

## Submission in Response to SSD Application

### 159–167 Darley Street West, Mona Vale

#### Introduction and Basis of Submission

I am a resident at **155–157 Darley Street West, Mona Vale**, which directly adjoins the eastern boundary of the proposed development at **159–167 Darley Street West**.

This submission is made in response to the Environmental Impact Statement (EIS lodged for the above **State Significant Development application no SSD-91496958**

While I acknowledge the broader policy objectives relating to housing supply and the provision of affordable housing, I contend that the proposed development does not equitably or transparently apply those objectives across the site and would result in **unreasonable and unacceptable impacts on residential amenity**, particularly for immediately adjoining properties such as mine.

This submission focuses on matters of direct relevance to the site interface, supported by reference to the proponent's own documentation so that I can meet the very tight deadline of just 15 days in which to provide my submission – which includes the school holidays and the Australia Day long weekend, and raises additional matters so that I might preserve the ability to provide further supporting information as addenda. I confirmed this possibility is available in a telephone conversation with Mr Kevin Kim.

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#### 1. Overshadowing and Solar Access Impacts

This submission raises significant concern regarding the overshadowing and loss of solar access impacts of the proposed development on **all units at 155–157 Darley Street West**, which is located immediately adjoining the eastern boundary of the site.

Our unit is a two-storey townhouse with bedrooms located on the upper level and living areas and private open space at ground level. Due to the orientation of the site and the natural fall of the land, the dwelling does not receive meaningful morning sunlight and instead relies on solar access from approximately **11:00am onwards**, particularly during the winter months, to provide reasonable levels of daylight, warmth and air circulation to habitable rooms and outdoor living areas.

The shadow and solar access diagrams contained within the Architectural Drawings demonstrate that:

- On **21 June (winter solstice)**, shadowing from the proposed development extends across the western wall, courtyard and living areas of 155–157 Darley Street West from approximately **11:00am**, with no return of direct sunlight for the remainder of the day.
- On **21 September (equinox)**, the development results in loss of solar access from approximately **1:00pm onwards**, again with no recovery of sunlight.
- While no material impact is shown on **21 December**, the winter solstice period is the critical benchmark for assessing residential solar access and amenity.

The EIS relies primarily on property-wide solar access summaries rather than a room-specific or dwelling-specific assessment. This approach fails to adequately reflect the lived amenity impacts experienced by immediately adjoining residents on either side of the fence; that is neighbours and new unit owners in the development on completion.

The submission further notes that references within the EIS to “existing shadow” from trees are misleading. Over the years trees & vegetation along the boundary on 159 side, have been repeatedly requested to be trimmed and current and previous owners did not ever do so. Our body corporate was left to undertake the task – the trees have been trimmed or removed at the submitter’s own expense (\$5000+ on 3 separate occasions in recent years) to improve sunlight penetration, air circulation and to address historic issues of mould and poor winter amenity.

The proposed development introduces a **permanent built-form shadow** that is materially different in scale, duration and severity and cannot be mitigated through vegetation management.

Given the proximity of **Building A** to the eastern boundary; the absence of stepped or staggered setbacks in the built form, as the building rises; the cumulative shadowing effects demonstrated in the winter solstice diagrams; the proposal results in an **unreasonable loss of solar access** to an immediately adjoining residential property.

This impact has not been adequately acknowledged or mitigated in the EIS.

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## 2. Privacy and Visual Overlooking Impacts

The proposal gives rise to significant privacy and overlooking impacts on **ours and all units directly over the fence at 155–157 Darley Street West**, arising primarily from the interface with **Building A**.

Architectural drawings indicate that living rooms on **Levels 2 and 3 of Building A**, incorporating floor-to-ceiling glazing, are oriented directly toward the eastern boundary and are positioned directly opposite the upper-level bedroom windows of our unit. This creates a direct window-to-window relationship between primary habitable rooms.

These impacts are exacerbated by:

- the absence of meaningful staggered setbacks in Building A as the building rises,
- effective alignment of Level 1 of Building A with the ground level of the adjoining property,
- elevated outlook from Levels 3 through 7 into private open space and bedrooms.

Significantly, The EIS **does not** include east-facing sightline diagrams, oblique window analysis or elevated outlook diagrams addressing impacts on 155–157 Darley Street West even though such diagrams exist for the west-facing boundary with single level dwellings in Kunari Place – where intrusion on privacy is minimal.

In the absence of this material, the EIS fails to demonstrate that reasonable visual and acoustic privacy outcomes will be achieved with 155-157 Darley Street West residents.

The impacts extend into the evening and night-time period due to internal lighting, balcony use and associated activity, directly affecting bedroom amenity. The proposal does not adequately address the loss of reasonable enjoyment of habitable rooms and private open space for immediately adjoining residents.

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### **3. Mechanical Noise and Night-Time Light Spill**

Concern is raised regarding the potential for mechanical noise and night-time light spill generated by the development to adversely affect the amenity of **our unit at 155–157 Darley Street West**.

The Noise and Vibration Impact Assessment assesses compliance primarily by reference to predicted noise levels at nominated receiver locations but does not sufficiently address the specific interface conditions between Building A and immediately adjoining residential dwellings.

In particular:

- the location and elevation of mechanical plant relative to adjoining bedrooms is not clearly demonstrated,
- modelling does not meaningfully address short separation distances or cumulative plant operation,
- night-time operational scenarios are not robustly assessed.

Bedrooms within our unit rely on openable windows for ventilation. Even noise levels that technically comply with criteria may still be intrusive during evening and night-time periods due to tonal or intermittent characteristics.

The EIS also does not provide a quantitative assessment of night-time light spill from internal living spaces, common areas or service lighting. Given the direct line-of-sight relationship created by floor-to-ceiling glazing, light spill is likely to be persistent and intrusive.

Mechanical noise and night-time lighting must also be considered cumulatively with privacy impacts. The EIS does not demonstrate that acceptable residential amenity outcomes will be achieved for immediately adjoining dwellings.

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### **4. Flooding, Stormwater and Groundwater Impacts**

The proposal raises serious concern regarding the adequacy of the flood, stormwater and groundwater assessment, given the site's known hydrological constraints and the history of flooding and drainage surcharge within Darley Street West.

The documentation acknowledges an existing overland flow path traversing the site and notes that approximately **70% of peak 1% AEP flows** are proposed to be diverted via the new access driveway to Darley Street West. Post-development modelling indicates increased flood depths within the street.

Darley Street West already functions as a collection point for overland stormwater during heavy rainfall events and lacks dedicated stormwater infrastructure capable of managing extreme events including an easement which delivers stormwater from properties located in Park Street.

There is no stormwater drain in the gutter, from the brow of the hill above the SSD to the bottom of the cul-de-sac. All stormwater flows down the gutter to the bottom of the hill, including stormwater delivered from Park Street.

Of particular concern is the alignment of the proposed driveway, which may allow surcharged gutter flows in extreme deluges to be diverted toward basement access points.

The proposal relies on basement pumping systems and uninterrupted operation during extreme rainfall. Recent events within the street have demonstrated pump failure and surcharge, requiring emergency response attendance. These real-world conditions are not adequately reconciled with modelling assumptions.

Architectural drawings indicate that **Building C** is located over an underground watercourse and drainage easement. The long-term implications of placing permanent built form over an established drainage corridor, including maintenance and obstruction risk, are not meaningfully addressed.

The Groundwater Impact Assessment confirms deep excavation, permanent groundwater interception and reliance on a drained basement system. The cumulative implications of groundwater drawdown altered subsurface flows and reliance on pumping infrastructure are not fully examined in terms of downstream impacts or resilience under extreme rainfall scenarios.

Residents in 155-157 Darley Street West have experienced flooding in the garages on three separate occasions in the last 15 years including the most recent event which occurred on the evening of 17<sup>th</sup> January when 4 RFS units attended the street to help pump water from ours and other unit blocks in the street.

I consider that flood, stormwater and groundwater risks have not been adequately resolved.

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## 5. Transport, Parking and Accessibility

This submission raises concern that the proposal does not align with the strategic intent of the Low and Mid-Rise Housing reforms, which are designed to concentrate density around genuine transport hubs.

While the site is serviced by bus routes, the main one being the B-line which constitutes an **enhanced bus service**, not a rapid or high-capacity transport hub. Services operate at moderate frequencies, without dedicated bus lanes or 24-hour operation.

The other bus routes mentioned in the proposal are actual low frequency suburban shopping routines. The nearest bus stop involves several minutes' walk up hill to arrive at the stop in an adjacent street.

The Transport Impact Assessment relies on theoretical mode-shift assumptions without site-specific evidence. The proposal includes **164 resident parking spaces** but provides **no off-street visitor parking**, displacing demand onto an already constrained local street.

Darley Street West is a narrow cul-de-sac functioning as a local access street. Even modest increases in traffic volumes materially affect safety, access and residential amenity. The assessment focuses on intersection capacity rather than local street function and cumulative impacts.

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## 6. Application of Affordable Housing Incentives and Height Controls

I acknowledge the importance of affordable housing but contend that the proposal applies affordable housing incentives in a manner that is **disproportionate and inconsistent with policy intent**.

All ten (10) affordable housing apartments are located within **Building C**, while Buildings A and B contain no affordable housing. Despite this, the proposal applies the **full height and density incentives** across all three buildings.

This proposal represents the **first State Significant Development in Mona Vale** to rely on affordable housing incentives and will materially influence future application of these provisions.

I question whether it is reasonable for Buildings A and B—particularly Building A, which directly impacts adjoining properties—to receive additional height and bulk where no affordable housing is provided within those buildings. The proposal does not demonstrate a clear nexus between the incentives applied and the public benefit delivered.

In the absence of such a nexus, the proposal risks setting an undesirable precedent whereby affordable housing incentives are leveraged to justify site-wide bulk and scale outcomes for units in the luxury & boutique market without commensurate affordable housing benefit.

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## 7. Community Engagement

While the EIS outlines engagement activities, the process did not constitute meaningful two-way consultation.

A proponent-led webinar was conducted with microphones disabled and written questions not visible to participants. The webinar recording was not made available to attendees. Residents subsequently reported that questions submitted were not answered.

The Community Engagement Table summarises concerns at a high level and responds with generic references to compliance, without demonstrating how site-specific issues influenced the proposal. There is no evidence of targeted engagement with immediately adjoining properties.

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## 8. Other Matters Raised for Consideration (Point Form)

Without limiting the above, the submitter raises the following additional matters:

- Built form, height and bulk relative to local context
- Visual dominance and elevated outlook impacts

- Waste management practicality
- Construction impacts and duration
- Biodiversity and landscaping outcomes
- Climate resilience and extreme weather performance
- Emergency access and safety
- Cumulative impacts across all technical disciplines

These matters are raised to preserve the ability to provide further supporting information if required.

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## **Conclusion**

For the reasons outlined above, **I object to the proposed development in its current form.**

The proposal has not adequately demonstrated that key impacts relating to residential amenity, flooding and stormwater, transport and parking, application of affordable housing incentives and community engagement have been satisfactorily resolved.

Given the scale of the development and its proximity to existing dwellings, further design refinement, technical assessment and meaningful mitigation are required before the proposal could be considered acceptable.

I respectfully request that the consent authority give careful consideration to the matters raised in this submission.

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## **Reservation of Rights**

The submitter reserves the right to provide further expert, technical or site-specific information, including photographs and event records, in support of the matters raised above.

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