

Angela Hynes

From: Taylah Fenning
Sent: Thursday, 3 April 2025 3:24 PM
To: Angela Hynes
Cc: Jazmin Van Veen; Louise McMahon; Douglas Cunningham; James Shelton; Adam Williams
Subject: RE: s3.36(1) Consultation with PPA - Planning proposal PP-2021-7404 - 159-167 Darley Street West, Mona Vale

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Angela,

Thank you for consulting with the Strategic Planning Panel of the Sydney North Planning Panel as the PPA for the planning proposal PP-2021-7404 - 159-167 Darley Street West, Mona Vale.

It is noted that under the **EP&A Act, section 3.36 Making of local environmental plan by local plan-making authority sub clause (1)** - The Planning Secretary is to make arrangements for the drafting of any required local environmental plan to give effect to the final proposal of the planning proposal authority. The Planning Secretary is to consult the planning proposal authority, in accordance with the regulations, on the terms of any such draft instrument.

The Panel Chair, Ms Sue Francis and the Panel have reviewed the attached draft Local Environmental Plan Map Amendment. Ms Francis and the Panel are satisfied that the Amendment has addressed the objectives and intended outcomes of the planning proposal and have no further comments.

Could you please continue to have the LEP Amendment issued and notified.

Thank you for your assistance in finalising this matter.

Taylah Fenning (*she/her*)
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I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all Aboriginal and Torres Strait Islander staff working with the NSW Government.

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From: Angela Hynes <Angela.Hynes@planning.nsw.gov.au>
Sent: Wednesday, 2 April 2025 11:43 AM
To: Planning Panels Mailbox <enquiry@planningpanels.nsw.gov.au>
Cc: Jazmin Van Veen <Jazmin.VanVeen@planning.nsw.gov.au>; Taylah Fenning <taylah.fenning@dpie.nsw.gov.au>; Louise McMahon <louise.mcmahon@dpie.nsw.gov.au>; Douglas Cunningham <douglas.cunningham@dpie.nsw.gov.au>; James Shelton <James.Shelton@planning.nsw.gov.au>
Subject: s3.36(1) Consultation with PPA - Planning proposal PP-2021-7404 - 159-167 Darley Street West, Mona Vale

Dear Planning Panel Secretariat

Please find attached draft LEP - Pittwater Local Environmental Plan 2014 (Amendment No 13) and mapping extracts implementing planning proposal PP-2021-7404 – 159-167 Darley Street West, Mona Vale for consultation with the Sydney North Planning Panel (the Panel), as Planning Proposal Authority, under section 3.36(1) of the *Environmental Planning and Assessment Act 1979*.

On 12 June 2024, the Panel determined that the planning proposal could proceed subject to post-exhibition changes. The Department has considered the Panel's recommendation and the reasons for the Panel's decision. A summary of how the Panel's recommended changes have been addressed during the Department's finalisation assessment is provided in the table below.

| Panel Record of Decision | Draft LEP and maps for consultation |
|---|--|
| Remove the provision to delete the application of Pittwater LEP 2014 Clause 4.5A Density controls for certain residential accommodation to the site and instead introduces a maximum of 1 dwelling/150m ² of site area under Clause 4.5A for the subject site to deliver the proposed maximum density of 41 dwellings. | <p>The Department does not support the introduction of a maximum of 1 dwelling/150m² of site area under Clause 4.5A for the subject site or the inclusion of a LEP provision requiring the preparation of a site specific development control plan for reasons discussed below.</p> <p>On 28 February 2025, the State Environmental Planning Policy (Housing) Amendment (Low and Mid Rise Housing) 2025 implements new density provisions for the whole of the Mona Vale town centre catchment, which includes the subject site. All the land within the Mona Vale Low and Mid Rise (LMR) catchment will now be able to be developed at greater densities than is provided for in the current LEP and those proposed in this LEP amendment by the Planning Panel.</p> <p>For example, the planning proposal would enable approximately 3,700m² of GFA, whereas the LMR policy enables up to 9,000m² for mid-rise flats, being densities 2 to 2.5 times greater than what is currently permitted under Pittwater LEP.</p> <p>The proposed 1 dwelling per 150sqm density control is inconsistent with the LMR policy provisions and can be removed from the draft LEP as these provisions have been superseded.</p> |
| Includes a LEP provision for a site specific development control plan to include matters | The Department notes there are sufficient existing provisions to manage and mitigate any potential vegetation and flooding impacts resulting from any |

| | |
|--|--|
| <p>identified in the Post exhibition report as well as, in summary:</p> <ul style="list-style-type: none"> Objectives and controls to protect, rehabilitate and conserve the ecological values on site including endangered ecological communities, including: <ul style="list-style-type: none"> Undertaking Stages 1 and 2 of the Biodiversity Assessment Method. Preparation and implementation of a Vegetation Management Plan. Site specific objectives and controls for site coverage, landscaping, overshadowing, visual impacts, privacy, bulk and scale to manage density, retention of vegetation and amenity impacts on adjoining residential properties. 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 development, including the recommendations in the Lyall & Associates peer review. Require an updated traffic report for any future DA. | <p>future development of the subject site. These existing provisions include:</p> <ul style="list-style-type: none"> Pittwater LEP 2014 Clause 7.6 Biodiversity (which is proposed to apply to the subject site). Pittwater LEP 2014 Clause 5.21 Flood planning and 5.22 Special flood considerations. Pittwater 21 DCP Chapters C1.1 Landscaping and D9 Landscaped Area - Environmental Sensitive Land. Pittwater 21 DCP Chapter B3 Hazard Controls. <p>The draft LEP does not include provisions requiring a site-specific DCP for the site.</p> |
| Include a LEP clause to require a 5% affordable housing rate to apply to the total gross floor area. | The Department supports this change. Refer to draft LEP Maps. |
| Include the site on the Biodiversity Map and for Pittwater LEP 2014 Clause 7.6 Biodiversity to apply. | The Department supports this change. Refer to draft LEP Maps. |
| Remove the site from the Minimum Lot Size Map consistent with all land zoned R3 Medium Density in the Pittwater LEP 2014. | The Department supports this change. Refer to draft LEP Maps. |
| Prepare flood hazard vulnerability classification maps for existing and post development scenarios. | Received. |

In accordance with Section 3.36(1) of the EP&A Act, the Panel is being consulted to provide any comments on the draft LEP maps. Can you please arrange for the Panel to review and confirm whether the attached draft LEP maps are acceptable or raise any comments for consideration. Council were provided with a copy of the draft LEP and maps and have raised no objections or concerns.

Viewing digital maps on the spatial viewer

Whilst a PDF of draft LEP maps is attached, it is to be noted, the zoning and affordable housing maps will be digital maps only. If the Panel wishes to view the digital map on the spatial viewer, the mapping can be viewed here:

<https://www.planningportal.nsw.gov.au/spatialviewerlite/#/find-a-property/address?ppnumber=PP-2021-7404>

To access the digital map, log in using the credentials here:

User ID: SVSEDEPIUATUser1@yopmail.com, Password: rules@123

Please reach out if you have any questions on the above or if you have trouble accessing the link above.

It would be great if you could provide any feedback by **Thursday 10 April 2025**. Please let me know if the Panel would like to arrange a briefing session.

Please don't hesitate to contact me if you have any questions about the proposal, the role of PPA in the 3.36(1) consultation process or about the timeframe.

Kind regards,
Angela

Angela Hynes

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