

## Rezoning Review Briefing Report – PP-2021-7404

The Planning Proposal seeks to rezone 159-167 Darley Street West, Mona Vale from R2 Low Density Residential to R3 Medium Density Residential and to amend clause 4.5A of the Pittwater Local Environmental Plan 2014 to remove maximum dwelling density requirements for the site.

Element	Description
Date of request	06 December 2021
Department ref. no	RR-2021-104
LGA	Northern Beaches
LEP to be amended	Pittwater LEP 2014
Address	159-167 Darley Street West, Mona Vale
Reason for review	<div><input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment</div> <div><input type="checkbox"/> Council failed to indicate support for the proposal within 90/115 days, or failed to submit the proposal after indicating its support</div>
Has council nominated PPA role	No
Consultation	<p>Pre-lodgement Advice from Northern Beaches Council (Council) 9 September 2020</p> <p>Original Planning Proposal submitted 8 July 2021</p> <p>Council Email – Request to withdraw the Planning Proposal 21 July 2021</p> <p>Council Acknowledgment letter of Planning Proposal 30 July 2021</p> <p>Council placed Planning Proposal on non-statutory exhibition 9 August 2021 to 22 August 2021</p> <p>Macroplan Submission to the Northern Beaches Local Planning Panel 5 October 2021</p> <p>Northern Beaches Local Planning Panel considered the Planning Proposal 6 October 2021</p> <p>Council Resolution on Planning Proposal 26 October 2021</p> <p>Council decision on Planning Proposal Notification Letter 05 November 2021</p>
Department contact:	Luke Johnson – Planning Officer

## Planning Proposal

**Table 1. Overview of Planning Proposal**

Element	Description
Site Area	6,120m <sup>2</sup>
Site Description	<p>The subject site (see Figure 1) comprises five lots in total, legally described as Lot 1-5, DP 11108 with an approximate area of 6,120m<sup>2</sup>. The site contains five single or two storey dwellings, and adjoins:</p> <ul style="list-style-type: none"><li>• A residential flat building to the East containing 11 units (155 Darley Street West),</li><li>• Darley Street West and Bayview Golf Course to the North,</li><li>• Detached dwellings and a residential flat building containing four units (10 Kunari Place) to the West; and</li><li>• A mix of one and two storey detached dwellings located in Park Street to the South.</li></ul> <p>Three of the lots subject to the proposal are owned by Magnolia Views Property Pty Ltd (161-163 Darley Street West), with the remaining two properties in separate private ownership (159 Darley Street West &amp; 167 Darley Street West).</p>
Proposal summary	<p>The intended outcome of the Planning Proposal is to Rezone 159-167 Darley Street West, Mona Vale from R2 Low Density Residential to R3 Medium Density Residential and to amend clause 4.5A of the Pittwater Local Environmental Plan 2014 (PLEP 2014) so that the maximum dwelling density requirements do not apply to the site.</p> <p>The concept plan submitted in the Planning Proposal application to Council includes the construction of 2 residential flat buildings and 3 townhouses. The proposed residential flat buildings include a mix of 1,2 and 3 bedroom apartments and basement car parks with a total of 38 apartments.</p> <p>41 dwellings have been proposed under the current concept plan with the proposed dwelling mix:</p> <ul style="list-style-type: none"><li>• 12 x 1 Bedroom apartments</li><li>• 20 x 2 Bedroom apartments</li><li>• 6 x 3 Bedroom apartments</li><li>• 3 x Townhouses</li></ul> <p>The Planning Proposal is not the result of a specific strategic study.</p> <p>A Planning Proposal is an appropriate means to change the Land Use Zone and amend the maximum dwelling density requirements for the site.</p>

# Rezoning Review – Briefing Report

PP number 2021-7404

Element	Description
<b>Relevant State and Local Planning Policies, Instruments</b>	<p>Greater Sydney Region Plan</p> <p>The North District Plan</p> <p>Northern Beaches Local Strategic Planning Statement</p> <p>Northern Beaches Local Housing Strategy</p> <p>SEPP 65 Design Quality of Residential Apartment Buildings</p> <p>SEPP 55 Remediation of Land</p> <p>Draft Housing Diversity SEPP</p> <p>SEPP 70 Affordable Housing (Revised Schemes)</p> <p>SEPP (Building Sustainability Index: BASIX) 2004</p> <p>SEPP (Coastal Management) 2018</p> <p>SEPP (Exempt and Complying Development Codes) 2008</p>

**Figure 1. Subject site (source: Nearmaps)**



# Rezoning Review – Briefing Report

PP number 2021-7404



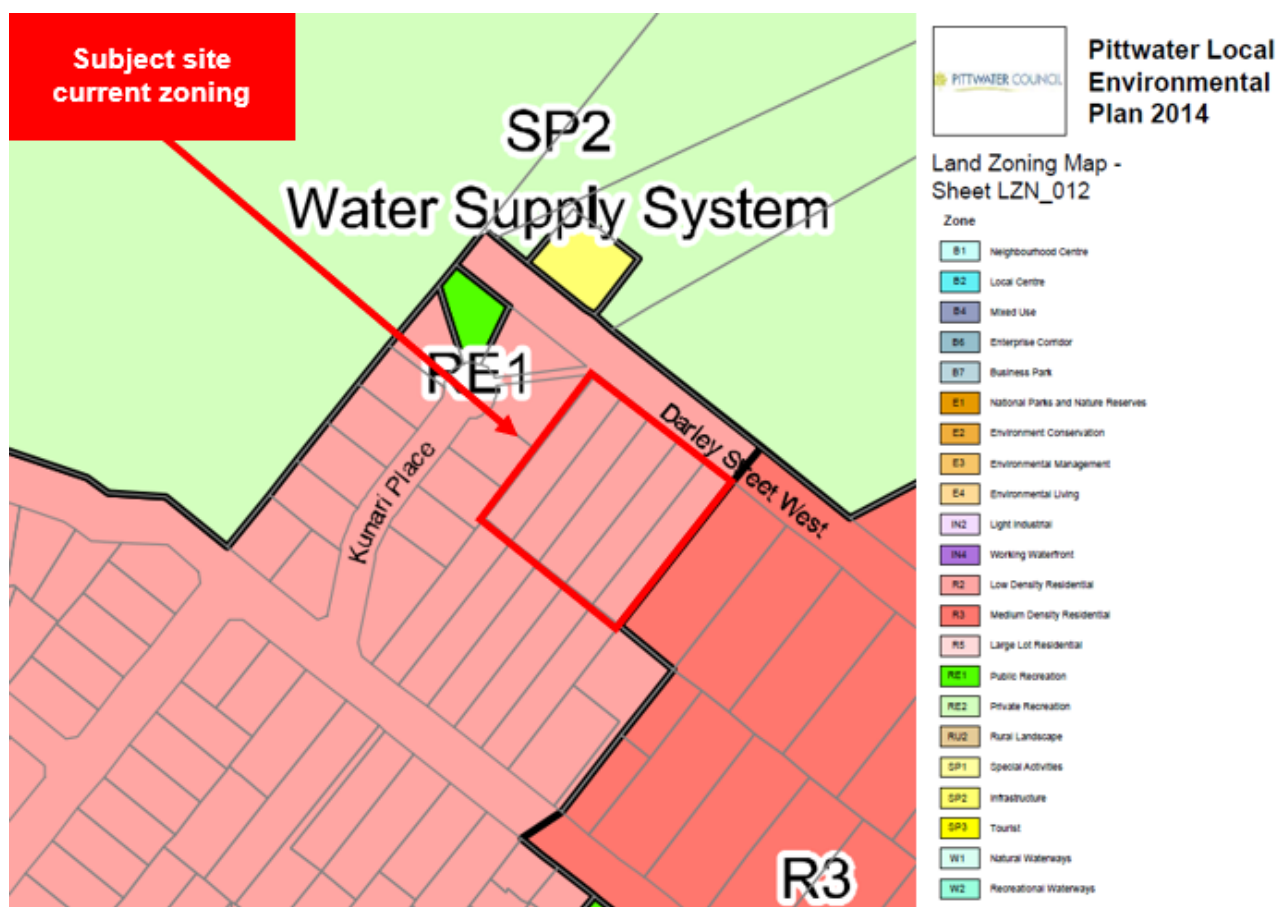
The Planning Proposal seeks to amend the Pittwater LEP 2014 as outlined below.

**Table 2. Current and proposed controls**

Control	Current	Proposed
Zone	R2 Low Density Residential	R3 Medium Density Residential
Maximum height of the building	8.5m	No Change
Minimum lot size	700m <sup>2</sup>	No Change
Number of dwellings	5 Dwellings	41 Dwellings

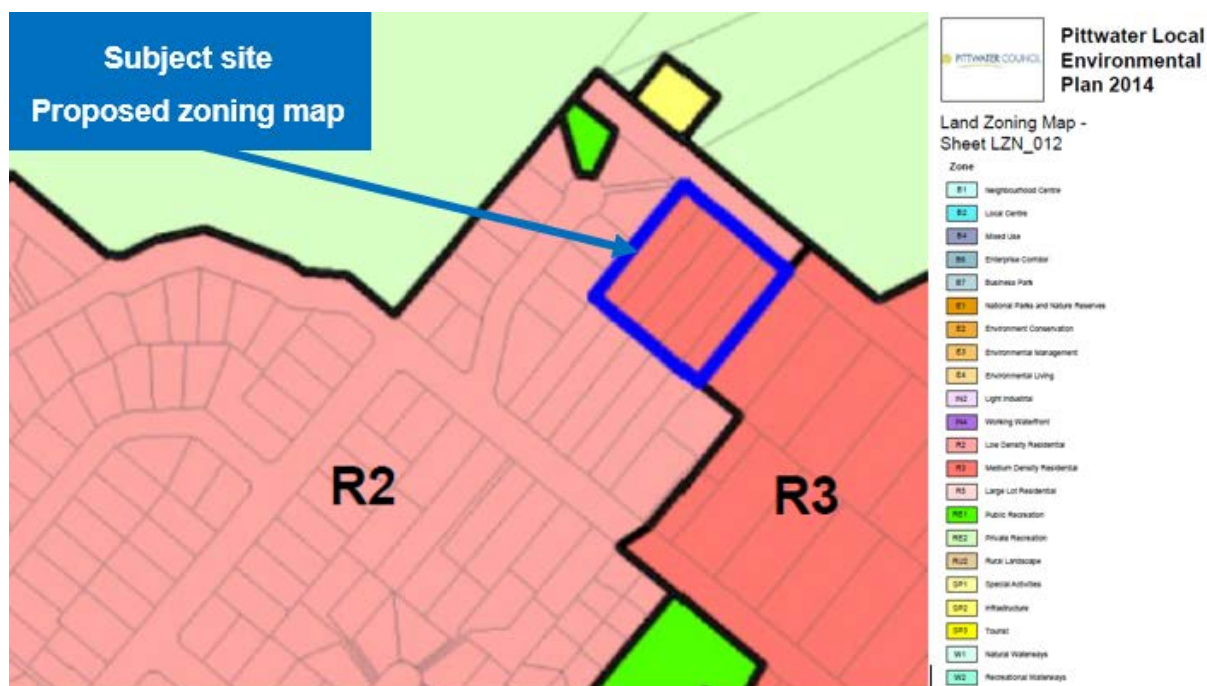
The Planning Proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

**Figure 2. Current zoning map**





**Figure 3. Proposed zoning map**



The Planning Proposal also seeks to amend Clause 4.5A(3) to include reference to 159-167 Darley Street West, Mona Vale (thereby confirming that clause 4.5A does not apply to the subject site):

Clause 4.5A Density controls for certain residential accommodation

- (1) The objectives of this clause are as follows—
  - (a) to achieve planned residential density in certain zones,
  - (b) to ensure building density is consistent with the desired character of the locality.
- (2) Development consent must not be granted to development for a purpose specified in Column 1 of the table to this clause on land in the zone shown opposite that development in Column 2 of that table unless the development complies with the density requirements specified in Column 3 of that table.
- (3) This clause does not apply to land in the Warriewood Valley Release Area and 159-167 Darley Street West, Mona Vale.

## Key Issues

Table 3 below outlines Council's key reasons for rejecting the Planning Proposal, as well providing a summary of the responses provided by the Proponent and Council. Full details of the Proponents response can be found in their Rezoning Review Report and full details of Council's response can be found in Council's Response to Rezoning Review.

**Table 3. Councils adopted resolution for rejecting the Planning Proposal with a summary of Proponent and Council responses.**

Council's reasons for rejection	Summary of Proponent response	Summary of Northern Beaches Council's response (February 2022)
a) The Planning Proposal is inconsistent with the provisions of the North District Plan.	<p>The Planning Proposal is consistent with the District Plan, specifically:</p> <ul style="list-style-type: none"><li>Planning Priority N5 seeks to provide housing supply, choice and affordability, with access to jobs, services and public transport.</li><li>The site is located less than 500m from the Mona Vale commercial / retail core and less than 400m from employment lands. Public transport is less than 400m walking distance of the site with the closest bus stop located on Pittwater Road.</li><li>The Planning Proposal will deliver a diversity and mix of different apartment sizes which will support improved affordability in the area.</li></ul>	<ul style="list-style-type: none"><li>The North District Plan does not require additional housing in the location of the subject site. The mechanism to provide a locally relevant response to the District Plan is Council's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). The LHS was approved by Department of Planning and Environment on 16 December 2021.</li><li>The LHS identifies a 'Centre Investigation Area' (CIA) around Mona Vale in which opportunities for new housing would be. The Mona Vale "Place Plan" project has commenced. The subject site will be included for consideration within the CIA.</li><li>The proposal does not adequately justify why it should be progressed ahead of the Mona Vale Place Plan or similarly zoned land across the LGA and without the demonstrable strategic need for additional housing of this form and in this location.</li><li>The proposal will set an unwanted precedent (See point D).</li><li>Priority N5 identifies that councils are in the best position to investigate and confirm which parts of their LGA are suited to additional housing opportunities through the preparation an LHS.</li></ul>

# Rezoning Review – Briefing Report

PP number 2021-7404



Council's reasons for rejection	Summary of Proponent response	Summary of Northern Beaches Council's response (February 2022)
		<ul style="list-style-type: none"> <li>• Council's approved LHS identifies that Council generally has capacity under existing planning rules to meet its housing targets (See point B for further discussion).</li> <li>• Council has developed a draft affordable housing contribution scheme (AHCS), The scheme will initially apply to the Frenchs Forest Planned Precinct and a site subject to a rezoning proposal in Narrabeen. It will be extended to other land that is subject to increases in residential density in the future.</li> <li>• The proposal does not provide for any affordable rental housing.</li> </ul>
	<ul style="list-style-type: none"> <li>• Planning Priority N10 seeks to grow investment, business opportunities and jobs in strategic centres. The employment generating capacity of Mona Vale is tied in with the population that surrounds it. Allowing the population to grow through density will help to support the achievement of this Priority with more people requiring more service providers.</li> <li>• Developing local employment growth in Mona Vale will need to be supported by improved housing options to accommodate a variety of additional workers. See point B and D for further discussion on affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Council's LSPS recognises Mona Vale as the contemporary, urban heart of the northern peninsula. Actions for this strategic centre focus on place planning and revitalisation of the commercial centre as well as improvements to circulation and transportation both within the centre and in terms of access to other areas of the LGA.</li> <li>• The LSPS indicates that other studies will inform how Council is able to achieve housing, employment, and infrastructure targets into the future.</li> <li>• There's no clear link between the LSPS and the provision of additional housing beyond the Mona Vale strategic centre. As noted above, this will be investigated through work on the Mona Vale Place Plan and will consider the development potential of that area</li> </ul>
	<ul style="list-style-type: none"> <li>• Planning Priority N12 seeks to deliver integrated land use and transport planning and a 30-minute city. To achieve this, more housing and jobs will need within strategic centres such as Mona Vale.</li> </ul>	<ul style="list-style-type: none"> <li>• To achieve a 30-minute city the integration of land use and transport planning is required to create walkable cities.</li> <li>• Councils adopted position within its LHS for exploring additional housing diversity within Mona Vale, is the identification of a CIA</li> </ul>

# Rezoning Review – Briefing Report

PP number 2021-7404



Council's reasons for rejection	Summary of Proponent response	Summary of Northern Beaches Council's response (February 2022)
	<ul style="list-style-type: none"> <li>Over 76% of those who work in the Northern Beaches also live in the area and this should continue to be encouraged and supported to achieve the Government's objective of a 30-minute city.</li> </ul>	<p>within an 800m radius of the Mona Vale B-line bus stop. The subject site is beyond this distance.</p> <ul style="list-style-type: none"> <li>This work is a separate precinct-based place-planning process and is to take into consideration the impacts on local infrastructure.</li> <li>The Planning Proposal to change the zoning and alter the density is inconsistent with Council's LHS and Planning Priority N12.</li> </ul>
<p>b) The Planning Proposal is inconsistent with the provisions of Council's Local Strategic Planning Statement - Towards 2040</p>	<ul style="list-style-type: none"> <li>Page 21 of the Planning Proposal demonstrates its consistency with the planning priorities of the LSPS.</li> </ul> <p>The Planning Proposal is:</p> <ul style="list-style-type: none"> <li>consistent with the North District Plan and the LSPS, provides a diversity of housing types, sizes and price points which can help improve housing and rental affordability;</li> <li>provides a greater choice of housing options to a changing and ageing community;</li> <li>will provide a mix of housing options to support Mona Vale's important role as a commercial and strategic centre for the Northern Beaches;</li> <li>Will provide additional housing opportunities within walking distance of Mona Vale (a strategic centre) as well as public transport options, helping support the achievement of the NSW Government's objective of creating a 30-minute city.</li> </ul>	<ul style="list-style-type: none"> <li>Council's LHS shows that we generally have the capacity under existing planning rules to provide for these new homes. The shortfall between what is needed and what is possible within current controls is around 275 dwellings only.</li> <li>The LHS outlines options to achieve this goal, including the identification of CIA's within an 800-metre radius of nominated centres, Mona Vale being one of them. This work will be subject to separate precinct-based master-planning and consultation.</li> <li>The Proposal is inconsistent with the intent of master-planning, which is to consider the unique character of the area and potential infrastructure required to support any growth.</li> <li>Council's LHS identifies an undersupply of affordable housing in the LGA to support key and essential workers, and through Councils adopted Affordable Housing Policy aims for the provision of 10% affordable rental housing in areas subject to urban renewal. This is reinforced through Council's LSPS, which contains several principles and actions in relation to social and affordable housing, including seeking a minimum of 10 per cent affordable rental housing to be included in new Planning Proposals.</li> </ul>



# Rezoning Review – Briefing Report

PP number 2021-7404



Council's reasons for rejection	Summary of Proponent response	Summary of Northern Beaches Council's response (February 2022)
		<ul style="list-style-type: none"><li>The Proposal does not provide for the provision of any affordable rental housing and is inconsistent with Council's policies.</li></ul>
	<ul style="list-style-type: none"><li>This is not a spot rezoning as it is contiguous to an existing area of R3 zoned land, included in a cul-de-sac that is otherwise developed with similar built form, located opposite a golf club and most importantly is within walking distance of a strategic centre.</li></ul>	<ul style="list-style-type: none"><li>The proposal is a spot rezoning and does not adequately justify the rezoning of the subject property over and before other land adjoining it or within the broader Mona Vale town centre zone R2 land. See point D for further discussion on setting an unwanted precedent.</li></ul>
	<ul style="list-style-type: none"><li>The Planning Proposal addresses affordable housing issues through the provision of new medium density housing stock. It will also encourage smaller sized (more affordable) apartments if clause 4.5A of the PLEP 2014 is removed.</li><li>Council's Affordable Housing Policy states that it applies to urban renewal and greenfield development sites. The site is not identified as an "urban renewal" site under the North District Plan. The proposal should be classified as "infill development" and therefore this policy should not apply to the Proposal.</li><li>Should Council's AHCS be amended to include Mona Vale, the client would contribute to the provision of affordable housing.</li></ul>	<ul style="list-style-type: none"><li>It is now widely recognised that supply alone does not address housing affordability, hence the Government's focus on SEPP 70 to address this issue.</li><li>See earlier discussion on housing affordability.</li></ul>

# Rezoning Review – Briefing Report

PP number 2021-7404



Council's reasons for rejection	Summary of Proponent response	Summary of Northern Beaches Council's response (February 2022)
c) The Planning Proposal does not demonstrate strategic merit or site-specific merit	<ul style="list-style-type: none"><li>The strategic merit of the Panning Proposal has been outlined against both State and local government policies.</li><li>All assessment issues can be addressed at the DA stage under section 2.3.3 of the Planning Proposal report.</li><li>The Proposal is consistent with the current use(s) of land in the vicinity of the site and the objective to grow and develop Mona Vale.</li><li>The Proposal is consistent with: the North District Plan and the LSPS; provides a diversity of housing types and choice; will provide a mix of housing options to support Mona Vale strategic importance; will provide additional housing opportunities within walking distance of Mona Vale as well as public transport options, helping support the achieve the NSW Government's objective of creating a 30-minute city.</li></ul>	<ul style="list-style-type: none"><li>The Planning Proposal is inconsistent with Council's strategic direction and has not demonstrated why it should be progressed ahead of the Mona Vale Place Plan and without the demonstrable strategic need for additional housing of this form in this location.</li><li>The proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zoned R2, or other land across LGA with similar characteristics and attributes.</li><li>Rezoning of the subject site risks setting a precedent for adjoining landowners to consider rezoning under the same premise.</li><li>It is therefore considered the Proposal has no strategic merit.</li></ul>
d) The Planning Proposal may establish an unwanted precedent	<ul style="list-style-type: none"><li>The site is located at the end of a cul-de-sac street with a total of 20 residential lots. Apart from the land included in this Proposal, most of the lots in the cul-de-sac are developed for medium density housing.</li><li>The street has been zoned R3 Medium Density Housing for an extended period. The Proposal is contiguous to the existing medium density housing form of this street and will not set a precedent given its location, attributes and proximity to the Mona Vale Strategic Centre.</li></ul>	<ul style="list-style-type: none"><li>The vast majority of the surrounding area to the west and south is zoned R2 low density residential. The subject adjoins, at its rear boundary, properties that are also currently zoned R2.</li><li>The same arguments put forward by the Proponent could be used by owners of these adjoining properties in an attempt to justify the rezoning of their land.</li><li>The proposal does not justify the rezoning of the subject property over and before other land adjoining the site or within the Mona Vale town centre zoned R2 or other land across LGA.</li></ul>

# Rezoning Review – Briefing Report

PP number 2021-7404



Council's reasons for rejection	Summary of Proponent response	Summary of Northern Beaches Council's response (February 2022)
		<ul style="list-style-type: none"><li>Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners, or other landowners of R2 zoned land.</li></ul>
e) The Planning Proposal does not provide affordable housing in keeping with the requirements of Council's Affordable Housing Policy.	<ul style="list-style-type: none"><li>The Planning Proposal addresses affordable housing issues identified in the LSPS and LHS (See earlier discussions on affordable housing).</li><li>Should Council's Affordable Housing Contribution Scheme be amended to include Mona Vale (through SEPP 70), the client would contribute to the provision of affordable housing in the LGA at the DA stage..</li></ul>	<ul style="list-style-type: none"><li>The Planning Proposal does not provide any affordable rental housing and is inconsistent with Council's affordable housing policy, LSPS, LHS and intention of SEPP 70 to enable the provision of additional affordable rental housing within the Northern Beaches LGA</li><li>See earlier discussions on affordable housing.</li></ul>

# Rezoning Review – Briefing Report

---

PP number 2021-7404



*Lauren Templeman*

A handwritten signature in blue ink that reads "Lauren Templeman".

19 March 2023

Manager, North District

Brendan Metcalfe

A handwritten signature in blue ink that reads "Brendan Metcalfe".

16 March 2023

Director, North District

Assessment officer

Luke Johnson

Planning Officer, North District

02 9860 1580

---

© State of New South Wales through Department of Planning and Environment 2022 The information contained in this publication is based on knowledge and understanding at the time of writing February 2022. However, because of advances in knowledge, users should ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate departmental officer or the user's independent adviser.