooding issue as well as existing native vegetation, as shown in the generous rear setback and raised levels of the townhouses. The intention is to create series of buildings in a landscaped setting. The proposed development concept respects the village character of Mona Vale (Figure 18). Aesthetically, the built forms will be well articulated using natural material and/colour scheme, with contemporary architecture and landscaping to create the Northern Beaches coastal character like those presented in Section 10 of Appendix B. This will result in an improved quality design outcome at the western end of Darley Street West.

Applying clause 4.5A of the PLEP 2014 to the subject site (on the basis that the site is rezoned to R3) would limit the number of dwellings that could be constructed on the site to 30. This clause in effect limits the number of dwellings that can be built on a site, which in most instances would not change the building footprint or the scale of a medium density residential development. For the most part, the FSR and height controls determine the building footprint and scale of the development while clause 4.5A influences whether the development site accommodates a mixture of one-, two- and three-bedroom apartments or is dominated by three- and four-bedroom apartments. Hence under the proposed concept plan, and subject to

the site being rezoned R3 Medium Density Residential, visually the development would present the same whether there were 30 or 41 dwellings within the development envelope based on the height and FSR remaining unchanged.

The panel has recommended that clause 4.5A be amended at a lower threshold of 1 dwelling per 150m² of site area and as such, the PP has been amended to reflect this requirement. It should be noted however that Council resolved to remove clause 4.5A, 5 days after the panel decision as part of the new consolidated Northern Beaches LEP.

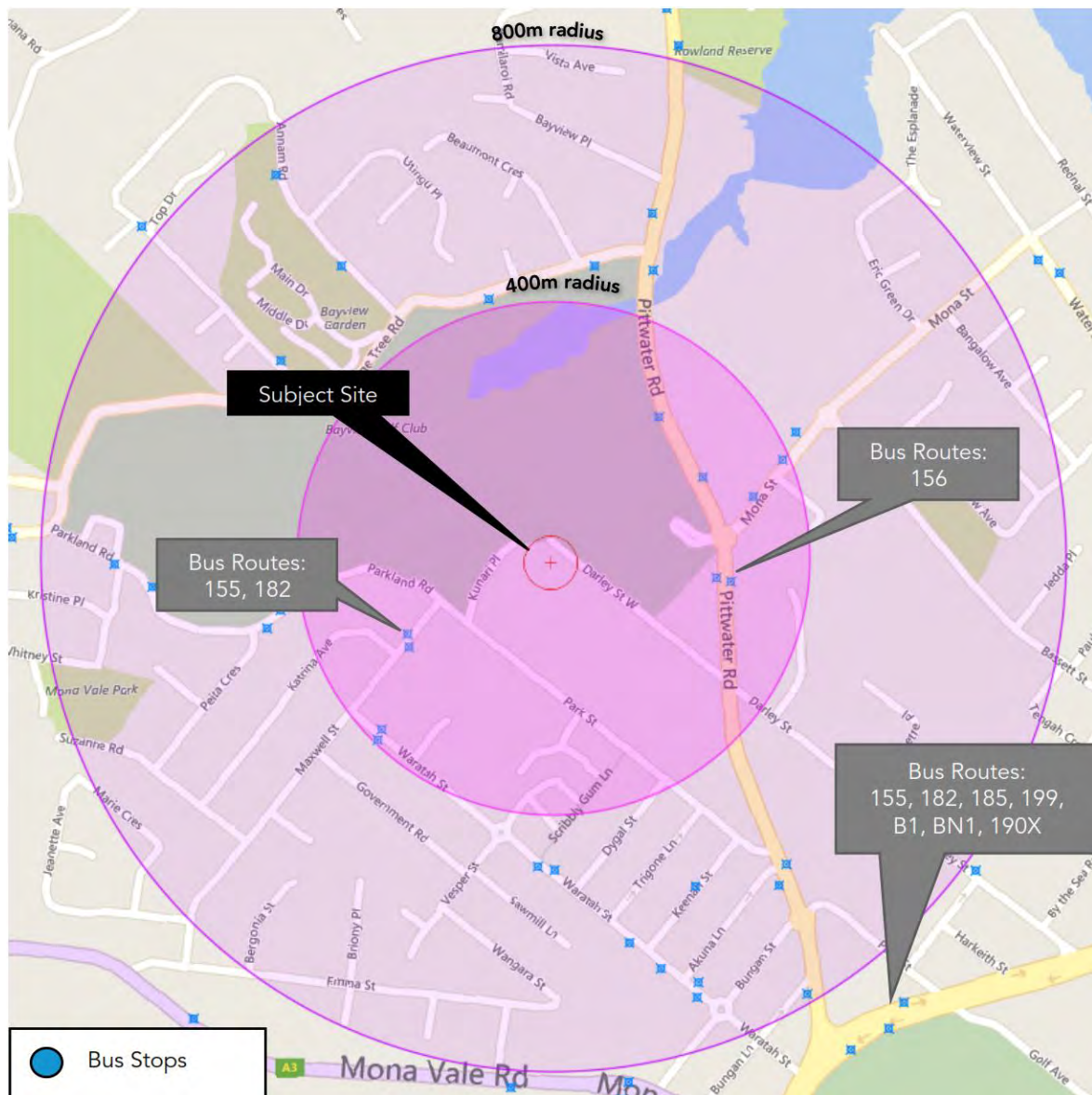
Traffic and Access

The Traffic Impact Assessment prepared by ptc (Appendix C) has considered the traffic and access requirements associated with the construction of 38 apartments and three townhouses. The development concept complies with Council's parking requirements and will provide approximately 86 car parking spaces. The development concept will not impact on the level of serviceability of the intersection of Pittwater Road and Darley Street West both in the AM and PM peak periods and will continue to maintain a good level of service (i.e. Level of Service B).

The site has access to public transport options within a 400–800m walking distance (Figure 19). Table 6 of Appendix C provides a summary of the bus services in the locality and the frequency of their services. The NSW Planning Guidelines for Walking and Cycling (2004) recommends 400–800m as a comfortable walkable catchment to access public transport and local amenities. Figure 19 shows the 400m and 800m walking catchments for the site.

The assessment concludes that the PP is supportable on traffic planning grounds and will not result in any adverse impacts on the surrounding road network or the availability of on-street parking. An updated traffic report will be submitted at the DA stage with current traffic volumes consistent with the recommendation of the panel. This is also reflected in the proposed site specific DCP.

Figure 20. Local public transport services



Source: ptc, Traffic Impact Assessment (2021)

Soil and Contamination

Geotechnique prepared both a Preliminary Site Investigation (PSI) and Preliminary Acid Sulfate Soil Assessment (PASSA) (Appendix D) for the subject site. Consideration was given to relevant legislation including the Ministerial Directions under section 9.1(2) of the EP&A Act (refer to section 4.4 of Appendix D).

The main purpose of the PSI was to identify any areas of potential contamination at the site from the past and present activities and to assess if the site is likely to present a risk of harm to human health and the environment under the conditions of the proposed development, and to

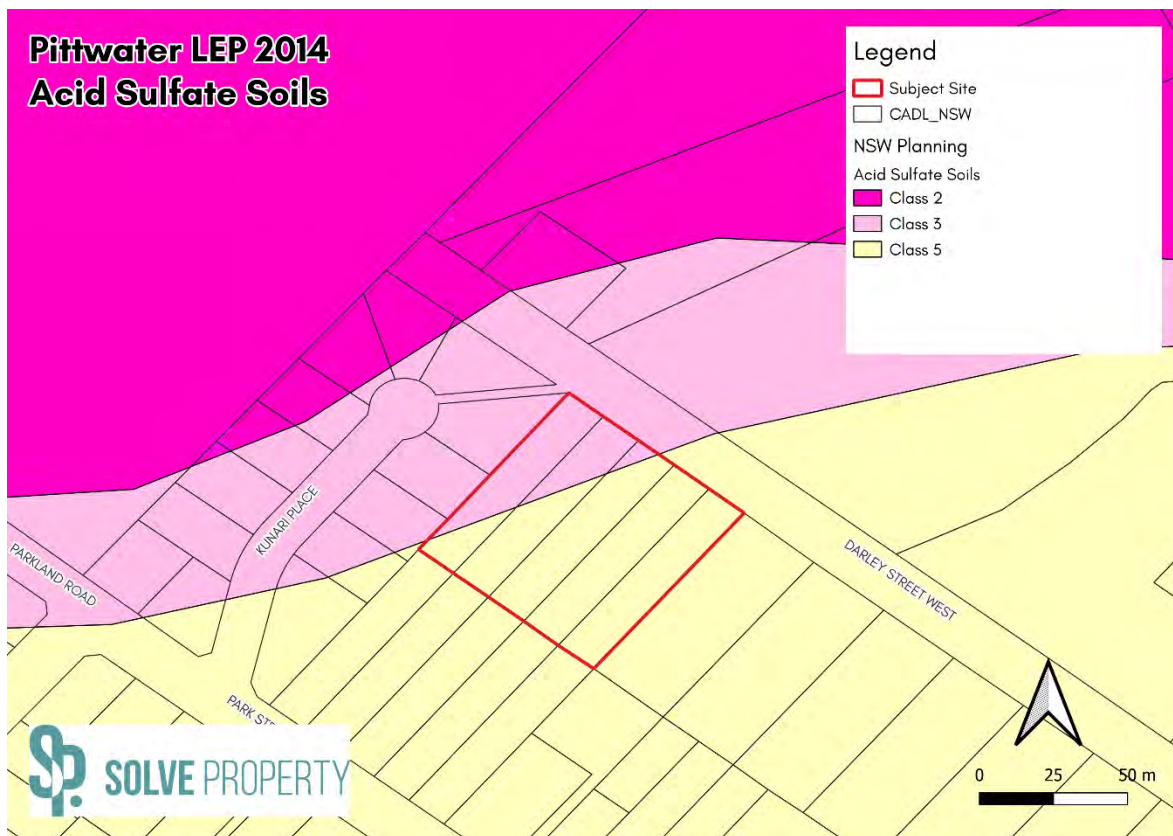
provide recommendation for further detailed assessment and / or contamination management, if required, such that the site can be made suitable for the proposed use.

Geotechnique's report confirmed that the site had predominantly been used for low density residential purposes since at least 1950. The surrounding eastern, western and southern properties were also used for residential use since at least 1965. The distant adjoining property to the west of the site appears to have had activities associated with agriculture based on an aerial photograph taken in 1951 (Appendix C of Appendix D). Nevertheless, there would have been limited potential for contamination of the site due to the residential activities.

Given the residential buildings and associated features predate 1990, there is a potential for the presence of asbestos material, lead based paints within the structures. Demolition of these structures might cause an increased risk of surface soil contamination within the areas of demolition. There is also potential for Organochlorine Pesticides (OCP) contamination due to possible pest control. The footprints of the existing dwellings may contain imported fill materials for levelling the ground, beneath the site features. Should the site contain imported fill, there is also the potential for the fill materials to be contaminated, as the source of fill materials is generally unknown. This could only be determined once the buildings have been demolished. Notwithstanding this, the PSI concluded that potential contamination issues could be further addressed as part of the DA Stage and that the land is suitable, or can be made suitable, for the proposed medium density use subject to the implementation of management measures at the DA Stage.

The PASSA confirmed that the site has a high probability of containing acid sulfate soils from 1m to 3m below the ground surface within the site. In addition, the PLEP 2014 includes acid sulfate soil maps which identify the site as being impacted by both Class 3 and 5 land (Figure 20). The proposed development concept includes excavations below 1m depth of the natural ground level to accommodate the basement carpark of the proposed residential flat buildings. Potential impacts on acid sulfate soils can be suitability managed at the DA Stage. This will include the preparation of an acid sulfate management plan. Clause 7.1 of PLEP 2014 ensures development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is already developed for residential use and the proposed rezoning will not change the primary use of the site for residential purposes.

Figure 20. Acid Sulfate Soils



Source: Geotechnique, Preliminary Site Investigation (Contamination) and Preliminary Acid Sulfate Soil Assessment (2021) & PLEP 2014 (2023)

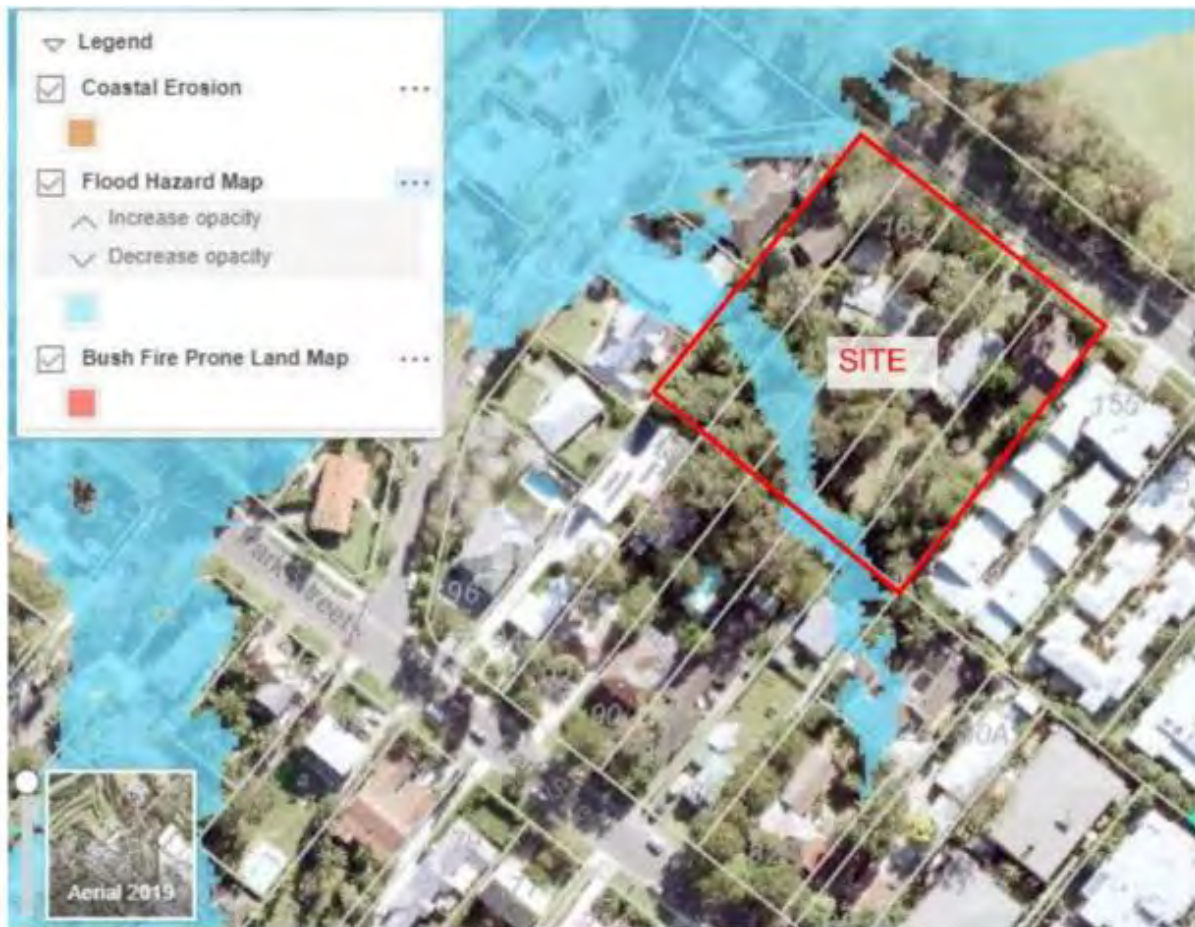
Stormwater and flooding

Clause 7.3 of Pittwater LEP 2014 includes objectives and requirements a consent authority must consider when assessing a proposed development undertaken on flood prone land. During early pre-lodgement discussions, Council raised concerns regarding potential flooding impacts on the site based on the *McCarrs Creek, Mona Vale and Bayview Flood Study (2017)* completed by Royal Haskoning DHV which identifies that the site is subject to flooding. In addition, the subject site is affected by Low Risk and Medium Risk flood hazards in accordance with Council's Flood Hazard Map adopted in 2019 (Figure 21A). Overland flow enters the site from the upstream catchment in the south-east with existing surface runoff continuing to flow through the subject site towards Kunari Place, subsequently inundating a number of lots including number 6, 8 and 10.

AECOM has prepared a Stormwater Management Strategy (SMS) (Appendix E) to address Council's concerns regarding flooding. The Pre-lodgement Advice provided by Council noted that "Council is supportive of opportunities to minimise flood risk to private property and divert

this flow to Darley Street provided that it does not impact trafficability of roadway in flood events”.

Figure 21A. Adopted Flood Hazard Mapping (2019)

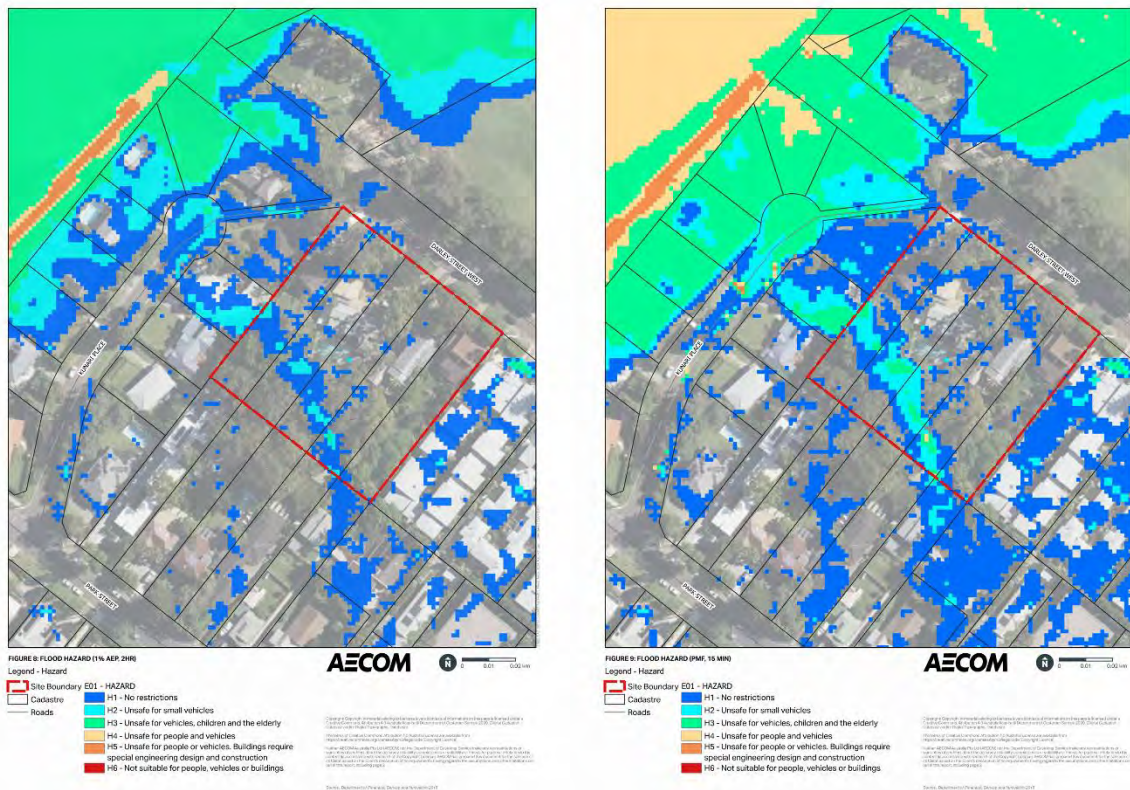


Source: AECOM, Stormwater Management Strategy (2021)

As part of the SMS, AECOM undertook additional 2D flood modelling of the existing and post-construction scenario flood regime for a range of design flood events up to and including the Probable Maximum Flood event. The model results assessed for afflux mapping, flood regime, determination of flood planning level and minimum floor requirements for future development.

The panel recommended that flood hazard vulnerability classification maps for existing and post development scenarios based on the current concept plans be prepared and provided to the Department. AECOM has prepared these flood vulnerability classification maps and they are included in Figure 21B and 21C below. There are also included as an attachment to Appendix E.

Figure 21B. Flood Hazard Vulnerability Classification Maps – Existing (2024) – 1% AEP and PMF

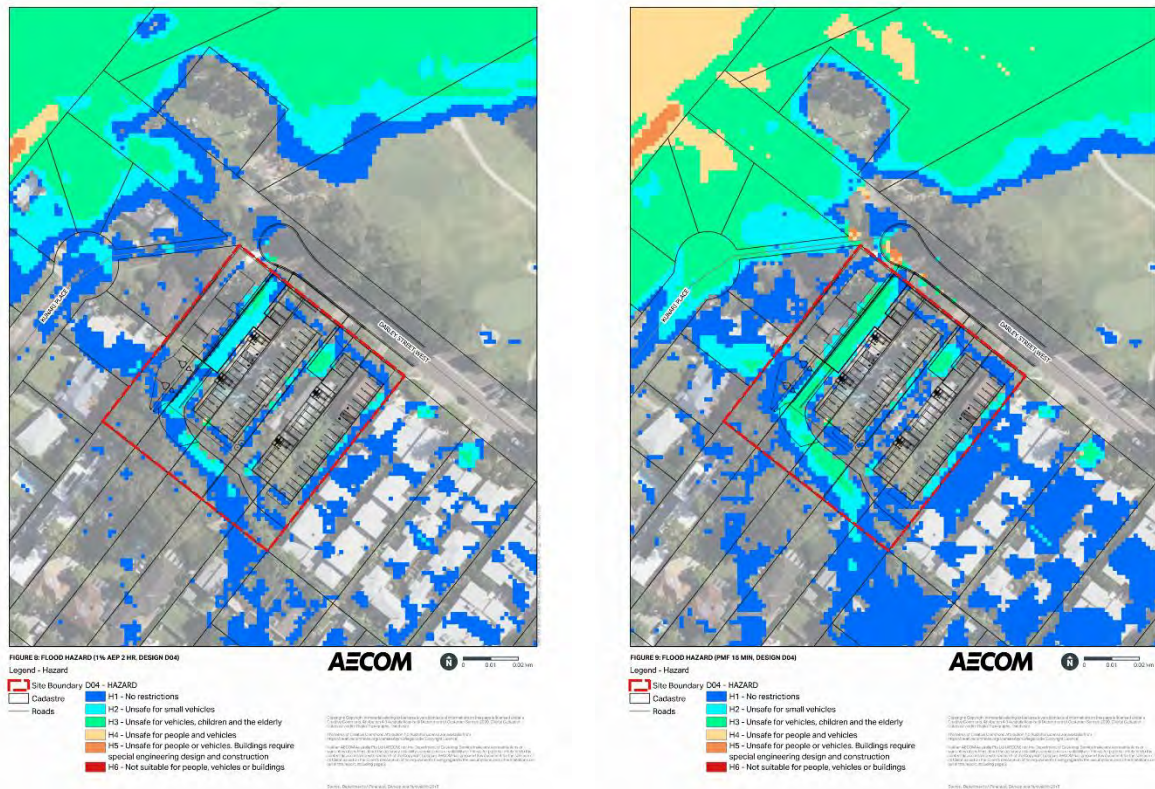


Source: AECOM, (2024)

The proposed development concept presents an opportunity to not only reduce the impact of overland flows resulting from the new development, but also reduce the volume of overland flows entering downstream properties along Kunari Place relative to the existing conditions. The original concept proposal (as illustrated in Figure 21C below) sought to divert surface runoff through a shared access driveway on the subject site as part of a strategy which included:

- New in ground stormwater infrastructure connecting to existing Council owned infrastructure in Darley Street West;
- A new overland flow path along a privately owned access driveway which services the proposed development, directing flows towards Darley Street West; and
- Maintaining the existing overland flow path through number 6, 8 and 10 Kunari Place for larger magnitude storms.

Figure 21C. Flood Hazard Vulnerability Classification Maps – Concept Development (2024) – 1% AEP and PMF



Source: AECOM, (2024)

As can be seen, none of the flood hazard (for the concept plan) exceeds H3. Notwithstanding, the proponent engaged Lyall & Associates to review submissions and to provide a peer review of the works proposed by AECOM. The key finding of the peer review is that the PP is generally consistent with the requirements of Direction 4.1 – Flooding, and where it is inconsistent, the inconsistencies are of minor significance. The peer review has made recommendations for inclusion in an updated stormwater drainage strategy to be considered as part of a future development application. The peer review found that none of the recommendations would preclude the land from being rezoned now and the Pittwater LEP 2014 and DCP (clause B3.11) provide sufficient head of power for the updated stormwater drainage management plan to be required for submission as part of the future development application.

The peer review recommendations to be implemented as part of the future development application are as follows:

- i. The flood model is to be updated to:

- a) take account of the blocking effects of buildings that are located upslope of the subject allotments;
 - b) include details of the new stormwater drainage line;
 - c) define the nature of flooding under pre- and post-development conditions for storms
 - d) with intensities of 20, 10, 5 and 1% AEP, as well as the PMF event.
- ii. The results of the flood modelling are to be presented in a clear and consistent manner that makes it easy for the reader to compare flood behaviour under pre - and post-development conditions.
- iii. Figures need to be prepared for each of the aforementioned design storm events showing the following as a minimum:
- a. the indicative extent and depth of inundation under pre- and post-development conditions;
 - b. maximum flow velocities under pre- and post-development conditions;
 - c. the impact that the proposed development will have on flood behaviour (peak flood levels and maximum flow velocities) , noting they need to show changes in peak flood level as small as 0.01 m; and
 - d. the H1-H6 flood hazard vulnerability classification under pre- and post-development conditions
- iv. A landscaped feature be made of the overland flow path and that a headwall incorporating appropriate safety measures be adopted at the inlet of the new stormwater drainage line. This will ensure that flow conveyed in the overland flow path can enter the new stormwater drainage line.
- v. A 300 mm freeboard be provided to the 1% AEP in the design of the modified overland flow path where it runs through the subject allotments. This will ensure that all new development is located outside the extent of the flood planning area.
- vi. The new stormwater drainage line be sized to convey the peak 1% AEP flow, with an appropriate blockage factor applied to the aforementioned inlet headwall. This will remove overland flow along the access driveway for all storms up to the 1% AEP storm event.

- vii. Flow in excess of the new stormwater drainage line be permitted to discharge in the same direction as its currently takes (i.e. into 8 Kunari Place). This will prevent Buildings C, D and E from becoming high flood island, while maintaining existing flooding patterns in adjacent properties during storms rarer than 1% AEP.
- viii. Provision be made along the common boundary with 6, 18 and 10 Kunari Place for flow in excess of the capacity of the new stormwater drainage line to be conveyed overland onto Darley Street West and thence to Kunari Place via the public thoroughfare. This will manage overland flow that is not able to discharge to the adjacent properties in Kunari Place due to the blocking effects of existing boundary walls/fences.
- ix. The existing stormwater drainage line be upgraded downstream of the cul -de-sac in Darley Street West to cater for the 1% AEP flow discharging from the proposed development in addition to the flow in NBCs existing stormwater drainage line, with the outlet headwall shifted to a location downstream of 12 Kunari Place. This will ensure that flooding behaviour in 12 Kunari Place is made no worse as a result of the proposed development.

The panel agreed with these recommendations and recommended that they be included in a site specific DCP for the site. This will ensure that they are appropriately considered at the time of the future development application. Overall, the approach as recommended by Lyall & Associates will improve flooding impacts on downstream land owners in Kunari Place and will remove any onsite hazard in the proposed driveway as shown in Figure 21C.

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

An Economic Assessment and Justification Report (Appendix H) has been prepared by Macroplan. The report has considered the demand for housing in the Mona Vale area and the impact that a lack of housing supply and diversity is having on dwelling prices and affordability issues for the Northern Beaches residents. This PP is seeking to address housing supply and diversity issues by providing a supply and mix of apartment sizes to address price point and affordability issues, particularly in the current context of escalating dwelling prices.

Macroplan reviewed the Northern Beaches LHS population and demand projections for the LGA and Mona Vale and are of the opinion that the population and demand projections used in the LHS are significantly understated. In addition, Council's approach to provide most of the Northern Beaches new housing supply in Frenchs Forest does not address the housing demand in Mona Vale, nor does it help strengthen the role and support the growth of Mona Vale as a

strategic centre. Frenchs Forest is a distinct area from the coastal beach suburb of Mona Vale, which has strong appeal.

The consequence is that the limited housing supply available will be absorbed more quickly, tightening the market and adding further to upward pressure on prices. In the competition for the available and limited supply, it will be the high-income households which prevail. This is not a new phenomenon but more young family households, including those of the young generation which grew up in the Northern Beaches, will be forced to move elsewhere. Limited supply also has consequences for employment with the likelihood of more low-income workers needing to commute into the LGA for employment increasing. The PP addresses this issue by providing a mix of one, two and three bedroom apartments.

Planning policies which restrict supply, and the mix of housing supply, can substantially add to housing affordability pressures. In terms of the timeline for changes to planning controls that would increase capacity, the LHS appears to see no urgency, notwithstanding evidence (on which the LHS is silent) that demand is running ahead of expectations and that price pressures are becoming more extreme. The rise in the price premium on Northern Beaches dwellings – both in terms of prices and rents – is the outward manifestation of these pressures. It is also evident in the affordability gap and housing stress measures. The high premiums for two- and three-bedroom apartments compared with the broader Sydney market, which relate to the supply being skewed away from offering smaller apartments, highlights how the lack of diversity is linked to the affordability issue. This has been exacerbated by significantly less housing being delivered in the Northern Beaches than was required by the Sydney Region Plan and North District Plan.

Clause 4.5A of PLEP 2014 places a restriction on the density of dwellings that can be constructed on a site which impacts on the type and size of dwelling(s) that will be provided by the market and hence the price and affordability of these dwelling(s). The policy encourages a small number of large apartments on sites, and these apartments will be correspondingly expensive dwellings, with high prices and high rents. It will thus directly contradict the intention to address affordability and to encourage the market to offer a more diverse range of dwellings. The panel has recommended that clause 4.5A of the PLEP 2014 be amended to 1 unit per 150m² of site area. Council resolved after the panel meeting to remove clause 4.5A from the new consolidated Northern Beaches LEP.

2.3.4 Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Yes, the residential development yield anticipated under the concept design will result in a minor increase in traffic movements, although this will not result in the need for any additional investment in road infrastructure or works. Public transport options are also available within walking distance of the site.

The site has access to public and private recreational spaces including the Bayview Golf Club and is less than 100m from a pocket park at the end of Kunari Place. It is less than a 15-minute walk to Kitchener Park Sports Centre, Mona Vale Memorial Hall and the Mona Vale library. The site is also a 20-minute walk to Rowland Reserve and Mona Vale Beach. Mona Vale, as a strategic centre, has adequate community and social infrastructure which can be easily accessed by future residents.

An Infrastructure and Utilities Assessment was prepared by Enspire (Appendix F) to investigate the capacity constraints of existing utility services in the area surrounding the subject site and identify the preferred servicing strategy to support the proposed medium density residential development concept. A summary of Assessment findings is detailed below. No additional investment in public infrastructure is required for this PP to proceed.

Table 5. Servicing Strategy

Service	Summary of Servicing Strategy
Potable Water	It is anticipated that there will be sufficient capacity in the existing DN100 potable water main to service the proposed development and that no lead-in potable water main would need to be constructed and/or upgraded. A feasibility application will be made to Sydney Water to confirm the capacity of the existing infrastructure as part of the future DA.
Wastewater	There are two existing wastewater mains which currently service the subject site. A DN150 main runs along the site's frontage to Darley Street West and there is a second DN150 main which runs through the rear of the property with several maintenance holes and maintenance shafts located where the main changes direction.

	<p>It is anticipated that there will be sufficient capacity in these two wastewater mains to service the proposed development, and connection to one or both mains would be possible to service the development and that no upgrades to the existing infrastructure would be required, however a feasibility application will be made to Sydney Water to confirm the capacity of the existing infrastructure as part of the future DA.</p>
Electricity	<p>There are existing Ausgrid electrical assets fronting the subject site, including underground HV cables and overhead LV cables. It is anticipated that there will be sufficient capacity in the existing LV network to service the proposed development and the anticipated point of connection to service the site is to connect to the underground LV network at the boundary of 151-153 and 155-157 Darley Street West by extending the underground LV network to the development's frontage utilising existing spare ducts.</p>
Telecommunications	<p>The site is currently serviced with telecommunications infrastructure provided by Telstra and NBN is available in the area.</p>
Gas	<p>There is an existing 23mm nylon 300kPa medium pressure gas main which fronts the subject site on the western side of Darley Street West. The existing nylon main sits within a steel pipe for protection.</p> <p>It is anticipated that there will be sufficient capacity in this main to service the proposed development and that no upgrade to the existing gas main would be required, however an application should be made to Jemena to confirm the capacity of the existing infrastructure.</p>

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

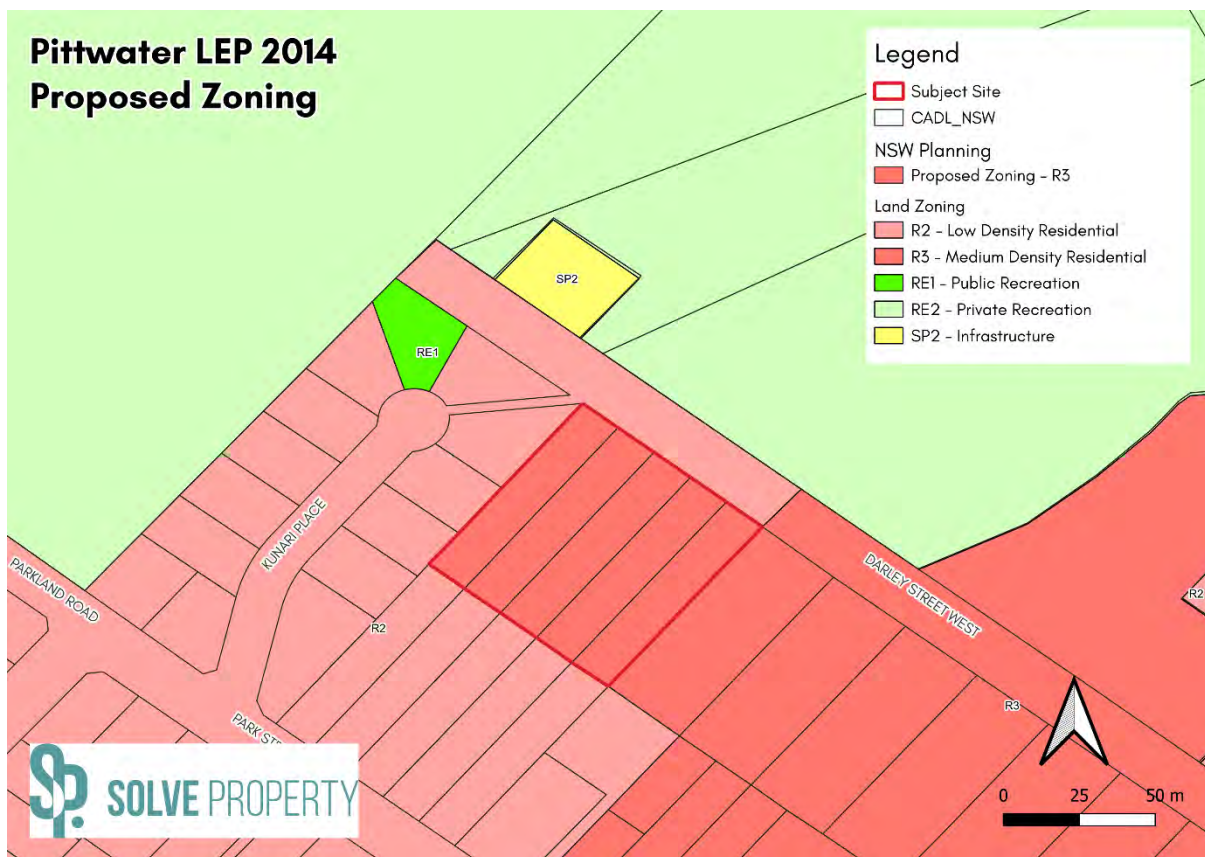
This PP was endorsed by the panel for progressing to gateway. The relevant conditions of gateway are addressed in section 1.4 of this report. It is unlikely that any State or Commonwealth authorities will have interest in this PP other than ensuring consistency with legislative requirements applicable to the PP and future development of the site for medium density housing.

Part 4 - Mapping

The maps below (Figure 22 - 25) show the proposed amendment to PLEP 2014 Land Zoning Map (electronic version) to rezone the subject site to R3 Medium Density Residential and inclusion of the site in the Affordable Housing Contributions Scheme area. They also show the site to be included in the biodiversity mapping and the removal of the site from the Minimum Lot Size mapping.

It should be noted that that the Pittwater LEP 2014 zoning maps are now available on the NSW Planning Portal - Digital EPI Viewer. Amendments to reflect the proposed zoning, affordable housing contributions mapping, biodiversity and minimum lot sizes are proposed to be incorporated into this digital platform.

Figure 22. Proposed R3 Medium Density Residential land use zone - 159-167 Darley Street West, Mona Vale (amend Pittwater LEP Land Zoning Map - LZN_012 to remove the site from the R2 Low Density Residential Zone and include it in the R3 Medium Density Residential Zone)



Source: Solve Property Group (2023)

Figure 23. Proposed Affordable Housing Contributions Scheme Map – 159-167 Darley Street West, Mona Vale (amend Pittwater LEP to include an Affordable Housing Contributions Scheme Map)



Source: Solve Property Group (2023)

Figure 24. Proposed Biodiversity Scheme Map – 159-167 Darley Street West, Mona Vale
(amend Pittwater LEP Biodiversity Map – BIO_012 to include PCT 1214 – Pittwater Spotted Gum Forest)



Source: Solve Property Group (2024)

Figure 25. Proposed Minimum Lot Size Map – 159-167 Darley Street West, Mona Vale

(amend Pittwater LEP Lot Size Map – LSZ_012 to remove the site)



Source: Solve Property Group (2024)

Part 5 – Community Consultation

Consultation on the PP was undertaken for 28 days between 3 November 2023 and 1 December 2023. A total of forty-one (41) submissions were received as follows:

- Thirty-Three (33) submissions from members of the public including a mix of proforma letters
- Six (6) submissions from state government agencies
- One (1) submission from Council
- One (1) submission from the proponent

In all, there were 25 themes raised across the submissions. The key themes addressed in the submissions include:

- Twenty-four (24) respondents (including Council) raising issues relating to the increase in traffic and congestion.

- Eighteen (18) respondents (including SES, DPE and Council) raising issues relating to potential flooding risk and stormwater management arising from the current PP including additional uncontrolled/redirected stormwater run-off from the development.
- Fourteen (14) respondents (including Council) raising issues relating to the lack of strategic alignment with broader strategic directions/guidelines and/or Councils previous decisions on the PP.
- Ten (10) respondents raising issues relating to the size and scale of the proposed development including suggested inconsistency with the existing streetscape and Councils current density limits.
- Ten (10) respondents raising issues relating to the general loss of on-street parking availability.

A submissions report was prepared by the proponent and the panel considered all submissions and representations during a finalisation hearing. The panel's decision reflects these considerations.

Part 6 - Project Timeline

The panel as PMA ultimately controls the project timeframe to progress and finalise the PP. The proposed timeframe to complete the PP is detailed in Table 6 below.

Table 6. Project Timeframe

Task	Timeframe
Submission of Planning Proposal to Council, Panel consideration and Issue of Gateway determination	July 2021 - October 2023
Public exhibition of Planning Proposal	November - December 2023
Government agency consultation if required	November - December 2023
Review and consider submissions and prepare report to the Panel	January - February 2024
Report to panel to determine the Planning Proposal	May 2024
Submit Planning Proposal to DPE to finalise LEP amendment	July 2024

Conclusion

This PP seeks to amend PLEP 2014 to rezone the subject site from R2 Low Density Residential to R3 Medium Density Residential and amend the applicability of clause 4.5A to this site. This PP also proposes the introduction of an affordable housing contribution scheme area over the subject site (as directed by a condition of gateway approval). If approved, this PP will allow for additional housing supply in Mona Vale and encourage a mix and diversity of dwelling sizes to be delivered. Apartment prices are significantly lower than detached housing, hence the PP will offer more affordable housing options in Mona Vale.

Mona Vale is characterised by its local coastal character with a village atmosphere however, in the future it is identified as developing into a cosmopolitan coastal local character and being the urban heart of the northern peninsula. The North District Plan and LSPS identify the need for Mona Vale to provide additional housing choice, particularly closer to employment opportunities in Mona Vale. The subject site's proximity to existing employment lands and the strategic centre of Mona Vale (<400m distance) and the intent of the PP to provide housing choice (i.e. a diversity of medium density housing stock) is therefore strategically aligned with the future vision for Mona Vale.

The issue then becomes one of turning on the strategic planning conversation to enable this strategic intent to materialise. Materialisation can be facilitated in two ways, firstly a Council rezones an area as part of a broader planning adjustment or consideration or secondly, a proponent lodges a Planning Proposal which aligns with the end intentions articulated in a strategic planning document. Both approaches represent sound planning, particularly where there is appropriate infrastructure to enable this change as demonstrated in this report.

Council's timeframe for undertaking a detailed planning analysis of Mona Vale to determine land to be rezoned for medium density housing is schedule to occur between 2025-2036. Given the uncertainties associated with the current timing of the Mona Vale Place Plan addressed in detail in this report, further delays to the delivery of new housing in Mona Vale will compromise the achievement of both the LSPS and LHS vision(s) for future housing supply and housing diversity and will therefore continue to put upward pressure on housing supply and affordability.

Planning targets such as housing numbers in strategic planning documents should not be deliberately interpreted or used around the notion that these are a maximum topping up figure, when in fact, they are a minimum performance expectation relevant to higher level district and

metropolitan plans. Housing completions in the Northern Beaches are more than 40% (2,082 houses) below the minimum targets established by the Region and District Plans. The North District Plan discusses the need for housing supply and a mix of housing types in Mona Vale, in this context the subject location is well suited to undergo change. In addition, the LSPS states that “significant additional housing supply is not needed to address projected population growth, but is needed to address affordability issues and to provide a greater choice of housing options to a changing and ageing community (p128). The provision of additional housing in Frenchs Forest does not address the housing needs of Mona Vale as a strategic centre for the Northern Beaches.

This PP proposes to facilitate the development of the subject site for low-rise medium density housing which is consistent with the policy intent of the CRF identified in the LHS for Mona Vale. No change is proposed to the 8.5m building height for the subject site. The proposed development concept is consistent with the building typologies and scale of development in Mona Vale and Darley Street West.

The site already adjoins medium density development and comprises amalgamated allotments. This subject site and the PP are consistent with the village character of the locality and development that surrounds it (i.e. medium density development). The proposal as presented and designed has appropriately considered the relevant matters that need to be addressed for a PP. The technical assessment reports demonstrate that potential impacts can be addressed at the DA stage and the location is already exhibiting medium density characteristics and should be given due consideration and rezoned.

The PP is consistent with relevant State and local planning policies and directions and is a logical extension to the R3 Medium Density Residential zone.