

29 March 2026

**DRAFT OBJECTION ON HERITAGE GROUNDS:
SSD 93020230 - 40-48 REDAN STREET, MOSMAN**

EXECUTIVE SUMMARY

This letter has been commissioned by Chris and Rhae Shaw, the owners and occupiers of 73 Muston Street, Mosman in response to the State Significant Development Application ('SSDA') proposed at 40-48 Redan Street, Mosman. The proposal involves demolition of five dwellings, amalgamation of the residual six allotments, demolition of part of heritage-listed Redan Street and construction of an up to 10-storey building with additional two levels of basement car parking.

The proposed SSDA is invalid as it involves part demolition of a heritage item.

This submission objectively demonstrates how heritage impacts associated with the proposed SSDA are detrimental, irreversible and are underpinned by context and setting, adjacency, and demolition. These impacts are exacerbated by a suite of information that lacks contextual analysis and misrepresents the Site and surrounds leading to a lack of recognition of the resulting heritage impacts.

The proposal does not comply with relevant statutory and non-statutory heritage provisions including Clause 5.10 of Mosman Local Environmental Plan ('MLEP') because of direct impacts that will occur in relation to adjacent heritage items including the partial destruction of a heritage item on neighbouring (Council) land.

The proposal does not conform to best practice heritage guidelines produced by the NSW Government nor does the SSDA even recognise such guidelines. It fails to respond to the context, nor provides any demonstration of how this could be achieved, including requirements to conserve and protect statutory heritage items including their fabric, settings, and views.

Two ***independent*** heritage opinions presented in relation to the extant buildings on the Site have been dismissed without adequate justification or proper application of the Heritage Peer Review Guidelines. Both assessments were prepared by highly experienced heritage experts and **must** be considered as valid.

THE SITE

Incorporating the properties at 40-48 Redan Street, Mosman ('Site'), the Site comprises six (6) allotments and includes five (5) dwellings, which have a secondary frontage to Redan Lane. The Site is located on the upper (western) side of Redan Street atop the embankment described within the heritage listing for Redan Street. The topography slopes significantly to the east towards Balmoral Beach and the existing buildings on the Site enjoy views in this direction. The Redan Street frontage of the Site contains a mix of vegetation, stone, and landscape features.



Figure 1: Excerpt of State Heritage Inventory (Site and affected land depicted by blue polygon).

The NSW Heritage Inventory provides the following Significance for Redan Street:

Mosman's divided roads are integral to the Municipality's visual character and sense of place. Built as a utilitarian response to the steep harbourside topography, they reflect, in their fabric and construction technology, the development of Mosman's suburban structure. The large collection of these features makes Mosman instantly and uniquely recognisable.

The NSW Heritage Inventory provides the following Description for Redan Street:

*Divided roads in Mosman are of several kinds. First, streets which divide longitudinally so that they have one carriageway higher than the other, separated by a slope, an embankment, a retaining wall, landscaping, a median or a combination of these. A variant is the street which has the carriageways on the same level but **with an embankment on one side** and a cutting on the other, so that only the footways are different in height. Longitudinally divided streets are usually formed more-or-less along the contours of the land; they sometimes combine both kinds of level-change in the same street, and the street may be straight or curved, giving further variations of the type. Secondly, there are streets which divide laterally, with an interruption somewhere along the length of the street. The interruption may be a retaining wall, a rockface, steps, a landscaped bank, or a combination of all or some of these. Sometimes the streets on each side of the interruption have different names. (**emphasis** added)*



Figure 3: Image of the heritage item provided in the NSW Heritage Inventory (Source: NSW SHI)

The Site directly adjoins the heritage item at 36 and 38 Redan Street, to the south.

The NSW Heritage Inventory provides the following significance for this item.

A rare and elegant pair of semi-detached residences that employs a number of innovative features in its design that help to visually unite its separate parts.

The NSW Heritage Inventory provides the following significance for this item:

*Federation Arts & Crafts. An extremely fine pair of single storey Federation Arts & Crafts style semi-detached residences. Constructed of face brickwork on a sandstone base with a single terracotta tile hip roof. Stucco and brick chimneys with terracotta pots are at either end of roof with another larger located centrally. A design feature of this building is the treatment of the two bays either side of the party wall, with the design acting to functionally separate but visually unite the two parts. The two staircases are separated by a projecting party wall, over these timber arches and the brick and stucco parapet that projects through the verandah act to visually unify the whole. **Its setting high above the street and front yard acts to emphasise its visual prominence.** (emphasis added)*



Figure 4: Heritage Item at 36-38 Redan Street and heritage listed Redan Street embankment.



Figure 5: View north towards the Site adjacent to the heritage item at 36-38 Redan Street.



Figure 6: Heritage listed Redan Street embankment and landscape features.



Figure 7: Heritage listed Redan Street embankment and landscape features.



Figure 8: Existing building located at 40 Redan Street proposed for demolition.



Figure 9: Existing building located at 42 Redan Street proposed for demolition.



Figure 10: Existing building located at 44 Redan Street proposed for demolition.

STATUTORY HERITAGE CONTEXT

State Environmental Planning Policy (Housing) 2021 provides the following in relation to *Chapter 6 Low and mid rise housing*:

164 *Land to which chapter applies:*

(1) *This chapter applies to the whole of the State, **other than** the following—*

(a) *bush fire prone land,*

(b) *land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2,*

(c) *land to which Chapter 5 applies,*

(d) **land that is a heritage item or on which a heritage item is located**,

The Application is supported by a Heritage Impact Statement ('HIS') prepared by Urbis. Notwithstanding the comments above relating to the proposed loss of likely significant buildings, refuted by the March GML submission, the Urbis assessment disregards the insurmountable adverse impacts on the adjacent heritage item at 36 and 38 Redan Street and nearby heritage item at 52 Almora Street.

Page 54 of the Urbis provides the following.

5.1.1 Low to Mid Rise Housing Policy

Current State government planning initiatives are paving the way for creating more housing choice and diversity for people at different stages of life across the Sydney region. The NSW's Low- and Mid-Rise Housing Policy planning controls apply under the *State Environmental Planning Policy (Housing) 2021* and apply to residential areas within 800 metres walking distance of town centres and train stations across metropolitan Sydney, defining low density housing as 1-2 storeys and mid-rise housing as 3-6 storey apartment buildings.

The NSW's Low- and Mid-Rise Housing Policy effectively operates in a blanket, map-based manner, with areas identified through state mapping and distance thresholds. The policy applies uniformly across areas mapped as LMR Housing areas. Heritage conservation areas and **individually listed heritage items are not used as exclusion criteria** when the LMR maps are drawn. As a result:

- Land within heritage conservation areas can still be captured by the policy if it meets the proximity test.
- **The presence of a heritage item on or near a site does not prevent the LMR controls from applying.**
- **Consideration of heritage significance is deferred to later stages, such as development application stage.**

The subject site is located within 800 metres of the Spit Junction town centre and therefore the Low- and Mid-Rise Housing Policy is applicable to the subject site.

The text highlighted in yellow directly conflicts with the legislation cited. For this reason alone, and without interrogating the rest of the HIS, this document should be disregarded and the SSDA assumed to be unsupportable on heritage grounds.

Mosman Local Environmental Plan 2012 ('MLEP')

Clause 5.10 of MLEP provides the following in relation to Heritage Conservation:

(1) Objectives

The objectives of this clause are as follows—

(a) to conserve the environmental heritage of Mosman,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

...

Response:

1. Partial Destruction of Heritage Item

Contrary to MLEP, the proposal involves partial demolition of a heritage item on land adjacent to the Site to enable access to the basement carparking. Coupled with this destruction and fragmentation of the heritage item, the carpark opening is unequivocally inconsistent with the character of the western side of Redan Street, which does not include any driveway openings except for the rear of the property at 46 Almora Street.

2. Detrimental Heritage Impact on 36 and 38 Redan Street

The proposed SSDA involves the construction of an up to 10 storey residential flat building adjacent to the heritage item. Whilst the built form incorporates some stepping in its form on the southern side, this is tokenistic, and the resulting building pays no regard to the scale and grain of the existing heritage item. Moreover, there is no clear streetscape analysis provided to demonstrate how the new building responds to its heritage context, i.e. the adjacent heritage item. Instead, the streetscape elevation provides a (non-existent) building to the south which masks the scale of the adjacent heritage item.

3. Peripheral Adverse Heritage Impact on 52 Almora Street

The proposal will peripherally impact the building at 52 Almora Street, which is significant as a dwelling overlooking the bay, because there will be some view loss to the south-east as a result of the new residential flat building.

Apartment Design Guidelines ('ADG')

The ADG refers to heritage as a relevant consideration when preparing strategic documents and considering proposals.

In relation to Local Centres, the ADG provides the following on page 21:

*Considerations for residential apartment development in local centres include shop top housing, high site coverage, narrow site frontages, **heritage**, relationship with adjacent low density residential uses and multiple small lot land ownership requiring amalgamation to support changing use and density.*

The ADG provides that Neighbourhood scale should have regard to "**heritage items** and other local landmarks" stating on Page 22 that "[i]t is appropriate to address this scale when planning for individual or small groups of apartment building sites."

Response:

The ADG outlines heritage as a factor that should influence the scale of new residential apartments. The focus on responding with appropriate scale in relation to heritage items resonates with all the other heritage guidance documents as well as the MLEP.

The proposed scale is wholly incongruous with the adjacent and nearby heritage items in terms of its above-ground bulk as well as the overall scale of the development including large basement, which is uncharacteristic of Redan Street

In relation to Building Envelopes, the ADG provides the following on page 29:

*Envelopes are appropriate when determining and controlling the desired urban form in town centres, brownfield sites, precinct plan sites and special sites such as those with **heritage**, significant views or extreme topography.*

Response:

The ADG outlines heritage as a factor that should influence the building envelope of new residential apartments. However, the proposed building envelope seeks more than the maximum yield for the site and has little to no regard for the adjacent heritage item, whose presence will be entirely diminished.

In relation to Building Heights, the ADG provides the following on pages 30-31:

*Height controls should be informed by decisions about daylight and solar access, roof design and use, wind protection, residential amenity and **in response to landform and heritage.***

Response:

The ADG outlines heritage as a factor that should influence the building height of new residential apartments. However, the proposed building is excessively large not only in the context of the adjacent and nearby heritage item but also when considering Redan Street, which is specifically heritage-listed for its embankment presentation, landscape features and response to the sloping topography.

The overall aims of this section provide that “*building height controls consider the height of existing buildings that are unlikely to change (for example a **heritage item.**)*”

*It may be appropriate to determine heights by relating them to site-specific features such as cliff lines or **heritage items.** This may include:*

- *defining an overall height or street wall heights to key datum lines, such as eaves, parapets, cornices or spires*
- *aligning floor to floor heights of new development with existing built form*

Response:

Irrespective of how the proposal is viewed, it does not respond to the height of the adjacent and nearby heritage items. Moreover, the steeply sloping topography requires greater rigour to be applied when considering a new building's height.

In relation to floor space ratio ('FSR'), the ADG provides the following on page 32:

*However, it is important to note that FSR controls set the **theoretical maximum capacity.** It may not always be possible to reach the maximum allowable floor space due to other development controls or constraints specific to the site such as lot size or shape, existing landscape features, neighbouring properties or **heritage considerations.***

Response:

The ADG outlines heritage as a factor that should influence the FSR of new residential apartments. However, the proposed building seeks a maximum yield for the site, which results in an excessively large building form that has no regard for the adjacent or nearby heritage item.

Better Placed Design Guide for Heritage

In relation to **Objective 1 – Better fit: contextual, local and of its place** the guidelines outline that “[n]ew design in heritage areas should relate to the predominant scale and grain of the setting. It should respect the height, bulk, density, and grain of the heritage fabric.”(Page 24).

Response:

The proposal does not respect the height, bulk, density, and grain of the adjacent and nearby heritage item.

The key considerations of this objective are summarised on Page 25 as follows:

Understand the specific character of the place, precinct, or area. Design new work to respond to and, when appropriate, strengthen this character.

- 1. Design new work to positively relate to the style, materiality, scale, massing, and grain of existing buildings and structures.*
- 2. Design new forms to respond to the predominant form of the streetscape.*
- 3. Locate new structures on sites in ways that support existing urban patterns. Careful consideration of **height and setback is crucial to designing for a better fit.***
- 4. Where relevant, design new work to respond to and re-establish meaningful urban connections and views. Consider settlement patterns, tree canopy, and connections between places.*
- 5. Retain heritage landscape elements and planting schemes and design new landscape to relate to the existing (**emphasis added**).*

Response:

It is not evident that the proposal has resulted from an understanding of the character of the place nor does the development seek to strengthen this. Coupled with the total demolition of buildings that may have heritage significance, and the

partial demolition of a listed heritage item, height and setback are two of the primary issues with the proposal, which directly contradicts the bold statement above. The proposal is not a good 'fit' for the site.

Part H *Design for the Context* is summarised on Page 46 as follows:

Additions and new buildings in valued heritage contexts should be sympathetic to the local streetscape and urban grain. New design should respond to its heritage context through an informed analysis of the area's character.

Key actions:

— *Site new work in a way that responds to the context and reinforces the quality of the streetscape. This will generally involve responding to and respecting existing front and side setbacks, locating additions or new elements on site in a way that respects existing patterns, and complementing the treatment of street edges.*

— *Explore how the new buildings will relate to the existing urban fabric in terms of **scale, height, form, and mass**; the relationship between **solid and void**; the play of light and shadow on facades; **the proportions of openings**; and materiality and detail.*

— *Retain natural features of significance, such as mature trees. Landscape elements, such as fences, garden walls, and planting schemes, also help define local character and should be retained where they contribute to the area's heritage significance.*

Response:

It is apparent that the proposal has not been designed for the context, which is emphasised by scale, height, form and mass proposed in relation to, and partly atop, the heritage item. As noted in relation to streetscape, the new design has no regard for the adjacent heritage item in terms of responding to its fenestration even at the streetscape level.

Part N *Minimise the impact of new work* is summarised on Page 48 as follows:

New design work should have minimal impact on the heritage place. The appropriate extent of new work should be guided by the significance of the place, and will vary according to context.

Key actions:

- *Design new work to minimise the impact on significant fabric, interiors, decorative schemes, and finishes.*
- *Where possible, maintain the patina of the original fabric.*
- *Locate new services and service areas so they do not impact significant spaces or heritage fabric.*
- *Ensure the original plan and spatial structure*

Response:

The proposal will result in the partial destruction of the heritage item, which is Redan Street. Moreover, it is not evident whether the Applicant even recognises this impact given that the Urbis HIS dismisses this item from precluding the invoking of the LMR provisions.

In relation to “Infill Development” the guidelines also provide the following on Page 59:

*A new building in an established heritage context. It may be adjacent to a heritage building, within a conservation area, or in a heritage site or precinct. Good infill projects are sympathetic to the surrounding features, attributes, and historic context, in terms of their **scale, form, siting, character**, materials, and details. They should enhance and complement the existing urban, suburban, or rural character.*

Response:

Based on the criteria above, the proposal is not good infill development when considered in relation to the existing heritage context.

PRELIMINARY HERITAGE ASSESSMENT

Lisa Trueman Heritage ('Trueman') prepared a preliminary heritage assessment in November 2025 of the five extant buildings on the Site proposed for demolition as part of this SSDA. The Trueman Report concluded that 40, 42 and 44 Redan Street **are likely to be found to have local heritage significance on further investigation** and on this basis recommended the imposition of an Interim Heritage Order ('IHO') to enable further investigation to be undertaken.

The Trueman report provided relevant and referenced background information, which was properly sourced. A subsequent report prepared by DFP Planning ('DFP') concurred with this conclusion.

A further subsequent report by GML Heritage analysed both the Trueman and DFP reports and, without undertaking any further historical analysis, provided the following:

[t]he assessment prepared by Lisa Trueman Heritage 2025 (sic) and DFP Planning Consultants 2026 (sic) are not supported by evidence or further analysis. On this basis, GML disagrees with their assessments and conclusions. GML concurs with Council's Heritage Advisor that the subject sites are highly unlikely to meet the threshold under any of the seven criteria used in NSW to establish heritage significance. This has been confirmed through an internal inspection of 44 Redan Street.

Therefore, it is the conclusion of this review that 40,42 and 44 Redan Street Mosman would not, on further enquiry or investigation, be found to be of local heritage significance. Hence an Interim Heritage Order is not recommended.

It is not clear whether GML was engaged to conduct a Peer Review or provide an alternative opinion.

The *Peer Review Policy* Guideline (**Appendix I**) was prepared by the Department of Planning and Environment in July 2022 and provides guidance in relation to the What, Who, Why and How of heritage peer review. Section 2.1 *Definition: what is a Peer Review in Heritage*[?] provides the following (with **emphasis** added):

- *Most Conservation Management Plans (CMP), Heritage Impact Statements (HIS), and reports state in the introduction or preamble the basis of their preparation.*
- *A Peer Review in Heritage:*

o is typically of a heritage study, CMP, HIS, or report

o is a process of critical and sound analysis of the structure and content of these heritage documents AND an assessment of the validity of the research methods to support the document's conclusions and opinions

o assesses whether the conservation document has, in fact, been prepared in accordance with the procedures and method stated

o identifies if the report structure is illogical or has gaps.

- **A peer review in heritage is not another “opinion” on a heritage matter.**
- *Conducting a peer review is best practice. It is not a mandatory requirement under the Heritage Act 1977.*

Relevant to the preparation of a preliminary heritage assessment, the Policy provides a checklist for the structure and content of a report, including documentary and physical evidence, assessment of significance and curtilage analysis. The Trueman Heritage report follows the structure of recognised NSW Heritage guidelines and includes all the relevant sections. This includes a full referenced summary historical analysis sufficient to inform a preliminary heritage assessment.

The decision to not invoke an IHO over the dwellings identified in the Trueman report and affirmed in the DFP report should be challenged on the basis that the GML report claims that the Trueman and DFP reports are “*not supported by evidence or further analysis*”. However, the Trueman report is intended to be a preliminary heritage assessment rather than “further analysis” and the GML report itself provides no additional historical information and appears to rely on the ability to gain internal access to 44 Redan Street.

SUMMARY

The proposed SSDA should be **REFUSED** for the following reasons:

1. The proposal cannot be approved as it involves not only works on land on which a heritage item is located but partial destruction of that same heritage item to facilitate the development.
2. The construction of a new garage opening in the nominated location, to the detriment of the listed heritage landform and landscape features, and where there are no other road openings evident because of the very nature of the heritage item, will wholly sever the continuity of the Redan Street item.
3. The change to the streetscape presentation including removal of established built and natural landscaping features, which underpin the significance of the heritage item is unacceptable and incrementally adversely affects the heritage significance of Mosman as well as undermining the character of the area.
4. The proposed residential flat building will be hugely and adversely impactful on and dwarf the adjacent heritage item at No. 36 and 38 Redan Street, which will be left flanking an oversized and visually incompatible residential flat building to its north. This heritage item will also be unacceptably overlooked.
5. The proposed residential flat building is wholly inconsistent with the character of the streetscape. This includes the proposed scale, height, footprint, form, massing, and grain of the building, which are all considered to be inappropriate within this heritage context. Moreover, the sloping topography exacerbates these impacts and inconsistencies because the development would be highly visible from numerous angles.
6. The proposal lacks analysis of the context includes a misrepresentation of adjacent development at 48-50 Almora Street, Mosman which is currently undergoing Land and Environment Court proceedings and 65 Muston Street, Mosman, which has not even been lodged as an SSDA at this stage.
7. The amalgamation of the six sites is fundamentally contrary to the historic subdivision pattern and the essence of the character and grain of the area including the existing adjacent heritage item at 36 and 38 Redan Street.

CONCLUSION

The proposed SSDA will unequivocally detrimentally impact upon the fabric and settings of, and views to and from, adjacent heritage items and introduces a building that is totally incongruous with, and demonstrates a total disregard for, the existing context. This includes misrepresenting development that has not been approved at 48-50 Almora Street and 65 Muston Street, Mosman.

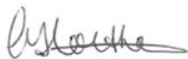
The Trueman and DFP opinions have been disregarded in error and based on these analyses, an IHO should be invoked over dwelling at 40, 42 and 44 Redan Street.

As stated above, the Urbis HIS should not be accepted because of a fundamental misunderstanding of the Housing SEPP that is presented in the documentation, which prevents the LMR provisions from being invoked in relation to this SSDA.

The proposed SSDA is invalid as it involves works on adjacent land that includes a heritage item including part demolition of this heritage item.

SSDAs utilising LMR provisions need to be assessed with rigour and accuracy and should not be accepted if they are invalid. Therefore, approval of the proposal by the Department of Planning, Housing and Infrastructure would be of grave concern.

Please do not hesitate to contact the undersigned in relation to this matter.



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