

28 November 2025

The Trustee For Osc Development Trust
PO Box 235
ROZELLE NSW 2039

Dear Sir/Madam,

Development Application No: DA2025/1653 for Demolition works and construction of multi-dwelling housing, lot consolidation and strata subdivision at 67 Elimatta Road and 19A Rowan Street MONA VALE.

A preliminary assessment has been undertaken of your application which has found that the application is unsatisfactory in its current form due to the below.

Permissibility

The application proposes demolition works and construction of multi-dwelling housing, lot consolidation and strata subdivision at 67 Elimatta Road and 19A Rowan Street Mona Vale. The proposal relies on the enabling LMR provisions of Chapter 6 of the Housing SEPP permitting multi-dwelling housing within 800m walking distance of the Mona Vale town centre. However, only a portion of 19A Rowan Street is located within 800m walking distance of Mona Vale Town Centre. The application relies on the consolidation of the lots to enable the LMR provisions to extend across the whole site including 67 Elimatta Road.

However, the permissibility of the development under the Housing SEPP only arises when the lots are consolidated. This in the framework of the application could only occur once consent is granted for the DA. At the time that the application is made, the LMR provisions do not presently apply to 67 Elimatta Road, as the LMR development proposed on *that lot* is not within the mapped LMR area or within 800m walking distance of the town centre. Accordingly, Council finds that the proposed development is not permissible.

In order for the application to proceed, further information and/or legal opinion must be provided demonstrating that the proposed development is permissible. Alternatively, the application may be withdrawn.

Options available to the Applicant

Pursuant to Section 94(2) of the Environmental Planning and Assessment Regulations 2021, the assessment period for the Development Application ceases for run during the period between the day on which the request additional information is made and the earlier of —

(a) the day on which the information is given to the consent authority, or



(b) the day on which the applicant gives, or is taken to have given, written notice to the consent authority that the information will not be given.

Council is providing you with three (3) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above matters; or
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application.

Submitting further information/amendments

Please ensure that the additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information after that point.

Please ensure that any additional information is accompanied by a summary of the additional information.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was accepted on 13 November 2025 and 15 days in the assessment period have now elapsed. A response to this letter is required **within 42 days** of the date of this letter.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact Olivia Ramage on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Olivia Ramage
Planner