

Summary of Submissions

PP-2021-7404



Issue	Issues Raised	Proponent Response	Planning Proposal Authority Response
Community and proponent submissions – 31 unique community submissions and 1 proponent submission			
<p>Biodiversity (8 out of 34 – 24%)</p>	<p>The proposal will likely result in a significant loss of a number of mature trees which provide significant canopy coverage and habitat for endangered species.</p> <p>It is unclear how the endangered vegetation will be protected in the future. The planning proposal should propose measures to ensure threatened and endangered species is preserved on site.</p>	<p>Future development will remove approximately 0.24 hectares of largely exotic dominated habitat.</p> <p>The Preliminary Ecology Assessments prepared by Cumberland Ecology identify 0.19 hectares of degraded Pittwater Spotted Gum forest (plant type community 1214) on site. This plant type has been decommissioned, however is consistent with Pittwater and Wagstaffe Spotted gum Forest (PWSGF) (plant type community 3234) which is listed as endangered under the <i>Biodiversity Conservation Act 2016</i>.</p> <p>The endangered forest within the site is highly degraded and offers minimal habitat to native flora and fauna.</p> <p>The remainder of the site comprises:</p>	<p>The Planning Proposal Authority (PPA) team notes the communities' concerns raised around the potential impact on the endangered vegetation located on site.</p> <p>The PPA team notes that the proponent has submitted several revisions to the Ecology Assessments prepared by Cumberland Ecology that was placed on exhibition. The PPA team has reviewed all of these documents and considers that these assessments, particularly the Tests of Significance, and are satisfied that they provide adequate information to progress the Planning Proposal to finalisation.</p> <p>It is acknowledged that the proposal will result in the loss of some existing vegetation on site, including 0.09ha of PWSGF. The vegetation identified to be removed</p>

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		<ul style="list-style-type: none"> • 0.04 hectares of planted native vegetation • 0.17 hectares of exotic vegetation • 0.05 hectares of exotic dominated grassland • 0.17 hectares of cleared land <p>The future development is likely to result in impacts to:</p> <ul style="list-style-type: none"> • 0.09 hectares of Pittwater Spotted Gum Forest • 0.04 hectares of Planted Native Vegetation • 0.11 hectares of Exotic Vegetation • 0.04 hectares of Exotic Dominated Grassland <p>The test of significance indicates that a significant impact is unlikely to occur based on the indicative footprint of the likely future development. Therefore, issues relating to threatened species and ecological communities are</p>	<p>includes clusters within the centre of the site and towards Darley Street. It is noted these clusters of the PWSGF would likely be impacted if the site was redeveloped in accordance with the existing controls that apply to the site under the Pittwater Local Environmental Plan (PLEP) 2012.</p> <p>The concept proposal provides that a 0.12ha 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. The location of this area provides connectivity to the native vegetation within the adjacent properties to the south.</p> <p>The Biodiversity Conservation and Science Group (BCS) has recommended a site-specific development control plan for the</p>

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		<p>manageable and not significant and can be addressed as part of a future development application</p>	<p>site and the preparation of a Vegetation Management Plan to address these impacts.</p> <p>Although it is considered that the ecological values at the site can be suitable managed at the development application stage, certainty is needed at the planning proposal stage to ensure all impacts on these communities are minimised and avoided. Therefore, it is recommended the following changes are made to the planning proposal:</p> <ul style="list-style-type: none"> • Inclusion of the site on the PLEP 2014 Biodiversity Map, • Inclusion of a local clause, or similar mechanism, requiring the preparation of a site-specific Development Control Plan, prior to development consent being issued, which includes: <ul style="list-style-type: none"> ○ includes objectives and controls to protect,

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			<p>rehabilitate and conserve the site.</p> <ul style="list-style-type: none"> requires preparation of a Vegetation Management Plan which restricts development on the southern portion of the site where the vulnerable, endangered or critically endangered species are predominantly located. <p>Subject to the above changes, the PPA team is satisfied that the issues relating to biodiversity have been sufficiently addressed and do not prevent the proposal from progressing to finalisation.</p>
<p>Flooding (13 out of 34–38%)</p>	<p>The development proposes to cover most of the site with hard stand surfaces. This will cause increased run-off and flooding issues and potentially exacerbate the unpleasant smells emanating from the sewerage tank on Darley Street (which is an existing issue).</p>	<p>Lyall & Associates were engaged to undertake a peer review of the flooding and drainage related documents exhibited with the planning proposal.</p> <p>The peer review includes an assessment of the planning proposal against flooding and stormwater drainage related</p>	<p>The PPA team notes that the proponent has submitted a Stormwater Management Strategy and have provided a peer review of this strategy as part of their response to submissions.</p> <p>The PPA team has reviewed both of these documents and considers</p>

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	<p>The subject site is affected by Low Risk and Medium Risk flood hazards in accordance with Northern Beaches Council’s Flood Hazard Map, adopted in 2019. The Stormwater Management Report refers to overland flow paths extending to Darley Street West stormwater system but there is no mention of the impact on the creek system bordering the Bayview Golf Course and the properties on the lower side of Kunari Place.</p> <p>The proposal has not considered the potential impacts on Bayview Golf Course. The stormwater strategy relies on diverging the increased overland flow water towards the Darley Street Road Reserve and onto Bayview Gold Course. The Club has made significant improvements to its drainage and irrigation which could be undermined by additional</p>	<p>submissions and appropriate actions/recommendations. The proponent accepts the recommendations to improve the existing stormwater drainage and will address these recommendations as part of a future development application.</p> <p>With regard to Direction 4.1 – flooding, the peer review concludes the planning proposal is generally consistent with the requirements of Direction 4.1 – Flooding, and that any inconsistency would be of minor nature and therefore able to be addressed and assessed as part of a future Development Application.</p> <p>In summary, the peer review recommends the planning proposal is approved subject to a future development application making a number of adjustments to the flooding and stormwater strategy.</p>	<p>that they generally address compliance with Direction 4.1 and the flooding and drainage issues raised within the public submissions.</p> <p>The PPA team agree that some issues raised in submissions around flooding and drainage can be satisfactorily resolved at the DA stage through the implementation of the peer review recommended actions</p> <p>Although some matters can be addressed at DA stage, the PPA team have identified some technical matters, flood modelling details, which are more appropriately dealt with at the planning proposal stage.</p> <p>Both the Stormwater Management Strategy and the Lyall & Associates work both address the potential flood hazard on site through depth and velocity results at point locations across the Site. They have also provided maps to visually</p>

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	<p>uncontrolled stormwater inundating the site.</p> <p>The planning proposal is inconsistent with Direction 4.1 – Flooding.</p>		<p>show this data, however have not provided flood hazard classification maps for existing and post development scenarios to visually show these hazards. Although the PPA team agrees with both the Proponent and BCS conclusion that flood hazard on site is relatively low, these maps are needed to support these conclusions. BCS has requested this work be undertaken in all of their submissions.</p> <p>The PPA team recommend that prior to proceeding to finalisation, flood hazard vulnerability classification maps for existing and post development scenarios, are provided to the Department.</p> <p>Subject to the above mapping being provided, the PPA team is satisfied that the issues relating to flooding and storm water have been sufficiently addressed and do not</p>

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<p>Strategic merit (14 out of 34 – 41%)</p>	<p>The Planning Proposal is inconsistent with the broader strategic intent of the location and does not align with relevant directions, guidelines and objectives within State and local government documents.</p> <p>The proposal has already been rejected by the Northern Beaches Council on two separate occasions and therefore does not align with previous Council decisions.</p> <p>The gateway determination undermines the strategic planning undertaken by Council and their communication and collaborate with the local community to gain support for their local strategic planning documents.</p>	<p>The proposal is consistent with the Greater Sydney Region Plan and North District Plan – Greater Cities Commission confirm this within the submission.</p> <p>The Northern Beaches Local Housing Strategy (LHS) was approved on 16 December 2021. Whilst approved, it is noted the Department applied 13 conditions to the approval of the LHS which required significant amendments to achieve alignment with the North District Plan. Council have not revised the LHS despite an amended LHS being required by the Department.</p> <p>The final draft Northern Beaches Local Housing Strategy (noting it was finalised on 16 December 2023)</p>	<p>prevent the proposal from progressing to finalisation.</p> <p>The Sydney North Planning Panel (the Panel) have previously determined that the planning proposal demonstrated strategic and site-specific merit.</p> <p>Further to the Panel’s decision, the Gateway Determination report issued by the Department in September 2023 identifies the proposal:</p> <ul style="list-style-type: none"> • has strategic merit as it is consistent with the Region Plan, District Plan, Local Strategic Planning Statement and LHS. • has site specific merit as it is within an existing residential area adjoining R3 Medium Density Residential zoned land containing medium density housing.

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			<ul style="list-style-type: none"> Will have position social impacts by delivering housing diversity, choice and affordable housing. <p>The PPA team agree with the previous Panel and Department positions in that the proposal does have strategic merit and therefore is satisfied that there are no strategic issues which preclude the proposal from proceeding to finalisation.</p>
<p>Density and built form (9 out of 34 – 26%)</p>	<p>The proposed development is out of character with the surrounding streetscape.</p> <p>It is not correct to state that the redevelopment of the site is consistent with other housing developments in the street given two apartment buildings of 38 apartments over four blocks have much higher density than other sites in the street.</p> <p>The proposal has a bulk and scale that is not sympathetic to the</p>	<p>The proponent disagrees as the proposed zoning is consistent with the remainder of Darley Street West and the proposed development detailed in the proposal is entirely consistent with the existing built form in the area.</p> <p>Density limits in the PLEP 2014 have significantly contributed to a lack of housing diversity and affordability in the area.</p>	<p>The development concept consists of two 2-storey residential flat buildings and three 2-storey townhouses to the north, to transition with the lower density development at Kunari Place. This is consistent in scale and the streetscape character of Darley Street West which is largely characterised by 2 storey medium density development.</p> <p>The PPA teams is satisfied that the proposed rezoning and scale of the</p>

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	<p>surrounding development types that consist of apartments and townhouses abiding by the Council density limits.</p>		<p>development will be consistent with the surrounding character. The bulk and scale of the development will be further refined as part of a future development application.</p> <p>The PPA team is satisfied that the issues raised surrounding density and built form do not prevent the proposal from proceeding to finalisation.</p>
<p>Traffic 22 out of 34 – 65%</p>	<p><u>Congestion</u> Concern is raised on the impact on the intersection of Darley Road West and Pittwater Road. The existing intersection is a significant hazard and an increase in the number of vehicles as a result of the development will only make it become more dangerous.</p> <p>The findings of the Traffic Impact Assessment are biased and unrealistic. It is speculative to premise that residents in the proposed dwellings will only have</p>	<p><u>Congestion</u> The proponent disagrees as the Traffic Impact Assessment included supporting the proposal 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</p>	<p>The PPA team agrees with the conclusions of the Traffic Impact Assessment that the proposal will result in negligible impacts on the existing levels of congestion and surrounding intersection.</p> <p>Transport for NSW (TfNSW) was consulted as part of the exhibition and raised no concern with the potential traffic generated from the redevelopment of the site.</p> <p>On street parking is a matter regulated by Council and can be further considered as the</p>

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	<p>0.65 vehicles per dwelling, especially when two-three bedroom units are proposed. Further, the traffic survey was completed at a time which does not accurately reflect the site's current volumes as it was prepared during Covid-19 when moving restrictions were in place.</p> <p><u>On street parking</u></p> <p>The proposal will result in a general loss of on-street parking availability and increase competition for parking spaces in a street already lacking sufficient spaces.</p> <p>Numerous submissions identified that there is existing difficulty for residents to safely exit their garages/driveways onto Darley Street West due to the presence of parked vehicles located immediately adjacent to either side of their exit driveway. The</p>	<p>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>Should issues arise in the future, minor adjustments to the operations of the intersection could be made by Council to facilitate a right turn arrow.</p> <p><u>On street parking</u></p> <p>Existing on street parking arrangements are regulated by the Council. Mona Vale on street parking is currently being assessed as part of the Mona Vale Place Plan.</p> <p><u>Public transport</u></p> <p>The site is within 400m (approximate) of the nearest bus stop.</p>	<p>development application stage. Any future development application will need to be compliant with the applicable Development Control Plan car parking rates.</p> <p>The PPA team is satisfied that the issues raised surrounding traffic and transport have been addressed by the proponent. These issues do not prevent the proposal from proceeding to finalisation.</p>

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	<p>submissions note that the proposal will only exacerbate this issue.</p> <p><u>Public transport</u></p> <p>The Traffic Impact Assessment identifies numerous bus stops within 800m of the site, however, these services are rarely used. The main commuter bus services, including the B1 to the city and 199 to Warringah Mall and Manly, are located well outside the 800m radius.</p> <p>The sites location on a steep hill makes the walk to B1 bus stop untenable for many meaning there will be further parking impacts as residents will not walk.</p>	<p>The 156 bus service on Pittwater Road (400m from the site) connects to the B-Line bus service on Barrenjoey Road and the B-Line bus service is 938m (15 minute walk from the site).</p>	
<p>Privacy (2 out of 34 – 6%)</p>	<p>Residences at Kunari Place and Park Street will suffer from potential visual impacts from the proposed development. Kunari Place 4-12 will likely see a significant reduced level of privacy.</p>	<p>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</p>	<p>The planning proposal does not seek to increase the building height or floor space ratio (FSR) controls for the site.</p> <p>The concept plan supporting the proposal consists of two 2-storey residential flat buildings and three</p>

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	<p>There are inadequate details of any privacy screening between the development and the existing property is provided in the planning proposal.</p>	<p>addresses privacy in section C1.5 of the Pittwater 21 DCP.</p>	<p>2-storey townhouses to the north, to transition with the lower density development at Kunari Place. This is consistent in scale and the streetscape character of Darley Street West which is largely characterised by 2 storey medium density development.</p> <p>The concept plan will be subject to future refinement and development as part of any future development application. At this stage, the proposal will need to address any potential privacy impacts resulting from the proposed built form.</p> <p>The PPA team is satisfied that the issues raised surrounding privacy have been adequately addressed and do not prevent the proposal from proceeding to finalisation.</p>
<p>Affordable housing (6 out of 34 – 18%)</p>	<p>The development is unlikely to attract key workers based on the median prices of units within the area.</p>	<p>The proposal seeks to deliver affordable housing through housing diversity, an approach not currently permitted under the PLEP 2014. The current controls cater to the</p>	<p>The PPA team notes the proponent made a submission during the exhibition period specifically in relation to the affordable housing contribution rate, as proposed in</p>

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	<p>The submissions note the planning proposals affordable housing contribution history, as follows :</p> <ul style="list-style-type: none"> The original proposal included an offer from the applicant to enter into a voluntary planning agreement and provide affordable housing at a rate of 2.085% of the investment value (\$1,122,627). The Gateway Determination dated 8 September conditioned that the planning proposal be exhibited with an affordable housing rate of 5%. The exhibited Planning proposal proposed an affordable housing contribution equivalent to 5% of the new residential floor space with the contribution subject to viability testing. <p>The submissions do not support proposed viability testing as any reduction in the contribution will have an adverse impact on</p>	<p>provision of large unaffordable dwellings rather than a mix of dwelling sizes.</p> <p>The proponent also seeks to make a financial contribution towards affordable housing of 5% of new Gross Floor Area subject to viability which is consistent with the North District Plan.</p> <p>The inclusion of ‘viability’ within the PLEP 2014 clause is consistent with page 45 of the North District Plan that <i>‘affordable rental housing targets that are generally in the range of 5-10 per cent or new residential floor space are subject to viability’</i> and precent Local Environmental Plans such as the <i>Penrith Local Environmental Plan 2010</i>. It will also avoid the need for an amendment to the PLEP 2014 should the nominated rate not be viable at the time a future development application is lodged.</p>	<p>the proposal. It is also noted that both Council and the proponent have prepared feasibilities studies supporting different rates (2.085% and 6.4%).</p> <p>Following public exhibition, the PPA team engaged Atlas Economics to undertake a peer review of the Affordable Housing Viability Assessments (undertaken pre-exhibition) prepared by Marco Plan on behalf of the proponent and Hill PDA on behalf of Council. Atlas’s view is that 5% of the overall 41 dwellings is a viable affordable housing contribution.</p> <p>In regards to the wording of the affordable housing clause, this will be undertaken at the LEP drafting stage (should the proposal be supported to proceed to finalisation). It is noted that the proponent’s preference is that any affordable housing clause is linked to viability to allow any</p>

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	<p>affordable housing within the Northern Beaches Local Government Area.</p>	<p>The proponent emphasises project viability cannot be determined at the rezoning stage given the passage of time that will follow between the land being rezoned and the development application being lodged and determined.</p>	<p>development to respond to changes in project viability over time.</p> <p>The Northern Beaches Council currently has an Affordable Housing Contributions Scheme. The scheme’s objectives are to set out how, why, where and at what rate development contributions can be collected for the purpose of affordable housing. The scheme sets a fixed rate, not subject to viability, for the collection of contributions for a given site. Should the proposal be supported to proceed to finalisation, the Council would need to amend the Affordable Housing Contributions Scheme to identify the site and set a fixed rate for the proposal.</p> <p>The PPA team supports Atlas’s recommendation of 5% and therefore do not recommend the rate be changed.</p> <p>The PPA team is satisfied that the issues raised relating to affordable</p>

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			housing contributions have been adequately addressed and do not prevent the proposal from proceeding to finalisation.