



DATE OF DECISION	7 September 2022
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, Annelise Tuor, Graham Brown
APOLOGIES	Julie Savet Ward
DECLARATIONS OF INTEREST	Brian Kirk withdrew as he had participated in related Local Planning Panel meetings at Northern Beaches Council

REZONING REVIEW

RR-2021-104 – NORTHERN BEACHES - PP-2021-7404 AT 159-167 DARLEY STREET WEST, MONA VALE (AS DESCRIBED IN SCHEDULE 1).

The rezoning review request was made by Macroplan on behalf of Intrec Management Pty Ltd and seeks to amend the Pittwater Local Environmental Plan 2014 to:

- Rezone properties 159-167 Darley Street West, Mona Vale from R2 Low Density Residential to R3 Medium Density Residential to facilitate the redevelopment of these sites for medium density residential housing, and
- Amend clause 4.5A of the PLEP 2014 to remove its applicability to the subject site to provide a diversity and mix of housing.

Reason for Review:

- The council has notified the proponent that the request to prepare a planning proposal has not been supported
- The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:





- should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- should not** be submitted for a Gateway determination because the proposal has
 - not demonstrated strategic merit
 - has demonstrated strategic merit but not site-specific merit

The Panel's decision was unanimous.

The Panel met in April 2022 and again in September 2022 to consider the Request for Rezoning. At the April meeting, the Panel deferred a decision to allow time to obtain further information from Council and the Proponent. In the case of the Proponent, the Panel sought advice on Affordable Housing intentions and the additional information was provided in May. In relation to information from Council, at the April meeting the Panel understood Council was finalising the Mona Vale Place Plan Review and the result may be available in late May / early June 2022. However, by the date of the Panel's September meeting, the results of the Council Review were not yet available and not expected till October at the earliest.

The Panel unanimously resolved that the Planning Proposal demonstrated Strategic Merit and Site-Specific Merit. The Panel considered that the proposal's strategic merit included being consistent with the

relevant District Plan, LSPS and LHS and notably the provision of affordable housing. Further, in respect of both strategic and site-specific merit, the Panel noted that, not only is the remainder of Darley St West zoned R3 but that it is also development consistent with that zone. The only remaining lots not so zoned or developed form the subject site. The Panel also noted that its site-specific merit included satisfaction of flooding constraints. It resolved that prior to proceeding to Gateway Determination the Proponent should work with the Department and Council to resolve an appropriate Affordable Housing mix consistent with the North District Plan and address any flooding constraints of the site.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Annelise Tuor	 Graham Brown

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2021-104 - NORTHERN BEACHES – PP-2021-7404 AT 159-167 DARLEY STREET WEST, MONA VALE
2	LEP TO BE AMENDED	Pittwater Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	The proposal seeks to rezone 159-167 Darley Street West, Mona Vale, from R2 Low Density Residential to R3 Medium Density Residential and to amend clause 4.5A of the Pittwater Local Environmental Plan 2014 to remove maximum dwelling density requirements for the site.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspection: has been curtailed due to COVID-19. Panel members to undertake site inspections individually. • Briefing with Department of Planning and Environment (DPE): 13 April 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Julie Savet Ward, Graham Brown and Annelise Tuor ○ DPE staff in attendance: Luke Johnson and Brendan Metcalfe ○ Key issues discussed • Briefing with Council: 13 April 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Julie Savet Ward, Graham Brown and Annelise Tuor ○ DPE staff in attendance: Luke Johnson and Brendan Metcalfe ○ Council representatives in attendance: Neil Cocks • Briefing with Proponent: 13 April 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Julie Savet Ward, Graham Brown and Annelise Tuor ○ DPE staff in attendance: Luke Johnson and Brendan Metcalfe ○ Proponent representatives in attendance: Andrew Thurlow, Brendan Nelson, Gary White ○ Papers were circulated electronically on 30 March 2022. • Final Briefing: 7 September 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Sue Francis, Graham Brown and Annelise Tuor ○ DPE staff in attendance: Luke Johnson, Brendan Metcalfe and Lauren Templeman ○ Proponent representatives in attendance: Andrew Thurlow, Brendan Nelson, Gary White ○ Papers were circulated electronically on 31 March 2022.