19 August 2025

2240339

Kiersten Fishburn
Planning Secretary
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street,
Parramatta NSW 2150

Attention: Justin Keen, Senior Planning Officer

Dear Justin,

Request for Industry-Specific SEARs – In-fill Affordable Housing SSDA
159 - 167 Darley Street West, Mona Vale

The letter has been prepared by Ethos Urban on behalf of The Trustee for DREP1 Mona Vale Sub Trust (the Applicant) to request Industry-Specific Secretary's Environmental Assessment Requirements (SEARs) from the Department of Planning, Housing and Infrastructure (DPHI).

Industry-specific SEARs are requested to enable and guide the preparation of an Environmental Impact Statement (EIS) for the purposes of In-fill Affordable Housing for a State Significant Development Application (SSDA) made for the site at 159 - 167 Darley Street West, Mona Vale (the site).

This letter provides a description of the site, the proposed development and statutory planning considerations, including eligibility for the State Significant Development (SSD) and industry-specific SEARs pathways. It should be read in conjunction with the following:

- Architectural Concept Plans, prepared by PBD Architects (**Attachment A**);
- Estimated Development Cost Statement, prepared by Napier Blakeley (**Attachment B**);
- Preliminary Flood Review, prepared by Martens (**Attachment C**); and
- Ecological Statement, prepared by SLR Consulting (**Attachment D**).

1.0 Applicant Details

The Applicant's details are presented in **Table 1** below.

Table 1 Applicant Details

Applicant:	**The Trustee for DREP1 Mona Vale Sub Trust**
ABN:	16101428177

2.0 Background

Planning Proposal (PP-2021-7404)

The site was the subject of a site-specific Planning Proposal, which sought to amend the Pittwater Local Environmental Plan (LEP) 2014. On 15 April 2025, the amendment to the Pittwater LEP 2014 was finalised, which involved the following key changes to the site's planning controls:

- Rezone the site from Zone R2 Low Density Residential to Zone R3 Medium Density Residential.
- Include a clause under the Pittwater LEP 2014 to require a 5% affordable housing rate to apply to the total gross floor area.
- Include the site on the Biodiversity Map and for clause 7.6 biodiversity of the Pittwater LEP 2014 to apply.
- Remove the site from the Minimum Lot Size Map consistent with all land zoned R3 Medium Density Residential in the Pittwater LEP 2014.

Clause 4.5A Pittwater LEP 2014 Dwelling Density restriction

Following LEP finalisation, it was noted that the final LEP Amendment did not achieve the underlying objectives or intent of the site-specific rezoning, which was to abolish the restriction of dwelling density control applicable under Clause 4.5A of the Pittwater LEP for all R3 zoned land.

Ethos Urban, on behalf of IPM and Dexus, made representations to DPHI in May 2025 raising concern for the continued application of this dwelling density control, and its effects on the application of applying Chapter 6 (Low and Mid Rise Housing) under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). As it currently stands, this control provides a limiting dwelling target of 1 dwelling per 200sqm, which restricts the project overall yield to approximately 30 dwellings at the site, despite the indicative design demonstrating that 81 apartments can be comfortably achieved at the site.

We acknowledge that the DPHI is aware of this matter and that the Planning, Land Use Housing and Infrastructure team are working on resolving this issue as it also affects the broader LGA. Given that the Applicants timeframe for SSDA lodgement is December 2025, we have received written correspondence from DPHI that project specific advice will be issued for this project on next steps to administratively address this issue as part of the SSDA.

3.0 Site Description

An overview of the key components of the site are described in **Table 2** below.

Table 2 Site Description

Component	Description
Site Address	159 - 167 Darley Street West, Mona Vale
Legal Description	Lot 1 - 5 of DP 11108
Local Government Area	Northern Beaches Council
Land Ownership	Darleydev Pty Ltd
Zoning	R3 Medium Density Residential
Site Area	6,122m^2
Street Frontages	Darley Street West (north-east aspect)
Existing Development	Four (4) single detached dwelling houses
Site Context	The site is surrounded by a mix of low to medium density residential dwellings in its immediate context, with recreational areas to the north and employment lands further east beyond.
Surrounding Development	• **North:** The site is bound by Darley Street West at its primary frontage to the north, and overlooks the Bayview Golf Club located on the opposite site of the road. Further to the

	north-east beyond the Golf Club (approximately 330m away), is Pittwater High School and the Winnererremy Bay. • **East:** The site is bounded by medium density residential dwellings to the east. Further to the east, approximately 130m beyond, is residential development in the form of two apartment complexes which are known as 'The Masters' and the over 55s 'Mornington' complex. • **South:** The site is bound by medium density residential dwellings to the south and south-east. Further to the south-east, approximately 700m beyond, is the Pittwater Shopping Centre and other employment lands. • **West:** To the immediate west of the site contains low density residential dwellings. Further west beyond contains the Bayview Golf Course.
Flooding	The site is located on land identified within a flood planning area, given its location in the Cahill Creek catchment. An overland flow path, formed by a natural drainage depression in the rear portion of the site, runs in a north-westerly direction. Refer to the Preliminary Flood Review at **Attachment C**.
Biodiversity	The site is identified on the Biodiversity Map, under the Pittwater LEP 2014, as it contains some vegetation species identified as having biodiversity value. Refer to the Ecological Statement provided at **Attachment D**.
Topography	The site has a sloping topography, falling from the east to the west with an RL difference of 8.55m.

The Site

NOT TO SCALE

Aerial ref.	Street address	Lot/DP
1	159 Darley Street West, Mona Vale	Lot 5 DP 11108
2	161 Darley Street West, Mona Vale	Lot 4 DP 11108
3	163 Darley Street West, Mona Vale	Lots 2-3 DP 11108
4	167 Darley Street West, Mona Vale	Lot 1 DP 11108

Figure 1 Site aerial map

Source: Nearmap, edits by Ethos Urban

4.0 Project Description

An overview of the key components of the project are described in **Table 3** below.

Table 3 Project Detail

Component	Description
Land Use	Residential Flat Building (Infill Affordable Housing)
Project Description	The proposed development will seek consent for: • Demolition of existing buildings; • Removal of trees, transplanting of one (1) tree, planting of new trees; • Construction of: – 1-3 storeys of basement car parking (noting that the basement extent varies per level); – 3 x 6 storey residential apartment buildings, comprising 81 apartments, including: o 10% affordable housing GFA for the purposes of affordable housing pursuant to the Housing SEPP, for a period of at least 15 years. o 5% affordable housing contribution pursuant to the Pittwater LEP 2014 and Northern Beaches Affordable Housing Contributions Scheme.
Gross Floor Area	10,991m^2
Floor Space Ratio	1.815:1
Building Height	21.17m
Landscaping	3,177m^2 (52% of site area)
Deep Soil	2,488m^2 (40%)
Solar Access	57/81 apartments (70%)
Cross Ventilation	62/81 apartments (76.5%)
Parking	161 car parking spaces (including 16 accessible parking spaces) will be provided within the three basement levels proposed, in accordance with the Housing SEPP and Pittwater 21 Development Control Plan provisions.
Estimated Development Cost	$94,694,933 (excluding GST). It is noted that this is indicative only and subject to more detailed cost reporting to be provided as part of the SSDA. Refer to the EDC Statement at **Attachment B**.

Figure 2 Indicative perspective drawing of proposed development

Source: PBD Architects

5.0 Statutory Planning Considerations

The relevant statutory considerations at this stage of the project, including eligibility for the SSD and industry-specific SEARs pathways are outlined in **Table 4** below.

Table 4 Statutory Planning Considerations

Component	Assessment
SSD Qualification	Development for the purposes of In-fill Affordable Housing with an Estimated Development Cost (EDC) of more than $75 million is SSD under Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP). The proposed development will have an EDC of $94,694,933 (excl. GST) and therefore is considered SSD. Refer to the EDC Statement at **Attachment B**.
Permissibility	Development for the purpose of a Residential Flat Building is permissible with development consent in the R3 zone, under the Pittwater LEP 2014 and under Chapter 6 of the Housing SEPP as the site is identified as part of an established LMR housing area. In accordance with Section 15C(1)(c)(i), the development is proposed to be carried out in an accessible area as it is within 400m walking distance of the Maxwell Street bus stop, used by regular 182 and 155 bus services, with at least one (1) bus per hour servicing the bus stop between 6am and 9pm each day from Monday to Friday, both days inclusive, and 8am and 6pm on each Saturday and Sunday. Additionally, the proposed development is also in accordance with Section 15C(1)(c)(ii), given that it is within 800m of the B4 Mixed Zone (now reformed as E4 General Industrial Zone).
Development Standards	Pittwater LEP 2014 • **Maximum Floor Space Ratio:** None (refer to Housing SEPP). • **Maximum Height of Buildings:** 8.5m (refer to Housing SEPP). • **Dwelling Density:** 1 dwelling / 200m^2 site area, resulting in a maximum of 30 dwellings (note ongoing discussions with DPHI to resolve this matter). Housing SEPP - Chapter 6 As the site is located within the LMR housing outer area and proposes a Residential Flat Building within the R3 zone, it is subject to the following non-discretionary development standards: • **Maximum Floor Space Ratio:** 1.5:1. • **Maximum Height of Buildings:** 17.5m (4 storeys or fewer). Housing SEPP - Chapter 2 As the proposed development includes the provision of a 10.5% affordable housing component, it is subject to the following additional bonus: • **Permitted Floor Space Ratio:** 1.815:1 (1.5 x 21%). • **Permitted Height of Buildings:** 21.175m (17.5m x 21%). Noting, dwellings will be used as affordable housing for at least 15 years.
Variation	As an administrative process in the interim of DPHI rectifying the Clause 4.5A Dwelling density control matter for R3 zoned land, if required, a Clause 4.6 Variation request will be prepared to administratively address the variation to this density control for residential accommodation proposed within R3 zoned land. Currently under clause 4.5A, a dwelling density control of 'a maximum of 1 dwelling per 200 square metres of site area' is applied (albeit incorrectly), which yields a maximum of 31 dwellings permitted. However, the proposed development seeks consent for an indicative provision of 81 dwellings at the site, which results in a 103% variation. We note that the DPHI are aware of this matter and are actively looking to resolve the issue on an LGA wide scale, which may or may not require a Clause 4.6 Variation request.
Other Approvals	**Approvals applicable:** • *Biodiversity Conservation Act 2016* - Due to the presence of native and exotic vegetation on the site, a Biodiversity Development Assessment Report will be prepared as part of the SSD application. Refer to the Ecological Statement at **Attachment D**. **Approvals not applicable:** • *Rural Fires Act 1997* – the site is not identified as bushfire prone land.

Eligibility for Industry-Specific SEARs	Industry-specific SEARs only apply to SSD applications other than those that: • would be designated development but for the Act, section 4.10(2), or • are partly prohibited by an environmental planning instrument (EPI), or • are wholly prohibited by an EPI, to the extent permitted by the Act, section 4.38(5), or • are a concept DA for SSD. None of the above will apply to the proposed development, hence the preparation of this industry-specific SEARs request.

6.0 Engagement

The Applicant team has undertaken early and productive consultation with the DPHI on 23 July 2025 to discuss proposed development as described within this letter. Early engagement and meetings with the Northern Beaches Council are also in the process of being facilitated to ascertain Council's view on key issues relative to flooding, traffic and biodiversity.

Further engagement will be undertaken as part of the project, which will be in accordance with the *Undertaking Engagement Guidelines for State Significant Projects* (2021). The proponent will undertake engagement with the following stakeholders:

- Department of Planning, Housing and Infrastructure;
- Northern Beaches Council;
- Adjoining land owners;
- Transport for NSW;
- Service providers – Ausgrid, Jemena, Sydney Water;
- Local community stakeholders and action groups.

The SSDA process will provide further opportunities for community input and for the Applicant to respond to any issues raised. The project team remains committed to continuing dialogue with the relevant stakeholders and agencies throughout the development assessment process.

7.0 Proposed Assessment of Impacts

This section provides an overview of the key matters requiring and not requiring further assessment in the EIS and the proposed approach to assessing each of these matters. The purpose of considering these factors at this stage is to inform the preparation of the SEARs which will guide the preparation of the EIS.

7.1 Matters Requiring Further Assessment in EIS

7.1.1 Urban Design and Residential Amenity

The attached architectural concept prepared by PBD (refer to **Appendix A**) notes that the indicative envelope and design of the proposal is capable of achieving ADG criteria such as:

- Landscaping and deep soil zones.
- Cross ventilation.
- Solar access.

The potential off-site impacts of the proposal will be comprehensively considered and assessed in detail in the EIS. The key considerations will include:

- Overshadowing of adjoining sites.
- Building separation and visual privacy.

7.1.2 Affordable Housing

In accordance with Chapter 2, Part 2 of the Housing SEPP, the project will provide 10.5% of total residential FSR as affordable housing for a period of 15 years. The specific allocation of apartments designated as affordable housing, and the related management measures is subject to ongoing design development and engagement of a preferred Community Housing Provider (CHPs). The allocations of these apartments have not yet been

determined however they will be considered in light of achieving equitable residential amenity across the development.

In addition to the above, the proposed development will provide affordable housing contributions under clause 7.14(4) of the Pittwater LEP 2014.

7.1.3 Stormwater and Flooding

The development site is located within the Cahills Creek stormwater catchment. Flows from this catchment are conveyed in a north-westerly direction contained within the rear of the site. Modelling of the flood impacts through this catchment has been undertaken by Council and recorded in McCarrs Creek, Mona Vale and Bayview Flood Study (2017). As part of this SSDA, flooding and stormwater impacts will be modelled and assessed in the context of the local environment and a Stormwater Management Plan will be prepared as part of the EIS submission. Further, the flood impact risk assessment will also consider any impacts of stormwater overflow and rainfall events on the proposed building design and its structural integrity.

7.1.4 Biodiversity

As the site is identified as having biodiversity values, further consideration of the retention of endangered or ecologically important vegetation will form part of the overall development proposal. As part of this SSDA a Biodiversity Development Assessment Report (BDAR) and Vegetation Management Plan (VMP) will be prepared to address any impacts to biodiversity and recommend any mitigation measures required.

7.1.5 Transport and Traffic

The SSDA will be required to consider the relationship between the proposed development and the surrounding transport infrastructure. Specifically, the capacity of the regional and local roads, and public transport to safely accommodate the new development will be considered.

The EIS will be informed by a Traffic and Parking Impact Assessment, Construction Traffic Management Plan and Green Travel Plan, which will be carried out to demonstrate both construction and operational traffic on the existing and future road network, as well as the functionality of the new roads in the context of the site and the surrounding development.

7.2 Matters not Requiring Further Assessment Beyond Industry-Specific SEARs

The following matters are considered to be addressed by Industry-Specific SEARs requirements for in-fill affordable housing, and no site-specific considerations are considered necessary:

- Statutory Context;
- Estimated Development Cost and Employment;
- Contributions and Public Benefit;
- Engagement;
- Built Form and Urban Design;
- Environmental Amenity;
- Visual Impact;
- Transport;
- Noise and Vibration;
- Water Management;
- Ground and Groundwater Conditions;
- Contamination and Remediation;
- Trees and Landscaping;
- Ecologically Sustainable Development;
- Biodiversity;
- Waste Management;
- Social Impact;
- Flood Risk;
- Environmental Heritage;
- Hazards and Risks.

The following matters will not be required to be assessed:

- Design Quality – the proposed development does not meet the threshold for design excellence processes given that there is no provision for this under any applicable EPI. Notwithstanding this, the SSDA will address how it meets the objectives in Better Placed, and any other design criteria applicable.
- Bush Fire Risk – the site is not on bushfire prone land.
- Public Space – the site is not proposing public space as part of the development offering.

8.0 Conclusion

As outlined in this letter, the Proposal is declared SSD under Schedule 1, Clause 26A of the Planning Systems SEPP and is eligible for industry-specific SEARs. This request for SEARs statement outlines preliminary information regarding the site, the project, the strategic and statutory context and planned stakeholder engagement.

We trust that the information provided is sufficient to enable the Secretary to issue SEARs for the preparation of the EIS.

Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Yours sincerely,

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