
Sent: 16/08/2021 3:01:34 PM

Subject: FW: Planning Proposal -PlaPlanning Proposal to rezone from R2 Low Density Residential to R3 Medium Density Residential and amend clause 4.5 A(3) of Pittwater LEP 2014 to include reference to 159-167 Darley Street West, Mona Vale

Attachments: Planning proposal submission.docx;

Attention Mr Toby Philp

Can I please receive an acknowledgement of the submission please

Regards

Gary Thomson MPIA
Thomson Planning and Project Management

Thomson Planning and Project Management P/L
314/102 Darley Street West
Mona Vale 2103

General Manager
Northern Beaches Council
Attention Mr Toby Philp

This submission relates to a Planning Proposal to rezone from R2 Low Density Residential to R3 Medium Density Residential and amend clause 4.5 A(3) of Pittwater LEP 2014 for the residential sites taking in 159-167 Darley Street West, Mona Vale. It is made on behalf of Gary and Laraine Thomson the owners of 314/102 Darley Street West Mona Vale.

Introduction

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. The planning proposal contends the development will allow for additional housing supply in Mona Vale and encourage a mix and diversity of dwelling sizes to be delivered. They also contend the Planning Proposal will offer more affordable housing options in Mona Vale.

Pre Lodgement meeting

In a report it is noted on 9 September 2020 at a pre-lodgement meeting with Council the developer was advised;

- *“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.*
- *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.*

- *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 such studies and without the demonstrable strategic need for additional housing in this location.”*

Further Council advised at the above meeting;

“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. Having regard for the above, it is recommended that the proponent wait for the Housing Strategy to be released as this will provide clarity about where additional growth might occur.”

In relation to flooding Council advised 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. Council noted inconsistency with Local Planning Direction 4.3 Flood Prone Land in that *“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 report continues *“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.”* I believe the issue of cumulative impacts and undesirable precedents has not been satisfactorily addressed.

I would contend having considered the planning proposal report, the developers representative Macroplan, has not satisfactorily addressed the issues raised by Council at the pre lodgement meeting. In Macroplans response to the meeting with Council they refer to “turning on the strategic conversation to enable this strategic intent to materialise.” I believe Councils strategic intent is best done through planned processes such as a formal review of the LEP, not random adhoc planning proposals. Even the developer acknowledges a strategic

review could take some time because of more pressing priorities related to Northern Beaches Council's "strategic intent" which is appropriate.

Issues

1. Currently 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. This issue has been considered by the former Pittwater Council and it was deemed at the time to be appropriate for the zone and zonal requirements which reflect the current development.

The proposed concept seeks to vary PLEP to rezone the subject site R3 resulting in 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. Immediate impacts of the intensity of development will be:

Traffic Congestion and Vehicle movements – it is noted the Traffic report states on page 41 "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)".

Any resident of Darley Street West (DSW) will dispute the Traffic Engineers comment in the report "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."

The residents experience challenges in traversing the intersection of the DSW with Pittwater Road. The right-hand turn can be like taking your life in your hands with cars travelling west invariably disobeying the left hand turn only lane and continuing west, drivers ignoring the rights of cars heading east by turning right in front of them and the congestion resulting from no confidence in the users of the intersection as you wait to turn right with safety from DSW. It is a dangerous intersection which will be made more dangerous

Parking – At times the whole street is taken up with parked cars of workers from the local area. We support this use but are concerned with the potential intensification of use

It is considered any change to the zoning of the sites must be done in the context of Councils formal process for review of the PLEP and the whole LGA.

2. The applicant seeks to vary clause 4.5A of PLEP 2014 which would currently permit the construction of no more than 30 apartments on the subject site due to standard of the maximum of one dwelling per 200m² of site area. Their argument is that addresses housing affordability. The question is are these sites appropriate for affordable housing and in Councils strategic approach to housing affordability do these sites appear as candidate sites.

The applicant states in their submission “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”. Clearly Council does not consider these sites suitable for rezoning unless it is considered in a strategic context.

The submission continues “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.” Clearly from the pre lodgement meeting Council considered it has planned effectively for future growth in our LGA.

We consider it inappropriate to alter the PLEP without considering the context of the variation on the entire local government area and Councils strategic vision.

3. On page 9 of the submission it refers to the existing dwellings on the subject sites somewhat disparagingly as “houses are c.1960-1970 and are not of significant quality.” These dwellings located on large blocks represent an era of development on the northern

beaches where large blocks were occupied by rambling cottages. This type of development was similar to the developments in Avalon such as Ruskin Row . These sites represent an era which is disappearing due to the large size lots with development potential.

4. In the submission it states “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.”

In reality the street is currently bookended with residential dwellings occupying the diagonal ends of Darley Street West. This provides variety in streetscape and housing type. Will approval of this planning proposal create precedent for further applications as anticipated in the pre lodgement meeting referred to above.

5. Environmental

The Flora and fauna report states 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”.

On page 23 4.1.1.2 of the report Habitat Feature Removal it states “The likely future development will require the removal of nectar-producing trees and shrubs which may constitute foraging habitat for insects, blossom-dependant birds, arboreal mammals and megachiropteran bats (flying-foxes). The likely future development may result in the removal of up to four habitat trees. These habitat features may represent potential habitat for tree hollow roosting microchiropteran bats and small birds.” They also provide “foraging habitat for threatened species.”

The flora and fauna report states in Clause 4.1.3. Indirect impacts upon Threatened Fauna Species - “The likely future development has the potential to result in a number of direct and indirect

impacts to the habitat of potentially occurring threatened fauna species within the subject site.”

Clearly there will be an adverse impact on the local ecology and overall environment due to this development. Is it likely that endangered species of flora (Pittwater Spotted Gum forest) and removal of habitat for fauna can be overcome in such simplistic ways such as “the installation of nest-boxes throughout retained vegetation”.

6. Accessibility

The applicants traffic report states “the NSW Planning Guidelines for Walking and Cycling (2004) recommends a distance of 400-800m as a comfortable walkable catchment to access public transport and local amenities.”

What needs to be considered is the accessibility of the pedestrian traffic route away from the sites. In any direction it requires good fitness levels and good mobility due the steep footpath slopes and lack of footpaths along some routes

7. Flooding

On Page 44 of the flood report it states “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.”

The submission states “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.” The subject sites are flood prone.

“ 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”.

Given it is acknowledged that the land is flood prone the cumulative impacts on the local area including the golf course and precedents for future development, must be a further consideration.

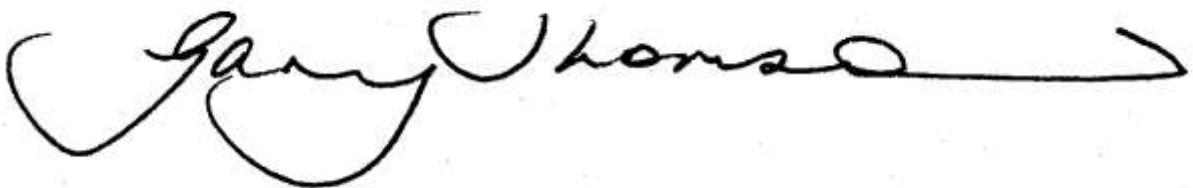
Conclusion

The Planning proposal has raised a number of issues which need significant further consideration if this plan was to progress.

We support Council advice to the applicant from September 2020 and believe that advice is still relevant ie

- *“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.*
- *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.*
- *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 such studies and without the demonstrable strategic need for additional housing in this location.”*

Overall the Planning Proposal is being undertaken outside Northern Beaches Councils strategic planning cycle which can invariably result in contradictions and conflict with future planning. We do not support this proposal for the above reasons and request Council not support the Planning Proposal.

A handwritten signature in black ink, appearing to read 'Gary House', with a long horizontal flourish extending to the right.

Gary Thomson MPIA

Thomson Planning and Project Management