

29 January 2026

Mr Kevin Kim
Email: kevin.kim@dpie.nsw.gov.au

Our Ref: 2026/036276

Dear Mr Kim,

Council Comments on Response to Submissions - SSD-91496958 - 159-167 Darley Street West, Mona Vale

I refer to your Portal request for Northern Beaches Council's advice on SSD-91496958 for residential with in-fill affordable housing at 159-167 Darley Street West, Mona Vale.

Please find the attached appendix outlining Council's advice on the EIS for the proposal for 3 residential flat buildings including 81 apartments.

In the appendix, advice is provided on context, local policy requirements, and areas of concern.

In summary, concerns are raised with the following:

- Bulk and Scale
- Insufficient setbacks/separation
- Visual Privacy
- Solar Access
- Lack of appropriate response to Apartment Design Guide (ADG)
- Impacts on Natural Environment
- Flood issues
- Waste and Traffic concerns
- Landscape concerns

For these reasons and as outlined in detailed comments below, the State Significant Development Application is not supported in its current form.

Should you require any further information or assistance in this matter, please contact Council's Tom Prosser, Assessment Planner on 8495 6499.

Yours faithfully



James Farrington
Director Planning and Place

APPENDIX 1 - DETAILED COMMENTS FOR ADVICE ON EIS FOR SSD-91496958 NORTHERN BEACHES COUNCIL

1. Development Assessment

Issues raised

- **The proposal does not provide appropriate Landscaped setting, has excessive bulk, scale and massing, and does not provide suitable setbacks and separation.**

The provisions of SEPP Housing 2021 allow for a scale of built form significantly greater than the established character in the area. However, concern is raised with the extent of built form, lack of integration with the landscaped setting, and lack of appropriate separation and setbacks to neighbours.

Surrounding development responds to a development standard for building height of 8.5m. A building of the proposed scale, in this context, should provide greater separation (to respond to the guidelines under ADG), and provide greater areas of landscaping and planting to mitigate the visual impact of building bulk, particularly within the front setback area. Areas with extensive wall lengths should be provided with greater articulation and stepping.

- **The proposal provides insufficient response Building Separation (including at the zone interface) and Visual Privacy under Apartment Design Guide (ADG).**

Concern is raised with the lack of separation of the upper levels from the northern boundary. The ADG requires an additional 3m (total 9m) in separation be provided for the lower density zone interface. Separation of at least 9m should be provided for the upper two levels to minimise privacy and amenity impacts on adjacent development.

- **The Siting of Development (Orientation) does not allow for appropriate Solar Access in accordance with ADG.**

The siting, design and scale of the built form would have significant impacts on solar access for properties to the south. As well as providing greater separation to the north (as above), consideration should be given to siting and orientation the building to provide greater levels of solar access to neighbouring properties.

General advice

- **There is inconsistent information provided for Building height and affordable contributions.**

The proposed contributions are based on a building height of 21.175m. However, the maximum building height on the sections is approximately 22m.

2. Traffic

Parking

The off-street parking requirements would be as per the Pittwater DCP. i.e. 2 spaces per dwelling. The total of 164 parking spaces is acceptable. However, with up to 10% of dwellings needing to be adaptable, the parking space for each dwelling should be designed as an accessible parking space.

No visitor parking is available on site in line with the requirements of the Housing SEPP. A parking study has not been undertaken to demonstrate there is available street parking to offset the lack of visitor parking within the development site. There is angle parking on the opposite side of Darley Street West that currently has an 8-hour timed restriction, which may need to be adjusted to provide suitable turnover to support the development. This should be subject to further Council approval and at the developer's cost.

Traffic Generation

The traffic generation has been assessed by the proponent based on the Guide to Transport Impact Assessment High Density Residential – High Public Transport Accessibility rate which indicates the peak pm trip generation would be approximately 12 VTH, and a discount applied for the former land use which was 3 VTH resulting in a net increase of 9 VTH.

Concern is raised about the assumptions in the traffic assessment as the site is approximately 1200m to the inbound high frequency B-Line stop and the closest bus stop only has a 30-minute service frequency. As such the proposal should be assessed against the Low public transport accessibility trip generation rates and/or suitable additional measures provided to mitigate the impact of the development on the surrounding road network.

Modelling should be undertaken to demonstrate the adjoining road network can cater for the increased traffic generation within the network. The AM peak is more critical to operation due to the proximity of the nearby school, and the already significant level of congestion along Pittwater Road towards Barrenjoey Road.

Loading/servicing

The Traffic Impact Assessment does not address how the development would be serviced and no allowance for onsite servicing has been provided. The development should cater for servicing of waste by a 10.5m waste collection vehicle. It is unlikely all other servicing needs would be undertaken by SRVs or mini vans.

Removalist trucks would be required on a regular basis and off-street parking for at least a MRV to facilitate access for removalist trucks and other large servicing vehicles, in addition to the loading bay for garbage and recycling is necessary for access to the Residential Flat Buildings.

Circulation

The access road should be designed for the largest vehicle that would access the subject site, noting the waste collection vehicle is 10.5m and the development is likely to be serviced by this size vehicle, circulation should be provided to address the HRV design vehicle.

Vehicle circulation throughout the carpark must be demonstrated for a B85 vehicle passing a B99 vehicle. With all critically located parking spaces demonstrated to provide acceptable access for a B85 vehicle.

Sight lines

Adequate sight lines consistent with AS/NZS2890.1 clause 3.2.4 should be present where the new road meets the property boundary (for pedestrian sight lines) and the kerb alignment (for vehicles).

Works required in the public domain

As part of the development, the proponent should undertake the following works to support the residents of the proposed development:

- Construction of a footpath of a minimum width of 1.5 metres along the site frontage from Kunari Place pathway to the existing footpath network to the east.
- Redesign the intersection geometry in Darley Street West to accommodate two eastbound lanes, one dedicated left and one right and straight through lane. This may require reconstruction of the pedestrian facilities in Darley Street West to meet compliance with TfNSW standards.

Other Matters

The Construction Traffic Management Plan (CTMP) submitted not endorsed. If the application is approved, the applicant must apply to Council for a CTMP approval after engaging with the Transport Team at Northern Beaches Council to provide guidance on suitable travel routes and construction staging.

Any changes to parking restrictions required to facilitate the proposed development would need to be submitted to Council at least 8 weeks prior to the proposed implementation to allow the matter to be considered by the Northern Beaches Council Local Transport Forum.

3. Waste

Advice regarding waste management contain Work Health and Safety aspects and requirements relating to long term contractual arrangements with the third party service provider. Changes to fundamental requirements may lead to liability relating to worker and public safety, or significant financial implications for Council.

Issues raised

- The only access to the waste holding bay is across the ramp to the basement parking through roller doors and the loading dock for the transfer of domestic waste, commercial tenants to deposit waste and RACF staff. This is not acceptable without marking out a designated clear marked pathway for movement of bins to and from the bin holding area across the vehicular pathway. An alternative would be to have an access where the building managers room currently sits.
- The Operational Waste Management Plan and the Architectural Plans do not show:
 1. The pathway for movement of domestic waste bins from the chute discharge rooms to the waste holding bay and how this will be achieved safely and not via a conflicting vehicular pathway. If bin moving equipment is to be used which would be necessary to move 660l bins from the basement to the ground floor holding bay, this needs to have a dedicated storage point shown on the plans.
 2. The pathway for movement of domestic recycling from individual levels to the waste holding area by the building manager/caretaker.

3. The pathway for bulky goods to be moved to the ground level for collection and where they will be temporarily stored awaiting collection.
4. The pathway for movement of food organics bins to the waste holding area.
5. The pathway for the commercial tenants to access the commercial waste storage
6. The pathway for the RACF operators to access the RACF waste storage
7. The vehicular pathway must be sufficient to accommodate Council's standard waste collection vehicle which is 10.5m long, 3.5m wide and requires 4.5m clearance throughout its path of travel.
8. Swept path for Council's standard waste collection vehicle (10.5m long & 4.5m high) should be shown

General advice

- **Chute and waste storage details**

Chute inlets within a recycling cupboard which have sufficient room to house a 240L paper recycling and a 240L containers recycling cupboard are present on each level in each core building.

Chutes discharge into four basement waste storage rooms with chutes, and a bulky waste storage room can be identified in the basement of the building on the architectural plans. Plans should be updated to show actual 660L bins in chute room and that there is sufficient room for a linear track and for manoeuvring of bins. Bin and track dimensions should be shown.

Doors to all waste storage rooms and bulky storage should be a minimum of 1.5m wide (to accommodate the larger sized bins), open outwards and be able to be latched in an open position.

The individual chute rooms for each core are acceptable provided doors are of sufficient width. Each chute room will house a 2-bin linear track 660L chute discharge system with a spare service bin. Compaction is not permitted due to damage caused to bins. Residents must not have access to the chute discharge rooms at any time. The Building Manager will be responsible for managing the chute and their bins.

Separate FOGO bin storage rooms required as per EFC Operational Waste Management Plan of March 2025. Each building core should have a FOGO waste storage room sufficient to house sufficient 240L bins for that core based on 24L per dwelling per week adjacent to or close to the lifts for each core. Required provisions follow:

- Building A – 1032l/week = 4.3;
- Building B 1152l/week = 4.8;
- Building C1 – 1632l/week = 6.8
- Building C2 – 984l/week = 4.1

Door openings to recycling bin rooms on each individual level to be minimum 1,200mm (each leaf) opening outwards. Recycling bins will be collected from each level by the building manager as required and moved to the bin holding bay the day prior to collection day. Paper and container recycling will both be weekly.

- **Access and design requirements**

There should be a separate pathway for access to bin rooms and for moving bins to the waste holding area that does not conflict with a vehicular pathway. Any pathway should accommodate any bin moving equipment and where necessary traffic lights or mirrors be incorporated for safety.

The operational waste management plan prepared by Elephants Foot Consulting in March 2025 indicates there is a commercial waste storage room in the basement (page 28). This is not the case. A commercial waste storage holding room of 36m² is shown adjacent to the waste holding bay on the Ground floor that is enclosed with a roller door for access. A separate area for the RACF waste is indicated next to the commercial waste storage. Commercial operators must not have access to the domestic waste holding area at any time.

There appears to be a column in the waste holding area which is not acceptable. The domestic waste holding bay should be walled off or caged. The column could be incorporated into a wall or cage to enclose the domestic waste holding area. Doors must be a minimum of 1.5m wide opening outwards and able to be latched in an open position for servicing. This is to ensure that the residential waste storage and holding rooms must be secured and must not be accessible to commercial operators within the development at any time.

- **NSW FOGO requirements**

Provision should also be made to accommodate the NSW FOGO mandate legislated in 2025, Space for food recycling bins would also be required for commercial tenants and the RACF.

- **Service Provision**

The standard domestic waste service for MUDs is provided as a wheel in / wheel out service using 240L MGB's from a loading bay adjacent to a waste storage room or waste holding bay. For a development of this size collection is required to be on-site which has been accommodated with the loading bay and waste holding area.

The architectural plans and the Operational Waste Management Plan specify 660L bins for putrescible waste collected twice weekly. As stated, NBC Standard service uses 240L bins but use of 660L bins for putrescible waste can be accommodated for this development. Compaction is not supported due the damage caused to the bins and the cost to council of replacement bins. Standard 240l bins will be used for recycling streams and for food organics.

Collection of domestic waste, recycling, garden organics* (*FOGO) will be by council's domestic waste contractor using a 10.5m HRV requiring 4.5m clearance throughout twice weekly.

Bulky waste will be collected on a 5 weekly cycle by council's domestic waste contractor. An enclosed area of 40m² for presentation of bulky waste at ground level will need to be identified that is accessible for the collection contractor from the loading bay. Doors should be minimum 1.5m wide opening outwards and able to be latched in an open position. Said collection area needs to within 10m access for a collection vehicle

- **Advice on building of waste storage rooms**

All waste storage rooms and holding areas must be built as per the Northern Beaches Waste Management Guidelines and free of any service and utilities infrastructure, pipes, vents, columns or obstructions and have only 90o angle corners.

4. Landscape

Issues raised

Front setback to Darley Street West

Concerns are raised that the landscape setting outcomes within the front setback is restricted by the proposal for structures and utilities, resulting in a poor streetscape presentation, as documented on Plans including the Landscape Plans.

Retaining walling and planters of limited width is proposed to support low height planting only. The proposed taller planting within private open space, in areas that an occupant will seek greater outdoor useable space may be altered and thus the front setback as documented is unlikely to soften the built form presentation to the streetscape. As documented it is considered the proposed Cabbage Tree Palm planting within the front setback will require decades to provide any landscape amenity and there is limited canopy tree planting proposed.

To provide a more suitable landscape setting within the front setback, it is suggested an appropriate outcome is to deliver taller tree and palm planting within a 3 metre wide unobstructed zone across the front boundary frontage, requiring walling/planter layout to be re-organised.

Furthermore, the wider landscape zone will allow greater species variation (groundcovers, shrubs and trees) more in keeping with the character of the local area. Tree species should be able to achieve a mature height commensurate to the proposed built form height, and be at suitable and dense planting centres to establish a manageable and effective screening character.

Streetscape amenity

A footpath extension is required fronting the length of the development site to adjoin to the existing footpath that continues to the Pittwater Road intersection. Additionally, tree planting should be provided within the road reserve verge.

Eastern side boundary

The basement setback of approximately 2.4 metres from the side boundary limits the long-term establishment of tall tree planting along this boundary and it is noted that the Landscape Plans include both large and small-medium tree planting. Given the restricted deep soil, proposed structures and existing and proposed building alignments, it is suggested that only small-medium trees should be proposed with increased planting centres to establish a manageable and effective screening character.

Existing trees

No concerns are raised on the recommendations of the Arborist Report.

5. Biodiversity

Issues raised

- No concerns are raised from a biodiversity perspective as the Pre-Lodgement Meeting recommendations have generally been considered in the submitted documentation.
- It is recommended that the Biodiversity Development Assessment Report (SLR Consulting, November 2025) be resubmitted to ensure strict compliance with the requirements of the requirements of the Biodiversity Conservation Act 2016 – Part 6

division 3 clause 15 (b): “(b) the report is submitted within 14 days after the certification date.”

- The section of Avoidance and minimisation of impacts included in the submitted Biodiversity Development Assessment Report (SLR Consulting, November 2025) states that the development footprint has been selected to avoid impacts to areas of higher retention value. However, design options shown in Appendix C – Concept Designs do not highlight the retention of higher value vegetation it is recommended that this point is made clearly evident and that the changes in the footprint of the buildings be highlighted.
- Impact mitigation measures included in section 8.4 of the submitted Biodiversity Development Assessment Report should be integrated and referred to in Appendix E – Consolidated Mitigation Measures (Colliers). These mitigation measures will not only reflect the importance of the management of impacts to vegetation but also impact mitigation measures and management strategies in place where adverse events with protected fauna could occur.
- It is recommended that the Landscaping Planting Schedule presented in Appendix I (Arcadia, November 2025) be revised to ensure strict compliance with the requirements of Pittwater DCP B4.7 where at least 80% of plants selected belong to the Pittwater and Wagstaffe Spotted Gum Forest Endangered Ecological Community. The inclusion of hybrid and cultivar species is to be avoided and their numbers should not be counted towards the percentage of native plants included in the proposal.

6. Flooding

General advice

- **Flood Level Data**

The following flood data comes from the 2019 Newport Flood Study:

The flood characteristics vary across the property due to its natural slope. It is within a Flood Storage precinct and has a floodway bisecting the site. The proposal must account for the effects of climate change, incorporating this into its planning levels and evacuation plans. All FPLs in this document use a CC 1% AEP + 0.5m freeboard.

A Flood Management Report prepared by a suitably qualified engineer should be submitted with the DA. The Flood Management Report should demonstrate compliance with all requirements in Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP. In particular, please note the following controls:

B3 – New electrical equipment, points, wiring, fuel lines or any other service pipes and connections must be waterproofed and/or located above the FPL of 7.91m AHD for each location.

C1 – The proposed flood levels, including for building C, are at or above the FPL of 7.91m AHD.

C3 – Building C is constructed so that it's above the floodway. The proposed ground floor is an acceptable height, but they will need to ensure no structural support pillars are within the flow path.

D6 – The driveway crest should be at the PMF CC height, with no water entry points into the basement in the FPA.

Guidelines for development on flood prone land and how to prepare a Flood Management Report are available on Council's website.

7. Contributions

General advice

- The proposal is to provide for the delivery of a 5% affordable housing contribution to Council (being 5% of the total residential gross floor area (GFA) of the development) in accordance with Councils Affordable Housing Contributions Scheme (the Scheme), Pittwater Local Environmental Plan (LEP) 2014 and Affordable Housing Contributions Scheme Map.
- The application is to identify 5% of the total GFA to be provided as affordable housing as an equivalent monetary contribution in accordance with the Scheme and PLEP 2014.

8. Water Management

General advice

- **Incorporation of Vegetated Stormwater Treatment Elements**

While the proposed stormwater quality treatment system utilising cartridge filtration is noted, it is recommended that, where site constraints allow, the proposal incorporate vegetated stormwater treatment measures (such as bioretention systems, raingardens, vegetated swales, or bio-filtration basins) either:

- Upstream of cartridge filters as pre-treatment, or
- As part of a treatment train in combination with cartridge systems.

The rationale for this is that vegetated stormwater systems provide multiple water quality and environmental benefits, including:

- Effective reduction of suspended sediments, nutrients, hydrocarbons, and metals
- Enhanced hydraulic attenuation, reducing pollutant mobilisation during rainfall events
- Improved system resilience and reduced reliance on mechanical filtration alone
- Alignment with water sensitive urban design (WSUD) and ecologically sustainable development principles under the Water Management Act 2000

Where cartridges are retained, vegetated systems can act as pre-treatment, extending cartridge lifespan and improving long-term performance.