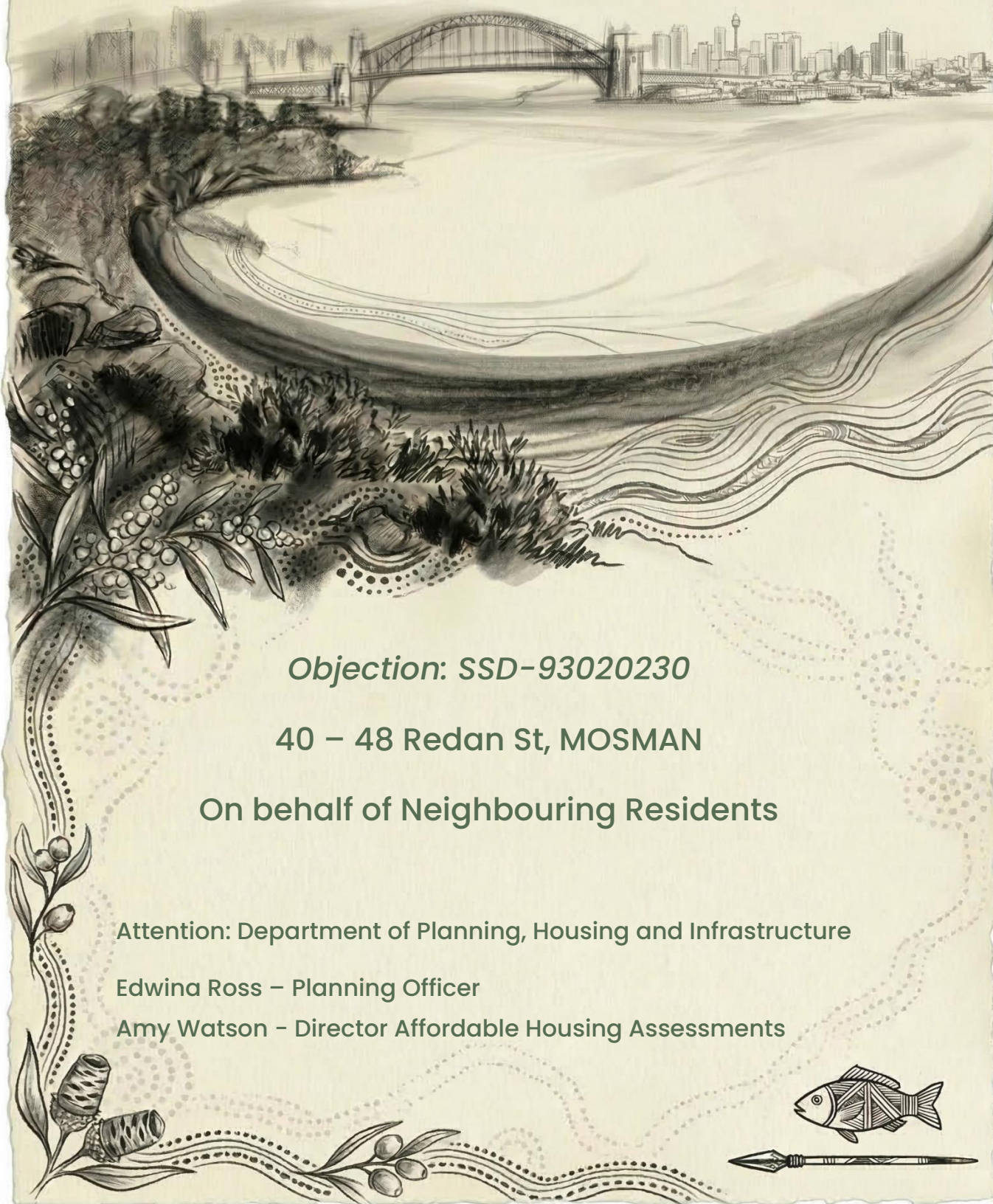


Monday, 30 March 2026

BERRYS BAY STUDIO



Objection: SSD-93020230

40 – 48 Redan St, MOSMAN

On behalf of Neighbouring Residents

Attention: Department of Planning, Housing and Infrastructure

Edwina Ross – Planning Officer

Amy Watson – Director Affordable Housing Assessments

Contact: cody@berrysbaystudio.com – www.berrysbaystudio.com.au

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1 Introduction

Berrys Bay Studio has been retained by the owners of 77 Muston Street (the strata) and 2/77A Muston Street, Mosman, to prepare this formal submission regarding the State Significant Development (SSD) application at 40–48 Redan Street, Mosman (the subject site). Our clients' properties directly adjoin the proposed residential flat building and in-fill affordable housing development, as illustrated in the locality map at Figure 1.

This submission outlines significant concerns regarding the proposal's impact on the established character and amenity of the immediate neighbourhood.



Figure 1 – subject site and objectors' properties

2 Key Issues

2.1 Procedural Fairness

The local community has not been afforded adequate time to meaningfully engage with the exhibition materials and prepare comprehensive submissions. While the applicant has had a significant amount of time to prepare their extensive reports and application, the abbreviated (two week) public exhibition period severely disadvantages the local community. This lack of adequate consultation time denies the community procedural fairness in responding to a State Significant Development of this scale and impact.

2.2 Jurisdictional Issue

The application is fundamentally flawed and must be refused on jurisdictional grounds. To qualify for the applied planning provisions under the SEPP, the site must be located within a 400-metre **safe walking distance** of an accessible centre. In our view this route should be walkable and accessible by people with disabilities and parents with prams. An independent survey and expert advice provided to Berrys Bay Studio (attached to this submission) conclusively demonstrate that the subject site falls outside of this 400-metre walking catchment. Consequently, the proposal fails to satisfy this mandatory statutory prerequisite, and the application must be rejected on this basis alone.

2.3 Inadequate Consideration of EP&A Regulation

Mandatory Requirements for an Environmental Impact Statement (EIS)

Under **Section 192(1)(d)(iii)** of the *Environmental Planning and Assessment Regulation 2021*, an EIS must contain a detailed analysis of the "**significant likely impacts on the environment of the development.**" Compliance with this section is a mandatory pre-condition; an EIS that fails to adequately

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analyse significant impacts is fundamentally incomplete and cannot form the basis of a lawful approval.

Failure to Assess "Significant" and "Catastrophic" Impacts

As established in this submission, the proposal will result in view impacts to neighbouring residential properties ranging from **"Significant" to "Catastrophic."** Despite the severity of these likely impacts, the applicant's own EIS (Ch. 6.4.1.4) admits that the Visual Impact Assessment was prepared **without view inspections from the affected neighbouring dwellings.**

Evidentiary Deficiency and Legal Invalidity

The failure to conduct physical inspections or provide photographic evidence from the primary living areas of affected neighbours represents a fatal flaw in the assessment process:

- **Speculative Assessment:** In the absence of site-specific data and "before-and-after" photo-simulations from private domains, the applicant's conclusions regarding view loss are purely speculative and lack evidentiary weight.
- **Non-Compliance with S.192:** By failing to quantify and visualize the most severe amenity impact of the project, the EIS does not satisfy the requirement for a "detailed description of the aspects of the environment likely to be significantly affected."
- **Incapability of Approval:** Because the EIS is factually and legally deficient regarding these significant impacts, it does not meet the statutory threshold required by the Regulation. Consequently, the consent authority lacks the jurisdictional basis to grant development consent based on the current documentation.

The applicant has failed to discharge their statutory burden to accurately assess the impact of the development. We submit that the application is **legally incomplete** and must be refused or withdrawn until a

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comprehensive Visual Impact Assessment—incorporating physical inspections of all affected private properties—is conducted and exhibited.

2.4 Significant View Loss and Visual Impact

Near to complete loss of view of Middle Harbour and headlands results due to the proposal to the following properties:

- a. From 2/77A Muston Street – loss of views east to eastern shores of Cobbler Bay, Middle Head and North Head – refer to Figure 2
- b. From 77 Muston Street – near to complete loss of iconic views including North Head, Middle Harbour, Dobroyd Head, Grotto Point, Middle Head – see Figures 3 and 4

Both the existing views enjoyed from these properties main living area and the resultant view impacts caused by the proposed development are shown in the Figures on the following pages.

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Disclaimer: The images and visual representations provided in this submission demonstrating the resultant views have been prepared by BBS using the limited 2D plans and elevations made publicly available. As the full digital data and 3D models were not provided by the applicant, these images are approximations intended to illustrate the severe view loss and scale issues discussed herein.



Figure 2 - existing view and resultant view from living area terrace of 2/77A Muston St. View of Middle Harbour will be mostly blocked with @ 80% loss, with remaining views limited to narrow glimpses of North Head and Bradleys Head

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Figure 3 - View from Strata of 77 Muston St





Figure 4 - existing view and resultant view from living area terrace of 2/77 Muston Street. View of Middle Harbour will be mostly blocked with @ 90% loss. Remaining views limited to narrow glimpses of North Head and Middle Harbour.

View sharing principles

In considering the Land & Environment Court's planning principle for view sharing, the proposal is considered unacceptable on the following grounds:

- a. The views from living areas of the abovementioned properties is an iconic view comprising several visually distinctive harbour elements, each being unique and recognisable natural landforms that shape Middle Harbour.
- b. These views are the key focus and most significant to amenity for most housing in the locality, reflected in the predominantly east-west subdivision pattern and living areas being located on the eastern side of housing to maximise views.
- c. View sharing in the locality has been upheld since its settlement, with housing stepping down in height following the fall of the land down to Balmoral Beach. The proposal is completely at odds with the stepped housing form to maintain view sharing.

Visual Impact Assessment

- a. The Visual Impact Assessment by Urbis on behalf of the applicant, fails to provide any photomontages of the proposal to assess view loss from housing to the west of the site on Muston Street and Redan Lane as identified above.
- b. It also fails to address visual impact of the development on the outlook from these affected properties, noting it will largely dominate the skyline, having an unsympathetic intrusive effect on their outlook.
- c. The Site Analysis at Figure 5 below acknowledges 'View to Balmoral Beach' (highlighted below) which are enjoyed from existing housing at the site and will be enjoyed by future residents, however it fails to acknowledge these views are common to most housing along Redan Lane and Muston Street to the western rear, and will be largely blocked as a result of the proposed development.

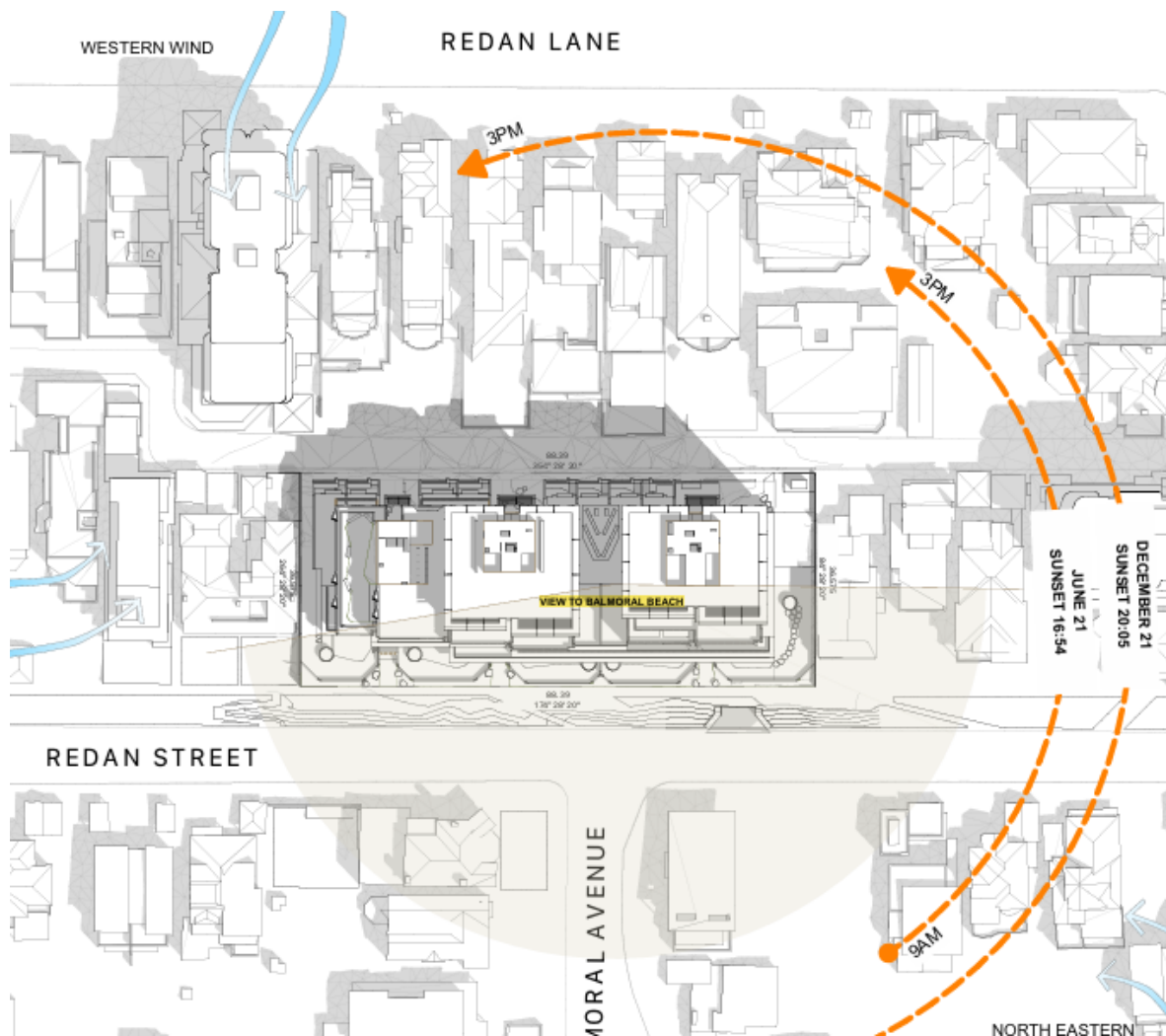


Figure 5 - Site Analysis – fails to recognise views from neighbouring properties

A more skilful and sympathetic medium density housing design could be achieved over the site with significantly lowered building height that maintains reasonable view sharing and sunlight access.

At the very least, the applicant should be required to erect height poles on the site to allow for neighbours, Council and the assessment officer to clearly see the impacts on adjacent properties in terms of height, visual impact, overshadowing and view loss.

2.5 Unjustifiable Height, Bulk and Scale

Gross Disproportion to Statutory Controls

The proposal represents a radical intensification of the site that far exceeds the density contemplated by the **Mosman Local Environmental Plan (LEP) 2012**.

- **LEP Breach:** The site is zoned **R3 Medium Density Residential** with an established height limit of **8.5m** and an **FSR of 0.6:1**. The proposed **2.86:1 FSR** is a **477% increase** over the mapped standard, representing a density more consistent with high-rise "Global City" precincts than a suburban medium-density zone.
- **Height Breach:** At **33.4m (10 storeys)**, the building is nearly **four times the height** of the surrounding two -three storey residential character.

Failure to Comply with Housing SEPP "Incentive" Caps

Even when applying the generous uplift provisions of the **Housing SEPP (Low to Mid-Rise housing)** and the **Affordable Housing bonus**, the proposal remains non-compliant:

- **The 400m Tiered Breach:** For land within 400m of the Spit Junction Town Centre, the SEPP establishes a 22m (6-storey) base. With the maximum 30% affordable housing bonus, the absolute ceiling is **28.6m**.
- **The "Outside 400m" Breach:** If, as we contend, the site is considered to be beyond the 400m radius, the maximum height limit of **17.5m (4 storeys)** applies.
- **The Result:** By proposing 33.4m, the applicant is seeking an additional **6 storeys or 10.65m** above and beyond the maximum possible bonuses allowed under the affordable housing provision. It is also **250%** of the allowable number of 'storeys'. This lacks any statutory merit.

Incompatibility with Local Character and Setting

The proposal, due to its excessive height, bulk and scale, is a discordant and unsympathetic insertion into the Mosman landscape.

- **Lack of Transition:** Good planning requires a sensitive transition between high-density hubs and low-to-medium density residential areas. This proposal fails to "step" or recede, instead presenting a monolithic 10-storey wall that dwarfs the existing two-three storey dwellings.
- **Visual Prominence:** The height and FSR result in a building mass that is fundamentally incompatible with the topography. It does not integrate with the slope but rather sits atop it as an alien "tower" that dominates the skyline when viewed from the street and Middle Harbour.

Severe and Irremediable Amenity Impacts

The excessive bulk and scale are the direct causes of the profound amenity failures identified in this submission:

- **Catastrophic View Loss:** The height exceedance directly results in the total obstruction of iconic harbor views for multiple neighbouring properties. This is a clear violation of the "View Sharing" principles which require developers to design within the building envelope to preserve neighbour outlook.
- **Visual Intrusiveness:** The proximity and sheer verticality of the 10-storey walls create an "overbearing" effect, stripping neighbouring residents of their sense of privacy and significantly degrading the visual amenity of their private open spaces and living areas.

The proposal does not represent "orderly and economic development." It is a gross over-utilisation of a sensitive site. Because the applicant has failed to provide a valid planning justification for a height that exceeds even the maximum SEPP bonuses, the **Clause 4.6 variation is not well founded and must be rejected**, and the application refused.

2.6 Unacceptable Overshadowing

The Elevation Shadows prepared by the architect do not provide a shadow analysis in plan view from overhead at the winter solstice and equinox to determine the full extent of overshadowing impacts to neighbouring properties.

Loss of sunlight to east facing living areas of neighbouring properties to the west will be experienced.

To 77 Muston Street, overshadowing at the winter solstice and at the equinox will significantly increase between 9am – midday.

Overshadowing impacts are a result of the height of the proposal exceeding the height standard. Accordingly, the proposed Clause 4.6 variation to the Height of Building standard is objected to.

2.7 Unjustified Clause 4.6 Variations to Height

The proposed development represents a gross overdevelopment of the site, which is mathematically evident in the severe breaches of both the State and Local height controls. While the applicant relies on the Housing SEPP to maximise yield, the proposal still fails to comply with the generous height limits afforded by this policy.

Building Height Exceedance:

Even with the application of the Low to Mid-Rise (LMR) provisions and a 30% affordable housing bonus—which brings the maximum permissible building height to 22.75m—the proposal significantly exceeds this limit. The northern portion of the building reaches an overall height of 33.4m to the top of the lift overrun and 32.2m to the parapet. This represents a variation of up to 10.65m, exceeding the absolute maximum allowable height by 46.8%. The central portion also breaches the control, reaching 30.2m (a 32.7% exceedance).

Wall Height Exceedance:

The site is zoned R3 Medium Density Residential with a mapped maximum building height of 8.5m and a corresponding wall height control of 7.2m under the Mosman LEP 2012. The proposed development completely disregards this local standard. The proposed wall heights reach 32.2m in the northern portion, 30.4m in the central portion, and 23.5m in the southern portion. These represent extreme departures of 25m, 23.2m, and 16.3m respectively from the 7.2m control.

The submitted Clause 4.6 variation requests to building height and wall height are inadequate and fail to justify the significant departure from the building height and wall height standard. The proposed variation facilitates excessive bulk and scale that will dominate the local skyline and have a highly intrusive effect on the outlook of adjacent properties. This height exceedance directly results in unacceptable amenity impacts, most notably the near-complete loss of iconic Middle Harbour views for neighbouring residents to the west, as well as significantly increased

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overshadowing to their principal living areas, terraces, and swimming pools during the winter solstice and equinox.

Furthermore, the variations fail to demonstrate consistency with the Mosman LEP 2012 R3 Medium Density Residential zone objectives, specifically the mandates to ensure housing is compatible with the desired future character in terms of bulk, height, and scale, and to strongly regard local amenity and private views. Because these severe amenity impacts are a direct consequence of the building exceeding the height standard, the proposal lacks sufficient environmental planning grounds, and the Clause 4.6 variation must be firmly rejected.

Housing SEPP: Section 175 – Missing 4.6 Variation to 4 and 6 Storey Limits

The Clause 4.6 variation does not address Part 4 Division 1, of the Housing SEPP which states:

- a) Section 175: “(2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m **unless the consent authority is satisfied the building will have 6 storeys or fewer.**”
- b) Section 176: “(2) Development consent must not be granted for development for the following purposes if a resulting building will have a building height of up to **17.5m unless the consent authority is satisfied that the building will have 4 storeys or fewer.**”

As a result the Clause 4.6 Objection is not considered to be well founded and should be refused.

2.8 Adverse Traffic Generation

While the Traffic Impact Assessment (TIA) submitted with the SSD identifies a net increase of approximately **10 vehicles per hour (vph)** during the AM peak (based on TfNSW 2024 guidelines of 0.19 trips/dwelling), the assessment is fundamentally flawed by analysing this increase in a vacuum.

Military Road is a critical arterial route currently operating at **saturation point** during peak hours and weekend periods. The TIA fails to account for the cumulative "creep" of multiple State Significant Development Applications (SSDA) currently proposed within the Mosman catchment. When viewed alongside concurrent developments, the aggregate traffic volume creates a significant burden on an already failing road network. A comprehensive **Cumulative Impact Study** is required to determine the total load these projects will place on Military Road's Level of Service (LoS).

Local Road Constraints and Safety Risks

The TIA provides insufficient justification for the increased traffic load on Redan Street and Redan Lane. These are narrow, constrained local roads that do not possess the environmental capacity to absorb additional movements without compromising safety. Specific concerns include:

- **Geometric Limitations:** The narrow carriage width of Redan Lane is ill-suited for increased two-way traffic flow or delivery vehicle manoeuvres.
- **Pedestrian-Vehicle Conflict:** The proposal increases the risk of "near-miss" incidents, particularly given the high pedestrian activity in the area and the limited sightlines characteristic of these local streets.
- **Safety Justification:** The current assessment lacks a detailed **Swept Path Analysis** or a Pedestrian Safety Audit to prove that the increase in volume can be managed safely within the existing physical constraints of the streetscape.

In summary, the TIA's reliance on the low marginal increase of a single project ignores the strategic reality of the Mosman traffic environment. We request that the applicant be required to:

1. Submit a **revised TIA** that includes a cumulative traffic model incorporating all nearby proposed SSDAs.
2. Provide a **detailed safety assessment** of Redan Street and Redan Lane, specifically addressing vehicle-to-vehicle passing and pedestrian safety at peak times.

2.9 Inadequate Waste Management

Unprecedented Scale of Waste Generation

The proposal seeks to replace five (5) detached dwellings with fifty-three (53) residential units. This represents a **tenfold increase in residential density**, resulting in a waste volume that exceeds the environmental and operational capacity of the current streetscape. The Operational Waste Management Plan (OWMP) fails to provide a scalable solution for this intensification, placing an unreasonable burden on Council's weekly collection services and local infrastructure.

Physical Impossibility of Kerbside Collection

The reliance on kerbside collection is fundamentally flawed due to the physical dimensions of the required "bin presentation area."

- **Spatial Requirements:** Based on the applicant's figures of 17 garbage bins plus alternating recycling streams, approximately **34 bins** will be presented weekly.
- **Frontage Deficit:** Utilizing standard dimensions (58cm width per bin with a 5cm clearance), a continuous frontage of **at least 21.5 metres** is required.
- **Operational Conflict:** The subject site does not possess sufficient unobstructed frontage to accommodate this "wall of bins" without blocking residential access, impacting on-street parking availability,

and obstructing pedestrian thoroughfares. Furthermore, the presence of on-street parking on collection days will likely render the bins inaccessible to automated side-loading collection vehicles, leading to missed services and hygiene risks.

Safety Risks on Redan Lane

The proposal to utilise Redan Lane for waste staging and collection is hazardous.

- **Geometric Constraints:** Redan Lane is a constrained thoroughfare, approximately **4 metres wide**, with no dedicated footpaths.
- **Pedestrian-Vehicle Conflict:** Introducing heavy rigid collection vehicles into this narrow corridor, alongside a massive volume of bins, creates a high-risk environment for pedestrians.
- **Operational Failure:** There is insufficient "swept path" clearance for service vehicles to navigate the lane safely when bins are presented, potentially forcing vehicles to perform dangerous reversing manoeuvres or mount the narrow verges.

Failure to Adhere to Best Practice Design

It is established industry best practice—and a standard requirement for developments of this scale—that waste collection be managed **on-site and off-street**.

- **Design Omission:** The proposal lacks a dedicated basement collection area or a "mews-style" internal loading dock.
- **Amenity Impact:** Long-term kerbside bin storage and presentation significantly degrade the visual amenity of the neighbourhood and create "odour corridors" that affect neighbouring properties.

The current waste management strategy is reactive rather than integrated. We request that the application be refused in its current form, or amended to include **on-site, basement-level waste collection** to

mitigate the significant safety and amenity impacts on Redan Street and Redan Lane.

2.10 Affordable housing

Failure to Provide Lasting Public Benefit

The proposal allocates eleven (11) "affordable" dwellings, representing 15% of the Gross Floor Area (GFA). However, this provision is strictly limited to a 15-year period.

- **Lack of Perpetuity:** A 15-year sunset clause offers no long-term inter-generational value. In exchange for a permanent, high impact increase in building bulk and scale, the community receives only a transitory social benefit.
- **Strategic Deficiency:** Once the 15-year period expires, these dwellings will revert to market rates, effectively removing affordable stock from the Mosman LGA and leaving the community with a permanent legacy of over-development without ongoing social utility.

Demographic Mismatch & Absence of One-Bedroom Dwellings

The proposed dwelling mix is fundamentally at odds with the objectives of affordable housing strategies, which aim to provide for key workers and lower-income individuals.

- **Essential Worker Exclusion:** The total absence of one-bedroom apartments is a significant oversight. Smaller units are the primary entry point for essential workers and single-occupant households—the very demographic most in need of affordable options in the area.
- **Functional Incompatibility:** By focusing exclusively on larger 2, 3, and 4-bedroom configurations, the proposal fails to address the specific housing diversity required to make "affordable" schemes viable and accessible for the target population.

Luxury Bias and Economic Inaccessibility

The development is clearly positioned as a "prestige" project designed to capitalize on iconic views and a premium Mosman location.

Artificial Affordability: The high-end nature of the two-four bedroom apartments—characterised by luxury finishes and significant strata levies—suggests that even with a percentage-based discount, these units will remain economically inaccessible to the households they are intended to serve.

Unjustified Amenity Trade-off: The "public benefit" of 11 temporary units does not justify the permanent loss of amenity for the surrounding neighbourhood. The building's scale, designed to maximize luxury view-lines for a few, results in the significant obstruction of existing views for many long-term residents. This represents a poor planning outcome where private luxury is prioritized over genuine, long-term social infrastructure.

2.11 Inconsistent with the Objects of the Environmental Planning and Assessment Act 1979

Object (g) is of relevance to the proposal:

(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,

As stated in this submission, the proposal is inconsistent with the above object as it will result in adverse amenity impacts, in particular: view loss, overshadowing, traffic impacts and waste management. As demonstrated in this submission it is not of good design and has little regard for local character or the Mosman Scenic Protection Area.

2.12 Mosman LEP 2012 zone objectives

The subject site is situated within the R3 Medium Density Residential zone. The proposed development is fundamentally inconsistent with the core objectives of this zone under the Mosman LEP 2012, specifically:

Objective 4: To provide for housing that is compatible with the desired future character of the area in terms of bulk, height and scale.

Objective 5: To encourage residential development that has regard to local amenity and public and private views.

Objective 4 (Compatibility with character): The proposal represents a gross overdevelopment. With a height and Floor Space Ratio (FSR) significantly exceeding statutory standards, the resulting 10-storey massing is entirely incompatible with the established 2–3 storey scale of the surrounding medium-density environment.

Objective 5 (Regard for local amenity and views): The development fails to respect the amenity of the neighbouring residential context. It causes an unacceptable and near-complete loss of iconic harbour views—impacts that the applicant has failed to adequately assess. Beyond view loss, the excessive scale results in significant overshadowing, unmanaged cumulative traffic impacts, and a regressive waste collection strategy that compromises pedestrian and traffic safety and the public domain.

2.13 MLEP 2012 Scenic Protection Lands

Failure to Meet Mandatory Statutory Pre-conditions

The subject site is situated within the **Scenic Protection Lands** map. Under Clause 6.4(3), MLEP 2012, the consent authority is prohibited from granting development consent unless it is affirmatively satisfied that the proposal minimises visual impact and maintains the natural landscape. As demonstrated below, the proposal fails both of these jurisdictional tests and **is therefore prohibited**.

Failure to Maintain Natural Landscape and Landform (Cl 6.4(3)(b))

The proposal represents a gross over-excavation of a sensitive, sloping site.

Geomorphological Impact: The requirement for two levels of basement parking necessitates substantial site clearing and deep-cut excavation. This is a "bench-and-fill" approach that effectively obliterates the natural topography rather than integrating with it.

Topographic Scarring: By failing to step the building with the natural gradient, the proposal ignores the "stepped" character of the Mosman slopes. This creates a rigid, monolithic profile that is fundamentally at odds with the objective of maintaining the existing natural landform.

Excessive Visual Impact and Height Breach (Cl 6.4(3)(a))

The proposal's visual impact is not "minimised", it is amplified by its excessive height, bulk and scale.

Non-Compliant Building Height: The development seeks to exceed the maximum building height standard of MLEP 2012 and the Housing SEPP. This breach is not a minor technicality; it results in a structure that sits significantly above the established canopy and rooflines of the surrounding two-three storey dwellings.

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Skyline Intrusion: Because the building fails to conform to the slope, it will present as a discordant and prominent mass when viewed from Middle Harbour. Instead of receding into the landscape, the building's height and bulk will create a "looming" effect that detracts from the scenic quality of the Harbour foreshore and the Scenic Protection Area.

Incompatibility with Local Character

The existing setting is characterised by low-to-medium density dwellings that respect the scenic sensitivity of the Scenic Protection Area. The proposed 53-unit development introduces a degree of "urban intensity" that is visually obtrusive. Its sheer scale will be clearly visible from both the public domain and the water, failing to satisfy the requirement to protect the visual link between the land and Sydney Harbour.

Given that the proposal fails to satisfy the core requirements of **Clause 6.4**, the consent authority cannot be "satisfied" that the visual and environmental impacts have been mitigated. Consequently, the application lacks the legal and planning basis for approval under the Mosman LEP 2012.

3 Requirements for Further Assessment

To ensure a transparent review, we formally request that the Department require the following prior to any further consideration:

1. **Physical Height Poles:** To be erected on-site to verify the physical impact of the proposed 33.4m height.
2. **Comprehensive Photomontages:** Professional visual assessments taken from the primary living areas and terraces of all identified affected neighbours.
3. **A comprehensive Visual Impact Assessment:** incorporating physical inspections of all affected private properties—is conducted and exhibited.
4. **Plan-View Shadow Analysis:** Detailed overhead diagrams at the winter solstice and equinox to quantify the loss of solar access to private pools and open spaces.

4 Conclusion

The proposed development at 40–48 Redan Street (SSD-93020230) constitutes a gross overdevelopment that is fundamentally incompatible with the scenic and residential character of Mosman. Through excessive height, bulk, and scale that drastically exceeds statutory limits, the proposal inflicts unacceptable and irremediable amenity impacts on neighbouring properties, most notably catastrophic view loss, significant overshadowing, and visual impact.

Moreover, the application relies on a legally deficient Environmental Impact Statement, introduces severe traffic and waste management hazards, and attempts to justify the permanent destruction of local amenity with a transient, 15-year affordable housing benefit.

The application has failed to provide a valid planning justification for a height that exceeds even the maximum SEPP bonuses and the **Clause 4.6 variation is not well founded** and the application should be refused.

The applicant has failed to provide sufficient information to enable a thorough assessment and has not demonstrated that the site can support such significant uplift without causing unreasonable hardship to its neighbours and irreparable damage to the character of the locality.

Given its profound inconsistencies with the objects of the *Environmental Planning and Assessment Act 1979*, the Mosman LEP 2012, and the Housing SEPP, the application lacks both statutory and strategic merit. We respectfully, yet strongly, urge the Department to refuse the proposal in its entirety, ensuring any future development on this site is legally compliant, rigorously assessed, and sympathetic to the natural topography and the rights of the surrounding community.

As detailed in this submission, under Clause 6.4(3), MLEP 2012, the consent authority is prohibited from granting development consent unless it is affirmatively satisfied that the proposal minimises visual impact and

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maintains the natural landscape. As demonstrated, the proposal fails both of these jurisdictional tests and is therefore prohibited.

Irrespective of the above serious concerns, the application must be refused on jurisdictional grounds because the site sits outside the mandatory 400-metre accessible walking catchment required under the SEPP.

A more skilful, sympathetic design—one that adheres more closely to the height and FSR standards—would allow for the renewal of the site while respecting the amenity and rights of the surrounding community.

Yours sincerely,

Lynne Sheridan,

Executive Director Planning and Special Projects