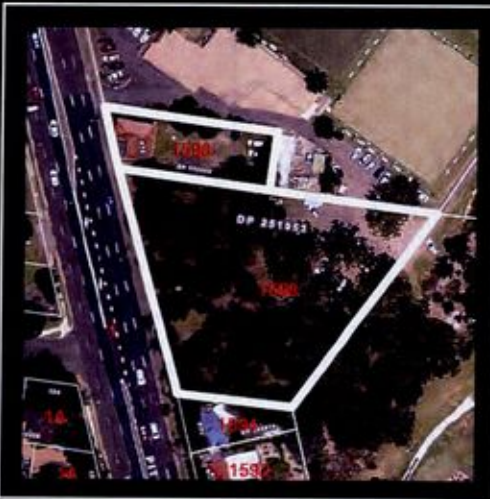


for
Pittwater Council

Reclassification of Council Land & LEP Amendment

*Kitchener Park, Lot 2 DP110299 & Lot 3 DP251053
No. 1596-1598 Pittwater Road, Mona Vale, NSW*

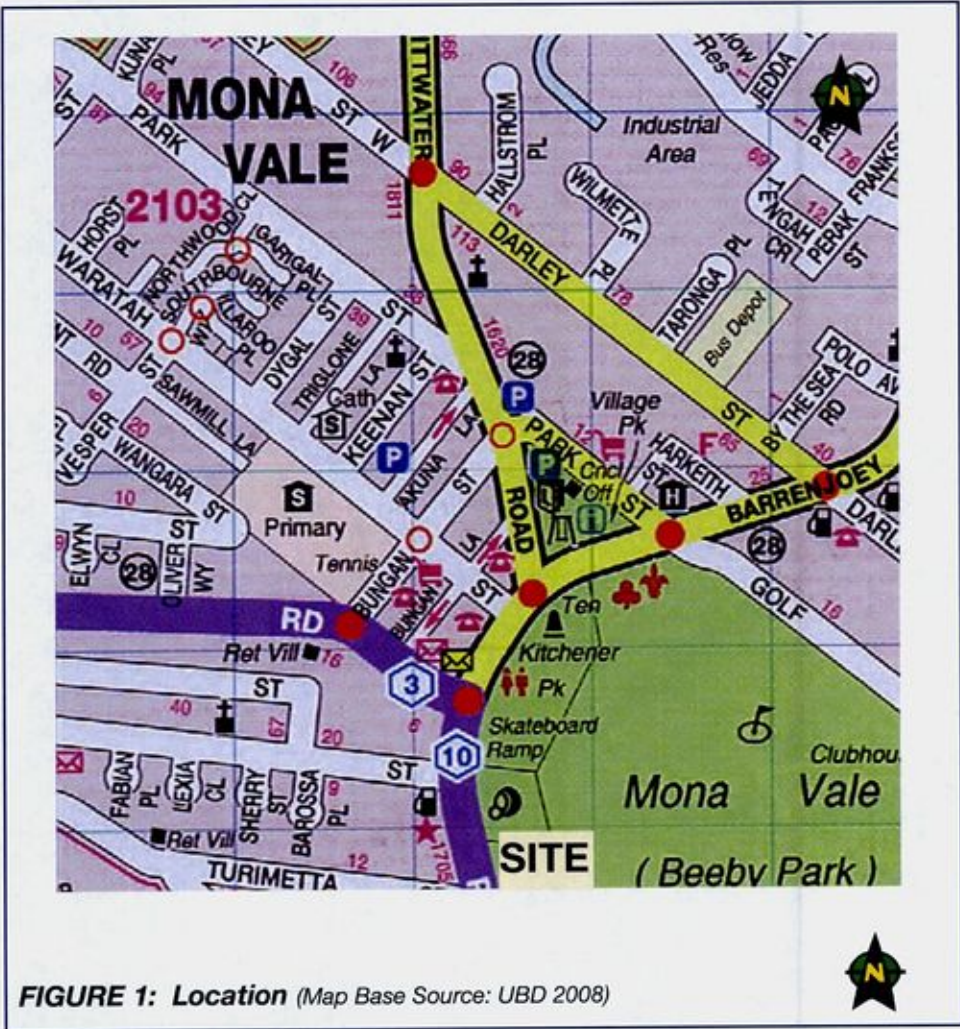
Planning Proposal



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November 2011



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Dated:	November 2011
Signed:	

**Planning Proposal
for Pittwater Council
Reclassification & Rezoning
Council-owned land
Kitchener Park,
No. 1596-1598 Pittwater Road,
Mona Vale NSW**

November 2011



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Executive Summary

Overview

The report is in relation to the proposed rezoning and reclassification the property at Lot 2 in DP 110299 and Lot 3 DP 251053, No. 1596-1598 Pittwater Road, Mona Vale ("the Site", "Lots 2 and 3"). The land is owned by Pittwater Council ("Council") and forms a part of Kitchener Park. The land is currently zoned for open space purposes. Refer **Figure 1** and **Figure 2**.

This Planning Proposal has been prepared by Outline Planning Consultants Pty Ltd on behalf of Council in accordance with s.55 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") and relevant guidelines.

Resolution of Pittwater Council to Reclassify the Site

In September 2009 Pittwater Council resolved to explore the potential divestment of this land. This would require a planning proposal to reclassify and rezone the land. The proceeds from the divestment of the land will be used for the future embellishment of Kitchener Park in accordance with the recommendations of Council's adopted Plan of Management for Kitchener Park.

Concept Development Proposal for Site

Council has commissioned earlier investigations to determine, at a conceptual level, the Site constraints to future development; identifying the highest and best use of the land. Given the adjoining and nearby forms of development, Council considers that the most appropriate form of intensification other than the existing land uses would be multi-unit/medium density housing. Refer **ANNEXURE A**. A hypothetical concept development proposal has been prepared (refer to attached conceptual sketch plans) illustrating how the Site may be developed in the future, if rezoned. Refer **Figure 3** and **ANNEXURE B** and **ANNEXURE D** for further details.



Planning Proposal for Site

The land is proposed to be rezoned to allow medium density housing and the land reclassified from "Community" to "Operational". This will require an amendment to the Pittwater Local Environmental Plan 1993 ("Pittwater LEP").



FIGURE 2: Aerial/cadastral overlay showing Lot 2 & Lot 3 ("the Site")

(Map Base Source: Pittwater Council)

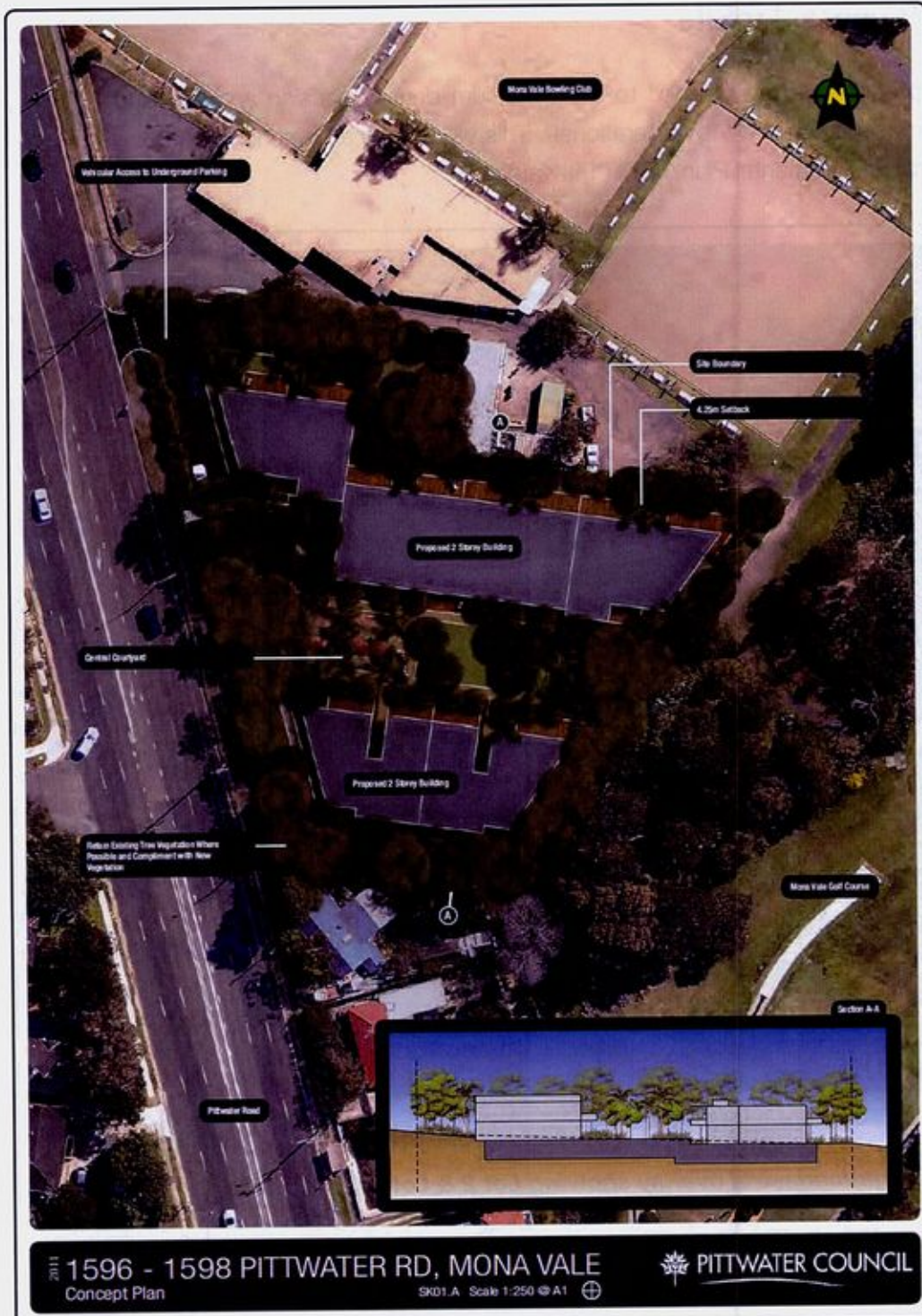


FIGURE 3: Concept Plan for Site

(Source: Antoniades Architects)



1.0: Introduction

1.1 Overview

Outline Planning Consultants Pty Ltd has been engaged by Pittwater Council (“the Council”) to prepare this Planning Proposal report, seeking to reclassify the subject Council-owned land to “Operational” and amending the Pittwater Local Environmental Plan 1993 to permit medium density housing on the Site .

1.2 Statutory Obligations of Pittwater Council

Pittwater Council is required pursuant to Section 55 of the Environmental Planning & Assessment Act 1979 (“EP&A Act”) to prepare a Planning Proposal report in support of the rezoning of the Site from Open Space to one that permits medium density housing, and reclassification of the subject land as operational land, enabling the eventual divestment of the land.

Council is also under an obligation under Section 34 of the Local Government Act 1993 to give notice of its intention to reclassify the Site from “Community” to “Operational”, and to discharge any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.

The purpose of the Site specific LEP is to identify specific development that may be carried out with consent on the Site through an amendment to the Pittwater Local Environmental Plan 1993 (“Pittwater LEP 1993”). The Site is currently zoned 6(a).

1.3 Issues Addressed in this Planning Proposal Report

As required by section 55 of the EP&A Act and with Department of Planning Practice Note PN 09-003, this Planning Proposal includes the following:

- Justification for the planning proposal, including community benefit analysis.
- Any proposal by Pittwater Council to extinguish or retain other interests in the land through the reclassification.
- Justification /explanation as to why such interests are being extinguished.



-
- Proposed LEP amendment associated with the classification/ reclassification of the Site.
 - Consideration of any relevant section 117 directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
 - The reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal.
 - The current and proposed classification of the land and the reasons for the reclassification including how this relates to Council's strategic framework and Council's proposed future use of the land.
 - Council's history of ownership of the land and the nature of council's interest in the land. Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land.
 - An indication of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise. Council will fund the reclassification and once the land is rezoned, will recover the costs from funds realised from the subsequent divestment of the land. The land should generate a residual land value of in excess of \$5 million.
 - Pittwater Council's asset management objectives being pursued, the manner in which they will be achieved and the type of benefits Council wants.
 - Whether there has been an agreement for the sale or lease of the land. [No]
 - Relevant matters required in plan making under the EP&A Act. This part of the planning proposal assesses some of the likely environmental impacts of the concept proposal, prepared by Antoniades Architects, to confirm its suitability for the Site.

1.4 Community Consultation

Public Exhibition

This Planning Proposal is to be exhibited for a period of not less than 28 days in accordance with section 4.5 of the Department of Planning & Infrastructure document entitled *A Guide to preparing LEPs*.

Notification of the public exhibition will be:



-
- On the Pittwater Council website.
 - In newspapers that circulate widely in the area (such as the *Manly Daily*).
 - In writing to the adjoining landowners, community groups and the surrounding community in the immediate vicinity of the Site.

Information relating to the Planning Proposal will be on display at Council's Mona Vale offices. This would include display of a written statement of Council's interest as part the exhibition material, as stipulated by Department of Planning & Infrastructure's *Practice Note PN 09-003*.

Public Hearing

As the planning proposal is to reclassify land from "Community" to "Operational", a public hearing must be undertaken in accordance with Section 29 of the Local Government Act 1993. Notification of the public hearing will be issued at least 21 days before the start of the hearing:

- On the Pittwater Council website.
- In newspapers that circulate widely in the area (such as the *Manly Daily*).
- In writing to the adjoining landowners, community groups and the surrounding community in the immediate vicinity of the Site.

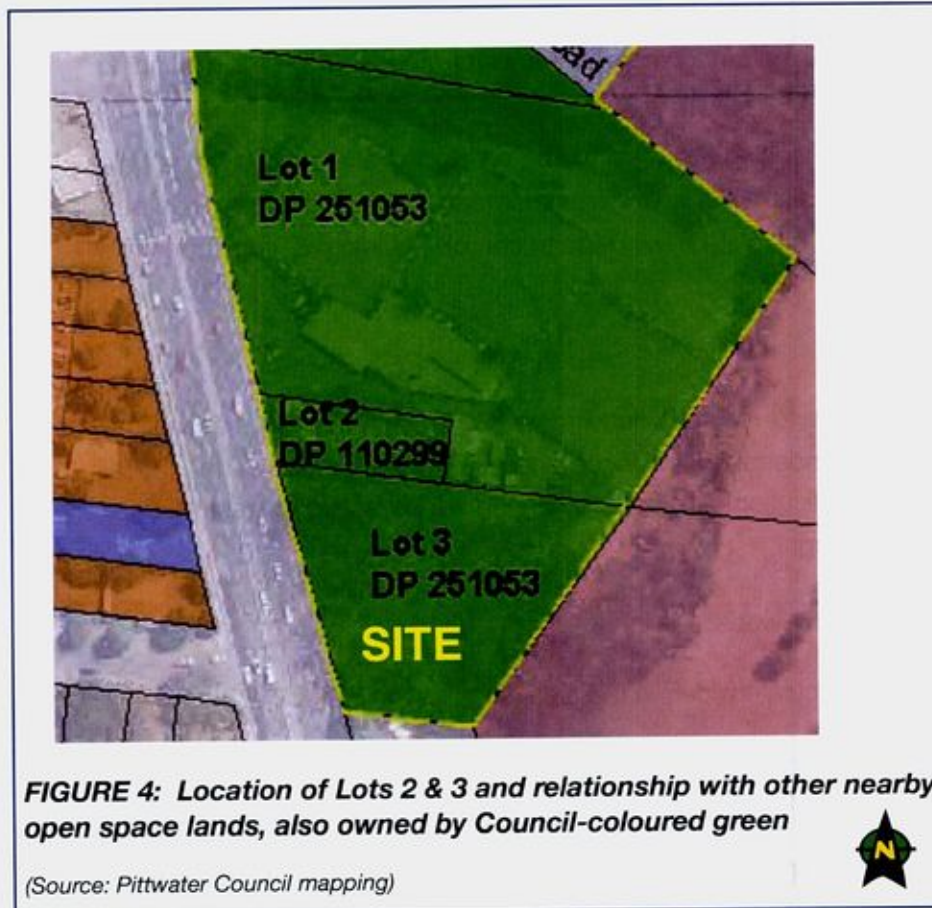
1.5 Planning Steps: Reclassification & Rezoning of Council Land

The planning steps involved with the reclassification/rezoning of the Site are likely to be as follows:

- Preparation of a Planning Proposal in accordance with s.55 of the EP&A Act 1979 (i.e. this report).
- Planning Proposal is then submitted to the Department of Planning & Infrastructure for determination through the "Gateway" rezoning process.
- If accepted, consultation with relevant public authorities and a public hearing arranged in accordance with s.57 of the EP&A Act.
- A report would then be tabled at a Council meeting where Council can consider all submissions and findings from the community and agency consultation.



- Submission requesting that the amending LEP (plan) be made shall be forwarded to the Minister in accordance with s.59 of the EP&A Act.



The level of risk associated with the preparation of a draft LEP is minimised by following due process as established by the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.



2.0: The Site

This section outlines the regional and local context of the Council-owned land at Mona Vale proposed to be rezoned and reclassified, its surrounding land uses, key features and development constraints and opportunities.

2.1 Location and Context

The Site is located within the Pittwater Local Government Area (LGA) and is located adjacent to the Mona Vale Town Centre (**Figure 1 & Photograph 1**). It is bound by Pittwater Road to the west, and by recreational, commercial, retail, and residential development to the north, west, east and to the south.



PHOTOGRAPH 1: View of Site (to right of photograph) looking from Pittwater Road back to the north-west, towards Mona Vale Town Centre

The Site is largely treed with a well-maintained grass ground cover. It contains no vegetative understorey.



The north east corner of Lot 3 is used informally for overflow parking for the neighbouring Mona Vale Bowls Club. The smaller allotment- Lot 2- is occupied by a single storey brick residential dwelling, which is owned by Council.

The Site is located abutting a major traffic artery serving the northern beaches, Pittwater Road, and is adjacent to the town centre of Mona Vale. The Site lies opposite the intersection of the regional roads of the Pittwater Road and Mona Vale Road. Bus stops are located in close proximity, to the north and south of the Site.

The full range of utility services is currently available to the Site including electricity, telecommunications, gas, water and sewer.

2.2 Legal Description of Site

The Site is described as Lot 2 in DP 110299 and Lot 3 DP 251053 at No. 1596-1598 Pittwater Road, Mona Vale. The two lots are owned by Pittwater Council. Refer to **Figure 5**. A survey plan is included at **ANNEXURE C**.

The Site (Lot 2 DP 110299 & Lot 3 DP 251053) is irregular in shape and has a combined area of 5,379 square metres (approx.).

Lot 2 DP 110299, situated at No. 1596 Pittwater Road, has an area of 926m² (approx.), is Council-owned land, classified as "Community" land and zoned Open Space. It has a frontage to Pittwater Road of 19.57m and a depth of between 45.73m-52.69m.

Lot 3 DP 251053, situated at No.1598 Pittwater Road, has an area of (4,447m² approx.), is Council-owned land, classified as "Community" use and zoned Open Space. The boundary dimensions comprise 90m along the western Pittwater Road boundary, 76m along the eastern boundary with the Mona Vale Golf Course, 36m along the southern boundary, and 100m along the northern boundary (at the widest extent of Lot 3).

Lot 3 was transferred to Pittwater Council by the County of Cumberland in 1964. The intervening period has seen Kitchener Park developed by Council to provide wide-ranging recreational and sporting facilities. Since then, most of Kitchener Park has been developed by Council as a regionally significant Open Space area. However, as Lot 3 is isolated and disconnected from the remainder of Kitchener Park, it does not function as a public park, envisaged when the land was originally handed over to



Council some 50 years ago. As such, the public purpose of Lot 3 (and Lot 2) no longer needs to continue, given the growth and development of the remainder of Kitchener Park as a regionally significant recreational facility, the physical dislocation of the Site from the remainder of Kitchener Park and the very low utilisation of Lot 3.

2.3 Existing Development

Currently erected on Lot 2 is a single storey brick cottage. Refer **Photograph 2**. The dwelling has no known heritage value. The residence is currently held under a Residential Tenancy Agreement, having a term of 12 months. The dwelling is structurally sound, but is in need of major renewal and refurbishment of finishes, fittings and fixtures. Major upgrades to hydraulic, electrical, drainage and water services is required.



PHOTOGRAPH 2: View of existing single storey dwelling on Lot 2

Lot 3 is unoccupied. The north-east corner of the lot has been used for periodic overflow car parking from the neighbouring bowls club, however, the extent of this usage is understood to be very limited.



The remainder of the lot is treed, with a maintained grass ground cover. It contains no understorey or scrub layer. Refer **Photograph 3**. A Drainage Easement runs along the southern boundary of Lot 3.



PHOTOGRAPH 3: View from within Lot 3, looking south-west

2.4 Surrounding Development & Land Use

To the north of the Site lies Kitchener Park and the local lawn bowls club, with residential lots, including land developed for medium density housing, to the south and to the west. Mona Vale Golf Course abuts the Site to the east. The major arterial road of Pittwater Road forms the Western boundary to the Site. Refer **Photographs 4, 5, 6 & 7**.



PHOTOGRAPHS 4 & 5: *The neighbouring Mona Vale Bowling Club abuts the northern boundary of the Site (view from Pittwater Road- left hand photograph). The north east corner of the Site is used informally for overflow parking for the bowls club (right hand photograph)*



PHOTOGRAPHS 6 & 7: *The local Police station is situated opposite the Site, on the west side of Pittwater Road (left hand photograph). To the south of the Site is a medium density development fronting Pittwater Road- "Viridian" (right hand photograph)*



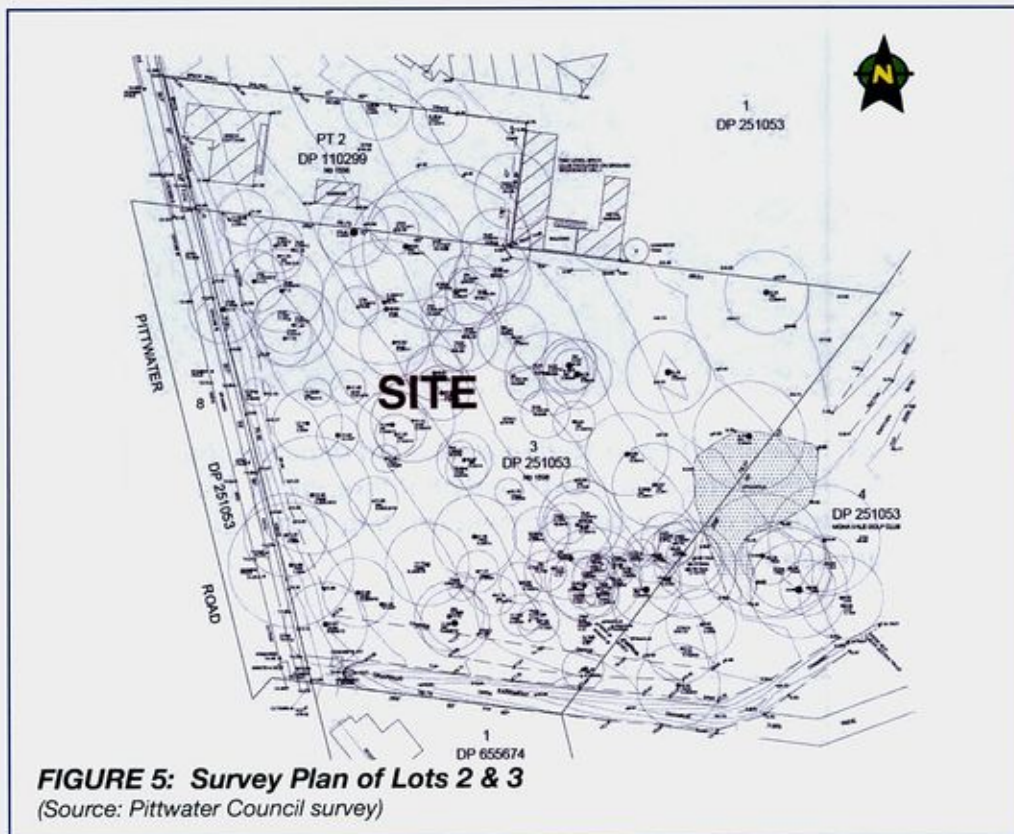
The adopted Plan of Management for Kitchener Park states:

“Kitchener Park is valued by the community for its wide range of passive and active open space areas. The park provides for football, cricket, tennis, lawn bowls, scouts and guides as well as open space for relaxing outdoors. However, almost all recreational facilities and infrastructure in Kitchener Park require some upgrading” (p. 5 of adopted Kitchener Park Plan of Management).

To the north of the lawn bowls club is a skateboard park. The facilities there are in need of significant upgrading, including floodlighting, new and expanded skateboarding surfaces, fencing, seating and fencing. There is broad and strong community support for such an upgrade.

2.5 Topography, Soils

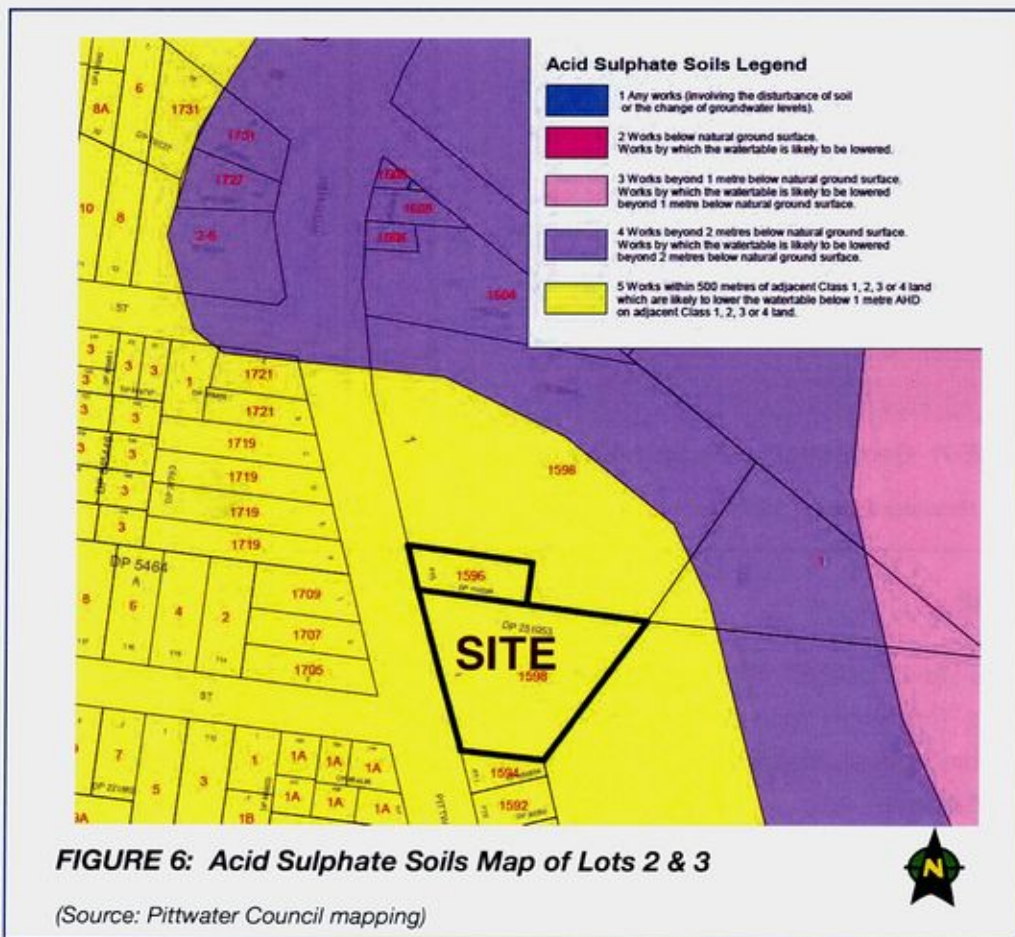
The topography of the Site is undulating, with a sharp fall from the footpath level on Pittwater Road of approximately 1.5m. With the exception of the sharp drop from the road, slopes on the Site are generally 10%-12%.



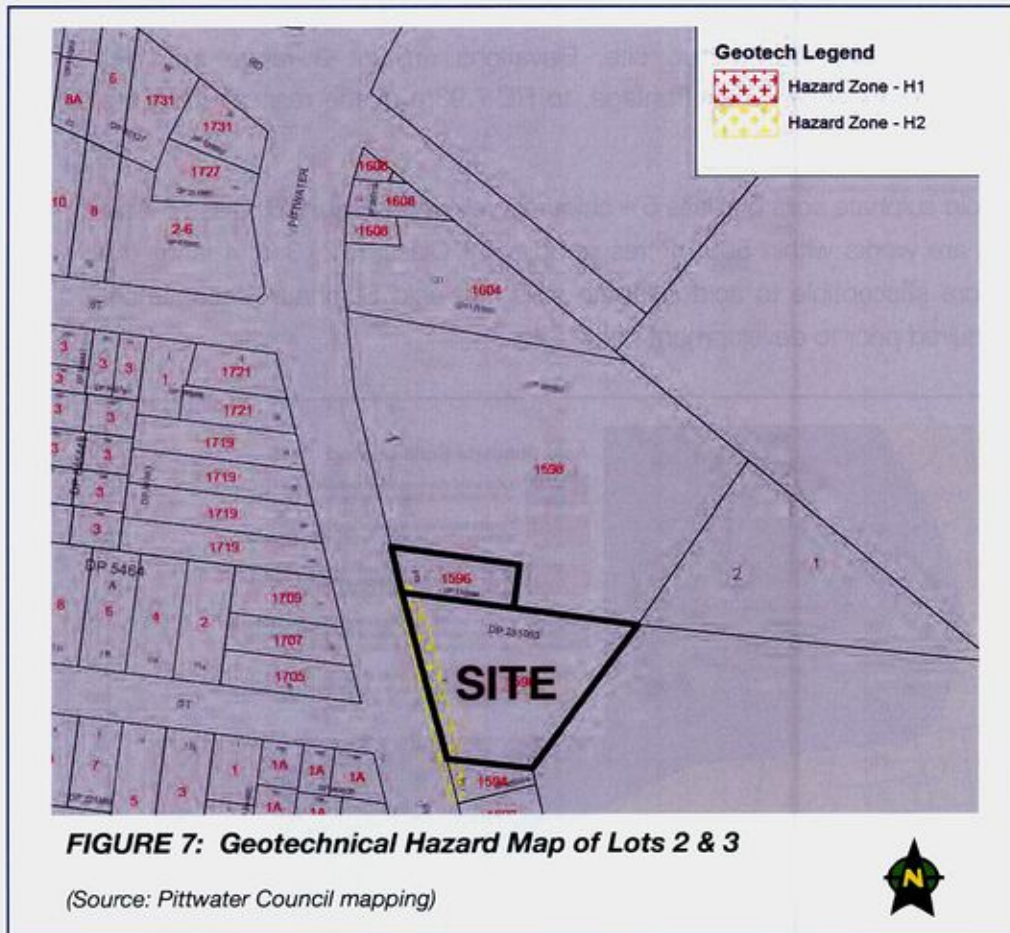


Elevations on Lot 2 range from RL 13.2m at the Pittwater Road frontage, to RL 8.76m at the rear, abutting the bowls club site. Elevations on Lot 3 range from RL 13.2m-14.2m at the Pittwater Road frontage, to RL 7.93m at the rear, abutting the bowls club site.

The Site has acid sulphate soils of Class 5 – coloured yellow on **Figure 6**. Class 5 Acid Sulphate Soils are works within 500 metres of adjacent Class 1, 2, 3 or 4 land- the latter being more susceptible to acid sulphate soils. No Acid Sulphate Management Plan is thus required prior to development of the Site.



Pittwater Council Geotechnical Hazard Mapping indicates that a thin strip of land, corresponding to where there is a sharp drop in level from the footpath level on Pittwater Road to within the Site, is within Hazard Zone H2. The Site has no other parts identified as being within any hazard classification. Refer **Figure 7**.



2.6 Drainage

As a part of the Land Capability Study of Kitchener Park and surrounds, undertaken in support of this Planning Proposal, a preliminary assessment was undertaken to consider, at a broad level, drainage and flooding potential. The findings of this study are summarised below.

Drainage

The Site contains an existing pipeline and open creek line, within a defined easement, at its southern end. A number of drains and creek lines occur to both the north and east of the Site on the neighbouring Mona Vale Golf Course.



Flooding

Piped drainage systems that cross Pittwater Road south of Jenkins Street flow through Mona Vale Golf Course to the south do not affect flood behaviour at the Site. The piped drainage catchments that cross Pittwater Road from the Rowan Street, Turimetta Street, and Vineyard Street catchments, together with the Mona Vale Road catchment, all have potential to affect flood behaviour in the Study Area.

No detailed flood study has been carried out for the Mona Vale CBD and Golf Course catchment. However, a flood study was conducted in late 2008 to determine the likely impacts of the proposed regional skate facility in Kitchener Park (WMA Water Study, 2008).

The results of the WMA Water Study 2008 have been used to provide a preliminary assessment of flood behaviour in and around the Site. It should be noted that the WMA Water Study recommends that *"a detailed drainage assessment would be required to determine the precise nature of overland flow crossing Pittwater Rd."*

It is unlikely that the Site would be impacted by sea level rise in the next 100 years.

From the results of the WMA Water Study, it can be inferred that some flooding of the lowermost areas of the Site along the eastern boundary is likely. However, flooding is unlikely to be a major constraint on any future development of the Site.

2.7 Vegetation, Environmental Values

As a part of the Land Capability Study of Kitchener Park and surrounds, a preliminary assessment was undertaken to consider, at a broad level, characteristics of vegetation on the Site and environmental values generally. The findings of this study are summarised below:

- The Site contains trees within its confines, comprising at least 12 species – although not all are locally native, indications are therefore that some are planted specimens. Refer **Figure 5**, showing location of trees found on the Site.
- No native grasses or shrubs are present.
- The only threatened species that would possibly be supported by the Site would be the Powerful Owl, Grey Headed Flying Fox and Swift Parrot – however, these highly mobile and wide-ranging species would only use the Site for occasional



foraging. A Seven-part test undertaken for an adjoining Site (the proposed Skate Park) indicate that the proposed development is unlikely to have a significant impact on any of these threatened species.

- The Site is not classified/ mapped as an Endangered Ecological Community.
- The Site is mapped as a Category 2 Wildlife Corridor – it links to canopy trees to the north-east on the golf course, but does not link to any corridors south or west due to the minimal habitats associated with Pittwater Road and adjoining residential properties.
- A proportion of the trees (which are in good condition and have medium Useful Life Expectancies on-site could feasibly be removed – subject to detailed design and arboricultural assessment at the Development Application stage.

Vegetation found on the Site are that of remnant Sclerophyll forest with scattered Eucalypts and Acacias, with no native understorey. The grassed area underneath the trees has been slashed over many years (source: Pittwater Council). There is limited habitat value, given the adjacent location to a six lane road (Pittwater Road), Mona vale Golf Course and residential development to the south. The survey prepared by Steve Davey + Associates, Land and Engineering Surveyors attached at **Figure 5** and **ANNEXURE C** denotes that location of trees, together with the radii of trunk and spread and height. The extent of canopy of the trees is evident in the accompanying **Photographs 8 & 9**. There are large areas of grass expanses across the Site interdispersed by the trees. Photographs 8 & 9 show the cleared understorey and the concentration of trees and existing lawn area.

In terms of biodiversity and critical habitat, the Site should not pose an obstacle to well-designed and sustainable development.

2.8 Services and Utilities, Access

The Site is served by Sydney Water's sewer and water system, Integral Energy's power grid and various telecommunications services. The Pittwater Road frontage contains these public utility services. It is considered that there is only one vehicular entry point to the Site which is off Pittwater Road. This access point serves the existing dwelling located at No. 1596 Pittwater Road. Traffic and access issues are addressed by traffic consultants Thompson Stanbury Associates in **ANNEXURE D**.



2.9 Other Constraints

Based on the Section 149 certificates issued by Pittwater Council on 19 October 2011, the other features of the Site include the following:

- The Site is not affected by any mainstream flooding.
- The has not been identified as comprising critical habitat. The land is not affected by any property vegetation plan under the Native Vegetation Act 2003.



PHOTOGRAPHS 8 & 9: Views from within the Site, showing the cleared understorey and scattered tree stands. Photograph 8 (left hand photograph) is from within the centre of the Site looking back towards Pittwater Road. Photograph 9 (right hand side) is from within the centre of the Site looking south-east.

- The land is not affected by landslip, bushfire, subsidence, acid sulphate soils or any other risks.
- The land is not affected by mine subsidence.
- The Site is not affected by coastal hazards.
- The land is not affected by any proposed acquisition, road widening or realignment.



-
- The land is not affected under the Contaminated Land Management Act, 1997.
 - There are no known Aboriginal sites on the land.
 - The land is not a heritage item, nor has any heritage significance.

2.10 Summary of Site Opportunities & Constraints

Spatial constraints mapping has been undertaken for the Study Area – this has assessed environmental, hazard, infrastructure, visual and cultural constraints to development.

This detailed spatial investigation has determined that there is moderate constraint to intensification of development for the subject properties and the Kitchener Park property in general – however, that constraint is a result of a broad classification of that land as Wildlife Corridor Category 2 – no other constraint applies.

Provided this restriction to intensification of development can be addressed by design, no reason is seen as to why these properties aren't generally suitable for intensification of development.

Given the adjoining and nearby forms of development, it is considered that the most appropriate form of intensification other than the existing land uses would be Multi-Unit Housing.

A planning analysis for a nearby property where Multi-Unit Housing is permissible was applied to the Site – development of the Site would be subject to these planning controls being addressed in the detailed design of any proposal.

The Conceptual Development (refer **Figure 3** and **ANNEXURE B**) has applied these theoretical planning controls in order to prove up the potential of the Site to provide Multi-Unit Housing. The conceptual Development generally satisfied these assumed planning controls. Further, the Conceptual Development has been assessed against the Residential Flat Design Code (State Environmental Planning Policy 65), which has determined a high level of compliance with the code.



3.0: Council Reclassification of Site

3.1 Council Resolution to Reclassify the Land

In September 2009 Pittwater Council resolved to investigate the potential divestment of this land. This would require a Planning Proposal to reclassify and rezone the land. The proceeds from the divestment of the land will be used for the future embellishment of Kitchener Park in accordance with the recommendations of Council's adopted Plan of Management for Kitchener Park.

3.2 Existing Classification of Land

Lot 2, DP 110299 – 1596 Pittwater Road is Council-owned land, classified as Community use and zoned Open Space. It is free from any encumbrances, but its divestment is constrained by its classification.

Lot 3, DP 251053 – 1598 Pittwater Road, is Council-owned land, classified as Community use and zoned Open Space. Its divestment is constrained by its classification. Lot 3 is also encumbered by a Declaration of Trust which must be discharged before it can be divested. The Trust has been imposed by the NSW Department of Planning & Infrastructure to preserve this land as a public park. An Local Environmental Plan (LEP) to re-classify and re-zone both parcels, which is required to enable divestment of these properties, will also remove the Trust.

3.3 Plan of Management

In 2009 Pittwater Council resolved to reclassify and rezone the land and its divestment to provide funding for public benefit improvements to the regionally significant Kitchener Park. Refer **Figure 8**. The proceeds from the divestment of the land will be used for the future embellishment of the park and implementation of the initiatives contained within Council's adopted Plan of Management for Kitchener Park.

The resolution to divest of the land was in accordance with the findings and recommendations of the Kitchener Park Mona Vale Plan of Management ("Plan of Management") adopted by Council in September 2009. Refer **Figure 9**.

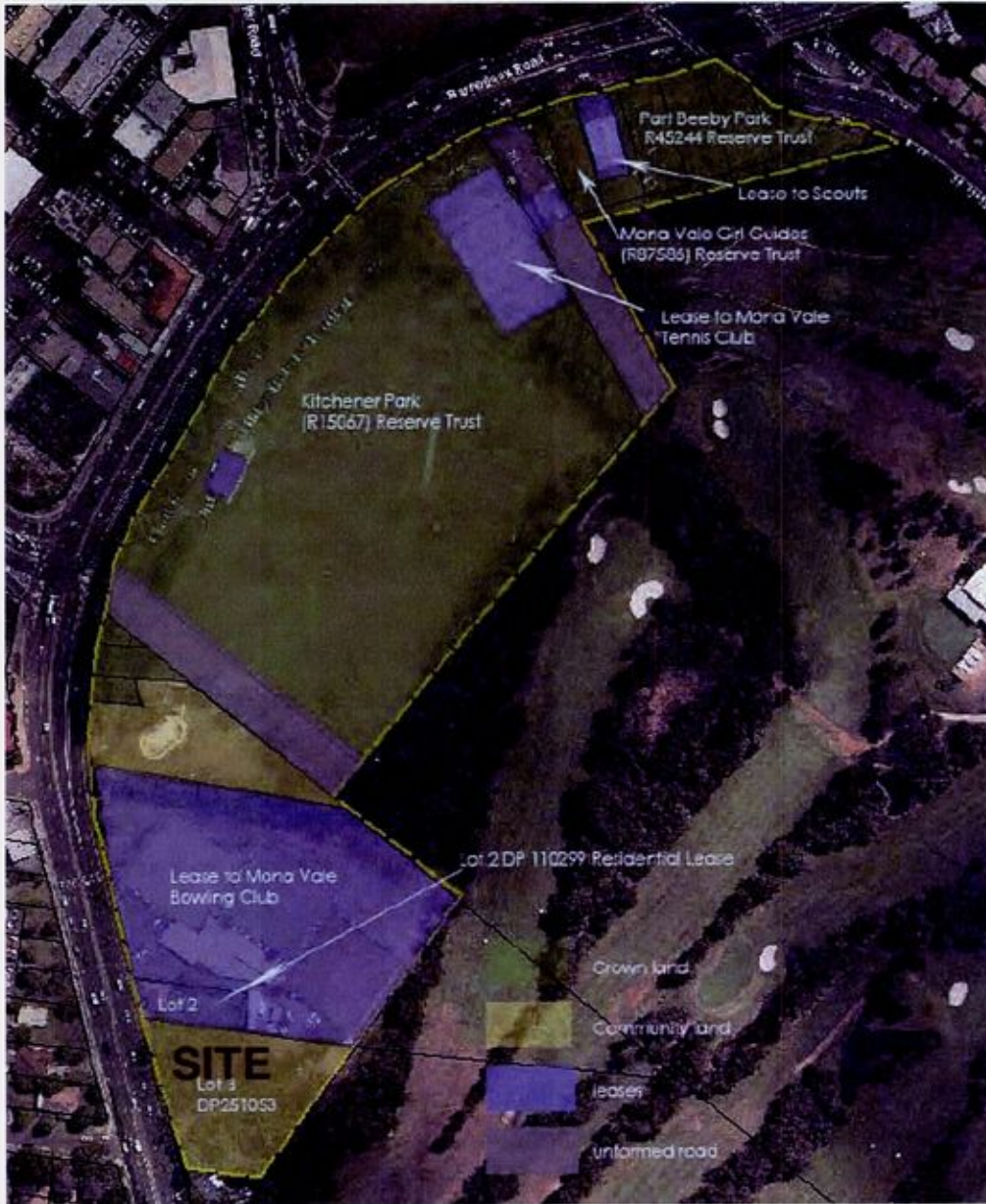


FIGURE 8: Kitchener Park & Lots 2 & 3 (the Site). Lots 2 & 3 are physically isolated from the main section of Kitchener Park



(Source: Pittwater Council Kitchener Park Plan of Management)



FIGURE 9: Council- Adopted Master Plan, Kitchener Park

(Source: Pittwater Council Kitchener Park Plan of Management)



3.4 Land Capability Assessment

Pittwater Council has previously prepared a Land Capability Assessment over Council and crown lands located in and around Kitchener park, including the Site. The Land Capability Assessment identified potential opportunities for the development of Lots 2 and 3 for multi-unit residential development.

3.5 Concept Plan- Medium Density Housing Development

The land to be reclassified, rezoned and subsequently divested is strategically located opposite the Mona Vale Town Centre and fronts Pittwater Road. The Site has an area of 5,404m². and is separated from the functioning areas of Kitchener Park by the local bowls club.

Council commissioned earlier investigations to determine, at a conceptual level, the Site constraints to future development; identifying the highest and best use of the land; assessing the prima-facie development potential of the land; and establishing the viability of pursuing the rezoning application.

Given the adjoining and nearby forms of development, it is considered that the most appropriate form of intensification other than the existing land uses would be Multi-Unit Housing. Refer **ANNEXURE A**. A hypothetical Multi-Unit Housing development proposal was prepared (refer to attached conceptual sketch plans- **Figure 3**) to reflect theoretical planning controls and enable an assessment of the preliminary feasibility and residual land value of such of proposal.

The accompanying **Table 3.1** provides details of the Concept Plan development and compliance with existing Council development requirements applicable to medium density housing developments.

Traffic consultants Thompson Stanbury have assessed traffic and access generally. Refer **ANNEXURE D**.



Table 3.1. Concept Plan & Compliance with Council DCP Requirements

Item	Requirement	Proposal
Dwelling Density	1 dwelling per 200 sqm 27 dwellings	24 dwellings
Site Coverage	2702 m ² 50 % maximum	1810 m ² 33%
Landscaped Area	2702 m ² 50 % minimum	3020 m ² 56%
Height Limit	Residential- allowing medium density housing	Residential- allowing medium density housing
Street Setbacks	Pittwater Rd : 10m Side and Rear : 4.25m (7m wall)	Complies
Private Open Space	Ground level: min. 30 m ² ; min. dimension 4m first level: Min. 15% of NSA; min. dimension 4m	Complies
Solar Access	All units to receive 3 hours of sun between 9am and 3pm on 21 June	Complies



4.0: Statutory Planning Considerations

4.1 Existing Planning Controls

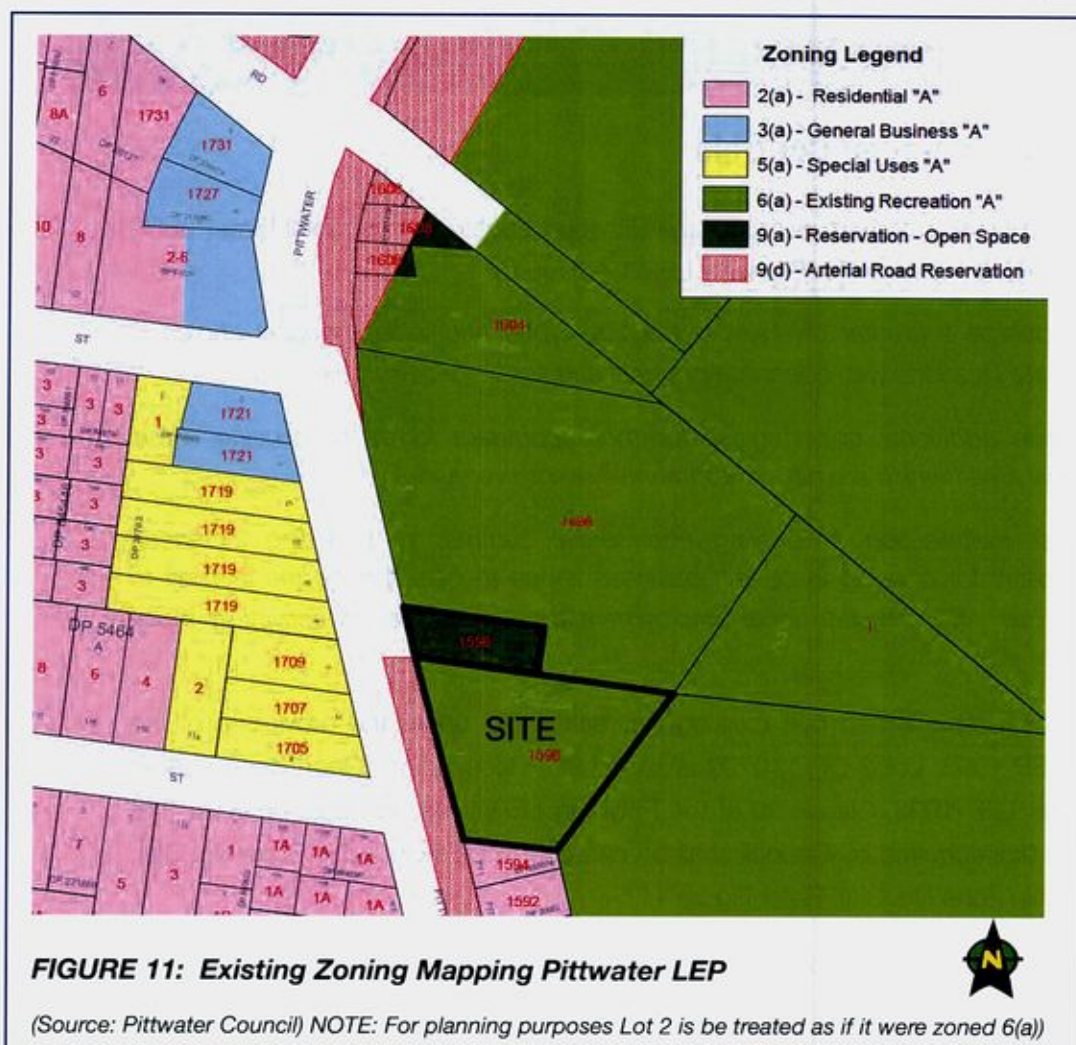
The Site is subject to the provisions of the Pittwater Local Environmental Plan ("LEP") 1993. The relevant aims of the Pittwater LEP 1993 are to:

- "(a) encourage a greater diversity of housing types and wider housing choice in appropriate locations with adequate physical and social infrastructure; and*
- (b) provide additional opportunities for more compact forms of housing within residential areas which are not environmentally sensitive; and*
- (c) assist revitalisation of existing commercial centres by providing increased opportunities for housing in certain business zones to help reduce the journey to work by car and stimulate local employment through increased activity in those centres."*

Lot 3 DP 251053 is zoned 6(a) Existing Recreation "A" under the provisions of the Pittwater LEP 1993. Lot 2 DP 110299 is zoned 9(a) Reservation- Open Space under the Pittwater LEP 1993. Clause 30 of the Pittwater LEP 1993 provides, however that land zoned 9(a) acquired by Council shall be deemed to be included in Zone No. 6(a), and not within Zone No. 9(a). Refer Figure 11.

The Land Use Table for Zone 6(a) (Existing Recreation "A") is as follows:

- "1. Without development consent any land use set out under the heading "Permissible Uses Exempt" in any relevant plan of management. For land which is reserved or dedicated under the National Parks and Wildlife Act 1974, any development authorised by that Act and any development incidental or ancillary to such development, subject to the approval of the Director-General of National Parks and Wildlife.*
- 2. Only with development consent. Any land use set out under the heading "Permissible Uses Requiring Development Consent" in any relevant plan of management.*
- 3. Prohibited any purpose other than a purpose for which development may be carried out without development consent or only with development consent."*



Clause 54 of the Pittwater LEP 1993 refers to Schedule 13, which describes public land classified, or reclassified, as operational land for the purpose of the local Government Act 1993. Clause 54 states:

"(1) The public land described in Schedule 13 is classified, or reclassified, as operational land for the purpose of the Local Government Act 1993, subject to this clauses.

(2) The amendments made by the Local Government Amendment (Community Land Management) Act 1998 to section 30 of the Local Government Act 1993 do not apply to the land described in Part 1 of Schedule 13.

(3) Land described in Part 2 of Schedule 13:



-
- (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
- (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.
- 4) Land described in Columns 1 and 2 of Part 3 of Schedule 13, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 13.
- 5) In this clause, the relevant amending plan, in relation to land described in Part 3 of Schedule 13, means the local environmental plan that inserted the description of the land into that Part.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 13, the Governor approved of subclause (4) applying to the land."

4.2 Compliance with Desired Character Mona Vale

The Pittwater 21 Development Control Plan ("DCP") was adopted by Council on 8 December 2003. It contains planning and other guidelines for development by type of development and by location. The DCP contains details regarding the Desired Character of each locality, including Mona Vale. The Desired Character of the locality, as set out in the Pittwater 21 DCP, is as follows:

"Strategically positioned at the convergence of routes north to Palm Beach, west to Church Point, and south to Warringah, Mona Vale became the centre of trade and travel in the Pittwater area during the nineteenth century. the locality has developed with a mix of residential, retail/commercial, industrial, recreational, community and educational land uses. Today, Mona Vale centre is the main commercial centre for the Pittwater area. Medium-density housing adjoins the Mona Vale Commercial Centre on Mona Vale Road, and extends along Darley Street, Park Street, Pittwater Road, Terrol Crescent and Golf Avenue.

The locality is serviced by the Mona Vale Commercial Centre, a major commercial, retail and community centre situated at the crossroads of Barrenjoey, Pittwater, and Mona Vale Roads. The Commercial Centre is focused around Mona Vale Village Park, Memorial Hall and Library. The locality also contains the Mona Vale Hospital, Mona Vale Primary School, Sacred Heart Catholic Primary School, Pittwater High School, Mona Vale Hotel, Mona Vale SLSC, Mona Vale library,



Pittwater Council offices, community centre, cemetery, police station, fire station, and bus depot, and recreational facilities including Mona Vale Golf Course, Bayview Golf Course, Mona Vale Bowling Club, skateboard ramp, beaches and several reserves.....The major roads within the locality are Barrenjoey Road, Pittwater Road, Mona Vale Road, and Samuel Street. Barrenjoey Road, Pittwater Road, and Mona Vale Road are major links with land to the north, west and south.....

Desired Character:

The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses. Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. The Proposed Plan fits into this. The permissible height limit is increased to promote economic growth within the centre.Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Future development will maintain a height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards. The design, scale and treatment of future development within the Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors. Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. Improved public transport, pedestrian accessibility and amenity, car parking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities. Hazards, Natural Environment and Heritage Hazards."



The Planning Proposal accords with the Desired Character of Mona Vale, as set out in the above DCP, in particular:

- The proposed development is for a proposed 2 stories in a landscaped setting.
- The proposed multi unit housing development is located within the Mona Vale Commercial Centre, close to public transport and community facilities.
- The proposed development can be supported by adequate infrastructure.
- The Concept Plan for the Site shows how future development will maintain a height limit below the tree canopy and minimise bulk and scale.
- Existing native vegetation will be integrated with the proposed development. Related to the above, a well vegetated “green edge” will be maintained on the Pittwater Road frontage, softening the overall visual impact of development on the Site.
- The Site is understood to have no known hazards or environmental values of significance.
- Suitable access and parking can be provided.
- The proposed Concept Plan for the Site shows how the Site can be developed for residential development and achieve the acceptable design outcomes in terms of landscaping, solar access, amenity and privacy, provision of open space and overall density of development. Refer also to table 3.1 which contains more details relating to compliance of the concept plan with other DCP requirements.

4.3 Evaluation Criteria for New LEPs

The Department of Planning and Infrastructure’s current position on LEPs, such as the type described in this Planning Proposal, is found in Planning Circular No. PS06-005, dated 16 February 2006, entitled “*Local environmental plan review panel*”. The compliance of the Planning Proposal with State and regional planning strategies is addressed in Section 5 of this document.



The Circular requires Council to address the following pro-forma evaluation criteria, assessed in the accompanying **Table 4.1**.

The Planning Proposal is consistent with these evaluation criteria.

Table 4.1 – Planning Proposal Consistency with New LEP Evaluation Criteria

Dept. Planning & Infrastructure Criteria	Consistency
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg, land release, strategic corridors, development within 800 metres of a transit node)?	Consistent. The Planning Proposal will provide for increased housing and employment opportunities on a Site that is strategically located within 0.2km of the Mona Vale Town Centre, a recognised transport node which is well serviced by high frequency public transport.
Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (section 117) directions?	Consistent. The Planning Proposal seeks strategic planning outcomes consistent with State and regional policies and Ministerial directions. The Planning Proposal provides for housing consistent with relevant planning policies and directions. The consistency with State policies and Ministerial directions is discussed in Section 5.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Not specifically. However, the Proposal seeks rezoning of land within 0.2km of Mona Vale- designated as a "Town Centre" and "Transit Node" in the North East Subregion Draft Subregional Planning Strategy. The Planning Proposal supports key themes of these sub-regional strategies.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No, residential uses only are proposed. However, the Planning Proposal will not result in the loss of any employment lands.



Dept. Planning & Infrastructure Criteria	Consistency
<p>Will the LEP be compatible/complementary with surrounding land uses?</p>	<p>Yes, the Planning Proposal is compatible with surrounding land uses, being predominantly residential and open space. The Planning Proposal includes a Concept Plan, showing how a medium density housing development can be accommodated on the Site in accordance with existing Pittwater Council controls on development. The proposed density, form, scale and traffic generation from the proposed medium density housing development is expected to have acceptable impacts on the amenity or character of the Mona Vale locality. Being located within 0.19km of the main public bus stop serving Mona Vale, on Pittwater Road, is in accordance with the principles for transit-orientated development.</p>
<p>Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?</p>	<p>No, it is considered that the Planning Proposal will not create a precedent. This conclusion is reached having regard for the nature of the land – its size, strategic location and (Council) ownership – and the circumstances by which it is becoming available for urban (medium density housing development). They are unique and will not create a precedent or change the expectations of other land holders.</p> <p>The Planning Proposal has unique circumstances, including Council ownership and identification for rezoning and reclassification contained in the Plan of Management for Kitchener Park, limiting the application of any precedent being established.</p>
<p>Will the LEP deal with a deferred matter in an existing LEP?</p>	<p>No. This is not applicable to the Planning Proposal.</p>



Dept. Planning & Infrastructure Criteria	Consistency
<p>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</p>	<p>Council has recently supported 6 spot rezonings. Of these spot rezonings:</p> <ul style="list-style-type: none"> - Two (2) relate to reclassification of other Council-owned land, including offices at No. 5 Vuko Place, Warriewood; and escarpment lands at Ingleside. - Two (2) relate to rezonings that include a residential component: one at No.17, 25-27 Foamcrest Avenue, Newport (allowing shop-top housing); the other at .No.4 and 8 Forest Road, Warriewood (max. 75 dwellings, forming a part of the Warriewood Valley Urban Land Release Area). - Two (2) relate to the retail use of one property, at No. 23B Macpherson Street, Warriewood. <p>The Planning Proposal is considerably different to the above residential rezonings in location, context and purpose. The Planning Proposal seeks a rezoning of the Site for medium density housing adjoining the Mona Vale Town Centre. None of the other rezonings are for stand-alone, medium density housing in such a strategic urban location. The additional residential development yield from the Planning Proposal will make a cumulative, yet necessary, contribution to achieving the future dwelling targets identified in the North East Subregion Draft Subregional Strategy as it applies to Pittwater LGA.</p> <p>The implications for strategic outcomes related to housing, transit and centres from each of the above rezonings are distinct and will not have any adverse cumulative effect.</p>



5.0: Planning Proposal

5.1 Objectives & Intended Outcomes

■ 5.1.1 Objectives

The objectives of the Planning Proposal are:

- To enable Council to dispose of the surplus lands.
- To enable reclassification of the Site to occur, from “Community” to “Operational”.
- To amend the Pittwater LEP in order to enable the Site to be developed for medium density (multi-unit) development in the future and to remove any trusts applying to the Site.

It is considered that the Planning Proposal is the best means of achieving the objectives for the Site.

The current zoning restricts the uses of the Site and without the Planning Proposal it is reasonable to expect that the Site would continue to be under-utilised and physically separate from the other functioning parts of Kitchener Park.

The Planning Proposal removes an existing restriction on uses and permits uses and development that will contribute to State and local planning objectives and provide public benefits without unacceptable environmental and social impacts.

■ 5.1.2 Intended Outcomes

The Proposal would enable the existing land uses on Site to be removed and replaced with medium density housing. It would also allow for the adjustment of access arrangements with Pittwater Road.

The Proposal would also ensure the future development integrates with the existing neighbourhoods surrounding the Site, including Mona Vale Town Centre, and provides a transition from the higher, bulkier building character of the Mona Vale Town Centre.



Such a transition is considered to be the preferred urban outcome and is consistent with other recent medium-density development.

The accompanying **Table 5.1** summarises the planning outcomes sought.

Table 5.1. Summary of Planning Outcomes

Item	Lot 2 DP 110299	Lot 3 DP 251053
Address	No. 1596 Pittwater Road	No. 1596 Pittwater Road
Size (ha)	0.0932ha	0.4447ha
PLANNING OUTCOMES		
Existing Zoning [NOTE 2]	Deemed 6(a) Existing Recreation "A" [NOTE 1]	6(a) Existing Recreation "A"
Proposed Zoning	Residential- allowing medium density housing	Residential- allowing medium density housing
Existing Status [NOTE 3]	Community land	Community land
Proposed Status [NOTE 3]	Operational land	Operational land

NOTES TO TABLE:

1. Lot 2 DP 110299 is zoned 9(a) Reservation- Open Space under the Pittwater LEP 1993. Clause 30 of the Pittwater LEP 1993 provides however that land zoned 9(a) acquired by Council shall be deemed to be included in Zone No. 6(a), and not within Zone No. 9(a).
2. Existing zonings are as those currently applying pursuant to the Pittwater LEP 1993.
3. "Status" refers to the public land classification as either community land or operational land under the Local Government Act 1993. Community land may be used for certain purposes as specified in an LEP and/or adopted Plan of Management prepared under the provisions of the Local Government Act 1993. Generally, it may not be sold or transferred to another owner unless first reclassified as operational. Operational land may be used in accordance with a LEP and may be sold, transferred or leased to another party by the Council.



5.2 Explanation of Provisions

The Planning Proposal amends the Pittwater LEP as follows.

LEP Amendment Action 1: Lot 2 DP 110299 and Lot 3 DP 251053 are to be inserted into Part 3 of Schedule 13 of the Pittwater LEP 1993, as follows:

"Part 3 Land Classified, or reclassified, under amended section 30 of Local Government Act 1993- interests changed"			
	Locality	Description	Trusts etc not discharged
	<u>Mona Vale</u>		
PLEP 1993 (Amend No xx) GG xx xxxxxxx	1596-1598 Pittwater Road	Lot 2 DP 110299 and Lot 3 DP 251053, as shown edged heavy black on the map marked "Pittwater Local Environmental Plan 1993 (Amendment No xx)- <i>Pittwater Local Environmental Plan (Amendment No xx)</i> "	Nil

LEP Amendment Action 2: The land is to be (re) zoned 2(a) Residential "A". Refer **Figure 12**.

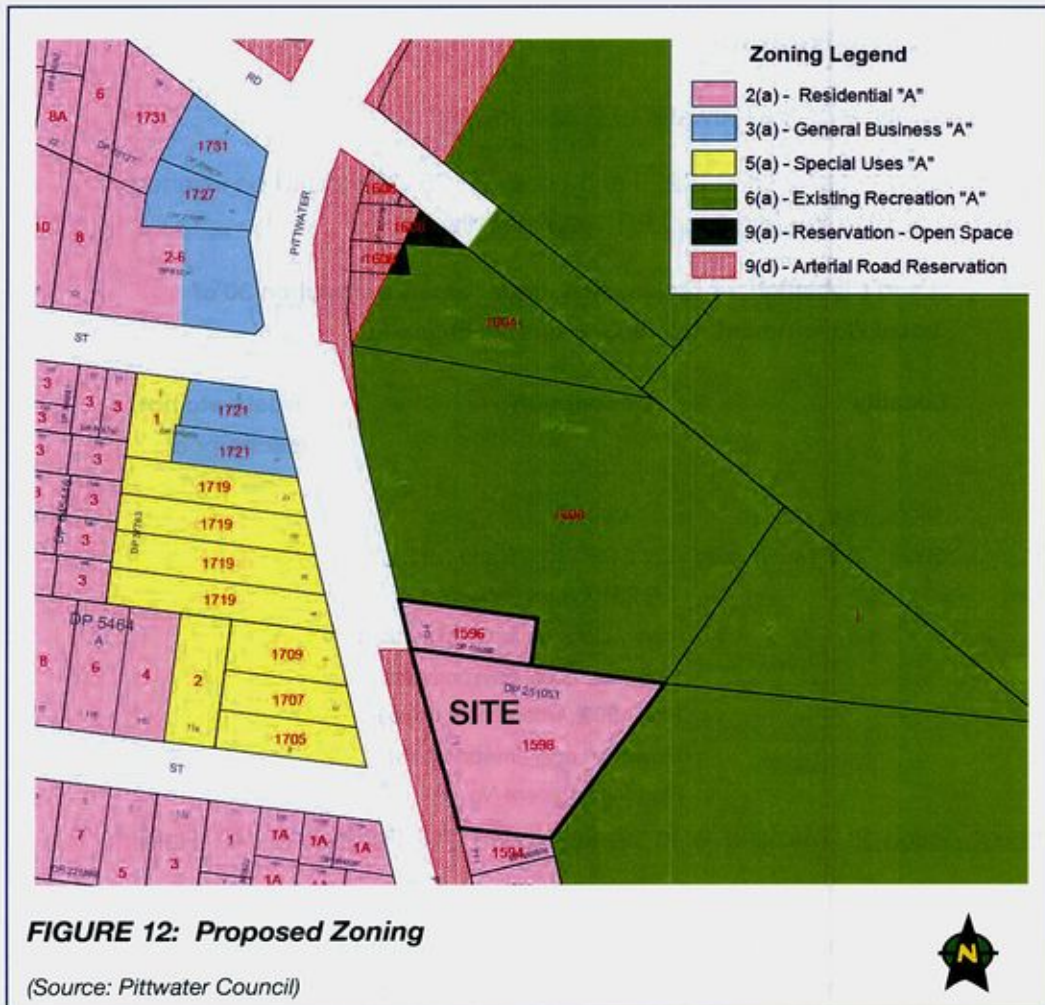
LEP Amendment Action 3: Inclusion of Lot 2 and Lot 3 on the Flat Map, to be shown edged heavy black and identified by the symbol "2" on the Flat Map.[Clause 20 of Pittwater LEP permits a two storey residential flat building to be erected on land within Zone No. 2(a) or 2(b) only in an area shown edged heavy black and identified by the symbol "2" or "3" on the Flat Map, which forms a part of the LEP].

5.3 Justification

■ 5.3.1 Is the planning proposal a result of any strategic study or report?

Yes. At the Ordinary Council held on 5 December 2011 Council resolved to reclassify the subject lands from Community land to Operational land. This is consistent with Council's intention to divest this land.

The development potential of the Site has been identified in Council's Plan of Management for Kitchener Park and in the Land Capability Study that preceded it.



Council has engaged Antoniades Architects to undertake an urban design assessment and prepare a Concept Plan for the Site. The study provides a development framework for the Site based on analysis of the scale of development achievable on the Site.

The Planning Proposal will enable the achievement of the desired urban form by allowing for medium density housing of modest height and bulk and in conformity with relevant Council controls and guidelines applicable to this form of development.

It will also maximise the retention of existing trees on the Site, in order to provide the potential for a more visually appealing development that restricts any potential overdevelopment of the Site, providing a balanced outcome for the Council and the community at large.



■ **5.3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?**

Yes. It is considered that the Planning Proposal is the best means of achieving the objectives because the subject lands are surplus to Council's open space requirements.

The proposed redevelopment is likely to have a significant benefit to the Pittwater local community, however, changes to the existing planning instrument (ie.Pittwater LEP) is necessary if the development is to be permitted under local planning controls, for assessment under Part 4 of the EP&A Act.

It is considered more appropriate to prepare an amending LEP to enable the Site to be subsequently developed for medium density housing. This arises due to likely period in excess of 12 months with Council progressing its proposed new LGA-wide LEP using the new standard template.

The principal development standards outlined in the Proposal are considered the best means of achieving the objectives and intended outcomes; allowing for flexibility in design while maintaining the intended overall built form.

Under Part 4 of the EP&A Act, Pittwater Council is also better able to assess whether future development is consistent with Council's broader local planning objectives, including urban design and heritage considerations, integration and compatibility with surrounding development, community consultation and design excellence.

■ **5.3.3 Is there a net community benefit?**

It is intended that the Planning Proposal will deliver the following community benefits:

- Enable Pittwater Council to divest itself of surplus land.
- Deliver a policy position consistent with Council's relevant plan of management and with adjoining land uses. The purpose of the Planning Proposal seeks to remedy the current community land status- one that does not reflect Council's adopted strategic direction for the subject land.
- Enable the delivery new open space improvements earmarked for Kitchener Park that meet the needs of Council and the local community, now and into the future.



- Remove the burden on Council to maintain land that is not suitable for public open space and to deliver new recreational facilities which will not place an ongoing burden on Council's ongoing financial position.
- Achieve the other community benefits outlined below and as also identified in **Table 5.2**.
- The Planning Proposal will ensure that the local government policy framework is consistent with the intended outcome. The final form of development on the Site is more appropriately tailored to the Site's characteristics and opportunities.
- The Planning Proposal will create certainty to adjoining land owners.
- Remove the burden on Council to maintain land that is not suitable for public open space.
- Achieves a potentially high quality urban design outcome for the Site.

Consistency with Net Community Benefit Evaluation Criteria addresses the relevant criteria for conducting a net community benefit test of the Planning Proposal.

Table 5.2 - Consistency with Net Community Benefit Evaluation Criteria

Evaluation Criteria	Benefits
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	The subject Planning Proposal is not inconsistent with agreed State and Regional strategic directions for development in the area.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?	No.
Is the LEP likely to create a precedent or create or change the expectations of the landowners or other landholders?	No.



Evaluation Criteria	Benefits
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no other spot rezoning in the locality that is currently being considered. Refer also to Table 4.1 for details.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employments lands?	The Planning Proposal seeks to rezone land from open space to Residential. It does not affect employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes. By reclassifying the subject lands to Operational land the proposed Planning Proposal will enable the land to better fit with adjoining land, once developed for residential uses.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposal Site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes. The Planning Proposal will not create any significant additional demand for public infrastructure.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No change is anticipated.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No change is anticipated.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	There is no known high biodiversity, flooding issues or the like over the subject lands.
Will the LEP be compatible /complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The Planning Proposal will increase land compatibility with surrounding land uses.



Evaluation Criteria	Benefits
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No change is anticipated.
If a stand-alone proposal and not a centre, do the proposal have the potential to develop into a centre in the future?	No. The purpose of the Planning Proposal has been proposed because the current community land status does not reflect Council's strategic direction for the subject land.
What are the public interest reasons for preparing the draft plan? What are the Implications of not proceeding at that time?	The Planning Proposal will: Ensure the local government policy framework is consistent with its intended outcome. Create certainty to adjoining owners of the subject land.

The Proposal would enable development on the Site that creates a number of community benefits. Funds generated from the divestment of the land will go towards the cost of much-needed, major recreational facility upgrades to Kitchener Park, as identified in the Kitchener Park Plan of Management.

Rezoning the Site to 2(a) (Residential "A") would enable redevelopment of the Site in a manner which accords with the strategic vision and the desired future character for the Site as elucidated in the Council's adopted Kitchener Park Plan of Management. The realisation of the strategic vision and desired future character will result in a net community benefit.

It would enable a new, more responsive and integrated urban form. It would also enable a more diverse residential population in the area, generated by improved social housing, new affordable housing and a quantum of market housing. Some temporary or otherwise minor adverse outcomes of the development enabled by the Planning Proposal would be minimised and largely mitigated through development controls that would be in place along with the proposed LEP.



5.4 Relationship to Strategic Planning Framework

- **5.4.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

North East Sub-region Draft Sub-regional Strategy (NESDSS)

The North East Subregion Draft Sub-regional Strategy (NESDSS) sets key directions and key actions for the implementation of the Metropolitan Plan for Sydney at a more local level.

The North East Sub-region comprises the local government areas of Manly, Warringah and Pittwater. The draft Subregional Strategy sets targets for 17,300 new dwellings in the sub-region LGA by 2031. **The Strategy identifies Mona Vale as a transport hub, well-suited to accommodating further medium density housing.** The rezoning of the Site for medium density housing will assist in ensuring that the housing target set out in the Strategy is achieved and the suitability of Mona Vale for accommodating further medium density housing is recognised.

The NESDSS does not establish any objectives that relate to reclassification of land.

Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* ("The Metropolitan Plan") is the latest blueprint for Metropolitan Sydney and replaces the Metropolitan Strategy City of Cities - A Plan for Sydney's Future.

The Metropolitan Plan does not establish objectives that relate to reclassification of land.

The Sydney Metropolitan Strategy aims to provide new housing stock around public transport nodes and within areas close to public transport, retail and commercial centres and community facilities. The Site has an area of 5,404m² and is located some 200 metres from the Mona Vale Town Centre. There is a bus stop in the near vicinity of the Site that provides access to the Sydney CBD and centres in between.

The Sydney Metropolitan Strategy has identified that the population of Sydney will grow by 1.1 million people by the year 2031 has been reviewed in the Sydney Towards



2036 publication which indicates that the population is forecast to reach 6 million by 2036, an increase of 1.7 million people since 2006. This will require a need for an additional 770,000 homes by 2036. The Metropolitan Strategy aims to provide 70% of new dwellings in existing urban areas. It is considered that the rezoning of the Site from Residential is consistent with the aims of the Sydney Metropolitan Strategy.

Moreover, the Sydney Metropolitan Strategy is divided into seven 'strategies', with Strategy C: Housing aiming to increase the supply of housing in Sydney. It seeks to improve housing affordability, locate new housing near existing centres and infrastructure and ensure sufficient land is available to meet Sydney's growing housing needs.

The Proposal is consistent with this strategy in a number of ways:

- It increases the availability of housing.
- It increases the diversity of housing.
- It locates housing growth near the Mona Vale Town Centre, job opportunities, infrastructure and services. The Site is an excellent opportunity for the establishment of medium density urban living area in close proximity to Mona Vale. The Planning Proposal will enable an important contribution to the supply of new medium density housing in the Pittwater area.
- Related to the above point, the Planning Proposal will encourage more sustainable travel behaviour by locating housing within walking distance of the Town Centre of Mona Vale and public transport.
- The Planning Proposal allows for infill development to assist in containing Sydney's urban footprint.
- It also reduces the pressure on supplying further residential land, in particular for medium density residential development, elsewhere within the Pittwater local government area. In so doing, it also assists in other low density areas, further removed from Mona Vale or other larger centres in Pittwater being potentially subsumed by medium density housing, thus protecting the amenity of these areas.



■ **5.4.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other strategic plan?**

The objectives of the "Pittwater Local Planning Strategy 2011" adopted by Council, are to:

- *Facilitate the achievement of the Pittwater 2020 Strategic Plan;*
- *Present in an open and transparent manner, the logical, evidence based rationale for future land use planning decisions in Pittwater;*
- *Provide for land use choices that are economically, environmentally and socially sustainable;*
- *Provide for land use planning decisions within Pittwater that are consistent with the State Plan, Metropolitan Strategy, Metropolitan Plan 2036 and Subregional Strategy and requirements contained therein;*
- *Provide a single mechanism that coordinates and focuses Council's planning activities;*
- *Establish strategic priorities and provide for growth in population and a corresponding growth in dwelling numbers and employment;*
- *Recognise the value of the natural environment and items of European and Aboriginal Heritage significance;*
- *Provide a sound foundation for a comprehensive Pittwater Local Environmental Plan and associated Development Control Plan;*
- *Provide strategies to provide proactive growth management within the Pittwater LGA; and*
- *To ensure future planning decisions have regard for the implications of and respond to climate change." (p.1)*

Some of the major findings and recommendations of this Council strategy, relevant to the Planning Proposal, include the following:

- **Mona Vale to remain a vibrant and thriving Town Centre in Pittwater as a focus for social and economic activity. (p.3)** The Planning Proposal will assist in achieving this outcome through providing medium density housing on the Site at the same time as enabling the further upgrading of facilities for youth in Kitchener Park- the main park serving Mona Vale.



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- Encourage construction of housing adaptable to universal design standards (adaptable housing) (p. 4). The Planning Proposal offers the potential for such a form of housing to be established on the Site, if rezoned.
 - Continue to upgrade and enhance recreational spaces and facilities (p 144). The proposed divestment of the Site, once rezoned, will generate revenue to fund the planned major upgrades to Kitchener Park.
 - Create vibrant community spaces (p. 144). Refer to above.
 - Maintain and regularly review Plans of Management for Parks, Reserves and Community Buildings within Pittwater (p.6). The recommended divestment of the Site arises from the completion and subsequent adoption of a Plan of management of Kitchener park. This Plan of Management recommends the divestment of the Site as being surplus to Council's requirements.
 - Continue to promote a centres based focus for additional dwellings (p.4). The Planning Proposal seeks to develop the Site, which lies within close proximity to the Mona Vale Town Centre, for medium density housing.

The Strategy identifies land potentially suited to development using a land capability, "constraints sieving" tool. It is noteworthy that the Strategy finds the Site to be relatively unconstrained.

■ **5.4.3 Is the planning proposal consistent with applicable state environmental planning policies?**

The consistency of the Planning Proposal with the applicable state environmental planning policies ("SEPPs") and regional environmental plans ("REPs") covering the Sydney and Greater Metropolitan Regions- the latter deemed to have the weight of SEPPs- is outlined in the accompanying **Table 5.3**.



Table 5.3 – Consistency with State Environmental Planning Policies (SEPPs):

State Environmental Planning Policy	Consistency
SEPP No 1—Development Standards	Consistent.
SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Consistent.
SEPP No 6—Number of Storeys in a Building	Consistent. The Proposal adopts the Standard Instrument building height limit definitions.
SEPP No 14—Coastal Wetlands	Not applicable.
SEPP No 15—Rural Landsharing Communities	Not applicable.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 22—Shops and Commercial Premises	Consistent.
SEPP No 26—Littoral Rainforests	Not applicable.
SEPP No 29—Western Sydney Recreation Area	Not applicable.
SEPP No 30—Intensive Agriculture	Not applicable.
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	Consistent. The Proposal represents an urban renewal and enables a range of uses appropriate to the Site.
SEPP No 33—Hazardous and Offensive Development	Consistent.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 39—Spit Island Bird Habitat	Not applicable.
SEPP No 41—Casino Entertainment Complex	Not applicable.
SEPP No 44—Koala Habitat Protection	Not applicable.
SEPP No 47—Moore Park Showground	Not applicable.

State Environmental Planning Policy	Consistency
SEPP No 50—Canal Estate Development	Not applicable. The Proposal does not propose canal estate development.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 55—Remediation of Land	Consistent. No contamination potential.
SEPP No 59—Central Western Sydney Regional Open Space and Residential	Not applicable.
SEPP No 60—Exempt and Complying Development	Consistent.
SEPP No 62—Sustainable Aquaculture	Not applicable.
SEPP No 64—Advertising and Signage	Consistent.
SEPP No 65—Design Quality of Residential Flat Development	Consistent. The Proposal is supported by a preliminary evaluation of the concept proposal for the Site in terms of compliance with this SEPP.
SEPP No 70—Affordable Housing (Revised Schemes)	Consistent.
SEPP No 71—Coastal Protection	Not applicable.
SEPP No 1—Development Standards	
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. Any future residential development will need to comply with requirements regarding building sustainability.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. The Proposal is potentially suited to seniors housing, located as it is within convenient distance of the Mona Vale Town Centre.
SEPP (Major Development) 2005	Consistent.



State Environmental Planning Policy	Consistency
SEPP (Sydney Metropolitan Water Supply) 2004	Not applicable.
SEPP (Development of Kurnell Peninsula) 2005	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Infrastructure) 2007	Consistent. The Proposal does not place any restrictions on infrastructure that would contradict the SEPP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Temporary Structures) 2007	Consistent. The Proposal does not adopt any provisions on temporary structures that contradict this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent
SEPP (Rural Lands) 2008	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Affordable Rental Housing) 2009	Consistent.
SEPP (Western Sydney Employment Area) 2009	Not applicable.

Of particular relevance to this Planning Proposal are:

- SEPP 32 - Urban Consolidation (Redevelopment of Urban Land).
- SEPP 65 Design Quality of Residential Flat Development. (Refer **ANNEXURE B** for an assessment against the SEPP).
- SEPP (Infrastructure) 2007.



SEPP 32

SEPP 32 aims to implement a policy of urban consolidation by promoting new housing in areas where there is existing public infrastructure, transport and community facilities and in localities which close to employment, leisure and other opportunities.

The Planning Proposal is consistent with the aims of SEPP 32 as the Site is appropriately located to provide housing of an appropriate density, that will meet future household needs and is well located close to jobs, services, transport and community facilities.

SEPP 65

SEPP 65 aims to raise the design quality of residential flat development through the application of a series of design principles. In particular the SEPP aims to improve the built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and to maximise amenity, safety and security for the occupants of residential flat buildings.

The Planning Proposal is consistent with the aims of SEPP 65 as it seeks to ensure that a better built form outcome for the Site is ultimately achieved. The Concept Plan for the Site prepared by Antoniades Architects shows that the development of the Site from medium density housing can be undertaken in such a manner that will ensure that an appropriately designed, well-landscaped development can be achieved on the Site capable of achieving a good level of visual amenity.

The Planning Proposal is therefore consistent with the aims and objectives of SEPP 65. An assessment of the Conceptual Multi-Unit Housing Proposal, which is the subject of this Planning Proposal, has been undertaken and is attached as **ANNEXURE B**.

SEPP (Infrastructure) 2007

The Planning Proposal is consistent with the SEPP. It affects land with a frontage to a classified road – Pittwater Road. Clause 101 of the SEPP requires the consent authority to be satisfied that the function of a classified road will not be compromised by new development and that the amenity of new development will not be adversely affected by the operation of the classified road. Clause 101 relates to a development proposal and not the making of a planning instrument. The Transport, Traffic and Access Study by Thompson Stanbury Associates (**ANNEXURE D**) supports an access to Pittwater Road, recommending an access point further to the south.



The accompanying table reviews the consistency of the Planning Proposal with Regional Environmental Plans ("REP"), now deemed State Environmental Planning Policies ("SEPP").

Table 5.4 – Consistency with Deemed State Environmental Planning Policies (SEPPs):

Deemed State Environmental Planning Policy	Consistency
REP No.5 (Chatswood Town Centre)	Not applicable.
REP No.8 (Central Coast Plateau Areas)	Not applicable.
REP No. 9 (Extractive Industry No. 2 - 1995)	Not applicable.
REP No. 11 (Penrith Lakes Scheme)	Not applicable.
REP No. 16 (Walsh Bay)	Not applicable.
REP No. 18 (Public Transport Corridors)	[Not applicable.
REP No. 19 (Rouse Hill Development Area)	Not applicable.
REP No. 20 (Hawkesbury Nepean River No. 2- 1997)	Not applicable.
REP No. 24 (Homebush Bay)	Not applicable.
REP No. 25 (Orchard Hills)	Not applicable.
REP No. 26 (City West)	Not applicable.
REP No. 28 (Parramatta)	Not applicable.
REP No. 29 (Rhodes Peninsula)	Not applicable.
REP No. 30 (St Marys)	Not applicable.
REP (Sydney Harbour Catchment 2005)	Not applicable.

■ **5.4.4 Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?**

Yes, the Planning Proposal is consistent with applicable s.117 Directions.

The accompanying **Table 5.5** below reviews the consistency with the Ministerial Directions for LEPs under Section 117 of the *Environmental Planning and Assessment Act 1979*.

Table 5.5 - Consistency with Applicable s.117 Ministerial Directions

1. Employment and Resources

s.117 Direction Number & Title	Consistency
1.1 Business and Industrial Zones	Not applicable.
1.2 Rural Zones	Not applicable.
1.3 Mining, Petroleum Production & Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.

2. Environment and Heritage

s.117 Direction Number & Title	Consistency
2.1 Environmental Protection Zones	Not applicable.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	Not applicable.
2.4 Recreation Vehicle Areas	Not applicable.

3. Housing, Infrastructure and Urban Development

s.117 Direction Number & Title	Consistency
3.1 Residential Zones	Consistent. The land is proposed to be rezoned to permit medium density housing development.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.
3.3 Home Occupations	Consistent.
3.4 Integrating Land Use and Transport	Consistent. Mona Vale is an identified transport hub serving the Northern Beaches.
3.5 Development Near Licensed Aerodromes	Not applicable.

s.117 Direction Number & Title	Consistency
3.6 Shooting Ranges	Not applicable.

4. Hazard and Risk

s.117 Direction Number & Title	Consistency
4.1 Acid Sulphate Soils	Consistent. The land has a low probability of containing acid sulphate soils
4.2 Mine Subsidence and Unstable Land	No mine subsidence. Consistent with unstable land component of s.117Direction.
4.3 Flood Prone land	Not applicable. The subject lands are not affected by flooding.
4.4 Planning for Bushfire Protection	Not applicable. The subject lands are not affected by bushfire or located within a bushfire buffer area.

5. Regional Planning

s.117 Direction Number & Title	Consistency
5.1 Implementation of Regional Strategies	Not applicable.
5.2 Sydney Drinking Water Catchments	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5 Development in the Vicinity of Ellalong	(Revoked)
5.6 Sydney to Canberra Corridor	(Revoked)
5.7 Central Coast	(Revoked)
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.



6. Local Plan Making

s.117 Direction Number & Title	Consistency
6.1 Approval and Referral Requirements	Consistent.
6.2 Reserving Land for Public Purposes	Consistent. The subject lands, though classified as "Community" land, have been identified as surplus lands, no longer required for open space purposes.
6.3 Site Specific Provisions	Not applicable.

7. Metropolitan Planning

s.117 Direction Number & Title	Consistency
7.1 Implementation of the <i>Metropolitan Plan for Sydney 2036</i>	Consistent.

■ 5.4.5 Is the planning proposal consistent with Department of Planning & Infrastructure Practice Note PN 09-003?

Yes, the Planning Proposal is consistent with Practice Note PN 09-003.

In addition to the Section 117 Directions nominated above, the NSW Department of Planning issued a Practice Note (PN 09-003) entitled "*Classification and reclassification of public land through a local environmental plan*" dated 12 June 2009.

The Department's Practice Note contains general requirements for classification or reclassification of Council-owned lands, including the provision of a written statement addressing the following matters, set out in the accompanying **Table 5.6**.



Table 5.6 - Consistency with PN 09-003

PN 09-003 Requirement	Response
Reason why the planning proposal is being prepared	The planning proposal is being prepared in order that the Site can be reclassified from "community" to "operational" land and the Pittwater LEP amended in order to permit the land to be developed for medium density housing.
Current and proposed classification	The Site is currently classified as "Community" land and it is proposed that the land be classified as "Operational" land.
Reason for the reclassification	The Site has been identified in a Plan of Management for Kitchener Park, Mona Vale, as being surplus to Council's open space needs. Divestment of the land will provide funding for delivery of public benefit improvements to regionally significant open space.
Council's ownership of the land	The Site is owned by Council.
How and when the interest was acquired	Lot 2 is Council-owned land, and has been in Council ownership since 1983 Lot 3 was transferred to Council by the State Planning Authority in 1976.
The reason Council acquired an interest in the land	Council acquired the interest in the land in order to make provision for public open space- forming a part of Kitchener Park.
Any agreements over the land	No.
An indication of any financial loss or gain from the reclassification	The reclassification of the Site- involving rezoning to permit medium density housing- will result in an increase in the value of the land and revenue-generating opportunity for Council, once the land is divested.
The asset management objectives being pursued	The reclassification of the two lots accords with Council's adopted Plan of Management for Kitchener Park. These assets are surplus to Council's requirements.



PN 09-003 Requirement	Response
Whether there has been an agreement for the sale or lease of the land	There are no agreements for the lease or the sale of the land.
Relevant matters required in plan making under the EP&A Act.	The reclassification is proposed to be carried out in accordance with: <ul style="list-style-type: none"> - s.55 Relevant Authority to prepare a planning proposal - s.56 Gateway Determination - s.57 Community Consultation
A copy of the Practice Note	Attached. Refer ANNEXURE E

■ **5.4.6 Is the planning proposal consistent with the Objects of the EP&A Act?**

Section 5 of the EP&A Act contains the objectives of the Act:

“(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services...*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats...”*



In summary, the proposed rezoning and reclassification of the Site is considered to be consistent with the above objects of the Act as:

- The Planning Proposal will result in the orderly and economic use and development of the Site. The Plan of Management for Kitchener Park has found that the Site does not fulfill relevant open space needs and is surplus to Council's requirements.
- The Concept Plan shows that the Site to be rezoned and reclassified has an appropriate size and location to enable the proposed development of the Site for medium density housing.
- There will be no likely significant adverse impacts on the environment or the amenity of the surrounding neighbourhood.
- The proposal satisfies the objects of the Act in regard to the provision of community facilities and the achievement of ecologically sustainable development outcomes.

5.5 Environmental & Other Considerations

- **5.5.1 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?**

There is no known critical habitat or threatened species, populations or ecological communities, or their habitats on or around the Site that will be affected by the Planning Proposal.

- **5.5.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

The other environmental planning issues associated with the Planning Proposal for the development of medium density housing on the Site include the following:

- Access, transport and traffic.
- Built form.



-
- Landscaping and public domain.
 - Interface with adjoining properties, including Mona Vale Golf Course and the Mona Vale Bowls Club.
 - Geotechnical issues.
 - Water management.
 - Services provision.
 - Energy efficiency.
 - Safety.
 - Construction impacts.

These environmental planning issues will be addressed in any future Development Application (DA) for medium density housing on the Site, and are not of such significance at this stage as to preclude the Planning Proposal for an amendment to the Pittwater LEP to permit the proposed development with consent.

■ **5.5.3 What will be the social and economic benefits?**

Whilst further detailed assessment of the social and economic effects of the Planning Proposal has not been undertaken, it is not anticipated that there will be great significant effects in this regard.

By reclassifying the subject lands from "Community" to "Operational", the Planning Proposal will enable Council to divest this surplus land. The divestment of this surplus land will also remove the financial burden on Council to maintain the lands.

The Planning Proposal will also enable Council to allocate the funds gained from the divestment of the subject lands to other critical areas within Kitchener Park, earmarked for upgrading, in accordance with Council's adopted Plan of Management for Kitchener Park.



By classifying the subject lands to Operational land, the proposed Planning Proposal will enable the land to be developed for residential land uses- a good fit with land uses abutting the land to the south and with other adjoining land nearby.

Safety within the public domain will be assessed as part of any specific development proposal. Any future development application will need to address potential safety issues and ensure the implementation of *Crime Prevention Through Environmental Design* measures such as appropriate lighting, planting, passive surveillance and active spaces, are implemented. However, it should be noted that one of the fundamental reasons for upgrading the existing, sub-standard Skate Park concerns its location directly opposite Mona Vale Police Station. The proximity of the Mona Vale Police Station will provide enhanced surveillance of the Skate Park.

The proposal would enable development on the Site that creates a number of community benefits and is consistent with the aims and strategies in Pittwater's 2020 Strategic Plan.

It would enable a new, more responsive and integrated urban form. It would also enable a more diverse residential population in the area, generated by the provision of new medium density housing. Some temporary or otherwise minor adverse outcomes of the development enabled by the proposal would be minimised and largely mitigated through development controls that would be in place along with the proposed LEP. The potential benefits of the enabled development far outweigh the potential adverse impacts, generating a new community benefit.

5.5 State & Commonwealth Interests

■ 5.5.1 Is there adequate public infrastructure for the planning proposal?

The Site currently has available to it the full range of infrastructure necessary to support the proposed medium density housing development. This includes sealed road access, sewer, water, electricity and telecommunications services.

■ 5.5.2 What are the views of State and Commonwealth public authorities consulted?

Detailed briefings have been given to senior officers of both the Crown Lands Division of the Department of Primary Industries and the Department of Planning & Infrastructure.



Both Departments have indicated their support for the proposal and acknowledged the substantial proving-up of the proposal leading to this Planning Proposal.



6.0: Summary & Conclusions

This Planning Proposal has provided a detailed assessment of the Site and the surrounding development and has provided a detailed justification for the rezoning proposal against the criteria provided in *A Guide to Preparing Planning Proposals* published by the Department of Planning & Infrastructure.

The Site is well serviced by all essential urban infrastructures and is in close proximity (i.e. within 200m) of the Mona Vale retail and commercial area and accordingly the Site is considered appropriate for new residential development.

The Planning Proposal to reclassify Council-owned land at Mona Vale to "Operational" and to permit medium density housing on the Site at No.1596-1598 Pittwater Road, Mona Vale, has planning merit and is justified in the following respects:

Strategic Planning Need

The strategic need for the rezoning and reclassification is supported by Council's adopted Plan of Management for Kitchener Park, Mona Vale. The Site is physically separate from the functioning areas of Kitchener Park and is considered surplus to Council's future open space needs.

The future intended land use of the Site is compatible with the adjoining public reserve and is consistent with residential and special uses built form adjacent to the Site, on the opposite side of Pittwater Road, or on land adjoining the Site.

It is considered that the Planning Proposal is the best means of achieving the objectives for the Site.

The Planning Proposal removes an existing restriction on uses and permits uses and development that will contribute to state and local planning objectives and provide public benefits without unacceptable environmental and social impacts.

Economic & Social Benefits

The Planning Proposal will provide significant economic and social benefits. The proceeds from the divestment of the land will be used for the future embellishment of the park and implementation of the initiatives contained within Council's adopted Plan of Management for Kitchener Park.



The Site does not contain any items of environmental heritage and is not likely to contain any identified archaeologically significant sites. The rezoning of the Site from open space to Residential will ensure that the Site contains a land use zoning consistent with the adjoining residential land use zones. Accordingly, it is considered that there will be a social benefit from ensuring the future residential development on the Site is consistent with the existing residential area.

It is considered that the rezoning will have a positive economic effect on the Mona Vale Town Centre.

No Public Infrastructure Costs

There are no significant costs to the community as transport and utilities infrastructure are in place to service the Proposal. Transport infrastructure is in place with the Site having main road frontage and access, and it is adjacent to the Mona Vale Town Centre. Utility services are available - electricity, telecommunications, water, sewer and gas.

As discussed, there is a bus stop on Pittwater Road a short distance to the north of the Site that provides high frequency, direct public transport access to the Sydney CBD and other centres on the Northern Beaches.

The Site is within 200 metres of the Mona vale shopping centre and as such is well served by retail and commercial services for the daily needs of the residents.

There is public open space available to the future residents of the development proposal at the Site directly to the north, with a golf course abutting the east boundary of the Site.

Accordingly it is considered that the Site is well serviced by all essential, commercial and retail services, community and recreation areas as well public infrastructure.

No Environmental Constraints

There are no significant environmental constraints on or adjacent to the Site.

Recommendation

Given the above merits, it is recommended that Pittwater Council forward this Planning Proposal to the Minister for Planning for a "gateway determination" in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.