

Notes of Pre-lodgement meeting Planning Proposal

Application No: PLM2021/0213

Meeting Date: 2 September 2021

Property Address: **No 15-17 Mona Street MONA VALE.**

Attendees for Council:

- Neil Cocks** – Manager, Strategic and Place Planning
- Carla Davies** – Planner
- Sadiya King** – Stormwater, Floodplain Engineering – provided comments
- Christina Femia** – Stormwater, Floodplain Engineering
- Joseph Di Cristo** – Development Engineering & Certification – provided comments
- Brendan Smith** – Team Leader, Biodiversity & planning
- Emily Rix** – Biodiversity Officer

Attendees for applicant:

- Sydney Water** - Christian Pollock
- Nigel White** – Planning Direction

Owner Sydney Water

1. INTRODUCTION

These notes are based on submitted documentation and discussions in the pre-lodgement meeting held on Tuesday **2 September 2021**. The comments provided are intended as a guide should you decide to proceed with an application to lodge a planning proposal.

2. PROPOSAL

The meeting discussed the preparation of a planning proposal for 15-17 Mona Street, Mona Vale, (Lot 100 DP1273408) to amend the planning controls within PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014) to rezone part of the land from SP2 to R2 Low Density Residential. Rezoning the site was discussed to enable a proposed five lot subdivision creating four standard sized residential lots capable of accommodating a residential dwelling on each lot, and one residue lot. The proposed four residential lots will front and gain vehicle access from the north-west of the site facing Mona Street. The remainder of the subject site – proposed lot 5 is to remain zoned in its natural state - SP2 Water Supply System, see Figure 1 below, as supplied by Sydney Water.

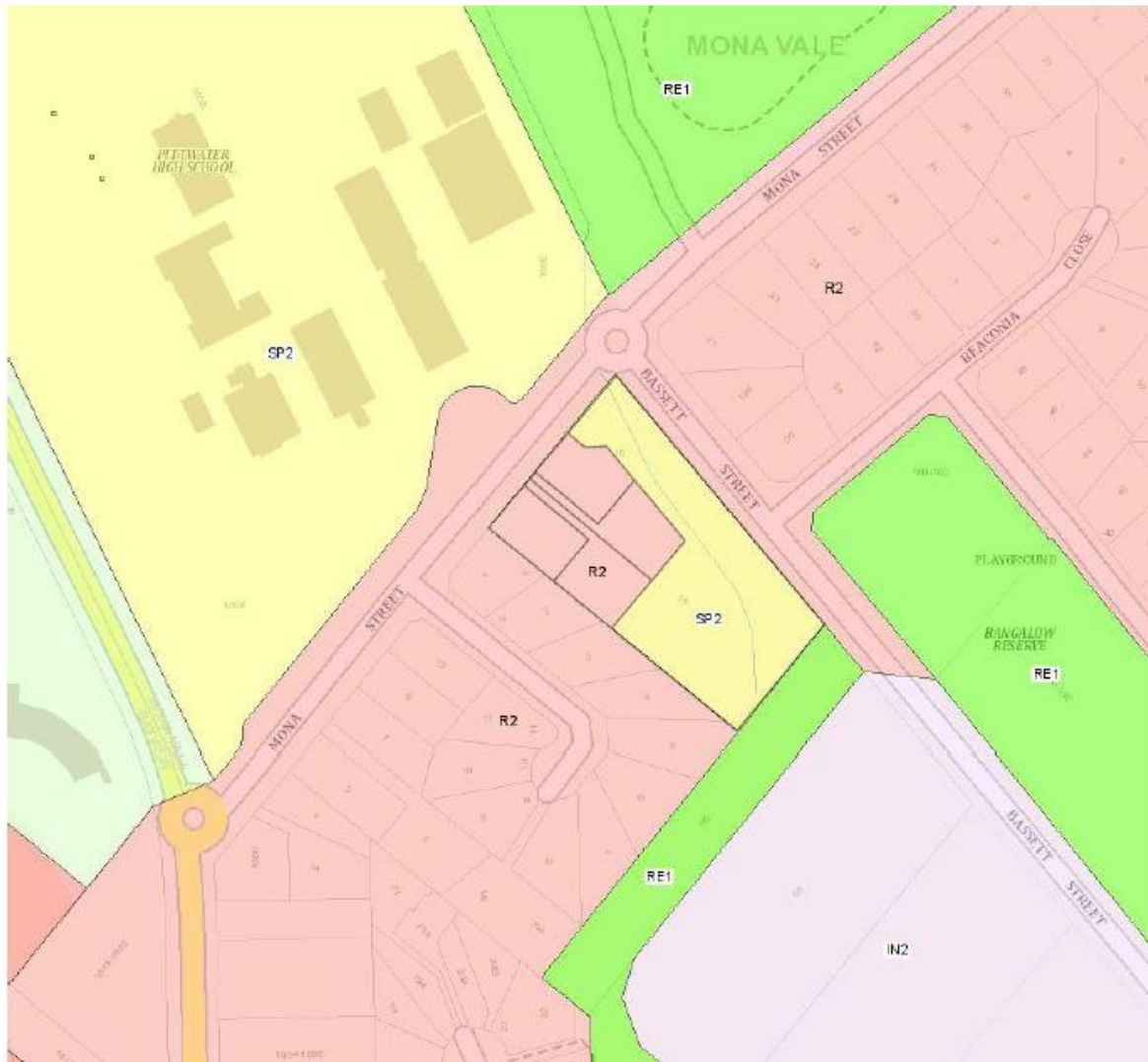


Figure 1 Proposed Zonings

The materials submitted with the PLM application are:

- 2021/572463 Planning Proposal Meeting Application Form
- 2021/572460 Planning Report 15-17 Mona Street Mona Vale
- 2021/572459 Survey Plan 15-17 Mona Street Mona Vale
- 2021/572458 Draft Flood Report 15-17 Mona Street Mona Vale
- 2021/572457 Ecology Report 15-17 Mona Street Mona Vale
- 2021/572449 Stormwater Plans 15-17 Mona Street Mona Vale
- 2021/572448 Proposed Subdivision Plan and Indicative Dwelling Footprint Plan 15-17 Mona Street Mona Vale

3. SITE CHARACTERISTICS

- (a) The subject site has a total site area of approximately 8,285.8sqm.
- (b) The subject site has frontage to Mona Street and Bassett Street, Mona Vale, see Figure 2.
- (c) The subject site currently comprises the following uses:
 - i. Currently zoned SP2 infrastructure - Water Supply System under the Pittwater Local Environmental Plan 2014.
 - ii. The site is characterised by an open stormwater channel and vegetated land.
- (d) The subject site has a level topography, is currently vacant and contains both indigenous and exotic species, such as Lantana and Casuarina trees.
- (e) The subject site adjoins Low Density Residential areas to the south and Public Recreation to the east.



Figure 2: Subject Site – highlighted in yellow

4. LOCAL PLANNING CONTEXT

4.1 Pittwater Local Environmental Plan 2014 (PLEP 2014)

- (a) The subject site is currently zoned SP2, Water Supply System under the Pittwater Local Environmental Plan 2014, see Figure 3.
- (b) Details of the SP2 zone are:

Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

- (c) Sydney Water are proposing the subject site to be partially rezoned to R2 Low Residential.
- (d) Details of the R2 Low Residential zone are:

Zone R2 Low Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

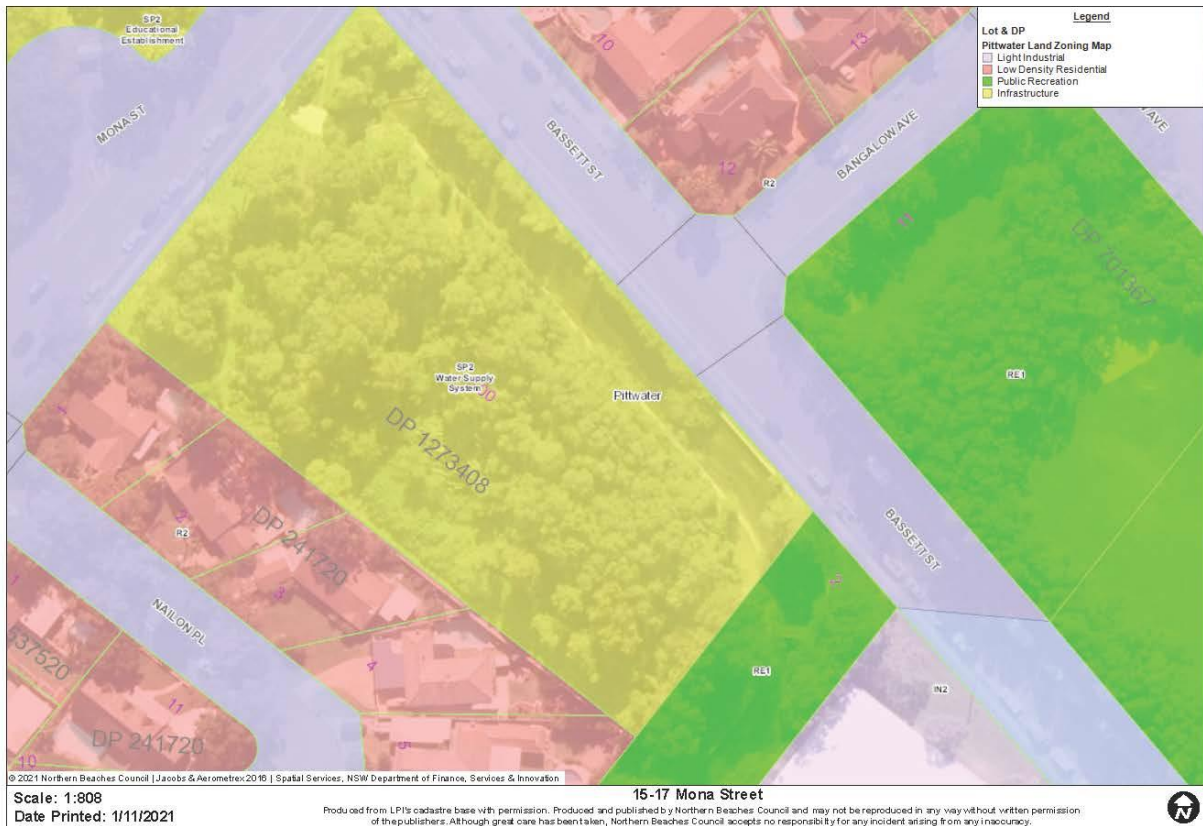


Figure 3: Extract of Land Zoning Map under PLEP 2014

- (e) Other local planning/development controls of note, that apply to the site include:
- i. Northern Beaches Local Strategic Planning Statement
 - ii. Northern Beaches draft Local Housing Strategy (awaiting Department of Planning Industry and Environment approval)
 - iii. Pittwater 21 Development Control Plan
- (f) A range of State Government planning policies and guidelines are also applicable. These have not been considered as part of this pre-lodgement advice but would need to be assessed within any future planning proposal. Such as:
- State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems*

5. PLANNING CONSIDERATIONS

5.1 Key issues to be addressed

Strategic justification

Any proposed amendment to the land use zones on the site under PLEP 2014 must be supported by sufficient strategic land-use planning justification, taking into account relevant strategic planning documents such as 'A Plan for Growing Sydney' (Department of Planning and Environment), the 'North District Plan' (Greater Sydney Commission), and Council's Local Strategic Planning Statement – Towards 2040 and adopted Local Housing Strategy (currently with Department of Planning Industry and Environment for approval).

The site is located within a "Centre Investigation Area" under the Local Housing Strategy.

<https://yoursay.northernbeaches.nsw.gov.au/local-housing-strategy>

Council is about to commence a place planning project in this area which will include an analysis of the potential for increased residential densities within 800 metres of the Mona Vale Centre. Further details of this project can be obtained from Anne-Maree Newberry, Manager Strategic and Place Planning.

Affordable Housing

Council's adopted Affordable Housing Policy identifies a requirement for the provision/ dedication of 10% affordable housing where "up-zoning" of land occurs. The requirements of this policy must be addressed in any planning proposal that will result in zoning uplift. The policy may be found at the link below.

<https://www.northernbeaches.nsw.gov.au/planning-and-development/planning-future/planning-growth/housing>

Biodiversity

In preparing these comments the following pre-lodgement documents submitted to council have been reviewed:

- Preliminary Biodiversity Review (Alison Hunt and Associates Pty Ltd, December 2020)
- Preliminary Planning Proposal Report (Planning Direction Pty Ltd, July 2021)
- Proposed Subdivision Plan and Indicative Dwelling Footprint (RJK Architects)

General Biodiversity Comments

The subject lots contain significant biodiversity value, including Threatened Ecological Communities (TEC), records of threatened species, wildlife connectivity and threatened species habitats. This is detailed within publicly available vegetation mapping and Bionet records and documented in Preliminary Biodiversity Report (Alison Hunt and Associates). In particular, the site contains a patch of Swamp Oak Floodplain Forest which is listed as an Endangered Ecological Community (EEC) under the Biodiversity Conservation Act (BC Act) and Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The NSW Biodiversity Conservation Act 2016 (BC Act) provides a framework and tools to avoid, minimise and offset impacts on biodiversity through the planning and development assessment process. As per the accepted impact mitigation hierarchy, any proposal must first avoid, then minimise impacts to biodiversity, prior to assessing the offset requirements for the residual biodiversity impacts.

Biodiversity Planning Controls

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

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

Biodiversity Assessment Requirements

Application of Stage 1 of the BAM (2020) is typically required at the Planning Proposal Stage. However, in this instance, as a thorough Preliminary Biodiversity Assessment that has addressed most of the Stage 1 of the BAM has been produced and submitted to Council, Council request that the following elements of Stage 1 of the BAM be included in the Biodiversity Report submitted as part of the planning proposal:

- Sample vegetation integrity survey plots in accordance with the BAM 2020; and,
- Determine the vegetation integrity score in accordance with the BAM 2020

It is acknowledged that a significant portion of the site is proposed for retention and rehabilitation as part of the submitted concept plans. However, as outlined in the Preliminary Biodiversity Assessment Report, “it is assumed that the disposal of the excess Sydney Water land could eventually result in approximately 0.309 ha of clearing or alteration of vegetation across the proposed lots for the construction of dwellings and associated infrastructure”. This preliminary estimate of native vegetation required to be removed, indicates that the proposal will trigger the NSW Biodiversity Offset Scheme (BOS) due to the area of native vegetation to be cleared exceeding the clearing threshold associated with the minimum lot size applicable to the property (0.25ha).

This suggests a significant impact to threatened biodiversity, and additional justification of the merits of the proposal is required, including the steps taken to avoid and minimise impacts.

Council is aware of previous rezoning applications relating to the site with concerns raised by the community including those related to tree loss. It is expected that similar concerns will be raised about the current proposal.

Flooding

These comments are preliminary in nature and a full detailed assessment can only be provided upon a DA lodgement.

Please refer to Pittwater 21 Development Control Plan » Section B General Controls » B3 Hazard Controls » B3.11 Flood Prone Land.

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PDPC&hid=11913>

The site is located in a medium flood risk precinct with a floodway 1% AEP hydraulic classification.

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

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

Where flood-free evacuation above the Probable Maximum Flood level is not possible, new development must provide a shelter-in-place refuge where:

- The floor level is at or above the Probable Maximum Flood level; and
- The floor space provides at least 2m² per person where the flood duration is long (6 or more hours) in the Probable Maximum Flood event, or 1m² per person for less than 6 hours
- It is intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants without reliance on an elevator; and
- It must contain as a minimum: sufficient clean water for all occupants; portable radio with spare batteries; torch with spare batteries; and a first aid kit
- New floor levels within the development shall be at or above the Flood Planning Level.

All new development must be designed and constructed so as not to impede the floodway or flood conveyance on the site, as well as ensuring no net loss of flood storage in all events up to the 1% AEP event.

For suspended pier/pile footings:

- The underfloor area of the dwelling below the 1% AEP flood level is to be designed and constructed to allow clear passage of floodwaters, taking into account the potential for small openings to block: and
- At least 50% of the perimeter of the underfloor area is of an open design from the natural ground level up to the 1% AEP flood level; and
- No solid areas of the perimeter of the underfloor area would be permitted in a floodway

Enclosed garages must be located at or above the 1% AEP level.

Fencing, (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be designed so as not to impede the flow of flood waters and not to increase flood affectation on surrounding land. At least 50% of the fence must be of an open design from the natural ground level up to the 1% AEP flood level. Less than 50% of the perimeter fence would be permitted to be solid. Openings should be a minimum of 75 mm x 75mm

Traffic and Driveways

- Section 2.0 of the Planning Report says that the proposed lots will be serviced by one common driveway. This is different to the plans which show 4 separate driveways. This has a much greater impact upon on-street parking than a single driveway in a location with a high parking demand due to the proximity to Pittwater High School. The location also generates a high degree of traffic activity particularly in the before and after school period (including vehicles turning to and from the turning bay opposite the site) and visibility and safety from a single wider driveway would be better than from 4 single width driveways. A single driveway with rights of access & carriageway is considered a more appropriate approach.
- The preference would be for a single combined driveway with a width of 5.5m ideally over its full length or if not, at least for the first 6m inside the property boundary
- All residences to have provision for on-site turning to enable forwards entry and exit from the site to Mona Street.

Geotechnical requirements

The northern corner of the site is tagged hazard H2 and as such any proposed development over this land will need to comply with the Geotechnical Risk Management Policy for Pittwater – 2009. [Geotechnical Risk Management Policy for Pittwater – 2009](#).

Existing stormwater channel

Any proposal involving the transfer of land to Council under a Voluntary Planning Agreement (see below) Council would require a clear agreement with Sydney Water about responsibilities for the existing stormwater channel.

Contamination report

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

Setback requirements

Existing landscape setbacks to Mona street must be maintained as per existing controls for a consistent landscape frontage along the Mona Street frontage. Please refer to setback requirement in the Pittwater Development Control Plan 2014.

Voluntary Planning Agreement (VPA) remaining SP2 land

At the meeting discussion was had about the possibility of dedicating remaining SP2 zoned land at rear of site to Council for management, including the stormwater channel with the zoning of that land potentially changing to E2 – Environmental Conservation or RE1 – Public Recreation.

Council's Bushland Management Team has raised concerns about the potential liabilities and costs associated with accepting the land in its current condition. Council's initial view therefore is that such dedication would not be supported, particularly due to ongoing costs associated with management and maintenance of the land.

However, VPAs are subject to a separate process/ pathway as part of any Planning Proposal or Development Application submission to ensure probity. You should familiarise yourself with Council's VPA process and requirements if you intend to proceed down that pathway.

<https://www.northernbeaches.nsw.gov.au/council/publications/policies/voluntary-planning-agreements>

The possibility of Sydney Water dedicating other parcels of land adjacent to or bordering Council reserves would be subject to separate VPA processes.

Question on these Notes?

- (a) Any future planning proposal must address the provision of required technical studies and supporting documents as outlined in Attachment 1.
- (b) It is strongly recommended that the Applicant consults with neighbours regarding this proposal before finalising a planning proposal submission to Council.
- (c) If you proceed with the planning proposal a Pre-lodgement Meeting would be recommended with the Development Assessment team to obtain more detailed assessment criteria and advice at the appropriate time.
- (d) Should you seek clarification of any of the points made herein, please do not hesitate to contact Carla Davies, Strategic Planner on 02 8495 6268.

Neil Cocks
Manager Strategic Planning
03/11/21

ATTACHMENT 1

Should you choose to pursue preparing a planning proposal, the following provides an outline of the information that would be required to support the application:

Provision of Technical Studies and Supporting Documents

- (a) The following studies and supporting documents shall be prepared to accompany the planning proposal at lodgement:
 - i. A Planning Proposal prepared in accordance with the Department of Planning and Environment's Guide to Preparing Local Environmental Plan and Guide to Preparing Planning Proposals
 - ii. A Traffic Report, prepared by a qualified traffic consultant/engineer
 - iii. Concept plans and/or drawings
 - iv. A response to all matters outlined in these PLM notes
- (b) Failure to provide the required supporting documentation may delay assessment of any planning proposal or result in its refusal without further notice.

Additional Justification of the Planning Proposal

The planning proposal shall include:

- (a) Justification of the proposal against the Section 117 Ministerial Directions, including:
 - i. 6.1 Approval and Referral Requirements
 - ii. 6.3 Site Specific Provisions
 - iii. 7.1 Implementation of A Plan for Growing Sydney
- (b) An assessment demonstrating consistency with A Plan for Growing Sydney and the Draft North District Plan.
- (c) A statement indicating the relationship with Council's Community Strategic Plan.
- (d) An assessment justifying any non-compliance with the Pittwater Local Environmental Plan 2014, Pittwater 21 Development Control Plan and all relevant State Environmental Planning Policies.
- (e) An assessment of the likely amenity impacts because of the planning proposal and how they are proposed to be managed including the drafting of site-specific provisions as necessary.

Pre-Gateway Notification (see the Department of Planning and Environment's Guide to Preparing LEPs)

Following formal lodgement of your application Council will consider your proposal. The application will be publicly notified for approximately two weeks and any submissions will be considered. This would not be a statutory exhibition.

If the application is supported by Council, the Planning Proposal will be forwarded to the Department of Planning and Environment. The application will be assessed under the Department of Planning and Environment's Gateway Determination process.

Consultation with public authorities and the community (statutory exhibition period) will occur again following the Gateway determination and guided by any conditions contained therein.

Privacy and Personal Information

You are advised that Council is obliged to make Planning Proposal applications and supporting documents available for public inspection. We do this via the Customer Service Centre and by placing copies of the documents on Council's website.