



PRELODGE MENT ADVICE

Application No: PLM2020/0199

Meeting Date: 9 September 2020

Property

Address: 159-167 Darley Street West, Mona Vale (Lots 1 to 5 of DP 11108)

Attendees for Council: Adonna See – Principal Planner, Strategic & Place Planning
Kye Miles – Student Planner, Strategic & Place Planning
Phillip Devon – Manager, Transport Network
Duncan Howley – Team Leader, Floodplain Management

Attendees for applicant: Andrew Thurlow - Intrec
Gary White - Macroplan
Martin Abell - Macroplan
Nathan Mitchell - Aecom



General Comments/Limitations of these Notes

These notes have been prepared by Council on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only. These notes are an account of the specific issues discussed and conclusions reached at the pre-lodgement meeting. These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority. A determination can only be made following the lodgement and full assessment of the planning proposal.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of Pittwater Local Environment Plan 2014 within the supporting documentation of a planning proposal.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the proposal and the adverse impacts that may arise as a result.

Proposal:	This planning proposal proposes to rezone 159 to 167 Darley Street West, Mona Vale from R2 – Low Density Residential land to R3 – Medium Density Residential, in order to facilitate the redevelopment of these sites for medium density residential housing (residential flat buildings and multi dwelling housing).
Accompanying Documents:	Preliminary Planning Proposal from MacroPlan Preliminary Flooding Advice from Aecom
Site Characteristics:	<p>The subject site consists of five (5) parcels of land, as seen as the hatched area on Figure 1. The parcels of land and current uses are as follows:</p> <ol style="list-style-type: none"> 1. Lot 1 is known as 167 Darley Street West and is occupied by a detached dwelling 2. Lots 2 & 3 are known as 163 Darley Street West and are occupied by a detached dwelling 3. Lot 4 is known as 161 Darley Street West and is occupied by a detached dwelling 4. Lot 5 is known as 159 Darley Street West and is occupied by a detached dwelling <p>The subject site has a total area of approximately 6,120m².</p> <p>The subject site has frontage to Darley Street West and is located on a cul-de-sac at the end of the street.</p> <p>The subject site has a moderate slope from the southern corner of the site to the northern corner.</p> <p>The subject site is located opposite the Bayview Golf Course and carpark to the northeast. Darley Street West is largely characterised by 2 and 3 storey RFBs and multi dwelling housing to the southeast.</p>

	 <p>Subject Site</p>
<p>Local Planning Context</p>	<p>Pittwater LEP 2014</p> <p>The subject site is currently zoned R2 Low Density Residential (shown has hatched in the image below).</p>  <p>The draft Proposal seeks to change zoning from R2 to R3, the objectives and permissible uses for which are as follows:</p>

	<p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses. <p>2 Permitted without consent Home businesses; Home occupations</p> <p>3 Permitted with consent Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Tank-based aquaculture; Veterinary hospitals</p> <p>4 Prohibited Pond-based aquaculture Any development not specified in item 2 or 3</p> <p>Other local planning/development controls of note that apply to the site include:</p> <ul style="list-style-type: none"> • PLEP 2014 – Acid Sulfate Soils – Classes 3 & 5 <p>Other Policies</p> <p>The subject site is affected by Low Risk and Medium Risk flood hazard in accordance with the NBC Flood Hazard Map adopted in 2019. This is discussed in further detail below.</p> <p>A range of State Government planning policies and guidelines are also applicable to any proposed rezoning and redevelopment of the subject site. These have not been considered as part of this pre-lodgement advice but would need to be assessed within any future planning proposal.</p>
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Referral Body	Comments
Strategic & Place Planning	<ul style="list-style-type: none"> Greater Sydney Region Plan 2036 & North District Plan <p>Mona Vale is identified as a Strategic Centre within both the Greater Sydney Region Plan 2036 and the North District Plan. In these documents, strategic centres are the focus of housing, employment and transportation. As per the District Plan,</p> <p><i>Mona Vale strategic centre is a mixed use area including retail, commercial, community, light industrial and residential uses. It is a thriving centre during business hours, providing amenity, convenience and a sense of community for residents.</i></p> <p>In both the regional and the district plans, the focus for this centre is in its commercial and retail function including a job target of between 700-1700 jobs by 2036. There are currently technical studies underway to determine how to best achieve these targets in the context of the Strategic Centre and the entire LGA.</p> <p>Based on Council's preliminary research, the LGA's five-year housing target (2016-2021) under the North District Plan is 3,400 new dwellings and is likely to be met under existing planning controls without the need for unplanned uplift.</p> Local Strategic Planning Statement <p>Northern Beaches Council's Local Strategic Planning Statement, <i>Towards 2040</i>, was made by the Chief Executive Officer under delegated authority based on Council's resolution 25 February 2020 and a letter of support from the Greater Sydney Commission (GSC) for consistency with the <i>Greater Sydney Region Plan</i> and <i>North District Plan</i>. This new planning document sets out a 20-year vision for land use in the area.</p> <p>Priority 27 of the document recognises Mona Vale as the contemporary, urban heart of the north. Actions for this strategic centre focus on place planning and revitalisation of the commercial centre as well as improvements to circulation and transportation both within the centre and in terms of access to other areas of the LGA.</p> <p><i>Towards 2040</i> also indicates that other studies will inform how Council is able to achieve housing, employment and other infrastructure targets into the future. Council has commissioned a number of technical studies including an Employment Study and Housing Strategy for this purpose. There is no clear link between the Northern Beaches LSPS and the provision of additional housing beyond the existing Mona Vale strategic centre. As noted above, recent research indicates that existing planning controls will be able to deliver short term targets with an emphasis on new</p>

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dwellings being provided in already identified precincts such as Frenchs Forest.

- **Affordable Housing Policy**

Any areas subject to uplift would be subject to the provision of affordable housing in accordance with Council's adopted [Affordable Housing policy](#). In particular, the proposal must provide for the delivery of the 10% rental housing target (all strategic plans and planning proposals for urban renewal or greenfield development).

- **Pittwater LEP 2014**

Discussion was had in relation to the possibility of introducing Additional Permitted Uses to the site to ensure that development occurs as intended by the objectives of the Planning Proposal. Council is unable to provide formal comment on the use of APUs for this site given that this matter does not form part of the prelodgment documents. Further discussion may be held separately for this matter.

The proposal to remove clause 4.5A in relation to density controls for residential accommodation is not supported.

- **Pittwater 21 DCP**

Although the concept design for a Planning Proposal is not legally binding, any proposal should consider current Pittwater 21 DCP provisions and other applicable design guidelines to inform the built form outcomes and ensure that they are in character with the existing area.

- **General Comments**

There are a number of key strategic studies currently under preparation by Council. These include the Northern Beaches Housing Strategy (scheduled to be reported to Council in November 2020) and Northern Beaches Employment Study. Having regard for the timing of the preparation of these studies, it is considered that any proposal submitted prior to the release of these studies would be premature.

The North District Plan and Local Strategic Planning Statement do not specifically require the need for additional housing in the location of the subject site.

In consideration of the above, the documents submitted by the proponent have not demonstrated why this planning proposal should be progressed

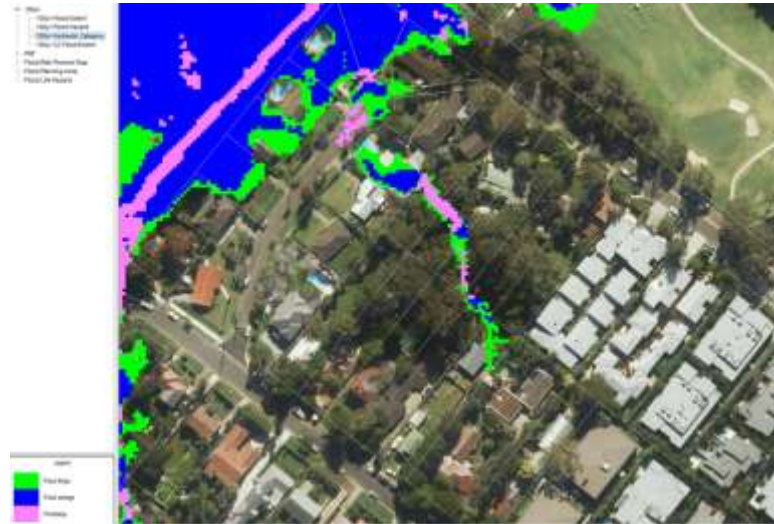
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	<p>ahead of the completion of such studies and without the demonstrable strategic need for additional housing in this location.</p> <p>Further, the proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zone R2 land (or other land across LGA with similar characteristics and attributes). Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners to consider rezoning under the same premises.</p> <p>Having regard for the above, it is recommended that the proponent wait for the Housing Strategy to be released as this will provide clarity about where additional growth might occur.</p>
Referral Body	Comments
Stormwater, Floodplain Engineering	<p>The Proposal must show compliance with the Flood Prone Land (4.3) Direction of the Local Planning Directions under Section 9.1(2) of the Environmental Planning and Assessment Act 1979.</p> <p>Under this directions, the following applies:</p> <p><i>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</i></p> <p><i>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</i></p> <p><i>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</i></p> <p><i>(a) permit development in floodway areas,</i></p> <p><i>(b) permit development that will result in significant flood impacts to other properties,</i></p> <p><i>(c) permit a significant increase in the development of that land,</i></p> <p><i>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</i></p> <p><i>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</i></p> <p><i>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-</i></p>

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General (or an officer of the Department nominated by the Director-General).

(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General)

Below shows floodways mapped in pink ((McCarrs Cr, Mona Vale and Bayview Flood Study, 2017).



Flood planning area is below in blue (McCarrs Cr, Mona Vale and Bayview Flood Study, 2017).



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With regard to this Planning Direction, given that the proposal would permit a significant increase in the development of floodprone land, the applicant must demonstrate that the cumulative impact of the development will not affect surrounding areas.

The planning proposal has the potential to set a precedent for adjoining properties to upzone without the benefit of a wider housing review or the impacts to flood prone land to the northwest of the subject site.

An overland flow path traverses the site and it is located in the medium and low flood risk precincts as demonstrated in the McCarrs Creek, Mona Vale and Bayview Flood Study, 2017. Any future Planning Proposal for the site would need to provide:

- A comprehensive Flood Risk Assessment which includes:
 - 2D flood modelling of the existing flood regime for a range of design flood events up to and including the Probable Maximum Flood event
 - Flood modelling of the post construction scenario for the same design flood events up to and including the Probable Maximum Flood event



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	<ul style="list-style-type: none">○ Afflux mapping to demonstrate the impact of the development on the flood regime, including the impact on flood depths and velocities○ Consideration of the potential for blockage and how this will be mitigated○ Determination of the required Flood Planning Level and resultant minimum floor level requirements for future development.○ An assessment of the flood risk to life associated with the development including appropriate flood emergency response planning○ Detail of any required civil works to mitigate flood risk○ Commentary on the consistency of the proposal with Section 9.1 Direction 4.3 Flood Prone Land• Council is supportive of opportunities to minimise flood risk to private property and divert this flow to Darley Street provided that it does not impact the trafficability of the roadway in flood events.• The Proposal would need to outline how any future Development Application on the site could comply with Council's Local Environmental Plan and Development Control Plan provisions for flood prone land.
Referral Body	Comments
Transport Network	<ul style="list-style-type: none">• All access would be through Darley Street (West) and comply with AS2890 for the classification of the car parking provided.• Onsite parking is to comply with the DCP and AS 2890 requirements• As the site will result in an intensification there is the need to potentially provide tactile traffic calming in a minimum of two locations along the Darley Street corridor.• Applicant is to consider Active Transport provision and pedestrian and other connections from/to the Mona Vale Town Centre• The applicant should also consider provision of electric vehicle infrastructure in any future development application.

Concluding Comments
<p>These notes are in response to a pre-lodgement meeting held on 9 September 2020 to discuss a Planning Proposal at 159-167 Darley Street West, Mona Vale.</p> <p>The submitted documents have not adequately established site specific or strategic merit in relation to district and local planning documents. Council acknowledges that the imminent Housing Strategy as well as Northern Beaches LEP have not been completed and therefore cannot be considered as part of this prelodgement.</p>



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Concluding Comments
Other concerns that must be considered include: permitted uses under the R3 zoning that are not appropriate or desirable at the proposed location; and inconsistency with Local Planning Direction 4.3 Flood Prone Land.