

# Planning Proposal

## 159-167 Darley Street West, Mona Vale Submissions Report

February 2024



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# Introduction

Solve Property Group (Solve) has been retained by Intrec Management Pty Ltd (Intrec) and the applicant Magnolia Views Property Pty Ltd (MVP), to prepare a submissions report in relation to the Planning Proposal (PP) to rezone properties at 159–167 Darley Street West, Mona Vale. The PP seeks to exclude the land from the R2 Low Density Residential zone under *Pittwater Local Environmental Plan 2014* (PLEP 2014) and include it in the R3 Medium Density Residential zone to facilitate the redevelopment of these sites for medium density 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 housing mix options.

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 and submissions from Council.

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 at its meeting on 18 April 2023. This was more than 4 months after the PP was required to be submitted to DPE for gateway review. Even though there were significant omissions in the Council report, Councillors voted against the PP, thereby creating a statutory impediment to the PP progressing.

As a result of Council's failure to progress the PP, the panel finally 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)*<sup>1</sup> 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 government agencies and a submission on behalf of the proponent. This report addresses the matters raised in the submissions and provides recommendations for finalising the proposed rezoning.

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

# Section 1: Community Engagement

## 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

Solve has completed a full review of all submissions on behalf of 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/redirectioned 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 detailed assessment and responses are provided in sections 1.2-1.4 below. Solve also notes that several of the submissions were generally in support of the PP but with certain elements requiring further investigation and assessment upon progression of the PP (i.e. at development application stage).



## Detailed Submission Analysis

A detailed breakdown of the submissions and the proponent's response is detailed in Table 1 below.

### Agency Submissions

Submissions were received from DPE, the former Greater Cities Commission (GCC), the NSW State Emergency Service (SES), Transport for NSW (TfNSW), Sydney Water and Ausgrid. A submission was also made by Council.

A summary of the matters raised by agencies are detailed below:

- DPE requested amendments to the stormwater drainage strategy and biodiversity considerations on the site (these are addressed in section 2 below).
- GCC advised that the proposal is generally consistent with the objectives identified in the Greater Sydney Regional Plan, North District Plan and Affordable Housing.
- SES recommended undertaking sensitivity modelling for the case of localised mounding failure in diverting flow from the neighbouring property and recommend that the driveway entry to the under-croft and garage is above the PMF and further consideration of the impact of flooding on the risk to life and property (these are addressed in section 2 below).
- TfNSW notes that future access to the site would be achieved via the local road network and acknowledges that the potential traffic impacts of the proposal will likely be minor.
- Sydney Water advised that water and wastewater is available to service the site.
- Ausgrid has no comments to make on the PP.

None of the matters raised in the agency submissions would preclude the land being rezoned.

Council's submission is consistent with previous recommendations by Council including:

- No draft LEP amendments provided
- Insufficient Justification

- No strategic merit and inconsistent with key aspects of the Greater Sydney Region Plan, North District Plan, Northern Beaches Local Strategic Planning Statement – Towards 2040 and Northern Beaches Local Housing Strategy.
- Flooding – The proposal is inconsistent with Local Planning Direction 4.1 – Flooding
- Affordable Housing – The Planning Proposal incorrectly implies that the 5% contribution rate for affordable housing is for new residential floorspace, not for the entire site (total gross floor area of the development) as required by the gateway condition. The Planning Proposal also incorrectly implies the final affordable housing contribution rate should be subject to viability testing. Again, this is inconsistent with the Gateway conditions.
- Precedent – Consideration of rezoning of the subject site, outside of the Mona Vale Place Planning process has the risk of setting a precedent for adjoining landowners, or other landowners of R2 zoned land to consider rezoning under the same premises.
- Traffic – concerns with potential impact on operation of the signalised intersection of Darley Street West and Pittwater Road.
- Biodiversity – the preliminary ecology assessment has concluded that 0.13ha of native vegetation is to be impacted. Council recommends, that a Flora & Fauna Assessment is submitted as part of a future DA, including more detailed site survey, assessment and reporting.

These matters are addressed in detail in Table 1 below. It should be noted that each of the matters raised above have been addressed in detail through the PP and subsequent submissions. It should be specifically noted that the GCC does not agree with Council's submissions regarding consistency with the strategic merit, including compliance with the Greater Sydney Region Plan and North District Plan.

It should also be noted that Council's Affordable Housing submission is inconsistent with the North District Plan in relation to applying to new residential floorspace only and explicit reference to viability testing. It is also inconsistent with the advice of Council's own consultant and the approach previously applied by Council for 1294-1300 Pittwater Road and 2-4 Albert Street, North Narrabeen.

## **Proponent Submission**

The proponent also made a submission in relation to the PP. The proponent's submission supported the proposed rezoning and amendment to clause 4.5A of the Pittwater LEP 2014.

The proponent also supported in part the proposal to introduce an affordable housing clause in the Pittwater LEP 2014 but sought to ensure that the final affordable housing contribution is subject to a viability test, consistent with the Greater Sydney Region Plan and North District Plan.

The proponent does not object to making an affordable housing contribution, notwithstanding its commitment to housing diversity through the provision of a range of unit sizes (not permitted through the Pittwater LEP 2014), however has sought to ensure that the contribution is fair, equitable and viable having regard to:

- The method used to determine the contribution, consistent with other sites
- The method of inclusion in the Pittwater LEP 2014

The proponent's submission is that the viability test cannot reasonably be determined at the rezoning stage given the absolute certainty in changes to project viability prior to the issue of a development consent. The proponent seeks a fair approach to project viability which will be determined as part of the application for development consent. This approach is consistent with Council's own policies. The inclusion of a fixed rate (5%) in the Pittwater LEP 2014 does not do this and introduces the very real prospect that another amendment of the PLEP 2014 will be necessary if the determined rate is not viable.

**Table 1 – Detailed Submission Analysis**

Item	Theme	Frequency	Submissions Summary	Response
1.	Traffic and congestion	24	<p>The PP will directly result in an increase in traffic flow and congestion for cars entering and exiting Darley Street West.</p> <p>The latest Traffic Impact Assessment is based on a pre-Covid survey, and the submissions have referenced existing congestion and safety concerns with respect to the ‘dangerous’ traffic light at the end of Darley Street West which will be exacerbated by additional residents.</p> <p>The submissions have noted significant queuing/backlogs and delays for cars exiting Darley Street West which is a factor of existing difficulties in attempting to turn right onto Pittwater Road from Darley Street West, which requires drivers to cautiously scan for oncoming traffic (resulting in delayed traffic flow).</p>	<p><b>Disagree</b> - The proponent included a Traffic Impact Assessment in the PP by ptc. ptc determined traffic movements in the area using historical survey data in addition to annual traffic counters from the TfNSW Traffic Volume Viewer. This was supplemented by surveys conducted on Thursday 22 October 2021.</p> <p>The assessment of the Darley Street West Intersection with Pittwater Road was found to have a good Level of Service B (LOS B) for both morning and evening peaks. The SIDRA analysis found that LOS B remains at a good LOS B with spare capacity in both the morning and afternoon peaks with a negligible increase in the average delay (less than 1 second).</p>



			<p>The submissions have also made note of safety concerns relating to congestion and traffic build-up during emergency evacuations such as bushfires.</p> <p>Several submissions stated that the impact of the proposal (and existing issues) could be mitigated through improvements to the existing traffic lights, namely installation of a right turn arrow onto Pittwater Road.</p>	<p>Should issues arise in the future (which is unlikely given the extent of developable land in Darley Street West), minor adjustments to the operations of the intersection (as suggested in the submission) could be made by Council to facilitate a right turn arrow.</p> <p>TfNSW has also reviewed the PP and notes that potential traffic impacts on the local road network would be minor.</p>
2.	Flooding	18	<p>The subject site is designated as medium and low flood risk and overland flow path. It is proximately located to the existing creek bordering Bayview Golf Course.</p> <p>The current PP will directly impact potential flooding risk and stormwater management. The operators of Bayview Golf Course have made significant contributions to drainage and irrigation of the creek over recent years. The PP could potentially undermine</p>	<p><b>Agree in part</b> – The proponent has retained Lyall &amp; Associates to undertake a peer review of the AECOM Stormwater Management Strategy, relevant policies and submissions made in relation to the PP.</p> <p>The peer review found that the PP is generally consistent with the requirements of Direction 4.1 – Flooding, and where it is considered to be inconsistent, the inconsistencies are of minor significance.</p>

		<p>the work completed to date through loss of natural land and additional uncontrolled /redirected stormwater run-off from the development site because of additional hard surfaces.</p> <p>Several submissions made note that additional water run-off could exacerbate the unpleasant smells emanating from the sewage tank at Darley Street (existing issue).</p> <p>The submissions also suggest that the proposal is inconsistent with Local Planning Direction 4.1 – Flooding in that:</p> <ul style="list-style-type: none"> <li>o It permits additional development in floodway areas.</li> <li>o It substantially increases by over 300% the dwelling density in the Flood Planning Area</li> <li>o It has not been demonstrated that the increase of the probable maximum</li> </ul>	<p>Table 1 of the peer review (<b>Attachment B</b>) addresses compliance of the PP against the requirements of Direction 4.1 – Flooding.</p> <p>The peer review recommends that the PP be approved subject to the future development application making a number of adjustments to the flooding and stormwater drainage strategy.</p> <p>An assessment of the PP against the flooding and stormwater drainage related submissions is included in Table 2 of the peer review (<b>Attachment B</b>). Where the peer review agrees with the submissions, Lyall and Associates have included an action in the recommendations.</p> <p>The proponent accepts the recommendations noting that the amendments will improve the existing</p>
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			<p>flood on 155 Darley Street can be mitigated.</p> <p>A submission recommends undertaking sensitivity modelling for the case of localised mounding failure in diverting flow from neighbouring property and recommends discussing with the DPE EHG regarding potential impacts on neighbouring properties.</p> <p>This submission recommends that the driveway entry to the under-croft parking and garages is situated above the PMF to reduce risk to life and property. It is recommended to seek further information to understand the risk to life and property, including the maximum length of time for inundation or isolation of the site.</p>	<p>stormwater drainage situation in the area and will directly address the matters raised by residents in Kunari Place.</p> <p>A revised flooding and stormwater management plan addressing these requirements will be submitted to Council with the development application for the site.</p>
3.	Strategic alignment	14	The current planning proposal does not align with the broader strategic	<b>Disagree</b> - For the reasons detailed in the PP, the proposal is very clearly consistent with the intent of the Greater Sydney

		<p>directions/guidelines and/or Councils previous decisions on the proposal.</p> <p>The current planning proposal has been rejected by Northern Beaches Council on two occasions.</p> <p>The current planning proposal and its referral to and intervention by the NSW DPE for a Gateway determination undermines the strategic planning undertaken by Council and their communication and collaborative work with the local community to gain general support for their long-term plan.</p> <p>The current planning proposal does not align with various wider strategic planning guidelines and objectives including (but not limited to) key aspects of the Greater Sydney Regional Plan, North District Plan, Northern Beaches LSPS, Northern Beaches</p>	<p>Region Plan and North District Plan. The GCC have confirmed this.</p> <p>The final draft Northern Beaches Local Housing Strategy (LHS), dated April 2021, was endorsed by Council and approved by DPE on 16 December 2021. Whilst approved, it should be noted that the former <u>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</u>. To date, Council have not yet submitted a revised LHS even though an amended LHS was required to be re-submitted to the former DPE.</p> <p>The PP provides a full overview of the consistency of the proposal with state strategic planning directions for the area.</p>
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			LHS and Councils Affordable Housing Policy.	
4.	Streetscape character and density levels	10	<p>The current PP is out of character with the rest of the streetscape.</p> <p>The size and scale of the current PP is excessive and has no regard to sympathetic development/land uses consistent with existing residences that abide by Council density limits (single dwellings and townhouse complexes only). Overdevelopment of the site will result in a loss of ambience for the wider neighbourhood.</p>	<p><b>Disagree</b> - The proposed zoning is consistent with the remainder of Darley Street West and the proposed development detailed in the PP is entirely consistent with existing built form in the area.</p> <p>Density limits in the Pittwater LEP 2014 have significantly contributed to a lack of housing diversity and unaffordability in the area.</p>
5.	Parking	10	<p>The current PP will result in a general loss of on-street parking availability.</p> <p>The Traffic Impact Assessment indicated a 'negligible impact' – an unrealistic assumption given the amount of parking spaces proposed.</p>	<p><b>Disagree</b> - The proposed development included in the PP provides car parking consistent with Council's DCP. This will be further demonstrated during the subsequent development application process.</p>

			<p>The unrealistic assumption of 0.65 vehicles per dwelling, as well as a general increase in the average number of visitors (induced by the proposal) into the area, will place further pressure on current parking availability.</p> <p>Several submissions noted existing difficulties in safely exiting their garages/driveways onto Darley Street West due to the presence of parked vehicles immediately adjacent to either side of their exit driveway – a factor that will be further exacerbated by the proposal.</p>	<p>The negligible impact on the intersection of Pittwater Road and Darley Street West relates to the operation of the intersection in peak hours. This determination was based on SIDRA modelling and has been determined based on pre-determined and accepted levels of service for intersections. The modelling has determined that there is <u>no</u> change in the level of service (LOS B) as a result of the proposed development.</p> <p>Existing on-street parking arrangements are regulated by Council. It is noted that Council is currently assessing traffic and parking in the area as part of the Mona Vale Place Plan, and based on Council's website<sup>2</sup>, findings of this review will be made available in early 2024 (more than 2 years after the PWG was formed).</p>
6.	Setting precedence for higher density developments	8	The current PP may set precedence for potential future high density developments	<b>Disagree</b> – Rezoning applications are determined on their individual merits. In the

<sup>2</sup> <https://yoursay.northernbeaches.nsw.gov.au/my-place-mona-vale>

			<p>in land currently zoned R2 and increase the possibility/likelihood of existing dwellings on the street to be rezoned to a similar type of building on the same basis.</p> <p>Overall, the removal of maximum dwelling density for the site and decision to rezone R2 to R3 (without valid reasons to change the current zoning) will potentially create leverage for future developments that would have no height restrictions</p>	<p>case of Darley Street West, the remainder of the street is already zoned R3 and fully developed with units, so the proposal does not set a precedent for the area.</p> <p>The panel has agreed with the proponent's representations regarding strategic alignment of the proposal with the Greater Sydney Region Plan and North District Plan.</p> <p>No changes in the maximum permissible building height is proposed.</p>
7.	Affordable housing	7	<p>The current PP lacks merit with respect to affordable housing being delivered on site as it is unlikely to be utilized/attainable given current house/unit prices within the area.</p> <p>The original proposal indicated there had been an offer by the applicant to enter into a voluntary planning agreement to provide affordable housing at a rate of 2.085% of</p>	<p><b>Disagree</b> - The proposal seeks to deliver affordable housing through housing diversity; an approach which is not currently permitted under the Pittwater LEP 2014. The controls in the Pittwater LEP 2014 have exacerbated the lack of affordable housing in the area through the provision of large unaffordable dwellings rather than a mix of dwelling sizes to cater for the needs of the community.</p>

		<p>the investment value (\$1,122,627). At the pre-Gateway briefing on 14 August 2023 the Sydney North Planning Panel determined that this be increased to 5% and required through a new affordable housing clause in the LEP. It is of concern that the proponent has raised the issue of viability testing the contribution. The 5% was seen as a compromise of the external assessments undertaken and any reduction in the contribution will have a deleterious impact on Councils planning for affordable housing.</p> <p>The current PP incorrectly implies that the 5% contribution rate for affordable housing is for new residential floorspace, not for the entire site (total gross floor area of the development) as required by the gateway condition. The PP also incorrectly implies the final affordable housing contribution rate should be subject to viability testing.</p>	<p>In addition, the proponent has agreed to make a financial contribution towards affordable housing. The PP recognises the panel decision, but it should be noted that the Greater Sydney Region Plan and North District Plan specify that affordable housing contributions should be as follows:</p> <p><b><i>“affordable rental housing targets that are <u>generally</u> in the range of 5-10 per cent of new residential floor space are <u>subject to viability</u>”</i></b> page 45, North District Plan</p> <p>The PP (as currently drafted) does not recognise the changing nature of viability, nor the existing residential floor space on the property, notwithstanding the advice of Council’s own consultant and previous decisions by Council (see section 2 below).</p>
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			<p>Again, this is inconsistent with the Gateway conditions.</p> <p>The development is unlikely to attract key workers based on current median prices of units in the area.</p>	<p>Noting these inconsistencies, the affordable housing contribution should be generally in the range of 5-10% of <u>new</u> residential floor space and <u>subject to viability</u>. The PP as currently drafted does <u>not</u> reflect this requirement.</p> <p>For the extensive reasons detailed in the PP and previous submissions, <u>project viability cannot be determined at the rezoning stage</u>, given the passage of time that will follow between the land being rezoned and the DA being lodged and determined.</p> <p>Given the need to determine viability at the development application stage, the imposition of a "fixed" affordable housing contribution in the PLEP 2014 mapping is inconsistent with the Greater Sydney Region Plan and North District Plan.</p>
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				<p>Solve notes that the approach adopted by Penrith City Council in the Penrith LEP 2010<sup>3</sup> is appropriate for use in the FLEP 2014.</p> <p>The Penrith approach would result in the site being included in an Affordable Rental Housing Contribution Area with the method of determining the contribution (5% subject to viability) being determined at the DA stage. Applying this approach will avoid the need for an amendment to the FLEP 2014 should the nominated rate not be viable at the time of the future development application.</p> <p>Further detail on this proposed approach is detailed in section 2 below.</p>
8.	Walkability	6	The PP was incorrectly awarded merit as 'very walkable'. The subject site is located 400 meters from Mona Vale shops and is	<b>Disagree</b> – The subject site is in close proximity to the Mona Vale shops and local bus stops. Indeed, the closest bus stop is

<sup>3</sup> [Layout \(windows.net\)](#)

			<p>situated on a steep gradient. Both pedestrian access routes leading to Mona Vale shops are steep and would be difficult for an elderly or disabled person to traverse.</p> <p>Given the prominence of the 'senior demographic' within the area this could result in a large proportion of residents travelling to Mona Vale shops via car.</p> <p>The Centres Renewal Framework (2021) indicates mixed use housing should have good access to amenity (parks and shops) which the development does not display.</p>	<p>approximately 400m from the site on Pittwater Road and the site is within easy walking distance to more than 3,500 jobs in the Mona Vale employment area and town centre (600m).</p>
9.	Biodiversity	6	<p>The PP will directly result in loss of biodiversity and induce associated environmental impacts.</p> <p>Potential biodiversity loss includes a significant number of onsite floras including</p>	<p><b>Agree in part</b> – Future development of the site will result in the loss of approximately 0.24 ha of largely exotic dominated, marginal foraging habitat.</p> <p>An assessment by Cumberland Ecology and further Preliminary Ecological Assessments</p>

			<p>mature trees, tree canopy and large gum trees.</p> <p>It is unclear how the endangered vegetation on the site which is proposed for retention will be managed and protected in the future. The planning proposal should identify methods by which to actively manage and conserve native vegetation across the site to ensure the security and protection of the retained ECC, threatened species and threatened species habitat.</p>	<p>(PEA) (<b>Attachment A</b>) has found that the site contains 0.19 ha of degraded Pittwater Spotted Gum Forest, which was assigned to plant community type (PCT) 1214. This PCT has since been decommissioned and replaced with PCT 3234. This PCT was also found to be consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion (PWSGF) threatened ecological community (TEC), listed as endangered under the <i>Biodiversity Conservation Act 2016</i>.</p> <p>The assessment by Cumberland Ecology found that the PWSGF within the subject site is highly degraded and offers little habitat to native flora and fauna, largely comprising scattered characteristic trees of the community of varying age and condition above a historically cleared and exotic dominated understorey.</p>
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				<p>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).</p> <p>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.</p> <p>A Test of Significance has been prepared for the PWSGF which indicates that a significant impact is unlikely to occur based on the indicative footprint of the likely future development. The PEA indicates that issues relating to threatened species and threatened ecological communities are manageable and not significant. The impacts of a future DA and the applicable</p>
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				biodiversity assessment, avoidance measures or mitigation measures will need to be re-evaluated at the development application stage of the project.
10.	Transport accessibility	5	<p>The proposed development does not benefit from good access to active/frequent public transport networks.</p> <p>All existing bus services within the 800m radius (walking distance) are little used/poorly patronized with most bus services accessed through the B Line and 199 (outside of the 800m radius) such as on Barrenjoey Road (&gt;1km).</p> <p>The sites' location on a steep hill makes the walk to the B1 bus stop untenable for many. The overall result will be further overcrowding of car parking.</p>	<p><b>Disagree</b> – the subject site is within approximately 400m of the nearest bus stop and is within easy walking/cycling distance to more than 3,500 jobs in the Mona Vale employment area and town centre (600m).</p> <p>The 156 bus service on Pittwater Road (400m from the site) connects with the B-Line bus service on Barrenjoey Road, and the B-Line bus service is only 938m (15 min walk) from the subject site.</p>

11.	Infrastructure capacity	4	<p>The local area generally lacks the infrastructure capacity to support additional dwellings/residents.</p> <p>There is little justification for development without improvements to road infrastructure (namely Mona Vale Road with planned infrastructure improvements not expected to proceed) as well as water supply, sewage, transport systems, public amenities, etc.</p>	<p><b>Disagree</b> – The subject site is within proximity to excellent services, amenities and jobs in the Mona Vale area.</p> <p>Sydney Water has confirmed that water and wastewater is available to service the site. Ausgrid has no objection to the proposal.</p>
12.	Construction period impact	4	<p>The current PP will generate impediments during the construction period with specific reference to impacts to traffic flow and parking availability during the 2-year construction period (i.e. construction vehicles).</p> <p>This is in note of existing parking issues including difficulties in exiting driveways.</p>	<p><b>Note</b> – Future redevelopment of the site will be subject to development consent. Matters regarding traffic, hours of construction and impact on local residents will be addressed during this phase.</p>



			The presence of several heavy construction vehicles will create accident potential and impact the safety of residents.	
13.	Loss of privacy	3	Inadequate details of any privacy screening between the development and existing properties are provided in the planning proposal.	<b>Note</b> – Future redevelopment of the site will be subject to development consent. The proposed development will need to demonstrate compliance with Council's DCP which specifically addresses privacy in section C1.5 of the Pittwater 21 DCP.
14.	Acid Sulphate Soils	2	The land pertaining to the subject site is considered 'unhealthy building land'. There is concern for excavation leading to disruption to water course and unsettling Acid Sulphate Soils.	<b>Disagree</b> – Part of the site (i.e. mainly the properties identified as 163-165 and 167 Darley Street West) are 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.  Notwithstanding the above, a PASSA was undertaken and prepared by Geotechnique Pty Ltd. The PASSA recommends an acid

				sulfate soil management plan to be prepared for development that involves works more than 1m below natural ground level. This will be completed with the application for development consent.
15.	Locational merit of proximity to Bayview Golf Course	2	The development attached merit of being proximate to Bayview Golf Course is incorrectly awarded as it is a private golf course and is only likely to attract the most avid golfers.	<b>Disagree</b> – The site is proximate to a range of local amenities including the Bayview Golf Course. Its status as private or public doesn't reduce its overall amenity. It should be further noted that Bayview Golf Club is not restricted to members only and welcomes social play every day <sup>4</sup> .
16.	Impact to quality and value of local area	2	Site overdevelopment and rezoning to R3 will result in the general degradation of the quality and value of the local area.	<b>Disagree</b> – The remainder of Darley Street West is all zoned R3 – Medium Density Residential.
17.	Underground parking	1	Potential for damage caused by properties with underground parking (i.e., flooding).	<b>Note</b> – The proponent will update flood modelling as part of the development application ensuring that all of the matters in item 2 above are addressed.

<sup>4</sup> <https://www.bayviewgolfclub.com.au/play-golf/book-a-tee-time/>

18.	Consideration of additional rezoning	1	One submission (who in support of the rezoning) requested that the adjoining residents, directly behind on Park St also be considered as part of this rezoning as having pockets of R2 and R3 directly beside each other 'doesn't make sense'.	<b>Agree</b> – This is a matter that Council needs to address as part of implementation of the Mona Vale Place Plan and its LEP consolidation project.
19.	Underground natural watercourse	1	The current planning proposal will directly result in encroachment to underground natural water course.	<b>Note</b> – There stormwater drainage report and peer review has not identified an underground natural watercourse, nor are there any details in the submission. A revised flooding and stormwater management report will be submitted with the development application.
20.	Community demographics	1	The current planning proposal will directly impact and change the existing community demographics and 'Northern Beaches lifestyle'.	<b>Disagree</b> – a proposal to introduce housing diversity will not change the lifestyle of the local area. The proposal will however support the provision of a diversity of housing types which will assist in key workers (i.e teachers, nurses, police officers, etc) being able to live and work in the area <sup>5</sup> .

<sup>5</sup> <https://manlyobserver.com.au/working-homeless-living-in-vehicles-claim-harassment/>

21.	New planning rules and updated definitions	1	The new planning rules and updated definitions for R3 zones provides for much higher density than is currently allowed under R3 and therefore could result in even more significant over development of the lots than what is envisaged in the current application.	<b>Disagree</b> – The proponent has not sought to amend the maximum Height of Building controls in the Pittwater LEP 2014 which are currently set at 8.5m. This is consistent with the entirety of Mona Vale.
22.	Resident objections	1	The current PP disregards residents' previous objections.	<b>Disagree</b> – The proponent has considered every reasonable submission made by residents.
23.	Public open space	1	The current PP will directly increase the number of residents on the site which has the potential to increase use of existing open space areas in the locality and Kuring-gai National Park.  Consideration should be given to the provision of open space on the site for future residents given the cumulative impact of rezoning this site and other nearby sites on existing open space.	<b>Disagree</b> – Whilst there will be additional residents on the site, the Mona Vale area has extensive areas of open space, including national parks, beaches etc.

24.	Draft LEP amendments	1	The current PP fails to provide draft LEP clauses and a new LEP affordable housing contributions scheme map for the proposed amendments, nor detail how the existing minimum lot size requirement for the site will be addressed.	<p><b>Partly Disagree and Partly Agree</b> – A draft LEP clause and draft LEP map has been included in the revised PP.</p> <p>Whilst the minimum lot size requirement map was not proposed to be amended given that the principal development standards (part 4) of the PLEP 2014 don't trigger minimum lot sizes in the R3 zone, it would be tidier for the Minimum Lot Size map to also be amended to remove the subject site. This is consistent with all R3 zoned land and will avoid any potential confusion.</p>
25.	Insufficient justification	1	The current planning proposal does not adequately justify the rezoning of the subject site over and before other land adjoining the site or within the Mona Vale town centre zoned R2 or other land across the LGA with similar characteristics and attributes.	<p><b>Disagree</b> – The PP details extensive justification for the proposed rezoning. It should be noted that the entirety of residential land in Darley Street West is already zoned R3 and the proposal represents a logical planning inclusion consistent with the objectives of the</p>

				<p>Greater Sydney Region Plan and North District Plan.</p> <p>Council's Mona Vale Place Plan should address the remainder of land in the Mona Vale area. 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 updates confirming that a draft Place Plan is expected to be exhibited in early 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).</p>
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## Section 2: Additional Technical Assessments

### Biodiversity Assessment

Cumberland Ecology prepared the original Preliminary Ecological Assessment (PEA) in July 2021 as part of the original PP submission. The original PEA was prepared with the goal of addressing the ecological considerations detailed in the previous DPE Guide to Preparing Planning Proposals (DPIE 2018). This approach provided an indicative assessment of the potential impacts of a future development application and focussed on threatened species, populations, and communities with potential to occur within the site for species listed under the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity Conservation Act 1999*.

DPE requested through the submissions that the PEA assessment be updated against the current Local Plan Making Guideline (August 2023). Whilst the original PEA has been assessed by Cumberland Ecology against the updated Local Plan Making Guideline and found to be highly compliant as detailed in **Attachment A** of this report, Cumberland Ecology has broadened the PEA to provide a complete understanding of the biodiversity values of the subject site and an indication of the potential impacts of a future DA.

It should be noted that an appropriate biodiversity assessment pathway will be determined as part of the future development application once detailed plans, engineering designs and drainage plans have been developed. This will allow a re-assessment of the Biodiversity Offsets Scheme (BOS) thresholds to be completed and where appropriate influence adjustments to the relevant building designs.

### Flooding and Stormwater Drainage

A flooding and stormwater drainage peer review was prepared by Lyall and Associates in relation to the PP. A copy of the peer review is included in **Attachment B**. The peer review has considered the relevant technical reports and each of the flooding and drainage submissions made in relation to the PP. It has also assessed the proposal against the Local Planning Direction 4.1 – Flooding and provided recommendations for matters to be addressed as part of the future development application.



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 considered to be 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. 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 proponent agrees to submit a revised flooding and stormwater drainage strategy addressing these requirements as part of the future development application.

## **Affordable Housing Contributions**

Consistent with previous submissions, Solve requests that the final PP be fair, equitable and viable. The provisions as currently drafted fail to recognise that the method used to determine the affordable housing contribution is inconsistent with the directions of the North District Plan and the proposed method of inclusion in the Pittwater LEP 2014 will reinforce this.

The approach included in the PP at the direction of the panel differs from the approach previously adopted by Council for Frenchs Forest and North Narrabeen. Given there are currently no state guidelines on the method for determining affordable housing contributions, Solve holds that the method being applied in the Northern Beaches Council area should be consistent.

In this regard, the methodology previously endorsed by Council for both North Narrabeen and Frenchs Forest differs significantly with respect to the treatment of bank interest and construction contingency. Table 2 below summarises these differences.

**Table 2 – Method Inconsistency**

Project	Bank Interest	Construction Contingency
Frenchs Forest <sup>6</sup>	10%	10%
North Narrabeen	10%	10%
Subject Site (Mona Vale)	7.5%	5%

The reliance by Council and its consultants on a construction bank interest allowance of 7.5% in the current market is confusing and in Solve's view, unreasonably skews the outcome of the viability test. The proponent is committed to a current interest rate of 10.4% (loan agreement can be provided upon request) in addition to loan establishment fees and broker fees which are standard in the construction industry. In Solve's experience, this is an absolute minimum benchmark in the current market.

In terms of construction contingency, Solve again highlights the inconsistency in Council's approach., particularly at the rezoning stage and with the proposed approach to integrate the final contribution into the Pittwater LEP 2014 maps. This would be less of a concern if the LEP mapping recognised that the contribution (having regard to feasibility) would be determined at the time of the development application. In order to address the issue of costs, the proponent has retained wtpartnership to address likely construction costs having regard to the likely construction timeframe (post development application). A copy of the wtpartnership cost estimate is attached at **Attachment C**.

<sup>6</sup> <https://files-preprod-c9.northernbeaches.nsw.gov.au/nbc-prod-files/affordable-housing-contributions-scheme-may2019.pdf>

It should be noted that wtpartnership are an international firm with specialists in cost management, quantity surveying and project management. Wtpartnership have deep experience in a range of private and government projects. Wtpartnerships assessment of the project is that a design development contingency of 5% should be allowed between now and construction and a further 5% construction contingency which is standard practice for the start of the construction period to cover unforeseen risks. They note that it is also required to meet most financier's requirements. They have also noted that escalation should be allowed to the start of construction and based on increases of 4% in 2023, 2.8% in 2024 and 3.5% in 2025, a general escalation of 5.64% should be allowed. Overall, this results in contingencies and escalation (at rezoning stage) of 15.64%, not 5% as allowed by Council.

Wtpartnership has prepared the construction estimate on benchmark rates for similar projects that have been completed and therefore include escalation during construction. The estimate is based on construction commencing in mid-2025 and based on their experience has assessed that a project of this nature and size would generally require a construction duration of 22-24 months. Again, this is 6-8 months longer than allowed by Council.

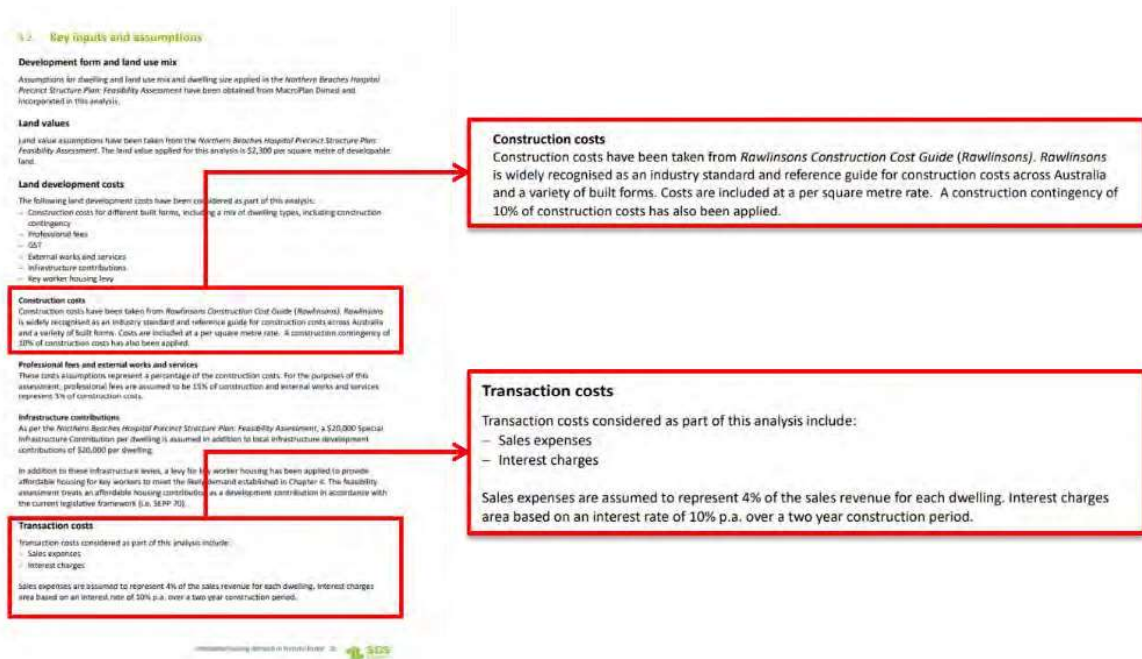
Drawing on all of this advice from wtpartnerships, without even assessing the construction estimates applied by Council, the methodology and approach applied by Council is wrong and would render the project unviable. Re-enforcing this through the Pittwater LEP 2014 maps will prevent any future review of the rate at the development application phase, unless another LEP amendment is made.

An extract from Council's Affordable Housing Contributions Scheme is detailed in Figure 1 below. In addition to the above assumptions, it is noted that Council's feasibility study prepared by Hill PDA for the subject site did not credit the existing GFA existing on the subject site (792m<sup>2</sup>), even though it was acknowledged as an appropriate offset in section 1.2 of the report (see Figure 2 below).

The reality is that the assumptions and inconsistent method relied upon by Council for the subject site is inconsistent and results in the project becoming unviable. Council's suggested contribution of \$3.374m results in a net contribution of more than \$82,000 per apartment towards Council's Affordable Housing Contribution Fund. This is in addition to other Council fees and development charges.

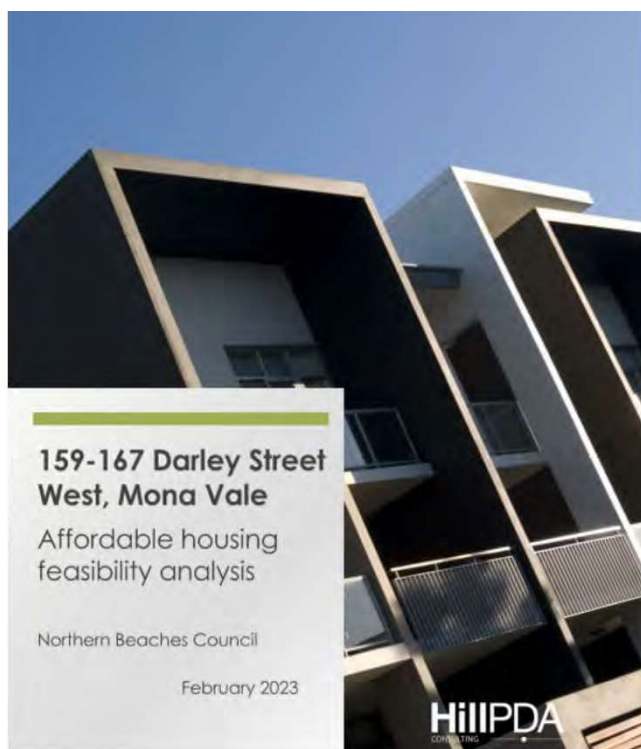
Viability is a particularly important consideration because the North District Plan recognises that contributions must be viable (see Figure 3 below). Indeed, whilst the aspiration of the District Plan is to achieve a contribution of 5-10% of new residential floor space, the contribution must ultimately be determined having regard to viability as referenced in the District Plan. Failure to do so will result in further deterioration of housing supply in an already constrained area.

**Figure 1 – Frenches Forest & North Narrabeen Affordable Housing Contribution Assumptions (Council endorsed)**





**Figure 2 HillPDA – Mona Vale Review (Existing Building Credit)**



## 2.4 Development scheme

As mentioned above, the areas and unit mix are based on the concept plans prepared by Giles Tribe. A breakdown of the development scheme is as follows:

Table 6: Development scheme

Development specifications			
Site Area	6,122 sqm		
FMR	0.6:1		
Proposed project	2 x two-storey residential flat buildings and three townhouses		
Building areas	<b>Gross floor area</b>		
	Total area of 3,663sqm of GFA, comprising of land use breakdown: Residential apartment building: 3,366sqm Townhouses: 297sqm		
	<b>Net saleable area</b>		
	Total area of 3,272sqm of NSA, comprising of land use breakdown: Residential apartments: 2,955sqm (87.4% efficiency) Residential townhouses: 317sqm (100% efficiency)		
Unit/apartment topology breakdown:	1 bedroom	2 bedrooms	3 bedrooms
Residential townhouses			
Average NSA (sqm)	51.8sqm	80.6sqm	115sqm
No. of units	12 (12%)	22 (58%)	4 (10%)
Residential apartments			
Average NSA (sqm)	—	—	138sqm
No. of units	—	—	3 (100%)
Car accommodation	84 car spaces (includes 8 garaging and 80 basement car spaces, averaging 2 car spaces per unit/dwelling)		

Source: Giles Tribe – Concept Plan

## 2.5 Scenarios testing

Our instructions are to assess the proposed residential development in Section 2.4. Our assessment will inform the viability of the proposed development if a monetary contribution equivalent payment of 5% or 10% for affordable housing was financially viable. The scenarios for consideration included:

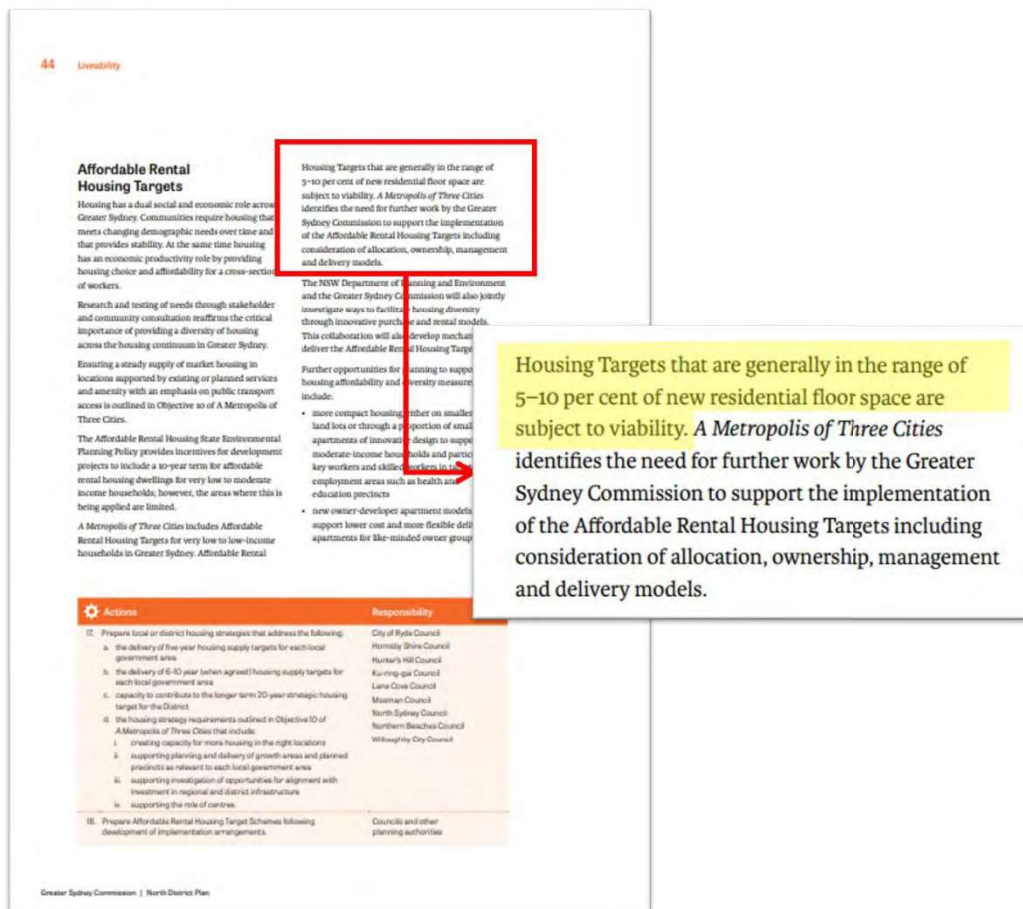
- **Scenario 1 - Base case:** This scenario tests the viability of the planning proposal/concept plan that proposes two residential flat buildings (38 apartments) and three townhouses.
- **Scenario 2 - Affordable housing:** This scenario would also be based on the above base case however, to align with Council's affordable housing policy, a monetary contribution equivalent of 5% and 10% of additional residential floor space (deduction of building footprint of existing dwellings) as a public benefit would be applied in our financial modelling. This scenario would determine the viability and overall financial impact of providing affordable housing.
- **Scenario 3 - Tipping Point:** If Scenario 2 are proven to be unfeasible, a tipping point analysis would be undertaken and we would provide a recommendation on an affordable housing contribution rate (%) that the developer could pay.

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Our instructions are to assess the proposed residential development in Section 2.4. Our assessment will inform the viability of the proposed development if a monetary contribution equivalent payment of 5% or 10% for affordable housing was financially viable. The scenarios for consideration included:

- **Scenario 1 - Base case:** This scenario tests the viability of the planning proposal/concept plan that proposes two residential flat buildings (38 apartments) and three townhouses.
- **Scenario 2 - Affordable housing:** This scenario would also be based on the above base case however, to align with Council's affordable housing policy, a monetary contribution equivalent of 5% and 10% of additional residential floor space (deduction of building footprint of existing dwellings) as a public benefit would be applied in our financial modelling. This scenario would determine the viability and overall financial impact of providing affordable housing.
- **Scenario 3 - Tipping Point:** If Scenario 2 are proven to be unfeasible, a tipping point analysis would be undertaken and we would provide a recommendation on an affordable housing contribution rate (%) that the developer could pay.

**Figure 3 – North District Plan (extract)**



Having regard to all of these matters, Solve recommends that the panel require an affordable housing contribution amount to be determined as detailed in the recommendations below. In doing so, this would ensure that any future contribution is fair, equitable and viable as expected in the North District Plan.



## Section 3: Pittwater LEP 2014 Affordable Housing Amendments

The approach being sought by Council to include a fixed affordable housing contribution rate (%) in the Pittwater LEP 2014 does not reflect the varying nature of affordable housing contributions which must be viable at the time payment is made (or at least when development conditions are applied).

It should be noted that the proponent does not object to making an affordable housing contribution, but it must be viable. The combination of the assumptions detailed above and the lack of recognition that a development application (DA) is necessary once the subject site is rezoned means that a fixed rate does not allow for viability to be tested at the DA stage, which may be some time later.

The approach outlined in the PP and requested by the Panel and Council (i.e., a fixed affordable housing contribution %) in the LEP will require a further LEP amendment in the future at the time payment is made if the specified amount (5%) continues to be unviable. Council undertook an amendment to the Warringah LEP 2011 for North Narrabeen in February 2022 to reduce the contribution from 5.7% to 1.71% to correct an error in the calculation. This amendment could have been avoided with the approach recommended below.

The proposed approach (provisions and mapping) outlined in Table 3 and Figure 4 below is consistent with the approach adopted by the Penrith City Council for Affordable Housing Contributions<sup>7</sup>. The Penrith LEP 2010 identifies the contribution Area (without a '%' on the map) and then in section 7.31 of the Penrith LEP 2010 addresses the contribution through a link to a contribution plan. Solve's recommendation would establish a similar approach to Penrith with the Affordable Housing Contribution Scheme being updated at the time of DA to recognise updated viability testing.

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<sup>7</sup> <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2010-0540>

**Table 3 – Recommended Pittwater LEP 2014 Amendment**

Action	Recommended Amendment
Add new section in part 7 – Additional Local Provisions	<p><b>7.14 Affordable housing contributions</b></p> <p>(1) This clause applies to development for the purposes of residential accommodation on land identified as “Affordable Rental Housing Contribution Area” on the Affordable Rental Housing Contribution Scheme Map.</p> <p>(2) When granting development consent to development to which this clause applies, the consent authority may impose a condition requiring an affordable housing contribution (a contribution).</p> <p>(3) A condition imposed under this clause must require a person to satisfy the contribution by a monetary contribution paid to the Council prior to the issue of an Occupation Certificate.</p> <p>(4) The contribution must be calculated at 5% of new residential floor space, subject to viability.</p> <p>(5) To avoid doubt, the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of a contribution.</p> <p>(6) In this clause—</p> <p>Affordable Rental Housing Contribution Scheme Map means the Pittwater Local Environmental Plan 2014 Affordable Rental Housing Contribution Scheme Map.</p> <p>Viability assessments must include:</p> <ul style="list-style-type: none"> <li>a. bank interest rates set at the current market rate for commercial / construction loans;</li> <li>b. construction contingency of 10% including 5% design development contingency and 5% construction contingency; and</li> <li>c. Construction duration to be determined by an accredited quantity surveyor.</li> </ul>

**Figure 4 – Recommended Pittwater LEP 2014 Map Amendment**



The Canada Bay LEP 2013 also takes a similar approach to Penrith in not specifying a '%' on the Affordable Housing Contributions Scheme Map.

Whilst Council has applied a '%' in its Warringah LEP 2011, its recent LEP amendment to correct an error at North Narrabeen confirms that it is a clumsy and inefficient way to manage affordable housing contributions. The LEP Mapping should be utilised as trigger where contribution amounts are variable (such as for Affordable Housing contributions which are subject to viability testing).

If it remains as proposed, there will be further delays to housing in an area already significantly behind its housing targets. Given the government's priority to deliver new homes as quickly as possible, it is imperative that any LEP amendments enable viability testing to be fair, equitable and consistent.

## Section 4: Recommendations

Based on the detailed review of submissions in this report, the following amendments are recommended as detailed in Table 4 below:

**Table 4 – PP Recommendations**

No.	Item	Recommended Action
1	Zoning – Pittwater LEP 2014	Rezone the site from the R2 Low Density Residential Zone to R3 Medium Density Residential Zone
2	Clause 4.5A – Pittwater LEP 2014	Amend Clause 4.5A of the Pittwater LEP 2014 so that the maximum dwelling density requirements do not apply to the site
3	Minimum Lot Size Map – Pittwater LEP 2014	Remove the subject land from the Minimum Lot Size Map consistent with all land zoned R3 in the Pittwater LEP 2014
4	Flooding and Stormwater Drainage	Advise the proponent to submit an updated flooding and stormwater drainage strategy as part of a future development application consistent with the requirements of the Pittwater LEP 2014 and DCP (clause B3.11) and addressing the matters identified in section 2 above.
5	Biodiversity	Advise the proponent to assess the Biodiversity Offsets Scheme (BOS) thresholds as part of a future development application once detailed plans, engineering designs and drainage plans have been developed.
6	Construction Management	Advise the proponent to submit a construction management plan with the future development application

		addressing construction traffic and parking so as to minimise nuisance to the adjoining landowners.
7	Affordable Housing – new clause 7.14 – Additional Local Provisions – Pittwater LEP 2014	Insert a new clause 7.14 in the Pittwater LEP 2014 in accordance with Table 3 above
8	Affordable Housing Mapping – Pittwater LEP 2014	Create a new Affordable Rental Housing Contribution Area Scheme Map consistent with Figure 4 above, noting that the subject site is included in an Affordable Housing Contribution Area but that the contribution will be determined in accordance with the new clause 7.14 detailed above.
9	Affordable Housing Contribution Policy and Advice	<p>Advise the Council and proponent that the contribution must be calculated on new gross floor area only (credit must be applied to the existing houses on site) and that bank interest must be determined based in bank interest rates at the current market rate for construction / development loans and that construction contingency of 10% (5% design development contingency and 5% construction contingency) must be allowed when calculations are determined.</p> <p>Further advise Council and the proponent that construction contingency and project costings are to be determined by an accredited quantity surveyor as part of any future contribution calculations.</p>

## Conclusion

None of the matters raised in the consultation period for this PP warrant the rezoning being refused. Indeed, the rezoning represents a logical inclusion in the R3 Medium Density Residential zone and is consistent with the expectations of the Greater Sydney Region Plan and North District Plan.

Whilst the Council has objected to the PP, the Council has failed to progress the Mona Vale Place Plan in almost 7 years and the northern beaches are more than 2,000 homes behind the housing targets set in the North District Plan. Further, the Council has failed to resubmit its Local Housing Strategy to the Department addressing the substantive conditions applied to the current strategy. Lack of housing supply in the northern beaches is resulting in increased homelessness and key workers being forced to live in their cars. The operation of clause 4.5A of the Pittwater LEP 2014 is contributing to a lack of housing diversity and overall housing shortage.

This PP seeks to amend Pittwater LEP 2014 to rezone the subject site from R2 Low Density Residential to R3 Medium Density Residential and exclude the applicability of clause 4.5A to this site. One of the submissions also highlighted the operation of the Minimum Lot Size map in the Pittwater LEP 2014 which is unnecessary when the land is included in the R3 zone. It is therefore recommended that the land also be excluded from the Minimum Lot Size Map.

The PP also proposes the introduction of an affordable housing contribution scheme area over the subject site with determination of the future contribution to be determined in accordance with a new Affordable Rental Housing Contribution clause which is proposed to be inserted into the Pittwater LEP 2014. The approach recommended in this report will ensure that the contribution that is paid will have regard to the drivers of viability which change with market conditions. The approach outlined in this report is consistent with the approach adopted by Penrith City Council and the City of Canada Bay. The recommended approach differs from the current PP but is consistent with the intent of the panel decision, whilst recognising the requirements of the District Plan.

Council's Affordable Housing Contribution plan for the site (and prepared by HillPDA) differs significantly from the approach adopted by Council for North Narrabeen and Frenches Forest. The recommendations of this report seek to address this inconsistency whilst being genuine in



the attempt to create a framework of fairness and equity whilst ensuring future viability which can only reasonably be determined at the development application stage.

A number of other recommendations are proposed including detailed technical assessment requirements in relation to flooding and stormwater and biodiversity which should be addressed as part of the future development application.

Overall, the rezoning is a sensible and logical inclusion in the R3 Medium Density Residential zone and should be approved.



# Attachment A – Biodiversity

09 February 2024

Andrew Thurlow  
INTREC Management  
73 Reserve Rd  
Artarmon NSW 2064

**Cumberland Ecology response to the Environment and Heritage Group's comments on the Preliminary Ecological Assessment for the 159-167 Darley Street, Mona Vale Planning Proposal**

Dear Andrew,

During July 2021, Cumberland Ecology prepared a Preliminary Ecological Assessment in support of a planning proposal (REF: 21032 RP1). The planning proposal sought to amend zoning for 159-167 Darley Street, Mona Vale from R2 – Low Density Residential to R3 – Medium Density Residential under the *Pittwater Local Environmental Plan 2014*. On 14 December 2023, the Department of Planning and Environment's Environment and Heritage Group provided comments on the planning proposal and the Preliminary Ecological Assessment. This letter aims to respond to the Environment and Heritage Group's comments that relate to biodiversity assessment.

Background information and responses to the comments are provided in **Appendix A**, whilst **Appendix B** of this letter contains additional Tests of Significance.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'David Robertson', with a stylized, cursive script.

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# APPENDIX A :

Cumberland Ecology  
Responses to EHG  
Comments



## A.1. Background

During July 2021, Cumberland Ecology prepared a Preliminary Ecological Assessment (PEA) in support of a planning proposal (REF: 21032 RP1), seeking to amend zoning for 159-167 Darley Street, Mona Vale (hereafter referred to as the 'subject site') from R2 – Low Density Residential to R3 – Medium Density Residential (hereafter referred to as 'the project') under the *Pittwater Local Environmental Plan 2014* (LEP). The PEA was prepared with the goal of addressing the ecological considerations described in the Department of Planning and Environment's Guide to Preparing Planning Proposals (DPIE 2018) by describing current biodiversity values of the subject site and providing an indicative assessment of the potential impacts of a future Development Application (DA) on the biodiversity values of the subject site. The PEA was focussed on threatened species, populations and communities with potential to occur within the subject site that are listed under the New South Wales (NSW) *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 14 December 2023, the Department of Planning and Environment's Environment and Heritage Group (EHG) provided comments on the planning proposal and the PEA. This document aims to respond to EHG's comments relevant to biodiversity. A summary of the findings of the PEA are found below in **Section A.1.1**. This document largely deals with the contents of the PEA and is intended to be read in conjunction with the PEA. The PEA was written in July 2021, prior to the release of the former Local Environmental Plan Making Guideline in December 2021. Despite this, the PEA has been assessed against the current Local Environmental Plan Making Guideline which was released in August 2023 and is considered to be highly compliant (as detailed in **Section A.2.2**).

Subsequently, the PEA is considered to provide consent authorities and agencies with sufficient information to gain an understanding of the biodiversity values of the subject site and an indication of potential impacts of a future DA. Detailed plans will be made available at the DA stage and the appropriate biodiversity assessment pathway will be determined, involving re-assessment of the Biodiversity Offsets Scheme (BOS) thresholds.

### A.1.1. Results of the PEA

The subject site was found to contain 0.19 ha of degraded Pittwater Spotted Gum Forest, which was assigned to plant community type (PCT) 1214. This PCT has since been decommissioned and replaced with PCT 3234. This PCT was also found to be consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion (PWSGF) threatened ecological community (TEC), listed as endangered under the BC Act. The PWSGF within the subject site is highly degraded and offers little habitat to native flora and fauna, largely comprising scattered characteristic trees of the community of varying age and condition above a historically cleared and exotic dominated understorey.

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. The distribution of vegetation communities across the subject site is shown in **Figure 1**.

The PWSGF vegetation throughout the subject site comprises marginal foraging habitat likely to only be utilised by aerial and highly mobile threatened native fauna species on an occasional or opportunistic basis as

part of a broader habitat range. These species are unlikely to be dependent on the resources present in the subject site due to the small area of available habitat and the highly disturbed urban setting. No threatened flora species were observed within the subject site other than commonly cultivated, planted individuals of *Macadamia tetraphylla* (Rough Shelled Bush Nut) and *Macadamia integrifolia* (Macadamia Nut) which are endemic to northern NSW.

A Test of Significance has been prepared for PWSGF which indicated that a significant impact is unlikely to occur based on the indicative footprint of the likely future development. The PEA indicates that issues relating to threatened species and threatened ecological communities are manageable and not significant. The impacts of a future DA and the applicable biodiversity assessment, avoidance measures or mitigation measures will need to be re-evaluated at the DA stage of the project.

### **A.1.2. Additional Proposed Mitigation Measure: Vegetation Management Plan**

A suite of mitigation measures were proposed within the PEA, including the intention to revegetate the southern portion of the subject site with PWSGF species. This document proposes an additional measure seeking to build upon efforts to mitigate and minimise the impacts on biodiversity values for a potential future DA. The additional proposed measure will involve the preparation of a Vegetation Management Plan (VMP) at the DA stage of the project (or as a condition of consent). The VMP will aim to ensure the persistence of PWSGF throughout the subject site into the future, with management and monitoring of retained native vegetation and to facilitate revegetation plantings. The intention for the revegetation area plantings is to re-establish native PWSGF understorey under existing scattered native canopy trees and to replace adjacent exotic dominated vegetation with characteristic species of the TEC.

It is noted that the revegetation area contains identified overland water flows, as numerous adjacent properties drain into the subject site. Subsequently, the southern portion of the subject site will also need to accommodate the construction of stormwater management infrastructure. Overland flow areas outside of stormwater infrastructure may be planted out with characteristic species of the current PWSGF PCT (3234) as it lists several riparian species that are tolerant of wet conditions or have a history of use within raingarden plantings. This may include *Melaleuca* spp., *Callistemon* spp., *Lomandra* spp., *Gahnia* spp. and *Goodenia* spp and any other relevant characteristic species tolerant of wet conditions.

With consideration of the currently proposed stormwater management infrastructure, the revised indicative revegetation area is 0.12 ha (1223 m<sup>2</sup>) in area in total. This comprises a 0.07 ha (678 m<sup>2</sup>) area occupied by extant PWSGF canopy and a 0.05 ha (545 m<sup>2</sup>) area of exotic vegetation to be replaced with native species. Additionally, a large PWSGF canopy tree adjacent to the revegetation area has the potential to be retained (following confirmation by an arborist at the DA stage) which occupies a canopy area of 0.02 ha (193 m<sup>2</sup>). The details of the revegetation area and the objectives of an associated VMP will need to be confirmed at the DA stage once detailed plans have been prepared.

The indicative revegetation area is shown in **Figure 1**.

## A.2. Detailed Responses

### A.2.1. Response to EHG Comments

**Table 1** contains in depth responses to EHG's comments on Cumberland Ecology's PEA that was prepared in support of the planning proposal.

**Table 1 Cumberland Ecology responses to EHG comments on the PEA**

Comment/ Response	EHG Comment	Cumberland Ecology Response
<b>General Comments</b>		
1	<p>The PP states it is unlikely that future development of the subject land will trigger the Biodiversity Offset Scheme (BOS) and not require the preparation of a biodiversity development assessment report in accordance with the Biodiversity Assessment Method (BAM) (page 76).</p> <p>One of the triggers for entry into the BOS is the assessment of significance. The Assessment of Significance provided within Appendix C of the Preliminary Ecological Assessment concludes no significant impact. However, EHG considers the conclusions of the Assessment of Significance have not been adequately justified.</p>	<p>As part of the PEA, Cumberland Ecology had prepared a Test of Significance for Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion (PWSGF) in accordance with Section 7.3 of the BC Act. This test of significance concluded that future development of the subject site would not result in a significant impact.</p> <p>The EHG comments state that the conclusions of the Test of Significance have not been adequately justified. Whilst the comments do not detail the nature of the missing justification, the proponent has commissioned Cumberland Ecology to prepare additional Tests of Significance for Microchiropteran Bats, Large Forest Owls and the Grey-headed Flying-fox (See <b>Appendix B</b>). These additional Tests of Significance conclude that the impacts of a potential future DA do not constitute a significant impact upon assessed threatened entities listed in the schedules of the BC Act.</p> <p>Regardless of the outcome of a test of significance, the Biodiversity Offsets Scheme (BOS) applies to local developments assessed under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) for projects involving a significant impact on biodiversity. Tests of significance are only one means of determining a significant impact on biodiversity and will need to be reassessed at the DA stage along with the other BOS thresholds.</p> <p>As the project involves rezoning, the BOS entry thresholds are considered less relevant at this point in time. Notwithstanding, the PEA has</p>

Comment/ Response	EHG Comment	Cumberland Ecology Response
		<p>included a preliminary assessment of BOS thresholds which will help to determine the biodiversity assessment pathway to be completed at the DA stage for a Part 4 local development.</p>
<p><b>2</b></p>	<p>Section 3.25 of the Environmental Planning and Assessment Act 1979 requires the relevant planning authority, before making a LEP, to consult with the Chief Executive of the Office of Environment and Heritage, if, in the opinion of the relevant authority, critical habitat or threatened species, populations or ecological communities, or their habitat s, will or may be adversely affected by the proposed instrument.</p> <p>The Preliminary Ecological Assessment has not provided adequate information to be able to understand the biodiversity values on the site and the impacts to those biodiversity values from the proposal. EHG recommends that at a minimum, assessment of biodiversity values and impacts be undertaken through application of Stages 1 and 2 of the BAM. This approach will ensure biodiversity outcomes are optimised and future development can proceed with greater certainty. It will also allow EHG to adequately consider any proposed biodiversity impacts.</p>	<p>The former Department of Planning, Industry and Environment released the Local Environmental Plan Making Guideline in December 2021 (DPIE 2021). Appendix C of the 2021 LEP Making Guideline outlines biodiversity assessment requirements for planning proposals of varying complexity.</p> <p>Whilst the PEA was prepared in July 2021 prior to the release of the LEP Making Guideline, the PEA was prepared in accordance with Cumberland Ecology's standard approach to biodiversity assessments for planning proposals, with the preparation of a Flora and Fauna Assessment style report. Cumberland Ecology believes that the PEA meets the biodiversity assessment requirements of the LEP Making Guideline comprehensively.</p> <p>An updated LEP Making Guideline was published by the NSW Department of Planning and Environment in August 2023 (DPE 2023). This document outlines the latest guidelines for planning proposals and amendments to LEPs. An assessment of the adequacy of the PEA against the minimum biodiversity requirements outlined in the 2023 guidelines for amendments to LEPs is provided in <b>Table 2</b>.</p> <p>In the period following the preparation of the PEA, Cumberland Ecology has noted precedence of requests from State Government Agencies for consultants to prepare biodiversity assessments utilising Stage 1 (or Stage 1 &amp; 2) of the BAM in support of complex planning proposals.</p>

Comment/ Response	EHG Comment	Cumberland Ecology Response
		<p>However, as demonstrated in <b>Table 2</b>, 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.</p> <p>As detailed in <b>Response 1</b>, tests of significance prepared for the PEA and this document do not indicate a significant impact to threatened entities listed in the schedules of the BC Act and no other BOS entry thresholds will likely be triggered by a potential DA. This conclusion assumes that the scope of impacts associated with future development of the subject site will remain similar to what was presented in the planning proposal. Regardless as to whether changes to the scale of impacts occur at the DA stage, BOS thresholds must be re-evaluated at that DA Stage.</p> <p>The suitability of the application of the BAM to the project at the current time is detailed in <b>Response 5</b> below.</p>
3	<p>The proposal does not adequately avoid and minimise impacts by appropriately locating and designing the proposal and reducing the scale of the development in accordance with Section 7 of the BAM.</p>	<p>As detailed in <b>Response 2</b>, the BOS and the BAM were not deemed suitable for application to the project as it is not a local development under Part 4 of the EP&amp;A Act. Subsequently, there was no formal requirement or known precedence to apply the BAM (including Section 7) to the project at the time of writing.</p> <p>However, it is agreed that avoid and minimise principles must be applied to any future DA within the subject site. The PEA has considered the application of avoidance and minimisation as part of preparation of the concept plan presented within the planning proposal. The retention of</p>



Comment/ Response	EHG Comment	Cumberland Ecology Response
		<p>0.09 ha of PWSGF represents a significant proportion of the native vegetation across the subject site. The remaining area of PWSGF to be removed is highly degraded and comprises scattered trees over an exotic understorey in a residential setting. The trees proposed to be retained bear a slightly greater degree of connectivity to adjacent vegetation and habitat and have been prioritised for retention and embellishment under a VMP.</p> <p>In addition to the avoidance measures, a 0.12 ha revegetation area is proposed throughout the southern portion of the site in association with a future DA. This will provide an opportunity for the continued presence of PWSGF within the subject site and re-establishment of PWSGF understorey. Native PWSGF understorey has likely been absent from the subject site for several decades and its re-establishment will significantly improve the habitat value for native flora and fauna, including threatened species.</p> <p>To ensure that any future regeneration works are ecologically sound, maximise success of plantings, and to guarantee appropriate ecological monitoring, a VMP is proposed to be prepared by a suitably experienced and qualified ecologist at the DA stage as described in <b>Section A.1.2</b>.</p>
4	It is unclear how the endangered vegetation on the site which is proposed for retention will be managed and protected in the future. The PP should identify methods by which to actively manage and conserve native vegetation across the site to ensure the security and protection of the retained EEC, threatened species and threatened species habitat.	As discussed in <b>Response 3</b> and <b>Section A.1.2</b> , a VMP is proposed to be prepared as part of the DA package or as a condition of consent. Management of extant and revegetated PWSGF will occur under a VMP which facilitate its ongoing presence and protection into the future.

Comment/ Response	EHG Comment	Cumberland Ecology Response
<b>EHG Recommendations</b>		
5	The proposal should be accompanied by a biodiversity assessment report that is compliant with Stages 1 and 2 of the BAM	<p data-bbox="847 488 1431 913">The concept plan submitted as part of the planning proposal provided an appropriate indication of potential impacts of future development of the subject site. Although the PEA was prepared prior to the current LEP Making Guidelines being published, the PEA has addressed the minimum requirements of the current guidelines. The PEA provides an in-depth assessment of the biodiversity values of the subject site and potential impacts that may arise from future development and is considered to be relevant and adequate for use in 2024.</p> <p data-bbox="847 958 1431 1417">The preparation of biodiversity assessments in support of planning proposals utilising components of the BAM is a valid approach and is becoming more common in practice for complex planning proposal projects. However, given that the planning panel cannot specify or approve a development concept, components of Stage 2 of the BAM would be difficult to apply to the project with confidence at this stage. Nevertheless, Stage 1 of the BAM is more feasible to apply at the planning proposal stage with the exception of identifying prescribed additional biodiversity impacts which may still be unknown.</p> <p data-bbox="847 1462 1431 1742">However, given the very small area and limited biodiversity values of the subject site, and highly urbanised nature of the surrounding area, the PEA is considered entirely adequate (and appropriate) to give an informed reader an understanding of the ecological context and potential impacts of the project and future development.</p> <p data-bbox="847 1787 1431 2036">Due to the existence of the PEA, a BAM assessment would be more appropriately prepared at the DA stage of the project if the BOS thresholds are exceeded. This is in line with the conclusions of the PEA which discusses the various options for biodiversity assessment at the DA stage.</p>

Comment/ Response	EHG Comment	Cumberland Ecology Response
6	Areas of PWSGF should be avoided in the proposal design and an adequate buffer is provided around PWSGF remnants to avoid degradation of the PWSGF by future development and use of the site	As discussed in the PEA, a suitable area of PWSGF has been avoided from impacts as shown on the concept plan and in <b>Figure 1</b> . Future management under a VMP will facilitate the continued presence, expansion and recovery of PWSGF throughout the subject site in the future (as discussed in <b>Response 3</b> and <b>Section A.1.2</b> ).
7	<p>A permanent barrier (such as a fence) is placed at the outside edge of the PWSGF that is to be retained and protected to delineate and prevent inadvertent damage to the PWSGF during the construction and future use of the site. The fence needs to be appropriate to the site and be designed to:</p> <ul style="list-style-type: none"> <li>allow for small native fauna passage underneath</li> <li>be suitable as a maintenance edge for management such as mowing/slashing etc.</li> </ul>	Whilst a fauna-friendly fence would be a desirable mitigation measure, it is important to note that the subject site is also addressing an existing stormwater drainage issue in the area. As a result, the inclusion of permanent fauna-friendly fencing surrounding the revegetation area is not practical as it may not be compatible with stormwater infrastructure and associated ongoing management.
8	A vegetation management plan is prepared and implemented for the site by a suitably qualified bush regenerator for the rehabilitation, management, and long-term maintenance any retained PWSGF.	<p>Cumberland Ecology agrees that a VMP must be prepared for the subject site at the DA stage or as a condition or consent. Any such VMP must be prepared by a suitably qualified and experienced ecologist rather than a bush regenerator as stated in the EHG comment. This is to ensure that proposed management and revegetation is ecologically sound.</p> <p>Suitably experienced bush regenerators must be engaged to undertake the implementation of the VMP and associated on-ground works if a DA were to proceed.</p>
9	A site specific DCP is prepared with objectives and controls to protect, rehabilitate and conserve the PWSGF on the site.	Given the small size of the subject site and the highly urbanised context, a site specific DCP is considered unnecessary, particularly when a future DA is required to be submitted to the Northern Beaches Council (as Consent Authority). Any such DA will include a VMP.

Comment/ Response	EHG Comment	Cumberland Ecology Response
		<p>The former Pittwater Council's DCP - section C1.1 provides sufficient controls to require the proponent to submit a VMP in place or alongside a Landscaping Plan as part of a future DA. Subsequently, a site specific DCP is considered to be unnecessary.</p>

### A.2.2. Assessment of the PEA against current LEP amendment guidelines

**Table 2** contains an assessment of the adequacy of the information presented in the PEA submitted with the planning proposal, against items relevant to biodiversity from the current guidelines for LEP amendments from the Local Environmental Plan Making Guide published by the NSW Department of Planning and Environment in August 2023 (DPE 2023).

**Table 2 Assessment of the PEA against relevant LEP amendment guidelines**

Guideline question relevant to biodiversity	Guideline Considerations	Relevant Section of PEA	Cumberland Ecology Comment
Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	Identify if the land subject to the proposal has the potential to contain critical habitat or threatened species, populations or ecological communities, or their habitats	Section 2.2, 3.2, 3.3 and 3.4	Section 2.2 of the PEA details the methods of field surveys undertaken to identify the potential for critical habitat, threatened species, population, or community occurrence within the subject site.
			Section 3.2 of the PEA discusses the results of vegetation mapping and BAM plot surveys and describes the condition and distribution of extant vegetation communities including a detailed assessment against the PWSGF final determination, confirming the presence of the TEC.
			Section 3.3 of the PEA details the results of floristic surveys with general breakdowns of species recorded, threatened flora occurrence and incidence of significant weeds which may inform future management.
	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	Section 1, 2, 3 and 4 Appendix A and B	Following field surveys, it was determined that the PWSGF TEC and degraded threatened fauna habitat occurs within the subject site. A detailed biodiversity assessment was subsequently prepared in the form of the PEA, with regard to the relevant guidelines for amendments to LEPs, and assessment of the significance of available habitat for native flora and fauna and the PWSGF TEC.

Guideline relevant to biodiversity	question	Guideline Considerations	Relevant Section of PEA	Cumberland Ecology Comment
		<i>should place to inform the Gateway determination</i>		
		<i>Mapping may be provided in the proposal to identify known vegetation communities located within or near the site</i>	Figures Section	<p>Figure 5 of the PEA maps the vegetation community and habitat feature occurrence within the subject site in accordance with the descriptions provided in Section 3. This figure also maps the indicative development footprint, indicative areas of retained/avoided vegetation and nominates an area of exotic vegetation proposed to be regenerated back to PWSGF under a VMP.</p> <p>Additional general maps have also been provided beyond the minimum requirements, identifying the location of the subject site, providing an aerial image from 1943 for historical context and field survey locations.</p>
		<i>An assessment of significance in accordance with Part 7A of the Fisheries Management Act 1994 and the 'Threatened Species Assessment Guidelines', may be required prior to Gateway determination</i>	Appendix C	<p>A Test of Significance for PWSGF was prepared as part of the PEA concluding a no significant impact expected for a potential future DA if the planning proposal were to be approved.</p> <p>An updated test of significance has been prepared for PWSGF, in addition to tests for Microchiropteran Bats, Large Forest Owls and the Grey-headed Flying Fox (See <b>Appendix B</b>).</p> <p>The outcomes of the Tests of Significance conclude that the impacts of a potential future DA does not constitute a significant impact upon assessed threatened entities listed in the schedules of the BC Act. As the project deals with a planning proposal with only an indication of potential impacts of</p>

Guideline relevant to biodiversity	question	Guideline Considerations	Relevant Section of PEA	Cumberland Ecology Comment
				development, Tests of significance will need to be re-evaluated at the DA stage once fine-scale impacts are determined.
		<i>Identify any approvals required under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) and Biodiversity Conservation Act 2016</i>	Section 4.3	Section 4.3 of the PEA thoroughly discusses approvals required under the EPBC Act and BC Act.
		<i>Any adverse impacts will trigger the requirement for the PPA to consult on the planning proposal with relevant authorities and government agencies</i>	Section 4 and 5 Appendix C	<p>Determination of what constitutes an adverse impact is highly subjective. Given the highly degraded condition and very small area of native vegetation potentially impacted by future development, Cumberland Ecology's PEA concluded no significant impact upon threatened entities listed in the schedules of the BC Act.</p> <p>As the impacts of potential future development were not deemed significant, consultation with authorities or government agencies was not considered necessary prior to the submission of the planning proposal.</p>

## References

DPE. 2023. Local Environmental Plan Making Guideline.

DPIE. 2018. A guide to preparing planning proposals. Department of Planning and Environment, Sydney.

DPIE. 2021. Local Environmental Plan Making Guideline.

OE. 2016. The Native Vegetation of the Sydney Metropolitan Area. VIS\_ID 4489. Office of Environment and Heritage, Sydney.

OE. 2018. Threatened Species Test of Significance Guidelines. Office of Environment and Heritage, Canberra.



# APPENDIX B :

## Tests of Significance



This appendix contains the formal Tests of Significance required under Section 7.3 of the BC Act that have been prepared in accordance with the Threatened Species Test of Significance Guidelines (OEH 2018). The Test of Significance is used for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats.

Tests of Significance have been provided for communities and species listed as vulnerable, endangered or critically endangered under the BC Act. Each Test of Significance is a series of factors (shown as italicised text below) for which a response has been supplied beneath in plain text.

## B.1. Pittwater and Wagstaffe Spotted Gum Forest

The Pittwater and Wagstaffe Spotted Gum Forest TEC has been assessed in the following Test of Significance:

- a. *In the case of a threatened species, whether the proposed upgrades or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.*

Not Applicable.

- b. *In the case of an endangered ecological community or critically endangered ecological community, whether the proposed upgrades or activity—*
  - i. *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
  - ii. *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.*

A large proportion of the community is proposed to be retained and enhanced within the subject site, with management under a VMP to facilitate the re-establishment of native understorey components of the TEC. In light of the proposed on-site retention and regeneration of the community, It is not expected that the removal of a relatively small area of degraded PWSGF is likely to have an adverse effect on the extent of the vegetation community such that its local occurrence will be placed at risk of extinction. Additionally, the area of the TEC to be retained is located along the southern boundary of the subject site, bearing connectivity to the native vegetation within the adjacent lot. Out of the native vegetation occurrence throughout the subject site, the area of the TEC to be retained is of the highest ecological retention value and will serve to maintain a degree of linkage throughout the surrounding urban landscape.

The removal of a proportion of the community within the subject site is not considered to modify the remaining extent of this community such that its local occurrence is likely to be placed at risk of extinction. The species present within the subject site are all present within adjacent areas of PWSGF to be retained and likely occur commonly throughout the patches within the locality. All native species recorded within the subject site are common, PWSGF species, and no threatened or rare plants are proposed to be impacted. Additionally, the re-establishment of characteristic native understorey elements of PWSGF is anticipated to have a positive influence on the composition of the ecological community and is expected to increase the habitat values of PWSGF within the subject site.

c. *In relation to the habitat of a threatened species or ecological community—*

- i. *the extent to which habitat is likely to be removed or modified as a result of the proposed upgrades or activity, and*
- ii. *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed upgrades or activity, and*
- iii. *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*

The total area of PWSGF within the subject site is 0.19 ha. The proposed action will result in the removal of 0.09 ha of PWSGF within the subject site. 0.09 ha of the community will remain in the subject site with the majority to be restored with understorey plantings and additional canopy species where appropriate.

The PWSGF to be removed is part of a network of degraded, fragment patches throughout the locality. The area to be removed is a small area on the southern periphery of the existing distribution of the community and will not exacerbate fragmentation (OEH 2016). No areas of the community are expected to become further isolated as a result of the proposed action as the area of the TEC to be retained and managed bears connectivity to adjacent vegetation located outside of the subject site.

The habitat to be removed is not expected to be important to the long-term survival of the ecological community in the locality as it comprises a small area of degraded vegetation in an urban context.

d. *Whether the proposed upgrades or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*

The BC Act currently lists the following AOBVs:

- Gould's Petrel habitat;
- Little Penguin population in Sydney's North Harbour habitat;
- Mitchell's Rainforest Snail in Stotts Island Nature Reserve; and
- Wollemi Pine habitat.

The project is not located within or in proximity to the aforementioned AOBVs and is therefore not likely to have an adverse effect on any AOBVs.

e. *Whether the proposed upgrades or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

The following key threatening process is relevant to PWSGF occurring within the subject site:

- 'Clearing of native vegetation' as this reduces the area habitat available for this community

The primary key threatening process relevant to the proposed development is the clearing of native vegetation, as 0.09 ha of PWGSF will be removed within the subject site. However, the PWGSF within the subject site is

currently highly degraded consisting of canopy trees over exotic dominated gardens. The majority of the subject site has been previously cleared and is now dominated by exotic vegetation and is highly influenced by residential land use. A small area of PWGSF will be retained and regenerated in the subject site with the re-establishment of native understorey under the guidance and management of a VMP at the DA stage. This is expected to increase the biodiversity value of PWGSF across the subject site in the long term. Subsequently, clearing of native vegetation is not likely to significantly impact the PWGSF of the locality.

## Conclusion

The proposed development is expected to impact on the removal of a small area (0.09 ha) of PWGSF. The current state of the community on the subject site is highly degraded due to long term management of the understorey within a residential lot. The area of the TEC to be retained is considered to be of highest ecological retention value of the vegetation throughout the subject site, providing connectivity to native vegetation outside of the subject site. The proposed development is not considered likely to significantly impact the PWGSF within the locality.

Potential future development of the subject site may result in the removal of approximately 0.09 ha of degraded PWGSF within the subject site. Due to the currently degraded condition of the TEC within the subject site and the relatively small area potentially subject to impacts, future development will not significantly impact PWGSF or influence the viability of other remnants in the surrounding urban landscape. Additionally, the proposed 0.12 ha retention/revegetation area will provide opportunities for improving the biodiversity value of retained PWGSF and will facilitate the re-establishment of characteristic understorey species of the TEC which have likely been absent from the subject site for several decades. This will be undertaken following the preparation of a VMP for the retention area at the DA stage.

The project is not likely to have a significant detrimental impact upon PWGSF and subsequently a Biodiversity Development Assessment Report is not required based on this test of significance.

## B.2. Microchiropteran Bat Species

The following threatened microchiropteran bat species have been assessed collectively in the following Test of Significance:

- Eastern Coastal Free-tailed Bat (*Micronomus norfolkensis*);
  - Eastern False Pipistrelle (*Falsistrellus tasmaniensis*);
  - Large Bent-winged Bat (*Miniopterus orianae oceanensis*);
  - Large-eared Pied Bat (*Chalinolobus dwyeri*); and
  - Little Bent-winged Bat (*Miniopterus australis*).
- a. *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction*

The above listed bat species have not been recorded within the subject site, but they have been recorded within the locality. The local populations of these potentially occurring species is considered to extend far beyond the subject site. The 0.24 ha area of marginal foraging habitat within the subject land comprises exotic trees, planted native trees and scattered trees associated with PWSGF. Microchiropteran bats would be expected to forage for insects within the subject site on an occasional and opportunistic basis as part of a larger foraging range. All five of the microchiropteran bat species are highly mobile and have large foraging ranges, so are unlikely to depend on the marginal habitat of the subject site.

Four hollow-bearing trees may be removed as part of a future DA, one of which may be less likely utilised by microchiropteran bats due its low height in the tree. However not all hollow-bearing trees are to be removed, with the retention of one in the southern portion of the subject site.. The Eastern Coastal Free-Tailed Bat and the Eastern False Pipistrelle Bat are the only species that would be affected by the removal of the hollows, as the other three species roost in caves. To mitigate the removal of habitat features, nest-boxes are proposed to be installed within retained vegetation. Salvage of extant habitat features can also be considered at the DA stage.

The subject site is in close proximity to the Ku-ring-gai Chase National Park, Robert Dunn Reserve, Warriewood Wetlands, Bayview Golf Club and Mona Vale Golf Club, all containing large quantities of higher quality foraging habitat and habitat features for tree hollow roosting species. Subsequently, microchiropteran bats are unlikely to prioritise utilisation of the subject site over higher quality and larger areas of habitat.

Due to its degraded condition and small area, the habitat to be impacted by a future DA associated with the project will not be important for the long-term survival of these species within the locality. A small area of habitat will be retained within the subject site, and the surrounding landscape offers large areas of higher quality habitat. Subsequently, the project is not considered to have an adverse impact on the lifecycle of this species such that a viable local population is likely to be placed at risk.

- b. in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
  - i. is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
  - ii. is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*

Not applicable.

- c. In relation to the habitat of a threatened species or ecological community:*
  - i. the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
  - ii. whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*

- iii. *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*

Approximately 0.24 ha of degraded vegetation canopy may be removed from the subject site as part of a future DA. This habitat comprises marginal foraging habitat for the assessed microchiropteran bat species. Additionally, a 0.07 ha area of vegetation is proposed to be retained with a further 0.09 ha of exotic vegetation to be regenerated into PWSGF. The potential impacts to habitat are expected to be localised and will not cause a substantial change in the extent of the habitat for these species, given the high quality habitat available in the surrounding landscape.

The removal of vegetation is unlikely to result in the fragmentation of an area of habitat for microchiropteran bat species as they are all highly mobile, aerial species which accesses resources over a large area. Connectivity will remain throughout the 0.12 ha PWSGF retention/revegetation area which interfaces with adjacent vegetation outside of the subject site. As such, a future DA may encroach into the edge of existing foraging habitat, it will not isolate or fragment habitat. The potential habitat on the subject site represents only a very small area available to these species in the locality. As the species are highly mobile and access resources from across a large foraging range, the project is unlikely to decrease the movement of individuals and gene flow throughout the locality or within or between local populations. Accordingly, the project will not remove, modify, fragment or isolate important habitat.

Previous residential land use has resulted in the degradation of microchiropteran bat habitat within the subject site over time. The habitat in question is small in area, degraded, bears a low degree of connectivity to higher quality habitat within the surrounding landscape and offers limited breeding opportunities for tree-hollow roosting bats. Subsequently, habitat potentially impacted by a future DA is not considered important for the long-term survival of the assessed microchiropteran bat species within the locality.

- d. *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*

The BC Act currently lists the following AOBVs:

- Gould's Petrel habitat;
- Little Penguin population in Sydney's North Harbour habitat;
- Mitchell's Rainforest Snail in Stotts Island Nature Reserve; and
- Wollemi Pine habitat.

The project is not located within or in proximity to the aforementioned AOBVs and is therefore not likely to have an adverse effect on any AOBVs.

- e. *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

The project could result in the following key threatening process:

- 'Clearing of native vegetation', as this reduces the area of habitat available for threatened species and communities.

The key-threatened process of 'Clearing of native vegetation' may potentially impact the foraging habitat for the assessed microchiropteran bat species. However, the vegetation on the subject site is highly degraded and is not considered optimal foraging habitat for these species. The majority of the subject site has been previously cleared and is now dominated by exotic vegetation and is highly influenced by residential land use. A small area of habitat will be retained and regenerated in the subject site with the re-establishment of native understorey, which may provide higher quality habitat for invertebrate prey species in the long term. Subsequently, clearing of native vegetation is not likely to significantly impact habitat for the assessed microchiropteran bat species.

## Conclusion

Approximately 0.24 ha of largely exotic dominated, marginal foraging habitat will be removed within the subject site; however large areas of high-quality foraging areas are available within the surrounding landscape, including Ku-ring-gai Chase National Park, Warriewood Wetlands, Robert Dunn Reserve, Mona Vale Golf Club and Bayview Golf Club. Local populations of the assessed microchiropteran bat species are unlikely to depend on the limited and degraded habitat resources contained within the subject site for their survival.

The habitat located within reserves of the surrounding area will remain in perpetuity and will continue to provide high habitat values, greatly exceeding the contextually small areas of habitat proposed to be potentially removed within the subject site. As such, the project or an associated future DA is not likely to place a viable local population of these species at risk of extinction. All five species are highly mobile and are expected to move between areas of remaining habitat within the immediate vicinity of the subject site and wider area. Nevertheless, a 0.12 ha retention/revegetation area will provide a small area of habitat within the subject site that will be managed under a VMP.

The project is not likely to have a significant detrimental impact upon any of the assessed species and subsequently a Biodiversity Development Assessment Report is not required based on this test of significance.

## B.3. Large Forest Owl Species

The following threatened large forest owl species have been assessed collectively in the following Test of Significance:

- Barking Owl (*Ninox connivens*); and
- Powerful Owl (*Ninox strenua*).
  - in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction*

The Powerful Owl and Barking Owl are highly mobile, aerial species that have vast foraging ranges across large territories, such that the species are unlikely to rely on the small area of habitat within the subject site. The 0.28 ha of marginal foraging habitat within the subject site is comprised of exotic grassland, exotic trees, planted native trees and scattered trees associated with PWSGF. The subject site would be within the territory of individuals or breeding pairs of the assessed species who would be expected to forage for prey within the subject site and surrounding landscape on an occasional or opportunistic basis.

The subject site is in close proximity to the Ku-ring-gai Chase National Park, Robert Dunn Reserve, Warriewood Wetlands, Bayview Golf Club and Mona Vale Golf Club, all containing large quantities of higher quality foraging habitat and habitat features for tree hollow roosting species. Subsequently, Large Forest Owls are unlikely to prioritise utilisation of the subject site over higher quality areas of habitat.

The subject site contains two trees containing relatively large hollows (>15 cm) at a suitable height for owl roosting, however they are in an exposed location at the Darley Street frontage. The Barking Owl prefers to roost near waterways and wetlands, whilst the Powerful Owl typically nests in dense gully forests, none of which are present within the subject site. Subsequently, the subject site is only likely to provide low quality foraging habitat for the assessed species.

As such, the subject site only contains a small area of poor quality foraging habitat to be potentially impacted by a future DA. This area of habitat is not considered important for the long-term survival of these species within the locality. A small area of habitat will be retained within the subject site, and the surrounding landscape offers large areas of higher quality habitat. Subsequently, the project is not considered to have an adverse impact on the lifecycle of this species such that a viable local population is likely to be placed at risk.

- b. in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
  - i. is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
  - ii. is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*

Not applicable.

- c. In relation to the habitat of a threatened species or ecological community:*
  - i. the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
  - ii. whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
  - iii. the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*



A ~0.28ha area of marginal large owl foraging habitat may be removed from the subject site as part of a future DA. Additionally, a 0.07 ha area of vegetation is proposed to be retained with a further 0.09 ha of exotic vegetation to be regenerated into PWSGF. The potential impacts to habitat are expected to be localised and will not cause a substantial change in the extent of the habitat for these species, given the high quality habitat available in the surrounding landscape.

The removal of vegetation is unlikely to result in the fragmentation of an area of habitat for large forest owls as they are all highly mobile, aerial species which accesses resources over a large territory. Connectivity will remain throughout the subject site throughout the 0.12 ha PWSGF retention/revegetation area which interfaces with adjacent vegetation outside of the subject site. As such, the development will encroach slightly into the edge of existing foraging habitat, it will not isolate or fragment habitat. The potential habitat on the subject site represents only a very small area available to these species in the locality. As the species are highly mobile and access resources from across a large foraging range, the project is unlikely to decrease the movement of individuals and gene flow throughout the locality or within or between local populations. Accordingly, the project will not remove, modify, fragment or isolate important habitat.

Previous residential land use has resulted in the degradation of large forest owl habitat within the subject site over time. The habitat in question is small in area, degraded, bears a low degree of connectivity to higher quality habitat within the surrounding landscape and offers limited or zero breeding opportunities. Subsequently, habitat potentially impacted by a future DA is not considered important for the long-term survival of large forest owls within the locality.

*d. whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*

The BC Act currently lists the following AOBVs:

- Gould's Petrel habitat;
- Little Penguin population in Sydney's North Harbour habitat;
- Mitchell's Rainforest Snail in Stotts Island Nature Reserve; and
- Wollemi Pine habitat.

The project is not located within or in proximity to the aforementioned AOBVs and is therefore not likely to have an adverse effect on any AOBVs.

*e. whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

A future DA is expected to result in the following key threatening process:

- 'Clearing of native vegetation', as this reduces the area of habitat available for threatened species and communities.

The key-threatened process of 'Clearing of native vegetation' could potentially impact the foraging habitat for the assessed large forest owl species. However, the vegetation on the subject site is highly degraded, would not offer breeding opportunities and is not considered optimal foraging habitat for these species. The majority of the subject site has been previously cleared and is now dominated by exotic vegetation and is highly influenced by residential land use. A small area of habitat will be retained and regenerated in the subject site with the re-establishment of native understorey, which may provide higher quality habitat for owl prey species in the long term. Subsequently, clearing of native vegetation is not likely to significantly impact habitat for the assessed large forest owl species.

## Conclusion

Approximately 0.28 ha of largely exotic dominated, marginal foraging habitat will be removed within the subject site; however large areas of high-quality foraging areas are available within the surrounding landscape, including Ku-ring-gai Chase National Park, Warriewood Wetlands, Robert Dunn Reserve, Mona Vale Golf Club and Bayview Golf Club. Local populations of large forest owl species are unlikely to depend on the limited and degraded foraging resources contained within the subject site for their survival.

The habitat located within reserves of the surrounding area will remain in perpetuity and contain high habitat values, greatly exceeding the contextually small areas of habitat proposed to be removed within the subject site. As such, the project or an associated future DA is not likely to place a viable local population of these species at risk of extinction. Both species are highly mobile and are expected to move between areas of remaining habitat within the immediate vicinity of the subject site and wider area as part of their large territories. Nevertheless, a 0.12 ha retention/revegetation area will provide a small area of habitat within the subject site that will be managed under a VMP, potentially providing improved habitat for owl prey species in the long term.

The project is not likely to have a significant impact upon any of the assessed large forest owl species and subsequently a Biodiversity Development Assessment Report is not required based on this test of significance.

## B.4. Grey-headed Flying-fox

The Grey-headed Flying-fox has been assessed in the following Test of Significance:

- a. in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction*

The Grey-headed Flying-fox is a highly mobile species that forages over a vast habitat range. The subject site does not contain a breeding camp, however there are camps located at Warriewood and Avalon which are 2km and 9km from the subject site respectively. Subsequently, the species would be expected to occasionally and opportunistically utilise the potential foraging resources within the subject site on a seasonal basis coinciding with flowering and fruiting events of native and exotic trees.

The potentially impacted 0.24 ha area of marginal foraging habitat comprises exotic trees, planted native trees and scattered trees associated with PWSGF. The species is highly mobile and forages over a large range centred

around breeding camps and would not depend on the marginal habitat of the subject site. Grey-headed Flying-foxes within the vicinity of the subject site would have access to much larger, higher quality foraging areas. The subject site is in close proximity to the Ku-ring-gai Chase National Park, Robert Dunn Reserve, Warriewood Wetlands, Bayview Golf Club and Mona Vale Golf Club, all containing large quantities of higher quality and more varied seasonal foraging resources. Subsequently, the species is unlikely to prioritise utilisation of the subject site over higher quality and larger areas of habitat.

The habitat to be potentially impacted by a future DA will not be important for the long-term survival of the species within the locality due to its degraded condition and small area. A small area of habitat will be retained within the subject site, and the surrounding landscape offers large areas of higher quality habitat. Subsequently, the project is not considered to have an adverse impact on the lifecycle of this species such that a viable local population is likely to be placed at risk.

- b. in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
  - i. is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
  - ii. is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*

Not applicable.

- c. In relation to the habitat of a threatened species or ecological community:*
  - i. the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
  - ii. whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
  - iii. the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*

Approximately 0.24 ha of degraded vegetation canopy may be removed from the subject site as part of a future DA. This habitat comprises marginal foraging habitat for Grey-headed Flying-fox that may forage on blooms and fruit of trees within the subject site on an opportunistic, occasional or seasonal basis. Additionally, a 0.07 ha area of vegetation is proposed to be retained and a further 0.09 ha of exotic vegetation to be regenerated into PWSGF. The potential impacts to habitat are expected to be localised and will not cause a substantial change in the extent of the habitat for these species, given the high quality habitat available in the surrounding landscape and the high mobility of the species.

The removal of vegetation is unlikely to result in the fragmentation of an area of habitat for the Grey-headed Flying-fox which is a highly mobile, aerial species capable of accessing resources over a large area. Connectivity will remain throughout the subject site throughout the 0.12 ha PWSGF retention/revegetation area which

interfaces with adjacent vegetation outside of the subject site. A future DA may encroach into the edge of existing foraging habitat but it will not isolate or fragment habitat. The potential habitat within the subject site represents only a very small area available to these species in the locality. As the species are highly mobile and access resources from across a large foraging range, the project is unlikely to decrease the movement of individuals and gene flow throughout the locality or within or between local populations. Accordingly, the project will not remove, modify, fragment or isolate important habitat.

Previous residential land use has resulted in the degradation of potential habitat within the subject site over time. The habitat in question is small in area, degraded and bears a low degree of connectivity to higher quality habitat within the surrounding landscape and does not currently offer breeding opportunities for the species. Subsequently, habitat potentially impacted by a future DA is not considered important for the long-term survival of Grey-headed Flying-fox within the locality.

- d. whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*

The BC Act currently lists the following AOBVs:

- Gould's Petrel habitat;
- Little Penguin population in Sydney's North Harbour habitat;
- Mitchell's Rainforest Snail in Stotts Island Nature Reserve; and
- Wollemi Pine habitat.

The project is not located within or in proximity to the aforementioned AOBVs and is therefore not likely to have an adverse effect on any AOBVs.

- e. whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

The project could result in the following key threatening process:

- 'Clearing of native vegetation', as this reduces the area of habitat available for threatened species and communities.

The key-threatened process of 'Clearing of native vegetation' may potentially impact the foraging habitat for the Grey-headed Flying-fox. However, the vegetation on the subject site is highly degraded and is not considered optimal foraging habitat for the species. The majority of the subject site has been previously cleared and is now dominated by exotic vegetation and is highly influenced by residential land use. A small area of habitat will be retained and regenerated in the subject site with the re-establishment of native understorey, which may provide higher quality habitat compared to current conditions in the long term. Subsequently, clearing of native vegetation is not likely to significantly impact habitat for the assessed large forest owl species.

## Conclusion

Approximately 0.24 ha of largely exotic dominated, marginal foraging habitat will be removed within the subject site; however large areas of high-quality foraging areas are available within the surrounding landscape, including Ku-ring-gai Chase National Park, Warriewood Wetlands, Robert Dunn Reserve, Mona Vale Golf Club and Bayview Golf Club. Local populations of the Grey-headed Flying-fox are unlikely to depend on the limited and degraded habitat resources contained within the subject site for their survival.

The habitat located within reserves of the surrounding area will remain in perpetuity and will continue to provide high habitat values, greatly exceeding the contextually small areas of habitat potentially impacted by a future DA. As such, a future DA is not likely to place a viable local population of the species at risk of extinction. The Grey-headed Flying-fox is highly mobile and is capable of moving between areas of remaining habitat within the immediate vicinity of the subject site and wider area. Nevertheless, a 0.12 ha retention/revegetation area will provide a small area of habitat within the subject site that will be managed under a VMP.

The project is not likely to have a significant detrimental impact upon the Grey-headed Flying-fox and subsequently a Biodiversity Development Assessment Report is not required based on this test of significance.

# FIGURES







Figure 1. Vegetation communities and indicative Pittwater Spotted Gum Forest (PWSGF) retention and revegetation areas (to be confirmed at the DA stage)

# **Attachment B – Flooding and Stormwater Drainage – Peer Review**



Solve Property  
PO BOX 406  
CRONULLA NSW 2230

Job No. GX618

Attn: Mr Brendan Nelson

16 February 2024

**Re: 159-167 Darley Street West, Mona Vale**

Dear Sir

As requested, we have undertaken a peer review of a number of flooding and drainage related documents that have been prepared in relation to the proposed rezoning of land at 159-167 Darley Street West, Mona Vale (**planning proposal**), with the aim of the rezoning being to facilitate the removal of four existing residential dwellings and the construction of new medium density residential type development (**proposed development**).

## 1. Background

The Department of Planning and Environment (**DPE**) on behalf of the Sydney North Planning Panel, issued a Gateway Determination on 8 September 2023 stating that an amendment to the *Pittwater Local Environmental Plan 2014* to rezone 159-167 Darley Street West, Mona Vale (**subject allotments**) from R2 Low Density Residential to R3 Medium Density Residential should proceed subject to the following conditions:

1. *Prior to community consultation the planning proposal (and any supporting studies) are to be updated to:*
  - (a) *assess the proposal against up to date SEPPs and Ministerial 9.1 Directions, and in particular Direction 3.1 (Conservation Zones), Direction 4.1 (Flooding) and Direction 5.1 (Integrating Land Use and Transport).*
  - (b) *consider the proposal against the Mona Vale Place Plan, having regard to its current status*
  - (c) *include a new Affordable Housing clause in the PLEP with associated Affordable Housing Contributions Scheme Map, consistent with clause 6.11 (Affordable Housing) of the Warringah LEP 2011*
  - (d) *identify an affordable housing contribution rate of 5% for the site on the proposed Affordable Housing Contributions Scheme Map.*
2. *Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*
  - (e) *the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 20 working days; and*
  - (f) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023).*

Level 6 Suite 601 8 West Street North Sydney NSW 2060

Principal: **S A Button** BE(Hons) MEngSc

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Lyall & Associates Consulting Water Engineers ABN 93 257 653 251 trading as Lyall & Associates

3. *Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:*
  - (a) *Relevant utility providers, including Ausgrid and Sydney Water.*
  - (b) *Environment and Heritage Group*
  - (c) *NSW State Emergency Service*
  - (d) *Biodiversity and Conservation Division*
  - (e) *Transport for NSW*
  - (f) *Greater Cities Commission*
  - (g) *Northern Beaches Council.*

*Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.*
4. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
5. *The LEP should be completed on or before 17 July 2024*

While it is understood that the Applicant has complied with Conditions 1, 2 and 3 above, Lyall & Associates has been requested to:

- a) undertake a peer review of the flooding and drainage related documents that have been prepared in support of the planning proposal and advise on their suitability; and
- b) consider the flooding and drainage related issues that have been raised during the consultation period and provide professional advice in relation to their appropriateness or otherwise to the planning proposal, as well as any measures which could be incorporated into the design of the proposed development to better address these issues.

The following sections of this letter set out the findings of the peer review, as well as recommendations relating to measures which could be incorporated into the design of the proposed development to better address issues raised during the consultation period.

## **2. Available Documents**

The following documents were made available for the purpose of undertaking the peer review:

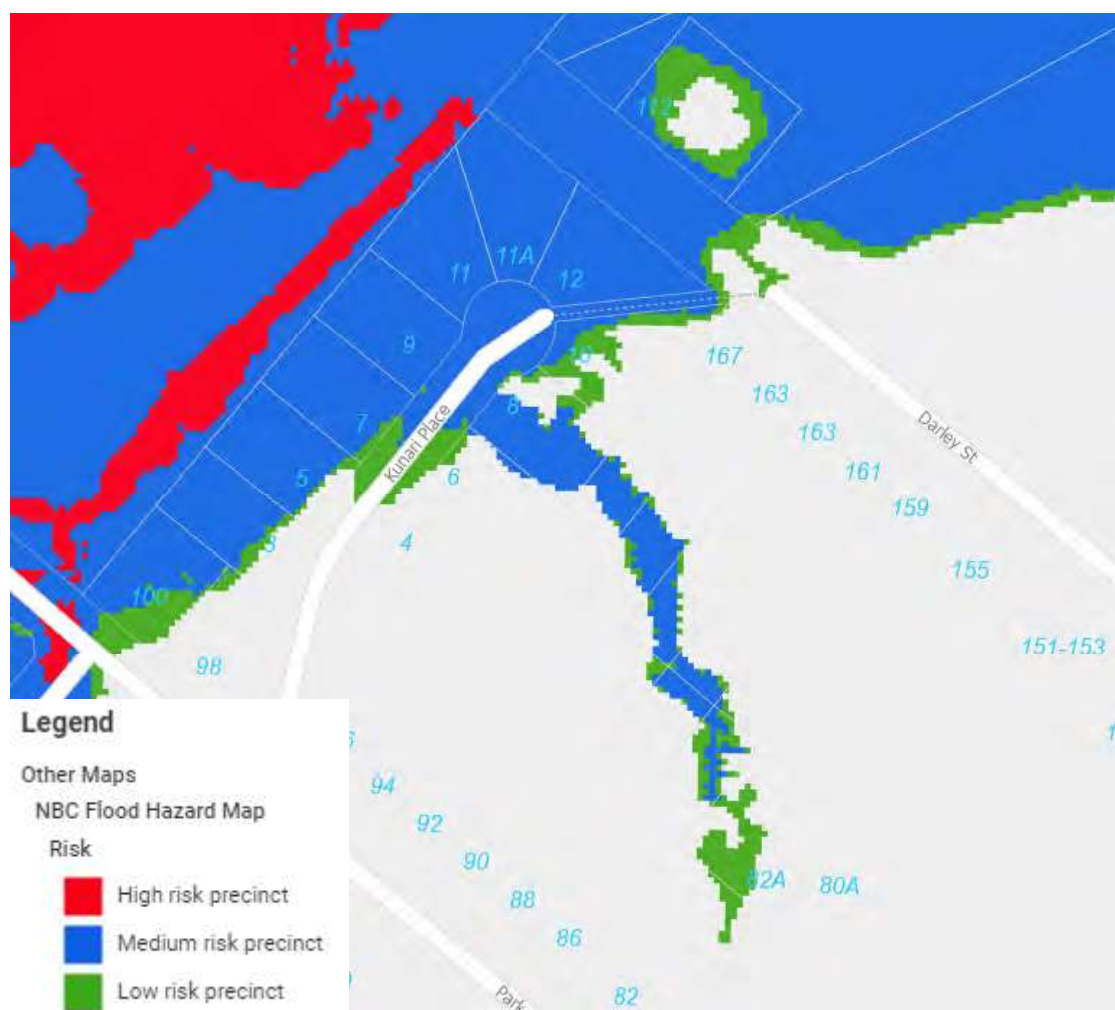
- Report prepared by AECOM entitled "159-167 Darley Road Mona Vale – Stormwater Management Strategy" and dated 30 June 2021 (**AECOM, 2021**)
- Gateway Determination issued by the Department of Planning and Environment's dated 8 September 2023 (**Gateway Determination**)
- Letter from AECOM entitled "Stormwater Management Strategy 159-167 Darley Street West, Mona Vale" and dated 10 October 2023 (**AECOM, 2023**)
- Submission from the NSW State Emergency Service (**NSW SES**) dated 28 November 2023 (**NSW SES submission**)
- Submission from Northern Beaches Council (**NBC**) dated 12 December 2023 (**NBC submission**)
- Submission from the Department of Planning and Environment – Environment and Heritage Group (**DPE-EHG**) dated 14 December 2023 (**DPE-EHG submission**)
- Submissions from community representatives (**public submissions**)

The flood mapping contained in the report entitled “*McCarrs Creek, Mona Vale and Bayview Flood Study Review*” (**Royal Haskoning DHV, 2017**) which was prepared on behalf of NBC also formed part of the peer review. It is noted that the flood mapping contained in Royal Haskoning DHV, 2017 has been adopted by NBC for planning purposes. Extracts from the flood maps that are contained in Royal Haskoning DHV, 2017 as they relate to the subject allotments are set out in **Annexure A** of this letter.

The screen shot below is taken from NBC's interactive online Flood Hazard Map showing the extent of Low, Medium and High Flood Risk Precincts in the vicinity of the subject allotments. NBC's web site defines the three flood risk precincts as follows:

- The **Medium Flood Risk Precinct** is equivalent to the Flood Planning Area, and covers all flood prone land which is affected by the 1% Annual Exceedance Probability (AEP) flood (equivalent to the 1 in 100 year flood) with a freeboard added.
- The **High Flood Risk Precinct** lies within the Medium Flood Risk Precinct, and covers flood prone land which is subject to a high hydraulic hazard.
- The **Low Flood Risk Precinct** covers flood prone land affected by the Probable Maximum Flood (PMF) but which is outside the Medium Flood Risk Precinct. The PMF is equivalent to the largest ever conceivable flood.

By inspection of Council's online Flood Hazard Map (shown below), a portion of the subject allotments at their rear falls within the extent of the Medium Flood Risk Precinct, while a very small portion falls within the Low Flood Risk Precinct.



### 3. Brief Description of Proposed Development

The proposed development will comprise two large two-storey residential type buildings (denoted Buildings A and B) which will be constructed in 159 to 165 Darley Street West, as well as three smaller two-storey townhouses (denoted Buildings C, D and E) which will be constructed in 167 Darley Street West. Vehicular access will be via two driveways which will extend off Darley Street West between the three sets of buildings. **Annexure B** of this letter contains a set of architectural drawings showing the key features of the proposed development.

### 4. Brief Description of Proposed Stormwater Drainage Strategy

The proposed stormwater drainage strategy comprises the following key features:

- a) A minor realignment of the existing overland flow path at the rear of the subject allotments so as to be clear of Building B.
- b) The creation of a local depression along the line of the realigned overland flow path within which a grated inlet pit will be constructed. The provision of a stormwater drainage line comprising a series of 375 mm diameter pipes which will extend to Darley Street West beneath the access driveway which will service Buildings B, C, D and E. The new 375 mm diameter stormwater drainage line would connect to NBCs existing stormwater drainage system at a sag inlet pit that is located at the head of the adjacent cul-de-sac.
- c) The construction of an embankment at the rear of Building E which will divert flow which exceeds the capacity of the new 375 mm diameter stormwater drainage line toward Darley Street West via the access driveway which will service Buildings B, C, D and E.

**Annexure C** of this letter contains a plan that has been extracted from AECOM, 2021 showing the key features of the proposed stormwater drainage strategy.

### 5. Review of Proposed Stormwater Drainage Strategy

The peak 1% Annual Exceedance Probability (**AEP**) flow in the overland flow path where it enters and exits the rear of the subject allotments is given in AECOM, 2021 as 0.5 m<sup>3</sup>/s and 0.9 m<sup>3</sup>/s, respectively, with a peak flow of between about 0.3 m<sup>3</sup>/s and 0.4 m<sup>3</sup>/s identified as being present as more dispersed type flow.

While the “rainfall-on-grid” type approach to design flood estimation adopted by AECOM, 2021 is consistent with the approach adopted in Royal Haskoning DHV, 2017, by inspection of the figures presented in AECOM, 2021 it would appear that the blocking effects of buildings that are presently in the upslope catchment, several of which are quite large, have not been taken into account. It's therefore possible that the peak flows presented in AECOM, 2021 are a conservative estimate of the total flow in the overland flow path where it runs through the rear of the subject allotments.

Figure 6 and Table 2 in AECOM, 2021 show that the depth of flow along the internal access driveway which would service Buildings B, C, D and E would be maximum of 0.53 m in a 1% AEP storm event, increasing to 0.78 m in the PMF event. Based on these depths and their corresponding flow velocities, conditions on the access driveway would correspond to a H3 flood hazard classification, meaning conditions would be unsafe for vehicles, small children and the elderly. While depth of flow would be less for more frequent storm events, conditions would still be unsafe for small vehicles during storms which result in greater than 0.3 m depth of inundation along the access driveway.

The diversion of flow away from 8 Kunari Place and onto Darley Street West has the potential to exacerbate flooding conditions in 12 Kunari Place, as both available ground and LiDAR based survey shows that natural surface levels fall toward this property from the head of the cul-de-sac in Darley Street West.

It is noted that we have been advised that due to the presence of boundary walls/fencing along the rear of the 6, 8 and 10 Kunari Place, overland flow initially ponds in 167 Darley Street West, before preferentially discharging toward Darley Street West where it then discharges to Kunari Place via the public thoroughfare that links the two roadways (i.e. it does not discharge directly into 8 Kunari Place as shown in Royal Haskoning DHV, 2017 and AECOM, 2021). While this may be the case, the natural fall of the land is into 8 Kunari Place and absent the boundary walls/fencing, this is the direction the overland flow would take during storm event. It should be noted that even without redevelopment of the subject allotments, there is an existing risk of flooding to 8 Kunari Place as a result of development in the catchment above. Redevelopment of the site presents an opportunity to improve this existing situation for the residents of 8 Kunari Place.

In addition to the diversion of overland flow onto Darley Street West via the new access driveway, the connection of the new 375 mm diameter stormwater drainage line to NBCs existing stormwater drainage line would result in it surcharging more frequently, thereby potentially exacerbating flooding conditions in 12 Kunari Place. This can be avoided with modification to the proposed stormwater drainage strategy resulting in an overall improvement to the residents of Kunari Place.

Recommendations for improvements to the flood modelling that has been undertaken in support of the planning proposal, as well as recommended modifications to the proposed stormwater drainage strategy are set out in **Section 8** of this letter, noting that these recommendations also seek to address comments made during the consultation period.

## **6. Assessment of Planning Proposal Against Direction 4.1 – Flooding**

**Table 1** at the end of this letter sets out the findings of an assessment that was undertaken in regards compliance of the planning proposal with the requirements of Direction 4.1 – Flooding.

The key finding of the assessment was that the planning proposal is generally consistent with the requirements of Direction 4.1 – Flooding, and where it is considered to be inconsistent, the inconsistencies would be of minor significance provided the changes to the proposed stormwater drainage strategy that are described in **Section 8** of this letter are incorporated in any future Development Application for the proposed development.

## **7. Summary of Flooding and Drainage Related Issues Raised During Consultation Period**

**Table 2** at the end of this letter summarises the flooding and drainage related issues that have been raised during the consultation period, as well as whether we agree or disagree with the comment and our reasons why.

## **8. Recommendations**

Should the land be rezoned to R3 Medium Density, we note that redevelopment will be subject to a future development application to the consent authority (NBC). In order to address the flooding and drainage related issues that have been identified as part of the public consultation and peer review process, we are comfortable that the consent authority can ensure that the matters are satisfactorily resolved in accordance with clause 5.22 of the Pittwater LEP 2014 and the NBC Development Control Plan.

On this basis, we recommend that the planning proposal be approved subject to the following actions being implemented at Development Application stage:

- i. The flood model 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 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.

We trust that the findings of the peer review will assist you in progressing the planning proposal for the proposed development, noting that the recommendations set out above are consistent with the normal flood modelling requirements for a development application of this type. However, please do not hesitate to contact me should you have any queries or wish to discuss any aspect of this letter.

Yours faithfully

**Lyll & Associates Consulting Water Engineers**

A handwritten signature in blue ink, appearing to read 'S. Button', with a long horizontal stroke extending to the right.

**Scott Button**  
**Principal**

**TABLE 1**  
**ASSESSMENT OF PLANNING PROPOSAL AGAINST REQUIREMENTS OF DIRECTION 4.1 - FLOODING**

Direction 4.1 – Flooding Requirement	Findings of Assessment
(1) A planning proposal must include provisions that give effect to and are consistent with:	
(a) the NSW Flood Prone Land Policy,	Provided the recommended measures set out in <b>Section 8</b> of this letter are incorporated in the design of the proposed development, then we consider that the planning proposal is consistent with the NSW Flood Prone Land Policy as it seeks to reduce the risk of flooding on both an d proposed development in areas that are subject to flooding.
(b) the principles of the Floodplain Development Manual 2005	Provided the recommended measures set out in <b>Section 8</b> of this letter are incorporated in the design of the proposed development, then we consider that the planning proposal is consistent with the Floodplain Development Manual 2005 (and its replacement, the Flood Risk Management Manual 2023) as it: <ul style="list-style-type: none"> <li>➤ is aimed at reducing the impact of flooding and flood liability on existing developed areas through flood mitigation works and measures</li> <li>➤ adopting a merit-based approach for all development decisions in the floodplain, taking into account social, economic and ecological factors, as well as flooding considerations</li> <li>➤ limiting the potential for flood losses in all areas proposed for development or redevelopment by the application of ecologically sensitive planning and development controls.</li> </ul>
(c) the Considering flooding in land use planning guideline 2021, and	Provided the recommended measures set out in <b>Section 8</b> of this letter are incorporated in the design of the proposed development, then we consider that the planning proposal is consistent with the land use planning guideline 2021 as it looks to manage the impact of flooding on both existing and new development over the full range of potential flood events.
(d) 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.	While the flood modelling that has been undertaken to date is generally consistent with the findings of Royal Haskoning DHV, 2017, further improvements are recommended in <b>Section 8</b> of this letter.
(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones	As the land is currently zoned, R2 Low Density Residential, this clause does not apply.
(3) A planning proposal must not contain provisions that apply to the flood planning area which:	
(a) permit development in floodway areas	The planning proposal seeks to make a minor modification to the alignment of the floodway area, noting that no new development will be located in the realigned floodway.
(b) permit development that will result in significant flood impacts to other properties,	Provided the recommended measures set out in <b>Section 8</b> of this letter are incorporated in the design of the proposed development, then in our opinion it would result in an improvement in flooding conditions that are presently experienced in the existing development.
(c) permit development for the purposes of residential accommodation in high hazard areas	The planning proposal does not include residential accommodation in high hazard areas.
(d) permit a significant increase in the development and/or dwelling density of that land,	The planning proposal does not involve an increase in the development and/or dwelling density within the extent of the flood planning area.
(e) 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	The planning proposal does not include any of these types of development.
(f) 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	The planning proposal is seeking approval through the appropriate channels.
(g) 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, or	The planning proposal will not result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures
(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.	The planning proposal does not comprise hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event

Cont'd Over



**TABLE 1 (Cont'd)**  
**ASSESSMENT OF PLANNING PROPOSAL AGAINST REQUIREMENTS OF DIRECTION 4.1 - FLOODING**

Direction 4.1 – Flooding Requirement	Findings of Assessment
(4) 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:	
(a) permit development in floodway areas,	The planning proposal seeks to make a minor modification to the alignment of the floodway area, noting that no new development will be located in the realigned floodway.
(b) permit development that will result in significant flood impacts to other properties,	Provided the recommended measures set out in <b>Section 8</b> of this letter are incorporated in the design of the proposed development, then in our opinion it would result in an improvement in flooding conditions that are presently experienced in existing development.
(c) permit a significant increase in the dwelling density of that land,	While the extent of the probable maximum flood will need to be determined once the flood modelling is updated based on the recommendations set out in <b>Section 8</b> of this letter, it is not expected that the planning proposal will result in a significant increase in the development and/or dwelling density within the extent of the area which lies between the flood planning area and the probable maximum flood (i.e. because the existing flow path in 8 Kunari Place generally lies outside the footprint of the new buildings).
(d) 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,	The planning proposal does not include any of these types of development.
(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or	Provided the recommended measures set out in <b>Section 8</b> of this letter are incorporated in the design of the proposed development, then the planning proposal will not affect the safe occupation of and efficient evacuation of the lot.
(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities,	Provided the recommended measures set out in <b>Section 8</b> of this letter are incorporated in the design of the proposed development, then the planning proposal will not result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.
(5) 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.	Reference is made in this letter to both the flood planning area and extent of the probable maximum flood that is defined in Royal Haskoning DHV, 2017 and these have been relied upon for undertaking the consistency assessment set out above.

**TABLE 2**  
**SUMMARY OF FLOODING AND DRAINAGE RELATED ISSUES RAISED**  
**DURING CONSULTATION PERIOD**

Respondent	Issue	Comment
DPE-EHG	➤ The new overland flow path along the driveway will be unsafe for small vehicles during a storm with an Annual Exceedance probability (AEP) of 1 per cent.	➤ Agree, Refer <b>Section 8</b> of this letter for recommended approach to addressing this issue.
	➤ The new overland flow path along the driveway would lead to the creation of a high flood island whereby the occupants of Buildings C, D and E would be unable to safely evacuate from at the 1% AEP flood event, noting smaller events have not been modelled.	➤ Agreed, although duration of inundation along the access driveway would be relatively short, thereby reducing the flood risk to occupants of Buildings B, C, D and E. Refer <b>Section 7</b> of this letter for recommended approach to addressing this issue.
	➤ The proposed stormwater drainage was not included in the flood modelling.	➤ Agree, Refer <b>Section 8</b> of this letter for recommended approach to addressing this issue.
	➤ The flood impact mapping should be updated to show impacts greater than 0,01 m.	➤ Agree, Refer <b>Section 8</b> of this letter for recommended approach to addressing this issue.
	➤ Mapping for hazard categories H1-H6 should be provided.	➤ Agree, Refer <b>Section 8</b> of this letter for recommended approach to addressing this issue.
	➤ Surrounding existing buildings should be included in the flood modelling to improve accuracy.	➤ Agree, Refer <b>Section 8</b> of this letter for recommended approach to addressing this issue.
	➤ Maps for existing and proposed conditions should use the same level of transparency to aid comparison between results.	➤ Agree, Refer <b>Section 8</b> of this letter for recommended approach to addressing this issue.
Northern Beaches Council	➤ The planning proposal is inconsistent with Local Planning Direction 4.1 – Flooding in that it permits additional development in floodway areas	➤ Disagree. The overland flow path will be realigned so that it is located in a landscaped area at the rear of the subject allotments, well clear of the proposed buildings. The flood maps in Royal Haskoning DHV, 2017 (refer <b>Annexure A</b> of this letter for extracts) show that the intermittent floodway areas of a low hazard nature and as such could be appropriately modified as part of any future development within the subject allotments.
	➤ The planning proposal is inconsistent with Local Planning Direction 4.1 – Flooding in that it substantially increases by over 300% the dwelling density in the Flood Planning Area	➤ Disagree. The proposed realignment of the overland flow path will ensure that there are no habitable rooms located within the extent of the Flood Planning Area.
	➤ The planning proposal is inconsistent with Local Planning Direction 4.1 – Flooding in that it has not been demonstrated that the increase of the probable maximum flood on 155 Darley Street can be mitigated	➤ Agree. While the proposed development will alter flooding patterns when compared to present day conditions, given the minor nature of the overland flow path, its diversion onto Darley Street West is unlikely to result in significant impacts to other properties during storms more intense than 1% AEP. That said, this will need to be demonstrated as part of any future Development Application.
NSW SES	➤ The planning proposal needs to be considered against the relevant Ministerial Section 9.1 Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 and supporting guidelines, including the Support for Emergency Management Planning.	➤ Agree. The planning proposal is considered to generally be consistent with Directions 4.1 – Flooding, and where it isn't, the inconsistencies are considered to be of minor significance.
	➤ Consider undertaking sensitivity modelling for the case of localised mounding failure in diverting flow from neighbouring property and recommend discussing with the DPE EHG regarding potential impacts on neighbouring properties.	➤ Disagree. Given the minor nature of the overland flow path, the likelihood of failure is considered to be very low. Furthermore, any failure of the diversion mound would only act to restore the overland flow path that is shown on NBCs flood mapping.
	➤ Ensure that driveway entry to the under-croft parking and garages is situated above the PMF to reduce risk to life and property.	➤ Agree. This has been demonstrated by the Applicant.
	➤ Seek further information to understand the risk to life and property, including the maximum length of time for inundation or isolation of the site	➤ Agree. This information can be provided as part of the future Development Application

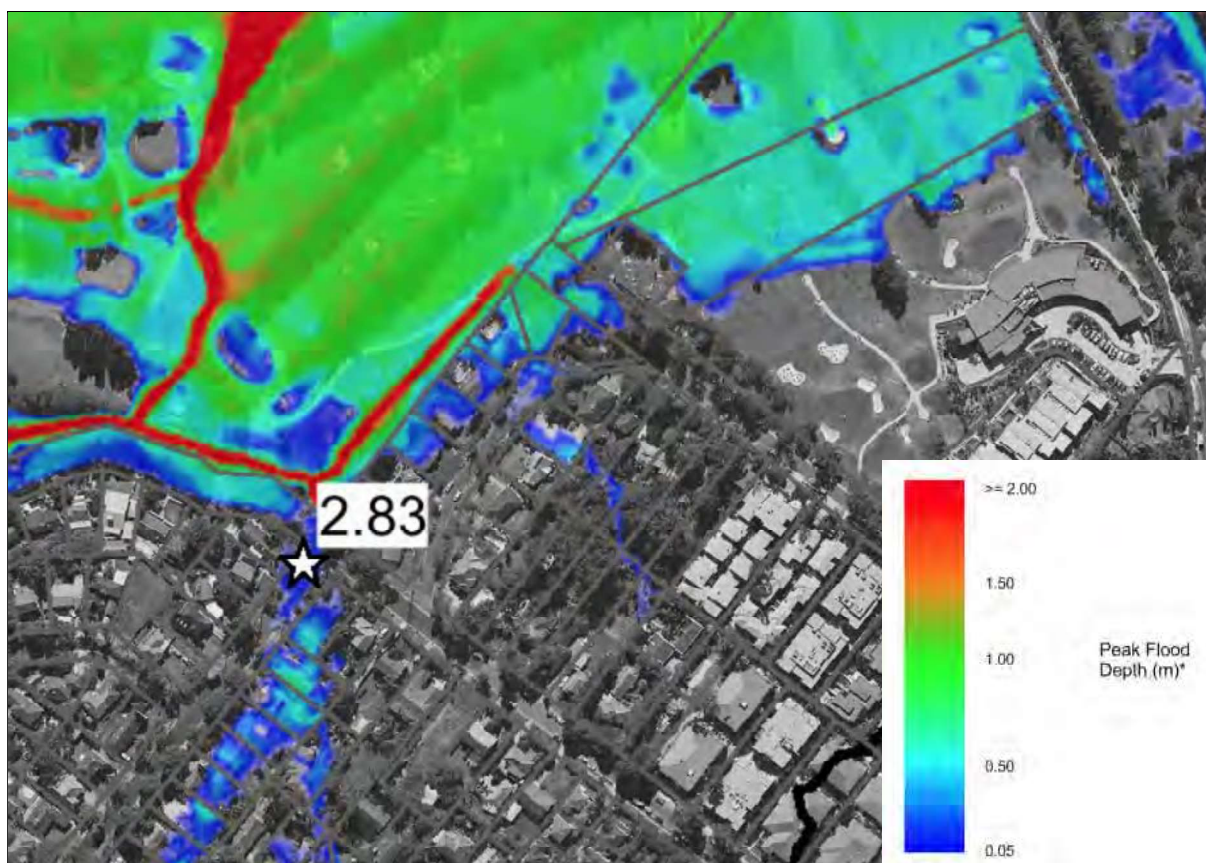
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**TABLE 2 (Cont'd)**  
**SUMMARY OF FLOODING AND DRAINAGE RELATED ISSUES RAISED**  
**DURING CONSULTATION PERIOD**

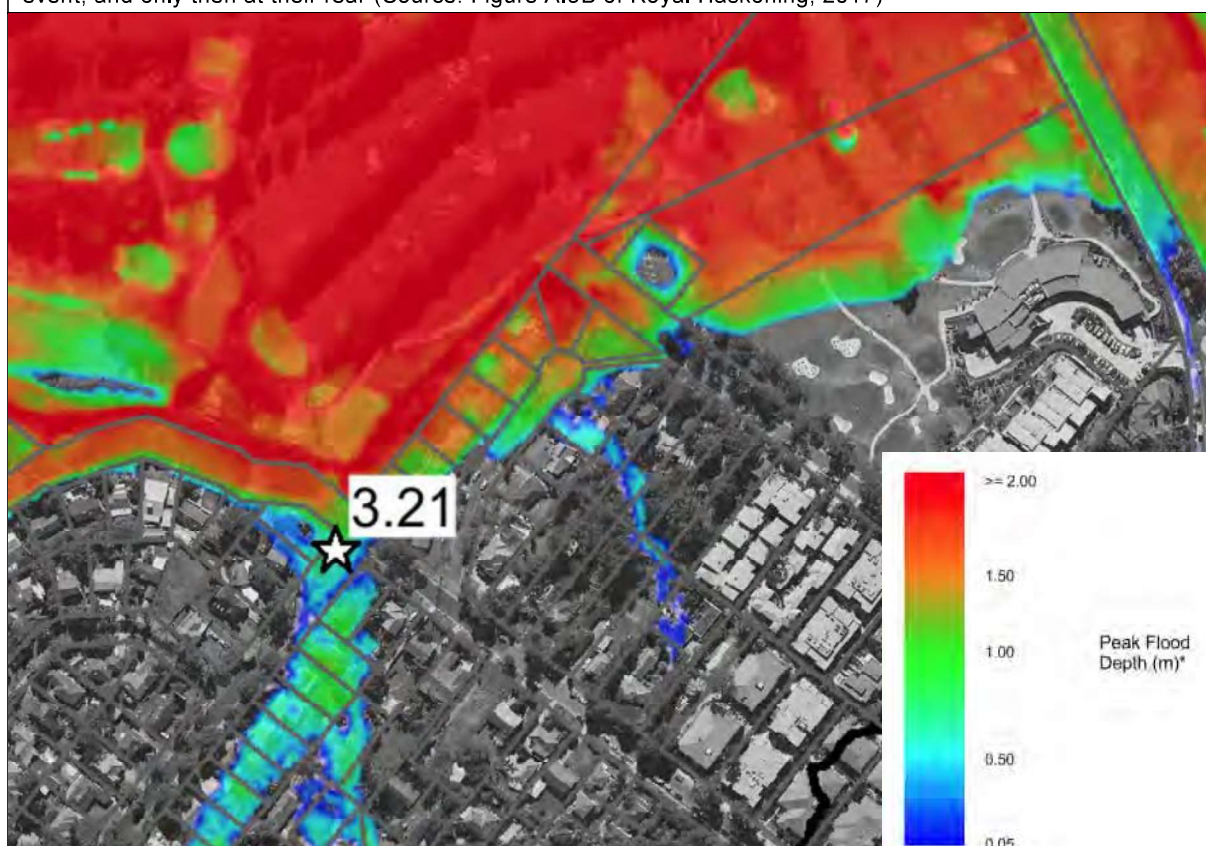
Respondent	Issue	Comment
Public Submissions	➤ Increased flood risk likely to affect the creek bordering Bayview Golf Course.	➤ Disagree. The flow discharging from the proposed development represents a small portion of the total flow in Cahill Creek where it runs through Bayview Golf Course. As a result, the minor change in the route overland flow takes on its way to Cahill Creek will not increase the flood risk in the receiving drainage system. NBCs Development Control Plan includes measures which are aimed at mitigating the impact that new development would otherwise have on the rate flow discharges from a site.
	➤ Proposal is likely to adversely affect the use of Bayview Golf Club due to additional flooding from redirected stormwater from the development site.	➤ Disagree. Both piped and overland flow will discharge the same receiving drainage line in the golf course, so flooding conditions would generally remain unchanged as a result of the proposed development.
	➤ Stormwater/flooding effects relate to a 'flawed' Stormwater Management Strategy for the proposed development causing concern for potential flood risk	➤ Agree. The proposal to connect the new 375 mm diameter stormwater drainage pipe to NBCs existing stormwater drainage system in Darley Street West will result in it surcharging more frequently, thereby potentially adversely impacting flooding conditions in 12 Kunari Place. The diversion of overland flow directly onto Darley Street West via the new access driveway also has the potential to adversely impact flooding conditions in 12 Kunari Place. Refer Section 8 of this letter for recommended approach to addressing this issue.
	➤ Area subject to flooding - more hard surfaces will worsen this.	➤ Disagree. NBCs Development Control Plan includes measures which are aimed at mitigating the impact that new development would otherwise have on the rate flow discharges from a site.
	➤ Overdevelopment will exacerbate existing flooding issues - redirecting more overflow to the golf course will cause major safety issues for the neighbourhood.	➤ Disagree. The flow discharging from the proposed development represents a small portion of the total flow in Cahill Creek where it runs through Bayview Golf Course. As a result, the minor change in the route overland flow takes on its way to Cahill Creek will not increase the flood risk in the receiving drainage system. NBCs Development Control Plan includes measures which are aimed at mitigating the impact that new development would otherwise have on the rate flow discharges from a site.

## **ANNEXURE A**

**EXTRACTS FROM ROYAL HASKONING DHV, 2017**

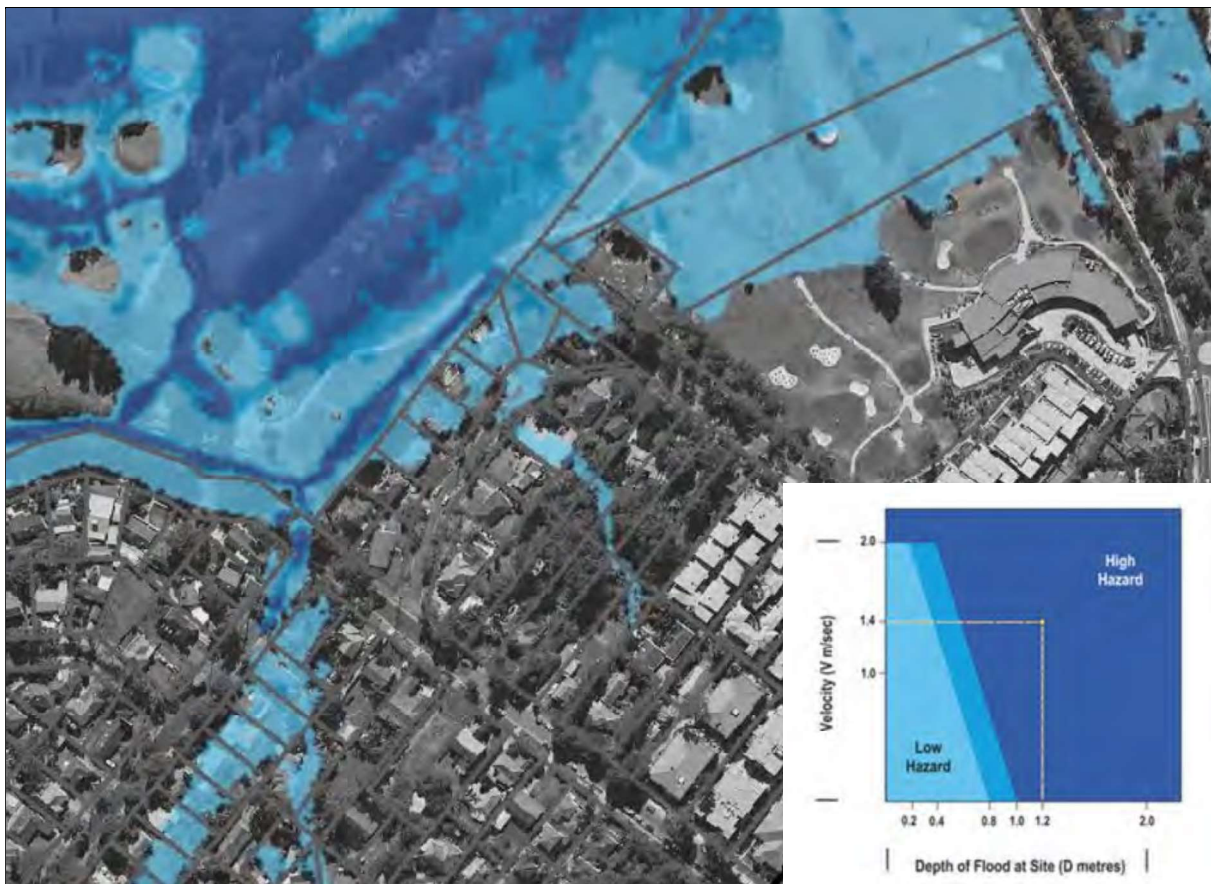


Subject allotments are subject to depths of inundation that are generally less than 0.5 m during a 1% AEP storm event, and only then at their rear (Source: Figure A.5B of Royal Haskoning, 2017)

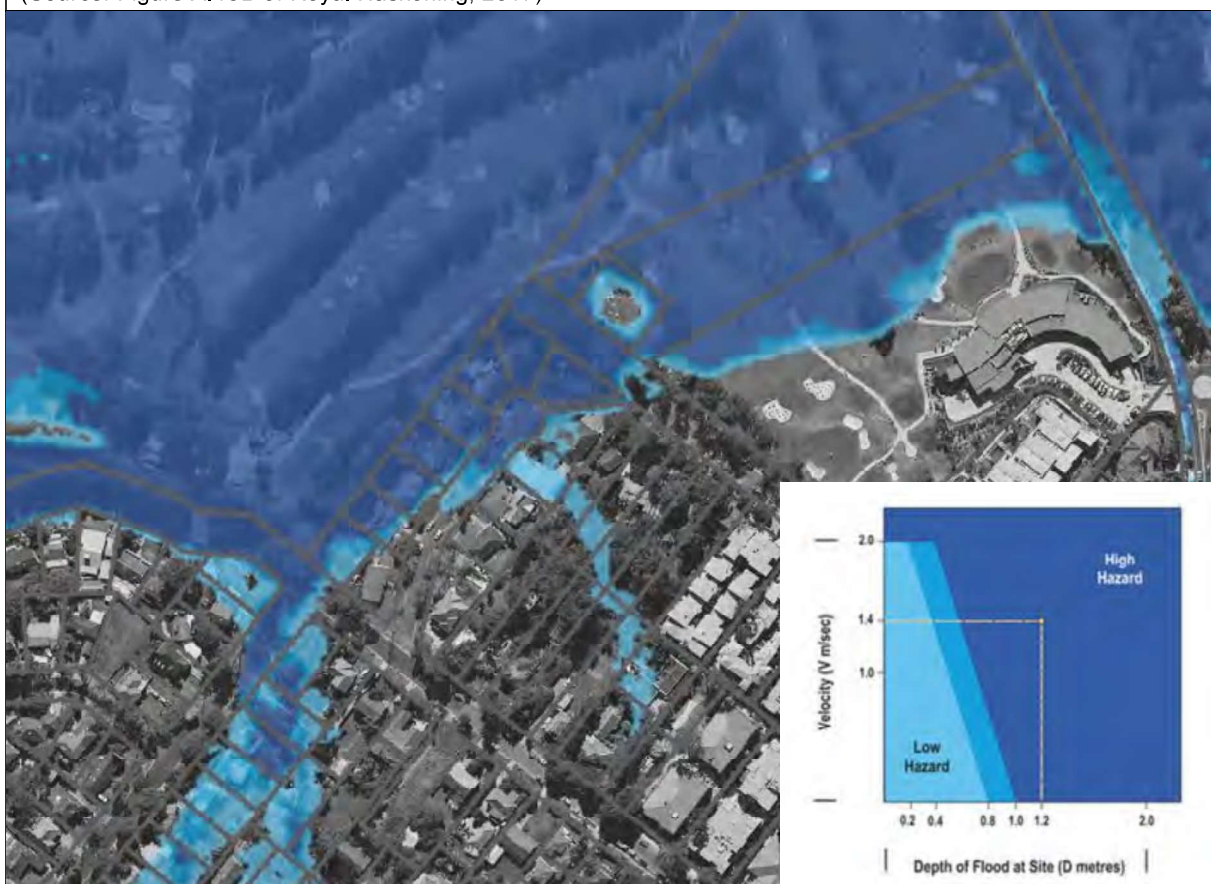


Subject allotments are subject to depths of inundation that are generally no greater than 0.5 m during the PMF event, and only then at their rear (Source: Figure A.8B of Royal Haskoning, 2017)



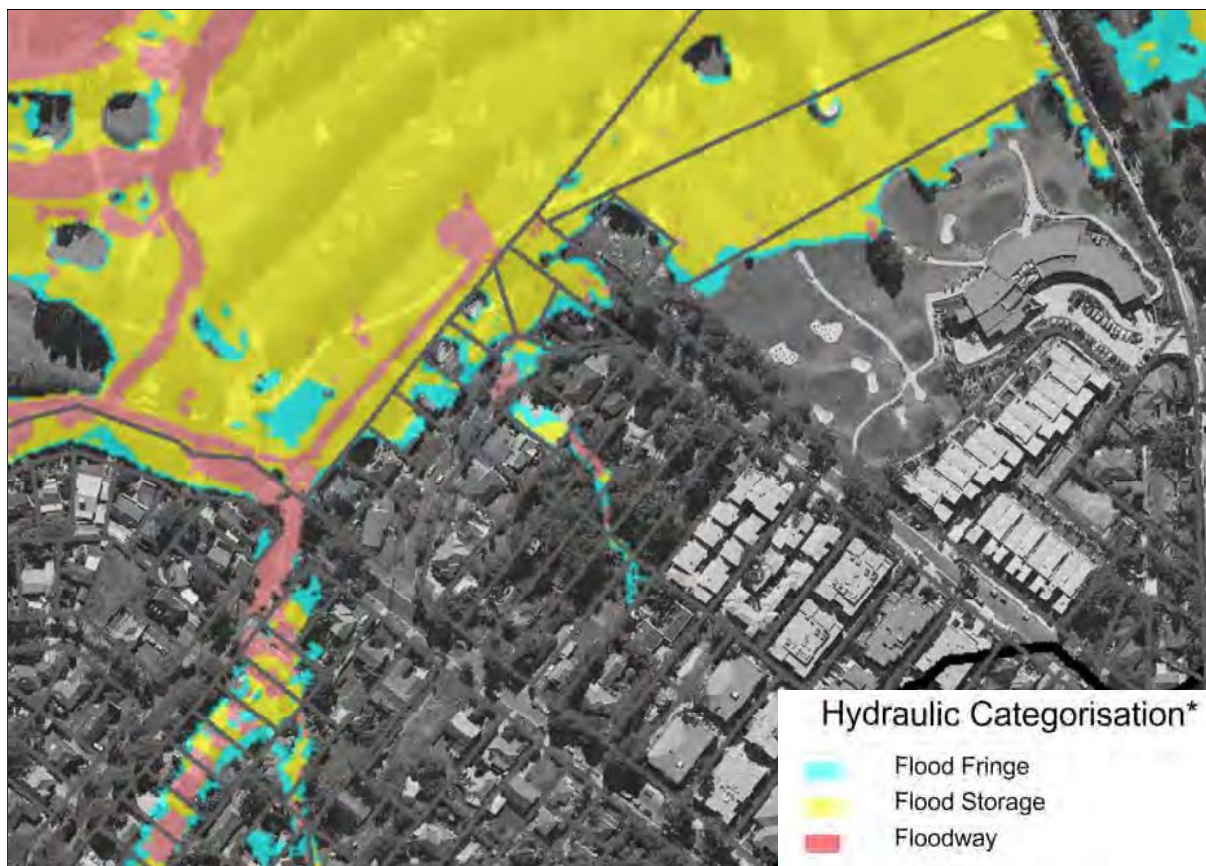


Subject allotments are subject low hazard flooding during a 1% AEP storm event, and only then at their rear (Source: Figure A.13B of Royal Haskoning, 2017)

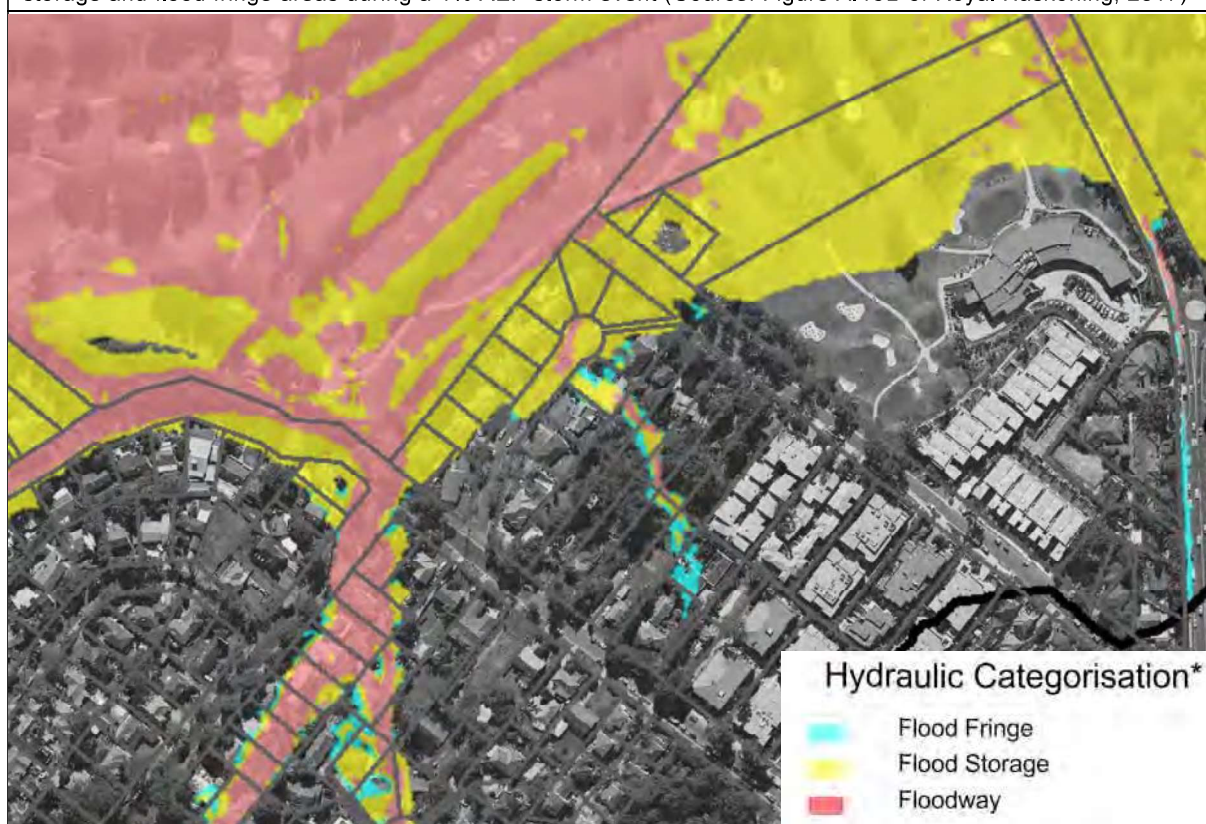


Subject allotments are subject to intermediate hazard flooding during a PMF event, and only then at their rear (Source: Figure A.14B of Royal Haskoning, 2017)



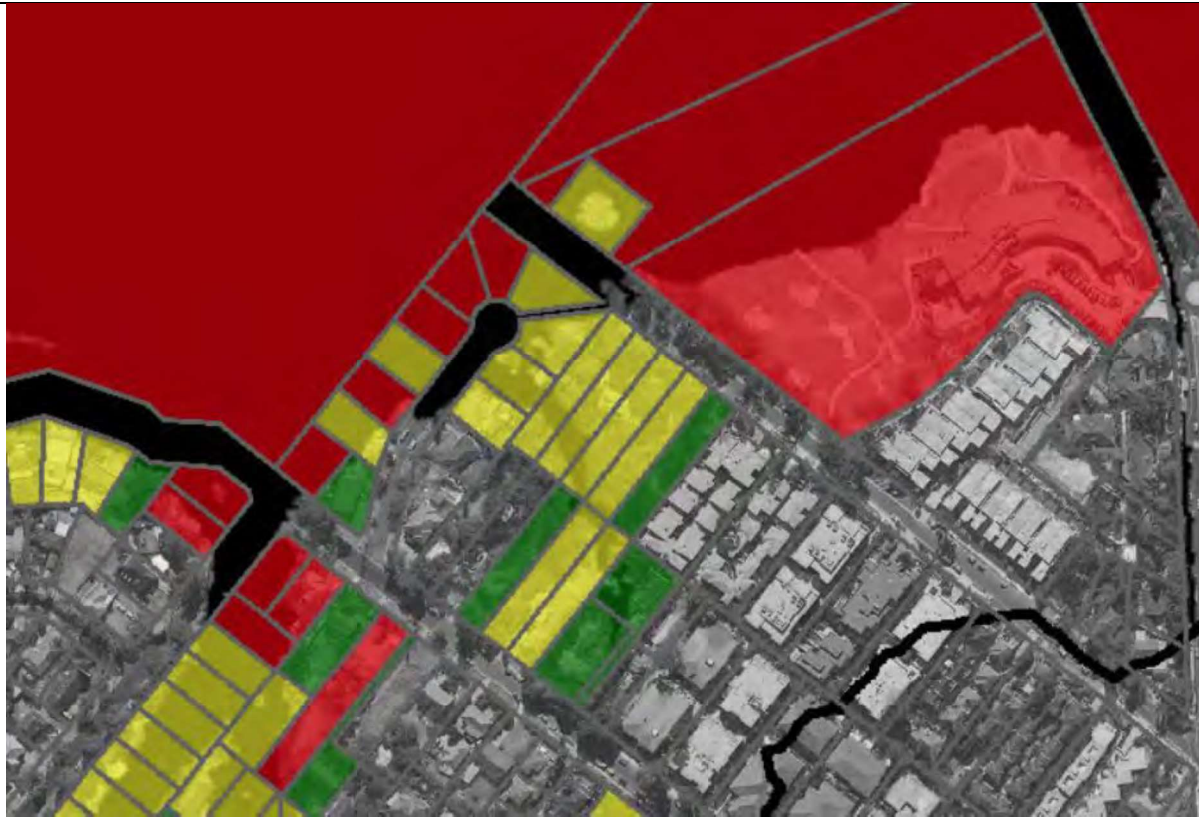


The overland flow path in the rear of the subject allotments is identified as a combination of floodway, flood storage and flood fringe areas during a 1% AEP storm event (Source: Figure A.15B of Royal Haskoning, 2017)

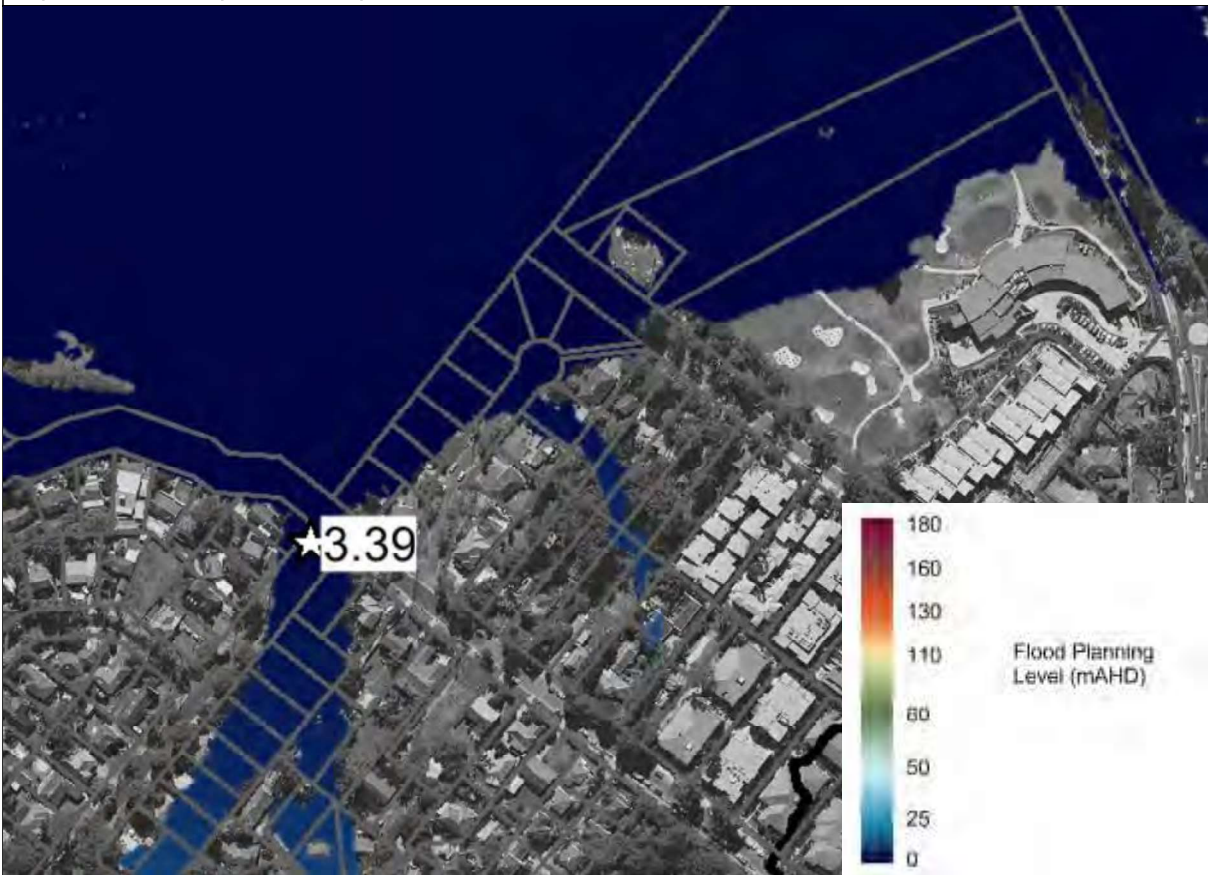


The overland flow path in the rear of the subject allotments is identified as a combination of floodway, flood storage and flood fringe areas during the PMF event (Source: Figure A.16B of Royal Haskoning, 2017)



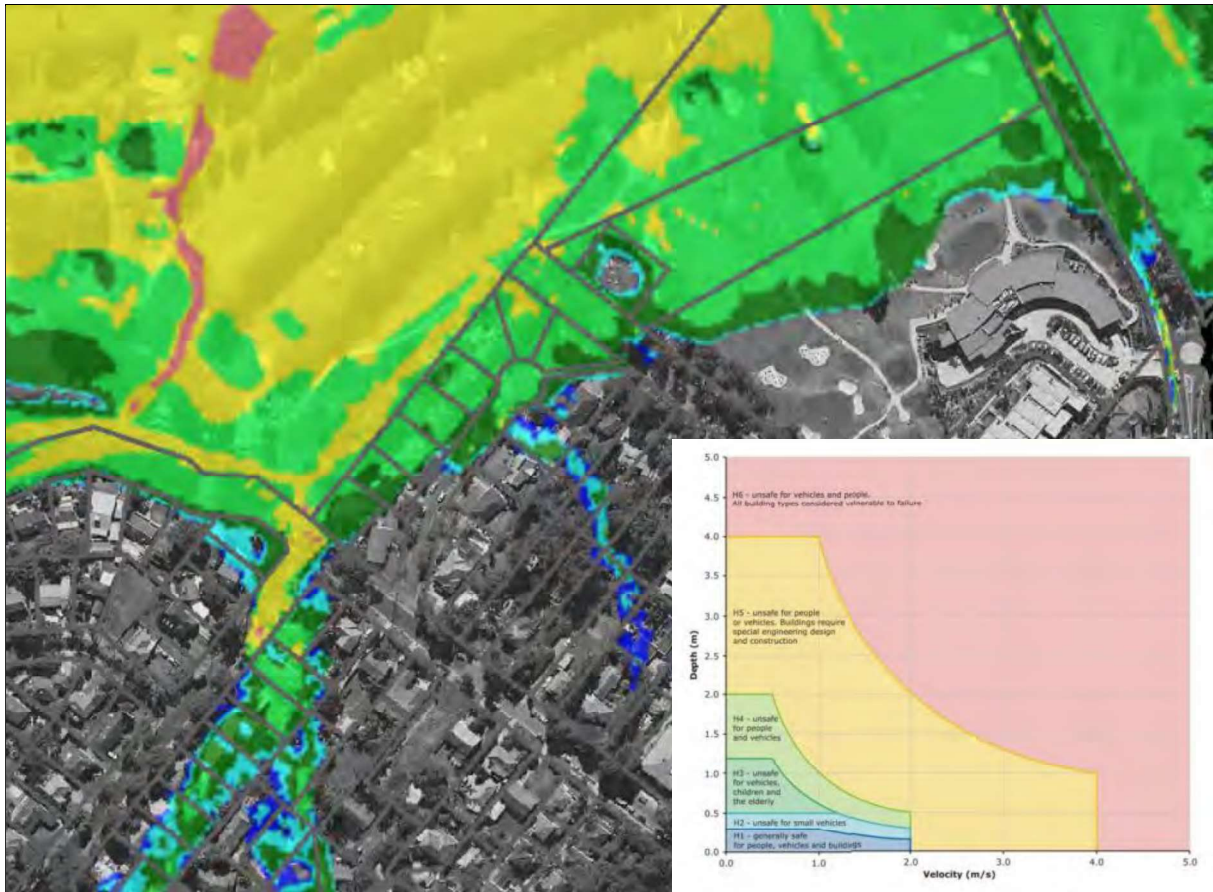


Subject allotments are identified as in either the Medium (yellow) and Low (green) Flood Risk Precinct (Source: Figure A.25B of Royal Haskoning, 2017)



A relatively portion of the subject allotments at their rear is identified as Flood Planning Area (Source: Figure A.26B of Royal Haskoning, 2017)





The overland flow path in the rear of the subject allotments is identified as generally being subject to H1 and H2 flood vulnerability hazard conditions, with small patches of H3 shown to be present during the PMF event ( Source: Figure A.27B of Royal Haskoning, 2017

## **ANNEXURE B**

### **ARCHITECTURAL DRAWINGS SHOWING KEY FEATURES OF PROPOSED DEVELOPMENT**

CONCEPT DESIGN

159-167 DARLEY STREET WEST, MONA VALE  
LOT 1,2,3,4 & 5/DP11108



DRAWING LIST		
DRAWING NUMBER	DRAWING NAME	REVISION
A00	SITE PLAN	B
A01	BASEMENT PARKING	C
A02	GROUND FLOOR PLAN	C
A03	LEVEL 1 PLAN	C
A11	SECTIONS 1	C
A12	SECTIONS 2	C
A21	NORTH ELEVATION	C
A30	COMPLIANCE & AREA SUMMARY	A
A31	SHADOW DIAGRAMS	C
A32	SHADOW DIAGRAMS	C
A41	SOLAR ACCESS DIAGRAMS	B
A42	SOLAR ACCESS DIAGRAMS	B

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TRIBE

Project:  
CONCEPT PLAN  
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MONA VALE



Status:  
PLANNING PROPOSAL  
Job Ref: 19016  
Scale: 0  
Date: 06/29/21  
Drawn: Author

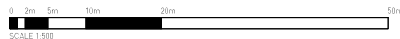
A 2021.06.29 ISSUED FOR SUBMISSION

Drawing:  
COVER PAGE  
Drawing No: 000  
Rev: A

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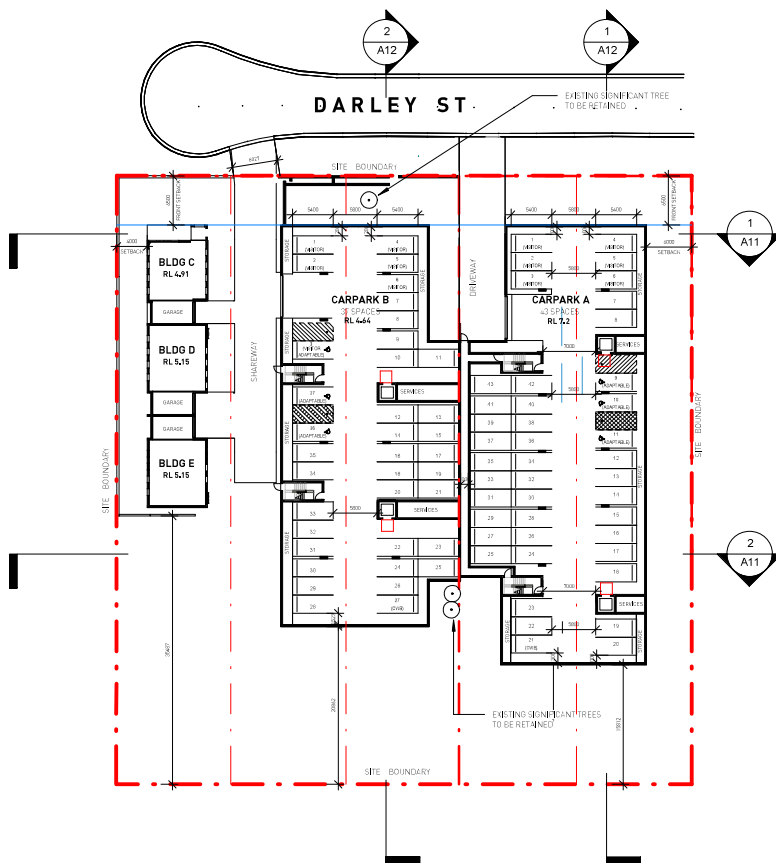


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Date: 05/26/21  
Drawn: Author

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A	2021.05.26	ISSUED FOR SUBMISSION

Drawing:  
**SITE PLAN**  
Drawing No: A00 Rev: B

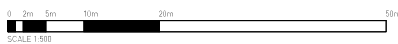
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# **PITTWATER 21 DCP PARKING REQUIREMENT**

**BUILDING A:**  
RESIDENTS: 34  
VISITOR: 7  
CAR WASH BAY: 1  
TOTAL REQUIRED: 42  
**TOTAL PROVIDED: 43**

**BUILDING B:**  
RESIDENTS: 30  
VISITOR: 6  
CAR WASH BAY: 1  
TOTAL REQUIRED: 37  
**TOTAL PROVIDED: 37**



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Project:  
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159-167 DARLEY STREET WEST  
MONA VALE**



Status:  
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Job Ref: 19016  
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Date: 10/28/19  
Drawn: Author

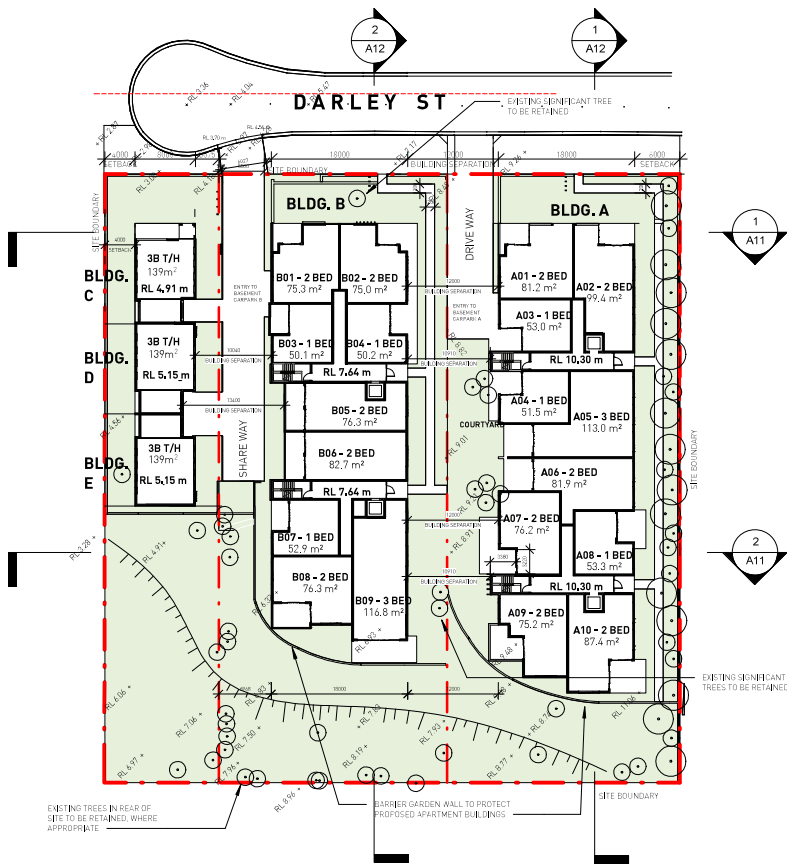
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B	2021.05.26	ISSUED FOR SUBMISSION
A	2021.04.30	ISSUED FOR SUBMISSION

**BASEMENT PARKING**  
Drawing No: A01  
Rev: C

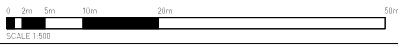
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GFA  
BUILDING A: 1748 M<sup>2</sup>  
BUILDING B: 1518 M<sup>2</sup>  
THREE 2-STORY TOWNHOUSES  
(BUILDING C,D,E): 417 M<sup>2</sup>  
TOTAL FSR: 0.6-1



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Status:  
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Job Ref: 19016  
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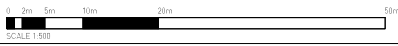
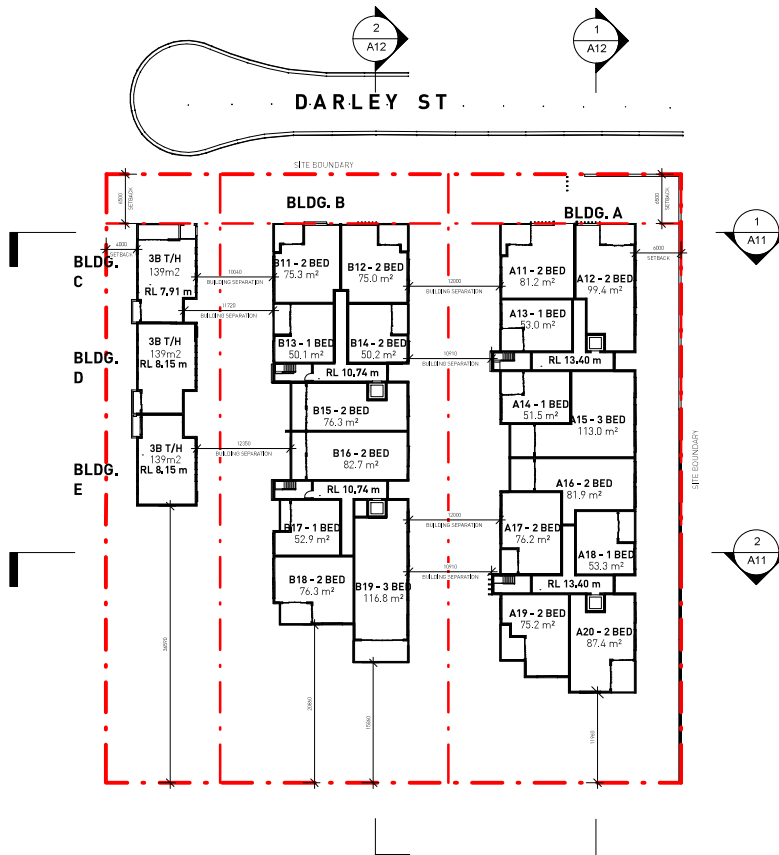
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Drawing No: A02  
Rev: C

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Project:  
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**159-167 DARLEY STREET WEST**  
**MONA VALE**



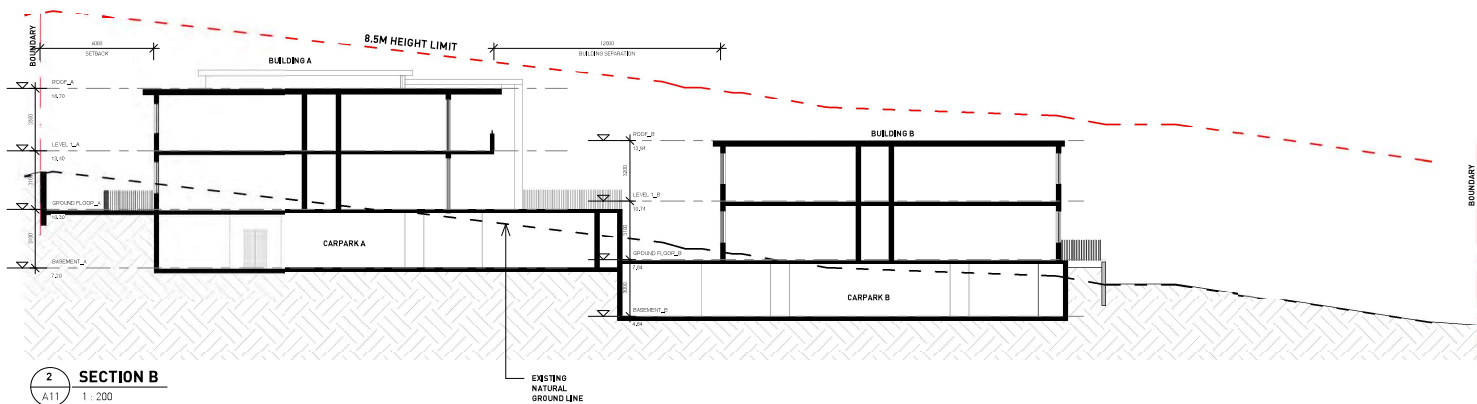
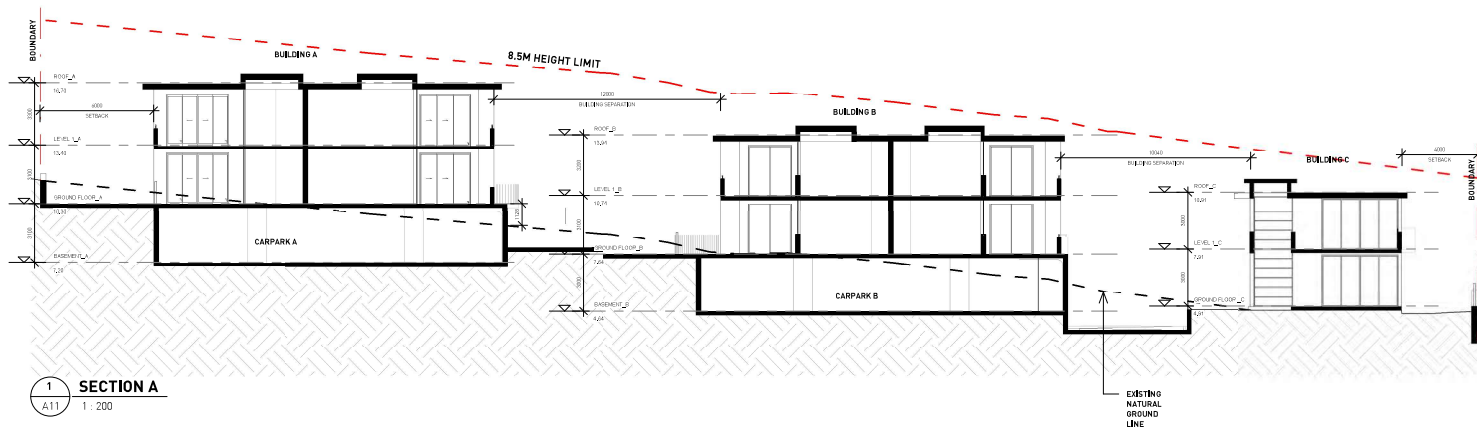
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Drawn: Author

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B	2021.05.26	ISSUED FOR SUBMISSION
A	2021.04.30	ISSUED FOR SUBMISSION

Drawing:  
**LEVEL 1 PLAN**  
Drawing No: A03  
Rev: C

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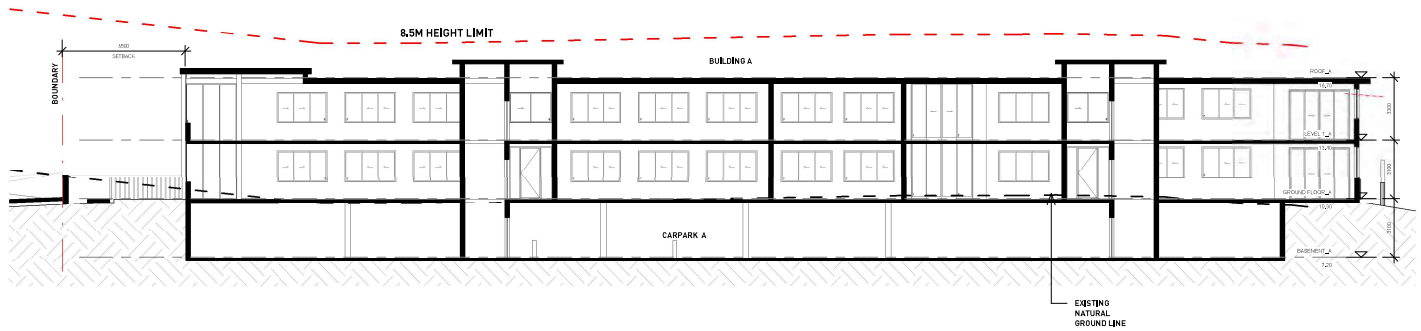
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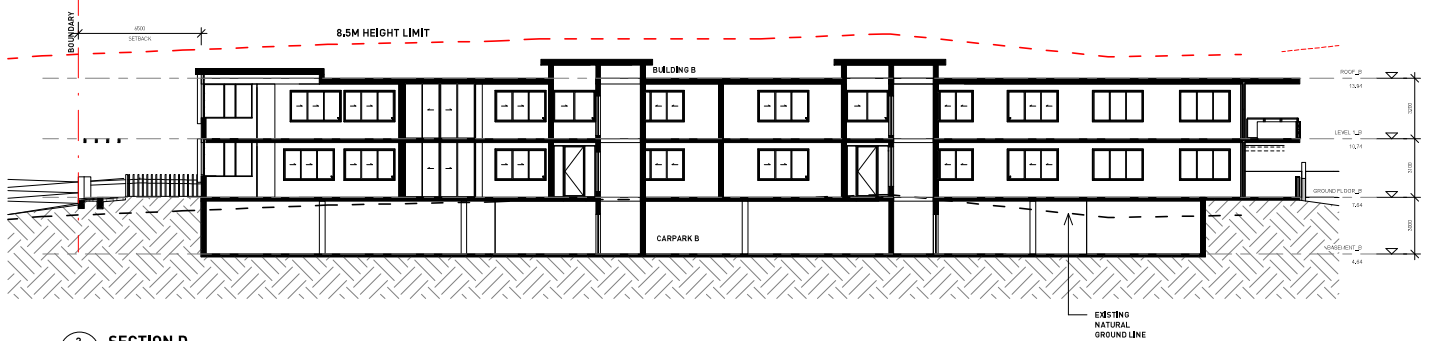
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Drawing No:  
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Rev:  
C

C:\Users\jvjing\Documents\19016-159-167 Darley St West\_Mona Vale\_A11  
Giles Tribe Pty Ltd  
Giles Tribe Architects





1 SECTION C  
A12 1:200



2 SECTION D  
A12 1:200



Level 1, 1 Chandos Street  
ST LEONARDS NSW 2065  
Giles Tribe Pty Ltd  
P 012 9264 5005  
E gtr@gilestribe.com.au  
ABN 50 880 757 587



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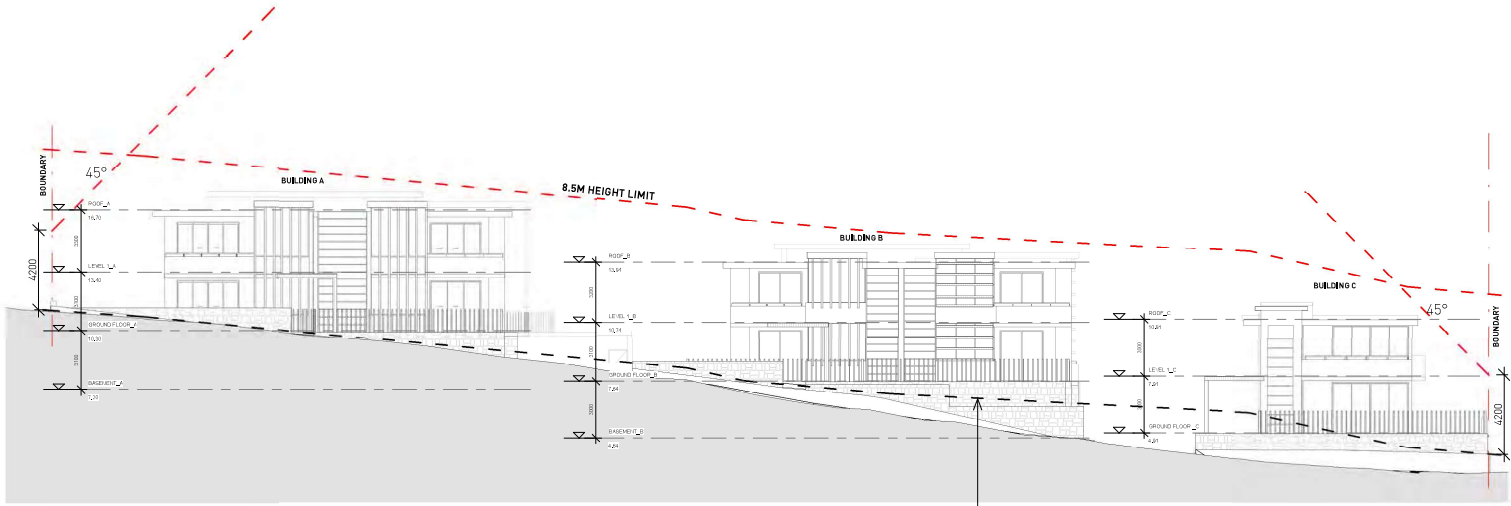
Project:  
**CONCEPT PLAN  
159-167 DARLEY STREET WEST  
MONA VALE**



Status:  
**PLANNING PROPOSAL**  
Job Ref: Scale: 1:200 0A1  
Date: 09/04/19  
Drawn: Author

C	2021.06.29	ISSUED FOR SUBMISSION
B	2021.05.26	ISSUED FOR SUBMISSION
A	2021.04.30	ISSUED FOR SUBMISSION

Drawing:  
**SECTIONS 2**  
Drawing No: Rev:  
**A12 C**



1 ELEVATION (DARLEY ST)  
A21 1 : 200



Level 1, 1 Chandos Street  
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Mark G Broadley (B023) Stuart D Hill (S499)

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Project:  
CONCEPT PLAN  
159-167 DARLEY STREET WEST  
MONA VALE

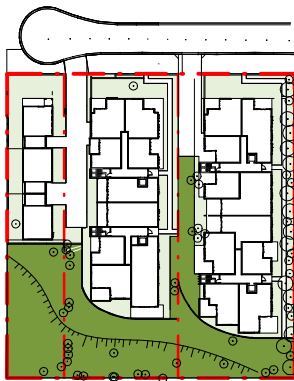


Status:  
PLANNING PROPOSAL  
Job Ref: 19016  
Scale: 1:200  
Date: 10/30/19  
Drawn: Author

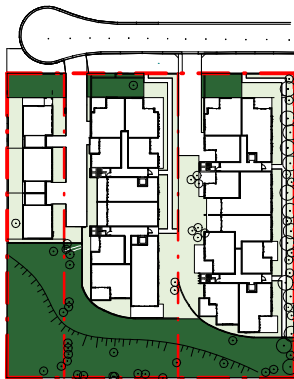
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B	2021.05.26	ISSUED FOR SUBMISSION
A	2021.04.30	ISSUED FOR SUBMISSION

Drawing:  
NORTH ELEVATION  
Drawing No: A21  
Rev: C

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Date: 10/30/19  
User: jvj



AREA CALCULATION - C.O.S



AREA CALCULATION - DEEP SOIL

SITE AREA: 6123,461M<sup>2</sup>

#### COMMUNAL OPEN SPACE

##### REQUIREMENT

MIN. 25% OF SITE AREA,  
MIN. DIMENSION 3M

##### PROVIDED

1756,998M<sup>2</sup> [28.7%]

#### DEEP SOIL AREA

##### REQUIREMENT

MIN. 15% OF SITE AREA,  
MIN. DIMENSION 6M

##### PROVIDED

1772,417M<sup>2</sup> [28.9%]

#### BUILDING A&B (38 APARTMENTS) SOLAR ACCESS

##### REQUIREMENT

MIN. 70% OF UNITS RECEIVE MIN. 2 HR  
OF SOLAR ACCESS BETWEEN 9AM-3PM  
ON 21 JUNE

MAX. 15% OF UNITS RECEIVE NO DIRECT  
SOLAR ACCESS BETWEEN 9AM-3PM ON  
21 JUNE

##### PROVIDED

34 OF 38 UNITS (89.5%) RECEIVE A  
MINIMUM 2 HR OF SOLAR ACCESS  
BETWEEN 9AM-3PM ON 21 JUNE

2 OF 38 UNITS (5.3%) RECEIVE NO  
DIRECT SOLAR ACCESS BETWEEN  
9AM-3PM ON 21 JUNE

#### CROSS VENTILATION

##### REQUIREMENT

MIN. 60% OF UNITS NEED TO BE CROSS  
VENTILATED

##### PROVIDED

24 OF 38 UNITS (63.15%) ARE  
CROSS-VENTILATED UNITS

Level 1, 1 Chandos Street  
ST LEONARDS NSW 2065

Giles Tribe Pty Ltd

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E gtr@gilestribe.com.au

ABN 59 881751507

Nominated Architects:

Mark G Broadley (B023) Stuart D Hill (0499)



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Project:  
**CONCEPT PLAN**  
**159-167 DARLEY STREET WEST**  
**MONA VALE**



Status:  
**PLANNING PROPOSAL**  
Job Ref: 19016 Scale: 1:1000 0/01  
Date: 06/28/21  
Drawn: Author

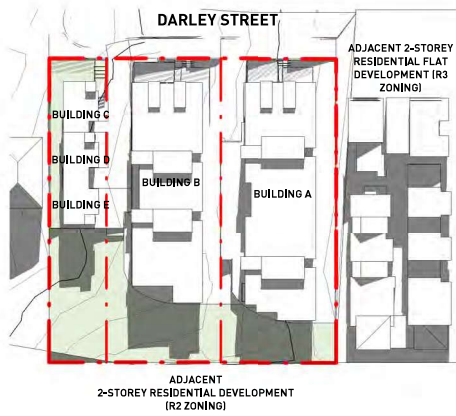
#### COMPLIANCE & AREA SUMMARY

Drawing No. Rev.

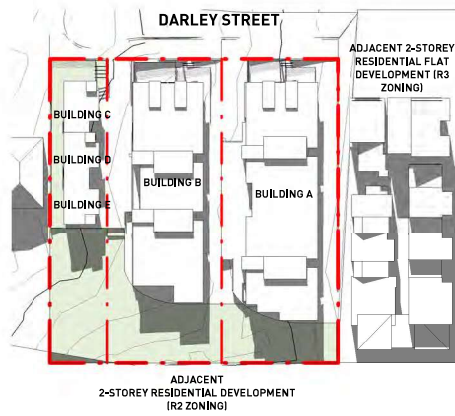
A30 A

A 2021.06.29 ISSUED FOR SUBMISSION

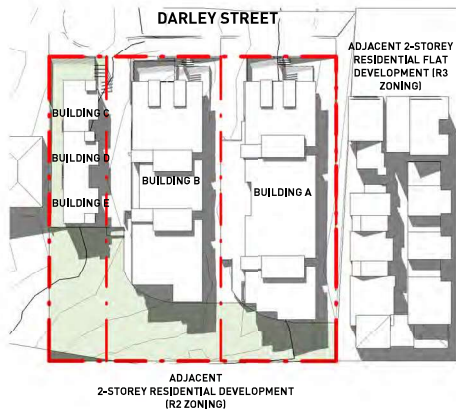
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GtrA\_19016\_159-167 Darley St West, Mona Vale\_41



SHADOW DIAGRAM JUNE 21 9AM



SHADOW DIAGRAM JUNE 21 10AM



SHADOW DIAGRAM JUNE 21 11AM



SHADOW DIAGRAM JUNE 21 12PM



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Project:  
**CONCEPT PLAN  
159-167 DARLEY STREET WEST  
MONA VALE**

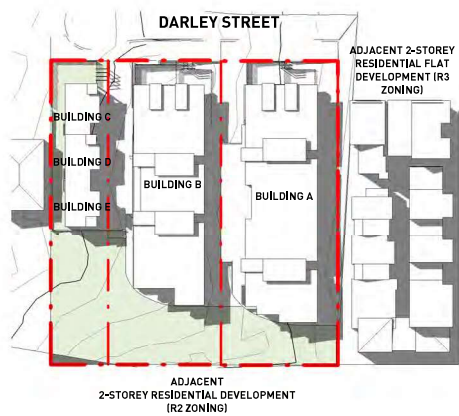


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Job Ref: 19016 Scale: 1:1000 0A2  
Date: 09/11/19  
Drawn: Author

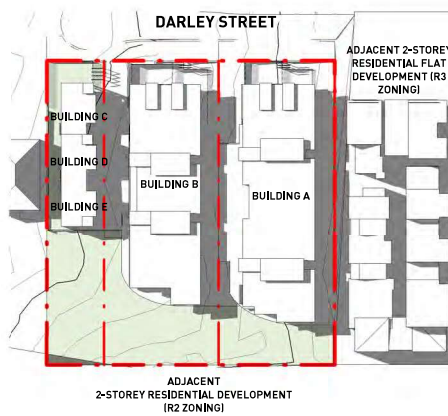
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B	2021.05.26	ISSUED FOR SUBMISSION
A	2021.04.30	ISSUED FOR SUBMISSION

Drawing:  
**SHADOW DIAGRAMS**  
Drawing No: **A31**  
Rev: **C**

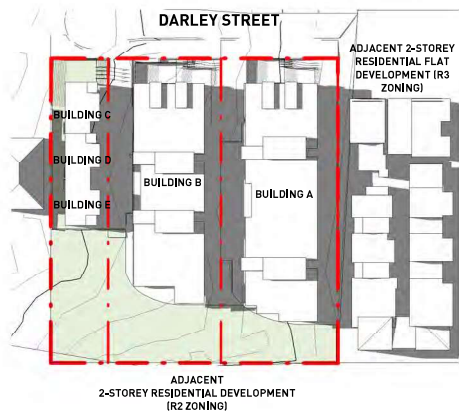
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Giles\_Tribe\_Architects\_Pty\_Ltd



SHADOW DIAGRAM JUNE 21 1PM



SHADOW DIAGRAM JUNE 21 2PM



SHADOW DIAGRAM JUNE 21 3PM



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Project:  
CONCEPT PLAN  
159-167 DARLEY STREET WEST  
MONA VALE



Status:  
PLANNING PROPOSAL  
Job Ref: 19016  
Scale: 1:1000  
Date: 09/11/19  
Drawn: Author

Drawing:  
SHADOW DIAGRAMS  
Drawing No: A32  
Rev: C

### SOLAR ACCESS ON 21 JUNE

#### TO LIVING AREA/POS - BUILDING A

	7AM	10AM	11AM	12PM	1PM	2PM	3PM	HOURS
A01								6.00
A02								6.00
A03								5.00
A04								4.00
A05								5.00
A06								5.00
A07								5.00
A08								0.25
A09								4.00
A10								0.25
A11								6.00
A12								6.00
A13								5.00
A14								4.00
A15								5.00
A16								5.00
A17								5.00
A18								0.00
A19								5.00
A20								0.25

#### TO LIVING AREA/POS - BUILDING B

	7AM	10AM	11AM	12PM	1PM	2PM	3PM	HOURS
B01								6.00
B02								6.00
B03								5.00
B04								0.25
B05								4.00
B06								6.00
B07								5.00
B08								5.00
B09								2.25
B11								6.00
B12								6.00
B13								5.00
B14								0.00
B15								4.25
B16								4.00
B17								5.00
B18								5.00
B19								3.00

#### TO LIVING AREA/POS - TOWNHOUSE

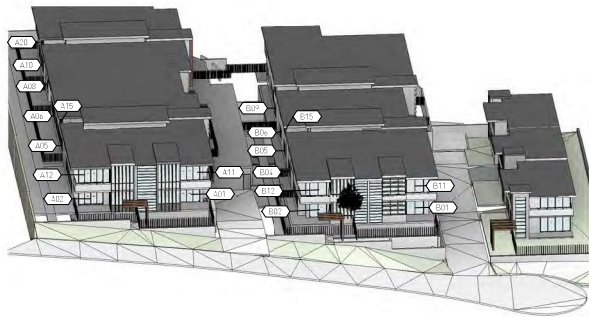
	7AM	10AM	11AM	12PM	1PM	2PM	3PM	HOURS
BUILDING C								6.00
BUILDING D								6.00
BUILDING E								6.00

RECEIVE DIRECT SUNLIGHT

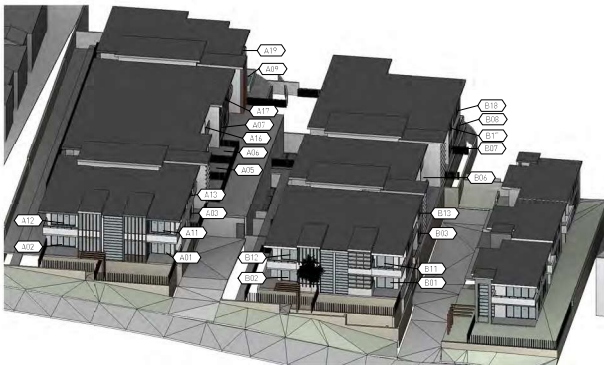
OVERSHADOWED

C	2021.06.29	ISSUED FOR SUBMISSION
B	2021.05.26	ISSUED FOR SUBMISSION
A	2021.04.30	ISSUED FOR SUBMISSION

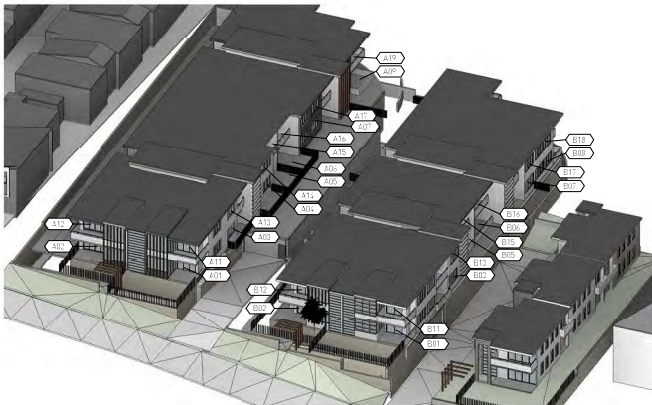
C:\Users\j\My Documents\159-167 Darley St West\_Mona Vale\_41  
Giles\_Tribe\_21\_june\_2021\dwg\shadows.dwg



SOLAR ACCESS JUNE 21 9AM



SOLAR ACCESS JUNE 21 10AM



SOLAR ACCESS JUNE 21 11AM



SOLAR ACCESS JUNE 21 12PM

Level 1, 1 Chandos Street  
ST LEONARDS NSW 2065  
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ABN 59 881751 587



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Project:  
**CONCEPT PLAN  
159-167 DARLEY STREET WEST  
MONA VALE**



Status:  
**PLANNING PROPOSAL**  
Job Ref: 19016  
Scale: 0/43  
Date: 09/11/19  
Drawn: Author

**SOLAR ACCESS DIAGRAMS**

Drawing No: **A41**  
Rev: **B**

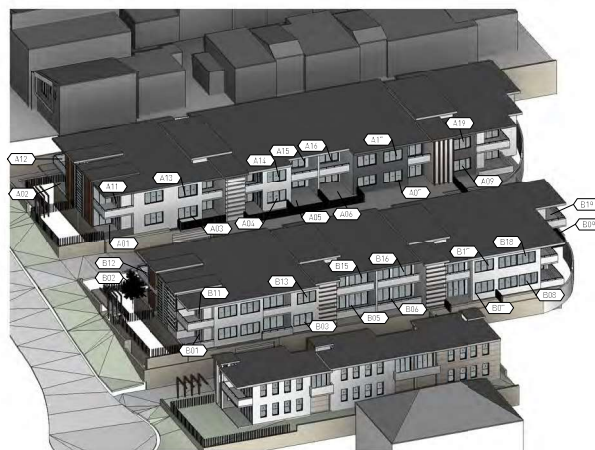
Mark G Broadley (B023) Stuart D Hill (s499)

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B	2021.06.29	ISSUED FOR SUBMISSION
A	2021.05.26	ISSUED FOR SUBMISSION

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Giles\_Tribe\_Architects\_Proposal\_19016.dwg





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ST LEONARDS NSW 2065  
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ABN 50 001259 507  
Nominated Architects:



Mark G Broadley [5823] Stuart D Hill [6459]

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Project:  
**CONCEPT PLAN**  
**159-167 DARLEY STREET WEST**  
**MONA VALE**



Status:

**PLANNING PROPOSAL**

Job Ref: Scale: @A3  
**19016** Date: 07/11/19  
Drawn: Author

## SOLAR ACCESS DIAGRAMS

## DIAGRAMS

B	2021.06.29	ISSUED FOR SUBMISSION
A	2021.05.26	ISSUED FOR SUBMISSION

## **ANNEXURE C**

**EXTRACT FROM AECOM, 2021 SHOWING KEY FEATURES OF  
PROPOSED STORMWATER DRAINAGE STRATEGY**





## Attachment C – Construction Cost Estimates



29 September 2023

Andrew Thurlow

Magnolia Views Property Pty Ltd

Andrewthurlow1@outlook.com

Dear Sir

### **159 - 167 DARLEY STREET MONA VALE ORDER OF COSTS BUDGET ESTIMATE**

Please find attached our Order of Costs Budget Estimate totalling **\$44,506,408 (Excl GST) inclusive of contingencies and escalation.**

Specifically, we have allowed for 5% design development contingency to be utilized during the design development period between now and construction. We have also allowed a further 5% construction contingency which is standard practice for the start of the construction period to cover unforeseen risks. It is also required to meet most financier's requirements.

The estimate has been prepared on benchmark rates for similar projects that have been completed and therefore including escalation during construction. These benchmarking rates are required to be escalated to the start of construction, which is for the basis of this estimate, we have assumed to be mid-2025.

While we are not programmers, WT are regularly required to benchmark overall program durations as part of financier roles. A project of this nature and size would generally require a construction duration of 22-24 months.

Yours faithfully

IAN MENZIES

NATIONAL DIRECTOR

WT

WT REF: PR-021659 - 159 - 167 Darley Street Mona Vale







159-167 DARLEY STREET  
MONA VALE DEVELOPMENT  
BUDGET ESTIMATE NO.1

27 September 2023

<b>159-167 Darley Street Mona Vale</b>					
<b>Preliminary Budget Estimate</b>					
<b>29/09/2023</b>					
	<b>G.B.A.</b>	<b>Quantity</b>	<b>UNIT</b>	<b>RATE/m2</b>	<b>EXTENSION</b>
<b>ELEMENT</b>	<b>m2</b>	<b>m2</b>		<b>\$</b>	<b>\$</b>
<b>Demolition / Site Prep / Temp Works / Sservices Diversions / Relocations</b>					
Allow to Demolish existing buildings		1	Item	142,800	142,800
Provisional allowance for Hazardous Building Material Removal		1	Item	50,000	50,000
Allow to cap and disconnect incoming services		1	Item	30,000	30,000
Extra over for services relocations (excluded - assume no major relocations required)				Excl	Excl
Allow to strip existing site		1	Item	244,880	244,880
Allow for incoming services connections (Included in Infrastructure Costs Below)				Incl	Incl
Allow for underpinning adjoining structures				Excl	Excl
<b>Subtotal Demo</b>					<b>467,680</b>
<b>Basement incl Substructure</b>					
<b>Basement</b>					
Bulk excavation		8,088	m3	50	404,415
E.O. for excavation in rock (assume 20%) - Minimal rock advised		1,618	m3	75	121,325
Allow for disposal of GSW (assume 150mm across basement area)		662	t	270	178,678
Allow for disposal of contaminated materials				Excluded	Excluded
E.O. for dewatering		1	item	50,000	50,000
Allow for Shoring - assume 450mm dia. contiguous secant shoring piles including capping beam and shortcrete - allow 1.5mtr socket TBA		1,020	m2	1,300	1,326,614
Allow for footings		2,451	m2	150	367,650
Allow for hydrostatic slab on ground - assume there is a water table issue		2,451	m2	500	1,225,500
Allow for Slab on Ground - incl. above				Incl.	Incl.
Allow for suspended slab - N/A				N/A	N/A
Allow for fitout to basement area (service, walls, columns, etc.)	2,451		GBA	640	1,568,640
Ground Floor Basement Entry Ramp (area assumed)		100	m2	750	75,000
External Façade - Allow for External Walls to last		162	m2	700	113,252
Allow for roller shutter - carpark		2	Item	20,000	40,000
Allow for roller shutter - townhouse		3	Item	10,000	30,000
<b>Subtotal Basement</b>	<b>2,451</b>		<b>GBA</b>	<b>2,244</b>	<b>5,501,074</b>
		80	Cars	\$ 68,763 / car	
		<b>31</b>	<b>m2/car</b>		
<b>Residential - Aparments</b>					
Aparments Building A&B - GF Lobby	140		GBA	3,500	490,000
Aparments Building A&B - GF and L1	4,032		GBA	3,100	12,499,200
Aparments Building A&B - External Façade - Allow for External Walls		2,388	m2	1,200	2,865,600
Aparments Building A&B - Allow for Roof		2,139	m2	900	1,925,100
Aparments Building A&B - Residential Core - 4 Lifts from Basement to Level 1		4	No.	250,000	1,000,000
<b>Subtotal Residential - Apartments</b>	<b>4,172</b>		<b>GBA</b>	<b>4,501</b>	<b>18,779,900</b>
		<b>38</b>	<b>units</b>	<b>494,208</b>	
		<b>110</b>	<b>m2/unit</b>		
<b>Residential - TownHouse</b>					
TownHosue C,D&E - GF and L1	582		GBA	3,800	2,211,549
TownHosue C,D&E - External Façade - Allow for External Walls		615	m2	Incl.	Incl.
TownHosue C,D&E - Allow for Roof		341	m2	Incl.	Incl.
TownHosue C,D&E - Residential Core - Assume no private lifts				Incl.	Incl.
<b>Subtotal Residential - TownHouse</b>	<b>582</b>		<b>GBA</b>	<b>3,800</b>	<b>2,211,549</b>
		<b>3</b>	<b>units</b>	<b>737,183</b>	
		<b>194</b>	<b>m2/unit</b>		
<b># EXTERNAL / INFRASTRUCTURE WORKS / AMPLIFICATION WORKS</b>					
<b>EXTERNAL WORKS</b>					
Allow for Driveway		412	m2	500	206,000
Allow for hard and soft landscaping to remaining site area not covered by built area		3,107	m2	600	1,864,200
E.O. for suspended slab		400	m2	400	160,000
Allow to Footpaths within site boundary		168	m2	900	151,200
<b>EXTERNAL SERVICES</b>					
Allow for incoming services connections (assumes services at Site Boundary)		1	Item	100,000	100,000
Allow for fire water storage tank and stormwater detention tank		1	Item	250,000	250,000
Allow for solar panels to roof		1	Item	100,000	100,000
Prov Allowance for ESD Initiatives				Excl	Excl
Allow for services diversions and amplification				Excl	Excl
Prov Allowance for Kiosk		1	Item	200,000	200,000
Prov Allowance for underground Power Lines and new Light Poles - Assume N/A					
<b>Subtotal External &amp; Infrastructure</b>					<b>3,031,400</b>
<b>TRADE TOTAL</b>	<b>7,205</b>	<b>GBA</b>		<b>4,163</b>	<b>29,991,603</b>
<b># PRELIMINARIES AND PROFIT</b>					
Preliminaries - 21%		21	%	29,991,603	6,298,237
Profit and overheads - 5%		5	%	36,289,840	1,814,492
	<b>7,205</b>			<b>5,289</b>	<b>38,104,332</b>
<b># STATUTORY / COUNCIL FEES &amp; CHARGES:</b>					
DA / Building Construction Certificate			Item		Excl
Long Service Leave Levy ( 0.35% )			Item		Excl
	<b>7,205</b>			<b>5,289</b>	<b>38,104,332</b>
<b># DESIGN AND CONSTRUCT FEES (excl)</b>			Item		Excl

<b>159-167 Darley Street Mona Vale</b>					
<b>Preliminary Budget Estimate</b>					
<b>29/09/2023</b>					
	G.B.A. m2	Quantity m2	UNIT	RATE/m2 \$	EXTENSION \$
Novated Consultants Fees			Item		Excl
Non Novated Consultants Fees Engaged by the Builder		1	%	38,104,332	381,043
	7,205			5,341	38,485,375
# ESCALATION TO CONSTRUCTION START DATE (excl) - to be included in separate Development Budget			Item		Excl
# CONTINGENCIES AND ESCALATION					
Construction Contingencies - (5%)		5	%	38,485,375	1,924,269
Design Contingencies - (5%)		5	%	38,485,375	1,924,269
Escalation to start of construction (4% in 2023, 2.8% in 2024 and 3.5% in 2025)		5.64	%	38,485,375	2,172,496
<b>Total ( Excl Professional Fees &amp; GST )</b>	<b>7,205</b>		<b>GBA</b>	<b>6,177</b>	<b>44,506,408</b>
# PROFESSIONAL FEES, DEVELOPMENT FEES AND DEVELOPMENT COSTS			Item		Excl
<b>TOTAL ( Excl GST )</b>	<b>7,205</b>		<b>GBA</b>	<b>6,177</b>	<b>44,506,408</b>
<b>NOTES:-</b>	<b>Basement - \$/m2 incl Prelims &amp; Margin</b>				<b>\$ 2,851 / m2</b>
1. Refer to attached List of Exclusions & List of Information	<b>Basement - \$/m2 incl Prelims &amp; Margin + Demo &amp; Ext Works Apportioned</b>				<b>\$ 3,468 / m2</b>
2. Based on bench marking, WTP recommend Professional Fees to be 8-9% including 2 to 3% of Consultant Fees which will be novated across to the contractor.	<b>Basement - \$/car incl Prelims &amp; Margin</b>				<b>\$ 87,364 / car</b>
	<b>Basement - \$/car incl Prelims &amp; Margin + Demo &amp; Ext Works Apportioned</b>				<b>\$ 106,268 / car</b>
	<b>Apartment - \$/m2 incl Prelims &amp; Margin</b>				<b>\$ 5,719 / m2</b>
	<b>Apartment - \$/m2 incl Prelims &amp; Margin + Demo &amp; Ext Works Apportioned</b>				<b>\$ 6,336 / m2</b>
	<b>Apartment - \$/unit incl Prelims &amp; Margin</b>				<b>\$ 627,891 / unit</b>
	<b>Apartment - \$/unit incl Prelims &amp; Margin + Demo &amp; Ext Works Apportioned</b>				<b>\$ 695,631 / unit</b>
	<b>Townhouse - \$/m2 incl Prelims &amp; Margin</b>				<b>\$ 4,828 / m2</b>
	<b>Townhouse - \$/m2 incl Prelims &amp; Margin + Demo &amp; Ext Works Apportioned</b>				<b>\$ 5,445 / m2</b>
	<b>Townhouse - \$/unit incl Prelims &amp; Margin</b>				<b>\$ 936,591 / unit</b>
	<b>Townhouse - \$/unit incl Prelims &amp; Margin + Demo &amp; Ext Works Apportioned</b>				<b>\$ 1,056,290 / unit</b>

<b>159-167 Darley Street Mona Vale</b>
<b>Preliminary Budget Estimate</b>
<b>29/09/2023</b>
<b>Exclusions</b>
Escalation beyond mid 2025
Land costs, site acquisition costs, holding costs and interest charges;
Legal and Agent's fees;
Finance Costs;
Council contributions, special fees and payments (Section 94);
Development Application and Construction Certificates fees and charges;
Statutory Authority Fees and charges (Telstra, Energy Australia, Water and Agility);
Public artwork / sculptures;
Loose furniture and equipment, FF&E
Asbestos reports, monitoring and removal above allowance made in estimate;
Incoming services amplifications
Removal of contaminated spoil (if applicable), removal of asbestos, lead paint, etc. in excess of allowances made for GSW
Unknown site conditions;
Sales, leasing and Marketing Agent fees and costs;
Works to surrounding roads in excess of allowances made;
allowances made
Client Representative Fees, clerk of works costs;
Client project contingency;
Design and Construction contingencies in excess of 5% allowed in the estimate
Professional fees including Contractors D&C Fees;
Prolongation and time extension costs;
GST (10%);
Carpark management systems
Staging Costs
<b>Information Used</b>
Att 3 - Appendix A - Drawings prepared by GILES TRIBE
Att 3 - Appendix B - Urban Design Study prepared by GILES TRIBE



