



Planning Direction Pty. Ltd.
Town Planning & Development Services

PLANNING PROPOSAL

No 15-17 Mona Street, Mona Vale

Proposed Rezoning of part of the subject site from SP2 to R2 Low Density Residential to enable a Proposed 5 Lot Subdivision creating 4 Residential lots and One residue Open Space lot

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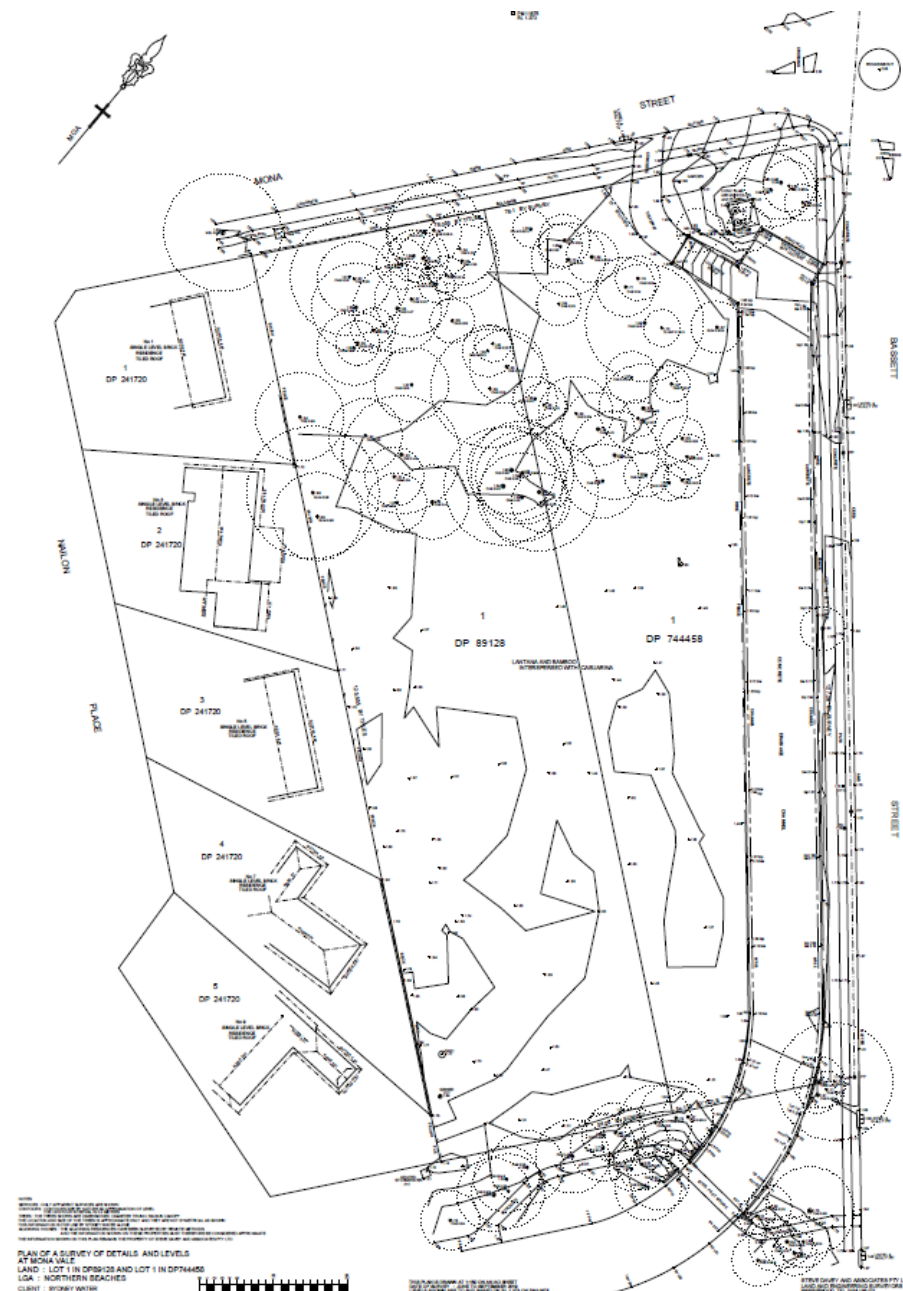
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1.0 INTRODUCTION AND BACKGROUND

The planning proposal relates to a property owned by Sydney Water known as No 15-17 Mona Street, Mona Vale (Lot 100 in DP 1273408, being a recent consolidation of Lots 1 in DP 89128 and Lot 1 in DP 744458).

The purpose of the planning proposal is to facilitate the redevelopment of part of the subject land to permit the creation of four (4) residential lots at the north-western part of the subject site and retain a fifth residue lot to the south as a parkland vegetation pocket.



Copy of the survey plan of the subject site

Currently the subject site is vacant of built form but contains established vegetation and a concrete stormwater channel running along the eastern and southern boundaries of the site.

The applicant has undertaken a detailed site investigation and has formed the opinion that the north-western portion of the site fronting Mona Street retains development potential for the creation of 4 residential lots. Accordingly, the applicant proposes to rezone the north-western portion of the subject site to R2 Low Density Residential under the Pittwater Local Environmental Plan 2014. The remainder of the subject site – proposed lot 5 is to remain zoned SP2 Water Supply System. Proposed Lot 5 will retain the more significant vegetation on-site in an embellished and maintained environment.

The applicant attended a pre-lodgement meeting with Northern Beaches Council on the 2nd September 2021.

A summary of Council's matters raised is provided below:

Biodiversity Planning Controls

The following biodiversity planning controls, legislation and guidelines apply to the subject lots, and the information submitted to Council as part of any future rezoning/development application must address the requirements below as a minimum:

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)*
- *NSW Biodiversity Conservation Act 2016 (BC Act 2016) and associated regulations including the Biodiversity Conservation Regulation 2017*
- *Pittwater 21 DCP 2014 cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor*
- *State Environmental Planning Policy (Coastal Management) 2018 cl. 13 Development on land within the coastal environment area.*

Flooding

The proposed residential lots appear to be located within the H3 & H4 Flood Life Hazard Category. The flood report states that during large rainfall events, residents would evacuate to Mona Street. Council would likely not accept this as the evacuation route is not flood free above the PMF level. As such, new development must provide a shelter in place refuge.

If the property is affected by a Flood Life Hazard Category of H3 or higher, then Control E1 applies, and a Flood Emergency Assessment must be included in the Flood Management Report.

Contamination report

The land could be contaminated due to past agricultural uses on the land and potential site history of dumping and therefore a contamination report is required to accompany any planning proposal.

Traffic Report

A Traffic Report, prepared by a qualified traffic consultant/engineer will be required.

An indicative subdivision plan has been prepared to illustrate the proposal.

This planning report should be considered in conjunction with the following documents:

- Survey plan prepared by *Steve Davey and Associates Pty Ltd* dated June to September 2019;
- The concept subdivision plan prepared by *RJ Architects*.
- The traffic and parking impact assessment report prepared by *Traffic Solutions*.
- The detailed site investigation (contamination) report prepared by *Sydney Water*.
- Site audit statement prepared by *NSW EPA*.
- A Flood report prepared by *Zait Engineering Solutions Pty Ltd*.
- A concept Stormwater design prepared by *Zait Engineering Solutions Pty Ltd*.
- Preliminary Biodiversity assessment report prepared by *Alison Hunt and Associates*.
- Addendum Ecology Report prepared by *Narla Environmental Pty Ltd*.
- A Geotechnical report prepared by *Alliance geotechnical & environmental solutions*.
- Acid Sulfate Soils Investigation report prepared by *Alliance geotechnical & environmental solutions*.

2.0 OBJECTIVES, INTENDED OUTCOME AND EXPLANATION OF PROVISIONS

PART 1- OBJECTIVE

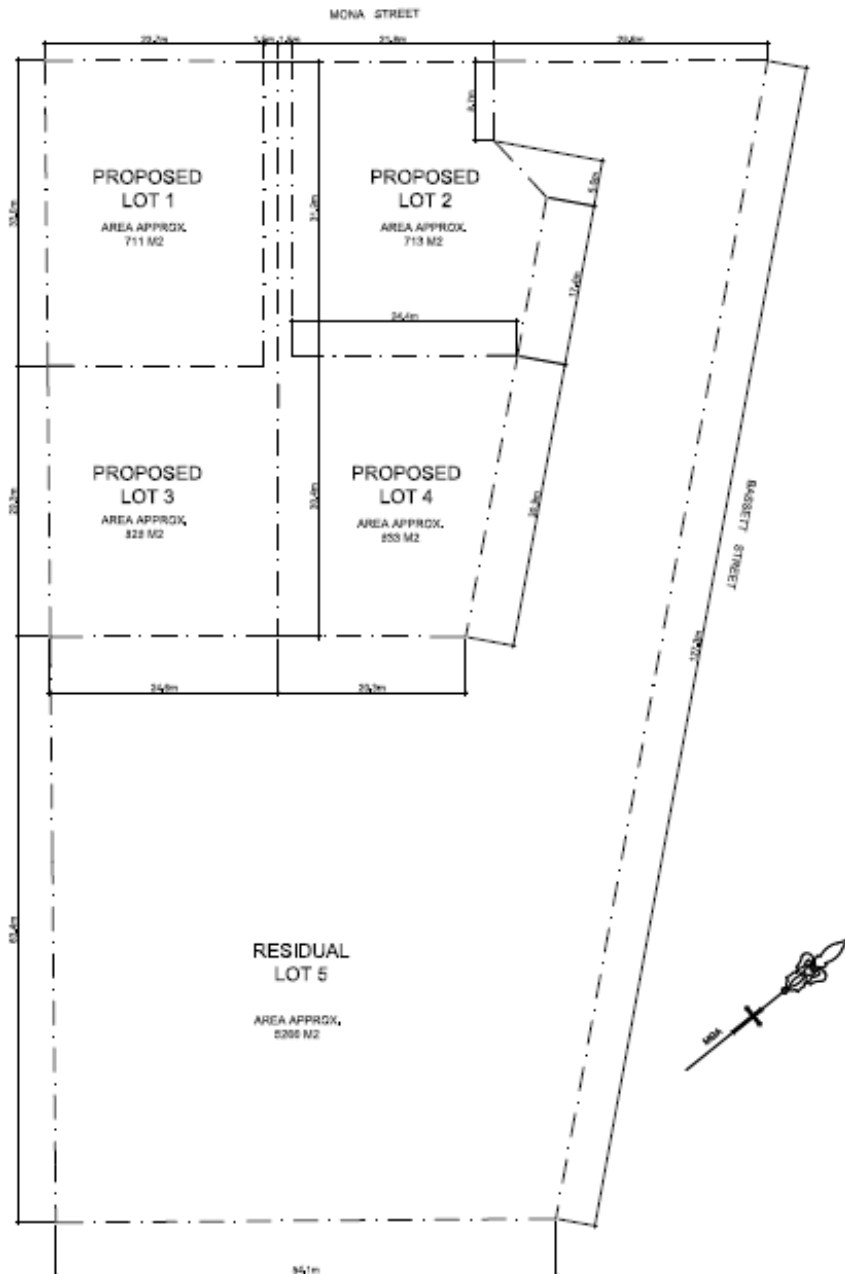
The objective of the planning proposal is to amend the provisions of governing LEP to facilitate the redevelopment of part of No 15-17 Mona Street, Mona Vale, to permit low density residential housing on the north-western portion of the subject site.

In particular, the applicant seeks to amend the Pittwater Local Environmental Plan 2014 as follows:

Rezoning of the north-western portion of the site from SP2 Infrastructure - Water Supply System to R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and retain the SP2 Infrastructure - Water Supply System zone over the remaining southern portion of the subject site as indicated below:



Proposed zoning of the subject site



Proposed plan of subdivision

PART 2- EXPLANATION OF PROVISIONS

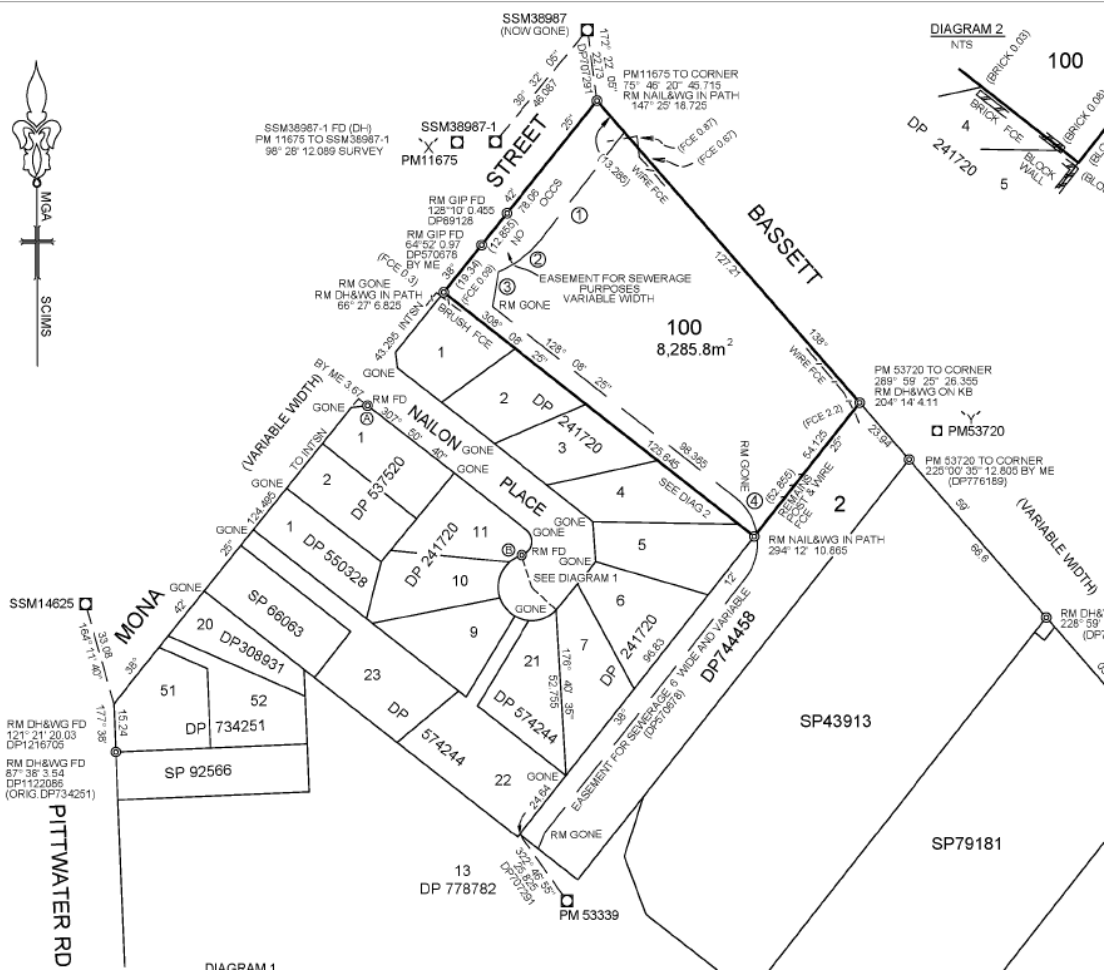
The objective of the planning proposal will be achieved by:

1. Amending the PLEP 'Zoning Map' to include an R2 Low Density Zone over the north-western portion of the site.
2. Amending the PLEP 'Lot size Map' to include a reference to a minimum lot size – Q – 700sqm applying to the north-western portion of the site so as to control the lot size applying to the site.

3.0 PART 3: JUSTIFICATION

3.1 DESCRIPTION OF THE SUBJECT SITE

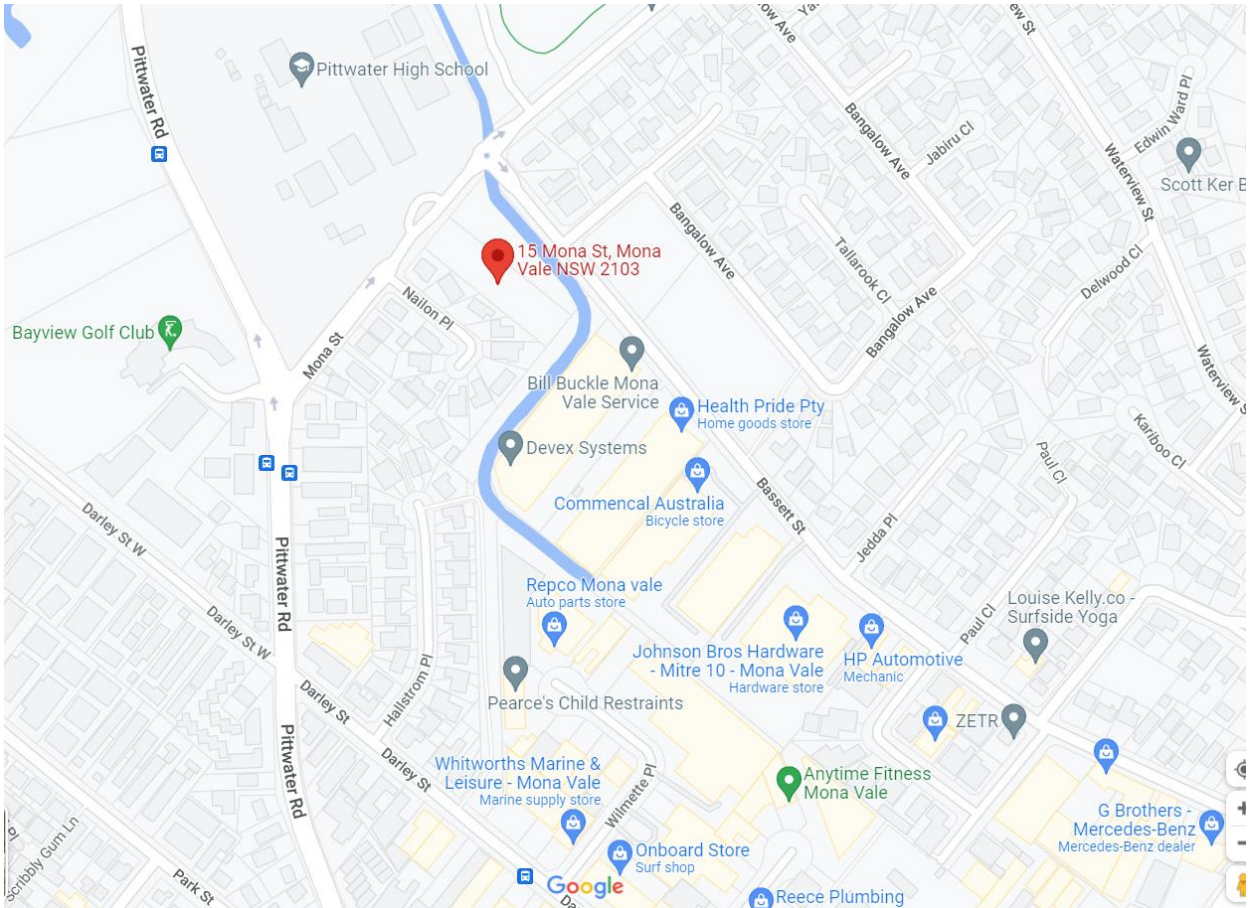
Street Address: No 15-17 Mona Street, Mona Vale
Local Government Area: Northern Beaches Council
Real Property Description: Lot 100 in DP 1273408



Copy of the recently created deposited plan for the subject site

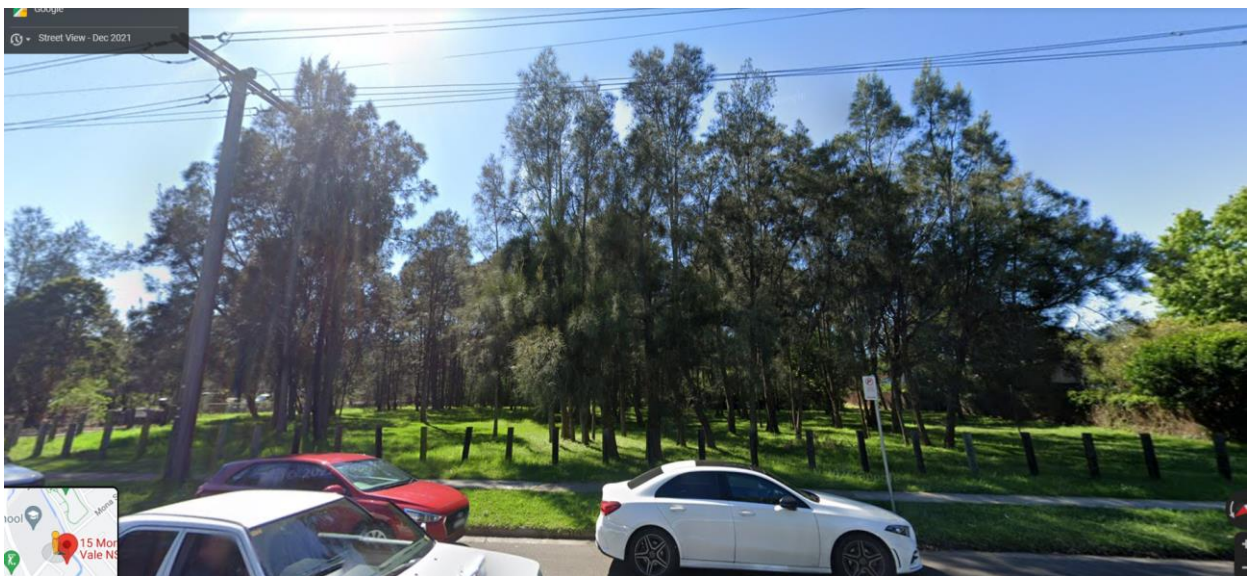
The subject site is located to the north-west of an industrial precinct and approximately 500m north-west of the Mona Vale town centre.

The more immediate neighbourhood comprises of detached housing, a school and parkland. The subject site benefits from strong location characteristics being within walking distance to employment, open space and shopping opportunities. Public transport is also available via a regular bus service running along Pittwater Road, with bus stops within walking distance of the site.



Locality Plan

The subject site has a total land area **8,285.8sqm** and has a regular configuration. Improvements on the subject site include the drainage channel, fencing and vegetated land.



Subject Site – Mona Street frontage (source Six Maps)



Subject Site – Bassett Street frontage

3.1.1 DESCRIPTION OF SURROUNDING PROPERTIES

Adjoining the subject site to the west are 5 residential properties fronting Nailon Place. These residential properties back onto the subject site maintaining a rear setback to the subject site. Of the 5 adjoining properties, only 3 properties back onto the land proposed to be zoned R2 Low Density Residential.



View of Nailon Place properties backing onto the subject site

Of note is that these adjoining properties in Nailon Place are zoned R2 Low Density Residential under the Pittwater LEP 2014 and have similar site affectation in terms of flooding, acid sulfate categorization and biodiversity mapping. The properties in Nailon Place appear to be in good condition and conducive to residential occupation offering high levels of amenity.



View of the frontage of the Nailon Place properties which back onto the subject site

There are no other adjoining properties of the subject site, which are in proximity of the proposed residential development or which will be directly affected by the proposal.



Directly opposite the subject site in Mona Street is the local school

Sight lines along Mona Street are direct and unimpeded.

To assist with managing traffic movements from the site, the proposed 4 residential lots will be serviced by a single driveway crossing to Mona Street.

3.2 THE SITE LOCATION CHARACTERISTICS

3.2.1 Public Transport Access

The subject site is approximately 230m from bus stops (both directions) located on Pittwater Road situated near the entrance to Bayview Golf Club. The current bus services provide frequent connection between the Mona Vale town centre and major employment and education destinations including the Dee Why town centre, Warringah Mall, Frenches Forest, Manly and other localities.

3.2.2 Retail services

Local convenience retail services and larger retail outlets including supermarkets are located at Mona Vale and surrounding localities.

3.2.3 Open space and recreation

Existing 'local' open space is located:

- Directly opposite site along Bassett Street is Bangalow Park to the east and Bayview Golf course to the west.

3.2.4 Vehicle access and local road capacity

The local road network supports a range of uses including residential, industrial and commercial/retail. The local road network benefits from connection to Pittwater Road to the west and Barrenjoey Road to the south-east.

There is ample capacity in the road network to accommodate 4 additional residential lots and there are sufficient on-street parking opportunities. No nearby residential properties will be adversely impacted by the inclusion of 4 additional lots in the locality given the generous setbacks for future dwellings from Mona Street and the western adjoining properties.

3.2.6 Pedestrian Routes

Primary pedestrian corridors run around the perimeter of the subject site and include walking paths through the site. A footpath and formal kerb and guttering exist across the frontages of the site in Mona Street and Bassett Street.

The applicant will also create a walking track within proposed Lot 5 around the vegetation to be retained on-site to assist with maintenance of the vegetation.

3.2.7 Heritage

The subject site is NOT identified as having heritage significance. There are no heritage listed properties adjoining or near the subject site.

The site is NOT located within a heritage conservation area.

3.3 THE EXISTING LOCAL PLANNING CONTROLS

3.3.1 Planning Overview

The subject site contains a large parcel of land which is underutilised and surplus to the operational needs of Sydney Water. Investigations undertaken by Sydney Water have identified an opportunity to excise a portion of the site to create 4 residential low density lots similar to properties in Nailon Place. The creation of the 4 residential lots will assist Sydney Water direct funds towards the upgrade of the remaining portion of the site and ensure its proper management in the future to the benefit of the surrounding locality.

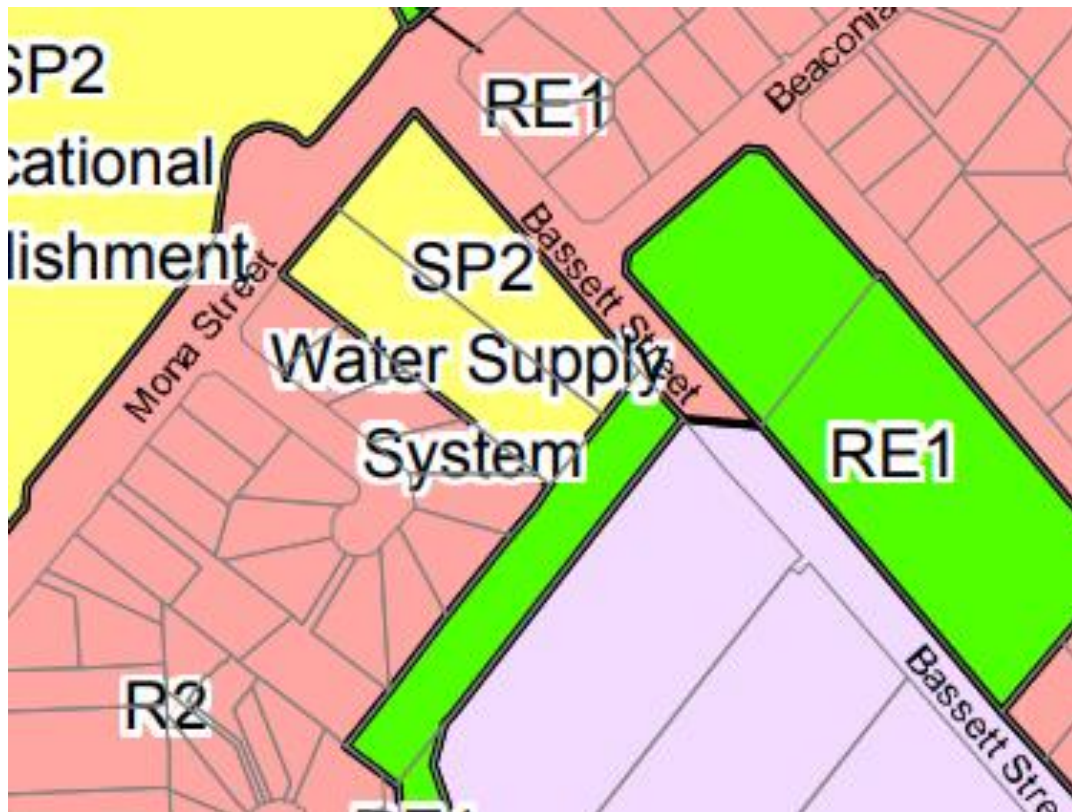
3.3.2 Current zoning and other planning controls

The subject site falls within Northern Beaches Council local government area and is subject to the provisions of Pittwater Local Environmental Plan (PLEP) 2014.

Zoning and Land Use

The subject land is zoned SP2 Infrastructure – Water Supply System under the Pittwater LEP 2014.

This planning proposal relates to the rezoning of the north-western portion of the subject site.



Extract from the zoning map

The current SP2 Infrastructure zone is specific and limited to the use of the site for a ‘water supply system’. The land use provisions for the zone are as follows:

Zone SP2 Infrastructure

1 Objectives of zone

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Building identification signs; Business identification signs; Environmental protection works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

Comment:

The existing zoning and identified purpose being 'water supply system' is in fact erroneous. Sydney Water owns the land however does not require the whole parcel of land for providing a 'water supply system'. The only infrastructure on the subject site is a concrete channel which simply conveys stormwater as it does throughout the local government area. Notably the proposed development of the site for low density residential purposes is prohibited under the current SP2 zoning.

A more appropriate zoning for the north-western portion of the site would be R2 Low Density Residential. The land use table for the R2 zone is as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low 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.*

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; 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; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals; Water recreation structures

Comment:

The proposed adoption of the R2 Low Density Residential zone provisions as proposed would be consistent with surrounding zoned land and will permit the subdivision and residential development of the north-western portion of the land.

Other Relevant Clauses of the Pittwater LEP 2014

4.2 Specific Clauses of the PLEP 2014

Clause 4.1 of the PLEP relates to Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,

(b) to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,

(c) to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,

(d) to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,

(e) to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,

(f) to maintain the existing function and character of rural areas and minimise fragmentation of rural land,

(g) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 1989.

Comment:

For the purposes of the planning proposal, it is proposed to adopt the existing minimum Lot size of 700sqm as applies to surrounding R2 zoned land identified as 'Q'.

The subject site presently has no minimum lot size.

Clause 4.3 of the PLEP relates to Height of Buildings

Comment:

A maximum building height of 8.5m applies to the site. Compliance can be achieved with the construction of 2 storey dwelling on the subject site.

Clause 4.4 of the PLEP relates to Floor Space Ratio

Comment:

There is no floor space ratio applicable to the subject site or applicable to nearby residential properties.

Clause 5.1 of the PLEP relates to Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note.

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be

so acquired, the authority designated or determined under those provisions).

Comment:

The subject site is not subject to acquisition.

Clause 5.10 of the PLEP relates to Heritage conservation

Note.

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Pittwater,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

The subject site is not heritage listed, is not in a conservation zone and is not identified as being a key site under the LEP.

Clause 7.1 of the PLEP relates to Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is Works required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class of land

- 1 *Any works.*
2 *Works below the natural ground surface. Works by which the watertable is likely to be lowered.*

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—

(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—

(a) the works involve the disturbance of less than 1 tonne of soil, and

(b) the works are not likely to lower the watertable.

Comment:

The subject site has a classification of 2 for acid sulphate soils. The proposed subdivision and future development will require minimal excavation. The only excavation works likely to be undertaken is associated with foundations and the provision of utility service connections.

It would appear that the classification has not affected the development of surrounding properties and as such can be reasonably addressed via appropriate site investigation, remediation and reporting. An acid sulfate assessment conducted by *Alliance geotechnical & environmental solutions* confirms that the subject site is suitable for residential use.

Clause 7.2 of the PLEP relates to Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

(4) In this clause— environmentally sensitive area has the same meaning as environmentally sensitive area for exempt or complying development in clause 3.3.

Comment:

Future earthworks will be limited to excavation for footings and utility service provision only. No issues arise in this regard.

Clause 7.3 of the PLEP relates to Flood planning

(1) The objectives of this clause are as follows—

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

(a) is compatible with the flood hazard of the land, and

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause—

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard, or other freeboard determined by an adopted floodplain risk management plan.

floodplain risk management plan has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in April 2005 by the NSW Government.

Comment:

The applicant has consulted with Council's engineers who have advised of the following:

- 1) Both lots are flood affected and subject to high and medium hazard flooding. (see attached map red high hazard and blue medium hazard)*
- 2) The open culvert is a Council asset and is the main drain servicing a large Mona vale catchment. It also has a trash rack which requires frequent maintenance. There is a access ramp to the culvert which is used to maintain and clean the culvert by Council. The access ramp needs to remain in place.*
- 3) Any proposed development needs to consider Councils Building over or Adjacent to Constructed Drainage Systems and Easements Technical specification.*
- 4) The open culvert cannot be built over.*
- 5) Any proposed development needs to address Councils DCP flood prone land controls (see below link) and for more specific information you can contact Duncan Howley Team leader Floodplain Planning and response – 99422381*
- 6) <https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PDCCP&hid=11829>*

Comment:

The proposed subdivision design suitably addresses the flooding consideration by providing vehicle access and building zones clear of the high hazard affectation.

In addition, consultant engineering investigation has been commissioned and the engineering plans and reports are available under separate cover.

It would appear that the subject site can be subdivided and developed on engineering grounds.

Clause 7.6 of the PLEP relates to Biodiversity

(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—

(a) protecting native fauna and flora, and

- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.*



Extract from the biodiversity map

Comment:

The subject site is not mapped as being subject to biodiversity considerations. Notwithstanding an ecological report has been prepared and peer reviewed as an addendum report. Both reports are submitted under separate cover.

Clause 7.7 of the LEP relates to **Geotechnical hazards**

- (1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—*
 - (a) matches the underlying geotechnical conditions of the land, and*
 - (b) is restricted on unsuitable land, and*
 - (c) does not endanger life or property.*
- (2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following*

matters to decide whether or not the development takes into account all geotechnical risks—

- (a) site layout, including access,*
 - (b) the development’s design and construction methods,*
 - (c) the amount of cut and fill that will be required for the development,*
 - (d) waste water management, stormwater and drainage across the land,*
 - (e) the geotechnical constraints of the site,*
 - (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless—*
- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
 - (b) the consent authority is satisfied that—*
 - (i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
 - (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
 - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

Comment:

A small portion of the subject site is mapped as warranting geotechnical consideration. A geotechnical report has been prepared and submitted under separate cover. It should be noted that the mapped area is outside of the portion of the site proposed to be zoned R2 Low Density Residential. No issues arise in relation to geotechnical considerations.



Extract from the Geotech map

3.4 THE SITE DESIGN RESPONSE FACILITATED BY THE PLANNING PROPOSAL

3.4.1 Land use

The applicant proposes to subdivide the land into 5 lots and create 4 residential lots at the north-western portion of the site. A plan for the development of the 4 residential lots is provided below:



Of note from the design is the provision of 4 complying residential lots with one combined centrally located driveway servicing the future dwellings. In addition, the dwellings have been well setback from Mona Street and the western adjoining dwellings fixed by a newly created Sydney Water easement. The proposed 6m setback from the western boundary ensures that the residential amenity of the existing residential dwellings to the west are appropriately protected.

The provision of 2 storey dwellings also makes provision for greater proportions of green space and tree retention where possible. The proposed subdivision and future dwellings will not be prominent when viewed from Mona and Bassett Streets given the retention of perimeter trees and potential future landscaping.

3.5 NEED FOR THE PLANNING PROPOSAL

Question 1 - Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal has been initiated by Sydney Water in its consideration of the underutilised nature of the subject site from an operational and strategic point of view.

The planning proposal does however align with Council's initiatives as identified by the Local Housing Strategy (LHS) undertaken for the local government area. The LHS has been prepared to accord with State Government planning initiatives via the *Greater Sydney Region Plan – A Metropolis of Three Cities* (The Region Plan), which presents a vision for managing Sydney's growth up until 2036.

The LHS has reviewed local centres and has identified Mona Vale town centre as a 'Centre for Investigation Area', being land within 800m of the Mona Vale town centre suitable for a potential increase in residential densities. The increase in density envisaged within the Mona Vale catchment area is between 180-400 dwellings up until 2036.

The subject site is approximately 500m north-west of the Mona Vale town centre and benefits from strong location characteristics. The subject site is highly suitable for residential development and the planning proposal is highly consistent with the planning initiatives of Council and the State Government.

Question 2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current zoning of the subject site - SP2 Infrastructure precludes the development of the site as proposed.

The subject site has not been considered by Council as part of its LEP review and accordingly, the planning proposal is the best means of achieving the objectives and intended outcomes.

3.6 RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

Question 3 - Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

3.6.1 Metropolis of Three Cities

In March 2018 the NSW State Government released the *Greater Sydney Regional Plan: A Metropolis of Three Cities (the GSRP)*.

The Region Plan for Greater Sydney is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services.

The GSRP is structured under 4 themes: Infrastructure and Collaboration; Livability; Productivity; and Sustainability. Within these themes are potential indicators and a suite of objectives. Those objectives relevant to this planning proposal are discussed below.

Provision	Comment	Consistent
<p>Directions for Infrastructure and collaboration</p> <p>Potential indicator: Increased 30-minute access to a metropolitan centre/cluster</p> <p>Objective 1: Infrastructure supports the three cities</p> <p>Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p>Objective 3: Infrastructure adapts to meet future needs</p> <p>Objective 4: Infrastructure use is optimized.</p>	<p>The existing bus services facilitate less than 30-minute public transport access to the local commercial centres including Mona Vale, Dee Why Frenches Forest and Chatswood.</p> <p>The proposal provides for the orderly development of valuable land in a well serviced precinct. The proposed subdivision has been specifically designed to acknowledge easements and provide one driveway crossing to control access to and from the site. All utility services are available to the site.</p> <p>The proposal is modest and will not require amplification of utilities and services.</p> <p>The minor increased development density on the well serviced site optimises infrastructure use.</p>	<p>Yes</p>

Directions for Livability		
A city for people		
<p>Objective 6: Services and infrastructure meet communities' changing needs</p>	<p>The Planning Proposal (PP) provides housing near the Mona Vale town centre, consistent with the indicator.</p>	Yes
<p>Objective 7: Communities are healthy, resilient and socially connected</p>	<p>The PP creates 4 well sized residential lots capable of accommodating 4 contemporary dwellings with good amenity. The subject site is well located near open space including Bayview Golf Club providing opportunity for social interaction.</p>	
<p>Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p>	<p>The PP provides for the creation of housing is a shared residential environment and contributes to the opportunity for cultural diversity.</p>	
<p>Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation</p>	<p>The PP includes an opportunity for the retention, care and ongoing management of established vegetation on the residue lot.</p> <p>The above ensures that the PP will make a meaningful and positive contribution to social well-being within the community.</p>	

<p>Housing the city</p> <p>Objective 10: Greater housing supply</p> <p>Objective 11: Housing is more diverse and affordable</p>	<p>The proposal is conducive to increased housing densities.</p> <p>The indicative concept plan provides for 4 new residential lots within the low density precinct.</p> <p>The provision of increased housing opportunity on a well serviced site assists in promoting residential diversity and affordability.</p> <p>Wider community benefits are being achieved by the proposal by means other than affordable housing (as defined).</p>	<p>Yes</p>
<p>A city of great places</p> <p>Objective 12: Great places that bring people together</p> <p>Objective 13: Environmental heritage is identified, conserved and enhanced</p>	<p>The PP facilitates future development that promotes community interaction and amenity, this is achieved by:</p> <ul style="list-style-type: none"> -the providing an embellished park lot and removal of weed infestation. <p>No adverse heritage matters arise from the PP. The proposal presents an opportunity to enhance and protect significant vegetation on-site.</p>	<p>Yes</p>

Directions for productivity		
A well-connected city		
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The subject site is within close proximity to Mona Vale town centre. The existing bus services facilitate less than 30-minute public transport access to the Mona Vale town centre and other major employment Centre's (eg: Dee Why, Warringah Mall, Frenches Forest).	Yes
Jobs and Skills for the City		
	The proposal will assist with job provision through the construction phased of the dwellings and via the ongoing maintenance of the vegetation lot.	Yes
Directions for sustainability		
A city in its landscape		
Objective 25: The coast and waterways are protected and healthier	The site does contain significant vegetation and potential habitat, which will be enhanced and managed in the long term.	Yes
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	An ecology report has been prepared reviewing the condition, value and management of the identified vegetation on the site. The planning proposal	

<p>Objective 28: Scenic and cultural landscapes are protected</p> <p>Objective 30: Urban tree canopy cover is increased</p> <p>Objective 31: Public open space is accessible, protected and enhanced</p> <p>Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths</p>	<p>is a balanced and appropriate response for the site.</p> <p>The proposal does require the removal of certain trees and vegetation on the site, however identifies opportunities also additional tree planting. The applicant is willing to dedicate the residue open space lot to Council. In the event Council will not accept the land, Sydney Water proposes to maintain the care and management of the vegetation to the benefit of the local community.</p>	
<p>An efficient city</p> <p>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</p> <p>Objective 34: Energy and water flows are captured, used and re-used</p> <p>Objective 35: More waste is re-used and recycled to support the development of a circular economy.</p>	<p>The DCP that currently applies to the subject land includes sustainability provisions. Any future development proposal will be required to comply with those provisions. A BASIX certificate will be needed for each house constructed on the site.</p> <p>The residential dwellings will utilise Council waste and recycling services.</p>	<p>Yes</p>

<p>A resilient city</p> <p>Objective 36: People and places adapt to climate change and future shocks and stresses</p> <p>Objective 37: Exposure to natural and urban hazards is reduced</p> <p>Objective 38: Heatwaves and extreme heat are managed</p>	<p>The site is not subject to natural hazards such as bushfire, or land slip.</p> <p>The subject site is identified as being flood prone. Each proposed lot and dwelling can be suitably designed to address flooding considerations including the provision of flood evacuation within the upper level of each future dwellings.</p> <p>The retention of perimeter tree canopy and established vegetation on the 5th residue lot will assist in providing shade and protection from extreme heat.</p>	<p>Yes</p>
<p>Implementation</p> <p>Objective 39: A collaborative approach to city planning</p>	<p><i>Sydney Central City Planning Panel.</i></p> <p>The applicant has engaged with Council staff via a pre-lodgment process. Matters raised by Council have been addressed via the architectural concept plans and supporting plans and environmental reports.</p>	<p>Yes</p>

3.6.2 The Northern District Plan (NDP)

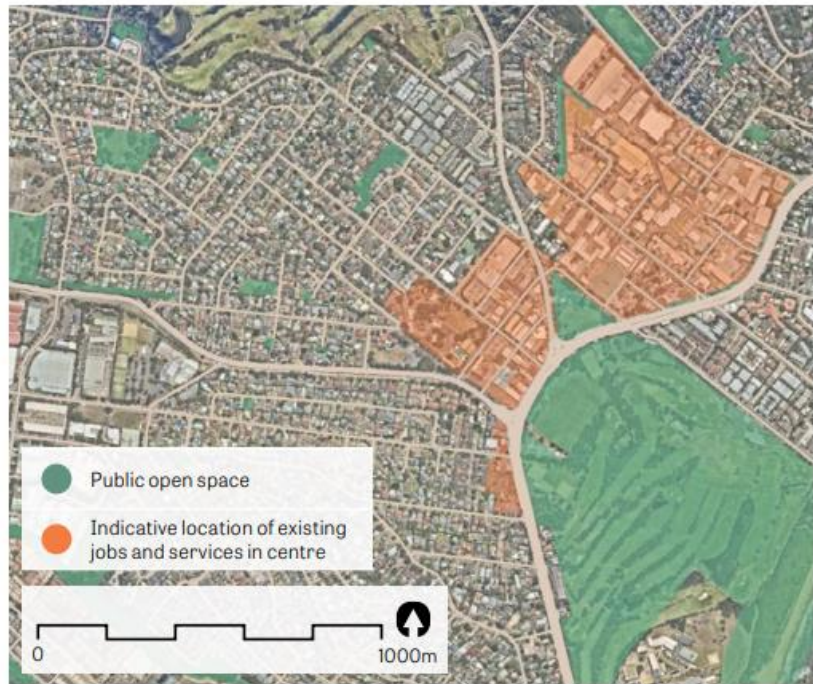
The *Northern District Plan (NDP)* covers the area that applies to 9 northern suburb Councils including Northern Beaches local government area. The role of this plan is to deliver the directions of the overarching *Greater Sydney Region Plan, A Metropolis of Three Cities* and contains a number of planning priorities and objectives that address infrastructure provision and collaboration, livability, productivity, and sustainability.

Within the NDP, Northern Beaches is identified as a metropolitan Centre and Mona Vale is identified as a ‘Strategic centre’ in the NDP as follows:

Mona Vale

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.

Mona Vale’s connectivity to Brookvale-Dee Why and the Harbour CBD has improved with the commencement of the B-Line bus service which operates more frequent buses both during the day and into the evening. Further improvements to travel times, especially for those within the northern part of the peninsula, will be made when operations are extended to Newport.



Data sources: Public open space - Sydney Open Space Audit (DPE 2016), Aerial Photo – Nearmap 2018

Provision	Comment	Consistent
Infrastructure and collaboration		
Planning for a city supported by infrastructure		
Objective 1: Infrastructure supports the three cities.	The subject site is located near a regular bus service along the Pittwater Road	Yes

<p>Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact.</p> <p>Objective 3: Infrastructure adapts to meet future needs.</p> <p>Objective 4: Infrastructure use is optimised.</p> <p>Objective 5: Benefits of growth realised by collaboration of governments, community and business.</p>	<p>corridor, which provides excellent and regular access to major centres including Frenches Forest, Dee Why and Warringah Mall.</p> <p>A minor increase in housing density is proposed within the Mona Vale locality ensuring that existing infrastructure is properly utilised.</p> <p>The proposed increase in density by 4 residential lots is modest in consideration of the greater planning and is reasonable in the context of existing infrastructure servicing the site.</p>	
<p>Livability</p>		
<p>Planning Priority N3 Providing services and social infrastructure to meet people’s changing needs</p> <p>Objective 6: Services and infrastructure meet communities’ changing needs.</p>	<p>The planning proposal provides for 4 well sized and self-reliant lots. No adverse impacts or burden arises on social infrastructure.</p> <p>Mona Vale is a well serviced precinct as identified in the local housing strategy with scope to accommodating additional dwellings.</p>	<p>Yes</p>
<p>Planning Priority N4 Fostering healthy, creative, the CCDP communities</p>	<p>The NDP includes the following comments:</p> <p><i>“Healthy and active lifestyles</i> <i>Research identifies three key aspects of the built environment that support healthy lifestyles and improved health outcomes:</i></p>	<p>Yes</p>

<p>Objective 7: Communities are healthy, resilient and socially connected.</p> <p>Objective 8: Greater Sydney’s communities are culturally rich with diverse neighbourhoods.</p> <p>Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation.</p>	<p><i>strong social connections, physical activity and access to fresh food. Consequently, the design and management of streets, places and neighbourhoods are essential to improved mental and physical health outcomes”.</i></p> <p><i>“Connectivity of, and access to, diverse open spaces and opportunities for recreational physical activity are also essential to improved mental and physical health outcomes. Sport and active lifestyles provide many social, cultural and health benefits.”</i></p> <p>The proposed 5 lot subdivision introduces high levels of amenity on-site inclusive of effectively a vegetated park lot at the rear to the benefit of future residents.</p> <p>The residential subdivision also provides better connectivity between existing residential development and reinforces the neighbourhood with the proposed infill development.</p> <p>Not applicable.</p>	
<p>Housing the city Planning Priority N5 Providing housing supply, choice and affordability with access to jobs, services and public transport</p> <p>Objective 10: Greater housing supply.</p>	<p>The proposed 4 lot residential development is well founded having</p>	<p>Yes</p>

<p>Objective 11: Housing is more diverse and affordable.</p>	<p>regard to proximity to public transport services and access to jobs, services, and education centres.</p> <p>The PP will facilitate redevelopment that can contribute to a minor extent to housing supply.</p> <p>The increase in supply of housing in the locality is conducive to promoting housing affordability having regard to the economies of supply and demand.</p> <p>In this case the Planning Proposal will make a very substantial and meaningful contribution to the wider public benefit, particularly noting the modest increase in the site’s development potential. The proposal also extends to the care, control and management of a potentially valuable vegetated parcel of land on the site.</p>	
<p>Planning Priority N6 Creating and renewing great places and local centres, and respecting the District’s heritage</p> <p>Objective 12: Great places that bring people together.</p> <p>Objective 13: Environmental heritage is identified, conserved and enhanced.</p>	<p>The NDP includes the following comments:</p> <p><i>“Great places include all parts of the public realm such as open space, streets, centres and neighbourhoods and the interface with the private realm which includes residential, commercial and industrial streetscapes. They exhibit design excellence and start with, and focus on, open space and a people-friendly public realm. They recognise and celebrate the local character of the place and its people.”</i></p>	<p>Yes</p>

	<p>The planning proposal provides for the infill of low density development, which can contribute to the neighbourhood, with similarly scaled lots and housing type. Also proposed is the creation of a managed vegetated park lot which can contribute to the amenity of the neighbourhood.</p> <p>The more significant vegetation on the site can be embellished and managed in a more pristine environment.</p> <p>There are no adverse heritage matters arising from the PP. The site is not heritage listed and is not in a heritage conservation area.</p>	
<p>Planning Priority N8 Eastern Economic Corridor is better connected and more competitive.</p> <p>Objective 15: The Eastern, GOPP and Western Economic Corridors are better connected and more competitive</p>	<p>The planning proposal will not adversely influence corridors between centres.</p>	Yes
<p>Planning Priority N9 Growing and investing in health and education precincts</p>	<p>The subject site benefits from close proximity to a public school opposite the site in Mona Street and Frenches Forest hospital precinct.</p>	Yes
<p>Planning Priority N10 Growing investment, business opportunities and jobs in strategic centres.</p>	<p>Mona Vale is specifically included as a strategic centre with great connectivity to other centres along the northern beaches.</p> <p>The proposed residential lots can only benefit from the qualities of the centre,</p>	Yes

<p>Objective 22: Investment and business activity in centres.</p>	<p>particularly as the centre’s offering is enhanced overtime.</p>	
<p>Planning Priority N11 Retaining and managing industrial and urban services land</p> <p>Objective 23: Industrial and urban services land is planned, retained and managed.</p>	<p>The proposal has no impact on industrial land.</p>	<p>Yes</p>
<p>Planning Priority N12 Delivering integrated land use and transport planning and a 30-minute city</p> <p>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.</p>	<p><i>“The 30-minute city is a long-term aspiration that will guide decision-making on locations for new transport, housing, jobs, tertiary education, hospitals and other amenities. It means that more housing, jobs, health and education facilities will be planned in metropolitan and strategic centres and more people will have public transport access to their closest metropolitan or strategic centre within 30 minutes. This will enable more efficient access to workplaces, services and community facilities.”</i></p> <p>The subject site is ideally located within walking distance of parks, employment and service provision. The subject site is close to a regular bus service. The subject site is highly suitable in consideration of N12.</p>	<p>Yes</p>
<p>Planning Priority N13 Supporting growth of targeted industry sectors</p>		

<p>Objective 24: Economic sectors are targeted for success.</p>	<p>The proposed residential zone will generate a small increase in housing which can assist with supporting economic sectors.</p>	<p>Yes</p>
<p>Sustainability</p>		
<p>Planning Priority N15 Protecting and improving the health and enjoyment of Sydney Harbour and the District waterways.</p> <p>Objective 25: The coast and waterways are protected and healthier</p>	<p>The proposal will not have an adverse impact on the district waterways.</p> <p>An engineering solution will support future development applications to ensure compliance is met with the relevant engineering standards.</p>	<p>Yes</p>
<p>Planning Priority N16 Protecting and enhancing bushland and biodiversity</p> <p>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</p>	<p>The subject site is not specifically identified under the Pittwater LEP 2014 as being subject to biodiversity considerations. Notwithstanding an ecology report has been commissioned examining the value of existing established vegetation, proposed removal of some vegetation and the plan to maintain and manage vegetation on-site which is to be retained.</p> <p>The NDP makes the following observation:</p> <p><i>Urban bushland, close to some of the District's most densely populated areas, supports opportunities for nature-based recreation and enhances liveability. Areas of bushland at the edges of urban neighbourhoods will need to be managed and enhanced to reduce edge-effect impacts, such as pollution and nutrients from stormwater runoff, weeds, domestic</i></p>	<p>Yes</p>

	<p><i>pets, litter and unmanaged or informal recreation trails.</i></p> <p>The applicant has identified the location of valued vegetation on-site and highlights the need to remove weed infestation and create a controlled and managed environment. The proposed creation of a 5th vegetated lot will include opportunity access, maintenance and possible recreation via a walking track.</p> <p>The proposed works will address the degraded state of the site and the extent of weed infestation.</p> <p><i>Strengthening the protection of bushland in urban areas will help to conserve the District's biodiversity, preserve its scenic landscape, and enhance its tourist and recreational values. Remnant vegetation should be recognised as an asset that can be incorporated into the planning and design of neighbourhoods; for example, in parks, school grounds and as street trees.</i></p> <p>The proposal is highly consistent with the initiatives of the NDP.</p>	
<p>Planning Priority N19 Increasing urban tree canopy cover and delivering Green Grid connections</p> <p>Objective 30: Urban tree canopy is increased.</p> <p>Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths.</p>	<p>The proposed subdivision allows for the upgrade of the established vegetation and opportunity arises to increase appropriate planting throughout the site.</p>	<p>Yes</p>

<p>Planning Priority N20 Delivering high quality open space.</p> <p>Objective 31: Public open space is accessible, protected and enhanced.</p>	<p>The proposal creates a vegetated 5th lot which could be dedicated to Council once upgrade works are completed.</p> <p>Should Council accept the ownership of the lot, a substantial increase in Council's open space would eventuate.</p>	<p>Yes</p>
<p>Planning Priority N22 Adapting to the impacts of urban and natural hazards and climate change.</p> <p>Objective 36: People and places adapt to climate and future shocks and stresses.</p> <p>Objective 37: Exposure to natural and urban hazards is reduced.</p> <p>Objective 38: Heatwaves and extreme heat are managed.</p>	<p>Support for the planning proposal will greatly assist Sydney Water in managing a large and degraded asset.</p> <p>The proposed rezoning and subdivision will create a planned environment in which 4 residential lots can be extracted while addressing existing flood consideration, removing exotic and weed infestation from the site, removal of rubbish dumped at the site, management and embellishment of a pristine vegetated environment and creating opportunity for additional select planting.</p> <p>The proposed 4 residential lots will benefit from the surrounding green environment and subsequent heat management.</p> <p>The subject site will be a safer place.</p>	<p>Yes</p>
<p>6 Implementation</p>		
<p>Planning Priority N23 Preparing local strategic planning statements informed by local strategic planning</p> <p>Objective 39: A collaborative approach to city planning.</p>	<p>The proposal is consistent with local planning strategies.</p> <p>The applicant has worked collaboratively with Council's officers in undertaking an extensive and through investigation of the site and its context.</p>	<p>Yes</p>

	The Council’s local housing strategy has been created off the back of the Northern District Plan.	
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3.6.3 Northern Beaches Local Strategic Planning Statement (NBLSPS) – Towards 2040

The Local Strategic Planning Statement provides strategic direction on how the Northern Beaches is to be planned over the next 20 years. The Statement draws together the needs and aspirations of the community and identifies priorities for jobs, homes and infrastructure. The Statement looks at the role of Northern Beaches as part of Greater Sydney and seeks to achieve a future which is sustainable, liveable and productive.

Towards 2040 will inform the development of Council’s new Local Environmental Plan (LEP) and Development Control Plan (DCP), broader Council policies and strategies, and the assessment of planning proposals for changes to Council’s planning controls.

Mona Vale is described as being the ‘urban heart of the north’ and has been earmarked for growth in commercial and residential development.

The proposal is consistent with the NBLSPS as follows:

- The proposal appropriately capitalises on the site’s inherent location benefits being near employment, recreational opportunities, public transport and the growing Mona Vale town centre;
- The proposal will contribute to the provision of quality housing and will assist in meeting housing projections in an exceptionally well serviced site;
- The proposal will result in the provision of a managed landscape via the creation of a 5th residue vegetated lot. The potential upgrade and enhancement of the environment will benefit residents nearby;
- Residents on-site will benefit from a high amenity landscape content to complement the built form; and
- The planning proposal will appropriately address matters relating to flooding, waterways and vegetation. The proposal will enhance the existing landscape on-site within a managed and safer environment. The provisions of homes on the site will increased the surveillance opportunities and reduce the propensity for the dumping of rubbish at the site.

3.6.4 State Environmental Planning Policies

Question 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with the provisions of the following State Environmental Planning Policies (SEPP). Applicable SEPPs to the proposal are as follows:

SEPP (Building Sustainability Index: BASIX) 2004

Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by the Planning Proposal.

State Environmental Planning Policy (Resilience and Hazards) 2021

4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning

guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Clause 4.6 of the SEPP requires potential site contamination and remediation to be considered by planning proposals in circumstances where there is a zoning amendment that would permit a change of use of the land.

A change in zoning is proposed. Therefore, a contamination report has been commissioned to accompany the planning proposal. The conclusions of the report are that the subject site is suitable for residential development.

SEPP (Exempt and Complying Development Codes) 2008

The SEPP may apply to future development of the site. No relevant matters arise from the SEPP in respect of the planning proposal.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The SEPP has recently commenced on the 1st March 2021 and is effectively an administrative consolidation of various SEPPs. The legal effect of the SEPPs being consolidated does not change.

Chapter 6 incorporates the provisions of SEPP 19 – Bushland in in Urban Areas.

As the subject site is privately owned and zoned for Special use purposes, the provisions do not apply.

3.6.5 Ministerial Directions

Question 6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The planning proposal is consistent with the following Ministerial Directions that are relevant to the circumstances of the proposal.

Direction 3.2 Heritage Conservation

The objective of this direction is ‘to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance’.

The Direction requires that a planning proposal must contain provisions that facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- (c) Aboriginal areas, Aboriginal objects,*

The subject site is not identified as being of heritage significance (European or Aboriginal) and is not located within a heritage conservation area.

The planning proposal does not seek to alter or amend any heritage related clauses or provisions under the governing LEP.

Direction 4.1 Flooding

(1) A planning proposal must include provisions that give effect to and are consistent with:

- (a) the NSW Flood Prone Land Policy,*
- (b) the principles of the Floodplain Development Manual 2005,*
- (c) the Considering flooding in land use planning guideline 2021, and*
- (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.*

(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.

(3) A planning proposal must not contain provisions that apply to the flood planning area which:

(a) permit development in floodway areas,

(b) permit development that will result in significant flood impacts to other properties,

(c) permit development for the purposes of residential accommodation in high hazard areas,

(d) permit a significant increase in the development and/or dwelling density of that land,

(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,

(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,

(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

(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.

Consistency

A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:

(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or

(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or

(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with

the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or
(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.

Comment:

The flood information from Council as extracted from *McCarrs Creek, Mona Vale and Bayview Flood Study Review 2017, Royal HaskoningDHV*, demonstrate that the subject site is subject to potential stormwater overland flow during the 100YR ARI flood event.

The area of the site proposed for subdivision is categorised as Low Flood Hazard and Medium Flood Risk. The proposed design initiatives ensure that the subject site is suitable for a residential subdivision as proposed.

Direction 4.4 Remediation of Contaminated Land

(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning proposal authority has considered whether the land is contaminated, and

(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.

(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Comment:

Sydney Water has commissioned significant investigations into the site to determine what soil contaminants if any it may contain. The Detailed Site Investigation (DSI) was carried out by PRM (Progressive Risk Management), with the results of this study formally audited by an EPA Accredited Site Auditor (the contamination assessment and auditors report are to be submitted as part of the planning proposal).

In relation to the future use of the site for residential purposes the site auditor concluded as follows: -

The soil investigations identified asbestos as bonded ACM fragments in fill material at concentrations exceeding the HSL. The asbestos impact poses a low risk to current and future users of the site. Remediation and/or management of asbestos impact is required to render the site suitable for proposed residential with garden/accessible soil land use”.

Accordingly, the site is suitable for residential occupation subject to Sydney Water undertaking a remediation action plan and fully remediating that part of the land proposed for residential use.

Direction 4.5 Acid Sulfate Soils

(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:

(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or

(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.

(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to

the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.

(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).

Comment:

An acid sulfate assessment has been undertaken. The findings of testing by Alliance are as follows:

Laboratory results indicated that potential acid sulfate soils (PASS) are present within the soil profile at the site, to a depth of 3.2 mbgl, however soils at the site contain sufficient neutralising capacity to neutralise any acid that may be generated by oxidation of RIS, as noted by Net Acidity results.

Based on the above, Alliance does not consider an acid sulfate soils management plan to be warranted.

Accordingly, the subject site is suitable for residential occupation as proposed.

Direction 6.1 Housing

(1) A planning proposal must include provisions that encourage the provision of housing that will:

(a) broaden the choice of building types and locations available in the housing market, and

(b) make more efficient use of existing infrastructure and services, and

(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and

(d) be of good design.

(2) A planning proposal must, in relation to land to which this direction applies:

(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and

(b) not contain provisions which will reduce the permissible residential density of land.

(c) A planning proposal must make more efficient use of existing infrastructure and services

Comment:

The planning proposal increases the density of residential development on the site by 4 lots.

The proposal makes more efficient use of existing utility infrastructure and services in the vicinity of the site. No augmentation of services will be necessary.

Good design can be achieved on-site with a coordinated design and development application submission.

(c) A planning proposal must reduce the consumption of land for housing and associated urban development on the urban fringe

The planning proposal relates to infill housing and does not erode the urban fringe.

(d) A planning proposal must be of good design.

The indicative concept dwelling footprint plan demonstrates the means in which a coordinated design can be achieved on-site in a high amenity environment.

The planning proposal provides for an increase rather than reduction in the density of residential development on the subject land.

4.0 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal??

The findings from the project ecologist are as follows:

The proposal has been designed in a manner that minimises impacts to ecology within the Subject Property. The impacts associated with proposed works have been kept below the threshold for the Biodiversity Offset Scheme, which indicates that a significant impact is unlikely to occur as a result of the proposal.

Whilst 0.15ha of native, endangered, vegetation representative of PCT 1234 will require removal, this vegetation was found to be in poor condition (Table 1), with high percentages of exotic vegetation present throughout. Based on the areas of native vegetation proposed to be retained in conjunction with a VMP to be prepared following the rezoning, which will detail the restoration of the retained vegetation, it is considered the proposed works would have a minimal ecological impact and will result improved access for ongoing vegetation management which will see an overall improvement in ecological features across the site.

The proposal is reasonable relative to ecology considerations.

Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no significant physical constrains to the redevelopment of the subject property as proposed. In this respect:

- The subject site is NOT identified as being of heritage significance
- The subject site is NOT located within a heritage conservation area.
- The subject site DOES NOT contain significant vegetation or critical habitat.
- Low level of Flooding experienced on the subject site is not a constraint to development;
- The subject site is NOT within a bushfire hazard area.
- The subject site has a relatively level topography and very substantial street frontages/exposure.
- The subject site is NOT constrained by acid sulphate soils.

The environmental impacts associated with the planning proposal are canvassed in section 3.4 of this report and by accompanying expert reports.

The planning proposal facilitates opportunity to extract 4 high amenity residential lots from an underutilised parcel of land. The proposal also has the positive effect of rehabilitation and ongoing management of that part of the site to be retained in its natural state.

Traffic and Parking

The Traffic Impact Assessment report prepared by *Traffic Solutions* concluded that the local street network has the capacity to accommodate the traffic that is likely to be generated by the proposed 4 lots at the subject site.

Question 9: Has the planning proposal adequately addressed any social and economic effects??

Economic

The planning proposal:

- Enables the delivery of a of a modest 4 lot residential development situated within a managed natural environment. The ongoing maintenance and management of the 5th residue lot will be borne by Sydney Water to the benefit of the surrounding community.
- Enables the delivery of 4 high amenity residential lots and additional section 94 contributions which can be redirected back into the local community.
- Creates employment during the construction phase.
- Delivers a development that will maximise the use of existing and emerging public transport infrastructure.
- Provides for the efficient use of land in a well serviced locality.
- Facilitates an enhanced visual setting at no cost to Council.

Social

Delivering a development that will introduce 4 families to the community and a large parcel of bushland which may be use for passive recreation.

Providing opportunity to extract 4 large residential lots and additional patronage of school services, shops and work places.

Providing improved surveillance of and security in the locality through additional housing, lighting and occupation.

5.0 STATE AND COMMONWEALTH INTERESTS

Question 10: Is there adequate public infrastructure for the planning proposal?

Typically, this question applies to planning proposals that:

- result in residential subdivisions in excess of 150 lots*
- substantial urban renewal*
- infill development*
- development that will result in additional demand on infrastructure (such as public transport, roads, utilities, waste management and recycling services, essential services such as health, education and emergency services).*

All utility services (telephone, electricity, sewer and water) are available to the site.

Generally, all required infrastructure such transport, schools and open space is available to the site.

The planning proposal makes a positive contribution to community infrastructure through the provision of the high quality housing opportunities and open space provision.

Question 11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

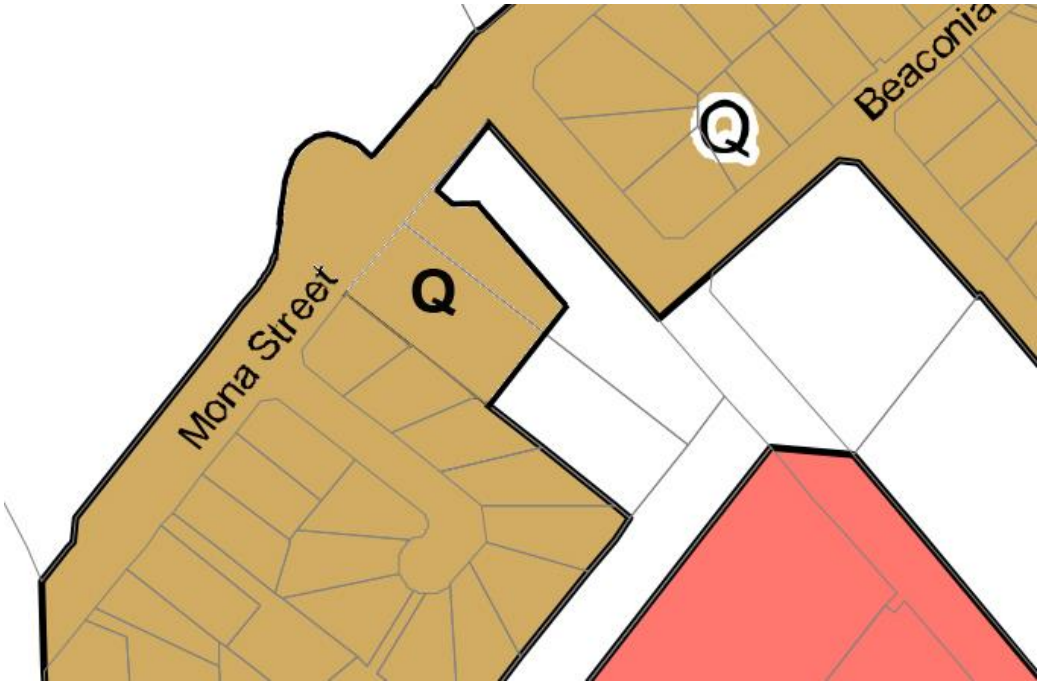
Given the modest scale of the proposal, State and Commonwealth public authorities have not been consulted in this instance.

6.0 MAPPING

The planning proposal relates to a change of the zoning of the site in part as illustrated below. An amendment to the lot size map is also necessary.



Proposed Zoning Map



Proposed Lot Size Map

7.0 COMMUNITY CONSULTATION AND TIMELINE

The applicant has met with Council via a formal pre-lodgement meeting on the 2nd September 2021 – PLM2021/0213.

The applicant has been actively compiling the information sought by Council since the meeting and initiated consultation with the surrounding neighbours via the attached notification letter:

*The Resident
Mona Vale*

***Re: Proposed Amendment to Pittwater Local Environment Plan 2014
No 15-17 Mona Street Mona Vale***

Sydney Water is in the process of submitting a planning proposal to Northern Beaches Council for a proposed rezoning of part of the subject site at the above address from SP2 to R2 Low Density Residential to enable the creation of a proposed 5 Lot subdivision creating four residential lots and one residue private open space lot. The subject site is effectively surplus to Sydney Water's future operational needs.

The applicant proposes to create four residential lots which are capable of accommodating a dwelling on each lot. An indicative plan of the proposal is provided below:



Sydney Water is writing to you as a neighbour to the development and wishes to take this opportunity to inform you firstly of the proposal and try and resolve any concerns that you may have.

The proposed zoning amendment plan is provided below for your information:



The proposed residue lot will remain zoned SP2 under Sydney Water ownership. The residue lot will be upgraded and maintained as private recreation lot into the future. Should you wish to discuss this matter further or obtain additional information please contact the undersigned by email at christian.pollock@sydneywater.com.au. Residents will be able to make public submissions to the proposal if they wish once it is lodged with Council in the near future and placed on exhibition.

Sydney Water is hoping to generate 4 quality residential lots which will be offered for sale to the general public and lead to the generation of quality housing opportunities in a well serviced locality.

Yours Sincerely

*Christian Pollock
Project Manager Disposals
Property Services*

The following residents were notified:



Part 6 – Project Timeline

Anticipated commencement date (date of Gateway determination)	October 2022
Anticipated timeframe for the completion of required technical information	November 2022
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	January – February 2023
Commencement and completion dates for public exhibition period	February 2023
Dates for public hearing (if required)	March 2023 if required
Timeframe for consideration of submissions	February-March 2023
Timeframe for the consideration of a proposal post exhibition	April – June 2023
Date of submission to the department to finalise the LEP	July 2023
Anticipated date RPA will make the plan (if delegated)	August 2023
Anticipated date RPA will forward to the department for notification.	August 2023

8.0 CONCLUSION AND RECOMMENDATION

The planning proposal is consistent with and promotes the strategic planning objectives of both the State and local government.

The subject site is a valuable but underutilised parcel of land.

The proposed residential zoning of the street fronting portion of the land will enable the creation of 4 quality residential lots and enable Sydney Water to dispose of surplus land. An important aspect of the proposal is the intended rehabilitation of the open space land and continued care and management given the available funding from the project.

A high quality planning outcome is perceived given the large size of the land parcel and current funding short comings.

The planning proposal has substantial town planning merit and should receive favourable consideration.

Author of the report:

A handwritten signature in black ink that reads "Nigel White". The signature is written in a cursive style with a large, stylized 'N' and 'W'.

Nigel White – Bachelor of Applied Science (Environmental Planning)

Date: 23rd June 2022