



Your ref: PP-2021-7404
Our ref: DOC24/204073

Douglas Cunningham
Manager, Agile Planning
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

3 April 2024

**Subject: BCS comments on Planning Proposal – PP-2021-7404 – Rezoning of 159-167
Darley Street West, Mona Vale**

Dear Mr Cunningham,

Thank you for your email of 11 March 2024 requesting advice from Biodiversity, Conservation and Science (BCS) Group of NSW Department of Climate Change, Energy, Environment and Water (NSW DCCEEW) on this planning proposal (PP).

The Environment and Heritage Group (EHG), now BCS, provided comments on 14 December 2023 in relation to this PP. BCS has reviewed the proponent's response to submissions prepared by Solve Property and dated February 2024, and provides its comments and recommendations at Attachment A.

Should you have any queries regarding this matter, please contact Theo Wilkinson, Senior Conservation Planning Officer via theo.wilkinson@environment.nsw.gov.au.

Yours sincerely,

Susan Harrison
Senior Team Leader Planning
Greater Sydney Branch
Biodiversity Conservation and Science Group

BCS response on the response to submission – PP_2021-7404 – Rezoning of 159-167 Darley Street West, Mona Vale

Proposal

The PP seeks to rezone the five lots from a R2 Low Density Residential Development zone under the *Pittwater Local Environmental Plan 2014* to a R3 Medium Density Residential zone to facilitate the redevelopment of the site for medium density residential housing.

Flood

BCS has reviewed the following documents and provides advice below:

- Planning Proposal Submissions Report by Solve Property dated February 2024
- Peer review by Lyall and Associates dated 16 Feb 2024.

BCS considers that further work is required on flood risk management, with key issues as follows:

- updated flood impact mapping is required to properly illustrate impacts; and
- revised flood modelling is required to demonstrate that the hazard on the new driveway is acceptable.

The peer review by Lyall and Associates made recommendations in line with BCS recommendations. However, their letter recommended additional work be undertaken for a future development application. BCS does not agree with this approach and recommends further work is done now. The flood impacts and proposed flood risk must be properly understood to assess compliance with the ministerial direction.

BCS recommends the following:

- The stormwater drainage and surrounding existing buildings to be included in the flood model.
- The flood hazard on the driveway to be limited to category H1 in a 1% AEP flood event.
- The flood impact mapping should be updated to show impacts greater than 0.01m.
- Mapping for hazard categories H1-H6 should also be provided.
- The maps for existing and proposed conditions use the same level of transparency to aid comparison between scenarios.

Further, Lyall and Associates has made the following recommendations (among others):

“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.”

While BCS does not require all overland flow to be removed from the driveway, we consider these to be sound recommendations. A decision should be made regarding the approach for the planning proposal stage and the corresponding stormwater drainage pipe and overland flow details should be included in the model. Changing the strategy later may result in flood impacts that are not appropriately captured at the planning proposal stage. Further, it would be prudent for the applicant to consider implementing Lyall and Associates' recommendations viii (overland flow through public thoroughfare) and ix (downstream drainage upgrade) at the planning proposal stage.

Biodiversity

The proponent has included the following statement in their response to EHG's letter dated 14 December 2023 regarding compliance with the requirements of a Planning Proposal.

"... as demonstrated in Table 2, the 2021 PEA meets the minimum requirements of the current guidelines for biodiversity assessment for planning proposals. As such, we believe that it provides sufficient information for consent authorities and government agencies to gain an understanding of the biodiversity values of the subject site to inform determination of the project".

As a result, the proponent has not adequately addressed EHG's previous submission. The Local Environmental Plan Making Guideline prepared by the Department of Planning, Industry and Environment in December 2021 sets out specific requirements for the preparation of a planning proposal as issued by the Planning Secretary under Section 3.33(3) of the Environmental Planning and Assessment Act 1979. Part 3, Section C, Question 8 of these guidelines requires consideration of whether there is any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected because of the proposal. Specific heads of consideration listed under Question 8 include (but are not limited to):

- Identifying if the land subject to the proposal has the potential to contain critical habitat or threatened species, populations or ecological communities, or their habitats.
- If yes, undertake studies that are necessary to confirm the presence of these species or habitats and their significance. An assessment of its significance and/or consultation should (take) place to inform the Gateway determination.
- Any adverse impacts will trigger the requirement for the PPA to consult on the planning proposal with relevant authorities and government agencies.

As outlined in BCS's previous correspondence the PP has not provided a clear indication of the extent of any impacts to threatened species, populations and ecological communities or their habitats because of the PP. In this regard, the Appendix A: Cumberland Ecology Responses to EHG Comments does not provide adequate justification for why EHG comments have not been addressed.

Given the additional context of the above legislative and guideline, it is recommended that the applicant address the EHG letter provided on the 14 December 2023.

End of Submission