

ITEM 12.5	PLANNING PROPOSAL (PEX2021/0001) - 159-167 DARLEY STREET, MONA VALE
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2021/700303
ATTACHMENTS	1 ⇒ Planning Proposal (Included In Attachments Booklet) 2 ⇒ Northern Beaches Local Planning Panel Advice (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek endorsement from Council to reject the Planning Proposal (Attachment1) to rezone properties located at 159-167 Darley Street West, Mona Vale from R2 Low Density Residential to R3 Medium Density Residential and to amend clause 4.5A of Pittwater Local Environmental Plan 2014 (PLEP 2014) so that maximum dwelling density requirements do not apply to the site.

EXECUTIVE SUMMARY

A Planning Proposal (PEX 2021/0001) was lodged on 14 July 2021 by Intrec Management (the Proponent) seeking to rezone properties located at 159-167 Darley Street West, Mona Vale from R2 Low Density Residential under PLEP 2014 to R3 Medium Density Residential and amend Clause 4.5A (3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale (thereby confirming that clause 4.5A does not apply to the subject site).

Council placed the Proponent's Planning Proposal on non-statutory public exhibition in accordance with the Northern Beaches Community Participation Plan from 9 August 2021 to 22 August 2021 (2 weeks).

72 public submissions were received in response to the public exhibition period. 66 submissions objected to the proposal. One submission generally supported the proposal, with a further submission being neutral and four submissions raising no objection to the rezoning but objecting to the proposed removal of the density restrictions.

Key issues raised in submissions include: lack of strategic merit, inconsistency with the character of the area, not in the interest of the local population, does not provide for any affordable rental housing and site- specific impacts such as increased traffic and parking impacts, and broader impacts on infrastructure and the environment.

The Northern Beaches Local Planning Panel considered the Planning Proposal on 6 October 2021 and indicated general agreement with Council's planning proposal report not to support the Planning Proposal and considered the application to be premature given the strategic planning initiatives being undertaken, in particular the Mona Vale Place Plan. The Panel recommended (Attachment 2):

- A. That Council not proceed with the Planning Proposal for 159-167 Darley Street Mona Vale, and not forward it to the NSW Department of Planning, Industry and Environment for a Gateway determination for the reasons set out in the assessment report.
- B. That the site be included in the Mona Vale Centre Investigation Area and the appropriateness of clause 4.5A of the Pittwater LEP 2014 for the locality be reviewed as part of the Mona Vale Centre Investigation Area investigations.

The Planning Proposal is considered to be inconsistent with the Greater Sydney Region Plan, North District Plan, Northern Beaches Local Strategic Planning Statement - Towards 2040,

Northern Beaches Local Housing Strategy, and has not demonstrated sufficient strategic merit or site-specific merit.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Reject the Planning Proposal for 159-167 Darley Street West, Mona Vale and not forward it to the NSW Department of Planning, Industry and Environment seeking a Gateway determination for the following reasons:
 - A. The Planning Proposal is inconsistent with the provisions of the North District Plan.
 - B. The Planning Proposal is inconsistent with the provisions of Council's Local Strategic Planning Statement - Towards 2040.
 - C. The Planning Proposal does not demonstrate strategic merit or site specific merit when assessed against the NSW Planning & Environment's: A guide to preparing planning proposals.
 - D. The Planning Proposal may establish an unwanted precedent.
 - E. The Planning Proposal does not provide affordable housing in keeping with the requirements of Council's Affordable Housing Policy.
 2. As part of the Mona Vale Place Planning Process, include 159-167 Darley Street West, Mona Vale for consideration within the Centre Investigation Area (as identified within the draft Local Housing Strategy) and the appropriateness of clause 4.5A of the Pittwater LEP 2014 for the locality be reviewed as part of the Place Planning process.
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REPORT

BACKGROUND

A Planning Proposal (PEX 2021/0001) for properties at 159-167 Darley Street West, Mona Vale was lodged on 14 July 2021 by Intrec Management (the Proponent).

The proposal is to:

- Rezone properties 159-167 Darley Street West, Mona Vale from R2 Low Density Residential under PLEP 2014 to R3 Medium Density Residential.
- Amend Clause 4.5A(3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale (thereby confirming that clause 4.5A does not apply to the subject site).

A Concept Plan has been prepared for the site which shows an indicative scheme for 2 residential flat buildings containing 38 apartments and 3 townhouses being provided on the site.

It is noted that the Concept Plan carries no statutory weight, and should the Planning Proposal be approved, a development application would be required for any redevelopment of the site, which could be of a substantially different form and density to the submitted Concept Plan.

Three of the properties subject to the proposal are owned by Magnolia Views Property Pty Ltd, with the remaining two properties in separate private ownership.

Pre-lodgment meeting

A pre-lodgement meeting for the Planning Proposal was held on 9 September 2020, with the following comments provided to the Proponent.

Strategic & Place Planning

- Mona Vale is identified as a Strategic Centre within both the Greater Sydney Region Plan 2036 and the North District Plan. Council is undertaking technical studies to determine how to best achieve the housing and employment targets in the context of the Strategic Centre and the entire LGA.
- The North District Plan and Local Strategic Planning Statement do not specifically require the need for additional housing in the location of the subject site.
- Based on Council's preliminary research, the LGA's five-year housing target (2016-2021) under the North District Plan is 3,400 new dwellings and is likely to be met under existing planning controls without the need for unplanned uplift.
- Council's LSPS has actions for the Mona Vale strategic centre focused 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.
- The LSPS also indicates that other studies will inform how Council is able to achieve housing, employment, and other infrastructure targets into the future.
- There is no clear link between the Northern Beaches LSPS and the provision of additional housing beyond the existing Mona Vale strategic centre. As noted above, recent research indicates that existing planning controls will be able to deliver short term targets with an emphasis on new dwellings being provided in already identified precincts such as Frenchs Forest.
- Any areas subject to uplift would be subject to the provision of affordable housing in accordance with Council's adopted Affordable Housing policy. In particular, the proposal

must provide for the delivery of the 10% rental housing target (all strategic plans and planning proposals for urban renewal or greenfield development).

- Discussion was had in relation to the possibility of introducing Additional Permitted Uses to the site to ensure that development occurs as intended by the objectives of the Planning Proposal. Council is unable to provide formal comment on the use of APUs for this site given that this matter does not form part of the pre-lodgement documents. Further discussion may be held separately for this matter.
- The proposal to remove clause 4.5A in relation to density controls for residential accommodation is not supported.
- Further, the proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zone R2 land (or other land across LGA with similar characteristics and attributes). Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners to consider rezoning under the same premises.

Stormwater, Floodplain Engineering

- The Proposal must show compliance with the Flood Prone Land (4.3) Direction of the Local Planning Directions under Section 9.1(2) of the Environmental Planning and Assessment Act 1979.
- The proposal would permit a significant increase in the development of floodprone land, the applicant must demonstrate that the cumulative impact of the development will not affect surrounding areas.
- The planning proposal has the potential to set a precedent for adjoining properties to upzone without the benefit of a wider housing review or the impacts to flood prone land to the northwest of the subject site.
- A comprehensive Flood Risk Assessment is required which includes:
 - 2D flood modelling of the existing flood regime for a range of design flood events up to and including the Probable Maximum Flood event
 - Flood modelling of the post construction scenario for the same design flood events up to and including the Probable Maximum Flood event
 - Afflux mapping to demonstrate the impact of the development on the flood regime, including the impact on flood depths and velocities
 - Consideration of the potential for blockage and how this will be mitigated
 - Determination of the required Flood Planning Level and resultant minimum floor level requirements for future development.
 - An assessment of the flood risk to life associated with the development including appropriate flood emergency response planning
 - Detail of any required civil works to mitigate flood risk
 - Commentary on the consistency of the proposal with Section 9.1 Direction 4.3 Flood Prone Land
 - Council is supportive of opportunities to minimise flood risk to private property and divert this flow to Darley Street if it does not impact the trafficability of the roadway in flood events.

- The Proposal would need to outline how any future Development Application on the site could comply with Council's Local Environmental Plan and Development Control Plan provisions for flood prone land.

Site Description

The subject site (see *Figure 1*) comprises five lots in total, legally described as Lot 1-5, DP 11108 with an approximate area of 6,120m². The site contains five single or two storey dwellings, and adjoins:

- A residential flat building to the East containing 11 units (155 Darley Street West),
- Darley Street West and Bayview Golf Course to the North,
- Detached dwellings and a residential flat building containing four units (10 Kunari Place) to the West; and
- A mix of one and two storey detached dwellings located in Park Street to the South.



Figure 1 : Aerial photo of site and adjoining properties



Figure 2 : 159 Darley Street West



Figure 3 : 161 Darley Street West



Figure 4 : 163 Darley Street West (double block)



Figure 5 : 167 Darley Street West

Site Ownership

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 & 167 Darley Street West).

Proposed Amendments to PLEP 2014

The following amendments to PLEP 2014 are proposed:

- A. Rezone the site from R2 Low Density Residential to R3 Medium Density Residential



Figure 6 : Site - existing zoning



Figure 7 : Site - Proposed Zoning

- B. 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*

Assessment of Planning Proposal

The following assessment is undertaken in accordance with the NSW Department of Planning, Industry and Environment's '*Planning Proposals: A Guide to Preparing Planning Proposals*'.

Part 1 – Objectives or Intended Outcomes

The Planning Proposal seeks to amend Pittwater Local Environmental Plan 2014 to enable the site to be developed for medium density housing.

A Concept Plan has been prepared for the site to indicate up to 41 dwellings (three townhouse and 38 apartments) (See Figure 8).



Figure 8 : Concept Plan (BLDA=20 units ; BLDB = 18 units ; BLD B,C & D = 3 townhouses)

Part 2 – Explanation of Provisions

The site is currently zoned R2-low density residential under PLEP 2014, and the construction of multi-dwelling housing and residential flat buildings are not consistent with the objectives of this zone and are prohibited uses.

The proposal seeks to permit the development of multi-dwelling housing and residential flat buildings on the site by rezoning the site from R2 Low Density Residential to R3 Medium Density Residential. Both multi-dwelling housing and residential flat buildings are permissible with consent under the R3 Medium Density Zone within PLEP 2014.

Density controls also exist for the development of certain residential accommodation within the R3 zone under Clause 4.5 of PLEP 2014 that restrict the density of development to a maximum of one dwelling per 200 square metres of site area.

The proposal also seeks to amend Clause 4.5A(3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale (thereby confirming that clause 4.5A does not apply to the subject site).

Specifically, the proposed outcome of the planning proposal will be achieved by:

- Amending PLEP 2014 Land Zoning Map Sheet 12 for 159-167 Darley Street West, Mona Vale

in accordance with Figure 7.

- Amending clause 4.5(3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale and thereby confirming that clause 4.5A does not apply to the site.

A Concept Plan has been prepared for the site showing two apartment buildings comprising 38 apartments plus three townhouses, equating to 41 dwellings with a density of approximately one dwelling per 149 square metres.

However, it is noted that the Concept Plan carries no statutory weight and should the Planning Proposal be approved in its current form, a development application would be required for the site, which could be of a substantially different form and density to the submitted Concept Plan.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, Strategic Study or report?

The Planning Proposal is not the result of any endorsed Local Strategic Planning Statement (LSPS), strategic study or report. Whilst Councils LSPS identifies an area of 1.5km around the Mona Vale centre to investigate medium density housing, a key principle is also to locate a greater diversity of housing and affordable housing options within reasonable walking distance (800m) of high-frequency public transport. The mechanism to further explore the location, demand and type of dwelling is Councils Local Housing Strategy (LHS) and preparation of the Mona Vale Place Plan.

Action 15.1 of the LSPS is for Council to prepare and implement a LHS. Council adopted the LHS on 27 April 2021. The endorsed LHS does not consider the site for medium density housing.

Action 27.1 of the LSPS is for Council to prepare a place plan for Mona Vale and develop LEP and DCP controls to respond to LEP studies and support the revitalisation of the centre. Council is about to commence the preparation of a place plan for Mona Vale.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objective of the Planning Proposal is to provide additional medium density housing within the vicinity of the Mona Vale town centre via a spot rezoning. Spot rezonings are not the best means of achieving the intended outcomes of providing a mix and diversity of housing to meet the needs of the local community whilst considering the unique character and impacts on infrastructure to support any proposed growth.

The best and most orderly way to explore and outline Council's approach to managing the location, type, and amount of new housing to meet the needs of the Northern Beaches community to 2036 is through Councils LHS and Place Planning of the Mona Vale area.

Section B - Relationship to Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy?)

a) Does the proposal have strategic merit?

Mona Vale is identified as a Strategic Centre within both the *Greater Sydney Region Plan 2036* and the *North District Plan*. In these documents, strategic centres are the focus of housing, employment, and transportation. As per the District Plan, Mona Vale strategic centre is a mixed-use area including retail, commercial, community, light industrial and residential uses.

In both the Regional and the District plans, the focus for this centre is in its commercial and retail function including a job target of between 700-1700 jobs by 2036. A 0–5-year housing target of 3,400 dwellings is also provided in the North District Plan, with each Council to also develop 6-10 housing targets through its LHS and demonstrate capacity for steady housing supply.

The Northern Beaches Council's LSPS (Towards 2040) was made by the Chief Executive Officer under delegated authority based on Council's resolution 25 February 2020 and a letter of support from the Greater Sydney Commission (GSC) for consistency with the Greater Sydney Region Plan and North District Plan. This new planning document sets out a 20-year vision for land use in the area.

Councils LSPS and LHS (adopted at the Council meeting of 27 April 2021) is the mechanism to provide a locally relevant response to the Greater Sydney Region Plan and District Plan housing targets. The LSPS identifies the need to prepare a LHS and a Place Plan for Mona Vale.

The LHS applies the principles of Towards 2040 and aims to build in long term capacity for growth around centres with good transport, whilst respecting each centre's scale and character and increasing housing diversity and affordability.

It considers trends in terms of population growth and change; household size and mix; issues such as affordability, sustainability and building resilience; and housing diversity, including housing types such as boarding houses, seniors housing and social and affordable housing.

The LHS identifies that we will need to accommodate around 12,000 new homes by 2036 to provide for population growth. Analysis shows we generally have the capacity under existing planning rules to provide for these new homes, without having to make major changes to our existing planning controls for most of the Council area. The shortfall between what is needed and what is possible (i.e., the gap that we must plan for to 2036) within current controls is 275 dwellings.

However, Council still needs to provide for a diversity of dwelling types to meet local needs and to enable Council to seek exemption from housing-related State Environment Planning Policies, which have in the past resulted in ad-hoc development with poor environmental planning outcomes.

The LHS outlines options to achieve this goal, including the identification of Centre Investigation Areas within an 800-metre radius of nominated centres, Mona Vale being one of them (the others being Brookvale, Dee Why, Manly Vale & Narrabeen). This work will be subject to separate precinct-based master-planning and community consultation. Council has State Government funding to begin the Mona Vale Place Plan (which will incorporate the investigation area), which will commence shortly and will consider the development potential of that area, including the appropriate level of new development that can be accommodated, and demands for local infrastructure.

The Proposal is both outside of the Mona Vale investigation area and is inconsistent with the intent of master-planning, which is to consider the area, reflecting upon the unique character of the area and potential infrastructure required to support any growth.

Further, Council's LHS identifies a significant undersupply of affordable housing on the Northern Beaches 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 (areas of zoning uplift). 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, consistent with Council's existing Affordable Housing Policy.

The Proposal does not provide for the provision of any affordable rental housing and is inconsistent with Councils affordable housing policy and LHS.

The North District Plan, LSPS and LHS do not specifically require the need for additional housing in the location of the subject site. Further the Proponent has not demonstrated why this planning proposal 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.

It is therefore considered that the Proposal does not have strategic merit.

Greater Sydney Region Plan – A Metropolis of Three Cities

The proposal's consistency with the relevant objectives of the *Greater Sydney Region Plan* is detailed within Table 1.

Relevant Planning Priorities	Consistency
Housing the City Objective 10 – Greater housing supply	<p>The proposal will support residential uses on the site; however, the objective is to support new housing in the right location and must be co-ordinated with local infrastructure.</p> <p>The site is not the right location for additional medium density housing such as residential flat buildings, which needs to be planned for with consideration of the broader character of the area and impacts on infrastructure to support any proposed growth.</p> <p>As identified above, Council's LHS identifies an area within 800 metres of the Mona Vale centre as an area for future investigation. This will be subject to separate precinct-based master-planning and community consultation work, to be done via the Mona Vale Place Plan. The site is not located within the 800-metre investigation area.</p> <p>Work on the Mona Vale Place Plan (which will incorporate the investigation area) will be starting soon and will take into consideration the area, including the appropriate level of new development that can be accommodated and impacts on local infrastructure.</p> <p>Any increase in density in the R3 zone under the LEP should also be considered holistically in the context of the proposed precinct-based review being undertaken by Council in the Mona Vale Centre Investigation Area.</p>
Objective 11 – Housing is more diverse and affordable	<p>The objective is to provide diverse housing choices, particularly in the form of additional affordable rental housing.</p> <p>Councils affordable housing policy requires areas of urban renewal (areas of zoning uplift) to provide 10% affordable rental housing.</p> <p>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</p> <p>The Proposal does not include for the provision of any affordable rental housing (increasing the density to provide a</p>

	variety of dwelling sizes does not increase the provision of affordable rental supply) and is inconsistent with Council's affordable housing policy, LSPS and Objective 11.
A well-connected city Objective 14 - Integrated land use and transport creates walkable and 30-minute cities	<p>To achieve a 30-minute city the integration of land use and transport planning is required to create walkable cities.</p> <p>Council's adopted position within its LHS for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This area has been identified as the most appropriate location within a walkable distance to services, jobs, and public transport.</p> <p>This work is to be a separate precinct-based place-planning process and will take into consideration the impacts on local infrastructure, including transport.</p> <p>The Planning Proposal to change the zoning and alter the density to significantly increase the number of dwellings on this site, which is located outside of the 800-metre investigation area, is inconsistent with Council's adopted Local Housing Strategy and considered inconsistent with Objective 14.</p>

Table 1 : Consistency with relevant priorities in the Greater Sydney Region Plan

North District Plan

The proposals consistency with the relevant objectives of the *North District Plan* is detailed within Table 2.

Relevant Planning Priorities	Consistency
Housing the city Planning Priority N5 – Providing housing supply, choice, and affordability, with access to jobs, services, and public transport	<p>The objective is to support new diverse housing (such as terrace and villa homes that provide increased housing options) in the right location and must be coordinated with local infrastructure.</p> <p>Priority N5 identifies that councils are in the best position to investigate and confirm which parts of their local government area are suited to additional medium density opportunities (particularly for infill development) through the preparation of local housing strategies.</p> <p>Priority N5 also sets five-year housing targets for the Northern Beaches area and stipulates that each council is to develop 6-10 housing targets through its LHS and demonstrate capacity for steady housing supply.</p> <p>As detailed above, Council's adopted LHS identifies that Council generally has capacity under existing planning rules to provide for these new homes. However, Council needs to provide for a diversity of dwelling types to meet demand, and to enable Council to seek exemption from housing-related State Environment Planning Policies,</p> <p>One of these options is the identification of an area within 800 metres of the Mona Vale centre as an area for</p>

	<p>investigation. This will be subject to separate precinct-based place-planning and community consultation work, to be done via the Mona Vale Place Plan.</p> <p>Work on the Mona Vale Place Plan (which will incorporate the investigation area) will be starting soon and will take into consideration the appropriate level of new development that can be accommodated and impacts on local infrastructure.</p> <p>Priority N5 also identifies the requirement for councils to prepare affordable Rental Housing Target Schemes following development of implementation arrangements.</p> <p>In addition to Council's LSPS & LHS a key element of Council's Affordable Housing Policy is the inclusion of the Northern Beaches LGA in State Environmental Planning Policy No.70 (SEPP70). SEPP 70 enables Councils to include affordable rental housing requirements in Local Environmental Plans (LEPs) in areas subject to zoning "uplift" through an affordable housing contribution scheme.</p> <p>Council has developed a draft affordable housing contribution scheme, which will allow the collection of developer contributions to provide affordable housing either as complete dwellings or as an equivalent monetary contribution. 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.</p> <p>The proposal does not provide for the provision of any affordable rental housing and is inconsistent with Councils affordable housing policy, LSPS and Priority N5</p>
<p>A well-connected city</p> <p>Planning Priority N12 – Delivering integrated land use and transport planning and a 30-minute city</p>	<p>To achieve a 30-minute city the integration of land use and transport planning is required to create walkable cities.</p> <p>Councils adopted position within its LHS for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This area has been identified as the most appropriate location within a walkable distance to services, jobs, and public transport.</p> <p>This work is to be a separate precinct-based place-planning process and will take into consideration the impacts on local infrastructure, including transport.</p> <p>The Planning Proposal to change the zoning and alter the density to significantly increase the number of dwellings on the site, which is outside the 800-metre investigation area, is inconsistent with Council's adopted Local Housing Strategy and considered inconsistent with Planning Priority N12.</p>

<p>A resilient city</p> <p>Planning Priority N22 - Adapting to the impacts of urban and natural hazards and climate change</p>	<p>Effective planning can reduce exposure to natural and urban hazards, with growth and change to be considered at the local level, taking into consideration cumulative impacts.</p> <p>The site is identified as flood affected, with the Planning Proposal showing general compliance with planning on flood affected land. A full assessment however cannot be undertaken until a more detailed application is lodged.</p>
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Table 2 : Consistency with relevant priorities in the North District Plan

4. Does the proposal have site-specific merit, having regard to the following?

<p>The natural environment (including known significant environmental values, resources, or hazards).</p>	<p><u>Flooding</u> The subject site is affected by Low Risk and Medium Risk flood hazards in accordance with Council's Flood Hazard Map adopted in 2019. Council notes the Planning Proposal generally meets the flood controls in the LEP and DCP, however has not addressed the most recent Ministerial direction 4.3 (flood prone land - released on 14 July 2021). Council however considers it generally consistent with Direction 4.3, however a full assessment cannot be undertaken until a more detailed development application is lodged and would be subject to approval by the development engineers.</p> <p><u>Biodiversity</u> The Ecological Assessment has concluded that the subject site contains a total of 0.23 ha of native vegetation, of which, 0.13 ha is indicated to be impacted. It is recommended that any future development design maximises efforts to avoid/ minimises impacts to the biodiversity values of the site and locality, including Pittwater Spotted Gum Forest.</p> <p>From the information supplied it is hard to determine the number of native trees proposed for removal, and whether it would be compliant with the DCP controls in relation to removal of tree canopy. An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries.</p>
<p>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.</p>	<p>The site is zoned R2 low density residential.</p> <p>Councils LHS identifies an area within 800 metres of the Mona Vale centre as an area for investigation for additional housing diversity and density.</p> <p>Whilst Council will be beginning work on the Mona Vale Place Plan soon (which will incorporate the investigation area), it will apply the LHS adopted Centre Renewal Framework for this work. This identifies the outer zone of the investigation area as an area suitable for housing that matches the character of existing detached housing, such as dual occupancy, terraces, semi-detached</p>

	<p>dwellings, or manor homes.</p> <p>The subject site is not within the identified centre investigation area, and the proposal is for a Concept Plan with two apartment buildings in addition to three town houses.</p> <p>The proposal is inconsistent with the likely future uses of land in the vicinity of the proposal.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p>	<p>Work on the Mona Vale Place Plan (which will incorporate the investigation area identified within the LHS) will be starting soon and will take into consideration the centre investigation area as identified within the LHS.</p> <p>Planning for infrastructure to support proposed growth will be a key element of this work, and will consider potential impacts on local infrastructure, including transport, traffic, environmental sustainability, and climate change. The need for new infrastructure will also be informed by other Council strategies, such as the social infrastructure study, open space and recreation strategy, and a land use and infrastructure implementation plan.</p>

Table 3 : Commentary on site specific merit

5. Will the planning proposal give effect to a council's local strategy or other local strategic plan?

Councils LSPS contains four priorities related to housing as shown in Table 4.

Relevant Planning Priorities	Comment
<p><u>Open Space</u></p> <p>Priority 6 - High quality open space for recreation</p>	<p>A key principle is to locate all new residential development within 400m of open space and all high-density areas within 200m of open space.</p> <p>The site is opposite the Bayview Golf Course, and within 200m of additional areas zoned RE1.</p>
<p><u>Housing</u></p> <p>Priority 15 – Housing supply, choice, and affordability in the right locations</p>	<p>A key principle is to locate a greater diversity of housing and affordable housing options within reasonable walking distance (800m) of high-frequency public transport.</p> <p>A key action to deliver on the priority is to prepare and implement a local housing strategy.</p> <p>The Proposal is not within 800 metres of the B-line stop, or the area for investigation as identified within the LHS.</p>
<p>Priority 16 – Access to quality social housing and affordable housing</p>	<p>To ensure an available supply of affordable rental housing and provide for a minimum of 10% affordable rental housing for all planning proposals for upzoning.</p> <p>The Proposal does not provide for any affordable rental housing in accordance with this priority or Councils</p>

	affordable housing policy.
Jobs and skills Priority 27 – Prepare a place plan for Mona Vale and develop LEP and DCP controls to respond to LEP studies and support the revitalisation of the centre.	<p>Priority 27 of the document recognises Mona Vale as the contemporary, urban heart of the north. Actions for this strategic centre focus on place planning and revitalisation of the commercial centre as well as improvements to circulation and transportation both within the centre and in terms of access to other areas of the LGA.</p> <p>The LSPS indicates that other studies will inform how Council is able to achieve housing, employment, and other infrastructure targets into the future.</p> <p>There is no clear link between the Northern Beaches LSPS and the provision of additional housing beyond the existing Mona Vale strategic centre. As noted above, this will be investigated through work on the Mona Vale Place Plan (which will incorporate the investigation area identified within the LHS), which will be starting soon and will take into consideration the area.</p>

Table 4 : Consistency with Towards 2040

Further, the LSPS identifies an area of 1.5km around the Mona Vale centre to investigate medium density housing, which will be further explored through the preparation of a LHS, with the key principle being to locate a greater diversity of housing and affordable housing options within reasonable walking distance (800m) of high-frequency public transport.

Councils adopted LHS, applies the principles of Towards 2040 and aims to build in long term capacity for growth around centres with good transport, whilst respecting each centres scale and character and increasing housing diversity and affordability.

As detailed above, the LHS looks at the housing mix in the Northern Beaches today, and the kind of housing that will be needed in the future. It considers trends in terms of population growth and change; household size and mix; issues such as affordability, sustainability and building resilience; and housing diversity, including housing types such as boarding houses, seniors housing and social and affordable housing.

The adopted position for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This work is to be a separate precinct-based place-planning process involving community consultation. Council has State Government funding to begin the Mona Vale Place Plan (which will incorporate the investigation area), which will be starting soon and will take into consideration the area, including the appropriate level of new development that can be accommodated, including the impacts on local infrastructure.

The Proposal is both outside of the Mona Vale investigation area and is inconsistent with the intent of master-planning, which is to consider the area, reflect on the unique character of the area and circumstances and impacts on infrastructure to support any proposed growth.

In consideration of the above, the documents submitted by the proponent have not demonstrated why this planning proposal should be progressed ahead of the completion of the Mona Vale Place Plan.

Further, the proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zone R2 land (or other land across LGA with similar characteristics and attributes). Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners to consider rezoning under the same premise.

It is therefore considered the Proposal does not have site specific or strategic merit.

6. Is this Planning proposal consistent with applicable State Environmental Planning Policies?

SEPP 55 – Remediation of Land

The Proposal includes a Concept Plan for the potential development of two residential flat buildings containing 38 apartments and three townhouses. SEPP 55 would apply should a development application be submitted. Matters for consideration are included within Ministerial Direction 2.6 detailed within section 6.

SEPP 65 – Design Quality of Residential Apartment Development

The Proposal includes a Concept Plan for the potential development of two residential flat buildings containing 38 apartments and three townhouses.

It is noted that the Concept Plan carries no statutory weight, and should the Planning Proposal be approved in its current form, a development application would be required for the site, which could be of a substantially different form and density to the submitted Concept Plan.

SEPP 65 would apply should a development application be submitted.

SEPP 70 - Affordable Housing (Revised Schemes)

The Proposal does not provide any affordable rental housing.

SEPP 70 identifies the need for affordable housing across the whole of the State and enables councils to include affordable rental housing requirements in Local Environmental Plans in areas subject to zoning “uplift” through an affordable housing contribution scheme.

Council has developed an affordable housing contribution scheme, which allows the collection of developer contributions to provide affordable housing either as complete dwellings or as an equivalent monetary contribution, consistent with Council’s affordable housing policy for areas of urban renewal (areas of zoning uplift) to provide 10% affordable rental housing

The Scheme is to apply initially to the Frenchs Forest Planned Precinct and a site in Narrabeen, however, may be extended to other areas that are rezoned or are subject to increases in residential density in the future. Each area will be subject to separate feasibility analysis to determine the required contribution rate.

The proposal does not provide any affordable rental housing and is inconsistent with Council’s affordable housing policy and intention of SEPP 70 to enable the provision of additional affordable rental housing within the Northern Beaches LGA.

SEPP (Building Sustainability Index: BASIX) 2004

The Proposal includes a Concept Plan for the potential development of two residential flat buildings containing 38 apartments and three townhouses.

It is noted that the Concept Plan carries no statutory weight and should the Planning Proposal be approved in its current form, a development application would be required for the site, which could be of a substantially different form and density to the submitted Concept Plan.

SEPP BASIX would apply should a development application be submitted.

SEPPs		Applicable	Consistent
1	Development Standards		
19	Bushland in Urban Areas	No	N/A
21	Caravan Parks	No	N/A

33	Hazardous and Offensive Development	No	N/A
36	Manufactured Home Estates	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	No	N/A
55	Remediation of Land	Yes	Would apply should a development application be submitted.
64	Advertising and Signage	No	N/A
65	Design Quality of Residential Apartment Development	Yes	Would apply should a development application be submitted.
70	Affordable Housing (Revised Schemes)	Yes	No – The proposal does not provide any affordable rental housing.
	(Aboriginal Land) 2019	No	N/A
	(Affordable Rental Housing) 2009	No	N/A
	(Building Sustainability Index: BASIX) 2004	Yes	Would apply should a development application be submitted.
	(Coastal Management) 2018	Yes	Would apply should a development application be submitted.
	(Concurrences) 2018	No	N/A
	(Education Establishments and Child Care Facilities) 2017	No	N/A
	(Exempt and Complying Development Codes) 2008	Yes	Would apply should the Planning Proposal be approved.
	(Gosford City Centre) 2018	No	N/A
	(Housing for Seniors or People with a Disability) 2004	No	N/A
	(Infrastructure) 2007	No	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
	(Miscellaneous Consent Provisions) 2007	No	N/A
	(Penrith Lakes Scheme) 1989	No	N/A
	(Primary Production and Rural Development) 2019	No	N/A
	(State and Regional Development) 2011	No	N/A
	(State Significant Precincts) 2005	No	N/A
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non-Rural Areas) 2017	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
Sydney Regional Environmental Plans (Deemed SEPPs):			
8	(Central Coast Plateau Areas)	No	N/A
9	Extractive Industry (No 2 -1995)	No	N/A
16	Walsh Bay	No	N/A
20	Hawkesbury – Nepean River (No 2 – 1997)	No	N/A

24	Homebush Bay Area	No	N/A
26	City West	No	N/A
30	St Marys	No	N/A
33	Cooks Cove	No	N/A
	(Sydney Harbour Catchment) 2005	No	N/A

Table 5 : Compliance with State Environmental Planning Policies (SEPPs)

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Direction 2.6: Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

A Preliminary Site Investigation (PSI) and Preliminary Acid Sulfate Soil Assessment (PASSA) was undertaken and prepared by the proponent which identifies that the land is not located within an investigation area, activities listed in Table 1 of the draft Contaminated Land Planning Guidelines have not been known to have been carried out on the site; the site has been used and occupied by residential development for over 50 years and the land is suitable, or can be made suitable, for the proposed medium density use subject to the implementation of recommendations of the report at the Development Application Stage.

Direction 3.1: Residential Zones

The objectives of this direction are:

- to encourage a variety and choice of housing types to provide for existing and future housing needs,
- to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- to minimise the impact of residential development on the environment and resource lands.

The proposed amendments are to provide for medium density development.

As outlined above, a Concept Plan has been prepared for the site which includes the potential construction of two residential flat buildings containing 38 apartments and three townhouses.

Council notes that the Concept Plan carries no statutory weight, and should the Planning Proposal be approved, a development application would be required for the site, which could be of a substantially different form and density to the submitted Concept Plan.

Councils adopted position within its LHS for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This work is to be a separate precinct-based place-planning process involving community consultation. Council has State Government funding to begin the Mona Vale Place Plan (which will incorporate the investigation area), which will be starting soon and will take into consideration the area, including the appropriate level of new development that can be accommodated, including the impacts on local infrastructure.

The Proposal is both outside of the Mona Vale investigation area and inconsistent with the intent of master-planning, which is to consider the area, reflect on the unique character of the area and circumstances and impacts on infrastructure to support any proposed growth.

Any increase in density in the R3 zone under the LEP should also be considered holistically in the context of the proposed precinct-based review being undertaken by Council in the Mona Vale Centre Investigation Area.

Councils LHS is the most appropriate mechanism to broaden (where required) the choice of building types and locations available in the housing market in the Northern Beaches today, and the kind of housing that will be needed in the future.

The proposal is therefore considered to be inconsistent with the objectives of Direction 3.1.

Direction 3.4: Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) improving access to housing, jobs and services by walking, cycling and public transport, and
- b) increasing the choice of available transport and reducing dependence on cars, and
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) supporting the efficient and viable operation of public transport services, and
- e) providing for the efficient movement of freight.

Councils adopted position within its LHS for exploring additional housing diversity within Mona Vale, is the identification of a Centre Investigation Area within an 800-metre radius of the Mona Vale B-line bus stop. This area has been identified as the most appropriate location within a walkable distance to services, jobs, and public transport.

This work is to be a separate precinct-based master-planning process and will take into consideration the impacts on local infrastructure, including transport.

The Planning Proposal seeks to change the zoning and alter the density to significantly increase the number of dwellings on the site, is outside of the investigation area and is inconsistent with Councils adopted Local Housing Strategy and considered inconsistent with Direction 3.4.

Direction 4.3 Flood Prone Land

The Proposal must show compliance with the Flood Prone Land (4.3) Direction of the Local Planning Directions under Section 9.1(2) of the Environmental Planning and Assessment Act 1979.

Under this direction, the following applies:

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.

Council notes the Planning Proposal has not addressed the most recent direction (released on 14 July 2021). Council however considers it generally consistent with Direction 4.3, however a full

assessment cannot be undertaken until a more detailed development application is lodged.

Direction 5.10 - Implementation of Regional Plans

The North District Plan does not specifically require the need for additional housing in the location of the subject site, with the mechanism to provide a locally relevant response to the District Plan housing being Councils LSPS and LHS/Mona Vale Place Plan.

The Proponent has not demonstrated why this planning proposal 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.

Further, the proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zone R2 land (or other land across LGA with similar characteristics and attributes). Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners to consider rezoning under the same premises.

It is therefore considered the Proposal is inconsistent with the Regional Plan.

Directions (as of July 2021)		Applicable	Consistency
1	Employment and Resources		
1.1	Business and Industrial Zones	No	N/A
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production and Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
2	Environment and Heritage		
2.1	Environment Protection Zones	No	N/A
2.2	Coastal Management	No	N/A
2.3	Heritage Conservation	No	N/A
2.4	Recreation Vehicle Areas	No	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	N/A
2.6	Remediation of Contaminated Land	Yes	Would apply should a development application be submitted.
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Yes	No
3.2	Caravan Parks and Manufactured Home Estates	No	N/A
3.3	Home Occupations	No	N/A
3.4	Integrating Land Use and Transport	Yes	No
3.5	Development Near Licensed Aerodromes	No	N/A
3.6	Shooting Ranges	No	N/A
3.7	Reduction in non-hosted short term rental accommodation period	No	N/A
4	Hazard and Risk		
4.1	Acid Sulfate Soils	Yes	Would apply should a development application be submitted.

4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	Yes	Would apply should a development application be submitted.
4.4	Planning for Bushfire Protection	No	N/A
5	Regional Planning		
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.9	North West Rail Link Corridor Strategy	No	N/A
5.10	Implementation of Regional Plans	Yes	No
5.11	Development of Aboriginal Land Council land	No	N/A
6	Local Plan Making		
6.1	Approval and Referral Requirements	No	N/A
6.2	Reserving Land for Public Purposes	No	N/A
6.3	Site Specific Provisions	No	N/A
7	Metropolitan Planning		
7.2	Implementation of Greater Macarthur Land Release Investigation	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A

Table 6 : Compliance with Ministerial Directions

Section C – Environmental, social and economic impact**Q7. 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 Ecological Assessment has concluded that the subject site contains a total of 0.23 Ha of native vegetation, of which, 0.13 Ha is indicated to be impacted. It is recommended that any future development design maximises efforts to avoid/minimise impacts to the biodiversity values of the site and locality, including Pittwater Wagstaff Spotted Gum Forest. From the information supplied it is hard to determine the number of native trees proposed for removal, and whether it would be compliant with the DCP controls in relation to removal of tree canopy. An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed amendments seek to increase the dwelling density of the site, with potential increased environmental considerations that will be required to be assessed should a development application be submitted.

Q9. Has the planning proposal adequately addressed any social and economic effects?

A key principle of Council's local strategic planning statement is to locate a greater diversity of housing and affordable housing options within reasonable walking distance (800m) of high-frequency public transport, with a key action being to deliver on the priority is to prepare and implement a local housing strategy. Council's local housing strategy looks at the housing mix in the Northern Beaches today, and the kind of housing that will be needed in the future. It considers trends in terms of population growth and change; household size and mix; issues such as affordability, sustainability and building resilience; and housing diversity, including housing types such as boarding houses, seniors housing and social and affordable housing.

Council's LHS and its targets have been prepared based on projections and other information currently available by DPIE. The LHS notes that the DPIE population projections were released before the COVID-19 pandemic, and may need to be reviewed to reflect revised projections. The LHS further notes that "COVID-19 pandemic has had and will continue to have many impacts. Restrictions on travel and migration within Australia and internationally are likely to affect levels of population growth, particularly in the short term. Given the uncertainty, it is not possible to accurately predict the impact that COVID-19 associated restrictions will have on rates of population growth, demand for particular housing types, or the need for affordable housing. This reiterates the need for effective, flexible planning for the future of housing on the Northern Beaches and Sydney".

However, with regards to the impacts of COVID, it is noted that the population insight update provided by DPIE in December 2020 states that "ongoing border restrictions, the economic downturn and fewer births are likely to lead to both a lower rate of population growth and changing in living arrangements. These in turn will lead to less underlying demand for housing."

The proposed amendments are considered inconsistent with Council's strategic documents and do not provide for any affordable rental housing (increasing the density to provide a variety of dwelling sizes does not increase the provision of affordable rental supply).

Section D – State and Commonwealth interests**Q10. Is there adequate public infrastructure for the planning proposal?**

Removing the density provision for the site will result in a potential increase in dwellings and therefore additional site related impacts such as additional cars entering and exiting the site. Any increase in density in the R3 zone under the LEP should be considered holistically in the context of the proposed precinct-based review being undertaken by Council in the Mona Vale Centre Investigation Area and potential impacts on infrastructure.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

N/A

CONSULTATION

Council placed the Proponent's Planning Proposal on a non-statutory public exhibition in accordance with the Northern Beaches Community Participation Plan from 9 August 2021 to 22 August 2021 (2 weeks). Notification included:

- Letters to landowners and occupiers within the vicinity of the subject site including:
 - 155 Darley Street West, Mona Vale
 - 12 Kunari Place, Mona Vale
 - 10 Kunari Place, Mona Vale
 - 8 Kunari Place, Mona Vale
 - 6 Kunari Place, Mona Vale
 - 4 Kunari Place, Mona Vale
 - 96 Park Street, Mona Vale
 - 94 Park Street, Mona Vale
 - 92 Park Street, Mona Vale
 - 90 Park Street, Mona Vale
 - 88 Park Street, Mona Vale
 - 86 Park Street, Mona Vale
 - 82 Park Street, Mona Vale
 - 82A Park Street, Mona Vale
 - Bayview Golf Club
- Electronic copies of the exhibition material on Council's yoursay page.

Emails to registered community members who have listed their interest on Council's Community Engagement Register were sent on 9 August 2021 (to 22,483 people) and 14 August 2021 (to 173,038 people).

Submissions

72 public submissions were received in response to the public exhibition period.

66 submissions objected to the proposal. One submission generally supported the proposal, with a further submission being neutral and four submissions raising no objection to the rezoning but objecting to the proposed removal of the density restrictions.

A summary of the objections to the proposal is provided below.

Strategic Merit

- Overpopulation of the Northern Beaches with no requirement for the unplanned uplift due to the North District Plan zero-five-year housing target likely to be met under existing planning controls.
- There is no strategic merit in rezoning the site to R3, with any rezoning to form part of the strategic planning process and not through a spot rezoning with land closer to the Mona Vale centre more appropriate for medium density housing.
- The proposal is inconsistent with the desired future character of the area.
- The proposal is not providing affordable housing, nor enabling the provision of smaller housing as claimed, but instead is a way for the developer to increase profits.
- The Proposal is not in the interest of the local population.

Other Issues

- The development of this density will result in increased traffic and parking impacts on Darley Street West which is a dead-end cul-de-sac and cannot sustain any more traffic, with increased safety issues at the lights at the Pittwater Road intersection.
- Overdevelopment of the site which is unsuitable for such a high density of development and should therefore remain low density.
- The development will depreciate the value of existing properties in the vicinity of the site.
- Inaccurate mapping within the Planning Proposal Report, with 102 Darley Street West (a private development) identified as part of Bayview Golf Club
- Existing sewage problems in the area, and the increase in density on the site will exacerbate issues.
- Additional demand for garbage collection and the increased noise that will be associated with this is unacceptable.
- Broader Impacts/strain on infrastructure and the environment, particularly flora and fauna, soil contamination and impacts on climate change.
- The proposal is within a flood prone area, with existing issues with the water table and underground parking and subterranean moisture.
- Overshadowing and impacts on privacy, particularly on adjoining neighbours.
- Will this property become predominately investors and therefore the potential to create an increase in airBnB style short term renters and significantly increase noise and other associated activities commonly found in this style of development.
- Issues raised by Council in the pre-lodgment meeting have not been satisfactorily addressed.
- Community consultation on the proposal is inadequate, and all of Darley Street West should have been notified.

Response

Strategic Merit

As detailed above, Council agrees that the Planning Proposal is inconsistent with Council's strategic direction and the planning proposal has not demonstrated why this planning proposal 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.

Further, the proposal does not adequately justify the rezoning of the subject property over and before other land adjoining the Mona Vale town centre zone R2 land (or other land across LGA with similar characteristics and attributes). Consideration of rezoning of the subject site has the risk of setting a precedent for adjoining landowners to consider rezoning under the same premises.

It is therefore considered the Proposal has no strategic merit.

Other Issues

Council notes many of the issues raised in submissions are matters for consideration should the Planning Proposal be approved, and a development application is lodged for the site.

In this respect a Concept Plan has been prepared for the site which includes the construction

of two residential flat buildings containing 38 apartments and three townhouses.

Council notes the Concept Plan is not an application for development, and as such a merit assessment of the Concept Plan has not been undertaken at this point, inclusive of all site related issues associated with building such a development.

It is noted however that removing the density provision for the site will also result in a potential increase in dwellings and therefore additional site related impacts such as additional cars entering and exiting the site. Any increase in density in the R3 zone under the LEP should also be considered holistically in the context of the proposed precinct-based review being undertaken by Council in the Mona Vale Centre Investigation Area.

Council does not support the Planning Proposal, and notes that the Concept Plan carries no statutory weight. However, should the Planning Proposal be approved, a development application would be required for the site, at which point the site-specific impacts would be subject to the development assessment process.

It is also noted however that should the Planning Proposal be approved; any development application could be of a substantially different form and density to the submitted Concept Plan.

With regards to community consultation, Council notified all the adjacent neighbours that would be directly impacted by the Planning Proposal. Electronic copies of the exhibition material were also published on Council's Yoursay page, with other community members who listed their interest on Council's Community Engagement Register also receiving an email about the Proposal.

Agency Referrals

The Planning Proposal was referred to Sydney Water for comment (due to the location of the Sydney Water site at 112 Darley Street West).

Sydney Water advise that potable water is available to the site via a 100mm CICL watermain (laid in 1949) on Darley Street West. Wastewater should also be available via a 150mm PVC wastewater main (laid in 1975) within the property boundary. Amplifications, adjustments, and/or minor extensions may be required.

Detailed requirements, including any potential extensions or amplifications, will be provided once the development is further referred to Sydney Water for a Section 73 application.

Internal Referrals

Referrals were sent to the following Northern Beaches Council business units requesting specialist feedback on the planning proposal:

- Transport
- Stormwater and Flooding
- Coast and Catchments
- Environment & Biodiversity
- Place and Economic Development
- Urban Design

Council notes the Concept Plan is not an application for development, and as such a detailed assessment of all issues associated with building such a development has not be undertaken at this point.

Council also notes that the Concept Plan carries no statutory weight, and should the Planning Proposal be approved, a development application would be required for the site, which could be substantially different to the submitted Concept Plan.

Transport

- Concerns raised on the impact on the adjoining intersection of Darley Road west and Pittwater Road.
- Secondary concerns relate to access to transport services from the proposed intensification of dwellings on the subject sites.
- The application includes a Traffic Impact Assessment report that addresses the usual issues of concern. Intersection capacity and safety will need to be considered in any future applications.
- Additional lane capacity at Darley Street West needs to be considered to address increased generation and demand attributed to any proposed development.
- Any future application for the development consent should consider compliance with AS2890, AS1742, and provide suitable connections from the development to Active Transport Network and public transport connections.
- No objection to the proposal is raised at this stage.

Flooding

- The planning proposal generally meets the flood controls in the LEP and DCP and Direction 4.3 of the Local Planning Directions. A full assessment, however, cannot be undertaken until the DA stage and would be subject to approval by the development engineers.
- The subject site is affected by Low Risk and Medium Risk flood hazards in accordance with Council's Flood Hazard Map adopted in 2019.
- An existing overland flowpath traverses through the subject properties and continues towards Kunari Place (number 6, 8 and 10). The proposed proposal involves diverting approximately 70% of the peak 1% AEP flows arriving from the south east through a new shared access driveway to Darley Street West.
- The diverted flows arrive at Darley Street West and subsequently discharge overland towards Mona Vale golf course. The additional flows within Darley Street West will generally achieve flood depths and velocities that maintain the current flood risk hazard (h1 – h2).
- The 1% AEP afflux mapping indicates an increase in depths by up to 40mm on Darley Street West and to the reserve to the north adjacent to the golf course where additional overland flows have been directed.
- The post development flood modelling results indicate a reduction of flood depths for the 1% AEP event and PMF for 6, 8 and 10 Kunari Place ranging from 0.05 to 0.15m.
- The proposed buildings (C, D and E) have ground floor levels set at 1% AEP plus 500mm freeboard (4.91m AHD) associated with the diverted flows.
- The ground floor levels of both building A and B are elevated above existing overland flow paths and not impacted by local flood depths.
- Flood waters up to the PMF would not enter the undercover parking area (under building B and the new townhouses) as it is set at the PMF level of 4.64m AHD.

- A detailed flood evacuation plan or shelter in place details would need to be provided at the DA stage.
- All buildings would be required to be designed and constructed as flood compatible buildings and have structural integrity up to the PMF.

Catchments and Water Management

- Not aware of any statutory considerations or actions regarding Water Management that that Council should be initiating with assessment of the proposal.
- The site is not in a riparian area or riparian buffer and no issues or concerns in relation to water management.
- Future developments on the site will be required to comply with chapter 4 of Council's Water Management for Development Policy, including demonstration that impervious areas are minimised and Water Sensitive Urban Design is incorporated in the landscaping and build design to meet the Policy's General Stormwater Quality Requirements (Table 4).
- This is achievable based on the provided concept plans.

Biodiversity

- A preliminary Ecological Assessment has been undertaken to support the proposal. Findings from the assessment identify that the subject site contains 0.19 ha of PCT 1214 Pittwater Spotted Gum Forest (PSGF), consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, listed as endangered under the Biodiversity Conservation Act 2016 (BC Act). The remainder of the subject site is comprised of Planted Native Vegetation (0.04 ha), exotic vegetation (0.22 ha) and existing developed land (0.17 ha).
- The Ecological Assessment has estimated that the proposal will require the removal of approximately 0.09 ha of PSGF, 0.04 ha of planted native vegetation and 0.15 ha of exotic vegetation. These areas have been calculated based on area of the development overlapping the vegetation mapping prepared by the Ecologist.
- The Ecological Assessment has concluded that as the subject site contains a total of 0.23 ha of native vegetation, of which, 0.13 ha is indicated to be impacted, the NSW Biodiversity Offset Scheme is unlikely to be triggered by this mechanism. A preliminary assessment of significance has also been conducted which indicated that a significant impact to threatened biodiversity is unlikely.
- Indirect and prescribed impacts are required to be considered in assessment of whether the proposal triggers the BOS in accordance with the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017, thus entry into the BOS and preparation of a Biodiversity Development Assessment Report (BDAR) cannot be ruled out at this stage.
- It is recommended that any future development design maximises efforts to avoid and minimises impacts to the biodiversity values of the site and locality, including Pittwater Wagstaff Spotted Gum Forest. As documented, further Biodiversity Assessment will be required as part of any development application to Council and should be based on final plans and incorporate the results of the Arboricultural Impact Assessment.
- The assessment should conduct site surveys with reference to relevant published flora and fauna survey guidelines. In addition, the Ecological Assessment must address the proposals compliance with the local planning controls Pittwater 21 DCP cl. B4.3 Flora and Fauna Habitat Enhancement Category 2 Land & cl. B4.22 Preservation of Trees and Bushland Vegetation.

- From the information supplied it is hard to determine the number of native trees that are proposed for removal, and whether it would be compliant with the DCP controls in relation to removal of tree canopy. An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries. This may identify that further native vegetation requires removal due to location of tree, health of tree and/or application of relevant exemptions in accordance with the Pittwater 21 DCP.

Economic development & tourism

- The site is well removed from the industrial area and so there is not an economic development concern with the impact of the rezoning on the Mona Vale industrial uses at eastern end of Darley Street.
- The attached Economic Assessment sets out the case for increasing housing supply and diversity in Mona Vale area in general and identifies increasing demand for housing in the Northern Beaches arising from the trend for increased working from home.
- However, there may be an issue with proceeding with the rezoning ahead of detailed Place Planning process, led by the Strategic Place and Planning team.

Northern Beaches Local Planning Panel Advice

The Northern Beaches Local Planning Panel (the Panel) considered the Planning Proposal on 6 October 2021 and indicated general agreement with the planning proposal report, and considers the application is premature given the strategic planning initiatives being undertaken, namely the Mona Vale Place Plan. The Panel recommended:

- A. That Council not proceed with the Planning Proposal for 159-167 Darley Street Mona Vale, and not forward it to the NSW Department of Planning, Industry and Environment for a Gateway determination for the reasons set out in the assessment report.
- B. That the site be included in the Mona Vale Centre Investigation Area and the appropriateness of clause 4.5A of the Pittwater LEP 2014 for the locality be reviewed as part of the Mona Vale Centre Investigation Area investigations.

Comment: No objection is raised to considering the site in conjunction with work being undertaken on the Mona Vale Place Plan given the work already undertaken by the proponents and the proposed timing of the Place Plan. This is reflected in the report recommendation.

TIMING

Should Council not support the recommendation to reject the planning proposal, but rather proceed with the Planning Proposal, the anticipated timeframe for the completion of the Planning Proposal would be approximately 10-12 months from the date of Council's approval to proceed. Following the issue of a Gateway Determination, Council will be required to formally exhibit the Planning Proposal for 28 days.

The matter would then be reported back to Council for final consideration following exhibition.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

The assessment of the Planning Proposal is funded by the prescribed Planning Proposal fee as set out in Councils Fees and Charges 2021/22 and does not have an adverse impact on Council's budget.

SOCIAL CONSIDERATIONS

The proposed amendments are inconsistent with Council's strategic documents and do not provide for any affordable rental housing.

ENVIRONMENTAL CONSIDERATIONS

The proposed amendments seek to increase the dwelling density of the site, with potential increased environmental considerations that will be required to be assessed should a development application be submitted.

GOVERNANCE AND RISK CONSIDERATIONS

The relevant considerations for the Planning Proposal, as outlined within the Department of Planning, Infrastructure and Environment Planning Proposal guidelines, "Planning Proposal: A Guide to Preparing Proposals (2018)" have been met.

159 – 167 Darley Street West, Mona Vale

Planning Proposal

PREPARED FOR **INTREC MANAGEMENT (APPLICANT)**

July 2020



macroplan

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Final report	1.0	DV	06-07-2021	DV

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Introduction

Macroplan has been commissioned, on behalf of Intrec Management acting as development managers and the applicant for Magnolia Views Property Pty Ltd (MVP), to prepare a Planning Proposal to rezone properties 159-167 Darley Street West, Mona Vale from R2 Low Density Residential under *Pittwater Local Environmental Plan 2014* (PLEP 2014) to R3 Medium Density Residential in order to facilitate the redevelopment of these sites for medium residential housing, consistent with other housing developments within this street. Medium density housing (e.g. residential flat buildings and multi dwelling housing) is not a permissible use within the current R2 land use zone. In addition, the proposal seeks to amend clause 4.5A of the PLEP which restricts the dwelling density (i.e. the number of dwellings) that can be developed on the site and therefore the diversity, affordability and mix of housing.

This Planning Proposal is being submitted to Northern Beaches Council (Council), as the “planning authority”, requesting amendments to PLEP 2014 under Division 3.4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). This Planning Proposal has been prepared in accordance with the Department of Planning and Environment’s (now known as Department of Planning, Industry and Environment (DPIE)) planning proposal guidelines, *Planning Proposal: A guide to preparing planning proposals* (2018).

For the purposes of addressing the matters required to be consider under the EP&A Act for a planning proposal, a concept plan of a medium density residential development has been prepared for the site. The concept plan (Figure 1) includes the construction of two (2) residential flat buildings and three (3) townhouses. The residential flat buildings include a mix of one, two and three bedroom apartments and basement car parks with a total of 38 apartments. Therefore, 41 dwellings are proposed under the current concept plan with the proposed dwelling mix:

- 12 x 1 Bedroom apartments
- 20 x 2 Bedroom apartments
- 6 x 3 Bedroom apartments
- 3 x Townhouses

The concept drawings (Appendix A) and the following technical studies have been relied upon to prepare this Planning Proposal:

Appendix A – Concept / Architectural drawings by Giles Tribe

Appendix B – Urban Design Study by Giles Tribe

Appendix C – Traffic Impact Assessment by ptc

Appendix D – Preliminary Stie Investigation (Contamination) and Preliminary Acid Sulfate Soil Assessment by Geotechnique

Appendix E – Stormwater Management Strategy by AECOM

Appendix F – Infrastructure and Utilities Assessment by Enspire

Appendix G – Preliminary Ecological Assessment by Cumberland Ecology

Appendix H – Economic Assessment and Justification Report by Macroplan

Appendix I – Survey Plan

Introduction

A pre-lodgement meeting was held with Council on 9 September 2020 to discuss the proposed concept proposal. A summary of the key issues raised by Council at this meeting including a response to the issues raised is provided in Appendix J.

Figure 1. Concept Plan



Source: Giles Tribe, Urban Design Study (2021)

Section 1: Site and Locality Description

1.1 Locational Context

The subject site is located at the end of a cul-de-sac on Darley Street West, opposite the Bayview Golf Club (Figure 2). The site is located less than 700m walking distance from Mona Vale's shops (commercial and retail core) and is located 280m from the intersection of Pittwater Road. The closest bus stop is just over 400m from the site on Pittwater Road.

Figure 2. Site Context



Source: Giles Tribe (2021), Macroplan (2021)

Darley Street West is characterised with two storey medium density development, consisting of predominantly two storey apartment buildings with basement car parks and some two storey townhouses (refer to Figure 3). The building footprints generally occupy the site with minimum side and rear setbacks. The majority of allotments along the street have been amalgamated to allow for the construction of these apartments and townhouses (Figure 4).

Section 1: Site and Locality Description

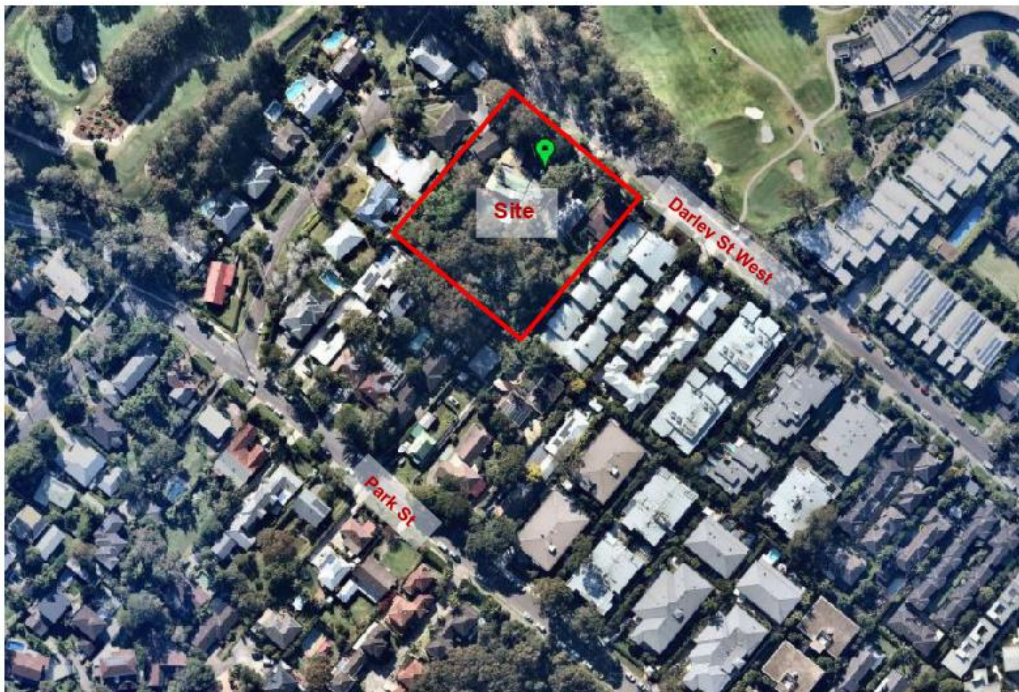
These buildings contribute to a strong streetscape character of two storey buildings with landscape between. Generally, these buildings have a narrow frontage. The residential buildings are generally of high-quality architecture with large balconies capitalising on the northern aspect and views over the golf course.

Figure 3. Streetscape



Source: Giles Tribe, Urban Design Study (2021)

Figure 4. Surrounding built form



Source: Nearthmap (2021)

Section 1: Site and Locality Description

Immediate surrounding residential developments are as follows:

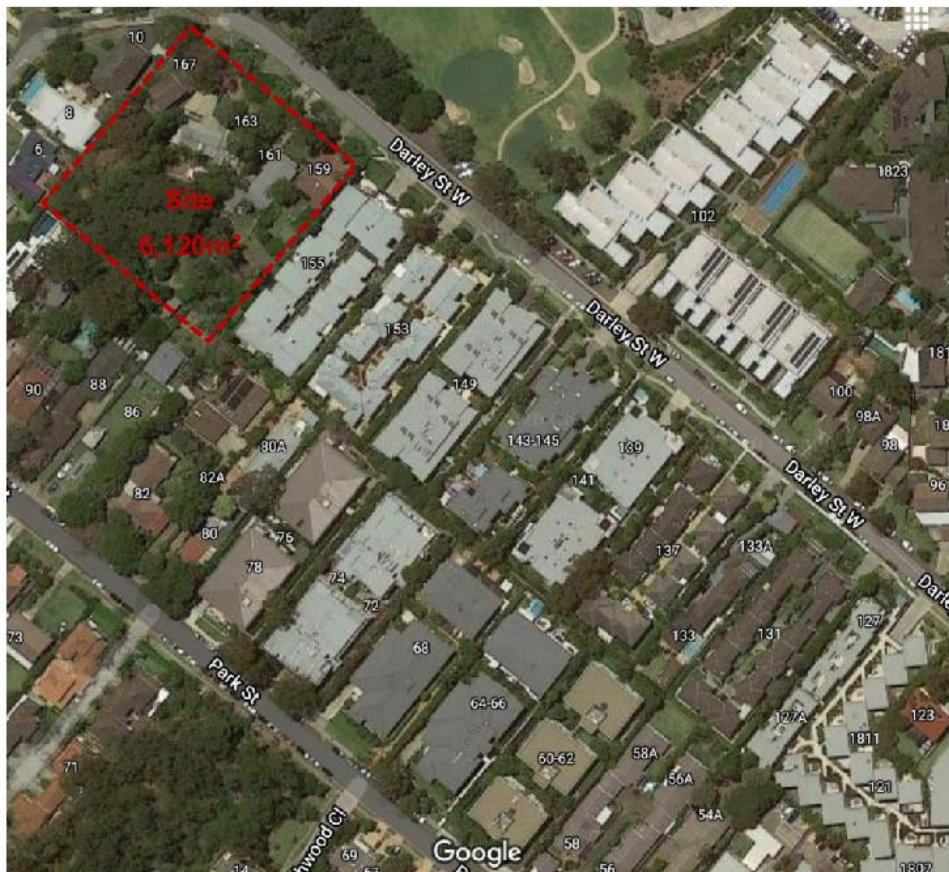
- A 2-storey apartment building immediately north on 10 Kunari Place, adjoins 167 Darley St West, with pedestrian access off Darley Street West.
- A substantial 2-storey apartment block is located immediately south of 159 Darley St West at 155-157 Darley St West.
- To the rear along Park St are a mix of large 1 storey and 2 storey house and dual occupancy houses.

1.2 The Site and Property Description

The site is located in the Northern Beaches local government area (LGA), formerly Pittwater LGA. The site has a total site area of approximately 6,120m² and comprises five properties, legally described as:

- Lot 5 DP11108 (159 Darley St W)
- Lot 4 DP11108 (161 Darley St W)
- Lot 3 DP11108 (163 Darley St W)
- Lot 2 DP11108 (165 Darley St W)
- Lot 1 DP11108 (167 Darley St W)

Figure 5: Properties



Source: Macropian (2020), Google Maps (2020)

Section 2: Planning Proposal

These properties are the only allotments occupied by single and double storey single dwellings on the southern side of Darley Street West (Figure 6). The houses are c.1960-1970 and are not of significant quality. These houses are well set back and incorporate large gardens. There are a number of trees across the sites. The majority of trees are generally located at the rear setback area.

The site has a cross fall of 9m from the southern corner at the rear to the northern corner at the front of 167 Darley Street.

Figure 6. Existing dwellings on subject site

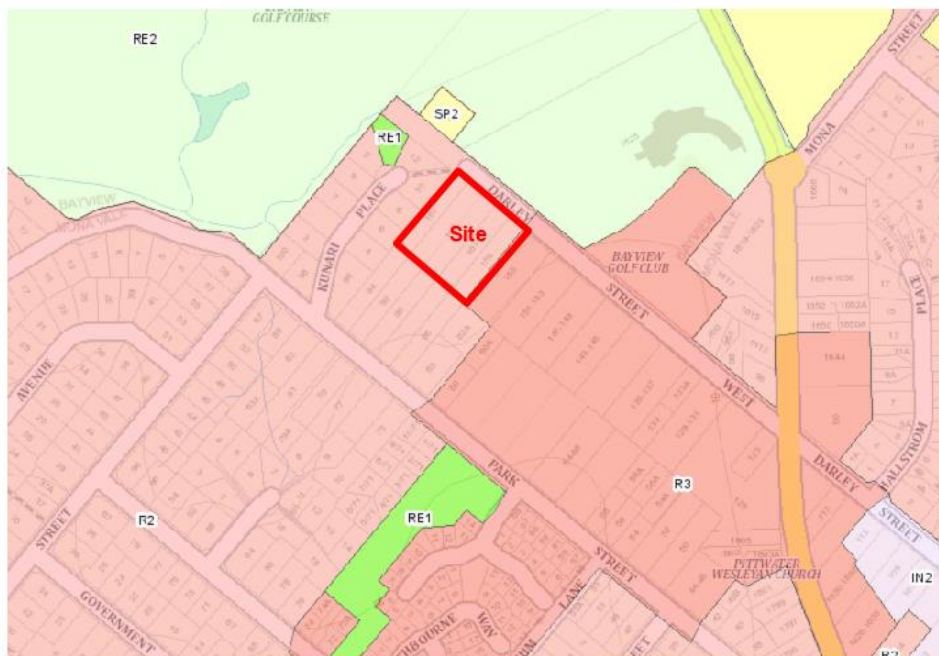


Source: Giles Tribe, Urban Design Study (2021)

1.3 Current Planning Controls

Under the Pittwater Local Environmental Plan 2014 (PLEP 2014), the site is zoned R2 Low Density Residential as shown below in Figure 7. The site has a height limit control of 8.5m. There is no floor space ratio (FSR) that applies to the site.

Figure 7. Subject sites and current land use zoning



Source: NSW Planning Portal (2021), Macroplan (2021)

Section 2: Planning Proposal

Section 2: Planning Proposal

This section addresses the following components outlined under Section 3.33(2) and 3.33(3) of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Guide to Preparing Planning Proposals* (2018):

- Part 1 – Objectives and Intended Outcome
- Part 2 – Explanation of Provisions
- Part 3 – Justification
- Part 4 – Mapping
- Part 5 – Consultation
- Part 6 – Project Timeline

2.1 Part 1 – Objectives or Intended Outcomes

To amend PLEP 2014 to enable the redevelopment of the subject site for medium density housing including a mix and diversity of dwelling types and sizes.

2.2 Part 2 – Explanation of Provisions

The Planning Proposal seeks to rezone 159-167 Darley Street West, Mona Vale from a R2 Low Density Residential zone under PLEP 2014 to a R3 Medium Density Residential zone in order to facilitate the redevelopment of these sites for medium residential housing, consistent with other housing developments within this street. Medium density housing developments (i.e. residential flat buildings and multi dwelling housing) are not permissible within the current R2 land use zone. Specifically, the Planning Proposal seeks to permit the following uses to be developed:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The subject site is zoned R2 Low Density Residential under PLEP (refer to Figure 7). The objectives of the R2 zone are outlined below:

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.

Section 2: Planning Proposal

The development of the site for “residential flat building” and “multi dwelling housing” is not consistent with the R2 zone objectives and these uses are prohibited. The Planning Proposal therefore seeks to rezone the site to R3 Medium Density Residential zone to permit these uses to be developed on the subject site. The objectives of the R3 land use zone are outlined below including development which is permissible with consent and prohibited development.

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

The objectives of the R3 zone are consistent with the proposed development outcome and the character of this locality. Land adjoining the subject site to its east is zoned R3 Medium Density Residential and has been developed for medium density housing including the majority of Darley Street West. The rezoning of the subject site to facilitate medium density housing is a natural extension of the existing land use zoning and development character of this area.

The proposed concept seeks to permit the construction of two (2) apartment buildings with 18 - 20 apartments each on the site including a mix of one, two and three bedroom apartments and three (3) two-storey townhouses. The application of clause 4.5A of PLEP 2014 would not permit the construction of more than 30 apartments on the subject site under the current controls which allows a maximum of one dwelling per 200m² of site area. Macroplan is of the opinion that this planning control impacts on the provision of housing diversity and therefore housing affordability. Consistent with statements made in the *Greater Sydney Region Plan* (2018) and the *Northern*

Section 2: Planning Proposal

Beaches Local Strategic Planning Statement (2020), a diversity of housing types, sizes and price points can help improve housing affordability. In addition to rezoning the site to allow for medium density housing, the Planning Proposal seeks to remove the applicability of clause 4.5A to facilitate a mix of dwelling types to be provided.

The Planning Proposal seeks to remove the applicability of clause 4.5A to the subject site. Clause 4.5A of the PLEP 2014 states:

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.*

(4) *In this clause—*

Warriewood Valley Release Area means the area identified as Warriewood Valley Release Area on the Urban Release Area Map.

Column 1 Specified development	Column 2 Zone	Column 3 Density
Attached dwellings	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Multi dwelling housing	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Residential flat buildings	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Semi-detached dwellings	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Seniors housing	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Serviced apartments	R3 Medium Density Residential	A maximum of 1 dwelling per 200 square metres of site area.
Shop top housing	B1 Neighbourhood Centre	A maximum of 1 dwelling per 150 square metres of site area.

It is noted that this clause is only applicable to land that was formerly within the Pittwater LGA and does not apply to other parts of the Northern Beaches LGA.

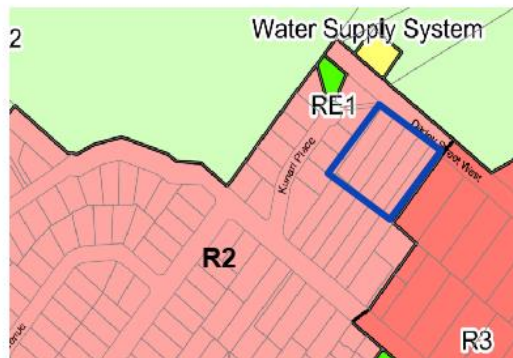
Specifically, the proposed outcome of this Planning Proposal will be achieved by:

- Amending PLEP 2014 Land Zoning Map Sheet 12 for 159-167 Darley Street West, Mona Vale in accordance with the proposed zoning map shown in Figure 8 and Figure 18; and
- Amending clause 4.5A(3) of PLEP 2014 to include reference to 159-167 Darley Street West, Mona Vale and thereby confirming that clause 4.5A does not apply to the subject site.

Section 2: Planning Proposal

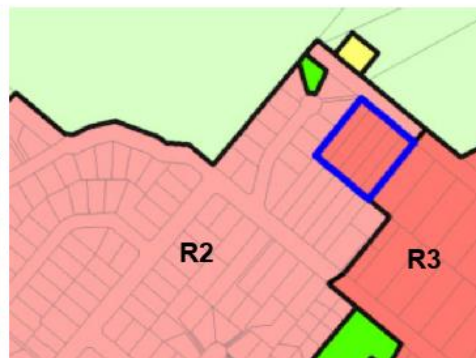
Figure 8. Current and Proposed Zoning

Current R2 Zoning



Source: PLEP 2014 Land Zoning Map 12 (amended by Macroplan)

Proposed R3 Zoning



Source: PLEP 2014 Land Zoning Map 12 (amended by Macroplan)

2.3 Part 3 – Justification

2.3.1 Section A – Need for the planning proposal

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

Yes, the Planning Proposal seeks to deliver on the objectives of the State Government's North District Plan and Council's LSPS and Local Housing Strategy to provide a mix and diversity of housing to meet the needs of the community as outlined in Section B below. Amending the PLEP 2014 to rezone the subject site to R3 and removing the applicability of clause 4.5A to development carried out on the site will facilitate the land being developed for medium density housing including different dwelling sizes and price points.

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

The Planning Proposal is the best means and most expedient process of achieving the intended outcome to deliver medium-density housing to the site through amending PLEP 2014. An amendment to the land use zoning of the site would be carried over when Council prepares its Comprehensive LEP for the Northern Beaches LGA (indicated to occur in 2023).

The implications of continuing to implement clause 4.5A of the PLEP 2014 to housing developments in the northern part of the LGA was not addressed in the *Northern Beaches Local Housing Strategy* (April 2021). This clause in effect limits the number of dwellings which can be built on a site, which in most instances would not change the building footprint or scale of a medium density residential development. That is, visually the FSR and height controls determine the building footprint and scale of the development while clause 4.5A influences whether the development site has a mixture of one, two and three bedroom apartments or is dominated by three plus bedroom apartments. Hence under the proposed concept development, and subject to the site being rezoned R3 Medium Density Residential, visually the development would present the same whether there was 30 or 41 apartments within the development envelope based on the height and FSR remaining unchanged.

Section 2: Planning Proposal

Given the endorsed *Northern Beaches Local Housing Strategy* (April 2021) did not identify or justify the need to implement a planning control such as clause 4.5A to manage the LGA's future housing supply, this Planning Proposal seeks to remove its applicability from this site because of its implications to addressing housing affordability and diversity issues.

In addition, Council has confirmed in its Local Housing Strategy that it will not be considering changes to the planning controls for Mona Vale until it has undertaken a detailed planning analysis, estimated to occur between 2025-2036. Waiting for Council to undertake its detailed planning analysis of Mona Vale and make amendments to its LEP in the next 5-15 years, would impact on housing supply and further exacerbate affordability issues for Mona Vale. Refer to Appendix H for further information regarding the economic justification for this Planning Proposal and the consequences of limiting housing supply in Mona Vale.

2.3.2 Section B – Relationship to strategic planning framework

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)?

Yes, the *Greater Sydney Region Plan, North District Plan, Northern Beaches Local Strategic Planning Statement* and endorsed *Northern Beaches Local Housing Strategy*. Specifically, Objective 10 of the Greater Sydney Region Plan notes that providing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's growing population. The Plan states (p68-69):

"Factors that contribute to rental and purchasing affordability challenges include the limited availability of smaller dwellings to meet the growing proportion of small households as well as the growing distance between areas where housing is affordable and the location of employment and education opportunities... A diversity of housing types, sizes and price points can help improve affordability."

The Planning Proposal will deliver additional housing supply in close proximity to a strategic centre (Mona Vale) which has employment opportunities, amenity and services. In addition, the Proposal will deliver a diversity of apartment sizes (1, 2 and 3 bedroom) and therefore a range of price points. The removal of the applicability of clause 4.5A to the subject site is critical to addressing housing affordability issues in the former Pittwater LGA.

A Metropolis of Three Cities: Greater Sydney Region Plan 2036

The *Greater Sydney Region Plan* (2018) sets the 40-year vision and planning priorities for a metropolis of three cities (i.e. Western Parkland City, Central River City and Eastern Harbour City). The subject site is located within the Eastern Harbour City. The broader priorities of the *Greater Sydney Region Plan* are implemented through five District Plans. The subject site is located within Greater Sydney's North District.

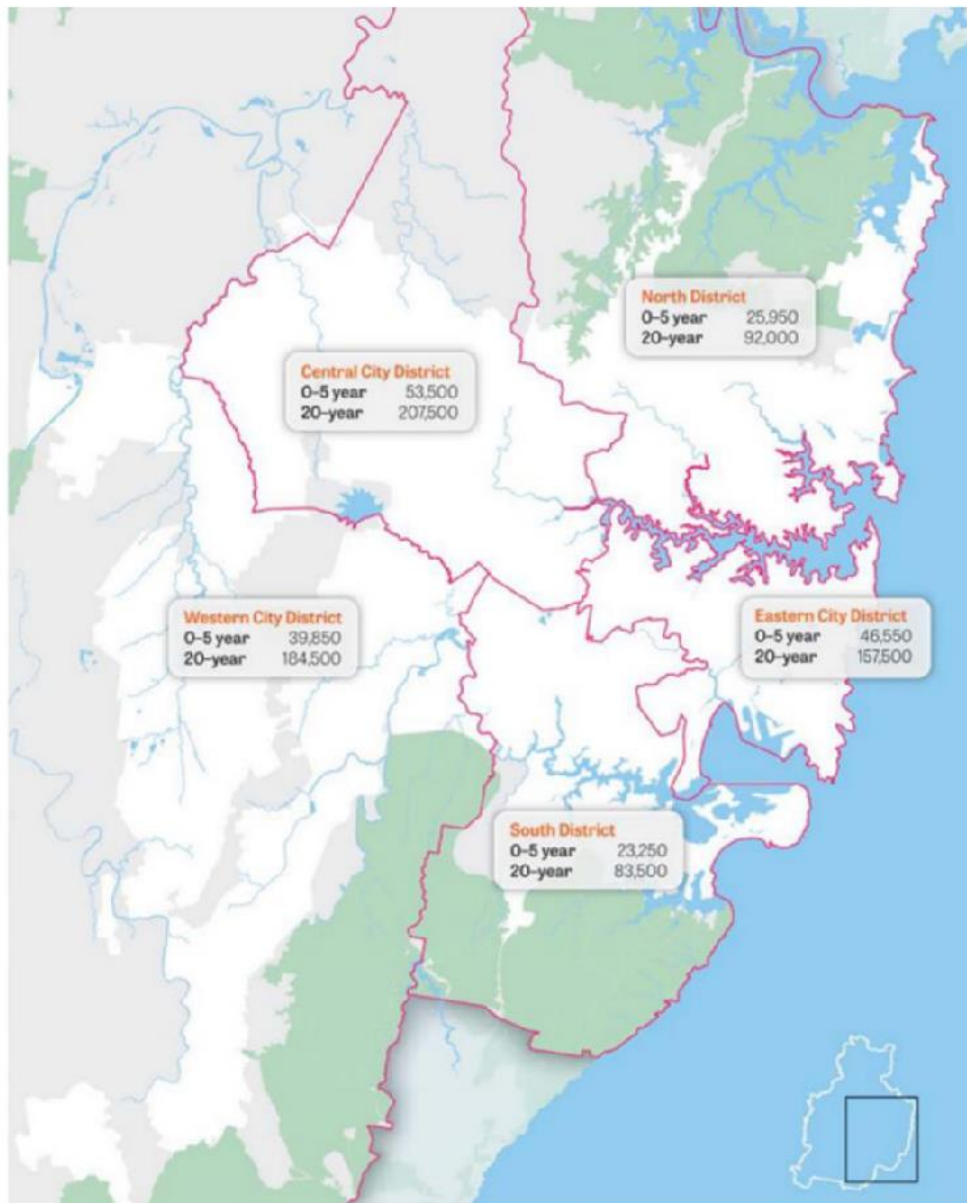
The Greater Sydney Region Plan identifies a centre hierarchy ranging from a metropolitan centres, to strategic centres to local centres. Where a centre sits in the hierarchy is based on its activity mix, scale and location. For example, metropolitan and strategic centres are identified as a focus for jobs growth and industry investment. A summary of the roles of these centres is provided below:

- Metropolitan centres are the economic focus of Greater Sydney, fundamental to growing its global competitiveness and where government actions and investment, including transport, will be focused.

Section 2: Planning Proposal

- Strategic centres enable access to a wide range of goods, services and jobs. Strategic centres are becoming increasingly important parts of the region's structure as both a place for employment but also to live. Mona Vale is identified as a strategic centre and therefore is the closest centre to the subject site.
- Local centres are a focal point of neighbourhoods. They provide essential access to day to-day goods and services and access to public transport. Infill development is encouraged on residential land around local centres.

Figure 9. Greater Sydney housing targets 2016-2036



Source: Greater Sydney Commission, *A Metropolis of Three Cities: Greater Sydney Region Plan (2018)*

Section 2: Planning Proposal

The Plan spatially identifies where Sydney's population growth will be accommodated over the next 20 years including housing supply targets for each District. By 2036, the North District will need to accommodate an additional 92,000 dwellings (Figure 9).

However, it is important to note that these housing targets should not be deliberately interpreted or used around the notion that these are a maximum topping up figure for new housing when in fact, they are a minimum performance expectation relevant to this metropolitan plan. If there can be earlier and practical materialisation of new housing such as medium density, it should not be unnecessarily held up on the basis of housing targets being achieved. The Economic Assessment and Justification Report (Appendix H) outlines the consequences and impacts of additional housing supply not being provided in the Northern Beaches and specifically Mona Vale. The provision of additional housing supply in locations such as Frenchs Forest does not address the housing issues in Mona Vale which includes a lack of medium density housing and different apartment sizes.

The Plan identifies a number of objectives that aim to deliver the vision for Greater Sydney and the Eastern Harbour City. The following objectives are relevant to this Planning Proposal:

- Objective 10 – Greater housing supply
- Objective 11 – Housing is more diverse and affordable
- Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30 minute cities
- Objective 22 – Investment and business activity in centres
- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced
- Objective – Exposure to natural and urban hazards is reduced

These objectives are similarly considered in the North District Plan and therefore have been considered under the relevant Planning Priorities of the North District Plan.

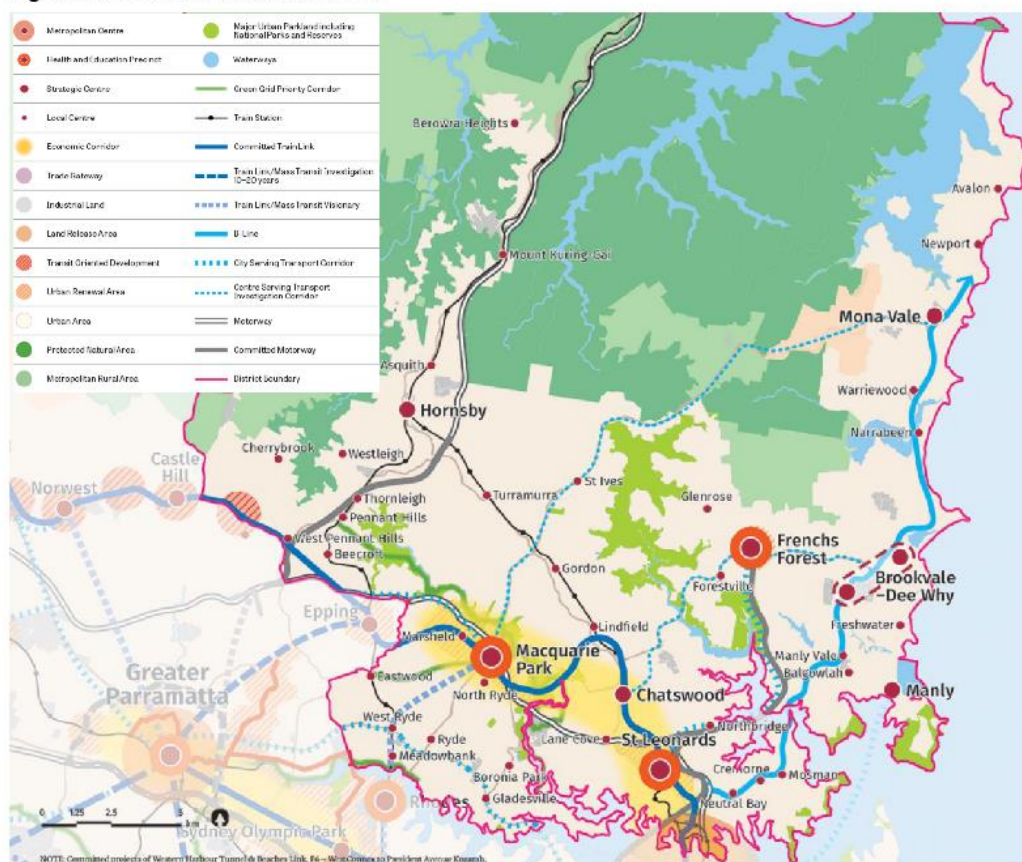
North District Plan

As stated above, the site is located within Greater Sydney's North District (Figure 10) and as such the North District Plan (2018) is applicable to the site.

The North District Plan sets out the strategic direction and planning framework to support all levels of government to deliver jobs and social opportunities for the North District. This Plan aligns with the *Greater Sydney Region Plan* and identifies the planning priorities to deliver the ten strategic directions for a metropolis of three cities. The Plan also provides details regarding housing targets for each LGA in the District including the Northern Beaches LGA. The planning priorities applicable to this Planning Proposal are summarised in the table below.

Section 2: Planning Proposal

Figure 10. North District Structure Plan



Source: Greater Sydney Commission, North District Plan (2018)

Table 1. Applicable Planning Priorities – North District Plan

Planning Priorities	Consistency and Applicability
Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport (This gives effect to Objective 10 and 11 of the Greater Sydney Region Plan)	<p>This Planning Priority states that new housing must be in the right places to meet demand for different housing types, tenure, price points, preferred locations and design. It discusses the need to provide housing supply, choice and affordability, with access to jobs, services and public transport as well as the need to plan for expected changes in household and age structures. The Plan specifically states (p38):</p> <p><i>“Multi-unit dwellings can provide important housing for seniors and more affordable homes for young people. This needs to be balanced with medium density row, terrace and villa homes that provide increased housing options, especially for larger households.”</i></p> <p>The Planning Proposal has the intended effect of delivering multi-unit dwellings and apartment sizes, catering for the current and future resident's needs. The site is located less than 700m from the Mona Vale commercial / retail core and less than 300m from employment lands. Public transport is within 400m walking distance of the</p>

Section 2: Planning Proposal

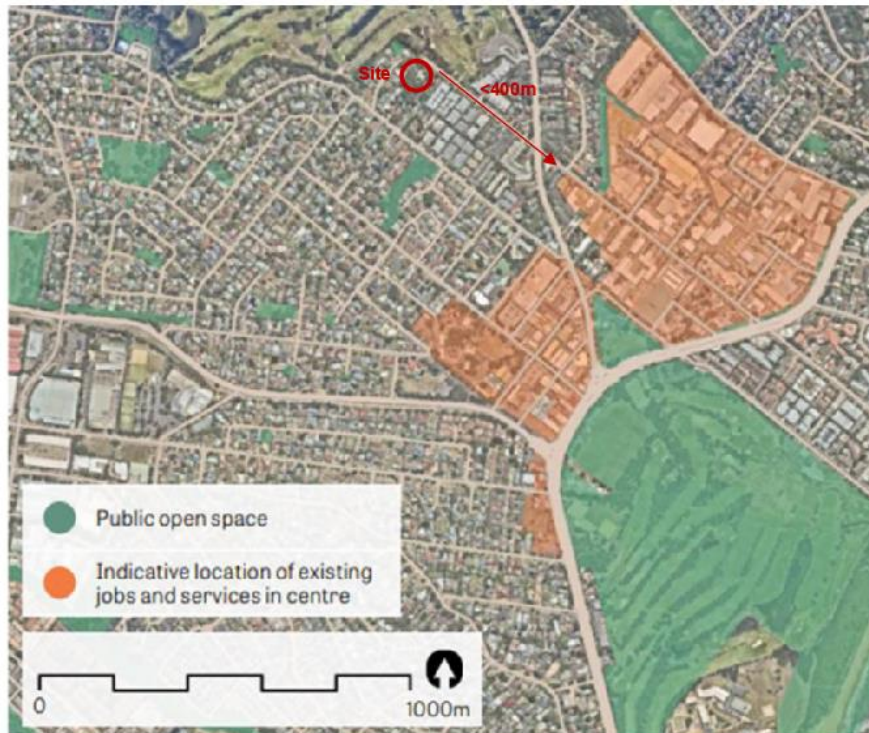
	<p>site with the closest bus stop located on Pittwater Road. The Planning Proposal will deliver a diversity and mix of different apartment sizes which will result in different prices points for the apartments.</p>
<p>Planning Priority N10 - Growing investment, business opportunities and jobs in strategic centres (This gives effect to Objective 22 of the Greater Sydney Region Plan)</p>	<p>Mona Vale is identified as a strategic centre within the North District (Figure 10). Actions within the Plan relate to the ongoing development and growth of the commercial and retail function of the area. Allowing the population to grow through density will help to support this outcome with more people requiring more service providers.</p> <p>Mona Vale's strategic centre is a mixed-use area which includes retail, commercial, community, light industrial and residential uses providing amenity and convenience for residents. Mona Vale itself is projected to provide an additional 700-1700 new jobs by 2036. The subject site is located less than 400m walking distance from the "strategic centre" of Mona Vale (Figure 11). Public transport connectivity between Mona Vale and Macquarie Park (to be investigated) could also provide further opportunities for people to live and work in Mona Vale.</p> <p>Action 45 of the Plan (p77), relates to strengthening Mona Vale as a strategic centre by protecting and nurturing its retail and commercial core. Developing local employment growth will need to be supported by improved housing options to accommodate a variety of additional workers.</p> <p>The Northern Beaches Council is committed to building and strengthening the commercial and retail activity in the five major centres. However, the employment generating capacity of this strategic centre is tied in with the population that surrounds it. For particular types of businesses, the size of market required for a viable business has increased over time, so a larger population would be positive for the on-going health of the Mona Vale strategic centre. The other issue for businesses is obtaining employees and for employees the availability of housing is a crucial issue for them.</p> <p>The Planning Proposal will provide a mix of housing options to support Mona Vale's important role as a commercial and strategic centre for the Northern Beaches and deliver housing within walking distance of this strategic centre including providing more affordable housing choices.</p>
<p>Planning Priority N12 - Delivering integrated land use and transport planning and a 30-minute city (This gives effect to Objective 14 of the Greater Sydney Region Plan)</p>	<p>To achieve the 30 minute city long term aspiration, the Plan notes that more housing, jobs, health and education facilities will need to be planned in metropolitan and strategic centres such as Mona Vale so that more people can access public transport metropolitan and strategic centres. This is also important from a liveability, productivity and sustainability perspective. The Planning Proposal will provide additional housing opportunities within walking distance of Mona Vale strategic centre as well as public transport options which provide connectivity within the Northern Beaches and to Sydney's CBD.</p>

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<p>Planning Priority N16 - Protecting and enhancing bushland and biodiversity (This gives effect to Objective 27 of the Greater Sydney Region Plan)</p>	<p>The Plan includes actions to manage urban bushland and remnant vegetation as green infrastructure and seeks to ensure remnant vegetation is incorporated into the planning and design of neighbourhoods. Mona Vale and the subject site are not identified within protection areas of Figure 20 of the Plan.</p> <p>A preliminary ecological assessment has been undertaken to support this Planning Proposal (Appendix G). The subject site contains 0.19 ha of PCT 1214 Pittwater Spotted Gum Forest, consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, listed as endangered under the <i>Biodiversity Conservation Act, 2016</i> (BC Act). The remainder of the subject site is comprised of Planted Native Vegetation (0.04 ha) and other exotic vegetation. The concept plan requires the removal of some vegetation. Further details regarding the potential impact of the future development of the subject site is discussed in detail in Part 2.3.3 below and in Appendix G.</p> <p>The area of vegetation to be retained is proposed to be further enhanced with the establishment of understorey replanting and the replacement of a 0.08 ha area of Exotic Vegetation, Exotic Dominated Grassland and Cleared Land with native landscape plantings. Specifically, the proposal provides opportunities for revegetation of the subject site with characteristic species of the Pittwater Spotted Gum Forest threatened species community.</p>
<p>Planning Priority N22 - Adapting to the impacts of urban and natural hazards and climate change (This gives effect to Objectives 36, 37 and 38 of the Greater Sydney Region Plan)</p>	<p>The site is identified as being flood affected. The Plan acknowledges that placing development in hazardous areas or increasing the density of development in areas with limited evacuation options increases risk to people and property. A Stormwater Management Strategy (Appendix E) has been prepared to address Council's concerns regarding flooding issues on the site and potential risks to people and property. Detailed modelling has been undertaken to support this Planning Proposal. Engineering design solutions have been identified to address overland flow issues.</p> <p>The concept proposal aims to mitigate the impact of flooding both on the proposed development site, and on the downstream landowners. These have previously been discussed with Council and would be implemented at the DA stage.</p>

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Figure 11. Mona Vale Strategic Centre



Source: Greater Sydney Commission, North District Plan (2018), Macroplan (2020)

Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes, the Planning Proposal gives effect to Council's local strategic statement and local housing strategy as outlined below.

Towards 2040: Local Strategic Planning Statement (2020)

The Northern Beaches "Towards 2040" Local Strategic Planning Statement (LSPS) sets a 20-year land use vision for the Northern Beaches LGA and how the LGA will sustainably manage growth and change. The LSPS gives effect to the strategic direction set by Greater Sydney Region Plan and North District Plan. The vision for the Northern Beaches LGA is (p22):

"In 2040, the Northern Beaches has a stunning coastal and bushland environment, an enriched and contemporary coastal character and better connections to the North District and the rest of Greater Sydney. The natural environment is healthy and protected and highly valued by residents and visitors alike. There is a range of housing to accommodate the whole community and we continue to pursue design excellence and sustainability outcomes in built forms. It offers a thriving local economy and a sustainable mix of employment and industrial lands and vibrant and enlivened centres. The healthy and active community can easily access artistic, creative, sporting and recreational opportunities and the services and facilities that support their health and wellbeing."

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A copy of the Northern Beaches Structure Plan outlining the future for the LGA and potential future transport corridors is shown in Figure 12.

The LGA's population in 2016 was 253,000 and this is projected to increase by approximately 39,000 people over the next 20 years. The population of the LGA is older than the Greater Sydney average and Council expects that this trend will continue. The LGA also has a lower proportion of young adults compared to Greater Sydney however, Council has identified that this could change provided matters impacting this trend are addressed to reduce the number of young adults leaving the LGA such as affordable housing options.

Approximately 56% of the LGA's dwellings (i.e. approximately 101,500) are detached dwellings with the provision of detached dwellings the greatest around Frenchs Forest and Mona Vale. Based on projected population growth, the LGA will need to plan for approximately 12,000 additional dwellings over the next 20 years as well as housing choice given the dominance of detached dwelling stock.

The LSPS confirms that Mona Vale is a strategic centre that serves people in the northern end of the peninsula and provides over 4,000 local jobs. Over 60% of those employed, live and work in Mona Vale and the area has a higher proportion of older people living in the locality. While it is well connected to the south via the B-Line, it has limited access to and from other areas in the north and west, as such there is particularly high private car usage in the locality.

Mona Vale is characterised by its local coastal character with a village atmosphere however, in the future it is identified as developing into a cosmopolitan coastal local character and being the urban heart of the northern peninsula (Figure 12). It is also identified as needing to provide additional housing choice and being an employment hub with a focus on additional jobs being provided closer to home. The subject site's proximity to existing employment lands and the strategic centre of Mona Vale (<400m distance) as well as the Proposal to provide housing choice (i.e. a diversity of medium density housing stock) is therefore strategically aligned with the future vision for Mona Vale.

While Council has committed to prepare a place plan for Mona Vale in the near future, with a current focus on preparing plans for Avalon, Brookvale and Frenchs Forest, Macroplan is of the opinion that the Planning Proposal should not be delayed by this process on the basis that it aligns with the strategic direction of the LSPS and it would deliver additional apartment housing supply and apartment sizes. The LSPS acknowledges that opportunities exist for new housing to be provided near the Mona Vale centre (p120). The proposed land use zoning and development form would provide a continuation of Darley Street West's existing built form and zoning within walking distance of the town centre. The design quality of the development concept pursues design excellences and will incorporate sustainability outcomes in the final built form.

The LSPS states (p32):

"Planning proposals seeking changes to the planning controls for additional development capacity through spot rezoning must have strategic merit and site-specific merit."

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Figure 12. Northern Beaches Structure Plan



Source: Northern Beaches Council, Towards 2040 Local Strategic Planning Statement (2020)

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The Planning Proposal has strategic and site-specific merit to proceed for the reasons specified above. Specifically, the proposed Planning Proposal is consistent with the following Planning Priorities of the LSPS:

- The site is located in close proximity to the strategic centre of Mona Vale and is within walking distance of high-frequency public transport (Priority 15, Priority 19).
- The site is located within 100m of public open space and is located directly opposite private open space (i.e. the Bayview Golf Club) (Priority 6, Priority 15).
- The proposal will positively contribute to the built environment and result in overall better urban design outcomes than existing planning controls (Priority 15).
- The proposal will complement the local character and will be consistent with the land use zoning and development form of Darley Street West (Priority 15).
- The proposal will support Mona Vale transitioning from a predominantly low-density centre to a place that offers more diverse housing and job opportunities, especially catering to the ageing population (Priority 27).

Council has acknowledged that housing affordability is a major issue for the LGA with additional housing supply needed to address affordability issues and to provide a greater choice of housing options to a changing and ageing community. The LSPS specifically states that “significant additional housing supply is not needed to address projected population growth, but is needed to address affordability issues and to provide a greater choice of housing options to a changing and ageing community” (p128). This Planning Proposal seeks to address this issue by providing housing options which are in low supply for the Mona Vale area.

To address housing affordability in localities such as Mona Vale, the development standard of one dwelling per 200m² needs to be removed from the PLEP 2014 (i.e. clause 4.5A). The requirement to provide larger and hence fewer apartments will not support Council's objective to provide more affordable housing including opportunities for more affordable rental accommodation in accordance with Planning Priority 16. This Planning Proposal therefore seeks to vary this development standard. Removing this clause will encourage the delivery of one and two bedroom apartments which will contribute to the provision of more affordable housing stock for both renters and purchasers.

Northern Beaches Local Housing Strategy (2021)

The final draft *Northern Beaches Local Housing Strategy* (LHS), dated April 2021, has been endorsed by Council and submitted to DPIE for the Secretary's approval. The LHS outlines how and where housing will be delivered to meet the Northern Beaches community's needs now and into the future. The LHS has been shaped around the following vision:

As the Northern Beaches community grows and changes, residents will be able to find the right housing that meets their needs, lifestyles and budgets.

This diverse mix of homes will be contained primarily within existing urban areas, with their design and construction respecting the area's heritage, environmental features and existing character.

New housing will be focused in and near centres where people can easily access public transport or walk or cycle to shops and services. This means that many parts of the LGA will only experience minimal change.

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The mix of new housing will include well-designed flats, low rise dwellings, and social and affordable housing, including boarding housing. Seniors housing will be developed in areas that will allow older people to easily access transport and services.

This mix will mean that young and older residents can continue to live on the Northern Beaches in the community they know.

New housing will follow the principles of sustainable development, designed to reduce energy and water use and take advantage of natural elements such as breezes and heat. People will be less likely to use their cars and will enjoy living near new and enhanced open space areas." (p6)

Five priority areas have been identified to assist with achieving the above vision:

- Priority 1: Housing targets - meet District Plan and 6-10 year housing target.
- Priority 2: Detailed planning for centres - establish sufficient capacity to accommodate housing demand around existing centres.
- Priority 3: Social and affordable housing - encourage the provision of affordable housing and plan for boarding house in appropriate and accessible locations.
- Priority 4: Precinct sustainability and housing - investigate and support sustainable housing precincts.
- Priority 5: Planning for seniors housing - incentivise the provision of seniors housing in the right locations.

Under Priority 2, Council confirms that new housing will be focused on two different area, one of the two being Centres Investigation Areas (CIA) with the aim of providing new housing in well located places. The focus of the CIA is to investigate opportunities for low-rise medium density housing around the applicable centre, such as terraces and multi-dwelling housing in accordance with the Centres Renewal Framework (CRF) (Figure 15). Mona Vale is identified as a CIA.

Under the CRF, the centre core would logically be the Mona Vale Strategic Centre (B4 Mixed Use zoned land) and land within an 800m radius of the strategic centre. The subject site is located within the 800m radius and therefore could be considered as part of the centre core.

Consistent with that, the publicly exhibited version of the draft LHS (December 2020) identified the centre of the CIA as being in the middle of the strategic centre (i.e. the intersection of Pittwater Road and Bungan Street) (Figure 17). On that basis, whether the radius was 1 kilometre or 800 metres, the subject site would have been within the mixed housing area within the CIA.

However, as part of finalising the LHS (April 2021), Council has decided to interpret public transport narrowly as being the B1 line and moved the central point of the Mona Vale CIA radius away from the middle of the strategic centre to the B1 bus stop on Barrenjoey Road (Figure 16). A substantial area within 800 metres and easy walking distance of the commercial precinct has thus excluded, now resulting in the subject site being excluded from the Mona Vale CIA.

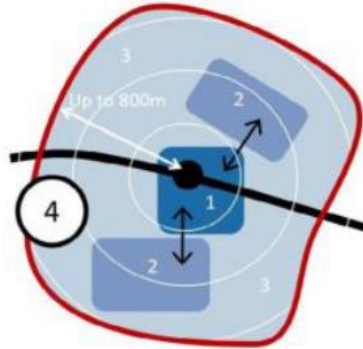
While the overall changes in the CRF were said to "better reflect walkable distances", no real justification has been provided for changing the CIA for Mona Vale and excluding locations within 800 metres (a walkable distance) of the town centre. The report to Council dated 27 April 2021 did not identify that the centre point of the Mona Vale CIA had been amended and that land previously identified for investigation was to be excluded.

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Figure 15. Northern Beaches Centres Renewal Framework (CRF)

Defining the investigation
area boundary:

- Areas within 800 metres of centres
- Exclude areas with heritage, topography or environmental constraints



Precincts

1. Centre core

- Highly accessible and in town centre areas - less than 800m to public transport.
- Areas that are logical extensions of a centre where people can easily walk to the centre without facing physical barriers.
- Includes larger sites suitable for redevelopment, or areas with potential for site amalgamations to host additional development.
- Suited to mixed use developments (with ground floor retail) and higher density housing such as apartments (such as within Brookvale and Frenchs Forest).

2. Mixed housing

- Up to 800m from centres and public transport.
- Good amenity, representing opportunity areas closest to assets such as parks and shops.
- Suited to larger lot sizes, typically over 600 sqm, ready for redevelopment without site amalgamations.
- Suited for housing such as townhouses and small scale apartments of 2-4 storeys.

3. Influence areas

- Located within 800m walk of centres.
- Suitable for housing that match the character of existing detached housing areas, such as dual occupancies, terraces, semi-detached dwellings or manor homes.
- Ideally creating Torrens (not strata) titled properties.

4. Excluded areas

- Heritage conservation areas, sites with high environmental hazards and risks, and areas zoned for E4 Environmental Living.

Source: Northern Beaches Council, Draft Northern Beaches Local Housing Strategy (April 2021)

Notwithstanding the above, the relevant features of the subject site in Darley Street West fit neatly within the CRF descriptors as follows, to provide "Mixed housing", and therefore the subject site should be included within the Mona Vale CIA:

1. Highly accessible – only a 9-minute walk or 700 metres to the middle of the town centre, which has an abundance of amenities by way of shops and other services. That is, within walkable distance.
2. In terms of public transport, it is a 5-minute walk to the 156 bus service stops on Pittwater Road (400m walk) and a 13-minute walk to the B-Line bus stop on Barrenjoey Road opposite Village Park. That is, within walkable distance.
3. In terms of recreational amenity, it is over the road from the Bayview Golf Course which also has other facilities e.g., tennis courts. While a good walk, it is within walking distance to the beach at

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the opposite end of Darley Street, the park with a playground opposite the beach, and to the ocean walks to the south. The beach has an ocean pool and is a patrolled beach which is important, particularly for families with children but also for retirees and people generally.

4. The area contains a mix of detached houses, townhouses and apartments, but there is ample potential for additional housing.
5. Includes larger sites suitable for redevelopment, or areas with potential for site amalgamations to host additional development.
6. Most of the detached houses are on lots larger than 600 sqm, which would have the potential for small scale developments of townhouses and apartments of 2-4 stories.

Priority 3 of the LHS is also of relevance to the Planning Proposal. The LHS states (p11):

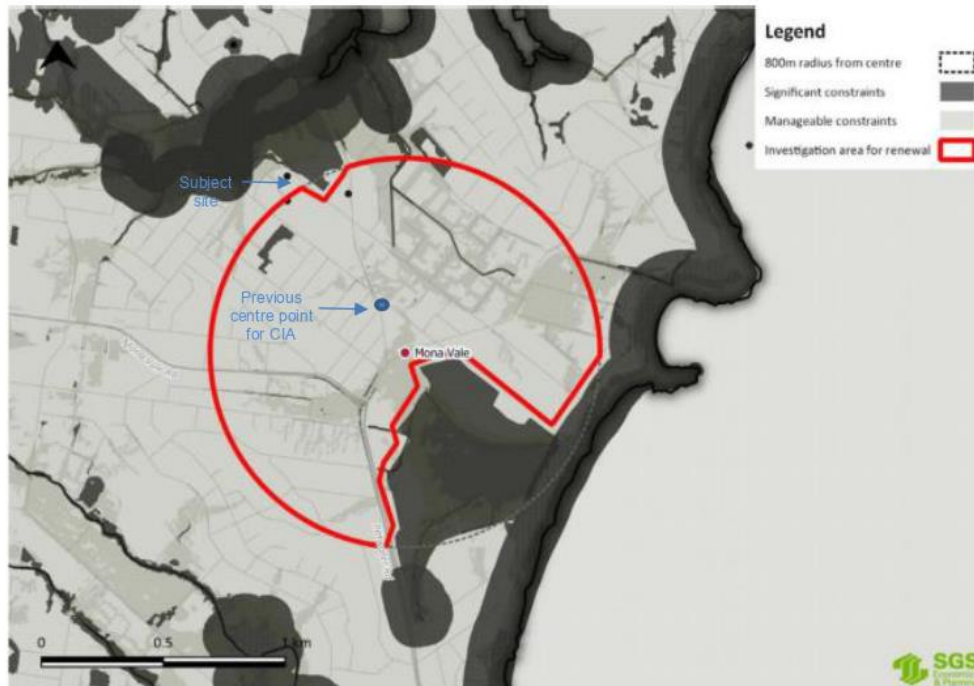
*"We can start to tackle affordability and provide options for more people by planning for the right **diversity of housing** that will allow more people to be able to afford to live in the Northern Beaches. This includes:*

- *low density housing, such as single and secondary dwellings or low to medium density housing, such as attached dual occupancies*
- *medium density housing, including those allowed by the Low Rise Housing Diversity Code.*
- *..."*

The Planning Proposal will facilitate the provision of a mix of one, two and three bedroom apartments which will provide different price points as well as make available housing options that meet resident's needs, lifestyles and budgets, for instance single person households. The majority of housing in Mona Vale is detached dwellings. The Planning Proposal will deliver more diverse housing choices, addressing people's changing needs and provide more affordable smaller housing to help address affordability. Delivering such housing products is consistent with the findings and recommendations of the LHS.

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Figure 16. Final draft LHS (Council endorsed April 2021) Mona Vale CIA boundary



Source: Northern Beaches Council, Draft Northern Beaches Local Housing Strategy (April 2021)

Figure 17. Draft LHS (public exhibited version December 2020) Mona Vale CIA



Source: Northern Beaches Council, Draft Northern Beaches Local Housing Strategy (December 2020)

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

The table below demonstrates the proposals consistency with the applicable State Environmental Planning Policies (SEPP).

Table 2. State Environmental Planning Policies (SEPP)

Applicable SEPP	Applicable	Consistency / Assessment
SEPP 1 Development Standards	N/A	Refer to clause 1.9 of PLEP
SEPP 19 Bushland in Urban Areas	N/A	N/A
SEPP 21 Caravan Parks	N/A	N/A
SEPP 33 Hazardous and Offensive Development	N/A	N/A
SEPP 36 Manufactured Home Estates	N/A	N/A
SEPP 44 Koala Habitat Protection	N/A	N/A
SEPP 47 Moore Park Showground	N/A	N/A
SEPP 50 Canal Estate Development	N/A	N/A
SEPP 55 Remediation of Land	Yes	Yes – will apply at DA stage. Note clause 6 was repealed in 2020 which outlined the matters required to be considered for a planning proposal. Matters for consideration are included under Ministerial Direction 2.6 as detailed in Table 3 below.
SEPP 64 Advertising and Signage	N/A	N/A
SEPP 65 Design Quality of Residential Apartment Development	Yes	Yes – is likely to apply at the DA stage to the two residential flat buildings due to clause 4(1) of the SEPP. The concept plan has been developed giving consideration to SEPP 65. Appendix A and Section 9.2 of Appendix B provide a summary of the development concept's compliance with the Apartment Design Guide for the primary controls applicable to the development. The quality of the intended design is shown within section 10 of Appendix B.
SEPP 70 Affordable Housing (Revised Schemes)	Yes	Yes - SEPP 70 applies to the Northern Beaches LGA and enables Councils to include affordable rental housing requirements in its LEP in areas subject to zoning "uplift" through an affordable housing contribution scheme. Council has developed a draft affordable housing contribution scheme which allows Council to collect developer contributions to provide affordable housing either as complete dwellings or as an equivalent monetary contribution. The Scheme currently only applies to the Frenchs Forest Planned Precinct, however may be

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		extended to other areas that are rezoned or are subject to increases in residential density in the future.
SEPP (Aboriginal Land) 2019	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes – will apply at the DA stage. Sustainability measures will be implemented into the final design.
SEPP (Coastal Management) 2018	N/A	N/A
SEPP (Concurrences) 2018	N/A	N/A
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	N/A
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes – allows for certain development and works to be carried out as exempt and complying development. Notwithstanding this, the proposed development concept will require development approval from Council.
SEPP (Gosford City Centre) 2018	N/A	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	N/A
SEPP (Infrastructure) 2007	N/A	N/A
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	N/A
SEPP (Kurnell Peninsula) 1989	N/A	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Miscellaneous Consent Provisions) 2007	N/A	N/A
SEPP (Penrith Lakes Scheme) 1989	N/A	N/A
SEPP (Primary Production and Rural Development) 2019	N/A	N/A
SEPP (State and Regional Development) 2011	N/A	N/A
SEPP (State Significant Precincts) 2005	N/A	N/A
SEPP (Sydney Drinking Water Catchment) 2011	N/A	N/A
SEPP (Sydney Region Growth Centres) 2006	N/A	N/A
SEPP (Three Ports) 2013	N/A	N/A
SEPP (Urban Renewal) 2010	N/A	N/A

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SEPP (Vegetation in Non-Rural Areas) 2017	Yes	Yes
SEPP (Western Sydney Employment Area) 2009	N/A	N/A
SEPP (Western Sydney Parklands) 2009	N/A	N/A
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A	N/A
Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2 – 1995)	N/A	N/A
Sydney Regional Environmental Plan No 16 – Walsh Bay	N/A	N/A
Sydney Regional Environmental Plan No 20 – Hawkesbury - Nepean River (No 2 – 1997)	N/A	N/A
Sydney Regional Environmental Plan No 24 – Homebush Bay Area	N/A	N/A
Sydney Regional Environmental Plan No 26 – City West	N/A	N/A
Sydney Regional Environmental Plan No 30 – St Marys	N/A	N/A
Sydney Regional Environmental Plan No 33 – Cooks Cove	N/A	N/A
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	N/A

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

The table below outlines the applicable Ministerial Directions that are applicable to the planning proposal.

Table 3. Ministerial Directions

1. Employment and Resources

Applicable Ministerial Directions	Applicable	Consistency / Assessment
1.1 Business and Industrial Zones	N/A	N/A
1.2 Rural Zones	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	N/A	N/A

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2. Environment and Heritage

Applicable Ministerial Directions	Applicable	Consistency / Assessment
2.1 Environment Protection Zones	N/A	N/A
2.2 Coastal Management	N/A	N/A
2.3 Heritage Conservation	N/A	N/A
2.4 Recreation Vehicle Areas	N/A	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	N/A
2.6 Remediation of Contaminated Land	Complies	<p><i>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p> <p>A Preliminary Site Investigation (PSI) and Preliminary Acid Sulfate Soil Assessment (PASSA) was undertaken and prepared by Geotechnique Pty Ltd (Appendix D).</p> <p>The PSI considered the applicability of this Ministerial Direction. The assessment provided the following findings:</p> <ul style="list-style-type: none"> • The site is not located within an investigation area within the meaning of the Contaminated Land Management Act 1997; and • Activities listed in Table 1 of the draft Contaminated Land Planning Guidelines have not been known to have been carried out on the site; and • The site has been used and occupied by residential development for over 50 years and there is no evidence to suggest that activities listed in Table 1 of the draft Contaminated Land Planning Guidelines have occurred on the site; and • The land is suitable, or can be made suitable, for the proposed medium density use subject to the implementation of recommendations in this report at the Development Application (DA) Stage.

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3. Housing, Infrastructure and Urban Development

Applicable Ministerial Directions	Applicable	Consistency / Assessment
3.1 Residential Zones	Complies	<p><i>The objectives of this direction are:</i></p> <ul style="list-style-type: none"> (a) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i> (b) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i> (c) <i>to minimise the impact of residential development on the environment and resource lands.</i> <p>The Planning Proposal will enable the construction of medium-density residential development including a mixture of housing options i.e. one, two and three bedroom apartments and three (3) two-storey townhouses in Mona Vale that is dominated by detached housing. The provision of a diversity of housing choice in Mona Vale is supported by the State Government's strategic directions for Mona Vale as a strategic centre. Providing a mixture of housing choices is also supported by Council's LSPS and LHS.</p> <p>Located in an established residential area, the site will be able to utilise existing infrastructure and services. An Infrastructure and Utilities Assessment was prepared by Enspire (Appendix F) to determine if the existing utilities in the area such as portable water, wastewater, electricity, telecommunications and gas are able to service the proposed development. It was found that there is sufficient capacity and services to accommodate the proposed development concept.</p> <p>The site is already zoned for residential use and therefore will not impact on resource lands.</p>
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A
3.3 Home Occupations	N/A	N/A

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<p>3.4 Integrating Land Use and Transport</p>	<p>Complies</p>	<p><i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>(b) increasing the choice of available transport and reducing dependence on cars, and</i> <i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> <i>(d) supporting the efficient and viable operation of public transport services, and</i> <i>(e) providing for the efficient movement of freight.</i> <p>The site is positioned within an established residential area that is located less than 400m from Mona Vale's strategic centre, employment and services and public transport options. Given the location of the site, future residents will have the ability to walk, cycle or use public transport which may result in a reduction to car dependency.</p> <p>The Traffic Impact Assessment prepared by ptc. (Appendix C), notes that the site is already zoned for residential development and is not changing the main land use function which is to provide housing. Darley Street West and its intersection with Pittwater Road can accommodate the additional traffic generated from the proposed development with no level of service change at this intersection.</p> <p>The Northern Beaches LGA is not serviced by heavy rail and primarily relies on bus services. The State Government is responsible for the delivery of public transport and additional public transport serviceability. Improvements to public transport in the Northern Beaches include the B-line which provides a direct bus service to the Sydney CBD. The closest B-line bus stop to the site is less than 1km away however, bus route 155 which is within 400m walking</p>
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		distance of the site provides a bus stop near the B-line stop on Barrenjoey Road. Section 1.2 of Appendix C addresses this Ministerial Direction.
3.5 Development Near Regulated Airports and Defence Airfields	N/A	N/A
3.6 Shooting Ranges	N/A	N/A
3.7 Reduction in non-hosted short term rental accommodation period	N/A	N/A

4. Hazards and Risks

Applicable Ministerial Directions	Applicable	Consistency / Assessment
4.1 Acid Sulfate Soils	Complies	<p><i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i></p> <p>Part of the site (i.e. mainly the properties identified as 163-165 and 167 Darley Street West) is identified as Acid Sulfate Soils Class 3 and the remaining part of the site is identified as Class 5.. Clause 7.1 of the PLEP 2014 is therefore applicable to works proposed more than 1m below the natural ground level surface. PLEP 2014 addresses the requirements of this Ministerial Direction.</p> <p>Notwithstanding the above, a PASSA was undertaken and prepared by Geotechnique Pty Ltd (Appendix D). The PASSA considered the applicability of Ministerial Direction. The assessment confirmed the following findings:</p> <ul style="list-style-type: none"> • The site has the probability of containing acid sulfate soils and is mapped as Class 3 and Class 5 under PLEP; and • The PLEP includes clause 7.1 which is to ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage; and • Under clause 7.1 of the PLEP, an acid sulfate soil management plan will be required to be prepared for development that involves works more than 1m below natural ground level; and • The site is already developed for residential use and the proposed rezoning will not

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		change the primary use of the site for residential purposes.
4.2 Mine Subsidence and Unstable Land	N/A	N/A
4.3 Flood Prone Land	Yes	<p><i>The objectives of this direction are: to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i></p> <p>Clause 7.3 of PLEP 2014 includes objectives and requirements a consent authority must consider when assessing a proposed development undertaken on flood prone land. Council has raised concerns regarding potential flooding impacts on the site based on the <i>McCarrs Creek, Mona Vale and Bayview Flood Study</i> (2017) completed by Royal Haskoning DHV which identifies that the site is subject to flooding. In addition, the subject site is affected by Low Risk and Medium Risk flood hazards in accordance with Council's Flood Hazard Map adopted in 2019.</p> <p>AECOM have prepared a Stormwater Management Strategy (SMS) (Appendix E) to address the flood related risks associated with developing the site for medium density housing. Section 2.7 of the Appendix E addresses this Ministerial Direction in detail. The proposed stormwater strategy gives effect to and is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 by demonstrating a development option that can reduce the impact of overland flows resulting from the new development and reduce the frequency of flooding to downstream properties relative to existing conditions.</p> <p>The proposed development scenario addresses the flooding risks and includes suitable solutions. The development scenario will not affect surrounding</p>

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		<p>areas in terms of flooding. It will provide benefit in reducing the depths of floodwater in storm events for 6, 8 and 10 Kunari Place (neighbouring downstream).</p> <p>The development scenario does not require government spending on flood mitigation measures. The proposed design safely diverts approximately 70% of the peak 1% AEP flows arriving from the south east through a new shared access driveway. The remaining flows continue draining towards Kunari Place.</p> <p>Proposed Flood planning Levels as set out in Section 2.6 of Appendix E are aligned with Section B3.11 (Flood Prone Land) of Pittwater 21 DCP. No changes are proposed to clause 7.3 of Pittwater LEP 2014. The SMS also confirms that the 1% AEP plus 0.5m to residential finished floor levels should be adopted as the residential Flood Planning Level. This is consistent with Clause 7.3 of the PLEP 2014.</p>
4.4 Planning for Bushfire Protection	N/A	N/A

5. Regional Planning

Applicable Ministerial Directions	Applicable	Consistency / Assessment
5.1 Implementation of Regional Strategies	N/A	N/A
5.2 Sydney Drinking Water Catchment	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A
5.6 Sydney to Canberra Corridor	N/A	N/A
5.7 Central Coast	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A
5.9 North West Rail Link Corridor Strategy	N/A	N/A

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5.10 Implementation of Regional Plans	Complies	<p><i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i></p> <p>As discussed under section 2.3.2 of this report, the Planning Proposal is consistent with the strategic direction of the <i>Greater Sydney Region Plan</i> and the <i>North District Plan</i>. The strategic planning narrative confirms that Mona Vale is well suited to provide medium density housing, particularly for land within walking distance of the town/strategic centre. The subject site is within 700m walking distance of Mona Vale shops and within 400m of Mona Vale's 'strategic centre' lands as identified in the North District Plan. The Planning Proposal seeks to provide housing options and choice which will also support employment growth opportunities for Mona Vale.</p> <p>The Planning Proposal will facilitate the rezoning of the land to R3 Medium Residential Development which will enable the construction of medium-density development, a form of housing which is lacking in the North District and particularly in Mona Vale. As shown in Figure 1 and Appendix A, the concept for the land proposes two apartment buildings and three townhouses. The facilitation of medium-housing development will add to the Mona Vale housing supply that will deliver additional housing choice to future homebuyers and/or renters. The apartment buildings are proposed to contain a mixture of bedroom types which will provide further choice and affordability.</p>
5.11 Development of Aboriginal Land Council land	N/A	N/A

6. Local Plan Making

Applicable Ministerial Directions	Applicable	Consistency / Assessment
6.1 Approval and Referral Requirements	N/A	N/A
6.2 Reserving Land for Public Purposes	N/A	N/A
6.3 Site Specific Provisions	Yes	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>

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		<p>Council has previously suggested that a Schedule 1 amendment to PLEP 2014 could be an alternative pathway to achieve the intent of the Planning Proposal. Such an approach would be inconsistent with this Ministerial Direction given Darley Street West is zoned R3 Medium Residential Development, except for the subject site, and the application of an R3 land use zone on the site would achieve the intended outcome. Adding additional permitted uses to the R2 zone is likely to be considered an unnecessary planning restriction for land that adjoins R3 zoned land.</p> <p>This Planning Proposal to rezone the land to R3 is a logical extension of the type of development that is suitable in this location, consistent with the existing character of this street.</p>
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7. Metropolitan Planning

Applicable Ministerial Directions	Applicable	Consistency / Assessment
7.1 Implementation of A Plan for Growing Sydney	N/A	N/A
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	N/A
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	N/A
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	N/A
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	N/A
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	N/A
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	N/A
7.8 Implementation of the Western Sydney Aerotropolis Plan	N/A	N/A

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7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	N/A
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	N/A
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	N/A
7.12 Implementation of Greater Macarthur 2040	N/A	N/A
7.13 Implementation of the Pymont Peninsula Place Strategy	N/A	N/A

2.3.3 Section C – Environmental, social and economic impact

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 Preliminary Ecological Assessment Report (Appendix G) by Cumberland Ecology has considered the biodiversity values of the subject site and assessed, at a high level, the potential ecological impacts of likely future development.

The subject site contains 0.19 ha of PCT 1214 Pittwater Spotted Gum forest, consistent with the Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, listed as endangered under the BC Act. The remainder of the subject site is comprised of Planted Native Vegetation (0.04 ha), Exotic Vegetation (0.17 ha), Exotic Dominated Grassland (0.05 ha) and Cleared Land (0.17 ha). The likely future development is anticipated to result in impacts to a 0.09 ha of PCT 1214, 0.04 ha of Planted Native Vegetation, 0.11 ha of Exotic Vegetation and 0.04 ha of Exotic Dominated Grassland. Figure 18 identifies the existing vegetation communities and habitat features within the site including area and vegetation identified for retention and further investigation. It is noted that the PCT 1214 to be retained is located along the southern boundary of the subject site, bearing connectivity to the native vegetation within the adjacent lot. Out of the native vegetation occurrence throughout the subject site, the area of PCT1214 to be retained is of the highest ecological retention value and will serve to maintain a degree of linkage throughout the urban landscape.

The Pittwater and Wagstaffe Spotted Gum Forest vegetation throughout the subject land comprises potential foraging habitat for several aerial and highly mobile threatened fauna species as part of a broader habitat range. These species are unlikely to be dependent on the resources present in the subject land. A Test of Significance was prepared by Cumberland Ecology for Pittwater Spotted Gum Forest which indicated that a significant impact is unlikely to occur based on the indicative footprint of the likely future development. This preliminary ecological assessment indicated that issues relating to threatened species and threatened ecological communities are manageable and not significant.

Notwithstanding this, a suite of mitigation measures has been recommended by Cumberland Ecology to minimise the impacts on biodiversity values for the likely future development (refer to Section 4.2 of Appendix G). The impacts of the likely future development and any applicable mitigation measures can be re-evaluated at the DA stage of the project.

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Figure 18. Vegetation communities and habitat features within the subject site



Source: Cumberland Ecology, Preliminary Ecological Assessment Report (2021)

It is unlikely that future development of the subject land will trigger the Biodiversity Offset Scheme and require the preparation of a Biodiversity Development Assessment Report in accordance with the Biodiversity Assessment Method and no referral to the commonwealth is required. The impacts of the project are proposed to be assessed in detailed within a Flora and Fauna Assessment at the DA stage by a suitably qualified and experienced ecologist.

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

A number of technical studies have been prepared to support the Planning Proposal and demonstrate that any potential impacts of the project concept plan can be managed at the DA stage. A summary of the findings and recommendations is outlined below.

Urban Design and Local Character

Consideration has been given to the location and context of the site including the existing character of the locality. The development form proposed by Giles Tribe (Appendix A) is consistent with the existing streetscape of Darley Street West which is dominated by two-three storey residential flat buildings and townhouse developments.

The Urban Design Study prepared by Giles Tribe (Appendix B) establishes Urban Design Principles which address the site opportunities and constraints of a potential medium density residential development. The concept design allows for the development to be staged while ensuring the integrity of the streetscape character, flexibility and financial feasibility, and to avoid any site isolation issues. The Study also incorporated advice and inputs from the other technical consultants.

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The proposed built forms step down the slope of the site to reduce the amount of cut and fill, maximising the northern aspects and views. The built form also addresses the main street frontage with fenestration and large balconies, aiding passive surveillance. Their siting allows for landscaped breaks between buildings.

Figure 19. Indicative design proposed for the subject site



Source: Giles Tribe, Urban Design Study (2021)

The siting of the built form also responds to the overland flowpath and flooding issue as well as existing native vegetation, as shown in the generous rear setback and raised levels of the townhouses. The intention is to create series of buildings in a landscaped setting. The proposed development concept respects the village character of Mona Vale (Figure 19). Aesthetically, the built forms will be well articulated using natural material and colour scheme, with contemporary architecture and landscaping to create the Northern Beaches coastal character similar to those presented in Section 10 of Appendix B. This will result in an improved quality design outcome at the western end of Darley Street West.

Applying clause 4.5A of the PLEP 2014 to the subject site (on the basis that the site is rezoned to R3) would limit the number of dwellings that could be constructed on the site to 30. This clause in effect limits the number of dwellings that can be built on a site, which in most instances would not change the building footprint or the scale of a medium density residential development. For the most part, the FSR and height controls determine the building footprint and scale of the development while clause 4.5A influences whether the development site accommodates a mixture of one, two and three bedroom apartments or is dominated by three and four bedroom apartments. Hence under the proposed concept plan, and subject to the site being rezoned R3 Medium Density Residential, visually the development would present the same whether there were 30 or 41 dwellings within the development envelope based on the height and FSR remaining unchanged.

Traffic and Access

The Traffic Impact Assessment prepared by ptc (Appendix C) has considered the traffic and access requirements associated with the construction of 38 apartments and three townhouses. The development concept complies with Council's parking requirements and will provide approximately 86 car parking spaces. The development concept will not impact on the level of serviceability of the intersection of Pittwater Road and Darley Street West both in the AM and PM peak periods and will continue to maintain a good level of service (i.e. Level of Service B).

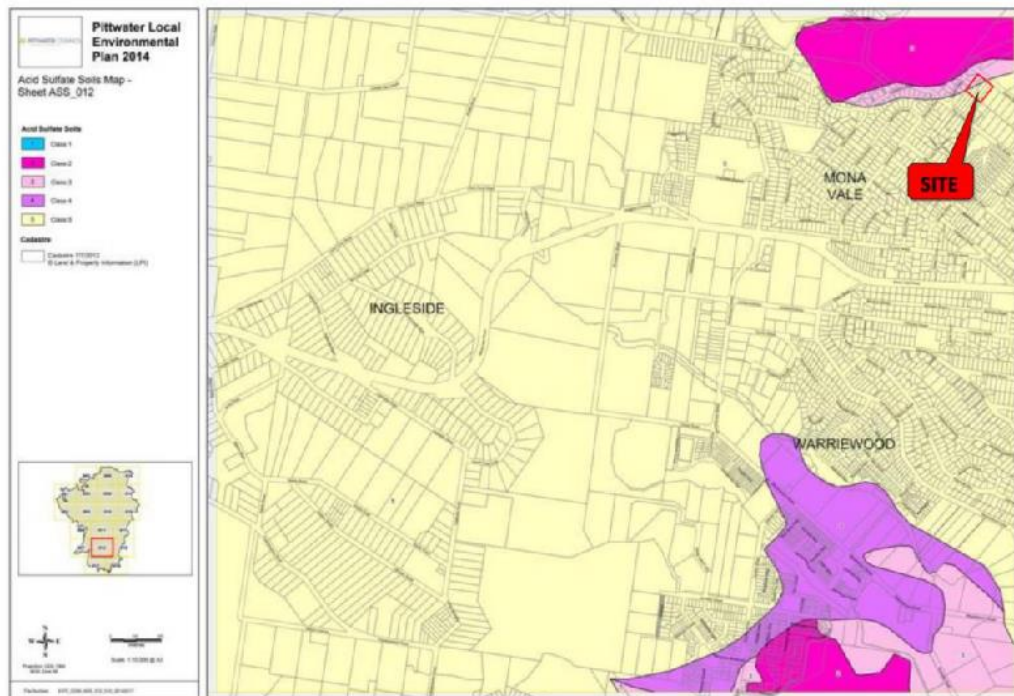
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The main purpose of the PSI was to identify any areas of potential contamination at the site from the past and present activities and to assess if the site is likely to present a risk of harm to human health and the environment under the conditions of the proposed development, and to provide recommendation for further detailed assessment and / or contamination management, if required, such that the site can be made suitable for the proposed use.

Geotechnique's report confirmed that the site had predominantly been used for low density residential purposes since at least 1950. The surrounding eastern, western and southern properties were also used for residential use since at least 1965. The distant adjoining property to the west of the site appears to have had activities associated with agriculture based on an aerial photograph taken in 1951 (Appendix C of Appendix D). Nevertheless, there would have been limited potential for contamination of the site due to the residential activities.

Given the residential buildings and associated features predate 1990, there is a potential for the presence of asbestos material, lead based paints within the structures. Demolition of these structures might cause an increased risk of surface soil contamination within the areas of demolition. There is also potential for Organochlorine Pesticides (OCP) contamination due to possible pest control. The footprints of the existing dwellings may contain imported fill materials for levelling the ground, beneath the site features. Should the site contain imported fill, there is also the potential for the fill materials to be contaminated, as the source of fill materials is generally unknown. This could only be determined once the buildings have been demolished. Notwithstanding this, the PSI concluded that potential contamination issues could be further addressed as part of the DA Stage and that the land is suitable, or can be made suitable, for the proposed medium density use subject to the implementation of management measures at the DA Stage.

Figure 21. Acid Sulfate Soils



Source: Geotechnique, *Preliminary Site Investigation (Contamination) and Preliminary Acid Sulfate Soil Assessment* (2021)

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The PASSA confirmed that the site has a high probability of containing acid sulfate soils from 1m to 3m below the ground surface within the site. In addition, the PLEP 2014 includes acid sulfate soil maps which identify the site as being impacted by both Class 3 and 5 land (Figure 21). The proposed development concept includes excavations below 1m depth of the natural ground level to accommodate the basement carpark of the proposed residential flat buildings. Potential impacts on acid sulfate soils can be suitability managed at the DA Stage. This will include the preparation of an acid sulfate management plan. Clause 7.1 of PLEP 2014 ensures development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is already developed for residential use and the proposed rezoning will not change the primary use of the site for residential purposes

Stormwater and flooding

Clause 7.3 of Pittwater LEP 2014 includes objectives and requirements a consent authority must consider when assessing a proposed development undertaken on flood prone land. Council has raised concerns regarding potential flooding impacts on the site based on the *McCarrs Creek, Mona Vale and Bayview Flood Study* (2017) completed by Royal Haskoning DHV which identifies that the site is subject to flooding. In addition, the subject site is affected by Low Risk and Medium Risk flood hazards in accordance with Council's Flood Hazard Map adopted in 2019 (Figure 22). Overland flow enters the site from the upstream catchment in the south east with existing surface runoff continuing to flow through the subject site towards Kunari Place, subsequently inundating a number of lots including number 6, 8 and 10.

AECOM has prepared a Stormwater Management Strategy (SMS) (Appendix E) to address Council's concerns regarding flooding. The Pre-lodgement Advice provided by Council noted that "Council is supportive of opportunities to minimise flood risk to private property and divert this flow to Darley Street provided that it does not impact trafficability of roadway in flood events".

As part of the SMS, AECOM undertook additional 2D flood modelling of the existing and post-construction scenario flood regime for a range of design flood events up to and including the Probable Maximum Flood event. The model results assessed for afflux mapping, flood regime, determination of flood planning level and minimum floor requirements for future development.

The proposed development concept presents an opportunity to not only reduce the impact of overland flows resulting from the new development, but also reduce the volume of overland flows entering downstream properties along Kunari Place relative to the existing conditions by safely diverting some surface runoff through a shared access driveway on the subject site. The proposed stormwater strategy adopted for the development responds to this by combining:

- New in ground stormwater infrastructure connecting to existing Council owned infrastructure in Darley Street West,
- A new overland flow path along a privately owned access driveway which services the proposed development, directing flows towards Darley Street West.
- Maintaining the existing overland flow path through number 6, 8 and 10 Kunari Place for larger magnitude storms.

It should be noted that the development scenario does not require government spending on flood mitigation measures. The proposed design safely diverts approximately 70% of the peak 1% AEP flows arriving from the

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south east through a new shared access driveway. The remaining flows continue draining towards Kunari Place. Also the proposal does not include the development of dwellings in overland flowpaths upto the 1% AEP event in the post developed scenario.

Figure 22. Adopted Flood Hazard Mapping (2019)



Source: AECOM, Stormwater Management Strategy (2021)

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

An Economic Assessment and Justification Report (Appendix H) has been prepared by Macroplan. The report has considered the demand for housing in the Monavale area and the impact that a lack of housing supply and diversity is having on dwelling prices and affordability issues for the Northern Beaches residents. This Planning Proposal is seeking to address housing supply and diversity issues by providing a supply and mix of apartment sizes to address price point and affordability issues, particularly in the current context of escalating dwelling prices.

Macroplan has reviewed the Northern Beaches LHS population and demand projections for the LGA and Monavale. Macroplan is of the opinion that the population and demand projections used in the LHS are significantly understated. In addition, Council's approach to provide the majority of the Northern Beaches new housing supply in Frenchs Forest does not address the housing demand in Monavale, nor does it help strengthen the role and support the growth of Monavale as a strategic centre. Frenchs Forest is a distinct area from the coastal beach suburb of Monavale, which has strong appeal.

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The consequence is that the limited housing supply available will be absorbed more quickly, tightening the market and adding further to upward pressure on prices. In the competition for the available and limited supply, it will be the high-income households which prevail. This is not a new phenomenon but more young family households, including those of the young generation which grew up in the Northern Beaches, will be forced to move elsewhere. Limited supply also has consequences for employment with the likelihood of more low-income workers needing to commute into the LGA for employment increasing. This Planning Proposal addresses this issue by providing a mix of one, two and three bedroom apartments.

Planning policies which restrict supply, and the mix of housing supply, can substantially add to housing affordability pressures. In terms of the timeline for changes to planning controls that would increase capacity, the LHS appears to see no urgency, notwithstanding evidence (on which the LHS is silent) that demand is running ahead of expectations and that price pressures are becoming more extreme. The rise in the price premium on Northern Beaches dwellings – both in terms of prices and rents – is the outward manifestation of these pressures. It is also evident in the affordability gap and housing stress measures. The high premiums for two and three bedroom apartments compared with the broader Sydney market, which relate to the supply being skewed away from offering smaller apartments, highlights how the lack of diversity is linked to the affordability issue.

Clause 4.5A of PLEP 2014 places a restriction on the density of dwellings that can be constructed on a site which impacts on the type and size of dwelling(s) that will be provided by the market and hence the price and affordability of these dwelling(s). The policy encourages a small number of large apartments on sites, and these apartments will be correspondingly expensive dwellings, with high prices and high rents. It will thus directly contradict the intention to address affordability and to encourage the market to offer a more diverse range of dwellings. The removal of the applicability of clause 4.5A from the site will encourage the provision of one and two bedroom apartments rather than a future development being dominated by three plus bedroom apartments.

Council has acknowledged that housing affordability is a major issue for the LGA with additional housing supply needed to address affordability issues and to provide a greater choice of housing options to a changing and ageing community. Rezoning a suitably located site for medium density housing partly addresses this issue. The LHS has neglected to address the impacts of applying clause 4.5 of PLEP 2014 on the construction of housing or provided justification as to why the northern part of the LGA should continue to impose such restrictions. Without such commentary and advice regarding the implications of a restrictive density clause, there is no clear direction for Council regarding future amendments to the planning controls. This Planning Proposal aims to address this at a site-specific level however, a broader policy review is required.

2.3.4 Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Yes, the residential development yield anticipated under the concept design will result in a minor increase in traffic movements and will not result in the need for any additional investment in road infrastructure or works. Public transport options are also available within walking distance of the site.

The site has access to public and private recreational spaces. It is adjacent to the Bayview golf course and is less than 100m from a pocket park at the end of Kunari Place. It is less than a 15 minute walk to Kitchener Park Sports Centre, Mona Vale Memorial Hall and the Mona Vale library. The site is also a 20 minute walk to Rowland Reserve

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

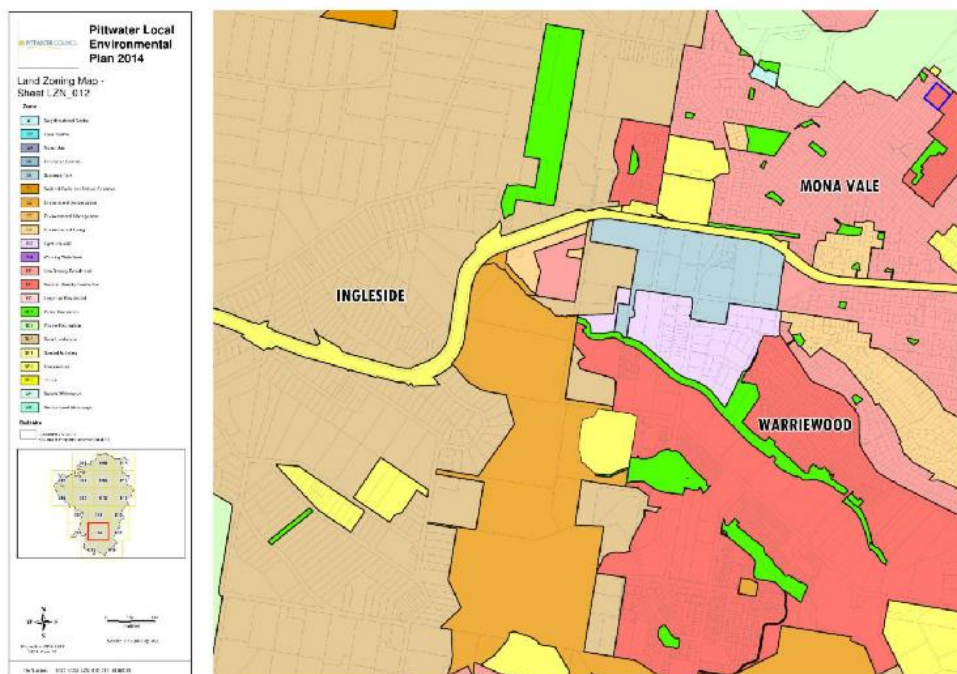
This Planning Proposal has not been submitted to Gateway for determination. It is unlikely that any State or Commonwealth authorities will have interest in this Planning Proposal other than ensuring consistency with legislative requirements applicable to the Planning Proposal and future development of the site for medium density housing. Consultation with the relevant State and Commonwealth authorities will be undertaken as part of the exhibition of the Planning Proposal and as directed by the Gateway Determination.

Notwithstanding the above, council as the 'relevant planning authority' is required to determine whether consultation is required under section 3.25(2) of the EP&A Act, if it is of the opinion that critical habitat or threatened species, populations or ecological communities, or their habitats, will or may be adversely affected by the proposed Planning Proposal. As discussed in section 2.3.3 above, the Preliminary Ecological Assessment (Appendix G) concluded that the issues relating to threatened species and threatened ecological communities are manageable and not significant and that the impacts of the likely future development can be re-evaluated at the DA stage of the project.

2.4 Part 4 – Mapping

The map below (Figure 13) shows the proposed amendment to PLEP 2014 Land Zoning Map Sheet 12 to rezone the subject site to R3 Medium Density Residential. Figure 8 also shows the existing and proposed zoning for the site.

Figure 18. Proposed R3 Medium Density Residential land use zone – 159-167 Darley Street West, Mona Vale



Source: PLEP Land Zoning Map 12 (amended by Macroplan)

Section 2: Planning Proposal

and Mona Vale Beach. Mona Vale, as a strategic centre, has adequate community and social infrastructure which can be easily accessed by future residents.

An Infrastructure and Utilities Assessment was prepared by Enspire (Appendix F) to investigate the capacity constraints of existing utility services in the area surrounding the subject site and identify the preferred servicing strategy to support the proposed medium density residential development concept. A summary of Assessment findings is detailed below. No additional investment in public infrastructure is required for this Planning Proposal to proceed.

Table 4. Servicing Strategy

Service	Summary of Servicing Strategy
Potable Water	It is anticipated that there will be sufficient capacity in this water main to service the proposed development and that no lead-in potable water main would need to be constructed and/or upgrade to existing DN100 potable water main would be required, however a feasibility application should be made to Sydney Water to confirm the capacity of the existing infrastructure.
Wastewater	<p>There are two existing wastewater mains which currently service the subject site. A DN150 main runs along the site's frontage to Darley Street West and there is a second DN150 main which runs through the rear of the property with several maintenance holes and maintenance shafts located where the main changes direction.</p> <p>It is anticipated that there will be sufficient capacity in these two wastewater mains to service the proposed development, and connection to one or both of these mains would be possible to service the development and that no upgrades to the existing infrastructure would be required, however a feasibility application should be made to Sydney Water to confirm the capacity of the existing infrastructure.</p>
Electricity	There are existing Ausgrid electrical assets fronting the subject site, including underground HV cables and overhead LV cables. It is anticipated that there will be sufficient capacity in the existing LV network to service the proposed development and the anticipated point of connection to service the site is to connect to the underground LV network at the boundary of 151-153 and 155-157 Darley Street West by extending the underground LV network to the development's frontage utilising existing spare ducts.
Telecommunications	The site is currently serviced with telecommunications infrastructure provided by Telstra and NBN is available in the area.
Gas	<p>There is an existing 23mm nylon 300kPa medium pressure gas main which fronts the subject site on the western side of Darley Street West. The existing nylon main sits within a steel pipe for protection.</p> <p>It is anticipated that there will be sufficient capacity in this main to service the proposed development and that no upgrade to the existing gas main would be required, however an application should be made to Jemena to confirm the capacity of the existing infrastructure.</p>

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2.5 Part 5 – Community Consultation

Consultation with the community will be undertaken during the public exhibition of the Planning Proposal in accordance with Council's Community Engagement Policy and the consultation requirements specified in the Gateway Determination. The owners of 159 and 167 Darley Street West, Mona Vale have been consulted with during the preparation of this Planning Proposal.

2.6 Part 6 – Project Timeline

Council ultimately controls the project timeframe to progress and finalise the Planning Proposal. Given the simplicity of this Planning Proposal which seeks to rezone the remaining five lots of residential land in Darley Street West to R3 Medium Density Housing - which is a logical extension of the existing built form and consistent with the street character and landscape - Macroplan is of the opinion that the below project timeline is achievable.

Table 5. Project Timeframe

Task	Timeframe
Submission of Planning Proposal to Council	July 2021
Report to Northern Beaches Local Planning Panel	August 2021
Report to Council	September 2021
Referral to DPIE for Gateway determination	October 2021
Issue of Gateway determination	November 2021
Government agency consultation if required	December - January 2021
Amendments to Planning Proposal if required	February 2022
Public exhibition of Planning Proposal	February - March 2022
Review and consider submissions and prepare report to Council	March - April 2022
Report to Council to determine the Planning Proposal	May 2022
Submit Planning Proposal to DPIE to finalise LEP amendment	June 2022

Conclusion

This Planning Proposal seeks to amend PLEP 2014 to rezone the subject site from R2 Low Density Residential to R3 Medium Density Residential and exclude the applicability of clause 4.5A to this site. This Planning Proposal, if approved will allow for additional housing supply in Mona Vale and encourage a mix and diversity of dwelling sizes to be delivered. Apartment prices are significantly lower than detached housing, hence the Planning Proposal will offer more affordable housing options in Mona Vale.

Mona Vale is characterised by its local coastal character with a village atmosphere however, in the future it is identified as developing into a cosmopolitan coastal local character and being the urban heart of the northern peninsula. The North District Plan and LSPS identify the need for Mona Vale to provide additional housing choice, particularly closer to employment opportunities in Mona Vale. The subject site's proximity to existing employment lands and the strategic centre of Mona Vale (<400m distance) and the intent of the Planning Proposal to provide housing choice (i.e. a diversity of medium density housing stock) is therefore strategically aligned with the future vision for Mona Vale.

The issue then becomes one of turning on the strategic planning conversation to enable this strategic intent to materialise. Materialisation can be facilitated in two ways, firstly a council rezones an area as part of a broader planning adjustment or consideration or secondly, a proponent lodges a Planning Proposal which aligns with the end intentions articulated in a strategic planning document. Both approaches represent sound planning, particularly where there is appropriate infrastructure to enable this change as demonstrated in this report.

Council's timeframe for undertaking a detailed planning analysis of Mona Vale to determine land to be rezoned for medium density housing is schedule to occur between 2025-2036. Macroplan is of the opinion that the lengthy timeframes proposed to undertake amendments to the LEP to deliver new housing in Mona Vale will compromise the achievement of both the LSPS and LHS vision(s) for future housing supply and housing diversity and will therefore continue to put upward pressure on housing supply and affordability.

Planning targets such as housing numbers in strategic planning documents should not be deliberately interpreted or used around the notion that these are a maximum topping up figure, when in fact, they are a minimum performance expectation relevant to higher level district and metropolitan plans. If there can be earlier and practical materialisation of medium density housing, it should not be unnecessarily held up by lengthy planning processes. The North District Plan discusses the need for housing supply and a mix of housing types in Mona Vale, in this context the subject location is well suited to undergo change. In addition, the LSPS states that "significant additional housing supply is not needed to address projected population growth, but is needed to address affordability issues and to provide a greater choice of housing options to a changing and ageing community" (p128). The provision of additional housing in Frenchs Forest does not address the housing needs of Mona Vale as a strategic centre for the Northern Beaches.

The Planning Proposal proposes to facilitate the development of the subject site for low-rise medium density housing which is consistent with the policy intent of the CRF identified in the LHS for Mona Vale. No change is

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proposed to the 8.5m building height for the subject site. The proposed development concept is consistent with the building typologies and scale of development in Mona Vale and Darley Street West.

The site already adjoins medium density development and comprises amalgamated allotments. This site and the Planning Proposal are consistent with the village character of the locality and development that surrounds it (i.e. medium density development) and is therefore a logical extension to the R3 zone. The proposal as presented and designed has appropriately considered the relevant matters that need to be addressed for a Planning Proposal. The technical assessment reports demonstrate that potential impacts can be addressed at the DA stage. This is a location that is already exhibiting medium density characteristics and should be given due consideration and rezoned.

The Planning Proposal is consistent with relevant State and local planning policies and directions. It is therefore recommended that Council resolves to support the Planning Proposal and forward it to DPIE for Gateway determination in accordance with the EP&A Act.



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3.0 PUBLIC MEETING ITEMS

3.1 PLANNING PROPOSAL - 159-167 DARLEY STREET WEST MONA VALE (PEX2021/0001)

PROCEEDINGS IN BRIEF

The proposal is to rezone properties 159-167 Darley Street West, Mona Vale from R2 Low Density Residential under PLEP 2014 to R3 Medium Density Residential.

At the public meeting which followed the Panel was addressed by four representatives of the applicant.

RECOMMENDATION OF PLANNING PANEL

That the Northern Beaches Local Planning Panel recommends that Council **not proceed with** the Planning Proposal for 159-167 Darley Street Mona Vale, and not forward it to the NSW Department of Planning, Industry and Environment for a Gateway determination for the reasons set out in the assessment report.

The Panel recommends that the site be included in the Mona Vale Centre Investigation Area and the appropriateness of clause 4.5A of the Pittwater LEP 2014 for the locality be reviewed as part of the Mona Vale Centre Investigation Area investigations.

The Panel agrees generally with the assessment report. The Panel considers this application is premature considering the strategic planning initiatives being undertaken.

Vote: 4/0