

Planning Submission

Submission concerning the statutory assessment of the proposed development

State Significant Development SSD-113-872-990

35–39 Darley Street East, Mona Vale

Submitted by Jennifer Masters

Submission concerning the statutory assessment of the proposed development

State Significant Development SSD-113-872-990
35–39 Darley Street East, Mona Vale

Purpose of this submission

This submission supports the NSW Government's objective of increasing housing supply, including affordable housing, in appropriate locations. It does not question the validity of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). Rather, it respectfully invites the Department to consider whether the Environmental Impact Statement provides sufficient site-specific evidence to support the conclusions on which the proposal relies.

The statutory assessment framework

This application remains a development application requiring development consent. It is not complying development. Although the applicable planning instruments permit this proposal to be brought forward for assessment, the consent authority must still determine whether development consent should be granted having regard to section 4.15 of the Environmental Planning and Assessment Act 1979.

The applicant's own Statutory Compliance Table recognises that section 4.15 requires consideration of the likely impacts of the development, the suitability of the site, submissions made in accordance with the Act and the public interest. This submission respectfully addresses those same statutory considerations and invites the Department to evaluate them by reference to the evidence before it.

Observations on the Environmental Impact Statement

The Environmental Impact Statement explains why the applicant considers the proposal to satisfy the relevant planning controls. It also states that the proposal is "of a scale anticipated by strategic planning and infrastructure planning for the locality" and that the impacts associated with the proposal are reasonably expected having regard to the applicable Housing SEPP incentives.

This submission does not question whether the Housing SEPP permits the proposal to be brought forward. It respectfully asks whether the material before the consent authority sufficiently demonstrates that this particular proposal should receive development consent having regard to the statutory matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979.

The Environmental Impact Statement concludes that the proposal aligns with the strategic planning context, appropriately addresses environmental impacts, is located in a highly accessible location with multiple transport options and is worthy of approval. This submission does not suggest those conclusions

are necessarily incorrect. It respectfully asks the Department to satisfy itself that the evidentiary basis for those conclusions is sufficient before exercising its discretion to grant consent.

Matters respectfully requested to be addressed in the Submissions Report

- Identify the evidence relied upon in concluding that the proposal is "of a scale anticipated by strategic planning and infrastructure planning for the locality".
- Explain the basis upon which the Environmental Impact Statement concludes that the proposal's impacts are reasonably expected having regard to the applicable Housing SEPP provisions.
- Identify the site-specific evidence supporting the conclusion that the proposal is appropriate for this location.
- Explain how the applicant's assessment under section 4.15 informed the conclusions reached in the Environmental Impact Statement.
- Respond specifically to the planning questions raised in this submission so that the Department and the community can understand the evidentiary basis for the applicant's conclusions.

Conclusion

This submission does not advocate a predetermined outcome. It respectfully invites the Department to undertake the independent statutory assessment required by section 4.15 of the Environmental Planning and Assessment Act 1979 and to be satisfied that the conclusions expressed in the Environmental Impact Statement are supported by sufficient site-specific evidence before determining whether the development consent should be granted.

References

- Environmental Planning and Assessment Act 1979 (NSW), s 4.15.
- State Environmental Planning Policy (Housing) 2021 (relevant provisions applicable to this proposal).
- Hastings Point Progress Association Inc v Tweed Shire Council [2009] NSWCA 285.
- Environmental Impact Statement – SSD-113-872-990 (26 June 2026).