

Our ref: Residential Development with In-fill Affordable Housing – 65 Muston Street Mosman (SSD-98068713)

Mr Dan Brindle  
Director  
BBC Consulting Planners  
Level 2, 22-36 Mountain Street  
ULTIMO NSW 2007

12 November 2025

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**Subject:** Planning Secretary's Environmental Assessment Requirements

Dear Mr Brindle,

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for a proposed residential development with infill-affordable housing located at 65 Muston Street, Mosman (SSD-98068713).

Based on the information provided in your application, industry-specific SEARs have been issued for your project.

Please contact the department as soon as possible if your project changes, such that consultation is required with public authorities (under Part 8 of the EP&A Regulation). Your SEARs may need to be reissued and a scoping report may also be required.

The SEARs have been prepared in consultation with relevant public authorities, based on the information you have provided. A copy of the advice from the public authorities is attached for your information.

The Planning Secretary may amend the SEARs to ensure the environmental assessment addresses all relevant matters and aligns with current assessment practice.

### Expiry of SEARs

The SEARs are valid for two years from the date of issue (or the date of the last modification). If you require an extension, please contact the Department at least three months prior to the expiry date. If your application is not submitted within this period, a new request for SEARs will be required to progress your project.

### Additional assessment requirements

The department has identified assessment requirements additional to those attached. These requirements, in addition to the industry-specific SEARs, are provided below and should be taken to be the collective SEARs for the project.

1. Address the requirements of Clause 4.3A Height of buildings (additional provisions) of the *Mosman Local Environmental Plan 2012* (MLEP 2012) in relation to view sharing, bulk and scale and desired future character of the area with a supporting Clause 4.6 variation request, if the application proposes to vary the requirements of Clause 4.3A(4) (building wall heights).
2. If the communal open space (COS) is proposed below the natural ground level, provide hourly shadow diagrams, including shadows cast by boundary fences and retaining walls, to demonstrate that the principal COS can receive 2 hours of sunlight available between 9am – 3pm during winter solstice (June 21<sup>st</sup>).

### Preparing your Environmental Impact Statement (EIS)

Your EIS must be prepared having regard to the department's *State Significant Development Guidelines* – including the *Preparing an Environmental Impact Statement Guideline*. All relevant guides for State significant projects that are referenced in the SEARs are available at:

<https://www.planning.nsw.gov.au/policy-and-legislation/planning-reforms/rapid-assessment-framework/improving-assessment-guidance>.

You are also required to consult with the Department and relevant agencies during the preparation of your EIS, in accordance with *the Undertaking Engagement Guidelines for State Significant Projects*. For more information, please visit the [Prepare EIS page](#) on the NSW planning portal. Agency contact details can be found at:

<https://www.planningportal.nsw.gov.au/major-projects/assessment/guide-agency-directory>.

Before submission, a Registered Environmental Assessment Practitioner (REAP) must declare that your EIS meets the required standards for completeness, accuracy, quality and clarity, as outlined in Division 5 of Part 8 of the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation). A pro forma declaration can be found in [Appendix B of the Preparing an Environmental Impact Statement Guideline](#).

### Biodiversity Development Assessment Report

Any development application that is required to be submitted with a Biodiversity Development Assessment Report must use the template available at:

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-for-the-biodiversity-development-assessment-report-template>.

### Lodging your development application (DA)

To ensure your application is ready for lodgement, please complete the following steps at least two weeks in advance:

- **Submit the Payer Detail Form** to the email address provided on the form. This allows sufficient time for fee determination and payment arrangements to be finalised. The form is available at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/state-significant-development/ssd-process/prepare-eis>
- **Contact our team** to confirm that all lodgement requirements have been met, including whether hard copies, electronic copies, or both will be required for the public exhibition of the EIS.

Upon submission of your application and EIS, the Department will review it for completeness under Part 8 of the EP&A Regulation. At this time, you will also be advised of the applicable DA fee for your project.

### Matters of National Environmental Significance

Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to approvals required under NSW legislation.

It is your responsibility to contact the Australian Government Department of Climate Change, Energy, the Environment and Water to determine if you need approval under the EPBC Act (<https://www.dcceew.gov.au/> or 6274 1111).

If you have any questions, please contact Max Tran on 8275 1606 or via email at [max.tran@dpie.nsw.gov.au](mailto:max.tran@dpie.nsw.gov.au).

Yours sincerely,



Amy Watson  
Director  
Affordable Housing Assessments  
as delegate for the Planning Secretary